

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JULY 9, 2012 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, July 9, 2012, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Grannis, Klein, Madden and Piekarski Krech; City Administrator Lynch, Assistant City Administrator Teppen, City Attorney Kuntz, Public Works Director Thureen, Parks & Recreation Director Carlson, City Planner Hunting, Finance Director Smith, Police Chief Stanger, and Deputy Clerk Kennedy

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Councilmember Piekarski Krech removed Items 4A (i) & 4A (ii) from the Consent Agenda.

B. Resolution No. 12-110 Approving Disbursements for Period Ending July 4, 2012

C. Approve Year Three (2012) of a Four Year Golf Course Pavement Project

D. Resolution No. 12-111 Appointing Election Judges for the August 14, 2012 Primary Election

Motion by Klein, second by Grannis, to approve the Consent Agenda

Ayes: 5

Nays: 0 Motion carried.

- A.** i) Minutes – June 25, 2012 Council Work Session
ii) Minutes – June 25, 2012 Regular Council Meeting

Councilmember Piekarski Krech stated she would abstain because she was not present on June 25th.

Motion by Klein, second by Grannis, approve the minutes of the June 25, 2012 Council Work Session and Regular Council Meeting

Ayes: 4

Nays: 0

Abstain: 1 (Piekarski Krech) Motion carried.

5. PUBLIC COMMENT:

Allan Cederberg, 1162 82nd St. E., stated he would like to discuss the Target development in the Northwest Area. He referenced a document regarding the State of Minnesota Jobs Bill Authorization Program, and specifically addressed the requirements for TIF funding. He quoted a section of the document which stated “for commercial and industrial development projects construction must begin before July 1, 2012”. He contended that the developer did not meet this requirement because the building permit for the three (3) auxiliary buildings was not submitted until July 3rd. He opined that this was a violation of the agreement with the City and questioned how this would affect the funding that was provided for the development.

Mr. Lynch explained that the City’s contractual obligation was with Inver Grove Heights, LLC not with Target or the three (3) subsidiary locations. He stated the contractual obligation per state statute requires that improvements (which can include streets, trails, landscaping, parking lots, curbs or gutters) be started before the date identified in statute. He noted the City’s contract with IGH Investments also included a provision that three (3) subsidiary stores in the development would be opened by December 1, 2012. stores are to be opened by December 1, 2012. He reiterated that the required improvements had been completed as per the development contract.

Eddy Carlson, Eddy’s Bar and Grill, stated he would like to be approved for use of the basement of his restaurant without being subject to the SAC and WAC fees. He explained the inspections department has not approved his request.

Mr. Lynch explained that SAC and WAC fees are not related to the building code. He stated the building official is responsible for ensuring compliance with the building code. He stated his understanding of the situation is that the basement has been very roughly finished and remains incomplete.

Nick Vitale, Eddy's Bar and Grill, stated the fire detection system has been redone and the exits and bathroom facilities have been completed to meet code standards.

Mayor Tourville stated they need to continue to work with the building official to find out what else needs to be completed to get the basement up to code.

Mr. Cederberg addressed his ongoing issue with the King of Diamonds, stating on March 12th he was presented with a letter from the State of Minnesota stating that the 2:00 am liquor license applied only to the sale of alcohol and was not related to the adult entertainment portion of the business. He explained when he brought this issue to the Council's attention to question why the dancing was allowed to continue until 2:00 am he was told he would receive a legal response from the City Attorney. He claimed he never received that information. He further opined that if the City was going to pursue an ordinance amendment to address the ability for the business to allow dancing until 2:00 am they would have to act prior to September 9th as that is the date by which the King of Diamonds must renew their 2:00 am liquor license with the State.

Mayor Tourville explained all parties involved are in agreement that the State does not regulate the adult entertainment (dancing) function of the business. They are responsible for the enforcement of the optional 2:00 am liquor license.

