

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, SEPTEMBER 28, 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, September 28, 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, City Clerk Tesser, Parks and Recreation Director Carlson, Finance Director Smith, Public Works Director Thureen, Police Chief Stanger and Fire Chief Thill.

3. PRESENTATIONS:

4. CONSENT AGENDA:

- A. (i) Minutes of July 27, 2015 Regular City Council Meeting
(ii) Minutes of September 8, 2015 Work Session Meeting
- B. Resolution No. 15-144 Approving Disbursements for Period Ending September 22, 2015
- C. Consider Appointment of Paul Rank as the Fire Operations Supervisor for the City of Inver Grove Heights
- D. Consider Pay Voucher No. 5 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
- E. Consider Change Order No. 2 and Pay Voucher No. 4 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
- F. Consider Resolution 15-145 Authorizing Preparation of Amendment No. 5 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. 2015-16 – Northwest Area Trunk Utility Improvements, Argenta District (Blackstone Ridge/Argenta Trail Alignments) and Accepting the Final Feasibility Study for City Project No. 2015-16
- G. Consider Resolution 15-146 Receiving the Final Feasibility Study for City Project No. 2015-12 – NWA Trunk Watermain Improvements, 65th Street Loop (Argenta Trail to Babcock Trail), Amendment No. 4 to the Feasibility Study for City Project No. 2014-13 - NWA Trunk Utility Improvements - Argenta District (70th Street Lift Station to Blackstone Ridge Development), and Setting a Public Hearing for City Project No. 2015-12
- H. Accept Revised Proposal from American Engineering Testing, Inc. (AET, Inc.) for Phase 1 Environmental Site Assessments for City Project No. 2014-11 – Argenta Trail
- I. Consider Resolution 15-147 Accepting Proposal IPO No. 26 for Engineering Services from Kimley-Horn & Associates, Inc. for Preparation of the Feasibility Report and Other Engineering Services for City Project No. 2016-09D – 60th Street Area Reconstruction.

J. Accept Proposal from NAC Mechanical & Electrical Services for Revisions to the City's Two Water System Emergency Generators to Meet EPA Emissions Standards

K. Accept Proposal and Award Project for Cured-in-Place Pipe Sewer Lining

L. Personnel Actions

Motion by Bartholomew, second by Hark, to approve the Consent Agenda. Item 4.(C) was pulled by Mr. Lynch to add the waiver agreement.

Ayes: 5

Nays: 0 Motion carried.

Mr. Lynch discussed with the council that 4.(C) was removed from the consent to add the waiver agreement of new employee, Paul Rank. Paul Rank was an on-call firefighter in becoming a full-time employee they need to waive the right to be compensated if and when they respond to fire or emergency calls. The agreement has been signed by the employee. Mr. Lynch asked that the council accept the item and include the waiver agreement. The council will be emailed the waiver agreement.

Motion by Piekarski Krech, second by Mueller, to approve the Consent Item 4.(C) with waiver agreement.

Ayes: 5

Nays: 0 Motion carried.

5. **PUBLIC COMMENT:** None.

6. **PUBLIC HEARINGS:** None.

7. **REGULAR AGENDA:**

FINANCE

A. CITY OF INVER GROVE HEIGHTS: Consider Resolutions Adopting the Proposed Tax Levy for 2016, Adopting the Proposed 2016 Budgets, Adopting the Proposed Watershed Management Taxing Districts' Tax Levies for 2016, and Set the Date and Time for the Regularly Scheduled Meeting where the Budget will be Discussed.

