



DRAFT

Approved: March 13, 2023

**CITY OF ARDEN HILLS, MINNESOTA
REGULAR CITY COUNCIL MEETING
FEBRUARY 13, 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 (attending remotely), Councilmembers Brenda Holden, Emily Rousseau, Tena Monson and Tom Fabel

Absent: None

Also present: City Administrator Dave Perrault; Public Works Director/City Engineer Dave 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

Mayor Grant explained because he was attending the meeting remotely he would be turning over the gavel to Mayor Pro Tem Rousseau.

1. APPROVAL OF AGENDA

Councilmember Holden requested Items 7G and 7L be pulled from the Consent Agenda for further discussion as Items 8A and 8B.

Councilmember Monson requested clarification on agenda Items 10B and 10C.

Mayor Grant explained agenda Items 10B and 10C were requested by Councilmember Holden and he worked with City Administrator Perrault to have these items added to the agenda.

Councilmember Holden reported she would like clarification on Item 10B, noting there was additional information from the County regarding the roundabout. She would like the Council brought up to date on this information.

Councilmember Monson asked why information was not included in the packet prior to the meeting.

Councilmember Holden stated that no one on the Council requested anything from her prior to the meeting.

Councilmember Fabel reported he requested information from staff regarding Items 10B and 10C and he was told nothing had been provided. For this reason, he recommended Items 10B and 10C be removed from the agenda and be placed on a future agenda when there was information available for the Council. He noted the Council discussed the roundabout extensively at their last meeting and the roundabout was approved.

Councilmember Holden asked who staff contacted for information and which staff member told Councilmember Fabel that no information was available.

City Administrator Perrault stated Councilmember Fabel asked him for information on Items 10B and 10C. He was told these items were for discussion purposes and there was no information to prepare at a staff level.

Mayor Grant explained he had discussions with Councilmember Monson this afternoon. He reported Items 10B and 10C were discussion items only, there would be no motions. He commented further on the process that is followed to place items on the agenda and clarified again that Councilmember Holden was not looking to make any motions regarding the roundabout or TCAAP.

Councilmember Fabel stated City Administrator Perrault would be presenting the TCAAP matter under Staff Comments and therefore he believed there was no reason to have Item 10C on the agenda. He understood the roundabout had been approved and under the rules of order any Councilmember voting against an item was not able to make motions for reconsideration.

Councilmember Holden explained she was not seeking reconsideration for the roundabout but rather would like some facts presented to the entire Council.

Councilmember Monson commented generally she did not have a problem having a discussion about an item, but stated it was difficult for her to feel prepared for a meeting when she does not have information prior to the meeting. She suggested Items 10B and 10C be considered at the Council work session next week.

Councilmember Holden explained the Council has now spent more time discussing these matters than they would have if she was allowed to have them on the agenda as discussion items.

Councilmember Fabel stated no witness has been called and staff had no further information on these matters. He recommended these topics be addressed at a subsequent meeting.

Mayor Grant encouraged the Council to get beyond this. He explained he did not see any harm in the Council having this discussion item on the agenda.

MOTION: Mayor Grant moved and Councilmember Holden seconded a motion to approve the meeting agenda as amended, removing Items 7G and 7L for discussion as Items 8A and 8B.

AMENDMENT: Councilmember Fabel moved and Councilmember Monson seconded a motion to approve the meeting agenda as amended, removing Items 10B and 10C and having these items placed on a future work session agenda.

A roll call vote was taken. The amendment to remove Items 10B and 10C and place them on the work session agenda carried 3-2 (Councilmember Holden and Mayor Grant opposed).

A roll call vote was taken. The amended motion carried 3-2 (Councilmember Holden and Mayor Grant opposed).

2. PUBLIC INQUIRIES/INFORMATIONAL

Gregg Larson, 3377 North Snelling Avenue, discussed the appointments to the City's committees and commissions. He explained Arden Hills is governed by majority rule and the Mayor presides over meetings and executes documents. Otherwise, the Mayor was an equal among the Council and has one vote. He indicated the City was a democracy and reported the City Council should make recommendations for committee and commission appointments and not the Mayor. He explained the Mayor protested that his appointment privileges were stripped in January, but he didn't have that privilege to begin with. He stated all neighboring communities vest appointment power in the entire Council and not the Mayor. While the Mayor can propose names, the Council has the final determination. He believed it was very undemocratic for the Council to approve appointments in December of 2022.

Mr. Larson commented on the Arden Hills representation to the JDA. He stated Mayor Grant and Councilmember Holden have represented the City for the past six years and they have failed to resolve differences with the County despite litigation that cost the City. He indicated Mayor Grant and Councilmember Holden relieved the first two JDA chairs that were appointed and the third chair presided over only a single meeting in 2018. After this time, the County boycotted meetings citing the City was unwilling to compromise on housing density and type. He stated the JDA needed a full reset and this was accomplished and a successful JDA meeting was held for the first time in four years. He reported any significant JDA decisions will still require public notice and full Council action.

Mr. Larson explained the behavior and comments by some public members at the January 9 City Council meeting were an embarrassment. He stated the Mayor choose a tactic that falsely labeled the newly elected Councilmembers a coup. He appreciated the fact that the newly elected Councilmembers did not engage in such behavior but rather based their actions on facts. He stated the inconvenient truth was that last fall, Arden Hills residents voted overwhelmingly for change by replacing three incumbents with three new Councilmembers. He understood change was hard and encouraged the Council and residents of Arden Hills to respect the vote of the residents.

