

**INVER GROVE HEIGHTS CITY COUNCIL MEETING MINUTES
MONDAY, OCTOBER 28, 2019 - 7:00 P.M.**

1. CALL TO ORDER

The City Council of Inver Grove Heights met in regular session on Monday, October 28, 2019, in the City Council Chambers. The Pledge of Allegiance was recited. 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, Community Development Director Rand, Interim Finance Director/Senior Accountant Battles, Deputy Police Chief Folmar, Police Chief Chiodo, Police Commander Haugland, City Planner Hunting, City Engineer Kaldunski, and Public Works Director Thureen.

Mayor Tourville extended thoughts and Prayers to those in California due to the fires.

3. PRESENTATIONS

There were no Presentations.

4. CONSENT AGENDA

- A. i. Minutes from the October 7, 2019 Council Worksession.
ii. Minutes from the October 14, 2019 Special Council Meeting.
- B. Disbursements for Period Ending October 23, 2019. **Resolution 19-193.**
- C. Approval of Rental Licenses.
- D. Designate Polling Locations for 2020 Elections. **Resolution 19-206.**
- E. Consider Approval of Bid for Fiber Project.
- F. **Resolution 19-194** Certifying Delinquent Utility Bills.
- G. Request Approval of Change Order Nos. 11, 12, 13, and 14 for City Project No. 2014-10, Fire Station No. 2.
- H. Consider Approval of Pay Application No. 11 for City Project No. 2014-11 – Fire Station No. 2.
- I. Consider authorizing the Fire Chief to purchase Video Surveillance Equipment and Installation for City Project No. 2014-10 – Fire Station No. 2.
- J. Consider Acceptance of a \$1,000 Donation to the Inver Grove Heights Fire Department.
- K. Consider **Resolution 19-195** Approving Surveyor's Certificate of Plat Correction for the Plat of Park Point Surveyor's Certificate of Plat Correction related to Plat of Park Point.
- L. Consider Approval of Contract with Union Pacific Railroad for Quiet Zone Assessment Consulting. **Resolution 19-196.**
- M. Consider Change Order No. 1 and Pay Voucher No. 4 for City Project No. 2015-03 – 65th Street Construction (between T.H. 3 and Argenta Trail) and City Project No. 2018-03 – NWA Trunk Watermain Improvements, 65th Street Loop (Phase IV of 2015-12) from Agate Trail to Alverno Lane.
- N. Consider Pay Voucher No. 3 for City Project No. 2018-09D – Atwater Path Pavement Replacement, City Project No. 2018-09F – 55th Street and 55th Street Court Reconstruction, and City Project No. 2017-07, HVP Site Borrow Placement.
- O. Approve Encroachment Agreement for Landowner Improvements within City Easement for 1678 73rd Street (Lot 16, Block 2, Blackstone Vista 3rd Addition).
- P. Approve Encroachment Agreement for Landowner Improvements within City Easement for 1644 73rd Street (Lot 18, Block 2, Blackstone Vista 3rd Addition).
- Q. Consider **Resolution 19-197** Accepting Proposal for Engineering Stormwater Modeling Services for I-State Trucking and Mississippi River Greenway.

- R. Consider a **Resolution 19-198** Receiving Feasibility Report and Scheduling a Public Hearing for City Project No. 2016-09G – 60th Street, 62nd Street and Bacon Avenue Improvements.
- S. Consider a **Resolution 19-199** Receiving Feasibility Report and Scheduling a Public Hearing for City Project No. 2019-09D – 64th Street Area Improvements.
- T. Approval of Undisturbed Natural Area – Open Space Easement Agreement for Outlot B, Amberwood.
- U. Personnel Actions.

Councilmember Bartholomew requested pulling Agenda Items 4E and 4U. Councilmember Dietrich requested pulling Agenda Item 4Aii.

Motion by Bartholomew, seconded by Perry to approve the Consent Agenda with the exception of Agenda Items 4Aii, 4E, and 4U.

Ayes: 5

Nays: 0 Motion carried.

4Aii. Minutes from the October 14, 2019 Special Council Meeting.

Councilmember Dietrich spoke regarding the City Administrator's Review for 2018 stating her portion of the review was not counted and this would set a new precedent. She stated it is important for those who voted for her to be made aware they may have been disenfranchised by this decision. Mayor Tourville responded that was not completely correct in reference to observations of the year prior to 2018, stating Councilmember Dietrich was not on the City Council at that time, making it difficult for her to evaluate an individual. Councilmember Dietrich responded this happens in the business world all of the time when people get new leadership and will be setting a new precedent.

Motion by Bartholomew, seconded by Dietrich to approve, along with comments added to the record as stated, Agenda Item 4Aii. Minutes from the October 14, 2019 Special Council Meeting,

Mayor Tourville stated there are changes in the City Administrator's Contract that are generic. There could be a scenario with new Councilmembers beginning in January and rating the person for the prior year when they were not here. He stated items are being discussed with the City Attorney along with review changes and will be brought forward in the coming weeks.

Ayes: 5

Nays: 0 Motion carried.

4E. Consider Approval of Bid for Fiber Project.

Councilmember Bartholomew asked if time has run out with the listed dates of November 5 and 6, and wanted to ensure the quotes were still valid before voting on the item. City Administrator Joe Lynch responded the bids are still valid coming in under the budgeted amount. Councilmember Bartholomew asked for written or verbal confirmation. City Administrator Lynch responded he would get written correspondence.

Motion by Bartholomew, seconded by Perry to approve the lower bid on Agenda Item 4E. Consider Approval of Bid for Fiber Project with written understanding and the fact that the quote is still valid.

Ayes: 5

Nays: 0 Motion carried.

4U. Personnel Actions

Councilmember Bartholomew referenced the memo of Agenda Item 4U Personnel Actions, and stated Luke Steenberg's name was listed on the last meeting Agenda approval for hiring.

Motion by Bartholomew, seconded by Perry to approve Agenda Item 4U. Personnel Actions, with the name removed as specified.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT

Robert Branvold, 6873 Blackhawk Trail, discussed competition and stated without it, there are monopoly's going on in our City. He stated there are two McDonalds on Cahill Avenue and no other comparable fast food enterprises. Both are owned by the same Franchisee and a monopoly exists, when that is present, service tends to decline, and prices can go up. He stated he doesn't understand why other fast food franchises have not come in to compete and asked why. He questioned why both were allowed to be built in the first place. He stated he would prefer a different fast food Franchise come to Cahill Avenue.

Mayor Tourville responded there is A&W and Subway. He stated the Council does not control the market and cannot force a competitor to build. None have been turned away. Councilmember Piekarski-Krech suggested if certain types of restaurants desire to start a Franchise, commercial spaces are available. She stated the City doesn't stop those type of businesses, they are not coming because the City doesn't have the traffic of Robert Street or Yankee Doodle Road.

Mayor Tourville responded to the question of why both McDonalds' were allowed to be built stating there was no legal reason to deny. The same group wanted to build another McDonald's on Upper 55th that did not fit into the desired location. There could have been three in town. He recommended if other types of restaurants are desired, letters could be written to them requesting they come to Inver Grove Heights.

Andrea Poppinga, 9442 Tyne Lane, stated she filed a request for information from the City of Inver Grove Heights on October 14th under the MN Data Practices Act. The City has ten days to respond or would need to inform her if more time is needed. She commented that she has not heard from the City. She stated the request was to inspect and copy all electronic text, emails, fax, and paper communications between the City and other parties related to the storage project located at 9725 Robert Trail South between the dates of January 19, 2019 and May 31, 2019. This includes the developer, representatives or contracted firms, Barr Engineering, or other firms involved in stormwater management plan on the site.

