



City Council Agenda

Monday, July 16, 2012

6:00 p.m.

City Council Chambers

(Times are Approximate)

- 6:00 p.m. **1. Roll Call**
Voting & Seating Order: Pust, McGehee, Roe, Willmus, Johnson
- 6:02 p.m. **2. Approve Agenda**
- 6:05 p.m. **3. Public Comment**
- 6:10 p.m. **4. Council Communications, Reports and Announcements**
- 6:15 p.m. **5. Recognitions, Donations and Communications**
a. Recognize Grass Lake Watershed Management Organization Board Members
- 6:25 p.m. **6. Approve Minutes**
a. Approve Minutes of July 9, 2012 Meeting
- 6:30 p.m. **7. Approve Consent Agenda**
a. Approve Payments
b. Approve Business & Other Licenses
c. Approve General Purchases and Sale of Surplus items in excess of \$5000
d. Receive 2nd Quarter Financial Report
e. Ratify Reappointment of Housing & Redevelopment Authority Board Members
f. Adopt a Resolution to Accept the Work Completed, Authorize Final Payment and commence the One-Year Warranty Period on the 2011 Pavement Management Project
g. Adopt a Resolution to Accept the Work Completed, Authorize Final Payment and commence the One-Year Warranty Period on the Twin Lakes Infrastructure Improvements- Phase 1
h. Authorize Re-Bid Of Expired Bid For Site Work/Utilities For Fire Station Bid Package #1

- 6:35 p.m. **8. Consider Items Removed from Consent**
- 9. General Ordinances for Adoption**
- 10. Presentations**
- 11. Public Hearings**
- 6:40 p.m. a. Brewery Tap Room License Ordinance
- 12. Business Items (Action Items)**
- 7:10 p.m. a. Consider Brewery Tap Room License Ordinance
- 7:25 p.m. b. Authorize the City Attorney to File an Objection to the Rice St. Interchange Project Community Requested Facilities Surcharge with the Public Utilities Commission
- 7:40 p.m. c. Consider Approving a Joint Powers Agreement with the City of St. Francis for IT services
- 7:45 p.m. d. Consider Approving a Joint Powers Agreement with the City of Anoka for IT services
- 7:50 p.m. e. Consider Establishing a New Position Within the Information Technology Division
- 8:10 p.m. **Recess Regular Meeting**
- Convene as Board of Adjustments and Appeals**
- Wal-Mart Store Use Appeal
- Adjourn Board of Adjustments and Appeals**
- Reconvene Regular Meeting**
- 13. Business Items – Presentations/Discussions**
- 9:10 p.m. **14. City Manager Future Agenda Review**
- 9:15 p.m. **15. Councilmember Initiated Items for Future Meetings**
- 9:30 p.m. **16. Adjourn**

Some Upcoming Public Meetings.....

Monday	Jul 23	6:00 p.m.	City Council Meeting
Tuesday	Jul 24	6:30 p.m.	Public Works, Environment & Transportation Commission
Wednesday	Aug 1	6:30 p.m.	Planning Commission
Tuesday	Aug 7	8:00 p.m.	Parks & Recreation Commission (Nat'l Night Out til 8)
Wednesday	Aug 8	6:30 p.m.	Ethics Commission
Monday	Aug 13	6:00 p.m.	City Council Meeting
Wednesday	Aug 15	6:30 p.m.	Human Rights Commission

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: July 16, 2012
Item No.: 5.a

Department Approval

City Manager Approval



Item Description: Recognition of Grass Lake Water Management Organization Commissioners for their Service to the City of Roseville

1 **BACKGROUND**

2 For nearly 30 years the Grass Lake Watershed Management Organization (GLWMO) oversaw
3 the Grass Lake Watershed, a 5,518-acre area within the Cities of Roseville and Shoreview.
4 Members of the two communities volunteered their time to oversee the management of
5 GLWMO.

6 Earlier this year the Cities of Roseville and Shoreview petitioned the MN Board of Water and
7 Soil Resources to enlarge the Ramsey-Washington Metro Watershed District to include the
8 GLWMO area. GLWMO sunset on June 21, 2012.

9 **POLICY OBJECTIVE**

10 Publicly acknowledge the contributions that GLWMO Board of Commissioners have made and
11 thank them for volunteering their time and talents to the City of Roseville.

12 **FINANCIAL IMPACTS**

13 None

14 **REQUESTED COUNCIL ACTION**

15 Present certificates of appreciation to Steve Barrett, Jonathan Miller and Mary Kay Von De
16 Linde.

17
Prepared by: William J. Malinen

A. Certificates

Grass Lake Water Management Organization



Certificate of Appreciation

is hereby presented to

Jonathan Miller

For your dedicated service
to the City of Roseville

In recognition of this act
we have hereunto set our hand,
and caused our official seal to be affixed
on this sixteenth day of July, Two Thousand and Twelve

Mayor Daniel J. Roe

City Manager William J. Malinen

Public Works Director Duane Schwartz

Grass Lake Water Management Organization



Certificate of Appreciation

is hereby presented to

Mary Kay Von De Linde

For your dedicated service
to the City of Roseville

In recognition of this act
we have hereunto set our hand,
and caused our official seal to be affixed
on this sixteenth day of July, Two Thousand and Twelve

Mayor Daniel J. Roe

City Manager William J. Malinen

Public Works Director Duane Schwartz

*Grass Lake Water
Management Organization*



Certificate of Appreciation

is hereby presented to

Steve Barrett

For your dedicated service
to the City of Roseville

In recognition of this act
we have hereunto set our hand,
and caused our official seal to be affixed
on this sixteenth day of July, Two Thousand and Twelve

Mayor Daniel J. Roe

City Manager William J. Malinen

Public Works Director Duane Schwartz

Date: July 16, 2012

Item: 6.a

Approve Minutes of July 9,
2012 Council Meeting

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 7/16/2012
Item No.: 7.a

Department Approval



City Manager Approval



Item Description: Approval of Payments

BACKGROUND

State Statute requires the City Council to approve all payment of claims. The following summary of claims has been submitted to the City for payment.

Check Series #	Amount
ACH Payments	\$185,515.11
66827-66882	\$555,074.24
Total	\$740,589.35

A detailed report of the claims is attached. City Staff has reviewed the claims and considers them to be appropriate for the goods and services received.

POLICY OBJECTIVE

Under Mn State Statute, all claims are required to be paid within 35 days of receipt.

FINANCIAL IMPACTS

All expenditures listed above have been funded by the current budget, from donated monies, or from cash reserves.

STAFF RECOMMENDATION

Staff recommends approval of all payment of claims.

REQUESTED COUNCIL ACTION

Motion to approve the payment of claims as submitted

Prepared by: Chris Miller, Finance Director

Attachments: A: Checks For Approval

Accounts Payable

Checks for Approval

User: mary.jenson
 Printed: 7/11/2012 - 11:32 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
0	07/03/2012	Sanitary Sewer	Postage	Ecoenvelopes-ACH	Utility Billing Section 002	442.00
0	07/03/2012	Water Fund	Postage	Ecoenvelopes-ACH	Utility Billing Section 002	442.00
0	07/03/2012	Storm Drainage	Postage	Ecoenvelopes-ACH	Utility Billing Section 002	442.00
0	07/03/2012	Water Fund	Water - Roseville	City of Roseville- ACH	May Water	1,402.71
0	07/03/2012	General Fund	Postage	Pitney Bowes - Monthly ACH	June Postage	3,000.00
0	07/03/2012	General Fund	209000 - Sales Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	161.11
0	07/03/2012	General Fund	209001 - Use Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	211.71
0	07/03/2012	Information Technology	Use Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	57.82
0	07/03/2012	Info Tech/Contract Cities	Use Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	48.80
0	07/03/2012	Recreation Fund	Sales Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	1,866.08
0	07/03/2012	Recreation Fund	Use Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	231.58
0	07/03/2012	P & R Contract Maintenance	Sales Tax	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	38.66
0	07/03/2012	License Center	Sales Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	495.17
0	07/03/2012	License Center	Use Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	2.80
0	07/03/2012	Sanitary Sewer	Sales Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	8.14
0	07/03/2012	Sanitary Sewer	Use Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	35.80
0	07/03/2012	Water Fund	State Sales Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	10,936.52
0	07/03/2012	Water Fund	Use Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	112.86
0	07/03/2012	Golf Course	State Sales Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	4,705.29
0	07/03/2012	Golf Course	Use Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	7.04
0	07/03/2012	Storm Drainage	Sales Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	10.45
0	07/03/2012	Storm Drainage	Use Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	60.77
0	07/03/2012	Solid Waste Recycle	Sales Tax	MN Dept of Revenue-Non Bank	Sales/Use Tax-May	14.40
0	07/03/2012	Sanitary Sewer	Credit Card Service Fees	Applied Merchant Services-ACH	May UB Payments.com Charges	2,933.43
0	07/03/2012	Recreation Fund	Credit Card Fees	US Bank-ACH	May Terminal Charges	233.24
0	07/03/2012	Community Development	Credit Card Service Fees	US Bank-ACH	May Terminal Charges	580.59
0	07/03/2012	Golf Course	Credit Card Fees	US Bank-ACH	May Terminal Charges	723.24
0	07/03/2012	Water Fund	State Sales Tax Payable	MN Dept of Revenue-Non Bank	Sales/Use Tax-Accelerated Payment	19,000.00
0	07/03/2012	General Fund	Motor Fuel	MN Dept of Revenue-Non Bank	May Fuel Tax	225.68
0	07/03/2012	Internal Service - Interest	Investment Income	RVA- ACH	May Interest	559.65
0	07/03/2012	Sanitary Sewer	Postage	Ecoenvelopes-ACH	Utility Billing Section 003	399.16
0	07/03/2012	Water Fund	Telephone	Ecoenvelopes-ACH	Utility Billing Section 003	399.16
0	07/03/2012	Storm Drainage	Postage	Ecoenvelopes-ACH	Utility Billing Section 003	399.16
0	07/03/2012	General Fund	Postage	Pitney Bowes - Monthly ACH	2nd June Postage	3,000.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
0	07/03/2012	Water Fund	Water - Roseville	City of Roseville- ACH	June Water	9,468.07
0	07/03/2012	Workers Compensation	Sewer Department Claims	SFM-ACH	June Work Comp Claims	292.17
0	07/03/2012	Workers Compensation	Parks & Recreation Claims	SFM-ACH	June Work Comp Claims	15,000.99
0	07/03/2012	Workers Compensation	Police Patrol Claims	SFM-ACH	June Work Comp Claims	10,469.48
0	07/03/2012	Workers Compensation	Street Department Claims	SFM-ACH	June Work Comp Claims	5,469.02
0	07/03/2012	Workers Compensation	Fire Department Claims	SFM-ACH	June Work Comp Claims	327.90
0	07/03/2012	Recreation Fund	Salaries - Regular	SFM-ACH	June Work Comp Claims	284.37
Check Total:						94,499.02
0	07/05/2012	Housing & Redevelopment Agency	Transportation	Jeanne Kelsey	Supplies Reimbursement	15.00
0	07/05/2012	Housing & Redevelopment Agency	Training	Jeanne Kelsey	Supplies Reimbursement	38.00
0	07/05/2012	Housing & Redevelopment Agency	Transportation	Jeanne Kelsey	Supplies Reimbursement	9.75
0	07/05/2012	License Center	Transportation	Jill Theisen	Mileage Reimbursement	237.54
0	07/05/2012	General Fund	Transportation	William Malinen	Mileage Reimbursement	216.78
0	07/05/2012	Housing & Redevelopment Agency	Transportation	Jeanne Kelsey	Mileage Reimbursement	67.16
0	07/05/2012	General Fund	Operating Supplies	Steve Zweber	Supplies Reimbursement	54.84
0	07/05/2012	HRA Property Abatement Program	Payments to Contractors	Mr. Handyman, LLC	Shed Repair 2432 Lexington Ave	722.50
0	07/05/2012	HRA Property Abatement Program	Payments to Contractors	Mr. Handyman, LLC	Lock Installation 2531 Maple Lane	172.00
0	07/05/2012	HRA Property Abatement Program	Payments to Contractors	Mr. Handyman, LLC	Orange Snow Fence Installation-1770	45.00
0	07/05/2012	General Fund	211402 - Flex Spending Health		Flexible Benefit Reimbursement	1,468.00
0	07/05/2012	Sanitary Sewer	Sanitary Sewer	City of Maplewood	Sewer and Storm Drainage-2nd Quart	44,005.89
0	07/05/2012	Storm Drainage	Storm Drainage Fees	City of Maplewood	Sewer and Storm Drainage-2nd Quart	4,254.06
0	07/05/2012	Boulevard Landscaping	Operating Supplies	Yale Mechanical, LLC	Twin Lakes Irrigation System Filter A	2,850.00
0	07/05/2012	Workers Compensation	Professional Services	SFM Risk Solutions	Work Comp Administration	645.00
0	07/05/2012	General Fund	Vehicle Supplies	Wingfoot Commercial Tire, LLC	Supplies	967.22
0	07/05/2012	General Fund	Vehicle Supplies	Rigid Hitch Incorporated	2012 Blanket PO for Vehicle Repairs	569.24
0	07/05/2012	General Fund	Vehicle Supplies	Midway Ford Co	2012 Blanket PO for Vehicle Repairs	251.33
0	07/05/2012	Information Technology	Contract Maintenance	Electro Watchman, Inc.	Security Alarm System Monitoring	320.63
0	07/05/2012	General Fund	Contract Maintenance Vehicles	Advanced Graphix, Inc.	Squad Graphics Repair	600.64
0	07/05/2012	General Fund	Vehicle Supplies	MacQueen Equipment	2012 Blanket PO for Vehicle Repairs	569.96
0	07/05/2012	General Fund	Vehicle Supplies	McMaster-Carr Supply Co	2012 Blanket PO for Vehicle Repairs	11.98
0	07/05/2012	General Fund	209001 - Use Tax Payable	McMaster-Carr Supply Co	Sales/Use Tax	-0.77
0	07/05/2012	General Fund	Vehicle Supplies	McMaster-Carr Supply Co	2012 Blanket PO for Vehicle Repairs	31.94
0	07/05/2012	General Fund	209000 - Sales Tax Payable	McMaster-Carr Supply Co	Sales/Use Tax	-2.05
0	07/05/2012	General Fund	Contract Maintenance Vehicles	Midway Ford Co	2012 Blanket PO For Vehicle Repairs	50.00
0	07/05/2012	General Fund	Vehicle Supplies	Kath Fuel Oil Service, Inc.	2012 Blanket PO for Vehicle Repairs	323.94
0	07/05/2012	General Fund	Vehicle Supplies	Kath Fuel Oil Service, Inc.	2012 Blanket PO for Vehicle Repairs	363.38
0	07/05/2012	General Fund	Vehicle Supplies	Factory Motor Parts, Co.	2012 Blanket PO For Vehicle Repairs	512.15
0	07/05/2012	General Fund	Vehicle Supplies	Factory Motor Parts, Co.	2012 Blanket PO For Vehicle Repairs	48.85
0	07/05/2012	General Fund	Motor Fuel	Yocum Oil	2012 Blanket PO for Fuel - State cont	12,590.52
0	07/05/2012	General Fund	Motor Fuel	Yocum Oil	2012 Blanket PO for Fuel - State cont	11,946.73
0	07/05/2012	General Fund	Vehicle Supplies	Boyer Trucks Inc	2012 Blanket PO for Vehicle Repairs	50.89
0	07/05/2012	License Center	Professional Services	Quicksilver Express Courier	Courier Service	37.64

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
0	07/05/2012	General Fund	Contract Maintenance	Adam's Pest Control Inc	Quarterly Service	56.64
0	07/05/2012	General Fund	Contract Maint. - City Garage	Adam's Pest Control Inc	Quarterly Service	106.88
0	07/05/2012	General Fund	Vehicle Supplies	General Industrial Supply Co.	Nylon	15.51
0	07/05/2012	General Fund	Training	Streicher's	Firearms	4,727.30
0	07/05/2012	General Fund	Training	Streicher's	Tactical Supplies	886.37
0	07/05/2012	General Fund	Training	Streicher's	Ammunition	940.19
0	07/05/2012	General Fund	Vehicle Supplies	Fastenal Company Inc.	2012 Blanket PO for Vehicle Repairs	173.33
0	07/05/2012	Storm Drainage	Operating Supplies	Tessman Seed Co - St. Paul	Razor Pro	64.13
Check Total:						91,016.09
66827	07/05/2012	Community Development	Professional Services	Abra Auto Body	Vehicle Repair	1,881.02
Check Total:						1,881.02
66828	07/05/2012	Water Fund	Accounts Payable	PAULINE ANDERSON	Refund Check	30.37
Check Total:						30.37
66829	07/05/2012	Housing & Redevelopment Agency	Professional Services	Appraisal Concepts, Inc.	2325 Dale St Appraisal	1,250.00
Check Total:						1,250.00
66830	07/05/2012	Telephone	PSTN-PRI Access/DID Allocation	CenturyLink	Telephone	84.15
Check Total:						84.15
66831	07/05/2012	Telephone	PSTN-PRI Access/DID Allocation	CenturyLink	Telephone	9.35
Check Total:						9.35
66832	07/05/2012	General Fund	Vehicle Supplies	Cintas Corporation #470	Black Nitrile	105.00
Check Total:						105.00
66833	07/05/2012	Information Technology	Contract Maintenance	Cologix, Inc	Cross Connect-July 2012	450.00
Check Total:						450.00
66834	07/05/2012	Recreation Fund	Fee Program Revenue	Gita Etemad-Tabrizi	Tennis Class Refund	31.00
66834	07/05/2012	Recreation Fund	Fee Program Revenue	Gita Etemad-Tabrizi	Tennis Class Refund	3.00
66834	07/05/2012	Recreation Fund	Collected Insurance Fee	Gita Etemad-Tabrizi	Tennis Class Refund	2.00
Check Total:						36.00
66835	07/05/2012	Storm Drainage	Training	Excal Visual	Stormwater Pollution Prevention Trai	304.38
66835	07/05/2012	General Fund	Training	Excal Visual	Stormwater Pollution Prevention Trai	304.37
Check Total:						608.75
66836	07/05/2012	Info Tech/Contract Cities	North St. Paul Computer Equip	Graybar, Inc.	Telephone Supplies	985.44

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
					Check Total:	985.44
66837	07/05/2012	General Fund	Contract Maintenance Vehicles	Harmon Auto Glass-Roseville	2012 Blanket PO For Vehicle Repairs	200.00
					Check Total:	200.00
66838	07/05/2012	General Fund	Training	Hennepin Technical College	Fire Training	2,000.00
66838	07/05/2012	General Fund	Training	Hennepin Technical College		1,400.00
					Check Total:	3,400.00
66839	07/05/2012	Information Technology	Telephone	Hurricane Electric	Internet Service	500.00
					Check Total:	500.00
66840	07/05/2012	Telephone	PSTN-PRI Access/DID Allocation	Integra Telecom	Telephone	312.65
66840	07/05/2012	Telephone	PSTN-PRI Access/DID Allocation	Integra Telecom	Telephone	2,740.28
					Check Total:	3,052.93
66841	07/05/2012	Community Development	Professional Services	Jeane Thorne Inc	Administrative Support	911.82
					Check Total:	911.82
66842	07/05/2012	Fire Station 2011	Professional Services	Karges-Faulkonbridge, Inc.	Geothermal Master Plan Report	500.00
					Check Total:	500.00
66843	07/05/2012	Central Svcs Equip Revolving	Rental - Copier Machines	Konica Minolta	Copier Lease	7,044.04
					Check Total:	7,044.04
66844	07/05/2012	General Fund	Operating Supplies	Konrad Material Sales, LLC.	Router Pins, Cutters	601.71
					Check Total:	601.71
66845	07/05/2012	Police Forfeiture Fund	Professional Services	Law Enforcement Tech Group, LLC	Field Reporting Training	330.00
					Check Total:	330.00
66846	07/05/2012	East Metro SWAT	Insurance	League of MN Cities Ins Trust	Annual Pay Plan	958.00
					Check Total:	958.00
66847	07/05/2012	General Fund	Vehicle Supplies	Liberty Tire Recycling, LLC	2012 Blanket PO for Vehicle Repairs	68.14
					Check Total:	68.14
66848	07/05/2012	Community Development	Advertising	Lillie Suburban Newspaper Inc	Notices-Acct: 262	12.50
66848	07/05/2012	General Fund	Advertising	Lillie Suburban Newspaper Inc	Notices-Acct: 262	62.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
					Check Total:	75.00
66849	07/05/2012	General Fund	Op Supplies - City Hall	Linn Building Maintenance	Roll Towels, Toilet Tissue	498.32
66849	07/05/2012	General Fund	Professional Services	Linn Building Maintenance	Building Cleaning	3,337.71
66849	07/05/2012	Recreation Fund	Contract Maintenance	Linn Building Maintenance	Building Cleaning	1,048.44
66849	07/05/2012	Recreation Fund	Contract Maintenance	Linn Building Maintenance	Building Cleaning	836.83
66849	07/05/2012	License Center	Professional Services	Linn Building Maintenance	Building Cleaning	625.22
66849	07/05/2012	General Fund	Contract Maint. - City Garage	Linn Building Maintenance	Building Cleaning	942.64
					Check Total:	7,289.16
66850	07/05/2012	Information Technology	Contract Maintenance	McAfee, Inc.	Disaster Recovery Service	529.47
					Check Total:	529.47
66851	07/05/2012	General Fund	Professional Services	McCaren Designs, Inc.	One year contract for City Hall Camp	1,071.68
					Check Total:	1,071.68
66852	07/05/2012	Sanitary Sewer	Cleanup Assistance	Robert & Marguerite McCarron	Cleanup Assistance	4,740.91
					Check Total:	4,740.91
66853	07/05/2012	Police - DWI Enforcement	Professional Services	Mid America Auction, Inc.	May Storage of 26 Vehicles	1,950.00
					Check Total:	1,950.00
66854	07/05/2012	General Fund	Vehicle Supplies	Midstates Equipment & Supply, Corp.	Fuel Filter	100.55
					Check Total:	100.55
66855	07/05/2012	Water Fund	State surcharge - Water	MN Dept of Health	Water Connection Fee-2nd Qtr 2012	16,159.17
					Check Total:	16,159.17
66856	07/05/2012	Risk Management	Insurance	Mn Dept of Labor & Industry	2012 Special Comp Fund Assessment	2,023.00
					Check Total:	2,023.00
66857	07/05/2012	Sanitary Sewer	Accounts Payable	FLORINE MUSKA	Refund Check	10.36
					Check Total:	10.36
66858	07/05/2012	Telecommunications	Furniture and Fixtures	Paragon Solutions Group, Inc.	Axis Pole Mount Adapter	157.11
					Check Total:	157.11
66859	07/05/2012	General Fund	Training	Greg Peterson	Mileage Reimbursement	119.90
					Check Total:	119.90
66860	07/05/2012	TIF District #17-Twin Lakes	Contractor Payments	Pikovsky Management, LLC	DEED Grant Reimbursement-CCGP-	18,706.16

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
					Check Total:	18,706.16
66861	07/05/2012	Water Fund	Accounts Payable	PULTE HOMES LLC	Refund Check	175.00
					Check Total:	175.00
66862	07/05/2012	General Fund	Dispatching Services	Ramsey County	911 Dispatch Service-June	23,264.10
66862	07/05/2012	General Fund	Contract Maintenance	Ramsey County	Fleet Support	15.60
66862	07/05/2012	General Fund	Contract Maintenance	Ramsey County	Fleet Support	365.04
					Check Total:	23,644.74
66863	07/05/2012	Water Fund	Accounts Payable	REALTY GROUP INC.	Refund Check	21.34
					Check Total:	21.34
66864	07/05/2012	Storm Drainage	Operating Supplies	Rick Johnson's Deer & Beaver Inc.	One Deer Call	115.00
					Check Total:	115.00
66865	07/05/2012	Water Fund	Accounts Payable	LILA RISTINE	Refund Check	44.57
					Check Total:	44.57
66866	07/05/2012	General Fund	Training	Lorne Rosand	Parking Reimbursement	5.00
					Check Total:	5.00
66867	07/05/2012	Water Fund	Clothing	Michael Ross	Supplies Reimbursement	43.98
					Check Total:	43.98
66868	07/05/2012	Sanitary Sewer	Accounts Payable	ELWYN SANDS	Refund Check	5.97
					Check Total:	5.97
66869	07/05/2012	General Fund	Training	Signal 13 Training, LLC	Developing & Managing Informants	125.00
					Check Total:	125.00
66870	07/05/2012	General Fund	Operating Supplies	Staples Business Advantage, Inc.	Toner	64.09
					Check Total:	64.09
66871	07/05/2012	General Fund	Professional Services	Sheila Stowell	City Council Meeting Minutes	293.25
66871	07/05/2012	General Fund	Professional Services	Sheila Stowell	Mileage Reimbursement	4.83
66871	07/05/2012	Housing & Redevelopment Agency	Professional Services	Sheila Stowell	HRA Meeting Minutes	80.50
66871	07/05/2012	Sanitary Sewer	Professional Services	Sheila Stowell	Public Works Meeting Minutes	207.00
66871	07/05/2012	Sanitary Sewer	Professional Services	Sheila Stowell	Sales/Use Tax	4.83
					Check Total:	590.41

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
66872	07/05/2012	General Fund	Vehicle Supplies	Suburban Tire Wholesale, Inc.	2012 Blanket PO For Vehicle Repairs	229.67
66872	07/05/2012	General Fund	Vehicle Supplies	Suburban Tire Wholesale, Inc.	2012 Blanket PO For Vehicle Repairs	652.24
66872	07/05/2012	General Fund	Vehicle Supplies	Suburban Tire Wholesale, Inc.	2012 Blanket PO For Vehicle Repairs	731.11
Check Total:						1,613.02
66873	07/05/2012	General Fund	Telephone	T Mobile	Cell Phones	39.99
66873	07/05/2012	Sanitary Sewer	Telephone	T Mobile	Cell Phones	79.98
Check Total:						119.97
66874	07/05/2012	Water Fund	Accounts Payable	THOMAS HERZOG REAL ESTATE INC	Refund Check	126.61
Check Total:						126.61
66875	07/05/2012	General Fund	Operating Supplies	Trans Union LLC	Employment Report	12.65
Check Total:						12.65
66876	07/05/2012	Police - DWI Enforcement	Professional Services	Twin Cities Transport & Recove	Towing Service	90.84
Check Total:						90.84
66877	07/05/2012	General Fund	Employee Recognition	Uniforms Unlimited, Inc.	Medals	99.94
Check Total:						99.94
66878	07/05/2012	General Fund	Contract Maintenance	Upper Cut Tree Service	Blanket PO for tree removal - Per 201	613.20
Check Total:						613.20
66879	07/05/2012	Street Construction	Cty Rd C-2 (Hamline to Lex)	Valley Paving, Inc.	Road Paving	170,128.59
66879	07/05/2012	Street Construction	Cty Rd C-2 (Hamline to Lex)	Valley Paving, Inc.	Road Paving	8,072.63
66879	07/05/2012	Street Construction	2012 PMP	Valley Paving, Inc.	Road Paving	129,315.34
66879	07/05/2012	Street Construction	2012 PMP	Valley Paving, Inc.	Road Paving	61,116.76
Check Total:						368,633.32
66880	07/05/2012	Water Fund	Accounts Payable	KAREN VANBAAK	Refund Check	5.04
Check Total:						5.04
66881	07/05/2012	General Fund	Contract Maint. - City Hall	Village Plumbing, Inc.	Plumbing Service	507.55
Check Total:						507.55
66882	07/05/2012	Sanitary Sewer	CIPP Sewer Lining	Visu-Sewer, Inc.	Sanitary Sewer Lining	82,477.81
Check Total:						82,477.81

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Invoice Desc.	Amount
					Report Total:	740,589.35


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 07/16/2012

Item No.: 7.b

Department Approval

Christopher L. Miller

City Manager Approval

W. J. Mahonen

Item Description: Approval of 2012/2013 Business and Other Licenses

1 **BACKGROUND**

2 Chapter 301 of the City Code requires all applications for business and other licenses to be submitted to the
3 City Council for approval. The following application(s) is (are) submitted for consideration

4
5 **Massage Therapy Establishment**

6 American Academy of Acupuncture & Oriental Medicine
7 1925 W County Rd B2
8 Roseville, MN 55113

9
10 Massage Rejuvenation
11 2218 County Rd D Room B
12 Roseville, MN 55112

13
14 Serene Body Therapy, LLC
15 1629 West County Rd C
16 Roseville, MN 55113

17
18 Chinese Tui-Na Massage
19 10 Rosedale Center
20 Roseville, MN 55113

21
22 **Massage Therapist License**

23 Zachary Howe at Massage Envy Roseville
24 2480 Fairview Ave., Suite 120
25 Roseville, MN 55113

26
27 Diadra Decker at Wright Touch
28 2233 Hamline Ave
29 Roseville, MN 55113

30
31 Bangwu Zhang at American Academy of Acupuncture & Oriental Medicine
32 1925 W County Rd B2
33 Roseville, MN 55113

36 Aspen James, Lisa Scholl, Dee Ann Basten, Jennifer Feddick at LifeTime Fitness
37 2480 Fairview Ave N
38 Roseville, MN 55113

39
40 Brandon Palmer at Serene Body Therapy
41 1629 West County Rd C
42 Roseville, MN 55113

43
44 **Cigarette/Tobacco Products License**

45 Tower Glen Liquor
46 2216-R West County Rd D
47 Roseville, MN 55113

48
49 **Amusement Device License**

50 Buffalo Wild Wings Grill & Bar
51 1777 West County Rd B2
52 Roseville, MN 55113

53
54 **Temporary Liquor License**

55 Church of Corpus Christi
56 2131 Fairview Ave N
57 Roseville, MN 55113

58
59 The Church of Corpus Christi is applying for a Temporary Liquor License for their Summer BBQ that is to take
60 place on July 28, 2012.

61
62 **POLICY OBJECTIVE**

63 Required by City Code

64 **FINANCIAL IMPACTS**

65 The correct fees were paid to the City at the time the application(s) were made.

66 **STAFF RECOMMENDATION**

67 Staff has reviewed the applications and has determined that the applicant(s) meet all City requirements. Staff
68 recommends approval of the license(s).

69 **REQUESTED COUNCIL ACTION**

70
71 Motion to approve the business and other license application(s) as submitted.

Prepared by: Chris Miller, Finance Director
Attachments: A: Applications



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Cedar Street Suite 133, St. Paul MN 55101-5133
 (651) 201-7507 Fax (651) 297-5259 TTY (651) 282-6555
 WWW.DPS.STATE.MN.US



APPLICATION AND PERMIT
 FOR A 1 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION Church of Corpus Christi	DATE ORGANIZED	TAX EXEMPT NUMBER 1	
STREET ADDRESS 2131 Fairview Avenue North	CITY Roseville	STATE MN	ZIP CODE 55113
NAME OF PERSON MAKING APPLICATION	BUSINESS PHONE (3	HOME PHONE ()	
DATES LIQUOR WILL BE SOLD July 28, 2012	TYPE OF ORGANIZATION CLUB CHARITABLE RELIGIOUS ^{XX} OTHER NONPROFIT		
ORGANIZATION OFFICER'S NAME Steve Klein	ADDRESS same as above		
ORGANIZATION OFFICER'S NAME	ADDRESS		
ORGANIZATION OFFICER'S NAME	ADDRESS		

Location license will be used. If an outdoor area, describe

Summer BBQ - The event will be held at Corpus Christi and will include both indoor seating in the Gathering Area and outdoor on the Church grounds.

Will the applicant contract for intoxicating liquor service? If so, give the name and address of the liquor licensee providing the service.

Beer and wine only served by parishioners.

Will the applicant carry liquor liability insurance? If so, please provide the carrier's name and amount of coverage.
 Yes. Catholic Mutual - see attached.

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL & GAMBLING ENFORCEMENT

CITY/COUNTY _____

DATE APPROVED _____

CITY FEE AMOUNT _____

LICENSE DATES _____

DATE FEE PAID _____

SIGNATURE CITY CLERK OR COUNTY OFFICIAL _____

APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT _____

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the License for the event

SOCIAL SECURITY #
470 08 7203



Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapist License

New License Renewal

For License year ending June 30 2013

1. Legal Name ZACHARY JAMES HOWE

2. Home Address _____ S _____

3. Home Telephone _____

4. Date of Birth _____

5. Drivers License Number _____

6. Email Address _____

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes _____ No If yes, list each name along with dates and places where used.

8. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.
MASSAGE ENVY 2450 FAIRVIEW AVE SUITE 120
ROSEVILLE, MN 55113

9. Attach a certified copy of a diploma or certificate of graduation from a school of massage therapy including a minimum of 600 hours in successfully completed course work as described in Roseville Ordinance 116, massage Therapy Establishments.

10. Have you had any previous massage therapist license that was revoked, suspended, or not renewed?
Yes _____ No If yes explain in detail.

License fee is 100.00
Make checks payable to City of Roseville



Finance Department, License Division
 2660 Civic Center Drive, Roseville, MN 55113
 (651) 490-2212

Massage Therapist License

New License _____ Renewal X

For License year ending June 30 2013

1. Legal Name DIADRA DECKER

2. Home Address _____

3. Home Telephone _____

4. Business Address 2233 HAMLINE AVE. N., # 217, 55113

5. Business Telephone _____

6. Date of Birth _____

7. Place of Birth _____

8. Are you an U.S. citizen? Yes _____ No / *le.*
 Naturalized? Yes _____ No _____ If yes, give date and place _____

(Attach a copy of the naturalization papers)

9. Have you ever used or been known by any name other than the legal name given in number 1 above?
 Yes _____ No _____ If yes, list each name along with dates and places where used.

10. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.
 Wright Touch 2233 Hamline Ave

11. List all addresses at which you have lived during the last ten years. (Begin with the most recent

Diadra Decker, being first duly sworn, upon my oath, deposes and says that I am the person who has executed the above Personal Information Form, and that the statements made therein are true of my own knowledge and belief.

Diadra Decker
Applicants Signature

Subscribed and sworn to before me this 21 day of June, 2012



Katherine L. Wolner
Notary Public
Dakota
County

My Commission Expires 1/31/15

License fee is 75.00
Make checks payable to City of Roseville

If completed license should be mailed somewhere other than the business address, please advise.



Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapist License

New License [] Renewal [X]

For License year ending June 30, 2013

- 1. Legal Name Bangwu Zhang
2. Home Address
3. Home Telephone
4. Date of Birth
5. Drivers License Number
6. Email Address N/A

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes [] No [X] If yes, list each name along with dates and places where used.

8. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.
American Academy of Acupuncture and Oriental Medicine

9. Have you had any previous massage therapist license that was revoked, suspended, or not renewed?
Yes [] No [X] If yes, explain in detail on a separate page.

Please print this form and mail or hand-deliver along with a certified copy of a diploma or certificate of graduation from a school of massage therapy including a minimum of 600 hours in successfully completed course work as described in Roseville Ordinance 116, Massage Therapy Establishments.

