



Approved: March 8, 2021

**CITY OF ARDEN HILLS, MINNESOTA
REGULAR CITY COUNCIL MEETING
FEBRUARY 8, 2021
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.

Note: On March 20, 2020 the Mayor signed a determination allowing Councilmembers to participate in City Council meetings via telephone pursuant to State Statute 13D.021

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

Absent: None

Also present: City Administrator Dave Perrault; Assistant City Engineer/Engineer in Training David Swearingen; Finance Director Gayle Bauman; Community Development Manager/City Planner Mike Mroska; City Attorney Joel Jamnik; and City Clerk Julie Hanson

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

A. Public Inquiry Response from January 25, 2021 City Council Meeting – Public Inquiry Format

City Administrator Perrault responded to the residents comments regarding the Public Inquiry Format from January 25, 2021.

4. STAFF COMMENTS

A. COVID-19 Update

City Administrator Perrault provided the Council with an update on how the City was responding to COVID-19. He encouraged residents to visit the City's website for the most current and up to date information regarding COVID-19. He reported the Minnesota Department of Health and CDC also had websites with current guidelines and recommendations. He explained the City of Arden Hills City Hall will remain closed until further notice. He indicated City staff remains operational and can be reached via phone or email. He encouraged all residents to monitor the State's website regarding COVID-19 vaccines as the rules and eligibility information was changing frequently.

5. APPROVAL OF MINUTES

None.

6. CONSENT CALENDAR

- A. Motion to Approve Consent Agenda Item - Claims and Payroll
- B. Motion to Approve Acknowledgement of the Application of Ducks Unlimited North Suburban Chapter 239 for an Exempt Permit to Conduct a Raffle with the Drawing Being April 17, 2021, with No Waiting Period
- C. Motion to Approve 2021 State of Minnesota Institution Community Work Crew (ICWC) Program Contract
- D. Motion to Adopt Resolution 2021-006 Approving Plans and Specifications and Ordering Advertisement for Bids – Hamline Avenue and Shorewood Drive Improvements
- E. Motion to Approve Professional Services Agreement with SRF Consultants – Mounds View High School Trail Project
- F. Motion to Adopt Resolution 2021-007 Supporting Local Road Improvement Program (LRIP) Grant Application for Lexington Avenue
- G. Motion to Approve Release of Previously Approved Planned Unit Developments and Termination of Declaration of Covenant Restrictions at 4200 Round Lake Road
- H. Motion to Approve Planning Case 20-010 – Master Planned Unit Development Agreement with Scannell Properties LLC
- I. Motion to Accept Resignation of Public Works Director/City Engineer
- J. Motion to Appoint Interim Public Works Director
- K. Motion to Approve Proposal from Bolton & Menk for Engineering Services and Designation of Engineer of Record
- L. Motion to Approve Payment No. 2 to Air Express, Inc. – City Hall HVAC Replacement 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

None.

9. NEW BUSINESS

None.

10. UNFINISHED BUSINESS

A. Planning Case 20-022 – Planned Unit Development and Site Plan – Arden Hills RE, LLC – 2 Pine Tree Drive – New Perspectives

Community Development Manager/City Planner Mroska stated the City Council previously discussed Planning Case 20-022 at their meeting on January 25, 2021. At that time the City Council approved the associated Conditional Use Permit and Zoning Code Amendment. However, the action to approve the Planned Unit Development (PUD) and Site Plan was tabled to allow staff time to work with the Applicant on providing the cross parking agreement with Bethel University, and supporting documentation regarding the Applicant's proposal to meet the intent of the tree preservation ordinance.

