

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, FEBRUARY 14, 2022 - 6:00 P.M. - 8150 BARBARA AVENUE**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, February 14, 2022, in person. Mayor Bartholomew called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Bartholomew, Council Members: Murphy, Gliva, Piekarski Krech; City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, City Planner Hunting, Community Development Director Rand, Public Works Director Connolly, Fire Chief Thill, and Parks and Recreation Director Lares.

Present via Zoom: Council Member Dietrich.

Also Present: Evan Bohlman, President, Inver Grove Heights Fire Relief Association

Mayor Bartholomew mentioned that Agenda Item 6D will be tabled and not considered this evening.

3. PRESENTATIONS:

4. CONSENT AGENDA:

A. i. Minutes from the January 3, 2022, City Council work session.

ii. Minutes from the January 10, 2022, City Council meeting.

B. Resolution 2022-022 approving disbursements for period ending February 8, 2022.

C. Approve personnel actions.

D. Authorize replacement of ESXI server hardware.

E. Final acceptance of fiscal year 2021 JAG Grant. **Resolution 2022-023**

F. Receive Planning Commission recommendation regarding proposed road improvement projects.

Resolution 2022-024

G. Consider a **Resolution 2022-025** Approving Final Plans and Specifications and Authorizing Advertisement for Bids for the 2022 Pavement Management Program, City Project No. 2022-09E - Alison Way Area Street Rehabilitation.

H. Consider a **Resolution 2022-026** Approving Final Plans and Specifications and Authorizing Advertisement for Bids for the 2022 Pavement Management Program, City Project No. 2022-09F - Tyne Lane Area Street Rehabilitation.

Motion by Dietrich, second by Murphy, to approve the Consent Agenda.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. Public Hearing to Consider Approval of 2022 3.2 Off-sale Liquor License renewals for Pilot Travel Center, Speedway #4411, and Speedway #4548

City Clerk Rebecca Kiernan stated the Council is asking to hold a Public Hearing to consider the renewal of the three remaining applications for Liquor Licenses for 3.2 alcohol. Those include:

- Pilot Travel Center

- Speedway #4411
- Speedway #4548

The city received renewal applications for the 2022 calendar year. A public notice was given. Information regarding the completion of their Alcohol Server Training was provided by the three Applicants to verify that all employees engaged in the selling of alcohol received training within the last 24 months. Staff recommends holding a Public Hearing approving the Liquor Licenses for:

- Pilot Travel Center
- Speedway #4411
- Speedway #4548

Mayor Bartholomew opened the Public Hearing at 6:03 PM.

Motion by Piekarski Krech, second by Gliva, to close the Public Hearing at 6:03 PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Gliva, to approve the 2022 3.2 Off-sale Liquor License renewals for: Pilot Travel Center, Speedway #4411, and Speedway #4548.

Ayes: 5

Nays: 0 Motion carried.

6. REGULAR AGENDA:

A. Fire Relief Association benefit level and 2022 contribution. Resolution 2022-027

City Administrator Kris Wilson stated the request is from the Inver Grove Heights Fire Relief Association for an increase to the annual Pension Benefit. Two Officers are present from the Relief Association and can speak to the request.

Mayor Bartholomew stated the Council has received the package and the recommendation from Staff.

Evan Bohlman, President of the Inver Grove Heights Fire Relief Association, discussed projection options for a benefit increase. The current request is to go from \$10,000 per year of service to \$13,650. It would leave the fund at 112% funded, which is above the 105% in the Agreement with the city. He suggested keeping in mind that it does have projected voluntary contributions from the city in years 2022, 2023, 2024 to the end of the ten years. These projections are something that is in the city agreement. He said they have had discussions with City Administrator Wilson and Finance Director Hove regarding looking at different options at the end of the current agreement. They have 2022 and 2023 left. He said there may be some possibilities that some of those monies may be shifted over to hourly wages, which is one of the items that is on the table. He would like to see going forward, that there is still something going into the Relief Association from the city to help support the fund.

He stated the next projection shows if they were not to get a city contribution from 2024 going forward. The number they would want to disperse down to would be \$12,500. That amount would be the increase level they would like to go up to, it would leave the fund at 119% funded. He mentioned the contribution for this year is on the Agenda for this evening. The contribution next year would be the last one in the current agreement. He said he plans to meet with City Administrator Wilson and Finance Director Hove to discuss the next five- or six-year agreement, to get something in there for the next set

of years. He felt it appropriate to sit down at some point this year to start working on what the next agreement would look like.

He mentioned there was also a file on other cities data. He reached out to other Relief Associations and cities. He said City Administrator Wilson reached out to Prior Lake's City Administrator to get their Relief Association information. He said he tried to get as much information as he could such as: How they calculate benefit increases and how they go about the increase process. He found there are many different ways that cities are currently doing this.

Councilmember Murphy asked if there is any historical data on the Relief Associations overfunding rates/percentage prior to the market moving. Mr. Bohlman responded he did not believe they had anything like that for past years.

Councilmember Piekarski Krech said historically she believed it was always over. She was unsure what the scenario was in the year there was a mandated city contribution. She was unsure if it was because the funding was not there or because the numbers that the State required was not there. She said it was about \$29,000 or \$30,000 that the city had to put in. Up until that point she felt the city had sporadically put in, it had not been in any regularity. She said that was when they finally came to an agreement that there is a stable amount that goes in. Mr. Bohlman replied the stable amount helps avoid the required contributions. He could not recall what year that was but felt it may have been the only time he heard of there being a required contribution. He mentioned that one of the things in the city agreement is that they make all attempts to avoid a required contribution that is higher than the voluntary contribution.

Councilmember Dietrich asked what Mr. Bohlman's thoughts were on what City Administrator Wilson was proposing (included in the packets) and the feeling of the Firefighters around that. Mr. Bohlman replied he could explain to the membership why they went with the \$12,500. He said if nervous or hesitant that there might not be a city contribution in the future, that would be the option to go with. If going with that option, he would like an understanding of where that city contribution would be going. He would ask, before taking from the retirement contribution to fund an hourly wage, to please look at any other options of what could be done to increase the hourly wage without taking from the retirement compensation. He said it would be great if they could keep the compensation going in at the amount on the projected plan. He said if there was anything that could be done with the hourly wage. He has not been involved with hourly wage conversations.

