



Approved: August 24, 2020

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**CITY OF ARDEN HILLS, MINNESOTA  
REGULAR CITY COUNCIL MEETING  
JULY 27, 2020  
7:00 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

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**CALL TO ORDER/ROLL CALL**

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

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

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

**Absent:** None

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

**PLEDGE OF ALLEGIANCE**

**1. APPROVAL OF AGENDA**

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

**2. PUBLIC INQUIRIES/INFORMATIONAL**

None.

**3. RESPONSE TO PUBLIC INQUIRIES**

None.

**4. STAFF COMMENTS**

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

**Finance Director Bauman** provided an update on TCAAP stating litigation with Ramsey County was ongoing.

B. COVID-19 Update

**Finance Director Bauman** provided the Council with an update on COVID-19. She encouraged residents to visit the City's website for the most current and up to date information regarding COVID-19. She reported the Minnesota Department of Health and CDC also had websites with current guidelines and recommendations. She explained the City of Arden Hills remains in a peacetime state of emergency and City Hall will remain closed until further notice. She indicated City staff remains operational and can be reached via phone or email. She encouraged residents to monitor the governor's executive orders which were available on the State of Minnesota's website. She reported the Ramsey County Sheriff's Office has a COVID Help Team that will assist those in the community that are at most risk.

C. Transportation Update

**Public Works Director/City Engineer Blomstrom** provided the Council with an update on the I-35W MNPASS project. He discussed the improvements that were occurring at County Road I.

**Public Works Director/City Engineer Blomstrom** commented on the 2020 street maintenance project and reported notification letters had been sent to residents. He explained crack sealing began today and seal coating would begin later this week.

5. APPROVAL OF MINUTES

- A. June 8, 2020, Special City Council Work Session
- B. June 15, 2020, City Council Work Session
- C. June 15, 2020, Special City Council Executive Session (Closed)
- D. June 22, 2020, Regular City Council
- E. June 29, 2020, Special City Council Work Session

**Councilmember Holden** reported she had one change to the June 22<sup>nd</sup> Regular City Council meeting minutes and this change was provided to staff.

**MOTION:** **Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the June 8, 2020, Special City Council Work Session meeting minutes, June 15, 2020, City Council Work Session meeting minutes, June 15, 2020, Special City Council Executive Session (Closed) meeting minutes, amended June 22, 2020, Regular City Council meeting minutes; and June 29, 2020, Special City Council Work Session meeting minutes as presented and as amended. A roll call vote was taken. The motion carried unanimously (5-0).**

6. CONSENT CALENDAR

- A. Motion to Approve Consent Agenda Item - Claims and Payroll
- B. Motion to Approve 2020 2<sup>nd</sup> Quarter Financials
- C. Motion to Adopt Resolution 2020-028 Approving Charitable Gambling Licenses – Chops, Inc. and Minnesota Fastpitch
- D. Motion to Approve Change Order No. 5 and Final Payment – Pember Companies – Colleen Avenue Drainage Improvements
- E. Motion to Approve 2020 Resurfacing Project

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

## 7. PULLED CONSENT ITEMS

None.

## 8. PUBLIC HEARINGS

- A. **Planning Case 20-011 – Conditional Use Permit and Amended Planned Unit Development – 1700 Highway 96 W – North Heights Lutheran Church**

**Community Development Manager/City Planner Mrosla** stated North Heights Lutheran Church (“Applicant”) has submitted a Land Use Application for a Conditional Use Permit and Amended Planned Unit Development request on May 12, 2020. The Applicant is proposing to operate a preschool and childcare center within the existing facilities of the North Heights Lutheran Church. Because this proposed use is not identified within the existing Planned Unit Development (“PUD”) Permit, an amendment to the PUD is required for this request. The Subject Property is located within the R-1 Single Residential District and is guided as a Public & Institutional use in the Land Use Plan.

**Community Development Manager/City Planner Mrosla** reported the Subject Property is approximately 41 acres in size and is home to the North Heights Lutheran Church. The use of the Subject Property as a place of worship has been in continuous operation since 1947. The City Council approved a PUD with Planning Case 84-21 in 1985 that gave the Applicants permission to operate a church at the Subject Property. The PUD included conditions of approval such as a requirement that the use of the church and supporting facilities with the R-1 Zoning District shall be limited to those uses and activities normally associated with a church operation.

**Community Development Manager/City Planner Mrosla** explained the PUD was amended two (2) times in 1995 and 2000, respectively. Most recently in 2002, a Special/Conditional Use Permit was approved for the North Heights Family Life Center to operate a program for high school aged students with eighty-six (86) matriculated students on site, but the program was never implemented and the permit has since been expired.

