

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MAY 10, 2021 - 6:00 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, May 10, 2021, In-person and via Zoom Video Conferencing (Hybrid Meeting). Mayor Bartholomew called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

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

Present via Zoom Video Conferencing/Phone: Information Technology Manager Gade, Finance Director Hove, City Planner Hunting, Associate Planner Botten, Interim Parks and Recreation Director Oyanagi, Interim Public Works Director Eckles, Assistant City Engineer Dodge, City Engineer Kaldunski, and Civil Engineer Moser.

Also Present In-Person or via Zoom/Phone: Luke Moran (via phone) Kimley Horn and Associates; Steve Soltau (In Person) Builders Lot Group; Melvin Moore (via Zoom) Builders Lot Group; Dwayne Sitich, Builders Lot Group; Eric Luth, Sambatek; Peter Coyle (In person) Larkin Hoffman; Greg Anderson.

3. PRESENTATIONS:

Mayor Bartholomew acknowledged the passing of former Council Member and Mayor, Bill Saed. William Jennings Saed passed away on April 13th, 2021 in Lubbock, Texas at the age of 91. Bill was always interested in the Community Service and was Mayor of Inver Grove Heights from 1982 to 1990. He was a City Council Member from 1972 to 1982. He helped in guiding our City through growth and success in that period and was a good servant and elected Official. Bill and his wife Joan moved to Lubbock, Texas in 1995 where he continued to be very active in the Community. Please join in acknowledging Mayor Bill Saed's contribution and service to our Community and join in offering condolences to the family. He thanked Mayor Saed for his service.

4. CONSENT AGENDA:

- A.**
 - i.** Minutes from the April 5, 2021 City Council Work Session.
 - ii.** Minutes from the April 12, 2021 City Council Meeting.
- B.** Disbursements for Period Ending May 4, 2021. **Resolution 2021-135**
- C.** Consider Approval of Personnel Actions.
- D.** Consider Accepting of Anonymous Donation to the Police K-9 Unit. **Resolution 2021-136**
- E.** Consider Approval of a **Resolution 2021-137** Supporting, Participating In, and Adopting the Dakota County All-Hazard Mitigation Plan.
- F.** Consider Release of Goodyear Property Located at 5641 Blackburn Lane from Recorded Development Contract and Grading Agreement.
- G.** Consider Approval of a **Resolution 2021-138** Amending 2021 General Fund budget for Public Data Request Platform for Administration and Police Department (JustFOIA).
- H.** Consider Approval of a **Resolution 2021-139** Amending Resolution No. 6465 Granting a Non-Conforming Use Certificate for Pine Bend Sanitary Landfill for a Sanitary Landfill. (Fortistar).
- I.** Approve a **Resolution 2021-152** relating to the Improvement Agreement and related agreements for the new detached Caribou Coffee Cabin at the Southridge Shopping Center (Vansouth - Caribou Coffee Cabin).
- J.** Consider **Resolution 2021-140** Ordering Project, Approving Plans and Specifications and Authorizing Developer-installed Public Improvements for City Project No. 2021-11 - Trunk Storm Sewer Extension for Landlocked Basin JP-1.
- K.** Consider a **Resolution 2021-141** Approving Final Plans and Specifications and Authorizing Advertisement for Bids for City Project No. 2020-06 Good Samaritan Pond (1301 50th St.).
- L.** Consider **Resolution 2021-142** Awarding Contract for the 2021 Pavement Management Program, City Project No. 2020-09D - Delaney Circle and Delaney Court Improvements.
- M.** Consider **Resolution 2021-144** Approving Private Cost Participation Agreement for City Project No. 2021-08 - Southern Trunk Watermain Improvements.

- N.** Consider **Resolution 2021-143** Awarding Contract for the 2021 Pavement Management Program, City Project No. 2021-09D – Bryant Lane Area Improvements.
- ~~**O.** Consider Resolution Approving Amendment to Development Contract for The Crossings at Inver Woods. Item Removed from Agenda 5-7-2021.~~
- P.** Consider **Resolution 2021-145** Receiving Bids and Awarding Contracts for the Exterior Wall Rehabilitation for the Public Works Maintenance Facility and Cold Storage Building Exterior Restoration.
- Q.** Approve execution of Stipulation of Settlement in the matter City of Inver Grove Heights v. Ace in the Hole Real Estate LP, et al., subject to minor modifications approved by the City Attorney.
- R.** Consider Approval to Purchase Two Outdoor Warning Sirens.
- S.** Consider **Resolution 2021-146** Authorizing an Amendment to a February 22, 2021 dated Agreement with WSB for Interim Public Works Director Services.

Mayor Bartholomew stated there is a request to pull Agenda Item 4N.

Motion by Dietrich second by Gliva to approve the Consent Agenda with the exception of Agenda Item 4N.

City Attorney Bridget McCauley Nason stated Agenda Item 4O was previously pulled from the Agenda, materials are still in Council packets. To clarify, the approval is for Agenda Items 4A-4S and excludes Agenda Items 4N and 4O. Councilmembers Dietrich and Gliva agreed. Correct Motion reads as follows:

Approve the Consent Agenda Items 4A-4S with the exception of Agenda Items 4N and 4O.

Ayes: 5
Nays: 0 Motion carried.

Agenda Item 4N. Consider Resolution 2021-143 Awarding Contract for the 2021 Pavement Management Program, City Project No. 2021-09D - Bryant Lane Area Improvements.

Councilmember Gliva asked for further information on why the project is changing in scope compared to the meeting had with residents. Assistant City Engineer Steve Dodge responded Staff met with a Forest Haven resident who has maintained Blackberry Trail island for a couple of decades. Information and feedback were received from that resident about the entrance, original plat of Forest Haven, road history, and drainage issues from the 2005 project. Based on feedback given, Staff believed it appropriate to table Blackberry Trail for a future project because Forest Haven would need to have their streets redone in the future, it was part of their original project with the plat. They should be duly notified with the entrance road. For those reasons, it would be hard to resolve the questions, notifications, and get resolution for a June construction date. It made more sense to concentrate on Majestic Woodlands streets (Bryant Lane area streets) and get those reconstructed. They would review Blackberry Trail at a later date.

Councilmember Gliva stated she was a part of those meetings and assumed Forest Haven was notified because it was their main entrance. She asked if the City had an obligation to notify them because they were not going to be assessed anyway. Assistant City Engineer Dodge responded it was not necessary to notify them because it is an entrance they use, he believed they should be notified and included in the conversation about Blackberry Trail. Through further review with Staff and the Consultant there was a question about whether the island on Blackberry Trail should stay or go. It was believed those conversations should be at a future date and include Forest Haven and Majestic Woodlands neighborhoods.

Councilmember Gliva stated from a notification of the Bryant Lane neighborhood, it seems they did not do their best job at communicating. They believed all that was getting done and islands would be taken care of. She asked if this would start at Bryant Lane. Assistant City Engineer Dodge responded the project would start at Bryant Lane and do the Majestic Woodlands development. The islands within Bryant Lane would still be modified, the plan would be followed as spelled out.

Kelly Kayser (In-person) 1953 59th Court East, asked if the island would be removed from the section. Assistant City Engineer Dodge responded the island was meant to be included because Blackberry Trail was urbanized

with curb and gutter in 2005. When looking at Majestic Woodlands they believed the logical thing to do would be to include Blackberry Trail. The Forest Haven development is all rural and modernized in 2005, the island has always been there. He stated Staff felt notification of both neighborhoods on the entrance road shared, would be best for Blackberry Trail.

Ms. Kayser asked if the island was supposed to be there or remain in the plan that was drawn. Interim Public Works Klay Eckles responded the island was under study as part of the project. There was opportunity to improve safety at the intersection, turning movements, and improve City maintenance by removing the island. Some residents in the neighborhood wanted to keep the island. Staff felt since the pavement still had a little life left, they did not need to resolve the issue of the island as part of this project. It would be better resolved in the future with more time to understand long term safety and aesthetic issues surrounding it. Staff believed it be better addressed as part of a future project.

Ms. Kayser asked since its being tabled, if addressing it was in the near future or further out. She asked because she was present when the project was on the Agenda to go out for bids. She raised the question as to why Forest Haven had not been visited regarding having their street done. The Majestic Woodlands entrance would be paid for entirely by the City because the Bryant neighborhood did not want to pay for it. Previously she raised the question if it should be assessed to both neighborhoods. She asked if they missed an opportunity for saving money on quantities and mobilization fees if they are going to circle back in a few years and do the other half of the neighborhood. Interim Public Works Director Eckles responded the goal is to always get the maximum life out of the street for the minimum cost. There is some additional life left on this section of road. That neighborhood will need some rehabilitation work sometime in the next 15 years. That may be the ideal time to address this as a part of a larger project with the other neighborhood.