Finance Director Kristi Smith, introduced the item and gave a brief background of the preliminary budget. Also, Ms. Smith provided the council with a list of questions from Councilmember Bartholomew and the answers provided by staff. Ms. Smith asked the council to review them at a later time. Ms. Smith stated that staff asked for the council to approve the resolutions related to the proposed 2016 budget and tax levies and also set the date and time for the regularly scheduled budget meeting. This is required and must be submitted to the County before September 30, 2015. Once the preliminary levy is set it is only allowed to go down and not up. Ms. Smith stated that once certified the proposed base budget with additions result is a 3.55% increase of the tax rate and a 10.76% to the tax levy. Ms. Smith opined that the taxable market rate are up for the second year which is good news. Further, she stated that the general fund budget does rely on the Community Host Fund transfer. Ms. Smith explained

that staff is dedicated to reducing the reliance on that fund and other funds as they are not sustainable long-term. The second page of the council memo described the proposed increase which is approximately \$1.7 million. She went further into the breakdown of that amount including the debt service levy of approximately \$650,000 and the exhibits provided to the council.

Ms. Smith asked for the following from the Council:

1. **Resolution 15-148** approval of resolution of adopting proposed tax levy for 2016
2. **Resolution 15-149** adopting the Proposed 2016 Budgets
3. **Resolution 15-150** adopting the Proposed Watershed Management Taxing Districts' Tax Levies for 2016
4. Set the date and time for the regularly scheduled meeting for final approval of the budget

Councilmember Bartholomew commented that the additions to the budget are actually \$561,000 not \$441,000. Ms. Smith stated correct, that the \$441,000 is to the tax levy, she further added that expenditures breakdown at Exhibit F indicates the differences.

Councilmember Piekarski Krech asked Ms. Smith for the county and school district tax rate so that the Council can look at what the city's tax rate will look like to a resident. Ms. Smith commented that she will provide that information to the council once it's received.

Councilmember Hark asked staff to post a clear explanation of the difference of what is a tax rate and tax levy on the city's website and other media outlets. Ms. Smith will work with staff and get out the information. Mayor Tourville commented on the past issues with communicating the difference between the tax rate and tax levy to the media. Ms. Smith stated she will put the full preliminary budget on the website.

Mayor Tourville declared that the preliminary budget can be lowered but cannot go higher.

The Council set the regularly scheduled meeting on Monday, December 14, 2015 at 7:00 p.m.

Motion by Bartholomew, second by Hark, to approve Resolutions 1 through 4. The council set the budget hearing on Monday, December 14, 2015 at 7:00 P.M.

Ayes: 5

Nays: 0 Motion carried.

COMMUNITY DEVELOPMENT:

B. ATHLOS ACADEMIES; Consider the following requests for property located at 9725 South Robert Trail:

- a) **Resolution 15-151 relating to a Comprehensive Plan Amendment to change the land use designation of the property from LI, Light Industrial to P/I, Public Institutional**
- b) **An Ordinance Rezoning the property from I-1, Limited Industry to P, Institutional**

Mayor Tourville introduced the item and commented that the decision on item 7B. creates the decision on item 7C. as moot and item 7D. for denial.

City Attorney, Tim Kuntz instructed the council that if the first item 7B does not pass then item 7C becomes moot. The council will then need to determine that item 7D is denied. He commented that there's a counter resolution in the site plan that indicates the specifics. Therefore, there needs to be action by the council on item 7D. Item 7B the Resolution relating to a Comprehensive Plan Amendment requires a 4/5 vote to change the land use designation. Furthermore that 4/5 must be met to change the Comprehensive Plan Amendment.

Mr. Link introduced the item and briefly summarized the future plan proposal for the property similar to that of the July 27, 2015 Council meeting where the item was discussed in detail. Further, he described the payment in lieu of taxes and traffic safety discussion that took place on September 14, 2015. Mr. Link stated that the proposal is to change the property from industrial to institutional. The property is 19 acres in size. The industrial building would have to be removed and the new building would be a two-story 90,000 square foot building. The use would be a charter school. Mr. Link further discussed the traffic safety issues and discussed the traffic safety study that was conducted and indicated that the intersection for enter and leaving the school was poor but there are mitigating solutions including changing the traffic signal timing at Diffley and Robert Trail, installing adversary signage, providing to outboard right and left turn lanes and possibly police officers during peak hours. Mr. Link discussed additional MnDOT recommendations. Mr. Link further added that the issue with rezoning is land use. Mr. Link stated that staff is recommending denial of the application to keep the land designated as industrial for reasons of expanding the tax bases, future employment and providing goods and services to the community.

