

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, AUGUST 9, 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, August 9, 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, Associate Planner Botten, City Planner Hunting, Interim Public Works Director Eckles, and City Engineer Kaldunski.

Also Present: Steve Soltau, Melvin Moore, and Dwayne Sikich; Builder's Lot Group.

**3. PRESENTATIONS:**

**4. CONSENT AGENDA:**

**A.** Minutes from the August 2, 2021, City Council Special Meeting.

**B. Resolution 2021-205** Approving Disbursements for Period Ending August 3, 2021.

**C.** Consider Approval of Personnel Actions.

**D.** Consider Approval of a **Resolution 2021-206** and Agreement for the School Resource Officer Program with Independent School District No. 199 for the 2021 to 2022 School Year.

**E.** Consider **Resolution 2021-207** Approving a Tolling Agreement and Notice of Voluntary Dismissal Relating to Coal Tar Litigation Regarding a Lawsuit Filed in United States District Court for the District of Minnesota as Case No. 1:18-CV-03495.

**F.** Consider Awarding Bid for Vista Pines Park.

**G.** Approve a **Resolution 2021-208** relating to the Development Agreement, Stormwater Facilities Maintenance Agreement, and related agreements for the plat of The Crossings at Inver Wood Second.

**H.** Consider Final Compensating Change Order No. 2, Final Pay Voucher No. 1, Engineer's Final Report, and **Resolution 2021-209** Accepting Work for City Project No. 2021-09A - Crack Seal.

**I.** Consider Final Compensating Change Order No. 1, Final Pay Voucher No. 1, Engineer's Final Report, and **Resolution 2021-210** Accepting Work for City Project No. 2020-05 - VMCC Grove Parking Lot.

**J.** Consider **Resolution 2021-211** Approving Permanent Drainage and Utility Easement Agreement for Lot 2, Block 1, Cenex 2nd Addition.

**K.** Consider Adopting a **Resolution 2021-212** to Authorize and Ratify Submission of the 2021 Grant Application with MN Board of Water and Soil Resources (BWSR) for a Clean Water Fund Project and Practices Grant for City Projects.

**L.** Consider **Resolution 2021-213** Approving Joint Powers Agreement (JPA) for the Regional Roadway System Visioning Study Update.

**M.** Consider changes to Contract Agreement with Rex Landscaping for Internment Services at Union Cemetery.

Councilmember Piekarski Krech requested pulling Agenda Item 4M.

**Motion by Murphy second by Dietrich to approve the Consent Agenda with the exception of Agenda Item 4M.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Agenda Item 4M. Consider changes to Contract Agreement with Rex Landscaping for Internment Services at Union Cemetery.**

Councilmember Piekarski Krech asked if there were still open spots. City Clerk Rebecca Kiernan responded there are. People are on a waiting list. She was unsure they could get through the entire waiting list to even be able to have any open lots. Councilmember Piekarski Krech thought it was full. City Clerk Kiernan responded it is not technically full, she is still working with Mr. Rehtzigel to make sure everything is documented correctly. That

is why she recommends continuing the contract, it has not been updated since 2008. It is time to update, and possibly next year look for a new Contractor. This item will be on a future Work Session Agenda.

Councilmember Dietrich stated she understands Rex Landscaping has been doing the landscaping for well over a decade. She has no reason to believe that he isn't doing a great job. She didn't see a timeline in the Contract, if he/city would want to cancel. She would like to see a timeline and comparable bids in a year or so. City Clerk Kiernan responded she would get that information in the Contract.

**Motion by Piekarski Krech second by Dietrich to approve Agenda Item 4M to Consider changes to a Contract Agreement with Rex Landscaping for Internment Services at Union Cemetery and to add a timeline to the future Contract.**

**Ayes: 5**  
**Nays: 0      Motion carried.**

**5. PUBLIC HEARING:**

**A. Public Hearing to Consider Approval of a Therapeutic Massage Business and Therapist License for Julie A Olson, Back to Center Massage Therapy, 1870 50th Street E, Suite 6.**

City Clerk Kiernan stated the request is for Julie Olson, Back to Center Massage Therapy, for a business license. Information was submitted along with the application. Appropriate fees, insurance documentation, and other information required by City Code has been submitted. The background investigation shows no basis for denial. Staff recommends the 2021 Massage Business License and Therapist License for Julie Olson.

Julie Olson, 120 River Woods Lane, Burnsville, stated she has been a Massage Therapist for 18 years and is happy to be in Inver Grove Heights.

**Motion by Gliva second by Piekarski Krech to close the Public Hearing at 8:06PM.**

**Ayes: 5**  
**Nays: 0      Motion carried.**

**Motion by Dietrich second by Gliva to approve a Therapeutic Massage Business and Therapist License for Julie A Olson, Back to Center Massage Therapy, 1870 50th Street E, Suite 6.**

**Ayes: 5**  
**Nays: 0      Motion carried.**

**6. REGULAR AGENDA:**

***Administration:***

**A. Consider Approval of Drkula's Bowl to temporarily extend the premise of the existing liquor license sales area to a designated outdoor area, September 11, 2021 in conjunction with IGH Days.**

City Clerk Kiernan stated Mr. Drkula would like to extend his Liquor Premise for September 11<sup>th</sup> for an event held in conjunction with Inver Grove Heights Days. There will be one Band. She has discussed this item with the Fire Department and Building Inspections, both approve.

**Motion by Dietrich second by Piekarski Krech to approve Drkula's Bowl to temporarily extend the premise of the existing liquor license sales area to a designated outdoor area, September 11, 2021 in conjunction with IGH Days.**

**Ayes: 5**  
**Nays: 0      Motion carried.**

***Community Development:***

**B. Approval of Rental Licenses for 6239 Concord Blvd, 3956 71st Street E, & 4527 Bloomberg Lane.**

Community Development Director Heather Rand stated these license applications were completed over the last 30 days. There are no serious co-compliance issues at these addresses. Background checks were conducted and showed no issues. The Police Department has signed off on this request. Staff recommends approval of the three Rental Licenses.

Councilmember Piekarski Krech said the city seems to be doing a lot of Rental Licenses. She asked how many rental properties there are and if they are plotted by areas via map. She would like more information. Community Development Director Rand responded she can work to provide information plotted by area and quantity of both single and multi-family rental properties to the City Council.

Councilmember Piekarski Krech stated she does not want Staff to go through a lot of extra work. She was unsure if the city was keeping track and if not, felt they could start. She would like to have an idea of how many there are and if they are in the 55077 or 55076 zip codes.