Mr. Lynch explained the Council is not required to pursue an ordinance amendment to address the issue as legally the King of Diamonds is allowed to permit dancing until 2:00 am. He noted that the City Attorney has provided this legal opinion on numerous occasions. He recommended that the Council consider pursuing an ordinance amendment because Mr. Cederberg indicated that he would stop repeatedly bringing the issue up to staff and at City Council meetings if the ordinance was changed. He clarified that the City was not obligated to take action prior to the September 9th date that was referenced as the 2:00 am license held by the establishment is independent of the issue raised related to the dancing. He noted Mr. Cederberg has been provided with information on the issue from multiple staff members on several different occasions.

Ms. Rheame clarified that the City does permit the sale of alcohol until 2:00 am by code, but they are not the issuing authority for the optional 2:00 am liquor license. She clarified that the information provided the City Attorney was provided to the City Council and was also made available for Mr. Cederberg, however he declined the information when he was asked to pay the corresponding cost.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. VLADIMIR SIVRIVER; Consider the following resolutions for property located on the east side of Brent Avenue at 49th Street:

- i) Resolution relating to a Vacation to Vacate the North Half of the Unimproved Right-of-Way of 49th Street between Boyd and Brent Ave.
- ii) Resolution relating to a Variance to allow a New Home Five (5) Feet from the Corner-Front Setback whereas 30 Feet is Minimum Allowed

Mr. Hunting explained the first part of the request is a road vacation proposing to vacate the north half of unimproved 49th Street. He stated it is a corner lot approximately 69 feet wide from a plat recorded in the 1880's. He noted today's standard lot width is 100 feet. The basis of the request was to gain some additional lot area for building. Initially staff did not support vacating any portion of the right-of-way primarily because there are still some vacant lots to the south of the subject property that will need to gain access either via a connection to Brent Avenue or the extension of 49th Street. Staff did offer a

compromise to applicant whereby the right-of-way would be vacated and in return the City would receive a dedicated, public road easement and a 10 foot drainage and utility easement. He explained that the setbacks in each of those instances would not change, it would simply grant the applicant more area to be used as open space. He stated the second part of the request related to a variance from setback requirements to allow for the construction of a home on the lot. Staff did find a practical difficulty considering the limitations of the width of the corner lot. He explained staff would support a variance no less than ten (10) feet because it would be consistent with the requirements of the vacation and would provide for some separation and setback from the house in the event that 49th Street was extended in the future. He reiterated that Planning staff recommended approval of the vacation with the conditions listed, denial of the five (5) foot variance request and approval of a ten (10) foot variance.

Vladimir Sivriver, stated he is a licensed land surveyor and professional engineer. He indicated they were in agreement with staff's recommendation of a ten (10) foot setback and made adjustments to reduce the footprint of the house. He noted they disagreed with the condition of the vacation to grant a public road easement. He stated the original plat was recorded in 1887 and for 125 years the City has had no plans to extend 49th Street because of the difficult topography involved. He noted the extension of the road is not listed in the City's Comprehensive Plan and there are no plans to build the road at this time. He requested that the Council approve the vacation with a condition for the drainage and utility easement only.

Mr. Thureen stated it would be difficult to construct the road because it is fairly steep and would be expensive to build. He noted the greater need is for utilities because that would be the likely route for future sanitary sewer to tie into the existing system. He explained if they do not have a roadway easement, it takes away the flexibility in the future.

Councilmember Klein clarified the property has access onto Boyd Avenue. He stated Brent Avenue could someday be extended all the way down to 50th Street and Bryce Avenue could be extended to 50th and this would solve the access issues for the currently vacant lots.

Mr. Thureen stated when you consider future needs there is currently a low depressing at the south end as you approach 50th Street and if that area were to develop staff would recommend implementing a storm water ponding area that would prevent the extension of those streets. He explained as long as other connections exist in the area staff could live with obtaining only a drainage and utility easement.

Mayor Tourville clarified the applicant would agree to grant a drainage and utility easement.

Mr. Sivriver responded in the affirmative.

Mayor Tourville stated the applicant would not be able to build anything on the easement.

Councilmember Piekarski Krech stated if Brent and Bryce could not be extended to 50th Street two lots in the area would not be developable because they would not have access.

Mr. Thureen explained the City would likely extend Brent Avenue to the south and make it a cul-de-sac.

