



**DRAFT**

Approved: November 12, 2019

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**CITY OF ARDEN HILLS, MINNESOTA  
REGULAR CITY COUNCIL MEETING  
OCTOBER 28, 2019  
7:00 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

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**CALL TO ORDER/ROLL CALL**

Pursuant to due call and notice thereof, Mayor David Grant called to order the regular City Council meeting at 7:00 p.m.

**Present:** Mayor David Grant, Councilmembers Brenda Holden, Fran Holmes, Dave McClung and Steve Scott

**Absent:** None

**Also present:** City Administrator Dave Perrault; Interim Public Works Director/City Engineer Todd Blomstrom; Community Development Manager/City Planner Mike Mroska; City Attorney Joel Jamnik; and City Clerk Julie Hanson

**PLEDGE OF ALLEGIANCE**

**1. APPROVAL OF AGENDA**

**Mayor Grant** requested the addition of Item 4C to allow for Staff Comments on the upcoming election.

**Councilmember McClung** requested Item 6H be pulled from the Consent Agenda for discussion as Item 7A.

**Councilmember Holden** requested Item 6C be pulled from the Consent Agenda for discussion as Item 7B.

**Councilmember Holden** requested Item 6L be pulled from the Consent Agenda for discussion as Item 7C.

**MOTION:** **Councilmember Holden moved and Councilmember McClung seconded a motion to approve the meeting agenda as amended. The motion carried unanimously (5-0).**

## 2. PUBLIC INQUIRIES/INFORMATIONAL

None.

## 3. RESPONSE TO PUBLIC INQUIRIES

- A. Public Inquiry Responses from September 23, 2019 City Council Meeting
- Precinct 3 Polling Place Access
  - Presbyterian Homes Access

**City Administrator Perrault** reviewed the responses to Public Inquires from the September 23, 2019 City Council Meeting regarding Precinct 3 Polling Place access and Presbyterian Homes access concerns with the Council.

## 4. STAFF COMMENTS

- A. Rice Creek Commons (TCAAP) and Joint Development Authority (JDA) Update

**City Administrator Perrault** provided an update on TCAAP stating litigation with Ramsey County was ongoing.

- B. Transportation Update

**Interim Public Works Director/City Engineer Blomstrom** provided the Council with an update on the MnDOT I-35W project. He reviewed the ramp closures that would impact Arden Hills residents.

**Interim Public Works Director/City Engineer Blomstrom** reported paving was now completed on Colleen Avenue and the road was now open for use.

- C. Staff Comments

**City Clerk Hanson** provided the Council with an update on the upcoming election. She stated voting would begin on Tuesday, October 29 and would run through Tuesday, November 5. She explained early voting would occur at several satellite locations but the closest for Arden Hills residents would be the Ramsey County Library in Shoreview or Roseville. She stated that the Ramsey County Public Works building in Arden Hills was no longer offered as an early voting location, and also reminded voters in Precinct 2 that their polling location has moved from Valentine Elementary to North Heights Church.

## 5. APPROVAL OF MINUTES

- A. September 9, 2019, Special City Council Work Session  
B. September 16, 2019, City Council Work Session  
C. September 23, 2019, Regular City Council

**MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the September 9, 2019, Special City Council Work Session meeting minutes, September 16, 2019, City Council Work Session meeting minutes; and September 23, 2019, Regular City Council meeting minutes as presented. The motion carried unanimously (5-0).**

