

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 23, 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 23, 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, City Planner Hunting, Interim Public Works Director Eckles, Fire Chief Thill, and Associate Planner Botten.

Also Present: Leanna Stefaniak, At Home Apartments; Pete Keely, Collage Architects.

3. PRESENTATIONS:

4. CONSENT AGENDA:

- A.**
 - i.** Minutes from the July 12, 2021, City Council Meeting.
 - ii.** Minutes from the July 26, 2021, City Council Meeting.
- B. Resolution 2021-216** Approving Disbursements for Period Ending August 17, 2021.
- C.** Consider Approval of Personnel Actions.
- D.** Consider Approval of Renewal of LMCIT Insurance for the City of Inver Grove Heights. **Resolution 2021-217**
- E.** Consider **Resolution 2021-218** Approving construction phase services from Kimley-Horn & Associates for City Project No. 2015-08 - Realignment and Reconstruction of Argenta Trail, City Project No. 2016-04 - Argenta Trail (Amana Trail to 70th Street), and City Project No. 2016-05 - Argenta Trail (70th Street to 65th Street).
- F.** Consider Final Compensating Change Order No. 7, Final Pay Voucher No. 8, Engineer's Report of Acceptance and **Resolution 2021-219** Accepting Work for City Project Nos. 2015-03 - 65th Street Construction (between T.H. 3 and Argenta Trail) and City Project No. 2018-03 - NWA Trunk Watermain Improvements/65th Street Loop (Phase IV of 2015-12) from Agate Trail to Alverno Lane.
- G.** Consider Approval of Custom Grading Agreement and Storm Water Facilities Maintenance Agreement for 1805 60th St.
- H.** Consider Approval of **Resolution 2021-220** Approving Sanitary Sewer Easement Agreement for South Grove Townhomes Development (MI Homes).
- I.** Consider **Resolution 2021-221** Authorizing 2021 Budget Adjustment for Fiber Projects.
- J.** Approve **Resolution 2021-222** and Easement Agreement relating to a Variance for Prestige Pools to allow a pool within the side yard for the property at 8 High Road
- K.** Approve **Resolution 2021-223** relating to a Final Plat, Development Contract, and related agreements for Pine Bend Estates 2nd Addition, a 20-unit townhome plat located on Cahill Avenue, west of Inver Grove Trail.
- L.** Consider Approval of Donation of a Boat Slip on the Mississippi River, for one year from River Heights Marina, Inc. **Resolution 2021-224**
- M.** Consider Approval of **Resolution 2021-225** Authorizing Purchase of Easements Over a Portion of the Real Property Located at 6680 Robert Trail South.
- N. Resolution 2021-226** Approving City Estoppel and 2nd Amendment to Supplemental Regulatory Agreement.

Mayor Bartholomew requested pulling Agenda Item 4L.

A participant from the audience requested pulling Agenda Item 4K.

Motion by Murphy second by Gliva to approve the Consent Agenda with the exception of Agenda Item 4K and 4L.**Ayes: 5****Nays: 0 Motion carried.****Agenda Item 4K. Approve Resolution 2021-223 relating to a Final Plat, Development Contract, and related agreements for Pine Bend Estates 2nd Addition, a 20-unit townhome plat located on Cahill Avenue, west of Inver Grove Trail.**

Mark Stangl, 10120 Cloman Path, stated he, and many of the neighbors are concerned about the road leading out of the new development coming out onto Cahill Avenue on a very sharp curve. He said his concern led him to request a copy of the Traffic Study from City Planner Allan Hunting. After reviewing the study, he said the new road leaving the development meets minimum standards for stop site distance. He requested handing out Page 4 of the Traffic Study to the Council.

Mayor Bartholomew suggested he give copies of the handout to City Clerk Rebecca Kiernan.

Mr. Stangl referenced Page 4 of the copy stating there is a problem with the Traffic Study in which he highlighted in yellow. He said the evaluation used a passenger vehicle for the design study, he believed that to be a major flaw. In reality this is a truck and school bus route. For example, 10 school buses go by that intersection every morning and afternoon. It's also a route for semi-trucks and large tanker trucks. Trucks go down Concord and cut across to go to the Truck Stop. He said a passenger vehicle weighs 3,250 pounds, a school bus weighs 30,000 pounds, and a large truck weighs 80,000 or 4 tons. A large heavy vehicle would require more breaking distance than a passenger car. He asked to picture someone pulling out of that development in the winter, hitting a patch of ice, sliding a bit onto Cahill, and a semi-truck coming around that curve without enough time to stop. He commented that at the end of the road is a large elementary school with over 500 students. That route is used every day. He said he believes they can do better than what is proposed.

Michelle Horsch, 10175 Cloman Path, agreed with Mr. Stangl's comments. She said there is a Truck Driving School and lots of truck driver's coming through there. She said even tonight when coming to this meeting, those trucks cannot make that corner on Inver Grove Trail and Cahill, she had to back down the road into someone's driveway so the big truck could make it through. She is worried about kids crossing the road especially when it's darker in the morning.

