

MINUTES

COTTAGE GROVE CITY COUNCIL

April 3, 2024

COUNCIL CHAMBER
12800 RAVINE PARKWAY SOUTH
COTTAGE GROVE, MN 55016

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 April 3, 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.

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; Korine Land, City Attorney-LeVander, Gillen & Miller, PA; Brenda Malinowski, Finance Director; Mike McCormick, Cottage Grove Police Sergeant; Brad Peterson, Police Captain; Amanda Meyer, City Engineer; Emily Schmitz, Community Development Director.

4. OPEN FORUM

Mayor Bailey opened the Open Forum. As no one wished to address the Council, Mayor Bailey closed the Open Forum.

5. ADOPTION OF AGENDA

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

6. PRESENTATIONS

A. Beyond the Yellow Ribbon

Staff Recommendation: Receive the Beyond the Yellow Ribbon presentation.

Ray Kane, President of the Beyond the Yellow Ribbon Board, stated I appreciate the opportunity to be here to talk to you about the things we do at Beyond the Yellow Ribbon of Cottage Grove. Beyond the Yellow Ribbon of Cottage Grove has changed to Mississippi River Valley, and we're still working on that connection, but we actually now cover Cottage Grove, St. Paul Park, Newport, Hastings, and Grey Cloud Township. Those are the areas that we help veterans and serve them, but not only veterans but also their families and currently serving members of the National Guard, etc.

The Mayor, City Council Members, and City made a commitment to support veterans and Beyond the Yellow Ribbon in 2011, so we've been with the City for quite a while. Once again, we appreciate your commitment there. Incoming Requests: Incoming requests come to us through our County Veteran Service Office, not only in Washington County but also from Hennepin County, Ramsey County, and Dakota County. Those requests will go to our partners, and our biggest thing is getting the vets the assistance they need: MACV is housing assistance. We use a lot of the American Legions, and we're currently working very effectively with the Cottage Grove Lions and the VFW Red Barn; they really help us out quite a bit with events and helping veterans. Our key role here is to fill in the gaps for veterans, making sure we take care of them, and we use our other networks to assist veterans. He introduced key partners in our community: Patrick Nickle works overtime, does a lot with the community, but when it snows on a weekend, he's shoveling driveways or mowing lawns in the summer; Adele is helping us with our community faith-based organizations; Matt helps us with all of our volunteer work and getting that coordinated. Right now we put about \$96,000 into this community, using direct and indirect funds; once again, that's using our community partners: Basic Needs Food Market, MACV, the Red Barn, definitely the Cottage Grove Lions who help us support our Christmas program every year. Two years ago, we had 158 veterans and their families for Christmas, last year we had about 98. We're also predicting this year we'll have more veterans and their families because of the deployments happening in Cottage Grove, Hastings, and the surrounding area. Mental Health: Veterans struggle with mental health issues, so we're working on a S.A.V.E. program to have in the City of Cottage Grove and the surrounding areas. S.A.V.E. is talking about suicide prevention and being able to actually communicate and not just teach our veterans and their supporters, but people in the community what S.A.V.E. training is about, how to talk to a veteran who is thinking about suicide. So, we're educating our partners, not only just helping veterans in the area. We also use the program Unite Us to refer people back and forth; if somebody comes to us and needs assistance, we don't just say okay, we're going to take care of you, let's move on. We make sure that we refer them to a food shelf program in their area or mental health services. Some of our veterans need financial counseling to make sure that they're on the right track after we get done with them and help them out. Our Supporters: There are 11 listed, and Stone Soup Food Pantry is doing great in helping our veterans. Council Member Justin Olsen is a City representative who helps us with Memorial Day and that's very exciting. We're going to

be focusing on our Vietnam veterans this year. Volunteers: We're always looking for volunteers! I want to make sure you know, Mayor, and understand that we really appreciate you putting a City Council member on our Board because we do not have representation from several cities that we work with. We're working on that, and Justin is an amazing person and he does a great job for us. We have a Board President, which is myself, Vice President is Patrick Nickle, Secretary is David Lutchen, Business Rep, Public Services, and we're looking for more volunteers. I'll become the past Chair after a few years here. Mary Dingle is our St. Paul Park representative, and we're still looking for representatives in Newport and Hastings. Social Media: We're also working on the website, but the biggest thing is to make sure that you go on our Facebook page and like it; we'll give some updates, but the key factor here is making sure that you call the number, send us an email, and we'll be able to assist you. If we can't assist you here, we will find avenues to make sure that we take care of our veterans. The biggest thing is we won't know a veteran in need unless somebody brings it up to us and talks to us about it. That's a key factor.

I also want to thank the City of Cottage Grove because of their efforts; because you've allowed me to be on the Beyond the Yellow Ribbon organization, I've learned so much about veterans that it gave me the opportunity to become a Department Service Officer for the American Legion Department of Minnesota. So, now I get the opportunity across the State of Minnesota to help veterans, which is great because I'm learning of more programs to help our veterans in our City. If you have any questions, I'm here. I appreciate it, and thank you for letting us come up and speak with you.

Mayor Bailey stated fantastic, thank you, Ray, and your supporters behind you there for all the work that you do to support the veterans, both in our community and the surrounding communities. I think that's part of the challenge, in previously talking with Council Member Olsen, is that there were other chapters that maybe weren't doing as well; your group came in and said we'll kind of take it over. Your group is really expanding upon the service area and adding other cities. If you are interested in being a part of Beyond the Yellow Ribbon, you can obviously reach out to me, we can get you in touch with Ray and the group, or Council Member Olsen for anybody in the public who's interested in supporting your group. Maybe that's on the Board or some volunteer opportunities on some of the projects that you've been doing, maybe a business that might be able to support some of your projects to help our veterans and their families.

Council Member Olsen said first of all, I want to say thank you to Ray and the team, Matt, Adele, Pat, and our newest member, who isn't standing behind you but should be, Captain Brad Petersen, who just came to our last meeting and is going to be serving as our Public Safety liaison. The work that this group does for such a small group of people is unbelievable. Having the privilege to be part of this team is something that I'm very grateful for; I feel like everyone's heart is in the right place, and they certainly are not afraid to get their hands dirty when necessary to take care of our neediest.

Council Member Olsen told a story to give people an illustration of this team and what they do: A couple years ago, we got a phone call early on a Sunday afternoon. It was a resident who just happens to know that I'm part of Beyond the Yellow Ribbon and also knew Pat was part of Beyond the Yellow Ribbon. He said, hey look, I'm over here

at Starbucks, and I've been coming here for the last few days, and there's a guy here who's living in his car. And I started talking to the guy, I bought him a cup of coffee, and it turns out he's a veteran. Is there something you guys can do for this person? Yes, there is. So, I immediately got in touch with Pat Nickle, who's a sergeant on our Police Department, who happened to be working the street. I think he was there in five minutes in his squad, and he interacted with the individual, got him some gift cards for some food, and got him in touch with Ray. Ray immediately went into action and got him some lodging at the hotel and got him in touch with Basic Needs to get him some clothing and some other things. Ray, I'll let you fill in the blanks if I've left anything out, but it wasn't two hours and that person had a hot meal, a place to stay for several days, he had gift cards for other things that he might need at Target or food, etc. All of that is the generosity of our donors, whether it's the Lions Club or Basic Needs or any of the Beyond the Yellow Ribbon businesses, several of them are here in the City of Cottage Grove. They make sure that we have what we need so that we can hop to it when we have somebody like that who's in need. It was a very special day, I think we all walked away from that day feeling like this is what we're doing this for, this is why this matters. This person served our country, and they deserve better than what they're living conditions currently are, and it's our responsibility and our mission to help people like that. Boy, if that doesn't tell the story about what we do, and the look on some of those kids' faces when we do the Christmas program and those kinds of things.

Maybe, Ray, can you tell everybody what MACV is? I know we know what that is, but I don't think everybody watching at home maybe knows what that is.

