ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
DECEMBER 21, 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 Thursday, December 21, 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
Motion to approve the agenda
Ayes: 5.
Nays: None. Motion carried.

PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGMENTS

a. Oath of Office

City Clerk Fasbender administered the oath of office to Councilmember Klimpel.

RESPONSE TO PUBLIC COMMENT

None.

PUBLIC COMMENT

Jason Moore
3685 148th Street West
Mr. Moore expressed his opinions regarding City Council's request for community engagement and questioned the change in only allowing 3-minutes to the each member of the public wanting to speak. Mr. Moore also questioned the City's process for approving vetting and approving projects.

Karin Miller
17985 Jacquard Path
Lakeville, MN
Ms. Miller questioned whether the public should make comments regarding Jimnist now or when the item comes up on the agenda? Mayor Weisensel stated the City Council will suspend current rules and allow public comment regarding any Jimnist items to take place during item 9.b. on the agenda.

Raul Estrada
8302 143rd Street West
Apple Valley, MN
Mr. Estrada referenced a previous statement made during public comment regarding the word revolution and referenced the constitution, noting the public has the right as an American Citizen to support or oppose items.

CONSENT AGENDA

Motion by Klimpel **Second by** Theisen

> **Motion** to approve consent agenda with item 6.g, 6.k. and 6.o. pulled
> **Ayes: 5.**
> **Nays: None. Motion Carried.**

a. Bill Listings

b. Minutes of the December 5, 2023 Regular Meeting Minutes

c. Minutes of the December 5, 2023 Work Session Proceedings

d. Approval of City Council Travel

e. 2024 Schedule of Rates and Fees

f. Sick Leave Policy and Earned Safe and Sick Time Policy

g. Authorize Initial Items for the 2024 SIP

Councilmember Klimpel pulled this item for further discussion. Public Works Director Egger discussed the communication and engagement process that has taken place thus far, i.e. neighborhood meetings, resident mailings, dedicated website page, etc.

Mayor Weisensel referenced if residents want to provide input regarding the potential street closures to work through those discussions with staff during the project development phase.

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

> **Motion** to Pass motions for three items related to the 2024 Street Improvement Project, City Project 2024-01 as follows:
> 1. Accept Feasibility Report
> 2. Call the Public Hearing on Improvements
> 3. Authorize the Preparation of Plans and Specifications
>
> **Ayes: 5.**
> **Nays: None. Motion Carried.**

h. Tree City USA Recertification

i. 2024-2033 Capital Improvement Plan

j. Public Purpose Expenditure Policy

k. UMore Study Area AUAR Update 2023

Councilmember Klimpel pulled this item for further discussion.

Senior Planner Nemcek provided an update on the process of the Alternative Urban Areawide Review (AUAR) update. The state statute requires that the City review and update the AUAR every five years and allow the required reviewing agencies (MN DNR, Metropolitan Council, Vermillion River Watershed, Dakota County, etc.) to comment on the update. The comment period for this update was published on December 5 and ended on December 19. The updated comments were provided to council ahead of tonight's council meeting. Mr. Nemcek noted a current AUAR allows developers to move forward without separate, project specific environmental reviews.

Motion by Mayor Weisensel **Second by** Council Member Freske

Motion to Adopt a Resolution Authorizing the Adoption of the UMore Alternative Urban Areawide Review (AUAR) Update 2023.

Ayes: 5.

Nays: None. Motion Carried.

l. Request by US Home, LLC, for Approval of the Talamore 4th Addition Final Plat

m. Authorize 2024-2025 Union and Non-Union Benefits

n. Firefighter Relief Association Benefit Interest Rate

o. Recognizing New Firefighters Off Probation

Councilmember Klimpel pulled this item for recognition. Chief Schroeder recognized the newest Firefighters and further discussed the training and duties completed in order to become a firefighter.

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

Motion to Staff recommends recognizing new firefighters coming off probation

Ayes: 5.

Nays: None. Motion Carried.

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

a. Request by CA Gear for approval of Rezoning, A Major Amendment to the Custom Apparel Planned Unit Development Agreement, and a Conditional Use Permit to construct a 7,400 square foot addition onto the existing sportswear manufacturing and athletic training facility.

Julie Hogan, Planner, presented the request by Custom Apparel, Inc. for approval of rezoning the site from BP PUD – Business Park Planned Unit Development to BP/C4 PUD – Business Park/General Commercial Planned Unit Development, a Major Amendment to the Custom Apparel Planned Unit

Development Agreement, and a Conditional Use Permit to allow operation of an outdoor dining area for eleven (11) or more seats to allow for the construction of a 7,400 square foot addition onto the existing sportswear manufacturing and athletic training facility which will consist of a taphouse, athletic training area, and outdoor patio.

Ms. Hogan showcased the plans for the proposal, the planning commissions recommendation and the next steps of the project.

