



CITY COUNCIL MEETING
July 19, 2016
4100 Lakeview Avenue North
Robbinsdale, Minnesota
7:00 p.m.

A G E N D A

CITIZEN PARTICIPATION

The City Council is meeting as a legislative body to conduct the business of the City according to the RULES OF PROCEDURE AND DECORUM OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the following times and always within the prescribed rules of conduct for public input at meetings.

- A) **PUBLIC HEARINGS:** Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the RULES OF PROCEDURE AND DECORUM OF THE CITY COUNCIL.
- B) **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL ON MATTERS NOT ON THE AGENDA**

Any member of the public may speak at this time on any item NOT on the agenda. In consideration for the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Other Business at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion without permission of the presiding officer.

Your participation, as prescribed by the Council's RULES, is welcomed and your cooperation is greatly appreciated.

1. CITY COUNCIL MEETING CALLED TO ORDER
2. ROLL CALL: Backen, Blonigan, Rogan, Selman, Mayor Murphy
3. **MICROPHONE CHECK:** Blonigan, Rogan, Selman, Backen, Mayor Murphy
4. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL ON MATTERS NOT ON THE AGENDA
5. APPROVAL OF THE July 19, 2016 MEETING AGENDA

CITY COUNCIL MEETING AGENDA

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CONSENT AGENDA: Pursuant to Council rules, one motion, non-debatable, will approve the recommendation noted. Any member of the Council may ask for an item to be taken from the Consent Agenda for discussion and separate action. Such items removed from the Consent Agenda shall be considered immediately following approval of the balance of the Consent Agenda:

- | | |
|--|----------------------|
| A. Motion to approve and order placed on file minutes of the regular City Council meeting of July 5, 2016, City Council Work Session of July 5, 2016 and, Special City Council Work Session of July 12, 2016. | 1-10 |
| B. Motion to approve issuance of licenses from list dated July 19, 2016. | 11-12 |
| C. Motion to approve the requested block parties for National Night Out on Tuesday, August, 2016. | 13 |
| D. Motion to approve the requested block parties and state aid street closures for National Night Out. | 14 |
| E. Motion to approve the street closure for West Broadway from 41 st to 42 nd and 41 ^{1/2} from West Broadway to Hubbard on September 12 th from 5 pm to 9 pm and spanning banner proposed by Robbinsdale Chamber of Commerce for the Main Street Meet & Greet which may be installed from August 30 – September 13. | 15 |
| F. Motion to approve the Right of Entry Permits granting permission to the Metropolitan Council and its agents and/ or contractors to enter city property at specific locations with each identified by a permit having a specific address. | 16-17 |
| G. Motion to hold the SECOND READING of Ordinance 16-09 “AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE TO ALLOW COMMON BOUNDARY LINE RELOCATIONS AS AN EXCEPTION TO PLATTING REQUIREMENTS.” | 18-19
(Ord. 19) |
| H. Motion to hold the SECOND READING of Ordinance 16-10 “AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593.” | 20-21
(Ord.21) |
| I. Motion to hold the SECOND READING of Ordinance 16-11 “AN ORDINANCE AMENDING THE SIGN ORDINANCE TO ALLOW TEARDROP BANNERS AS TEMPORARY SIGNS.” | 22-24
(Ord.23-24) |

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- J. Motion to hold the SECOND READING of Ordinance 16-12 25-31
“AMENDING SECTION 535 ADMINISTRATIVE PROCEEDURES (Ord.30-31)
TO BE CONSISTENT WITH THE CITY CHARTER SECTION
3.04.”

PRESENTATION

- A. Helping Us Grow – A Service Collaborative 32-41
- Presented by, Melodie Hanson (Program Director).
 - Motion to approve the request to add Robbinsdale City Hall (or other municipal building) to the September collection sites.
 - Proclamation for (HUG) Diaper Awareness Week (Proc.41)
Motion to ratify the proclamation proclaiming September 26th through October 2nd, 2016 as Diaper Need Awareness Week in the City of Robbinsdale, Minnesota.

PUBLIC HEARING

- A. There are no Public Hearing items scheduled.

OLD BUSINESS

There are no Old Business items scheduled.

NEW BUSINESS

- A. There are no New Business items scheduled.

OTHER BUSINESS

- A. Voucher Request Pending Approval for Disbursement 42
By motion, approve disbursement requests for period ending July 19, 2016.
- B. General Fund, Debt Service and Internal Fund Operation Budget 43
Recommendation to set a Work Session to discuss the Proposed City Manager's Budget for 2017 (General, Debt Service and Internal Service Funds) and to establish the Council's proposed General Fund and Debt Service Property Tax Levies.

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ADMINISTRATIVE REPORTS

COUNCIL GENERAL COMMUNICATIONS

ADJOURNMENT

Marcia E. Glick

Marcia Glick, City Manager

ITEMS PENDING OR UNDER STUDY FOR COUNCIL CONSIDERATION

ITEM	DEPARTMENT RESPONSIBILITY	ANTICIPATED AGENDA DATE
1. Final National Night Our Approvals	ADMIN	08-01-16
2. SECOND READING – Twin Oak Ln.	COM. DEVEL.	08-01-16
3. 3333 Halifax Rental License	COM. DEVEL.	08-01-16

City of Robbinsdale
CITY COUNCIL MINUTES
July 5, 2016
Meeting No. 13

CALL TO ORDER

1. Mayor Murphy called the meeting to order at 7:00 p.m.

ROLL CALL

2. Present: Selman, Backen, Blonigan, Mayor Murphy
Absent: Rogan
Staff: Marcia Glick, City Manager

OPPORTUNITY FOR THE PUBLIC

3. Mayor Murphy opened the floor to anyone wishing to speak on any items not on the agenda and hearing none, he closed the floor.

APPROVAL OF AGENDA

4. Glick commented on the power outages in the area and that meeting was not being recorded live. The meeting would be recorded for re-broadcast when the power returned.
5. Glick noted an updated license list that replaced page nine in the Agenda Packet.
6. Glick alerted those at the meeting that if weather sirens were heard, the designated emergency locations were in the control room and restrooms.
7. Member Selman **MOVED**, seconded by Member Blonigan to approve the agenda. **The vote was unanimous and the motion carried.** Rogan Absent.

CONSENT AGENDA

8. Member Blonigan **MOVED**, seconded by Member Selman to approve the Consent Agenda, items A through L. **The vote was unanimous and the motion carried.** Rogan Absent.
9. Items approved are as follows:
 - A. Motion to approve and order placed on file minutes of the regular City Council meeting of June 21, 2016.
 - B. Motion to acknowledge receipt and placing on file the minutes of the Parks, Recreation & Forestry Commission for 05/24/2016.
 - C. Motion to approve issuance of licenses from list dated July 05, 2016.

- D. Motion to approve the application for the annual Public Safety Open House on Saturday, August 13, 2016, from 11:00 a.m. to 3:00 p.m. with the closure of Hubbard Ave North between 41st Avenue North and 41 ½ Avenue North from 7:00 a.m. to 5:00 p.m.
- E. Motion to approve the Olivet United Methodist Church Whiz Bang Days festivities on Thursday, Friday and Saturday, July 7-9, 2016 from 8:00 a.m. to 2:00 p.m. on Thursday and Friday, and 8:00 a.m. to 12:00 p.m. noon on Saturday.
- F. Revocation or suspension of rental license for 3333 Halifax Ave. N. No action is recommended at this time (only an update).
- G. 3900 36TH Ave N. compliance with the requirements of the conditional use permit. Resolution 7447 "A RESOLUTION REVOKING CONDITIONAL USE PERMIT C14-1 FOR A CHURCH AT 3900 36TH AVENUE NORTH BASED UPON FINDINGS OF FACT." (Extension for compliance expired June 20.)
- H. Motion to authorize the Mayor and City Manager to execute the Utility Easement Agreement in favor of North Memorial Health Care for the provision of new Chilled Water Lines in Lowry Avenue, in accordance with documents as prepared by the City Attorney, subject to final concurrence of the easement document by the City Attorney and negotiation of the payment amount.
- I. Motion to authorize the Mayor and City Manager to execute a Limited Use Agreement in favor of the property owner of 3440 Beard Ave North for the provision of a privacy and sound barrier, consisting of trees and fence within the Beard Avenue ROW subject to standard front fence height restrictions and that any tree or fence is a minimum of 16 feet from the closest edge of the Crystal Lake Regional Trail at the driveway and allows an unimpeded view of the trail both ways for the extent of the property.
- J. By motion, dispense with the reading and order the adoption of the resolution 7505 "A RESOLUTION APPOINTING ELECTION JUDGES FOR THE PRIMARY ELECTION ON AUGUST 9, 2016 AND THE GENERAL ELECTION ON NOVEMBER 8, 2016."
- K. Motion to hold the FIRST READING of the Ordinance 16-13 "AN ORDINANCE AUTHORIZING SALE OF PROPERTY TO ROBBINSDALE ECONOMIC DEVELOPMENT AUTHORITY Twin Oak Lane as dedicated in the plat of Robbins Beach."
- L. Motion to hold the SECOND READING of the Ordinance 16-08 "AN ORDINANCE AMENDING VARIOUS SECTIONS OF CITY CODE TO UPDATE REFERENCES."

