

**1. Call to Order.** The regular meeting of the City Council of the City of Rogers was called to order by Mayor Ihli on Tuesday, October 23, 2018 at 7:00 p.m. at Rogers Community Center, 21201 Memorial Drive, Rogers, MN, 55374.

Council present: Mark Eiden, Bruce Gorecki, Rick Ihli, Shannon Klick, and Darren Jakel.

Staff present: Paul Byun, Intern; Jeff Carson, City Attorney; Lisa Herbert, Finance Director; Stacy Scharber, Assistant City Administrator; John Seifert, Public Works Director; Steve Stahmer, and City Administrator; Bret Weiss, City Engineer.

## **2. Open Forum**

Helen Morrell, 12111 Malisa Court, Rogers, MN 55374

Ms. Morrell addressed the Council on the topic of trash and recycling containers being stored outside and overflowing in the Fletcher Hills Development. She asked if the City will consider an ordinance to deal with storing the containers outside.

Klick asked if she has a Home Owners Association. Morrell stated in her particular association, there is only one home with containers outside.

Ihli thanked Morrell and let her know that someone from City Hall will contact her.

## **3. Presentations**

None.

## **4. Approve Agenda**

The agenda was set as submitted.

## **5. Consent Agenda**

- 5.1** Approval of the October 9, 2018 City Council Meeting Minutes
- 5.2** Approval of Bills and Claims
- 5.3** Approval of Resolution No. 2018-87 A Resolution Supporting Metropolitan Council Study for Northwest Metropolitan Area Regional Surface Water Supply System
- 5.4** Authorization to Call a Public Hearing for Tuesday, November 13, 2018 at 7:00 p.m. for the Purpose of Adopting the Annual Fee Schedule Ordinance, Utility Rates, and Related Items
- 5.5** Setting a Budget Workshop of the City Council for Tuesday, October 30, 2018 at 6:00 p.m. at the Rogers Police Department, 21860 Industrial Court, Rogers, MN
- 5.6** Setting a Budget Workshop of the City Council for Tuesday, November 13, 2018 at 5:30 p.m. at the Rogers Community Room, 21201 Memorial Drive, Rogers, MN
- 5.7** Approval of the 2019 Siren Maintenance Contract with Embedded Systems, Inc.
- 5.8** Authorization of 2018 Audit Engagement Letter
- 5.9** Authorization to Call for a Public Hearing to Vacate Excess Road Right of Way - S. Diamond Lk. Rd. RWAS

- 5.10** Approval of Resolution 2018-84 Requesting Metropolitan Council Acquire the Rogers Publicly-Owned Waste Water Treatment Plant Through an Acquisition Agreement
- 5.11** Approval of Scope of Services from WSB for Industrial Blvd Extension Plat
- 5.12** Accept Improvements and Approve Final Payment for the Brockton Lane Utilities Improvement Project
- 5.13** Approval of Disposal of Excess Items
- 5.14** Accept Improvements and Approve Final Payment for the NE Hassan Street Improvement Project
- 5.15** Accept Improvements and Approve Final Payment for the South Diamond Lake Road/Brockton Lane Intersection Improvement Project
- 5.16** Approval of Resolution 2018-85 A Resolution Authorizing Submittal of a Hennepin County Youth Sports Grant Application Reservoir Fields
- 5.17** Approval of Resolution 2018-88, Amending a Conditional Use Permit Dated July 10, 2012 to Allow for Outdoor Storage of Trucks, Trailers, and Materials, Located at 22851 Industrial Boulevard

Klick moved, Eiden seconded a motion to approve the consent agenda. Motion carried 5-0.

## **6. Public Hearings**

### **6.1 Public Hearing to Adopt the Proposed Assessment for Delinquent Sewer, Water, Recycling and/or Storm Water Services Charges Resolution No. 2018-86, A Resolution Adopting and Confirming Assessment for Delinquent Sewer and Water Services Charges (2018)**

Assistant City Administrator Scharber stated the notices of individual assessments were mailed to the property owners and advertisement of the public hearing was published in the October 4th edition of the Crow River News. The months of unpaid utilities being assessed are September, 2017 to August, 2018. The Finance Department mailed 295 notices with outstanding balances totaling \$62,784. As of October 12, 2018 there were 174 delinquent accounts with \$44,377 in outstanding charges.

Mayor Ihli, opened the public hearing at 7:05 p.m. No persons addressed the Council.

Gorecki moved, Eiden seconded a motion to close the public hearing at 7:06 p.m. Motion carried 5-0.

Jakel moved, Gorecki seconded a motion to approve Resolution No. 2018-86, A Resolution Adopting and Confirming Assessment for Delinquent Sewer and Water Services Charges (2018). Motion carried 5-0.

