

**ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
SEPTEMBER 17, 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, September 17, 2024, at 7:00 PM. in Rosemount Council Chambers, 2875 145th Street West.

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

APPROVAL OF AGENDA

Motion by Weisensel

Motion to approve the agenda

Ayes: 4.

Nays: None. Motion Carried.

PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGMENTS

- a. Special Event Update – Food Truck Festival

Parks & Recreation Director highlighted the Food Truck Festival that will be held in Central Park this Saturday, 21st. Schultz also highlighted the Oktoberfest event that will take place on October 12th in Central Park.

RESPONSE TO PUBLIC COMMENT

None.

PUBLIC COMMENT

Al Viall Jr.

14235 Azalea Path

Mr. Viall requested item 6.e. from the consent agenda to be pulled.

CONSENT AGENDA

Motion by Essler **Second by** Freske

Motion to approve consent agenda with item 6.e. removed

Ayes: 4.

Nays: None. Motion Carried.

- a. Bill Listings
- b. Minutes of the September 3, 2024 Regular Meeting Minutes
- c. Minutes of the September 3, 2024 Work Session Proceedings

- d. Approval of an Encroachment Agreement for the property at 14372 Davenport Avenue
- e. Request by RGA Holdings, LLC to rezone 211 acres of land from AG-Agriculture to B2-Employment.

City Planner Nemcek provided an additional overview of this item. The request by RGA Holdings, LLC., to rezone land located west of Blaine Avenue and north of CSAH 42, except for the property owned by St. John's Lutheran Church at the intersection of those two roads. The applicant is requesting that the zoning classification of the site be changed from AG-Agriculture to B2-Employment.

Mr. Nemcek noted the Planning Commission and staff recommend approval of the rezoning request and confirmed the required public notices were published and sent to the required property owners.

The applicant has been working to assemble the site to market it for development and noted bringing the site's zoning into conformance with the City's Comprehensive Plan will provide clarity and eliminate confusion for potential users. Mr. Nemcek noted, the city has not received any applications for development proposals for the site. Due to the large size of the site, the applicant has completed an Alternative Urban Areawide Review (AUAR) in anticipation of any required environmental reviews triggered by development beyond the threshold that would require an Environmental Assessment Worksheet (EAW). The AUAR anticipated two potential development scenarios for the site; a distribution center or a data center.

Council member Freske requested staff explain the parts of a Comprehensive Plan. Mr. Nemcek stated the City's Comprehensive Plan is the overall guide for development and the zoning determines the development of the site. The Comprehensive Plan is the first phase and then once development comes in then the potential rezoning takes place. Staff waits for development requests to rezone an area as the zoning of the site determines the site uses. Then, the potential for an AUAR is done for the entire site and is site specific. An AUAR is done in advance before any sort of development takes place. The development that occurs to the site must be within the scope of the AUAR.

Council member Klimpel questioned if there were any responses to the AUAR. Mr. Nemcek noted initially the Met Council objected the amount of water use for a data center, since then the developer has changed the cooling system methods which reduces the amount of water necessary. Since the update, the Met Council has no further concerns.

Council member Essler noted the property is not owned by the City and questioned why the City does not proactively change the zoning? Mr. Nemcek noted, the City is not the property owner and the request for the rezone was made by the property owner. The City does not proactively rezone a property as the City does not want to create non-conforming sites as the rezone is a private market action. Staff notes several conversations take place on a regular basis on available sites, but until a complete application comes to staff, the assumption is nothing is developing until then.

Motion by Essler Second by Freske

Motion to adopt an ordinance amending the City of Rosemount Zoning Map for the subject property from AG-Agriculture to B2-Employment.

Ayes: 4.

Nays: None. Motion Carried.

- f. Approve Permanent Easement - Akron Avenue
- g. BMR (Frana) Addition Accept Public Improvements

PUBLIC HEARINGS

- a. Request by Independent School District 196 for approval of a Rezoning, Conditional Use Permit, Preliminary and Final Plats, Site Plan and Building Design Review, and a Zoning Ordinance Text Amendment to allow for a school with various sports fields and play areas to be built on site

Planner, Julia Hogan, provide an overview of the request submitted by Independent School District 196 (Rosemount, Apple Valley, Eagan Public Schools) for approval of a zoning ordinance text amendment rezoning, preliminary and final plats, and conditional use permit to construct a middle school on the proposed 75.6-acre site located directly south of 150th Street West (County Road 42) and east of Biscayne Avenue. The applicant is requesting the site be rezoned from A-2 – Agricultural to R-3 – Medium Density Residential because, by definition, elementary or middle schools are not allowed within the A-2 zoning district but are an allowed conditional use within the Residential zoning districts, which is the need for the site to be rezoned to R-3. The applicant is also requesting preliminary and final plats to plat the undeveloped agricultural land.

