

**ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
OCTOBER 3, 2023**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Pursuant to due call and notice thereof, a regular meeting of the Rosemount City Council was held on Tuesday, October 3, 2023, at 7:00 PM. in Rosemount Council Chambers, 2875 145th Street West.

Mayor Weisensel called the meeting to order with Councilmembers Freske, Essler, Theisen and Klimpel.

APPROVAL OF AGENDA

Motion by Weisensel **Second by** Freske

Motion to approve agenda

Ayes: 5.

Nays: None. Motion Carried .

PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGMENTS

None

PUBLIC COMMENT

Michael Pekarik

13572 Dellwood Way

Mr. Pekarik asked several questions regarding the proposed Meta facility and requested any action be postponed until residents approve of the plans. Mr. Pekarik also requested the two ordinance updates on the consent agenda be pulled as he wasn't able to determine the updates made.

Linda Nara

15039 Derby Circle

Ms. Nara recaptured an article stating there are similarities between the article and the proposed Meta Facility in Rosemount and the future of the area being a 15-minute city questioning how this is being funded and why it is needed in Rosemount. Ms. Nara also stated Rosemount has seen enough change for a while.

Jamie Tway

15669 Cornell Trail

Ms. Tway voiced concerns regarding the proposed Meta Facility; the history of the land, environmental and health impact, tax burden on residents and concerns about a non-disclosure agreement and concerns about why the public is first hearing about it now. Ms. Tway also questioned why Meta is interested in Rosemount and if there are Federal funds involved

for this project.

Al Viall

14235 Azalea Path

Mr. Viall voiced concerns regarding the proposed Meta Facility; concerns over the non-disclosure agreement, the environmental impact, impact on the electrical grid, impact on the water system and how Meta will handle toxic waste. Mr. Viall stated that as a candidate for City Council, he cannot support this project.

Kathy Pritchard

15703 Crystal Path

Ms. Pritchard recapped quotes stating Rosemount is a great place to live, work and do business. Ms. Pritchard has been connected and involved for many years in Rosemount and no longer feels Rosemount is on the right track.

Raul Estrata

8302 143rd Street West

Apple Valley

He expressed concerns regarding the proposed Meta Facility; does Rosemount do their own environmental report, what is the financial gain for the proposed facility and stated Senator Bernie Sanders was in the area recently and questioned if the visit was regarding the facility. He also stated how he works with a lot of communities and discussed the differences between multi-unit housing versus single-family homes and mentioned the number of homeless people and shelters.

Angela Zorn

15932 Garden View Drive

Apple Valley

Ms. Zorn expressed concerns regarding the proposed Meta Facility; specifically the non-disclosure agreement and why the public was left out of the negotiations for the land. Ms. Zorn stated she does not trust Meta and is skeptical about the City approving without the public asking questions.

Julie Barner

9836 Alaureate Court

Inver Grove Heights

Ms. Barner expressed concerns about the plans for UMore Park and the amount of growth it will add to the area. Ms. Barner also questioned the next chapter of development and does not approve of the UMore Property plans.

Michael Pekrik
13572 Dellwood Way

Mr. Pekrik expressed concerns about losing the small town feel and requested to put the proposed Meta center on hold in addition to the two proposed ordinance updates on the consent agenda.

Robert Hendel
3355 Upper 143rd Street West

Mr. Hendel expressed concerns regarding the additional growth and the maintenance of keeping up with the roads and whether residents' taxes would go up. Mr. Hendel also expressed concerns about not receiving public notice of a meeting.

Lisa Lyons
16213 Hominy Path
Lakeville, MN

Ms. Lyons stated she is here to support the others present and request to ahold on the project as there are a lot of concerns regarding the project.

Public Comment closed at 7:48 p.m.

RESPONSE TO PUBLIC COMMENT

Mayor Weisensel provided a statement in response to the September 19th regular meeting:

"Thank you for being here today. I want to take some time to address the questions that were raised at, and since, the council meeting last week regarding Project Bigfoot and our work with Jimnist, LLC., the history of its development, and the current issues in play. Because most of the issues brought forward will apply to any business inquiry and development project that comes before the city, I will answer questions through the broad lens of Community Development. First, I'll talk about the how, then the why, and finally, some questions specific to the land in question. Please be aware that these answers are available in writing, by request.

