



Approved: October 23, 2023

**CITY OF ARDEN HILLS, MINNESOTA
CITY COUNCIL WORK SESSION
SEPTEMBER 18, 2023
5:00 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Mayor Grant called to order the City Council Work Session at 5:00 p.m.

Present: Mayor David Grant; Councilmembers Brenda Holden, Emily Rousseau, Tena Monson and Tom Fabel

Absent: None

Also present: City Administrator Dave Perrault, Public Works Director/City Engineer David Swearingen, Community Development Director Jessica Jagoe, Assistant to the City Administrator/City Clerk Julie Hanson, Senior Communications Coordinator Luke Cardona, Recreation Supervisor Matt Johnson and Resident Robert Bonine

Mayor Grant noted they would add an item “Definition of Tobacco” before the Council Tracker.

Councilmember Rousseau asked to also add a discussion regarding Facebook posts.

1. PUBLIC INQUIRIES/INFORMATIONAL

None.

2. RESPONSE TO PUBLIC INQUIRIES

None.

3. INFORMATIONAL ITEMS

A. Interim Policy/Meeting Changes Update

Mayor Grant felt the memo accurately described the Council’s position. There were no further comments.

B. Assisted Hearing Technology Discussion

City Administrator Perrault stated that he was bringing forward the current consultant's recommendation which would consist of a wifi system that would be connected by an app on a user's phone which would connect to hearing aids via Bluetooth. There is also an option to add a T-coil neck loop that would connect to the wifi. If Council would like to proceed he will get an updated quote and bring it forward for formal approval.

Councilmember Fabel asked if that would be any different than what they have now.

City Administrator Perrault said it would be a different method of delivering the signal.

Councilmember Monson asked if they would be able to find the money in the budget.

City Administrator Perrault said the \$8,000 wouldn't severely impact the Cable Fund.

After confirming Council support, Mayor Grant directed staff to move forward with the item.

4. PRESENTATION ITEMS

A. City Owned Land Encroachment

Community Development Director Jagoe stated that Mr. Bonine, Property Owner of 3274 Katie Lane, spoke during public inquires requesting to be added to a future work session in order to allow for further conversation regarding a concern with his property. At that time, he presented to the City Council a letter addressed to city staff which outlined a proposal for collaboration to allow plantings on city park property adjacent to his lot. The general consensus of the Council was to bring this discussion forward at a future work session. Staff was directed to include the background on park land encroachments as part of the staff report for this discussion.

Community Development Director Jagoe said that in 2019 the City received a general complaint about properties that were encroaching in the general area of Floral Park and a trail segment between Cleveland Avenue and Stowe by Hazelnut Park. At that time a informative letter was sent to 22 households describing what the City considered to be encroachments and to remove them if they had them. There was a second letter sent to Mr. Bonine who corrected the things noted in that code enforcement letter. In 2022 there was another complaint and discussion by the Council regarding Mr. Bonine's property, specific to the trees that are there today. Staff was directed to ask that the trees be removed.

Community Development Director Jagoe stated that it was confirmed with the Public Works Director that to his knowledge there have not been instances of written permission being granted to a resident to add plantings as part of their private landscape on park property. Staff did confirm for the stretch of houses along Katie Lane (abutting park property) that there were three households issued a building/zoning permit for a fence since 1989.

Mr. Bonine said he acquired the property in 2015 and at the time had discussions with staff. Neighbors had been given verbal permission to do landscaping in the area as long as they had Xcel Energy's permission for the easement. About 4-5 years ago he had further conversation with staff and was told the city wouldn't allow a fence, so he went back to the original plan. He said there were 36 houses along the path and felt about 50% had encroachments including bonfire pits,

fences, play sets, raised garden beds and plantings. He would like to understand what makes his encroachment unique and if they could develop some consistency.

Councilmember Holden said she spoke with the former City Engineer who claimed she never gave anyone any oral permission to do anything to encroach on the City parks. She felt encroachments happen on other trails in the city. There have been articles in the newsletter regarding this. She felt if someone puts a row of shrubs or trees along the trail they are extending their yard and it is no longer park land, it's viewed as the resident's land.

Councilmember Rousseau asked if this was becoming problematic for the City to maintain the areas that are being encroached on.

