

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, FEBRUARY 26, 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 26, 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: There were no presentations at this time.

4. CONSENT AGENDA:

- A. i. Minutes of February 5, 2018 Work Session Meeting Minutes
- ii. Minutes of February 12, 2018 City Council Meeting Minutes
- B. Resolution 18-35** Approving Disbursements for Period Ending February 20, 2018
- C.** Consider Approval for Design Services/Plans and Specification for the Replacement of Rich Valley Tennis Court
- D.** Consider Renewal of North Valley Disc Golf Operations Agreement with Municipal Disc Management (MDM)
- E. KYLE KRECH – CASE NO. 17-07CV:** Approve a **Resolution 18-36** relating to the Storm Water Maintenance Agreement for the property located at 6163 Cahill Avenue
- F.** Accept Proposal for Professional Services for Design and Construction Administration and Observation for Exterior Reconditioning of the Five Million Gallon Concrete Ground Storage Reservoir
- G.** Accept and Approve Proposal from Stantec Consulting Services for the Northwest Area (NWA) Trunk Water System
- H.** Consider a **Resolution 18-37** Authorizing Engineering Services and Authorizing Preparation of an Operation and Maintenance (O&M) Manual and One-Year Evaluation Report for City Project No. 2016-01 – Stormwater Treatment for Mississippi River Discharge from Barr Engineering Company
- I.** 2018 Draft Legislative Initiatives
- J.** Personnel Actions

Councilmember Piekarski Krech requested to pull Agenda Item D.

Motion by Bartholomew second Perry by to approve all items on the Consent Agenda with the exception of Agenda Item D.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Piekarski Krech had a question about Agenda Item D, the renewal of North Valley Disc Golf Operations Agreement with Municipal Disc Management. She asked about the timeframe between 2016 to 2017 when the percentages were changed, it was only supposed to be a 10% difference, we came out almost 50% less in revenue on the part of the City. She asked if there are fewer users.

Park and Recreation Director Eric Carlson stated there were fewer people playing while they were staffed, but that there is still value to having them there as they help monitor and report happenings, so they can respond quicker. He stated the percentage was the same in 2017.

Councilmember Piekarski Krech stated that if the usage is changing that much, maybe they needed to change something else. The first two years were consistent. She asked if they were given statistics on the usage. That information would be helpful to have.

Director Carlson suggested that they keep it the way it is for this year and bring it back for review. He responded that in terms of use, they are given a report and will share that information with the Council.

Motion by Piekarski Krech second by Perry to approve Agenda Item D, to Consider Renewal of North Valley Disc Golf Operations Agreement with Municipal Disc Management (MDM).

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT: There was no public comment at this time.

6. PUBLIC HEARING:

A. Assessment Hearing for the 2018 Pavement Management Program, City Project No. 2015-09D- Broderick Boulevard Area Reconstruction. Resolution 18-38.

City Engineer Tom Kaldunski stated this is a Public Hearing for improvements on Broderick Boulevard located on the north side of 80th Street down to Concord Boulevard. He stated there is 28 parcels for assessment. The total project cost is \$4.6 million and they are using over \$2 million dollars of City funds. The project has received a construction grant and a deed grant. He stated the hearing tonight is focusing on the special assessments totaling \$655,624. The assessments will be spread among the properties depicted on the map. He stated they held an informational meeting for residents two weeks ago, and they did not receive any feedback or objections. He stated tonight's meeting is for public input. He stated they are looking at making these assessments payable in January 2019 at the assessment rate of 4.2% at a ten-year term. He stated the assessments are lower than those in the feasibility study due to favorable bids and the award of two grants. He stated the apartments and townhomes are being assessed from \$447 up to \$876. He stated the commercial properties assessments would be \$0.12 to \$0.46 cents per square foot. He stated they have easements in place and will come to the next City Council meeting to award the contracts. The contractor is McNamara Contracting.

Motion by Piekarski Krech second by Perry to close the public hearing at 7:10PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech second by Perry to approve the Assessment Hearing for the 2018 Pavement Management Program, City Project No. 2015-09D- Broderick Boulevard Area Reconstruction. Resolution 18-38.

Mayor Tourville asked what the bids were like.

Engineer Kaldunski responded that there have been very favorable bids on this project.

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA:

I. COMMUNITY DEVELOPMENT:

A. JAYME QUINELL; Consider a Resolution relating to a Variance to allow a porch addition six feet from the side property line whereas 10 feet is required for property located at 9304 Avalon Court. Resolution 18-39.

Community Development Director Tom Link stated the request before you this evening is to remove an existing deck and replace it with a three-season porch. The deck is considered an accessory structure and is required to have a five-foot setback. He stated the porch is considered to be a principle structure and is required to have a larger ten-foot setback. The proposal is to encroach the edge of it by four feet. He stated the setback would then be six feet versus ten feet and the side yard setback will be increasing. He stated that staff finds the request to be reasonable, and that the lot is an irregular shape and the home is angled on the lot. Staff is recommending approval of the four-foot variance for the enclosed porch. He stated that the Planning Commission unanimously recommends approval. He stated that no one attended the public hearing but that they did receive an email today from a neighbor who was concerned about a fence and drainage and access to the rear property.

Motion by Piekarski Krech second by Bartholomew to receive the correspondence from Larson on this item.

Ayes: 5

Nays: 0 Motion carried.

Director Link stated that the City Engineer looked at the request and had no comment on it. The porch is set back one foot further than the existing deck and that it is enclosed. He stated that from staff's perspective they do not see a problem.

He stated the fence was paid for by both parties' years ago and is a private matter between the property owners.

Director Link responded that they did find a building permit, and that it met the five-foot setback.

Councilmember Piekarski Krech commented that since the original deck was open underneath, and this would be an enclosed structure, there may not be room to get into the back yard.

Director Link stated that may be the case, but they look at it from the property line and the structure. They didn't consider the access underneath the deck.

Jayne Quinell with Outdoor Spaces, Farmington, stated they were contracted for the work last fall and were due to begin in December until they got to this point. He stated that the proposed porch is a three-season screened room, and that water will go through the screens and through the floor, so it's not completely weather resistant. He stated the deck and porch will be the same size and height. The porch is five inches narrower than the existing deck. The neighbor was concerned about drainage, but there will be gutters.