City Administrator Lynch stated he responded to the email asking for clarification on what information was being requested, they have ten days from the date of the clarification. There are several departments involved in collecting the information and then it has to be placed in a file. He stated he was going to let her know that it would be available on Friday. Ms. Poppinga commented it took four days to clarify her request and she was not told it would be ten days from the clarification.

Mayor Tourville asked when this item will be on the Agenda. Community Development Director Heather Rand responded it would be on the Tuesday, November 12th Agenda.

Councilmember Dietrich asked City Attorney Kuntz to clarify what the policy is on the ten-day clarification. City Attorney Tim Kuntz responded there are several people that have to respond to the Data Practices request. He stated he does not have the ten-day notification information readily available, but knew it is extended once the clarification is made. He stated having the items gathered by Friday should be reasonable in light of the circumstances. Items will be collected by the various departments and set up in a computer drop box, paper copies will be laid out on a table for inspection.

Mayor Tourville asked for a timeframe on Friday. City Administrator Lynch responded it would be available at 8:00 a.m.

Grant Robbins, 9432 Tyne Lane, stated the item about the storage facility should have been on the Agenda this evening and was not.

He stated during the past 64 days the City has had only two meetings with residents and failed to consider resident input to come up with a reasonable solution to the problem. Residents will support a reasonable comprehensive plan to resolve the problem.

He stated last Tuesday residents met with the City who had a proposal the residents do not support. Residents find the proposed modifications to the plan ineffective and have come up with the following requirements to resolve the Conditional Use Permit violations:

- Return entire site to the Conditional Use Permit conditions that were approved in January or
- Require full and effective screening of the only roadway on site. A tall solid wood fence would meet the purpose.
- Replace 37% of the extra 146 trees the developer removed.
- Removal or otherwise render useless the north-south future roadway that cannot be screened from resident property.
- No fence installation screened or otherwise, on or around unauthorized future development location.
- Removal of the entire 20,000 square foot future development location or acceptance of a resident proposed solution.
- Resident funds to address safety hazard from the unauthorized grading changes and to provide ground level screening due to the removal of 1.9 acres of trees on site.

He asked for unanimous consent to place the STOR project back on the regular Agenda for November 12, 2019 regardless of the City's proposal status. At that meeting residents would ask for the Council's support for a reasonable comprehensive resident supported plan. He stated this would require modifications to the plan presented to residents on October 22, 2019. If unable to reach an agreement, residents request a full site stop work order on site November 13, 2019 until a comprehensive plan is agreed to by all parties.

Mayor Tourville requested the topic be placed on the next meetings regular Agenda. Councilmember Bartholomew agreed it should be on the Agenda even if staff has nothing to add at the time. City Attorney Kuntz stated it would go on the Agenda unless someone didn't want it to be. All Councilmembers agreed to have the item placed on the next regular meetings Agenda.

City Attorney Kuntz stated he located the information he was trying to find earlier with respect to the 10-day issue. There is a Minnesota Statute 13.04, Subd. 3, that states if the requesting party is seeking the data about the requesting party, the subject of the data, then the 10-day rule is in effect. Due to seeking the clarification, the number of people to be contacted, and separating the data from other data, Friday is thought to be reasonable and prompt. Mayor Tourville requested staff notify the requester if the ten-day timeframe was not enough time.

6. PUBLIC HEARING

None

7 REGULAR AGENDA**Administration****A. Inver Grove Heights Convention & Visitors Bureau Budget as presented by Eric Satre, CVB Director.**

Eric Satre, Director of the Inver Grove Heights Convention & Visitors Bureau (CVB), discussed the 2020 Budget stating the budget is directly funded by local hotel lodging tax. Visitors pay a 2% tax when staying at local hotels such as the AmericInn, Holiday Inn Express, Microtel, and Palace Inn. 110 Minnesota cities utilize the lodging tax, 26 of them are in the metro area. He stated 2018 was a great year and provided the following information:

Councilmember Bartholomew asked about the following line items and the changes that were made and their purposes:

- Smith Travel Research. Increase of \$1,100 to measure local hotel performances.
Mr. Satre responded Explore Minnesota Tourism uses it as a benchmark for hotels and gives hotel occupancy and rates. This is a private firm that gets their information from hotel reports and are purchased by Bureaus and other hotels. Councilmember Bartholomew asked if that includes posts by consumers. Mr. Satre responded it is reported by hotels.
- CVB Travel Blog: Amount of \$2,400. He asked who the Travel Blogger was.
Mr. Satre responded the Blogger is Stacy Brooks who writes for City Pages and other publications. In last year's budget this item was listed under the Marketing Projects line. The Blogger writes two Blogs per month with the focal point being Inver Grove Heights. Councilmember Piekarski-Krech asked how that information is measured. Mr. Satre responded Google Analytics, the Website, and Social Media Platforms. The visitigh.com Website is where the Blogs exist and can be measured to see how many people click on and read the Blogs.
- Design and Marketing Services increase of \$8,000. He asked if it was a new path or an expansion of existing efforts. Mr. Satre responded it is creative design for ads, marketing campaigns, the tourism map which had a proposal of \$10,000, and a design firm, Ensemble Creative out of Lakeville, which designed the Visitor's Guide and other digital pieces.
- Event Sponsorship in the amount of \$500. Mr. Satre responded one item is the Holiday in the Heights sponsorship. It was not previously listed on the budget and is a partnership with the Parks and Recreation Department.
- Promotional Package for the Minnesota State Fair Lodging Package. Mr. Satre responded it was listed under marketing projects and is a newly created item. There is a hotel package that allows visitors to get two State Fair Tickets included in the rate.
- Increase in Salary. 7% increase. Mr. Satre responded the last budget was passed before he began his employment. This is a request to match his previous salary. It includes his experience. He has been in the Convention and Visitor's Bureau Industry for 13 years and previous to that, has hotel experience. Mayor Tourville stated the request has been reviewed by the Board of Directors. Mr. Satre stated while it has been reviewed by the Board of Directors, they want to do an annual review before approving.

Councilmember Bartholomew stated in respect to the Board, for 2019 they used \$12,700 in reserves and in 2020 it's listed as using \$8,600 in reserves. More is being spent than received in tax and he was hesitant with the salary when using that kind of reserve. Mr. Satre noted the reserve should be between 40% and 50% of the regular annual operating budget, currently it is twice the amount. He stated he has a small budget with a 2% lodging tax when most cities are at 3%. Councilmember Piekarski-Krech stated across the board it has not gone above 3%. She agreed with Councilmember Bartholomew regarding the reserves and the budget but was

concerned they were ahead because another hotel opened. They should be way ahead, not just making what is needed. She stated she was concerned about going with that amount at one time.

Jennifer Gale, President of the River Heights Chamber of Commerce, stated they are also Mr. Satre's employer. The Board discussed holding a place pending a full review process, there would be room for salary negotiations. At the point he was hired there was no further money to offer. She stated it was discussed that when his year was up, they would have a review as to whether or not they could provide an increase. She stated the Board made the decision to continue their level of spending to advertise for Inver Grove Heights through the lodging tax, not just for a salary increase takeaway.

Councilmember Piekarski-Krech stated she believes Mr. Satre should get an increase but felt 7% was a bit over a salary increase. Ms. Gale responded when the budget was set last year it was the first time, they had a full time CVB Executive recommendation. An estimate was made as best as they could but didn't consider full benefits and a retirement package.

