

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JANUARY 11, 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 11, 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 Parks and Recreation Director Carlson.

Present via Zoom Video Conferencing/Phone: Information Technology Manager Gade, Assistant City Engineer Dodge, City Engineer Kaldunski, Public Works Director Thureen, and Associate Planner Botten.

3. PRESENTATIONS:

There were no Presentations.

4. CONSENT AGENDA:

- A.**
 - i.** Minutes from the December 7, 2020 City Council Work Session.
 - ii.** Minutes from the December 8, 2020 City Council Special Meeting.
 - iii.** Minutes from the December 22, 2020 City Council Special Meeting.
 - iv.** Minutes from the December 29, 2020 City Council Special Meeting.
- B.** Disbursements for Period Ending January 5, 2021. **Resolution 2021-01**
- C.** Consider Approval of Rental Licenses.
- D.** Consider Approval of Personnel Actions.
- E.** Consider Approval of Official City Newspaper.
- F.** Consider Approval of Official Depositories.
- G.** Consider Approval of **Resolution 2021-02** Authorizing Electronic Funds Transfer.
- H.** Consider Approval of Operating Manager, Bryan Campbell, for BB Burger Ventures LLC dba B-52's.
- I.** Consider Approval of Plans, Specifications, and Bidding for the VMCC Parking Lot Reconstruction Project - City Project 2020-05.
- J.** Consider Approval of American with Disabilities Act Policies.
- K.** Consider **Resolution 2021-03** Designating Polling Locations for 2021.
- L.** Consider Pay Request #1 and Change Order #1 for Heritage Village Park Phase III Improvements.
- M.** Approve a **Resolution 2021-04** relating to a Variance from the minimum lot size and width standards to convert the vacant building into a duplex for property located at 7535 Cloman Way (Brian Friemann Case 20-49V).
- N.** Approve the following for property located at 11380 Courthouse Boulevard; a) an Ordinance amendment rezoning the property from I-1, Light Industrial to I-2, General Industrial and 2) a Comprehensive Plan Amendment changing the land use from LI, Limited Industrial to GI, General Industrial (Swift Transportation Case 20-51V). **Resolution 2021-05**
- O.** Consider Approval of Operating Manager, Shaun Cieslak, for Northern Tier Retail LLC dba Speedway #4548.
- P.** Consider Approval of Operating Manager, Roxann Poissant for Pilot Travel Center.
- Q.** Consider Contract Amendment with Braun Intertec for Response Action Plan for Heritage Village Park. **R.** Consider Change Order Nos. 7 & 8 and Pay Voucher No. 12 for City Project Nos. 2017-03 - Watermain Improvements 65th Street Loop and 2017-24 - T.H. 3 Intersection Improvements for 65th Street.
- S.** Appointment of Board Member to the Lower Mississippi River Watershed Management Organization (LMRWMO).
- T.** Consider **Resolution 2021-06** Amending Assessment Roll for 2020 Pavement Management Program, City Project No. 2016-09G - 60th St., 62nd St. and Bacon Ave. Street Improvements for the Residential Driveway Restoration Program Participation.
- U.** Consider **Resolution 2021-07** Accepting Proposals and Authorizing Consultant Professional Engineering Services for the Fortistar RNG Expansion at Pine Bend Landfill.

- V.** Consider acceptance of Donation to the Fire Department. **Resolution 2021-08**
- W.** Consider Approval of Pay Application #14 to Jorgenson Construction for 2014-10 Fire Station #2 Construction.
- X.** Consider Approval to Acquire Rescue Boat and Equipment from MN DNR.
- Y.** Consider Approval of Change Order #22 & #23 for 2014-20 Fire Station #2 Construction.

Mayor Bartholomew stated there is a request to pull Agenda Item 4aii.
 Councilmember Piekarski Krech pulled Agenda Items 4ai, 4aii, 4aiii, and 4iv., due to new Councilmembers not being on Council at that time.

Motion by Gliva second by Dietrich to approve the Consent Agenda with the exception of Agenda Items 4ai, 4aii, 4aiii, and 4iv.

Ayes: 5
Nays: 0 Motion carried.

Agenda Item 4aii. Minutes from the December 8, 2020 City Council Special Meeting.

Kelly Kayser, 1953 59th Court East, stated a correction was needed on Page 3 of the minutes, Page 20 of the Council packet. It is the last bullet point beginning with "There is an Employee...Mentor on healthy workplace". It should be changed to "unhealthy" workplace.

Motion by Piekarski Krech second by Dietrich to approve the following Agenda Items including the correction to 4aii as specified.

- i. Minutes from the December 7, 2020 City Council Work Session.**
- ii. Minutes from the December 8, 2020 City Council Special Meeting.**
- iii. Minutes from the December 22, 2020 City Council Special Meeting.**
- iv. Minutes from the December 29, 2020 City Council Special Meeting.**

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

5. PUBLIC HEARING:

A. Public Hearing to consider ordering City Project No. 2021-03 NWA Emergency Pumping Systems and Force Main Improvements for Regional Basins EP-027A and EP-034. Resolution 2021-09

Assistant City Engineer Steve Dodge stated a letter was received today from Mr. Lund that should be accepted into the record. There were some concerns with the basin. Mr. Lund had the following three notes in his letter:

1. There was no end to the encroachment toward his property. This is regarding water from the EP-027A pond.
2. Everyone has been respectful and exceptionally nice, but it comes down to words, truth, and actions.
3. If the City is going to flood and take six plus acres away from his then the City should own it.

Motion by Piekarski Krech second by Murphy to receive the email into the record.

Ayes: 5
Nays: 0 Motion carried.

Assistant City Engineer Steve Dodge gave a presentation on the NWA Emergency Pumping Systems and Forcemain Improvements for Regional Basins EP-027A and EP-034, located near Trunk Highway 3 and 70th Street.
 Project History and Overview:

- This is for systems to be put in place with the Canvas Development.
- Northwest area watershed.
- Protecting deep basins.

- A study was done in 2017 identifying how the deep basins need emergency conveyance mechanisms to take water out of them and through development areas because the water has to go from basin to basin.
- It is a watershed approach.
- Proactive storm management.
- The northwest area storm water manual and Ordinance establishes standards about the high-water line. Development is set and occurs around the deep basins.
- In this system, the feasibility report spelled out the need for a temporary portable pump system with forcemain.
- The system will need to be installed with the Canvas Development.
- The feasibility report was authorized by City Council on November 23rd in conjunction with final plat submittal by the Canvas and Watermark Group.
- December 14th Council received the feasibility report and scheduled this Hearing.
- Notices of the Public Hearing went out to adjacent and nearby properties in the Northwest area.
- Hope to get design completed by February 8th in order to incorporate improvements with Canvas Development plans.

Stormwater Analysis

- EP-027A: Larger basin on the northwest portion of the Canvas site along Trunk Highway 3. 45 feet deep. The natural overflow basin has to go through the future Canvas Development in order to get across 70th Street. There is an existing pipe that will collect the water and take it across to the south side of 70th Street.
- EP-034: On the north side of 70th. Southeast corner of the Canvas Development. 30 feet deep.
- Both have natural overflow.
- The end system for both systems will end up in EP-036A south of Holiday.

Emergency Portable Pump Location and Forcemain Alignment. Option A:

- EP-027A. Mr. Lund’s property adjoins.
 - Existing pond does go on his property. An outlet pipe would have to be provided.
 - Portable Pump.
- EP-034: Similar system would have to put a portable pump in.
 - Would have to have an inlet pipe take water out of the pond.
 - A forcemain would have to be installed.
 - This would have a road going across it called Allen Way.
 - Would have to have equalization pipe for the stormwater on both sides of the road.
 - Also tied into another pond, EP-035B.

Emergency Portable Pump Location and Forcemain Alignment. Option B:

- Same system with exception to the forcemain being run along the backside of the development through greenspace along a pond.
 - Discharge into the 18” pipe already installed, and then under 70th Street to EP-036A.

He stated City Staff and a Consultant have met with the Maintenance Department. The recommendation is to stick with Option A and keep all forcemain pipes in the street for maintenance purposes.