Community Development Manager/City Planner Mroska provided background on the request noting the Applicant is proposing to construct a 192,390 square foot, four (4) story multi-family senior living facility on site. The proposed senior living facility will feature 146 units, with 113 units of independent or assisted living and thirty-three (33) units devoted to memory care. The Subject Property is zoned B-2, General Business District and is guided as Community Mixed Use on the Land Use Plan. He commented on the discussions that were held with the developer and reviewed the applicants updated tree mitigation plan. The applicant previously requested flexibility to pay a \$20,000 fee in lieu of tree replacement. However, after looking at the tree mitigation plan closer, according to the report submitted by the applicant, the City would require 444 caliper inches of tree replacement or \$50,958.50. Staff commented further on the request and recommended approval of the Planned Unit Development with thirty-three (33) conditions.

Alex Brewer, representative for the applicant, discussed how the applicant came to the proposed \$20,000 fee. He commented on the tree pricing for cottonwoods, boxelders, willow, sugar maples, red oaks and elm trees. He explained he learned from the Council, after the January 25, 2021 meeting that following the Ordinance would be key in order to not set a precedent. He requested that the Ash trees on the site be viewed as not replaceable due to Emerald Ash Borer. He stated

after taking a closer look at City Code requirements, he understood the City would require 444 caliper inches of tree replacement or a payment in lieu that totaled \$50,958.60.

Councilmember Holden asked if any of the Ash trees on his property had been treated for EAB.

Ryan Hyllested, Kimley Horn, suspected none of the Ash trees had been treated because they are on private property.

Councilmember Holden discussed the City's efforts to address EAB. She indicated she did not have a problem not counting the Ash trees on this property.

Councilmember McClung commented he would like to see the Ash trees replaced with some other type of tree. He explained this was the purpose of the tree preservation Ordinance. He discussed the trail that was being put in as part of their park dedication fees. He indicated he could support waiving a portion of the applicant's fees, but could not give on both park dedication fees and the tree replacement requirements. He recommended that if the City wants to maintain its tree preservation Ordinance going forward, the Council would have to adhere to the requirements for this development.

Councilmember Holmes asked if the developer was willing to offer to the City the \$50,000 payment for tree mitigation.

Community Development Manager/City Planner Mrosia stated it was his understanding the applicant has agreed to this amount.

Mr. Brewer explained he believed the number was somewhere between \$20,000 and \$50,000. He commented with PUD's there was typically some level of flexibility, but indicated he would be willing to support the \$50,000 number.

Todd Novaczyk, representative of the applicant, stated the \$50,000 would be a strain on the project and overall feasibility. He requested the City Council consider something else in lieu of the trees. He suggested the trail land be dedicated to the City as partial payment of tree fees. He explained this would provide a benefit to the City while not adversely impacting the developer's budget.

Councilmember Holmes commented she believed the \$50,000 was an acceptable amount. She indicated the required park dedication was less due to the trail. She explained she saw both sides of the story regarding the Ash trees and understood they had to be removed. She stated a significant number of trees was being removed from this property and for this reason, she recommended the developer be required to pay \$50,958.60.

Councilmember Holden asked how the City defined "public good".

Community Development Manager/City Planner Mrosia stated according to City Code, public good was when a project was done for the benefit of the community, such as allowing for LEED certification.

Councilmember Holden inquired if the developer would be constructing a public trail. She stated she was under the impression the trail was on private property.

Mr. Novaczyk explained the trail would be located on private property. He indicated he was proposing to dedicate the land to the City.

Councilmember Holden commented the “public good” does not come into play with the tree mitigation discussion other than as part of the PUD the developer is willing to donate a portion of land for the trail. She asked if the City wanted to preserve a trail in this area. She questioned what the value of this trail would be to the City.

Community Development Manager/City Planner Mrosła commented the land dedication was just proposed this evening and staff did not have an estimate on the land value for this trail. He reported an additional legal process would have to occur if the developer wanted to donate land to the City for the trail. He explained the final plat would have to be amended to reflect this change. He indicated the maintenance of the trail would also have to be addressed. He noted the trails on the Bethel property are maintained by Bethel University.

Councilmember Scott stated he would support the \$20,000 tree preservation payment with the dedication of land for the trails. He indicated he opposed the developer having to pay \$51,000 and provided the land dedication.

