

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JANUARY 12, 2015 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, January 12, 2015, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Mueller and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, Finance Director Smith, Chief Stanger, Chief Thill, City Engineer Kaldunski, and Deputy Clerk Kennedy

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Councilmember Bartholomew removed Item 4C from the Consent Agenda.

- A. i) Minutes – December 1, 2014 City Council Work Session
ii) Minutes – December 8, 2014 Regular City Council Meeting
- B. **Resolution No. 15-04** Approving Disbursements for Period Ending January 7, 2015
- D. Final Pay Voucher No. 1, Engineer's Final Report, and **Resolution No. 15-06** Accepting Work for City Project No. 2014-16 – Bechtel Avenue Drainage Improvements
- E. Approve Custom Grading Agreement for 1759 86th Court (Lot 4, Block 2, Orchard Trail)
- F. **Resolution No. 15-07** Authorizing Preparation of Amendment No. 4 to the November 19, 2014 Feasibility Study by Bolton & Menk, Inc. for City Project No. 2014-13, Northwest Area Utility Extension, Argenta Trail Alignment and Establishing City Project No. 2015-12, Northwest Area Trunk Watermain Improvements – 65th Street Loop (Argenta Trail to Babcock Trail)
- G. **Resolution No. 15-08** Approving First Amendment to Nextel Monopole Lease
- H. Approve Sentence to Service Contract
- I. Approve Various American with Disabilities Policies
- J. Schedule Special Meeting
- K. Accept Donation to Inver Grove Heights Fire Department
- L. Approve 2015 Proposed Convention and Visitors Bureau Budget
- M. Personnel Actions

Motion by Bartholomew, second by Mueller, to approve the Consent Agenda

Ayes: 4

Nays: 0 Motion carried.

- C. Resolution Approving Application to the Dakota County Community Development Agency (CDA) for a Redevelopment Incentive Grant

Councilmember Bartholomew referenced the last bullet point under section six (6) on page three (3) of the grant application. He opined that the bullet point was too misleading and would preclude industrial uses in the Dickman neighborhood. He requested that the item be removed from the application.

Mr. Link explained the whole section was taken directly from the Comprehensive Plan. He noted there had been discussion recently regarding industrial development on Dickman Trail and staff understood the direction provided by Council. He stated the bullet point could be removed from the application.

Councilmember Bartholomew referenced section ten (10) on page six (6) of the application. He stated the estimated valuation after development was high. He questioned if the model factored in residential development rather than industrial.

Mr. Link stated he would double check the figures because his intent was to use projections for industrial.

Councilmember Bartholomew requested that the reference to “office/light industrial” development be eliminated from the narration under section one (1) on page eight (8) and replaced with “industrial”. He opined that the “office/light” designation could potentially pigeonhole the City in the future. He opined that the narration at the top of page nine (9) discussing the conversion of site intensive uses to building intensive uses narrowed the scope and could potentially preclude developers from presenting plans with yardscapes.

Mr. Link stated the language was pulled from the Concord study and could be modified to address the concern.

Councilmember Bartholomew stated the reference on page ten (10) to the City’s ineligibility for Metropolitan Council or DEED grant funds was contradictory because the City did receive a DEED grant.

Mr. Link clarified that the DEED grant the City received was extremely unique and a typical DEED grant would require the City to have a developer in place in order to be eligible for funding. He stated he could modify the statement in the application to clarify that the City needed to have a developer in order to be eligible to receive DEED grant funding with the exception of the Host Community Fund DEED grant. He explained the application deadline was January 15th and he suggested Council approve the application with the changes as discussed.

Councilmember Piekarski Krech asked staff to email the Council a final draft of the application with the changes as suggested prior to it being submitted on January 15th.

Dian Piekarski, 7609 Babcock Trail, questioned how the City received the grant opportunity and why the deadline was on Thursday.

Mr. Lynch stated Dakota County encouraged the City to apply for the funding.

Mr. Link reiterated that the County invited the City to apply for the grant. He explained the timeline was extremely tight because the meeting between the City and the CDA was held on December 11th. He noted this meeting was the first opportunity to bring the application forward for Council review as the last Council meeting was held on December 8th.

