



Approved: September 26, 2022

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**CITY OF ARDEN HILLS, MINNESOTA  
REGULAR CITY COUNCIL MEETING  
AUGUST 22, 2022  
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, David Radziej, and Steve Scott

**Absent:** None

**Also present:** Finance Director Gayle Bauman; Public Works Director/City Engineer David Swearingen; Community Development Director Jessica Jagoe; City Attorney Joel Jamnik; and City Clerk Julie Hanson

**PLEDGE OF ALLEGIANCE**

**1. APPROVAL OF AGENDA**

**Mayor Grant** requested Consent Item 6G be pulled and discussed as Item 7A.

**Councilmember Holden** requested Consent Items 6B and 6C be pulled and discussed as Items 7B and 7C.

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

**2. PUBLIC INQUIRIES/INFORMATIONAL**

**Kathryn Nelson**, 3475 Siems Court, stated she has lived in her home for the past 37 years. She reported on July 14 she met with Ramsey County concerning the roundabout proposed at County Road E and Snelling Avenue. She encouraged the Council to further consider this roundabout. She believed the roundabout was a waste of taxpayer dollars and would create pedestrian safety concerns. She reported the safety intersection for pedestrians was a four-way stop and not a roundabout. She requested the City not push more traffic into her neighborhood. She suggested the City find another location for this roundabout.

**Gregg Larson**, 3377 North Snelling Avenue, reported recent Council comments regarding TCAAP spending reminded him of Jimmy Breslin’s novel The Gang that Couldn’t Shoot Straight. He stated in order to set the record straight this situation boils down to two fundamental questions. He asked how much the City has spent on TCAAP planning and development and second, how much of this spending has been recovered by the City. He reported the City Administrator responded to questions from Arden Hills resident Mary Henry regarding TCAAP spending and he learned that from 1995 to 2012 TCAAP spending totaled \$2.3 million dollars and from 2013 and 2021 TCAAP spending totaled \$1.7 million dollars. He indicated these were City figures and not resident figures. He reported Ms. Henry then asked the City Administrator how much of this has been recovered and was told the expenditures from 2013 to 2021 can’t occur until the project begins. He believed the Council’s failure to reach a compromise hurts the Arden Hills taxpayers. He explained the City Administrator stated a substantial portion of expenses from 1995 to 2012 had been reimbursed, but no specifics were provided. Instead, Ms. Henry was encouraged to search a website or pay City staff to provide the information. He explained it was his understanding that a single agreement with Ryan Companies that covered seven of the 17 years provided for some reimbursement. He believed it should be relatively simple to access any City invoices and Ryan payments without having to ask residents to pay for public information. He reported until the City provides this information, residents have no documentation regarding offsets to the \$4 million that has already been spent. He ended his comments by stating residents have always wanted to accurately reflect accounting for City funds spent on TCAAP, which was the reason Ms. Henry asked for this information. However, the City has not made this information readily available. He indicated he was thrilled to learn of the Council’s enthusiasm for an accurate accounting of taxes spent on TCAAP. He requested the Council provide a full disclosure of the funds spent and recovered.

### 3. RESPONSE TO PUBLIC INQUIRIES

None.

### 4. STAFF COMMENTS

#### A. Transportation Update

**Public Works Director Swearingen** reported he has been told by Ramsey County that one lane of north bound traffic along Lexington Avenue would open this week. He stated this was a Ramsey County project and any questions or concerns regarding the project should be directed to the County.

**Public Works Director Swearingen** stated final paving on the Old Snelling Avenue project was complete and striping should occur in the next week or two.

**Public Works Director Swearingen** explained work continues in the Arden Oaks neighborhood. He reported final paving was scheduled to be done next week.

**Public Works Director Swearingen** reported the Mounds View High School improvements along Lake Valentine Road have begun and would require a two week closure of Lake Valentine

Road. He noted the project was on schedule and the road should reopen on Thursday or Friday of this week.

**Public Works Director Swearingen** stated Ramsey County began a storm sewer project along Old Snelling just south of Lake Valentine Road. He noted the first closure would remain through Thursday, August 25 and the street would reopen once the road was repaved. He explained the second phase would require closing Lake Valentine Road at Old Snelling and this closure would begin on Monday, August 29 and would remain closed through Friday, September 2. He reported these closures would be communicated to neighboring residents and detour information was available on the City’s website.

**Public Works Director Swearingen** updated the Council on the 2022 Street Maintenance project.

**Public Works Director Swearingen** indicated the Minnesota State Fair would begin on Thursday, August 25. He reported staff would be placing no parking signs near all the park and ride locations.