PRESENTATION:

10. There are no Presentation items scheduled.

PUBLIC HEARING:

11. There are no Public Hearing items scheduled.

OLD BUSINESS:

12. There are no Old Business items scheduled.

NEW BUSINESS A: Wicked Wort Brewing Company Event (07-09-16)

13. Glick reviewed the staff report.
14. Amanda Carlyle, Wicked Wort Brewing Company (Manager) at 4165 West Broadway, indicated that they were trying to make a big event to support Whiz Bang Days. They hired four bands for the Whiz Bang Days celebration to initially play from 1:00 p.m. to 12:00 a.m. There would be both inside and outside bands after 10 pm. The company created advertisement for the duration of entertainment not knowing the City's noise ordinance would limit their event to 10:00 p.m.
15. All ages are welcome to the event; there will be games and food available. With recent awareness of the ordinance, Carlyle requested that the Council allow the bands to play until 11:00 p.m.
16. Requested ability to bring in a food truck because the local restaurants cannot keep up with the food orders from Wicked Wort because the restaurants in the area are too busy serving their own customers.
17. Member Selman was in support of extending the ordinance for the Brewery to 11:00 pm and noted that a similar request had been approved for another block party in the past near the area.
18. Member Backen and Mayor Murphy concurred in granting an additional hour for music.
19. Carlyle projects for a minimum of 1,000 people to attend the event. She requested a reduction in the mandatory cost of having police officers present for future events. Factored costs for the Brewery total \$700; at \$70 an hour, per officer for five hours.
20. Glick noted the possibility of setting aside a budget for certain community designated events where, the City could pay for part of the cost in future years.
21. Member Blonigan noted that he believes the officers are being paid for over time and explains the charging rate.

22. Glick explained that, while the regular patrol officer is out patrolling for the City, there is a need to hire an additional officer at "time and a half" on their overtime rate (plus benefits and taxes); all of this factored into the \$70 per hour charging rate.
23. Member Blonigan would like to find a way in the future to reduce the security costs to businesses providing entertainment in Robbinsdale.
24. Mayor Murphy asked about one officer verses two.
25. Glick stated that, determining the number of officers should be discussed at a future work session with the Police Chief present.
26. Member Selman MOVED, seconded by Member Blonigan to "approve the Wicked Wort Brewing Company (4165 West Broadway) temporary liquor, temporary food and outdoor entertainment applications for their event on Saturday, July 9, 2016, with the additional conditions and an extension of time from 10:00 p.m. to 11:00 p.m." **The vote was unanimous and the motion carried.** Rogan Absent.

NEW BUSINESS B: Food Truck – Special Request

27. Glick reviewed the staff report.
28. Carlyle added that, the Wicked Wort will be highly cooperative with other restaurants in regards to having a food truck present.
29. There was a discussion on hours that food trucks might operate.
30. Glick suggested that the Council consider having a pilot program for a period of time.
31. Member Selman mentioned that the Lions Club could possibly contribute to supplying food to the Brewery's customers during Whiz Bang Days.
32. Carlyle mentioned that Gordy (of the Lions Club) indicated that the Lions planned to extend their own food service hours on Saturday.
33. Member Backen MOVED, seconded by Member Selman to "to allow food trucks in DD-1 and DD-2 at the Wicked Wort Brewery for a trial period of July and August, 2016 on Friday and Saturday evenings after 5:00 p.m. **The vote was unanimous and the motion carried.** Rogan Absent.
34. Council will be kept updated during the trial period.

35. Carlyle noted that the Brewery is advertising through flyers, radio station Go96 and their other social media platforms that include their Facebook page and website.
36. Carlyle stated that the Brewery will have the band lower their music volume between 10:00 pm to 11:00 pm.

OTHER BUSINESS B: Voucher Request Pending Approval for Disbursement

37. Member Selman MOVED, seconded by Member Backen to approve disbursement requests for period ending July 5, 2016. **The vote was unanimous and the motion carried.** Rogan Absent.

ADMINISTRATIVE REPORTS

38. Glick noted that after the Council meeting adjourns, a special EDA meeting would immediately follow and thereafter a Regular Work Session meeting would begin.

COUNCIL GENERAL COMMUNICATIONS

39. Member Backen mentioned the Whiz Bang Days event for the coming week/ weekend; along with a Bocce Ball tournament that the Council signed up to participate in.
40. Member Blonigan noted the Whiz Bang Days' Parade for Sunday afternoon and the Fireworks held for Sunday.
41. Member Selman commented on the Whiz Bang brochures which included a schedule of activities. Among the events he highlighted, the Lions Club, Miss Robbinsdale, and the coronation at Hollingsworth Park. Selman also noted the businesses that support the Whiz Bang Days festival and asked for the public contribute by purchasing buttons, t-shirts and/ or donating financially.
42. Mayor Murphy noted the ribbon cutting segment at Lakeview Terrace Park on the board walk at 6:00 p.m.; held by Three Rivers Park District.
43. Mayor Murphy congratulated Representative Mike Freiberg who was recently honored for his work.

ADJOURNMENT

44. Member Blonigan seconded by Member Selman to adjourn the meeting at 7:37 p.m. **The vote was unanimous and the motion carried.** Rogan Absent.

Alexandria Olson, Recorder

Regan L. Murphy, Mayor

ROBBINSDALE CITY COUNCIL
WORKSESSION MINUTES
TUESDAY, JULY 5, 2016.
COMMUNITY MEETING ROOM - CITY HALL

1. The worksession was called to order by Mayor Pro-Tem Backen at 8:15 pm.
2. Councilmembers Present: Blonigan, Rogan, Selman, Backen, Mayor Murphy,

Staff Present: City Manager Glick, City Engineer/Public Works Director McCoy, Director of Administrative and Recreation Services Marshall
3. UPDATE: South Twin Lake. a. Lake Weed Program. McCoy is waiting to hear back from the contractor, Lake Management Inc., for the status of the 2016 program. Blonigan said it seems the program is behind schedule and shared that lakeshore owners report shoreline weeds are denser this year than in the past. Also, the canal has not had the path of weeds removed yet. McCoy will follow up with council following his discussion with the contractor. b. Rip-Rap under Highway 100. McCoy said on June 27 he met on-site with staff from MN Dept of Transportation and MN Department of Natural Resources to review the situation of the rock falling into the water. McCoy is expecting to follow up with them soon to review solution options. Council suggested that since this rip-rap site is under a state highway, that our local state representative be contacted should there continue to be no rip-rap improvement.
4. DISCUSSION: Human Rights Commission a. Drop in membership. Difficulty getting quorum for meetings. Council supports amending city code and replacing consisting of 11 members to adding consisting of at least five members and that a quorum is a majority of members. Staff will follow up with the commission when they next meet in July.
5. DISCUSSION: Peddlepub Inquiry. Glick stated she recently received an inquiry about starting a peddlepub business in Robbinsdale. Council members did not support as they felt these were difficult to manage in terms of their routes, traffic congestion, and other issues.
6. DISCUSSION: Norma Kelly playground staging. McCoy overviewed the options of new equipment as two phases 2016-17 or all in 2017. If we do it in 2017, we could apply for a grant to help us expand our project budget. Selman said he visited the park and noted the equipment is old but is not in poor shape so he supports planning for 2017. Staff will set up a neighborhood meeting to present a couple equipment options and apply for a playground grant.
7. DISCUSSION: Municipal Liquor Option in Redevelopment Project. Glick overviewed the potential option of relocating the city's liquor store into the possible grocery project. Relocating gives the potential to have a more functional floor plan even if the square footage remains about the same. Council members supported exploring the option of the city owning the property verses leasing it. If the redevelopment goes thru, the relocation is likely fall 2017. Support for extending the current lease through 2017.

