

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, JANUARY 28, 2019 - 8150 BARBARA AVENUE**

**1. CALL TO ORDER 2. ROLL CALL:**

The City Council of Inver Grove Heights met in regular session on Monday, January 28, 2019, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m.

Present were: Councilmembers Piekarski Krech, Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Attorney Kuntz, Community Development Director Gundlach, Parks and Recreation Director Carlson, City Planner Hunting, Associate Planner Botten, Interim Police Chief Folmar, Fire Chief Thill, Fire Lieutenant Rank, and City Clerk Tesser.

**3. PRESENTATIONS:**

There were no presentations this evening.

**4. CONSENT AGENDA:**

**A.** Minutes of January 7, 2019 City Council Meeting Minutes.

**B. Resolution 19-21** Approving Disbursements for Period Ending January 23, 2019.

**C.** Approval of Individual Massage Therapist Min Su with Sunny Asian Massage.

**D.** Approve of Rental Licenses.

**E.** Consider Pay Voucher No. 2 for City Project No. 2018-13 – Public Works Maintenance Facility HVAC Improvements.

**F.** Consider **Resolution 19-22** Accepting Proposal for Water System Modeling and Review Services from Stantec Consulting Services Inc. (Stantec) for Industrial Equities Site 2 at Outlot C, Gene Worrells Church Acres.

**G.** Honsa Surveying – Case No. 18-61VAC; Consider a **Resolution 19-23** Approving the Vacation of Existing Drainage and Utility Easements within Lot 2, Block 2, Deka Estates.

**H.** Consider Purchase of Golf Car Fleet.

**I.** Consider Purchase of Golf Course Capital Equipment 2019.

**J.** Consider **Resolution 19-24** and Authorize Execution of a Tax Increment Financing Development Agreement and Escrow Agreement with Hampton Senior Care of Inver Grove Heights, LLC Concerning the Scenic Hills Development.

**K.** Authorization to Proceed with Posting and Hiring of the Community Development Director Position.

**L.** Supplemental Council Meeting Minutes Regarding Recessed Council Meeting Held on Monday, December 17, 2018.

**M.** Summary of Performance Evaluation; January 28, 2019 Council Meeting.

**N.** Personnel Action.

Councilmember Bartholomew requested pulling Agenda Items 4H and 4I.

**Motion by Piekarski Krech second by Bartholomew to approve the Consent Agenda with the exception of Agenda Items 4H and 4I.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Councilmember Bartholomew discussed Agenda Items 4H to Consider Purchase of Golf Car Fleet, and Agenda Item 4I to Consider Purchase of Golf Course Capital Equipment 2019 at the same time. He stated that he wanted to make sure that the Council was in agreement to what the debt is for the Golf Course and what the annual payments will be. He commented that there is an outstanding debt for the 2016 improvements, the 2018 equipment purchase, the 2019 equipment purchase, and the 2019 capital equipment. He stated in the future that the Council would have to be aware of the Enterprise Fund for the Golf Course and make sure the revenue is there.

Parks and Recreation Director Eric Carlson commented that himself, along with Matt Moynihan, Clubhouse Superintendent, and Joel Metz, Golf Course Superintendent, anticipate that if the end of the golf season is what they expect it to be, there is a good chance they would be able to retire the Capital Equipment purchases from 2018 with the revenues received and then take a large portion out of the 2019 Capital Equipment purchases. He commented that they are aware of the financial expectations that the City Council has regarding the Golf Course and have thoroughly reviewed this request before making the recommendation.

Councilmember Bartholomew commented that he felt the course is ready and primed, especially with the memberships they sold the prior year. He stated that the council should keep tabs on the bottom line.

Councilmember Piekarski Krech commented that the employees and Parks and Recreation Director Carlson are taking responsibility as they know the bottom-line rests on them.

Mayor Tourville commented that there was talk on Social Media. He stated that they are planning an update on the Golf Course in Insights closer to the golf season, so residents know where things stand. He stated that they are a year over on the golf carts, and that by not doing anything the maintenance would be worse. In the past they have leased but will not be doing a lease this time. He stated that they would be borrowing from internal funds and will save between \$13,000 to \$18,000. Improvements have been done. They did well in 2018, despite the weather.

Parks and Recreation Director Carlson stated that in May 2019, they will have the audited financial results of the 2018 Golf Course season, which they expect to be positive. They will be putting together information for an upcoming Insights article that talks about the Golf Course from a factual position so the Community will know where the Golf Course is at financially.

Mayor Tourville stated that it is an Enterprise Fund. Things are being paid for by the golfers. This includes golf cars and some lawnmowers that are needed.