City Administration Wilson summarized what was in the Council packets. The request from the Relief Association is for an increase from \$10,000 to \$13,650. It is a sizeable increase being requested and is dependent upon the city continuing to provide a growing, steadily increasing voluntary contribution. The city is under a 6-year agreement with the Relief Association, 2022 is year 5, 2023 is year 6. She stated the city should fulfill its commitment under the agreement and are budgeted to do so for this year. There is no reason to think that they would not budget for it next year. She recommends the Council keep its options open moving forward. The hourly wage for our Paid-on Call Firefighters has not kept pace or seen the same kind of increases this pension benefit has seen in recent years. She said it was important to keep options open to have the financial choice to make that kind of contribution.

She stated an increase to \$12,500 would make our per year of service benefit the largest of any Relief Association of our type in Minnesota to the best of their knowledge. She mentioned the Relief Association and herself have made efforts to reach out to other metro area Relief Associations. They have not sought out like plans in greater Minnesota because those generally tend to have a lower benefit. The recommendation to go to \$12,500 puts the city at the top benefit, keeps the fund reasonably healthy, and leaves options open for the future. Another increase can be considered next

year and in subsequent years. She said this is a sizeable increase, it is a 25% increase even at the reduced amount in one year. That extends well beyond the types of compensation increases provided to other city employees. The investment earnings in this fund allow for that. This fund is solely for the purpose of providing a pension. She recommends a slightly slower and steadier approach.

Councilmember Piekarski Krech asked how they got to \$12,500 and \$13,650. She asked if there was a reason it was not \$12,750. She said she was trying to incentivize our Fire personnel, while at the same time providing a balance. She said with the municipal contribution, in the next year they need to have serious conversations about the part to the Relief Association and what goes to hourly wage. She agrees that the hourly wage for Paid on Call is grossly lacking for the service they provide and the things they are being asked to do. She asked where they could get that balance. She knows the Fire Study is being done but was unsure if that would help with any of this. She wanted everybody fairly compensated for all of the things they have done. She understands that it seems like a big jump to the City Administrator, but for our Fire personnel, it is not considering the years they have gone with no increase in wages and no increase in the benefit of the Retirement Association. She would like to find a mutually beneficial balance, so they are incentivizing our Paid-on Call people to stay and still be financially sound.

Mayor Bartholomew asked Councilmember Piekarski Krech what that meant, if she is considering something different than the \$2,500 increase, and how they would approach the hourly wage. If making a verbal commitment or increasing the hourly wage in the next budget year. Councilmember Piekarski Krech responded there is a contribution, she questioned if it should go up that much, does it go up less into the Relief Association, and some of it goes into an hourly wage. She said there is already a commitment shown of about a million dollars for the next 10-11 years. She asked if that should be divided differently to keep people and get people who want to continue joining the Volunteer Fire Department. She said she does not have the answers but would like to make sure they are actively doing something and not putting this on the back burner again. She commented that they have said for years that Paid on Call wages need to be increased. It has only been done \$2.00 to \$3.00. It has not been the kind of increase that puts them at parity with the longer ones.

Mr. Bohlman addressed Councilmember Piekarski Krech's first question about the amounts that were \$12,500 and \$13,650, that is the numbers the Auditor pulled. Anything in between should be pretty safe. The State said up to \$15,000. They do more than that by running projections to see effects 10 years out. These projections have a lot of safeties built into them and are pretty conservative. By the increases they have been able to do, their fund has performed better than projected. There are numerous factors that go into that. One of those is with the individuals retiring in a couple of weeks to go full time Fire with Inver Grove Heights. The fund assumed they were going to stay in until they were 50, they are not. The fund is not having to fund their retirements that long anymore. When they rerun projections this year, a process they have already begun, he would expect they would return better than what is shown here.

Councilmember Piekarski Krech stated their time comes out now. For example: If on 20 years and it is \$10,000, gets \$200,000, that is locked. Mr. Bohlman responded yes; they are locked as liability. The individuals who are not 50 yet are moved to the deferred list, the "IOU" list, they are owed that money. Whenever they turn 50, they can request it at any time. The portion of these people's money is going to be sitting there for quite a few years collecting interest, which is how the fund works because they do not pay them interest. Their funding is locked at what would be set tonight and would receive at some point in the future. In the meantime, the fund makes interest off of their money sitting there.

Councilmember Dietrich stated this is something that is very near and dear to her heart. Public Safety is incredibly important and falls under our short list on our purview. She said this was their money, it is a tough one.

Mayor Bartholomew stated he believes Administration makes a great point, the \$2,500 increase is very generous, it puts them in a good position. He is concerned that they concentrate on the wages, he is missing that piece in this proposal. Address the hourly wage and get it in a position where they are competitive and not behind. He said he is missing where that discussion is.

City Administrator Wilson stated the action before the Council tonight does not change the hourly wage. They are not in a position to do so given the Operating Budget for the city and Fire Department have already been set. Funding for a wage increase like that was not provided for in this year's Operating Budget. They would look to it in future years. The recommendation coming from her office is that they make a benefit adjustment now that does not depend on continued increasing city contributions beyond our current agreement. The amount of \$12,500 is something the fund can support without assuming that. It does not prevent such contributions in the future. The next opportunity for conversation around wages would come with discussions around the 2023 Budget which would start in earnest the second half of the summer with Council, and with Staff a little bit earlier. She said the commitment with them includes a voluntary contribution with the Relief Association in 2023. Those factors would have to be balanced. Nothing before the Council tonight takes formal action, Staff is continuously listening to Council's discussion and taking those cues as they look to put together budgets.

Councilmember Piekarski Krech said she would go with \$12,750 because she believes they need to bump it up a little bit more. She suggested having discussions about how they do wages. She said the projections are assuming something they are not acting on tonight. Every year it has to come to the Council whether or not there is a raise. She believed they need to start showing their support a little more than what they have.

Councilmember Murphy agreed that wages are an issue. He was glad they changed the vesting schedule. He said without more data he does not know if they are fully appreciating what a strong economy has done to this overfunding. He said he looks at neighboring cities and likes where the city sits. He mentioned that there were a lot of old pension plans that were stronger today than they are going to be a few years from now. He struggles with what the future looks like and what that commits the taxpayers to from the city. He is struggling with the 25, 30, or 35% raise, it was better off on the hourly side of things. He liked the recommendation where they continue with the Contract and have a little time to reevaluate, especially around wages. He said this was a hard one for him and he wanted to share that.