Public Works Director/City Engineer Swearingen said the way they maintain this trail is to run a mowers width on either side of the trail, and Xcel Energy does the larger area mowing and vegetation control. There are some sanitary sewer structures that are accessed off the trails and possibly some storm sewer structures. He felt there was adequate room for snow storage and from a maintenance aspect the encroachments in this area weren't in conflict with maintenance.

Mr. Bonine noted that he has no issues with anything anyone else has done, but the lack of consistency is confusing.

Councilmember Rousseau thought the complaint they received seemed very negative and personal, and basing the entire community policy on this complaint might not be the right way to go.

Councilmember Monson asked about the two examples of other properties that were given.

Public Works Director/City Engineer Swearingen said in Example 1 there was a rain garden owned and maintained by the City.

Councilmember Monson said she has talked with other people that live along the trail and has been told the same thing – that they could put items in at their own cost but that it might get moved. She wanted to be sure it wouldn't cost the City more if they had a watermain or something similar to fix. She asked how staff felt about trees and plantings being in the way and the costs of moving them.

Public Works Director/City Engineer Swearingen stated that shrubs were pretty easy to move but trees were more impactful. Fencing or hardscaping would also be more impactful, and City staff would not put the items back, it would be up to the homeowner.

Councilmember Holden agreed that the letter was very negative. There are groups of people that walk Hazelnut Park trails and they've been dealing with this issue for many years. They've been upset because they haven't taken over City property in their yards and are frustrated with the length of time this has been happening.

Councilmember Fabel asked how many arborvitaes Mr. Bonine had planted.

Mr. Bonine responded that he had planted over 30. He went forward with the project because of ongoing communication he had with City officials and the letter of approval he received from Xcel Energy in 2019.

Councilmember Fabel explained his concern of adverse possession; that someone using your land over a period of time establishes rights to continue to do so. That can be avoided by having a specific agreement in place to say that they wouldn't claim adverse possession, and that at any point in time the City could say to remove the items. He didn't see a reason to force Mr. Bonine to take the trees out now, but he could be told to in the future if it became a problem for the City.

Mayor Grant asked if they will be putting a new watermain through this area.

Public Works Director/City Engineer Swearingen said this area is south of where the new force main would be located.

Mayor Grant added that by adding something such as a fence you are demonstrating use which becomes adverse possession. He said it could be argued that the arborvitaes are a vegetative fence. He was troubled by this much vegetation and thought they should have some sort of written agreement.

Councilmember Holden wondered what the City's liability would be if someone were to get hurt on the section of property that he has extended his yard into.

City Administrator Perrault said that according to the city attorney's previous answers to similar questions, if the City is intentionally negligent it would be liable, but it is typically the generator of the activity that is liable.

Councilmember Monson thought they should consider a broader agreement for everyone on the trail that has encroachments to deal with adverse possession, liability, and additional costs for removal if they don't remove it themselves. She appreciated how well that part of the trail is maintained by the residents. She felt they should have a policy of what residents could have along trails and in what areas. The question would be where do they draw the line.

Mr. Bonine also thought the trail area looks good. He said when they moved into the property it was full of buckthorn and invasive species. They looked at what they had done as a positive. He thought the Blue Thumb Initiative might be a good guide for some of what they're talking about being acceptable.

Mayor Grant asked if the Council wanted the City Attorney to work the Community Development Department to draw up something legal for this project as well as update City Code to be more explicit.

Councilmember Monson said she would support that.

Councilmember Holden wondered how far they would let people encroach on City property.

Councilmember Rousseau said her concern was that if they ask Mr. Bonine to move his trees they should probably be talking to other people to move their encroachments as well. She liked the suggestion of outlining what is acceptable.

Mayor Grant said this was clearly one of the larger encroachments that he has seen.

Councilmember Monson said because of the timing of when it went in she doesn't like it either, but because of the other things that have happened along the trail and there hasn't been a hard policy from the City it would be beneficial to try to figure out what they can tell people they can do. To just pick one person based on a complaint felt dangerous because what do they do with all the other people that have encroached?

Mayor Grant said with all of the aerial photos that are available nowadays you can pretty much prove when something went in.

Councilmember Holden verified that Mr. Bonine had received the letter the City sent to residents in the area regarding encroachment before he planted his trees. She thought they should post signs saying it was City property and people would be allowed to use it.

Mayor Grant restated that they want firmer ordinances strictly enforced and a legal agreement with this property. He asked if they were permitting the arborvitaes to live pending a legal agreement with the landowner.

