

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, AUGUST 25, 2014 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, August 25, 2014, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Madden, Mueller and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, Finance Director Smith, Chief Stanger, Public Works Director Thureen, City Engineer Kaldunski, City Planner Hunting, and Deputy Clerk Kennedy

**3. PRESENTATIONS:**

**A. School Resource Officer 2013/2014 School Year Statistical Information**

Chief Stanger introduced Ryan Prail, the School Resource Officer. He stated the position was a joint effort between the City and Independent School District #199. In July the City renewed its contract with the school district to cover the upcoming 2014-2015 and 2015-2016 school years. He explained Officer Prail was the original School Resource Officer and would be returning to regular patrol duty after the first of the year. He noted Officer Nels Engstrom would take over the position beginning in January.

Officer Prail presented a compilation of statistics from the 2013-2014 school year. He noted the statistics encompassed all of the schools within the district. He stated he responded to 192 calls for service during the year, wrote 88 reports, 21 follow-up reports, and issued 43 citations. At Simley High School there were a total of 150 calls for service, of which he personally responded to 104. Of the 150 calls for service to the high school 37 were related to disorderly conduct/fighting/assault, 13 calls were related to theft, 13 calls were related to drugs/alcohol/tobacco, 5 calls for medical services, 5 calls related to sexting/cyberbullying/bullying, and 31 calls related to miscellaneous issues. He summarized the extra activities he participated in throughout the year, including over 30 hours attending extra-curricular activities and events such as sporting events, school dances, and prom. At Inver Grove Heights Middle School there were 105 calls for service, of which he responded to 77. The number one call classification was disorderly conduct. There were 49 calls for service between the three (3) elementary schools. A majority of the calls were received outside of his working hours and were related to false alarms and parking complaints. He stated he attended several holiday programs, "Read Day" at Hilltop Elementary, and participated in the McGruff fingerprint kit demonstrations at Pine Bend Elementary.

Mayor Tourville questioned if he found the program worthwhile and questioned what the City could do to improve the program.

Officer Prail explained the calls for service continued to increase and it would be beneficial to assign an officer to serve the middle school on a full-time basis. He stated many other cities have between two (2) and four (4) full-time school resource officers.

**4. CONSENT AGENDA:**

- A. i) Minutes – August 4, 2014 City Council Work Session
- ii) Minutes – August 11, 2014 Regular City Council Meeting
- iii) Minutes – August 15, 2014 Special City Council Meeting
- B. **Resolution No. 14-120** Approving Disbursements for Period Ending August 20, 2014
- C. Change Order No. 1 and Pay Voucher No. 2 for City Project No. 2013-06, South Robert Trail (TH 3) Stormwater Facilities Repairs
- D. Pay Voucher No. 1 for City Project No. 2014-09A – Cracksealing
- E. Pay Voucher No. 1 for City Project No. 2014-09B - Sealcoating
- F. Change Order No. 5 and Pay Voucher No. 2 for City Project No. 2014-09D, College Trail Street Reconstruction and Barbara Avenue Partial Street Reconstruction and City Project No. 2014-06, Blaine Avenue Retaining Wall Replacements

- G. Approve Custom Grading Agreement for 1548 86<sup>th</sup> Court
- H. Approve Custom Grading, Drainage and Utility Easement, and Storm Water Facilities Maintenance Agreements for 9063 Altman Court
- I. Approve Quote to Replenish Water Treatment Facility Filter Media
- J. Receiving Petition from Residents on Bloomberg Lane and Bloomberg Circle and Approve **Resolution No. 14-121** Seeking a Speed Study Conducted by Mn/DOT
- K. Approve Limited Canada Geese Hunting Season
- L. **Resolution No. 14-122** Approving Traffic Safety Grant with the State of Minnesota
- M. Personnel Actions

**Motion by Madden, second by Bartholomew, to approve the Consent Agenda**

**Ayes: 5**

**Nays: 0          Motion carried.**

**5. PUBLIC COMMENT:**

Joe McBride, 4055 59<sup>th</sup> St. E., expressed concerns related to Frattalone Companies and the Dawn Way Landfill. He stated in 2011 and 2014 he sufficiently demonstrated to the City that Frattalone Companies was in violation of the non-conforming use certificate issued for the Dawn Way Landfill. He contended that Frattalone had not completed the required actions deemed necessary by the City. He explained the City Planner informed him that Frattalone had not submitted usable data in order to complete the investigation of the problem. He opined that the City already had enough evidence to terminate the non-conforming use certificate and shut down operations at the site completely. He suggested that the City impose consequences on Frattalone Companies and proposed limiting the material allowed in the landfill to demolition material and to restrict any material from coming out of the landfill.