Interim Public Works Director Klay Eckles stated this Agenda Item is for the Final Plat approval. Part of the Preliminary Plat approval involves a number of Engineer's that review the initial plans. Early on, there were concerns raised about the intersection with site distances and traffic speeds. As a result, the city required the Developer submit a Traffic Study with a qualified Engineer specializing in Traffic Analysis. The study was provided, Staff reviewed and found it to be incomplete, and asked for additional information. An Amendment was provided to that study. He said there were still issues raised by citizens regarding the intersection, so the city hired their own Engineer to do a second Traffic Study. The result of the second study found the intersection is satisfactory and meets minimum requirements for the design.

He addressed Mr. Stangl's comment about meeting the minimum as a poor standard. Traffic analysis is a pass/fail, if they didn't use that, they would have inconsistency in the analysis throughout the system.

That could lead to less safe roadways. He said the universal rule in traffic engineering is to follow what they refer to as the "green book". The green book is used by all Traffic Engineer's to have a consistently designed system that driver's expectations are met. This is how they get to safe roads. A standard set of criteria is used across the board. That's what they did here. He stated there is one Engineer on the Developer's side and three Engineer's on the city side that all see this is similar to other intersections across the city that have been designed using the green book approach. While the intersection may not be ideal, there could be hundreds of intersections around the city that are not ideal. Drivers need to take caution in their approach to driving in the city. Staff did not find issues with the design that suggest this layout/plat is not adequate for the city's transportation system.

Mayor Bartholomew asked if there were truck or size restrictions on the route along the school and towards Cahill. Interim Public Works Director Eckles responded Cahill is a collector road in the city. It is a more significant roadway; they expect to see trucks and buses. It's planned for that type of traffic. A collector road gets more than local traffic, it gets the traffic of the larger neighborhood and smaller region.

Councilmember Piekarski Krech understood trucks on Cahill. She believed residents may be talking about Inver Grove Trail. She asked if people were using the frontage road connection to go through. She asked if that was why there were so many trucks in the area. Interim Public Works Director Eckles responded that may be what's happening there. Councilmember Piekarski Krech stated Inver Grove Trail wasn't really designed for trucks.

Mayor Bartholomew asked if trucks could go on Inver Grove Trail. Interim Public Works Director Eckles responded yes.

Councilmember Gliva asked if there was an alternative, what it would be, and what would make it safer. Interim Public Works Director Eckles responded someday there might be more traffic on Cahill as the city grows. There could be a number of intersections needing updates or upgrades at some point. In that case a turn lane would be added. Left turn lanes are good in terms of mainline traffic to be able to go around a car, the right turn lane gets the turning vehicle out of mainline traffic. This intersection, because of low volumes on the new road, would likely not be very high on the priority list. He said he believed it was 146 trips a day which is low traffic where a normal neighborhood road would have 500 to 1,500 cars a day. Each house on a road generates about 10 trips a day. A smaller neighborhood like this doesn't really generate a lot of traffic, there wouldn't be a lot of conflicts, but could have delays for those coming in off of the side road.

Mayor Bartholomew said there is a mechanism for further study. If the traffic gets worse, there could be an alternative such a signage or turn lanes. Interim Public Works Director Eckles responded Cahill is a State Aid roadway. The city receives funds from gas tax money from the State of Minnesota to upgrade roads. Those roads are held to a higher standard. Cahill meets today's standards but if it ever gets to the point that traffic volumes are higher, there is a financial mechanism available to address problems or issues in the future.

Councilmember Piekarski Krech stated she didn't like the design initially. This is the design the Developers feel they can come up with.

Mayor Bartholomew stated there was a condition added that said to improve site lines and put an easement on some of the curb areas where the brush has to be kept down. This prevents sidelines from becoming blocked.

Councilmember Murphy understands the safety concerns and is familiar with the intersection. He liked that it has been studied a couple of times and experts have weighed in. He said he felt at this time it was more of a driver issue versus a road issue. He would support approval of the Resolution.

Motion by Murphy second by Dietrich to approve Agenda Item 4K. Resolution 2021-223 relating to a Final Plat, Development Contract, and related agreements for Pine Bend Estates 2nd Addition, a 20-unit townhome plat located on Cahill Avenue, west of Inver Grove Trail.

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

Mayor Bartholomew asked that Staff be diligent and mindful of the area. If traffic gets to a point that it needs to be addressed do so.

Agenda Item 4L. Consider Approval of Donation of a Boat Slip on the Mississippi River, for one year from River Heights Marina, Inc. Resolution 2021-224

Mayor Bartholomew stated he pulled this for one reason, a private enterprise/business cooperating and helping the city and public safety. He wanted Fire Chief Thill to say a few words and thank the business as well as those participating in public safety.

Fire Chief Judy Thill stated they often partner public entity to public entity. It's not very often they have the offer to partner with a private entity. This is unique and well appreciated by not just the Fire Department, but also citizens by saving taxpayers money. She thanked Mr. Joe Harms and River Heights Marina for donating the slip. Having a boat on the river ready to go would save a considerable amount of response time versus the other option which was having a boat trailered at the Station. Firefighters would go to the Station, hook up the trailer, drive it there, back it up, and launch it. Having Firefighters go directly to the boat in the slip and get going will save 10-20 minutes of response time. This is very much needed and appreciated.

