

MINUTES

COTTAGE GROVE CITY COUNCIL

February 21, 2024

COUNCIL CHAMBER
12800 RAVINE PARKWAY SOUTH

REGULAR MEETING - 7:00 P.M **COUNCIL CHAMBER**

1. CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota, held a regular meeting on February 21, 2024, at Cottage Grove City Hall, 12800 Ravine Parkway. Mayor Bailey called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

The audience, staff, and City Council Members stood and recited the Pledge of Allegiance.

Before continuing with the meeting, Mayor Bailey read aloud a statement: As all of you are aware, our hearts are heavy with the loss that Burnsville sustained this past Sunday of two police officers and a firefighter-paramedic. Our thoughts and our deepest sympathies are with their families, friends, coworkers, and the community of Burnsville. This is a tragic loss that is being felt around the entire State of Minnesota and the nation and within our own Public Safety team. Please join me in a moment of silence to honor the fallen first responders.

3. ROLL CALL

City Clerk Tammy Anderson called the roll: Mayor Bailey-Here; Council Member Garza-Here; Council Member Khambata-Here; Council Member Olsen-Here; Council Member Thiede-Here.

Also present: Jennifer Levitt, City Administrator; Tammy Anderson, City Clerk; Ryan Burfeind, Public Works Director; Zac Dockter, Parks and Recreation Director; Joe Fischbach, HR Manager; Pete Koerner, Public Safety Director; Korine Land, City Attorney-LeVander, Gillen & Miller, PA; Gretchen Larson, Economic Development Director; Brenda Malinowski, Finance Director; Amanda Meyer, City Engineer; Mike Mroska, Senior Planner; Emily Schmitz, Community Development Director.

4. OPEN FORUM

Mayor Bailey stated there were several people who signed up to speak about the Mississippi Dunes project, and while the Planning Commission held the Public Hearing, he will let them speak after that presentation to share their information at that time. We ask that you limit it to two minutes so that we can listen to everything, and staff will take notes at that time. He asked if there was anybody else here who wished to speak about something that's not on tonight's agenda; there were none. As no one wished to address the Council, Mayor Bailey closed the Open Forum.

5. ADOPTION OF AGENDA

Council Member Olsen made a motion to approve the agenda; second by Council Member Thiede. Motion carried: 5-0.

6. PRESENTATIONS

A. Public Safety Board - Woolery Scholarship Donations

Staff Recommendation: Receive a presentation about the Public Safety Board's Craig Woolery Scholarship and have the Public Safety Board members receive donations from the Olsen Family and the Cottage Grove Lions.

Mayor Bailey stated this presentation is the Public Safety Board's Woolery Scholarship Donations. Officer Ryan Pierre and Sergeant Mike McCormick will kick this off, and Mayor Bailey asked the Council Members to join him in front of the dais.

Officer Pierre stated he's the Community Engagement Officer, a new position for him this year; after Sergeant Dan Schoen was promoted, he took over this position on January 1, 2024. Tonight, we want to recognize the Public Safety Board and will give a brief update on what they do. The Public Safety Board is a nonprofit 501 (c)(3) organization and is made up of citizen volunteers from various backgrounds from our community. The Board also consists of liaisons from police, fire, and EMS. The Public Safety Board meets once per month and works together to promote the partnership between the citizens of Cottage Grove and the Public Safety Department in support of a safe community.

The Mission of the Public Safety Board is to provide financial support for equipment, training, and programs, to enhance safety and to provide crime prevention and safety information to citizens.

Things the Public Safety Board is involved with include:

- Strawberry Festival
- Parades throughout town
- Night to Unite
- Safety Camp
- Police and Fire Open Houses
- Community Showcase
- City Grant Opportunities
- A variety of Fundraising Events, including hosting Bunco Events

- Sale of K-9 Plushies (stuffed animals) in honor of Gunnar, Scout, and Odin
- Cancer Awareness and Autism Awareness Patches
- Challenge Coins

Ongoing support they provide includes Fitness Equipment, Portable speed signs and a trailer, large supporter of the K-9 Program, including assisting in purchasing the dogs and equipment, Firefighter Particle Hoods, and the Craig Woolery Scholarship.

Purpose: The Cottage Grove Public Safety Board is pleased to offer the Craig Woolery Scholarship to residents of Cottage Grove pursuing post-secondary education in Law Enforcement, Emergency Medical Services (EMS), or Firefighting. The Cottage Grove Public Safety Board welcomes and supports diversity in the application and award process. Scholarship Application: We encourage those who are eligible to complete the application, submit an essay, and a letter of recommendation. Those who are eligible for this include residents of Cottage Grove who are pursuing post-secondary education in Law Enforcement, EMS, or Firefighting. The deadline is May 1 of each year. More information can be found on the City webpage.

Officer Pierre stated Council Member Justin Olsen, representing the Cottage Grove Lions Club, would speak now.

Council Member Olsen thanked our new Community Engagement Officer, Ryan Pierre, and thanked Sergeant McCormick for giving him the confidence to stand there and do that; he really appreciates that.

Council Member Olsen thanked everybody who's here for tonight's presentation by the Cottage Grove Public Safety Board. We do this every year as we try to honor our friend and former colleague, Public Safety Director Craig Woolery, who is here tonight with his wife, Katie. He spoke about the scholarship: First and foremost, this scholarship was founded by my wife, Kim, and I, at Craig's retirement. The reason we chose to start the scholarship, and we're so grateful to the Public Safety Board for managing this for us, is because we want to encourage young people from our community to take the step to become public servants and serve in the realm of Public Safety. There's no better person to exemplify what that looks like than Craig Woolery, in my eyes, and my wife, Kim, shares that sentiment, as does the rest of our family. For those of you who don't really know a lot about Craig, he's a very humble guy, so he doesn't like being here, standing up front every year, but he comes, and we appreciate that, thank you. Craig is, in my view, just a tremendous example of a leader in Public Safety, both in word and in deed. He gave a couple examples of why he says that: When he became our Cottage Grove Public Safety Director, you need to understand that we run a Public Safety Department and our department is all inclusive, Police, Fire, and EMS. So, the Public Safety Director is responsible for all those things. Craig's background is in law enforcement; in fact, he started as a medic and then he went into law enforcement. When he became responsible for Fire, he took the bold step, as a leader, of putting himself through firefighter training so that he could relate better to his subordinates and understand what they do every day. That is not a normal thing to do, but as the exemplary leader that he always has been, Craig took that step. When I see behavior like that, I want to pay special recognition because that's the sort of individual that we're looking for to serve Cottage Grove Public Safety, somebody like Craig, who worked his way up from being a medic to a D.A.R.E. officer to a captain; he was actually the

captain on the Police Department who was our liaison for the Public Safety Health and Welfare Commission many years ago, when I was a commissioner for four years. Ultimately, he graduated to become our Public Safety Director.

You'll also note that Washington County Commissioner Karla Bigham is here; for those of you who don't know, there's nothing Karla has never done, and one of the things that she did was she was a Cottage Grove City Council Member. She was part of the Council that promoted Craig. She was also part of the Council that fought tooth and nail to create our K-9 program, which we had a long time ago and kind of let it go away, and Karla was instrumental in bringing that back. So, she worked very closely with Craig on a number of issues of that nature, including the HERO Center, etc. So, it's great that she can be here tonight to pay homage to Craig as well. Karla stated he was my D.A.R.E. officer. Council Member Olsen said I know that many people were very grateful that he was their D.A.R.E. officer, the most handsome guy on the police force, that's all I'm saying. Some of his peers describe him as the guy who can go to S.W.A.T. training for three days and come back and he still has the crease in his pants; that's definitely something to be known for, right?

Council Member Olsen asked Craig to step forward, along with his wife, Katie. He asked the Public Safety Board to come forward, and he asked our Lions Club members to come forward because tonight's the night we get to say that the Craig Woolery Scholarship is going to receive funding in the amount of \$3,500. Kim and I when we started this scholarship, we made a commitment that we would donate \$500 per year in perpetuity to the Craig Woolery Scholarship, to again help young people in our community fund their education as they pursue a career in either law enforcement, EMS, or in the fire service. And we've been lucky over the years and life's been good to us, so we've been able to contribute a little bit more. We're very grateful to our friends with the Cottage Grove Lions, and I'm happy to be part of that club, as is our current Public Safety Director, Pete Koerner. They have now gotten behind this, and for the last two years each year the Cottage Grove Lions have donated \$2,000 to this scholarship program. So that, combined with my family's contribution, this year it's \$3,500, and we're very proud of that. Everyone applauded.

Council Member Olsen stated before we let Craig sit down, because that's what he really wants to do, I want to ask him if he has any words to share.

Craig stated Council Member Olsen, the Lions, the Council, and the Public Safety Board, you guys have done an amazing job. I always tease Justin that I'm still here and they have a scholarship, but it's great, we always loved hiring our local young men and women from the community. They serve the best, not that others don't, but they really do well. And to provide some incentive, especially in today's times, is just more important than ever, it really has a lot of meaning. So, thank you.

Julie Rice, President of the Public Safety Board, stated Justin and Kim, we want to thank you for letting our Board take over the money and help promote this scholarship. We have currently one person who went through the scholarship and is in skills training right now and is interviewing to become a police officer. This year we have two applicants, both female, and so we're encouraged that the females are starting to take notice that there are many, many opportunities out there for them, and they're going to apply and become officers at some point, maybe not officers but in the law enforcement

area. So, we want to thank you. We would really like to thank the Lions Club for the generous donation as well, and we're working hard to make sure that this is put forth and we get good applicants for this scholarship. Everyone applauded.

Council Member Olsen stated he's not sure, our Lions tend to be a little shy, he's not sure if anybody wants to speak on behalf of the Lions and maybe why our donations committee has decided to get behind this. He can see former president, Rich Hoge, here.

Rich stated on behalf of the Cottage Grove Lions, we appreciate the opportunity to be here with you all. It's important for the Cottage Grove Lions to give back to our community, that's what we strive at, we're both community and family and having fun, right? We do that best and to be able to support this opportunity for young people in our community is something that we're excited about and will continue to do that year after year. We do that not only here, but we do it with our high school seniors every year in a big way as well. So, we love to see this happening. Thank you. Everyone applauded.

Council Member Olsen stated one last thing before we take photos, he sure would like Commissioner Bigham to come up here for that. Our Cottage Grove Lions Club met last night, and I want everybody who's here this evening or watching at home to know that our Lions Club also committed a \$2,000 donation to our friends in Burnsville to help support the families of the fallen. I know that it's important for our Lions Club to communicate that we are 100% behind supporting Public Safety, whether it's Cottage Grove or Burnsville, whatever we need to do to ease their pain in some way, shape, or form. We'll be delivering that check in a couple weeks. Public Safety Director Koerner has already discussed with the Burnsville Chief of Police, and they're overwhelmed right now. In a couple weeks, when things settle down just a little, we'll head down there, and we'll make sure that we get them that check. He knows that the Public Safety Board has also donated some funds, is that right?

Cindy Bailey stated we have a passion for Public Safety, that's why we're on this Board, and we continue to do the things we do, do fundraising and everything else. But because this has hit so close to home for all of us, we as a Board have decided to give each family \$500 from the Public Safety Board. Everyone applauded.

Council Member Olsen thanked Craig and Katie for being here, he appreciated it. He thanked Commissioner Bigham for being here, as she left an indelible mark in her time as a City Council Member with both hiring Craig and then getting the K-9 program back. To our Lions Club members, thank you so much for your support, it means a lot to me and my family personally because this is our heart right here. We did this out of respect and love of our community and the fact that we want young people in our community to see how important it is to belong to the Public Safety team here in Cottage Grove. We've got a special thing going on, he thinks everybody would agree. So, with that, Jaime will take a couple of photos.

7. CONSENT AGENDA

- A. Approve the January 6, 2024, City Council Special Meeting Minutes (2024 City Leadership Retreat).

- B. Receive a letter from the Parks Director in response to Open Forum questions from Bonnie Matter.
- C. Authorize issuance of a single-occasion gambling permit to Cottage Grove Strawberry Festival, Inc. to conduct a raffle at Park High School (8040 80th Street South) on June 24, 2024, at 6:00 p.m.
- D. Appoint Adam Larson as Commission Chair to the Parks, Recreation and Natural Resources Commission and reappoint Commission Chair Kons to the Public Services Commission, Commission Chair Reckinger to the Advisory Committee on Historic Preservation, and Commission Chair Frazier to the Planning Commission.
- E. Approve the Memorandum of Understanding opting out of the Voting Operations, Technology, and Elections Resources (VOTER) Account between Washington County and the City of Cottage Grove.
- F. Approve the issuance of rental licenses to the properties in the attached table.
- G. Approve Resolution 2024-035 adopting a 2024 Pay Plan and Benefits for employees not covered by a labor contract for the City of Cottage Grove.
- H. Authorize staff to sell Fire Engine 1 (1994 Custom One Freightliner) and associated equipment that is no longer necessary.
- I. Authorize Resolution 2024-21 to apply for the MN Department of Natural Resources Outdoor Recreation Grant Program for up to \$350,000 to be used for the Mississippi Dunes Park Development Project.
- J. Authorize Resolution 2024-22 approving the Minnesota DNR Conservation Partners Legacy Grant Agreement for \$157,107 of funding for the Cottage Grove Trailway Corridor Native Habitat Restoration Project.
- K. Approve Glacial Valley Park change order requests in the amount of \$1,723.30.
- L. Authorize Resolution 2024-026 naming the municipal park property located at 10351 Grey Cloud Trail to Mississippi Dunes Park.
- M. Approve Statewide Health Improvement Partnerships grant application to Washington County for \$23,500.
- N. Adopt Resolution 2024-023 approving the final payment of \$15,554.14 for the Summers Landing 3rd Addition Project.
- O. Authorize the Fire Department to transfer vehicles to Public Works and Parks and sell surplus property on an auction site.
- P. Nominate Emily Stephens to the South Washington County Watershed District Board of Managers.
- Q. Adopt Resolution 2024-033 approving the plans and specifications and establishing a March 21, 2024 bid date for the 2024 Pavement Management Project.
- R. Approve the Memorandum of Agreement between US Bench Corp. and the City for removal of the bus benches within the City's Right-of-Way.
- S. 1) Adopt Resolution 2024-030 approving the Final Plat for Graymont Village Second Addition. 2) Approve the Graymont Village Second

Addition Development Agreement with U.S. Home LLC subject to minor modifications by the City Attorney. 3) Adopt Resolution 2024-031 approving the Graymont Village Second Addition Development Plans dated December 20, 2023, prepared by WSB, Inc., subject to final approval by City Engineer in writing.

