

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, NOVEMBER 23, 2020 - 7:00 P.M. - 8150 BARBARA AVENUE**

Meeting via Zoom Video Conferencing

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, November 23, 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: Mayor Tourville, Council Members: Piekarski Krech, Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Clerk Kiernan, City Attorney McCauley Nason, Information Technology Manager Gade, Parks and Recreation Director Carlson, Assistant City Engineer Dodge, Environmental Specialist Sutherland, Fire Chief Thill, Deputy Police Chief Folmar, Finance Director Hove, Community Development Director Rand, and City Attorney Kuntz.
Jessica Cook, Ehlers; Bianca Fink, Ryan O’Gara, Paul Klugge, Kathy Anderson, Steve Cook, Kelly Kayser

Mayor Tourville stated City Attorney McCauley Nason suggested there be no comments under Agenda Item 7G Legal. That item will be rescheduled to a later date.

3. PRESENTATIONS:

There were no presentations.

4. CONSENT AGENDA:

- A.**
 - i.** Minutes from the October 12, 2020 City Council Meeting.
 - ii.** Minutes from the October 26, 2020 City Council Meeting.
- B.** Disbursements for Period Ending November 18, 2020. **Resolution 2020-260**
- C.** Consider Approval of Personnel Actions.
- D.** Consider **Resolution 2020-261** Approving Correspondence Related by application by SKB Environmental Inc. for a Certificate of Need for the SKB Rich Valley Landfill.
- E.** Consider **Resolution 2020-262** Approving Grant Contract for 2021 Dakota County Community Waste Abatement Grant Program Funds.
- F.** Consider **Resolution 2020-263** Conveying 1805 60th Street Property to the IGH EDA.
- G.** Consider Approval of Bids for Heritage Village Park Phase III Improvements Utilizing MN DEED Grant Funding.
- H.** Consider Proposal from WSB to Assist City in MN DNR Outdoor Recreation Grant for Heritage Village Park Phase IV Improvements.
- I.** Consider Proposal from Jim Roe Museum Planning for Heritage Village Park Historical Interpretation Planning.
- J.** Consider Pay Request #5 (Final) to Dahn Construction - Heritage Village Park Phase II - City Project 2017-07.
- K.** Consider approval establishing Saturday, December 5th from 9 a.m. to 12:00 noon as the date and time for a Leadership Summit Meeting with Current Council, Council Members elect and all department heads to be held at the VMCC Community Room #3.
- L.** **Resolutions 2020-264, 2020-265, and 2020-266** Establishing Utility Rates for 2021.
- M.** Consider **Resolution 2020-267** Receiving Feasibility Report for City Project No. 2015-19 Northwest Area (NWA) Robert Watershed Corridor.
- N.** Consider **Resolution 2020-268** Accepting IPO No. 27A from Kimley-Horn and Associates, Authorizing Preparation of Feasibility Report and Preliminary Design Services, Receiving Appraiser’s

Benefit Analysis Services Proposal, and Authorizing Land Acquisition Services for City Project No. 2016-09F – Carleda Way Area Improvements.

O. Consider Pay Voucher No. 4 for City Project No. 2016-09G 60th Street, 62nd Street and Bacon Avenue Improvements.

P. Consider Pay Voucher No. 5 for City Project No. 2019-09D – 64th Street Area Improvements.

Q. Consider Final Compensating Change Order No. 1, Final Pay Voucher No. 2, Engineer's Final Report, and **Resolution 2020-269** Accepting Work for City Project No. 2019-09F – Carter Path and Court Mill and Overlay.

R. Consider Final Pay Voucher No. 3, Engineer's Final Report, and **Resolution 2020-270** Accepting Work for City Project No. 2019-18 – Public Works Maintenance and Cold Storage Buildings Roof Replacement.

S. Consider Final Compensating Change Order No. 1, Final Pay Voucher No. 1, Engineer's Report of Acceptance and **Resolution 2020-271** Accepting Work for City Project No. 2020-07 – River Road Culvert Repair.

T. Consider Final Compensating Change Order No. 1, Final Pay Voucher No. 1, Engineer's Report of Acceptance and **Resolution 2020-272** Accepting Work for City Project No. 2020-08 – Old Concord Boulevard Washout Repair.

U. Consider a **Resolution 2020-273** Authorizing Preparation of Feasibility Report and Receiving Amended Proposal from Wenck Associates, Inc. for City Project No. CP 2021-03 NWA Emergency Pumping Systems and Force Main Improvements for Regional Basins EP-027A and EP-034.