Ms. Kayser asked if it they would revisit whether the entrance area is assessed. It was a large amount coming out of Pavement Management Funds that could otherwise be assessed. She suggested this was something the Council could look at if moving forward with some of the Pavement Management suggestions brought up during the Work Session.

Councilmember Gliva stated with costs increasing, she wanted to make sure they are not taking advantage of something they should be. She was unsure when the Forest Haven project would be done but wanted to make sure they are being thoughtful on that part. Assistant City Engineer Dodge responded the Forest Haven Development is not within the five-year Capital Improvement Plan. Current Policy states if Forest Haven Petitioned for improvement, and they are due within the next 10-15 years, at that time they would look at the entrance road. They would also address Ms. Kayser's questions about how to fund the project. Bids received for this project were competitive and positive bids.

Motion by Gliva second by Murphy to approve Agenda Item 4N. Consider Resolution 2021-143 Awarding Contract for the 2021 Pavement Management Program, City Project No. 2021-09D - Bryant Lane Area Improvements.

Ayes: 5
Nays: 0 Motion carried.

5. PUBLIC HEARING:
A. Continued Public Hearing to Consider Resolution Ordering Project, Authorizing Preparation of Plans and Specifications, Accepting Engineering Services Proposal IPO 27B from Kimley-Horn, and Authorizing Land Acquisition Services for City Project No. 2016-09F - Carleda Way Area Improvements. Resolution 2021-147

Assistant City Engineer Dodge gave a presentation for the 2022 Pavement Management Program for Carleda Way area improvements. The Public Hearing was continued from April 12th.

Project Overview: Street Segments:

- Carleda Way, 64th Court East, and 63rd Court East

Project Overview: Scope of Improvements:

- Full Street Reconstruction

- Full Sanitary Sewer Watermain and Storm Sewer Reconstruction
- Driveway Apron Replacements

Proposed Street and Storm Improvements:

- Reconstruct the Streets to its existing widths.
- Modify 63rd Court which is a dead end and a plowing challenge.
- Modifications to 64th Court.
 - Built in conjunction with the proposed pond, which is a separate sister project, the Cahill Trunk Drainage Pond.
 - Cahill Avenue has had past flooding due to the undersized trunk storm sewer running along the south property line. It backs up water into the street which goes into 64th Court.
 - The proposed future pond projected for 2022 is part of a separate project. There is a need to design the roads with this project.

Utility Improvements (Sewer and Water):

- Watermain along the area is old cast iron, brittle watermain pipe.
 - Has curb stops at all property lines. Verified needing repair by the Utility Department.
 - Located inside and outside of the Right of Way line.
 - Would work with residents to get everything replaced to be in conformance with current standards with water shut offs right at the property line.
 - Replace sanitary sewer which is shallow in many cases and close to the watermain for construction.
 - Better to replace everything all at once.
 - 50+ year old neighborhood. Systems are designed to last no more than 80 years. Now is the time to give the whole neighborhood an upgrade.

Preliminary Project Cost, Funding, and Assessment Policy:

- Total project cost: Approximately \$2.2 million dollars.
- \$1 million dollars of that is PMP.
- \$340,000 is Assessments.
- Water Fund would fund approximately \$500,000.
- Sewer Fund would fund approximately \$380,000.
- Doing the standard 35% per policy Assessment.
- There are City owned parcels that are part of the Assessments. Those are Parcels 5, 6, and 7.
- The two larger Commercial and Townhome areas have property that abuts to this. They do not benefit from the improvement. They do not access the road.
- The proposed Assessment Cap provided by the Special Benefit Analysis by an Independent Appraiser, proposed to cap Assessments at \$9,600.
 - Assessments could go as high as \$16,000 if not for the Cap.
 - 10-year term with interest determined at the time of the project.

Project Schedule:

Final Design:	This year
Bid:	March/April 2022 (in conjunction with the sister project, the pond)
Build both projects:	2022
Hearings:	End of 2022 (discussion can be had to have the Hearing ahead of time)

Recommendations:

- Hold Public Hearing
- Adopt Resolution
 - Order Project 2016-09F
 - Authorize preparations of plans and specifications
 - Approve Engineering Services Proposed IPO 27B from Kimley Horn
 - Authorize Land Acquisition Services

Mayor Bartholomew wanted to make sure all questions were answered. He asked if there were any additional questions not located within the packets. Assistant City Engineer Dodge responded Staff, or the Consultant have spoken on the phone and answered all questions that came in on the project.

Richard and Kathy Schoumaker, 6360 East 64th Court. Mr. Schoumaker stated they have lived in the residence since 1986. Being in the area when flooded, there are things being said he disagreed with. The flooding on 64th Court is due to leaves plugging the gutters. He commented the project on Cahill was not done correctly. Two ponds on Cahill overflow, run into Cahill, down Carleda Way, and then into the Court. The street on Cahill slopes into Carleda Way. Back yards flood. Curbs in the area are bad, some due to City Plows hitting them. He was unsure how curbs and gutters would fix flooding in the area.

He stated another concern was the turnaround on 63rd Court. He asked what the curb to curb, bumper to bumper is for radius. If not big enough for a Fire Truck or garbage truck to get through, it was a waste of money. He asked if lining the sewer pipes was a consideration. He stated he has not seen the numbers pertaining to assessments and would like to hear more. The biggest concern is assessments. He asked if they were pro-rated over ten years, what the interest would be, and the cost to residents. He stated \$10,000 was a lot of money. They are paying \$3,000 a year, by adding another \$1,000, he was not sure the neighborhood was worth \$4,000 a year in taxes. He thought City Planners would have determined the money, other than \$10,000 per property owner, to be budgeted every year. He was unsure if that was done and questioned if they run into this type of added expenses all of the time. There are a lot of older people in the neighborhood, and he was unsure they had the money. He asked where he could learn more.

Mayor Bartholomew suggested Mr. Schoumaker get in touch with Assistant City Engineer Steve Dodge who would be willing to go through the assessment process with him. He requested Assistant City Engineer Dodge get Mr. Schoumaker's information and contact him directly regarding his questions. He requested answers to questions pertaining to: Sewer pipe lining, drainage issues and if they have all been addressed, timing of the assessments, length, and interest rates.

Mr. Schoumaker stated a lot of drainage issues are because of the pipe going to Bohrer Pond. He has been there during the time it has flooded, there are leaves in the gutters where it cannot drain, and the center drain in the middle of the street was pulled out.

Assistant City Engineer Dodge responded the sewer lining was considered. If the project were not going to replace watermain, that was exactly what Staff would look at doing. Because the watermain is being replaced and sanitary sewer is shallow, replacing the sewer was recommended.

He responded about assessments stating it is a 10-year assessment, it would go on annual taxes. It consists of two payments a year on the going interest rate the City can Bond for at the time. The City adds 2% to the interest rate. The assessable interest rate averages between 2 to 4.5%.

He responded about flooding stating unrelated to 64th Court flooding, there are some localized drainage areas that can be addressed by reconstruction. This allows to realign street grades and curb lines. There is water coming off of Cahill up by Carleda which enters a driveway and enters a landlocked area. Reconstructing the street and extending storm sewer addresses the flooding problem. There is some localized flooding in backyards. The plan is to provide a storm stub to the area. The neighborhood would be responsible for connecting to the stub as a private system which then connects to the public system.

Luke Moran, Kimley Horn and Associates, responded about flooding at the Cahill intersection stating when a large storm event occurs those ponds are connected to the same storm trunk system, the entire area is inundated and because the outlet pipe is undersized, the ponds will overtop Cahill and contribute to the flooding on 64th Court.

Councilmember Murphy asked about the 63rd Court turnaround width. Mr. Moren responded it is the standard 48-foot radius. It would be designed and built consistent with City standards for cul de sacs.

Councilmember Dietrich asked if the curb style was surmountable. Assistant City Engineer Dodge responded the B Style curb is the straight up curb style, not surmountable. The current curb is bituminous, which is why it gets beat up by plows. A concrete curb is necessary. He stated the barrier style curb allows plowing to feel it and remain on the street rather than going up on yards. They have the support of the Maintenance/Plowing Staff to use barrier curb where possible.

Mr. Schoumaker, 6360 64th Court, asked if the 48-foot cul-de-sac was curb to curb, bumper to bumper. He commented a garbage truck will not fit in that turning radius. Assistant City Engineer Dodge responded the standard City cul de sac has a 96-foot diameter, curb to curb, and a 48-foot radius.

Mr. Schoumaker asked how this project resolves a lot of the flooding in the area prior to the two ponds, with the Bohrer pipe. Mr. Moren responded as a part of the sister project, 2016-13 Cahill Trunk Drainage Improvements Project at the south end of Carleda Way, they propose in the event the intersection with Cahill and Carleda floods, additional flood water be captured with high-capacity storm sewer inlets. This includes contributing flooding from the two townhome ponds. That water would be diverted in a new stormwater storage pond in a vacant parcel south of Carleda Way. It would be captured and controlled at that location instead of allowing it to run down Carleda Way into 64th Court where it has been flooding.