Ray stated MACV (Minnesota Assistance Council for Veterans) does housing for veterans. So, they help veterans, and we've actually housed I think four veterans currently, and we're actually partners with one, with Hugo, but this year we reached out to MACV, and they house our veterans. So, they pay their security deposit and their first and last month's rent if they were struggling with foreclosure or not being able to pay rent. The American Legion has a Minnesota Veterans Assistance Fund Grant, and I think we've paid four mortgages currently in the City and a couple in the other cities right now.

Council Member Olsen stated Pat got involved with a veteran, who needed some mortgage assistance a couple years ago, and got Brenda, our Finance Director, involved. The things that we do for folks we do it because it's the right thing to do, and because they deserve it. And it's not usually something that we talk a lot about, but Ray is actually required by Statute to be here once a year to give us an update; that's part of the Charter so that's why he's here. Thank you guys so much for coming here tonight. I think it really meant a lot.

Mayor Bailey stated thank you for all of your support, it's fantastic.

B. Autism Acceptance Month Proclamation

Staff Recommendation: Proclaim the month of April 2024 as Autism Awareness Month.

Mayor Bailey asked Council Member Olsen if he would like to read the proclamation.

Council Member Olsen replied yes, Mayor, I will, it means a lot to me that you let me do this every year. As a parent of a son on the autism spectrum, Autism Awareness and Acceptance Month is April every year, and it means an awful lot to me and my family. So, having the opportunity to read this tonight is a blessing for us, thank you. Council Member Olsen read aloud the Autism Acceptance Month Proclamation.

Motion by Council Member Olsen to proclaim the month of April 2024 as Autism Acceptance Month; second by Council Member Khambata. Motion carried: 5-0.

C. National Volunteer Month Proclamation

Staff Recommendation: Proclaim the month of April 2024 to be designated as National Volunteer Month.

Mayor Bailey stated Council Member Garza will read the National Volunteer Month Proclamation.

Council Member Garza stated this is the National Volunteer Month Proclamation, which is very important for our City. We appreciate all of the volunteers here. She then read aloud the National Volunteer Month Proclamation.

Motion by Council Member Garza to proclaim the month of April 2024 to be designated as National Volunteer Month; second by Council Member Thiede. Motion carried: 5-0.

7. CONSENT AGENDA

- A. Approve the March 20, 2024 City Council Special Meeting Minutes.
- B. Approve the March 20, 2024 City Council Regular Meeting Minutes.
- C. Accept and place on file the minutes from the February 26, 2024 Planning Commission meeting.
- D. Approve the January 8, 2024 Public Services Commission Meeting minutes.
- E. Approve a Temporary Liquor License for the Cottage Grove Lions Club, to be used on June 20-22, 2024 at Kingston Park (9195 75th Street South) and Lamar Fields (7025 Lamar Avenue South) in conjunction with the Strawberry Fest Celebration.
- F. Approve a Temporary Liquor License for the St. Paul Park Lions Club, to be used on June 21, 2024 and June 22, 2024 at Kingston Park (9195 75th Street South) in conjunction with the Strawberry Fest Celebration.
- G. Approve the issuance of rental licenses to the properties in the attached table.
- H. Receive information on the General Fund balance as of December 31, 2023.
- I. Adopt Resolution 2024-051, approving Interfund Transfers.
- J. Adopt Resolution 2024-053, approving the 2023 Ambulance Write-Offs.
- K. Adopt Resolution 2024-052, 2023 Budget Revision.

- L. Authorize Resolution 2024-054, approving final payment to Vinco, Inc. in the amount of \$78,902.37 for the Glacial Valley Park Building Project.
- M. Authorize service agreement, subject to minor modifications by City Attorney, with Front Row Systems for the installation of party lights at the Cottage Grove Ice Arena for the amount of \$29,704.25.
- N. Authorize Public Works to advertise and sell surplus property on Cranky Ape.
- O. Approve the 2024 Grant Agreement for Municipal Recycling Grant Distribution in the amount of \$57,930.00.
- P. Approve the 2024 EAB Trunk Injection Treatment Program Agreement with Rainbow Treecare.
- Q. Approve the Stormwater Management Facilities Agreement with Dodge Nature Center.
- R. Adopt Resolution 2024-056 supporting the City of Cottage Grove's retention of zoning and land use authority.

None of the Council Members wished to pull any items on the Consent Agenda for further discussion and/or approval.

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

8. APPROVE DISBURSEMENTS

- A. Approve payments for the period of 3-15-2024 through 3-28-2024 in the amount of \$5,029,991.02.

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

9. PUBLIC HEARINGS - None.

10. BID AWARDS

- A. 2024 Pavement Management Project
Staff Recommendation: Adopt Resolution 2024-055 awarding the bid for the 2024 Pavement Management Project to OMG Midwest, Inc. dba Minnesota Paving & Materials, in the total amount of \$903,739.48.

Amanda Meyer, City Engineer, stated as mentioned, the 2024 Pavement Management Project is before you with the Bid Award. We opened bids for this project about two weeks ago, which is the Prestige Estates neighborhood. The Engineer's Estimate was \$945,000; you can see on the screen before you we did receive five competitive bids, with the low bidder being OMG Midwest, Inc., doing business as Minnesota Paving & Materials, for a low bid of \$903,739.48. They have, of course, done work in our

community before and we have great experience with them. With that, there is a recommendation before you, and I'll stand for questions.

Mayor Bailey stated thank you, I know that was a concern with that neighborhood was what the prices might come back, so I'm very happy that it's below even what we had thought it was going to be. So, that's awesome. He asked Council if they had any questions, but none were asked.

Motion by Council Member Olsen to Adopt Resolution 2024-055, awarding the bid for the 2024 Pavement Management Project to OMG Midwest, Inc. DBA Minnesota Paving & Materials, in the total amount of \$903,739.48; second by Council Member Khambata. Motion carried: 5-0.

11. REGULAR AGENDA

- A. Tobacco Compliance Check Violation - Hy-Vee Gas Station
Staff Recommendation: 1) Allow the business representative an opportunity to respond to the City Council regarding tobacco compliance check violations occurring February 27, 2024. 2) If the representative admits to the violation or fails to attend, it is recommended to impose the scheduled penalty for the 2nd violation in a 24-month period of a \$600 fine. 3) If a representative denies the violation, it is recommended to schedule a contested-case hearing before an administrative law judge.

Mayor Bailey stated Sergeant Mike McCormick will speak on this item.

Sergeant McCormick stated tonight we're going to talk about two compliance violations from our most recent round. The first is the Tobacco Compliance Check Violation. Our mission, just like you'll find with alcohol, is that we always provide two compliance checks every year, with both alcohol and tobacco; the only exception in the last 20 years was due to COVID. We believe hiring, training, and supervising responsible staff is essential to keeping businesses in compliance with State law and City Ordinances in regulating the sale of tobacco. Background: On February 27, 2024, our Police Department conducted tobacco compliance checks of Cottage Grove businesses, anyone that essentially holds a license to sell tobacco. The one we'll be speaking about tonight is Hy-Vee Fast & Fresh, which some of you also known as the Hy-Vee gas station. They failed this compliance check, and this is their second failure within a year but in our 36 months. Procedure: Just for consistency, we do the same thing for alcohol and for tobacco. Volunteer decoys are given the following instructions: They arrive at the Police Department on a predetermined date and time in normal, everyday clothing. They don't change their appearance, they are to look as much like their driver's license picture as is possible. Our goal isn't to fool or trick anyone. Pictures of their appearance are taken prior to conducting the checks, and those are saved in case there are violations. Our volunteers are strictly instructed that if anyone asks their age, they are to not lie and to give their actual age. They're instructed under no circumstance to lie about who they are or how old they are. They're instructed to

provide a State ID Card or driver's license that has their true age and identity, essentially that it's them. This ID or driver's license is reviewed and photographed by our compliance check officers prior to the compliance checks for the evening. A photo of the ID and driver's license is taken and uploaded, and it's in our case file. I believe Council has those photos. We also give them money, and that money is photographed to make sure that we can prove that it was actually that monetary note that was used for the transaction. Just a little refresher: As of 2018, Minnesota driver's licenses, have vertical and horizontal driver's licenses. So, if they're vertical, like you see on the left, that signifies that they are under 21 years of age. Also, under the picture, you'll see in red bold block lettering, "Under 21," and it will read "Until" and it gives their birthdate. If the driver's license is horizontal, then they're over 21 years of age. You'll find when we do the alcohol, that Wisconsin does the same thing. Tobacco Violation Facts: Our decoy was an 18-year-old female, and she asked for Vuse Golden vape pod. The employee did not ask for age, but asked for identification. The employee scanned the Identification Card, and according to the officer's report, it came back "Void Transaction," which would mean that they're not of age. Employee looked at the identification, said it was blurry, and then proceeded with completing the transaction. It was at this point that our decoy went out and spoke with our compliance officers, advised of the sale, and the officers then went in to speak with the clerk at the time. That employee was told she would receive a citation for Selling Tobacco to a Person Under the Age of 21. The officers also spoke with the Assistant Store Manager to make sure that they were aware of the compliance violation.

