

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, February 12, 2018- 8150 BARBARA AVENUE**

1. CALL TO ORDER and 2. ROLL CALL

The City Council of Inver Grove Heights met in regular session on Monday, February 12, 2018, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Hark, Perry, and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, City Clerk Tesser, Parks and Recreation Director Carlson, Finance Director Smith, Public Works Director Thureen, City Engineer Kaldunski, Fire Chief Thill, and Recording Clerk Yourczek (absent).

3. PRESENTATIONS:

A. Introduction of Sibley Marching Band

Giselle Taylor, resident of Mendota Heights, stated she is bringing awareness about the Sibley Marching Band invitation by Governor Dayton to march in the National Fourth of July Parade in Washington, DC. She stated that this is great recognition for the hard work this band has done, but also for the Community as they are a neighbor to Inver Grove Heights. She stated kids in marching bands have a strong work ethic and are hard-working and we want to give them an opportunity to go out to our Nation's Capital to perform in front of millions of people. She stated they have a Call to Action to raise \$92,000. She stated they are hoping members of the Community will donate to the cause. She stated this is a non-profit 501(c)3 tax deductible contribution and they would appreciate any support you can give the community and the kids. Their band program has 58 kids, winning third place in the State Competition and they are hoping for this to continue. She stated sponsorships are available as well.

Mayor Tourville wished them the best of luck.

4. POLICE CHIEF PRESENTATION

Police Chief Paul Schnell stated he is here this evening to update the City Council on a few items within the Community. He stated the first is regarding two men that attempted to rob the Verizon store in August of 2017. He stated the men were federally indicted under the Hobbs Act that allows prosecutors to charge people for armed robberies for the purpose of interstate commerce. He stated that these offenders were prohibited from possessing a firearm at that time. He stated they were charged under State law and that this was an investigation that was jointly conducted by the Inver Grove Heights Police Department and the Federal Bureau of Alcohol, Tobacco, and Firearms.

Chief Schnell stated that they have been compiling 2017 crime data that has been reported to the Minnesota Bureau of Criminal Apprehension. He stated since 2016 crime is down in the City. Most notable was a decrease in by 194 reported incidences, serious assaults were down 12 incidences, and sexual assaults were down by nine. He stated there were increases in burglaries of sheds and garages, and also an increase in auto theft, which was up by 45 more incidences in 2017 over 2016. He stated they have found that burglaries were up due to unlocked or open garages or sheds, and that motor vehicle thefts primarily occurred at car dealership lots. He stated vehicle thefts include crimes of opportunities, such as cars left running on the streets, in driveways, or at convenience stores. He stated they are going to be giving a heavy emphasis on crime prevention in 2018. He stated he would like to remind people that the Community plays a significant role in maximizing Community safety and asks that people report any and all suspicious activity by calling 911.

Chief Schnell stated that this past weekend five members of the Police Department participated in the Polar Plunge for Special Olympics at Carver Lake in Woodbury. The Plunge raises money to support programs and events for Minnesota Special Olympians. The Inver Grove Heights Police Department team raised over \$2,500 for Special Olympics.

Mayor Tourville stated that car thieves are breaking into vehicles and they are taking the owner's manuals and then going to the dealerships with the vehicle number and getting a new key.

Chief Schnell agreed that sometimes a key identification code is included in the owner's manual and that is one of the things that is required to obtain a new key. He stated that this is a growing trend and something everyone needs to be aware of. He stated when vehicles are locked most of the time the thieves tend to move on to one that is unlocked.

Mayor Tourville stated that the Police report information should be online soon.

