

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, SEPTEMBER 12, 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, September 12, 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, Human Resource Manager Shefchik and Public Works Director Thureen.

3. PRESENTATIONS: Mayor Tourville asked for 10 seconds of silence for a passing of an Inver Grove Heights past Councilmember and 9/11.

4. CONSENT AGENDA:

- A. i. Approval of City Council Meeting Minutes August 8, 2016
- ii. Approval of City Council Special Meeting Minutes August 29, 2016
- B. Resolution 16-152 Approving Disbursements for Period Ending September 7, 2016
- C. Consider Pay Request #3 for the VMCC Roofing Project – City Project 2016-14
- D. Consider Approval of 55+ Adult Services Program Agreement with ISD 199
- E. Resolution 16-153 Approving Crisis Intervention Training (CIT) and Crowd Control and Management Transfer
- F. Schedule Special Meeting for Budget Discussion on September 19, 2016 at 7:00pm
- G. Schedule Special Meeting for Potential 2040 Comp Plan Consultant Candidates on September 26, 2016 at 4:00pm
- H. Approve a Resolution 16-154 requesting a two year PUD extension for the Hannah Meadows Planned Unit Development
- I. Consider Pay Voucher No. 8 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
- J. Accept Proposal from Keys Well Drilling Company for Well Pump #7 Rehabilitation
- K. Consider Resolution 16-155 Approving Agreement Relating to Landowner Driveway Improvements on Lot 2, Block 1, Schindeldecker Third Addition (1715 63rd Street E.) for City Project No. 2016-09D – 60th Street Area Reconstruction
- L. Ratification and Authorization of Agreement with Consultant to Conduct an Internal Investigation
- M. Inver Grove Storage, Case No. 16-37SC: Consider a Resolution 16-156 Approving the Improvement Agreement Storm Water Facilities Maintenance Agreement, Fire Hydrant Agreement for the Plat of Gopher Resource Addition
- N. Sarju Igh, LLC- Case No. 16-33PRC: Consider a Resolution 16-157 Approving the Improvement Agreement, Storm Water Facilities Maintenance Agreement and Related Agreements for Development of Hotel.
- O. Personnel Actions

Allan Cederberg, 1162 E. 82nd Street pulled items 4Ai- 4O and asked for presentations on all items. Mayor Tourville stated that the consent agenda items are not to be presented unless an item is pulled. Councilmember Bartholomew asked Mr. Cederberg to choose an item. Mr. Cederberg stated he wanted all items pulled and presentations done so everyone on television knows what's going on. Mayor Tourville stated all information is public and available to the public on the Friday before the meeting. Mayor Tourville stated to be fair to those residents present he asked that Mr. Cederberg wait until the end of the meeting to discuss the consent items at length.

Mr. Cederberg left the council chambers. The consent items were approved after item 6A.

**Motion by Bartholomew, second by Hark, to approve 4Ai through 4O.
Ayes: 5**

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Kelly Kayser, 1953 59th Court asked to discuss the street project and parking signs. She stated on August 11, 2016 no parking signs were installed on the round part of the cul-de-sac. The neighborhood was not notified of the no parking signs. She stated that during a meeting the Fire Marshall stated that cul-de-sac's parking was not allowed. She stated there is no city parking code that pertains to that rule. She stated staff stated they could reduce the signage to an in and out process and sited by order of the Fire Marshall. Fire Marshall Schadegg sent an email that he would review the history of parking and he cited a Fire Code in regards to the parking.

Ms. Kayser stated the Fire Marshall doesn't have the latitude to obstruct no parking on the cul-de-sac. Ms. Kayser stated that other cities do not restrict parking on cul-de-sac. She asked the council as representatives to the city that the council facilitate a meeting to resolve this issue. On October 2nd she asked for a meeting with Public Safety, Engineering, City Council and the neighborhood to discuss this at length.

Mayor Tourville stated we are not banning parking for public safety on cul-de-sacs without any discussions. Mayor Tourville asked for a meeting to be set between staff. Ms. Kayser stated the meeting wasn't scheduled yet. Mr. Thureen will help schedule the meeting.

Roxanne and Jerry Eller, 1715 63rd Street, discussed the no street parking at his cul-de-sac.