Mayor Bartholomew suggested Mr. Schoumaker give his contact information to the City Clerk so Assistant City Engineer Dodge could reach out with further questions. Assistant City Engineer Dodge responded he would reach out to Mr. Schoumaker.

Kelly Kayser, 1953 59th Court East, wanted to make sure since Mr. Schoumaker mentioned there are older residents in the neighborhood and taking note of the vacant parcels, when talking about assessments, that Staff share options for deferred assessments if there are residents that qualify.

Motion by Dietrich second by Piekarski Krech to close the Public Hearing at 6:50PM.

Ayes: 5

Nays: 0 Motion carried.

Mayor Bartholomew stated in his opinion the project should move ahead, they should consider the resolution, and order the project.

Motion by Piekarski Krech second by Gliva to approve Resolution 2021-147 Ordering Project, Authorizing Preparation of Plans and Specifications, Accepting Engineering Services Proposal IPO 27B from Kimley-Horn, and Authorizing Land Acquisition Services for City Project No. 2016-09F - Carleda Way Area Improvements.

Ayes: 5

Nays: 0 Motion carried.

6. REGULAR AGENDA:

Community Development:

A. Consider Renewal of Rental License Applications (15).

Interim City Administrator Heather Rand stated the City has an Ordinance requiring properties utilized as residential and rental in nature, the owners apply for a Rental License once every two years. There is a formal Application. The Police Department assists in helping with a BCA background check. She stated the purpose of the Ordinance is to create a registry of rental ownership to understand where rentals are located, have a way of contacting them, and neighborhood stability. There are 15 properties that have completed their applications. Staff recommends approval.

Motion by Dietrich second by Gliva to approve the Renewal of Rental License Applications (15).

Ayes: 5

Nays: 0 Motion carried.

B. Continued Hearing and Consideration of Rental License Renewal Application for 6930 Crosby.

Interim City Administrator Rand stated this is a continuation for rental property under consideration for License renewal. This property has received a number of phone calls the Police Department has had to follow up on.

City Attorney McCauley Nason requested the Council ask for any public input as required by the Ordinance. At the last meeting, the Council expressed concerns regarding the property and the number/type of Police calls made to the property. It was requested the item be continued to today's date so a Resolution of Denial could be prepared for Council consideration. Council packets include two Resolutions:

1. Conditional Resolution of Approval. This is the same Resolution in the last Council packet. It approves the Renewal License Application subject to certain conditions. At the last meeting Council discussed adding an additional condition stating the License be provisionally granted for a period of three or six months. If Council takes that step, they could do so by adopting the Resolution with that as an additional condition as part of the approval of the Renewal License.
2. Adopt the Resolution of Denial. Included within the Resolution of Denial are proposed Findings of Fact related to that proposed Resolution of Denial as identified by Staff. If Council has other proposed grounds for denial, the Council could move to approve the Resolution with the inclusion of those additional Findings of Fact.

One other option could be to approve the License as submitted with no conditions.

Mayor Bartholomew asked if there were times set when complying with the conditions. City Attorney McCauley Nason responded whatever is listed in the Resolution would be the provisions/conditions imposed upon the License. The conditions include within 10 days of issuance of the Renewal License, the License Holder would need to comply with: Providing current copies of information to the City and verifying in writing and upon Oath, that is requiring the Crime Free Lease Addendum as a part of all Rental Agreements with its Tenants.

Councilmember Murphy asked if the Resolution approving renewal with conditions stipulates three or six months. City Attorney McCauley Nason responded it does not. This is the same Resolution in the packet the last time the City Council reviewed it. If the Council would like to add that condition, as a condition of the Renewal License, the License itself would be for a provisional period of six months. It can be done by approving the Resolution with the addition of that condition. Councilmember Murphy asked if there was a downside. City Attorney McCauley Nason responded if the Council deems it to be a reasonable condition on the License based on facts and circumstances, it can be done.

Councilmember Dietrich referenced Item B for approval where it says, "shall not be subject of excessive Police and nuisance". She asked if it spelled out what excessive would be. City Attorney McCauley Nason responded the reference to Chapter 15 of the City Code specifically references "The subject of excessive Police and nuisance enforcement services is defined in Chapter 15 of the Code". She stated Title 4, Chapter 15 defines excessive Police and nuisance enforcement services as "Those services provided at a specific property address after four or more verified incidences of separate nuisance events have occurred within the prior 180-day time period". Or notice was provided Pursuant to Section 4.15.4 of this Chapter. It points the property owner back to that section of the Code.

Motion by Piekarski Krech second by Murphy to approve the Rental License Renewal Application for 6930 Crosby as a provisional six-month License with conditions.

Ayes: 5

Nays: 0 Motion carried.

C. Consider Approval of an Urban Chicken License Application.

Interim City Administrator Rand stated the request is for an Urban Chicken License for 3655 Upper 73rd Street East. Within an urban area, an application process includes filling out the Application, sketching where the Chicken Coop would be located, cannot have Roosters, 4-6 Hens, and neighbors are notified. The reason they are notified is if and when the License is approved, if there are problems people could contact the City Code Compliance Officer to follow up. She stated a neighbor has expressed a concern; Staff felt they cannot recommend denial based on speculation because the Coop has not been created yet. 20 Urban Chicken Licenses have been approved. Code Compliance has said there are rarely complaints, if there was, it could be noise or smell related. Once individuals are made aware of the problem and the fact the License can be pulled, they remedy the situation pretty quickly. The License is a two-year License. Staff recommends approval.

Councilmember Dietrich asked what the Legal ramifications were, what kind of complaints, how difficult it would be to revoke the License, and what the Ordinances were surrounding this. City Attorney McCauley Nason responded there are standards found in the Code that provide grounds for revocation of a License:

- Allowing the chickens to be utilized in a certain manner they are not supposed to be such as:
 - Slaughtering them on site
 - Using them for breeding purposes
 - If chicken coops are placed in an improper manner
 - If chickens are not contained in the chicken run at all times
 - If the property/chicken coop/chicken run were maintained in a way that allowed it to become unhealthy, unsanitary, noxious, or if maintained in a manner that would not prohibit the odors from escaping the site (odors have to stay on your own property)

These are all grounds for revocation of the License. If problems exist, that serves as basis for revocation. Councilmember Dietrich stated these could be one-time events such as chickens escaping and the neighbor calling it in. City Attorney McCauley Nason responded yes, if kept outside of the chicken run it could be called in and considered grounds by the Council for revocation of the License.

Jerry Krech, 3655 Upper 73rd Street East, introduced himself and stated he wanted to hear what the Council would say about Chicken Coop Licenses. This would be the first time he would have chickens, his sister who also lives in Inver Grove Heights has them. He has done research and due diligence prior to the request and plans on having three chickens to provide for his family. He would conform to the rules and is making an investment in a chicken coop according to requirements. If it does not work out, he would take the coop down. He asked if he should notify the City if he were to get rid of the chickens. Interim City Administrator Rand responded it is not a requirement to notify, if he would like to as a courtesy, that is fine. If keeping the chickens, the License Application would need to be filled out every two years.

Councilmember Piekarski Krech stated chickens require 35 square feet per bird, this is way short of that. Mr. Krech responded he has enough yard and could make the area larger.

Chris Becker, 1210 70th Street West, stated he is in an Ag zoned area and has chickens. He asked if the Urban License applies to those in Ag areas. Interim City Administrator Rand responded it is not required to complete the License in Ag.

Motion by Dietrich second by Piekarski Krech to approve an Urban Chicken License Application.

Ayes: 5
Nays: 0 Motion carried.

D. Consider the Third Reading of an Ordinance to allow fences to be 48 inches in height within the front yard area of a lot. Ordinance 1410

Associate Planner Heather Botten stated this is the Third and Final Reading to amend City Code Title 10 Chapter 15, Section 12 Fences, relating to the maximum fence height in the front yard and corner front yard. City Code currently allows a maximum height of 42 inches with 75% clear visible opening. The proposed Ordinance change would allow a 48-inch-high fence with 75% clear visible opening within the front and corner front yards of residential districts. Planning Staff is in support of the Ordinance change as proposed. There were no significant changes between the Second and Third Reading.

Motion by Murphy second by Gliva to approve the Third Reading of Ordinance 1410 to allow fences to be 48 inches in height within the front yard area of a lot.

Ayes: 5
Nays: 0 Motion carried.

City Attorney McCauley Nason stated this would be effective five days from today, May 10th, after publication.

E. Consider the First Reading of an Ordinance Amendment to allow larger detached accessory structures on residential lots 2.5-5.0 acres in size.

