

**INVER GROVE HEIGHTS CITY COUNCIL
MONDAY, OCTOBER 14, 2019 REGULAR COUNCIL MEETING MINUTES**

1. CALL TO ORDER

The City Council of Inver Grove Heights met in regular session on Monday, October 14, 2019, in the City Council Chambers. The Pledge of Allegiance was recited along with Boy Scout Troop 507. Mayor Tourville called the meeting to order at 7:00 p.m.

Members of Boy Scout Troop 507 introduced themselves. Mayor Tourville thanked the Boy Scouts for their services within the community.

2. ROLL CALL

Present were: Councilmembers Piekarski-Krech, Bartholomew, Perry, and Dietrich; City Administrator/Interim Deputy Clerk Lynch, City Attorney Kuntz, Community Development Director Rand, Interim Finance Director/Senior Accountant Battles, Associate City Planner Botten, Public Works Director Thureen, and Deputy Police Chief Folmar.

3. PRESENTATIONS

Inver Grove Heights Convention & Visitors Bureau, CVB Director Eric Satre

Eric Satre, Director with the Inver Grove Heights Convention and Visitors Bureau, 5782 Blackshire Path, stated the mission of the Convention & Visitors Bureau, (CVB), is to market and promote Inver Grove Heights to visitors in order to maintain and stimulate the community's economic vitality. He highlighted the following since he began his position in January 2019:

- Events: Twin Cities Live in Your Town. Recommended by a resident. Mr. Satre attended a live broadcast and introduced himself to the Executive Producer. Shortly thereafter, he received confirmation that Inver Grove Heights was selected as a September location.
- Partnerships: Created a partnership with Southview Country Club which regularly hosts wedding receptions. Secured a free opportunity to include the City's local hotel flyer inside their wedding packets and promote the hotels for room blocks.
- Sales: Develop relationships with local corporations who use our hotels for business travel. Also working with the Inver Grove Heights Hockey Association to promote local hotels and restaurants for out of town youth sports teams.
- Site Visits: Hosted Everyday Wanderer, a travel Blogger from Kansas City who stayed in Inver Grove Heights while visiting Minneapolis and St. Paul and wrote about our City. Kim Koenig, the CVB Board Chair, and himself, met with her and welcomed her to the Twin Cities. As a result of the visit, her experience was posted on her Travel Blog.
- Marketing Campaign: Minneapolis hosted the NCAA Final Four Basketball Tournament in April. To draw fans to Inver Grove Heights, a social media marketing program was created with a lodging package giveaway targeting geographic areas through Facebook posts. The contest winner was a Texas Tech fan from Dallas. Throughout the tournament, fans were spotted staying at our hotels, eating at our restaurants, and skating at the ice arena.

Mr. Satre stated he looks forward to working alongside City staff, City Council, Mayor Tourville, the CVB Board of Directors, hotels, River Heights Chamber of Commerce, Economic Development Authority, the business community, and residents to build momentum and create opportunities for tourism growth in this City.

4. CONSENT AGENDA

- A. i. Minutes from the September 3, 2019 Council Worksession.
- ii. Minutes from the September 23, 2019 Special Council Meeting.
- iii. Minutes from the September 23, 2019 Regular Council Meeting.
- B. Disbursements for Period Ending October 9, 2019. **Resolution 19-184.**
- C. Consider Pay Request No 4 (Final) – West Rink Floor – West Rink Renovation Project – City Project 2017-1722.

- D. Consider Approval of Design Services/Plans and Specifications for the Replacement of the Salem Hills Tennis/Basketball Court(s).
- E. Consider Pay Request #2 and Change Order #3 to Heritage Village Park Phase II – City Project 2017-07.
- F. Schedule Public Hearing on Development Fees.
- G. Consider **Resolution 19-185** Authorizing Preparation of a Feasibility Report for the 2019 Pavement Management Program, City Project No. 2019-19 – Cahill Avenue MRG Trail Improvements.
- H. Consider **Resolution 19-186** Receiving Petition for Street Improvements on Dawn Ave (66th to 63rd St Area).
- I. Consider Final Compensating Change Order No. 2, Final Pay Voucher No. 9, Engineer's Report of Acceptance and **Resolution 19-187** Accepting Work for the 2017 Capital Improvement Program, City Project No. 2017-02 – NWA Watermain Improvements, 65th Street Loop.
- J. Consider **Resolution 19-188** Approving Joint Powers Agreement (JPA) with Dakota County for Preliminary and Final Engineering for City Projects No. 2015-08, 2016-04, and 2016-05
- K. Consider **Resolution 19-189** Supporting Dakota County's 2020-2024 Capital Improvement Program and Dakota County's 2020-2024 Transportation Sales and Use Tax Capital Improvement Program.
- L. Clark Road Properties – Case No. 19-36PR; Consider Approving a Major Site Plan Review for Phase II of an Outdoor Storage Facility Located at 11305 Clark Road. **Resolution 19-190.**
- M. Consider Approval of Job Descriptions for the Positions of Human Resources Coordinator and Administration Support Specialist.
- N. Personnel Actions.
- O. Consider Approval of Bid for Fiber Project.

