

**ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
JUNE 18, 2024**

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, June 18, 2024, at 7:00 PM. in Rosemount Council Chambers, 2875 145th Street West.

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

APPROVAL OF AGENDA

Motion by Weisensel Second by Klimpel

Motion to approve the agenda.

Ayes: 4.

Nays: None. Motion carried.

PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGMENTS

a. DARTS 50th Anniversary Proclamation

City Administrator Martin introduced Ann of Dakota County Area Resources for Seniors (DARTS). DARTS is celebrating its 50th anniversary and provided an overview of the services DARTS provides within the community.

City Council members read the proclamation.

b. 2023 Management and Annual Comprehensive Financial Report

Administrative Services Director Malecha introduced Aaron Nielson of MMKR to present the 2023 Annual Comprehensive Financial Report. Based upon their audit, they concluded there was reasonable basis for rendering an unmodified opinion that the City of Rosemount's financial statements for the fiscal year ended December 31, 2023 are fairly presented in conformity with Generally Accepted Accounting Principles.

City Council members thanked staff for following through on the reporting and all the work going into it.

Motion by Weisensel Second by Theisen

Motion to accept the 2023 financial reports and report a note of appreciation to the finance department for continued excellence in financial budgeting

Ayes: 4.

Nays: None. Motion Carried.

RESPONSE TO PUBLIC COMMENT

None.

PUBLIC COMMENT

None.

CONSENT AGENDA

Motion by Theisen Second by Freske

Motion to approve consent agenda with item 6.m. pulled.

Ayes: 4.

Nays: None. Motion Carried.

- a. Bill Listings
 - b. Minutes of the June 4, 2024 Regular Meeting Minutes
 - c. Minutes of the June 4, 2024 Work Session Proceedings
 - d. Performance Measure Program
 - e. Fire Relief Fund Benefit Proposal
 - f. Use of Cannabis In Public Places
 - g. City Council Compensation
 - h. Metronet Reimbursement Agreement
 - i. Approve Utility Access Charge Assessment Agreement
 - j. Criminal Justice Network (CJN) JPA Amendment
 - k. Request by Maplewood Development related to Amber Fields 18th Addition
 - l. Request by Enclave Companies for approval of a rezoning of the subject property from R4 PUD to R3 PUD and a major amendment to the Amber Fields Planned Unit Development to construct 178 townhomes on Lot 1 Block 1, Amber Fields 6th Addition.
 - m. Receive Proposals & Authorize Work - Connemara Trail & Akron Avenue Roundabout
- Mayor Weisensel pulled this item for further discussion. Public Works Director Egger further elaborated on the project, noting the beginning of the process is for designing plans to design a roundabout at Connemara Trail and Akron Avenue. Mr. Egger noted this area is a high priority for Council due to all the development in the area. The traffic study conducted resulted in a roundabout being necessary.

Motion by Klimpel Second by Theisen

Motion to Council is requested to authorize a contract with Kimley-Horn to perform professional services for the design, project management, and construction observation and contract administration for the upcoming Connemara Trail and Akron Avenue Roundabout project.

Ayes: 4.

Nays: None. Motion Carried.

n. Dakota County National Opioid Settlement Joint Powers Agreement

PUBLIC HEARINGS

a. SKB IUP Extension

Community Development Director Kienberger provided an overview of SKB's current Interim Use Permit (IUP) in 2018, with a term of 5 years and an expiration date of October 2023. Well ahead of that October 2023 expiration date, the applicant applied for, and the Council approved a new IUP to include an expansion of the current operation with an expiration through June 2024. SKB is requesting an extension of the current IUP that is expiring this month to allow operations to continue until the new IUP goes into effect. The new IUP with expansion will not take effect until all conditions of that approval are met, namely the issuance of an MPCA permit and approval by Dakota County.

Council member Theisen questioned whether anything would change on the site. Mr. Kienberger noted nothing is changing on the site, and the extension is warranted in order to get the work completed.

Mayor Weisensel opened the public hearing at 7:30 p.m.

Motion by Weisensel

Motion to close the public hearing

Ayes: 4.

Nays: None. Motion carried.

Motion by Theisen Second by Freske

Motion to adopt a resolution approving an extension of the 2018 Interim Use Permit for SKB Environmental until December 31, 2024.

Ayes: 4.

Nays: None. Motion Carried.