Councilmember Piekarski Krech stated her concern is that if the City makes a decision to not allow 49th Street to be extended they could cut off access to the whole area to the south.

Mayor Tourville stated Engineering staff needs to look at the access options for the lots to the east.

Mr. Kuntz stated the Council would pass three resolutions. The first would be a resolution approving the vacation and the second paragraph on page 2 of the resolution would be amended to add the language "provided, however, the 30 foot street easement would be a drainage and utility easement". The second resolution would be to approve the ten (10) foot variance. The third resolution would be to deny the five (5) foot variance.

Mayor Tourville suggested that the applicant withdraw the five (5) foot variance request.

Mr. Sivriver opined that the variance issue does not exist if the vacation is approved without the public road easement.

Mr. Kuntz stated on the south side of the lot, over the vacated portion of the roadway, there would be imposed a drainage and utility easement 30 feet in width and there would also be a drainage and utility easement lying ten (10) feet to the north of that, thereby creating a 40 foot drainage and utility easement. The question then becomes how close the home can be built to the easement.

Mr. Hunting explained the same setback requirements would apply because of the drainage and utility easement.

Mr. Sivriver argued that there should be no setback because it would be one easement on top of another.

Councilmember Piekarski Krech stated the setbacks would still apply to ensure that nothing is built too close to the easement. She explained if work needs to be done within the drainage and utility easement in the future they want to be a safe distance away from the house.

Mr. Sivriver stated the plans for the house were modified to reduce the footprint and they would not encroach in the easement.

Mayor Tourville questioned why the additional ten (10) feet was needed.

Mr. Thureen explained they need to consider the depth required for a sanitary sewer connection and want to ensure that the foundation of the house is far enough away from where the digging would occur.

Mr. Sivriver withdrew the request for the five (5) foot variance.

Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 12-112 relating to a Vacation to vacate the north half of the unimproved right-of-way of 49th Street between Boyd and Brent Avenue with the conditions listed and the language addition suggested by the City Attorney and Resolution No. 12-113 relating to a Variance to allow a new home ten (10) feet from the corner-front setback whereas 30 feet is the minimum allowed.

Ayes: 5

Nays: 0 Motion carried.

B. VANCE GRANNIS, JR; Consider the Second Reading of an Ordinance Amendment to allow a DNR Gun Safety Program with Outdoor Shooting

Mr. Hunting stated Council approved the first reading of the ordinance on June 11th, recommending that the program be allowed as an interim use. Council also directed the DNR to host a firing demonstration on the subject property that occurred on June 23rd. Mailed notice of the demonstration was provided for surrounding neighbors. He stated the Police Department provided information that the firing demonstration increased the noise level by four (4) decibels over ambient noise from approximately 100 yards. He noted the applicant submitted a suggestion to modify the language of the title to remove some of the reference to an outdoor shooting range to eliminate some of the confusion associated with the issue. He clarified that what is being proposed is not an outdoor shooting range that would be open to the public. The use would be tied only to the DNR sponsored training programs. He stated the suggested reference language would read “an outdoor gun safety program with field experience to demonstrate the safe handling of firearms including their discharge”. He summarized that the use would be allowed only on property zoned E-1 and the property would need to have at least 50 contiguous acres of land. The range would need to be at least ¼ mile from any other residence not located on the property and at least a 50 foot incline would be required behind the range so any bullets would be trapped or caught in the hillside. Only .22 caliber rifles with non-lead ammunition would be allowed and the programs would be required to be instructional in nature and administered or sponsored by the DNR. No more than six (6) training sessions per year would be allowed and the Chief of Police would have the authority to allow more or to terminate the program at any time. He reiterated that staff continued to recommend allowing the program as an interim use because it would allow for notice to be sent out after an application was submitted for the interim use permit and would provide for other land use issues to be addressed.

Mr. Lynch asked that Council entertain a motion to receive the documents that were submitted after the agenda packet was disseminated.

