

**ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
DECEMBER 5, 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, December 5, 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.k. was added to the consent agenda to change the next City Council meeting date from the 19th to 21st. The entire agenda will be moved.

Motion by Weisensel

Motion to approve the agenda

Ayes: 5.

Nays: None. Motion carried.

PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGMENTS

None

RESPONSE TO PUBLIC COMMENT

a. Update on Jimnist LLC submittal (Project Bigfoot)

Senior Planner Nemcek thanked City Council for the additional time to provide an update on the working taking place by Jimnist, LLC specifically regarding the Alternative Urban Areawide Review (AUAR). Mr. Nemcek explained the AUAR process is a hybrid of the Environmental Assessment Worksheet (EAW) and Environmental Impact Statement (EIS) that is often used when a large area is to be developed, i.e. Prestwick Place. Once the AUAR process is complete, future projects within the AUAR boundary do not require individual EAW and EIS documents. An AUAR must be updated every 5 years to incorporate development that has occurred within AUAR area and any changes to state and federal laws.

Mr. Nemcek recapped discussions and action taken by the Planning Commission on November 28th; prior to the meeting, development consultants noted the project was able to proceed under the existing AUAR drafted in 2013 and updated in 2018. Following the planning commission meeting, staff and the project team agreed that a conservative approach with a pause to allow completion of the AUAR update prior to the City Council considering approvals, as recommended by the Planning Commission, was the best course of action. Staff noted, this project is subject to the same review criteria and process as other projects that have come before the city in recent years.

Mr. Nemcek explained objections may only be filed by agencies if the agency has evidence that the

revised document contains inaccurate or incomplete information relevant to the identification and mitigation of potentially significant environmental impacts, or that the review has not analyzed sufficient development scenarios as required by this part, or that the proposed plan for mitigation will be inadequate to prevent potentially significant environmental impacts from occurring.

City Administrator Martin noted the most recent update was adopted by Council for this area on October 16, 2018 and an update was initiated by City early in 2023, and drafted in May 2023, but delayed allowing the University time to comment on the update. Mr. Nemcek stated the UMore Park Mitigation Plan incorporated into City's 2040 Comprehensive Plan; accounting for transportation, water, sewer, and stormwater plans within UMore Park.

Prior to any Final Decisions by Council within UMore Park AUAR Area, update needs to be adopted by Council. A review period of 10 business days is required, with no Council action until 15 calendar days after publication in EQB Monitor and publication was made on December 5 means Council must wait until after December 20 to adopt AUAR prior to taking any final actions on projects within AUAR Area. Staff will provide a thorough update of the review prior to Council taking any action.

Councilmember Theisen questioned the higher-level impact an AUAR has on the land and staff confirmed the AUAR provides a more in-depth and inclusive review regarding everything on the property.

Councilmember Essler questioned the agencies responsible for doing the AUAR. Staff noted the process is a joint effort between the developer and the city. Staff noted many agencies review the document and staff experts review for accuracy and completion prior to distributing to council for final approval.

Councilmember Klimpel stated her appreciation for the additional information and thanked the planning commission for their time reviewing the project.

Public Works Director Egger elaborated on the recent action taken on a code update regarding title 10 which led to stormwater being removed from the code. Mr. Egger stated the term didn't appear anywhere else within the code and stated stormwater regulations have gotten more stringent overtime. Any development plans are reviewed and expected to meet the standards, or the projects won't get approved.

Councilmember Essler provided a statement in response to the public comment that was given at the recent City Council, Planning meetings and open house; specifically stating, the City Council appreciates the engagement. However, engagement includes listening to both sides and not expressing concerns and leaving. Councilmember Essler also stated when a developer purchases the land, they must do the work to ensure the property isn't different then what they thought they were buying.

Councilmembers stated they are looking out for all the residents in the community, the Planning Commission's responsibility is to be diligent in reviewing the projects to ensure they meet the requirements before the project goes to council and the City Council has the fiduciary responsibility for considering the projects.

PUBLIC COMMENT

Mayor Weisensel opened the floor for public comment and reminded the audience the City Council is not taking any action on Project Bigfoot this evening.

Paul Timmerman

13848 Belmont Trail

Mr. Timmerman addressed his concerns regarding safety and civility in Rosemount. Mr. Timmerman recapped recent comments that were expressed at the past planning commission meeting and stated particular ones were a threat of violence and noted violence is never the answer.

Erik Martin

15702 Crystal Path

Mr. Martin stated it was helpful to get a full explanation of what an AUAR is this evening. Mr. Martin questioned if an AUAR was done several times, but the area of land had not determined its use. Shouldn't a complete review be done once the use is established?

Karin Miller

17985 Jacquard Path

Lakeville, MN

Ms. Miller expressed concerns regarding the process and residents were shut out of the process due to the non-disclosure agreement. Ms. Miller stated that City staff had been working with the project team for quite some time which led to confusion for the public. Ms. Miller believes this sort of a project should be brought to the residents for a vote on the project. Ms. Miller appreciated the planning commission and commissioner Whiteman on the statements made regarding the AUAR expiration the past Planning Commission meeting.

