



DRAFT

Approved:

**CITY OF ARDEN HILLS, MINNESOTA
REGULAR CITY COUNCIL MEETING
JANUARY 9, 2023
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.

Present: Mayor David Grant, Councilmembers, Brenda Holden, Tom Fabel, Tena Monson and Emily Rousseau

Absent: None

Also present: City Administrator Dave Perrault; Public Works Director/City Engineer David Swearingen; Community Development Director Jessica Jagoe; Finance Director Gayle Bauman; City Attorney Joel Jamnik; and Assistant to the City Administrator/City Clerk Julie Hanson

PLEDGE OF ALLEGIANCE

1. APPROVAL OF AGENDA

Mayor Grant requested Item 7K be pulled from the Consent Agenda and be discussed as Item 8A.

Councilmember Fabel requested the agenda be amended moving Item 10A after 10H under New Business.

MOTION: **Councilmember Fabel moved and Councilmember Monson seconded a motion to amend the agenda moving Item 10A after Item 10H.**

Councilmember Holden requested the Council discuss how Public Inquiries would be managed.

Mayor Grant stated he would still like Item 10A to be discussed in the order it appears on the agenda.

Councilmember Fabel explained he believed it would make more sense to discuss this item at the end of the agenda given how the majority of the Council would vote on this item.

Councilmember Holden expressed concern with how the open meeting laws may have been broken and questioned how Councilmember Fabel knew how the majority of the Council would be voting.

Mayor Grant reported he would like the Council to discuss the logic behind the Mayoral appointments. He requested the agenda remain as is.

Councilmember Fabel stated the order of the agenda should be amended because it would be much more logical to look at these items at the end of the meeting. He reported no open meeting violations have occurred. He explained the current Council majority was a group of people that had worked very closely together for several months to address the issues that were of great importance to the City, including TCAAP. He noted the new majority is of one mind and that the three had attended many meetings together prior to becoming public officials. He understood the history of what the new majority of the Council wanted to accomplish. He asked that the question be called.

Councilmember Holden stated if the new Councilmembers were of one mind, she would not need to show up for future meetings since the new three members already knew they would all be voting the same. She expressed great concern over this.

Mayor Grant explained to the public that calling the question meant that the discussion ends, and is appropriate under Robert's Rules of Order.

Mayor Grant noted he would be requesting that staff complete a roll call vote.

A roll call vote was taken. The motion to move New Business item 10A to the end of New Business carried 3-2 (Councilmember Holden and Mayor Grant opposed).

Mayor Grant asked for further amendments to the agenda.

MOTION: Mayor Grant moved and Councilmember Fabel seconded a motion to approve the meeting agenda as amended to discuss the Public Inquiries process prior to Item 2, moving Item 4A the Public Inquiries process discussion, and moving Consent Agenda Item 7K to Item 8A. A roll call vote was taken. The motion carried (5-0).

Public Inquiries Process Discussion

Councilmember Holden requested the Council hold a discussion on how Public Inquiries would be managed. She questioned if the Council wanted to allow the public to speak under each agenda item or if public comments should be taken under Public Inquiries. She suggested people be allowed to speak for more than three minutes under Public Inquiries and that members of the public be allowed to speak on any topic on the agenda.

Mayor Grant supported the rules for Public Inquiries being reworded. He understood the public supported there being more opportunities for public comment.

Councilmember Rousseau suggested this matter being further discussed at a future work session prior to making any changes.

Mayor Grant agreed with this suggestion.

Councilmember Monson appreciated the fact the Council would be revisiting this language. She explained she did not support the Council taking public comment for every item on the agenda, but rather public comments should be taken during Public Inquiries and at Public Hearings.

Mayor Grant stated tonight the Council would be hearing from the public. He explained he would open the meeting for comments to those in attendance first, and then would ask for comments from those attending the meeting virtually via Zoom.

4. PUBLIC PRESENTATIONS

A. Oaths of Office – David Grant, Emily Rousseau, Tena Monson and Tom Fabel

City Clerk Hanson administered the Oaths of Office to Mayor David Grant and Councilmembers Rousseau, Monson and Fabel. A round of applause was offered by those in attendance.

Mayor Grant stated this was a unique swearing in ceremony as there were four Councilmembers being sworn in. He thanked all of the voters for participating in the recent election. He explained he represented the youngest to the oldest and the richest to the poorest members of the community. He pledged to work on behalf of all members of the community in order to lead the City forward. He thanked Councilmembers Holmes, Scott and Radziej for their service to the City of Arden Hills. He commented on the developments, expansions and upgrades that were completed with the past Council by working together. He discussed the developments the Council would be considering in the coming year. He noted the Council would now be televising their Council worksession meetings. He thanked the community again for their continued support and stated he was proud to serve as the City of Arden Hills Mayor.

2. PUBLIC INQUIRIES/INFORMATIONAL

Mayor Grant asked for comments from the public and asked that residents keep their comments respectful and succinct.

Linda Swanson, 1124 Ingerson Road, stated resident Gregg Larson may believe the Council doesn't like public participation that is not aligned with their views. She noted when the Ingerson Road residents brought forward roadway at the time when Gregg Larson was a City Councilmember, he was one of the Councilmembers that did not listen to their comments. She knew she could come before the current Council and speak her mind. She discussed how strongly she felt about Arden Hills. She commented on the recent campaigns and stated she was appalled by how one of the Councilmembers conducted themselves. She reported she was disappointed by the misinformation that was provided to the public. She indicated she was born and raised in South Minneapolis and moved to Arden Hills 30 years ago because she wanted a quiet environment with friendly neighbors. She explained she did not want to live in a community with sidewalks. She understood the community voted in three new Councilmembers, but the

community did not support Gregg Larson as their mayor. Rather the community supports David Grant as their Mayor to move the City forward. She encouraged the Council to understand that the community wants Mayor Grant as their leader. She reported if the Council were to isolate or remove Mayor Grant, this would be contrary to the respects of what the public wants. She questioned where in the post-election literature the new Councilmembers address the coup that has been started. She explained the residents of Arden Hills did not elect three new Councilmembers to start a coup. Rather, the new Councilmembers were elected to bridge the current communication gap. She hoped the new Council would be able to work in unity. She was hopeful that the new Councilmembers would be able to bring their respective knowledge, perspective and experience to the table. She stated the TCAAP development was going to happen and many Arden Hills residents were looking forward to seeing new businesses and housing coming into the community. She indicated this would also bring new jobs to the community. She encouraged the Council to consider what impact the development would have on Arden Hills residents. She questioned how transportation, infrastructure and future maintenance within TCAAP would be managed. She understood the City would realize significant property tax revenues from the project, but noted there would be ongoing costs to maintain this portion of the City. She stated she did not want to see another Costco on TCAAP, because there was already one in Roseville and Maplewood. She encouraged the Council to consider the needs and wants of the residents of the community when considering the TCAAP development. She asked that the City open its arms to all individuals, including immigrants, people who may have different colored skin, people with college degrees and those who do not, and people with all ranges of income. She agreed the City needed affordable housing for seniors, young families, and those with limited means. She suggested that any changes to the TCAAP plans, including street maintenance, increased fire and police services, be discussed with the public prior to being considered by the Council. She hoped the new Council could keep in mind what has happened between the County and the City. She reiterated that there were more than four concerned citizens in Arden Hills and asked that the Council move forward with the knowledge the public supported Mayor David Grant. She provided a copy of her presentation to City staff.

Susan Johnson, 1220 Karth Lake Drive, stated the Karth Lake neighborhood was one of the best in Arden Hills because of its citizen participation. She commented on how the neighbors work to keep Karth Lake clean and stated they hold tremendous National Night Out block parties. She discussed how her neighbors have created a sense of community by getting to know one another. She welcomed each of the Councilmembers and noted this was a time of change. She encouraged each Councilmember to be respectful and to follow due process per State Statute and City Ordinance. She stated if the new Councilmembers have the majority that votes one way, due process was being followed. She indicated the public wanted transparency and requested the Council hear the voices of the public. She understood the Council would never make all residents happy all the time. Rather the Council had to use its wisdom and judgement when making decisions on behalf of the City.

Richard Wenzel, 1931 Noble Road, questioned what the three new Councilmembers were trying to pull. He feared the new Councilmembers were trying to demote the Mayor and were treating him like a second class citizen, even though the majority voted David Grant as Mayor to lead this City. He did not believe the Mayor should be taken off of any committees. He expressed frustration with the fact one of the new Councilmembers told him he was white privileged during the campaign. He explained he was a disabled veteran who worked as a mechanic for the DOT for

37 years. He stated he paid his bills, raised his children and did not appreciate the accusation from the new Councilmember.

Mayor Grant encouraged the public to keep their comments respectful.

Anne Hall, 4276 Norma Avenue, stated she has lived in Arden Hills for the past seven years. She thanked the Mayor and the past City Councilmembers for their work on behalf of the community. She welcomed the new Councilmembers for their willingness to serve. She explained she would like to see the TCAAP development progress. She feared the City risks stagnating this project in a number of ways and that there has been a lack of vision in the past few years. She indicated she would like to see TCAAP developed due to the lack of housing in the metro area. She hoped TCAAP would have a wide variety of housing. She reported this development was an amazing opportunity for the north metro and noted this site would provide housing, jobs and recreational space for Arden Hills residents and the surrounding community. She encouraged the Mayor and Council to work creatively to develop this space in a forward thinking manner and that was environmentally sound and was affordable to people at all income levels. She stated she has been disappointed by the stalemate to develop this site. She explained she wanted to see the Mayor and Council work effectively with Ramsey County to solve problems and negotiate agreements. She questioned when the next meeting would be held between the City and the County. She encouraged the Mayor to focus on progress that was not grounded in fear but rather was based on reasonable data. She indicated the fear of traffic, lower income people, change and taxes were the overriding sentiments for this project and not how do we accomplish this project in the best way possible. She urged the Council to find the best in each other and to not demonize each other because this would not help the community thrive and move forward.

Craig Wilson, 1677 Lake Valentine Road, stated he has lived in Arden Hills for the 40 years. He commented on how former Mayor Woodburn knocked on his door and stated he hoped this was the only time he would ever have to see him. He discussed how the City has changed over the past 25 years and how they have worked to improve communication between the City and the public. He commented on the history of the TCAAP property and how the City and feds were involved, and the County was almost nowhere. He reported the City spoke with the public to design plans and the prevailing wisdom was that it would take 50 years to clean and develop this site. He explained the County jumped the gun and subverted the process and wasted \$30+ million. He indicated the County has displayed ineptitude over and over again in this community. He discussed how the City has been moving forward in a manner that was best for the citizens of Arden Hills. He hoped the Council could continue in this manner, with respect to the TCAAP development. He stated he did not want the Council to pull a coup.