Ms. Piekarski questioned where the City’s matching contribution would come from.

Mr. Link stated it would come from the Host Community Fund through the EDA and from the DEED grant.

Ms. Piekarski opined that it was becoming difficult to track the funds and determine which bodies were responsible for approval and administration of the grants. She commented that the grant was important enough that it should have warranted a special City Council meeting in December.

Mr. Link stated part of the difficulty was that the EDA only met on a quarterly basis. He noted some of the applications, such as the one for the DEED grant, had to come from the City not the EDA.

Frank Rauschnott, 6840 Dixie Avenue, requested that all references related to light industrial and housing in the Dickman Trail area be removed from all planning documents in order to denote that the preferred use in the area would be I-1, Industrial. He stated the City had to provide a flexible land use tool that would support redevelopment and minimize the creation of non-conforming uses. He opined that the issues related to non-conforming uses needed to be watched and dealt with carefully going forward.

Motion by Piekarski Krech, second by Bartholomew, to adopt Resolution No. 15-05 approving the Application to the Dakota County Community Development Agency (CDA) for a Redevelopment Incentive Grant with the proviso that the Council approve the changes to the application prior to it being submitted on January 15th.

Ayes: 4

Nays: 0 Motion carried.

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:**A. MARLEY DANNER: Plat of Concord Hills Letter of Credit and Cash Escrows**

Mr. Danner stated he began developing the property in the year 2000. He explained he was seeking a resolution in order to get his letter of credit and cash escrow released. He expressed concerns regarding the rain garden requirements. He opined that the rain gardens did not function properly and he was unable to guarantee them for five (5) years as outlined in the development agreement. He stated he hired another firm to care for the rain garden and he did not know how to fix the problem. He questioned why all of the lots within the plat had to be built on before the money being held in escrow could be released.

Mayor Tourville clarified that the last correspondence from the City was in October.

Mr. Kaldunski replied in the affirmative.

Mayor Tourville stated staff recommended that the funds being held in escrow be reduced but the requirements outlined in the development agreement would not go away.

Mr. Kaldunski stated the last time the rain gardens were inspected in the fall he did not see any infiltration issues. He explained staff requested that developer complete the items that were outlined in the original development contract in order to reduce the letter of credit. He noted a majority of the outstanding items related to vegetation and planting requirements.

Mr. Danner opined that the outstanding items to be completed did not warrant holding \$200,000 in escrow.

Mr. Kuntz stated the developer's concerns related to the design parameters of the rain gardens would not be able to be addressed at this point in time. He addressed the issues related to the four (4) sureties provided by Mr. Danner's LLC for the development. He explained the first surety was in the amount of \$14,000 for sealcoating and that money had been spent by the City to complete the sealcoat work. The second surety was an \$8,000 cash escrow to ensure the developer would plant two (2) trees on each of the 25 lots. He explained the tree replacement agreement entitled the developer to a refund of \$320 for every lot on which there were two (2) live trees planted. The third escrow was a letter of credit in an original amount of \$1,075,309. The letter of credit was subsequently reduced to \$114,000, approximately 10.6% of the original amount. He explained Engineering staff kept 10% of the original letter of credit because the agreement stated that was to be done until all of the work outlined in the development contract was completed including warranty and maturation periods. Two (2) letters from Planning and Engineering staff dated October 30, 2014 contained recitations of the work that remained incomplete. He explained staff recommended that the Council consider a motion to allow the Engineering department to reduce the letter of credit from \$114,000 to \$50,000 and upon completion of all outstanding work the full letter of credit would be released without waiting for the warranty period. The fourth surety was a cash escrow in the amount of \$65,000 to cover engineering and inspection work as well as any deficiencies in the storm water improvements. Of that \$65,000 approximately \$23,193.17 still remained on deposit with the City. The recommendation was that the City would retain the cash escrow, according to the terms of the agreement, until the warranty period outlined in the agreement had lapsed. He noted as a demonstration of good faith the City never put the developer in default and never seized the letter of credit despite the developer not adhering to the timeline set forth in the development agreement.

Mr. Danner stated the rain gardens would be in the same condition in five (5) years because of the sediment settling in them.