Steve Turney

Former Burnsville Council member

Lonsdale, MN resident

He stated he was a former council member in Burnsville and questioned why the council would say no to this project.

Kayla Hauser

145659 Dahomey Ave West

Ms. Hauser thanked Planning Commissioner Kurt Whitman's comments at the Planning Commission November meeting. Ms. Hauser then expressed concern over Project Bigfoot environmental impact and referenced a CNN article detailing lawsuits involving Meta. Ms. Hauser expressed her concerns about keeping children safe from online bullying and advertising.

Sharon Brown
4425 Summer Court
Eagan, MN

Ms. Brown confirmed her son was referenced during the planning commission meeting where she shared, he had been out on the property before and found lead and stated the lead still remains and suggested Council members think about the safety of the soil before signing an agreement.

Mayor Weisensel ended public comment at 7:46 p.m.

Community Development Director Kienberger further discussed the process of an AUAR and informed the public interested should refer to the presentation Senior Planner Nemcek presented at the beginning of the meeting. The slides will be available during the recording. City Administrator Martin responded to a comment regarding the timing of AUARs and noted they can happen before or after development has occurred. Mayor Weisensel also stated there has been years of investigation done and to feel free to reach out to the University of Minnesota with further questions.

Councilmember Essler responded to a park dedication fee comment, noting this is a fee associated with every developer and if the developer is not building a park on the property, they pay a park dedication fee in lieu of having a park.

CONSENT AGENDA

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

Motion to approve consent agenda

Ayes: 5.

Nays: None. Motion Carried.

- a. Bill Listings
- b. Minutes of the November 21, 2023 Regular Meeting Minutes
- c. Minutes of the November 21, 2023 Special Meeting Proceedings
- d. 2024 Community Waste Abatement Grant Agreement
- e. Set Meeting Schedule for 2024
- f. Donation Acceptance of community donations for Heroes and Helpers Event
- g. Donation Acceptance from Hosanna Church for the Police Reserves
- h. Designation of Polling Places for 2024 Elections
- i. Approve Water Service Repair Assessment Request - 13219 Danner Path
- j. Approve Amended JPA for the Diamond Path Roundabout
- k. Council Meeting Date Change

PUBLIC HEARINGS

a. Establish 2024 Budget and Levy

City Administrator Martin presented the City's Final Operating Budget and the Levy for 2024 highlighting the following; record breaking growth in value of new construction, City's tax capacity valuation increased by 10.9%, new construction saved pre-existing homeowners \$61 on their taxes, Police / Fire Budget accounts for 34% of the City's overall budget and the median valued home with no assessed value increase would see taxes decreased by \$7 from this Budget.

The 2024 Budget shows an increase of 9.67% (\$1,608,496) to the Operating Budget, which results in a 7.31% increase (\$1,066,765) in the property tax levy. This levy amount is an approximately 0.60% reduction from the September work session based on the Council's direction. The City's recent debt issuance for the PD PW Campus project results in a 4.5% levy increase, making the cumulative levy increase 11.74%.

In 2024, the median home value is estimated to be a 4.99% value growth over last year's median home value. This is a significantly lower increase in valuation as compared to last year's record high, signaling the normalizing of assessed values as the market has softened.

Mr. Martin further summarized the main expenditures leading to the budget increase within the presentation and presented each departments budget and highlighted any changes. Mr. Martin also explained the lengthy process for creating the budget.

Councilmember Essler recapped where the budget was initially and how staff was able to bring the budget down. Councilmember Essler noted 80% of the budget is salary and benefits, noting the market typically doesn't go down and noted eventually there will be a shift in shifting to a full-time Fire Department.

Councilmember Theisen noted the comparison of Rosemount versus other Dakota County cities, stating even with Rosemount growth, we are keeping taxes as a top priority.

Mayor Weisensel opened the public hearing at 8:37 p.m.

Joe Girgen

15731 Cicerone Path

Mr. Girgen commented regarding the future change to the full-time Fire Department suggesting the City look into partnering with other businesses in town as their insurance rates may decrease if a full-time Fire Department is in town.

Mr. Girgen also questioned the emerald ash borer policy and whether residents are required to cut infected trees down.

Brian Rohrenbach

12485 Blanca Ave West

Mr. Rohrenbach questioned when streetlights will be placed in his neighborhood.

Motion by Weisensel Second by Essler

Motion to close the public hearing at 8:40 p.m.

Ayes: 5.

Nays: None. Motion carried.

Motion by Council Member Freske Second by Council Member Klimpel

Motion to Adopt a Resolution Setting the 2024 General Fund Operating Budget, the 2024 C.I.P. Budgets, the 2024 Insurance Budget, the 2024 Port Authority Operating Levy and the 2024 Levy.

Ayes: 5.

Nays: None. Motion Carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ANNOUNCEMENTS

- a. City Staff Updates

City Administrator Martin had no further updates.

- b. Upcoming Community Calendar

Mayor Weisensel reviewed the calendar of events and upcoming meetings.

Chief of Police Dahlstrom highlighted the upcoming "Santa Tour" on December 9th.

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 8:46 p.m.

Respectfully submitted,



Erin Fasbender
City Clerk