

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, NOVEMBER 9, 2020 - 7:00 P.M. - 8150 BARBARA AVENUE**

Via Zoom Teleconferencing

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, November 9, 2020, via Zoom Video Conferencing. Mayor Tourville called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present via Zoom Teleconferencing: Mayor Tourville, Council Members: Piekarski Krech, Bartholomew, Perry, and Dietrich; City Administrator (and Acting City Clerk) Lynch, City Attorney McCauley Nason, Technology Manager Gade, Environmental Specialist Sutherland, Finance Director Hove, Public Works Director Thureen, Assistant City Engineer Dodge, City Engineer Kaldunski, City Planner Hunting, Associate City Planner Botten, Police Lieutenant Daniels, and Fire Chief Thill.
Melvin Moore, Builder's Lot Group, LLC.

Mayor Tourville stated the meeting is via Zoom due to active Covid-19 involving City employees.

3. PRESENTATIONS:

There were no presentations.

4. CONSENT AGENDA:

- A.** Minutes from the October 5, 2020 City Council Work Session.
- B.** Disbursements for Period Ending November 4, 2020. **Resolution 2020-240**
- C.** Consider Approval of Rental Licenses.
- D.** Consider Approval of Personnel Actions.
- E.** Approve Posting of Accounts Payable Accounting Technician.
- F.** Consider Appointment of Auditors for Years Ending December 31, 2020 and 2021.
- G.** Consider Final Compensating Change Order No. 7, Final Pay Voucher No. 9, Engineer's Report of Acceptance and **Resolution 2020-241** Accepting Work for City Project No 2018-08 – Fire Station No. 2 Sewer and Water Improvements and Conduit for City Project No. 2018-11 – Fire Station No. 2 Fiber Optic Improvements.
- H.** Consider Pay Voucher No. 2 for City Project No. 2019-18 – Public Works Maintenance and Cold Storage Buildings Roof Replacement.
- I.** Consider a **Resolution 2020-242** Receiving Feasibility Report and Scheduling a Public Hearing for City Project No. 2016-13 – Cahill Trunk Drainage Improvements.
- J.** Accept Tree Survey from WSB for City Project No. 2016-19 - 65th Street Construction (between T.H. 3 and Babcock Trail). **Resolution 2020-243**
- K.** Consider a **Resolution 2020-244** Receiving Hydrologic Technical Memo, Ordering Feasibility Study, Accepting Engineering Services Proposal from Barr Engineering Co. for City Project No. 2020-06 – Good Samaritan Pond (1501 50th St.).
- L.** Consider a **Resolution 2020-245** Accepting Engineering Services Proposal from WSB for City Project No. 2021-02 – Utility Improvements for 2021 County Mill and Overlays.
- M.** Consider **Resolution 2020-246** Accepting Quotes and Awarding Televising Contract for City Project No. 2021-09D Bryant Lane Area Improvements.
- N.** Consider **Resolution 2020-247** Approving Land Alteration Permit for The Crossings at Inver Woods by Titan Land.
- O.** Consider Awarding the purchase of a Self-Contained Breathing Apparatus (SCBA) fill station to Alex Air Apparatus for \$15,349.
- P.** **Resolution 2020-248** Electing to Continue to Participate in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act for 2021 through 2030.

Mayor Tourville stated as requested, Agenda Item 4I has been pulled from the Agenda.
Councilmember Dietrich requested pulling Agenda Item 4B.

Motion by Bartholomew second by Perry to approve the Consent Agenda with the exception of Agenda Items 4B and 4I.**Ayes: 5****Nays: 0 Motion carried.****Agenda Item 4B. Disbursements for Period Ending November 4, 2020. Resolution 2020-240.**

Councilmember Dietrich asked for clarification out of Fund 440, Pavement Management Projects. There seems to be a duplication of charges on November 3. Finance Director Amy Hove responded she would have to look into that item to make sure it's not a split in a project. Mayor Tourville asked if the Finance Director would be able to check into it before the end of the meeting or if it would be addressed at a future meeting. Finance Director Hove responded she would look into it during the meeting.

Finance Director Hove responded it is not a duplicate payment. The payments were split out 50/50 for project 2022-O9D and 2023-O9D, two separate projects. Totals are the two charges combined.

Motion by Dietrich second by Bartholomew to approve Agenda Item 4B. Disbursements for Period Ending November 4, 2020. Resolution 2020-240.**Ayes: 5****Nays: 0 Motion carried.****Agenda Item 4I. Consider a Resolution Receiving Feasibility Report and Scheduling a Public Hearing for City Project No. 2016-13 - Cahill Trunk Drainage Improvements. Resolution 2020-242**

Kelly Kayser, 1953 59th Court East, asked why the project is being fully paid for out of pavement management, because it is a stormwater and drainage type project. Public Works Director Scott Thureen responded localized flooding was taking place on the street and issues with water flowing from Cahill to the low point in the cul de sac. The drainage issues need to be addressed before the street project can be addressed. He stated in looking at available funding sources, it was his recommendation that it can be funded out of pavement management. It would be constructed at the same time as the street project.