Mayor Tourville asked if the gutters can direct water away from the neighbor's property.

Councilmember Piekarski Krech stated that he needed to make sure the water is directed away from the property. She stated the storm water regulation state that you have to maintain your own storm water on your own property.

Mr. Quinell responded that he can direct the downspouts away from the neighbor's property.

Mayor Tourville asked that the owner make sure the drains run away from the property. He asked when this project will begin and if there will be changes to footings.

Mr. Quinell responded that this will begin as soon as the permits are approved. He stated they are going to be adding two additional footings to carry the roof load, and that they may even have to pull existing footings and replace them with larger ones.

Public Works Director Scott Thureen stated with the amount of snow on the ground now, you won't be able to determine slopes and drainage at this time of year.

Councilmember Bartholomew asked Engineer Kaldunski if there were any storm water easements?

City Engineer Kaldunski responded that if there is an easement, and he hasn't looked at this particular case, there would be a five foot one on the side yards. He stated that they have room to work on any drainage easement if one exists.

Councilmember Piekarski Krech stated that Item B on the Resolution says the location of the porch does not appear to have any adverse impacts on neighboring properties. She asked if it can be changed to "if there are any" adverse impacts.

Councilmember Bartholomew suggested putting "will correct any adverse impacts" in the motion.

Mayor Tourville suggested adding another letter and adding an additional porch will not affect drainage to the neighbor's property adversely.

Mr. Quinell stated that he could work with the homeowner and get drain tile added so that the water isn't just a downspout but is directed toward the front beyond the neighbor's yard.

City Attorney Tim Kuntz stated that items A, B, and C that you are referencing are findings that were incorporated. You would be adding a paragraph two.

Mayor Tourville agreed with Attorney Kuntz in that it would be better to add a "2" to the language.

Motion by Bartholomew second by Hark with the addition of the second condition and approve to Consider Resolution 18-39 relating to a Variance to allow a porch addition six feet from the side property line whereas 10 feet is required for property located at 9304 Avalon Court.

Ayes: 5

Nays: 0 Motion carried.

B. INDUSTRIAL EQUITIES, LLP; Consider the following for property located at Auburn Path and Argenta Trail:

a) A Resolution relating to a Comprehensive Plan Amendment to change the land use designation from P, Public/Institutional to GI, General Industrial. Resolution 18-40.

b) An Ordinance to Rezone the property from P, Institutional to I-2, General Industry

City Planner Allan Hunting stated that you have an application before you for the Comprehensive Plan and Rezoning change for property located at Auburn Path and Argenta Trail. He stated that the applicant has a separate application for the next meeting, proposing a multi-tenant office warehouse to be constructed. He stated there are three lots where planning doesn't occur and the zoning was changed. He stated that in 2016 there was an application to change the land use to a Limited Industry. The City Council denied that request based on open storage or future building. The Council didn't feel that was significant enough improvement to warrant change.

He stated the area has a number of different land uses surrounding it. The I-2, General Industry District, assumes there will be heavy industrial uses, and with light industrial, you will find those closer to residential areas as they have lighter uses. He stated the following two issues to consider:

1. Access. He indicated the location on a map and stated that it doesn't seem viable to run northward, as they thought it was possible to run a connection to Alberta Way. He stated that this needed to be further addressed in regards to having a public street or removing the easement and letting it be a private driveway.
2. Utilities. The land is part of the Eagan and Inver Grove Heights Joint Powers Agreement (JPA) for utilities. He stated that it can be served by the Eagan system. The question is in continuing that or following the path that continues with the northwest area utilities.

Planner Hunting stated the question is what would be the most appropriate use. He asked if they decided to continue with public institutional, which is limited to public buildings, schools, and churches, should it be general industrial or light industrial. He stated that the Planning Commission recommends approval with the General Industry District. He stated that they have received three emails from residents which were addressed at the Planning Commission meeting and then forwarded onto the City Council via email. John Allen, Industrial Equities, 321 1st Avenue North, Minneapolis, MN, stated they are developing this project for their own portfolio. They have built in 19 different communities throughout the Metropolitan area. He stated that they have projects located next to high end residential in Minnetonka and Eden Prairie, and a new project in Burnsville right next to a Cemetery, off of Highway 13. He stated they also own properties on Dodd Road and 494 and still hold those properties. He stated that with 35 years in the business, they have sold four of their projects. He stated that when they build, they build for their portfolio and build at a higher quality and standard level. The tenant mix is corporate, high tech, bio tech, and engineering. He stated they are excited about the opportunity to build in Inver Grove Heights due to this location. He stated this would be a good mix for them and that these are properties that generate a significant tax base.

Councilmember Piekarski Krech asked if he already had tenants for the building you are proposing.

Mr. Allen responded yes, they have a major corporation in another building of theirs that would like to expand.

Councilmember Piekarski Krech stated that we have an office industrial space that has been sitting empty for a number of years.

Mr. Allen responded that the issue there could be that there isn't a lot of demand for the office showroom type look. He stated that they have built a lot of properties and this is an enviable location, and a great tenant base. He commented that in other cities, the Councils want them to come in because they create workforce space that residents can come to. He stated this is a terrific site, but there could be a mismatch with the zoning and the market right now, but that he would like to build here. Councilmember Bartholomew asked about vacating the road easement. He asked if that interferes with plans.

Mr. Allen responded that for access and fire safety, that is an easement that you have to have. He discussed the alignment to what he has currently, or have an easement come through the new public access. He stated they would prefer having it vacated, as they will have to build a public access due to fire and health safety issues, but it would not be a problem.

Mr. Allen stated they have an access agreement easement coming across that borders this site. He stated they bought from Mr. Danner under contract, which brings the ability to bring the easements in from Yankee Doodle for both sewer and water. The utilities design is to satisfy the northwest district utility from a storm water perspective which is required by Code.

