

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, FEBRUARY 11, 2019 - 8150 BARBARA AVENUE**

1. CALL TO ORDER 2. ROLL CALL:

The City Council of Inver Grove Heights met in regular session on Monday, February 11, 2019, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m.

Present were: Councilmembers Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Attorney Kuntz, City Planner Hunting, City Engineer Kaldunski, Police Commander Otis, and City Clerk Tesser.

Absent: Councilmember Piekarski Krech.

3. PRESENTATIONS:

A. Inver Glen Library Presentation, Peg Schmook, Branch Manager

Peg Schmook, Inver Glen Library Branch Manager, began a presentation stating that a strategic plan was done a couple of years ago and they came up with a vision, a mission, and values. She stated that the library today offers regular traditional services such as checking out books, DVDs, hard print, and launchpads. They also have other services as follows:

1. Summer Discovery: Known as the Summer Reading Program with a goal of helping students combat summer slide. Kickoff takes place in early June. Last year The Friends of The Inver Glen Library served free ice cream and the Inver Grove Heights Fire Department brought a Fire Truck, which was very popular. She stated that they also partner with the Parks and Recreation Department with Story Time in the Park and that Kids Rock visits the library weekly.
2. Homework Help: Involves volunteer tutors that are trained from the Minnesota Literacy Council and offer help to all ages.
3. Nature Backpack: Piloted at Inver Glen Library a couple of years ago and funded by the Friends of Inver Glen Library. This is a backpack that can be checked out by all ages that comes with a magnifying glass and tree identification. This encourages people to get outside and look and engage with nature.

She stated that Inver Glen Library had 97,982 visitors in 2018. Their goal for 2019 is 100,000 visitors. The number of items borrowed on average is five items per resident. This only includes physical items, not electronic items. She stated that last year, the system overall checked out over 700,000 items digitally. She stated that online access has been available for free to the public for over 20 years. In 2018, there was over 30,821 hours of digital access at the Inver Glen Library. She stated that on the Dakota County website, the library page is the most popular page with 1,208,043 hits. The following is coming up in 2019:

- In November, they got their own 3D printer along with an iMac with full Adobe Creative Suite, Garage Band. This is available to the public. She stated that a reservation is needed to use this item and encouraged everyone to take advantage of the features.
- The Inver Grove Heights Reads Program begins October 2019. The goal is community conversations, community engagement, and adult literacy. Last year, they began their first program during Inver Grove Heights Days. She stated that they are currently selecting a book. This program is funded by The Friends of Inver Glen Library.
- She stated that one of the librarians has a contact with the Minnesota Astrological Society. They have been discussing having non-traditional telescopes available for check out to the public. The society is doing the fundraising and will maintain the telescope maintenance. She stated that the library would do the logistics of checking them out and making them available to everyone in the community.

Mayor Tourville stated that the Inver Grove Heights Library was actually slated to be built between 2018 and 2020. It's been built for years. He commented that Lakeville and Inver Grove Heights were the two

large Cities that didn't have libraries on the Dakota County system. He stated that there are meeting rooms available as a result of the expansion and that the volunteer group is very active with donations and special projects. He commented that the library is a resource for the entire community.