Mayor Tourville asked staff to draft a written response to Mr. McBride’s letter.

Allan Cederberg, 1162 82<sup>nd</sup> St. E., questioned why the Mayor was not listed on the ballot for the Primary Election.

Mayor Tourville explained the race was not on the Primary ballot because no one else filed for the office. He stated the City only held a Primary when the number of candidates was more than twice the number of individuals to be elected.

Mr. Cederberg referenced a State statute and argued that the Mayor’s race still should have been on the ballot.

Ms. Kennedy explained the statute that was referenced applied to the General Election only. She noted the Mayor’s race would appear on the ballot for the General Election in November.

**6. PUBLIC HEARINGS:**

**A. CITY OF INVER GROVE HEIGHTS:** Consider the Following Actions:

- i) Continuation of Assessment Hearing for City Project No. 2012-09D, 65<sup>th</sup> Street Neighborhood and Cahill Court
- ii) Consider Resolutions Approving Subdivision and Special Assessment Agreements relating to Payment of Special Assessments for City Project No. 2012-09D, 65<sup>th</sup> Street Neighborhood and Cahill Court

Mr. Kaldunski stated this was the continuation of the hearing for City Project No. 2012-09D. He reviewed the project area. He explained the City did receive additional correspondence from a number of property owners since the meeting when the public hearing was opened. Copies of the correspondence were

presented to the Council for formal acceptance. Historically the city's assessment policy outlined a single family residential rate and a non-single family residential rate. Additional information regarding the designations was included in the Council's packet. Council previously directed staff to meet with the commercial property owners and assessment agreements were reached with each of the property owners. The Blaine Ridge objection related to the rate at which the common area was proposed to be assessed. Two (2) assessment rolls were prepared for Council review to demonstrate the difference between assessing the common areas at the single family rate versus the non-single family rate. The difference in cost between the options was approximately \$18,000. He noted that was a policy decision for the Council to consider. The Buckley Circle town homes were proposed to be assessed at a cap of \$2500 per unit. A \$4,000 cap had previously been established for single-family properties.

Councilmember Bartholomew clarified that all of the commercial property owners had signed waiver agreements.

Mr. Kaldunski replied in the affirmative.

Duane Cloud, 2476 Bixby Way, opined he was currently proposed to be assessed at a rate greater than the single family rate. He opined that nobody in the City should be assessed at a rate that was more than that for a single family property.

Allan Cederberg, 1162 E. 82nd St., stated he was confused about how the project would be paid for. He opined that the final resolution should provide a detailed accounting of how much money was coming from each of the proposed funding sources. He questioned what the Water Fund was used for.

Mr. Kaldunski stated when the assessment hearing was opened on July 28th staff provided a list of all of the funds that were proposed to be used to pay for the project. The specific amounts and funding sources were identified and presented at that time. The Water Fund was essentially a water operating fund used for maintenance and replacement of items such as hydrants and gate valves.

Mayor Tourville stated the Water Fund would be used to pay for specific water improvements that were done as part of the project.

Mr. Cederberg stated the budget for the Water Fund had 25% of the money transferred out.

Mr. Lynch explained the City makes payments from utility funds for specific projects and they are used to help finance improvements.

Ms. Smith stated the amounts budgeted to be transferred from utility funds were largely related to debt service payments. Actual transfers out of the utility funds would be used to make debt service payments or to fund specific improvements in projects such as City Project No. 2012-09D.

Mr. Lynch stated at the meeting on July 28th a table was presented that identified each of the funding sources. The total cost of the project was \$5,593,203.50. The Pavement Management Fund was proposed to pay \$732,682.81, Special Assessments totaling \$1,888,155.82, State Aid funds totaling \$2,612,048.06, the Water Fund would contribute \$320,281.80, the Sewer Fund would contribute \$35,736.25 and Other funds would contribute \$4,298.76.

Mr. Cederberg stated changes had been made since that time and the funding sources should be listed again.

Mayor Tourville stated the percentages would likely hold true in either of the scenarios presented. He explained the Council had yet to make a final decision on the assessment roll.

Councilmember Piekarski Krech stated she would like to find an equitable solution for all of the property owners. She expressed concern that the decisions made for this project would set a precedent for the City's assessment policy going forward. She noted the single family and multi-family classifications were very confusing and needed to be clarified.