Mr. Kuntz questioned when the developer intended to complete the outstanding items outlined in the October 30th letters from City staff.

Mr. Kaldunski reviewed the outstanding items that needed to be completed. He stated he would like a completion date so the City can make plans to inspect the site and release the remaining letter of credit.

Councilmember Mueller opined the rain garden on the south side of the development was too deep.

Mr. Kaldunski reviewed the plans provided by the developer as part of the original development contract. He stated the developer's engineer designed the rain garden and it was designed to serve the entire development.

Councilmember Mueller questioned if the rain garden could be redesigned.

Mr. Kaldunski stated he would be willing to look at and consider a redesign of the rain garden.

Mayor Tourville questioned how the developer wanted the Council to proceed.

Mr. Danner stated he wanted the rain garden eliminated because it served no purpose other than catching debris off of the road.

Councilmember Piekarski Krech stated that was the exact purpose of the rain garden, to filter the dirty water.

Mr. Danner requested that the City take over the maintenance of the rain garden after it was completed.

Mr. Kaldunski stated if the rain garden was constructed properly the City may consider taking over the maintenance aspect.

Councilmember Mueller clarified that would only happen if the rain garden was constructed according to the design specifications.

Mr. Kaldunski suggested that the developer have the rain gardens completed by June 1, 2015.

Motion by Piekarski Krech, second by Bartholomew, to authorize a reduction in the letter of credit from \$114,000 to \$50,000

Ayes: 4

Nays: 0 Motion carried.

Motion by Mueller, second by Piekarski Krech, to direct the Engineering department to release the entire letter of credit once the outstanding items outlined by the Engineering and Planning departments were completed

Ayes: 4

Nays: 0 Motion carried.

COMMUNITY DEVELOPMENT:

B. CITY OF INVER GROVE HEIGHTS: Discussion of Complaint Regarding Dawnway Landfill Exceeding the Approved Demolition Debris Limits

Mr. Hunting stated the item was previously discussed in November and questions were raised that needed to be addressed by the landfill operator.

Tony Frattalone, Dawnway Landfill, addressed the complaints regarding the demolition debris limits. He explained their permits were originally approved in 2002 by the MPCA and the County and they were still working off of the same CAD drawing that defined their limits of construction. The plan outlined by the CAD drawing showed an area to fill with the landfill. He stated they were required by the MPCA and the County to submit annual topographic elevation shots to show where material was placed in the landfill in order to quantify the amount of material put into the landfill each year. He noted the plans from 2002 contained a profile line that defined the demolition limits. He explained their primary focus was to work within the limit outlined by the 2002 permit so when their operation was finished the landfill would be within the established limits. He stated the Dawnway Landfill was a demolition landfill that primarily took construction and demolition debris. No solid waste was taken at the site. He noted they did sell topsoil, sand, and rock that has been screened out of material.

Tim Freeman, licensed land surveyor, stated he had worked with Frattalone on the site since 2011. He noted he inherited a lot of information about the landfill. He explained he performed surveys on the site in January each year. He stated the profile lines were based on shots taken in previous years. The profile line referenced by Mr. Frattalone denoted the limits that were taken from the 2002 plans. He explained

the survey was conducted using GPS and the data was input into an AutoCAD drawing using a coordinate system. He noted the measurements taken from the survey were repeatable and very accurate. He stated the measurements since 2011 had all been within the landfill limits outlined on the 2002 plans.

Mr. Lynch asked Mr. Frattalone to explain the difference between the excavation area and the landfill.

Mr. Frattalone explained the goal was for the landfill debris to stay within the limits defined on the 2002 plans. He stated as the landfill was filled up it was impossible to maintain the slope necessary to end up within the debris limits at the bottom so they had to excavate as they placed debris in the landfill area. The area that was excavated was then filled in with compactable material on the outside of the debris limit line to maintain the appropriate slope.

Mr. Kuntz questioned what was done with the sand that was excavated and where the compactable material came from that was used to maintain the appropriate slope.

Mr. Frattalone stated the sand was sold and the fill came from various sites. He noted the fill was all clean and compactable and did not qualify as landfill material.

Councilmember Piekarski Krech questioned if they were mining more sand than was allowed by permit.