5. CONSENT AGENDA:

- A. i. Minutes of November 9, 2017 Special Council Meeting Minutes
- ii. Minutes of December 11, 2017 Council Meeting Minutes
- iii. Minutes of January 2, 2018 Work Session Meeting Minutes
- iv. Minutes of January 8, 2018 Special Council Meeting Minutes
- v. Minutes of January 8, 2018 Council Meeting Minutes
- vi. Minutes of January 18, 2018 Special Council Meeting Minutes
- B. **Resolution 18-16** Approving Disbursements for Period Ending January 17, 2018
- C. **Resolution 18-17** Approving Disbursements for Period Ending February 6, 2018
- D. Consider Approval of Joint Powers Agreement with the State of Minnesota for the VMCC Parking Lot Project
- E. Consider Hiring WSB Inc. for Heritage Village Park Phase I Design and Bidding Services
- F. Consider Accepting a \$310,230.07 Assistance Firefighter's Grant for Self-Contained Breathing Apparatus (SCBA)
- G. Approve Inver Grove Heights Firefighters' Relief Association Contribution Payments
- H. Consider Approval of Joint Powers Agreement with City of Rosemount for the West Rink Improvement Project
- I. Consider Approval of Contract with Stevens Engineering for West Rink Rehabilitation Project
- J. Consider Purchase of Golf Course Capital Equipment
- K. Sale of Real Property on 5039 Brent Avenue **Resolution 18-18**
- L. Personnel Actions January 22, 2018
- M. Appoint a Director and Alternate Director to LOGIS Board of Directors **Resolution 18-19**
- N. Approval of Temporary Liquor Permit for Church of St. Patrick
- O. VICKY STADTHER (McDONALDS); Approve a **Resolution 18-20** approving the Storm Water Maintenance Agreement for the property located at 5760 Cahill Avenue.
- P. CALATLANTIC GROUP, INC.; Approve a **Resolution 18-21** approving the Development Contract, Storm Water Maintenance Agreement and other related agreements for the plat of Blackstone Vista 3rd Addition.
- Q. Resolution Calling for Hearing on Proposed Assessments and Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Nuisance Abatement 2017 **Resolution 18-22 Call Hearing, Resolution 18-23 Declare Assessment**
- R. Personnel Actions February 12, 2018
- S. Consider **Resolution 18-24** Approving Xcel Encroachment Agreement for City Project No. 2015-09D – Broderick Boulevard Reconstruction (80th Street to Concord Blvd.)
- T. Consider **Resolution 18-25** Approving Plans and Specifications, Authorizing Advertisement for Bids for the 2018 Pavement Management Program, City Project No. 2017-09E – 93rd Street/Abigail Court Area Reconstruction
- U. **Resolution 18-26** Scheduling a Public Hearing to Consider Ordering City Project No. 2018-04 – Arbor Pointe PUD Shared Street Light System Improvements
- V. Consider **Resolution 18-27** Approving Retaining Wall Maintenance Agreement, Temporary Construction Easement Agreement, Permanent Pedestrian Sidewalk Agreement and Settlement Agreement for Lot 3, Block 1, Arbor Pointe 11 Addition (9087 Broderick Boulevard)

W. Consider **Resolution 18-28** Approving Temporary Construction Easement Agreement and Settlement Agreement for Lots 1 and 2, Block 1, Arbor Pointe 12th Addition (8851 Broderick Boulevard)

X. **Resolution 18-29** Accepting the Proposal of Braun Intertec for Geotechnical Testing Services for City Project No. 2016-08 – Trunk Highway 3/70th Street Intersection Improvements (Roundabout)

Councilmember Piekarski Krech requested to pull Agenda items 5Aiii, 5Aiv, 5Avi and also 5E.

Mayor Tourville had a question regarding item “R” under Personnel Actions. He stated they used to receive information on whether people were getting hired, fired, resigning, or retiring. He felt it would be nice to know how employees left the city.

City Administrator Joe Lynch stated most of the hires are seasonal and temporary, so they come and go frequently. He stated they can list them for full-time employees.

Motion by Bartholomew second by Hark to approve all items on the Consent Agenda except items 5A 3, 4, and 6, and item E.

Ayes: 5

Nays: 0 Motion carried.

Motion by Bartholomew second by Perry to approve items 5Aiii, 5Aiv, 5Avi due to Piekarski Krech’s absence.

Ayes: 4

Nays: 0

Abstain: 1 (Piekarski Krech) Motion carried.

Mayor Tourville stated they will move onto agenda item E. to Consider Hiring WSB Inc. for Heritage Village Park Phase I Design and Bidding Services.

Councilmember Piekarski Krech commented that she wanted to make sure that when we get to the operational expenses that it becomes self-funded. She stated it seemed like the dog park group has the 501(c)3 so it could be funded through donations.

Park and Recreation Director Eric Carlson stated the volunteer group, Friends of the Dog Park, are working on getting a 501(c)3, but it is not in place yet. He stated they would strive for it to be self-funded, but that it would be hard to know what those operational expenses will be until operations begin.

Councilmember Perry stated the annual passes and fees are not yet set in stone so they can be changed to offset the expenses.