Finance Department, License Division
2660 Civic Center Drive
Roseville, MN 55113

License fee is \$100.00
Make checks payable to: City of Roseville



Finance Department, License Division
 2660 Civic Center Drive, Roseville, MN 55113
 (651) 792-7036

Massage Therapy Establishment License Application

Business Name American Academy of Acupuncture and Oriental Medicine
 Business Address 1925 West County Road B2 Roseville, MN 55113
 Business Phone 651-631-0204
 Email Address _____

Person to Contact in Regard to Business License:

Legal Name _____
 Address _____
 Phone _____ Date of Birth _____
 Drivers License Number _____

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2012, and ending June 31, 2013, in the City of Roseville, County of Ramsey, and State of Minnesota.

<u>License Required</u>	<u>Fee</u>
Massage Therapy Establishment	\$300.00 \$150.00 Background Check (new license only)

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182. In addition, the applicant acknowledges that they are responsible for reviewing the background and work history of their employees, including those that have received a massage therapist license from the City.

I have attached a certificate indicating Workers Compensation coverage, and the appropriate fee(s).

Signature Chang
 Date 6-26-2012

If completed license should be mailed somewhere other than the business address, please advise.



Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapy Establishment License Application

Business Name: MASSAGE REJUVENATION
Business Address: 2218 COUNTY ROAD D ROOM B ROSEVILLE MN 55112
Business Phone: 651-468-1567
Email Address:
Person to Contact in Regard to Business License:
Legal Name:
Address:
Phone: Date of Birth:
Drivers License Number:

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2012, and ending June 31, 2013, in the City of Roseville, County of Ramsey, and State of Minnesota.

Table with 2 columns: License Required, Fee. Row 1: Massage Therapy Establishment, \$300.00. Row 2: \$150.00 Background Check (new license only). Handwritten note: \$225 prorated.

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182. In addition, the applicant acknowledges that they are responsible for reviewing the background and work history of their employees, including those that have received a massage therapist license from the City.

I have attached a certificate indicating Workers Compensation coverage, and the appropriate fee(s).

Signature: [Handwritten Signature]
Date: 6/28/12

If completed license should be mailed somewhere other than the business address, please advise.



Finance Department, License Division
 2660 Civic Center Drive, Roseville, MN 55113
 (651) 792-7036

Cigarette/Tobacco Products License Application

Business Name TOWER GLEN LIQUOR
 Business Address 2216-R WEST COUNTY RD D, ROSEVILLE, MN 55113
 Business Phone 651-639-0122
 Email Address _____

Person to Contact in Regard to Business License:

Name MIKE PATEL
 Address - AS ABOVE -
 Phone 651-639-0122

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2012, and ending June 30, 2013, in the City of Roseville, County of Ramsey, State of Minnesota.

<u>License Required</u>	<u>Fee</u>
Cigarette/Tobacco Products	\$200.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statute #176.182.

Signature
 Date 6-27-12

If completed license should be mailed somewhere other than the business address, please advise.



Finance Department, License Division
 2660 Civic Center Drive, Roseville, MN 55113
 (651) 792-7036

#355

Amusement Device License Application

Business Name Buffalo Wild Wings Grill & Bar
 Business Address 1777 West County Rd., B2
 Business Phone 651-636-0926
 Email Address _____


Person to Contact in Regard to Business License: Please, mail all correspondence to the contact address.

Name _____
 Address _____
 Phone _____

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2012 _____, and ending June 30, 2013 _____, in the City of Roseville, County of Ramsey, State of Minnesota.

<u>License Required</u>	<u>Fee</u>	<u>Quantity</u>	<u>Total</u>
Amusement Device	\$15.00 (per machine)	<u>7</u>	<u>105.00</u>

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature 
 Mary Anne Ferrell, Power of Attorney
 Date 6/25/12

A fire inspection is required before issuance of a license. Please call 651-792-7341 to set up an inspection.

If completed license should be mailed somewhere other than the business address, please advise.

Limited Power of Attorney

KNOW ALL MEN BY THESE PRESENTS: That Blazin Wings, Inc., a Minnesota corporation, has made, constituted and appointed, and by these presents does make, constitute and appoint Mary Anne Ferrell and Susan VanderJagt as representatives of Licensing Solutions, Inc. for it and in its name, place and stead, granting unto the said Limited Power of Attorney:

- i. To execute all documents necessary for the purpose of completing the filing and issuance of any and all permits, licenses, renewals of licenses, tax clearances or other authorizations necessary for the opening and ongoing operation of all Buffalo Wild Wings locations within the United States.
- ii. To sign, endorse, execute, acknowledge, deliver, receive and possess such applications, as may be necessary to accomplish the issuance of such permits, licenses and authorizations.

IN WITNESS WHEREOF, the Principal has caused this Limited Power of Attorney to be executed on its behalf by Blazin Wings, Inc., a Minnesota Corporation, this 28th day of February, 2012.

Signed and sealed in the presence of:

Witness:

BLAZIN WINGS, INC.

Kristin Bergerson
Print Name Kristin Bergerson

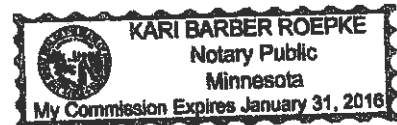
By: James Schmidt
Name: James Schmidt
Title: Vice President

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 28th day of February, 2012 by JAMES SCHMIDT, as VICE PRESIDENT of Blazin Wings, Inc., a Minnesota Corporation, who is personally know to me, or who produced _____ as identification.

[Signature]
Notary Public

My Commission Expires: JANUARY 31, 2016





Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapist License

New License [] Renewal [x]

For License year ending June 30, 2012

1. Legal Name Aspen James

2. Home Address

3. Home Telephone

4. Date of Birth

5. Drivers License Number

6. Email Address

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes [] No [x] If yes, list each name along with dates and places where used.

8. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.
Life Time Fitness 2480 Fairview Ave N Roseville, MN

9. Have you had any previous massage therapist license that was revoked, suspended, or not renewed?
Yes [] No [x] If yes, explain in detail on a separate page. 55113

Please print this form and mail or hand-deliver along with a certified copy of a diploma or certificate of graduation from a school of massage therapy including a minimum of 600 hours in successfully completed course work as described in Roseville Ordinance 116, Massage Therapy Establishments.

on file

Finance Department, License Division
2660 Civic Center Drive
Roseville, MN 55113

License fee is \$100.00
Make checks payable to: City of Roseville



Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapist License

New License [] Renewal [x]

For License year ending June 30, 2013

1. Legal Name Lisa Marie Schou

2. Home Address

3. Home Telephone

4. Date of Birth

5. Drivers License Number

6. Email Address

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes [x] No [] If yes, list each name along with dates and places where used.

8. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.
2480 Fairview Ave NE Roseville, MN 55113
Life Time Fitness

9. Have you had any previous massage therapist license that was revoked, suspended, or not renewed?
Yes [] No [x] If yes, explain in detail on a separate page.

Please print this form and mail or hand-deliver along with a certified copy of a diploma or certificate of graduation from a school of massage therapy including a minimum of 600 hours in successfully completed course work as described in Roseville Ordinance 116, Massage Therapy Establishments.

on file

Finance Department, License Division
2660 Civic Center Drive
Roseville, MN 55113

License fee is \$100.00
Make checks payable to: City of Roseville



Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapist License

New License [] Renewal [x]

For License year ending June 30, 2013

1. Legal Name Dee Ann Basten

2. Home Address

3. Home Telephone

4. Date of Birth

5. Drivers License Number

6. Email Address

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes [] No [x] If yes, list each name along with dates and places where used.

8. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.
Lifetime Fitness, 2480 Fairview Ave North, Roseville MN 55113

9. Have you had any previous massage therapist license that was revoked, suspended, or not renewed?
Yes [] No [x] If yes, explain in detail on a separate page.

Please print this form and mail or hand-deliver along with a certified copy of a diploma or certificate of graduation from a school of massage therapy including a minimum of 600 hours in successfully completed course work as described in Roseville Ordinance 116, Massage Therapy Establishments. on file

Finance Department, License Division
2660 Civic Center Drive
Roseville, MN 55113

License fee is \$100.00
Make checks payable to: City of Roseville



Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapist License

New License Renewal

For License year ending June 30, 2013

1. Legal Name Jennifer L. Feddick

2. Home Address _____

3. Home Telephone _____

4. Date of Birth _____

5. Drivers License Number _____

6. Email Address jfeddick@roosevelt.edu

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes No If yes, list each name along with dates and places where used.

8. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.
Roseville Lifetime Fitness, 2480 Fairview Ave N, Roseville, MN 55113

9. Have you had any previous massage therapist license that was revoked, suspended, or not renewed?
Yes No If yes, explain in detail on a separate page.

Please print this form and mail or hand-deliver along with a certified copy of a diploma or certificate of graduation from a school of massage therapy including a minimum of 600 hours in successfully completed course work as described in Roseville Ordinance 116, Massage Therapy Establishments. **ON FILE**

Finance Department, License Division
2660 Civic Center Drive
Roseville, MN 55113

License fee is \$100.00
Make checks payable to: City of Roseville



Finance Department, License Division
 2660 Civic Center Drive, Roseville, MN 55113
 (651) 792-7036

Massage Therapy Establishment License Application

Business Name Serene Body Therapy LLC
 Business Address 1629 West County Rd C Roseville MN 55113
 Business Phone 651-636-1344
 Email Address _____

Person to Contact in Regard to Business License:

Legal Name _____
 Address _____
 Phone _____ Date of Birth _____
 Drivers License Number _____

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2012, and ending June 31, 2013, in the City of Roseville, County of Ramsey, and State of Minnesota.

<u>License Required</u>	<u>Fee</u>
Massage Therapy Establishment	\$300.00
	\$150.00 Background Check (new license only)

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182. In addition, the applicant acknowledges that they are responsible for reviewing the background and work history of their employees, including those that have received a massage therapist license from the City.

I have attached a certificate indicating Workers Compensation coverage, and the appropriate fee(s).

Signature Breda Kahn
 Date 6-20-12

If completed license should be mailed somewhere other than the business address, please advise.



Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapy Establishment License Application

Business Name Chinese Tui-Na Massage
Business Address 10 Rosedale center Dr. Roseville, MN 55113
Business Phone 6262348782
Email Address

Person to Contact in Regard to Business License:

Legal Name
Address
Phone Date of Birth
Drivers License Number

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2012, and ending June 31, 2013, in the City of Roseville, County of Ramsey, and State of Minnesota.

Table with 2 columns: License Required, Fee. Row 1: Massage Therapy Establishment \$300.00. Row 2: \$150.00 Background Check (new license only)

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182. In addition, the applicant acknowledges that they are responsible for reviewing the background and work history of their employees, including those that have received a massage therapist license from the City.

I have attached a certificate indicating Workers Compensation coverage, and the appropriate fee(s).

Signature [Handwritten Signature]
Date 6/28/2012

If completed license should be mailed somewhere other than the business address, please advise.



Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapist License

New License Renewal

For License year ending June 30, 2013

1. Legal Name Branda Palma

2. Home Address _____

3. Home Telephone _____

4. Date of Birth _____

5. Drivers License Number _____

6. Email Address _____

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes No If yes, list each name along with dates and places where used.

8. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.
SERENE BODY THERAPY, LLC 1629 WEST COUNTY ROAD C ROSEVILLE, MN 55113

9. Have you had any previous massage therapist license that was revoked, suspended, or not renewed?
Yes No If yes, explain in detail on a separate page.

Please print this form and mail or hand-deliver along with a certified copy of a diploma or certificate of graduation from a school of massage therapy including a minimum of 600 hours in successfully completed course work as described in Roseville Ordinance 116, Massage Therapy Establishments.

Finance Department, License Division
2660 Civic Center Drive
Roseville, MN 55113

License fee is \$100.00
Make checks payable to: City of Roseville

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 7/16/2012
Item No.: 7.c

Department Approval

Christopher K. Miller

City Manager Approval

W. J. Mahonen

Item Description: Approve General Purchases or Sale of Surplus Items Exceeding \$5,000

1 **BACKGROUND**

2 City Code section 103.05 establishes the requirement that all general purchases and/or contracts in
3 excess of \$5,000 be approved by the Council. In addition, State Statutes require that the Council
4 authorize the sale of surplus vehicles and equipment.

5
6 General Purchases or Contracts

7 City Staff have submitted the following items for Council review and approval:

Department	Vendor	Description	Amount
Bldg Maintenance	Yale Mechanical	HVAC Maintenance (a)	9,789.00
Parks & Rec.	Upper Cut Tree Services Inc.	Diseased & Hazardous Tree Removal	15,000.00

8
9 **Comments/Description:**

10 a) Annual HVAC maintenance for City Hall and the Public Works building. Yale Mechanical was the lowest of 2 received
11 bids.

12
13 Sale of Surplus Vehicles or Equipment

14 City Staff have identified surplus vehicles and equipment that have been replaced and/or are no longer
15 needed to deliver City programs and services. These surplus items will either be traded in on replacement
16 items or will be sold in a public auction or bid process. The items include the following:

Department	Item / Description

17
18 **POLICY OBJECTIVE**

19 Required under City Code 103.05.

20 **FINANCIAL IMPACTS**

21 Funding for all items is provided for in the current operating or capital budget.

22 **STAFF RECOMMENDATION**

23 Staff recommends the City Council approve the submitted purchases or contracts for service and, if
24 applicable, authorize the trade-in/sale of surplus items.

25 **REQUESTED COUNCIL ACTION**

26 Motion to approve the submitted list of general purchases, contracts for services, and if applicable, the
27 trade-in/sale of surplus equipment.

28

29

Prepared by: Chris Miller, Finance Director

Attachments: A: None

30


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 7/16/12
Item No.: 7.d

Department Approval



City Manager Approval



Item Description: Receive 2012 2nd Quarter Financial Report

BACKGROUND

In an effort to keep the Council informed on the City's fiscal condition, a comparison of the 2012 revenues and expenditures for the period ending June 30, 2012 (unaudited) is shown below. This comparison is presented in accordance with the City's Operating Budget Policy, which reads (in part) as follows:

The Finance Department will prepare regular reports comparing actual expenditures to budgeted amounts as part of the budgetary control system. These reports shall be distributed to the City Council on a periodic basis.

The comparison shown below includes those programs and services that constitute the City's core functions and for which changes in financial trends can have a near-term impact on the ability to maintain current service levels. Programs such as debt service and tax increment financing which are governed by pre-existing obligations and restricted revenues are not shown. In addition, expenditures in the City's vehicle and equipment replacement programs are not shown as these expenditures are specifically tied to pre-established sinking funds. Unlike some of the City's operating budgets, these sinking funds are not susceptible to year-to-year fluctuations. In these instances, annual reviews are considered sufficient.

The information is presented strictly on a cash basis which measures only the actual revenues that have been deposited and the actual expenditures that have been paid. This is in contrast with the City's audited year-end financial report which attempts to measure revenues earned but not collected, as well as costs incurred but not yet paid.

It should be noted that many of the City's revenue streams such as property taxes, are non-recurring or are received intermittently throughout the year. This can result in wide revenue fluctuations from month to month. In addition, some of the City's expenditures such as capital replacements are also non-recurring and subject to wide fluctuations. To accommodate these differences, a comparison is made to historical results to identify whether any new trends exist.

30 **Citywide Financial Summary**

31 The following table depicts the 2012 revenues and expenditures for the fiscal period ending June 30,
 32 2012 for the City’s core programs and services (unaudited).

	2012 <u>Budget</u>	2012 <u>Actual</u>	% <u>Actual</u>	% <u>Expect.</u>	<u>Diff.</u>
Revenues					
General property taxes	\$ 11,861,294	\$ 5,700,000	48.1%	47.5%	0.6%
Intergovernmental revenue	874,000	160,416	18.4%	22.6%	-4.2%
Licenses & permits	1,426,199	646,096	45.3%	37.1%	8.2%
Charges for services	19,052,640	6,903,962	36.2%	36.0%	0.3%
Fines and forfeits	220,000	141,989	64.5%	34.1%	30.5%
Cable franchise fees	365,735	99,692	27.3%	28.0%	-0.8%
Rentals / Lease	319,300	252,802	79.2%	68.3%	10.8%
Donations	-	26,392	0.0%	n/a	n/a
Interest earnings	253,998	-	0.0%	n/a	n/a
Miscellaneous	346,192	119,550	34.5%	36.9%	-2.4%
Total Revenues	\$ 34,719,358	\$ 14,050,898	40.5%	39.6%	0.5%

	2012 <u>Budget</u>	2012 <u>Actual</u>	% <u>Actual</u>	% <u>Expect.</u>	<u>Diff.</u>
Expenditures					
General government	\$ 1,996,216	\$ 891,364	44.7%	45.3%	-0.6%
Public safety	7,943,043	3,874,038	48.8%	46.4%	2.4%
Public works	2,472,438	960,456	38.8%	41.0%	-2.1%
Information technology	1,248,232	607,921	48.7%	48.1%	0.6%
Communications	366,735	155,832	42.5%	61.1%	-18.6%
Recreation	3,904,863	1,721,605	44.1%	41.8%	2.3%
Community development	1,051,535	556,693	52.9%	49.8%	3.1%
License Center	1,130,525	625,639	55.3%	41.3%	14.0%
Sanitary Sewer	4,837,698	1,953,214	40.4%	36.4%	3.9%
Water	7,002,750	2,496,046	35.6%	28.9%	6.7%
Storm Drainage	1,909,938	610,016	31.9%	27.5%	4.5%
Golf Course	414,150	150,712	36.4%	33.1%	3.3%
Recycling	524,891	421,741	80.3%	64.8%	15.5%
Total Expenditures	\$ 34,803,014	\$ 15,025,276	43.2%	40.1%	3.1%

34 Table Comments:

- 35 ❖ ‘% Actual’ column depicts the percentage spent compared to the budget
- 36 ❖ ‘% Norm’ column depicts the percentage of expenditures we normally incur during this period as measured over the
- 37 previous 3 years
- 38 ❖ ‘Diff’ column depicts the difference between the percentage actually spent and the percentage we typically incur. A
- 39 percentage difference of 10% or more in this column would be considered significant
- 40
- 41
- 42

43 Revenue and Expenditure Comments

44 Overall, revenues and expenditures were near expected levels. Greater detail can be found in the individual
 45 Fund summaries below.

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General Fund Summary

The following table depicts the 2012 financial activity for the General Fund for the fiscal period ending June 30, 2012 (unaudited).

	<u>2012</u> <u>Budget</u>	<u>2012</u> <u>Actual</u>	<u>%</u> <u>Actual</u>	<u>%</u> <u>Expect.</u>	<u>Diff.</u>
Revenues					
General property taxes	\$ 9,857,699	\$ 5,700,000	57.8%	56.7%	1.2%
Intergovernmental revenue	874,000	160,416	18.4%	22.6%	-4.2%
Licenses & permits	306,000	86,142	28.2%	18.0%	10.2%
Charges for services	965,000	500,008	51.8%	52.8%	-1.0%
Fines and forfeits	220,000	141,955	64.5%	34.1%	30.5%
Donations	-	-	0.0%	0.0%	0.0%
Interest earnings	83,998	-	0.0%	0.0%	0.0%
Miscellaneous	105,000	8,008	7.6%	15.0%	-7.4%
Total Revenues	\$ 12,411,697	\$ 6,596,529	53.1%	51.2%	1.9%
Expenditures					
General government	\$ 1,996,216	\$ 891,364	44.7%	45.3%	-0.6%
Public safety	7,943,043	3,874,038	48.8%	46.4%	2.4%
Public works	2,472,438	960,456	38.8%	41.0%	-2.1%
Other	-	-	n/a	n/a	n/a
Total Expenditures	\$ 12,411,697	\$ 5,725,857	46.1%	45.1%	1.1%

Comments:

General Fund revenues and expenditures were near expected levels. License and permits revenues were slightly higher than expected due to strong fire permit activity. Fines & Forfeits were also stronger than normal due to the capture of additional court fines.

The General Fund is currently in good financial condition with an unassigned cash reserve of 5.2 million or 44% of the annual operating budget. A small surplus is expected in 2012.

62 **Information Technology Fund Summary**

63 The following table depicts the 2012 financial activity for the Information Technology Fund for the fiscal
 64 period ending June 30, 2012 (unaudited).

65

	2012 <u>Budget</u>	2012 <u>Actual</u>	% <u>Actual</u>	% <u>Expect.</u>	<u>Diff.</u>
Revenues					
Charges for services	\$ 733,840	\$ 380,298	51.8%	44.3%	7.5%
General property taxes	-	-	0.0%	0.0%	0.0%
Rentals / Lease	319,300	224,945	70.4%	62.5%	7.9%
Miscellaneous	195,092	21,840	11.2%	4.0%	7.2%
Total Revenues	\$ 1,248,232	\$ 627,083	50.2%	44.5%	5.7%
Expenditures					
Information technology	1,248,232	607,921	48.7%	48.1%	0.6%
Other	-	-	n/a	n/a	n/a
Total Expenditures	\$ 1,248,232	\$ 607,921	48.7%	48.1%	0.6%

66

67

68 Comments:

69 Information Technology revenues and expenditures were near expected levels.

70

71 The Information Technology Fund is currently in poor financial condition with a cash reserve of \$109,000
 72 or 10% of the annual operating budget.

73

74 The Information Technology Fund is expected to continue to face challenges in meeting unmet citywide
 75 needs. Current funding sources are insufficient to replace city equipment at the end of their useful lives. In
 76 addition, the Fund has no cash reserves rendering it unable to provide for any new initiatives. A computer
 77 replacement charge to other funds may be recommended with the 2013 or 2014 Budget to improve the
 78 Fund's financial stability.

79

80

81 **Communications Fund Summary**

82 The following table depicts the 2012 financial activity for the Communications Fund for the fiscal period
 83 ending June 30, 2012 (unaudited).

84

	2012 <u>Budget</u>	2012 <u>Actual</u>	% <u>Actual</u>	% <u>Expect.</u>	<u>Diff.</u>
Revenues					
Cable franchise fees	\$ 365,735	\$ 99,692	27.3%	28.0%	-0.8%
Interest earnings	1,000	-	0.0%	0.0%	0.0%
Miscellaneous	-	-	n/a	n/a	n/a
Total Revenues	\$ 366,735	\$ 99,692	27.2%	28.0%	-0.8%
Expenditures					
Communications	\$ 366,735	\$ 155,832	42.5%	61.1%	-18.6%
Other	-	-	n/a	n/a	n/a
Total Expenditures	\$ 366,735	\$ 155,832	42.5%	61.1%	-18.6%

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87 Comments:

88 Communications Fund revenues were near expected levels. Expenditures were lower compared to the 3-
 89 year average, due to the payment of only 5 months of membership costs related to the North Suburban
 90 Communications Commission instead of the normal 6.

91

92 The Communications Fund is currently in excellent financial condition with a cash reserve of \$428,000 or
 93 128% of the annual operating budget. However, the uncertainty of future cable franchise fees related to the
 94 upcoming franchise renewal may warrant the development of a contingency plan in the event this revenue
 95 stream ceases.

96
97

98 **Recreation Fund Summary**

99 The following table depicts the 2012 financial activity for the Recreation Fund for the fiscal period ending
 100 June 30, 2012 (unaudited).

101

	<u>2012</u> <u>Budget</u>	<u>2012</u> <u>Actual</u>	<u>%</u> <u>Actual</u>	<u>%</u> <u>Expect.</u>	<u>Diff.</u>
Revenues					
General property taxes	\$2,003,595	\$ -	0.0%	0.0%	0.0%
Charges for services	1,879,768	914,736	48.7%	46.0%	2.6%
Rentals / Lease	-	27,857	n/a	n/a	n/a
Donations	-	26,392	n/a	n/a	n/a
Interest earnings	15,000	-	0.0%	0.0%	0.0%
Miscellaneous	6,500	29,514	454.1%	11.0%	443.1%
Total Revenues	\$3,904,863	\$ 998,499	25.6%	24.0%	1.6%
Expenditures					
Recreation	3,904,863	1,721,605	44.1%	41.8%	2.3%
Other	-	-	n/a	n/a	n/a
Total Expenditures	\$3,904,863	\$1,721,605	44.1%	41.8%	2.3%

102

103

104 Comments:

105 Recreation Fund revenues and expenditures are near expected levels. Miscellaneous revenues were higher
 106 than normal, but not financially significant to the operation as a whole.

107

108 The Recreation Fund is currently in fair financial condition with a cash reserve of \$643,000 or 18% of the
 109 annual operating budget. The Council-adopted policy recommends a reserve level of 25%. Additional
 110 reserves will be needed to ensure program stability.

111

112

113 **Community Development Fund Summary**

114 The following table depicts the 2012 financial activity for the Community Development Fund for the fiscal
 115 period ending June 30, 2012 (unaudited).

116

	2012 <u>Budget</u>	2012 <u>Actual</u>	% <u>Actual</u>	% <u>Expect.</u>	<u>Diff.</u>
Revenues					
Licenses & permits	\$1,120,199	\$ 559,955	50.0%	42.3%	7.7%
Charges for services	-	61,583	n/a	n/a	n/a
Fines and forfeits	-	34	n/a	n/a	n/a
Interest earnings	-	-	0.0%	0.0%	0.0%
Miscellaneous	-	48,789	0.0%	0.0%	0.0%
Total Revenues	\$1,120,199	\$ 670,361	59.8%	46.7%	13.2%
Expenditures					
Community development	1,051,535	556,693	52.9%	49.8%	3.1%
Other	-	-	n/a	n/a	n/a
Total Expenditures	\$1,051,535	\$ 556,693	52.9%	49.8%	3.1%

117

118

119 Comments:

120 Community Development Fund revenues are higher than expected due to the receipt of a Livable
 121 Communities grant from the Met Council.

122

123 The Community Development Fund is currently in fair financial condition with \$163,000 in cash reserves
 124 or 11% of the annual operating budget.

125

126

127 **License Center Fund Summary**
 128 The following table depicts the 2012 financial activity for the License Center Fund for the fiscal period
 129 ending June, 2012 (unaudited).
 130

	<u>2012</u> <u>Budget</u>	<u>2012</u> <u>Actual</u>	<u>%</u> <u>Actual</u>	<u>%</u> <u>Expect.</u>	<u>Diff.</u>
Revenues					
Charges for services	\$1,130,525	\$ 577,550	51.1%	38.5%	12.6%
Miscellaneous	-	-	n/a	n/a	n/a
Total Revenues	\$1,130,525	\$ 577,550	51.1%	38.5%	12.6%
Expenditures					
License Center operations	1,130,525	625,639	55.3%	41.3%	14.0%
Other	-	-	n/a	n/a	n/a
Total Expenditures	\$1,130,525	\$ 625,639	55.3%	41.3%	14.0%

131
 132
 133 Comments:
 134 License Center Fund revenues and expenditures are higher than expected. The overall volume of activity
 135 has steadily increased during the past six months. While this allows for the capture of added revenues, it
 136 also necessitates an increase in hours worked by part-time staff.

137
 138 The License Center Fund is currently in excellent financial condition with a cash reserve of \$598,000 or
 139 59% of the annual operating budget. However the City needs to stay cognizant of increased competition
 140 from other area licensing centers, as well as new federal or state mandates that could result in higher
 141 operating costs.

142
 143 The sustained economic downturn continues to pose some risk, although the License Center continues to
 144 generate a small operating surplus.

145
 146

147 **Sanitary Sewer Fund Summary**
 148 The following table depicts the 2012 financial activity for the Sanitary Sewer Fund for the fiscal period
 149 ending June 30, 2012 (unaudited).
 150

	<u>2012</u> <u>Budget</u>	<u>2012</u> <u>Actual</u>	<u>%</u> <u>Actual</u>	<u>%</u> <u>Expect.</u>	<u>Diff.</u>
Revenues					
Charges for services	\$4,762,698	\$1,497,151	31.4%	32.5%	-1.1%
Interest earnings	75,000	-	0.0%	0.0%	0.0%
Miscellaneous	-	-	n/a	n/a	n/a
Total Revenues	\$4,837,698	\$1,497,151	30.9%	31.7%	-0.8%
Expenditures					
Sanitary Sewer operations	4,837,698	1,953,214	40.4%	36.4%	3.9%
Other	-	-	n/a	n/a	n/a
Total Expenditures	\$4,837,698	\$1,953,214	40.4%	36.4%	3.9%

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Comments:

Sanitary Sewer Fund revenues and expenditures are near expected levels.

The Sanitary Sewer Fund is currently in excellent financial condition with a cash reserve of \$2.0 million or 50% of the annual operating budget. An internal loan has been made to the Water Fund to cover that fund's prior-period operating losses.

160 **Water Fund Summary**

161 The following table depicts the 2012 financial activity for the Water Fund for the fiscal period ending June
 162 30, 2012 (unaudited).

163

	2012 <u>Budget</u>	2012 <u>Actual</u>	% <u>Actual</u>	% <u>Expect.</u>	<u>Diff.</u>
Revenues					
Charges for services	\$7,000,750	\$2,057,726	29.4%	29.8%	-0.4%
Interest earnings	-	-	n/a	n/a	n/a
Miscellaneous	2,000	80	4.0%	0.0%	4.0%
Total Revenues	\$7,002,750	\$2,057,806	29.4%	29.7%	-0.4%
Expenditures					
Water operations	7,002,750	2,496,046	35.6%	28.9%	6.7%
Other	-	-	n/a	n/a	n/a
Total Expenditures	\$7,002,750	\$2,496,046	35.6%	28.9%	6.7%

164
165

166 Comments:

167 Water Fund revenues and expenditures are near expected levels.

168

169 The Water Fund is currently in poor financial condition with virtually no cash reserves; although the Fund's
 170 overall financial condition has been improving in recent years. An internal loan has been made from the
 171 Sanitary Sewer Fund to the Water Fund to cover prior period operating losses. Future rate increases will be
 172 needed to repay the internal loan and to offset projected increases in operational and capital replacement
 173 costs.

174

175

176 **Storm Sewer Fund Summary**

177 The following table depicts the 2012 financial activity for the Storm Sewer Fund for the fiscal period
 178 ending June 30, 2012 (unaudited).

179

	<u>2012</u> <u>Budget</u>	<u>2012</u> <u>Actual</u>	<u>%</u> <u>Actual</u>	<u>%</u> <u>Expect.</u>	<u>Diff.</u>
Revenues					
Charges for services	\$ 1,809,938	\$ 556,634	30.8%	38.9%	-8.1%
Interest earnings	65,000	-	0.0%	0.0%	0.0%
Miscellaneous	35,000	5,670	16.2%	148.2%	-132.0%
Total Revenues	\$ 1,909,938	\$ 562,304	29.4%	37.3%	-7.9%
Expenditures					
Storm Drainage operations	1,909,938	610,016	31.9%	36.1%	-4.2%
Other	-	-	n/a	n/a	n/a
Total Expenditures	\$ 1,909,938	\$ 610,016	31.9%	36.1%	-4.2%

180

181

182 Comments:

183 Storm Sewer Fund revenues are at expected levels.

184

185 The Storm Sewer Fund is currently in excellent financial condition with a cash reserve of \$2.6 million.

186 This reserve level is expected to decline over the next 10 years due to planned capital improvements.

187 Future rate increases will partially offset the draw down of reserves.

188

189 **Golf Course Fund Summary**

190 The following table depicts the 2012 financial activity for the Golf Course Fund for the fiscal period
 191 ending June 30, 2012 (unaudited).

192

	<u>2012</u> <u>Budget</u>	<u>2012</u> <u>Actual</u>	<u>%</u> <u>Actual</u>	<u>%</u> <u>Expect.</u>	<u>Diff.</u>
Revenues					
Charges for services	\$ 310,230	\$ 167,868	54.1%	42.1%	12.0%
Interest earnings	14,000	-	0.0%	0.0%	0.0%
Miscellaneous	2,600	5,648	217.2%	101.2%	116.1%
Total Revenues	\$ 326,830	\$ 173,516	53.1%	41.3%	11.8%
Expenditures					
Golf Course operations	414,150	150,712	36.4%	33.1%	3.3%
Other	-	-	n/a	n/a	n/a
Total Expenditures	\$ 414,150	\$ 150,712	36.4%	33.1%	3.3%

193

194

195 Comments:

196 Golf Course Fund revenues and higher than expected, but expenditures were near expected levels.
 197 Revenues and expenditures can fluctuate greatly from year to year depending on the length of the golfing
 198 season and overall weather.

199

200 The Golf Course Fund is currently in good financial condition with a cash reserve of \$391,000 or 105% of
 201 the annual operating budget. However it does not have sufficient funds to replace the clubhouse and
 202 maintenance facilities at the end of their useful life. Future green fee increases will be needed to offset
 203 projected increases in operational and capital replacement costs.

204

205

206 **Recycling Fund Summary**

207 The following table depicts the 2012 financial activity for the Recycling Fund for the fiscal period ending
208 June 30, 2012 (unaudited).

209

	2012 <u>Budget</u>	2012 <u>Actual</u>	% <u>Actual</u>	% <u>Expect.</u>	<u>Diff.</u>
Revenues					
Intergovernmental revenue	\$ 65,000	\$ 70,028	107.7%	51.3%	56.5%
Charges for services	459,891	190,407	41.4%	54.9%	-13.5%
Miscellaneous	-	-	n/a	n/a	n/a
Total Revenues	\$ 524,891	\$ 260,434	49.6%	43.8%	5.8%
Expenditures					
Recycling operations	524,891	271,029	51.6%	64.8%	-13.2%
Total Expenditures	\$ 524,891	\$ 271,029	51.6%	64.8%	-13.2%

210

211

212 Comments:

213 Recycling Fund revenues were at expected levels while expenditures were below. Expenditures are
214 somewhat lower than expected due to the timing of the payments made to the contractor for curbside
215 pickup.

216

217 The Recycling Fund is currently in good financial condition, with \$250,000 in cash reserves, or 40% of the
218 operating budget.

219

220 **Final Comments**

221 The City's overall financial condition remains strong; however a number of concerns remain. The City's
222 cash reserve levels in some key operating units are below recommended levels. In addition, strengthening
223 the City's asset replacement funding mechanisms should remain a high priority for future budgets.

224

225 **POLICY OBJECTIVE**

226 The information presented above satisfies the reporting requirements in the City's Operating Budget Policy.

227 **FINANCIAL IMPACTS**

228 Not applicable.

229 **STAFF RECOMMENDATION**

230 Not applicable.

231 **REQUESTED COUNCIL ACTION**

232 No formal Council action is requested. The financial report is presented for informational purposes only.

233

Prepared by: Chris Miller, Finance Director
Attachments: A: None


REQUEST FOR COUNCIL ACTION

Date: July 16, 2012
Item No.: 7.e

Department Approval

City Manager Approval

WJ Malinen

Item Description: Consider Reappointments to Roseville Housing and Redevelopment Authority

1 **BACKGROUND**

2 In February 2010, the City Council updated procedures to reappoint a member of the Roseville
3 Housing and Redevelopment Authority (RHRA). No later than 60 days prior to the expiration,
4 the Mayor either reappoints or declares a vacancy. The City Council votes to approve the
5 Mayor's reappointment. If the Council does not approve the reappointment(s), a vacancy(ies) is
6 (are) declared.