Mr. Frattalone stated they had to mine the material out to get the landfill in place. He explained there was not a good grading limit on any of the plans and it had never been a concern because most of the fill had been placed on the South St. Paul side of the landfill. He noted they just started to fill the area in question in 2012 and the permit was not related to how much material was mined.

Mayor Tourville clarified the mining limit was not the same as the demolition debris limit.

Mr. Frattalone stated that was correct.

Councilmember Piekarski Krech questioned if there were lines denoting the mining limit.

Mr. Frattalone explained they used setbacks to establish the mining limits.

Mr. Kuntz questioned if they reported how much material was sold annually.

Mr. Frattalone responded in the affirmative. He stated they paid sand and gravel tax on everything that was taken out. He noted they were not required to report how many cubic yards of compactable fill were brought in annually because it would show up on the annual topographic shots.

Joe McBride, 4055 59th St. E., questioned if the NCUC allowed the operator to excavate as much material as was required to dig the hole.

Mr. Hunting stated the NCUC limited the amount of material leaving the site to an amount equal to the approved debris limit. He explained the City had information the operator generated from their year-end reports that had the volume of material removed and the space remaining. He noted there was still a considerable amount of air space left in the landfill.

Mr. McBride opined that there was no enforcement or monitoring of the NCUC requirements related to the amount of material being excavated and the amount of compactable fill being brought in.

Mr. Freeman stated he verified the debris limits annually. He noted as the operator built up the debris for the landfill they had to monitor to ensure they did not go outside of the debris limits. He explained for safety purposes the operator had to over-excavate and then backfill with compactable fill in order to meet the debris limits. He stated the permit was for the debris and the debris limit was the control. The operator was allowed to over-excavate as needed in order to build up the debris within the established debris limits.

Mayor Tourville stated the concern was that more was being excavated than filled in.

Mr. Freeman explained the operator had to keep a running total of how debris was put in and how much space remained to be filled. He opined the process was very well controlled.

Mr. Kuntz explained Mr. McBride wanted to know how many cubic yards of good fill inside or outside the

debris limit were left to be excavated.

Mr. Freeman stated the operator could not excavate beyond the setbacks. The permit stated the operator could not fill anything beyond the debris limit line.

Mr. Frattalone stated in phase 4 they still had roughly 300,000 cubic yards of sand to excavate.

Mr. McBride stated his concern was that it could not be investigated because the description of where the operator could excavate was vague.

Councilmember Bartholomew stated in order to create the necessary air space the operator had to excavate further back.

Mr. McBride questioned why it could not be cut at 1.5:1 slope.

Mr. Frattalone stated the cut was a 1.5:1 line on the drawing but it could not be excavated at that slope because it would not stand and would slide into the hole.

Mr. McBride opined the debris limit was not a 1.5:1 line on the CAD drawing.

Mr. Freeman stated the debris limit was a 1.5:1 line on the drawing. He explained the operator was correct that sand would not stand when cut at a 1.5:1 slope. The operator digs the slope until it is deep enough that it will safely stand.

Mayor Tourville stated the County found no evidence of the operator exceeding the debris limit, that the mining beyond the debris limit line was not a violation, and concluded that the landfill was operating in compliance with the terms of the permit.

Mr. McBride opined there had to be some way to monitor the volume being sold versus the total area still available for the landfill. He stated the operator could only sell as much material as was needed to create the airspace.

Mr. Freeman stated the volume outlined in the permit was a part of the overall design that was approved in 2002.

Mayor Tourville suggested Mr. McBride may want to meet with the land surveyor independently if he was not satisfied with the information that had been provided. He stated the information that had been presented indicated there was no violation of the non-conforming use certificate.

Frank Rauschnott questioned how many complaints had been received regarding the landfill and how close Mr. McBride lived to the landfill.

Mayor Tourville stated a few complaints had been received.

Mr. McBride stated he lived approximately 100-150 feet away from the landfill.

Walter Carlson, 6398 Ballantine Avenue, recommended hiring an arbitrator to work through the issues.

Dian Piekarski, 7609 Babcock Trail, questioned how the fill was monitored and if a log was kept of where the fill came from and where it was buried.

