

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, JANUARY 25, 2021 - 7:00 P.M. - 8150 BARBARA AVENUE**

**\*\*In Person Meeting and via Zoom Video Conferencing (Hybrid Meeting)\*\***

**1. CALL TO ORDER:**

The City Council of Inver Grove Heights met in regular session on Monday, January 25, 2021, via In Person and Zoom Video Conferencing (Hybrid Meeting). Mayor Bartholomew called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

**2. ROLL CALL:**

Present In Person: Mayor Bartholomew, Council Members: Piekarski Krech, Dietrich, Murphy, and Gliva; City Administrator Lynch, City Clerk Kiernan, City Attorney McCauley Nason, and Community Development Director Rand.

Present via Zoom Video Conferencing/Phone: Information Technology Manager Gade, Recreation Superintendent Dorshak, Parks Superintendent Swoboda, Public Works Director Thureen, Assistant City Engineer Dodge, Fire Chief Thill, City Engineer Kaldunski, Associate Planner Botten, and Finance Director Hove.

**3. PRESENTATIONS:**

There were no Presentations.

**4. CONSENT AGENDA:**

- A.** Minutes from the December 14, 2020 City Council Meeting.
- B.** Disbursements for Period Ending January 19, 2021. **Resolution 2021-12**
- C.** Consider Approval of Rental Licenses.
- D.** Consider Approval of Personnel Actions.
- E.** Appoint City Employee Brian Swoboda to serve as Deputy Weed Inspector for 2021.
- F.** Consider Approval of Collective Bargaining Agreement with LELS Patrol Local 84 for 2021 and 2022.
- G.** Consider Approval of New Manager, Terrence Ruffen at Outback Steakhouse Inc.
- H.** Consider Approval of Agreements with Dakota County for Mendota Lebanon Regional Trail in Blackstone Vista and Blackstone Ponds.
- I.** Accept Final 2020 Donations and Grants for Various Parks and Recreation Programs.
- J.** Consider Proposal from HKGI to Assist with Comprehensive Park, Recreation, Trail, and Facilities Plan.
- K.** Approve **Resolutions 2021-13 and 2021-14** for two Conditional Use Permits to allow 24-hour child-care centers at 2855 47<sup>th</sup> Street (20-54C) and 5300 South Robert Trail (20-55C) for Sandra Perez.
- L.** Approve **Resolutions 2021-15** for two Variances relating to a maximum sign size in B-1 District and a maximum wall sign size in B-1 District for Garrett Stainbrook, CHS (21-01V).
- M.** Approve Purchase of Capital Equipment.
- N.** **Resolution 2021-16** Accepting Field Services Proposal from EOR for Inver Point Business Park Second Addition.
- O.** Consider **Resolution 2021-17** Accepting Proposals and Authorizing Consultant Professional Engineering Services for the Peltier Property located at 7250 Argenta Trail.
- P.** Consider Proposal from SRF for Assistance in Preparing a Local Road Improvement Program Application for City Project No. 2010-09F - Upper 55<sup>th</sup> Street and Utility Improvements. **Resolution 2021-18**
- Q.** Consider Proposal from Bolton & Menk for Assistance in Preparing a Local Road Improvement Program (LRIP) Application for City Project No. 2016-17 - 117<sup>th</sup> Street Reconstruction. **Resolution 2021-19**
- R.** Consider a **Resolution 2021-20** Receiving Feasibility Report and Scheduling a Public Hearing for City Project No. 2021-09D Bryant Lane Area Improvements (aka Majestic Woodlands).
- S.** Consider **Resolution 2021-21** Accepting Engineering Services Proposals from WSB for the Canvas at Inver Grove Heights Development.
- T.** Consider **Resolution 2021-22 and 2021-23** Calling for Hearing on Proposed Assessment and Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Nuisance Abatement 2020.

Mayor Bartholomew pulled Agenda Items 4J and 4R by request, and Agenda Item 4A.

**Motion by Dietrich second by Gliva to approve the Consent Agenda with the exception of Agenda Items 4A, 4J, and 4R.**

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

**Agenda Item 4A. Minutes from the December 14, 2020 City Council Meeting.**

Mayor Bartholomew pulled Agenda Item 4A due to two Councilmembers who were not on the Council at the time of the meeting.

**Motion by Bartholomew second by Piekarski Krech to approve Agenda Item 4A. Minutes from the December 14, 2020 City Council Meeting.**

**Ayes: 3**  
**Nays: 0**  
**Abstain: 2 (Murphy, Gliva)**      **Motion carried.**

**Agenda Item 4J. Consider Proposal from HKGI to Assist with Comprehensive Park, Recreation, Trail, and Facilities Plan.**

Councilmember Murphy questioned the cost of creating a plan like this and asked what the extra \$33,700 was buying, and what \$20,000 of the \$53,700 is for. City Administrator Joe Lynch responded in March 2020 HKGI was hired to do a Comprehensive Parks Master Plan. The entire parks system, recreation programming, and facilities are looked into including land, structures, playground, fields, usage, the Community Center, and the Golf Course. He stated the original amount from March 2020 was to include: demographics, analysis, Community engagement assistance, inventory of existing systems (playgrounds, equipment such as backstops and tennis courts) and a trends analysis. That has been completed. Added is an additional \$33,700. He stated the Parks and Recreation Director left the City and was going to be a large part of the presentation of the plan once information was compiled.

City Administrator Lynch stated Community engagement was increased, several public events were held, but not well attended. They hope to get more stakeholder groups involved such as the Mountain Biking Club, Snowmobile Club, and the Dog Park group. Additional survey's will be offered and a weeklong survey interaction with members of the VMCC for input on programming. This includes aquatics, fitness, membership, and senior programs. A youth survey is also underway with ISD 199 to get youth input about what they would like to see or use.

He stated the Recreation Superintendent and Parks Superintendent can give more insight, but this would take them away from their daily tasks. The Interim Parks and Recreation Director had not figured into this as it was unknown at the time. If the position is approved later in the Agenda, that individual can participate. He stated the amount is for up to \$33,700. If the individual is on board and up to speed from the project that began in March, they may be able to reduce the hours from HKGI Staff.

Councilmember Murphy asked if there was still \$20,000 left of service. They are requesting an additional \$33,700 with a total of \$53,700. City Administrator Lynch responded the program began in March, the original contract was \$20,000, they have finished 80-90%. \$33,700 would be additional billing for a total of \$53,700. This would help with analysis, putting reports together, holding public meetings, trends analysis, census data, and GIS mapping. This is a different Contract in addition to the original work. Councilmember Murphy stated he struggles with the additional cost. He commented, if getting an Interim Parks and Recreation Director and the consulting firm, this would be a step backwards cost wise.

Mayor Bartholomew suggested tabling the item for now and waiting to see if the Interim Parks and Recreation Director comes on board, gives his analysis, and could do a presentation at the next meeting. Councilmember Murphy agreed. City Administrator Lynch stated there is no deadline. The item needs to be started so it is adopted in the middle of the year. He agreed with the recommendation to table and review.

Mayor Bartholomew stated he had questions similar to what was raised by Councilmember Murphy. One was if the final Contract were not to exceed \$53,700.

**Motion by Murphy second by Dietrich to table Agenda Item 4J. Consider Proposal from HKGI to Assist with Comprehensive Park, Recreation, Trail, and Facilities Plan, to the next Meeting.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Agenda Item 4R. Consider a Resolution 2021-20 Receiving Feasibility Report and Scheduling a Public Hearing for City Project No. 2021-09D Bryant Lane Area Improvements (aka Majestic Woodlands).**

Kelly Kayser, 1953 59<sup>th</sup> Court East, asked why the Bryant Lane project was put on the CIP in 2019. Feasibility states it was based on neighborhood feedback. She stated the Public Works Director suggested it be added to the 5-year Capital Improvement Plan in late 2019. As far as she knew, it was not petitioned and questions the nature of the feedback. When this project came on, the 50<sup>th</sup> Street East neighborhood was taken off. She asked what the rationale was in putting this neighborhood on ahead of others. Public Works Director Scott Thureen responded he recommended the addition stating in successive years on National Night Out when visiting a neighborhood, it was the topic of conversation with strong support. A resident in the area contacted him asking if it could be put into the CIP. Due to this, he recommended it be added. He responded about the other neighborhood stating the area was placed based on cost estimate and fit. There was not a lot of support from the neighborhood.