Councilmember Piekarski Krech said she thought the big part of the taxpayer part of this is not in this fund. The State of Minnesota contributes to this fund, the city puts a voluntary contribution in. At \$12,500, the voluntary contribution goes away after 2023.

Councilmember Murphy commented that they do not know what they will be doing after 2023. He asked if they were obligated if it falls below 105. City Administrator Wilson responded it is possible to get to a situation where the city is obligated to make a contribution. That comes to the city from calculations the State does on how the fund is funded. She said she did not believe them going below 105 was not automatic that the city would owe a contribution.

City Administrator Wilson addressed Councilmember Piekarski Krech's point saying if doing an increase to \$12,500 now, it does not prevent from continuing to make future voluntary contributions. It prevents them from getting too far ahead in committing to doing so before they have analyzed a future contribution.

Mayor Bartholomew addressed Councilmember Murphy and asked if he was fine with Staff's recommendation of a \$12,500 increase or if he was for less than that. Councilmember Murphy responded he needs to better understand how it impacts the ability to raise the hourly wage. Councilmember Piekarski Krech replied it has nothing to do with it. The hourly wage comes from the city. The Retirement Association has nothing to do with the hourly wage. That is strictly their retirement benefit when they leave the Fire Service.

City Administrator Wilson respectfully disagreed with that a little and said they can afford the \$1250. The Relief Association can afford it based on current contributions. The city is currently putting a voluntary contribution into the Relief Association, it is just a bit under \$90,000 this year. That is property tax revenue the City Council can choose to put towards any function of the city. As an example: if that \$90,000 were to be put towards wages for the Relief Association, that would afford approximately a 15% wage increase to the Paid-on Call Firefighters. It is a choice that is available to the Council. She mentioned she is not recommending any such action be taken this year because they entered into an Agreement with the Relief Association to make these voluntary contributions. She believes the city should follow through on that agreement. It is a forecasting of the decisions to come when the Council considers a future multi-year agreement for a voluntary contribution. She questioned if they want to continue to make that level of contribution. If going to \$13,650 now, our ability to fund that is based on a projection that the contribution will continue and grow by a bit each year.

Councilmember Murphy said it is city money. City Administrator Wilson replied the voluntary contribution is city property tax revenue.

Councilmember Piekarski Krech said in the scenario they are looking at, and what Staff recommended, there is not that contribution in 2024 and beyond.

Councilmember Gliva asked if they were intending that would also benefit level increase in 2023 as stated. City Administrator Wilson replied they are not being asked to commit to an increase in 2023. The projections showed that a modest increase could be afforded in 2023. That would come back as a second action before this Council late this year, prior to the start of 2023.

Councilmember Piekarski Krech asked when the last benefit increase was. Mr. Bohlman replied the last benefit increase would have been January 1st of 2021, to the current \$10,000 level.

Councilmember Piekarski Krech asked when it was before that. Mr. Bohlman responded it would have been January 1st each year.

Councilmember Piekarski Krech asked if they had increased it each year. Mr. Bohlman responded not every single year. Some years have been like \$50.00.

Councilmember Piekarski Krech said she believed \$12,750 makes sense. It is not what the Relief Association is asking for, but it is a more modest amount. It starts getting some incentive out there to maintain our Volunteer Fire Department. They go up to \$12,800 in 2024 anyway based on the slide projection. She thought they would be safe at \$12,750. She said to start telling our volunteer

Firefighters that we do value them. She said a discussion on the wages and how to arrive at some kind of parity is needed.

Mayor Bartholomew said he was in favor of the \$2,500 increase and further discussion regarding wages and acknowledgement of underfunding. He said he would also support the \$2,750 as moving forward with some compromise. He believed the bottom line was that they should do something. He said Staff has done a good job of showing it. This is a very generous increase. He would be ok with the \$12,750 but did not think he would be comfortable with much after that. He asked how they assure the caveat that they are going to address these things in the future. They have to get some commitment.

Councilmember Piekarski Krech said she thought they would have to have that direction. She assumes Staff understands that. Because they would go to \$12,750 now, does not mean it has to be raised next year, they could look. She addressed Councilmember Murphy's point regarding numbers, projections, and what happens with the market saying they look at that every year, it can always be changed. She mentioned at this point there are assets there to cover that kind of an incentive. She said she has a hard time comparing this to our other employees. It is a whole different situation and the history of how they have been treated is different. She is looking to try to bring them to some parity now that in earlier years the city did not have.

Councilmember Murphy asked if there were any numbers available that show potential overfunding rates without city contributions based on market growth alone. Mr. Bohlman responded that would be the \$12,500 scenario that shows what would happen if there was not a city contribution after 2024. That gives a good representation of where they would be at if the city contribution stops then.

Mr. Bohlman stated as mentioned earlier with the individuals that are retiring out of the plan, they no longer have to fund them until 50. These projections would look a bit better when coming back later in the year to look at another potential benefit increase. He said it was somewhat like what happened last year, any surplus they do not distribute now is still sitting in the fund. He was sure they would be talking later this year or early next year about another benefit increase.

Mr. Bohlman addressed the question of what would happen if they went into a deficit stating when the State audits their fund, they get the MBW (Maximum Benefit Worksheet). If they determine they are in a deficit, which is not automatically 100% it could be 95% or 98% from his understanding of talking with the State Pension Director, if they issue and say they are in a deficit, then the city has to make a plan to amortize those payments over 10 years. As soon as the plan gets above a deficit level, they are off the hook for any other required contributions. That was what has been described to him. He said in talking with the State Pension Director and the Investor even in the 2008 crisis, the funds that did go into deficit (Inver Grove Heights was not one of them) they rebounded within a year to two. Then amortized payments stop once the fund gets back over the deficit level, which is not automatically 100%.

Councilmember Murphy questioned if the fund has never been underfunded. Mr. Bohlman replied he would have to check; it was a lot of years to double check. He has not been told they have been underfunded in the past.

Councilmember Piekarski Krech commented in her recollection, the only thing they came up with was because of how they figure. The city had to make a contribution to have some number work out. It was not because the fund was short.

Councilmember Dietrich agreed they could go to \$12,750. She would be in support.

Mayor Bartholomew said he likes the city's proposal at \$1250 but sees the rationale for \$12,750 to show good faith, get momentum, and recognition acknowledgement for Paid on Call.

Motion by Piekarski Krech, second by Dietrich, to make the contribution level at \$12,750.