Councilmember Perry requested pulling Agenda Items 4Aii and 4Aiii. Councilmember Bartholomew requested pulling Agenda Item 4O. Councilmember Piekarski-Krech requested pulling Agenda Item 4M.

Motion by Bartholomew, seconded by Perry to approve the Consent Agenda except for Agenda Items 4Aii, 4Aiii, 4O, and 4M.

Ayes: 5

Nays: 0 Motion carried.

4Aii. Minutes from the September 23, 2019 Special Council Meeting

Councilmember Perry stated she was not in attendance at the September 23, 2019 Special Council meeting. The minutes reflect that she was in attendance and that she seconded the motion to adjourn. She stated she would not be voting on this Agenda Item.

4Aiii. Minutes from the September 23, 2019 Regular Council Meeting

Councilmember Perry stated she was absent from this meeting and will abstain from voting.

Motion by Piekarski-Krech, seconded by Dietrich to approve Agenda Items 4Aii. Minutes from the September 23, 2019 Special Council Meeting, and 4Aiii. Minutes from the September 23, 2019 Regular Council Meeting.

Ayes: 4

Nays: 0

Abstain: 1 (Perry) Motion carried.

4M. Consider Approval of Job Descriptions for the Positions of Human Resources Coordinator and Administration Support Specialist

Councilmember Piekarski-Krech stated she was not comfortable with the positions at this time and requested they be pulled from the Agenda with further discussion needed. Councilmember Dietrich agreed that she also was not comfortable with this Agenda Item.

Motion by Bartholomew, seconded by Dietrich to table Agenda Item 4M to Consider Approval of Job Descriptions for the Positions of Human Resources Coordinator and Administration Support Specialist.

Mayor Tourville stated this item will be tabled until the next meeting in October.

Ayes: 5

Nays: 0 Motion carried.

40. Consider Approval of Bid for Fiber Project

Councilmember Bartholomew stated he pulled this Agenda Item because it was not on the Agenda, he downloaded last week, but is on the Agenda this evening. He commented there was no information available to review the item.

Motion by Bartholomew, seconded by Piekarski-Krech to table Agenda Item 40 – Consider Approval of Bid for Fiber Project.

Mayor Tourville stated this agenda item will be discussed at the next meeting.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT

Andrea Poppinga, 9442 Tyne Lane, stated she was present with several residents of Tyne Lane to make clear what the self-storage property developer has done to destroy their neighborhood. She stated changes were not allowed under the Conditional Use Permit approved by the Planning Commission in December 2018 and voted on by the City Council in January 2019. She listed the following changes that were not permitted:

1. Excavation and grading of a new unauthorized industrial location in full unobstructed view from residential properties on Tyne Lane.
2. Dramatic changes to the site stormwater system to accommodate the unauthorized development location.
3. Clearing of additional 1.9 acres, or 146 more trees, than the developer promised to protect.

She stated the last City Council meeting had productive dialog regarding how far the developer was from the Conditional Use Permit conditions. She commented that residents laid out an alternate path to resolve the issue but have heard it is not going to happen. She stated it was said that it would take numerous additional meetings to resolve this issue. There have not been any meetings with the residents for over five weeks while damage to properties continue to escalate. Despite numerous requests to meet with residents, the City has refused to do so until a plan has been finalized with the developer. She stated the developer has failed to keep the most basic commitments with two more repeat noise violations prior to 7:00 a.m. The City did stop work on site for about six hours. She stated the neighborhood is ready to work with the developer and the City to come to a reasonable resolution. She asked the City Council to vote with residents when a plan comes forward. She stated the developer has stated, "I always like to have everyone with some skin in the game", after trying to extort an additional \$7,500 from Tyne Lane residents.

Mayor Tourville stated this item would be on the next agenda with a potential meeting prior. Community Development Director Heather Rand responded that last Thursday she emailed Tyne residents and the City Council with an update on negotiating the screening proposal, which is not currently in hand yet. They will schedule the meeting with Tyne Lane residents, possibly the week of the 21st and then bring it back before the City Council at the Monday, October 28th meeting.

6. PUBLIC HEARING

None

7. REGULAR AGENDA

Administration

A. Consider Approval of 3rd and Final Reading of the Amendment to the Liquor Ordinance, City Code Title 4, Chapter 1, Section 10(B) Relating to Payment of License Fees. Ordinance 1372.