## 6. CONSENT CALENDAR

- A. Motion to Approve Consent Agenda Item - Claims and Payroll
- B. Motion to Accept 2019 Third Quarter Actuals
- ~~C. Motion to Approve Personnel Policy Updates~~
- D. Motion to Approve Resolution 2019-036 Partially Suspending the Effective Date of Ordinance Regulating Sale of Tobacco Products
- E. Motion to Approve Resolution 2019-037 Accepting a Donation from the Arden Hills Foundation
- F. Motion to Approve Resolution 2019-034 Authorizing the Application for Recycling SCORE Grant Funds from Ramsey County
- G. Motion to Approve Planning Case 19-011 – Variance – 1314 Cannon Avenue
- ~~H. Motion to Approve Planning Case 19-013 – Variance – 1932 County Road E~~
- I. Motion to Approve Planning Case 19-012 – Site Plan Review 3200 Lake Johanna Boulevard (Presbyterian Homes)
- J. Motion to Approve Agreement with InControl, Inc., for Utility Monitoring and Control System Improvements
- K. Motion to Approve Payment No. 1 – Bituminous Roadways, Inc. – Tennis Court Improvements at Cummings, Hazelnut and Royal Hills Parks
- ~~L. Motion to Approve Professional Services Agreements with HR Green for Shorewood Drive (Survey and Storm Sewer Improvements Study) and Grant Road & Fairview Avenue (Survey and Existing Stormwater Overflow Path Assessment)~~

**MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the Consent Calendar as amended removing Items 6C, 6H, and 6L; and to authorize execution of all necessary documents contained therein. The motion carried unanimously (5-0).**

## 7. PULLED CONSENT ITEMS

- A. **Motion to Approve Planning Case 19-013 – Variance – 1932 County Road E**

**Community Development Manager/City Planner Mroska** stated the property owners at 1932 County Road E W have submitted an application for a variance. The subject property is zoned R-2, Single and Two Family Residential District and is guided as Very Low Density on the Land Use Plan. The Applicant is proposing to construct a detached garage behind their existing home. The proposed addition would be constructed on the south side of the property facing an existing legal non-conforming driveway. The Applicant has requested a variance because the proposed driveway would encroach into the front setback.

**Community Development Manager/City Planner Mrosła** explained the existing driveway facing New Brighton Boulevard was built in 2000 and predates the current zoning code restrictions for driveways in R-2 properties. The proposed detached garage on the subject property is setback twenty-seven (27) feet from the property line and would encroach 13 feet into the front setback. However, staff inspected other nearby R-2 properties and noted that numerous properties in the same district have garages located within the front yard setback. The proposed garage would be constructed to preserve an existing significant tree and would avoid which would avoid relocating the power line to build the garage 40 feet behind the setback. The proposed garage would otherwise meet all other R-2 zoning requirements.

**Community Development Manager/City Planner Mrosła** reviewed the Plan Evaluation, Variance Requirements and offered the following Findings of Fact:

General Findings:

1. The property at 1932 County Road E is located in the R-2 Single Family Residential Zoning District.
2. The existing driveway on the property facing New Brighton Avenue is legally nonconforming because it was built prior to the ordinance amendment pertaining to driveways.
3. The property owners have requested a variance in order to construct a garage on the driveway that would encroach on the front yard setback facing New Brighton Avenue.
4. The proposed garage would meet all other minimum setback requirements for the R-2 District.
5. The proposed garage would meet the minimum lot coverage requirements, maximum building height requirement for the R-2 District, as indicated by the plans submitted by the Applicant.
6. The proposed development would not encroach on any flood plains, wetlands, or easements.
7. The proposed development is not expected to impact any significant trees on the property.

**Community Development Manager/City Planner Mrosła** explained the Planning Commission recommended approval by a 7-0 vote of Planning Case 19-013 for a Variance at 1932 Count Road E W, based on the findings of fact and the submitted plans in the October 9, 2019 Report to the Planning Commission, as amended by the following conditions:

1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
2. A Building Permit shall be required prior to commencement of construction.
3. The structure shall conform to all other regulations in the City Code.
4. The finish of the proposed addition shall complement the existing structure.

**Community Development Manager/City Planner Mrosła** commented the Planning Commission noted concerns about the number of vehicles that could potentially be parked on this lot with the two driveways. However, the Planning Commission did not formally add any conditions of approval related to parking on site and instead recommended that the City Council provide direction on this issue as part of this variance request.

**Councilmember McClung** stated he would like to see a condition for approval be added to address the number of cars that can be parked in the second driveway.