David Jansen, 7985 Argenta Trail, stated he is the one with the home that they keep drawing a line through to make a road to the north of the property. He stated it would be nice to have a final solution as it has been stressful to come here about these types of projects. He addressed the land to the north in Eagan, which will be townhomes, bringing in more residential. He stated that Ralph Taylor's land, in the new Comprehensive Plan, will be switched back to residential. Some of the industrial business park land

is being turned into townhomes. He stated that the neighbors could be concerned about traffic. He stated he would like to see some discussion in putting controls on the types of businesses that goes in there and the terms of hours of operation and amount of traffic. He is hoping they can discuss those things as the process goes on. He stated he is concerned that if the developer backs out, would the designation remain the same. He asked if they could see this as one whole package instead of the Comprehensive Plan Amendment now and the zone change, and then two weeks later something else. He stated in the past there has been one package that can be voted on all at once, which was much easier.

Mayor Tourville asked if staff could work with the developer and the homeowner and take a look at where the road could go.

Planner Hunting responded that there are limited options and referenced them on a map. He stated the only other access point would be to Alberta Way. He agreed that one road even shows it going through Mr. Jansen's home. He stated there could be residential and industrial using the same road. He stated that if that wasn't practical, then you could use a cul-de-sac road and turn the other into a private drive.

Councilmember Piekarski Krech asked if that was because they will never have access to Yankee Doodle Road.

Planner Hunting responded that was correct.

Mr. Jansen stated if they were to come to him with a big check he would consider it. It's a beautiful home with oaks all around. It was developed early enough that there wasn't much done with the land. He stated there was an easement for his driveway that will stay in effect until another driveway is built. He stated he doesn't want to put improvements in the home and then end up selling.

Planner Hunting stated the plan has been submitted for preliminary approval. This would be regarding the private driveway.

Councilmember Bartholomew asked if they would still have access off of the Auburn cul-de-sac. Planner Hunting responded yes, they would. There is an existing access from the cemetery property that would tie into a nearby driveway. He stated that if residential development were to occur in the area, you would do a public street opposite of Alberta Way. If it is redeveloped, then the driveway would not be needed any longer. Their thought is to connect them or come in with a cul-de-sac in future when a developer buys the land.

Motion by Bartholomew second by Hark to approve a Resolution 18-40 relating to a Comprehensive Plan Amendment to change the land use designation from P, Public/Institutional to GI, General Industrial.

Mayor Tourville asked if the other plan will be available at the next meeting.

Planner Hunting responded that at the next meeting they will be discussing the preliminary PUD Plan. The applicant is proposing the private driveway system. He stated that staff has to look at which is the best route to go.

Mayor Tourville stated that between staff, the homeowner, and the developer, we can work something out with the private drive.

Planner Hunting stated that the proposal and the homeowner want the same thing, which is to have the private drive and then do the public street.

Community Development Director Tom Link stated there is still the issue as to whether you wanted to have the General Industrial (I-2) or Light Industrial (I-1). He stated the applicant has requested the General Industry as the uses are permitted. He stated that when we have industrial near residential, we go with the I-1 as that is Conditional Use and the City can look at individual developments and how they affect that neighborhood.

Councilmember Bartholomew clarified that the motion was just for the Comprehensive Plan with the G1 Industrial. Councilmember Hark also agreed.

Mr. Allen stated that you have a very open I-1, but what you don't allow is manufacturing. He commented that would be a problem with a lot of their users and tenants because they do a lot of bio-tech, engineered assembly, and light manufacturing in the buildings. He stated that needed to be done by Conditional Use Permit. He stated that if he doesn't have that zoning, then he has to tell them that he needs to go to the City to get permission to do that, and then all his competitors are chasing the same deal. He stated that it is a restraint from a leasing standpoint. He stated that with the G1 designation, the types of businesses that do bio tech, or have laboratory space, that you would not be able to go after that type of user, and that's the reason why he wants I-2. He stated under your Code you preclude that in that area without a Conditional Use Permit. He stated that puts us at a competitive disadvantage by not being able to market to those that would do assembly, production, etc. He stated that those are the types of users they are going to get.

Mayor Tourville asked how many parking spaces they were planning for.

Mr. Allen responded they are providing less than they could have, with 183 parking spots, which will be adequate with the type of uses that they are going to pursue and have on this site.

Mayor Tourville stated that we will now move on to the next item which is an Ordinance to rezone the property from P Institutional, to I-2 General Industry.

Planner Hunting stated that I-2 General Industry is where all uses are permitted. The I-1 is a limited industry which equated with the limited industrial comprehensive guiding. He stated that General Industrial Comprehensive Guiding I-2 is the zoning district that goes along with the general industry. He stated that the Council has just approved to change the Comprehensive Plan to General Industry, and with that, the I-2 would be the consistent zoning. It makes everything a permitted use, and that is what Mr. Allen, and all the uses he is proposing, would be permitted uses in the I-2 District.

Motion by Bartholomew second by Hark to approve the Ordinance to I-2 General Industry.

City Attorney Tim Kuntz stated that in the Comprehensive Plan Resolution that you have passed and voted on, it stated that the Comprehensive Plan land use doesn't become effective until the rezoning and development plan has been approved by the Council. He stated that now we are moving to a zoning ordinance and due to a previous discussion between Tom Link and himself, that the motion on the rezoning should not become effective until you approve the development plan.

Mayor Tourville asked if they can make it contingent.

Attorney Kuntz stated that whether you use the word contingent or not, it's not going to be effective until the development plan is approved.

Community Development Director Tom Link suggested that the motion be stated to rezone it to I-2 but that it doesn't become effective until the development plan is approved.

Mayor Tourville asked if the one who made the motion and second, were in agreement to that.

Councilmembers Bartholomew and Hark agreed.

Ayes: 5

Nays: 0 Motion carried.

C. INTERSTATE DEVELOPMENT CORPORATION; Consider the following for property located at 9015 Broderick Boulevard:

a) An Ordinance to amend the Arbor Pointe PUD Ordinance to allow Special Education School as a permitted use in the CSC, Community Shopping Center District. 1346

b) A Resolution relating to Amending the Arbor Point PUD to approve a revised site plan for the location. Resolution 18-41.

