

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JULY 25, 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, July 25, 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, City Engineer Kaldunski.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

A. Minutes of June 27, 2016 City Council Meeting Minutes

Minutes of July 5, 2016 Work Session Meeting Minutes

B. Resolution 16-129 Approving Disbursements for Period Ending July 20, 2016

C. Consider Pay Request #2/Change Order #1 for the VMCC Roofing Project - City Project 2016-14

D. Consider Pay Voucher No. 1 for City Project No. 2016-09D – 60th Street Area Reconstruction, City Project No. 2016-10 – 60th Street Area Utility Improvements, and City Project No. 2015-12 (Phase 1) – NWA Trunk Watermain Improvements, 65th Street Loop (Argenta Trail to Babcock Trail)

E. Consider Pay Voucher No. 9 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

F. Consider Pay Voucher No. 2 for the 2015 Capital Improvement Program, City Project No. 2015-13 – NWA Trunk Utility Improvements, Argenta District (70th Street Lift Station to Blackstone Ridge) and 2015-16 – Trunk Utilities, Argenta Trail to Blackstone Ridge

G. Approve Custom Grading Agreement and Permanent Drainage and Storm water Ponding Easement for 10280 Blair Avenue (Lot 1, Block 2, Woodland Estates)

H. Resolution 16-130 Approving Joint Powers Agreement with Dakota County for Amana Trail

I. Discontinue Canadian Goose Hunting Season

J. Personnel Actions

Mark Vann, 1660 Argenta Trail asked to pull Consent Agenda item 4I Discontinue Canadian Goose Hunting Season.

Motion by Bartholomew, second by Hark, to approve 4A through 4J excluding 4I.

Ayes: 5

Nays: 0

Mr. Lynch explained item 4I and discussed why this item was on the agenda. He explained that staff would like to discontinue early hunting season and reexamine the hunting season in 2017.

Mr. Vann, 1660 Argenta Trail stated that hunting has been beneficial in the last 12 seasons. He stated that they have been successful as ridding the city of geese in the area. He stated he confirmed with the Police Department that there have been no incidents, issues or complaints regarding geese hunting. He stated that this is a service to the City at no cost to the City. He stated hunters are charged \$20.00 for the City permit. He stated he had not heard concerns from the Police Department. He stated he is providing a service and safety issues haven't been a factor. He stated he is saving the City money. He suggested the Police come out to the hunting area to determine if there are unsafe measures occurring.

Shelley Calvert, City Government Intern stated that the City Council spoke with staff regarding this issue at the July 5th work session. She stated based on previous numbers the majority of the birds being

harvested was primarily migratory birds and not residential birds. She stated early season does not decrease the amount of geese. She stated alternative forms of goose control are safer to the public.

Councilmember Mueller asked the date of early season. City Administrator Lynch replied early September. City Administrator Lynch stated the City has allowed specific weekends and every other weekend in September. He stated complaints were received from neighboring cities in Sunfish Lake and South St. Paul. South St. Paul Police Chief contact our City's Police Chief to complain. They were concerned over safety, frequency and noise. Mr. Lynch stated that there is only one area of the City that allows for hunting currently.

Councilmember Hark asked how many permits were issued last year. Interim Police Chief Folmar stated less than 15 permits. Councilmember Bartholomew asked about a survey. City Administrator Lynch stated the survey was for deer bow hunting.

Councilmember Mueller stated that the birds that come in early are not mitigating birds. Ms. Calvert replied that statistics showed that hunting geese in the early season doesn't decrease the migrating bird population. City Administrator Lynch stated that the area of past hunting will be developed and its changing the character of the land. The area will have a Parade of Homes this fall. Staff recommends stopping the hunting of the Canadian geese. Councilmember Mueller asked the location of the current hunting area. Mr. Lynch replied and identified that the hunting area was on the east side north of Blackstone Bridge development will occur.

Mr. Vann stated that the last year's season was the first three weeks of September and one weekend at the end of the season. He stated we were not hunting throughout the season. Mr. Vann suggested that the Police Department come out and see if the shooting is unsafe since they are the expert of fire arms. Councilmember Piekarski Krech stated the Police Department said it wasn't safe. Mayor Tourville stated that the area is ace in the hole land and residents stated they didn't care if it stopped or continued.