Ed Dickinson, 3188 Asbury Avenue, stated after many years of minimal negotiation and action regarding the TCAAP development, the key commitment the Advance Arden Hills group made to the voters was to immediately move forward with the development of that property. The voters agreed and voted in three Advance Arden Hills members. He explained at the end of their tenure in December, the Council acted in such a way as to subvert the Advance group's ability to act on TCAAP by voting David Grant and Brian Holmes on the JDA. He reported this last minute act created an adversarial relationship among the Council and the Mayor when there is so much important work ahead. He requested these two appointments be rescinded so the new Council can move forward on TCAAP and many other issues as an acting Council.

Brian Holmes, 1808 Chatham Avenue, explained he had not had the opportunity to meet the new Councilmembers and he welcomed them to the City Council. He discussed the proposed action under Item 10C – Rescinding the JDA Appointments. He provided the Council with background information as to his experience with the JDA. He reported he responded to an ad in 2019, interviewed and was selected by the City Council as the resident Chair to the JDA. He explained he did not have any affiliation with any of the Councilmembers prior to this time. He stated he has no political aspirations and he still does not. He indicated his only objective was to bring Arden Hills and Ramsey County together to find a solution for TCAAP. He indicated he had the opportunity to lead one meeting on February 4, 2019 and during this meeting concerns were raised and both parties agreed to meet again in two weeks. He stated the meeting was scheduled and Ramsey County never showed up. He reported Ramsey County has not shown up for the thirty plus meetings that have been scheduled over the past three years. He explained Items 10C and 10D were placed on the agenda in hopes of changing the JDA appointments. He understood the Council had the desire to make a change with the thinking new people could bring Ramsey County back to the table. He did not know that this would be the case. He supported what was best for the community. He believed the City should be acting with transparency which would include reaching out to people who are currently in a role to understand their perspective before objecting to them. He hoped the Council could keep up with the traditions of the past four years and that all discussions with Ramsey County be held at the JDA meetings in order to allow the public to attend, learn and evaluate tradeoffs being made for themselves.

Donna Wiemann, 1406 Arden View Drive, noted there were five motions that were sent to the Mayor regarding assignments. She explained one was to temporarily suspend the Mayor's duties. She stated she strongly disagreed with this. She understood another motion would be to establish an Acting Mayor. She questioned why a motion was being made to have Gregg Larson assigned to the JDA. She understood there was also a motion to remove Brian Holmes and Mayor Grant from the JDA. She indicated Gregg Larson was defeated in the recent election and choosing him as a resident representative to the JDA was inappropriate. She recommended a more neutral candidate be chosen. She requested the City Council work together on all of the issues that face the community. She stated she did not want to see the Council working individually to get what they want but rather encouraged the Council to work together for the betterment of the community.

Jordan Luhmann, 1612 Oak Avenue, stated he has lived in Arden Hills for the past 15 years. He thanked the Council for its time and for hearing the concerns of the public. He explained after hearing about Tom Fabel's letter to Mayor Grant, he emailed Tom on Friday morning. He read the email he sent to Tom which stated when he voted, he purposely selected some incumbents and some new members from the Advance Arden Hills ticket. He reported Tom Fabel's letter to the Mayor stated the motions are necessary to fulfill the intent of the voters of Arden Hills. He argued that the result of the election reflects his intent as well as others. He was curious as to how these decisions would impact the Council. He stated he never heard back from Tom Fabel on Friday, which led him to send an email to all of the Councilmembers today. He explained within two hours he had received responses from Mayor Grant and Councilmember Holden, but he has still not heard back from any of the three new Councilmembers. He found it ironic that the incumbents got back to him, while the new Councilmembers, who promised more transparency and that they would listen to the residents of Arden Hills, were silent. He indicated he voted for Emily Rousseau and Tena Monson. He feared if they went along with the spirit of Tom's letter and significantly limited Mayor Grant's responsibilities, even though he won the election, he would be

regretting his vote for each of them. He guaranteed that Councilmember Monson and Councilmember Rousseau would not be receiving his vote in the next election. He stated in regard to the JDA, what harm would there be in allowing Mayor Grant to continue as the representative. He reported Mayor Grant brings years of knowledge and experience to this position that was valuable and this would be missing if new Councilmembers were appointed to both positions. He hoped the Council would continue to be able to work together to continue to make Arden Hills a great place to live and a place he was proud to call home.

Doug VanderHeiden, 1660 Oak Avenue, explained he agreed with almost everything Jordan stated. He reported he and his wife voted a mixed ticket with the sole purpose of having the Council come together to compromise, not to have a power struggle or coup. He hoped new ideas would come forward and encouraged the Council to come together.

Steve Freimuth, 1200 Ingerson Road, stated he has lived in Arden Hills for almost 40 years. He indicated elections have consequences. He congratulated everyone who was elected. He reported over 20 years ago he ran for City government and he lost. He explained during the Vento years he volunteered to serve on the TCAAP committee. He understood the congressman had his agenda, but not a lot of the facts. He discussed how he worked to provide facts to the politicians in hopes of them making good decisions for the community. He stated he was old and older people did not really like change. He indicated he had mixed feelings regarding TCAAP given his history with the development. He reported he cared about people and discussed the immigrants that have lived in his home over the years. He supported TCAAP having low income housing. He recommended TCAAP be dense but not too dense. He discussed how COVID changed jobs, interest rates and transportations requirements. He encouraged the Council to work together. He stated he was very disappointed by Councilmember Fabel's actions, especially considering this was done before he was even sworn in. He encouraged the new Councilmembers to try and learn from the incumbents. He stated the actions of Councilmember Fabel have created an adversarial situation. He asked if now was the right time to be bringing this action forward. He believed the City of Arden Hills was better than this. He urged the Council to work together and respect one another, even when they don't agree with one another.

Chris Sears, 3815 New Brighton Road, commented that the group was a political party, as Councilmember Fabel admitted, as the three new individuals colluded together prior to becoming Councilmembers. He stated he was frustrated by this situation. He commented on how these Councilmembers placed something in his mailbox, which was a violation of 5083.1.3 of the Domestic Mail Manual. He reported this was a federal law that was broken by the Advance Arden Hills group members. He explained the flyers from this group did not have a postmark and asked the three new Councilmembers to admit to this. He went on to say he was a big supporter of TCAAP. He believed the City had a great plan for this property as of last March. He understood Ramsey County and the Met Council have not shown up to meet with the City. He stated he appreciated the efforts of the City and the developer. He was curious which organization supported Advance Arden Hills, which he suspected was Ramsey County and the Met Council. He explained this was speculation, but he spent a number of years in military intelligence and the last 20 years investigating cyber security. He encouraged the Council to table action on Councilmember Fabel's motions and that the Council hear the voices of the public.

Nancy Jacobsen, 3188 Asbury Avenue, welcomed the new Councilmembers to the City Council. She discussed how this evening has been uncomfortable given the comments that were being made. She reported she has a hearing loss and noted the Council Chambers had very difficult acoustics. She indicated she was delighted to have new members voted onto the City Council and she wanted TCAAP to move forward. She requested the appointments that were made in December to the JDA be rescinded and that the new Council make a determination on these appointments.

Kathy Nelson, 3475 Siems Court, stated she has lived in her home for the past 36 years. She hoped all Councilmembers would be able to listen and look at the history of the City. She discussed the proposed roundabout at Old Snelling Avenue and Lake Johanna Boulevard, which is in her neighborhood. She explained she supported roundabouts and understood they worked great in certain circumstances. She did not believe the intersection of Old Snelling and Lake Johanna Boulevard was the right location for a roundabout, given the amount of pedestrians that used this intersection. She reported this intersection was not overly busy and turning it into a roundabout was a waste of taxpayer money. She understood the project costs have increased over 82%. She questioned why information had not been provided to the City from the County that would keep the intersection as is while fixing the underground utilities. She noted there had not been any accidents at this intersection in the past five years, even though the County reported there had been five accidents. She discussed the grade at this intersection and questioned if a roundabout was the best decision. She indicated the proposed roundabout would have eight street lights, which would adversely impact the surrounding neighbors. She questioned why right-of-way issues were all of the sudden a concern for the County and asked why they had not done their due diligence. She commented further on how six months of construction would adversely impact the neighborhood. She requested the Council consider the history of the project and make the right decision regarding the roundabout.

David Peterson, 3433 Lake Johanna Boulevard, stated he has not seen any detailed information regarding TCAAP. He explained he develops property and 15 rental units across the state of Minnesota. He stated he would like to learn more about why his property taxes were so high, noting he lived on Lake Johanna. He discussed the number of trespassers he had on his property on a daily basis in the summer. He reported he was working with the County on this matter. He questioned what the cost per lot or per unit would be for TCAAP and what the taxation would be. He feared how current Arden Hills residents would be impacted by this development. He encouraged the City to continue communicating with the County in order to move the TCAAP project forward. He recommended the Council stay open minded and work together.

Tim Stevens, 1408 Forest Lane, stated he was raised in this community, has lived all over the country, and returned to Arden Hills to raise his family. He discussed how the three new Councilmembers were making him regret his decision. He commented on how tonight's issue was not about TCAAP, but rather was about silencing the community. He explained the City had a referendum and the majority voted for Mayor Grant to continue leading this community. He stated the motion to dismiss him of these responsibilities ignores the votes and voice of the community. He reported the election shows the City has an evolving community. He encouraged the new Councilmembers to remember they represent all members of the Arden Hills and not just Advance Arden Hills. He feared how the actions from tonight will set the tone for the next two to four years. He encouraged the new Councilmembers to bridge the divisions instead of sewing the seeds

of discord. He understood governing and leadership were difficult. He urged the Councilmembers to balance their own personal interests with what they know is right. He stated silencing an official that was elected by the majority of the voters was not right. He believed all of the Council understood this, but he questioned if the Council had the integrity to do what they knew was right.