Councilmember Dietrich commented that she did not feel she had enough details to vote on this. She stated that residents have asked her about seeing the specific maintenance logs on the golf car fleet. She commented that gas engines last longer than a battery run rig. She requested seeing specifics on that.

Parks and Recreation Director Carlson responded that the current golf carts are carburetor engine. The golf carts proposed to be purchased are EFI Engine. He stated that they expect to get eight to ten years out of the next fleet, as opposed to six to seven years. The current ones lasted eight years. He commented that if they don't replace the fleet now, they would have to invest between \$10,000 to \$12,000 in parts into the existing fleet and spend approximately 80 to 100 hours in labor. The fleet would be another year older, and the cost of the new cars a year from now would be more expensive. He stated that the EFI Engine should save them about \$4,000 a year just in fuel costs because the engines are more efficient than the carburetor engine.

Councilmember Dietrich commented that she still did not feel she had enough documentation. She asked how many hours the current fleet was in maintenance.

Parks and Recreation Director Carlson responded that he put in an email that on a typical week they have between two and six cars needing repair during the golf season. The current fleet is at the age that a number of issues have taken place. He commented that it impacts having enough golf cars on the Golf Course to generate the revenue to help support the entire operation.

Parks and Recreation Director Carlson stated that if approved, they expect delivery of the fleet on April 1<sup>st</sup>.

**Motion by Bartholomew second by Perry to approve Agenda Item 4H to Consider Purchase of Golf Car Fleet.**

**Ayes: 4**

**Nays: 1 Dietrich on Agenda Item 4H. Motion carried.**

**Agenda Item 4I to Consider Purchase of Golf Course Capital Equipment 2019 with the discussion had this evening and the expectation that has been laid out.**

**Ayes: 5**

**Nays: 0 Motion carried on Agenda Item 4I.**

**5. PUBLIC COMMENT:**

There were no public comments.

**6. PUBLIC HEARING:**

**A. Consider Application for Lawful Purpose Gambling Premises Permit with Merrick Inc. at Overboard Bar & Grill, 4455 64th Street East. Resolution 19-25.**

City Clerk Michelle Tesser stated that this is to consider a Resolution to approve the Application by Merrick Inc., for a Premises Permit to conduct lawful gambling operations at Overboard Bar and Grill, located at 4455 64<sup>th</sup> Street East. She stated that Merrick also has gambling premises permits at Jersey's Bar and the King of Diamonds. The organization's Gambling Manager, Wendy Busch and CEO, John Barker went through the background investigation and were approved by the Police Chief.

**Motion by Bartholomew second by Piekarski Krech to close the Public Hearing at 7:13PM**

**Ayes: 5**

**Nays: 0 Motion carried.**

**Motion by Bartholomew second by Dietrich to approve to Consider Application for Lawful Purpose Gambling Premises Permit with Merrick Inc. at Overboard Bar & Grill, 4455 64th Street East. Resolution 19-25.**

**Ayes: 5**

**Nays: 0 Motion carried.**

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:**

**A. Consider First Reading of Ordinances Amending City Code 5-5-6, 5-5-12, and 59-2 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.**

Community Development Director Janice Gundlach stated that there are three Ordinances that they are requesting for a first reading. The first one is for nuisance noise which amends the existing code language and the three sections listed above. She stated that the second is a new Chapter 14 to Title 4 which creates a permit for a large assembly. The third is for Excessive Consumption and creates a new Chapter 15 to Title 4 of the City Code.

She stated that Police and Community Development Departments have been collaborating on these proposed ordinances. They were discussed at two work sessions in 2018 on August 6<sup>th</sup> and on September 4<sup>th</sup>. She stated that they have been forwarded to the River Heights Chamber of Commerce and have been presented to the IGH Local Issues Committee. There has been no negative feedback.

She listed the need for these Ordinances as follows:

- Nuisance Noise: Provide the Police Department better ability to respond during calls for service.
- Large Assembly: Provide regulations that permit events to occur when they wouldn't otherwise be permitted. Focus on protecting public health, safety, and welfare. Every Department has the opportunity to review the Permit and respond.
- Excessive Consumption: Provides City Staff greater leverage in gaining compliance with property owners of problem properties.

She stated that the Nuisance Noise Ordinance expands upon what is considered "nuisance" noise. The focus is on noise when "audible above the level of conversational speech at a distance of 50' or more from the point of origin". She stated that there are exemptions such as Police, Fire, garbage trucks, snow plows, civic-sponsored parades and festivals, anti-theft devices (when they are working properly), Church bells, public works construction, etc. She stated that under the City Code "nuisance" noise is referenced in two different sections with the second being called "unnecessary noise". Each section refers back to each other.