Councilmember Murphy asked if there were plans to look into the licensing of single-family homes. Community Development Director Rand responded yes; Staff will bring back recommended changes by the first of the year. A suggestion would be to begin inspecting all rental homes, giving a baseline safety and security check, beginning in 2022. She said the Police Department has some added language to consider regarding the number of Police calls.

Mayor Bartholomew asked if the Statute currently provides for inspections. Community Development Director Rand responded unless there is a Code Enforcement issue or serious complaint, the city does not inspect rentals. Mayor Bartholomew believed the Statute provides they can inspect. He said he doesn't want to get into a position where they need to quickly update the Statute. Community Development Director Rand responded they are not in that situation. One of the items Staff will bring forward to the Council would be to have a Life and Safety Code Inspection once every three years and changing the fees so Staff time can cover the expense. Most cities have something like this to preserve the housing stock, otherwise, they find rental housing options become more run down over time.

**Motion by Piekarski Krech second by Gliva to approve Rental Licenses for 6239 Concord Blvd, 3956 71st Street E, & 4527 Bloomberg Lane.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. JOSHUA & ELIZABETH SCHMIDT - Consider an Ordinance Amendment to rezone the property from R-1C, Single Family Residential District to R-2, Two-Family Residential District for property located at 4046 66th Street.**

Associate Planner Heather Botten stated the request is for property located south of 66<sup>th</sup> Street, east of Dawn Avenue, zoned R-1C Single Family. This request was before the Council a couple of months ago to rezone the property to R-3A Multiple Family Tri Plex. At that time Council tabled the request for the Applicant to be able to do more research on Code Requirements and to apply for a Conditional Use Permit, required for a Tri Plex. The Applicant met with the City Building Official and Fire Marshal and has revised the request to be an R-2, two family zoning. With two family zoning, if approved, no further zoning approvals would be required because a duplex is a permitted use in the Zoning Code. The property currently has an existing home and a detached garage. The house was constructed to be used as a multiple family dwelling. There are no changes proposed to the exterior of the lot, no additions to the building, everything would remain the same externally. Internally, approval for the duplex would require minor Code revisions to be in compliance with how many kitchens are allowed in the dwelling. Rezoning the property to R-2 would be consistent with the Comprehensive Plan designation of Low

Density Residential. Low Density Residential allows up to 4 units per acre. This lot is approximately 1 acre in size and would be a two unit per acre Comprehensive Plan designation. For surrounding uses; there is R-2 Zoning to the west, single family to the north and east, and a school to the south. Staff believes the Comprehensive Plan change to an R-2 would be consistent with the existing established uses in the neighborhood. Staff recommends approval to rezone to an R-2. She said the Applicant was present at the Public Hearing, no neighbors testified. The Planning Commission recommended approval of the request on a 9/0 vote.

Councilmember Piekarski Krech said the property contiguous to it on 66<sup>th</sup> Street is R-2. She asked if it wasn't single family all along 66<sup>th</sup>. Associate Planner Botten responded the west of it is R-2, east is single family. Councilmember Piekarski Krech said those were single family homes. Associate Planner Botten responded that may be what the use is, the zoning is R-2. R-2 Zoning allows for single family or two family uses.

Elizabeth Schmidt, 4046 66<sup>th</sup> Street East, stated she has read the report. She said the home is currently occupied as a single-family home. Her spouse, herself, her daughter, and her mother live there. The plan is to eventually fix it up and put it back on the market.

Councilmember Piekarski Krech asked who the two men were that were living there not too long ago. Ms. Schmidt responded the only man living there is her husband. Councilmember Piekarski Krech stated a neighbor told her that they took cookies over to two men who just moved in from out of town. Ms. Schmidt responded they have friends who come and do landscaping for them, they do not live there.

Councilmember Piekarski Krech said she knows the neighbors in the area, and they prefer it stay R-1C. She said she just looked up the houses on 66<sup>th</sup> Street and they are all single family. Mayor Bartholomew stated they were officially zoned R-2.

**Motion by Dietrich second by Murphy to approve an Ordinance Amendment to rezone the property from R-1C, Single Family Residential District to R-2, Two-Family Residential District for property located at 4046 66th Street.**

**Ayes: 4**

**Nays: 1 (Piekarski Krech) Motion carried.**

**D. TRAVIS CALLSTROM - Consider the following requests for the property located at 8308 Alverno Avenue;**

**1. An Ordinance rezoning the property from A, Agricultural to Agricultural Planned Unit Development.**

**2. A Resolution relating to a Preliminary Plat for a two lot and one outlot plat to be known as Carriage Heights. Resolution 2021-214**

City Planner Allan Hunting stated the property is a little over 20 acres and located off of Alverno Avenue and 82<sup>nd</sup> Avenue. The site contains two homes (home and a carriage home). The Applicant is proposing to divide the property and create two new lots around the existing homes. This would be using the provision in the northwest area that allows for over 20 acres, a maximum 1/10 density. Two new lots could be created at the maximum size of 1.5 acres each. Each would gain access from the existing driveway. The balance of the property has to be dedicated as an outlot for future development. It cannot be further subdivided until sewer and water is available to the area and would be developed in a PUD standard.

He stated Engineering has made recommendations for easements on the property and recommends standard perimeter drainage and utility easements around the two lots and the perimeter of the site. There are two regional basins on the site, Engineering recommends an easement area be dedicated to protect the regional basin areas. There is a future Lift Station that could have an easement dedicated there. Engineering looked at the potential for a future collector road, that is in a conceptual stage. The main items Engineering is looking for dedication would be the regional basin and perimeter easements. Those items are listed in the conditions of approval in the Resolution. The Planning Commission reviewed this item and felt the need for any easement

should be deferred for when the outlot is platted and not to dedicate any easements around the regional basins. The perimeter easements should be dedicated. Planning felt the regional basin easement could be done at a later date. Staff recommends a Resolution for Council that would require all easements recommended by the Engineering Department.

Mayor Bartholomew questioned if it included all of the easements, but not the 40 foot right of way. City Planner Hunting agreed and stated it would exclude the 40-foot ½ right of way that would be for a future collector street, due to uncertainty of where the alignment might be.

Councilmember Murphy asked why the Planning Commission felt it would be fine to wait on the regional basins. City Planner Hunting responded he was unsure but felt it could be because it is dedicated as an outlot and cannot be built on. Engineering would like to get those easements in place now because they are important regional basins. If the Applicant is platting the property that would be the time the city should get those dedicated.

Mark Welch, G-Cubed Engineering, Representing the Applicant who is also in attendance, Travis Callstrom (Applicant), 8308 Alverno. Mr. Callstrom prefers not having to dedicate the 40-foot easement. He said the outlot is not developable. They are subdividing two properties that already exist. They have separate utilities, well, septic system, two separate dwellings. He said they are just creating two separate ID's and addresses.