Community Development Director Tom Link stated the property under discussion is located at the intersection of Concord and Highway 52/55, in the old Rainbow grocery store. The applicant is proposing to purchase the property and then turn around and lease it to the Intermediate School District 917, which is a Special Education School. He stated the interior of the building would be remodeled for classrooms and offices. The exterior would be changed slightly adding more windows and updating the front entry. He stated the Rainbow store has been vacant since mid-2014 and there have been no inquiries for retail for that building. Progress Plus, on behalf of the City, went out and contacted various grocery stores and none of them expressed interest. He stated that from a staff's perspective, it is no longer feasible for retail as it was originally designed.

He stated that this serves a unique need in Inver Grove Heights, as it is something we do not have in the area and would serve the area and the surrounding cities. The idea is to generate activity and customers for the retail and commercial in the area. This would do a moderate amount to that as it would bring in 75 employees. He stated that if we went through redevelopment, and a small area plan, and re-designate to another use whether that is office, hotel, apartments, or townhomes, that redevelopment would generate more activity and traffic. He stated that if you are looking at maximizing traffic and activity in this area, you have to look at redevelopment that would take a few years and effort on the cities part to change the land use. This proposal would do a lesser amount to that as far as generating activity and serving a unique need. He stated that the School District is supportive due to the unique need. Staff didn't have a recommendation. He stated that the Planning Commission held their public meeting last Tuesday and there were two people from Monument Ridge Apartments, located nearby, in attendance who expressed concern about some of the student behavior getting outside of the building and into the surrounding residential area.

The Planning Commission recommended approval of the request. He stated they felt this would be a good tenant, good for the area, and that this large, vacant, unused building would be used again. He stated that they recognized the need for further study for commercial viability and possible redevelopment, but they do not want to leave the building vacant waiting for further action.

Councilmember Bartholomew referenced an area of the map in regards to the parking lot. He asked if that was the parking lot to be used for the building.

Director Link responded yes, the parking needs are less than what is out there now. The buses would come in off of Broderick along the east side of the building and could unload there and could go around the building to exit.

Director Link displayed a map of the full property and showed the area of parking for the surrounding businesses. He stated the parking goes with Rainbow, but they do not see a need for it.

Mayor Tourville stated that even though it is being used for P Institutional use, the zoning will stay in place and they will continue to pay property taxes.

Director Link responded that it is because it is privately owned by an investment company and they would lease to the school so they would continue to pay property taxes.

Councilmember Hark asked if the footprint of the building would change. He asked if the modifications would be within the existing structure.

Director Link responded that was correct.

Lonnie Provencher, Interstate Development, 6390 Carlson Drive, Eden Prairie, MN.

Melissa Schaller, Director of Special Education for Intermediate School District 917, 1300 145th Street East, Rosemount.

John Christiansen, Superintendent of Intermediate School District 917, 1300 145th Street East, Rosemount.

John Christiansen, Superintendent, stated they wanted to use the building and the parking around it.

Lonnie Provencher, Interstate Development, stated that the lines on the plan denotes their parking requirement. There is parking beyond what the tenant needs. He stated it was a benefit to have the excess parking, but that they will work with the tenants in the area to see if anyone is under-parked and may have a need for it. He stated there is an arrangement with someone in the area to have some short-term parking.

Mayor Tourville stated that the reason why parking has become an issue was because we did some work with the Ordinance and you may still have to do some maintenance.

Mr. Provencher stated the parking area is part of a PUD. There are cross exits and easements. He stated that it will be maintained as a part of the property.

Mayor Tourville stated that they have an ordinance that states you can't open it up to all types of parking without working with the City. City Attorney Tim Kuntz stated that you are going to own the excess parking area.

Mr. Provencher responded that the entire area will be the defined legal premises for the school including the entire parking field. They have identified that there are more parking stalls there than they would need. He stated that they would do what they can do make it available to the tenants that are a part of the PUD and if there is an opportunity to accomplish someone else's shortage of parking.

Attorney Kuntz verified that the school is going to lease the entire parcel that it owns.

Mr. Provencher stated the footprint of the building will remain as it is. They will be doing exterior updates including paint, but in keeping with the paint colors that were a part of the Arbor Pointe PUD. There will be updates to the landscaping, the parking lot, and the addition of windows to all of the classrooms. He stated that the interior will be rebuilt for the tenants use.

Councilmember Piekarski Krech asked if it was your intention to lease it for a school or is it a lease to buy.

Mr. Provencher responded it will be a long-term lease to the school and they will be the owner.

Mayor Tourville asked what the term of the lease was.

Mr. Provencher responded that they have another facility with the school that is a 15-year lease, and that this one will be comparable.

Mr. Christiansen stated that Intermediate 917 has been in existence since 1970 and that they have facilities throughout Dakota County. He stated that their Mission is to provide low incidence special education services to our member districts. Inver Grove Heights, South St. Paul and West St. Paul are members. He stated that they have sites all over and this is one area they do not have a presence and they felt it would be nice to locate here for a shorter drive time for many. He stated they plan to be here long term and have a mix of leased and owned spaces, this location would be adding to that mix of leased.

Melissa Schaller, Director of Special Education, stated they serve nine, member School Districts. Their primary objective is to serve the special education needs that those Districts cannot. She stated that due to the size of their Districts they do not have the volume to sustain programming over time and in other cases the needs of the students are such that it is not appropriate to be served in the typical Public-School building. She stated they have 46 students on a waiting list for services. Their goal is to locate several programs in this building with approximately 20 classrooms. She stated that they hope to open with 12 classrooms next school year. There is room for growth. She stated they are looking at a mental health program and then autism programming as they continue this space. Autism programming is the largest growing population of students to serve.

Councilmember Piekarski Krech asked what the ages of the students would be.

Ms. Schaller responded that they would be serving students grades K-12. The students are served in group settings for their age.

Councilmember Piekarski Krech asked if she knew of how many of each age students they would have here.

Ms. Schaller responded that they would have about 60-65 students next year. She stated they would have an equal number of elementary, middle school, and high school students. She stated they serve more middle school students.