Motion by Klein, second by Madden, to receive the additional documents included in the Council packets**Ayes: 4****Nays: 0****Abstain: 1 (Grannis) Motion carried.**

Kirk Lindberg, 8799 Audobon Rd., stated he, and the majority of his neighbors, do not have concerns about gun safety training. He stated their main concerns revolve around safety and the proximity of residences and citizens to the proposed location of the program. The noise issue was merely a minor annoyance. He stated while he understands that accidents are rare, they can and do happen. He referenced a list of approximately 20 accidents that occurred within the last year at various gun ranges and training facilities across the country. He noted it would be impossible to guarantee that an accident could never happen.

Mr. Lindberg expressed concerns with several sections of the proposed ordinance and argued that the proposed location did not meet several of the requirements. He opined that the first requirement regarding the need for 50 contiguous acres was not met because, depending on how the proposed location is identified on a map, the 50 contiguous acres would include portions of his property. He noted over 100 of the 250 acres referenced by the applicant is his property and he requested that his property not be included. The proposed location of the range would be approximately 100 yards away from his property line. He stated his home was located .29 miles from the proposed location of the range and opined that this was too close from a safety perspective. He noted the shooting that would occur on the range would be aimed directly towards his house. He discussed the trails on the property that are frequently used by neighbors and friends for hiking and noted that several of the trails are located 100-120 yards away from where the shooting would occur.

Paul Hark, Courthouse Boulevard, stated he is a member of the Planning Commission and explained they had a lot of discussion related to the noise issue. He noted he was in attendance to speak as a private citizen who lives in the area. He stated he had a lot of concerns about noise and did not hear anything during the time of the demonstration from his location at Barnes Avenue and Courthouse Boulevard.

Jane Moline, 9260 Arnold Ave., stated her property is located within a ½ mile of the proposed location and her main concern is related to safety. She explained she is in favor of gun safety programs but would prefer that a different location was used. She noted she did hear noise during the demonstration and felt it was loud.

Steve Sandberg, 11802 Akron Avenue, stated he has been a DNR-certified inspector for 15 years. He spoke about the importance of the firearms safety program and the state's need for more instructors and locations to host the field training. He explained someone who is not a member of a Dakota County range has a very difficult time getting a reservation to use the facility. He asked the Council to not lose sight of the purpose of the program which is to educate children and adults on the safe and appropriate use of firearms.

Brian Schwieters, 2099 94th Ct. E., stated he lives to the south of the proposed location and did not hear any noise during the demonstration.

Dave Moline, 9260 Arnold Ave., stated he moved here for the wildlife and the rustic nature of the City. He questioned how the proposed use would benefit the residents of the City. He reiterated that he and his wife were proponents of gun safety programs. He questioned the need for additional programs as he was able to find many classes that were not full on the web. He stated he was very concerned about the safety of the program in the proposed location.

Joe Jerhoff, 8546 Brewster Ave., and Heidi Leonard, 1613 Lacota Lane Burnsville, stated they were both firearm safety instructors for the DNR. She reiterated that the proposal was not to build a shooting range. The request is to be allowed to operate a program six (6) times per year that would allow students to shoot a .22 caliber rifle in a very safe and controlled environment. She explained the components of the course

and what a typical program would entail. She noted that the DNR program was the safest in the country and the purpose or value of the program is that students are taught the rules and benefits of using firearms safely and how to store them properly.

Mayor Tourville opined that nobody is questioning that the DNR gun safety program is a good cause. He stated based on the testimony he has heard people are mainly concerned about the safety and the noise because of the proposed location. He questioned why the DNR has not made a better effort to find field training locations that are not located in residential areas if the programs are so popular. He noted he has heard wonderful things about the program and reiterated that the main area of concern is that the proposed location is in a residential area.

Dian Piekarski, 7609 Babcock Trail, stated she has known both Mr. Grannis and Mr. Lindberg for a long time and she appreciates the fact that both of them are such champions for open space in the City. She spoke in favor of the project and the gun safety training program. She opined that the program would provide an opportunity to bring people to the south end of the City and to experience everything the City has to offer. She stated people have to utilize what the property can provide and suggested that signage could be installed on trails to notify people of training dates.

