

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JUNE 25, 2018- 8150 BARBARA AVENUE**

1. CALL TO ORDER 2. ROLL CALL:

The City Council of Inver Grove Heights met in regular session on Monday, June 25, 2018, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m.

Present were: Councilmembers Piekarski Krech, Bartholomew, Hark, and Perry; City Administrator Lynch, City Attorney Kuntz, Public Works Director Thureen, Community Development Director Link, City Clerk Tesser, and Police Chief Schnell.

Absent were: Recording Clerk Yourczek.

3. PRESENTATIONS:

There were no Presentations this evening.

4. CONSENT AGENDA:

A. i. Minutes of June 6, 2018 City Council Work Session Meeting.

ii. Minutes of June 11, 2018 City Council Meeting.

B. Resolution 18-129 Approving Disbursements for Period Ending June 20, 2018.

C. Consider Pay Voucher No. 1 for City Project No. 2015-09D – Broderick Boulevard Reconstruction, City Project No. 2017-21 – VMCC/Golf Course Parking Lots, City Project No. 2018-08 – Fire Station No. 2 Sewer and Water Improvements, and City Project No. 2018-11 – Fire Station No. 2 Fiber Optic Improvements.

D. Resolution 18-130 Accepting Professional Engineering Services Proposal from Bolton & Menk, Inc. for City Project No. 2018-09F – 55th Street and 55th Street Court Reconstruction.

E. Consider **Resolution 18-131** Receiving Bids and Awarding a Contract for City Project Nos. 2018-08 – Fire Station No. 2 Sewer and Water Improvements and 2018-11 – Conduit for Fire Station No. 2 Fiber Optic Improvements.

F. Consider **Resolution 18-132** Accepting Proposal for Professional Design and Engineering Services for City Project No. 2018-03 – NWA Trunk Watermain Improvements - 65th Street Loop (Phase 4 of 2015-12) from Agate Trail to Alverno Lane.

G. Resolution 18-133 Approving an Improvement Agreement for Robert Curve, LLC relating to the Construction of Diffley Court at the Current South Robert Trail/Diffley Intersection.

H. Consider Approval of Plans and Specifications, Bidding for Heritage Village Park Dog Park Improvements.

I. Consider Approval of the Cost Sharing Joint Powers Agreement Between the City of Inver Grove Heights and Dakota County for Funding of Dakota County Eastern Transit Study.

J. Consider Approving a **Resolution 18-134** Appointing the Absentee Ballot Board Judges and Designating them as Deputy City Clerks for the Purpose of Administering Elections.

K. Consider Approval of the Hire of Janice Gundlach to the Position of Community Development Director.

L. Personnel Actions.

Mayor Tourville pulled Agenda Item 4L.

Councilmember Bartholomew pulled Agenda Item 4D.

Motion by Bartholomew second by Perry to accept the Consent Agenda with the exception of Agenda Items 4L and 4D.

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville stated that up for discussion is Agenda Item 4D regarding a Resolution Accepting Professional Engineering Services Proposal from Bolton & Menk, Inc. for City Project No. 2018-09F – 55th Street and 55th Street Court Reconstruction.

Councilmember Bartholomew stated that he was concerned with the feasibility study. He commented that in May the petition was accepted but didn't waive assessments. This item is asking for a feasibility study as well as construction documents. He questioned if they should hold this until they receive the signed petition that acknowledges assessments.

Public Works Director Scott Thureen responded that the proposal would include all of the engineering services from feasibility through construction if it were to advance. He stated that the feasibility and field work would cost approximately \$20,000.

He responded to the question regarding the petition stating that the people that signed it are aware that there would be special assessments involved but they didn't use the City's petition form. Due to that, they could go back and ask them to circulate the City's formal petition form. In May when originally received, the City Attorney made note that since it wasn't on the City's formal petition form, it is considered a Council initiated project and would need a 4/5 vote to pass versus the 3/5 vote.

Councilmember Bartholomew asked how long the feasibility study would be good for if it was approved and if they would need to do another feasibility study at some point.