Mayor Tourville questioned when they will begin programs at this facility.

Ms. Schaller responded they would like to begin with the 2018/2019 school year.

Councilmember Piekarski Krech asked if K-12 were all on the same busses.

Ms. Schaller responded that their member districts transport the students, so there is the potential that nine different districts could transport to this site. Typically, they do not use full size busses, but sometimes that does happen. She stated that they see between 8-12 different types of transportation, be it shorter busses, larger ones, or vans. She stated that sometimes the kids are transported individually, it depends on the student's needs.

Councilmember Piekarski Krech stated she had received several phone calls from teachers in the area. Their concern was with some of the special programs and the issues that may arise and having possible police involvement.

Ms. Schaller stated that typically we don't transport elementary aged students with middle and high school aged students.

Councilmember Piekarski Krech asked if they had different programming times for the different ages. She asked what the hours were?

Ms. Schaller responded that they all run the same hours. She stated that the hours are 7:45 or 7:50 to 2:10 to 2:15.

Councilmember Perry asked if this building was going to be geared more toward mental health or autism. If there are Inver Grove students being bussed over to the Apple Valley location, will they still have to go to the Apple Valley location, or will you move them over to this location, which is closer for them?

Ms. Schaller responded that the program they will move here has students from the Inver Grove District, so those students will be going to this site. She stated their autism program is located in three different locations. Students from Inver Grove Heights will be able to move from those locations to the City in which they live. She stated they have 20 classrooms for students with autism spread across two sites right now. If they have more space, they would be serving 25 classrooms as it is a program that is growing.

Councilmember Hark had a question regarding buildings that were leased and owned. He asked if the District has ever moved from a leased building and converted it into property that they own. He stated that the property isn't suited for the original retail purposes, but that he was concerned about what would happen in three or four years if the School District and the developer decide to purchase the property, then it comes off the tax rolls. He stated he didn't want that property to end up P-Institutional at some point. If it sits vacant, they get tax revenue on that.

Mr. Christiansen responded that the reason they use the mix, is due their funding streams. He stated that the lease option is one that is available to us in a way that it's not available to the K-12 Districts. There are times they want to have it centrally located, so they design it so it can be flexible and adjust to programming and needs and is in the middle of the County. He stated that it is probably going to be there for long-term use. The leased spaces give them flexibility if the population changes and they need to relocate, then they don't have to worry about the building that isn't having the demand for the needs it once had.

Councilmember Hark stated he had a couple of people who contacted him that were concerned about the small area plan studies for Arbor Pointe. He stated those plans are not off the table, they can still go ahead and figure out the best use for the area. He stated that he thought these are not minimum-waged jobs. There will be 75 people coming in the area every day.

Councilmember Piekarski Krech asked how many on their staff were paid professionals and how many were paraprofessionals?

Mr. Christiansen responded 1/3 were licensed staff, and 2/3 were non-licensed staff. He stated that they have a large number of staff that need a home base to office from. They are all professional staff that would be housed in this building.

Ms. Schaller stated they have approximately 20 staff that are itinerant. She stated that she has a staffing plan that means adding about five more staff members.

Mayor Tourville stated that he looks at this as an opportunity for the School District, families, and kids, to use this service. He stated some of the complaints he received from citizens was about the sale of this to a School District, and they were concerned about the taxes. He said he checked and found out that Interstate will be developing, owning, and then leasing the space and that we are still going to be receiving the tax piece.

He stated that every grocery store that they have approached has stated that it wasn't going to be a grocery store, and if it were to be, it will be a number of years. He stated that this way, we will get someone in here to provide a service for families and kids and they are still paying taxes.

Councilmember Bartholomew had a question about the programming and asked if it would be year-round or a typical school year.

Ms. Schaller responded that they run a typical school year calendar. She stated they extend school year services through the month of July. Those programs run four days a week in the mornings. She said that there will still be staff in the building during the off-school season.

Paul Mandell, 8320 Cleadis Avenue, stated that this is a good opportunity and good for the Community. He stated there are vacant buildings over there that could still go into the small area plan. He stated the longer there are vacant buildings and space, the longer people get the message that Inver Grove Heights can't support the buildings you have. He felt this was a good opportunity.

Councilmember Perry had a question about the fence along Highway 52 and asked if that was something that would be included in the repairs and updates as it's not in the best condition.

Mr. Provencher responded there would be a playground in the back of the building, and the fence is planned to be new. He stated he can look at the fence on Hwy 52, and if it is theirs, they can take a look at the condition, if it's not, they need to discuss it with MnDOT.

Mr. Christiansen stated that the facility will be a very secure facility. It will be swipe cards to get in and out. He stated that the facility is divided into segments, you will need a swipe card to get from one area to another. He stated the exit doors, except for the main entrance, are on a 30 second delay. Once students are there, they are very well supervised.

City Administrator Joe Lynch stated that he spoke with the Police Chief and they would like another condition added. He stated that they would like to add that in the event there is a need for Police services, that District 917 would consider a similar relationship that District 199 has with the City of Inver Grove Heights and not contract for services with another public safety agency. For example, Dakota County. We feel we can better serve that location if there is a need. It could be for a School Resource Officer or something similar.

Mr. Christiansen stated that they work with the Eagan Police Department and the Apple Valley Police Department. The DCTC site and their Alliance site are with the Sheriff's office. He stated that they do work with the local Police as they are the closest responders.

Administrator Lynch reiterated what the wording could be in the motion to state that if Police services are needed on a regular basis that District 917 consider contracting with the City of Inver Grove Heights for those services.

Councilmember Hark stated that it sounded like it wasn't mandatory, but that you wanted it to be a discussion. He stated that he is hearing it be contract or consideration.

Administrator Lynch responded that it would only be if it is determined that there is a need for regular Police services. He stated that if we find that we are called there every week we would want the ability to contract a position to be at the location should we reach that type of situation.

Mr. Christiansen stated they are more than willing to negotiate with the City if that need would arise.

Councilmember Piekarski Krech stated it says we are amending just the Arbor Pointe PUD Ordinance. This would be a permitted use in community shopping center district. She asked if this meant that all of Inver Grove Heights would be allowed in community shopping center districts?

