

**ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
MAY 16, 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, May 16, 2023, at 7:00 PM. in Rosemount Council Chambers 2875 145th Street West.

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

Staff present included the following;

APPROVAL OF AGENDA

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

Motion to Approve the Agenda

Ayes: 5.

Nays: None. Motion Carried.

PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGMENTS

a. Presentation from the Rosemount Area Arts Council

Parks and Recreation Director Dan Shultz introduced the Chair of the Rosemount Area Arts Council (RAAC), Keith Reed. Mr. Reed provided an annual presentation of the current state of the Rosemount Areas Art Council in its 15th year, including future events, volunteer efforts, and arts activities.

b. Proclamation - National Public Works Week

Public Works Director Nick Egger gave a presentation to call attention to National Public Works week for the following week, May 21 – 27th, 2023.

Mayor Weisensel recited the Proclamation for National Public Works Week.

PUBLIC COMMENT

Florence Omogho 4292 144th Street West, Rosemount, MN 55068

Mrs. Omogho inquired about a lot split on her property and was directed to City Planning Staff.

RESPONSE TO PUBLIC COMMENT

CONSENT AGENDA

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

Ayes: 5.

Nays: None. Motion Carried.

- a. Bills Listing
- b. Minutes of the May 2, 2023 Regular Meeting
- c. Minutes of the May 2, 2023 Work Session Proceedings
- d. Approval of Council Travel
- e. Frattalone Small Scale Mineral Extraction
- f. Las Tortillas Conditional Use Permit for Outdoor D
- g. Akron/CSAH 42 Alternative Urban Areawide Review Up
- h. Holiday Stationstore Conditional Use Permit to Allow for an Expansion
- i. Fire Relief Discussion
- j. Authorize Creation of the HR Manager Position
- k. Authorizing the Rosemount Port Authority to issue
- l. Receive and Reject Bids - Life Time Project

PUBLIC HEARINGS

- a. 2023-2027 Street Reconstruction and Overlay Plan

Finance Director Malecha gave a presentation on the 2023-2027 Street Reconstruction and Overlay Plan which includes the Akron Avenue South Extension and 2023 Street Improvement Project. Finance Director Malecha noted the public hearing is set for the Street Reconstruction and Overlay Plan alone, not directed towards the assessments for the 2023 Streets Improvement Project. Finance Director Malecha also noted the timeline for bonds over the next two months.

Public Hearing opened at 7:21 pm.

Finance Director Menke clarified the intent for the public hearing for the 2023-2027 Street Reconstruction and Overlay Plan as well as a brief overview of what the bonds are, what they do, and how they impact the Street Improvement Project.

City Administrator Martin noted that the June 20, 2023 Council Meeting to engage in the Public Hearing for the 2023 Street Improvement Project.

Diane Lindo 2193 130th Way, Rosemount, MN 55068

Mrs. Lindel asked if the City had exhausted all options for funding to supplement the 2023 Street Improvement Project.

City Administrator Martin noted there is a variety of funding streams for the 2023 Street Improvement Project, including the State of Minnesota through the Minnesota Department of Transportation

(MnDOT) and the City of Rosemount itself.

Public hearing closed at 7:26 pm.

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

Adopt a Resolution Approving a Street Reconstruction and Overlay Plan and Giving Preliminary Approval to the Issuance of Street Reconstruction Bonds.

Ayes: 5.

Nays: None. Motion Carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

a. Wolfson Property Purchase Agreement

Parks and Recreation Director Shultz gave a presentation regarding the proposed purchase of the Wolfson Property. The site includes a total of 9.91 acres situated in between the previous McMenemy land purchase off Bacardi Avenue. The purchase of the Wolfson Property will secure nearly 70 areas for a future City Park.

Commissioner Essler asked why the Wolfson Property was not purchased at the same time as the McMenemy property. Parks and Recreation Director Shultz noted Dakota County made the decision to purchase the McMenemy property first, as the site as a whole would not be valuable to the City until the McMenemy property was bought.

Commissioner Essler inquired about the verbal contract over the property. Parks and Recreation Director Shultz noted there was a verbal contract with Dakota County.

Mayor Weisensel inquired about the site's location within the City, which was identified by City staff.

Commissioner Klimpel asked what the timeline of the future Park and when it would be open to the public. Parks and Recreation Director Shultz mentioned that it would likely be open within the next two years.

