

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, SEPTEMBER 13, 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, September 13, 2021, in person. Mayor Bartholomew called the meeting to order at 6:07 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 Administrator Wilson, City Clerk Kiernan, Finance Director Hove, Community Development Director Rand, City Attorney McCauley Nason, City Planner Hunting, Interim Public Works Director Eckles, and City Engineer Kaldunski.

Also Present: Melissa Duce, Land Entitlement Manager, US Home Corporation; Brian Harjes, HKGi.

3. PRESENTATIONS:

4. CONSENT AGENDA:

- A.**
 - i.** Minutes from the August 2, 2021, City Council Work Session.
 - ii.** Minutes from the August 9, 2021, City Council Meeting.
 - iii.** Minutes from the August 23, 2021, City Council Meeting.

B. Resolution 2021-232 Approving Disbursements for Period Ending September 7, 2021.

C. Consider Approval of Personnel Actions.

D. Consider Approval of Weather Siren Agreement with Independent School District No. 199.

Resolution 2021-233

E. Consider **Resolution 2021-234** Approving an Easement Consent Agreement with Xcel Energy for Public Improvements Related to Pine Bend Estates 2nd Addition Development.

F. Approve Custom Grading Agreement and Storm Water Facilities Maintenance Agreement for 9185 Inver Grove Trail.

G. Approve Custom Grading Agreement and Storm Water Facilities Maintenance Agreement for Lot 11, Block 1, Inver Hills 9th Addition (10371 Andrea Trail).

H. Consider **Resolutions 2021-235 & 2021-236** Calling for Hearing on Proposed Assessments, Declaring Costs to be Assessed, and Ordering Preparation of Proposed Assessments for the 2021 Pavement Management Program, City Project No. 2020-09D - Delaney Circle and Delaney Court Improvements.

I. Consider **Resolution 2021-237** Approving Easement Agreements for 8329 Delaney Circle for City Project No. 2020-09D - Delaney Circle and Delaney Court Improvements.

J. Consider **Resolutions 2021-238** Calling for Hearing on Proposed Assessments, Declaring Costs to be Assessed, and Ordering Preparation of Proposed Assessments for the 2021 Pavement Management Program, City Project No. 2021-09D - Bryant Lane Improvements.

K. Approve a **Resolution 2021-240** relating to the Final Plat of Carriage Heights, located at 8308 Alverno Avenue.

L. Approve **Resolutions 2021-241, 2021-242 & 2021-243** relating to a Preliminary and Final Plat for Rich Valley Gas Plant, a Variance from minimum lot size, and a Conditional Use Permit for an essential service structure. Property located on 105th Street, just east of Rich Valley Boulevard.

M. Approve a **Resolution 2021-244** relating to the Final Plat of Babcock Crossing including a Development Agreement, Storm Water Facilities Maintenance Agreement, Ponding and Utility Easement and related agreements.

N. Approve a **Resolution 2021-245** and agreement for the DWI Officer Grant for October 1, 2021 through September 30, 2022.

Motion by Dietrich second by Murphy to approve the Consent Agenda.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

6. REGULAR AGENDA:

Administration/Finance:

A. Consider Resolutions to Adopt Proposed Tax Levies and Budgets and Set the Date and Time for Budget Hearing. Resolutions 2021-246, 2021-247 & 2021-248

Finance Director Amy Hove stated in August the first draft of the General Fund Budget was presented to the City Council. A few adjustments have been made since then.

Tonight's Goals:

- Adopt Preliminary General Fund Budget for 2022
- Adopt Preliminary Property Tax Levy for 2022
 - Preliminary levies must be approved by September 30, 2021
 - Final levy may be lower - but cannot be higher than the Preliminary
- Adopt Preliminary Storm Water Special Taxing District Levies
 - 70th Street Reconstruction Cahill Avenue to Concord Boulevard
 - \$79,394 annually in years 2018-2027
- Set meeting details for discussion and approval of final levies and budgets (December 13, 2021)

Levy Summary. 2022 Proposed vs. 2021 Adopted:

- 2022 Proposed General Fund Expenditures: \$27,915,100
- 2021 Adopted General Fund Expenditures: \$25,296,800
 - Increase of \$2,618,300 or a 10.4% Change
- 2022 Proposed General Fund Non-Tax Revenues: \$4,493,790
- 2021 Adopted General Fun Non-Tax Revenues: \$4,290,600
- 2022 Proposed General Fund Levy: \$23,421,310
 - Net Increase of \$2,415,110
- Pavement Management Levy: Proposing an increase of \$300,000 over the 2021 Adopted Levy
- Debt Levy goes down slightly for 2022
- 2022 Proposed Citywide Levy: \$28,667,876
 - Increase of \$2,544,518 or 9.7%

Levy Impact:

- 2022 Proposed Budget: Tax Levy: August 2, 2021: \$28,798,853
- 2022 Proposed Budget: Tax Levy: September 13, 2021: \$28,667,876
- 2022 Proposed Budget: Levy Increase: August 2, 2021: 10.2%
- 2022 Proposed Budget: Levy Increase: September 13, 2021: 9.7%
- Change in Tax Rate: August 2, 2021: 4.53%
- Change in Tax Rate: September 13, 2021: 3.98%
- Annual Change in City Taxes (for median property) Aug. 2, 21: \$148.21
- Annual Change in City Taxes (for median property) Sept. 13, 21: \$140.90

To Note: Median Property assumes a \$275,000 value

Breakdown of Tax Levy Increase:

- 2021 Total Tax levy (General, Debt, PMP) \$26,123,358
 - Plus: COLA, Health Insurance Adjustments: \$744,200/2.9%
 - Plus: Increase to Pavement Management: \$300,000/1.1%
 - Plus: 2022 New Staffing Requests: \$1,390,400/5.3%
 - Plus: Other (Net) Changes: \$109,918/0.4%
- 2022 Proposed Tax Levy: \$28,667,876/9.7%

Monthly Impact to a Median Property = \$11.70

- New Staffing Requests: \$6.40 monthly
- COLA/Health Insurance, Step Increases: \$3.40 monthly
- Pavement Management: \$1.40 monthly
- Other: .50 monthly

General Fund Expenditures:

- Largest Increase is in Personnel (Staffing Requests, Adjustments to COLA, Step Increases, Health Insurance).
- Professional Services, Purchased Services and Equipment, Supplies, and Other/Transfers. These areas have stayed stable for 2022.
- 51% of next years budget is for Public Safety
- 17% is for Public Works
- 15% General Government
- 10% Culture and Recreation
- 7% Community Development

Requested Action - Consider 3 Resolutions:

1. Resolution to adopt the Preliminary General Fund Budget and set the date, time, and location for the public meeting to discuss the budget.
2. Resolution to adopt the Preliminary Property Tax Levy for Payable 2022.
3. Resolution to adopt the Preliminary Storm Water Special Taxing District Levies for Payable 2022.

Finance Director Hove stated Staff received notification last week that the city was being awarded the SAFER Grant. Additional materials will be brought before the Council regarding this at a later time. Staff determined it was premature to make adjustments for tonight’s meeting. The recommendation is to proceed with setting the ceiling for the Preliminary Levy. Staff would bring back information about the Grant at the September City Council meeting or the October Work Session. Staff will continue to reduce the levy and budget before the Council adopts the final budget in December.

Mayor Bartholomew asked if the Finance Director has received or heard of any input from residents or the business sector. Finance Director Hove responded she has not.

City Attorney McCauley Nason stated all Resolutions could be approved in one Motion if desired.

Motion by Dietrich second by Gliva to approve Resolutions to Adopt Proposed Tax Levies and Budgets:

- 1. Resolution to adopt the Preliminary General Fund Budget and set the date, time, and location for public meeting to discuss the budget.**
- 2. Resolution to adopt the Preliminary Property Tax Levy for Payable 2022.**
- 3. Resolution to adopt the Preliminary Storm Water Special Taxing District levies for Payable 2022.**

and Set the Date and Time for Budget Hearing. Resolutions 2021-246, 2021-247 & 2021-248

Ayes: 5

Nays: 0 Motion carried.

Community Development:

B. US HOME CORPORATION - Consider the following requests for property located west of Hwy 3 between 72nd Court and Auburn Lane:

- 1. An Ordinance rezoning the property from A, Agricultural District to R-1C/Single Family Planned Unit Development District. Ordinance #1418**
- 2. A Resolution relating to Preliminary Plat and Preliminary Planned Unit Development for the plat of Highlands at Settlers Ridge consisting of 51 lots and two outlots.**

City Planner Allan Hunting stated the location of the project has Highway 3 on the east and 72nd on the north with the Argenta Hills neighborhood and Peltier Reserve close by. The proposal is for a single-family development, 51 lots total; 50 new lots would be created. Lot size and width is about the same as the Argenta Hills Development. Public Streets would have Auburn Lane connecting to 72nd so there is an access point onto Highway 3. This gives the Argenta Hills neighborhood a second access point. They only have one onto South Robert Trail along with a public street cul de sac heading to the west.