Community Development Director Link responded that it would be just for Arbor Pointe.

Attorney Kuntz stated that Mr. Lynch's suggestion would be added to the Resolution.

Motion by Hark second by Bartholomew to approve An Ordinance to amend the Arbor Pointe PUD Ordinance to allow Special Education School as a permitted use in the CSC, Community Shopping Center District. 1346

Ayes: 5

Nays: 0 Motion carried.

Motion by Hark second by Perry to approve A Resolution 18-41 relating to Amending the Arbor Pointe PUD to approve a revised site plan for the location. If a Community Resource Officer Liaison is needed that there would be a discussion between the two parties, being the City and the School District.

Ayes: 5

Nays: 0 Motion carried.

D. PINE BEND LANDFILL; Consider the following for property located at 2495 117th Street E:

a) First Reading of an Ordinance Amendment to allow a side slope capacity expansion of an existing landfill as a conditional use permit in the Integrated Resource Management Overlay District

b) A Resolution relating to a Non-Conforming Use Certificate Amendment to allow a side slope expansion

c) A Resolution relating to a Conditional Use Permit to allow a side slope capacity expansion of the Pine Bend Landfill

Community Development Director Tom Link stated this item is regarding property located on the north side of 117th Street between Highway 52 and Rich Valley Boulevard. He stated the consideration is for the Ordinance, but also to discuss the Conditional Use Permit and the Non-Conforming Use Certificate. He stated that staff is recommending action on those two items be tabled until the third reading. He stated the property is 300 acres. It is sanitary landfill that accepts a variety of solid wastes. It is permitted for 29.8 million cubic yards. He stated the request is to add another 4.14 million cubic yards to take it up to 33 million cubic yards. The expansion is not an increase in height, base, or footprint of the landfill, but the slopes on the north and east would increase from 5:1 from 3:1. He stated the operational aspects remain the same. He stated the City approved the Pine Bend Landfill in 1975. In 1990 the landfill became a non-conforming use. In 1995 we negotiated a non-conforming use certificate. Since then there has been a number of approvals. He stated that in 2004 the City granted a vertical expansion for the landfill. The landfill made application for MPCA and the City made numerous comments as a part of that process. MPCA found no significant environmental concerns. He stated the area is primarily industrial with the industries out there being considered heavy industries. There are also large lot residential areas to the north and there are intervening properties between many of those.

He stated that City staff used Barr Engineering for the analysis and the report was included in your packets. Barr Engineering has been used since 1990 for landfill issues. He stated they identified 12 different technical issues that needed to be addressed.

For the City application they focused on five issues as follows:

1. Waste Acceptance
2. Waste Capacity
3. Ground Water
4. Surface Water
5. Gas Migration

Director Link stated that they have made recommendations to the Non-Conforming Use Certificate and the Conditional Use Permit. Those recommendations are included in the documents before you.

He stated that the MPCA will not act until after the City and County acts. He stated that there are environmental aspects to this, the first would be that the expansion is located over existing fill that has no

liner underneath it. With the expansion there would be a liner put under the new fill, which would be placed on top of the old fill. He stated that would create a barrier for the benefit of the ground water. The second item would be methane gas. There would be nine new pumping stations creating greater opportunity to extract methane gas out of the landfill. He stated that there are gas exceedances, and while they have addressed those in the past, the Conditional Use Permit requires them to correct those exceedances within a certain time frame. He stated there is a new condition regarding gas exceedances which is a benefit.

He stated staff is recommending approval on the land use and the zoning. It is consistent with the Comprehensive Plan and Zoning and is compatible with the surrounding land and suitable for the property. He stated the Planning Commission held a public hearing last week, and nobody testified. The Environmental Commission recommended approval. Both Commissions unanimously approved. He stated they did hear from one resident, George Fell, who used to be on the Environmental Commission. Mr. Fell stated he is supportive of the request and the recommendations of staff and Barr Engineering.

Jeff Brown, Operations Manager, Pine Bend Landfill stated he has been with the company for 37 years. He stated he has an experienced team on hand with long term employees. He wanted to mention one of their operators, Todd Foss, is in the running for Operator of the Year. He referenced an aerial photograph of their office and surrounding area, as well as the location they are proposing to change. He stated they give a lot of tours at the site, and most recently held an Open House. He stated that if you haven't been out there, or even if you have, he recommends that you come out and see the site anytime, just let him know.

Aaron Janusz, Environmental Manager, Pine Bend Landfill, wanted to speak of the details of their plans. He referenced the area they wished to modify on a map. He stated they hope to make some modifications to the slope, they are not increasing the footprint or height, but putting a cover down over the un-lined area to reduce the groundwater infiltration. They hope to add 3.5 million cubic yards to their disposal capacity, which extends the life to about 2030 and preserve their infrastructure. They are going through the permit process and are now here to look at the CUP, NCUC, and the Ordinance Amendments. He stated in looking at the technical side of this project would be the slope stability, leachate collection, gas system construction, and surface water management. He stated they are following the guidance of this project.

Councilmember Bartholomew asked if he could point out the unlined area on the map.

Mr. Janusz pointed out the location on a diagram and stated they have filled over a portion it and will complete the rest of it with this plan.

Mr. Janusz stated the leachate collection system will collect the leachate and then they will add some sumps, and pumps and collect that through existing tanks. The leachate is then removed by a hauler to a plant in St. Paul.

He stated for a gas system, they will put in horizontal collectors with piping to collect the gas that gets generated.

Councilmember Piekarski Krech asked if that is a lined, or un-lined area.

Mr. Janusz responded that they have wells in the un-lined area right now, but this will be an all new infrastructure. He stated that they will put the liner down and a bigger pipe which would allow them to keep pumping liquid out of that unlined area.

He stated for surface water management, there will not be an increase in volume of storm water runoff, but there could be an increase in velocity. Constructability is a part of this project as they plan on building one cell this year and then spacing it out to build a new cell every two to three years. He stated they will strip the soil on top of the landfill right now, which leaves all the clay cover in place and then set the new

liner on top of that which sets the base for the new landfill. He stated they have an experienced team on site and have a well-managed landfill.