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

Motion to adopt a resolution that approves the City Council entering into a Purchase Agreement, in a format approved by the City Attorney, to Purchase the Fee Title to the Wolfson Property.

Ayes: 5.

Nays: None. Motion Carried.

b. Accept Bids, Award Contract, Declare Costs to be Assessed, and Set the Assessment Hearing for the 2023 Neighborhood Infrastructure Improvement Project

City Engineer Erickson provided a presentation covering the Acceptance of Bids, Awarding a contract, Declaring the Costs to be Assessed, and calling the Assessment Hearing for the 2023 Streets

Improvement Project.

Council Member Theisen asked about the original estimations. City staff noted the cost came in under the engineers' estimates.

Mayor Weisensel noted municipal State Aid given for this project for collector streets; Bacardi Avenue qualifies as a collector street.

Council Member Freske asked City Engineer Erickson to give a brief overview of the communications plan and a special meeting held earlier. City staff commented on future meetings, common questions, and financing for the 2023 Streets Improvement Project.

Mayor Weisensel reiterated the standards for financing, and adjustments to the standards for the 2023 Streets Improvement project.

Mayor Weisensel mentioned the letters being sent to residents, the future neighborhood meeting, and individual meetings residents can schedule to discuss the upcoming Street Improvement project. City Engineer Erickson discussed opportunities for community outreach.

Mayor Weisensel requested clarification on the project timeline and important dates. City Engineer Erickson recited the timeline for the project, stating work would likely begin in mid-June and be on-going for about five months.

Motion by Council Member Essler **Second by** Council Member Freske

Adopt Resolutions related to the 2023 Neighborhood Infrastructure Improvement Project, City Project 2023-04:

1. Accepting Bids and Awarding a contract
2. Declaring the Costs to be Assessed and Calling the Assessment Hearing.

Ayes: 5.

Nays: None. Motion Carried.

c. Life Time Project Bids

Parks and Recreation Director Shultz gave an overview of the bids for the six specialty areas brought forth for the Life Time facility project. Director Shultz is recommending taking the bids from the lowest, most qualified bidder for each specialty area.

Council Member Essler asked about the initial number of bidders. Parks and Recreation Director Shultz noted there were inconsistencies in pricing and items listed.

Council Member Essler asked why some of these bidders were not being considered. Parks and Recreation Director Shultz noted that some bidders had a lack of, or inconsistent, information submitted.

Council Member Essler inquired about the total cost of bidding and pricing of the project. Parks and Recreation Director Shultz noted that the gaps in bidding will likely vary a bit, but the City is very close to the total cost.

Mayor Weisensel asked which package the contractor took. City Administrator Martin clarified that the City has been running numbers to then break the bids into sub-bids.

Parks and Recreation Director Shultz noted that neither of the general contractor bids were acceptable and would be rejected.

Council Member Essler shared his concern for the discrepancies in bid packages proposed. Parks and Recreation Director Shultz clarified that the bids on the higher end of pricing were those with inconsistencies.

City Administrator Martin noted the City is not pushing up against the limit of the project, but Life Time's internal number is outside of the money they will bring to the table. Council Member Essler requested the bid and pricing be laid out for further clarification.

Brent Marlow 13987 Abbey Field Avenue, Rosemount, MN 55068

Mr. Marlow is the project executive for the Life Time facility project. Gave an overview of the bids, cost, and range of costs that will go into the total cost.

Council member Essler inquired about one of the General Construction bidding contractors, Gardner. Brent Marlow noted that this bidder did not quote the full scope of the project and mentioned that many of the discrepancies in bidding were due to contractors being reactionary towards the Life Time title on the project.

Council Member Essler made a comparison to the bid process for the joint Police and Public Works Campus.

Mayor Weisensel noted the benefit of breaking up the package. Mayor Weisensel also asked about the roofing and steel contractors. Brent Marlow noted that the roofing and steel contractors were within the estimated range for bidding.

Council Member Essler noted he wanted to see the City's and Life Time's estimates side by side.

Director Shultz noted that the City's estimate is Life Time's estimate for bidding.

City Administrator Martin asked if it was feasible to hold off on approval until the June 6, 2023 council meeting.

Brent Marlow noted that if there was any hesitation, it would be okay to hold until the June 6th, 2023 Council date.