## 5. APPROVAL OF MINUTES

- A. July 18, 2022, Special City Council Executive Session (Closed)
- B. July 18, 2022, City Council Work Session
- C. July 25, 2022, Regular City Council
- D. August 8, 2022, Regular City Council
- E. August 8, 2022, Special City Council Work Session

**Councilmember Holden** stated she spoke with the City Clerk regarding changes to the August 8, 2022 Regular City Council meeting minutes.

**MOTION:** **Councilmember Holden moved and Councilmember Radziej seconded a motion to approve the July 18, 2022, Special City Council Executive Session (Closed) meeting minutes, July 18, 2022 City Council Work Session meeting minutes, July 25, 2022 Regular City Council meeting minutes, and August 8, 2022, Special City Council Work Session meeting minutes as presented; and the August 8, 2022, Regular City Council meeting minutes as amended. The motion carried (5-0).**

## 6. CONSENT CALENDAR

- A. Motion to Approve Consent Agenda Item - Claims and Payroll
- ~~B. Motion to Approve Ordinance 2022-005 Amending Chapter 9, Subsection 910.11 Regarding Swimming Pools; Construction Standards~~
- ~~C. Motion to Approve Ordinance 2022-006 an Interim Ordinance Prohibiting the Sale, Testing, Manufacturing and Distribution of Products Containing THC and Authorization to Publish a Summary Ordinance~~
- D. Motion to Approve Issuance of Temporary Liquor License to Non-Profit (MATTER) for Event at Boston Scientific on September 27, 2022

- E. Motion to Approve Payment No. 3 – T.A. Schifsky & Sons, Inc. – Snelling Avenue North Street and Utility Improvements Project
- F. Motion to Approve Braun Intertec Invoice for Materials Testing – Snelling Avenue Street and Utility Improvement Project
- G. ~~Motion to Authorize Awarding Contract to Margolis Company for 2022 Tree Plan~~

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

## 7. PULLED CONSENT ITEMS

- A. **Motion to Authorize Awarding Contract to Margolis Company for 2022 Tree Plan**

**Public Works Director/City Engineer Swearingen** stated at the July 18, 2022 Council work session, City Council discussed the vision of the 2022 Tree Plan and directed staff to create and request bids for the plan. The bid items included are all necessary for the highest success rate of survival for the trees and all trees are under a 2-year warranty. The initial watering process will be handled by the Contractor for warranty reasons and the Contractor has agreed to work with Arden Hills Public Works staff to perform the routine watering to help keep the overall quantity down for that bid item. All water used by the contractor will be metered. Staff has reviewed the bid tab and recommends that the City proceed with the work if desired. Staff recommends Council approve the contract with Margolis Company.

**Mayor Grant** questioned how many trees were being removed and replaced.

**Public Works Director/City Engineer Swearingen** reviewed the number of trees that would be removed and replaced.

**Councilmember Holden** stated she supported the proposed plan.

**MOTION:** Councilmember Radziej moved and Councilmember Scott seconded a motion to Authorize Awarding Contract to Margolis Company for 2022 Tree Plan. The motion carried (5-0).

- B. **Motion to Approve Ordinance 2022-005 Amending Chapter 9, Subsection 910.11 Regarding Swimming Pools; Construction Standards**

**Community Development Director Jagoe** stated at the July 11, 2022 regular City Council meeting, Katy Muckala at 1147 Karth Lake Drive addressed the Council during public inquiry requesting Council consideration to amend the ordinance on the minimum height requirements for safety fencing around swimming pools. Ms. Muckala proposed the City Council amend the current ordinance language in City Code Chapter 9, Building Regulations under Section 910, Swimming Pools to reduce the safety fencing requirement from a minimum of five feet tall to four feet tall. Staff reviewed the current language in detail with the Council noting staff was directed to

bring this item back to City Council for further discussion. At the July 18, 2022 City Council work session, staff presented survey results of minimum pool safety fencing requirements of several adjacent communities. City Council feedback was generally supportive for the reduction of the minimum pool safety fencing height from five feet to four feet. Based on the work session discussion, City staff has prepared the proposed ordinance amendment for adoption.

**Councilmember Holden** stated she believed this was a great change and appreciated that Ms. Muckala brought this forward during public inquiries and for bringing this to the Council's attention. She thanked staff for their efforts on this Ordinance amendment.