Tom Leech, 6760 Arkansas Ave. stated he contacted Tom Foster who has control over Ace in the hole and has control of the eastern hole, he stated if the City is okay with hunting then he is okay with it. He stated there is only two years more of shooting geese. He opined that 90% of the geese shot are local. He opined that the hunters can tell they are local because of how they act compared to migrate birds. He asked to continue hunting for the next two years. He stated near his house he has decreased the size of the flocks and feels he is doing a service to his community. He discussed that he can get consent for hunting from everyone and stated if he has to get written consent he will do that. He stated that he has been servicing the City for over 12 years.

Councilmember Piekarski Krech asked the approximate time of the hunting. Mr. Leech responded day break and sunset is when they shoot. She stated that is part of the problem with the surrounding communities. The noise starts early in the weekend before people want to get up.

Jim Corey, City of Woodbury, stated that the flight patterns of the birds show that they are local. The migrate birds fly higher and are in larger flocks. They only shoot local geese. He stated they are very safe in hunting geese. The negative effect is noise. He asked that they hunt for the next two years until the development begins.

Dennis Deeb, 7079 Agnes St. He stated that the hunting noise is from the gun clubs, it's not from ace in the hole property. He stated that in October is when they hunt not the early weeks in September because the corn has not been harvested and geese won't fly down when there are still corps in the fields. He opined that is why the hunting numbers are skewed.

City Administrator Lynch stated that the area is changing and is not the same as it has been. There will be open houses in the summer. People will be traveling in the area that won't know the area. Staff is worried about safety.

Councilmember Hark stated we have to move forward, development is happening and we need to say no more hunting. The noise issue is subjective to residents.

Councilmember Bartholomew asked about the number of complaints received.

Tom Leech, 6760 Arkansas Ave stated that the constructions trucks are making more noise in the morning. This is just a little bit of shooting. He opined that the statistics of the geese received by the City are inaccurate.

Interim Police Chief Folmar discussed the statistics of Geese population. He stated that these limits have been increased to 10, water restrictions have been lifted. He asked if we are trying to protect residents or decrease the population of geese, he opined that these are two different things. Interim Police Chief Folmar stated the last year's numbers of complaints received were two but Administration also heard complaints. Councilmember Piekarski Krech opined that it could be the same person complaining.

Councilmember Mueller stated he wanted to extend the hunting one more year but not next year.

Councilmember Piekarski Krech stated Parade of Homes is in mid October. She stated that staff recommendation is to discontinue early geese season. Early geese season is in early September.

City Administrator Lynch stated that staff's intent was to discontinue all geese hunting not just the early part of the September season.

Mr. Vann 6660 Argenta Trail stated he asked for one more hunting season. He specified that the hunting times will be mid morning and late afternoon into the evening.

Councilmember Hark clarified that they are asking for one more year. Mr. Vann stated in the affirmative. Councilmember Hark stated he doesn't want the hunters to come back next year to ask for another permit. Mr. Vann agreed.

Councilmember Piekarski Krech stated she is comfortable with hunting this season and asked for the hunters to be judicious when shooting. She stated she will agree to one more year. City Administrator Lynch clarified that the early season is included in the extension of one year. The Council stated in the affirmative.

Councilmember Bartholomew asked about the Ordinance is there a setback for a hunter when hunting with a fire arm. City Administrator Lynch replied there is no setback.

City Attorney Kuntz, stated that he understands the Council is allowing hunting for this season. He asked is the Council saying that the second part of the motion is to discontinue hunting after the 2016 season. The Council unanimously agreed.

City Clerk Ms. Tesser asked if hunting would be allowed to start in September 2016 through December 2016. Councilmember Piekarski Krech stated in the affirmative.

Mayor Tourville asked staff to get confirmation from ace in the hole that hunters received permission.

Council asked for the City to communicate this information to residents, contractors and businesses.

Motion by Piekarski Krech, second by Mueller, to allow geese hunting through the 2016 season.

Ayes: 5

Nays: 0

Motion carried.

Councilmember Bartholomew brought forward the Canvass meeting schedule. The Council agreed on changing the time to 8:00a.m.

Motion by Bartholomew, second by Hark, to approve item 4G with the time change.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Stephanie Dorsher 4550 78th Street discussed a parking issue on her street, dumping garbage, storing items etc. She provided photos of the cars and activities to the Council. She brought a petition forward to the Council from her neighbors. She requested that her street be a no parking permitted street only.

