INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 24, 2015 - 8150 BARBARA AVENUE

1. CALL TO ORDER and 2. ROLL CALL

The City Council of Inver Grove Heights met in regular session on Monday, August 24, 2015, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Hark, Mueller and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, Government Intern Calvert, City Clerk Tesser, Parks and Recreation Director Carlson, Finance Director Smith, Public Works Director Thureen and Chief Stanger.

3. PRESENTATIONS:

Jim Huffman, Parks and Recreation Commissioner presented two (2) Rock Island Square Bridge (1914) photographs received from Dakota County Historical Society. Mr. Huffman presented one framed photograph to Eric Carlson, Parks and Recreation Director to hang in Veterans Memorial Community Center and the other framed photograph was presented to Mayor Tourville to hang in the Inver Grove Heights City Hall.

4. CONSENT AGENDA:

A. (i) Minutes of July 6, 2015 City Council Work Session Meeting
(ii) Minutes of August 3, 2015 Special City Council Meeting
(iii) Minutes of August 10, 2015 Regular City Council Meeting

B. Resolution No. 15-131 Approving Disbursements for Period Ending August 18, 2015
C. Consider Approval for Limiting the Hunting of Canada Geese within the City
D. Consider Awarding the Replacement of the Front and Back Parking Aprons of Fire Station 3 to Steenberg Construction, Inc.
E. Consider Approval of Phase II Environmental Site Assessment for Frank Rauschnot and Becky Austing Properties
F. Consider Pay Voucher No. 1 for City Project No. 2015-09A – Crackseal
G. Consider Pay Voucher No. 1 for City Project No. 2015-09B – Sealcoat
H. Consider Pay Voucher No. 3 for City Project No. 2015-09E – 47th Street Area Reconstruction and City Project No. 2015-14 47th Street Area Water and Sewer Improvements and Rehabilitation
I. Consider Pay Voucher No. 3 for the 2015 Capital Improvement Program, City Project No. 2015-10 – NWA Trunk Utility Improvements, Argenta District (Alverno to Blackstone Vista Development) and City Project No. 2015-11– NWA 70th Street Lift Station, Argenta District
J. Resolution 15-136 Consider Approval of an Electric Service Agreement with Xcel Energy for City Project No. 2015- 11 – 70th Street Lift Station
K. Personnel Actions

Motion by Bartholomew, second by Hark, to approve the Consent Agenda.

Ayes: 5
Nays: 0 Motion carried.

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

FINANCE
A. CITY OF INVER GROVE HEIGHTS:

i) Resolution 15-132 Awarding the Sale of General Obligation Bonds, Series 2015A, in the Original Aggregate Principal Amount of $7,960,000; Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment Amount.

Kristi Smith, Finance Director presented on the change of final bond sale amounts. The first bond amount will be $7,745,000 and the second sewer revenue bond amount will be $4,185,000. The resolutions will be updated with the new bond amounts. Ms. Smith presented Jessica Cook from Ehlers Financial. Ms. Cook presented the sale of the bonds. The general obligation bond will help pay for the pavement management plan and the street reconstruction plan improvements on Argenta Trail. Four bids were received. The interest rate on the bond will be 2.65% for a fifteen year debt which was lower than the initial projected estimate. The cost of the interest to the levy will be $635,000. The portion of the bonds that are financing the pavement management plan will be paid in part by special assessment and the other part by the tax levy and then the street reconstruction portion of the bond will be paid entirely with the tax levy. The bond was rated AA by Standard & Poor's and was given a positive outlook rating.

Motion by Bartholomew, second by Mueller, to approve the sale of the $7,745,000 sale of general obligation bond Series 2015A.
Ayes: 5
Nays: 0 Motion carried.

ii) Resolution 15-133 Awarding the Sale of General Obligation Sewer Revenue Bonds, Series 2015B, in the Aggregate Principal Amount of $4,460,000; Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment

The second bond was presented by Ms. Cook, it is issued to finance the extension of sewer improvements into the northwest area. This bond is smaller than the resolution because of the premium from the underwriter to lower the bond amount. There were three bidders on this bond with an interest rate of 2.675%. This bond was rated AA+ by Standard & Poor's because it had a credit enhancement.