Option Comparison:

- Option A: \$601,600
- Option B: \$10,000 more

Option A from a maintenance and cost perspective is the best option.

Project Funding & Schedule:

- Funding:
 - City Fund 448. Northwest Area Stormwater Fund.
 - Covering over 85%.
 - Watermark Properties (Developer) would pay \$14.5%
- Schedule:
 - Order the project and continue with final plans and specifications.

Assistant City Engineer Dodge stated the recommendation is to hold the Public Hearing. Adopt Resolution Ordering Project No. 2021-03 and Authorizing Preparation of Plans and Specifications.

Councilmember Piekarski Krech stated this did not look like any should go to Mr. Lund’s land. She asked what his objection was.

Tom Lund, 15343 Edinborough Avenue Northeast, Prior Lake, responded the parcel being referred to is located at 6680 Robert Trail, Inver Grove Heights. He brought this up to show how much water would be going onto his property. His pond is beyond the existing pond.

Assistant City Engineer Dodge referenced a diagram and stated two areas show routing of local water from the Canvas Development. There is a storm basin nearby to collect, hold, and infiltrate water. It would be discharged into the larger basin, EP-027A. Stormwater management is being provided by the Canvas Development. The Stormwater Management Plan shows the high-water line of 862.6 for this basin. They are at or below the existing conditions with the proposed conditions for the high-water line of the basin. He stated the City's position with the Canvas Development is maintaining or lowering the regional basin existing conditions because the high-water line is set off the 10-day snow melt. It is not believed the proposed development and regional basin would impact the Lund property any more than existing conditions today.

Mayor Bartholomew clarified that all water coming from the Canvas project and going into the holding pond will not leave that pond. If it reaches the high water mark it would be pumped out. Assistant City Engineer Dodge responded that was correct. The northwest area standards require the Developer do volume control on a five-year storm. The volume control is meant to infiltrate the northwest area.

Mr. Lund asked if they are taking into consideration all the water he is getting from the Robert Trail project and the long stretch of 65th. Due to the pitches of the road a majority of the water would be heading north but was shoved under 65th and directed toward his property. He stated there was a section he calls the Canyon that has only one storm drain. He is concerned about all the water going into his pond.

He stated he has a problem with the high-water mark of 862.6 and was shocked it was that high. He has been there for 26 years and has never noticed it near that height. He commented he spoke with a neighbor who also agreed he has never seen water that high. He stated his barn is located very close to the line for the high-water mark. Measuring from his barn down was 15 feet. He was unsure how water could get that high.

Mayor Bartholomew asked for more information about the 862.6 water mark height and how far it reaches. Assistant City Engineer Dodge responded what Mr. Lund was showing was representative of the high-water figure. That is the 100 year/10-day snow melt under frozen conditions. That is what they look at for the entire northwest area from 2008 until today. It is the standard used on all basins to identify the high-water line. He stated depending on how deep the basin is, and what the development standards would be at what elevation, could they begin developing houses and infrastructure.

He stated he looked at the structures, this would be eight feet down from that. Further than that, the City Engineer would have to respond to other concerns about other projects. He stated the high-water line includes all development up to this point. The emergency pumping system being proposed to go in with the Canvas Development is to ensure they do not go beyond the high-water line mark proposed and impact further land around it.

Mayor Bartholomew asked what elevation they would begin pumping. Assistant City Engineer Dodge responded the full plan is not in place. They would start pumping the water down once it gets to the high- water line and not allow it to go above. It would be pumped down for several days to ensure volume in the event of a large storm coming back-to-back. Within a week it would be down to a normal water line.

Mayor Bartholomew asked about the normal water line and if it was a goal to keep it at that height, or to be proactive or reactive. He asked what point the pump would be turned on to draw water out. He stated the water from the Canvas project will be maintained to stay off Mr. Lund's property. As far as Robert Street and the properties that affect this, he suggests City Engineer Kaldunski and the Engineering Department discuss further with Mr. Lund.

Mr. Lund stated when mentioning the crest, the high point of Robert Street, that is where the commercial building is. The high point was there even before they did construction. It still has the same high point/crest. He was given the indication the only water going down to the catch basin on the west side of Robert. He was told there would never be water coming through the culvert, and if there was it would be little. He stated that was not true.

When it rains, it pours out. He stated the portion he refers to as the Canyon, did not exist a couple of years ago. He stated he believed water had to be filtered before it went anywhere, that is not happening.

Mr. Lund stated the City says it will be taken care of and the next thing that happens is it has already been done and has not been taken care of. He fears that. Mayor Bartholomew stated he would instruct City Engineer Kaldunski and Assistant City Engineer Dodge to review it again, with Mr. Lund, and come back with answers. Mr. Lund responded he has spoken to Staff a number of times and there are good people working here.

Mayor Bartholomew stated they would get answers for him. He asked City Administrator Lynch, City Engineer, and Assistant City Engineer if they could have meetings and dialog with Mr. Lund about his concerns of where the water is coming from to the north. He noted this project is to be maintained at a level and moved off the site, not to the north. He would like to see this take place and requested information get back to the Council about how things are going. Councilmember Piekarski Krech stated there is another resident on Robert Street concerned about water on the property. She asked for coordination because it seems like they are running into the same issue all the time.

Councilmember Piekarski Krech asked Mr. Lund if he felt like the Canvas Development would severely impact his property if the mains ran to the South side of 70th Street. Mr. Lund responded no. He is worried about part of the pond in the northwest corner because he is getting so much water as it is.

Councilmember Piekarski Krech asked Assistant City Engineer Dodge about ponding and if it was deeper on the Canvas site or if the pond was even. Mr. Lund responded it was higher on the Canvas side, they have less water there. The Canvas side does not seem to be as deep as his side. City Engineer Kaldunski responded he has had several meetings with Mr. Lund and is more than happy to spend some time with him. He stated a lot of water being sent in the Emergency Portable Pump location and Forcemain Alignment, follow the natural flow. By moving this project forward, allows to put in the emergency pumping station. The pipe that comes into Mr. Lund's property was a 24-inch pipe before the Highway 3 project and is now a 15-inch pipe.

Mayor Bartholomew asked the City Administrator to follow up with the Engineers and Mr. Lund about the water and level and get back to Council.

Assistant City Engineer Dodge stated they are definitely open to meeting with Mr. Lund and addressing his concerns to the north of the Canvas site. The Canvas Development has already gone through the Planning Department, two Public Hearings, and planning and plat stages. The forcemains and emergency pumping systems is information with the Canvas Development, which is at the final plat stage. He stated they are trying to follow the Canvas Development schedule. He suggested ordering this and they would continue to work with Mr. Lund on his questions to the north.

Bill Nichols, 6302 South Robert Trail, stated the Council is aware of his situation on his 30 acres with the elevation and issues he has had. The Lund and Nichol's properties flooded at the same time two years ago. He stated development is needed in the northwest quadrant of the City. He supports the Canvas Development, which has done everything that has been asked of them. There is not a hill or break between the two ponds. He stated the City is going to spend \$600,000 to emergency pump water at 862 down behind the Holiday Station. Before pumping at 862, they have flooded 6-8 acres of Mr. Lund's land and are within three feet of overflowing the sedge meadow on his land.

Mayor Bartholomew stated he is hearing concern about the elevation height of 862. Mr. Lund responded there has not been water down there in the last 20 years until two years ago. It is at about an 850 level. The assumptions are to spend money to pump and keep it below 862. It has flooded 5-6 acres of farm being leased today. He stated everything the Canvas Development has done has been justified and appropriate for their development. The City needs to control the basins.

Mr. Nichols stated he was a bit irritated that he received two bills on December 31st for two of his parcels, for payment to the City to manage the basins. The City does not own the basins, have access to them, and are not managing them. He stated if flooding the basins, buy them, and control them. He stated what Mr. Lund is trying to tell them is as soon as the dirt is pushed at the Canvas Development, the City will back flood farms that Mr.

Lund is leasing. He invited all Councilmembers, with exception to Mayor Bartholomew who has already visited, to visit and see what they are voting on. He applauded the City for moving forward with the Canvas Development and asked to take care of the landowners.