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

Motion to recommend the City Council accept the bids and award contracts to the lower bidder as described in the letters of recommendation for the following specialty areas:

1. Earth work, Utilities, and Paving
2. Building Structural
3. Concrete Masonry
4. Aquatics
5. Elevator
6. Fire Suppression

- 7. Electrical
- 8. Storefront Entrances/Curtain Wall
- 9. Food Service

Ayes: 4.

Nays: Essler. Motion Carried.

- d. Request for an Amendment to the Existing Conditional Use Permit that was Approved in 2020 for North 20 Brewing to Extend the Hours of Operation and to Allow for Outdoor Live Music and Food Trucks Onsite

Planner Hogan gave a brief overview of the Amendment for the Existing PUD for North 20 located along Bacardi Avenue, laying out the potential action options to either adopt or deny the request.

Council Member Essler asked about the concerns about the food trucks on site.

Planner Hogan noted what is permitted within the City Code and for mobile food trucks, mentioning food trucks are permitted up to four (4) times per calendar year upon approval of a special events permit through the City Clerk.

Council Member Essler asked if the site is considered a residential property.

Planner Hogan noted that the site is zoned agricultural, meaning food trucks are permitted only under the special events permit.

Council Member Essler clarified that the mobile food trucks would be limited to four (4) times per calendar year.

Community Development Director Keinberger further clarified that many of the questions and/or concerns that Council Members may have regarding this item, will be subject to regulations under City Code.

Council Member Essler asked about music and its requirements under the sound ordinance. Planner Hogan clarified that any loud music coming from the site would still need to adhere to the sound ordinance.

Council Member Essler requested clarification on whether parking is permitted on Bacardi Avenue.

Planner Hogan noted that parking is not permitted on Bacardi for patrons of North 20 per the initial approved conditions, Condition 9, for use. However, residents, not those visiting North 20, may park on Bacardi Avenue.

Council Member Essler clarified the parking requirements.

Planner Hogan noted that Council Member Essler was correct in that the Conditional Use Permit for North 20 is more restrictive on parking than what is generally permitted for residents.

Council Member Essler inquired about the hours of operation, further stating he was comfortable with the extension of hours.

Council Member Freske requested clarification regarding the requirements for music, asking if the music would only be permitted indoors.

Planner Hogan noted that as long as the music does not disturb the peace, outdoor music is permitted as background music.

Council Member Freske clarified that the question is more towards what constitutes disturbing the police.

Council Member Theisen added that, if anything were to be a disturbance, the City Code would be used to facilitate those issues.

Mayor Weisensel asked if there had been any calls for police.

Planner Hogan noted there have been three calls to the Police Department, two (2) calls for parking on Bacardi Avenue and one (1) call by the applicant and owner of a patron of the brewery.

Council Member Kimpel mentioned that the company is asking for some very reasonable requests for this particular Amendment to the Conditional Use Permit. Council Member Kimpel also noted that there are sufficient Code and Ordinance regulations in place to handle the concerns.

Council Member Theisen seconded the comments made by Council Member Kimpel. Council Member Theisen noted the positive intent of the applicant and owner of North 20, to support small businesses as well as the Council's duty to think long term.

Mayor Wiesensel motioned to suspend the rules and allow for public comment.

Motion by Council Member Essler **Second by** Council Member Freske

Motion to suspend the rules and allow for a public comment period.

Ayes: 5.

Nays: None. Motion Carried.

Public comment opened at 8:29 pm.

Mike McMenemy 12380 Bonaire Path, Rosemount, MN 55068

Mr. McMenemy shared his confusion over the decision being made and his frustration with being unable to talk with the City Council about the issue. He shared that he felt this process had been unfair and a snow job.

Debbie Ruppe 12050 Bacardi Avenue, Rosemount, MN 55068

Mrs. Ruppe shared her frustration with the potential decision by City Council. She also noted the North 20 has increased the noise in the neighborhood and impacted the safety of residents. She mentioned that the additional hours would further exacerbate the noise and safety concerns.