Motion by Bartholomew, second by Hark, to approve the sale of the $4,460,000 general obligation sewer revenue bond 2015B.
Ayes: 5
Nays: 0 Motion carried.

COMMUNITY DEVELOPMENT:

B. Jon Skogh; Consider the Third reading of an Ordinance Amendment allowing Accessory Dwelling Unit (ADU) within all single family zoning districts and specifically for property located at 1355 96th Street E.

Allan Hunting, City Planner introduced the third reading of the Accessory Dwelling Unit (ADU) within all single family zoning districts and specifically for the property located at Mr. Skogh's residence at 1355 96th Street E. Mr. Hunting commented on the direction from Council. In concern to the rental of the Accessory Dwelling Unit (ADU), the ordinance restricts rental of both the primary property and the ADU. The owner must occupy either the primary property or the ADU. Mr. Hunting commented on the family member definition and determined that restricting occupancy may eliminate a class of people. The rental to family members does not classify as the same as a non-family member in regards to the state building code. It is considered a multi generational home. As soon as a person rents out to a non-family member or someone from the general public then you must comply with the state building code, that includes the fire separation, separate furnace, heating duct work and water heater etc. Mr. Hunting stated that staff did not change those areas from the second to third reading.

Mr. Hunting declared that staff made minor changes to the ordinance relating to the consistency in terms and general word clean up. He stated substance didn't change. He commented that the rental of the ADU is restricted to three people, the size of the unit is not the same as the primary property so it shouldn't be thought of as similar to a duplex.

Councilmember Piekarski Krech asked Mr. Hunting to explain how this ordinance doesn't allow duplexes. Mr. Hunting stated that it's true that your house could be considered a duplex but you would have to make the changes stated before and the property owner would have to abide by the state building code. In reducing the size of the ADU, along with the three (3) people minimum, you are reducing the impacts. Councilmember Piekarski Krech pointed out that the size of the ADU is restricted to 1,000 square feet but that is a size similar to some homes within the City. Furthermore, she expressed fear for the possible change to the single family housing zoning with the addition to this ordinance. Mayor Tourville commented that the difference between the ADU and a duplex is that the owner of the property must reside in one of the properties. A true meaning of a duplex is that the owner doesn't have to live within the state. Councilmember Hark mentioned he is in favor of the amendment to the ordinance. Councilmember Bartholomew stated that the true intention of the ordinance is not for the ADU to become a rental property and that the ordinance should be protected from duplexes occurring. Mr. Hunting stated that he doesn't see a way around the ordinance without adding more restrictions.

Councilmember Piekarski Krech questioned whether the ordinance will be followed and that there is possibility of the property owner renting out the ADU to the public without the city's knowledge. Councilmember Hark commented that most of the city code is voluntary or someone makes a complaint. At some point, we have to say the ordinance is good enough. Additionally, he added we can continue to make up reasons of what could happen or we can let it go. The reality is that we don't have enough staff to enforce the codes as it is. Mayor Tourville stated that the question to the council is whether they are interested in trying the ADU concept. Councilmember Mueller commented that he wants to see all ADU applications on a case by case basis and if we find that it's not working than we can go back to the ordinance and amend it. Councilmember Hark stated that the council should ask staff in a year and see how this is going and to move forward with the ordinance amendment. Councilmember Bartholomew commented that he wants to know how the staff is going to proceed with the application process and licensing.

Mr. Hunting replied that there will be an administrative process and that they can record when building permits come through and the improvements that are being completed on the property. Staff would keep a record and track these properties. Mr. Hunting stated that the rental ordinance would then regulate the rental property if the property becomes a rental. Councilmember Piekarski Krech asked how the application process will be handled for ADU. Mr. Hunting is working on the process currently. Mayor Tourville asked if staff will be asking applicants if they will be renting to a family member. City Attorney, Tim Kuntz replied that staff will have to ask these questions in order to know if the state building codes need to be followed. Council discussed setting an enforcement date which would be after staff has written up the administrative permit process including the application form. Furthermore, after the ordinance approval council asked for staff to report monthly on how the ADU applications are going and if it's not working then council can reevaluate the ordinance. Council set the effective date of the ordinance for November 2, 2015 the date of the Council Work Session meeting. Staff will then publish the ordinance after that date.