Ms. Kayser stated her project was on the CIP under similar situations. Some from the street associated to her project dropped out making the project more difficult for her street. She asked what the Pavement Condition Index Rating was for the streets, and if there were others that were worse. She questioned paying to have PCI ratings done every couple of years, and if fully utilizing the tool to prioritize projects. Public Works Director Thureen responded in looking at the entire PCI rating for all City segments, 40% have a PCI low enough to fall into the reconstruction category. Prioritizing within the category would be difficult. Mayor Bartholomew asked if this street is at or below 40%. Assistant City Engineer Steve Dodge responded PCI's are rated through a program, several in the area are in the single digits. 30 or below would be a reconstruction stage, these streets are ready for an improvement project.

Ms. Kayser commented about streets platted in 1996 and 1997 and are about 24 years old stating according to the open house the only maintenance done in that time was crackseal/chipseal over 2003 and 2004. She asked why more maintenance was not done since the street was constructed before a Pavement Management Plan was implemented in 2001. Assistant City Engineer Dodge responded having the crackseal/chipseal done in that timeframe was normal based on the Pavement Management Program approved. The reason they would not have a chip seal again after 2004 is because the streets would have been rated too poor to receive it seven years later in 2011 or after.

Ms. Kayser asked if there was a reason why Forest Haven streets are not being considered for improvement, the pavement looks worn. She asked if they would be missing an opportunity to save money by not having the street done at the same time. Public Works Director Thureen responded it was a different type of street. Conversations had been had with that neighborhood about what it would take to bring the street up to standards. It was a blend of rural section with unique drainage components. Some drainage was worked on in early 2000, at that time there was no interest from the neighborhood in doing anything with the street.

Ms. Kayser asked why the shift between the open house and the feasibility being presented to the Council, in moving the assessable portion of the Blackberry Trail segment be fully funded by pavement management. Forest Haven residents benefit from that improvement. She stated in 2017 Bancroft Way had a similar situation with a small segment coming into the neighborhood, all the townhomes were assessed for the small portion. She asked why that was not considered. She stated by pulling out \$552,355 for street, almost \$51,000 for stormwater, a 35% assessment rate, is roughly \$200,000 in assessable improvements now being paid by pavement management. Public Works Director Thureen responded the adjacent properties have a City owned parcel on the east, a development on the west side, and a shared basin where there is a considerable amount of public stormwater

that runs into it. After discussion, it made more sense because of the situation and the benefiting properties on the segment to have the City pick it up. Ms. Kayser stated the people in the townhomes did not want to pay for the segment in the Bancroft neighborhood.

Ms. Kayser asked if Forest Haven residents get the benefit for that. Assistant City Engineer Dodge responded there is a City parcel on the east side, the adjacent front footage on a non-single-family parcel is what would be assessed, the west side has another pond related to the business complex that has a large easement and City water from Upper 55<sup>th</sup> Street is put into the pond and interacts with the pond across the street. Due to those reasons, they determined it should be the City benefitting on both sides. He responded about the question regarding Bancroft stating that situation would have been an Association that had entrance road, had benefitting land, and split the cost of the front footage only. The only front footage related to Forest Haven would be a small lot which is not assessed unless their driveway connects to the street. Ms. Kayser stated her question was if the Forest Haven neighborhood benefits from the street being replaced as it is the only entrance into their neighborhood in the same way it was the only entrance into the Bancroft project. She questioned why it was originally put in the estimate for Bryant Lane. Assistant City Engineer Dodge responded when preparing the feasibility report, it was his and Staff's oversight. Based on neighborhood feedback, and not knowing the history of the neighborhood, he was able to be more informed and make adjustments to the feasibility report prior to coming to Council.

Ms. Kayser asked why the Blackberry Trail segment comprises 27.5% of the total street improvement cost and why it was so expensive compared to the total street improvement. Assistant City Engineer Dodge responded that segment of road is wide and incorporates a higher cost.

Ms. Kayser asked why no parking restrictions are being proposed on the project. Residents on 60<sup>th</sup> Street East expressed in the feasibility report concern over loss of on street parking and do not want no parking signs posted in their neighborhood. She stated the City's response was "City Policy requires a 20-foot-wide access for fire and emergency vehicles. The proposed 28-foot-wide roadway width allows for on street parking on one side of the street and no parking per City Policy would be signed on the other side of the street". She stated she is pro parking and feels the neighborhood should stay the way it is. She pointed out the inconsistency with last year's project stating those are her neighbors and she knows many would like more on street parking.

Ms. Kayser referenced a cul de sac on Bradbury Court that has a center island and Atwater Path and 55<sup>th</sup> Street were told their cul de sacs would be signed no parking. She asked why there was a difference with this project. Assistant City Engineer Dodge responded when doing a pavement improvement project for a neighborhood, they propose status quo for parking until an official Policy is in place through Public Safety and Council. He was not aware that procedure has been addressed. Ms. Kayser commented this has been discussed over the last five years. It was not fair to tell some neighborhoods there is a City Policy and for others to not mention it.

Ms. Kayser stated she has been told new streets are being constructed according to City standards since the Pavement Management Plan went into effect. She asked what assurances they have that new streets, in the northwest quadrant, are really being built to a standard that would exceed 24 to 25 years. Public Works Director Thureen responded he could show her how they are being constructed if she would like to stop in. He stated northwest area streets are being constructed to current design standards. Ms. Kayser asked if they were supposed to last 50 years. Public Works Director Thureen responded they are following the model to do the appropriate treatments at the appropriate time. She asked if there was a plan in place to ensure the model is followed for maintenance. For example, the Pavement Management brochure states there are three sealcoats before the first mill and overlay, spaced out over a period of time. She asked if that was what they were going by. Public Works Director Thureen responded funding is needed to make the model work. She asked if it was built into the 10-year CIP Plan drafted in August. Public Works Director Thureen responded crackseal/sealcoat gets a fixed budgetary number based on an allocation received from maintenance and State Aid. Ms. Kayser stated this was why a collaborative effort was needed.

Councilmember Gliva stated the Bryant Lane project is her neighborhood. She was on the meeting on Tuesday, but there were technical issues with the presentation and was unable to view. There was a neighborhood meeting over the weekend, the consensus is the neighborhood believes they need new pavement. The questions they have now is making sure with work being done, how necessary it was, if new curbs were needed, if road soil were needed, or if full pavement only could be done to save costs. She stated once the neighborhood

has that information, they would probably want to hear more at the February 11<sup>th</sup> meeting. She thought all were in agreement that the street needs to be repaired.

Mayor Bartholomew asked if considering the Resolution and scheduling the Public Hearing if questions could be answered and if modifications could be made as requested by residents. Assistant City Engineer Dodge responded they would be prepared to present options.

Councilmember Dietrich asked about parking and how they could have uniformity before there is a Statute. Fire Chief Judy Thill responded she would present different options for the Council to discuss at the next Council Meeting. Options would include present cul de sacs, future cul de sacs, and reconstruction. It would be up to the Council to decide direction. She stated Public Works would take it from there and sign, resign, or eliminate signage depending on Council's decision.

Kelly Kayser stated this is one of those topics' residents do not know about unless their street is getting done. People may be upset if adopting a Policy before resident awareness. She suggested awareness to residents would be helpful. Mayor Bartholomew asked Fire Chief Thill if communication could be kept open, to make sure this is fully disclosed on the website and Social Media, and the potential effects to all residents. Fire Chief Thill responded she would make sure that happens.

Councilmember Gliva asked how it would work if the project changes and if the dollar value would be looked at. Councilmember Piekarski Krech responded they are only accepting the feasibility report and setting up the Public Hearing at this time.

**Motion by Gliva second by Murphy to approve Agenda Item 4R. Consider a Resolution 2021-20 Receiving Feasibility Report and Scheduling a Public Hearing for City Project No. 2021-09D Bryant Lane Area Improvements (aka Majestic Woodlands).**

Assistant City Engineer Dodge stated the Public Hearing would be scheduled for February 22<sup>nd</sup>.

**Ayes: 5**

**Nays: 0      Motion carried.**

**5. PUBLIC HEARING:**

**A. Consider Approval of New Additional Business Owner, Keith Gliva, Mississippi Pub.**

City Clerk Rebecca Kiernan stated when it comes to additional business owners, a background check is done. Mr. Gliva has bought into the business and has provided and paid the appropriate fees. Background came back with no basis for denial. Recommendation is for approval.