Public Works Director Thureen responded that the feasibility study would give them estimates and quantities. If it did not advance, they would just update the unit prices.

Councilmember Bartholomew questioned if the feasibility study would designate a complete reconstruct.

Public Works Director Thureen responded that it would.

Mayor Tourville stated that this is not a Council initiated project.

Public Works Director Thureen commented that they didn't use the City form that specifically addresses assessments.

Mayor Tourville asked if they did a feasibility study and then had a neighborhood meeting and told them there would be assessments, would they still be on legal standing.

City Attorney Tim Kuntz responded that it was not on legal standing unless they received a written petition signed by all of homeowners' acknowledging the assessment. He stated that it is not unusual for a neighborhood to address a petition based on wanting a road fixed and then signing a petition, which is different than wanting their road fixed and having to pay for assessments. He commented that when this first came in it had the support of 13 of the 18 neighbors that would be affected, but it didn't address all of the issues.

Mayor Tourville suggested that they inform the neighborhood that there is a process to go through. He also suggested getting in touch with the person that was responsible for collecting signatures.

Mayor Tourville stated that the next item up for discussion is Agenda Item 4L, Personnel Actions.

Motion by Hark second by Perry to approve the Personnel Action item 4L.

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville stated that Officer Joe Gelhaye's last shift will be on Friday, June 29th. Officer Gelhaye began his career with the Inver Grove Heights Police Department on April 1st, 1995 when he was appointed to be a Police Officer. He stated that prior to being appointed to the Inver Grove Heights Department, he was employed as a Police Officer for the City of Edina Police Department. His move to the Inver Grove Heights Police Department stemmed from his prior service as an Inver Grove Heights Police Reserve for 3 ½ years. He stated that when Officer Gelhaye joined the Inver Grove Police Department they had 24 sworn Police Officers, as he leaves we are now on our 40th Police Officer. He stated that Jacob Lindgren will serve as Officer Gelhaye's replacement beginning July 9th, 2018. He commented that Officer Gelhaye received a service Award for his incredible work in a DWI Enforcement Program where he made 157 arrests, which was more than 40% of the DWI arrests for the year. On January 2013 he was assigned to represent the Inver Grove Heights Department on the Dakota County Drug Task Force and remained there as a Narcotics Agent and then as a Team Leader until March 2008. During his time on the Task Force he was involved on 507 cases, 281 meth cases, and 129 cocaine cases. Chief Schnell stated that Officer Gelhaye prepared and presented 168 search warrants to the Court and was involved in the arrest of 656 persons during his assignment. He also had large narcotics cases successfully prosecuted by the United States Attorney's Office.

He commented that we want to recognize and thank Officer Joe Gelhaye for his part in making Inver Grove Heights the safe Community and we wish him the best.

Mayor Tourville stated that Officer Gelhaye was also the Yellow Ribbon Police Officer assigned to the Police Department. Chief Schnell thanked Officer Gelhaye for his service and for all of his accomplishments.

5. PUBLIC COMMENT:

There were no public comments at this time.

6. PUBLIC HEARING:

7. REGULAR AGENDA:

I.COMMUNITY DEVELOPMENT:

A. KIRK LINDBERG; Consider a Resolution relating to a Conditional Use Permit to allow steel siding on an accessory building for property located at 8799 Audubon Road. Resolution 18-135.

Community Development Director Tom Link stated that the property is located on the west side of Barnes Avenue, south of Highway 55. The request is for metal siding on a new accessory building which is a Conditional Use Permit and requires a 4/5 vote. He stated that the property is four acres in size and heavily wooded. The request complies with the building size, setback, impervious surface, and storm water requirements of the City. He stated that it complies with the Zoning Ordinance and meets the Conditional Use Permit requirements. The building would be used for his own personal items. Staff recommends approval and the Planning Commission unanimously recommends approval.

Kirk Lindberg, 8799 Audubon Road, introduced himself to the Commission and stated that the Staff has been helpful.

Motion by Piekarski Krech second by Bartholomew to approve to Consider Resolution 18-135 relating to a Conditional Use Permit to allow steel siding on an accessory building for property located at 8799 Audubon Road.