Community Development Director Gundlach spoke about Large Assembly and stated that the proposed Ordinance creates an Administrative Permit for a large assembly. The Permit focuses on public health, safety, and welfare issues. There are conditions noted in the Ordinance that allow staff to review, for example, room for a Fire Truck or Ambulance, that off-street parking is adequate, or bathroom availability. She stated that Large Assembly is defined as an assembly of 200 people or more on public or private property. The assembly of 50 people or more on private property when the private property is leased, rented, or bartered for the sole purpose of holding the event. She stated that if you lease a property but your primary purpose of leasing that property is to live there, you could hold an event such as a graduation party and would not need to get a Permit to do that. She commented that the updated Ordinance she passed out before the meeting attempted to clarify when you were exempted from getting a Permit such as weddings and graduation parties. If having those on your own property where you live, you would not need to get a Permit under this Ordinance. The Ordinance states that Permits can be denied, and that denials appear in front of the City Council.

She spoke about Excessive Consumption and stated that the ordinance attempts to recoup inspection costs. There are two different definitions of Excessive Consumption. The first relates to Excessive Inspection and is defined as four or more inspections to the same address in a 12-month period. For example, if someone calls and complains about trunk in a yard, we go there four times in a calendar year for a similar complaint, once they get to the fourth complaint, they could potentially begin charging the property owner for staff time in responding to those complaints. She stated that the second one is for Excessive and Police Nuisance Enforcement. This is defined as four or more verified incidents within the last 180 days. For example, the Police is called out to a property for a loud party. If this takes place four times in 180 days, then they can start charging. She stated that the Ordinance is specific as to when they can start charging. It requires written notice prior to starting to charge. She stated that there is a Public Hearing required prior to assess any fees to the property. She commented that the interest in this notice isn't to recoup fees, it is to have additional leverage with the property owner when they are continually being called out to the same properties.

She stated that the Draft Ordinances have been reviewed by the City Attorney's Office and that all language has been reviewed and approved. They anticipate a second reading on February 11<sup>th</sup>, and a third reading on February 25<sup>th</sup>.

Councilmember Bartholomew commented that there are protections for the surrounding properties regarding Excessive Consumption. He asked what the protections were for the property owner themselves. He asked how they determine if an inspection is warranted. He stated for example, a neighbor dispute with another neighbor that thinks there should be an inspection, when there is no need

for one, then you have four inspections that were not necessary. He asked how they would differentiate that. He suggested something like that needs to be in the Ordinance for Excessive Consumption as he wants protection for everyone.

Community Development Director Gundlach responded that the way the Ordinance is written addresses verified issues. For example, a neighbor cannot just call on their neighbor because they don't like them. If staff goes out there and there isn't a complaint, determines there was not a need for an inspection, and Police didn't note any violations, that would not count towards their four.

Mayor Tourville stated that this wasn't crafted just for the City of Inver Grove Heights. Other cities have a nuisance ordinance as well.

City Attorney Tim Kuntz agreed that there are other Cities that have taken this route. He stated that it is motivated by having more tools to deter the activity. It is not a money maker, it's to provide a deterrent against getting into that position.

Mayor Tourville commented that when saying a deterrent, it's not saying that they are against the activities, but they are against them happening without anyone knowing about it, and neighborhoods being affected.

**Motion by Piekarski Krech second by Perry to approve to Consider First Reading of Ordinances Amending City Code 5-5-6, 5-5-12, and 59-2 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: 5**

**Nays: 0      Motion carried.**

**B. Discount Storage; Consider the following for property located at 10805 Rich Valley Boulevard;**  
**a) A Resolution relating to a Comprehensive Plan Amendment to change the land use from RDR, Rural Density Residential to LI, Light Industrial.**  
**b) An Ordinance Amendment to Rezone the Property from A, Agricultural to I-1, Limited Industry District. TABLED.**

City Planner Hunting stated that this request is to change the land use and zoning over 17 acres of a 20-acre parcel. The property is located on Rich Valley, north of Cliff Road. The request is to change from Agricultural/Rural Residential to Industrial. The intent is for a 17-acre open storage mini storage operation if the Comprehensive Plan and zoning changes are successful. He stated that the surrounding properties are either vacant, large lot residential, or have some farm related uses on them. The guiding on rural residential has been that way in the past Comprehensive Plan, the current plan, and in the 2040 proposed plan. The closest industrial businesses are south of Cliff Road. He stated that the Planning Commission recommends denial of the Application, citing spot zoning, and that the request was not consistent with the guiding principles of the Comprehensive Plan. Staff also recommends denial of the two requests.

