



Approved: September 26, 2016

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**CITY OF ARDEN HILLS, MINNESOTA  
REGULAR CITY COUNCIL MEETING  
SEPTEMBER 12, 2016  
7:00 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

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**CALL TO ORDER/ROLL CALL**

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

**Present:** Mayor David Grant, Councilmembers Fran Holmes, Dave McClung and Jonathan Wicklund

**Absent:** Councilmember Brenda Holden (excused)

**Also present:** Interim City Administrator/Director of Finance and Administrative Services Sue Iverson; Interim Assistant Public Works Director/Assistant City Engineer, Sue Polka, WSB; Finance Analyst Dave Perrault; Senior Planner Matthew Bachler; and City Clerk Julie Hanson

**PLEDGE OF ALLEGIANCE**

**1. APPROVAL OF AGENDA**

Mayor Grant requested Item 6B be pulled from the Consent Agenda for discussion as Item 7A.

Mayor Grant requested Item 9A be moved to the Consent Agenda for approval as Item 6

**MOTION:** Councilmember McClung moved and Councilmember Holmes seconded a motion to approve the meeting agenda as amended. The motion carried unanimously (4-0).

**2. PUBLIC INQUIRIES/INFORMATIONAL**

None.

**3. PUBLIC PRESENTATIONS**

A. Ramsey County Sheriff's Office Update

**Ramsey County Sheriff Matt Bostrom** provided the Council with an update from the Ramsey County Sheriff's office. He discussed the difference between a police officer and a sworn deputy. He commented on the County's new computer dispatch and records management system. He was pleased by the growing success of the Coffee with the Cop and Hot Dog with a Deputy events. He thanked the community for their support and kindness given the climate surrounding law enforcement at this time. The vision for 21<sup>st</sup> Century policing and the new PRIME policy that was being conducted at the jail was described. He encouraged the public to continue to turn in their unused pharmaceuticals. He invited the public to visit the Fright Farm noting all proceeds are used for Explorers and youth events throughout the community.

**Mayor Grant** asked if the Sheriff's Department had arresting authority on the Federal property within Arden Hills.

**Ramsey County Sheriff Bostrom** discussed the nuances for policing Federal property, noting the FBI typically had jurisdiction. He explained, however, that he had negotiated with the Army to allow the Ramsey County Sheriff's Department to respond to the Federal property within Arden Hills.

**Mayor Grant** thanked the Ramsey County Sheriff's Department for their participation in National Night Out and for all of the proactive policing methods they have been pursuing.

**Councilmember McClung** commended the Ramsey County Sheriff's Department for their visibility within the City of Arden Hills.

**Mayor Grant** questioned if the Ramsey County Sheriff's carry NARCAN in their medical bags.

**Ramsey County Sheriff Bostrom** stated all paramedics and fire currently carry NARCAN. He reported his deputies would begin carrying NARCAN in their medical bags in the near future.

**Councilmember Wicklund** appreciated all of the professional efforts of the Ramsey County Sheriff Deputies.

**Councilmember Holmes** thanked the Ramsey County Deputies for their dedicated service to the community and for being in attendance at the Arden Hills City Council meetings.

#### **4. STAFF COMMENTS**

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

**Interim City Administrator/Director of Finance and Administrative Services Iverson** provided the following update for the City Council regarding TCAAP and the JDA:

##### **Meetings**

- City and County staff, Ehlers, and the Master Developer held their weekly project meeting on September 6 to discuss mass grading and infrastructure for the site.

- On August 29 Councilmembers Grant and Wicklund toured Alatus's Latitude 45 project in Minneapolis and toured a for-sale town home site with a product that would be similar to what would be constructed at TCAAP. On August 30, Councilmembers Holden and Holmes completed the same tour.

**Communications/Media**

- On September 6, Staff and the City's Communications consultant met with the communication consultants for the County and the Developer to introduce the parties and to establish a regular monthly meeting for the three parties to discuss and coordinate communication efforts.