City Administrator Wilson recommended Councilmember Piekarski Krech make the Motion that we adopt the enclosed Resolution "filling in the blank" to a benefit of \$12,750 per year of service.

Motion by Piekarski Krech, second by Dietrich, to adopt Resolution 2022-027 Approving a pension benefit increase for the Inver Grove Heights Fire Relief Association in the amount of \$12,750 per year of service, effective February 15, 2022.

Ayes: 5

Nays: 0 Motion carried.

Mayor Bartholomew thanked Mr. Bohlman for the input and Staff, and Councilmember Piekarski Krech for bringing the Council up to speed on some historical perspective.

B. Consider a Resolution approving a final plat and final PUD development plan for South Grove Townhomes 2nd Addition. Property located east of Clayton Avenue, north of 67th Street. Resolution 2022-028

City Planner Allan Hunting discussed the Final Plat and Final PUD Development Plan for South Grove Townhomes, 2nd Addition located on the old South Grove Elementary School property and Clayton Avenue. This is regarding the eastern side, Phase 2. Phase 1 was approved and consisted of the first set of townhomes (36), 10 single family homes, and the public street system. The streets are in, and units are being constructed. Tonight, the Council is looking at Phase 2, the final phase, consisting of 34 units of townhomes. They are the same as preliminarily proposed. Construction would be of the final grading of the site and constructing the private road system to serve those. As a part of the PUD, they would provide permanent open space. The first phase had some open space along the northern boundary. Phase 2 has open space that prohibits from constructing buildings but still allows to be mowed and maintained (this document will be coming forward at another meeting). Park Dedication would be in the form of Cash Contribution. This was the recommendation during the first Phase and would carry through to Phase 2.

He addressed concerns that were brought forward from the beginning regarding residents of the Oaks Development on the northern boundary. To get to their fences on the backside of their property, those residents used the School District's property to get to them and maintain them. The Developer has voluntarily provided a pedestrian easement so those residents can continue to get to the backside of their lots and to the fence. He mentioned that this is being worked through with Attorneys from both sides. He did not believe it has been completed, the Applicant can provide an update.

He stated there would be development agreements for this including: improvement costs for the project and the open space agreement. Those would be brought to the Council as a Consent Agenda Item with the next meeting. Staff and the Planning Commission recommend approval for the Final PUD Plan and Plat for the South Grove Townhome 2nd Addition.

Mayor Bartholomew referenced the easement and asked what the timeline was and when it would be resolved. He questioned if it were an agreement that would be resolved in the future. He mentioned it would be an agreement between the property owners and neighbors, there is a commitment that it

would be fulfilled. City Planner Allan Hunting replied yes, it is a private agreement between the two parties. The Development Contract for Phase 1 said it should be in place before CO's are issued for Phase 1. There is an escape clause in there in case the two parties cannot come to an agreement. It does not hold up occupancy of the buildings. The Applicant is to have good faith effort to get this easement done. He believed the Applicant can discuss further when they have the chance to speak.

John Rask, M/I Homes, 5354 Parkdale Avenue, Suite 100, St. Louis Park, MN 55416. He stated they have been in conversations with the Oaks about the easement. A draft of the easement was given in April 2021. It was sent again in December asking for their consent to it. To his knowledge they have no objection to the easement being provided. He mentioned that at one-point additional width was requested, which they agreed to give them because of concerns that they would need more room. He believed that information was sent to their Attorney on December 20th. They have not heard a response; he was unsure where the breakdown is. He said he has not heard an objection to it, it is a simple easement document that they are willing to grant to them, they are not asking for compensation or anything in return but need them to agree and acknowledge it. It is an easement which will be the future Homeowner's Association property to the Oaks Association because there are numerous properties that would benefit from the easement and have access rights to it. They need the Association to agree and sign off on it. He was unsure what the holdup was. He said he would follow-up again.

Councilmember Piekarski Krech was concerned about the easement. She said Mr. Rask's Association would own the property and maintain it. The Oaks would have the right to come to repair their fences. Mr. Rask responded it does not really give them use of the property, it gives them access.

Councilmember Piekarski Krech stated her concern was weeds growing on the back of the fence. Mr. Rask responded his Association would maintain up to their fences, which are on the lot line. If the Oaks residents ever need to get in there, they do not have to take their fences down. He said he was aware a few of the homeowners on the other side have projects they had in mind to do at some point. This would give them the right to come in that way. He said in the Oaks, in order to get into some of those yards they would have to come through their neighbors' yards, which also have fences. They are kind of landlocked.

Mayor Bartholomew asked if Mr. Rask has seen the Resolution and the three conditions and if he was fine with them. Mr. Rask responded he is in agreement.

Councilmember Dietrich stated she appreciated the collaboration between public and private.

Mayor Bartholomew stated the request is to approve the Final Plan and Final PUD as in the packet. He thought this was a good plan, well on course, and ties into the preliminary well. He was glad the easement was being worked out with the neighbors. It makes sense and shows good faith between the two Associations.

Motion by Piekarski Krech, second by Murphy, to approve Resolution 2022-028 approving a Final Plat and Final PUD Development Plan for South Grove Townhomes 2nd Addition. Property located east of Clayton Avenue, north of 67th Street.

Ayes: 5

Nays: 0 Motion carried.

C. Consider Variance for 6050 Concord Boulevard.

1. A Variance from exterior building material requirements to allow a structure with a canvas/poly exterior material. Resolution of Denial 2022-029
2. A Variance from Side and Rear Yard setbacks for an accessory structure. Resolution 2022-030

City Planner Hunting discussed property located at 6050 Concord Boulevard. This is a two-part variance request; one is for exterior siding from the I-1 District and one is for setbacks. The Applicant operates a landscaping business. Over the winter months the Applicant constructed a temporary hoop type structure to store their equipment. The structure was constructed without Permits; this is an after the fact variance. The first part of the variance is the hoop structure with plastic/poly type material that is not a permitted exterior material in either commercial or industrial zones, this is in the I-1. The second part of the variance is from setbacks. He referenced a drawing included in the Council packets that the Applicant had provided. He said the setbacks were not quite accurate. He referenced the structure in the drawing and said it is approximately 15 feet from the north property line, 27 from the rear along the railroad tracks, and 19 from the south side. In the I-1 District setbacks are 40 feet from side and rear for both principle and accessory. All regulations apply to structures whether permanent or temporary.

