

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JULY 26, 2021 - 6:00 P.M. - 8150 BARBARA AVENUE**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, July 26, 2021, in person. Mayor Bartholomew called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Bartholomew, Council Members: Piekarski Krech, Dietrich, Murphy, and Gliva; City Clerk Kiernan, Interim City Administrator/Community Development Director Rand, City Attorney McCauley Nason, Civil Engineer Moser, Associate Planner Botten, City Engineer Kaldunski, and Interim Public Works Director Eckles.

Also Present: Leanna Stefaniak, President of Real Estate and Development for At Home Apartments; Pete Keely, Collage Architects; Josh McKinney, Sambatech.

3. PRESENTATIONS:**4. CONSENT AGENDA:**

- A.**
 - i.** Minutes from the June 28, 2021, City Council Meeting.
 - ii.** Minutes from the June 29, 2021, Special City Council Meeting.
 - iii.** Minutes from the July 15, 2021, Special City Council Meeting.
- B. Resolution 2021-193** Approving Disbursements for Period Ending July 20, 2021.
- C.** Consider Approval of Personnel Actions.
- D.** Consider **Resolution 2021-194** to Reallocate Bond Proceeds of the 2017B General Obligation Improvement Bonds.
- E.** Approve a **Resolution 2021-195** relating to Variances for Sustainable 9 and Design from the bluff line setbacks and development on slopes greater than 18 percent for property located on land east of the dead end of Calton Court.
- F.** Consider **Resolution 2021-196** Authorizing Easement Acquisition for Regional Storm Water Basin W-006.
- G.** Consider **Resolution 2021-197** Approving Amendment to Development Contract for The Crossings at Inver Woods.
- H.** Consider **Resolution 2021-198** Receiving Feasibility Report for City Project No 2020-12 - Argenta Trail Drainage Improvements (69th St. to 65th St. - Basin F-025).
- I.** Consider Adopting a **Resolution 2021-199** to Authorize and Ratify Submission of the 2021 Grant Application with MN Public Facilities Authority (PFA) for a Point Source Implementation Grant for City Projects.
- J.** Approve Encroachment Agreement for SMART Center Monument Sign within Courthouse Boulevard Right-of-Way.
- K.** Consider Approval of an Individual Massage Therapist License for Shimone Rogers at Onalos Massage, 2898 Upper 55th Street E.
- L.** Consider Approval of the Name for Northwest Park #1.
- M.** Consider Approval of First Amendment to the Purchase Agreement for 8296 Babcock Trail Property.

Resolution 2021-204

Mayor Bartholomew stated Agenda Item M. was a late entrant.

Motion by Dietrich, second by Gliva, to approve the Consent Agenda.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. Public Hearing to Consider Resolution Adopting the Final Assessment Roll for City Project No. 2020-06 Good Samaritan Pond (1301 50th St.). Resolution 2021-200

Civil Engineer Jacob Moser gave a brief presentation on City Project No. 2020-06, Good Samaritan Pond Outlet: Project Location:

- Located at 1301, 50th Street. Near the intersection of Highway 3 and Mendota Road.
- Public stormwater pond (in easement) on private property.
- Regional Stormwater Basin identified in the city Stormwater Management Plan as T-8 Regional Basin.
- Watershed (receives water from the surrounding fully developed area).

Project Need:

Existing:

- 1960's vintage metal pipe that has collapsed into a surface sinkhole. (Located at the Good Samaritan Society property).
- Existing pond control structure prone to frequent clogging. Requires Maintenance Staff attention.

Proposed:

- Replace the existing with a reinforced concrete pipe and a modern outlet control structure.

Proposed Improvements:

- Improved Outlet Control Structure
 - Reduces maintenance, reduces clogging, valve to lower pond level.
- New Reinforced Concrete Pipe
 - Sized to service the existing impervious development. Reduces 100-year high water level.
- Outfall Stabilization
 - Reduce erosion as water is conveyed downstream.

Project Cost and Funding:

- Estimate Total Project Costs: \$376,799 (Includes construction costs based on the low bid).
 - Construction (Bid prices): \$301,439
 - Construction Contingency: \$15,072
 - Legal, Engineering, Administration, Financial (LEAF): \$60,288
 - Special Assessments: \$160,592
 - Stormwater Utility Fund: \$216,207

To note: Feasibility estimate was \$336,293. Stormwater Utility Fund covers additional costs.

Based on bids, the estimated total project cost has gone up. Staff's recommendation is to award even though costs were 10% higher than expected. Staff believes this is due to increasing construction costs throughout the industry. This project has a tight timeline for construction this fall. If not advancing this project, there is a risk of increasing costs. Staff recommends the Stormwater Utility Fund cover the additional costs based on bids.

Proposed Assessments:

Proposed Funding:

- 43% funded through Assessments
- 57% funded through the Stormwater Utility Fund

Assessments:

- Calculated based on stormwater runoff increase from parcels in a 100-year rainfall event.

- Calculated uniformly in relation to property class – same calculation for all parcels.
- Range from \$1,642 to \$76,706
- Amounts vary based on runoff volume impacts.
- Proposed assessments match feasibility report. Staff recommends not raising from what was presented to property owners.
- 3.15% interest rate (proposed per policy).
- Interest accrues starting in 2022.
- 10-year term (proposed per policy)

Payment of Assessment:

Assessment Payments:

- 30-days to pay in full or payments due with 2022 taxes.
- 3.15% interest rate (proposed per policy).
- Interest accrues starting in 2022.
- 10-year term (proposed per policy).

Tentative Project Schedule:

- April 12, 2021: City Council held a Public Improvement Hearing and ordered the project.
- June 15, 2021: Bids opened.
- June 28, 2021: City Council accepted bids and scheduled the Assessment Hearing.
- July 15, 2021: Neighborhood Info Meeting #2. Shared assessment roll with all impacted property owners.
- July 26, 2021: City Council asked to hold a Public Assessment Hearing and Adopt a Resolution approving the Final Roll and Awarding the Project.
- August 30, 2021: Construction would begin if approved at the July 26, 2021 City Council Meeting.
- October 1, 2021: Substantial completion.
- July 1, 2022: Final completion (turf & restoration complete).

Recommendations:

- Hold Assessment Hearing
- Pass Resolution adopting Final Assessment Roll. 10-year term at 3.15% interest
- Approve other project related items on Regular Agenda. For example: Item 6C – Award Project

Councilmember Dietrich asked if the basin outlet pipe currently in the location was defective or if it has been through its useful life. Civil Engineer Moser responded it was both.

Mayor Bartholomew asked if Staff has heard from any of the property owners concerned about the length of the project or the amount of the assessment. Civil Engineer Moser responded nothing written or verbal has been received. Staff has spoken with property owners, especially the two with the largest assessments. He said questions have been answered and they understand the need for the project.

Motion by Murphy, second by Piekarski Krech, to close the Public Hearing at 6:11PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Gliva to approve Resolution 2021-200 Adopting the Final Assessment Roll for City Project No. 2020-06 Good Samaritan Pond (1301 50th St.).

Ayes: 5

Nays: 0 Motion carried.

6. REGULAR AGENDA:*Community Development:***A. AMBERWOOD, LLC - Consider a Resolution relating to a Planned Unit Development Amendment for the plat of Amberwood to allow a development sign within the required 10-foot setback on the property located at 11723 Azure Circle. Resolution 2021-201**

Associate Planner Heather Botten stated the property is located in the southwest corner of the city. It is a Planned Unit Development with the Amberwood Subdivision. The request is for flexibility from the Sign Ordinance to have the sign be located 5 feet from the property line, whereas a 10-foot setback is required. The PUD Ordinance states, "flexibility from Code requirements shall be granted for the purpose of creating better overall design and improved living environment and not solely for the economic advantage of the Developer". Staff does not believe the request meets the intent of the PUD Ordinance to allow flexibility from the Zoning Code as there is room on the retaining wall to shift the sign over and comply with the 10-foot setback requirement. She said the Planning Commission recommended approval of the request on a 6/2 vote with the two conditions listed in the report at the public hearing on July 6th, 2021. No neighbors provided comment at the hearing or a written statement for or against the request. She stated it is not a variance, they are just asking for flexibility from the Ordinance. The retaining wall is existing and was originally created to save a tree on the property. The tree is no longer there.

Councilmember Piekarski Krech commented it is a matter of whether the sign was back further or upwards. Associate Planner Botten agreed.

Dick Braun, 2471 Angel Road, stated he thought some Planning Commission Members believed the sign was already installed. It was not. He said the location of the sign, centered on the wall, is a better overall design. They have shifted it around and tried other areas on the wall, but it didn't look right. They feel due to the quality of the development and quality of the wall, this is the best location.

Mayor Bartholomew asked where the sign would be located if it complied. Councilmember Piekarski Krech responded it would be further away from the road. She asked if another tree would be planted. Mr. Braun responded they were told they should not plant one for another year because the stump was just ground out. They do plan on putting up another tree. He stated the wall is located on one of the lots, Lot 1, Block 1. The property sold in the last month. The new owners indicated they plan on planting something on top of the wall.

Councilmember Piekarski Krech asked if the owners would own the wall, but he would be putting a sign on it. Mr. Braun responded there is a License Agreement to access the wall. The Association for Amberwood will have the License Agreement to access the sign if needed for repair. Councilmember Piekarski Krech asked who would be responsible for the upkeep of the wall. Mr. Braun responded the homeowner would be responsible. She commented the wall could go into disrepair if some landowner decides they don't want the wall there anymore.