Councilmember Holden suggested a height limit for the arborvitaes.

Mayor Grant said they could work out the details of a legal agreement at a future meeting.

Councilmember Monson explained how she thought PTRC might be able to contribute to the discussion.

Councilmember Rousseau thought members of PTRC might recommend native species where other people might look at them as being unkept or wild versus planting a rosebush.

Councilmember Fabel felt they should solve the current issue with an agreement that says if they want to they can require them to keep the arborvitae at a certain height, take them out or take out every other one so there is no prescriptive right obtained by the encroacher but also shows the City is willing to be reasonable.

Mayor Grant asked Council if they'd like hard-line or soft-line language in future language, three Councilmembers and the Mayor agreed to hard-line.

City Administrator Perrault said if they're taking a hard-line policy are they allowing additional flexibility such as allowing native plants? Right now, the policy is clear that nothing is allowed with the exception of permission by the Public Works Director.

Councilmember Monson felt mowing or buckthorn removal could be reasonable and still have a hard-line.

Mayor Grant would like to make the ordinance clearer so there would be fewer questions about what is encroachment. He thought in this particular case by putting up a row of arborvitaes and mowing the other side of it, adverse possession could be argued. He asked what direction they would like to give the attorney in this case.

Councilmember Fabel said the agreement should make it very clear that they are visitors on City property and we have the authority to place further conditions on the property.

Councilmember Monson agreed. She would also like to know how much it would cost for the City to remove them if needed.

Councilmember Holden didn't think anyone would have complained if it was just mowing. She thought it was the plantings to extend the yard that were the issue. She would like to see gaps in the arborvitaes and they be kept at a certain height.

Mayor Grant directed staff to have the attorney work on an agreement and make changes to the ordinance.

B. Newsletter SOP Discussion

Senior Communications Coordinator Cardona stated that he would like to know what Council would like to have as an agreed upon standard operating procedure for creating the newsletter. The newsletter is published 10 times a year and has been running four to 10 pages, with six becoming minimum. He would like to know how much authority staff has to pick topics, approve items etc. Answers to the questions he is proposing will help him put an SOP together that he can present to the Council.

Councilmember Fabel reported that as the current Council Liaison, he has attended one meeting for each issue where he has been presented with a draft of what staff has put together. There is some discussion on articles and location in the newsletter. Once revisions are made the draft is sent to the rest of the Council for objections or suggestions. He felt the process has been satisfactory and he was comfortable going forward the way it has been done.

Senior Communications Coordinator Cardona explained that topics generally go by the existing editorial calendar and department heads provide ideas. Ideas also come from Council through the City Administrator, Council Liaison or himself, so a procedure would be helpful. They don't have hard deadlines now. He noted that during the meeting with the Council Liaison they also discuss a topics list for the next issue.

Mayor Grant felt that now that there is a full-time communications person Council should back off and he wasn't sure they should even have a liaison at this point.

Councilmember Holden said because Council hears from the residents they would bring hot issue items forward and that was important. She thought they had missed items this year, like the budget schedule. She has heard there is a lot of fluff in the newsletter instead of more information about things like developments and road construction. She also felt the benchmarks have changed and we're no longer telling people the cost of running the city. She thought certain topics don't need to be in the newsletter so often but residents always have questions on a topic like TCAAP.

Mayor Grant said he didn't mean Council shouldn't be recommending topics, he meant that he didn't know if a formal Council Liaison was needed any more. He thought topics like "how to keep deer out of my yard" were a Google search and he felt the newsletter should be information about the city they probably wouldn't get off a Google search. He knew there are some articles that the county requires be put in.

Senior Communications Coordinator Cardona explained that a topic like "what to do with dead animals" was driven from resident inquiries and a request from Public Works, and that would be the type of thing he would like defined. Is that a topic that wouldn't be appropriate even though it was resident driven?

Mayor Grant said he understood that topic as it was more local and you might not find the information on a Google search.

Councilmember Rousseau said she has submitted ideas to staff or Councilmember Fabel but she felt there was no process for committees to submit information for the newsletter or Facebook. Her preference was to continue have a Council Liaison for communications. She would like to see a series about the Public Works department.