He stated the canvas/poly is not a permitted material. It is supposed to be something of a brick veneer, sculptured/textured concrete block or panels, natural wood siding, steel, aluminum, or vinyl lap siding, natural stone, or glass. The setbacks were 15, 19, and 27. He said the Planning Commission looked at this and did not find any Practical Difficulty to support the exterior surface material. The Planning Commission determined that should comply. The Planning Commission was supportive of the variance because of the smaller size of the lot. The lot itself is only about 100 feet wide, approximately 16,000 square feet, difficult to fit a structure on there that would meet setbacks. The Planning Commission felt there was Practical Difficulty in the size of the lot to support the variance. Staff has the same recommendation. He said presented for action is a Resolution to deny the exterior siding variance and a Resolution to approve the setback variance. The Planning Commission's recommendation was that they are allowed 15 feet side yard, either north and south, and 27 as proposed for the rear.

Mayor Bartholomew clarified the request stating that the variance proposed by the Planning Commission is 15 feet on the sides and 27. He asked if the existing footprint is that they are not in that zone at this point, or if they were in that. Mr. Hunting replied they would be meeting that on the north side they are further away on the south side. He was unsure of the Planning Commission's full rationale, they felt it made more sense to have the same setback, have it centered.

Mayor Bartholomew asked as the footprint currently sits, they are within the 27 and within the 15 on both sides of the drawing. Mr. Hunting replied yes.

Terry Trkla, owns Kaposia Tree Service, 6050 Concord Boulevard, said there was originally a second building there that was likely built in the 40's. They found that it was not structurally safe and tore it down. He is asking for a two-year variance. He is planning on buying the property from Jim Kamish, with whom he has been negotiating. If he receives a two-year variance on this building it would give him time to purchase the property, get plans, and build a building there. If the setbacks were ok, they would probably build in the same spot.

Mayor Bartholomew asked if Mr. Trkla was aware the Planning Commission set the setbacks. He commented that it looks like there would be plenty of room with 15, 15, and 27.

Mr. Trkla said those numbers were not accurate as the property line goes further north than what was on the drawing. Mayor Bartholomew replied he was being allowed a 15-foot variance from the

property line, that was his understanding from information provided by Mr. Hunting. He asked City Planner Hunting if that was correct. He said it seemed bigger from where Mr. Trkla was at currently, he does not see it as an issue.

Mayor Bartholomew said the issue for him is going to be the covering of the building. He does not see a Practical Difficulty, which is going to be an issue. He said there was a reason why they had those kinds of specifications. The reason is not to have buildings that are subject to wind damage.

Mr. Trkla commented that Wagner's Sod has the same type of buildings, they store their equipment in there, the same applies to Gertens. Mayor Bartholomew said he could not comment about how they got those and why. If they were grandfathered in, he was not aware. He only knows what is in front of the Council this evening.

Councilmember Piekarski Krech stated years ago when Mr. Kline was still on the Council there was an issue with these types of buildings and the poly siding. She said she thought they passed an Ordinance that made them illegal in the city. City Planner Hunting responded she may have been referring to an issue in a residential zone. Someone had a very large hoop structure with the poly plastic hoops. The Ordinance was amended to prohibit a hoop structure plus anything covered with plastic/poly in residential zoning districts. He said it was not addressed before in the business and industrial zones. The rules have always been that those are not allowed. The only zoning that is allowed/use is commercial greenhouse. They are not permitted in any other zoning district or any other type of structure in the city.

Mayor Bartholomew asked if they were not permitted in Ag. City Planner Hunting replied Ag was the only district they were allowed, as a commercial greenhouse. Just that type of a structure.

Mayor Bartholomew stated this is for consideration for a variance as mentioned. The Planning Commission is in agreement with the variance request for setbacks. He believes they are reasonable. He said he struggles with, and cannot support, a variance for the exterior material change/allowance, to other than what is provided in Statute.

Councilmember Piekarski Krech asked what the other Quonset huts down there were made of and if they were steel. City Planner Hunting replied there were at least two, he believed there was steel on there and wood on another. Due to the age of the structures, they would be non-conforming. There is a rigid material on them.

Councilmember Gliva said she does not see a Practical Difficulty. She mentioned the variance setback was fine and seems reasonable. She asked if the structure is already up, what that meant, if it meant it comes down. She questioned how that works. City Attorney Bridget McCauley Nason responded if the variance is denied, it would need to come down. There would be a moderate amount of time provided for that structure to be removed. If not removed, the city could take further enforcement action regarding what would be an illegal structure.

Mayor Bartholomew asked who sets the timing for removal, if it is the Council, Staff, or in Statute. City Attorney McCauley Nason replied it is not in Statute. In the past, the Council can give Staff direction on enforcement. She was unsure of what the logistics were of removing that type of structure. She understands there might be a request to build a permanent structure, that should probably be factored in as well.

Councilmember Piekarski Krech asked if the structure would have to be removed or just the cover. The issue is the poly cover. City Planner Hunting responded that is the issue, but the hoop structure does not have exterior vertical surface, which the Code requires up to a roof line. The intent was not to have the hoop because there are not sides, it is the same across. He thought there may be a base with some wood up to a certain height. Staff would look at it as being the entire structure because of the way it is constructed.

Mayor Bartholomew asked what has been done in the past, if something has been done in the past, and what kind of an agreement came with the property owners regarding removal or compliance. City Planner Hunting responded he could not recall one. He asked if it was reasonable to have 30 days.

City Attorney McCauley Nason stated if the city were to discover an illegal use, Code Enforcement would communicate and give a two week notice and then a 30-day notice. She would say 30-60 days would probably be reasonable to provide the property owner for removal of the structure.

Mayor Bartholomew agreed and said due to the weather, he would like to see 60 days. That would get them into spring and warmer weather. He did not want to see someone out there in 10-degree weather and force them into compliance. He thought it was unfair to the property owner and illogical to enforce something like that. Councilmember Murphy agreed.

Mayor Bartholomew said 60 days is appropriate. He asked Mr. Trkla if 60 days seemed reasonable.

Mayor Bartholomew stated this is for approval of the variance for the setbacks and denial of the variance for the hoop structure and the covering material with a 60-day compliance.

Mayor Bartholomew asked what the Council's thoughts were on 90 days. He said he was fine with 90 days but have to make sure the compliance is there. In the past they have given individuals, not saying that would happen in this case, a timeframe and they stretch it out. He wanted to make sure there was full understanding that 90 days means 90 days.