He noted that there was an error in the staff memo on the required votes for the rezoning. He handed out a section from the code to the Council and staff. He stated that rezoning from Agricultural to Industrial use is 4/5 vote, not 3/5.

Councilmember Bartholomew commented about property located to the north and east/west owned by Flint Hills, which is set to not be built on. He asked if the South property was owned by Flint Hills.

City Planner Hunting displayed a map stating that the green property is the one in question, with the pale-yellow properties belonging to Flint Hills. South and southeast are not owned by Flint Hills, to the west is, and the southwest is also.

Councilmember Bartholomew commented that the history of those parcels is that they are not buildable and are buffers. He asked if they had heard from the property owner that is located below the Applicant's property. He asked if they were zoned the same as the Applicant's property.

City Planner Hunting responded that Flint Hills purchased those properties to provide a buffer from the refinery. They did not hear from the owner of the property to the south. They only heard from the resident to the north. He responded that the zoning was the same.

Mayor Tourville stated that Flint Hills is using the property as a buffer. They could do something with it. He commented that they could do something with it since the City doesn't have an agreement with them.

Councilmember Bartholomew asked if they have heard from Flint Hills on this. He asked about spot zoning and commented that it isn't as critical as areas that are residential. There won't be residents in that area, if anything it would be industrial. He stated that the two adjoining pieces in the east could cause problems and rise to the spot zoning. He commented that in his opinion, spot zoning isn't as critical as they are led to think when they read the report because of the property that is owned by Flint Hills.

City Planner Hunting responded that they did not hear anything from Flint Hills.

Mayor Tourville stated that they have a letter from Mr. Saver, and the email that was delivered today from Community Development Director Gundlach. He asked that they receive those as a part of the record.

**Motion by Piekarski Krech second by Perry to receive the letter and email that was received today as a part of the record.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Councilmember Bartholomew asked how the zoning vote went through the Planning Commission and if it was a 3/5 vote.

City Planner Hunting responded that the Planning Commission doesn't have the same rules at the Council

Paul Saver, 7845 Boyd Court, Inver Grove Heights, stated that he is the developer on the project and owns part of it. He stated that the 2030 Comprehensive Plan has an Industrial Overlay District that covers 750 acres of the property that Flint Hills owns located to the south of Cliff Road and to the east of Rich Valley. The north border is about 500 feet south of the property that he owns.

City Planner Hunting displayed a map of the area that Mr. Saver mentioned and stated that Industrial Open Space designation was intended for passive open space and agricultural use. It wasn't to allow for further industrial uses in the text of the Comprehensive Plan. It was not an industrial use category.

Councilmember Piekarski Krech commented that Mr. Saver mentions that he employs hundreds of people in town. She asked what companies are in his name. She asked if that is through a holding company because she has tried to find his name as the owner of companies and couldn't locate it anywhere.

Mr. Saver responded that he owns five construction companies. He stated that he owns E. Johnson Excavating and Ashton Construction. Those are registered to his name on the State's Website. He stated that TSA (TruSeal America) owns TruSeal America, TruCrete, and TruBoulder Walls. He stated that he represents them in this project. They own the property and he is the one that is developing it. Between the five companies, they all work together.

Councilmember Piekarski Krech commented that Industrial properties should have sewer and water, this does not. She commented that open storage isn't a benefit to the city and stated that to her personally, she finds 700 spaces of open storage somewhat tacky.

Mr. Saver responded that is the first phase of this project. After that there are two other phases that they want to do on this property, and that's to build individual storage buildings.

Councilmember Piekarski Krech asked if this was the property that already had storage.

Mr. Saver responded in the negative. He stated TruSeal owns 11278 Rich Valley, which is industrial property across the street from bituminous roadways. He commented that none of the industrial property on Rich Valley has sewer and water and probably never will.

Councilmember Piekarski Krech questioned an area that wasn't being used Industrial.

Mr. Saver responded that it is being used as industrial. TruSeal is on one piece of property and the other is being used to run an excavating company out of it. There is well and septic on both of those properties.

Councilmember Piekarski Krech stated that she envisioned this bringing more employment into the City.

Mr. Saver responded that it will raise the tax base on the property. He commented that the people that store high end recreational vehicles in a secure facility like this bring a great deal of money to the Community.

Councilmember Piekarski Krech asked if this would be staffed 24 hours a day. She asked what he would be placing the storage on. She questioned if that type of surface was allowed.

Mr. Saver responded that it would be staffed and have security 24 hours a day. He responded that the storage would be placed on Class 5 gravel.

City Planner Hunting responded that they have allowed that for storage areas in the past.