Councilmember Piekarski Krech asked Mr. Nichols if the plan for EP-27 is enough to keep water off the two properties. Mr. Nichols responded there is not a hill down there, it is likely 12 feet below the 862. There is water down there today. With 30-to-40-foot basins, it could be 10 to 15 feet above that. He stated the City cannot assign density to the area they are going to flood. They cannot flood land they do not own.

Mayor Bartholomew stated the 862 figure seems to be an area of contention for the landowners. He asked if that number could be reassessed if proceeding with the project or if they should hold off until they get an understanding of where the elevation should be.

Public Works Director Scott Thureen suggested presenting a refresher to the Council about the overall Stormwater Management Plan for the northwest area. That is where the elevations come from. If deciding what has been shown in the area has been too high, they would need to step back and look at a larger area. The Canvas Development would have very minimal impact on the basin to the north. The whole purpose of the project is to have a means to facilitate pumping it down if needed. He suggested moving ahead and having further discussion about the overall stormwater management planning for the northwest area. The high-water levels were calculated assuming a certain runoff event, standard for the area. If there is a need to modify that, they can. He stated the expectation was either they are acquired via dedication with development or as the need arises, the City purchases permanent easement over the areas to whatever elevation decided appropriate.

Mayor Bartholomew asked if they should proceed or not proceed with ordering the project. He was hesitant proceeding with the knowledge that 862 could flood property. Public Works Director Thureen responded this was about a potential rare event, putting in a system that would allow pumping. He stated they could set it to pump at a different elevation but need to have better conversation about the system in the area. Mayor Bartholomew asked if they need to explore setting it lower. Public Works Director Thureen responded he did not believe that affects the project being proposed. Mayor Bartholomew asked if they are flexible enough to be able to move the pads down and keep the high water mark lower than what they are currently thinking. Public Works Director Thureen responded with what is proposed with this project, that does not affect what they decide to do in regard to elevation.

Mr. Nichols agreed with the Public Works Director. If the design is pulling from the bottom and keeping it to a maximum of 8 to 862, there is no reason to stop this from going through. They need to plan forward and move with Canvas. He stated he was calling in to support Mr. Lund and let the City know it cannot flood to that level.

Assistant City Engineer Dodge stated in the final design and with further discussion with Council, they can reset the highwater line for this pond and start pumps at an earlier elevation. No adjustments need to be made to the system proposed, except once the water hits a certain elevation. If it is not 862, they can go lower and pump sooner to mitigate impact to adjacent properties. Mayor Bartholomew stated it sounds like we are not locked into a certain elevation and are flexible. Mr. Lund stated he would like to know that number.

Councilmember Dietrich stated she would like to see this go back to Engineering. She was not comfortable voting on it at this time.

Motion by Dietrich second by Gliva to close the Public Hearing at 8:07PM

Ayes: 5

Nays: 0 Motion carried.

Councilmember Piekarski Krech stated holding this up would be a detriment to the Canvas Development. There seems to be flexibility determining the water level but would still need discussion. She did not want to hold up the entire development. Mayor Bartholomew stated he wanted to be certain they have the flexibility, and that Council can say they want a lesser elevation.

Councilmember Gliva asked how long it would take if Council reviewed this again. Mayor Bartholomew asked if it would be beneficial to send this back for rework, and when would they get an answer and see it in front of Council to order the project. Assistant City Engineer Dodge responded in 2006 when the original northwest standards were in place, it was set close to these elevations. A 2017 study reinforced that. They were looking at following the northwest area standards approved in 2006 and making sure they had the emergency conveyance mechanisms to move water up hill from deep basin to deep basin. He stated they can work with the Canvas Development, property owners, and City Engineer Kaldunski. They would come back on February 8th with a final design that incorporates what they worked out with the landowners and get Council authorization and approval for final design.

Councilmember Dietrich stated she saw this go very bad with water at the STOR facility on Highway 3. There were supposed to be conversations and meetings, those did not happen as intended. She was uncomfortable seeing this go forward unless the Council is included in the email, knows conversations are taking place, who is in charge, and can see it in black and white. Assistant City Engineer Dodge responded they could provide a Council update during final design. Mayor Bartholomew agreed with being included.

Mayor Bartholomew stated there is a Resolution ordering the project. Updates on the project would be given and come back for final design approval on February 8th.

Councilmember Murphy stated Assistant City Engineer Dodge gave Option A and Option B in his presentation. He asked why two options. If Mr. Lund was worried about future impact to his property, he questioned if either option would make a difference. Assistant City Engineer Dodge responded the only difference between the two options would be EP-34 and how its routed. It does not impact Mr. Lund. EP-27A is to the north, that system will stay the same with Option A or B. EP-34 would change. They recommend Option A, keeping all systems in the City right of way for maintenance purposes.

Councilmember Gliva clarified, in deciding to approve today, if on February 8th the Council could still decide this does not work. Mayor Bartholomew asked the Assistant City Engineer if they would see the final design before getting final approval. Assistant City Engineer Dodge responded that was correct. They will keep the Council apprised.

Mr. Lund stated in his letter he discussed Robert Street and 65th Street and asked how those issues would be addressed. Mayor Bartholomew responded the City Engineer and Assistant City Engineer would get back to him. City Engineer Kaldunski responded they would definitely have a meeting. He stated they have an open project on that meeting, if there is work that needs to be done in addition to what is out there, they have a Contractor on board.

Motion by Piekarski Krech second by Murphy to approve the Resolution 2021-09 to consider ordering City Project No. 2021-03 NWA Emergency Pumping Systems and Force Main Improvements for Regional Basins EP-027A and EP-034 with the understanding it comes back for final approval, full knowledge of all meetings, progress, and with conditions as stated.

Ayes: 5

Nays: 0 Motion carried.

B. Continue Public Hearing to Consider a Resolution Ordering Project, Receiving Amendment No. 1 to the Feasibility Report, Accepting Professional Engineering Services Proposal IPO 28B from Kimley-Horn, Authorizing Preparation of Plans and Specifications, and Authorizing Land Acquisition Services for City Project No. 2016-13 - Cahill Trunk Drainage Improvements. Resolution 2021-10

Assistant City Engineer Dodge stated this is a continuation of the Hearing regarding City Project No. 2016-13 Cahill Trunk Drainage Improvements project. A Hearing was held on December 14, 2020 and a couple of questions arose. They worked with property owners to answer those. He began with Project History and Overview of the Project:

- In 2015 there was a Carleda project in conjunction with other projects. On Cahill Avenue at Carleda, there was some localized flooding that may occur, and the water could overflow into the Carleda area. 64th Court is where some of the water ends up.
- Once this was determined, the project was put on hold. A drainage analysis was done, and solutions were discovered for the localized flooding.
- Funding mechanisms were determined, proposing to be funded through the Pavement Management Program.
- The project was moved forward in conjunction with the Carleda reconstruction project.
- They wanted answers to the stormwater and flooding concerns in the area before completing the Carleda project because it could affect the street design of the Carleda project.
- Feasibility was updated on November 9th, 2020.
- A Public Hearing was held on December 14th.

Stormwater Analysis (Existing Conditions):

- 64th Court is off of Carleda. The whole area can develop isolated flooding. The stormwater system 36-inch pipe, cannot handle the capacity when water comes off Cahill in a 100-year storm.
- There is also an existing pipe on the south side. 33 inches. Both pipes are undersized for the system and is why some of the localized flooding occurs.

Stormwater Analysis (Proposed Conditions):

- Three identified alternatives were reviewed to address flooding:
 - Option A: Carleda Way and Cahill Avenue trunk storm sewer connection and upsizing.
 - Option B: Upsize storm sewer from 64th Court to Bohrer Pond system.
 - Option C: Stormwater pond construction. (Recommended option).

He stated the first two options are complicated and expensive. Option C is existing low-lying undeveloped properties owned by the Mitcheltrees on the south side of Carleda. The existing storm system goes through the area. A structure was installed in order to take water in or back up water onto the properties if the undersized system backs up. An easement over three parcels was obtained in the past. Option C is recommended because it is the most feasible.