Councilmember Hark asked about the methane gas. He asked if you can speak more about what you do with it.

Mr. Janusz responded that they collect all of the landfill gas that is collected and send it to a gas energy facility. He stated that they have two turbans they run and that converts gas to electricity. They sell their power back to Xcel and it goes right back into the grid.

Councilmember Bartholomew asked if there are special processes in place for the holding ponds.

Mr. Janusz responded it is similar to every other pond as it's storm water runoff. It's a maintenance plan.

Jeff Ubl, Barr Engineering Company, stated he has been working on the project for close to 20 years. He stated they have helped prepare technical comments on the MPCA application and the environmental worksheet. The report is included in your packets.

Councilmember Piekarski Krech asked if he noticed any issues with this, other than what is stated in your report.

Mr. Ubl responded that their report says it all. In this case the benefits outweigh the risks.

Motion by Piekarski Krech second by Bartholomew to approve the First Reading of an Ordinance Amendment to allow a side slope capacity expansion of an existing landfill as a conditional use permit in the Integrated Resource Management Overlay District

Community Development Director Link suggested they table the two items pertaining to a Resolution relating to a Non-Conforming Use Certificate Amendment to allow a side slope expansion and for a Resolution relating to a Conditional Use Permit to allow a side slope capacity expansion of the Pine Bend Landfill until the second meeting in March for the third reading.

Ayes: 5

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance to allow Park and Ride facilities as an Interim Use in the B-3, B-4 and P zoning Districts.

Community Development Director Link stated the City Code currently does not allow Park-n-Fly or Park-n-Ride facilities. The City Council discussed this at their work sessions and directed staff to draft an Ordinance to allow these as an interim use. He stated that we currently have businesses that operate these and they were not aware that the City did not provide for them. The first is from the AmericInn that operates a Park and Fly off the AMC Theater parking lot and the second is from Rochester Bus Line that operates a Park and Ride daily facility from the Rainbow site. He stated that both the Park and Ride/Park and Fly offers benefits to the City and to residents. It also offers an environmental benefit in taking vehicles off of the roads.

He stated there are concerns with them. For example, a one-acre parcel with a Park and Ride it does not generate the taxes a building would, or employment. He stated that large parking lots can have storm water concerns. They can also generate high traffic volumes during differing times of the day. He stated that vehicles left unattended for days can encourage criminal activity. He stated that if it is on a property that is already a permitted use, you can have a shortage of parking. He stated that staff is proposing an Ordinance Amendment that will allow these in Commercial B-3 and B-4 Zoning Districts. He stated that

this cannot create conflict with the principle use on the property, parking for both uses should be addressed, and that there would be no open storage, sale, renting, or leasing of the vehicles. He stated that we do not have a definition of a Park-in-Ride. That would be something we will come back and add in time for the second reading. Staff recommends approval, and the Planning Commission also unanimously recommended approval of the Ordinance.

Councilmember Piekarski Krech stated that there is nothing in there if there is a problem with the area, such as garbage becoming an issue, or thefts. She asked if they can put some type of condition in about the upkeep of the area itself and that if there is numerous Police calls or vandalism that they use the Interim Use Permit.

Director Link responded that if the Ordinance is passed, each of these have to come in for an Interim Use Permit. He stated that we can attach conditions and attach them based on the particular property. He stated they could add something about maintenance. If there are serious violations the City Council can revoke it. The Interim use is for a specific time and that we can tie it to an event or timeframe.

Mayor Tourville stated some of the areas being used are going to be parking lots for quite some time. He stated that another part that also needs to be added would be about lighting, security, and snow plowing. He stated the City has received calls asking if we are going to be plowing snow. He stated that it didn't seem clear between the one wanting the Interim Use, and who they are leasing the space from, as to who will be responsible for what. He stated they needed to have some language in there.

Director Link stated they have met with the businesses involved here. They raised the issue as to what is in the lease in regards to the property should it change hands, or the use of the property changes. He stated that at the Rainbow site, the Rochester Bus Lines has been there for several years and now they will no longer be operating there. He stated that one of the things they were considering was negotiating a contract with the City of Inver Grove Heights for a corner of the VMCC parking lot. He stated that one of the things he could do, and he will speak with Attorney Kuntz about this, was to add language that the applicant has to consider and then list the issues we are raising tonight. He stated that it makes the applicant aware that these are issues of concern should they want the Interim Use Permit.

Councilmember Piekarski Krech stated that they need to keep it in the forefront for everyone.

Councilmember Hark stated it would be easier if the Interim Use was shorter.

Director Link responded they haven't spoken about it, but that the City can set it up the way they want to. He stated it could be for a time period of three years or five years, or an event. He stated the permit may read that if ownership or use of the property changes, the Interim Use Permit expires, or has to be renewed. There is flexibility in how we draft. He stated that it can be drafted differently for each individual property.

Councilmember Hark asked if there can be two different Interim Use periods.

Director Link responded in the affirmative.

Mayor Tourville stated there should be further discussion about allowing parking in a City parking lot. It's Monday through Friday, it puts the onus on us for security, lighting, and snow plowing. He stated those are some of the complaints they have received since the Rainbow stopped operating. He stated that there could be different types of Interim uses.

Director Link stated that would require two approvals by the City Council. One would be the Interim Use Permit, Zoning and Land Use Controls and Regulation. The second is the contract itself, what the terms of that are, who is responsible for what, and what the lease length is. He stated you may have a site that

you expect to see developed in the next five years, maybe you put a shorter time period on that, versus one that is ten years out.

Mayor Tourville stated they have spoken about Park-n-Rides with the Metropolitan Council and never got anywhere. He stated we should continue the discussion and look at it once a year.

Director Link stated that the issue comes up whenever they meet with the Metropolitan Transit people, but they continue to keep an eye on it. He stated that they have also had a discussion with the County Transit staff last week, and Park-n-Rides came up there. He stated that one of the difficulties a Park-n-Ride has is the proximity to Fort Snelling LRT Station. They believe the market may be soft being that close. He stated the discussions have been ongoing for awhile and they want to keep that open for the future.

