

**ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
DECEMBER 3, 2019**

CALL TO ORDER

Pursuant to due call and notice thereof a regular meeting of the Rosemount City Council was held on Monday, August 5, 2019, at 7:00 p.m. in the Council Chambers at City Hall, 2875 145th Street West, Rosemount.

Mayor Droste called the meeting to order with Council members Freske, Weisensel, Block and Essler attending.

Staff present included the following;

- City Administrator Martin
- Chief of Police Dahlstrom
- Director of Public Works/City Engineer Erickson
- Director of Finance May
- Community Development Director Lindquist
- City Attorney Mary Tietjen

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Motion by Weisensel Second by Essler

Motion to Adopt the Agenda as presented.

Ayes: 5.

Nays: None. Motion carried.

PRESENTATIONS, PROCLAMATIONS, & ACKNOWLEDGMENTS

3.a. Progress Update – Rosemount Environment and Sustainability Taskforce

Director of Public Works Erickson introduced Renee Burman, the chair of the Rosemount Environment and Sustainability Taskforce (ESTF). Ms. Burman presented the taskforce's annual update.

PUBLIC COMMENT

Brian Rohrenbach of 12485 Blanca Ave

Mr. Rohrenbach came forth to follow up on his previous questions he had at the November 19th regular meeting regarding future streetlights in his area as well as certain fees shown on his utility bill.

RESPONSE TO PUBLIC COMMENT

Mayor Droste responded to Mr. Rohrenbach stating even though Mr. Rohrenbach resides in a rural area that certain rates apply to everyone within city limits.

Mayor Droste also suggested staff bring forth Mr. Rohrenbach's street light concerns to a future work session to further discuss.

CONSENT AGENDA

Motion by Essler **Second by** Freske

Motion to Approve the Consent Agenda with item 6.c. removed.

- a. Bills Listing
- b. Minutes of the November 19, 2019 Regular Meeting Proceedings
- c. ~~Donation Acceptance Police Equipment Fund~~
- d. 2020 Community Waste Abatement Grant Agreement
- e. Hiring of New Firefighters
- f. 2020 Liquor License Renewals
- g. Set Meeting Schedule for 2020
- h. Fire Relief Association Deferred Interest Rate
- i. Arena Scoreboard Replacement
- j. Request by U.S. Home Corporation for Approval of a Final Plat for Prestwick Place 21st Addition
- k. Request by U.S. Home Corporation for Approval of a Final Plat for Prestwick Place 22nd Addition
- l. Declaration of Surplus Property – Parks and Recreation Dept.
- m. Request by US Home Corporation for the Approval of a Final Plat for Meadow Ridge 3rd Addition

Ayes: Weisensel, Block, Droste, Essler, Freske

Nays: None. **Motion carried.**

6.c. Donation Acceptance – Police Equipment Fund

Council member Block pulled this item for the opportunity for Chief Dahlstrom to further elaborate on the success of the “Shop with a Cop” program.

Motion by Block **Second by** Freske

Ayes: Block, Droste, Essler, Freske, Weisensel

Nays: None. **Motion carried.**

PUBLIC HEARINGS

7.a. Autumn Path Extension Project, City Project 2019-07 Order Improvement and Preparation of Plans

Director of Public Works Erickson provided a brief overview of the proposed project as well as where the City is in the project approval process. Assistant City Engineer Smith presented an overview of the project via a PowerPoint presentation.

Ms. Smith highlighted the proposed improvements, the cost and potential funding and proposed schedule of the project with a proposed completion of the road project in fall 2020.

Mayor Droste opened the public hearing at 7:25 p.m.

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**William McMenomy
2180 63RD ST E Inver Grove Heights**

Mr. McMenomy, partial property owner of the property to the east of the proposed road, stated there is no benefit or marketable improvement to the property owners on the east side of the Autumn Path extension. Therefore, Mr. McMenomy does not support any assessment for the project.

**Mike McMenomy
Property owner near Bonaire Path/Akron Avenue**

Owns more than 50% of the land on the east side of the Autumn Path extension and indicated they want to farm the land and do not want to develop. Mr. McMenomy does not want any assessment for the construction of the road.

Mr. McMenomy questioned how the project is funded and expressed his concern regarding the proposed assessment amount.