Mayor Bartholomew asked if the landowner could take the wall out. Mr. Braun responded it has never been discussed with them. They are building a pool behind the wall. They could take the wall out if they wanted to.

Councilmember Murphy asked what the purpose of the sign was. Mr. Braun responded it would put a label on the development. It's a small 20 lot subdivision like most developments have.

Councilmember Gliva asked if the landowners who just purchased the land care where the sign is located. Mr. Braun responded they don't particularly care.

Councilmember Piekarski Krech stated her concern was that she assumed the development owned the wall and sign and would be responsible for maintaining it and making sure it stayed nice. Whether it's 5 feet closer or further doesn't raise issues with her.

Mayor Bartholomew stated the request is for flexibility. He believed 5 feet was the minimum. He asked if there were homeowner rules for the maintenance of lawns. He assumes the Association would tell the homeowners to keep it cleaned up. Mr. Braun responded the wall is terraced. There are plants and trees there currently, they don't look the best now. It's not an irrigated area. He stated the new homeowners may decide to put irrigation on the wall.

Councilmember Piekarski Krech asked if it was an HOA Development. Mr. Braun responded it is a minor HOA. For example, the HOA would take responsibility for a pipe that is in between two ponds on the east side of the property, maintenance of the entrance way, the cluster box, plus Liability Insurance on the conservation area. He believed they had about three acres of conservation area surrounding the property.

Mayor Bartholomew stated flexibility wasn't a concern. He would be happy to support. He asked Mr. Braun if he was in agreement with the two conditions described in the Agreement. Mr. Braun responded yes.

Motion by Gliva, second by Dietrich, to approve Resolution 2021-201 relating to a Planned Unit Development Amendment for the plat of Amberwood to allow a development sign within the required 10-foot setback on the property located at 11723 Azure Circle, as described with conditions.

City Attorney Bridget McCauley Nason stated the Resolution included in the Council packets have some blanks in it under the findings section. It states "Whereas flexibility from the setback requirements was found based on the following findings:" She asked if the Motion was to adopt the Resolution with the findings based on the language found in the Staff Memo stating that "flexibility is appropriate because it creates a better overall design and improved living environment and is not granted solely for the economic advantage of the Developer" She asked if there were other finding the Council would like to incorporate into the approval. Councilmember Dietrich responded what was just said would be her findings. Councilmember Gliva agreed that was her findings as well.

Ayes: 5

Nays: 0 Motion carried.

B. AT HOME APARTMENTS - Consider the following Resolutions for the property located at the northwest quadrant of Hwy 3 and 70th Street;

1. An Ordinance rezoning Lot 1, Block 1 and Lot 1, Block 2 from A, Agricultural to R-3B/PUD, Multiple Family Residential PUD and R-3C/PUD, Multiple Family Residential PUD.

2. A Resolution relating to a Preliminary Plat for a three lot, four outlot plat and a Preliminary PUD Development Plan for a 266-unit residential development and future 300-unit apartment building and 16,000 square feet of future retail to be known as At Home Apartments.

City Clerk Rebecca Kiernan stated there were 28 new emails/comments received over the weekend that need to be accepted into the record.

Motion by Piekarski Krech, second by Murphy, to accept the 28 emails into the record.

Ayes: 5

Nays: 0 Motion carried.

Community Development Director Heather Rand stated the request is from At Home Apartments as Developer, and Apartment Home Management Team from the Twin Cities area. This is for an Ordinance change, rezoning, preliminary plat, and preliminary PUD. The property is located on the northwest quadrant of South Robert Street and 70th Street. Lot 1 Block 1 and Lot 1 Block 2. She said land in the northwest area is typically zoned agriculture as a hold until a developer steps forward and would like to advocate for development of an actual preliminary plat PUD. This is a 57-acre site. The Planning Commission held a public hearing about this on July 6th, 2021, public input was received. Both Staff and the Developer have tried to address concerns.

The Development as it stands:

- A total of 266 units of housing:
 - Mix of townhomes, twin homes, and an apartment building in the 1st Phase.
 - The 1st Phase would also have the dedication of a 4+ acre park, trails, and greenspace.
- Future Phases would include:
 - Up to 300 units of additional apartment homes.
 - 16,000 square feet of retail.

The Developer is advocating rooftops before retail. Getting additional housing in place to feed the neighborhood retail. Hope is that it would include something like a coffee shop and/or sandwich shop that serves, in a walkability way, local needs.

Background of the Project:

- Property is currently owned by Falcon Partner’s LLC., Oak Grove Properties.
- At Home Apartments has been working with City Staff for approximately 1 year.
- Address would be 1285 70th Street and 6815 South Robert Trail.
- More specific mix:
 - 42 Twin Homes
 - 50 Cottage Homes (could be rental)
 - 116 Town Homes
 - 84 Unit Apartment Building (in the 1st Phase)

Other Specifics:

- Parking.
 - The Developer has met the parking requirements in the Ordinance in the northwest area with exception to the apartment building.
 - The city allows Developers some flexibility. In this case the Applicant is proposing for the apartment building:
 - 89 below grade parking stalls. Which is why they need to go more than two stories high.
 - 48 surface stalls.
 - Total of 137 spaces.

She stated in the northwest area when properties are developed, they put the proof on the Developer to demonstrate whether it is adequate/inadequate. Between now and final plat, they will further discuss parking with the Developer. Their parking requirements and suggestions match The Crossing’s apartment building on 80th Street with both surface and underground parking.

She stated there were questions about what to require with tree preservation via Ordinances. The Developer has provided a Tree Inventory. The Developer hires someone to inventory trees and determine if they are significant (certain level of thickness, species of trees). Code allows a Developer to remove up to 40% of trees but can also remove more so long as the Developer reforests. In this case, that is what the Developer proposes. The way the city enforces this is the landscape plans would be reviewed to make sure there is adequate tree coverage on the site.

She said when the Planning Commission reviewed this, the public provided input and spoke of the issues of parking and location of the apartment building on the hill. The need for apartment buildings in the community seem to be the trend of comments. Tonight, the discussion is about a rezone guided by the Comprehensive Plan for this type of density/density mix. Planning Staff felt the development is in compliance with the Comprehensive Plan and recommend approval with conditions. Staff looks for more detail from the Developer.

Community Development Director Rand said conditions are listed in the Council packets. Staff suggests adding another condition with respect to the height of the apartment building so it can be limited. In this community, apartment buildings without any special permitting can go up to 70 feet. Given the nature and sensitivity of this project, the Council may want to limit the height as an added condition to either 35 or 40 feet. She suggested Council ask the Developer what that may mean to them and their project. She has seen this done with other projects. Conditions were discussed and taken from the Planning Report, Page 8:

1. Final Plat accompanied Site Plans: Shall be in substantial conformance. (All documents are listed that the Developer has provided to date). This needs to be incorporated to make sure they are enforcing, for example: Tree Preservation Plan, Utility Plans, Erosion Control Plan, Natural and Open Space Plan, Site Plan.
2. Prior to Final Plat and Plan approval: Final Grading, Drainage, Erosion Control Street Plans, and Utility Plans, shall be approved by the City Engineer. This is a very important point. Final detail is needed and very important that the City Engineer has the final say and signs off on these or holds the Developer accountable before that happens.
3. Drainage and Utility Easements shall be provided on the Final Plat as required by the City Engineer.
4. The Developer shall be responsible for installing marker posts at reasonable locations to define the boundaries of open space
5. Plan Approval shall be subject to the recommendations of the park and Recreation Commission. Within this plat there is a dedicated 4.03-acre site that the Previous Interim Parks and Recreation Director had walked with the owners of the current property. While very confident in the site for a park, they still need Park and Recreation Staff and the Park and Recreation Advisory Commission to come up with a plan to develop the amenities that would go on the site. She referenced the northwest area #1 park development stating the city hired a Consultant and engaged the public, scenarios were shown, and developed. The Park and Recreation Advisory Commission received input on what the neighborhood wanted. A recommendation was made based off that information and feedback, and the project has been bid out. They expect something similar would take place with this project when ready to move forward.

The final plat set should be subject to the review of the Fire Marshal. It helps with street width and if emergency vehicles can properly move through.

Additional Conditions:

- The city, prior to recording of the plat with the county, states the owner shall execute a Stormwater Facilities Maintenance Agreement. There will be requirements to manage the water in the northwest area on this site. This is something the city holds the Developer accountable for.

- There are a total of 17 conditions.
- A Traffic Study shall be required to be submitted by the Applicant and reviewed by the city. This verifies trip generation and traffic routing so as not to disturb surrounding neighborhoods and to meet the demands with respect to this development.

Staff recommends approval of the rezone, Preliminary Plat, and Preliminary PUD. The Developer is in attendance and would give a presentation addressing City Council concerns. She asked City Engineer Tom Kaldunski and Interim Public Works Director Klay Eckles to be present to address any concerns people may have with respects to traffic, street width, and the Collector Street Plan. The Council received an update on this and surrounding areas this afternoon.

Mayor Bartholomew wanted to clarify that the Community Development Director requests adding an 18th Condition regarding the height of the building. Community Development Director Rand agreed that is what she recommends as it was very important to members of the public.