Rezoning would be to R-1C Single Family, consistent with the development. It is consistent with the Comprehensive Plan with 2 units per acre and meets open space requirements. Setbacks would be standard 25 feet in the front, 35 proposed for the rear, with a 15-foot separation between buildings. There are two outlots (stormwater management ponds) that would be owned by the city. A park will be dedicated in a location and considered a pocket park. The Parks Department has hired a consultant to determine the type of park/park amenities. There will be an extension of the existing trail in Argenta Hills that would connect to a trail stub in Peltier Reserve, and another trail access point from the public street. The public street would continue with sidewalk and another sidewalk along the public street with a cul de sac at the end.

City Planner Hunting stated because of the terrain there would be a significant number of trees removed. Actual number of trees is being sorted out and should be included in the final PUD Development Plans. There will be reforestation. There is a gap along the south boundary line with different ownership between Argenta Hills and subject parcels, that is being looked into. He said the Council has a revised list of Conditions/Resolutions with a revised #17, and a new #18 and #19 which addresses legal aspects on how that would be obtained. The Planning Commission reviewed and recommend approval as presented (8/0). Staff recommends approval of the rezoning and preliminary plat and PUD as presented.

Councilmember Murphy asked if there was a plan for the park yet. City Planner Hunting responded there is no detail for the actual park yet. It will be a small pocket park due to terrain. A park has been suggested in the Outlot A area where it is flatter. He said the Parks Commission hired a consultant to look at the area by Outlot B, the park in Peltier Reserve, and for At Home Apartments. Through the Parks Commission recommendation, the Council will receive the final design of the pocket park. One of the conditions of approval is for a park to be dedicated.

Councilmember Murphy asked if there would be another opportunity for the Council to address the size and location of the park before trees are cut down. Community Development Director Heather Rand responded this discusses preliminary plat and rezoning. The city and the Parks and Recreation Department have contracted with HKGi to look over the three parks referenced. Its already known where the Peltier Reserve Park would be located but do not know what it would be programmed. For

this request, a park would be 1-2 acres at the location denoted, or if more feasible elsewhere and deemed better by the Parks and Recreation Advisory Commission, the Council, and the Planning Commission in the final plat, would come before the Council in a couple of months. It may be closer to Outlot A. She said they also asked HKGi to look at the layout of trails and sidewalks in the area, they want as much connectivity as possible. She responded in regards to it being more than a pocket park, more than 1-2 acres, the response is no. The intent for this site is to be a pocket park. Peltier Reserve would have a pocket park between 1-2 acres with trail connections. The Riley/At Home area would have an over 4-acre park. The Park under construction on the other side of Argenta is an 8-acre park that would be completed by July 2022.

Councilmember Murphy stated he thought the definition of a pocket park was 4 acres or under. They are slightly over 4 acres on the Riley Property. His concern with a 1-2-acre park is that Council wouldn't have the opportunity to address how much parkland would be dedicated versus the number of people moving in the area. Aside from Vista Pines there are 3 pocket parks going in. His concern was if this would be rezoned now and the Council would not have an opportunity to revisit it. Community Development Director Rand responded a neighborhood park is considered to be 4-8 acres in size. Pocket parks are typically under 2 acres. Peltier Reserve and the park proposed for this development are both under 2 acres. The Riley/At Home Park is over 4 acres in size and considered a neighborhood park, meaning it would have assets. It's dependent on the topography more than anything. Water on the site doesn't allow the ability to move forward with a larger park along with the issue of cost. She stated they can scatter a bunch of pocket parks around the city and will find that the Developer is not paying Park Dedication fees and would have small and expensive parks to continue to manage and maintain. She advises connecting the parks with trails so people can enjoy getting to their destination. This plat is for 51 single family homes, the park the Developer is proposing is for less than 2 acres.

Councilmember Murphy asked if there would be a chance to revisit this item if rezoning now. City Attorney McCauley Nason responded it isn't rezoning that is an issue, it's preliminary plat approval. If there is a thought that the Council would like to see a park in a different location other than where shown, or something that would impact the lot configuration, that is something that would need to be addressed prior to preliminary plat approval. The Developer would come back with a final plat that looks similar to what has been shown. If the Council wants a different approach to the park, the time to do that is the before preliminary plat approval, which is what is before the Council this evening.

Mayor Bartholomew stated there is the understanding there would be a park. It would be located in Outlot B or Outlot A. City Planner Hunting responded correct. Mayor Bartholomew stated it would be the same footprint size as diagrammed in Outlot B. If moved to Outlot A, he questioned if it would be the same footprint or larger. City Planner Hunting responded he believed that may be what is being studied with the Consultant. The Consultant would bring their study to the park and Recreation Commission who in turn makes a recommendation that would come before the City Council for approval.

Councilmember Gliva asked if these are normally before the Council before the park location is included or plotted out. City Planner Hunting responded it was unique because there has not been a lot of parkland and parks dedicated in subdivisions for years. There would be some kind of park in this area. The City Council would be able to approve whatever the Park and Recreation Commission recommends for design, size, and location.

Councilmember Piekarski Krech asked if the issue with the park is the slopes and topography. She felt they would try to look for a flat enough space to play and put in equipment.

Councilmember Murphy stated that he didn't feel he had enough information at the moment.

Mayor Bartholomew asked the City Planner how they got to this lot size. He asked if there was a formula to get to 2 acres. City Planner Hunting responded there is not a formula. This was likely the idea from Park and Recreation. In the past the previous Parks and Recreation Director always looked to have some type of park in the southwest area/Outlot B. Since there was never a development there was never a detailed design.

Councilmember Murphy asked if the Developer would have the ability to change the preliminary plat, where they might see houses, may see a park. City Planner Hunting responded the Council is approving the plat with outlots. Those would have to be dedicated for stormwater management and open space. They could not come back and change those areas to put homes in.

Mayor Bartholomew referenced the Park Dedication Fee and asked if it would be based on land and monetary. If the land wasn't enough, it would be formula based on density. City Attorney McCauley Nason responded that was correct. Condition 5 indicates park dedication for this subdivision be satisfied as inclusion of area. Land dedication for a park is approved by the Council. To the extent the amount of land dedicated for the park is not sufficient, does not completely encompass, or cover the required park dedication for the development, any additional dedication would be met by cash in lieu of land.

City Attorney McCauley Nason stated if there is discussion about shifting the park from Outlot B to Outlot A, it might be worthwhile to amend Condition 5 to add language that the final plat should include park dedication and park access dedication as required by the Council at the time of final plat approval. She stated the trail as shown by the park in Outlot B shows connectivity. If contemplating that the park may end up on Outlot A, the Developer would need to provide access to it which might impact some of those lots depending on how the access is brought forward.

Mayor Bartholomew stated if moving forward they need to make sure they provide connectivity for Outlot A.

Melissa Duce, Land Entitlement Manager with US Home Corporation, doing business as Lennar, 16305 36th Avenue, Suite 600, Plymouth, stated they are discussing Highlands at Settler's Ridge which would look very similar in product as the existing Settler's Ridge to the north. They have had great success with that community, it has sold out. Knowing the demand is still there, this is a great location with beautiful challenging topography. Discussions during the design process with City Staff and adjacent existing residents has evolved a bit. As they worked to respond to changes with connecting streets they ran into different changes. From the 2012 Collector Road Study they are connecting Auburn Lane up to 72nd Court. Previously 75th Street was a cul de sac, planned to connect into the northwest corner of this project. It was evident the topography wasn't there to make that a viable connection. Anyone driving down Highway 3 can see that it's a steep site when going from the north to the south. In making those connections there are grade changes that are creating retaining walls on the northern side of the community. They have worked with those adjacent property owners to the north that would be impacted. Currently it's a natural slope with lots of trees. They have worked to understand what the implications would be to them. Because this is preliminary, they do not have fully engineered grading plans or drawings so they don't know what those retaining walls would look like.

She said they would work through a lot of the tree preservation. There are a lot of trees. In the northern corner there is a large clump of existing evergreens. Those trees would potentially be

removed due to grades. The Engineering team has been working with the City Engineer to come up with alternatives so they may be able to preserve some of those trees. She addressed parks in the area stating she knows a lot of people in the area are concerned and have heard Developers would come build a park, and then they don't. She said they are very committed to this park as an amenity for future residents of the community. They would take the Park Commissions advice as to where it should be located and would maintain the trail connection from the south to make sure it connects to the Peltier project. They would wait to hear what that direction looks like.

Councilmember Piekarski Krech asked if 75th Street was set so it could go further to the west. Ms. Duce responded it does not because the cul de sac is at the property line of the Peltier project. It does not connect to Peltier. The grade changes are pretty significant.

Mayor Bartholomew stated grade changes were evident by the row of trees. He asked if there was an approximate change from the lot up to the tree line in the corner. Ms. Duce responded it was 40 feet.