- T. Adopt Resolution 2024-034 approving the final payment of \$8,852.11 is paid to T.A. Schifsky & Sons, Inc. for the Parkview Pointe Final Streets Project.

Council Member Khambata wished to pull with Council Member Thiede Item D, Commission Chair Appointment, and also Item I, MN DNR Outdoor Recreation Grant, on the Consent Agenda for further comment and/or discussion.

On Item D, Council Member Khambata advocated for the appointment of Adam Larson as Commission Chair for Parks, Recreation and Natural Resources Commission. He's been on the commission since 2017, he's been just a really integral part of the commission, always asks good questions, and I think he's given good guidance. I look forward to having him as the Chair if you would nominate him to that position.

Also, appoint Commission Chair Frazier to the Planning Commission, as he's been in that role since I was elected to Council; he's a gifted attorney for Dakota County and I think his leadership has helped the Planning Commission in their role. So, I advocate for those two appointments.

Council Member Thiede stated I'd like to request that you approve the continuation for another year of Lisa Kons as Commission Chair of the Public Services Commission, and Herb Reckinger as Commission Chair of the Advisory Committee on Historic Preservation. They've done a great job and I know they'll continue to do a great job.

Council Member Khambata stated on Item I, MN DNR Outdoor Recreation Grant, he advocated for the approval of this item. I know that our staff has been working hard to find grant dollars for part of the Mississippi Dunes Park that the City currently owns. The total cost of building out that park is going to take time and resources. The more money we can get through grants the better, and the quicker that project will progress along. I just wanted to highlight that. I know there's a couple of other grant options coming up, so, there are a lot of people vying for these grant programs. I know that our staff is always vigilant; whenever an opportunity presents itself, they try to jump on it as soon as possible, and I know there's a deadline on this one. So, I think this one is important for us to get in front of.

Motion by Council Member Thiede to approve the Consent Agenda; second by Council Member Khambata. Motion carried: 5-0.

8. APPROVE DISBURSEMENTS

- A. Approve payments for the period of 2-02-2024 through 2-15-2024 in the amount of \$1,194,440.03.

Motion by Council Member Olsen to approve disbursements; second by Council Member Garza. Motion carried: 5-0.

9. PUBLIC HEARINGS - None.

10. BID AWARDS

- A. South District Street & Utility Improvements Project - Phase 2
Staff Recommendation: Adopt Resolution 2024-032 awarding the bid for the South District Street & Utility Improvements Project - Phase 2 to Northern Lines Contracting in the total amount of \$3,358,746.45.

Amanda Meyer, City Engineer, stated the bid award before you is the South District Street Utilities Phase 2. There's some minor utility work, more of the surface storm sewer for the streets, and then building the streets, the landscaping, the lighting, the pedestrian facilities down on what we've been calling the Zywiec 40, the realignment of Hadley and 100th Street.

Engineer Meyer said we recently opened bids, and the engineer's estimate was at \$4.1 million; you'll notice that low bid was at \$3,358,746.45, so quite a bit under that engineer's estimate. We're happy to see these bids, and she thinks that low bidder also did Phase 1 of this project, so they're very familiar with the site. They know where things were left off, so that helps get us a lower price with these bids. We have worked with Northern Lines Contracting, as they did Phase 1. The recommendation is before you on the screen.

Mayor Bailey asked if Council had any questions on this, but there were none.

Motion by Council Member Khambata to Adopt Resolution 2024-032 awarding the South District Street & Utility Improvements - Phase 2 Project to Northern Lines Contracting in the total amount of \$3,358,746.45; second by Council Member Olsen. Motion carried: 5-0.

11. REGULAR AGENDA

- A. Site Plan Review and Conditional Use Permit - Gerber Collision & Glass Facility (7300 West Point Douglas Road South)
Staff Recommendation: Adopt Resolution 2024-028 approving the Site Plan Review and Conditional Use Permit for a 16,940 square foot major automotive repair use to be located at 7300 West Point Douglas Road South.

Riley Rooney, Associate Planner, stated before you this evening is a Conditional Use Permit (CUP) and Site Plan Review for Gerber Collision and Glass.

Location: The proposed location for the site is at 7300 West Point Douglas Road South and is adjacent to the Extra Space Storage as well as the Metro Transit Park & Ride lot.

The site is currently undeveloped, and it was created during the Extra Space Storage expansion in 2017; that lot is circled in red for your reference. That was done essentially to create a developable parcel for future construction. Planned Use: The Applicant is proposing to construct a 16,940 square foot Automotive Repair Use-Major, building. It will be a single-story structure and will be owned and operated by Gerber Collision & Glass, which offers auto body and auto glass repair services. This parcel is located within the Planned Business Zoning District and is guided as commercial within the 2024 Comprehensive Plan. An automotive repair use, major, is permitted within this Zoning District with a CUP. She gave more information on the use itself. An automotive repair use, major, differs from an automotive repair use, minor, because it does auto body work, whereas minor repair use would just perform oil changes or windshield wiper repair. Site Access/Parking/Screening: Access is being proposed off of West Point Douglas Road South. There are a total of 63 stalls proposed on the site; of those stalls, 19 will be located at the front of the building, and the remaining 44 stalls will be in the rear parking area. City Code requires three stalls per auto bay plus one stall for each employee on site. So, with 14 interior auto bays and 13 employees on the larger shift, there would still be an excess of eight stalls on site. In addition, there's going to be fencing around the rear parking area; this is being done partially to secure the vehicles being serviced by Gerber, but also to provide some screening for those cars being serviced. She also noted that the cars in the rear parking area are reserved for those being serviced by Gerber and for employee parking only, so that will be limited to staff access. There are two access points for that rear parking area on either side of the building. Architecture: The structure will be comprised of Trex materials mounted to a metal frame. The trash enclosure will be located at the southwest corner of the site; the materials will complement the principal structure as they will be comprised of the same utility brick materials. The building meets all setbacks within the Zoning District for the site. City Code requires 65% Class 1 and 2 materials. The Applicant has gone above and beyond, as they're proposing 75% Class 1 materials; those materials have been listed on the screen and include utility brick, synthetic stone, as well as glass windows. The Applicant is also proposing two different Class 3 materials, architectural metal panels and EIFS. Landscaping: A tree inventory was taken and no tree mitigation is required on site. The Applicant is proposing 33 overstory trees, 31 coniferous trees, as well as 75 shrubs. She also noted that the Applicant is proposing to maintain the existing vegetation at the rear of the property.

Associate Planner Rooney stated the recommendation is before you. The Applicant is also here and is willing to answer any questions you may have.

Council Member Olsen stated not to put you on the spot, but first of all, thanks for a nice presentation. In reading through this in the packet, you could tell that there was a lot of really good quality planning that went into this. The question that I have really revolves around waste that these sorts of facilities tend to produce; generally speaking, facilities of this nature when they have waste streams, they have vendors that they work with who help mitigate those waste streams. You mentioned earlier kind of the difference between this use and something like Discount Tire. Discount Tire is going to have a lot

of old tires, and so they have a vendor who comes and picks up the old tires, whereas here you're dealing with more chemical-related waste streams. What do we know about how the Applicant is planning to deal with their waste streams or mitigate their waste streams, if anything. Have we had that conversation yet?

Associate Planner Rooney replied she would defer to the Applicant on that, as he will know a little bit more about that.

Jason Dutkovich, with Charles Vincent George Architects, on behalf of Gerber Collision and Glass, stated predominantly the waste streams that come out of this particular use is more removal of body parts, a bumper or a fender, things of that sort. Those are collected and those are hauled off, two-to-three times weekly. Your fluid wastes, oils, solvents, potentially other fluids, those tend to be stored in 55-gallon drums, they're actually minimal to our use. Most cars that will come have already been drained of those; they might have visited another service shop previously to receive those automotive repairs, engines, and things like that, the mechanical type items. This is strictly your body type work.

Council Member Olsen asked what about high VOC, like paint.

Mr. Dutkovich replied the paints that they use nowadays are all lower VOC, they're all waterborne vs. your solvents base or your oils. The one solvent-based product that is used is the clearers that are put on the cars to maintain UV protection; everything's ran through and contained in our spray booths, and those have a containment system to maintain a spill if that were to happen. You're not talking high volumes of fluids, as paints come in quart containers, so a small amount; those are all filtered through several filtration systems as they're exhausted through, all VOC compliant and all meeting EPA recommendations.

Council Member Olsen stated fantastic, good, that's really what I was hoping to hear because I know that especially when you think about a body shop, you think about paint and fluids that we deal with, all the thing that you mentioned. Ensuring that we kind of keep everything on site and we don't have any escape, that we capture everything, is really an important consideration. So, it sounds like you guys have that dialed in.

Mr. Dutkovich stated yes, absolutely.

Council Member Olsen thanked him for answering his question.

Council Member Khambata stated regarding the staging, so with it being a body shop, I'm sure at times there will be vehicles that are inoperable. Are the parking arrangements suitable for accommodating large tow trucks or vehicles that would be bringing supplies and so on to the shop to turn around and stage without encroaching on the frontage road.

Mr. Dutkovich replied absolutely, yes. So, the circulation, you might have seen on the Site Plan, you can come into the site directly into the site and into the fenced area with a straight path. There is full circulation around the entirety of the building to provide that staging offsite and behind the public view.

Council Member Khambata stated thank you.

Mayor Bailey asked pending approval tonight, what's kind of your plan for construction and opening; do you have one yet?

Mr. Dutkovich replied we're roughly, hopefully, two-to-three weeks out from submitting for permit of the final documents, pending the comments we've received thus far. Hopefully, we'll be starting construction as soon as the weather breaks.

Mayor Bailey stated perfect, awesome, thank you.

Motion by Council Member Thiede to Adopt Resolution 2024-028 approving the Site Plan Review and Conditional Use Permit for a 16,940 square foot major automotive repair use to be located at 7300 West Point Douglas Road South; second by Council Member Garza. Motion carried: 5-0.

Mayor Bailey welcomed them to town, and Mr. Dutkovich replied thank you.

- B. Sale of \$16,025,000 General Obligation Bonds, Series 2024A
Staff Recommendation: Review the results of the sale and consider adoption of the resolution providing for the issuance and sale of the \$16,025,000 General Obligation Bonds, Series 2024A.

Mayor Bailey stated the new number is \$16,025,000, and the previous number before this evening was \$2 million more. Finance Director Brenda Malinowski and Stacie Kvilvang from Ehlers will share why the number came down so dramatically.

Director Malinowski stated the opening of the bids for the bond sale was held earlier this morning. Stacie Kvilvang from Ehlers will give you the results of that bond sale, which were favorable.

Director Malinowski wanted to review with you and the public what we are issuing bonds for this year; this bond issuance includes funding for: Our Utilities Building; Our 2024 Pavement Management; Some of our Street Reconstruction Overlay planned bonds, specifically for our 2024 construction on East Point Douglas Road; Construction on Jamaica Avenue from 80th Street to 90th Street; and lastly, Three pieces of equipment, through some Equipment Certificates. All of those projects were included in our five-year Capital Improvement Plan (CIP); we do that annually here at the City. We look at all of our projects that are over \$15,000, and we look at how we're going to fund those. Some of those are funded with debt issuance, bond issuance, and that's what we're talking about this evening. Specifically, too, this debt issuance was included in our ten-year Financial Management Plan (FMP) because when we issue debt in the future, it's just like a mortgage on a home, we pay principal and interest on it. So, we want to see what the effects are in the future on that. So, that was included in our ten-year FMP at those preliminary numbers. With that, I'll turn it over to Stacie.

Stacie Kvilvang, with Ehlers and Associates, stated as you know, with each bond issue that we have, we have to have that rated; so, you are rated by Standard & Poor's (S&P). A couple weeks ago, Director Malinowski and Administrator Levitt participated in a rating call with S&P. We're happy to say, as you know, they affirmed your AAA rating with a stable outlook, which is great.

So, we had that sale this morning at 10:00 a.m., and we received 12 bids, which is great; that's a lot of bidders. She would say there are three things for that: 1) The size, the par amount of \$16 million, originally \$18 million, is significant; 2) The strong credit quality of you at AAA; 3) There is not a lot out in the market right now. One of the things that we do with staff as we're looking at your funding needs and talking about issuing debt, we look at timing. So, reality is the funds will be here March 12 or March 14; essentially, the funding probably wasn't needed as early as that, but we knew that there wouldn't be as much in the market, so it's a good time. We always want to go in when we can get the best bids.

The second thing we're seeing right now is non-BQ debt, which this is, is anything over \$10 million, is still outperforming a little bit BQ debt. So, we wanted to hit while that was still hot in the market, because we know that that's going to change over time. As Mayor Bailey had noted earlier, the par amount of the bonds is reduced by \$2 million because we received a premium bid. So, tonight you'd be awarding the sale of the bonds to BOFA Securities, out of New York, as the lowest responsible bidder. Stacie stated she'd be happy to stand for any questions.

Mayor Bailey stated that's just fantastic. When Director Malinowski and Administrator Levitt mentioned earlier that we had to change the number by \$2 million, a savings to our citizens, that's phenomenal.