Mark Kelliher, 3712 Chatham Court, stated he has lived in Arden Hills for the past 30 years. He noted he was a member of the Parks and Trails Commission. He explained he was in attendance to see the swearing in ceremony and get an idea of what the next steps were for the Council. He has since learned that Councilmember Fabel has sent out a memo calling for a cabal, which was defined as contrived schemes of a group of persons secretly united in a plot to overturn a government. He stated Mayor Grant was the Mayor. He indicated Councilmember Fabel was guilty of causing a commotion and noted his memo was absolutely disruptive. He explained he tried to get to know the new Councilmembers prior to the election and what they were going to do for the residents of Arden Hills. He wanted to see TCAAP developed, but wanted to see this done properly. He feared the County has been remiss in its duties. He hoped that by electing some new members, this project would move forward. He indicated he tried to learn from the Advance Arden Hills what their answer was regarding density and has yet to understand their goal or purpose. He stated he has since learned that Councilmember Fabel was bypassing the spirit of the open meeting law and that he has a cabal in place. He expressed frustration with the fact these three new members were working to remove Mayor Grant's power. He discussed how sour grapes in elections doesn't do anybody any good. He stated he was shocked by the behavior of Councilmember Fabel and how complicit the Councilmembers were behaving. He reported he was so disappointed the new Councilmembers would be in place for the next four years representing Arden Hills when they were not open with their true thoughts, intentions or motives. He asked that the new Councilmembers publish their intentions in order to make the public aware of their plan. He reiterated again, that he was so disappointed in Councilmember Fabel's actions. He recommended Councilmember Fabel remove his ideas from consideration. He recommended instead that the Council work together for the betterment of the community and not just based on the thoughts of the three new Councilmembers.

Lisa Holzemer, 3531 Ridgewood Court, stated she thought this meeting would go very different. She read part of Tom's memo because she believed there was a misunderstanding. She read the proposed motions one through seven aloud for the record. It was her understanding this memo was given to the Mayor and Councilmember Holden prior to this meeting to give them a heads up, and it was not a hostile takeover. She explained she appreciated the new Councilmembers and she hoped they would be able to do great things to move Arden Hills forward.

Lynn Diaz, 1143 Ingerson Road, reported she was displeased that the previous Councilmembers tried to railroad appointments before the elected Council took office. She was glad the new members were taking initiative and were being active. She believed the City needed new faces and ideas on the JDA. She indicated her son was a planner and he discussed how sunk cost and cognitive bias were impacting the JDA and TCAAP development. She stated it may be best for personal attachments to be dropped from the project. She commented the inflexible attitudes of previous members and their troubled relationships with the County were not working. She supported the City appointing new members to the JDA for a fresh start. She discussed what projection bias was and noted how it interferes with imagining a new future. She commented on how housing and work needs have changed since 2016. She supported new members working on

the JDA in order to move the TCAAP project forward and encouraged the Council to be open to moving in a new direction.

Keith Gilbert, 1466 Skiles Lane, welcomed the new Councilmembers. He indicated he was not on Facebook but noted he had read Tom's letter. He believed the letter was well reasoned and did not sound like a coup or takeover. He stated he supported the letter.

Steve Erler, 1704 Chatham Avenue, congratulated Mayor Grant and the three new members on their election. He stated according to the agenda the Council would be appointing new members to various committees and commissions per City Code. He indicated one of those bodies was the JDA. He explained at the Council's last meeting the previous City Council voted to extend the terms of Mayor Grant and Brian Holmes another two years. He indicated one of the motions before the Council this evening was to formalize those extensions. He stated subsequent motions propose to rescind those appointments with replacements from the new Councilmembers. He indicated the newly elected Councilmembers ran as a unified slate on a platform that very prominently promised to engage with Ramsey County to negotiate a settlement and to get the development on Rice Creek Commons started. He noted all three Councilmembers won by comfortable margins and therefore have a mandate to do that. He explained the appointment of Mayor Grant and Brian Holmes to the JDA appears to be an attempt to preempt the incoming Council's ability to make those appointments, undermining the ability to usefully engage with Ramsey County and thus circumventing the will of the majority of the voters in Arden Hills. He recommended the Council rescind the previous appointments and be replaced with appointments made by the current Council.

Steve Nelson, 3475 Siems Court, welcomed the Councilmembers and congratulated Mayor Grant on his reelection. He stated he was in favor of some development on TCAAP. He commented on the history of this project and discussed how Ramsey County went forward with cleaning the property having a full understanding of the density of the property. He indicated the County now wanted the City to bail them out for their mistakes because they spent too much money on the cleanup. He noted the density has been approved by the City and the developer. He reported the County does not want to do it because their costs would not be recovered. He stated the County jumped before understanding how far they had to fall. He understood there could be some compromise, but the density desired by the County would not be in the best interest of the City. He commented on the hidden costs the City would have to pick up, such as public safety and long term maintenance. He indicated the current Council has a lot of experience with the County and the County has ignored the City. He supported the County having to work with the City and not the other way around. He reported he would like to see the project moving forward, but not with the density being requested from the County. He discussed how the number of police calls would increase if the entire development was low income housing. In addition, he feared the development did not have the proper transportation in place should the County's density move forward. Lastly, he suggested the City not spend \$1.2 million on the proposed roundabout at Old Snelling and County Road E, given the fact he intersection did not currently have any problems. He stated he lived in this neighborhood and he feared how he would be adversely impacted, along with the pedestrians using this intersection.

Steve Scott, 4286 Norma Avenue, explained he was defeated in the recent election. He welcomed the new Councilmembers and stated he hoped they succeeded. He reported he did not care for the

nature of the campaign that occurred. He feared there was a lot of misinformation or misleading information that was provided to the public. He indicated he listened to the three hour meeting that was held last week by the Council. He stated he was pleased with what he heard until the last thirty minutes when the new Councilmembers went back in to party mode and that they would be making several new demands on the City, nullifying the privileges of the Mayor to lead the City. He believed it was early for this type of vindictive style of politics. He encouraged the new Councilmembers to wait several months prior to going down this avenue. He stated in the past Councilmembers ran as individuals and not as a slate of members. He reported he reviewed the campaign contributions for the new Councilmembers and he understood the new members pulled in \$24,000 from outside the City and State. He understood there was no law against this, but he had hoped his City leaders would be influenced by City residents. He spoke regarding TCAAP noting the County walked away from this project in order to focus on their own redevelopment projects, one being in downtown St. Paul called the Rivers Edge. He indicated he was surprised this project did not include affordable housing, especially considering this was a major sticking point for the TCAAP project. He discussed a recent article on the *Pioneer Press* which focused on the Rivers Edge noting the County was trying to secure additional funding from the State, but that there had been no visible movement on that project. He questioned if the blame for this should fall on the Arden Hills City Council. He reported he was deeply disappointed in the letter that came out that demanded the changes to the Council. He explained if the City ever gets back in session with the County, the City needed its best and brightest people to represent the City on the JDA. He did not believe this person was Gregg Larson. He understood Gregg Larson followed the three new Councilmembers beliefs, but he feared this was too close to nepotism. He discussed how Brian Holmes interviewed and was appointed to the JDA. He noted Mr. Holmes presided over one meeting before the County decided to quit working with the City. He encouraged the Council to work together, and not in an arrogant or vindictive manner.

Greg Rubenstein, 1911 Noble Road, thanked the Council for allowing the public to speak at this meeting. He explained he keeps hearing how the Advance Arden Hills Councilmembers believe they have a mandate for change. He reported not everyone voted for the Advance Arden Hills candidates. He stated he did not, but he did vote to reelect Mayor Grant. He indicated he wanted to see a balance on the City Council. He believed Arden Hills was on a pretty good trajectory. He feared how the City would be impacted if it were to throw out all of the Mayor's knowledge and encouraged the Council to not proceed in this manner. He reiterated that the public voted and they opted to not have Gregg Larson as its leader. He questioned why Mr. Larson would be appointed to the TCAAP JDA as Chair. He believed this would be rewarding Mr. Larson with a position that he did not earn. He recommended Mayor Grant be allowed to serve on the JDA because he has the required knowledge and experience to represent the City's interests.

Kathy Sukke, 1286 Karth Lake Circle, corrected a few statements that have been made. She discussed the traffic problems in the community and commented on how 305 additional units on the North Heights property would impact Arden Hills. She reported the TCAAP development would only have access to Highway 96 which would further the traffic problems in this area of the City. She questioned why the County had not provided additional access points to Highway 10 in this area of the City. She discussed the meaning of her last name, which was to sigh. She noted she has been sighing for quite some time now. She questioned why there were imbecilic governments in place that allowed their cities to burn. She commented on how crime has been spiking while cuts are being made to law enforcement. She noted inflation was spiking and noted

this was hurting the poor. She indicated the County raised her property taxes by 20% this past year but after reading this agenda she stopped sighing and she just got mad. She clarified that the new Councilmembers do not have a mandate, rather the Mayor has a mandate. She encouraged the new Councilmembers to not rob the Mayor from his ability to govern. She believed the new Councilmembers were spurring on imbecilic governance. She questioned why Gregg Larson, who lost the mayoral election should be appointed to the JDA. She reported she has had it to the gills with imbecilic government. She noted the new Councilmembers have turned things political. She reported City Council positions were non-political, and the three new Councilmembers broke these rules. She understood the new Councilmembers had letters of support from the DFL. She reported this project could have been built three years ago without all of the increased inflation if Ramsey County had not acted imbecilic. She stated stripping the Mayor of his office as the new Council's first act was unethical and simply wrong. She believed the new Councilmembers were not playing fair and nor were they being transparent. She indicated the government was broken and to cave to their demands was wrong. She explained she was ashamed of the new Councilmembers if they were going to allow the County to do whatever they wanted on the TCAAP property. She believed this was unethical and immoral. She reported the 35% of Arden Hills that live north of I-694 would be impacted most by the TCAAP development. She anticipated the TCAAP, North Heights and new Shoreview developments would bring 4,000 plus residents to the area. She encouraged the new Councilmembers to consider this when making their decisions.

Chris Hughes, 3515 Snelling Avenue North, indicated a lot of great discussion has been held tonight. He encouraged the Council to weed through all of discussion and act in the best interests of Arden Hills. He hoped the Council could work together as a group with five open minds. He stated the Council also needed open minds with Ramsey County. He reported nothing has happened for decades on the TCAAP development, and he wanted to see this project moving forward. He understood there were different opinions and voices in the community. He encouraged the public to continue showing up and participating in the City's government.

Sherrie Marcy, 1460 Arden View Drive, stated she was from a very poor background and she didn't grow up to be a criminal. She discussed how important stable housing was to good public safety, public health and public education. She believed all residents in the community deserved this.

Mayor Grant opened the meeting to comments from those attending the meeting via Zoom.

John Gohde, 1871 County Road D West, stated he has lived in Arden Hills for the past 16 years. He hoped the Council could work together and reported he was distraught that the new Councilmembers' first action was to take away the power of the Mayor. He encouraged the Council to work together as a group.

