

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MARCH 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, March 22, 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, and Gliva; City Clerk Kiernan, Interim City Administrator/Community Development Director Rand, and City Attorney McCauley Nason, Finance Director Hove, and Senior Accountant Battles.

Present via Zoom Video Conferencing/Phone: Council Member Murphy; Staff: Information Technology Manager Gade, City Planner Hunting, Environmental Specialist Sutherland, Fire Chief Thill, Associate Planner Botten, Interim Parks and Recreation Director Oyanagi, Interim Public Works Director Eckles, Assistant City Engineer Dodge, and City Engineer Kaldunski.

Arnold Kubai, Aurianna Norwood, Cory Hoveland, David, Evan Bollman, Dick Moser, Kara Pringle, Patricia, Polly Novack, Scott England, Kim Korby, Shawn, and David Langer.

3. PRESENTATIONS:

Presentation of Certificate of Achievement for Excellence in Financial Reporting.

Mayor Bartholomew stated the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the City of Inver Grove Heights by The Government Finance Officers Association of the United States and Canada for its 2019 Comprehensive Annual Financial Report. This Certificate of Achievement is the highest form of recognition in the area of Governmental accounting and financial reporting. He stated attaining this Award represents a significant accomplishment by our Government and its Management.

Mayor Bartholomew presented the Award to Finance Director Amy Hove and Senior Accountant Shannon Battles. He thanked Finance Director Hove for all she does stating this achievement helps with the goals of the City, gives a great Bond Rating, and gives full confidence and fiduciary responsibility to taxpayer's money. This is deeply appreciated by the Mayor himself, the Council, and citizens.

Finance Director Amy Hove thanked the Council for their support along with the Auditors and remaining Staff in the Finance Department: Marlys Sweeney, Ryan Albright, Jenny Blackbird, Angie Freier, Teri O'Connor, Bill Schroepfer, and Shannon Battles the Senior Accountant.

Mayor Bartholomew stated without the Finance Department the City would not be able to function as a Government. He appreciates the Departments diligence.

4. CONSENT AGENDA:

- A.**
 - i.** Minutes from the February 8, 2021 City Council Meeting.
 - ii.** Minutes from the February 22, 2021 City Council Meeting.
- B.** Disbursements for Period Ending March 16, 2021. **Resolution 2021-74**
- C.** Consider Approval of Personnel Actions.
- D.** Consider **Resolution 2021-75** Authorizing 2020 Budget Carryovers.
- E.** Consider Approval of Lease with Dakota County for Criminal Justice Network (CJN). **Resolution 2021-76**
- F.** Consider **Resolution 2021-77** Approving a Wetland Replacement Plan Application for the Impact of Wetlands on Property Located in the Northeast Quadrant of Hwy 3 and 70th Street.
- G.** Consider **Resolution 2021-78** Approving Telework Policy.
- H.** **Resolution 2021-79** approving City Voluntary contribution to IGH Volunteer Fire Retirement Association.

- I.** Consider a Conditional Use Permit Amendment for a 2,000 square foot building addition for the property located at 1290 50th Street (Jaeger Construction/Hyundai). **Resolution 2021-80**
- J.** Consider **Resolution 2021-81** Receiving Bids and Awarding Contract for the 2021 Pavement Management Program, City Project No. 2021-09A - Crackseal.
- K.** Consider **Resolution 2021-82** Receiving Bids and Awarding Contract for the 2021 Pavement Management Program, City Project No. 2021-09B - Sealcoat.
- L.** Consider approval of easement acquisition agreement, temporary and construction easement, and permanent drainage and utility easement for City Improvement Project No. 2020-09D - Delaney Circle and Delaney Court Improvements. **Resolution 2021-83**
- M.** Consider a **Resolution 2021-84** Approving Final Plans and Specifications and Authorizing Advertisement for Bids for the 2021 Pavement Management Program, City Project No. 2020- 09D - Delaney Circle and Delaney Court Improvements.
- N.** Consider **Resolution 2021-85** Approving Plans and Specifications and Authorizing Advertisement for Bids for the 2021 Pavement Management Program, City Project No. 2021-09D - Bryant Lane Area Improvements (aka Majestic Woodlands).
- O.** Consider Resolution Approving Encroachment Agreement for Landowner Improvements Within City Drainage & Utility Easement for 8139 Cameo Circle, Lot 8 block 1, Jan Lyn Addition.

City Clerk Rebecca Kiernan stated resident Kelly Kayser requested pulling the minutes of February 8th and February 22nd, 2021, for minor changes as noted.

Motion by Piekarski Krech second by Gliva to approve as noted and amended:

- A. i. Minutes from the February 8, 2021 City Council Meeting**
- ii. Minutes from the February 22, 2021 City Council Meeting**

Ayes: 5
Nays: 0 Motion carried.

Motion by Dietrich second by Piekarski Krech to approve the Consent Agenda Items 4B through 4O.

Ayes: 5
Nays: 0 Motion carried.

5. PUBLIC HEARING:

6. REGULAR AGENDA:

Community Development:

A. Consider Third Reading of Ordinance Amending City Code Title 5, Chapter 4, Section 2(B)(3) Relating to Notification Requirements for Chicken License Renewal Applications. Ordinance 1401.

City Attorney Bridget McCauley Nason stated this is the Third Reading of the Ordinance Amending Chicken License Renewal Applications. There are no changes to the Draft Ordinance from the Second Reading. The change then was to remove the requirement for neighbor notification prior to issuances of a renewal Chicken License.

Motion by Murphy second by Piekarski Krech to approve the Third Reading of Ordinance Amending City Code Title 5, Chapter 4, Section 2(B)(3) Relating to Notification Requirements for Chicken License Renewal Applications. Ordinance 1401.

Ayes: 5
Nays: 0 Motion carried.

B. Consider the Third Reading of an Ordinance Amendment deleting the use "Ministorage facilities (with caretaker quarters) and outdoor vehicle storage" as a conditional use in the B-3, General Business District. Ordinance 1402.

City Planner Allan Hunting stated there are no changes for the Third Reading. Upon approval, mini storage would no longer be allowed in the B-3 Commercial District. Mini storage would still be allowed in the I-1 and I-2 Districts.

David Langer stated he represents the Mrozinski family that owns the property next door to US Mini Storage. Their concern is with the change. The biggest issue, based on current zoning, is what they could do with their landlocked parcel of property on the south side of 50th, west of US Mini Storage. The site is about two acres in size and has been for sale for over three years. He stated most interested parties revolve around smaller scale multi-family uses. There have also been small light industrial users. He stated light industrial does not work with the zoning unless there was a limited/non-existent allowable use of outdoor storage. If keeping everything inside, it would probably work. He has tried to get them to come to the table for an application for rezoning.