Ayes: 5

Nays: 0 Motion carried.

B. FUEL OIL SERVICE CO. (HOLIDAY GAS STATION); Consider a Resolution relating to a Preliminary and Final Plat for the new 7,300 square foot gas and convenience store located at 7020 South Robert Trail. Resolution 18-136.

Community Development Director Link stated that the property is located on the southeast corner of Robert Trail and 70th Street. The applicant was unable to attend this evening. He stated that last month the City Council approved the Conditional Use Permit for this property to have the existing structure removed and a new structure would be put on the property. He stated that the number of gas pumps doubles and there is also a car wash. He stated that one of the conditions of the permit is that all uses relating to the convenience store be located on one lot. Due to that, they are proposing to create a lot that includes the future building, parking lot, car wash and storm water pond. He commented that this also creates a second out lot that the City would take Title to which would be used for regional storm water purposes. He stated that the plat meets the City's right-of-way and access requirements, and that both the MN Department of Transportation and Dakota County have been involved in the planning. He stated that there is a 20-foot wide trail easement that will be dedicated for a future trail along Highway 3.

Planning Staff recommends approval and the Planning Commission unanimously recommends approval.

Councilmember Hark stated that the gas station is open now and will be for a while. Once they begin work on the road, they will tear down and reconstruct.

Community Development Director Link responded that was correct. He stated that this year construction will occur on eastern side of the area, and then next year it will be the other three roadways. The store will be closed down for that major construction taking place next year.

Public Works Director Thureen stated that they will be open all of this year but would have modified access at times.

Motion by Hark second by Piekarski Krech to approve the preliminary and final plat for FUEL OIL SERVICE CO. (HOLIDAY GAS STATION); to Consider Resolution 18-136 relating to a Preliminary and Final Plat for the new 7,300 square foot gas and convenience store located at 7020 South Robert Trail.

Ayes: 5

Nays: 0 Motion carried.

C. INDEPENDENT SCHOOL DISTRICT 199; Consider the following for property located next to the Salem Hills Elementary School at 5869 Babcock Trail;

- a) A Resolution relating to a Comprehensive Plan Amendment to change the land use designation from LDR, Low Density Residential to Public/Institutional. Resolution 18-137.**
- b) An Ordinance Rezoning the property from R-1C, Single Family Residential District to P, Institutional District. Ordinance 1354.**

Community Development Director Link stated that this item requires a 4/5 vote. The request is from the School District to change the land use designation on the Comprehensive Plan and Zoning for property located next to the Salem Hills Elementary School located at 5869 Babcock Trail which is designated as Low Density Residential (LDR) and change it to Public/Institutional. He stated that the Zoning request would change it from R-1C Single Family Residential to Public Institutional. The parcel has recently been acquired by the School District with the intent to use it for parking, bus maneuvering, traffic circulation, and to correct traffic and traffic safety. He stated that the parcel will be combined with the School parcel making it one parcel instead of two. He stated that the school is Permitted Use in the Zoning, and that the parking lot is a Permitted Accessory Use. The use is consistent with the Comprehensive Plan. Planning Staff recommends approval and the Planning Commission unanimously recommends approval.

David Bernhardson, School District 199 Superintendent, 2990 80th Street, stated that the property owner approached the School District wanting to sell the property and due to that, they have taken possession of the property. He stated that due to challenges that they have had in the area, they felt that this parcel will help alleviate some of the traffic issues that they have had in the past. He stated that he has spoken to a few of the property owners in the area and they will get together and talk about how to provide privacy for them going forward.

Motion by Bartholomew second by Perry to approve the INDEPENDENT SCHOOL DISTRICT 199; request to Consider the following for property located next to the Salem Hills Elementary School at 5869 Babcock Trail;

a) A Resolution 18-137 relating to a Comprehensive Plan Amendment to change the land use designation from LDR, Low Density Residential to Public/Institutional.

b) An Ordinance 1354 Rezoning the property from R-1C, Single Family Residential District to P, Institutional District.

