

**ROSEMOUNT CITY COUNCIL  
REGULAR MEETING PROCEEDINGS  
JANUARY 19, 2021**

**CALL TO ORDER**

Pursuant to due call and notice thereof a regular meeting of the Rosemount City Council was held on Tuesday, January 19, 2021, at 7:00 p.m. in Rosemount Council Chambers 2875 145th Street West and virtually via Zoom.

Mayor Droste called the meeting to order with Council member Block, Essler, Weisensel, and Freske attending. **Staff present included the following;**

- City Administrator Martin
- Community Development Director Lindquist
- Public Works Director/City Engineer Erickson
- Chief of Police Dahlstrom

The Pledge of Allegiance was recited.

**APPROVAL OF AGENDA**

**Motion by** Weisensel **Second by** Block

**Motion** to Adopt the Agenda as presented.

**Ayes: 5.**

**Nays: None. Motion carried.**

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

**Motion by** Weisensel **Second by** Essler

**Motion** to approve consent agenda with items e. & f. pulled

- a. Minutes of the January 5, 2021 Regular Meeting Proceedings
- b. Minutes of the January 5, 2021 Work Session Proceedings
- c. Minutes of the January 5, 2021 Special Work Session Proceedings
- d. Bills Listing
- e. ~~Appoint 2020 Class of Fire-Fighters~~
- f. ~~Charitable Gambling Premise Permit Irish Football Boosters~~
- g. Renewal of the Dakota Aggregates Large Scale Mineral Extraction Permit Through 2021
- h. Renewal of the Danner, Inc. Small Scale Mineral Extraction Permit for 2021
- i. Renewal of the Shafer Contracting Co., Inc. Small Scale Mineral Extraction Permit for 2021
- j. Renewal of the Small Scale Mineral Extraction Permit at the PedKuznia Properties for Bolander and Sons for 2021
- k. Approve Lease Agreement for Toro Mowers

- l. 132<sup>nd</sup> Street Improvements, City Project 465 Final Acceptance and Authorization of Final Payment
- m. Addison Avenue Improvements, City Project 2018-06 Final Acceptance and Authorization of Final Payment
- n. Approve Plans and Specifications and Authorize Advertisement for Bids for the 2021 Street Improvement Project, City Project 2021-01
- o. Deepwoods Court Improvements, City Project 2020-03 Final Acceptance and Authorization of Final Payment
- p. Targeted Picketing Ordinance Adoption

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

**6.e. Appoint 2020 Class of Fire Fighters**

Councilmember Block pulled this item for recognition and noted these firefighters will be recognized in person at a later date.

**Motion by** Block **Second by** Essler

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

**6.f. Charitable Gambling Premise Permit Irish Football Boosters**

Councilmember Essler pulled this item to inform all that based on state statute, Council only has two options to declare no trade area or expend within a trade area which at minimum includes contiguous cities. Councilmember Essler directed staff to remind the gambling organizations of the 80% expenditure requirement within the trade area.

**Motion by** Essler **Second by** Block

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

**PUBLIC HEARINGS**

**7.a. Public Hearing for a Request by CNC Development IV, LLC, for the Vacation of a Drainage and Utility Easement over Outlot B, Emerald Isle 1st Addition**

Community Development Director Lindquist briefed Council on the request staff received from CNC Development IV to vacate a blanket drainage and utility easement that was dedicated over all of Outlot B of Emerald Isle 1<sup>st</sup> Addition in order to facilitate development of the second phase of Emerald Isle. However, the applicant's attorney (Peter Coyle) has indicated that the City cannot require dedication of a blanket easement and that areas located in Outlots A & B are for future development. Mr. Coyle stated the county withdrew their offer of \$55,000 for temporary and permanent easements for a portion of the area needed for ponding. The applicant is requesting

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neither the City nor Dakota County take any action to site a stormwater facility on CNC's property without prior agreement of CNC and payment of fair market value for a drainage and utility easement.

City Attorney Mary Tietjen explained to the Council that based on statutory authority to require dedication of such areas the staff recommendation to vacate all but a portion of the blanket easement is lawful and it's use for ponding is consistent with the purpose and scope of a drainage and utility easement. City Attorney Tietjen also stated based on the timing of the objection received from the applicant, as the objection was not received until after the 1<sup>st</sup> Addition plat dedicating the blanket drainage and utility easement was approved by the City Council. The City has legal authority to require dedication easements through this process. Ms. Lindquist noted, the ponding area for local and regional drainage was approved in the Master Development Plan.

Councilmembers questioned the timing of the approvals, objections, offer and the county involvement. Council is requesting City Attorney Tietjen have further conversations with the County to determine their timing and reasoning for withdrawing the offer. Developer, Bill Ryan, was also presented and informed Council he would provide the timeline of the details but was unable to provide the information this evening. Councilmember Essler requested staff have engagement with the County on the specific questions asked this evening.

Councilmember Block questioned whether the City has a policy in place for this or is it something the City has done in the past. Ms. Lindquist stated use of a blanket easement is quite common as developers often don't want to carve out specific easements for a utility line or grading in a future phase.

Based upon the questions the Council has, Council and applicant was in favor of keeping the public hearing open until February 2<sup>nd</sup>. At that time, Council will also be asked to take action on the final plat as the preference is to take action on both items at the same time. It was requested that a representative from Dakota County be present for the meeting to speak to this issue.

Mayor Droste opened the public hearing at 8:16 PM.

**Motion by** Essler **Second by** Block

**Motion to** continue the public hearing until the next council meeting on February 2, 2021.

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

City Attorney Mary Tietjen noted that to continue the public hearing is to table the resolution as well.

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**UNFINISHED BUSINESS**

**8.a. Report on Annual Evaluation of the City Administrator**

Mayor Droste recapped the recent closed session that took place for City Administrator Martin's annual evaluation. Councilmembers praised Mr. Martin on his leadership skills this year especially through the pandemic, his openness to ideas and congratulated him on an overall wonderful job.

**NEW BUSINESS**

**9.a. Request by CNC Development IV, LLC, for Final Plat Approval of Emerald Isle 2nd Addition**

**Motion by** Essler **Second by** Block

**Motion to** continue this item to the next council meeting on February 2, 2021.

**Ayes:** Freske, Weisensel, Block, Droste, Essler

**Nays:** None. **Motion carried.**

**ANNOUNCEMENTS**

**10.a. Staff Updates**

City Administrator Martin provided staff updates including staff and council engaged in an annual goal setting session process for vision of the next 5 years, Port Authority and Planning Commission had another special meeting to discuss visual retail development and lastly the "Voices of Rosemount" event was held yesterday in partnership with OneRosemount and will be on social media platforms soon for all to view.

**10.b. Upcoming Community Calendar**

Mayor Droste 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 Droste and a second by Weisensel the meeting was adjourned to a closed meeting at 8:31 p.m.

Respectfully submitted,

Erin Fasbender  
City Clerk