7 Bill Majerus's and Chair Dean Maschka's terms expire in September 2012. Both have expressed
8 interest in reappointment to the RHRA. Chair Maschka attended 13 of the past 14 meetings and
9 Mr. Majerus attended 12 of the past 14 meetings. Chair Maschka recommends that Mr. Majerus
10 be reappointed.

11 **FINANCIAL IMPACTS**

12 None

13 **STAFF RECOMMENDATION**

14 Adopt a resolution in support of Mayor Dan Roe's re-appointment of Bill Majerus to five-year
15 terms on the RHRA beginning September 24, 2012 to September 23, 2017.

16 Adopt a resolution in support of Mayor Dan Roe's re-appointment of Dean Maschka to five-year
17 terms on the RHRA beginning September 24, 2012 to September 23, 2017.

18 **REQUESTED COUNCIL ACTION**

19 Adopt a resolution in support of Mayor Dan Roe's re-appointment of Bill Majerus to five-year
20 terms on the RHRA beginning September 24, 2012 to September 23, 2017.

21 Adopt a resolution in support of Mayor Dan Roe's re-appointment of Dean Maschka to five-year
22 terms on the RHRA beginning September 24, 2012 to September 23, 2017.

Prepared by: William J. Malinen, City Manager

Attachments: A: Draft Resolutions reappointing Bill Majerus and Dean Maschka to the HRA
B: Certificates of Appointment
C: City Manager's Certificates of Filing Resolution of Reappointment
D: Letter to DEED
E: Resolution 10783

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 16th day of July 2012, at 6:00 p.m.

The following members were present:
and the following were absent:

Councilmember _____ introduced the following resolution and moved its adoption:

RESOLUTION # _____

**RESOLUTION APPROVING MAYOR’S REAPPOINTMENT OF
BILL MAJERUS TO THE
HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR
THE CITY OF ROSEVILLE**

WHEREAS, Bill Majerus has been on the Housing and Redevelopment Authority in and for the City of Roseville (HRA) since the beginning, and

WHEREAS, Mr. Majerus served as its chair in the formative years, had been involved in the HRA’s pursuit of Rental Registration and a role in funding the upfront costs of code enforcement abatement, and

WHEREAS, Mr. Majerus provides an institutional memory as newer members are on board, and

WHEREAS, the Mayor has submitted for this Council’s consideration the reappointment to the HRA board of resident Bill Majerus with a term expiring on September 23, 2016.

NOW, THEREFORE, BE IT RESOLVED, by the Roseville City Council that the City Council approves the Mayor’s reappointment of Bill Majerus to the Roseville HRA Board.

The motion for the adoption of the foregoing resolution was duly seconded by:
and upon vote taken thereon, the following voted in favor thereof:
and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

44 *HRA Reappointment*

45

46 STATE OF MINNESOTA)

47) ss

48 COUNTY OF RAMSEY)

49

50

51 I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of
52 Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and
53 foregoing extract of minutes of a regular meeting of said City Council held on the 16th day of July,
54 2012 with the original thereof on file in my office.

55

56 WITNESS MY HAND officially as such Manager this day of , 20 .

57

58

William J. Malinen, City Manager

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**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

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Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 16th day of July 2012, at 6:00 p.m.

The following members were present:
and the following were absent:

Councilmember _____ introduced the following resolution and moved its adoption:

RESOLUTION # _____

RESOLUTION APPROVING MAYOR'S REAPPOINTMENT OF
DEAN MASHKA TO THE
HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR
THE CITY OF ROSEVILLE

WHEREAS, Dean Maschka is ending his first full term as a Board Member for the Housing and Redevelopment Authority in and for the City of Roseville (HRA), and

WHEREAS, Mr. Maschka has been a valuable contributor to the growth and development of the HRA especially focusing on multi-family housing needs in the community, and

WHEREAS, MR. Maschka is currently serving as the Chair of the HRA, and

WHEREAS, the Mayor has submitted for this Council's consideration the reappointment to the HRA board of resident Dean Maschka with a term expiring on September 23, 2015

NOW, THEREFORE, BE IT RESOLVED, by the Roseville City Council that the City Council approves the Mayor's appointment of Dean Maschka to the Roseville HRA Board.

The motion for the adoption of the foregoing resolution was duly seconded by:
and upon vote taken thereon, the following voted in favor thereof:
and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

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HRA Reappointment

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 16th day of July, 2012 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this day of , 20 .

William J. Malinen, City Manager



CITY OF ROSEVILLE
STATE OF MINNESOTA

MAYOR'S CERTIFICATE
of
REAPPOINTMENT OF BOARD MEMBER
to the
HOUSING AND REDEVELOPMENT AUTHORITY
IN AND FOR THE CITY OF ROSEVILLE

Pursuant to state law, I hereby appoint Bill Majerus as a Member of the Roseville Housing and Redevelopment Authority. As provided by law, this re-appointment is subject to Council Approval. Bill Majerus will fill a term expiring September 23, 2016.

Witness my hand as the Mayor of the City of Roseville, Minnesota this 16th day of July, 2012.

Mayor Daniel J. Roe



CITY OF ROSEVILLE
STATE OF MINNESOTA

MAYOR'S CERTIFICATE
of
REAPPOINTMENT OF BOARD MEMBER
to the
HOUSING AND REDEVELOPMENT AUTHORITY
IN AND FOR THE CITY OF ROSEVILLE

Pursuant to state law, I hereby appoint Dean Maschka as a Member of the Roseville Housing and Redevelopment Authority. As provided by law, this re-appointment is subject to Council Approval. Dean Maschka will fill a term expiring September 23, 2016.

Witness my hand as the Mayor of the City of Roseville, Minnesota this 16th day of July, 2012.

Mayor Daniel J. Roe

**City Manager's Certificate of
Filing Resolutions on Reappointment of Two
Roseville HRA Board Members**

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I, the undersigned, being the duly appointed and City Manager of the City of Roseville, Minnesota, hereby certify that on the 16th day of July, 2012, I caused a certified copy of Resolution No. _____ and Resolution No. _____ having been duly adopted by the Roseville City Council on July 16, 2016, to be filed in the office of the Commissioner of the Department of Employment and Economic Development of the State of Minnesota by mailing such resolution, postage prepaid, to said Commissioner in care of Mr. Mark Phillips, Department of Employment and Economic Development, 332 Minnesota Street, Suite E200, St. Paul, Minnesota 55101-1351.

Witness my hand as the Roseville City Manager and the official seal of the City this _____ day of July, 2012.

(SEAL)

William J. Malinen
City Manager
City of Roseville, Minnesota

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July 18, 2012

Commissioner Mark Phillips
Department of Employment and Economic Development
332 Minnesota St
Suite E200
St. Paul, MN 55101-1351

RE: Notice of HRA Reappointments

Dear Commissioner Phillips:

Per Minnesota Statute 469.003, subd. 4, attached are two certified resolutions regarding the reappointment of William Majerus and Dean Maschka to the Housing and Redevelopment Authority in and for the City of Roseville, for a five year term ending September 23, 2016.

Sincerely,

William J. Malinen
City Manager

enc

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota was duly held on the 8th day of February, 2010 at 6:00 p.m.

The following members were present: Johnson, Ihlan, Roe and Klausing and the following were absent: Pust.

Member Ihlan introduced the following resolution and moved its adoption:

**Resolution No. 10783
(Supersedes Resolution No. 10541)
To Define the Appointment and Reappointment Process,
for the Members of the Board of the
Housing & Redevelopment Authority In and For the City of Roseville**

WHEREAS, the Housing & Redevelopment Authority In and For the City of Roseville (HRA) was established by the City Council in 2002 to provide housing programs and promote safe, decent, and affordable housing options for the community; and

WHEREAS, the Roseville HRA Board is composed of seven resident members and is a separate entity with legal authority established under MN Statutes 469.001 to 469.047; and

WHEREAS, the governing state statutes establish that appointments to the Roseville HRA Board are made by the Mayor, subject to the approval of the City Council; and

WHEREAS, the Mayor and City Council desire to define an open and collaborative process by which appointments and reappointments to the Roseville HRA Board will be made; and

WHEREAS, the appointment and reappointment process for the Roseville HRA Board has not been specifically defined to this point;

NOW, THEREFORE, BE IT RESOLVED, by the Roseville City Council as follows:

POLICY STATEMENT:

It is the intent of this policy to establish a fair and open notification and selection process that encourages Roseville residents to apply for appointment to the Roseville HRA Board.

PROCEDURE STATEMENT:

I.

When a vacancy occurs on the HRA Board the following procedure will be used.

- A. The Mayor and City Council, at a regular meeting, will establish a deadline for receiving applications, and the date(s) of the Council Meeting(s) to interview the applicants. The time between the application deadline and the interviews will be no more than 30 days.
- B. HRA Board vacancies will be advertised in the City's legal newspaper and, if different, the Roseville Review at least two (2) times before the application deadline. Vacancies will also be advertised on the City of Roseville's Cable Television Channel and posted on the City Hall Bulletin Board.
- C. Applications received after the established deadline but before the established date of applicant interviews may be considered, at the discretion of the Mayor.
- D. The names and applications of applicants will be provided to the Mayor and City Council, and to the public, after the application deadline.
- E. Applicants will be interviewed at the established meeting(s) by the Mayor and the City Council. The Chair or designee of the HRA Board will be invited to attend and participate in the interviews. The interviews will be open to the public. The Mayor may elect to eliminate any applicants from consideration, with reasonable notice to such applicants and the City Council, prior to the established date of applicant interviews.
- F. The Mayor will make appointments to the HRA Board from among the qualified applicants at a subsequent City Council meeting following the meeting at which the interviews are conducted.
- G. The City Council will vote on approval of the Mayor's appointments at the same meeting at which the appointments are made.
- H. If not enough Mayoral appointments from among the qualified applicants are approved by the City Council to fill all of the associated vacancies, the remaining vacancies will be re-advertised as described in A-E above.
- I. HRA Board applications will be kept on file for one year. If during that time a vacancy occurs on the HRA Board or any standing City Advisory Commission, all applicants for the HRA Board, and all applicants for any standing City Advisory Commissions, whose applications are on file at the time of the vacancy, will be advised of the vacancy in writing.

II.

When a current HRA Board member's term is expiring, the following procedure will be used.

- A. No later than 60 days prior to the expiration of a term, at a regular City Council meeting, the Mayor will either reappoint HRA Board members whose terms are expiring, or declare the appropriate vacancies to exist.
- B. The City Council will vote on approval of the Mayor's reappointments at the same meeting at which the reappointments are made.
- C. If the City Council does not approve of a reappointment, that shall create a vacancy on the HRA Board.
- D. The procedure for filling vacancies declared or created by this procedure shall be as described in Section I above.

The motion for the adoption of the foregoing resolution was duly seconded by Member Roe, and upon a vote being taken thereon, the following voted in favor thereof: Johnson, Ihlan, Roe and Klausung

and the following voted against the same: none.

WHEREUPON said resolution was declared duly passed and adopted.

Resolution – HRA Appointment Process

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 8th day of February, 2010 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 8th day of February, 2010.



William J. Malinen, City Manager

(Seal)

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 7/16/12
Item No.: 7.f

Department Approval

City Manager Approval

Item Description: Adopt a Resolution to Accept the Work Completed, Authorize Final Payment and commence the One-Year Warranty Period on the 2011 Pavement Management Project.

BACKGROUND

On April 11, 2011 the City Council awarded the 2011 Pavement Management Project to North Valley, Inc., of Nowthen, Minnesota. Work completed under the contract totaled \$1,793,246.46. North Valley, Inc. successfully completed the work to be done on the project in September 2011.

The project consisted of work on the following segments of city streets:

SEGMENT 1: MUNICIPAL STATE AID

DALE STREET (S. OWASSO BLVD TO COUNTY ROAD C)- SAP 160-252-005
COUNTY ROAD C2 (SNELLING AVE TO HAMLINE AVE)- SAP 160-216-017
PARKER AVENUE (LEXINGTON AVE TO VICTORIA STREET)- SAP 160-220-003
OAKCREST AVENUE (CLEVELAND AVE TO PRIOR AVE)- SAP 160-228-010

SEGMENT 2: ROSEVILLE MILL & OVERLAY

NEIGHBORHOOD 33	FISK STREET (COUNTY ROAD C TO ROSE PLACE) ROSE PLACE (FISK STREET TO AVON STREET) ALADDIN STREET (ROSE PLACE TO CUL-DE-SAC)
NEIGHBORHOOD 46	HYTHE STREET (DRAPER STREET TO ROSELAWN AVE)
NEIGHBORHOOD 48	EVERGREEN COURT (SKILLMAN AVE TO CUL- DE- SAC)
NEIGHBORHOOD 60	GARDEN AVENUE (HAMLINE AVE TO LEXINGTON AVE)
NEIGHBORHOOD 71	COHANSEY BOULEVARD (CRESCENT LANE TO IRENE ST) ELMER STREET (WILLIAM STREET TO WOODBRIDGE STREET)

POLICY OBJECTIVE

City policy requires that the following items be completed to finalize a construction contract:

- Certification from the City Engineer verifying that all of the work has been completed in accordance with plans and specifications.
- A resolution by the City Council accepting the contract and beginning the one-year warranty.

FINANCIAL IMPACTS

The final contract amount, \$1,780,999.74, is \$12,246.72 less than the awarded amount of \$1,793,246.46. This represents a decrease in the contract of 0.6%. The cost decrease is the result of actual contract quantities being less than estimated.

31 This project was financed using Municipal State Aid funds, special assessments, utility funds,
32 and street infrastructure funds.

33 **STAFF RECOMMENDATION**

34 The work that was completed was in accordance with project plans and specifications, staff
35 recommends the City Council approve a resolution accepting the work completed as the 2011
36 Pavement Management Project and authorize final payment of \$89,049.99.

37 **REQUESTED COUNCIL ACTION**

38 Approve the resolution accepting the work completed as 2011 Pavement Management Project,
39 starting the one-year warranty and authorizing final payment of \$89,049.99.

Prepared by: Debra Bloom, City Engineer

Attachments: A: Resolution

B: Certification from City Engineer

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

1 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of
2 Roseville, County of Ramsey, Minnesota, was duly held on the 16th day of July, 2012, at 6:00
3 p.m.

4
5 The following members were present: and the following members were absent:
6 .

7
8 Councilmember introduced the following resolution and moved its adoption:
9

RESOLUTION No.

**FINAL CONTRACT ACCEPTANCE
2011 PAVEMENT MANAGEMENT PROJECT**

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16 BE IT RESOLVED by the City Council of the City of Roseville, as follows:
17

18 WHEREAS, pursuant to a written contract signed with the City on April 11, 2011, for the
19 2011 Pavement Management Project, North Valley, Inc., of Nowthen, Minnesota, has
20 satisfactorily completed the improvements associated with this contract.
21

22 NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
23 ROSEVILLE, MINNESOTA, that the work completed under said contract is hereby accepted
24 and approved; and
25

26 BE IT FURTHER RESOLVED: That the City Manager is hereby directed to issue a proper
27 order for the final payment of such contract, taking the contractor's receipt in full; and
28

29 BE IT FURTHER RESOLVED: That the one year warranty period as specified in the contract
30 shall commence on July 16, 2013.
31

32 The motion for the adoption of the foregoing resolution was duly seconded by
33 Councilmember and upon vote being taken thereon, the following voted in favor
34 thereof: and the following voted against the same: .
35

36 WHEAREUPON said resolution was declared duly passed and adopted.



July 16, 2012

TO THE CITY COUNCIL, CITY OF ROSEVILLE, MINNESOTA

RE: 2011 Pavement Management Project
Contract Acceptance and Final Payment

Dear Council Members:

I have observed the work executed as a part of the 2011 Pavement Management Project. I find that this contract has been fully completed in all respects according to the plans, specifications, and the contract. I therefore recommend that final payment be made from the improvement fund to the contractors for the balance on the contract as follows:

Original Project amount (based on estimated quantities)	\$1,793,246.46
Final Contract Amount	\$1,780,999.74
Previous payments	\$1,691,949.75
Balance Due	\$89,049.99

Please let me know if you have any questions or concerns and would like more information.

Sincerely,

Debra M. Bloom, P.E.
City Engineer
651-792-7042
deb.bloom@ci.roseville.mn.us


REQUEST FOR COUNCIL ACTION

Date: 7/16/12
Item No.: 7.g

Department Approval



City Manager Approval



Item Description: Adopt a Resolution to Accept the Work Completed, Authorize Final Payment and commence the One-Year Warranty Period on the Twin Lakes Infrastructure Improvements- Phase 1.

BACKGROUND

On June 15, 2009, the City Council awarded the Twin Lakes Infrastructure Improvements- Phase 1 to Eureka Construction, of Lakeville, Minnesota. Work completed under the contract totaled \$2,961,229.45. Eureka Construction successfully completed the majority of the work to be done on the project in December 2009. There was a two year maintenance plan for the streetscape planting, the contractor completed their landscape maintenance obligations on May 30, 2012.

The Twin Lakes Infrastructure Improvements Project consists of the construction of Twin Lakes Parkway, between Cleveland Avenue and Mount Ridge Road, and the construction of Mount Ridge Road, between Twin Lakes Parkway and County Road C-2. It also included; installation of LED streetlights, landscaping, storm water treatment using trees, shrubs, and perennials, the construction of a storm water reuse system to provide irrigation for the streetscape, the construction of an underground infiltration chamber for groundwater recharge and the City's first roundabout. The City of Roseville received two awards for the work completed as a part of this project.

POLICY OBJECTIVE

City policy requires that the following items be completed to finalize a construction contract:

- Certification from the City Engineer verifying that all of the work has been completed in accordance with plans and specifications.
- A resolution by the City Council accepting the contract and beginning the one-year warranty.

FINANCIAL IMPACTS

The final contract amount, \$3,126,802.05, is \$165,573.05 more than the awarded amount of \$2,961,229.45. This represents an increase in the contract of 5.6%. The cost increase is the result of unforeseen circumstances encountered during construction and actual contract quantities being less than estimated. Decisions regarding this additional work needed to be made while the work was being completed, so that the project completion would not be delayed. A brief description of some of these additional work items:

- Environmental clean up- Asbestos material was discovered buried within the Mount Ridge Right of way. Also, oil and water sludge was discovered in a tank located in one of the buildings that was demolished. Finally, removal of mercury contaminated soil.
- Private work- the existing property at 2800 Cleveland asked the City's contractor to

31 install a driveway connecting their site to the new Mt. Ridge Road.

- 32 • Additional street excavation- unsuitable soil removal and sub grade stabilization was
33 required in the section of Twin Lakes Parkway between Cleveland and Mt. Ridge.
- 34 • Work on the reuse system: The vault installed for the water reuse system flooded, and
35 had to be retrofitted with a sump pump system. Also, some of the equipment within the
36 vault needed to be replaced.

37 This project was financed using TIF balances and the Metropolitan Transit's Urban Partnership
38 Agreement funds from the Parking Ramp construction project.

39 **STAFF RECOMMENDATION**

40 The work that was completed was in accordance with project plans and specifications, staff
41 recommends the City Council approve a resolution accepting the work completed as the Twin
42 Lakes Infrastructure Improvements- Phase 1, authorizing final payment, and starting the one-
43 year warranty period.

44 **REQUESTED COUNCIL ACTION**

45 Approve the resolution accepting the work completed as Twin Lakes Infrastructure
46 Improvements- Phase 1, authorizing final payment, and starting the one-year warranty period.

Prepared by: Debra Bloom, City Engineer

Attachments: A: Resolution

B: Certification from City Engineer

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

1 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of
2 Roseville, County of Ramsey, Minnesota, was duly held on the 16th day of July, 2012, at 6:00
3 p.m.

4
5 The following members were present: and the following members were absent:
6 .

7
8 Councilmember introduced the following resolution and moved its adoption:
9

RESOLUTION No.

**FINAL CONTRACT ACCEPTANCE
TWIN LAKES INFRASTRUCTURE IMPROVEMENTS- PHASE 1**

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15 BE IT RESOLVED by the City Council of the City of Roseville, as follows:

16
17 WHEREAS, pursuant to a written contract signed with the City on June 15, 2009, for the 2
18 Twin Lakes Infrastructure Improvements- Phase 1, Eureka Construction, of Lakeville,
19 Minnesota, has satisfactorily completed the improvements associated with this contract.

20
21 NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
22 ROSEVILLE, MINNESOTA, that the work completed under said contract is hereby accepted
23 and approved; and

24
25 BE IT FURTHER RESOLVED: That the City Manager is hereby directed to issue a proper
26 order for the final payment of such contract, taking the contractor's receipt in full; and

27
28 BE IT FURTHER RESOLVED: That the one year warranty period as specified in the contract
29 shall commence on July 16, 2013.

30
31 The motion for the adoption of the foregoing resolution was duly seconded by
32 Councilmember and upon vote being taken thereon, the following voted in favor
33 thereof: and the following voted against the same: .

34
35 WHEAREUPON said resolution was declared duly passed and adopted.



July 16, 2012

TO THE CITY COUNCIL, CITY OF ROSEVILLE, MINNESOTA

RE: Twin Lakes Infrastructure Improvements- Phase 1
Contract Acceptance and Final Payment

Dear Council Members:

I have observed the work executed as a part of the Twin Lakes Infrastructure Improvements-Phase 1. I find that this contract has been fully completed in all respects according to the plans, specifications, and the contract. I therefore recommend that final payment be made from the improvement fund to the contractors for the balance on the contract as follows:

Original Project amount (based on estimated quantities)	\$2,961,229.45
Change Orders	\$87,226.07
Final Contract Amount	\$3,048,455.52
Actual amount due (based on actual quantities)	\$3,126,802.05
Previous payments	\$3,069,735.03
Balance Due	\$57,067.02

Please let me know if you have any questions or concerns and would like more information.

Sincerely,

Debra M. Bloom, P.E.
City Engineer
651-792-7042
deb.bloom@ci.roseville.mn.us

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: July 16, 2012
Item No.: 7.h

Department Approval

Timothy O'Neill

City Manager Approval

W. J. Mahonen

Item Description: Authorize Re-Bid Of Expired Bid For Site Work/Utilities As Part of Fire Station Bid Package #1

BACKGROUND

On March 26, 2012 the City Council gave approval for the Fire Department to seek contractor bids for construction of the new building. Council approved the Fire Department to proceed with the first phase "Bid Package #1" which consists of the following items:

- Site/earth work
- Utilities
- Building foundation
- Paving

Bid package #1 bid opening was held on April 10, 2012. Contractor bid pricing was good for ninety days and thus expired on July 10, 2012. The project construction manager was able to secure bid pricing extensions on two of the three contracts. Bid extensions were secured on building foundation and paving, however we were unable to secure an extension on site work and utilities.

Therefore we are requesting Council action to approve the fire department to re-bid the site work and utilities portion of the bid package.

FINANCIAL IMPACTS

There are no direct financial impacts of this request other than possible higher bid costs than received in the first bid process.

STAFF RECOMMENDATION

Staff recommends Council authorize the fire department seek re-bids for site work and utilities as described in bid package #1.

REQUESTED COUNCIL ACTION

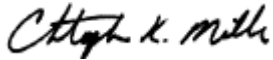
Motion to authorize the fire department to seek re-bids for site work and utilities as described in bid package #1.

Prepared by: Timothy O'Neill, Fire Chief


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 07/16/12
Item No.: 11.a

Department Approval



City Manager Approval



Item Description: Public Hearing to Amend City Code Chapter 302 to Establish an On-Sale Brewer Taproom License Category

BACKGROUND

1 The City has received a request from Pour Decisions Brewery who is making final preparations to begin
2 their small-production brewing operation at 1744 Terrace Drive. In April 2011 the City Council created a
3 new category of off-sale liquor licenses to accommodate the unique retailing venue of breweries/brew pubs
4 in the City. When this new category was created the City was following the Minnesota Statutes that were
5 in place at the time.
6

7
8 Subsequent to creating this new off-sale category, the Minnesota Legislature established a new law that
9 also allowed municipalities to create a special on-sale category for breweries/brew pubs called a taproom
10 license which would allow them to sell their products for consumption on the premises. The authority to
11 establish this license category can be found in MN State Statute 340A.301, sub. 6b. A copy of the
12 applicable Statute is included in *Attachment C*.
13

14 However, under current City Code, the City restricts on-sale intoxicating liquor licenses to hotels and
15 restaurants. Therefore, in order to obtain an on-sale license under the current code, Pour Decisions
16 Brewery would need to have at least 50% of their gross sales derived from food. This is in contrast to the
17 business model Pour Decisions is seeking. They simply want to have the ability for patrons to consume
18 their product as a way of complimenting the sale of growlers for off-site consumption.
19

20 The City Council is asked to consider whether to create a special category of on-sale brewery taproom
21 license; a category that would exempt them from the food requirement. It should be noted that the concept
22 behind having a food requirement in conjunction with an on-sale liquor license is to avoid the types of
23 establishments that are considered and/or marketed as, a 'bar' or 'nightclub'. The distinction being made is
24 that Roseville does NOT have bars, but rather we have restaurants that serve alcohol to complement the
25 meal. Granting Pour Decision's request would arguably blur this distinction.
26
27

28 During the discussion at the June 16, 2012 Council meeting, the Council noted several potential limitations
29 or restrictions that could be imposed to avoid inadvertently creating an on-sale liquor license that could be
30 used as a means of establishing a bar or nightclub atmosphere. They included:

31

- 32 ❖ Setting a maximum square footage requirement for any facility that holds an on-sale Taproom
33 license
- 34 ❖ Restricting hours of operations
- 35 ❖ Restricting the sale of alcohol to only those products manufactured on site
- 36 ❖ Prohibiting any amplified sound or music

37

38 Representatives of Pour Decisions Brewery will be on hand to speak to their request and to address any
39 Council inquiries.

40

41 **POLICY OBJECTIVE**

42 As noted above, the authority to establish an on-sale brewer taproom license can be found in MN State
43 Statute 340A.301, subd. 6b. If established, this category will for the first time, allow for the consumption of
44 alcohol on the premises without an accompanying food sales requirement.

45

46 The Council may also want to discuss other considerations such as hours of operation when deciding
47 whether to create this new on-sale license category. This would ensure that the on-sale component would
48 merely compliment Pour Decision's primary focus of selling growlers for consumption off the premises.
49 The Council could place other restrictions as well such as no bands or other musical performances to avoid
50 any potential 'night club' atmosphere.

51 **FINANCIAL IMPACTS**

52 Not applicable.

53 **STAFF RECOMMENDATION**

54 No Staff recommendation is being submitted.

55 **REQUESTED COUNCIL ACTION**

56 Consider amending City Code Chapter 302 to establish an on-sale brewer taproom liquor license category.

57

Prepared by: Chris Miller, Finance Director
Attachments: A: Proposed Ordinance to be considered at the Public Hearing
B: City Code Chapter 302
C: State Statute 340A.301, Subd. 6b.
D: State Statute 340A.504, Subd. 4.

58

City of Roseville
ORDINANCE NO.

Attachment A

AN ORDINANCE AMENDING
TITLE 3, SECTION 302,
Liquor Control

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 3, Section 302 of the Roseville City Code is amended to read as follows:

302.02: LICENSE REQUIRED:

In addition to the other requirements of state law or this chapter, the following regulations are applicable to off-sale intoxicating liquor licenses:

B. Types of Licenses:

1. Intoxicating liquor licenses shall be of ~~six~~ seven kinds: On-sale, On-Sale Wine, On-Sale Brewer Taproom, Club, Special Sunday, Off-sale, and Off-sale Brewery.

Subdivision F would be amended to read as:

- F. On-sale Brewer Taproom License: On-sale brewer tap room liquor licenses shall permit the licensee to sell intoxicating malt liquor that has been produced for consumption on the premises in accordance with MN Statutes 340A.301, subdivision 6(b). The license shall be exempt from any accompanying sale of food requirements contained in other on-sale license categories.

On-sale Brewer Taproom liquor licenses shall include the following restrictions:

1. {List restriction here}
2. {List restriction here}
3. {List restriction here}
4. {List restriction here}

All other subdivisions of 302.02 beginning with subdivision G (formerly subdivision F) are re-indexed accordingly.

302.09: HOURS OF SALE:

The hours for the sale of intoxicating or non-intoxicating liquor for consumption on the premises shall be those allowed under Minnesota Statute §340A.504. On-sale brewer taprooms shall be limited to those permitted under Minnesota Statute §340A.504, subd. 4. {Keep or strike??}

102 SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

103

104 Passed by the City Council of the City of Roseville this 16th day of July, 2012.

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108 (SEAL)

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CITY OF ROSEVILLE

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BY: _____

116

Daniel J. Roe, Mayor

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ATTEST:

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William J. Malinen, City Manager

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121

CHAPTER 302 LIQUOR CONTROL

SECTION:

- 302.01: Adoption of State Law
- * 302.02: License Required
- 302.03: Application
- 302.04: License Fees
- 302.05: Ineligibility
- 302.06: Delinquent Taxes and Charges
- 302.07: Granting of License
- 302.08: Conditions of License
- * 302.09: Hours of Sale
- 302.10: Evacuation of On-sale Establishments
- 302.11: Sale Outside of Structure on Licensed Premises
- 302.12: On-sale of Intoxicating Malt Liquor
- 302.13: Off-sale License Regulations
- 302.14: Prohibited Conduct
- 302.15: Civil Penalty

302.01: ADOPTION OF STATE LAW:

Except where inconsistent with this Chapter, the provisions of Minnesota Statutes, chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds and licenses, hours of sales and all other matters pertaining to the retail sale, distribution and consumption of non-intoxicating malt liquor, wine and intoxicating liquor are adopted and made a part of this Chapter as if set out in full. (Ord. 972, 5-13-85)

*** 302.02: LICENSE REQUIRED:**

- A. General Requirement: No person, except a wholesaler or manufacturer to the extent authorized under State license, shall directly or indirectly deal in, sell or keep for sale in the City any non-intoxicating malt liquor or intoxicating liquor without a license to do so as provided in this Chapter.
- B. Types of Licenses:
 - 1. Intoxicating liquor licenses shall be of six kinds: On-sale, On-sale Wine, Club, Special Sunday, Off-sale and Off-sale Brewery. (Ord.1406, 4-25-2011)
 - 2. Non-intoxicating malt liquor licenses shall be of two kinds: On-sale and Off-sale.
- C. Expiration: All intoxicating liquor and non-intoxicating malt liquor licenses shall expire on

December 31 of each year.

- D. **On-sale Intoxicating Liquor Licenses:** On-sale intoxicating liquor licenses shall be issued only to hotels and restaurants and shall permit On-sale of intoxicating liquor only, for consumption on the licensed premises only, in conjunction with the sale of food. For the purposes of this Chapter, the following definitions are adopted:
HOTEL: A hotel is any establishment having a resident proprietor or manager where, in consideration of payment, food and lodging are regularly furnished to transients, which maintains for the use of its guests not less than 50 guest rooms with bedding and other usual, suitable and necessary furnishings in each room, which is provided at the main entrance with a suitable lobby, desk and office for the registration of its guests, which employs an adequate staff to provide suitable and usual service and which maintains, under the same management and control as the rest of the establishment and has, as an integral part of the establishment, a dining room of at least one thousand 1,800 square feet. Such dining room shall have appropriate facilities for seating not less than one 100 guests at one time. Where the guest seating capacity is between 100 and 174, at least 50% of the gross sales of the restaurant portion of the establishment must be attributable to the service of meals. Where the seating capacity is 175 or more, at least 25% of the gross sales of the restaurant portion of the establishment must be attributable to the service of meals.
RESTAURANT: A restaurant is any establishment, other than a hotel, having appropriate facilities to serve meals, for seating not less than 100 guests at one time and where, in consideration of payment, meals are regularly served at tables to the general public and which employs an adequate staff for the usual and suitable service to its guests. Where the seating capacity of the establishment is between 100 and 174, at least 50% of the gross sales of the establishment must be attributable to the service of meals. Where the seating capacity is 175 or more, at least 25% of the gross sales of the establishment must be attributable to the service of meals.
- E. **On-sale Wine Licenses:** On-sale wine licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statutes 340A.404, subdivision 5, and shall permit only the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. To qualify for a license under this subsection, a restaurant must have appropriate facilities for seating at least 25 guests at a time, regularly serve meals at tables to the public for a charge and employ an adequate staff. (Ord. 972, 5-13-85)
- F. **Club License:** Club licenses for the sale of intoxicating beverages to be consumed on the licensed premises may be issued to any clubs meeting the requirements of Minnesota Statute 340A.404, subdivision 1. (1995 Code)
- G. **Special License for Sunday Sales:** A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant or club which has an On-sale license. A special Sunday license is not needed for Sunday sales of wine license.
- H. **Off-sale Intoxicating Liquor Licenses:** Off-sale licenses for the sale of intoxicating liquor shall permit the licensee to sell intoxicating liquor in original packages for consumption off the premises only. Such licenses may be issued in accordance with the provisions of this Chapter.
- I. **On-sale Non-intoxicating Malt Liquor Licenses:** On-sale licenses shall permit the licensee to sell non-intoxicating malt liquor for consumption on the premises only.

- J. Off-sale Non-intoxicating Malt Liquor Licenses: Off-sale licenses shall permit the licensee to sell non-intoxicating malt liquor in original packages for consumption off the premises only. (Ord. 972, 5-13-1985)
- K. Off-Sale Brewery Malt Liquor License: Off-sale brewery malt liquor licenses for the sale of intoxicating liquor shall permit the licensee to sell intoxicating liquor that has been produced and packaged on the licensed premises in accordance with MN Statutes 340A.301, subdivision 7(b). (Ord.1406, 4-25-2011)
- L. Temporary On-sale Licenses: Temporary On-sale licenses may be issued to a club or charitable, religious or nonprofit organization in existence for at least three years in connection with social events within the City, for up to three days in accordance with Minnesota Statutes section 340A.404, subdivision 10. (1995 Code)
- M. Temporary On-sale License In Central Park: Upon payment of the fee and submission of a completed application form, the City Manager is authorized to approve a temporary On-sale license for the sale and distribution of non-intoxicating malt liquor to a club, charitable, religious or other nonprofit organization in existence at least three years, for such sale and distribution in Central Park only for a time not to exceed three consecutive days, provided the following conditions are met:
 - 1. Insurance: Proof of liquor liability insurance in an amount equal to and in the form required by subsection 302.03C of this Chapter is filed with the application.
 - 2. Security Plan: A security plan, approved by the Chief of Police, is filed along with the application.
 - 3. Hours of Sale: In addition to the limitation on hours found elsewhere in this Code, the hours of sale shall be only during the time that Central Park is open to the public. Sales and distribution shall be located only in a shelter building or a temporary shelter, such as a tent, approved by the City Manager.
In the event the City Manager denies the application, for any reason, the applicant may appeal the decision of the City Manager to the City Council. (Ord. 1102, 9-23-1991)
- N. Intoxicating Liquors at The Roseville Skating Center: Intoxicating liquor may be sold within controlled areas at the Roseville Skating Center only under the following conditions:
 - 1. The intoxicating liquor may only be sold by the holder of a retail on-sale intoxicating liquor license issued by the City or by an adjacent municipality.
 - 2. The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the Roseville Skating Center for such event, and may dispense intoxicating liquor only to persons attending the event.
 - 3. The licensee must deliver to the City a certificate of insurance providing liquor liability coverage satisfactory to the City, naming the City of Roseville, to the full extent of statutory coverage, as an additional named insured.
 - 4. All other rules and regulations established by the City relating to the sale or dispensing of intoxicating liquor at the Roseville Skating Center are complied with.
(Ord. 972, 5-13-1985) (Ord.1398, 10-18-2010)

302.03: APPLICATION:

- A. Requirements: The requirements set forth in this Section shall apply to applications for those licenses named in Section 302.02 of this Chapter.
- B. Form:
 - 1. Information Required: Every application for a license under this Chapter shall state the

name of applicant, applicant's age, presentations as to applicant's character, with such references as the City Council may require, applicant's citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long applicant has been in that business at that place and such other information as the City Council may require from time to time.

