

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, FEBRUARY 24, 2020 - 7:00 P.M. - 8150 BARBARA AVENUE.**

**1. CALL TO ORDER:**

The City Council of Inver Grove Heights met in regular session on Monday, February 24, 2020, in the City Council Chambers. The Pledge of Allegiance was recited. Mayor Tourville called the meeting to order at 7:00 p.m.

**2. ROLL CALL:**

Present were: Council Members Piekarski Krech, Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Attorney Kuntz, Community Development Director Rand, Public Works Director Thureen, City Engineer Kaldunski, Parks and Recreation Director Carlson, and City Clerk Kiernan.

**3. PRESENTATIONS:**

There were no presentations.

**4. CONSENT AGENDA:**

- A.**
  - i.** Minutes from the February 3, 2020 Special Meeting.
  - ii.** Minutes from the February 3, 2020 Work Session Meeting.
  - iii.** Minutes from the February 10, 2020 City Council Meeting.
- B.** Disbursements for Period Ending February 19, 2020. **Resolution 2020-33.**
- C.** Consider Approval of Rental Licenses.
- D.** Confirm and Approve Personnel Actions.
- E.** Consider Approval of Plans and Specification for Salem Hills Tennis Basketball Pickleball Court Project. **F.** Accept Proposal from Keys Well Drilling Company for Well Pump No. 8 Rehabilitation.
- G.** Consider **Resolution 2020-34** Accepting Quote from Goodpointe Technology to Conduct 2020 Pavement Ratings Resolution # 2020-34.
- H.** Municipal State Aid Street System Adjustments. **Resolution 2020-35.**
- I.** Consider **Resolution 2020-36** Accepting Proposal for Engineering Services for STOR Storage Facility Conditional Use Permit (CUP) Amendment.
- J.** Consider Accepting Proposal from EOR for an Update to the City's Northwest Area Regional Basin Map **Resolution 2020-37.**
- K.** Consider Resolutions Calling for Hearing on Proposed Assessments, Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for the 2019 Pavement Management Program, City Project No. 2016-09G - 60th Street, 62nd Street and Bacon Avenue Improvements. **Resolution 2020-38 and Resolution 2020-39.**
- L.** Consider Resolutions Calling for Hearing on Proposed Assessments, Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for the 2019 Pavement Management Program, City Project No. 2019-09D - 64th Street Area Improvements. **Resolution 2020-40 and Resolution 2020-41.**
- M.** Consider **Resolution 2020-42** Seeking 2020 Municipal State Aid System (MSAS) Advancement of Funding for City Project No. 2016-08 - T.H. 3 Roundabout at 70th Street (SP 178-020-027) and City Project No. 2015-08 - 70th Street (CSAH 26) - Eagan to T.H. 3 (SP 178-020-028), City Project Nos. 2016-04 and 2016-05 - Argenta Trail from Amana Trail to 65th Street (SP 178-020-029) and 65th Street from New Argenta Trail to Existing Argenta Trail (SP 178-020-029) for 70th Street and Argenta Trail Engineering Services Work in 2020.

Mayor Tourville stated Public Works wanted Agenda Item 4F pulled for further clarification. Councilmember Bartholomew requested pulling Agenda Item 4H.

**Motion by Bartholomew second by Perry to approve the Consent Agenda with the exception of Agenda Items 4F and 4H.****Ayes: 5****Nays: 0      Motion carried.****Agenda Item 4F. Accept Proposal from Keys Well Drilling Company for Well Pump No. 8 Rehabilitation.**

Public Works Director Scott Thureen stated there was a math error on the low quote in the amount of \$900.00. It is still the low quote. The amount being approved increases from \$45,580.00 to \$46,480.00.

