



Regular City Council Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Monday, August 23, 2021

1. Roll Call

Mayor Roe called the meeting to order at approximately 6:00 p.m. Voting and Seating Order: Willmus, Strahan, Etten, Groff and Roe. City Manager Patrick Trudgeon and City Attorney Mark Gaughan were also present.

2. Pledge of Allegiance

3. Approve Agenda

Strahan moved, Willmus seconded, approval of the agenda as presented.

Roll Call

Ayes: Willmus, Strahan, Etten, Groff and Roe.

Nays: None.

4. Public Comment

Mayor Roe called for public comment by members of the audience on any non-agenda items. No one appeared to speak.

5. Recognitions, Donations, and Communications

a. Hispanic Heritage Month Proclamation

Mayor Roe read the Hispanic Heritage Month Proclamation.

Etten moved, Strahan seconded, proclaiming September 15-October 15, 2021 Hispanic Heritage Month.

Roll Call

Ayes: Willmus, Strahan, Etten, Groff and Roe.

Nays: None.

b. Constitution Week Proclamation

Mayor Roe read the Constitution Week Proclamation.

Groff moved, Etten seconded, proclaiming September 17-23, 2021 Constitution Week.

Roll Call

Ayes: Willmus, Strahan, Etten, Groff and Roe.

Nays: None.

6. Items Removed from Consent Agenda

7. Business Items

a. Consideration of a Request to Perform an Abatement for Unresolved Violations of City Code at 2970 Mildred Dr N

Building Official Dave Englund summarized the request as detailed in the Request for Council Action and related attachments dated August 23, 2021.

Mayor Roe asked if COVID was a factor in getting the licenses and tabs renewed.

Mr. Englund indicated during this time, if the vehicle just has expired tabs the owner is not notified of that as a violation. Generally, staff looks at the vehicle to determine if it is operable, if it has flat tires as well as current tabs, and in this case all of the boxes are checked with a flat tire and expired tabs as well as being inoperable.

Councilmember Etten asked if staff knew when the divorce happened because it could take a few weeks to get a decree in order to get the license transferred.

Mr. Englund believed it was in 2020 but he was not positive.

Public Comment

Mayor Roe offered an opportunity for public comment with no one coming forward.

Willmus moved, Groff seconded, directing the Community Development staff to abate the public nuisance violations at 2970 Mildred Dr. N., by contacting a towing contractor to remove the vehicles in violation of City Code and to contract for removal and disposal of the debris stored outside.

Council Discussion

Councilmember Willmus explained this is a property that has had multiple issues for quite some time and there is obviously a little more going on there than what they might see in a typical abatement action with some of the deception, relocating plates, relocating tabs, etc. of the various vehicles. Also, stolen property on site so he was not real sympathetic to what might or might not be going on with the divorce decree. He stated the vehicle will be impounded and the resident can continue to work through those issues, if in fact, that is the case. He thought what was more paramount was to get this site cleaned up for the sake of those having to look at it every day.

Councilmember Groff agreed and also understands this has taken a lot of staff time. He thought in the interest of saving staff time, the Council needed to pass this directive so that they can move on, and the neighbors can enjoy their properties.

Roll Call

Ayes: Willmus, Strahan, Etten, Groff and Roe.

Nays: None.

b. Consideration of the Proposed “Midland Legacy Estate 3rd Addition” Plat of the Development Site into Nine Lots for Single-Family, Detached Homes

Senior Planner Bryan Lloyd briefly highlighted this item as detailed in the Request for Council Action and related attachments dated August 23, 2021.

Mayor Roe asked if the notion of approving the preliminary plat without the additional land was subject to the negotiation and the final plat could vary from the preliminary plat in the sense that the adjustment could be made depending on the successful completion of the negotiation. Or do they need to approve either the preferred or the not preferred, depending on the outcome of the negotiation of the land.

Mr. Lloyd explained in staff’s reckoning, the preliminary plat is the same whether it is larger park land area or smaller park land area and if the Council were to approve the not expanded alternative plat with the smaller park area, there would be no need for an attempt at negotiation and the developer could bring forward this final plat in a few weeks or whenever the developer is ready. The alternate plat review is effectively the same, the same arrangement and same number of lots, just different distribution of some land area. As staff has considered this, it seems the City is inclined to seek additional park land, so simply approving this with that caveat that the City will negotiate for this land if they successfully reach that mutually agreeable price.

Councilmember Strahan asked if staff had a length of the driveways, especially Lot 4 from the cul-de-sac.

Mr. Lloyd indicated it is approximately 145 feet under the current plan.

Councilmember Strahan asked regarding public safety and coming into those spots, and how a fire truck would be expected to turn around or navigate in the area.

