

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, FEBRUARY 22, 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, February 8, 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: Dietrich, Piekarski Krech, Murphy, and Gliva; City Administrator Lynch, City Clerk Kiernan, Public Works Director Thureen, Community Development Director Rand, and City Attorney McCauley Nason.

Present via Zoom Video Conferencing/Phone: Information Technology Manager Gade, City Engineer Kaldunski, Assistant City Engineer Dodge, and City Planner Hunting.

Allan Hunt - Fortistar, Aaron Janusz - Environmental Manager, Pine Bend Landfill, Pat Sveum - Wenck, Darren Nightengale - SGS Eng, Greg Anderson, and Dustin Cesafsky.

3. PRESENTATIONS:

**Recognition of Public Works Director Scott Thureen for 23 years of service to the City.
Resolution 2021-37**

Mayor Bartholomew stated Scott Thureen is retiring after 23 years with the City. In recognition of his 23 years of service there is a Proclamation, Resolution, and a plaque. Mayor Bartholomew read the Resolution as follows: "Recognizing Scott Thureen upon his retirement as Public Works Director for his 23 years of service to the City of Inver Grove Heights. Whereas Scott Thureen has been an integral part of our great group of Department Heads at the City, with the Public Works Department consisting of the Engineering Division, Street Maintenance Division, and Utility Division. Scott Thureen has been the Public Works Director for 13 years overseeing the operations in all three areas. Prior to serving as Public Works Director, he served as City Engineer for 10 years. He has been a part of planning, design, construction, operation, and maintenance, of all infrastructure systems in the City for the last 23 years. Whereas Scott has helped to mentor the City Engineers, Assistant City Engineer, Street Superintendent, Utility Superintendent, and other Staff. Scott has been a valuable part of the major improvements in the City including but not limited to: Award Winning Storm Water System Design, implementation of the northwest area, implementation of the stormwater utility, Franchise Fee to assist with Pavement Management, local street design, connection systems to the northwest area, and many more. The City of Inver Grove Heights would like to thank Scott and recognize him for his hard work, expertise, dedication to service, and many contributions to the growth and development of the City. Therefore, be it resolved that the City of Inver Grove Heights hereby recognizes Scott Thureen for his 23 years of service. Cannot thank him enough for helping the City grow, adapt, prepare for, and build infrastructure systems that would meet the needs of the Community for the next generations to come. Be it resolved by the City Council of the City of Inver Grove Heights on the 22nd of February 2021".

Mayor Bartholomew presented Scott Thureen with a plaque and the Proclamation. Photos of the group were taken.

Public Works Director Scott Thureen thanked the Council for the acknowledgement of his years of service. He has spent over ½ of his professional career in the City of Inver Grove Heights. When

applying for the position of City Engineer, it interested him that it was a growing City. He could deal with new development as well as managing existing infrastructure. He commented the years flew by; he was blessed to be a part of a growing City. The City he had worked at prior was mature and developed. He commented it is more fun when having a mix of the two.

Public Works Director Thureen thanked and recognized the following stating, with Public Works, the City goal is to provide a safe and efficient infrastructure system for its users. That does not happen without the hard work of many. The Staff of street maintenance, central equipment, utilities maintenance, and parks maintenance who helped out during the winter, without their hard work around the clock that system would not be maintained. On the Engineering side, new construction, and reconstruction, working with citizens, businesses, Consultants, Developers, Contractors, and varying agencies to help plan, design, and construct infrastructure for the City. He stated interactions are with every Department in the City with the goal of making the City a place where people want to come and live.

He stated he has enjoyed working with the Administrator and Department Heads. They worked as a team to try to set goals as a group and provide a uniform recommendation to the Council. He has had the privilege and opportunity to interact with many people in the City, people from homes or businesses, Advisory Commissions, and City Councils through the years. He stated people desire certainty, to have a plan they know is going to happen, setup, funded, and there is a schedule to adhere to. His hope is to continue to strive for that, everyone would be satisfied and happy as a result. He has enjoyed his career here and appreciated it.

Mayor Bartholomew thanked Scott Thureen for all the work he did with him, and all the mentorship with nine years on the Planning Commission, eight years on the City Council, and now Mayor. Scott has always been available, taken his calls on weekends, and has been patient and understanding with him.

Councilmember Piekarski Krech thanked Scott Thureen for the Pavement Management Program. She stated she remembered the first meeting he came to, telling Council how awful the streets were and the need to start something that had a plan to it. Without him they would still be back where they were 20 years ago, doing streets on an emergency basis, not having a plan. She thanked him very much.

4. CONSENT AGENDA:

- A.**
 - i.** Minutes from the January 19, 2021 Special City Council Meeting.
 - ii.** Minutes from the January 25, 2021 City Council Meeting.
- B.** Disbursements for Period Ending February 16, 2021. **Resolution 2021-38**
- C.** Consider Approval of Rental Licenses.
- D.** Consider Approval of Personnel Actions.
- E.** Consider Acceptance of \$1,000 Donation to Police Department for Police Explorers Fund by Am Vets Post #1. **Resolution 2021-39**
- F.** Consider Acceptance of Weber Wood Pellet Grill valued at \$1,600 Donation to Police Department to be used for Police Sponsored Community Events by Lowes. **Resolution 2021-40**
- G.** Consider **Resolution 2021-41** Approving the Settlement Documents Related to Two Lawsuits Involving the Property At 6425 Delilah Avenue.
- H.** Consider scheduling hearing for consideration of staff recommendation of denial for rental license application for property located at 6930 Crosby.
- I.** Consider Approving Two Purchase Agreements Relating to Land Swap Transaction with Kurt Rechtigel. **Resolution 2021-42**