### **6.2 Public Hearing to Consider Request to Vacate a Portion of David Koch Avenue, Formerly 129th Avenue North Resolution No. 2018-89, Vacating a Portion of Right of Way Thereof Lots 1 and 2, Inclusive, Block 1, Rogers Industrial Park 2nd Addition.**

City Planner/Community Development Coordinator Ziemer stated Graco, Inc. has submitted a Zoning & Land Use application, requesting the City Council approve the vacation of a portion of

129<sup>th</sup> Avenue North, known today as David Koch Avenue. The request is tied to the other land use applications for Preliminary Plat, Final Plat, Site Plan, Conditional Use Permit and Variances reviewed and recommended for approval by the Planning Commission on October 16, 2018.

The Applicant is proposing an expansion of its existing manufacturing facility in Rogers, located at 20500 David Koch Avenue, from 316,194 square feet (existing) to 795,960 square feet (finished). The development will also re-plat the two (2) existing lots (PIDs: 24-120-23-23-0007 and 24-120-23-24-0003) into one (1) 29.95-acre (1,323,173 square feet) parcel.

The request to vacate the identified area would straighten out the right of way along the south side of the property and David Koch Avenue (formerly 129<sup>th</sup> Avenue North). City staff are supportive of the request and has determined there is no public purpose for the area to be vacated. A City Council is required to conduct a public hearing to receive comment on the proposed vacation. The notice to vacate was publicly noticed as required.

Ihli opened the public hearing at 7:17 p.m. No persons addressed the Council.

Ihli moved, Eiden seconded a motion to close the public hearing at 7:17 p.m. Motion carried 5-0.

Eiden moved, Gorecki seconded a motion to approve Resolution No. 2018-89, Vacating a Portion of Right of Way Thereof Lots 1 and 2, Inclusive, Block 1, Rogers Industrial Park 2nd Addition. Motion carried 5-0.

## **7. General Business**

### **7.1 Items Relating to a Request from Graco, Inc.:**

- 7.1.1 Approval of Resolution No. 2018-90, Approving a Preliminary and Final Plat for Graco Addition.**
- 7.1.2 Approval of Resolution No. 2018-91, Approving a Site Plan for 20500 David Koch Avenue.**
- 7.1.3 Approval of Resolution No. 2018-92, Approving a Conditional Use Permit for Outdoor Storage of a Fuel Tank at 20500 David Koch Avenue.**
- 7.1.4 Approval of Resolution No. 2018-93, Approving a Variance from City Code to Allow for a Reduction in Parking Space and Parking Islands at 20500 David Koch Avenue.**
- 7.1.5 Approval of Resolution No. 2018-94, Approving a Sign Standards Adjustment to Allow the Relocation of the North Elevation Wall Sign to the West Wall Elevation.**

Jakel moved, Eiden seconded a motion to approve Resolution No. 2018-90, A Resolution Approving a Preliminary and Final Plat for Graco Addition. Motion carried 5-0.

Jakel moved, Eiden seconded a motion to approve resolution No. 2018-91, A Resolution Approving a Site Plan for 20500 David Koch Avenue. Motion carried 5-0.

Jakel moved, Eiden seconded a motion to approve Resolution No. 2018-92, A Resolution Approving a Conditional Use Permit for Outdoor Storage of a Fuel Tank at 20500 David Koch Avenue. Motion carried 5-0.

Jakel moved, Eiden seconded Approval of Resolution No. 2018-93, A Resolution Approving a Variance from City Code to Allow for a Reduction in Parking Space and Parking Islands at 20500 David Koch Avenue. Motion carried 5-0.

Jakel moved, Eiden seconded a motion to approve Resolution No. 2018-94, A Resolution Approving a Sign Standards Adjustment to Allow the Relocation of the North Elevation Wall Sign to the West Wall Elevation. Motion carried 5-0.

Dale of Graco, President of Contract Equipment Division, gave a brief background of their company. The Contract Equipment division is the biggest department within Graco. This was a much needed expansion. Graco currently employs approximately 2000 people in Minnesota. In Rogers, there are around 700 employees, and the expansion will open up 100 new positions. This expansion will allow the company to manufacture an estimated 1,000,000 paint sprayers in a given year.

Gorecki state he knows several employees that say great things about the company and thanked Graco for their contribution to the Rogers Community.

Beahen stated he wants to establish a partnership with Graco in providing security for their products.

Staff then discussed the Developer's Agreement with the City Council that they received via email. Staff stated it is consistent with other Developer's Agreements. Staff asked Council to consider approving the Developer's Agreement with non-substantive changes being made since the draft was distributed.

Jakel moved, Eiden seconded a motion to approve the Graco Developer's Agreement as presented by staff. Motion carried 5-0.