V. Approve a **Resolution 2020-274** relating to Conditional Use Permit for a drive-thru restaurant for the property located at 1322 Mendota Road (Southridge Shopping Center). VANSOUTH LIMITED PARTNERSHIP – CASE NO. 20-39CUP.

W. Approve a **Resolution 2020-275** relating the Final Plat, Final PUD Development Plan, Development Agreement, and related documents for the plat of The Crossings at Inver Woods. Property located at 1462 80th Street (TITAN LAND).

X. Consider Approval of Professional Services Agreement.

Y. Consider acceptance of donation to Police Department and Fire Department in the separate amount of \$1,000 each to be directed to fire department's equipment fund and the police department's K-9 fund.

Z. Consider awarding the purchase of a Positive Pressure Fan to Municipal Emergency Services, Inc. (MES) for \$5,659.

Mayor Tourville stated Agenda Item 4N has been requested being pulled from the Agenda. Councilmember Dietrich requested pulling Agenda Items 4G, 4H, and 4I.

Motion by Bartholomew second by Perry to approve the Consent Agenda with the exception of Agenda Items 4G, 4H, 4I, and 4N.

Ayes: 5

Nays: 0 Motion carried.

Agenda Item 4G. Consider Approval of Bids for Heritage Village Park Phase III Improvements Utilizing MN DEED Grant Funding.

Agenda Item 4H. Consider Proposal from WSB to Assist City in MN DNR Outdoor Recreation Grant for Heritage Village Park Phase IV Improvements.

Agenda Item 4I. Consider Proposal from Jim Roe Museum Planning for Heritage Village Park Historical Interpretation Planning.

Councilmember Dietrich asked if the three pulled Agenda Items were tied together or dependent upon each other. Parks and Recreation Director Eric Carlson responded they are tied together because they are all happening at Heritage Village Park. They are independent. For example: if

Agenda Item 4G was approved, Items 4H or 4I wouldn't need to be approved, or vice versa. It wouldn't impact the others if one was approved and others were not.

Parks and Recreation Director Carlson stated Agenda Item 4G. Consider Approval of Bids for Heritage Village Park Phase III Improvements Utilizing MN DEED Grant Funding, is the next phase of improvements to Heritage Village Park. It includes concrete work, a retaining wall, railings, and other small items. This would be paid for out of the DEED Grant received that does not require a City Match.

He stated Agenda Item 4H. Consider Proposal from WSB to Assist City in MN DNR Outdoor Recreation Grant for Heritage Village Park Phase IV Improvements, involves working with WSB to apply for a new Grant for Heritage Village Park. This would be for another phase or more improvements.

Parks and Recreation Director Carlson stated Agenda Item 4I. Consider Proposal from Jim Roe Museum Planning for Heritage Village Park Historical Interpretation Planning, is a proposal to hire Jim Roe Museum Planning to do historical interpretation planning for Heritage Village Park. This would eventually be added to the park at a time there would be enough items to attract people to the park who want to look at historical interpretation.

Councilmember Dietrich stated two things stood out with Agenda Item 4H. One of them was when conversations were recently had about applying for a Fire Department Grant. There were two specific times they met for discussion and the implications surrounding them. She commented she was surprised to see this application for a Grant on the Consent Agenda, with a price tag attached, instead of having conversation.

Parks and Recreation Director Carlson responded it was an opportunity to consider applying for a Minnesota DNR Outdoor Recreation Grant. It can be used to be apply for any park in the parks system, but would be desired to continue to make improvements at Heritage Village Park. Councilmember Dietrich stated the role of Government is to make sure that Public Safety and infrastructure was taken care of. Something like this was surprising to see on a Consent Agenda without conversation. She commented there would be a 1:1 non-State match. She asked if it was anticipated at \$125,000 or up to the full \$250,000. Parks and Recreation Director Carlson responded he hopes to be awarded \$250,000. If receiving that amount, they would be required to match the amount with \$250,000 that doesn't come from the State. Councilmember Dietrich stated her concern was they have not vetted where the money would come from.

Mayor Tourville asked what the deadline was. Parks and Recreation Director Carlson responded the deadline for applying for the Grant is March 2021. Mayor Tourville asked if the Council would prefer further discussion around Agenda Item 4H. Councilmember Dietrich responded she would like to see this discussed at a Work Session. Councilmember Bartholomew agreed with the Work Session suggestion.