- J.** Consider **Resolution 2021-43** Supporting Parking Restrictions on Babcock Trail between 52nd Street East and 55th Street East.
- K.** Consider **Resolution 2021-44** Appointing SEH as Temporary Program Administrator for Bridge Inspections for the City of Inver Grove Heights.
- L.** Consider **Resolution 2021-45** Authorizing the Submittal of a Local Road Improvement Program Funding Request for City Project No. 2010-09F - Upper 55th Street.
- M.** Consider **Resolution 2021-46** Authorizing the Submittal of a Local Road Improvement Program Funding Request for City Project No. 2016-17 - 117th Street Reconstruction Project (from T.H. 52 to Rich Valley Blvd.).
- N.** Consider a **Resolution 2021-47** Receiving Petition and Ordering the Preparation of a Feasibility Report for Angus Avenue.
- O.** Consider **Resolution 2021-48** Approving Proposal for Geotechnical Review and Recommendations for City Project No. 2021-01 - NWA Trunk Utility Improvements for Future County Projects on Argenta Trail (CPN 2016-04 and 2016-05) and 70th Street (CPN 2015-08).
- P.** Consider **Resolution 2021-49** Accepting Engineering Services Proposal from Kimley-Horn for Assistance in Submitting the New 2021 MS4 Permit Application.
- Q.** Consider a **Resolution 2021-50** Receiving Amendment No. 2 to the Engineering Services Proposal from Wenck Associates, Inc. for City Project No. 2021-03 NWA Emergency Pumping Systems and Force Main Improvements for Regional Basins EP-027A and EP-034 for Canvas at IGH Development.
- R.** Consider **Resolution 2021-51** Accepting a Professional Services Proposal from Bolton & Menk to Complete a Sewershed Refinement of the NWA Served by the Robert and Argenta Districts (2015-20).

Mayor Bartholomew requested Agenda Items 4I and 4N be pulled from the Consent Agenda.
 Councilmember Dietrich requested pulling Agenda Item 4K from the Consent Agenda.

Motion by Dietrich second by Murphy/Gliva to approve the Consent Agenda with the exception of Agenda Items 4I, 4K, and 4N.

Ayes: 5
Nays: 0 Motion carried.

Mayor Bartholomew stated Agenda Item 4I was requested to be pulled by Staff due to a revised form in the packet.

Agenda Item I. Consider Approving Two Purchase Agreements Relating to Land Swap Transaction with Kurt Rechtzigel. Resolution 2021-42

Community Development Director Heather Rand stated Staff pulled Agenda Item 4I due to a minor change in the revision to the Resolution. Under the "Now therefore be it resolved for these two land agreements between Mr. Kurt Rechtzigel and the City". There are two purchase agreements being approved, located on 80th Street, not far from City Hall. She stated the City needs land from Mr. Rechtzigel to create stormwater ponds. Mr. Rechtzigel would like a small amount of land from the City to continue with a development project. She stated in the Resolution it states the Mayor and City Clerk are authorized to execute the two purchase agreements. It states the Community Development Director and City Staff are authorized to obtain proposals and select Consultants to prepare the necessary final legal descriptions that are included. This includes Phase 1 Environmental on the two properties to ensure there is no contamination.

She stated they are asking Council to accept in the revision of the Resolution, Item #4 that states the Community Development Director and City Staff are authorized to negotiate necessary easements involved with the real estate transaction. Once surveying is done before closing, there will be easements involved, final surveys will be needed to put in proper legal descriptions. Between now and closing they could come to terms with Mr. Rechtzigel. For that reason, she requests Council make the change tonight and approve.

Mayor Bartholomew stated it is just Item #4. He asked if the Legal team has looked and approved this. Community Development Director Rand responded Legal did and drafted the revision.

Motion by Piekarski Krech second by Bartholomew to Approve Two Purchase Agreements Relating to Land Swap Transaction with Kurt Rechtzigel. Resolution 2021-42

Ayes: 5

Nays: 0

Motion carried.

Agenda Item 4K. Consider Resolution Appointing SEH as Temporary Program Administrator for Bridge Inspections for the City of Inver Grove Heights. Resolution 2021-44

Councilmember Dietrich asked what the SEH cost was to be the temporary Program Administrator. City Engineer Tom Kaldunski responded he has been managing the City Public Bridge Inspection program for 13 years, there is no additional cost to have SEH do this service. They were hired on an annual basis for five or six years for bridge inspections. He stated typically the administration of this is something the City oversees, but he was unable due to MnDOT Training that was not offered over the last 12 months for him to be able to keep up the status. SEH has people on Staff to do this in the short term.

Councilmember Dietrich asked if this was done in tandem. City Engineer Kaldunski responded bridge inspections are a very detailed program, especially since the 35W bridge collapse. SEH has been hired to be an Inspector, a component they have done many times. MnDOT makes sure a local person is involved, such as the City Engineer, to ensure the City understands the inspection in case something needs to be done. He stated the bridges are all in good shape and have been in full compliance. SEH has been doing this along with himself for Federal standards. Councilmember Dietrich asked the City Engineer when he would be able to complete the training. City Engineer Kaldunski responded he completed the first session two weeks ago. He is signed up for the next session, at the end of March he will be able to take over the duties from SEH.

Motion by Dietrich second by Murphy to approve Resolution 2021-44 Appointing SEH as Temporary Program Administrator for Bridge Inspections for the City of Inver Grove Heights.

Ayes: 5

Nays: 0

Motion carried.

Agenda Item 4N. Consider a Resolution Receiving Petition and Ordering the Preparation of a Feasibility Report for Angus Avenue. Resolution 2021-47

This item was pulled by a resident.