**Community Development Manager/City Planner Mrosla** reviewed the Plan Evaluation, reviewed the hours of operation, parking requirements and offered the following Findings of Fact:

**General Findings:**

1. The Subject Property is located on an approximately 41 acre parcel in the R-1 Single Family Residential District.
2. The Subject Property is located at 1700 Highway 96 W.
3. The Subject Property is utilized by the North Heights Lutheran Church.
4. The Subject Property has been approved for a house of worship use as defined by Section 1305.04 in the City Zoning Code.
5. The facilities of a church or other religious assembly may be used for a licensed pre-school, childcare center, and playground with a Conditional Use Permit.

**Planning Commission offers the following Conditional Use Permit findings for consideration:**

1. A Conditional Use Permit is required for any proposed conditional use on a property that is not permitted by right within the property's respective zoning district.
2. A House of Worship use is permitted in the R-1 Single Family District as defined by the Land Use Chart in City Code Section 1320.05.
3. The proposed pre-school/nursery uses are permitted in the R-1 Single Family District under a Conditional Use Permit according to the Land Use Chart.
4. The Subject Property meets the special district provisions for a general education use as defined under the City Code Section 1320.075.
5. A previous Conditional Use Permit was approved for the Subject Property in 2002 for a general secondary education use.
6. The proposed use does not conflict with the place of worship functions and the adjacent residential uses, and will not pose a significant detrimental risk to the health, safety and general welfare of occupants of surrounding lands because of its compatibility.

**Planning Commission offers the following Planned Unit Development Amendment findings for consideration:**

1. The Subject Property was previously granted a Special Use Permit to operate a house of worship in 1984 (SUP 84-21).
2. Special Use Permit 84-21 has been amended two (2) times since the initial plan was approved in 1995 and 2000 respectively.
3. Pre-school and nurse uses have not been identified in any previous iteration of the Planned Unit Development Agreement. However, a high school use was approved in 2002 but never implemented.
4. The existing Planned Unit Development Agreement must be amended each time that there are significant changes to the Subject Property.
5. An application for an amendment shall be administered in the same manner as required for a new application.
6. All conditions of the original Planned Unit Development shall remain in full force and effect.

**Community Development Manager/City Planner Mroska** stated at their July 8th, 2020 meeting, the Planning Commission heard testimony from the Applicants and residents regarding the Applicant's request for the North Heights Lutheran Church at the Subject Property 1700 Highway 96 W. Upon hearing the testimony, the Planning Commission motioned to remove the condition of approval below. Commissioners believed the condition was an unnecessary expense that should

not be taken on by the applicant. The Applicant reported he could inform parents using the daycare facility that they would have to enter and exit the site on Highway 96.

*The Applicant shall modify the southern curb at the intersection of Snelling Avenue and the private drive to mitigate the number of right hand turns being made onto Snelling Avenue. Engineering staff shall review and approve in writing plans for the redesign of the intersection no later than November 1st, 2020.*

**Community Development Manager/City Planner Mroska** reported after the amendment, the Planning Commission voted unanimously (7-0) to approve the request for a Conditional Use Permit and Amended Planned Unit Development, with the remaining conditions of approval.

**Mayor Grant** opened the public hearing at 7:20 p.m.

With no one coming forward to speak, Mayor Grant closed the public hearing at 7:21 p.m.

**B. Planning Case 20-013 – Amendment to Chapter 13, Subsections 1305.04 and 1325.06 relating to Zoning Ordinance Definitions and Requirements for Parking, Loading and Circulation**

**Associate Planner Hartmann** stated the City of Arden Hills is proposing amendments to the language of Chapter 13 of the Zoning Code to include a call center definition in City Code Section 1305.04, and new requirements for parking, loading and circulation for call center uses in City Code Section 1325.06. The City Council will be asked to make a formal decision regarding the application PC 20-013 under Agenda Item 9B. Staff discussed the proposed amendment in further detail and offered the following Findings of Fact:

General Findings:

1. The City of Arden Hills is proposing amendments to the language of Chapter 13 of the Zoning Code.
2. Under City Code Section 1305.04, definitions for items found in the Zoning Code are laid out in a glossary of terms.
3. City Code does not have a definition for a “Call Center” under City Code Section 1305.04.
4. City Code Section 1325.06, Subd. 1, J defines the number of parking spaces required under each category of use within the Zoning Code.
5. Call Center uses are not defined under City Code Section 1325.06, Subd. 1, J.
6. Under City Code Section 1325.06, Subd. 1, J Business & Professional Office uses require 1 parking spot for every 250 square feet of office space.
7. The City is proposing that a Call Center use shall require 1 parking space per 150 square feet.
8. Amendments to Zoning Code regulations require a public hearing prior to action by the City Council.
9. If this amendment is approved, National Recoveries will be considered legal nonconforming uses as the user would not meet the new parking requirement.

