



Approved: February 29, 2016

**CITY OF ARDEN HILLS, MINNESOTA
REGULAR CITY COUNCIL MEETING
FEBRUARY 8, 2016
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, Fran Holmes, Dave McClung and Jonathan Wicklund

Absent: None

Also present: Interim City Administrator Sue Iverson; Acting Public Works Director John Anderson; Senior Planner Matthew Bachler; City Clerk Amy Dietl and City Attorney Joel Jamnik

PLEDGE OF ALLEGIANCE

1. APPROVAL OF AGENDA

MOTION: Councilmember McClung moved and Councilmember Holden seconded a motion to approve the meeting agenda as presented. The motion carried unanimously (5-0).

2. PUBLIC INQUIRIES/INFORMATIONAL

None.

3. STAFF COMMENTS

A. Rice Creek Commons (TCAAP) Update

Interim City Administrator Iverson stated that the *Solicitation for Master Developer* was released on February 1, 2016. A pre-proposal conference will be held Thursday, February 18, 10:00 a.m. at Union Depot in Saint Paul. Proposals are due on Wednesday, March 9, 2016. At its meeting on February 1, 2016, JDA Commissioners established a Solicitation Review Committee

with members as follows. The Committee will review proposals and forward finalists to the JDA for consideration.

Heather Worthington, Ramsey County

Jill Hutmacher, Arden Hills

Ryan Streff, Arden Hills

Josh Olson, Ramsey County

Beth Engum, Ramsey County

John Anderson, Arden Hills

Matthew Bachler, Arden Hills

Sue Iverson, Arden Hills

Lee Merhkens, Ramsey County

Stacie Kvilvang, Ehlers

Mark Ruff, Ehlers

Kevin McKinnon (or a representative), Minnesota Department of Employment and Economic Development

Councilmember Holden supported the members on the Solicitation Review Committee and noted that Lee Merhkens was added as he is the Finance Director for Ramsey County. She reported that 18 firms have already downloaded information for the *Solicitation for Master Developer* for the TCAAP site. She noted that the JDA also discussed Policies and Procedures at their most recent meeting.

Mayor Grant explained that he recently met with Josh Olson at Ramsey County. He noted that the *Solicitation for Master Developer* was sent out to a number (approximately 60) of local companies. He stated that he is pleased by the amount of interest in the redevelopment of this site.

4. APPROVAL OF MINUTES

- A. January 11, 2016, Regular City Council
- B. January 13, 2016, Special City Council Work Session
- C. January 19, 2016, City Council Joint Work Session with Planning Commission
- D. January 25, 2016, Regular City Council

Councilmember Holmes requested a change to the January 19, 2016, City Council work session minutes on Page 11, under Item H that the first paragraph remain and that the rest of the paragraphs be deleted until the second to the last paragraph on Page 12.

Councilmember Holden requested a change to the January 19, 2016, City Council work session minutes on Page 5, suggesting the paragraph where Steven Nelson is introduced be amended to read: he is selling the house.

Councilmember Holden requested a change to the January 25, 2016, City Council minutes on Page 3, the fourth paragraph from the bottom should have the following language added onto her comment: since they stated it would be on the January 26th meeting agenda.

Councilmember Holden requested a change to the January 25, 2016, City Council minutes on Page 3, the third paragraph from the bottom should read: Ms. Hutmacher was made aware of the meeting date before receiving the request of the County for documentation on the Master Plan the Friday before their Tuesday meeting.

MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the January 11, 2016, regular City Council meeting minutes, January 12, 2016, special City Council work session minutes, January 19, 2016, City Council joint work session with Planning Commission meeting minutes; and January 25, 2016, regular City Council meeting minutes as amended. The motion carried unanimously (5-0).

5. CONSENT CALENDAR

- A. Motion to Approve Consent Agenda Item - Claims and Payroll
- B. Motion to Approve Lake Johanna Fire Department Capital Expenditures
- C. Motion to Approve 2 Door Pickup Truck Purchase
- D. Motion to Approve 4 Door Pickup Truck Purchase
- E. Motion to Approve Hot Box Purchase
- F. Motion to Approve New Voting System Contract with Ramsey County
- G. Motion to Approve Amended 2016 Fee Schedule
- H. Motion to Approve Resolution 2016-007 Appointing James Lambeth to the Planning Commission
- I. Motion to Approve Merrick, Inc. Gambling Permit

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

6. PULLED CONSENT ITEMS

None.