Kelly Balthazar, 1680 Wedgewood Circle, discussed how she would be heavily affected by the TCAAP development and increased traffic levels. She commented on the letter she posted to the Arden Hillbillies Facebook page that was written by Councilmember Tom Fabel. She explained she did this on behalf of a friend, but she wrote it her way and voiced what she felt. She believed what Councilmember Fabel was doing was wrong. She indicated she voted for a mix of Councilmembers for a reason because she wants checks and balances in the local government. She

reported she was angry about the materials that were put in her mailbox illegally. She noted she fact checked the inaccuracies on the materials. She did not believe that the new Councilmembers had the full facts about the former Councilmembers. She explained the comments from the public showed that the TCAAP project was not held up by the City Council, but rather this was because Ramsey County did not show up. She did not understand why the new Councilmembers believed it was necessary to remove the Mayor from the JDA, when he has the most knowledge and experience to serve. She stated she was so disappointed by the new Councilmembers that they would choose to go along with this kind of coup against the Mayor. She indicated she has lived in Arden Hills for the past 22 years and she was so disappointed to think the new Council has a mandate to overthrow an elected official and the power they were granted by the voters. She stated the Mayor has the power to act as Mayor and if he wants to be on the JDA, he should. She explained Councilmember Holden stepped down from the JDA to give the new Councilmembers an opportunity. She questioned why the new Councilmembers would begin their service in this manner. She indicated she was downright angry at the new Councilmembers behavior and she did not want her community behaving in this manner. She reported there were over 180 responses from her post from the community asking for the election to be recalled and how the public did not vote for this behavior. She anticipated a vast majority of residents voted for a mix in order to ensure there were checks and balances in place. She believed voters would not have voted in this manner if they knew this type of letter would be brought forward. She encouraged the new Councilmembers to wake up and listen to the residents of Arden Hills. She reported they were not put in position to perform some mandate to overthrow the Mayor.

Brenda Goldman, 1146 Waldon Place, stated she has lived in Arden Hills for the past 30 years. She said she voted clean slate and noted the new Councilmembers had a lot to prove. She encouraged the Council to work together and to work for what was the best for the City. She asked that the Council get some work done.

Chris Ashbach, 3308 Katie Lane, reported his children were fifth generation residents of Arden Hills. He indicated he has had a love-hate relationship with the community over the years but he has never seen anything like this. He did not understand what was wrong with Councilmembers being Councilmembers and letting the Mayor be the Mayor. He questioned why Councilmember Fabel believed he had the right to assign the Acting Mayor. He reported the new Councilmembers were assigned to a Council seat and weren't assigned to act as Mayor. He questioned what the qualifications were for a recall of the election.

Mayor Grant stated there was one other person trying to speak via Zoom (Chrissy), but her version of Zoom was not functioning at this time. He encouraged Chrissy to submit her question via email to City staff or the Council for discussion at another time.

Mayor Grant thanked the public for attending this meeting and for voicing their comments and concerns.

3. RESPONSE TO PUBLIC INQUIRIES

None.

5. STAFF COMMENTS

None.

6. APPROVAL OF MINUTES

- A. December 19, 2022, Special City Council
- B. December 19, 2022, City Council Work Session

MOTION: Councilmember Holden moved and Mayor Grant seconded a motion to approve the December 19, 2022, Special City Council meeting minutes; and December 19, 2022, City Council Work Session meeting minutes as presented. A roll call vote was taken. The motion carried (5-0).

7. CONSENT CALENDAR

- A. Motion to Approve Consent Agenda Item - Claims and Payroll
- B. Motion to Approve Pay Equity Report
- C. Motion to Approve Resolution 2023-001 Relating to the 2023 Organization of the City of Arden Hills
- D. Motion to Approve Right-of-Way and Temporary Easement Costs – Mounds View High School Trail Improvements
- E. Motion to Approve Resolution 2023-002 Relating to the 2023 Appointments and Chairs of the Commissions and Committees of the City
- F. Motion to Acknowledge the Application of Fishing for Life for an Exempt Permit to Conduct a Raffle with the Drawing Being March 11, 2023 with No Waiting Period
- G. Motion to Accept Resignation of Communications Coordinator
- H. Motion to Approve the Extension until July 20, 2023 for Deadline to File the DD Skittles First Addition Final Plat with Ramsey County
- I. Motion to Approve 2023 Shared Services Agreement with Ramsey County – Erosion and Sediment Control
- J. Motion to Approve HR Green PSA – Arden Manor and Floral Parks Playground Replacement and Reconstruction Design and Construction Admin Services
- K. ~~Motion to Approve Ramsey County Cooperative Agreement for Right of Way Acquisition and Design for Reconstruction of Old Snelling Avenue and County Road E Intersection~~

MOTION: Councilmember Holden moved and Councilmember Monson seconded a motion to approve the Consent Calendar as amended and to authorize execution of all necessary documents contained therein. The motion carried (5-0).

8. PULLED CONSENT ITEMS

- A. **Motion to Approve Ramsey County Cooperative Agreement for Right of Way Acquisition and Design for Reconstruction of Old Snelling Avenue and County Road E Intersection**

Mayor Grant requested comment from staff regarding this item.

Public Works Director/City Engineer Swearingen commented on the history of this item and reported the Council is to consider approving the Right of Way Agreement with Ramsey County related to the proposed roundabout design intersection improvements at County Rd E and Old Snelling. Approval of the agreement will commit the City to the roundabout design and the associated estimated costs for Right of Way, Design and Construction. It was noted the City's portion of the project cost was up to \$1.4 million. If the Council feels they do not have satisfactory information to make a decision tonight, they may choose to table this item to a later date.

Mayor Grant asked if the Council had any questions for staff.

Councilmember Holden requested further information on the new drawing that was provided to the Council.

Public Works Director/City Engineer Swearingen reported the new drawing was from Ramsey County and defined what costs would be covered by the City, County and property owners. He noted the yellow shaded area would be covered by the County and the areas shaded in red were improvements that would be made by Lindey's.

City Administrator Perrault noted a copy of these plans was available for the public to view at the entrance to the Council Chambers.

Councilmember Fabel asked if the County received a careful legal analysis of the obligation to repave the entire parking lot at Lindey's when from his perspective it did not seem necessary. He noted this was a \$550,000 expense which was a major factor in the projected costs for this project. He indicated he was troubled by this and wanted to receive more careful analysis from the County as to why this was necessary.

Councilmember Holden questioned what the dates and deadlines were for this project.

Public Works Director/City Engineer Swearingen stated the updated costs for the project was brought to Council the last meeting of November. He noted there was a right-of-way process that had to be followed. He indicated the longer this process was delayed the longer the project would be delayed into the fall of 2023. He reported the City would like to see this intersection open by the time school opens in the fall. He commented the Council needs to make a decision on this project in the next few weeks in order to meet this deadline.

Mayor Grant reported if this were not be a roundabout, there was still a section of City water that has to be replaced at this intersection. He asked if this infrastructure could be installed in such a manner that a roundabout could be installed in the future.

Public Works Director/City Engineer Swearingen reported the proposed water was designed to stay out of the center circle of the roundabout. He explained he would need to know if a roundabout was going in or not, when designing the water lines.

Councilmember Monson requested further information regarding the pavement improvements that would be completed if the intersection were left as a four way stop and what this would cost.

Public Works Director/City Engineer Swearingen stated he did not know what the cost would be but noted it would be less than a roundabout. He reported the pavement at this intersection was in poor condition. He indicated the intersection needed a full depth reclamation.

Councilmember Monson stated she did not want to pay to replace the pavement if it would have to be redone again in three or five years.

Public Works Director/City Engineer Swearingen commented the County has the repaving of Old Snelling from this intersection up to Highway 96 scheduled for this year. He indicated the County owned three-fourths of this intersection and the City owned one-fourth. He stated he would like to see this intersection improved as soon as possible.

Councilmember Holden explained the issue she has with the roundabout was with Lake Johanna Boulevard. She indicated the residents living in the southern area of this intersection have complained how people speed along Lake Johanna Boulevard. She feared how a roundabout would encourage further speeding because people would not have to come to a complete stop at a four-way intersection. She anticipated traffic would continue to speed along Lake Johanna Boulevard and she did not believe the roundabout would help.

Public Works Director/City Engineer Swearingen explained he was not a traffic engineer, but he understood the roundabout would require vehicles to slow down in order to maneuver through the roundabout. He stated if cars were speeding along Lake Johanna Boulevard this meant the stop signs were not effective, which was a separate issue from the roundabout.

MOTION: **Councilmember Holden moved and Mayor Grant seconded a motion to Approve the Ramsey County Cooperative Agreement for Right of Way Acquisition and Design for Reconstruction of the Intersection of Old Snelling Avenue and County Road E.**

Councilmember Monson indicated this was an interesting decision for the new Councilmembers to make. She reported she was generally inclined to approve based on the work the City needs to do today and that a roundabout would be required at some point in the future. She did not anticipate Lindey's would improve their parking lot on their own. She stated she was open to tabling this item to a future meeting if the Council wanted further information regarding the roundabout.

Councilmember Rousseau explained she generally supported the roundabout. However, she did feel there were questions she did not have answers to, such as what other options were considered. She indicated she could support tabling action on this item to allow for additional discussion at a future worksession meeting.

Councilmember Fabel stated he was brand new to this item, while the former Council had been working on this project since 2018. He believed more time was necessary to educate the Council and to have Ramsey County go back to speak with Lindey's to determine if the existing access

point could be utilized. He reported this project was an exceedingly expensive solution for this intersection.

Mayor Grant commented for cost prospective, he indicated the City Council discussed a trail along the entire stretch of Lake Johanna Boulevard with the County's Engineer and noted this whole project was \$6.5 million. He noted this single intersection as slated to cost \$4.2 million. He asked Ramsey County to come forward and speak to the Council.

John Mazzitello, Interim County Engineer for Ramsey County, stated a lot of questions had been asked this evening regarding this project. He reported he would like to address these concerns. He indicated this project has been in the works since 2019. He did not believe this project has been rushed and was to the point it was ready to be bid. He noted the agreement before the Council was part of the cost participation process. He explained the County has a right-of-way staff specialist that manages all acquisitions on behalf of the County. He stated the County's process was tried and true and has the support of the County Attorney's office. He reported, in walking through the Lindey's property, removal of the southern-most access point was required regardless of what the County does at this intersection. He noted this access point was too close to the intersection per Ramsey County standards and also standard engineering practices. He commented to make the Lindey's property whole, a second access point must be added. He indicated the new access point would be provided on County Road E, which would change the truck access and parking on the site. He explained the County understood what construction costs were anticipated to be for the Lindey's parking lot, which led to an offer for the parking lot renovations. He reported he has been with the County for the past 2½ years and he understood this was the second time this intersection has come forward. He stated there was a need to improve this intersection. He commented further on the costs for the project and noted the roundabout would cost approximately \$3 million of the total \$4.4 million in project costs. He discussed how costs have risen in the past two years for both labor and materials. He asked that the Council hold a special meeting in January to address this matter if the action was to table this evening.