Mayor Bartholomew stated Engineering is not requesting the 40-foot road dedication, they are requesting the easement around the wetland areas. He asked if Mr. Callstrom was for the easements around the ponds or not.

Mr. Welch stated he was unable to attend the Planning Commission meeting, but Mr. Callstrom was there. He said before that meeting, he recommended some items. One of them was not to dedicate any right of way now, it was premature. He said the City Planner did a great job of describing this process. The outlot would be dedicated as a piece of property that could be developed at a later date. He said the requests for the easements around the ponding, Lift Station, and the 40-foot dedication of right of way was premature. His understanding was that those items were stricken off at the Planning Commission meeting. He stated a letter was written on August 2<sup>nd</sup> from City Engineering showing Item #1 still requests the 40 foot right of way. Mr. Welch stated requesting the 40 foot right of way at this point was extremely premature because there is no official street map. He said they know at some point, when Outlot A can be developed, they would be back with a plan that has a street layout, utilities, and stormwater management ponds. They would like to keep Outlot A as unencumbered as possible. Even the drainage easements across the ponds could be removed if needed in the future. They are not needed now because Mr. Callstrom cannot do any work within the ponds due to City Ordinances and State requirements for wetlands. He said it makes sense to hold off on any easements within the outlot. He said the Engineers letter also states perimeter easements on the outlot are not required, just perimeter easements within the two lots being created. He would like to see the outlot left unencumbered at this time until there is a development plan.

Mayor Bartholomew stated the Resolution in front of the Council does not have the 40-foot street dedication listed. Mr. Welch responded he does not have a copy of that Resolution. He asked what conditions were listed. Mayor Bartholomew responded the easements around the ponding areas are still in place, the 40-foot road right of way is not in the Resolution. Mr. Welch commented previously there was the requirement that the 40 foot right of way would require a separate agreement for a driveway that is already in place. He said he would like to have the removal of the drainage easements. The utility easements for the two lots are acceptable. He felt it premature to be doing easements for a Lift Station.

Councilmember Piekarski Krech asked if the easement for a Lift Station was listed. She believed that was off with the road easement. With respects to the drainage and utility easements, she would not be in favor of removing those because it drains to Marcott Lakes and she wanted to make sure that until there is a final plan for the area, no grading or work would be done to possibly denigrate the Marcott Lakes Chain. Mr. Welch responded there is a requirement that a grading plan must be issued before any work can be done.

Mr. Welch stated the Resolution reads "Drainage and Utility Easements shall be provided on the final plat" as identified in the memo from the City Engineer dated August 2, 2021. He said the August 2, 2021 memo includes the drainage and utility easements which state: "A 30-foot drainage easement shall be dedicated from the south right of way to the basin outlet for access of future utilities". He said there is another utility easement for the Lift Station.

Mayor Bartholomew stated the Resolution calls for drainage and utility easements, park dedication, and approval of the preliminary. Mr. Welch said it also includes the 30-foot drainage and utility easements for basin access. He asked if the city was going to start taking the maintenance of those basins on. Mr. Welch suggested the outlot not be encumbered with any easements at this time. There is no public benefit because there is no development other than following the Ordinance to create an outlot for future development.

Mayor Bartholomew suggested letting Engineering weigh in on that. He said the Applicant's concern is that they do not want any easements around the ponding areas because there is no reason for them. Mr. Welch stated any easement at this time is premature because they would have to work around them. He said there is no guarantee those would be vacated in the future. Mayor Bartholomew said the easements are not onerous nor in the way, they are cautious and prudent. Mr. Welch said if grading requires filling within the easement and future Engineers and City Council says that they cannot do anything with those easements it becomes an encumbrance on development. He said he felt the whole purpose of this portion of the Ordinance was to allow these parcels to be set aside for future development. Leaving the easements off allows for a clean slate. Mayor Bartholomew responded he understood, the issue is that somehow land gets moved out there and the city isn't aware of it, then there is a drainage issue. If grading is done without permission, it would be a violation. Councilmember Piekarski Krech stated once grading is done, it cannot be redone. She said this is for the Marcott Chain. They have done a lot and given up a lot to keep that chain of lakes pristine. She said she would not do anything that might damage that chain of lakes.

Mr. Welch stated in his opinion, asking, or requiring the easement is considered taking. It's taking away rights. If the city isn't going to maintain those ponds, he questioned what the purpose of taking the easements was at this point. He asked if an invasive species gets into that pond, if the city would go out there and cut it.

Interim Public Works Director Klay Eckles stated they are not premature in asking for easements. There is a property change. They would now have multiple property owners draining into the basin. It becomes a public issue if water problems occur in that basin. He said the city has been dealing with this multiple times in the last year. He said there is ample reason for the city to look at this and see the change. Impervious and new lots are being added which means more drainage to the basin. The city ends up being the caretaker and the ones that have to resolve problems occurring in landlocked basins. Having the landowner/developer provide those easements so the city doesn't have to acquire them in the future when problems occur, is a great public benefit. He believes there is strong justification for the city to require the easements.

City Engineer Tom Kaldunski stated there is a City Code that says at the time of platting they are supposed to grant the easements. Because they are platting, that is why the city has the ability in the Codes to say grant the easement. It is based on a study done in the middle 2000's. It is a very important chain of lakes. It is important to have those easements, this is the opportunity to get it. He said it can be said it's taking, but they haven't done development before in the community, they don't know the rules and regulations as well. He said they have been able to get many easements from many other property owners this same way. It's what the city has been doing since 2005. It is a regional basin; the city will get involved in its management at some point when it's necessary.

He responded about the easement for the Lift Station stating that was the access they request to get into the basin, it serves another purpose as drainage and utility. He said that was why they are asking for the 30-foot easement. It happens to be in the same location the Comprehensive Plan placed it. A Lift Station would be needed before any further development takes place on the parcel. He said when he spoke with the owner, the owner wasn't opposed to it, it's possible he changed his mind.

Mayor Bartholomew asked the City Engineer to expand upon the need for a Lift Station so the public can have an understanding of why an easement is needed. City Engineer Kaldunski stated the city has a Comprehensive Sanitary Sewer Plan that shows where sanitary sewers should go throughout the northwest area. This area has a lot of landlocked basins. 873 landlocked basins are in the community. With sanitary sewer, it has to go in the deepest location. This and another basin nearby are two places where it could go. If having the easement for the basin, and a road to get into it, they probably have a place to put the Lift Station. The purpose of needing a Lift Station is because this is a deep hole. He didn't know the exact number off hand but would guess it to be about 20-40 feet deep. If measuring the ground around it, the high ground that could potentially be developed someday, and where the Lift Station is, the Lift Station will serve many others in the area. The conceptual draft shows what could happen someday or may not. He said Hoisington Koepler, the Planning Department, and himself developed the information. Bolton and Menk were also involved.