He requested there be no formal commitment, but willingness to consider options such as multi-family use, specialty senior housing use, low density such as a 30-40 apartment type use, or something non-existent of outside storage. He stated he has spoken to several in those categories, without knowledge that it would be looked at or considered, they have held back. He asked for an open door thought process and commented the current zoning is pretty limiting.

City Planner Hunting stated the current zoning of the property is office park. In the 2040 Plan the future land use designation was changed to Community Commercial. If someone wanted to pursue a multiple family project such as apartments, senior housing, or assisted care, it would require a Comprehensive Plan Amendment change to a Multiple Family District and then rezoning. He stated residential would seem reasonable but typically see higher density type projects along busier streets or highways. He commented there is a very large multiple family project to the north on 50th on either side of Blaine Avenue.

He stated going to some type of light industrial would require a Comprehensive Plan Amendment and rezoning. Abutting the freeway would be a bit nosier as this is at a dead end at the end of 50th Street. It could be a lighter scale use. He stated that either of those uses would seem reasonable in the location. It would require a Comprehensive Plan and rezoning for either of the types Mr. Langer suggested.

Mayor Bartholomew stated from the conversations had from the previous two Readings, he believed the Council would consider an appropriate change in the Comprehensive Plan and zoning to fit the use and to allow different use once storage is taken out of the B-3 location.

Mr. Langer stated it was the same as it would be otherwise. He was looking for Staff to know that the Council is open to consider other uses outside of the existing zoning characteristics of office park. He stated he has had multiple people wanting to buy the property for Industrial and have expressed a desire to have a decent amount of outside storage. He has responded that everything needs to be indoor, not a lot outside. Mayor Bartholomew responded that he believed the Council would be receptive to any application that comes forward requesting a change, the Council would look at the request and get a consensus. He stated they understand there would be a need to sell the property and are taking away one component of it. He commented he is in favor of looking at any application brought forward.

Councilmember Dietrich stated Mr. Langer brought up a good point, the property has a lot of potential, it is difficult not knowing the parameters around it. She stated she was in favor of looking at other uses and looks forward to something there in the near future.

Councilmember Murphy asked if other zoning changes such as this have been successful. City Planner Hunting responded there is always the possibility of someone wanting to do something other than current guiding. Council has looked at those changes and approved many. Staff is always willing to look at a different use and recognizes that uses and demand can change.

Councilmember Piekarski Krech stated there were three properties that are B-3 that do not fit this. They have said they were open to changing them to something else.

Motion by Piekarski Krech second by Dietrich to approve the Third Reading of an Ordinance Amendment deleting the use "Ministorage facilities (with caretaker quarters) and outdoor vehicle storage" as a conditional use in the B-3, General Business District. Ordinance 1402.

Ayes: 5

Nays: 0 Motion carried.

City Attorney McCauley Nason stated this would be effective upon passage and publication. It would be published in the official newspaper and would officially become the revised version of the Zoning Ordinance/Code Provision related to the mini storage use.

C. DAVID AND PAULINE NOVACK - Consider a Resolution relating to a Variance to allow more than one detached accessory structure on the property located at 8775 Bacardi Avenue. Resolution 2021-86.

Associate Planner Heather Botten stated the request is for property located east of Jefferson Trail along Bacardi Avenue. The property is zoned R-1C, Single Family Residential District. The lot contains the Applicant's home, detached garage, and a small shed in addition to the 512 square foot structure. There is not an attached garage. She stated the Applicant is requesting a variance to allow more than one detached accessory building on the property where one is allowed in the R-1C District.

She stated the Applicant began construction of the building but stopped work once they were made aware a Permit was required. A Building Permit has been applied for but is on hold for further Staff review until the variance process is complete. The structure complies with other Zoning Code requirements such as setbacks and impervious surface requirements. It is 16 feet from the rear property line and 6 feet from the side property line. The property is in a developed neighborhood with most homes built in the 60's or 70's. There are other properties in the neighborhood that contain more than one detached accessory structure.

She stated to note, if a structure is 120 square feet or less, it does not count toward the total number allowed on the property. City Code does not have any flexibility for properties that do not have an attached garage, to allow them to have more than one detached structure. The detached garage counts as the one allowed by Code requirements. Staff recommends denial of the variance request as approval could set a precedence for other requests to exceed the number of accessory structures allowed on the property. Staff believes the facts presented do not satisfy the variance criteria needed to show Practical Difficulty. The Planning Commission recommended denial of the variance at the March 16th Public Hearing due to the lack of Practical Difficulty. She stated the Planning Commission also discussed the need of a possible Ordinance Amendment to review City Code relating specifically to lots that do not have an attached garage, and if those lots would be allowed to have more than one detached accessory building.

Councilmember Piekarski Krech stated she could have 20, 120 square foot buildings. Associate Planner Botten responded as long as it complies with setbacks and impervious surface requirements, yes.

Mayor Bartholomew asked if impervious surface has been tested with the new building. Associate Planner Botten responded she reviewed via aerial photos and would verify with the homeowners if the variance is approved. If exceeding the maximum, Staff would work with Engineering to come up with a stormwater facility maintenance plan. She commented from what she has seen, the homeowners would be in compliance with impervious surface.

City Clerk Kiernan stated comments received from Linda Dehrer Wendt and John Wendt should be accepted into the record by Council.

Motion by Piekarski Krech second by Gliva to accept the comment into the Record.

Ayes: 5

Nays: 0 Motion carried.

David Novack (in person), 8775 Bacardi Avenue, stated he has a detached garage where others in the neighborhood have attached garages. In their process, they put a hot tub into the home and want to enclose it. He stated there was an issue with one of his neighbors who said they were building in the easement. They were not building in the easement, there was an electrical pedestal when burying the power line. With the process and having more than one building, he stated they are fine with removing the storage shed for impervious surface. They are open to taking down the shed to enclose the hot tub due to a bee allergy and safety for kids.

Mayor Bartholomew stated Staff and the Planning Commission have both recommended denial, the Council will have to look for a Practical Difficulty. Mr. Novack responded the home was built in 1971, they cannot have an additional structure other than a garage. He stated with what Councilmember Piekarski Krech stated he could put up four or five 10x12 additional structures and be fine. He commented if taking down the shed they would have a garage and one additional structure. He stated the Planning Commission has said this subject came up in 2020 and has been an issue with older homes.

Councilmember Piekarski Krech asked how many square feet total it would be with the current detached garage and the new structure. Associate Planner Botten responded slightly over 1,200. The garage is 760 and the proposed structure is 512 square feet. Councilmember Piekarski Krech asked if it was allowed to have more than 1,000 square feet. Associate Planner Botten responded if someone wanted to build just one detached structure on their property it can be up to 1,000 gross square feet.

Councilmember Gliva asked what the square footage was of the potential building that would be taken down. Associate Planner Botten responded the storage shed is just under 120 square feet.