**Mayor Grant** questioned what recommendation Councilmember McClung would make regarding this matter.

**Councilmember McClung** suggested the number be limited between the two driveways (no more than four) or that a number be set for the second driveway.

**Councilmember Holmes** stated she watched the Planning Commission meeting and noted most homes in Arden Hills do not have two driveways. For this reason, she believed the best solution would be to limit the property to having four cars parked between the two driveways.

**Councilmember McClung** supported the City Council reviewing the City's parking regulations to more properly address how to manage two driveways and the proper number of vehicles that can be parked on a residential property.

**Mayor Grant** agreed with limiting the number of cars to be parked on the property to four.

**Councilmember Scott** commented the driveways were quite separated and for this reason he would support allowing three cars per driveway for a total of six cars being parked on the property.

**MOTION:** **Councilmember Holden moved and Mayor Grant seconded a motion to approve Planning Case 19-013 for a Variance at 1932 County Road E West, based on the findings of fact and the submitted plans in the October 28, 2019 Report to the City Council.**

**Councilmember McClung** stated he would like to amend the motion.

**AMENDMENT:** **Councilmember McClung moved and Councilmember Holmes seconded a motion to add Condition 5 to read: Only four vehicles will be allowed between the two driveways.**

**Councilmember Scott** commented he believed a more fair compromise would be allowing three cars per driveway.

**Julie Gronquist**, 1932 County Road E, stated she has had this driveway for many years and has not had any problems with parking an excessive number of cars. She noted the driveway would not be expanded or changed in any way. Rather, she was applying for a variance to build a garage.

**Gary Gronquist**, 1932 County Road E, expressed concern with the fact that he has been able to park four cars in each of his driveways for the past 19 years and now the City would be limiting this because he was requesting a variance to build a garage.

**Community Development Manager/City Planner Mroska** commented when the Gronquist's applied for a variance the request was reviewed and approved by the City with conditions and these conditions addressed the long-term concerns for the property.

**Ms. Gronquist** explained there was no parking allowed on either County Road E nor New Brighton Road as both are County roads, and all visitors had to park in the driveways.

**Councilmember Holden** questioned how the proposed amendment was concerning to the property owners. She indicated every property in Arden Hills was limited to having four cars parked on the property.

**Ms. Gronquist** requested the Council considering allowing six cars versus eight noting this would still be a limitation for her property.

**Mayor Grant** discussed that the amendment is specific to the property itself, and not the property owner, so that if in the future the property is sold, this amendment would be in place.

**The amendment carried 4-1 (Councilmember Scott opposed).**

**The amended motion carried (5-0).**

**B. Motion to Approve Personnel Policy Updates**

**Councilmember Holden** requested a change to the policy stating any violation of the smoking policy including those witnessed by staff or Councilmembers and reported in the employees personnel file, the employee will be subject to discipline up to and including termination.

**MOTION:** **Councilmember Holden moved and Councilmember McClung seconded a motion to Approve Personnel Policy Updates as amended. The motion carried (5-0).**

**C. Motion to Approve Professional Services Agreements with HR Green for Shorewood Drive (Survey and Storm Sewer Improvements Study) and Grant Road & Fairview Avenue (Survey and Existing Stormwater Overflow Path Assessment)**

**Interim Public Works Director/City Engineer Blomstrom** stated the City Council work session on September 9, 2019 included an agenda item regarding existing drainage issues and local flooding at two locations. The first location includes the northern portion of Shorewood Drive having insufficient storm sewer capacity. The second location includes the intersection of Grant Road and Fairview Drive based on concerns that a drainage emergency overflow path does not exist below the lowest floor elevation of adjacent homes.

**Interim Public Works Director/City Engineer Blomstrom** explained the City Council reviewed the existing configuration of storm sewer at the two locations and discussed the need for survey and planning work to identify a drainage solution. Staff was directed to obtain a proposal from HR Green to complete the survey and study work. A professional services proposal and agreement

to conduct a topographic survey, develop a hydraulic model for existing storm sewer, review alternatives, and provide recommendations to resolve the local flooding issues along Shorewood Drive was reviewed with the Council.