Associate Planner Botten stated at the April Work Session, Council directed Staff to move forward with a possible Ordinance Amendment relating to the maximum size of accessory structures allowed on lots closer to the 5-acre mark, zoned Ag or E-1. Currently, Code allows lots less than 2.5 acres, one detached structure up to 1,000 gross square feet. On lots 2.5 acres or greater, but less than 5 acres, they are allowed one detached structure up to 1,600 gross square feet. If having a lot 5 acres or greater, can have two structures with a gross square footage of 2,400 square feet. She stated by recommendation of the Planning Commission, and Council direction, it was suggested lots closer to the 5-acre range be allowed an accessory building larger than 1,600 square feet, but less than the 2,400 square foot maximum. This would be a ratio system versus the range system currently used.

She stated the maximum detached accessory structure allowed in the City is 2,400 square feet for lots zoned Ag or E-1 and have 5 acres or more. Dividing 2,400 by 5 equals 480 square feet an acre. Using the ratio system, they would take the 480 and multiply it by the lot size, that could give the maximum size of an accessory building allowed on a lot. She stated this Ordinance change is not meant to make the existing lots more restrictive than currently allowed. The ratio system would only benefit lot owners with a lot size of 3.4 acres to 5 acres. If less than 3.4 acres in size, the owner would benefit from the existing Code of a maximum of 1,600 square feet. A lot larger than five acres would follow existing Code and have a maximum of 2,400 square feet.

Staff supports the Ordinance change as presented for lots that are zoned A or E-1. At the April 20th Public Hearing, the Planning Commission recommended approval of the Ordinance change as proposed on an 8/1 vote.

Mayor Bartholomew stated they are only considering square footage, not setbacks or height. Everything else in the Ordinance stays the same. Associate Planner Botten agreed.

Motion by Piekarski Krech second by Murphy to approve the First Reading of an Ordinance Amendment to allow larger detached accessory structures on residential lots 2.5-5.0 acres in size.

Mayor Bartholomew stated the next Reading will take place in May.

Ayes: 5

Nays: 0 Motion carried.

F. DAWN GAETKE - Consider the First Reading of an Ordinance Amendment to allow Market Gardens as a permitted use in the E-2, R-1, and R-2 Districts.

City Planner Hunting stated the proposed Amendment would be to allow a new category, Market Gardens. The Ordinance request was received from a resident to allow growing and selling of produce on the site. The Ordinance follows a trend over the last eight years. He stated the Council has adopted two other Ordinances that follow an Urban Farming trend:

1. In 2012 the Council approved an Ordinance allowing Community Gardens
2. In 2013, the Urban Chicken Ordinance.

He stated the Applicant, Dawn Gaetke, has done a significant amount of background research and data gathering. She has looked at other City Ordinances and resources to come up with the proposed Ordinance. The Ordinance would fall within the current category covering Market Gardens and personal gardens. The criteria deal with maintenance of the property. Market Gardens allows residents to grow produce on their lot and sell the produce for profit. The Planning Commission recommended:

- Adding a condition limiting the size of the garden to 10% of the lot size.
- Recommends no gardens be allowed in the front yard.

Further recommendations:

- Retail sales would be allowed only for produce grown on the site by that residential property owner.
- The sales period would be limited to a 75-sales day calendar, per year, with sales occurring between 7:00 a.m. and 7:00 p.m.
- A License or a Permit would be required. (For tracking purposes)

- Sales could not occur on sidewalks or public boulevards. Remain on the private property.

The balance of regulations follow the same criteria as Community Gardens/personal gardens:

- Maintaining the property.
- Trash or garbage be kept up and cleaned up.

The Planning Commission reviewed this at two meetings in November. They wanted additional background and requested Staff post a survey on the City Website to determine if residents thought this was a good idea. There was a significant number of responses and felt it was a good idea for the City to allow this type of operation. Staff supports the Ordinance as proposed. The Planning Commission added the condition about limiting the size and placement of the garden.

Dawn Gaetke, 7477 Cahill Avenue, stated the survey had 224 respondents with 79% in favor. She stated she has an issue with being unable to have gardens in front yards. She requested striking that exclusion. Some backyards do not have sun and if wanting to do this, they would have to grow in a front yard. She did not believe the City would see a detriment to having gardens in front yards.

Councilmember Piekarski Krech stated the hour of 7:00 a.m. in a residential area was early. She suggested 9:00 a.m. She suggested there be a License fee, so people take it seriously. She agreed with not having them located in front yards. Depending on what is growing, it may not be the most aesthetic. She stated as a member of the St. Paul Growers Association, she carries, along with each grower, a million dollars liability on the produce sold.

Mayor Bartholomew stated they are not contemplating insurance in the Ordinance. Councilmember Piekarski Krech responded it was just a matter of information. She stated people who sell at the Farmer's Market in the City are fully insured and pay over \$500.00 a year to belong to the Association.

Mayor Bartholomew stated his concern is one of logistics in the R-1C and R-2. He struggles with having enough room for a Market Garden. He appreciated the idea of growing food and being able to sell but felt in those zones it could be somewhat intrusive. He agreed with Councilmember Piekarski Krech on time of day. He believed the gardens belong in the backyard to be a good neighbor. Councilmember Murphy stated he had the same thoughts on the timing. He did not believe this belongs in the front yard for residential. He stated he would agree with a slightly increased percentage over having it in a front yard. He agreed with having a fee.

Mayor Bartholomew stated people can have a garden in the front yard, not a market. Councilmember Piekarski Krech asked if people have vegetables on a table in their yard, if that was against the Ordinance.

Ms. Gaetke stated this began in August when she reached out to the City saying she wanted to sell mushrooms from her yard. She lives on Cahill, everything she does would be seen so she wanted to be upfront. At that time, the question was forwarded to Legal Counsel. Legal responded saying it cannot be done in the zone and that it was illegal to sell from the home in the R-1C.

Councilmember Piekarski Krech asked what would happen if it was a home business, that is not regulated. Ms. Gaetke responded it cannot be a home business because a home business should not be visible from the outside of the house.

Councilmember Dietrich thanked Ms. Gaetke for all of her research and the survey, she felt it spoke to the need for something like this in the Community.

Councilmember Murphy asked if growing tomatoes in the backyard and growing tomatoes in the front yard, how they would know what tomatoes they were and if it mattered. Councilmember Piekarski Krech responded if doing a garden for yourself, you would not have that many for retail sale.

Councilmember Dietrich suggested a timeframe start of 9:00 a.m. or at least 8:00 a.m. Mayor Bartholomew stated he prefers no front yard for market use. Councilmember Piekarski Krech chose the 9:00 a.m. start time because people like quiet time on the weekends. Councilmember Murphy stated he would add a fee to make sure they are serious about it. He asked if they could do 8:00 a.m. during the week and 9:00 a.m. on weekends.

Mayor Bartholomew clarified the First Reading stating they would add an 8:00 a.m. start time on weekdays and 9:00 a.m. start on weekends. He looked to Staff to propose a fee for the next meeting.

Motion by Gliva second by Dietrich to approve the First Reading of an Ordinance Amendment to allow Market Gardens as a permitted use in the E-2, R-1, and R-2 Districts with proposed changes as discussed.

Ayes: 5

Nays: 0 Motion carried.

G. BUILDER LOT GROUP (PELTIER RESERVE) - Consider the following requests for property located at 7250 Argenta Trail and 1266 70th Street:

1. An Ordinance to Rezone the property from A, Agricultural to PUD, Planned Unit Development. Ordinance 1407

2. A Resolution relating to a Preliminary Plat and Preliminary PUD development plan for a 126-lot single family subdivision and a 180-unit apartment building. Resolution 2021-149

City Planner Hunting stated the area is approximately 48 acres. Argenta Trail is on the west, 70th Street is north, with Amana Trail to the south. The project consists of 124 single family lots and one lot for an approximate 180-unit apartment building. Mr. Peltier's existing homestead house would be kept as is. The rezoning would be changing to Planned Unit Development. There would be three zoning categories based on densities, lot sizes, and different clusters as follows:

1. R3-C for apartment building
2. R-1C for larger lots
3. R-3B for the balance

The plan provides for the required collector streets:

- Alverno is a north/south collector.
- 72nd Street runs from Argenta Trail to South Robert eventually.
- Argenta Hills would become Arctic Trail.

Connection points are being provided for properties to other abutting properties. For 72nd Street, the proposed alignment is not all on property the Developer owns. A temporary street connection would be done to allow for two ways in and out of the site. Other connection points were for future development of abutting properties. The project is similar to a detached townhome project. Lots range from 36 to 65 feet wide with sizes from 4,500 to 10,000 square feet. The Applicant requests flexibility from setbacks for some of the separation between units because of tightness with the units to address density concerns and topography. Details:

- Lots up to 60 feet wide would have a proposed 10-foot separation between those buildings.
- Lots up to 65 feet wide lot width would have a 15-foot separation. (Standard for single family).
- Corner lots propose a 15-foot setback from all roads.
- Some increased impervious surface in the R-1C District. Would be over its allotment.
- R-3B meets the requirement.
- R-1C falls under the maximum impervious surface.
- Landscaping and reforestation trees.
 - There is a significant number of trees on site.
 - There would be a significant amount of removal.
 - The Applicant provided a site plan that shows the required street trees but is still determining lot planting used to satisfy reforestation requirements.