**7.2 Items Relating to a Request from I-State Rogers, LLC:**

**7.2.1 Approval of Resolution No. 2018-95, Approving a Preliminary and Final Plat for Interstate of Rogers.**

**7.2.2 Approval of Ordinance No. 2018-08, Approving the Rezoning of a 10-Acre Parcel on County Road 81, PID #25-120-23-21-0004, from Special Industry (S-I) to Limited Industry (L-I) and authorize the publication of Summary Ordinance No. 2018-08**

Zierner stated, on June 12, 2018, the City Council approved a land division request from GRT Properties, LLC, on behalf of Interstate Companies (Company), to create a new 10-acre parcel (Subject Property) on land adjacent (east) to Marine Max on County Road 81. The Company is proposing to develop a 50,000 square foot (semi) truck sales and maintenance facility on the Subject Property. The land division created the Subject Property and a remnant 19.7-acre parcel

still owned by the Vevea Family Limited Partnership (Family). However, the entire 29.7-acre site is currently still owned by the Family.

Although the Parcel is undeveloped, there is an advertising billboard on the northeast corner of the Subject Property. That has prevented the closing of the property to occur. An agreement between the City and Family conditions removal of the billboard upon a series of factors, notably development of the land. On September 25, the City Council approved an amendment to that agreement which would remove the development condition and allow the billboard to remain on the Subject Property until the date in the agreement (January 2027).

On October 16, 2018, the Planning Commission reviewed applications for Preliminary Plat and Rezoning. A public hearing was conducted to consider those items; no verbal or written public comment was received. The Commission recommended approval of all applications with no conditions.

Approval of the Plats and Rezoning requests, along with the executed aforementioned agreement, should enable the Company to close and take ownership of the Subject Property. The Company will then submit its Site Plans and other required land use applications for development purposes.

Gorecki moved, Klick seconded a motion to approve Resolution No. 2018-95, Approving a Preliminary and Final Plat for Interstate of Rogers. Motion carried 5-0.

Gorecki moved, Klick seconded a motion to approve Ordinance No. 2018-08, Approving the Rezoning of a 10-Acre Parcel on County Road 81, PID #25-120-23-21-0004, from Special Industry (S-I) to Limited Industry (L-I) and authorize the publication of Summary Ordinance No. 2018-08. Motion carried 5-0.

**7.3 Items Relating to a Request from Primrose Schools Franchising Company:**

**7.3.1 Approve Resolution No. 2018-96, Approving the Preliminary and Final Plat for Walter Dehn Commerce Center 7th Addition.**

**7.3.2 Approve Resolution No. 2018-97, Approving the Site Plan Primrose School of Rogers.**

**7.3.2 Approve Resolution No. 2018-98, Approving a Variance from City Code Allowing a Reduction in Setback Requirements for Building Area and Landscape Area.**

Ziemer stated, Primrose Schools Franchising Company has submitted a Zoning & Land Use application, requesting City approval of a Preliminary Plat, Final Plat, Site Plan and Variance for a proposed 11,450 square foot child care facility for infants (3 months) to pre-Kindergarten (Development). The Development is proposed for the unaddressed, 2.3-acre vacant lot between South Diamond Lake Road (south) and 135th Avenue North (north), and Commerce Boulevard (east) and Richard Street (west).

The Subject Property is required to be platted as it is currently an Outlot to the Walter Dehn Commerce Center 6th Addition. The Applicant is proposing to plat the entire property as one lot even though the western portion shall remain vacant at this time.

On October 16, 2018, the Planning Commission reviewed applications for Preliminary Plat, Site Plan and Variance. A public hearing was conducted to consider the Preliminary Plat and Variance requests; no verbal or written public comment was received. The Commission recommended approval of the Preliminary Plat and Variances with no conditions. The Site Plan was recommended for approval with the following conditions:

1. The Applicant shall submit and obtain approval for the storm water and erosion control plans, and receive the required permit(s), from Elm Creek Watershed Management Commission.
2. The Applicant shall review options to connect the internal sidewalk from the parking lot south to the trail along South Diamond Lake Road.
3. External lighting for the monument sign shall be revised to be downward facing to satisfy City Code.
4. Address Fire Department concerns regarding site access and fire truck navigation, and revise plans as necessary to satisfy Fire Department requirements.

Primary Issues to Consider:

1. Land Use & Zoning
  - Land use and Zoning conditions are satisfied
2. Preliminary & Final Plats
  - The Preliminary Plat satisfies City requirements for platting. The Applicant is providing drainage and utility easements (D/UE) and trail easements as required by the City.
3. Site Plan
  - Lot coverage, parking and site circulation, material, landscape plan (pending approval of Variance to Highway Corridor Overlay District landscape area requirements), and sign (area and height) requirements are satisfied.

