

REGULAR CITY COUNCIL WORK SESSION

June 8, 2021

On-Line Meeting Via Webex

Following the

7:00 p.m. regular Robbinsdale EDA Meeting

THE PUBLIC MAY OBSERVE THE ON-LINE MEETING BY CALLING DUSTIN LESLIE, CITY CLERK, PRIOR TO 4pm AT 763-531-1253 FOR LOG-IN INSTRUCTIONS. THE PUBLIC WILL BE ABLE TO LISTEN BY CALLING +1-312-535-8110 AND ENTERING ACCESS CODE 177 870 5626. IF PROMPTED, HIT #.

AGENDA

1. CITY COUNCIL WORK SESSION CALLED TO ORDER BY MAYOR PRO TEM
2. ROLL CALL: Kline, Webb, Selman, Backen, Mayor Blonigan
3. HRC Question: Park Naming Policy
4. DISCUSSION: Memorials Regulation/Policy
5. DISCUSSION: Schedule for Police, Fire, Public Works, Parks Tours
6. MONTHLY UPDATE: Problem Properties (to be distributed at meeting)
7. DISCUSS: Mission Statement – City Council Priorities
8. Projects Updates
9. OTHER BUSINESS
10. ADJOURNMENT

PARK DONATION POLICY

The City of Robbinsdale welcomes donations to its parks and also considers requests for any recognition or memorial displays within its parks. All donations and displays begin with a completed Park Donation Application and Agreement which is obtained from the Recreation Services Department. The completed application is reviewed by City Council for approval or denial. The review and approval process is estimated to take 60 days depending on the type of donation.

I. DONATIONS

- A. The City of Robbinsdale seeks financial donations to support the City's park system and also considers recognition or memorial displays within its parks.
- B. The policy covers substantial donations and recognition displays for both fixed and indefinite periods of time.
- C. For the purposes of this policy, substantial donation is defined as at least 50% of the total estimated cost of:
 - 1. New construction, remodeling or renovation;
 - 2. Developing a new real property, such as a park building, structures including playground equipment, real estate, etc.; or
 - 3. Replacement or renovation of an existing feature within a park and was previously unnamed or a landmark that requires substantial renovation at the time of the gift.
- D. Donations under \$500 such as a community wide fundraising program with individual donations (i.e. buy a brick program) or donations of a routine nature such as trees or park benches shall be reviewed and approved by the City Manager.
- E. Recognition or memorial displays within its parks (i.e. name of a ball field such as 'Chuck Violet Field') are for distinguished efforts for the health, welfare, and safety within the community or substantial volunteer efforts for the care and appearance of the city's parks.
- F. Items found in this policy include all features within a park or proposed park which includes structures such as ball fields, pavilions, warming houses, picnic shelters, plazas, scoreboards, and play structures. This also includes any real estate for passive recreation use such as trails, open space, interpretive areas and for active recreation use such as ball fields or other large scale projects that meet the needs of residents in the area of parks.

II. DONORS

- A. Donors may recognize and honor individuals, groups, or an organization including corporations and non-profit organizations.
- B. The donor or a designated representative must sign the donor application and agreement that clarifies terms of the contributions. The donor may also indicate on the form that they wish to remain anonymous. The donor agreement includes:
 - a. The location, the identification of the donation item or distinguished effort, the amount of the gift, and the period of time.
 - b. In the event of demolition of a donated structure its recognition or any part of it shall be subject to a new agreement.

- c. The styles should be consistent with the City's visual standards and adhere to City ordinances and policies.
- C. The City Manager will designate a staff person to be responsible for overseeing compliance with policy requirements, including completion of consultations and approvals, securing signatures on donation agreements by donor, donor representative and the City of Robbinsdale.
- D. Donors must indicate on the application any groundbreaking, dedication or other ceremonies related to the donation, which shall be approved by the City Council prior to the event and prior to a city representative signing the donor agreement.
- E. The City Council may rescind a donor's contribution and recognition for just cause.
- F. The nature of the donation will assist in determining the type of recognition.
- G. A plaque or other negotiated signage may be placed on a building, room or facility to recognize a donor. The design, wording, size and location of such signage require the approval of the City Council.
- H. A donor recognition or memorial plate may be affixed to routine furniture items, at the request of the donor. The City shall specify the size and location of the donor plate and the donor will pay for the plate and engraving. The City shall approve the wording of the donor plate and shall affix the plate to the furniture.
- I. Upon receiving the donation, city staff will purchase the item or undertake the project.
- J. Plaques or markers will not be placed for routine tree donations.
- K. The option of funding the amenity for life of said amenity is negotiable and would require assurance of sufficient funding. There is no exclusive right to sole recognition or continued recognition in cases of expansion or other structural modifications.
- L. Donors have no power of direction to the City on matters of schedule, design, furnishing or priority of use.