Councilmember Bartholomew agreed it would be unwise to set a precedent at this time by straying from the established assessment policy.

Mayor Tourville stated the discrepancy between the different classifications needed to be figured out because the County's interpretation was used differently in the City's assessment policy. He suggested coming up with different terminology in the assessment policy to eliminate the confusion.

Mr. Cloud suggested calculating the effective rate and if it was more than one (1), reducing it to one (1).

Mayor Tourville questioned if staff had any suggestions on a compromise for the town homes.

Mr. Kaldunski explained Option 2B had a definition for Council consideration that related to all detached town homes, located in a PUD, on separate parcels that met the City's current single family density standards. In this option the detached town homes would be assessed at single family rates. He noted there were approximately 80 additional units in the City that would be similarly defined in future projects.

Mayor Tourville stated he would support the suggested definition because it would be less confusing going forward.

Mr. Bartholomew questioned if there were similar properties in past projects that were assessed according to the existing policy at the non-single family rate.

Mr. Kaldunski replied in the affirmative.

Councilmember Piekarski Krech clarified as part of the new definition the common area would be divided up and assessed at a single family rate.

Mr. Kaldunski replied in the affirmative.

The Council discussed and agreed to move forward with Option 2B as proposed by staff.

**Motion by Piekarski Krech, second by Madden, to receive all written correspondence**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Madden, second by Bartholomew, to close the public hearing**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Piekarski Krech, second by Madden, to approve Resolution No. 14-123 adopting the Final Assessment Roll as reflected in Option 2B for the 2012 Pavement Management Program, Urban Street Reconstruction, City Project No. 2012-09D – 65<sup>th</sup> Street Neighborhood and Cahill Court**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Piekarski Krech, second by Madden, to adopt Resolution Nos. 14-124, 14-125, 14-126, and 14-127 approving Subdivision and Special Assessment Agreements relating to Payment of Special Assessments for City Project No. 2012-09D, 65<sup>th</sup> Street Neighborhood and Cahill Court**

**Ayes: 5**

**Nays: 0      Motion carried.**

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:**

- A. INVER GROVE STORAGE:** Consider Resolution relating to a Conditional Use Permit to Allow the Storage and Rental of U-Haul Vehicles and Equipment for property located at 9735 South Robert Trail

Mr. Link reviewed the location of the property. He explained the property was currently a mini-storage facility and the request was to utilize the northwest area of the property for storage of U-Haul vehicles. He stated the office for the rentals would be the same office currently used for the storage facility. The customer parking would also remain the same. No changes to the site plan or access were proposed. Planning staff and the Planning Commission recommended approval of the request.

Larry Koland, 4813 Blaine Avenue, stated they did not have as much outdoor storage at this location and vehicles would be moved to their alternate location as needed so as not to take occupy the customer parking area. He agreed with the conditions of approval.

**Motion by Piekarski Krech, second by Bartholomew, to adopt Resolution No. 14-128 approving a Conditional Use Permit to allow the Storage and Rental of U-Haul Vehicles and Equipment for property located at 9735 South Robert Trail**

**Ayes: 5**

**Nays: 0          Motion carried.**

**B. PETER BURCHARD:** Consider the following resolutions for property located at 6124 and 6070 Blaine Avenue:

- i) Resolution relating to a Preliminary and Final Plat for a Two Lot Subdivision to be known as Oakbush 4<sup>th</sup> Addition
- ii) Resolution relating to a Conditional Use Permit to Exceed the Maximum Impervious Surface Allowed on the Property
- iii) Resolution relating to a Conditional Use Permit to Exceed the Maximum Height Requirement in the R-1C, Single Family Zoning District
- iv) Resolution relating to a Vacation of Certain Drainage and Utility Easements in the Plat of Oak Bush 3<sup>rd</sup> Addition

Mr. Link reviewed the location of the property. He explained the applicant proposed the combination of two (2) vacant lots into one (1). One component of the request involved removal of the existing utility easements that run along the lot lines and the dedication of new easements. Another component of the request involved a conditional use permit for height. The maximum height allowed in the zoning district was 35 feet and a height of 39 feet was proposed. He noted the ordinance did allow for the increase by conditional use permit. He stated the situation was unique because the topography dropped off sharply from Blaine Avenue. Because of the terrain the height was measured differently in that it was measured from the basement elevation instead of from the front door. He stated the view from Blaine Avenue would be similar to that of a typical two-story building. A second conditional use permit was requested for additional impervious surface. He explained the applicant agreed to certain engineering storm water requirements to justify the conditional use permit related to impervious surface. He noted the applicant worked closely with the engineering department and it was determined that the request met the criteria for conditional use permits. Both Planning staff and the Planning Commission recommended approval of the requests. He noted the Planning Commission recommended approval of the conditional use permit for additional impervious surface on a split vote (6-3) due to concerns related to the amount of impervious surface being placed on the lot.