Councilmember Piekarski Krech suggested cleaning up the verbiage allowing several little sheds of 120 square feet in a backyard. Councilmember Dietrich asked to have a discussion on the Ordinance as a whole, at a Work Session. She stated the Planning Commission got this right with the parameters given at this time. Mayor Bartholomew stated they need to discuss the notion of a detached building. He stated there was another issue regarding the amount of square footage on a lot less than five acres.

Mayor Bartholomew asked Interim City Administrator Rand if these items could be placed on a Work Session for discussion. Interim City Administrator Rand responded yes. She stated the Planning Commission will be planning to discuss the ratio concept and bring recommendations to the City Council at a Work Session. Both items could be discussed at that time.

Mayor Bartholomew addressed Mr. Novack's request and questioned what to do in the interim. He commented he could not vote for approval of a variance, but the Council would be discussing the Ordinance. Councilmember Gliva stated the need to have a discussion and look at the Ordinances and be consistent. Councilmember Murphy agreed stating this is the second time the Ordinance has not kept up with the Community.

Councilmember Piekarski Krech stated Mr. Novack has a partially finished building that he is not allowed to finish. If turning this down, the building would have to be taken down. She asked how to solve this immediate problem, or if a hold could be put on it until they can have further discussion.

City Attorney McCauley Nason stated the City Council has to take action as noted on the application. With what happens moving forward, the Council is looking for additional options and potential changes. No additional building or construction can occur on the site if the variance is denied. Knowing that a change is potentially imminent, there could be a deferred enforcement period for two to three months while the Code is reviewed.

Councilmember Murphy asked about previous times variances have been denied and partial construction had to be taken down. He asked if there was any liability. City Attorney McCauley Nason responded the cleanest course of action would be to tell him to take it down and give the time to do so. It could be said he has up to three months to remove the structure. She stated if Council comes back and changes the Ordinance for that type of structure to be allowed, that would solve the problem. In the past there has not been specific direction from the Council that she was aware of, to move forward with an Ordinance change to address the particular situation. She stated nobody is saying it can be kept up, it states there is a certain period of time to take it down. The current

building cannot be improved or built on. She stated if there are others who build things without Permits all Code provisions still apply.

Councilmember Murphy stated he was thinking about a fence that recently had to come down. Associate Planner Botten responded that was different as there was not direction to look at an Ordinance change, it was a denied variance. She stated putting the extended timeline to remove, with a three- or four-month timeframe, after Council makes a decision if an Ordinance change can take place. She commented just in case the public process takes longer than three months, she did not want them to be tied to 90 days as it may still be going through the public process. Councilmember Murphy stated this was different as they may give it time to be taken down. Associate Planner Botten agreed stating they are looking at an Ordinance change that could possibly allow it to stay.

Mayor Bartholomew clarified the timeframe stating there would be three or four months after the Ordinance change discussion for the process and there would be a date certain to tear down if needed. Associate Planner Botten agreed stating she wanted there to be flexibility. City Attorney McCauley Nason recommended a specific date certain be set, such as 120 days from today's date. If this comes to the Council at a Work Session and direction is to not look further at it now, they do not want anything open ended. If the Council does not change it, there is a violation, and the structure would have to be taken down. She asked if 120 days was reasonable. Associate Planner Botten agreed with 120 days.

Mr. Novak commented if attaching the garage to his home he would have no issue. City Attorney McCauley Nason responded she believed if attaching the garage to the house and removing the other shed, Mr. Novak's comment is correct. Associate Planner Botten responded if attaching the garage to the house, he would be fine with his proposed 512 square foot structure and no variances would be needed. The smaller shed that is less than 120 square feet could be kept and does not count toward the total number. She stated attaching the garage to the house may add impervious surface and he could be over the amount. In that case, he would work with the Engineering Department to treat the additional stormwater on the property.

Mr. Novak stated the part that would be attached is already a concrete slab. It would be a process of enclosing the concrete slab. He commented if all he needed to do was attach the garage, he would do it if it makes it easier. Associate Planner Botten responded it could not be attached with just a breezeway, it would have to be an actual attached shared wall, it may need to be heated or need footings. She stated she would have to work with the Building Official about what makes it attached. Mr. Novak responded he would be willing to work with the Associate Planner.

Mayor Bartholomew stated if denying the variance and giving a 120-date certain, would give time for an Ordinance discussion. Mr. Novak responded he would speak with Associate Planner Botten about attaching it correctly. He stated an Ordinance change would not just affect him; it affects many.

Councilmember Gliva stated she believed this needed to be denied. They need to work on new Ordinances.

Motion by Gliva second by Murphy to deny Resolution 2021-86 relating to a Variance to allow more than one detached accessory structure on the property located at 8775 Bacardi Avenue and to move forward with a 120-day time period for Date Certain and review the Statute with input from Staff.

City Attorney McCauley Nason clarified that the Motion is to approve the Resolution in the packet on Page 282 denying the variance for all reasons therein. Councilmembers Gliva and Murphy agreed.

Ayes: 5
Nays: 0

John and Linda Wendt were on the phone to speak regarding this topic. Mr. Wendt stated they, and others in the neighborhood are opposed to the variance. He commented there were things Mr. Novak did not tell Council. If looking at the pictures he submitted, there are no footings or a proper foundation for the shed. The building is sitting on a few concrete blocks. He stated Mr. Novak mentioned the pedestal in the center where he placed an electrical box three feet into the alley even though the power to the new building runs toward the garage. He

stated there is a recorded easement that runs the entire length of the block, the alley easement is not a utility easement. It has been on record for over 60 years and on the Deed for all the homeowners, including the Applicant. He stated Mr. Novak stated to the Planning Commission that Dakota Electric put the box in the alley for easy access. He stated he contacted Dakota Electric who said the Homeowners never told Dakota Electric there was an alley easement. He commented the box may help the Applicant but would be a burden on every other home on the block and needs to be moved. He said they are not trying to deny anyone of their happiness. There is a 16-foot easement, the box is currently three feet into it. People drive down the alley and turn onto his property to turn because of the electrical box. He commented when the Novak's purchased the property it is on their Deed and they completely ignored it.

Mayor Bartholomew stated the easement resolution will be addressed. The variance has been denied and the Applicant cannot proceed. He stated they will be reviewing Ordinances. He requested information from the City Attorney on the alley easement. City Attorney McCauley Nason responded they reviewed the Title work submitted with the Application. The alley easement is a private alley easement as opposed to a public alley easement. It is located on the Title and would be a private property owner issue. It is not a City easement. She stated because it is a private easement and benefits just the properties, it is a matter between the private property owners. Mayor Bartholomew asked if the review would continue. City Attorney McCauley Nason responded no. Mayor Bartholomew asked if it is discovered to be public easement, if it could be brought to the Council's attention. City Attorney McCauley Nason responded yes.