Mayor Tourville stated that maybe they need to get in touch with those in Burnsville and Eagan and join their bus service.

Director Link stated there is a gentleman from AmericInn here this evening for questions. He stated that he spoke with a representative from the Rochester Bus Company and he was unable to attend this evening.

Motion by Bartholomew second by Hark to Consider the First Reading of an Ordinance to allow Park and Ride facilities as an Interim Use in the B-3, B-4 and P zoning Districts.

Councilmember Bartholomew commented that they should work on some of the thoughts and considerations relating to the Interim Use.

Ayes: 5

Nays: 0 Motion carried.

II. ADMINISTRATION:

F. CITY OF INVER GROVE HEIGHTS; Third and Final 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. 1347

City Attorney Tim Kuntz stated this is the third reading of the proposed Ordinance which is an Amendment to Section 4-1-6 of the City Code. He stated it provides for instances where there is a parcel of an acre or more, that the distance between the off-sale establishment and a school or church would be measured from the front door of the liquor establishment to the church parcel. He stated this also applies if there were multiple leased areas and shared parking. He stated this is a change from the existing Ordinance where you measure parcel to parcel. He stated that this is the third reading, there have been no changes since the second reading.

Councilmember Piekarski Krech stated they have received a lot of input on the number of liquor establishments. She asked that before we do a third reading do we need to discuss putting limits on these.

Mayor Tourville stated they can have a discussion, but that he did not want to hold this application up. He stated that there is confusion in the difference between off-sale and on-sale. There are people that want us to take a look at not needing additional licenses. He stated that for the applicant to come this far in the process and have to discuss this further, wasn't fair.

Councilmember Piekarski Krech stated the discussion should come before you change where you should put them. She felt this would be relevant if someone else comes in and meets that stipulation.

Mayor Tourville responded that was correct unless we put a limit on the number of licenses we are going to have. He stated that is another discussion.

Councilmember Bartholomew agreed with Councilmember Piekarski Krech on the number of licenses. He also agreed with Mayor Tourville too in that in front of us tonight is a situation that has already begun.

Attorney Kuntz felt that they had determined there was not a distance restriction for on-sale.

Councilmember Piekarski Krech asked if there was a limit on their licenses.

Attorney Kuntz responded that there was not. There is an unlimited amount that can be granted for restaurants. The Ordinance identifies about 18 for an exclusive liquor establishment, which is a bar with no food.

Mayor Tourville asked about hotels and motels.

Attorney Kuntz responded those were unlimited.

City Clerk Michelle Tesser said it does state off-sale intoxicating liquor has no maximum limit.

Motion by Bartholomew second by Hark to approve the Third and Final 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. 1347

Councilmember Hark stated that he wanted to have a discussion in the future about what is the appropriate number of establishments.

Councilmember Piekarski Krech stated she was always against the numbers, but do we limit the number of McDonalds that can be in town?

Councilmember Hark stated that they did put a limit with the number of Trash Haulers in town. He felt there was a precedence for this.

Ayes: 5

Nays: 0 Motion carried.

8. PUBLIC HEARING:

A. Consider Approval of Off-Sale Liquor License for Mallory-Mikayla, LLC, 6530 Cahill Ave.

City Clerk Michelle Tesser stated the applicant, Brenda O'Connell, brought forward the application for an off-sale intoxicating liquor license for the business named Mallory-Mikayla, LLC, 6530 Cahill Avenue, located next to the Aldi's Grocery Store. This is a new liquor license application. She stated the Applicant has paid the fees as required by City Code, provided proof of liquor license liability insurance, and provided the necessary documentation required. A background investigation was conducted and no basis for denial was found.

Councilmember Bartholomew stated this was a non-transferable license. He asked if all of them were non-transferable.

Clerk Tesser responded yes, they are all non-transferable.

Brenda and Paul O'Connell, 3245 East 69th Street, Inver Grove Heights introduced themselves to the Council.

Attorney Kuntz stated the third reading was passed this evening and becomes effective under the Ordinance five days after publication. He stated that the City Clerk sends it to the newspaper on Wednesday of this week for publication next Sunday. Five days after publication will be the effective date.

Clerk Tesser stated they have to get it approved from the State before their license is effective.

Attorney Kuntz stated their license becomes effective only upon the Ordinance becoming effective.

Motion by Bartholomew second by Hark to close the public hearing at 9:37PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Bartholomew second by Hark to approve the Off-Sale Liquor License for Mallory-Mikayla, LLC, 6530 Cahill Ave.

Ayes: 5

Nays: 0 Motion carried.

9. MAYOR & COUNCIL COMMENTS:

City Administrator Joe Lynch stated that per your action this evening you have set Monday, March 12th at 5:30 p.m. as your Legislative Issues discussion. He stated that there will be Representatives from the League of MN Cities, Municipal, Legislative Commission, and Metropolitan Cities present. The meeting will be held in the EOC Room. Discussion would take about 45 minutes.

Mayor Tourville stated they have a Work Session on March 5th, and they will also be meeting on Saturday, March 10th at 8:00 a.m. Mayor Tourville stated they had a short meeting today with our Senator to look at Bonding requests for the Argenta street project. He stated they needed some help with the funding and Senator Kline has signed it and that Representative Barr has also signed on to keep the process going.

Mayor Tourville wanted to thank our Public Safety groups for all they do as there have been a number of serious accidents and a fire within the City. He stated they do a great job and we appreciate them.

10. EXECUTIVE SESSION:

Attorney Kuntz stated there is a statute, Executive Session Pursuant to Minn. Stat. § 13D.05, Subd. 3(c)2 & 3, that allows the City Council to go into a closed door Executive Session with the purpose of discussing offers and counter offers with respect to the acquisition of property or easements and to discuss non-public confidential appraisal data. He stated that they are asking the Council to avail itself of that statute to discuss three properties located at:

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**

Attorney Kuntz stated that if the Council wants to proceed into Executive Session to make a motion to that effect for the reasons he outlined above.

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 9:43 p.m. Executive Session was adjourned at 10:58 p.m.