She thanked Assistant Fire Chief Eric Bergum as he has been the one working with Mr. Harms for the past several years. They have had the opportunity to look at different boats and got one earlier this year that was in very good shape. Everyone has had training on it in both boat and river operations. It is ready to go and start rescue operations. She stated they do not have the pump for it yet, but are hopeful to receive a Grant for that, otherwise they may have to look into another funding source. She thanked again, Joe Harms and River Heights Marina.

Mayor Bartholomew thanked Mr. Harms and River Heights Marina. He asked Fire Chief Thill if she could update the public on the event that took place this evening.

Fire Chief Thill responded Public Safety Day in the Park is going on this evening with Police, Fire, and Park and Recreation. This was started by Assistant Fire Chief Eric Bergum and Police Commander Dennis Haugland. This is something they hope to be able to do on regular basis in different parks to draw different crowds. It's estimated between 100-150 attended the event today.

Motion by Gliva second by Murphy to approve Agenda Item 4L. to Consider Approval of Donation of a Boat Slip on the Mississippi River, for one year from River Heights Marina, Inc. Resolution 2021-224

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

6. REGULAR AGENDA:

Community Development:

A. AARON STADT - Consider the following requests for property located at 9240 Inver Grove Trail:

- 1. A Resolution relating to a Variance to allow two detached accessory structures whereas one is the maximum allowed. Resolution 2021-227**
- 2. A Resolution relating to a Variance to allow an 1,800 gross square foot detached accessory structure whereas 1,600 square feet is maximum allowed. Denial Resolution 2021-228**

Associate Planner Heather Botten stated the request is for property located on the east side of Inver Grove Trail, zoned E-1, Estate Residential District. The property is 3.35 acres in size and consists of a single-family home built in 1937, a detached accessory building, and a couple of smaller sheds that are less than 120 square feet that do not count towards the total number of accessory buildings on a property. The Applicant is requesting two variances to have an 1,800 square foot detached accessory building whereas Code allows for one detached structure up to 1,600 gross square feet in size. She stated other Code requirements such as setbacks, exterior building materials, and impervious surface would be met. The Applicant has indicated the current detached garage, about 25 feet from the home, functions more as what an attached garage would on a residential property. Based on the age of the home and the topography of the property it wouldn't be conducive to add on an attached structure. She said City Code doesn't have any separate Code requirements to allow flexibility for properties that do not have an attached garage, to allow for them to have more than one accessory building, or to have a larger structure on the property.

She stated earlier this summer the city approved an Ordinance Amendment for properties with a 3.4-to-5-acre lot size. Those lot sizes could have a larger accessory structure than Code previously allowed. The Applicant's property is located in a developed rural neighborhood with a variety of lot sizes and home types. Due to the fact that the property doesn't have an attached garage, Staff does not believe the additional structure would alter the character of the neighborhood. Staff believes the direction of the city would be to limit the size and number of accessory structures to control massing and over developing of lots with accessory buildings. The request for the additional structure, larger than what Code allows, may be considered a convenience to the Applicant and not a practical difficulty. Staff doesn't believe there is sufficient rationale to support all variance criteria and recommends denial of the request. She stated at the August 4th Public Hearing the Planning Commission recommended denial of the size variance on an 8/0 vote. The Planning Commission made a Motion to approve the number of accessory structures allowed on the property, that Motion failed on a 4/4 split vote. Staff did hear from one neighbor who was in support of the request, that email is in the Council packet.

Mayor Bartholomew stated the size of the lot is 3.35. He asked if they would be losing any property for easement. Associate Planner Botten responded a portion of the property is under right of way. The 3.35 does not include the right of way. Mayor Bartholomew asked if including the right of way would bring them to 3.4. Associate Planner Botten responded it would be 3.57 if the right of way is included.

Councilmember Murphy commented that 1,600 is recommended but 1,800 would not be. Associate Planner Botten responded the property is still allowed the 1,600 maximum size, not 1,800 which would require a variance. She stated the request is for two variances, one for size and one to have more than one detached accessory structure on the property.

Aaron and Heather Stadt, 9240 Inver Grove Trail. Mr. Stadt stated City Code allows only one detached accessory building. During the Planning Commission meeting it was brought up they could add on to their home up to the impervious space allowed which would be a little over 7,000 square feet. He said that was his biggest point, if he were to have it attached to his home, it could be larger than he would like. He said he would be happy with 1,600 square-foot detached, along with his current garage. He felt he was being hindered because it was built with a detached garage where other homes have attached garage structures on them and allowed a detached accessory structure. He said he doesn't want to add on to his home because it is a 100-year-old structure and would look hideous. He said he wanted to hear what everyone thought of the point made.

Mayor Bartholomew responded the problem he sees is the practical difficulty and the way the Statute reads. He looks at the square footage and size of the lot. He said he believes they could justify a bigger detached building due to the lot size being hindered by right of way. The second detached building would be difficult for him to find a practical difficulty.