Jim Zentner, Housing Committee Commissioner residing at 8004 Delano Way spoke in support of the ADU ordinance amendment and an effective date. Mr. Zentner discussed the issue of duplexes, he is in support of greater density and doesn't feel that there will be a rush of ADU permits.

Grant Pilkus residing at 1885 96th Street East spoke in favor of the ADU ordinance amendment.

Motion by Bartolomew, second Mueller, to accept the third reading of the ordinance with an effective date of November 2, 2015.
Ayes: 5
Nays: 0 Motion carried.

C. LORI BARR; Consider the following resolutions for property located south of 9467 Courthouse Boulevard:

i) Resolution 15-134 relating to a Preliminary Plat for a two lot residential subdivision to be known as Hayden Heights.

ii) Resolution 15-135 relating to a Variance to allow lot width less than 200 feet in the E-1, Estate Residential Zoning District.

Tom Link, Community Development Director introduced the resolutions which would allow the property at 9467 Courthouse to be subdivided. The property is zoned E-1 and is limited to 2.5 acres, both lots meet that requirement. The plat is consistent with E-1 zoning and with the comprehensive plan destination of rural density. Staff recommends that the proposed driveways be combined to provide better site distances. The applicant is in the agreement. The applicant is requesting a variance on Lot 1 to allow width less than 200ft. Staff recommends approval of the subdivision and variance request. It is within the intent of the zoning ordinance and the comprehensive plan. It is compatible to the area, most lots are within the 2.5 acres size. Applicant has been working with engineering in regards to the drainage and easement requirements. The applicant will be entered into the stormwater facilities maintenance agreement and a custom grading agreement. Planning Commission recommended denial of the request because they felt the difficulty was not proven (4-3). Councilmember Piekarski Krech expressed concerns regarding the two (2) septic systems and wells. Lorri Barr and Tracy Barr, 9467 Courthouse Blvd, discussed the subdivision and variances including the possibility of connecting to city water but that the conversation and decision hasn't been made because they had to get through this process first. Mr. Link stated that the resolution language of number 5 reflects the grading agreement and maintenance facilities agreement.

Motion by Bartolomew, second Piekarski Krech to approve the subdivision and variance of 9467 Courthouse Blvd with the additional language to no. 5 of the Resolution.

Ayes: 5
Nays: 0 Motion carried.

D. STEVE WATRUD; Request to Clarify, Confirm, Ratify and Approve resolutions of the June 22, 2015 City Council meeting regarding Watrud Properties.
Mr. Link introduced the item, staff is asking for clarification and confirmation regarding the resolution of June 22, 2015. The property is located at 10982 Clark Road. The proposal has three parts to it, one of which is a major site plan to construct an office/warehouse 22,400 square foot building, the second request is a conditional use permit to expand the contractors yard and outdoor storage area and the third is two variances, to allow storage less than 100 feet from agricultural property and a variance from screening requirements. The Planning Commission and staff recommended approval of the request and on June 22, 2015 council approved the request. On June 22, 2015 council made numerous changes to the resolutions and directed staff to go back and incorporate those changes into the resolution.

Mr. Link stated since that time, staff and city attorney revised the resolutions based on the minutes and the taped video of the June 22, 2015 meeting and staff understanding of council's action. Mr. Link stated that staff sent the revised resolution to the applicant on July 1, 2015. The applicant returned and found that the resolutions did not adequately reflect what Mr. Watrud and his attorney Mr. Grannis understood the council's approval to be. The applicant has submitted revisions to the revised resolution. Staff met with Mr. Watrud and his attorney Vance Grannis Jr. to discuss the matters on July 28, 2015. Staff sent a revised resolution to Mr. Watrud and his attorney Mr. Grannis on August 14, 2015. Mr. Grannis responded in writing asking for additional revisions.

Mr. Link presented five issues that need council's clarification: 1. allowed uses, 2. type of vehicles to be stored on the property, 3. lighting, 4. setback and 5. relating to a business.

Issue 1

Mr. Link presented the first issue on uses. He instructed council to look at the conditional use permit (CUP) on the Request for Council Action page, which states on the city draft that CUP amendment is to allow a contractors yard and outdoor storage associated with an office warehouse building. The applicant agreed with the first part of the language but additional opines that the conditional uses had an added clause that allows other conditional uses in 1-2 General Industry District.