Discussion points:

- Street Connections:
 - There are two points of conflict raised by adjacent property owners.
 - Proposed 71st Street. East/West segment. The property owner to the east has identified this alignment would run into the existing house. They would like to see if the street could move north. They anticipate they would redevelop their property at some point but would like to remain in their home.
 - Four-legged intersection of 72nd. The resident is concerned about the proximity of the access point. The Developer is identifying the intersection points, but only constructs the roadway, not the stubs. Providing Right of Way for intersection points in the future. The City Engineer has been working with the Applicant to discuss shifting the alignment of 72nd.
 - The Applicant recognizes the Council is looking at providing park area in the development. They were looking to propose park area. The Developer would be

eliminating two lots on the south side of the pipeline easement. Lot sizes of the two lots were .42 acres. The entire area would be 1.2 acres.

Interim Parks and Recreation Director Jon Oyanagi discussed the proposed park area, location, and how it would function as a park. He stated there is a new park being developed across Argenta Trail. The gas pipeline easement goes through the new park development on the other side of Argenta Trail. Residents south of this development are concerned about the safety of crossing Argenta Trail. Resident's request there be parkland somewhere in the south/east corner of the northwest area. The amount of land provided by the Developer is adequate and would fit a decent sized playground.

He stated its recommended using the two lots, .42 acres, as the Land Dedication. There would still be Cash Dedication owed for the total development. The "L" shaped parcel with the pipeline easement along with a small triangular parcel would be treated as one contiguous park at 1.2 acres. Limited development could occur like a trail or as open space over the pipeline. The triangular portion could have a smaller amenity. He stated this would be a different type of park built in the City, but a good solution for providing playgrounds and active spaces in the area where topography is difficult.

Opportunities are coming up in the future to the east and south of the area for a similar sized park fitting a nice size play area. With the smaller parks, the new eight-acre park across from Argenta Trail, and a potential four-acre park north of 70th, the northwest area would see good parks servicing them in the future.

Interim Parks and Recreation Director Oyanagi stated two issues have come up with the Park Dedication Ordinance.

1. A minimum of 300 feet of street frontage is required. For just the park area, the total stretch is 231 feet including the easement, bringing it under 300 feet for street frontage. If treating the 1.2 acres as the park, then there would be 600 feet of street frontage combined for the total area.
2. The parkland that is dedicated needs to be unencumbered. The gas pipeline is an encumbrance, that is why it is recommended having just the two lots satisfy the Developers Park Land Dedication owed. The rest would be Cash Dedication.

Councilmember Murphy stated they may be able to flatten out the area over the pipeline easement as an area for kids to play. Interim Parks and Recreation Director Oyanagi responded the grades by the wetland make it difficult but may be able to do it by the two lots in the corner area. Councilmember Murphy asked if could be made flat enough to play frisbee or catch. Interim Parks and Recreation Director Oyanagi responded it may be possible in the corner area adjacent to the two lots where the play area would be.

City Engineer Tom Kaldunski stated the area around the wetland may still work for some activity, but sloping makes it difficult to do more. With the pipeline, the company does not want too much grading. He stated one item mentioned by Engineering, was looking down into the southeast corner, there is a proposed trail coming into the corner of the project. It is suggested to put that trail on the first lot as a way to make a connection without affecting the next parcel. That would connect to an existing trail in the Argenta Hills project. If there is a trail that can go through there, that would be a valuable consideration for the Council.

Councilmember Murphy stated this would just be a grass lot, other than a trail, there is nothing kids could do on the lot. City Engineer Kaldunski responded there are opportunities with a grassy area. The grades are steeper. He stated Disc Golf is done in South Valley Park on hilly topography.

Mayor Bartholomew wanted to clarify that the .42 acres of land where the two housing pads are is a flat area that can be used for a park. Interim Parks and Recreation Director Oyanagi responded there is slope but can work with the Developer to grade it for park purposes. Mayor Bartholomew questioned the easement trail and asked if Interim Director Oyanagi was in agreement or included in the discussion. Interim Director Oyanagi responded he has not been involved in those discussions but felt it made sense.

Councilmember Dietrich asked for an explanation about the area where the pipeline is and if it would be kept more natural with gravel or class five to the triangle parcel. Interim Parks and Recreation Director Oyanagi responded it would be what they wanted to design it for. The Engineer says it is very steep along the wetland through the pipeline. Councilmember Piekarski Krech asked if it would be flat along the road. Interim Director

Oyanagi responded that was correct, in the upper left corner there is a trail that connects to a sidewalk across the road, perhaps that trail would continue through the pipeline easement and connect to the trail to the southwest.

Councilmember Piekarski Krech stated the topography of the northwest area is very erratic. It is hard to get a typical park in an area like this due to topography unless changing the area. She believed this to be a great compromise until other larger areas are developed. Mayor Bartholomew agreed and stated there is Land and Cash Dedication. He suggested further discussion.

City Planner Hunting stated that Staff supports the project. The Planning Commission recommends approval.

Steve Soltau, Builders Lot Group, stated the following people are also available for this discussion: Melvin Moore (via Zoom) Builders Lot Group; Dwayne Sitich, Builders Lot Group; Eric Luth, Sambatek; Peter Coyle (In person) Larkin Hoffman. Mr. Soltau stated this is a complicated project. There are challenging discussions because of the character of the property. He stated he has a presentation what would help explain the northwest area and the overlay zone. It is a long-term planning process that goes back at least 15 years. It has gone through multiple Comprehensive Plans and is a balancing of interests due to the contour and existing vegetation. He went through the following points:

Concept Plan:

- Looked at the success of Argenta Hills.
 - Large lots
 - Great looking housing
 - Wonderful neighborhood
 - Working with the contour of the land
- Early review:
 - Looked at zoning and adjacent
 - Staff's response was to work with the northwest area overlay
 - More understanding of the challenges
- Worked with a number of different guiding tools:
 - Comprehensive Plan
 - Northwest area zoning
 - AUAR (preceded the area)
 - Comprehensive Collector Street Plan
 - Engineering Specification and Construction specific to the northwest area
 - Has its own Comprehensive Collector Street Plan
 - Specifications that go along with the Collector Street Plan
 - Planned improvements for the County. For both Argenta and 70th Street

He stated this list could be doubled and include: Issues with the County, wetlands, different Agencies, and the traditional underlying zoning.

Site Constraints:

- High tension power lines
- Pipeline
- Irregular shape of the property
- Fixed grades. Existing today and planned existing for 70th and Argenta
- Vegetation they are trying to retain as much as possible
- Rolling contours
- Pockets of contained wetlands
- Infiltration obligations and expectations
- Irrigation plans for the areas to be maintained

With the northwest area they are challenged to look at what the capacity of the land is. When infrastructure was brought to the area, the City looked at the capacity and development potential of the land and what can be expected to help pay for infrastructure requirements to develop the area. He stated they are challenged to meet the expectations as they get into the overlay district. He stated it was requested to provide a Capacity Plan. There are three different land uses:

1. Mixed Use with:
 - a. Higher Density

- b. Low Density
- c. Medium Density

This is due to the adjacency to Argenta, 70th Street and the potential for areas that are commercial-like in use. There is a mix in uses expected in the planning documents. One of the evolutions of the plan, before the park discussion, shows the mix of product and evolution of streets along with underlying guiding. That guiding brings back capacity demonstrating to the City they are within expectations. The City has those expectations to meet funding objectives for infrastructure invested. He stated the earlier plan with lower density does not balance with meeting the financials objectives of the City. There are many departments they work with throughout the process.

Proposed Layouts:

- Try to come back to the density objectives
- A mix that meets with the guiding documents by the City

Photos of the various homes and price points were shown. With townhomes, he stated they follow a couple of national Developers that try to make things work on the property such as:

- Trying to meet the density objectives with townhomes.
- Due to grades, they could not lay in connected products.
- Are working with a detached product for areas that have a higher density objective.
 - For those, they bring living space over the garage.
 - Bring the front door forward and have a porch element.
 - This creates a more attractive street scape.

He stated they are working with a couple of different builders who could be involved.

Streets:

- 71st is problematic because it ties in with infrastructure elements the City had as a part of another plan. The Comprehensive Plan extended elements of infrastructure other than street.

He pointed out an area in a diagram that was placed where instructed stating last minute, they were asked to make a change. This impacts them, reduces the width of premium lots on site, and potentially impacts a lot.

Mayor Bartholomew asked who instructed them to put it at that location and if it was Staff. Mr. Soltau responded it was Staff and the materials in the Comprehensive Collector Street Plan. Roads were put in those exact spots and now they are on version 20+, A, B, C, and D, concept plans trying to conform. What is being presented this evening they feel, conforms to all of the guidelines and expectations in the Comprehensive Plan and northwest area zoning. He stated they feel they have made a significant effort to work with Staff and to conform. The last-minute curveballs are a bit disturbing.