Kelly Kayser, 1953 59th Court East, asked what the project would be structured like. She referenced a diagram asking what the plan was for the green dotted area. She asked what the assessments and funding would look like. City Engineer Kaldunski responded the City received a Petition from the

neighborhood one year ago, during COVID. At that time, the City was unable to interact and get clarification on what the neighborhood was requesting. If Council advances the project, Staff will meet with the neighborhood to get a better understanding of their request. He referenced the diagram stating the red dots would have street reconstruction, the green dots would be something that includes development. Development is funded by the property owners. He stated Minnesota Statutes would allow the City to do this, Inver Grove Heights has not done it for some time. If Council advances and approves, the first action for this item would be to receive the official Petition. The second step would be having a neighborhood meeting to seek clarity about their request. He stated there has been talk about a street replacement project and a potential for large partials of vacant land that could be developed. They would like to get this clarified before getting the feasibility study. Normally, the feasibility study is ordered at the same time they receive Petitions to allow with preliminary cost estimates. They do not know what this would be until getting further into the project.

Ms. Kayser asked if the existing homeowners (red dots) would not be impacted by what would take place with funding or assessing. City Engineer Kaldunski responded two large areas that have existing homes on them have multiple lots, it would be a combination of the two. He stated typical street construction, depicted with the red dots, means everyone that has a driveway to the street would have an assessment. It needs to be determined if they would be developing the green dot area or not considering it at this time.

Motion by Murphy second by Piekarski Krech to approve Resolution 2021-47 Receiving Petition and Ordering the Preparation of a Feasibility Report for Angus Avenue.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. Consider Resolution Ordering Project and Authorizing Preparation of Plans and Specifications for the 2021 Pavement Management Program, City Project No. 2021-09D Bryant Lane Area Improvements (aka Majestic Woodlands). Resolution 2021-52

Assistant City Engineer Steve Dodge asked the City Clerk to bring additional documents into the record. City Clerk Rebecca Kiernan responded three emails were received today. One was a document of residents that were for the project, another email had a total of who was against the project, and then a change of mind that came in afterwards. She stated there are 29 residents for the project and 12 residents against the project.

Motion by Piekarski Krech second by Gliva to accept the three emails into the record as described by the City Clerk.

Ayes: 5

Nays: 0 Motion carried.

Assistant City Engineer Dodge stated Council would need to review, accept, and receive the full preliminary assessment roll. When the original packet was put together only Page one made it into the packet.

Mayor Bartholomew asked if all were noticed in the newspaper. City Clerk Kiernan responded yes.

Motion by Piekarski Krech second by Gliva to accept the full preliminary assessment roll with all 61 locations into the record.

Ayes: 5

Nays: 0 Motion carried.

Assistant City Engineer Dodge began the presentation as follows:

2021 Pavement Management Program. City Project No. 2021-09D, Bryant Lane Area Improvements.

Project Overview:

- Upper 55th is to the north
- Enter into project area using Blackberry Trail
- Project is in the Majestic Woodland Development. Bryant Lane, Burke Trail, Bradbury Court, and a small section of Brent Avenue
- Feasibility report was authorized September 14, 2020
- 1997/1998 Development
- Pavement maintenance was done in 2003/2004

Proposed Improvements:

- Following the Braun Intertec study recommending full reconstruction
- New curb and gutter
 - Based on resident feedback, altered the proposed curb type to surmountable. Feedback was received from people who were unsure, a few more that like the curb they have, and a couple that would like B6-18 due to a drainage concern.
 - Based on feedback, proposing surmountable curb. Residents have contacted him about the disturbance of the project. If putting back current curb style, it would mean less disturbance, less cost to the project, less driveway impacts, and may help when getting to assessments with project savings to help project costs and assessment amount.
- 2-foot sand section with road fabric and drain tile
- Driveway apron reconstruction
- Minor storm sewer, sanitary sewer, and water main repairs and maintenance
- Water quality treatment structure
- Lighting system eligible to be replaced with new LED style. (Confirmed with Xcel Energy).

Preliminary Project Cost, Funding, and Assessment Policy:

- Total project cost: \$2,426,000
- Street improvements: \$2,000,000
- Storm improvements: \$300,000
- Utility improvements: \$122,000
- Project funded through Pavement Management Funds, Utility Funds, and Assessments
- As a part of Pavement Management Funds, there are Franchise Fee Funds.
- Total proposed assessments: \$595,425.
- Blackberry Trail entrance road will be funded 100% by the Pavement Management Fund.
- City Assessment Policy is based on single family lots. Combining street and storm improvements for the local Majestic Woodlands area.
- Reconstruction Policy is at 35%. For this project, assessment 26%.

Preliminary Assessment Amount

- Based on the City Assessment Policy. \$9,491.00
- Special Benefit by the Independent Appraiser, could have been as much as \$14,000
- Used the lower of the two for the proposed assessment for the assessment roll: \$9,491.00
- 10-year term with interest

- When getting to schedule, move the Assessment Hearing to after construction. This is allowed by the 429 Statute. Doing this because Staff noted the City Council will be looking at the PMP and Assessment Policies

Project Schedule:

- Bid and ready to construct by May.
- Roughly a 3-month project.
- Hope to be back in the fall to hold the Assessment Hearing after construction. Can review the cost of the project based on construction savings, contingencies, possible administrative savings, and if Council gives guidance on PMP and Assessment Policy.
- Can assess in the fall and move forward at that time with assessments.

Recommendations:

- Receive full Preliminary Assessment Roll
- Receive three documents submitted to the City Clerk
- Hold Public Hearing
- Adopt Resolution
 - Order Project 2021-09D
 - Authorize preparation of plans and specs
 - Authorize land acquisition services

He stated to note, the disturbance area is within the right of way. The need for land acquisition services is when installing the two water quality structures behind the curb. Some of that work may go past easement areas and may have to work with residents to restore their yards.