Amendment No. 1 to the Feasibility Report:

- Based off the continuance of the Public Hearing and addressing concerns brought up.
 - One concern was property acquisition. The original feasibility shows two vacant lands and part of the back lot of an existing home and lot.
 - The orange rectangle property on the diagram shown, is the area the Mitcheltree families had issues with. He stated they viewed that with the City Attorney's office and modified the design to make sure the existing conditions and proposed conditions match or are better.
 - The model shows they have lowered the water slightly for the high-water line mark.
 - Modified the pond to make sure they do not make any further encroachment onto the orange highlighted parcel.
 - Match existing conditions. The yellow lines are the construction limits. They stay on undeveloped property and do not go onto or disturb any of the orange rectangle property.
 - They no longer have an interest to impact the property.
 - Do not need easement.
 - Are not impacting the orange rectangle property. Calling it the gap parcel.

Proposed Stormwater Pond Improvements:

- The 64th Court area goes down to the proposed high-water line. Everything stays on the street and right of way of 64th Court and goes through the existing 33-inch storm system that goes through side yards and out towards Bohrer Pond.
- Proposed and existing stay the same for the three properties. Constructing the pond deeper. The system is better in each condition up to a 100-year storm.
- Alleviates the 64th Court flooding issue.
- Keeps the system existing and proposed match for the high-water line.

Project Cost and Easement Acquisition:

- Estimated at \$478,000.
- Funding will be from the Pavement Management Program.
- Permanent easements on the three properties mentioned.
- No vested interest in anything south of the two vacant lots.

- Met with Mr. Mitcheltree last week.
- From an Engineering perspective, they have a large regional watershed drainage concern with flooding of Carleda and 64th.
- There are two low lying vacant lots that could be part of the solution.

He recommends for public health and safety to move forward with the project. They have worked closely with the Mitcheltree families. They are not saying they want to accumulate, through land acquisition, both lots in full. He stated the City has tried to address the families concerns, one of which is retaining as many trees as possible around the property. The design has been altered to do so. He stated everyone is doing what they can to make compromises. He finds the project feasible and necessary.

Project Schedule:

- Unlikely the project will launch before fall.
- Carleda project would have to be done in the same timeframe.
- Looks to be a Spring 2022 project.
- Pond could possibly be done in the fall.

Assistant City Engineer Dodge recommends Council hold the Public Hearing and pass the Resolution.

Mayor Bartholomew asked why the configuration of the line juts out a bit toward Cahill. Assistant City Engineer Dodge responded construction limits are in the yellow dashed line and stops before that. They are minimizing the easement area and lowering the pond by constructing down. He stated they have done an environmental Phase 1 to help understand what was taking place. The report came back that any contaminants found were low level, and mostly construction and fill material debris, which is easily disposed of. He responded about the hammer type configuration stating they are following existing contours and conditions. They are not constructing out to that point.

Gregory Mitcheltree, 6399 Cahill Avenue East, stated there are multiple owners for the land. Diane Knuckey is one of the owners and is the owner of the two parcels the City is planning to do the easements on. He commented they had a family discussion, and a majority of landowners would rather not have this go forward. It was his Grandfather's land. He stated his mother, Diane Knuckey, is 78 years old and has been stressed about this issue. She rather this not go through. Other family members are willing to work with the City. He is about 50/50, as well as his brother. His sister-in-law prefers this not go forward.

Councilmember Piekarski Krech asked if Mr. Mitcheltree was referring to the property located at 6399 Cahill or the properties off of Carleda Way. Mr. Mitcheltree responded the two lots. There are no homes, they want to maintain it as woods. Councilmember Piekarski Krech stated the piece located between the two properties is the piece nobody owns. Mr. Mitcheltree responded they just discovered that last week. He has spoken with an Aunt who was not aware of it either. The family would have to pull the records and Deeds for further information about that strip.

Assistant City Engineer Dodge stated the orange rectangle is the parcel being discussed with ownership being unclear. The two empty lots north have family history. He stated it was Council's decision on whether to take the recommendation and move forward with the project and work through the eminent domain process with the owners. They are working with the family to acquire easement where needed including the Blaisdell property. This would help save trees as much as possible. He stated the pond is being designed as a dry pond and would only accumulate water for short periods of time and release into the existing stormwater system. It would be dry until the next stormwater event.

Councilmember Piekarski Krech asked if there was water in the location and if they were creating a pond. Mr. Mitcheltree responded Assistant City Engineer Dodge told him they did not want a wet pond. They just want to maintain the land. He asked if going toward the easement, why they cannot have the water run onto the land without destroying trees. He stated there are a lot of deer and turkey in the area. He asked why they need to have an easement and why the water cannot be allowed to go in and drain naturally.

Assistant City Engineer Dodge responded the green line that goes around the blue area is existing and proposed 100-year water. In proposed conditions they maintain at or below the existing conditions high water line. It was to impact as little as possible. They have done that with this design. He stated the City needs to get easement. They have to work with the City Attorney and landowners because once designated as a City dry pond, the City would maintain it. There is liability. They want to hold the Mitcheltree families harmless because it would be a

City pond and need to do that by easement and Agreement. It is a legal method to acquire and purchase in order to have a designated City pond.

Councilmember Piekarski Krech asked Mr. Mitcheltree if his Mother would be upset by this because the City would have an easement and some trees would have to come down. Mr. Mitcheltree responded they are taking a lot of trees. His Mom is worried it would affect the animals and create a huge gap. She was also worried about the driveway and garage.

Assistant City Engineer stated the City is not disturbing anything outside of the two empty outlots. They are not touching the driveway, trees near the driveway, or outside of the yellow dashed line. He commended Mr. Mitcheltree for being the family Liaison and being easy to work with. The City feels it is a successful project because they have worked well together and have come up with the best compromise. The only exception would be the trees by the road. By Ordinance, trees are not supposed to be in the right of way. The trees are existing, some would be taken away. Those in the low area are either dead or undesirable. He stated it was shared with the Mitcheltree family that the City would be willing to consider bushes or native vegetation in the area. Suggestions are welcome, but they would not be putting trees back in.

Councilmember Murphy asked which driveway and garage his Mom was worried about. Mr. Mitcheltree responded the driveway is where the partial area is. There used to be two driveways.

Councilmember Piekarski Krech stated Mrs. Knuckey’s property, 6399 Cahill, is not listed as being a part of this. Mr. Mitcheltree responded his Grandfather had three kids. When he passed away, he gave the land to the kids. His Aunt is not on the paper because his mother pays the taxes. Councilmember Piekarski Krech stated his Mother is concerned about the property she currently lives on, but according to what she is seeing, none of this project is going to affect her property. There will be no construction or easements.

Kelly Kayser, 1953 59th Court East, stated her objection to the manner this project is being funded out of Pavement Management. It is going to non-pavement. She suggested forming a collaboration and coming up with new ways to determine these in the future, so they do not have to use pavement funds for drainage issues.

Motion by Piekarski Krech second by Gliva to close the Public Hearing at 9:00PM

Ayes: 5

Nays: 0 Motion carried.

Mayor Bartholomew stated the request by Staff is to approve a Resolution ordering the project and proceeding with land acquisition, feasibility, and accepting professional services from Kimley Horn. Assistant City Engineer added it also includes receiving Amendment #1.

Councilmember Piekarski Krech stated it is a water issue Staff suggests being done. They are not changing drainage; they are formalizing what already drains and making sure it is maintained. She empathizes with his Mother, but they are not really changing the property. Mayor Bartholomew agreed and stated they would be taking out dead growth, putting in high grass, and keeping it as a dry area rather than wet. It could be an improvement to the property with more animal activity. Doing this resolves the water issue and keeps it in a dry state. He stated if working with the landowners, keeping the tree cut to a minimum, and planning is something the family can agree on, he would be in support. It would be a win for the City and a win for landowners. Councilmember Murphy agreed and stated not much is being changed. He feels they do a great job compromising. He believes it is a win for the neighborhood.

Motion by Piekarski Krech second by Gliva to approve the Resolution 2021-10 Ordering Project, Receiving Amendment No. 1 to the Feasibility Report, Accepting Professional Engineering Services Proposal IPO 28B from Kimley-Horn, Authorizing Preparation of Plans and Specifications, and Authorizing Land Acquisition Services for City Project No. 2016-13 - Cahill Trunk Drainage Improvements.