Mr. Link discussed the city's zoning lists of two dozen different zoning uses. Mr. Link stated that the council doesn't have the authority to approve all conditional uses allowed in the I-2 district.

By ordinance, the property owner has to put forth an application for a specific conditional use in the property, make an application and a site plan then staff is required to notice the public on the hearing in the paper for that specific use. Notices have to be sent out to neighbors and then the Planning Commission will hold the public hearing and then it goes to the city council.

Mr. Link identified other proprieties in that area have been granted CUPs but have gone through the same process. Any property owner that asks for additional uses has to follow standard normal procedures and apply.

Councilmember Bartholomew stated that he believed the prior intent was to allow all uses in the I-2 general industrial district. If it was published incorrectly than the city should republish.
Mr. Link responded that there are many uses in the 1-2 that don't require council approval. The ordinance is clear. There are twenty (20) uses that require conditional use permit along with an application and site plan. Mr. Watrud has not made an application or site plan for these conditional uses. Mr. Link identified the twenty (20) uses for council and again stated that an application or site plan for these additional uses have not been made except for the application for outdoor storage and contractors yard.

Mayor Tourville asked for clarification that Mr. Watrud is asking for all (20) uses to be included in the CUP. Mr. Link concurred. Mayor Tourville opined that council did not intend to include all 20 uses. Mayor Tourville stated that unless the CUP additional uses were approved, we can't allow them. Mayor Tourville stated that the city is bonded by the ordinance. Councilmember Bartholomew stated that he believes we should go back to the beginning and renotice the hearing.

City Attorney, Mr. Kuntz stated that a public hearing is required to allow anything other than contractors yard or outdoor storage because those were the only two usages that were noticed in the mail and in the public notice.

Issue 2

Mr. Link presented the second issue as the type of vehicle and equipment to be stored. He requested council to look at the conditional use permit (CUP) on the Request for Council Action page 2, number 2, which states the CUP permit does not allow for storage of vehicles or trailers not related to a business. Staffs' understanding of the council's intent from the discussion on June 22, 2015, was that the tenants may store vehicles and materials. However, the council did not want the property to be used for residential or personal use which is considered mini storage.

Mr. Link asked for the council's position on whether to keep the CUP as is or to remove the language based on the applicant's request. Mr. Link mentioned that the mini storage property located nearby Mr. Watrud's property had to apply for a CUP.

Councilmember Bartholomew remarked that his intent was stated in the June 22, 2015 minutes page 8 that he wanted all storage to be allowed. Furthermore he stated that another Councilmember stated that in

the I-2 district it doesn't much matter. Councilmember Bartholomew opined that if a business owner wants to clutter up their yard for a revenue stream that's their business. Mr. Link responded that staff is asking for clarification on the council's intent. Mayor Tourville asked Councilmember Bartholomew if "business" was mentioned in the June 22nd minutes and he replied no.

Councilmember Mueller used a hypothetical question, if he owns a property in I-2, could he store his snowmobile on the property and use it to take out client's on the snowmobile. Mr. Link replied yes.

Councilmember Piekarski Krech asked for clarification from Mr. Watrud and Mr. Grannis. She opined that the intent of the June 22, 2015 conversation was for personal items to be stored not that Mr. Watrud wanted mini storage.

Mayor Tourville stated that the biggest point is what was passed and if there needs to be changes.

City Attorney, Mr. Kutnz stated that staff is asking for five motions for clarification. On this particular issue there was general agreement that the stuff and outdoor storage did not have to come from a tenant or an owner of the property. The stuff had to be business related. Furthermore, Mr. Kuntz opined that Mr. Watrud and Mr. Grannis feel that the stuff does not have to be business related.

Councilmember Piekarski Krech clarified that the stuff has to relate to a tenant or a property owner.

Mr. Kuntz replied that is not what Mr. Watrud and Mr. Grannis are stating. And that is why staff needs clarification from council.

Mayor Tourville directed council to move forward to issues 3-5.

Issue 3

Mr. Link introduced the third issue, lighting on the site. He directed council to the staff report on page 2, under item 3. All parking lot and building lighting on the site shall be a down cast "shoe-box style or cut-off style and the bulb shall not be visible from the property lines. The photometric plan shall be reviewed and approved by the Planning Department prior to the issues of a building permit.