Councilmember Gliva stated the Bryant Lane area improvement is in her neighborhood. After speaking with City Attorney McCauley Nason and reviewing documentation from the League of Minnesota Cities, she does not feel she has a qualifying conflict of interest. She stated she would not be taking part in any of the deliberation and discussion and will only be a listener in the discussion.

John Maloney, 5888 Burke Trail, stated his wife Maureen and himself, appreciate the Council's work. He stated they have been residents of the Community since day one in 1997. The road has needed to be redone and repaired for a long time. He commented there was confusion about a letter that was going out regarding delaying the project. He stated they are in full support of the project going forward.

Regina Barr, 5947 Bryant Lane, stated she is in support of the project and thanked Assistant City Engineer Steve Dodge who has been very responsive via email and phone. She is in support with the change to the surmountable curb. She was pleased to find out that financing is available for those that may not be able to afford paying a lump sum. Improved roads are necessary and a long time coming. She asked that her name be added to the "yes" list.

Tim Keran, 5915 Bryant Lane, stated they built their home 20 years ago and cannot wait for the road to be re-built.

Eric Matthews, 5948 Burke Trail, stated when he first found out about the road project, he spoke with the Assistant City Engineer who was very helpful and answered a lot of questions. He is in full support and put together the list of those that are in full support. He did not personally speak to everyone on the list, but communicated with others in the neighborhood, all those had told someone they were in approval.

Kevin Leja, 5854 Burke Trail, stated he is strongly against the proposal. It is a difficult time to have a \$10,000 assessment during a pandemic year. It is not something people should assume everyone can afford to do. He stated he understands there is a financing plan but does not see why this has to

happen right now. He stated he heard City Engineer Kaldunski say there has not been an assessment for some time, he was unsure what that meant but felt now was a poor time for residents of the area to pay \$10,000 for a project. As a parent with young kids, he stated cars would go even faster past his house coming up the hill by Burke Trail, cutting through to get over to 55th Street. Every time there is a new road, there are faster cars. Speed bumps were something he would not mind seeing for that reason. He asked about the timing and for them to consider that everyone may not want or be able to pay considering pay cuts and lost jobs.

Annette Maggi, 5941 Burke Trail, stated she is present as a resident of the neighborhood and not related to her role as Planning Commission Chair. She stated the Council has received a letter from 12 in the neighborhood asking for a delay in the project. The neighbors who signed the letter are not asking for the project not to be done, residents pay part of the financial burden. She commented it has been a very difficult year from an economic standpoint. Looking at the Department of Unemployment statistics, there are 175,000 people in the State of Minnesota that are unemployed today and were not a year ago. She stated they are asking for recognition of macroeconomics and the individual financial situations of families in their neighborhood and asking for a delay of the project. Not that it should not be done, the neighborhood agrees it should be done, they are just asking for a delay.

Mark Stensgard, 5789 Bryant Lane, is in support of the reconstruction. He stated he lives at the beginning of the road on Bryant where there is an island. If this moves forward, he requests review of the island while it looked like a good idea when first constructed, it is a very sharp corner, cars get stuck, run into the island, and cut the corner. He stated there are trees in the way and hard to see and difficult to see at the stop sign looking down into the other development.

Tom Prifrel, 5876 Bryant Lane, was in agreement to getting the project done. They are putting together a committee to review all the islands. He stated John Mertens is spearheading and will work with the Assistant City Engineer on recommendations.

Kelly Kayser, 1953 59th Court East, stated she does not live in the neighborhood but follows pavement management and supports whatever the neighborhood wants. She asked the following questions:

- Clarification on how moving the Assessment Hearing to the end of the project helps the schedule. In past projects the Assessment Hearing was set at the same time the project was awarded. She asked how that saves time.
- Asked about postponing the assessment hearing to the end for the reason that a potential evaluation of the Pavement Management Program and Assessment Policy could affect the final assessment amounts. She asked if that was likely to happen while having an Interim Public Works Director and being in the process of hiring a new one.
- Questioned if that evaluation would even be done before getting to the Assessment Hearing.
- The current assessment is at 26%. She asked what any change to the Assessment Policy would translate to in terms of lowering an assessment because it can only go to 20%.
- She was in attendance when this was on the Consent Agenda a few weeks ago. At that time, she asked about the Blackberry road area and about the streets below and why they were not considered for paying a portion. She was told about the pond, the business development, and the property that did not have a driveway. She stated in the Assessment Policy, #14 under the General Assessment Policy states "Benefits of indirect access properties, properties or portions of properties that access or benefit from the public improvement but have no direct frontage. The City will include the property in the assessment roll in accordance with standard assessment procedures and in order to be fair and equitable, that portion of property with indirect access will be assessed at 50% of an equivalent direct access method". She asked why some of the other aspects of the Assessment Policy are not being explored for funding.

Mayor Bartholomew asked the Assistant City Engineer for further information about how moving the Assessment Hearing to the end would move the project along.

He responded about the likelihood of what happens with the Council down the road, stating it was unknown, Council would study the pavement management issue and assess how they are currently treating assessments.

He asked for clarification about the streets that were not included in the assessment, wanted clarification on the ones that were included and why, and the ones that were excluded. Assistant City Engineer Dodge responded moving the Assessment Hearing to the end is allowed by Statute 429. When he first began with the City assessments were done at the end but were moved to the forefront to verify general neighborhood and resident support for the project and know what level of objections they could or could not get in the forefront before construction of the project.

Assistant City Engineer Dodge stated there were many factors that made sense to move this, and other projects this year, to hold the Assessment Hearings after construction. The Majestic Woodlands area assessability is higher than 26%. The reason it is at 26% is because the Blackberry Trail entrance road is a wide road, has a substantial cost to it, and is proposed to be paid for by the Pavement Management Program. For Majestic Woodlands alone, he believes it was in the 30-35% proposed assessed range.