Councilmember Piekarski Krech stated she would have no problem with the second detached building. If the Applicant can live with 1,600 square feet, she would be fine with it. She said the issue is there are older homes in town, it's been done before when its an older structure built without attached garages. Larger detached can lead people to rent out space and do other things. If it is for a homeowners use, she has no problem with it. She stated if going with 1,600 square feet only one variance is needed. She was fine with the Resolution to allow two detached structures.

Councilmember Murphy stated he had the same thoughts as Councilmember Piekarski Krech. He asked Mr. Stadt what his thoughts were on 1,600 versus 1,800. Mr. Stadt responded he would be very happy with 1,600.

Motion by Piekarski Krech second by Gliva to approve the following request for property located at 9240 Inver Grove Trail:

- 1. A Resolution 2021-227 relating to a Variance to allow two detached accessory structures whereas one is the maximum allowed with the Practical Difficulty being the house was built 100 years ago and didn't have an attached garage.**

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech second by Gliva to deny the following request for property located at 9240 Inver Grove Trail:

2. A Resolution 2021-228 relating to a Variance to allow an 1,800 gross square foot detached accessory structure whereas 1,600 square feet is maximum allowed.

Ayes: 5
Nays: 0 Motion carried.

B. TRAVIS CALLSTROM - Consider the following requests for the property located at 8308 Alverno Avenue (tabled from August 9):

- 1. An Ordinance rezoning the property from A, Agricultural to Agricultural Planned Unit Development. Ordinance 1417**
- 2. A Resolution relating to a Preliminary Plat for a two lot and one outlot plat to be known as Carriage Heights. Resolution 2021-229**

City Planner Allan Hunting stated the item was tabled from the August 9th meeting due to discussions about the number of easements requested by Engineering. Engineering felt the minimum would be to require easements around the stormwater regional basins and requiring standard perimeter drainage and utility easements around the two new lots. They would not pursue easements for the Lift Station or any further access easements at this time. The Resolution references Engineering’s memo. The recommendation is to approve rezoning to Agriculture PUD and approve the Preliminary Plat with easements as outlined.

Travis Callstrom, 8308 Alverno, stated he has read and agrees with the report.

Mayor Bartholomew noted there would be easements in the future for the Lift Station. It’s not only to protect the entire area, but to protect the property so there is access to be able to get sewer and water in the area for development. He said as long as that information is clear, he was fine with this item.

Mr. Callstrom responded he liked the foresight the city has had in proposing and working with him on this.

Motion by Murphy second by Gliva to approve the following requests for property located at 8308 Alverno Avenue (tabled from August 9):

- 1. An Ordinance rezoning the property from A, Agricultural to Agricultural Planned Unit Development. Ordinance 1417**
- 2. A Resolution 2021-229 relating to a Preliminary Plat for a two lot and one outlot plat to be known as Carriage Heights.**

Ayes: 5
Nays: 0 Motion carried

C. AT HOME APARTMENTS - Consider the following Resolutions for the property located at the northwest quadrant of Hwy 3 and 70th Street (tabled from July 26):

- 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 Planner Hunting stated the item was tabled at the August 9th meeting. The Applicant has looked at the site plan and would be giving an update. The Applicant has been looking for other locations for the apartment building and other items discussed at that meeting. Staff has nothing further to present. Leanna Stefaniak, At Home Apartments, stated at the last City Council meeting they listened to the constructive criticism they received. They said they would go back and revisit the site plan again. This has been an ongoing effort since submitting an application earlier this summer. When this process began, they said they wanted this to be a collaborative process and welcomed feedback. Often, that can help make a project better. They said they would continue to work with Staff, take in neighborhood feedback, and feedback from the Council to see how the plan could be adjusted. She said they did that between the last time they were before the Council and this meeting and have likely another 100 hours into the project. This includes additional site visits, taking a lift out to the site, and getting in and moving the lift up and down to get a feel for varying heights, be it 50 feet or 30 feet, to try to get an understanding of how everyone would be impacted. From information and feedback received, they were able to tweak the site plan that mitigates the burden from a financial and development standpoint and mitigates the neighborhood's concerns. There were concerns about having the apartment building right on 67th Street. Due to those concerns the building was pushed back.

She referenced a diagram of the area and stated the initial plan had the apartment building along the left. It has been pushed back to mitigate the appearance of the apartment building being seen from the backyards of those in Settler's Ridge. It has been replaced with the 6 plex walkout townhome units. It would match what the existing residents would see if a home was put in the location. It softens the transition and requires them to rework the rest of the site. She said they believe the plan is a good compromise, it requires them to go back to the drawing board a bit. With the plan, some things changed such as tree preservation, open space calculations, and other items they need to continue to work on with Staff.

She said she hopes to be able to answer the questions that were asked the last time they presented on July 26th, and to request the Council allow them to extend the review period from the initial application period out another 120 days. This allows more time to work with Staff and go back to the Planning Commission. If Council is in agreement that this is a good compromise, they would like time to make sure they have all the calculations determined in order to move forward with this alternative plan.

Ms. Stefaniak stated the following questions were asked:

- To show the difference in height between a townhome and an apartment building.
- Show the shading, what the structures would do in terms of shading to the neighborhood yards.
- Provide a better rendering to see the images from the road.