Mr. Link stated that the Planning Commission is recommending approval because of the long-term vacancy of the building, creation of jobs from the school and that it's an appropriate use of the land.

The applicant's attorney, Paul Rogosheske summarized the council's direction and benefits of the charter school at 9725 South Robert Trail. He introduced Mike Ostertag as the Executor of Mr. Miller's estate located at 9725 South Robert Trail. Mr. Ostertag gave the history on the prior business and land use. Mr. Ostertag explained Mr. Miller's intentions for the property including the plan of ridding the property of the building that currently exists to make the land more sellable.

Board member and founder, Claude Alliaire, 5975 Blackberry Trail, presented and expanded on how a charter school would benefit the community. Mr. Alliaire discussed the relationship between the charter school and Athlos Academies located in Boise, Idaho. He further added that an indoor sports facility would be brought to the community and the agreement put forward to the council for the use of the facility during the summer months for programming at no cost to the city. He stated that 100 jobs would be created and that the school would bring more parents into Inver Grove Heights to shop at Inver Grove Heights' businesses.

Jennifer Garrity, 8511 National Ave Ostego, MN 55330. Ms. Garrity introduced herself as the Principal of Athlos Leadership Academies in Brooklyn Park, MN. She stated that the school started in 1994. The school partnered with Athlos in 2013. She added that the school went from 180 students to 1,085 students in one year. Ms. Garrity discussed the positives of partnering with Athlos and their role in the development of their students.

The City Clerk accepted the Petition and email by David Langer.

Motion by Piekarski Krech, second by Hark, to accept the Petition and emailed by David Langer's email.

Ayes: 5

Nays: 0

Motion carried.

The applicant's attorney, Paul Rogosheske discussed the benefits package presented to the council. Councilmember Piekarski Krech asked about the state funding and the revenue stream. Paul Rogosheske responded that the revenue stream is dependent on the number of children attending the school.

Councilmember Bartholomew confirmed the school's capacity at 1,148 and that school population projection for the third year. Claude Alliaire concurred. Councilmember Bartholomew asked Mr. Rogosheske why the fiscal disparities portion was not discussed in the offer. Mr. Rogosheske stated that he believes with fiscal disparities the city is getting \$20-30,000. He raised the question on whether this amount would stay the same if the land doesn't sell. Further Mr. Rogosheske added that the city is getting the amount of taxes that the city would be losing. Councilmember Bartholomew stated that fiscal disparities is a real number and that the city is a net contributor. Councilmember Bartholomew stated fiscal disparities effects the city's net payoff and net receive. Mr. Rogosheske opined that industrial or commercial is not a viable option for the location. He added his opinion on the value and benefit of the charter school. Councilmember Bartholmew discussed the city's limited amount of industrial property and that once it goes away it can't be replenished.

Councilmember Hark asked procedurally what happens when a property goes into tax forfeiture. Mr. Kuntz, City Attorney provided that if the land owner doesn't pay taxes, the land would have a judgment rendered for the property for the taxes. Than a three year process starts with various notices to deal with that forfeiture, it's typical that in year five (5) the forfeiture is complete. After the forfeiture is complete the state will be designated as conservation or non conservation and allow a public use. If there is a tax use then the public body could take it as a public use and the property becomes exempted. If on the other hand there isn't a public body for a public use then in its current state it is offered at the appraised value. If no one buys the property at its appraised value then the property can be auctioned but the special assessment must be paid first.