Mayor Tourville clarified what was being requested stating this is a placeholder; an annual review would be done, and a recommendation would come back. He suggested the Board look within those parameters, do the review, and then come back and say the figure cannot go any higher. Councilmember Piekarski-Krech stated she was uncomfortable with how this was handled.

Ms. Gale spoke on behalf of the Board stating they could have made the decision to scale back spending and stay within the amount. They didn't feel that was doing justice to the progress the CVB has seen over the last year with Mr. Satre. She stated she is confident a thorough review will be done. Information is sent out to the Board and City Staff, they gather feedback, a report is written up, and the Board goes over the results.

Councilmember Piekarski-Krech asked if this would be a salary or a bonus. Ms. Gale responded the Board makes the decision, but it would be some type of salary increase. Councilmember Piekarski-Krech asked if this included all benefits. Ms. Gale responded in the affirmative.

Community Development Director Rand is on the CVB Board and stated they are fortunate to have Mr. Satre serve in this capacity. A lot has been accomplished. She stated the Board wanted flexibility to increase the salary, reward the performance, and the talent so it's not lost. She stated she felt the salary was reasonable, it was already on the low side and they are trying to get it up to the level that it should have been. She stated the CVB Board will use wise judgement in establishing the salary. She strongly encouraged the Council to approve and adopt the budget as presented and stated there would not be a big jump in the salary line item next year.

Councilmember Bartholomew stated the budget looks reasonable but wanted to make sure people understand it is not flexible, the Council does not vote on the increase.

Councilmember Dietrich applauded the group of peers that newer Board Member Rand is with on the Board and commented that even though she is new, her voice still mattered.

Mr. Satre stated he was thankful for being here and excited for the opportunity.

Motion by Bartholomew, seconded by Perry to approve the Inver Grove Heights Convention & Visitors Bureau Budget as presented by Eric Satre, CVB Director.

Ayes: 5

Nays: 0 Motion carried.

B. ITEM PULLED FROM THE AGENDA

C. Consider Approval of Therapeutic Massage Business License.

City Administrator Lynch stated this is an Application by Fang Yang for a Therapeutic Massage Business License for Beauty Life, LLC, doing business as Life Massage & Spa to be located at 9086 Buchanan Trail. Application was submitted per City requirements, the number of hours of therapeutic massage training has been completed, is a member of good standing and recognized professional therapeutic massage organization, and the background investigation revealed no reason for denial. Staff recommends approval for a Therapeutic Massage Business License for Life Massage & Spa.

Ping Chen and his wife Fang Yang, 9086 Buchanan Trail, introduced themselves. Councilmember Bartholomew asked if he was aware of the rules and the Ordinance for the business and if he would comply. Mr. Chen responded yes.

Mayor Tourville stated the City is in the process of updating Massage Licensing and businesses. City Attorney Kuntz stated it would be discussed under Agenda Item G this evening. City Administrator Lynch stated the Agenda item is the first reading of the consideration of changes. This Application has been processed, there were no background investigation problems, and appropriate fees were paid. If changes are made to the Ordinance, the Applicant would have to come to compliance with those changes.

Motion by Dietrich, seconded by Perry to approve Consider Approval of Therapeutic Massage Business License.

Ayes: 5

Nays: 0 Motion carried.

D. Voluntary Massage License Surrender Agreements. Resolution 19-200.

City Attorney Kuntz stated the intent was to bring forward a process for revocation of three licenses dealing with a massage business located at 5798 Blackshire Path, in the Sunny Asian Massage business. The three licenses include the massage business establishment license DBA Sunny Asian Massage and two therapist licenses, one for Ms. Duray, and one for Ms. Su. The process has been obviated by the presentation of the above listed, three Voluntary Massage License Surrender Agreements. He stated the Agreements have been signed and the City has the originals. The Agreements await approval and accomplishes the following four items:

1. Each Licensee abandons and withdraws their license effective, October 29th, 2019.
2. The Licensee agrees not to have any financial interest going forward into the future in any massage business establishment in the City of Inver Grove Heights.
3. The Licensee agrees to not have any employment relationship with any massage business in the City of Inver Grove Heights.
4. The Licensee agrees to not make any application in the future for a massage business license or a massage therapy license.

City Attorney Kuntz stated this is a Resolution approving the three Surrender License Agreements and asked that Council approve the Resolution. He stated the Agreement by the City is that the City would forebear any revocation hearing and would not proceed with the revocation process.

Motion by Piekarski-Krech, seconded by Perry to approve the Voluntary Massage License Surrender Agreements. Resolution 19-200.

Ayes: 5

Nays: 0 Motion carried.

Police

E. Consider Seconded Reading of the Weapons Ordinance

Deputy Police Chief Sean Folmar distributed updated Ordinances to the Council Members. Councilmember Bartholomew asked if this information was available on the City Website. City Attorney Kuntz responded there would be a posting on the City website and bulletin board prior to the third reading.

Motion by Perry, seconded by Bartholomew to approve Consider Seconded Reading of the Weapons Ordinance.

Ayes: 5

Nays: 0 Motion carried.

F. Consider First Reading of Ordinance Amending City Code 4-1-19: Civil Penalties and Sanctions of Chapter 1 Alcoholic Beverages of Title 4 Business Regulations.

Police Chief Melissa Chiodo stated this information is the same as the information brought forward at the last work session. Changes were made to clear up language as follows:

- Page 2, Section 2: Break out in Section 1 stating "Failing to conduct mandated alcohol server training as required by Ordinance, is a violation".
- Section 2, Subsection B: 2, 3, and 4: Police Chief or his/her designee when there is a violation, will provide calendar dates to the Council to select the business closure dates instead of the letting the business owner select the day they would be closed.

Councilmember Bartholomew stated it currently states the owner pick the date they be closed. Police Chief Chiodo responded the Ordinance doesn't state they could do it as it has been vague, past practice was that the business owner was allowed to pick the date. Dates will be selected by the Council or by the Police Chief for the Council to consider. Councilmember Bartholomew asked what would take place if the Council did not agree with the dates selected. City Attorney Kuntz responded the Council is in charge.

Mayor Tourville asked about the date selection stating in the past the business owner picked the least busy day, the Police Department may choose the busiest. Police Chief Chiodo responded the Council gets to pick and choose. If it is a three-day violation, four to five dates will be recommended.

Motion by Piekarski-Krech, seconded by Bartholomew to approve Consider First Reading of Ordinance Amending City Code 4-1-19: Civil Penalties and Sanctions of Chapter 1 Alcoholic Beverages of Title 4 Business Regulations.

Ayes: 5

Nays: 0 Motion carried.

G. First Reading of an Ordinance Amending City Code Title 4, Chapter 8, Section 1, Related to Massage Business and Massage Therapist Licenses.

Police Commander Dennis Haugland discussed the Ordinance as follows:

- Section 1: Language was cleaned up. Gives a longer look back period.
- Section 2: In addition to the current Ordinance, deals with the Individual Massage License.
- Section 3: In addition to the Ordinance, falls under the Denial Revocation of Licensing.
- 15: Ensures the person applying for licensing has a real interest in obtaining the Licensure and being a part of that business.
- 16: Everything has to be complied with within the Ordinance.
- Section 4: Takes away any transferring of massage licensing without the new owners going through a new licensing process.
- Section 5 and 6: Additions to the Ordinance. States the Manager or Managing Operator of the business live within 150 miles of the premises.
- Section 7: Additions of Items K through P as follows:
 - Food preparation, habitation, window covering, equipment, rates and licenses visibly displayed in the lobby, compliance with all building and fire codes.

