

4Aiii

**INVER GROVE HEIGHTS CITY COUNCIL MEETING MINUTES
MONDAY JULY 8, 2019 AT 7:00 P.M.**

1. CALL TO ORDER

The City Council of Inver Grove Heights met in regular session on Monday, July 8, 2019, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present were: Council Members Piekarski-Krech, Bartholomew, Perry, and Dietrich; City Administrator/Interim Deputy Clerk Lynch, City Attorney Kuntz, Fire Chief Thill, Community Development Director Rand, and City Planner Hunting.

3. PRESENTATIONS

Fire Chief Judy Thill stated they would honor and recognize the Recruit class of 2018. Fire Chief Thill introduced Firefighters Dustin Pedersen, Nicholas Wegner, and Richard Wenger. Mayor Tourville gave the Oath of Office and badges were pinned on each of the Firefighters.

Fire Chief Thill introduced Neal St. Onge who was recently hired by the Inver Grove Heights Fire Department as a full-time Fire Inspector. Mayor Tourville gave the Oath of Office and a badge pinned on Mr. St Onge.

4. CONSENT AGENDA

- A. i. Minutes from the June 10, 2019 Council Meeting.
- ii. Minutes from the June 24, 2019 Council Meeting.
- B. **Resolution 19-116** Approving Disbursements for Period Ending July 2, 2019.
- C. Request for Approval of Rental Housing License.
- D. **Resolution 19-117** Making an Election Not to Waive the Statutory Tort Limits for Liability Insurance Purposes.
- E. Consider Approval of Individual Massage Therapist License for Jennifer Miller at Inver Grove Chiropractic, 2940 65th Street E.
- F. Consider Amendment for Professional Services Contract with WSB Inc. for the Heritage Village Park Project – City Project 2017-07.
- G. Consider Change Order #1 – Heritage Village Park Phase II – City Project 2017-07.
- H. **Resolution 19-118** Approving the Development Contract, Stormwater facilities Maintenance Agreement and Related Agreements for Cahill Place Apartments (Center City Housing) Located at 6070 Cahill Avenue.
- I. **Resolution 19-120** Dennis Arntson (National Guard & Armory) – Case No. 19-26V – Consider a Relating to a Variance to Allow a Solar Array 30 Feet from the Front Property Line Whereas 50 feet is Required for Property Located at 8076 Babcock Trail.
- J. Accept Proposal for Professional Engineering Services for 1565 82nd Street Site Plan Review.
- K. Schedule Special Council Meetings to Discuss Strategic Planning for 2020.
- L. **Resolution 19-119** to Continue in Council of Local Results and Innovation Performance Measurement Program.
- M. Personnel Actions

Councilmember Piekarski-Krech requested pulling Agenda Item 4Aii – Minutes from the June 24, 2019 Council Meeting since she was absent at that meeting.

Motion by Bartholomew, seconded by Perry, to approve the Consent Agenda except Agenda Item 4Aii – Minutes from the June 24, 2019 Council Meeting.

Ayes: 5

Nays: 0 Motion carried.

Motion by Bartholomew, seconded by Dietrich, to approve Agenda Item 4Aii – Minutes from the June 24, 2019 Council Meeting.

Ayes: 4
Nays: 0
Abstain: 1 (Piekarski-Krech)

5. PUBLIC COMMENT

Kathy Fischer, AFSCME Union President, resident of 3513 67th Street, stated she brought Marlys Sweeney and Jenny Blackbird, employees in the Finance Division. She referenced a letter sent by the Finance Division staff and an email from AFSCME members that was sent to Council members. Ms. Fischer asked that the Council consider further discussion of the Finance Manager position and its effect on the Finance Division. She asked that this position be discussed at a future worksession to allow staff input.

Mayor Tourville responded that the letter and email were received. He stated he spoke with Mr. Lynch and agreed to discuss this item further at the next worksession on August 5, 2019.

6. PUBLIC HEARING

A. Consider the Application of Lakeville Brewing Company LLC dba Inver Grove Brewing Company for an On-Sale Brew Pub Liquor License, a Sunday On-Sale Brew Pub Liquor License, and an Off-Sale Brew Pub Malt-Liquor License for the Premises Located at 9051 Buchanan Trail.

City Administrator Lynch stated this is a Public Hearing per the Ordinance. Notice of the Public Hearing was published in the June 23rd, 2019 Southwest Review. Staff recommends approval.

Don Seiler, 16164 Huron Court, Lakeville, stated in preparing for all the necessary steps on paper, he wanted to acknowledge the receptiveness, helpfulness, and courtesy of the entire Inver Grove Heights City Council and City Staff.

Motion by Piekarski-Krech, seconded by Perry, to close the Public Hearing at 7:28 p.m.

Ayes: 5
Nays: 0 **Motion carried.**

Motion by Piekarski-Krech, seconded by Perry, to Approve the Therapeutic Message Business License at 4020 75th Street.