She stated this was done with the apartment building in its current new location, and with the townhomes that are replacing the apartment building on 67th Street.

Pete Keely, Collage Architects, stated they have been looking things over and moved them around into different locations. This one seemed to land into the best place to save trees and work with the grade. The west side of the site has more trees saved; the east side has less trees saved. The site plan was displayed, and he indicated the dark green area where trees will be preserved. The building is similar to the same footprint as before, is a little bit shorter, and has gone to four stories. Four stories allow

them to keep the trees in place from where they were before and minimizes the footprint on the building. Part of the first floor is taken up with parking, underground is fully below grade parking.

He displayed views from 67th and Agate with the first 6-plex. It's 30 feet high measured to the eave. The four-story apartment building in the background is hardly seen from the height of the townhouse buildings on the front. He stated they have not done an in-depth design with the townhouses and the apartment, but believe it is pretty close to what it would look like in size. He discussed heights in response to the questions asked the last time this was discussed:

- Walkout townhouses
- 2 story flat townhouse
- 37'4" from the garage side is the height to the top of the gable.
- On the walkout side, 47'6". (Varies due to grade changes).
- The 4-story apartment building from grade, is 58'6" to the top of the gable.
 - It would be 44' to the top of where the rooftop starts.
 - It does sit on a hill but is quite a way back.
 - Because of the angle between the townhomes along 67th, the townhomes are tall enough that they would screen anything seen over the top. The apartment building would not be seen over the top but would be seen going down Agate Trail.

He displayed a rendering of the sun study with various months and times:

- September and March are the same, taken on the equinox.
- June and December are taken on the Solstice, the 21st.
- Timeframes were shown at 9:00 a.m., noon, and 5:00 p.m.
- These are put on the plan with grade. If the grade falls away, the shadow is longer, if the grade goes up, the shadow tends to be shorter.
- In June:
 - At 9:00 there is little shadow,
 - At noon = none.
 - At 5:00 p.m. there is a shadow toward the east side.
- In September and March:
 - At 5:00 p.m. the lower level, west side, has a fair amount of shading across Agate (close to sunset).
- December 21st:
 - 9:00 a.m. sun rises.
 - At 5:00 p.m. the sun is down; it is actually dark out.

Mayor Bartholomew asked if it crosses the street at 9:00 a.m. Mr. Keely responded it does cross the street and starts to hit about where the homes are.

Ms. Stefaniak stated with the apartment building now being 4 stories rather than 3, is to make sure they get to the density requirement. They are down a little bit from where they were before. They were at 266, this plan is at 259. If they cannot bring up the apartment building, they lose the density they are trying to maintain, which is on the minimal side. The maximum density for this location is 1,300, they are proposing 259.

Mayor Bartholomew stated the depiction shows clearly that the roofline would be seen from 67th and the building would be seen from Agate. Ms. Stefaniak responded what is not shown on that depiction is the robust landscaping plan that would normally include more trees, bushes, shrubs, and berming. It

would be more heavily screened along 67th Street and Agate. The depiction shown was to display the buildings.

Mayor Bartholomew stated if this came back to the Council it would show the screening along Agate.

Councilmember Murphy referenced the site plan and asked what the smaller building across from the apartment building was. Ms. Stefaniak responded their office is located in the apartment building. That building is a second recreational facility they added mainly because they didn't want to put indoor pickleball in the apartment building for noise purposes, so they added a secondary structure.

Councilmember Murphy asked what the darker orange color beyond the smaller building indicated. Ms. Stefaniak responded those were the 10-unit buildings.

Councilmember Gliva asked if they were losing any parking space or if there was more underground. Mr. Keely responded it was about the same, they have the ability to add a bit more. In the three-story building that is longer, they want to be at a 1:1 parking minimum for residents, underground and enclosed. When the building footprint shrinks and comes up to the 1st level, they get the same level of 1:1 parking above. He said it isn't any less enclosed in the building and have a few more stalls on the surface.

Ms. Stefaniak stated with the first plan the parking ratio was 1.84, the requirement is 2. They are still under that amount. It is still adequately parked for an apartment building.

Councilmember Murphy asked if a way has been determined to get construction traffic into the site without coming down the roads in Settler's Ridge. Ms. Stefaniak responded they have not designed the temporary access road yet. The current property owners, the Riley's, are working with them to find the best location. It would be more thoroughly vetted by the time it is brought back before the Planning Commission.

Ms. Stefaniak stated their request is to table the current Applications for Rezoning and the Preliminary PUD and Plat that was submitted back in June. She requested those be tabled another 120 days to allow time to bring this before the Planning Commission and the Council, and to make sure there isn't anything they are missing. She stated based on discussions with Staff and the City Attorney, this may be the best way to go about it to make sure Staff has adequate time to ensure they are meeting all of the requirements within the Zoning Code. They would then cancel the other applications and go with this one.