8. DISCUSSION: Cross Walk Striping Options Options were discussed regarding type of striping, potentially including a city logo painted onto the street. Glick noted the north half of West Broadway downtown needs reconstruction in the near future and coordination with a BLRT station. Council members favor stamped concrete over pavers. Staff will plan to experiment with a stencil of the city logo at a downtown intersection.
9. DISCUSSION: Option for City required sump discharge connection to drain tile when provided in street reconstruction areas. McCoy explained that a few residents are draining their sump pump into their alley which has created surface hazards for other residents and instead this should be required to drain into the cities drain tile where available. Council agreed this should not make a hazard for the public road or walkway. They recommended that since only a few residents are doing this, and not all pumping is causing a problem for others, to add it to the city's nuisance violations rather than a connection requirement.
10. DISCUSSION: Railvolution Conference October 9-12 (mobile demonstrations). Marcia will attend. Some council members will also attend and they will coordinate which demonstrations they will register to not overlap. Concurrence to add a work session July 12.
11. UPDATE: 2016 Goals. Staff provided highlights:
- If the Blue Line gets funded, there will be a federal requirement for Metro Transit to purchase replacement parkland since the temporary occupancy of Sochacki Park will extend more than 6 months. The park would be turned over to the City of Robbinsdale after acquisition. Graeser Park has been identified as a park for acquisition.
 - Pavilion update is that the pilings are required to be installed deeper into the soil for proper support.
 - Business District Incentive Grant: Ace Hardware has completed an application and will be replacing awnings; Strait Stuff also making plans for awning and paint updates plus cleaning the bricks. Businesses report that finding a tuck point contractor to do even a multiple building project has been difficult.
 - The developer open house for the Terrace Mall redevelopment is scheduled for July 13 at 4-7pm at Hubbard Marketplace. Another developer had held a neighborhood meeting regarding possibility of senior housing at 4600 Lake Road.
12. OTHER BUSINESS Mayor Murphy suggested the newly painted north side of Ace Hardware building be a good location for a new mural. Backen said Manor Park is highly used resulting in a lot of trash to the frustration of neighborhood residents. He said he will go there sometime soon and talk with users and asking where they are from.
13. ADJOURNMENT
Backen adjourned the meeting at 9:56 p.m.

Tom Marshall, Recorder

Pat Backen, Mayor Pro Tem

ROBBINSDALE CITY COUNCIL
WORKSESSION MINUTES
TUESDAY, JULY 12, 2016.
COMMUNITY MEETING ROOM - CITY HALL

1. The worksession was called to order by Mayor Pro-Tem Backen at 7:30 pm.

2. Councilmembers Present: Blonigan, Rogan, Selman, Backen, Mayor Murphy,

Staff Present: City Manager Glick, City Engineer/Public Works Director McCoy, Community Development Coordinator Pearson, Police Chief Franzen, and Police Captain Foley

3. UPDATE: South Twin Lake: McCoy shared GPS mapping for where the city consultant had taken samples for curly leaf pond weed and Eurasian milfoil. There were insufficient amounts of each weed available to apply for a DNR permit. Blonigan questioned the timing of the sampling for curly leaf pond weed indicating that when the test was done in April the water would have been too cold. McCoy will request further detail. Discussion followed regarding the challenges of providing coordination between the city contract and option for individual lake owners to request services at city contract rates. McCoy also shared information received from MNDOT related to the rip-rap repair process which indicated that they would work on a solution but did not have funds for a project.

4. UPDATE- 3333 Halifax: Pearson thought the judge was going to make a decision by now, but hasn't seen anything yet. Owner has served the tenant with an eviction notice in early July. An attorney representing the tenant was seeking 90 days.

5. DISCUSSION: Police Department staffing special events, Whiz Bang recap

- Whiz Bang went well overall. Issue on Friday were the Lodge objected to stop the music outside at 10 pm as indicated in their permit. Owner indicated he would pay a fine and keep going. Ultimately music stopped at 10:20. Police will research the amount of the fine. In any case, music would not be allowed to continue in violation of the specifications in the permit.
- Staffing at special events – a reserve officer at the Friday night event noticed a person apparently losing self-control. Officer approached and was shoved. Ultimately 2 persons were removed from the scene. If the city needs police officer presence at an event, no less than 2 officers would be assigned. \$70/hour is the average cost of having an officer at the event. Some cities charge \$100/hour. Budget discussion will include contemplation of the City funding part of the officer overtime for events during Whiz Bang Days or other community events.
- A resident complained about the parade preventing access to his home. Glick recommended distributing information to persons living in cul-de-sacs impacted by the parade route regarding how to get access to their homes during the annual parade.
- A resident complained about the fireworks being on a work night. Whiz Bang responded to the complaint noting that it was a 40 year tradition.

6. DISCUSSION: Police Department Report: Chief Franzen noted that the City Council provides civilian review of the department. He presented the highlights of a recent all-staff police department meeting looking back at the past year and ahead at challenges. The staff's main concern for the year was being fully staffed. This relates to medical leaves and challenges finding qualified staff. For the future:

- Body cameras: expense, state regulation, storage of data, officers overwhelmingly in favor. New state regulation: private unless you were involved, there was significant force or officer involved shooting after investigation closed. Researching equipment. Working on policies. Earliest implementation late 2017, early 2018. Potentially including replacement of dash cameras which would be linked to body cameras.
- Department has acquired shotguns that shoots beanbags as a less lethal option.
- New records management system will be going live in a couple of months which will involve staff training.
- Transitioning to bar coding evidence.
- Portable radios expected to be updated in 2019 (police and fire)
- 2017 external focus: Responsiveness – ready response and sympathetic to appeals, efforts, influences. Internal focus: Service.
- President's Task Force on 21st Century Policing – 6 pillars:
 - Build Trust & Legitimacy (guardian and warrior defend self and others)
 - Policy & Oversight
 - Technology & Social Media
 - Community Policing & Crime Prevention
 - Training & Education
 - Officer Wellness and safety.(Handout distributed providing additional detail)
- De-escalation is part of normal training. In process of having all staff complete a full 40-hour course of responding to mental health crises.

Discussion – consideration of a forum involving Human Rights Commission/Police/Council to engage with community. Staff will investigate further.

7. DISCUSSION: Railvolution Conference October 9-12 (mobile demonstrations). Possible to register for hotel ahead of conference registration with option to cancel @3 days notice. SunCountry seems to be best rates. Interest in attending mobile demonstration Sunday on an uptown area, Tuesday on an inner ring suburb.

8. UPDATE: Bottineau LRT

- Glick distributed a Star Tribune article on the budget adjustment.
- Glick distributed information on the conversion of the Lawcon designation on the portion of Sohacki Park used for temporary construction site.
- Glick reported on the recent visit with Crandall-Armambula, county funded consultant from Portland looking over the station area plans and suggestions for modifications. Glick indicated that she expected that the Bottineau Project Office would be providing

response to whether a suggested relocation of the bus terminal within the ramp closer to the platform would be possible (putting more eyes on the platform.)

9. UPDATE: 7/5 storm/power outage: Glick reported that the downtown impacts, including Broadway Court, were traced to a failure of an underground cable. There have been marks on Hubbard prior to the storm indicating intent for Xcel to work on the cable. Glick reported on Great Lakes Managements efforts to work with residents during the 24 hour partial power outage. Staff will follow up on a suggestion to add a generator for power backup for the elevator and others. Suspect there may be more tree trimming around power lines in areas which have lost power in the past and this last storm.