Mr. Lloyd explained it is his understanding that there are minimum width requirements for drivable surfaces and as of a month and a half ago, it is entirely plausible that Lot 4 and maybe even Lot 3, but perhaps not with the revisions suggested, may need to be sprinklered on the inside for further fire safety. Even with a driveway of the proper width, it has to do with how far the exterior of a home from the street itself is, regardless of what the driveway is like.

Councilmember Strahan asked what the developers have done to preserve trees.

Mr. Lloyd reviewed the tree preservation plan with the Council.

Mr. Todd Ganz, Integrity Land Development, addressed the City Council.

Engineering staff answered Council questions regarding the cul-de-sac and traffic.

Public Comment

Mayor Roe offered an opportunity for public comment, the following came forward.

Mr. Cal Ross, 2189 St. Croix

Mr. Ross explained he sent an email to the City regarding zoning and subdivision code violations contained in this plat. He indicated this development, all three of them, do not meet any of the regulations. He explained there are a lot of objections from the neighborhood. He understood that if someone has property, they have the right to develop it within the bounds of the rules and regulations but that does not seem to be occurring here. This is not what their neighborhood is built like, not what was envisioned for this property, everything here is questionable, and the whole thing is non-conforming. He noted he spent some time with Anna Grace at the Rice Creek Watershed District about his concerns with drainage and what the District thought of this development. He was told there was an incomplete application from 2020 for the development and the District had concerns about the lot in conjunction with the fifty-foot buffer. He was also told that structures could not be built on a buffer. The other concern was the drainage and that the development is not aligned to drain towards the wetland, which means half of the drainage will have to go to the east, to the existing neighborhood. He indicated he has been a builder for years and this does not fit the community laws, codes, and is not viable to the neighborhood.

Ms. Marylou Wiley, 2195 St. Croix

Ms. Wiley explained what is missing from the plat is the existing buildings because the driveway is directly across from their house. Her backyard will face oncoming traffic and have headlights shining directly into their living room and master bedroom all winter long. There will not be any filter from trees in the winter as well. She is also concerned about vehicle traffic, turn around, and drainage. She asked the Council to deny the plan again and ask the developer to move the access to the inside of the property so that backyards abut backyards and they do not face oncoming traffic.

Mr. Steve Martineau, 2211 St. Croix

Mr. Martineau explained he has lived in the neighborhood for over thirty years. He agreed with Ms. Wiley regarding the driveway and asked the Council to deny the development.

Ms. Nancy Nelson, 2151 Fulham Street

Ms. Nelson explained she had a couple concerns about this development. The first is that Lots 3 and 4 would require sprinkler systems because a fire truck might not be able to get back there. She thought that was a fire hazard to the rest of the homes and especially next to the park, if trees could catch fire. Another concern is the turn around on County Road B. She knew the neighborhood had asked the City to put a stop sign on County Road B and Fulham Street to slow traffic but staff stated a stop sign does not slow traffic. She noted that when the streets are redone in 2024, they could be made narrower, it would look more residential, and traffic would slow down. She was not sure if that would happen or not but if County Road B is narrowed, it would be harder for trucks to turn around at the T of County Road B and Eustis. Also, if Eustis is continued straight to County Road B, Eustis does not run into County Road B, it runs into the private road that goes to the apartments. Eustis is on a higher elevation than County Road B so semi-trucks would have to turn uphill into Eustis, but she did not know where the trucks would back around to because it is a T and not a cross street. She thought before the plan can be approved, there has to be a meeting about what the City plans to do with County Road B and the turnaround. For these reasons, she would like the City Council to deny this plan and work one that is planned better.

Ms. Jeannie Martineau, 2211 St. Croix Street

Ms. Martineau explained the shared driveway is similar to an alleyway and nowhere else in Roseville has alleys. She was also concerned about the delivery trucks, coming and going of residents, lights, and noise. She indicated all of the trees are going to be removed that that is currently their buffer from this development. She requested the Council deny this development.

Mr. Dave Ostrom, 2223 St. Croix Street

Mr. Ostrom explained his family has lived in the neighborhood for fifteen years and they bought their place because of the trees, nature around it, and the seclusion around the neighborhood. He indicated it has been twenty months and the developer has come back each time with virtually the same thing each time. He has yet to see a good faith revision of the original plan that satisfies everyone and the City. He recommended the City deny this plan.

Mr. Kevin Prettyman, 2194 St. Croix Street

Mr. Prettyman explained his family is requesting the City Council deny this development coming from a third-generation property owner. Regarding the cul-de-sac and turn around, the turnaround is needed for plow trucks and school buses. This is a safety issue.