Councilmember Bartholomew asked about the owner to the south and if Mr. Saver had had any conversations with them. He asked what their opinion was of the request to change zoning and guiding to light industrial.

Mr. Saver responded that he does know them, and that if they get this project, his intention is to buy the property from them. He responded that the property is in a family Trust and has been for over 30 or 40 years. He didn't feel there would be a problem but hasn't made a firm offer on the property.

Councilmember Bartholomew commented that he was concerned about the point staff made about spot zoning.

Mr. Saver commented that he didn't want to put up anything that was unsightly in the City. He has lived here for 50 years and has a vested interest.

Councilmember Dietrich asked Mr. Saver if he could explain what Phase 1 would look like.

Mr. Saver responded that Phase 1 would include dirt work, leveling the property, and sloping it from west to east gradually. It would be fenced and have several hundred pine trees around the outside. He commented that the topography creates a barrier that's barely visible from Rich Valley and 105<sup>th</sup> Street as half of it would be below grade.

Councilmember Dietrich commented that it would look the same if not more desirable from Rich Valley than it currently does.

Mr. Saver agreed that it would look much more desirable than it looks now.

Councilmember Piekarski Krech stated that there are residential houses on 105<sup>th</sup> Street that have been there several years. She asked what the plan was so that they are not looking at this. She asked about overhead lighting.

Mr. Saver responded that the plan is to screen the north side of the property with mature trees and plantings. It will also be fenced. He commented that a large portion of this will be about two to three feet below the current grade and unlikely to be seen. There would not be lights.

Councilmember Piekarski Krech asked how they could do security without lighting.

Mr. Saver responded that they have an infrared security system that works better in the dark. They will have staff there all the time and will be driving around in an ATV. He commented that it is easier to find someone when they have to use light to find what they are doing.

Councilmember Perry asked for a brief overview of Phase 2 and Phase 3.

Mr. Saver responded that once Phase 1 is fairly filled, Phase 2 will consist of rows of buildings going from north to south, double sided, with different sizes such as 10x10 or 10x20 units.

Councilmember Piekarski Krech asked about traffic and road restrictions since there would be many vehicles coming in and out. She asked what he plans to store there. She asked if there would be industrial equipment.

Mr. Saver responded that he has spoken to the county and it's such low volume that it would not have an effect. They don't travel in and out much. He responded that they would store boats, motor homes, recreational vehicles, and travel trailers. There would not be industrial equipment, but they may allow small commercial vehicles as there is an Ordinance against having them stored on residential property.

Mayor Tourville commented that those can be parked in home owners' driveways.

Councilmember Bartholomew commented that there is a size limitation to a commercial vehicle.

Mayor Tourville stated that the plan has some retaining wall and fencing and asked that Mr. Saver take a look at the screening that he is planning.

Mr. Saver responded that he does not have a problem with doing any sort of screening that the City wants. He wants it to be attractive.

Councilmember Piekarski Krech asked if at some point it open storage would be eliminated. She asked what would be stored in the buildings.

Mr. Saver responded that it would be a mix of both open storage and buildings. He responded that people store household goods in the buildings. He stated that he has a classic automobile stored in one that he rents here in town.

Mr. Saver stated that there is a four-bedroom home on the property. The Fire Marshall has spoken about putting a second entrance in. He said that he owns his own fire truck that carries 800 gallons of water.

Councilmember Bartholomew stated that if approved, there would be some engineering requirements and added costs. He commented that the Police Department expressed concern about the traffic in and out and security and asked Mr. Saver if he has spoken with anyone about that.

Mr. Saver responded that this was the first he has heard of it, but that he wouldn't have a problem working with them. He commented that he didn't have a problem with engineering.

John Larson, 1938 105<sup>th</sup> Street East commented that he owns a ten-acre lot north of this property which has been his residence for 29 years. He moved there because it was going to stay RDR and Agricultural. He commented that the 2030 and 2040 Plans have it staying RDR Agricultural and that he is opposed to it being Industrial. He commented that Flint Hills may want industrial property on it if there is a change, and then Rich Valley Park across the street would have industrial property close by. He stated that it is very quiet out there now, he doesn't want to be sitting outside listening to an ATV patrolling all night long. He commented that the quiet was his purpose of buying the ten acres, he loves the area, he is not moving from it, and doesn't want it disrupted. He wants it to stay the way it is.

Councilmember Bartholomew asked Mr. Larson to show on the diagram, the location of his property.