2. Verification: In addition to containing such information, the application shall be in the form prescribed by the State Liquor Control Director and shall be verified and filed with the City Manager. No person shall make a false statement in an application.

3. Subsequent Data: From time to time, at the request of the City Manager, a licensee will provide data to the City concerning that portion of its revenue attributable to the sale of food and the sale of liquor and/or wine. (Ord. 972, 5-13-1985)

C. Liability Insurance:

1. Policy Limits: Prior to the issuance or renewal of a license under this Chapter, the applicant shall file with the City Manager a certificate of insurance in a form to be provided by the City covering liquor liability, loss of means of support and pecuniary loss in the amount of (\$500,000.00 of coverage because of bodily injury to any one person in any one occurrence; \$1,000,000.00 because of bodily injury to two or more persons in any one occurrence; \$100,000.00 because of injury to or destruction of property of others in any one occurrence; \$200,000.00 for loss of means of support or pecuniary loss to any one person in any one occurrence; and \$500,000.00 for loss of means of support or pecuniary loss for two or more persons in any one occurrence.

2. Annual Aggregate Limits: Annual aggregate limits as provided by Minnesota Statutes section 340A.409 shall not be less than \$1,000,000.00.

In the event such policy provides for (\$1,000,000.00 annual aggregate limits, said policy shall further require that in the event that the policy limits are reduced in any given year because of the \$1,000,000.00 annual aggregate policy limit, the insurance carrier shall provide the City with written notice of said reduction in policy limits within 30 days of said reduction becoming effective. (Ord. 1175, 10-28-1996)

3. Further Requirements: After the reduction becomes effective, the City Council may require the licensee to take further action with regard to liability insurance in order to protect citizens of the City during the period of the reduced aggregate policy limit.

4. Applicability: The requirements of this Section shall be applicable to new licenses issued after the effective date of this subsection and for renewals applied for after the effective date of this subsection. (Ord. 1046, 9-12-1988)

D. Approval of Insurance: Liability insurance policies shall be approved as to form by the City Attorney. Operation of a licensed business without having on file with the City, at all times, a certificate of insurance as required in subsection C of this Section is a cause for revocation of the license. All insurance policies shall state that the City will be given ten days' notice, in writing, of cancellation. (Ord. 972, 5-13-1985)

E. Insurance Not Required: Subsection C of this Section does not apply to licensees who by affidavit establish that they are not engaged in selling any intoxicating or non-intoxicating malt liquor in Central Park and that:

1. They are On-sale 3.2 percent malt liquor licensees with sales of less than \$10,000.00 of 3.2 percent malt liquor for the preceding year;

2. They are Off-sale 3.2 percent malt liquor licensees with sales of less than \$20,000.00 of

- 3.2 percent malt liquor for the preceding year;
- 3. They are holders of On-sale wine licenses with sales of less than \$10,000.00 for wine for the preceding year; or
- 4. They are holders of temporary wine licenses issued under law. (Ord. 1175, 10-28- 1996)

302.04: LICENSE FEES:

- A. Annually: Annual license fee shall be as established by the City Fee Schedule in Section 314.05. (Ord. 1379A, 11-17-2008)
- B. Fee:
 - 1. Payment: \$500.00 of the On-sale intoxicating liquor and wine licenses and the entire license fee for all other licenses shall be paid at the time of application. The remaining balance, if any, shall be paid prior to the time of issuance of the license.
 - 2. Refund: All fees shall be paid into the General Fund of the City. Upon rejection of any application for a license or upon the withdrawal of the application before approval of the issuance by the City Council, the license fee shall be refunded to the applicant except where the rejection is for willful misstatement on the license application.
 - 3. Proration: The fee for On-sale intoxicating liquor and On-sale wine licenses granted after the commencement of the license year shall be prorated on a monthly basis. The fee for On-sale non-intoxicating malt liquor licenses granted after the commencement of the license year shall be prorated on a quarterly basis.
 - 4. Investigation: At the time of each original application for a license, except special club, On-sale non-intoxicating malt liquor and Off-sale non-intoxicating malt liquor licenses, the applicant shall pay, in full, an investigation fee. The investigation fee shall be \$300.00. No investigation fee shall be refunded. (Ord. 972, 5-13-1985; amd. 1995 Code)

302.05: INELIGIBILITY:

No license shall be granted to any person made ineligible for such a license by state law⁵. (Ord. 972, 5-13-1985)

302.06: DELINQUENT TAXES AND CHARGES:

No license shall be granted for operation on any premises on which taxes, assessments or other financial claims of the city are delinquent and unpaid. (Ord. 972, 5-13-1985)

302.07: GRANTING OF LICENSE:

- A. Investigation and Issuance: The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the City Council shall, in its discretion, grant or refuse the application. At least ten days published notice of the hearing shall be given, setting forth the name of the applicant and the address of the premises to be licensed.
- B. Person and Premises Licensed; Transfer: Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another

⁵ M.S.A. §340A.402.

person or place without City Council approval. Before a transfer is approved, the transferee shall comply with the requirements for a new application. Any transfer of the controlling interest of a licensee is deemed a transfer of the license. Transfer of a license without prior City Council approval is a ground for revocation of the license. (Ord. 972, 5-13-1985) (Ord. 1390, 3-29-2010)

302.08: CONDITIONS OF LICENSE:

Every license is subject to the conditions in the following subsections and all other provisions of this chapter and any other applicable ordinance, state law or regulation:

- A. Licensee's Responsibility: Every licensee is responsible for the conduct of licensee's place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises, authorized to sell intoxicating liquor there, is deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee.
- B. Inspections: Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the city to enter, inspect and search the premises of the licensee during business hours without a warrant.
- C. Manager and Server Training: With the exception of temporary on-sale licenses issued pursuant to Section 302.02, subparts k and l, all licensees and their managers, and all employees or agents employed by the licensee that sell or serve alcohol, shall complete, to the City's satisfaction, a city approved or provided liquor licensee training program. Both the City's approval of the training and the required training shall be completed:
 - 1. Prior to licensure or renewal for licensees and managers, or
 - 2. Prior to serving or selling for any employee or agent, and
 - 3. Every year thereafter unless probationary extension is granted for hardship reasons.All licensees shall maintain documentation evidencing that this provision has been met, and produce such documentation as part of each application for licensure or renewal and upon reasonable request made by a peace officer, health officer or properly designated officer or employee of the city pursuant to the inspections provision noted above. An applicant's or licensee's failure to comply with this provision in its entirety is sufficient grounds for denial or non-renewal of a requested license. (Ord. 1243, 11-27-2000) (Ord. 1390, 3-29-2010)

*** 302.09: HOURS OF SALE:**

The hours for the sale of intoxicating or non-intoxicating liquor for consumption on the premises shall be those allowed under Minnesota Statute §340A.504. (Ord. 1290, 8-11-2003)

302.10: EVACUATION OF ON-SALE ESTABLISHMENTS:

- A. Thirty Minute Restriction: All patrons of an on-sale establishment selling intoxicating liquor or non-intoxicating malt liquor must vacate the premises within 30 minutes of the termination of sales by Minnesota Statute §340A.504. Any patron who remains on the licensed premises or any licensee or licensee's employee who allows a patron to remain on the licensed premises beyond the 30 minute limit is in violation of this subsection. (Ord. 1056, 3-16-1989) (Ord. 1290, 8-11-2003)
- B. Extension of Restriction for Sale of Food: If an on-sale establishment remains open for the

sale of food beyond the 30 minute evacuation limit, all intoxicating liquor and non-intoxicating malt liquor must be secured within the 30 minute limit in such a manner as to prevent consumption. Any patron who consumes intoxicating liquor or non-intoxicating malt liquor on the licensed premises or any licensee or employee of licensee who allows such consumption or allows intoxicating liquor or non-intoxicating malt liquor to remain unsecured on the licensed premises beyond the 30 minute limit is in violation of this subsection. (Ord. 1056, 3-16-1989)

302.11: SALE OUTSIDE OF STRUCTURE ON LICENSED PREMISES:

The sale of wine and intoxicating liquors, pursuant to any of the licenses issued in accordance with this chapter, shall be limited to sale and consumption inside of a structure on the licensed premises, unless the licensee applies for and receives permission from the City Council for sale and consumption outside of a structure on the licensed premises by an endorsement to the license. Issuance of an outside sale and consumption endorsement shall be accomplished as follows:

- A. Application: The licensee shall make written application using forms provided by the city and there shall be a nonrefundable application fee of twenty five dollars (\$25.00) at the time of making application.
- B. Notice: The owners of all property adjacent to the licensed premises will be given written notice of the fact that such an application has been made and of the date and time of the City Council meeting at which the application will be considered by the City Council.
- C. Endorsement: The City Council may, in its discretion, issue such an endorsement or refrain from issuing such an endorsement and may impose conditions to the endorsement such as, but not limited to, screening, time of day limitations and noise limitations. (Ord. 972, 5-13-1985)

302.12: ON-SALE OF INTOXICATING MALT LIQUOR:

The holder of an on-sale wine license who is also licensed to sell non-intoxicating malt liquor and whose gross receipts are at least 60% attributable to the sale of food may sell intoxicating malt liquor at on-sale without an additional license. (Ord. 1021, 9-28-1987)

302.13: OFF-SALE LICENSE REGULATIONS:

In addition to the other requirements of state law or this chapter, the following regulations are applicable to off-sale intoxicating liquor licenses:

- A. Number of Off-Sale Liquor Licenses:
 - 1. The number of Off-sale Liquor Licenses which may be issued is 10.
 - 2. The number of Off-sale Brewery Malt Liquor Licenses is not limited.(Ord. 1406, 4-25-2011)
- B. Use of License: If a license is not used within one year, the license shall automatically terminate.
- C. Size of Premises: A licensed premises shall have at least 1,600 square feet of sales floor space including sales coolers and excluding walk-in storage coolers.
- D. Considerations: In addition to the other requirements of this chapter and applicable state law in determining whether or not to issue an off-sale license for a particular premises, the City

Council shall consider all relevant factors relating to the health, safety and welfare of the citizens of the city such as, but not limited to, effect on market value of neighboring properties, proximity to churches and schools and effect on traffic and parking.

- E. Delivery of Alcoholic Beverages; Identification Required: A person authorized to serve, sell, or deliver alcoholic beverages must determine through legitimate proof of identification that all deliveries of wine, beer, and alcoholic beverages are accepted only by eligible persons who are 21 years of age or older.
- F. Delivery Records: Upon any delivery of alcoholic beverages off the licensed premises, the seller, purchaser, and delivery recipient (if other than the purchaser) must sign an itemized purchase invoice. The invoice shall detail the time, date, and place of delivery. The licensee must retain the delivery records for a period of one year. The records shall be open to inspection by any police officer or other designated officer or employee of the city at any time. (Ord. 1243, 11-27-2000)

302.14: PROHIBITED CONDUCT:

- A. Policy: Certain acts or conduct on premises licensed pursuant to this chapter or licensed pursuant to Minnesota statutes, chapter 340A, are deemed contrary to public welfare and are prohibited and no license issued pursuant to this chapter or licensed pursuant to Minnesota statutes, chapter 340A, may be held or maintained where such acts or conduct is permitted. (Ord. 808, 11-21-1977)
- B. Prohibited Conduct: The prohibited acts or conduct referred to in subsection A of this section are:
 - 1. The employing or use of any person in the sale or service of beverages in or upon the licensed premises where such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
 - 2. The employing or use of the services of any host or hostess while such host or hostess is unclothed or in such attire, costume or clothing as described in subsection B1 of this section.
 - 3. The encouraging or permitting of any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.
 - 4. The permitting of any employee or person to wear or use any device or covering exposed to view which simulates the breast, genitals, anus, pubic hair or any portion thereof.
 - 5. The permitting of any person to perform acts of or acts which simulate:
 - a. With or upon another person, sexual intercourse, sodomy, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - b. Masturbation or bestiality.
 - c. With or upon another person the touching, caressing or fondling of the buttocks, anus, genitals or female breast.
 - d. The displaying of the pubic hair, anus, vulva, genitals or female breasts below the top of the areola.
 - 6. The permitting of any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in subsections B5a through B5d of this section.
 - 7. The permitting of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.
 - 8. The permitting or showing of film, still pictures, electronic reproductions or other reproductions depicting:

- a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - b. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
 - c. Scenes wherein a person displays the vulva, or the anus or the genitals.
 - d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the activities described in subsections B1 through B7 of this section.
- C. Revocation of License: Any license issued pursuant to this chapter, licensed pursuant to Minnesota statutes, chapter 340A, shall be revoked if any of the acts of conduct described in this section occur on the licensed premises. (Ord. 808, 11-21-1977; amd. 1995 Code)

302.15: CIVIL PENALTY:

- A. Penalty For Noncompliance: In addition to any criminal penalties which may be imposed by a court of law, the City Council may suspend a license for up to 60 days, may revoke a license and/or may impose a civil fine on a licensee not to exceed \$2,000.00 for each violation on a finding that the license holder or its employee has failed to comply with a statute, rule or ordinance relating to alcoholic beverages, non-intoxicating malt liquor or wine.
- B. Minimum Penalty: The purpose of this section is to establish a standard by which the City Council determines the civil fine, the length of license suspensions and the propriety of revocations, and shall apply to all premises licensed under this chapter. These penalties are presumed to be appropriate for every case; however, the council may deviate in an individual case where the council finds that there exist certain extenuating or aggravating circumstances, making it more appropriate to deviate, such as, but not limited to, a licensee's efforts in combination with the state or city to prevent the sale of alcohol to minors or, in the converse, when a licensee has a history of repeated violations of state or local liquor laws. When deviating from these standards, the council will provide written findings that support the penalty selected. When a violation occurs, the staff shall provide information to the City Council to either assess the presumptive penalty or depart upward or downward based on extenuating or aggravating circumstances. The staff shall notify the licensee of the information being considered and acted upon by the City Council.

(1) Except as otherwise provided in this Chapter, the following violations will subject the licensee to the following administrative penalties:

OFF SALE - Type of Violation	1st Violation	2nd Violation	3rd Violation	4th Violation
Sale of alcoholic beverage to a person under the age of 21	\$1,000 and 0 day suspension	\$2,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation
Sale of alcoholic beverage to an obviously intoxicated person	\$1,000 and 1 day suspension	\$2,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation

Refusal to allow City inspectors or police admission to premises	\$1,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation	N/A
After hours sale, possession by a patron or consumption of alcoholic beverages	\$1,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation	N/A
Illegal gambling on premises	\$1,000 and 3 day suspension	\$2,000 and 7 day suspension	Revocation	N/A
Sale of alcoholic beverages while license is under suspension	30 day suspension	Revocation	N/A	N/A
Commission of a felony related to licensed activity	Revocation	N/A	N/A	N/A

(Ord. 1408, 5-16-2011)

ON SALE & 3.2 - Type of Violation	1st Violation	2nd Violation	3rd Violation	4th Violation
Sale of alcoholic beverage to a person under the age of 21	\$1,000 and 1 day suspension	\$2,000 and 5 day suspension	\$2,000 and 15 day suspension	Revocation
Sale of alcoholic beverage to an obviously intoxicated person	\$1,000 and 1 day suspension	\$2,000 and 5 day suspension	\$2,000 and 15 day suspension	Revocation
Failure of an on-sale licensee to take reasonable steps to prevent a person from leaving the premises with an alcoholic beverage (on-sale allowing off-sale)	\$1,000 and 1 day suspension	\$2,000 and 5 day suspension	\$2,000 and 15 day suspension	Revocation
Refusal to allow City inspectors or police admission to premises	\$1,000 and 7 day suspension	\$2,000 and 14 day suspension	Revocation	N/A
After hours sale, possession by a patron or consumption of alcoholic beverages	\$1,000 and 7 day suspension	\$2,000 and 14 day suspension	Revocation	N/A
Illegal gambling on premises	\$1,000 and 7 day suspension	\$2,000 and 14 day suspension	Revocation	N/A
Sale of alcoholic beverages while license is under suspension	60 day suspension	Revocation	N/A	N/A
Sale of intoxicating liquor with only 3.2 percent malt liquor license	Revocation	N/A	N/A	N/A
Commission of a felony related to licensed activity	Revocation	N/A	N/A	N/A

(Ord. 1408, 5-16-2011)

(2) Any prior violation that occurred more than 36 calendar months immediately preceding the most current violation will not be considered in determining successive violations.

(3) In addition to the administrative penalties identified above, the city may in appropriate circumstances choose to not renew a license at the end of its current term for non-compliance with any provision of this Chapter or for any other reason allowed by law.

(Ord. 1390, 3-29-2010) (Ord. 1422, 11-28-2011)

- C. Hearing and Notice: If, after considering the staff's information, the City Council proposes to suspend, revoke or not renew a license, the licensee shall be provided written notice of the City Council's proposed action and shall be given the opportunity to request a hearing on the proposed penalty by providing the City a written notice requesting a hearing within ten days of the mailing of the notice of the City Council's proposed action. The notice of the proposed action of the City Council shall state the reasons for such suspension, revocation, or non-renewal and the action the City Council proposes to take, shall inform the licensee of the right to request a hearing prior to the action being final, and shall inform the licensee of the date the City Council's proposed action will be considered a final decision if a hearing is not requested. Any hearing, if requested, will be conducted in accordance with Minnesota statutes section 340A.415 and sections 14.57 to 14.69 of the Administrative Procedures Act ("APA"). If a hearing is requested, the licensee shall be provided a hearing notice at least ten days prior to the hearing, which shall state the date, time and place of the hearing and the issues involved in the hearing. An independent hearing officer shall be selected by the City Council to conduct the hearing and shall make a report and recommendation to the City Council pursuant to the provisions of the APA. The City Council shall consider the independent hearing examiner's recommendation and issue its final decision on the suspension or revocation. (Ord. 1243, 11-27-2000; Ord. 1280, 3-31-03) (Ord, 1336, 5-08-2006) (Ord. 1422, 11-28-2011)

* **340A.301 MANUFACTURERS AND WHOLESALERS LICENSES.**

Subdivision 1. **Licenses required.** No person may directly or indirectly manufacture or sell at wholesale intoxicating liquor, or 3.2 percent malt liquor without obtaining an appropriate license from the commissioner, except where otherwise provided in this chapter. A manufacturer's license includes the right to import. A licensed brewer may sell the brewer's products at wholesale only if the brewer has been issued a wholesaler's license. The commissioner shall issue a wholesaler's license to a brewer only if (1) the commissioner determines that the brewer was selling the brewer's own products at wholesale in Minnesota on January 1, 1991, or (2) the brewer has acquired a wholesaler's business or assets under subdivision 7a, paragraph (c) or (d). A licensed wholesaler of intoxicating malt liquor may sell 3.2 percent malt liquor at wholesale without an additional license.

Subd. 2. **Persons eligible.** Licenses under this section may be issued only to a person who:

(1) is of good moral character and repute;

(2) is 21 years of age or older;

(3) has not had a license issued under this chapter revoked within five years of the date of license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; and

(4) has not been convicted within five years of the date of license application of a felony, or of a willful violation of a federal or state law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of alcoholic beverages. The Alcohol and Gambling Enforcement Division may require that fingerprints be taken and may forward the fingerprints to the Federal Bureau of Investigation for purposes of a criminal history check.

Subd. 3. **Application.** An application for a license under this section must be made to the commissioner on a form the commissioner prescribes and must be accompanied by the fee specified in subdivision 6. If an application is denied, \$100 of the amount of any fee exceeding that amount shall be retained by the commissioner to cover costs of investigation.

Subd. 4. **Bond.** The commissioner may not issue a license under this section to a person who has not filed a bond with corporate surety, or cash, or United States government bonds payable to the state. The proof of financial responsibility must be approved by the commissioner before the license is issued. The bond must be conditioned on the licensee obeying all laws governing the business and paying when due all taxes, fees, penalties and other charges, and must provide that it is forfeited to the state on a violation of law. This subdivision does not apply to a Minnesota farm winery, licensed under section 340A.315, that is in existence as of January 1, 2010. Bonds must be in the following amounts:

Manufacturers and wholesalers of intoxicating liquor except as provided in this subdivision	\$	10,000
Manufacturers and wholesalers of wine up to 25 percent alcohol by weight	\$	5,000
Manufacturers and wholesalers of beer of more than 3.2 percent alcohol by weight	\$	1,000

Manufacturers and wholesalers of fewer than 20,000 proof gallons	\$ 2,000
Manufacturers and wholesalers of 20,000 to 40,000 proof gallons	\$ 3,000

Subd. 5. **Period of license.** Licenses issued under this section are valid for one year except that to coordinate expiration dates initial licenses may be issued for a shorter period.

Subd. 6. **Fees.** The annual fees for licenses under this section are as follows:

(a) Manufacturers (except as provided in clauses (b) and (c))	\$ 30,000
Duplicates	\$ 3,000
(b) Manufacturers of wines of not more than 25 percent alcohol by volume	\$ 500
(c) Brewers who manufacture more than 3,500 barrels of malt liquor in a year	\$ 4,000
(d) Brewers who also hold one or more retail on-sale licenses and who manufacture fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted in subdivision 7. A brewer licensed under this clause must obtain a separate license for each licensed premises where the brewer brews malt liquor. A brewer licensed under this clause may not be licensed as an importer under this chapter	\$ 500
(e) Wholesalers (except as provided in clauses (f), (g), and (h))	\$ 15,000
Duplicates	\$ 3,000
(f) Wholesalers of wines of not more than 25 percent alcohol by volume	\$ 3,750
(g) Wholesalers of intoxicating malt liquor	\$ 1,000
Duplicates	\$ 25
(h) Wholesalers of 3.2 percent malt liquor	\$ 10
(i) Brewers who manufacture fewer than 2,000 barrels of malt liquor in a year	\$ 150
(j) Brewers who manufacture 2,000 to 3,500 barrels of malt liquor in a year	\$ 500

If a business licensed under this section is destroyed, or damaged to the extent that it cannot be carried on, or if it ceases because of the death or illness of the licensee, the commissioner may refund the license fee for the balance of the license period to the licensee or to the licensee's estate.

Subd. 6a. **Permits and fees.** Any person engaged in the purchase, sale, or use for any purpose other than personal consumption of intoxicating alcoholic beverages or ethyl alcohol shall obtain the appropriate regulatory permit and identification card from the commissioner as provided in this subdivision. The fee for each permit, other than one issued to a state or federal agency, is \$35 and must be submitted together with the appropriate application form provided by the commissioner. Identification cards and permits must be issued for a period coinciding with that of the appropriate state or municipal license and are not transferable. In instances where there is no annual license period, cards and permits expire one year after the date of issuance. The authority to engage in the purchase, sale, or use granted by the card or permit may be revoked by the commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of chapter 340A or any rule of the commissioner made pursuant to law.

* Subd. 6b. **Brewer taproom license.** (a) A municipality may issue the holder of a brewer's license under subdivision 6, clause (c), (i), or (j), a brewer taproom license. A brewer taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer. Nothing in this subdivision precludes the holder of a brewer taproom license from also holding a license to operate a restaurant at the brewery. Section 340A.409 shall apply to a license issued under this subdivision. All provisions of this chapter that apply to a retail liquor license shall apply to a license issued under this subdivision unless the provision is explicitly inconsistent with this subdivision.

(b) A brewer may only have one taproom license under this subdivision, and may not have an ownership interest in a brewery licensed under subdivision 6, clause (d).

(c) A municipality may not issue a brewer taproom license to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.

(d) The municipality shall impose a licensing fee on a brewer holding a brewer taproom license under this subdivision, subject to limitations applicable to license fees under section 340A.408, subdivision 2, paragraph (a).

(e) A municipality shall, within ten days of the issuance of a license under this subdivision, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The municipality shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period.

Subd. 6c. **Microdistillery fee.** The commissioner shall establish a fee for licensing microdistilleries that adequately covers the cost of issuing the license and other inspection requirements. The fees shall be deposited in an account in the special revenue fund and are appropriated to the commissioner for the purposes of this subdivision.

Subd. 7. **Interest in other business.** (a) Except as provided in this subdivision, a holder of a license as a manufacturer, brewer, importer, or wholesaler may not have any ownership, in whole or in part, in a business holding a retail intoxicating liquor or 3.2 percent malt liquor license. The commissioner may not issue a license under this section to a manufacturer, brewer, importer, or wholesaler if a retailer of intoxicating liquor has a direct or indirect interest in the manufacturer, brewer, importer, or wholesaler. A manufacturer or wholesaler of intoxicating liquor may use or have property rented for retail intoxicating liquor sales only if the manufacturer or wholesaler has

owned the property continuously since November 1, 1933. A retailer of intoxicating liquor may not use or have property rented for the manufacture or wholesaling of intoxicating liquor.

(b) A brewer licensed under subdivision 6, clause (d), may be issued an on-sale intoxicating liquor or 3.2 percent malt liquor license by a municipality for a restaurant operated in the place of manufacture. Notwithstanding section 340A.405, a brewer who holds an on-sale license issued pursuant to this paragraph or a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year may, with the approval of the commissioner, be issued a license by a municipality for off-sale of malt liquor produced and packaged on the licensed premises. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. The malt liquor shall be packaged in 64-ounce containers commonly known as "growlers" or in 750 milliliter bottles. The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extend over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brewer selling the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100. A brewer's total retail sales at on- or off-sale under this paragraph may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels. A brewer licensed under subdivision 6, clause (d), may hold or have an interest in other retail on-sale licenses, but may not have an ownership interest in whole or in part, or be an officer, director, agent, or employee of, any other manufacturer, brewer, importer, or wholesaler, or be an affiliate thereof whether the affiliation is corporate or by management, direction, or control. Notwithstanding this prohibition, a brewer licensed under subdivision 6, clause (d), may be an affiliate or subsidiary company of a brewer licensed in Minnesota or elsewhere if that brewer's only manufacture of malt liquor is:

- (i) manufacture licensed under subdivision 6, clause (d);
- (ii) manufacture in another state for consumption exclusively in a restaurant located in the place of manufacture; or
- (iii) manufacture in another state for consumption primarily in a restaurant located in or immediately adjacent to the place of manufacture if the brewer was licensed under subdivision 6, clause (d), on January 1, 1995.

(c) Except as provided in subdivision 7a, no brewer as defined in subdivision 7a or importer may have any interest, in whole or in part, directly or indirectly, in the license, business, assets, or corporate stock of a licensed malt liquor wholesaler.

Subd. 7a. Permitted interests in wholesale business. (a) A brewer may financially assist a wholesaler of malt liquor through participation in a limited partnership in which the brewer is the limited partner and the wholesaler is the general partner. A limited partnership authorized in this paragraph may not exist for more than ten years from the date of its creation, and may not, directly or indirectly, be recreated, renewed, or extended beyond that date.

(b) A brewer may financially assist a malt liquor wholesaler and collateralize the financing by taking a security interest in the inventory and assets, other than the corporate stock, of the

wholesaler. A financial agreement authorized by this paragraph may not be in effect for more than ten years from the date of its creation and may not be directly or indirectly extended or renewed.

(c) A brewer who, after creation of a financial agreement authorized by paragraph (b), or after creation of a limited partnership authorized in paragraph (a), acquires legal or equitable title to the wholesaler's business which was the subject of the agreement or limited partnership, or to the business assets, must divest the business or its assets within two years of the date of acquiring them. A malt liquor wholesaler whose business or assets are acquired by a brewer as described in this paragraph may not enter into another such financial agreement, or participate in another such limited partnership, for 20 years from the date of the acquisition of the business or assets.

(d) A brewer may have an interest in the business, assets, or corporate stock of a malt liquor wholesaler as a result of (1) a judgment against the wholesaler arising out of a default by the wholesaler or (2) acquisition of title to the business, assets, or corporate stock as a result of a written request of the wholesaler. A brewer may maintain ownership of or an interest in the business, assets, or corporate stock under this paragraph for not more than two years and only for the purpose of facilitating an orderly transfer of the business to an owner not affiliated with the brewer.

(e) A brewer may continue to maintain an ownership interest in a malt liquor wholesaler if it owned the interest on January 1, 1991.

(f) A brewer that was legally selling the brewer's own products at wholesale in Minnesota on January 1, 1991, may continue to sell those products at wholesale in the area where it was selling those products on that date.

(g) A brewer that manufactures malt liquor in Minnesota may, if the brewer does not manufacture in Minnesota in any year more than 25,000 barrels of malt liquor or its metric equivalent, own or have an interest in a malt liquor wholesaler that sells only the brewer's products.

(h) When the commissioner issues a license to a malt liquor wholesaler described in paragraph (a) or (b), the commissioner may issue the license only to the entity which is actually operating the wholesale business and may not issue the license to a brewer that is a limited partner under paragraph (a) or providing financial assistance under paragraph (b) unless the brewer has acquired a wholesaler's business or assets under paragraph (c) or (d).

(i) For purposes of this subdivision and subdivision 7, clause (c), "brewer" means:

(1) a holder of a license to manufacture malt liquor;

(2) an officer, director, agent, or employee of such a license holder; and

(3) an affiliate of such a license holder, regardless of whether the affiliation is corporate or by management, direction, or control.

Subd. 8. Sales without license. A licensed brewer may without an additional license sell malt liquor to employees or retired former employees, in amounts of not more than 768 fluid ounces in a week for off-premise consumption only. A collector of commemorative bottles, those terms are as defined in section 297G.01, subdivisions 4 and 5, may sell them to another collector without a license. It is also lawful for a collector of beer cans to sell unopened cans of a brand which has not been sold commercially for at least two years to another collector without obtaining a license. The amount sold to any one collector in any one month shall not exceed 768 fluid ounces. A licensed manufacturer of wine containing not more than 25 percent alcohol by

volume nor less than 51 percent wine made from Minnesota-grown agricultural products may sell at on-sale or off-sale wine made on the licensed premises without a further license.

Subd. 9. **Unlicensed manufacture.** Nothing in this chapter requires a license for the natural fermentation of fruit juices or brewing of beer in the home for family use.

Subd. 10. [Repealed, 1995 c 198 s 17]

History: 1985 c 305 art 5 s 1; 1985 c 308 s 1; 1Sp1985 c 16 art 2 s 3 subd 1; 1986 c 330 s 4; 1987 c 152 art 1 s 1; 1987 c 249 s 1,2; 1990 c 554 s 4-6; 1991 c 249 s 1,31; 1992 c 513 art 3 s 53; 1993 c 350 s 7; 1994 c 611 s 7-9; 1995 c 198 s 4,5; 1996 c 418 s 1; 1997 c 179 art 2 s 2; 2002 c 321 s 5; 2003 c 126 s 2,3; 1Sp2003 c 2 art 4 s 23; 2005 c 25 s 1,2; 2005 c 131 s 1,2; 2005 c 136 art 8 s 12; 2006 c 210 s 3; 2007 c 89 s 3; 2009 c 120 s 2; 2011 c 55 s 3-5

340A.504 HOURS AND DAYS OF SALE.

Subdivision 1. **3.2 percent malt liquor.** No sale of 3.2 percent malt liquor may be made between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 2:00 a.m. and 10:00 a.m. on Sunday.

Subd. 2. **Intoxicating liquor; on-sale.** No sale of intoxicating liquor for consumption on the licensed premises may be made:

- (1) between 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;
- (2) after 2:00 a.m. on Sundays, except as provided by subdivision 3.

Subd. 2a. **Certain dispensing exempt.** Where a hotel possessing an on-sale intoxicating liquor license places containers of intoxicating liquor in cabinets in hotel rooms for the use of guests staying in those hotel rooms, and a charge is made for withdrawals from those cabinets, the dispensing of intoxicating liquor from those cabinets does not constitute a sale for purposes of subdivision 2.

Subd. 3. **Intoxicating liquor; Sunday sales; on-sale.** (a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays.

(b) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.

(c) A city may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the city voting on the question at a general or special election. A county may issue a Sunday intoxicating liquor license in a town only if authorized to do so by the voters of the town as provided in paragraph (d). A county may issue a Sunday intoxicating liquor license in unorganized territory only if authorized to do so by the voters of the election precinct that contains the licensed premises, voting on the question at a general or special election.

(d) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

(e) Voter approval is not required for licenses issued by the Metropolitan Airports Commission or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor on Sunday must obtain a Sunday license from the commissioner at an annual fee of \$75, plus \$30 for each duplicate.

Subd. 4. **Intoxicating liquor; off-sale.** No sale of intoxicating liquor may be made by an off-sale licensee:

- (1) on Sundays;
- (2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;
- (3) on Thanksgiving Day;
- (4) on Christmas Day, December 25; or
- (5) after 8:00 p.m. on Christmas Eve, December 24.

Subd. 5. **Bottle clubs.** No establishment licensed under section 340A.414, may permit a person to consume or display intoxicating liquor, and no person may consume or display intoxicating liquor between 1:00 a.m. and 12:00 noon on Sundays, and between 1:00 a.m. and 8:00 a.m. on Monday through Saturday.

Subd. 6. **Municipalities may limit hours.** A municipality may further limit the hours of on and off sales of alcoholic beverages, provided that further restricted on-sale hours for intoxicating liquor must apply equally to on-sale hours of 3.2 percent malt liquor. A city may not permit the sale of alcoholic beverages during hours when the sale is prohibited by this section.

Subd. 7. **Sales after 1:00 a.m.; permit fee.** (a) No licensee may sell intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the licensee has obtained a permit from the commissioner. Application for the permit must be on a form the commissioner prescribes. Permits are effective for one year from date of issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in which the permit is issued, and is at the following rates:

- (1) up to \$100,000 in gross receipts, \$300;
- (2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and
- (3) over \$500,000 in gross receipts, \$1,000.

For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale for a full 12 months prior to the month in which the permit is issued, the fee is \$200. For a retailer of 3.2 percent malt liquor, the fee is \$200.

(b) The commissioner shall deposit all permit fees received under this subdivision in the alcohol enforcement account in the special revenue fund.

(c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish to the commissioner the information necessary to administer and enforce this subdivision.