Motion by Hark second by Perry to approve the hiring of WSB Inc. for Heritage Village Park Phase I Design and Bidding Services.

Ayes: 5

Nays: 0 Motion carried.

6. PUBLIC COMMENT: There were no public comments.

7. PUBLIC HEARINGS:

A. Public Hearing to Consider Ordering Project, Approving the Plans and Specifications, Authorizing Advertisement for Bids for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road. Resolution 18-30

City Engineer Tom Kaldunski stated he is here this evening to conduct a public hearing for a project at the intersection of Highway 3 and Diffley Road known as City Project 2018-05. It will be completed jointly with Dakota County. He stated there will be construction of a turning lane to go southbound on Highway 3, a modified turn signal, ADA upgrades to the intersection, and some guardrail modifications. He referenced a map of the area along with a description of what is being proposed. He stated they will be working jointly with the City of Eagan as part of the location is in that area. He stated it will require approval for work by Dakota County and MnDOT. He stated that Dakota County and the City of Inver Grove Heights will have a Joint Powers Agreement to construct the project and the Developer will have a development agreement for the Robert Curve development. He stated the project cost estimate is approximately \$200,000 and the developer will be responsible for all costs associated with this improvement which will improve access to commercial development that is proposed on the east side. He stated the plans are almost done and they hope to bid this spring with construction to occur by the end of this year. He stated they had an informational meeting and those in attendance were in support of the project. He stated plans were done by Kimley-Horn and Associates and are included in the council's packet.

Councilmember Hark asked if the developer deposits the money with the City or if the City pays for the project and bills the developer?

Engineer Kaldunski responded that they will have a letter of credit deposited with the developer as they enter into an agreement that will cover all the cost. Then the County will bid the project and when they get to a point when they seek funds from the City, they will ask us to provide funding through an invoice. He stated the City has 35 days to pay that invoice. There is a process set up that the developer has 20 days to pay the invoice.

Motion by Piekarski Krech second by Hark to close the public hearing at 7:24PM.

Ayes: 5
Nays: 0 Motion carried.

Motion by Piekarski Krech second by Hark to Consider Ordering Project, Approve the Plans and Specifications, Authorizing Advertisement for Bids for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road. Resolution 18-30.

Ayes: 5
Nays: 0 Motion carried.

8. REGULAR AGENDA:

I. COMMUNITY DEVELOPMENT:

A. IGH INVESTMENTS, INC.; Approve the Resolution Memorializing the Findings of Fact and Reasons for Denial Relating to the Requests of IGH Investments, LLC for a Comprehensive Plan Amendment, an Ordinance Re-Zoning, A Conditional Use Permit, A Preliminary and Final Plat and a Preliminary PUD Amendment and Final PUD (City Planning Case No. 17-08PUD). Resolution 18-31.

City Administrator Joe Lynch stated on January 9th the City Council received an application to approve the Resolution Memorializing the Findings of Fact and Reasons for Denial Relating to the Requests of IGH Investments, LLC., for a Comprehensive Plan Amendment, an Ordinance Re-Zoning, A Conditional Use Permit, A Preliminary and Final Plat and a Preliminary PUD Amendment and Final PUD (City Planning Case No. 17-08PUD) and denied those applications and specifying findings of fact. He stated that by MN

statute you are required to adopt those at the next meeting. Due to that meeting's cancellation, you now have before you two alternative resolutions. He stated the first one is accepting denials of all of the applications components, such as the Comprehensive Plan Amendment, Rezoning, Conditional Use Permit and Final Plat and Preliminary PUD. The other is a resolution calling for a finding of denial for the Comprehensive Plan, but not taking action on the other denials in findings that the applicant can withdraw consideration from those other items. He stated based on City Code, denial does not allow the applicant to return with an application for six months, but the applicant would like some consideration for the ability to do that prior to having to wait six months. He stated Mr. Kuntz will go over the alternative resolution approach that you can consider, which has been included as well as a letter from McGough and IGH Investments, LLC.

City Attorney Tim Kuntz stated that at your last Council meeting on January 8th, two actions were taken with respect to IGH Investments, LLC. One was a motion to deny the Comprehensive Plan that passed by a vote of 5-0. He stated that Minnesota Statute dictates that each Councilmember state their reasons for denial. There was also a second motion to deny the Rezoning, the PUD Plats, PUD Plans, and the Conditional Use Permit and that motion also passed. The motion stated the reasons for denial were because the Comprehensive Plan Amendment did not pass.