**Motion by Piekarski Krech second by Dietrich to close the Public Hearing at 7:50PM**

**Ayes: 4**

**Nays: 0**

**Abstain: 1 (Gliva)      Motion carried.**

**Motion by Piekarski Krech second by Murphy to approve New Additional Business Owner, Keith Gliva, Mississippi Pub.**

**Ayes: 4**

**Nays: 0**

**Abstain: 1 (Gliva)      Motion carried.**

**B. Consider Approval of 8 New Officers for Loyal Order of Moose Lodge #1088.**

City Clerk Kiernan stated there were eight new Officers for the Moose Lodge. All went through background checks, there was no basis for denial.

**Motion by Piekarski Krech second by Gliva to close the Public Hearing at 7:47PM**

**Ayes: 5**

**Nays: 0 Motion carried.**

**Motion by Dietrich second by Gliva to approve 8 New Officers for Loyal Order of Moose Lodge #1088.**

**Ayes: 5**

**Nays: 0 Motion carried.**

**C. Public Hearing to Consider a Resolution Ordering Project, Authorizing Preparation of Plans and Specifications, and Authorizing Land Acquisition Services for the 2021 Pavement Management Program, City Project No. 2020-09D - Delaney Circle and Delaney Court Improvements. Resolution 2021-24**

City Engineer Tom Kaldunski discussed the 2021 Pavement Management Program, City Project No. 2020-09D Delaney Circle and Delaney Court Improvements:

Project Overview:

- Petition was received from the neighborhood. Council viewed the petition in June 2020.
- Partial reconstruction of Delaney Circle and Delaney Court.
- Some roadway/driveway culvert replacements and minor ditch grading improvements.

Proposed Street Improvements:

- Rural section road. Following City standard.
- 24' of pavement with gravel shoulders.
- 6" of gravel base on 4" of bituminous surface.
- New bituminous pavement placed.
- Reclaiming existing aggregates and using them on the project.
- No subgrade work.
- Some ditch work.
- Some aprons and culverts are old, they are showing signs of wear or having issues with sediment.
- There are no City utilities. Sanitary sewer and water proposed.
- No assessments related to utilities.

Preliminary Stormwater Improvements:

- Improvements are being done to take care of issues.
- Inspections have been done on culverts.
- Other culverts in the area are in good shape.

Preliminary Project Cost and Funding:

- Total Project Costs:
  - Street: \$856,225
  - Storm: \$87,910
  - Total: \$944,135
- Total Project Funding:
  - Pavement Management Fund: \$598,535
  - Assessments: \$345,600
  - Total: \$944,135

Total assessments are 37% of street and storm project cost utilizing a \$9,600 per recommended assessment cap.

Assessment Map and Preliminary Assessment Amount:

- Preliminary City Policy Assessment Amount: \$14,424.28
- Preliminary Special Benefit Assessment Cap Amount: \$9,600

He stated they are seeking input from the public and have held informational meetings. The proposed assessment will not reach the City Policy amount due to the Assessment Benefit Cap. Special assessments are spread over a ten-year time period at an interest rate the City receives for Bonds and some administrative costs.

Project Schedule:

- Informational Hearing held on January 12<sup>th</sup>. Attended by Project Manager Jake Moser and Luke from Kimley Horn
- Public Hearing conducted on January 25, 2021

- Approve Plans and Specifications, Authorize Bidding: March 22, 2021
- Bid Opening: Late April 2021
- Assessment Hearing Informational Meeting: May/June 2021
- Assessment Hearing, Award Project: June 28, 2021
- Begin Construction: July 2021
- Project Completion: 2021

Jeff Dahn, 8341 Delaney Circle, stated he has lived here since before the road was built. He began the Petition. He has a breakdown of costs for the project and commented there are areas that are doubling and tripling in cost. The real cost should be approximately \$550,000. He asked how they got from \$550,000 to \$944,000. He stated he has done heavy civil construction for 40 years and has worked with Kimley Horn. He met with Kimley Horn today and cannot figure out why this job is being built the way it is. He listed the following points and questions for Council consideration:

- Shouldering and topsoil are doubled up. Either/or is usually done. Prices are included for both.
- Stormwater improvements do not have anything to do with this road. That landowner has been fighting with the City for 10 years and now it is trying to be rolled into the project. He stated it needs to be taken out of the project.
- The road is simple, they should reclaim, grade, and pave it. There is no curb, signs, lighting, or castings. It could be done in two weeks.
- He offered to show the Council the breakdown of where costs were doubled and tripled. He stated ditches, culverts, and stormwater improvements cannot be rolled into the pavement project.
- Referenced Indirect Costs at \$187,300 and asked what the money was being spent for.
- Asked about the 10% contingency of \$60,000. Questioned why that was so high and what it was for.
- Total construction costs are \$608,000.
- When doubling up on shouldering and topsoil, there is \$70,000. It does not need one yard for topsoil. He stated it is either shouldered or topsoiled, both are not done but are included.
- For the granular borrow, there would be extra Class 5 on the project. The City should use the extra, they should not haul it off.
- Asked why a simple project is subbed out to Kimley Horn. Questioned why they would not have done it in house.
- Asked what the cost was to Kimley Horn.
- Referenced stormwater improvement stating it should not be involved in this project. Did not feel it was right to roll that into this project.
- Mobilization was listed for the project twice.
- Contingencies are in there twice for the same project.
- Asked what right of way costs were \$3,000.
- If not doing the topsoil, seeding, and mulching is not needed.

He stated the neighbors want the project to go ahead. He would be glad to sit with Engineers and show them where they are doubling up.

Mayor Bartholomew stated they would get answers and conversations going on the issues brought up.

City Engineer Kaldunski responded to some of the issues and questions raised:

- Asked about an estimate of \$680,000 for actual construction costs compared to the estimate stated by Mr. Dahn for \$550,000.  
When projects go out for bids, a final design is done. When having a bid in hand it could be closer to Mr. Dahn's number. The bidding process makes it public and gives the most cost-effective estimate.
- On top of that, there is LEAF (Legal, Engineering, Admin, and Finance) causing the additional cost from \$680,000 to \$950,000. The 28% covers potential engineering costs, financing and bonding costs, administrative time, paying for Bonds and interest, and the engineering estimate.
- Responded about doubling up stating they are not intending to double or triple items up. Line items and contingencies may look the same. For example: If doing a contingency of 10% and LEAF of 28% for street work and notice a similar line item with the same figures for storm drainage, that is the percentage applied for those. It is not doubling.

- Regarding shouldering or ditching the road, the City has always received input from the public about issues in the area. Feedback was received about some of the drainage issues, due to that it is proposed to address the necessary drainage issues in the neighborhood.
- Included with the City's scope are culverts estimated to be around 40 years and showing wear, tear, rust, and erosion. Those items are being corrected with the ditchwork.
- When doing ditchwork, a proper ditch is put in.
- When shouldering, an in slope is done and have to regrade to make sure it is safe. This means down to the bottom and up the other side.
- Both shouldering and ditch slopes need to be done in some areas.
- Erosion control includes good topsoil to make sure grass grows after.

City Engineer Kaldunski stated many items will be determined once proceeding from this point. If the Council conducts a Public Hearing and orders the project, the next step is to get plans ready and put them out for bids. Final design is needed and then receive bids in hand. Final numbers are shared at the Assessment Hearing after bids are in hand. Contingencies will be adjusted at that time if appropriate. He continued:

- Why there is a \$60,000 contingency on this project.  
It is the standard 10% contingency done on every project during the feasibility study stage. Same applies for the 28% LEAF. Adjustments are made at final design.
- Why hiring Kimley Horn to do some of the work when City Staff could.  
He responded Staff is really busy now, Consultants are used to ensure projects are done in a timely basis. There are a lot of projects in the City and not enough Staff to do all of them. They are to a point that the Engineering Department needs the help of Consultants. There is a pool of 19 Consultants used.
- The City is getting some right of way to do the project as proposed. They negotiate or have other methods to get the right of way. In this case they may negotiate the easements.

Mayor Bartholomew asked if easements were identified. City Engineer Kaldunski responded they are identified in the feasibility study. He stated he felt they are doing the project effectively and following things the City has done all of the time.