Mr. Frattalone stated on a quarterly basis the County and the MPCA regulated what went into the landfill. He explained they were required to provide the information to both agencies.

No action was taken on this item.

C. ALAN BEBEL: Consider Resolution relating to a Conditional Use Permit to Operate a Contractor's Yard with Outdoor Storage at the property located at 11278 Rich Valley Boulevard

Mr. Link reviewed the location of the property. He explained the Conditional Use Permit was originally granted in 2007 and expired because the business did not open within the required two (2) year timeframe stipulated. He stated the business specialized in concrete removal, demolition, excavation, and trenching. The proposal was to construct two (2) buildings each approximately 2,000 square feet in size. He noted the access off of Rich Valley Boulevard required approval from Dakota County. Both Planning staff and

the Planning Commission recommended approval of the request.

Councilmember Bartholomew questioned if the applicant agreed with the conditions.

Alan Bebel, 11278 Rich Valley Boulevard, replied in the affirmative.

Motion by Bartholomew, second by Mueller, to adopt Resolution No. 15-09 approving a Conditional Use Permit to Operate a Contractor's Yard with Outdoor Storage at the property located at 11278 Rich Valley Boulevard

Ayes: 4

Nays: 0 Motion carried.

D. IMH SPECIAL ASSET 175: Consider a Resolution relating to a Comprehensive Plan Amendment to Change the Land Use Designation of a Portion of the property from MU, Mixed Use to LMDR, Low-Medium Density Residential for the property located at the Northeast Corner of Hwy 3 and County Road 26

Mr. Link reviewed the location of the property. The request was for a comprehensive plan amendment to change the land use designation of a portion of the approximately 40 acre property to low-medium density residential to allow for some single family development. He stated the property was currently designated on the comprehensive plan for mixed use. He noted the request required approval by 4/5 of the Council. If approved the applicant intended to submit a subdivision application to break the property into three (3) outlots that would then be sold to developers. One outlot would be for a single family development, one for a 50-unit townhome development, and one for a 200-unit apartment building. The first phase of development would be the single family homes. He explained staff had land use and financial concerns with the proposal. The land use concerns pertained to both the comprehensive plan and the site plan. He stated the intersection of South Robert Trail and 70th Street would become very busy as the Northwest Area developed. The anticipated traffic volumes for the intersection were similar to those of the intersection of Yankee Doodle Road and Pilot Knob Road in Eagan. He stated that was the primary reason the City planned for larger densities at that site. The proposal would create a pocket of single family development amidst higher density uses. There was concern that the proposal could create land use conflicts that could make it difficult to develop surrounding properties. He explained single family development was also likely to create opposition for future higher density development around it and could set a precedent leading to other properties at the intersection also requested a land use designation change to allow for single family development. He stated the loss of density could affect future commercial development in the area as well as the utility fees needed to pay for City infrastructure. He explained staff questioned the feasibility of the concept site plan for the apartment building as there was only 100 feet from the edge of the right-of-way to the edge of the wetlands. The site plan did not account for the full 50 foot setback or a possible trail. The concept plan did not provide for future storm water from a future roundabout and it was unknown whether the site plan would comply with the City's Northwest Area stormwater and zoning requirements. He explained the proposed townhome development did not meet the 50 foot setback from 70th Street and there was also a trunk utility line that would run through the area and could result in the loss of units. He stated the concept plan as proposed was close to the density assumed for the property and the utility connection fees would be short \$33,000. He noted 80% of the utility connection fees, \$2.6 million, was reliant on the apartment and townhome developments so there would be some level of financial risk assumed by the City if the request was approved. He stated there had been no discussion regarding the construction of a collector street or the extension of City utilities through the development and it was unknown who would pay for the improvements. Staff recommended denial because they did not think the single family development in the midst of higher density development was an appropriate land use, they questioned the feasibility of the site plan because the density was put on the periphery of the property, and the City could incur some financial risk if the request was approved. The Planning Commission recommended approval because it would spur development in the Northwest Area and would provide more immediate support for commercial development. The Planning Commission also felt the proposal to include single family development was in line with current market trends.

Councilmember Mueller questioned when the roundabout was planned for construction.