The applicant is requesting preliminary and final plat approval for Rosemount School District Fifth Addition. The plat shows that there are two buildable lots as well as two outlots and dedicated roadway. Lot 1 will consist of 59.7 acres of land, and this is where the main school building, sports fields and play areas will be built and lot 2 is planned to contain a future city lift station. Outlot A will be 5.1 acres in size and will contain various easement areas on it and Outlot B will consist of 2.6-acrs of land and is dedicated right-of-way for the future extension of Boulder Trail.

Ms. Hogan noted in June 2024, the updated zoning code and map proposal went before council for their approval for adoption. Many changes were made within the zoning code update, which included changes and additions to the definitions chapter. In consultation with the city's consultant team, staff had initially recommended that the elementary school definition be altered to include specific primary education grades. The Planning Commission advised staff to add a middle school definition to the City Code instead of modifying the elementary school definition.

Ms. Hogan provided an overview of the site plan, access and parking and traffic noting; the site will contain the main school building with two main parking lot areas and a service lot area, the school site is also shown to have baseball fields, practice fields, softball fields and tennis courts, the site is shown to be accessed by a road off of Boulder Trail and a traffic study has been completed which includes existing conditions of the site, traffic forecasts, traffic analysis, and conclusions and recommendations.

Ms. Hogan also discussed the landscaping, noting the applicant has worked with staff to update the landscape plan. The original landscape plan had 466 trees planned to be planted on site. The updated landscape plan has an additional 106 trees provided which brings the total on site to 555 trees which is closer to the 866 minimum tree requirements. Since school sites are viewed as public areas, the city would allow for part of the landscaping deficit on the middle school site to be made up with the tree count on the newly approved elementary school site.

A conditional use permit (CUP) is required for elementary and middle schools within the R3-Low Density Residential zoning district. The City may approve a CUP upon finding that the use at the proposed location meets 8 criteria. Staff has determined that at the proposed school meets the 8 requirements.

Council member Essler expressed excitement about the new school and had questions regarding the recreational opportunities; will the indoor pool host meets, the track size and capabilities to be available for several age groups, and the inside recreational capabilities, as he wants to ensure that since Rosemount is a growing city, that we are ensuring we are making the most out of the space.

Bolton and Menk is conducting the engineering for the school and stated the outdoor track is designed for 8 lanes which is consistent with the other school in the district. However, the track will be setup for flexibility in the future. Bolton and Menk also noted the baseball and softball fields are set for one baseball field which can be used for high school athletics and two softball fields which are flexible for youth baseball as well. The pool will be capable of hosting indoor competitions and the indoor courts will have two full-sized competition courts. Bolton and Menk commented that there are a series of projects to complete prior to going above and beyond on certain requests and noted these special requests (i.e. expanding outdoor track) will be flagged and reviewed at a later date as a want once the required projects are completed.

Council member Freske questioned the traffic and what the commitment is for Dakota County to put in a stoplight at County Road 42 and Biscayne Avenue? Public Works Director Egger stated the signal recommendation needs to be approved with Dakota County's Capital Improvement Plan which will be on the agenda for approval later this year. The plan is for the stoplight to be in before the school opens.

Mayor Weisensel questioned if there is anything else being considered in terms of traffic and pedestrian safety? Mr. Egger noted consultants will begin reviewing the terms of the feasibility study which may include the possibility to cross under highway 42.

Mayor Weisensel opened the public hearing for the zoning ordinance text amendment definition at 7:46 p.m.

No comments.

Motion by Weisensel

Motion to close the public hearing.

Ayes: 4.

Nays: None. Motion carried.

Motion by Freske Second by Klimpel

Motion to approve a Zoning Ordinance Text Amendment revising Section 11-10-1: Use Definitions to include a middle school definition and to revise Sections 11-10-2: Uses, 11-4-2: Uses, and 11-7-3: Off-Street Parking and Loading Standards to include the added middle school use.

Ayes: 4.

Nays: None. Motion carried.

Motion by Essler Second by Weisensel

Motion to adopt a resolution approving the Preliminary and Final Plats for

Rosemount School District Fifth Addition, subject to all conditions approved as part of the City's site and building design review for the project.