Mayor Bailey asked if Council had any questions for Sergeant McCormick, but none were asked. Mayor Bailey asked if somebody was here from Hy-Vee and there was. Mayor Bailey asked if she wanted to speak at all, and she did. Mayor Bailey asked her to just state her name and address for the record.

Sarah, the Assistant Manager of store operations at the Cottage Grove Hy-Vee. First, I want to say that we took this violation very seriously. The employee that failed this compliance check is no longer with the company. Moving forward, we will continue to train our employees so they know how important it is to follow the steps we have in place as a company when selling tobacco, lottery, and alcohol: They get the product, they scan the UPC, and once they get that UPC in the computer, it's going to prompt them with scanning the back of an ID. Here, they scanned the ID, and like he said, that void screen did come up. From there, they shouldn't be backing out and overriding that at all. If it doesn't work, they do not sell the product, and they are to not sell the product unless they have an ID. Obviously, the ID has to match the person that's purchasing the product. So, going forward, again, like I said, we'll do better training to make sure this does not happen again.

Mayor Bailey said okay, thank you.

Council Member Thiede asked just out of curiosity, how long has this employee been at the store.

Sarah replied I do not have an answer for that, unfortunately.

Council Member Thiede stated I was just curious if they went through the training.

Sarah replied oh, absolutely. Our HR does all the training. We go through this once they're hired, and then we'll continue to go through this as well, the training, to know that they know the steps. We make it very clear when they're hired and the importance of scanning the ID.

Council Member Thiede stated so it sounds like your software does a good job of bringing that up, but that employee, depending on what level of employee they were, was able to actually bypass that and actually finished the sale.

Sarah stated yes, but moving forward, we'll ensure that they do not bypass; that is something that we will not allow.

Council Member Thiede asked is that something that you can do in the software then? Because if the employee wasn't actually able to finish the transaction, then they just couldn't have sold.

Sarah replied I've been in a couple of Hy-Vee stores, and that's not something that they've ever been able to do, but I can certainly ask the question.

Council Member Olsen stated first, let me express my similar concerns about your software. That was a very unfortunate situation that that person was able to bypass the stop sign, so to speak. I worked in convenience myself, and I was the manager of support services responsible for alcohol and tobacco law compliance for Holiday Station Stores for several years. And, so, I know how challenging it is, even when you train people to control human behavior, but the software system can really be your friend. I would highly recommend that you share with the store director or above that two members of the City Council suggested you may want to take a look at your programming and figure out a way to ensure that that can't be overridden unless there's maybe a manager code or something along those lines; because that would prevent a lot of your issues.

The second thing that I wanted to mention is this is the second violation in a relatively short period of time. Do you have any thoughts as to why this has happened now for a second time?

Sarah replied I cannot speak as to why this would be the second time. What I do now is that moving forward will be better in training our employees. Like I said, I'm the Assistant Manager of Store Operations at the store. We have multiple other equal positions as me, and I'll make it a point to go out to our gas station, go out to our liquor store to keep checking in on them and keep training them because this is important. We cannot continue to fail with these violations. So, I will make it my personal duty, along with the other managers, to ensure they're trained. And I will bring the concern with our software to my director.

Council Member Olsen stated I know Council Member Khambata wants to say something as well, but I just want to make sure you're keenly aware a third violation would be a really bad thing. So, you definitely want to take those seriously.

Sarah stated, yes, absolutely.

Council Member Khambata stated just to reiterate what Council Member Thiede and Council Member Olsen said, from recent memory, I think the handful of violations, both alcohol and tobacco, that have occurred recently were all scenarios where software

prompted the employee to stop and the employee overrode it. I know that's frustrating because that's the human element, and that's the hardest part to fix because software is software, and computers are computers. So, I empathize with the position that you're in, but to be at a second violation in four months is concerning; because a third violation comes with even stiffer consequences. So, I would just like to say that I hope that you guys can implement a procedure or a software update that prevents the third violation because we don't take these things lightly, but we also don't like to have to be the ones to enforce it either; but it's in the public health and safety to do so. From our staff side, if there's anything that our staff can help to train or to kind of maybe advise on where the breakdown is so that we can help you prevent having a third instance of this. It kind of breaks my heart when every time this comes up, it's the employee was prompted to stop and then had an easy workaround and proceeded anyway. That seems to be the fact pattern here with these violations, so that's my observation.

Council Member Garza stated I just want to go in a little bit more on the employee, they actually overrode the message. My question is, what would be the reason that they would override it; if they get a prompt that says that this person is under 21, what would be any reason for them to have a reason to override it?

Sarah replied sometimes if there's like a marking on the back of their ID, sometimes it might prompt them that it didn't go through, but usually that means scan it the second time. Never do we want to override that red screen. Usually, that's saying that they scanned it wrong or they scanned the wrong UPC, something like that; or, it's also telling us that they're not old enough or it could be a fake ID or it's an expired ID. It kind of tells us everything like that, so really, we shouldn't be overriding that at all.

Council Member Garza stated so you said that you let the employee go now, but I believe it was an older adult, 40s or 50s, to have overrode your system, I just wonder what would be a reason.

Sarah stated that should never have happened, there's no excuse whatsoever. But that system is there to protect Hy-Vee and the customer. So, if the ID is expired, if it's fake, all the things like that.

Council Member Khambata asked does your system currently give them that prompt? This is fake, this is expired, or does it just say stop and take a closer look.

Sarah replied yes, it just says stop, void.

Mayor Bailey asked Sergeant McCormick in Hy-Vee's case, we did this compliance check at the gas station; did we do a separate compliance inside the store or is it just one. Sergeant McCormick replied yes, we did both.

Mayor Bailey asked so the one in the store they passed; Sergeant McCormick stated that's right. Mayor Bailey stated he was curious about that because I figured there would be two, but I thought it would be important to acknowledge that unfortunately this individual overrode this situation. It sounds like it was an individual issue, but I know that we'd prefer to be celebrating all the other ones that did, including the other one inside your store that passed. This is the only one out of all the locations that we did during

this round that did not pass. So, hopefully, we'll not see you back here, but will see you on the list next time where they both will pass.

Mayor Bailey asked Sarah if she had anything else to add; Sarah replied no, just thank you for allowing me to speak on behalf of Hy-Vee. Again, we'll do better training moving forward.

Motion by Council Member Olsen to accept the recommendation from Public Safety to impose the scheduled penalty for the second violation in a 36-month period, of a \$600 fine for Hy-Vee Fast & Fresh; second by Council Member Thiede. Motion carried: 5-0.

- B. Liquor Compliance Check Violation - Junction 70 Grill
Staff Recommendation: 1) Allow the business representative an opportunity to respond to the City Council regarding liquor compliance check violations occurring February 26, 2024. 2) Waive the scheduled penalty for the 1st violation in a 24-month period of a \$500 fine and the one-day suspension since the staff participated in an educational program conducted by members of the Cottage Grove Police Department.

Mayor Bailey stated Sergeant McCormick will speak on this item.