7. PUBLIC HEARINGS

A. TCAAP Development Discussion Opportunity for Residents

Mayor Grant stated that under the Public Hearing section, citizens have an opportunity to discuss ideas regarding the TCAAP development.

Mayor Grant opened the public hearing at 7:17 p.m.

With no one coming forward to speak, **Mayor Grant** closed the public hearing at 7:18 p.m.

8. NEW BUSINESS

None.

9. UNFINISHED BUSINESS**A. Planning Case 15-026 – Development Agreement Determination Letter – 3177 Shoreline Lane**

Senior Planner Bachler stated that this case was considered by the City Council at their regular meeting on January 25, 2016. The item was tabled to allow for further review of the request at the next regular City Council meeting.

Senior Planner Bachler explained that in 1999, the City approved a four lot subdivision on the east side of Lake Josephine by Josephine East, LLC. Today, these lots are 3189, 3184, 3177, and 3170 Shoreline Lane. Steve Zawadski has submitted a request on behalf of the property owners at 3177 Shoreline Lane for a declaratory letter on whether the terms in the Development Agreement with Josephine East have been satisfied. The property is in the process of being sold and the new owners are concerned about being subject to enforcement related to the Development Agreement. Money has been put in escrow by Mr. Zawadski pending the resolution of this issue.

Senior Planner Bachler indicated that the Public Works and Community Development Departments have determined that the majority of the terms and conditions in the Development Agreement were satisfied by Josephine East following the subdivision approval.

Senior Planner Bachler reported that the subdivision plan included the extension of Shoreline Lane through the middle of the four lots and ending at the property line of 3187 Lexington Avenue. At the time, the City's Official Map showed Shoreline Lane continuing north to connect with the segment of Shoreline Lane that extends south from Edgewater Avenue. The City Council approved a temporary, 50-foot wide cul-de-sac to be removed when 3187 Lexington Avenue was redeveloped and the entire length of Shoreline Lane could be completed. This cul-de-sac currently provides access to the four Shoreline Lane lots and 3187 Lexington Avenue.

Senior Planner Bachler commented that under the terms of the Development Agreement, Josephine East was required to provide an escrow for the cost of removing the cul-de-sac and extending Shoreline Lane to the northern boundary of the subdivision. No record of this escrow has been found on file. Staff believes this condition should remain in effect because it establishes that the cul-de-sac is temporary and that the City intends to connect the two ends of Shoreline Lane if 3187 Lexington Avenue were to be subdivided. The Certificate of Completion and Release does not waive the City's right to assess the properties within the Josephine East subdivision for future costs associated with the Shoreline Lane connection.

Senior Planner Bachler stated that the Development Agreement establishes a minimum elevation for basements due to the location of the properties on Lake Josephine. No structure on any of the four lots is permitted to have a basement elevation below 887.8 feet. This condition will remain in effect and be enforced with any future redevelopment on the properties.

Senior Planner Bachler recommended that the Council approve the Certificate of Completion and Release pertaining to the Development Agreement between Josephine East, LLC and the City of Arden Hills for the property at 3177 Shoreline Lane.

Mayor Grant requested comment from the City Attorney.

City Attorney Jamnik advised that when real estate transactions occur, the attorneys representing the purchaser often identify items in the title that raise concerns to them. The purchaser in this situation was represented by an attorney who reviewed the title and identified the development agreement as an issue that had implications for the purchaser. There was a question as to what areas of the agreement have been satisfied and more importantly, which ones remain unsatisfied. This led the purchaser to request that the City Attorney review the development agreement. This was done to eliminate the ambiguity with regard to the title.

Councilmember Holmes stated that she believed that the development agreement was unique in this situation due to the fact that a street connection still hung in the balance. She explained that she held a discussion with the City Attorney and with Senior Planner Bachler. She feared that by usurping these two provisions, the City would be creating more confusion. She expressed concern with the assessment and escrow language that would remain within the development agreement. She wanted to see the subdivision plan if it existed and believed that more work needed to be done on this matter before it could receive Council approval.

Councilmember Holden was unclear if the City had an easement to allow for the connection of the streets.