**Motion by Piekarski Krech second by Perry to approve Agenda Item 4F. Accept Proposal from Keys Well Drilling Company for Well Pump No. 8 Rehabilitation as corrected.****Ayes: 5****Nays: 0      Motion carried.****Agenda Item 4H. Municipal State Aid Street System Adjustments. Resolution 2020-35.**

Councilmember Bartholomew referenced the map included in the packets and asked if there was a map this was replacing. He asked if there were any other changes. Public Works Director Thureen responded this was the current map with the one additional change. City Engineer Tom Kaldunski stated the map shows the existing State Aid Street system and other streets such as County Roads and State Highways. The red depicts the current Municipal State Aid Street System. The added segment is highlighted and is located north of 494, a small piece of Blaine and 50<sup>th</sup> Street.

**Motion by Bartholomew second by Dietrich to approve Agenda Item 4H. Municipal State Aid Street System Adjustments. Resolution 2020-35.****Ayes: 5****Nays: 0      Motion carried.****5. PUBLIC COMMENT:**

Kelly Staples, 6503 Arctic Court, followed up on a letter she sent to the Council on January 17, 2020 regarding the need for parks in the northwest area. The closest park to Settler's Ride is 2.4 miles away. She stated they agree with the 2030 and 2040 plans to have parks in the area. Two possible locations are included, and residents are asking the city to include a park. She stated these parks have been in the plan since 2008 but no steps have been taken to obtain land for any one of the four parks it states are needed.

She stated three large single-family developments (Argenta Hills neighborhoods, Blackstone Vista, and Settler's Ridge) were planned and approved by the city without setting aside or acquiring any lands for parks nearby. Another development is under consideration north of 65<sup>th</sup> Street adjacent to Highway 3. She requested the city make sure a park is included in or near this development. She referenced the prior developments that had cash dedication instead of land. She stated the city took in \$350,550 just from Settler's Ridge, that cost was passed onto the homeowners with no immediate benefit in return.

Ms. Staples stated that Lennar, who built the Settler's Ridge development, is in talks about developing the land north of 65<sup>th</sup> Street called Windsor's Ridge. She commented Lennar does not want to put a park in the area. She stated Parks and Recreation Director Eric Carlson said that Lennar prefers to pay cash dedication. She asked the city to reconsider and use its authority to force them to put land in there. She stated Lennar builds parks in their developments all the time. If the Windsor Ridge proposal results in financial consideration, she asked that the city begin negotiating with other landowners in the area to find a place to develop a park. She commented there are only a few parcels remaining in the northwest area suitable for parks.

She requested the city acquire land within the next six months resulting in a park open and available to their children within the next two years. She asked the location to be within a half mile, safe walking distance to neighborhoods. She asked that a park be somewhere within the vicinity they are located, north of 70<sup>th</sup>, west of Highway 3, east of the newly aligned Argenta Trail. She commented there are about 100 younger kids in the neighborhood that would like a park to enjoy before they are too old.

Joe Vogel, 6963 Arkansas Avenue, asked for consideration and cooperation with Dakota County to revise the existing County 26 improvement plan. The current plan has a cul de sac exiting Argenta Trail north of 70<sup>th</sup> which would double the traffic on a narrow Arkansas Avenue. This would also put increased pressure on 68<sup>th</sup> and 69<sup>th</sup> Streets. He stated the County wants to discuss sound walls along 70<sup>th</sup>. A large gap in a sound wall for Arkansas Avenue would render useless for many. He stated the desires, wishes, and questions as to why existing Argenta Trail cannot be left open as a right in, right out seems to have fallen on deaf ears. The existing Argenta has more than enough capacity to handle the traffic and no adjacent driveways. He stated leaving it as is would allow for no need of a dangerous intersection at Arkansas Avenue and allow the potential for a continuous sound wall where it could be the most helpful.

Mr. Vogel presented a Petition signed by 16 of the 18 homeowners in the neighborhood whose property would be most impacted.

Mayor Tourville asked if there was an open house by the County for Arkansas and 70<sup>th</sup>. Mr. Vogel responded there have been open houses and this has been discussed more than once. Mayor Tourville stated they would receive the Petition. Mr. Vogel stated the County is doing what is best for the County Road, but as a neighborhood they feel they are not being represented. He offered to speak with the Public Works Director and County Officials further.

**Motion by Piekarski Krech second by Perry to receive the Petition.**

Mayor Tourville asked Public Works Director Thureen to look at the neighborhood and have a meeting with City Engineers and the County to understand the request.