Councilmember Madden clarified that the additional height would not be an issue for emergency responders.

Mr. Link stated 39 feet would not be a problem for the Fire department.

Councilmember Bartholomew questioned if the additional height would create an issue within the airport overlay district.

Mr. Link stated in this case the height would be well below the maximum within the airport overlay district.

**Motion by Bartholomew, second by Madden, to adopt Resolution No. 14-129 approving a Preliminary and Final Plat for a Two Lot Subdivision to be known as Oakbush 4<sup>th</sup> Addition**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 14-130 approving a Conditional Use Permit to Exceed the Maximum Impervious Surface Allowed on the Property**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Bartholomew, second by Madden, to adopt Resolution No. 14-131 approving a Conditional Use Permit to Exceed the Maximum Height Requirement Allowed in the R-1C, Single Family Zoning District**

**Ayes: 5**

**Nays: 0      Motion carried.**

Councilmember Madden questioned if staff felt the additional impervious surface on the lot would create a problem.

Mr. Link stated staff did not feel it would be a problem.

**Motion by Bartholomew, second by Madden, to adopt Resolution No. 14-132 relating to a Vacation of Certain Drainage and Utility Easements in the Plat of Oak Bush 3<sup>rd</sup> Addition**

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. 160 INVESTMENTS, LLC (ARGENTA HILLS 9<sup>th</sup> ADDITION):** Consider the following resolutions relating to property located west of Alverno Avenue, along 70<sup>th</sup> Street:

- i) Ordinance Rezoning the property from A, Agricultural to R-1C/PUD, Single Family Residential Planned Unit Development
- ii) Resolution relating to a Preliminary Plat and Preliminary PUD Development Plan Amendment for a 13 Lot Single Family Development
- iii) Resolution relating to a Final Plat and Final PUD Development Plan including an Improvement Agreement and related agreements for Argenta Hills 9<sup>th</sup> Addition

Mr. Hunting stated this would be the final phase of residential development within the original Argenta Hills PUD. He explained the final phase was originally designed as a cul-de-sac because at that time it was assumed that Amana Trail would extend to the south. The current proposal was for 13 single family lots. The change in the road alignment eliminated the cul-de-sac and another road extension would occur into the Peltier property. The balance of the property would be an outlot. He noted the City and County were in the process of studying the Argenta Trail and Highway 55 interchange which would dictate the final alignment of Amana Trail. He explained the amendment to the original PUD was for the road alignment, a reduction to 13 lots, and elimination of the cul-de-sac. He stated the request satisfied the preliminary conditions of approval and staff recommended approval of the project as proposed.

Mayor Tourville stated the Planning Commission had a number of questions about the request.

Mr. Hunting explained the Planning Commission had raised concerns since the initial phase of the Argenta Hills development because they felt that some of the homes were too close together. In their opinion they felt that a ten (10) foot separation was too tight. He stated when the goals of the Northwest Area are reviewed, density and clustering were identified. He explained staff was not concerned about the issue because they felt that as the area matured it would begin to meet what was envisioned for the Northwest Area.

Mayor Tourville opined the market must dictate that people want smaller lots because the homes were selling.

Councilmember Piekarski Krech stated the design was more retro and reminded her of older neighborhoods where homes were smaller and closer together.

Mr. Kuntz stated one of the agreements was a recitation of no waiver related to building rights. He explained the last residential plat per the preliminary plans adopted in February of 2008 showed approximately 21 building sites. Since that time a number of things changed concerning County requirements, the possibility of an interchange, the relocation of Argenta Trail, discussion related to a high tension power line in the area, and the location of a connector road into Argenta Trail. He explained those plans were not finalized and were still being studied by the County so the exact location of the major roadways remained unknown. He noted the Argenta Hills 9th Addition was put on hold for a period of time because so many of those factors were unknown. The developer worked with the City to come up with a 13 lot plat that was buildable. The agreement reflected an acknowledgment by both the City and the developer that at one time the developer had an approved preliminary plat with 21 lots. The developer acknowledged that things had changed since the City originally approved the preliminary plat and wanted it known that when the alignment of the roadway was finalized a discussion needed to occur regarding the building rights for the eight (8) lots that were lost. He clarified that the developer did not want the platting of the 13 lots to be viewed by the City as waiver by the landowner of the building rights for those eight (8) lots. He explained the agreement also acknowledged that the City did not agree or admit to any entitlement to or future compensation for the eight (8) lot differential. He further clarified that the issue related to what would happen in the future with development and the road in Outlot A was not being decided by the current plat proposed. It was anticipated that the issues related to Outlot A would be brought back for consideration when the City and County finalized a definitive alignment for the roadway.