Ms. Kayser stated she was asking because she has been told numerous times that stormwater and stormwater management is an acceptable part of a project. She asked why in this case. She stated she has an interest in this because Carleda was originally part of her area's project and was pulled because of drainage issues. She commented there is inconsistency with the manner things are funded. For example, this year's project on 64th Street, there was an improvement to the trunk storm pipe and erosion problems. This was funded from stormwater utility. She commented she has been told numerous times the fund cannot support those kinds of activities. The amount was \$356,000. She said many other projects are funded through assessments and pavement management of the actual street project.

She stated with the project in her area, Asher and Asher Court had some improvements to a stormwater pond. Asher did not have a stormwater system in the street and had to have piping and catch basins added. Residents of her area had to pay for that via assessment. She asked who decides when they would be paying for it out of pavement management, stormwater utility, and when residents of the project have to pay. Public Works Director Thureen responded Staff receives recommendation on how to fund the project, feasibility, and moving the project forward. It varies. He stated there were two specific instances with Atwater and the 64th Street area project that had unique circumstances. With those two there was adequate funding available in the stormwater fund. He stated a recommendation was made and Council approved. As they go through the process with this one, Council can decide to fund differently.

Mayor Tourville requested Public Works Director Thureen explain why Staff recommended it be this way. Public Works Director Thureen responded they are not making a funding decision on this tonight; they are accepting a feasibility report to move toward a Public Hearing.

Ms. Kayser stated this is why she has been pushing for the idea of a Task Force. She has ideas about how to make this more evenly funded from project to project.

Councilmember Dietrich asked Public Works Director Thureen for other funding ideas and what the implications of that funding source might be. This would be so all know the options and can thoroughly vet them. Public Works Director Thureen responded it is a very small number of options. He stated Ms. Kayser can contact him with her thoughts.

Motion by Bartholomew second by Dietrich to approve Agenda Item 4I. Consider a Resolution 2020-242 Receiving Feasibility Report and Scheduling a Public Hearing for City Project No. 2016-13 - Cahill Trunk Drainage Improvements.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. Public Hearing and Consideration of Second Reading of an Ordinance Amending Title 3 Development Fees.

Finance Director Amy Hove stated on October 12, the First Reading was brought before the Council regarding development fees for 2021. It includes water, sanitary sewer connection fees, and other fees associated with planning activity. This is the Second Reading, with a Third and final Reading taking place on December 14th. She stated this is a collaborative effort between the Community Development Department, Public Works, Finance, and in conjunction with the Financial Advisor, Ehlers. Over the years the increases were part of a financial update and plan. Rates proposed tonight are anywhere from 3.5% to 5%, following in line with previous recommendations. No changes are proposed for land use fees or escrows. She stated this is the final year they would use the 2016 recommendations.

For 2021, the plan is to look back over the process, the fees, history of the northwest area, development fees, and compare themselves to neighboring Communities. She stated Ehlers would help look at the current financial situation and come up with recommendations to update and revise a new report. She stated they plan to have an updated report and would walk new Councilmembers and existing Council through a well thought out process. For 2021, they would follow the plan in place since 2016. Information about this is posted on the website and available on Social Media. She stated per Council request it was provided to the Chamber of Commerce after the last meeting.

Motion by Perry second by Piekarski Krech to close the Public Hearing at 7:20PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Bartholomew second by Piekarski Krech to approve the Public Hearing and Consideration of Second Reading of an Ordinance Amending Title 3 Development Fees.

Ayes: 5

Nays: 0 Motion carried.

B. Public Hearing to Consider Resolution Adopting Final Assessment Roll for Outlot A, Short Properties (PID 206777500010) for the 2020 Pavement Management Program, City Project No. 2019-09C - Cahill Avenue Mill and Overlay (Concord Boulevard to Inver Grove Trail). Resolution 2020-249

Assistant City Engineer Steve Dodge stated Staff met with the Short's and have worked out and signed an Agreement. Additional information will be discussed in Agenda Item 7D to approve an assessment deferment. The \$4,000 amount has been agreed upon with the Short's. This is to levy the assessment for Outlot A of the

Short properties. He recommends Council pass the Resolution adopting the final assessment for Short property Outlot A at \$4,000, with a five-year term and a 3.15% interest rate.

Motion by Piekarski Krech second by Perry to close the Public Hearing at 7:23PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Bartholomew second by Dietrich to approve Public Hearing to Consider Resolution 2020-249 Adopting Final Assessment Roll for Outlot A, Short Properties (PID 206777500010) for the 2020 Pavement Management Program, City Project No. 2019-09C - Cahill Avenue Mill and Overlay (Concord Boulevard to Inver Grove Trail).

Ayes: 5

Nays: 0 Motion carried.