Nate Bry, owner of CA Gear, was present and further elaborated on his business plans for CA Gear. Councilmembers thanked Mr. Bry for choosing Rosemount.

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

1. **Motion** to adopt an Ordinance amending Ordinance B City of Rosemount Zoning Ordinance to change the zoning of the site from BP PUD – Business Park Planned Unit Development to BP/C4 PUD – Business Park/General Commercial Planned Unit Development.

Motion by Council Member Klimpel **Second by** Council Member Freske

2. **Motion** to adopt a resolution approving the Major Amendment to the Custom Apparel Planned Unit Development Agreement.

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

3. **Motion** to authorize the Mayor and City Clerk to execute a Major Amendment to the Custom Apparel Planned Unit Development Agreement.

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

4. **Motion** to adopt a resolution approving a Conditional Use Permit for Custom Apparel allowing operation of an outdoor seating or dining area for eleven or more seats, subject to conditions.

Ayes: 5.
Nays: None. Motions Carried.

b. Request by Jimnist, LLC., for Preliminary and Final Plat approval and PUD Final Site and Building Plan approval.

Mayor Weisensel stated contrary to normal process; City Council will open a public comment period for this item and following any comments will turn back to the council for any additional questions.

Senior Planner Nemcek summarized the request for approval of a planned unit development final site and building plan to construct a technology campus on approximately 280 acres of land currently owned by the University of Minnesota on its UMore Park site.

The proposed plat request would separate the subject parcel from the greater UMore Park property. Four new parcels would be created by the Plat; 1 large parcel containing main use, 2 parcels containing an electrical substation and land for future water tower, 1 parcel in the northwest corner of the site to be transferred to DCTC. Staff recommends a drainage and utility easement over the wetland and buffer in the north central portion of the site.

Mr. Nemcek showcased UMore Park background, plans for the site, environmental review results, security fence and street improvements. The street improvements include the applicant is responsible for improvements to Audrey and Blaine Avenues as well as improvements to CSAH 42, Audrey Avenue realignment, a temporary signal light at Blaine Avenue and CSAH 42 and 12" water main constructed in Audrey Avenue and 16" water main in Blaine Avenue.

Mr. Nemcek further elaborated on the concerns heard during open house and public hearing, i.e. water usage, EMF radiation, noise, etc. The anticipated amount of water used by the site is planned for in the City's Comprehensive Plan, and Xcel Energy has received approval by the PUC to serve the site. The levels of EMF radiation generated by the 115kV transmission line is below the 400kV threshold that has been shown to create magnetic effects that may cause problems for pacemakers or other devices. An acoustic engineering firm conducted a noise study that predicts noise levels to be below the noise criteria of the MPCA, County, and City. In addition, the mix of frequencies and equipment selected for the site were confirmed to not contain low-frequency pure tones and has not been associated with disruption to wildlife.

The Planning Commission voted unanimously to recommend approval of both the final site and building plan for the planned unit development and approval of the preliminary and final plats. The recommendation included a condition to investigate the status of the AUAR update.

Trish of Kimley Horn, representative of Jimnist, came forward to express their excitement to be in the community of Rosemount and addressed several of the narratives of the project that the project team had heard over the course of the project process.

Councilmember Freske questioned the soil testing and whether any contamination was found on this project site; staff confirmed that soil testing took place on the entire UMore site. However, no contamination was found in this particular area. A map was presented and Mr. Nemcek noted the entire Jimnist site included yellow dots which indicates samples taken did not exceed residential soil standards, which are the strictest standards.

Councilmember Essler questioned the 16" water line at Blaine Ave. Staff confirmed Jimnist is responsible for part of the costs and Public Works Director Egger clarified the increased water line will be a benefit to the community in the future. Councilmember Essler addressed a flier that was distributed to several neighborhoods anonymously and wanted to address the statements regarding the water usage in the flier. Kimley Horn responded stating the water usage for this project will be very low and equivelant to a couple restaurants. As technology evolves; data centers have found new technology to reduce the amount of water needed. Councilmember Essler also noted several variances were granted when the PUD Master Development Plan was approved by the City Council in March 2023 and noted several of those variances are now not needed due to the feedback given by City Council, Planning Commission, staff and the public.

Leslie Krueger, University of MN, provided additional clarification on items listed on the U of M website. Ms. Krueger also recapped the history of this site and the decision to take a market-driven approach.

Ms. Krueger also noted the U of M will target locations to do a feasibility study to clean up the land based on Rosemount's land use plan, targeting areas close to the roadways first due to the possibility of the public going onto the land. These findings will be presented to the City. Ms. Krueger noted if the sale of the land moves forward and if environmental concerns came forward, Jiminist would work with the Minnesota Pollution Control Agency to resolve.

The Mayor opened public comment period at 8:14 p.m.

Marla Linder
15615 Eddy Creek Way
Apple Valley, MN

Ms. Linder expressed concerns regarding possible contamination and for the council to consider this when taking action. Ms. Linder also noted federal lawsuits involved with Meta.