Mayor Bartholomew stated Mr. Dahn commented that a couple of procedural things could be done to save money. He asked that be fully vetted between property owners, residents, and Staff. He stated the core question is if they are approaching this the right way, can they reach a point agreeing this is the right procedure, and the right method to do the work. He felt this was where the disconnect was and needs to be fleshed out further. City Engineer Kaldunski responded that occurs with the final design.

Mr. Dahn asked why stormwater improvement was being rolled into this project. Jacob Moser, Project Manager, responded the right of way acquisition is for construction easements anticipated being needed to grade a stormwater swale. Water goes from a roadway culvert down to an existing ravine on 8325 Blaine Circle. The feasibility report notes stabilization would need to be a separate City project. The proposed work associated with this project is just to convey the stormwater from that culvert to the existing drainage ravine. It will not address existing ravine erosion problems.

Mr. Dahn questioned the \$87,000 to grade the ditch. He stated the way they are building the project is the right way to build it, the problem lies with shouldering and topsoil. There is not enough movement in the grade that causes shouldering or resloping. He felt it was minor compared to what it is. He commented that some costs may get backed out. City Engineer Kaldunski agreed.

Mr. Dahn stated he did not get a good understanding on the indirect costs. If project costs go down then the indirect costs should to. Mayor Bartholomew agreed. Mr. Dahn asked what happens if the \$60,000 contingency is not used. City Engineer Kaldunski responded this is the best estimate, as they go through the bidding process, items are at a percentage of the project cost. He stated with most projects they have done that would go down; all items are then adjusted accordingly.

Mayor Bartholomew asked what happens at the end of the project if the contingency is not used. City Engineer Kaldunski responded if it does not get spent, it is not charged.

Mr. Dahn stated they want the project to move forward. The City does not need to over-Engineer the project, he wants it done and built right. He stated he still felt the 28%, the \$187,000 seemed high. Mayor Bartholomew suggested Staff and Mr. Dahn keep an open dialog. Staff can be emailed questions; Council can be copied on them if needed.

Kelly Kayser, 1953 59<sup>th</sup> Court East, stated she was not sure Mr. Dahn's question was answered as clearly as he would like. She stated if the project is completed and the contingencies are not used, they do not get spent, but are not given back to the homeowners. Projects are assessed when the bid is awarded. The final assessment roll is adopted when the project is awarded. Costs that increase or decrease during the project, the City realizes the savings or bears those expenses once the project is awarded and once the assessment roll is adopted. She stated the assessment for the project according to Policy is 55%. There is a big gap between that and the benefit analysis. She commented there was conversation about taking a look at the assessment policy. The percentage may be too high if the City cannot assess what the Policy is saying it should because of the special benefit being lower than that.

**Motion by Gliva second by Piekarski Krech to close the Public Hearing at 8:24PM**

**Ayes: 5**

**Nays: 0      Motion carried.**

Mayor Bartholomew stated per discussion, this will be fluid, there will be further discussion with all property owners. They hope to get the procedure and numbers in agreement. He asked for patience and professionalism by Staff to get this project moving in the right direction.

**Motion by Piekarski Krech second by Gliva to approve a Resolution 2021-24 Ordering Project, Authorizing Preparation of Plans and Specifications, and Authorizing Land Acquisition Services for the 2021 Pavement Management Program, City Project No. 2020-09D - Delaney Circle and Delaney Court Improvements.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**6. REGULAR AGENDA:**

***Community Development:***

**A. TIM SALSCHIEDER - Consider the following Resolutions for property located at 2306 99<sup>th</sup> Street:**

- 1. Resolution relating to a Variance to allow more than one detached accessory structure.**
- 2. Resolution relating to a Variance from side yard setbacks.**
- 3. Resolution relating to a Variance to allow an accessory structure larger than 1,600 square feet.**

Associate Planner Heather Botten stated the Applicants property is located on the east side of Barnes Avenue, north of 99<sup>th</sup> Street, zoned E-1 (Estate Residential). The property is 4.5 acres in size and currently has one single home with an attached garage. There is a large drainage utility easement that covers the western half of the lot, another area is under a DNU Easement. The Applicant is requesting three Variances:

1. To allow two detached accessory buildings on the property. One is allowed on properties that are less than five acres in size. One of the structures would be 625 square feet located behind the pool and complies with setback and size requirements.
2. The other structure would need a Variance to be 1,750 square feet in size, where 1,600 square feet is the maximum size allowed on lots larger than 2.5 acres, but less than five acres.
3. Applicant wants to place the larger structure within a 50-foot required setback for structures larger than 1,000 square feet. Applicant proposes to have the structure about 10 feet from the easterly property line and 25 feet from the northerly property line.

She stated the lots surrounding this property are about 2.5 to 3 acres in size and would have to comply with the same accessory structure requirements as the Applicant. The proposed Variances may have an impact on the character of the neighborhood. Staff believes the Applicant did not identify a practical difficulty to comply with the Ordinance as the property is allowed to have a detached structure up to 1,600 gross square feet in size. Staff does not believe the size and number of accessory structures are precluding the homeowner from reasonable

use of the property and could set a precedence for other lots in the area. Staff recommends denial of the three Variances as proposed.

Associate Planner Botten stated Staff would be in support of just the setback Variance for a structure that would be 1,600 gross square feet or smaller and pushed to the maximum setbacks possible on the lot. The practical difficulty would be the large DNU Easement covering the westerly portion of the property limiting the buildable area, the topography, and locations of the drain field, house, and pool.

She stated the Planning Commission reviewed the request on January 25<sup>th</sup> and also recommended denial of the Variance to have more than one detached accessory structure, and recommended denial of the Variance to allow an accessory structure larger than 1,600 square feet. She stated they did recommend approval of the setback Variance for a structure of 1,600 square feet or less due to the practical difficulty being the topography of the property.

Councilmember Piekarski Krech asked why there was such a large drainage easement on the property. Associate Planner Botten thought it may be from when the house was built, due to grading and impervious surface added on the property. City Engineer Kaldunski responded the area has been a pond since the day it was built. It takes a lot of water from the County Road and also takes water from 99<sup>th</sup> Street south of the lot. He stated there was history stating the easement should have been given from the get-go but did not happen. The City negotiated the easement with the property owner when the house was built. The easement has been secured, it is an area that infiltrates ground water and prevents downstream flooding.

Tim Salscheider, 2306 99<sup>th</sup> Street East, stated due to the topography of the lot, drainage, and easement, there is only one place to put a detached garage. He commented he was more than happy to change the size down to 1,600 square feet. The first structure is the detached garage for vehicles and house items. The second structure would be a gazebo/pool house. Both structures would be built to match the home. He stated he reduced the second structure size to get to a certain square footage as he was told at the Planning Commission meeting. This was to have a combined square footage of 2,400 or less. He stated he knows there is not really a practical difficulty for the second structure, as a homeowner he is trying to improve the property for his kids and family.

Mayor Bartholomew stated Mr. Salscheider must be aware Staff is recommending denial and the Planning Commission has recommended denial on two Variances, for the detached structure and the one for over 1,600 square feet. He asked if the setback was acceptable. Mr. Salscheider responded yes.

Mayor Bartholomew discussed determining the practical difficulty stating a lot of properties want to have a second accessory structure. It is difficult for Council to allow a second without a practical difficulty. Mr. Salscheider stated as a homeowner in the area and driving up and down Barnes Avenue he sees plenty of people that have two structures and does not feel they have practical difficulty with those.

Mayor Bartholomew asked Associate Planner Botten for background on accessory structures. He asked if a gazebo falls under accessory structure and what would be permissible. Associate Planner Botten responded a Gazebo that would not have any walls around it, just a roof structure, would not count as a structure on the property. Having walls is considered an accessory building. Anything larger than 120 square feet would count as an accessory building. If putting up a shed of 120 square feet or less, that would not count towards the total number allowed.

Mayor Bartholomew asked about the gazebo stating it would be a roof and four supporting posts, no roll up doors. Associate Planner Botten responded that was correct. Councilmember Murphy asked if number of walls made a difference. Associate Planner Botten responded anything with a wall counts as a structure, even if they are roll up ones.

Mayor Bartholomew asked about the gazebo and if it was something, he was looking to store pool equipment in. Mr. Salscheider responded his plan was to build something to block things from view. Mayor Bartholomew suggested a gazebo with a hedge in front of it for sightline.

Mr. Salscheider stated other properties in the area are at two acres and he is at 4.5. He referenced the right of way property located on Barnes and asked if it were added into his property what that would put him at.