**MOTION:** **Councilmember Holden moved and Councilmember Radziej seconded a motion to Approve Ordinance 2022-005 Amending Chapter 9, Subsection 910.11 Regarding Swimming Pools; Construction Standards. The motion carried (5-0).**

**C. Motion to Approve Ordinance 2022-006 an Interim Ordinance Prohibiting the Sale, Testing, Manufacturing and Distribution of Products Containing THC and Authorization to Publish a Summary Ordinance**

**City Clerk Hanson** stated on July 1, 2022, the Minnesota Legislature adopted an amendment that permits the sale of edible cannabinoid products that contain no more than 0.3% of THC (a derivative of hemp). The amendment was enacted with very few regulations in place, leaving the responsibility on the individual cities to determine what, if any, additional regulations to put in place. She noted the City Council discussed this topic at a special work session on August 8 and directed staff to prepare a draft ordinance for consideration of a one year moratorium which would allow staff and Council more time to further study the matter.

**Councilmember Holden** stated the item came to the City quite fast. She noted the League of Minnesota Cities was reviewing this matter and would be making recommendations to cities. She explained she supported the City having a moratorium in place to allow the City more time to investigate how to regulate the sales of products containing THC.

**Councilmember Scott** referenced that this item requires the City to publish a summary Ordinance.

**MOTION:** **Councilmember Holden moved and Councilmember Holmes seconded a motion to Approve Ordinance 2022-006 an Interim Ordinance Prohibiting the Sale, Testing, Manufacturing and Distribution of Products Containing THC, with the Motion including Authorization to Publish a Summary Ordinance. The motion carried (5-0).**

## **8. PUBLIC HEARINGS**

**A. Planned Unit Development Amendment (Signage Flexibility) – 4200 Round Lake Road – Delkor Systems and Colder Products Company – Planning Case 22-014**

**Community Development Director Jagoe** stated Delkor Systems, Inc. (“Applicant”), on behalf of Scannell Properties, LLC has submitted a land use application for a Planned Unit Development Amendment, proposing additional wall signage on the southwest elevation of the Gateway Interstate building. The original Preliminary/Final Plat, Planned Unit Development, Conditional Use Permit, and Site Plan Review approvals from October 12, 2020, for the Subject Property did not include flexibility on signage. It was stated in the approvals that a separate sign permit would be required for all proposed signage and that all proposed signage shall meet the requirements of Sign District 6. In July of 2021, it was determined that Sign District 6 would allow for a single wall sign for each tenant under 60 square feet on each of the corresponding tenant building elevations. The applicant is proposing additional signage on the southwest elevation.

**Community Development Director Jagoe** reviewed the site data and plan evaluation in detail and recommended the Council hold a public hearing.

**Mayor Grant** opened the public hearing at 7:36 p.m.

**Kevin Weiss**, 4200 Round Lake Road and 4300 Round Lake Road, thanked the Council for considering his request.

With no one coming forward to speak, Mayor Grant closed the public hearing at 7:37 p.m.

## 9. NEW BUSINESS

### A. Planning Case 22-014 – Planned Unit Development (PUD) 4200 Round Lake Road – Delkor Systems and Colder Products Company

**Community Development Director Jagoe** stated the applicant has submitted a land use application for a Planned Unit Development Amendment, proposing additional wall signage on the southwest elevation of the Gateway Interstate building. The original Preliminary/Final Plat, Planned Unit Development, Conditional Use Permit, and Site Plan Review approvals from October 12, 2020, for the Subject Property did not include flexibility on signage. It was stated in the approvals that a separate sign permit would be required for all proposed signage and that all proposed signage shall meet the requirements of Sign District 6. In July of 2021, it was determined that Sign District 6 would allow for a single wall sign for each tenant under 60 square feet on each of the corresponding tenant building elevations. The proposal is for flexibility from the City Code on a proposed signage plan for the Gateway Interstate building. Tenants, Delkor Systems, Inc. and Colder Products Company (CPC), are seeking additional wall signage on the southwest elevation of the building.

**Community Development Director Jagoe** commented further on the proposed request and offered the following Findings of Fact:

1. The Applicant submitted an application for a Planned Unit Development Amendment.
2. The Subject Property is located within the GB Gateway Business District and is guided as Light Industrial and Office Use on the Land Use Plan.
3. The Subject Property is approximately 26 acres and is owned by Scannell Properties.