Councilmember Piekarski Krech questioned if it meant that the developer would want to be paid for the property once the road alignment was finalized.

Mr. Kuntz stated the developer would want to be paid for a portion of the property. He explained there was a temporary road easement in place that ran across Outlot A. The temporary easement would be removed once the replacement road was finalized. He stated there was an understanding that the land for part of the replacement road would be dedicated to the City by the developer. He noted it was also likely that a portion of land for the replacement road would come through the acquisition and condemnation process because the area that was going to be devoted to the potential interchange was now different in size and scope than it was in 2008.

Jacob Fick, 160 Investments, stated they wanted to avoid bringing forward a 21 lot plat that they knew would be denied. He explained in 2008 the roadway was going to curve to the south and since that time the alignment was shifted to the north, resulting in the loss of eight (8) lots. Rather than obtaining their building rights by forcing the City to deny a 21 lot plat, they chose to work with staff from the City and the County to come up with a plan for 13 single family lots that would work with any road configuration and complete the Argenta Hills development. He stated they were simply looking to reserve their building rights for future discussions related to the use of Outlot A for a county road.

Councilmember Mueller stated he did not see the City agreeing to pay for eight (8) lots. He opined that was asking a lot.

Mr. Fick stated there was some value associated with the eight (8) lots that were lost because of the change in the alignment of the roadway. He noted the situation was similar to when they paid the City fees based on the total number of lots that were preliminarily platted because that was the basis for the City's financial projections for the improvements. He explained they were not saying they wanted to be compensated for the sale price of the eight (8) lots. He opined there was a value associated with the land because it was property that could have had houses built on it and it was not unserviceable property.

Mayor Tourville stated the change may be beneficial because it eliminated a cul-de-sac and was a better plan for the long-term. He opined this was a better option than potentially delaying the final phase of the development for several years until the final alignment of the roadway was determined.

Councilmember Mueller stated the developer needed to work out the issue with the County.

Councilmember Piekarski Krech stated the issue would fall on the City because the County would only pay for their portion of the roadway. She opined that Outlot A may not be buildable due to the location of the pond and the high tension power line.

Mr. Link stated since 2008 a number of agencies, including the City and the County, participated in a regional roadway visioning study. Prior to that the expectation was that Argenta would “T” into 80th Street. As a result of that study the exact opposite was found as it was determined that 80th Street (Amana Trail) would “T” into Argenta Trail. The design would allow for a better flow of regional traffic and a better justification for interchanges at 494 and Highway 55. He explained the new design is what prompted the change being proposed for the Argenta Hills development. He noted the City was also trying to discourage cul-de-sacs in the Northwest Area because they were more expensive to maintain and plow, and through streets dispersed traffic better and more efficiently.

Councilmember Piekarski Krech questioned if the benefits compensated the City for the cost. She opined they had to make sure the pro forma standards for the Northwest Area were being met. She stated she was concerned that having a through street and no cul-de-sac was not enough to cover the City’s potential responsibility for compensating the developer for the eight (8) lots that were lost.

Mr. Link stated the benefits of the through street and elimination of a cul-de-sac could not necessarily be quantified as a dollar amount. He noted there were several advantages to through streets versus cul-de-sacs, as well as advantages to the new design for Argenta and 80th Street.

Councilmember Piekarski Krech stated there would be a dollar amount associated with the improvements and a dollar amount associated with compensating the developer for the lost lots. She questioned if the City would be able to financially support the additional costs.

Mr. Link stated there was potential for additional costs in the future. He reiterated the City was not agreeing to compensate the developer at this point in time.

Councilmember Mueller stated it may be better to delay the project until the alignment of the road was finalized because the costs were unknown.