Mr. Kaldunski stated the roundabout shown was planned construction several years ago and had since been removed from Mn/DOT's current CIP. He explained staff had not had the opportunity to obtain input from Mn/DOT because no plat had been submitted. He noted Dakota County discussed conducting a joint study to start reviewing the need for a roundabout at the intersection.

Mayor Tourville stated both Mn/DOT and the County were waiting for development to occur in the area before deciding on a roundabout at the intersection.

Councilmember Mueller questioned how much space would be needed for a trail near the apartment building.

Mr. Link estimated that another 20-30 feet would be needed beyond the right-of-way. He noted there were still a number of unknowns associated with the request because the level of detail was not at the platting or subdivision stage yet. He stated the developer was requesting consideration of the land use change at this time and agreed to put together the concept site plan at staff's request.

Tom Goodrum, Westwood Professional Services, opined that the issues raised by staff had been addressed by the developer. He stated they did not envision development occurring at the intersection that would be similar to that of the intersection in Eagan that was referenced by staff. He opined the developer's request was not a new land use concept because the majority of the site would remain a mixed use designation. He stated the proposed designation change to low-medium density was requested as a transitional piece for the development. He added the southeast corner of the intersection was also designated for low-medium density. He provided an overview of the potential impact on surrounding neighborhoods and opined that the proposed change would not set a precedent as any future requests to change the land use designation of surrounding properties would similarly have to explain to the City the reasons why a lower density was requested. He explained the development would be laid out so as to provide natural buffers between the single family and the higher density development. He stated the proposed land use plan would comply with the City's density requirements. He opined that the proposed apartment building would be feasible on the northwest corner of the property despite the topographical challenges. He stated the plans incorporated the necessary easements to fit within the City and County requirements for future utility and street improvements. He noted the neighboring properties to the north and the east could not be developed until this development occurred because it would bring the road to the north as well the extension of City utilities. He discussed the constraints of the property in terms of easements and stormwater requirements and they provided a plan that worked within the limitations and met all the necessary density and financial needs. He reiterated that the proposed development would encourage development of surrounding properties and would open up the potential to develop 80 acres of medium density property. He referenced the study that was performed by the Urban Land Institute and explained many of the recommendations in the report were incorporated into the development proposal. He opined that the City's commercial projections were not plausible because there would only be one (1) access on property. He noted there was already commercial development in the area that was not being used. He explained the ponding requirement for a future roundabout was also incorporated into the plan. He stated the developer's proposed plan would be able to incorporate changes as they occur and the unknown factors become more finalized during site plan review process. He opined the proposed plan would meet the land use needs of the City.

Tim Keenan, IMH Special Asset 175, stated he just started a multi-family development in Apple Valley and he felt the market would shift towards that type of development in the next few years. He explained he would develop the multi-family pieces of the proposed development with a partner. He stated the City asked him to provide 228 dwelling units within the development to meet connection fee projections and the concept plan showed 296 units in development. He opined the concept plan demonstrated how the development would interact with surrounding properties. He stated they also supplied a letter from Dakota County expressing their interest in potentially using the site for a workforce housing development. He explained the footprint shown for the apartment building was similar to what was done in Apple Valley and the terrain of this site was more favorable. He stated he could not meet the City's requirement for 83,000 square feet of commercial space when 200,000 square feet of commercial space was vacant within a half mile of the site. He explained he had a tremendous amount of interest from developers for the 48 home

single family component of the development. He opined if they were upfront about the fact that multifamily development would surround the single family development there should be little opposition because the plans would be publically known before the single family properties were sold.

Mary T’Kach, 7848 Babcock Trail, expressed concern about the financial impacts and the precedent that could be set by approving the development. She stated if the financial shortfalls have to be absorbed by future developers at some point it may be too expensive for people to develop in the Northwest Area.

Mayor Tourville stated he could not see 80,000 square feet of commercial going onto that site given the current market.

Ms. T’Kach opined the market trends could change in the near future. She expressed concern that the City would set a precedent of downsizing developments in the Northwest Area. She stated the community wanted neighborhoods to be connected and the proposed development did not incorporate that vision.