Sergeant McCormick stated we're going to talk about the liquor compliance check violation at Junction 70. This was on February 26, 2024, where we conducted the liquor compliance checks of all the businesses in our City that hold licenses to sell liquor. Junction 70, 6933 Pine Arbor Drive, failed that compliance check. Not only is this their first violation in a 24-month lookback, but since 2018 they haven't had any.

Just like tobacco compliance checks, we do two checks per year. This is Best Practice, both with State law and regulating our City Ordinances. We appreciate the effort businesses put forth to this important part of their operation, responsible alcohol sales, our respected part of our business community and their efforts to help keep alcohol out of the hands of youth are commendable. As you know, we strive for 100% compliance, and quite often we use these for educational purposes on a first violation. Procedure: Decoys arrive at the Police Department, dressed in normal clothing, they don't change their appearance. We take pictures of them prior to them going out in the field with the officers, and they are instructed to not lie and to advise of their real age if asked. They provide a State issued Identification Card or driver's license, a photo of taken of that Identification Card or driver's license. They are provided with a monetary note, which is photographed prior to going out in the field, and then upon return. As of 2018, vertical Minnesota driver's licenses indicate Under 21, horizontal is Over 21. Under the picture are the words "Under 21" and it gives the birthday of when they would be 21. I wanted to make sure that we added Wisconsin on this one as well because it was a Wisconsin driver's license that was used to make this purchase. Again, you'll see the driver's license is vertical for Under 21, with red letters U21, and that lettering is not on the horizontal driver's license. Violation Facts: This violation took place on February 26, 2024, at 4:50 p.m. There were three decoys that were used, they all walked in together, two of them ordered water with the third one ordering a White Claw, which is

an alcoholic beverage. The server asked for identification, which was presented and examined. The one thing that's quite ironic here is the server was 20 years of age, and the person that she asked was 20 years of age, and they had the exact same birthday; yet, the decoy was still sold that alcohol. Once asked, the clerk admitted to serving the decoy but stated she did not look at the identification closely. She was advised of the citation, Serving Alcohol to a Minor, and the owner was also present. I know that myself and Community Engagement Officer Pierre have met with the business owner on separate occasions, initially at their request. I was advised that they're not present here tonight, but I can tell you that in that meeting with the owner, that employee was let go the same day as the violation. They had also immediately asked, as they were familiar with the ordinance, what they could do to rectify the situation. Without being told some of the steps they could take, they immediately asked to have their entire staff trained. The owner stated that if anyone chose not to attend that they wouldn't be employed there anymore. So, he obviously took it quite seriously. Junction 70 ended up doing two training sessions to accommodate schedules, and he gave the training roster to us, and all of their employees have since attended the alcohol training conducted by this agency; that program was approved prior to doing so. Criminal Charges: This is a gross misdemeanor charge, and they were issued a citation for a misdemeanor, under City Code 3-12-13; as I stated before, what we try to do with businesses is use this as an educational piece. Almost all of the time they're cited under our City Ordinance, which is a misdemeanor. We also let them know that that's kind of their grace period for the next one. This leads us to our recommendation.

Mayor Bailey stated before I even knew that this happened, I happened to be at Junction 70 and the owner came up right away and shared with me how upset he was about their violation. I'm very much aware that he is very vigilant in making sure that everybody is properly trained. Similar to the last situation, liquor checks were done at all businesses in Cottage Grove that sell liquor, and unfortunately for Junction 70, they were the only ones that didn't pass. So, kudos to the rest of the businesses.

Motion by Council Member Khambata to waive the scheduled penalty for the 1st violation in a 24-month period of a \$500 fine and the one-day suspension since the staff participated in an educational program conducted by members of the Cottage Grove Police Department; second by Council Member Thiede. Motion carried: 5-0.

12. COUNCIL COMMENTS AND REQUESTS

Council Member Olsen stated first of all, again I want to express my appreciation at the Council passing the proclamation for April being Autism Awareness and Acceptance Month. That is a very important proclamation for my family and I know many families here in the City of Cottage Grove. It also happens to be Paraprofessional Appreciation Day today, and the two of those things tie together in my mind because I know that when my son went through the South Washington County Public School System, he had several paraprofessionals who assisted him from when he was in pre-K and, in fact, one of those paraprofessionals was Council Member Thiede's wife, Cindy, all the way

up until he graduated from Park High School. Paraprofessionals are truly angels here on earth, as were the teachers and the therapists who worked with our son throughout his educational career. So, I just wanted to take a minute today and acknowledge the hard work that paraprofessionals do in our public school system. For those who don't know what a paraprofessional is, a paraprofessional is somebody who supports the educators and the staff in the school system, whether it be actually in the classroom or perhaps with students who need a little extra help transitioning from classroom to classroom, passing periods in the high school, things of that nature. They also help monitor goings on and behaviors in public spaces, like lunchrooms, theaters, etc. We have lots of paraprofessionals in our public schools here in District 833 and across the State who are kind of the unsung heroes of the school system. I know that if you talk to a teacher, they will tell you that they would not be able to do the job that they do with the number of kids that they have in their classroom without the support of paraprofessionals like Cindy Thiede and others. So, for those who helped our family and who help all of our District 833 families and families across Minnesota, I just wanted to say thank you for everything that you do as paraprofessionals in our public schools.

Council Member Olsen stated Mayor, I also wanted to mention that you and I had a really neat opportunity here last week, Thursday. We had the chance to attend for the first time for you and I what's known as a community Iftar, and that is a program where they are breaking the fast for those who celebrate Ramadan, at the Eastern Twin Cities Islamic Center over in Afton. Typically, they've had those on Wednesday nights, so of course we've been in Council Meetings. But because they had it on a Thursday night, we had the chance to go, along with Public Safety Director Koerner, Captain Petersen, and Community Engagement Officer Ryan Pierre, and also had the opportunity to have Sergeant Schoen with us. It was such a warm and inviting environment to go to. This event has been put on now for 19 years running, and it's a partnership between the Eastern Twin Cities Islamic Center and the Minnesota Council of Churches. So, you had people from all faith backgrounds who were at this event, some from the Jewish faith, some from the Christian faith, and obviously some from the Muslim faith. It was a night where we got some education, we had a presentation called Islam 101, basically, that we got to listen to and about 45 minutes of Q & A, with some pretty hard questions actually from the attendees. I just wanted to say thank you for the invitation from our friends at the Eastern Twin Cities Islamic Center and the Minnesota Council of Churches. It was a very enlightening night, full of hospitality and fellowship, and I was very grateful for the opportunity to finally go. I also look forward to the opportunity to go next year, hopefully.

Council Member Thiede said thank you, Justin, I'm sure Cindy will appreciate that callout. I'd like to just mention that we're getting closer and closer to Strawberry Fest in June, and we are really looking for some volunteers actually to participate during Strawberry Fest, to man the information booth, and do some other things. If you'd like that kind of a short-term commitment as opposed to necessarily being on the committee, we could certainly use the help. Our next meeting will be held on Monday, April 15; we have those meetings at Carbone's at 6:00 p.m., so come on down.

Council Member Garza stated I'd like to mention that we have our movie lineup for our Movies in the Park up at the Highlands Park Splash Pad; it's on the Park and Rec's website and also on the Movies with Mo website or our social media. We have three movies, I hope you all can make it, it's going to be a lot of fun, a lot of free family fun events going on, and food trucks; the food truck lineup is there as well, so we hope to see everyone in our community and outside of our community there.

Mayor Bailey stated that is always a fun event. We'll keep our fingers crossed there's no rain.