Mr. Novaczyk estimated the trail segment land value would be \$90,000.

Councilmember Holden stated she was unsure that this was the proper value for the trail segment. She explained the value of the land where the building could be built was higher the land next to the curb. She indicated she supported the City getting as many trails as possible, but noted the Bethel trails were private.

Mayor Grant inquired if Bethel University was considering upgrading their private trails.

Community Development Manager/City Planner Mrosła stated Bethel was putting together a maintenance plan with proposed improvements for the trails that would be completed in a phased approach over the next three to five years.

Mayor Grant asked if the Bethel trails had to remain open for public access.

Community Development Manager/City Planner Mrosła commented this was mentioned in the PUD agreement.

Mayor Grant questioned if a similar approach could be taken for this project.

Community Development Manager/City Planner Mrosła reported this could be done through a condition for approval to ensure the trails remain open to the public and that the developer was responsible for all future trail maintenance. He suggested Condition 34 read: The trails on this property shall remain open for public utilization in accordance with the Anderson Center PUD.

City Attorney Jamnik advised this would be acceptable noting the City would have the right to enforce the Site Plan and the PUD Agreement if the developer was in default.

Mayor Grant questioned how the Council wanted to address the trees.

Councilmember McClung supported the City protecting the trail through the land dedication of the trail. He recommended that the trail issue not be mixed in with the tree issue.

Councilmember Holden supported Condition 34 as recommended by staff.

Councilmember Scott commented he did not believe a separate condition was necessary.

Councilmember Holmes explained she would like to see a condition included in the PUD.

Councilmember Holden questioned how staff would like Condition 34 to be phrased, ensuring that all future trail maintenance would be the responsibility of the property owner.

City Attorney Jamnik recommended a motion be placed on the floor and then he would provide the Council with language for Condition 34. He requested the Council discuss the parking agreement and if this would be acceptable or not. He noted the tree mitigation also had to be addressed.

Councilmember Holden indicated she supported tree mitigation in the amount of \$50,986.60. She believed the “public good” for the PUD was that the trail land was being dedicated to the City, which would cover the expense for the park dedication fees that should be paid to the City.

Councilmember Holmes agreed.

Councilmember Scott commented the developer understood the tree mitigation payment would be in this range.

Councilmember McClung supported the developer paying \$50,986.60 as a minimum.

Mayor Grant stated he supported this number as well.

Chris Buday, representative for the applicant, reported the \$50,000 would be restraints on the project. He understood the Council was headed towards this payment amount. He questioned if the land dedication could be done without being a condition for approval.

Councilmember Holden stated she did not understand what the applicant was proposing.

Mr. Novaczyk commented by dedicating the land to the City, the long-term maintenance of the trail would not be the responsibility of the developer. He explained this would help in offsetting the cost of the tree mitigation.

Mayor Grant questioned if the land dedication could be addressed this evening or would this item have to be sent back to the City Attorney for consideration.

City Attorney Jamnik explained the motion could accommodate this. He reported the land dedication would have to be placed in a separate recorded easement because the land has already been platted. However, he would not recommend the land be accepted as a donation because the Anderson Center trails were covered by a PUD as private trails and were maintained by the property owner and not the City. He advised that by accepting the dedication the City would be transferring long-term maintenance and liability of the trail to the City. He recommended the Council keep Condition 34 in place as recommended by staff because this would be consistent with the development in the area.

Councilmember Holden stated she was slightly frustrated with the situation and explained she wanted Condition 34 to remain in place, while also having the applicant pay the tree mitigation as discussed. She suggested the tree mitigation fee be made into a round number.

Councilmember Holmes recommended the tree mitigation fee be \$50,000.

Councilmember Scott accepted this number.

Councilmember McClung concurred.

Mayor Grant asked if the Council had any concerns with the parking agreement between the developer and Bethel University.