**Councilmember Holmes** requested further information on how communications would be managed by Zipko and staff.

**Interim City Administrator/Director of Finance and Administrative Services Iverson** discussed how communications would be managed by the Zipko, staff, and the other consulting agencies for the TCAAP development. It was noted staff would be meeting with the communications consultant on a monthly basis.

**Councilmember Wicklund** requested staff provide the Council with a brief update after each monthly communication meeting.

**B. Transportation Update**

**Interim Assistant Public Works Director/Assistant City Engineer Polka** reported the State is installing a cable median barrier along Highway 10 at this time. This work would be completed by November 1.

**Interim Assistant Public Works Director/Assistant City Engineer Polka** explained the County Road E2 bridge and ramps were now open.

**Interim Assistant Public Works Director/Assistant City Engineer Polka** indicated the I35W overlay project was completed.

**Interim Assistant Public Works Director/Assistant City Engineer Polka** provided an update on the Lexington Avenue and County Road F project.

**C. State of the City Update**

**Senior Planner Bachler** stated the State of the City event will be held on Thursday, September 29, 7:30 to 9:00 a.m. at Flaherty's Arden Bowl. Representatives from the TCAAP Master Development Team, Land O'Lakes, and MnDOT will be providing updates to the community. There will also be time for questions and networking following the presentations. Arden Hills businesses and residents are encouraged to attend the event. An evening State of the City event will be scheduled for a future date.

**5. APPROVAL OF MINUTES**

- A. August 15, 2016 City Council Work Session and Joint Work Session with the Joint Development Authority (JDA)
- B. August 22, 2016, Special City Council Work Session
- C. August 29, 2016, City Council
- D. August 29, 2016, Special City Council Work Session

**MOTION:** Councilmember Holmes moved and Councilmember McClung seconded a motion to approve the August 15, 2016 City Council Work Session and Joint Work Session with the Joint Development Authority (JDA) meeting minutes, the August 22, 2016, Special City Council Work Session meeting minutes, August 29, 2016, City Council meeting minutes; and August 29, 2016, Special City Council Work Session meeting minutes as presented. The motion carried unanimously (4-0).

**6. CONSENT CALENDAR**

- A. Motion to Approve Consent Agenda Item - Claims and Payroll
- ~~B. Motion to Approve Planning Case 16-017 – Variance – 1536 Edgewater Avenue~~
- C. Motion to Adopt Policy for Donation of Surplus City Equipment
- D. Motion to Approve Appointment of Customer Service Specialist
- E. Motion to Approve Appointment of Public Works Superintendent
- F. Motion to Adopt Resolution 2016-026 Accepting Donations from the Arden Hills Foundation
- G. Motion to Approve Planning Case 16-019 – PUD & CUP Amendment – Holiday Station – 1920 Highway 96

**MOTION:** Councilmember Holmes 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 (4-0).

**7. PULLED CONSENT ITEMS**

- A. Motion to Approve Planning Case 16-017 – Variance – 1536 Edgewater Avenue

**Mayor Grant** requested staff provide a presentation on this item.

**Senior Planner Bachler** stated the applicants are the owners of the property at 1536 Edgewater Avenue, which is located in the R-1 District on the south side of Lake Johanna. The lot is considered nonconforming because its size and width do not meet the minimum requirements for the R-1 District. At the time the dwelling was constructed in 1953, the lot was in conformance with the City Code. The applicants are proposing to construct a second garage stall on the east side of the existing dwelling with finished living space above. The footprint of the addition would measure 10 feet – 5 inches by 27 feet – 5 inches for an overall area of approximately 286 square

feet. The additional living space above the garage would have similar dimensions and an area of approximately 282 square feet.

**Senior Planner Bachler** explained a variance is needed in this case to allow for the addition to encroach 1 foot – 7 inches into the minimum side yard setback of 10 feet, resulting in a setback of 8 feet – 5 inches. The R-1 Zoning District requires a total combined setback of 25 feet between both side yards, and a variance is also needed to allow for the reduced combined side yard setback. The existing dwelling is setback 12 feet – 2 inches from the west side property line and the proposed addition would be setback 8 feet – 5 inches from the east side property line, resulting in a combined side yard setback of 20 feet – 7 inches.

