

**INVER GROVE HEIGHTS CITY COUNCIL MEETING MINUTES  
MONDAY, NOVEMBER 25, 2019**

**1. CALL TO ORDER**

The City Council of Inver Grove Heights met in regular session on Monday, November 25, 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: Councilmembers Piekarski-Krech, Bartholomew, Perry, and Dietrich; City Administrator/Interim Deputy Clerk Lynch, City Attorney Kuntz, Community Development Director Rand, Public Works Director Thureen, Police Chief Chiodo, Fire Chief Thill, Parks and Recreation Director Carlson, Police Commander Otis, Police Sergeant Wiederhoeft, and Assistant City Engineer Dodge.

**3. PRESENTATIONS**

**A. Inver Grove Heights Scholarship Program Presentation.**

Rochelle VanKempen, President, serving the Inver Grove Heights Board, stated over the past 14 years the program has had over 200 candidates, and crowned 77 Ambassadors. They have awarded over \$45,000 in Educational Scholarships. The Coronation was held on Saturday, September 7<sup>th</sup> crowning six Ambassadors who will take on community services projects, partake in community events, and serve the community well. Five of them introduced themselves as follows: 2020 Inver Grove Heights Princess Ashley, Junior Miss Teah, Junior Princess Marissa, Junior Princess Taylor, and Little Miss Autumn.

Mayor Tourville stated they represent the City of Inver Grove Heights in many events outside of the City too. He congratulated them and appreciated all they do and thanked those that help with the program. Pictures of the Ambassadors and Council were taken.

**B. Recognition of those Responding to a Medical Emergency on November 5, 2019 at the VMCC/Grove**

Police Chief Melissa Chiodo stated when someone goes into cardiac arrest it means their heart stops beating and they stop breathing. 911 is then called and the caller speaks with a dispatcher. In Dakota County all 911 calls go to the Dakota Communications Center (DCC). She stated in the event of a cardiac arrest, the dispatcher pages both the Inver Grove Heights Police Department and the Inver Grove Heights Fire Department. The DCC Dispatcher also sends the patient information to Health East Ambulance Service, located out of Fire Station 3.

Fire Chief Judy Thill stated there is more to the process prior than calling 911. It begins with a business or community offering training in Cardiopulmonary Resuscitation (CPR) and the use of Automated External Defibrillators (AED) to employees and residents. She stated because responders cannot be everywhere, civilians can play an important role in emergency response. Civilians step in and perform CPR, use an AED, or both, before emergency responders arrive. She stated the City of Inver Grove Heights had a situation recently.

Parks and Recreation Director Eric Carlson stated on Tuesday, November 5<sup>th</sup>, at 5:00 p.m. a member of the facility, Mr. Thomas Boggs, was working out on one of the rowing machines. Mr. Boggs was found by staff and members of the VMCC/Grove to be unconscious and unresponsive. Through the quick thinking and actions of members and staff, Mr. Boggs was immediately treated with chest compressions and 911 was called. He stated members of the VMCC and staff worked together to use an AED to determine Mr. Boggs condition. The AED applied a life saving shock. When Inver Grove Heights Police and Fire arrived at the scene, they took over the situation, stabilized Mr. Boggs, and prepared him for transport by the Health

East Ambulance Service. He was taken to the hospital and had emergency heart surgery. He stated that Mr. Boggs is currently recovering from triple bypass surgery and is in attendance this evening.

Parks and Recreation Director Carlson stated through proper training, teamwork, life-saving equipment on hand, quick thinking, and courage, the outcome to this unexpected situation was positive. He stated that he wanted to recognize the staff and community members that were involved as follows: Staff – Al Vandehoef, Amy Crary, Danielle Moynihan, Joanna Cheyka, Lauren Shier, Phil Hagen, Rachel Kangas, Sally Stalker, Stan Mankowski, Stephanie St. Jacques, and Terry Berger. VMCC members – Ben Kisslinger, Clint Mrozinski, Sarah Kulseth, and Melanie Bailey.

Police Chief Chiodo recognized Sergeant Johnny Daniels and Officer Miguel Guadalajara who ran out from training at City Hall and over to the VMCC to assist.

Fire Chief Thill stated Jolene Cemensky, Dakota Communications Center Dispatcher was the Dispatcher who took the call and could not be in attendance this evening. Fire Chief Thill recognized the following: Fire Captain Josh Parrow, Firefighter Nick Wegner, and Firefighter Bill Groth (not in attendance) with the Duty Crew. Battalion Fire Chief Cory Rosendale (not in attendance) and Assistant Fire Chief Eric Bergum. Fire Chief Thill also recognized Health East Paramedic Katherine Depuydt and Paramedic Kevin Scott.

Parks and Recreation Director Carlson stated a Certificate will be given to the members and Community Center Staff thanking them for their participation in this event. He also thanked the Inver Grove Heights Police Department and Fire Department who respond to issues at the Community Center. He thanked the Dakota County Communications Center and Health East Ambulance Services for the roles they played during this positive outcome and for the service and safety they provide to the community every day. He stated he was thankful that Mr. Boggs was healthy and recovering.

Thomas Boggs thanked everyone who assisted and said he and his family are very grateful. He commented that he ran three miles and felt great, and then ended up falling over. He was thankful to have someone trained in CPR and the use of an AED. He thanked the first responders who got him to the hospital where he had triple bypass surgery. He is currently doing rehab and beginning to recover.