Mayor Bartholomew asked Ms. Duce if she had read the report and was fine with the conditions, including the revised one. Ms. Duce responded she has read the report and is in agreement. Mayor Bartholomew stated conversation was had regarding connectivity and would need to discuss looking to Amend Condition #5 regarding the connectivity to any park wherever it is placed. Ms. Duce agreed.

City Clerk Rebecca Kiernan stated there are two emails to accept into the record. One from Heidi Christen and Kurt Koudelka. Mayor Bartholomew stated there is already one on the record.

Motion by Piekarski Krech second by Gliva to accept the two emails into the record.

Ayes: 5

Nays: 0 Motion carried.

Jill Wiedemann-West, 7525 Autumn Way, stated she was the first house in the newly developing area on South Robert Street. While she no longer has younger children, a park has been promised in every initial housing development that has come through. There has always been a reason why it couldn't or didn't happen. This request involves 50 additional homes in a development filled with little people and single families. There is no place for the kids to play in the neighborhood. In the development she lives in there is one sidewalk and no play area. She feels strongly about moving forward with the development and believes a park is a pivotal piece for these families. She said she feels uncomfortable moving forward and supporting this without some sort of promise this actually comes through. Due to the safety of the neighborhoods and children, she is very concerned about where and how they would manage construction traffic. She said it is very important that it does not come up Autumn Way, but in an area that is less busy.

Georgia Kortus Moehnke, 7161 South Robert Trail, stated the street being proposed comes out right across from her driveway. She stated the Jacoby family has made a sweetheart deal with Lennar and are included in the new development. She has been in her property since 1994 and would be most affected by the development because all of the traffic would dump out directly across from her house. She is not against the development, she is most concerned about the effect on her property, property value, and groundwater. She said they have well water in her neighborhood and is concerned about 50 homes dropping fertilizer and ending up in her well water. She was told the water she is drinking now is likely over 100 years old.

Ms. Kortus Moehnke stated Lennar has promised parks and paths forever. Pocket parks are not a park, you can't play soccer on them. She said that leaves her with a piece of property and her worst fear is that it would be worthless because it is surrounded by houses, apartments, townhomes, and across the street, commercial with the Gas Station, Church, and Memory Care Center. She knows development is going to happen, but her property is disregarded. She said the city has an obligation to protect all citizens, not just those with names like Peltier, Jacoby, and Fleming. She has been in the area for as long as some of them have. She doesn't have a huge property or the money, but has a right to be protected by the city as equally as any of her neighbors. She doesn't feel she is getting that if rezoning is approved.

Peter Tonnessen, associated with 7161 South Robert Trail, stated Ms. Georgia Kortus Moehnke and himself have been partners for 16 years. He has Power of Attorney from Georgia to speak for her with respect to the property. He is not an Attorney but was trained as an Attorney and is currently on retired/inactive status. He stated the three-minute limit in the Planning Commission and City Council applies to Item #7, discussion of items not on the agenda. Mayor Bartholomew responded this was not a Public Hearing. Public Hearings have a longer period for discussion. For items such as this, people are kept to three minutes to get on the record. Mr. Tonnessen asked how this wasn't a Public Hearing. Mayor Bartholomew responded it's not noticed as a Public Hearing. It is a request for action for an application. Input is taken from Staff, Council, the Applicant, and brief words from the neighbors.

Mr. Tonnessen stated he noticed in the Planning report that if anyone votes against this the basis for denial must be stated in any Motion to oppose. He said this needs to be rejected today. He said he looked up a Minnesota Statute that if delivering a written request for a zoning change and it's not denied within 60 days it is deemed approved. He asked if that was true. City Attorney McCauley Nason responded it is true. It is the 60-day rule found in Minnesota Statute 15.99. It applies to the application before the Council.

Mr. Tonnessen stated citizens are not being given meaningful opportunity. He said Kim Fox sent out notices on July 22nd. Georgia's arrived while she was on a five-day trip, she is a Flight Attendant. He said they first learned of anything before the Planning Commission on July 31st when a copy was sent to him. He responded on the day of the hearing because they were unable to attend in person. He said Lennar pulled this item off the agenda and buys themselves another 21 days out of the 60-day limit. Citizens now have no recourse even though their primary residence is involved. He asked if they were begging to be sued for a Civil Rights Violation. He questioned if this was the way they treat their taxpayers and citizens.

Mayor Bartholomew stated Mr. Tonnessen was welcome to speak about why he is opposed to this Application.

Mr. Tonnessen stated he would give reasons why he is opposed to the Application:

1. The preliminary application says it applies to the PID for the Jacoby property, Fleming property, and 20-6585001040 the number of which he cannot locate. Also, PID 20-0070008015 which probably is an inaccurate reference to the Endres Property.

He does not believe they have a valid preliminary application to begin with.

2. No notice about this project was given to any citizen north or south.

He stated when he spoke with Ms. Duce on the phone for nearly 33 minutes, Ms. Duce blamed it on her communications department. He said when she stated there were meetings, that was a lie. He said she met with Marius Dina and Brad Kirschenheiter. The reason they spoke with Ms. Duce was because of

the Peltier property. He stated they did not receive any notice about this. Any statement of meetings or notices are all lies.

3. This was a classic summertime offensive tactic when putting out a controversial issue or bond issue during the summer when everyone is on vacation and not thinking about these things.
4. He made a Minnesota Data Practices Request and it has not been answered.

He said he wants to know what is going on with Joe Jacoby. Why he got a sweetheart deal and Georgia, who lives adjacent to him was never even talked to. They are similarly situated. Mr. Jacoby's property was 50% larger and oriented east/west instead of north/south, but would have the same impacts. He said Mr. Jacoby got a sweetheart deal and Georgia didn't even get a phone call. She was lied to and was called a tenant and resident by Ms. Duce.

Mr. Tonnessen stated Inver Grove Heights Zoning Law's regarding PUD's is mandatory. He said Mr. Hunting stated they cannot force Lennar to include Georgia's property in their PUD, which is true. He said Lennar cannot force the City Council to approve it. He said if the city doesn't follow their own law there is no choice but to object this application because they never considered Georgia.

Mr. Tonnessen read from Section 10-3A Relation of Planned Unit Development aside to adjacent areas. It stated "The design of a planned unit development shall take into account the relationship of this site and surrounding areas. The perimeter of the Planned Unit Development shall be so designed to minimize the undesirable impact of the development on adjacent properties". Neither of those things were done. He stated he has not addressed the retaining wall and the cul de sac yet.

Mayor Bartholomew suggested he send the information to the City Clerk so it can be on record.

Mayor Bartholomew asked if applicable rules were followed regarding notice. City Planner Hunting responded mailed notice is sent out by the city to property owners within 350 feet of the perimeter. Those were mailed before the Public Hearing for the Planning Commission meeting. He said the Developer holds a neighborhood meeting for their plat before formally making application. The city does not control the neighborhood meeting mailing. The city publishes in the St. Paul paper and does a mailed notice.

Mayor Bartholomew asked how they maintain the integrity of the PID's named in the application. City Planner Hunting responded those are looked up by Staff using the County PID number for parcels. Mayor Bartholomew asked if all were accurate. City Planner Hunting responded to his knowledge they are, he himself didn't do these but another Staff person did.

Mayor Bartholomew asked if ground or surface water was an issue. Interim Public Works Director Eckles responded he spoke to that resident on the topic of groundwater. Every well drilled is always at some risk of contamination. That is why municipalities put in municipal drinking water systems because that is the only way they can guarantee safe drinking water for a community. He responded about whether a well was more at risk because of a single-family home development coming into a neighborhood saying a well could be contaminated from something that is a mile away in farm country as a part of the farming practice, or contaminated from a petroleum treatment plant. There are many ways a dumpsite could contaminate a well. Single family homes do not tend to be a major cause of ground water contamination. It's usually a point source. For example, the 3M contamination in Washington County as a result of dumping over 50 years ago showing up today in the groundwater. He said the single-family development would bring in the possibility to connect to municipal water if there was a problem. There is a benefit to the area if municipal water is available if worried about contamination.

Ms. Georgia Kortus Moehnke stated the cost for her to hook up to city water is prohibitive. She cannot afford it. She said she could prove she wasn't contacted by mail or phone. She has informed delivery from the Postal Service which gives notice of every piece of mail that comes to her home. She did not receive a notice or phone call.

Mayor Bartholomew asked the City Attorney what the policy was when notices are sent out, what is/isn't regarded as notification, and what the obligations are. City Attorney McCauley Nason responded City Code Section 1123 deals with subdivision regulations and preliminary plat approval. City Code and State Statute require before a subdivision approval there be a Public Hearing. The City Clerk should advertise notice of the hearing and notify property owners within 350 feet of the subject property of the Public Hearing by mail at least 10 days and not more than 30 days prior to the hearing date. There is the requirement that the city has to provide notice of the Public Hearing (Planning Commission). There is a separate section of the City Code that requires the Developer hold a neighborhood meeting to provide the opportunity for neighbors to be aware of a proposed plat prior to the submission of that plat to the city. The process is handled by the Developer and requires notification to properties within 350 feet of the development.