Linda Swanson, 1124 Ingerson Road, spoke to the Council regarding Councilmember Fabel's comments. She reported she was appalled, angered and insulted by his narcissistic comments made at the recent work session. She stated the residents of Arden Hills were not stupid. She was glad to hear that Councilmember Monson believed the residents were smart enough to be able to figure things out. She expressed concern with how callus Councilmember Fabel was behaving. She noted she has worked in the legal industry for the past 50 years. She stated it does not take an attorney to be all knowledgeable on matters. She indicated the residents have a clear understanding of his comments and he ran a coup. She believed Councilmember Fabel's comments were rude and

condescending. She believed Councilmember Fabel owed the residents of Arden Hills a heartfelt apology but she did not believe this would happen.

Donna Wiemann, 1406 Arden View Drive, stated she was pleased the Council was taking applications for an Arden Hills resident to serve as the JDA Chair. She believed this person should be objective and should take into consideration the TCAAP development would have on the City's roads, traffic and upfront costs. She asked that the selected individual not automatically align him or herself with the "we are all of one mind" mantra. She feared this was the action that would be taken by the new City Councilmembers. She understood that at the February 6 JDA meeting an advisory committee was established and was made up of Councilmember Fabel and County Commissioner Frethem. She stated it was not clear to her if these meetings would be public, but she was hopeful that they would be.

Mark Kelliher, 3712 Chatham Court, explained he has been a resident of Arden Hills for the past 30 years. He reported he attended the recent JDA meeting. He described the idea of free ridership and expressed concern with the fact all parties involved in the JDA were recognized for their great efforts except for the previous JDA leadership. He reported the previous leadership was responsible for creating the JDA. He noted the new members on the JDA should have taken the high road and acknowledged these individuals for their efforts. He ended his comments by stating at the JDA meeting he sensed a great deal of excitement. However, as was demonstrated by the freshman Councilmembers with the roundabout, he feared the new Councilmembers would be all too willing to accept anything they are told by the County. He explained he was for the Council not taking the same approach when it comes to the TCAAP development. He did not believe any amount of rushing would make up for the time that has been wasted in the County showing any interest in JDA participation. He stated the Councilmembers representing the City of Arden Hills on the JDA have a fiduciary responsibility to all Arden Hills residents. He encouraged them to not rush to embrace the County at every turn but rather he urged the Council to complete their own research before making decisions.

Chris Hughes, 3515 Snelling Avenue North, explained he attended the January Council meeting and he applauded the number of residents in attendance. He indicated he did not applaud everything that came out of the mouths of his fellow citizens. He stated he was the campaign treasurer for the three new Councilmembers. He commented there have been comments in the Council Chambers and on social media that the new Councilmembers received money from Ramsey County and the Met Council, both interested parties in the TCAAP project. He reported this was categorically false. He stated no donations were received from Ramsey County or the Met Council. He indicated he filed multiple campaign financing reports as required and all were public record. He clarified for the record that Councilmember Fabel did not receive a donation from a Ramsey County Commissioner. He explained the attorney who donated to Councilmember Fabel's campaign is not employed by Ramsey County, rather his independent firm was employed by Ramsey County. He reported Councilmember Fabel knows this attorney personally and professionally. He stated Councilmember Fabel received campaign donations from other lawyer friends as well, but this did not mean that Councilmember Fabel supports the clients his lawyer friends represented. He explained Councilmember Fabel was not being bought out by a campaign donation of less than \$600. He indicated Councilmember Holden has been on the City Council for the past 20 years, Councilmember Holmes served for 16 years and Mayor Grant has been the Mayor for the past 12 years. He noted these individuals were not able to reach a TCAAP deal during their long tenures. He did not believe this was a coincidence. He believed leaders got things done and did not point fingers but rather leaders figured things out. He finished his comments by stating he was the treasurer for the campaigns, and he finds these Councilmembers to be intelligent, highly ethical and

willing to serve the best interests of Arden Hills. He did not believe these Councilmembers would bend to the wills of Ramsey County, but rather they were willing to get things done through leadership and should be allowed to govern.

Lyle Salmela, 1480 Arden Vista Court, explained he has lived in Arden Hills for the past 35 years. He reported he has worked in the energy and environmental area for the past 60 years. He noted he was on the RAB for TCAAP since 1996 as a member and the Chair. He noted the JDA elected him Chair of the environmental regulation advisory board and thanks to the Council's support the TCAAP Energy Integration Resilience framework document was created. He thanked the former Council for their conservative management of the City. He noted he met with the JDA, the County, Alatus, Xcel and citizens of Arden Hills who all support TCAAP moving forward with a net zero community. He encouraged the City to zone the primer tracer area (62 acres) for sale by the US/GSA in April for a solar array farm and not for other use. He stated this was needed for the micro-grid and as an asset for all of Arden Hills. He encouraged the Council to work as a team to get this done.

George Winiecki, 4175 Old State Highway 10, explained he has lived in Arden Hills for the past 74 years. He noted he lives on the old Winiecki farm site and this property has been in his family for the past 113 years. He discussed how the property surrounding his home has changed over the years. He stated he was shocked when he learned about the plans for TCAAP and commented that the City was trying to build a city within a city. He encouraged the Council to consider how much 1500 family units plus retail and commercial would impact the surrounding roadways. He understood this area could be developed but feared the site would become a problem to the community after the fact if the proposed plan moves forward. He encouraged the Council to do its due diligence to ensure this project was done right in from the beginning.