C. Public Hearing to Consider Ordering Project, Receiving Feasibility Study, and Authorizing Acquisition of Easements for City Project No. 2021-01 - NWA Trunk Utility Improvements for Future Projects of Argenta Trail (CPN 2016-04), (CPN 2016-05) and 70th Street (CPN 2015- 08). Resolution 2020-250

City Engineer Tom Kaldunski discussed the following related to City Project 2021-01 for the extension of trunk utility projects:

Comprehensive Sanitary Sewer Plan

- Framework for long range sanitary sewer service.
- Construction of system occurs from downstream to upstream.
- Unique topography requires sections of trunk sewer to be very deep (40' deep).
- Installation and extensions of the system have been done by the City and/or as development has occurred.

He discussed the sanitary sewer plan stating they are focusing on Argenta Trail from 71st Street (does not exist yet) up to 65th Street and over to the existing Argenta. Also focusing on the intersection of Robert Trail and the new roundabout at County Road 26 (known as 70th Street).

Upcoming Dakota County Work. Argenta Trail/70th Street:

- One of the largest undeveloped areas adjacent to I-494/I-694 beltway.
- Commercial and residential development continues to occur in the vicinity.
- Roads are currently 2-land rural roadways that do not meet safety design standards.
- Planned for construction from 2021 to 2023.
- More information: <https://www.cr26andcr63improvements.com>
- Questions related to this project are referred to Dakota County Staff.

The preliminary concept of the County project was shown. City Engineer Kaldunski stated the roundabout on Highway 3 would become a major County Road all the way to Highway 55 in Eagan. Argenta Trail in the vicinity of Amana Trail by Target would go north and be reconstructed with a new roundabout at the intersection and going up to 65th Street where the City has constructed part of that road. The County's project over the next three years would complete the reconnection over to the existing Argenta.

City Engineer Kaldunski stated tonight's hearing deals with the sanitary sewer and water main that has to be moved before this road construction occurs.

- There are planned improvements for trunk utilities. Those would be put in place before the County Road project begins in August 2021.
- This work would be done in conjunction with Dakota County, MnDOT, and local property owners.
- There are some easements that would be necessary to put in the deep sanitary sewer.

A more detailed plan was shown of the three locations. Green lines depicted the sanitary sewer. City Engineer Kaldunski listed the costs/budget:

- Total Project costs: \$1,527,722
- Sanitary Sewer: \$1,460,469
- Watermain: \$67,253

- Total Project Funding: \$1,527,722
- NWA Trunk Sanitary Fund: \$1,460,469
- NWA Watermain Fund: \$67,253

Project schedule:

- Receive feasibility report, hold improvement hearing, order project: Nov. 9, 2020
- Approve plans and specifications. Authorize bidding: Feb. 22, 2021
- Bid Opening: March 25, 2021
- Award Project: April 12, 2021
- Begin construction: June, 2021
- Substantial completion: September, 2021

City Engineer Kaldunski apologized to Mr. Foster and the Ace in the Hole Group because their notice did not get out. As a part of that, they want to make sure to follow the process. All others in the area were notified. He stated tonight they will take comments from the public, send out a new set of notices, and come back before Council on November 23rd. The Council will consider ordering the project and advancing it to construction. Mayor Tourville stated Tom Foster is the contact for Ace in the Hole with joint ownership.

Motion by Piekarski Krech second by Perry to continue the Public Hearing to Consider Ordering Project, Receiving Feasibility Study, and Authorizing Acquisition of Easements for City Project No. 2021-01 - NWA Trunk Utility Improvements for Future Projects of Argenta Trail (CPN 2016-04), (CPN 2016-05) and 70th Street (CPN 2015- 08) to the Council Meeting on November 23rd. Resolution 2020-250

City Attorney McCauley Nason stated the Motion is to continue the Public Hearing and Agenda Item to the Council Meeting on November 23rd. Staff is directed to renotify property owners regarding the project at the end of the new Public Hearing date.

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville stated they have been waiting several years for the new Argenta/70th Street and utilities. This is a big step for the City with further growth.

D. Public Hearing to Consider Approving a Vacation of Drainage and Utility Easements within Outlot C, Settlers Ridge North and approval of Final Plat of Settlers Ridge North 2nd Addition. Resolutions 2020-251 and 2020-252

City Planner Allan Hunting stated this is to consider approving a vacation of drainage and utility easements within Outlot C, located in Settlers Ridge North. The southern half of the project was platted first and Council approved in February. With action on the final plat, Outlot C would become the 2nd Addition and would become the final platted lots. He stated all necessary drainage and utility easements would be rededicated on the new plat. The Public Hearing is in front of the City Council instead of the Planning Commission to accommodate the Applicants tight timeframe and time approvals to get the plat recorded by the end of the year.

City Planner Hunting stated the second action is for approval of the final plat, the development agreement, and six related agreements. City Council approved the entire final plan unit development for the project in February. The Applicant only needs to come back for final plat approval tonight. He stated Staff and Engineering recommend approval of both action items.

Mayor Tourville stated there was a lot of discussion surrounding drainage and stormwater ponding, those seem to have been addressed. He asked if there was anything to add to it. City Planner Hunting responded the Engineering Department sorted out all the details with their Consultant for stormwater management. That was part of the final PUD for the entire project Council approved in February.