Councilmember Piekarski-Krech asked about the business license and if it included one therapist or if they would need to get an individual license. City Attorney Kuntz responded each therapist has to have a license and has to work for a licensed business. If working alone in their own business the individual would need both a business license and a therapist license.

Councilmember Bartholomew asked about Section 6 and the requirement to be within 150 miles. City Attorney Kuntz responded the question was regarding the rationale basis and the response was if it is similar to having an onsite manager and would be able to have contact with that person if they were closer. If beyond the range, it could be difficult to contact and get a ready response. Councilmember Bartholomew asked if the distance was enforceable. City Attorney Kuntz responded it would be disclosed at the time of application showing proof of where they live. It wouldn't be checked during the license year, but each year they would get an application that would be verified.

Councilmember Bartholomew asked if the changes would result in an increased license fee. City Administrator Lynch responded that needs to be discussed, it also includes the fire code, building codes, and code compliance. He stated they need to determine how often those types of checks should be done and if it would have an impact on the fee charged so costs are covered. Those businesses are not checked on a regular basis, the number of times and fees have not been determined yet.

Mayor Tourville stated the City needs to look into what businesses would have inspections. Councilmember Bartholomew agreed stating the Applicant and owner of the business should pay for all inspections.

Motion by Piekarski-Krech, seconded by Perry to approve First Reading of an Ordinance Amending City Code Title 4, Chapter 8, Section 1, Related to Massage Business and Massage Therapist Licenses.

Bruce Tiemann, 6308 South Robert Trail, asked if there were any other businesses that have the mile restriction. Mayor Tourville responded he did not believe so and stated it was something the City Attorney would be checking into.

Ayes: 5

Nays: 0 Motion carried.

Community Development

H Dakota County SMART Building – Case No. 19-ZPV – Consider the following requests for property located at the corner of Concord Boulevard and Courthouse Boulevard:

- 1. An Ordinance Amendment rezoning the property from B-3, General Business to P, Institutional.**
- 2. A Resolution approving a Major Site Plan Approval for a 35,000 square foot government training facility. Resolution 19-201.**

City Planner Allan Hunting discussed the City owned property located on the corner of Concord Boulevard and Courthouse Boulevard, next to the Fire Station. The land would be sold to Dakota County for the training facility/SMART Center. The project consists of a two-story building, 35,000 square feet, one access point from Courthouse Boulevard, and branches off into two directions. Parking would be on both the upper and lower levels. He stated the project complies with all performance standards. Rezoning would bring it to Public Institutional. Staff recommends approval of the two requests.

Jerome Biedny, Capital Planning Manager for Dakota County, Joe Lexa, Project Manager, introduced themselves. Mr. Biedny stated it is a Regional Training Center for de-escalation for First Responders. There are many County and local City partners as well as other groups that could benefit from a facility like this. Funding came through State Bonding and the County. He stated this would be a regional asset. Mr. Lexa stated the acronym for SMART is Safety Mental Health Alternative Response Training Center. Mr. Biedny stated groundbreaking will begin in the spring with people moving in, in April of the following year. He thanked City staff for their help with the process.

Motion by Bartholomew, seconded by Piekarski-Krech to approve Dakota County SMART Building – Case No. 19-ZPV – Consider the following requests for property located at the corner of Concord Boulevard and Courthouse Boulevard:

- 1. An Ordinance Amendment rezoning the property from B-3, General Business to P, Institutional.**
- 2. A Resolution 19-201 approving a Major Site Plan Approval for a 35,000 square foot government training facility.**

Ayes: 5

Nays: 0 Motion carried.

I. SMART Training Center – Development Documents and Seconded Amendment to Purchase Agreement. Resolution 19-202.

City Attorney Kuntz stated the Resolution, if adopted, approves the seconded Amendment to the Purchase Agreement which extends the purchase date to no later than December 6th, 2019. The transaction could close as early as November 15th, but no later than December 6th. He stated that also included within the Resolution is an Improvement Agreement, Stormwater Facilities Maintenance Agreement, and a Fire Hydrant License Agreement. These have been approved by County Staff and will go before the County Board. He stated there were conditions preceding this that had to be met for the real estate transaction to go forward. Those include: The Comprehensive Plan, rezoning, and site plan. All have been addressed except for one that will be up for Council consideration on November 12, 2019, for a variance request for a possible expansion area. He stated the Council will hear from the Planning Commission that sale of the property to the County is consistent to the Comprehensive Plan. The Resolution authorizes the

City to proceed with the transaction to go to the closing pursuant to the Purchase Agreement if those conditions are met.

Motion by Piekarski-Krech, seconded by Perry to approve SMART Training Center – Development Documents and Seconded Amendment to Purchase Agreement. Resolution 19-202.

Mayor Tourville asked about the Fire Hydrant License Agreement. City Attorney Kuntz responded it is the recommendation of Engineering and Fire Inspections for commercial buildings. The City has done fire hydrant testing and keeps track of the onsite hydrants near the buildings.

Ayes: 5

Nays: 0 Motion carried.

J. Source Land Capital – Case No. 19-14ZPD – Consider the following requests for property located at 6477 South Robert Trail:

- 1. An Ordinance rezoning the property from A, Agricultural to R-1C/PUD, Single Family Planned Unit Development.**
- 2. A Resolution relating to a Preliminary Plat for a 66-lot subdivision to be known as Windsor Ridge.**
- 3. A Resolution relating to a Preliminary Planned Unit Development for Windsor Ridge Resolution 19-203.**

City Planner Hunting stated this item was last before the City Council in May and was tabled to sort out stormwater management. He summarized the project located on 65th Street and South Robert Street:

- 66 lot single family development on approximately 30 acres.
- Project is providing about 25% open space over the site.
- Density is consistent with the Comprehensive Plan needs for the northwest area.
- Lot sizes range from 8,000 to 21,000. Between 65 and 70 feet.
- Public street system is Agate Trail.
- Right of way: 60 feet on the collector street, 50 feet on the other two local streets. Streets are 28 feet wide, parking on one side, sidewalks on one side of the street.

Applicant requests the following flexibility requests:

- Building separation: Requesting buildings to have a minimum of 15 feet. Code is 20 feet.
- One setback variance: Lot 11: Proposing to be 36 feet as opposed to 40 feet.
- Proposing overall impervious surface of 30% instead of 25%.
- Maximum of 3,700 square feet of lot coverage on each lot.
- Reforestation. Lot is heavily wooded. Proposing to remove a significant number of trees. The request is to have flexibility so reforestation kicks in if exceeding 50% removal of significant trees on site. Code for single family is 30%. Developer can remove up to 30% without any obligation. If going over that amount, they would have to reforest based on the regulations and Code.
- Cul de sac length. 700 feet instead of 500 feet in length.
- Open space in the undisturbed and disturbed spaces. Hit minimums, asking for flexibility. They need to do a berm area based on design and requests that not be counted towards undisturbed area.
- Rate control on ponds.

City Engineer Tom Kaldunski discussed stormwater in the northwest area stating one of the outcomes from the Council meeting in May was to go forward and have one of the consultants involved in the original modeling of the northwest area, Mr. Brett Emmons, from EOR be involved with the project. City Engineer Kaldunski stated meetings since May involved coming up with additional sources to infiltrate additional groundwater. The northwest area requires to infiltrate a five-year storm which is 3.6 inches of rain. He gave the following overview of locations:

- Agate Trail. Depicts a rock trench allowing the water from the storm system to soak into the ground at that location and reach a basin.
- Stormwater re-use. Water is collected in a facility; stormwater is pumped onto it at various times to irrigate and re-use water to promote area growth. Areas include steep slopes and backyards.
- Another stormwater re-use area draws water out of a basin and irrigates the area of steep slopes.
- Larger infiltration raingardens were added as well as several smaller ones in some backyards.