#### **4. CONSENT AGENDA**

- A. (i)** Minutes from the October 28, 2019 Regular Council Meeting.
- (ii)** Minutes from the November 4, 2019 Worksession.
- B** Disbursements for Period Ending November 20, 2019. **Resolution 19-217.**
- C.** Request for Approval of Rental Housing License.
- D.** Request Approval of the Authorized Change Order #15, Change Order #16, and Change Order #17 for Project 2014-10 Fire Station #2 New Construction.
- E.** Request Approval of the Pay Application #12 to Jorgenson Construction for Project 2014-10 Fire Station #2 New Construction.
- F.** Consider approval of the listed purchases under Furniture, Fixtures and Equipment for Project 2014-10 Fire Station #2.
- G.** Request Approval to Utilize Funds in Engineering and Administration Accounts under City Project No. 2014-10 – Fire Station No. 2 New Construction for Payment of Authorized Purchases Charged to the Project's Contingency Fund.

- H. Prairie Estates, LLLP – Case No. 19-48C – Consider approval of the following Resolutions for property located at 6121-6199 Carmen Avenue:
  - a. Conditional Use Permit Amendment to modify the existing site plan to add a garage space for each unit along with other property improvements. **Resolution 19-218.**
  - b. a Variance to exceed 40% impervious surface in the R-3C, Multiple Family District. **Resolution 19-219.**
- I. Consider Pay Request #3 and Change Order #4 to – Heritage Village Park Phase II – City Project 2017-07.
- J. Consider Pay Voucher No. 5 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.
- K. Consider Change Order No. 1 and Pay Voucher No. 5 for City Project No. 2018-13 – Public Works Maintenance Facility HVAC Improvements.
- L. Consider Final Compensating Change Order No. 1, Final Pay Voucher No. 1, Engineer's Final Report, and **Resolution 19-220** Accepting Work for City Project No. 2019-09E – Emulsified Asphalt Sealcoat.
- M. Approve Agreement Relating to Landowner Improvements Within City Easement and Retaining Wall Maintenance Agreement for 5039 Brent Avenue (Lot 5 and the South 22 feet of Lot 4, Block 1, Glenwood).
- N. Resolution Establishing Utility Rates for 2020. **Resolutions 19-221, 19-222, 19-223.**
- O. Personnel Actions.

**Motion by Bartholomew, seconded by Perry to approve the Consent Agenda.**

**Ayes: 5**

**Nays: 0 Motion carried.**

**5. PUBLIC COMMENT**

There were no public comments.

**6. PUBLIC HEARING**

**A. Liquor License Renewals**

City Administrator Joe Lynch stated this request is to approve liquor license application renewals for 2020. There have been changes with data and notification requirements when officers are changed. He stated there are several applicants still missing information. Four establishments have new Officers/Managers as follows: Cub Foods, Moose Lodge, Pilot Travel Center, and Speedway. Six establishments have outdated or missing liquor server training compliance. He stated there have been discussions about having penalties for being out of compliance with lack of updated server training. He stated they are still seeking information from the following: AMC Theatre, Arbor Pointe Golf Club, IWA Sushi, Pilot Travel Center, Speedway Store, and Trail Liquor.

He stated they were informed today that the notification process was one day short, discussions can take place this evening to seek feedback and comment. He recommended delaying action until December 9<sup>th</sup>. He stated in addition to meeting the requirement for the ten-day notification, it would allow all of the potential missing information to be supplied by that time. All those that are missing information have been made aware that they need to provide the information before the December 9<sup>th</sup> meeting.

Mayor Tourville asked if there would be a specific date the information would be needed by. City Administrator Lynch responded they were told that all information has to be turned in on the

Tuesday prior to the December 9<sup>th</sup> meeting. Mayor Tourville stated that would be by close of business on December 3<sup>rd</sup>.

Councilmember Bartholomew asked about the three license holders that are not renewing. City Administrator Lynch responded he was advised they are not renewing.

Councilmember Dietrich asked if she could receive information about the process for applying for permits. City Administrator Lynch responded he could provide the application form and the communication sent.

**Motion by Piekarski-Krech, seconded by Perry to continue discussion of Liquor License Renewals on Monday, December 9, 2019 at 7:00 p.m. at City Hall.**

Mayor Tourville stated information should be turned in to City Hall by Tuesday, December 3, 2019. Licenses will be in effect from January 1<sup>st</sup> to December 31<sup>st</sup>, 2020.

**Ayes: 5**

**Nays: 0 Motion carried.**

**B. Alcohol Compliance Check Failures.**

Police Commander Josh Otis, along with Police Sergeant Adam Wiederhoeft, discussed alcohol compliance check failures that occurred on October 28, 2019. Police Commander Otis stated the Police Department uses compliance checks as verification and it is an important part of the community effort to reduce underage access to alcohol. This allows notification to license holders who pass compliance checks successfully and notify those that do not pass. He stated those employees who have sold or furnished alcohol are charged with a gross misdemeanor crime and the liquor license holder is found to be in violation of the City Ordinance and may have a civil penalty imposed at a Public Hearing with the City Council. He stated the following two items they look at in their Ordinances:

- Chapter 4-1-14: The Conditions of the License: No liquor license holder is allowed to sell any intoxicating liquor to anyone under the age of 21.
- Chapter 4-1-19: Civil Penalties and Sanctions: Any civil penalty found to be in violation, the liquor license holder can receive, depending on the violation: First Violation: \$750.00, Second Violation: \$1,000 and a one-day license suspension.