Mr. Grannis put together another version.

Mr. Link reported that he proposes that there be a comprise between staffs' language and Mr. Grannis language. Mr. Link proposed that we include the first sentence. "All building lighting on site will be a down cast shoe box style or cut off style." Since the last meeting, the photometric plan has been submitted and complies with the ordinance so it doesn't have to be referenced. The visibility of the bulb language, staff doesn't interpret the code literally, because it's not practical. Both staff and Mr. Watrud/Mr. Grannis agree on the language of "shall be a down cast "shoe-box style or cut-off style." The "bulb shall not be visible from the property lines" will be stricken from the resolution. Furthermore, Mr. Link added that the fixture has to point downward and shouldn't shine on adjacent properties.

Issue 4

Mr. Link introduced the fourth issue. The fourth issue is on page 3 of the staff report, CUP #11. Mr. Link read the staff report "a revised plan set shall be submitted by September 30, 2015 demonstrating a 10 foot setback for the outdoor storage area along the rear (east) property line as approved by the City Council."

Mr. Grannis version strikes the last clause "as approved by City Council." The site plan submitted by Mr. Watrud is consistent to the grading and landscaping plan showing a 10 foot setback and than a 60 foot set back south of the property. Mr. Link demonstrated on the map the easterly property line 60 foot setback on the site plan to the council. Mr. Link added that the Planning Commission minutes indicated that this was discussed.

The applicant feels that the City Council approved the 10 foot setback along the entire easterly property line. Mr. Link demonstrated on the map where the 60 foot setback was on the property and stated that the residential properties are adjacent to the 60 foot setback area.

Councilmember Hark stated the intent was a 10 foot setback throughout the entire property. Councilmember Piekarski Krech and Councilmember Mueller concurred. Mr. Link asked that the CUP #11 be changed to state that the 10 foot setback is throughout the entire easterly property line so it's clear.

Mayor Tourville clarified that the grading plan had a 5 foot setback but that this is actually a 10 foot setback. Mr. Link concurred. Mayor Tourville stated that the Planning Commission agreed on a 10 foot setback and than a 60 foot setback on the site plan but council approved on a 10 foot setback.

Attorney Kuntz asked for a separate motion to clarify that the action council took was to permit an entire 10 foot setback on the eastern line.

Motion by Mueller, second Bartholomew to approve a 10 foot setback throughout the entire easterly property.
Ayes: 5
Nays: 0 Motion carried.

<u>Issue 5</u>
Mr. Link introduced the last fifth issue which relates to storage. In regards to the memo written by Heather Botten, Associate Planner, CUP resolution 3rd Whereas and Condition #2. Staff and Mr. Watrud/Mr. Grannis have different language for the Resolution. Staff and Mr. Watrud/Mr. Grannis met on July 28, 2015 to discuss the item.

Staff language:
"This conditional use permit for a contractors yard and outdoor storage includes landscaping material, vehicles, trailers and equipment all of which relate to a business, metal storage containers, relating to a business, and salable products relating to a business; the business does not need to be owned or operated by the owner of the property or a tenant in the buildings on the property."

Applicant language:
"This conditional use permit for a contractors yard and outdoor storage includes business landscaping material, vehicles, trailers, and equipment, metal storage containers, and salable products; provided the business does not need to be owned or operated by the owner of the property or a tenant in the buildings on the property."

Mr. Link stated that staff feels like their language is more clear. Because it states "which relates to a business," after material, vehicles, trailers, metal storage containers and salable products." Staff believed council's intent was not to allow residents to store personal material, vehicles and trailers on the site. The items stored on the site had to be owned by a tenant of the buildings or another business in the community.

Mr. Link summarized that Issue 1 regarding the twenty (20) uses cannot be decided by the council. Issue 3 was discussed and agreed upon. Issue 4 council decided on the 10 foot setback and voted.

Mr. Link confirmed that the two issues left for the council to discuss (Issue 2 and Issue 5 are related) and need to be resolved. Mr. Kuntz declared the question is whether the stored items need to be business related or non business related. Simply, can someone bring their RV to the property and store it.

Councilmember Mueller asked whether council needs to vote on the Issue 3 (lighting). City Attorney Mr. Kuntz concurred.