He stated those items were done by our consultants. There are five conditions that deal with testing and infiltration features. He stated they are waiting for results on an area that requires MnDOT permitting.

Brett Emmons, EOR, stated he has been involved with stormwater planning for areas on the site. The following conditions are currently being worked through:

- Want to confirm the five-year volume is met. Borings are being analyzed.
- Some borings show silty soil toward the surface, further down has better sand and gravel soils. There is a fall back contingency in place.
- Some reconfiguration has been done to hold more water in an area. There is a valve in the berm area they are having discussions about whether to leave open or closed. It would be the City's responsibility to take care of long term.
- Brought in the ability to re-use.

City Attorney Kuntz asked why the City would open the valve. Mr. Emmons responded there have been discussions that if it gets a lot of water, gets to be a maintenance issue, or vegetation isn't doing well, it may need to be bled out. It is a contingency if needed.

Mayor Tourville asked if anything has been learned between May and now. Mr. Emmons responded the plan has evolved and features have been added. City Engineer Kaldunski stated they have been incorporating different items such as infiltration, infiltration basins, raingardens, and irrigation. There has been more success with getting the water into the ground, the original concept may not have had enough. He stated they have learned additional best management practices that can help promote the infiltration being applied to this project. Mr. Emmons agreed.

Councilmember Bartholomew asked for more information about stormwater re-use. City Engineer Kaldunski responded with an example from the diagram stating the storm system discharges into the central basin. Water is captured and held for a duration before clean water goes into a larger regional basin. It allows water to be pumped out of a basin and then sprays water whenever the pump says it is time to spray water, such as when the water level reaches a certain elevation. That helps the natural vegetation. Councilmember Bartholomew asked who owned and maintained the system. City Engineer Kaldunski responded it would be the Homeowners Association.

Mayor Tourville stated for example, after a four-day rainfall the irrigation would still go off to get rid of the excess water. City Engineer Kaldunski commented a few phone calls were received about that in Argenta Hills. Once educated about the process, they have not received further calls. He suggested based off that, education should be done up front about this type of system.

Councilmember Piekarski-Krech asked how the 24-inch pipe under Robert Street was being handled as that has been a concern. City Engineer Kaldunski responded the pipe would do as it does today, taking water that drains to it. With this plan, water from the development would seldom get in there. Councilmember Piekarski-Krech asked how that is known for sure. City Engineer Kaldunski responded the information has not been fully collected yet, but a one to three-inch rainfall should be fully contained with the water soaking into the ground with 48 hours. A 6 to 7.5-inch rainfall in the summer would still be fully contained. He stated a 7.5-inch rain as a snowmelt when the ground is frozen could result in a slight discharge. Councilmember Piekarski-Krech asked how that was fully contained and if it was the basin or inground structure. City Engineer Kaldunski responded it is a combination of all of those.

Pat Hiller, Source Land Capital, introduced his team in attendance beginning with Chase Peterson, Greg Fransen, Water Resources Engineer from Barr Engineering, and John Bender, Project Engineer. He began the discussion about the basin and the concerns regarding Mr. Nichol's property. The basin has built in flexibility and can store 3.8-acre feet of water, 1.2 million gallons, and a seven-foot rise from the bottom if completely full. A 100-year storm event in the summer is 2.8-acre feet, the pond exceeds that. He stated if the City wanted to, they could operate the valve closed and store the water there, but the question is how to relieve the pond and how long it would take to discharge for the next rain event. He stated the valve can be operated open or closed. There would be additional drain tile in the area.

Mr. Hiller discussed the flexibility requests beginning with tree forestation as depicted on a diagram. He stated in order to get significant lots the area needs to be leveled with the dirt spread out, leaving no other choice than to take down the trees in the center. They are trying to leave trees in the perimeter as best they can. He stated the 30% standard is impossible to meet and still develop the site and requests flexibility to a 50% removal standard. If approved, over 1,000 trees will be mitigated at a cost of over \$300,000. Half would be replanted with the other half being paid into the tree fund.

Greg Fransen, Barr Engineering, stated the word for the basin is adaptive management. There is a valve that would be constructed in the berm that can be closed and shut off. That could be done by the City along with monitoring what the pond does. He stated IT infiltrated well, and the re-use system watering the areas can keep up with extra, the vegetation and ground should do well. If that does not take place and the valve needs to be opened at times, they have sized the pond and the outlet control structure, so requirements are still met. For snow melt the valve would always need to be closed.

Councilmember Bartholomew questioned the discharge when frozen. Mr. Fransen responded there would be a small amount of discharge when the ground is frozen for a 100 year/10-day snow event. Councilmember Bartholomew commented as a result of that the City would have to monitor the valve. Mr. Fransen responded the valve operation/maintenance has not been written yet, but in the fall the valve can be closed and remain closed all winter if it is run in the open position in the summer. After snow melt, it could be left open or closed.

Mayor Tourville asked if it was manual and/or electronic. Mr. Fransen responded it would be manual. Electronics can be added at the City's choice. Mayor Tourville stated both options may make it easier in some circumstances. City Engineer Kaldunski stated ones similar to the one being described are all manual. This would be done seasonally and designed similar to the one out at Argenta Hills. It is in a controlled structure. Mr. Fransen stated having it done manually allows for an inspection to be done at the same time.

Mr. Fransen stated there would be multiple ways to get water out of the basin if needed. One could be a temporary pump to pump water up to the stormwater system on Trunk Highway 3 taking it to a larger basin. That would only be done in an emergency type situation when nothing else is working. He stated the City has said they would be constructing a pumping system further south in Hannah Meadows. City Attorney Kuntz asked when that would be constructed. City Engineer Kaldunski responded he was unsure as it requires a plat be brought before the City Council. A pipeline has been installed with the roundabout in the area, it still needs the pumping station.

Mayor Tourville asked for further information about the tree request. Mr. Hiller responded they are requesting a 50% removal standard instead of 30%. They would still mitigate over 1,000 trees at a cost of over \$300,000. Half would be on-site trees, the other half would be paid into the tree fund.

Councilmember Piekarski-Krech asked how many and what types of trees would be planted on site. She commented the trees being removed are irreplaceable 100-year old oak trees. Mr. Hiller responded 483 trees. John Bender, Project Engineer, referenced a diagram stating there were Sienna Glen Maples, Northwood Maples, Skyline Honeylocust, Ribbon Pine Oak, Red Oak, Burr Oak, and Redmond Linden. Size is 2.5 inch. He stated the Tree Ordinance requires replacing the number of inches you remove. Councilmember Piekarski-Krech asked if the maple trees were long living trees or 20- or 30-year trees. Mr. Bender responded the intention is to have the trees at a 30 year or better expectancy. Councilmember Piekarski-Krech stated some maples trees don't make it past 15 years which doesn't provide a purpose to having the trees for canopy. Mr. Bender asked if the City has a preference. Mr. Hiller stated they would be open to suggestions or changes. Councilmember Piekarski-Krech suggested hardwoods that would last and provide a canopy.

Kevin Huebscher, formerly of 6275 South Robert Trail, referenced the Inver Grove Heights History Book and discussed the history of the area with the Wille family. He is trying to make a last-ditch effort to save the oak trees on the northeast border of the project and the need for the City to maintain the heritage when these projects are done. He discussed tourism stating the old Chamber of Commerce map states, "where the City meets the Country" and asked what the saying would be now. He stated there are large oaks that are coming down at a fast rate for projects like these. The oaks were there in 1920 when Robert Street was a dirt road. He commented the trees should be saved and to charge more for the hardwood view lots.