Leanna Stefaniak, President of Real Estate and Development for At Home Apartments. She also serves as the company's General Counsel. She is present to continue the presentation from earlier this month on the proposed project. She stated At Home Apartments is a local company based in St. Paul, which owns and manages all of their properties. The company began 30 years ago. The principal owners are still actively involved in the day-to-day operations and management of the company. She began with the company in 2007 after being one of their residents. She said that speaks to the kind of operator/landlord they are. As a former resident, she would have a lifelong career with the company because of what they believe in, do, and bring to the community. She felt that was important as there is an image of Developers that build in a community and then leave. That is not what they do, they have an on-site presence. She stated picking a community they want to develop in is very purposeful. They live near the community and intend to be members of the community for years. They do not sell their properties; they hold them for the long term.

She said before beginning the presentation she felt it was helpful for people to see what type of At Home Apartment community they have brought to other communities. She said she would turn over the presentation to Pete Keeley from Collage Architects. He is their Architect and have been working together since the start of the company. She said it's the same people working together that brings in a good team and knows that what they are bringing to the community is thoughtful, conscientious, and committed.

Pete Keely, Collage Architects, 5100 Newton Avenue, Minneapolis, stated he would be discussing At Home Apartments as a company in terms of the physical things they build and the lifestyle for residents. A lot of the developments begin by looking at who lives there and what people need. The demographic of a resident has changed dramatically over the last 20-30 years with ages from 20-70. They demand more and prices go higher. People are going to apartments by choice. It could be a second home or an empty nester. They design on all levels depending on the community. He stated they want to provide a lot of amenities that would satisfy residents. These are highly amenitized buildings. The finishes are what would be located in a home. They don't think of these as rentals, they think of these as homes. Homes for people who have made a choice to have a different type of lifestyle. Sometimes these people are traveling and don't have time to take care of their house and yard.

Mayor Bartholomew asked if what is being shown is the product for the 84 units. Mr. Keely responded he would be showing what At Home has done. The building has not been designed yet, it's very preliminary. They are still gathering ideas, looking at what they want to propose, and where the building would sit.

Mr. Keely stated At Home has done a number of communities. They are very high quality. He displayed images of the following locations with a description of what each includes:

The Reserve in Mendota Heights:

- Made with brick and stone, lobby areas, lounge areas.
- Outdoor TV, dining area, lounge furniture, and a pool.
 - The pool is divided into different sections so someone could do laps or sit and congregate.
- Four-sided architecture building. Has brick and stone on all sides.
- Two-level lobby with high level finishes and materials.
- Almost every unit has a balcony and gas grills.
- Inside finishes include quartz tops, stainless steel appliances, oversized large refrigerators, tile backsplashes, tile showers, glass door.

These include all amenities they would expect to find in a nice home. Each would be slightly different because they reflect the community. He stated the one in Mendota Heights was next to the Town Square on 62 and Dodd, the styling of the Town Square was picked up.

White Bear Lake:

- Next to the lake, a seaside village look was used.
- Very high-end apartments, a couple thousand square feet, overlooking the lake in some portions.
- Ranges from one bedroom to a very large two bedroom.
- Incorporates public space and a boat museum.

The Chase at 9-mile creek in Minnetonka:

- Brick with copper metal siding.
- Set up with bays and row houses.
- Mix of pitched and flat roofs. This breaks the building down, so it's doesn't feel like a massive structure.
- Uses high quality materials.
- Has balconies, front doors, and front door access.
- Big sky/roof deck, fire pits, and grills.

Minneapolis (Near Minnehaha Falls):

- Brick with nice detail.
- Detail in corridor spaces.
- Gives an upscale living feel.

At Home Apartments Office located in St. Paul, tucked into a neighborhood.

- All stone/metal building.
- High level finishes.

Vadnais Heights (current project):

- Pitched roof/gabled roof. Comparable scale to what they are looking to do in this city.
- Series of townhome buildings. Have brick and stone.

Trying to create a community that is mixed between townhouses and the apartment building.

- Amenities include:
 - Package rooms.
 - Management.
 - Very interactive to all residents whether in town houses or the apartment.
 - Managing not only the project but helping people whether it's signing leases or receiving packages.

He stated it is very important that the townhouse people and apartment people can come together and form community. These spaces create help foster community between the townhouses and apartment buildings.

- Places to dine. If someone is renting an apartment and wants to have Thanksgiving Dinner, can have family over for dinner.
- Game Rooms
- Wine Bars
- Fitness Areas. Yoga, free weights, ping pong.
- Places to gather, hang out with friends.
- Outdoor spaces:
 - Trails and walking paths.

Apartment Building:

- The building is 34-feet. The roof goes from the wall of the building and comes back from a pitch.
- 3-story building.

Town Houses:

- 2 story with a walk out basement.
- 3 story building. Roughly 33-34 feet with a pitched roof.

When designing the site, one of the main things they were trying to do was work with the grade and topography. Referencing the site plan, two central areas are left open:

- The west side is all about saving the trees.
 - The ring road wraps around the trees
 - Work with the grade.
 - Spent a lot of time analyzing cut, fill, and where they can save trees. Even though they are taking out a fair number, they are trying to save where significant trees are located.
- On the west side they have twin homes as a buffer towards the west
- Town houses on the east side.
- Believes the apartment located on the north portion is the best location.
 - Works best with the grades. From that position they can use the building partially as a retaining wall.
 - One of the larger areas they don't have to flatten large portions of the site.
- The front of the apartment building (east side/north side), becomes the entrance to the community.
 - Where pool area and community spaces are located.
 - Setback further from 67th to allow for more landscaping.

He stated they want to establish the tone that this is a community with pool areas and people gathering. The image shown is not the design, but an idea of what it could look like. It has stone, brick, pitched and gabled roofs. They are trying to tie into the community feel.

Councilmember Piekarski Krech asked if this was a rendering of the size of an 84-unit apartment building. Mr. Keely responded it is an exact rendering of what would fit on the site. A right of way goes all the way through with the intent to connect at some point to commercial area. The building is 310 feet long, takes about half of the street frontage. Other options were looked at that took out more, they tried to keep the wetland area. It is 132 feet from the back of the house to the property line, and 164 from the farthest south home to the edge of the building. The locations were purposefully selected to work with trees, the roadway, to connect Agate Trail through the center of the site, and to be able to work with the grades. They believe this to be the best location and felt it does not have that big of an impact. He said the park, shown in Outlot A, is a prominent feature. Amenity spaces for the apartment building are located directly across from the park with the idea that the community is more than the building and townhomes, it's everyone who uses the park. They are looking for frontage on all sides with different types of building styles to represent all who live in the city. He stated the

management company is local, takes really good care of their buildings, he has watched them for over 20 years. All that are built are exceptionally taken care of.

Mayor Bartholomew asked for the elevation of the property as it relates to the elevation across the street. He asked if it was higher. Josh McKinney, Sambatech, responded it is approximately 10 feet, with the building having an elevation of 967.

Councilmember Murphy referenced where the apartment building would potentially be placed, from street level, and asked if the land was 10 feet higher. Mr. McKinney displayed a grading plan and stated the building would be used as a retaining wall to help save as many trees as possible and reduce the cut. He said it was an approximate 10-foot drop. Mayor Bartholomew asked where from the street he was referencing. Mr. McKinney responded from the curb. Councilmember Murphy said if going across 67th Street to one of the single-family home's backyards, he asked if there were numbers on the height difference from their backyard to the top of the potential apartment building or land. Mr. McKinney responded it would be consistent with the 10-to-12-foot elevation change. This is from the backyard and bottom of the apartment, plus 34 feet to the base of the roof. Mayor Bartholomew stated the distance is 167 feet.

Mr. Keely displayed an image from the other side of the street that depicts a view from the front of the houses across the street. The road behind the homes is 67th Street. The building, because it is 164 feet away, reduces in scale. The height isn't as impactful. Councilmember Murphy said the proportions do not look right to him. Mayor Bartholomew asked if the house was, to the peak, 35 feet. Mr. Keely responded they modeled the house to 18 feet high with a 12-pitch roof.

Ms. Stefaniak spoke regarding the apartment building location and size stating if they entertained the concept of moving it, which they have spent a bunch of time on with Engineers and Architects, due to grading and site contours. For example, they move the apartment building and reduce it by two stories. She still needs to meet density requirements. She would still put structures along 67th Street. Because of the retaining and grading that still needs to happen, she is also building a retaining wall that houses or town homes have to put be in place of the apartment building, would still be going on top of. With the apartment building acting as a retaining wall, she is doing underground parking. That helps shore up the land. She wouldn't do that with a town home or twin home. They would be building a town home/twin home with a gabled roof. The size and height don't change that much between what the apartment building proposed and structures. It's nominal in terms of footage. She said what they have right now is 1,300 lineal feet from the Settler's Ridge side to the edge of the park. The apartment building takes up 310 lineal feet currently. If moving that and have to put in the density structures required in the guided land use and Comprehensive Plan, rather than 310 feet, she has a wall of those same height structures going all along 67th. They would need to get rid of the greenspace and the stormwater pond. She said while the apartment building may seem in mass a giant eye issue, they won't solve that by moving the apartment building and still having to put more structures there. It becomes a wall, rather than 310 feet. They would lose a lot of greenspace and open air if that is a direction they would have to go. She stated it wouldn't be good for the site and did not think it's good for the neighborhood. The site was designed to be a conscientious neighbor, to make sure they are maximizing green space, preserving trees, working with the grade. She said they recognize it's one of the most beautiful sites in the area. That's why they like it, that's why others like it. They are also still trying to give a park they know the community wants. All of this needs to happen together in order to build this community. She asked the Council to trust her, she wouldn't put forward this proposed project if she didn't think it was going to be a good idea.