III. PROCESS AND PROCEDURES FOR SUBMISSION OF PROPOSAL

- A. Any proposal for a donation and recognition shall be made through a formal submission process of completing the application with city staff and approval by City Council.
- B. Proposals must have the written approval of the person or designated representative for whom the recognition is to be given. If the person is deceased, the approval of the family or designated representative should be obtained. If the person is deceased and there is not family or a designated representative, recognition can proceed through the submission process.
- C. Proposals must be approved by the City Council and follow all City Codes and related guidelines of the City of Robbinsdale. Any exception must be authorized by the City Council in advance of the donation. Applications for the same project will be reviewed individually by the City Council with final decision based on merit to the community and not solely upon the highest bidder.

Kennedy

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Graven

CHARTERED

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To: Marcia Glick

From: Andrew Biggerstaff and Sam Ketchum

Date: June 3, 2021

Re: Introductory Information Regarding Right-of-Way Memorials

This memorandum is intended to provide an introduction to how the City may consider approaching issues related to roadside memorials. In preparing this memorandum, we reviewed how other jurisdictions address similar roadside memorials through both official and unofficial policies. The information provided is intended to introduce the topic, as opposed to a full analysis of all of the related issues that may be associated with a decision to regulate roadside memorials. Should the City wish to move forward with a formal policy or ordinance aimed at regulation of right-of-way memorials, those issues will need to be explored more fully to ensure that the resulting policy does not have any unintended consequences.

It is worth noting that the City's existing right-of-way regulations are likely applicable to roadside memorials. City Code, Section 850.01, subd. 8(a) provides that "no person may obstruct or excavate any right-of-way . . . without first having obtained the appropriate right-of-way permit from the City to do so." Section 850.01, subd. 3 defines "obstruct" as to "place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way." If a memorial hinders free and open passage over part of a right-of-way, such memorial "obstructs" the right-of-way and a permit would be required. Section 850.01, subds. 8 through 11 provide the procedure to apply for and obtain an "obstruction permit." There are also other potentially relevant City Code provisions, such as Section 800.23, subd. 2, which makes it unlawful to "mark," "deface," and "place" objects on or in the right-of-way and other public property.

Most cities have regulations prohibiting obstruction of the right-of-way or providing for obstruction permits. Otherwise, it appears that most cities do not have a formal policy or ordinance that specifically addresses roadside memorials. It appears that most cities have either chosen not to regulate memorials, or have not addressed the issue yet. For example, Minneapolis generally allows memorials and only removes them if they result in a public safety issue or after a non-

specific period of time. The non-interventionist or limited interventionist approach that many cities take is likely related to the sensitivity of the issue.

One exception is the City of Richfield, which does have a specific roadside memorials policy, a copy of which is attached to this memo. Richfield's policy allows memorials to be placed within the right-of-way for up to six months. After six months, the City Public Works staff removes all remaining items from the memorial site, stores the items for one month, and then may dispose of the items. Under the policy, no items may be (1) placed on a streetlight or traffic sign, (2) taller than three feet, or (3) placed within the sight triangle. The policy also prohibits any marking of the pavement. It also requires the prior approval of the adjacent property owner. Finally, it allows City staff to remove items if the memorial "violates City Codes or negatively affects the safety of the public, traffic flow, or interferes with routine maintenance such as mowing or snow removal."

It appears that state and county highway authorities take similar non-interventionist or limited interventionist approaches. For example, a 2004 MnDOT policy "encourages" other forms of memorials but otherwise only prohibits memorials that are hazards such as "non-breakaway physical objects within the clear zone," certain "visual distractions," or memorials which may result in vehicles or pedestrians "on or near the roadway." A current Dakota County policy states that "the county's practice is to allow a memorial to be placed adjacent to the right-of-way line near the death location for up to six months." Any memorial placed longer than six months requires a County obstruction permit, although the County waives the permit fee. The County policy does identify some basic restrictions related to public safety, traffic flow, and interference with maintenance. Across all states, it appears that there is significant variation: some states prohibit roadside memorials, some states allow them with certain restrictions, and other states have no specific laws about memorials. It should also be noted that when comparing city regulations to county or state regulations, the City's right-of-way widths are generally somewhat narrower and that fact may pose safety concerns that are not as prevalent with county or state rights-of-way.