Mayor Tourville asked if Agenda Item 4G. allowed for any of the add-ons. Parks and Recreation Director Carlson responded if approving Agenda Item 4G., that would include sidewalks, retaining wall, the border around the proposed playground, a railing, and other small infrastructure items. This item does not include shelters, playground equipment, or restroom facility. Councilmember Dietrich stated her intention with pulling Agenda Item 4I., was to have this be a conversation at a Work Session. She would also like to see more than one estimate and would prefer a minimum of two.

Motion by Dietrich second by Bartholomew to approve Agenda Item 4G. Consider Approval of Bids for Heritage Village Park Phase III Improvements Utilizing MN DEED Grant Funding.

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

Mayor Tourville stated Agenda Items 4H. and 4I., would have to have further discussion with the Council in place in 2021 if due by March. He suggested tabling to a date to be determined the first part of 2021. Councilmember Bartholomew stated the request was to have it on a Work Session. He asked if that could be put on January's Work Session Agenda. Parks and Recreation Director Carlson responded yes. City Administrator Joe Lynch stated the January Work Session is already scheduled with two items that would take approximately 1.5 hours each. This would have to be done at a Special Meeting or the February Work Session.

Motion by Dietrich second by Bartholomew to table Agenda Item 4H. Consider Proposal from WSB to Assist City in MN DNR Outdoor Recreation Grant for Heritage Village Park Phase IV Improvements and Agenda Item 4I. Consider Proposal from Jim Roe Museum Planning for Heritage Village Park Historical Interpretation Planning to a future session to be determined.

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

Agenda Item 4N. Consider Resolution 2020-268 Accepting IPO No. 27A from Kimley-Horn and Associates, Authorizing Preparation of Feasibility Report and Preliminary Design Services, Receiving Appraiser's Benefit Analysis Services Proposal, and Authorizing Land Acquisition Services for City Project No. 2016- 09F - Carleda Way Area Improvements.

Assistant City Engineer Steve Dodge stated this project is part of the fiscal budget and plan approved by Council in 2020 and budgeted for 2021. Staff held off on moving it forward until another project came up, 2016-13, which there would be a Hearing for in December. This is a project dealing with a drainage area that impacts the Carleda Way neighborhood. He requested starting the preliminary feasibility report and design services in order to meet a summer 2021 construction date. This authorizes the feasibility report that included some preliminary design, to be able to do a full feasibility report, meet with the neighborhood, and then come back before the Council.

Kelly Kayser, 1953 59th Court East, stated this was a part of their project in 2015. In November 2015 it was separated from the project in her area. She stated their project was split into five projects. Those include:

1. Carleda Way reconstruction
2. Carleda Way drainage issues
3. 62nd Street project
4. Utility improvements
5. Remainder of project

She stated because Carleda was originally part of the project in her area, at the end of September 2015 a feasibility schedule was ordered. Feasibility Study Services charged \$27,500. In that Resolution was data collection and coordination for \$42,100. Then the project was split into five. She stated in December 2015, Council approved a Resolution for feasibility study services for Carleda Way area reconstruction and utility improvements in the amount of \$27,500. There was also a second Resolution for feasibility study services on the drainage issue for \$37,500. She stated currently the Council is being asked to approve a Resolution that includes a charge for feasibility study services of \$13,200. She commented it was a lot of money being spent on one small neighborhood project over the course of five years.

She questioned if projects are being properly scheduled, grouped, and vetted before outlining expenses to outside Consultants. She asked why they are paying another \$13,200, when they paid \$27,500 in 2015 for feasibility study services. She stated the 67th Street project was completed this year. Last year in August, when ordering the feasibility study, it said the City would prepare the feasibility study for the project. No additional money was paid for that project.

Ms. Kayser stated her project is completed. In December 2015 a specific feasibility schedule and services were ordered just for Carleda Way for \$27,500. Now there is an additional \$13,200 just for Carleda Way. She stated those were separate from her project. Her project would have covered preliminary work, because that was ordered before the Carleda Way street was sectioned off. There were three different points in which they paid for services.