Mayor Tourville asked if there were any more questions or concerns about stormwater ponding and valves around Settler's Ridge. City Engineer Kaldunski responded he received one comment from a person to the east who had indicated he was in favor and gave kudos to the Contractor who was doing good work maintaining the site.

Motion by Dietrich second by Bartholomew to close the Public Hearing at 7:46PM**Ayes: 5****Nays: 0 Motion carried.****Motion by Bartholomew second by Perry to approve Public Hearing to Consider Approving a Vacation of Drainage and Utility Easements within Outlot C, Settlers Ridge North and approval of Final Plat of Settlers Ridge North 2nd Addition. Resolutions 2020-251 and 2020-252****Ayes: 5****Nays: 0 Motion carried.****6. PUBLIC COMMENT:**

Kelly Kayser, 1953 59th Court East, called in to follow up on some items from the last Council meeting. The first item was about no parking signs in cul de sacs. She stated she heard from Mr. Thureen who said there is a meeting scheduled for further discuss and would be in contact with her after that takes place.

Ms. Kayser asked if there was any progress on the question posed to City Attorney McCauley Nason regarding the data breach investigation, how it was ordered, and by whom. City Attorney McCauley Nason responded there were three aspects to the question:

1. Regarding the pathway with respect to the data breach investigation.
A memo was compiled by her office and distributed to the City Council on Friday. It has not been given to Ms. Kayser yet.
2. Authority of Mayor to act in place of City Administrator.
She did not get a chance to compile her response until this evening. It was emailed to the City Council a little before 7:00 p.m.
3. Other questions raised previously.
She has worked with Staff on a response. Staff has communicated with Ms. Kayser. She was going to communicate with Ms. Kayser today but was unable to connect with Staff to do so. She will try again soon.

Ms. Kayser asked about an email for the Open Meeting from September 28th. She heard back from the City Clerk after that meeting. She stated she was forwarded an email from Mr. Lynch to the Council from October 9th, it was in response to her email and Councilmember Dietrich's questions. She asked why she attended the last two meetings and was told it was being worked on, then the response was received a week after she submitted her email and nobody got back to her. She asked whose responsibility that would have been, she emailed the Council. She stated she has questions about the email she had been forwarded from Mr. Lynch. Ms. Kayser discussed the following:

- No disrespect was shown through communications or treatment of any of the residents in attendance, none were treated unprofessionally by any Staff at the meeting, no one was told they had to go outside. She stated she had not said in any of her emails that any employees were disrespectful. She stated that entire process was chaos. Residents come to meetings to speak; the added confusion was unprofessional. She has attended several meetings and knows how things run, that is not the same for everyone.
- The comment that nobody was told they had to go outside.
She stated it was clearly stated if you cannot find a chair to sit in you would have to wait outside. She hopes that doesn't happen again.
- The comment that the City was only made aware of the potential for a large crowd late in the afternoon on the 28th.
She stated she can't imagine why, as she watched the video from July it was a packed house. Since that same item was back on the Agenda, she was unsure why they wouldn't know there could be a large crowd. It didn't seem like a legitimate reason.
- The phrase "intel" was used.
She stated this wasn't a covert operation, it's a Council meeting.
- Residents were given numbers and told they could speak when their number was called.

- To her knowledge no numbers were called. The issue was not addressed in Mr. Lynch's responses.
- The tape delay mentions it's 15 seconds.
She stated she felt it was one minute or longer. If using the Town Square broadcast in another portion of the Council meeting would be problematic, she asked if closed circuit TV would be an option and if it would make more sense. Mayor Tourville stated they cannot do both feeds.
- The idea that people sign up in the order they wish to speak.
Not everyone gets there when the meeting starts. She stated a lot of times people don't have anything to say until they hear the topic discussed. She asked if the Council goes this route, she hopes the Council will still invite residents up and give the opportunity to speak.

She stated she watched a Council meeting from Hudson, Wisconsin a couple months ago. There was a topic on their Agenda where they had Public Comments for three or four hours. It was a packed house with people at another building. She stated the way it was addressed was the people who had already spoken were asked to leave the lobby/waiting area so people from the other location could come and have their chance to speak.

She stated she didn't have a lot of questions in her email, she was just recounting what she saw as a resident who comes to Council meetings fairly often and sees people in attendance who don't often come. She stated she was concerned those people felt slighted. She commented the last item in her email was that she was hoping someone would apologize for that. She stated since they were mostly people there on the data breach issue, she was hoping it could be done when it comes back on the Agenda again. She asked that they be careful this doesn't happen again. She stated it may be better not to practice a new concept when there is a large crowd. She commented it should have been practiced at a regular Council meeting to see what worked well and what didn't.