Mayor Bartholomew stated this allows access to a Lift Station/place for a Lift Station and access to the ponding area.

Mayor Bartholomew stated it was mentioned by Staff that Ordinance allows placement of easements around ponding areas. City Attorney Bridget McCauley Nason responded both Minnesota Statutes, the Subdivision Ordinance, and the City Subdivision Ordinance, allow the city to require dedications of drainage and utility or roadway easements at the time of subdivision. During the time of subdivision, there is an ability for the city to require these particular easements. She responded to the question about needing them now or later stating it is outside of the legal realm, more the practical realm. The city can require dedications of easements as part of the subdivision process.

Interim Public Works Director Eckles addressed the right of way and stated Staff respects their views regarding the right of way. If not receiving the right of way for the potential road, they would likely want to at least get an easement to make the connection to the Lift Station easement. If not receiving the roadway right of way, should get a section of equivalent drainage and utility easements in a portion of that area. If Council approves, he suggests a slight Amendment to the approval subject to the easements as shown plus additional easement to bring the connection out to the right of way.

Mayor Bartholomew stated the Applicant did not want the 40-foot roadway easement. Now they are discussing the easement for the Lift Station. Interim Public Works Director Eckles responded the easement for the Lift Station assumes the right of way would be dedicated. If not dedicating the right of way, the city should request some drainage and utility easement where the right of way would have been. Mayor Bartholomew questioned if it is wanted to go further out to where a road may be. The Resolution requests the easement for the Lift Station now, he asked if Staff is requesting more. Interim Public Works Director Eckles responded he wants to make sure the Resolution speaks to the necessary easement without the road.

Mayor Bartholomew said #2 states drainage and utility easement will be provided at final plat. City Planner Hunting stated there is a 30-foot-wide easement DNU, running to the future Lift Station. It was anticipated, if public right of way was dedicated 40 feet wide, that would be the access from Alverno to get to the easement point. If not receiving dedication of public right of way, it would be private land from Alverno to the Lift Station. He believes what Engineering is saying is that there should be dedication of easement to get to the Lift Station easement.

Mayor Bartholomew questioned if that was what the Resolution contemplates. City Planner Hunting responded it does not. It would have to be new, specifically mentioned. It was not in the City Engineer's memo.

Interim Public Works Director Eckles stated the Applicant pointed out that the easements encumber future development opportunities. He said that is not the case. If a potential developer came in with plans for the site with a different layout, a better layout for where the Lift Station should go, or a different roadway consideration, that can be addressed and realigned in a future plat. The request tonight is the minimum that would work for today's conditions. He does not believe this locks things in, or somehow damages their ability to use their

property for future development with the easements. He said it does put an encumbrance on the property but also protects their property in case of flooding, if access is needed to serve the basins.

Mr. Welch stated the Lift Station is still on there for #4. He said they are trying to follow the Ordinance. The Ordinance says there can be requirements at the time of platting that drainage easements be drafted. He asked if there was an Ordinance that requires the dedication of a utility easement, proposed, not planned, for a Lift Station. Interim Public Works Director Eckles responded the request asks for drainage and utility easements for the public purpose discussed. This would allow the city the ability to serve landlocked basins. Staff believes this to be the minimum amount of easement necessary.

Mr. Welch responded these are not new homes, they have been in the area for decades. He understands the drainage easement, it's part of the Ordinance. The question is about the utility easement which is specific for a Lift Station. He said the City Engineer's letter states with a Stormwater Management Plan the easements for drainage could be modified. That doesn't cover the Lift Station. The Lift Station is utility easement specific, not a drainage easement. Interim Public Works Director Eckles responded they are asking for drainage and utility easements throughout the site, which is standard practice. Mr. Welch asked if there was an Ordinance that requires the dedication of a utility easement for a Lift Station.

City Attorney McCauley Nason stated Code references drainage and utility easements. There are several references within the Code with respects to easements. Under Design Standards "utility and drainage easements mentioned across lots or centered on rear side lines shall be provided for utilities where necessary and shall be at least 10 feet wide". She said she would need more time to find all of the references within the Code. Typically, easements are called drainage and utility easements.

Mayor Bartholomew stated he believed they have heard from Staff that this is considered both because it allows access into the drainage areas if needed, and it could, if needed, become a utility easement. City Attorney McCauley Nason responded there is standard language used for both drainage and utility purposes

City Attorney McCauley Nason stated the Council is being asked to consider three things:

1. The recommendation of Engineering to include right of way.

She said as Interim Public Works Director Eckles mentioned, if having the right of way, then the 30-foot drainage and utility easement would connect to the right of way dedication.

2. To not require the dedication of roadway at this time. To make that 30-foot drainage and utility easement work and be accessible, it would have to be extended out to the road.
3. To just approve the plat with the requirements for the drainage and utility easements per the Engineer's August 2<sup>nd</sup> memo shown in #2, #3, but not in #4. Meaning there would not be a 30-foot drainage and utility easement for access to the basin and future utilities.

She noted Item #3 is not the recommendation of Staff.

Mr. Welch stated the question still remains about the utility easement. Once that's platted it doesn't necessarily have to be used for a Lift Station, it could be for other uses. Utility easements are very broad. He feels it's premature without having a plan for a Lift Station. He said the purpose of this is so the property can be cleanly developed in the future. Mayor Bartholomew responded that is their intent, for it to be done cleanly. Mr. Welch stated at this point there are a lot of questions about other utilities, access to the street. Putting this on the plat now could become an unnecessary burden. Once the easement is in place for a Lift Station, it is more than likely the place everyone would say the Lift Station would go. Mayor Bartholomew said the Comprehensive Plan states it is a possible place for a Lift Station.

Mayor Bartholomew stated there are three items:

1. Final Plat
2. Preliminary Plat on the Resolution.
3. Drainage and Utility Easements as provided on August 2, 2021.

He asked if that was correct. City Attorney McCauley Nason responded the Resolution has that as a condition of approval. The drainage and utility easement shall be provided on the final plat as identified in the memo from the City Engineer dated August 2, 2021. As indicated, the right of way is not dedicated, not required as a part of the plat, the utility easement becomes an easement to nowhere, not sufficient. She said the Council would either have to remove it as a requirement or extend it so it would at least cover access.