Mayor Bartholomew stated there was a rendering shown that was described as Inver Grove Heights. He asked if that was the product they envision. He asked what they were looking at for typical rents and what is perceived as tenant longevity. Ms. Stefaniak responded the examples given were types of community At Home develops. They would tailor it to this community. All are unique, all have the same level of high-end finishes. All would have wood cabinet's, quartz, solid wood doors, stainless steel appliances, tile backsplashes, tile bath surrounds, large units, walk in closets, and their own washer and dryer. Everything found in a single-family home is put in the footprint of the apartment unit. The exterior is brick, stone, gabled, setbacks, and variations of the roofline, it matches what you would see in the neighborhood. She responded about demographics saying renting today is very different from renting in the 1980's. It is now a rent by choice lifestyle. People no longer need their larger home, but don't want to leave the community they have raised their kids in. They want to stay here, don't want to pay property taxes any longer, don't want to have to deal with cutting the grass or shoveling the driveway. It provides a different housing stock option as some communities don't turn over the housing inventory as often as they should. This allows new members of the community to come in. She responded about rents stating on average they anticipate the blended price per square foot for a property like this is about \$2.25. If renting a 1,400 square foot residential unit, it would be over \$2,800 per month for rent depending on the option chosen for living.

City Engineer Tom Kaldunski discussed the At Home development stating Staff has done the preliminary review. They do not have the final traffic report from the Developer. It is a condition that they must provide the report before the final plat. He referenced an aerial diagram stating he would focus on the intersection of 67th and 66th. Following is an overview:

- There is a cross intersection with a 28-foot-wide street that goes north. Prior to that the road is a 36-foot-wide road.
- 67th is proposed to be 36 feet wide.
- There are 3-36-foot roads with relatively short distances to county roads.
- The county is about to rebuild 70th Street beginning in a week or two.
 - This would be a three-year project.
 - All roads would be constructed within three years if approving this project.
- Wider roads were planned in the original Collector Street Study with the idea to get traffic to the nearest highway as quickly as possible. Public roads are for public uses. They have more capacity to go three other directions than through the neighborhood.
- The road has been part of the plan to be constructed.
- It exists in the Windwood 2nd Development.
- It exists in parts of Settler's Ridge north.
- It will eventually go all the way to 60th Street.
- The idea being that interconnectivity of neighborhoods is very important. That is how traffic is spread out. It gets people to go lots of different directions. Building the roads as described would help dissipate traffic.

Mayor Bartholomew asked about 67th Street and if it was going to go all the way through. City Engineer Kaldunski responded the plan for 67th Street would go to Highway 3. It can't go to the west. He said there has been conversations with MnDOT and the county about these roads. It is all tying in connected systems.

Interim Public Works Director Klay Eckles stated the city has a Comprehensive Plan. The Plan has thousands of hours of effort put into it to try to plan out the city. The plan is developed by citizens, task forces, Planning Commission, City Council, and Staff. Once the plan is developed, the next step is to look at how the transportation system work. Work had been done for the entire city and this area. It has led to the success of the streets there now. To continue that success the city needs to make sure

they have a network of roadways. He said their job is to see if the projects sent to the Council will work transportation wise. This fits within the Comprehensive Plan. The transportation system will try to address it. There has not been a final transportation report yet. With the Engineering Staff having looked at the area, it appears there are no major problems or issues with the project. Mayor Bartholomew asked if he was comfortable the capacity is there to handle the density. Interim Public Works Director Eckles responded apartment type uses tend to have lower trips per unit. Although more units than single family, high density uses tend to have lower trips per unit.

Councilmember Murphy said when one of the conditions for application is a traffic study, he asked if they have ever been surprised by a traffic study. He asked if one has come back saying it's not going to work. Interim Public Works Director Eckles stated he has worked in many other communities but does not have a lot of experience with Inver Grove Heights or this project. In his experience there are times when issues come up as a result of a traffic study. They include details such as proper turn lanes, traffic control features, medians and how long, and where they should be. City Staff has done some of the broad picture thinking early on for Comprehensive Planning. Engineering has reviewed this several times and tries to identify issues that might come about. He said they don't usually see big surprises as a result of a traffic study but do get valuable information and planning how to stage details of the roadway network.

Mayor Bartholomew stated 22 emails were received prior to the meeting tonight. There were 28 received this evening. He would like to hear from those who did not send in an email first. For anyone that has sent in an email, it is a part of the record. If there is anything to add, please adhere to the 3-minute limit.

Kelly Staples, 6503 Arctic Court, part of the Settler's Ridge Community. She requests Council deny the approval of the preliminary plat plan for the 1st Phase of the At Home Development. She was confused about the numbers. She has heard that the plan includes 42 twin homes, 50 cottage homes, 116 town homes, and 84 apartments for a total of 292 dwelling units. She has heard the number 266. She felt that number is important as they get into density requirements later on. She requested clarification on that number. She said she hears great things about At Home Apartments, listened to Ms. Stefaniak at the Planning Commission. She commented the places look lovely; the apartment buildings don't look like anything she would want in her backyard. From the back yards of some of the homes in her neighborhood to where the proposed apartment building would be, is less than half a football field's length away. She felt that unreasonable. What impressed her about At Home's presentation was the priority they place on planting trees and other vegetation within their communities. She has looked at their website and they do a great job of creating green space within their walls for their community members. She was pleased about the proposal to include a 4-acre park, which is a change from what other Developers have been doing in the city within the last few years.

She stated concerns she has about the Applicant's presentation: At the Planning Commission meeting, Ms. Stefaniak stated At Home Apartments had not done any kind of a market study to determine what the demand is in this area specifically for high end luxury rental units. There is a development with similar housing going in on the northeast quadrant of Highway 3 and 70th Street. She questioned how many of them were needed. She understands At Home has had success in other areas. Her research showed a majority of other communities are either in, or close to, commercial areas. There is nothing around where they are proposing to put this apartment building. No retail, jobs, schools, nothing there for them to walk to, there is no bus line. She commented of all At Home communities, this is the only one that would not be located within ½ mile of public transportation. She questioned if that would impact people's desire to move to this community. She said At Home is currently proposing a second community in Mendota Heights. They already have one beautiful property located in the parking lot

where Theresa's Restaurant and Walgreens are, with a senior living facility close by. That area is much different than Settler's Ridge.

She stated none of the proposed units will be owner occupied, all will be rental. Her question comes back to demand and if the Applicant hasn't done a study, she would hope or request the city do one. She doubted anyone would want this space to sit empty like the retail space near Target does. She said the proposal would eliminate 40% of existing trees and vegetation. A devastating loss. There has not been talk of what would replace current trees providing a buffer between Settler's Ridge and this proposed location. She requests the city be diligent in enforcing replantation requirements. She said from personal experience, Lennar was faced with a similar requirement after it removed trees for their homes. Residents watched as a joke was made out of it and Lennar's Land Department planted trees on a hill where they knew they wouldn't survive. Nobody from the city ever followed up on this. While plans may have looked great on paper, they are left with hundreds of dying or dead trees in their neighborhood. She asks if tonight's plan is approved and moves forward, that someone from the city see personally that whatever is planted in its place is the appropriate type, alive, and has the ability to thrive in the soil in the area.

Ms. Staples said her concern is the 84-unit apartment building and the proposed location, size, aesthetics, and shortage of parking. The building would be extremely close to existing houses in their neighborhood. She said they did their due diligence when building their homes, they knew medium density was going to be put there, most thought of town houses and twin homes, not a three-story apartment building. The topography is a huge consideration. She commented the image shown tonight was deceiving. She felt the image put up was not to scale and requested the Council ignore the entire slide because it was untrue and incorrect. She stated the proposal is short on parking spaces. She doesn't believe it was feasible from what the Developer has said about moving the apartment building. She said their request is to remove the apartment building entirely. In order to do that, the Developer needs to meet density requirements that state there should be between 542 and 1360 units in total development, including all phases. They are at 292 now, it's different than 266. They can afford to cut a floor off the apartment building or replace it with something smaller.

Mayor Bartholomew stated comments and questions will be noted. When done, the Council will ask for updates and further comment from the Developer.

Andrew Berglund, 6628 Agate Trail, believes there are two glaring issues with At Home's proposal. The first being a lack of transition from single family living to a high-density apartment building. It is going to be in the backyards of many neighbors. He referenced the topography and stated he lives 20 feet from where the apartment building is going to go. He felt it would be higher than 10 feet. He feels even if 2-3 stories high, it would tower over the community. He strongly recommends eliminating the apartment building completely and believes there are other ways to accomplish high density in this area without something that towers over the neighborhood. He was concerned about the increase in traffic flow coming through Settlers Ridge, on Agate Trail. There are a lot of small children in the development, they have already had a lot of close calls in the neighborhood with kids getting hit by vehicles and construction trucks. By adding another entrance from 70th the neighborhood would see significantly more traffic, especially with added construction. He asked that there be a temporary road during construction for the new development. He requests Agate Trail be temporarily blocked off before the new development is complete.