**Senior Planner Bachler** reviewed the Plan Evaluation and offered the following Findings of Fact:

*General Findings:*

1. The property at 1536 Edgewater Avenue is located in the R-1 Single Family Residential Zoning District.
2. The lot is nonconforming due to lot size and width.
3. The existing conditions on the property are in conformance with the setback, structure, and lot coverage requirements for properties in the R-1 District.
4. The proposed addition would encroach 1 foot – 7 inches into the east side yard setback, creating a setback of 8 feet – 5 inches from the property line. The minimum side yard setback in the R-1 District is 10 feet.
5. The proposed addition would result in a combined side yard setback of 20 feet – 7 inches. The existing dwelling is setback 12 feet – 2 inches from the west side property line and the proposed addition would be setback 8 feet – 5 inches from the east side property line. The minimum combined side yard setback in the R-1 District is 25 feet.
6. A variance is required in this case to allow for an encroachment in the minimum side yard setback and for a combined side yard setback of less than 25 feet.
7. All other aspects of the proposed addition are in conformance with the Zoning Code requirements for the R-1 District.
8. The proposed addition would not encroach on any flood plains, wetlands, or easements.
9. The proposed addition is not expected to impact any significant trees on the property.

*Variance Findings:*

10. The variance would be in harmony with the purpose and intent of the City's Code because the addition would maintain side yard setbacks consistent with other dwellings in the neighborhood.
11. The variance would be consistent with the City's Comprehensive Plan because it meets the City's housing goal of encouraging property investment that complements and enhances the character of the City's established neighborhoods.
12. The proposed addition to allow for a second garage stall is a reasonable use of the property that would not be allowed under the rules of the Zoning Code without the requested variance.
13. The property is unique and presents development challenges because of its narrow width of approximately 80 feet and its topography. The unique characteristics of the property were not created by the property owners.

14. The proposed addition would not alter the essential character of the neighborhood because it would result in a structure that is consistent and compatible with other construction in the area.
15. The requested variance does not appear to be based on economic considerations alone. The applicant has proposed construction plans that are more costly than an alternative considered that would have resulted in a greater encroachment in the side yard setback.

**Senior Planner Bachler** reported the Planning Commission unanimously recommends approval (5-0) of Planning Case 16-017 for a side yard setback Variance at 1536 Edgewater Avenue, based on the findings of fact and submitted plans in the September 12, 2016, Report to the City Council, as amended by the following six conditions:

1. The project shall be completed in accordance with the plans submitted as amended by the conditions of approval. Any significant changes to these plans, as determined by the City Planner, shall require review and approval by the Planning Commission and City Council.
2. A Grading and Erosion Control permit shall be required prior to the issuance of a Building Permit.
3. If required, a Rice Creek Watershed District permit shall be obtained prior to the issuance of any City permits.
4. A Building Permit shall be required prior to commencement of construction.
5. The addition shall match the color and architectural style of the rest of the principal structure.
6. The structure shall conform to all other regulations in the City Code.

**Councilmember Holmes** asked what the current side yard setbacks were.

**Senior Planner Bachler** reported the side yard setbacks were 12 feet 2 inches on the west side and 18 feet – 7 inches on the east side of the property. He reviewed how the setbacks would be impacted if the variance were approved.

**Councilmember Holmes** expressed concern with how the water runoff from this lot would affect the surrounding properties.

**Mayor Grant** requested comment from staff on this issue.

**Senior Planner Bachler** explained the home would have gutters installed in order to manage rainwater runoff. He recommended the applicants speak to this topic further.

**Christopher Kindler**, 1536 Edgewater Avenue, described the location of the gutters on the home currently and noted how water runoff management would be improved with new gutters.

**Deniz Kindler**, 1536 Edgewater Avenue, commented on the vegetation that was removed at the property line and explained she was not aware of the agreement between the previous owners and the neighbors. She explained she was proposing to replace this vegetation.

