

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, OCTOBER 10, 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, October 10, 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, and Public Works Director Thureen.

3. PRESENTATIONS: None

4. CONSENT AGENDA:

- A. Approval of City Council Meeting Minutes September 12, 2016
- B. Resolution 16-172 Approving Disbursements for Period Ending September 22, 2016
- C. Acquisition of Easements from Loch Gregor, LLC for City Project No. 2015-12 Resolution 16-173
- D. Amend Assessment Roll for 2016 Pavement Management Program, City Project No. 2016-09D – 60th Street Area Reconstruction to Reflect Credits for the Residential Driveway Restoration Program Participation Resolution 16-174
- E. Dakota County's 2017-2021 Capital Improvement Program Resolution 16-175
- F. Consider Approval of Tables and Chairs for Veterans Memorial Community Center (TABLED)
- G. Consider Appointment of Park Superintendent
- H. Consider Appointment of Park Maintenance Coordinator
- I. Resolution Appointing Additional Election Judges for the 2016 General Election Resolution 16-176
- J. Consider Approving Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies between the City of Inver Grove Heights and Office of State Court Administration Resolution 16-177
- K. Personnel Actions

Councilmember Mueller pulled item 4E and Councilmember Piekarski Krech pulled item 4F.

Motion by Bartholomew to approve the consent agenda items 4A-4D and 4G-4K, second by Councilmember Hark

Ayes: 5

Nays: 0 Motion carried.

Councilmember Mueller would like to eliminate Akron Ave. (County Road 73) from the Dakota County Capital Improvement Program. Councilmember Mueller stated he wanted to table the plan until the meeting on October 23rd. Mayor Tourville stated that the council is not committing to the projects by approving the Capital Improvement Program. Councilmember Bartholomew stated he is not in favor for the Capital Improvement Program with Akron Avenue on the plan. He stated he would likely then to vote against it. Councilmember Hark stated his sense is he believes it shouldn't be on there. He would like the meeting with the county first before approving the CIP. Mayor Tourville asked if the council would approve the CIP for County Roads 26, 28, 63 and take out County Road 73 of the plan. Councilmember Piekarski Krech said the message is the CIP should be approved without County Road 73.

The council discussed their lack of support for Akron Avenue at length.

Public Works Director Thureen stated that this assumes that the road is a county project. Right now, Akron is a county's project with no city participation, and 117th is the city's project. The county is trying to figure out how everything is going to come in to play. Mayor Tourville stated that not voting means that the city will not have any input in the county projects.

Councilmember Bartholomew stated he doesn't want the presumption that the city supports the improvements to Akron Ave. Councilmember Piekarski Krech stated she looked at the county's CIP plan and the 117th project was mentioned a couple of times along with federal monies and different classifications were mentioned, and she questioned the project time line and the project descriptions. Public Works Director Thureen stated he needed to discuss this with county staff as 117th was not in the plan he looked at. The draft plan is for 2017 through 2021. Mayor Tourville said there would be more discussions on the projects as they are being planned.

City Administrator Lynch stated the meeting is Monday, October 24th at 6:00 PM and not the 23rd. Mayor Tourville clarified it's a meeting for city discussion with city staff only. Councilmember Hark asked what the drop dead date to get this CIP approved. Thureen stated that the current schedule is set to take it to the county board in early November. It could be placed on the next council agenda for approval.

Attorney Kuntz clarified striking Akron Avenue from both locations in the CIP for approval.

Motion by Mueller, to approve the Dakota County's 2017-2021 Capital Improvement Plan without County Road 73 (Akron Avenue) second by Bartholomew to approve item 4E.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Piekarski Krech would like to table the consideration of approval of tables and chairs for Veterans Memorial Community Center.

Motion by Piekarski Krech, seconded by Bartholomew to table item 4F for more information to come.

Ayes: 5

Nays: 0 Motion carried

5. PUBLIC COMMENT:

Joe Harms, 4465 46th Street East, Owner of Mississippi Pub commented on the lack of leadership and professionalism shown by the police department. An event was held and the police department enforced a liquor license permit issue. Customers and staff had pictures taken without their permission. He has talked to staff about what happened on October 3rd and has gotten conflicting information. Mayor Tourville stated the council doesn't make any decisions during public comment. Mr. Harms stated he understands. Council asked for staff to meet with Mr. Harms and if it needs to go on a future agenda for action it will be placed on a future agenda.

6. PUBLIC HEARINGS: None

7. REGULAR AGENDA:

I. COMMUNITY DEVELOPMENT:

A. A. CITY OF INVER GROVE HEIGHTS; Consider the Third 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, Ordinance 1322.
- b) changes to the permitted and conditional uses in the I-2, General Industry Zoning District, Ordinance 1323.

Community Development Director Link stated the two zoning ordinance amendments would speed up the review processes, with less review by the council, and reduces costs for the applicant. The second amendment changes permitted and conditional uses in the I-2, General Industry Zoning District. The ordinance is identical to the first and second reading. The planning staff and commission recommends approval.

Motion by Councilmember Bartholomew seconded by Councilmember Hark to approve the third reading of an Ordinance Amending Inver Grove Heights City Code, Title 10, (Zoning Ordinance) Chapter 3A, Conditional Uses and Chapter 15J Site Plan Review to Allow Administrative Review of Amendments to Approve Conditional Use Permits and Site Plan Reviews

Ayes: 5

Nays: 0 Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Consider the Second Reading of the Rental License Ordinance.