D. AURIANNA NORWOOD - Consider the following requests for property located at 640 9th Avenue:
1. A Variance to allow more than one accessory structure on the property. Resolution 2021-87.
2. A Variance to allow a detached Accessory Dwelling Unit (ADU) on a lot less than one acre in size. Resolution 2021-88.

City Planner Allan Hunting stated the request is to add a detached accessory dwelling unit on the property. Two variances are needed:

1. To allow an accessory ADU on a lot that is less than one acre in size.
2. To allow a second accessory structure on the property.

The Applicant is proposing to construct a 480 square foot accessory dwelling unit on the backside of the lot. The house is on the property along with a detached garage, pool, and patio area. The lot is approximately 20,000 square feet, ½ acre.

He stated when the Accessory Dwelling Unit Ordinance was reviewed and created in 2015, lot size was a discussion point for detached ADU's with the concern being to minimize the impact to neighborhoods. The Housing Committee suggested allowing on lots as small as 12,000 square feet. When Planning Commission reviewed the request, they supported a larger lot and suggested a one-acre minimum lot size for detached ADU. The Ordinance was adopted with that minimum lot size requirement.

He stated there was just discussion about multiple accessory structures. When the Ordinance was created it was the intent to exclude smaller lots and exclude this type of situation allowing a detached accessory structure. Staff and the Planning Commission do not support the variances. He stated the Council packet contains Resolutions for both denial and approval. If supporting, Council would have to state a Practical Difficulty for the variances. Mayor Bartholomew stated there was discussion about what the Housing Committee proposed and was decided the City would have the one acre minimum. It would not be less than one acre; it would need to be one acre or more for an ADU.

Arianna Norwood, 640 9th Avenue South spoke via Zoom and stated the request is for an accessory dwelling unit at the back of the property. The Practical Difficulty was the unique shape of the property, it is elongated and narrow. She stated the preference would be to build an addition onto the house itself, so a variance is not required, but are unable due to the setback requirements. She commented the detached garage limits their choices. Neighboring homes have attached garages, putting them at a disadvantage and needing to request a variance. She stated the proposed structure would be 480 square feet. The maximum square foot allowed for an ADU would be 1,000 square feet.

Councilmember Piekarski Krech asked if they attempted to get a variance to add onto the house. Ms. Norwood responded no, a variance to add onto the house would not be required. The requirement for the lot size is only for a detached accessory dwelling unit. Councilmember Piekarski Krech stated this item is requested because they cannot add onto the house even though they could request a variance to do so.

Mayor Bartholomew stated the lot size is not big enough for an ADU and he cannot support the request. He stated the accessory structure has to be denied. Staff recommends denial, he cannot see a Practical Difficulty, it is not close to the acre required. Councilmember Murphy agreed stating the issue for him is density. He is not seeing a Practical Difficulty. Councilmember Piekarski Krech stated the house could be added onto. She did not agree with another structure, it does not meet the minimum lot size.

Motion by Murphy second by Gliva to deny requests for property located at 640 9th Avenue:

- 1. A Variance to allow more than one accessory structure on the property. Resolution 2021-87.**
 - 2. A Variance to allow a detached Accessory Dwelling Unit (ADU) on a lot less than one acre in size. Resolution 2021-88;**
- with the reasons presents by Staff and in the Planning Report.**

Ayes: 5

Nays: 0 Motion carried.

E. SKIGH DEVELOPMENT - Consider a Comprehensive Plan Amendment to change the land use designation from NC, Neighborhood Commercial and LDR, Low Density Residential to MDR, Medium Density Residential for the two parcels located at 5871 Cahill Avenue.

City Planner Hunting stated the Applicant is proposing to redevelop the two lots and construct a 26 unit, one building three story apartment. To accomplish this a Comprehensive Plan Amendment is required. Current guiding of the property has a single-family home on the southern lot guided low density residential. There is an auto repair building that was reguided to neighborhood commercial. He stated in 1997 the City rezoned the northern half to commercial for the auto repair and rezoned the lower half to single family. It had been guided agriculture.

He stated Staff has looked at this, there is a mix of uses in the area such as: commercial, office, single family, multiple family, townhomes, and senior apartments. The west side of Cahill is more single type use. The closest higher density multiple family on the west side of Cahill is about 1/3 down off of 65th Street. He stated the Staff report provides a definition of all the different existing land use categories. Relevant policies were listed. He questioned if the land use category should be changed and if so, is the use proposed consistent with the neighborhood. The proposed density is similar to others in the area. Staff has been supportive of the change and recommend approval of the Comprehensive Plan Amendment to a Medium Density Residential.

Mayor Bartholomew wanted to make sure the Resolution is clear and does not take effect until there is a Preliminary Plat and site plan approval. City Planner Hunting agreed.

Councilmember Piekarski Krech stated not seeing the site plan makes it difficult. She understands the neighbors concerns to the west. If there was a significant buffer, it would be the same difference as having Walgreens there. She was concerned about how to buffer it from an existing residential neighborhood. City Planner Hunting responded there is an approximate 40-foot elevation change from the ground floor of the units to the back yards of the single-family homes. The building could be about 35 feet and would be lower by elevation but would be visible. He stated there is existing vegetation on the hill that would fill in during the summer months and be more open in the winter months. He stated they could not guarantee they would be able to screen the building from the backyards of the homes on top of the hill.

Councilmember Piekarski Krech stated she was not as concerned about the screening as much as the distance between and spacing. She questioned if it would be closer to Cahill to allow more green space between the development and homes. City Planner Hunting responded the building is proposed to be in the middle of the lot, there would be buffering in the back. Land would not be disturbed all the way to the homes back property line.

Councilmember Gliva stated they are going from a residence and lower density on two different properties and going to medium density. There would be two different placements. She asked why it would change that dramatically. City Planner Hunting responded the proposed density of the project requires a change of the Comprehensive Plan to medium density with 8-12 units per acre. The southerly lot is guided low density residential, which can have 1-4 units per acre. The northerly lot is currently neighborhood commercial and needed to match the existing B3 commercial zoning because there had been an auto repair shop on the property. The change to a higher density is required based on the project proposed. He stated he could not remember if there were always two lots. There was a single-family home and a detached garage, the garage was converted into the auto repair business.

Scott England, (phone) DJR Architecture, 333 Washington Avenue North, Minneapolis, MN 55401 represented SKIGH Development stating they are proposing to make an Amendment to the 2040 Comprehensive Plan. If affirmed, they would go through the site plan review and zoning. The parcel is located at Cahill and Upper 55th Street, a busier street. He stated what is normal for a busier street is to have more intensive development. There are higher activity uses happening at the intersection. He stated it is normal to have a gradual step down from the more intense uses of the Community. Medium density residential would be a step down from those heading toward the lower residential density areas.