**Councilmember Holden** asked if the estimated cost for these projects was reasonable.

**Interim Public Works Director/City Engineer Blomstrom** explained the projected expenses were below the engineers estimate and were very reasonable for the extent of work that would be completed.

**MOTION:** **Councilmember McClung moved and Councilmember Holmes seconded a motion to Approve Professional Services Agreements with HR Green for Shorewood Drive (Survey and Storm Sewer Improvements Study) and Grant Road & Fairview Avenue (Survey and Existing Stormwater Overflow Path Assessment).**

**Councilmember Holden** stated she did not understand what was reasonable or not reasonable for this expense and therefore would not be supporting the motion.

**Councilmember Holmes** recommended billing rates and the estimated billable hours be included in future proposals.

**Councilmember Holden** called the question.

**The motion carried 4-1 (Councilmember Holden opposed).**

## **8. PUBLIC HEARINGS**

### **A. Planning Case 19-014 – Interim Use Permit – 1901 Lake Valentine Road (Mounds View High School)**

**Community Development Manager/City Planner Mroska** stated Mounds View Public Schools has applied for an Interim Use Permit (IUP) to allow the existing building on the property at 1901 Lake Valentine Road to be temporarily used as the weight room/fitness center for Mounds View High School. This property is zoned R-1, Single Family Residential and is part of the Mounds View High School Planned Unit Development.

**Community Development Manager/City Planner Mroska** commented when construction of the high school improvements began, the School District realized they did not have an interim location for the weight room/fitness center. This room is generally used for fitness and weight training as part of the overall health and wellness curriculum. The school officials looked for a temporary location and decided to use the existing building at 1901 Lake Valentine Road. The School District worked with the Fire Marshall and building inspections staff to bring the space into conformance with building and life safety codes. During that time school and planning staff met to discuss approval options. As a result, the school district has submitted this application for an IUP. A temporary certificate of occupancy has been issued, pending City Council approval of

the IUP. Staff commented further on the proposed IUP and requested the Council hold a public hearing.

**Mayor Grant** asked if the IUP was strictly for the weight room.

**Community Development Manager/City Planner Mrosia** reported this was the case.

**Mayor Grant** opened the public hearing at 7:46 p.m.

**Mike Schwartz**, Mounds View Public Schools, thanked the Council for their consideration. He reported the weight room would be used at this location for a limited amount of time.

**Councilmember Holmes** questioned what happened to the original weight room space.

**Mr. Schwartz** reported KA removed and demolished the space earlier than planned.

**Councilmember Holmes** questioned why the school needed two gyms.

**Mr. Schwartz** explained the additional gym space would allow for practices to be held for the high schools five volleyball teams in the fall and eight basketball teams in the winter months.

**Councilmember Holmes** inquired if the building had heat.

**Mr. Schwartz** reported the heat system in the building had been updated.

**Councilmember Holmes** requested further information regarding safety and security.

**Mr. Schwartz** discussed the safety and security of this building noting all doors had been replaced and the site met all building codes necessary for schools.

**Councilmember Holden** questioned how much money was spent updating the heating system.

**Mr. Schwartz** stated he did not have an exact figure, but noted doors were replaced, the building was sheet rocked and the heating system was updated.

**Councilmember Holden** expressed concern with the fact the school district moved the weight room to this building knowing full well the concerns the City had with student safety and crossing the street. She inquired what the hours of operation were for the weight room.

**Mr. Schwartz** reported the hours of operation were from 8:35 a.m. to 4:30 p.m.

**Councilmember McClung** asked if the weight room would be used on the weekends.

**Mr. Schwartz** explained the weight room would not be used on the weekends.

**Councilmember McClung** questioned when the school district discovered there was a problem with the existing weight room and there was no longer space.

**Mr. Schwartz** stated when KA decided to come in and complete demo work prior to school starting this fall. He reported this demolition work eliminated the weight room. He anticipated this work was conducted in late May.