- Surfaced water (pending approval from the District), external lighting, and fire department requirements will need to be satisfied.
4. Variance Standards
- Two variance requests have been submitted– setback variance to the 20-foot landscape area for a commercial property in the Highway Corridor Overlay District, and setback variance for the 30-foot building setback requirement for the B-1 Zoning District.

Gorecki asked, is there an ordinance for minimum distance requirements for liquor stores in relation to schools and daycares? Scharber stated, yes for schools, not for daycares.

Gorecki moved, Klick seconded a motion to approve Resolution No. 2018-96, A Resolution Approving a Preliminary and Final Plat for Interstate of Rogers. Motion carried 5-0.

Gorecki moved, Klick seconded a motion to approve Resolution No. 2018-97, A Resolution Approving the Site Plan Primrose School of Rogers. Motion carried 5-0.

Gorecki moved, Klick seconded a motion to approve Resolution No. 2018-98, A Resolution Approving a Variance from City Code Allowing a Reduction in Setback Requirements for Building Area and Landscape Area. . Motion carried 5-0.

#### **7.4 Authorize the Hire of Machell Bentley as the Police Administrative Assistant**

Scharber stated, the City received 32 applications/resumes for the position of Police Administrative Assistant. Chief Beahen and I conducted phone interviews on eight candidates. Ms. Bentley was invited to meet with us in person to discuss the position.

Bentley has over 16 years of experience working this position for the cities of Brooklyn Park (3) and Edina (13). She comes highly recommended by her peers and her supervisors, as evidenced in her reference checks. She has successfully completed her background investigation and is recommended for hire.

Ihli moved, Jakel seconded a motion to authorize the Hire of Machell Bentley as the Police Administrative Assistant. Motion carried 5-0.

#### **7.5 Approval of Deputy Clerk/Communications Coordinator Position Description and Authorize Hiring Paul Byun to the Position**

Stahmer stated, in February, Council authorized the transition of the planning related duties of the current Deputy Clerk to our Associate Planner position, as part of the succession planning for the Deputy Clerk position. During the budget process, staff has identified our current intern, Paul Byun, as being an excellent candidate to take on the role of Deputy Clerk.

In addition to the Deputy Clerk duties, staff has added duties for a Communications Coordinator to assist the I.S. Director. These added duties will provide I.S. Director Greninger much needed assistance with the City's website (making more timely updates), the City's Facebook page, as well as updates to other approved social media. In addition, this position will be generating the

City's newsletter, which we hope to bring 100% in-house in the near future. With having this as an in-house item, staff's intent is to increase the number of newsletter issues per year.

Paul is currently finishing his Bachelor's degree in Public Administration, with an anticipated graduation date of May, 2019. As evidenced in his work during the Park Referendum information process, Paul has a strong background in communications and has been assisting I.S. Director Greninger during the past several months with website and social media updates.

The hire would be a backfill of the Deputy Clerk position, at a lower hourly rate, within the same grade. The current incumbent is retiring effective December 3, 2018.

Staff is confident in Paul's ability to meet the duties of the position and highly recommends him for the hire.

Gorecki moved, Klick seconded a motion to approve the Deputy Clerk/Communications Coordinator Position Description and Authorize Hiring Paul Byun to the Position. Motion carried 5-0.

#### **7.6 Discussion on Transfer Title of the 1950 Chevrolet Fire Truck from the City of Rogers to the Rogers Volunteer Fire Auxiliary**

Scharber stated, City staff has been approached by members of the Rogers Fire Auxiliary to purchase the 1950 Chevrolet Tanker truck, currently stored at the 12913 Main Street location (old City Hall/Police Dept.).

The Fire Auxiliary would like to purchase the vehicle to be able to use it as a parade vehicle to represent the Fire Department and Fire Auxiliary. This will require them to invest some labor into repairing the vehicle and providing their own insurance.

They are further requesting that the City continue to store the vehicle at the Main Street location, with access to the vehicle by a limited number (2 - 3) of paid-on-call firefighters. In return, City staff is recommending the buy-back right to the vehicle for the same \$1 they are proposing to purchase it for.

Staff recommends an agreement be drafted by Attorney Carson for signature between the City and the Auxiliary, outlining the terms described above. The agreement will be brought back to a future Council meeting under consent agenda.

Jakel moved, Eiden seconded a motion for the Discussion on Transfer Title of the 1950 Chevrolet Fire Truck from the City of Rogers to the Rogers Volunteer Fire Auxiliary. Motion carried 5-0.

#### **8. Other Business**

None.

**9. Correspondence and Reports**

**9.1 September 2018 Financial Reports**

**9.2 Park Board Minutes - September 2018**

No action taken.

**10. Adjourn**

Mayor Ihli adjourned the meeting at 7:51 p.m.

Respectfully submitted,

Paul Byun

Deputy Clerk/Communications Coordinator