10. ADJOURNMENT

Backen adjourned the meeting at 10:00 p.m.

Marcia Glick, Recorder

Pat Backen, Mayor Pro Tem

INDIVIDUAL LICENSES FOR COUNCIL APPROVAL

07/19/2016

Current Date: 7/12/2016

<u>Type</u>	<u>Applicant</u>	<u>License Fee</u>
Temporary Food - Individual	Robbinsdale Lions	50.00
Transient Merchants - Solicitations	Full Belly, Happy Heart.	50.00

Number of Licenses Requesting Council Approval: 2

CONTRACTORS' LICENSES FOR COUNCIL APPROVAL 07/19/2016

<u>Applicant</u>	<u>Type</u>	<u>License Fee</u>
ARMSTRONG PLUMBING LLC	Plumbing Contractor	50.00
BOILER EXXPERTS LLC	Mechanical Contractor	50.00
INDOOR CLIMATE EXPERTS LLC	Mechanical Contractor	50.00
JIM BECK MECHANICAL LLC	Mechanical Contractor	50.00

Number of Contractor Licenses Requesting Council Approval: 4



MEMORANDUM

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: July 19, 2016
RE: Approval of Licenses

Background:

As required by City Code, contractor and business licenses issued in the City of Robbinsdale must be approved by the City Council. Attached is a list of applicants requesting a license or license renewal to operate within the City. All appropriate fees have been paid and certificates of insurance and bonds, if required, have been filed with the City Clerk.

Recommendation:

By motion approve issuance of licenses dated July 19, 2016.



Marcia Glick, City Manager

CONCURRENCE:



Tom Marshall, City Clerk

MEMORANDUM

To: Mayor and City Council
From: Marcia Glick, City Manager
Date: July 19, 2016
Subject: Approval of Block Party Requests for National Night Out (8-2-16)

Background

National Night Out is Tuesday, August 2, 2016. There are applications still being reviewed by the Police Chief and Public Works Director/City Engineer. The most current list will be distributed at the meeting.

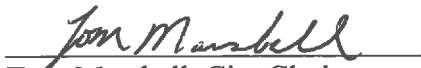
Recommendation

By motion approve the requested block parties for National Night Out.



Marcia Glick, City Manager

CONCURRENCE:


Tom Marshall, City Clerk



MEMORANDUM

TO: Mayor and City Council

FROM: Marcia Glick, City Manager

DATE: July 19, 2016

RE: National Night Out – State Aid Street Closures

BACKGROUND

National Night Out is Tuesday, August 2, 2016. Requests have been received for the closure of State Aid streets. The street closure and block party guidelines allow for closure of State Aid streets for this annual community event. Requests must be received 2 weeks prior to the event and there must be alternate routes around the street closure. Any additional requests to close State Aid streets following the July 19, 2016 meeting will be denied.

ANALYSIS

Staff received the following requests for closure of a State Aid street. The Police Chief has recommended closure. The Public Works Director/City Engineer approves subject to compliance with guidelines.

France – 27th to 29th – The Public Works Director/City Engineer notes that this is a State Aid street.

Hubbard Avenue – 37th (between 3689 and 3700) - The Public Works Director/City Engineer notes that this is a State Aid street.

Hubbard Avenue – 40th to 40 ½ - The Public Works Director/City Engineer notes that this is a State Aid street.

RECOMMENDATION

By motion, approve the requested block parties.

Marcia Glick, City Manager

CONCURRENCE:

Tom Marshall, City Clerk

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: July 19, 2016
RE: Robbinsdale Chamber Downtown Meet & Greet Banner

Background:

The Robbinsdale Main Street Meet & Greet is planned for September 12th. This very popular annual event includes the closing of West Broadway from 41st to 42nd, and the closure of 41 ½ Ave N.

The City Council is required to review/approve all proposed banners prior to the applicant proceeding to produce the banner. The Robbinsdale Chamber of Commerce will be using the same banner as last year – merely changing the date of the event – for the Main Street Meet & Greet to be held on September 12th. The event is from 5:30-7:30pm the road closure request is from 5pm to 8 pm allowing for set up and take down.

Analysis/Conclusion:

City Code specifies the following conditions for banners:

- Promoting noncommercial, community-wide event open to the general public
- Message to advertise a City special event, City partnership event, or event by a not-for-profit organization which has substantial community-wide interest.

The proposed banner is still in good condition, meets all requirements and is recommended for approval. The Robbinsdale Chamber of Commerce has already paid one-time fee for all events. Unfortunately, the wind has destroyed the Eggstravaganza and Tree Lighting event banners and the Robbinsdale Chamber is likely to switch to use of yard signs similar to those used for Robbinsdale Lions events.

Recommendation:

By motion, approve the street closure for West Broadway from 41st to 42nd and 41 ½ from West Broadway to Hubbard on September 12th from 5 pm to 9 pm and spanning banner proposed by Robbinsdale Chamber of Commerce for the Main Street Meet & Greet which may be installed from August 30 – September 13.



Marcia Glick, City Manager



MEMORANDUM

To: Mayor and City Council
From: Marcia Glick, City Manager
Date: July 19, 2016
Subject: Permission for BLRT Environmental Site Assessment Testing at Sochacki Park and at other City Property

Background

The METRO Blue Line Extension LRT Project Office began notifying property owners along the entire proposed route of the Blue Line Extension Light Rail to gain right of entry to investigate potential contamination sources. Their method is through drilling soil borings and/or test trenches so soil and groundwater samples may be collected and analyzed in a laboratory. This is part of their Phase II Environmental Site Assessment (ESA) field work. Sampling will occur from late summer 2016 into early 2017 on both public and private property. The Minnesota Pollution Control Agency will review the project's sampling plan. Noise associated with this work will be similar to the sound of a medium-sized diesel truck engine- a skid loader is expected to be used. They will take before and after photos of each testing location and Met Council will provide a copy to the city of the Phase II ESA report when it is completed. Testing will be conducted Monday thru Friday, between 7:00 a.m. and 6:00 p.m. Restoration of testing areas will be in-kind back filling.

Since Sochacki Park is a high risk site with a known history of dumping and debris, approximately 20 borings/test pits is the best plan for understanding the nature and extent of the contamination. Other city property includes: two sites at South Halifax Park along the railway, one at 34th and Indiana, one at 35th and Indiana, one south of 38th Avenue along the railroad tracks, one at the intersection of West Broadway Avenue and County Road 8, one at the end of Regent Avenue, one at the north and south side of the bridge over Highway 100, one at 4522 Toledo Avenue, and one at 4601 Toledo. Additionally, they are requesting a permit for 4161 Hubbard Avenue a property owned by the Robbinsdale Economic Development Authority.

Analysis/Conclusion

Staff met the BLRT team at Sochacki Park for the purpose of clarifying expectations and reviewing some of the sites. The trenches have been placed near two proposed construction staging areas and near the existing trail they will be reconstructing as part of the project and using as a construction access road during construction. They will not be disturbing the trail pavement as part of this fieldwork.

Protocol at Sohacki Park includes testing conducted away from the new trail and using smaller equipment to minimize impact, marking the proposed sites and then submitting locates. In reviewing their proposed sites, most sites are not close to any City infrastructure. If Met Council (SEH as consultant) encounters debris at a low depth, they will not attempt to remove debris to get further depth. Instead they will attempt adjacent spots and if adjacent spots are similar, this will be documented and the field crew will move on to other identified boring/test pit locations. They will minimize impact to vegetation to the extent feasible. Only small buckthorn or trees less than 2" in diameter will be removed for fieldwork access and testing. For any trees larger than this they will contact city staff for consultation prior to any action.

Outreach/Communications include Met Council or SEH to post an information flyer letting park users know what to expect and a general testing schedule in numerous locations including: the north entrance, interior parking lot, midway through park on western footpath entrance, the southern entrance to "Mary Hills," and Bonnie Lane cul-de-sac entrance. Met Council will post information about this testing on their website.

The testing will work around the late August Summer Camp in Sohacki Park hosted by Three Rivers Park District.

Recommendation

By motion, approve the Right of Entry Permits granting permission to the Metropolitan Council and its agents and/or contractors to enter city property at specific locations with each identified by a permit having a specific address.