He stated there is a requirement that at the next regular meeting the Council should memorialize their reasons for denial on both actions. Due to that, they have prepared two resolutions. One is a Resolution which combines and memorializes the reasons for denial on both the Comprehensive Plan and the Rezoning. He stated that in order to distinguish that from the other Resolution they have written and placed in the upper right-hand corner the wording, Comprehensive Plan and Rezoning. He stated that if the Council passes that Resolution then the matter is complete, and reasons are given for both actions. The results are that the denial will have occurred, and the applicant will be bound by the provision contained in the zoning code which states "no application for rezoning which has been denied, wholly or in part, shall be re-submitted for a period of six months from the date of denial." He stated the applicant is seeking not to be bound by that provision. He stated the alternative procedure to that would be to memorialize your reasons for denying the Comprehensive Plan. He stated there is a Resolution that just memorializes those reasons and just deals with the Comprehensive Plan. He stated this is just like the other Resolution except that it doesn't address the rezoning and the second motion. The denial of the rezoning triggers the six-month wait. The applicant is agreeing to withdraw the applications for rezoning, conditional use permit, and plat approval.

Attorney Kuntz stated the first step in the alternative approach would be to approve the Resolution which memorializes the denial of the Comprehensive Plan. If council passes that, then it's completed, and the Comprehensive Plan is denied.

Attorney Kuntz stated the second step would be for a motion to be made to reconsider the denial of the rezoning plat and conditional use permit. If the motions were made, seconded, and passed, and people voted in favor of reconsidering, the motion for denial would be back on the table. He stated that the applicant has submitted a letter which seeks to withdraw the applications, the Council will have to vote on the request to withdraw. If the vote is to allow withdrawal, then you are accepting the withdrawal and withdrawing the applications. He stated that the maker and seconder of the original motion would be asked by the Council to withdraw their motion. If there are no objections, the Mayor would declare by unanimous consent that the motion to denial is withdrawn.

Attorney Kuntz stated all of these actions achieve the opportunity for the applicant to make an application earlier than six months.

Councilmember Hark asked if these are all 3/5 motions to be passed.

Attorney Kuntz responded in the affirmative.

Councilmember Bartholomew asked if there was a time limitation to reapply for a Comprehensive Plan amendment.

Attorney Kuntz responded in the negative.

David Higgins, McGough Development, 3253 Bryan Avenue South, Minneapolis, he stated he is before the Council this evening to request the withdrawal of three application items due to the discussion at the January 8th public hearing. He stated based on the feedback of the Council and the neighborhood, McGough is going to try come up with an alternative plan. He stated he would like them to consider the withdrawal to allow the elimination of the six months timeframe. He stated he understands the process needs to take place as it did previously, such as going before the Planning Commission, gather staff support, and then go before the City Council for a public hearing.

Motion by Piekarski Krech second by Hark to receive the letter from McGough Development signed by Mark Fable dated February 12, 2018

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech second by Perry to accept the resolution that was on their desk tonight labeled only Comprehensive Plan.

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech second by Perry to Reconsider the Denial of the Re-Zoning, the Preliminary and Final Plat, the Conditional Use Permit, and the PUD Amendment Plans for IGH Investments, LLC., Argenta Hills. Resolution 18-31

Ayes: 5

Nays: 0 Motion carried.

Attorney Kuntz stated that the motion for denial is back on the table and that this would be the time to address the applicant's letter of withdrawal. He stated that if you wanted to allow the applicant to withdraw, it would be appropriate to make a motion to accept and approve the withdrawal letter.

Motion by Bartholomew second by Piekarski Krech to accept and approve the withdrawal letter provided by the applicant.

Ayes: 5

Nays: 0 Motion carried.

Attorney Kuntz stated they still need to address the pending motion of denial. On January 8th, the motion was made by Councilmember Bartholomew and seconded by Councilmember Perry. He stated the action is to ask them to state whether they want that motion to be withdrawn.

Councilmembers Bartholomew and Perry both responded yes.

Attorney Kuntz stated that they have both responded yes and the motion once made and seconded, is the property of the Council. He stated the Mayor needs to announce that if there are no objections he will declare that the motion to deny is withdrawn.