Mayor Bartholomew asked Staff if there was anything in writing with regards to the request from the Applicant. Community Development Director Heather Rand responded Staff received something today in writing from At Home requesting the extension with the original 120 days. She said Legal has reviewed this and Staff feels it would suffice. If not taking action within a certain time period, things can be considered approved, they do not want to do that today. She stated Staff received this in writing, which is waiving and allowing this to continue to be tabled as they pursue this new option. Staff has not seen an application for this option yet. Based on what occurs today At Home would file a new application, then would have Staff review which requires Engineering, Building Inspection, City Planning, it would go before the Planning Commission, and then there would be opportunity for public input.

Mayor Bartholomew said this is a good step and applauds the Applicant for listening to the area residents and coming up with a second plan. He believed it was wise to accept the written request for the 120-day extension to be able to fully vet the revised plat.

Councilmember Gliva stated she thought it was a good compromise. She thanked the Applicant for going back to the drawing board.

City Clerk Rebecca Kiernan stated there were comments to accept into the record.

Motion by Dietrich second by Murphy to accept the comments into the record.

Ayes: 5

Nays: 0 Motion carried.

Mayor Bartholomew deferred to the City Attorney stating the need to make sure they get this correct. He said it seems the Council is willing to accept the written extension with the intent of seeing the revised plan.

City Attorney Bridget McCauley Nason stated the request by the Applicant is to continue the Application to some time for consideration with the Council, on or before February 2, 2022. If that is what the Council would like to do, she looks for a Motion to continue all Agenda Items relating to the Application and all Applications related to this development to a Council meeting on or before January 24th, 2022. She said last time they tabled it to this meeting because that was the direction. Since they don't know exactly when the item would be ready for further review, the Motion would be to table all three Agenda Items to a meeting on or before January 24th, 2022.

Mayor Bartholomew stated he felt it was a good move to table and accept the request to extend and look to see what they come back with on the 24th.

Councilmember Murphy stated he would be happy to make that Motion. He added his thanks to At Home and Staff for putting in the extra work. He said this looks really good and hopes that this, or something very close to it, can be added to the city. He believes it is a nice compromise.

Motion by Murphy second by Gliva to accept the written request to table the three applications to a meeting on or before January 24, 2022 for At Home Apartments, Resolutions for the property located at the northwest quadrant of Hwy 3 and 70th Street (tabled from July 26):

- 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.**

Ayes: 5

Nays: 0

Councilmember Dietrich thanked the Applicant for their collaboration and the fact that they are being good stewards of that land when they could have 1,300 units.

Engineering:**D. Policy for Parking Restrictions in Cul-de-sacs.**

Interim Public Works Director Klay Eckles stated this is a wrap up of an item that came before the Council in April. There was concern about parking restrictions on some cul de sacs. Cul de sacs are a tricky issue for parking and access with parked cars and driveways, it can be difficult for large vehicles to operate on them. Some public safety vehicles have large turning radius's along with garbage trucks and plows. There has always been an issue about how much parking should be allowed on a cul de sac and when it becomes too congested for large vehicles.

He stated Staff collaborated with different interests, there are a lot of different perspectives to look at such as the need to service infrastructure, the benefit to property owners to have temporary on street parking, pedestrians, and cyclist mobility and access. Roads are doing all those things and when doing them at the same time, they have to build large roadways to accomplish them. He said he spoke with all interests; public safety, public works, community development, and then brought a draft set of recommendations to the Traffic Control Committee, which met for the first time in July. This was one of the main things discussed. With that input, the Council has a Policy to adopt which relaxes some of the restrictions. He stated the Fire Department has the biggest concerns. They are supportive of this, while not perfect for fire service, it does provide access. There could be some cases in an emergency that they would need to drive up over a curb if there are too many cars in the way.

He said the Policy states in most situations a standard cul de sac 82 foot by 96-foot diameter, doesn't need to have any additional parking restrictions. There is no parking in the winter on all city streets from 3:00 a.m. to 6:00 a.m., that minimizes long term parking that can become a problem. There are a few minor restrictions in the Policy. Staff believes this would address access needs and balance that with providing the amenity of additional on street parking for residents. If the cul de sac has a center island and the driving lane around the center lane is less than 28 feet wide, that becomes a problem for larger vehicles. He said they are not building any more cul de sacs with center islands because they tend to be a maintenance problem. The ones they do have meet standards with only a few areas that may have an issue. With very small cul de sacs smaller than the 82-foot diameter, they may need parking restrictions if it is a longer cul de sac. With shorter ones an emergency vehicle can drive in and back out. If its longer it can be difficult to back vehicles out again.

He stated the Council has a Policy; he had neglected to include a Resolution in which the City Clerk has said she could work with them on. If there is a problem, or a persistent parking issue they are not able to address with this policy or enforcement, this allows an opportunity to add additional parking restrictions in specific areas they find a persistent problem they cannot address with other methods. He believes this addresses the concerns had in the community and what Council gave Staff direction to work on.

Mayor Bartholomew asked if there was any conflict with Statute they have to work on. If the Policy encumbered on what Statute already reads. He asked if vetting has been done to make sure they put a Policy in place in the hopes they have a Statute they have to adjust. Interim Public Works Director Eckles responded he did not believe there were any issues with any Statutes.