The City should also consider some potential legal issues that may be raised if there is a desire to move forward with a formal policy or ordinance related to roadside memorials. These memorials, or related activities at the memorials, would likely be viewed as protected speech under the First Amendment. Streets, parks, and sidewalks are also typically considered traditional public forums under the First Amendment. In other words, these memorials and the places they exist likely have some First Amendment protections. This does not necessarily prohibit the City from creating a policy that allows or regulates roadside memorials, but it may require the City to craft such a policy carefully and apply it equally to all forms of speech.

It is also worth noting that roadside memorials and the activities which may accompany them are distinct things and can be addressed independently if necessary. For instance, if the existence of a memorial causes people to congregate, litter, or do other things that would violate various provisions of the City Code, the City would have the authority to address that behavior through those existing codes without specifically addressing the issue of the memorial itself.

Please let me know if you have any questions, or if you would like to review any of the materials cited herein.

EXHIBIT A

Richfield Policy

DATE: December 20, 2018

SUBJECT: Roadside Memorials

Introduction

The purpose of this policy is to establish guidelines for the placement of roadside memorials within a public right-of-way to commemorate the death of a loved one. A roadside memorial is typically an article or group of items including but not limited to: crosses, flowers, photographs, etc.

Policy

Roadside memorials will be allowed to be placed within the public right-of-way for up to six months following an event by following the below criteria. After six months, the City Public Works staff will remove all remaining items from the memorial site and store them at the Public Works Facility for one month. After one month, the City has the discretion to dispose of the items accordingly. The City of Richfield is not responsible for any missing or stolen memorial items.

Procedures

The following procedures and criteria must be met prior to placing roadside memorials within the public rights-of-way. All memorial items that are placed in the public rights-of-way must adhere to existing City Codes. No items may be:

1. Placed on any City-owned streetlight or traffic sign
2. Taller than 36 inches
3. Placed within the Sight Triangle (City Code Section 925.01 Subd. 4)

Painting or marking of the pavement is not allowed. Prior approval from the adjacent property owner must be received before a roadside memorial can be placed. If, in the judgement of the City staff, a roadside memorial violates City Codes or negatively affects the safety of the public, traffic flow, or interferes with routine maintenance such as mowing or snow removal, City staff will remove the items immediately and store them at the Public Works Facility for one month prior to disposal.

All questions regarding this policy should be sent to the Public Works Department.

5.

Schedule for Tours

Park Tour

Historically the City Council has toured City Parks at least every other year prior to budget discussions. Traditionally this has been in May. It's good to look at the park facilities on site, particularly when there are questions/concerns about next steps in a park redevelopment. We should discuss if we rent a bus to take the full group (including PRF Commission and some staff) and recommend that those not fully vaccinated wear masks.

Fire Department Tour

This would be both a tour of the fire apparatus and portion of the public safety building and also an opportunity to discuss the paid on call structure and have the opportunity talk to individual firefighters about the department's out reach efforts and requirements and expectations for fire fighter response.

Police Department Tour

This would be an opportunity to tour the facility and possibly setting up some elements of what is included in the Citizens Academy.

Public Works Tour

This would be an opportunity to visit the public works facility and learn about the equipment and practices that are used to maintain the city assets.

Properties with Chronic Code Enforcement Issues – June, 2021.

Owner occupied or non-rental property

3800 Vera Cruz

Property maintenance issues brought into compliance with warnings. Monthly “cycles” of warnings and compliance. Loose dog complaints.

3947 Zenith Ave. N.

Complaints about loose dogs.

4154 Beard Ave. N.

The Building Official and Code Enforcement Inspector went into the house as authorized by the Administrative Search Warrant. Owner allowed entry to avoid possible damage. Structure has been placarded as unfit or unsafe for human habitation. The structure appears to be sound, but needs extensive repairs/remodeling to make it habitable.

3826 Noble Ave. N.

Citations have been issued about unleashed dogs. No current property maintenance code issues.

4100 West Broadway (Walgreen’s)

Staff continues to monitor the property several times a week and remind the local management of litter issues. Citations continue to escalate.

5624 42nd Ave. N.

Excessive exterior storage (refrigerator), truck parked on front lawn. Staff has reached out to the owner of record to inquire of property status and future intentions. Staff have been told that the owner is working with an attorney presumably to initiate eviction proceedings when the moratorium is lifted.

Unlicensed/Presumed rental

3940 46th Ave. N.

Alleged group home. Nuisance complaints. Minnesota Dept. of Health website shows no group home license. Citations issued for failure to obtain rental license and for garbage/refuse. Occupancy by four unrelated tenants is allowed by R-1 zoning as an equivalent to a family unit (all related by blood, marriage or adoption).

Licensed Rental properties

3435 Zenith

Tenant has moved. Trespassing signs have been put on the door so the “roommate” who subleased from the tenant can be arrested.