Assistant City Engineer Dodge responded that Ms. Kayser was correct. In 2015 there was a combined large scale 2016 scheduled pavement management program. Through feasibility meetings with the neighborhoods, and fiscal review and feedback, Carleda Way was removed from the overall project due to the 2016/13 drainage study. During the feasibility study for Carleda it was identified there was a history of inundation of water occurring on 64th Street. That is located in an isolated area that may flood periodically. In order to address that, a separate project was started for trunk drainage issues for Carleda Way and Cahill Avenue drainage areas. When that study began and what took place in 2016, a fiscal source for budgeting could not be identified and was put on hold. A way to fund those two projects was identified in the 2020 budget plan. He stated they are being moved forward in conjunction with that.

He responded to the budget overlap that Ms. Kayser has spoken of stating he was not prepared to respond at this time, but would look into it further and provide a response to Council and Ms. Kayser when able.

Mayor Tourville stated it sounded like the feasibility may have been looked at and paid for three times. Assistant City Engineer Dodge responded there was some preliminary, survey, and geotechnical work done in the 2015/2016 Carleda Way budget, and was put on hold at the feasibility level. It was not brought fully to Council for approval. They are reutilizing that information with this feasibility report. They have to reauthorize the feasibility report because there is a time limit from when it was initially authorized. More information will be provided once he is able to check into things further.

Mayor Tourville asked if the other part Carleda Way was still scheduled on the December 14th Agenda. Assistant City Engineer Dodge responded the Cahill drainage study to address the inundation of temporary flooding on 64th and Carleda is on the Public Hearing for December 14th. That is why they want to begin working on the Carleda Way feasibility study. The feasibility study would not be brought back to Council until the drainage area is resolved.

Councilmember Bartholomew stated the request is to verify they have not already paid for work they would be paying for again. He asked if there would be duplication. He asked to receive that information by the next meeting. Assistant City Engineer Dodge responded they are utilizing the information from before and updating the feasibility study. One item that needs to be redone is the special benefit analysis. He stated there would be some minor redundancies, but are trying to utilize information they had before and not pay for it.

Ms. Kayser stated five years is a long time from when something is ordered and taking action. She commented the benefit analysis appraisal has to be started over from scratch. She said these are companies the City works with all the time; she would like to know if the fees of \$13,200 and 6,500 are negotiated at a lower rate for the same work already ordered. She wanted to make sure they are not

reordering work that is already been done because the City decided to wait on a project. She commented they need to be fiscally responsible about money when these kinds of delays come about. The City prepared the feasibility study of the other street taken off their project. She questioned since they use the companies frequently if reduced rates have ever been requested.

Mayor Tourville stated further information will come at the meeting on December 14th.

Motion by Piekarski Krech second by Perry to approve Agenda Item 4N. Consider Resolution 2020-268 Accepting IPO No. 27A from Kimley-Horn and Associates, Authorizing Preparation of Feasibility Report and Preliminary Design Services, Receiving Appraiser's Benefit Analysis Services Proposal, and Authorizing Land Acquisition Services for City Project No. 2016- 09F - Carleda Way Area Improvements.

Councilmember Piekarski Krech stated the need to verify they are not duplicating services.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. Continue Public Hearing to Consider Ordering Project, Receiving Feasibility Study, and Authorizing Acquisition of Easements for City project 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 2020-276

Assistant City Engineer Dodge stated a virtual information meeting was held about this item last Thursday. There was a resident who called, but did not leave comment. The meeting was held without participants. Staff still went ahead with the meeting. He suggested accepting the meeting minutes into the record.

Motion by Bartholomew second by Piekarski Krech to accept the Meeting Minutes into the record.

Mayor Tourville asked if everyone was notified this time. Assistant City Engineer Dodge responded yes. The Ace in the Hole property was notified. It was difficult to find an address of the representative the first time.

Ayes: 5

Nays: 0 Motion carried.

Assistant City Engineer Steve Dodge discussed City Project No. 2021-01 addressing trunk utility extensions in relation to a large scale 70th Street and Argenta project done with both the County and MnDOT as follows:

- Utility extensions planned for summer/fall 2021 in advance of the upcoming Dakota County improvements to Argenta Trail and 70th Street.
- Project will extend utilities across the planned roadway expansions.
- Project will extend utilities so that future connection to them will not impact new improvements to Argenta Trail and 70th street.
- Will be performed in coordination with Dakota County, MnDOT, and local property owners.
- Permanent and temporary easements will likely be necessary for construction of deep sanitary sewer.

A layout of the area was shown with crossings of sanitary sewers highlighted in green. When getting to the future 70th/Argenta Trail intersection there would be additional crossing needed on Argenta Trail. When getting to Robert Trail area by Falcon Properties, there are utilities needed to cross into the Falcon properties.