She stated if there is a question about whether or not there was proper notice to all required parties before the Public Hearing with the Planning Commission, that would be something Staff would need to check and get back to the Council about. She said it sounds like Staff says that has been done. Nobody with direct knowledge of that is present and able to speak to it this evening.

City Attorney McCauley Nason stated there are two Applications; one is rezoning, and the other is the preliminary plat approval. The Rezoning Application is subject to a 60-day deadline in 15.99. The Preliminary Plat Application is subject to a 120-day decision deadline established in Minn. Statutes 462.358. In either event, 120 days based on date included in the Staff memo as November 4, 2021. If Council needs further information/confirmation about whether Staff complied with notice requirements that information could be provided to the Council before any Statutory deadline.

City Administrator Kris Wilson stated she heard Mr. Tonnessen state the notice was mailed on July 25th and received five days later due to the homeowner being out of town. She believed it has been established that the city notice of Public Hearing before the Planning Commission was sent and received by the property owner. She said what may be in question was whether the Applicant satisfied their responsibility to notify property owners of the presubmission neighborhood meeting.

Mr. Tonnessen responded he did state that Kim Fox sent out a notice on July 22nd. Georgia did receive it within a certain number of days. He said he knew about it by July 31st. He said nobody is faulting the city notice. The issue is with Lennar's false statements that they communicated with homeowners and sent notice; those are lies.

Mayor Bartholomew asked if the city is in compliance with notification of the Public Hearing. City Attorney McCauley Nason responded that was correct. She said the 11.22 Neighborhood Meeting Section in the Code states that prior to the filing of documents that constitute a complete Preliminary Plat Application, the subdivider shall offer to neighboring landowners the opportunity to meet with the subdivider to discuss the subdivision. All property owners within 350 feet of the property shall be notified in writing by the subdivider of the neighborhood meeting. The neighborhood meeting should be offered to be held at least 10 days prior to filing the Preliminary Plat Application, but no more than 30 days before filing said Application. She stated the question would be whether or not the Developer complied with City Code requirements related to the neighborhood meeting notification.

Ms. Duce, 16305 36th Avenue, Suite 600, Plymouth, said she could provide the materials mailed and to whom. Two separate meetings were held because residents on the north side have a different take than residents on the south side. Those meetings were held virtually. She said she has pictures of herself sitting there after the two hours had expired; nobody attended.

Mayor Bartholomew asked if the Council determines they would like to see the notification, if Ms. Duce would be willing to bring the information at another meeting. Ms. Duce responded she was willing.

Brad Kirschenheiter, 1230 70th Street West, stated he felt he would be the most affected by this development. When purchasing the home four years ago they understood development was coming. At that time, they didn't think it would include a 30-foot retaining wall off three sides of their property. They have no objection to the retaining walls. He said he has a lot of concerns over the design of the retaining walls and has been working with Ms. Duce and her team and has faith that Lennar and City Engineering will do their due diligence with the design.

He said he has an existing drainfield right along the border of his property. Having that drainfield could weaken soils making it unstable and cause a collapse. He has a drainline that runs straight toward the property line and drains roughly half his roof square footage, 2,500 square feet. It is a 4-inch PVC line that in a downpour dumps a lot of water to the south. He stated the way his property was parceled off; it comes to a point to the southwest and is where Lennar is pinched on parcels #39 and #40. Due to that he has offered a land trade that would cut off the corner and give him buffer on his existing drainfield. He is working on this with Ms. Duce regarding if this could be an option.

Mayor Bartholomew clarified that Mr. Kirschenheiter is in conversations with City Engineering Staff and the Applicant regarding the retaining wall. Mr. Kirschenheiter responded he has had the chance to get to know Tom and has been asking him questions. As far as design materials, he was hopeful they would use wet cast concrete blocks and not the dry cast that Lennar is using on Settler's Ridge. He said the dry crumbles over time where wet cast does not. He said Ms. Duce has agreed to show him the designs and is willing to work with him. He stated he has an engineering background and friends that have designed retaining walls and has the competency to have this reviewed.

Marius Dina, 1234 70th Street West, agreed with Mr. Kirschenheiter's issue. He said he has received verbal guarantees that there would be a lot of borings done to determine stability of the terrain. There are a variety of different soils from total sand, clay, and rocks. He suggests due diligence be done to determine if the terrain could become unstable and end up with a landslide.

He thanked Ms. Duce and Mr. Kaldunski for working to save a row of trees that border his property. There is engineered soil that can be used and allows a 2to1 slope, he was hopeful it could be extended further. He said he has been walking on the Peltier development and not one tree was touched. He was hopeful that engineered soil would also be used there so the Lennar development wouldn't have to cut those trees. From a communication standpoint he has had good luck discussing issues with Ms. Duce. Mr. Dina referenced Outlots A and B for parks stating one outlot has more trees than the other. It made more sense to put the park in the outlot that had less trees. The area could also be made bigger in that location.

City Attorney McCauley Nason stated the Council has Applications for Rezoning and Preliminary Plat and Preliminary PUD approval. Council options include:

1. Council can take action on the items before them this evening.

If the Council votes to deny the Application for Preliminary or Plan approval or Rezoning. She requests Councilmembers voting to deny the Application state on record what their reasons are for denial. In that case, a Resolution for Denial would be brought back before the Council at the next City Council Meeting.

2. Council may table the Agenda Item if there is additional information Council would like to receive from Staff or the Developer. The Council can move to continue all applications related to this Agenda Item and pick a meeting date.
3. Council has the option to reconvene and rediscuss this item at any time prior to the original 60-day extended deadline, 120-day original deadline which appears to be November 4, 2021.

Mayor Bartholomew asked the City Attorney to go over the additional conditions, two of which were added at the end, #17 and #18.

City Attorney McCauley Nason stated the Resolution has been revised a few times. The plat included in the packet includes an area referenced as "The Public Use Corridor". The Public Use Corridor is shown within the preliminary plat in the packet. There are some title issues with the Public Use Corridor. In order to have the public infrastructure as shown (the road connection, trail connection, drainage and utility connections) this needs to be resolved. Conditions #17, 18, and 19 speak to that issue.

Councilmember Piekarski Krech asked about Condition #5. City Attorney McCauley Nason responded the recommendation if Council takes action on this matter would be to consider approval of the revised Resolution 2021-249 with Condition #5 amended to add the following sentence to what already exists: "Final Plat shall include Land Dedication for park purposes and dedicated park access over a portion of the land. Shown in the Preliminary Plat as Outlot A or Outlot B as required and determined by the Council at the time of final plat approval. Land dedicated for park purposes shall comply with all City Code requirements for acceptable land for park dedication purposes".

Councilmember Murphy stated at the Work Session that took place on September 7th, his notes state that pocket park sizes range from 1-4 acres, which he got from the Interim Parks and Recreation Director. Tonight, he hears that it is 1-2 acres, and 3-4 acres is considered a neighborhood park. He was concerned if following through with rezoning and preliminary plat, they would not be able to revisit the size or location. City Attorney McCauley Nason responded that is correct. If the preliminary plat is approved as presented this evening, even with the addition of the language, any park would be located on Outlot A or Outlot B. She stated if there is a discussion the Council wants to have regarding alternative park locations, that would need to occur before final approval/consideration of the preliminary plat application.

Councilmember Murphy stated he was missing information and was leaning toward tabling this if there is a possibility that the other outlot provides for a larger park.

Mayor Bartholomew asked if Councilmember Murphy's thinking was that a pocket park was 4 acres when instead it is 2 acres. Councilmember Murphy responded that was a part of it. He questioned if there was enough land set aside for all of the families moving into the area. He has concerns about the size of the park more so than location. If the other outlot allows for a larger park, he is inclined to table to have Staff and the Developer explore further.

Mayor Bartholomew asked for more information on park size, pocket parks, and the possibility of a 4-acre park in that area. Community Development Director Rand responded based on conversations Staff has had with the Developer and HKGi, the proposal is for a park, not 4 acres in size, possibly 3

acres, which would be stretching it a bit due to the topography. She said she was told it would be between 1-2 acres for this development. She said Staff wants to give HKGi time to work with the Parks and Recreation Advisory Commission to provide concepts and determine what the best location is, in terms of which outlot. She said she was sure they would want to maximize the footprint and make sure there are connections with trails and sidewalks. She has never heard that this would be a location for a 4-acre park.

Mayor Bartholomew asked how quickly the Park and Recreation Commission would be able to hear this and come forward with their recommendations. Community Development Director Rand responded HKGi is evaluating all three proposed parks in tandem. She believes it would take 30-60 days. She said they are still working with At Home to determine the park location for that property. It is about connecting all three parks and the existing park currently under construction.