Allan Cederberg, 1162 E. 82nd Street, stated Mr. Lynch threatened to sue him and it wasn't polite. Mr. Lynch stated Mr. Cederberg claimed in a meeting that he stated the city would do everything in its power to get Councilmember Mueller reelected. Mr. Lynch stated that is completely false. Mr. Lynch stated he told Mr. Cederberg that the city wanted to make sure they got the write-in process correct legally in regards to what the names on the ballot would be accepted. He stated that if Mr. Cederberg made a claim that he would take legal action because that claim is a defamation of character. Mr. Cederberg stated that's a threat and Mr. Lynch should be replaced.

6. PUBLIC HEARINGS:

A. Liquor License Alcohol Compliance Check Failures

Ms. Tesser introduced the item. On July 20, 2016 police conducted an alcohol compliance check. Seven current liquor license holders failed. Those businesses that failed the compliance check were Applebee's, Arbor Pointe Golf Course, Drkula's, Inver Wood Golf Course, Market Liquor, Mississippi Pub and Outback. She stated all liquor license holders provided her with proof of the alcohol training except Market Liquor. She stated John Lillie, the Attorney for Mr. Zhang, is present. She stated that she sent a letter to Mr. Zhang and asked for him to provide the certificate of training and was told by him that he couldn't locate the certificate. She stated Mr. Zhang has since taken the alcohol training and provided her with the certificate.

She stated according to City code, 4-1-19, the city council shall impose civil penalties for the violations. The minimum penalty is \$750.00.

Councilmember Piekarski Krech asked if this is the first violation for the violators. Ms. Tesser responded that it is the first violation within the five years. Councilmember Bartholomew asked if that Council shall impose civil penalty. He stated the report states "may". City Attorney, Mr. Kuntz stated the ordinance that was placed at your seats states that the council "shall" impose a minimum penalty of \$750.00. The council may impose amounts above the minimum penalty.

Mr. Kuntz stated there are seven violations and that the recommendation is for the council to impose the minimum fine. There is also a second issue in regards to Market Liquor not having on file the alcohol training certificate to evident that proper training was conducted. He stated as the clerk reports it was brought to their attention and since then they have taken the training and provided the certificate. Mr. Kuntz stated legal council is present for Mr. Zhang. John Lillie, representative of Mr. Zhang stated that Mr. Zhang originally provided the certificate but then couldn't locate the certificate. He stated his client didn't know that he would have to keep and maintain the certificate. Mr. Lillie stated he provided a subsequent training certificate and is in compliance now and that he knows future employees will need to take this required test. He discussed that he is a small business owner. Mr. Lillie stated Mr. Zhang did not intentionally mean to not keep the certificate and will not do this again.

Councilmember Hark asked if Market Liquor had the training certificate in July when the check was run. Mr. Lillie stated that the owner completed the training and provided the certificate upon initial filling for his liquor license. He was supposed to maintain a copy of the certificate but he did not.

City Clerk Tesser stated that the certificate was not provided during initially filing. The form that is required by the city states that in oath that the training is completed and that the owner must maintain the certificates. She stated the certificate was not received.

Mr. Kuntz clarified that the liquor license holder does not physically provide the certificate but in the instances such as this in non-compliance they ask for evidence that the training has occurred and to show proof of the certificate. Mr. Kuntz read the city code that showed evidence to this effect.

Mayor Tourville asked stated that holders should keep the certificates to provide to the city.

Mr. Kuntz stated that there's a certificate that states all servers are in compliance and have completed the training.

Motion Piekarski Krech second Mueller to move the city to impose a minimum penalty of \$750.00 and going forward if a second violation occurs it may result in another penalty.

Ayes: 5

Nays: 0 Motion carried.

The public hearing was closed at 7:43 p.m.

Motion Piekarski Krech second Mueller to close the public hearing.

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA:

I. COMMUNITY DEVELOPMENT:

A. MEGAN & TODD PARSONS; Consider a Resolution 16-158 relating to a Variance to allow an attached garage 27 feet from the front property line whereas 30 feet is required for property located at 7175 Blake Avenue.

Mr. Link outlined the item to the council. The applicant is requesting a variance from the corner front setback requirement to allow the construction of a 22 x 13 foot garage addition. The ordinance requires a 30 foot yard setback and the setback is at 27 foot. This is a common request in this neighborhood. There

is another property to the west that has a 24 foot setback. There is considerable landscaping at the edge of the townhome development. Staff believes there is no adverse effect on the neighborhood. The Planning Commission and staff recommend approval of the request.