Total project cost would be \$1,527,722

Mostly funded by Sanitary Sewer at \$1,460,469

Some watermain at \$67,253

Funding would come out of the Northwest Area Trunk Sanitary Fund and the Watermain Fund.

Project Schedule:

- Receive Feasibility Report, Continued Public Hearing, Authorize Easement Acquisition: November 23, 2020.
- Approve Plans and Specifications, Authorize Bidding: February 22, 2021
- Bid Opening: March 25, 2021
- Award Project: April 12, 2021
- Begin Construction: June 2021
- Substantial Completion: September 2021

Recommendations:

- Hold Public Hearing
- Adopt Resolution:
 - Receiving Feasibility Report
 - Order Project 2021-01
 - Authorize Land Acquisition Services

Motion by Piekarski Krech second by Perry to close the Public Hearing at 7:39PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Bartholomew second by Piekarski Krech to approve Ordering the Project, Receiving Feasibility Study, and Authorizing Acquisition of Easements for City Project 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 2020-276

Mayor Tourville stated this item has been in front of Engineering and Council for several years. There will be more to come in that area.

Ayes: 5

Nays: 0 Motion carried.

6. PUBLIC COMMENT:

Kelly Kayser, 1953 59th Court East, stated she is following up on a couple of items she requested information on in the past. She is still waiting for answers to two outstanding questions that City Attorney McCauley Nason said she would consult with Staff for the answers. Those questions were:

1. The question about how the data breach investigation was ordered and by whom.
2. Quantifiable goals and objectives for the City Administrator's performance review.

She stated one question was asked six weeks ago, the other over four weeks ago. She asked where they were at with the responses. Mayor Tourville responded the City Attorney has most of the information and would be going out this week. He asked City Clerk Kiernan if that was the case. City Clerk Kiernan responded she believed so and would touch base with the City Attorney shortly.

Ms. Kayser stated since Agenda Item 7G., is likely to be continued, as a resident, she encouraged the Council to postpone the City Administrators performance review. Due to his role in passing the information was going to be investigated and has not been determined yet. She commented it was prudent to wait until that matter is resolved before undertaking in a performance review. Mayor Tourville responded some has been resolved as a part of the investigation but not out to the public. He stated they are still scheduled for November 30th for the Administrators review.

Mayor Tourville stated there have been questions from people as to why the review was changed from the spring to the fall. It was done as a recommendation from the City Attorney and the City Council.

Councilmember Dietrich stated they received another letter today requesting the same thing Ms. Kayser is speaking about regarding the City Administrator's review. She would affirm since his role has yet to be determined in that, there is substantial reason to hold off on completing the review as it covers all of 2020.

Ms. Kayser stated the entire situation was started because Mr. Lynch shared an email with two people. Regardless of what was discovered with the investigation, it all started with him. She stated Ms. Shefchik has had to wait all this time for the matter to be resolved, it seems appropriate for the person who started it would not be inconvenienced by having to wait for his performance review.

Mayor Tourville asked the Council if they would like to change the schedule of November 30, 2020. Councilmember Piekarski Krech stated they are booked up with meetings, she is not in favor of changing the schedule at this time. Councilmember Dietrich stated she has a scheduling conflict, if her portion of the review would be included this year, it would need to be rescheduled. Mayor Tourville and Councilmember Piekarski Krech stated this has been on the schedule for weeks and months. Councilmember Dietrich responded she understood, but an emergency has arisen in her family. Councilmember Perry stated if rescheduling, she wants it rescheduled for the end of the year. She commented the reason it was moved was so the Councilmembers who were on the Council in that year, are the ones doing the review. She stated when she was brought on the Council in 2016, she offered comments for the City Administrator's review but her input was not accepted because she was not on Council for the year being discussed.

Mayor Tourville stated the review was looked at in that way because it was hard to have someone give a review when not there. If done in 2021, there would only be three reviewing, not five. He asked Councilmember Dietrich if she had an alternate date. Councilmember Dietrich responded she can do anything in December. She stated this would be the first time she would not be able to attend something she has committed to. Mayor Tourville suggested holding off and looking at the schedule.