Mayor Bartholomew asked if moving forward and stating in the preliminary that there would be a park and the park would be a pocket park, if that defines the size. Or if finding a larger size, can they go beyond the 2 acres and find 4 acres. He questioned calling it a park, pocket park, or neighborhood park. He asked if the capacity is there and the Developer is willing, if they can go from 2 acres to 4 acres. City Attorney McCauley Nason responded she can't speak to the logistics of the size. The Council is requiring Park Dedication/Land Dedication in an amount not to exceed the maximum required under City Code. She was unsure of the maximum park size permitted. The issue is site constraints. If it turns out that a different location is preferred for the park, the Council is committing that the park is going to be on Outlot A or Outlot B.

Mayor Bartholomew asked if the formula or park size acreage was known. Interim Public Works Director Eckles responded from his perspective in working with other communities, outlots are public property, open space that will be an amenity just as open space. The question to consider would be what kind of amenities did they want to provide and to what level. In this area, those outlots are nice open pieces of property but would not be able to sustain large open flat play areas. There is a lot of terrain, there may be room for a little play structure if adjusting the grade.

He responded about a pocket park versus the neighborhood park stating most cities have gone away from the pocket park idea because they tend to have pretty small play structures that are not that fun for kids. Bigger neighborhood parks provide a bigger/larger play experience with more variety that tends to be a draw for a larger neighborhood. It usually serves several hundred homes. There would be lots of kids at those structures because parents will go a long way to get there. He offered an example in his neighborhood there is a pocket park that just sits there, mowed by the parks crew, but doesn't really get used. Further down the street is a neighborhood park that is busy with kids, strollers, a destination park. Those seem to be really attractive. He stated that's what cities have been working toward and moving away from pocket parks because they are a lot of maintenance and don't provide much service. Every neighborhood starts out with a lot of young kids, 5-10 years later those kids are older and not playing in pocket parks. Pocket parks become sparsely used. That's why neighborhood parks can grow with a neighborhood and the city can put resources there. They are a much better asset long term for a community.

Councilmember Murphy asked how big the neighborhood park was that Interim Public Works Director Eckles referred to in his example. Interim Public Works Director Eckles responded the neighborhood park near him is about 3.5 acres in size. The pocket park is about 1 acre. A neighborhood park may be able to accommodate a ball field, ice rink, green space, as well as a larger play structure with multiple different ages of equipment.

Councilmember Murphy stated he was curious about where all the parks would go in the Canvas Development, Argenta Hills, and Settler's Ridge, to have 4 acres and above for those families to go to. That's his big concern. It may not work in this area. He said they have discussed this item with development after development and they have one park that nobody can get to on that side of the road. He was unsure why this was in front of the Council when they do not have all of the information or details.

Mayor Bartholomew said he was getting the impression the Council may want to pause and discuss this at a later meeting with hopes of answering more questions regarding the park. He said he felt this was a good development. With the park dedication they get as much land as they can. If short on land, they receive the funds/difference. Whether it is 2 acres or 4 acres, he believes this is a good plan. While he is supportive of this, if Council wishes to bring this forward at a later date to address some of the issues, a Motion should be entertained or they can discuss rules and how quickly this would be back before the Council.

Councilmember Murphy stated he could vote on this tonight but would like more information. He would like to hear more from Lennar, from Staff, if this is possible, how much park land they can get, and then he would have information to make a decision.

Councilmember Gliva stated there are several things that are unknown. She agreed with Councilmember Murphy that one thing that is unknown is the actual plotting of the park. She said she wants to make sure everyone was noticed properly. She wanted to be sure everybody knew about the development and wants everyone on the same page. She said she would like to see whatever information they can get just to make sure everyone was notified.

City Attorney McCauley Nason stated she would be looking for a Motion to continue the two applications to a date certain. The dates for City Council Meetings in October would be October 11th or October 25th.

Councilmember Gliva asked if the Council could receive the information requested by October 11th. City Administrator Wilson responded the second meeting taking place on October 25th would get them beyond the Parks and Recreation Advisory Commission meeting and give more time to analyze. The downside to taking that date would be that a decision would have to be made that evening. There would not be any room left before the November 4th final action deadline.

Mayor Bartholomew asked if they can extend by consent of the Applicant as well as the Council. City Attorney McCauley Nason responded they may be able to extend with written approval of the Applicant past the deadline, or have a Special Meeting before the Work Session.

Motion by Gliva, second by Murphy to table: US HOME CORPORATION - Consider the following requests for property located west of Hwy 3 between 72nd Court and Auburn Lane:

1. An Ordinance 1418 rezoning the property from A, Agricultural District to R-1C/Single Family Planned Unit Development District.

2. A Resolution relating to Preliminary Plat and Preliminary Planned Unit Development for the plat of Highlands at Settlers Ridge consisting of 51 lots and two outlots.

to the October 25th, 2021 City Council Meeting for information requested as discussed between Councilmembers and concerns raised by residents. For example: Retaining wall, tree coverage, and notice.

Ayes: 5
Nays: 0 Motion carried.

C. Consider Approval of Rental License at 6381 Crosby Avenue.

Community Development Director Rand stated this is a Rental License Application Staff recommends approval of. A Background Check was completed by the Police Department as required.

Motion by Gliva second by Dietrich to approve a Rental License at 6381 Crosby Avenue.

Ayes: 5
Nays: 0 Motion carried.

D. Review two small area plans for 1) Argenta Small Area Plan and 2) South of Highway 55 Small Area Plan.

Community Development Director Rand stated Staff has been working on these small area plans with the Planning Commission, Ehler’s, HKGi, and a Market Consultant for almost a year. One of the small area plans is for an area just north of Highway 55 and west of Argenta. The other is for an area near Highway 55 and Argenta, before it turns into Yankee Doodle. The two small area plans involved a process that included input from property owners, stakeholders, the surrounding neighborhood, and Brian Harjes with HKGi. Additional guidance was needed above and beyond the Comprehensive Land Use Plan the Council approved. Staff wanted to provide comprehensive ways of looking at access in terms of trails, transportation, public infrastructure, how to fund this, and reflect market realities. This was an opportunity to get details above and beyond what is in a Comprehensive Land Use Plan along with guidance. She stated the intent this evening is for the Council to absorb the information by HKGi and ask questions. It would then come back before the Council on the Consent Agenda in two weeks. This is meant as guidance for the Community Development Department, Staff, and property owners to utilize going forward.

Brian Harjes, Landscape Architect, HKGi, 123 North 3rd Street, Suite 100, Minneapolis, provided a presentation of the planning process and some of the recommendations that came as a result of the Northwest Small Area Plan:

There were two rounds of community engagement. The first was to articulate the issues and opportunities in the area.

Issues:

- 3 distinct areas for consideration:
- Determined by their use, topography, relationship to adjacent areas.
- Extensive topography and grade change.
- Transportation network and development access.
- Desire to preserve some of the aesthetic of the northwest area.
 - The trees within the rolling topography.

Opportunities:

- Additional access off of Amana Trail that would allow for development access and not have to go directly through existing residential.
- Integrate and bring connections to the new neighborhood park space with an expanded trail area and a new neighborhood buffer area.

Existing Conditions:

- Proposed future land use has the area maintaining itself.
- Low Density Residential
- Low to Medium Density Residential
- Industrial
- Medium Density Residential
- Transportation components:
 - Argenta Trail construction planned in the next year.
 - Continue to look at access with Dakota County along Argenta Trail.
 - Long term plans for a potential grade separated crossing at Amana Trail and Highway 55. Look at one of the folded diamond components of the interchange that could potentially impact the north side.
 - Opportunity for a ¾ intersection.
 - Right in right out intersection.
 - New roundabout at 70th and Amana Trail.
 - The only other full access component for the development at the north side as it extends into Blackstone Vista.
 - One of the continued topics is how they can gain connectivity through this area.
- Sanitary Sewer and Watermain.
 - Early plans had shown an opportunity for sanitary sewer/forcemain connections, or gravity sewer.
 - Forcemain backup to the existing system.
 - Loop watermain with potential development in that area.

Part of the recommendations they came to for the plan were off of conversations with adjacent property owners and landowners in the area to look at specific areas.

- Area in the northwest:
 - Maintain similar development character to what Blackstone Vista would be.
 - This is a change from Low to Medium Density Residential to Lower Density Residential.
 - Be able to isolate utilities and infrastructure in this area:
 1. The area on top of the hill would be able to have gravity service to an existing lift station today. This allows to maintain some of the trees in the area.
 2. Conversations are continuing about acquisition of portions of a property for stormwater treatment.
 - Has been discussion with the landowner about maintaining his operation and access on Highway 55.
 - Gaining services from an expanded Joint Powers Agreement with the City of Eagan to get sewer and water to that facility.
 - Fire protection for that facility was the #1 concern from a city standpoint.
 - Met with the City of Eagan and feel like they can make those connections happen with an ejector pump system.