Mayor Bailey stated a couple quick things for the public: 1) We obviously did a proclamation earlier this evening for the volunteers that make Cottage Grove a special place. One of the things that we do as a City is we recognize all the various groups, agencies, and organizations that make up the volunteer groups in the City of Cottage Grove with a Volunteer Banquet. That Volunteer Banquet is actually next Thursday, April 11, at 6:00 p.m., at the River Oaks Golf Course. We have so many volunteers we're almost capping out on how many people we can have at the golf course, which is around 230. I was also very excited and honored to be able to reach out to who our Volunteer Person of the Year is and also the Volunteer Group of the Year. So, it will be neat to have them there and officially recognize them as the Volunteer Group of the Year and the individual Volunteer Person of the Year. I'm keeping it a secret for now, but they know. They were pretty excited when I gave them the call. It's a fun thing I get to do as Mayor. 2) Arbor Day: We do have an Arbor Day tree planting on Tuesday, April 23, at 1:00 p.m., at Sunnyhill Park. This is the opportunity for anybody in the public who just wants to come and dig a couple holes and plant some trees and bushes, they're absolutely welcome to do that. I'm going to look both directions, do we still have trees left for the giveaway? If you check out our City Facebook page, every year during Arbor Day, you have to sign up for it, but we give away 100 trees total, one per person. As somebody who in the past has had the opportunity to actually get one of those trees, they are really nice. So, I just encourage the public if you want to add some shade and some value to your home, please sign up and see if your name gets drawn for one of the 100 trees that we're going to be giving away. They're not just little tiny trees, they're actually nice-sized trees. 3) Saturday, April 27, at 10:00 a.m., at Park High School, will be the Chamber Community Showcase. I know the neighbor to the north is having theirs this weekend, I believe, but our Chamber Showcase will be at the Park High School Activity Center. It's a great event, a lot of giveaways, some food, and events there. I encourage everybody to stop in. City staff will be there, I'll be there, and I'm sure some of the Council Members will be there, too, so you can ask questions and we can share what's going on or happening here in Cottage Grove.

Mayor Bailey stated before we adjourn, we have a workshop this evening, which is open to the public. It's kind of finalizing the second part of our Zoning Code Amendments and Sign Code Update. So, we're going to go into the Training Room to finish that up. We will be adjourning this meeting from the Training Room. So, everybody have a great evening. Thank you.

13. WORKSHOPS - OPEN TO PUBLIC - TRAINING ROOM

A. Zoning Code Amendments and Sign Code Update

Staff Recommendation: Provide direction on the specific items identified in the proposed Zoning and Sign Code Amendments.

Mayor Bailey stated this will finish up on a previous workshop we had on the Zoning Code Amendments and Sign Code Updates. Mike Mrosla, Senior Planner, will speak about this tonight.

Planner Mrosla stated the first part of this workshop was held on February 21. One thing that we decided after conversations with everyone here and other staff is we'll maybe remove the section on the smartboards. We dove into that a little bit further; us and the School District were the only ones that were going to be doing the smartboards. So there's really no point to really get into that too much, and we decided to remove that section of the Code at the time.

Another thing we brought up at the workshop was allowing for modifications to our temporary signs. We talked about allowing standard three-folds, this one is a perfect example, well done, and that the size is optional. So, allowing three-folds and on the building and now allowing up to 4 physical yard signs; so, you can have standards, like this here, or at most 4 yard signs, up to no larger than 6 square feet. This is 6 square feet here, this one here is 4 square feet, and these little ones here are all the right size in square feet. So, we're proposing up to 4 of the little ones with a permit; one temporary sign permit is issued per property at any given time. So, if you have a multi-tenant property, only one tenant or the property owner can pull a permit at a given time. We're proposing 6 square feet, if you have 4 of them; the one in the picture is approximately 2 square feet, and that's at Cub. This way, too, if someone wants to do a Strawberry Fest sign or another kind of seasonal event, it allows the property owner to pull a permit to have that sign on the property, and that's for commercial properties. For residential properties, you're allowed two per property, as we discussed last time. So, we brought it back and revised it, and that's what we came up with. Planner Mrosla asked if Council had any concerns with the proposed language or the size.

Council Member Olsen stated Planner Mrosla mentioned a commercial property with several tenants. Let's say you have a commercial property with office space; I'll use the corner of 90th and Jamaica as an example, where we have several tenants. The language allows for 4 different signs on that property, correct?

Planner Mrosla replied it will allow for 1 per tenant, up to 4 tenants, or the property owner. For example, the tenants can pull one for 15 days, and each one will have to do it, along with the property owner. They just can't do it at the same time.

Council Member Olsen stated all right, so if the property owner pulls a permit, he or she could theoretically have a sign for each of their tenants or 4 of their tenants at any given time.

Planner Mrosla replied supposedly, you probably could.

Council Member Olsen stated I know that sometimes they'll have signage, "This Space for Lease," and then they'll have additional signage for the other tenants,

advertising whatever it is that they do in that building. I just wanted to make sure I was clear that at any given time, they could theoretically have 4 of those signs.

Planner Mrosia replied yes, for 15 business days. Generally, those will be more of the tenants' signs, though.

Mayor Bailey had two questions: 1) If somebody decides they want to do this, like Applebee's, are they able to do it online so there's an online version for them to do a permit, since we're not charging them, we're just asking them to do it. I'm just looking to see how you can make it the easiest, and they don't have to come to City Hall. Emily Schmitz, Community Development Director, replied the application will be online, so they just complete that and submit it. 2) Mayor Bailey said sometimes we see messages about store closings, etc. What about the people who stand at the corner with the long pole signs that say store liquidation or whatever; would that fall under the purview of the 4, or would they not be allowed to do that because it's not on their property.

City Attorney Korine Land stated if they're on a public sidewalk, it's in the right-of-way, that's free space even though it's in a public place. But if it's on private property, that's a different thing; the owner would be able to trespass that if they have a sign or are walking on their property.

Mayor Bailey stated he just wanted to make sure that that doesn't truly fall into this. Planner Mrosia said we had a user that was always doing that on the weekends, and as long as they were standing upright it was okay, but once they were leaning up against something or standing or doing something different on private property, it wasn't allowed.

Council Member Garza asked if they were advertising a vacant spot, it says no more than 15 consecutive days. So, if they have a place that's for rent for like three months, are they only able to advertise it for 15 days?

Planner Mrosia replied the real estate sign is covered by a different section; so it's more temporary, short term. So, it will be allowed for a longer period of time.

Mayor Bailey stated when you go down to the Jamaica Square shopping center, I noticed at the Basic Needs Food Pantry, they have the electrical coming out and its winding down to the sign, which is lower. Does that meet our Code?

Planner Mrosia asked if that's the electrical wire; Mayor Bailey replied yes, it's the conduit or whatever they've got coming out. I'm assuming it's where maybe Edina Realty used to put that, when they had their sign over there. Planner Mrosia stated we'll have to take a look at that one.

Council Member Khambata stated another temporary sign that I've seen that I don't think is exclusively cited here is like the waving flags. Does this address those?

Planner Mrosia said that's a good question. They're typically down for a while, so that's one of the areas that will be addressed. Taco Bell had them. They're called feather flags.

Council Member Khambata said that reminds me of like the flailing arm guy, that's what I think of when I see them.

Planner Mrosia stated those are not allowed. So, once we get done with the approval process, those are activities that we'll make property owners aware of, to make sure all properties are updated with the new Code.

Council Member Garza asked so will you have a new business plan that we're going to bring to residents and to businesses so will you mail letters to the new property owners? How will you let them know of those changes, detailed communication on exactly what the changes are for both residential and businesses?

Director Schmitz replied we will have the CG Reports article, and that will be directed mainly towards residents. We're also going to utilize our webpage, to include those. We'll have a little bit more details and communication on exactly what the changes are for both residents and businesses.

Council Member Olsen asked are we engaging with the Chamber on this as well?

Director Schmitz replied I have not engaged the Chamber, but that was something that we could do.

Council Member Olsen stated I think that would be wise. Lori Levine of the Chamber is on our Discover Cottage Grove Board, and she's also responsible for all things with the Chamber. I think she'd be happy to share this information with Chamber members through her various communication portals. So, she's probably somebody that we'd want to engage with.

Mayor Bailey stated yes, and as you're putting up the publications, if you could do that online, I think you'll get better compliance with people if there isn't a fee attached, they can do it online. I think simple is better, and I think we'll see much better support if this is communicated like that.

Council Member Garza asked are we going to give the opportunity to businesses or residents to respond?

Director Schmitz replied I think that will be a part of our engagement, to give them a heads up. Planner Mrosia added I think a good point, too, is we will work on the latest update, this is complicated, just thinking of that task.

Mayor Bailey stated yes, that's why I think the more you can tell people will help.