Mayor Bartholomew suggested negotiating in good faith with the property owners to come up with agreeable plantings and aesthetics.

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

6. REGULAR AGENDA:

Administration:

A. Consider Appointing a Council Member to serve as Acting Mayor for 2021.

City Clerk Rebecca Kiernan stated an Acting Mayor is appointed each year. She requested a Motion be made appointing a Mayor and an alternate.

City Administrator Joe Lynch stated the Acting Mayor serves in the absence of the Mayor in case of illness or inability to attend the meeting. It has been rotated but have also appointed an individual to serve in that capacity for the entire year. A decision would need to be made on one action or the other. He stated if an individual is chosen, to also name someone as an alternate in the event the person is not able to serve as the Acting Mayor.

Councilmember Piekarski Krech suggested they go back to the rotation. If two people are not in attendance, a lot of times they could not have a vote because there were not enough in attendance. Mayor Bartholomew asked if it would rotate by seniority. Councilmember Piekarski Krech responded the first time the Mayor is gone it would be one person, the second time it would be another. Mayor Bartholomew stated for example, the first time it would be Councilmember Piekarski Krech, then Councilmember Dietrich, then Councilmember Murphy, and due to the Election count, Councilmember Gliva.

Councilmember Murphy responded he was uncomfortable with this method because he was unsure how much was involved. He felt he would need more experience to sit in the role. He was comfortable naming #1 and #2.

Councilmember Gliva stated she felt more comfortable naming someone and that it felt odd rotating a Mayor. She felt it should be #1 and #2.

Mayor Bartholomew asked if Councilmember Piekarski Krech should be #1 and Councilmember Dietrich be #2.

Councilmember Gliva suggested with Councilmember Dietrich running for Mayor, and the leadership and support gained in the Community, she be first with Councilmember Piekarski Krech as the second.

Councilmember Murphy stated it made sense to him to have the second highest vote recipient sit in the seat first.

Councilmember Dietrich stated she would be honored.

Mayor Bartholomew stated Councilmember Dietrich would be acting Mayor with Councilmember Piekarski Krech as the alternate.

Motion by Murphy second by Gliva to appoint Councilmember Dietrich as acting Mayor with Councilmember Piekarski Krech as the alternate.

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

B. Consider Appointing Council Members to serve on Member Commissions for 2021.

Mayor Bartholomew stated the City Administrator sent out a list of Member Commissions. Councilmember Piekarski Krech stated the Yellow Ribbon Committee and the Energy Group were missing from the list.

City Administrator Lynch described the positions stating they are in need of a designated individual with an alternate. If the designated is unable to attend, they have someone who can represent the City. To note, in addition to the Yellow Ribbon and the Performance and Energy Group, there is a Police Foundation that was just formed. The purpose of that group is to support Fundraising efforts for K9 services and outreach effort for youth

in the Community. He stated they were looking for the Mayor to be a member of that group. It will consist of business owners and Community representatives, as well as the Mayor.

He stated for the Cable Commission, former Mayor Tourville represented the City as the Elected Official for over 20 years. The Commission and Executive Director Jodie Miller has asked the City to consider appointing Mr. Tourville as the Citizen Representative. The current Citizen Representative, Skip Jackson, is retiring and does not wish to serve on the Commission. This group needs a Citizen Representative and an Elected Official.

Councilmember Piekarski Krech stated she would be willing to be on the DCC. Councilmember Murphy accepted the suggestion of the Mayor to be on this Committee as an alternate.

Councilmember Piekarski Krech stated she would also be willing to do the Fire Relief Association. Councilmember Gliva volunteered to be the alternate.

Councilmember Murphy stated after reading through everything he is happy to serve where needed.

Mayor Bartholomew suggested for the DCC, the Designate be Councilmember Piekarski Krech with the Alternate being Councilmember Murphy.

Mayor Bartholomew stated for the Fireman Relief Board, it would be Councilmember Piekarski Krech and Councilmember Gliva as the Alternate. City Clerk Kiernan stated they need to designate a third appointment. Finance Director Amy Hove has normally been on the Committee if Council wants her to continue. Mayor Bartholomew stated Finance Director Amy Hove would be added/kept on the Fireman Relief Board.

Councilmember Dietrich asked the Mayor what his preferences were. Mayor Bartholomew responded the Mayor and Manager Group and the Mayor Association Group. He is willing to step in with anything else lacking input. He suggested Councilmember Dietrich be alternate in both groups. Councilmember Dietrich agreed.

Councilmember Dietrich stated if nobody were interested, she would like to be on the Municipal Legislative Commission. Councilmember Gliva agreed to be on this one as well. Mayor Bartholomew stated Councilmember Dietrich would be the Representative with Councilmember Gliva as the alternate.

Councilmember Murphy asked for more information on the new group that dealt with K9's. City Administrator Lynch responded it was the Police Foundation. A 501c has been formed. The Board would consist of a local business owner, the Mayor, the Police Chief, and two Community Representatives. This helps oversee Fundraising efforts for the K9. They receive donations to help pay for food, training, and cost for the Police Officer to keep the K9, as well as outreach efforts for the youth. He stated they were looking for the Mayor to be on the group.

Mayor Bartholomew asked if Councilmember Murphy was willing to be the Alternate. Councilmember Murphy responded yes. Mayor Bartholomew stated he would be the Representative as requested by the Police Chief and the alternate would be Councilmember Murphy.

Mayor Bartholomew asked if it was appropriate for the alternate to attend along with the representative. City Administrator Lynch responded the representative becomes involved with the group and becomes somewhat of an expert. Having both would not be a bad thing but makes the group larger.

Mayor Bartholomew mentioned the Chamber of Commerce Local Issues. Councilmember Gliva stated she would be interested. Councilmember Murphy said he could do this if needed. Mayor Bartholomew stated the Chamber of Commerce meets the second Thursday of every month.

Councilmember Dietrich stated she was interested in the Noise Oversight Committee. Mayor Bartholomew stated he could be an the alternate.

Mayor Bartholomew stated the Deputy Weed Inspector was not on the list. Councilmember Piekarski Krech stated the Mayor gets to do that.

Mayor Bartholomew suggested discussing Dakota Broadband. City Administrator Lynch stated the group has been in existence for about 1.5 years. It is the organization responsible for oversight of public broadband efforts to get a system in place to provide service, so they are not only held to Comcast delivery. He stated it is a Public Service fiber, not a Private to Household fiber. It connects schools, hospitals, clinics, City Halls and City Buildings. Mayor Bartholomew stated this holds one meeting a month, on the second Wednesday. City Administrator Lynch stated IT Manager Marc Gade is on the Executive Committee. The Elected Official sits on the Board. Mayor Bartholomew stated he would be on this group.

Mayor Bartholomew stated there is the NDC Cable Commission. Councilmember Piekarski Krech offered to be on this Commission. Mayor Bartholomew stated it was recommended appointing a Citizen by Jodie Miller to replace Skip Jackson. She suggested George Tourville. Councilmember Piekarski Krech stated George Tourville has the experience. Mayor Bartholomew stated the former Mayor brings historical knowledge and would be a good fit. He stated Mr. Tourville did a lot of hard work bringing Comcast to work with the City. This group renews every year. Councilmember Murphy asked if it was known if George Tourville wanted to do it. Mayor Bartholomew responded Ms. Miller asked and Mr. Tourville is interested.

Mayor Bartholomew asked what Staff was on the Energy Group. City Administrator Lynch responded Community Development Director Heather Rand and Environmental Specialist Ally Sutherland. City Administrator Lynch stated it is a short time group formed as part of an effort to look at energy use and savings in the City and Community. Working with Xcel, a Grant has been provided, a study has been done, and recommendations on what the City could do from an operations standpoint in the Community. For example: Solar panels on the Community Center and the Energy Savings Systems in the VMCC. They are automated rather than manual.