Councilmember Bartholomew clarified the developer met the densities as proposed.

Mr. Link explained the density proposed by the developer came close to the combination of units and commercial development that the City projected. He noted that assumed that the apartment and townhomes could be built according to their projections.

Councilmember Mueller questioned what assurances the City had that the apartments would be built.

Mr. Link stated the City did not have any assurances and that was one of the concerns.

Councilmember Mueller opined the City needed to have some protection that the apartments and townhomes would be constructed.

Mr. Link stated the only thing they could be assured of at this point was the single family component because the understanding was that multiple developers would be involved.

Mr. Keenan stated he fully intended on being involved with the development of the property.

Mayor Tourville opined that many of the concerns could not be addressed until the plan moved through the stages of development. He noted both the County and the State were waiting on development to occur to look at the transportation plan for the area.

Mr. Keenan stated he would build the apartment component within five (5) years with or without a partner.

Councilmember Mueller questioned if the developer understood the storm water requirements.

Mr. Keenan stated the site was very challenging and that was why he hired an engineering firm to work through those issues.

Councilmember Piekarski Krech stated they did not have any final plans at this point. She explained her only issue was that the City needed an assurance that the apartments would be built. She questioned how the City could legally guarantee that apartment building was built.

Mr. Kuntz stated it was problematic that single family would be built before the apartments. He questioned what the consequence would be for not building the apartments.

Mr. Keenan noted the request was only to rezone 15 acres and the remaining higher density zoning would serve as protection.

Ms. T’Kach noted the CDA indicated an interest in a workforce housing development but it would not be 50 units.

Mr. Keenan stated the area proposed for the apartment building was already zoned for mixed use.

Councilmember Bartholomew stated he liked the densities where they were at. He opined he saw some natural buffering between the MDR and the LMDR. He expressed concern with the financial risk involved with the apartment component.

The Council stated their preference would be to wait to vote until the all members of the Council were present.

Mr. Keenan stated he would agree to a 2 week extension to come back on January 26th.

Mr. Kuntz requested that the applicant extend to Friday, January 30th.

Mr. Keenan agreed.

Motion by Piekarski Krech, second by Mueller, to table consideration of the item to January 26, 2015 at the request of the applicant, and to extend the 60-day deadline to January 30, 2015.

Ayes: 4

Nays: 0 Motion carried.

ADMINISTRATION

E. CITY OF INVER GROVE HEIGHTS: Consider Council Appointments for 2015:

i) Official Newspaper

Motion by Piekarski Krech, second by Bartholomew, to designate the *South-West Review* as the Official City Newspaper for 2015

Ayes: 4

Nays: 0 Motion carried.

ii) Official Depositories

Motion by Bartholomew, second by Piekarski Krech, to approve official depositories for 2015

Ayes: 4

Nays: 0 Motion carried.

iii) Acting Mayor

Motion by Bartholomew, second by Piekarski Krech, to rotate service as Acting Mayor beginning with the most senior councilmember

Ayes: 4

Nays: 0 Motion carried.

iv) Council Delegates to Association of Metropolitan Municipalities

Motion by Piekarski Krech, second by Mueller, to appoint Mayor Tourville and Councilmember Bartholomew as delegates to the Association of Metropolitan Municipalities

Ayes: 4

Nays: 0 Motion carried.

v) Council Delegates to Dakota Communications Center Board

Motion by Piekarski Krech, second by Bartholomew, to appoint Mayor Tourville and Councilmember Piekarski Krech as delegates to the Dakota Communications Center Board

Ayes: 4

Nays: 0 Motion carried.

vi) Representatives to Northern Dakota County Cable Communications

Motion by Mueller, second by Piekarski Krech, to appoint Mayor Tourville and Richard Jackson as representatives to the Northern Dakota County Cable Communications Board

Ayes: 4

Nays: 0 Motion carried.

vii) Deputy Weed Inspector

Mayor Tourville appointed the Parks Superintendent to the position of Deputy Weed Inspector for 2015

8. MAYOR & COUNCIL COMMENTS:

9. ADJOURN: Motion by Piekarski Krech, second by Mueller, to adjourn. The meeting was adjourned by a unanimous vote at 10:15 pm.