Mr. Vance Grannis, Mr. Watrud's attorney, questioned on the other Whereas, that was suggested, Whereas storage of propane use by occupant of the property is permitted in I-2 General Industry. Mr Grannis, wanted clarification on the tank farms vs. propane tank. Mr. Link stated that he understand the use of propane tanks was different than the propane tank farm and council was okay with allowing the use of propane tanks.

Issue 3

Steve Watrud, 97 90th Court testified and declared that the lighting language resolution "shall be down cast shoe-box style or cut-off lighting" was in accordance with his understanding.

Motion by Mueller, second Piekarski Krech to approve to language of the resolution of "shall be a down cast shoe-box style or cut-off style lighting." The "bulb shall not be visible from the property lines" shall be struck from the resolution.
Ayes: 5
Nays: 0 Motion carried.

Mayor Tourville asked Steve Watrud about the business storage issue.
Mr. Watrud deferred to his attorney, Mr. Grannis in regards to the specifics of the business storage.

Mr. Watrud commented on a 10 foot setback. He stated that the initial site plan showed the 60 foot slope. He stated that the plan from his engineer was meant to show that there was a slope in the grading for which he couldn't store on that slope. It was not meant to show a 60 foot setback. Mr. Watrud acknowledged his agreement to not grading to the property line and not store within 10 feet of the property.

Issue 1, 2 and 5

Mr. Watrud responded in regards to Issue 1, 2 and 5. He responded that he acknowledges he cannot have impound lots, propane tanks farms, mini storage and vehicles for sale. Mr. Watrud discussed his desire for a freight terminal that could possibly be a startup company with smaller trucks such as a courier service. Mr. Link replied that a conditional use permit (CUP) is required to have that type of business. Similar to what other businesses have done, an application must be completed to request that type of business along with a site plan, narrative and then it goes through the planning process.

Mr. Watrud discussed his dissent on the process. Mr. Watrud stated that he doesn't want to have to go through the process if he receives a new tenant.

Mayor Tourville stated that he understands Mr. Watrud would like a freight terminal but the rules of the law is that the council can't make this decision. It has to go through the process which includes going to the Planning Commission.

Mr. Watrud discussed his disappointment on the council's lack of power to decide on what types of zoning listed in I-2 would be allowed at the council meeting.

Issue 2 and 5

Steve Watrud's attorney, Vance Grannis, 9249 Barnes spoke on the business storage issue. Mr. Grannis replied that stating in the CUP that there is no mini storage allowed covers the contractors yard and outdoor storage.

Mr. Kuntz opined that this issue must be defined clearly. Mr. Kuntz stated that the objective must be stated. Mayor Tourville asked Mr. Grannis, if he plans on allowing a private party that is not related to the business or an owner be allowed to store an RV on the premises. Mr. Watrud stated that example would fall under mini storage. Councilmember Piekarski Krech stated that anything can be stored there as long as it relates to an owner not necessarily their business and an owner or a tenant of that property. Mr. Watrud agreed. Councilmember Piekarski Krech added she is okay with that language.

Mr. Kuntz identified a misinterpretation of the stated language and asked for clarification. Further he stated in the past Mr. Watrud asked to be allowed storage, specifically allowing storage to non related persons to the owner or the tenant. The prior example used by Mr. Watrud was to allow a sub-contractor yard.

Mr. Watrud discussed that construction companies rent building space from him but they rent containers and storage space and/or park equipment. Mr. Watrud stated that this is not defined as mini storage.

Councilmember Piekarski Krech responded that Mr. Watrud needs to state that language. Furthermore, personal items being stored on the premise from the owner or tenant are permissible but those non related persons cannot store boats, trailers, RVs etc. Mr. Watrud agreed.

Mr. Kuntz asked for the council to look at the CUP, paragraph 2, and add the language. Further, the personal items that are owned by the owner of the property or by a tenant of the building or by a business renter of the property may be stored outside on the property. Mr. Grannis and Mr. Watrud agreed.

Motion by Piekarski Krech, second Mueller to approve the CUP, paragraph 2, and add the language further, the personal items that are owned by the owner of the property or by a tenant of the building or by a business renter of the property may be stored outside on the property.
Ayes: 5
Nays: 0 Motion carried.