**Mayor Grant** asked if the clogged drain tile was on the Kindler property or the neighboring property.

**Ms. Kindler** believed the draitile to be on her property. She expressed frustration that the water concerns on her property were never brought to her attention until she applied for a variance. She believed that the neighboring property might have other water issues that do not stem from her removing two (2) feet of landscaping vegetation.

**Mayor Grant** questioned how the water drained away from the neighboring property.

**Senior Planner Bachler** was uncertain how water drained away from the neighboring property.

**Councilmember Wicklund** stated he supported the variance request but questioned what the City's options were to address the water runoff.

**Senior Planner Bachler** reported the property owners would have to acquire a grading and erosion control permit from the City prior to receiving a building permit. He explained this would ensure the drainage issues on the property were addressed.

**Councilmember McClung** wanted to be sure the water runoff situation was not made worse through the proposed improvements.

**Senior Planner Bachler** indicated the grading and erosion control permit would address this concern.

**Councilmember Holmes** asked if another condition should be added to require the applicants to install gutters and a swale, or if the neighbors should be brought in to address their drainage concerns.

**Senior Planner Bachler** recommended the City Engineer and applicants be allowed to manage the specifics in order to find the best solution for the property. He stated that the applicants could be asked to consult with the neighbors on the drainage plan.

**Mayor Grant** discussed a gutter and drainage plan for the home. While he did not object to the addition of a single car garage, he wanted to be sure that the applicants properly managed the water runoff of the site through the expansion. He suggested drain tile be installed while the site was being excavated.

**Councilmember Wicklund** believed staff would effectively manage the water, grading and erosion control plan.

**Councilmember McClung** stated his main concerns for this request was the grading and erosion control plan. He suggested a Condition 7 be added to the Variance for approval and read as follows: The applicants shall be required to consult with the adjoining property owner on implementation of a drainage and erosion control permit.

**Mayor Grant** recommended Condition 7 read: The property owners will work with the City Engineer to come up with an acceptable grading and erosion control plan and will work in consultation with the neighbors.

**Ms. Kindler** questioned what her responsibilities would be with regard to the newly proposed condition.

**Mayor Grant** stated the intent would be to include the neighbor in the drainage conversations. He reported the neighbors would not have veto power over the plan.

**Councilmember Wicklund** wanted to see the applicant and the City driving the drainage and erosion plan.

**Ms. Kindler** asked to speak frankly to the City Council. She explained she and her husband have taken this application process very seriously. She discussed the expense of the variance and the proposed addition to her home. She stated she chose to live in Arden Hills because she loved this community. She believed her variance request was reasonable given the fact she would only be bringing her home to 2,000 square feet in size for a family of 5. She feared that if the neighbors had to be involved in this process, the addition would not move forward. It was her understanding the neighbors did not support the proposed addition. She was willing to go through all of the permitting steps and wanted to be neighborly but requested the Council not hold this up due to the water issues on her neighbor's property.

**Mayor Grant** indicated the Council would not require the Kindlers to solve the water issues on their neighbor's property. He stated that the Kindlers could not add to the water issues either. He commented the Council supported the proposed addition but wanted to see the water runoff was properly managed. He reiterated that the neighbors would not have veto power on the plans.

**Ms. Kindler** appreciated this fact and provided further comment on the stressed conversations she has had with her neighbors. She wanted to be sure the City's recommendations would be followed and not simply her neighbor's wishes.

**Mayor Grant** stated this would be the direction to staff.

**Interim Assistant Public Works Director/Assistant City Engineer Polka** explained she would work with the architect and applicant on the grading and erosion plan requirements. She would ensure that the proposed addition would have no adverse impact on the surrounding properties.

**Ms. Kindler** thanked staff for this clarification.

**Councilmember Wicklund** supported the addition and noted his only concerns were with the water issues.

**MOTION:** **Councilmember McClung moved a motion to approve Planning Case 16-017 for a side yard setback Variance at 1536 Edgewater Avenue, based on the findings of fact and submitted plans, as amended by the seven (7) conditions in the September 12, 2016, Report to the City Council with Condition 7 reading as follows: The property owner shall be required to work with the City Engineer to implement a drainage and erosion control plan.**

**Councilmember Holmes** recommended that the liaison burden be placed on the City Engineer and not the applicant.

**Mayor Grant** agreed and suggested the consultation with the neighbor's portion from Condition 7 be eliminated and that the City Engineer speak with the neighbors after a plan has been devised. He questioned who the applicants would be receiving a drainage and erosion control permit from.

