



DRAFT

Approved: January 25, 2021

**CITY OF ARDEN HILLS, MINNESOTA
REGULAR CITY COUNCIL MEETING
JANUARY 11, 2021
7:00 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

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.

Note: On March 20th, the Mayor signed a determination allowing Councilmembers to participate in City Council meetings via telephone pursuant to State Statute 13D.021

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

Absent: None

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

1. APPROVAL OF AGENDA

MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the meeting agenda as presented. A roll call vote was taken. The motion carried unanimously (5-0).

2. PUBLIC INQUIRIES/INFORMATIONAL

Gregg Larson, 3377 North Snelling Avenue, discussed Claims and Payroll with the Council. He drew the Council's attention to Page 2 of Claims and Payroll. He requested more explanation be given regarding the payments made by the City to ensure both the Council and the public understand how the City is spending its money.

Councilmember Holden stated there were other items on Claims and Payroll that did not have a high level of clarity. She questioned if all items should be further clarified.

Mr. Larson asked that all items on Claims and Payroll have enough information that the general public can understand how City funds are being spent.

Mayor Grant reported City staff would work to make this clearer for the Council and general public.

Steve Nelson, 3475 Siems Court, stated a few years ago the City redid Siems Court. He reported when this work was completed the entrance to Lake Johanna Boulevard was narrowed. He stated this has become a hazard when there is snow and ice. He explained a car went off the road already this winter. He encouraged the City to reconsider the safety of vehicle traffic at this intersection.

Mayor Grant requested Public Works Director/City Engineer Blomstrom report back on this item at the Council's next meeting. He also requested the Public Works Department pay special attention to the snow and ice at this intersection.

3. RESPONSE TO PUBLIC INQUIRIES

A. Public Inquiry Response from December 14, 2020 City Council Meeting

Finance Director Bauman provided a brief update on staff's response to the public inquiry from the December 14, 2020 City Council meeting.

Councilmember Holden requested staff provide more detailed information regarding escrows and which project or Planning Case the escrow correlates to.

Finance Director Bauman reported she would talk with her Accounting Analyst to ensure this level of detail was included in the future. She explained that all line items regarding escrows were the City simply returning funds to an applicant for a project and the City was not expending any of its own funds.

Mayor Grant asked if the Council wanted to further discuss this matter at a future work session.

Councilmember Scott did not believe this would be necessary.

Mayor Grant requested staff speak with Springbrook to see if they could alter the number of lines available for Claims and Payroll information.

Finance Director Bauman indicated she would ask the question.

4. PUBLIC PRESENTATION

A. Recognition of Re-Elected City Councilmembers Brenda Holden and Dave McClung

Mayor Grant reported Councilmembers Brenda Holden and Dave McClung have been re-elected to serve four-year terms (2021-2024). Generally, the Oath of Office would be given at an in-person Council meeting; however, due to COVID-19 precautions and Council meetings currently

being held virtually, it was deemed more practical to swear in each Councilmember separately while still meeting statute requirements. On Tuesday, January 5, 2021, the Oath of Office was administered by the City Clerk to Councilmember Holden and Councilmember McClung at City Hall, satisfying the “sight and sound” requirement of State law.

Councilmember Holden thanked her husband for his support and understanding. She stated she was proud and humbled to serve the City of Arden Hills again for the next four years.

Councilmember McClung stated he was looking forward to working with the Council for the next four years. He explained he appreciated how well the Council works together. He thanked the residents of Arden Hills for their support and for returning him to the City Council. He reported he has appreciated the phone calls and emails he has received from residents. He stated 2020 was an interesting year and he was looking forward to all the positive things that would occur in 2021.

Mayor Grant congratulated Councilmember Holden and Councilmember McClung on their reelections.

5. STAFF COMMENTS

A. COVID-19 Update

City Administrator Perrault provided the Council with an update on how the City was responding to COVID-19. He encouraged residents to visit the City’s website for the most current and up to date information regarding COVID-19. He reported the Minnesota Department of Health and CDC also had websites with current guidelines and recommendations.

He explained the City of Arden Hills remains in a peacetime state of emergency and City Hall will remain closed until further notice. He indicated City staff remains operational and can be reached via phone or email. He reported the governor recently announced the rollback of certain COVID mitigation measures. He stated further information regarding these rollbacks were available on the City’s website and State of Minnesota’s website.

6. APPROVAL OF MINUTES

- A. November 23, 2020, Special City Council Work Session
- B. November 23, 2020, Regular City Council
- C. November 23, 2020, Special City Council Executive Session (Closed)
- D. December 14, 2020, Regular City Council
- E. December 21, 2020, City Council Work Session
- F. December 21, 2020, Special City Council

Councilmember Holden noted she had one change to the December 21, 2020 worksession meeting minutes and this change was presented to the City Clerk.

MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the November 23, 2020, Special City Council Work Session meeting minutes, November 23, 2020, Regular City Council meeting minutes, November 23, 2020, Special City Council Executive Session (Closed) meeting minutes, December 14, 2020, Regular City Council meeting minutes, December 21, 2020, City Council Work Session meeting minutes; and December 21, 2020, Special City Council meeting minutes as amended. A roll call vote was taken. The motion carried unanimously (5-0).

7. CONSENT CALENDAR

- A. Motion to Approve Consent Agenda Item - Claims and Payroll
- B. Motion to Adopt Resolution 2021-001 – Relating to the 2021 Organization of the City of Arden Hills
- C. Motion to Adopt Resolution 2021-002 – Relating to the Appointments to the Commission and Committees of the City
- D. Motion to Approve Payment No. 1 to Air Express, Inc. – City Hall HVAC Replacement Project
- E. Motion to Approve Ramsey County Shared Service Agreement for Erosion and Sediment Control Inspections

MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the Consent Calendar as presented and to authorize execution of all necessary documents contained therein. A roll call vote was taken. The motion carried unanimously (5-0).

8. PULLED CONSENT ITEMS

None.

9. PUBLIC HEARINGS

None.

10. NEW BUSINESS

- A. **Resolution 2021-003 – Approving a Variance at 3493 Siems Court – Planning Case 20-017**

Community Development Manager/City Planner Mroska stated at the October 7, 2020 Planning Commission meeting the Applicant requested a variance to build a 120 square foot accessory storage structure that encroached eighteen (18) inches into the Shore Impact Zone of Lake Johanna. The proposed structure exceeded the eight (8) foot height limitation at ten (10) feet, six (6) inches. The Planning Commission voted to table the request to allow the Applicant to revise their plans to better conform to the Shoreland Ordinance provisions.

Community Development Manager/City Planner Mrosła reported the applicant took the Planning Commissions comments under consideration and submitted revised plans for a smaller structure that would not encroach into the Shore Impact Zone. The Applicant is now proposing to construct a structure that is nine and a half (9.5) feet tall and ninety-three and a half (93.5) square feet in size. However, the proposed structure still required a variance due to the proposed height and area that exceeded current ordinance standards. At their December 9, 2020 meeting the Planning Commission reviewed and discussed this application. The Planning Commission voted 4-3 to approve the planning case.

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

1. City Staff received a land use application for a request to build an accessory structure for storage at the Subject Property 3493 Siems Court.
2. Storage of personal items is a permitted use for an accessory structure in the R-1 Single Family Residential District.
3. The Subject Property has a steep downward slope in the rear yard that prevents the Applicant from building on much of the site.
4. The Subject Property meets the minimum lot size, width, and length requirements for the R-1 District.
5. The Applicant is requesting flexibility with the maximum height and size restrictions for an accessory storage shed located within the Ordinary High Water Level (OHWL) setback requirement for Lake Johanna.
6. The rear yard setback requirement for a proposed accessory structure is determined by the OWHL of Lake Johanna.
7. The proposed structure is located 25.2 feet within the OHWL setback from Lake Johanna which is 50 feet.
8. The proposed storage structure would be located outside the Shore Impact Zone of Lake Johanna.
9. One (1) storage shed is permitted with the OHWL setback requirement of Lake Johanna as long as it does not exceed 64 square feet in size and eight (8) feet in height and is not within the Shore Impact Zone.
10. The proposed structure exceeds the height at nine (9) feet six (6) inches tall and exceeds the area dimension at 93.5 square feet.
11. The proposed structure would otherwise conform to all other requirements and standards of the R-1 district.
12. A variance may be granted if enforcement of a provision in the zoning ordinance would cause the landowner practical difficulties.

Community Development Manager/City Planner Mrosła reported the Planning Commission recommended approval of Planning Case 20-017 for a Variance at 3493 Siems Court, based on the findings of fact and the submitted plans, as amended by following conditions:

1. A Zoning Permit for an accessory structure shall be issued prior to commencement of construction.
2. The exterior materials of the proposed addition shall be consistent or complementary in color, texture and quality with those visible on the existing structure.

3. The Applicant shall add landscaped screening to assist in screening the structure from adjacent properties. Planning staff shall review and approve the screening plan prior to the issuance of Zoning Permit.
4. The proposed accessory structure shall conform to all other standards and regulations in the City Code.

Councilmember Holden reported there were a lot of steep properties around Lake Johanna, she questioned why this property was unique.

Community Development Manager/City Planner Mrosla explained this finding was provided by the applicant. He indicated the applicant believes the topography of his lot was unique when compared to others.

Councilmember Holden stated she would like to hear from staff on why this property was unique.

Community Development Manager/City Planner Mrosla commented there were other properties with similar characteristics.