Loren Scherff, 1320 105<sup>th</sup> Street East, stated that he borders Mr. Larson's property to the west. He commented that he is against spot zoning. He stated that Flint Hills owns all the property in between and bought it as a buffer. Once the area becomes more industrial, he was concerned Flint Hills may market the area. He commented that the excavator property is not an industrial use and that it concerns him. He stated that there were a lot of trees on the north side of the property and when Mr. Saver bought the property they were no longer there and came out instantly. He asked about the intent to screen. He questioned the buildings being placed on Class 5 and commented that they seem to be portable storage units. He stated that it's not a property value gain for Inver Grove, he wonders about the appearance and that this would affect their property values.

Mr. Larson commented that if it is changed to industrial, it opens the area up to all sorts of light industrial. He stated that they all have wells, they are concerned about water contamination if all this property would be put into industrial.

Mr. Saver stated that they have had this property for about three years and have not taken any trees out on the north side of the property. He asked if they could do storage in B3 Zoning. He stated that would severely limit what could be placed on the property as far as industrial. He commented if that would be better, and the City would be happy with it, he would not have a problem with B3 as long as he could still do storage. He stated that he hadn't thought about B3 before as he owns a piece of I1 just down the road.

Mayor Tourville asked what type of fencing he would have. He asked City Planner Hunting if they have requested wood fencing for storage facilities.

Mr. Saver responded that he is willing to work with the City to have whatever they want. Wood is cheaper.

City Planner Hunting responded that it depended on the situation. There has been some solid screening with the balance of it being screen link. There is a mix of both in the different storage areas throughout the City.

Councilmember Piekarski Krech asked City Planner Hunting about B3 zoning.

City Planner Hunting responded that B3 would be Conditional Use for mini storage. They would still be dealing with the issue of spot zoning. He commented that you would still have to change the Comprehensive Plan and the zoning to a B3. Now you have zoned to a commercial potential operation, which has a list of uses that go along with that. He commented that there is no commercial in the area, it's all industrial, residential, or agricultural zoning.

Mayor Tourville stated that he wasn't sure small storage was allowed to stay gravel, they have gone asphalt.

City Planner Hunting responded that if they are looking at a more permanent use, they would want to have asphalt. Gravel was allowed for a couple of situations, one was on an Interim Use Permit. He stated that if there would be buildings with footings, it would need to have asphalt and proper driveway access.

Mr. Saver responded that he would not have a problem with changing to asphalt or concrete.

Mayor Tourville asked if there was a plan for stormwater and if it has been looked at by the Engineering Department staff.

City Planner Hunting responded that the Application first came in for the Comprehensive Plan and then the Conditional Use Permit for storage. There has been some preliminary review on the plan. He stated that Engineering has reviewed and commented. He commented that when meeting with Mr. Saver later in the process, improvements were suggested. It was also suggested to split this into two parts and address the Comp Plan and then the conditional use permit.

Mr. Saver stated that Barr Engineering looked at the stormwater infiltration system at the request of the City and recommendations were made. He stated that due to that, his Engineer would be changing a few things.

Councilmember Bartholomew asked if they were to consider B3, if this would have to go back to the Planning Commission.

City Planner Hunting responded yes, it would have to go back to the Planning Commission and be republished. He stated that Mr. Saver would have to be requested to withdraw this request and make a new application for a Comprehensive Plan for Commercial.

Councilmember Dietrich asked if there would be any cost for Mr. Saver to do that.

City Planner Hunting responded that they could run the change for the zoning and start the process over working off his original Application. Mr. Saver could withdraw or amend it to say he is amending his request now to change the comprehensive and rezoning to the Commercial designation. He stated that there would be a notice, Public Hearing, and then it would go back before the City Council.

Mr. Scherff suggested getting aerials from the County to show whether trees were left or not.

Councilmember Bartholomew stated that limited industrial was too aggressive for this and wanted to look into B3. He commented that would still face spot zoning. He asked if the other owner would consider B3 for a block of property that isn't surrounded by different zoning and guidance. He commented that if Mr. Saver would consider and re-apply for a B3, it would be the direction to take.

Councilmember Piekarski Krech stated that Mr. Larson brought up a good point in that it has been guided as RDR, which means Flint Hills leaves it as that. She commented that once it starts changing, Flint Hills isn't just sitting on land. She commented that she is concerned about spot zoning and what potential uses could be.

Mayor Tourville commented that the list of light industrial versus the list of B3 is quite different. He stated that he knows a lot of Cities that deal with their larger storage areas on the peripheral of the core City, as an interim use. He commented that Flint Hills may not do anything as their business is very regulated and intense. There used to be more residential homes in the area, now there are very few. He felt the B3 would be less intense in the neighborhood and could work without sewer and water for now.