4. CONSENT AGENDA:

- A.
 - i. Minutes of January 14, 2019 City Council Meeting Minutes.
 - ii. Minutes of January 14, 2019 City Council Special Legislative Meeting Minutes.
- B. Resolution 19-27** Approving Disbursements for Period Ending February 5, 2019.
- C.** Approve Debt Management Policy.
- D.** Intentional Left Blank.
- E.** Approval of Rental License.
- F.** Berean Baptist Church – Case No. 19-03CUP; Approve a **Resolution 19-28** to allow a 26,800 square foot church to operate at property located at 5300 South Robert Trail.
- G. Resolution 19-29** Calling for Hearing on Proposed Assessment and **Resolution 19-30** Declaring Costs to be Assessed.
- H.** Request Approval of Pay Application #3 for \$566,675.00 to Jorgenson Construction for Project 2014-10 Fire Station #2 New Construction.
- I.** Approve Letter of Support for Local Road Improvement Program Funding Application.
- J.** Receive Quotes and Accept Quote for Water Treatment Facility Lower Pipe Gallery Painting.
- K.** Approve Custom Grading Agreement and Permanent Utility and Drainage Easement for 10371 Inver Grove Trail.
- L.** Consider **Resolution 19-31** Seeking 2019 Municipal State Aid System (MSAS) Advancement of Funding for City Project No. 2016-08 – T.H. 3 Roundabout at 70th Street (SAP #178-020-027), City Project No. 2017-24 – T.H. 3 Improvements for 65th Street (SAP #178-010-011), and City Project No. 2015-03 –65th Street Construction (between T.H. 3 and Argenta Trail) (SAP #178-104-007).
- M. Resolution 19-32** Approving the Use of Eminent Domain to Acquire Temporary and Permanent Easement Rights from Private Property Owners as Required for City Project Nos. 2015-03 – 65th Roadway and Drainage Improvements (Between T.H. 3 and Argenta Trail) and City Project No. 2018-03 – NWA Trunk Watermain Improvements – 65th Street Loop (Phase 4 of 2015-12) from Agate Trail to the future Argenta Trail Right-Of-Way (65th Street Watermain Improvements).
- N.** Approve Coal Tar Litigation Agreement.
- O.** Personnel Action.

Motion by Bartholomew second by Perry to approve the Consent Agenda noting that Agenda Item 4D was moved to the Regular Agenda.

Ayes: 4

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

There were no public comments.

6. PUBLIC HEARING:

A. Consider Application for Lawful Purpose Gambling Premises Permit with VFW Post 295 at Moose Lodge 1088, 5927 Concord Blvd E. Resolution 19-35.

City Clerk Michelle Tesser stated that the organization provided the necessary paperwork. An investigation was conducted on the officers of the organization. She stated the officers' backgrounds were approved by the Police Chief. The Moose Lodge has had prior charitable gambling at the location.

Mayor Tourville stated that the City does not pick who gets to offer gambling at these locations, the premises makes those decisions. He stated that the City has made ordinance amendments to the gambling ordinance that took effect on January 1st.

Al Running, 8249 Indian Boulevard, Cottage Grove, Gambling Manager for the VFW stated that they welcome the opportunity to work with Moose Lodge and have worked with South St. Paul and Inver Grove Heights for many years. He commented that they sold their primary building in South St. Paul and have moved into a small storefront in South St. Paul while they are looking for a new location.

Motion by Bartholomew second by Dietrich to close the Public Hearing at 7:15PM

Ayes: 4

Nays: 0 Motion carried.

Motion by Bartholomew second by Perry to approve to Consider Application for Lawful Purpose Gambling Premises Permit with VFW Post 295 at Moose Lodge 1088, 5927 Concord Blvd E. Resolution 19-35.

Ayes: 4

Nays: 0 Motion carried.

B. Approval of Temporary Liquor License for St. Patrick's Church. *Amended.*

City Clerk Tesser stated that this request is for a temporary liquor license for a yearly event. The event will take place at the Church of St. Patrick's where there will be a temporary sale of liquor on Friday, April 5th. The applicant provided the required certificate of liability insurance.

Motion by Bartholomew second by Perry to close the Public Hearing at 7:17PM.

Ayes: 4

Nays: 0 Motion carried.

Motion by Perry second by Dietrich to approve the Approval of a Temporary Liquor License for St. Patrick's Church.

Ayes: 4

Nays: 0 Motion carried.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. Inver Grove Brewing Co.; Consider the following requests for property located at 9051 Buchanan Trail;

- a) An Ordinance Amendment to the Arbor Pointe PUD Ordinance #789 to allow Brew Pub Ordinance 1362 as a permitted use in the CSC District Ordinance 1363 and to add the definition of Brew Pub in the zoning ordinance.**
- b) A PUD Plan Amendment to modify the site plan for the building additions. Resolution 19-33.**
- c) A Resolution relating to vacation of a portion of the drainage and Utility Easement on Lot 3, Block 1, Arbor Pointe 15th Addition. Resolution 19-34.**