Ayes: 5
Nays: 0 **Motion carried.**

7. REGULAR AGENDA

ADMINISTRATION

A. Consider Approval of Therapeutic Message Business License.

City Administrator Joe Lynch stated this is for consideration of approval of an application by Enrique Solano Jr. for a therapeutic massage business located at 4020 75th Street. He stated that Mr. Solano met all of the requirements and staff recommends approval.

Enrique Solano, 4970 Ashley Lane, stated he would like more information on community events and is excited to get started.

Motion by Piekarski-Krech second by Perry to approve the Application of Lakeville Brewing Company LLC dba Inver Grove Brewing Company for an On-Sale Brew Pub Liquor License, a Sunday On-Sale Brew Pub Liquor License, and an Off-Sale Brew Pub Malt-Liquor License for the Premises Located at 9051 Buchanan Trail.

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA (CONT.)

COMMUNITY DEVELOPMENT

B. Joe Pucel – Case No. 19-17V – Consider a Resolution relating to a Variance to exceed the maximum size of an accessory structure allowed on the property located at 10423 Amy Court (Tabled).

City Planner Allan Hunting stated the proposal is for a two-story accessory structure. The footprint for each floor would be 1,500 square feet and room in the dormer space for a total of 3,126 square feet. The property is on four acres with the maximum size of the structure being 1,600 gross square feet. He stated the lot has a lot of topography and the Applicant was proposing a smaller footprint to minimize grading and tree removal. The Planning Commission reviewed this item at their Public Hearing and recommended denial. Staff is not recommending denial of the variance.

Joe Pucel, 10423 Amy Court, stated the garage is proposed to be detached. They had considered an attached garage, which did not have the same size restrictions, but that created difficulties. Garage attachment would create a loss of access to the backyard and a problem with the location of the well. Moving the garage further away from existing buildings removes the difficulties. He stated if he went 1,600 square feet for a slab on grade, it would create eight-foot-high retaining walls opening the area up to visibility by a neighbor. He stated this was a better construction design.

Councilmember Piekarski-Krech asked if he has read the letter from his neighbor who had concerns about the size of the structure and that it would be their view for six months out of the year. She asked if he would be using the basement of the garage for vehicles.

Mr. Pucel responded he did not see the letter. He stated with them in mind, this was a much smaller building than a slab on grade. The only visible item would be the top portion of the garage and very little foundation. He responded the basement would have a utility door for access to the backyard. He would be storing a snowmobile trailer and boat trailer.

Councilmember Bartholomew commented that convenience is not a practical difficulty and he is concerned about the size of the structure and that a couple of options could be explored without adding a variance.

Mayor Tourville stated his concern was the square footage and he cannot see a practical difficulty.

Mr. Pucel stated attaching the structure differently was considered, but the challenge was the significant drop off on both sides of the house. He wouldn't be able to get back there with equipment.

Councilmember Bartholomew stated Mr. Pucel may want to work with his architect on other alternatives that could be considered that would meet City Code. He stated he is not in support of Mr. Pucel's proposal because he cannot come up with a practical difficulty and there are other options. He stated that Mr. Pucel could also request a change in the Ordinance.

Councilmember Piekarski-Krech expressed that there must be a reason for a practical difficulty as to why the building would have to be designed to that size. She commented that with this design it may be difficult to do any work on the existing well if needed.

Mayor Tourville asked when a decision needed to be made. City Planner Hunting responded August 9, 2019.

Mayor Tourville asked Mr. Pucel if he wanted this item tabled so he could look into other options without the need of a variance. City Attorney Kuntz stated this item would have to be tabled until July 22, 2019.

Councilmember Bartholomew commented that an extension could be requested. City Planner Hunting responded that the City has already extended the request 120 days. Mr. Pucel would have to request an extension to a specific date. If an extension is not requested, the item needs to be acted on at the July 22, 2019 Council meeting.

Councilmember Piekarski-Krech suggested the item be tabled until July 22, 2019 and then act on an extension at that meeting. City Attorney Kuntz responded the item should be tabled until July 22nd. He stated Mr. Pucel should work with the City Planner to request an extension beyond July 22nd and August 9th.

Mr. Pucel agreed.

Motion by Piekarski-Krech, seconded by Perry to table Case No. 19-17V – Consider a Resolution relating to a Variance to exceed the maximum size of an accessory structure allowed on the property located at 10423 Amy Court until July 22nd, 2019.

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA (CONT.)