**Ayes: 5**

**Nays: 0      Motion carried.**

Joe Vogel, 6963 Arkansas Avenue, displayed a map of Arkansas Avenue, and referenced Blackstone Vista which also has an Arkansas Avenue. He stated the two streets are detached, but a lot come into his neighborhood looking for a different address. Mayor Tourville responded there are a lot of city streets that stop and start, this isn't the only one. Councilmember Piekarski Krech stated it goes by house numbers. Mayor Tourville stated they could look into it. Councilmember Piekarski Krech commented that maybe they need a sign that states addresses.

Mayor Tourville stated action is not taken under the Public Comments portion of the Agenda.

Mayor Tourville stated with new Argenta and 70<sup>th</sup> Street, some landowners are waiting to see if land would be taken for the road. He stated this would be worked on along with the Parks Commission. They are looking at north and south of 70<sup>th</sup> Street.

Chris Staples, 6503 Arctic Court, encouraged the Park Commission and the City Council to think smaller such as one 2-acre park with a playset and pavilion. He stated there are a lot more places to put something smaller. He suggested the city could buy back the remaining two lots off of Alverno Avenue once it's complete and put a small park there. He commented about using some of the drainage areas, such as one west of Alverno that doesn't fill or need that much space, or the new development across 65<sup>th</sup>. He stated the city should use the tools available to tell developers they want to put some parks in. He stated the area has the purple stadium and a lot of money, they are supportive of youth sports and youth athletics, maybe they could get action with them. He commented having a larger complex with fields near 494 would be a feeder for the area. Mayor Tourville stated there have been discussions between the City of Inver Grove Heights and the City of Eagan to look at the frontage road.

City Attorney Tim Kuntz stated in regard to the Park topic and the name Windsor Ridge, Windsor Ridge was the name given to the preliminary plat that Lennar is platting. That plat is now known as Settler's Ridge North and is on the Council's Agenda as 7B. He stated as a part of that there is a Development Contract which provides for payment of cash in lieu of park dedication.

Dustin Delmonico, 6507 Arctic Court, asked if the Council would take cash dedication for a fourth time. Mayor Tourville responded this was on the Agenda as Item 7B. Mr. Delmonico stated if approved this would be the fourth time cash is taken with no park to show for it.

Joan Jawor, 6892 Alverno Court, stated she has three kids, aged 3 ½, 2 ½, and five months old. She commented she was disappointed that this would be the night they would find out there would be no park in the neighborhood next to them. She stated it is sad there is no place they could play that was a park. She commented it doesn't have to be big. She stated there are at least 100 kids in the neighborhood.

Sheila Hawthorne, 8745 River Heights Way, Patty Haugo, 8735 River Heights Way. Ms. Haugo stated they receive bills for storm runoff and suggested it be revisited. Ms. Hawthorne stated they do not have any storm water drains, they do not understand what they are being billed for as they pay for their own sewer and well. Ms. Haugo stated the bills do not explain costs. Mayor Tourville responded that Public Works Director Thureen could discuss this with them. He stated it is area storm water that is paid across the city. Ms. Haugo commented without a drain it states it's for runoff and goes to ponds. Councilmember Piekarski Krech stated it is a once a year bill that she also receives and fought the reasoning behind it as well. She stated there are National and State requirements dealing with stormwater.

Ms. Hawthorne suggested for others that do not have stormwater drainage, it be explained further with more details. Councilmember Piekarski Krech responded when it first went into effect there was a lot of information that went out about it, but it's been six years.

Lisa Kippley, 6592 Alverno Lane, Settler's Ridge Development, stated it can make a big difference to have parks and trails. There is an opportunity in that part of the city with the number of children in the area.