He responded about indirect assessed properties stating it has been used in the past for large properties that could be subdivided. Also, with properties that are like flag lots and have a small 60-foot right of way entering a road, but behind other lots where there is a large lot or a townhome development. He clarified the assessments from the middle 2000's was because the Majestic Woodlands Development, along with Forest Haven, added curb and gutter to the entrance road. Curb and gutter were added to Blackberry Trail. All those expenses were 100% new improvements and a shared assessment. The Majestic Woodlands portion was \$214 per lot.

Ms. Kayser stated she was not aware of any recent projects where the Assessment Hearing was at the end. One of the reasons just given were that the City wants to get an idea of what the objections might be. Several projects previous to this one, have asked for that and have been declined. She commented now there is a project where 12 people are posing objections.

She stated she did not hear why postponing the Assessment Hearing to the end provides for an earlier construction date. Assistant City Engineer Dodge responded when having the Assessment Hearing prior to the project, time is needed to post the Hearing, which is 30 days. Once the Hearing is held, they typically wait up to 30 days to observe objections. Based off that, they can move the project timeline ahead 30-60 days and make sure they get an early construction date for the project.

Ms. Kayser stated a resident asked about the goal of reviewing the Assessment Policy. The City response was that the assessment would not go higher, it might go lower. She asked if there were any adjustments to cost if it is said the neighborhood would only get the benefit of decreased costs and will not receive increased costs if something unexpected comes up.

Mayor Bartholomew stated there is a preliminary assessment of \$9,491, he asked if costs go above that if residents could be charged. Assistant City Engineer Dodge responded by 429 Statute, the City can assess what the final costs are whether they go up or down. The observed Inver Grove Heights Policy of dealing with assessments, in discussions with the City Attorney and the Council, the City has not generally increased the assessment amount once presenting the preliminary assessment roll. Ms. Kayser also commended staff on listening to the neighborhood regarding curbs.

Karen Matthews, 5948 Burke Trail, stated she and her husband, who spoke earlier, are on board with the project. They moved in 15 years ago due to the beautiful neighborhood. The roads are not where

they need to be. She understands the impacts of COVID-19, and stated by delaying this, it is unknown if costs would go up. She does not believe this should wait. She stated the people on the list have agreed to this project and asked to have their names put on the list, validation has been done.

Eric Hudson, 5862 Burke Trail, stated he is against working on this right now. He has a ballroom dance school that has not been doing very well in the last year. He loves the neighborhood and does not see that the streets need to be repaired as much as the others do. He stated \$10,000 is a big deal for people who have been operating during COVID even if the cost is spread out over the next several years. He is against it right now but agrees with making the neighborhood better. He asked that this is looked at as something that is not appropriate with what is going on with COVID. People with businesses are down to 20% of what they have been doing, or less. The request of \$9,000 is too much.

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

Mayor Bartholomew stated Staff has done a good job laying out the reasons for the project and the cost. There are a lot of individuals that are unemployed and underemployed. He stated this was a difficult decision.

Assistant City Engineer Dodge responded to statements made stating he discussed the review of the islands with John Mertens, who was the resident that contacted him. They have agreed once the project is ordered and moves forward a meeting would be set up with SEH, possibly a Traffic Engineer, and residents to make solid recommendations. Final plans would be brought back to Council. He discussed the assessments and the amount, stating if assessments are not paid in full within 30 days after they are levied, they go to the County Tax Records for 2022. It is an approximate \$9,500 assessment and means for 10 years someone would have to pay every six months about \$475.00 plus whatever the interest is.

He responded about cost stating residents were correct, other projects that were delayed have had project costs go up about 5% or more per year. If projects are delayed for three years or more, the assessments have actually gone up \$2,100 to \$4,500 due to increased project costs several years in a row.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Dietrich addressed Assistant City Engineer Dodge and thanked him for doing a good job and for modeling good customer service. She referenced Statute 429 and asked if it would be continued to allow having assessments at the end. Assistant City Engineer Dodge responded the City can make their own Policy to assess before or after a construction project. Staff would work on this with Council if there are any change to be made in the future.

Councilmember Piekarski Krech stated the Policy was to do them after the project was done. A few years ago, due to a Petition project, it was held beforehand because they were unsure how many people wanted the project to go through and whether or not they would be able to meet the amount.

Mayor Bartholomew asked the City Attorney about the Policy. City Attorney McCauley Nason responded Assessment Hearings may be held before or after the project completion.

Mayor Bartholomew asked Councilmember Dietrich if her thoughts were to have discussion with Staff about how to proceed with other projects going forward for consistency. Councilmember Dietrich responded yes; she has noticed in the past where people have been told they cannot have it at the end but wanted to be clear that it can be.

Mayor Bartholomew stated this can be carried over a ten-year period of time, the interest rate on the last project was approximately 2 ¾. City Administrator Joe Lynch responded past practice has been to assess at 2% above the borrowing rate. They have been successful lately because they have a great financial management plan and an AA+ Bond Rating. Bonds now are between 1.2 or 1.5%, putting it around 3.5%. He stated the City Council has also reduced/waived the 2% over.

Councilmember Piekarski Krech stated if this is not done now, it adds to the costs and the degradation of the neighborhood. It is unknown what the economy is going to do.

Motion by Piekarski Krech second by Dietrich to approve Resolution 2021-52 Ordering Project and Authorizing Preparation of Plans and Specifications for the 2021 Pavement Management Program, City Project No. 2021-09D Bryant Lane Area Improvements (aka Majestic Woodlands).

Ayes: 5

Nays: 0 Motion carried.