Associate Planner Botten responded there is not any of the property going into the right of way the way it is platted. Mayor Bartholomew asked Mr. Salscheider if he thought he had right of way to add. Mr. Salscheider responded he reached out to his Engineer who did the survey, he thought there was but was unable to come up with it. Mayor Bartholomew asked if more time was needed to determine. If denying, it is done, if there is right of way to consider, it could be brought back before Council. Mayor Bartholomew asked what the timeline for the project was. Associate Planner Botten responded 60 days ends February 6<sup>th</sup>. She stated the City can extend the 60-day review time.

City Engineer Kaldunski stated there was not much likelihood of right of way out there. The majority of the land is under County control because Barnes Avenue is a County road. Councilmember Dietrich asked if Mr. Salscheider could come back with a practical difficulty. Mayor Bartholomew asked to look at this item closely to see if anything can be done. He suggested Mr. Salscheider consider the Gazebo with agriculture.

Mr. Salscheider asked if the other two Variances could be done now so he can proceed. Mayor Bartholomew asked the City Attorney if they can consider the Variance for the 10-foot setback and hold the others. City Attorney Bridget McCauley Nason responded yes, it is three separate Variances with three separate applications.

Councilmember Piekarski Krech asked if the Gazebo was for the pool area, not just for storing pool equipment. Mr. Salscheider responded it would be a sitting area and to store pool equipment. Councilmember Piekarski Krech stated if just for storage, she would be willing to go with a little bit bigger storage building and do away with the second building. She was concerned about the precedence with two buildings. Mayor Bartholomew stated they could do away with the second building issue if they could get the Gazebo to work.

Mayor Bartholomew asked if the structure would be 1,600 square feet. Mr. Salscheider responded yes. Mayor Bartholomew stated there would be no Variance for that, it can be denied. Associate Planner Botten clarified stating they would table Item A, and acting on Items B, and C. With C a recommendation can be made to deny or the Applicant can withdraw the request to have the 1,700 square foot structure. Councilmember Piekarski Krech asked the Applicant if he preferred the Council deny the request or have it turned it down. Mr. Salscheider responded if going the Gazebo route, he may consider the Variance for a bigger garage he would have more storage items. Mayor Bartholomew stated he may want to hold on everything for 60 days. Mr. Salscheider responded he would get more information in the 60 additional days.

City Attorney McCauley Nason suggested Council make a Motion to table the three Variance requests and pick a meeting date. Mayor Bartholomew asked if the first meeting in March worked. Associate Planner Botten responded the date of March 8, 2021 worked.

**Motion by Piekarski Krech second by Murphy to table the following to the March 8, 2021 Meeting:**

**TIM SALSCHIEDER - Consider the following Resolutions for property located at 2306 99<sup>th</sup> Street:**

- 4. Resolution relating to a Variance to allow more than one detached accessory structure.**
- 5. Resolution relating to a Variance from side yard setbacks.**
- 6. Resolution relating to a Variance to allow an accessory structure larger than 1,600 square feet.**

**Ayes: 5**

**Nays: 0**

**Motion carried.**

**Finance:**

**B. Approve Final Transfers and Fund Closings.**

Finance Director Amy Hove discussed recommendations on final transfers and fund closings. One of the 2021 initiatives for the Finance Department was to start an in-depth review of the accounting systems and processes. They have 67 different funds, from the General Fund, Special Revenue Fund, Capital Project Fund, Enterprise Fund, Debt Service Fund, Internal Service Fund, and one Agency Escrow Fund. She stated the Governmental Accounting Standards Board recommends keep and maintain only the minimum number of fund necessary for good accounting and recordkeeping. But not doing this, the record keeping becomes more inefficient and ineffective. She stated at this time they have some City funds that are obsolete and no longer serve a purpose. There are also outdated processes that need to be addressed.

She stated the review has begun to see which funds no longer hold a true accounting purpose. Those recommendations would be brought to the Council in smaller portions. Recommendations would also be brought forward on where to transfer any residual balances. The recommendations on any balances in the funds are purely recommendations. It is Council's decision on where those funds should go. If funds have restrictions, those would be disclosed. She stated to note, all recommendations on tonight's fund closings have been coordinated with respective Departments.

There are four Funds recommended to be closed:

1. Franchise Fee Fund:

Created in 2018 when the City passed the Franchise Tax. The only function/activity in the fund is where it is recording all Franchise Fee revenue. When this tax was passed by Council, it was approved to pay for pavement management projects.

Staff recommendation is that it is more appropriate to record those revenues directly to the Pavement Management Fund. It provides transparency. Stored in a separate fund, it is more cumbersome to know what is dedicated to pavement management.

If in the future Council does not want Franchise Fees going to pavement management, it can be rededicated to another fund. She stated during the 2021 Budget process, a transfer was set up to move what was anticipated to be the final balance in the fund at the end of 2020, estimated to be around \$3.23 million dollars. The 2021 Budget includes a transfer from the Franchise Fee Fund to the Pavement Management Fund.

She stated the recommendation on this fund is to transfer anything remaining in the Franchise Fee Fund to the Pavement Management Fund and close the Franchise Fee Fund. All future collections from Franchise Fees would go directly to the Pavement Management Fund. Within the Pavement Management Fund there would be a specific line item for Franchise Fee revenue.

2. Capital Facilities Fund:

Fund from 2001/2002 when the new finance system came online. A balance of a little over \$2 million dollars was put in the fund and not used for a number of years. There was little activity, some capital expenses, minor costs. Between 2012 and 2014, \$1.8 million dollars was transferred out to reimburse for park equipment maintenance and VMCC capital projects. The last activity in the fund was in 2017, the remaining balance is \$72,000. Staff has not identified any reason the fund serves a purpose any longer. She stated being the title of the Fund is Capital Facilities, the recommendation is to transfer any balance remaining to the City Facilities Fund, which is the Internal Service Fund, and close this fund.

3. Equipment Acquisition Fund: This fund coincides with when the City used to issue Capital Equipment Notes Bonds. Most of the expenses in this fund had to do with Public Safety along with transfers that went to other funds such as the Central Equipment Fund between 2003 and 2008 to reimburse for other equipment purchases. It has not been used for major purchases for the City since 2002 to 2008. After 2008 there was an arrangement set up, so Police had a mechanism in place to start saving money every year for radio needs. Every year from 2008 to 2020 the Police Department has been setting aside \$7,500 annually, with exception of 2018 when there was a larger transfer due to a bulk radio purchase. There is a residual in the fund from the radio activity of over \$90,000.

In 2017 the Fire Department started a similar arrangement where they wanted to transfer \$7,800 annually to the fund to set money aside for Class A Uniform. It was a five-year plan. By the end of the five-year term, there is one more year left, with \$31,200 set aside for the Fire Department.

She stated they have not fully utilized a mechanism in the General Fund where money can be tracked and set aside for specific purposes. It has been less transparent by transferring it into this other fund and housing it where the General Fund can see and identify the dollars available. Police have \$90,000 and Fire has \$31,200. At the end of 2020, the fund has a balance of \$630,000. After transferring the two amounts, there would be a balance of just over \$500,000 in the fund.

She stated one of the recommendations is to explore this avenue. Staff has identified a need from within the Community for a couple additional emergency sirens. Two sections would benefit from sirens:

1. The southeast corner along Highway 52
2. The northwest area along Argenta Trail

She stated the Police Department had been looking into costs and where sirens would be needed. They have site recommendations and cost estimates for installation and software enhancement. Costs estimated at

approximately \$120,000. Currently, no money has been set aside and it is not in any budget. She stated a recommendation for consideration is that Staff felt this was a capital project type account and if considering, would need approximately \$120,000 to get sirens in place and the software up to date. That would leave a balance of approximately \$380,000. Staff recommends any residual balance left in the fund be transferred to the Central Equipment Fund. There are three recommendations for where dollars in this fund would go:

- a. Police Radio's: \$90,072.50
- b. Fire Class A Uniform: \$31,200
- c. General Fund: \$120,00 for Emergency siren improvements.

Finance Director Hove noted if dedicating money for Emergency Siren improvements, the Police Department plans to bring additional project details and Contract requests to Council for approval.