Mr. Fick stated the County discussed starting the acquisition and condemnation process in 2015 for a 2016 project. He explained as a landowner they had two options. The first was to bring a 21 lot plat forward, have it denied, and then take legal action against the City. He noted that was not what they wanted to do because they wanted to work with the City to come up with an alternative solution. The second option was to do nothing and wait for the County and the City to finalize the plans for the roadway and then seek compensate for the land for 21 lots. He explained they knew they could fit 13 lots on the plat and they also knew that they had right-of-way dedication requirements. Because the City and County were not ready to finalize the design of the road, they also were not ready for the developer to dedicate any land for right-of-way. The proposal allowed the development to move forward now rather than waiting for two years.

Mayor Tourville questioned what the reason for denial would be if the developer presented a 21 lot development.

Staff indicated the plat would be denied because it conflicted with the future alignment of the roadway.

Councilmember Piekarski Krech suggested that the developer could submit the 21 lot plat and fight it out with the County.

Mayor Tourville stated he appreciated that the developer was trying to work with the City to come up with a compromise. He opined that the developer understood it was unlikely they would receive compensation for 100% of the eight (8) lots.

Mr. Fick explained he understood they would not receive the sale price of the lots because they were unimproved.

Councilmember Piekarski Krech stated her main concern was that the developer's eight (8) lots would be more costly to acquire than some of the other undeveloped property that would be needed for the roadway.

Mr. Fick stated they were not trying to be unreasonable, but wanted to ensure the process was handled in a fair and equitable manner in the future.

Mayor Tourville stated there was an intrinsic value to having more through streets for the overall transportation plan.

Councilmember Piekarski Krech stated the future financial implications made her nervous.

Mr. Fick stated they did not want to lose momentum in terms of finishing the development because there was a high demand for lots in the area.

Mr. Lynch stated he understood the concerns related to future financial implications. He explained the City's financing plan for the Northwest Area was not going to be made or broken by eight (8) lots. He noted in the end this would be a three-way negotiation between the developer, the City and the County.

Councilmember Piekarski Krech clarified that the County was driving the change because this was the only alignment that they would approve.

Mr. Thureen stated alignment options were analyzed with the County and the developer. He explained the alignment would be better identified by the end of the first quarter of 2015. Staff supported moving ahead with the 13 lot plat with the outlot because it left the option open to tweak the alignment as needed to ensure the final alignment was exactly what the City wanted in terms of the overall transportation plan.

Councilmember Piekarski Krech questioned how the new homes would be accessed.

Mr. Fick stated the homes would be accessed via Alverno Avenue which would eventually connect to Amana Trail.

Mayor Tourville opined it may be best to move forward with the 13 lot plat now because it allowed development to continue and provided flexibility for the alignment of Amana Trail.

**Motion by Mueller, second by Madden, to adopt Ordinance No. 1282 Rezoning the property from A, Agricultural to R-1C/PUD, Single Family Residential Planned Unit Development, Resolution No. 14-133 approving a Preliminary Plat and Preliminary PUD Development Plan Amendment for a 13 Lot Single Family Development, and Resolution No. 14-134 approving a Final Plat and Final PUD Development Plan including an Improvement Agreement and related agreements for Argenta Hills 9<sup>th</sup> Addition**

**Ayes: 5**

**Nays: 0            Motion carried.**

**D. ANDERSON JOHNSON ASSOCIATES (SIMLEY HIGH SCHOOL):** Consider Resolution relating to a Conditional Use Permit and related Agreements to Exceed the Maximum Height Requirement for the High School Addition for property located at 2920 80<sup>th</sup> Street

Mr. Link reviewed the location of the property. He stated a 26,000 square foot auditorium addition was being constructed on the north side of the high school. Approximately 3,000 square feet projected up and exceeded the maximum building height requirement. In the institutional zoning district the maximum

building height was 40 feet and the proposed structure would reach 50 feet. He noted the excess height was necessary for the auditorium stage in order to raise and lower scenery for backdrops. He stated no other changes to the site plan or access were proposed other than the loss of 39 parking spaces. The additional impervious surface was covered by a previously approved conditional use permit that allowed no more than 36% impervious surface on the site. The request met the criteria for a conditional use permit and both Planning staff and the Planning Commission recommended approval of the request.

Paul Youngquist, architect, provided an overview of the layout of the new addition. He reiterated the stage portion of the new auditorium exceeded the maximum height requirements. He clarified where the parking spaces would be eliminated.

Councilmember Madden confirmed that the additional height would not cause any issues for the Fire department.

Mr. Youngquist stated if the project was approved the school district would receive bids on September 11<sup>th</sup> and construction was scheduled to begin in October.