Council Member Olsen thanked Stacie for being here, it's especially nice to see you with good news in your pocket. He said thank you to you and all of the help that you and your team provided our team 1.5-to-2 years ago, as we started down this path of creating our ten-year FMP. That was such a critical element, and our City becoming a AAA stable-rated City; correct me if I'm wrong, but we can't go any higher than that, that's as good as it gets. We worked very hard as a Council and as a staff for years and years and years to improve our credit rating so that we could enjoy benefits like this. And 12 bids, I don't think I've ever seen 12 bids in my time as a City Council Member, I've seen eight or nine, I think at the top end. So, 12 bids means that the public likes our paper, the financial institutions are watching us. A reaffirmation of that AAA rating, again that's compliments to you and to our staff for working so well together to provide us with that really important financial guidance that we need to stay on track and make sure that our residents are receiving the very best services they can receive for the lowest cost possible. I just wanted to appreciate the fact that you both worked so hard on that, and this reaffirmation is just evidence that that work was very important and definitely well worth it. Thanks.

Mayor Bailey thanked Stacie and Director Malinowski for sharing that great news, it was a very nice job.

Motion by Council Member Garza to Approve Resolution 2024-027, providing for the issuance and sale of \$16,025,000 General Obligation Bonds, Series 2024A, pledging for the security thereof special assessments and net revenues and levying a tax for the payment thereof; second by Council Member Khambata. Motion carried: 5-0.

C. Preliminary Plat and Planned Unit Development - Mississippi Landing

Staff Recommendation: Adopt Resolution 2024-029 approving the Preliminary Plat and Planned Unit Development for a subdivision consisting of 377 single-family lots and 18 outlots to be called Mississippi Landing.

Emily Schmitz, Community Development Director, stated a wise person once told me always try and tell the story when you're up here, and I must tell you that this evening is no exception. This has been three years' worth of public outreach, planning, evaluating, a lot of effort going into this site. So, I'm really going to take some time now, at the beginning of the presentation, to really give an overview and a little bit of a deep dive into that background and the history of this site because it's very important to the application before you this evening.

So, I'm going to start all the way in 1973. This particular site, most of us know it as a golf course, but back in 1973, it was a tilled field; all the way up until about the mid-90s, when that particular property owner at the time decided to mass site grade, north to south, east to west, the entirety of the site graded into a golf course. That golf course operated then from the 1990s until around 2017, when it did in fact close. The site has sat vacant since that time, and the current property owner purchased that property in 2019.

Not only is it important to look at the history of the physical part of the site, but also the Land Use of this site. We go all the way back to the 2030 Comprehensive Plan update, this was in 2011. At the time, the golf course was open space in the Land Use, and we said there's always an opportunity for a golf course to potentially redevelop. So, in 2011, we said let's differentiate the golf course from the adjacent SNA or the open space, and we said we're going to guide it as golf course. From that time forward, we heard a lot of creative ideas, festival, a campground, all sorts of unique opportunities for potential redevelopment. So, when the 2040 Comprehensive Plan Amendment came up in 2017, we said we had to really think a little bit harder about this; so, we guided this parcel as Transition Area Planning, which is a unique opportunity to try to really get it right. It requires some additional planning efforts, typically, and specifically in this instance, a Master Planning effort. So, that's an entirely additional planning process as we evaluate the best potential redevelopment or long-term use of a particular site. So, in 2020, we did just that, we started those efforts. We started at the end of 2020, and at the beginning of 2021, we had chosen a consultant, ISG, to help us work through the design of a potential Master Plan. There's two parts to the Master Plan, and I'll get into the details of that on the next slide, but I really wanted to focus on this slide of the work, as you can see going all the way from 2020 to almost 2022, that process takes. So, we started having our consultant create I'm going to call it our first iteration of the Master Plan; Council reviewed it and made some tweaks. We then focused hard on getting the word out to the public, open house, we had some online opportunities to provide comment, engaging the residents, and all of the folks to take a look at that, to come to us and have those conversations about what that looked like. So, we worked through that process. Not only did it come before Council, but it also came before our Parks, Recreation and Natural Resources Commission, as well as the Planning Commission. It

finally came back to the City Council. After several tweaks for their final approval in December, 2021.

As I mentioned, there are two components to the Master Plan. The Park portion and then the Land Use. So, I'll speak just briefly on the Land Use portion. As we look at that, we have to look at any surrounding impacts or effects that might determine how that land use would be appropriate. So, in this instance, of course, we look at the train tracks, we look at the realignment of the road, which again I'll get into the details. And, so, we recognize that perhaps there needed to be a little bit of a buffer, right? So, maybe a little bit of a higher density adjacent to those train tracks and then the lower density throughout the remainder of the site. Now, I will say the biggest focus of this Master Planning effort was the Park Master Planning efforts, which really triggered these efforts to start as soon as they did. The Council's vision has always been to provide that public access to the Mississippi River for all abilities, and this was the start to just that. So, the Council really focused on ensuring that there was enough acreage adjacent to the Mississippi River to support the vision that they had for those park and recreation opportunities here in Cottage Grove.

Once we completed that Master Planning effort, we had to bring the Comprehensive Plan Land Use up to snuff with that Master Plan. So, as you can see, we updated from that Transition Area Planning to the small portion of medium density, as I had indicated, adjacent to those railroad tracks, with the remainder being low density; most importantly, we solidified those acres adjacent to the Mississippi River to be preserved as park and open space.

As you recall, we then had a proposal before us for a potential development. Because that development proposed over 250 units, they did trigger the requirement to complete an EAW process. So, that process started and navigated through publishing an EQB and ultimately a Notice of Decision was determined by the Council in December 2022; that was a negative declaration, no additional environmental review was needed as a part of that proposal. As a part of the EAW, it identified a couple of different studies that really should be done before we approved any work to be done on the site. I've listed those here, but the Applicant will be before you later on in this presentation to speak more specifically to those assessments and surveys that were completed.

So, I've given you the story. I told the story, I told the background, I can now move into the actual application or the proposal that's before you this evening. Rachel Development is the Applicant, this is their Preliminary Plat proposing 377 single-family units. They're providing a vast array of lot sizes, starting with 40-foot-wide lots, kind of on the northern end, again adjacent to the train tracks. Those 40-foot lots are very similar to the Capstone Development that you see up on top of the hill, the detached townhome is kind of what we referenced. Then the 52.5-foot-wide lots are sort of in the middle of the development, we see those in our Hinton Woods development, kind of on the north side of town. And then they are working with two custom home builders for 65-foot-wide lots on the south end of this proposed development. It's important that we recognize the developer's dedication to provide a variety of housing opportunities within this development; I know that was an important part of the Council's Strategic Plan, to continue to provide diverse housing opportunities within the community and this does

just that. This density is average throughout the site; they're proposing the 2.47 units per acre, which is right in line actually with that low density, which is between 2 and 4, so they're right in line.

This project is proposing a PUD, and I think you've heard all of us Planning staff up here spouting out about a PUD, but I have to remind you a PUD is a planning tool that allows us to provide some flexibility. This is the perfect instance. It allows us to take a look at our standards and recognize are those standards limiting the ability to maybe provide more of a cluster development, to provide some additional open space, green space, buffering, things of that nature. So, by providing perhaps smaller lot sizes, reduced landscaping, that's allowing us to put that development a little bit more sometimes maybe centralized in the site to allow for those additional protected or preserved portions of a development.

This site is, of course, within the Mississippi River Corridor Critical Area (MRCCA), which is an overlay district within our Zoning Code, so it kind of sits overtop of our underlying Zoning Districts. This site is within two of the MRCCA Districts; the first I'll mention is the RN District, and I wanted to focus on the fact that 20% of any area within those Districts is required to be preserved as open space. In this instance, about 46 acres are proposed to be preserved, which is above and beyond the 11.75, which is the 20%. The RN District is typically directly adjacent to the river; this District is characterized in our Code of course as wanting to preserve open space and preserve those views to the river. The second District is the SR District; as you can see, it's set back just a bit further from the Mississippi River, so those views obviously are less impacted, but of course the MRCCA wants us to focus on ensuring that we're managing that stormwater within that District, and I'll talk a little bit more in detail there. This District requires 10% of the area to be preserved; as you can see, that's 10.58 acres. This development is proposing to preserve 64 acres, so, I will say total preservation proposed as a part of this project is around 110 acres.

So, as you're all obviously aware, the Pulte project did not follow through; however, the City's passion and dedication to secure those acres adjacent to the river continued throughout 2022. In about mid-2023, the City purchased 19.91 acres with our County funding partners, so we were able to secure that land and close on that, which was definitely an exciting day. A lot of work went into that collaboration. In addition, we worked with the property owner, who ahead of development worked with the City to deed 9.6 acres to the City so that we would have access to this 19.91 acres that we had just purchased. So, the property owner deeded that to us ahead of a development with an understanding that that would go towards our required park dedication, and then an additional four acres are being dedicated as a part of the project before you this evening. Finally, on this page she wanted to mention the property owner continues to work with the DNR on two parcels on this site: 12.4 acres in the southeast corner of the site, as well as what we all know as the driving range above the tracks, Outlot A on the screen before you, 35 acres. So, it's my understand the DNR is working to close yet this year on those two properties.

With all of our wonderful development projects, we do require a tree inventory be completed. This development is proposing to remove about half of the qualifying inches, which also means they're proposing to preserve half of those qualifying inches on such

a large site. Recognizing that some of that mitigation is going to be required, the developer continues to work to find places to plant additional trees in Outlots, but specifically I wanted to note their work to preserve the buffered trees adjacent to potentially some of those existing residential lots in this particular area. So, they're focusing those preservation efforts where they would provide the biggest impact as a part of developing this site.

Access to the site is proposed off of 103rd Street. As a part of Washington County's Southwest Arterial Study, it identified the best improvements from Highway 61 all the way to their potential future Regional Park on Grey Cloud Island. They identified realignment of 103rd Street, as you can see on the screen before you; instead of a T at 103rd and Grey Cloud Island, it's a curve, and so as a part of this project, that realignment will be completed. So, this project not only dedicates that Right-of-Way for future expansion, but also starts that realignment process as a part of the County's plan.

Water was extended from the Settlers Bluff development at the top of the hill, somewhere in here. So, this development will pull that watermain down the hill and connect to this development. Sanitary sewer, for those of you who are familiar, this site sits just a little bit lower, so a lift station is required to pump up into the City's sanitary sewer system.

Finally, stormwater. I was going to make a joke as my engineer friends get a little bit worried when a Planner talks about stormwater, but I did practice this and it's very important. We look at volume, rate control, and water quality as we look at our stormwater standards. When we look at the site as it sits today, the water is kind of willy nilly, it goes wherever it wants. So, as we enforce our stormwater standards, we create these basins and storm sewer systems that move the water where we need it to move. But what's most important is these basins filter that water; it collects the sand, the salt, all the other things that are coming off of this development as it discharges out of the City's stormwater system. This image is perfect, it outlines all of those ponds that are being proposed on the site to do just that, grab that water, take all of the sand, the junk out of it before it discharges off. So, hopefully from a Planner's perspective, that made sense.

Home Styles: I mentioned this earlier in the presentation, but this developer is proposing to work with three different builders: M/I Homes, Capstone Homes, and then of course a custom builder on those larger lots closer to the river.

With that, I'm going to close my presentation here, but I'm going to turn it over to the developer who's going to give some more details into the development as well as, as I mentioned, some of the environmental work that has been done.

Paul Robinson, 4180 Napier Court NE, St. Michael, MN, stated I'm the Development Director for Rachel Development. It's been a little while since I've been before you, as it was in September when we started the more formal journey. We put this property under contract in March, so we have been working on it for a year, which is a small part of the three-year journey that you've been on, on this particular property. So, I'm going to go through a presentation that's similar to the one I gave at the Planning Commission and touch on the environmental portion of our presentation that we made at the Planning Commission, but not go into that great detail.

Mr. Robinson said again, I'll probably double up on a few of the things that Emily said, but just to reiterate, the overall site that David Gustafson purchased was 200 acres. Of those 200 acres, 47.5 acres are under contract with the DNR or under an option agreement with the DNR to close. The City, as you just heard, purchased that 19.7 acres, David Gustafson dedication 9.6 for park dedication, and so that is all potentially to go into the public domain.

The development area left, that's what our Preliminary Plat includes today, is that 123.7 acres, so that's what we're developing. Of that, we're dedicating 4 acres to park, so leaving about 119 acres left; of that 119, there's almost 30 acres, like 29 acres is going to be open space within the development itself. So, if you look at the public land along the river, between the DNR, that City granted land, and the City park, it's 45.7 acres and all of the shoreline, 2,775 feet. So, I look at that as a fairly substantial amount of park dedication. Overall, you heard the number, 110 acres, that's the DNR land, the City park land, and the open space within the development, so 54%, definitely a half full proposition.

Mr. Robinson stated we started with a Preliminary Plat, but we also looked back at the property as it stood and understood the topography and the drainage. I'm just going to kind of run through those basics. If we look at the site, you see the lowest areas of the site of course it drains down to the river, both on the north end and on the south end. It starts to come up from those low elevations into the center of the site where you find the highest elevations, and this plateau in the middle of the site where the majority of the development is taking place. If you look at the natural drainage patterns, I actually made a mistake when I was meeting with you in September, I had an arrow pointing the opposite direction, but actually a vast majority of this site drains to the north. It comes off of that northern portion and then kind of the middle plateau, down into that kind of a wetland drainage area as it drains north; then, all of the property along the river then drains down into the river. So, when I look at the existing watersheds, all of that green area today drains to the north; all of this blue area and red area drains down into the river. A Wetland Delineation was completed; there are 6 acres of wetlands on the site. If you look at also including the almost 5 acres of wetland buffers, there's not quite double, but there's a significant amount of buffer around these wetlands that are being restored with native prairie. That's something that we have to take into account when we're designing the property.

We did a substantial amount of soil analysis on this property with Braun Intertech, they're our geotechnical consultant. They provided basically a 140-page geotechnical study to the City on this property, basically indicating that the soils are suitable for housing on this property.