Marcia Glick, City Manager

CONCURRENCE:



Tom Marshall, Director of Administrative and Recreation Services



MEMORANDUM

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: July 19, 2016
RE: SECOND READING of an Ordinance amending the subdivision ordinance

BACKGROUND:

Staff initiated this amendment to create an alternative to platting for adjacent neighbors to shift their common property boundary lines. The properties this is most likely to affect would be unplatted properties along France Ave. N. in the vicinity and souths of 29th Ave. N., although there may be others. The Council held the first reading on June 21, 2016.

ANALYSIS/CONCLUSION:

The Ordinance is ready for its second reading. State statutes allow for the exception to platting requirements. Robbinsdale's subdivision ordinance only has one exception to platting requirements, a lot split. The new exception would facilitate the moving of a property line between neighbors without platting. It would still require a survey and compliance with several conditions. The example used for the ordinance amendment was provided by the City of Minnetonka Subdivision Ordinance and reformatted for Robbinsdale. There is already a simple lot split available for platted properties if they can be described in simple fractions.

RECOMMENDATION:

Hold the SECOND READING of Ordinance 16-09 shown in **Exhibit 1** "AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE TO ALLOW COMMON BOUNDARY LINE RELOCATIONS AS AN EXCEPTION TO PLATTING REQUIREMENTS."

A handwritten signature in black ink, appearing to read "Marcia Glick", written over a horizontal line.

Marcia Glick, City Manager

CONCURRENCE:

A handwritten signature in black ink, appearing to read "Rick Pearson", written over a horizontal line.

Rick Pearson, Community Development Coordinator

Member _____ moved and Member _____ seconded a motion that the following Ordinance, which was given its first reading on June 21, 2016 be given its second reading this 19th day of July 2016 and that it be adopted.

ORDINANCE NO. 16-09

**AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE TO ALLOW
COMMON BOUNDARY LINE RELOCATIONS AS AN EXCEPTION TO PLATTING
REQUIREMENTS**

THE CITY COUNCIL OF THE CITY OF ROBBINSDALE DOES ORDAIN:

1. Section 500.13. Procedural exceptions. That the following Subdivision is to be added to the Subdivision Ordinance Section 500.13. Procedural exceptions.

Subd. 4. Common boundary line relocation. A subdivision done for the purpose of adjusting a lot line between two existing lots may be approved by the city manager if the following conditions are met:

- a. the new legal descriptions for the properties are metes and bounds;
- b. the adjustment does not result in the creation of a new lot, does not make one of the lots large enough to be eligible for further subdivision, and does not make an unbuildable lot buildable; and
- c. the resulting parcels meet all applicable ordinance requirements, except that if one of the parcels was previously non-conforming, it must become more conforming as a result of the subdivision.

- 2 That the following summary clearly informs the public of the intent and effect of the ordinance and is approved for publication:

The purpose of the amendment is to allow an exception to platting requirements for neighbors of adjacent properties to adjust their property lines as allowed by Minnesota State Statutes.

First Reading: YEAS: Blonigan, Rogan, Selman, Backen, Mayor Murphy.
NAYS: None.

Second Reading: YEAS:
NAYS:

PASSED AND ADOPTED BY THE CITY COUNCIL THIS 19TH DAY OF JULY, 2016.

ATTEST:

Regan L. Murphy, Mayor

Tom Marshall, City Clerk
(SEAL)



MEMORANDUM

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: July 19, 2016
RE: SECOND READING of an Ordinance to opt-out of a new state law permitting temporary family health care dwellings.

BACKGROUND:

The Legislature created a law that permits temporary detached dwellings to be placed on single family lots to provide housing for relatives needing health care services. The permit is state wide, but cities are given the ability to “opt-out” by adopting an ordinance. Council held the first reading on June 21, 2016.

ANALYSIS/CONCLUSION:

The Ordinance is ready for its second reading. The Council agreed with the concerns about the legislation and that the temporary dwelling units could bring a lot of issues.

RECOMMENDATION:

Hold the SECOND READING of Ordinance 16-10 shown in **Exhibit 1** “AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593.”

A handwritten signature in blue ink, appearing to read 'Marcia Glick', written over a horizontal line.

Marcia Glick, City Manager

CONCURRENCE:

A handwritten signature in black ink, appearing to read 'Rick Pearson', written over a horizontal line.

Rick Pearson, Community Development Coordinator

Exhibit 1

Member _____ moved and Member _____ seconded a motion that the following Ordinance which was given its first reading on June 21, 2016, be given its second reading this 19th day of July 2016.

ORDINANCE NO. 16-10

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings and;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROBBINSDALE
DOES ORDAIN:**

1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Robbinsdale opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.
2. This Ordinance shall be effective immediately upon its passage and publication.
3. **That the following summary clearly informs the public of the intent and effect of the Ordinance and is approved for publication:**

The City of Robbinsdale is opting out of the requirements of Minn. Stat. 462.3592, which defines and regulates Temporary Family Health Care Dwellings.

First Reading: YEAS: Blonigan, Rogan, Selman, Backen, Mayor Murphy.
 NAYS: None.

Second Reading: YEAS:
 NAYS:

PASSED AND ADOPTED BY THE CITY COUNCIL THIS 19TH DAY OF JULY, 2016.

Regan L. Murphy, Mayor

ATTEST:

Tom Marshall, City Clerk
(SEAL) .



MEMORANDUM

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: July 19, 2016
RE: SECOND READING of an Ordinance amending the sign ordinance to allow "teardrop banners."

BACKGROUND:

Staff initiated this text amendment to treat "teardrop banners" as temporary signs based upon Council direction provided at the May 3 worksession. On June 21, 2016, the Council held the first reading.

ANALYSIS/CONCLUSION:

The Ordinance is ready for its second reading. At the first reading, Council was concerned about alerting businesses who may not chose to obtain such a banner because of the restrictions. A fact sheet will be inserted with the commercial utility bills in addition to other outreach once the ordinance is adopted.

The amendment creates a definition of tear drop banners. Teardrop banners will be inserted into the category for portable signs and pennants allowed by permit up to 30 days per year. The allowance for signs cannot be transferred from one property to another. Additional language restricts them in the downtown architectural design guidelines area and site plan requirements with standards has been added.

RECOMMENDATION:

Hold the SECOND READING of Ordinance 16-11 shown in **Exhibit 1** "AN ORDINANCE AMENDING THE SIGN ORDINANCE TO ALLOW TEARDROP BANNERS AS TEMPORARY SIGNS."

A handwritten signature in black ink, appearing to read "Marcia Glick", written over a horizontal line.

Marcia Glick, City Manager

CONCURRENCE:

A handwritten signature in black ink, appearing to read "Rick Pearson", written over a horizontal line.

Rick Pearson, Community Development Coordinator

Member _____ moved and Member _____ seconded a motion that the following Ordinance, which was given its first reading on June 21, 2016 be given its second reading this 19th day of July 2016 and that it be adopted.

ORDINANCE NO. 16-11

AN ORDINANCE AMENDING THE SIGN ORDINANCE TO ALLOW TEARDROP BANNERS AS TEMPORARY SIGNS

THE CITY COUNCIL OF THE CITY OF ROBBINSDALE DOES ORDAIN:

1. That Section 410.05. Definitions be amended to add the following definition and subsequent sections renumbered:

Subd. 20. **“Teardrop banner” means a free-standing fabric banner attached to a ground mounted frame or pole that causes the banner to remain taut in the absence of wind.**

2. That Section 410.11, Subd. 12. Portable signs, pennants; temporary permits be amended with new language shown in bold and underlined:

A sign of a portable nature, pennant, **teardrop banner** or similar sign may not be erected in any zoning district, except by temporary permit issued by the enforcement officer. Temporary permits are valid for a period not to exceed ten days. A temporary permit for a sign may not be renewed more than twice. Temporary permits for a portable sign, pennant, **teardrop banner**, etc. may not be issued to the same premises for the same type of sign more than three times in any 12 month period. For the purpose of this subsection a renewal constitutes a separate permit and each separate sign represents a separate permit request. **Teardrop banners are not allowed in the DD-1, DD-2 or other properties within the downtown architectural design guidelines overlay district.** The signs are not included in the maximum number or maximum permitted sign area allowed under subsection 410.09, but such signs are otherwise subject to all restrictions applied under that subsection. **A temporary permit application must include a site plan showing the proposed location of the sign and its proximity to property lines, sidewalks, driveways and other features as needed for review by staff. A temporary sign permit request may be denied by city staff if:**

- (a) The proposed location interferes with a visibility triangle as described in Section 510.25;**
- (b) The proposed sign occupies required parking or a fire lane;**
- (c) The proposed sign is located in public right-of-way; or**
- (d) Strong winds or other forces could bend the sign into an adjacent right-of-way.**

- 3. That the following summary clearly informs the public of the intent and effect of the ordinance and is approved for publication:**

The purpose and intent of the ordinance is to permit teardrop banners as temporary signs with standards.