Councilmember Piekarski Krech asked if the City of Eagan was willing to discuss this now. She said a few years ago when the HyVee went in the city contacted them about hooking that landowner up, their response was no. Mr. Harjes responded they have spoken with the City of Eagan twice about this project and the area further to the south, that has a bigger impact to the Joint Powers Agreement. It

really only affects the two lowest elevation properties to be able to make that connection. All other areas would connect directly to the City of Inver Grove Heights for sewer and water.

- For the southwest:
 - Maintain access and provide sewer and water through the City of Eagan.
- In the southeast:
 - Multiple conversations were had with Dakota County Transportation about access.
 - Dakota County is going through a Roadway Regional Visioning Study that takes place through the whole northern section of the County from 494 down through Inver Grove Heights and portions of Eagan. This would be to better assess overall traffic volumes anticipated in that location.

He said they were not comfortable fully recommending access at Amana Trail at this time. They wanted to study that further to make sure traffic volumes would make sense.

- City and Staff, working with a resident in the area, identified the concern of additional trips that would be through the neighborhood and are recommending a near term roadway connection that would be able to be converted into a long-term roundabout combined off ramp scenario, if it were to be an interchange in the future.
- Looking at the opportunity to phase the property.
- There is currently a waste hauler in the area. That use could transition over time. The hauler is currently not interested in relocating. That is part of what the guidance is for the area.
- Looked at an opportunity to maintain the current configuration. In order to do that they would reduce the overall density on the site and go to more of a guided townhome development for less trips that would have to force their way back north to gain access to the roadway network.
- Looking at more of a higher density recommendation as a part of the overarching goal for the area.

Councilmember Murphy referenced a signalized intersection that was indicated on a map stating that would allow controlled access to the park. Mr. Harjes responded it would. He said he would be discussing that and the park. The timing of the signalization would be determined by the overall number of trips in the location. The County's concern near term is the stacking distance between Highway 55 and the intersection at Amana Trail and Argenta.

- Proposed Land Use:
 - Proposed Park/Trail/Open Space and Stormwater Treatment Improvements:
 - Preservation of some of the tree line.
 - Separates the high side from the low side.
 - Lower loop trail that could be integrated with the existing trail that sits to the north side and provides connections to the park.
 - Plans for the park:
 - Spoke with Dakota County. Their position on access crossings was they were concerned about the number of turning movements that would happen at the Amana Trail intersection with Highway 55. They suggested more of a mid-block crossing approach of Argenta Trail.
 - Allows a trail to work its way down a hill, connect to the trails of Argenta Trail, have a mid-block crossing, connect back up, and connect to Peltier Reserve.

- Sited to stay away from any of the turning lane configurations of Argenta Trail and provide adequate site lines for those coming down the hill. This was the recommendation from Dakota County.
- Financial:
 - With the higher density option there is more revenue generation to pay back some of the existing infrastructure already in place.
 - If going toward the medium density option, almost a pay for itself situation in terms of overall development revenue.

Mayor Bartholomew asked for clarity on what the County was requesting. He asked if the County was requesting midpoint access to the park and not guided/controlled. Mr. Harjes responded that was the determination between not having the signalized access at the time and having the midblock access be their preferred location. He said the County was concerned about the general amount of turning movements at the intersection. It felt like it had more conflicts for pedestrians.

Councilmember Murphy asked if there was a traffic count where a midblock crossing becomes a safety issue. Mr. Harjes responded he was unsure but requested that and the intersection and access be a part of the Regional Visioning Study and be documented with a final recommendation of where that would be located.

Councilmember Murphy asked if a bridge or tunnel has ever been a part of the conversation. Mr. Harjes responded not fully; cost is an issue. The concern would be if people would use it. Would people go up over and across, or if they would cross at the street.

Councilmember Piekarski Krech asked if the Visioning Study looked at Amana Trail crossing Argenta. Mr. Harjes responded yes, along with traffic volumes for the overall area system. It also looks at the extension in the southern growth area plan of Argenta Trail/Alverno.

Mayor Bartholomew requested additional information if there was an overview of the Phase 1 engagement. Mr. Harjes responded it was conducted remotely. A project website was created to take people through. Notifications were similar to 300 feet. It had people register for an online Zoom meeting. Background mapping was discussed at the initial meeting and issues and concerns were discussed with the area. The largest concern they discovered from residents was traffic through the residential neighborhood, preservation of some of the trees, and getting connected to the new park coming in.

Mr. Harjes discussed the southern small area plan South of Highway 55, stating the area consists of Highway 55, Yankee Doodle Road, Argenta Trail as it extends down, the City of Eagan border, and the City of Inver Grove Heights. It is predominately rural residential undeveloped land. An existing recent development was brought in with industrial uses, the UPS Distribution Facility in Eagan.

With the neighborhood meeting taking place items discussed/concerns were:

- Timing of the development.
- Some properties interested in developing earlier than others.
- Others intending to not develop for quite some time or at all. (These were either in the project area or adjacent).
- A lot of concern over the influence of the truck route from the UPS Distribution area. Turning movements coming out and using Argenta Trail rather than intending to go back through Eagan and out to Yankee Doodle Road.

- The long-term impacts of what Dakota County has as a regional roadway improvement for Argenta Trail that would diagonal down, connect with Alverno Avenue, and extend further south to make a stronger regional connectivity for the area.
- Overall utility costs of the timing of infrastructure in the location.

There are larger undeveloped tracks of land. The question is how to integrate some of the near-term interests with some of the longer-term aspects in the area and what that would look like.

Existing Conditions:

- Large cluster of steeper topography.
- Stormwater treatment basins.
- Land use guidance.
- Recent improvement that flipped it to Light Industrial.
- A cemetery area.
- Predominantly looking at low/medium density throughout the bulk of the study area.
- One larger basin that works its way down and back up to the north. It is the main component of stormwater treatment before it is pumped to the Marcott Chain of Lakes to the south and east.
- Watermain and Sanitary Sewer:
 - There is a Joint Powers Agreement with the City of Eagan.
 - One of the driving factors was the interest in development of a parcel near-term.
 - An additional study was done of elevation capabilities so there is enough gravity flow to connect to the existing system built in the City of Eagan.
 - A majority of it is in larger lot residential to the north. An existing lot with a homestead.
 - A section could not be served because of elevations through the existing manufactured home park.

He said a question was whether to analyze if it made more sense to look at expanding the JPA to allow a development to work. Drainage for sanitary sewer and water to the City of Eagan, or develop utilities and infrastructure from the City of Inver Grove Heights to fulfill that development.

- Conversations surrounded two properties for near term development.
- Others felt they were longer term.
- Current plans show a Lift Station. Additional easement would be needed in order to be a part of that infrastructure cost.

Proposed Development Concepts:

- Looked to areas to the east. Due to transportation network and the availability of development to help pay for additional infrastructure.
- Looked into an area to make sure they could come up with a focus for sewer and water infrastructure, and roadway infrastructure for the second phase of potential development.
- Near-term looked at more employment type uses in undeveloped areas as well as office or business park uses off of Yankee Doodle Road.
 - As that develops over time look at extending a collector roadway network with sewer and water services that would allow for development of some undeveloped parcels.
 - Particularly the 40-acre parcel to the south and the 60-70 acres.
 - Part of the conversation was to better help understand that network of roadways and how utilities and infrastructure could work.
 - Collector roadway system plays off realigned Argenta Trail based on the County Plan.
 - Areas of stormwater treatment that follow low areas of topography and the natural setting.
 - Looked at an opportunity for another neighborhood park more centralized around some of the proposed residential areas, existing areas to the south.

- Proposed Land Use:
 - An analysis was done on sanitary sewer. Looked at sanitary sewer and watermain in the area. It was about \$400,000 to the good to help pay.
- Proposed Park/Trail/Open Space:
 - Integrated network that follows the topography and roadway.
 - All would have trails on both sides of the road as well as the connector roadway connection back to a potential park location.
 - Dakota County is working for the Mendota Heights Greenway/Lebanon Hills Greenway Trail that follows the western boundary.
- Proposed Phasing:
 - Longer term development that would come from the City of Inver Grove Heights and include: sewer, forcemain, lift station, watermain extension, and collector roadway.

Mayor Bartholomew asked about a reference to pumping to the Marcott chain. Mr. Harjes responded there is an overflow just in case of a heavy event. Mayor Bartholomew said he thought there was a commitment to not move any water into the Marcott chain. Councilmember Piekarski Krech stated Marcott is to stay pristine. She has concerns about this plan because it looks like they are putting things here and there. She said they are beginning development in the northwest area. Jumping across the highway seems to be taking on more than they can chew. That goes against the whole idea of how one is supposed to do land development.

Mr. Harjes responded Councilmember Piekarski Krech makes a good point and is why they looked at doing a phased approach. It's known the areas to the east, the 40-acre property, is not interested in developing at this time. Longer term there may be an opportunity for development there. Another property owner is interested in development near term. An analysis to allow sewer and water to the City of Eagan could allow that to take place.