Ayes: 4.

Nays: None. Motion carried.

Motion by Klimpel **Second by** Freske

Motion to adopt an Ordinance amending Ordinance B City of Rosemount Zoning Ordinance to change the zoning of the site from A-2 - Agricultural to R3 – Medium Density Residential.

Ayes: 4.

Nays: None. Motion carried.

Motion by Weisensel **Second by** Essler

Motion to adopt a resolution approving a Conditional Use Permit for middle school to be located on the Rosemount School District Fifth Addition.

Ayes: 4.

Nays: None. Motion carried.

Council member Freske questioned how the renderings and information about the new school will be shared with the public? The School District said all the construction updates and renderings will be available for the public to view on the school district's website.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Request by Kwik Trip for Approval of a Conditional Use Permit

Economic Coordinator, Van Oss, presented the request by Kwik Trip for a Conditional Use Permit to construct an 11,000 square foot convenience store, a one-bay detached carwash, and automobile fuel stations with a 40x20 fueling canopy.

On August 26th, the Planning Commission held a hearing and approved a PUD Final Site and Building Plan and recommended the City Council approve a Conditional Use Permit. Mr. Van Oss showcased the site plan including the access and parking. There will be two main accesses into the site from Upper 144th Street West. The main access is shown to be from the north side of the site. There will also be shared access with the future commercial development to the east.

Council member Essler questioned how staff became comfortable with the plans? Mr. Van Oss confirmed the original plans submitted would have been approved under our old city code, but not the new code. The applicant amended the request which is now in conformance under our new city code.

Council member Freske questioned the access points. The applicant came forward to explain they have no concerns for the access points as the traffic flow is shown to circulate throughout the site with drive aisles shown on the eastern and western sides of the property. Council member Freske wanted to ensure we are not creating any bottlenecks to get in or out of the major roadways.

Council member Freske questioned the timeline, and the applicant confirmed they would break ground

in March with an anticipated opening date of late summer. The applicant also confirmed the current Kwik Trip in Rosemount will remain open.

Motion by Freske Second by Klimpel

Motion to approve a Conditional Use Permit allowing an automobile fuel station located at Lot 1 Block 2 Prestwick Place 24th Addition, subject to the conditions in the resolution

Ayes: 4.

Nays: None. Motion Carried.

b. Establish Preliminary 2025 Budget, Levy, and CIP

City Administrator Martin presented the preliminary 2025 budget, levy, and CIP. The City Council will establish the "ceiling" for the levy amount and set the budget hearing date in December.

Mr. Martin highlighted the following from this budget; record-breaking growth in the value of construction, the City's tax capacity valuation increased by 5.43% and \$177 million in new construction value. The new construction saved pre-existing homeowners \$72 on their taxes, without \$177 million in new construction, taxes on median valued homes would have increased \$157 in 2025.

The preliminary 2025 Budget shows an increase of 11.59% (\$2,134,020) to the Operating Budget, which results in an 8.96% (\$1,401,912) increase to the general fund tax levy. The City's recent debt issuance for the PD PW Campus project is spread to have an approximately 4.5% debt levy increase for the first four years, making the cumulative levy increase 10.90%.

Mr. Martin highlighted several line items within each department and further discussed the budget process. In addition, noted the capital improvement plan (CIP) will be further reviewed by the City Council later this year. The next step for City Council for taking action will be at the truth in taxation hearing which will be held on December 3, 2024.

Council member Freske thanked staff for the breakdown of the budget and how the growth in the community impacts a tax payer.

Mayor Weisensel thanked staff for their time and effort putting the budget together and continually working on the budget up until December.

Motion by Klimpel Second by Essler

Motion to setting the Preliminary 2025 General Fund Operating Budget, the Preliminary 2025 CIP Budgets, the Preliminary 2025 Insurance Budget, the Preliminary 2025 Port Authority Operating Levy, and the Preliminary 2025 Levy and Budget hearing date required by the City of Rosemount.

Ayes: 4.

Nays: None. Motion Carried.

ANNOUNCEMENTS

a. City Staff Updates

Parks and Recreation Director Schultz highlighted that on September 23rd the Parks and Recreation Commission and City Council will be touring several parks throughout town beginning at 5:30 p.m. in a

Minnesota Valley Transit Authority Bus.

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 Essler the meeting was adjourned at 8:35 p.m.

Respectfully submitted,


Erin Fasbender
City Clerk