He stated the current guide dealt with an existing single-family home and a repair garage. If the existing guidance stays in place the lot could be redeveloped much like the Walgreens with height, site use, impervious surfaces, and retention of trees. He stated they see the development of a medium density residential three-story apartment building to be a gradual change of use. He displayed an image of the proposed apartment building with a parking lot in front and an underground parking garage. He stated the grades are shown with the bottom being 825 elevation, the parking lot is at 830, the first floor is at 837 and by the time they get to the top of the hill they are at 860. That is in addition to the extensive number of trees. He stated part of the reason the building has been placed conceptually is due to a large tree that is very special to the existing owners of the property that they would like to maintain. There is also another tree to the rear of the development that is also special to the owners. He stated by Cahill there is a slight dip with a bit of a retention pond, behind the building the grade goes up and then down, then back up as it gets over to 5888 Burke Trail. There is extensive vegetation between the two properties and the ground is about level with the roof of the building.

Mayor Bartholomew asked if there would be a traffic study. Mr. England responded yes.

John Maloney, (in person) 5888 Burke Trail, stated he lives in the Woodlands development to the west of the proposed development. He opposes the development and hopes the Council denies the request. He stated he and his wife have lived in the City for 35 years and moved into this current home in 1997. He stated the previous owner of the property, Larry Krech, changed the zoning of the property to be in compliance. He ran a car repair shop in the garage and was non-compliance for low density residential. He stated he spoke to Mr. Krech and was in agreement with the change so the business could continue to run in the location.

He stated looking at the lot lines its clear the garage was carved out of the lot to be in compliance with zoning. Allowing this zoning change is not fair for Larry's small business as a gateway to a much higher use going forward. He was shocked to see this type of density. He stated the neighborhood he is in is part of the LDR designation with 1-4 units per acre, his development is more like 1-2 per acre. This proposal is at the high end of the designation and to him, there is not a transition in classification. He stated he read through the City Comprehensive Plan and commented the City spends time and effort on it, to consider changing it because the Developer wants to put something in. He believes the City should pause and take a harder look at this.

Jason Kustritz, (in person) 5898 Burke Trail, stated he has lived in the City for eight years and enjoys the Majestic Woodlands area. He agreed there is a City Plan with zoning and to potentially throw it out so a developer can make a profit against the wishes of the taxpayers and residents in the area is a mistake. He stated there are other areas available for medium density housing. He suggested those areas be looked at instead of this area as they are already designated medium density. He is not against any development on the property but believes another option would be better. He commented that he was worried about what could happen with property values if the project goes through. He is concerned about a utility easement at the back of the property. He stated that

people walk through there and is concerned with more residents in the area and creating more of a potential problem. He was concerned about the properties down the line, if the homeowners feel they could make a profit by selling to a developer, the entire length of homes would be medium density in the future.

Jean Bohlig, (in person) 5906 Burke Trail, stated they have lived in the area for 33 years. One of the reasons they purchased the home in 2013 was the beautiful view out back. A nice view and privacy are important for them. She stated in purchasing the home they checked out the adjacent lots behind them and they appeared to be zoned single family/low density and felt comfortable purchasing the home. In 2019 the Comprehensive Plan had the lots continue to be zoned low density residential. She stated as residents of the City, they rely on the plans to be solid, especially given how extensive the land use plan is. She commented a Developer gets attention and the City considers rezoning the lots to medium density to build an apartment building. She stated she does not appreciate the zoning change; it changes the landscape of the neighborhood. She asked the Council to please consider extending the character of the neighborhood by utilizing the lots for single family dwelling. She is concerned about property value and assumes it would be reduced.

She stated she noticed the ratings for nearby Hilltop Elementary School are not noteworthy and wondered what impact it would have if residents of the apartment building are sending their children to the school. She commented whatever issues the school is having needs to be addressed before any decisions are made to increase the number of students attending. She stated her feelings are those elected to the Council, represent and work for residents, not the Developer. She requests this not be passed.

Jenny Finwall, (in person) 5905 Cahill Avenue, stated her property is south of the proposed development and shares a 270-foot property line. They are at a similar elevation. She would get parking lot noise and lights. She did not move there to live next to an apartment building and does not want it next to her home. She commented living between an apartment building and the emergency housing down the street is a concern. She has been approached by a panhandler while she was in her driveway last winter. She has safety concerns and concerns about the addition of kids going to the schools.

Regina Barr, (in person) 5947 Bryant Lane, stated she is speaking against the proposed zoning request. She referenced what resident John Maloney said about the person who was trying to comply with zoning in the Community and had his property grandfathered in. She stated it was never the intent of the property to be a commercial property, it was to allow a man who had a business. She felt the spirit and intent of the change should be honored. She stated the Council just denied several variances for homeowners, it seems like when a Developer comes with a development, the City bends over backwards to rezone and change variances. She likes to see standardization in things applied equally and should apply to both homeowner and Developer. She commented she does not believe a Developer who does not live in the Community should get more precedence than the residents do. She opposes the rezoning. She does not oppose developments in the current zoning but opposes the rezoning to meet the needs of the Developer.

City Clerk Rebecca Kiernan stated she received two comments this week that need to be entered into the record from:

Mike and Sharon Carney, 5960 Burke Trail
 Jason Kustritz, 5898 Burke Trail

Motion by Dietrich second by Gliva to accept the items into the record as stated by City Clerk Kiernan.

Ayes: 5

Nays: 0 Motion carried.

Mayor Bartholomew stated he has been on the Planning Commission for nine years, the Council for eight years, and has been through two Comprehensive Plans. A lot of thought and effort is put into them not only from Staff, but citizens and Commission input. The Plan has always been a living breathing Plan and one that can be modified and changed with a 4/5 vote. He stated he sees the merit but that does not mean he supports it at this time. He believed the distance is right and believes in the need for additional housing in the City. He understood the concerns of the adjacent property owners.

Councilmember Murphy requested the size of the southern portion of the lot. Councilmember Piekarski Krech responded it was 1.22 acres, .16 right of way. Both lots equal 2.52 acres. She stated the Comprehensive Plan does change, without changes people would not be in attendance. The Plan is a document to guide with. Every ten years it is discussed with the Met Council.

Councilmember Gliva stated she has a hard time agreeing there is a good transition going from low density to medium density. She commented she heard neighbors speak and listened to the one that would have the parking lot next to them. As a homeowner, she would not want that. She stated she does not know that this is a good fit.

Councilmember Murphy asked if there are established ranges to what is considered low density and medium density. City Planner Hunting responded the Comprehensive Plan defines the ranges. Low Density Residential is 1-4 units per acre, Medium Density is 8-12 units per acre. There is a category in between them called Low/Medium Density Residential with a range of 4-8 units per acre.

City Attorney McCauley Nason stated this item requires a Supermajority Vote. Statute requires a 2/3 vote; in a 5-member City Council amounts to 4/5 votes. Resolution of Approval is in the Council packets. If anyone on the Council is thinking about making a Motion to deny, she recommends, in order to provide Staff time to prepare a Resolution of Denial containing Findings of Fact to support the denial, making a Motion to table the item to the first meeting in April with the direction to Staff to prepare a Resolution of Denial outlining the reasons for denial.