UNFINISHED BUSINESS

NEW BUSINESS

a. Receive Bids, Award Contract, Declare Costs to be Assessed, and Set the Assessment Hearing for the Aspen Avenue Extension Project, City Project 2024-02

Public Works Director Egger discussed the current Aspen Avenue Extension Project. This project will construct a new street, municipal water, sanitary sewer, and storm sewer utilities, and pedestrian trail infrastructure between County Road 42 and Connemara Trail. Northern Lines Contracting was the lowest bidder for the project. Currently, the City has three active contracts with Northern Lines which staff's experience with has been concerning due to missed deadlines, communication and responsiveness. Due to Northern Lines' attorney indicating legal action against the City, our City Attorney has advised the City the safest approach at this time is to award the contract to Northern Lines.

Councilmember Klimpel questioned if awarding the contract to the lowest bidder is standard procedure. Mr. Egger noted while awarding to the lowest bidder is standard procedure, staff will be reviewing this method in the future to avoid potential similar issues.

Parks and Recreation Director Schultz shared his experience with Northern Lines Contracting regarding the status of Park and Rec projects and noted there have been several delays and challenges along the way with Northern Lines Contracting.

Councilmember Freske questioned whether there would be an opportunity to require a service level agreement for this project with Northern Lines Contracting? City Attorney, Mary Tietjan, responded that since the city did not require this agreement at the time of the bid request, the city is unable to require a service level agreement after the bidding process has ended.

Councilmember Theisen stated he is reluctant to approve Northern Lines Contracting as they have not been a good partner with our current projects thus far.

Mayor Weisensel requested staff to be more creative with how the city receives bids in the future. Mr. Egger noted going forward staff will explore the best value element as it is important for our residents to get the best service for the businesses that the City is contracting for.

Motion by Weisensel Second by Theisen

Motion to Receive Bids, and Awarding Contract with reservation

Ayes: 4.

Nays: None. Motion Carried.

Mr. Egger stated now the Council is also requested to adopt a second resolution declaring the costs to be assessed, and setting a public hearing to consider the assessments for this project during the Council's regular meeting scheduled for July 16th.

Motion by Freske Second by Klimpel

Motion to Declare Costs to be Assessed and Setting the Assessment Hearing

Ayes: 4.

Nays: None. Motion carried.

b. Receive Bids and Award a Contract for Rosemount Greenway – Flint Hills Segment

Parks and Recreation Director Schultz provided an overview of the Joint Powers Agreement for Dakota County to pay for the construction costs of the new greenway trails being planned at the Flint Hills Athletic Complex. The City is covering the cost of the project design and will be responsible for delivery of the project. The low bid for the project was submitted by Swan Companies in the amount of \$365,570.39.

Council member Freske questioned what the county will pay. Staff confirmed the \$365,570.39 is paid by the county and the City pays the design fees.

Motion by Theisen Second by Klimpel

Motion to approve accepting the bids and awarding the contract to the low bidder, Swan Companies, in the amount \$365,570.39 for the Rosemount Greenway – Flint Hills Segment.

Ayes: 4.

Nays: None. Motion Carried.

c. Life Time Facility – Change Order #7

Parks and Recreation Director Schultz requested changes that will benefit the users of the facility. The main reason for the requested changes is to make improvements to the exercise studios by adding LED lighting around the mirrors that will enhance the user experience. There are additional changes that may come forward in the future.

Council member Klimpel questioned the amount of funds remaining in the contingency account. Mr. Schultz explained conversations with Lifetime have taken place regarding the remaining for contingency and Lifetime understands anything over would require Lifetime to cover those costs.

Motion by Theisen Second by Freske

Motion to approve Change Order #7 for the Life Time Facility as listed in the Executive Summary and in the Attached Documents.

Ayes: 4.

Nays: None. Motion Carried.

ANNOUNCEMENTS

a. City Staff Updates

City Administrator Martin highlighted the public outreach today for any homes built prior to 1985 as the City is conducting a mandatory Lead and Copper Service Line Assessment. Chief of Police Dahlstrom highlighted Public Safety in the Park this Thursday in Central Park from 5-8 PM.

Mayor Weisensel noted next Monday is an open house to meet the candidates for the County Manager presentation at 5 PM at Apple Valley Galaxie Center.

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 Freske the meeting was adjourned at 7:59 p.m.

Respectfully submitted,



Erin Fasbender
City Clerk