Mayor Tourville asked if there were any questions or objections from the Council on the removal of the motion made by Bartholomew and seconded by Perry. He stated hearing none, it is declared the motion has been withdrawn.

Attorney Kuntz stated that it has been made clear to the applicant that in order to move forward on any application other than the current Comprehensive Plan, it will require an amendment.

B. JAEGER CONSTRUCTION; Consider Resolution 18-32 relating to a Conditional Use Permit Amendment to allow an addition to the existing auto sales building for the property located at 1290 50th Street.

Community Development Director Tom Link stated the item before you this evening is regarding the Hyundai Dealer property located on South Robert Trail and Highway 110. The request is to add a 2,000 square foot addition onto the south end of the building. He stated there would be no changes to the access or surface. There would be a reduction of two parking stalls but doing so still meets the parking requirements. The exterior would match the existing building. He stated staff finds the request to be consistent with the Comprehensive Plan, compatible with the zoning, and meets the Conditional Use Permit criteria of the zoning ordinance. Planning Staff recommends approval, and the Planning Commission unanimously approves.

Barry Jaeger, 8308 Alverno Avenue stated he is here for questions if there are any.

Motion by Piekarski Krech second by Perry to approve Resolution 18-32 relating to a Conditional Use Permit Amendment to allow an addition to the existing auto sales building for the property located at 1290 50th Street.

**Ayes: 5
Nays: 0 Motion carried**

II. PUBLIC WORKS

C. Consider Resolution Approving a Joint Powers Agreement (JPA) with Dakota County for Engineering, Right Turn Lane Construction and Signal Revision for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road. Resolution 18-33

City Engineer Tom Kaldunski stated he is here this evening to consider a Joint Powers Agreement between Inver Grove Heights and Dakota County for improvements at the intersection of T.H. 3 and Diffley Road.

Motion by Bartholomew second by Piekarski Krech to approve Resolution 18-33 Approving a Joint Powers Agreement (JPA) with Dakota County for Engineering, Right Turn Lane Construction and Signal Revision for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road.

Ayes: 5

Nays: 0 Motion carried.

D. Consider Resolution Approving the Payment Agreement for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road. Resolution 18-34

City Engineer Tom Kaldunski stated this agreement represents the terms between the City of Inver Grove Heights and the developer of the project, known as Robert Curve, they are funding the project and covering the costs of the construction. He stated that they have negotiated the agreement and the document has been signed by the applicant.

Councilmember Bartholomew asked if they have received the letter of credit.

Engineer Kaldunski responded the letter of credit is being prepared.

Motion by Bartholomew second by Hark to Consider Resolution 18-34 Approving the Payment Agreement for City Project No. 2018-05 – Intersection Improvements at T.H. 3 and Diffley Road.

Ayes: 5

Nays: 0 Motion carried.

II. ADMINISTRATION:

E. CITY OF INVER GROVE HEIGHTS; Second Reading of Ordinance Amending City Code Section 4-1-6(l) relating to the Distances between an Off-sale Intoxicating Liquor Facility and a School or Church

City Attorney Tim Kuntz stated this is the second reading of this ordinance with the third reading taking place two weeks from today. This is regarding the distance dealing with the off-sale liquor establishment and a church or school is at a 500-foot distance from the boundary of the properties. This ordinance changes the instances where there are multiple buildings and shared parking. He stated these change the measurement, not from the property boundary, but from the main front door of the establishment to the boundary line of the church or school. There have been no changes from the first reading.

Councilmember Hark asked if there has been any feedback since the first reading.

City Administrator Joe Lynch responded that he has not received any public comment or correspondence on this item.

Mayor Tourville stated the applicant has called and stated that they had heard that they may not have three readings. Mayor Tourville responded that they will in fact have three readings on the ordinance change.

Motion by Hark second by Piekarski Krech to approve the Second Reading of Ordinance Amending City Code Section 4-1-6(I) relating to the Distances between an Off-sale Intoxicating Liquor Facility and a School or Church

Ayes: 5

Nays: 0 Motion carried.

F. CITY OF INVER GROVE HEIGHTS; Consider Approving the Five Bugles Schematic Design for Fire Station #2

City Administrator Joe Lynch stated that on January 18th Council had met with the architects Five Bugles, the Fire Department Chief, Assistant Chief, and himself. The Five Bugles representatives walked you through the station at the property located at 9250 Courthouse Boulevard, as well as the layout of the property and the locations of the training areas, the storage areas, basement, hose tower, and alternative construction in the basement. He stated they are recommending that the City Council approve the schematic design as noted in your packet. He stated the next step is working their way to the final design, and then they would get to the point of putting together a bid package in April.