City Attorney Jamnik reported that the City did not have any easement rights on the 3187 Lexington Avenue property as this was not part of the plat in 1999. It was his understanding that the City wanted to make a connection when and if the property at 3187 was split to create an additional lot.

Mayor Grant recalled this being the case. He stated that it was unfortunate that the road was not pushed through when it was originally designed. It was his hope that the City would not make this mistake again in the future.

Councilmember Holden questioned what right the City has to push the roadway through if 3187 was to split into two lots.

City Attorney Jamnik commented that riparian law would allow for the roadway due to the fact that the new lot would require access to a roadway.

Councilmember Holden questioned when the Council had to approve this request.

Senior Planner Bachler indicated that this request was not on a strict timeline like other land use requests.

Councilmember McClung questioned if the City could assess the benefitting properties if a roadway were to be pushed through.

City Attorney Jamnik reported that the City could assess under the 429 policy.

Councilmember Holden recommended that the Certification of Completion be made more complete in order to properly protect the property owner and the City of Arden Hills.

City Attorney Jamnik reviewed the proposed whereas clauses in further detail with the City Council.

Councilmember Holmes feared that the escrow language was still a concern. She questioned if staff could get a copy of the subdivision plan and provide it to the Council.

Senior Planner Bachler clarified that the Josephine East subdivision approved in 1999 only covered what are today the properties at 3189, 3184, 3177, and 3170 Shoreline Lane. He stated that he could provide a copy of this subdivision plan to the City Council. He made it clear that this subdivision did not include the property to the north.

Councilmember Holden asked if the Council was comfortable approving the letter this evening with staff making the whereas clause adjustments or asked if the matter should be delayed to the next Council meeting.

Councilmember Holmes stated that she was in favor of delaying action on this item to the February 29th City Council meeting.

Councilmember McClung supported the matter being tabled.

MOTION: **Councilmember McClung moved and Councilmember Holmes seconded a motion to table action on this item to the February 29, 2016 City Council meeting. The motion carried (4-1, Wicklund opposed).**

10. COUNCIL COMMENTS

Councilmember McClung discussed the upcoming road construction projects planned for Arden Hills in 2016. He suggested that staff begin providing the City Council with transportation updates.

Mayor Grant commented that his next article for the Arden Hills Notes included information about this summer's construction projects.

Councilmember Holmes explained that she recently attended the Goodwill ribbon cutting ceremony with Mayor Grant. She toured the facility and was pleased by the great attendance at this event.

Councilmember Holmes stated that she would be attending the Metro Cities forum on housing on Thursday, February 25th.

Councilmember Holden indicated that she drove by the Goodwill in the evening hours and questioned how the clear glass in the break room could be addressed by the City. She was in favor of the applicant hanging curtains or placing a film over the windows.

Mayor Grant commented that he recently spoke with Josh Olson at Ramsey County regarding the solicitation process for TCAAP. He noted that a proposal conference would be held on Thursday, February 18th. He indicated that he would not be able to attend this meeting, but reported that the City would receive a copy of the sign-in sheet from this event.

Mayor Grant commented on the Goodwill ribbon cutting ceremony. He learned that the donation center was expecting 400 cars per day, which did not include the vehicles that would be visiting the site for shopping.

Mayor Grant discussed the future plans for the Red Cross building. He reported that the property owner was improving the building to attract a new tenant.

Councilmember Holmes asked why the Snelling Avenue bridge did not have lights.

Acting Public Works Director Anderson commented that the bridge was installed with conduit but lights were not included in the contract.

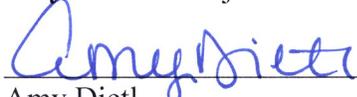
Mayor Grant recalled that at a previous Council meeting, the Council requested that staff draft a plan to have lights placed on this bridge and be brought back to the Council for consideration. He believed the lights were a safety issue. He inquired if staff had begun working on this plan.

Acting Public Works Director Anderson explained that staff could put together a light plan for this bridge.

ADJOURN

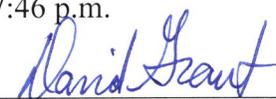
MOTION: Councilmember Holden moved and Councilmember McClung seconded a motion to adjourn. The motion carried unanimously (5-0).

Mayor Grant adjourned the regular City Council meeting at 7:46 p.m.



Amy Dietl

City Clerk



David Grant
Mayor