Regarding Why Cities Utilize Code Names in Development: Large companies are often sensitive to news of their location and growth plans getting out ahead of official announcements. Plans often have competitive implications for real estate negotiations, employee retention (if a relocation is being considered), and potential impacts to stock prices if development plans change or are released ahead of schedule. The reality is that businesses typically "shop around" until they are fairly certain that they have found the right spot to develop. Their goal is to minimize the risk and financial investment until they have done their homework. This homework includes working with the City to analyze planning and zoning requirements, public infrastructure such as roads or energy requirements, researching real estate availability, workforce needs, and any potential conflicts, just to name a few. While confidential transactions are common in the site selection and real estate development industry, government is associated with transparency and publicly available information. Because actions taken by city commissions and City Council are open to the public, certain businesses are often hesitant to make applications to the City until they are well-along their own process of site selection and due diligence. So code names and NDAs are quite common in pre-approval

stage. Like many projects our Community Development team works with, it is not about the “who”. We are required to focus on what type of business it is, if and how it integrates into the growth plans of the community, and whether it conforms with City Code. For example, if a hamburger restaurant wants to develop in Rosemount and meets all code and development requirements, they will move through the development process regardless of whether they are White Castle or Smash Burger or Outback Steakhouse.

Developing in a smart, safe, and intentional way requires planning. The Comprehensive Plan guides our work and plans for the future, as required by the Metropolitan Council. The Comprehensive Plan does not force any outcome. For example....if land is currently zoned agriculture, but guided for business development in the future, the land would not change to business park until the owner applies for that change via a rezoning application. At that point, it is their choice on who they sell to. Rosemount’s Comp Plan offers a Future Land Use Plan that guides development opportunities as they arise. For example...UMore land has been used for agriculture research for many years. When the University’s Board of Regents decided to sell land, our Land Use Plan allows for a change in zoning from Ag to Business Park in order to align with the 2040 Comprehensive Plan. In this case, the University also has a land use plan for their real estate holdings. Per the University: “In 2015, the University's Board of Regents adopted a resolution guiding the future development direction of UMore Park. The University pivoted at that time from the 2008 Concept Master Plan that was quoted at the Council Meeting to a market-based approach to land sales. The future development at UMore Park is guided by the City's Land Use Plan and the AUAR [a document which studies environmental impacts].”

Why Rosemount? Development is a key goal of the City Council and has been for many years. Development brings jobs, services, and growth to Rosemount. These items are highly desired by many of our citizens as we’ve heard through public meetings, citizen surveys, and personal interactions since I’ve been on the city council. Development helps to increase the tax base for our city. This helps to distribute the tax burden and allows us to offer more services. For example: University of Minnesota has owned the UMore land for decades. Because it is a public university, they do not pay taxes on the land. The new land use designation of Business Park will prompt any new ownership to pay taxes on the land – bringing in more funding for amenities and services while decreasing the cost of services for residents. Rosemount is highly desirable to businesses because we have the last remaining parcels of land available in the Twin Cities metro. We have proximity to main highways, the airport, the river, etc. Finally, we were able to work with the University to answer some project specific questions regarding land and cultural implications of this project.

Regarding Environmental Concerns at the UMore Site. Per the University: “The University has completed a Remedial Investigation of the UMore Park Property under the supervision of the Minnesota Pollution Control Agency. As part of the Remedial Investigation, the University held public meetings in Rosemount to share the results. The complete reports can be found on the University's website.” “As a result of these investigations, the University does not believe there are any environmental issues with the 280 acres and expects that Jimnist has completed its

own environmental investigation of the property as well.”

Regarding Water usage at the proposed site: Every business has varying needs for water usage. Similar to our previous explanation on land use, our development practices guide us to make decisions and requirements based on current and future infrastructure needs throughout the entire city. As Rosemount develops to the East, we are constantly assessing the infrastructure demands that fit into our city planning. Regardless of WHO makes an inquiry, our planning process will be guided by the WHAT of a request. Specifically, does the proposed project work within the boundaries of what our current or planned infrastructure can handle. We expect this project to utilize water resources in the same range as other light- industrial properties we currently have in Rosemount and within the parameters forecasted for the City’s forecasted and permitted water use.