Stan Harpstead, 1277 Nursery Hill Lane, noted he moved to Arden Hills in 1987 and he previously served as the City's mayor. He explained it has been over 12 years since he served as the Mayor and TCAAP was a big factor then. He discussed how much has changed in the past 12 years. He understood the TCAAP property had been cleaned to residential standards. He noted the median age in Arden Hills has dropped to 39 years of age. He indicated the world has started to come to grips with the impacts of climate change and the concept of sustainability has become relevant. He stated the world was not the same as it was when he was the mayor. While many things have changed, he noted the population of the City has not changed and was still right around 10,000 people. He reported he was unable to understand why Ramsey County and Arden Hills were not able to collaborate. He recalled a City Council meeting that he was not able to attend and during this meeting the Council added an item to the agenda, voted and passed this item which served to restrict activity. He reported at the next Council meeting, during the public comment section, he passed the gavel to the Mayor Pro Tem and he addressed the Council as a member of the City. His purpose was to remind the Council that their actions are to be conducted as a body. He understood that some motions would pass unanimously, some would fail and some would pass with a simple majority but the process was open and transparent and the whole body would have an opportunity to participate publicly. He encouraged the Council to continue to interact at public meetings and to be open and transparent with each other. He stated discussions were not personal but rather were on behalf of the City's constituents. He suggested the finance committee be started again and that they be tasked to review this project with the County. He noted this project would not be completed in the next decade and he anticipated future changes would have to be made to this project, and that was okay.

Steve Scott, 4286 Norma Avenue, discussed the proposed Ordinance change. He stated there was no confusion regarding the status of the City and noted the vast majority of the cities in Minnesota were organized in the same manner as Arden Hills. He explained the Mayor was elected to a four year term and was only allowed one vote, no more or less than any other member of the City Council. He indicated the only confusion was why the new Councilmembers were doing this. He stated current City Code allows the Mayor to solicit individual Council preferences for liaison positions with the final approval coming from a vote of the entire City Council. He discussed how Shoreview manages their appointments. He encouraged the new Councilmembers to act in a manner that does not further divide the Council. He expressed concern with a comment from Councilmember Fabel regarding something he was told about the City's mediation effort with the County. He reiterated the fact that the City was willing to move to alternative levels of housing noting the County rejected the compromise. He encouraged the new Councilmembers to stop operating under "the big lie". He discussed how the new Councilmembers would be learning in their new role and noted parking would have to be considered if the proposed density within TCAAP were doubled.

Steve Erler, 1704 Chatham Avenue, reported several speakers at the January Council meeting encouraged the newly elected Councilmembers to be more cooperative with Mayor Grant and Councilmember Holden. He stated cooperation only works when all parties are involved. He discussed how the actions of the previous Council, in December, could be viewed as uncooperative. He indicated these actions could be viewed by the incoming Councilmembers as an attempt to deny the incoming Council the opportunity to make those appointments. He stated he was not surprised the new Council changed the appointment process. He reported Councilmember Holden's behavior at the January 9 meeting was unbecoming of a City leader. He feared the cooperation that the public was calling for was one-sided and was only meant for the newly elected Councilmembers. He stated this was not cooperation but rather was capitulation. He understood some residents were not pleased with the results of the election. He indicated the residents of Arden Hills clearly voted for change by replacing three of the four incumbents. He noted the Mayor barely won reelection. He believed it was time for Mayor Grant and Councilmember Holden to adopt a spirit of cooperation and to find a way to govern the City with the newly elected Councilmembers.

Mary Henry, 3521 Ridgewood Court, stated during the last Council meeting she heard Councilmember Holden express concern that the Arden Hills Council could become more like the Maplewood City Council. She encouraged this Council to listen openly and to hear what the other Councilmembers are saying, as well as the residents. She suggested the Council also be willing to ask the public what they want. She urged the Council to work to trust that each Councilmember wants the best for Arden Hills. She strongly recommended the Council treat each other as individuals and not as groups.

Lynn Diaz, 1143 Ingerson Road, stated honesty and trust were important in any relationship. She explained she spoke to Mayor Grant years ago about including affordable housing within TCAAP and she was told this was not economically feasible. She noted after the law suit was over she asked what the plan was for Rice Creek Commons and she was told this could not legally be discussed. She stated she asked the Mayor if the developer had included any affordable units in the new senior development she was told this could not be done. She reported all of these statements were untrue. She reported in 2003 when the City redid her road the City asked for and received permission to install a retention pond on her neighbor's property. This retention pond was to be maintained and inspected by the City on a yearly basis and this has not been done. She stated once the Advance Arden Hills candidates filed for office, all of the sudden the City shows up, along with the Mayor stating they would take care of it, as was promised 20 years ago. She discussed how a comment

from Councilmember Holden stated taxes would be increased by \$1,000 if affordable housing units were built on TCAAP. She reported she investigated this further and it was not true, and that she would happily pay \$10 more each year so seniors and workers have a place to live in Arden Hills. She stated the Council's behavior at the last meeting was appalling and made both major newspapers. She indicated she was ashamed of her City and she believed conspiracy theories and innuendo have no place in City proceedings. She stated she understood why the Council refused to meet with the City and why the City needed new Councilmembers on the JDA. She believed it was inconsiderate of the Council to cancel three of the first Council meetings without discussing this with the new Councilmembers. She questioned if this was common practice as the Mayor said. She was of the opinion the actions of the new Council were appropriate to comply with State Statute. She believed the new appointments made sense given the lack of progress that had been made in the past. She stated she believed the JDA Chair appointment of Gregg Larson was logical given his qualifications and noted he spent nine years on the City Council and worried the City would not find someone more qualified. She encouraged the Council to fight for the City's residents and not against each other.