## **6. PUBLIC HEARING:**

**7. REGULAR AGENDA:****COMMUNITY DEVELOPMENT:****A. Outfront Media, LLC; Consider the Second Reading of an Ordinance Amendment to expand the geographic area of the Dynamic Display Billboard Overlay District.**

Community Development Director Heather Rand stated this is the second reading of an Ordinance Amendment to expand the geographic area of the Dynamic Display Billboard Overlay District. There are a few of these billboards within the city. Outfront Media would like to convert one billboard to a dynamic display. She stated the first reading was approved at the February 10<sup>th</sup> meeting. There will be a third reading. She stated the language in the second reading has a minor change clarifying that Dynamic Display Billboards must meet certain billboard standards within the city. She stated at the first reading Councilmember Piekarski Krech had requested a change in the language in Section 5. Information about that change will be sent out before the third reading. Staff recommends approval.

John Bodger, Outfront Media, Minneapolis, agreed with the changes made.

Councilmember Dietrich stated a couple of residents contacted her. She asked what the process was and where residents could find information if the lighting needs to be adjusted, as was indicated at the last Council meeting. Mr. Bodger responded he could be contacted at his office and would contact the Computer Operators that control it. Within minutes the lighting could be changed. He stated that contact information would be with the City.

Mayor Tourville asked if it would be better for calls to go through the city instead of directly to Mr. Bodger. The city could pass the information along. Community Development Director Rand responded staff would be willing to be the contact if there is a complaint. She suggested residents call the City and request Community Development, they in turn would reach out to Outfront Media.

Mr. Bodger stated they have built 28 billboards in the metro area, things are usually finetuned within the first month. Councilmember Dietrich thanked him for the time he is dedicating for community events.

Councilmember Bartholomew asked if anyone else has been in touch regarding concerns with the sign. Community Development Director Rand responded they have not. Mayor Tourville suggested writing something up about concerns, complaints, and how to deal with them so things will be clear before the third reading. Community Development Director Rand responded that would be something they could connect to the Agreement with the vendor, but not inserted into the City Ordinance.

**Motion by Perry second by Piekarski Krech to approve Outfront Media, LLC; Second Reading of an Ordinance Amendment to expand the geographic area of the Dynamic Display Billboard Overlay District.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. Source Land Capital; Consider a Resolution relating to the Final Plat, Final PUD Development Plan, Development Contract, Storm Water Facilities Maintenance Agreement and Related Agreements for Settlers Ridge North. Phase 1 consisting of 25 single family lots located at the northwest corner of Hwy 3 and 65th Street. Resolution 2020-43.**

Community Development Director Rand stated the request is for approval for a Resolution relating to the Final Plat, Final PUD Development Plan, Development Contract, and related Agreements. This is referred to as Settler's Ridge North for a proposed 66 lot single family development located along new 65<sup>th</sup> Street and South Robert Trail. Staffs review found that the final PUD is in compliance with what the Council approved as a Preliminary Plat on October 28, 2019. She stated Engineering staff have done significant work to address concerns of neighboring residents with respects to stormwater runoff and related matters. Planning staff state the preliminary plat and PUD are consistent with all conditions stated and required in October. She stated staff recommends approval. The Application was unanimously approved by the Planning Commission on February 18<sup>th</sup>.

City Engineer Kaldunski gave a brief overview stating the last meeting had several questions regarding the Stormwater Management Plan. The following was done to address those:

- Asked the developer try to mimic the natural hydrology and where discharge points are in the site.
- Hired EOR as the stormwater Consultant to review the project being designed by Westwood and Barr Engineering for the developer.
- Discussion about a need for a MnDOT Drainage Permit.

He displayed a map of the location and pointed out the area up for approval. The city would be responsible for the regional basins. He stated what has occurred is a few infiltration features, raingardens, treatment ponds, and an infiltration basin, which are some of the additions that will help promote the infiltration of water into the ground, pretreat it, and make it a cleaner discharge for stormwater before it gets to the larger regional basins.

He stated at the Developer's request they have introduced stormwater re-use. Re-use has been used in two projects, Argenta Hills and Blackstone Ponds. He stated with the berm in the location, it allows them to capture a 100-year storm event at the location and keep it fully contained which was one of the concerns from neighboring properties.