Fred Ruppe 12050 Bacardi Avenue, Rosemount, MN 55068

Mr. Ruppe shared his frustration with the noise from the brewery, stating he wanted to enjoy the peace and quiet that his property would otherwise have provided. He noted his concern for his property and the greater neighborhood. He mentioned that he would like to see the speed reduced along Bacardi. He also added that he did not believe the Brewery had followed the initial Conditional Use Permit. He shared that his property had more dust than before North 20 opened. He finished by requesting the Council consider having the business but up a sound barrier.

Ben Burdock 14024 Belmont Trail, Rosemount, MN 55068

Mr Burdock noted that he shared the other residents' concern about people driving too fast down Bacardi Avenue, but that he supports the business. He shared his excitement for the brewery, the culture, and its location in the City. He was proud of the business and stated that the owner and his

family were supportive of the community and their families.

Public comment closed at 8:46 pm.

Council Member Freske requested the City Administrator explain the process for public hearings and for the Public Works department to talk about the for a speed analysis. Council Member Freske also sought to clarify the limit on outdoor seating.

City Administrator Martin explained the statutory process for public hearings, the notice that had been given for this item during the Planning Commission meeting in April, and the speed study that was conducted prior to the meeting.

Planner Hogan noted the outdoor seating requirement and gave a brief overview of the Bacardi Avenue Speed Study. She noted that most drivers along Bacardi are traveling under the speed limit.

Council Member Essler asked that the next steps were to adjust the speed limit along Bacardi since most residents drive under the speed limit.

City Engineer Erickson discussed the speed study, noting that the process will be started soon and will be signed.

Chief Dahlstron recited the state statute for speed limits for city streets under the city's jurisdiction.

Council Member Freske asked if the speed limit would be different if it was a gravel or paved road. City Engineer Erickson noted that the main thing engineers look at in speed studies is the average speed and the 85th percentile speed. He added that pavement will make a difference to how fast people will drive.

Council Member Klempel inquired about the timing of signage. City Engineer Erickson mentioned that it would take a few weeks.

Council Member Essler asked which document entails the number of people permitted on the patio at North 20, previously noted at 23.

Senior Planner Nemcek mentioned that the limit of 23 people on the patio was listed in the original Site Plan Review, separate from the Conditional Use Permit. The 23 seats came from what was drawn on the site plan review which staff used to identify the required amount of parking on site. Staff has been working with the applicant to get an accurate site of the overflow area to see how many seats they are permitted to have.

Council Member Essler requested further clarification.

Senior Planner Nemcek noted that there is no requirement on the number of seats allowed other than to provide the required amount of parking on site to support the use.

Council Member Essler added that as long as the number of seats is sufficient to match the parking on site, it is permitted.

Senior Planner Nemcek discussed the landscaping on site and noted the City will ensure the plantings meet requirements.

City Administrator Martin inquired about the codification of parking requirements.

Senior Planner Nemcek noted the requirement.

Motion by Council Member Essler **Second by** Council Member Freske

Motion to adopt a resolution approving an amendment to an existing Conditional Use Permit for North 20 Brewing located at 12266 Bacardi Avenue to extend the hours of operation and to allow for outdoor live music and food trucks onsite.

Ayes: 5.

Nays: None. Motion Carried.

e. Recieve Bids & Award Contract Package No. 2 - Public Works & Police Campus

City Administrator Martin introduced bid package number two for the joint Public Works and Police Campus. City Administrator Martin noted the bid package shows the base level and alternate estimates for bids, all of which fall within the City budget.

Council Member Essler inquired about a comparison of the estimate to an internal budget.

City Administrator Martin noted the comparison has not been done yet as seven large items have not yet been bid.

Council Member Essler asked again about a side by side comparison.

City Administrator Martin noted the base estimate and alternates.

Council Member Essler mentioned that moving forward he would like to see the side by side estimates for bids.

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

Motion to Adopt a Resolution Receiving Bids and Awarding Contracts for Bid Package No. 2, Including Alternate Bid Items, on the Public Works & Police Campus Project

Ayes: 4.

Nays: Essler. Motion Carried.

ANNOUNCEMENTS

a. City Staff Updates

None.

b. Upcoming Community Calendar

Next City Council Meeting will be held at 7:00 pm on Tuesday, June 6th, 2023.

ADJOURNMENT

There being no further business to come before the City Council, the regular meeting closed at 9:12 p.m.

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

Motion to Adjourn.

Ayes: 5.

Nays: None. Motion Carried.

Respectfully submitted,

Erin Fasbender
City Clerk