City Administrator Lynch stated the Yellow Ribbon Committee is a group made up of volunteers who organize efforts for current or former Veterans. Those that are serving and have service needs such as sidewalks shoveled, or yards raked. For former Veterans facing hardships, cannot repair homes, or may need a deck replaced. It is a once a quarter meeting. Staff taking part in this group: A Police Representative, Fire Department Representative, HR Manager Janet Shefchik is temporary Chair. They would like to try to get a resident or a Veteran, or a spouse of a Veteran.

Mayor Bartholomew stated he would take a position with the group. His son is a Service Member/War Veteran.

Mayor Bartholomew stated the list is as follows:

- Dakota Broadband: Mayor, IT Manager Marc Gade
- Dakota Communications Center: Piekarski Krech. Alternate: Murphy
- Municipal Legislative Commission: Dietrich, Gliva
- Chamber of Commerce/Local Issues: Gliva, Murphy
- NDC Cable Commission: Piekarski Krech, Citizen Representative George Tourville
- Mayor Manager Group: Mayor, Dietrich
- Mayor Association: Mayor, Dietrich
- Noise Oversight Committee: Dietrich, Mayor
- Fire Relief Board: Piekarski Krech, Gliva, Staff Representative Amy Hove
- Yellow Ribbon: Mayor
- Energy Group: Community Development Director Rand, Environmental Specialist Sutherland, Gliva
- Police Foundation: Mayor, Murphy

Motion by Dietrich second by Piekarski Krech to Appoint Council Members to serve on Member Commissions for 2021 as follows:

- **Dakota Broadband: Mayor, IT Manager Marc Gade**
- **Dakota Communications Center: Piekarski Krech. Alternate Murphy**
- **Municipal Legislative Commission: Dietrich, Gliva**
- **Chamber of Commerce/Local Issues: Gliva, Murphy**
- **NDC Cable Commission: Piekarski Krech, Citizen Representative George Tourville**

- **Mayor Manager Group: Mayor, Dietrich**
- **Mayor Association: Mayor, Dietrich**
- **Noise Oversight Committee: Dietrich, Mayor**
- **Fire Relief Board: Piekarski Krech, Gliva, Staff Representative Amy Hove**
- **Yellow Ribbon: Mayor**
- **Energy Group: Community Development Director Rand, Environmental Specialist Sutherland, Gliva**
- **Police Foundation: Mayor, Murphy**

Ayes: 5

Nays: 0 Motion carried.

C. Parks and Recreation Director Replacement Discussion/Decision.

City Administrator Lynch stated it would be in the best interest to consider an Interim person in the role to help the Parks and Recreation Department. To replace the position, he provided positives and challenges. Interims have been done from inside and outside. Funding would come out of normal Budget 2021 categories. Park and Recreation Director is not in just one category, some comes out of Parks, Recreation, VMCC, and City Facilities. Utilizing the services of someone part-time rather than full-time would save money in the 2021 Budget.

He stated further discussion would be needed later about the City Administrator, Public Works, and Parks and Recreation. If doing an outside search, it would be a three-to-five-month process. The individual would need to cover a three-to-four-month timeframe. He recommends Council direct him to meet with the perspective individual, work out details as a part time Interim Parks and Recreation Director, return to Council with a proposed term and condition, possibly by January 25th. He stated the Parks and Recreation Director will be done on Friday, January 15th. Staff is in place to fill the gap.

Mayor Bartholomew stated the City Administrator is contemplating interviewing someone who may be interested in an Interim position. City Administrator Lynch responded that was correct stating the Parks and Recreation Director and himself consider an individual that has a wealth of experience of over 25 years at a very high level. This was in a larger organization than the City of Inver Grove Heights. Mayor Bartholomew asked if the Council would receive prior knowledge before the meeting to understand the individual, see the credentials, and determine if this were something they would approve. City Administrator Lynch responded he would provide the Resume.

Councilmember Piekarski Krech commented it would just be temporary, it was not a person looking to fill the position. City Administrator Lynch responded correct. It would be three to four months, the individual is retired and not interested in returning to full time work.

Councilmember Gliva asked if there were fees involved with recruiting or if this individual was already known. City Administrator Lynch responded both himself and the Parks and Recreation Director know the person. There are no fees or recruitment costs.

Mayor Bartholomew asked how much time the Council would have to be able to personally vet the individual. City Administrator Lynch responded if considering this at the January 25th meeting, the Thursday prior, when Agenda materials are put together. As an employee, a background check would have to be run on the individual. They should have no problem passing. He stated information could be shared at the beginning of that week. Mayor Bartholomew responded the earlier the better.

Councilmember Dietrich stated outside of the recommendations received in the packet, to consider doing a Consultant in the position for an Interim period of time. Also utilizing the Commissioner's, they have, such as the Chair of the Parks and Recreation Commission who has a good purview. She suggested they have input in vetting someone. She commented she would hate to see those resources untapped. Councilmember Piekarski Krech asked if she was talking about a Consultant filling in for the Parks and Recreation Director. Councilmember Dietrich responded yes, she would like to have a conversation to have a Consultant do that, and vet whoever comes forward, and have at least the Chair of the Parks and Recreation Commission included in the process.

Mayor Bartholomew asked for clarification. Councilmember Dietrich responded she would like another option from the recommendation received. Have a Consultant do this and explore. She requested knowing the fees. She stated this sounded like someone known and would like to open it up a bit.

Mayor Bartholomew asked if the Council would be willing to entertain the individual, look at doing the vetting, and getting input from the Chair of the Commission. Councilmember Dietrich responded yes. Councilmember Piekarski Krech stated the Chair runs the meetings, she would not give the Chair anymore credence than the rest of the Commission.

Councilmember Gliva asked why they would not just find someone and make do in the meantime. It has been stated they have the Staff. She believes stopping and starting may be difficult. Councilmember Piekarski Krech responded there is land acquisition going on, moving forward with northwest area parks, and possibly more landowners coming forward negotiating properties. Staff is capable, but they have not been dealing with those things. She stated someone needs to be at that level to make sure those things get done. She is sure the Staff is capable but was concerned with not having someone who knows Parks and Recreation rules and regulations. Councilmember Dietrich stated the City Attorney could deal with the legalities. City Attorney Bridget McCauley Nason responded she could speak to the legality of issues, not the operation side.

Mayor Bartholomew stated there are three alternatives:

1. Proceed and explore the recommendation from the City Administrator and look at the candidate for part-time/interim at the approval of the Council.
2. Hire a Consultant to fill the gap with information from the Park and Recreation.
3. Make do with what we have on hand in terms of Staff. For example: Administration and Attorney's.

Councilmember Piekarski Krech stated hiring a Consultant involves getting an RFP out, which takes time. The current Parks and Recreation Director leaves next week. She would rather, if getting the name and vetting, do the background check of the person known. It comes down to timing, if wanting to keep moving forward or halt the process. Mayor Bartholomew stated it was a good alternative. The Council would look at the individuals name to see if it would fit. This gives room to the get the jobs RFP started.

Councilmember Murphy asked if the individual has experience with the Community and would have the same authority and responsibility that Parks and Recreation Director Carlson did, but on a temporary basis. City Administrator Lynch responded the individual has not worked in our City but has been a Parks and Recreation Director in a number of Organizations including one larger than ours. There are some higher-level processes and projects in place, such as land acquisition, park design, park comprehensive plan, South Valley Park Design, that the Parks Superintendent would continue to oversee. The Recreation Superintendent would continue to oversee the daily operations of the Recreation and VMCC Staff. This position would be part-time, a limit of 20 hours a week, at the higher level in consultation with himself and the City Attorney on the legal aspects and finer points of the operations for considerations and policy.

Councilmember Murphy stated he would be in support of the path that does not slow them down.

Mayor Bartholomew asked if there was Council consensus on having the City Administrator share the name as soon as possible so they can vet and have it on the Council on the 25th and then decide whether they want the individual or not.

Councilmember Dietrich stated there is still a question about a criminal lawsuit against the City Administrator that she has not been updated on. When the Separation Agreement was done, it was said he would not be in any hiring or firing capacity. She stated this was the first she has heard that the City Administrator has someone in mind. She asked why they did not know this before. She stated the individual may be well qualified, but she has concerns about how they came about.