City Engineer Kaldunski stated they are meeting or exceeding the northwest area standards. Other requirements and conditions that were to be done before approval of the project were included in his February 14<sup>th</sup> memo to the Planning Commission and the October 2019 memo to the Council. They are as follows:

- The first condition was for the MnDOT Permit which was received today. All the improvements in the updated Stormwater Management Plan have received a MnDOT Drainage Permit.
- A condition to meet the five-year volume control. They are doing that. In one case they went so far as to infiltrate a 100-year event. Which meets or exceeds that standard.
- There have been questions related to the soils and the permeability. The developer has done a series of soil borings in the area and have confirmed the soil infiltration rates throughout the development. Those are being used in field data to size their facilities. He pointed out one of the facilities in the southwest corner that was sized based off information. The original development had two cells going north/south, they were changed to east/west to soak more water into the ground.

He recommended approving the project.

Councilmember Piekarski Krech asked if those with neighboring properties were in agreement. City Engineer Kaldunski responded that Mr. Nichols sent an email thanking them for the effort.

Pat Hiller, Source Land Capital, agreed with the summary given by City Engineer Kaldunski. Councilmember Bartholomew thanked Mr. Hiller for working with the neighbors and addressing the run-off water and retainage.

Mayor Tourville stated questions may arise relating to land for parks and asked Mr. Hiller if he had any thoughts regarding that. Cash contribution has been suggested. Mr. Hiller responded that no request was made over the last several months by the city for a park. He commented the site is very hilly with a lot of terrain and may not be the greatest site for a park. He stated they are at preliminary plat, have done the engineering, put countless hours into all the design work, the project is done at this point. He stated he was unsure if anything could have been done when they started, but nothing has been brought up on that topic until tonight.

Councilmember Dietrich stated she brought up the question before as to why they are taking money in lieu of making parks, and that it hasn't come before her as a Counselor, including the discussion about taking the money instead of having land dedicated to a park. She stated she advocates for the residents as she doesn't understand why the city would take the money when there is a need for a park. Mr. Hiller responded that they have gone through the design process and meetings with staff, no request has been made of them to include a park. Councilmember Dietrich stated this doesn't fall on Mr. Hiller, there has been a lack of conversation between staff and herself. Mr. Hiller stated this was the first time the subject has been brought up throughout the entire process.

Mayor Tourville stated this was for 25 lots in Phase 1. He asked how many total lots there were. Mr. Hiller responded there would be 66 when the Second Phase is built out. Mayor Tourville suggested having a better emphasis with Phase 2 to look for any opportunity to have a neighborhood park. Mr. Hiller stated 66 lots were approved on the Preliminary Plat, they chose to build them out in phases. The plat as currently constructed doesn't include or contemplate a park. City Attorney Kuntz stated the preliminary PUD approval from October 2019 included 66 lots. The phasing is taking a portion of the 66 lots and final platting 25, then coming back to final plat 41. They have preliminary plan approval for 66 lots.

Mayor Tourville asked if the city has the possibility of land versus money with Phase 2. City Attorney Kuntz responded the Statute provides dealing with platting, if the final plat conforms to the preliminary approved plat, and the conditions are met, they are entitled to approval of the final plat. One would have to check the 16 conditions that were imposed at the time of preliminary plat approval. Mayor Tourville asked if they are already committed to taking cash versus land for Phase 2. City Attorney Kuntz responded he did not have the 16 conditions in front of him but believed that was one of the conditions. Community Development Director Rand responded that is the case according to staff review. Final plat meets those requirements. She stated she sympathized with those that want park space as soon as possible. She commented she was not present in beginning discussions for the preliminary plat, staff may not have had discussions with the developer about identifying a lot or lots in this development for park. She stated to bring it up now, after a preliminary plat has already been approved and have met the conditions, would not seem in good form. She recommended approval.