History: 1985 c 139 s 1; 1985 c 305 art 7 s 4; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 5 s 4; 1987 c 152 art 1 s 1; 1988 c 420 s 1; 1989 c 49 s 3-5; 1990 c 554 s 14; 1991 c 249 s 21,22,31; 1992 c 513 art 3 s 60; 1994 c 611 s 26; 1997 c 129 art 1 s 8; 2002 c 318 s 2; 2003 c 126 s 10-12; 1Sp2003 c 19 art 2 s 59,79; 2005 c 131 s 8-10; 2005 c 136 art 8 s 18,19; 2006 c 210 s 13

Date: July 16, 2012

Item: 12.a

Consider Brewery Taproom
License Ordinance

See Materials under 11.a


REQUEST FOR COUNCIL ACTION

Date: 7/16/12
Item No.: 12.b

Department Approval



City Manager Approval



Item Description: Authorize the City Attorney to File an Objection to the Rice St. Interchange Project Community Requested Facilities Surcharge with the Public Utilities Commission

2 **BACKGROUND**

8 The Cities of Roseville and Little Canada jointly requested Xcel to underground the overhead
9 electric lines on Rice St. as a part of the Ramsey County led interchange project which was
10 constructed in 2010-2011. The City of Roseville chose to fund the undergrounding through the
11 Public Utilities Commission authorized Community Requested Facilities Surcharge. The
12 surcharge process allows for Xcel to set the final surcharge amount based on their actual
13 construction cost plus carrying charges.

15 Xcel Energy provided a preliminary estimate of \$574,300 to bury the power lines from County
16 Road B to County Road B-2. The final costs for the initial undergrounding as submitted by Xcel
17 were \$714,025. In addition Xcel is claiming added costs for scope changes which were incurred
18 due to having to relocate a portion of the newly undergrounded facilities when it was determined
19 they were in conflict with the County construction. Staff has received County project records
20 that indicate Xcel's contractor did not locate the new facilities according to their permit from
21 MnDOT per the project plans and survey information provided to them by the project team.

19 Staff has repeatedly requested Xcel's documentation of this issue that exonerates their contractor
20 and have received a response that they will not provide it. Xcel has stated our opportunity to
21 challenge the costs per PUC rules is to file an objection within 60 days of the notice of CRFS
22 implementation.

20 **FINANCIAL IMPACTS**

24 The per residential customer cost at this time filed with the PUC is \$0.75 per month for three
25 years. The original estimate prior to construction from Xcel was \$0.44 per month on a
26 residential customer bill. Xcel is claiming \$115,514 of additional costs to the project for scope
27 changes which we are disputing based on the documentation for the project.

25 **STAFF RECOMMENDATION**

29 Staff recommends the City Council authorize the City Attorney to file an objection with the
30 Public Utilities Commission as set forth the CRFS rules challenging the final costs based on
31 project documentation indicating Xcel's contractor being at fault for the additional work to
32 correct the conflicts with the County's project.

30 **REQUESTED COUNCIL ACTION**

31 Motion authorizing the City Attorney to file an objection with the Public Utilities Commission

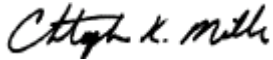
31 regarding the final costs and surcharge amount for the Rice St. overhead electric undergrounding
32 project.

Prepared by: Duane Schwartz, Public Works Director


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 07/16/12
Item No.: 12.c

Department Approval



City Manager Approval



Item Description: Consider Approving a Joint Powers Agreement with the City of St. Francis

1 **BACKGROUND**

2 Minnesota State Statute 471.59 authorizes political subdivisions of the State to enter into joint powers
3 agreements (JPA) for the joint exercise of powers that are common to each. Over the past several months,
4 the City of St. Francis and the City of Roseville have held on-going discussions in regards to the sharing of
5 information technology support services.

6
7 The City of Roseville currently employs nine full-time employees and one part-time employee to
8 administer the information systems for the City of Roseville and twenty five (25) other municipal and
9 governmental agencies. The proposed JPA with the City of St. Francis is similar to the other Agreements in
10 both structure and substance.

11
12 The attached JPA has been approved by the City of St. Francis and is awaiting approval from the Roseville
13 City Council.

14 **POLICY OBJECTIVE**

15 Joint cooperative ventures are consistent with past practices as well as the goals and strategies outlined in
16 the Imagine Roseville 2025 process.

17 **FINANCIAL IMPACTS**

18 The proposed JPA provides non-tax revenues to support City operations. The hourly rates charged to other
19 cities or entities are more than the cost of a City employee; yet substantially lower than could be obtained
20 from private companies – hence the value to other cities is greater.

21
22 There is no budget impact. The presence of the JPA along with existing revenue sources is sufficient to
23 fund the City’s added personnel and related information systems costs related to the contracted services.

24 **STAFF RECOMMENDATION**

25 Staff recommends the Council approve the attached JPA.
26

27 **REQUESTED COUNCIL ACTION**

28 Approve the attached JPA with the City of St. Francis for the purposes of providing information technology
29 support services.

30

Prepared by: Chris Miller, Finance Director

Attachments: A: JPA with the City of St. Francis

31

**JOINT POWERS AGREEMENT
FOR THE CITY OF ROSEVILLE EXTENSION OF MIS SERVICES AND
SUPPORT TO CITY OF SAINT FRANCIS**

THIS AGREEMENT, entered into by and between the **CITY OF ROSEVILLE**, a Minnesota municipal corporation (“Roseville”), and **CITY OF SAINT FRANCIS** a Minnesota municipal corporation (“Saint Francis”), is effective upon the execution of this Agreement by the named officers of both entities.

RECITALS

WHEREAS, Roseville has an established Information Technology Department and technical employees that are able to provide the services requested by Saint Francis, and;

WHEREAS, Roseville has an existing Microsoft Windows Active Directory networking domain including Microsoft Exchange messaging systems;

WHEREAS, Saint Francis is in need of information technology and network related services and support, and;

WHEREAS, Minnesota Statute 471.59 authorizes political subdivisions of the State to enter into Joint Powers Agreements for the joint exercise of powers common to each.

NOW, THEREFORE, it is mutually stipulated and agreed to as follows:

1. SERVICES.

A. Roseville shall provide qualified management information systems employees of Roseville (“Employees”) to perform computer, network and related technical services required by Saint Francis. These services include the following:

- User access to Active Directory services, including MS Exchange Messaging and SharePoint Services, subject to global security policies and procedures.
- Technical support for issues not resolvable in-house.

- Necessary network licenses to access Active Directory services and Exchange messaging application.
- Desktop Antivirus Management, Licensing, and Support

Support of systems to be provided by Roseville is generally within normal working hours of 8:00 a.m. until 4:30 p.m. Monday through Friday. However considerations will be made for emergency situations and system upgrades which would require off hours support.

B. Roseville shall be solely responsible for compensating the assigned Employee(s) engaged in providing computer and technical services under this Agreement, including any overtime wages incurred, as well as any insurance or employee benefits provided under the policies or agreements of Roseville. In addition, Roseville shall be solely responsible for worker's compensation, reemployment insurance benefits, and other employee related laws, including OSHA, ERISA, RLSA, and FMLA. Roseville shall retain the authority to control the employees, including the right to hire, fire and discipline them.

C. Saint Francis will provide the necessary office, equipment, and supplies for the assigned Employee(s) to provide the services required hereunder and will bear all costs attendant thereto. Saint Francis is responsible for any additional licensing, software, and hardware necessary to operate and access network servers and other related equipment owned by Saint Francis.

D. The City Administrator, or his designee, of Saint Francis shall communicate scheduling of work to be performed by the assigned Employee(s).

2. PAYMENT. Saint Francis will compensate Roseville for services rendered under this agreement in the annual amount of FORTY THOUSAND ONE HUNDRED SEVENTEEN and No/100 Dollars (\$40,117.00) for services rendered based on the adopted

2013-2014 Cost Distribution Table. Annual adjustments will be presented to Saint Francis as part of an established budget review process. All proposed increases are to be presented to Saint Francis no later than June 1st of each year. Saint Francis shall make monthly payments, upon presentation by Roseville of a monthly billing equal to one-twelfth (1/12th) of the annual amount herein stated.

3. INDEMNIFICATION. Roseville agrees to assume sole liability for any negligent or intentional acts of the assigned Employee(s) while performing the assigned duties within the jurisdiction of either city. Each city agrees to indemnify, defend, and hold harmless the other from any claims, causes of action, damages, loss, cost or expenses including reasonable attorney's fees resulting from or related to the actions of each city, its officers, agents or employees in the execution of the duties outlined in this Agreement, except as qualified by the previous sentence.

4. TERMINATION, SEPARABILITY.

A. This Agreement may be terminated by either party upon ninety (90) days' notice provided to the respective City Manager of Roseville or City Administrator of Saint Francis.

B. Upon termination no further amounts shall be due and payable by Saint Francis to Roseville under Section 2 of this agreement and any and all records or property of the respective cities will be returned to the appropriate city within 90 days.

C. This Agreement is governed by the laws of the State of Minnesota.

D. In the event that any provision of this Agreement is held invalid, the other provisions remain in full force and effect.

E. This agreement may not be assigned by any party without the prior consent of the other party.

IN WITNESS WHEREOF, the City of Roseville and City of Saint Francis have caused this Agreement to be duly executed effective on the day and year last entered below.

Dated: _____

CITY OF ROSEVILLE

By: _____
Dan Roe
Its Mayor

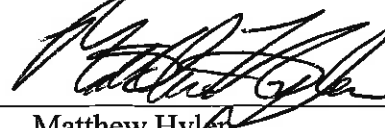
By: _____
William J. Malinen
Its City Manager

Dated: _____

CITY OF SAINT FRANCIS

By: _____

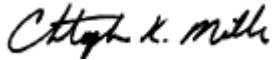
Jerry Tveit
Its Mayor

By: _____

Matthew Hyle
Its City Administrator


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 07/16/12
Item No.: 12.d

Department Approval



City Manager Approval



Item Description: Consider Approving a Joint Powers Agreement with the City of Anoka

1 **BACKGROUND**

2 Minnesota State Statute 471.59 authorizes political subdivisions of the State to enter into joint powers
3 agreements (JPA) for the joint exercise of powers that are common to each. Over the past several months,
4 the City of Anoka and the City of Roseville have held on-going discussions in regards to the sharing of
5 information technology support services.

6
7 The City of Roseville currently employs nine full-time employees and one part-time employee to
8 administer the information systems for the City of Roseville and twenty five (25) other municipal and
9 governmental agencies. The proposed JPA with the City of Anoka is similar to the other Agreements in
10 both structure and substance.

11
12 The attached JPA has been approved by the City of Anoka and is awaiting approval from the Roseville City
13 Council.

14 **POLICY OBJECTIVE**

15 Joint cooperative ventures are consistent with past practices as well as the goals and strategies outlined in
16 the Imagine Roseville 2025 process.

17 **FINANCIAL IMPACTS**

18 The proposed JPA provides non-tax revenues to support City operations. The hourly rates charged to other
19 cities or entities are more than the cost of a City employee; yet substantially lower than could be obtained
20 from private companies – hence the value to other cities is greater.

21
22 There is no budget impact. The presence of the JPA along with existing revenue sources is sufficient to
23 fund the City’s added personnel and related information systems costs related to the contracted services.

24 **STAFF RECOMMENDATION**

25 Staff recommends the Council approve the attached JPA.
26

27 **REQUESTED COUNCIL ACTION**

28 Approve the attached JPA with the City of Anoka for the purposes of providing information technology
29 support services.

30

Prepared by: Chris Miller, Finance Director

Attachments: A: JPA with the City of Anoka

31

**JOINT POWERS AGREEMENT
FOR THE CITY OF ROSEVILLE EXTENSION OF INFORMATION
TECHNOLOGY SERVICES AND SUPPORT TO CITY OF ANOKA**

THIS AGREEMENT, entered into by and between the **CITY OF ROSEVILLE**, a Minnesota municipal corporation (“Roseville”), and **CITY OF ANOKA** a Minnesota municipal corporation (“Anoka”), is effective upon the execution of this Agreement by the named officers of both entities.

RECITALS

WHEREAS, Roseville has an established Information Technology Department and technical employees that are able to provide the services requested by Anoka, and;

WHEREAS, Roseville has an existing Microsoft Windows Active Directory networking domain including Microsoft Exchange messaging systems;

WHEREAS, Anoka is in need of information technology and network related services and support, and;

WHEREAS, Minnesota Statute 471.59 authorizes political subdivisions of the State to enter into Joint Powers Agreements for the joint exercise of powers common to each.

NOW, THEREFORE, it is mutually stipulated and agreed to as follows:

1. SERVICES.

A. Roseville shall provide qualified management information systems employees of Roseville (“Employees”) to perform computer, network and related technical services required by Anoka. These services include the following:

- User access to Active Directory services, including MS Exchange Messaging and SharePoint Services, subject to global security policies and procedures.

- Technical support for city-owned network and computing equipment.
- Necessary network licenses to access Active Directory services and Exchange messaging application.
- Desktop Antivirus Management, Licensing, and Support
- Primary Internet Access (Does not include any remote VPN over Internet sites)

Support of systems to be provided by Roseville is generally within normal working hours of 7:00 a.m. until 6:00 p.m. Monday through Friday. However considerations will be made for emergency situations and system upgrades which would require off hours support.

B. Roseville shall be solely responsible for compensating the assigned Employee(s) engaged in providing computer and technical services under this Agreement, including any overtime wages incurred, as well as any insurance or employee benefits provided under the policies or agreements of Roseville. In addition, Roseville shall be solely responsible for worker's compensation, reemployment insurance benefits, and other employee related laws, including OSHA, ERISA, RLSA, and FMLA. Roseville shall retain the authority to control the employees, including the right to hire, fire and discipline them.

C. Anoka will provide the necessary office, equipment, and supplies for the assigned Employee(s) to provide the services required hereunder and will bear all costs attendant thereto. Anoka is responsible for any additional licensing, software, and hardware necessary to operate and access network servers and other related equipment owned by Anoka.

D. The City Administrator, or his designee, of Anoka shall communicate scheduling of work to be performed by the assigned Employee(s).

2. PAYMENT. Anoka will compensate Roseville for services rendered under this

agreement in the annual amount of ONE HUNDRED SIXTEEN THOUSAND SEVEN HUNDRED EIGHTY EIGHT and No/100 Dollars (\$116,788.00) for services rendered based on the adopted 2013-2014 Cost Distribution Table. Annual adjustments for increases in labor costs, licensing fees, shared equipment, Internet and changes in supported units will be presented to Anoka as part of an established budget review process. All proposed increases are to be presented to Anoka no later than June 1st of each year. Anoka shall make monthly payments, upon presentation by Roseville of a monthly billing equal to one-twelfth (1/12th) of the annual amount herein stated.

3. INDEMNIFICATION. Roseville agrees to assume sole liability for any negligent or intentional acts of the assigned Employee(s) while performing the assigned duties within the jurisdiction of either city. Each city agrees to indemnify, defend, and hold harmless the other from any claims, causes of action, damages, loss, cost or expenses including reasonable attorney's fees resulting from or related to the actions of each city, its officers, agents or employees in the execution of the duties outlined in this Agreement, except as qualified by the previous sentence.

4. TERMINATION, SEPARABILITY.

A. This Agreement may be terminated by either party upon ninety (90) days' notice provided to the respective City Manager of Roseville or City Administrator of Anoka.

B. Upon termination no further amounts shall be due and payable by Anoka to Roseville under Section 2 of this agreement and any and all records or property of the respective cities will be returned to the appropriate city within 90 days.

C. This Agreement is governed by the laws of the State of Minnesota.

D. In the event that any provision of this Agreement is held invalid, the other

provisions remain in full force and effect.

E. This agreement may not be assigned by any party without the prior consent of the other party.

IN WITNESS WHEREOF, the City of Roseville and City of Anoka have caused this Agreement to be duly executed effective on the day and year last entered below.

Dated: _____


CITY OF ROSEVILLE


By: _____
Dan Roe
Its Mayor

By: _____
William J. Malinen
Its City Manager

Dated: 7/9/2012

CITY OF ANOKA

By: _____

Phil Rice
Its Mayor

By: _____

Tim Cruikshank
Its City Administrator


REQUEST FOR COUNCIL ACTION

Date: 7/16/12
Item No.: 12.e

Department Approval



City Manager Approval



Item Description: Consider Establishing a New Position within the Information Technology Division

BACKGROUND

Since 1997, the City Council has consistently approved Joint Powers Agreements authorizing the City of Roseville to provide Information Technology support to area municipalities and governmental agencies. To date, the City has 26 such agreements in place worth a combined total of \$733,000 annually.

Monies derived from the partnerships not only pay for the additional staffing costs that are incurred, but they also offset a portion of Roseville's fixed information system costs.

Over the past several months, the City has been in discussions with the cities of Anoka and St. Francis regarding the provision of IT services. Both of these cities have approved an agreement to turn over the support of their information systems to Roseville. In order to provide services to these two cities, the City will need to add another Network Server Specialist position. The cost of the new position including benefits will be \$75,000 - \$85,000 annually. In contrast, the new JPA's with Anoka and St. Francis will garner us \$157,000 annually.

The IT business partnerships have been successful in large part because each respective organization has similar needs, and have agreed to standardize on similar platforms. Overall savings are achieved because the research, development, and planning on technological issues and the general administrative function is centralized with the City of Roseville thereby removing the burden from the other agencies.

The benefit to the City of Roseville is that these partnerships allow us to recoup our investment in research, training and equipment costs over a broader base. In addition, Roseville retains a much stronger complement of IT Staff to service our own needs than we could if we were to go it alone.

The City currently employs the following positions within the IT Division:

- Information Technology Manager – 1 FTE
- Network Systems Engineer - 2 FTE's
- Network Systems Analyst – 1 FTE
- Network Server Specialist – 1 FTE
- Desktop Support Specialist - 4.5 FTE's

Based upon an assessment of Roseville's current needs as well as the needs of other partnering agencies,

33 Staff has determined that a new Network Server Specialist position is warranted. A copy of the job
34 description for the new position is included in *Attachment A*.

35 **POLICY OBJECTIVE**

36 Joint cooperative ventures are consistent with past practices as well as the goals and strategies outlined in
37 the Imagine Roseville 2025 process.

38 **FINANCIAL IMPACTS**

39 There is no financial impact to the City of Roseville. The position, which is projected to carry salary and
40 benefits in the range of \$75,000 - \$85,000, will be fully funded by monies derived from the partnering
41 agencies. Inflationary-type increases in these revenues are expected to keep pace with increasing personnel
42 costs over time.

43 **STAFF RECOMMENDATION**

44 Based upon the current IT needs for both the City and other partnering agencies and available funding
45 from those same agencies, Staff recommends the City Council approve the creation of this new position.

46 **REQUESTED COUNCIL ACTION**

47 Motion to authorize the creation of a new Network Server Specialist position within the Information
48 Technology Division.

49
50

Prepared by: Chris Miller, Finance Director
Attachments: A: Job description of the Network Server Specialist position

CITY OF ROSEVILLE		JOB DESCRIPTION	
Job Description Title:	Server Specialist	FLSA Status:	Exempt / Non Union
Department/Division:	Finance	Position Status:	Regular Full-Time
Accountable To:	IT Manager	Salary Grade:	Exempt Level 12
Prepared By:	Terre Heiser	Revision Date:	July, 2012

51 **Job Summary:**

52 Design, administer, and maintain the enterprise wide Microsoft Windows server systems.

53

54 **Scope of Responsibility:**

55 This Server Specialist has the primary role to support Microsoft Windows servers and related components
56 to achieve high availability and performance of the various business applications supported. This individual
57 also participates in the planning and implementation of policies and procedures to ensure server
58 provisioning and maintenance that is consistent with city goals, industry best practices, and regulatory
59 requirements.

60

61 The Server Specialist performs advanced troubleshooting and analysis and sets limited precedent under
62 management guidance that may affect a large group and have a large financial impact. Builds and
63 maintains positive and effective working relationships with the City staff, staff key customers and vendor.

64 **Essential Duties and Responsibilities:**

- 65 1) Perform all tasks necessary to fulfill service level agreements regarding server data access,
66 availability, and security.
- 67 2) Implement policies, procedures, and technologies to ensure server security through secure access,
68 monitoring, control, and routine security evaluations.
- 69 3) Recommend, schedule, and perform software patches, upgrades, and/or purchases.
- 70 4) Ensure that server implementations comply with policies, standards, licensing agreements, and
71 configuration guidelines.
- 72 5) Perform data archiving, retrieval, and deletion according to best-practices for maintaining
73 regulatory compliance.
- 74 6) Monitor, test, and analyze server software activities to ensure maximum performance, efficiency,
75 and availability.
- 76 7) Provide additional support for city database servers, messaging (MS Exchange), applications
77 servers, and other systems.
- 78 8) Provides frequent communication occasionally involving detailed procedural explanation or
79 technical responses.
- 80 9) Other duties as assigned

81

82

83 **Minimum Qualifications:**

- 84 1. Minimum job requirements are a four year degree in a technology related field, and/or
85 equivalent training and 5 years of related experience.
- 86 2. 5+ years of experience with both Microsoft server and application technologies experience.
- 87 3. Current Microsoft Certification with Exchange Messaging Servers.
- 88 4. Experience with large enterprise customers running Windows infrastructure protocols, and
89 standards.
- 90 5. Ability to install, configure and maintain Windows infrastructure running both physical and
91 virtual infrastructure (VMware, Hyper-V and Citrix)
- 92 6. Extensive experience with Microsoft Active Directory.
- 93 7. Ability to troubleshoot and resolve Windows OS and Microsoft Application issues
- 94 8. Possesses strong communication skills as well as analytical and critical thinking abilities, and a
95 valid driver's license.

96 **Physical Demands & Working Conditions:**

97 Most work is in an office environment; however various site locations require driving. There is extensive
98 use of computers and peripheral equipment. Limited lifting of up to 50 pounds or less is required less than
99 15% of the time. The Position is responsible for diverse matters, some of which have deadlines and require
100 significant attention to detail. Approximately 45 - 70% of the time, work is performed at a high level of
101 detail or pressure of deadlines. Some extended hours in the evening or on weekends on a periodic basis.
102



REQUEST FOR CITY COUNCIL ACTION

DATE: 7/16/2012

ITEM NO: BOA

Department Approval

City Manager Approval

Item Description: Review appeals from Karen Schaffer and from Solidarity of West Area Roseville Neighbors regarding City staff's administrative decision that Wal-Mart is a permitted use under the zoning code for the property located along County Road C between Prior Avenue and Cleveland Avenue, and make a recommendation for the Board of Adjustments and Appeals about whether the administrative decision should be supported or rejected.

1.0 BACKGROUND

- 1.1 On June 8, 2012, the Roseville Community Development Department received a formal request by Wal-Mart Stores, Inc. to determine whether a 160,000 sq. ft. retail store, is a permitted use under the zoning ordinance (Attachment C).
- 1.2 On June 21, 2012 the Community Department completed its review of the Roseville Zoning Ordinance (Title 10), the 2030 Roseville Comprehensive Plan, the 2001 Twin Lakes Business Park Master Plan, and Twin Lakes AUAR, finding that the a retail development of 160,000 sq. ft. within the Twin Lakes Redevelopment Area (the Wal-Mart project) is under the thresholds of the Twin Lakes AUAR, is not prohibited by the 2001 Twin Lakes Business Park Master Plan nor the 2030 Roseville Comprehensive Plan, and is permitted by the Roseville Zoning Ordinance (Attachment D).
- 1.3 On July 2, 2012, the City of Roseville received appeals by Karen Schaffer (Attachment A) and from Solidarity of West Area Roseville Neighbors (Attachment B) to the Community Development Departments administrative decision of the Walmart project.

2.0 COMMUNITY DEVELOPMENT ANALYSIS

The following is a brief review of the Community Development Department's findings regarding is analysis of the Roseville Zoning Ordinance (Title 10), the 2030 Roseville Comprehensive Plan, the 2006 Court of Appeals Decision, the 2001 Twin Lakes Business Park Master Plan, and the Twin Lakes AUAR:

2.1 Zoning Code – Statement of Purpose

The Community Development Department finds that the Statement of Purpose within Section 1005.01 of the zoning ordinance allows for the Wal-Mart project since it does not include any prohibitions or limitations regarding use or size, and that the purpose statement is merely a guide for future development.

2.2 Zoning Code – Use Chart

The Community Development Department finds that the proposed Wal-Mart is permitted since general retail, banks, personal service, and grocery stores are listed as permitted use

within the (CMU) district without specific limitations, restrictions, or prohibitions on the size of such uses.

2.3 Zoning Code – Statement of Purpose – Community Mixed Use District

The Community Development Department finds that the statement of purpose for the Community Mixed Use (CMU) District does not preclude the Wal-Mart project since it does not limit, restrict and/or prohibit retail use or any size retail use.

2.4 Zoning Code – Regulating Plan

The Community Development Department finds that the Twin Lakes Sub-Area 1 Regulating Plan does not control use nor limit overall building size and therefore does not prohibit the Wal-Mart project.

2.5 2006 Court of Appeals Decision

The Community Development Department finds that the 2006 Court of Appeals Twin Lakes decision supports the determination that the Wal-Mart project is a permitted use. The Court of Appeals decision regarding a “big box” use on the same piece of land as the proposed Wal-Mart project concluded that without stated limitations on size or use, or a prohibition on use, within either, the comprehensive plan or the zoning ordinance, a large retail use, is permitted. Although the 2006 decision was predicated on the B-6 zoning district, the Court of Appeals decision and its application to our current comprehensive plan and zoning ordinance is still very much relevant and applicable.

2.6 2030 Comprehensive Plan

A Comprehensive Plan is a broad vision and general guide for cities to follow in achieving their desired goals, objectives, and policies. A comprehensive plan is not a document that is directly utilized to enforce the identified goals and objectives. Zoning Codes and other ordinances and City programs are utilized to implement the goals and objectives identified in the Comprehensive Plan. The overall Comprehensive Plan should not be construed as an enforcement mechanism for property development. In fact, Minnesota State Statutes recognizes this fact in Chapter 462.356 (2) and requires adoption of a zoning code to put the Comprehensive Plan into effect and the Comprehensive Plan includes a chapter on using the Plan to make progress towards achieving its goals. Therefore, it is clear that the Comprehensive Plan cannot be directly used to directly regulate development.

The City Attorney has advised staff that to the extent that a zoning code is inconsistent with the comprehensive plan, the zoning code should be amended to reflect the comprehensive plan. Therefore staff has prepared an analysis reviewing the Comprehensive Plan and the Zoning Code. Staff’s analysis finds that the Roseville Zoning Code is consistent with Comprehensive Plan and therefore the regulations within the Zoning Code are enforceable.

2.7 Square Foot Limitations

The Community Development Department finds that due to the exclusion of any square footage limitations regarding building size in the Comprehensive Plan, the Roseville Zoning Code is consistent with the Comprehensive Plan and therefore the Wal-Mart project is permitted under the Comprehensive Plan.

2.8 Comprehensive Plan - Land Use Designation

The Community Development Department finds that the land use categories in the Comprehensive Plan contain general vision statements of the sorts of things that are

desired within a specific land use designation including a range of uses, but do not have specific guidance for individual parcels or developments.

2.9 Comprehensive Plan – Community Mixed Use Designation

The Community Development Department finds that the Wal-Mart project is allowed since CMU description neither restricts nor limits specific uses or sizes and further finds that the zoning code has incorporated a small-area plan and design principles to ensure the mix of uses and connections through the Twin Lake Regulating Plan contained in Chapter 1005.07 (E) of City Code in compliance with the Comprehensive Plan.

2.10 Comprehensive Plan – Community Business Designation

The Community Development Department finds that the Wal-Mart project is allowed since the Community Business description neither restricts nor limits specific uses or sizes and further finds that the zoning code has incorporated design standards that promote community orientation and scale through the Twin Lake Regulating Plan contained in Chapter 1005.07 (E) of City Code in compliance with the Comprehensive Plan.

Based on that analysis, the Community Development Department finds that the Roseville Zoning Ordinance is consistent with and has incorporated the goals and policies identified in the 2030 Comprehensive Plan.

2.11 Twin Lakes Business Park Master Plan

The Community Development Department finds that the Twin Lakes Business Park Master Plan, approved by the City Council on June 26, 2001, is a guiding document and not a regulatory document.

Community Development Department also finds that the zoning ordinance has embraced the Twin Lakes Business Park Master Plan by including specific regulations into the Chapter 1005.07 (CMU district and the Twin Lakes Regulating Plan).

The Community Development Department further finds that the issue of lot coverage, open space, and/or impervious area, is consistent between the master plan and the zoning ordinance where by both advocate a 15% minimum green area.

The Community Development also finds that references regarding big-box retail development as not recommended or not encouraged do not embody a limitation or prohibition on such a use, and therefore retail of any size as a use within Twin Lakes is permissible under the Master Plan.

2.12 ALTERNATIVE URBAN AREAWIDE REVIEW (AUAR)

The Twin Lakes Alternative Urban Areawide Review (AUAR) is not a land use or zoning document, it does not regulate use or size of buildings, and it is not a regulatory document *per se*. The AUAR is however, an environmental review document that is used by the City to determine a proposed project's impact thresholds and the required mitigations to make that project consistent with the AUAR.

The Community Development Department finds that the proposed Wal-Mart project is not inconsistent with the Twin Lakes AUAR and can proceed forward under the terms and/or mitigations addressed within the AUAR document.

3.0 SUMMARY OF APPEALS

- 3.1 The appeal received from Karen Schaffer, a Roseville resident, lists several instances where she believes that the proposed Wal-Mart use is inconsistent with the goals and aspirations reflected in the Comprehensive Plan. In her appeal, Ms. Schaffer states that the proposed Wal-Mart is not a cohesive, compact, pedestrian development, does not meet the need of Roseville residents, does not diversify or expand the tax base, and does not provide head of household jobs and therefore the Wal-Mart project is inconsistent with the Comprehensive Plan.
- 3.2 Ms. Schaffer's full appeal letter is attached as Attachment A.
- 3.3 The appeal received from the neighborhood group, Solidarity of West Area Roseville Neighbors (SWARN), listed the following as grounds for their appeal to Community Development staff's decision that Wal-Mart is a permitted use in Twin Lakes. They are as follows:
- a. The basis for appeal includes the complete record regarding the compliance of the Wal-Mart development with City of Roseville Policies, Plans, and Regulations.
 - b. The Zoning Ordinance is in conflict with Comprehensive Plan.
 - c. The Wal-Mart proposal is incompatible with Roseville's Comprehensive Plan in the following additional ways (see chapter 4 on District 10: Twin Lakes).
 - d. The Zoning Ordinance is in conflict with the Twin Lakes Business Park Master Plan.
 - e. The most recent staff determination of compliance fundamentally misunderstands the role of the Roseville Comp Plan.
- 3.4 SWARN's full analysis of Community Development staff's decision is contained in Attachment B.

4.0 PLANNING COMMISSION ACTION

- 4.1 On July 11, 2012, the Roseville Planning Commission held the required hearing for the two appeals of the Community Development Department's administrative determination that a 160,000 sq. ft. retail store is permitted within the Community Mixed Use zoning district.
- 4.2 At the hearing Karen Schaffer presented her arguments as to why the staff was in error in its conclusion that a 160,000 sq. ft. retail store is a permitted use, addressing the points contained in her appeal letter.
- 4.3 Also at the hearing, SWARN representatives presented their arguments, as articulated in their appeal letter, as to why the staff was in error in its conclusion.
- 4.4 Other members of the community addressed the Commission regarding their opposition the staff determination including; Mr. Tim Callahan who stated Section 1001.04, Relationship to Comprehensive Plan "it is the policy of the City of Roseville that the enforcement, amendment, and administration of this Code be accomplished with due consideration of the recommendations and policies contained in the Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council. The City Council recognizes the Comprehensive Plan as the policy for regulation of land use and development in accordance with the policies and purpose

herein set forth.” Mr. Callahan opined that the Community Development Department was not appropriately following this acknowledgement. Ms. Janet Olsen addressed the Commission stating that her concern was that staff’s determination that Walmart fits into the Community Mixed Use district was inappropriate, especially given the Community Business reference in the Comprehensive Plan and Zoning Ordinance definitions. Ms. Olsen added that the WalMart proposal should be categorized as a Regional Business proposal and therefore not an allowed use in the Twin Lakes Area. Ms. Olsen also indicated that areas identified in Roseville’s Zoning Map as Community Business areas include smaller businesses with specialized products, some grouped in larger buildings such as HarMar mall or strip malls such as the area at Lexington and Larpenteur Avenues and that a WalMart does not fit that category. She also stated that since the existing Target Super Store in Roseville is considered a Regional Business in the Zoning Code, a strong argument can be made to classify the WalMart proposal as a Regional Business.

- 4.5 The Chair of the Planning Commission closed the hearing and thanked all who testified before the Commission and opened up Commission discussion on the appeal.
- 4.6 The Planning Commission voted 4-2 that the Community Development Department was correct in its decision regarding the use determination for the proposed 160,000 sq. ft. Walmart project, based on their articulated findings contained in the minutes of the meeting. Please note that the minutes of the meeting will be forward when available.

Prepared by: City Planner Thomas Paschke

Attachments: A: Karen Schaffer appeal of the City use determination letter dated June 21, 2012

B: Solidarity of West Area Roseville Neighbors appeal of the City use determination letter dated June 21, 2012

C: Letter dated June 8, 2012 from Sue Steinwall representing Wal-Mart Stores requesting staff make a zoning use determination on the proposed Wal-Mart use.

D: Letter dated June 21, 2012 for City Staff affirming that the proposed Wal-Mart store is a permitted use under the Roseville Zoning Code.

JUL -2 2012

Chris Miller, Acting City Manager
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Re: Notice of Appeal of Determination of Community Development Department Dated June 21, 2012 with Respect to Proposed Walmart Development ("Determination")

Dear Mr. Miller:

I respectfully submit this appeal of the above-referenced Determination that was signed by city staff on June 21, 2012. While the Determination is carefully crafted, it nonetheless merits review and reconsideration.

While not entirely inaccurate or incorrect, the Determination, nonetheless, is essentially sophistic, in the dictionary sense of the word. The dictionary defines sophistic as apparently correct but actually invalid. In the present context, I would argue that it is (or arguably is) legally or legalistically correct but is actually invalid in the sense that it is wildly out of synchronicity with the values and goals of the Roseville Comprehensive Plan. The Determination displays hypertechnical conclusions which, taken together, would lead one to conclude that not only is the proposed use "not inconsistent" with the Comprehensive Plan (and other standards) but is for all intents a purposes a proposal which exemplifies in a superior way the values embodied in the Comprehensive Plan (and other standards).

For example, on page 2, Policy 14.2 references to the goal of ensuring that mixed use development is cohesive, compact and pedestrian-oriented cannot, by definition, be true with respect to a 160,000 sq. ft. facility and associated parking. While the zoning code may include parking area flexibility and more landscaping, a retail facility of this size simply cannot be cohesive and compact and pedestrian-oriented.

On Page 3, Policy 9.3, promoting the use of on-site transit stops, cannot be implemented by the City. There is no argument with that. However, the text included in the Determination indicates that transit could be beneficial to the proposed facilities' employees and patrons. If this be so, it would seem that the proposed development is not oriented to the community but is oriented to the region. In short, the proposal is not a community business, regardless of its absolute size. It is and must be regional.