Motion by Piekarski Krech second by Perry to Approve the Five Bugles Schematic Design for Fire Station #2

Councilmember Hark stated he received an email from someone today asking questions about LEEDS and whether they will be LEEDS Certified. He stated they will be up to those standards but not certified. They were also asking about an efficiency program called SB2030. He stated he wasn't familiar with that but will pass this information along to the Fire Chief and then perhaps they can pass that along to Five Bugles.

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville stated that since the subject of LEED Certification has come up, the difficulty with that was getting it certified and that the City has to pay for it. He stated most cities look at this and will not pay for it due to the high cost.

G. CITY OF INVER GROVE HEIGHTS; Designate Dakota Broadband Board Member

City Administrator Joe Lynch stated the City has decided to become a member of the Joint Powers Agreement now named Dakota Broadband Board. As a member we need to designate an official elected person to attend the board meetings as well as an alternate in case the board member is unable to attend. Dates for the meetings have not been chosen yet but will be chosen based on popular dates via survey.

Mayor Tourville volunteered to be a board member and Councilmember Perry volunteered to be the alternate.

Motion by Piekarski Krech second by Bartholomew to have Mayor Tourville as the board member and Councilmember Perry as the alternate.

Ayes: 5

Nays: 0 Motion carried.

H. CITY OF INVER GROVE HEIGHTS; Consider Approval of Job Descriptions for the Position of Deputy Chief of Police and Police Commander and Approve the Recommended Rank Restructuring Plan for the Police Department.

Police Chief Paul Schnell stated that changes from the previous nine-hour patrol schedule to the 12-hour shift resulted in benefits for the Police Department that included increased coverage, team based policing orientation, boost in morale, and increased productivity. He stated there have been challenges with this. With team-based policing there is an A-side team and a B-side team comprised of 12 Officers and a Sergeant. That means six Officers and a Sergeant that work days, and six Officers and a Sergeant that work nights. They also have two Administrative Sergeant's that provide shift coverage for when day and night Sergeant's use vacations, holiday time, or sick leave. He stated the Administrative Sergeant had, in 2017, 60 days that they were able to give full focus to their administrative functions. Due to this they have become relief Sergeant's covering shifts for their regular team during the day or night. He stated that this results in either the administrative functions to suffer, or their patrol supervision suffers. He stated that having fully engaged patrol supervision has been shown to reduce liability and increase service quality. Some of the Administrative Sergeant duties are statutorily mandated while others are essential to the order and operation of the Police Department.

Chief Schnell stated with the proposed restructuring, administrative assignment duties would be moved to a new division commander. The proposed changes to the rank structure reflect an organizational design that shows the future needs of the Police Department. As the number of Officers increase over time as a result of population growth and service demand, no additional command staff would be required. They will then have a structure to lead efforts to deepen community engagement, devote resources to community problem solving, and prioritize and implement strategies with the 2015 report of the President's Task Force on 21st Century Policing. He stated when there is double coverage among Sergeants one will be tasked with identifying and leading targeted problem-solving efforts. He feels this change can allow the department to give greater focus to the priorities identified in their survey overview. He stated the restructuring creates a Patrol Division, Investigations Division, and an Administration Technology and Support Services Division. He recommends that Sean Folmar be reclassified from Police Lieutenant to Deputy Chief of Police and would oversee the largest division, the Patrol Division. He stated he is recommending reclassification of Josh Otis from the rank of Police Lieutenant to the rank of Police Commander who would oversee the administration and technology and support service division. They are recommending a to-be-determined promotion of existing an Sergeant from rank of Police Sergeant to Police Commander who would oversee the investigations division. To backfill that spot they would have a to-be-determined promotion of one Police Officer to the rank of Police Sergeant to cover the previous Commander promotion. This would decrease the rank of Investigators from four to three. He stated this reduction would be addressed by assigning some cases to the Investigations Division Commander. The previous rank of Lieutenant will no longer be in existence and that this change will not change the strength of the Department as established by the City Council. He stated funding for this would be that the City would normally contribute about 16.2% of his salary toward his State Retirement Plan. He stated that given the fact that he is no longer retired and has returned back to work, he is no longer eligible to have contributions placed into his pension and the pension remains at the rate it was upon his previous retirement.

