

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JUNE 13, 2016- 8150 BARBARA AVENUE**

1. CALL TO ORDER and 2. ROLL CALL

The City Council of Inver Grove Heights met in regular session on Monday, June 13, 2016, 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 and Fire Chief Thill.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

- A. i. Minutes of May 9, 2016 Council Meeting
- ii. Minutes of May 16, 2016 Special Meeting
- iii. Minutes of May 23, 2016 Council Meeting
- B. Resolution Approving Disbursements for Period Ending June 8, 2016 **Resolution 16-103**
- C. Consider Approval of Subscription transfer Consent Amendment and Estopple Agreement with New Energy Equity LLC
- D. Consider Approval of Additional Outdoor Storage Location **Resolution 16-104**
- E. Consider Approval of Joint Powers Agreement with Dakota County for the Mendota/Lebanon Regional trail in the Blackstone Pond Phase I Subdivision
- F. Consider Pay Request #1 for the VMCC Roofing Project- City Project 2016-14
- G. Consider Repair of Tennis Courts/Basketball Courts
- H. Set Special Meeting on August 29, 2016 at 7:00pm
- I. Approval of Liquor License Extension King of Diamonds
- J. Approval of St. Patrick's On Sale Temporary Liquor License
- K. Approval of Massage Therapist License at Salon Fusion, 3105 65th Street E.
- L. Resolution **16-105** to Designate Deputy Clerks for Elections
- M. Municipal State Aid Street System Adjustments **Resolution 16-106**
- N. Approve Storm Water Facilities Maintenance Agreement for an Infiltration Basin to be built at Inver Hills Community College
- O. Consider Proposal for Professional Services for Preparation of Regional Solicitation Application for 117th Street
- P. Authorization to execute the First Amended and Restated Joint Powers Agreement for Dakota County Domestic Preparedness Committee **Resolution 16-107**
- Q. Personnel Actions

Motion by Bartholomew, second by Hark, to approve the Consent Agenda 4.A- 4.Q. Items 4E, 4L and 4O was pulled.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Piekarski Krech pulled item 4L.

Councilmember Mueller pulled items 4E and 4O.

Councilmember Mueller asked for clarification on item 4E, which is named Consider approval of Joint Powers Agreement in regards to the Regional Trail. Councilmember Mueller asked about the pricing of the trail. Mr. Carlson, Parks and Recreation Director, responded that the prices are locked in, further he explained that the cost for the trails are not being paid by the City. He stated the City is paying the developer but will be reimbursed for all the City's expenses by the County. Mr. Carlson explained that the actual units in the field are being paid for by the Contractor. If the units of trail are 110 units and not 100 units as averaged than the county will pay for 110 units. Mr. Carlson reiterated that the City is not paying

for the construction of this trail at the end. Councilmember Mueller asked about the Phases of payment. Mr. Carlson stated after Phase 1 the Contractor will be paid.

Motion by Mueller, second by Piekarski Krech, to approve 4E.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Piekarski Krech pulled item 4L named Resolution to Designate Deputy Clerks for Elections. She explained that her issue is designating regular citizens as Deputy Clerks, she discussed the past position of Deputy Clerk and asked about the tasks the designated Deputy Clerks will have and the legal ramifications to the City.

City Administrator Mr. Lynch, responded that this designation of Deputy Clerk is limiting the duties of the position to assist in the Election process. He stated they are only assisting the City Clerk in the Primary and General Election particularly in the Absentee Election Board requirements which are required by State Law. Mr. Lynch stated that the new Election law requires the designation of Deputy Clerk and in order to comply with the new law we need to appoint these individuals to this title. Mr. Lynch discussed that this is not a Union position so the City will not be held to a Union pay amount. Mr. Lynch stated that the Resolution can be changed to a temporary status of employment.

City Attorney Mr. Kuntz, summarized the Legislature's alternative procedure for the Absentee Ballot processing which is seven days before the Election you can come into City Hall and vote and put your ballot into the machine. He discussed that there will be an influx of people voting and that the City Clerk will need staff to help with the process. Mr. Lynch went over the new law with the Council. He identified the language that states if the voting procedure is used than the process has to be done by a County Auditor, Municipal Clerk and/or a Deputy Clerk of the County Auditor or Clerk. To comply with the statute the staff will have to be designated as a Deputy Clerk. He discussed the process that cities in Dakota County are doing to comply with the new law. He stated that the staff is temporary, and is not expanding the responsibilities of the position. Mr. Kuntz suggested changes to the Resolution specifically the second paragraph to the last paragraph could be changed to state the following people are designated as Deputy Clerk for the limited purpose of serving on the Absentee Ballot board and administering Elections. This designation ceases on the end of November/ beginning of December. He commented that this would limit the position with a sunset clause.

Councilmember Piekarski Krech asked that the Resolution have "temporary" added in front of Deputy Clerk.