Mayor Bartholomew requested a timeline and assurance they would stay in touch with the neighbors and the group that was interested in addressing the islands. Assistant City Engineer Dodge responded they would continue to provide the customer service that Councilmember Dietrich mentioned in working with residents between now and when the bid opening takes place around April. He stated they would bring plans and specifications back to Council in four to six weeks. He wanted to take the time needed with the residents and implement their decisions into the plans. The schedule can be changed slightly but would still be in the May construction season.

Councilmember Piekarski Krech asked about the islands and if they were put in as a result of a Homeowner's Group, or if there were covenances in the area. Assistant City Engineer Dodge responded he would need to research that further when working with the residents. Councilmember Gliva responded the islands were a part of the development. There is a group that keeps the trees and greenery up to date.

Assistant City Engineer Dodge stated Staff has reviewed the plat where the islands are street right of way. It is not an outlot seen as a common space. The islands are unique in the City.

The City Council took a short break at 8:24 p.m. Council was back in session at 8:29 p.m.

6. REGULAR AGENDA:

Community Development:

A. Consider the First Reading of an Ordinance Amendment to the IRM, Integrated Resource Management Overlay District to allow for an energy recovery facility for the generation of renewable natural gas as a conditional use (Wenck Associates - Fortistar).

City Planner Allan Hunting stated this item is for consideration of the First Reading of an Ordinance Amendment to the IRM, Integrated Resource Management Overlay District to allow for an energy recovery facility for the generation of renewable natural gas as a conditional use. This item requires a 3/5 vote and a 60-day deadline of April 19, 2021 (second 60 days). Fortistar is proposing to construct a renewable natural gas processing plant on the west 100 acres next to the Pine Bend Landfill. The plant would convert the methane gas generated from the landfill to a consumer grade natural gas. Zoning approvals for this would consist of an Ordinance Amendment and a Conditional Use Permit for site plan review. The Council will see the Conditional Use Permit at a later date.

He stated the 100 acres was an area that has a restriction on the use and cannot have any municipal mixed solid waste landfill expansion and is reserved for industrial type uses or uses related to the landfill industries. Fortistar would be leasing an area from Pine Bend Landfill for an approximate 12,000 square foot building. He stated the plant would be replacing an old plant that converted methane to electricity and located to the east and a little north of the new location. This was approved in 1995 and recently retired in 2019.

He stated the 1995 approval included an Amendment to the Integrated Resource Management District that specifically allowed methane conversion to electricity. For this proposal there is a need to amend the Integrated Resource Management Overlay District to have a clause to allow to convert methane to renewable natural gas. He stated the Planning Commission has reviewed the entire project and recommends approval. Council's action would be to approve the First Reading of the Amendment.

Councilmember Piekarski Krech asked if this precludes other development on the west 100 acres. City Planner Hunting responded that was correct, they would just be leasing a portion. Councilmember Piekarski Krech felt it was a good idea. Mayor Bartholomew agreed.

Councilmember Murphy asked if this exists in other City's and if so if there were agreements where there is revenue coming to the City in this situation. City Planner Hunting responded he was not aware of other Cities and did not review others to see if it exists elsewhere. He stated this does not have a need to generate money for the City, it helps convert methane gas. If left as is, it would have to be burned off. This way they are capturing the natural gas and converting it. It goes into the NSP Pipeline System and sells as a commodity to NSP.

Allen Hunt, Fortistar, stated this facility would be the first facility in Minnesota. Across the Nation there are approximately 35 operating. Several of them have been around for more than two decades. He stated the technology being used uses membranes to separate the Carbon Dioxide from the methane.

Councilmember Murphy understands the benefits. He asked if there has ever been a benefit to the City. The landfill is getting bigger and bigger, and he was curious about what the best plan was. He asked if there are ever agreements in this situation between the City and various companies. Mr. Hunt responded not to his knowledge. They are adding three full time employees and will be paying property taxes on the site for 20 years.

Councilmember Piekarski Krech asked Mr. Hunt if he would be processing the gas even after the landfill has closed. Mr. Hunt responded they believe the project to be feasible for at least 20 years. The Agreement with Republic is extendable.

Aaron Janusz, Environmental Manager, Pine Bend Landfill, stated they have had a partnership with Fortistar for over 20 years. Fortistar approached them a couple years ago stating the gas electricity plant was slowly losing its viability and recommended this idea of making renewable natural gas out of the landfill gas.

Mayor Bartholomew stated the need for a CUP and asked if it would come through the Planning Commission and Council if/when the three readings were approved. City Planner Hunting responded correct; the Planning Commission has already reviewed. It is assumed the Council would act on the CUP at either the Second or Third Reading.

Mayor Bartholomew asked the City Attorney if everything was in order. City Attorney McCauley Nason responded this is the First Reading of the Ordinance. It would come back for two additional readings.

Prior to the Third Reading, notification would be made by posting information on the City electronic distribution system.

Motion by Piekarski Krech second by Bartholomew to approve the First Reading of an Ordinance Amendment to the IRM, Integrated Resource Management Overlay District to allow for an energy recovery facility for the generation of renewable natural gas as a conditional use (Wenck Associates - Fortistar).

Ayes: 5

Nays: 0 Motion carried.

Administration:

B. Consider First Reading of Ordinance Amending City Code Title 5, Chapter 4, Section 2(B)(3) Relating to Notification Requirements for Chicken License Renewal Applications.

City Attorney McCauley Nason stated this is a minor Ordinance Amendment that would change the existing provisions of the City Code to eliminate the requirement for neighbor notification prior to consideration of a renewal Chicken License. The City currently allows certain residentially zoned properties to obtain a Chicken License. There is a current requirement that upon submission of the application, all neighbors be notified and can potentially object to the License. Based on the lack of objections, the administrative cost and expense, and time spent notifying, the requested Ordinance would remove the neighbor notification for renewal licenses. She stated the Code does contain a provision if there is a violation of the license, or a nuisance created by the chickens to address that problem in a different context.