**Motion by Madden, second by Bartholomew, to adopt Resolution No. 14-135 approving a Conditional Use Permit and related Agreements to Exceed the Maximum Height Requirement for the High School Addition for property located at 2920 80<sup>th</sup> Street**

**Ayes: 5**

**Nays: 0      Motion carried.**

**ADMINISTRATION:**

**E. CITY OF INVER GROVE HEIGHTS:** Consider First Reading of an Ordinance related to Body Art Establishments

Bridget McCauley Nason, LeVander, Gillen, & Miller, stated the draft body art ordinance was previously discussed at a Council work session in July. No substantive changes had been made to the draft ordinance since that time. She stated a few minor changes were suggested to other provisions of the code specifically related to updating the language to remove all references to tattoo artists and tattoo establishments and replacing the references with the correct terminology. Changes to the zoning ordinance would also need to be considered if the City chose to move forward with the ordinance. She provided an overview of the proposed ordinance. She explained in 1998 the City adopted a tattoo ordinance. In 2010 the State Legislature enacted statutory changes to regulate both tattoo and piercing establishments. The statutes regulate the technicians that perform body art procedures as well as the procedures themselves. The City's current ordinance provisions provided for licensure of technicians and tattoo establishments. Following the statutory changes in 2010, body art technicians are to be exclusively licensed by the State. Cities are allowed to license body art establishments if they choose to do so, otherwise the State does have a licensing scheme in place for those types of establishments. She explained a number of cities have chosen to license their body art establishments primarily because it provided the City with more control of things related to the types of procedures that can be performed at the establishments, the number of licensed establishments that are allowed in the City, and similar conditions. She summarized the key differences between the City's current ordinance provisions and the proposed changes. Under the new ordinance the City would be limited to issuing no more than two (2) body art establishment licenses at any time. The City would also specifically restrict the types of body art procedures that may be performed at a licensed establishment. The new ordinance would also prohibit temporary, mobile, or in-home body art establishments. She noted many of the proposed health and sanitation requirements mirrored what was found in State statute.

Councilmember Mueller questioned where body art establishments could be located in the City.

Ms. Nason stated the establishments would be a permitted use in the B-2, B-3, and B-4 zoning districts and a conditional use in the I-1 zoning district.

Mayor Tourville suggested sending the draft ordinance to the Chamber of Commerce for review.

**Motion by Piekarski Krech, second by Madden, to approve the First Reading of an Ordinance related to Body Art Establishments**

**Ayes: 5**

**Nays: 0          Motion carried.**

**F. CITY OF INVER GROVE HEIGHTS: Consider Awarding Contract for Architectural and Engineering Services for Fire Station Feasibility and Programming Study**

Chief Thill explained six (6) firms submitted proposals and three (3) firms were interviewed. The interview panel was comprised of two (2) Council members, the City Administrator, Fire Chief, Assistant Fire Chief, two (2) Fire Captains, two (2) Fire Lieutenants, and a firefighter. The interview panel recommended that the contract be awarded to Five Bugles Design based a number of factors including their willingness to work with the City to get all stakeholders involved in the planning process. Five Bugles Design was a division of Architectural Design Group focused solely on the planning and design of Fire and EMS organizations. Their team brought a wealth of experience having worked on over 150 different Fire and EMS projects. The proposed cost of the study was \$14,500 with reimbursable expenses not to exceed \$750. She noted the proposal from Five Bugles Design was also the least expensive. Funds for the study were included in the current budget.

Councilmember Piekarski Krech stated she participated on the interview panel and was very impressed by the recommended firm.

Councilmember Mueller added that the presentation from Five Bugles was excellent because they answered all the questions that were asked.

Mayor Tourville suggested asking the firm to identify the individuals that would be working on the project to ensure continuity throughout the duration of the study.

**Motion by Piekarski Krech, second by Madden, to Award Contract for Architectural and Engineering Services for Fire Station Feasibility and Programming Study to Five Bugles Design**

**Ayes: 5**

**Nays: 0          Motion carried.**

**G. CITY OF INVER GROVE HEIGHTS: Consider Appointment of Interim Human Resources Manager**

Mr. Lynch stated on July 28<sup>th</sup> staff presented information related to a proposed organizational change. At that time Council directed changes to the job description including the position title, desired level of experience, and the salary level. As a result of the directed changes, he recommended the promotion of the current Human Resources Coordinator to the position of Human Resources Manager. He stated in the past a number of employees had been promoted within the organization to positions on an interim basis to provide the employee with the opportunity to serve in the new capacity and demonstrate their ability to lead and manage. He recommended appointing Amy Jannetto as the interim Human Resource Manager. He explained Ms. Jannetto had the requisite skills and experience as well as a high level of familiarity with the organization and the current workforce issues and needs. He stated the appointment would be for a period of six (6) months and at the end of that period her performance would be evaluated based on mutually identified goals and feedback received from staff. The starting salary for the position would be \$76,700.