**Associate Planner Hartmann** commented at their July 8th, 2020 meeting, the Planning Commission held a public hearing and received no comments regarding PC 20-013 at the time. The Planning Commission motioned to approve the request, (7-0).

**Councilmember Holmes** stated she would like to make an amendment to the language. She questioned if this amendment should be made under the Public Hearing or under approval of the item. She explained she would like to modify the language to read: Call Centers shall be required to have a minimum of one parking space per 150 square feet or more depending on the configuration of the workstations.

**Mayor Grant** opened the public hearing at 7:29 p.m.

With no one coming forward to speak, Mayor Grant closed the public hearing at 7:30 p.m.

## 9. NEW BUSINESS

### A. Resolution 2020-027 Approving a Conditional Use Permit and Amended Planned Unit Development – 1700 Highway 96 W – North Heights Lutheran Church – Planning Case 20-011

**Community Development Manager/City Planner Mroska** stated John Oldfield (“The Applicant”) on behalf of North Heights Lutheran Church is requesting a Conditional Use Permit and Amended Planned Unit Development for the proposed North Heights Christian Pre-school and Childcare Center that would be located within the existing facilities of North Heights Lutheran Church. The Subject Property is located in the R-1 Single Family Residential District and is guided as a Public and Institutional use in the Land Use Plan. Preschool uses are defined as a general education school in the zoning code and are permitted via a Conditional Use Permit in the R-1 Single Family Residential District. However, the Subject Property also operates under a Planned Unit Development that requires an amendment if there is a change in use on site. Staff commented further on the Plan Evaluation and reported the Planning Commission recommended approval with the following conditions:

1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to the plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
2. All conditions of the original Planned Unit Development shall remain in full force and effect.
3. This approval does not include signs. A separate sign permit is required for all proposed signage.
4. A Zoning Permit shall be required for the fencing around the playground area.
5. A Building Permit shall be required for the interior improvements.
6. The Applicant shall designate and sign ten (10) parking stalls for parent drop-off/pick-up during pre-school/nursery hours of operation in East Lot/B.
7. No expansion to enrollment beyond 100 students shall be permitted without City Council approval.
8. Any violation of the conditions of this Conditional Use Permit may result in revocation of the permit.

**Councilmember McClung** asked if the applicant supported the condition that was recommended for approval by the Planning Commission.

**Community Development Manager/City Planner Mrosla** explained the applicant did support the condition.

**Councilmember McClung** stated he would be making a recommendation to include this condition (as Condition 9) in the motion for approval.

**MOTION:** **Councilmember Holden moved and Councilmember Holmes seconded a motion to adopt Resolution #2020-027 approving the Conditional Use Permit and Amended Planned Unit Development for Planning Case 20-011 at 1700 Highway 96 W, based on the findings of facts, the submitted plans, and as amended by the eight (8) conditions in the July 27, 2020 Report to the City Council.**

**Councilmember McClung** recommended Condition 9 be added to read: The Applicant shall modify the southern curb at the intersection of Snelling Avenue and the private drive to mitigate the number of right hand turns being made onto Snelling Avenue. Engineering staff shall review and approve in writing plans for the redesign of the intersection no later than November 1st, 2020.

**AMENDMENT:** **Councilmember McClung moved and Councilmember Holden second a motion to include Condition 9: The Applicant shall modify the southern curb at the intersection of Snelling Avenue and the private drive to mitigate the number of right hand turns being made onto Snelling Avenue. Engineering staff shall review and approve in writing plans for the redesign of the intersection no later than November 1st, 2020.**

**Councilmember Holden** commented she would not be supporting this amendment. She did not agree with limiting this right hand turn because this would inconvenience the visitors to the church.

**Councilmember Scott** stated he lived in the neighborhood near North Heights Church. He explained he agreed with Councilmember Holden and stated traffic has not been a concern for this neighborhood.

**Mayor Grant** indicated he would be supporting the amendment.

**Councilmember Holmes** explained she would not be supporting the amendment. She did not believe it was necessary to require the church to take on this expense.

**Councilmember McClung** stated there were cars making the illegal turn on a regular basis and for this reason, he would like to require the applicant to modify the southern curb at the intersection of Snelling Avenue and the private drive. He reiterated that the applicant supported this condition as recommended by staff. He encouraged the City Councilmembers to reconsider their stance on the matter and support the amendment.