City Attorney Tietjen clarified funding projects, assessments and beneficiary use. Ms. Tietjen provided an overview of the process and the legal obligations the city has during this process. Community Development Director Lindquist noted staff has been in contact with property owners when discussing the lot split and development of the eastern ½ of the 160 acres, to discuss the proposed assessment and a potential deferred assessment agreement. Additional assessment details will be brought forth to the council and property owners at the future assessment hearing at a regular council meeting. Director of Public Works/City Engineer Erickson stated the benefit appraisal has not yet been received but will be available prior to the assessment hearing.

**Ted McMenomy
12780 BACARDI AVE**

Mr. McMenomy brought forth his concern regarding public safety stating the extension would be a long dead end which could attract people to the area and that would be a safety concern.

Chief of Police Dahlstrom stated if there are concerns in this area to notify police.

**Bob McMenomy
Minnetrista, MN**

Mr. McMenomy, property owner to the east of proposed Autumn Path extension, expressed his concern regarding the way the section of the road was taken, and no reimbursement for the taking was given to them while losing acreage and being assessed at the same time.

**Ted McMenomy
12780 BACARDI AVE**

Mr. McMenomy questioned the benefit of Autumn Path extension and indicated that the only benefit was to Lennar.

Director of Public Works/City Engineer Erickson explained that the road was always intended and is part of the City's approved transportation plan. The current access into the Bella Vista

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neighborhood on the east is from a temporary access that is over a platted lot. The intention was always to have Autumn Path constructed for the Bella Vista project and future development on the east side.

William McMenomy

2180 63rd ST E Inver Grove Heights

Mr. McMenomy is concerned about the benefit of this road construction to his property and stated he is willing to work with the city on an agreement.

Mike McMenomy

Property Owner near Bonaire Path/Akron Avenue

Mr. McMenomy stated 10 years is not a long enough for the assessment deferral as they would like to farm the property longer. The assessment for Bonaire Path is what got them into developing their property to pay the assessment and they don't want to have another assessment.

Laurel Kraus

13351 Aulden Avenue

Ms. Kraus requested to be mindful of the trees along the Autumn Path right of way and is requesting for them to not be taken down during the project.

Motion by Droste **Second** by Weisensel

Motion to close public hearing at 8:04 p.m.

Ayes: 5.

Nays: 0.

Council member Freske noted the item this evening is specifically regarding the plans and specifications for Autumn Path and the financial piece will be discussed at a later regular council meeting.

Motion by Freske **Second** by Essler

Motion to Adopt a Resolution Ordering the Improvement and the Preparation of Plans and Specifications for the Autumn Path Extension Project, City Project 2019-07.

Ayes: Droste, Essler, Freske, Weisensel, Block

Nays: None. Motion carried.

7.b. Public Hearing and Approval of Hunting Ordinance Amendment with Map

Community Development Director Lindquist discussed the hunting map which lays out what areas of the City allow hunting by bow, shotgun, or neither. Ms. Lindquist noted the last time the map was modified was in June 2017. The primary changes are in the Dunmore neighborhood and some parcels in the Akron Avenue area. The changes are minimal for existing residents, the updates are to reflect the development changes in the area.

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Mayor Droste suggested to include the Greystone area to the south. Ms. Lindquist illustrated this area and will reflect the update in this amendment.

Chief of Police Dahlstrom noted residents concerned about a certain type of animal should call the Police Department. The MN Department of Natural Resources coordinates any sort of special hunts.

Mayor Droste opened the public hearing at 8:13 p.m.

Mike McMenomy

Property Owner near Bonaire Path/Akron Avenue

Mr. McMenomy expressed interest in slug and shotgun hunting in his area and believes there is not a safety concern to the area. The property is designated 'restricted bow'. He indicated the map was modified previously from shotgun and they were not notified.

Community Development Director Lindquist indicated that the map is periodically reviewed as Rosemount continues to develop. The last map change was in 2017.

Ted McMenomy

12780 BACARDI AVE

Mr. Ted McMenomy agrees with Mr. Mike McMenomy's statement in that there is not a safety concern in having shotgun in the area.

William McMenomy

2180 63RD ST E Inver Grove Heights

Mr. McMenomy is not an advocate for or against the proposed changes. Mr. McMenomy's concern is regarding the notice property owners receive and requests notices to be sent to property owners.