Motion by Piekarski Krech, second by Gliva, to approve Resolution 2022-029 to deny the variance including the findings of fact related thereof from the exterior building materials with the Council statement to Staff that enforcement action does not begin until 90 days from today's date of February 14, 2022 for property located at 6050 Concord Boulevard.

Ayes: 5

Nays: 0 Motion carried.

Motion by Gliva, second by Murphy, to approve Resolution 2022-030 for a variance and allow the structure with reduced sides and rear yard setbacks for property located at 6050 Concord Boulevard.

Ayes: 5

Nays: 0 Motion carried.

D. TABLED to 2/28/2022: Consider the following actions for At Home Apartments. Property located in the northwest quadrant of Hwy 3 and 70th Street.

1. A Resolution approving a Comprehensive Plan Amendment to change Lot 1, Block 2 from HDR (High Density Residential) to MDR (Medium Density Residential).

- 2. An Ordinance rezoning Lot 1, Block 1 and Lot 1, Block 2 from A (Agricultural District) to R-3B/PUD (Multiple Family Residential Planned Unit Development District).**
- 3. A Resolution relating to a Preliminary Plat for a three lot, four outlot plat and Preliminary PUD Development Plan for a 253-unit residential development over Lot 1, Block 1 and Lot 1, Block 2 to be known as At Home Apartments.**

This Agenda Item has been tabled.

City Attorney McCauley Nason requested the Council make a Motion to continue consideration of Agenda Item 6D. Consider the following actions for At Home Apartments. Property located in the northwest quadrant of Hwy 3 and 70th Street.

1. A Resolution approving a Comprehensive Plan Amendment to change Lot 1, Block 2 from HDR (High Density Residential) to MDR (Medium Density Residential).
2. An Ordinance rezoning Lot 1, Block 1 and Lot 1, Block 2 from A (Agricultural District) to R-3B/PUD (Multiple Family Residential Planned Unit Development District).
3. A Resolution relating to a Preliminary Plat for a three lot, four outlot plat and Preliminary PUD Development Plan for a 253-unit residential development over Lot 1, Block 1 and Lot 1, Block 2 to be known as At Home Apartments.

and continue the item to the February 28, 2022 City Council Meeting.

Motion by Piekarski Krech, second by Gliva, to continue the following Agenda Item to the February 28, 2022 City Council Meeting:

Agenda Item 6D. Consider the following actions for At Home Apartments. Property located in the northwest quadrant of Hwy 3 and 70th Street.

- 1. A Resolution approving a Comprehensive Plan Amendment to change Lot 1, Block 2 from HDR (High Density Residential) to MDR (Medium Density Residential).**
- 2. An Ordinance rezoning Lot 1, Block 1 and Lot 1, Block 2 from A (Agricultural District) to R-3B/PUD (Multiple Family Residential Planned Unit Development District).**
- 3. A Resolution relating to a Preliminary Plat for a three lot, four outlot plat and Preliminary PUD Development Plan for a 253-unit residential development over Lot 1, Block 1 and Lot 1, Block 2 to be known as At Home Apartments.**

Ayes: 5

Nays: 0 Motion Carried.

E. Approval of rental licenses (23).

Community Development Director Heather Rand said the city requires homes that are rented, be it single family, multi family, apartments, or townhomes, licenses. There is an application every two years that the owners must submit. Applications are reviewed by Community Development Staff for their thoroughness, BCA background checks are conducted, and the Police Department conducts their review. There is a list of 23 completed applications. Staff recommends approval of the following 23 Rental License Applications:

- 8553 Bechtel Court - Joseph Wyman
- 4868 Bivens Court - GKH Management
- 8851 Broderick Blvd - John Brondello
- 4880 Bivens Court - Peggy Lovejoy
- 4929 Bisset Lane - Peggy Lovejoy
- 4919 Bisset Lane - Matthew Bonin
- 2590 49th Street - Matthew Bonin
- 4888 Bisset Lane - Matthew Bonin

- 6830-6832 Craig Court - Hernan Carreira
- 6892 Craig Court - Weihuan Chen
- 4917 Bolger Trail - Richard Ji
- 8779 Brunell Way - Richard Braun
- 8792 Brunell Way - Richard Braun
- 8908 Brunell Way - Richard Braun
- 8795 Brunell Way - Richard Braun
- 7912 Barbara Avenue - Clyde Reynolds
- 6983 Archer Court - Madhu Kolan
- 8791 Branson Drive #73 - Alante Williamson
- 5946 Concord Blvd. - Leo Exley
- 4857 Boatman Lane - Peggy Lovejoy
- 9925 Alaureate Court - Charlene Gubash
- 6929 Rich Valley Blvd. - Charlene Gubash
- 6967 Archer Place - Joseph Winingar

Councilmember Dietrich mentioned she looks forward to revisiting the Rental Housing Policy.

Mayor Bartholomew asked Community Development Director Rand if that was scheduled. He stated both the City Administrator and the Community Development Director were shaking their heads that they are looking for further input on policy.

Motion by Murphy, second by Gliva, to approve the 23 Rental Licenses as presented.

Ayes: 5

Nays: 0 Motion carried.

F. Vista Pines Change Order. Resolution 2022-031

Parks and Recreation Director Adam Lares presented the following information regarding Vista Pines Park and the change order and construction contingency.

Vista Pines Park - Northwest Area

- 8 acres of parkland
- Once complete and finalized, amenities will include:
 - Nature play themed playground
 - Full sized basketball court
 - Bike Skills course
 - Paved and natural trail loop
 - Open lawn for a play area
 - Pleasure rink in the winter months
 - Benches, picnic tables, and bike racks

Park Development Budget:

- July 12, 2021: The City Council approved the solicitation of construction bids for the development of Vista Pines Park with an estimated project cost of \$785,000 and a construction estimate of \$450,000.
- August 9, 2021: The City Council awarded the construction contract of \$361,875.34 to Max Steining Construction.
 - To note: No construction contingency was included in the contract.
- September 2021: Construction started.