City Planner Allan Hunting stated that the applicant is proposing to remodel the old Ruby Tuesday Restaurant to a Brew Pub. The Brew Pub brews and sells their own beer on site and would also provide a full-service restaurant. He stated that one of the requests is a site plan amendment. They are proposing a 1,700 square foot addition to the front side of the building to house the brewing equipment. A future phase would be for an outdoor patio of approximately 1,800 square feet. He stated that they would be losing a few parking spaces, but there is still ample parking onsite which exceeds the parking requirements. He stated that the other change would be the closing of a curb opening to improve safety

and circulation. Photos of the exterior were shown, and he commented that the building will be remodeled. He stated that all of the standards of the Arbor Pointe Ordinance have been met with this change.

He stated that another part of the request is for two ordinance amendments. The first is to add the use of Brew Pub as it is defined by state statute and include that as a permitted use in the Arbor Pointe PUD ordinance and to add the definition of Brew Pub to the city zoning ordinance. He stated that there is a small section of an easement that needs to be vacated at the far northwest corner of the proposed building addition. There is a little area in the easement that would encroach about two feet. He stated that the engineering department has looked at that easement and are fine with vacating. Staff recommends approval of the request as presented.

Don Seiler, Lakeville Brewing Company, 16164 Huron Court, Lakeville, stated that they are excited about being able to open their second location in Inver Grove Heights. Their first location is in Lakeville. They have been working on the plans for a year and searching for a location for about two years. He commented that they hope to make the best possible use of this new location.

Mayor Tourville stated that this was more than a liquor license approval and it will take more time. The State of Minnesota is involved because it is the manufacturing of beer and they look at the equipment. He commented that it is unique that B52's is going to expand it's second location in Lakeville and Lakeville Brewing Company is going to expand their second location in Inver Grove Heights. He commented that the City is excited about Inver Grove Brewery.

Mr. Seiler stated that one item in the PUD Amendment that they felt they met the mark on but had to be creative with was the requirement of including the Arbor Pointe green in the exterior aesthetics. He commented that he knew the Walgreens building and other commercial real estate is back on the market and wondered if that requirement may be a hinderance to someone else. He stated that the Arbor Pointe green wasn't in their design color palate. He suggested that they may want to consider that thought with other businesses moving into the Arbor Pointe area and the City may want to take that out as a requirement.

Mayor Tourville responded that he had a good point and that the city would look into it. He thanked him for the comment.

Councilmember Bartholomew commented that this will be a valuable addition and looks forward to it opening.

Motion by Bartholomew second by Perry to approve Inver Grove Brewing Co.; Consider the following requests for property located at 9051 Buchanan Trail;

- a) An Ordinance Amendment to the Arbor Pointe PUD Ordinance #789 to allow Brew Pub Ordinance 1362 as a permitted use in the CSC District Ordinance 1363 and to add the definition of Brew Pub in the zoning ordinance.**
- b) A PUD Plan Amendment to modify the site plan for the building additions. Resolution 19-33.**
- c) A Resolution 19-34 relating to vacation of a portion of the drainage and Utility Easement on Lot 3, Block 1, Arbor Pointe 15th Addition.**

Ayes: 4

Nays: 0 Motion carried.

POLICE DEPARTMENT:

B. Consider Second Reading of Ordinances Amending City Code 5-5-6, 5-5-12, and 5-9-2 Concerning Nuisance Noise, Creation of a New Chapter 14 to Title 4 Creating a Permit for a Large Assembly, And Creation of a New Chapter 15 to Title 4 Concerning Excessive Consumption of City Services.

City Attorney Tim Kuntz stated that this item is for consideration of three different ordinances. One of the processes that has been in existence began in 2018 and continues into 2019. He stated that these three Ordinances do not require a Public Hearing. In 2018, the Legislature imposed a requirement that when the City is considering a new ordinance, the City should, before the final consideration of the ordinance, post a notice informing the public about a summary of the ordinances and giving the public dates that the Council will consider the ordinance. He stated that we have been doing that and will continue to do so under the statutory requirement. Notice was given for the second reading taking place this evening. He stated that the goal is to try to give the notice before the second reading based on the theory that comments come forth at the first reading and are incorporated into the second reading. He stated that if it is at the second reading as opposed to the third reading, there is more of an opportunity for the Council to take into consideration public comments that are made. The notice was posted on the city's bulletin board.