Mr. Hiller stated Item #5 of the 16 conditions from the preliminary plat says the park dedication shall consist of a cash contribution. Councilmember Bartholomew asked if there was discussion about whether a park was feasible in the area in the early stages of the preliminary. He asked for a reason why it wasn't in the preliminary. Parks and Recreation Director Eric Carlson responded the focus for parks in the northwest area north of 70<sup>th</sup> and west of Highway 3 was focused on the Cole property, which is why they requested cash dedication for this development. The plan has been to build a 10 to 20-acre park on or around the Cole property connected by a trail system. South of 70<sup>th</sup> and west of Highway 3 are for an additional park to serve those in that area.

Councilmember Bartholomew recalled the discussion stating this was not the place for a small park, there are already plans for the property as mentioned as well as other locations. Cash in lieu of the park was for that reason, this did not fit the overall plan. Parks and Recreation Director Carlson responded

that was correct. Councilmember Dietrich commented that all the cash donation in the world isn't going to ensure that the Coles are going to sell their property, they don't need to hang their hats on that. She commented these people need a park. Parks and Recreation Director Carlson responded he understood stating they are having a meeting of senior staff this week to talk in more detail about property and trying to identify opportunities to secure land for a park. This is an important amenity in the community, they will strive to provide a park system that meets the needs of the community.

Councilmember Bartholomew stated they are diligently trying to obtain and gain partnerships for property. Mayor Tourville stated there are cooperative agreements. They are trying to work with the County on the Regional Trail System and do parks along with it. Parks and Recreation Director Carlson stated he wouldn't call them agreements, but a common interest to work together. The County is trying to accomplish something as is the city, through the cities Park and Recreation system.

Councilmember Piekarski Krech asked if the greenway land was already dedicated. Parks and Recreation Director Carlson responded south of 70<sup>th</sup> is, and parts north of 70<sup>th</sup>. The property toward 494 has not been dedicated and is privately owned. He stated he understood residents' concerns and interests in establishing parks in the northwest area. Progress will continue and ideas and concepts would be brought to the Parks Commission and the City Council for discussion and direction. Councilmember Piekarski Krech stated the residents are asking for a two-acre area. She asked if that was being done in park development anymore, for example tot lots. Parks and Recreation Director Carlson responded there are no tot lots, most of the parks are five acres or larger. The goal is trying to provide four to five parks in the northwest area of various sizes, but nothing smaller than five acres. They are larger in scale to serve the area well. He stated with what has been happening with development, that may need to be rethought for a slightly different plan. Progress should be made soon, any later may be very difficult.

Kelly Staples read a passage from an email written by Park and Recreation Director Carlson from June 15, 2018 that states "additionally, in our Code Ordinance, each time a developer proposes a development the city has to make a decision as to taking land or cash in lieu of land for future parks". She was concerned that Councilmember Dietrich was never asked whether she was going to vote for cash or land. Ms. Staples said she attended a Park and Recreation meeting and some of the Commissioner's were not aware there was a possibility to acquire land for parks. She asked who makes that decision if it wasn't the City Council. She stated the Cole property has been on the cities radar for over a decade without progress or agreements toward obtaining the property. She commented the city stated the need for four parks and have not found land for one in over a decade. Voting to approve this is stating there would be no park north of 65<sup>th</sup> Street, east of Argenta, because there is no land left for it other than commercial property. She commented if approved, it tells the residents and children that it is not important for them to have a park. She asked Council to consider that when casting their votes.

Parks and Recreation Director Carlson described the Park Commission's role in the process for those that may not know as follows:

- A Developer comes to the City wanting to develop a piece of property.
- They would meet with Community Development, Planning Staff, and Engineering Staff to discuss roads and stormwater. There would be a conversation about parks.
- Item would be placed on the Parks Commission Agenda asking them to review the plat and staff recommendation on parks dedication.
- The Parks Commission makes a recommendation to the Planning Commission and City Council asking if they should be taking land or cash as a part of the development process.

