

**ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
OCTOBER 17, 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 17, 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

City Administrator Martin noted item 6.g. would be pulled from the agenda until further information regarding the amendment is available.

Motion by Weisensel

Motion to approve the agenda with 6.g. pulled until further discussions with the consulting engineer take place

Ayes: 5.

Nays: None. Motion .

PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGMENTS

None

RESPONSE TO PUBLIC COMMENT

City Administrator Martin noted the "response to public comment" will be before "public comment" going forward. The change will allow responses to be heard first and the public the ability to provide public comment at the same meeting.

City Administrator Martin stated at this time there is currently no project application for the City Council to take action on at this time. Mr. Martin stated the project that has been of concern most recently during public comment is Project Bigfoot, a property which has been viewed by developers for many years. However, recently the university made the decision to sell the land and that is why developers and potential projects are coming forward now. Mayor Weisensel commented a project of this nature has been in the City's strategic plan for a long time; the City Council is pro-growth and pro-business. In the upcoming newsletter, which will be distributed to every homeowner, it will include a deep dive into community development. Handouts of this newsletter are also available in the Council Chamber this evening for the public to take.

Community Development Director Kienberger stated the land on the east side of Rosemount aligns with our City's comprehensive plan and has been in place for many decades. Mr.

Kienberger noted, when an application comes in for development, the focus is not on who is applying, rather the focus on what type of development is applying. The comprehensive plan keeps the City on track and ultimately will lead to investment in Rosemount.

Councilmember Essler spoke about the comments received at the past couple of council meetings. Councilmember Essler noted the City Council represents all of Rosemount and not just the individuals in the room providing public comment. This council wants engagement with the community and noted engagement means listening to different perspectives and that is why "public comment" is offered at City Council meetings. Councilmember Essler stated the council hears the concerns and the residents must trust that the City Council will represent all residents. Councilmember Essler commented that growth is inevitable, but the Council continues to work to keep the hometown feel.

Councilmember Theisen commented he hears loud and clear from residents regarding Project Bigfoot and stated the importance of engagement. Councilmember Theisen stated that staff does make sure the City is developing in smart and intentional ways. Councilmember Theisen stated the City will highlight when we know more, as the City wants to make sure we are transparent.

Councilmember Freske agrees with the other councilmembers' statements and added that Rosemount has a lot of available land for sale and Rosemount is close to the airport and highways. The council is consistently pushing on how to continue moving forward and being very deliberate as the council is trying to do what is best for the entire community.

PUBLIC COMMENT

Mayor Weisensel noted based on the past meetings public comments, to be mindful that there is currently no project in place and each individual who chooses to speak is limited to 3 minutes.

Kathy Pritchard
15703 Crystal Path
Rosemount, MN

Ms. Pritchard noted she has spoken before at public comment and stated council and staff have been very responsive with all of her questions. Ms. Pritchard expressed concern over the Council still taking action on the Title 10 ordinance changes at the last City Council meeting when a member of the public spoke at public comment requesting the council to not take action until the items can be further reviewed by the public. She believes this prevented the public from being engaged and informed.

Mayor Weisensel noted the two title changes were reflected in the packet and one title change was regarding patio liquor regulations and the other title change regarding water resources was to come into compliance with the state guidelines.

Linda Nara
15039 Derby Circle
Rosemount, MN

Ms. Nara had concerns regarding the response to the public comment, "No project in place", as there was a recent article in the Star Tribune. Ms. Nara stated, based on her professional experience, once a project hits the paper, work is done on the site. Ms. Nara expressed concern over Xcel Energy on the proposed project site recently.

Community Development Director Kienberger stated the public utility commission took action to give power to the site. Mr. Kienberger also noted there is always routine work taking place within UMore property as part of their regular maintenance schedule.

Councilmember Essler added the property is owned by the University of Minnesota and they are doing their due diligence if they want to bring this project forward to the City Council.

William Kiefer
3245 145th St W
Rosemount, MN

Mr. Kiefer questioned that if there is not a project submitted, what are we talking about?

Mayor Weisensel explained there is concern over a potential project, Project Bigfoot, but the applicant has not yet come forward with an application.

Lance Klimek
12900 Amien Cir
Rosemount, MN

Mr. Klimek recently moved to Rosemount and recapped how many years ago it would take 30 minutes to get to the nearest Target and now a resident can be to Target in 10 minutes, without too much hardship. Mr. Klimek noted Rosemount is positioned to see more changes in the coming years and residents put a tremendous amount of trust in City Council. Mr. Klimek is pleased to see Rosemount grow and welcome new opportunities.