With respect to Policy 10.2 on page 4, emphasizing meeting the needs of Roseville residents, since Roseville residents already have more retail per capita than any other Minnesota city, and approximately five times the national average, a 160,000 sq. ft. of retail is not only not needed by Roseville residents, such a facility cannot succeed by marketing only to local people.


Goal 2 on page 6 is patently disserved by the proposed development. Roseville's tax base is already characterized by a large retail tax base. Policy 3.2 on page 7 references the desirability of expanding the tax base. While the proposal will add to the tax base in a technical way, the recent study conducted by the Minnesota Department of Revenue reminds us that the increased operational costs to be incurred by the City occasioned by the development will outweigh any increases in tax revenues based upon the tax base. The same problem occurs on page 11 Goal 2. This proposal does not diversify the tax base. The implication that the facility will offer head of household employment (page 11 Policy 2.2) is patently

not true. Certainly there will be employment, but generally not the type of employment that will allow a head of household trying to live in Roseville.

While there are many accurate statements in the Determination, it is a document that identifies not a single shortcoming of the proposal. The Determination essentially hollows out the vibrancy, hope, aspirations and desires for a brighter, more diverse, more economically sustainable future for Roseville. It does this by finding that a proposal for simply more of the same is what is needed for the future.

I respectfully request that the City Council take a closer look at the values and aspirations reflected in the Comprehensive Plan and conclude that the proposed facility is inconsistent with them.

Yours very truly



Karen Schaffer
2100 Fairview Avenue North
Roseville, MN 55113

July 1, 2012

Administrative Appeal by SWARN

(Solidarity of West Area of Roseville Neighbors)

Regarding the **Community Development Department's Determination**
As to the Compliance of the Wal-Mart proposal with Roseville
Policies, Plans, and Zoning Ordinance

(Prepared June 30, 2012 for Roseville City Council members and the general public by the Strategies Committee of Solidarity of West Area Roseville Neighbors (SWARN))

INTRODUCTION:

This appeal was drafted by the SWARN Strategies Committee which functions as a steering committee for this Roseville neighborhood association. On this issue we represent over 67 households in the western area of Roseville. Strategies Committee members signing this Appeal are a quorum of the committee and are all property owners residing in Roseville.

Below you will find our concerns and issues regarding the proposed Wal-Mart development and its compliance with City policies and the requirements of the Zoning Ordinance. This appeal was developed by Roseville residents without legal consultation and in words which we hope convey our frustration with a system which requires residents to appeal a decision by city employees in order for our elected officials to make a decision which we had naively thought was only theirs to make.

We also submit this appeal in the hope that our elected officials would review it as an honest and candid articulation of issues which many residents feel city staff have not up to now sufficiently considered, explained, or justified.

We do not speak for all the people of Roseville, we speak for ourselves and our members. And we speak from our experience as Roseville residents who have been engaged in this community's civic governance, understand that all of us have rights and responsibilities, and that to appeal a staff determination is not to suggest improper motivation or malfeasance on their part.

We also recognize, however, that this appeal is in itself recognition that the process could and should be improved so that future residents do not have to have recourse to legal representation, and can feel confident that their opinions and perceptions will be acknowledged, respected, and responded to by their elected officials and public employees. We regret that it took a letter from a high-powered law firm serving the world's largest corporation to extract a written justification from city staff when similar requests from residents and property taxpayers went unanswered.

GROUNDS FOR APPEAL: **1) Basis for Appeal Includes the Complete Record regarding the Compliance of the Wal-Mart development with City of Roseville Policies, Plans, and Regulations**

We find it necessary to state that a determination of compliance was made well before the request of Walmart (Attorney Susan Steinwall letter of June 8, 2012) and the response from the Community Development Department dated June 21st.) The June 21st Community Development Letter is just the last of several statements of compliance issued by city staff, and for the record we are not therefore restricting ourselves to the June 21st determination signed by Community Development Director Pat Trudgeon and City Planner Thomas Paschke. In fact several residents requested a similar explanation as to how the Wal-Mart proposal was in compliance with the Comprehensive Plan at the February 1st Planning Commission meeting, but their request was ignored.

We are basing our appeal on the various communications to the Council from the City Attorney beginning with City Attorney Charles Bartholdi letter last December, and the reports and recommendations made by staff beginning with their September 26, 2011, Request for Council Action on Approving a Twin Lakes Overlay District and continuing throughout this review process, starting with the February 1st public hearing held by the Planning Commission and extending through the May 21st City Council meeting on the plat subdivision and the public comments offered at that time. ,

At the February 1st Planning Commission public hearing several residents presented their concerns¹ that the Planning Department's recommendation first analysis failed to present any rationale as to how the Wal-Mart proposal met more than several of the goals and objectives of the Roseville Comprehensive Plan. In fact one resident asked that the Commission send the staff recommendation back to the Community Development Department with the request that it provide findings of fact as to the proposal's compatibility with the Comprehensive Plan.²

At that meeting the Planning Staff presented their determination that the Wal-Mart proposal was in compliance with the Roseville Zoning Ordinance and Comprehensive Plan.

Note the following statements excerpted from the February 1, 2012, staff report³:

- *Planning Division staff believes that the proposed development is consistent with many of the Comprehensive Plan's other citywide, non-transportation-*

¹ Cr. February 1, 2012, Minutes of the Roseville Planning Commission, including all attachments

² Remarks of Roseville Resident Gary Grefenberg as distributed to Planning Commission February 1, 2012

³ Staff Report dated

specific goals and policies, and that the proposed development does not appear to be in conflict with any of them.

- *The Comprehensive Plan addresses development of the Twin Lakes area in the greatest detail in its discussion of Planning District 10. Specifically, the Comprehensive Plan says that future development in Twin Lakes may include retail uses (although retail uses should not be the primary focus of the redevelopment area), and that development proposals should be evaluated against the zoning regulations, the Twin Lakes Business Park Master Plan, the Twin Lakes Alternative Urban Area wide Review, and the Twin Lakes Redevelopment Area Design Principles; analysis of the proposed development against these items is provided below.*
 - *a. TWIN LAKES ALTERNATIVE URBAN AREAWIDE....*
 - *b. TWIN LAKES BUSINESS PARK MASTER PLAN....*
 - *c. ZONING REGULATIONS AND TWIN LAKES REDEVELOPMENT AREA DESIGN PRINCIPLES...Because the entire zoning code has been updated over the past couple of years to be consistent with the Comprehensive Plan, a development that meets the zoning requirements would be, by definition, consistent with the Comprehensive Plan.*

For all of the reasons detailed above, Planning Division staff believes that the proposed development facilitated by disposal of the City-owned land identified on the PRELIMINARY PLAT is in compliance with the Comprehensive Plan.

The above statement, namely that the zoning code is supposed to be consistent with the Comp Plan and that if the Wal-Mart proposal meets the zoning requirements it is therefore consistent with the Comp Plan, is more an aspiration than a statement of fact.

Such a statement of faith is more appropriate for a forum of shared faith believers than a staff presentation at a public hearing. When this assertion was challenged by several residents at the public hearing, the response ignored their questions by focusing on the subdivision issues. (See referenced Minutes and written comments.)

- We also find the February 1, 2012, assertion that the Wal-Mart proposal *does not appear to be in conflict with any of them*, referring to the Comp Plan's goals and policies, not credible. Attached is a highlighted summary of some of the Plan's goals and policies which clearly demonstrate non-compliance (See Attachment #2).

We find it both curious and confusing that this first determination of compliance is now being overshadowed by all the emphasis on the latest determination of compliance issued by the Community Development Department in response to a request from the Wal-Mart's attorney. It is difficult to avoid the conclusion that Wal-Mart in effect wanted to give the City an opportunity to issue a more

compelling and cogent defense of its February assertion that the Wal-Mart project was in compliance with city policies and regulations.

To believe that city staff had not made a determination as to the project's compliance when the city review process first began well before the June 21st Determination of Compliance letter is to suggest that city staff is incompetent or failed to perform its duties

We therefore request that the record for this administrative appeal include the February 1st Planning Commission minutes, the written communications submitted by residents at that time, and the staff recommendation to the Planning Commission.

2) Zoning Ordinance is in Conflict with Comprehensive Plan

- a) The city staff determination avoids one key conflict with the Comprehensive Plan: This district is Community Mixed-Use, which is described in the Comprehensive Plan in [Chapter 4 on Land Use](#) as *"The mix of land uses [that] may include Medium- and High-Density Residential, Office, Community Business, Institutional, and Parks and Open Space uses"* (page 4-8). In our view, **Wal-Mart does not qualify as a community business**, but rather as a regional business which is defined in the Comp Plan as *"freestanding large-format stores [that] are located in places with visibility and access from the regional highway system (I35W and State Highway 36)"* (page 4-8).
- b) According to a legal counsel letter from city attorney Charles Bartholdi dated December 9, 2011, and addressed to Roseville's City Manager Bill Malinen, the Comprehensive Plan is in conflict with the Zoning Ordinance with respect to allowing a Regional Business to develop in the Community Mixed-Use (CMU) district, and that, he indicates, is problematic and ought to be changed:
 - i. *"To the extent that a Regional Business use is allowed in a Community Mixed-Use District under the Zoning Code, there is an apparent conflict between the Comprehensive Plan and Zoning Code"* (page 3, 1st paragraph).
 - ii. Additionally, the lawyer advises that *"the general rule is that in the event of a conflict between the Comprehensive Plan and the Zoning Code, the Comprehensive Plan controls"* (page 3, 2nd paragraph).
 - iii. And finally, the city attorney concludes *"I would recommend that to the extent the Comprehensive Plan and Zoning Code may conflict as described... above, the City Council amend either its*

Zoning Code or Comprehensive Plan to eliminate the conflict”
(page 3, 3rd paragraph).

3) The Wal-Mart proposal is incompatible with Roseville’s Comprehensive Plan in the following additional ways (see chapter 4 on District 10: Twin Lakes):

- a. *“No additional commercial/retail development of this scale (in reference to Rosedale Square and Roseville Crossings) is planned for District 10”* (page 4-23). The zoning ordinance fails to take this into account by not prohibiting large-scale retail business.
- b. *“Twin Lakes should not be developed with shopping as the primary focus of future land use”* (page 4-23). The zoning ordinance fails to take this into account by not prohibiting limiting retail business in this area.
- c. *“The desire to have employment as the primary orientation of future development...”* This proposal is retail oriented, not employment.
- d. Additional conflicts with the Comprehensive Plan’s Economic Development Goals and Objectives are listed on Attachment #2 of this appeal.

4) The Zoning Ordinance is in Conflict with the Twin Lakes Business Park Master Plan

It appears the Twin Lakes Business Park Master Plan also guides development in this area because: **a)** the Comprehensive Plan states: *“The City intends to rely on the following official controls and environmental studies to guide land use and to evaluate specific development proposals: ...Twin Lakes Business Park Master Plan”* (page 4-23); and **b)** city staff indicated in their report from just last fall (dated 9/12/11) for the Request to approve the Twin Lakes Sub-Area 1 Regulating Plan for City Council that, *“The City will continue to follow the 2001 Twin Lakes Business Park Master Plan to mitigate the cumulative impacts of development...”*.

The Wal-Mart proposal is incompatible with the Twin Lakes Business Park Master Plan (see Section V on Proposed Land Use) in the following ways:

1. The proposed future land use is 0% retail (see page 9). The plan was, in fact, withdrawn from review by Met Council when asked to provide additional information regarding retail traffic and its impacts on 35W because there will not be retail in the area (section II, page 2).

2. **Big box retail is not recommended** because of the following elements (see page 11), all of which are going to be an issue for Roseville if and when this Wal-Mart is built:
 - i. Increased level of traffic
 - ii. Longer hours of operation (this would be 24/7)
 - iii. Reduce quality and quantity of jobs created
 1. Lower value of building finish
 2. Large parking lots required due to parking demands
3. Section XIV on Land Use and Zoning states (see page 20): “*Retail is not encouraged especially large scale regional and subregional big box developments. ...The City has adopted a policy of not expanding retail area. ...* In addition, the City policy for redevelopment is to attract head-of-household job opportunities to the City and nearby workforce.”
4. In addition, the AUAR which governs this development and which formed the basis of the Traffic Impact Analysis, did not take into account this scale of development. At the time the AUAR was finalized in 2007 (and the Twin Lakes BP Master Plan was finalized in 2001), this land was considered Business Park district. Currently, BPD requires general retail sale to adhere to Standards (see Table 1006-1 of Allowable Uses for Employment Districts) which provide additional protections to the city. This is no longer the case, and therefore the AUAR, based on a set of assumptions set forth in the zoning, becomes less relevant to this development proposal.

5) The Most Recent Staff Determination of Compliance Fundamentally Misunderstands the Role of the Roseville Comp Plan

The Comprehensive Plan and its Land Use chapter is not a vision statement, as articulated in the June 21st Staff Determination (page 6); but a guide for Roseville’s future development and a blueprint for the development of a Zoning Ordinance.

City staff argue in their June 21st Determination letter (under *Comprehensive Plan Land Use Designations*) that the Plan’s land use categories are *general vision statements...but do not have specific guidance for individual parcels or developments*.⁴ That is not the language which was used by city staff when the Comp Plan was first drafted by city staff and reviewed and revised by the Steering Committee. In fact, the vision statement element was found in the previous community engagement process of Imagine Roseville 2025.

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The staff spin at the time the Comprehensive Plan was being formulated was that this would be a compact between the residents of Roseville and its city government., This is the message most Roseville residents who participated in the public process resulting in the Comprehensive Plan heard at the time of the Plan's introduction to the citizens of Roseville, a recollection reiterated in the testimony of several residents at the May 21st City Council discussion on the plat division.

To argue that the Comprehensive Plan does not prohibit Big Box Retail and thus the Wal-Mart development is consistent with the Plan is a *reductio ad absurdum* argument, as if every prohibited use needs to be specifically cited. That has never been the criteria for previous decisions by the City acting as a zoning authority, and so its use as a justification in this case is spurious.

The Comp Plan is understood as a city's plan for future development, and provides guidance for future development. It is intended to lay out the goals and objectives for future land use which the Zoning Code then is instructed by state law to codify.

The very first two paragraphs of the 2030 Comp Plan state its purpose as follows:

A comprehensive plan is a tool for guiding the growth, redevelopment, and overall improvement of a city. The traditional view of this type of plan focused on physical planning through the development of a land-use plan. The purpose of the land-use plan was to reinforce desirable land-use patterns, identify places requiring change, and determine the location and form of future growth.

However, the vision for Roseville is more than a rational pattern of development; thus, Roseville's 2030 Comprehensive Plan (the Plan) identifies not only a land-use plan, but also develops a broader framework to help shape the character of the community and enhance the quality of life in Roseville.

The Comp Plan must reflect the land use described in the Comp Plan. The Plan's purpose was intended to direct the zoning code's update, resulting in a legal codification of the Comp Plan's goals and objectives. In that sense the Comp Plan was the blueprint for the Zoning Code development, and not a collection of visionary statements open to staff's interpretation.

The zoning ordinance is clearly an official control, and we also question whether the Financial Agreement for this development is not a fiscal device.

The City's adopted Zoning Code itself describes this relationship between the Comp Plan and Zoning in its Intent and Purpose provision (1001.03). as follows:

This Title shall divide the City into districts and establish regulations in regard to land and the buildings thereon. These regulations are established to:

- A. Protect and to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the community and its people through the establishment of **minimum regulations governing land development and use**;*
- B. Protect and enhance the character, stability, and vitality of residential neighborhoods as well as commercial areas;*
- C. Promote orderly development and redevelopment;*
- D. Assist in the implementation of the Comprehensive Plan. (Emphasis Added)***
- E. Foster a harmonious, workable relationship among land uses;*
- F. Promote the stability of existing land uses that conform with the Comprehensive Plan and to protect them from inharmonious influences and harmful intrusions;*
- G. Insure that public and private lands ultimately are used for the purposes which are **most appropriate and most beneficial for the City as a whole**;...*

Note that these Code provision above (subdivision A) describes its regulations in terms of meeting **minimum** requirements; it does not describe its provisions in terms indicating that anything not prohibited is therefore allowed.

This Code provision subdivision G also speaks to its purposes (...*most appropriate and most beneficial for the City as a whole*) in language which clearly allows some discretionary judgment to elected officials.

In addition the Code in subdivision D also clearly speaks to the relationship between itself and the Comprehensive Plan. Risking oversimplification, the Comp Plan Speaks and the Zoning Implements.

If the zoning ordinance does not adequately reflect the Comp Plan then the Zoning Ordinance is defective in those aspects wherein such inadequateness is found. And pursuant to Minnesota Statutes 473.864, subdivision 2, *a local government unit shall not adopt any fiscal device or official control which is in conflict with its comprehensive plan.*

City staff agrees with this assessment. In the June 21st Determination city staff state the following on page 5:

The City Attorney has advised staff that to the extent that a zoning code is inconsistent with the comprehensive plan, the zoning code should be amended to reflect the

comprehensive plan. Therefore staff has prepared an analysis reviewing the Comprehensive Plan and the Zoning Code.

City staff concludes in its latest determination of compliance, however, with the following statement with which we respectfully and vigorously disagree.

Staff's analysis finds that the Roseville Zoning Code is consistent with Comprehensive Plan and therefore the regulations within the Zoning Code are enforceable

6) The existing Zoning Ordinance allows rejection of Wal-Mart

According to our reading, this proposal is not permitted in our current zoning and should not have been approved by city planning staff. This district is Community Mixed-Use, which is described in the Comprehensive Plan in [Chapter 4 on Land Use](#) as, *“The mix of land uses [that] may include Medium- and High-Density Residential, Office, Community Business, Institutional, and Parks and Open Space uses”* (page 4-8).

Note that there is absolutely no reference to retail uses. If one assumes the current staff criteria that it is permitted since retail is not specifically prohibited, then rationally heavy industrial and mining would also be allowed.

In our view, Wal-Mart does not qualify as a community business, but rather as a regional business. Regional business, according to the Comp Plan, includes *“freestanding large-format stores [and] is located in places with visibility and access from the regional highway system (I35W and State Highway 36)”* (page 4-8).

The Target store location is situated in a land-use designated Regional Business. There was an effort made during the Comprehensive Plan update several years ago to designate the area Community Business, but several council members, staff, and the Planning Commission insisted that its land use category fit the regional nature of this big-box retailer.

It is noteworthy that this comparison is no longer being made by those who insisted on this land use designation but are now arguing that Wal-Mart is a community business use.

The current zoning ordinance allows some discretion to the City when it comes to the question of approving plats. Section 1017.23 entitled Subdivision/Platting Provisions states under subdivision B the following:

Signed: SWARN - Strategies Committee

Mark Bradley
1851 Shryer Ave
Roseville, MN 55113

Megan Dushin
2249 St. Stephens
Roseville, MN 55113

Sue Gilbertson
2000 Cleveland Ave.
Roseville MN 55113

Gary Grefenberg
91 Mid Oaks Lane
Roseville, MN 55113

Dave Nelson
2280 Highway 26 W
Roseville, MN 55113

Attachments: May 21, 2012, written SWARN statement to the City Council

February 1, 2012. Compilation of Economic Development Chapter
of the 2030 Comprehensive Plan's Goals and Objective in Conflict
with the Marl-Wart development

ATTACHMENTS

To SWARN Administrative Appeal

Solidarity of West Area Roseville Neighbors

SWARN

ATTACHMENT #1:

Concerns Re: Proposed Wal-Mart Development

And legal reasons to vote No Monday May 21 on Agenda Item 12b

Prepared May 19, 2012 for Roseville City Council members and the general public by members of Solidarity of West Area Roseville Neighbors (SWARN).

We represent over 67 households in the city of Roseville. Below you will find our concerns regarding the proposed preliminary plat:

- 4)** The MN League of Cities states that Roseville’s Comprehensive Plan and referenced area master plan guide zoning and subdivision ordinances.⁵ However, issues concerning the Comprehensive Plan (and area Twin Lakes Master Plan) are not considered “relevant” in this subdivision decision, according to the staff report, a conclusion with which we do not agree.

- 5)** The Development Agreement puts the City in the position of subsidizing Wal-Mart to the tune of \$1.6 million. The Zoning Ordinance does not reflect the Comprehensive Plan or the Twin Lakes Master Plan and so it needs to be changed. Wal-Mart should not be considered--nor do we believe the citizens of Roseville--consider Wal-Mart a community based business.

Mike Gregory will summarize a series of unbiased academic studies which demonstrate the economic and social impacts a development such as Wal-Mart has on its host community. These impacts contradict the Comprehensive Plan and Twin Lakes Master Plans for Roseville.

⁵ According to the [Handbook for Minnesota Cities](#), “...the comprehensive plan... guides current development in administering its zoning ordinance and subdivision ordinance. The city subdivision ordinance regulates the division of land... with safe streets, appropriate environmental features, and character. Finally, the city zoning ordinance regulates the use and density of city zones... to prevent congestion, environmental contamination, and other negative human health hazards” (ch. 14, pg 2).

We need systemically to explore our current zoning process and consider the need for PUD or other changes to allow our elected officials to make these decisions that are in the best interests of the residents of Roseville.

- 6) Local experience with increased demand for Police services required by Wal-Mart compared to another Big Box retailer (*data presented on overhead indicating Wal-Mart in Vadnais Heights had 4 times the police calls than Target in the same area and notes from a conversation with Roseville police department regarding increase in calls and dollars to pay for additional police to monitor the area*).
- 7) The Council clearly has the authority under City Code 1001.03 to reject this proposed development:

1001.03: Intent and Purpose

This Title shall divide the City into districts and establish regulations in regard to land and the buildings thereon. These regulations are established to:

- A. Protect and to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the community and its people through the establishment of minimum regulations governing land development and use;
- B. Protect and enhance the character, stability, and vitality of residential neighborhoods as well as commercial areas;
- C. Promote orderly development and redevelopment;
- D. Assist in the implementation of the Comprehensive Plan;

- 8) The Council also has the ability under the Platting Code to require changes “necessary for the health, safety, general welfare and convenience of the City”
- 9) According to our reading, this proposal is not permitted in our current zoning and should not have been approved by city planning staff. This district is Community Mixed-Use, which is described in the Comprehensive Plan in [Chapter 4 on Land Use](#) as, “The mix of land uses [that] may include Medium- and High-Density Residential, Office, Community Business, Institutional, and Parks and Open Space uses” (page 4-8).
 - In our view, **Wal-Mart does not qualify as a community business**, but rather as a regional business. Regional business, according to the Comp Plan, includes “freestanding large-format stores [and] are located in places with visibility and access from the regional highway system (I35W and State Highway 36)” (page 4-8).

- 10)** This proposal is incompatible with Roseville’s **Comprehensive Plan** in the following additional ways (see chapter 4 on District 10: Twin Lakes):
- e. "No additional commercial/retail development of this scale (in reference to Rosedale Square and Roseville Crossings) is planned for District 10" (page 4-23). The **zoning ordinance fails to take this into account by not prohibiting large-scale retail business.**
 - f. "Twin Lakes should not be developed with shopping as the primary focus of future land use" (page 4-23). The **zoning ordinance fails to take this into account by not prohibiting limiting retail business in this area.**
 - g. "The desire to have employment as the primary orientation of future development..." (Page 4-23). **This proposal is retail oriented, not employment.**

It appears the **Twin Lakes Business Park Master Plan** also guides development in this area:

- h. According to the city staff report dated 9/12/11, "Request to approve the Twin Lakes Sub-Area 1 Regulating Plan" for City Council: "The City will continue to follow the 2001 Twin Lakes Business Park Master Plan to mitigate the cumulative impacts of development..."
- i. In the Comprehensive Plan (see chapter 4 on District 10: Twin Lakes):
 - i. "The City intends to rely on the following official controls and environmental studies to guide land use and to evaluate specific development proposals: ...Twin Lakes Business Park Master Plan" (page 4-23).
 - ii. "To ensure that the desired mix of uses and connections are achieved, a more detailed small-area plan, master plan, and/or area-specific design principles is required to guide individual developments within the overall mixed-use area" (page 4-8). We presume this means the Twin Lakes Business Park Master Plan.

Given that the [Twin Lakes Business Park Master Plan](#) applies to any development proposals in the district (as noted above); this proposal is also incompatible in the following ways:

- j. Section V on Proposed Land Use indicates that:
 - i. **The proposed future land use is 0% retail** (see page 9), yet this proposal is the epitome of large-scale retail. The plan was in fact withdrawn from review by Met Council when asked to provide additional information regarding retail traffic and its impacts on 35W because there **will not be retail in the area** (section II, page 2).

- ii. **Big box retail is not recommended** because of the following elements (see page 11), all of which are going to be an issue for Roseville if and when this Wal-Mart is built:
 1. Increased level of traffic
 2. Longer hours of operation (this would be 24/7)
 3. Reduce quality and quantity of jobs created
 4. Lower value of building finish
 5. Large parking lots required due to parking demands

- k. Section XIV on Land Use and Zoning states (see page 20): “**Retail is not encouraged especially large scale regional and subregional big box developments. ... The City has adopted a policy of not expanding retail area. ...** In addition, the City policy for redevelopment is to **attract head-of-household job opportunities** to the City and nearby workforce.” Are Wal-mart jobs “head-of-household job opportunities”? Most definitely not. And where is this policy of “not expanding retail area”? Was it achieved by zoning this area as a CMU district?

- l. **Twin Lakes Business Park AUAR revised in 2007 governs much of this development, and yet it is outdated.**
 - i. The Traffic Impact Analysis was based on the AUAR which, as noted above and in the letter from MnDOT on 2/24/12 was based on a lower volume traffic generator.
 - ii. Should not the Council await the new AUAR required by October 15, 2012, before giving final approval? Why do it after the fact?
 - iii. At the time this document was finalized, this area was considered Business Park district (thus the title of the document), which also did not intend to be for large-scale retail, however it had greater protections (see Table 1006-1 of Allowable Uses for Employment Districts: “General retail sale” is permissible however it must adhere to standards).

- 11) Insufficient traffic support plan, both locally and on corridors.**
 - m. There are several issues with the traffic study, as noted by SRE in the letter dated 11/30/11 and as noted by MnDOT in the letter dated 2/24/12. MnDOT specifically advises that “immediate consideration... be given... before developments are approved.” It is not clear if these issues were addressed.
 - n. The original study was conducted at a time when 2 of the critical roadways were closed to traffic due to construction.
 - o. All traffic studies and mitigation plans fail to address corridor congestion at both I35W and Highway 36, both of which have stop and go traffic twice daily.

- 12) Roseville can’t afford to subsidize a big box store.** We will have to pay more in property taxes to support the additional city services and

infrastructure needs of this developer. BECAUSE this site is within the Twin Lakes District which is a Tax-Increment District there must be a public purpose achieved by this development. What public purpose is served by allowing Wal-Mart to benefit from all the past public improvements within this Tax Increment District?

Since All increased taxes resulting from this development flow into the Tax Increment District to pay for **past** public improvements in the Twin Lakes District and not into the City's general fund, for the next 19 years Roseville homeowners and local businesses will also have to subsidize the world's largest corporation to pay for Wal-Mart's future police and fire protection, any necessary street and utilities improvements not now foreseen, and any measures to mitigate future traffic congestion. Another example of 'Private Enterprise for the Middle Class, Socialism for the Rich?

Therefore the Council should put off final plat approval and building permit approval until these questions can be addressed. By approving everything tonight you will be disregarding all the work you and other Roseville residents put in during the Twin Lakes planning process and the Comprehensive Plan. Nor do you need to do so tonight. (The Zoning Ordinance provides for **separate** consideration for these distinct plat approvals.)

These issues are too critical to the perceived integrity of the City's commitment to its residents as found in the Comprehensive Plan and the Twin Lakes Master Plan to not be addressed before final approval is given. We would respectfully request a written answer from staff before the Council next addresses these issues. These questions are too important to be addressed tonight in an impromptu manner by staff, a staff at the planning division level appears to us to have been motivated for several months to advocate for this project.

Summary Requests

Therefore, we respectfully request that the City Council:

1. Not sign a development agreement which was incomplete until noon today, and therefore has not had any opportunity for public review;
2. Not approve the final plat (or any building permits) until the AUAR is updated;
3. Amend the zoning ordinance to better reflect the Comprehensive and Twin Lakes Master Plans, as noted above;
4. Consider other ways to involve Roseville residents in city decisions before staff becomes advocates of development plans, advocates both to the Planning Commission and the City Council, such as requiring Community Meetings on important development proposal with city-wide impact and the reintroduction dissolution of the Planned Unit Development process.

5. Request that the city “push” information regarding this and future developments which will have a city-wide impact on the community through cost-effective channels, such as the new neighborhood communication tool Nextdoor.com as well as press releases to local news media for those not signed up.

Should this proposal be accepted by the City Council, we request that City Council:

1. Add the following conditions to the development agreement:
 - a. Prohibit 24/7 operation and subsequent overnight RV and trucking parking allowances as is common among Wal-Marts nationwide
 - b. Traffic congestion be mitigated (with Wal-Mart participating in the costs in a 2 mile radius on the corridors, as well as side streets.
2. Direct Planning Department to hold an open house for the community when and if Walmart plans evolve.
3. Notify us specifically at swarn@gmail.com if and when a permit application has been submitted.

Signed: for SWARN Strategies Committee

Mark Bradley

Megan Dushin

Sue Gilbertson

Gary Grefenberg

Mike Gregory

Dave Nelson

Attachment #2:

Roseville Comprehensive Plan

Pages 7.2-7.3, and page 7.5 of the Economic Development and Redevelopment Section

Goals and Policies

The following goals and policies guide City actions related to economic development and redevelopment...

Goal 1: Foster economic development and redevelopment in order to achieve Roseville's vision, create sustainable development, and anticipate long-term economic and social changes....

Policy 1.2: Ensure that local controls allow for contemporary retail, office, and industrial uses that are part of the community vision.

Policy 1.3: Encourage an open dialogue between project proposers, the surrounding neighborhood, and the broader community through individual and neighborhood meetings and use of technology.

Policy 1.4: Enhance communication of the community's objectives for promoting business development to enhance the quality of life in Roseville.

Goal 2: Enhance opportunities for business expansion and development that maintains a diverse revenue base in Roseville.

Policy 2.1: Foster strong relationships with existing and prospective businesses to understand their needs and to maximize opportunities for business retention, growth, and development.

Policy 2.2: Support existing businesses and welcome new businesses to serve Roseville's diverse population and/or provide attractive employment options that encourage people to live within the community....

Policy 2.4: Encourage locally owned and/or small businesses to locate or expand in Roseville....

Goal 4: Encourage reinvestment, revitalization, and redevelopment of retail, office and industrial properties to maintain a stable tax base, provide new living wage job opportunities and increase the aesthetic appeal of the city....

Policy 4.5: Continue to give attention to creating and maintaining aesthetic quality in all neighborhoods and business districts.

Goal 6: Integrate environmental stewardship practices into commercial development.

Policy 6.1: Foster transit-supportive development along existing and planned transit corridors....

Keys to Implementation

The experience of Roseville shows that several factors are important to achieving goals and policies for economic development and redevelopment.

Commitment: Commitment to the Comprehensive Plan and patience go hand-in-hand. This Plan does not simply seek to attract development to Roseville; it also seeks to move Roseville toward a vision for the future. There is a difference. Commitment to the Comprehensive Plan means the willingness to actively promote public and private investments that achieve its goals, and to deter developments that do not fit. Not all of these decisions will be easy.



June 8, 2012

VIA EMAIL AND U.S. MAIL

Patrick Trudgeon
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Re: Wal-Mart Stores, Inc. – Request for Administrative Decisions from the Community Development Department as to the Redevelopment of a Parcel of Land Bounded by County Road C, Cleveland Avenue, Twin Lakes Parkway and Prior Avenue (PF12-001)

Dear Mr. Trudgeon:

On behalf of our client Wal-Mart Stores, Inc., we hereby request that the Community Development Department provide Wal-Mart with a written final decision as to the following:

- Determining that the operation of a retail and grocery store at a parcel of land to be platted as Lot 1, Block 1, Twin Lakes 2nd Addition (the “Site”) is a permitted use under the Roseville City Zoning Code.

We believe that the other decisions of the Community Development Department relating to specific Site Plan Review items, as set forth in the City’s letters of November 23, 2011 and February 29, 2012, are no longer at issue and that the applicable appeal periods have lapsed.

This requested determination is based on the City’s Zoning Code, the City’s 2030 Comprehensive Plan, the City’s correspondence referenced above, the comments presented in this letter, and all materials and plans that Wal-Mart or its local consultants have submitted to the City to date, including the following:

1. August 9, 2011 – Traffic Impact Analysis
2. August 16, 2011 – Building Elevations and Site Plan Rendering
3. October 11, 2011 – Cover Letter, Civil Plans, Building Elevations, and Stormwater Management Report
4. October 24, 2011 – Civil Plans at 20:1 scale and Building Elevations to Scale
5. October 28, 2011 – Park Dedication Letter and Site Plan

Attorneys & Advisors
main 612.492.7000
fax 612.492.7077
www.fredlaw.com

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
55402-1425

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6. December 2, 2011 – Preliminary Plat Application, ALTA Survey, Preliminary Plat, Site Plan and Building Elevations
7. December 2, 2011 – Right of Way Vacation Application, ALTA Survey, and R.O.W. Vacation Exhibit
8. December 5, 2011 – ALTA Survey, Preliminary Plat, Site Plan, Site Plan Rendering, and Building Elevations
9. December 28, 2011 – Stormwater Management Response Letter
10. January 6, 2012 – Preliminary Plat and Site Plan
11. January 9, 2012 – Sitting Areas Exhibit
12. January 20, 2012 – Cover Letter, Preliminary Plat, Civil Plans, Site Plan Rendering, Public Sitting Area Exhibits, and Offsite Improvements Exhibit
13. February 17, 2012 – Zoning Response Letter, Preliminary Plat, Civil Plans, Site Plan Rendering, Public Sitting Area Exhibits, and Building Elevations
14. February 22, 2012 – 60% Offsite Plans
15. Fredrikson & Byron, Letter dated February 23, 2012 to Patrick Trudgeon regarding Environmental Compliance with Phase I and Phase II reports.
16. Fredrikson & Byron, Letter dated February 24, 2012 to Patrick Trudgeon regarding compliance with Twin Lakes Overlay District.
17. February 28, 2012 – Preliminary Stormwater Report
18. March 27, 2012 – Twin Lakes Parkway Drainage Memo
19. April 11, 2012 – Cover Letter, Preliminary Plat, Civil Plans, Site Plan Rendering, Building Elevations, and Building Floor Plan
20. April 19, 2012 – Tree Preservation Plan
21. May 3, 2012 – Public Improvements Cost Estimate and Exhibits
22. May 10, 2012 – Public Improvements Cost Estimate and Exhibits
23. May 10, 2012 – Final Plat for Twin Lakes 2nd Addition
24. May 15, 2012 – Building Elevations, Perspectives, and Building Floor Plan
25. May 21, 2012 – Final Plat Application

Wal-Mart understands that the Community Development Department's decision that Wal-Mart's store is a permitted use is subject to an appeal by "any property owner" and that an appeal, if any, would be considered at a public meeting held before the City Council, acting as the Board of Adjustments and Appeals at a regular City Council meeting. City Code at § 1009.08.