4. Adjustments to the requirements and standards for the height, number, type, lighting, area, and/or location of a sign or signs established by this Chapter may be approved with a Site Plan Review or a Planned Unit Development process as described for in Section 1320 and 1355 of the Zoning Code.
5. Flexibility through the PUD process has been requested for the location of the proposed wall signs.
6. The proposed signage plan will not result in a sign that is inconsistent with the purpose of the zoning district in which the property is located or the current land use.
7. A public hearing for a Planned Unit Development Amendment is required before the request can be brought before the City Council.
8. The Planning Commission conducted a public hearing on August 3, 2022.

**Community Development Director Jagoe** reported the Planning Commission reviewed this application at their August 3, 2022 meeting. At that time, they recommended approval with conditions of the Delkor Systems, Inc. application for a Planned Unit Development Amendment by a 6-0 vote. Staff recommended approval of Planning Case 22-014 for a Planned Unit Development Amendment at 4200 Round Lake Road, based on the findings of fact and the submitted plans, as amended by the conditions in the August 22, 2022 Report to the City Council:

1. All conditions of the original Preliminary/Final Plat, Planned Unit Development, Conditional Use Permit, and Site Plan Review shall remain in full force and effect.
2. A separate sign permit shall be required for all proposed signage.
3. All signage shall meet all other requirements of Sign District 6.
4. The Subject Property is allowed flexibility for wall sign location in accordance with the Master Sign Plan as submitted. Any changes to wall signage in the Master Sign Plan shall require review and approval of the Planning Commission and City Council.

**Councilmember Scott** asked if the site would have a small monument sign along Gateway Boulevard.

**Community Development Director Jagoe** stated this was the case.

**Mayor Grant** indicated he supported the request noting this was a very large building that faced I-694. He believed that the proposed signs were balanced and appropriately sized.

**Councilmember Holmes** commented on Condition 4 that was proposed by the Planning Commission.

**MOTION:** **Councilmember Radziej moved and Councilmember Holden seconded a motion to approve Planning Case 22-014 for a Planned Unit Development (PUD) Amendment for flexibility for the location of the wall signage at 4200 Round Lake Road, based on the findings of fact and submitted plans, and the four conditions in the August 22, 2022, Report to the City Council. The motion carried (5-0).**

## 10. UNFINISHED BUSINESS

None.

## 11. COUNCIL COMMENTS

**Councilmember Scott** commented on the Arden Hills/Shoreview Rotary event he attended several weeks ago.

**Councilmember Scott** stated he received a complaint from a resident on Grant Avenue concerning a rental property. He noted this complaint was forwarded to the Mayor and City staff. He requested staff speak with the Sheriff's Department regarding the City's parking regulations.

**Councilmember Holmes** commended the **Public Works Director/City Engineer Swearingen** and **Assistant Public Works Director Miller** for addressing the traffic along Lake Valentine Road/Old Snelling.

**Councilmember Holmes** noted she attended the Rotary event with Councilmember Scott and stated she enjoyed supporting this organization.

**Councilmember Holden** reported she was a Rotary member and also attended the recent Rotary event. She thanked Councilmember Scott and Councilmember Holmes for attending the recent Rotary fundraising event.

**Councilmember Holden** asked if staff sent a letter to Ramsey County regarding the noxious weeds at the intersection of Highway 96 and Old Highway 10.

**Public Works Director/City Engineer Swearingen** stated he reached out to the Ramsey County Maintenance Supervisor and made him aware of the lack of maintenance. He explained the weeds have been addressed.

**Councilmember Holden** questioned if the City received a copy of the sound wall study for Old Highway 10.

**Public Works Director/City Engineer Swearingen** reported staff was in discussions with MnDOT and the City was in the process of receiving this report.

**Councilmember Holden** indicated the comments made by Gregg Larson were directed at her. She explained she was surprised to learn in the agreement with Ryan Companies that they were to reimburse the City for all costs related to the development. She commented on the process that had to be followed for all requests for expenses regarding TCAAP, noting these expenses were not in the City's current accounting system. She commented all of this information was available in the minutes.

**Mayor Grant** stated the maps and schedules for the openings and closings of Old Snelling and Lake Valentine Road were available on the City's website.



**Mayor Grant** discussed the Gateway Visitor Bureaus meeting he attended last week. He explained the City was a new member with this organization and reported the city’s hotels are performing quite well.

**Mayor Grant** commented on the process that would be followed for the chip sealing project and stated the contractor would be removing the “No Parking” signs.

**Mayor Grant** stated he had a meeting with the County Commissioner and raised her attention to some items that needed attention in Arden Hills.

**ADJOURN**

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

**Mayor Grant** adjourned the Regular City Council Meeting at 7:55 p.m.

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Julie Hanson  
City Clerk

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David Grant  
Mayor