Christy Jacob, 1492 Arden Place, explained she watched all five hours of the January Council meeting. She stated she felt grateful for the civic engagement from the City's residents, noting she appreciated hearing from all members of the public even if they did not share her viewpoint. She indicated some of the comments also made her sad and disappointed. She indicated she appreciated how the Mayor started the meeting asking all present at the meeting to be neighborly, but noted this did not last once the new Councilmembers were accused of being a coup. She questioned why the Mayor did not ask for the comments between the Council to be respectful. She reported the decisions made by the majority of the Council are not a coup or a cabal. Rather they are the bedrock of democracy. She understood Mayor Grant had a wealth of knowledge and encouraged him to uphold respectful boundaries during this time of transition. She expressed concern with Councilmember Holden's lack of decorum at the January meeting. She believed Councilmember Holden was unwelcoming, condescending and rude. She reviewed the words Councilmember used at the meeting. She was of the opinion the Arden Hills residents deserved more than what Councilmember Holden displayed last month. She encouraged Councilmember Holden to display herself in accordance with the honor of the elected position. She stated Arden Hills was a City that was engaged and represented by a Council that had a wide range of expertise and life experience. She understood the City had much to do and had an incredible opportunity with TCAAP. She urged the Council to bring the best of themselves in order to move the City forward.

Kathy Sukke, 1286 Karth Lake Circle, stated last month she tried to point out something important. She noted 305 senior housing units are going to be built by North Heights and 668 units were proposed for Snail Lake. She explained 9,000 cars would be coming out of the road north of North Heights. She estimated another 3,600 people would be living in TCAAP. She feared how an additional 2,500 units would impact Highway 96. She clarified for the record Ramsey County did not show up for mediation after a judge ruled in 2019 that the term agreement should stand. She explained Commissioner Frethem and Commissioner Reinhardt suddenly appeared at a JDA meeting. She discussed how the JDA opted to form a subcommittee and the residents of Arden Hills would not be privy to the information discussed by this subcommittee. She reiterated that the addition of this many people in the northern area of Arden Hills was dangerous.

3. RESPONSE TO PUBLIC INQUIRIES

A. Public Inquiry Response from January 17, 2023 City Council Work Session

City Administrator Perrault provided the Council with information on the public inquiry response from the January 17, 2023 City Council Work Session. He explained one resident raised a question about the roundabout and the other asked about the County's plan regarding TCAAP. He noted the most recent response from the County was on the City's website.

Councilmember Holden asked if the City received any term sheets from the County.

City Administrator Perrault clarified the last letter the City received from the County was in June of 2022. He noted the City has not received a response to the term sheet.

Councilmember Holden questioned if the term sheet that was brought to the City came from the developer.

City Administrator Perrault reported this information was received from the developer, who was forwarded this information from the County last year.

Councilmember Holden requested further information on what the process would be for the JDA. She asked if there would be public hearings and input received from the residents.

City Administrator Perrault stated the process for the JDA has not changed and noted public input would be taken at their future meetings. In addition, the public was encouraged to reach out to JDA or County Board members with any comments or questions.

Councilmember Holden reported the City has given the County term sheets several times and she understood Councilmember Fabel believed the City has never moved off of the 1420 number. She said she understood Councilmember Fabel has negotiated on behalf of the City. She questioned if a term sheet was something that was negotiated by the City Council.

City Administrator Perrault explained the term sheet that was voted on and approved by the City Council in May of last year was the Council's official position at that time.

Councilmember Holden asked how many meetings were held without the County attending.

City Administrator Perrault stated since February 2019 the City continued to hold the JDA meetings until June of 2022 without the County showing up.

Councilmember Holden anticipated it was difficult to move a project forward without receiving communication from another involved party. She stated she had wanted to discuss the process surrounding TCAAP more, but this item was removed from the agenda. She indicated she would like to better understand if the Council would be allowed to discuss this topic at future meetings.

Mayor Pro Tem Rousseau recommended this topic be placed on the Council's next work session agenda.

Mayor Grant asked when the term sheet was received from the developer.

City Administrator Perrault reported the term sheet was received from the developer on January 19, 2023 and was forwarded to the City Council on January 20, 2023.

Councilmember Holden clarified the term sheet the Council received was from the County stating the term sheet was completed right after mediation (from two or three years ago) and this information was never forwarded to the City until recently.

City Administrator Perrault explained to the best of his knowledge, the City did not receive this information prior to January of 2023.

Councilmember Holden requested staff review the term sheet. She stated if these terms had been presented to the City previously, the project could have been able to move forward long before the interest rates and supply chain issues occurred.

Councilmember Monson explained this item was discussed prior to the agenda being approved and there was not clarity on where this item would go. She believed the Council was having a discussion even though the item was removed from the agenda. She requested the Council move forward on the agenda and noted any negotiations would occur with the JDA. She encouraged the Council to look forward and not backwards.

Mayor Grant stated he was simply trying to clarify when the term sheet was received.

Mayor Pro Tem Rousseau again recommended this topic be placed on an upcoming work session.

Councilmember Holden explained she was trying to make the public aware that a term sheet had been presented to the City by the County.

Mayor Pro Tem Rousseau stated it was her understanding the term sheet would be addressed under Item 5.

City Administrator Perrault explained Item 5 would provide the Council with an update on the recent JDA meeting and would not address Item 10C that was pulled from the agenda.

4. PUBLIC PRESENTATIONS

None.

5. STAFF COMMENTS

A. TCAAP/Rice Creek Commons Update

City Administrator Perrault explained the JDA held its first meeting of the year on Monday, February 6. He reported Councilmembers Fabel and Monson were in attendance along with County Commissioners Frethem and Reinhardt and that the group nominated and elected Commissioner Frethem as Vice Chair. He noted the JDA Chair position remains vacant. Applications for this position were being accepted through Friday, February 24. He indicated the JDA approved an insurance waiver, adopted a value statement and a meeting schedule. He stated the JDA would meet every other month and that the next meeting would be held on Monday, April 3. He explained the JDA also formed an advisory committee made up of Councilmember Fabel and Commissioner Frethem, along with needed staff members. He stated the advisory committee would meet on a more frequent basis and would make recommendations to the JDA.