**Interim Assistant Public Works Director/Assistant City Engineer Polka** reported the applicants would be receiving the permit for their drainage and erosion control plan from the City.

**Councilmember McClung** withdrew his motion.

**MOTION:** **Councilmember Wicklund moved and Mayor Grant seconded a motion to approve Planning Case 16-017 for a side yard setback Variance at 1536 Edgewater Avenue, based on the findings of fact and submitted plans, as amended by the six (6) conditions in the September 12, 2016, Report to the City Council.**

**Councilmember Holmes** stated while the majority of the Council was for the variance, she would not be supporting the request.

**Councilmember McClung** indicated he would support the request with the understanding the City Engineer will work with and speak with the adjoining property owners throughout the grading and erosion control planning process. He understood the concerns being expressed by the applicants and commented that the Council had to ensure that the proposed addition did not adversely impact the adjoining property.

**The motion carried 3-1 (Holmes opposed).**

## **8. PUBLIC HEARINGS**

### **A. Rice Creek Commons (TCAAP) Development Discussion Opportunity for Residents**

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

**Mayor Grant** opened the public hearing at 8:40 p.m.

With no one coming forward to speak, Mayor Grant closed the public hearing at 8:41 p.m.

### **B. Approve Resolution 2016-028 Adopting and Confirming Quarterly Special Assessments for Delinquent Utilities**

**Finance Analyst Perrault** stated delinquent utility amounts are certified to Ramsey County quarterly. A list of utility accounts with a delinquent balance was compiled and notices dated August 5, 2016 were mailed. These customers were informed of their delinquent status and were

asked to make payment of the delinquent balance by September 2, 2016. Utility accounts with an unpaid delinquent balance after September 2, 2016, would be certified to Ramsey County to be added to property taxes payable in 2017. The certification amount is equal to the unpaid delinquent balance plus an eight percent penalty. The City will request that Ramsey County levy the delinquent balances against the respective properties. Staff requested the Council hold a public hearing and adopt the quarterly special assessments for delinquent utilities.

**Mayor Grant** opened the public hearing at 8:41 p.m.

With no one coming forward to speak, Mayor Grant closed the public hearing at 8:42 p.m.

**MOTION:** Councilmember McClung moved and Councilmember Holmes seconded a motion to adopt Resolution #2016-028 – Adopting and Confirming Quarterly Special Assessments for Delinquent Utilities. The motion carried (4-0).

**C. Approve Resolution 2016-029 – Order of Abatement at 1927 County Road D**

**Interim City Administrator/Director of Finance and Administrative Services Iverson** stated due to a complaint, staff inspected 1927 County Road D W on August 29, 2016. Staff noted excessive vegetation growth and determined that the property was in violation of the following subsections of City Code Section 602.02 Public Nuisance Affecting Health:

- Subd. 6. All noxious weeds and other growths of vegetation upon public or private property in excess of eight (8) inches.

**Interim City Administrator/Director of Finance and Administrative Services Iverson** commented following its initial inspection, staff sent a letter to the property owner giving them one week to correct the issues. A follow-up inspection on September 8, 2016, found the violations on the property to persist.

**Interim City Administrator/Director of Finance and Administrative Services Iverson** stated due to the reoccurring nature of these types of violations, staff is requesting the City Council issue an order for abatement of the property and to continue the abatement order for a two-year period. The two-year period would expire on September 12, 2018. The property owner has seven days from the Council's order to complete the work before the City can have the work completed. An abatement order allows the City to hire a contractor to complete the work on the property and charge the cost back to the property owner. The charge is 125 percent of the cost of the work plus administrative costs. If the charges are not paid, the charge will be certified against the property for collection with the property taxes.