Councilmember Piekarski Krech commented they are putting in development where the rest of the area isn't ready for development. She said just because one owns land doesn't mean you get to develop outside of what the area is ready to develop. Mr. Harjes responded that was why they were having this conversation this evening.

Mayor Bartholomew stated the need to get an understanding about the Marcott chain. The understanding is to keep it pristine.

City Engineer Tom Kaldunski stated the facilities they are showing in this plan are all consistent with the city's Northwest Area Basin Study. With the Marcott chain, that would happen after a 10-day, 100-year snow melt. They would hold back a lot of water and pump only in rare occasions. It would be similar to what was done in the Canvas Development where it will pump sometimes, in extreme events.

Councilmember Piekarski Krech stated it was not filtered water. That would put contaminated water into the Marcott chain. City Engineer Kaldunski responded it would be treated and filtered before it would be pumped. It is treated with each development. It would only take place if there was so much water it would need to be moved someplace else. The likelihood is pretty miniscule, only in extreme events. Councilmember Piekarski Krech stated her concern is once water is contaminated it's never brought back.

Community Development Director Rand stated Staff felt strongly this additional guidance was needed. They have been getting inquiries, especially for office warehouse. Staff wanted to make sure they have

a planned approach. She said she understands if the Council would like more one on one time with Staff to walk through this. She is pleased there has been input from stakeholders and neighbors.

Mayor Bartholomew suggested having more discussion on a Work Study Agenda so they can spend time on this. He was not opposed to one-on-one time. He asked if there was a reason they want to move ahead quickly. Community Development Director Rand responded with some of the proposed development that may occur in the small area plan on the north side, a homeowner in that area was pretty anxious to get the results of the small area plan to help guide them. She stated there were some parcels/parties that have interest in sales and moving forward. She stated the Work Session Agendas are looking rather full for the rest of the year but could try to squeeze something in. When this was presented to the Planning Commission, it was approved unanimously. For that reason, Staff didn't see these as being controversial. There are parties concerned about development in general. Those would not be forced to develop. Staff knows they need the additional plan and guidance.

Mayor Bartholomew stated he was not looking for controversy, but knowledge. He wanted to make sure the five Councilmembers are on the same page and have full understanding about what the plan is and where they are going. He felt it was imperative to spend more time on this. He said he didn't know why they can't push this into 2022 for thorough vetting in a Work Session even if it means meeting on a Saturday

Aida Schaefer, 8420 Alverno Avenue, stated she has a number of concerns but particularly related to the cost. She asked who would bear the cost for infrastructure development. She was concerned about the impact it would have on them and their quality of life. They own 23 acres. They do not feel it is fair or right for them to have a brand-new connector road on their northern border which is currently a driveway, grass, and trees. Over the years with the realignment of Argenta Trail they have been told that it would go up and down following the power lines. Now Argenta Trail would be sweeping past what they have already given which is 30 feet along the length of their property for Alverno Avenue. It would go past their property line again and create a big marshy area.

She stated there would also be a watermain and sewer lines going through whether they want it there or not. There would also be a lift station. If there was a problem it would drain down to them due to the topography. She said all these things would be going through their property whether they want them or not, and they would also have to pay for it. She asked how that was possible. She said if those around her want to develop they should pay for it. It shouldn't be going through her property. She said they bought this land for the quality of life they have had there. It's an agricultural property. This should not be something so violating to them. She said there was another plan that showed a sewer line going right through the middle of their property. Another plan shows water lines going through their property at another location. She said they are being injured on their northern, western, and southern sides of their property. On the eastern side there will be issues in the future when there is development. She said they can't control what others choose to develop. She strongly opposes this being done to her property. She asked for understanding about why they should bear the cost. She stated they used to live on the Marcott chain and asked if those that do have been notified of the potential run off from this.

Tim Hill, 1565 82nd Street West, stated they moved to Inver Grove from Eagan in February 2019. It was their dream to move from their ¼ acre lot in Eagan to agriculture land for a place to keep their horse. He said it looks like that may be upended. He stated that Mr. Harjes has done a great job of communicating. He commented that he is not trying to stop anyone north of them from developing their property. If going from their home to the corner of the lot where there could be an industrial/commercial building, it's 75 feet. He said going outside of their property at 10:00 p.m., they

can hear trucks backing up all night long. Now it would be 75 feet from their bedroom. He said they haven't brought the horse back because they are unsure what would go on here. They don't want to spend \$30,000 putting in a paddock and horse stable to have trucks backing up 75 feet from them. He said there wasn't much in terms of noise abatement regulation between a commercial and residential property. He asked for consideration on this. He said a 6-foot cedar fence wouldn't cut it on that level. He stated if this goes in, they would be sitting there until they sell out to someone. The quality of life would be miserable. He said the newly aligned Argenta Trail was disturbing because it takes approximately 20% of his property towards the end. He said he and his kids ride dirt bikes and play golf out there, it's a great place to live. He said he wanted to share his thoughts and be a part of the conversation going forward.

Thomas Shaefer, 8420 Alverno Avenue East, said he understands some people want to develop. He agreed with Councilmember Piekarski Krech. Just because there is land doesn't mean they have the right to do whatever they want with it. He said if putting a road in the area and the person wants to develop, why not put it all through their property instead of right through his. He said there were 42 pine trees lining the lower part of his property. Those would be cut down. He suggested if the landowner wants to develop, slide the road over. The same applies to the top portion of his property that abuts someone wanting to develop. He suggested placing that road on the other property. He asked why they are taking from his own property, it made zero sense. He said he knows the Council hears this type of thing frequently, people come in mad about developing. He suggested the Council should listen. They do not need to keep developing constantly. He suggested focusing on the area and let those that have horse farms enjoy them, that's why they bought them. He asked the Council to represent him and his wife, not just the money coming in across the street.

Councilmember Piekarski Krech referenced the roads put into this plan and if it was the County plan or concepts. Mr. Harjes responded this plan is a reaction to a line on a map from a previous study from Dakota County. There would be a small cost share with the city of Inver Grove Heights to make that happen. He referenced another roadway stating the roadway is a reaction to this planning process. The previous roadway was a collector roadway that ran through the power line easement and along the back of properties was a significant cost and didn't benefit adjacent properties that wanted to develop.

Mr. Harjes responded to the cost question stating the analysis that was done for two properties would be able to carry the costs of the development shown including the roadway, infrastructure, and utilities.

Councilmember Piekarski Krech asked if it would pay for all utilities coming over under the highway. Mr. Harjes responded it would but the developments would have to come together to do it. For example, to get the lift station in and the forcemain back, a property would not be able to carry the cost alone, it would need to come in with another development of a certain size to make that happen. It balances enough, but doesn't add more to the coffers to pay off other infrastructure shortages in the northwest area.

Councilmember Piekarski Krech asked if that was determined off of today's rates. Mr. Harjes responded yes.

Mr. Harjes stated the timing of assessments for a property would be determined on roadway linear footage. City Planner Hunting responded with all of the development in the northwest area it was not assessed. The Developer would pay for the cost of all utility infrastructure to get it there. It's not assessed to any other landowner. The Developer would have to front the cost for it to happen with the lift station.

Councilmember Piekarski Krech responded to Ms. Schaefer's question stating the homeowner would not pay any assessments until developing the property, except for streets. The city cannot control what the County does with roadways.

Interim Public Works Director Eckles noted caution about saying they would never assess. For example, if someone needed water connection, a well went bad, or needed sewer. There are situations where a property that isn't developing is being assessed.

Ms. Schaefer stated they don't want the road, water, or sewer going through their property. They do not want to pay for it if it goes through. If it does go through, it goes through whoever wants to develop the land. She suggested putting it through the property of the one wanting to develop, not hers.

Dave Jansen, 7985 Argenta Trail, stated there was discussion about the urgency for Developers to see this. He doesn't believe that. He said this was built on something that wasn't zoned to be industrial. He said they can make things happen for Developers when wanting it to happen. He asked what the harm would be in taking time for additional public discussion. If this wants to be developed there are processes in place to develop it without having this plan. His plan is to stay at his location at least 10 years or until an offer makes it one that can't be refused. He said the writing is on the wall for his piece of land. He realized it when this was built, he's on an island. All the homeowners bought their land not only due to pristine lakes. He said he is sitting on an oak savannah that has been untouched other than his home. When he moved here, all properties were large homesites. He said it seemed to him that there was less discussion with residents on a section. Further discussion would be a good idea.

Grant Rabuse, 7940 Alberta Way, north of proposed light industrial. He said it doesn't seem to make sense to mismatch a plan of residential and light industrial without a complete comprehensive look. He stated they have fought this for a number of years. Every year a different way to try and develop this land comes through, he is really opposed to light industrial.

Cassandra Fries, 7920 Alberta Way, stated she and her husband moved to their new home in July 2020. They like the appeal of the area. She is very concerned with the area near her being developed to light industrial. She stated just because you own the land doesn't mean you can do whatever they want on it. She referenced the development by Target with .25 or smaller lots saying that wasn't what they were interested in. They have three small children and looked at this area as somewhere they could raise their children. She stated this was like a diamond in the rough to their eyes and want to see it preserved.