First Reading: YEAS: Blonigan, Rogan, Selman, Backen, Mayor Murphy.
 NAYS: None

Second Reading: YEAS:
 NAYS:

PASSED AND ADOPTED BY THE CITY COUNCIL THIS 19TH DAY OF JULY, 2016.

Regan L. Murphy, Mayor

ATTEST:

Tom Marshall, City Clerk
(SEAL)



MEMORANDUM

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: July 19, 2016
RE: SECOND READING of a zoning text amendment to bring zoning ordinance administrative procedures into consistency with the City Charter.

BACKGROUND:

This zoning text amendment initiated by staff is intended to bring consistency between the zoning code section 535 administrative procedures and the City Charter regarding Council actions. The Council held the first reading on June 21, 2016. The City Attorney was asked to review the ordinance for consistency with State Statutes. Exhibit 1 provides the relevant sections in the State Statutes.

ANALYSIS/CONCLUSION:

The Ordinance is ready for its second reading. The original goal of the amendment was to bring the zoning ordinance administrative procedures relative to required Council votes into consistency with the city charter. Charter Amendment 26, adopted in 2002 at the advice of the City Attorney, added “unless otherwise provided by state law” ahead of the 4/5 affirmative vote of the city council for zoning ordinance and comprehensive plan amendments.

From the City Charter:

Section 3.04. Ordinances, Resolutions and Motions. “...An affirmative vote of a majority of all the members of the council shall be required for the passage of all ordinances and resolutions, except as otherwise provided by this charter.”

Section 3.12. Amendments to Zoning Ordinance and Comprehensive Plan. Unless otherwise provided by state law, all amendments to the zoning ordinance and comprehensive plan shall require a four-fifths affirmative vote of the City Council.

Charter Amendment 26, adopted in 2002 at the advice of the City Attorney, added “unless otherwise provided by state law” to address the fact that State law requires a 2/3 vote of all members for these types of amendments. With 5 council members – a 2/3 affirmative vote requires 4 affirmative votes. There are other odd situations which may occur when council members are required to abstain (See Exhibit 2 article from League of MN Cities) or situations where there are vacancies. The reference to state law helps to keep the City Charter instruction simple.

Current zoning ordinance language that is inconsistent with City Charter:

- Conditional use permits (Section 535.01, Subd. 2(l):
Approval of a conditional use permit shall require passage by the vote of the full city council as set forth by city charter.
- Rezoning and zoning text amendments (Section 535.03, Subd. 2(j):
Amendment of this code shall be by four-fifths vote of the full City Council.

- Variances and appeals (Section 535.05, Subd. 5(l):
Action by the city council approving, approving with modifications, or disapproving a variance request or appeal shall require a majority vote of the full city council.
- Comp Plan Amendments (Section 535.13, Subd. 4(i):
Amendment of the comprehensive plan shall be a four-fifths vote of the full city council.

After review by the City Attorney, the proposed Ordinance amendment was affirmed as being in compliance with State Laws for zoning and comprehensive plan as well as being consistent with the City Charter when “state law” is read as also requiring the code to be consistent with Minn. A.G. Op. 59-A-32 (Jan. 25, 2002).” No changes to the ordinance are recommended.

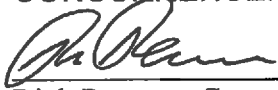
RECOMMENDATION:

Hold the SECOND READING of Ordinance 16-12 shown in **Exhibit 3** “AMENDING SECTION 535 ADMINISTRATIVE PROCEDURES TO BE CONSISTENT WITH THE CITY CHARTER SECTION 3.04.”



Marcia Glick, City Manager

CONCURRENCE:



Rick Pearson, Community Development Coordinator

Conditional Use Permits, 462.3595, Subdivision 1.**Authority.**

The governing body may by ordinance designate certain types of developments, including planned unit developments, and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved by the governing body or other designated authority by a showing by the applicant that the standards and criteria stated in the ordinance will be satisfied. The standards and criteria shall include both general requirements for all conditional uses, and insofar as practicable, requirements specific to each designated conditional use.

Rezoning 462.357, Subd. 2.**General requirements.**

(a) At any time after the adoption of a land use plan for the municipality, the planning agency, for the purpose of carrying out the policies and goals of the land use plan, may prepare a proposed zoning ordinance and submit it to the governing body with its recommendations for adoption.

(b) Subject to the requirements of subdivisions 3, 4, and 5, the governing body may adopt and amend a zoning ordinance by a majority vote of all its members. The adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the governing body.

(c) The land use plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the land use plan.

Variances 462.357, Subd. 6.**Appeals and adjustments.** Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with

the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Comp plan amendment, 462.355, subd. 3. **Adoption by governing body.**

A proposed comprehensive plan or an amendment to it may not be acted upon by the governing body until it has received the recommendation of the planning agency or until 60 days have elapsed from the date an amendment proposed by the governing body has been submitted to the planning agency for its recommendation. Unless otherwise provided by charter, the governing body may by resolution adopt and amend the comprehensive plan or portion thereof as the official municipal plan upon such notice and hearing as may be prescribed by ordinance. Except for amendments to permit affordable housing development, a resolution to amend or adopt a comprehensive plan must be approved by a two-thirds vote of all of the members. Amendments to permit an affordable housing development are approved by a simple majority of all of the members. For purposes of this subdivision, "affordable housing development" means a development in which at least 20 percent of the residential units are restricted to occupancy for at least ten years by residents whose household income at the time of initial occupancy does not exceed 60 percent of area median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development, and with respect to rental units, the rents for affordable units do not exceed 30 percent of 60 percent of area median income, adjusted for household size, as determined annually by the United States Department of Housing and Urban Development.

Voting Riddles

By Jeanette Behr

Imagine a vote to fill the mayor's position on a statutory city council. Due to the mayoral vacancy, the council now consists of four voting members. However, one member chooses to abstain from voting, so we are down to three voting councilmembers. Two members vote for Candidate A to fill the vacancy, and one member votes for Candidate B. Is either appointed to the mayor's office?

Before we can answer that question, two other facts come into play. First, the law requires no special number of votes to fill a vacancy on the council, just a majority vote. (Thus, in this scenario, the winning candidate usually must receive three out of four votes.) Second, the councilmember abstains but *not* due to a disqualifying interest in the vote. If these two conditions exist, the answer to this voting riddle is Candidate A wins—even with only two affirmative votes. In this situation, an abstention may be considered acquiescence with the majority and counts with the votes of the majority.

The rationale for this rule, often cited by courts in vote-counting cases, is that if a quorum is present, members refusing to vote will not defeat the action. Councilmembers should be aware that choosing to abstain may ultimately function like a vote with the majority, and still tends to either defeat or pass the motion.

The presence of abstaining members still counts for quorum purposes. Even though courts say that abstentions count with the majority of those voting, it is not clear how far that rule goes. Consider three council members at a meeting: one member votes in favor of approving meeting minutes and two members abstain; are the minutes approved? If a council faces multiple voting abstentions, the best approach is to consult the city attorney.

When do abstentions not count with the majority? Abstentions do not count

with the majority in statutory cities in two situations. First, if state law requires a specific number of affirmative votes; and, second, if a councilmember abstains due to a disqualifying personal interest in the matter before the council.