Councilmember Monson felt the Council's involvement should be limited to topics only, they should be avoiding politics and topics should be decided by staff or non-political topics from Council. She didn't think they needed a Council Liaison but ideas could be filtered through staff. She would be OK with staff starting over with topics that are included. The deadline suggested was fine. She thought staff should have the final say on what topics are included unless directed by Council. Feedback should be provided through a work session but be fairly limited. She has no desire to write articles for the newsletter as that is where she fears you get politics, and staff should have the final review.

Mayor Grant said he has also heard from residents that the newsletter has become fluffier and doesn't have quite the information they want. Residents would like to know more about TCAAP. He felt the focus of the newsletter should be what information residents want to know. He thought topics should be those that relate to the city with the exception of information the County provides. It should include Benchmarks and cost of things being approved. Council and department directors should submit topics. He was OK with the proposed deadline. He felt staff should have final say, and he didn't want to write articles as it was easy to get political. He thought Council should proof the newsletter.

Senior Communications Coordinator Cardona said who has the final say before going to the printer is usually the City Administrator or the Communications Manager.

Councilmember Holden agreed with Councilmember Monson. She said some of the big topics now are Round Lake, Lexington Avenue, the roundabout and Floral Park. She felt proofing was important and agreed with 10 issues a year.

Councilmember Rousseau said she'd love information like the Restoration Advisory Board (RAB) is meeting on Tuesday and they're talking about the plumes. She would like to see Parks and Rec opportunities highlighted like volunteer programs at Parkshore and Bark & Rec. She thought department directors could submit topics, along with Council and staff that are

commission liaisons. She was fine with the deadline suggestion. She preferred the City Administrator have final say on what topics are included and the Council should provide feedback through the City Administrator or Council Liaison. She had no desire for Council to write articles. Final proofreading should be the best proofreader on staff. Final say before going to the printer should be the City Administrator.

Councilmember Fabel said he doesn't feel he has prerogative over the content of the newsletter because of his role as liaison. He thought staff may feel it's useful to have a liaison but if not, he was OK with that too.

Councilmember Holden explained that the reason there was a Council liaison was because it used to be a resident committee, and that person also wrote articles.

Councilmember Monson added that if 10 issues a year gave them flexibility for one newsletter to cover one issue such as TCAAP or Public Works she was OK with it. She didn't have strong feelings about cutting the number down but would be OK with eight or something similar.

Senior Communications Coordinator Cardona clarified there was no question about the number of issues we create but noted most neighboring cities do less. He noted that the way to shorten articles is to provide teasers in the newsletter and then direct readers online more information. He noted he could explore using QR codes instead of long links.

Councilmember Rousseau mentioned that some people aren't able to get on the website or it's challenging for them, and QR codes are scary for others. She'd be open to other ideas such as a one-page issue just about TCAAP that's dropped off at the grocery store.

Councilmember Holden noted that PTRC was a big part of the city, but so was Planning and Public Works. They also have a Parks and Recreation brochure that goes out so she didn't want the newsletter to turn into the PTRC advertisement. She would also like to see a mention about the unnamed grocery store.

City Administrator Perrault said staff will potentially struggle with what Council might consider fluff, which could give reason to have a liaison. It is hard for the newsletter to be timely because it is typically three weeks past when decisions have been made.

Councilmember Rousseau was looking forward to seeing how the SOP looks at the next meeting. Quicker paced items could be put on Facebook.

Councilmember Holden asked if there would be something in the upcoming newsletter about voting for the school district.

Assistant to the City Administrator/City Clerk Hanson said they typically have not included voting information for the school district but they could. It could also be a newsflash and on social media. She noted information about the school district election is on the City's website.

Mayor Grant summarized that Council was pulling back from their involvement but they want to submit topics. Some would like staff to do the proofreading and others would like to participate. Most are against having a Council Liaison.

Councilmember Monson felt Council shouldn't proofread or have a say on where articles are placed, but should receive a copy of the newsletter as a courtesy before it goes out to the public.

Senior Communications Coordinator Cardona suggested a compromise that if a councilmember submits a topic they can also proofread the article, such as he does with staff.

Councilmember Holden disagreed, she felt they should only check for misspelling and punctuation errors.

Councilmember Rousseau said she looks more for content, such as budget numbers and did what the PTRC want highlighted get highlighted etc.

Senior Communications Coordinator Cardona stated the draft they receive of the SOP will be as specific as possible and give them another opportunity to comment on it.

Mayor Grant said they still need to decide if they want a Council liaison. He was comfortable without having one but the current appointment would stand for now.