Mayor Tourville stated they didn't get back to her directly because there were other people with questions too. In response to watching it on the screen, they cannot do two feeds, but are working on it. He asked if the TV in the lobby was working successfully. City Administrator Lynch responded he has been working with IT Manager Marc Gade to get the monitor in the lobby to have a feed from the cable broadcast. There would still be a slight delay. People will be able to see the meeting on that monitor as it is happening. He stated another option would be to host people down in the Emergency Operations Center, on the opposite side of the building, in the Police portion. If wanting to speak in front of the City Council they would have to walk outside and around the building. The hallway cannot be left open as Police do not like to have people wandering around that portion of the building. He stated if expecting a crowd of that size, that is an option. Currently they plan to open the gate by the Administration side of the building so more can be seated further down the hallway. He stated there is not a second monitor set up for cable broadcast so people would have to watch the one located outside of Council Chambers.

Mayor Tourville stated they may be forced to be closed beyond the meeting on the 23rd. A decision would have to be made between Attorney's if having the meeting or not, have it via Zoom or not. They may not be able to hold a full meeting in Council Chambers on November 23rd.

Mayor Tourville responded about the questions stating there were some posed that were statements and not questions. He stated the City Clerk has to reach out to numerous Staff for answers, but they would try to get to them as soon as possible. Ms. Kayser stated she appreciated the City Clerk working on this with everyone else. She commented she wanted to make sure they were addressed.

Ms. Kayser encouraged the Council to give the item taking place on November 23rd, full consideration so there can be a fair conclusion to that Agenda item. She requested people who want to speak be given the opportunity.

7. REGULAR AGENDA:

Administration:

A. Consider Ordinance Revisions Implementing Previously-Approved Revisions to City Personnel Policies Regarding Vacation and Funeral Leave. Resolution 2020-253

City Attorney Bridget McCauley Nason stated in August 2019 the City Council approved an action item relating to amending vacation and funeral leave policies for the City. Because the City personnel policy is embedded within

the City Code, in order to formally make and implement those changes, the Council needs to adopt an Ordinance that makes those amendments. She stated this is an Ordinance that amends the City Code to make changes to the leave policies the Council reviewed and approved last August. There are three action items for Council consideration:

1. This was previously considered by Council, and is not new. They look for Council to make a Motion to suspend the rules, which is done by unanimous vote and would allow the Council to waive the three-reading requirement for all Ordinances. If this passes by unanimous vote:
2. Motion to approve adoption of the Ordinance as presented. If approved:
3. Vote to approve the summary publication Resolution included in the Council packet.

Councilmember Piekarski Krech stated she would make the Motion if this was just a simple housekeeping issue. City Attorney McCauley Nason responded this is a housekeeping Ordinance to formally amend the City Code to reflect changes.

Motion by Piekarski Krech second by Bartholomew to allow Council to waive the three-reading requirement for all Ordinances.

Ayes: 5

Nays: 0 Motion carried.

City Attorney McCauley Nason stated the next action item is a vote on the actual Ordinance itself. Ordinance #1393 makes those revisions to the City personnel policy as found in the City Code.

Motion by Bartholomew second by Perry to approve Ordinance Revisions Implementing Previously-Approved Revisions to City Personnel Policies Regarding Vacation and Funeral Leave.

Ayes: 5

Nays: 0 Motion carried.

City Attorney McCauley Nason stated the last item for Council consideration is the attached Resolution which approves summary publication of the Ordinance. The Resolution includes a summary that details the changes made to the leave policies. This is being done to save on publication costs. She stated she is looking for Council to consider adoption of the attached Resolution authorizing summary publication of the Ordinance.

Motion by Piekarski Krech second by Perry to approve summary publication of the Ordinance. Resolution 2020-253

Ayes: 5

Nays: 0 Motion carried.

Engineering:

B. Consider Resolution Approving Special Assessment Deferment and Waiver of Assessment Appeal Agreement for Outlot A Short Properties for the 2020 Pavement Management Program, City Project No. 2019-09C - Cahill Avenue Mill and Overlay (Concord Boulevard to Inver Grove Trail). Resolution 2020-254

Motion by Bartholomew second by Perry to approve Resolution 2020-254 Approving Special Assessment Deferment and Waiver of Assessment Appeal Agreement for Outlot A Short Properties for the 2020 Pavement Management Program, City Project No. 2019-09C - Cahill Avenue Mill and Overlay (Concord Boulevard to Inver Grove Trail).

Ayes: 5

Nays: 0

Community Development:

C. Consider First Reading of an Ordinance Amending City Code, Title 8, Chapter 6, Related to Solid Waste Collection and Disposal.

Environmental Specialist Ally Sutherland presented the First Reading of an Ordinance Amendment for Title 8, Chapter 6, of the City Code related to solid waste collection and disposal. The County Ordinance one-ton updates were made to align with their newly adopted Solid Waste Master Plan, which extends from 2018-2030. The main goals of the recent update:

- Reduce waste going into landfills.
- Improve quality of recycled materials.
- Make progress toward the state's goal to recycle about 75% of waste by 2020.

She stated the amendment to the City Code proposes the City comply with the County Ordinance update.

Changes were made to ensure Code:

- Reflect current collection and management practices.
- Ensure Code and definitions are consistent with and no less restrictive than the amended Ordinance 110.
- Be consistent with waste generator requirements.
- Incorporate requirements for property owners and managers of multi-unit residential buildings who manage municipal solid waste through a common Contract.
- Incorporate requirements for event sponsors, owners, and operators of events and event venues.