Planner Mrosia stated we'll tell people so they know where to go, it's right there, we'll work with Brian on that one, too; Public Works might be the most appropriate spot. He stated this is a very similar community engagement, that's what we did for the Zoning Update and it worked very well.

Zoning: Planner Mrosia stated a lot of this has an administrative stamp where we're going to be doing a number of things: Part of this update is doing some formatting correction; we're adding some official definitions for clarification. We clarify the standards for site plan review procedure requirements, adding churches that are accepted in terms of land mass, update trash enclosure materials, etc. This is a lot of

administrative stuff that we're just trying to clean up. One of our primary goals is to make it clean. We're also touching on some areas that needed some minor corrections.

We're bringing back Historic Preservation Conditional Use Permit (HPCUP), and I'll have Assistant Planner Conner Jakes kind of walk through that, as he is working really hard on this.

Assistant Planner Jakes stated before the 2022 Zoning Code Update, the Code did have a HPCUP for historic properties. As part of the Zoning Code Update, staff really thought that the underlying District standards would be enough to kind of provide the parameters, saying that it's for historic properties and its uses. However, in implementing the Code, it became clear that we do need that. We've had multiple meetings with historic property owners to kind of talk about potential uses that could be on site, etc. It's just nice to have a CUP just to be clear up front that this is what we allow. So, the proposed HPCUP closely mirrors what the previous Code had, with a few updates. The five major sections are to provide the definition section, it's modern, provides clarity, matches the allowed uses, and it's just upfront with the list of historic properties. It's clear in terms of the definition; an example would be we would allow restaurants in a HPCUP, but it has to be a sit-down restaurant with waiter or waitress, a certain table size, not fast food. The procedure for the HPCUP follows, it's a typical CUP process for all conditional uses, with the caveat that the HP owner on their level will go before the Planning Commission and Council. The ultimate finding states if the historic characteristics of the property can't be maintained unless that HPCUP is granted, it's kind of putting the onus on the property owner to say that we actually need this huge sum to support our historic property. It's something that we want to have that actually serves a purpose. We recognize a lot of the historic properties are in residential districts, so they won't have uses that fit. The property structure must be on both the National Register's official list, meet the CUP performance standards, and then the old HPCUP had this, too, but a minimum of a five-acre parcel and recognizing a lot of the different residential districts. So, we're kind of putting that minimum in to indicate and impact adjacent properties. We updated, provide and allowed usefulness of the HPCUP. This should be a use that if a historic property owner would come forward and say I want an HPCUP and I want to have one of these approved uses, they need to meet all the other findings and standards that are set forth. Really, the intent is to just provide the clarity so when we meet with historic property owners, it's clear that the City supports that and these are standards on which to have that conversation.

Mayor Bailey stated I think I heard you say something earlier that there were a lot of historic properties in residential areas. Eventually, once Langdon kind of develops or changes, there's a couple historic properties down there, like the old schoolhouse; they would be able to utilize that for something other than just apartments or something similar, is that accurate?

Associate Planner Jakes replied yes. Right now, that school isn't listed as a historic property, so they'd have to get it listed. Then they could come in and say they wanted to use it as a meeting facility or something, and they could come in and get that CUP permit for that District.

Mayor Bailey asked are we then going to try to work with or reach out to some of these that we deem historic, like that schoolhouse?

Associate Planner Jakes replied it's not currently listed, but they kind of have everything in place to list it; all of the work has been done on that and it's on the ACHP priority list.

Mayor Bailey asked about the local versus the national differentiator.

Associate Planner Jakes replied basically they're two totally different processes, but they kind of overlap. So, the City is the local one to deem it as that for our City, basically our own standards that we have. The national one follows the Secretary of the Interior standards and the National Park Service. So, there are different standards that are probably more thorough, you have to go through the whole nation, where the City is obviously just for our City and we use the standards that we set forth.

Council Member Khambata asked do you predict that the five-acre minimum will be problematic; a couple of use cases come to mind, not in our city, but Selma's in Afton. Pretty much every building in Afton is historic just by the sheer fact that they're all 100 years old or more. But that's a special case where that clearly used to be some sort of residence and it's not a sit-down restaurant, it's a retail establishment; so, how do you classify that? I'm just thinking if somebody were to come to us with a property on Lamar Avenue, with a concept like that, how would we respond? Most likely, it wouldn't be on five acres, it might be a best case scenario from like a use case standpoint. Just curious, as there's another one, a mansion in Stillwater that's a historic place that's used as an office building, and that's not on five acres. So, there's clearly historic buildings that are no longer on five acres or more; you want to keep them historic, but you need to find an economical use for them. How do we address that, especially with Langdon Village? I don't think there's anything in Langdon Village that's on five acres. So, when those instances come up, how do we address those?

Associate Planner Jakes replied I should have mentioned, too, so the Code actually says a minimum of five acres unless waived by Council. So, it provides that condition, as long as you meet everything and can prove that it won't have a negative effect to the adjacent properties, then we would move through the process. That was kind of in our thought process, too, because in a business store context, if we received that grant to go through with that and like bring properties that are in Thompson-Grove or different areas that are small lots. We recognize that there are 52 properties that aren't five acres after land division.

Council Member Garza stated Stillwater did that. There's one in a residential neighborhood and it was used as a Bed & Breakfast for many years before it was converted into an office building. The City didn't have a way to do that because as you know, you can't use the dual-use variant, that's not a thing except for a historic property. There is a historic property use variant, but you have to adopt an ordinance. If we find it becomes an issue, that's exactly what Stillwater did, it wasn't an issue until somebody brought it up, so they adopted a historic property use variant process. Because it's a residential neighborhood, a residential lot, and it was a very large building, so it makes sense. If you have a quiet office use, and it wasn't going to be detrimental to the

neighborhood, but it has to meet those criteria of the specific variant. So, it's something that we could do.

Associate Planner Jakes stated we of course feel that if there are other similar uses, we would hopefully get this into a workshop to get your support.

Council Member Garza asked if we think we need a new ordinance. Mayor Bailey replied no.

Planner Mrosia stated what we're proposing is to allow for detached garages or detached accessory structure garages in the front yard on properties that are located adjacent to the Mississippi River. Previously, there were nine variances or approvals granted to allow for garages or similar structures in the front yard of these properties. What we're proposing we actually found in the DNR shoreline; so, a lot of these that have flags have authority because many times you cannot build an accessory structure behind the principal structure. So, the Code language allows you to put it in front. Instead of going through the process for a variance, we're proposing to allow for it to be in the front yard as long as it meets Zoning District standards and the front yard setback. It has to match the materials of the principal structure, we want it to blend in with the surrounding area with the house that's on the property. The main reason we're doing this is there's not a lot of these in the community, it's just the ones that are adjacent to the river. So, they actually have to have permission to get this and they have to frontage within the MRCCA standards; there are many rules and regulations as to why you cannot put it behind your principal structure, and this would streamline the process if it was allowed to occur through the MRCCA process. We will check it and make sure it matches the principal structure, and meets the setbacks for properties that are on the river.

Council Member Khambata asked about multiple accessory structures. So, if they already have a separate garage and they want to do a secondary structure, is there a square-foot maximum that applies there, or how do we navigate that?

Planner Mrosia replied there were a couple that already had a garage; they could do another accessory structure up to 1,000 square feet. So, if someone doesn't have it, and they want one here, they could do that up to 1,000 square feet.

Council Member Olsen stated we did this in River Acres a couple times; we gave variances so this is just going to eliminate that process.

Planner Mrosia stated that's correct. Right now, a lot of communities that have lakes already have this, it's a very similar Code to the DNR shoreline rules.

Mayor Bailey said you're actually showing down here by the river; would that also affect the homes that are above the bluff.