Police Commander Otis stated on October 28<sup>th</sup> they checked 32 local liquor license holding businesses or restaurants. The first one is for Drkula's 32 Bowl. On October 28<sup>th</sup> a server did not view or ask to view the Under 21 Minnesota Driver's License and served that young adult a Coors Lite tapped beer. At that time the underage buyer left the business and Police Sergeant Wiederhoeft took over with post serve contact procedures. This is the second violation within the last five years. The first violation took place on July 20, 2016. He stated per City Ordinance, staff recommends the \$1,000 civil penalty and a one-day suspension.

Mayor Tourville stated some organizations do more than just serve alcohol, in this instance they would not be allowed to serve alcohol but would still be allowed to be open. Police Commander Otis agreed and stated other than serving alcohol, normal business practices can continue.

Tim Drkula, Drkula's Bowl, 6710 Cahill Avenue, stated he was embarrassed about the situation with a staff member not following procedure and training. He stated he would accept the consequences. The employee was terminated that evening. He stated another training session

is scheduled with staff on December 16<sup>th</sup> at 7:00 p.m. and invited anyone that wanted to see what their training process is like to attend.

Councilmember Bartholomew thanked Mr. Drkula for attending the meeting and showing his awareness and understanding of the consequences. He commented that he believed his organization is doing its best and will continue to do so and prevent this in the future. Councilmember Dietrich thanked Mr. Drkula for all his establishment has done for the community.

Councilmember Piekarski-Krech stated the new Ordinance has not been passed yet, this still allows Mr. Drkula to choose the day. Mayor Tourville stated he would get to choose the day in 2019, but that it doesn't have to happen in 2019, it could go into 2020 within a certain amount of time. In 2020, dates would be suggested by the Police Department. He asked for clarification from the City Attorney. Councilmember Bartholomew stated the Council would then pick the date.

City Attorney Kuntz stated this item would be done by Motion in two parts: (1) making a finding that there was non-compliance, (2) setting the penalty. The minimum penalty is \$1,000 plus the one-day suspension. He stated the Council picks the date, but there may be a suggestion by the owner and the Council approves the selected date. Mayor Tourville asked if they have more time to decide on the date and then notify the City. City Attorney Kuntz responded that has been the practice in the past. He stated this is the end of the year so it would have to be this year or in his next year he would be on the renewal list which could be a next year date. He stated there was a preference by the Council that it be contemporaneous with the action and were looking for something within a 30- to 45-day period.

**Motion by Piekarski-Krech, seconded by Perry for the Alcohol Compliance Check Failure finding of non-compliance, a \$1,000 civil penalty and a one-day suspension.**

**Ayes: 5**

**Nays: 0 Motion carried.**

Police Commander Otis stated the next business is Inver Grove Brewing Company. On October 28<sup>th</sup> a server did not view or ask to view the Under 21 Minnesota Driver's License for underage young adult and served him a beer. The underage buyer left the business and Police Sergeant Wiederhoeft took over with post serve contact procedures. This is the first violation for this business. For the first violation Staff recommends the \$750.00 civil penalty.

Don Seiler, Inver Grove Brewing Company, 9051 Buchanan Trail, stated the employee was terminated per company policy. The message has been reinforced with every other employee.

Mayor Tourville asked if everyone has been able to get through training because they are a new business. Mr. Seiler responded they are forming the culture of their second location. There was an early failure in Lakeville as well, but they haven't had one since and do not intend to have one here.

Councilmember Bartholomew thanked Mr. Seiler for his commitment to the compliance issue. Councilmember Dietrich stated they were grateful to have them here.

**Motion by Piekarski-Krech, seconded by Perry for the Alcohol Compliance Check Failure and the finding of non-compliance and a \$750.00 civil penalty.**

**Ayes: 5**

**Nays: 0 Motion carried.**

Police Commander Otis discussed Old World Pizza stating on October 28, 2019 a server viewed the underage 21 Minnesota Driver's License for underage adult and served him a bottle of Budweiser Beer. The underage buyer left the business and Police Sergeant Wiederhoeft took over with post serve contact procedures. This is the first violation for Old World Pizza within the last five years. Staff recommends the \$750.00 first violation civil penalty.

Brian Dzieweczynski, Old World Pizza, 5660 Bishop Avenue, stated he was embarrassed. He commented that the server did something correct by asking for the ID but still served him. The mistake was made. He stated she recognized the mistake made. He apologized for what took place and stated that he re-emphasized the importance of this issue to his staff.

Mayor Tourville stated that he appreciated him coming to the meeting. Councilmember Bartholomew appreciated his track record, diligence, and commitment. Councilmember Dietrich thanked him for being in the community.