Mayor Bartholomew asked if the entire square pointed out by the City Planner was being contemplated or just the 30-foot section. Interim Public Works Director Eckles responded 30 feet would be sufficient to serve the stormwater.

Councilmember Murphy asked if it needs to lead to a street. It is not one of the conditions but is being considered to add. He asked where it needed to go. Interim Public Works Director Eckles responded they are trying to get it to the limits of the property. For example, a Lift Station would have to be built tomorrow, to serve this basin they would like to not have to go through an acquisition process with the property owner. What was originally submitted would have allowed that. Councilmember Murphy asked if it needed to get to a street to get in. Interim Public Works Director Eckles responded they may need to go beyond this, but this is as far as they would go with this property owner.

Councilmember Gliva requested clarification stating they are going from the beginning of the driveway through the length of the property. She asked if they were going to the neighboring property, or if that was where the easement should be. Interim Public Works Director Eckles referenced a diagram and responded the area highlighted would need additional easement, not necessarily the exact spot indicated. City Planner Hunting responded it would be narrower at 30 feet.

Councilmember Piekarski Krech asked if the part they were talking about is an easement for the driveway. City Planner Hunting responded the Applicant would have to create a driveway easement for the two lots to use the shared driveway out.

Mayor Bartholomew stated the Resolution does not request the 40 foot right of way for the road, but because they are not asking for the right of way, Staff is suggesting to continue the drainage and utility 30 feet from the pond, out to the property line.

Mayor Bartholomew stated the Resolution would need an Amendment to add the additional 30-foot drainage and utility out to the property line from where the proposed Lift Station would be. City Attorney McCauley Nason agreed. Mayor Bartholomew said he doesn't want to be in a position where they have to scramble to put a Lift Station in. If the Lift Station doesn't go in, there is the ability to vacate any unused easement. He said he would support the Resolution with this Amendment and allow the project to go forward.

Mr. Welch said he has not heard this is a part of an Ordinance requiring the utility easement. The Ordinance is set up so there could be future development. He said this is a blanket easement that would be platted with rights across it. Before going further, he wants to know if this is something that is in the Ordinance and is acceptable for the city to do, otherwise he would like it as a separate agreement. A separate easement agreement specifically for a Lift Station and access to a Lift Station. Once it's platted as a utility easement with the revocation they would have to go back through, he questioned what says the city doesn't give an easement to one of the utility companies and they have a line in the utility easement. Then there is a problem and have to keep the easement in place. He said he doesn't see how identifying a utility easement at this time is beneficial to the future development of the property.

Mayor Bartholomew directed the question to the City Attorney if this can be done by Statute, is it permitted. City Attorney McCauley Nason responded it is permitted. If the Applicant has concerns, one option would be for the Council to continue the item to the next meeting or the following meeting. Staff can prepare a memo and work with the Applicant to identify more clearly where the proposed drainage and utility easement would go out to Alverno Avenue. This is so it would be clear what the request would be if it is not going to include right of way. She stated the second 60 days would run to October 5<sup>th</sup>. There is time for the Council to research and make sure

there is an understanding with the property owner, Developer, and Staff what those requirements are and where they are based in the Code.

Mr. Welch stated in 20 years he has never given up an easement there wasn't a purpose for, something specifically planned for, understanding it could be in the future. He said he has never given up an easement for a hypothetical Lift Station. He said the Lift Station shown doesn't match up with the Comprehensive Plan. It shows it further. He understands why they request it on the edge but are cart in front of the horse here.

Mayor Bartholomew disagrees, he said they believe they are doing the right thing for the community.

Mr. Welch stated the Lift Station shows it's pumping to the north. Building a Lift Station where shown does not have a location to pump it to. They don't have all the easements to get the sewage to the Lift Station. He said this is premature. Mayor Bartholomew suggested doing what has been suggested and tabling the item until the next meeting.

Mr. Welch asked if they could get a separate easement agreement for the Lift Station. City Attorney McCauley Nason responded no. She understands they may not want to wait a month. It could be tabled until the next meeting, August 23<sup>rd</sup>. For all parties concerned it may be beneficial to table it for two weeks, provide information to the City Council, have conversation with the Developer regarding the city's basis for the request, and see if they can reach clarification before the next meeting.

Mr. Welch stated he would like clarification on the Ordinance portion that allows for an easement for utilities without having a known use or plan for it.

**Motion by Murphy second by Gliva to table the following requests by the Applicant for property located at 8308 Alverno Avenue;**

**1. An Ordinance rezoning the property from A, Agricultural to Agricultural Planned Unit Development.**

**2. A Resolution 2021-214 relating to a Preliminary Plat for a two lot and one outlot plat to be known as Carriage Heights until the August 23, 2021 meeting for clarity on drainage and utility easements.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**E. BUILDERS LOT GROUP (PELTIER RESERVE) - Consider a Resolution relating to the Final Plat, Final PUD Development Plan, Development Agreement, and related agreements for the plat of Peltier Reserve. Project located at 7250 Argenta Trail and 1266 70th Street. Resolution 2021-215**

City Planner Allan Hunting discussed the application for final plat, final PUD development plan for the Peltier Reserve project. There would be a total of 125 lots, 12 outlots, includes 123 new building sites, one of the lots would be the future apartment building and the other lot would be the existing Peltier homestead site (the house would remain). The plans are consistent with the preliminary PUD plans. There are minor changes to the roadway system: 72<sup>nd</sup> and 71<sup>st</sup> have been adjusted to minimize impacts to existing landowners. He stated the City Engineer had sent an email to the Council on July 20<sup>th</sup> to explain Engineering's position.

He stated tree preservation has been an outstanding issue that would be resolved by the Developer. The Developer would install perimeter buffering and street trees. The homebuilders would install the other trees on individual lots. This would satisfy tree preservation requirements. The plan for parks depicts the park area where previously discussed. The park area would be dedicated with the plat and identified as an outlot. An area would have full buildability for structures with some play space under the utility easement. This is consistent with the plan. The Parks Commission is continuing to review the land area and type of improvements. The first meeting would take place on August 11<sup>th</sup>.

He said the Resolution had a modification to Condition #4, and an addition of Condition #5 clarifying cash contribution requirements. Park and Recreation will determine their recommendation, the City Council would act on that at a later date when the information is provided. He stated the lot is recommended to be platted as an individual lot instead of an outlot, so it opens up opportunities for improvements on the area outside of the easement. It expands on Park Dedication requirements. Even though Lot #13 is being platted for a future apartment, their Park Dedication requirements would be paid at the time of the Building Permit for the development and not required at this time.