Planner Mrosia replied after considering this, we went one step further. With a property facing the river, they're limited. If you come over here, the rest of those are not near the railroad. So, again, there are only approximately 23 lots that have actual river frontage, so their back yard is the river. About the bluff, the DNR and MRCCA identified the bluffs and they have a bluff setback standard. When we were doing our review, we noticed 6 properties that have received a variance due to not being able to construct an accessory structure or a detached garage due to the setbacks, so they were put in the front yard. Do we want the same kind of standard, we're already at 6, and the only

properties that will be impacted are the ones that are identified on the MRCCA bluffs area. So, if this is tied to a neighborhood, this is Kingsborough, River Acres, and then there's a few over here, off of Grey Cloud. So, that's the question; we kind of streamlined the process and there were these 6 that we could find. Would we want the support to do the same thing in that area, same standards as before: They have to match the principal structure, up to 1,000 square feet, but you have to be impacted by a bluff, and it would have to be in your back yard.

Council Member Olsen stated there are a couple in the coulee that have done that already. Planner Mrosia confirmed there is one that is in the coulee.

Mayor Bailey stated I think it makes sense just to do it to make it easier. Every time that somebody wants to do a variance, wants to put a garage or a structure in front of their house and they're in this area, did they still have to notify or do we have to notify?

Planner Mrosia stated we have to notify the surrounding property owners.

Mayor Bailey stated no, I mean do we have to notify the DNR or whatever in regards to MRCCA.

Planner Mrosia replied no, if they're coming in to do that and meet our standards, the DNR wants to enforce the MRCCA ordinance. The DNR won't be involved unless there's something really odd about it; generally, we're responsible for enforcement.

Mayor Bailey stated many years ago, there was somebody who wanted to put a pool above the bluff. The DNR was saying that we shouldn't allow them to put the pool in, and I think the pool was inground, and that was weird to me. I'm assuming that's because it would have been on the back of the structure that they would have been notified.

City Administrator Jennifer Levitt stated it was that and I believe we were also struggling to identify the actual contour in which the bluff depth was described, if we had the appropriate setback. Mayor Bailey stated well, I know we allowed it because it seemed weird, but I was just curious.

Planner Mrosia stated that's a great point to ensure what is there; the MRCCA Ordinance that we adopted a couple years ago has clear regulations on what a bluff is now, how many feet back. You can view that on an app or our website, it will tell about the setbacks.

Council Member Khambata stated so with the river setback or the bluff setback, it would be a reasonable difficulty for a homeowner so they'd be granted a variance.

Mayor Bailey stated yes, so let's not bother with that extra step. He asked if Council was good with that change and they were.

Planner Mrosia stated after implementing the new Code in 2022, we noticed that some of our impervious surface coverages were a little low; specifically, our R-3 District with all of the new development that's come in. We did an analysis, the impervious surface coverage map for the Thompson-Grove neighborhood. We did a deep dive and had to take a look at how people utilize their property; as you can see, most of them are in conformance. When we come to the newer developments that have 55-foot or 60-foot lots, that space gets taken up; that has been brought up with some recent developments, so we're proposing to increase those. In your packet we provided these numbers, and we propose to increase them all.

Since then, we had a conversation with our Engineering staff; he took our proposed impervious surface coverages and compared it to our Surface Water Management Plan (SWMP). Upon that review, we found that cannot change. So, we decided to keep this Rural one, big lots, at 25%, same with PR-2, big lots. However, the one area that we did have to reduce but still increase for all the requests that we're getting is 40%; it went down from 45% in the R-3 down to 40%, and this is with our SWMP. So, we're making sure everything works, that all the work that our Engineer has done on the stormwater, that we're in compliance with those. The rest of them we have no concerns with, these here with our SWMP. So, going forward we're going to move up these numbers in green here, not the ones here.

Council Member Olsen asked Administrator Levitt with her engineering hat on, is that due to the capacity of the holding pond?

Administrator Levitt replied no matter what impervious percentage you pick, you're still going to have to stay in compliance with the rate and water falloff. So, that's why it's okay in the high density, with 65% coverage, because you're still going to have to maintain the rate control, and most likely it's going to be an on-site pond or another valve system. In all honesty, it doesn't matter in regards to meeting that. I think the challenge to this is a hardship; look at Trellis, for example, a high-density project on a lot on which we want to create affordable housing. If you went strictly by impervious surface, it would be prohibiting development. So, if we want affordable housing, we want to be able to promote high density, we don't need to be linked to an impervious surface.

Council Member Khambata stated from a developer's standpoint, increasing the percentage of impervious surface raises the cost of that on-site ponding or capture, right? He was told that's correct. The instance that comes to mind is Menards, they went with an underground system, but they elected to do that. If they want to increase the impervious surface, then they're electing to take on that additional cost.

Council Member Olsen stated but sometimes they see the cost-benefit ratio. Council Member Khambata stated exactly, and we're not imposing it on them if they want to go that extra coverage, then they're choosing to take that on themselves.

Planner Mroska stated we also, as part of that conversation with Menards and current builders, specifically Lennar and Pulte, they said that they're comfortable with the 40% and 45%. They were getting nervous when those figures were coming through at 35%, with the driveway and patios, it's right at that. So, this will be better.

Planner Mroska stated the next one is kind of the same thing, with the R-4 Zoning District; it's kind of a catchall, it's not our single family, it allows for mixed single family plus others. Think of Calarosa, a mixed product, and that's the intent of the R-4. It usually backs up to destination roadways of more intense uses. However, when we adopted this Code, we proposed 55 feet; since then, we've allowed 45 feet. So, we're proposing to reduce that to 45 for this District. We've had Graymont Village come in, and we compared it to Settlers Bluff and Summer Landing as well. So, we're just trying to be consistent. The big thing is this one has a variety of housing types for different incomes in this community. Again, we've seen a lot of demand for smaller lots instead of townhomes in the market. So, we're just proposing to reduce it. I don't see it being

much more than 45 with setbacks and everything else. We're trying to capture a new, different product type here.

Council Member Khambata asked do you see developers coming back to encroach on the 45 feet and ask for variances to be 40 or 35, for like a twin home or something where you didn't have a five-yard setback? We've been talking about this for a long time; there was a time when 70-foot lots were the minimum and they've continued to gradually come down. I know that economics and the market is driving that, but at a certain point are there any justifiable safety concerns, from a firefighting and fire safety standpoint; where do we just finally say no, you can't go any smaller? That's maybe something to keep in mind because I foresee somebody will come back and ask for an even narrower lot with a new type of housing product in the future so that at least we kind of have some tangible explanation for why we would or would not accept that. As the lots get narrower and the setbacks get smaller, then there are additional engineering considerations for fire suppression and fire safety that need to be considered.

Mayor Bailey stated what we do on that, interestingly enough when I think it was Summers Landing, I went up to Ramsey to see how they built that one up there because they wanted to bring it here. That was one of the things that we made sure is that there had to be different fire suppression, and it was actually through the eaves, I remember that.

Administrator Levitt stated there is a fire staff requirement that's often in that wall design, so that brings Code in line.

Mayor Bailey stated so that would fit in this, that would be one of the requirements, the fire suppression ability. It blows my mind away, and maybe it is all really financial.

Council Member Khambata stated it's consumer preference, too.

Council Member Olsen stated if you go to the West Coast, this is all you get if you're lucky. When Calarosa approached us initially, they were talking about a mother-in-law apartment in addition to a single family house; so, would this still allow for that kind of development or is it too small?

Administrator Levitt stated those were the generation access; the lot size probably would not support that because of the setback and design.

Council Member Thiede stated there's one thing I like to talk about in terms of fire safety is when you talk about the houses and you could shake your neighbor's hand through the window, but most of those places had alleys or access for fire safety, etc. The other thing to consider is with this, you could potentially have a trail that runs on the back lot lines where they could potentially get out.

Council Member Olsen stated we've done that before where we had a Public Safety access point, right?

Administrator Levitt stated the beautiful thing is we have a ladder truck that can actually extend to the back yard, so we don't necessarily have to get an apparatus in the back yard to fight the fire; and we don't need it at the firebreak or anything, so we're probably okay with it.

Planner Mroska stated some developers have tried that, to put those breaks in, and they have detached garages; there's one off of Stagecoach in Bayport, so there are opportunities for that.

Mayor Bailey asked are those new? Director Schmitz stated she didn't know all of that, they might be a unique situation for an access.