**Motion by Piekarski-Krech, seconded by Perry for the Alcohol Compliance Check Failure and the finding of non-compliance and a \$750.00 civil penalty.**

**Ayes: 5**

**Nays: 0 Motion carried.**

Police Commander Otis stated the last location was Speedway #4411. On October 28<sup>th</sup> an associate for Speedway did not view or ask to view the Under 21 Minnesota Driver's License for an underage young adult and sold him a six pack of Redd's Apple Ale. The underage buyer left the business and Police Sergeant Wiederhoeft took over with post serve contact procedures. Within the last five years, this is the first violation for Speedway #4411. Staff recommends the \$750.00 civil penalty for the first violation.

The District Manager for Speedway stated that he recently took over this area. He commented that the new cashier did not ID the person. He stated everyone is trained through a computer-based training when hired, then every six months after that, and have a weekly follow up. The employee was terminated. He apologized and stated they will continue the training and work with new employees.

Mayor Tourville stated Super America, now Speedway, has been in the City for a long time. He appreciated him attending and taking this seriously. Councilmember Bartholomew thanked him for his acknowledgement and commitment to compliance. Councilmember Dietrich stated she appreciated his business in the community.

**Motion by Piekarski-Krech, seconded by Perry for the Alcohol Compliance Check Failure and the finding of non-compliance and a \$750.00 civil penalty.**

**Ayes: 5**

**Nays: 0 Motion carried.**

Mayor Tourville stressed the importance of compliance checks and being proactive instead of reactive. He stated most businesses agree they would be happy to be a part of ongoing dialog about how to do better, not only with compliance checks, but with dealing with bad checks too.

He stated this would be a way to be proactive to the community and to long standing businesses.

Councilmember Bartholomew addressed Police Commander Otis commenting that this is a difficult task to do. He stated he appreciated the diligence, presentment, and the work. Police Commander Otis responded the goal is not to get a failure, it is to get 100% compliance.

**C. Consider a Resolution Ordering Project, Accepting Professional Engineering Services Proposal from Bolton & Menk, Authorizing Preparation of Plans and Specifications, and Authorizing Land Acquisition Services for the 2019 Pavement Management Program, City Project No. 2019-09D – 64th Street Improvements. Resolution 19-224.**

Assistant City Engineer Steve Dodge thanked residents for their support and participation. He stated the project is located off of Blaine Avenue and 64<sup>th</sup> Street with Bowman Avenue, Bowman Circle, and Upper 64<sup>th</sup> Court. It involves 43 properties, one being City property. He stated that Parcel #10 can be an administrative lot split, there is an additional assessment with that parcel that would be proposed to be deferred with no interest.

He stated the project involves pavement replacement throughout the area, spot curb replacement where needed, and sanitary sewer and water main improvements as needed throughout the area. There will be stormwater quality features placed in three different spots. He stated they would be working with residents at the end of 64<sup>th</sup> Street to improve maintenance such as snow plowing. A plan would be drawn up and discussed in the future.

Assistant City Engineer Dodge discussed the next phase of the project stating they would work with the storm sewer system in back yards. It would be non-assessed work paid through the stormwater utility. He stated there is erosion occurring in the backyards and to do that work they would have to remove trees within the easements, replace the storm sewer, and add stormwater features that collect the water and put it into the storm sewer. The current storm system consists of manholes, water runs by them and creates erosion. Those improvements are a part of the project cost. He stated if any work needs to be done outside of easements, they would work with the property owner who would be compensated if they are to get easements on the property for temporary construction.

He stated the cost of the project is \$1.6 million dollars. A large portion of that is street, stormwater improvements, water and sewer, and trunk storm. There is potential for rain gardens. He stated the total funding package matches the \$1.6 million dollars with the Pavement Management Fund at approximately \$560,000, assessments approximately \$560,000, Stormwater Utility approximately \$350,000 and the remainder in the Water and Sewer Fund.

Assistant City Engineer Dodge stated an independent appraiser did a special benefit analysis and came up with \$12,980 as the assessment cap. The estimates come under that at \$11,347. The lowest of the two numbers will be used and if bids come out positive, the assessment could come down. The term of the assessment would be a ten-year term with interest.

He stated the schedule would consist of ordering the project this evening, it would come back to the City Council as a Consent Agenda item in January and then be back on March 23<sup>rd</sup> for the Assessment Hearing with summer construction. He stated the recommendation would be to have the Council hold a Public Hearing, adopt a Resolution ordering the project, accept the

engineering services proposal from Bolton and Menk, authorize preparation of plans and specifications, and authorize land acquisition services.

Councilmember Piekarski-Krech stated the preliminary proposed plans have not been done yet. She thought they would order plans to see what the costs would be. She asked how they came up with the proposed assessment. Assistant City Engineer Dodge responded this was the improvement hearing, there is a preliminary assessment based off estimates. Then they go out and do the final plans and specifications, bid the project, come back before the Council with the assessment hearing which includes the bid and allows them to refine assessments based off the bid.

James Backstrom, 2706 64<sup>th</sup> Street East, stated he lives at the bottom of 64<sup>th</sup> Street, Map No. 12 on the diagram, and is one that staff has met with personally to discuss the project. He stated the cul- de-sac ends right at the end of his lot; it does not go further despite what the diagram shows. He commented it is not a cul-de-sac, but the road widens a bit toward the end. He stated staff has been willing to try to make improvements with minimal impacts to properties. He commented that he is supportive of the project with as minimal impact as possible on the residents that live there. He stated the road needs to be repaired and are in poor condition and thanked the Council and staff for the work they have put into this project.