Community Development Director Link introduced the item. The ordinance includes all rental properties including single family and town homes. All rental properties would need to get a 2-year city rental license with a fee. Owners of the rental properties must also comply with the international property maintenance code. There would be minimum standards for building maintenance, light, ventilation, pests, garbage collection, plumbing, mechanical, electrical and fire safety.

This is a reactive program and inspections would only be done upon complaint.

There would be exception to units that are already licensed and inspected by other governmental agencies such as hospitals, nursing homes, and memory care units. The first reading was passed. This program would be administered by current staff members. Further consideration of fees and investigation were asked to be reexamined by property owners. Mr. Link summarized the meetings and discussions with property owners. Minor changes were to fees and investigations from the first reading.

The license is required and the fee should be reimbursed with a fee schedule. He stated \$41,000 is the city cost of the program per year. The City Council considered a \$25 fee for the rental license that would cover the cost of the program. This fee is in the middle compared to other community rental programs. The apartment owners raised concerns regarding the larger apartment complexes. Their argument is they are professionally overseen and would have fewer complaints than single family rental homes. Mr. Link discussed the City of Maple Grove fees. The proposed fees suggested by the apartment owners would not raise enough money in fees to cover the cost of the program.

The third alternative is a variation; the single-family fee would be \$50 and would increase the revenue that would cover the program.

As far as investigations, Mr. Link discussed the previous draft of the property owners receiving a BCA background check. A criminal history background check would be required of property owners/managers. The apartment owners stated in theory that's a good idea but there are apartment complex structures including financial institutions outside of Minnesota. The city council directed staff to work with the apartment owners and come back with changes. The state's Kaskinen law requires the investigation of property managers which includes any individual with access to dwelling units. The CDA agrees with the

apartment owners' changes. They recommend the program and government owned properties should be exempt from the program.

Staff recommends approval of the second ordinance and a decision should be made regarding the investigation and rental fees. Marty McDonough from the Rental Association is present to speak if desired.

City Attorney Kuntz stated that before and after the ordinance, all owners would have criminal investigations. The opposition and complexity of investigating is an issue in some larger apartment complexes. The answer is to investigate the complex of rental units, and to get background checks on people that have access to units. Also, include any violations on business issues. The new version states that if the person is a manager (hired by owner) who has the normal course of duties and access to units, then they would provide us with background check under the Kaskinen law and the public background check provided by the BCA. The other background check is for the owner to provide a BCA public background check. He stated we believe both background checks are readily assessable and retained.

Councilmember Bartholomew asked how other communities with rental licenses handle properties with CDAs. Mr. Link stated he will look into the issue.

Councilmember Piekarski Krech asked what's the financial impact if the CDA, senior housing with memory care, etc. are not included. Mr. Link stated he didn't break those numbers out. The CDA stated their fees come out to \$6,600. Mr. Link stated maybe \$4,000 less. Mr. Link stated that the CDA wasn't removed. Councilmember Bartholomew stated he would like memory units removed as well.

Councilmember Hark asked about the single family increased fees and wanted to see if the number of complaints is normally high for single family rentals. Mr. Link stated its anecdotal; it's also a perception and he doesn't have factual numbers on it. Mr. Link stated he can research the surrounding cities data. Mr. Link suggested staff can look into that after the program begins. Councilmember Hark stated the information would be useful and if it's not we should then reexamine it. Councilmember Piekarski Krech stated we should have some information on this. Councilmember Piekarski Krech stated we should have the complaints and where they're generated from. Mr. Link stated staff didn't track those complaints because they were not violations in the code. Mr. Link stated we have general complaints but we don't have hard data on the complaints. Councilmember Hark stated we would have those complaint numbers in a year. Mayor Tourville stated the complaints will be tracked.

Mayor Tourville stated we should have property owners' information on rental properties. The big managed units could say there is less problems of plumbing issues etc. because otherwise they would not stay in business.

Lucien Bell Solefack, 9202 Tyne Lane, discussed his support of homeowners and an increase in the fees would affect homeowners. The homeowners would consider selling rather than renting their property.

Motion by Councilmember Bartholomew to accept the second reading with more information to be provided for fees and other information by Mr. Link for the third reading, and to accept the letter from Marty McDonough, Multi Housing Association, seconded by Councilmember Mueller.

Councilmember Hark asked about Councilmember Bartholomew's motion if he was moving to one of the alternatives. Councilmember Bartholomew stated more discussion is need for the three alternatives or something else.

Mr. Link stated he would research whether fees would be by resolution or ordinance.

Ayes: 5

Nays: 0 Motion carried.

II. ADMINISTRATION

C. Consider Third Reading of Ordinance 1324 Amending Section 8-2-2 through 8-2-5 Trash Collection

Ms. Calvert, Government Intern, summarized the issues for trash collection which would limit the number of licenses, limit hours of collection, etc. Mayor Tourville stated the changes were discussed with the trash haulers.

Motion by Councilmember Piekarski Krech second by Councilmember Bartholomew for the third reading of the ordinance.

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS

The council discussed the October 24th meeting.

Mayor Tourville discussed the neighborhood meeting that was held tonight and the complaints received regarding parking, parking after hours along with other issues. Options for the property were discussed at the neighborhood meeting. Work needs to be done and discussion needs to take place regarding the options. He also stated that it was a good turnout.

9. ADJOURN: Motion by Bartholomew, second by Hark to adjourn. The meeting was adjourned by a unanimous vote at 8:02 p.m.