**Interim City Administrator/Director of Finance and Administrative Services Iverson** indicated if the same violation reoccurs within two years of the Council's order, staff could order abatement without an additional Council hearing or action. A letter would be sent to the property owner ordering future violations to be resolved within seven working days. If the violation is not resolved, staff can order the abatement and charge the expense back to the property owner. Prior to any action, the Council must provide a hearing for the property owner. The property owner was notified of the hearing in conformance with the City Code.

**Mayor Grant** opened the public hearing at 8:43 p.m.

With no one coming forward to speak, Mayor Grant closed the public hearing at 8:43 p.m.

**Councilmember Holmes** asked which area of the yard was a concern.

**Interim City Administrator/Director of Finance and Administrative Services Iverson** reviewed several pictures with the City Council noting the area of weeds/garden plot that was overgrown.

**Councilmember Wicklund** questioned if the property owner had responded to the City.

**Interim City Administrator/Director of Finance and Administrative Services Iverson** stated the City has not received any response from the property owner.

**MOTION:** **Councilmember McClung moved and Councilmember Holmes seconded a motion to adopt Resolution #2016-029 – Ordering Accelerated Nuisance Abatement at 1927 County Road D for excessive vegetation growth. The motion carried (4-0).**

## 9. NEW BUSINESS

- A. **Planning Case 16-019 – PUD & CUP Amendment – Holiday Station – 1920 Highway 96**

This item was moved to and approved on the Consent Agenda.

## 10. UNFINISHED BUSINESS

- A. **Approve Fund Balance Transfer from General Fund to PIR Fund and a Budget Amendment**

**Interim City Administrator/Director of Finance and Administrative Services Iverson** explained in 2014, the Council adopted a revised Fund Balance Policy, which directs the Finance Director to transfer any excess funds over 50% of the fund balance in the General Fund to the PIR Fund once the final audit is completed with Council approval.

**Interim City Administrator/Director of Finance and Administrative Services Iverson** reported the final audit for 2015 showed the fund balance for year-end 2015 was 62.9% over the 2016 budgeted expenditures. The amount of the transfer according to the policy is \$565,121. As the Council requested, this was brought forward to the Council on June 27, 2016, for approval of a transfer and a budget amendment to the 2016 budget. The City Council tabled this item to the September 12, 2016, meeting to discuss in conjunction with the 2017 budget.

**Interim City Administrator/Director of Finance and Administrative Services Iverson** commented since the Preliminary 2017 budget has not yet been finalized and the City Council has not yet had a chance to review and discuss this item, staff would recommend tabling this item to a

later date. It was noted the Council will set a preliminary levy at the September 26, 2016 meeting, but a final levy will not be set until December 12, 2016.

**Mayor Grant** indicated some of the funds within the proposed transfer could be used to assist the Council with balancing the 2017 budget. He looked forward to discussing this further at an upcoming worksession.

**MOTION:** Councilmember McClung moved and Councilmember Wicklund seconded a motion to table action on this item to a later date to be determined. The motion carried 3-1 (Holmes opposed).

#### 11. COUNCIL COMMENTS

**Councilmember Holmes** stated she appreciated the generous donations from the Arden Hills Foundation.

**Councilmember Holmes** stated she received a comment from a resident that the County Road E bridge lighting was inadequate.

**Interim Assistant Public Works Director/Assistant City Engineer Polka** explained she has requested a quote for taller light poles and this quote would be coming before the Council at a future meeting.

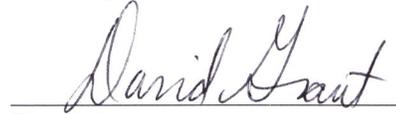
**Mayor Grant** thanked all of the residents and local businesses that had contributed to the Arden Hills Foundation.

#### ADJOURN

**MOTION:** Councilmember McClung moved and Councilmember Holmes seconded a motion to adjourn. The motion carried unanimously (4-0).

**Mayor Grant** adjourned the Regular City Council Meeting at 8:53 p.m.

  
Julie Hanson  
City Clerk

  
David Grant  
Mayor