Mayor Bartholomew asked if the Council would need to list the reasons for the denial tonight or at the meeting in April. City Attorney McCauley Nason responded if a Councilmember wishes to vote for denial, it may be a Motion to table the item to the April meeting. Staff would need to be directed to prepare a Resolution of Denial and articulate the reasons the Councilmember sees for denying the Application. When the Council takes up the item in April, there would be two Resolutions:

1. Of approval.
2. Of denial. This includes potential grounds for denial.

She stated the reason for this is because the Council has to come up with a written Findings of Fact related to the denial. Because that information is not in the packets, if Council is looking to deny, she recommends Staff be given the opportunity to provide that document to the Council.

Councilmember Dietrich asked if this could have been done with both Resolutions in the packet. City Attorney McCauley Nason responded yes; she could not speak to the specifics behind it other than it was a unanimous recommendation of Planning Commission for approval of the Comprehensive Plan Amendment. That could be why the Resolution in the packet was for approval. She stated there can be a placeholder Resolution.

Mayor Bartholomew asked if they should not list reasons for denial because there is not a Resolution for Denial as a placeholder. City Attorney McCauley Nason responded one way would be to come back and have something in writing prepared. If the Council wants to vote tonight to make a Motion to deny the Application, she would ask the Councilmember who is making the Motion what the reasons were. She would have to ask all Councilmembers who vote in favor what their grounds were. They would have to come back with the written Findings of Fact and reasons for denial for formal approval by the Council at the next meeting.

Motion by Gliva second by Dietrich to deny a Comprehensive Plan Amendment to change the land use designation from NC, Neighborhood Commercial and LDR, Low Density Residential to MDR, Medium Density Residential for the two parcels located at 5871 Cahill Avenue.

City Attorney McCauley Nason requested the grounds for denial from Councilmember Gliva. Councilmember Gliva responded she was not in favor of the variance. They have just put together a Plan less than two years ago and does not feel it was a good transition going from low density to high/medium density. Also due to the neighbors surrounding who were expecting this to be according to the Plan. She is not in favor of changing that. City Attorney McCauley Nason requested the grounds for denial from Councilmember Dietrich. Councilmember Dietrich responded hers were also along the same lines as Councilmember Gliva and that she wants to follow the guiding principle of the Comprehensive Plan.

Councilmember Murphy asked if the vote is to table the item or deny. Mayor Bartholomew responded the Motion is to deny.

Ayes: 3
Nays: 2 (Bartholomew, Piekarski Krech) Motion carried.

City Attorney McCauley Nason stated there would be something in writing for Council approval with the next Agenda.

City Attorney McCauley Nason asked Councilmember Murphy if he was voting to deny based on the reasons articulated by Councilmembers Gliva and Dietrich, or if there were other reasons. Councilmember Murphy responded he has different reasons for denying. He believed the west side of Cahill was different than the east side of Cahill. He would need more time to discuss with neighbors and would need to explore the number of units per acre in more detail. He stated a lot of this was new information and he has not had the time to fully look it over yet.

Administration:

F. Consider First Reading of Ordinance Amending City Code Title 1, Chapter 1, Section 1(A) Changing the Meeting Time for Regular Council Meetings to 6:00 p.m.

Interim City Administrator Heather Rand stated the Council has discussed this item at previous meetings. After three readings, the start time would change for the Council meetings that take place on the second and fourth Monday of the month from a 7:00 p.m. start time to a 6:00 p.m. start time. She stated the Council's thoughts on pursuing the time change was so the public could more readily attend. With the current 7:00 p.m. start time, the meetings can go long and be arduous to attend, participate, and view. This is the first of three readings. Residents can provide input. The change would not go into effect until May.

She stated Staff has reached out to Town Square Television to ensure this is something they can accommodate. They have said they are willing to work with the City. She stated there is additional language in the Ordinance that speaks to a practice already embraced, setting the meeting Calendar to accommodate when there is a holiday on a Monday. In the past Staff notifies the Council that they set a schedule of meetings throughout the entire year in January so everyone can plan. The Ordinance currently says the meeting date would be established prior to the Holiday. Staff suggests the Ordinance change incorporates what has been put into practice.

Mayor Bartholomew asked where the information was listed and posted other than the website, and if businesses were contacted. Interim City Administrator Rand responded they would put this on the website. Notice is in the paper, the bulletin board, and where meeting Agendas are posted.

Mayor Bartholomew asked if any negative comment has been received. Interim City Administrator Rand responded she has not heard any negative comments since the comments shared with Council a couple of weeks ago. She stated two weeks ago she attending the Planning Commission meeting to present the discussion by Council for future switching of meeting dates. It was suggested the Planning Commission move from a Tuesday meeting to a Monday and the City Council would move from a Monday to a Tuesday. The Commission responded they would be providing feedback in the future.

Councilmember Piekarski Krech stated 6:00 p.m. works for the Council that is currently seated. She asked if this precludes some from running for the Council in the future because of work constraints. She commented previous Councils had some Councilmembers that had difficulty getting to a meeting at 7:00 p.m.

Motion by Gliva second by Murphy to approve the First Reading of Ordinance Amending City Code Title 1, Chapter 1, Section 1(A) Changing the Meeting Time for Regular Council Meetings to 6:00 p.m.

Ayes: 5
Nays: 0 Motion carried.

G. Resolution approving Legislative Platform amendment to include Heritage Village Park.

Interim City Administrator Rand stated in January the Council approved a Legislative Platform with prioritization of Legislative issues. The Legislative Platform includes items the City is embracing as part of a coalition with the League of Minnesota Cities, other Cities, and the Minnesota Legislative Commission. She stated the Legislative Platform also includes a Bonding Bill request. The Council has discussed what was reasonable to request for State Bonding Grants. One suggestion was for improvements to the Public Works Garage, that was deemed not being of regional significance. Another suggestion was needs at Heritage Village Park to continue to develop for the redevelopment of Concord Boulevard and encourage the river for residents and visitors. She stated Council also included and settled on the reconstruction and modernization of 117th Street in the City due to the large volume of employment that relies upon the street connection.

She stated at the time (in January) it was thought best to go in with one priority in hopes of not spreading themselves too thin. It was noticed the Legislative Delegation, the Senator and Representative, introduced Bills for Heritage Village Park for continued park development. She stated over a week ago she was notified by the City's Government Affairs Professional that Representative Richardson had indicated that for the City, she did not feel the Legislative priorities had to be one or the other but believed strongly they should advocate for both the 117th Street modernization project in addition to Heritage Village Park and the development of that park. She stated shortly after she was invited to participate, by Representative Richardson, in a House Hearing last week on Heritage Village Park. It would be a matter of time before the Senate would request something similar of the City, in addition to moving forward with some direct advocacy for Heritage Village Park.