Councilmember Piekarski Krech stated five hens are allowed, it states it would trigger if someone was requesting more chickens. Community Development Director Heather Rand responded five or less hens, no roosters. It is triggered if increasing the amount. It cannot go above five. Community Development Director Rand stated the program has operated well and seldom has complaints.

Motion by Dietrich second by Piekarski Krech to approve the First Reading of Ordinance Amending City Code Title 5, Chapter 4, Section 2(B)(3) Relating to Notification Requirements for Chicken License Renewal Applications.

Ayes: 5

Nays: 0 Motion carried.

C. Consider Resolution Appointing Heather Rand as Interim City Administrator and Resolution Appointing WSB to Provide Interim Public Works Director Services. Resolutions 2021-53 and 2021-54

City Administrator Lynch recommends Council consider appointing Ms. Rand as the Interim City Administrator. He stated there has also been discussion about the Interim Public Works Director position. There has been an offer and recommends to accept the offer from WSB to appoint Klay Eckles as the Interim Public Works Director with the monthly service fee as proposed.

Councilmember Murphy asked for an overview of the hiring process for the permanent City Administrator and who would be involved. City Administrator responded there is an RFP out for professional services for search firms. It would be a collaborative effort between the search firm and the City Council. It may include committees consisting of members of the public, Department Head Staff, City Council Members, other Community members, business members, and the School District. There is a two-step process where candidates are identified and brought in. These could be known as

semi-finalists and are not public. He stated he has seen a series of questions electronically, those in the group review the answers and make a recommendation to the City Council about who to bring back for final interviews.

City Administrator Lynch stated in the past they have had a public process. This may not be able to be done in a matter of months due to COVID but may have to have a virtual meeting and allow the public to see and hear them while being interviewed. He stated with the Police Chief they did three committees in three rooms and they rotated.

Councilmember Murphy asked if Council was involved in the process, be it virtually or a committee. He asked who from Staff would be involved. City Administrator Lynch responded it is up to Council. They have used Department Heads, Supervisor's, Managers, and front-line Staff for Department Head hires. He stated they may want to use Community members or members of the Chamber. In the end it is the City Council that makes the determination about who they want to select/negotiate for the position.

Councilmember Dietrich asked who would be discussing the people who contact them. City Administrator Lynch asked if the question were of having potential candidates contact the City, who would they be discussing that with. He assumed that to be the HR Manager and the Interim City Administrator. The Interim Public Works Director does not know enough about the operations of the City at this time. Councilmember Dietrich questioned if someone is applying for the City Administrator position, if they would speak with the Community Development Director and HR. City Administrator responded with the Interim City Administrator position; they would be contacting the search firm Consultant.

City Administrator Lynch stated the City would want to put together a Community profile where the City is discussed. They would also have a position profile with the search Consultant, that includes what they are looking for in a Candidate, personality type, characteristics, strengths, and experiences. The Candidates for City Administrator would be talking with the search firm Consultant if they have questions about process and timeline.

Councilmember Dietrich stated she was looking back at the notes done previously and it looked like the inquiries were going to Heather Rand. She stated if Ms. Rand did get the position, it would not be appropriate for the inquiries to go to her. She asked if the inquiries would go to HR. City Administrator Lynch responded once a Consultant has been selected the inquiries would go to that individual or the company, and then he/she would contact HR if there were compensation or benefit issues. If there are questions about projects, goals, or strategic planning, it would likely be directed to Heather Rand.

Councilmember Piekarski Krech stated the search firms would go to Heather and the HR Director so they could put together search firms. Applicants would go to the search firm.

Councilmember Gliva asked if the HR Director would be the conduit between the Council and the search firm. City Administrator Lynch responded the Representative from the search firm would be the main contact for the process, how it is run, what the advertisements would be, who is on committees, what is looked for in terms of characteristics and personalities. The Consultant would reach out to the HR Manager with questions related to salary or days off.

City Attorney McCauley Nason stated there are two Resolutions for Council consideration:

1. Appointing WSB to provide Interim Public Works Director services (Resolution).
2. Appointing Heather Rand as the Interim City Administrator (Resolution).

She stated at the March Work Session, if Council has further questions, it is anticipated there will be an Agenda Item related to the RFP responses solicited and received by the City. To run those various

recruitments for Parks and Recreation Director, Public Works Director, and City Administrator. The Council will provide direction about which firm or process for the RFP responses. She stated assuming the Council selects one of those responders to the RFP to provide those services, that Consultant would work with the Council to outline options with the process.

Councilmember Gliva asked about WSB for the Interim where it references 15-20 hours, she thought that sounded vague. She questioned if they could expect that person to be here 20 hours, or if it would be on a weekly basis that they know. City Administrator Lynch responded he believed they were advised for up to 20 hours a week. Public Works Director Thureen responded he expects the person to log at least 20 hours per week. He stated Klay has a lot of experience and would be able to step in fairly quickly. There is a lot going on in the City and recommends that Klay does not dive into specific projects too much and let Engineering handle it. He stated there are plenty of other things going on that he would need to handle.

Councilmember Gliva asked if the hourly rate goes up if going over 20 hours. Public Works Director Thureen responded he did not believe Klay would check hours, just work needing to be done. If something comes up that is out of scope, a conversation would be needed. He expects them to offer the City quite a bit of leeway in that regard.

Mayor Bartholomew recommended taking the Resolutions one at a time beginning with the Interim City Administrator. This is to approve Heather Rand as the Interim. He believes Heather would be a good fit in the short term and keep things running while searching. He stated he has complete faith in her ability and would support her as the Interim City Administrator.