Council Member Khambata stated there's a townhouse product that implemented that in Apple Valley where it's like a row house on the front, so you have like front sod, and then you have another building, and then all the garages are on the back side. When you think of Woodward Ponds, they currently backed up the garage across a drive.

Planner Mroska stated the last one is more of a question: With the growth of our Business Park, we've been approached by numerous users because we have a parcel here to do a multifamily project, a workforce housing affordable project on that parcel. However, MWF came before us previously, and when they run the numbers what they're running into is it's a medium-density land use, and they can't make the numbers work for high density for making the project financially feasible. So, MWF requested 120 units, which is the maximum allowed under the medium density for what they were proposing. However, they can't get the possible number to work; so, an affordable project is just as it is. So, they need some type of assistance in that way. One of the ideas that were kind of looking at with the growth is potentially to help with their support, right now we don't have any users that are interested in this piece again. There was 160 units of workforce housing, so the idea would be with the SNA expanding, the medium density here would probably be guided in the future as a park, some kind of transfer from that density in this general area that already was programmed for it to one of those parcels if a user comes forward. We currently have one that is interested in it, but they need approximately 120 units to make it work. One of the questions we're asking with the growth of these industrial parks is they're tasked with housing for staff; for example, Woodbury had a couple on their Planning Commission. So, it's the same thing, they grew, and all the groups that work up there now in the community are looking right here. Also, I'll point out, too, is they're guided medium density; you really can't fit townhouses on there due to the shape of them. That's one thing I took a look at when I was investigating further. I took these lots here and I put them on here, and it really doesn't work because that's the actual roadway, so it makes it difficult. So, one idea we kind of want to see if Council will support is if we increase the density on these parcels if we have users that will build here.

Council Member Olsen stated I would say not, they can take the whole thing.

Planner Mroska stated the roadway will go through here. Mayor Bailey stated so it's split.

Planner Mroska stated so Hadley will come in and will go out like this, and then 100th will go like this.

Council Member Khambata asked when Hadley gets re-routed, are we going to do a land swap with the existing Hadley where it meets 103rd, or what happens to that roadway frontage? Does that get repurposed?

Planner Mroska stated that will be rededicated in the future; we've had conversations with the houses here, Capstone. Plus, there's a roadway here, too, so the parcel is actually a little smaller, it's about 4 acres, 7 acres, so 14. So, there are a couple options there as well. But of course affordable housing and the need in the area with the growth

we've seen in the Business Park, we've been approached, and we're just kind of wondering how to do townhome plats with that.

Council Member Thiede asked about the height.

Planner Mrosia replied the height on the high end would be 55 feet, but it's been previously discussed with users and workshops here that we would want to see a stepped product or something here to complement or reduce the height as you approach the townhouses. That's one thing that the user that's currently looking at is considering, as they're losing the height as we get closer to the residence, but it will go up in height as you go away. MWF had wanted four stories all the way around. So, that is one thing this new user is contemplating is earning into the neighborhood with the townhouses and setting up the height as you move away towards Norhart here, which is five stories.

Council Member Khambata asked if we're just talking about offsetting density, if you look at the acreage that NorthPoint absorbs, even if that was low-density housing, we have to be talking about 500 units, 600 units that could engulf it. Director Schmitz stated where NorthPoint is built, that was always guided industrial.

Council Member Khambata stated okay, so that was never guided for any sort of residential. Director Schmitz stated that's correct.

Council Member Khambata stated okay, so, if they wanted, why don't we take some density offset from that, if it was always intended for industrial but it's not.

Planner Mrosia stated part of this, too, if we were to go forward with this, we're not increasing our total density in the area; this is a tiny parcel to have 400 and some units to develop. So, we're just asking for some more options to develop that.

Council Member Olsen stated I'm personally having a hard time visualizing it. If indeed there was somebody interested in it, would we get some preliminary drawings that we could look at? Planner Mrosia replied yes, we would provide those.

Council Member Olsen stated I think Council Member Thiede raises a really good point about the height and the differential. I just can't picture it in my mind's eye.

Council Member Khambata stated I think Council Member Thiede's point, the height is what's limiting the total number of units.

Planner Mrosia stated yes, we would bring the report, it would be an affordable project of some sort. I think we did a workshop when Norhart was in town here because it was something similar. So, we'll involve the Council with that.

Mayor Bailey asked so if you're doing it and that's what's on those three quadrants, what is that other quadrant there that's orange that would be medium; will that make sense to leave it that way?

Planner Mrosia replied right now, we plan to leave it that way if we take a look at it because of the lot area, it's actually pretty small. So, we're kind of hoping that they can continue their project into there. There's also the potential for other applicants on that land as well.

Administrator Levitt stated we have hired a consultant to give us a few sketch ideas because the other problem is they also need to use stormwater for the road improvement with NorthPoint. So, is there a way to partner with the development, put stormwater on that parcel and make it affordable in regards to the lot. We hope to have that sketch probably in the next month, and then that will tell us the liability, if any.

Planner Mroska stated that will also help this area, too, because that's a really large spot for some stormwater for a larger parcel.

Council Member Khambata stated so the last thought, if that bottom corner is 14 acres, would that be more suitable for some medium-density housing, and then you could swap the high-density house, you could offset that to the north and east quadrant?

Planner Mroska stated that's what we're thinking. So, we want to wait until we get the user's plan, there could be an opportunity for townhouses on this one. This one here there's a concern with the size and the shape of it, it's hard to fit townhouses on the norther parcel, but definitely could on the southern lot here. We need to wait until we have the guidance from of the Met. Council to discuss the potential for re-guiding that site. More than likely, too, will be permissions on this parcel, as this was Summergate's Preserve at Prairie Dunes came through with about 106 units on the north section on here. These parcels here, and they ended up walked away from it. Now we're pretty sure that Pulte is going to going to just do the same plan as Graymont, So, that feeds into the process, too.

Council Member Olsen stated I'm open to it if I can see a drawing.

Council Member Khambata stated I think you identified that that area comes with challenges, so there is going to need to be some math done and some considerations given.

Council Member Olsen stated the stormwater idea is a good idea.

Council Member Khambata asked if you could find one end user for all three of those parcels, you could take that top quadrant and push all the stormwater retention onto that one parcel, park dedication, and then develop the other two, I think we really need to have an end user in mind before we make any other decisions.

Planner Mroska stated that's what we want, too, we just want to make sure we have this conversation here today. Then, we'll bring this back before you and answer your initial questions, and we'll work to resolve the questions in the future, if, in fact, they want to continue to pursue that parcel. The golf course is also going to be a park one day, and probably NorthPoint will be involved, so there are many changes in that general area as well.

Council Member Garza asked what is happening and zoned to the east? Council Member Khambata stated nothing yet. Council Member Garza asked what do we have in this location? Mayor Bailey replied that's Norhart, the apartments. Council Member Garza asked what is the items that are going on that lot? Mayor Bailey replied that will be five-story apartments. Council Member Olsen replied theoretically. Right now, we are talking to a lot of interested people about this parcel. Due to the shape of it, it qualifies for funding due to the lot size and its proximity to the Industrial Park.

Council Member Olsen stated a lot of those industrial users are screaming for help, and right now some of them are even busing in people from East St. Paul, West St. Paul, different places. So, they want that.

Council Member Garza stated to their point, is there any potential for a Park & Ride in any of the office areas?

Planner Mrosia replied I believe with the Park & Rides, I believe though we have had a conversation for the addition of bus routes. I don't think it's quite there yet; we need a serious conversation and a discussion on our part, but we're getting close to having that conversation for additional transportation in the area.

Planner Mrosia stated next up, we will bring this to the Planning Commission, the Zoning Ordinance, on April 22, and hopefully on May 1, it will come before Council.

Mayor Bailey stated I like the changes; Council Member Olsen agreed.

14. WORKSHOPS - CLOSED TO PUBLIC - None.

15. ADJOURNMENT

Motion by Council Member Olsen, second by Council Member Thiede, to adjourn the meeting at 8:56 p.m. Motion carried: 5-0.

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