Councilmember Scott stated he understood the developer negotiated a non-binding parking agreement with Bethel for 25 parking stalls for weekends and holidays.

Community Development Manager/City Planner Mroska reported this was the case.

Councilmember Holmes and **Councilmember Holden** indicated this was what the Council asked for at the last meeting.

Councilmember McClung commented he was somewhat concerned that this agreement did not address weekday hours. He hoped that the applicant would have adequate parking given the concerns that have been raised by the City.

MOTION: **Mayor Grant moved and Councilmember Holmes seconded a motion to approve a Planned Unit Development and Site Plan for Planning Case 20-022 at 2 Pine Tree Drive based on the findings of fact and submitted plans, subject to thirty-three (33) conditions.**

Mayor Grant asked staff how Condition 34 should be phrased.

City Attorney Jamnik recommended Condition 34 read as follows: The applicant shall construct the trail as shown on the site plan, shall allow unrestricted public use and shall plow, maintain and upkeep the trail.

AMENDMENT: Councilmember Holden moved and Councilmember Holmes seconded a motion to add Condition 34 to the PUD and Site Plan reading as follows: The applicant shall construct the trail as shown on the site plan, shall allow unrestricted public use and shall plow, maintain and upkeep the trail. A roll call vote was taken. The motion carried (5-0).

Community Development Manager/City Planner Mroska asked if Condition 4 should be amended to address the tree mitigation.

City Attorney Jamnik suggested Condition 12 on Page 6 of 8 of the Staff Memorandum stating this condition should read: If the replacement trees cannot be reasonably accommodated on the site, the applicant shall provide a fee in lieu of plantings in the amount of \$50,000

AMENDMENT: Councilmember Holden moved and Councilmember Holmes seconded a motion to amend Condition 12 to read as follows: If the replacement trees cannot be reasonably accommodated on the site, the applicant shall provide a fee in lieu of plantings in the amount of \$50,000. A roll call vote was taken. The motion carried (5-0).

Mayor Grant asked if the parking agreement had to be addressed within the conditions for approval.

City Attorney Jamnik explained this matter was already addressed within the conditions.

A roll call vote was taken. The motion to approve a Planned Unit Development and Site Plan for Planning Case 20-022 at 2 Pine Tree Drive based on the findings of fact and submitted plans and subject to the amended Condition Number 12 as indicated above and the addition of Condition 34 to the PUD and Site Plan carried (5-0).

11. COUNCIL COMMENTS

Councilmember Scott thanked Public Works Director/City Engineer Blomstrom for his service to the City of Arden Hills. He thanked Senior Engineering Technician Swearingen for assuming the Interim City Engineer position.

Councilmember McClung offered his thanks to Public Works Director/City Engineer Blomstrom for his dedicated service to the City and welcomed Senior Engineering Technician Swearingen as the Interim City Engineer.

Councilmember Holmes explained she attended a meeting recently with Public Works Director/City Engineer Blomstrom where she offered him her thanks. She understood Senior Engineering Technician Swearingen was excited to be serving as the Interim City Engineer.

Councilmember Holmes stated the City Council received a letter from a local business person about policing in Ramsey County asking that the amount of funding budgeted for policing not be

decreased in 2021. She requested City Administrator Perrault send a letter back to this business owner to ensure he understands the policing the City would be providing to Arden Hills.

Mayor Grant agreed a letter would be in order.

Mayor Grant stated he had the opportunity to speak with Public Works Director/City Engineer Blomstrom at City Hall and thanked him for his dedicated service to the City. He understood that Mr. Blomstrom truly enjoyed working for Arden Hills, but has chosen a new career path. He wished him well in his new venture.

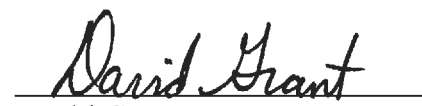
ADJOURN

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 8:19 p.m.



Julie Hanson
City Clerk



David Grant
Mayor