4. Water System Improvement Fund: Fund was created for the purpose of tracking and reporting water capital projects financed with Bonds. It has been a while since those were done. She stated Ehlers came to Council in 2016 with recommendations on how to pay for projects in the northwest area and a plan for paying annual debt service requirements on the Northwest Area Sewer Bonds. Recommendations were made to use some residual balances in this fund to help pay for the northwest area sewer debt. In 2016 Council approved five annual transfers from this fund to the Northwest Area Sewer Fund. The first transfer was in 2016. The last transfer was scheduled for 2020. The amount for 2020 was \$910,137, not to exceed the amount available. That balance was available. After the transfer and closing up the year, there should still be \$90,000 left. There are no further needs within water capital projects for these funds, and the northwest area sewer does not have adequate resources coming in to keep pace with upcoming debt payments. Council in past years considered this acceptable use. The best recommendation would be to transfer the estimated \$90,000 to the Northwest Area Sewer Fund to meet ongoing debt payments and close the Water System Improvement Fund. She stated there are no future plans for those dollars and no activity other than the transfers annually since 2016.

Mayor Bartholomew asked if the Franchise Fee authorization needed to be reviewed to be amended. City Attorney McCauley Nason responded she did not review the Franchise Agreements and would have to do so before answering the question. Mayor Bartholomew stated they need to make sure to amend the authorization if needed.

Councilmember Piekarski Krech asked if the Water System Improvement Fund was originally for the Water Treatment Facility. Finance Director Hove responded it looked like the Fund was started in 2011.

Councilmember Piekarski Krech asked about equipment acquisition, stating she felt it went back to capital facilities. There was a time it was thought the State Government was going to take excess money from Cities. The Capital Facilities Fund was created to put money in so there was something to do with the money the City had. She asked if that was why the Equipment Acquisition Fund was created. She asked what monies were put in. She asked if General Fund money went in there and how it got to be the amount it is. Finance Director Hove responded from what she could tell from the Equipment Acquisition Fund, the City issues Capital Equipment Bonds and Notes to pay for things. This could have been in the early 2000's. Some costs were directly expensed to the fund, some were reimbursed to other funds. She stated after discussions with Staff it was possible the transfers needed to happen to reimburse for equipment purchases that did not happen, the residual stayed in the fund rather than transferred elsewhere, perhaps Central Equipment.

Finance Director Hove stated Fund 442 shows a fund balance dating back to 2000 when the system went online. Most recommendations are not to put into the General Fund. She stated it made sense to put it where the bulk of the large equipment purchases are happening.

Councilmember Gliva agreed the Franchise Fee Fund be done accordingly. She questioned the \$90,000 for Fire and Police stating they are trying to designate funds at the same time. She felt they were trying to do a lot without a plan, in regard to the cost on the sirens. Finance Director Hove responded the \$90,000 for the Police Department was concretely identified as well as the \$31,200. The additional recommendation regarding the siren looked at this as an opportunity. She stated they know it would take time to fit the project into an existing budget and could be matched with this availability of funds. This would be at the Council's discretion. If wanting to move forward with the Police and Fire recommendation, the \$120,000 could be left as part of the remaining balance and transferred into the Central Equipment Fund. She stated Staff could bring forward another proposal

to use that money out of the Central Equipment Fund. There will be an issue with the sirens that will need to be addressed soon and will have to fit it into a plan later.

Mayor Bartholomew would like Council to have full knowledge and awareness regarding the siren. He suggested setting it into the fund and earmarking it for siren pending final authorization from Council. He stated input and follow-up is needed such as checking on the Franchise Fee possible authorization and identification of \$120,000.

**Motion by Piekarski Krech second by Gliva to approve Final Transfers and Fund Closings with the additions discussed.**

City Administrator Lynch clarified the request is to approve all recommendations with two exceptions:

1. Check legally on the Franchise Fee. That it has not been designated specifically by the Agreement for pavement management so the transfer can be made.
2. The \$120,000 to be transferred into the Capital Equipment Fund and designated toward the potential for new weather siren costs in the future.

**Ayes: 5**

**Nays: 0      Motion carried.**

***Engineering:***

**C. Consider Resolution Receiving Technical Memorandum Related to Canvas at IGH for City Project No. 2015-20 - NWA Trunk Utility Improvements - Robert District. Resolution 2021-27**

Assistant City Engineer Steve Dodge stated this is related to the Canvas Development under final plat review. The Comprehensive Sanitary Sewer Plan revision that was done in 2017 examined the north Robert area sewer district. It looked at the option of "B Line" sewer district and how flows could be distributed and net a cost savings to infrastructure costs of sanitary sewer system for northwest area developments. He stated the concept was at a feasibility level to set sewer depths to make sure they can accommodate future northwest area development.

He stated pre-2017 review of the Robert District had 70<sup>th</sup> Street and Robert Trail South, shows there is a lot of sewer line to be installed to service the areas further north. Option 2 takes some of the sewer by lift station and brings it over by Babcock Trail where the 63<sup>rd</sup> Court cul de sac is by forcemain. Doing this opens up the ability to develop more areas sooner, because it would not rely on all sewers being installed heading north until those areas can be developed. He stated there were significant cost savings in the feasibility report to go with B-Line/Option 2. City Council then directed Staff to implement the option in the future.

He stated they are at the phase where Canvas Development has come in and needs to implement Option 2 as directed by Council in 2017. The Canvas Development has their final design, details in the sewer depths can be defined and see if there could be additional reduction in infrastructure costs for sanitary sewer from within the Canvas Development and other areas.

Assistant City Engineer Dodge referenced a diagram stating the Canvas Development begins at the already installed with the roundabout manhole at 70<sup>th</sup> Street. It is a junction manhole for sanitary sewer and set to be able to accommodate the west side of Highway 3 and the Canvas/IGH Development heading north and then east to Babcock. He stated it is an important system with everything running through the Canvas Development. They looked at this with Bolton and Menk and have identified the City can install around 14 feet shallower heading north through the Nichol's property and about 10 feet shorter heading east. It would come with a cost savings with the City. He stated along Babcock there is a lift station proposed that would put a forcemain on Babcock to the gravity sewer and head back into the Canvas site and then back down to 70<sup>th</sup> and the Trunk Highway 3 sewer that was installed. He stated this has been evaluated well by Bolton and Menk. The recommendation would be to approve the Resolution to accept the technical memo relating to Canvas at Inver Grove Heights Development for City Project 2015-20 Northwest Area Utility Improvements in the Robert District.

Mayor Bartholomew asked about neighbors in the area and if they were aware of this or have responded. Assistant City Engineer Dodge responded they are implementing Option 2 from the 2017 Feasibility report. They

are implementing what has already been seen and making adjustments when it is implemented as development occurs section by section. The Canvas Development is the first. Mayor Bartholomew clarified that everything outside of Canvas is still the same, fine tuning was done in the Canvas area. Assistant City Engineer Dodge responded based on the 2017 report, things are going up 14 feet heading north and 10 feet to the east. If Council likes, they could reach out to the affected area. Mayor Bartholomew responded he was looking at best practice. He asked what has changed and if everyone was aware of the changes. He asked if it made sense to reach out for comment or notify of the subtle changes. Public Works Director Scott Thureen responded as they are bringing this to the Council to notify as greater detail is going in, they are realizing savings. They can let the larger parcel owners know there are adjustments to the plan that result in lower costs. Mayor Bartholomew suggested they notify the large property owners, so they are aware of the activity.

Assistant City Engineer Dodge stated from a best management standpoint, it would be appropriate to put a notification letter out to the affected large properties. The City could conduct a virtual meeting for feedback.

Councilmember Murphy asked what new objections may come up. City Engineer Kaldunski responded in the original project from 2017, they looked at raising the pipe. The sewer crossing 70<sup>th</sup> street is about 60 feet deep. When the 2017 project was done, they felt they could raise that sewer up significantly from a 20-25-foot range. A cost savings was projected. All residents were involved in that process. He agrees they should be aware of what the City is doing. He stated this gives property owners the ability to save some money with shallower sewers.

City Administrator Lynch stated some of the complaints by residents, by bringing this up could be they do not want sewer, or the timing. He stated there could be gaps in the system, which they call "leapfrogging" and how to handle that. Councilmember Murphy asked if there would be any new objections once the area was notified. City Administrator Lynch responded they do not know where the developments are going to occur, so they are going to need to make adjustments to the line.