4146 Adair

Excessive nuisance violations, dog at large and unlicensed. The same property owner from last year.



City of Robbinsdale

MISSION STATEMENT

Robbinsdale...

Our Hometown

- ❖ Our community of citizens and businesses – dedicated, proud and involved
- ❖ Our government – accessible, accountable, open and compassionate
- ❖ Our resources – prudently allocated and equitably provided

<u>Strategic Direction – established 2017</u> • Investing for the Future • Innovating for Quality Services and Efficiencies • Promoting & Connecting • Revitalizing the Community	 MISSION STATEMENT Robbinsdale... Our Hometown ❖ Our community of citizens and businesses – dedicated, proud and involved ❖ Our government – accessible, accountable, open and compassionate ❖ Our resources – prudently allocated and equitably provided
“What People? What Good? What Cost?”	

Investing for the Future – AA+ Bond Rating Confirmed

- Environmental Sustainability
 - Energy Usage Review Analysis - **progress report**
 - Green Step Cities – Step 2 – staff will continue to pursue opportunities – citizen volunteer offer
 - Advocacy for Monarchs – pollinator areas
- Creative finance
- Live up to ‘what people-what good-what cost’ (added mission and motto above)
- Park Facilities – Meeting spaces- ***Add to budget consideration?***
 - Sanborn Park Building/Park Redevelopment
 - Lower Level Public Safety
 - Historic Meeting Room
- Park Facilities – Playgrounds & Fields
 - Triangle Park master plan; Graeser acquisition; North Lee Park expansion
 - Community Garden at “Bunny Store Site” -3606 Lake Drive ***Add to budget consideration***
- Asset Replacement & Maintenance – Support the CIP
 - Master Plan Schedule for All Parks – 10 year CIP
 - Public Buildings- 10 year CIP *council chambers AV update & wall shift- security update*
 - Street Projects – 10 year CIP
 - Water infrastructure- 10 year CIP
- Partnerships – Funding/Advocacy
 - Hennepin/State -Infrastructure Grants/Funding
 - BlueLine Connect Now! – LRT **progress report**
 - Metro Cities/LMC/NLC – legislative priorities/policies & advocacy
 - Communicate about Fiscal Disparities
 - BYR Quad Communities – Active military family support
 - Three Rivers Parks – Sochacki JPA, regional trails & trail head at South Twin Lake
 - Youth Sports Associations (fundraising)
 - NWCT-CCX
 - Shingle Creek/Basset Creek WMO – lake/stream quality and projects Ryan-South Twin cattails
 - DNR/Shingle Creek/State-Fed/Mpls – Crystal Lake water table

Innovating for Quality Services and Efficiencies

- Employer of Choice – retention, attraction, tools-software-resources
 - Inclusive hiring practices/focus on hiring diverse staff – **report**
 - Explore Affinity Groups
 - Educational contract for recruitment/retention

- Enhanced Services
 - technology enhancements –(meters/ BS&A-on line permits/payments/permit look up)
 - Drinking water softening, water pressure improvement
 - Solid waste – ~~organics–yardwaste cart options (March newsletter)~~
 - Special Needs – Shared Mental Health Worker – HC Mental Health Dispatch Specialist
- Staff-Council Relations – Staff introductions at Council meetings

Promoting & Connecting

- Communication to Inform Residents – discuss 2020 website design update - Add to budget?
 - Social media/Energy use awareness/tip411/pedestrian safety/COVID19/
 - New Resident welcome letter Sent out for 1st quarter; Next group in July
- Engage/Involve Residents
 - Expand Community Involvement
 - public health i.e. tobacco, Special events, movie in park/gym, on-line surveys, open houses
 - Increase Creative Equity for Parks/Recreation Programs
- PR Campaigns/Outreach
 - Consider PT Public Relations Position – *Add to budget consideration*
 - Enhanced public communication – share information success
 - Community Outreach Position – Coordinator and police liaison positions filled

Revitalizing the Community

- Redevelopment Downtown
 - 2022-23 WB streetscape/sidewalks
 - Developer roundtables RE open development sites- progress report
- Redevelopment Outside of Downtown
 - 4600 Lake Road
 - Point of Sale
 - LRT? progress report
- Support/Promote Local Businesses
 - Expanded outdoor service during COVID
- Engage the Chamber of Commerce in promotion efforts
 - *Promotion of City-County- technical and grant assistance- Elevate HC, Comcast RISE; Robbinsdale is open site; Chamber site; Business identification as BIPOC, Latinx, Military, women-owned*
- Promote opportunities to Developers. Define what we want
 - Developer roundtable
- Update REDA signage - *no properties for sale at this time*