He stated they have been working with Parks and Recreation. The Landowner sold the property west of Argenta for the park plan. They were always told the expectation would be for money in the area. He stated a comment was received that preceded the schedule they had over a week ago about a need and expectation for a park component. They tabled it, took it seriously, and came up with a reasonable compromise with the two lots. He requested if doing this park on those two lots, they would prefer to improve it concurrently with their development. He stated it was mentioned they would grade the area, but they would also like to propose improving it and want credit. They would like the Builders and Residents to have the benefit of the improvement and not have to wait a number of years. He stated they are trying to give a compliant product as much as possible, a mix of product, and are confident the market is anxious for this and will accept. They are trying to wrap up last minute curveballs with roads and the park component.

Mayor Bartholomew wanted to clarify what was said stating that Mr. Soltau is saying they would consider developing the park itself, with structure and infrastructure, and use it as credit toward their Land Dedication. Mr. Soltau responded correct; it would be in lieu of Cash Dedication. Mayor Bartholomew asked where things stood on that discussion with Parks and Recreation Staff. Mr. Soltau responded there have been general discussion, it has not been taken further. He stated they spoke to Heather Rand and Jon Oyanagi late last week about what they could expect. At that point they were still evolving into the concept of conceding the two lots and trying to work with something that would be a compromise.

Interim City Administrator Heather Rand stated that is a detail Staff would like more time to work with the Developer on. Between the preliminary plat and the final, it can be determined, along with the Parks and Recreation Commission, what the nature of the park and improvements would be. Discussion is needed about

who would do what. A timeline on the park is also needed. She stated they appreciate the Developer offering to grade the site. Approval tonight gets the process moving forward.

Mayor Bartholomew clarified they are looking at the two lots, .42 acre, in Land Dedication and Cash Dedication in lieu of the balance of around 4.85 acre. Mr. Soltau agreed, stating Land Dedication is around 10% of the total. They would work from that with the area they are dedicating, it does not include the pipeline area. He was encouraged that they can use the pipeline area. There are limitations, and parameters to work with and grades. He stated if owning that area, using it, and treating it as park, they should get credit for the area. They were told if it was encumbered, it is not accepted. It is typically encumbered by a driveway easement or easement that prevents use, if over a pipeline and using it, they should get credit. Mayor Bartholomew responded those are things that can be negotiated. As long as they identify the problem and understand the fundamentals, they can negotiate. The area is roughly .4 acres with cash in lieu up to the agreed amount. Mr. Soltau agreed stating they are receptive to that combination. They have requested improving it, and for that be a part of the calculation. Mayor Bartholomew responded if Staff and Council can come to an agreement, negotiations can be had in the preliminary.

Councilmember Gliva asked how they got to a place where streets are currently in the wrong place. She asked if it can be fixed. Mr. Soltau responded one of the first things they tried to fix was the contact points at the County Roadway system. He referenced 70th and Argenta stating they tried to fix the location with information from the City Comprehensive Plan and the Comprehensive Collector Street System. Alverno is characterized as a collector street but there is a hybrid recognized, it is a neighborhood collector street. When originally laid out it had a 70-foot width. They were asked to make it 80 feet in width because it was a collector street. They were told as a collector street it would have a speed limit of 45 mph. At the neighborhood meeting, nobody wanted a 45-mph street. He told the neighbors they could be their best ally in addressing this. As it evolved, WSB came back with a design that is narrower and recognized it as hybrid. Support was received from the Consultant to reduce the width, narrow it, and slow it down because it has driveways and direct access.

He stated when getting to the alignment on 70th, it came back from the County to be in a specific location to align with plans to the property north of 70th and spacing to the intersection with Argenta. The location of 72nd was fixed. He stated they would not put it on the edge of the property and not carry it through their property. They have worked with the parameters and are working with Staff. It has felt the information was not as accurate as it was needed at the time for the level of work they were doing. More detail was received as they became more involved. He stated when feedback was received from the County, they had to move it. It was different from what they had from the City. He stated this is all part of their process.

Councilmember Gliva wanted to make sure what the Council has is feasible and that the road system works for everyone. Mr. Soltau responded neighborhood comment was received about 71st, they do not anticipate it to go through. 71st was planned to carry infrastructure components under it as a part of the alignment. They themselves did not pick that location. They are trying to make the information given work with their plan. He stated 72nd is a spot they have worked on and have had comments on grades. They are working to reduce widths of some lots and bring it slightly further south to avoid tree and grade impacts that a neighbor brought to their attention.

Councilmember Dietrich apologized and stated their group got caught up in a disconnect. Taking monies in lieu of parkland is not the default but appears to have been in the past. She commented in the two years she has been on Council she has been asking to see it both ways. She apologized that portion came later for Mr. Soltau's group and seemed like a curveball. If there was not a disconnect, they probably could have avoided some revisions. She thanked Mr. Soltau for working with the City and trying to get something that is going to please everyone and still be profitable.

Mayor Bartholomew asked where they were at with flexibility with the roads. He asked if the Applicant could reach flexibility that would meet the needs of adjacent property owners. City Engineer Tom Kaldunski responded the Developer is working with the northwest plan from day 1. It is the same map that shows general locations of where roads should be. When a dot shown on the map, he questioned if it was finite dot or a general location. Maps of this nature are from 10,000 square foot and they try to be as close to them as possible. The issue they have run into is not looking off the existing property and how it may affect other property. The dots are just a general location, the angles are not set in stone and are flexible.

City Engineer Kaldunski stated the park they did look at was where the arrows were pointing. The Developers were asked to look within 300 feet of the property line. He believed they can resolve this if moving slightly, less than 50 feet, he would be in a better location. In the case of 72nd Street he is missing a road, so he did not have to buy property on the neighbor's land. The neighbor on 71st Street has stated the arrow points at the home, he asked to move it to miss the home. This is not etched in stone and can be modified slightly. The computer model shows where they expect traffic to go. As long as traffic is going to the general area, it would meet the plan WSB put together.

Mayor Bartholomew stated there is flexibility in relation to adjoining properties. City Engineer Kaldunski responded based on conversations had with some of the property owners to the east on Friday, yes.

Chris Becker (in person), 1210 70th Street, stated he lives on 71st Street where it cuts across on the east side of the property. It goes straight through his home. He owns 2.5 acres and also owns the 1216 property which is another two acres. He stated he is the Chair of the Housing Committee, if choosing to do something on his property and live and stay on it, they could not be due to the proposed feeder roads projected through the property. He stated the Developer has had a lot of variables to address. The Developer has met with them once via Zoom and he informed them about the two road issues and never heard back until they had the chance to speak with Allan Hunting and Tom Kaldunski.

He stated with 72nd Street, if dropping further south, the topography is complicated. He stated he was concerned about 71st Street. He offered an option to take the road from Alverno, move it up and cut on the property of 1216, and move a house into the spot that the road would be. He hoped the Council would work with the Developer to readjust that so those on the east side are not limited on future development.

Mr. Becker stated he wished the whole place would be a park. The northwest area has a lot of children. With the proposed park he has not heard anything about parking and asked if there would be street parking. He stated the neighbors met with the Developer and discussed Alverno being 45 mph. It is a hazard in a highly dense developed area. He was glad they considered slowing the speed down. He asked Council to consider those on the east side of the development and to not impact them in a detrimental way.

Marius Dina (in person), 1234 70th Street, stated he has lived there since 2007. One of the reasons he had moved was because he was tired of all the Ordinances on a regular City lot in Burnsville. He found this beautiful 2.8-acre property, where one can do whatever, you want with a garden or grass height. They love the view; they knew the development was coming. He agreed with the challenges mentioned by Mr. Soltau stating he is not an Engineer but understands engineering aspects. Mistakes began in 2012 when the City hired a firm who did a study. He attended every meeting. He stated the entire connector study was done from an airplane. Nobody looked at the topography. He asked if they had looked at the topography when drawing lines. The response was that was the last thing they do.

He displayed a rendering of the area and pointed out his property. If looking at a contour, the elevation is 985. Within 100 feet it goes to 960, a steep angle. Where the new road is proposed, it goes up 25 feet and comes down to get to the connection. He thanked the City Planner and City Engineer for doing a great job of explaining things. He stated it was discovered the Developer of the land next to them, Fleming, are planning to build the road serpentine shape and put houses in. It takes a hill that is 40 feet tall and obliterates it with a 20+foot retaining wall for over 500 feet with a 500-foot fence. Retaining walls come with a cost to repair. If moving the road, that could be avoided. The road should never have been there in the first place. He suggested coming around the contour of 960 or 965. He stated there are too many roads, it needs to be simplified. This could be avoided by rearchitecting. He believed the plan was a mistake from day one.