Interim Police Chief stated that he did discuss the issue with the trailer homes and they are improving resident parking. He stated they are making efforts to get this completed in a timely manner.

Mayor Tourville asked about the towing companies, he asked why towing companies can use streets to tow and then pick-up trucks later. Interim Police Chief stated he believes that was an isolated issue and has been resolved.

Interim Police Chief stated that no parking restriction would push the problem to another street. Mayor Tourville asked for Ms. Dorsher to correspond with the Police Chief directly. Folmar stated he will follow up with Ms. Dorsher and the City Council.

Isaac Gimm, 4035 78th Street he stated that he thinks the issue is an internal issue. He opined that the trailer park residence will continue to park on their street since the residential lot is down the road. He stated there is no other resolution for our street than to make it no parking. Mayor Tourville discussed the difficulties that would happen if they required a permit only street.

Councilmember Bartholomew asked for staff to look into the Conditional Use Permit and see if they was regulation on the trailer home parking per city code. Mr. Link stated he will look into it but that the mobile home park was grandfathered-in however, there have been newer parts added.

Rodney Bosworth, 7818 Davidson Court, he has been a resident for 30 years. He stated east side of Concord Street has 40 cars daily. They should park on the east side of the street.

John Howe, 2345 South Oak Road, Red Wing MN is running for US Representative 2nd Congressional District, he was the former Mayor of Red Wing. He carried the bill of the left hand yellow arrow turn. He wanted to introduce himself to residents.

6. PUBLIC HEARINGS:

None.

7. REGULAR AGENDA:**I. PARKS AND RECREATION****A. Consider Formal Response from the City of Inver Grove Heights to City of South St Paul Conditional Use Permit for the South St. Paul Rod and Gun Club Expansion Project**

Mr. Carlson, Parks and Recreation Director introduced the item. He stated that staff is asking if the City Council would like to draft a letter to the City of South St. Paul regarding the expansion of the Gun Club. The club is nearly finished constructing a 25' tall berm which they plan to use for the rifle range. The shoot range does aim at Heritage Village Park/Mississippi River Regional Trail. Mr. Carlson offered the letter for the Council's consideration.

Mayor Tourville asked about his visit to the range. Mr. Carlson stated that on Friday July 15th, he toured the gun club site with the AECOM Engineering firm, who according to the owners of the club are experts in shooting facilities. The direction of the shooting will be on the north side shooting southerly towards the park. They are constructing a 25 foot berm. A best practice recommendation is 20 feet so they are constructing 5 feet more. The slope of the berm is a 3:1 and a 1:1 slop is considered best practice. The berm is designed to abate noise and collect ammunition. They are installing a number of safety features that include baffles to prevent ammunition and abate sound to move up, this is referred to a blue sky shooting. The building would be three stories. They are installing a eyebrow on the end of the range designed to catch any stray ammunition from leaving the site. The sound will be pushed upward. They also plan on building a wall. Mr. Carlson referred to the site plans if Council required more details.

Mayor Tourville stated that as a Council we can comment but we can't stop the expansion of the project.

Mr. Kuntz affirmed that statement and stated that the City of Inver Grove Heights' position would be similar to any other resident complaining.

Councilmember Bartholomew asked about the 3:1 vs. 1:1 improvement of the slope and whether it faces the gun shooter or does the shooter have the straight wall. Mr. Carlson stated the berm surrounding has a 3:1 slope on all three sides.

Councilmember Hark asked how the City heard of the expansion. Mr. Carlson stated we became aware of it because of the Conditional Use Permit (CUP) for the building. Construction of the building has not be started. Councilmember Piekarski Krech asked about Dakota County and whether they had issues with the expansion. Mr. Carlson stated internally Dakota County stated that they were supportive of the City but did but staff seemed to not want to bring it to the board level. Mr. Carlson provided photos to the Council. Councilmember Piekarski Krech expressed concern of the Mississippi regional trail. Mr. Carlson illustrated where the trail and the berm would be built. He also showed the building construction plans.