Mayor Tourville asked City Attorney Kuntz to outline the agreement. Mr. Kuntz presented the agreement. He stated there are two agreements the first one is payment in lieu of taxes. The applicant states at or before the time of any issuance of building permits the applicant would provide \$150,000 to the City. In addition to the \$150,000, Athlos shall pay the City the sum of \$15,000 on June 1st of each year for thirty (30) years beginning June 1, 2017 and ending June 1, 2046. Mr. Kuntz stated that it's understood that in the calendar year of 2016 the taxes would still be payable similar to the tax payment on 2015 because the property would still have a non-tax exempt status. The agreement provides that in respect to the revenue stream of \$15,000 per year for 30 years Athlos can come forth and pay the entire sum of the value using a discount

factor as calculated in present value of 2.5%. Mr. Kuntz stated that the other part of the agreement is that Athlos will also sign a lease agreement for use of some of their facility further in the agreement Athlos agrees to make the improvements in transportation from the state or the city and that the cost will not be paid for by the city or the state. Mr. Kuntz stated that there is a provision to the extent that if taxes are still payable in 2017 then the payment of \$15,000 will not begin until June 1, 2018. Mr. Kuntz added that with respect of the lease agreement, it's a 25 year lease, Athlos leases to the building referred as the field house facility, all turf and includes gymnasium and includes the outside facility. Athlos is responsible for maintenance and the city will provide liability insurance. At the end of 25 year the lease ends. The Board of Director of Athlos approved both agreements.

Councilmember Bartholomew asked if staff would find the use of the facilities helpful and of need. City Administrator, Joe Lynch stated that any time the city can use a space for free including free of maintenance it is of benefit to the city. City Attorney Kuntz clarified to the council that the facility agreement is only for the summer months which starts the week after school closes and ends the week before school starts. Councilmember Hark asked if the city could rent the facility out to IGH Heat. Mr. Kuntz stated that the city would have to get permission from Athlos first. Councilmember Hark asked the applicant if he would entertain such an agreement. The applicants were in agreement.

Claude Alliaire presented on the fiscal disparities question that was raised by Councilmember Bartholomew. He stated that as a publicly funded school they have limited resources and could not find additional funds to offset the fiscal disparities piece. Councilmember Bartholomew thanked him for his explanation.

Mayor Tourville clarified that the \$150,000 up front does not cover the building permits fees. Claude Alliaire concurred. Mayor Tourville opened up the item to the public for comment.

Patrick Schneider, 5929 Asher Ave. commented in support of the charter school.

Eric Johnson, 5 High Road. commented in support of the charter school.

Steve Riveria 2195 167th E. commented in support of the charter school.

Jack Skoog, 4545 Pine Lane, Eagan, MN commented in support of the charter school.

Charlie Mahovich, 7560 Bowman Court North commented in support of the charter school.

Mayor Tourville summarized the agreement that was in front of the council. He also spoke regarding the traffic and safety measures that are required for South Robert. Mayor Tourville directed council to make a motion and reminded the council that a change in land use would need a 4/5 vote.

Councilmember Hark opined that he felt the agreement was pretty good. Councilmember Hark discussed his fear of tax forfeiture and receiving no taxes for five (5) years. Further he felt like progress has been made with the traffic and safety issues and that they will get worked out. Further he opined that the city is going to be glad to have the use of the facility down the road.

Councilmember Bartholomew summarized the agreement and the financial and facility rental benefit.

Councilmember Piekarski Krech stated that PILOT agreement means nothing to her because we are basically paying ourselves. She opined that the site is not an appropriate site for the school especially because of the safety and traffic issues. Further, she didn't feel that with addition of the school that shopping would increase at Target because of additional school employees and parents. Finally, she opined that she could not support the agreement because of the safety of children.

Councilmember Mueller stated he doesn't want to down zone the property.

Mayor Tourville opined that he sees the school as a tremendous opportunity for Inver Grove Heights. He shared his opinion on the importance of traffic and safety. He opined that the improvements will be over \$1million dollars and how the school would benefit the community. He stated his support for the proposal.

Motion by Hark second by Tourville, to approve the Comprehensive Plan Amendment to rezone the designation for the property from LI, Light Industrial to P/I , Public Institutional.