**Councilmember McClung** inquired when work began on the new weight room space.

**Mr. Schwartz** estimated he began talking with the City regarding the changes that would need to occur in late April or early May. He noted the school district did not use the space until obtaining all of the necessary occupancy permits from the City.

**Mayor Grant** commented the last time the City Council spoke with the school district there was a concern with finances and how funding for the parking lot would be addressed. He questioned if this matter had been resolved.

**Mr. Schwartz** stated this was a work in progress.

**Mayor Grant** questioned why this item had not been brought to the City Council earlier.

**Mr. Schwartz** explained he completed all of the necessary paperwork that was sent to him from City staff and had all of the proper building inspections conducted.

**Community Development Manager/City Planner Mrosla** commended further on the process that was followed by City staff and State inspectors to review this project. He explained as soon as Planning Staff was made aware the building was being used as a weight room a letter was sent stating the use had to cease until an Interim Use Permit was in place. He indicated there was a disconnect with this project as plans were submitted to a Contract Building Official.

**Councilmember Holmes** stated she was trying to come to grips with the situation and understand why the Mounds View School District went out and made all these changes without understanding they needed an Interim Use Permit.

**Community Development Manager/City Planner Mrosla** commented staff was working with the school district to bring the site into compliance with City Code. He stated if he could go back and change things he would, however, the work was completed and now staff was working to bring the site into compliance. He reported the site met all Building Code requirements and only needed approval of the IUP. He indicated this was a temporary use that would run through August or September of 2020. He apologized to the City Council and took partial blame for the situation. He commented there were a lot of moving parts with this project and he stated at this time he was trying to bring this project into conformance with City Code.

**Councilmember Holden** asked how the applicant knew to contact the Contract Building Official.

**Community Development Manager/City Planner Mrosla** reported he attended an onsite meeting with school district officials and noted the Contract Building Official was in attendance. He indicated the school district officials followed up with the Contract Building Official after this meeting.

**Councilmember Holmes** questioned if the weight room hours should be extended in the event a team had to be in the space past 4:30 p.m.

**Mr. Schwartz** requested the hours be from 8:30 a.m. to 7:00 p.m.

**Mayor Grant** closed the public hearing at 8:08 p.m.

## 9. NEW BUSINESS

### A. Resolution 2019-035 – Planning Case 19-014 – Interim Use Permit – 1901 Lake Valentine Road (Mounds View High School)

**Community Development Manager/City Planner Mrosła** stated Mounds View Public Schools has applied for an Interim Use Permit (IUP) to allow the existing building on the property at 1901 Lake Valentine Road to be temporarily used as the weight room/fitness center for Mounds View High School. This property is zoned R-1, Single Family Residential and is part of the Mounds View High School Planned Unit Development.

**Community Development Manager/City Planner Mrosła** reviewed the Findings of Fact and stated the Planning Commission discussed this application at their October 9, 2019 meeting. At that time, the Planning Commission recommended approval of the Mounds View High School application for an Interim Use Permit, based on the suggested findings of fact and subject to the listed conditions, by a 7-0 vote.

**Mayor Grant** stated he supported the requested Interim Use Permit as the school needed a weight room facility as part of their core curriculum and for various sports teams. He wished the school district did not have to do this, but understood the space was necessary.

**MOTION:** **Councilmember Holden moved and Mayor Grant seconded a motion to adopt Resolution #2019-035, approving an Interim Use Permit to allow the then temporary use of the building at 1901 Lake Valentine Road for a temporary weight room/fitness center.**

**Councilmember McClung** commented the applicant knew this property was a concern for the City Council when the PUD was discussed last May. He expressed concern with the fact the space was updated and has been occupied as a weight room since August without an IUP. He understood the school district was a unit of government but reported the school district should be responsible for abiding by the same rules and regulations. He indicated he was struggling with just giving the school district a pass. He stated this would be one strike against the school district and he did not want to see anything like this happen again.