I just added a couple slides because we're not going to go through the environmental part, but we also took into consideration that Rusty Patch Bumble Bee Habitat Assessment that was completed; that showed the majority of areas on the site had low suitability for Rusty Patch Bumble Bee. There was an area that did have potential suitability, based on that study, and that is that area that is being acquired by the DNR in that location.

We also completed a Rare Plant and Native Plant Community Assessment on this site. These are the Native Plant Community Areas that were identified on the site, and

then within those, there were Rare Plants identified, which is the highest quality Native Plant Community with the rare species, and that is also part of those 12 acres that's being purchased by the DNR and then added into the SNA. We looked at all of that as we were laying out the site and considering how we're moving forward with our Preliminary Plat.

Mr. Robinson stated back in September, I came with some goals and objectives that are still the same; our goal is to create a high quality neighborhood in the City of Cottage Grove, one that keeps the open spaces, and this is really referring to that Preliminary Plat we started with, and wetlands that were shown in that Preliminary Plat, and actually built on them. I think we actually added more open space. We kept the trail connections within those and actually added more trail connections that weren't there. We kept the whole neighborhood connected through these trails and sidewalks to the river and the open spaces. We're providing a variety of homes at a variety of price points, and I'll talk about that a bit more in a minute. Lastly, we were coming forward to you with a project we felt was financially viable, and one that we're looking forward to getting in the ground this year.

So, as Emily mentioned, we have three different neighborhoods. We have this orange area, which is the 40-foot detached townhomes, the 52.5-foot lots, the yellow area in the middle, and then finally, the 65-foot lots along the river, which make up what I'm calling the River Neighborhood. If you think back, I was just going to show kind of the overall flying high: Here's the previous Preliminary Plat that you approved for Pulte, and we're really looking at just amending that Plat. If you look at the two, and you're kind of flying over it, you can see in red now the area that was previously being graded and is a part of that development. If you look at what we're grading, as a part of our development today, we really haven't come forward with something that's radically different. We made adjustments in it, I think we've made it better, but we basically stayed within the same footprint. We have 372 units for Pulte, 377 for us, so 5 more units. Basically, when you consider the totality of it, that's not very much. The EAW that was done at the time identified this site as having up to 499 units; so, we're still 122 units below what was the threshold that was studied in the EAW.

If we look at this in a little bit more detail, the previous Pulte plan had some twin homes, had a condo, and then had their smaller 50-foot lots along the eastern side, about 163 lots. If you look at our eastern side, we have about 183 lots, but we're using a detached townhome product, the Capstone product coming down from Settlers Bluff. The previous plan in the middle had the 60s and a little bit larger than 60-foot lots that made up the vast majority of the middle and western portion of their site. We have a smaller area, but it's made up of 52.5 foot single-family lots. Finally, we have the 65-foot lots along the river. Again, the totals were 372 and 377.

This seemed like a good slide to just highlight kind of what Emily was talking about with stormwater; it's not going to go into the total suspended solids and all of the details, but the previous plan had most of the stormwater around the outside. What we've done with our plan is keep some of that around the outside, but bring some of it to the inside to try to create some more amenity and open space within the neighborhood so it's not just one solid block of housing.

So, just to look at the two tier areas that changed the most: We had that 60 units that made up the twin homes and the condo up in the north side of the project, which is today 23 detached townhomes. Then, if you look at the River Neighborhood area, which is where the bigger changes happened, previously there were the 60- and 50-foot size lots, that's now 65-foot lots. We took that ponding area that was in front of the lots, the river side, we moved it to the back. We created a whole treatment system through that area with some landscaping buffer to create a really nice amenity for that neighborhood along the river.

Again, I'm going to go through the products in these three different neighborhoods:

- The 40-foot ones are Capstone Homes, coming down from Settlers Bluff, looking to start in that low-to-mid \$400s; this is a picture of their streetscape up at Settlers Bluff.
- M/I Homes is coming into the 52.5-foot lots with two products: They have a two-story single family Smart Series product, which is what I'll say is maybe a step up from Capstone's product. Then, they have a single-level living Villa product, so more of an empty nester, single-level living product. So, here are examples of their 52.5-foot Smart Series, they start in the mid-\$400s to low \$500s, and here's an example of that streetscape. Here's the single-level living Villa product, that starts in the high \$400s and goes to the low \$500s, and here's an example of that streetscape.
- The 65-foot River Neighborhood, which is that move up single family, it's going to be similar to Eastbrooke, it's going to have homes starting in the mid-to-high \$700s. Council Member Khambata had asked me very distinctly if we'd have buyers for this; we had far more than two builders that were wanting to be a part of this neighborhood, and we landed with Hanson Builders and Michael Lee Homes. Both I think have a pretty good understanding of this area and this market.

Mr. Robinson stated I think that rounds out what I would say is kind of a single-family version of lifecycle housing; so, you kind of have entry level and have your parents living in the same neighborhood. And we have other neighborhoods where that very thing has happened.

We're going to be adding amenities to the entrances as you come into the site. If you look at all the trails and sidewalks, there will be over 3 miles of trails and sidewalks within the property, linking to over a mile of trail in the public park. As we talked about, there's a lot of flexibilities with this particular PUD, but it's very similar to the flexibilities that were in the PUD that you approved for Pulte and the PUD that you approved for Settlers Bluff since we're incorporating that product into this neighborhood.

Finally, I was going to touch on the environmental questions that have been coming up. Melissa Barrett, from Kjolhaug, is with me this evening, and she can answer any questions you have. I've been told that some of you watched the presentation, it was 15-to-20 minutes, very detailed; for the sake of time, we're not going to go through that 20-minute presentation this evening, but I am just going to touch on the various components of that presentation:

1. Natural Heritage Review

The NHIS letter that we received from the DNR, which recognized the work that had been completed since the last letter was submitted. Basically, when it came to the rare bird species that were within a mile of our site, we have to ensure that we remove no trees between April 1 and August 15; so, that will be something that we'll get on right away if this were to pass tonight.

2. Rare Plant Survey/Native Plant Community Survey

Those were completed and followed the DNR-approved protocol. There were no Rare Plants within this project area, and there was no take permit required for our project. There was a large area that was identified in 1987 as Dry Barrens Prairie; once the survey was done, it was recognized that that area was gone, with the golf course development and no longer exists on the site. The Rare Plants that were found are in that DNR property that I just highlighted here in yellow, and again, that is in the property that's to be purchased by the DNR.

3. Rusty Patch Bumble Bee Assessment (RPBB)

RPBB report was completed and given to Fish and Wildlife for coordination. They determined that there was not likely to be adverse effect to the species (negative determination).

4. Native Species

Planting natives in all open spaces, using State, DNR, or BWSR seed mixes.

5. Archeological

Completed Archeological Phase I - No archeological resources were identified. As a part of that, there was also an Inadvertent Discovery Plan so in case something were to be found, work would stop, and tribes would be notified. We would decide what to do at that point and follow a contingency plan.

Mr. Robinson stated he appreciated the time you gave him to give that presentation. If you have any questions, I could answer them now or after public comments.

As there were no questions from Council, Mayor Bailey thanked both Mr. Robinson and Director Schmitz.

Mayor Bailey stated as he mentioned earlier this evening, the official public hearing was at the Planning Commission, but I always give the opportunity for the public to share thoughts and comments regarding any of these different projects. Many of you signed up out in the entryway, so I'm just going to go down the list. When I'm done with the list, I'll see if there is anybody that did not sign up that wants to speak is welcome to do so. Again, we'll ask that you please limit your comments to 2 minutes or less. If there are specific questions that you have, our staff is going to be taking notes. At the end of listening and commenting, we will provide staff the opportunity to give us the answers or try to answer some questions that might be out there. Mayor Bailey asked those speaking to state their name and address for the record.

Michael Childs, Jr., 16501 235th Street Way, Welch, MN, 55089, stated I'm a Tribal Council Member of the Prairie Island Indian Community, I'm the Treasurer, and I read about this project in the newspaper. I guess I have a couple questions. When I looked at

some of the proposal here, I want to make sure again that Minnesota Statute 307.08, which is basically a cemetery protection act, I want to make sure, we have a saying, it's not if you're going to find ancestors it's when and where you're going to find ancestors. You ask the Metropolitan Council, we've had nothing but issues. When you don't think you're going to dig something up, you will, okay? So, again, I want to know what kind of archeological findings, because all I found in here was from the SHPO, which basically says the majority of archeological sites in the State and many historic architectural properties have not been recorded. So, there again, they haven't been recorded, we find them all the time. I shut down the Hastings wastewater treatment plant because that was a poor design. So you have that State law. You're going to hook up to the Met, you have to turn in a Comprehensive Plan to the Metropolitan Council, I assume, right? Well, guess what? Under Minnesota Statute 10.65, there's a Tribal Consultation that the Metropolitan Council's going to have to come and talk to us about because now I've been apprised of this project. You know, there's numerous archeological Federal laws and all that. So, there again, I want to make sure that these are done. You know, you had Grey Cloud Island, that's mahpiya, which is the Cloud. Well, I just wanted to bring that up, so.

Mayor Bailey stated thank you, sir, and we took your comments down, so we'll be sure to answer those.

Mr. Childs stated I know my time is up, but there again, you know, you're trying to annex Grey Cloud Island for that gravel pit. We don't forget that because that was just recently, too. So, you know to talk to us with this stuff going on.

Lisa Mueller, N5001 810th Street, Ellsworth, WI, stated my watershed address is Spring Creek, Trimbelle River, Mississippi River, Gulf of Mexico. Thank you for the opportunity to be here this evening, I'm here with Friends of Grey Cloud. I often end my two-minute monologues with a quote, but tonight I will start with one from Andrew Harvey: *"Follow your heartbreak. That is, scan your conscience for the issue that keeps you awake at night. Then get up in the morning with the intention of doing something to mend that one broken thing."* I stood here at the podium many times before, each time pouring my heart out, offering alternatives to the development scenario being considered. My background and experience is in negotiating conservation land transactions. I offered to work with the landowners, the City, and the parade of developers that have stood here in this room. Other Cottage Grove and Grey Cloud residents have done the same. They have shared their stories, their love for this place, and their rationale why this development is not a good idea. At last month's Planning Commission meeting, 31 people stood here and gave impassioned testimony about conserving the former Mississippi Dunes as public park land and open space. It was a mix of scientists, students, environmental policymakers, and neighbors of the Dunes. Yet, their comments were ignored when the Planning Commission voted unanimously in favor of allowing the Mississippi Landing proposal to move forward. This brings us to tonight. Since the Planning Commission Meeting, Friends of Grey Cloud has amassed 1,249 signatures on a petition that outlines all of the reasons that this proposed development should not proceed. I will be leaving those signatures with you here tonight. Before I exhaust my two minutes, I want to call your attention to a major oversight in your

planning process that will need to be corrected before this development can be approved, and that is the preparation of a new Environmental Assessment Worksheet (EAW). If the Mississippi Dunes property is not in the AUAR, a separate environmental review is required for any proposed project that trips the threshold for mandatory EAW and EIS. Pulte's proposal was big enough that it tripped the threshold for a mandatory EAW; however, that project no longer exists. I'd like to finish. Rachel's proposal is different, and it self-trips the threshold for a mandatory EAW as set out in Subpart 5 of Minnesota Rule Part 4410.1000 on a change in a proposed project. Our argument would be that Pulte's proposal ended when it backed out of its option to purchase, and Rachel's proposal isn't a change to an existing project but rather a completely new one that is big enough, on its own, to trip the threshold for a mandatory EAW.

Mayor Bailey stated okay.

Ms. Mueller stated lastly, the new EAW on the proposal may use some of the information from the old one, but it can't simply roll over everything that was said in the old one. I think I've made my point, so we're expected a new Environmental Assessment Worksheet. Thank you for your time.

Nico Amundson, stated I live on 8130 East Point Douglas Road, and as such, I reside within the Mississippi River Watershed. I, like many others, have been here before to speak out against the great injustice that is the Rachel Development Project being built on the former Mississippi Dunes that will encroach upon the untouched lands that are the Grey Cloud dunes. We are, of course, here again despite knowing what the outcome is going to be, that being the building of 377 homes because not even 376 would be profitable, as we learned last time. I know that even writing this hours before speaking that not a single person will show up to speak in support, outside of those on this project themselves and those of you that work for the City. That brings in the other question of how you can work for a City full of people who despise this project, yet you are so willing to let it go through anyway. How can you claim to represent us when this has been shown time and time again that not a single person of this community wants this done? I don't know about any of you, but my view from Grove Ridge Apartments is that of a loud interstate 61, the huge, bright warehouses, and the mass of flying planes going to the Minneapolis International Airport. The Grey Cloud Dunes are the only untouched earth that Cottage Grove actually has, and it is being boxed in all sides to the detriment of the wildlife, plants, and people like myself, who depend on it the most. I urge you, if there even is anything left to be done to stop this for this development to not occur. This piece of land is rare, and without it, I am afraid we will lose another rare piece of earth to selfish destruction. Once this land is leveled and developed, it will never be able to be rehabilitated like it can be now. The consequences of this may not be seen right away, but when they occur, they will be devastating and you will all be culpable.

Corinne Marz, 10647 Grey Cloud Trail South, stated I am a resident, taxpayer, and a voter. By trade, I'm a historian and am a member of the 19th Century Minnesota Researchers; and until last week, when my term limit was imposed on me, I was also a member of the ACHP here in Cottage Grove, which is the Advisory Committee for

Historic Preservation. Although I am against any building on the former Mississippi Dunes Golf site, I am here simply to have us remember that there is another building involved. This is at the corner of Grey Cloud Trail South and 103rd Street; it is the historic William Cowan home. This home is now 170 years old, built between 1852 and 1853, when Minnesota was still a territory and five years before statehood. In June of 2022, Mayor Bailey attended our ACHP meeting. He wanted us to vote to have the Cowan house demolished but gave no other particulars. As I had attended the February 2022 Council Meeting and had learned of the plans, I was able to share the facts with my fellow members. The plan was and as far as I understand is still to demolish this historic home and to replace it with a pumping station for all of the human waste that will be generated from all these homes. Waste generated day in and day out. The membership considered the Mayor's request and then voted with the result of being 8-0, a unanimous no vote against demolition. And yet, here again, since the meeting since September 2021 when we had our rally here, each time people and residents have been coming and saying no, we do not want this, we do not want this desecration of this beautiful property. We have to save this property because it's the right thing to do. And we want to save this park land and home for future generations. Thank you.