Ms. Kayser asked as a resident, if there was any way to hold on this as it is a big item hanging over his performance. She asked if salary consideration could be held until the matter is resolved and allow the existing Council to address other performance duties related to the performance review. City Attorney Bridget McCauley Nason stated she does not have the full Contract in front of her but did have an Amendment. The Contract for the City Administrator was amended last year and contains the following language regarding his performance evaluation: "On an annual basis the City Council, using the City's approved form, shall review with the City Administrator and evaluate his performance with the calendar year just coming to an end. The evaluation shall be completed no later than the first regular Council meeting in December...". She stated the Council is able to reschedule, but based on the terms of the Contract she recommends the review be scheduled per the Contract before the first regularly scheduled meeting taking place on December 14th.

Councilmember Bartholomew stated he is flexible, would do his best to make the meeting, and would be fine with finding a way to change it. Mayor Tourville suggested checking schedules.

7. REGULAR AGENDA:

Community Development:

A. Consider Second Reading of an Ordinance Amending Title 8, Chapter 6, Related to Solid Waste Collection and Disposal.

Environmental Specialist Ally Sutherland presented the Second Reading of the Ordinance Amendment for Title 8, Chapter 6, related to Solid Waste Collection and Disposal. The Amendments address Municipal City Code updates required by the County's recent Ordinance 110 update. The main goals are:

- To reduce waste going into the landfill
- To improve quality of materials recycled
- Make progress towards the State's goal to recycle 75% of waste by 2030

She stated the First Reading of this Ordinance was approved by City Council on November 9th. Since then Dakota County Waste Regulations Staff have reviewed the proposed Ordinance Amendment and provided an additional round of feedback:

1. Remove specific labeling requirements included for multi-unit residential buildings and large event venues.
Instead include a more general statement such as labeling to be consistent with the County's Solid Waste Abatement messaging. This was due to labeling requirements being subject to change.
2. Move generator requirements.
Due to the County solely being the only entity overseeing those.
3. Recommended updating the definition of mixed municipal solid waste to apply to both mixed municipal solid waste and municipal solid waste.

City Staff recommends approval of the Second Reading as presented.

Motion by Bartholomew second by Dietrich to approve the Second Reading of an Ordinance Amending Title 8, Chapter 6, Related to Solid Waste Collection and Disposal.

Ayes: 5

Nays: 0 Motion carried.

Fire:

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

Fire Chief Judy Thill discussed the Second Reading of the Ordinance Amending Title 9, Chapter 2 relating to the Fire Prevention Code. These changes are made to the Code for the following reasons:

1. Code has not been updated for several years and needs to be changed to reflect current Codes.
2. Code needs to be amended regarding flammable and combustible liquids to reflect Fire Code and existing practices.
3. The Amendments will update specifically to the 2020 Minnesota State Fire Code.

She stated she spoke with the Fire Marshal regarding questions asked at the First Reading. One of those questions asked how often they would review and update the Code. The Fire Marshal stated the State Code is typically reviewed every six years. She stated the Fire Marshal and the Chief Building Official are a part of the different Code reviews before they come out during public comment period, through their professional Associations. It is the Fire Marshals responsibility to review that Code during

any of those cycles. There are no changes made between the six years, so that is when they would be looking at updating it.

She stated the other question asked about how to communicate the changes. After the final reading has been accepted it will be placed on the City Website. She stated she could work with the City Communications Manager to get it as news and also make sure it is put on the Fire page of the City Website. She stated nothing has changed since the First Reading. Staff requests acceptance of the Second Reading.

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

Ayes: 5

Nays: 0 Motion carried.

Building:

C. Consider Second Reading of Ordinance Amending Title 9, Chapter 1 Relating to the State Building Code.

City Attorney McCauley Nason stated there have not been any changes to the Second Reading and is identical to the First Reading. It is a clean up Ordinance to update terminology and references to match current Building Code provisions.

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

Ayes: 5

Nays: 0 Motion carried.

Police:

D. Consider Second Reading of Ordinance Amending Title 5, Chapter 4, Section of the current City Ordinance 5-4-6 Dangerous and Potentially Dangerous Dog.

Deputy Police Chief Sean Folmar stated this item was last before Council at the November 9th City Council meeting. No changes were made since then. At the Council's request, it was put on Social Media with all comments supporting the change.

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

Ayes: 5

Nays: 0 Motion carried.