Councilmember Piekarski Krech asked if children have been hit. Mr. Berglund responded no children have been hit, there have been many close calls.

Benjamin Stone, 1378 66th Street West, stated his house abuts the apartment building. The elevation of his backyard is 947.9 feet. Ground floor elevation of the apartment building is 967 feet. It would be 20 feet from his backyard elevation to the base, with another 44 feet to the base of the roof, not including the peak. He said they would have a 60-foot obstruction that would block out the sunlight to his backyard for several months of the year. It would be a big obstruction of 84 units looking down on the backyard where his children play. He said there is no transition. He is embarrassed that he needs to come forward and defend the idea of an apartment building in his backyard. As a former tenant of At Home, the presentation was great, his experience with them was not good. He said you don't have to look online very far, there are plenty of things people have to say about them as landlords. He said he thought his days at At Home were over. Now he would be in the shadows of one of their buildings. It's surprising and unacceptable. He doesn't blame At Home, but the fact that it got to the point of being a feasible project. He didn't feel someone was doing their job. He said they don't have to look at the plans to realize how ridiculous it is. From a personal level, he was concerned about the viability of rental. Dakota County has the highest rental vacancy by far. If drawing a radius 1.5 miles around the property by the end of 2023 there would be 1,452 new rental units, not including the ones proposed tonight. There would be thousands in this radius. It would make it the highest density rental area in the metro area without any public transportation. He felt it was strange to put so many rental units here without the infrastructure or studies to back up the demand.

Carlene Samuelson, 6568 Alverno Lane, Settler's Ridge Development, wanted the Council to consider the reasonability behind what residents are asking. She said she heard the word community several times during the presentation, and their community looks beautiful in the pictures, with trees and where the apartment is going. If wanting the feel of community, she asked why they did not look to have more of a tree buffer between existing homes and where the new development would be built. She was concerned about the traffic. There are many young children in the area, a traffic study may be something to consider. With narrow streets, parking one side only, and what that means for visibility. Looking at current parking slated for the building and the shortage. She stated there was mention of lower trips per unit in apartments. She was sure that may exist in some places where public transportation is present. She asked what that means in a situation when there isn't public transportation. If having overflow parking into the Settler's Ridge Development there is concern for what that mean with visibility of children playing. If approving, she asked if there would be a temporary access road for the development, and to block off Agate so they don't have to worry for the safety of children at play during development. She hoped they could meet the needs of the new development while thinking about the reasonability of the current residents living there.

Chad Frank, 6538 Agate Trail, appreciated the City Engineer's explanation of the traffic flow and has a better understanding there are wider roads east, west, and south, to help. As someone who lives north on Agate Trail, a narrower street, he felt what is being done makes sense. He suggested to further encourage the volume of people they would have living in the area, use higher density streets and have the high-density housing pushed closer to 70th.

Pete Grayson, 6692 Agate Trail, across from the proposed park, agrees with what his neighbors have said about traffic. His biggest concern is construction. Considering the new 67th Street as a major thoroughfare, it goes right through their neighborhood. It not only abuts the backyards of homeowners but goes through towards the west to connect up to the new through street. Having the highest density right next to the neighborhood would draw all traffic through the new 67th Street, through their neighborhood. The construction is a nightmare. He said for three years all major routes around them are closed except for Robert Trail. He asked where they could go. The only access in and out of the new development is Agate Trail. All trucks and new residents would come down the narrow road for three years. He said that can't happen, an access road has to be put in somewhere. A possible location could be to the east onto Robert Trail. He asked the Council to consider asking the Developer

to move the apartment building toward 70th Street. He said common sense is not putting the highest density building next to a residential neighborhood.

Patty Magnus, 1373 66th Street, said she heard through the presentation that there may be enough parking for people living in the apartment buildings, but wasn't going to be any parking on streets. Having two kids live in areas with no street parking, she never goes to visit them because there is no parking for visitors, so they come to her. She wanted to make sure visitor parking is addressed for the apartment.

Venkatappaiah Kongara, 6670 Agate Trail, was concerned about the road and access. Looking to the entire community, every road is a single lane road. All high traffic is going to come from these roads and get stuck. There is no plan that he has seen so far to expand roads to accommodate for residential areas that are being built up and the other three communities in line. He said construction means cutting down grown trees that are 10-20 years old and planting new trees that would take 10-12 years to grow. He has noticed in a Lennar section that big trees have been cut down and small trees have been planted which cuts down on privacy with a 10 year wait time to get privacy. He asked why they would not build toward the Target store where there is already space and commercial area available. He questioned why they would build in a residential neighborhood.

Mayor Bartholomew appreciated the community input. He requested hearing from the Applicant so they can discuss things further. He heard the following concerns and questions:

- Request to try to move the apartment building.
- Proper screening. In front of the apartment if staying where it is at so they can block some of the site.
- Elevation.
- Traffic flow. Discuss what would be done long term to keep traffic in the right areas.
- Further discussion about the mixed-use issue. Retail was going to come. That is why they are putting this in.
- Transit traffic was also mentioned and the concerns of the neighborhood surrounding this.

Councilmember Murphy said he was fine starting with those mentioned.

Councilmember Gliva stated clarification was needed regarding a question about density and a 266 number. Ms. Stefaniak responded the density count is 266 as noted in submitted plans. This includes: 84 apartments, 42 duplex/town homes, 24 - four plex units, 66 - 6 plex units, and 50 - 10 plex units (big manor house style). This phase only is 266. The plat shows in future phase developments an additional 300 bringing a total of 566 for a site that actually allows for over 1,300.

Councilmember Dietrich asked if Ms. Stefaniak would be discussing about the person that said they would be within 10 feet of the property. Ms. Stefaniak responded she was unsure where he meant within 10 feet. Home structures to their structure, from people that live in Settler's Ridge on the other side of 67th Street, is 164 feet. She was unsure where 10 feet from their structure comes from, and suggested clarification could be asked from the individual.

Mayor Bartholomew asked about the location of the apartment building. Ms. Stefaniak responded she understands the concerns and the request to move it. At this time, she was not prepared to move the apartment building. That requires a completely different plan. Based off years of work and conversation, working with an Architect, Engineers, current property owners, understanding connector roads and the need for the apartment building to be located where it is, they strongly feel this is the best location for it.

Mayor Bartholomew asked if they meet all setbacks. He asked what the setback was for the apartment. Ms. Stefaniak responded they have met all setbacks. The apartment setback is 25 feet.

Mayor Bartholomew heard questions about a market study and the concern that there is not a need for it, and if something is being created that won't be used. Ms. Stefaniak responded during the Planning Commission meeting she was asked if a full-fledged market study was done with a third-party firm. That step has not been undertaken yet but is something they can entertain. She said At Home, with its own experience, doesn't do market studies unless asked by a Council. They would not invest in an area they do not believe can be filled. She understood the concerns with Dakota County vacancies. At Home's physical vacancy is 1.6 overall. That is largely due to where they place their buildings, how they manage their company, type of units provided. General market is underwritten for 5%, they are not near that. She doesn't have a separate market study, they looked at what was put forth in the city Comprehensive Plan and information given to Council by the Met Council in going forward for future density needs. She stated the city's future density needs for additional housing over the next 10 years is north of 2,800. This would provide 266 of that.

Mayor Bartholomew asked if further discussion could take place on the magnitude, density, and how it relates to city's standards. He wanted to make sure standards are met and densities are in the middle range, not at the lowest or highest end. Ms. Stefaniak responded for medium use density; it is 8-12 units per acre. For this site in the first phase on 30 acres, they propose 266 units. It is 9 units per acre, in the middle of the medium density requirements.

Mayor Bartholomew requested additional information about landscaping and tree preservation. He said there were concerns and would like information about screening. He wanted to make everyone aware that screening is important to the neighborhood. He knows that can't be planned tonight, but wanted to hear about screening, tree replacement, and reforestation. Ms. Stefaniak responded screening is an important issue for them and for residents. Their application speaks about a preliminary plat and preliminary PUD, it did not include a robust landscape plan. All plans will show heavy screening along all borders of the property. That includes, trees, bushes, and berms where needed. That information will be provided once they get to that point of design.

Mayor Bartholomew asked for more information on the Reforestation Policy and how to make sure reforestation is monitored and met for Code and Policy. Interim City Administrator Rand responded after the planting part of the sign off, Staff would go out and inspect. If there is a complaint, they want it brought to Staff's attention so they could go out and look. Mayor Bartholomew asked if the tree inventory would come. Interim City Administrator Rand responded a tree inventory has already been completed for the site. Staff knows what they are working with, they don't have the final because this is the preliminary.

Mr. McKinney responded there are 575 replacement trees identified on the plan. They have determined quickly where some of those trees would be. He stated hearing the concerns of the neighbors, they can re-allocate additional trees at the base of the apartment building and screen it. Mayor Bartholomew asked what type of trees were envisioned. Mr. McKinney responded the trees were in accordance with the street tree planting requirement. They are not coniferous trees. He said a layer of coniferous trees could be placed behind them to create more of a base screening to the street. Mayor Bartholomew wanted to be sure when getting to the site plan, they be cognizant to what the neighborhood would like. Mr. McKinney replied they want the landscape to respond to the architecture. They are waiting for plans to further mature and can make sure they are responding to the needs of the community as expressed.