Bob Lissick, 6490 Bowman Circle, Map No. 17, stated there is 360 feet of storm sewer going through his property where there are slopes and Oak trees. He commented he understood that there is a 20-foot permanent easement to do what work is needed. When he purchased his property in 1985 it was completely wiped out and over the last 35 years there has been regrowth around the easement area. He stated he was not opposed to the storm sewer going through the area but concerned about what it would look like when completed. He stated he spoke with Mr. Dodge and someone from the Engineering Company and talks have gone well. He stated he wants to stay up to date with the progress of the project and doesn't want further damage done unless it's absolutely necessary. He stated he was not opposed to the project and was happy to have the street done. He commented that he signed the petition for it.

Assistant City Engineer Dodge responded the design and construction phases would include specifications to use trench box style construction to minimize disturbance. Councilmember Piekarski-Krech requested not taking down any Oak trees.

Mayor Tourville stated there would be no assessments toward the storm water. Assistant City Engineer Dodge responded that was correct, it would be coming out of the stormwater utility fund. Councilmember Dietrich asked if Assistant City Engineer Dodge would be Mr. Lissick's contact with the City. Assistant City Engineer Dodge responded that he would be.

**Motion by Dietrich, seconded by Piekarski-Krech to close the Public Hearing at 8:01 p.m.**

**Ayes: 5**

**Nays: 0 Motion carried.**

**Motion by Bartholomew, seconded by Dietrich to approve the Resolution 19-224 Ordering Project, Accepting Professional Engineering Services Proposal from Bolton & Menk, Authorizing Preparation of Plans and Specifications, and Authorizing Land Acquisition Services for the 2019 Pavement Management Program, City Project No. 2019-09D – 64th Street Improvements.**

**Ayes: 5**

**Nays: 0 Motion carried.**

Assistant City Engineer Dodge stated this item will be on the Consent Agenda in January to authorize plans and bids. It will be on the agenda as an Assessment Hearing on March 23<sup>rd</sup>.

**D. Consider a Resolution Ordering Project, Authorizing Preparation of Plans and Specifications, and Authorizing Land Acquisition Services for the 2019 Pavement Management Program, City Project No. 2016-09G – 60th Street, 62nd Street and Bacon Avenue Improvements. Resolution 19-225.**

Assistant City Engineer Steve Dodge discussed this project located on 60<sup>th</sup> Street, 62<sup>nd</sup> Street, and Bacon Avenue. There has been a large amount of participation from those on the three streets. He stated the general improvements consist of a full urban reconstruction, minor utility improvements for sewer and water, and stormwater system improvements. The project involves putting down two feet of sand with drain tile to build a good road section that would be long lasting. He stated the project is unique because of the 28-foot wide urban reconstruction, there needs to be posted no parking along one side and is usually posted on the same side that the water main and hydrants are on. On 60<sup>th</sup> Street it would be on the north side, on Bacon Avenue it would be on the west side, and on 62<sup>nd</sup> Street it would be on the north side. He stated there are pinch points in the street which would entail no parking on both sides for the short distance. The two cul-de-sacs would not be posted and remain as today with allowed parking.

He stated another unique feature of this project is access for the contractor. The current road is only 24 feet wide making it difficult for the contractor to build the road half and half and still allow traffic to get by. A meeting was held and determined that a temporary residential access road during construction would allow residents to get in and out when the road is blocked. He stated it would take a trail improvement to allow that to happen. This would only take place while construction is occurring and for residential use only, not contractors. This would be done so the contractor can build the road to full width and could also result in positive bids. He stated the future plan would be to make the area available for emergency access purposes once the project is over. It would be paved and wide enough so emergency vehicles can access a different route other than Babcock. He stated that Public Safety was in favor of this.

Councilmember Piekarski-Krech asked if it was City land. Assistant City Engineer Dodge responded it was City and MnDOT land.

Assistant City Engineer Dodge stated the general project cost is \$2.5 million dollars. Street improvements are \$1.6 million, storm sewer is \$360,000. There are also sewer and water improvements and the temporary access route and easement acquisitions. This would be funded by the Pavement Management Fund of \$1.7 million dollars, assessments of \$550,000, and sewer and water funds. The assessments estimated at 26.6%. He stated there are 44 properties, the Appraiser provided a special benefit cap at \$12,320. The City per-policy amount was \$19,000 if using a 35% assessment for the project. Assessments would be proposed on a 10-year term.

He stated the project schedule includes them returning to the City Council on January 13<sup>th</sup> to receive the final plans and specifications and authorize for bids. They would be back on March 23<sup>rd</sup> for the Assessment Hearing. He stated the recommendation is to hold the Public Hearing, adopt the Resolution to order the project, authorize preparation of plans and specifications, and authorize land acquisitions.

Mayor Tourville asked if the project was a part of other street projects in the past but didn't work out. Assistant City Engineer Dodge responded yes in 2015/2016. This project could not come to consensus and was tabled. He stated the policy update determined they needed petitions in neighborhoods in order to move projects forward. Mayor Tourville responded there was some angst about this, but if a project doesn't meet the 20% threshold, it can't be done under assessment policy.