C. Professional Services Agreement Discussion for Automated Pavement Condition Survey – Streets and Trails

Mayor Grant said the budgeted amount is \$20,000 and the company has said they can also do trails for an additional \$14,000 for a total of \$34,000. He liked maintaining trails but he thought staff could monitor them and the \$14,000 could be used elsewhere.

Public Works Director/City Engineer Swearingen added that currently Public Works staff is asked if they see sections of trail that need to have work done and they add that to their work plan for the following year. He keeps track of trails that have had done fog seal, crack seal etc. This survey would provide an objective real condition assessment.

Councilmember Fabel said he felt staff could keep an eye on the trails and fix as needed.

Public Works Director/City Engineer Swearingen said the Public Works employees are asked at their staff meetings if they have seen areas that need attention. An inspection is done to decide how much work is needed.

Councilmember Holden noted there were no weight limits or loads on the trails so she was for staying with the \$20,000.

Councilmember Monson asked if the survey would provide more information to have better cost estimates.

Public Works Director/City Engineer Swearingen replied not necessarily. He noted that it would assist to get to the level of streets, but for now they are just maintaining trails and sometimes stretching the PMPs to include trails.

Councilmember Monson stated that she's heard people complain about the condition of trails but if this wasn't the best tool maybe there would be a better way to make determinations.

Public Works Director/City Engineer Swearingen said they don't have the resources to do an overall condition assessment. This is an automated way to get the information.

Councilmember Monson said because the trails are already on a maintenance schedule she was fine staying with the \$20,000.

Councilmember Rousseau thought it was a nice idea but she was reluctant to approve it.

Councilmember Holden said more than half the trails were put in within the last 10 years so they know the foundations are good but it's the older trails they have problems with.

Public Works Director/City Engineer Swearingen noted that they are redoing almost all of Floral Park pathways, and they did a good portion within Cummings Park. They are implementing improvements within the maintenance plan and the overall condition of the trails is good but there are spots that need to be upgraded. Some will be reconstructed with upcoming PMPs.

Mayor Grant stated the general consensus was streets only.

D. T-Mobile Lease Agreement Discussion

Public Works Director/City Engineer Swearingen stated T-Mobile's real estate agent had contacted the City because they are at the end of their 25-year agreement. Staff has tried some brief negotiations with T-Mobile but they weren't agreeable to continue as is for the next 25 years, they want to adjust with the proposals shown in the memo. There will be a 15% increase every five years.

Mayor Grant preferred Proposal Number 1.

Councilmember Holden wondered how far out we are from just using satellite for phones.

Councilmember Fabel asked if we know what they are paying other organizations.

Public Works Director/City Engineer Swearingen said he didn't have that information but could gather it.

Councilmember Monson asked how much infrastructure they have and how much it would cost them to take it down. She would personally never negotiate a lower starting value than what they would already be at. She would also require an annual increase, not every five years. She would say no to Proposal Number 2.

Councilmember Rousseau would like to see what other cities are doing. Her preference would be to have more money up front.

Mayor Grant would also like to see what other municipalities are doing. He wondered what the range was of one of their cell towers. If they need to locate it here, the City is in a better negotiating position.

Councilmember Fabel said they didn't know if they were in the ballpark.

After further discussion staff was directed to gather contract information from other cities, along with other cell tower vendors in the City, and bring the item back to Council.

E. Franchise Fees Discussion

City Administrator Perrault said this was a continuation from the August work session and whether the Council wants to consider franchise fees as a way of funding some capital projects. The PIR Fund looks healthy but could use more funding, but the Public Safety Fund and Government Equipment Building Fund will be negative, in part due to the new fire station starting construction in 2026 and the revised CIP. In order to raise \$400,000 in franchise fees, Xcel projects it would require a residential monthly fee of \$2.00 on electric and \$2.25 on gas, for a total of \$51 annually between the two. A comparable tax levy increase of \$400,000 would equate to an annual increase between \$55 and \$60 on a median priced home (\$469,000).

Councilmember Holden was disappointed that the funding wouldn't include trails. Even if they bond for trails they need to pay the bonds off. If they get state bonding, will the City cost go down or just the County's? It is unknown now as there's not an agreement.