Ms. Jessica Lundin, 2151 Fairways Lane

Ms. Lundin explained her grandparents built their house on the lot and she understood change is inevitable, but she agreed with everything her neighbors have said regarding the request to deny these plats for the property. She indicated the turn-around is needed in the neighborhood. She hoped that the City will deny this plan and encourage the developer to integrate a plan that will work with the existing neighborhood.

Mr. Paul & Kathy Nockleby, 2171 St. Croix Street

Mr. Nockleby explained he has written long letters to the Council regarding this. He wished for the Council to read his letter and care about it. He indicated there is a lot of traffic coming through their neighborhood and some is pretty fast. He noted he and his wife walk almost every day. They have talked to everyone on County Road B and everyone that lives on County Road B between Cleveland and the turn-around is opposed to this project because of the possibility of increased traffic. He was looking to solve a problem. They would like to make the best use of the property, which would be to create a City park with an apartment building at the end of County Road B that includes seventeen apartments. He noted people are used to a rural setting but the trees are gone now, they were taken out a couple of weeks ago. He thought the developer wanted to get the development done, the homes sold, and to move on.

Mr. Tim and Logan Lundin, 2151 Fairways Lane

Mr. Lundin explained his son would like to talk to the Council. Logan Lundin explained there is already noise from the highway, and they do not need construction noise at the same time as the highway. He asked the Council to not approve this.

Mayor Roe closed public comment.

Mayor Roe asked City Engineer Freihammer to address the residents' concerns regarding drainage.

Mr. Freihammer explained how drainage has to be handled with development. He noted the City does not have an approved Rice Creek Watershed District permit or approved City permit. That is something that will need to be done as the process is developed.

Mr. Freihammer answered Council questions regarding development standards, procedures regarding drainage and treatment of water, and future redevelopment of the road.

Fire Chief Brosnahan reviewed with the Council the length of the driveway off the cul-de-sac and sprinkling of the homes as well as State regulations pertaining to sprinklers in residential homes.

Councilmember Groff noted the concern that people have about the trees on the lot, and assumed the City is going to comply with the tree ordinance. He wondered if the current plan was meeting those requirements.

Mr. Lloyd reviewed the tree ordinance and explained the tree preservation plan for the development. He expected some minor changes but the plan by the developer does conform to the City's requirements.

Mayor Roe indicated there was concern about headlights shining onto residents' property and he asked staff to address buffer and screening requirements.

Mr. Lloyd indicated that is not an issue he has looked at in detail yet because it is not a function of plat approvals, but it is a typical requirement that screening is required when there is medium or higher density next to lower density neighborhoods. He did not think that same requirement applied to new single-family home adjacent to existing single-family homes, but staff will make sure to review this if this plan is approved.

Councilmember Strahan wondered if there is an HOA, could there be a condition that the HOA would be in charge of ensuring that the sprinklers on the homes within the development are maintained and the drainage achieve the drainage levels and filtration systems.

Mr. Lloyd explained the recommended approval does include creating an HOA in part two and to make sure the stormwater BMP's are maintained properly. He did not know if it was appropriate to have the HOA responsible for individual sprinklered homes and keeping them maintained or certified.

Councilmember Strahan indicated she was uncomfortable with Lots 3 and 4 being split the way proposed.

Mr. Lloyd explained this is the current plat proposal which the Planning Commission responded to and made their recommendation about. Their recommendation is that the land area for Lot 2, across the driveway, is not ideal and should be fixed in some way. He reviewed the Planning Commission recommendation regarding reorganizing the area between Lots 2, 3 and 4.

Councilmember Strahan asked if there was any reason that moving the driveways to the west side would be a problem.

Mr. Lloyd indicated he did not see an issue other than possibly running into the wetland. He noted the homes were designed to have walkouts that look onto the wetland but there is nothing in City Code that prevents the driveway to be changed to the other side.

Willmus moved, Etten seconded, adoption of Resolution No. 11826 entitled, "Resolution Approving the Proposed "Midland Legacy Estate 3rd Addition" Preliminary Plat (PF21-003)," under Park Dedication to look at Plan 3B, strike condition 6 pertaining to the preservation of the cul-de-sac, add a condition requiring screening along the boundaries of Lots 1 and 4, adjacent to the existing properties that front St. Croix Street.

Council Discussion

Councilmember Willmus explained he made this motion knowing the history. He has seen proposals that have called for significantly greater density than this proposal. This property is owned by the developer and he thought there was understanding on the developer's part that they are going to be developing the property. He stated it was incumbent on the City Council to try to find a plan that is least impactful to the existing neighbors. He noted, when looking at the broader picture and the increased density with this plan, it is certainly more appealing than what they could potentially see on the property and is more appealing than what has been and could be seen. He stated given the opportunity to take some green space as well is certainly something, and while not necessarily going to be palatable to all, it was something that is certainly not as dense of a development as what could be done down the road.