Amanda Marty, 8196 Homestead Court South, stated when I woke up this morning, I did not expect to be standing here tonight talking to you all. I've been a silent follower of the Friends of Grey Cloud for some time now, but I can be silent no more. Here's why: It's because today my son, who is in college, told me, he texted me, he said, mom, you need to go to the City Council Meeting tonight, and you need to speak up about this. He loves Grey Cloud, he loves fishing with his friends there, he loves boating on the Mississippi, we all do as a family. He loves nature, and I can't let him down. I grew up in rural Minnesota where land isn't dotted with rooftops of houses; rather, it's filled with trees, farmland, and the bodies of water Minnesota is known for. I moved to the Twin Cities because quite frankly, the job opportunities were greater here. My husband and I first moved to St. Paul Park when we got married. We oftentimes drove through Grey Cloud and were always mesmerized by the tranquility it offered and so close to the city. I was so amazed that such a place, similar to my hometown, offered this kind of beauty so close to a big city. In 2006, we moved to Cottage Grove, and we still took those occasional drives throughout Grey Cloud, hoping to see some native wildlife. As our kids have grown up, we've brought them there to cherish and love it, too. I don't understand why this area is being taken for granted and almost looked at as if it's just another farmer's field that can be developed. I don't understand where it lost its sacredness and became a business opportunity. At what point do people lose the ability to know what is truly important? I'm asking you tonight to please remember what is truly important. We are so fortunate to have the Mississippi River and this beautiful land in our back yards. I didn't let my son down tonight, I spoke up, I did the right thing. I only hope that you all don't let your children and grandchildren down. Can you tell future generations that you did the right thing? Please leave a better legacy. Thank you.

Marie Sumstine, 8729 Iden Avenue South, stated I'm just here because I'm concerned about the Cowan house being torn down. I have spoken before about how Cottage

Grove has a limited number of homes that reflect the way everyday people lived in the past. I know that the model homes for the original Orrin Thompson development, those homes are on the City Register of Historic Places. We're not talking about tearing down my house, there's many Orrin Thompson houses around here; we're talking about tearing down a home that existed at the time there was the trading post on Grey Cloud Island that serviced Fort Snelling. In fact, the man, Phalen, who killed his buddy, he used to come here all the time; that was the first murder in Minnesota if you remember that book. So, this house was here in our very, very early history. I just cannot understand why you have to tear it down. You have changed the roads around here a lot since I've been here, since I've been having picnics in the cemetery under the lilac trees. I have been here since before Grant's was ever built, before Parade was ever built, Country Club, and I've seen you take a lot of things away, and I understand about development and a lot of it is needed. But I just cannot understand why you want to take, you can't move the street to save that home. You've realigned many streets since I've lived here and built many new ones, and I just don't understand the reasoning; I can't believe that there is anyone in Cottage Grove that would be against that. It's just shocking to me, it's just one house.

Stephen Erickson, 8771 Ironwood Avenue, stated I'm 1 of the 1,000 citizens in this area who oppose this development. I've walked and picked up trash several times this winter around my street. I'm able to fill 2-to-3 garbage bags within a few blocks. I found a drone in the trees, scattered car parts, countless bottles of used chewing tobacco. This is what happens near our streets; needless to say, human waste will make its way to the river along with the many contaminants involved with developing and maintaining this land. I believe as a people we are deficient in life. In the 50s, flickering lights gave us the illusion of life, and we began practices like sitting in our households, watching the television in unity. Now screens are ubiquitous, and technology further tries to imitate nature, it chirps at us, responds to us, speaks to us. Built because we crave the interaction that we no longer have with the living, breathing world. It doesn't compare. Being in places like the Mississippi Dunes is restorative to us as humans: A deer in the distance, birds singing overhead, leaves applauding from the canopy, one becomes surrounded by life. If our governments can't defend nature for themselves, can we not hear that over 1,000 of us say halt. If we are near the river, let us be a river town. We could celebrate life in Cottage Grove. Many of us have seen the undulating hills that inspire awe. The Rusty Patch who live there are endangered; they were the first bees to be listed as endangered. We owe it to them to at least serve them in the non-winter months. The environment is an extension of our body, an extension of our health. We are in reciprocity with the trees that inhale what we as humans exhale. Will the Cottage Grove officials allow our bodies harm?

Rod Hale, 11701 Grey Cloud Trail, stated Mayor and Council, good to see you. I had some prepared remarks, but I didn't get your two-minute memo until I got here tonight, so let me just give you a couple of highlights. First of all, 333 homes on 120 acres, we're not going to have a City park, we're going to have a neighborhood park. Can you just imagine? It's over 1,000 residents are going to be on that land. The other issue I have, I

guess, is simply that you're giving him a PUD or better than that, you can't confuse the fact that SNA is getting, is going to buy 48 acres. The other 20 acres comes from the County Water and Land Legacy Fund, and half of that comes from the DNR. So, the developer hasn't paid any of that, and I appreciate the people that worked hard to get that across. But the other issue is that it's a PUD; now, I know what a PUD is, and I'm sure you do, too. That's when the developer comes in and says hey, I can do a better job of developing my project if you just let me use, escape from some of the rules and regulations you have. And usually in exchange for that, we get a greater benefit, too. The City says okay, we'll do that, but you've got to do this, and that's why we got Orrin Thompson's swimming pool and clubhouse, that's how we got the Ravine Park, that's how we got Thompson Park. Those developers paid more in order to get out of the regulations that they would have to follow otherwise. The other item that I have is that there's been no discussion, I followed this all the way through, and I've yet to hear anyone on the Planning Commission or anyone on the Council tell me why this land is going to be a greater use to the City of Cottage Grove by putting 333 houses on it, than allowing us to be able to find funding outside to buy the whole tract and make a regional access river frontage and recreational area for the citizens. It seems to me that's where our efforts should be.

Mayor Bailey said thank you, Rod. Mr. Hale asked, that's it? Mayor Bailey replied, yes, thank you. Mr. Hale stated okay, thank you.

Bill Schwen, 10300 Grey Cloud Trail, stated I live across the street from the Stone house, and the golf course has been my playground for 30 some years before the golf course was developed and then now afterwards. And I'm sorry to see it go, it looks like it's, the decision has been made by the City long before they even invited us to come up and talk. I was at the Planning Commission meetings, and as Rod stated, you know, everybody got their three minutes, and the Planning Commission members, they just patiently listened and then they voted, done. And we haven't heard boo from anybody as to what is your rationale; what are you doing with all the comments from the City citizens here that are against this, who is for it? I mean, we would love to hear what the Planning Commission members were thinking and feeling, what their rationale was passing it onto you. We would love to hear from you, but you politely sit and listen and ring the bell, and where's the communication, where's the dialogue? You know, where's the explanation to all these people?

Brooke Christenson, 8771 Ironwood Avenue South, stated hi, Council, thank you for letting us talk today. I do not support the Mississippi Dunes project, along with all the other people talking today. If you feel comfortable, please everyone, including all of you, can you close your eyes for a moment and just imagine you are in a vast field. In the distance, there's a calm lake, you are surrounded by nature in all directions. Beneath your feet is the soft soil of the earth, not hard gravel. As you walk, you are brushed gently with prairie grass. You hear birds singing in the distance, and the wind fluttering through the trees. You had a rough week at work or a misunderstanding with your family, but now you are still and you feel a sense of calm. You are reminded that you are a part of something much larger than yourself. You may now open your eyes. That

serenity, that joy is only found in nature. That feeling is sacred, and the Mississippi Dunes can provide each one of us with that feeling if we can work together to protect the beautiful land. That means protecting it from being ripped apart and paved over for housing. Council, please listen to the people of Cottage Grove. We do not support this development and it feels like you are not listening to us. Be more than the money that is at stake. Over 1,000 people have signed the petition stating they do not support this development project. We do not want this development to happen. This place is special, and we will continue to fight for conservation because this is a source of joy and healing, and if we protect it, it could be for generations to come. Thank you.

Bonnie Matter, 6649 Inskip Avenue South, stated hello Mayor and Council Members. Thank you very much for listening to what I have to say. I've been with you through this whole process. I've been at every meeting, workshop, Planning meeting, Parks and Rec, I've done it all. So, a lot of people have already expressed some of the things that I want to say, so I'm not going to say them again; so, I'll just start like three paragraphs down. We know that a landowner has the right to dispose of their property as they see fit as long as it meets the Zoning requirements. In this particular case, there were many things that seemed a bit off. The property was purchased by the current landowner in a foreclosure sale. There was a pandemic and most people were learning how to conduct their jobs from their homes on Zoom. It appeared that there was a rush on the part of the City to move the plan through. In 2021, there was a mysterious fire on the property that burned down the clubhouse. The community outcry was for keeping the location a natural space. Community members had hoped to turn the property into a nature park. Various nature organizations indicated a willingness to help purchase the property, but they required the City's support, but the City never recognized that. Instead, there was a Development Plan accepted by the City before the zoning had gone through the required regulatory approval process. The Environmental Assessment Worksheet raised more questions and comments, both from the regulatory agencies and the public. Whatever happens moving forward, it is imperative that the Grey Cloud Scientific and Natural Area, SNA, be protected by the City of Cottage Grove, the developer, the builders and their employees, and the future residents of that development. This is a disgrace. The community and the friends will be watching. Thank you very much, I appreciate it, and I will hand the information. I have a letter with really a lot more additional comments, I will provide it to your Clerk, and I will wait for an answer and this is for the public record, so if anybody wants a copy, let me know, and I'll give you one. Thank you very much.

Julia Brokaw stated hello, I live in St. Paul, and I'm here today on the behalf of the Xerces Society for Invertebrate Conservation, an international organization well known for its scientific efforts to protect invertebrates. I also recently defended my PhD in entomology at the University of Minnesota Bee Lab, studying pollinator conservation with some of the leading researchers in the nation, and I have more than a decade of experience in pollinator conservation ecology. My comments echo that of Dr. Elaine Evans, a nationally renowned bumble bee biologist, who also works at the University of Minnesota Bee Lab and who submitted her comments via email. Last year, I also co-

authored a long law review article with environmental lawyers about the Endangered Species Act and the Rusty Patch Bumble Bee. So, on behalf of the Xerces Society, I'm well qualified to make the following statements: The proposed development is harmful to invertebrates and could threaten the persistence and recovery of the Rusty Patch Bumble Bee. Second, the Habitat Suitability Study that they mentioned lacked scientific integrity and, quite frankly, makes a mockery of the regulatory process. It is embarrassing to have a Habitat Suitability Study done in the middle of winter, when snow is on the ground, when there are established and specific field methodologies to document and preserve the populations of rare species. Third, this developer and the City needs to ensure that they are adhering to the Endangered Species Act. The Rusty Patch is a federally protected species, and so they're not regulated by Minnesota State agencies. This includes, but is not limited to, acquiring Take Permits that prevent the Take or the harm of the Rusty Patch Bumble Bee, which could happen during or after construction, as there may be queens or nests within the area. When you harm or kill a queen bumble bee, you kill an entire generation of bees. Having a tiny portion of this property conserved is not enough for their continued existence. Thank you for considering my comments.

Dick Polta, 9600 Geneva Avenue South, St. Paul Park, stated I actually live in Grey Cloud. If you wonder why I'm here, well, whatever St. Paul Park does, you do, we do, it all affects one another, that's why I'm here. Okay, okay it scares me when one of the Planning Commission members asked the developer, "Do you need that high a number of units to make it profitable?" That's what he asked. The developer answered, "Yes." Well, what else did they say? That same meeting, the City Attorney said, "The City must let the developer develop the property as per the zoning." She didn't mention the City is a regulating government unit, the City controls the zoning. The next one is, who's leading this development, the City or the developer? Okay, and this part isn't on here, but the developer did show the lot sizes, but he skimmed over pretty quick. A lot of the houses are ten feet apart, five feet from the property line, and they're not angled, they're like this, all the way down. You got a few of them along Hadley, up there right now; if you look between them, its useless property, its kind of junky. Okay, so I can't believe the City Council wants this high a density for individual residential homes; ten feet between homes leads to nothing but problems down the road, drainage, working on a home, privacy, and so forth. You can't hardly work on your own home without trespassing on the neighbor's property. The ten feet between homes really becomes useless land. As close as the proposed homes are shown, you might as well get rid of the ten feet of useless space between them. If the City really wants this high of a population density for this area, I know they can do better, townhomes, condos, and so forth. You can probably get the same population or much better in any project. Population could possibly end up being the same and leave more open, useful space. Other developments in the City have not been done like the proposed development, and so why here?

Martin Kirsias, 2513 34th Avenue South, Minneapolis, stated I'm here to read an email from Christopher Smith at paleoecology.com, an email that he sent to the DNR about

flaws that he recognized in the Natural Heritage Information System Review letter. This email is dated January 22nd, 2024. Christopher Smith writes: *I am writing to express concerns with the recent NHIS Review Letter that was provided to the Mississippi Landing development proposal. This is a highly controversial project, one that has already been involved in one lawsuit. In the first paragraph, in bold, the letter states: I do not believe the proposed project will negatively affect any known occurrences of rare features.* He writes: *I have a few concerns with this statement: Number one, I discourage the use of language like believe in regulatory documents like this. Belief has no place in environmental impact analyses. Secondly, the letter contradicts itself in several places. First, it claims there will be no negative effects, but then includes the following paragraph, which I'm abridging for time here. The paragraph reads: Several State listed birds, either endangered or of special concern, have been documented in the vicinity of the proposed project. Given that, disturbance to undisturbed grassland areas and tree or shrub removal must be avoided from April to August 15th to avoid disturbing nesting birds. As stated in correspondence with Minnesota DNR Endangered Species Review Coordinator Lisa Joyal in March 2022, vegetation clearing for the proposed project will occur outside of the April to August 15th time period. Now, avoidance wouldn't be needed if no negative effects were anticipated.* And he closes with, *I respectfully request the DNR reissue a NHIS Review Letter that uses language commensurate with the actual impacts anticipated by development adjacent to the Mississippi River, SNA, and other DNR-regulated resources.* Thank you.