**Motion by Piekarski Krech second by Bartholomew to accept Resolution 2021-27 Receiving Technical Memorandum Related to Canvas at IGH for City Project No. 2015-20 - NWA Trunk Utility Improvements - Robert District.**

**Ayes: 5**

**Nays: 0            Motion carried.**

***Administration:***

**D. Appoint Interim Parks and Recreation Director. Resolution 2021-28**

City Administrator Joe Lynch stated at the meeting on the 19<sup>th</sup>, short term, and long-term solutions for open positions with the City were discussed. This is for the Interim Parks and Recreation Director position. Resume for the individual has been provided. Criminal background has been completed and the individual has passed. He stated it would be a 20 hour a week position, \$65.00 per hour, working remotely as needed, and available on site. It would be for a four-month period, mutually extended by both parties. Recommendation is to pass the Resolution appointing Jon Oyanagi as the Interim Parks and Recreation Director for the four-month period with the specifics as outlined in the Resolution.

Councilmember Dietrich stated at the December 29<sup>th</sup> meeting there was a Council consensus that the current City Administrator would not be a part of hiring/firing situations. She stated Agenda Items D & E have been solely prepared, reviewed, and the direct contact is the City Administrator. The contingent job offer was put together by the City Administrator. She asked for follow up because whoever was supposed to be accountable, it is not happening. She stated it was discussed that HR or a senior Staff member would be in these discussions. She commented that residents have contacted her about this. City Administrator Lynch responded the HR Manager was involved in the process and wrote the contingent job offer to the candidate and sent the criminal background investigation to the Police Department. Former Parks and Recreation Director Carlson was also involved with conversations with Mr. Oyanagi and agreed a recommendation be brought forward. He stated in normal circumstances the City Administrator would have the authority, due to restrictions placed it is in front of the Council and recommending appointment.

Councilmember Dietrich stated the RFP was done solely by the City Administrator. She does not see HR's or a senior Staff person's name on any items. In the culture that exists she would like to see the confirmation.

Mayor Bartholomew stated he had heard from several Park and Recreation Members that are in favor of Mr. Oyanagi. He also received a phone call from a Parks and Recreation Member who was in favor. He believed the gentleman is qualified and it is a wise move. He sees the need and feel it is important to have consistency. He would support the Resolution.

Kevin Sethre, Parks and Recreation Advisory Commission Member, stated he does not represent the Commission or any of its members. He is here as a private citizen. He stated he does not see a compelling reason to hire an Interim Parks and Recreation Director for four months. With getting them up to speed, the where, and the why. He asked what impact they would have working remotely. He stated there are five items addressing Parks priority. The first one is the northwest area parks has gained momentum. There will be a neighborhood meeting taking place on February 2<sup>nd</sup>, encouraged by Superintendents Swoboda and Dorshak. The items listed are in concept or acquisition/negotiation phase, an Interim may not have any impact. He asked why not hire permanent, there are items in progress and a permanent would carry those forward more efficiently.

Mr. Sethre stated he noticed part of Mr. Oyanagi's resume states he sits on the Met Council's Parks and Trails Legacy Committee. He stated he personally has an issue with Met Council. He stated they do not need another Bureaucrat in the City.

**Motion by Piekarski Krech second by Bartholomew to appoint an Interim Parks and Recreation Director. Resolution 2021-28**

**Ayes: 3**

**Nays: 2 (Dietrich, Gliva) Motion carried.**

**E. Consider Approval of Request for Proposals for Professional Recruitment Services.**

City Administrator Lynch stated at the Special Meeting on the 19<sup>th</sup>, conversation was had about short term and long-term solutions for the City. Council desire was to see this moving ahead as quickly as possible for replacements of the three positions that will be open. He stated up for consideration is the document outlining how to get information out to recruiting firms to make a proposal for replacement searches for the City Administrator, Public Works Director, and the Parks and Recreation Director.

He responded about Councilmember Dietrich's question stating this was done in conjunction with the City Attorney and each Department Head. He recommends Council approve the Request for Proposal, direct for advertising, get the information out to recruiting firms to begin the process, and for the replacement of the positions as soon as possible.

Mayor Bartholomew asked for highlights on the scope of services being requested in the RFP. City Administrator Lynch responded the scope of services include:

- Working with City Council, Department Heads, and other Stakeholders in the development of a job profile that is a marketing piece and a promotional brochure for the City.
- Recruitment process: Meet with the Mayor, City Council, Department Heads, and key Stakeholders.
- Identify the characteristics and traits for the new City Administrator.
- Develop a process for how a candidate can move through each round of the process.
- Provide administrative support for scheduling meetings, interviews, prepping interview questions, and materials.
- Notify press of finalists.
- Work with the City Council, City, and the Candidate for an employment offer.

He stated the procedures are similar for each of the other positions with some notable differences. They would not negotiate with the City Council and the Candidate on the final offer because you would have a City Administrator in place. The City Administrator would assist in the process along with Human Resources. Make sure they are in compliance with the classification and compensation system.

He stated deliverables for both:

- Identify the person(s) the City will be working with in the firm.
- Give a background and the outline of the experience in the public sector executive recruitment.
- Provide a narrative that presents the services the firm would provide during the process.
- Total project cost would break down detailing project tasks, hours, individual cost, and allowing for the possibility the City may want to add or delete services, and what that would do to project cost.
- Timetable and a calendar for recruitment of each position.
- Budget should be provided at the highest level of service at reasonable cost.
- Clearly identify City Staff support assumptions. For example: Those involved in the Police Chief recruitment. The City handled some of the processes, and the recruitment firm handled other processes.

Mayor Bartholomew stated it was important to get this moving. There are positions that need to be filled. Councilmember Piekarski Krech agreed. Councilmember Dietrich stated all questions and proposals are asked to go to City Administrator Lynch, she does not see the two to three people that were required, which is in direct conflict with what was discussed at the end of December. Councilmember Piekarski Krech disagreed stating this is an RFP, nobody is being hired or fired, he is receiving proposals to bring to the City Council. Those proposals will be viewed by the Council, and Council hires the firm. Councilmember Dietrich stated that should have been voiced at the end of December, this is in direct conflict with what was discussed and precludes a hiring decision.

Mayor Bartholomew asked if the contact person be someone different so this can be moved along. He suggested a senior Department Head. He asked if Community Development Director Heather Rand would be interested in being the contact person. Community Development Director Rand nodded her head in agreement. Mayor Bartholomew asked Councilmember Dietrich if she would be satisfied with having two contact people, the Community Development Director, and the City Administrator. Councilmember Dietrich responded yes. Mayor Bartholomew stated both the City Administrator and the Community Development Director would be dual contacts. Councilmember Dietrich stated if put in black and white she is completely on board with approving.

**Motion by Piekarski Krech second by Murphy to Consider Approval of Request for Proposals for Professional Recruitment Services with the changes as outlined.**

**Ayes: 5**

**Nays: 0 Motion carried.**

**F. Consider Approval of 2021 Legislative Platform and Bonding Requests.**

City Administrator Lynch stated this is follow up from the January 19<sup>th</sup> meeting. At that time Council viewed the Legislative Platform and there were no questions, concerns, or changes. The Bonding Request was included and reflects the conversation the Council had. Prioritization was:

1. 117<sup>th</sup> Street
2. Public Works Facility
  - a. Potential for land acquisition
  - b. Stormwater and water quality improvements

He stated they have identified cost estimates of \$500,000 each, for a total \$1 million dollars. The Mayor and himself met with the Superintendent, County Commissioner, and the School Board Chair. During conversation Commissioner Atkins mentioned in an off-bonding year it may be appropriate for the City to consider a capital improvement project that dealt with energy savings and conservation. This could be the replacement of the VMCC roof for \$1 million dollars.

City Administrator Lynch asked if there was any consideration of changing Item 2 or adding an Item 3 for VMCC roofing. In conversation with the Lobbyist, she did not have high hopes in obtaining any Bonding for the public works project. It could set them up for 2022 when a bigger Bonding Bill may be on the horizon. He asked for approval of the Legislative Platform and finalization of the Bonding request with:

- Keeping Item 2 with Sub A and Sub B,
- Adding a third, the VMCC roof replacement or a variation, or,
- Keeping Item 1 and trying to get the money they may be able to get for 117<sup>th</sup> Street.

He stated there is a scheduled meeting tomorrow at 1:00 with Senator Klein that the Mayor and himself will be on. He stated they hope to set up a meeting with the Representative in hopes they will seek Legislation for the City.