Councilmember Etten agreed and thought staff had addressed the concerns about this not meeting the City standards. It was important to him that some of the earlier plans did not meet City standards and were denied. He noted that neighborhood involvement was very important. He was appreciative of the motion to add additional park space as well as a condition adding a barrier to protect several of the neighbors' concerns regarding lights.

Councilmember Groff indicated he would be concerned down the road that this would be developed more intensely. He noted this property will be developed at some point and is private property. He was glad the City will be able to get more park land than what was proposed, noting screening will help but will not stop all of the light coming into yards. He will regrettably be voting for this because it is probably the best that will be presented.

Councilmember Strahan thanked residents for all of their words. She thought that unless there is a significant reason to say this cannot happen, then the Council is in a position where they need to approve it. She stated the only thing she would like to see is if there is anything that can be done to Lots 2-4 to make sure the driveway is not cutting across the properties for future use of the land and to reduce the length of the private drive and shared drive coming into Lot 4.

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Mayor Roe echoed many of the comments made. He explained the City goes through an extensive effort to set up standards for development of property in an effort to mitigate impacts to properties. He concurred with staff's comments that this proposal is conforming with City standards. He shared the concern about the property lines in relation to the private driveway between Lots 2-4 and Lot 1 to the north. He thought that a proposal to better align the driveway and lot lines is better for the future situation. He also agreed that buffering and screening are appropriate in this situation.

Councilmember Strahan asked if Councilmember Willmus would amend his motion to include modification on the lot lines for the shared drive.

Councilmember Willmus indicated that is already included in the motion as a condition recommended by the Planning Commission.

Roll Call

Ayes: Willmus, Strahan, Etten, Groff and Roe.

Nays: None

Willmus moved, Etten seconded, directing staff to enter into negotiations for the purchase of additional park property on the site.

Roll Call

Ayes: Willmus, Strahan, Etten, Groff and Roe.

Nays: None

- c. Receive the 2022 City Manager Recommended Budget & Tax Levy**
City Manager Trudgeon briefly highlighted this item as detailed in the Request for Council Action and related attachments dated August 23, 2021.

Councilmember Etten indicated he appreciated the format of this and found the new pieces included were easy to understand for the Council and the public.

Ms. Pietrick reviewed the value change for the median value home with the Council.

Mayor Roe agreed with Councilmember Etten regarding the formatting and appreciated all of the work that has gone into this process.

8. Approve Minutes

Comments and corrections to draft minutes had been submitted by the City Council prior to tonight's meeting and those revisions were incorporated into the draft presented in the Council packet.

- a. Approve August 9, 2021 City Council Meeting Minutes**

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Groff moved, Willmus seconded, approval of the August 9, 2021 City Council Meeting Minutes as presented.

Roll Call

Ayes: Strahan, Groff and Roe.

Nays: None.

Abstain: Willmus, and Etten

9. Approve Consent Agenda

At the request of Mayor Roe, City Manager Trudgeon briefly reviewed those items being considered under the Consent Agenda; and as detailed in specific Requests for Council Action dated August 23, 2021 and related attachments.

Strahan moved, Etten seconded, approval of the Consent Agenda including claims and payments as presented and detailed.

Roll Call

Ayes: Willmus, Strahan, Etten, Groff and Roe.

Nays: None.

a. Approve Payments

ACH Payments	\$641,998.41
100789-100927	725,269.74
TOTAL	\$1,367,268.15

b. Adopt Resolution 11827, Approving a Conditional Use to Allow a Drive-Through for a Proposed Genisys Credit Union at 2501 Fairview Avenue (PF21-009)

c. Approve Resolution Awarding Contract for Marion St. Pathway Improvements

10. Future Agenda Review, Communications, Reports, and Announcements – Council and City Manager

City Manager Trudgeon updated the Council on the September 13, 2021 City Council meeting, September 20, 2021, EDA and City Council meeting and the September 27, 2021, City Council meeting agendas.

Councilmember Strahan indicated she would like to have the Just Deeds Program brought forward for consideration.

Mr. Trudgeon indicated this is something staff is working on and will provide the City Council with an update.

11. Adjourn

Strahan moved, Etten seconded, adjournment of the meeting at approximately 8:40 p.m.

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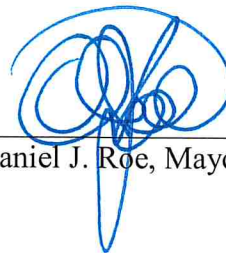
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Roll Call

Ayes: Willmus, Strahan, Etten, Groff and Roe.

Nays: None.



Daniel J. Roe, Mayor

ATTEST:



Patrick J. Trudgeon, City Manager