Councilmember Holden stated the information regarding Lindey's parking lot being non-compliant was news to her.

Mr. Mazzitello explained the Lindey's entrance closest to the intersection of Snelling and County Road E was non-compliant. He reported any work at this intersection would require this access point to go away.

Councilmember Fabel commented it was his understanding property owners must have reasonable access to roadways.

Mr. Mazzitello reported this was the case.

Councilmember Fabel questioned why the other existing access point to Lindey's could not be expanded to become the reasonable access to the property.

Mr. Mazzitello stated early discussions with Lindey's described how delivery trucks move through their site. It was his understanding they utilize both access points. Lindey's requested that they be provided a second access point if plausible, and it was plausible, so the County pursued

this route. He anticipated if the second access point were not provided, the County would be going through a condemnation process with Lindey's and the County would be paying a lot more to resolve the issues on this property.

Mr. Mazzitello requested the Council approve the cooperative agreement this evening and again asked if the Council was to table action on this matter that a special meeting be held prior to January 23.

Mayor Grant commented on the importance of this intersection in Arden Hills.

Councilmember Holden stated she understood this was an important intersection in the City, but noted she was still struggling with the fact the cost for this project had increased 80% in the past two months.

Mr. Mazzitello described how the intersection project would be staged per the request of the City and noted the east/west movement along County Road E would remain open throughout construction. He noted there would be a four to six week closure for the north leg, followed by a four to six week closure of the south leg.

Councilmember Fabel asked if the parking lot would have to be renovated and the access point would be lost, even if the intersection were to remain a four-way stop.

Mr. Mazzitello reported this was the case. He explained the only way the access point could remain is if the City were to do nothing to this intersection.

Mayor Grant questioned how the Council wanted to proceed.

Councilmember Rousseau stated this project would require the City to incur the right-of-way costs and now was the opportune time to complete the project.

Mayor Grant explained this was the case, according to the County Engineer.

Councilmember Monson reported she was a bit more comfortable with this project, even with the cost increases, knowing that the costs would be covered by MSA funding.

Councilmember Holden stated this was the case, but noted the increase in expenses would mean MSA funding would not be available for other projects. She indicated it was her understanding the Council was not making a determination on how to fund this project at this meeting, but rather was being asked to approve a cooperative agreement with Ramsey County.

Councilmember Monson asked why the funding source would be a separate assumption or consideration.

Councilmember Holden explained the funding sources within the staff memo were for informational and budgeting purposes. She reported the Council would have to decide whether or not MSA funding was used for this project.

Councilmember Monson clarified the funding for this project would be a separate decision made by the Council at a future meeting, should this project move forward.

Councilmember Holden stated this was correct.

Public Works Director/City Engineer Swearingen explained staff has put the process in place to request MSA funding.

Councilmember Fabel reported with the new facts in place regarding the Lindey's parking lot the Council must consider the incremental benefit of having a roundabout versus not having a roundabout. He indicated the new Councilmembers have not had a chance to consider this matter. He supported the Council further considering this matter at a future work session.

MOTION: **Councilmember Fabel moved a motion to table action on the Ramsey County Cooperative Agreement to the January 17, 2023 City Council Work Session.**

Councilmember Monson asked if the County would make any other recommendation for this intersection, besides a roundabout.

Mr. Mazzitello stated after completing two intersection evaluation studies, both pointed to the same solution, which was a roundabout.

Joey Lindquist, Project Engineer for Ramsey County, indicated both of the ICE reports showed a roundabout being the most efficient solution for this intersection for all times of the day.

Councilmember Monson reported it was her understanding that there has been minimal crashes at this intersection and safety was not the underlying factor for making improvements at this intersection.

Ms. Lindquist stated this was correct.

Mr. Mazzitello indicated the project was being necessitated for address a congestion period. He explained the roundabout was the most efficient and least intrusive option for an intersection improvement, according to the intersection study.

Councilmember Holden asked what additional information the Council needed if this item were tabled to a future work session.

Councilmember Monson stated she had sufficient information regarding this matter.

Councilmember Fabel withdrew his motion to table action on this item.

Mayor Grant called the question.

A roll call vote was taken. The motion to approve the Ramsey County Cooperative Agreement for Right of Way Acquisition and Design for Reconstruction of the Intersection of Old Snelling Avenue and County Road E carried 3-2 (Councilmember Holden and Mayor Grant opposed).

9. PUBLIC HEARINGS

None.

10. NEW BUSINESS

B. Mayoral Privilege

City Administrator Perrault stated at the request of Councilmember Fabel, this item has been brought forward for consideration. Chapter 2 of City Code calls for the Mayor to make appointments to the City's Committees and Commissions pending the City Council's approval of the appointments (Code Sections 220.01 Subdivisions 4, 10, 13 and 14 and 220.03 Subd. 1). This action would suspend the requirement that appointments be made by the Mayor. The authority to suspend this privilege has been identified by Councilmember Fabel in Minn. Stat. Sec. 412.111; Arden Hills City Code Sections 210.03 Subd. 5 (D); 210.04 Subdivisions 1 and 2.

Councilmember Fabel reviewed the motion with the Council, which was to temporarily suspend Mayoral privilege as it relates to the Mayor's authority to make appointments to City Committees and Commissions.

MOTION: **Councilmember Fabel moved and Councilmember Monson seconded a motion to temporarily suspend Mayoral Privilege as it relates to the Mayor's authority to make appointments to City Committees and Commissions as outlined in Chapter 2 of the City's Ordinance.**

Mayor Grant stated a motion has been made that would suspend his privilege as Mayor to organize the City.

Councilmember Fabel reported the Mayor misstated his motion. He explained the motion has nothing to do with the Mayor's ability to organize the City. He noted the Mayor would have the same power as he had before. He stated Arden Hills was a statutory city and under statutory cities there was a weak Mayor system. He indicated a Mayor in a statutory city has the same power as every other member of the Council. Under State law, the only difference between the Mayor and every other member is that the Mayor presides over the meeting, signs City contracts and he appears for the City in public presentations. In terms of power to decide, or power to govern, the power is the same between the Mayor and all other Councilmembers in a statutory City. He commented further on how St. Paul and Minneapolis were charter cities.

Mayor Grant asked the public to hold their comments at this time.

Councilmember Fabel explained his motions were the result of the election that was just held. He stated anyone that was awake in Arden Hills understands that there were two distinct camps, the one camp includes the existing Councilmembers who believed they were correct in dealing with and coming to a deadlock with Ramsey County.

Councilmember Holden called for a point of order.

Mayor Grant reported the matter on the table was the motion and Councilmember Fabel has gone way beyond this matter.

Councilmember Fabel indicated this has to do with his motion. He explained how he put together another camp within the election that believes change needs to be made. He believed the existing powers, by not coming to a deal with the County need to be changed. He reported he ran on this principle and advised residents of Arden Hills on this information four different times. He stated there was good faith campaigning on both sides and the Advance Arden Hills camp took three of the four positions on the City Council, with substantial majorities. He explained that in December of 2022, the Mayor and previous Council appointed people to the JDA where there was no authority to do so. He indicated per City Ordinance, the appointments to all Commissions and Committees shall be made by the City Council at the first meeting in January. He commented the previous Council's action created a conflict which requires this action, which was to suspend the Mayor's Privilege and to return to State Law.

Councilmember Holden stated she was tired of being assaulted. She reported Mayor Grant met with Ramsey County Commissioner Frethem multiple times since the lawsuit ended and begged to meet with her and the County.

Mayor Grant reported this was the case.

Councilmember Holden asked if Commissioner Frethem had responded to the Mayor.

Mayor Grant commented he received no response.

Councilmember Holden clarified for the record that the City Council has been trying. The truth was not that the Council sat in a stalemate and failed to negotiate. She reported the Council had negotiated with the County and created the first plan for the TCAAP development. She explained a developer was then brought in and the City sat hand in hand with the County on this project. She indicated the City voted to support this plan in 2016 and the County voted to support this plan then as well. She noted the County never brought their issues to the City, rather the County just stopped showing up. She expressed frustration with the fact Councilmember Fabel had never spoken to her in the past regarding TCAAP but yet he had all of these preconceived notions that he knew everything that had happened. She commented on a letter the City received from the County asking to work out the project with the developer. She explained the City Council spent months working with the developer and the developer believed this project would be approved by the County. She indicated the stalemate has not been on the City's side. She expressed frustration with the comments made by Councilmember Fabel, because he did not know all of the inter-workings of this project. She questioned whether Councilmember Fabel spoke to any one of the

sitting Councilmembers to understand the work that had been done on this project. She asked if the Mayor had been contacted by Councilmember Fabel.

Mayor Grant indicated he had never been contacted by Councilmember Fabel.

Councilmember Holden stated she was frustrated by the lies that were being spread. She questioned how Councilmember Fabel heard from a private mediator that the City Council failed to negotiate. She reported this mediator could not speak to a private citizen about a confidential mediation. She explained if this occurred, the mediator should lose his job. She stated that for the record, the City did reach an agreement during mediation.

Councilmember Fabel clarified for the record that he never stated the mediator told him anything.

Councilmember Holden reported this information was disclosed by Councilmember Fabel during the debate. She encouraged him to rewatch the debate. She reiterated that the City Council had reached an agreement with the County during mediation. She explained the proposal was not anything the Council wanted or liked, but the City Council wanted to move the TCAAP forward. She noted the Council accepted the proposal from the County. She asked the City Attorney how long it was before the County changed their mind on this proposal.

City Attorney Jamnik stated he did not recall.

Councilmember Holden indicated the City has had Mayoral Privilege in place for the past 20+ years. She explained she was extremely disappointed with the motion on the table.

Mayor Grant read a section of City Code 220 Sub. 14, which read the Mayor shall appoint a Councilmember to serve as a liaison to each Board, Commission or Committee or other appointed body. He reported he met with each Councilmember in December, including the new Councilmembers, and asked them their preference. He indicated he cannot facilitate everyone getting their preference, but in terms of organization of the City he wants the very best people in the positions that provide positive benefit to the City. He explained this was what he did through his proposed appointments. However, the motion on the table strips him of his ability to make any committee or commission appointments. He stated when this power is stripped the decision will be made by this body, which will lead to 3-2 votes.