Ayes: 3 Tourville, Hark and Bartholomew

Nays: 2 Piekarski Krech and Mueller

Motion failed.

Denial:

Mr. Kuntz stated that the motion was to approve the Comprehensive Plan to rezone which required a 4/5 vote. 3 were for the motion and 2 were against the motion so the motion fails. Mr. Kuntz summarized the state statute in regards to this type of motion. He stated that the votes of denial must be stated on the record for opposition which would become the reasons for denial. He suggested that Councilmember Piekarski Krech and Mueller look at the resolution which stated the reasons of denial and they could expand or add to said reasons.

Attorney Kuntz read out loud the Resolution Exhibit A. Councilmember Piekarski Krech stated she agreed with the following items:

Page 1 of the Resolution Denying a Comprehensive Plan Amendment:

Whereas, the city council reviewed the request to change the Comprehensive Plan and rezoning and did not find the request to be consistent with the surrounding neighborhood.

Whereas the requested rezoning would not be in the best interest of the physical development of the City and it would not be consistent with the comprehensive plan.

Page 2 of the Resolution Denying a Comprehensive Plan Amendment:

2. The site has access to a state highway which is desirable for industrial land use but

undesirable for the school use.

5. The requested rezoning would not be in the best interest of the physical development of the city and it would not be consistent with comprehensive plan.

6. The traffic study done by Spack Consulting dated August 11, 2015 demonstrates unsafe access onto South Robert during peak times for the proposed use.

Councilmember Mueller stated he agreed with the following:

Page 2 of the Resolution Denying a Comprehensive Plan Amendment:

2. The site has access to a state highway which is desirable for industrial land use but undesirable for the school use.

3. It is the City's desire to retain industrial tax base as one of the guiding principles of the comprehensive plan is to preserve its fiscal integrity by maintaining a well balanced tax base.

4. The existing industrial zoning and land use provides opportunities for new industrial development, expansion of existing uses, and the redevelopment of existing industrial uses to expand employment opportunities and to serve existing businesses in the community.

Mr. Kuntz stated that in the findings these will be the reasons for denial and then those in opposition have a record of what their reasons were for denial.

C. ATHLOS ACADEMIES;

Consider an agreement for Payment in Lieu of Taxes between the City of Inver Grove Heights and Athlos Preparatory Academy; together with Lease Agreement between the City of Inver Grove Heights and Athlos Preparatory Academy.

This item is moot.

D. THE CHARTER SCHOOL FUND (ATHLOS ACADEMIES); Consider a Resolution 15-152 relating to a Major Site Plan Review for the construction of a 90,000 gross square foot school building along with other property improvements for property located at 9725 South Robert Trail.

Mr. Kuntz asked the council to make a motion in regards to Item D. Mayor Tourville asked the Council to make a motion.

Motion by Piekarski Krech second by Mueller, to deny the major site plan review for construction of a 90,000 gross square foot building.

Ayes: 5

Nays: 0 Motion passed.

E. HEMANT BHAKTA; Consider the following requests for property located at the SW corner of 54th Street and Alta Avenue:

- a) **An Ordinance 1301 rezoning the property from B-2, Neighborhood Business to B-3, General Business**
- b) **A Resolution 15-153 relating to a Comprehensive Plan Amendment to change the land use designation from NC, Neighborhood Commercial to CC, Community Commercial**

Mr. Link presented the item on the property located at the SW Corner of 54th Street and Alta Avenue. The proposal is to construct a 75-85 room extended stay hotel. The resolution would be to change the land use designation from NC, Neighborhood Commercial to CC, Community Commercial and rezoning the property from B-2 Neighborhood Business to B-3 General Business which would allow the hotel business in that land use. The change for designation from NC Neighborhood Commercial to Community Commercial is consistent with the Comprehensive Plan. The business would serve Inver Grove Heights and surrounding communities. It's consistent with the land uses. Staff and the Planning Commission recommend approval of the comprehensive plan amendment and rezoning.