Applicant Michael Dupont, 7175 Blake Ave had no questions for the council.

Motion Piekarski Krech second Bartholomew to approve the variance at 7175 Blake Ave.

Ayes: 5

Nays: 0 Motion carried.

B. CASTAWAYS MARINA; Consider the following for property located at 6140 Doffing Avenue:

a) A Resolution 16-159 relating to a Conditional Use Permit Amendment to modify the location of the new storage building.

b) A Resolution 16-160 relating to a Variance to modify the previously approved five foot side yard setback.

Mr. Link outlined the item to the council. He illustrated on the map the location. The conditional use permit requires a 4/5 vote. The applicant was preparing for a building permit previously. He illustrated where the building was going to be built. Mr. Link stated that the applicant looked at the area for building but the soil is bad and some fill may be contaminated. The applicant is asking to change the lot from an east and west orientation. The building size would be the same. A five foot setback is still required. The city bought the property on the north side of the building. The building has to comply with flooding requirements because it's in the flood plain. Multiple conversations with the building officials have occurred. Staff and Planning Commission recommend approval.

Mayor Tourville asked about the discovery of the contamination of the soil and whether there is a health risk. Mr. Link stated that conversations with Dakota County Environmental Department have occurred and there is no health risk if the soil is left where it is. However, when building the new structure if soil contaminate is found they will have to pull it out.

Applicant Tom Lind, 6140 Doffing Avenue stated that moving the building saved them \$70,000-80,000 on soil correction. The applicant stated the bedrock is strong on the east and west side.

Motion Piekarski Krech second Hark to approve the a) Conditional Use Permit and b) Variance.

Ayes: 5

Nays: 0 Motion carried.

C. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of a Zoning Ordinance Amendment relating to:

a) Changes to the Major Site Plan Review and Conditional Use Permit Review amendments expanding administrative review.

b) Changes to the permitted and conditional uses in the I-2, General Industry Zoning District.

Mr. Hunting outlined the item to the Council. He discussed the first part of this is the changes to the major site plan review that would be done at the staff level. It allows administrative approval of amendments in

the I-2 district to speed up the process and reduce costs. The second amendment is about the permitted and conditional uses in I-2, he stated council reviewed the changes. He stated that the use change ordinance allows nearly all listed uses as permitted uses in the I-2 district. Mr. Hunting outlined the process it took to draft the language including a public hearing. Mr. Hunting stated that the changes were approved by the Planning Commission and Planning Staff

Councilmember Bartholomew stated that the changes have improved the process. Mayor Tourville stated that this is a big step forward for the community.

Motion Piekarski Krech second Bartholomew to approve the first reading of a zoning ordinance.

Ayes: 5

Nays: 0 Motion carried.

II. ADMINISTRATION

E. CITY OF INVER GROVE HEIGHTS; Consider Third Reading of Ordinance Amendment 5-6-1 Relating to Use of Bows and Arrows

D. Consider Bow Hunting Property Exception Requests

Ms. Calvert outlined the item to the Council with the two applicants for property exception. She stated that staff recommends denial based on the properties being outside the bow hunting area.

Rob Illetschko, 8920 89th Court E, he stated that last season he was granted an exception and able to bow hunt. He stated he was successful and harvested deer off of his property.

Mayor Tourville stated it's outside of the bow hunting area. Mayor Tourville asked about the current bow hunting area. Ms. Calvert illustrated on the map where the area is. His property is 2.6 acres. Mr. Illetschko stated he is one block away from the area. He stated his application was approved last year. Councilmember Hark asked if there were any changes with the approvals from his neighbors. Mr. Illetschko stated no.

Gary Vanderlinde, 7103 River Road, discussed his property and his archery experience. Mayor Tourville asked if he filed last year for the exception. Mr. Vanderlinde replied that he was in Canada at the time. He discussed his thoughts on the hunting proficiency. Mayor Tourville asked to identify the property. Ms. Calvert illustrated it on the map. He stated he will be shooting north. He has 10 signatures from the neighbors. Mr. Vanderlinde discussed his property and the license process at length.