Councilmember Piekarski Krech stated it was referenced they placed the apartment building in a way that mature trees were saved. She asked to be shown where that happens. She said if they were not the Developer and someone else came in, they could clear cut the piece of property. Mr. McKinney responded they have worked with the landowner on multiple concepts before At Home Apartments approached the landowner. None of them have taken the care that At Home Apartments has in terms of preserving trees. He referenced a diagram stating the western portion alone has over 1,000 inches of trees preserved in the center area. Using the apartment in the location to retain grade allows them to not have to cut into a berm any further than they have to in order to fit buildings. They are trying to preserve the elevation as far as possible in order to tie out grades and avoid retaining walls in the center area. Councilmember Piekarski Krech asked if the whole area would be green space. Mr. McKinney responded yes, it would be preserved and staked.

Councilmember Gliva commented she was trying to think in the eyes of the landowners across the street on 67th. She asked Mr. McKinney if he has ever worked with those neighbors and actually put large trees on their property. Ms. Stefaniak responded that has not been proposed to them before. She said it was something they could discuss and is open to conversations.

Councilmember Dietrich had a question about a resident's comment that the depiction shown was not accurate. She wanted to clarify, because she thought the Applicant said they wanted to scale down the home. She wanted transparency on all sides, so it's known what they are discussing. Mr. Keely responded when the depiction was done, he had everything in a flat plain for distances, he put the grades in the computer model. Instead of constructing the model to look exactly like one of the homes, they took the lot lines, box dimension, and assumed 9-foot floor to floor, 18 feet, and then put an 8/12 pitch on it. They took an aerial graphic and created a reasonable representation of what a house might look like. It could be lower. The homes height could be larger than what was shown in the depiction. He knows for sure the apartment building, on the backside, is accurate for height and elevation. Councilmember Dietrich stated language is important. When someone says they are going to have the sun blocked out for 3 months. That's a very strong statement. She wants all to be working toward a collaborative approach, so all have integrity in what they are speaking on.

Mr. Keely commented on the solar angles stating 164 feet is the south facing side. The sun doesn't go below 45 degrees that time of year. It's pretty hard to even get to the street.

Mayor Bartholomew asked about the house depiction. Mr. Keely responded it was 9 feet floor to floor with an 8/12 pitch. The width of the home was set for 34 feet. The pitch of 8/12 was half of that. Mayor Bartholomew commented they were looking at 28 feet total height from the peak. Mr. Keely replied that was roughly what single family homes were, between a 25-30-foot height.

Mayor Bartholomew stated the height limitation for residential in the area is 35 feet. He asked if they were proposing 35-40 feet. Ms. Stefaniak responded the wall of the structure is 34 feet. Mr. Keely responded the roof would go above that. Each floor is 11 feet floor to floor, 3 stories is 33 feet. In this case the grade steps down about 1 foot below that. That's where they get to 43 feet of the wall. Depending on where the building is and what portion of the building. If a 60-foot-wide building, 1/2 of that is the roof pitch, they tend to do a 6/12 on the lower portion of the roof pitch and do a steeper gable getting to roughly 50 feet to the top of the roof pitch. It's about 16 feet of roof. He said depending on where you are and how it's measured, they say 34 feet of wall, after that it goes up and recedes.

Councilmember Murphy stated residents commented earlier that the base of the apartment building was just 10 feet different. Further information later on was that it was 20 feet different. Mr. Keely

responded the grade drops significantly. The east side is higher than the west side. Mr. McKinney responded for example, an elevation at a corner of what appears to be a road was at 67, further down the road was 49. It goes down fairly steep. Another area was 59. The difference from the street elevation to the 59 elevation was 10 feet. Mr. Keely stated when looking at the siting of the building, it was further east, the further doing anything west with the townhomes, they stuck out of the ground. That portion of the site was actually pretty low. They were trying to keep things further east because it was a good buffer and for stormwater. Also, because townhouses have to sit up on 10 foot retaining walls there because the access is on the south side of the site.

Councilmember Murphy did not understand the explanation on sunlight. He asked if the sun wouldn't be blocked. Mr. Keely stated the building is on the south side, at noon, it's not going to block any light. When the sun sets to the west, it would block infinite amounts of light. Being on the south side and the radius of the sun as it goes around, the sun at noon in December would be 68 degrees. On a 34-foot wall, sun going over the top of the roof would be less than 34 feet. It would not from the south. From the extreme east and west is different.

Commissioner Murphy said they want to save trees, but he wasn't sure it was the two most important things. One of them, to move the apartment building, the response was no. He stated it is frustrating to him as a new Councilmember that this needs to be so difficult. He doesn't understand why they can't look at a bigger picture. As he reads the Code, the reason's Council may approve or deny a preliminary plat, two things were mentioned that stand out to him: if it is compatible with present and future use in the area and surroundings. He was unsure going from single family to apartment building is compatible. Even though it is a fantastic apartment building. He said Code mentions if it impacts the reasonable enjoyment of surrounding properties. He comes back to transition again. He questions how they go from single family homes to the apartment building. He questioned why the apartment building cannot be moved. He felt it was likely a business decision for At Home, which he understands. He commented that it was very frustrating that they cannot seem to find a solution. He asked if the residents that back up to the apartment building would be able to look out their bedroom window and see an apartment building or trees. Ms. Stefaniak responded they would see both. They would likely see the top of the apartment building, but straight forward they would see trees, shrubs, and berming. In backyards they would look across the street first at cars going by, if they don't have their own fences or screening, then see the apartment building landscaping and the apartment building above it. At 164 feet away.

Councilmember Murphy asked about getting construction traffic into the development without using Agate Trail or Alverno, or any of the streets in Settler's Ridge. Ms. Stefaniak responded the recommendation at the Planning Commission was to look at doing a temporary access road during construction. This is something they have discussed and have thought of using the eastern portion of the site not currently being developed. They are open to finding another way in. There may still be an occasional truck going through the development. From a construction truck vehicle, the concern is understood. Councilmember Murphy asked if it was economically viable to move the apartment building. He asked if it was a dealbreaker for At Home.

Councilmember Piekarski Krech stated she didn't hear it said that it was an economic issue, she heard it said that if moving the apartment building and putting townhomes there, the townhomes would sit up higher than the apartment building. In order for them to meet the densities they would also have to take out the greenspace area of mature trees. She didn't hear it said it was money, but aesthetics. Ms. Stefaniak responded there is a density requirement they have to meet before they are financially penalized. If moving the apartment building, it would have to shrink because she is moving it to another area that doesn't work with grading. In order to meet density requirements, structures would

still be put in the same spot. The concern doesn't go away. Instead, there would be more of a wall of structures along the entire 67th Street boundary line rather than a 310 linear foot apartment building. She was unsure moving the apartment building would solve the concern, it may make it worse.

Councilmember Murphy asked if the density requirements were negotiable. City Attorney McCauley Nason responded there is a Comprehensive Plan and density requirements found in the underlying zoning district and other guiding documents. Typically, people negotiate for higher density opposed to lower. The proposal is around 8.6 units for Phase 1. That is the units for net developable area. This is at the very lowest end of the R-C3 Zoning District which requires 8-12 units (medium density residential) per district. R-C3 looks for 12+ dwelling units per acre. She stated the city has a number of density related requirements within the Code. There are other considerations to some of the financial aspects; plat connection fees, development, and other fees projected for the site. Councilmember Murphy asked if it was possible the Council can alter density requirements, that helps the Developer and moves an apartment building. City Attorney McCauley Nason responded it may be possible under the PUD Zoning Ordinance. One of the provisions in that Ordinance states the total number and location of housing units shall be established at the time of the final PUD Plat. If it is something the Council would want to have Staff look at, she requests time to do the math. There is some flexibility.

Mayor Bartholomew asked how to handle the question about reasonable enjoyment and compatibility. He asked if someone meets standards in the zone and mixed use with the PUD, he asked what the touchpoints are for compatible use and a neighbor with different zoning right next to this zoning. He asked how to address compatibility and reasonable enjoyment when the landowner is following Code. City Attorney McCauley Nason responded those are requirements/criteria for evaluation of a proposal for a PUD within the Zoning Ordinance. There is not further guidance or clarity provided within the Zoning Ordinance. She said it was up to the Council to determine whether or not the requirements, which include requirements of the PUD Ordinance, are met. If they are met, there is a strong legal basis to support approval. If not met, the Council needs to articulate what those specific grounds are that are not being met and Council's interpretation. She stated as a Council, they get to interpret their own Ordinances as the Legislative body in this city. If finding the standards are not met in the PUD Ordinance, the Council would need to articulate and provide a rational basis for the decision looking to what specific grounds are not being complied with. If the Council believes that the Ordinance requirements are not being met, the Council is requested to articulate what those Ordinance requirements are that it does not see are met. Then Council would direct Staff to move forward with preparation of a written Resolution of Denial related to incorporate those proposed findings.

She stated the other question was related to whether or not the Council can require the apartment building be moved. That is another option, which is approval but must require the apartment building be relocated within the site. Parameters could be established. For example: must be located at least 1,000 feet south of the northern property line. She stated if this is something the Council is considering, it is advisable Staff make a determination whether or not it exists on the Phase 1 property, an alternate location that would be feasible and practical. The Developer has indicated that is not the case. She was unsure if Staff has done any independent review or analysis. She said in this case, there are not a lot of flexibilities being requested by the Developer. Many times, in a PUD situation there is a Developer requesting variances from setbacks or other zoning requirements. In this case the only real flexibility being requested is dealing with the parking situation.