Mr. Klimek questioned if the city has projections for the UMore Park portion of its tax capacity similar to what the City illustrates for Flint Hills?

Community Development Director Kienberger said a city's tax base is more resilient when diversified.

CONSENT AGENDA

Motion by Council Member Theisen **Second by** Council Member Freske

Motion to approve the consent agenda with 6.g. removed and items 6.f., 6.i. and 6.l. pulled for further discussion

Ayes: 5.

Nays: None. Motion Carried.

- a. Bill Listings
- b. Minutes of the October 3, 2023 Regular Meeting Minutes
- c. Minutes of the October 3, 2023 Work Session Proceedings
- d. Donation Acceptance from American Legion Post No. 65 - Police Department
- e. Donation Acceptance from American Legion Post No. 65 - Fire Department
- f. Hiring New Firefighters

Councilmember Theisen pulled this item to further recognize the new firefighters.

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

Motion to Staff recommends the City Council authorize the hiring of additional fire fighters as presented.

Ayes: 5.

Nays: None. Motion Carried.

- g. Engineering Services Contract Amendment for 2023 Neighborhood Improvement

City Administrator Martin pulled this item for the agenda until further information can be provided regarding the proposed amendments.

- h. Land Exchange Agreements
- i. Appointment of Additional Election Judges for November 7, 2023 Election

Councilmember Klimpel pulled this item to abstain from voting as she is a candidate on the November 7, 2023 ballot.

Motion by Council Member Freske **Second by** Council Member Theisen

Motion to Motion to Approve the Attached Resolution Appointing Additional Election Judges for the November 7, 2023 Election

Ayes: 4.

Nays: None. Motion Carried.

- j. Bella Vista Greenway Trail Project - Change Order
- k. Declaration of Surplus Property – Parks and Rec
- l. Life Time Facility - Change Order #

Councilmember Essler pulled this item for further discussion. Councilmember Essler questioned the need for the changes. City Administrator Martin noted the concrete additions were not known at the time of bidding, but explained the project is progressing well and the project is still on track to stay within budget.

Councilmember Essler requested staff to pass along to the contractors that these updates should have been completed as part of their due diligence when bidding as this change order is not easily accepted.

Mayor Weisensel suggested deferring this item until further information can be provided regarding the reasoning for the change.

Motion by Council Member Essler **Second by** Council Member Klimpel

Motion to defer Change Order until further back up is provided

Ayes: 5.

Nays: None. Motion Carried.

- m. Joint Powers Agreement with Dakota County - Absentee Voting Administration Services in 2024 and 2025
- n. Approval of the Amber Fields 13th Addition Preliminary Plat and a Minor Amendment to the Planned Unit Development Agreement

PUBLIC HEARINGS

a. Schafer Richardson Conduit Financing Authorization Request Amendment

Community Development Director Kienberger explained Schafer Richardson is pursuing development of a workforce housing multifamily project within the Prestwick Place development at the northeast corner of Akron Avenue and Connemara Trail. As part of their development plan, they are assembling an array of financing and are requesting the city grant them authorization to secure conduit financing with the City of Columbus, Minnesota. The City Council took action to approve this item after holding a public hearing on July 24, 2023.

The Borrower has determined that it needs to increase the principal amount of the Obligations to be issued on a tax-exempt basis by an additional \$6,000,000. Due to this increase, the City Council is required to conduct another public hearing to satisfy the requirements of state and federal tax law. The letter of explanation provided by Kennedy & Graven is included in the council memo.

Mayor Weisensel opened the public hearing at 7:47 p.m.

Motion by Mayor Weisensel Second by Council Member Essler

Motion to close the public hearing

Ayes: 5.

Nays: None. Motion Carried.

Motion by Council Member Theisen Second by Council Member Freske

Motion to approve the attached resolution providing host approval for the issuance of revenue obligation bonds by the City of Columbus for the benefit of Adalyn Avenue, LLLP.

Ayes: 5.

Nays: None. Motion Carried.

b. Request by SKB Environmental for an extension of its current Interim Use Permit

Senior Planner, Nemcek, presented the request from SKB Environmental who applied for a new interim use permit (IUP) that includes an expansion of the current operation where the City Council approved SKB's current Interim Use Permit in 2018 with a term of 5 years. SKB applied for and received approval for a new IUP that includes an expansion of the current operation. That approval was conditioned on receiving the necessary permits from the Minnesota Pollution Control Agency (MPCA). There has been a delay in review process at the MPCA which is resulting in the need for an extension.