Councilmember Bartholomew asked if the applicant received the authorization of all the neighbors surrounding him. Mr. Vanderlinde stated yes. Mr. Vanderlinde discussed his support for safety. Councilmember Hark discussed with Mr. Vanderlinde that next year they will discuss the proficiency again and thanked him for bringing it forward.

Mayor Tourville stated if there are complaints or issues then the council will reexamine and a request can be taken away.

Motion by Mueller second Hark to approve the bow hunting applications as exceptions to the ordinance.

Ayes: 5

Nays: 0 Motion carried.

E. Approval of Rental and Code Compliance Job Description and Compensation

Mr. Lynch outlined the item to the Council. Councilmember Mueller asked what the incumbent is doing that is new. Mr. Lynch stated that what has been added to the tasks is the housing demolitions, dangerous dogs, chicken licensing. What is a new task is the rental and housing. This responsibility would take ¼ of the time of this position. It would be a complaint driven program. This person would work in coordination with the Fire Inspections staff, Fire Marshall and Building Official. The position would report to the Community Development Director.

Councilmember Mueller asked when the software will be operating. Mr. Lynch explained that the purchase has not been made yet, but will be purchased in 2017. Councilmember Mueller stated he doesn't support the approval of the position without having the software. Mayor Tourville stated that he fully supports the position. He stated that rental licensing program will help with increasing needs of the city.

Councilmember Hark asked if this position represents an increase of \$13,000 to the budget.

Councilmember Piekarski Krech asked what is the training cost that is required for the person and what is the total impact of the budget. Mr. Lynch stated that the \$13,000 is the salary and benefits. He stated we do send staff to school for training and do that for building inspections. State law changes and we need this person to be aware of the changes.

Community Development Director, Mr. Link stated that the rental licensing program has been discussed with staff for years now. The program cost is \$41,000 per year. The council stated that the costs would be reimbursed through fees. The estimated costs are known and the fees would cover this position's increased salary. The second reading of the ordinance will go in front of the council on September 26, 2016 and the third reading would be done in October. The fees are structured to reimburse the city for the additional costs. Councilmember Piekarski Krech stated that the apartment owners complained about the fee increase. Mr. Link stated they evaluated the costs, the alternate cost projections have been calculated and we will bring that forward to the council. He stated we have two options based on research and evaluation, and we will bring that forward. She asked if current staff will know if the changes to the fees will be covered in the costs. He stated he will bring that forward to the council when the analysis is completed. Councilmember Piekarski Krech stated that staff didn't know if the salary cost would be covered in the fees. Mr. Link stated no, but they will be bringing it forward. He stated that staff can adjust the costs to cover the salary increase. He discussed that it's a policy decision of the council on whether the city will cover any of the additional salary increase. He stated that what the council will likely hear from the property owners is that the city should bear the cost of the rental program.

Mayor Tourville stated the property owners weren't against paying something. He asked if the cost is half of that amount. Mr. Link stated he didn't know. Right now they are looking at Maple Grove, based on apartment buildings, single family, plus a cost per unit. Mr. Link is working on developing the number based on those calculations. Mr. Link stated that the property owners support the ordinance but are concerned about the fees.

Councilmember Bartholomew asked why we can't wait until we know about the fees and know where the revenue stream is coming from since the position doesn't take effect until the ordinance is adopted. The adoption of the ordinance is when the fees will be finalized. Councilmember Hark asked when we will see the ordinance. Mr. Link said two weeks. Councilmember Mueller asked about the software. Mr. Link stated the software will not be up and running. Councilmember Hark stated the software implementation and the rental program do not have to be synchronized.

Councilmember Bartholomew asked to table the item to coincide with the ordinance.

Motion by Bartholomew second Piekarski Krech to table the item.

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS

Mr. Lynch discussed the Food Truck Day event.

Mayor Tourville stated there is a scheduled special meeting on the September 19th. There are interviews on September 26th at 4:00pm for the Comp Plan.

Mayor Tourville stated that the Stanley Cup is coming to the Veteran's Memorial Community Center on September 28th.

Councilmember Bartholomew stated that Alan Cederberg needs instructions on what a consent agenda means.

Councilmember Bartholomew thanks IGH staff on a fabulous job on the parade and IGH Days. Mayor Tourville stated a lot of city departments are involved.

Councilmember Mueller asked about speeding on Cahill Ave. Lynch stated staff will look into it.

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