**A roll call vote was taken. The amendment to include Condition 9: The Applicant shall modify the southern curb at the intersection of Snelling Avenue and the private drive to mitigate the number of right hand turns being made onto Snelling Avenue. Engineering staff shall review and approve in writing plans for the redesign of the intersection no later than November 1st, 2020 failed 2-3 (Councilmember Holden, Holmes and Scott opposed).**

**A roll call vote was taken. The motion to adopt Resolution #2020-027 approving the Conditional Use Permit and Amended Planned Unit Development for Planning Case 20-011 at 1700 Highway 96 W, based on the findings of facts, the submitted plans, and as amended by the eight (8) conditions in the July 27, 2020 Report to the City Council carried 4-1 (Councilmember McClung opposed).**

- B. Ordinance 2020-002 Amending Chapter 13, Zoning Code, Subsections 1305-04 and 1325.06 – Planning Case 20-03 and Authorization to Publish Summary Ordinance 2020-002**

**Associate Planner Hartmann** stated the City of Arden Hills is proposing amendments to the language of Chapter 13 of the Zoning Code to include a call center definition in City Code Section 1305.04, and new requirements for parking, loading and circulation for call center uses in City Code Section 1325.06. Staff highlighted the proposed amendments with the Council and recommended approval of the Ordinance.

**MOTION:** **Councilmember Holden moved and Councilmember Holmes seconded a motion to approve Planning Case 20-013 adopting Ordinance 2020-002 Amending Chapter 13 based on the findings of fact and the July 27, 2020 Report of the City Council and Authorize Publication of Summary Ordinance 2020-002.**

**Councilmember Holmes** stated she would like to amend the Ordinance to read: Call Centers shall be required to have a minimum of one parking space per 150 square feet or more depending on the configuration of the workstations.

**AMENDMENT:** **Councilmember Holmes moved and Councilmember Holden seconded an amendment to the Ordinance to state: Call Centers shall be required to have a minimum of one parking space per 150 square feet or more depending on the configuration of the workstations.**

**Associate Planner Hartmann** reported staff has discussed having call centers require a CUP which would allow staff to review the parking requirements on a case by case basis.

**Councilmember McClung** feared that the proposed amendment language was vague. He indicated he supported the City going the CUP route for call centers.



**Councilmember Holmes** commented on the parking language that was used by other communities. She agreed it may be better to have call centers approved as CUP's. She questioned how the Council could move forward with this suggestion.

**Community Development Manager/City Planner Mrosia** explained staff was revising the City Code and this modification would be included for the Council to consider in October.

**Councilmember Holmes** withdrew her amendment.

**Mayor Grant** called for the vote on the original motion.

**A roll call vote was taken. The motion to approve Planning Case 20-013 adopting Ordinance 2020-002 Amending Chapter 13 based on the findings of fact and the July 27, 2020 Report of the City Council carried (5-0).**

**MOTION:** **Councilmember Holden moved and Councilmember Holmes seconded a motion to authorize staff to publish a Summary Ordinance 2020-002. A roll call vote was taken. The motion to publish the Summary Ordinance 2020-002 carried (5-0).**

**C. Resolution 2020-029 Receiving the Feasibility Report and Calling for a Public Hearing – 2021 PMP Street and Utility Improvement Project**

**Public Works Director/City Engineer Blomstrom** stated on April 27, 2020 the Council adopted Resolution 2020-020 ordering the preparation of a Feasibility Report for the 2021 Pavement Management Program (PMP) Street and Utility Improvement project. This project consists of improvements to the following streets:

Streets proposed for reconstruction:

Jerrold Avenue from New Brighton Road to 335 feet west of Prior Avenue

Glenpaul Avenue from New Brighton Road to Cleveland Avenue

Prior Avenue from County Road D to 155-feet north of Jerrold Avenue

Streets proposed for reclamation:

Edgewater Avenue from New Brighton Road to west cul-de-sac

Jerrold Avenue from 335 feet west of Prior Avenue to west cul-de-sac

**Public Works Director/City Engineer Blomstrom** commented in accordance with Council direction, a feasibility report has been prepared that details the proposed improvements, neighborhood impacts, estimated costs and financing for the proposed project. Staff requested the Council receive the feasibility study and order a public hearing to be held on September 14, 2020. Staff commented further on the feasibility report and requested the Council call for a public hearing.

**Councilmember Holden** asked if the City Council had ever made a decision about fixing peoples sewer systems.

**Public Works Director/City Engineer Blomstrom** commented on the 19 locations that were identified during televising. He reported the City was recommending repairing the portions of the service where it connects to the main within the street.