Ayes: 5

Nays: 0 Motion carried.

II. POLICE DEPARTMENT:

D. CITY OF INVER GROVE HEIGHTS; Modification of City Code requiring that Pawnbrokers and Precious Metals Dealers Report Transactions to a Police Department Authorized Electronic Records System. Ordinance 1355.

Police Chief Schnell stated that they are asking for consideration of a change to the Ordinance. This would be the change of certain language in the daily recordings of the Police Department to the use of the APS (Automated Pawn System) which is the Minneapolis Police Departments proprietary pawn system. He stated that the City has been using this as it's pawn location for a number of years and that it has served them well. Recently, they have become aware of another provider called LeadsOnline which also provides this service. The Cities of St. Paul, Duluth, and Burnsville are exploring them as well. This change would provide broad reporting of Pawn transactions that occur anywhere across the Nation. He stated that as an example, if they had a stolen item from our City that was pawned in Texas, they would be notified of that transaction.

He stated that if this is approved they would be leaving the use of Automated Pawn. The change in the language authorizes the Police Department to establish an electronic pawn records provider. The benefit would be a much broader scope at a reduced cost. The cost would be a reduction for the one pawn provider in Inver Grove Heights and will provide a slight increase in revenues which would offset the costs related to pawn items. He stated that he has spoken to the store manager in Inver Grove Heights to see if they had any objections to a reduction in their pawn transaction fee and they did not. He stated that they are asking for the following three actions as follows:

1. To consider this as the first reading of this Ordinance.
2. Because this does not have a big public impact, that the Council waive the two readings and send this to publication.
3. Because the Council establishes the fee schedule for transactions, that the Council would authorize a reduction in fees from \$1.90 to \$1.75.

Councilmember Hark asked what was involved with going to a new system.

Chief Schnell responded that our pawn in this City currently reports directly to LeadsOnline, so there would be no changes for them. The Department will need to get access to the LeadsOnline electronic portal and set-up notifications. He stated that in addition to just pawn, LeadsOnline works with Best Buy,

Target, and Craig's List, all of which also receives trade-ins on electronics, so those items will be notified to their department as well.

Councilmember Hark asked if there was a minimal dollar amount for reporting requirements when Pawn stores take in an item. For example, a \$10.00 tennis racket would then have a \$2.00 fee attached to it.

Chief Schnell responded that the requirement is that it is a second-hand transaction. There would be a \$2.00 fee that the person selling the item would pay.

In response to the item sold to a store, the tennis racquet example would have an additional \$2.00 fee attached to it.

Councilmember Piekarski Krech asked if the fee change was in the Ordinance.

Chief Schnell responded there was a page missing in your packets that had addressed the fee.

Councilmember Piekarski Krech stated that the action they are taking here just modifies the City Code, it doesn't deal with the fee structure.

City Administrator Lynch responded that they would need to deal with the fee structure separately. He advised that they have a second reading so that they can get the missing page with the fee information to the Council. He stated that the City Attorney suggested that we advise a codification for simplification and cost purposes, just the 422 and the 42-10 so we don't have to republish the entire Ordinance.

He suggested to bring this back on July 9th for a second reading and waive a third reading.

Motion by Piekarski Krech second by Perry to approve the First Reading of the Amendment to the Ordinance 1355 Modification of City Code requiring that Pawnbrokers and Precious Metals Dealers Report Transactions to a Police Department Authorized Electronic Records System.

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Public Works Director Scott Thureen stated that they opened bids for work on Trunk Highway 3 that goes along with 65th Street. They received three bids and were about 17% below the estimate.

Councilmember Hark commented that he would like staff to find a good internet tool for renewing dog licenses and applying for dog licenses. He stated that other Cities do this and that we need to find an easier way for people to comply with the city code.

Councilmember Piekarski Krech commented that most Cities offer licensing services through their Vet.

9. ADJOURN:

Motion by Bartholomew second by Hark to adjourn the meeting at 7:37 p.m.

Ayes: 5

Nays: 0 Motion carried.