

**INVER GROVE HEIGHTS CITY COUNCIL MEETING MINUTES
JULY 22, 2019**

1. CALL TO ORDER

The City Council of Inver Grove Heights met in regular session on Monday, July 22, 2019, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present were: Councilmembers Piekarski-Krech, Bartholomew, Perry, and Dietrich. City Administrator/Interim Deputy Clerk Lynch, City Attorney Kuntz, Fire Chief Thill, Public Works Director Thureen, and Community Development Director Rand.

3. PRESENTATIONS

Introduction of the Communications Manager, Amy Looze
 Introduction of the IT Manager, Marc Gade
 Badge Pinning of Fire Operations Supervisor, Dan Bernardy
 Badge Pinning of Battalion Chief, Scott Oswald
 Badge Pinning of Battalion Chief, Cory Rosendale

City Administrator Joe Lynch introduced the new Communications Manager, Amy Looze. Amy thanked City Council, staff, community leaders, and citizens for the opportunity to work with the City of Inver Grove Heights.

City Administrator Lynch introduced the new Information Technology Manager, Marc Gade. Marc thanked the City Council and staff for the opportunity, and he looks forward to bringing technology needs to Inver Grove Heights.

Fire Chief Judy Thill introduced three new Officers. Two are paid, on-call Battalion Chiefs, Scott Oswald and Cory Rosendale, and one is the full-time Fire Operations Supervisor, Dan Bernardy. Mayor Tourville administered the Oath of Office and Badges were pinned on each Officer.

4. CONSENT AGENDA

- A. i. Minutes from the July 1, 2019 Special Council Meeting.
- ii. Minutes from the July 1, 2019 Council Work Session.
- iii. Minutes from the July 8, 2019 Regular Council Meeting.
- B. Disbursements for Period Ending July 17, 2019. **Resolution 19-122.**
- C. Rental Housing License.
- D. First Amendment to Purchase Agreement between the City and Dakota County for SMART Center. **Resolution 19-123.**
- E. Receive January through June 2019 Donations and Grants for Various Parks and Recreation Programs.
- F. Consider Purchase of Fitness Equipment for the VMCC/Grove.
- G. Consider Approval of HVAC Replacement for Lap/Dive Pool, City Project No. 2019-13.
- H. Consider Change Order No. 2 – Heritage Village Park Phase II, City Project No. 2017-17.
- I. Consider Pay Voucher No. 1 for City Project No. 2015-03 – 65th Street Construction (between T.H. 3 and Argenta Trail) and City Project No. 2018-03 – NWA Trunk Watermain Improvements, 65th Street Loop (Phase IV of 2015-12) from Agate Trail to Alverno Lane.
- J. Consider Pay Voucher No. 7 for City Project No. 2016-09E – Bancroft Way Area Reconstruction.
- K. Consider Change Order Nos. 5 and 6 and Pay Voucher No. 9 for City Project Nos. 2017-03 – Watermain Improvements, 65th Street Loop and 2017-24 – T.H. 3 Intersection Improvements for 65th Street.

- L. Consider Pay Voucher No. 7 for City Project No. 2018-08 – Fire Station No. 2 Sewer and Water Improvements and Conduit for City Project No. 2018-11 – Fire Station No. 2 Fiber Optic Improvements.
- M. Consider **Resolution 19-124** Approving Slope Easement Agreements at 1680 and 1690 Atwater Path for City Project No. 2018-09D – Atwater Path Pavement Replacement and Stormwater Improvements.
- N. Approve Amendment No. 1 to Agreement Relating to Landowner Improvements within City Easement on Lot 2, Block 2, Cenex Addition.
- O. Consider **Resolution 19-125** Receiving and Accepting a Proposal from Element Materials Technology for Geotechnical Services for the Pavement Management Program.
- P. Consider **Resolution 19-126** Accepting Geophysical Survey Services Proposal from American Engineering Testing, Inc. (AET) for 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.
- Q. Source Land Capital – Case No. 19-14ZPD – Approve action to Table the request to August 12, 2019 relating to the Windsor Ridge Plat/PUD application for property located at 6477 South Robert Trail.
- R. Approve **Resolution 19-127** for the Inver Grove Heights Housing Committee Composition to Increase to Nine Members.
- S. Approve Additional Operating Manager Robert Alexander Harris for Arbor Pointe Liquor at 9084 Buchanan Trail.
- T. Loyal Order of Moose Lodge 1088, 5927 Concord Blvd., Application to Conduct Excluded Bingo. **Resolution 19-128.**
- U. Consider Promotion of Steve Johnson to Chief Building Official.
- V. Personnel Actions.

Motion by Dietrich, seconded by Perry to approve the Consent Agenda.

Ayes: 5
Nays: 0 Motion carried.

5. PUBLIC COMMENT

There were no public comments.

6. PUBLIC HEARING

A. Application of a Station Liquor License and a 3.2% Off-sale Liquor License for Casey’s Retail Company at 9981 Diffley Court.