**Councilmember McClung** questioned what direction staff was seeking from the Council.

**Public Works Director/City Engineer Blomstrom** reported by passing and adopting the Resolution the Council would be accepting the Feasibility Report and would also be calling for a public hearing on September 14, 2020. This would allow staff to send notices to the impacted properties to notify them of the proposed assessment on their property.

**Mayor Grant** commented this would mean the City Council would have to make a determination on Prior Avenue.

**Councilmember Holden** agreed the Council should make this determination tonight. She recommended the cost of Prior Avenue improvements not be included in the special assessment calculation for this project. She supported the City using the same logic with Prior Avenue as it does for Snelling Avenue.

**Mayor Grant** explained the City's policy states the Council can make a determination within the guidelines of the assessment policy.

**Councilmember Scott** supported the City excluding Prior Avenue from the assessments.

**Mayor Grant** stated in the past the City had a non-assessable street fund for streets like this. He indicated he supported excluding Prior Avenue from the assessments.

**Councilmember McClung** commented this would be a big hit to the PIR fund.

**Councilmember Holmes** stated she would support the inclusion of Prior Avenue because of the big hit the PIR fund would take. She questioned if the City's assessment policy allowed for the exclusion of certain roadways from street improvement projects if there were no addresses along that roadway.

**Mayor Grant** explained he reviewed the assessment policy with Director Blomstrom this afternoon.

**Public Works Director/City Engineer Blomstrom** reviewed the assessment policy in further detail with the Council.

**Councilmember Holmes** thanked staff for the clarification. She indicated she supported Prior Avenue being excluded from assessments.

**Councilmember Holden** discussed the hardship that would be placed on the homeowners within this project area if the Prior Avenue expense was included in the assessment roll.

**Councilmember McClung** did not support the Council making a determination on the assessments based on a socioeconomic basis. He recommended that if this street was assessed due to lack of addresses within the project area that the same thing be done in other parts of the City within future street projects.

**Public Works Director/City Engineer Blomstrom** reviewed the project map with the Council and reported all of the properties along Prior Avenue were corner lots that had addresses on adjacent roadways. He indicated two properties did have driveways along Prior Avenue.

**Mayor Grant** explained that corner lots were assessed for the street that is used for the mailing address. He asked if any of the homes within the project area had addresses along Prior Avenue.

**Public Works Director/City Engineer Blomstrom** stated there are no homes with mailing addresses along Prior Avenue.

**Mayor Grant** recommended the Council not include the two houses that have mailing addresses on County Road D. The Council supported this recommendation.

**Councilmember Holden** questioned if the Council had to make a determination regarding the curb and gutter at this meeting.

**Public Works Director/City Engineer Blomstrom** stated based on the discussion of the Council at the June 15<sup>th</sup> City Council worksession meeting staff was advised to proceed with Alternative 1 to include the curb and gutter for the longevity of the roadway. He noted the assessments would be based on this recommendation.

**MOTION:** **Councilmember Holden moved and Councilmember Holmes seconded a motion to Resolution #2020-029 Receiving the Feasibility Report and Calling for the Public Hearing to be held on September 14, 2020 for 2021 PMP Street and Utility Improvements, excluding Prior Avenue. A roll call vote was taken. The motion carried (5-0).**

## 10. UNFINISHED BUSINESS

None.

## 11. COUNCIL COMMENTS

**Councilmember Holden** explained she stopped by the North Chamber of Commerce noting she picked up a couple of boxes of masks for City Hall.

**Councilmember Holden** reported Gerald Garski recently passed away and sent her condolences to the Garski family.

**Councilmember Holden** questioned when work would begin on the Hamline Avenue retaining walls.

**Public Works Director/City Engineer Blomstrom** reported the repairs to retaining walls along Hamline Avenue are the County’s responsibility. He explained the County had several retaining orders that needed improvements and they are working to put together a work plan for these improvements. He stated he did not have a timeline for this project.

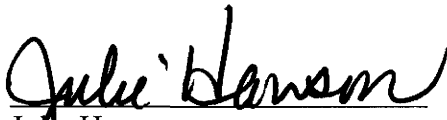
**Mayor Grant** requested staff provide the Council with an update on the upcoming elections.


**City Clerk Hanson** reported candidate filing opens on Tuesday, July 28<sup>th</sup> and will remain open through August 11<sup>th</sup> at 5:00 p.m. She stated candidates can file online, at Ramsey County elections or by contacting staff at City Hall. She reported voting by mail has increased significantly this election season so far.

**ADJOURN**

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

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

  
Julie Hanson  
City Clerk

  
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David Grant  
Mayor