Kristine Zellmer, 8988 Aralia Ct., stated she moved here for the beauty, serenity and wildlife. She commented that shooting has not been allowed in the City since 1963 and her fear is that allowing it to occur will cause property values to decrease because of the noise and safety concerns. She opined that it would also decrease the ability of residents to enjoy the use of their property and the trails that run through the subject property. She discussed the protection of the eagle's nest in the area and referenced the federal acts that were enacted to protect the eagles. She stated the City is obligated to ensure that the nesting site will not be disturbed by the proposed use because it is located less than $\frac{1}{4}$ of a mile from where the range would be located. She suggested that a wildlife survey be conducted to determine the impact of the proposed use on their habitat.

Alex Gutierrez, 2nd Lieutenant DNR Safety Training and Education, explained that the firearm safety classes on the DNR website that were referenced earlier in the meeting were traditional classes, not the range and field day courses that are being proposed. He clarified that the range and field day is for online students that take the hunters course online and then attend the range and field day. He stated there is a demonstrated shortage of range and field day classes across the State. He noted in the 50 years that the DNR has provided the firearms safety program within the State of Minnesota there has never been a firing accident on the firing line. He explained discussions did take place regarding the eagle's nest because the DNR's main purpose is to protect wildlife. He stated contact was made with the U.S. Fish and Wildlife Service and because the nest is located outside of the 1/8 mile area, a permit is not required and a .22 caliber rifle is not considered to be a loud noise at that distance. He explained at the noise demonstration that was conducted on June 23rd, at .11 miles, a certified and calibrated noise decibel reader recorded a spike of 61.2. He noted a normal conversation is between 60 to 67 decibels at three (3) meters.

Mayor Tourville asked Lt. Gutierrez is he was aware of any way the program could be held on the property already owned by the DNR in the City.

Lt. Gutierrez stated the issue with that property is that there are no classroom or bathroom facilities available.

Mayor Tourville asked if there were bathrooms available at the proposed location.

Lt. Gutierrez responded in the affirmative. He stated satellite bathrooms were located on the property.

Mayor Tourville questioned if the DNR would consider bringing satellite bathrooms onto their own property. He stated it was his understanding that the proposed location was going to be used for field and range training and now he is hearing that a classroom facility is needed. He questioned what building would be used for a classroom facility at the proposed location.

Lt. Gutierrez explained that the field day does require an approximately 2.5 hour classroom portion in which the students get trained on the different types of firearms, watch safety videos, and take a test.

Mayor Tourville questioned how the shooting is conducted at classes held in state parks.

Lt. Gutierrez explained that is one of the programs being started right now.

Councilmember Madden questioned if there was any reason why a room at city hall or the community center couldn't be use for the classroom portion if the range and field portions were conducted on the DNR's property.

Lt. Gutierrez stated the idea is to have students only travel to one location for everything because they need to get a ride. He noted that is the issue they are dealing with across the state.

Mayor Tourville questioned what building would be used on the proposed site for the classroom portion.

Mr. Lynch explained the garage that was a part of the home that formerly existed on the property would be used.

Councilmember Klein questioned if the building would meet code for use as a classroom.

Mr. Lynch stated the details of the plan have not been presented to the city. The applicant and the DNR have approached staff about the concept of the training program and have sought direction to change the firearms ordinance. He stated issues regarding parking, bathrooms, and the educational facility would still need to be discussed and worked out.

Lee Lindberg, 8965 Alfa Lane, stated there are questions beyond the safety concerns. He noted that he is an advocate of gun safety. He explained that his family property consists of 101 acres of platted land and his family made the decision to abandon the development aspect and maintain the property in its natural state. He stated there are approximately 41 undeveloped lots within the 101 acres and five (5) of them immediately abut the proposed location of the shooting range. He questioned how many people would be interested in building a home next to a gun range. He explained his land has been under consideration for a conservation easement for over a year and they have worked hard to maintain the natural state of the property. He stated that the noise from the demonstration was loud and could be heard from his property. He questioned the frequency of the proposed programs and the number of people that would attend. He expressed concerns that the number of programs could be increased at the discretion of the Police Chief and suggested that the number be limited to six (6) with no opportunity for more. He stated his main concern is who would indemnify him and his family if an accident happened and someone on his property was injured. He reiterated he and his family are currently considering an environmental easement which would extinguish his current development rights on the plat so the land could remain as it is. He explained he sees a disconnect between the proposed use and the conservation efforts related to the property. He opined there are a lot of issues and questions that still need to be addressed.