He discussed protecting the heritage and referenced several locations. He suggested naming a street Alvina Way after his Grandmother who was born and died on the location being spoken of. He suggested having a marker for Kev's Korner which was there for 42 years. He stated there is a Settler's Ridge and asked why they don't name the Settlers. He stated he wrote a letter to the Council Members and did not receive a response. He commented that he spoke with the City Planner and the Planning Commission, who did not mention the oaks. He asked the City to do the right thing before it's all gone. He stated they cannot get back the 150-year oak trees after they are taken down.

Bill Nichols, 6302 South Robert Trail, stated he is the landowner to the east of the proposed development, downstream. He appreciated the work that has been done but did not feel it outweighs what could have been a 55-home development and getting an extra 11 units on the land and cutting down the oaks. His issue is with the water. He stated a new MnDOT culvert was put in last year by the City. There is a sedge meadow on his property and last years water came right up to it, if this year is worse it will cover the sedge meadow. He stated he knows the City is trying to work things out but felt the developer should be a part of the solution. He was concerned that MnDOT is not on board with the proposed solutions. He discussed berm solutions stating that MnDOT would be sensitive to the ponding on the northeast and southeast ends.

He referenced a letter from his Attorney that was given to the Council that states if something is passed this evening, to make a condition that the development would hold its own water and not put it through an open valve to flood his land unless there is a solution on his side of the street.

Councilmember Bartholomew asked if Mr. Nichols was aware of the pump solution on his side of the property. Mr. Nichols responded he hasn't spoken to anyone until he was invited to the meeting last Monday. He stated the engineer was unable to attend, but they both saw the plans the next day. He stated 65th Street was open and there have been semi's parked on the corner pumping water out of the new pond. He stated there needs to be a larger solution, not one at a time.

Councilmember Bartholomew stated Mr. Nichols is asking that the water be maintained on the development. Mr. Nichols responded he was not interested in taking water through the new culvert when they didn't have water for 25 years.

Motion by Piekarski-Krech, seconded by Perry to accept two documents distributed this evening, an email from Mr. Nichols, and a letter from his Attorney into the record.

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville asked if there have been discussions with MnDOT. He stated if MnDOT says you can't take water from one side to the other why demand culverts be put in place. City Engineer Kaldunski stated he had meetings six months ago with MnDOT. They knew the culvert was there and it was replaced. He stated he has heard from the developer that they have received verbal confirmation from MnDOT stating they have the documents the Council has. They have not received the approved permit, but it is one of the conditions that MnDOT has to give the City the written permit.

Councilmember Piekarski-Krech stated there was several areas in the northwest area that are critical protected habitats. She asked if any of those are on the development property. City Planner Hunting responded no, not on this site.

Mayor Tourville stated the goal was to have as little water as possible on the other side. Some water will come off of Highway 3 and will go east not west. City Engineer Kaldunski stated the proposal has done enough to hold back the water until it gets to more extreme events, in those cases the water would be less than what's going through the culvert now.

Councilmember Bartholomew referenced the letter from the Attorney where it states, "the City should deny because the developer lacks the necessary easement to control its surface water runoff". City Engineer Kaldunski responded it says there is no easement on his property at this

time for water. It is the natural low spot where water goes. The same amount of water can go through as before, but not more. Councilmember Bartholomew asked what would happen if it was different than the flow it was before development started. City Engineer Kaldunski responded they are in negotiations and waiting for an appraisal on an easement for the east side.

Mr. Nichols displayed a photo of the culvert on his land from 14 months ago. Water never came through because it was 80 years old. He stated when MnDOT approved extending the culvert by 30 feet at grade with the new west side of the street, he started taking all water that came in that direction. He stated there are currently eight grates on the street coming to this pipe and out onto their side of the street. The developer began with that as the pre-existing condition with a 24-inch culvert and work with. He stated today he hears they would stop the water and deal with what comes off the street. He asked that the Council not compound the problem with any approvals for the preliminary PUD today.

Councilmember Piekarski-Krech stated she was concerned about the sedge meadow. She commented the study was done on the northwest area to protect the areas that were unique and critical. Mayor Tourville responded those areas are not a part of this plan. Councilmember Piekarski-Krech stated Mr. Nichols has said predevelopment, the water was up to his sedge meadow, she wanted to ensure whatever is put in the area protects the sedge meadow. Mayor Tourville stated last spring was not only about weather, there were other issues. They need to hold as much water as possible on the west side of the road. He stated they should continue to look at having a basin on the east side. Both sides need to be addressed.

Councilmember Bartholomew stated Staff and Engineers on this project are confident they can maintain the water on site, but there is a chance water could come off site. He asked how to address that concern. He stated he is trying to think through the process of telling the developer to keep all the water on site. Mayor Tourville agreed. Further discussion is needed in dealing with the east side of Robert Street for this and other developments in the future. There is no guarantee there won't be any water. There could be water from a storm creating ponding on the east side. Councilmember Bartholomew stated if they are confident, they can hold it there, they should hold it there, if it comes over it comes over. Councilmember Piekarski-Krech stated the idea of the northwest area development was that all stormwater was dealt with on the property. Each property kept its own stormwater. Mayor Tourville referenced another development that had difficulty storing water on individual properties and ended up developing more than was planned in order to store the water.

Brett Emmons, EOR, stated it is a difficult site. It is a zero-discharge system but is benchmarked stating the existing water will flow down into an area and culvert. With this development there are different ideas on how to manage the valve, there is berm and storage. It is said the valve could be open during the summer and closed in the winter and still meet standards. The standards were written with a five-year volume control and a 100-year snow melt but did not discuss the in between type of storms. He stated the applicant would still like the ability to have the valve open. By the Ordinance, it states if they meet the five-year volume control and they meet the snow melt, then they have met the conditions of the Ordinance.

He commented from his point of view it can be managed closed as the first approach, and only opened if needed. The applicant is asking for approval for saying it would be open and it would meet the five-year volume, and be closed and meet the snow melt, but there could be times in between that it could exceed. Mayor Tourville asked in the case of a large event, if there was enough capacity in the stormwater pipe on Robert Street down to 70th and to the east side on the south of the new Holiday Station. City Engineer Kaldunski responded it has not been

modeled yet so he cannot give an answer but does know there is room in a pipe to put more pump water in it. He stated the modeling done in 2005 was based on the existing pipes and culverts in place. The pipes put in for the new roundabout are designed to handle the flow. Everything currently being built is built large enough.

Mayor Tourville commented that if Mr. Nichols began to see water coming through the pipe he would call, and things would be in place to pump into the Robert Street line. City Engineer Kaldunski responded that was an emergency plan to have in place. He stated they have not discussed a drought. Water may be needed to go through because they don't want the sedge meadow to die because of lack of water. He stated we are currently in one of the wettest periods in recorded history, they have not experienced the drought side of things yet.

Councilmember Bartholomew asked about the first model of the area and the pipe. He asked how they know what the flow or baseline is. City Engineer Kaldunski responded that no one found that pipe despite looking for it. The baseline is knowing there is a pipe there and knowing there is a drainage area that drains to it. He stated the pipe has been there since 1936 and is a MnDOT pipe, not a City pipe, and wasn't in the 2005/2006 model. It was in the 2017 model being used today. Councilmember Bartholomew stated there is a new pipe there now. He commented there are emergency plans in the works, the intent is to maintain all water on site, but could be released if necessary. City Engineer Kaldunski stated they would hold back as much water as possible with the realization there could be a bigger storm someday.