Councilmember Holden called the question.

A roll call vote was taken. The motion to temporarily suspend Mayoral Privilege as it relates to the Mayor's authority to make appointments to City Committees and Commissions as outlined in Chapter 2 of the City's Ordinance carried 3-2 (Councilmember Holden and Mayor Grant opposed).

C. Rescind JDA Appointments

City Administrator Perrault stated at the request of Councilmember Fabel, this item has been brought forward. In December, the City Council voted to extend the terms of Brian Holmes

(Chair) and David Grant (Commissioner) to the Joint Development Authority for two years. This action would rescind that action, opening the Chair and Commissioner roles for appointment.

Councilmember Monson thanked the public for making their comments. She explained the goal was to get an agreement with the County. She noted the goal would be to redevelop TCAAP. She stated this goal has not been reached for years and it was clear previous attempts have failed. She reported in her line of business she has completed hundreds of developments over the past decade. She understood this is what happened with some deals and she believed there needed to be a new strategy. She reported these actions were not personal, but rather were tactical because it was clear the County was not interested in negotiating with the previous Council. She was not saying this was all the City or the County's fault, but rather was a transactional matter that needed a new strategy. She hoped that everyone would be able to put their egos aside and noted the City Council would ultimately have the vote. She indicated there was nothing standing in the Council's way, except their egos. She reported she could work with all four Councilmembers and was willing to take input from everyone. She believed Gregg Larson was a great choice for the JDA but noted she would support the City going through an application process.

Councilmember Holden stated every December the Council has appointed people. She discussed what an asset Mayor Grant was to the JDA. She reported Mayor Grant was in place to represent all of the residents of Arden Hills. She commented on the institutional history and experience Mayor Grant had with this project, which was vital to keep this project moving forward. She believed this was the matter at hand. She feared the placement of Gregg Larson on the JDA was simply pay back because he was defeated in the Mayoral election. She stated by removing the Mayor from the JDA, the new Councilmembers would be taking away the Mayor's responsibilities as the administrator and spokesperson for the City. She indicated the City has not had a lack of will and mission regarding this project, rather the County has not met with the City even after an agreed upon agreement as in place. She discussed how the County was trying to turn into a developer for this project. She believed it was wrong that the Council was voting to consider taking away the Mayor's responsibility to govern the City. She reiterated that the Mayor was an asset to this project and noted he has worked diligently for years to move this project forward.

Mayor Grant echoed Councilmember Holden's comments. He stated he created the JDA along with Councilmember Holden. He noted he met with the County, worked out agreements, zoned the property, and held meetings with the public. He believed the City needed to do more of this going forward. He explained the County cleaned up the property per the agreement. He reported in December of 2016 the density and design of the TCAAP project was agreed upon by both parties. He indicated the City has continued to work to move this project forward after being told by the County the City was to move this project forward. He stated the City met with the developer earlier this year and structured an agreement that was supported by both the City and the developer. He explained this agreement was presented to the County by the developer and the County did not offer their support. He reported he wanted to move TCAAP forward and he has been working for the past 10 years to do just this.

Councilmember Holden asked what the big fear was if Mayor Grant was on the JDA. She stated there would be two Councilmembers on the JDA and two County Commissioners. She encouraged the new Councilmembers to see what a valuable resource Mayor Grant would be.

Mayor Grant discussed how valuable Brian Holmes has been to the City for the past four years. He reported nine or ten individuals were interviewed and Brian Holmes was selected by the City Council to serve as the JDA Chair. He explained he was a qualified neutral individual that wants the best for the City. He believed Brian Holmes would serve the citizens of Arden Hills well. He indicated he may not always agree with the City’s position, but that is not what the Council was looking for. He was of the opinion Brian Holmes would be fair and balanced as the JDA Chair. He discussed how Brian Holmes has waited for the past three years for the County to show up, but this didn’t happen. He did not believe the community should turn their back on Brian Holmes just because there was three new members on the City Council. He explained the bylaws for the JDA state the City can determine at its discretion the length of terms it wants for its assignees at any point during the year. He reported in December the Council reappointed Brian Holmes to the JDA. He feared how the action before the Council was to allow the three new Councilmembers to appoint their fourth slate-mate to the JDA, even after he was not elected. He discussed how imbalanced this would be. He noted Councilmember Holden stepped down from the JDA in order to allow a new Councilmember to serve on the JDA. He reported this was how to balance a situation, which should be the spirit of Arden Hills. He discussed how the previous Council worked together on behalf of the community. He stated the spirit of the motions before the Council was not “working together”.

MOTION: **Councilmember Fabel moved and Councilmember Monson seconded a motion to rescind the current appointments of Brian Holmes (Chair) and David Grant (Commissioner) to the Joint Development Authority.**

Mayor Grant stated a majority vote of the City Council can remove someone from a Board, Committee or Commission.

City Attorney Jamnik reported this was allowed per City Code 220.01 Subd. 8 noting the language reads any member of a Board, Committee or Commission or other appointed body may be removed by the majority vote of the entire City Council.

Mayor Grant stated while he understood this action was allowed per City Code, he did not believe it should necessarily be done.

Councilmember Fabel indicated this action was also allowed per State law, which governs City governments.

A roll call vote was taken. The motion to rescind the current appointments of Brian Holmes (Chair) and David Grant (Commissioner) to the Joint Development Authority carried 3-2 (Councilmember Holden and Mayor Grant opposed).

D. JDA Commissioner and Chair Appointments

City Administrator Perrault stated this item was brought forward by Councilmember Fabel. He explained the Joint Powers Agreement between Ramsey County and the City of Arden Hills for the development of Rice Creek Commons provides that the City shall appoint members to serve on the Joint Development Authority. The City is to appoint the Chair and two Commissioners.

The Chair shall be a non-elected resident of the City, the Commissioners shall consist of two members of the City Council. The Council is to determine the length of service of its respective appointees.

MOTION: Councilmember Fabel moved and Councilmember Monson seconded a motion to appoint Tena Monson (Commissioner), Thomas Fabel (Commissioner) and Emily Rousseau (Alternate Commissioner) to the Joint Development Authority through December 31, 2024.

Councilmember Holden asked how the open meeting law will be addressed with all of the like-minded people serving on the JDA.

Councilmember Fabel reported the open meeting law addresses public officials.

Mayor Grant explained Councilmember Fabel would not be able to brief both Councilmember Monson and Councilmember Rosseau on the JDA.

Councilmember Fabel indicated he understood the law.

Mayor Grant stated a substitute has not been assigned in the past but noted there was nothing against this.

Councilmember Holden reported she believed this action was wrong. She explained the public has asked for balance and for the City Council to work together. She encouraged the new Councilmembers to consider the institutional knowledge Mayor Grant has with respect to the TCAAP development. She discussed how Mayor Grant has been working for 10 years to move this project forward. She stated this action would strip the Mayor of his power as the Mayor. She feared this action was payback because he got elected Mayor. She questioned why the new Councilmembers would not want someone who was not of like mind to balance the JDA. She stated she was perplexed on why the new Councilmembers did not want to draw from the knowledge and experience the Mayor has.

Councilmember Fabel stated he fully intends to draw upon the Mayor's knowledge and experience. He reported he was also willing to draw from Councilmember Holden's experience and wisdom. However, he was not willing to send this project into negotiations with representatives that brought about nothing. He supported the City having a new team to work on the negotiations with the County that were willing to address the housing density within TCAAP.

Councilmember Rousseau commented she believed each Councilmember would bring unique strengths to the JDA. She explained she supported the Council utilizing Councilmember Monson and Councilmember Fabel at this point. She believed Councilmember Monson had valuable experience that would assist with moving this project forward. In addition, Councilmember Fabel had 40+ years of negotiation expertise. She was of the opinion Councilmember Monson and Councilmember Fabel would be able to build communications with the County while mitigating financial risks to Arden Hills residents. She indicated this matter could be revisited in the fourth quarter to see what progress has taken place and if changes should be made to the JDA appointments.

Councilmember Holden asked why Councilmember Fabel’s running mate was not invited to several National Night Out parties after residents learned “the group” would give the County whatever they wanted. She expressed concern with whether or not the new Councilmembers would be able to negotiate with the best interests of the City in mind.

Councilmember Monson called for a point of order. She believed the discussion was getting personal and was inappropriate for the motion on the floor.

Mayor Grant stated Councilmember Monson was out of order. He explained this was a determination that was made by the Mayor and reiterated that he was running the meeting. He understood this was going to be a heated topic that had to be addressed. He stated Councilmember Holden had the floor.

Councilmember Holden indicated she did not understand why the Council would not utilize someone who has institutional history on the TCAAP development. She anticipated the Council would not be balanced going forward and would not be able to work together. She congratulated the new Councilmembers for creating this situation. She feared the City of Arden Hills would become dysfunctional like Roseville and Maplewood and the City would lose its bonding rating as well as its League of Minnesota Cities’ insurance coverage.

Mayor Grant commented he was not able to make his Mayoral appointments to the JDA. He indicated he would have recommended himself, Brian Holmes and Councilmember Rousseau to the JDA. He discussed how important financial modeling would be for the TCAAP development and he understood Councilmember Rousseau had an MBA. He stated he was hoping to take these skills and put them to use on the JDA. He reported he was not able to make his recommendations because Item 10A was moved to the bottom of the agenda, which was a tactical move by the new Councilmembers. He asked if Councilmember Fabel had close ties to County Commissioners.

Councilmember Fabel explained he has known the County in the past but he does not have any close ties. He reported in his acting career he performed with County Commissioner Reiner and her husband at the Landmark Center.

Mayor Grant stated Councilmember Fabel does have a direct tie to one County Commissioner and her husband. He indicated for transparency purposes, as people as assigned to the JDA, he wanted to make the connections to the County clear.

Councilmember Fabel commented there has been a lack of civility in the negotiations for years and perhaps he would be able to bring a level of civility to these negotiations.

Mayor Grant encouraged Councilmember Fabel to not characterize discussions that he was not part of.

Councilmember Holden asked when there were hostilities.

Mayor Grant stated he could not recall any hostilities in the last three years, because the County has not shown up.

Councilmember Holden questioned when the City had hostilities with the County.

City Attorney Jamnik reported there have been disagreements, but he could not characterize the disagreements.

Councilmember Holden cautioned the new Councilmembers from believing everything the County was telling them, because it was not all truth. She explained she was very upset by the new Councilmembers and the fact they were stating the developer begged the City for 1900 units for six months. She stated she spoke with the County, the consultants and City staff regarding this matter and this was not true. She encouraged the new Councilmembers to stop spreading misinformation. She understood why the County did not want to work with the Mayor, it was because he would hold them accountable, knowing he would work for the best interests of the City and not just to settle a deal.