Mayor Bartholomew asked what they were looking at in terms of a timeframe. Interim Public Works Director Eckles responded there would be some no parking restriction signs they would be removing,

and a few areas they would have to add signs. He believed Public Works could work on that within a few weeks. He said Staff could put out a newsletter article to let people know this is happening.

Mayor Bartholomew asked if they would be proactive and let residents on a cul de sac know there may be a change whether its signs coming down or signs going up. He asked if they could get some notification to residents. Interim Public Works Director Eckles believed they could. He said where they go up would be more important to focus on to make sure the people are aware.

Councilmember Murphy asked since there is no Resolution, if the Council is being asked to rewrite a Policy or put a Policy in place. Interim Public Works Director Eckles responded the Policy would be as per the language. Someone would need to come up with a Resolution or table the item for another meeting. Mayor Bartholomew stated they could bring the Resolution through on a Consent Agenda.

Councilmember Murphy asked if the rules could be suspended. City Attorney Nason responded no.

Mayor Bartholomew suggested bringing the item forward on a Consent Agenda. That includes everything covered this evening. If there are questions, they could pull the item and discuss it that evening.

Councilmember Dietrich thanked Interim Public Works Director Eckles for the work he did on this.

City Attorney McCauley Nason stated the Council has two options:

1. Approve the Policy as presented today. Staff would bring back a Resolution formalizing the approval at the next meeting via the Consent Agenda.
2. Continue the item to the next City Council Meeting for consideration on the Consent Agenda along with the Resolution.

Mayor Bartholomew said he felt they should get the Policy started. Councilmember Dietrich agreed stating they want to get signs in the ground before the ground is frozen.

Mayor Bartholomew suggested starting the Policy and bringing it forward on the Consent Agenda.

Motion by Gliva second by Murphy to begin the process of making the Policy for Parking Restrictions in Cul-de-sacs and having it come forward on the Consent Agenda for approval.

Ayes: 5

Nays: 0 Motion carried.

E. Consider Approval of a Resolution Appointing Members and a Chairperson to the Pavement Management Task Force. Resolution 2021-230

Interim Public Works Director Eckles stated Staff did a newsletter article, the Communications Staff did other work, and Council provided input. 15 people have signed up for the Citizen’s Task Force on Pavement Management along with 2 Councilmembers. Background information was requested and one thing they noticed is there were scheduling conflicts. He said he is presenting those people they feel are qualified to fill the role and the schedule meshes well enough that they can meet at the same time. There is a list of 11 residents who are interested in serving the community. There would be about 10 meetings of the Task Force. If approved this evening, at the next City Council meeting they

would have an item for the City Council to approve a consultant to assist with moving this forward. The Consultant would act as the Facilitator/Educator and present materials. He said it would actually be two Consultants, an Engineering Consultant as well as one meeting with would consist of financial issues. Staff would be bringing that forward to the City Council in September so by the end of September they can launch their first meeting with the entire Committee and the Consultant would be lined up and ready to go. He said the goal would be to meet 10 times and have a final report to present to the City Council in March with an analysis of current practices and recommendations for any improvements they may find.

He stated at the next Council Work Session they would be discussing next years Pavement Management Program. They won't have a lot of input from this Task Force. Staff has done a lot of work over the summer looking at different options and trying to move toward different strategies. Next summer may be a stepping off point. He said they need to get going now if they want to get started next summer and they cannot really wait for the Task Force. He said the request is for the Council to approve the 11 names and 2 Councilmembers. He noted in the Resolution where it lists one of the "whereas's" says there would be two Councilmembers with one of them acting as the Chairperson for the Task Force. He assumed one of the Councilmembers might serve, but after discussion it was determined they should probably let the Task Force decide who the Chair should be at the first meeting. He suggested the Council may want to remove that clause.

Councilmember Dietrich asked if the Consultant would be someone currently on Staff and if not, where the individual would be found. Interim Public Works Director Eckles responded he has been working in Pavement Management with the firm WSB. He stated Staff asked two consulting firms to give proposals, one being WSB. They also asked another firm, one of the cities primary Consultants. The proposals came back today. He said he is not participating in the selection process and felt there are two very good proposals before the Council. He said he would be involved at least until October. If WSB were selected he would be involved heavily from there all the way to the end.

Mayor Bartholomew stated he believed this to be a good plan. He said he looks forward to input from residents and an opportunity to improve education about the shortcomings the city is currently facing. Councilmember Murphy commented it is a great idea.

Mayor Bartholomew stated it was wise to strike the section about a Chair and have the new Committee appoint/select a Chairperson.

Councilmember Dietrich asked the City Attorney if she recommends, she abstain from voting. City Attorney McCauley Nason believed it would be fine if Councilmember Dietrich voted. If it makes anyone uncomfortable, the Council could have the two that would be appointed abstain and have the three remaining Councilmembers make the decision. There is not a conflict of interest that would prevent from voting.

Mayor Bartholomew would like to see all five Councilmembers vote. He does not see a conflict.

Motion by Piekarski Krech second by Gliva to approve Resolution 2021-230 Appointing Members and a Chairperson to the Pavement Management Task Force and striking the Chairperson portion so that the Committee can choose the Chairperson.