She stated this is the opportunity to discuss if the Council is comfortable with the Legislative Delegation suggestion to move forward with both priorities. She recommends moving forward with both priorities. She believes it is important to receive communication from Representative Richardson that she understands the City's #1 priority for Bonding this year is 117th Street. Should one fall off as they go through the Session, they should communicate in writing and send something to Representative Richardson that 117th Street is still the #1 priority for the Community.

Interim City Administrator Rand stated the Interim Parks and Recreation Director is on the line if the Council has questions. She stated she has heard the Council's concern about ongoing Park operations cost, if the City receives this Bonding Allocation and the park continues to get developed. Council has received additional information that addresses the costs.

Mayor Bartholomew stated he felt a bit pigeonholed by the Staff of the Representative calling and requesting a phone call from him about what his thoughts were on linking together the proposal of the Heritage funding and the 117th road repair, which Council agreed was priority. He stated he left a message with Representative Richardson and would share what he said in the phone call. He stated he understood the need to be diplomatic.

He stated in his message to Representative Richardson that it was the goal of the Council to get funding for 117th Street as a priority. For economic, transportation, and safety reasons. He stated he appreciated her promotion of Heritage Village Park. He said he was not going to say they would not accept or get in the way but did say their priority is 117th Street. He commented he said that as gently as he could. He stated this morning he had a meeting with the Finance Committee, Ms. Richardson introduced him with great respect and dignity, and he appreciated that. He stated she said she was in favor and support of the 117th Street improvement. He stated he gave his five-minute presentation, it went well, there were no questions. He said why it was needed, what Staff has told them, the safety concerns, benefits for commerce in the area, and for transportation for the surrounding commute population. It is not just commercial, its for those in the area to have a better commute. He stated he was very disappointed with the Representative. He does not want it to become a sticking point with the ability to get funding for 117th Street.

Interim City Administrator Rand requested the Council direct her to send correspondence and request something in writing from Representative Richardson that denotes she understands that the City's number one priority is still 117th Street.

Councilmember Dietrich stated she was on a call with Commissioner Atkins on March 11th, and this was how she had heard about it, it was mentioned off the cuff. She commented it did not sit well with her circumventing the

Council which is the governing body of the City. She asked why they were not notified by someone when the conversation started. She stated it seemed like a lot of people knew about it except for the people that make the decision. Interim City Administrator Rand responded she was made aware over a week ago that this was a Bill that Representative Richardson was saying Heritage Village Park and 117th Street. It is not an either/or proposition and wanted to move forward with both. She stated if Council asks why, she herself did not bring forth the information, she did not until Wednesday of last week.

Councilmember Murphy stated the Council put a fair amount of work into developing and finalizing the Platform. After thought, he stated one of the questions he had was if anyone was contacted by Richardson's office, and the Interim City Administrator and Mayor were. He stated he agreed with Councilmember Dietrich that they are in a no-win situation at the moment, and someone is dictating what is being done with the City when the decision has already been made. He commented he is all for Heritage Village Park and for the redevelopment of 117th Street. He does not understand the politics of the situation and finds it a little offensive. Mayor Bartholomew stated he found it offensive as well. He was trying to think of a way to soft land it to keep the Legislative Representatives paying attention to the Council.

Councilmember Murphy asked what would happen if they do not alter the Platform. He asked if the Bonding Bill goes through and includes Heritage Village Park, what kind of financial liability the City is looking at. Interim City Administrator Rand responded if they choose not to add Heritage Village Park, she would reach out to the Legislative Delegation that it is not a priority to the City.

Interim Parks and Recreation Director Jon Oyanagi responded to the question about Heritage Village Park and the Bonding Bill stating the City would have the option to deny acceptance. Some of the Bonding Bills stipulate that it is a straight Grant. Some require a match. It would depend on how it was worded. He thought it could be a straight Grant but has not been successful in contacting the Representative's office to clarify.

Councilmember Gliva stated after Council decided on a Platform on January 19th, she attended an Issues meeting at the Chamber. At that time, the former City Administrator sent out a short blurb about Representative Richardson supporting Heritage Village Park. She stated she asked the City Administrator in another email about it, it did not say who brought the topic to Representative Richardson. Her understanding is that it was more at a County level, and thinks Commissioner Atkins believes, because it is a nice regional asset for the entire Community, that is why they are where they are. She stated she would be in favor of adding something like this to the Platform if they had the County Commission support as well. She believes it was something they can pursue or ask.

Councilmember Piekarski Krech stated they definitely need something in writing that states 117th Street is their priority. She felt blindsided that this was introduced without Council input. She stated Heritage Village Park needs to be County wide/metro wide, it is a bigger thing than Inver Grove Heights. She stated the City could do some of the upkeep, but the funding needs to come from other people if they believe it is such a great idea and want to make sure it is done before the Council is quite ready to do it.

Councilmember Dietrich stated the money still is not in the coffers and is what has been the discussion before. She agrees if they could get some County money this would definitely be a County amenity.

Councilmember Murphy asked if they could ask the County for financial support if this is important outside of Inver Grove Heights. Interim City Administrator Rand responded she was willing, if given direction tonight, to reach out to Commissioner Atkins and ask if that is something he is willing to pursue with the County. She stated she appreciated Councilmember Piekarski Krech making reference of the importance to receive something in writing from the Representative. She was concerned about end of Session and if the City is not very clear about what may happen if they do not receive something in writing understanding that 117th Street is priority. Councilmember Piekarski Krech stated 117th Street goes to the economic viability of the Community and has to be number one.

Councilmember Dietrich stated she would think Representative Richardson knows 117th Street is their priority; she was unsure about the confusion. Councilmember Murphy stated having it in writing that the City's priorities are understood may be a useful document long term.

Mayor Bartholomew asked the Council what their thoughts were. Councilmember Piekarski Krech responded Heritage Village Park would likely have to be added because it is already in the Bill.

Regina Barr, (in person) 5947 Bryant Lane, stated she is speaking against adding it to the Legislative Platform. She is not against the park. She has been very disappointed as someone who follows things that go through the Legislature. She stated the following:

- At the January 19th Council Meeting there was a session to review Legislative priorities.
- On January 25th, the City Council approved the Legislative Priorities. It did not include Heritage Village Park.
- On February 11th, Ms. Rand announced that Heritage Village Park was part of Dakota County's Legislative Platform. Not Inver Grove Heights. Representative Richardson and Senator Kline had authored a Bonding Bill

She stated she asked Ms. Rand several questions that she was unable to answer, including future funding and whether or not Dakota County was interested in acquiring the property and funding the full cost of developing the Regional asset. She stated there were two Councilmembers on the call who seemed surprised when that came up and chose not to respond to her questions either.