Police Commander Josh Otis stated that they had one minor change regarding charter cities from the first reading for excessive consumption and have removed that charter city in the second reading.

City Attorney Kuntz stated that the third reading would take place on February 25th.

Motion by Bartholomew second by Perry to approve to Consider Second Reading of Ordinances Amending City Code 5-5-6, 5-5-12, and 5-9-2 Concerning Nuisance Noise, Creation of a New Chapter 14 to Title 4 Creating a Permit for a Large Assembly, And Creation of a New Chapter 15 to Title 4 Concerning Excessive Consumption of City Services.

Ayes: 4

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Mayor Tourville stated that this Friday is the MLC/Dakota County Legislative Group meeting at the Eagan Community Center at 7:30 a.m. The cities of Inver Grove Heights, Eagan and Burnsville, part of MLC, State Senators, and State Representatives will be in attendance. A notice has been posted.

9. EXECUTIVE SESSION:

A. Pursuant to attorney-client privilege and pursuant to Minn. Stat. § 13D.05, Subd. 3(b) a closed Executive Session to discuss the lawsuit of City of Inver Grove Heights vs. GS Truck & Trailer Repair LLC and GS Transport Express LLC.

B. Pursuant to Minn. Stat. § 13D.05, Subd. 3(c), a Closed Session to Consider and Develop Offers and Counteroffers and to Review Confidential Non-Public Appraisal Data relating to the Possible Sale of Surplus Fire Station No. 2 Real Property. *Amended.*

City Attorney Kuntz stated that this item is for two separate items to meet in executive closed-door session for matters that by Statute are allowed to be discussed in a closed-door session. The first item is for Minn. Stat. § 13D.05, Subd. 3(b) to hold an executive closed-door session to discuss the lawsuit of the City of Inver Grove Heights versus GS Truck & Trailer Repair LLC. and GS Transport Express LLC. This is a pending lawsuit. He stated that the Council will be meeting with the City Administrator and City Attorney under the attorney client privilege and pursuant to the statute outlined. He asked that the council make a motion to move to executive session for the purpose and reason outlined under the statutory provisions cited.

Motion by Perry second by Dietrich to go into an executive closed-door session at 7:32 p.m. for Agenda Item 9A Pursuant to attorney-client privilege and pursuant to Minn. Stat. § 13D.05, Subd.

3(b) a closed Executive Session to discuss the lawsuit of City of Inver Grove Heights vs. GS Truck & Trailer Repair LLC and GS Transport Express LLC.**Ayes: 4****Nays: 0 Motion carried.**

City Attorney Kuntz stated that this item is for Agenda Item 9B to meet in closed-door session under Minn. Stat. § 13D.05, Subd. 3(c) to consider offers and counter offers and review confidential public appraisal data with respect to the possible sale of surplus Fire Station #2 property. He stated that when the City purchased the property for the Fire Station, there was land that would not be a part of the fire station site itself. The City is considering the sale of that property and this closed-door session is to consider offers and counter offers relating to it. He stated that if at some future date the Council does approve a purchase agreement concerning the sale of the so-called excess property, that action would be taken at a public session by public vote.

Mayor Tourville stated that this is regarding the potential Dakota County SMART Center. They are going to go through negotiations in an executive session. He stated that the City and Dakota county will be working out the details of an agreement for the SMART Center located to the east of the existing construction of the fire hall.

Motion by Perry second by Dietrich to go into an executive closed-door session at 7:34 p.m. for Agenda Item 9B Pursuant to Minn. Stat. § 13D.05, Subd. 3(c), a Closed Session to Consider and Develop Offers and Counteroffers and to Review Confidential Non-Public Appraisal Data relating to the Possible Sale of Surplus Fire Station No. 2 Real Property.

Ayes: 4**Nays: 0 Motion carried.****10. ADJOURN:**

Meeting was adjourned at 7:35 p.m.

Minutes prepared by Recording Clerk Yourczek.