City Administrator Perrault replied that the numbers were based off the July CIP. There were numbers with and without the trails. Franchise fees are for the baseline not including trails because the trails aren't guaranteed or solidified in the budget yet. The County trail on Lake Johanna is in their TIP plan, but that is dependent on receiving funding, and the Old Highway 10 plan isn't in a County plan or in the CIP. Regardless of the trails there are still funding issues that need to be fixed.

Councilmember Fabel stated he was opposed to a franchise fee system. He felt if they need money for the various funds they should levy for what they need. He thought people would want to know why they were being charged a fee for something that has no relationship to the fee itself. Moreover, the fees would be the same for a \$2 million home as a \$200,000 home and that wasn't fair.

Councilmember Monson said she would like to have public engagement on the topic that would include where the City would use it. She would be open to an open house with a presentation and asking residents if they were going to give franchise fees where would they want them to go. She would like to have all the information presented at an open house or public hearing at a Council meeting.

Councilmember Rousseau thought they needed to be specific about why they think we need franchise fees, and also create awareness around the water meter project and make people really aware of the taxes and fees that are going toward their houses.

Councilmember Holden agreed with an open house but thought they also needed to show the trails in addition to public safety.

Mayor Grant thought they should make a running list of some of the things that are upcoming such as fire trucks, fire station, fire chiefs, extending trail to Highway 96, Lake Johanna Trail, and

additional fees from St. Paul water. The question to the public is do they value the items to the point that they are willing to do a franchise fee. If they do franchise fees they owe it to the public to tell them exactly where the fee is going. He favored an open house to get feedback.

Councilmember Fabel didn't see why it should be any different than any budget hearing they have. They are asking people how they'd like to spend money raised by the City whether it is raised by levy and a direct property tax or this indirect form of taxation, which is an unequal form of taxation, and irrational in many ways. He thought which of the funds need to be funded should be part of their overall budget discussion and put in the tax base. He felt the rational way of taxing at the city level was to impose a property tax.

Councilmember Holden said that being in a joint agreement with two other cities they don't have the option to say they aren't going to buy a fire truck.

Councilmember Monson said she wasn't committing one way or another but she did want resident's opinions on a franchise fee.

Councilmember Holden stated this was a less regressive tax because lower income people get energy assistance so the franchise fee gets significantly lower based on use and payment, where property taxes are regressive.

Further discussion ensued on a timeline for an open house. It was decided that April may be a good time and it was suggested that a representative from Xcel Energy be invited to attend

F. Sound Wall Discussion

City Administrator Perrault explained that the City has discussed pursuing a potential sound barrier in the city, typically along Old Highway 10 and Highway 96 south of Wedgewood Circle. Highway 51 and Glenhill area were also discussed. MnDOT is accepting applications this year through December 31st for 2029 sound barrier projects. Should the City want to submit an application and be awarded a project, the City would be responsible for 10 percent of the cost. Did Council want staff to continue to pursue this?

Councilmember Holden wondered what the City's ranking was last time.

City Administrator Perrault said this year with every application they will do a noise reading, then base the ranking on cost effectiveness, number of people served, etc.

Councilmember Monson said she would advocate for applying and even if they win they don't have to do it.

Mayor Grant noted some of the costs could be assessed.

Councilmember Rousseau asked if there were concerns that residents wouldn't want it.

Mayor Grant responded that they have received written petition from most of the people on Highway 10 wanting the sound wall.

Councilmember Rousseau felt it was a good idea to apply.

Councilmember Holden said the State does a good job of telling residents where the shadows will fall from the walls.

Councilmember Fabel mentioned a large part of the proposed area along Snelling Avenue was in Roseville, and trees may do a better job of blocking sound than a wall.

Mayor Grant agreed that there is limited distance and limited residents served and that section probably wouldn't score well.

Councilmember Holden noted they did just clear cut off of that road and the sound has changed. She felt they should apply for the Glenhill area.

City Administrator Perrault said that would require cooperation from Roseville and they would fund the majority of the wall.

Mayor Grant asked staff to approach Roseville and if they were agreeable we could apply for that section, and to apply for the Highway 10 segment.

G. Definition of Tobacco

Councilmember Holden said when the City passed the ordinance for no flavored tobacco, it was passed with the definition set in the ordinance. The State has since set a definition and ours doesn't copy it. Synthetic nicotine is considered tobacco according to the State and she thought we should change our definition to match.

Assistant to the City Administrator/City Clerk Hanson explained that the group that does the City compliance check reported that one license holder was carrying two flavored synthetic products. The City Attorney feels our ordinance doesn't clearly address these products, and he was reluctant to proceed with enforcement. The Council could choose to amend the ordinance.