Councilmember McClung requested information regarding how the City's ordinance compared to neighboring communities or the DNR.

Community Development Manager/City Planner Mrosla reported staff reviewed adjacent community's codes and noted Shoreview has a maximum of 250 square feet, Roseville has a maximum of 250 square feet and New Brighton requires residents to meet accessory structure and setback requirements. He noted the model ordinance from the DNR sets a maximum of 250 square feet with a note that municipalities may set a size they deem necessary.

Mayor Grant indicated the City has a standard of 64 feet and questioned if this was the right standard for the City to have. He reported the 64 square feet would allow for an eight foot by eight foot shed. He commented this was not a lot of space.

Councilmember Holden explained properties on lakes are allowed to have a second storage shed, while other properties in Arden Hills are not. She asked if lake property owners could have a concrete slab next to a shed to allow them to chain a canoe or kayak to the shed.

Community Development Manager/City Planner Mrosla commented this would be allowed.

Mayor Grant asked if lakeshore properties are allowed to have two accessory structures.

Community Development Manager/City Planner Mrosla reported this was allowed. He stated one structure could be located within the setback and the other had to be outside the setback area.

Councilmember McClung explained he visited this property and others along the lake. He commented after weighing the pros and cons, he could see both sides of the equation. He agreed that 64 square feet was quite small. He questioned if the Council should be considering this

variance and possibly setting a precedent versus taking public feedback and reevaluating the Shoreline Ordinance. He supported the Council taking another look at the Shoreline Ordinance.

Mayor Grant stated the Council could move to table action on this item in order to further evaluate the Shoreline Ordinance. He questioned if the applicant could place a shed outside the OHWM.

Community Development Manager/City Planner Mrosla did not believe this would be possible given the topography of the lot.

Councilmember Scott explained he visited this lot last summer. He noted the entire backyard was sloped and full of boulders. He did not anticipate a shed could be constructed on the slope/boulders. He asked what the dimensions were for a typical paddle board.

Community Development Manager/City Planner Mrosla reported paddle boards were generally 10 to 11 feet in length and were between 32 to 34 inches wide.

Councilmember Scott stated this request was first presented to the Planning Commission in October and the request was for a 120 square foot foundation with a 10.5 foot high shed which had a volume of 1260 cubic feet. He indicated City ordinance allows for 512 cubic feet. He explained the revised request was for 982 cubic feet. He questioned if the exterior dimensions could be altered to fit within the 64 square foot foundation while still accommodating a full length paddle board.

Mayor Grant reported kayaks were typically longer than paddle boards. He anticipated 11 feet would be what the City would want to shoot for.

Councilmember Holden commented if a precedent was being set here, she did not want it done for just this property or just for a paddle board. She explained the Council should be taking into consideration all lakeshore properties.

Mayor Grant apologized and stated that was not what he was getting at. He indicated the point he was getting to was that the property owner could build a second shed on the property for long boards or kayaks.

Councilmember Holden questioned if a second shed could be built on the subject property.

Community Development Manager/City Planner Mrosla stated according to the applicant and due to the slope of the rear yard, this was the only suitable site in the rear yard for an accessory structure.

Councilmember McClung indicated there was a retaining wall between the applicant and the neighbor to the south. He commented further on the slope to the north. He explained he did not see another location on the property that would accommodate an accessory structure.

Councilmember Holden stated if this request were approved, a precedent could be set and another request could be made. She believed this request needed further consideration.

Councilmember McClung explained he did not believe this case would set a precedent due to the severity of the topography of this property. He stated the next request would have to prove there was no other possible location for a shed except for within the OHWM. He indicated approving this request would only apply to properties with topographical concerns. He commented he supported the Council taking another look at the Shoreline Ordinance.

Councilmember Scott stated the Planning Commission was divided on this issue, along with the neighbors. He explained one neighbor stated at the meeting that if this request were approved, he could foresee a flood of additional requests coming to the City. He indicated he was concerned about the precedent that would be set if this variance were approved.

Councilmember Holden discussed the size of sheds that were allowed on residential properties in Arden Hills. She supported the Council revisiting this issue as a whole.

Mayor Grant agreed the Council should revisit this issue.

Councilmember Holmes stated she wasn't aware of the rule regarding a second accessory structure. He requested further information as to the size of the structures that were allowed for lakeshore properties.

Community Development Manager/City Planner Mrosła reported lakeshore properties were allowed to have a 64 square foot shed within the OHWM setback and could have one additional structure and these structures cannot exceed 728 square feet.

Councilmember Holmes agreed that the Shoreline Ordinance should be further reviewed by the Council.

Mayor Grant commented one of the options available to the Council would be to table action on the request.

Councilmember Holden opposed tabling action. She stated depending on how the Council moves forward with this matter, the applicant may have to submit new plans for the shed. For this reason, she recommended the request not be tabled.