Councilmember Piekarski Krech stated this is Article 5 on Page 14 of the developer's Agreement. Mayor Tourville stated this came before the Council on October 28, 2019. There was not a park plan in that plat, just lots. He commented the Cole property owners may be aware because they have told numerous people there may be a park as part of their property. Councilmember Dietrich stated they should not be talking hearsay as there is no agreement with them. Mayor Tourville responded in October, if they wanted park instead of cash, they should have said no to the cash and that they wanted a park. The plat did not have a park in it and was voted unanimously. Councilmember Dietrich stated it is presented in 200 pages, it is not that the portion is highlighted, it could have been missed. Councilmember Bartholomew stated there was a reason why this came to them in a preliminary plat without a park proposal. It was not an ideal property. He asked for the reason why, at the preliminary level, there was not a park in this parcel. Parks and Recreation Director Carlson responded they are planning for a 10 to 20-acre park in the northwest area around the Cole property. Staff's recommendation to the Parks Commission was to take cash in lieu of land. They approved the recommendation. They did not see a park going into that development which was why cash was recommended.

Mayor Tourville stated it doesn't have to be all land or all cash, it can be in combination.

Tony Jawor, 6892 Alverno Court, stated there are three other developments that have been built in the last few years that had land that could have been used for a park, but cash was taken. He asked if there was another plan if the Cole property doesn't work out. Councilmember Perry stated other properties have been looked into and negotiations have been had. Those property owners have wanted more than what they were wanting to pay for the area.

Kelly Staples, 6503 Arctic Court, stated the less land there is, the more expensive it would be. She asked Councilmember Bartholomew what reasons he had for not requesting a park in the Source Land Capital area when voting to approve the plan. Councilmember Bartholomew responded the reason was that the property was not suitable for a park, not large enough, and did not fit the overall plan for the area. He stated that was the recommendation from the Park and Recreation Department, Park Commission, and the Planning Commission. All were recommendations the City Council reviewed and passed unanimously. He stated the Comprehensive Plan also has a park plan in it that is followed.

Ms. Staples reference a map of the location in the Comprehensive Park Plan and asked how not requiring a park in Circle B is following the plan. Parks and Recreation Director Carlson responded a park on the east side of Highway 3 wouldn't get people there safely. He stated when Blackstone Vista, Pond, and Ridge were approved at the same or similar time, the city and developer had a lot of negotiations. It has been extremely challenging to find a parcel of property that is good for the landowner and developer. He stated the city maintains these forever, they cannot be scattered all over. Councilmember Bartholomew stated this is a guide, not set in stone. He stated there were challenges in the development with water runoff, a lot of holding area, and a large easement taking a lot of the land with little left for development and why cash is taken.

Mayor Tourville stated through the Comprehensive Plan, Highway 3 is considered a major barrier for safety. There are not as many crossings from east to west. He commented West St. Paul has been discussion something similar over the last five years. They would be putting in a tunnel as a part of the trail system. He stated his thought was to try to stay from Robert Street to the west and work with the County and the greenway and Regional Trail. He stated one parcel wanted twice of what is being asked because it is becoming a park.

Ms. Staples stated her concern was as supply decreases, parcels will ask for more money. She stated the city has created the problem and needs to get it out it and asked how they were going to do it. She

stated the city claims for parks that they would have at least 23 acres per 1,000 residents. There are at least 1,000 residents with zero acres of parkland in this area. She commented the developer was not asked to meet that basic standard, which is disappointing. Councilmember Bartholomew stated the property was not viable for park, the topography does not allow for a park, not have a small park, but a bigger park and is the direction the City Council followed. Ms. Staples responded that Mr. Carlson did not say the topography wasn't appropriate for a park. The reason it was not requested was due to the Cole property.

Councilmember Bartholomew asked regarding the property at hand, and the topography. Parks and Recreation Director Carlson responded with 66 lots on 25 acres, streets and stormwater requirements didn't leave any property suitable to build a park. He stated from a parks perspective they were focused on the Cole property, and was the right recommendation for this development. Councilmember Bartholomew asked if it wasn't suitable for a park, is it a flat area, or acreage. Parks and Recreation Director Carlson responded he would have to look at his notes to see what was discussed. He stated it is a solid recommendation based off what he knows right now.

John Murphy, 1357 66<sup>th</sup> Street, stated he fully supports his new neighbors. Previously he lived in Settler's Ridge but moved, the issue of parks was under discussion then. He commented this puts the park on an Estate plan of a family for the last ten years. He commented if there was a way to delay and revisit this, the problem could be solved.