6. APPROVAL OF MINUTES

- A. January 3, 2023, Special City Council Work Session
- B. January 9, 2023, Regular City Council
- C. January 17, 2023, City Council Work Session

Mayor Grant reported he spoke with staff about a minor correction to the January 9, 2023 City Council minutes.

Councilmember Holden explained she also spoke with staff regarding minor changes to all three sets of minutes.

MOTION: **Councilmember Fabel moved and Councilmember Holden seconded a motion to approve the January 3, 2023, Special City Council Work Session minutes as amended, the January 9, 2023, City Council meeting minutes as amended; and January 17, 2023, City Council Work Session minutes as amended. 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 2022 Budget Carryovers And 2023 Budget Adjustment
- C. Motion To Approve Resolution 2023-005 Appointing Remaining City Council And Staff Liaisons To City Commissions And Committees
- D. Motion To Approve Final Payment – C&L Excavating, Inc. – 2021 PMP Street And Utility Improvements Project
- E. Motion To Approve Final Payment – Vinco, Inc. – Lift Station 10 Rehabilitation Project
- F. Motion To Approve Bulk Road Salt Purchase
- ~~G. Motion To Approve Payment For The Ramsey County Lexington Avenue Reconstruction Project (Ramsey County Cooperative Agreement PUBW-02007)~~
- H. Motion To Approve Professional Services Agreement For 2023 On-Call Engineering Services With HR Green
- I. Motion To Approve Purchase Of Lift Station 7 In-Line Grinder Replacement Parts And Invoice Presbyterian Homes
- J. Motion To Approve Public Works Capital Equipment Replacement – 2012 International Plow Truck
- K. Motion To Approve Resolution 2023-006 Appointing Kate Olson, Lacy Loosbrock And Emelia Rogers To The Parks, Trails And Recreation Committee (PTRC)
- ~~L. Motion To Approve Recruitment Of Communications Coordinator~~
- M. Motion To Approve Appointing Brad Bjorklund To The Planning Commission

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. A roll call vote was taken. The motion carried (5-0).**

8. PULLED CONSENT ITEMS

A. Motion To Approve Payment For The Ramsey County Lexington Avenue Reconstruction Project (Ramsey County Cooperative Agreement PUBW-02007)

Councilmember Holden reported the City received \$500,000 in funding from the State. She thanked Representative Kelly Moller and Senator Jason Isaacson for their assistance with this funding.

MOTION: **Councilmember Holden moved and Councilmember Monson seconded a motion to Approve Payment For The Ramsey County Lexington Avenue Reconstruction Project (Ramsey County Cooperative Agreement PUBW-02007). A roll call vote was taken. The motion carried (5-0).**

B. Motion To Approve Recruitment Of Communications Coordinator

Councilmember Holden asked if the Communication Committee would be formed again. She understood the committee used to work on the newsletter and electronic media on behalf of the City. She questioned if the City should be recruiting a Communications Coordinator at this time.

Mayor Pro Tem Rousseau stated she believed a Communications Committee would be valuable to the City. However, she understood a great deal of time was spent on the newsletter and she wondered if this should be the responsibility of residents. She suggested any Communications Committee would serve in an advisory manner.

Councilmember Fabel explained staff is seeking authorization to recruit a full time Communications Coordinator. He stated he supported staff's recommendation. He reported as the Council liaison to the Communications Committee he would like to take the opportunity to participate in the interviews for this position.

Mayor Grant requested further information on how the City recruits and hires individuals.

City Administrator Perrault commented a year or two ago the Council amended the way they conduct recruitments. He explained Councilmember Fabel was correct and if a Councilmember wanted to sit in on an interview, now was the time to amend the motion and make the request.

Councilmember Monson stated she supported staff and the need for a Communications Coordinator. She wanted to be sure the City had a professional that was communicating information to the public as the TCAAP site develops.

MOTION: **Councilmember Monson moved and Councilmember Fabel seconded a motion to Approve Recruitment Of Communications Coordinator and allowing Councilmember Fabel to serve on the interview panel.**

Mayor Grant asked for a friendly amendment to the motion to be more general to allow all Councilmembers to participate in interviews for any positions, should they elect to.

MOTION: Councilmember Monson moved and Councilmember Fabel seconded a motion to Approve Recruitment Of Communications Coordinator allowing Councilmember Fabel and other Councilmembers to serve on an interview panel.

Mayor Grant questioned if Councilmember Fabel still wanted to have a resident committee write for *Arden Hills Notes*.

Councilmember Fabel stated there has been suggestions to have resident participation and to receive articles that might be pertinent from time to time for the *Arden Hills Notes*. He explained he supported the staff recommendation to bring in a full time Communications Coordinator.

A roll call vote was taken. The motion carried (5-0).

9. PUBLIC HEARINGS

A. Planning Case 22-023 Planned Unit Development – New Perspective Senior Living – 3565 Pine Tree Drive – Arden Hills RE, LLC

Community Development Director Jagoe stated the Applicant submitted a land use application for a Planned Unit Development (PUD) Amendment, seeking flexibility on the location, number, and size of wall and monument signs at the New Perspective Senior Living building. The Applicant shares an existing multi-tenant sign with Bethel University. The Applicant is proposing three additional signs as part of their signage plan, a main entrance monument sign, a wall sign, and a directional sign. The proposed main entrance monument size requires flexibility on the location and number/size. The proposed wall sign requires flexibility on the size. The directional sign as proposed complies with City Code.

Community Development Director Jagoe reviewed the recommendations from the Planning Commission in detail with the City Council. Staff requested the City Council hold a Public Hearing regarding the PUD from New Perspective Senior Living.

Councilmember Holden questioned how far sign 2 was from the County Road E sidewalk.