Mayor Bartholomew asked in the City Administrator's opinion, if he were concerned that anything more than one request could muddy the waters. He asked if it made sense strategically to come in with the one. He questioned if it would be fine coming in with another, then they may want to consider changing it to the roof as there may be interest in the environmental aspect. He stated he wanted to put them in the position to have the best opportunity for 117<sup>th</sup> Street. City Administrator Lynch responded due to the fact that it is an off-Bonding year, and likely a small Bonding Bill, if one at all, he felt the best efforts should be put on the number one priority and hold off on the others. He stated the Capital Improvement at the VMCC had been put into the Capital Improvement as VMCC. The public works building does open up an opportunity that they had not planned on before. 2022 will have a larger Bonding Bill and the appropriate time to get in. His recommendation is to focus on 117<sup>th</sup> Street.

Mayor Bartholomew agreed. Councilmember Piekarski Krech agreed and asked if they still want to float the other items out there so they are known. She stated there could be more money when dealing with solar. She asked if they wanted to have those ideas out there. She suggested when talking with Mr. Klein to mention there are things the City is looking at, and if willing to push forward with them next year when there is a Bonding year. She stated 117<sup>th</sup> Street has to be the major priority.

Mayor Bartholomew wanted to do what Council thinks best and that all are in agreement. If that means pushing 117<sup>th</sup> Street and the roof on the horizon he was willing. Councilmember Gliva asked if the VMCC needs a new roof right now. City Administrator Lynch responded the portion scheduled to be replaced is reaching the end of its useful life, it is 28 years old. Councilmember Gliva stated she could go with one priority.

Councilmember Murphy stated he drove some of the conversation surrounding the public works building, he understands it better now and believes 117<sup>th</sup> Street needs to be top priority. He has no issues going in with one item since its an off year.

Councilmember Dietrich stated she could go either way. Mayor Bartholomew stated he is sold on 117<sup>th</sup>, if members want to have a horizon wish list, he can get behind any of it. He commented when he speaks with Senator Klein tomorrow, he may give a good indication. City Administrator Lynch agreed. The services with Messerli Kramer will have background conversations with people associated with the asks.

**Motion by Dietrich second by Gliva to approve the 2021 Legislative Platform and Bonding Requests.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**7. PUBLIC COMMENT:**

Mayor Bartholomew stated there is a letter from Kelly Kayser that was sent to Council that should be added into the record.

**Motion by Gliva second by Dietrich to accept the letter into Public Comment from resident, Kelly Kayser.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Kelly Kayser, 1953 59<sup>th</sup> Court East, stated she has a handout for the Council and handed it to all Councilmembers. Ms. Kayser stated since mid-October 2020 she has been asking questions about the circumstances under which the alleged data breach investigation originally began. A timeline is included in the handout. She stated the information she sought was received a full month after the alleged data breach investigation was voted on and concluded by the Council, and three months after the initial inquiry was made. The memo she received on January 11<sup>th</sup>, was dated November 6<sup>th</sup>, 2020. She asked what reason exists for drawing out a citizen request for information for that amount of time. She stated she has experienced a pattern of practice that does not follow the Cities own customer service policy.

She stated her purpose is to identify a potential violation of Executive Session confidentiality. Point number 2 of Attorney Kuntz's memo dated November 6, reads "It was reported by the Mayor to the City Attorney that the author of the email objected to distribution to the Council or a Councilmember". Since the contents of the email were shared/discussed at an Executive Session, which is closed and confidential, and Council voted to not include the contents of the email as part of the City Administrator's formal review. She asked how the email's author learned its contents had been shared with the Council/Councilmember if everyone in attendance at the Session was bound by confidentiality. If someone did violate the rules of confidentiality then the alleged data breach investigation itself was initiated as the result of the violation. She stated it does not appear that possibility was investigated. She commented the answer to that has far reaching implications. Countless hours and City funds were spent over a 15-month investigation into an alleged data breach that may have begun as the result of misconduct by another individual(s). She stated a City employee and a Councilmember had significant legal expenses and endured emotional hardship as a result.

She commented that Janet Shefchik currently has a written reprimand in her Personnel file, not for a data breach, but for her conduct while participating in the investigation that may have begun under questionable circumstances. The answer to the question posed could paint Ms. Shefchik's claim that she was targeted by the investigation in an entirely different light. She stated the City was the subject of significant negative public attention resulting from the investigation. She requests a prompt and comprehensive answer to the question posed. If the source of the employee's knowledge that the contents of the email were shared has not been investigated, she would like to know the reason why, and any action the City intends to take and when. She submits that an expungement of the written reprimand in Ms. Shefchik's personnel file should be considered especially if the answer to the question posed is not known and/or the Council decides not to pursue it.

Mayor Bartholomew stated they will take this into the record, follow up with the questions, have conversations with Legal, and see how to proceed. Ms. Kayser asked if there was a timeline. Mayor Bartholomew responded he would contact Legal Counsel tomorrow. He stated the response may be from Legal Counsel, but if she does not hear back, to contact him.

**Motion by Gliva second by Dietrich to accept the written document as presented by Kelly Kayser into the record.**

**Ayes: 5**

**Nays: 0            Motion carried.**

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

Councilmember Murphy stated he is a believer that everything Council does matters. He believes they need to build upon and improve the culture of Inver Grove Heights. He recommends Council and Staff consider:

1. Moving the time of the Council meetings earlier. He stated with Public Comment at the end where he believes it belongs, this would help Staff with work/life balance. He commented to look at this as Residents first, Staff second, and Council third.
2. Establish a time limit on Staff presentations. This would lead to more time for questions from Council and the public without the worry of time constraints.

He stated he would like these items on an Agenda for discussion.

Mayor Bartholomew suggested this was something they could place on a Work Session for full disclosure and discussion. From there it can be decided to bring into an Agenda Item. Council can discuss if it works and hear pros and cons. He agreed that it is Residents, Staff, and Council. He stated he is also open to Saturday's. He asked the City Administrator if this could be put on the next Work Session Agenda. City Administrator Lynch responded he could schedule it for February.

Mayor Bartholomew appreciated the last two meetings, the professionalism, and the discourse as well as the work by Staff, Councilmembers, and public. He appreciated the Council's input, stating they have done a very good job of keeping on track. He appreciated everything Staff has done. He stated to the people of Inver Grove Heights, he wants all to be safe, mindful, and to respect each other, do what is best for your health, and the health of residents. He thanked Public Works for clearing the roads quickly over the weekend and getting the trails and sidewalks brushed off.

City Administrator Lynch stated the Police Survey is open until February 1<sup>st</sup>. They would appreciate the feedback. It would help to know what resident's thoughts and concerns are. He stated this allows the Police Department to make adjustments in services provided to meet City needs.

**8. EXECUTIVE SESSION:**

**A. Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(1) and (3) to develop or consider offers or counteroffers for the purchase by the City of a portion of real property located at 1407 80<sup>th</sup> Street East, Inver Grove Heights, and the sale by the City of a portion of the real property located at 1467 80<sup>th</sup> Street East, Inver Grove Heights.**

City Attorney McCauley Nason stated the City Council will be going into closed session to discuss potential purchase and acquisition of real property and potential sale of property owned by the City. The Motion she is looking for is as follows: "Motion to go and move into Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(1) and (3) to develop or consider offers or counteroffers for the potential purchase by the City of a portion of real property located at 1407 80<sup>th</sup> Street and identified by Dakota County Tax ID# 20-00800-51-012 owned by Kurt Rechtzigel, and the sale of a portion of the real property located 1467 80<sup>th</sup> Street, Dakota County Tax ID# 20-00800-51-020 owned by the City of Inver Grove Heights". Both are located in the City of Inver Grove Heights. She stated this Closed Session must be recorded, once in Closed Session all persons in the closed meeting will need to be identified.

**Motion by Murphy second by Dietrich to adjourn the meeting at 10:15 p.m. and go into Executive Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(1) and (3) to develop or consider offers or counteroffers for the potential purchase by the City of a portion of real property located at 1407 80<sup>th</sup> Street and identified by Dakota County Tax ID# 20-00800-51-012 owned by Kurt Rechtzigel, and the sale of a portion of the real property located 1467 80<sup>th</sup> Street, Dakota County Tax ID# 20-00800-51-020 owned by the City of Inver Grove Heights.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Dietrich second by Gliva to adjourn the Executive Session at 10:36 p.m.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Minutes prepared by Recording Clerk Sheri Yourczek