Parks and Recreation Director Eric Carlson stated he contemplated what would happen as he accepted a new position and what the organization would look like after he leaves. He came to the conclusion the City consider an Interim Parks and Recreation Director between the time he leaves next Thursday and the time someone is in

place. That could be a three-to-six-month timeframe. He suggested to the City Administrator to hire an Interim and that he had someone in mind, someone he had worked with throughout his career and holds in high regard. He stated other City people would hold him in high regard as well. Parks and Recreation Director Carlson stated if not hiring an interim Parks and Recreation Director and ask existing Staff to take their roles and the Parks and Recreation Director’s duties, he felt a lot would get dropped. Not because they will not try or are not capable, it is because they do not have enough time or experience to do it successfully. He highly suggests hiring an Interim Parks and Recreation Director until the permanent situation is determined.

Motion by Piekarski Krech second by Murphy to get the information on the replacement Parks and Recreation Director as suggested by current Parks and Recreation Director Carlson, vet the individual, and place the item on the January 25th regular City Council meeting for a decision.

Councilmember Murphy asked if this precludes them from taking other avenues in the future.

Ayes: 4

Nays: 1 (Gliva) Motion carried.

D. Review Plans for South Valley Park Master Plan Improvements.

Parks and Recreation Director Carlson discussed the plans for South Valley Park Master Plan Improvements: North/South Valley Park Timeline:

- Updated Master Plan for North/South Valley Park in 2017 with Community and PRAC input.
- Council adopted the Master Plan in 2018.
- North Valley Pickleball Courts were constructed in 2019.
- Hire HKGI to develop South Valley concepts in 2019.
- South Valley Park concepts were approved in 2020.
- Apply for MN DNR Outdoor Recreation Grant in 2020. Received a \$250,000 Grant.

South Valley Park Improvements: Proposed and partially funded by the Grant:

- Playground equipment replaced with nature themed equipment.
- Building replaced to improve Community event capabilities and allow for larger variety of private rentals.
- Provide additional parking.
- Provide for ADA accessible trail access.
- Small performance area for recreation programs.

North Valley Park Pickleball Courts

- Very popular.
- Well received by Community.
- Heavily used.

South Valley Park Site Plan

- Playground equipment would have a new location.
- Path with a set of stairs to get from the area and the parking lot.
- Also has an accessible path.
- Sliding hill would stay.
- Expanded parking lot with an additional 28 stalls. Toward Well House located at the end of the parking lot.
- Future building:
 - Designed so all doors can be opened and would be a wide-open picnic shelter.
 - On inclement weather days the doors can be shut.
 - Kitchen area. Does not include refrigerator or stove/oven.
 - Picnic tables underneath shelter.
 - Unisex restrooms.
 - Small mechanical room.

South Valley Park Potential Funding:

- Project estimation: \$2.3 million dollars
- Funding:

- Grant from the DNR for \$250,000
- \$2 million dollars from the Parks Capital Replacement Fund
- \$50,000 - \$75,000 from the Parks Acquisition Fund. Pays for new portion of parking lot.
- Parking lot due for replacement. Pavement Management Fund.
- Water and Sewer Fund. For water and sewer work. Currently septic system served. Looking to connect to City sewer system.
- Next Steps:
 - Sign Grant Agreement documents once they are available. This has not been signed yet. The reason is because the money is coming from the Federal Government, going to the State, and then coming to the City.
 - Hire HKGI to develop plans and specifications. This would be brought back before the Parks Commission and Council for authorization to go out to bid.

Mayor Bartholomew stated he does not like the overhead doors. They could be dangerous. He suggests rethinking those. Parks and Recreation Director Carlson responded they have been successful in other park situations. Staff could look at alternatives. Accordion could be another option.

Councilmember Gliva asked if the baseball field would still be there. Parks and Recreation Director Carlson responded that would be completely removed. She stated when she walks by, she sees kids playing baseball there. Parks and Recreation Director Carlson responded they would relocate any use it currently gets. From a user standpoint, they can afford to lose a field and still be fine.

Councilmember Murphy asked what the balance in the Capital Replacement Fund was. Parks and Recreation Director Carlson responded at the end of 2019 it had a balance of \$1.9 million dollars. By the time construction happens to this area, late 2021, or 2022, there will be sufficient funds. There are not other planned projects in 2021 or 2022 due to this project.

Parks and Recreation Director Carlson stated there was nothing to approve but wanted to update before the next Agenda Item.

E. Consider Approval of Contract with HKGI for Preparation of Plans and Specifications for South Valley Park Master Plan Improvements.

This item was addressed in Agenda Item 6D.

Motion by Murphy second by Piekarski Krech to approve a Contract with HKGI for Preparation of Plans and Specifications for South Valley Park Master Plan Improvements.

Ayes: 5
Nays: 0 Motion carried.

A short recess was taken by Council at 10:03 p.m. Meeting was back in session at 10:08 p.m.

Community Development:

F. PABLO CASTELLANOS - Consider a variance to allow a solid fence 48-inches in height located in the corner front of the property located at 7051 Arlo Way (tabled from December 14, 2020). Resolution 2021-11

Associate Planner Botten stated the request is for property located south of 70th Street on the corner of Arlo Way and Archer Trail. It is zoned PUD (Planned Unit Development District). This item was tabled at the December 14th meeting due to technical difficulties and inability to see the revised fence type the Applicant was requesting. She stated the original request was for a solid 48-inch-high fence located in the corner front property. The Applicant has withdrawn the one Variance dealing with opacity. Applicant is currently in compliance with the proposed picket fence.

She stated the Variance is for the height. The Applicant is asking for 48-inch-high fence, where the maximum height is 42 inches within the corner front yard setbacks. The fence would be located about 18 feet from the curb and 80 feet from the closest intersection. The abutting property from the rear has their driveway about 27 feet from where the fence would be located. That property owner submitted an email stating they are in support of the Applicant's request.

Councilmember Piekarski Krech asked why 42 inches stating last time the Applicant said they could not get that size fencing. She asked what the rationale was behind 42 inches. Associate Planner Botten responded that has been the Code requirement for as long as she has been with the City. She believed the 42-inch height is still available but may not be due to COVID. The more popular height is 48 inches. She stated the 42-inch height may have been due to vehicle height, but now more vehicles are taller. Councilmember Piekarski Krech asked why they are requesting 48 inches. Associate Planner Botten responded it was due to not being able to get the 42-inch height fence. They are going to be increasing the height to six feet once they are out of the setback area.

Councilmember Gliva questioned if approving means they are opening themselves up for more Variances. She asked if that did not mean it should go back to a process to change it. Mayor Bartholomew responded it sets a precedence. Councilmember Piekarski Krech stated in this instance 48 inches will not be a problem, but it may in other instances with a front yard. She commented that was why she was questioning it in the first place. The extra six inches could be a problem for site and visibility.

Mayor Bartholomew stated he does not see a practical difficulty and cannot support the Variance. He understood the product may not be available, it will be available in time. Councilmember Dietrich agreed and stated that is the protocol and needs to be followed.

Juan Pablo, 7051 Arlo Way, stated he has reached out to five different companies, everyone says the same thing, that he needs to prepay because it is a preorder and is never given a date. He commented for the amount of money they are paying for the property, they cannot put up a fence to prevent children from running in the street, or their dogs from being attacked by animals. His neighbor was fine with the picket fence option. Mayor Bartholomew stated by Ordinance, a practical difficulty is needed as to why they would allow a Variance to the Ordinance. If not doing that, others may follow with the same request.

Mr. Pablo responded he felt it was based on scenario. Maybe in a different area it would be a big issue. He stated he heard letters were sent out in the neighborhood, nobody was against it. He would go with the 42 inches if the City could find a company, he could get it from. He stated cars go 40 miles per hour on his road and there is not a speed limit sign anywhere in the neighborhood. Councilmember Piekarski Krech stated there is a standard speed limit on City streets, it is 30 miles per hour.

Councilmember Dietrich stated the discussion is about the fence. Mr. Pablo stated his issue is with the speed and his kids being hit by a car. That is the reason they are getting the fence and spending the money. If he did not need it, he would not get it.