Lennie Clancy, 8063 113th Street, stated I understand that previously the Mississippi River Corridor would not allow development of the dunes. That is why it was approved for a golf course. Why are you reversing that decision, or who is? Another new development will require more services, including schools, police, firemen, road maintenance, snow removal, trash pickup, equipment, traffic accidents, and crime. Who is going to pay for all this? Us taxpayers, every one of us is going to be paying for this. What about on the lower end of 103rd? I don't understand how you are going to correct that area when it comes to the railroad bridge. It doesn't make sense at all to me, but I don't know, you guys know that more than I do. I remember the first time I drove down Ideal Avenue and was in awe, looking at all that open space. Now it's being consumed by buildings. Last fall, there was a groundbreaking ceremony on 110th and Ideal; no one in the neighborhood was invited, yet there were at least 30 cars parked up and down 110th Street by the City's people that were there for that ceremony. I don't think you listen to us when we tell you that we don't want this. It's just like it's getting crammed down our throats, whether we like it or not. Every time I drive through Grey Cloud, it feels like you are driving through a rural area in northern Minnesota, and it's right here at our fingertips. I always feel lucky when I drive through there to have that privilege to enjoy that ruralness that we won't have ever again if you're going to take it away from us. We want to vote on it. I think we have the right to vote on whether we want this or not, all of Cottage Grove.

Joe Walton, 967 Stryker Avenue, West St. Paul, stated good evening, Mr. Mayor and commissioners. I worked for Friends of the Mississippi River for four years, from 2011 to

2015, and during that time, I wrote various natural resource management plans for the State and for counties and cities. I helped write one for Grey Cloud Dunes, and when I did that, I realized how incredibly valuable and amazing that place is. And I remembered that I went to the edge and looked out at the golf course and thought to myself, wow, what a great opportunity this would be if we could take this land and restore it to the native condition. And you could buffer that beautiful SNA area, you could expand on the habitat, and do a lot; this is like a golden opportunity for you folks to conserve this rare community and these rare species that live here. And I really think you're missing a great opportunity. And I know that the DNR said that there was a negative impact, but there really, it is going to be a negative impact because you have lots and lots of houses; you're going to have potential for more fertilizer getting into the river, you're going to have maybe pesticides and herbicides for people that are living there that could drift over into the SNA. You have the potential for a lot more dogs to be going in there, but I really think, and also in 1987, there was a comment that it was rated high for the Dry Barrens Prairie that used to be there before the golf course. Well, a lot of those seeds are still viable in that soil, and it isn't a total loss. You could restore it without too much work.

Andrew Marotz, 2920 37th Avenue South, Apartment 1, in Minneapolis, your neighbor up the river. I'm a Habitat Restoration Ecologist and Wildlife Biologist. I've hosted hundreds of environmental volunteers in habitat restoration at the Grey Cloud Dunes SNA. I spoke on the matter of the dunes development at the January meeting. I concluded my comments then by recommending to the Council that approval be put on hold in order to complete more thorough surveys for mussels, bees, and birdlife in the development area. Tonight, I echo the comments of Julia Brokaw of the Xerces Society and their warning about the project's violation of the Federal Endangered Species Act and the questionable methods in which the site has been assessed. The process in which this development has moved forward has skipped over critical steps in ensuring that endangered and sensitive species are preserved and protected into the future. Under the Endangered Species Act, the development you are planning will certainly cause incidental or direct Take of the Rusty Patch Bumble Bee, a federally endangered species. You have not fully complied with Federal regulations regarding the protection of habitat for the bee. Additionally, the survey methodology used to determine habitat suitability for the bee are extremely suspect upon mine and my colleagues' review. The findings claim the land to be of unsuitable quality, but I think it's absurd to think that the habitat as it is now is all that it could be or has been prior to agricultural influence. The story of this site did not begin in the 1930s, where the City presentation began. Plowing, grading, and golf have degraded the site, but it is not beyond restoration as the gentleman from FMR said before me, not even close. The land rests upon a bed of sand that can create one of the most magnificent and unique prairies in the Upper Mississippi River Corridor, given the time and care. As I understand it, the Endangered Species Act allows for civil lawsuits to enforce the law, and I think you should expect that your legal liability and culpability and the snubbing of your responsibilities will be thoroughly explored. If Rachel's profit margins are already thin to the point of an inability to lose even one home from the proposal, they may be in for some financial hairsplitting

to find a profitable way forward, particularly after legal processes and costly permits for Take of a federally listed Endangered Species. This development will hurt the land. It will hurt the water despite ludicrous claims that stormwater is a solved equation for the site. It will hurt animals and plants who reside in your city and up and down the Mississippi River Corridor, and will hurt your human constituents, who are demanding that you put an end to this misguided and destructive process. Please, you have a responsibility to the land, you have a responsibility to protect your plants and animal constituents who cannot be here; and you are subject to a court of public opinion for your jobs, which I assure you will be in jeopardy if you willfully go against the wishes of the City's residents. Do not approve this plan, leave a better legacy.

Eric Dammer, 8440 Harkness Road South, stated Mayor, Council Members, I rise to speak in opposition to the proposed development. I oppose it because I think it's a bad idea. I think it's a bad idea because number one, the main argument I've heard so far is as a selling point is it's not as horrible as it could be. The other thing I've heard is that there's a narrative push that this is basically dead land that's been destroyed already. Well, only part of it was used as a plowed field, and when they built the golf course, they preserved a lot of the swales, the trees, the existing vegetation; there's trees in the middle of that property that are older than I am, and I'm old. I oppose it because I think it's risky. Listen, if I'm going to lay down the better part of a million dollars on a house, I'm not going to want to be downhill from what ostensibly a former Superfund Site. I know, I'm sure that everyone's probably done due diligence, but probably people paying that much money are probably going to look at it and say, is it worth the risk? And I think it's also a bad idea because I question the judgment of people who are willing to use the island as the pictures for their website, but aren't willing to defend it when the time comes. So, Bertrand Russell said one has to care about a world one won't live to see, and I think that's something you should consider before you vote. Thank you.

Brittany Dirtzu, 10417 Grey Cloud Trail, said I live in the house where I was born. I'm not here to speak about numbers but from my heart and for my neighbors. I want to make it known that the people of the area do not feel like there has been outreach or that we have been heard, either during the '21 phase or now; but, instead, feel that we've been ignored and shamed for wanting more. Firstly, I would like to know what tribal agencies you have spoken with. After hearing our friend speak, I see that has not been done. There are tribal groups currently looking for land to build a meeting space or sweat lodge, one of which is the Mdewakanton Mendota Dakota. Dakota County Parks had been approached by another band of Dakota to build a sweat lodge at Spring Lake Park, right across the river. This was denied, although Dakota County did give a permit for a Swedish Mobile Sauna. Let's not replicate this behavior, please. Should we as a City seriously consider building residences instead of preserving this sacred Native Land by working with the tribal community? We haven't done that. We could build something together to bridge our communities instead of divide them further. This land was an important area for trade along the river and is rich with Dakota history. We know that there are burial mounds on Grey Cloud Island; this is what we know, and I don't believe anyone will be advised of what we don't know and we will never find out. I do

not want to be another white person standing by while tribal communities continue to be left out of consideration and marginalized. Beyond this, I have lived on this land my entire life, I'm the third generation. I have walked this land countless times, and it has healed me just as many. Outsiders of Cottage Grove comment on the energy of the land, you can feel it. I saw how the golf course leached chemicals into the ponds and streams, same for the land, which led directly into the river, as you can see by the elevation of the map we were shown. I could see the dead fish and the murky smells walking along the ponds and along Hazen P. Mooers Park, which again, why was this not called Princess Grey Cloud Park during all those years? This is easy to forget now that nature has recovered the area. My last point is as a parent, we were just asked to sign a levy because we're running out of space in our schools. Why are we continuing to build before we have the infrastructure in place? I know that as a City, you must consider finances in your decision-making process, but I don't believe in doing this in spite of due diligence that should be done. These are questions that I hope you will take into consideration before continuing to move forward with this project. Thank you for your time.

Kim Sonderegger, 2513 34th Avenue South, Minneapolis, stated I'm reading on behalf of Merideth Anderson: I'm a professional archaeologist with over 20 years of experience in the field. I've served on three Historic Preservation Commissions in Minnesota and currently work as a Senior Cultural Resource Specialist, specializing in environmental regulations and compliance. The proposed development and the associated Cultural Resource Management (CRM) efforts are deeply concerning for the following reasons: 1) Upon reviewing available supporting documentation, it's clear to me that no efforts have been made to consult with any of the Minnesota tribal representatives, who might consider this area to be of significant cultural interest. It's also evident that the Minnesota Indian Affairs Council (MIAC) has not been invited to these conversations, a staggering omission for a project that proposes development less than a quarter-mile from prehistoric earth works and indigenous mound complexes. In order to fully comply with the Minnesota Private Cemeteries Act, MIAC, and the Office of the State Archaeologists (OSA) should have been consulted much earlier on in the design phase to discuss the burial mounds that surround the project area. At the very least, the Prairie Island Indian Community should have also been contacted, as part of a good faith effort and out of neighborly respect. Neglecting to reach out to Dakota tribes and the State agencies responsible for managing the mounds, burials, cemeteries, and earthworks, protected by the Cemeteries Act, is in itself a telling indication that any public outreach protocols associated with this project were merely box-checking exercises and nothing more. And because this statement is a little bit long and I didn't want it to be cut off, the next speaker will continue it. Thank you very much.

Laura, 2347 McKinley Street, Minneapolis, stated this is the second statement: 2) It is unclear to me that SHPO has reviewed and provided comments on Phase 1 Archaeological Survey Report. The EAW clearly indicates that SHPO believes that the area has high potential for containing intact significant archaeological resources. The Phase 1 Report contains contradicting statements. One of the more baffling statements

suggested that most of the area is not in close proximity to water sources. Due to undulating topography, the area's extreme proximity to many vast historical and perennial water sources, and the relatively shallow extent of the soil disturbance that would have resulted for grading of the golf course, this is a textbook example of a place that would be attractive to prehistoric and historic communities. 3) The potential impacts this project may have on prehistoric and historic resources were not assessed or discussed. Adverse events to the cultural resources do not consist of physical impacts. Indirect and cumulative impacts should also be addressed and considered. For example, the temporary impacts of vibration from construction, the cumulative impacts of increased foot and vehicular traffic, and additional erosion and impacts to the viewshed were not considered in a serious manner, if at all. I respectfully suggest that the CRM efforts related to this project be submitted to interested tribes, as well as local and State agencies, including MIAC, OSA, SHPO, and the Cottage Grove Advisory Committee on Historic Preservation. The consultation and investigation efforts surrounding the project's impacts and cultural resources cannot continue to be perceived as having been conducted in good faith without a more meaningful and sincere approach. This statement was written by Meredith Anderson, Senior Cultural Resource Specialist in Environmental Regulation and Compliance.

Mayor Bailey stated that was everybody that had signed up to speak. I know our staff was taking notes, and so what I would like to do is take a five-minute recess; that way our staff can kind of put together the notes from the different questions that were being asked, provide them to the Council, as well as to the audience here. We'll continue the meeting after taking a five-minute recess, please.

Mayor Bailey called the meeting back to order after the recess. He was made aware that there was one gentleman that got here a little bit late and forgot to sign up to speak, so I will let this gentleman come up and speak.

John Schroeder, 8407 Penn Avenue, Bloomington, Minnesota, stated I have several questions and two statements: 1) How much of the proposed park land is actually under water, or part of a designated wetland where no building could happen anyway? 2) Have you considered other sites to develop this project on? Why are you picking this site in particular, will it allow you to charge more for properties and benefit financially, as individuals on City Council or other reasons? As someone who grew up on a river, I know waterfront property values can vastly exceed those of non-waterfront properties. 3) Why did the land swap happen? Was it to allow the more expensive homes to be built closer to the river? I thought the City wanted to provide public access to the river; that access would be very limited if this development moves forward. 4) Given the known public opposition to this project, why have you not provided more opportunity for the public to meet with City officials and express further concerns? Statement 1: My understanding is there is \$6 million in State funding to purchase this land; this money is in addition to the money that DNR had allocated for the 50-acre acquisition. Statement 2: Last fall, I traveled to D.C. to speak with Senators Smith and Klobuchar and Representatives Dean Phillips and Betty McCollum, to celebrate the 50th Anniversary of

the Endangered Species Act. All of them care about the environment. There is a National Biodiversity Strategy, HR195, that has been proposed federally, and the Rusty Patch Bumble Bee is one such species this resolution would cover, along with others. As a working professional and private citizen, I support nature, not development for financial gain.

Mayor Bailey stated our staff in our quick break kind of broke it out into different questions that were asked through the process. We'll start with Director Schmitz, who will go over the Planning piece of it and discuss some of the topics that came up.

Director Schmitz stated I'm going to touch on three of the topics:

I'll start with the Comprehensive Plan. Just verifying that the Comprehensive Plan Amendment, after the Master Plan was reviewed and approved, the City submitted that Application for the Comprehensive Plan Amendment to then align with that Master Plan. That was done in 2022.