Mayor Tourville asked if there is the possibility of a basin on the east side of Robert Street. City Administrator Lynch responded they are waiting an appraisal.

Bruce Tiemann, 6308 South Robert Trail, stated he lives next to Mr. Nichols and was flooded out last year. Nobody has approached him about this issue. Mayor Tourville asked if the City was called. Mr. Tiemann responded he was at the Planning Commission and City Council meetings. City Engineer Kaldunski responded the appraisal maps were drawn that include Mr. Tiemann's property. Mr. Tiemann stated he has farm animals that could not get to his barn for nearly a month due to the flooding last year.

Brad Lojovich, 6385 South Robert, stated there has been a lot of uncertainty surrounding this and needs further discussion. He asked about the 66 houses on the land and if it was the minimum number of houses the City wanted for development. City Planner Hunting responded it wasn't a requirement to do 66, there is enough density there to meet the minimum assumptions. Councilmember Bartholomew stated it was about the property owner using his property to the extent that he can. The landowner can develop the property within the constraints of the Ordinance. Mr. Lojovich asked why there are requirements that can be waived. Councilmember Bartholomew responded there are requirements in the northwest area and flexibility because it was known to be a difficult area to develop.

Mr. Lojovich asked about the berm and how much water would be held because he was concerned about his well that was 212 feet down. He asked if water is being held how it would be prevented from flooding his yard. Mr. Fransen referenced a contour map stating if the emergency overflow constructed with the berm became blocked, that water would go around and come back down on the front side of the berm. The property line is fully protected. Mr. Lojovich referenced the diagram asking who took care of an area. Mr. Fransen responded the Homeowners Association. They are responsible for operation of the irrigation system.

Mr. Fransen stated the snow melt volume would be 3.8-acre feet that would accumulate in the pond. Water infiltration would not be impacted by this, water would go down into the soil and migrate into the Nichol's property. He stated it is about 50 feet lower on the Nichol's property.

Mayor Tourville stated there is one well left. Mr. Lojovich responded others have wells and pointed out the location of a well that should be capped if not used.

Mr. Tiemann stated he agreed about trying to save the 150-year-old oak trees. He commented that he thought the proposal at one time was for 55 homes not 66, 55 homes could save a lot of oak trees. He asked for a recount on the trees because it has been a few years since they were counted, and things may have changed. He stated he believed it was a State Law that the developer is supposed to maintain and retain the water on the site of their development. He suggested the City change the 100-year flood number.

Mayor Tourville asked Mr. Hiller if any of the oaks would be saved. Mr. Hiller displayed a diagram of the tree inventory and pointed out the ones being saved. He stated the center section would be dropped down 25 to 30 feet with fill placed in other areas and requires the removal of other trees according to the current plan. He displayed a diagram depicting the saved trees and the planting of new trees around the perimeter. He stated when the trees mature there are more inches then there were when they taken out to begin with. Councilmember Piekarski-Krech commented some trees are planted too close together and may have to be taken out. Mr. Hiller responded they are trying to plant as many as practical. The landscape plan can be adjusted. He stated the tree inventory was done last year.

Councilmember Bartholomew suggested entertaining or discussing the possibility of adding a condition that states: "we will maintain water on the site and not allow anything to flow to the east without permission from the landowner to the east". This takes into consideration the fact that the landowner may want water at some point. Councilmember Piekarski-Krech agreed with the suggestion.

Mayor Tourville asked if they could look into the concept of "no water is to go to the east unless it is approved". He stated there could be an emergency situation. Councilmember Bartholomew suggested it state "no water be released to the east unless under emergency condition and/or requesting permission of the landowner". Mayor Tourville suggested continuing work on the east side for water storage.

City Attorney Kuntz requested asking Mr. Emmons about "maintaining all stormwater on site under all conditions except emergency conditions" and if that was an understandable phraseology. Mr. Hiller asked instead of saying "all water on site" state they are talking about the discharge coming from the pipe on the southeast basin. Councilmember Bartholomew agreed that was what he was referring to.

City Attorney Kuntz asked to point out where the water was flowing off site to the surrounding property. Mr. Fransen referenced a larger map stating the different ways water can flow off the site as follows:

- Pink location is the natural flow that goes to the north.
- An area to the northeast flows to a regional basin.
- Peach colored area flows to the Ace in the Hole pond.
- Dark green area would flow toward the berm at all times.

He pointed out the Lojovich property and stated one would flow past the berm and outlet toward the 24-inch pipe. A small portion of the property would flow to the north and also goes down the MnDOT ditch.

He stated the area depicted in lighter green has been discussed but would include two pipes to function during a big snow melt event to keep a pond from getting to full and keep water splitting toward the north. He stated the central area would be captured at the pond, during the winter it would split flow to the north and some to the pond.

Councilmember Bartholomew recapped the water flow:

- The pink location has a natural flow. He asked if that flow would not be increased. Mr. Fransen responded that was correct.
- The green area would be pond and held unless there is an emergency situation or unless the property to the east requests it. Involves the valve.

Mr. Fransen responded that would reduce the flows from what is existing. There would be flexibility to open the valve with the gate in the area.

City Attorney Kuntz asked where Regional Basin O1OB was. Mr. Fransen referenced the location on the diagram stating it is up to the northwest. City Attorney Kuntz asked why the letter to Council today and the October 16th letter, asks for relief from the discharge rates for that because it exceeds what the standard is. Mr. Fransen responded the rates coming off of the northern areas are low, with the different modeling, there is a small increase due to the slopes on site where they are unable to catch water and slow it down sufficiently. He stated it would come into the backyards quickly because it has a short distance to travel. Councilmember Piekarski-Krech asked if raingardens could be placed there. Mr. Fransen responded the difficulty with raingardens was the slope and retaining wall in the area.

Mayor Tourville asked if the north side has additional housing. He asked if there was an internal street. City Planner Hunting responded that a local street would serve properties to the north. Mayor Tourville asked if there was a street separating the properties or if it would be backyard to backyard. City Planner Hunting responded there isn't a plan for east west streets, it could be back to back. Mayor Tourville stated the next owner may put houses there and water runs through the area. City Engineer Kaldunski referenced the map and responded there is a regional basin and valley that flows into another regional basin.

Councilmember Piekarski-Krech stated they should keep the water on their own property because it would be impinging on another person's property rights. Mr. Fransen stated they are discussing peak rate, discharge rate, not discharge volume, it is how fast the water gets there. Looking at the northwest area for the 100-year peak rate, it is being decreased, for the 10-year peak rate, the existing conditions would be .6 cubic feet per second, and then going up to 1.3 cubic feet per second peak rate increase. That is a very small increase and insignificant compared to the amount of ground it travels across. Councilmember Piekarski-Krech questioned how insignificant it would be to the people on the backside of the development. Mayor Tourville suggested this be looked into further so it doesn't become unusable property. Mr. Emmons responded it is a condition in the memo that they look into and is still pending.

Mr. Emmons clarified the language stating it was to hold the water unless it was an emergency. It would state "preserve existing rates and volumes through a range of storms". He stated the valve would remain closed unless there is an emergency condition. Councilmember Bartholomew agreed and wanted to ensure the flow was not increasing, it's a slight increase in the rate with the intention to hold as much as possible in the holding area. Mr. Emmons agreed.