Councilmember Fabel called the question.

Mayor Grant clarified that the motion would be appoint Councilmember Fabel, Councilmember Monson and alternate Councilmember Rousseau to the JDA.

A roll call vote was taken. The motion to appoint Tena Monson (Commissioner), Thomas Fabel (Commissioner) and Emily Rousseau (Alternate Commissioner) to the Joint Development Authority through December 31, 2024 carried 3-2 (Councilmember Holden and Mayor Grant opposed).

Mayor Grant questioned how Councilmember Fabel wanted to proceed with the JDA Chair.

Councilmember Fabel reported he amended his motion per Councilmember Monson's comments and withdrew the appointment for the JDA Chair.

Councilmember Monson asked if the Council needed to make a motion on the process that would be followed for the JDA Chair.

City Attorney Jamnik stated the December appointments have been rescinded and the Council could discuss this process further at a future work session or the Council could discuss the process this evening.

Councilmember Rousseau supported the Council further discuss this matter at a future work session.

Councilmember Monson stated she would like to make a motion to get the application process started for the JDA Chair position.

MOTION: **Councilmember Monson moved and Councilmember Fabel seconded a motion to begin the application process for the JDA Chair position.**

Councilmember Fabel suggested applications be collected for the next two weeks.

Mayor Grant requested staff speak to the process that has been followed in the past for the JDA Chair appointments.

City Administrator Perrault explained the last application period was advertised in the City newsletter and applications were then open for two weeks.

Mayor Grant stated the application process would then be dependent upon when the next newsletter would be printed.

City Administrator Perrault reported this was the case.

Mayor Grant commented the application process may take four weeks, due to the timing of the next newsletter.

Councilmember Fabel asked what would be a reasonable amount of time to take applications for the JDA Chair position.

City Administrator Perrault stated if the Council's intent was to advertise the position in the City newsletter, which would be sent out in early February, it would take four or five weeks to have the application process complete.

Councilmember Rousseau inquired if the JDA had to have a Chair in order to reach out to Ramsey County.

City Administrator Perrault reported the JDA did not need a Chair, but it was his understanding the JDA had to have four members in order to have a quorum and the Vice Chair would be appointed by the County.

Councilmember Fabel requested the application process move forward with all due speed.

Councilmember Holden questioned if this task should be rushed by staff above all other City duties.

Councilmember Fabel recommended the JDA Chair application process be a priority to staff.

Councilmember Holden asked that staff speak to what may have to be put off if this application process was made a priority.

City Administrator Perrault explained he needed to know what the timeframe was for the application process and if a subcommittee or the entire Council would be reviewing the applications.

Councilmember Monson supported the position being posted in the *Arden Hills Notes*.

Mayor Grant indicated staff has heard the comments of the Council and understands the Council would like staff to move expeditiously through the application process. He reported the JDA

meets once a month. He explained he supported the Council interviewing all of the JDA Chair applicants, noting this was done in the past.

Councilmember Monson supported this recommendation.

A roll call vote was taken. The motion to begin the application process for the JDA Chair position carried (5-0).

E. Mayor Pro-Tem Appointment

City Administrator Perrault stated this item was brought forward by Councilmember Fabel.

Councilmember Fabel stated annually, the City Council must appoint a Mayor Pro-Tem to perform the duties of the Mayor during the absence or disqualification of the Mayor or in the case of a vacancy in the office of the Mayor. The resolution would appoint Emily Rousseau to the role for 2023 following Council approval.

MOTION: **Councilmember Fabel moved and Councilmember Monson seconded a motion to adopt a Resolution appointing Emily Rousseau as the Mayor Pro-Tem for 2023.**

Councilmember Rosseau asked how long the City Council has been appointing the Mayor Pro-Tem on an annual basis.

City Administrator Perrault reported this action was taken on an annual basis as long as the City has been incorporated.

Councilmember Holden questioned how long Councilmember Rousseau has been active in City government.

Councilmember Rousseau indicated she has been in City government for six days now.

Mayor Grant stated it was his choice to have Councilmember Holden continue as Mayor Pro-Tem due to the fact she has a number of years of experience in City government. He indicated he would be fine choosing a different Councilmember a year from now, but for this year he supported Councilmember Holden. He explained the other aspect of this was, historically, his attendance was very good.

Councilmember Rousseau reported the City's new policy would allow for Councilmembers and the Mayor to attend meetings remotely. She indicated her interest with this position was due to her being able to fill a role when agility was needed. She supported this position rotating on a yearly basis for continuity purposes.

Mayor Grant stated he would have done this next year. He asked if the emergency operations manual had been distributed to the new Councilmembers.

City Administrator Perrault explained he had yet to get this information to the new City Councilmembers.

Mayor Grant explained he would prefer to have someone experienced acting as the Mayor Pro-Tem, but he had been stripped of his ability to make a recommendation.

A roll call vote was taken. The motion to adopt a Resolution appointing Emily Rousseau as the Mayor Pro-Tem for 2023 carried 3-2 (Councilmember Holden and Mayor Grant opposed).

F. Council Liaison Appointments

City Administrator Perrault stated Councilmember Tom Fabel had proposed appointments for the City Council. He explained the Council may choose to vote on this list in one motion or individually. Following approval, the Resolution will be completed for the Mayor's signature.

Planning Commission

Council Liaison: Emily Rousseau

Staff: Community Development Director

Parks, Trails and Recreation Committee

Council Liaison: Emily Rousseau

Staff: Recreation Supervisor

Alternate: Assistant Public Works Director

Communication Committee

Council Liaison: Tom Fabel

Staff: Communications Coordinator

Staff: City Clerk

Lake Johanna Fire Department Board of Directors, Relief Association Representative, and Fire Department Headquarters JPA Representative

Council Liaison: Tena Monson

Alternate: David Grant

Staff: City Administrator

Personnel Committee

Council Liaison: David Grant

Council Liaison: Tom Fabel

Staff: City Administrator

Staff: City Clerk

Beyond the Yellow Ribbon/Military Liaison

Liaison: Tena Monson

Councilmember Monson stated when looking through Mayor Grant’s appointments she learned more about the Beyond the Yellow Ribbon appointment. She explained she could support Steve Scott remaining as the Beyond the Yellow Ribbon liaison.

Mayor Grant commented Eileen Scott was actually the Chair of the Beyond the Yellow Ribbon. He requested the appointment for the Beyond the Yellow Ribbon position be changed to Eileen Scott.

Councilmember Monson said she supported this recommendation.

MOTION: **Councilmember Fabel moved and Councilmember Monson seconded a motion to approve appointments as proposed by Councilmember Tom Fabel and to approve appointing Eileen Scott to the Beyond the Yellow Ribbon.**

Councilmember Holden asked why all the appointments were in favor of the new Councilmembers. She explained she has been on the Council for many years. She inquired why she was not allowed to serve as a committee liaison. She reported in the past the Mayor’s appointments were considered with respect and everyone was treated fairly. She questioned why she was not worthy of a committee assignment, but she understood this was a done deal because there were three new Councilmembers. She encouraged the new Councilmembers to consider what it means to work together.

Councilmember Fabel encouraged Councilmember Holden to serve as the Ramsey County League representative, the Karth Lake representative, Cable Commission liaison, or the Twin Cities Gateway representative.

Mayor Grant explained he has been stripped of his mayoral privileges which meant his conversations with the newly elected Councilmembers in December did not go far. He reviewed the appointments he had made for the City’s Commissions and Committees noting his recommendations were because he believed these individuals would bring something positive to the City.

Councilmember Fabel stated his motion was phrased as it was because he believed these people were capable of carrying out the duties.

Councilmember Holden asked which appointments the Council was considering.

City Administrator Perrault explained the Council was to consider the Planning Commission, PTRC, Communications Committee, Lake Johanna Fire Board, Personnel Committee and Beyond the Yellow Ribbon appointments.

Mayor Grant reported this meant the EDC, Ramsey County League, Karth Lake, Twin Cities Gateway and Cable Commission were not being considered within Councilmember Fabel’s motion.

Councilmember Holden clarified for the record that the years of experience she has a Councilmember was not valued by the three newly elected Councilmembers. She requested Mayor call the question.

A roll call vote was taken. The motion to approve appointments as proposed by Councilmember Tom Fabel and to approve appointing Eileen Scott to the Beyond the Yellow Ribbon carried 3-2 (Councilmember Holden and Mayor Grant opposed).

Mayor Grant requested the Council consider appointments for the EDC, Ramsey County League, Karth Lake, Twin Cities Gateway. He noted the Council could skip the Cable Commission appointment for the time being noting Craig Wilson was willing to serve through the end of February.

Councilmember Holden reported she was not interested in serving on the EDC noting this group does not meet.

Mayor Grant stated the Ramsey County League meetings could be attended by all Councilmembers. He recommended Tena Monson serve as the representative for the Karth Lake Improvement District and recommended the Twin Cities Gateway representative be himself.

MOTION: **Councilmember Monson moved and Mayor Grant seconded a motion to appoint Councilmember Brenda Holden to the EDC and Mayor David Grant to the Twin Cities Gateway.**

Councilmember Holden reported she would not be attending the EDC meetings and requested her name be removed from consideration. She suggested this be an alternate position.

AMENDMENT: **Mayor Grant moved and Councilmember Monson seconded a motion to appoint Councilmember Brenda Holden as the EDC Alternate.**

Councilmember Monson questioned if the EDC appointment should be held off until the EDC begins to meet again.

Mayor Grant stated this appointment could be skipped at this time because the EDC was not currently meeting.

Councilmember Monson indicated she would like to restate her motion.

MOTION: **Councilmember Monson moved and Mayor Grant seconded a motion to appoint Mayor David Grant to the Twin Cities Gateway. A roll call vote was taken. The motion carried 4-1 (Councilmember Holden opposed).**

Mayor Grant stated his recommendation for the Ramsey County League was Councilmember Fabel.

Councilmember Fabel explained he was hesitant to serve as the representative because he did not know anything about the Ramsey County League.

A short discussion ensued about the Ramsey County League appointment.

Councilmember Monson questioned if the Council could table action on the appointment to the Ramsey County League and Karth Lake Improvement District for further discussion at a future work session.

Mayor Grant stated this action could be taken.