<u>Issue 1</u>

Mr. Grannis suggested that the CUP be renoticed so Mr. Watrud can have more uses included in the CUP for example to include a freight terminal. Mr. Grannis would like the other outstanding items to be approved at this meeting.

Mayor Tourville asked if Mr. Watrud would like the other 20 items listed as the uses under I-2 zoning district. Mr. Watrud replied that he discussed the uses he didn't want and Mr. Grannis confirmed that was complete. Mr. Watrud added he would like to add the uses freight terminal, manufacturing research center, delivery service and monument sales. Mr. Watrud stated his disfavor for the planning process.

Mr. Link discussed the ordinance and the planning process. He clarified that each use is allowed based on the zoning districts. Uses fall into one of three categories: 1. They're permitted 2. They're conditional uses and 3. If it's not listed than its prohibited. The I-2 zone is not different than any other district in the city. The ordinance is no different from the ordinance established in 1965. The process is if you would like a CUP than submit the application, narrative and site plan. Mr. Link added the businesses that reside in the I-2 district complied with the standard operation procedure. Those businesses submitted the required information and went through the process. This procedure has been the same for decades. Mr. Link expressed concern and declared that Mr. Watrud should not be given carte blanche to any and all industrial uses. Furthermore, Mr. Link stated that this is not how zoning has been done in the city since 1965. Mr. Watrud replied that he will give Mr. Link that but declared he was not aware that the council could not make the decision on uses and was dissatisfied with the lack of communication from staff regarding the process and conditional uses.

Mayor Tourville stated that council cannot vote to allow carte blanche on all the uses in the I-2 Industrial zoning district. Mayor Tourville asked Mr. Kuntz for clarification. Mr. Kutnz concurred and added, it has to go through the process.

Mr. Grannis stated he wanted the application to go back to the Planning Commission to be corrected. Mayor Tourville replied that the application needs to be made on what uses Mr. Watrud would like. Mr. Grannis stated Mr. Watrud wants everything in the I-2 district except for the five items. Mr. Grannis requested an amendment that the council should approve to make more permitted uses in the industrial area that's backed up against a landfill and refinery. This district shouldn't have these unpermitted uses. He asked the council to change the process. Mr. Watrud expressed dissatisfaction on the council's lack of voting power for allowing additional zoning uses. Mayor Tourville stated that in the notice the applicant, Mr. Watrud did not state he wanted all the conditional uses in the I-2 district.

Councilmember Piekarski Krech questioned if the applicant has open storage, why do we have to put what uses are not allowed. Mr. Link replied that uses that are not allowed, if you look at the resolution that were presently in front of you it pertained to storage and what was going to be stored on the property. Mr. Grannis resolution had that drafted language. Mr. Link expressed to the council that staff had communicated to Mr. Watrud and Mr. Grannis on July 28, 2015 that the additional uses would require an application and simply requesting a resolution could not be done.

Councilmember Bartholomew asked whether the applicant should have drafted the application stating he wanted the uses X, Y, Z. Mr. Link agreed. Councilmember Bartholomew further declared that the council approve the uses they want, renotice and start over the process.

Mr. Link stated there are two things council can do. First, go back to the ordinance and see if some of the zoning ordinance uses could be permitted. Then Mr. Watrud wouldn't have to go through the entire process. Mr. Link suggested that the council meet and review the uses in the zoning district and decide what the council would like to keep that is conditional. Secondly, going through the site plan. The process of the site plan was decided on by the council 12 years ago. Mr. Link, added that change in the process was a pro business move and there was a lot of history to this process. The council wanted to have the power to review the site plans and decided on what powers are given to staff.

Councilmember Bartholomew requested this be completed in a timely manner. He added by removing conditional uses out of unpermitted and add the uses to be permitted it remove barriers to assist the business. Mayor Tourville concurred. Councilmember Mueller discussed his dissatisfaction with the B-3 zoning district's uses, he asked on the last time the zoning ordinance was updated and requested council move on this. Mr. Link replied that last update to the zoning ordinance was 2002 but there has also been changes to the different districts from time to time.

Mr. Kuntz stated that the council has already made several motions to satisfy issues 2 through 5. He opined that the council ratify all three motions that were voted on. Mayor Tourville stated that the motion would include the lighting, 10 foot setback and classification of owner renter and storage.