Finance:

E. Approve Final Allocations of CARES Allotment per Spending Plan.

Finance Director Amy Hove discussed the following relating to the final allocations of CARES allotment:

- In July, the City received the distribution of \$2,665,614 in Federal CARES Funding.
- Met on September 8th at a Work Session to review eligibility requirements.
- Identified major priorities for the use of the Funds:

- Unbudgeted City Costs
- Provide economic support to the Inver Grove Heights Community
- Expand and improve on City online services
- Anything not used in the above three would go toward Public Safety payroll costs. This is due to substantially different nature of work
- Followed up with a meeting on September 14th
- Council adopted the plan based on priorities and estimates
- On November 2nd, Staff brought an update on anticipated spending adjustments
- Identified additional funding sources, some costs and areas would change
- Potential savings on project
- Unused programming dollars

She stated it was a very short time in the time funds were received and the time they could allocate and spend them. It was under four months. The deadline for use was November 15th. Any costs incurred after November 15th cannot use dollars.

She stated Exhibit A lists all priority categories, estimates, and the final allocation in the categories. The total of \$2,665,614 has been fully allocated. The request is for Council's approval of the final allocations to finalize the State reporting of funds.

Motion by Perry second by Piekarski Krech to approve the final allocations of CARES allotment per the Spending Plan.

Mayor Tourville stated the Governor is going to try to hold an additional Special Session next Tuesday, for possible Federal money to help small business.

Ayes: 5

Nays: 0 Motion carried.

F. Consider Resolution Awarding Sale of G.O. Improvement Refunding Bonds 2020A. Resolution 2020-277

Finance Director Hove stated on October 12, the Council authorized to look at a refunding of the City 2010 B Funds (Refinance to get better rates in the current environment). Today was the deadline for Ehlers to tabulate the proposals. Council received the report this afternoon.

Jessica Cook, Ehlers, stated they refinanced the Bonds from 2010. The Bonds initially funded road improvement projects. Any savings achieved will go to a potential reduction in tax levy savings in the General Fund. The sale was called in October with bids coming in this morning. There were several things along the way that shows Inver Grove Heights has very strong credit:

- Six bids were received. The low bidder with a true interest rate of .5615% up to .927%. The competitive bidding process has shown a competitive rate for the City in the market today.

She stated the purpose of doing this was for savings. Over the remaining life of the Bonds, it's projected the City would save over \$100,000, \$17,000 per year until 2027.

She stated part of the reason the bids were so strong was the market. The other reason, the City went through getting its rating affirmed. S&P affirmed the AA+ rating with a stable outlook. The rating report showed:

- One of the elements in the report is that they evaluate the management of the City and went from having strong management in the report at the end of 2018, to having very strong

management now. That is due to the debt policy in place, and long-term financial planning Council and Staff are engaged with.

- There was also improvement in the debt and contingent liability category.

Ms. Cook stated the action before the Council is to award the Bonds to the lowest bidder, that would be Northland Security.

Mayor Tourville stated for a City under 40,000 they are very lucky to have a rating of AA+. It helps in the Bond offerings. This speaks well for the City of Inver Grove Heights and all aspects from management to leadership and policy. Northland is a Minnesota Company.

Motion by Dietrich second by Piekarski Krech to approve Resolution 2020-277 Awarding Sale of G.O. Improvement Refunding Bonds 2020A.

Ayes: 5

Nays: 0 Motion carried.

Legal:

G. Continued meeting pursuant to Minnesota Statutes Section 13D.05, subdivision 2(b) for preliminary consideration of allegations or charges against an individual subject to council authority.

1. Consider Acceptance of Investigative Report.

2. Consider discipline against employee.

(Note: Council will be asked to continue this item to a meeting date in December).

Mayor Tourville stated December 7th or 8th are potential dates. City Attorney Bridget McCauley Nason responded the dates identified worked between the employee, their Attorney, Mr. Lepak, and the office. She stated December 7th is a regularly scheduled Work Session, it would need to be held as a Special Meeting before or after. If held on December 8th, it would take place in the evening. She stated the Council only has one regularly scheduled City Council meeting on December 14th, so they were looking at dates prior. If Council looks at dates other than those, she asked to check with the employee and the employee's Attorney to make sure the date works for them.

She stated she is looking for a Motion to continue item G1 and G2 to a specific date at a specific time. If it is on the 7th or the 8th, that would be part of a Special Meeting because it is not a regularly scheduled Council meeting dated the 7th or 8th.

Motion by Councilmember Dietrich to not continue this item and to end it now by closing the investigation with no further action and no further taxpayer money spent.

There was no second to the Motion.

Mayor Tourville stated having the meeting on the 8th may allow for it to be scheduled and be the only item.