Mayor Bartholomew asked what type of requests they are getting for fence height and if they are receiving a lot for 48 inches. He asked if the industry has changed and not making 42 inches. Associate Planner Botten responded she did not have an exact number, but they have had a couple in the past few years. One was approved in the past year. That was due to the higher elevation of the neighbor behind the property. She stated there have been discussions in the past to look at the Ordinance and see if it was time to amend it or revisit. There has not been a lot of need for 48 inches.

Motion by Dietrich second by Gliva to deny the Variance to allow a solid fence 48-inches in height located in the corner front of the property located at 7051 Arlo Way. Resolution 2021-11

City Attorney McCauley Nason clarified stating the Motion and the second are to adopt the Resolution denying the Variance found within the packet for the reason stated within the Resolution.

Councilmembers Dietrich and Gliva agreed.

Ayes: 5

Nays: 0

Motion carried.

Mayor Bartholomew asked to have this item added to a Work Study Session for discussion on what could be done between the 42" to 48" fence height.

7. PUBLIC COMMENT:

Kelly Kayser, 1939 59th Court East, asked if this would be the new order for Public Comment on the Agenda. She stated she has some comments about this and asked if she should send them via phone or email. Mayor Bartholomew responded to send it to the City Clerk, and she would forward it to the Council.

Ms. Kayser addressed the Special Meetings that took place on December 22nd and December 29th. She did not see notice for those meetings on Social Media like it has for regular Council Meetings.

Ms. Kayser stated she wanted to follow up on the question she had from October about the data breach investigation and how it was ordered. It took approximately six weeks to get an email back which stated the information was private data. She asked the City Clerk what portion of the Statute, or what portion of the City Data Practice Policy that was covered by. She commented that today was the 41st day since they had exchanged at the beginning of December, she received it this evening at 6:00 p.m. She stated it took 12 weeks to get the run around and be told it was private data and tonight received a copy of a memo written by City Attorney Kuntz outlining the history of events. His second point was "it was reported by the Mayor to the City Attorney that the Author of the email objected to distribution to the Council or the Councilmember". She stated first she was told it was private data to know who the person was, and then it seems it was the Mayor that brought it to the City Attorney's attention.

She commented she did not need a response, but one thing to note was how did the Author of the email know it went to the Council and a Councilmember. That was an Executive Session, she believes everyone was bound to confidentiality. She stated as a citizen, that question should have been investigated as much as any other question investigated over the year.

She stated she was looking forward to having more transparency and more forthcoming information when it is requested.

9. MAYOR AND COUNCIL COMMENTS:

Councilmember Gliva stated she received a letter from Mr. Steve Dodge and would be attending her first public virtual Open House for City Project 2021-09D Bryant Lane Area Improvements. She stated she would be there as a citizen and would be able to take part in the process and that it would be a good learning experience.

Councilmember Dietrich asked if the City does a State of the City Address, and if so, who does it. Councilmember Piekarski Krech responded former Mayor Tourville did it on occasion. Councilmember Dietrich stated she noticed the City of South St. Paul was doing it, the Chamber of Commerce is hosting. She thought they would also host and/or promote it for our City. It would be something good to do for residents on a more consistent basis. Mayor Bartholomew agreed and suggested further discussion. He asked the City Administrator to look into what was done in the past so all can view. Councilmember Murphy agreed and thought it was a great idea. He commented the more open communication had with residents, the better off the City would be.

Councilmember Murphy stated he has been to a few Orientations and would like the Council to entertain a visioning type of session. He stated to agree/loosely agree on a direction when shared with residents, is a consistent message. Mayor Bartholomew agreed that was a great idea and addressed the City Administrator come up with ideas about how that has been done in the past, consider the State of the City and a plan to use where we are headed and what the goals are.

City Administrator Lynch said there was a Saturday session once. He stated he handed out the Strategic Plan the City has adopted and suggested beginning there to identify topics, concerns, projects, or areas the Council wants to focus on in 2021. He could put the information together. Mayor Bartholomew commented the Council could

meet on a Saturday or whatever date works best. Councilmember Murphy stated it was a good packet, summarized to one page to visualize would be helpful.

City Administrator Lynch stated he sent out a request for information about consideration of a Special Meeting:

1. To discuss, consider, and give direction about how to proceed with positions that are open or going to be open. Along with consideration of a structure change or no change.
2. Annually they try to meet with Lobbying firms and go over Legislative Platform and the Bonding requests for the year.

He stated if both of these items could be done at a Special Meeting, they could be completed and would know what they are going to be asking for in the 2021 Session from a Bonding perspective and any Legislative issues that may come up and impact the City.

Mayor Bartholomew stated he would make any time available, evening or Saturday, except Sunday. He asked if a date or time was needed. City Administrator Lynch suggested scheduling something soon. He stated they have tried to meet with their Contingent (State Senator, State Representative) to hear City positions and requests. The Contingents could consider how they may be able to help the City if coming to them for Bill Authorization or a Bonding request. He suggested dates such as the 19th, 20th, or the 21st, or Saturday the 23rd. He stated he did not want to do it at a Council meeting due to the depth.

Council discussed dates and agreed on Tuesday, January 19th at 4:00 p.m.

Motion by Piekarski Krech second by Gliva to schedule a Special Meeting to take place on Tuesday, January 19th, 2021 at 4:00 p.m.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Piekarski Krech stated there is a Planning Commission meeting that night. The Special Meeting could take place in the EOC room.

8. EXECUTIVE SESSION:

A. Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(2) and (3) for the purpose of reviewing confidential or protected nonpublic appraisal data and to developer or consider offers or counteroffers for the purchase of real property located at 8296 Babcock Trail, Inver Grove Heights.

B. Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(b), for a confidential Attorney-Client discussion regarding litigation in the matter City of Inver Grove Heights v. Dalsin, et al."

City Attorney McCauley Nason stated the Council is being asked to consider moving into two Closed Sessions that will be held in Council Chambers. The first closed session is a Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(2) and (3) for the purpose of reviewing confidential or protected nonpublic appraisal data under Section 13.44 Sub. 3 and to develop or consider offers or counter offers for the potential purchase of real property located at 8296 Babcock Trail in the City of Inver Grove Heights. This closed session must be recorded and all persons who attend the first session must be identified on the recording. Immediately following the completion of that closed session, the Council will move into a second closed session as follows:

Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(b), for a confidential Attorney-Client discussion regarding litigation in the matter City of Inver Grove Heights v. Dalsin, et al." She stated that portion of the meeting will not be recorded, and her Colleague and partner Pete Michael will be joining via Zoom and has been handling the condemnation matter. She stated this closed meeting will be held in the Council Chambers and will commence immediately. Once the closed meeting is completed, the City Council will reconvene the open meeting portion of tonight's City Council meeting. She stated the Council does have to vote to move into a Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(2) and (3) for the purposes outlined above with respect to the property located at 8296 Babcock Trail for consideration of offers and counter offers and discussing nonpublic appraisal data.

She stated the maker of the Motion can further move that immediately following the completion of that closed session, the Council move into a second Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(b), for

a confidential Attorney-Client discussion regarding litigation in the matter City of Inver Grove Heights v. Dalsin, et al.”

Motion by Piekarski Krech second by Dietrich to move into a closed session is a Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(2) and (3) for the purpose of reviewing confidential or protected nonpublic appraisal data under Section 13.44 Sub. 3 and to develop or consider offers or counter offers for the potential purchase of real property located at 8296 Babcock Trail Council move into a second Closed Session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(b), for a confidential Attorney-Client discussion regarding litigation in the matter City of Inver Grove Heights v. Dalsin, et al.” at 10:40 p.m.

Mayor Bartholomew asked if they need to make note of when they come back to the meeting. City Attorney McCauley Nason responded they would note on the record there would be no further items on the Agenda, the intent for the Council to move back into Open Session, vote to adjourn, and conclude the meeting.

Ayes: 5

Nays: 0 Motion carried.

10. ADJOURN:

Motion by Piekarski Krech second by Dietrich to adjourn the meeting after the Executive Session at 11:22 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Sheri Yourczek