

**CALL TO ORDER**

Pursuant to due call and notice thereof a regular meeting of the Rosemount City Council was held on Tuesday, August 16, 2016 at 7:00 p.m. in the Council Chambers at City Hall, 2875 145<sup>th</sup> Street West, Rosemount.

Mayor Droste called the meeting to order with Council Members DeBettignies, Weisensel and Demuth attending. Council member Nelson was absent.

Staff present included the following;

|   |                                       |
|---|---------------------------------------|
| o City Administrator Johnson                            | o Chief of Police Scott               |
| o Interim Director of Public Works/City Engineer Morast | o City Clerk Hadler                   |
| o Community Development Director Lindquist              | o Parks & Recreation Director Schultz |
| o Assistant City Engineer Hatcher                       | o Assistant City Administrator Foster |

The Pledge of Allegiance was said.

**ADDITIONS OR CORRECTIONS TO AGENDA**

City Administrator Johnson stated there is an addition of an advertised Public Hearing for an easement vacation.

**Motion** by DeBettignies. **Second** by Demuth.

**Motion** to Adopt the Agenda.

**Ayes: DeBettignies, Droste, Weisensel, Demuth**

**Nays: 0. Motion carried.**

**PRESENTATIONS, PROCLAMATIONS, & ACKNOWLEDGMENTS**

**PUBLIC COMMENT**

Chris Aquigon, represents the developer for Prestwick Place, inquired about the recommendation to continue the public hearing. Mr. Johnson explained that the Preliminary Plat is on the agenda, however the easement is associated with the final plat, which will not be ready until the Sept. 6<sup>th</sup> meeting.

Thomas Hartley, 2765 134<sup>th</sup> Street West, requested verification that the apartment complex will not be on this agenda. Staff confirmed this fact.

**CONSENT AGENDA**

**Motion** by DeBettignies. **Second** by Weisensel.

**Motion** to Approve the Consent Agenda.

- a. Minutes of the August 1, 2016 Regular Meeting Proceedings
- b. Bills Listing
- c. Expenditure Approval from the Donation Account - Parks & Recreation Dept.

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- d. Halloween Event - Service Agreement
- e. Steeple Center Lighting Project
- f. Zoning Ordinance Text Amendment to Extend Approval Time of Preliminary Plats
- g. Approval of a Resolution Authorizing Application for a Planning Assistance Grant
- h. Request by Metro Land Holdings for a PUD Master Development Plan to permit 7 single family homes and Simple Plat approval for Harmony 9th Addition

**Ayes: DeBettignies, Droste, Weisensel, Demuth**

**Nays: None. Motion carried.**

## **PUBLIC HEARINGS**

### **7.a. Prestwick Place**

Community Development Director Lindquist stated that the easement vacation typically is not approved until the Final Plat, which has been delayed until September 6th.

Mayor Droste opened the Public Hearing at 7:06 pm.

**Motion** by Weisensel. **Second** by Demuth.

**Motion** to continue the public hearing for vacation of easement for Outlot C Prestwick Place 2<sup>nd</sup> Addition to the September 6<sup>th</sup> city council meeting.

**Ayes: DeBettignies, Droste, Weisensel, Demuth**

**Nays: None. Motion carried.**

## **OLD BUSINESS**

### **NEW BUSINESS**

#### **9.a. Request by Prestwick, LLC for a Preliminary Plat and Planned Unit Development Master Development Plan with Rezoning to Develop a 186 Lot Subdivision on Outlot C of Prestwick Place 2nd Addition**

Community Development Director provided a summary of the development and the suggested motions for the item.

Council member Weisensel asked Ms. Lindquist to show the street that would have sidewalks on both sides of the street and inquired why it was not extended all the way to Connemara. Council member Demuth inquired about speed bumps. Ms. Lindquist stated that engineers were generally not supportive of speed bumps and stated that the street does have some curvature and is not a through street that people outside of the neighborhood would be cutting through.

Council member DeBettignies inquired about the ability of residents to put up fencing around the property given the location of drainage and utility easements. Scott Johnson, of Arcon Development, stated the railroad was almost fully screened by existing trees.

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Mayor Droste asked about what the residents would be told about planting in the easements in the event there is work needed to be done. Ms. Lindquist stated that the City does not preclude plantings in an easement. Council member Demuth asked about signage in that area. Mr. (Scott) Johnson stated that there would be signs put out regarding the conservation easement.

Council member DeBettignies commented that the tree line appears quite extensive and inquired how close the infiltration would come to those trees. Mr. (Scott) Johnson stated they would not be anywhere near those trees.

Council member DeBettignies asked how far the homes are from the railroad. Mr. (Scott) Johnson stated it was an average of 200 feet.

Mr. (Scott) Johnson asked that the Council revisit the sidewalk issue. He stated that there are few streets in the City that have sidewalks on both sides of the street and one street in the City is almost identical to the street currently in question. He stated the cost was an additional \$100,000 he was not planning on. Council member DeBettignies inquired about the total distance of that street. Mayor Droste asked what the policy is. Ms. Lindquist stated that the policy is two-sided on designated arterial and collector streets and asked Dan Schultz, Director of Parks & Recreation to weigh in. Mr. Schultz stated that the Parks & Recreation Commission suggested the addition of sidewalks on both sides of the street and explained their reasoning.