Mr. Bhakta presented to the council, he discussed the desire for building the hotel. He stated he currently owns five hotels. Hotels are in Hastings, New Prague and two other locations to Wisconsin. He stated it will be an extended stay because of its location and it was recommended by a study that a consultant conducted.

Mayor Tourville opened the item to the public for comment. Robert Bonohom, 3512 E. Burnsville Parkway. Mr. Bonohom stated he was a commercial banker and presented to the council on Mr. Bhakta's character and good business sense.

Mr. Link noted that the applicant would need to make an application for site plan approval so this item will go back through the Planning Commission. He stated the city will see the site plan approval with the specific details of the development.

Mayor Tourville asked Mr. Bhakta for the addresses of the other hotel locations when they see him in the future.

Motion by Piekarski Krech second by Bartholomew to approve to rezoning of the property and change of land use designation.

Ayes: 5

Nays: 0 Motion passed.

F. JIM DEANOVIC-BLACKSTONE RIDGE/BLACKSTONE HIGHLANDS; Consider Resolution 15-154 relating to allowing transfer of Northwest Area connection fee credits to the future Blackstone Highlands plat.

Allan Hunting, City Planner introduced the item. He stated that Mr. Deanovic would like to use the three credits left over from the Blackstone development and carry them forward to the proposed future Blackstone Highlands. The original Blackstone plat calculation from Resolution

14-193 established criteria to calculate credits for the approximate \$601,000 shortage in fees. The criteria stated in the resolution had three categories; the first category was the land given to tie city for the needed lift station at 70th. The second category is the city looked at and gave credit of 25%, the third was that land was given for the regional county trail. All of these developments provided benefits to the city. Mr. Hunting stated that the three plats covered the \$601,000 and we still had the \$354,000 credit. Mr. Deanovic would like to take that credit and carry it forward to Blackstone Highlands. The Highlands plat as proposed in the current classification meets MDR, Median Density Residential. The financial assumptions for the Northwest Area assumed 73 units for this property.

The applicant is applying for a comprehensive plan amendment to change the land use density to a lesser density LDR, Low Density Residential. The plat contains 39 lots. Mr. Hunting stated that means the calculation is 34 lots less. So the proposed Blackstone Highlands plat would generate approximately \$364,000 less in fees than projected. There is \$10,000 still left on the table. Mr. Hunting discussed the ongoing benefits including 71st Street utility extension with a road right-of-way. Mr. Hunting stated that without the right-of-way, the city would have to obtain easements.

Mr. Hunting indicated to the council that Blackstone Ridge provides for ponding areas for the future Argenta Trail. He stated that it is uncertain how much ponding area is needed, we assume that with the negotiations between the county and Mr. Deanovic we would be paying Mr. Deanovic for the ponding area for Argenta Trail. Mr. Hunting explained that the numbers could change and become less of a credit.

Mr. Hunting explained that there will be a clause that would not continue the credits going forward. Mr. Hunting stated that if the council determines that there is benefit to the Northwest Area to allow the credit generated in the three plats to be carried over to cover the shortfall in fees generated in the Blackstone Heights plat, then the attached Resolution provides for this credit application. The Resolution also addressed the open space questions.

Mayor Tourville asked staff if we need to change the original agreement. Mr. Kuntz stated that on November 10, 2014 when the original agreement was approved for the plats, Highland wasn't on the radar. So if you don't pass the Resolution then the exercise we need on November 10th would end. He stated that those credits don't have a dollar value. It was meant for the connection fee shortage. Mr. Deanovic is saying that the density now has changed and he is going through the exercise of dealing with the shortage.

Jim Deanovic was present and discussed that they are trying to utilize the credit because it was lost.

Mayor Tourville asked if the issue is whether the city should look at this as a credit or advantage that makes sense in allowing the development to go forward. City Attorney, Mr. Kuntz concurred that it was the issue.

Councilmember Bartholomew stated that there are things we need to consider. The developer came through and we were in a delicate situation with Argenta Trail. There was good will by Mr.