Environmental Specialist Sutherland stated the Amendments proposed by the City Attorney's Office have been reviewed by Staff. County Staff in the Waste Regulation Unit oversaw the Ordinance 110 update and have also reviewed the proposed amendments. Two small changes were recommended:

1. Include a more detailed list of the required labeling standards for property managers of multi-family properties, event sponsors, large event venue owners and operators.
2. Remove the generator requirement included in 8-6-7C of the proposed Ordinance. Although required to be consistent with generator requirements, we are not required to oversee those.

She stated Staff recommends approval of the First Reading as presented with suggested changes from the County incorporated.

Motion by Bartholomew second by Piekarski Krech to approve the First Reading of an Ordinance Amending City Code, Title 8, Chapter 6, Related to Solid Waste Collection and Disposal.

Ayes: 5

Nays: 0 Motion carried.

D. Builder Lot Group: Consider the following requests for property located at the southwest corner of Degrio Way;

- 1. A Resolution relating to a Comprehensive Plan Amendment to change the land use from MDR, Medium Density Residential to LMDR, Low-Medium Density Residential. Resolution 2020-255**
- 2. An Ordinance Rezoning the property from R-3C, Multiple Family Residential to R2/PUD, Planned Unit Development. Ordinance 1395**
- 3. A Resolution relating to a Preliminary and Final Plat and Preliminary and Final PUD Development Plan for a six-lot single family development to be known as Ruby Meadows. Resolution 2020-257**
- 4. A Resolution relating to a Variance from the minimum lot size for a PUD. Resolution 2020-256**
- 5. A Resolution relating to a Vacation of all drainage and utility easements within the existing plat of Gates Addition. Resolution 2020-258**

Associate City Planner Heather Botten stated the request is for property located west of Concord Boulevard and the southwest corner of Degrio way. The property is currently vacant and is platted for a seven-lot townhome development. The lot is 1.08 acres in size. The Applicant is requesting a six-lot detached single family residential subdivision. She stated the property is currently guided medium density residential. In 2005 when the existing plat was created the category LMDR (Low to Medium Density Residential) did not exist. Based on the current and proposed density, the land use category LMDR is the most appropriate. She stated the current zoning of R-3C is the highest density multiple family district. This district does not allow for single family detached units. A change to an R-2 PUD would allow for attached or detached units.

She stated the plat is for a six-lot sub division. There would be six lots and one outlot. The outlot contains the driveways, parking, and open space (behind the units). Lot sizes would be 3,300 to 3,400 square feet, except for Lot 1 which would be slightly larger. She stated there are no minimum lot size or width requirements for a single-family home in the R-2 District. Park Dedication would be cash in lieu of land.

She stated the Applicant is requesting a variance from the 10-acre minimum lot size requirement for a PUD. The Ordinance allows for flexibility to have a PUD less than 10 acres if the surrounding neighborhood and features of the property for that development fall under the standard provisions. She stated the proposed PUD provides greater flexibility and environmental design while providing an open space buffer to the single-family homes to the south and west. Looking at the requirements of the PUD Ordinance, there is a maximum building coverage of 20%. This development is proposed at 19%. 15% of the PUD must be open space. The applicant is proposing 21% open space behind the units. She stated along with the open space requirement, the Developer is also required to plant six trees to meet landscaping requirements, and are proposing eight. Perimeter setbacks have been met or exceeded. There are two access points of off Degrio Way in compliance with all spacing guidelines.

Associate City Planner Botten stated Engineering has been working with the Applicant on the stormwater and grading requirements. The required agreements would be brought back before the Council at a later date. She stated the Applicant is requesting a vacation of the existing drainage utility easements for the current plat on the property. New easements would be created with the recording of the new plat of Ruby Meadows. Staff and the Planning Commission recommend approval of all requests as presented with the conditions listed.

Melvin Moore, Builder's Lot Group, LLC., introduced himself and was available for questions.

Motion by Bartholomew second by Piekarski Krech approved the Builder Lot Group: Consider the following requests for property located at the southwest corner of Degrio Way;

- 1. A Resolution 2020-255 relating to a Comprehensive Plan Amendment to change the land use from MDR, Medium Density Residential to LMDR, Low-Medium Density Residential.**

Ayes: 5

Nays: 0 Motion carried.

Councilmember Bartholomew stated the Planning Commission approved this 8-0.

Motion by Bartholomew second by Piekarski Krech to approve Builder Lot Group: Consider the following requests for property located at the southwest corner of Degrio Way;

- 2. An Ordinance Rezoning the property from R-3C, Multiple Family Residential to R2/PUD, Planned Unit Development. Ordinance 1395**
- 3. A Resolution 2020-257 relating to a Preliminary and Final Plat and Preliminary and Final PUD Development Plan for a six-lot single family development to be known as Ruby Meadows.**
- 4. A Resolution 2020-256 relating to a Variance from the minimum lot size for a PUD.**
- 5. A Resolution 2020-258 relating to a Vacation of all drainage and utility easements within the existing plat of Gates Addition.**

Ayes: 5

Nays: 0 Motion carried.