Mayor Tourville asked about the City's employee Carrie Isaacson. Mr. Kuntz responded that this employee is not a part of the scope of the union contract and also he pointed out that in Minnesota statute it states that Election Officials are not considered public employees. The union contract language has an exception written that states Election Officials are not public employees. Mr. Kuntz stated that if the Resolution touches on temporary and includes the sunset clauses this should eliminate issues.

Mayor Tourville asked regarding Carrie Isaacson's pay deferential for Election duties. Mr. Lynch responded that as a part of her job description 1/3 of her duties is to assist with Elections, she is paid her regular wage.

Councilmember Mueller asked whether his wife could be an election judge for the Primary Election. City Clerk Ms. Tesser, stated that his wife could be an election judge for the Primary election and that she spoke to his wife directly on the phone and relayed that information to her.

Councilmember Hark asked where the position was advertised. Mr. Lynch stated that some of these people have prior experiences working with the City in Elections.

City Attorney Mr. Kuntz, stated that there will be four changes to the Resolution and are as follows: people are designated as temporary Deputy Clerks to act as the Election Officers for the limited purposes of serving on the AB Board and administering elections, this position ceases when the Election is certified.

The Council discussed the cease of the Election of the sunset clause.

The Council discussed the selection of the AB Board candidates at length. Mr. Lynch stated that letters were sent out to Election Judges in the past to see if they had interest. City Clerk Ms. Tesser, also posted the position on the website's homepage and at Social Media outlets. Mr. Lynch stated letters were also sent out to prior Election Judges. Ms. Tesser stated she had received over 125 applicants.

The Council agreed with the changes to the Resolution as discussed. Councilmember Bartholomew asked if the Election staff will only be paid for the time worked during Elections. Mr. Lynch replied in the affirmative and added that Carrie Isaacson will be paid her normal rate of pay for assisting with Elections.

Motion by Bartholomew, second by Hark, to approve item 4L with the Council's recommended changes to the Resolution 16-105.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Mueller asked Public Works Director Mr. Thureen, whether a similar project had been done in the past for 117th Street. Mr. Thureen discussed the Auxiliary Connector study that is still ongoing, he stated it has two components; one is looking at future needs of the South West route and then the North West route over at Cliff Road to the Interchange at 52. He stated the purpose for this proposal is the existing 117th Street. He discussed that it's in need of reconstruction and he mentioned that in the future it will be responsible for more traffic in the future. He talked about the responsibility of the road being between the County and the City. He added that currently the road is designated the responsibility of the City and in conversations with the County they believe the opportunity of receiving 80% of funding for the reconstruction of the street was too great to pass up. Mr. Thureen discussed the expense of the road for future use.

Councilmember Mueller asked Mr. Thureen if a study has been completed. Mr. Thureen discussed the study briefly.

Councilmember Mueller asked what are the odds of receiving the funds. Mr. Thureen stated he doesn't know because it depends on the level of competition. Councilmember Mueller questioned the estimated hours of the contractors. Mr. Thureen stated the cost of the contractors is because of the time requirements on the project. Councilmember Mueller noted that the improvements to 117th Street and Cliff Road are due in part to Akron Ave. He asked if the monies going to the improvements will continue. Mr. Thureen replied that it's best to wait to see if the federal funding is received before the road improvements are discussed at length. He discussed the timing factor and if the funds are received along with the declaration that 117th Street is the County's responsibilities once the Auxiliary Connector Study is completed. Mr. Thureen discussed the benefits of receiving this funding for both the County and the City.

Councilmember Hark asked if the benefits of receiving the funds is using it for the future. Mr. Thureen replied in the affirmative.

Councilmember Bartholomew asked whether the grant is the City's or a jointly shared agreement between the City and the County in which the dollars can flow to that project. Mr. Thureen stated in the affirmative. Councilmember Mueller asked for staff to let the Council know about the reward deadline.

Motion by Hark, second by Bartholomew, to approve Item 4O.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

6. PUBLIC HEARINGS:

7. REGULAR AGENDA:

I. COMMUNITY DEVELOPMENT:

A. ALFRED WILLENBRING; Consider the following actions for property located at 1185 80TH Street:

- a) an Ordinance 1316 Amendment to add “contractor’s yard with outdoor storage” in the A, Agricultural Zoning District as an Interim Use.**
- b) a Resolution 16-108 relating to an Interim Use Permit to allow a contractor’s yard with outdoor storage.**

Mr. Link introduced the item. He stated the property is located on the east side of Robert Street. The Council had tabled the item at the last meeting asking for staff to review the conditions for which the interim use permit would be terminated. Staff met with the City Attorney, and came up with language and worked with the Applicant Mr. Willenbring, to review the language with him. The Applicant found the language to be acceptable. Mr. Link stated that the interim use permit would expire in five (5) years or one of the following four events would happen:

- 1. The property is sold and/or the division of the property
- 2. Development of the property
- 3. The realignment reconstruction of County Road 28 80th Street
- 4. The City or County orders sewer or water trunk or lateral lines to serve the property.