Deanovic by allowing Argenta Trail to be on Mr. Deanovic's property, thus, the need to generate credit. Councilmember Bartholomew stated that this is another piece of the puzzle. He stated that Mr. Deanovic will be giving us the right-of-way for 71st Street and it's appropriate to use the credits for Blackstone Highland as well.

Mayor Tourville summarized the benefits of the plat and the importance of getting rooftops built.

Motion by Piekarski Krech, second by Mueller, to approve the Resolution to allow the transfer of Northwest Area connection fee credits to the future Blackstone Highlands plat.

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

G. CITY OF INVER GROVE HEIGHTS: Consider Amending Title 3, Chapter 2, Section 5 related to Approval of Dance Hall Licenses and Repeal of Title 4, Chapter 4 of the City Code Related to Dance Hall and Cabaret Licensing

Mr. Lynch introduced this item. He stated that the ordinance is from 1974 and that the last applications received was in 2007. Mr. Lynch stated that staff would like the ordinance repealed. Further there is no current dance hall in the city. There were no groups or organization to notify them of the repeal. Mr. Lynch asked if the council would consider repealing the ordinance in one reading.

Attorney Kuntz discussed the reason for past licensing; at one time there were five dance halls in Inver Grove Heights. He state that this form of entertainment is not popular anymore.

Motion by Piekarski Krech, second by Bartholomew, to accept the repeal of the dance hall license ordinance and repeal dance hall and cabaret licensing in one reading and the repeal the dance hall license ordinance and repeal dance hall and cabaret licensing.

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Bartholomew, to accept the repeal of the dance hall license ordinance and repeal dance hall and cabaret licensing.

Ayes: 5

Nays: 0 Motion carried.

H. CITY OF INVER GROVE HEIGHTS: A Unanimous Resolution 15-155 Pursuant to Section 1-2-3 of Inver Grove Heights City Code Authorizing Consideration and Passage at One Reading of the following ordinance. An Ordinance 1303 Amending Inver Grove Heights City Code Section 5-6-1 (D)(2)(a) Related to Use of Bows and Arrows

Mr. Lynch introduced the item and gave a brief summary on the issue. Mr. Lynch indicated this issue was before the council on September 14, 2015 for the exception and rejections of the bow hunting applications. At that time, the Council identified alternative language they wanted to use in the ordinance. Mr. Lynch read Ordinance 1303 Amending Inver Grove Heights City Code Section 5-6-1 (D)(2)(a) Related to Use of Bows and Arrows.

Mr. Lynch stated that the language change would allow the two applicants to be able to hunt on the properties as they applied for. The council's intent was to allow the amendment to be read in one reading.

Councilmember Mueller asked when the effective date would be. City Attorney, Mr. Kuntz stated after the publication of the Bow Hunting Ordinance it would be (5) five days out.

Motion by Piekarski Krech, second by Mueller, to allow the ordinance to be in one reading instead of the three readings.

Ayes: 5

Nays: 0 Motion carried.

Motion by Bartholomew, second by Hark, to accept the resolution City Code Section 5-6-1 (D)(2)(a) Related to Use of Bows and Arrows

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Mayor Tourville discussed the work session on October 5, 2015 and the emergency management meeting on October 6, 2015; both meetings are at 6:00pm.

Mayor Tourville mentioned the Simley win over Sibley High School in football.

9. EXECUTIVE SESSION:

CITY OF INVER GROVE HEIGHTS: Executive Session Pursuant to Minn. Stat. § 13D.05, Subd. 3

Discuss Status Update Relating to Negotiations with Lawrence and Linda Flannery and Glenlin Properties, LLC related to Easements Required for Project 2015-13

Motion by Piekarski Krech, second Bartholomew to go into the executive session.

Ayes: 5

Nays: 0 Motion carried.

10. **ADJOURN:** Motion by Piekarski Krech, second by Bartholomew to adjourn. The meeting was adjourned by a unanimous vote at 10:07 P.M.