City Attorney Kuntz asked the Assistant City Engineer to repeat what the estimated assessments were. Assistant City Engineer Dodge responded using the assessment cap, which is \$12,320, the assessments are at 26.6 percent of just the street and storm cost. Not the total project cost. This is just an estimate. Mayor Tourville stated 20% is the threshold, we are at 26%. Assistant City Engineer Dodge responded that was correct and stated Public Works wants it to stay at 25% or above because the project still needs to be bid, constructed, and if there were any contingencies.

John Sturner, 6070 Bacon Avenue, stated four years ago he was one that wanted the new road, but not the other items. The project didn't happen. He stated he called City staff earlier this year and asked what they needed to do as the street was declining further. He took a petition around, almost everyone signed it and agreed this needed to be done. He stated he and his wife support the project but would rather not spend that amount of money.

Jeff Kandt, 2028 62<sup>nd</sup> Street, agreed it needs to be fixed. He stated he was hopeful the amount could be decreased. He stated he was concerned about having access to their properties throughout construction because he runs a 24/7 business.

Mayor Tourville stated there have been competitive bids over the last few years, and hoped it continued here. Councilmember Bartholomew asked if they have considered the concerns of residents regarding the Sunday access and hours. Assistant City Engineer Dodge responded the secondary access allows people full access. He stated when a road is constructed half and half, residents still have access to their property during those hours. Full access will be provided in one direction or another for residents. After 7:00 p.m. the access would be closed but the road would be open. The only time access is limited is when there is construction right in front of their property. He stated when curb and gutter go in, they need several days to cure, letters will go out to residents, so they know when that period occurs.

Mayor Tourville asked if a website of this project would be set up with updates and contact information. Assistant City Engineer Dodge responded the website would have general information about the project but is not updated weekly. As needed updates are available on the Notify Me system on the website. Residents can enlist to be on the Notify Me system and will be notified by email or text.

Andy Petersen, 6125 Bacon Avenue East, stated the street needs to be improved. He stated four or five years ago, on National Night Out, when the Councilmembers and Mayor visited, he told the Mayor they didn't want curb and gutter. The response was if they didn't want curb and gutter, they didn't have to have it. He stated this has been a process of the City coming to residents and telling them what they want to do and then change them. He asked about the 20% minimum to have this move forward when they are at 26.6%. He felt there was more room for costs. He asked if there would be another meeting for assessments. Mayor Tourville responded yes and stated that many neighborhoods come forward and want some things done but don't want others. He stated without some curbing, that could create a stormwater issue. The engineers have decided that it needs to be done to ensure it lasts.

Gina Bukovich, 2201 62<sup>nd</sup> Street, stated she is in favor of the project going through without further delays. There are things they don't want, but the biggest issue was about the way assessments were meted out. She stated her concern was that further delays would delay whether they could receive bids on the project, and fewer contractors being interested in doing the street. She asked when they could speak about the actual assessed amounts. Assistant City Engineer Dodge responded the Assessment Hearing would take place on March 23<sup>rd</sup>. Mayor Tourville stated interest would also be set at that meeting.

**Motion by Piekarski-Krech, seconded by Perry to close the Public Hearing at 8:29PM.**

**Ayes: 5**

**Nays: 0 Motion carried.**

**Motion by Bartholomew, seconded by Perry to approve Consider a Resolution 19-225 Ordering Project, Authorizing Preparation of Plans and Specifications, and Authorizing Land Acquisition Services for the 2019 Pavement Management Program, City Project No. 2016-09G – 60th Street, 62nd Street and Bacon Avenue Improvements.**

**Ayes: 5**

**Nays: 0 Motion carried.**

Mr. Sturner stated that Mr. Dodge and staff have done a great job working with residents, they are to be commended.

## **7. REGULAR AGENDA**

### **Police**

#### **A. Consider Third Reading of Ordinance Amending City Code 4-1-19: Civil Penalties and Sanctions of, Chapter 1 Alcoholic Beverages of Title 4 Business Regulations.**

Item was tabled until December 9, 2019

### **Parks and Recreation**

#### **B. Consider Developing Plans & Specifications for Heritage Village Park Shelter(s) and Restroom Facility.**

Parks and Recreation Director Carlson discussed the next phase of development at Heritage Village Park. He began by reviewing the City's Mission Statement that states "The Mission of the City of Inver Grove Heights is to provide services and facilities that enhance the quality of life in our vibrant community".

He stated Heritage Village Park adopted the first Master Plan in 2004 and have been making improvements to the park since then. The site used to be a former contaminated railroad site and they worked with the MPCA to remediate the contamination and have successfully done that throughout the property. He stated the Mississippi River Regional Trail runs through the park and connects St. Paul to Hastings. In June the first off-leash dog park opened up in the area and has resulted in selling over 470 dog park passes, exceeding what was estimated. He stated they have graded, built another parking lot, connected trails, and connected Swing Bridge Park to Heritage Village Park.