Councilmember Piekarski Krech asked if that interferes with Planning Commission. Mayor Tourville stated due to social distancing, it may be moved out of Council Chambers. He asked if this would be held in a different room. City Administrator Lynch responded yes.

City Administrator Lynch stated the Planning Commission is meeting remotely. If wishing to have an in-person meeting, or a combination meeting with some in a physical location and others are able to ZOOM in, they would be able to use City Council Chambers on the 8th. It is a regularly scheduled Planning Commission meeting but would not be occupying the City Council space.

City Clerk Kiernan stated she received a comment from Information Technology Manager Gade saying they cannot accommodate two public meetings on the same day remotely. Mayor Tourville asked if was because of ZOOM or the two meetings. City Clerk Kiernan responded they cannot accommodate two public comment areas.

Community Development Director Heather Rand stated she would check with the Planning Commission's meeting schedule, the Planning Commission typically meets on the first Tuesday of the month, which is December 1st.

City Attorney McCauley Nason suggested if a Motion is made, it would be to continue the meeting, Agenda Items G1 and G2, to a certain date and certain time. The meeting is open, it has never been closed, and would be continued to the time, date, and location.

Motion by Bartholomew second by Piekarski Krech to move Agenda Items G1 and G2 to December 8th, 2020 at 7:00 p.m. in City Council Chambers.

Mayor Tourville stated it may have to be a hybrid meeting.

Ayes: 4

Nays: 1 (Dietrich) Motion carried.

8. EXECUTIVE SESSION:

Mayor Tourville discussed changing the date of November 30th due to a scheduling conflict, suggesting a date be the first part of December. He stated in the Consent Agenda, Council approved a meeting to be held on Saturday, December 5th at 9:00 a.m. in reference to a Work Session. Further information will be coming about this item.

Councilmember Dietrich suggested earlier on December 14th. Mayor Tourville stated there is an EDA Meeting that day at 6:00 p.m. and asked if 4:00 p.m. would work. Councilmember Bartholomew responded 4:00 would be difficult for him. Mayor Tourville asked if the 3rd would work. Councilmember Perry requested it be after 6:00 p.m. Mayor Tourville suggested 7:00 p.m. on December 3rd. Councilmember Bartholomew agreed. Mayor Tourville stated it would be an Executive Session, closed meeting.

City Attorney McCauley Nason stated it would begin as an open meeting and the Council would move to closed session unless the employee asks that it be open. Mayor Tourville asked the City Administrator determine the location.

Motion by Dietrich second by Bartholomew to hold the Administrator's Review on Thursday, December 3rd at 7:00 p.m. Location to be determined.

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville stated documents will be sent out by the City Administrator to all Councilmembers in advance. City Administrator Lynch stated he would try to utilize either the Council Chambers or the EOC Room for the meeting.

9. MAYOR AND COUNCIL COMMENTS:

City Administrator Lynch stated the City is scheduled to reopen on Monday, November 30th. The Department heads and the COVID Management Team are meeting to discuss bringing forward a recommendation to consider the possibility of extending the date. He stated there have been positive cases at City Hall and the numbers in the State are not good. Out of an abundance of caution they would have a discussion and bring forward a recommendation as to what to do.

He stated as for the Executive Order, they were closed as of 11:59 p.m. on Friday. The Community Center is closed, there is no access to that facility until 11:59 p.m. December 18th. Unless there are Orders to change/extend/remove the date.

City Administrator Lynch stated the National Guard Armory is currently serving as a COVID Testing Site in the western portion of the Community Center. Appointments can be made online. Many are taking advantage of the option for testing. This is a great service to have available in the City.

Mayor Tourville asked if there has been any questions or responses about the closing. He stated he has had inquiries as to who was infected at City Hall and responded that information cannot be given out. Tracing mechanisms and protocols are being followed. Prayers for a speedy recovery for all.

Councilmember Dietrich offered her condolences on the passing of Vance Grannis and the legacy he left the Community. He was Mayor of the City from 1965 to 1968 and had about 60 years of service in Council capacity as an Attorney. He will be greatly missed by all. Mayor Tourville stated there was a nice article in the paper about Mr. Grannis. He was involved in the City in a lot of different capacities and will be greatly missed.

Mayor Tourville wished all a very safe and Happy Thanksgiving.

10. ADJOURN:

Motion by Piekarski Krech second by Bartholomew to adjourn the meeting at 8:31 p.m.

Ayes: 5

Nays: 0 Motion carried.