Community Development Director Jagoe reviewed the proposed location for sign 2.

Mayor Grant asked if the westerly facing sign would be backlit but not utilizing LED.

Community Development Director Jagoe explained this sign would have LED lights within the channel letters.

Mayor Grant inquired if the LED lights would be exposed.

Community Development Director Jagoe indicated the LED lights would be placed behind acrylic face panels. She noted the proposed lighting met all City standards with respect to the illumination level.

Councilmember Holden asked if the westerly facing sign would be illuminated 24/7.

Community Development Director Jagoe commented the applicant did not specify any time restrictions. She noted the Council could discuss this matter and add a condition as part of the PUD amendment to regulate the hours this sign could be illuminated.

Councilmember Monson explained when she drove by the property this evening, she saw the property was already lit. She requested further information on how the site would be further lit.

Community Development Director Jagoe indicated the applicant provided staff with a photometric plan and reported the proposed illumination could not be more than 1.0 foot candles at the property line. Per the applicant's plan, the lighting on the building would not be more than 0.12 foot candles at Snelling Avenue. She reiterated that the proposed sign would meet City sign standards.

Councilmember Fabel indicated he has been driving by this project and he understood this was a large senior living facility. He stated he was deeply disappointed that this project did not include affordable housing. He confirmed from the Findings in the staff report that it is stated this sign would not result in something inconsistent with the purpose of the zoning district.

Community Development Director Jagoe explained this was one of the Findings brought forward from the Planning Commission.

Councilmember Fabel stated he understood the Planning Commission reviewed this case and recommended approval as amended of this case on a 6-0 vote.

Community Development Director Jagoe reported this was correct.

Councilmember Holden explained the Council requested affordable housing with this project but the State was involved with this project. She commented on how there would be a cooperative partnership between Bethel University and the senior housing project in order to provide nursing services to the seniors. She encouraged Councilmember Fabel to speak with Representative Kelly Moller about this further.

Mayor Pro Tem Rousseau opened the public hearing at 8:51 p.m.

Ted Brausen, 1306 West County Road E, stated he built some low income housing in Brainerd and was not able to complete a similar project in Arden Hills because he could not afford the land. He stated this company has been a wonderful neighbor and noted he supported their sign requests. He urged the City Council to reconsider the City's sign ordinance in general. He commented further on how Arden Hills' sign ordinance was difficult, noting Roseville and Blaine allowed better sign options. He believed this business deserved the requested signs in order to properly promote their business.

Councilmember Monson asked what Mr. Brausen meant by better signage.

Mr. Brausen discussed the differences between the signs that were allowed in Arden Hills versus Blaine and Roseville. He stated there was a very big difference for his Holiday Station.

Councilmember Fabel asked what suggestions Mr. Brausen had for the sign ordinance.

Mr. Brausen suggested a subcommittee be formed with local business owners, residents and several Councilmembers in order to take a deeper look at the City’s sign ordinance. He stated he would be willing to work on this subcommittee.

Councilmember Holden indicated the Council has brought this concern to Community Development several times. She questioned when staff would have time to address this matter.

Community Development Director Jagoe commented staff could look at addressing the City’s sign plan and she encouraged Mr. Brausen to consider applying for the EDC as well.

Mayor Pro Tem Rousseau stated for the record the Council received an email opposing the wall sign requested by the applicant for fear it would impact the residents across the street and adjoining neighborhoods.

With no one coming forward to speak, Mayor Pro Tem Rousseau closed the public hearing at 8:57 p.m.

10. NEW BUSINESS

A. Planning Case 22-023 Planned Unit Development – New Perspective Senior Living – 3565 Pine Tree Drive – Arden Hills RE, LLC

Community Development Director Jagoe stated the applicant has submitted a land use application for a Planned Unit Development Amendment, seeking flexibility on the location, number, and size of freestanding and wall signs at the New Perspective Senior Living building. The Applicant shares an existing multi-tenant sign with Bethel University. The Applicant is proposing three additional signs, a main entrance monument sign, a wall sign, and a directional sign. The proposed main entrance monument size requires flexibility on the location and number/size. The proposed wall sign requires flexibility on the size. Staff explained the Planning Commission reviewed this application and have offered the following findings of fact for your consideration:

1. The Applicant submitted an application for a Planned Unit Development Amendment.
2. The Subject Property is located within the General Business District (B-2) and is guided for Community Mixed Use (CMU) in the Land Use Plan.
3. The Subject Property is approximately 6.4 acres and is owned by Arden Hills RE, LLC.
4. Adjustments to the requirements and standards for the height, number, type, lighting, area, and/or location of a sign or signs established by this Chapter may be approved with a Site Plan Review or a Planned Unit Development process as described for in Section 1320 and 1355 of the Zoning Code.
5. Flexibility through the PUD process has been requested for the size, type, design, location, and number of freestanding and wall signs.
6. The proposed signage plan will not result in a sign that is inconsistent with the purpose of the zoning district in which the property is located or the current land use.
7. A public hearing for a Planned Unit Development Amendment is required before the request can be brought before the City Council.
8. The Planning Commission conducted a public hearing on December 7, 2022.

Community Development Director Jagoe explained the Planning Commission recommended approval of Planning Case 22-023 for a Planned Unit Development Amendment at 3565 Pine Tree

Drive, based on the findings of fact and the submitted plans, as amended by the conditions in the February 13, 2023 Report to the City Council:

- 1) All conditions of the original Preliminary/Final Plat, Planned Unit Development, Conditional Use Permit, and Site Plan Review shall remain in full force and effect.
- 2) A separate sign permit shall be required for all proposed signage.
- 3) All signage shall meet all other requirements of Sign District 4.
- 4) The Planning Commission recommends approval of signs 1, 3 and 4 and recommends denial of sign 2 due to the location as prohibited under the city code requesting the applicant prepare alternate options for a wall sign that is suited to the size of the building, location, and design that will enhance the area, and be consistent with the architecture of the building, or consideration of a freestanding sign.
- 5) Regarding Sign 1, the applicant shall provide a base that extends up the sides of the sign base to meet City Code material design standards in Sign District 4.