Councilmember Mueller asked about Mr. Carlson's feelings on the expansion. Mr. Carlson stated that guns will be pointed at Heritage Park and that it's unnerving. He discussed the complaints that the City will get due to the expansion. Mayor Tourville asked about the berm the City constructed in the past. Mr. Carlson stated that the City constructed in 2009 a berm and that berm was 8 feet tall. At that time the City did not know of the best practices of a berm height. The City knows now that it should have been built 12 feet tall with the 4 feet flat top and 2:1 slope.

Councilmember Hark asked if the best practices are required by the Gun Club. City Attorney Kuntz did not know the answer to the question posed.

Joe McBride, 4055 59th Street E., expressed his concern over the expansion, he stated that the 25 foot berm constructed is creating hot spots that is creating louder noises than before.

Keith Joyce, 5873 Concord Blvd expressed concerns over the noise and expansion. He appreciated the City sending a letter to South St. Paul regarding the Gun Club expansion.

Councilmember Mueller stated that sound studies have been conducted. He instructed that the residents go down to the South St. Paul gun club and get the studies.

Councilmember Mueller stated that semi automatic guns are being fired.

Mr. Joyce stated that they would like to change the language to include rifles, pistols and automatics in the letter. Councilmember Piekarski Krech was interested in sending a letter to South St. Paul. Councilmember Bartholomew asked to look at the Ordinance to see if they shall follow best practices. He supports the letter and changing the verbiage to add pistols.

Mr. Joyce asked if there is a stronger approach. Mayor Tourville stated the City Attorney Kuntz will look into other approaches. The City Council discussed possible positions.

Councilmember Piekarski Krech suggested that members of the Council be present at the meeting on August 1st.

Motion by Bartholomew second Piekarski Krech to send the letter to the Gun Club Expansion Project with changes discussed.

Ayes: 5

Nays: 0 Motion carried.

II. COMMUNITY DEVELOPMENT:

B. CALATLANTIC GROUP; Consider a Resolution 16-131 relating to a Preliminary PUD Development Plan Amendment and Final PUD for Blackstone Ponds 1st Addition. Property located north side of 70th Street at Archer Trail.

Community Development Director, Mr. Link outlined the item to the Council. He discussed the town home units and the setback be reduced from 25 feet to 15 feet. The retaining wall that was constructed is an inflation basin, it extends five feet into the yard of those six units, and the company is asking if they can move their front yard units for the set back. The Planning staff stated that the 28 feet long street to curb still has significant parking and no concerns have been expressed by the Engineering Dept. The Planning Commission has concern over precedence. They believe other options should be explored. The Planning Staff recommends approval and the Planning Commission has recommended denial.

Tracy Rush with Calatlantic Group, 7799 Anagram Drive Eden Prairie, MN. She discussed the wall and illustrated the wall on the map. She described that the wall went five (5) feet to the North. She stated to the Council that we are asking for the flexibility of one building. She stated it's constructed already, and

we would like to keep the wall. She stated by shifting it by five feet we could get the area back and we would still have the feet of the drive way. The difference is the private street is 18.5 for the driveway; we wouldn't have the place to decrease that amount. The pedestrian sidewalk is on the other street. She stated that staff looked at every scenario and that is why they are in front of the Council today.

Councilmember Piekarski Krech stated the wall was staked and the Engineers should have known. But this makes me question of that the rest of the construction is built to spec. She stated she doesn't have a problem with the exception.

The City Council agreed that they didn't want to see this happen again. Ms. Rush stated that these units are smaller and removing five (5) feet removes two bedrooms. They are designed efficiently and there is no wasted space. If they don't have a deck it would look silly.

Councilmember Hark asked that the staking be checked twice in the future. The applicant stated it will be double checked.

Motion by Hark second Piekarski Krech to approve the Resolution relating to the Preliminary PUD Development Plan Amendment.

Ayes: 5

Nays: 0 Motion carried.

C. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance to opt-out of the requirements of Minn. Statute 462.3593, subd. 9, which defines and regulates Temporary Family Health Care Dwellings.

Community Development Director, Mr. Link provided a summary of the item. The standards have to abide by setbacks and the unit limited to 300 feet. If cities don't take action then it's a permitted use. Otherwise the City has an opportunity to opt-out of the requirements. We would not allow these mobile structures. Staff, Police and Fire recommend we opt-out of this requirement.