Ms. Stefaniak said parking came up several times. The site is parked and exceeds parking requirements. For the apartment building there are 89 underground parking stalls for 84 units and 48 surface parking stalls. This is a total of 137 stalls dedicated to the apartment building. She said the requirement the city had was for 157 for the apartment building, they are short 21 stalls. When there is

a deviation, it is allowed provided they save for future proof of parking. In the event it shows they didn't adequately park the building; they have to show they have a place to put the additional 21 spots if needed. That is one of the 17 conditions listed in the Staff report.

Mayor Bartholomew asked if there was give or take. As long as they are not above the maximum or below the minimum, Staff would look and say they are fine where they are at. He questioned if there is input with the Developer regarding density. Interim City Administrator Rand responded that Staff is not negotiating. When a Developer submits a plan, they look to see if it fits the requirements as outlined in the City Ordinance and Comprehensive Plan. They are that level currently. If the Council wants something different, they need to give Staff that direction.

Councilmember Gliva stated she liked this product. She toured the facility in Mendota Heights. She doesn't think residents are not opposed to the actual density; they are lacking a transition. If that apartment building was anywhere in that space and not where it is now, she felt would be fine. She is frustrated when getting these developments/plans, that someone hasn't looked at it and said, wait, what would the neighbors in the existing single-family think about having a larger apartment building. She said she has nothing negative to say about the plan as far as At Home, she is in favor of the whole development, she is disappointed that they are here now and it's all about where that apartment building is. She felt maybe it could have been addressed sooner.

Mayor Bartholomew said they have heard repeatedly this is the only place the apartment building could go. He asked what the thought was behind this being the place for the building. Ms. Stefaniak responded based on all of the design work they have done, this is where they feel the best place for the apartment building would go, not only because of the access point, but the grading, contours, density requirements. If they start over and redevelop the entire site it increases her costs to truck out and refill, losing some of the great preservation they tried really hard to do. Knowing what some of the other developments have done, they were very conscientious about that. She understands what Councilmember Gliva said about taking the neighbors into consideration. She responded that they did. They could be as high as 70 feet and still be within the Code, guided use, with no variances. It could be a 5-story building. She said that might not seem like a concession. It is a significant concession when talking about construction costs and density. She apologized for the frustration. They took this into consideration and did not propose a massive structure. It could have been the 150 units on the plan and still be within legal conformity. She stated she is not in a disposition to redesign the site today. If that is what she is being asked to do, the answer is no. They may have to have further discussions later if that is the direction Council wants to take.

Mayor Bartholomew asked Ms. Stefaniak if she was willing to take a pause for a further look and if there was value in doing it. Ms. Stefaniak responded they have done that work before with the Planning Commission, when they started working with Staff several months ago, and after Planning Commission, they can do it again but would need better direction from Council as to what can be done. She said it would be direction for density requirements, whether there is a density penalty, what happens with the park. All of this is impacted, it's not simply moving an apartment building. It changes everything about the site. Mayor Bartholomew asked what a density penalty was. Ms. Stefaniak responded it's paying a fee in order to not build. Mayor Bartholomew stated the fee would be higher if the density was lower.

Councilmember Gliva requested more explanation on the density fee. City Attorney McCauley Nason responded it would take her some time to look.

Mayor Bartholomew requested a 10-minute recess at 8:28 p.m. Council returned from recess at 8:40 p.m.

Mayor Bartholomew stated the question was how do they get to this density, what is the density. He said his interpretation is there are density requirements, it has a threshold and there is a need to be somewhere in between as long as meeting density requirements. The report says the Developer is meeting the density requirements and are down to the lowest end in some cases. City Attorney McCauley Nason responded it goes with what is driving proposed density on the site. It's the zoning and Comprehensive Plan guidance. Those two guiding documents establish what the projected anticipated desired density is for the development. It's complicated because it is a phased development. This is the proposed density for Phase 1, a larger project that includes a second phase. Details on the second phase have not been determined.

She stated the second question had to do with a density penalty and what the impact is. She is unable to determine quickly what the different fee or potential penalties may be. If that is information the Council would like she recommends continuing the application to a different meeting date to either the first or second meeting in August, then Staff, including Planning Staff, could have an opportunity to review and provide that information to the Council as well as other information the Council may seek from Staff.

Councilmember Gliva asked if the density went down to 7 and there is a second phase, if the density counts both phases together. She asked if that is overall or if it could be done in pieces. City Attorney McCauley Nason responded density can be looked at overall, there are different ways to address density requirements as part of development contracts to ensure density goals are met for the larger development. She stated she was not aware if the Applicant is seeking some type of change in density or would be amendable to some type of approval. They would have to look at what all those may be because this item speaks of rezoning, and the Comprehensive Plan guidance. There is additional work that needs to be done at Staff level to ensure compliance with those two requirements. If that is something the Developer would entertain, there are other factors with respect to connection fees, the previous extension of sewer and water, cost the city has already incurred to extend utilities up to the northwest area, that would merit evaluation by Staff to be able to provide that information to Council as a part of any decision-making process.

Mayor Bartholomew stated the density proposed is R-3B, 8.4 units per acre and R-3C, 15.5 units per acre. He believes they are calculating in a mix of those. He asked if that was a density range of 8-12 units per acre. Ms. Stefaniak responded yes. Mayor Bartholomew said he didn't know any other way to look at it. It's a number the Developer proposed and meets the city density requirements.

Mayor Bartholomew directed a question to Interim Public Works Director Klay Eckles about construction traffic and if the city was flexible enough to allow for relief temporary access. Interim Public Works Director Eckles believed Engineering Staff has already done preliminary investigations on different options. It goes with the caveat that it is a developing area, and likely within the next five years will experience some vehicle traffic generated by construction. Be it from this project or another. It's like the homes that were built prior generated construction traffic on other streets. He said with every project they look for opportunities to try to minimize construction traffic on local roads used by the residential area. He stated they are looking at that and believe they will find some options with this project. Mayor Bartholomew said it will be difficult with the Argenta realignment and work on 70th Street. He said another roundabout is proposed at 70th and Argenta. Interim Public Works Director Eckles responded there would be detours, it will be monitored and will work with the county to make sure the detours work with residents. They will keep the traffic from using roads as shortcuts, they will be watching and working on it.

Councilmember Piekarski Krech stated she was driving around the communities of West St. Paul, South St. Paul, Eagan, and Inver Grove Heights the last three days. Apartment buildings are in residential

areas near and next to single family homes. She noticed single family homes, apartment buildings, single family home, with no street in between. The neighbors who live on Argenta currently did not want the Settler's Ridge community there. They did not want all the trees taken down for homes to be built there. Those who live over by Target, don't want an apartment building by them. She said she understands. This is change, it's different. She said she is looking at this group trying to do a little bit to save some of the area. The builder that built Settler's Ridge didn't do anything to save the area, the area was clear cut. She stated there are some oak trees she would like to see saved. She said the area is zoned for this; she was unsure how much more transition they can make in terms of the road. She asked they keep those things in mind. If this development does not go in, the next developer may not be as amenable to providing screening and saving some areas, and may clear cut everything down, may not donate land for a park. She said she would like to reach some type of consensus that development is going to happen. The northwest area when she moved to the city was nothing but farm fields with no houses. It has changed immensely. She stated they would like businesses she would love to have public transportation. They have pushed and met with different groups and for some reason they are not at the right end of Met Council for that. She felt maybe it takes citizens to push State and County Representatives and tell them this city wants public transportation. She says they hear it from her, her voice doesn't carry as much weight as residents do.

Mayor Bartholomew stated Planning Commission voted 8/0 to affirm, likely for all reasons mentioned this evening. The densities are right as is the use. They are at the lower end of densities. He said he supports this and believes it to be a good project. In the long run it would be helpful to the community and the area. It would bring in the retail needed. He felt this would help transit come in the long run. He stated he thought it would be a mistake not to approve this. He knows there are concerns of densities. Those can be discussed further if wanted. He stated he is in support of the Ordinance to rezone and the Resolution for the Preliminary Plat.

Councilmember Murphy said it was a fantastic development, he is very impressed. He felt they focused on things less important than other things. He believes the access issue could be solved. As it sits now, he doesn't feel he has enough information with the apartment building located where it is. When talking of transition multiple times, he felt it has a negative impact on all of the Settler's Ridge community. He doesn't think it is reasonable to look out and see the apartment building. He would be more supportive of tabling and asking Staff if there was flexibility with density so there is some relief for the Developer. He questioned if there was a possibility of moving the apartment building. Recommended having our experts work with their experts for an overall better transition. Maybe that means moving it further away from the highest point and closer to 70th. He doesn't want it not to be there but would like more information.

Councilmember Piekarski Krech asked if moving it closer to 70th meant losing the park. Response from the audience was no, they do not lose the park.

Councilmember Murphy stated he would rather it be there and is having a hard time accepting the location and height of that big a structure.

Mayor Bartholomew stated his comment is that the Developer believes that is the only spot for it. He asked Ms. Stefaniak if she would be willing to table this item and take a look at the site with Staff to see if there was any possibility of moving it somewhere else. He asked if they were willing to table for discussion and bring it back before the Council on August 9th. Ms. Stefaniak responded she was willing.