City Planner Hunting stated with those changes from the original Resolution included in the Council packets, Staff recommends approval of the subdivision lot layout and street design as proposed.

Councilmember Murphy asked what it would look like for the park to be on top of the pipeline easement. He asked if it would be covered with grass. City Planner Hunting responded it would likely be covered with grass, the Parks Commission would determine what they could do on it. Play equipment couldn't be placed on it but could be open space. There is a trail that goes through the area.

Mayor Bartholomew mentioned the trail would be hard surface. City Planner Hunting agreed. The Parks Commission could have further trails through the area. It is conceptual potential for equipment in an area. This isn't determined as a part of the approval tonight; it would be seen by the Council at a later date.

Councilmember Murphy asked if there was a total acreage amount of where the equipment and grass area was. City Planner Hunting responded he doesn't have that broken out yet. He believed it could be 2 acres or more. Councilmember Murphy stated he was asking because he couldn't seem to locate the information. He thought he saw one acre when originally it was over two. City Planner Hunting responded the whole area is still consistent with slightly over two.

Mayor Bartholomew asked for the context of the alignment for this project and the decision on where it is coming out onto adjoining properties. City Engineer Kaldunski responded there is a connection on Amana Trail that goes up through the north, comes to the County Road and would hit other parts. He discussed the alignment of 72<sup>nd</sup> Street which would eventually tie into Allen Way further to the north and the Canvas Development. In another location 72<sup>nd</sup> Street would connect and tie into Archer and go up through Vistas all the way through the ponds on 70<sup>th</sup> Street. It is a very major east/west road. An earlier concept showed a potential road going in a direction in which residents spoke out against the alignment and adjustments were made. 72<sup>nd</sup> Street would stop short about 150 feet from the intersection. That is the recommendation from Staff.

Mayor Bartholomew asked what it was short of. City Engineer Kaldunski responded it would be short of the property line by a couple hundred feet. It gives flexibility for things in the future.

Councilmember Piekarski Krech referenced the diagram shown and asked if the line indicated in orange represented the proposed 72<sup>nd</sup> Street. City Engineer Kaldunski responded yes, it was for the future, yellow is what they would be building with this project. He noted there would be a temporary access built at a location so the southern portion (Phase 1) would have two ways in.

Mayor Bartholomew asked for further information about 71<sup>st</sup> Street. City Engineer Kaldunski responded 71<sup>st</sup> Street originally came straight across. There is a trail there now. The adjustment was a small portion. There were two potential locations where 71<sup>st</sup> would be, but nothing going east at this time. He stated to keep in mind, with the County project, they will be building in less than a week. There will be a new roundabout in the area. Experts that have looked at this have said they don't want traffic coming out at 71<sup>st</sup> Street that close to the roundabout. In regard to visibility, there is a large power pole, there is a better location that has better site distances with the county project.

Steve Soltau, Builder's Lot Group, stated he also has Melvin Moore and Dwayne Sikich with this evening, also from Builder's Lot Group. Mr. Soltau stated it is a bit challenging to be here on a final plat. For him, the final plat is

very straightforward, it is approval of something that is consistent with the approved preliminary plat. He said they are also acknowledging the conditions of the approval, plans, requirements to the various departments, and the approval that would be coming relative to the Park and Recreation item that has been added.

Mayor Bartholomew asked Mr. Soltau if he has read the Resolution with the Amendments. Mr. Soltau responded they have read the Resolution. In a typical final plat approval, they acknowledge the elements of the Resolution and approve for filing the document with the County.

Mr. Soltau stated what they are before the Council for is a bit of a challenge because they came through Planning Commission with a 4/4 split decision, resulting in denial of recommendation for approval. He stated it seems there are questions they would like to address. He would give a presentation on what he feels would put what they are presenting into context. He said this has been a challenge. The northwest area zoning adds a component to the development process that brings in a certain level of subjectivity. They have challenges because there is conflicting interest. He stated Engineering may want a 45-mph collector street, where they try to balance that with saving trees and reducing the impervious calculations. The presentation was given regarding the Peltier Property located between Argenta and 70<sup>th</sup>:

The first concept plan they submitted was shown, he stated it may be more consistent to what they may want for the area. It includes:

- 60-foot lots. 90 lots with a 160-unit apartment complex

This was presented to Staff, went through the design review process, came back, and said it was good, but not good enough, not consistent enough with the northwest area objectives. He said his group started digging into that further and discovered the northwest area framework:

- 2040 Comprehensive Plan
- Area Zoning Ordinance
- Expansion Area AUAR
- Area Collector Street Plan
- Engineering Specifications
- County Roadway Systems: 70<sup>th</sup> and Argenta

He stated there is a sense that some of this starts to conflict. They ended up laying out an exhibit to their site constraints:

- Pipeline
- Power Lines
- 70<sup>th</sup> Street
- Argenta (realignment is planned)

What doesn't reflect is the third dimension, the property goes up and down and has very challenging topography. All of those development constraints are taken into consideration and continue to move forward.

Guiding off the Land Use Plan, their property has 3 different density guiding's:

1. Mixed Use (12+ units per acre)
2. Low Density
3. Medium Density

There were able to evolve with a plan. They take their plan and overlay it onto the land use guiding and are challenged to produce what the capacity of the land is. He said part of the northwest area objective is to capture enough revenue source and recognize that the land is a resource for the community. If underutilized they are not maximizing the revenue brought forward to help pay for the infrastructure that is committed to. He said there is the obligation under the capacity plan next to what they are presenting, they have to come close to that capacity or they would be penalized because they have to meet the objectives for the financial obligations of the area. He said that resulted in the evolution of the new plan:

- Smaller lots
- Larger lots
- Larger lots in the corner

This was done before the realignment of the road known as 72<sup>nd</sup>. This was presented at the last meeting. When they had a meeting with the City Engineer and the neighbors about the realignment of the roadway system it came as close as they could with the pipeline easement. They brought it further north rather than south. They

worked with the Developer who is working on the Fleming Property, the neighbors to the east, and the Engineering Department.

He discussed the narrow lot component:

This is a product that could be attached townhomes or narrow lots. Setbacks are consistent with what Argenta Hills has. Has a detached single-family product rather than a townhome. It is found to be more attractive and well received in the marketplace. It is believed it to be an attractive alternative. Detached works better with the grade challenges of the area.

Street Alignment was discussed:

- Follows the Comprehensive Street Plan
- Puts intersections exactly where guided
- Have worked to modify
- Made accommodations that are still consistent with the Preliminary Plat

They have worked with the county with trail alternatives. There is a Park component:

- Total of 1.22 acres, revised to 1.4 for the active component to the south.
- It is over a pipeline. From the surface nobody would know the pipeline was there.