The Site and the Proposal

The Site is bounded by County Road C, Cleveland Avenue (with Interstate 35W beyond to the west), Twin Lakes Parkway and Prior Avenue. Wal-Mart intends to redevelop land to be replatted as Lot 1, Block 1, Twin Lakes 2nd Addition. There are no current proposals for the redevelopment of Lots 2 and 3 of Block 1, but it is anticipated that they will be developed as

Mr. Patrick Trudgeon
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restaurants by third parties. Wal-Mart first met with City Staff on its preliminary redevelopment plans in December 2010. Wal-Mart local team members discussed preliminary plans with individual members of the City Council during the months of June and July, 2011.

Wal-Mart's plans call for constructing an approximately 160,000-square foot building, together with a parking lot capable of parking 491 vehicles. Parking will be shared with the restaurants that will be developed on Lots 2 and 3. Wal-Mart will dedicate additional right-of-way to the public at Prior Avenue, County Road C, and Cleveland. As part of the redevelopment, public sidewalks will be provided along the east side of Cleveland Avenue and sidewalks within the Site will be provided to connect Lot 1 with Lots 2 and 3. Bicycle racks will be provided.

Landscaped seating areas for pedestrians will be provided at the corner of Prior Avenue with County Road C and at the corner of Prior Avenue and Twin Lakes Parkway. Lot coverage will not exceed 85% of the Site. Landscaping and parking will comply with City requirements set forth in the City Code. Environmental remediation of the Site, which previously had been used by trucking companies and for other industrial and automotive purposes, will be pursuant to a Remedial Action Plan/Construction Contingency Plan that will be approved by the Minnesota Pollution Control Agency ("MPCA"). Wal-Mart will comply with all stormwater requirements of the City, the MPCA, and the Rice Creek Watershed District.

As part of the pending preliminary and final plat applications, Wal-Mart will enter into a Development Agreement, a draft of which has been provided to the City Council. The Development Agreement provides that Wal-Mart will reimburse the City's expenses in installing certain public improvements along County Road C and Twin Lakes Parkway at an estimated cost of \$637,461.68. In addition, Wal-Mart will provide the City with \$400,000.00 to be used by the City for future upgrades to the Interstate Highway 35W/Cleveland Avenue intersection. Wal-Mart will provide the City with a park dedication fee in the amount of \$411,115.00, which is the amount set by the City's Parks and Recreation Commission on January 3, 2012. These amounts total more than \$1.4 Million, which does not take into account possible cost overruns that may be incurred by the City in constructing the public improvements, the cost of acquiring a small parcel of excess land from the City, permitting, fees, or utility hook-up fees. The costs of the environmental remediation of the Site are not included in the foregoing estimate and will be borne by Wal-Mart without public assistance.

Wal-Mart will not receive any public subsidies, such as tax increment financing or grants to facilitate its redevelopment of the Site. Any tax increment generated from the Wal-Mart development will accrue to the benefit of the public.

Mr. Patrick Trudgeon
June 8, 2012
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Retail Sales are Permitted in the CMU Zoning District

The Site is located in the Twin Lakes area of the City, known as Planning District 10 in the 2030 Comprehensive Plan. In 2010, the City amended its Zoning Code to add Section 1005.07, Community Mixed Use (“CMU”), and rezoned the Site to CMU in 2010. On September 12, 2011, the City further amended the Code when it adopted the Regulating Plan for Twin Lakes Sub-Area 1, which includes the Site. City Code § 1005.07(E) (the “Regulating Plan”).

The purpose of the CMU District is to encourage the development or redevelopment of mixed-use centers, which may include housing, office, commercial, park, civic, institutional and open space uses. According to the Zoning Code, complementary uses are to be organized into cohesive districts in which mixed or single-use buildings are connected by streets, sidewalks and trails, or open space to create a pedestrian-oriented environment. The CMU District is intended to be applied to areas of the City guided for redevelopment or intensification. City Code at § 1005.07(A).

The CMU District requirements incorporate Table 1005-1, which is the list of permitted and conditional uses in all of the City’s commercial and mixed use districts. City Code at § 1005.07(B)6 (specifically referencing Table 1005-1 which is found at City Code § 1005.03). “Retail, general and personal service stores” and “grocery stores” are all listed as permitted uses in the CMU District, as well as the Regional Business and Community Business Districts. The City Code defines “Grocery Store” as “a retail establishment that offers for sale food products, beverages, household items and may include pharmacy, and prepared food items.” City Code at § 1001.10. The City Code defines “Retail, General and Personal Services” to include “the retail sale of products and/or consumer services to the general public and produces minimal off-site impacts.” City Code at § 1001.10. Examples of general retail that are provided in a sidebar to Table 1005-1 include auto parts, books and magazines, music, clothing, pharmacy, electronics sales, jewelry, hardware, office supplies, pet store, and photographic equipment and printing.¹

There is no limit on the size of buildings in the CMU District and the Zoning Code does not define the term “big box.” The size of the building is ultimately controlled by the size of the parcel. The CMU District does not require that buildings be multi-story or mixed-use. There is no requirement that structured parking be provided. Off-street parking requirements are set forth in Chapter 1019 of the Zoning Code and the CMU District requirements encourage shared parking.

¹ Sidebars in the Zoning Code, such as diagrams, charts, pictures, graphs and commentary are for illustrative purposes and have no legal effect. City Code at § 1001.08.

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Wal-Mart's proposed redevelopment of the Site as a general retail and grocery store is a permitted use under the Zoning Code. The Roseville Wal-Mart will devote about a third of the sales floor to groceries, paper goods, the pharmacy, health and beauty aids, pet food and cleaning supplies. Clothing and home goods (such as bedding, bath and kitchen supplies) will account for about another one-third of the sales floor. The garden center will be about 7,700 square feet. The remaining areas of the sales floor will include the sales registers, and other merchandise including toys, sporting goods, hardware, automotive supplies, stationery and books, cameras and electronics, and seasonal goods. Tenant spaces will also be provided within the building and may be leased by a restaurant or a bank, for example. All of the foregoing products and services are permitted uses in the CMU District. The tenant spaces are also permitted and the mixture of goods and services are encouraged in the CMU District.

The Regulating Plan controls building orientation, setbacks, and the maximum lot coverage ratio. The Wal-Mart building will comply with the requirements of the Regulating Plan. The parking lot will comply with the City's parking requirements as set forth in Chapter 1019. Wal-Mart will share parking with Lots 2 and 3 and connecting sidewalks will be provided throughout the Site, thus complying with CMU District requirements.

The Regulating Plan states that the City will require additional public amenities or enhancements at Flexible Frontage Sites located at or near pedestrian corridors or roadway intersections where building placement is not within the "Build-to-Area," such as the Wal-Mart Site. City Code § 1005.07(E)3(a)i(C). To satisfy this requirement, Wal-Mart proposes to construct public sitting areas in two locations: at the intersections of Prior Avenue and Twin Lakes Parkway and at Prior Avenue and County Road C. These public areas will include benches and landscaping.

2030 Comprehensive Plan Allows Retail Development

Roseville's City Code acknowledges the importance of the Roseville Comprehensive Plan. "It is the policy of this City that the enforcement, amendment, and administration of this Code be accomplished with due consideration of the recommendations and policies contained in the Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council." City Code at § 1001.04. Roseville adopted its 2030 Comprehensive Plan on October 26, 2009. Roseville created the new CMU Zoning District in 2010-2011 and rezoned the Twin Lakes area, including the Site, to conform to the 2030 Comprehensive Plan.

The 2030 Comprehensive Plan created a Community Mixed Use designation. The Comprehensive Plan states that Community Mixed Use areas are intended to contain a mix of complementary uses that may include housing, office, civic, commercial, park, and open space uses. Community Mixed Use areas organize uses into a cohesive district, neighborhood or

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corridor, connecting uses in common structures and with sidewalks and trails, and using density, structured parking, shared parking and other approaches to create green space and public places within the areas. The mix of land uses may include Medium and High Density Residential, Office, Community Business, Institutional and Parks and Open Space uses. The Comprehensive Plan defines Community Business areas to include shopping centers and freestanding businesses that promote community orientation and scale. Community Business areas should have a strong orientation to pedestrian and bicycle access to the area and movement within the area, according to the Comprehensive Plan.

The 2030 Comprehensive Plan states that Twin Lakes should be not developed with shopping as the primary focus of future land use, but the Comprehensive Plan does not prohibit retail uses. Comprehensive Plan at p. 4-23. The 2030 Comprehensive Plan acknowledges that future development of the entire Twin Lakes area will likely be a series of smaller projects, rather than a large master development. *Id.* The Wal-Mart project is among the first of the stand-alone smaller projects that the Comprehensive Plan foresaw for Twin Lakes. Development of Lots 2 and 3 of Twin Lakes 2nd Addition will follow.

According to the 2030 Comprehensive Plan, Community Mixed Use areas may include commercial uses such as Community Business. Comprehensive Plan at p. 4-8. The 2030 Comprehensive Plan states that Community Business may include shopping centers and freestanding buildings that “promote community orientation and scale.” *Id.* Although neither the Zoning Code nor the Comprehensive Plan provides an objective standard to distinguish a community business from other types of retail, Wal-Mart expects that most of the business at its Roseville store will be generated by shoppers who will travel two miles or less to buy everyday necessities such as groceries or to visit the pharmacy, for example. Other Wal-Mart stores in the metro area will continue to serve shoppers living or working elsewhere; some of these other stores are larger than the Roseville store. There are currently 5 Wal-Mart stores within a 10-mile radius of the Roseville store site; 23 stores are within 20 miles. These figures do not include new stores under construction in Brooklyn Center, Blaine, Burnsville, and Lakeville. Wal-Mart does not expect that shoppers will travel long distances to shop at the Roseville Wal-Mart by-passing other Wal-Marts in the metro area. Rather, Wal-Mart expects that the Roseville residents currently shopping at the Vadnais Heights, St. Paul Midway, Fridley, and Saint Anthony stores will instead choose to shop at the Roseville store.

At page 4-23, the 2030 Comprehensive Plan references certain additional documents that are to be consulted to guide land use and to evaluate specific development proposals: zoning regulations, 2001 Twin Lakes Business Park Master Plan (the “2001 Plan”), the Twin Lakes Business Park Alternative Urban Areawide Review (“AUAR”), and the Twin Lakes Redevelopment Area Design Principles. See page 4-23. Zoning regulations are discussed in the preceding section and the Design Principles, for example, together with elements of the AUAR have been incorporated into the Zoning Code and the Regulating Plan.

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The AUAR studied various redevelopment scenarios for the Site, including a development of up to 240,000 square feet of service mix (including retail). The AUAR recommended certain measures to be implemented to mitigate environmental potential impacts. As set forth in the Development Agreement and elsewhere in this letter,² to mitigate impacts that the AUAR identified, Wal-Mart will pay for certain off-site traffic improvements, will implement a Remedial Action Plan approved by the MPCA, will provide approximately 25% of the costs of upgrading the intersection of Cleveland with 35W, will comply with all City ordinances, will obtain all required permits including without limitation, MPCA and Rice Creek watershed district permits, and will incorporate into the development sidewalks and pedestrian amenities.

The 2030 Comprehensive Plan also references the 2001 Plan,³ but unlike the City's previous Comprehensive Plan, the 2001 Plan is not incorporated into the 2030 Comprehensive Plan. Although the 2001 Plan states that that "Big Box Retail and Strip Centers" are not recommended, the 2001 Plan identifies the Site (i.e., the corner of County Road C and Cleveland) as the "best location" within Twin Lakes for commercial businesses to locate to serve the Twin Lakes and the general public. The 2001 Plan states that the Site offers ease of access from County Road C and Interstate Highway 35W; is transit-friendly, and is the farthest away from residential areas. The 2001 Plan, while recommending against undefined "big boxes," stops short of prohibiting retail and actually identifies the site as the best location within Twin Lakes for commercial redevelopment.

Neither the Zoning Code nor the 2030 Comprehensive Plan define the term "big box retail" or prohibit big box retail, however the term might be defined. Therefore, even though a planning document such as the 2001 Plan, may recommend against "big boxes," that recommendation is not a restriction that Minnesota courts could enforce. In 2006, the Minnesota Court of Appeals reviewed the same provision in the 2001 Plan and found that "although the

² See also, Fredrikson & Byron's correspondence dated February 23, 2011 and February 24, 2011, which discuss environmental compliance, including mitigation of issues identified in the AUAR.

³ The 2030 Comprehensive Plan states the City intends to rely on certain official controls and environmental studies to guide land use and to evaluate specific development proposals and lists zoning regulations, the 2001 Plan, the AUAR and the Twin Lakes Redevelopment Area Design Principles. See page 4-23. The Comprehensive Plan does not identify which of the foregoing are official controls. Minnesota Statutes define "official controls" at Minn. Stat. § 462.352, subd. 15: "Official controls' or 'controls' means ordinances and regulations which control the physical development of a city, county or town or any part thereof or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps." The 2001 Plan is not an official control because it is neither an ordinance nor a regulation implementing the comprehensive plan.

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City's comprehensive plan does not recommend big-box retail, the comprehensive plan does not prohibit such retail stores. Generally, this court 'narrowly construe[s] any restrictions that a zoning ordinance imposes upon a property owner.' ... Therefore, any 'restrictions on land use must be clearly expressed.'" *Friends of Twin Lakes v. City of Roseville*, No. A05-1770 (Minn. Ct. App., filed Aug. 10, 2006); See Also, *Frank's Nursery Sales, Inc. v. City of Roseville*, 295 N.W.2d 604, 608-09 (Minn. 1980) ("We must give weight to the interpretation that, while still within the confines of the term, is least restrictive upon the rights of the property owner to use his land as he wishes."), and *Chanhassen Estates' Residents' Ass'n. v. City of Chanhassen*, 342 N.W.2d 335, 340 (Minn. 1984)("restriction[s] on land use must be clearly expressed").

In this case, given the controlling case law, the lengthy history of disputes concerning the Site, and the Court of Appeals' instructions to the City in the 2006 *Friends of Twin Lakes* case, if the City wanted to ban or restrict "big-box retail" (whatever that might be defined to mean) it had ample opportunity to adopt a "clearly expressed" restriction in its 2030 Comprehensive Plan that was adopted in 2009 and in the applicable zoning code amendments that were adopted in 2010-2011. The City certainly knew of Wal-Mart's pending applications prior to adopting the Regulating Plan. Both the Comprehensive Plan and the CMU District allow retail as permitted uses. Neither the Comprehensive Plan nor the Zoning Code limits the size of a building in the CMU District. Therefore, the City may not prohibit Wal-Mart from developing the Site based on the size of its building or the fact that Wal-Mart proposes to engage in permitted retail sales.

For all of the reasons set forth in this letter and based on the record, Wal-Mart's proposed development of the Site as a 160,000-square foot Wal-Mart Store offering both groceries and general retail goods is a permitted use in the CMU District, and retail development of the Site is consistent with the 2030 Comprehensive Plan. We ask that the Community Development Department provide Wal-Mart with its determination concurring with the foregoing as soon as possible.

Thanks very much for your consideration.

Very truly yours,



Susan D. Steinwall
Direct Dial: 612.492.7171
Email: ssteinwall@fredlaw.com

SDS/kjm

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cc via email: Mayor Dan Roe and Members, Roseville City Council
Thomas Paschke
Mary Kendall
Will Matzek
TR Rose
Mike Sims
Beth Jensen
Jacki Cook-Haxby
Andy Berg
Paula Wagner

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COMMUNITY DEVELOPMENT DEPARTMENT

June 21, 2012

Ms. Susan Steinwall
 Fredrickson and Byron P.A.
 200 South Sixth Street
 Suite 4000
 Minneapolis, MN 55402

Mr. Mark Rancone
 Roseville Properties
 2575 Fairview Avenue North
 Suite 250
 Roseville, MN 55113

RE: Request for Zoning Compliance of Retail Use in the Community Mixed-Use District

Dear Ms. Steinwall and Mr. Rancone:

The Roseville Community Development Department has received and reviewed your request dated June 8, 2012 for a zoning use determination for the proposed Wal-Mart store to be generally located at County Road C and Cleveland Avenue, and within the Twin Lakes Redevelopment Area.

As a point of reference, when the Community Development Department begins initial discussions with a prospective developer, we employ a professional understanding of the zoning ordinance (which was adopted to be consistent with the 2030 Comprehensive Plan) to determine whether a use is permitted, conditional or prohibited for a given zoning district. If necessary, the Department also reviews other important documents to determine whether additional information will need to be provided to City Staff to determine other necessary and/or required improvements.

As you know, when the potential Wal-Mart store was brought to City Staff's attention in 2011, staff followed its typical procedure and reviewed the proposed use with the zoning ordinance and verbally confirmed that the proposed Wal-Mart store was permitted in the Community Mixed Use Zoning District, subject to complying with zoning regulations.

However, there continues to be community concern regarding the use and size of the proposed Wal-Mart which has led us to provide you with a more detailed analysis of all documents that may have some authority over the Twin Lakes Redevelopment Area. These include: the 2030 Roseville Comprehensive Plan, Title 10 Zoning Ordinance, Twin Lakes Business Park Master Plan, Twin Lakes Urban Design Principles, Twin Lakes AUAR, and the Minnesota Court of Appeals decision of 2006, File # C3-05-44. This review and analysis however, is limited to the use and does not address site improvement or building design compliance with the zoning ordinance.

SUMMARY

The Community Development Department finds that a retail development of 160,000 sq. ft. within the Twin Lakes Redevelopment Area (the Wal-Mart project) is under the thresholds of the Twin Lakes AUAR, is not prohibited by the 2001 Twin Lakes Business Park Master Plan nor the 2030 Roseville Comprehensive Plan, and is permitted by the Roseville Zoning Ordinance.

The following is our detailed analysis of the proposed Wal-Mart project.

I. ZONING CODE

The Wal-Mart project is proposed to be located on property within the Community Mixed Use Zoning District (CMU). Regulations covering development within the CMU district are generally contained in Chapter 1005 (Commercial and Mixed Use Districts) and specifically within Chapter 1005.07 (Community Mixed Use District).

- 1.) The Community Development Department finds that the Statement of Purpose within Section 1005.01 of the zoning ordinance allows for the Wal-Mart project since it does not include any prohibitions or limitations regarding use or size, and that the purpose statement is merely a guide for future development. Words like “promote”, “provide”, “improve”, and “encourage”, individually or collectively, do not limit a specific use, nor do they require something. On the contrary, these words provide general direction and guidance for the requirements that follow later in the zoning ordinance.

ZONING ORDINANCE

COMMERCIAL AND MIXED-USE DISTRICTS

1005.01 Statement of Purpose

The commercial and mixed-use district is designed to:

- A. *Promote an appropriate mix of commercial development types within the community;*
- B. *Provide attractive, inviting, high-quality retail shopping and service areas that are conveniently and safely accessible by multiple travel modes including transit, walking, and bicycling;*
- C. *Improve the community’s mix of land uses by encouraging mixed medium- and high-density residential uses with high quality commercial and employment uses in designated areas;*
- D. *Encourage appropriate transitions between higher-intensity uses within commercial and mixed use centers and adjacent lower-density residential districts; and*
- E. *Encourage sustainable design practices that apply to buildings, private development sites, and the public realm in order to enhance the natural environment.*

- 2.) The Community Development Department finds that the proposed Wal-Mart is permitted since general retail, banks, personal service, and grocery stores are listed as permitted use within the (CMU) district without specific limitations, restrictions, or prohibitions on the size of such uses.

1005.03 - TABLE OF ALLOWED USES

Table 1005.01	NB	CB	RB	CMU	Standards
Office Uses					
<i>Office</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	
<i>Clinic, medical, dental, optical</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	
<i>Office showroom</i>	<i>np</i>	<i>p</i>	<i>p</i>	<i>p</i>	
Commercial Uses					
<i>Retail, general and personal service*</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	
<i>Animal boarding, kennel/day care (indoor)</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>Y</i>
<i>Animal boarding, kennel/day care (outdoor)</i>	<i>np</i>	<i>c</i>	<i>c</i>	<i>np</i>	<i>Y</i>
<i>Animal hospital, veterinary clinic</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>Y</i>
<i>Bank, financial institution</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	
<i>Club or lodge, private</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	
<i>Daycare center</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>Y</i>
<i>Grocery store</i>	<i>p</i>	<i>p</i>	<i>p</i>	<i>p</i>	

np = not permitted, c = conditional use, p = permitted use, y = standards in procedures and/or property performance standards sections of the code.

(The asterisk refers to a sidebar in the code that references typical uses under the retail category. They include, but are not limited to Clothing and Accessories Sales, Pharmacy, Electronic Sales, Office Supplies).

- 3.) The Community Development Department finds that the statement of purpose for the Community Mixed Use (CMU) District does not preclude the Wal-Mart project since it does not limit, restrict and/or prohibit retail use or any size retail use use. The purpose statement is a guide emphasizing words like “designed to encourage” “should be organized”, and “intended” as a means for the Community Development Department to promote the standards or regulations that are found in the CMU District and/or the Regulating Plan of the Zoning Ordinance.

1005.07 COMMUNITY MIXED-USE (CMU) DISTRICT

A. STATEMENT OF PURPOSE

The Community Mixed-Use District is designed to encourage the development or redevelopment of mixed-use centers that may include housing, office, commercial, park, civic, institutional, and open space uses. Complementary uses should be organized into cohesive districts in which mixed- or single-use buildings are connected by streets, sidewalks and trails, and open space to create a pedestrian-oriented environment. The CMU District is intended to be applied to areas of the City guided for redevelopment or intensification.

- 4.) The Community Development Department finds that the Twin Lakes Sub-Area 1 Regulating Plan does not control use nor limit overall building size and therefore does not prohibit the Wal-Mart project. The Regulating Plan is a set of strict standards that apply to building design and placement and certain/specific site improvements, and which regulations do not take a use into account.

B. Regulating Plan

The CMU District must be guided by a regulating plan for each location where it is applied. A regulating plan uses graphics and text to establish requirements pertaining to the [site development] parameters. Where the requirements for an area governed by a regulating plan are in conflict with the design standards established in Section 1005.02 of this Title, the requirements of the regulating plan shall supersede, and where the requirements for an area governed by a regulating plan are silent, Section 1005.02 shall control.

II. 2006 TWIN LAKES COURT OF APPEALS DECISION

The Community Development Department finds that the 2006 Court of Appeals Twin Lakes decision supports the determination that the Wal-Mart project is a permitted use. The Court of Appeals decision regarding a “big box” use on the same piece of land as the proposed Wal-Mart project concluded that without stated limitations on size or use, or a prohibition on use, within either, the comprehensive plan or the zoning ordinance, a large retail use, is permitted. Although the 2006 decision was predicated on the B-6 zoning district, the Court of Appeals decision and its application to our current comprehensive plan and zoning ordinance is still very much relevant and applicable.

2006 COURT OF APPEALS DECISION

“The City code does not specify any maximum or minimum land-use ratio for the different types of permitted uses within the designated B-6 zone. And although the city’s comprehensive plan does not recommend big box retail, the comprehensive plan does not prohibit such a retail store. Generally, this court “narrowly construe[s] any restrictions that a zoning ordinance imposes upon a property owner.” See Mendota Golf, 708 N.W.2d at 172. Therefore, any “restrictions on land use must clearly be expressed.” Because the B-6 zoning designation does not prohibit retail, including big-box, or multi-family housing, or provide any restrictions on the amount of these land uses in proportion to other allowed land uses, we conclude that it was not reasonable for the city to determine that the Rottlund project, which includes retail, multi-family, and office land uses, is consistent with the B-6 zoning designation.”

III. 2030 ROSEVILLE COMPREHENSIVE PLAN

As part of the consideration of the proposed Twin Lakes 2nd Addition plat, the subdivision that will facilitate the Wal-Mart development, the City Council has heard extensive testimony from

the public that the proposed use is not consistent with the Comprehensive Plan. It has been suggested that the Comprehensive Plan limits “big box” and the proposed Wal-Mart store is inconsistent with the Comprehensive Plan and therefore the use is not permitted since the Zoning Code is not consistent with the Comprehensive Plan.

A Comprehensive Plan is a broad vision and general guide for cities to follow in achieving their desired goals, objectives, and policies. A comprehensive plan is not a document that is directly utilized to enforce the identified goals and objectives. Zoning Codes and other ordinances and City programs are utilized to implement the goals and objectives identified in the Comprehensive Plan. The overall Comprehensive Plan should not be construed as an enforcement mechanism for property development. In fact, Minnesota State Statutes recognizes this fact in Chapter 462.356 (2) and requires adoption of a zoning code to put the Comprehensive Plan into effect and the Comprehensive Plan includes a chapter on using the Plan to make progress towards achieving its goals. Therefore, it is clear that the Comprehensive Plan cannot be directly used to directly regulate development.

The City Attorney has advised staff that to the extent that a zoning code is inconsistent with the comprehensive plan, the zoning code should be amended to reflect the comprehensive plan. Therefore staff has prepared an analysis reviewing the Comprehensive Plan and the Zoning Code. Staff’s analysis finds that the Roseville Zoning Code is consistent with Comprehensive Plan and therefore the regulations within the Zoning Code are enforceable.

A. BUILDING SQUARE FOOT LIMITATIONS

Before we get into the analysis, it would be worthwhile to do a quick review of the discussion around “big box” in the context of the Comprehensive Plan. Starting in 2008, a steering committee comprised of citizens, commission members and elected officials spent over a year preparing and reviewing the 2030 Comprehensive Plan. One of the most discussed topics of the steering committee was whether to include size limitations of buildings within the “Community Business” and “Regional Business” land use designations. By a slim vote of the Steering Committee, the size limitations were retained in the draft Comprehensive Plan forwarded to the Planning Commission and City Council. (See September 11, 2008 Steering Committee notes). At the Planning Commission on October 1, 2008, the Planning Commission removed the square footage limitations contained in the draft Comprehensive Plan. The City Council, at both its October 13, 2008 and January 26, 2009 meetings, agreed with the Planning Commission’s changes and did not reinsert square footage limitations in the Community Business and Regional Business land use categories. This is important to note given the persistence of the notion that there are prohibitions on having “big box” developments. While there was much discussion about limiting these types of uses, in the end, nothing was included in the Comprehensive Plan that had size limitations. Therefore, the lack of a guideline for sizes of buildings within the zoning districts demonstrates that the Zoning Code is no inconsistent with the Comprehensive Plan.

The Community Development Department finds that due to the exclusion of any square footage limitations regarding building size in the Comprehensive Plan, the Roseville Zoning Code is consistent with the Comprehensive Plan and therefore the Wal-Mart project is permitted under the Comprehensive Plan.

B. COMPREHENSIVE PLAN LAND USE DESIGNATIONS

The Community Development Department finds that the land use categories in the Comprehensive Plan contain general vision statements of the sorts of things that are desired within a specific land use designation including a range of uses, but do not have specific guidance for individual parcels or developments. These thoughts, visions, and ideas are further expounded upon in the Goals and Policies sections of the Comprehensive Plan and are to be implemented over a long timeframe.

The Twin Lakes Redevelopment Area is guided Community Mixed Use in the Comprehensive Plan and the uses for this land use designation include many different types, including those within the broadly defined community business land use area, or others not specifically defined here, but rather those regulated under the zoning ordinance. The Comprehensive Plan is not expected to list every potential use; that is for the zoning code to do. Instead, the Comprehensive Plan provides a general range of uses as a guide. It is as part of the zoning code adoption that more specificity is created for the actual uses allowed.

The Wal-Mart project is located in the Twin Lakes Redevelopment Area and is guided as Community Mixed Use (CMU) in the Comprehensive Plan. Below is the description of the CMU district from the Comprehensive Plan.

Community Mixed Use (CMU)

Community Mixed Use areas are intended to contain a mix of complementary uses that may include housing, office, civic, commercial, park, and open space uses. Community Mixed Use areas organize uses into a cohesive district, neighborhood, or corridor, connecting uses in common structures and with sidewalks and trails, and using density, structured parking, shared parking, and other approaches to create green space and public places within the areas. The mix of land uses may include Medium- and High-Density Residential, Office, Community Business, Institutional, and Parks and Open Space uses. Residential land uses should generally represent between 25% and 50% of the overall mixed use area. The mix of uses may be in a common site, development area, or building. Individual developments may consist of a mix of two or more complementary uses that are compatible and connected to surrounding land-use patterns. To ensure that the desired mix of uses and connections are achieved, a more detailed small-area plan, master plan, and/or area-specific design principles is required to guide individual developments within the overall mixed-use area.

The Community Development Department finds that the Wal-Mart project is allowed since CMU description neither restricts nor limits specific uses or sizes and further finds that the zoning code has incorporated a small-area plan and design principles to ensure the mix of uses and connections through the Twin Lake Regulating Plan contained in Chapter 1005.07 (E) of City Code in compliance with the Comprehensive Plan

The description of the CMU land use district mentions Community Business uses as part of the mix of land use that could occur on the CMU guided properties. Below is the description of the Community Business land use category from the Comprehensive Plan.

Community Business (CB)

Community Business uses are commercial areas oriented toward businesses involved with the sale of goods and services to a local market area. Community business areas include shopping centers and freestanding businesses that promote community orientation and scale. To provide access and manage traffic, community business areas are located on streets designated as A Minor Augmentor or A Minor Reliever in the Transportation Plan. Community Business areas should have a strong orientation to pedestrian and bicycle access to the area and movement within the area. Residential uses, generally with a density greater than 12 units per acre, may be located in Community Business areas only as part of mixed-use buildings with allowable business uses on the ground floor.

The Community Development Department finds that the Wal-Mart project is allowed since the Community Business description neither restricts nor limits specific uses or sizes and further finds that the zoning code has incorporated design standards that promote community orientation and scale through the Twin Lake Regulating Plan contained in Chapter 1005.07 (E) of City Code in compliance with the Comprehensive Plan.

It should be noted that the Wal-Mart project Area has frontage on Cleveland Ave. and County Road C, both classified as A Minor Reliever, consistent with the Comprehensive Plan for Community Business uses.

C. COMPREHENSIVE PLAN GOALS AND POLICIES

The next area analyzed by the Community Development Department is the Goals and Policies sections of the Comprehensive Plan. These sections include words such as “facilitate”, “encourage”, “promote”, “seek”, “emphasize”, “ensure”, “maintain”, and “establish”, which do not provide strict limits, thresholds, or prohibitions and are not by themselves regulations. They are, in fact, part of a broader paragraph or statement that directs the creation of the Zoning Ordinance and other requirements and programs.

The Community Development Department would like to stress that projects that walk in the door are not to be reviewed against each goal and/or policy stated in the Comprehensive Plan, since the goals and policies are a collection of broad based desires of the community and no one project can meet or achieve each and every general goal or policy statement.

The Community Development Department has however prepared a concise analysis of all goals and policies contained in the Land Use, Economic Development and Redevelopment, and Environmental Protection chapters of the 2030 Comprehensive Plan. The analysis focuses on how or whether the goal and/or policy is advanced via the use or size of the proposed Wal-Mart and whether the goal or policy has been addressed in the zoning ordinance to achieve consistency between the two documents as required by law.

Based on that analysis, the Community Development Department finds that the Roseville Zoning Ordinance is consistent with and has incorporated the goals and policies identified in the 2030 Comprehensive Plan.

The detailed analysis is included as Attachment A.

IV. TWIN LAKES BUSINESS PARK MASTER PLAN

The Community Development Department finds that the Twin Lakes Business Park Master Plan, approved by the City Council on June 26, 2001, is a guiding document and not a regulatory document. The Twin Lakes Business Park Master Plan (or any master plan for that matter) does not have regulatory authority under Minnesota State Statutes. The Twin Lakes Master Plan is not included as an integral part of the Roseville Comprehensive Plan. In addition, the master plan's goals and policies and renewal strategies sections include words that merely advocate and not require certain things to occur.

Even though the master plan is not a regulatory document, staff has reviewed the master plan and has found consistency between the master plan and the zoning code.

Specifically, the Community Development Department finds that the zoning ordinance has embraced the Twin Lakes Business Park Master Plan by including specific regulations into the Chapter 1005.07 (CMU district and the Twin Lakes Regulating Plan). The master plan relied on a set of design guidelines that was later (2007) approved by the City Council in a resolution as the Urban Design Principles. This document, a collection of checks and balances based upon the desires of the plan, were to be reviewed against projects within Twin Lakes. In 2010, numerous references within the Urban Design Principles were incorporated as zoning requirements into Chapter 1005.07 of the City Code.

The Community Development Department further finds that the issue of lot coverage, open space, and/or impervious area, is consistent between the master plan and the zoning ordinance where by both advocate a 15% minimum green area. The master plan states (#24.b; pg. 8) that development retain a minimum of 15% of each site in green space and/or ponding; and in the zoning ordinance it states: lot coverage shall not exceed 85%.

The Community Development also finds that references regarding big-box retail development as not recommended or not encouraged do not embody a limitation or prohibition on such a use, and therefore retail of any size as a use within Twin Lakes is permissible under the Master Plan. As the master plan is not regulatory document, this point is somewhat moot, but the statement that "big box" is not recommended isn't the same as a "big box" use being prohibited. It is surmised the creators wanted to maintain flexibility in uses, including the possibility of a big box. Otherwise, the plan would directly state that "big box" uses should not be allowed.

V. THE ALTERNATIVE URBAN AREAWIDE REVIEW (AUAR)

The Twin Lakes Alternative Urban Areawide Review (AUAR) is not a land use or zoning document, it does not regulate use or size of buildings, and it is not a regulatory document *per se*. The AUAR is however, an environmental review document that is used by the City to determine a proposed project's impact thresholds and the required mitigations to make that project consistent with the AUAR.

Specifically, the Twin Lakes AUAR analyzed three different redevelopment scenarios for possible environmental impacts. Scenario "A" is identified as the "worst case," or the scenario that would lead to the greatest potential for environmental impact. As explained in Item 7 of the

AUAR, Scenario A was developed by reviewing the four different future land use maps depicted in the 2001 Twin Lakes Business Park Master Plan and assuming that each of the redevelopment Blocks was developed with the most intensive of those possible future land uses in order to identify strategies for effectively mitigating the potential impacts of such a “worst case” development. The proposed Wal-Mart development is situated within Block 4 for the purposes of the AUAR’s analysis.

In addition to high levels of development throughout the Twin Lakes Redevelopment Area, Scenario A evaluated Block 4, the location of the proposed Wal-Mart development, for 240,000 square feet of a land use referred to as “service mix.” The AUAR defines “service mix” as consisting of “retail, a hotel, a day care facility, a health club facility and restaurant uses that would be complementary to the other uses in the Twin Lakes Business Park,” and notes that “Service Mix [was] analyzed from a retail perspective as retail generates greater impacts than the other potential uses described within service mix, thus providing the ‘worst case’ development scenario.” Since the proposed development comprises a 160,000-square-foot retail store, Block 4 could still accommodate another 80,000 square feet of retail, hotel, day care, health club, restaurant, or other uses without exceeding the capacity assumed in the AUAR analysis.