Councilmember Bartholomew agreed that B3 would be a better starting place.

Pete Tjornhom stated that he is one of the owners of TruSeal America and has one of the industrial properties located down the road. He commented that there is a farm field that divides the properties, and there is also a Dakota Electric property parking lot to the east of these homes that is surrounded by a fence and pine trees. He stated that those residents would have a more pleasant view than what they currently have. He responded about the concern with the ATV driving around constantly and stated that would not be the case. He commented that it is their goal to provide a service to the people in the area. These businesses are popular because people need the space to store items. He stated that as far as adding buildings, if it's not needed, he was fine with it, but if it was something they could do, they would attend meetings and go through the process.

He stated that they took over property from an individual who had owned it for 30 years and it needed repair. There is a shed on site that will come down and they took down dead trees. He commented that he thought that the City wanted them to have a permeable surface, and gravel wasn't allowed. The water would be rainwater running down into holding ponds. He stated that there would be another septic system on site and possibly another well. They would not do anything to cause harm to water in the area.

He commented about spot zoning and stated that it would be quiet at night with a storage unit. He stated that they are not looking to do industrial, they just want to make money on their property like others. He stated that they rent the home on the property to their employees.

Councilmember Piekarski Krech asked if he plan to fix up the home on the property.

Mr. Tjornhom responded that the home on the property would be an exemption from the acreage. It is a 20-acre property and they would be using 17 for the storage unit. The house would be an exemption to whatever the parcel would be zoned as.

John Larson, 1938 105<sup>th</sup> Street, commented that there were other places in Inver Grove that could house that storage facility that is more accessible than out in the country where they are currently at. He stated that the acreage north of the park were not notified of this change.

Mayor Tourville responded that there are not a 17-acre parcel lot that would fit the zoning.

Mr. Saver stated that they would be willing to withdraw this at the moment and go back to Planning to turn it into the B3.

Mayor Tourville commented that it may have a better chance and that the industrial zoning concerned him. He stated that the applicant would need to put in writing to staff stating that they want to take a look at the Comprehensive Plan, rezoning, and change it to B3.

City Attorney Kuntz stated that the words that Mr. Saver used was "withdraw for the moment". He stated that Mr. Saver needed to give more clarity in regard to what he has in mind. The 60-day rule states that we have to make a decision by February 21<sup>st</sup>. He stated that there is one Council meeting between now and then on February 11<sup>th</sup>, and that we need to know whether the current application from the I1 Comp Plan and I1 Zoning is given an extension under the 60-day rule. He stated that if it is, it needs to be in writing and would be best done this evening. He asked if this was a withdrawal of that, and a processing of the B3. He stated that there is the processing of two Applications, the I1 and a B3. The other way is the processing of just one Application, the B3.

Mr. Saver responded that he would like to withdraw temporarily so that they can take it back to staff.

Mayor Tourville asked if we had time for Mr. Saver to think this over and asked if it could be tabled.

City Attorney Kuntz responded that it could be tabled until February 11<sup>th</sup>. He stated that on that date Mr. Saver would need to make a decision or ask for an extension. Mr. Saver agreed to table the item.

**Motion by Dietrich second by Perry to table the I1 until the first regular meeting in February. Discount Storage; Consider the following for property located at 10805 Rich Valley Boulevard; a) A Resolution relating to a Comprehensive Plan Amendment to change the land use from RDR, Rural Density Residential to LI, Light Industrial. b) An Ordinance Amendment to Rezone the Property from A, Agricultural to I-1, Limited Industry District. TABLED.**

Mayor Tourville asked City Planner Hunting if they can notify the neighborhood.

City Planner Hunting responded that they would renotify the neighborhood and anyone here this evening if they were not on the mailing list. He stated that in rural areas the notification is 1,000 feet of the perimeter of the site.

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. City of Inver Grove Heights; Consider the First Reading of an Ordinance to Allow Transient Lodging (short-term rentals) as an Interim Use in Residential Zoning Districts.**

Associate Planner Heather Botten stated that discussions regarding transient lodging began a couple years ago. There was an Ordinance prohibiting transient lodging, otherwise known as short term rentals. During the Third Reading, the Council reversed the course. She stated that last summer staff was directed to allow transient lodging with an Interim Use Permit. Transient lodging is the letting or leasing of a property for less than 30 consecutive days. If anyone wanted to rent their property for longer than 30 days, they would have to comply with the Rental License Section of the City Code. She stated that Interim Use is defined as a temporary use of a property until a particular date or an occurrence of an event. A separate Interim Use Permit would be required for each property owner who was interested in a short-term rental of the property. She stated that the Permit process includes a Public Hearing, neighborhood notification, and allows the City to apply conditions to the specific property when coming through the process. The proposed fee for an Interim Use Permit would be \$296.00. She stated that staff provided a list of nine conditions that would be applied to all short-term rentals. Conditions include the formula for the number of renters and off-street parking spaces allowed for each Applicant. The Interim Use Permit is valid for two years from the approval date.