Motion by Piekarski Krech second by Bartholomew to approve a Resolution 2021-53 Appointing Heather Rand as Interim City Administrator.

Ayes: 5
Nays: 0 Motion carried.

Mayor Bartholomew stated the next Resolution is for WSB to provide Interim Public Works Director per the agreement as written and outlined by Mr. Thureen. He agreed with Mr. Thureen’s assessment and believes this to be a wise choice at this time. Having this position keeps things moving forward and projects going.

Motion by Piekarski Krech second by Gliva to approve the Resolution 2021-54 Appointing WSB to Provide Interim Public Works Director Services.

Ayes: 5
Nays: 0 Motion carried.

7. PUBLIC COMMENT:

Regina Barr, 5947 Bryant Lane, asked if the Council would consider a policy regarding informational sessions being held for residents and not holding them on holidays when City Hall is closed. She stated for Bryant Lane, an informational meeting was held on Martin Luther King Day. There was also another session held on Presidents Day. Both those days City Hall was closed. She stated everyone is entitled to have time off, so do residents. She stated holding them on a holiday weekend when many are out of town is counter to what Council is trying to do and that is to get public input. She stated she has spoken to the Assistant City Engineer about this.

She stated regarding discussion about the process for hiring the new City Administrator. It is the most critical position the City is going to be hiring. It is a long-time proposition. Someone would be in that role for 10 plus years, maybe longer. She stated she heard questions about the RFP process and asked who would be involved in selecting the firm. She stated that Ms. Rand was just appointed as the Interim City Administrator, she heard that Ms. Rand would be applying for the position, if she is, she feels it is a conflict of interest for her to be involved in selecting the firm.

Councilmember Piekarski Krech responded last time this was done the Council selected the firm. Mayor Bartholomew stated this would be discussed at the next Work Session Meeting. Council will see all RFP's and take recommendations as to what would be on the next regular session Agenda

Councilmember Dietrich asked if scheduled could be provided with the new Interim's such as the Interim City Administrator, Parks and Recreation, and Public Works to get a feel for what the schedule looks like, and things that are being done. She stated this would be so there is transparency and to be more involved in knowing what the day to day looks like.

Community Development Director Rand suggested sending memos summarizing what they have been up to. She stated over the course of the last couple of weeks, she has met with the City Administrator and has been transitioning over the longer-term project work to her. She has just begun putting meetings on her calendar with Division Heads, Administration, HR, Communications, IT, and Department Heads.

She stated with Interim Public Works, his intention is to work 2-3 days a week. With Parks and Recreation, he is trying to work three days a week. She suggested memos to give an idea of what daily work life is like. Councilmember Dietrich responded it would not need to be that in-depth, she is looking for a schedule, what hours people are in the office, or virtual. This way, when residents contact her, she would know.

9. MAYOR AND COUNCIL COMMENTS:

Councilmember Murphy asked the Councilmembers to give consideration to getting a tutorial from the Inspections Staff. He stated he does not know what is required of Inspections Staff and has been getting a few inquiries from residents about the quality of construction for single family homes. He has been told about hot water that does not work, people telling him about an area of their home that has not been insulated, construction not being complete when moving in, venting and furnaces that do not work. He stated he does not have enough information to speak with residents and asked if Council could get a tutorial.

Community Development Director Rand suggested putting that item on a Work Session. She stated in looking at the Work Sessions coming up for the next couple of months, they are pretty full. Another way would be via memo with phone call follow up. She asked if Council wants this on a Work Session, possibly for May. Mayor Bartholomew suggested the following be sent to all Councilmembers: Inspection procedure, what they do, what they follow, important phone numbers, and an inline step by step inspection process. From there it can be put as a Work Session meeting. This way Council would have an understanding of the process, can email questions to the appropriate person, and then have a presentation so all are on the same page.

Councilmember Piekarski Krech stated the Inspections Department does not guarantee the quality of material the builder uses. The Inspection Department goes out to make sure things are built to Minnesota Codes. She stated for example one of the projects that went in the City where the builder built to a standard, they could sell the houses at their price point and met all Codes. She walked into

the house, opened a cupboard door and it fell off the hinges. She stated the Inspectors do not have control over that. Councilmember Murphy stated he felt the memo idea was great but was hoping for more transparency. He stated it is Code somewhere the walls be insulated and the plumbing works. Councilmember Piekarski Krech responded they inspect to a certain degree. They do not turn on every water faucet, they will not guarantee the Contractor is top with top materials. Councilmember Murphy responded if that is the case, they have a responsibility as a Council to monitor the quality of the building being done in town.

Mayor Bartholomew suggested getting information out to all Councilmembers about how the Inspections Department works, what they are doing, and the current scope. This could get them on track to a Work Session. Councilmember Piekarski Krech stated spring would be the ideal time as that is when they begin most inspections. She suggested this be done in April or May.

8. EXECUTIVE SESSION:

A. Closed session pursuant to Minnesota Statutes § 13D.05, Subd. 3(b), for confidential attorney-client discussions concerning negotiations for Parcels 4 and 5 in the matter City of Inver Grove Heights v. Robert M. Dalsin, et al.

City Attorney McCauley Nason stated the Council is being asked to make a Motion to move into closed session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(b), for confidential Attorney-Client discussions concerning negotiations for Parcels 4 and 5 owned by William and Cynthia Nichols in the matter of City of Inver Grove Heights v. Robert M. Dalsin, et al. (Nichols). The closed meeting will be held in City Council Chambers and once completed, there be no further items on the Agenda. Once back in open session the Council will adjourn the meeting.

Motion by Gliva second by Dietrich to adjourn the meeting at 9:16 P.M.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Sheri Yourczek