City Administrator Lynch stated that Casey’s Retail Company is applying for a Station License and a 3.2% Off-Sale Liquor License. Background information has been completed and there has been no reason found for denial. Staff recommends approval.

Melissa Plunkett stated that she currently lives in Askov but will be relocating to Inver Grove Heights to manage this location.

Motion by Piekarski-Krech, seconded by Perry to close the Public Hearing at 7:24 p.m.

Ayes: 5
Nays: 0 Motion carried.

Motion by Piekarski-Krech, seconded by Perry to approve the Application of a Station Liquor License and a 3.2% Off-sale Liquor License for Casey’s Retail Company at 9981 Diffley Court.

Ayes: 5
Nays: 0 Motion carried.

7. REGULAR AGENDA

PUBLIC WORKS

A. Consider Resolution Approving Settlement Agreement with Ace In The Hole Related to Condemnation Matter and Approving Assessment Deferral Relating to Project 2015-03. Resolutions 19-129 and 19-130.

Public Works Director Scott Thureen stated the Agreement applies to the property owned by Ace In The Hole. They are one of three parties with right-of-way and temporary easements that needed to be acquired for construction along future 65th Street. A settlement agreement has been reached to acquire a 50-foot-wide permanent right-of-way and temporary easement for slope grading. The settlement agreement includes a deferment agreement for special assessments for the project. He stated the deferment shall cease upon the occurrence of any of the following events or dates:

- The property is platted, and a final plat is recorded.
- The property is subdivided within the meaning of Minn. Stat. § 462.352, Subd. 12.
- The date of January 1, 2043 is reached.

Motion by Bartholomew, seconded by Piekarski-Krech Approving Settlement Agreement with Ace In The Hole Related to Condemnation Matter (Resolution No. 19-129) and Approving Assessment Deferral Relating to Project 2015-03. Resolution 19-130.

Ayes: 5
Nays: 0 Motion carried.

ADMINISTRATION

B. Loyal Order of Moose Lodge 1088, 5927 Concord Blvd., Application for Licensed Premises Permit. Resolution 19-131.

City Administrator Lynch stated the request is for a Licensed Premises Permit for gambling. He stated that the necessary documents were received, and staff recommends approval.

Darrell Peerboom, 6170 Dawn Way, stated the request is to conduct charitable gambling to raise funds for Boy Scouts, Girl Scouts, Cub Scouts, or any charity that submits a request.

Motion by Dietrich, seconded by Perry to approve the request by the Loyal Order of Moose Lodge 1088, 5927 Concord Blvd., Application for Licensed Premises Permit. Resolution 19-131.

Ayes: 5
Nays: 0 Motion carried.

C. Consider Approval of Request for a Special Meeting on August 5, 2019 at 5:30 p.m. to Discuss the Revocation of a Massage License Issued by the City.

City Administrator Lynch stated the Police Department received a complaint about the conduct of the business at 9086 Buchanan Trail. An investigation led to an arrest and charges to the owner. He stated the Police Chief would like the City Council to consider revocation of the business license at a Special Council meeting on August 5, 2019 at 5:30 p.m.

Motion by Perry, seconded by Piekarski-Krech to approve a Request for a Special Meeting on August 5, 2019 at 5:30 p.m. to Discuss the Revocation of a Massage License Issued by the City.

Ayes: 5
Nays: 0 Motion carried.

8. EXECUTIVE SESSION – CLOSED DOOR SESSION

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 Case No. 70588 filed with the Minnesota Department of Human Rights.

City Attorney Kuntz stated that under Minn. Stat. § 13D.05, Subd. 3(b) and under the Common Law doctrine of the attorney-client privilege, the Council, as the client, is able to meet with the attorney’s representing the City in a closed-door session relating to a pending litigation matter. The request is to go into a closed-door session under the attorney-client privilege to meet with the attorneys representing the City with regards to the pending litigation matter of Case #70588, Minnesota Department of Human Rights. Present will be the Mayor, the Council, and the attorney’s representing the City. He asked that the Council make a motion for the purpose and Statute indicated.

Kuntz stated after the closed-door session, the Council would come back and reconvene in open session in the Council Chambers and conduct the last item on the Agenda regarding the employment separation agreement with Michelle Tesser.

Motion by Piekarski-Krech, seconded by Perry to go into a closed door session at 7:40 p.m.

Ayes: 5
Nays: 0 Motion carried.

9. REGULAR – PUBLIC (OPEN) SESSION

D. Consider Approval of Employment Separation Agreement with Michelle Tesser.

Motion by Piekarski-Krech, seconded by Bartholomew to Consider Approval of an Employment Separation Agreement with Michelle Tesser.

Ayes: 5
Nays: 0 Motion carried.

10. MAYOR AND COUNCIL COMMENTS

Mayor Tourville stated that Applications are coming in for Night to Unite which takes place August 6th. Deadline to get applications in is July 31, 2019.

11. ADJOURN

Motion by Dietrich, seconded by Perry to adjourn the meeting at 7:45 p.m.