Regarding Cultural Concerns at the UMore Site: Per the University: “This broader area of Dakota County is situated on the traditional homelands of the Dakota. This 280-acre parcel has been used for agricultural purposes for decades. The Alternative Urban Areawide Review (AUAR) determined there were no historic or archeological sites on this 280-acre parcel.”

We appreciate everyone who has come forward with questions and concerns. Hopefully this response helps to clarify that we are driven by clear guidelines and process that keep us focused on the WHAT and not the WHO in business development. By abiding this framework as we work with business and landowners, we are supporting a free market economy, land use rights, and continued investment in a strong and successful future for Rosemount.”

The comments at tonight's public comment period will be discussed at the next regular meeting.

CONSENT AGENDA

Mayor Weisensel acknowledged the request for items 6.c. and 6.f. to be removed and noted for item 6.c. the updates are related to compliance and the regulations will impact any developer coming forward.

Motion by Council Member Theisen **Second by** Council Member Essler

Motion to approve consent agenda with items 6.c, 6.f. and 6.h. removed

Ayes: 5.

Nays: None. Motion Carried.

- a. Bill Listings
- b. Minutes of the September 19, 2023 Regular Meeting Minutes
- c. Amendments to City Code, Title 10: Water Resources

Mayor Weisensel further explained the code update; noting the updates are to come into compliance with the Minnesota Municipal Separate Storm Sewer System and Construction Stormwater National Pollutant Discharge Elimination System.

Motion by Council Member Essler **Second by** Council Member Theisen

Motion to Motion to adopt resolution approving summary publication of amendments to Title 10 of City Code and **Motion** to approve Rosemount amendments to Title 10 of City Code.

Ayes: 5.

Nays: None. Motion Carried.

- d. Declaration of Surplus Property
- e. Resolution for Counting Write-In Voters for Local Elective Office
- f. Amendments to City Code, Title 3: Business Regulations

Mayor Weisensel further explained the code update, noting the updates are not to be more restrictive than state statute for establishments with a liquor license wanting to include a patio area.

Motion by Council Member Theisen **Second by** Council Member Klimpel

1. **Motion to** Adopt an Ordinance Amending City Code Title 3 Chapter 1 Relating to Liquor Regulations
2. **Motion to** approve a Resolution Approving Summary Publication of Ordinance 2023-04 Relating to Liquor Regulations

Ayes: 5.

Nays: None. Motion Carried.

- g. Appointing Deputy City Clerks for Election Purpose
- h. Appointment of Election Judges for 2023 Election

Councilmember Klimpel abstained from voting as she is a candidate on the November 7th ballot.

Motion by Council Member Theisen **Second by** Council Member Essler

Motion to Motion to approve the attached Resolution appointing election judges and officials for the 2023 Election.

Ayes: 4.

Nays: None. Motion approved .

- i. Accept Public Street and Utilities - Emerald Isle 3rd Addition
- j. Donation Acceptance from Xcel Energy

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ANNOUNCEMENTS

a. City Staff Updates

Chief of Police Dahlstrom highlighted the kickoff of the annual Pink Patch Project.

b. Upcoming Community Calendar

Mayor Weisensel reviewed the calendar of events and upcoming meetings.

ADJOURNMENT

Mayor Weisensel allowed the following resident to speak briefly:

Sharon Peterson

13721 Danbury Path

Ms. Peterson encouraged the public to come to public meetings and engage. Ms. Peterson also recommended more notice for agendas and public notices and to include descriptions that are understood by the general public.

Mayor Weisensel stated there is always way to improve on what we are doing. Mayor encouraged residents to review the website and to connect with staff for any specific questions or comments on the agenda.

There being no further business to come before the City Council at the regular council meeting and upon a motion by Weisensel and a second by Freske the meeting was adjourned at 8:19 p.m. The City Council will reconvene to their work session at 8:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erin Fasbender", written in a cursive style.

Erin Fasbender
City Clerk