Two sources of revenue were allocated for this park project:

- DEED Grant: \$415,000.00
- Park Acquisition & Development Fund: \$370,000.00 (Fund for Park Dedication Fees)
 - Total: 785,000.00

Items completed to-date by Contractor:

- Labor and materials for installation of the concrete elements at the site
- Asphalt trail installation
- Stormwater improvements in the upper area of the park
- Fall seeding
- Initial excavation for the lower stormwater basin
 - Contractor Payment to-date: \$250,327.29

Items pending for installation by the Contractor this spring:

- Finish grading and seeding
- Installing category 3 erosion control blanket in the upper park area
- Surfacing and striping of the Basketball Court
- Construction of the lower stormwater basin and piping, seeding, and erosion control
 - Contract balance for this remaining work: \$111,548.05

Change Order:

In the Fall of 2021, unforeseen items in construction and changes in the scope of work were identified by Staff. These items are categorized as follows:

- Items to be removed from the Construction Contract/to be completed by City Staff
- Stormwater re-design
- Expanding grading and seeding
- Miscellaneous construction contingency items

Items removed from the Construction Contract/to be completed by City Staff:

To find efficiencies within the project budget and to expedite the completion of the project, City Staff will be performing these installations this spring. This will result in a deduction of value from the original Contract.

- Materials and labor to install plant beds at the entrance.
- Labor to install the site furnishing on park property (benches, bike racks, picnic tables, signage, basketball court hoops, trash recycling, and dog waste receptacle).

Change Order Category: Credits:

- Items removed/to be completed by City Staff: -\$15,662.15

Stormwater Re-Design:

Upon commencement of construction, the City Engineer required an alternative design to account for the stormwater standards of the northwest area that superseded the state MPCA standards. This resulted in additional stormwater work needing to be performed.

The added costs for the stormwater components would have otherwise been included at the time of bid had the design components related to the northwest area infiltration rates been originally included in the bid.

The stormwater re-design included changes in the type of materials, quantity, and scope. This has resulted in an addition of value from the original Contract. This work will include:

- Grading for a larger basin, swale
- Additional survey work would be required
- Additional drainage structures will be needed
- Additional erosion control
- Additional seeding areas
- Credits for unused materials not installed/needed for stormwater re-design
 - Change Order Category: Addition:
Stormwater Re-design: \$47,118.04

Expanded Grading and Seeding:

During construction it was determined that more area of the park needed to be converted to open play lawn to expand the play areas on the park. This has resulted in additional work and materials required to complete, as well as a request from the Contractor to extend the completion date to July 1 to ensure turf establishment. This work will include:

- Additional stripping of existing vegetated areas
- Additional grading
- Additional turf seeding and erosion control blanket
 - Change Order Category: Addition:
Expanded Grading and Seeding: \$32,663.21

Miscellaneous Construction Contingency Items:

Typically, construction projects are approved with a construction contingency to cover minor changes in material or labor to address variations in site conditions or minor unforeseen issues that arise when performing earthwork and other installations. The following items are additions or credits as a result of adjustments related to field-verified measurements. The work will include:

- Additional length (material) needed for drain tile (field measure)
- Credit for un-used soil corrections
- Gravel connection from bituminous trail to bike trail
- Insulation for the Magellan Gas Line
- Ped Ramp adjustment
- Additional grading
- Temporary fall seeing and hydro mulch
- Additional survey work to verify items not included in the original survey
 - Change Order Category: Addition:
Miscellaneous Construction Contingency items: \$17,118.01

Change Order Request: Change Order Categories:

The following four areas of the change order, with the credits and additions total \$81,237.11.

To note: The change order being requested does not impact the original scope of work, as it pertains to the park amenities indicated.

Construction Contingency Request:

The original Contract amount was approved without a construction contingency. After review of the remaining items to be installed with the Contractor and Staff, it has been determined that a 5% construction contingency should cover any remaining field-adjusted measurements or minor unforeseen issues on-site through the remainder of the project.

5% of the remaining contract budget with approved change order previously indicated equates to \$9,639.26.

Contractor Construction Budget:

- Contractor payment to-date: \$250,327.29
- Contractor balance for remaining work needing to be done this spring: \$111,548.05
- Change Order (pending Council approval 2/14/2022)
- 5% contingency request on total remaining project (pending Council approval) \$9,639.26
 - Total: \$452,751.71

This aligns with the original estimated expense:

- Construction cost: \$450,000.00

Funding:

Funding for the change order and contingency budget would come from the Park Acquisition and Development Fund. As shared with the Council during a recent discussion of upcoming park development projects, this fund has an approximate balance of \$1.7 million, after accounting for currently planned parks in the northwest area and the City's portion of Phase 4 of Heritage Village Park.

Staff Recommendation:

Approving the change order with Max Steining Construction that will enable the completion of Vista Pines Park construction that will increase the contract amount by \$81,237.11.

Further, Staff recommends that the City Council approve a 5% construction contingency budget of \$9,639.26 so that Parks and Recreation leadership may have access to such contingency funds if needed to complete the park development project by summer, 2022.

Staff Recommendation:

Staff believes that the public investment has been made to get the park to this point. These contingency funds are needed to fully realize the benefits of that park investment.

The park complements and supports new park development in the northwest area with new recreational amenities for residents.

Councilmember Dietrich said normally she would think that this type of change order is unacceptable. The amount is quite a bit. She applauded Director Lares for being transparent about it. This currently falls at his feet though he did not create this problem. She wanted to thank him for his transparency and providing the information that supports this change order.

Councilmember Gliva said she was trying to understand what the main thing was that made everything go in a different direction, causing this. It seemed that one thing started and then it kept going. Parks and Recreation Director Lares responded there were multiple layers to this change order, he would say the larger of the one that increases the request is the stormwater re-design. He said he could not speak to the logistics and the engineering behind it, that was probably the larger of the request.

Councilmember Gliva said she was wondering if one thing caused it and then precipitated the rest. Parks and Recreation Director Lares responded he thought each area has its own respective needed change. In regard to the stormwater re-design, it is an increase in stormwater needs, unique to the northwest area. He said the grading and seeding was an enhancement of the play area from the initial concept of construction. He said it was not a "domino effect," they all have a little to do with each other.

Mayor Bartholomew said he was a little concerned that they missed the whole idea of stormwater in the northwest area. He said he would look to Staff to get back to the Council on some kind of analysis on what the breakdown is and how they got to here. He said the stormwater for the northwest area is what the northwest area is about, retaining the water on site. Everything else that comes through with that project gets thumped really hard as far as stormwater design. He said he would like to look at the city's procedure, analysis, and how they miss something that large. He said they cannot hold the Parks and Recreation Director accountable at this point, and cannot hold the Contractor accountable, but can ask questions such as how did they miss it and what can they do to prevent it in the future. He asked for Staff follow up. He understands the expanded grading and seeding. Perhaps they could have been more attentive to grading at the time of design. He said his big concern was how they missed something that large on the stormwater re-design when the northwest area is one of the most critical areas, they have regarding retaining. He suggested getting an analysis back to Council when they can, find out how to prevent this, and that it does not happen again.