COMMUNITY DEVELOPMENT

- C. William D. Krech – Case No. 19-07SZC Consider the following requests for the property located at 2001 120th Street: (a) Rezoning of the property from A, Agricultural to R-1C/PUD, Single Family Planned Unit Development; (b) Preliminary Plat for a single-family subdivision to be known as Amberwood, (c) Preliminary PUD approval for Amberwood including the specific flexibility requests from standard R-1C requirements. Resolution 19-121. Ordinance 1370.**

City Planner Hunting stated this item was before the City Council on June 10, 2019. Council tabled the item to July 8, 2019 to give staff and the neighborhood time to review the plan. He stated the applicant has submitted a revision to have a 20-lot, single-family development with the same layout and road pattern. There would be two outlots: Outlot A would be City-owned and Outlot B would be the required open space. He stated that flexibility is still being requested in lot sizes and setbacks. Lot size would be from 9,000 to 18,000 square feet. All have at least a 70-foot lot width. The setbacks requested are reducing the front yard from 30 feet to 25 feet, includes any corner, and a 15-foot separation. He stated the PUD Ordinance requires a 20-foot separation and they are asking for the typical 15 feet. They would still be removing approximately 52% of existing trees and the landscape plan now satisfies the reforestation. He stated in requesting flexibility in lot size width and front yard setback, they would in exchange, be providing 26% of the site in open space. He stated engineering has reviewed the request and has no issues. Staff stated that it meets all technical standards of the PUD and is in support of the request as presented.

Dick Braun, 2471 Angel Road, Sunfish Lake, stated there was a second neighborhood meeting on July 2nd, with ten in attendance. He discussed some of the questions and concerns that came up during that meeting as follows:

1. Type of mailbox system. After speaking to the Postmaster, cluster boxes are standard in new developments.
2. Streetlights. There would be streetlights. Placement would not be fully determined until engineering at Dakota Electric looks at the plan.
3. Power line easement. In speaking with Dakota Electric, there is one that goes north and south that services three properties. There is a rough-in for the new development at the north entrance.
4. If that line could be buried. That would be addressed once engineering at Dakota Electric looks at the plan.
5. School System. The students on Azure Lane go to Red Pine Elementary School. Anyone living in this development will be in the Eagan High School Area.
6. Maintenance on the conservation easement. He stated they are not opposed to meet with their Arborist about the south and west side to determine which trees are dangerous and need to be removed or watched. The Association in place is going to be responsible for maintaining the area. It is a minor Association that will cover Directors and Officer's liability insurance, crime, conservation easement maintenance, and maintenance on the monument. He stated there would be governing documents set up and recorded with the property.

Rod Turnquist, 2009 120th Street W., Rosemount, state he lives south of the project. He stated he has some concerns. He has maintained the south property line, with a fence, for years. The other side of the fence has a wall of buckthorn. He invited the Councilmembers to come out and look at the area. He suggested maintaining an eight- or ten-foot swath along the edge of the property. He commented he was concerned about the outlot located next to his property. He suggested there be an access along the top area so they could access the conservation area. He was concerned the outlots would not grow properly due to the overgrowth of buckthorn. He suggested planting new trees to replace the dying oak trees. He stated he doesn't feel like he gets anywhere with his questions of the Association.

Jeff Halvorson, 4858 Sycamore Drive, Eagan, stated he has attended most of the meetings on this issue and that this plan is favorable, and he is thankful. He stated it would be nice if Dakota Electric could do something with the power easement area.

Mayor Tourville asked that communication continue with the residents of Eagan along the western edge. Mayor Tourville stated he would also like the access to the easement for maintenance purposes.

City Administrator Lynch stated that a Conservation Agreement will be drawn up that would address any access or maintenance issues. This agreement would be a part of the approval process.

Motion by Bartholomew second by Dietrich to approve William D. Krech – Case No. 19-07SZC Consider the following requests for the property located at 2001 120th Street: (a) Rezoning of the property from A, Agricultural to R-1C/PUD, Single Family Planned Unit Development, (b) Preliminary Plat for a single-family subdivision to be known as Amberwood, (c) Preliminary PUD approval for Amberwood including the specific flexibility requests from standard R-1C requirement. Resolution 19-121 and Ordinance 1370.

Ayes: 5

Nays: 0 Motion carried.

8. EXECUTIVE SESSION

Pursuant to Minn. Stat. § 13D.05, Subd. 3(b) and pursuant to the attorney-client privilege, a closed-door Executive Session for discussion with the attorneys representing the City relating to the pending litigation matter of Case No. 70588 filed with the Minnesota Department of Human Rights.

City Attorney Kuntz stated under Minn. Stat. § 13D.05, Subd. 3(b) the City Council has the ability to meet with its Attorney in a private closed-door session to discuss pending litigation. This is known as the attorney-client privilege and recognized by Common Law and the Statute. He stated that the Council is being asked to utilize both the Statute and the Common Law to meet with its Attorneys who are representing the City with regards to a pending litigation matter, Case #70588, filed with the Minnesota Department of Human Rights. He asked the Council to make a motion to move to closed door executive session under the Statute and Common Law for a closed-door meeting with attorney's concerning the pending litigation referenced.

Motion by Piekarski-Krech, seconded by Perry, to adjourn into Closed-Door Meeting (Executive Session) at 8:45 p.m.

Ayes: 5

Nays: 0

Motion carried.



Joe Lynch, City Administrator/Interim Deputy Clerk

Minutes prepared by Recording Clerk Sheri Yourczek.