Mr. Link stated if those events happened than the interim use permit would be terminated. But in any case the interim use would terminate in five years.

Mr. Linked stated that the Planning Commission and Planning Staff approved the changes. Mr. Link stated that the Council must have a 4/5 vote from the City Council.

Alfred Willenbring, 1225 80th Street East, Mr. Willenbring stated he saw the changes to the Resolution.

Mayor Tourville stated that the changes will protect the City and the Applicant.

Motion by Mueller second Piekarski Krech to approve items 7A and 7B.

Ayes: 5

Nays: 0 Motion carried.

B. FRIEMANN COMPANIES; Consider the following actions for property located at 7535 Cloman Way:

- a) an Ordinance 1317 Amendment to Rezone the property from R-3A, Multiple Family Residential to R-2, Two-Family Residential.**
- b) a Resolution 16-109 relating to a Variance from minimum lot size and width standards in the R-2 District.**

Mr. Link discussed the item. The property is south side of 75th at the intersection of Cloman Way. He discussed the owner’s request of renovation of the building and the owner’s request for the building to become a duplex. The property is zoned R3-A which allows for a 3-4 unit building. To allow the duplex the owner is asking for the property to be rezoned to R-2 to allow a two-family residential building.

The applicant is also requesting a variance for the minimum lot size requirement to allow a duplex to be located on a lot because it’s too small to meet the requirements. Mr. Link pointed out on the map the property. Mr. Link stated that the situation is unique. The building was construction in 1961 before the City was conformed. The lot is a legal nonconforming lot. Any type of changes on the property would require a variance of the property because of its size. The owner proposes to remove some of the impervious coverage, currently its 100% paved. The applicant would like some green space for the tenants. The Planning Commission believes the changes to the building fits into the uses of the neighborhood. Staff and Planning Commission recommend approval of the application.

Brian Friemann, 7535 Cloman Way was present at the meeting.

Mayor Tourville discussed the renovations with the applicant. Mr. Link discussed the modification of the buildings to comply with the building code. The Inspection and Planning Staff will be reviewing the building plans. Mr. Link went over the plans briefly with the Council.

Councilmember Mueller asked about the fire safety of the building and set back requirements. Mr. Link discussed the area of the set back and the building being identified as nonconforming. Mr. Link suggested that the condition of the approval be to receive an approval by the Fire Marshall. Mr. Friemann stated that the church would be the access point for fire trucks. Mr. Friemann discussed the soundness of the structure of the building and his reasons for developing the property.

Motion by Piekarski Krech second Hark to approve the Ordinance Amendment and Resolution 16-109, Item 7A and 7B.

Ayes: 5
Nays: 0 Motion carried.

II. FIRE DEPARTMENT/ADMINISTRATION

C. Consider Amending First Ordinance 1318 Reading under Chiefs Powers and Duties

Fire Chief Ms Thill, asked for consideration to add “not” to code 5-1-3: Chief Powers and Duties to be approved by the Council specifically the language would be amended to add “with not more than 10 days after such suspension” instead of more than 10 days after such suspension.” Ms. Thill also asked that the amendment of the ordinance be approved in one reading.

Motion by Piekarski Krech second Bartholomew to approve suspend the rule of three readings and approve one reading of Ordinance 1318.

Ayes: 5
Nays: 0 Motion carried

Motion by Piekarski Krech second Hark to approve the Ordinance Amendment 1318.

Ayes: 5
Nays: 0 Motion carried

8. MAYOR & COUNCIL COMMENTS

Mr. Lynch reminded the Council of the Tuesday, July 12th 2016 meeting between the school district the time is noted at 6:00-7:30pm in the Council Chambers.

The Block Party is designated on August 2, 2016. Mayor Tourville gave special instructions regarding scheduling. Councilmember Piekarski Krech commented on organization efficiencies of quadrants for practicality instead of traveling all over the city.

Mr. Tourville discussed Allan Cederberg's letter in regards to the square footage of the zoning of his property. Councilmember Piekarski Krech said it depends on the zoning classification. Mr. Tourville discussed the issue of Mr. Cederberg. Mr. Thureen discussed Mr. Cederberg's zoning classification. The reality is the storm water fee map. The criteria is not based on the size of the lot. The criteria is based on the zoning classification. Mr. Thureen discussed that Mr. Cederberg have his property rezoned. Councilmember Piekarski Krech discussed not allowing spot rezoning. Councilmember Piekarski Krech discussed the storm water fee applying to the entire City and that every one contributes to the run off. Mr. Link discussed the zoning districts have a wide variety of lot sizes. That property has been designated to R-1A since 1965. Mr. Link stated it's by zoning ordinance so it's easier to administer. Mayor Tourville commented that it's not by the square footage. City Administrator Mr. Lynch, stated that staff will draft a final letter to Mr. Cederberg in regards to this subject.

9. ADJOURN: Motion by Mueller, second by Hark to adjourn. The meeting was adjourned by a unanimous vote at 8:20p.m.