Council member Demuth stated support for a sidewalk on a single side of the street. Council member Weisensel supports sidewalks on both sides of the street.

**Motion** by Demuth. **Second** by Weisensel.

**Motion** to approve the Preliminary Plat for Prestwick Place 13th Addition, subject to conditions A through F:

- a. Approval of a Planned Unit Development master plan and rezoning the subject property and designating minimum lot requirements and setbacks.
- b. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated August 10, 2016.
- c. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated July 21, 2016
- d. Dedication of Drainage and Utility easements over all ponding areas as required by the City.
- e. Storm Water Pond Number 2 (immediately north of Connemara Trail) shall be platted within an outlot and deeded to the City at the time of final plat approval for this portion of the subdivision.
- f. A drainage and utility easement of 15 feet in width shall be provided along each side of the lot line between Lots 35 and 36, Block 1 and Lots 32 and 33, Block 3 of the preliminary plat in order to accommodate the planned infrastructure depicted on the storm water management plan.

**Ayes: DeBettignies, Droste, Weisensel, Demuth**  
**Nays: None. Motion carried.**

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**Motion** by Demuth. **Second** by DeBettignies.

**Motion** to approve the Planned Unit Development Master Development Plan with the Rezoning of the property from AGP – Agricultural Preserve to R1 PUD – Low Density Residential Planned Unit Development, subject to conditions:

- a. The front elevation design shall include one of the following elements:
  - i. Three and a half (3.5) feet of brick or stone wainscoting, excluding doors, windows or the wall behind the front porch;
  - ii. A front porch with railing that extends at least 30% of the width of the front elevation, including the garage;
  - iii. A side entry garage;
  - iv. Or, no more than 70% lap siding, excluding doors and windows.
- b. A deviation from City Code Section 11-2-15 F. so that the home designs do not need to include an option for a three garage stall.
- c. A deviation from City Code Section 11-4-5 F.1. to reduce the interior lot minimum area of 10,000 to 8,600 square feet and corner lot minimum area from 12,000 to 10,200 square feet.
- d. A deviation from City Code Section 11-4-5 F.2. to reduce the minimum lot width to sixty five (65) feet for interior and eighty (80) feet for corner lots.
- e. A deviation from City Code Section 11-4-5 F.4. to reduce the front yard setback to twenty five (25) feet.
- f. A deviation from City Code Section 11-4-5 F.5. to reduce the side yard setback to seven and one half (7.5) feet.
- g. A deviation from City Code Section 11-4-5 F.9. to reduce the maximum lot coverage to forty percent (40%) for lots less than 9,750 square feet in size and thirty five percent (35%) for lots over 9,750 square feet.
- h. Each corner lot will have two overstory trees, one fronting on each road. The seed mix in the ponding areas should be modified to include more wildflowers in the mix. Both of these modifications should be made to the landscape plan prior to release of the final plat.
- i. Conformance with all requirements of the City Engineer as detailed in the attached memorandum dated August 10, 2016
- j. Conformance with all requirements of the Parks and Recreation Director as detailed in the attached memorandum dated July 21, 2016.
- k. The landscape plan shall be updated to include additional plantings of evergreen or deciduous trees along railroad right-of-way.
- l. The landscape plan shall be updated to include additional plantings of evergreen or deciduous trees along Connemara Avenue, and Akron Avenue and/or a berm subject to approval by the City.
- m. The construction plans shall be updated to include a sidewalk on one side of Ashford Path, the south side.

**Ayes: Demuth, DeBettignies.**

**Nays: Droste, Weisensel.**

**Motion fails.**

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  - ii. A front porch with railing that extends at least 30% of the width of the front elevation, including the garage;
  - iii. A side entry garage;
  - iv. Or, no more than 70% lap siding, excluding doors and windows.
- b. A deviation from City Code Section 11-2-15 F. so that the home designs do not need to include an option for a three garage stall.
- c. A deviation from City Code Section 11-4-5 F.1. to reduce the interior lot minimum area of 10,000 to 8,600 square feet and corner lot minimum area from 12,000 to 10,200 square feet.
- d. A deviation from City Code Section 11-4-5 F.2. to reduce the minimum lot width to sixty five (65) feet for interior and eighty (80) feet for corner lots.
- e. A deviation from City Code Section 11-4-5 F.4. to reduce the front yard setback to twenty five (25) feet.
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- k. The landscape plan shall be updated to include additional plantings of evergreen or deciduous trees along railroad right-of-way.
- l. The landscape plan shall be updated to include additional plantings of evergreen or deciduous trees along Connemara Avenue, and Akron Avenue and/or a berm subject to approval by the City.
- m. The construction plans shall be updated to include a sidewalk along both sides of Ashford Path.

**Ayes: DeBettignies, Droste, Weisensel.**

**Nays: Demuth.**  
**Motion carried.**

**Motion** by DeBettignies. **Second** by Demuth.

**Motion** to adopt an Ordinance amending Ordinance B City of Rosemount Zoning Ordinance for Prestwick Place 13th Addition.