**AMENDMENT:** **Councilmember Holden moved and Councilmember McClung seconded a motion to amend Condition 4 to read: The facility will be used only by Mounds View High School students during the hours of 8:30 a.m. to 4:30 p.m. Monday through Friday.**

**Councilmember Holmes** supported the hours of operation being extended to 7:00 p.m. as this would allow the teams to use the space after practice. She did not want the teams to be penalized because the space was across the street. She stated it was her understanding this would occur occasionally and would not be the norm. She recommended the hours of operation be from 8:30 a.m. to 7:00 p.m.

**Councilmember Holden** stated she did not want to see the weight room staffed and left open until 7:00 p.m. Monday through Friday and for this reason she would support the motion on the floor.

**Councilmember Holmes** reported the weight room would be locked unless the space was opened by a coach for team players. She asked if it would be hardship on the teams if the weight room was not open until 7:00 p.m.

**Mr. Schwartz** stated this would be an occasional hardship. He requested the Council consider allowing the weight room to remain open until 7:00 p.m.

**The amendment carried 3-2 (Councilmembers Holmes and Scott opposed).**

**AMENDMENT:** **Councilmember Holden moved and Councilmember McClung seconded a motion to amend Condition 6 to read: Upon issuance of a certificate of occupancy for the new weight room at 1900 Lake Valentine Road the use of the space at 1901 Lake Valentine Road shall cease within two weeks of approval.**

**The amendment carried 4-1 (Councilmember Scott opposed).**

**AMENDMENT:** **Councilmember Holden moved and Councilmember McClung seconded a motion to add Condition 11 to read: There must be a staff person in the weight room at all times when occupied with students.**

**The amendment carried (5-0).**

**The amended motion Approving Resolution #2019-035, approving an Interim Use Permit to allow the then temporary use of the building at 1901 Lake Valentine Road for a temporary weight room/fitness center carried (5-0).**

**10. UNFINISHED BUSINESS**

None.

**11. COUNCIL COMMENTS**

**Councilmember Scott** commented the 2040 Comprehensive Plan was recently approved by Met Council. He requested the updated document be placed on the City's website.

**Councilmember Scott** reported the 3<sup>rd</sup> quarter utility bills were recently sent out. He complimented staff for the recent software upgrade and noted he was able to view his bill on his mobile device.

**Councilmember McClung** requested Section 1325 within City Code, regarding parking spaces allowed on residential properties, be further discussed by the City Council at a future worksession meeting.

**Councilmember McClung** stated he would be having surgery in early December and he would be missing two or three City Council meetings in December.

**Councilmember Holmes** requested staff check the microphones within the City Council Chambers noting it was hard to hear one of the speakers at the last Planning Commission meeting.

**Councilmember Holmes** stated she would like staff to investigate the donation of DNR saplings for next spring and that this matter be discussed at a future worksession meeting.

**Councilmember Holden** asked if MnDOT would be attending the November worksession meeting.

**City Administrator Perrault** reported this would be the case.

**Councilmember Holden** requested notice of MnDOT's attendance at the November work session be sent to the Edgewater, Ingerson and Freeway Park areas of the City because this was an important to these residents.

**Councilmember Holden** questioned if any tennis courts had been crack sealed.

**Interim Public Works Director/City Engineer Blomstrom** stated this did not occur because the temperatures did not allow for the work to be done.

**Mayor Grant** asked if staff could speak with MnDOT regarding the dead pine tree at County Road E2. He commented this was a sizeable tree and should be removed.

**City Administrator Perrault** questioned if staff should send out notices to the neighborhoods mentioned by Councilmember Holden prior to the meeting with MnDOT.

**Mayor Grant** supported this information being posted on the website and that notifications be sent to residents living within 1,000 feet.

**ADJOURN**

**MOTION: Councilmember Holden moved and Councilmember McClung seconded a motion to adjourn. The motion carried unanimously (5-0).**

**Mayor Grant** adjourned the Regular City Council Meeting at 8:35 p.m.

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Julie Hanson  
City Clerk

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David Grant  
Mayor