Jeff Gorman
13533 Dellwood Way

Mr. Gorman agreed with Ms. Linder's statements and questioned morals and the reasoning for this business coming into the community and further elaborated on the history of Meta and its way of doing business. Mr. Gorman suggested working together with businesses that give a wholesome to the community.

Susan Ferozzo
1646 240th Street
Farmington, MN

Ms. Ferozzo played an audio clip which a newscast discussed noises from a data center and the burden this center had on its residents. Ms. Ferozzo requested transparency on the noise study.

Kathy Pritchard
15703 Crystal Path

Ms. Pritchard stated Kimley Horn noted Jimnist would use less water, but requested to know the percentage of how much less. Ms. Pritchard also expressed concerns over losing jobs over artificial intelligence.

The project consultants provided further verbal info on water usage.

Amy of Greater MSP
400 Robert St N
St. Paul, MN

Amy of Greater MSP stated data centers have jobs that sustain and provide economic growth within the region. She further expressed her support for the project.

Sharon Brown
4425 Summer Court
Eagan, MN

Ms. Brown noted her ties to the City of Rosemount and Rosemount High School. Ms. Brown expressed her concern about Meta and environmental concerns especially the lead found on-site.

Kymi Kieffer
3245 145th Street

Ms. Kieffer stated her daughter lives on the east side of town and expressed concerns regarding the side effects of what could happen to her family. Ms. Kieffer also noted the word of the month "compassion" and for the council to consider this when acting on this item.

Julie Barner
9836 Alaureate Ct
Inver Grove Heights, MN

Ms. Barner expressed several concerns regarding the project and environmental impacts and stated several people are moving out of the area because of it. Ms. Barner expressed concerns about transparency and the lack of involvement the community had to be able to be a part of a project of this size.

Bill Droste
1350 149th Street

Bill Droste, Dakota County Commissioner, stated he is a property owner in Amber Fields and expressed why he chose this neighborhood, i.e. walkability, open space, options of home sizes, etc. Commissioner Droste noted he has watched several public meetings and wanted to speak tonight on some of the misinformation. Commissioner Droste shared information on positive experiences data centers have on communities, specifically noting Des Moines, Iowa.

Amie Daly
14216 Azalea Path

Ms. Daly expressed concerns regarding the Meta project and does not agree with it locating in Rosemount and stated she wants to move.

Tracie Kilion
4660 Bacon Ave E
Inver Grove Heights

Ms. Killion questioned the amount of renewable energy the project will generate, how much electricity is needed and where is the energy coming from and whether or not the energy will cover an expansion in the future.

Mayor Weisensel closed the public comment period at 8:48 p.m.

Kimley Horn further elaborated on the noise study comments noting the noise study done for this project was customized to this site and confirmed the noise level was found to be below state requirements.

Councilmember Klimpel voiced her approval of the project by recapping conversations and sharing the information she had received from elected officials who have data centers in their community.

Councilmember Klimpel expressed gratitude to staff and project representatives for the work done and the presentation before council tonight.

Councilmember Essler expressed his approval of the project and stated council has been listening to the comments and concerns received from the public. Councilmember Essler stated the City Council's job is to make decisions for the best interest of all the residents and stated staff has done an incredible job with the questions and concerns raised.

Mayor Weisensel stated the project fits within the City's standards and City Codes. Mayor Weisensel noted the entire City Council has listened to all of the public comment received thus far and appreciates the ongoing engagement from the public.

Motion by Council Member Essler **Second by** Mayor Weisensel
Motion to adopt a resolution approving the ROSEMOUNT TECHNOLOGY ADDITION preliminary and final plats, subject to conditions.

Motion by Council Member Klimpel **Second by** Council Member Theisen
Motion to approve the ROSEMOUNT TECHNOLOGY ADDITION subdivision, water and wastewater agreements.

Motion by Council Member Theisen **Second by** Council Member Freske
Motion to adopt a resolution accepting the right-of-way easement from the University of Minnesota for improvements to Audrey Avenue and Blaine Ave.

Motion by Council Member Freske **Second by** Council Member Essler
Motion to adopt a resolution approving the Final Site and Building Plan for the Project Bigfoot Planned Unit Development, subject to conditions.
Ayes: 5.
Nays: None. Motions Carried.

Mayor Weisensel noted the next steps in the project are permit approvals handled internally by staff and the developer and landowner to complete the transaction of the land sale.

ANNOUNCEMENTS

a. City Staff Updates

City Administrator Martin provided an update of the tour of lights currently going on throughout Rosemount and encouraged residents to view the map on the website. Chief Dahlstrom provided a recap of the Heroes and Helpers event that recently took place.

b. Upcoming Community Calendar

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 and a second by Klimpel the meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Erin Fasbender

Erin Fasbender
City Clerk