Staff has reviewed the correspondence between the MPCA and SKB and finds an extension of the current IUP approved in 2018 to be justified.

Councilmember Klimpel noted this delay is outside of staff's workings.

Mayor Weisensel questioned whether SKB has been fully compliant under their current IUP and staff confirmed SKB has been in compliance.

Mayor Weisensel opened the public hearing at 7:53 p.m.

Ryan Ogara
251 Starkey Street
St. Paul, MN

Mr. Ogara, SKB representative, thanked staff for moving so quickly to grant an extension as this is needed for SKB to stay in operation.

Motion by Weisensel Second by Klimpel

Motion to close the public hearing at 7:55 p.m.

Ayes: 5.

Nays: None. Motion carried.

Motion by Council Member Klimpel Second by Council Member Essler

Motion to **Motion** to adopt a resolution approving an extension of the 2018 Interim Use Permit for SKB Environmental.

Ayes: 5.

Nays: None. Motion Carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

a. PD PW Campus Update and Change Order Package #1

City Administrator Martin provided an update on the latest status of the campus project as the project continues to progress quickly. In order to keep the City Council and community updated on the project, staff will provide a monthly report to the City Council, i.e. change orders, status updates, etc. as the current policy allows the City Administrator to execute change orders up to \$50,000. Mr. Martin confirmed the auditors are comfortable with the process of this operation.

Mr. Martin discussed the 3 change orders before Council this evening; Structural Steel Clarifications - this change was always anticipated as the full structural design wasn't known prior to Bid Package #1. Verkada Camera / Door System Change - will provide significant functionality and security improvements to the previously selected camera and door access system. This system will better align with the overall system utilized at city facilities. Tekton High Density Storage as it provides a critical storage system in the Police Evidence Area. This item was previously removed from the design to reduce the project's budget. However, it is strongly desired and positive bids in other areas allow for this re-addition to the project.

Councilmember Theisen asked if this project is still on track to stay within the budget and staff confirmed the project is still within budget.

Councilmember Essler has concerns about why some of the changes are already fully approved in the change order summary statement. Staff said this was likely due to the lead time and in order for the

project timeline to stay on track, the items had to be ordered.

Councilmember Klimpel noted the deviation from policy and that there are controls in place for tax payers and if there is a policy in place to follow it.

Chief of Police Dahlstrom suggested deferring several of these questions to the Construction Manager (CM) in the future and the CMs being present at these meetings to provide further clarification.

Mayor Weisensel stated he understands the urgency of placing orders on these items. However, the City Council is always available for a special meeting to act on change orders quicker.

Chief Dahlstrom discussed the significant amount of staff-time taken to review the proposed cameras and made the change to provide more significant functionality which will align with the overall system utility at City facilities and Chief Dahlstrom stated there should be action to approve these cameras now versus delaying the change.

Staff confirmed the original bids came back favorable and that is another reason for several of these change orders.

Motion by Council Member Theisen **Second by** Council Member Freske

Motion to authorize Change Order Package #1 for the Police and Public Works Campus project through October 2023 after hearing all the information from both directors and Administrator Logan Martin

Ayes: 5.

Nays: None. Motion Carried.

Mayor Weisensel noted this does not change our current policy of City Administrator to execute change orders up to \$50,000, but with the understanding that if there is a time-sensitive decision to be made, at least the Council is made aware of the proposed change. City Administrator Martin noted, based on tonight's conversations, he does not foresee using this authority in the future.

Moreover, staff will call a time out on the project until the change order is approved.

ANNOUNCEMENTS

a. City Staff Updates

None.

b. Upcoming Community Calendar

Councilmember Freske noted the upcoming Halloween Trail on October 28th at Central Park.

Councilmember Klimpel highlighted the "Spooktacular Trail Map" on display around Rosemount.

Mayor Weisensel reviewed the calendar of events and upcoming meetings.

ADJOURNMENT

There being no further business to come before the City Council at the regular council meeting and upon a motion by Weisensel the meeting was adjourned at 8:42 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erin Fasbender". The signature is fluid and cursive, with the first name "Erin" and last name "Fasbender" clearly distinguishable.

Erin Fasbender
City Clerk