City Administrator Joe Lynch stated this is the third and final reading of the proposed change to the Ordinance. The purpose is to discontinue the practice and/or allow partial or delayed payment of license fees and requires payment in full upon initial application or renewal. No changes have been made since the last reading. Staff recommends approval of the Amendment.

Councilmember Bartholomew asked if additional comments were received. City Administrator Lynch responded no. All current liquor license holders received notification of the final reading.

Motion by Bartholomew, seconded by Piekarski-Krech to approve the 3rd and Final Reading of the Amendment to the Liquor Ordinance, City Code Title 4, Chapter 1, Section 10(B) Relating to Payment of License Fees. Ordinance 1372.

Ayes: 5

Nays: 0 Motion carried.

B. Consider First Reading of an Ordinance Amending City Code Title 3, Chapter 3, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees for 2020.

Interim Finance Director/Senior Accountant Shannon Battles stated the fees were established by Ehlers in 2016, with rates ranging between 3.5% and 5% increases. She stated there were some typos that would be corrected before the second reading takes place. One correction was on the 10" Sewer Core Connection Fee where it should be \$2,900 instead of \$2,920. The second correction was for the R3B and R3C Zoning District in the Northwest Area for Stormwater Plat Connection Fees where it should be \$14,560 instead of \$14,910. There are no changes for the planning fees.

City Administrator Lynch stated these are development fees as opposed to the regular City fees. The financial planning done by Ehlers relates to the Northwest Area and utility costs associated with continued development in that area.

Motion by Bartholomew, seconded by Piekarski-Krech to approve the First Reading of an Ordinance Amending City Code Title 3, Chapter 3, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees for 2020 with corrections as stated.

Councilmember Piekarski-Krech asked if this had been published. Interim Finance Director Battles responded that the Ordinance would be published after the third reading on November 12, 2019.

Ayes: 5

Nays: 0 Motion carried.

Community Development

C. Michael Sindt – Case No. 19-38V; Consider a Resolution Relating to a Variance to Allow a Garage Addition 20 Feet from the Front Property Line Whereas 30 Feet is Required for Property Located at 6802 Dawn Way. Resolution 19-191.

Associate City Planner Heather Botten stated the request is for property on the east side of Dawn Way between 66th and 69th Streets. The Applicant is requesting to add a 10-foot addition onto their existing garage. The garage would then be 20 feet from their front property line where 30 feet is the required setback. This is for the renovation of existing bathrooms which would take up 10 feet of the existing garage. She stated the request would be over an existing hard surface driveway and would be 20 feet from the front property line but 40 feet from the curb. Dawn Way is considered a neighborhood collector street and a State Aid road. She stated staff believes there is room to add on to the bathrooms anywhere else around the house to comply with setbacks. Staff believes the property would still be used in a reasonable manner, the request is a convenience to the applicant, and not a practical difficulty. She stated a precedence could be set as this would be the closest structure to the property line in the neighborhood. Staff recommends denial of the request. Planning Commission discussed this item on September 17th and recommend denial of the request for lack of practical difficulty. She stated since the Public Hearing she received an email from one resident who is against the request stating they didn't think the 20-foot setback would be a good idea due to the possible expansion of the neighborhood in the future. There is vacant property to the south, and street parking during the summer from the park across the street.

Councilmember Bartholomew asked if the lots across the street from the applicant had different setbacks. Associate City Planner Botten responded the R1C and the R2 both require a 30-foot front yard setback. Councilmember Bartholomew stated it was an 80-foot right-of-way to 69th Street where it then becomes a 60-foot right-of-way. He asked for a reason for the 80-foot right-of-way when there are 60-foot right-of-way to the north and south. He stated it would be reasonable to either vacate it or allow a Variance and put it back to 60 feet.

Mayor Tourville asked if they could put a bathroom somewhere else. Associate City Planner Botten referenced the layout of the home and stated they could combine the two bathrooms to make one large bathroom and add another bathroom someplace else in the home. Mayor Tourville asked if the bathroom additions were being done to make it ADA Compliant. Associate City Planner Botten responded yes.

Mayor Tourville stated a single family may not want to take two bathrooms and make them one. Looking forward, they would probably need two bathrooms.

Michael Sindt, 6802 Dawn Way, stated they believe there is a practical difficulty brought about by the inconsistencies of the road right-of-way lines. He stated he was a Right-of-Way Lawyer for 20 years and when he purchased the home, he didn't anticipate buying on one of the few blocks that has an 80-foot right-of-way versus the standard 60- or 70-foot. An architect was hired to design this and recommended the configuration on the application. He responded to staff's recommendations stating the south side of their home has an egress window for a legal bedroom and makes it impractical to extend that direction, the other side of the home has an office and living room. He stated there was reference about it being the closest to the curb, it would be approximately 41 feet including the 10 feet. He commented there are houses on the 6300 and 6400 block that are in the 40- to 50-foot length. He stated the master bedroom's main window faces west and could not expand the garage out because it would cover the bedroom window. He stated the Engineering Department did not object because the road curves to the west from the northern corner of the lot. He commented that he was unaware of a neighbor's objection and was not notified of it. He stated parking for the park doesn't come down to his home. He parks in his garage as much as possible.