Mayor Bartholomew addressed Parks and Recreation Director Lares and said this was not directed to him, he just wanted to say it. He appreciated Parks and Recreation Director Lares bringing this before the Council in a manner that is easy to understand, although alarming. He appreciated Staff coming forward with \$15,600 in reductions because of the labor put in at that point. He said it is still a cost, they know that, it gets them back to the \$450,000. He mentioned the point is well taken, they are still at just over \$450,000, with \$452,000. He said they build that, so they stay underneath it.

Parks and Recreation Director Lares said if the 5% construction contingency is not used, they would come in under the estimated cost budget. Mayor Bartholomew said they would like to see them come in way under. He said they have no other choice but to move ahead on the change order request. Councilmember Murphy agreed.

Motion by Murphy, second by Piekarski Krech, to approve the Vista Pines Change Order Request. Resolution 2022-031

Ayes: 5

Nays: 0 Motion carried.

Mayor Bartholomew said the Council would look forward to an update in the future as far as how they got here.

G. Second Reading of Small Cell Ordinance.

City Attorney McCauley Nason presented the Second Reading of the Small Cell Ordinance. It is an Ordinance that amends provisions of existing City Code relating to public rights of way management to address the advent of small wireless facilities. These are not the big facilities noticed on cell towers or on the side of the city's water tower. These are smaller facilities that are being deployed by telecommunications providers primarily in conjunction with the 5G Network and other network rollouts. She stated in 2017 the Minnesota Legislature adopted some Amendments to Chapter 237 which provided cities the ability to amend their Right of Way Ordinances to address, in a limited capacity, these types of small cell facilities. The Draft Ordinance was brought before the Council at the January 10th meeting for a First Reading. The Ordinance is based off of the Minnesota League of Cities Model Ordinance related to small wireless facilities. No changes have been made to the Draft Ordinance since it was presented at the January 10th meeting. Staff is looking for the Council to consider a Second Reading of the Ordinance. It would eventually be brought back for a Third Reading. There will also be a second component which is the Zoning Ordinance Amendment. That has not been sent to the Planning Commission for review yet. That component would address the need for a Conditional Use Permit for these types of facilities located in Single Family Residential Zoning Districts. That is one of the few areas the city has a little more control over these types of facilities under the existing State Statutes.

Mayor Bartholomew asked if there has been any comment or feedback from our Communications Department. (Off screen response was no).

Mayor Bartholomew asked if they would be doing the Third Reading later this month. City Attorney McCauley Nason replied it may be on February 28th, or they may do it in March to align it with the Zoning Ordinance.

Motion by Piekarski Krech, second by Gliva, to approve the Second Reading of Small Cell Ordinance.

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

Benjamin Stone, 1378 66th Street West, said he understands At Home is still working on their Application. He wanted to make sure the Council was aware of something important. He mentioned

within the packet of information for At Home's Preliminary and PUD Plat Application is Resolution #22, the very last item, Item #6 contains the following sentence "The City Council finds that Table 13J-1 amends the permitted uses allowed in the underlying zoning districts for property located within the northwest area overlay district and permits multiple family dwellings containing 7+ units within the R3-A and R3-B Zoning Districts thereby permitting the proposed 95 unit apartment building on property zoned R3-B". He said up until last November there was only one interpretation of the City Code being referenced in interpretation that every development has abided by since the northwest overlay was created. This request represents a new radically different interpretation of this section of City Code. Approving the new interpretation will result in significant changes. For the first time construction of large high density apartment buildings would be allowed on over 572 acres of undeveloped land throughout the northwest area. Land that currently only allows structures up to 7 units, such as small apartments and townhomes.

He stated that the number of residents who would be impacted by this new interpretation would be significant. He wanted to show the Council how this changes the trajectory of development within the northwest area. He displayed an image of the northwest area with the red depicting high density residential and mixed use. He said currently that is what large apartment buildings are allowed on. The new interpretation the Council is being asked to accept would allow those apartment buildings on all of the land he depicted on a new slide of the northwest area. He said low medium density residential is depicted in yellow and medium density is depicted in orange. He displayed a different diagram stating that these are the types of buildings that would be allowed on these areas. He referenced one area stating it would allow for approximately 508 units of apartment buildings with great views of Marcott Lakes and Marianna Ranch. He said the structures shown are approximately to scale for the number of units allowed. He referenced Burr Oak Park stating the five stories over the houses would offer a great view of Burr Oak. He referenced a location with an apartment building allowable on the 5th Hole with great views of a lot of the course. He said he is not saying these are a bad idea or should not be built. He is just saying this is an interesting way to make this change that affects so many people.

He said he knows if he lived anywhere near these structures, he would wish he would have had a chance to speak before this new interpretation was adopted. He said fortunately the Inver Grove Heights City Code provides a solution for these types of situations. City Code 10-13A-2C states "whenever a dispute arises concerning the interpretation and/or application of any section of this Title, the matter may be referred to the Board of Adjustments and Appeals for Hearing pursuant to Section 10-3-7 of this Title". He said considering the broad implications of this new interpretation he would like to make a formal appeal to the Board of Adjustments and Appeals. He said as the Council may know, he does his homework. There is no legitimate support for this new interpretation anywhere in City Code. Nowhere in City Code Article A, Planned Unit Development, or Article J Northwest Area Overlay District, is the 7 units per building maximum requirement of the underlying zoning (R-3B) removed or amended. He mentioned since he has not done this before, he is wondering if there is anything else he needs to do to start the appeal process.

Mayor Bartholomew suggested Mr. Stone provide the information to the City Clerk. This is on record, but he would like to get Mr. Stone's written request to the City Clerk and then they could get it to Staff so they can start exploring his comments.

Mr. Stone agreed and said he has a packet he could email.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember Dietrich wanted to thank the IT Staff, City Clerk, City Administrator, Mayor, and the rest of her counterparts for affording her the luxury of being able to attend virtually. It means a lot to her.

Mayor Bartholomew said it means a lot to the cohesiveness. He was glad they had the ability to do that. He appreciated Councilmember Dietrich participating.

9. ADJOURN:

Motion by Gliva to adjourn the meeting at 7:38 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek