

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MARCH 23, 2020 - 7:00 P.M. - 8150 BARBARA AVENUE.**

****Audio Only****

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, March 23, 2020, via teleconference. The Pledge of Allegiance was recited. Mayor Tourville called the meeting to order at 7:00 p.m.

2. ROLL CALL:

Present via teleconference were: Mayor Tourville, Council Members Piekarski Krech, Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Attorney McCauley Nason, Public Works Director Thureen, Technology Director Gade, Assistant City Engineer Dodge, and City Clerk Kiernan.

3. PRESENTATIONS:

There were no presentations.

4. CONSENT AGENDA:

- A. i.** Minutes from the February 24, 2020 Special Town Hall Session.
- A. ii.** Minutes from the March 2, 2020 City Council Work Session.
- B.** Disbursements for Period Ending March 17, 2020. **Resolution 2020-52.**
- C.** Consider Approval of Rental Licenses.
- D.** Confirm and Approve Personnel Actions.
- E.** Adopt **Resolution 2020-53** Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Code.
- F.** Consider **Resolution 2020-54** Supporting MN DNR Outdoor Recreation Grant for South Valley Park Improvements.
- G.** Consider Approval of Agreement with HKGI for Comprehensive Park, Recreation, Trail and Facility Plan Assistance.
- H.** Adopt Temporary Staff Pay Plan.
- I.** Adopt 2020 Communications Plan.
- J.** Call Special Meetings on March 30th and April 20th.
- K.** **Resolution 2020-55** Authorizing Carryover of Unused Budget Appropriations.
- L.** Consider a **Resolution 2020-56** approving a Conditional Use Permit Amendment for a contractor's yard with outdoor storage for property located at 6265 Carmen Avenue (Innovative Basement Authority - Case No. 20-06CA).
- M.** Consider a **Resolution 2020-57** Approving a Small Wireless Facility Collocation Agreement with Cellco Partnership dba Verizon Wireless.
- N.** Consider a **Resolution 2020-58** Receiving Bids and Awarding Contract for the Public Works Maintenance Facility and Cold Storage Buildings Roof Replacement.
- O.** Consider a **Resolution 2020-59** Approving MnDOT Access Agreement and MnDOT Limited Use Permit for City Project No. 2016-09G - 60th Street, 62nd Street and Bacon Avenue Improvements.
- P.** Consider a **Resolution 2020-60** approving grant of easement to Flint Hills Resources Pine Bend, LLC over portion of Outlot A, Southern Lakes 4th Addition and Outlot A, Southern Lakes 5th Addition for pipeline purposes.
- Q.** **Resolution 2020-61** Receiving Feasibility Report and Scheduling a Public Hearing for the 2016 Improvement Program, City Project No. 2015-08 - 70th Street from the Eagan Border to T.H. 3 and City Project No. 2018-19 - Argenta Trail from Amana Trail to 70th Street (previously City Project No. 2016-

04), Argenta Trail from 70th Street to 65th Street (previously City Project No. 2016-05), and 65th Street from New Argenta Trail to Existing Argenta Trail.

Councilmember Piekarski Krech requested pulling Agenda Item 4K.

Councilmember Bartholomew requested pulling Agenda Item 4H.

Councilmember Dietrich requested pulling Agenda Item 4J.

Motion by Bartholomew second by Perry to approve the Consent Agenda with the exception of Agenda Items 4H, 4J, and 4K.

Ayes: 5

Nays: 0 Motion carried.

Agenda Item 4H. Adopt Temporary Staff Pay Plan.

Councilmember Bartholomew asked how this compares to the 2019 pay plan and requested that information be sent out to the Council. He stated he was hesitant putting it off for another week but would like to be able to compare the two. City Administrator Joe Lynch responded this was consistent with the cities intent to have a classification compensation plan for all employees including part time and seasonal. Past practice was to use a cost of living adjustment year over year. This method measures themselves in a market the Council has already determined, cities within Dakota County, and a different group to see how positions compared in keeping with the market. This is similar to the compensation plan they have with full time employees. He stated he would get the Council the information requested through Park and Recreation Director Eric Carlson.

Councilmember Bartholomew stated his concern was that some are pretty high, such as a Fitness Instructor at the top with \$35.00 per hour. He wanted to know where things currently stood, how much of an increase this would be, and how people were put within the bands. He suggested putting this item off until further information is received. He requested the methodology for how they would be placed into each band and where they would stand in the set, such as how they get from 1-10.

Councilmember Bartholomew asked if the Council would approve where people fall within the categories. City Administrator Lynch responded it is discretionary for part time and seasonal employees. Department heads and the City Administrator confer on this. He stated it also depends on skill, experience, and the market. For example, a couple of months ago there was a group that was not happy that one of the Fitness Instructors was moving on from the City because they couldn't get the pay here that they could working at another location. He stated the response to that is they try to pay near market while making programs affordable. He stated there is not a deadline for this to be approved, they were just trying to address this in advance of hiring a large number of seasonal and part time employees as the busy season nears.

Motion by Bartholomew second by Piekarski Krech to table Agenda Item 4H. Adopt Temporary Staff Pay Plan until the first regular meeting in April.

Ayes: 5

Nays: 0 Motion carried.

Agenda Item 4J. Call Special Meetings on March 30th and April 20th.

Councilmember Dietrich requested pulling this Agenda Item since they are meeting via teleconference, which is new. She stated she is just getting parts of the conversation and at times it

cuts out. She asked that this item be tabled until the communication is set up in a different format, fine-tuned, or they are able to meet in person. City Administrator Lynch responded they are working to change the meeting format, perhaps to video. He stated there is no deadline or timeframe and the item could be postponed until there is better technology or they are able to meet in person.

Councilmember Piekarski Krech agreed with postponing the meetings due to the difficulty in meeting with the current method. Mayor Tourville stated no action needs to be taken, the meetings do not need to be set at this time. City Attorney Bridget McCauley Nason responded the meeting could be tabled or the Council could choose to take no action. Council decided to take no action at this time.

Agenda Item 4K. Resolution 2020-55 Authorizing Carryover of Unused Budget Appropriations.

Councilmember Piekarski Krech stated she was concerned about adding a full-time person in the Finance Department with the current situation going on. She stated she would like to hold off adding any additional full-time staff until they have a better idea of what is happening. City Administrator Lynch responded that was not a problem, and that it is not an addition of one full time staff member. He stated there was a .06 FTE position in Accounts Payable that took another position within the City. The new Finance Director coming on board can find other work and assist in cross over duties with other Finance staff. He stated they wanted to take the opportunity to utilize the 2019 carry over and raise it to a full-time position. Because there is no deadline or timeline, they can wait to see what happens to the city budgets and revenue. Councilmember Piekarski Krech stated she had no problem hiring someone to do the work currently on a temporary basis but didn't want to add a person to the 2020 budget.

Mayor Tourville stated it could be difficult to hire someone and end up sending them home due to the current situation. City Administrator Lynch stated an Intern who is an accounting student is currently performing the duty and would be finishing in May. He commented that he wondered if that could be extended for the time being in 2020. Councilmember Piekarski Krech responded that was not a problem. She commented that her concern was with putting a full-time person in the 2021 budget.

Mayor Tourville asked if the Resolution could be passed allowing the Intern to continue working as they are. City Administrator Lynch responded they could make that work. This would increase to 40 hours and still called a temporary position. He stated there would be further discussion and consideration about what they would do in 2021 and going forward.

Motion by Piekarski Krech second by Perry to approve Agenda Item 4K. Resolution 2020-55 Authorizing Carryover of Unused Budget Appropriations. The finance person would be full time until the end of 2020, as a temporary position. This would be revisited when they discuss the 2021 budget for a full-time position.

Councilmember Piekarski Krech stated she was concerned about adding the full-time position with the current situation, but has no problem using the money to allow this person to fulfill the job to the end of this year. Mayor Tourville asked that the City Administrator look into the appropriate wording to ensure it shows they are not hiring a brand-new full-time worker but being able to expand the 40 hours to make sure the work gets done. Councilmember Dietrich asked for clarification about the money rolling over for finance. City Administrator Lynch responded the proposal is to utilize 2019 roll over money to help with the cost of the position to go from .06 to 1 FTE on a temporary basis in 2020.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

There were no public comments.

6. PUBLIC HEARING: To be postponed.

Mayor Tourville stated the Public Hearings will be opened and tabled to make sure everyone has a chance to be heard on the item.

A. Assessment Hearing to Consider Resolution Adopting Final Assessment Roll for the 2019 Pavement Management Program, City Project No. 2016-09G - 60th Street, 62nd Street and Bacon Avenue Improvements.

Mayor Tourville asked City Administrator Lynch if anyone was in attendance in the Council Chambers to speak on this item. City Administrator Lynch responded there was no one in attendance on this item.

City Clerk Rebecca Kiernan stated there were four call ins' today regarding Special Assessments. All were under the impression this would be tabled for a future date and would cause them to not call in.

Public Works Director Scott Thureen stated the proposal would be to open a hearing and then to continue it to a date certain. The suggested date would be the second meeting in April, on the 27th. He stated they would not know how things would play out over the next couple of weeks but could continue it further if needed. He stated they were in contact with the Contractor for the project, McNamara, to see if they would be willing to consider extending the date in which the bids would be valid. Bids were opened on February 13th and valid for 90 days. The Contractor indicated verbally that they would be willing to extend it an additional 60 days if needed. A letter stating that has not been received yet.

Public Works Director Thureen gave a brief presentation of the pavement management improvement project for reconstructing 60th Street, Bacon Avenue, and 62nd Street. He stated there are some short sections to be reconstructed along with curb, gutter, and storm sewer. The project has some challenges with one access off Babcock Trail with a long dead end. There are also revisions to existing trail from the Salem Hills Farm development out to the trail that runs along the west side of Trunk Highway 52. This would be reconfigured to serve as an access for emergency vehicles during the day, and because residents may not be able to get through. At night, things would be closed and the standard access would be used.

He stated this would be a full reconstruction, removing old bituminous pavement, curb and gutter where it exists, and putting in storm sewer system with water quality treatment. The project was ordered November 25, 2019, bids were received and opened on February 13, 2020. McNamara is the lowest bidder. Based on the low bid, the total estimated project cost is \$2,530,868. Proposed assessments for the project would be \$546,726.60. If they are going to specially assess, they need to be at least 20% of the project cost for bonding. He stated the proposed assessments are \$12,320 per lot, they are all single-family lots. That is using the cap. He commented that information meetings were held, the amount of the assessments was a concern, as well as the varying sizes of the lots. He stated there is a request to consider amending the assessment policy.

Public Works Director Thureen referenced a letter/email included in the Commission packets commenting that he spoke to the person today to confirm with them that the recommendation is to continue the Hearing. He stated he heard back from them via email objecting to the assessments. Information would be brought back before the Council on April 27th, or whatever date is determined. He stated another concern with the project include some segments of street being small and narrow due to the terrain and would result in a 24' wide street which would not allow for on street parking in

some segments. He stated staff's recommendation is to open the Hearing and continue it to April 27th at 7:00 p.m. at City Hall.

Motion by Piekarski Krech second by Perry to continue the Assessment Hearing to Consider Resolution Adopting Final Assessment Roll for the 2019 Pavement Management Program, City Project No. 2016-09G - 60th Street, 62nd Street and Bacon Avenue Improvements to the second Council Meeting in April on the 27th at 7:00 p.m. at the City of Inver Grove Heights, 8150 Barbara Ave, Inver Grove Heights, MN 55077.

Mayor Tourville suggested Public Works Director Thureen stay in touch with the low bid contractor under these circumstances. Public Works Director Thureen responded they are expecting to receive a letter from the Contractor tomorrow that indicates they would be willing to extend it an additional 60 days giving a total of 150 days from that date.

Ayes: 5

Nays: 0 Motion carried.

Public Works Director Thureen stated Staff would be sending out a letter to all property owners in the project area with information about what has taken place. They would be asking people for email addresses, so they are able to get information out quickly as things move forward.

Mayor Tourville stated in the past they have gone ahead with some projects, after the project is done, they have the Assessment Hearing. He stated two people have contacted him asking if that was the way it was going to be done. He responded to them that it was up to the Council to decide along with a recommendation.