Some clarity into the PUD and that Planning tool. I'm going to be just a little bit repetitive from my presentation. A PUD is a Planning tool that allows to kind of look at a development a little bit differently and maybe from a unique perspective. As its outlined in the Code, this allows for us to perhaps provide some flexibility to allow for more of a unique development to preserve maybe some natural features; in this instance, an additional amount of open space and things of that nature. So, to cluster that with some smaller lots, that is that give and take. Then, of course, the developer installing trails that can provide for that pedestrian connectivity throughout the development and things of that nature. But, again, I wanted to focus wholeheartedly and directly on that PUD and the ability to creating a unique development.

Finally, I wanted to touch on some clarity; so, the City hired New History to complete an historic evaluation on the mentioned Cowan house, which reviewed the details, most specifically, the status of the structure as it stands today. This evaluation identified a large amount of alterations to the specific structure, which takes away from the integrity; as part of our historic code doesn't help to meet those standards of significance to align with our Local Historic Register. So, the City took the initiative of course to be entirely certain with this evaluation that the structure was altered to a point that wouldn't necessarily deem it to hold the integrity to be on that Local Register.

With that, I'll pass it off to the developer, Rachel Development; after that, Director Meyer will give her engineering perspective, and then Director Dockter from a Parks perspective, and then we will follow up with Attorney Kori Land, who will offer her legal perspective to hit on some of the other comments and questions that we jotted down.

Mr. Robinson stated the first thing I was going to address was the EAW. So, the EAW in itself, it's my understanding that as the RGU, the City basically has authority to interpret how the EAWs are applied. In this instance, our project is, as I showed you, was reasonably similar to the project that had been proposed before. We were just moving forward with what in essence was a modified version of that first plan. It doesn't come even close to exceeding what was proposed as a part of that EAW, so that was our

understanding, and that's why an EAW wasn't redone for this particular site. We followed all of the guidelines of the EAW and followed all of the work that was done.

He stated as far as the archaeology work, again, professional archaeological consultants were hired; they were hired because SHPO asked that they be hired. So, SHPO had been notified because otherwise there wouldn't be a Phase 1 that was completed. So, the Phase 1 was completed, and that was provided to the RGU to review, and I think that was where the process ended at this point. So, we are updating the Inadvertent Discovery Plan to be in our name; that has been provided to SHPO. So, if there's something that would come out of that, SHPO will let us know.

Engineer Meyer stated so the item that I was going to address for you all this evening is related to the 103rd Street bridge. Right now, with this development, nothing's being triggered for additional changes for that bridge. The developer is going to do some additional signage, advanced warning signage of the stop sign, etc., but we do have Right-of-Way in place that would allow for future widening of the road under the bridge, bridge improvements, those sorts of things, which are identified as part of the Southwest Arterial Study that Washington County completed.

Melissa, with Kjolhaug Environmental Services, stated I work on helping developers kind of work through their permitting requirements for sites. So, I'm going to try not to go back and forth here, but the rare species stuff is a little bit complicated; so, I'll try to work through the questions as best I can that I heard from the comments.

I'm going to tackle the mussels and the birds first. There was a comment that we should survey for mussels, survey for birds, and I'll just let you know that I evaluate this as this is my determination from reading the comment letters we've received from the regulatory agencies. If we are not impacting the water quality of the river in a negative way, then we do not need to survey for mussels. Because there is a plan for the site, there will be erosion control, there's a stormwater management plan, there will not be negative effects to the water quality of the river. So, we do not need to survey for mussels per the Rules; that's where that stands.

As far as the birds go, as long as the tree clearing is restricted to that timeframe outside of what the DNR indicated, then we do not need to survey for the bird species. The DNR specifically said in an email to me: *We do not believe there will be any negative impacts as long as impact avoidance measures detailed in the EAW are followed.* This plan is to follow those.

I know there were some comments with regard to the DNR's language that they used in the NHIS letter, which was: *I do not believe the project will negatively affect any known occurrences of rare features.* The email that I got from the DNR before the NHIS letter was sent out was that they do not believe there will be any impacts to species. That's just the language we get from them; if they thought there were going to be impacts to State protected species, they would tell us that we need to apply for a Take permit. I have another email from the DNR with regards to the Rare Plant Survey that was submitted and the Native Plant Community Assessment that was submitted; again, it says that a Take permit will not be needed. And it's that language that just verifies that

no further work needs to be done with regards to the State protected species that are out there, that are currently in the SNA acquisition property.

With respect to the bees, when the bee was listed, this was one of the first projects to come up as a “May affect zone,” as being in the high potential zone for the Rusty Patch Bumble Bee. So, this is one of the first sites that was actually kind of coordinated with Fish & Wildlife Service with respect to potential impacts to the Rusty Patch Bumble Bee. So, the previous developer, Pulte, hired RAS, previously Applied Ecological Services. They have very qualified ecologists on their staff to go out and do a Habitat Assessment Survey on this site. There wasn’t really a methodology worked up at that time, as the bee had just been listed. So, people were kind of working into this process. They did a habitat assessment of the site; it was outside the growing season, but they were able to see the plants that were growing on the ground. Once they produced that survey; it’s also a little more complicated, too, because you’re not surveying for bees, you’re not surveying for nests, you’re surveying for suitable habitat, which is a combination of over wintering habitat, nesting habitat, and foraging habitat. What we know to have suitable habitat on a site is basically a constant and diverse supply of flowers in bloom for the whole lifecycle of the bee, and that’s generally associated with native grassland. What we found from the RAS survey and the follow up survey from MNR, who did the Rare Plant Survey and the Native Plant Community Assessment, was that the project area, not the site, but the project area lacks Native Plant Community. So, although the RAS survey was done at maybe not the most opportune time, the follow-up surveys that were done during the growing season by MNR verified that the suitable habitat that RAS identified was only in the southeast part of the site, which is out of the project area. MNR’s findings were exactly the same, that the only Native Plant communities on the site that would be a suitable habitat for the bees, was in the southeast part of the site, outside of the project area. So, you’re not just looking for bees or nests, you’re looking for suitable habitat. For the 54% of the site that’s actually not being developed, there may be suitable habitat there; we found it in the southeast corner, but there isn’t suitable habitat within the project area. So, that one’s complicated to kind of talk about. We did coordinate with Fish & Wildlife Service, and they provided a response via email that they did not find that there would be negative, not likely to adversely affect. So, those get a little bit complicated, too; so, we’re not just looking to see if a nest or a bee is impacted. It’s will the project as a whole negatively affect the species, like is it a detriment to the species as a whole, and the Fish & Wildlife Service found that to not be the case. Their letter stated: *Suitable habitat for the Rusty Patch Bumble Bee is likely limited to areas not frequently disturbed, negative impacts to the species are unlikely, given the previous land use.* That was their determination regarding the bee. Again, this was one of the very first coordination that I did with the Fish & Wildlife Service and that they probably did, because it was a new listing at that time.

Director Zac Dockter stated I just want to briefly address the comment about the difference between neighborhood parks and community parks. I think it’s important to do so because the design intent for each of those park uses is different. I think the best way to do that is just to pull the details right from the Comprehensive Plan; in the

Comprehensive Plan it states that a neighborhood park is 5-to-7 acres, on average, half mile service radius, and is geared primarily to serve the neighborhood that its within. A community park is typically 50 acres in size, with a service area of 1-to-3 miles, which means the park needs to have a multifunctional design to draw people from beyond the neighborhood.

The park land itself in this development is 33 acres of municipal property, which is shy of the 50 recommended in the Comprehensive Plan, it is adjacent to other public space, such as the SNA, which has up to 250 acres. There's lots of open space in the Development Plan and then, of course, the river itself is a protected piece of public waterway as well. So, its got all those other natural opportunities adjacent to this park, so like Glacial Valley Park, which is a smaller park adjacent to a wider opportunity for open space. So, this is similar to that. So, we definitely would classify this as a community park, and we have Master Planned it as such to make sure we have amenities there to draw visitors in from beyond the neighborhood.

Attorney Land stated thank you, your honor, members of the Council, and members of the public. I am the naysayer, I'm the one that always comes in with the hard, heavy hand, and the reason when someone asks, well, how can we support this when so many citizens oppose it. I'm the reason the Planning Commission had to say yes, I'm the reason that I'm going to recommend that you approve it. When a developer comes in with a planning application that meets all of our requirements and all of our laws, you are obligated to uphold your end of the bargain, which is to approve that project. Just as everyone has the right to free speech, the developer has a Federal right to due process. When they submit an application, we can't change the law on them. You said that we might be inviting a lawsuit from the Federal government for not complying with an environmental law, I can guarantee this Council, I don't mince words, you will be inviting a lawsuit if you deny this application. This developer submitted an application to you, their property is zoned correctly, it is guided correctly. He submitted absolutely everything that was asked in our ordinances and in State law, went above and beyond by inviting his own environmental expert to come in and do an analysis. He has met with all of the governmental agencies that he needed to, and he has complied with every plan that he's been asked to. This application is complete, and I would recommend it for approval.

The tribal member mentioned that there were two Statutes that he felt were being violated: One is there's a Statute that it is obviously a felony to damage human remains, and that is true. The developer has worked with SHPO, with an archaeologist, and as he said, he's going to try to be named, get replaced as the party if there's an inadvertent discovery of human remains. That's what he needs to do, and that's what he's going to do.

The other Statute that the tribal member mentioned was that certain State agencies must consult with the tribal agency. You're not one of the agencies listed in that Statute; there are State agencies that yes, must consult with the tribes, you're not required to do that. You could, the developer could, but in this case, they've met with SHPO, they've met with the archaeologist, that's all they need to do.

So, as I indicated, you've been through my trainings, you've been through both the Planning Commission training, Council training. When you have an application that meets the four corners of all of your books, you have an obligation and a duty to uphold the Constitution of the United States of America. Thank you.

Mayor Bailey stated what I would like to do, unless Council has any questions for the staff at this point, based on some of the feedback that I've received, some of the people I've talked with, some of the emails that I have received, I thought it was important to provide a prepared statement so you understand what I'm looking at:

So, I want to start out with a bit of a recap of the history of the Mississippi Dunes Golf Course site over the years. I have been involved with Cottage Grove City government for over 25 years and in various roles, from commission member, Council Member, and Mayor. I remember before I even became involved on the City commissions, I knew of the City's desire to provide easier and safe access to the Mississippi River. As this City has continued to grow, this desire has not subsided.

When the golf course was originally built, the site was tilled and graded, almost end to end. We know this by looking at aerial photos of the site over the years. To say that the site is pristine and it has native habitat is not accurate. This has also been proven by the Site Review by the DNR and a hired environmentalist. Anything that is native and in good health is being saved in the area the DNR has requested to purchase.

The previous golf course owner attended various meetings with City staff and me, looking to change the use of the property; I should mention it's not the current owner of the property, the previous. Some of the desired uses that he brought before the City Council included: High-density housing, a resort-style hotel, a campground, the Renaissance Festival, and WE Fest, just to name a few. And all of those are legitimate requests, that they were there. I can share this with you that City staff and I actually met with WE Fest promoters and the Renaissance Festival promoters in person and based on these discussions. We told them we did not believe this site was suitable for these types of venues, and though some may think it would be awesome for these types of uses in Cottage Grove, we did not.

Fast forward to the demise and bankruptcy of the golf course. A new owner bought the property as a retirement investment. The first housing developer, before Pulte, who came to town wanted wall-to-wall housing. They had housing right up to the shores of the backwaters of the Mississippi River. They were proposing just the minimum of park space, as required by law. We said no, and I said no. It was too dense and did not fit with the desire of the City to provide some access to the river.

Then Pulte came to us with the idea for a senior gated community with limited public access to the river, once again. We again said no to this idea; that caused them to go back to the drawing board to find a better solution to provide public access, preserving more open space, and providing for multiple housing options. We have been consistent with our vision for the land and stood our ground to ensure the public access for all abilities to the river is achieved, and there's a balance between lifecycle housing and open space. We also want to offer the opportunity to live near the river. Through a lot of reiterations, Park Master Planning, Land Use Planning, Community Surveys, Commission reviews, etc., we are at where we are today. The City of Cottage Grove

works with each developer to keep as much open space as possible. In this proposed development, the City of Cottage Grove is capturing the entire riverfront for park and open space. We had never intended on preserving the entire golf course property for park or open space; we followed the Comprehensive Plan and looked to create a significant Regional Park on the island in the future.

When the opportunity to gain additional park land, along the backwaters of the Mississippi River came with this proposed development, we worked with the landowner, Washington County, and the DNR to keep development off the river.

Some other notes I should share with you of interest, and you saw some of these, I think, this evening:

- Of the 200 total acres of the property, over 110 of the acres is being preserved as park, open space, wetlands, and buffers.
- There will be no housing along the river; all of this land is going to be a park and natural open space connecting to the Grey Cloud Dunes Scientific and Natural Area.
- The original EAW that was completed had housing proposed up to 499 units; the current proposal is slated for 377 total units, well below the possible density within this zoning.
- We once again checked in with the DNR on any issues or environmental concerns. We, as a City, received a letter dated 1-16-2024 from the DNR that states this development will have no negative impact or environmental concerns.
- Based on the environmentalist hired for review of this site, no endangered species will be affected by this development.
- We are still waiting for the DNR to purchase the 12.4 acres below the tracks and the 35.1 acres above the tracks to add to the Grey Cloud Dunes SNA. They have the funding provided by Representative Rick Hanson to finalize the purchase.
- I personally wrote a letter to the DNR, asking for immediate purchase of the property they desire before another developer comes in and tries to develop the 35.1 acres above the tracks, which is currently zoned medium density. I received a letter back this past week saying they are working quickly and expecting to close on the two parcels no later than June of this year. This is great news, and these parcels being captured will add 20% more protected lands to the current 238-acre Dunes SNA.
- Some suggest there is money to purchase the entire property for preservation. This is not accurate. We have worked with our legislators, County, State, and DNR to gather funds for the parcels of property we want to protect. The DNR walked the golf course site and specifically selected the 12.4 acres for preservation. We suggested that they purchase the additional 35.1 acres above the tracks; hence, this is where we're at today.
- We were hard pressed to find the funding to purchase what we were able to purchase. If there was funding available to purchase the entire site, the Friends of Grey Cloud or the Friends of the Mississippi River could have purchased it during any of these gaps in development between Pulte and Rachel or when it was originally foreclosed on for many years. They did not; that is because the

money is not actually there. They wanted the City to buy it and raise our citizens' taxes dramatically. This is not feasible or financially possible.