He stated with Phase III they hope to build a picnic shelter, a bench shelter, restroom facility, inclusive playground, site improvements, and historical interpretation within the park itself. He discussed each project as follows:

- Picnic Shelter: Resembles a semi-circle and mimics the railroad maintenance building that was found on the site. There would be room for about 70-90 people underneath the shelter. In the center there would be historic displays and an opportunity to recognize donors who would donate to the project. There would be electricity and lighting under the shelter.
- Bench Shelter: Provide needed shade in the park. Located along the concrete sidewalk that would be finished similarly to railroad tracks. Interprets as a waiting area for a passenger train. Room for 60 to 70 people under the shelter. Would have lighting and electricity.
- Restroom Facility: Three unisex restrooms, handicapped accessible, open April/May through September/October. Open from 9:00 a.m. to 9:00 p.m. Sunday through Saturday.
- Inclusive Playground: An area for two to five-year olds with an old village theme around the playground equipment. There would be a fire station, old town hall, and an old schoolhouse. The entire playground would be surrounded by poured in place rubber. Different colors would denote streets and front yards. There would be a playground area for 6-12-year old's with a railroad and swing bridge theme. Poured in place rubber. The group All Can Play IGH, is trying to raise funds to support the zipline portion of the playground equipment.
- Site Improvements: Tables, benches, landscaping, required concrete sidewalks, security cameras, public Wi-Fi, restroom facility with keycard system similar to the keycard system at City Hall, and other City facilities.
- Historical Interpretation: There is a subcommittee of the Park and Recreation Commission working on finding artifacts and stories to use in the park regarding the history of the site and the City. The group met last week and are still evaluating. Diagrams of the areas and the layout of the buildings were shown.

Parks and Recreation Director Carlson stated anticipated funding and costs of the project would be \$2.3 million dollars. On December 3<sup>rd</sup> the Dakota County Board of Commissioners would be discussing the City's request for an ELF (Environmental Legacy Fund) Grant in the amount of \$950,000.

He stated, if able to make these improvements in 2020, other potential future improvements could include a splash pad, outdoor Amphitheatre, additional parking, shelters, and additional historical interpretation in the park. He stated the recommendation of the Parks and Recreation Commission is to continue to move forward directing the Architect from Alliance Architect and the Landscape Architect from WSB to develop plans and specifications and go out to bid for the projects. The anticipated schedule is as follows:

January/February – Bid Project  
March – Reward Project  
April/August – Construction  
August/September – Ribbon Cutting

Councilmember Piekarski-Krech asked where the \$1 million dollar City contribution was coming from. Parks and Director Carlson responded that has not been determined yet. He stated he has spoken with the Mayor about knocking on the doors of corporate businesses in town to see if they would be interested in donating. Some contributions could also come from the Host Community Fund or the Park Acquisition Fund. He stated once the real numbers are in, this would be a Council decision.

Councilmember Piekarski-Krech stated that this is really nice for the area down there, but there are people in the northwest area, and she knows of the difficulty with obtaining land there, she felt that area needed to be a priority. She stated she was concerned about the cost of upkeep for this project. She asked if the sale of dog park passes would pay for the upkeep. Parks and

Recreation Director Carlson responded the Council expected the sale of the passes to cover the costs of maintaining and operating the dog park. It is exceeding it at this point. Once real numbers are in, there will be a better estimate to maintain and operate the proposed facilities.

Councilmember Piekarski-Krech asked if this would be done in pieces since the ELF Grant is unknown. She stated she wasn't willing to put \$1 million dollars of City money into this. Parks and Recreation Director Carlson responded if the Dakota County Board of Commissioners decided against awarding the ELF Grant, this project would be put on hold until proper funding is secured.

Councilmember Piekarski-Krech asked if they have looked into regional funding for the playground. Met Council, Dakota County Parks and Recreation, for example. Parks and Recreation Director Carlson responded they have not approached Met Council but have approached Dakota County. Councilmember Piekarski-Krech stated money should be coming in for having a landfill. Parks and Recreation Director Carlson responded the way they are trying to position the overall project is that it is a partnership project because the County has made significant investments in the area through the Regional Trail, improvements at Swing Bridge Park, and historical interpretation. These facilities have a regional draw.

Councilmember Piekarski-Krech asked if the ELF Grant had more to do with having a landfill. Parks and Recreation Director Carlson responded that is why and how the money exists. The County isn't required to grant the money here but are considering it. He said they would do the best they can to show the benefit to the County, region, and residents and how they tie together with what is existing in the area.

Councilmember Piekarski-Krech stated she would like to see the County and Met Council do the funding for the inclusive playground because it is a regional amenity. Mayor Tourville understood and commented that we are following the County's lead. Councilmember Piekarski-Krech asked if \$950,000 was the max they could ask for. She asked if anyone has spoken to the two Commissioners. Parks and Recreation Director Carlson responded the maximum was one million dollars, it was suggested asking for \$950,000. He responded that they have spoken to the Commissioners.

City Administrator Lynch stated there is \$3 million dollars allocated out of that fund split between five potential communities. It is competitive. Each community can determine the project and amount requested, but there is no award to any community greater than one million dollars. He stated they were advised to make application for \$950,000 for better success and with the thought that there is also a previous \$800,000 Grant from the same program. He stated it is money generated by Dakota County due to landfill fees charged. Councilmember Piekarski-Krech stated they should receive that money for the inclusive playground because it is a regional amenity, more money should be given as a result.

Councilmember Piekarski-Krech stated one of the Commissioners has already said how nice it would be to have an inclusive playground. She stated when giving benefit to the entire region, there should be more money given outside of that because it is a regional benefit.