Public Works Director Thureen stated all of them were done that way seven or eight years ago. As time has gone on with construction cost increases and assessment amounts, they are trying to be sensitive to the possibility of appeals and what that may mean towards the project advancing. He stated he has an email he would forward to the Council from the City Attorney's office with information about appeals. Depending on how many there may be, it may not make sense to advance the project because of what it may add to the cost. Having the assessment hearing first and waiting the 30 days would give them an idea of what the potential is for a lot of the assessments. Mayor Tourville stated having too many objections or appeals may result in not being able to meet the State guidelines on the Statute of 20% and could put the project in jeopardy.

B. Assessment Hearing to Consider Resolution Adopting Final Assessment Roll for the 2019 Pavement Management Program, City Project No. 2019-09D - 64th Street Area Improvements.

Public Works Director Thureen stated the project is for the 64th Street area, Bowman Circle, Bowman Avenue, and Upper 64th Court. There have been petitions and several conversations from last years online survey. He stated they hope to be back before the Council in May to speak about the results of the larger analysis. Based on a geotechnical analysis it is not a candidate for mill and overlay and would not need a full reconstruction. He stated this is a good candidate for full depth replacement of the pavement with minor subgrade corrections, spot curb replacement, and storm sewer work. Those should be funded out of the Stormwater Utility.

He stated the project was ordered on November 25th, 2019. Bids were received on February 13th, 2020. The low bidder is Valley Paving with an estimated total project cost of \$1,504,195 and a proposed final assessment of \$525,343. The assessment amount is approximately 55% and falls within the policy. A benefit analysis was done for the project. It came in higher than what the policy would

have assessed. He stated they are assessing the amount proposed by policy, the cap was \$12,890. These are single family properties. He stated the recommendation is to open the Hearing and continue it until April 27th, 2020. They approached the Contractor and asked if they would be willing to extend the bid for 60 days. A letter was provided indicating that. They have 150 days from February 13th, 2020.

He stated some of the primary topics received was why they assess, why they don't add the cost to property taxes, how to determine value of the property and how that effects the tax payment, if it is not paid up front, and comparisons to earlier projects and assessments.

Councilmember Dietrich asked how late these could be pushed back and still be on time as far as season and completion. Public Works Director Thureen responded going out the full 150 days could be more sensitive to weather impact. He stated the Contractors willingness to extend leads him to believe they would probably have a pretty good chance. It is possible they may have to change or modify the completion date.

Mayor Tourville asked if the same mechanism would be used for this project as was done in the previously discussed project. Public Works Director Thureen responded yes.

Mayor Tourville asked if anyone called in to be heard on this project. There were no calls.

Motion by Piekarski Krech second by Perry to continue the Assessment Hearing to Consider Resolution Adopting Final Assessment Roll for the 2019 Pavement Management Program, City Project No. 2019-09D - 64th Street Area Improvements to the April 27th City Council Meeting at 7:00 p.m. at the City of Inver Grove Heights, 8150 Barbara Ave, Inver Grove Heights, MN 55077.

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA:

There are no items to discuss on the Regular Agenda.

9. MAYOR AND COUNCIL COMMENTS:

Mayor Tourville stated if residents want to know what the City is doing in reference to COVID-19 they should go to the City Website where links are available with updates.

City Administrator Lynch stated the City is open for business and providing services such as Police and Fire. The Public Works Maintenance Staff would continue operations such as the water treatment plant, checking city buildings, and the public works maintenance building. He stated Building Inspections and the Community Development Department are open and are providing inspections. They will make sure to ask preliminary questions to assure employees are safe while within their home. He stated there are a lot of online applications people can complete, such as for roof replacement or water heaters. All employees at City Hall are working remotely can access our system and respond to emails. He stated bill and utility payments are still being taken and there is also a drop box located at City Hall. There is a full-time employee still working at City Hall that can take documents that need to be signed.

He stated the Veterans Memorial Community Center is closed. Parks and Recreation Programs are closed until further notice. He stated they are deciding today that they are cancelling all of the spring programs. Summer programs and registrations begin on June 8th.

Mayor Tourville stated the City is open for Emergency Services such as Police and Fire Departments. They are changing their operations to protect themselves and others. Streets are being patrolled and they are making sure businesses and the people in them are safe. He stated citizens need to cooperate and keep everyone safe so they can flatten the curve during this time.

He stated a lot of emergency rooms are having people show up thinking they would get the COVID-19 test. That is not the case. He commented if one feels sick or needs assistance, call your doctor. If it is a true emergency, call 911. He stated there are not enough tests for all to be able to take them, so they are sending people home. He commented for all to be careful and that we will get through this if we help each other.

Councilmember Perry stated the Census will be due soon. Amid all going on, please fill it out.

8. EXECUTIVE SESSION:

City Attorney Bridget McCauley Nason stated there needs to be two separate Motions and two separate votes to adjourn into closed session to address the threat of imminent litigation in one case and the pending litigation in another. She stated this is a new way of holding a meeting via telephone. The request is for each separate matter to have a Motion and a second and then have a roll call vote to move into closed session to discuss the items. Once those two votes are taken and passed, the Council would hang up the phone on the public number and continue the meeting on closed session agenda items only on a separate number. She stated once the closed items session is complete, the Council will vote to adjourn, and the meeting will be adjourned with nothing further to discuss publicly.

B. Pursuant to Minn. Stat. § 13D.05, Subd. 3(b) and pursuant to the attorney-client privilege, a closed door Executive Session for discussion with the attorneys representing the City relating to the pending litigation matter of City of Inver Grove Heights vs. GS Truck & Trailer Repair LLC and GS Transport Express LLC, Dakota County District Court File No. 19HA-CV-18-2111.

City Attorney McCauley Nason stated a Council Member would make the following Motion to move to close the meeting to discuss Pursuant to Minn. Stat. § 13D.05, Subd. 3(b) and pursuant to the attorney-client privilege, a closed-door Executive Session for discussion with the attorneys representing the City relating to the pending litigation matter of City of Inver Grove Heights vs. GS Truck & Trailer Repair LLC and GS Transport Express LLC, Dakota County District Court File No. 19HA-CV-18-2111. She stated the closed meeting will be held telephonically on a separate conference call number and commence immediately. Once the closed meeting portions of this meeting are completed there would be no further items on the agenda and the Council will adjourn the meeting.

Motion by Piekarski Krech second by Perry to move to close the meeting to discuss Pursuant to Minn. Stat. § 13D.05, Subd. 3(b) and pursuant to the attorney-client privilege, a closed door Executive Session for discussion with the attorneys representing the City relating to the pending litigation matter of City of Inver Grove Heights vs. GS Truck & Trailer Repair LLC and GS Transport Express LLC, Dakota County District Court File No. 19HA-CV-18-2111.

Ayes: 5

Nays: 0 Motion carried.

A. Pursuant to Minn. Stat. § 13D.05, Subd. 3(b) and pursuant to the attorney-client privilege, a closed-door Executive Session for discussion with the attorneys representing the City relating to the threat of imminent litigation concerning the application of Adams French Property, LLC for a Conditional Use Permit for property located at 7855 Cahill Avenue.

City Attorney McCauley Nason stated she is looking for a Motion to close the meeting Pursuant to Minn. Stat. § 13D.05, Subd. 3(b) and pursuant to the attorney-client privilege, a closed-door Executive Session for discussion with the attorneys representing the City relating to the threat of imminent litigation concerning the application of Adams French Property, LLC for a Conditional Use Permit for property located at 7855 Cahill Avenue. She stated the closed meeting will be held telephonically on separate conference call number and will commence immediately. Once the closed meeting portions of the meeting are completed, there are no further items on the Agenda and the Council will adjourn the meeting.

Motion by Dietrich second by Piekarski Krech to close the meeting Pursuant to Minn. Stat. § 13D.05, Subd. 3(b) and pursuant to the attorney-client privilege, a closed-door Executive Session for discussion with the attorneys representing the City relating to the threat of imminent litigation concerning the application of Adams French Property, LLC for a Conditional Use Permit for property located at 7855 Cahill Avenue.

Ayes: 5

Nays: 0 Motion carried.

10. ADJOURN:

The meeting adjourned at 8:02 p.m.