Councilmember Murphy commented that would be very helpful and appreciated. He said there were other things he was hoping Staff could talk with the Developers about. For example: penalties, if there is flexibility on density to give relief to the Developer, and if this appeals to them. Mayor Bartholomew responded the density is where he struggles as they are at the low end of the density. He was unsure if they could go any lower. Ms. Stefaniak responded that was not a question for her to answer. Guided medium density is 8-12 acres, they are at 8.64. Councilmember Murphy asked if Council has the ability to change that. Councilmember Piekarski Krech asked if there could be a discussion about that later. She believed discussion would be needed with Amy and Heather about the northwest area. Councilmember Murphy responded he has read the reports, he felt that ship sailed in 2016.

Mayor Bartholomew stated density may not be something they can decide this evening. There may or may not be wiggle room but is something they can have further discussion about by August 9th. City Attorney McCauley Nason responded further information can be provided regarding density and flexibility and what, if any, flexibility might exist, and what other options there may be with density calculations. Additional conversation can be had between Staff and the Development Team if that is the direction of Council. If that is the direction of Council, there are two things she suggests:

1. Clarify. She understands there is a request for more information about potential density penalties, potential density relief, or ways of reviewing or reconfiguring what it would look like if wanting lower density on the site. Whether that is to be addressed with higher density in Phase 2 or involves a different type of rezoning and maybe a Comprehensive Plan Amendment, this is something Staff can look into and bring back information to Council. She was unsure if August 9th was too soon and suggested making a Motion to continue all Applications (3) 1. Rezoning, 2. Preliminary Plat approval, 3. Preliminary PUD approval, to the second meeting in August, with direction to Staff to send a 60-day extension letter, and;
2. Provide additional information to Council ahead of that meeting regarding density penalties, density relief, and have conversation with the Developer regarding potential site reconfiguration or other related matters.

She stated if there was anything else Council would like information on, direction can be provided to Staff, and Staff can respond as directed.

Mayor Bartholomew asked Ms. Stefaniak what her thoughts were. If they should hold off for further information and further collaboration between her and Staff. Work with density issues and the economics of the development. He questioned if there is value to waiting until then. Ms. Stefaniak was willing to table to have discussion over the next two weeks about what they can do with density. With regards to feasibly going lower in density, she would need time to work the numbers and figure that out. She said she gets a little concerned on a personal level in doing a 60-day extension, the goal with this phase was to begin road construction this year, going out 60 days, it would not be happening and would be pushed to next year.

Mayor Bartholomew responded he was unsure if anyone was at the point to make a Motion to approve. Ms. Stefaniak responded she was willing to table, she would rather have discussion sooner rather than later. City Attorney McCauley Nason stated the 60-day extension letter would just extend the maximum time period allowed which is up to a total of 120 days from the date completed applications are received by the city. She stated her understanding is that Council would prefer information be brought back sooner rather than later. The intention then would be to have that additional information and have the tabled items on the agenda on the first or second meeting in August. She stated there is information being requested from Staff, the Council may entertain having this continued to the second meeting in August to provide time for Staff to get the information requested by Council and not be rushed. The Council packet deadline is next Wednesday for the following meeting.

Mayor Bartholomew asked if the second meeting in August would be realistic. Interim City Administrator Rand responded she would like to work toward that. If having anything notable to bring sooner, they would. Ms. Stefaniak responded that was acceptable.

Councilmember Murphy requested to clarify his comments to illustrate his concerns. He wasn't talking about a Comprehensive Plan Amendment; he was curious if the Council has a mechanism available to address what they are referring to as density penalties. He has no issues personally with the density. He believed At Home has done a tremendous job. Providing some relief so they can entertain moving the apartment building and not being penalized, that is what he was wondering about. He believes the road can be addressed pretty easily, looking for a better transition is his concern. He would rather it be here but is not quite ready with enough information. Mayor Bartholomew did not understand where he was coming from in terms of the penalty. Councilmember Murphy responded it was the words that were used. Mayor Bartholomew stated he doesn't follow it either. He said the bulk standards make it very clear what the densities are, the Applicant comes in very close to the bottom end of the densities. He doesn't understand where that is a penalty. Ms. Stefaniak responded there is an assessment that is going to happen based on unit count. If she doesn't have those unit counts, she is paying for assessments without having revenues to support that assessment. Mayor Bartholomew commented she is referring to the hook up fees. Ms. Stefaniak agreed. She uses the word penalty as a Developer because that is how they view it. She would be assessed for something she didn't build. Mayor Bartholomew said the reason they are at this point is because years ago they put infrastructure in the ground and now they have to pay for it.

Motion by Murphy, second by Gliva, to table this item for AT HOME APARTMENTS, for property located at the northwest quadrant of Hwy 3 and 70th Street; for all three Applications to a future meeting (August 23, 2021) to provide Staff enough time to discuss any mechanisms possible to give the Developer some relief for the density, which would give the opportunity to move the apartment building, and for an overall better transition and to also direct Staff to send a 60-day extension letter related to the Applications.

City Attorney McCauley Nason stated to clarify the Motion is to table all three Applications to the August 23, 2021 meeting to provide Staff the opportunity. Also, to direct Staff to send a 60-day extension letter related to the Applications.

Ayes: 5

Nays: 0 Motion carried.

Engineering:

C. Consider Resolution Awarding Contract for City Project No. 2020-06 Good Samaritan Pond (1301 50th St.). Resolution 2021-203

Interim Public Works Director Eckles stated the Council put the assessments into place for the Good Samaritan Pond earlier. The next step is to award the Contract to the Contractor. The bids were higher than they hoped for, likely due to a shortage of materials. He said they feel it is an emergency project and should be done now before there is further damage. They recommend awarding the Contract to Krueger Excavating Inc. for \$301,439.

Mayor Bartholomew stated the total project is coming in at about \$40,000 over. He asked if there was enough coverage in the Sewer Fund and the Stormwater Utility Fund to cover this. Interim Public Works Director Eckles agreed. He stated there is enough in the funds as well as a contingency. He was

hopeful they would be able to complete the project with less than what was proposed. If it is less, then less would come out of the Stormwater Utility Fund.

Motion by Piekarski Krech second by Dietrich to approve Resolution 2021-203 Awarding Contract for City Project No. 2020-06 Good Samaritan Pond (1301 50th St.).

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

There was no public comment.

8. MAYOR AND COUNCIL COMMENTS:

Mayor Bartholomew stated Interim Public Works Director Klay Eckles would be discussing pavement management and the Pavement Management group.

Interim Public Works Director Eckles stated they have a Pavement Management Citizens Task Force they are collecting Applications from residents. The group has not quite been filled. They are looking to get a few more interested parties. They are looking for people to serve for about 8 months with a meeting once or twice a month. They would be discussing items such as:

- Where they would take the Pavement Management Program from here
- What the city priorities should be
- How do we spend the money?
- What types of funding sources are available?
- Look at all different aspects for the Pavement Management Program
- Priorities
- Make a report to Council with recommendations on where to take the program
- A couple more citizens are needed to help

He stated if interested, go to the City Website, under the City News section. There is a quick application form that can be filled out online.

Mayor Bartholomew advised anyone watching, if struggling with the website to make Application, email one of the City Council Members to get set up or call the Interim Public Works Director Klay Eckles at City Hall.

Councilmember Murphy asked how many more would be ideal. Interim Public Works Director Eckles responded they have 7 applications and would like to have 1 City Councilmember on board. It would be good to have at least 10 total, with 10-14 being ideal. Councilmember Murphy asked if they could have 2 Councilmembers and 8 residents. Interim Public Works Director Eckles responded that would be a great minimum. Councilmember Murphy believed he could help find a couple people to help out.

Mayor Bartholomew asked if there were any rules that preclude a sitting Commissioner from being on the advisory group. City Attorney McCauley Nason responded she did not believe so. One cannot serve on more than one Commission at a time, this is an advisory Task Force of a short duration. She does not believe anything in the Code would prohibit participation.

Interim Public Works Director Eckles stated the deadline is the end of the month. The list would be taken to the Council to consider the Applicant's. If there are too many, they would need to make some choices.

Interim Public Works Director Eckles stated we are in a drought. It is official now. The Department of Natural Resources have announced we are at drought status, that brings about certain State Statutes. All cities that operate a Municipal Water System are obligated to take conservation actions as a result of this Declaration. He stated as a city they have already taken some actions to conserve. They have turned off most of the irrigation systems and will only use those when absolutely necessary to keep the grass from actually dying. This will be done to be in compliance with the drought. He stated they are also asking residents, voluntarily, to take voluntary steps to reduce their water use. The largest step is to cut back on irrigation. He requested those that have irrigation systems to turn them off and only turn it on when needed, maybe once a week. Or cut back on normal watering. Until further notice they ask residents to be conscious about how they use water, especially around the yard.

Mayor Bartholomew stated one item needed to be added to the record. It is a letter pertaining to Agenda Item 4F. Consider Resolution 2021-196 Authorizing Easement Acquisition for Regional Storm Water Basin W-006.

Motion by Dietrich second by Piekarski to approve adding a letter pertaining to Agenda Item 4F. Consider Resolution 2021-196 Authorizing Easement Acquisition for Regional Storm Water Basin W-006.

Ayes: 5

Nays: 0 Motion carried.

9. EXECUTIVE SESSION:

10. ADJOURN:

Motion by Gliva, second by Piekarski, to adjourn the meeting at 9:17 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Sheri Yourczek