To illustrate the first concept, in statutory cities, it takes a majority vote of *all members of the council* to pass an ordinance. Thus, three members of a five-member council must vote "yes" to pass an ordinance.

Consider this example: four out of five members attend a council meeting to vote on passage of an ordinance; two members vote in favor of the ordinance and two abstain. The vote fails and the ordinance is not adopted because the ordinance did not receive the three affirmative votes required by state law. (Put another way, the law requires a majority vote of all councilmembers, as opposed to a majority of those present.) In this situation, abstentions do not count with the majority.

To illustrate the second concept, abstentions do not count with the majority if a councilmember abstains from voting due to a disqualifying personal interest. According to the Minnesota Attorney General, when a councilmember is disqualified from voting, due to a personal interest in the matter, the effect is the same as if there were a vacancy on the council. The rationale for this general rule is that if a person can neither vote nor participate in the discussions or other proceedings, then that person really cannot function as part of the council for that particular issue. The net result is that abstaining due to a disqualifying interest reduces the number of votes needed.

For example, state law requires a four-fifths vote to approve a local road improvement under Chapter 429 (the special assessments chapter.) Imagine a five-member statutory city council voting to adopt a resolution ordering

a street improvement. The vote required by law is four "yes" votes out of five voting councilmembers. However, in this example, two members abstain from voting because they live on the street being improved and will have to pay the special assessments. The remaining three members vote to adopt the resolution ordering the improvement and the assessments. Does it pass? Yes, according to a district court case from 1992. The abstentions, due to disqualifying personal interests, reduce the number of votes needed from four to three in the same way that two vacancies on the council reduce the number of votes needed. In addition, in this scenario, the abstentions do not count with the majority.

What about voting requirements in charter cities? Charter cities are subject to the same general rule that an abstention may count with the majority if the charter does not require a set number of votes, and if the abstention is not due to disqualification due to a personal interest in the matter.

Summary. Councilmembers sometimes wish to abstain from voting on controversial issues. Even so, an abstention may ultimately tend to either defeat or pass the action. For more information about voting questions, consult your city attorney or contact the LMC Research Department at (651) 281-1200 or toll-free at (800) 925-1122. ■

Jeanette Behr is research attorney with the League of Minnesota Cities. Phone: (651) 281-1228. E-mail: jbehr@lmnc.org. See also: "Counting the Votes Part I in Minnesota Cities," Minnesota Cities magazine, May, 2006; "Counting the Votes Part II in Minnesota Cities," Minnesota Cities magazine, June/July 2006.

Member _____ moved and Member _____ seconded a motion that the following Ordinance, which was given its first reading on June 21, 2016 be given its second reading this 19th day of July 2016 and that it be adopted.

ORDINANCE NO. 16-12

AN ORDINANCE AMENDING CITY CODE SECTION 535 ADMINISTRATIVE PROCEDURES TO BE CONSISTENT WITH THE CITY CHARTER SECTION 3.04

THE CITY COUNCIL OF THE CITY OF ROBBINSDALE DOES ORDAIN:

1. That Section 535.01, Subd. 2(l) Conditional use permits be amended with new language shown in bold and underlined and language to be deleted by strikeout:
 - (l) Approval of a conditional use permit shall require **an affirmative vote of a majority of all of the members of the council.** ~~passage by the vote of the full city council as set forth by city charter.~~
2. That Section 535.03, Subd. 2(j) Rezonings be amended with new language shown in bold and underlined and language to be deleted by strikeout:
 - (j) ~~Amendment of this code shall be by four-fifths vote of the full City Council.~~ **Unless otherwise provided by state law, all amendments to the zoning ordinance shall require a four-fifths affirmative vote of the City Council.**
3. That Section 535.05, Subd. 5(l) Variances and appeals be amended with new language shown in bold and underlined and language to be deleted by strikeout:
 - (l) Action by the city council approving, approving with modifications, or disapproving a variance request or appeal shall require ~~a majority vote of the full city council.~~ **an affirmative vote of a majority of all the members of the council.**
4. That Section 535.13, Subd. 4(i) Comprehensive plan amendments be amended with new language shown in bold and underlined and language to be deleted by strikeout:
 - (j) ~~Amendment of the comprehensive plan shall be a four-fifths vote of the full city council.~~ **Unless otherwise provided by state law, all amendments to the comprehensive plan shall require a four-fifths affirmative vote of the City Council.**
5. That the following summary clearly informs the public of the intent and effect of the ordinance and is approved for publication:

The purpose and intent of the ordinance is to bring consistency between the zoning code section 535 administrative procedures and the City Charter regarding Council actions.

First Reading: YEAS: Blonigan, Rogan, Selman, Backen, Mayor Murphy.
 NAYS: None.

Second Reading: YEAS:
 NAYS:

PASSED AND ADOPTED BY THE CITY COUNCIL THIS 19TH DAY OF JULY, 2016.

Regan L. Murphy, Mayor

ATTEST:

Tom Marshall, City Clerk
(SEAL)

MEMORANDUM

TO: Mayor and City Council
FROM: Marcia Glick, City Manager
DATE: July 19, 2016
RE: Proclamation - Diaper Awareness Week (HUG)

BACKGROUND

Helping Us Grow (HUG), a Robbinsdale Area Redesign Family Service Collaborative; began in 2001 as a pilot with North Memorial Hospital and the geographic area of Robbinsdale.

Services & Facts:

- No-cost home visiting program to any family expecting, adopting or with a newborn up to age two. HUG now serves almost all of Hennepin County municipalities (excluding Bloomington, Richfield, and Minneapolis) and also makes referrals to local community resources for those municipalities not served, as well as coordinated outreach and supports for young parents.
- Provides one-on-one time with a licensed parent educator from Early Childhood Family Education, group literacy events in community settings and connections to community resources.
- Served over 800 families in 2015.
- Diapers! One in three families struggle to provide their children with diapers.

During the month of September (National Diaper Awareness Week), we would like the City of Robbinsdale to consider adding City Hall (or other municipal building) to the September collection sites. HUG will provide a Pack-n-Play and posters/ communication for donations.

Items accepted include: new packages of diapers, opened packages (un-used), new packages of wipes and cash donations through the Diaper Bank of Minnesota (501 c3).

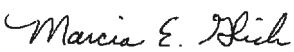
Contact: Melodie Hanson, Program Director 763-504-4983 | HelpingUsGrow.org

RECOMMENDATION

A. By motion approve the request to add Robbinsdale City hall (or other municipal building) to the September collection sites.

AND

B. By motion ratify the proclamation proclaiming, September 26th through October 2nd, 2016 as: Diaper Need Awareness Week in the City of Robbinsdale, Minnesota.



Marcia Glick, City Manager



Helping Us Grow (HUG) Diaper Drive / Awareness

www.HelpingUsGrow.org

MELODIE HANSON, ROBBINSDALE AREA REDESIGN FAMILY SERVICE COLLABORATIVE



Helping Us Grow (HUG)

- ▶ No-cost home visiting program to any family expecting, adopting or with a newborn up to age two – began in 2001 as a pilot with North Memorial Hospital and the geographic area of Robbinsdale
- ▶ HUG now serves almost all of Hennepin County municipalities (excludes Bloomington, Richfield, Minneapolis) and also makes referrals to local community resources for those municipalities not served, as well as coordinated outreach and supports for young parents
- ▶ Provides one-on-one time with a licensed parent educator from Early Childhood Family Education, group literacy events in community settings and connections to community resources
- ▶ Served over 800 families in 2015



HUG birth data for City of Robbinsdale

Source: Hennepin County Birth Data to HUG – reflects live births only who are not at risk for failure to thrive

Calendar Year 2015	Total Births	Moms 21 and Under	Percent to moms 21 and under
City of Robbinsdale	205	21	10.2%
Robbinsdale District (#281)	1,437	119	8.3%

Calendar Year 2014	Total Births	Moms 21 and Under	Percent to moms 21 and under
City of Robbinsdale	177	12	7%
Robbinsdale District (#281)	1,451	105	7%

Low Income Children, Under the Age of 6

by Race & Ethnicity

4



- 9% (25,686) of young white children live in poor families.
- 50% (15,990) of young black children live in poor families.
- 32% (12,101) of young Hispanic children live in poor families.
- 18% (4,321) of young Asian children live in poor families.
- 53% (2,724) of young American Indian children live in poor families.