Community Development Director Lindquist stated the amendment tonight includes only minor changes. Ms. Lindquist suggests keeping the public hearing open and allowing staff to review the modifications that took place in the past relevant to the public hearing comments received tonight.

Motion by Droste **Second** by Block

Motion to continue the public hearing to January 7th, 2020.

Ayes: 5.

Nays: 0.

7.c. 2020 Budget

City Administrator Martin presented the City's Final Operating Budget and Levy for 2020, including outlining the budget creation process.

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The draft 2020 Budget shows an increase of 4.41% to the operating budget, which results in a 5.25% increase (\$647,104) in the property tax levy. It is important to note that the City's tax rate is going down while the amount of City taxes paid by a homeowner is going up.

Mr. Martin summarized the main expenditures leading to the budget increase within the presentation and presented each department's budget and highlighted any changes. Finance Director May presented the required information regarding the total spending including enterprise funds and discussed property taxes including the county, ISD 196 and Special Tax District.

Council member Weisensel noted the presentation slide regarding the estimated changes to tax does not include the ISD 196 changes from the November levy.

Mayor Droste opened the public hearing at 8:46 p.m.

Ted McMenomy
12780 BACARDI AVE

Mr. McMenomy questioned how proposed expenditures are reviewed for possible reductions.

City Administrator Martin stated the overall budget process is several months long; the drafting of the 2020 Budget ultimately began at the City Council's goal setting retreat in January. Staff then reviews each budget line item along with Director of Finance May and Mr. Martin to discuss all requests and receive further explanation as to their necessity.

Mr. Martin noted anyone can view the "Transparency" page on the City's website which includes up to date details on the current expenditures and budgets.

Motion by Droste **Second** by Weisensel

Motion to close public hearing at 8:55 p.m.

Ayes: 5.

Nays: 0.

Motion by Freske **Second** by Essler

Motion to Adopt a Resolution Setting the 2020 General Fund Operating Budget, the 2020 C.I.P. Budgets, the 2020 Insurance Budget, the 2020 Port Authority Operating Levy and the 2020 Levy.

Ayes: Essler, Freske, Weisensel, Block, Droste

Nays: None. Motion carried.

NEW BUSINESS

9.a. Tobacco Violation – Green Leaf Tobacco, Inc.

City Administrator Martin stated based on direction from the city council at the last regular council meeting; staff provided additional information regarding the past violations at Green Leaf Tobacco.

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Chief of Police Dahlstrom highlighted the background and current status of the violations. City Attorney Tietjen reviewed the formality of the violation process and informed council of the potential action council could take this evening.

Kevin Sieben, attorney for Green Leaf Tobacco Inc. requested the Council to amend the ordinance or grant a one-time extension until the 3rd violation has been brought forth to court. City Attorney Tietjen stated the only option would be to dismiss the alleged sanction as Rosemount's city code does not provide language for exemption. Rosemount City Code mirrors state statute.

Council members were in agreeance to move forward with the process of a hearing.

Motion by Block Second by Essler

Motion to direct staff to proceed with the licensee's request for a hearing for a violation of the City's tobacco license regulation.

Ayes: Freske, Weisensel, Block, Droste, Essler
Nays: None. Motion carried.

ANNOUNCEMENTS

10.a. Staff Updates

City Administrator Martin highlighted the following updates; The Police Department is in the process of implementing body cameras and the public comment period will occur at the December 17, 2019 regular council meeting. The public can submit any comments to the Police Department during this time. Monday, December 9 will be the open house for the Rec Center held at the Rosemount Community Center.

Mayor Droste gave his condolences to the Eugene J. Duff family on Eugene's passing. Mr. Duff was the first Mayor of Rosemount as it became a City.

10.b. Upcoming Community Calendar

Mayor Droste reviewed the calendar of events and upcoming meetings for the remainder of December. The next City Council meeting will be held on Tuesday, December 17, 2019 starting at 7:00 p.m.

ADJOURNMENT

There being no further business to come before the City Council at the regular council meeting and upon a motion by Droste the meeting was adjourned at 9:12 p.m. back to the work session in the conference room.

Respectfully submitted,



Erin Fasbender,
City Clerk