Councilmember Holden questioned how the City would measure the brightness of light if the standards were changed, or if the City were to receive complaints from adjacent residents.

Community Development Director Jagoe commented if the Council were to approve the sign request as presented and the City were to receive a complaint, measurements of the sign can be taken through an app or instruments can be borrowed to measure illumination levels.

Councilmember Fabel inquired if staff had any reservations regarding the recommendations.

Community Development Director Jagoe stated she did not based on the revisions made. She believed the Planning Commission brought forward a good recommendation and the proper adjustments were made by the applicant.

Councilmember Monson explained she read the Planning Commission minutes and she appreciated the work this group did. She believed this was a unique situation and she appreciated the adjustments that were made by the applicant. She indicated she supported the motion for approval with conditions one through three.

Councilmember Fabel said he would move to approve exactly what the Planning Commission has approved.

City Attorney Jannik referenced page 2 of the memo. He noted the staff recommendation, in light of what the developer had modified, would require a modification to Paragraph 4 in order to reflect “plans as revised” in response to the Planning Commission recommendations. He stated that **Community Director Jagoe** was recommending a Motion to Approve Planning Case 22-023 based on the findings of fact and submitted plans, as amended by the conditions in the February 13, 2023 Report to the City Council with paragraphs 1, 2 and 3, and then paragraph 4 as modified to reflect the recommendations of the Planning Commission with a reduction in the size of Sign 2, which is the western facing on Snelling Avenue. He noted that paragraph 5 would remain the same. He stated he believed that was the motion that **Councilmember Fabel** was intending to make.

MOTION: Councilmember Fabel moved and Mayor Grant seconded a motion to adopt Planning Case 23-023 for a Planned Unit Development Amendment at 3565 Pine Tree Drive, based on the findings of fact and submitted plans, as amended by the conditions in the February 13, 2023 Report to the City Council with paragraphs 1, 2, and 3 as presented and with paragraph 4 as modified regarding reduction in the size of Sign 2 and paragraph 5 as modified with extension of base materials to reflect recommendations of Planning Commission.

Mayor Grant reported the Council had flexibility to add additional items to the motion due to the fact this was a PUD Amendment. He asked if the Council had any other concerns that should be addressed. There were no other items of concern.

A roll call vote was taken. The motion to adopt Planning Case 23-023 for a Planned Unit Development Amendment at 3565 Pine Tree Drive, based on the findings of fact and submitted plans, as amended by the conditions in the February 13, 2023 Report to the City Council with paragraphs 1, 2, and 3 as presented and with paragraph 4 as modified regarding the reduction in size of Sign 2 and paragraph 5 as modified with extension of base materials to reflect recommendations of Planning Commission carried (5-0).

B. Roundabout Discussion

This item was removed from the agenda and will be placed on a future work session agenda.

C. TCAAP Discussion

This item was removed from the agenda and will be placed on a future work session agenda.

11. UNFINISHED BUSINESS

A. Ordinance 2023-001 Amending Chapter 2, Section 220, Subsections 220.01 And 220.03 And Authorizing Publication Of Summary Ordinance

City Administrator Perrault stated at the January 9, 2023 City Council meeting, the City Council voted to direct staff to move forward with amending the City Code relating to Mayoral appointments to committees and commissions. City staff moved forward with publishing the necessary notification on our website, and before Council this evening is the draft language along with a Summary Ordinance to be published in the newspaper should Council move forward with adoption of the proposed amendment.

MOTION: Councilmember Fabel moved and Councilmember Monson seconded a motion to adopt Ordinance 2023-001 Amending Chapter 2, Section 220, Subsections 220.01 and 220.03.

Councilmember Fabel explained he supported the proposed Ordinance and noted it would bring City Code into compliance with State Statute and surrounding cities.

Councilmember Holden commented several neighboring cities do not allow a Mayor Pro Tem to be appointed until they have two or three years' experience on the City Council. She noticed the

Council did not follow this recommendation when making recommendations for City appointments. She hoped the City would not have any emergency situations for Mayor Pro Tem Rousseau to handle in the coming weeks or months. She reported the Mayor has never appointed people to positions, but rather the Mayor brought forward names for the Council to consider in the best interests of the City.

Mayor Grant stated there has been talk about the City being in conformance with State Statute. He asked the City Attorney if the City was allowed to be more restrictive or less restrictive than State Statute. He indicated City Code does not have to match State Statute but rather it has to follow it.

City Attorney Jamnik explained this was correct.

Mayor Grant questioned if there was any ambiguity in the manner in which these articles of City Code were written.

City Attorney Jamnik stated there was no ambiguity.

Mayor Grant inquired if the City of Arden Hill's City Code had to match neighboring communities' city codes.

City Attorney Jamnik reported there was no requirement for City Code to match neighboring communities' city code.

Mayor Grant explained one would hope the Mayor could work with the Council to organize the City in such a fashion that he obtains the best out of everyone. He noted he met with all of the Councilmembers and asked what their preferences were. He stated this was how things were done in the past and he understood people did not like hearing this. He reiterated that appointments were always done cooperatively but this was being rebuffed. He encouraged the Council to take these motions separately.

Councilmember Fabel asked if it was true Minnesota Statute 412.101 specifically authorizes City Councils to make appointments, committee members, employees and agents for the City.