Source: National Center for Children in Poverty (nccp.org)
Minnesota Demographic Profiles



HUG

Families identified resources needed:

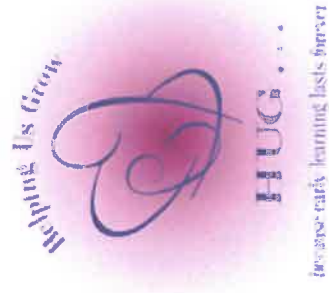
- ▲ Cribs or pack-n-plays – work with county, county partners and Cradle of Hope on this need
- ▲ Car seats – work with New Hope police and SafeKids Coalition, Buckle Up For Kids
- ▲ **Diapers! – One in three families struggle to provide their children with diapers**
 - ▲ 5.3 million children in the U.S. aged three or younger live in poor or low-income families
 - ▲ Diapers cannot be obtained with food stamps
 - ▲ Almost all daycares require use of disposable diapers
 - ▲ Infants require approximately 12 diapers per day
 - ▲ The lack of diapers can have profound and complex effects on children. The risks to children's health are obvious: rashes, urinary tract infections, painful chafing. In addition, having an infant prone to fussing because of the discomfort of a constantly wet and dirty bottom was a major cause of emotional problems like stress, anxiety and depression in mothers.

("Poverty in 2013: When Even Diapers Are a Luxury | The Nation." Poverty in 2013: When Even Diapers Are a Luxury | The Nation. N.p., n.d. Web. 17 Nov. 2013.)



September Diaper Drive

- ▶ During the month of September (*National Diaper Awareness Week*), we would like the City of Robbinsdale to consider adding City Hall (or other municipal building) to the September collection site. HUG will provide a Pack-n-Play and posters/communication for donations
- ▶ Accepting:
 - ▶ New packages of diapers
 - ▶ Opened packages of diapers (child outgrew size – no longer needs)
 - ▶ New packages of wipes
 - ▶ Cash Donations through The Diaper Bank of Minnesota (501c3)





Additional HUG Diaper Drive Sites:

BROOKLYN CENTER:

Willow Lane Early Childhood Center
7020 Perry Avenue N
Brooklyn Center, MN 55429
Questions? 763-391-8777

EDEN PRAIRIE:

Eden Prairie Early Childhood Center
October Drive
Questions? 763-504-4983

GOLDEN VALLEY:

Brookview Community Center
200 Brookview Parkway South
Golden Valley, MN
Questions? 763-504-4983

MAPLE GROVE:

Arbor View Early Childhood Center
9401 Fernbrook Lane N
Maple Grove, MN 55369
Questions? 763-391-8777

NEW HOPE:

New Hope Learning Center
8301 47th Avenue North, New Hope
Questions? 763-504-4983

Crystal: **Crystal Community Center**
4800 Douglas Drive, Crystal
Questions? 763-504-4983

New Hope City Hall
4401 Xylon Avenue N
New Hope, MN 55428

And there will be more sites added...

VISIT HELPING US GROW WEB SITE AT: www.helpingusgrow.org

Melodie Hanson, Program Director, HUG 763-504-4983

Diaper Drive
 Collection Site
 Here

Diaper Drive
 Collection Site
 Here

Diaper Drive
 Collection Site
 Here



**Diaper Drive
 Collection Site
 Here**

For other drop-off locations,
 check HUG website: www.helpingusgrow.org
 (763) 504-4983

Accepting:
 Diapers and wipes (in bags or boxes)
 Baby clothes (in bags or boxes)
 Baby shoes (in bags or boxes)
 Baby blankets (in bags or boxes)

HUG
 Helping Us Grow



City of Robbinsdale Proclamation

WHEREAS, Diaper Need - the condition of not having a sufficient supply of clean diapers to ensure that infants and toddlers are clean, healthy and dry - can adversely affect the health and welfare of infants, toddlers and their families;

WHEREAS, national surveys report that one in three mothers experienced Diaper Need at some point while their children were less than three years of age and forty-eight percent of families delayed changing a diaper to extend their supply;

WHEREAS, the average infant or toddler requires an average of 50 diaper changes per week over three years;

WHEREAS, diapers cannot be bought with food stamps or WIC vouchers, and a monthly supply of diapers can cost as much as six percent of a full-time minimum wage worker's salary; therefore, obtaining a sufficient supply of diapers can cause economic hardship to families;

WHEREAS, a supply of diapers is generally an eligibility requirement for infant and toddlers to participate in childcare programs and quality early education programs;

WHEREAS, the people of Robbinsdale recognize that addressing Diaper Need can lead to economic opportunity for the state's low-income families and can lead to improved health for families and their communities and;

WHEREAS, Robbinsdale is proud to be home to various community organizations that recognize the importance of diapers in helping to provide economic stability for families by distributing diapers to low-income families through various channels;

NOW THEREFORE, BE IT RESOLVED that I, Regan L. Murphy, Mayor of the City of Robbinsdale, with concurrence of the City Council do hereby proclaim:

**September 26th through October 2nd, 2016 as
DIAPER NEED AWARENESS WEEK
In the City of Robbinsdale, Minnesota**

I encourage the citizens of Robbinsdale to donate generously to diaper banks, diaper drives, and those organizations that distribute diapers to families in need, to help alleviate diaper needs in Robbinsdale and our surrounding communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Robbinsdale this 19th day of July 2016.

Regan L. Murphy, Mayor

ATTEST:

Tom Marshall, City Clerk



City of Robbinsdale

MEMORANDUM

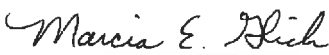
TO: City Council
FROM: Marcia Glick, City Manager
DATE: July 19, 2016
RE: Voucher Requests Pending Approval for Disbursement

The check register dated July 19, 2016 reflects the voucher requests pending approval for disbursement.

The check register dated June 05, 2016 through July 19, 2016 is a list of vouchers requiring payment for City funds, Deputy Registrar, liquor, and miscellaneous purchases. The payments are required prior to the next Council meeting.

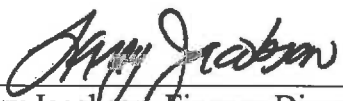
Recommendation

By motion approve disbursement requests for period ending July 19, 2016.



Marcia Glick, City Manager

CONCURRENCE:



Larry Jacobson, Finance Director



City of Robbinsdale

MEMORANDUM

To: Mayor and Council Members
From: Marcia Glick, City Manager
Date: July 19, 2016
Re: General Fund, Debt Service and Internal Fund Operation Budget Work Session

Background

A Work Session needs to be scheduled for the presentation and review of the Proposed City Manager's Budget for 2017 (General, Debt Service and Internal Service Funds) and to establish the Council's proposed General Fund and Debt Service Property tax levies.

It is recommended that the budget work sessions be held in late August. The 2017 budget calendar has a date of August 12-31 for this session.

The City's tax levies need to be certified to the County by September 30, 2016, (recent legislation extended the date from September 15th) and the HRA levy needs to be adopted by September 15, 2016. Staff recommends that the tax levies be adopted at the September 6, 2016 council meeting. Staff schedules fall such that approval at this meeting works favorably.

Levy limits currently are not in place for the 2017 tax levies. Local government aid (LGA) amounts will remain relatively flat for 2107. The city will continue to be exempt from sales tax on the majority of its purchases in 2017.

The preliminary tax levy certified to the county in September can be reduced prior to final adoption in December 2016, but it cannot be increased.

Options for budget meetings are as follows:

- August 16th after the city council meeting.
- August 17th as a special meeting.
- August 22nd as a special meeting.
- August 24th as a special meeting, or keep the date as follow up session to one the options above.

The budget meeting will provide an opportunity for the council to request an executive session to discuss staff salaries and negotiation matters.

Recommendation

Set a Work Session to discuss the Proposed City Manager's Budget for 2017 (General, Debt Service and Internal Service Funds) and to establish the Council's proposed General Fund and Debt Service Property Tax Levies.

Marcia Glick, City Manager

Concurrence:

Larry Jacobson, Finance Director