Parks and Recreation Director Carlson stated he didn't have all of the information yet. The improvements made at Swing Bridge Park and Heritage Village Park, have financial commitments that are fairly minimal. He stated we should feel lucky the County is in a position to consider a request for \$950,000 that the City probably wouldn't be able to afford. Mayor Tourville commented we would not be where we are without the County's help. Councilmember

Piekarski-Krech stated the County has things here as well, such as the Regional Trail and the Swing Bridge, it is a regional amenity. She stated due to that, the bulk of cost should not be for just the residents of this community, it should be a regional cost.

Mayor Tourville stated he received a lot of comments about how the City needs to stop spending its dollars at Heritage Village Park to buy property. It was tax forfeited property. Dakota County gets first right or refusal. Dakota County said they didn't want it and asked the City of Inver Grove Heights if they did. He stated properties were bought with the help of other agencies.

City Attorney Kuntz asked when the bid package is put together, if there would be an opportunity to pick some items but not all items or if it would be a package of all or nothing. Parks and Recreation Director Carlson responded they have not made it to that level of detail with the bid package. Some of the architecture work would have to have some Add Alternates based on estimating that has been done. He stated they could do the landscaping and build the shelter and restroom facility and forgo the inclusive playground. Or build the inclusive playground and not the building and the restroom. They all somewhat support each other but don't need to be all tied together.

Councilmember Bartholomew asked if he is doing his diligence in trying to find other funding sources within the General Fund and other sources. Director Carlson responded he was. He stated for example, a current project is coming in approximately \$150,000 to \$200,000 under. Councilmember Bartholomew agreed with comments made by Councilmember Piekarski-Krech and stated he would like to see more outside funding.

Councilmember Dietrich asked what the five- to ten-year projections on maintenance would be for something like this. Parks and Recreation Director Carlson responded the maintenance on the playground itself is inspected regularly. From a replacement standpoint, it should be 20 years for the equipment, the poured in place rubber would have to be replaced in ten years. He was unsure if it was parts of the surface or the entirety in that timeframe but would get those questions answered and back to the Council once bids are available. Councilmember Dietrich stated that they need to take into account lawn mowing and other things. She requested a clear breakdown. Parks and Recreation Director Carlson responded that a breakdown was done for the dog park and would be done the same way for this.

Mayor Tourville stated it is the entire Council's priority to work with Dakota County and find a site in the northwest area. Parks and Recreation Director Carlson stated all of the Planning staff and Engineering staff know the next time a plat is out for discussion, Parks and Recreation will try to find space for a park in the development.

Councilmember Piekarski-Krech asked that the bids be broken down into different areas and have ideas about how much it would cost to replace the rubber, especially with Minnesota weather. Parks and Recreation Director Carlson agreed to have that information available. Mayor Tourville recommended the bids stay good for as long as possible to give additional time to groups to gather the information they are looking for.

Parks and Recreation Director Carlson stated they would send the project out to bid and bring the numbers back before the Council. Everything would go before the Parks Commission first and they would provide a recommendation to the City Council. Councilmember Piekarski-Krech asked if they would hear back about the ELF Grant by then. Parks and Recreation Director Carlson responded they may not have an answer on December 3<sup>rd</sup>. Councilmember Dietrich

stated it was hard to spend money on something that they don't know would come to fruition. Parks and Recreation Director Carlson responded they want to keep moving forward to get the bids at a good time.

City Attorney Kuntz asked if he would be bringing the final plans and specifications back before the Council before going out for bids. Parks and Recreation Director Carlson responded he was not planning to. Mayor Tourville suggested he bring that information back before Council. Mayor Tourville suggested going to the Parks Commission first and then have it come before the Council before it goes out to bid. Parks and Recreation Director Carlson stated money will be spent before then to pay the Architects to develop the plans and specifications.

Parks and Recreation Director Carlson clarified what is being requested stating that WSB and Alliance Architects would develop the specific plans and specifications. That information would be brought before the Parks and Recreation Commission and then the City Council to see the specifics. There would be refined cost estimates and more about the ELF Grant and possible potential donors. He stated if comfortable at that time, they could go out for bid and then come back with the bids to make a decision about awarding a contract or not.

Mayor Tourville stated by direction to take the final bid package before the Parks and Recreation Commission and then the City Council.

## **8. EXECUTIVE SESSION**

## **9. MAYOR AND COUNCIL COMMENTS**

City Administrator Lynch stated City Hall will be closed on Thursday November 28<sup>th</sup>, and Friday, November 29<sup>th</sup> for the Thanksgiving Holiday.

Mayor Tourville listed the following upcoming events:

- Worksession on December 2<sup>nd</sup>, 2019.
- Inver Grove Heights Tree Lighting will take place in front of the Community Center on Friday, December 6<sup>th</sup>, at 6:00 p.m.
- Friends of the Inver Glen Library are looking at marking the month of December for the Library's 20<sup>th</sup> Anniversary. Information about this would be coming out soon.

## **10. ADJOURN**

**Motion by Perry, seconded by Piekarski-Krech to adjourn the meeting at 9:07 p.m.**

**Ayes: 5**

**Nays: 0    Motion carried.**

Minutes prepared by Recording Clerk Sheri Yourczek