Councilmember Piekarski Krech disagreed with the City Administrator's recommendation. She opined that because the position was new for the organization it should be opened up and subject to the application and interview process.

Councilmember Bartholomew questioned how the City Administrator would propose to fulfill the duties of the position in the interim while the position was open for applications.

Mr. Lynch stated the duties were currently being handled by himself, the Human Resources Coordinator, and other staff members. He explained they would have to continue that practice in the interim while the

recruitment and hiring process was completed. He expressed concern that the City had ongoing issues to contend with and would likely start labor negotiations in the next 60 days. He noted his preference would be to appoint the recommended individual in order to have someone in the position with experience in labor negotiations.

Councilmember Mueller opined the position should be opened up for recruitment because they were filling a new position and looking for a new type of person. He suggested that the job description could be changed to incorporate other duties and responsibilities beyond Human Resources.

Councilmember Madden opined he would like to move forward with the City Administrator's recommendation because he believed in trying to promote from within the organization.

Mayor Tourville stated there were three (3) options available to the Council. The first was to proceed with the City Administrator's recommendation, the second was to not appoint anyone to the interim position and to begin the recruitment and hiring process, and the third was to appoint Ms. Jannetto to serve in the position on an interim basis while the recruitment and hiring process was started. He opined there were advantages to promoting from within the organization and it had worked well in the past for a number of positions. He stated if the Council would not support the City Administrator's recommendation it may be beneficial to appoint Ms. Jannetto in the interim while the position was opened so the City would have someone in place to start labor negotiations and to fulfill the duties of the position.

Councilmember Piekarski Krech noted Ms. Jannetto could still apply for the position if it was opened up. She questioned who would fulfill Ms. Jannetto's current duties if she was appointed on an interim basis.

Mayor Tourville stated she was already performing the duties of both positions and the official interim appointment would provide her with formal authority to represent the City in labor negotiations.

Councilmember Piekarski Krech stated the City had never had the position of Human Resources Manager.

Mayor Tourville stated there was a person previously fulfilling the duties and responsibilities of the new position.

Councilmember Mueller opined they were looking for someone who could do more than just Human Resources.

Mayor Tourville stated that was not what was previously discussed when the job description was initially reviewed. He noted they could not advertise the position if the Council wanted more changes to the job description.

Councilmember Bartholomew suggested tabling the discussion to give the Council time to further discuss and clarify the information with the City Administrator. He opined he would be in favor of making an interim appointment while the job was opened up for recruitment simultaneously.

Councilmember Madden opined that the City had individuals who were delegated with the responsibility and the authority to make certain decisions and fulfilling certain duties. He stated he had a problem with the Council micromanaging every decision.

Mayor Tourville stated he was not sure that tabling the item would change anyone's mind.

Councilmember Piekarski Krech stated she was unclear how appointing someone in the interim would change how any of the job duties or responsibilities were performed.

Mr. Lynch stated staff needed someone designated in that role so it was clearly defined who would be handling personnel issues.

Councilmember Piekarski Krech stated the City Administrator should just designate the Human Resources Coordinator to fulfill that role.

Mr. Lynch stated that individual should then be recognized and compensated accordingly for taking on those responsibilities. On an interim basis the difference in pay between what the individual was currently paid and the starting salary for the new position was approximately \$6,300. That figure would be pro-rated for the period of time during which the individual served as the Human Resources Manager on an interim basis.

Mayor Tourville stated a similar practice had been followed in the past for other positions in the City. He opined it would be fair to compensate the individual for the additional duties and responsibilities.

Councilmember Madden stated if someone was going to serve in the position they should be compensated accordingly. He expressed concern about not having an experienced individual in place to participate in labor negotiations. He opined it was the Council's job to make policy decisions, not write job descriptions.

**Motion by Tourville, second by Madden, to appoint Amy Jannetto as Interim Human Resources Manager with additional compensation as discussed, further clarify the job description for the position, and start the recruitment process**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

**9. ADJOURN:** Motion by Mueller, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 9:50 pm