After discussion, general consensus of the Council was to match the State definition of tobacco and staff was directed to bring forward draft language to amend the City's Code pertaining to synthetic nicotine products.

H. Facebook Postings

Mayor Grant said he became aware of a NineNorth production regarding the goats being used for buckthorn removal. It brought up the issue of a policy on the City's Facebook posts, or putting a link on the City website.

Councilmember Rousseau was concerned about the flowchart – when does something go into the newsletter or on Facebook, and what process works well for staff to get information or requests from the committees.

Councilmember Holden said the rule used to be they had to go through the chair of the committee, and the chair would contact staff.

Councilmember Rousseau would like to discuss again when the Senior Communications Coordinator is present.

City Administrator Perrault said the process today is that a particular committee or commission as a whole gives direction, along with the staff or Council liaison.

Councilmember Monson was fine with that, but noted the Fire Board didn't work that way.

Mayor Grant asked staff to put the topic on a future work session.

I. Council Tracker

After discussion the estimated completion date for 25 MPH Speed Limit on City Streets was changed to November 30, 2023.

5. COUNCIL COMMENTS AND STAFF UPDATES

Councilmember Holden stated it was cold and flu season so please pick up your garbage when you leave the tables or the dais.

Councilmember Monson wondered when they would discuss the deer population and a possible hunt.

City Administrator Perrault said he didn't have it slated yet for October or November. He thought they likely have missed the opportunity to have a hunt this fall.

Councilmember Holden mentioned the County said the deer count has gone down from last year in our area.

Councilmember Fabel said he attended meetings that morning and the previous Wednesday along with City and County and Commissioner Frethem with the Senate and House committees on bonding, to discuss Ramsey County's request for \$25 million in 2024 bonding money. They met at the Ramsey County Public Works building and did a tour of the TCAAP property. He felt both committees gave positive feedback and he thought the bonding request would receive consideration next year.

Councilmember Rousseau reported that at the last Planning Commission meeting an issue came up about fences for gardens. It was noted that many residents likely have garden fences tall enough to deter deer and keep them up year-round, with very few requesting a permit for non-conforming fences. It was suggested the issue be sent to the Planning Commission and as part of encouraging people to grow their own food the zoning administrator could be permitted to waive the fee or allow inconsequential small fences be used for agricultural purposes.

Councilmember Holden thought they could say if the garden was behind or beside the house the six-foot limit could be waived.

Councilmember Fabel stated he was against any ordinance regarding garden fences.

Community Development Director Jagoe said they haven't had anyone complain about garden fences and they haven't sent any letters telling someone they are non-compliant. They currently don't have the right to waive, if they received a code enforcement complaint they would address it at that time and it would fall under permanent fence if it was a year round fence.

Mayor Grant directed staff to work on the text change.

Mayor Grant noted the bidding for the Primer Tracer area would be ending, and there were currently nine bids. He proposed that as they go forward into the new format of work sessions in front of Council meetings the Council Comments at the work session be curtailed and given at the regular meeting. Ribfest was an interesting, fun event and there is a possibility of building it bigger. The hotels are doing well in the City, the Gateway Visitor Bureau has said they are doing better than Minneapolis and greater Minnesota. There will be a Fire Board meeting September 19, and City Attorney interviews on September 25. He appreciated Council allowing him to rush through a couple of topics but to be successful with the new format they will need to move topics along.

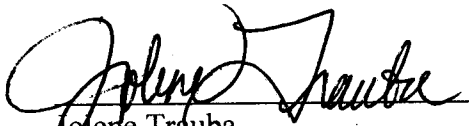
City Administrator Perrault said the County would like to address Council regarding the Lake Johanna Boulevard Trail, they are looking at the third Monday in November or December. He would like feedback on having a stand-alone meeting.

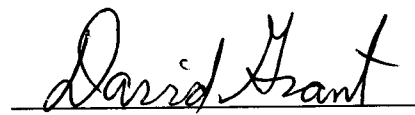
Council agreed to a stand-alone meeting.

City Administrator Perrault said it would be November 20 and he would confirm.

ADJOURN

Mayor Grant adjourned the City Council Work Session at 7:56 p.m.


Jolene Trauba
Deputy City Clerk


David Grant
Mayor