**Ayes: DeBettignies, Droste, Weisensel, Demuth**  
**Nays: None. Motion carried.**

**Motion** by Weisensel. **Second** by Demuth.

**Motion** to approve the PUD agreement.

**Ayes: DeBettignies, Droste, Weisensel, Demuth**  
**Nays: None. Motion carried.**

**9.b. Zoning Ordinance Text Amendment to Allow Combined Heat and Power Plants as a Conditional Use Within the HI-Heavy Industrial Zoning District and Amend Section 11-1-4: Definitions.**

Community Development Director Lindquist gave an overview of the need for a revised ordinance to allow for the Flint Hills Cogeneration Plant. Staff did research in other communities and developed a code to allow for this type of use as a conditional use. The next item on the agenda is contingent on the passage of this item.

**Motion** by Weisensel. **Second** by Demuth.

**Motion** to Motion to Approve a Zoning Ordinance Text Amendment Adding Combined Heat and Power Plants as a Conditional Use in the HI-Heavy Industrial Zoning District and Amending Section 11-1-4: Definitions.

**Ayes: DeBettignies, Droste, Weisensel, Demuth**  
**Nays: None. Motion carried.**

**9.c. Flint Hills Resources Conditional Use Permit for a Combined Heat and Power Plant**

Community Development Director Lindquist gave an overview of proposed project. She described the location and description of the facility.

Mayor Droste invited representatives from Flint Hills to comment and describe the project. Mike Krautkremer, Environmental Engineer, gave an overview of how the combined heat and power facility will use natural gas to generate heat and electricity. The goal is to make the facility more efficient, likely 70% efficiency. Jake Reint, Director of Public Affairs, discussed the benefits of the system. The system will provide 40% of the facility's energy.

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Council member DeBettignies asked about the financial savings given the cost of natural gas. Mr. Reint stated they believe that natural gas will continue to be an economic resource. Council member DeBettignies asked if there would emissions. Mr. Krautkremer stated that there would, but natural gas has very low sulfur emissions.

**Motion** by Weisensel. **Second** by Demuth.

**Motion** to adopt a Resolution Approving a Conditional Use Permit for Flint Hills Resources to Construct a Combined Heat and Power Plant subject to conditions.

**Ayes: DeBettignies, Droste, Weisensel, Demuth**

**Nays: None. Motion carried.**

**9.d. Arterial Connector Study – Pine Bend Area (CP 97-111)**

Brian Sorenson, of Dakota County introduced his team of engineers in the Dakota County Transportation Department. Ms. Christy Sebastian presented information on the background of the study. Mr. Sorenson presented the recommendations that came out of the study, both short and long-term. Short-term recommendations include initiation of design work for County 73 2-lane collector design from Bonaire Path to Cliff Road along Akron Avenue. Long-term recommendations include planning for realignments of County 73 and County 32 (generally along “Scenario D-Refined”).

Council member DeBettignies inquired about the determination of intersecting at County 73 and 117<sup>th</sup> Street, and stated that there was no opportunity for development at that intersection.

Mayor Droste inquired about the issues with Inver Grove Heights. Mr. Sorenson stated that their Council members expressed concern about the costs of improvements to Akron. There are also residents that are not interested in Akron becoming a paved road. Council member Demuth asked if the County paid for the Inver Grove portion, would they also pay for the Rosemount portion. Mr. Sorenson stated they would need to look at that.

Council member Weisensel inquired about the timing of the design and construction. Mr. Sorenson stated he would expect it take a year for design, a year for right-of-way acquisition, and the earliest construction would begin would be 2019. Council member Weisensel clarified that the realignment portion would not take place for many years.

**Motion** by Weisensel. **Second** by DeBettignies.

**Motion** to Adopt the Recommendations of the Arterial Connector Study.

**Ayes: DeBettignies, Droste, Weisensel, Demuth**

**Nays: None. Motion carried.**

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**9.e. City Administrator Executive Search Firm Selection**

Assistant City Administrator Foster stated that City Administrator Johnson would be retiring at the end of 2016. City council had previously directed staff to advertise for a search firm. Council chose a three member panel including Mayor Droste, Council member Weisensel, and Council member DeBettignies. The team is recommending Brimeyer Fursman as the search firm to use.

**Motion** by Weisensel. **Second** by DeBettignies.

**Motion** to Accept the Proposal and Authorize the Selection of the Search Firm Brimeyer Fursman to Conduct the City Administrator Executive Search.

**Ayes: DeBettignies, Droste, Weisensel, Demuth**

**Nays: None. Motion carried.**

**ANNOUNCEMENTS**

Mayor Droste reviewed the calendar of events. The next City Council meeting will be held on Tuesday, September 6th, 2016, at 7:00 p.m. with a special work session to follow.

**ADJOURNMENT**

There being no further business to come before the City Council and upon a motion by Droste, second by Weisensel, the meeting was adjourned at 8:58 p.m.

Respectfully Submitted,

Clarissa Hadler, City Clerk