Greg Sperl, 1705 93rd Circle E., stated the noise from the demonstration could be heard from his dock and travels and echoes differently in that area because of the lake. He opined that the eagles are wonderful and does not want them disturbed. He suggested that other sites in the City could be utilized for the field and range training. He agreed that educating kids on gun safety was an important function.

Pat Simon, 1636 69th St. W., stated she sat in the applicant's driveway during the noise demonstration and heard planes and birds, but did not hear any other noise except from the gun club in Eagan 20 minutes after the testing was finished. She noted it was hard for her to imagine a scenario in which ammunition could escape from the proposed shooting area after she visited the ravine and looked at the site.

Diane Lindberg, 8799 Audobon Rd., stated at the time of the demonstration she could hear the voices and the gunshots from insider of her house.

Gwen Weiler, 9350 Barnes Ave. E., stated she lives across the street from the applicant and wanted it to be known that there are people in the community that support what is being proposed.

Dale Suckstorff, 9250 Arnold Ave., stated he could hear the shooting during the demonstration. He stated the main issue is the proposed location, not the importance or value of gun safety education. He opined that a nature preserve is not a place where a person can go and shoot guns. He questioned what the benefit was to residents of the City.

Don Froyd, 6554 Craig Avenue, stated he can hear the rounds from the South St. Paul gun club. He opined that there needs to be education on both sides of the issue. He explained when his children went through the gun safety training program the educational component was held at a separate location from the range and field day component. He noted it was extremely difficult to get a reservation at the Dakota County Gun Club. He stated he understands the safety issues and suggested alternatives to alleviate the concerns such as the use of an air rifle. He opined that everyone needed to come together as a community to show that this can be done properly and set an example for other communities.

Councilmember Klein asked about the suggestion to use an air rifle.

Lt. Gutierrez stated an air rifle did not meet the national training standard.

Ms. Zellmer questioned why they couldn't use the applicant's property for the field training and then go to an alternate location that was not located in a residential area for the shooting component.

Tim Sweeney, 9223 Barnes Avenue, stated the challenge for the Council is to determine if the proposed request is an appropriate use for this location. He asked the Council to focus on the task at hand and determine whether or not the proposed use would be safe.

Dave Schaffer, 8943 Aralia Ct., questioned how many facilities currently existed and where training programs are currently held. He stated he did not understand why a shooting range would be put in a residential area. He noted he walks the property and questioned who is liable if he gets shot.

Mayor Tourville stated the liability questions were addressed by the DNR during the first reading of the ordinance.

Allan Cederberg, 1162 82nd St. E., questioned how the area would be controlled when it is not being used for the DNR program.

Councilmember Klein stated it is private property. Anybody on the property that isn't invited would be trespassing.

Lori Lindberg-Schaffer, 8943 Aralia Ct., stated gun safety is very important. She opined that the onus is on the parents to teach their children the importance of gun safety and noted that gun safety is taught in elementary school.

Mayor Tourville stated the DNR sponsored program is very different from what is taught in schools.

Shelly Milton, DNR instructor, stated the point of the field day is to have one on one interaction with the students and to invite the parents to see what the kids are being taught. She noted it is a lifetime skill.

Vance Grannis, 9249 Barnes Ave., stated his vision is to create an outdoor skills training area with an environment center. He explained that he cannot accomplish the vision on his own. He clarified that he does not have a signed agreement with the County for a conservation easement because they need to get funding from the State. He opined that people from the State of Minnesota will be upset if the gun safety program is not approved. He explained he was not suggesting that his conservation easement may not get funded, but expressed his belief that there are people that are concerned that this program may not move forward. He opined that this program was a vital component of the larger plan for the property. He stated he can appreciate the safety concerns and commented that a lot of them stem from the fact that many people do not understand the program. He reiterated that the DNR has said no accidents have occurred in their programs and it is his belief that the Council needs to trust the opinions of the professionals regarding the safety issues that were discussed. He stated the program was safe and the hillside would prevent accidents from occurring. He noted spoke to other experts in the animal and nature field and their opinion was that the proposed use would not be a problem for the eagles. He explained the building would be used as a meeting place and he felt there was ample parking to accommodate the proposed use. He stated the plan is to obtain funding to construct an education building on the property in the future. He explained he would like the use to be permitted so he could avoid the expense of obtaining a permit for an interim use.