The Community Development Department finds that the proposed Wal-Mart project is not inconsistent with the Twin Lakes AUAR and can proceed forward under the terms and/or mitigations addressed within the AUAR document. In addition, on May 21, 2012, the City Council determined that the Wal-Mart project was within the thresholds of the existing Twin Lakes AUAR and no further environmental review is needed.

CONCLUSION

In summary, the Community Development Department finds that Wal-Mart project is a permitted use under Chapter 10 (Zoning) of the Roseville City Code and that Chapter 10 (Zoning) of the Roseville City Code is consistent with the 2030 Roseville Comprehensive Plan. Additionally, the Wal-Mart project adheres to and is consistent with the 2001 Twin Lakes Business Park Master Plan and Twin Lakes AUAR.

Should there be any questions or comments regarding this review, please do not hesitate to contact Community Development staff.

Respectfully

CITY OF ROSEVILLE



Thomas R. Paschke
City Planner



Patrick Trudgeon
Community Development Director

Attachment: Analysis of 2030 Comprehensive Plan Goals and Policies

**ANALYSIS OF GOALS AND POLICIES IN 2030 ROSEVILLE COMPREHENSIVE PLAN
PREPARED BY ROSEVILLE COMMUNITY DEVELOPMENT STAFF**

MIXED-USE AREA GOALS AND POLICIES

Goal 13: Improve the community's mix of land uses by encouraging mixed medium- and high-density residential uses with high-quality commercial and employment uses in designated areas.

The Community Development Department finds that the generalized goal has been applied to the zoning ordinance and is enforced through the table of uses and the specific standards throughout each commercial zoning district, specifically the Community Mixed Use District. The Community Development Department further finds that Twin Lakes is a designated area for retail development that is supported by this goal and the zoning ordinance.

Policy 13.1: Facilitate the improvement, environmental remediation, and redevelopment of underutilized, heavy industrial land and trucking facilities in designated locations into a compatible mixture of residential and employment uses.

The Community Development Department finds that any development within Twin Lakes will be required via the Alternative Urban Areawide Review to improve the property, remediate the contaminated soil, and reuse underutilized former trucking facilities, and that the area is planned for a mixture of uses. The Community Development Department further finds that a retail establishment of any type of size is not restricted, limited, or prohibited, by this policy.

Policy 13.2: Develop and utilize master plans, as official controls, for redevelopment areas in order to achieve an appropriate mixture of uses in the mixed-use areas designated on the 2030 Future Land Use Map.

The Twin Lakes Redevelopment Area does have a master plan that provides further guidance regarding redevelopment desires. Unfortunately, master plans do not have regulatory standing or authority, much like a comprehensive plan does not. The City Code, and specifically the Zoning Ordinance, is the only regulatory document that applies to the Twin Lakes Area.

Specific to the Twin Lakes, the Twin Lakes Business Park Master Plan renewal strategy that was approved on June 26, 2001, provides more detailed guidance regarding mixed-use development as a vision for the Twin Lakes Redevelopment Area. The document discusses big-box in one area and that is on Page 11 where big-box (and strip centers) are not recommended.

The Community Development Department finds that the Twin Lakes Business Park Master Plan does not prohibit big-box use, it only recommends against it, and while a Walmart qualifies as a big-box, there have been no restrictions, limitations, or prohibitions established in the 2030 Comprehensive Plan or the Zoning Ordinance denying such a development from constructing in Twin Lakes.

Goal 14: Promote and support the development of mixed-use areas that have a rich mix of related and mutually reinforcing uses within walking distance of each other.

The Community Development Department finds that the CMU District supports a broad mix of related and mutually reinforcing uses and promotes walkability especially through the Regulating Plan. It is anticipated that the proposed Walmart will have a small collection of uses, including pharmacy, banking, grocery, photo lab, garden store, and two restaurants on outlots, all of which uses are walkable from near-by businesses.

Policy 14.1: Encourage a mix of two or more uses within each development project either within the same building or horizontally on the site.

The CMU design standards and the uses permitted address the mix and the regulating plan for Twin Lakes Sub-Area 1 address vertical and/or horizontal design, placement of buildings on parcels. It is anticipated that the proposed Walmart will have a small collection of uses, including pharmacy, banking, grocery, photo lab, garden store, and two restaurants on outlots, all of which uses are walkable from near-by businesses.

Twin Lakes is planned and zoned to allow for a mix of uses, with retail being only one of these allowable uses.

Policy 14.2: Use official controls to ensure all mixed use development is cohesive, compact, and pedestrian oriented, consisting of high-quality design, efficient parking strategies, and appropriate site landscaping.

The zoning ordinance has been developed to ensure organized development consistent with policy, especially in the CMU district where emphasis has been placed on pedestrian friendly design/orientation, high quality design (including four sided architecture, horizontal/vertical articulation, and a top, bottom and middle design to name a few), new parking standards that reduce parking minimums and maximums, and new landscaping requirements. Any development within Twin Lakes will be required to meet or exceed all requirements of the zoning ordinance specifically the CMU design standards and the regulating plan requirements.

Policy 14.3: Promote and support the provision of a robust system of public spaces within mixed-use areas such as parks, plazas, pathways, streets, and civic uses to encourage community gathering and connections.

The Zoning Code [1005.07(E) – Twin Lakes Regulating Plan] seeks the creation of pedestrian corridors to connect to the existing public amenity in the area and seeks the provision of additional open space to save/protect mature oak trees. The Regulating Plan also requires an additional buffer to further protect Langton Lake Park from development. Sub-Area 1 of the Twin Lakes Redevelopment Area includes a robust system of sidewalks and paths that the City installed over the past two years. Through the review of the Twin Lakes Business Park Master Plan, the CMU District, and the Regulating Plan, each development will be required to provide additional public spaces and/or amenities.

The location of the proposed Walmart is surrounded by existing sidewalk and/or pathways. The site will be required to provide a pedestrian connection through the parking lot and will be required to extend sidewalk to existing public facilities. The Walmart project will also have

public seating areas at the corner of County Road C and Prior and Twin Lakes Parkway and Prior.

Policy 14.4: Discourage piecemeal development that does not achieve the goals and policies for mixed-use areas.

It is true that policy 14.4 states we should “discourage piecemeal development”, however it is not stating to prohibit such development. In the case of Twin Lakes absent a master developer, piecemeal development will occur.

COMMERCIAL AREA GOALS AND POLICIES

Goal 9: Provide attractive, inviting, high-quality retail shopping and service areas that are conveniently and safely accessible by multiple travel modes including transit, walking, and bicycling.

The Community Development Department finds that the Zoning Code provides for attractive and inviting shopping through the regulations and design standards contained Chapter 1005 of the code.

Policy 9.1: Encourage commercial areas to make efficient use of land, provide for safe vehicular and pedestrian movements, provide adequate parking areas, provide appropriate site landscaping, and create quality and enduring aesthetic character.

The CMU district and the regulating plan establish requirements which advance these items. The proposed Walmart development will need to meet all requirements pertaining to this policy. These include placement of buildings, provision of pedestrian connections through parking lots and to existing public sidewalks/trails, minimum/maximum parking stalls, landscaping meeting all code requirements, and numerous architectural features.

Policy 9.2: Promote commercial development that is accessible by transit, automobile, walking, and bicycle.

Twin Lakes is currently accessible to all modes and so too will be the Walmart development, where the CMU district or the regulating plan requires such improvements.

Policy 9.3: Seek to make on-site transit stops part of commercial development and redevelopment.

Unfortunately we as a city have limited ability to “make” such things occur. Met Council controls transit and transit stops and although such an item could be beneficial to the employees and patrons, the likelihood is limited.

However, Twin Lakes has an existing park and ride facility that could offer reverse service, or be expanded or transit added to the area, should the numbers of employees be high enough for Met Council to add to their capital program.

Goal 10: Promote an appropriate mix of commercial development types within the community.

Specific to the Walmart proposal, the Community Development Department finds that the 2007 updated AUAR has analyzed mixes of uses and their potential impacts and identified specific

and detailed mitigations that would need to be implemented should a specific use trigger such infrastructure improvements. Since there is not a limitation, restriction, or prohibition on the size of a retail use explicitly stated in the 2030 Comprehensive Plan for the CMU designation, such a use is then permitted as part of the mix. Its scale is further regulated by the CMU district and the Regulating Plan.

Policy 10.1: Use the Comprehensive Plan to guide new commercial development to locations appropriate for its scale and use.

The Community Development Department finds that the Zoning Code's Commercial and Mixed Use Zoning District provide for effective regulations regarding scale and use within each district. More specifically, the CMU zoning district creates strict standards regarding scale and design.

Policy 10.2: Emphasize the development of commercial uses that meet the needs of existing and future Roseville residents.

The Community Development Department has emphasized through discussions and implementation of the Zoning Ordinance that such new uses attempt as best as possible to meet the needs of the community. However, "emphasize" is not a requirement to support one type of use over another, and since we as a City do not own or control the land, the "market" will come forward to address what it believes meets the needs of Roseville residents.

The Community Development Department finds that the Zoning Ordinance allows for uses consistent with meeting the needs of the community, now and in the future.

In the case of the Walmart proposal, without specific limitations, restrictions and/or prohibitions regarding use and size of building, the use and its large size is permitted.

Policy 10.3: Support neighborhood-scale commercial areas that provide convenient access to goods and services at appropriate locations within the community.

The Twin Lakes Redevelopment Area is not a neighborhood scale development. The Master Plan indicates that Twin Lakes is intended to serve a larger geographical area with uses such as a corporate office campus, high-tech flex and laboratory space, and hospitality uses such as hotels and restaurants.

GENERAL LAND USE GOALS AND POLICIES

Goal 1: Maintain and improve Roseville as an attractive place to live, work, and play by promoting sustainable land-use patterns, land-use changes, and new developments that contribute to the preservation and enhancement of the community's vitality and sense of identity.

The Community Development Department finds that this generalized goal for Roseville is addressed by establishing requirements of a similar nature throughout each zoning district, property performance standards, sign regulations, and parking and loading standards.

Policy 1.1: Promote and provide for informed and meaningful citizen participation in planning and review processes.

The Community Development Department promotes and provides for such participation in accordance with the City Code. In the past and specifically regarding the proposed Walmart development, the Community Development Department has been criticized for not providing more notice or hearings or public meetings. The Community Development Department has provided the required notice under city ordinances and state statutes.

Policy 1.2: Ensure that the City's official controls are maintained to be consistent with the 2030 Land Use Plan.

The Community Development Department finds that the zoning ordinance (City's official control) was amended and adopted to be consistent with the 2030 Comprehensive Plan.

Policy 1.3: Ensure high-quality design, innovation, sustainability, and aesthetic appeal in private and public development and redevelopment, with emphasis on efficient site access, appropriately sized parking areas, and overall beautification through the adoption and utilization of year-round landscaping and site design standards, guidelines, principles, and other criteria.

All specific zoning districts of the zoning ordinance have some form of heightened design elements added that were not present in the previous ordinance. The CMU district and the regulating plan specific to the Twin Lakes Redevelopment Area includes numerous heightened elements.

The proposed Walmart building and site will be required to meet all requirements of the zoning ordinance and regulating plan.

Policy 1.4: Maintain orderly transitions between different land uses in accord with the general land-use guidance of the Comprehensive Plan by establishing or strengthening development design standards.

Section 1011 of City Code specifically regulates transitional needs between uses such as from commercial to residential.

Policy 1.5: Promote well-planned and coordinated development.

Since Roseville can't compel coordinated development among Twin Lakes land owners, the Twin Lakes Regulating Plan was adopted into Section 1005 of City Code as a way to enforce certain planning and development principles to cause the piecemeal development to appear more coordinated. The Walmart development will need to meet these requirements.

Policy 1.6: Encourage improvements to the connectivity and walkability between and within the community's neighborhoods, gathering places and commercial areas through new development, redevelopment, and infrastructure projects.

The zoning ordinance in general addresses this throughout the city, and Walmart will have to comply with all such applicable requirements. The CMU design standards and the regulating

plan specifically address this policy for the Twin Lakes Redevelopment Area by requiring pedestrian friendly design and the provision of connections.

Policy 1.7: Create a higher aesthetic level for the community through use of redevelopment and infrastructure improvements to reduce or eliminate visual pollutants such as overhead power, cable, and telephone lines, traffic controllers, junction boxes, and inappropriate signage.

The zoning ordinance attempts to create standards that achieve higher levels of aesthetic architecture appeal. However, the zoning ordinance does not control what occurs within the public right-of-way.

In the case of the Walmart proposal and all development projects within Twin Lakes, the type of visual clutter addressed in the policy will be eliminated and/or screened properly on the site.

Policy 1.8: Reduce land consumption for surface parking by encouraging construction of multilevel and underground parking facilities, shared parking facilities, and other strategies that minimize surface parking areas while providing adequate off-street parking.

The zoning ordinance reduced parking requirements and in certain instances established the minimum parking number as the maximum allowed. In the CMU Zoning District, the amount of required parking stalls is more limited than in any other zoning district as a means to have less impervious surface and to encourage shared parking.

Policy 1.9: Encourage and support new development, redevelopment, and infrastructure improvements that incorporate and protect alternative energy sources, such as solar access, geothermal, wind, and biomass.

The zoning ordinance supports these typed of improvements, however does not require them. Nevertheless, the proposed Walmart will be incorporating skylights and numerous indoor sustainable practices to reduce energy consumption.

Goal 2: Maintain and improve the mix of residential, commercial, employment, parks, and civic land uses throughout the community to promote a balanced tax base and to anticipate long-term economic and social changes.

The Community Development Department finds that there are numerous offerings in the zoning code that promote maintenance or better improve and grow existing property in Roseville.

The Community Development Department finds that the construction of retail within Twin Lakes is not impacted by this generalized goal or the subsequent policies and therefore a compliance consistence is not appropriate or applicable.

Policy 2.1: Review the Land Use Plan regularly to ensure its usefulness as a practical guide to current and future development. Whenever practicable, coordinate the Plan with the plans of neighboring communities, the county, school districts, and the most current Metropolitan Council system plans.

Although the 2030 Comprehensive Plan is only in its third year, the Community Development Department regularly reviews its content to determine whether certain decisions have been made in the best interest of the community.

Policy 2.2: Promote and support transit-oriented development and redevelopment near existing and future transit corridors.

The Community Development Department finds that the zoning ordinance supports this policy within the Section 1018, Parking and Loading Requirements and specifically under the subsection related to reduction of minimum parking requirements, which allows fewer spaces where transit service is available.

Policy 2.3: Encourage a broad mix of commercial businesses within the community to diversify and strengthen the tax base and employment opportunities.

The Community Development Department finds that the zoning ordinance supports this policy statement by the broad allowance of permitted uses.

Goal 3: Identify underutilized, deteriorated, or blighted properties and guide them toward revitalization, reinvestment, or redevelopment consistent with community goals and good planning and development principles.

The Community Development Department finds the Twin Lakes Redevelopment Area includes a number of these properties; that the Comprehensive Plan and Twin Lakes Business Park Master Plan support redevelopment of such properties; and that the zoning ordinance contains numerous regulations and requirements to assist in completing such changes in the best interest of the community.

Policy 3.1: Support the use of master plans for small redevelopment areas.

The Community Development Department finds that Twin Lakes is not a small redevelopment area and it already has a master plan and therefore is not applicable to the Walmart development.

Policy 3.2: Promote redevelopment that reduces blight, expands the tax base, enhances the mix of land uses in the community, and achieves other community objectives.

The Community Development Department finds that the Walmart proposal achieves this policy statement and that the zoning ordinance includes specific regulations within the CMU district and regulating plan to achieve the needs, desires and objectives of the community as well as increasing the taxable value of the property.

Policy 3.3: Apply strategies to effectively enforce City codes related to the maintenance of buildings and property.

The Community Development Department finds that the zoning ordinance is not the mechanism for implementing this policy statement and that the City does have requirements regarding property maintenance located within Title 4, Health and Sanitation of the City Code.

Goal 4: Protect, improve, and expand the community's natural amenities and environmental quality.

The Community Development Department finds that the zoning ordinance where applicable and appropriate has created standards and/or regulations that address such a goal, and when

applicable, the proposed Walmart will be required to meet such applicable regulations and/or standards.

Policy 4.1: Promote the use of energy-saving and sustainable design practices during all phases of development including land uses, site design, technologies, buildings, and construction techniques.

The Community Development Department finds that the City does promote such sustainable practices. As an example, the Zoning Code permits the use solar energy on homes and businesses and encourages innovative stormwater techniques and for less impervious surface.

Policy 4.2: Seek to use environmental best practices for further protection, maintenance, and enhancement of natural ecological systems including lakes, lakeshore, wetlands, natural and man-made storm water ponding areas, aquifers, and drainage areas.

The Community Development Department finds that the Shoreland, Wetland, and Storm Water Management section of the zoning ordinance address this policy statement. The Department further concludes that the Public Works and Engineering Department is responsible for the issuance of erosion control permits and review of storm water management plans consistent with city code requirements and that a given project has received the approval of the watershed organization it is located within.

The proposed Walmart will be required to meet these standards and regulations as a component of their building permit approval.

Policy 4.3: Promote preservation, replacement, and addition of trees within the community.

The Community Development Department finds that the zoning ordinance contains a tree preservation ordinance that specifically addresses this policy statement.

The proposed Wal-Mart project will need to meet the standards contained in section 1011.04 of the zoning ordinance like all development proposals.

Policy 4.4: Existing and future development of business and industry, shopping, transportation, housing, entertainment, leisure, and recreation opportunities shall be in harmony with the commitment Roseville has made to its environment and quality of life, without compromising the ability of future generations to meet their own needs.

The Community Development Department finds that the zoning ordinance has established numerous standards to address this policy statement.

The construction of a Walmart within the Twin Lakes Redevelopment Area will be required to meet all requirements of the zoning ordinance, including those associated with the commitment to environment, walkability, and other quality of life considerations.

Goal 5: Create meaningful opportunities for community and neighborhood engagement in land-use decisions.

The Community Development Department finds that the Community Development Department has implemented or created many meaningful ways to engage, educate, and inform the citizenry

of Roseville on most all projects that occur. However, all projects have their limitation, no matter how important a certain project might be to the community.

The Walmart project has been discussed in some form for over a year. Permitted uses do not require public engagement and staff feels it would be inappropriate to offer such meetings, open houses, or create hearings on select projects due to due process concerns.

Policy 5.1: Utilize traditional and innovative ways to notify the public, the community, and neighborhoods about upcoming land-use decisions as early as possible in the review process.

The Community Development Department finds that it has either adopted into the City Code or as practice has utilized innovative and traditional ways to notify the public about specific developments in Roseville. These include an extended distance of notification greater than State Statutes requires (500 feet versus 350 feet) and open house meetings between applicant and residents for comp plan amendments, rezoning, and interim use, as well as using the Internet to provide notice and information. The Walmart project has followed the requirements of notification and/or the policies of the Community Development Department for notifying the public of this development possibility.

Policy 5.2: Require meetings between the land-use applicant and affected persons and/or neighborhoods for changes in land-use designations and projects that have significant impacts, prior to submittal of the request to the City.

The Community Development Department finds that the zoning ordinance has implemented a public meeting process for specific land use applications with the potential for significant impacts. Since the Community Development Department finds that the retail use is permitted within the CMU district without restrictions, limitations, and/or prohibitions, the code did not require such a meeting between residents and the developer.

Policy 5.3: Provide for and promote opportunities for informed citizen participation at all levels in the planning and review processes at both the neighborhood and community level.

The Community Development Department finds that similar to policy statement 5.1 there are limits that can be required of developments. Once the Department receives formal building plans for review and approval of a building permit such documents can be made available to the public. However, the Department does not feel that public interaction into this administrative process is beneficial to the overall development of the City.

Similar to the above sections, the chapter on economic development and redevelopment and specifically the goals and policies section, includes words such as foster, encourage, promote, ensure, work with, support, improve, and integrate, which words do not provide strict limits, thresholds, or prohibitions and are not by themselves regulations.

The zoning ordinance has taken these broad or generalized terms and developed specific regulations to address them. However, the Community Development Department finds that none of the economic development and redevelopment goals or policies would preclude a Walmart from being constructed within Twin Lakes.

The Community Development Department has also reviewed the discussion of the District 10 area within the Comprehensive Plan and finds that although the forth bullet point under “future

land use” states that Twin Lakes should not be developed with shopping being the primary focus, there is nothing limiting, restricting, or prohibiting shopping from becoming a use within Twin Lakes, especially a 14 acre development within the greater 275 acre redevelopment area. The Community Development Department further finds no mention of big-box or large-format retail within the discussion points and general information within District 10 and concludes that such a use would be permitted.

ECONOMIC DEVELOPMENT AND REDEVELOPMENT GOALS AND POLICIES

Goal 1: Foster economic development and redevelopment in order to achieve Roseville’s vision, create sustainable development, and anticipate long-term economic and social changes.

The Community Development Department finds that as this goal is more of a vision for the whole City and the wording is describing more of an approach, that this is not applicable to the zoning code *per se*. However, the Community Development Department finds that the zoning ordinance and regulating plan for Sub-Area 1 in Twin Lakes has incorporated many of the nuances indicated in the City’s vision.

Policy 1.1: Use planning studies to evaluate options and to establish plans for reinvestment, revitalization, and redevelopment of key areas and corridors.

The Community Development Department finds that this policy is a planning exercise and not applicable to the development of a Walmart within Twin Lakes.

Policy 1.2: Ensure that local controls allow for contemporary retail, office, and industrial uses that are part of the community vision.

The zoning ordinance adopted in December of 2010 incorporated a number of design elements to address many of the nuances discussed in the community’s vision both generally for the whole City and specifically for the Twin Lakes Redevelopment Area.

Policy 1.3: Encourage an open dialogue between project proposers, the surrounding neighborhood, and the broader community through individual and neighborhood meetings and use of technology.

When projects are permitted under the zoning ordinance, it is difficult for the Community Development Department to pick and choose which projects should or should not be encouraged to offer such a meeting. Since the Community Development Department finds that the retail use is not limited, restricted, or prohibited under the CMU district, the Department has no regulation to utilize to require such a meeting, even if for educational purposes. The Community Development Department has modified the zoning ordinance to require such meetings for certain application processed and/or land use requests. However, permitted uses are not required to conduct such meetings.

Policy 1.4: Enhance communication of the community’s objectives for promoting business development to enhance the quality of life in Roseville.

The Community Development Department finds that while more can be always be done to support this policy, lack of resources have limited the City’s ability to undertake this task.

Policy 1.5: Where appropriate, use public-private partnerships to achieve the community's economic development and redevelopment goals.

The proposed Walmart development is not a public-private partnership. All costs for the development will be borne by the private sector.

Goal 2: Enhance opportunities for business expansion and development that maintains a diverse revenue base in Roseville.

The Community Development Department finds that the zoning ordinance has encouraged business opportunities in new and existing facilities and that a Walmart will add to the diversity of the tax base in Roseville.

Policy 2.1: Foster strong relationships with existing and prospective businesses to understand their needs and to maximize opportunities for business retention, growth, and development.

The Community Development Department finds that the policy is for those existing business that for some reason cannot realize their desires without some form of City assistance. The proposed Walmart is a new permitted project that is not seeking any such assistance.

Policy 2.2: Support existing businesses and welcome new businesses to serve Roseville's diverse population and/or provide attractive employment options that encourage people to live within the community.

The Community Development Department finds that a Walmart will be a new business in Roseville to serve its diverse population and one that may allow for residents in Roseville to work and live in their community.

Policy 2.3: Improve the awareness of community assets and opportunities that Roseville offers prospective businesses through ongoing participation in regional economic development organizations and coordination with county and regional agencies.

The Community Development Department finds that this policy is not applicable to Walmart.

Policy 2.4: Encourage locally owned and/or small businesses to locate or expand in Roseville.

The Community Development Department finds that although a Walmart is not locally owned or a small business, the Department has not strayed away from its encouragement of such businesses in Roseville.

Goal 3: Establish an infrastructure system to meet the needs of current businesses and facilitate future growth.

The city has constructed much of the public infrastructure to make Twin Lakes development-ready.

Policy 3.1: Work with local businesses and the Metropolitan Council to improve transit service to, from, and within Roseville.

The Community Development finds that in order to compel a conversation with Met Council on improved transit anywhere in Roseville, there needs to be the density to support such

Metropolitan Systems. The proposed Wal-Mart development, although vehicle oriented (like most of Roseville and many other suburbs) is but one piece of the puzzle known as Twin Lakes, and that after more density and development comes to fruition, the City will have those conversations to determine whether existing service can be modified in such a manner fulfill this broad policy statement.

Policy 3.2: Work with Ramsey County, MnDOT, and the Metropolitan Council to promote, coordinate, and facilitate regional improvements to the roadway system, as well as to communicate planned roadway improvements to the general public in advance of construction.

The City will continue to work with the above governmental agencies to address future transportation needs not solely caused by Twin Lakes as a redevelopment project that is anticipated to add traffic back into the system.

Policy 3.3: Ensure that adequate public utilities (e.g., sewer and water) will be available to serve future commercial and industrial development.

Adequate public infrastructural services have been established for a large portion of the Sub-Area 1, Twin Lakes Redevelopment Area. However, more infrastructure improvements are anticipated to accommodate additional future developments, as identified in the Twin Lakes AUAR.

Policy 3.4 Encourage and promote the development of advanced, state-of-the-art telecommunication and information technology infrastructure to and within Roseville.

The Community Development Department finds that this policy only applies to individual developers to the extent that infrastructure is a component of their specific development.

Policy 3.5: Work with service providers to ensure adequate supplies and reliable distribution systems for electricity and natural gas.

The Community Development finds that this policy only applies to suppliers of natural gas and electricity.

Goal 4: Encourage reinvestment, revitalization, and redevelopment of retail, office, and industrial properties to maintain a stable tax base, provide new living wage job opportunities, and increase the aesthetic appeal of the city.

The Community Development Department finds that the Walmart project contributes to achieving this general or broad based goal.

Policy 4.1: Encourage and facilitate infill commercial, industrial, and office development on vacant commercial parcels to ensure maximum efficiency of land use.

The Community Development Department finds that Twin Lakes is, to some extent, a rather large infill development area, and that the proposed development of a Walmart at the corner of Cleveland Avenue and County Road C, will be designed and constructed utilizing the efficiencies regulated within the zoning ordinance.

Policy 4.2: Encourage and facilitate redevelopment of or distressed commercial, industrial, and retail properties into viable developments by working with property owners and interested developers.

The Community Development Department finds that the Walmart project contributes to the redevelopment of distressed property.

Policy 4.3: Foster environmental remediation of polluted property through partnerships with property owners and funding agencies.

The Community Development Department finds that the city will participate where applicable and appropriate in the remediation of pollution on the Walmart site. However, at the very least the City will review and approve certain remediation plans consistent with the city's regulations, policies and ordinances.

Policy 4.4: Use inspections and code enforcement to promote the maintenance of property, identify ongoing issues, and prevent the spread of potential blighting factors.

The Community Development Department finds that this policy is not applicable to the development of a property, but is rather to ensure on-going maintenance.

Policy 4.5: Continue to give attention to creating and maintaining aesthetic quality in all neighborhoods and business districts.

The Community Development Department finds that the requirements of the CMU district and its design standards, the regulating plan, and the property performance standards, the updated zoning ordinance contributes to achieving this policy.

Goal 5: Make effective use of available financial resources to facilitate community economic development and redevelopment objectives.

The Community Development Department finds that such financial support is discretionary and existing policies regarding such financial support traditionally do not support retail projects. The Community Development Department further finds that the proposed Walmart development seeks no financial support and as such, allows any existing and/or future funds to be considered for other economic development or redevelopment projects in Twin Lakes or elsewhere in Roseville.

Policy 5.1: Establish a strong working knowledge of the type and purpose of available municipal, regional, state, and federal development incentive programs.

The Community Development finds that this policy offers instruction for the City in support of effective use of financial and other development tools; this policy does not apply to developers.

Policy 5.2: Review new and innovative economic development incentives for application in Roseville.

The Community Development finds that this policy applies to City Staff and their continued efforts to promote business in Roseville; Incentives are to be offered from the City to a

prospective development/applicant, but not held against a development that desires to enter the community without seeking such incentives.

Policy 5.3: Establish guidelines for the use of financial incentives to promote the most effective use of limited resources, including tax revenues.

The Community Development finds that it is continuing to discuss such policies and that since the proposed Walmart development does not seek any funds or incentives, this policy does not apply.

Goal 6: Integrate environmental stewardship practices into commercial development.

The Community Development Department finds that there are certain state requirements for environmental stewardship including environmental remediation of soils, as well as those contained in the City Code including storm water management, landscaping, buffering, and preservation, to name a few, that apply to all development in Roseville.

Policy 6.1: Foster transit-supportive development along existing and planned transit corridors.

The Community Development Department finds that Twin Lakes can support transit and that this “fostering” is a broader topic than just one development within Sub-Area 1.

Policy 6.2: Support official controls and programs that incorporate state-of-the-art technology for new construction or rehabilitation of existing commercial buildings that promotes innovative and sustainable building methods.

The Community Development Department finds that the zoning ordinance offers several methods to incorporate newer methods to promote innovative and sustainable building methods, including the ability to use solar panels, innovative stormwater techniques and building density credit for structured parking.

Policy 6.3: Encourage the use of high-quality, durable, and energy-efficient building materials and construction products in renovations of existing buildings and construction of new buildings to promote decreased energy and land consumption, resource efficiency, indoor environmental quality, and water conservation, and to lessen site and community impacts.

The Community Development Department finds that the zoning ordinance goes a step further than encouraging, where, within the design standards, there are specific required elements related to vertical and horizontal articulation, window and door openings, four sided design, and building materials, that compel one to design buildings consistent with this policy.

Policy 6.4: Encourage third-party certification (e.g., LEED) of “green” building practices for new and renovated commercial structures.

The Community Development Department finds that it has encouraged in both meetings and discussions with potential developments, as well as has incorporated certain requirements that provide for greener building. It is the Community Development’s understanding that the proposed Walmart continues to add greener technologies to the building and site.

Policy 6.5: Create ongoing resources to educate the development community about “green” renovation and “healthy building” construction techniques.

This item is not applicable to the Walmart project. However, the Living Smarter Fair held each February provides a number of education materials on being greener, including some construction methods and/or techniques.

Policy 6.6: Encourage the use of low-impact and low-maintenance landscaping within commercial development to decrease natural resources consumed by landscape maintenance.

The Community Development Department finds that the zoning ordinance includes a landscape section listing requirements for incorporating low-maintenance materials or zero-scape into their development project.

Policy 6.7: Encourage the reduction of impervious surfaces, including consideration of decreasing parking requirements in return for additional landscaping and pervious surfaces

The Community Development Department finds that the zoning ordinance within the parking and loading chapter has reduced on-site parking requirements, which has resulted in smaller parking fields than previously required.

ENVIRONMENTAL PROTECTION GOALS AND POLICIES

Goal 1: Protect, preserve, and enhance Roseville’s water, land, air, and wildlife resources for current and future generations.

The Community Development Department finds that the zoning ordinance and other ordinances and policies of the City address the preservation and enhancement of the above items and more. Specific to Twin Lakes there is the CMU district, the regulating plan, the AUAR, and the master plan for Langton Lake Park, that address these items in their own way.

Policy 1.1: Enforce all local, regional, and federal codes, ordinances, and laws that protect the environment.

The Community Development Department finds that all applicable laws regarding the protection of the environment will be enforced regarding the Walmart project.

Policy 1.2: Ensure that the natural environment is an integral part of the Roseville urban landscape.

The Community Development Department finds that this policy is applicable to Walmart insofar as it lies within the Twin Lakes Redevelopment area for which standards and regulations apply. The Community Development Department further finds that the natural environment of Twin Lakes is Langton Lake Park which has a specific plan found in the Park’s Master Plan and which park is to be surrounded by a buffer as required by Chapter 1005.07(E) of the City Code.

Policy 1.3: Protect and enhance terrestrial and aquatic wildlife habitat, including grasslands, wooded areas, wetlands, ponds, shorelands, and lakes.

The Community Development finds that there are no grasslands, wooded areas, wetlands, ponds, shoreline or lakes being directly impacted by the proposed development site.

Policy 1.4: Preserve and enhance natural resources within public open space by implementing best-management practices systems, including invasive-plant removal, rain gardens, bio filtration, and native-plant selection.

The Community Development Department finds that all development sited in Roseville are required to implement best management practices. However, this policy is applicable to public open space areas and not a private development.

Goal 2: Maintain the functions and values of the City’s drainage features (e.g. lakes, ponds, and wetlands).

The Community Development finds that this goal, to the extent feasible, is being enforced through specific policies and Code requirements. That said, the proposed Walmart development is not altering any existing drainage features, and will provide storm water management that regulates the rate of run-off and holds back run-off as a means to clean the water prior to entering the City’s ponds, wetlands, and lakes.

Policy 2.1: Protect and improve surface water quality in the City’s lakes, ponds, and wetlands to meet established standards.

The Community Development Department finds that the Walmart project will be required to meet the latest standards that address surface water quality and control. However, this policy is more tied to the development of regulations than it is to the implementation of those adopted regulations.

Policy 2.2: Identify and plan means to effectively protect and improve surface and groundwater quality through good “housekeeping” methods, such as street sweeping sensitive areas and monitoring water quality.

The Community Development Department finds that this policy applies to the City Staff and their wherewithal to identify and address such items.

Policy 2.3: Protect, preserve, and utilize surface- and ground-water storage and retention systems.

The Community Development finds that all new development in Roseville is required to design storm water management systems that address this policy.

Policy 2.4: Work with the watershed districts to collect water-quality data on lakes within the city.

The Community Development finds that this policy applies to the City as an active participant in a relationship with a given watershed management organization in the collection of specific data and does not apply to a developer.

Policy 2.5: Promote groundwater recharge by reducing stormwater runoff.

The Community Development Department finds that to the extent feasible, developments will be allowed and possibly required to recharge the area’s groundwater, but only as such storm water management plans are approved by the applicable water management organization.

Goal 3: Prevent erosion into the City's lakes, ponds, and wetlands.

The Community Development finds that to the extent feasible, the City attempts to address erosion through enforcement and regulations. All developments are required to install erosion control fabric around the site perimeter so that should erosion occur, it is contained on-site and not impact adjacent public systems and/or ponds, wetlands, or lakes.

Policy 3.1: Require storm-water management and erosion-control plans for urban development and redevelopment projects.

The Community Development Department finds that all projects in Roseville are required to receive approval of a storm water management plan (by the city and water management organization) and is required to receive an erosion control permit.

Policy 3.2: Enforce development controls to reduce non-point-source pollutant load in surface water runoff using best management practices, such as rain gardens, bio filtration, and ponding.

The Community Development Department finds that the City's storm water regulations address this policy, which requirements will apply to the Walmart development.

Policy 3.3: Continue to cooperate with the Minnesota Pollution Control Agency (MPCA) in enforcing nonpoint source discharge standards.

The Community Development finds that the City has adopted regulations consistent with or in support of nonpoint source pollution that are reviewed through a developments storm water management plan.

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