Mayor Tourville asked for a schedule on Argenta and 70<sup>th</sup> Street. Public Works Director Thureen responded the County may have already began speaking with property owners along Argenta Trail and 70<sup>th</sup>. Bidding would be in the third quarter of 2021 with construction beginning in late 2021. Mayor Tourville stated they need to take a look at the County and the pieces along those corridors for solutions around trails, greenways, and parks. They hope to be able to do something.

Councilmember Piekarski Krech asked if voting against puts themselves up against a huge lawsuit the city would lose and have less money to spend on parks once the plat has been approved. Councilmember Bartholomew stated there is nothing that prevents the city from exploring the purchasing of several lots in the development. He asked if it were possible to look at possibly three or four lots to come up with two acres and purchase those. He stated the City needs to be able to get the appraisal, make sure that works, and that it fits into the Park and Recreation Plan. City Administrator Joe Lynch responded what has been stated is true. If that is the wish, the Council would need to give that direction. It is based on the willingness of the developer to negotiate with the city.

Councilmember Dietrich asked City Attorney Kuntz if he could speak further about the legalities. City Attorney Kuntz responded if at preliminary plat approval, approval is given subject to conditions, the developer has an entitlement. The entitlement is that the final plat must be approved if it complies with the preliminary approved plan and the conditions. He stated the most important decision in the process is the preliminary plat approval because that is what creates the entitlement in favor of the developer. Councilmember Dietrich responded that would have been helpful for her to know as a new Counselor.

Dustin Delmonico, 6507 Arctic Court, commented if the Cole property is what the plan was, the timeframe must be at least five years. There isn't a road other than Argenta, which is unwalkable, leading to the Cole property from any of the four neighborhoods in the area. He stated when the new Argenta goes in, that would be four lanes and very busy. Mayor Tourville stated there could be a tunnel or an interchange. Mr. Delmonico stated that would be five years out minimum for the Cole property, which is unrealistic. He asked to look at other options. He stated they could build the Cole park, but to put other smaller parks in, in the meantime.

**Motion by Bartholomew second by Perry to approve Source Land Capital; Consider a Resolution 2020-43 relating to the Final Plat, Final PUD Development Plan, Development Contract, Storm Water Facilities Maintenance Agreement and Related Agreements for Settlers Ridge North. Phase 1 consisting of 25 single family lots located at the northwest corner of Hwy 3 and 65th Street.**

**Ayes: 4**

**Nays: 1 (Dietrich) Motion carried.**

Councilmember Bartholomew asked Parks and Recreation Director Carlson and City Administrator Lynch to give thought to the idea of acquisition of some property in this development if possible. Get appraisals, understanding of costs, and the possibilities to a smaller park. Parks and Recreation Director Carlson responded the Public Works Director, Community Development Director, City Administrator, and himself will be meeting later this week to start to identify properties they want to focus on, and can also take into consideration what is being asked for this evening. Councilmember Bartholomew commented that he hoped there was a pro and con list as to why this would work, won't work, and density. Parks and Recreation Director Carlson responded they would, as well as how expensive and how many people it would serve. Mayor Tourville mentioned connectivity.

#### **8. EXECUTIVE SESSION:**

#### **9. MAYOR AND COUNCIL COMMENTS:**

Mayor Tourville stated they would be scheduling some special meetings in March and that he is available Mondays. City Administrator Lynch responded he would put together options for dates and times. Councilmember Piekarski Krech stated she is flexible. Councilmember Bartholomew stated they should schedule them and would attend if he could make it. He commented he is scheduled to attend the other three Monday's and would do his best for additional. Mayor Tourville stated some meetings need five in attendance.

City Administrator Lynch stated the next Work Session takes place on Monday, March 2<sup>nd</sup>.

#### **10. ADJOURN:**

**Motion by Piekarski Krech second by Perry to adjourn to meeting at 8:47 p.m.**

**Ayes: 5**

**Nays: 0 Motion carried.**