Mary T'Kach (in person), 7848 Babcock Trail, stated she agreed with everything heard from the residents and the Developer. She suggested taking a step back further to the northwest area. The whole point of the area was to protect the natural features of that part of the City. She stated it is the Developer's responsibility to determine how to develop in the northwest area. Nothing in the area has been developed in a way that would protect trees, the old majestic oaks across the street from Target. She stated the retaining wall on Robert Street and 65th is very large. She suggested letting the Developer develop the property, maybe increase the density of some of the lots to get the profit they need but protect the natural features. The people coming to buy \$400,000 - \$900,000

homes are getting the amenities that would compete with other Cities that have protected their natural areas. The places with \$900,000 homes have natural areas around them. Trees, open space, and parks add value.

She stated this is an opportunity for the new City Council to ask what the point of the northwest area was and what to do there. She stated she is also on the Housing Committee and would love to see affordable housing. In this case with a product that is high value, questions need to be asked about how to get that high value, how to get the property tax value out of those homes so they appreciate over the years, and how to reduce infrastructure costs. She stated the City is millions of dollars in the hole with road maintenance, she suggests narrowing roads or having fewer of them. She requested the Council rethink this.

Brad Kirschenheiter, via phone, 1230 70th Street, stated he echoes all comments made by others that have spoken. He objects to the current location of the future development stub of 71st and 72nd Streets.

Mayor Bartholomew asked if there was flexibility to get the alignment suggested. He asked if this was something that needed to be taken back for further conversation. Interim City Administrator Rand responded she, and the City Engineer, feel the road alignment needs work but is something that can be discussed between now and the final plat approval if Council approves the preliminary plat. City Engineer Kaldunski agreed and stated it is driven on making the changes to the final plan, with the proposed modifications.

Councilmember Piekarski Krech stated she was extremely concerned about 72nd Street. She cannot support that type of retaining wall for a development. It was a surprise to her that they would consider something like that. If it is an issue, she would like to do something with that right away. She stated she thought the part at the top was flat and level. When Mr. Carlson was here there was discussion about having a park in the corner because it was the flattest part. Making deep cuts takes away what was intended. She commented to keep the rainwater and natural areas, not put a lot of pipes in the ground. A retaining wall of that size does not fit.

Mayor Bartholomew agreed and stated there are a lot of challenges. There has been a lot of studying, the AUAR was done. There are issues of egress. He was concerned about topography, the amount of ground they would have to move, perhaps a better configuration is needed. Councilmember Piekarski Krech stated the retaining walls are on the other property. She asked if they lock in by making 72nd go there, if it has to be a street. When doing the street plan, she thought it was being done logically, she did not realize they did not take into account the topography and natural areas.

Mr. Soltau stated they could work with the issues raised. They are trying to modify 72nd Street and reduce the width of some of the homes and shift the road down south a bit. Councilmember Piekarski Krech asked if that goes with the topography. Mr. Soltau responded there is no retaining wall in the area on their property. She stated his development has raised the issues when continuing to other properties, there are concerns with topography. Mr. Soltau responded they recognize is a characteristic everyone is trying to avoid. He is confident they could work with 72nd in an alignment that works with the grade. He stated with 71st, they may be able to eliminate.

He stated the roadway system defined in the area is surrounded by County roads. The County looks at the roads like arterials and not local collector system. The Developer is asked to provide a collector system and ends up with a labyrinth of collector streets between 70th, Argenta, and Robert. Alverno was wound as much as they could. Some streets should be interrupted; 71st for example, 72nd connects through, 71st may not have to, and could be disconnected. He stated the challenge has been recognizing the different objectives and getting to something that meets financial considerations. They work with guiding documents, through a process there are bumps along the way. He believed they can tweak the roads enough with what is laid out as a concept to move forward with approval. Everyone has to sign off on the final plans. He stated they are hopeful they can move forward this evening.

Mr. Marius Dina, 1234 70th Street, stated if not moving 72nd low enough, below grade, the builder developing the Fleming property will be stuck. He has spoken to the Fleming's, they wanted to build a house on that lot years ago. When splitting the property into one acre, by law they were able to take the current house and have another lot, they could have built a single-family home. Four years ago, when this came before the City Council, 4 voted yes, 1 voted no, something happened after the meeting and they were not allowed. He stated the idea was to cut

that piece as a separate lot and realign 72nd. That did not happen. He suggested putting it further south be something to consider.

Councilmember Murphy stated it was interesting to learn more about the street situation. He does not know that a very large retaining wall in a neighborhood is the right way to go. Steps to avoid that is the right thing to do. The Developers may have ideas on how to avoid that. He stated hearing from residents about the Developer's density needs, he was not as comfortable with, those costs are always passed on to who ever ends up in the neighborhood. He likes the northwest parks area plan and does not know that as a City they have kept the promise very well. He does not feel they can go backwards at this point. He appreciated the Developers working with the City and putting a park in the neighborhood.

Mayor Bartholomew stated his biggest concern is connectivity to other property. He wanted to make sure they have the flexibility to do it the right way and avoid a large retaining wall in the middle of development. He agreed with Ms. T'Kach about eliminating streets if possible. He questioned if they could move along with the preliminary with an understanding, they get the changes they want, and if they do not, they are at final plat discussing them again. He believed the park made sense, he is not a fan of tot lots, but understands the need. The Land Dedication and consideration of Cash is the right strategy.

Councilmember Piekarski Krech proposed for the preliminary, that it is not on the Developer but on Engineering Staff. Wherever streets end up, issues discussed have been solved. Wherever 72nd Street goes, it be positioned so there are not retaining walls and fits in with the topography without huge amounts of grading. She stated Argenta Hills built into the hillside to fit into the topography rather than tearing down the entire hill. She stated the Developer sounds like they are willing to work with people. She has no problem with the preliminary plat that way. Her concern was when the street leaves the Peltier property and goes to others, they do not create havoc.

Interim City Administrator Rand stated she hears what Council is saying and believes this is a plat the Council can approve as a preliminary tonight.

City Attorney McCauley Nason recapped a few points raised. To the Mayor's question of ironing out the details now or waiting for final plat approval, having a park in the plat needs to be addressed tonight so Staff and the Developer have direction. For the road, it could be an addition to the condition such as to work to revise the road alignment of 72nd Street to work better with the natural grade. Mayor Bartholomew suggested adding the existing property owners. City Attorney McCauley Nason responded there are challenges, there is the plat before Council, standards Engineering has identified, and proposed plans for a different property. There is a limit if there are guiding documents that state you have to put a street in a location or move it up or down, that is what the condition is intended to be.

City Attorney McCauley Nason directed Council on the park question:

- Council could approve the plat as presented with the conditions as outlined in Resolution 2021-149. Condition 21 references there shall be both Land Dedication and Cash contribution to meet park requirements.
- If Council finds the park as proposed with the two lots is acceptable, that can be placed as a condition.
- For the larger 1.22-acre park shown on the presentation. This includes part of the green space encumbered by the easement. If wanting that for park, criteria in the Code states land encumbered would not be accepted as park.

She stated it cannot be taken for a park and not count it as a park. If taking for park purposes and using it for park purposes, it would need to be approved as a park. It would either be 1.22 acres or .43 acres.

Mayor Bartholomew commented they deal with the limitations on that property even though they call it park. If there are limitations because of the pipe and grade, they have to deal with it. City Attorney McCauley Nason responded if it is not part of the park, shown on the preliminary plat as open space, that is what it would be.

Councilmember Piekarski Krech asked if they have to be specific or if they can say they want a park in the area. Then refine the details as to how much they are taking for park, how much they would take in Cash Dedication, and how much the Developer would develop the portion of property for their Park Dedication part. She asked if Council could leave it broad. She asked if they could say they want a park in the area and Staff would work with the Developer to determine exactly how much land accepting for park. City Attorney McCauley Nason

responded that provides some ambiguity to the Developer. If knowing the two lots are wanted, a park not less of .4 acres would give flexibility coming back.

City Attorney McCauley Nason clarified the options as follows:

1. Approve the Resolution identifying dedication is wanted and met through a combination of Land and Cash.
2. Approve the Resolution. Modify Condition 21 that says cash is wanted, no land.
3. Exploring other park options.

The option she hears most is Option 1 and add a condition to revise the road alignment for 72nd Street and further consultation with Engineering Staff.

Councilmember Piekarski Krech suggested revising 72nd Street and the minimum of the .42 two lots, for the park with other determinations between Staff and what the Developer wants to develop in the location. Mayor Bartholomew clarified and stated land in lieu of cash, including the Developer offered to develop parkland. Councilmember Piekarski Krech believed all that needed to be said was to approve the .42 and will negotiate on the rest. City Attorney McCauley Nason responded the remainder would be finalized as part of the Development Contract. Mayor Bartholomew stated as long as they do not exclude the offer from the Builder that they will develop it if they would like to develop.