MOTION: **Councilmember Monson moved and Councilmember Rousseau seconded a motion to table action on the Ramsey County League and Karth Lake Improvement District appointments to a future work session for discussion. A roll call vote was taken. The motion carried 3-2 (Councilmember Holden and Mayor Grant opposed).**

G. Rescind Meeting Cancellations – January and February 2023

Councilmember Fabel stated in December, the City Council previously cancelled the second meetings of January and February 2023; he stated he would like to reverse that action. He supported these meetings being on the calendar because business comes up from time to time.

MOTION: **Councilmember Fabel moved and Councilmember Monson seconded a motion to rescind the previous cancellation of the second City Council meetings for January and February 2023.**

Mayor Grant provided the new Councilmembers with a bit of history. He noted the Council took this same action last year because there were not many planning cases that come forward in the winter months. He explained the Planning Commission meeting in January was canceled because there were no cases to reviewed and noted he was not aware of any cases that would be reviewed in February. He stated this meant there was no business for the Council to discuss at the second meeting of the month. He reported January, February and March were typically slower months for Council activity and planning cases which led the Council to cancel these meetings in 2022. He discussed how extra meetings impacted City staff, who lived outside the community. He commented on how putting these meetings back on was an easy process, if a matter needed to be discussed a special meeting could easily be called. He stated the only intention behind cancelling these meetings was to be sensitive to staff since there were no planning cases to discuss and it worked well last year.

Councilmember Fabel recommended the second meeting in January be held in order to address Item 10H. He anticipated the second meeting in February would be required to allow the Council to address the JDA Chair appointment.

Mayor Grant stated he understood Item 10H required a minimum of 10 days to be noticed, but stated there could be more than 10 days.

Councilmember Fabel reported Item 10H would amend City Code to make it consistent with State law noting the Council would make appointments going forward. He stated right now the language was ambiguous.

Mayor Grant indicated he read City Code previously in the meeting and it was not ambiguous. He explained Councilmember Fabel was proposing City Code be reworded so that there would not be mayoral appointments going forward. He reported if the Council could review and approve Item 10H at the first meeting in February. He stated Arden Hills was a rather small community and he would like the Council to consider how these extra meetings impact staff. He explained the Council did not cancel these meetings to upset the incoming Councilmembers, but rather took this action as a consideration for City staff and because this action was taken last year.

Councilmember Holden suggested action be taken on this item because a decision has already been made by the three new Councilmembers.

Councilmember Monson asked if staff had any items that would need to be addressed on January 23.

City Administrator Perrault explained staff was working under the assumption that this meeting would be cancelled. He noted there was nothing pressing for the Council to address on January 23.

Mayor Grant reported if a pressing matter were to arise, he could call for a special meeting.

Councilmember Fabel reported adequate notice would have to be provided prior to any public meeting.

Mayor Grant stated three days' notice was required before any public meeting. He explained the Council always had the option of holding a special meeting after a work session as well.

Councilmember Fabel commented based on all of this information he would be willing to withdraw his motion.

Councilmember Monson rescinded her second. She asked if Item 10H could be addressed by the Council on January 17.

City Attorney Jamnik reported the ten day notice would not allow this item to be discussed by the Council on January 17. He stated the ten day notice would require this item to wait until January 23 or February 13.

Mayor Grant commented the City Code revision would strip the mayor of duties that only occur at the beginning of the year. He reported the Council has just dispensed with these items and there was no rush to complete the City Code revision.

Councilmember Holden stated she was uncertain what else the new Councilmembers had planned.

Councilmember Monson asked if the work session could be moved to January 18 to allow Item 10H to be discussed prior to February.

Mayor Grant explained staff planned to attend a meeting on Tuesday, January 17 and not on January 18. He reiterated that the City Code amendment that was being considered would not go into effect until January of 2024, so there was plenty of time. For this reason, he suggested the Council considering this item at the first meeting in February.

Councilmember Fabel suggested the Council move onto Item 10H.

H. City Code Revision – Chapter 2, Subsections 220.01 and 220.03

City Administrator Perrault stated this item was brought forward by Councilmember Fabel.

Councilmember Fabel explained the proposed ordinance amendment regarding appointments to the City's Committees and Commissions has been drafted. Should this change go into effect it would be the City Councils' responsibility to both appoint and approve Committee and Commission members and their respective chairs. He reviewed the State Statutes and City Code Subsections that supported his recommendation. Generally, the City will need to post this amendment draft on its website at least ten days prior to final approval. Tonight's action will be to move forward with the process outlined to ensure City Code was consistent with State Statute.

Mayor Grant asked if the bylaws state the appointments are made by Mayoral appointments that are ratified by the City Council. He questioned if this procedure violated State Statute.

City Attorney Jamnik reported this does not violate State Statute and was within City Code. He advised the State Statute does not provide for mayoral appointments, but City Code does, subject to Council review was perfectly acceptable.

Mayor Grant questioned if the City Code that was in place today was acceptable.

City Attorney Jamnik stated this was the case, noting there was no conflict.

Mayor Grant indicated City Code could go forward as it was. However, the new City Councilmembers would like to remove any reference to the Mayor.

Councilmember Fabel stated the reason for this action was because this Mayor has acted in such a manner as to be perceived that was inconsistent with the wishes of the voters of Arden Hills. He believed this Mayor was working to undo the results of the election by the appointments that were being proposed to the JDA. Because of that, his hand has been forced to establish a City Code which was consistent with State law.

Mayor Grant questioned if Councilmember Fabel believed he was hoodwinking anyone.

Councilmember Fabel reported he was talking about the law here.

Mayor Grant stated he understood the law and noted the City Attorney just stated the City Code was not inconsistent with State law. He explained the City can determine how they go about meeting State Statute and this was the manner in which the Council has acted for years. He believed Councilmember Fabel wanted to change the Statute because he had three votes on the Council.

Councilmember Fabel indicated the problem was the actions of the Mayor were beyond his authority. He stated the Mayor used his privilege in a manner that was beyond one Councilmember. He explained the Mayor's privilege was used in an effort to undo the power that all of the other Councilmembers have. For this reason, an action was brought forward to amend City Code.

Mayor Grant reported he has not undone any City elections.

MOTION: **Councilmember Fabel moved and Councilmember Monson seconded a motion to direct staff to move forward amending the City's Ordinance as proposed for Chapter 2 Subsections 220.01 and 220.03.**

Mayor Grant asked if other communities manage committee and commission appointments.

City Attorney Jamnik reported there were a wide variety of options. He stated some discuss appointments at a meeting and others have carryovers. He indicated there was not a best practice or a majority way in which appointments were made. He explained he understood some cities have a mayor and administrator that solicit input from other councilmembers with the council ratifying the proposal. He stated Arden Hills' City Code was a little unique in the mayor proposing with the appointment subject to review and approval by the Council.

Mayor Grant reiterated that current City Code was not out of alignment with State Statute.

Councilmember Fabel indicated he would like to put City Code in alignment with State Statute and with other cities so that the Mayor is required to cooperate with the other Councilmembers as one person with one vote.

Councilmember Holden questioned where the cooperation was from the three new Councilmembers. She reported she was never asked what committee she would like to serve on.

Mayor Grant called the question.

A roll call vote was taken. The motion to direct staff to move forward amending the City's Ordinance as proposed for Chapter 2 Subsections 220.01 and 220.03 carried 3-2 (Councilmember Holden and Mayor Grant opposed).

A. Appointing 2023 City Council Liaisons for Commissions and Committees and Mayor Pro-Tem

Mayor Grant reported this item was addressed previously by the Council. He asked what action should be taken on this item.

City Attorney Jamnik stated it would be appropriate to table action on this item.

MOTION: Mayor Grant moved and Councilmember Rousseau seconded a motion to table action on the 2023 City Council Appointments for Commissions and Committees and Mayor Pro-Tem. A roll call vote was taken. The motion carried 3-2 (Councilmember Holden and Mayor Grant opposed).

11. UNFINISHED BUSINESS

None.

12. COUNCIL COMMENTS

Councilmember Rousseau thanked the residents in attendance. She stated she hoped future Council meetings would go better.

Councilmember Monson commented on Saturday she spent the day working with the Resilient Cities and Communities Group.

Councilmember Holden reviewed the motions that were taken this evening, which was to remove Mayor Grant's mayoral privilege, to remove Mayor Grant from the JDA, and to appoint a six day Councilmember as the Mayor Pro-Tem. She reported these actions were taken by three new, inexperienced Councilmembers. She discussed how the new Councilmembers have impugned the reputation of the Mayor. She anticipated these actions would only continue to divide the community and the City Council. She commented on how a newly elected official was overheard by staff that they were planning on terminating staff members. She discussed how wrongful terminations can open up the City to lawsuits and declining staff morale. She encouraged the new Councilmembers to not talk about their plan in front of staff or a room full of people. She stated she has already observed several violations of the open meeting law and noted the newly elected Councilmembers should know better, based on all of their experience. She feared how the City would be opened up to law suits if this behavior continued. She hoped the City could continue having good governance. She reported it was estimated it took newly elected officials six to twelve months to gain a basic knowledge of City government. However, the City was now being run by three newly elected officials with no government experience. She discussed how she would like the Council to build trust by working together and sharing ideas. She encouraged the new Councilmembers to do what is best for the City of Arden Hills. She reiterated that the newly elected Councilmembers were not voted in by every member of the community. She hoped collaboration, transparency and good government would prevail because she feared how Arden Hills would move forward with such high levels of disfunction. Lastly, she thanked everyone who attended the meeting tonight.

Mayor Grant thanked all of the residents who attended the meeting. He reported he represented all members of the community. He discussed how the previous Council worked together to accomplish many things. He hoped that this Council would be able to get to the same place. He explained he was very saddened by the leadership being shown by the Council. He indicated he would continue to work for all residents of Arden Hills. He encouraged residents to contact him with their comments or concerns.

Mayor Grant stated he worked with the Chamber as well as the City of Shoreview and Ramsey County to bring a program forward called Welcome Back Lexington Avenue. He reported this program would kick off on January 17.

Mayor Grant explained staff would be putting out 25 mile per hour speed limit signs.

Public Works Director/City Engineer Swearingen reported this was the case, noting staff would be installing these signs on existing posts throughout the City.

Mayor Grant noted he attended a ribbon cutting ceremony for Round Lake Senior Living located just north of I-694. He stated this was a very impressive facility that had a park that was open to Arden Hills residents.

Mayor Grant explained he would be attending a ribbon cutting/open house on January 10 for Colder Products Company.

ADJOURN

MOTION: Councilmember Fabel moved and Councilmember Rousseau seconded a motion to adjourn. The motion carried (5-0).

Mayor Grant adjourned the Regular City Council Meeting at 12:08 a.m.

Julie Hanson
City Clerk

David Grant
Mayor