Melvin Moore, 14560 Wilds Parkway, stated in conversations with the Parks Director, there is a parcel across from the current proposed park location that would be in addition to the current space, resulting in more than the 1.4 acres. It is still undecided at this point but still on the table.

Councilmember Piekarski Krech commented those were both outlots in the original plat. Mr. Moore responded the parcel still under consideration was for future lots but are stubbing water and sewer there with an expectation of owning the corner at some point. They would be yielding more lots.

Councilmember Dietrich asked if it would be more around 2 ½ acres if adding that in. Mr. Moore responded the frontage is roughly 125-130 feet, corners are 135 depths. He would have to do the calculation to give an accurate number, at this time he was unsure of the actual total. Mr. Soltau stated they agree in concept to the formula that is a part of the Resolution for the calculation.

Councilmember Murphy asked for clarification surrounding the concern about narrow lots, being that Argenta Hills was mentioned. He asked if it was the same as Argenta Hills. Mr. Soltau responded the side yard setback is the same as Argenta Hills with 5 and 5. Councilmember Murphy asked how the lot was different. Mr. Soltau responded these are smaller lots. Some are 36 and 38 feet wide. Zoning and guiding addresses that. Guiding calls for a mix of product. There is mixed use with a density of 12+ units per acre, low density, and medium density residential (this is where the 26 and 38 foot lots would be). There is an obligation to bring more to get to the density count that is a challenge of the Northwest Area Ordinance.

Mr. Moore stated from a zoning standpoint, Argenta Hills was low density, this area is medium density. When they first brought in a plan it matched up exactly with what occurred in Argenta Hills. That plan was requested to be revised by Staff. As they went back and revised the plan, this plan came forward to match up with the different zonings and different locations on the site.

Councilmember Murphy asked when the plan was revised, if the lots got smaller. Mr. Moore responded some lots got smaller. They were smaller in areas where guided to be smaller. Lots stayed the same where guided for lots to be the same. Some lots are larger. Lot sizes range from 50, 60, to 75's. Some lots are larger than what is in Argenta Hills, but in an area considered for low density. In the area considered medium density, lots were revised to meet that particular style of homes.

Councilmember Piekarski Krech stated they do not have single family homes on 36-foot lots, there are townhomes. She questioned if they were single family homes. Mr. Moore responded they are single family detached property. They would be considered Villa's, a townhome style product.

Mayor Bartholomew asked if the density has changed from the preliminary plat. Mr. Moore responded they are the same. Mayor Bartholomew stated they have gone over size and requirements. The preliminary plat has been approved. He wanted clarification whether something had changed, more had not been added, lots have not been condensed in size. Mr. Moore agreed with all points given. Mr. Soltau said they have actually gone down from what was approved in the preliminary plat. The narrow lot product is similar in layout of the home itself to an attached product but detached.

Councilmember Gliva asked if the Villas have basements. Mr. Soltau responded with grade conditions some have a basement, some with walkout, some with lookout. Dwayne Sikich, Builder's Lot Group, stated every home in the development has a basement. Some are walkouts some are lookouts; some are multi-level modified two story. Given the grade, basements are required. Mr. Soltau stated it would be very difficult to have an attached product in this location, these would be a better-looking product.

Mayor Bartholomew asked if the Fire Marshal has looked at these and approved the lot size, separations, and if it meets all Fire Codes. Mr. Soltau responded yes.

Marius Dina, 1234 70<sup>th</sup> Street, stated he sent the Mayor and Councilmembers an email on July 12<sup>th</sup>. He said they were not consulted with how to do the new plan. He said the current proposal for 72<sup>nd</sup> is going right through his property. He said there were questions about how close it could go to the pipeline. He did not believe the pipeline company has been consulted to his knowledge. He said his proposal gives the city flexibility. He stated the terrain is not friendly to build a road from 72<sup>nd</sup> Circle. It goes up roughly 75 feet and is steeper than current 70<sup>th</sup> Street, which will be knocked down. He said they cannot knock down this location. He said he would not allow the road to go through his property. He referenced a part of the road that was not located on his property and stated that would sit there for 30-50 years and never be utilized. He wants to work with the city to actually make this happen, but not in the current form.

He said his proposal is very simple, his neighbor to the north is in 100% agreement. His proposal would be to leave an empty lot and allow another lot further away empty, to be able to get 72<sup>nd</sup>. He said in looking at the layout he is referencing, it may make sense to eliminate a lot in a different location, and shift properties down one lot. If additional density is needed, he suggested adding more to the apartment building. He said he felt there were ways to work around this and actually allow the city to make the road happen. He has worked with Mr. Soltau on some of this, but Mr. Soltau did not work with him when the second plan was put in place. He asked to make sure there is another option to run it, it was not a big modification to the current plan.

Brad Kirschenheiter, 1230 70<sup>th</sup> Street West, stated he is Mr. Dina's neighbor to the south and has been supporting him on this issue. He agrees the current road shown is an eyesore to Mr. Dina. He agrees blocking off an area is a good option. He said a couple of months ago when the City Engineer visited them at their properties, one thing mentioned was that it would be an option for the Applicant to run the road tighter to the easement and cut off less of Mr. Dina's property line. He wanted to ask the Applicant if that has been addressed. Mr. Moore responded the pipeline company will not prevent any permanent structures over their easement. Interim Public Works Director Eckles responded to the comment of the eyesore. In this case, they have worked with the Developer to withhold building that stub of road. The Developer would pay to have that built in the future. That is included in the Agreement.

Mayor Bartholomew stated the Developer has done a great job and brought forward a great project. He believes the adjacent landowners are being considered. There would be no construction, and if there were, it would be at the cost of the Developer. He felt this was a good development that adds the density needed, a good product, meets setbacks and bulk standards.

City Attorney McCauley Nason added one clarification stating there is a revised Resolution that has additional language for Park Dedication fees. It is regarding payment timing of the Park Dedication fees. Having Outlot L platted as a lot allows the city additional flexibility if wanting to put a building on the park property in the future. She added clarification on #5 stating it should read "Paragraph 6 of Exhibit E of the Development Contract shall

be amended to read “, and the following language to clarify that the park contribution fees depend on the zoning of the property. In the Development Contract, the R-1C zoned property is \$2,850 per unit and the R-3B and R-3C zoned units would pay a cash contribution amount of \$4,000 or \$4,900 respectively per unit. She said all this would need to be worked out once it is finalized what the Park Dedication would look like and what the credit is. The fees would be calculated based on what is in the fee scheduled based on the zoning.