Motion by Piekarski Krech second by Murphy to approve, BUILDER LOT GROUP (PELTIER RESERVE) - for property located at 7250 Argenta Trail and 1266 70th Street: Ordinance 1407 to Rezone the property from A, Agricultural to PUD, Planned Unit Development.

Ayes: 5

Nays: 0 Motion carried.

Motion by Murphy second by Piekarski Krech to approve, BUILDER LOT GROUP (PELTIER RESERVE) - for property located at 7250 Argenta Trail and 1266 70th Street: Resolution 2021-149 relating to a Preliminary Plat and Preliminary PUD development plan for a 126-lot single family subdivision and a 180-unit apartment building. Including discussion relative to Land Dedication, Cash in lieu, and flexibility and understanding about the road.

City Attorney McCauley Nason wanted to clarify the size of the park asking if it was .43 or 1.22, or if it was a minimum of 1.22. Councilmember Piekarski Krech responded it was a minimum of .43, the size of the two lots. Councilmember Murphy asked if the .43 included the triangle area. Councilmember Piekarski Krech responded that was part of the green space.

Ayes: 5

Nays: 0 Motion carried.

Council took a break at 9:20 p.m. Council was back in session at 9:29 p.m.

H. Resolution Authorizing Submittal of a Host Community Economic Development Grant Program Application to state of MN Department of Employment & Economic Development (DEED). Resolution 2021-150

Interim City Administrator Heather Rand stated the City hosts Pine Bend Landfill. As a result, State Statute provides the City to submit to the State of Minnesota’s DEED (Department of Employment and Economic Development), an Application for a Grant supporting economic development. The Grant amount is determined by DEED, this year it is \$415,625.00. One of the requirements is the Grant must go toward public infrastructure that supports the growth of our Community. Such as tax base, employment, population. She suggested Council support an application that would fund improvements to northwest area Park #1 in which land has already been acquired from the Peltier’s. It is an approximate 8-acre park west of Argenta Trail and west of Highway 55. Improvements suggested by the public and the Parks and Recreation Commission include: Site prep, tree removal, stormwater utilities installation, earth work, pavement, seed restoration, electric service, landscaping, and playground equipment.

There are other improvements that are being suggested for the park. Listed improvements exceed the Grant maximum amount. This allows the park to get moving and puts less of a burden on the existing Parks Recreation Fund, creating funds for other parks in the northwest area. She recommends Council approve the Grant Application authorizing her to submit to DEED tomorrow. It is hoped to be funded by the end of their fiscal year, June 30th. The City would be able to use the funds right away and use them before the end of the State's fiscal year in 2022. There would be 13 months to use those funds. She stated herself and the Interim Parks and Recreation Director Jon Oyanagi selected this project because the improvements on the Grant Application are something that could be accomplished within that timeframe.

Councilmember Piekarski Krech stated this is the second year they have used the Grant for parks. She would like to see them doing more for actual economic development, jobs creation. She asked if it would not be better served to try and develop the 100 acres or work with Republic. She commented parks are great, add amenities to the Community. She does not see them growing the jobs base and thought that was what the DEED Grant was supposed to do. Interim City Administrator Rand responded she had a handful of projects she was hoping to utilize the funds for. She responded about the reference of Republic moving to the west 100 acres. Republic is interested in moving, but not to that site. They are not willing to move forward in partnership with the City to develop the west 100 acres as a business park. She hopes they change their minds in the next year. She stated there were opportunities for land acquisitions near Concord Boulevard. She determined this opportunity to invest in northwest area parks as more relevant due to concerns about other park opportunities in the northwest area coming up and having enough funds. She stated the development of the parks could lend itself to main street in Argenta Hills with a couple of commercial pads that could be fully developed and have more robust leasing of space on the main street. She stated they believe to have commercial space on the northwest corner of South Robert Street and 70th Street within the next couple of years. In the future she would like to utilize these funds to support water and sewer for a business park. To date, those opportunities have not presented themselves.

Mayor Bartholomew stated with the input by Interim City Administrator Rand, he agreed with the lack of other projects to put this money toward and believed this to be a good cause. He could support this with the understanding in the coming years they would use DEED money for job creation and business opportunities. Councilmember Murphy commented this makes sense.

Motion by Dietrich second by Gliva to approve Resolution 2021-150 Authorizing Submittal of a Host Community Economic Development Grant Program Application to the State of MN Department of Employment & Economic Development (DEED).

Ayes: 5

Nays: 0 Motion carried.

Fire:

I. Consider Acknowledging Receipt of State of Qualifications from Six Consulting Firms, acceptance of Request of Proposal (RFP) for a Fire Department Services Evaluation and authorize sending RFP to those firms. Resolution 2021-151

Fire Chief Judy Thill requested Council consideration for:

- Acknowledgement of six statements of qualifications received in response to the Request for Qualifications
- Acceptance of Request for Proposal (RFP) for the Fire Department services evaluation
- Approval to send the RFP to three firms for their consideration

At the April 12th City Council meeting, Council approved the Request for Qualifications for a Fire Department Service Evaluation. The RFQ was sent to eight different Consulting Firms and five additional Firms requested copies. Six replies were received. She stated the Interim City Administrator and Fire Staff scored each of the submittals and narrowed the field down to three. Those three would receive a copy of the RFP. Those Firms are:

1. Fitch and Associates of Platte City, Missouri
2. Citygate associates of Folsom, California
3. Matrix Consulting Group of San Mateo, California

The reason for the RFP for Fire Department Service Evaluation is due to continued concerns with recruitment and retention of volunteer and on call Fire Fighters in Inver Grove Heights. This is a National problem. The evaluation would look at:

- Present emergency services, delivery, and Staffing model
- Make recommendations for future needs

The RFP has a return deadline of June 1st. Once returned there would be a selection committee comprised of two Council Members, City, and Fire Staff to score the return proposals. If needed, the option is included in the RFP for one or more Firms to come and give presentations before making a final decision. Estimated cost is expected to be approximately \$50,000 with funding sources budgeted adjustment in the General Fund. Staff recommends of the six submittals, approval of the RFP, and sending the RFP to the three Firms listed.

Fire Chief Thill requested knowing who the two Council Members willing to serve on the Committee by the end of the week. Mayor Bartholomew asked if members could be selected by the next Council meeting. Interim City Administrator Rand suggested before June 1st. A formal Motion is not needed for selecting. Council would let the Interim City Administrator know within the next two weeks. If more than two Councilmembers volunteer, they could come back for further discussion at the Council meeting taking place on May 24th.

Motion by Gliva second by Piekarski Krech to approve Acknowledging Receipt of State of Qualifications from Six Consulting Firms, acceptance of Request of Proposal (RFP) for a Fire Department Services Evaluation and authorize sending RFP to those firms. Resolution 2021-151

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

There were no public comments.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember Dietrich wanted to thank the Boy Scout Troop that cleaned up South Valley Park and then played kickball there.

Mayor Bartholomew stated the Inver Grove Heights Police Department is having an Open House on Wednesday, May 12th between 3:00 to 7:00 p.m. Please attend and meet and greet the Police Department, Officers, and the K9. Parking is on the west side. There will be a dunk tank. This would be a great time to get to know the Officer's and appreciate what they have done the last 12-18 months for Community involvement and congeniality.

9. EXECUTIVE SESSION:

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

B. Closed session pursuant to Minnesota Statutes § 13D.05, Subd. 3(b), attorney-client privilege, for the purpose of threatened litigation related to compliance matters with Separation Agreement between the City of Inver Grove Heights and a former employee.

City Attorney McCauley Nason stated there are two Executive Sessions on the Agenda. The process requests Council make a Motion and vote to go into closed session for Executive Session A. Once that session is done the Council will vote to reconvene into open session, then the Council would go through the same exercise in open session and vote to go into closed session for Executive Session B. If that Motion is approved Council would move into closed session and then vote to come out of closed session and eventually adjourn from open session.

She stated Council is asked to make a Motion to go into closed session pursuant to Minnesota Statutes § 13D.05, Subd. 3(c)(2) and (3) for the purpose of reviewing confidential or protected nonpublic appraisal data and to develop or consider offers or counteroffers for the purchase of real property located at 8296 Babcock Trail, Inver

Grove Heights. She stated the closed session must be recorded. Once in closed session all persons in the closed meeting must be identified on the recording.

Motion by Gliva second by Piekarski Krech to move into closed Executive Session for Agenda Item 9A at 9:47 p.m.

Ayes: 5
Nays: 0 Motion carried.

Motion by Piekarski Krech second by Murphy to return to regular session.

Ayes: 5
Nays: 0 Motion carried.

Motion by Piekarski Krech second by Dietrich to move into closed Executive Session for Agenda Item 9B.

Ayes: 5
Nays: 0 Motion carried.

Motion by Gliva second by Murphy to adjourn the City Council meeting at 10:56 p.m.

Ayes: 5
Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Sheri Yourczek