Community Development Director Rand stated Staff suggested this item come before the Council at the next regular City Council meeting. She said she is hearing that the Council may want further discussion at a Work Session. There is one in early October.

Mayor Bartholomew asked if this was going before the Planning Commission. Community Development Director Rand responded no. The Planning Commission has already recommended 100% approval.

Mayor Bartholomew stated he would like further discussion in a Work Session. A majority of the Council agreed. He suggested getting this set up as early as possible. Comments from residents this evening will be put in the record.

City Clerk Rebecca Kiernan stated there was one more comment from John T. Wendt that needed to be added into the record.

Motion by Dietrich second by Piekarski Krech to accept an email from Mr. Wendt into the record.

Ayes: 5

Nays: 0 Motion carried.

City Administrator Wilson asked if there was anything inherent that ties the north study to the south study. She said she heard a different level of questions and concerns about the southern Small Area Plan versus the northern. She asked if there was anything that would prevent the city from moving ahead and putting the north one out there as an indicator. She questioned if anything ties the two areas together. Mr. Harjes responded there wasn't. Conversations with Dakota County work globally with the Regional Visioning Study, impacts would still be different either way. The northern scenario looks at Amana Trail and how that works with the interchange configuration. South looks at the roadway alignment and configuration.

City Administrator Wilson stated Staff would look at upcoming Work Session's and see if it can be worked into one of those. They would also look into an additional session if necessary. Mayor Bartholomew agreed. He suggested notification of the Work Session even though people cannot make comments, they can still attend.

Mayor Bartholomew stated there would be no action on this item.

Engineering:

E. Consider Resolution Approving Proposal for Engineering Services and Authorizing Land Acquisition team to Secure needed Easements for City Project No. 2020-12, Argenta Trail Drainage Improvements (69th St. to 65th St. - Basin F-025). Resolution 2021-249

City Engineer Tom Kaldunski discussed the Argenta Trail Drainage Improvements, City Project 2020-12.

Project Overview:

- Project is located with 70th Street and the existing Argenta Trail from the four ways stop. A roundabout would be put in along with a new road.
- As a part of that they are looking to have stormwater drainage areas.
- A lake in the area has had an extremely high-water table.
- The County would be turning the roadway back to the city as a part of a JPA over the next two to three years.

Proposed Improvements South:

- Reduction in high water levels.
- Work will require coordination with an approval from wetland regulatory agencies.

Proposed Improvements North:

- Reduction in high water levels.
- Provides 2 feet of freeboard from road to high water level.
- Coordination with and approval from the DNR for a new outlet control structure and culvert out of F-022.
 - Also includes driveways that have been close to being flooded in the past.

He stated he has the Consultant in attendance from Kimley Horn, Mr. Ron Leaf, who has been helping and working together with the County on projects. He would discuss hiring them to do the design plans.

Preliminary Plans:

- New culvert at 69th Street with a level control structure on the north side.
 - Temporary culvert (higher) was placed to keep the road dry.
 - New one would be slightly lower with control structures to allow more water to get through.
 - 2 years ago, there wasn't a culvert that worked. Made some improvements. Will continue to making improvements.
- Replacement culvert at 68th Street.
- New culvert and channel grading north of 68th to Basin F-022 (Franke Lake) to eliminate flow restriction at the high point in the existing ditch.
 - System currently in place doesn't flow as well as it will once it is improved.
- New culvert at driveway as primary outlet for Basin F-022 (Franke Lake).
- New culvert crossing Argenta from east to Basin F-202b.
- Replace outlet control structure on Basin F-020b.
- Replace culvert under north driveway to F-025.

He stated the Cole property has a low spot that has been discussed as a very significant Regional Park the County is working on.

Preliminary Project Cost and Financing Plan:

- Estimated total project cost from the feasibility study for City Project 2020-12 is \$310,000.
- Proposed project utilizes funds from the larger improvements on CSAH 63 identified as County Project (CP) 63-27.
- Consistent with County Policy, the proposed improvement will be 100 percent County financed as part of the Jurisdictional Transfer of CSAH 63, subject to County Board and City Council approval.

Project Schedule:

- Improvement Hearing, Order Project: September 13, 2021
 - To note: Because there are no assessments due to the County paying all the costs, a Public Hearing does not need to be conducted.
 - This meeting is being offered as informational.
 - Notices were sent to residents along both sides of the road.
- Final Design and Easement Acquisition: September 2021 - February 2022
- Bid Opening: March 2022
- City Council Receives Bids and Authorizes Construction: March - April 2022
- Begin Construction: April - May 2022

Recommendations:

- Hold Public Hearing (More of an informational meeting at this time).
- Adopt Resolution
 - Order Project 2020-12
 - Authorize preparation of plans and specifications
 - Authorize land acquisition services

Mayor Bartholomew asked about the acquisition of easements and if they would belong to the city or the County. City Engineer Kaldunski responded they would belong to the city.

Mayor Bartholomew asked if they would have to go back to the County for more money if the amount goes over \$310,000. City Engineer Kaldunski responded they have not had the chance to get to that level of the JPA but his understanding was the County was providing all of the funding. Mayor Bartholomew asked if it was all funding to a certain number. City Engineer Kaldunski responded that has not been stated. It will be shown in the JPA.

Councilmember Murphy asked what the reason was behind doing all of this. City Engineer Kaldunski responded the purpose is to get rid of the issue they have had over the last five years with a wet period, the road has gone under water. City Code says they don't want roads going underwater. He said he has told the County he will not accept that road or recommend it to the City Council if it won't have two feet of freeboard. That is what is driving it. He has not heard that any houses were flooded as a result.

Councilmember Piekarski Krech stated one residence was close. She said the road had been closed for 2-3 weeks at a time. City Engineer Kaldunski stated there was no place to pump it to. They would be able to get gravity flow this way.

Motion by Piekarski Krech second by Murphy to approve Resolution 2021-249 Approving Proposal for Engineering Services and Authorizing Land Acquisition team to Secure needed Easements for City Project No. 2020-12, Argenta Trail Drainage Improvements (69th St. to 65th St. - Basin F-025).

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

There were no public comments.

8. MAYOR AND COUNCIL COMMENTS:

Mayor Bartholomew wanted to applaud all individuals that took part in and helped get Inver Grove Heights Day off and running into a success. He thanked the Inver Grove Heights Days Volunteer Group, Staff, Public Safety Fire and Police, Park and Recreation, all employees of the city and volunteers that stepped up to help. After one year off it was good to have a wonderful celebration for the city. He said he had attended a few of the events and noticed they were well attended. Other Councilmembers were in attendance as well as the City Administrator and other Staff members.

Councilmember Piekarski Krech echoed what Mayor Bartholomew said about Inver Grove Heights Days. She reminded everyone that Clean Up Day is coming up on Saturday, September 25th. This is an opportunity to get rid of unwanted items. Some things have a fee while others do not. Additional information can be located on the City Website or City Newsletter.

Councilmember Murphy stated one thing he noticed about Inver Grove Heights Days was how Staff, Public Safety, and Parks and Recreation interacted with kids.

9. EXECUTIVE SESSION:

**A. Closed meeting pursuant to Minn Stat. Sec. 13D.05, Subd. 2 to consider allegations or charges against individual subject to council authority in the police department (non-disciplinary).
Resolution 2021-250**

City Attorney McCauley Nason stated the Council is being asked to move into a Closed Session Pursuant to Minnesota Statute Sec. 13D.05, Subd. 2 to consider allegations or charges against an individual subject to the Council's authority (non-disciplinary) in the Police Department. This Closed Session must be open at the request of the individual who is the subject of the meeting if requested by the subject. She stated that individual has not made any request to the city at this time. This meeting must also be recorded. The Closed Meeting will be held in Council Chambers and will commence immediately upon passage of the Motion by the Council. Once the Closed Meeting is completed the City Council will reconvene in open meeting portion of tonight's City Council meeting where action may be taken by the Council regarding this item. She looks for a Motion to be made, seconded, and approved, by a majority of the Council to move into that Closed Session for the reasons described.

Motion by Gliva second by Dietrich to move into Closed Session at 8:53 p.m.

City Attorney McCauley Nason stated this is a Closed Session. The Council will reconvene in open session where action on this item may be taken. Being there are no other items on the agenda, it is anticipated the Council would take action related to the closed session and then adjourn the meeting.

Ayes: 5

Nays: 0

Mayor Bartholomew returned the meeting to Open Session at 8:54 p.m.

Mayor Bartholomew stated there is a Resolution regarding termination of an employee effective September 14, 2021.

Motion by Gliva second by Murphy to approve Resolution 2021-250 termination of an employee effective September 14, 2021.

Ayes: 5

Nays: 0 Motion carried.

10. ADJOURN:

Motion by Piekarski Krech second by Gliva to adjourn the meeting at 8:55 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Sheri Yourczek