Councilmember Gliva asked what would be held back for future development cost. She asked if that was 71<sup>st</sup> Street. Interim Public Works Director Eckles responded based on feedback during the preliminary plat, Staff met with residents in the area, understood their concerns, and came up with an alternate layout that would provide easy access and development potential for their property in the future without causing any immediate impact or access to their property as a part of this project. As a part of that, it was required the Developer provide a stub street to their property. Feedback came back saying they didn’t want that. Instead, Staff elected to require the Developer plat the future road extension, not build it, and provide funding to build it in the future. This allows them to avoid building a road not currently needed, but also provides flexibility if there is a change with future development. It could be altered at that time.

City Planner Hunting displayed a photo of the area stating he believes the road would be built until a point eastward. The city would collect, through a Development Agreement, the cash requirement to have the money to pay for it whenever it develops.

Mr. Dina stated if what was shown is the case, he is happy with it. There is no stub, and the road is rounded. Councilmember Murphy said he constantly struggles with density in the northwest. He liked what they have done with the streets, feels it is a good addition. He hopes the Council can revisit the density issue in the future and work on it further. He said he would support this.

Mayor Bartholomew agreed. He said density is always a question. He said further work could be done on what they could do to mitigate density, fully understand the obligations, and what it would be to the taxpaying public. He said he feels this is a good development. He fully supports.

**Motion by Murphy second by Piekarski Krech to approve with all Amendments as stated by the City Attorney and with the input received from Mr. Dina and his neighbor for Resolution 2021-215 relating to the Final Plat, Final PUD Development Plan, Development Agreement, and related agreements for the plat of Peltier Reserve. Project located at 7250 Argenta Trail and 1266 70th Street.**

**Ayes: 5**  
**Nays: 0      Motion carried.**

**7. PUBLIC COMMENT:**

Kathryn Domagall, 3738 Conroy Trail, stated she did not know crack seal and sealcoat were two different things as far as payment. She requests the city not pay the crack seal in full because Conroy Trail was not done completely. There are two small sections that were not done because cars were parked there even though it was signed no parking. The Contractor chose not to tow those cars.

Mayor Bartholomew stated he would request Staff to go out and look at the area. Ms. Domagall responded she has spoken with the City Engineer who agrees that it has not been done. This took place on July 14<sup>th</sup>. She said he was supposed to get back to her as to what would be done. She felt it was too late to finish this year but said as long as the city doesn’t pay for what hasn’t been finished, she does not have a problem.

Mayor Bartholomew asked City Engineer Kaldunski if he would like to address this item this evening, or via email. He asked the City Attorney if this could be discussed during Public Comment. City Attorney McCauley Nason responded it was fine to discuss.

City Engineer Kaldunski stated the Contractor is contractually required to do the work. He has been told he needs to come in and do the job. Staff will insist he does the work. If the Contractor does not do it, he would not be paid for anything he did not do. He said it needs to be done before sealcoating next year. It is on the list of things to do; he would discuss with Staff about getting this done. In the worst case, he would discuss with the City Attorney on how to pull their Performance Bond.

Benjamin Stone, 1378 66<sup>th</sup> Street West, Settler's Ridge Development, stated he has lived in the city for 18 years. He thanked the Council for doing a really good job. He has been following what has been done with the Comprehensive Plan for years. He said at the last City Council meeting he spoke in opposition of the At Home development behind his street. He said he made the comment that at certain times of the year he would be living in the building's shadow. He said he believed that may have been taken as hyperbole. He said he can show that it is not. He said when given the opportunity to respond At Home replied, "the suns would be 45 degrees, the shadow wouldn't even cross the street".

He showed a diagram looking northeast over the apartment building. His house is in the shadow along with several of his neighbors. He showed what that would look like at 9:00 a.m. Then at noon, he would still have a shadow in his yard. He showed 3:00 p.m., now the other neighbors have their backyards blocked out. He displayed a photo of what it would look like out his back patio doors, the apartment building is very big. He said he knows there is discussion about tree coverage. He said the reason the apartment building is where it is, is due to the views downtown. It's the highest point in the area. He said he doesn't believe the view of downtown Minneapolis was going to be as nice when you have a view of a pine tree right out front. He doesn't believe they are interested in trying to cover this up with trees.

He stated it was suggested he look at neighboring communities for examples because apartment buildings and homes are often intermingled. He was able to find 17 apartment buildings in Inver Grove Heights. To do this, he drove around a lot, looked at maps. He said the closest example was 170 feet. This is 164 feet. The example was for an apartment building built in 1970 on the north side of the house with a line of trees, a shorter building. Not a good comparison. The average distance from homes to all apartment buildings was 429 feet. He looked at Eagan, there were so many apartment buildings in Eagan, some have homes near them, but in looking at records, those homes were built after the apartment buildings. He said he looked at West St. Paul, there was not one example in the last 25 years for an apartment building being built on a vacant lot this close to existing residential homes. The average distance was closer. They were at 293 feet. Not near with what At Home is proposing.

Mayor Bartholomew suggested Mr. Stone send his notes to City Clerk Kiernan who would get them to the Council. He also requested Mr. Stone send the slideshow.

Mr. Stone requested the Council check out the parkland being proposed. He was excited about it until he walked it. It is very steep and filled with garbage, gas cans, layers of compost and trash. He asked for a full tree inventory. At Home has done a sampling of trees. There are many heritage trees on the site, hardly any are listed on the inventory. He said if there are 250-year-old trees there and it's going to be clear cut, he felt they should at least know.

#### **8. MAYOR AND COUNCIL COMMENTS:**

Councilmember Dietrich thanked Public Safety for going out on Night to Unite. She had a lot of residents that were very appreciative of seeing Police and Fire.

Interim Public Works Director Eckles stated on Wednesday, August 18<sup>th</sup>, 7:00 to 9:00 p.m. in Council Chambers there will be a landlocked basin presentation and open house. He suggested inviting anyone who has issues with landlocked basins and stormwater ponds in their backyards.

Mayor Bartholomew asked if this information would be included on the website. Interim Public Works Director Eckles responded it would be.

Councilmember Gliva said she was unsure if the Council would receive an update with where things are at with At Home prior to the next Council Meeting. Receiving information ahead of time would be really appreciated. Interim City Administrator Heather Rand responded Staff would try to get that information to the Council as far in advance as possible. She said she checked with the Developer today who said they were still exploring options. There is nothing to update as of yet.

**9. EXECUTIVE SESSION:**

**10. ADJOURN:**

**Motion by Dietrich second by Gliva to adjourn the meeting at 8:12 p.m.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Minutes prepared by Recording Clerk Sheri Yourczek