Councilmember Piekarski-Krech asked where the conditions were in the contract that the Council has expressed concerns about. City Attorney Kuntz responded it should be in the Resolution approving the plans.

Mr. Hiller stated when they spoke about maintaining the water on the site discussion was about the southeast basin, now it seems like it's being said the entire site can't have any water discharging. He stated that is not the northwest area standard. Mayor Tourville responded that was not stated, it was said that it would not be increased.

Councilmember Bartholomew stated everyone is concerned about the flow on the north. The flow isn't increasing, the rate has stepped up. The condition is to increase that pond to try and slow the rate. He stated the only change is to keep the valve closed and keep the water on the development unless there is an emergency, or the property owner wants water released.

Councilmember Piekarski-Krech asked if this was a change to their preliminary storm sewer plan. She stated she didn't know what those plans were for sure because there are numerous changes being requested. She commented she doesn't have that information included in her document and is hesitant to make a decision. City Engineer Kaldunski responded it would be in the memo he wrote where the plans are attached. Conditions one through five are listed, condition six is being added.

Councilmember Piekarski-Krech commented that the Planning Department has asked that some things be changed. She asked if those items are included and if so, she has questions and concerns. City Planner Hunting responded plans in the packets reflect the developer's requests for flexibility. Mayor Tourville stated on Page 341 of the documents, the changes have been incorporated into the 16 conditions. He asked how the water flow would be incorporated into this.

Mr. Fransen clarified stating the plans for the gate are included. Mr. Hiller stated the added item could be as simple as the gate would operate closed except for emergency situations and/or request of the property owner to the east.

City Planner Hunting stated the developer's plan would hit the numbers exactly except for the area where the berm is for both disturbed and undisturbed areas. Due to the berm they would be short an undisturbed area. They would meet the open space requirements if the Council considers that disturbance to be counted toward undisturbed. If not, they would be short in the undisturbed roughly .2 acres. Mayor Tourville stated #7 could have an added sentence that gives information about the valve as stated earlier. Councilmember Bartholomew agreed. He stated he would leave it to the City Attorney to determine where that sentence be placed. City Attorney Kuntz responded he understood but wanted to know whether the language of "leave the valve closed except in emergency" is the same as "preserving existing rain volumes on site except for emergency conditions through a range of all events". He stated if the valve is closed, water is not going onto the Nichols property. The risk to the City is that there is an emergency that would require an opening of the valve because the emergency piping is not in place yet.

City Attorney Kuntz addressed Item #7 further with an added sentence stating, "the control valve in Regional Basin EP12A shall remain closed unless an emergency situation exists or unless the landowner to the east requests that the valve be opened". He asked if that sentence was meaningful to the developer. Mr. Hiller and the Engineers responded yes.

City Attorney Kuntz asked City Planner Hunting to explain #16. City Planner Hunting responded the Code says they are short of trees to reforest. At time of final plat, Council would direct the developer to pay cash replacement or have trees planted on City property. City Attorney Kuntz asked if the shortage of 642 is with the 50%. City Planner Hunting responded yes. City Attorney Kuntz stated if the Council approves the plans the 50% is already included. Mayor Tourville asked if they could wait until they are further into the plan. City Planner Hunting responded the number could change; they would have a known number with the final plan set. At that time, it can be decided if money should be put toward the tree fund or planted elsewhere. Mayor Tourville asked if the developer agreed with what has been stated. Mr. Hiller responded he was fine with updating the numbers on the final plat and will update the landscape plan, he commented they usually do cash towards the tree fund which is their preference.

Councilmember Piekarski-Krech asked about the permits from MnDOT. City Engineer Kaldunski responded that was one of the conditions he recommended. She stated it is not currently in the contract being approved. City Engineer Kaldunski recommended it be added. City Planner Hunting recommended adding it to Condition #2 stating “should be approved by Director of Public Works and shall conform or meet the conditions as found in the City Engineers dated...”. City Engineer Kaldunski stated the date was October 24, 2019. Mayor Tourville stated the date would likely change.

City Attorney Kuntz stated under Item #13 there are two additional Agreements that would be needed, (1) The Open Space Agreement and (2) The Water Re-Use Agreement. Mayor Tourville asked if the developer agreed. Mr. Hiller responded yes.

Motion by Bartholomew, seconded by Perry to approve Source Land Capital – Case No. 19-14ZPD – Consider the following requests for property located at 6477 South Robert Trail:

- 1. An Ordinance rezoning the property from A, Agricultural to R-1C/PUD, Single Family Planned Unit Development.**
- 2. A Resolution relating to a Preliminary Plat for a 66-lot subdivision to be known as Windsor Ridge.**
- 3. A Resolution relating to a Preliminary Planned Unit Development for Windsor Ridge. Resolution 19-203.**

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville suggested the City Administrator and City Attorney keep in touch with Mr. Nichols and the neighbors to keep them aware of what is taking place with any other agreements.

K. City of Inver Grove Heights – Consider a Resolution adopting the 2040 Comprehensive Plan. Resolution 19-205.

City Planner Hunting stated this item is regarding adopting the resolution for the 2040 Comprehensive Plan. The Met Council approved the plan on October 9th. Background on this item was brought forward at a work session. He stated the following items that still need to be worked on:

1. A few things need to be addressed with the sewer system. This will be done through next year.
2. Modeling the waste-water system and capacity of the system. Public Works will be working on this in 2020.
3. The concern about the clear water flow into the sanitary sewer system. Staff will find the best approach to address this.

Councilmember Piekarski-Krech commented that she thought it was State Law that it had to be disconnected and couldn't have it draining into the stormwater system. City Engineer Kaldunski responded it is a State law, but some people still do it. Councilmember Piekarski-Krech asked if a new Ordinance was needed. Mayor Tourville asked if a program was needed. City Engineer Kaldunski recommends it be promoted, but takes time, money, and effort to do it. He stated he wasn't sure the City was at the magnitude to do it or not. He stated a flyer is sent out on street projects asking people if they have a sump pump. Public Works Director Scott Thureen stated the concern is people who have it going in the utility tub or floor drain because they don't want to take the time to plumb it outside. Most cities have programs that do inspections to deal with this.

City Planner Hunting stated another point in the memo is the "Pinkville" neighborhood. The 2030 plan has the area guided for public open space. There are numerous landowners there and some City owned lots. The park plan does not have a plan for a park. It was suggested to change it to Rural Residential. He stated residents in the neighborhood were concerned about changing the use. He stated they are suggesting doing a small area study, get the neighbors involved and see what makes the most sense for the area. If the Council likes the idea and approach, they would move forward with a consultant and neighborhood meetings to present options and go through the Planning Commission and City Council. This would allow guidance for what to do with the City owned parcels. He stated there is no sewer, it is not in the Eagan JPA, and would function as its own well and septic system. He stated this could be done late fall/winter.

Councilmember Piekarski-Krech asked how many acres. City Planner Hunting responded approximately 70 acres. Mayor Tourville stated the neighbors are concerned because some developers are interested in the possibility of developing it. Councilmember Piekarski-Krech agreed with the need to study it.

Motion by Piekarski-Krech, seconded by Perry to approve City of Inver Grove Heights – Consider a Resolution 19-205 adopting the 2040 Comprehensive Plan with the additions as presented.

Ayes: 5

Nays: 0 Motion carried.

7L. ITEM PULLED FROM THE AGENDA.

8. EXECUTIVE SESSION

None

9. MAYOR AND COUNCIL COMMENTS

10. ADJOURN

Motion by Perry, seconded by Dietrich to adjourn the meeting at 11:20 p.m.

Ayes: 5

Nays: 0