Motion by Piekarski Krech, second Mueller to ratify the three motions that were made.
Ayes: 5
Nays: 0 Motion carried.

Councilmember Hark asked council to direct staff to review the zoning district specifically I-2 and after B-3. Mayor Tourville stated that staff would bring the matter to the council at a workshop then after the workshop the item would go the Planning Commission for review. Councilmember Bartolomew would like the communication between staff and potential applicants to be reviewed at a workshop.

Motion by Hark, second Bartholomew to direct staff to review I-2 uses and bring back the uses to the council with a list of suggested conditional uses to change from unpermitted to permitted uses along with council review the major site plan review process.
Ayes: 5
Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider Amendment to the Zoning Ordinance regarding Front Yard Parking Requirements.

Mr. Linked presented the amendment to the zoning ordinance in regards to the R-1 zoning district specifically the sewer lots. There are two exceptions to the ordinance. The first exception, is the months of November – April, when the snow plowing ordinance is enforced. The current ordinance allows 7 days to park temporarily in the front yard. This occurred at the public hearing at a Planning Commission when several residents testified. Staff recommends we get rid of the temporary seven (7) day parking. Staff is unable to show evidence of someone parking on grass for longer than 7 days. Councilmember Mueller felt that the intent was for those with no parking roads to be allowed to park on the grass during the winter months. Councilmember Piekarski Krech stated she didn't intend an RV to be stored in the yard during the winter months. The intent was to get rid of trailers, RV and recreational vehicles but not to park in the front yard. Mayor Tourville stated that the council and police have received complaints regarding the problems with enforcement.

On street parking is a different issue then the front yard seven (7) day parking. Council instructed that staff look at changing the ordinance. Mr. Kuntz asked the council to identify the issues and clarify what is a recreational vehicle. Mr. Kuntz believes follow-up questions will be necessary to help define the ordinance. Council directed staff to return with a draft ordinance for further discussion.

FIRE DEPARTMENT:

F. CITY OF INVER GROVE HEIGHTS; Consider Approval of the Fire Operations Supervisor Job Description and Compensation and Authorize to Post the Fire Operations Supervisor Position.
Ms. Thill introduced the item and discussed a summary of the new position Fire Operations Supervisor duties. Mayor Tourville asked that the applicant be required to be (7) seven minutes of a fire station and/or city hall. Ms. Thill commented that this requirements of fifteen (15) minutes was the same as the Assistant Fire Chief but she doesn't have an issue in changing the requirement to (7) seven minutes from the fire station and/or city hall. This position will be a paid on call and would receive a retirement credit.

Motion by Piekarski Krech, second Mueller to approve the Fire Operations Supervisor Position.

Ayes: 5
Nays: 0 Motion carried.

ADMINISTRATION:

G. CITY OF INVER GROVE HEIGHTS; Consider the Third and Final Reading of Ordinance Amendment to Ordinance 5-6-1to Amend the Language and to consider changes to the Bow Hunting Area Map.
Ms. Calvert, Government City Intern introduced the third and final reading of the Bow Hunting Ordinance and map.

Motion by Bartholomew, second Hark to approve the third and final reading of 5-6-1 ordinance including the Bow Hunting Area Map.
Ayes: 5

Nays: 0 Motion carried.

H. CITY OF INVER GROVE HEIGHTS; Charitable Gambling Premise
Mr. Lynch presented on the charitable gambling ordinance, there was going to be a third reading of the ordinance amendment however applicant withdrew their application for a third gambling premise at the on on-sale liquor license holder. No comments have been received from gambling premises. Mr. Lynch asked if the council would like have the third reading for the ordinance change. Council agreed to withdrawal the third reading of the ordinance for the Charitable Gambling ordinance.

8. MAYOR & COUNCIL COMMENTS:

Mayor Tourville stated the Inver Grove Heights Days dates are Thursday through Sunday, Sept 10, 11, 12 and 13.

Mayor Tourville asked for a motion to accept an email from Mr. Pike to the council.
Motion by Piekarski Krech, second Hark to accept the email.
Ayes: 5
Nays: 0 Motion carried.

9. EXECUTIVE SESSION:
CITY OF INVER GROVE HEIGHTS: Acquisition of Doffing Avenue Property.
Council motioned for the executive session.

10. ADJOURN: Motion by Mueller, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 10:45p.m.