Community Development Manager/City Planner Mrosła indicated this was the case and noted if the Council amended the Shoreline Ordinance to allow for up to 100 square feet, the applicant would withdraw their application as the proposal would meet ordinance. The applicant could then submit plans for a shed up to 100 square feet or request a new variance for a shed over 100 square feet.

Mayor Grant asked if staff could work with the applicant on an extension.

Community Development Manager/City Planner Mrosła explained he could work with the applicant on this matter, noting the 60 day timeline expires on January 23, 2021.

Mayor Grant inquired if the Council could take this item up in the next 60 days.

Councilmember Holden did not believe this would be enough time.

Councilmember Scott stated he was leaning towards denying the variance request at this time. He supported the item being tabled to allow for more time to review the request.

Councilmember McClung anticipated if this item were to go to a vote this evening the variance request would be denied. He feared that 60 days would not be enough time to revise the Shoreline Ordinance. He asked if the applicant would be willing to withdraw his application with the understanding the Council would be reviewing the Shoreline Ordinance.

Councilmember Holmes agreed with Councilmember McClung. She commented if the request were denied the applicant could not come back for six months. She noted the applicant could build a structure that did not require a variance. She indicated the applicant would be allowed the most amount of flexibility or opportunity if the request were withdrawn and resubmitted after the Council could review the Shoreline Ordinance.

Mayor Grant questioned if the applicant could request an additional 60 day extension after the first extension expired.

Community Development Manager/City Planner Mrosla reported this was allowed. He stated it would be up to the applicant how long they wanted to allow the extensions to occur. He appreciated the Council's conversation and believed the applicant would be supportive of an extension to allow the Council to further discuss this matter.

Kye Samuelson, 3493 Siems Court, thanked the Council for their consideration. He understood this request had a lot of nuances. He stated he had a hard time understanding all of the mechanics behind tabling versus withdrawing. He explained he would rely on staff for a recommendation on how best to move forward. He agreed the variables around square footage should be addressed by the City. He discussed how he treats his property with a community focus. He understood the Council would want to reduce the risk of getting buried with future requests while using this as a learning case. He stated he could support taking a long term approach to his request. He thanked the Council for taking his best interests to heart and noted he could support an extension or withdrawal of his request.

Community Development Manager/City Planner Mrosla recommended the item be tabled to allow the Council to discuss the size and scale of accessory structures within the OHWM setback area. He anticipated this would be a three to four month process.

Councilmember Holden supported the item being tabled.

Councilmember Holmes concurred.

MOTION: **Councilmember Holden moved and Councilmember Holmes seconded a motion to table action on Planning Case 20-017 to a future City Council meeting. A roll call vote was taken. The motion carried (5-0).**

11. UNFINISHED BUSINESS

None.

12. COUNCIL COMMENTS

Councilmember Scott congratulated and thanked all volunteer Commission members for their service to the City of Arden Hills. He reported Paul Vijums would be serving as the Planning Commission Chair for 2021, Dan Erickson would continue as Chair of the Economic Development Commission and John Van Valkenburg would serve as the Chair of the Parks, Trails and Recreation Committee (PTRC). He thanked Nick Gehrig for serving as the Chair of the Planning Commission and wished him well in the future. He thanked Rich Straumann and Nancy O'Malley for their service to the community as members of the PTRC.

Councilmember Scott congratulated Councilmember Holden and Councilmember McClung on their reelection to the Arden Hills City Council.

Councilmember Scott reported he attended a virtual Town Hall meeting last week with State legislators. He expressed concern with how legislators were being targeted by extremist groups.

Councilmember Scott commended the State of Minnesota for its election integrity and for the tremendous voter turnout year after year. He commented further on the voting process and stated he was proud of the State's entire election process.

Councilmember Holmes congratulated Councilmember Holden and Councilmember McClung on their reelection.

Councilmember Holmes stated new perspective senior living was considered by the Planning Commission at their January meeting for the Bethel Pine Tree Drive property. She encouraged the Council to contact staff if interested in reviewing the materials board.

Councilmember Holmes commented the Council received a response from the County regarding the letter that was sent concerning Lake Johanna Boulevard. She requested this response be discussed at a future worksession meeting.

Councilmember Holden supported the Council further discussion the letter from the County.

Mayor Grant requested staff place the letter from the County on a future worksession agenda. He asked that this letter also be sent to Rich Stroman and John Van Valkenburg.

Mayor Grant stated on Wednesday he would be attending a virtual meeting where he would be informed on the Federal COVID status.

ADJOURN

MOTION: **Councilmember Holden moved and Councilmember Holmes seconded a motion to adjourn. A roll call vote was taken. The motion carried unanimously (5-0).**

Mayor Grant adjourned the Regular City Council Meeting at 8:30 p.m.

Julie Hanson
City Clerk

David Grant
Mayor