Police:

E. First Reading of Ordinances Amending Title 5, Chapter 4, Section 6 of the current City Ordinances 5-4-6 Dangerous and Potentially Dangerous Dog.

Police Lieutenant John Daniels stated he met with the City Attorney and prepared the First Reading of Version #2 of the Dog Ordinance. Areas removed were crossed off, area's underlined are suggested to be implemented.

Councilmember Bartholomew asked if this was publicized and received any comments. Lieutenant Daniels responded a majority of people are in line with what is being proposed.

Mayor Tourville questioned how many people actually know they are discussing updating the Ordinance. It's more difficult to post changes without a local newspaper. He asked if they could notify a few of the key email/contacts for the dog park, and include it on the City Facebook page. Lieutenant Daniels responded he would. Mayor Tourville suggested Lieutenant Daniels speak with Communications Manager Amy Looze about getting information out. Lieutenant Daniels stated he would send out an email, post this on Facebook, and the City Website. Mayor Tourville suggested posting on the Police Website.

Councilmember Piekarski Krech suggested posting it with several of the Veterinary Clinics that are in town. Southview Animal Hospital in West St. Paul was also suggested. Mayor Tourville suggested saying there are Ordinance changes instead of posting the entire Ordinance. Lieutenant Daniels responded he could post the link to the City Website.

Motion by Dietrich second by Bartholomew to approve the First Reading of Ordinances Amending Title 5, Chapter 4, Section 6 of the current City Ordinances 5-4-6 Dangerous and Potentially Dangerous Dog.

Ayes: 5

Nays: 0 Motion carried.

Fire:

F. Consider First Reading of Ordinance Amending Title 9, Chapter 2 Relating to the Fire Prevention Code.

Fire Chief Judy Thill presented the First Reading of the changes to the Ordinance amending Title 9 Chapter 2 of the City Code relating to the Fire Prevention Code. She stated the Fire Prevention Code contains different provisions relating to fire prevention within the City. The Code hasn't been updated in years and is outdated and needs to be amended to reflect current State Fire Code provisions and practices.

She stated the language related to limitations for outdoor storage of flammable and combustible liquids needs to be updated to reflect Fire Code references and existing storage practices. Fire Code references are updated to reflect the current 2020 version of the Minnesota State Fire Code. Changes have been reviewed by the City Attorney's Office. Staff recommends approval.

Councilmember Dietrich asked how often this is done, if it is on a schedule, and how often it should be done. Fire Chief Thill responded it is something that needs to be on a schedule. She stated she would have to ask for the Fire Marshal's recommendation on how often it should be done and get back to Council with a response.

Motion by Dietrich second by Perry to approve the First Reading of Ordinance Amending Title 9, Chapter 2 Relating to the Fire Prevention Code.

Ayes: 5

Nays: 0 Motion carried.

Building:

G. Consider First Reading of Ordinance Amending Title 9, Chapter 1 Related to the State Building Code.

City Attorney Bridget McCauley Nason stated she worked with Steve Johnson, Chief Building Official, on the First Reading of Ordinance Amending Title 9, Chapter 1 related to the State Building Code. This Ordinance amends a variety of references within the City's Code related to the State Building Code. It removes one and updates the references related to fire protection systems (sprinkler system). This is more of a "housekeeping" change.

Mayor Tourville asked if this would be looked into when there are changes at the Legislature, how often, or if it was just clean-up. City Attorney McCauley Nason responded the Fire Code and State Building Code are found under Title 9 of the City Codes. This should be reviewed every few years to make sure they are updated as necessary.

Motion by Bartholomew second by Dietrich to approve the First Reading of Ordinance Amending Title 9, Chapter 1 Related to the State Building Code.

Mayor Tourville suggested Staff look into how to communicate the changes and updates and let the Council know what the plan is. Links need to be put in place for reference.

Ayes: 5

Nays: 0 Motion carried.

8. EXECUTIVE SESSION:**9. MAYOR AND COUNCIL COMMENTS:**

City Administrator Lynch stated a filter seal burst in the upper level to the east of the connection point between the City Hall and the former Fire Administrative Service area. The area filled with water and also leaked into the lower level Men's locker/shower room in the Police Department. They are in the middle of cleanup. None of the Election area was impacted by water. He stated the lockers in the locker room will need to be pulled out and the flooring will have to be taken out. The flooring will not be replaced with anything due to the fact when Police Officers return from their duties, sometimes they have a lot of stuff on their persons and on their shoes, and would add to continued maintenance of the floor and will be left concrete. He stated they do not believe there was too much damage to personal items. There were things such as electronics and City owned guns in the lockers. An insurance claim has been filed and hope to be settled in about 6-8 weeks. He stated if there is any overage, they would look at City Facilities to try to help cover. Once that is determined, information would be sent out to the City Council.