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

Benjamin Stone, 1378 66th Street West, stated he had questions and requested feedback. He said At Home's proposal was a step in the right direction and looks good.

Mayor Bartholomew stated there would not be Public Comments on items that were on the Agenda. He said there will be a Public Hearing coming forward for comments.

Mr. Stone referenced the original land use for the lot where the apartment building is being proposed stating it was originally low density residential, in 2014 it was zoned medium density. There is a smooth transition between densities. He said currently they are at low density residential adjacent to medium density with high and low density nearby. He said their proposal has two parts, medium and high. Their medium is higher density than their low because they have moved units. The highest density part is against Robert Street. He said At Home is requesting R-3C Zoning for medium density. He said if looking at the Comprehensive Plan Land Use Designations with medium density and the area, it is 8-12 units per acre. He said that cannot be zoned R-3C, there cannot be an apartment building. He stated there cannot be anything with over 7 units in the structure. He said At Home requests the medium density be categorized to be zoned as the very highest density residential. He said that was a problem. He questioned how that could happen.

He said there is a minimum density for the highest residential density with a minimum of 12 units. With medium density residential they can't go over 12, medium density can never be zoned the very highest residential density. He said the apartment building would have to be zoned that. He said there is an incompatibility and was wondering how that can be reconciled.

Mayor Bartholomew responded there would likely be many discussions on this when it comes time for the Public Hearing. He said this was not something that can be discussed this evening.

Mr. Stone said he wanted to get the question out there because it is a fundamental issue.

Mayor Bartholomew suggested he send his comments to the City Clerk.

Kelly Kayser, 1953 59th Court East, thanked Interim Public Works Director Eckles, Fire Chief Thill, and any Staff that worked on the Agenda Items. It was long overdue, and she appreciated the efforts of everyone who worked on them. She said she felt that in the last six months the tone of working with the city and the tone of the Council meetings has taken a turn for the better. She stated City Clerk Kiernan is super-efficient and answers questions. She thanked Fire Chief Thill and Police Chief Chiodo, the Officers, the School Resource Officer, several Councilmembers, Interim Public Works Director Eckles, and Inspections. She said she has also spoken to spouses of people who work for the city and have heard positive things. She felt there were obstacles, but the city is moving in a positive direction. She just wanted to say thank you.

Councilmember Murphy said he was happy to see Kelly Kayser's name on the Task Force Committee list and thanked her.

Interim Public Works Director Eckles stated they have not contacted all of the members on the Task Force yet. He said if any of those people are watching they would be contacted by him tomorrow.

Ms. Kayser stated it wasn't mentioned who the two Councilmembers were that are on the Committee. She asked if that information could be shared. Mayor Bartholomew responded they are Councilmembers Dietrich and Murphy. Councilmember Dietrich stated it was an honor to be on the Committee.

Mayor Bartholomew stated he appreciates the work. It means more hours would be added, anytime anyone steps up and adds more hours to the benefit of the city, he appreciates it.

8. MAYOR AND COUNCIL COMMENTS:

Community Development Director Rand stated there is a Final Plat and PUD for Ron Clark Construction, a 49-unit apartment building on Upper 55th and Babcock. She expects this to come before the City Council in September. She said that Developer would like to offer the Council the opportunity to tour a similar facility they have open in the city of Rosemount. She said she would be sending the Councilmembers an invite to tour the facility with the Developer. She said they would like to show the Council workforce housing, it is not Section 8 voucher. It's for people working in the Community with incomes of \$25,000 or more. She stated that project just received an allocation of Tax Credits from the County and the State that slightly subsidizes the rents in the apartment building to be more affordable to those that need that type of assistance.

She said this is a community who hasn't had this type of housing project. She is excited and hopes it will allow employers to realize more workforce. It is on bus lines and convenient to Highways 52 and 55. She sees this as a good thing for the community. She said if the Councilmembers can make the time to tour, it's worth seeing.

Councilmember Murphy asked if there would be concerns with having more than two Councilmembers together. Community Development Director Rand responded they would try to schedule no more than two Councilmembers per time slot. There would be three different offerings. The Council can determine who goes when.

Mayor Bartholomew stated this was Community Development Director Heather Rand's last evening taking on the position of Interim City Administrator. He shared how much he appreciated her work, efforts, and diligence. He said Heather has been working two roles since February. This includes a lot of hours, a lot of hard work. He stated that she has kept on track with input and keeping the movement of the city. He said he truly appreciates her efforts and looks forward to her going back to her original role.

Mayor Bartholomew stated the new City Administration would be on board in September.

Community Development Director Rand responded that it has been a pleasure working with the City Council in two roles. She said Kris Wilson, the new City Administrator, begins on Wednesday, September 1st. Staff is preparing for her arrival and is looking forward to it.

Interim Public Works Director Eckles stated he has had great pleasure working with Heather Rand. He said he has 35 years working with Local Government and she has been the best City Administrator he has worked with. He said the city has been really lucky to be served by Ms. Rand, she is a great addition to the city.

9. EXECUTIVE SESSION:

10. ADJOURN:

Motion by Piekarski Krech second by Gliva to adjourn the meeting at 7:31 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Sheri Yourczek