She stated she sent emails the same day to both Senator Klein and Representative Richardson. Part of Senator Klein's response was that Joe Atkins heard from City Administrator Joe Lynch that the City was prioritizing other Bonding requirements. Representative Richardson stated in conversation with Joe Atkins that he would be open to pursuing potential Community involvement including ownership or maintenance.

- On March 11th Joe Atkins was in attendance, she asked him her questions, he confirmed Dakota County had included Heritage Village Park in their Legislative Platform. He did not answer questions about ownership and maintenance even though asked.
- On March 18th, Bonding Committee Meeting, Ms. Rand, and Mr. Oyanagi testified regarding Heritage Village Park which was not a part of our Legislative Platform.
- March 22nd, Staff asks that City Council reconsider and add Heritage Village Park to the Platform after the fact. After Staff has already gone around, after Dakota County has gone around the will of this Council elected by residents.

She stated she does not know what is going on here and makes her wonder what else is going on that the City Council does not know about. She would like to know who gave Staff permission to act on behalf of something the City Council already made a decision not to pursue. She stated in the private sector they call this insubordination, and someone would probably be fired or disciplined for something like that.

She requested the Council vote no until they get some answers to those questions. Questions such as if Dakota County is willing to acquire the property and pay for the funding cost. The State will give Bonding but will not give 100%. She would like to see Dakota County step up to the plate. She respectfully requests not to add it at this time until more answers to questions are received. Ms. Barr stated she could submit the questions she has been asking to the City Clerk. She stated she appreciated everyone's comments, the Mayor, and all Councilmembers.

Councilmember Dietrich addressed Interim City Administrator Rand stating this was disturbing to hear about. She was unaware that the Interim City Administrator and the Interim Parks and Recreation Director testified. She asked who approved the Staff time when it was not a priority. Interim City Administrator Rand responded she did not see a need for City Council to approve Staff time. The request was made to her by Representative Richardson's office that an individual from the City show up at the Hearing. She honored the request. She stated she knew the issue was coming to Council for further discussion tonight. She knew they would be following up with Legislation based off direction given by Council. She stated as an Interim City Administrator there is a lot of discretion in terms of what they do and do not do. She said it is very important to be responsive to the Legislative Delegation and does not find it wise to say no to a Legislator when they ask someone to show up.

Councilmember Dietrich stated the problem is the Council is the Interim City Administrator's boss and had already given direction, in that case an explanation was owed as to why she went there with Staff time. It was not an off the cuff decision, it is a big deal. Interim City Administrator Rand responded she does not see where there is insubordination here, she sees where there is conformance to a request from a Legislator to be very polite and

cordial when receiving a request for a Bonding Bill they introduced and put out there. She stated Staff, she, and Mr. Oyanagi, (who did not make a statement, it was just herself that did off of an informational sheet that was provided to the City Council last Wednesday), did not deviate from that or Lobbied any Legislators on this topic or have any conversation with Representative Richardson. She did not go to the Capital; it was a Zoom Meeting. Councilmember Dietrich stated Representative Richardson is not her boss and all in her District are her boss. She was not sure why they were placating to that; it was very disappointing.

Mayor Bartholomew asked the Council whether they should add Heritage Village Park to the Platform or not. He commented he could go either way. Councilmember Gliva asked if there was any way they could get further information from the County before making a decision. She asked if there was time and if this could be tabled. Councilmember Piekarski Krech asked what the pros and cons were of doing/not doing. She stated these Bills have been introduced, in the spirit of cooperation, we are bringing this forward. She stated if Ms. Barr was correct and Mr. Atkins said this was put in through the County, Ms. Richardson introduced the Bill because she deemed it was a County request assuming it was also the City. She asked what the purpose was of approving a Legislative Agenda, what weight it carries.

Interim City Administrator Rand stated she was attempting to get direction from Council that she lacked last week and did not feel comfortable with. She stated that was why they have not lobbied anything to date with Heritage Village Park. If not adding this tonight, there would be requests to continue to advocate for the project and have to say no. There could be requests to show up at the request of the Senator or Representative again. She stated in the future, if not adding this, it sends her a clear message that the Council is not willing to embrace Representative Richardson's thoughts that both Bills would be successful this Session. She commented to her, that is a risk that she did not want to set the Council up for.

Councilmember Murphy asked if there was any information from the Lobbying firm. Interim City Administrator Rand responded Katy Sen from Messerli Kramer is our Lobbyist and felt strongly that if it is not an either/or proposition, it is very unwise to say no to a Legislator that wants to help the Community. She stated Katy works for us, and if tonight given the direction they do not want to pursue this, Staff will follow suit.

Motion by Dietrich second by Gliva to deny the Legislative Platform Resolution approving a Legislative Platform amendment to include Heritage Village Park.

Councilmember Piekarski Krech asked if this could be tabled instead of denying to try to get information from Representative Richardson and Commissioner Atkins. She hates to burn bridges. Councilmember Dietrich stated she would be willing to table if they can receive a black and white answer from the Commissioner. Councilmember Gliva agreed to table. Councilmember Murphy agreed to table.

Motion by Dietrich second by Gliva to table the Resolution approving Legislative Platform amendment to include Heritage Village Park to the next meeting on April 8th.

Ayes: 5
Nays: 0 Motion carried.

7. PUBLIC COMMENT:

There were no public comments.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember Piekarski Krech stated spring is here, the streets crew will be patching soon. Hopefully good bids will be received and get a lot of streets redone.

Councilmember Dietrich thanked everyone in Public Works. She received a lot of good comments on snow plowing. She commended them on a job well done.

Councilmember Murphy congratulated Finance Director Amy Hove and Staff, stating he was standing and applauding from Arizona.

9. EXECUTIVE SESSION:**A. Closed session pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(3) to develop or consider offers or counteroffers for the purchase of real property interests in the real property located at 6680 Robert Trail South, Inver Grove Heights, MN (Parcel ID No. 20- 00500-51-010).**

City Attorney McCauley Nason stated the Council is asked to consider a Motion to move into a closed session Pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(3) to develop or consider offers or counter offers for the purchase of real property interests in the real property located at 6680 Robert Trail South, Inver Grove Heights, MN (Parcel ID No. 20- 00500-51-010). The Closed meeting will be held in Council Chambers with a separate Zoom number and will commence immediately. Once the closed meeting is completed the Council will reconvene the open meeting portion of tonight's meeting and, there being no further items on the Agenda once back in open session, the Council would adjourn the meeting. She stated she is looking for a Motion, a second, and a majority vote to move into closed session as articulated above.

Motion by Gliva second by Piekarski Krech to move into Executive Session at 9:45 P.M.**Ayes: 5****Nays: 0 Motion carried.****Motion by Piekarski Krech second by Bartholomew to adjourn the Executive Session at 10:17 P.M.**

Minutes prepared by Recording Clerk Sheri Yourczek