City Attorney Jamnik stated this was correct.

Councilmember Fabel inquired if there was any provision in State law that allows the Mayor to make appointments separate from the City Council.

City Attorney Jamnik advised with the exception of a tie, then the Mayor can make an appointment.

Councilmember Fabel asked if the amended Ordinance would allow the Mayor to have the same legal authority as all of the other Councilmembers.

City Attorney Jamnik stated that is correct. He also commented the motion on the table was for the Ordinance and did not include publication of the summary ordinance.

Councilmember Holden inquired if the Mayor has ever taken away the City Council's right to vote for committee and commission appointments in the past.

City Attorney Jamnik reported he did not recall there being a disagreement between the Mayor and the City Councilmembers in the past.

Mayor Grant asked if there was anything in State Statute that says the City cannot come up with its own operating rules and policies, as long as they do not violate State Statute.

City Attorney Jamnik stated this was correct.

Mayor Grant commented in the past when he worked with the Council to bring forward recommendations, he has always brought those back to the Council for consideration.

City Attorney Jamnik reported this has been the Mayor's practice since he began working for the City in 2013.

Mayor Grant explained this action was a carve out of Mayoral privilege. He stated there was nothing wrong with having Mayoral privilege within City Code.

Councilmember Fabel called the question.

A roll call vote was taken. The motion to adopt Ordinance 2023-001 Amending Chapter 2, Section 220, Subsections 220.01 and 220.03 carried 3-2 (Councilmember Holden and Mayor Grant opposed).

MOTION: **Councilmember Fabel moved and Councilmember Monson seconded a motion to Authorize publication of a Summary Ordinance.**

Mayor Grant requested a friendly amendment to the summary ordinance stating the third clause should read all appointments should be made by the City Council.

Councilmember Fabel stated he accepted this amendment.

Councilmember Monson stated she supported this amendment as well.

A roll call vote was taken. The amended motion to adopt Ordinance 2023-001 Amending Chapter 2, Section 220, Subsections 220.01 and 220.03 carried 3-2 as amended carried 4-1 (Councilmember Holden opposed).

12. COUNCIL COMMENTS

Councilmember Monson commented last week the first JDA meeting was held in four years. She reported this meeting was a really positive experience and she believed the City had their attention. She believed the City would continue to have good discussions with the County going forward. She stated she was happy about the representation the JDA had around sustainability and resiliency. She explained she was looking forward to hearing from the public as this project moves forward.

Councilmember Fabel stated it has been agreed by staff, the County Commissioners and the Councilmembers on the JDA that this group was looking forward and would not be looking backward. He reported there has been significant changes in the world since the JDA last met which were impacting inflation and supply chains. In addition, the County was very concerned that

the City commit itself to civility and to being a cooperative partner. He stated the City was very committed to moving forward in this manner.

Councilmember Fabel commended Mayor Pro Tem Rousseau for running a great meeting.

Councilmember Holden reported she watched the JDA meeting and she understood the group was focused on moving forward. However, there were comments made at the meeting that the City did not move forward with the County. She clarified that the City held numerous JDA meetings that the County did not attend. She explained the JDA did not just start meeting again in February of 2023, but rather has been meeting for the past three years, just without the County in attendance. She encouraged the JDA Council liaisons to remember that they represent the City of Arden Hills.

Councilmember Holden asked residents of Arden Hills to keep frequenting the businesses along Lexington Avenue. She understood this roadway was a mess and would remain a mess, but these businesses needed community support.

Mayor Pro Tem Rousseau explained the Planning Commission did not meet in January or February. She indicated the Planning Commission would meet again in March. She stated the PTRC met and discussed the City's park naming process and buckthorn removal.

Mayor Grant thanked Council Member Rousseau for running this meeting.

Mayor Grant addressed the comments that were made regarding the progress that has been made by the JDA. He commented on the monumental items that had been completed by the Council to date. He reported in December of 2012 the JDA was established through a Joint Powers Agreement. He stated bylaws were created, goals were established, a developer was chosen, and Alatus was brought on board. He reported in 2013 and 2014 the City took public comment and as part of the goals the County agreed to clean the site. He explained in 2016 the plan with 1,460 units was adopted by the City Council and Ramsey County.

Mayor Grant indicated there were a number of comments regarding transparency and he questioned how the JDA would be transparent with its new subcommittee. He stated he has heard comments from the public that they would like to be involved in the TCAAP project and he has not heard plans on how this will occur. He understood there was talk about not looking backward and he appreciated the fact that both parties wanted to move forward. However, residents came to the City with valid feedback and plans for this project. He hoped that the public could be involved in the JDA's planning process going forward.

Mayor Grant commented on the Council was supposed to be openly listening to each other, but this meeting began by removing two items from the agenda that one Councilmember wanted to discuss. He hoped in the future the Council could and would discuss items. He believed it was disrespectful to remove agenda items that a Councilmember wanted to discuss.

Mayor Grant reported there was a comment made about the Fernwood Channel, retention pond. He discussed the condition of this channel stating he understood it needed to be dredged.

Mayor Grant explained the Council canceled the second meeting in January and February. He indicated the Council took this action the past several years and this action could be found in the December minutes. He reported this action was taken because there was not much for the Planning

Commission or Council to discuss. He stated canceling these meetings, when there are no items to discuss, allowed staff to be home with their families.

Mayor Grant encouraged the Council to move beyond 3-2 votes. He hoped the Council would be able to find a way to work together amicably going forward.

Mayor Grant welcomed the new Planning Commission and PTRC members to the City. He thanked these individuals for being willing to serve their community.

ADJOURN

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

Mayor Grant adjourned the Regular City Council Meeting at 9:46 p.m.

Julie Hanson
City Clerk

David Grant
Mayor