- The City currently manages over 2,600 acres of park and open space across the City. We have grown our Park system from 22 parks in 2000 to 38 parks today. We maintain over 1,085 acres of the current parks, up from 600 acres in 2000. We went from 19 miles of trails in 2000 to 96 miles of trails today.
- As you heard earlier this evening on our Consent Agenda, we accepted grant money to continue to create native greenways throughout our City. We care about the environment. We will continue to work to gain more park and open spaces where it is practical and financially feasible.
- Some of the Cottage Grove residents that sent us letters through the Friends of Grey Cloud petition, asking us to preserve this land, would not be living in Cottage Grove today if previous City Councils had not allowed our City to develop in a smart and orderly fashion, along with creating unique developments with parks and open spaces for everyone to enjoy.
- We are a growing City, and we will continue to grow. Eventually, there will be a significant Regional Park on the island; I would personally like to see the Friends of Grey Cloud work with the City to move forward with a Master Plan of the island to preserve certain parts of the island for park and open space. This Master Plan document needs to be approved by Washington County and the Metropolitan Council. I am fully supportive of doing this Master Plan; I hope you will help us get this done.
- Finally, I know in the letters that were sent to us, it talks about creating a legacy. I thought it was interesting as I wanted to say I personally have been dreaming of the day that I can bring my grandchildren, who live here in Cottage Grove, to the Mississippi River in Cottage Grove to canoe, fish, and learn more about nature. Our plan for this new park is for an interpretive center, outdoor classrooms, and opportunities to learn about nature along the backwaters of the Mississippi River. I am proud of the proposal before us this evening, and I support this proposal.
- I do want to thank Rachel Development for your passion, vision, and creativity to work with an environmentally focused and sensitive area with this proposed development. You live by your word to create beautiful neighborhoods connected to nature, as you had previously done with the Eastbrooke Development here in Cottage Grove. I have been impressed by your careful attention, and we will finally give the citizens of Cottage Grove the opportunity for river access and connection to the backwaters of the Mississippi River. This proposal will also give citizens the option to live closer to the river and have easy access to the Grey Cloud Dunes SNA and the river.

Council Member Khambata said I see a lot of mad faces. A lot of people feel like they're not being listened to, and they're frustrated, I can see the frustration. I can see people walking out, which is frustrating because it's almost 10 o'clock and we're here to hear you. Reciprocity would be appreciated. However, I want to touch on a few things. Somebody had mentioned why don't we get to vote on this; in the previous year, I believe it was last year, we did a Citywide poll, and of the respondents, many of our

constituents, the people who voted for us to be at this dais, identified housing affordability and accessibility as a key issue. Public Policy Polling just published a study asking several questions regarding housing: 67% of Washington County residents stated that housing affordability and availability was either a serious or very serious problem; 43% of those said that Minnesota has a housing crisis. Surprisingly, only 25% said that they would be in favor of increased housing development in their area. So, 67% identified housing as a serious or very serious problem, but only 25% were willing to accept development in their area. So, where's it going to go? And why don't we just halt housing altogether? I had a chance to brush up on the Minnesota Statute that gives our City authority to plan, Section 462, regarding subdivision regulation. The authority that it gives us is to protect and promote the public health, safety, and general welfare. To provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing, affordable to persons and families of all income levels. All income levels. And to facilitate adequate provision for transportation, water, sewer, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing those standards. Those are all the purview of our organization, all of those things are encompassed in our decision on what we do with this parcel or anybody else's parcel. As a matter of fact, anybody who lives on Grey Cloud Trail right now could be a willing seller to the DNR, to Friends of the Mississippi River. Some of those houses are paid for, you don't even need to sell them, just do a quit claim deed, it costs \$50 to file. The form is online, it's free. But we're not here talking about that, we're talking about your neighbor's property, what you want to do to your neighbor's property. You want to circumvent their due process. We are not allowed to do that, we have very specific authority. If we were to say subvert the rights of this property owner, what's to stop us from subverting the rights of any other property owner in this room? What's to say that we don't decide that your land is no longer re-sellable as a home, it's now dedicated as park, no one can ever use it for any other purpose. That's your legacy, that's your family's generational wealth; there's a lot of things to consider with that, just as we're going to defend this Applicant. I've never actually met the current property owner, I wish he were here because I'm sure you guys would like to talk to him as well, but I don't have a financial stake in this. My duty is to uphold the Constitution of the United States, the Constitution and the laws of Minnesota, which state that if it fits, it ships, like this is it. We're not making any special exceptions. I would say that you guys have been a catalyst to make sure that not only do we do things right, but we check our work twice. Unfortunately, my feelings, which are not actually in favor of development, don't matter here. I can't say that I don't like this so I'm going to unilaterally decide that I don't want it; we'll get sued, and if we lose, the development goes forward anyway. Not only that, but now we lose whatever controls we had, they're gone. So, if we don't keep this between the rails, it gets passed anyway, and as a City, we've lost any opportunity to help guide this in a favorable way for the constituents whom we serve. So, that's what I wanted to say.

Council Member Khambata asked Attorney Land what happens if we would have, in Section 462.357, stopped this before this meeting, what would happen if we just told this property owner, you know what, we don't like that.

Attorney Land replied first of all, I think you were a lawyer in another life because you actually said that a lot nicer than I did. But the developer has a right when they submit an application to the laws that are in place at the time, and if the Council chooses to ignore those laws and doesn't have a factual basis for doing so, it's called arbitrary and capricious. If the developer sued the City, saying I am entitled to my development because I met all of the rules and regulations, a court would likely agree.

Council Member Khambata asked what would happen to the symbiotic planning that we've achieved with this builder if that should arise.

Attorney Land replied if a court held that the City Council was arbitrary and capricious, they would automatically likely approve the project; and, as you indicated, it would be without conditions.

Council Member Thiede stated I just wanted to make a few comments. Having sat through this whole process, I thought it was very unfortunate that the golf course went away because I loved sitting out by the clubhouse, looking out over the river and so forth. I ended up tearing up the golf course a little bit when I was out there. At any rate, I know a lot of you think that gosh, we've either failed or we haven't succeeded in doing some things. If you look back, like Mayor Bailey was reading through, there's a lot of things from when this first started to now, largely a lot of your activity and really having us listen to you, even though you don't believe it, about trying to get more land that's accessible to the river, saving some of that land. The fact is, is that at one point it was probably maybe 10% of the land that would not have been developed. Now, it's up to over 50% of that parcel is not actually going to be developed in homes. So, you really were victorious in that, though in your minds you don't think that's the case, to get to this point. Personally, I originally would have liked to see million-dollar homes or larger lots and so forth, but a marketing study was actually done. Talking to people like Council Member Khambata and Council Member Garza and other marketing people, they said that even though there's not very many trains that go on that railroad track, that there are people that wouldn't want to spend \$1.5-to-\$2 million for a home out there. I even mentioned to Rod earlier, I was on the Planning Commission back in the early 2000s, and we were rejecting community developments that had narrowed their lots down to 70 feet; unfortunately, the market is where it's at and we're at some of these narrower lots and things like that. You say why would you want to do that, well, I don't think I'd like a small lot or ten feet between the next home, but people buy them and it's what sells. So, I guess all I'm saying is that somebody else could have come in and bought that land, too, and did what they wanted, to kind of preserve it and so forth. I think that we've done a fair amount in trying to do what we could to get that access, listening to people, getting the access to the river, and preserving really a fair chunk of that land.

Council Member Olsen stated Council Member Khambata and Council Member Thiede both did a magnificent job of kind of explaining our role in this process, and you did a very nice job with your statements as well. I started working with Friends of the Mississippi on this project and trying to identify ways in which we could preserve as much of the land as possible back in the COVID days, so it was over Zoom, but there were a lot of Zoom meetings. When I was meeting with them, one of my very consistent

pieces of advice was if you want to preserve this, you need to come up with some money. For a while, there was conversation about well, we can get together this amount of money if we work with this team and that team and the other team; but after a while, it became pretty evident that the money wasn't there, just like you said. As this process has progressed, that piece of advice has been the same. If you want to preserve it, buy it, and come up with the money. Now, in the course of those conversations, the property owner was involved; as you mentioned, there was an initial development plan that came before us that we rejected. So, the property owner at that time was left wondering, well, what am I going to do with this? Because the property owner bought that piece of land at a discount, in a sale after Doc's bankruptcy, as a retirement vehicle; that's why he and his wife bought it. Their intent the entire time was to sell it. I'm confident that they had the best intent in mind, as far as what the proper use of the property was, but the challenge is, of course, that if you're a property owner and you're holding a piece of property and your desire is to at some point sell that property, you have to ask yourself how am I going to make the best use of the asset. Now, what's interesting is Dave and Dawn Gustafson, who own the property, belong to the Friends of the Mississippi; I don't know if they still do, but they did for a long time. So, they knew all those people, and I'm certain that somebody somewhere had a conversation with the Gustafsons. I know we had several conversations with the Gustafsons. Moving forward in time, as it became clear that there was no money to purchase this property for the preservation that so many people seemed to advocate, Dave had to make a different decision. As Attorney Land eloquently stated earlier, he made the decision to sell for development, and what happens then is there is a legal process that we have to follow. Pulte was the first holder of the option, they decided that wasn't going to work for them, and I'm very grateful that Rachel Development came aboard. They have been really good to work with, they've been very responsive to feedback. This idea that folks aren't listening to what some people have as opinions is I think strongly disputed by the fact that Rachel Development went above and beyond with their environmental studies and their surveys, etc. They have come to us with a plan that's going to enable us to preserve a significant amount of that land in the SNA and park space for generations long after I'm gone to be able to use. I think that that in and of itself is a pretty damn good legacy. This development meets all of the standards that have been put in place to catch shady stuff. Legally, there's no question that we should approve this development, no doubt about it. And we are elected to look at things from a very objective and dispassionate point of view in conjunction with the law. That's what we get elected to do. And we protect the taxpayers of the City when we don't act in an arbitrary or capricious manner because that prevents us from getting sued and losing and having to pay damages and all of those things because we follow the advice of staff, we follow the advice of our legal counsel, and we definitely measure twice and cut once. And we've measured more than twice here. There have been over 15 public meetings on this piece of property in the last four years, over 15 public meetings. So, trust me when I tell you we've taken in an awful lot of public comment and feedback. At the end of the day, though, none of it matters if it's asking us to subvert the law because we can't do that. I personally won't do that. And whatever the folks want to step up to the podium and cast aspersions at us as many did this evening, you'll notice we sat very quietly and politely, and we took the

beating. That's their prerogative, they can choose to do that. But I know that I'm doing the right thing in approving this development. I know that I'm doing the right thing for our City, for its residents, and I know that there were 325 residents who signed that petition; there were over 1,000 signatures, but there were 325 Cottage Grove residents. The rest came from different communities, many from different states; in fact, we had some from different countries, probably people who have never been to Grey Cloud in their life. For the 325 residents who signed the petition, sorry that you feel that way, but the fact of the matter is we have to move this development forward if we're going to do our job in conjunction with the law.

Council Member Garza stated as you all know, I'm very new to this Council, and so I'm only a couple months in, but in my career and as an advocate of responsible growth in a community, I think it's important, I think this is a very important topic, and we hear you. We hear everything that you all are saying, but growth in your community is very important for our communities to continue to grow. With that, it brings affordable housing, with that it brings growth amongst businesses, there's tax breaks that come with different things as we grow a bit larger. So, I think this project will bring a wealth of opportunity to our community, and I think that the developers have really taken the intent of preserving our land so that it is still something that we are proud of. All of these things are being taken into consideration, and I think this is a really good project that we should be pushing through our community. I do believe in it and I stand behind it as well.

Motion by Council Member Olsen to Adopt Resolution 2024-029 approving the Preliminary Plat and Planned Unit Development for a subdivision consisting of 377 single-family lots and 18 outlots to be called Mississippi Landing; second by Council Member Khambata. Motion carried: 5-0.

12. COUNCIL COMMENTS AND REQUESTS

Mayor Bailey stated first of all, I want to thank our staff for working for years, literally, on this project, getting us to where we're at today, which I think is a very good project for us. I also want to thank, as I said in my statement, Rachel Development for working with us to make something really nice down there. I know you will, I've seen Eastbrooke, but I'm going to hold you to it. So, I want to see some of the things that we're talking about, and I appreciate all of the focus that we're going to have on that park.

Mayor Bailey stated I want to thank the Council because this can be very difficult to deal with, these kinds of things, but I appreciate your passion and your due diligence of reading everything and going through all the details and listening. So, I appreciate that.

Mayor Bailey stated on a fun note, as a friendly reminder for everybody, tomorrow evening at the Cottage Grove Ice Arena, the first Sectional game for Park High School boys' hockey against Cretin will be played at 7:00 p.m. This is the first time in well over 20+ years that Park has had a home ice advantage in the Sectional playoffs. I don't want to jinx them, but they've had a pretty decent year this year. I will say they beat

Cretin once, and Cretin beat us once, so this is going to be an interesting game to move forward on the Sectionals. We'd love to fill up the stands tomorrow night, so if you're so inclined, I'd encourage you to swing in; you can buy tickets online or you can buy tickets at the door.

13. WORKSHOPS - OPEN TO PUBLIC - None.

14. WORKSHOPS - CLOSED TO PUBLIC - None.

15. ADJOURNMENT

Motion by Council Member Thiede, second by Council Member Garza, to adjourn the meeting at 10:14 p.m. Motion carried: 5-0.

Minutes prepared by Judy Graf and reviewed by Tamara Anderson, City Clerk.