City Administrator Lynch stated the recent knowledge of two positive COVID cases in City Hall is the reason they are in full Zoom meetings. They are unsure where the parties have been in City Hall. He stated the Council Chambers served as a precinct during the Election, and they are unsure of what services were touched and who was in Chambers. Out of abundance of caution they went to full Zoom meetings. He stated they met with the Emergency Pandemic Team this afternoon and unanimously agreed to close City Hall for two weeks. He stated there is a third party being tested for COVID, and three other individuals who are having symptoms. Contact tracing has led to 19 other individuals. This is the second reason why it was recommended to close City Hall for the next 20 days. 14 days fell on November 24th, so they look to open up again on Monday, November 30th.

He stated they are following all protocols and the return to work plan. They have notified all who are qualified in terms of extended contact within six feet for more than 15 minutes, those that have been affected, and those that worked nearby. One recommendation was to get tested, and the other was to notify they may have been exposed to COVID. He stated the employees are under quarantine for 14 days. Council will be kept updated on any possible additional COVID cases in City Hall. There will be no walk-in traffic from Tuesday, November 10th until November 30th. They will still be available for business as they were at the start of the pandemic, everything will be online. Mail and deliveries have been addressed. He stated people will still come into City Hall when needed, for deadlines, picking up mail, or Agenda management and assembly purposes. Otherwise it will be closed to the general public. He stated they have been successful in educating and informing Contractors and residents of Permits online. Payment via credit cards can be taken through mobile.

He stated there are still essential workers in Police, Fire, and Public Works that will be working per usual and may have minor changes as to where they report. The VMCC has not been impacted and intends to remain open. Information has been posted on the Website and Social Media. He stated there will likely be questions about who has it and how they got it. That is private information and cannot be given out. Signs were posted at City Hall. Due to the late hour, determination was made to allow people to come into City Hall if wanting to attend in person, but making them aware they may be walking into an environment with COVID exposure. Nobody attended.

City Administrator Lynch stated they would be going to remote meetings for all meetings due to the closure. The November 23rd City Council meeting is expected to be a Zoom meeting due to the closure of City Hall and the COVID exposure.

Councilmember Dietrich asked if there are policies in place with employees for sensitive items such as banking and processing payments so there will be checks and balances while working at home. City Administrator Lynch responded per the audit, practices and policies are in place in terms of people cannot accept the money from payments and try to balance. A different Staff member does that. There is top level encryption if payments are made, so accounts cannot be accessed. All employees have direct deposit for payroll which will continue. Seasonal workers do not have the same convenience, their checks are being sent or hand delivered.

Councilmember Dietrich asked about checks that are written by residents for payment. Finance Director Hove responded they still plan to have the same staff who performed the duties continue to perform them. They are working with the PD in securing checks and deposits and maintaining separate duties for Staff.

Mayor Tourville stated City Hall has been closed before, those things were likely done before. City Administrator Lynch responded yes. Mayor Tourville stated they need to make sure it's safe and secure.

Mayor Tourville requested Council be kept updated on what's happening, concerns, and issues. He stated this may add to CARES expenses. City Administrator Lynch responded as done before with the pandemic, he plans to have a separate pandemic update, not included with the Friday update. If something is wanted more frequently, he asked the Council to let him know. Council agreed Friday's were enough unless something more urgent came up. City Administrator Lynch stated the CARES deadline to submit all payments is Friday, November 13th. Unless there would be another batch of CARES money, everything requesting to be covered needs to be in by that date.

City Attorney Tim Kuntz referenced Agenda Item 4I. Consider a Resolution 2020-242 Receiving Feasibility Report and Scheduling a Public Hearing for City Project No. 2016-13 – Cahill Trunk Drainage Improvements, stating the feasibility report for the project only identifies one source for funding, the Pavement Management Fund. It sets the hearing date for December 14th. That hearing will not be a Chapter 429 type of hearing because no assessments are proposed. Notice will be mailed and published saying that proposed funding is Pavement Management and that no special assessments are proposed. He stated when getting to the December 14th hearing, if Council decides that special assessments should be a component of the funding program, they would have to re-notice the hearing and supplement the feasibility report to introduce that element. Mayor Tourville responded it could be 429, or not, or a combination. He stated a recommendation was made, but would like an explanation as to why it was coming out of pavement management and not an assessed project. Councilmember Dietrich agreed and asked for other options and what the implications would be for those choices.

City Attorney Kuntz stated he wanted to point this out so there are no surprises on December 14th. If Council says they want special assessments, they would have to start over. Because of the notice of the Public Hearing, or the option of assessments, they can see why they would need to start over if that was the option selected. Mayor Tourville stated the Public Works Director would need to put together why they have suggested it be this way. If the Council wants to do it differently, they would have to start over. If starting over, it would not be done in 2020.

Mayor Tourville stated he received the annual email for the City to look at publicizing Shop Local and Shop Small, taking place on Saturday, November 28th.

10. ADJOURN:

Motion by Piekarski Krech second by Perry to adjourn the meeting at 9:06 p.m.

Ayes: 5

Nays: 0

Motion carried.