Chief Schnell stated an analysis was done for 2018 regarding costs associated with this restructuring plan and does call for some increases. He stated the recommended changes are within the Departments approved budget. They have consulted with the city's Human Resources Manager and have determined that the restructuring will not affect pay equity compliance. He stated the biggest difference is the additional divisional budget management. He stated that while the Deputy Chief and the Commanders

would have divisional budget management responsibility, overall departmental budget accountability would remain with himself.

Mayor Tourville stated that this allows for an opportunity with the pension, but also brings a better chain of command within the Police Department.

Councilmember Bartholomew stated he is in favor of this because we have identified an =inefficiency and with this action they will make improvements to our service.

Mayor Tourville asked Chief Schnell if he could amend the organization chart with the new names associated with the different titles and pass that information along to the Council when completed.

Chief Schnell stated they would like to recognize these promotions and bring them back before the Council for a formal swearing-in.

Motion by Piekarski Krech second by Hark to Approve Job Descriptions for the Position of Deputy Chief of Police and Police Commander and Approve the Recommended Rank Restructuring Plan for the Police Department as presented.

Ayes: 5

Nays: 0 Motion carried.

9. MAYOR & COUNCIL COMMENTS: There were no comments.

10. EXECUTIVE SESSION:

City Attorney Tim Kuntz stated that this evening they are asking the City Council to go into an Executive Closed-Door Session. The statute allows the Council to go into a closed session to discuss offers and counteroffers with respect to the acquisition of real estate and to discuss non-public appraisal data. He stated we are asking the Council to utilize that statute to discuss the following four properties that have been identified by the Council as potential acquisitions in respect to improvement and betterment of the Heritage Village Park area.

A. Executive Session Pursuant to Minn. Stat. §13D.05, Subd. 3(c)2 & 3: Discuss Doffing Ave. Property Acquisition Related to Heritage Village Park for Property Located at

- i. LSS Properties LLC – 6455 Doffing Ave – 20-36500-32-110**
- ii. Hay – No address – 20-36500-31-050**
- iii. Kramer – 4301 64th St – 20-36550-31-070**
- iv. Walser Real Estate III LLC – 4343 65th St E – 20-36500-32-070**

Attorney Kuntz stated the next item the Council would be discussing would be = possible litigation relating to property located at 6840 Dixie Avenue. Litigation is imminent, and a closed-door session is occurring pursuant to the statute.

B. Executive Session to discuss active investigative data as defined by Minn. Stat. §13.82, Subd. 7 and to discuss possible litigation relating to property at 6840 Dixie Avenue, Inver Grove Heights, Minnesota containing Tax Parcel Nos. 20-00200-51-020 and 20-39900-00-050. This discussion is being conducted in a closed Executive Session pursuant to Minn. Stat. §13D.05, Subd. 2(a)(2) dealing with active investigative data and Minn. Stat. §13D.05, Subd. 3(b) dealing with the attorney – client privilege.

Attorney Kuntz stated the following Executive Session would be to discuss offers and counteroffers with respect to real estate and to look at non-public appraisal data. There are eight parcels to be discussed and are listed below:

**C. Executive Session Pursuant to Minn. Stat §13D.05, Subd. 3(c)2&3:
Discuss Acquisitions for City Projects 2017-24 and 2017-03 relating to Permanent and Temporary Easements from the following parcel owners:**

- Parcel 1 – Robert Dalsin and Barbara D. Dalsin
- Parcel 2 – Garold M. Murphy and Marylin L. Murphy
- Parcel 3 – Lisa J. Lojovich and Bradley J. Lojovich
- Parcels 4 and 5 – William P. Nichols and Cynthia Nichols
- Parcel 6 – Thomas L. Peltier
- Parcel 7 – Thomas C. Lund and Deborah L. Lund
- Parcel 8 – Clyde Wille and Sandra Wille

Attorney Kuntz stated in each instance there is a statute to allow the Executive Session to occur with the reasons he has outlined.

Motion by Piekarski Krech second by Perry to move into Executive Session.

Ayes: 5

Nays: 0 Motion carried.

11. ADJOURN: The meeting was adjourned at 8:19p.m.