He stated that last month the City Council approved a dwelling unit for a longer time period and it met all building, plumbing and electrical code requirements. The City Ordinance provides flexibility and safety along with confidentiality. If someone uses this structure they have to provide medical information to the City. Mr. Link stated that the accessory building unit owner doesn't have to provide medical information. The Planning Commission and Staff support opting-out of the Ordinance. This must be done by August 1, 2016. Councilmember Piekarski Krech stated that she agrees to the two readings acceptance of the Ordinance. She stated just in case there is someone out there with a pressing issue, they can still have the opportunity to bring it forward to the Council

City Attorney Mr. Kuntz stated that this is the first reading. The next meeting the Council will be asked to approve the Ordinance in the second and third reading with a unanimous vote of the reading.

Motion by Piekarski Krech second Bartholomew to approve the first reading of the opt-out ordinance.

Ayes: 5

Nays: 0 Motion carried.

III. ADMINISTRATION

D. CITY OF INVER GROVE HEIGHTS; Request for Amendment to Bow Hunting Ordinance

Michelle Calvert, Government Intern summarized the item and reviewed the Bow Hunting Ordinance to the Council.

Mayor Tourville stated that he heard the proficiency test wasn't readily accessible and it has to be scheduled. He expressed concern over hunting season starting soon. He asked about how staff is communicating to the residents. Lynch stated that residents don't know about the test because staff was waiting for the Council's decision on the Ordinance amendment. Lynch responded that residents can get this proficiency test completed at different places throughout the metro area.

Mayor Tourville expressed concern over the ability for resident's to obtain the accuracy test. Councilmember Piekarski Krech stated she doesn't have an issue with the ordinance language. Councilmember Hark stated the information could be given out to the residents in enough time. City Administrator Lynch stated that the Council could adopt the ordinance in one reading. The information has been available and the posting was done and the minutes have been available. Ms. Calvert stated that the website has been updated to reflect the possibility of a proficiency test.

Mayor Tourville expressed concern regarding the timing of the implementation of the Ordinance along with the hunting season and the length of time the proficiency test could take to schedule. City Administrator Lynch stated this is commercially available and isn't difficult to obtain and there are 11 places you can obtain testing. Ms. Calvert stated she personally called and spoke to these places and stated that proficiencies can be done on the spot. Councilmember Bartholomew asked if she spoke to the vendors, Ms. Calvert stated in the affirmative.

Councilmember Mueller stated that bow hunting permit contact information is retained by the Police Dept.

Ms. Calvert discussed communication measures that can be implemented.

Councilmember Bartholomew asked where the hunting licenses are obtained. He stated we could provide the names of these places with the permit information. City Administrator, Lynch stated we can send out information through the Chamber of Commerce. Ms. Calvert stated at the July 5, 2016 work session that the Council wanted this to be a second reading and not done in three readings. Councilmember Bartholomew stated that we should keep the information as is. Mayor Tourville stated that the complaints are going to be from hunters that want to hunt on their own property. Ms. Calvert stated that the registration can be down easily by submitting that information.

Motion by Piekarski Krech seconded by Mueller to approve the first reading of the Bow Hunting Ordinance Amendment.

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS

City Administrator Lynch asked the Council to adopt the summary of the executive session from July 11, 2016 Council meeting. Councilmember Piekarski Krech stated she didn't consider establishing a communications position. Councilmember Piekarski Krech asked to eliminate the sentence. Councilmember Hark asked to add customer service implementation. Council asked for the minutes to be brought forward again for approval.

Motion by Piekarksi Krech seconded by Hark to table the Executive Session Summary minutes to be considered at the next Council Meeting with said corrections.

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville asked that the goals be presented going forward and that it's public information.

Councilmember Hark discussed a housekeeping matter. He stated there's a change to the Minutes that was brought to his attention. The changes is from the April 9, 2016 meeting minutes to change the name of the street from Doffing Ave. to Diffley Road. Mr. Kuntz stated that the Council should make a motion to ratify that correction.

Motion by Piekarksi Krech seconded by Hark to make the minor correction to the April 9, 2016 meeting minutes from Doffing Ave to Diffley Road.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Piekarski Krech announced Night to Unite on August 2nd.

9. ADJOURN: Motion by Mueller, second by Hark to adjourn. The meeting was adjourned by a unanimous vote at 9:10 p.m.