Councilmember Piekarski-Krech asked if he parks in the street. Mr. Sindt responded he parks in the street occasionally. He stated they need the bathrooms because he has two artificial knees, his wife has one, and due to age. They would eventually have to have a wheelchair accessible bathroom. He stated it was not reasonable to require the master bathroom combine with the first-floor bathroom to make one. He stated they were hoping to put in a first-floor laundry room.

Councilmember Piekarski-Krech stated she would like to see a diagram of the first floor. Mr. Sindt referenced the layout of the home and where the rooms were located. He requested the Variance be granted.

Councilmember Bartholomew stated there is a 60-foot right-of-way to the north and further south it goes to a 70-foot right-of-way. He stated the 80-foot right-of-way is out of place. If it was a 70-foot there would not be a need for a Variance. He suggested either vacating a portion of the right-of-way or allowing the Variance for the practical difficulty due to the inconsistency of the right-of-way. He stated he doesn't see it being kept at 80 feet for this small of an area. He stated he would make a motion approving the variance or make a reduction in the right-of-way.

Councilmember Piekarski-Krech asked the distance from the edge of the new proposed garage to the street. Associate City Planner Botten responded the new addition to the curb would be 40 feet. She stated Mr. Sindt is currently in compliance. Mayor Tourville asked if the right-of-way was done due to the curvature of the road. Associate City Planner Botten responded it was when the area was platted. If the area to the south is platted, they would also acquire a 70- or 80-foot right-of-way.

Grant Robbins, 9432 Tyne Lane, stated this seems like a reasonable request of resident property and encouraged the City Council to approve the request.

Motion by Bartholomew, seconded by Dietrich to approve the Variance request of 10 feet with the practical difficulty of the inconsistency in the right-of-way for Michael Sindt – Case No. 19-38V; Consider Resolution 19-191 Relating to a Variance to Allow a Garage Addition 20 Feet from the Front Property Line Whereas 30 Feet is Required for Property Located at 6802 Dawn Way.

Councilmember Bartholomew requested looking into reducing the right-of-way from 80 to 70 feet.

Public Works Director Scott Thureen recommended going with the Variance and leaving the right-of-way alone. He recognized that there is a variation and stated that it is a neighborhood collector in the system and since they already have it, he would prefer to keep it.

Ayes: 5

Nays: 0 Motion carried.

Police

D. Consider First Reading of Changes to City Ordinance 5-6-1 Weapons

Deputy Police Chief Sean Folmar stated this is the first reading to the proposed Amendment changes that indicated adding shotgun language to Letter B, adding a Number 5, and eliminating all of Subset C which was the shotguns being pulled out specifically. He stated the bow hunting portion was left out of this request and will be brought forward later this year once it is publicized. He stated when changes were made on the actual draft copy of the resolution, there was an error and those will be changed prior to the next meeting.

Motion by Bartholomew, seconded by Perry to approve the First Reading of Changes to City Ordinance 5-6-1 Weapons along with the input and changes to be made as stated.

Ayes: 5

Nays: 0 Motion carried.

E. Hearing to Consider Revocation of Business License for HTZ LLC aka TZ LLC, dba Sunny Asian Massage located at 5798 Blackshire Path and Individual Massage Therapy Licenses of Min Su and Hong Jun Liao Duray.

City Attorney Tim Kuntz stated the request is to table this item until Monday, October 28, at 7:00 p.m. in City Council Chambers for the next regular City Council meeting.

Motion by Perry, seconded by Piekarski-Krech to table the Hearing to Consider Revocation of Business License for HTZ LLC aka TZ LLC, dba Sunny Asian Massage located at 5798 Blackshire Path and Individual Massage Therapy Licenses of Min Su and Hong Jun Liao Duray until the Monday, October 28, 2019 regular City Council Meeting at 7:00 p.m. at the Inver Grove Heights City Hall.

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville requested alternatives and legal reasons from City Attorney Kuntz. City Attorney Kuntz responded in the meantime they hope to explore other paths that may obviate the need for the hearing.

8. EXECUTIVE SESSION

None

9. MAYOR AND COUNCIL COMMENTS

10. ADJOURN

Motion by Dietrich, seconded by Perry to adjourn the meeting at 7:53 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Sheri Yourczek