Mayor Tourville questioned if the building could facilitate 30 people.

Mr. Grannis indicated he would be willing to meet with the building inspector to discuss all of those issues. Councilmember Klein asked if the ordinance was changed from an interim to a permitted use if all the conditions would still apply.

Mr. Kuntz responded in the affirmative.

Mr. Grannis noted that his original application was for a permitted use.

Mayor Tourville suggested that the language be eliminated that referenced the ability for additional sessions to be added at the discretion of the Police Chief. He stated the limit would be six times per year.

Councilmember Klein confirmed that the Police Chief could shut down the program if any violations of the ordinance occurred.

Councilmember Piekarski Krech questioned if the 50 contiguous acres staff was looking at including any portion of the Lindberg property.

Mr. Hunting clarified that it did not have to be a 50 acre circle around the location. The requirement was that the proposed use had to occur on an area in which there was 50 acres of land owned by, contiguous, or under the control of the individual requesting the use. He explained the use could be on the edge of the property containing at least 50 acres.

Kirk Lindberg stated his point was that location with respect to the 50 acres was not defined.

Councilmember Madden questioned if the hill behind the range was still the applicant's property.

Mr. Grannis stated the point is you need to have a place that is safe to shoot. He noted the conditions of the ordinance require that you have to shoot into a bank and the site has to be approved by both the DNR and the Police Chief. He clarified that the hill was his property and Mr. Lindberg owns the property starting at the top of the hill.

Mayor Tourville asked about the additional cost for an interim use permit.

Mr. Hunting explained if the request was approved as an interim use, Mr. Grannis would have to make application for an interim use permit. The application fee would be \$1,200 whereas there is no fee for a permitted use.

Councilmember Piekarski Krech clarified that none of the trails on either the Grannis or Lindberg properties were considered public.

Mr. Lindberg noted the trails on his property were protected.

Motion by Madden, second by Piekarski Krech, to approve the second reading of an ordinance amendment to allow a DNR Gun Safety Program with outdoor shooting as a permitted use.

Mr. Kuntz recommended adding a ninth condition related to parking.

Councilmember Madden requested more information before the third reading regarding the building that would be used for the classroom component of the program.

Mayor Tourville stated he would vote in favor of the second reading because it was an opportunity to get more information. He opined that the proposed location of the program was not a good fit because it is in a residential area. He stated he thinks the DNR program is a great program and encouraged them to pursue the option to host the program on the property they already own within the City.

Councilmember Madden agreed that the DNR should consider another location in the City for the program.

Councilmember Klein stated he liked the concept but would like the discharge of the firearms done on DNR property where nobody is around.

Ayes: 4

Nays: 0

Abstain: 1 (Grannis) Motion carried.

C. CITY OF INVER GROVE HEIGHTS; Consider First Reading of Ordinance Amending Inver Grove Heights City Code Title 5, Chapter 6, Section 1(B) regarding Use of Firearms

Councilmember Madden questioned if it would be best to postpone the first reading until a final decision is made on the previous ordinance amendment.

Councilmember Piekarski Krech stated it would be a good idea to sync this ordinance to coincide with the previous ordinance so both would be considered in the same timeframe.

Motion by Klein, second by Piekarski Krech, to adopt the first reading of an ordinance amending Inver Grove Heights City Code Title 5, Chapter 6, Section 1(B) regarding Use of Firearms

Ayes: 4

Nays: 0

Abstain: 1 (Grannis) Motion carried.

8. EXECUTIVE SESSION:

A. Discuss Property Acquisitions

9. MAYOR & COUNCIL COMMENTS:

10. ADJOURN: Motion by Grannis, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 10:50 p.m.