She stated that the memo included eight conditions and that the First Reading had nine conditions. Staff recommends approval of the first reading of the Ordinance with the nine conditions. She stated that the ninth condition allows for flexibility when the person comes in after the initial two years. This gives flexibility to extend it to four or six years. She stated that the Planning Commission had the Public Hearing on December 18<sup>th</sup> and recommended approval of the request with the recommendation of the two-year initial review.

Councilmember Piekarski Krech asked how the 30-days works and if it was 30 days in total, or if it could it be 30 days to one person, then 30 days to another person, which means it's being rented all of the time. She commented that you can purchase a property as a rental property but not be renting to someone all of the time. She stated that defeated the purpose of what they were trying to do.

Associate Planner Botten responded that it is 30 consecutive days to one person. If they can find somebody different each month, that could happen. She stated that if rented out to that many people under 30 days, it would fall under this category. Longer than 30 days falls under the rental license section of the code.

Mayor Tourville stated that one of the scenarios was one of the problems they had. It was a rental property that a person was renting various times for weekends, for a lot of money. There was no control on it and the number of guests exceeded anything that was expected in the neighborhood.

Councilmember Piekarski Krech asked if they could request that it can't be rented for more than 30 consecutive days or for 30 days in total for transient. She commented that if you want to use your property for rental property you are going to have to have a Rental License. It would meet the Codes of rental property and would meet the needs for Airbnb.

Associate Planner Botten responded that this is more specific for VRBO and Airbnb types of uses. She stated that some cities say that you can't rent out more than, for example, three times a month, or so many days out of a year. She commented that they are two different avenues.

Councilmember Piekarski Krech stated for example, she buys a home and has no intention of living there and puts it on VRBO and rents it out all the time. Nobody ever permanently lives there, and it always has different people every 30 days. She commented that if you are going to do that, it should be a rental property, not transient housing. She wanted to make sure that people that are purchasing a property to use as a rental property are under the Rental License Code and not be able to use transient lodging.

Mayor Tourville suggested they put together a transient portion and a rental portion. He commented that there is a lot of rental property here and that we are not trying to stop it.

Associate Planner Botten commented that if you are renting to the same person, you would qualify under the Rental License with the City, which is renewed every two years. Having to go through the Interim Use Permit process, notifies neighbors, the number of people that can stay there is in the Permit as is off street parking. She stated that the rental license does not notify neighbors.

Councilmember Dietrich questioned if the home could be rented all 12 months out of the year, 29 days at a time, to whoever wants to be there.

Associate Planner Botten responded that was correct.

Councilmember Perry asked that when they apply for the transient or short term, if they are verifying with Dakota County whether it is homesteaded or not.

Associate Planner Botten responded that one of the conditions could be to state that they require it be homesteaded. She commented that may prevent those that currently allow this, that only live here in the summer and not during the winter. This could prevent people from having that kind of opportunity.

Councilmember Piekarski Krech stated that for homesteading you have to live there for six months out of the year.

City Attorney Kuntz stated that one item the Council needs to give direction on and have a discussion about, would be to have a box for transient housing, which is less than 30 days. He asked if that would require, in addition to the Interim Use Permit, a Rental Housing License. He commented that it was his understanding that would be the direction recommended by Associate Planner Botten. Currently, the Rental License housing Ordinance is broad enough to cover any rental.

He stated that when discussing prohibition of transient housing, an insertion into the rental Ordinance that says transient lodging is prohibited. He stated that now that the Council is saying that it will be allowed by Interim Use, the question would be if that is all they need, the Interim Use, or do they also need a Rental License. He stated that the recommendation to stay with the Interim Use as detailed, is enough to take care of the concerns of the Council.

Associate Planner Botten agreed.

Mayor Tourville asked when the next Insights comes out. This may be something to put out in an Insights article and see if there are any comments.

City Administrator Lynch responded that it will be in March. He commented that he was unsure if there was still room.

Councilmember Piekarski Krech suggested they could do a first reading. She commented that she would like to get neighborhood input from those living next to these homes.

Mayor Tourville stated that they could do the second reading as well, unless they want to make changes. Then this could go out so the public can take a look at what is being done.

Councilmember Piekarski Krech stated that they went to the rental license to ensure the homes were meeting certain safety standards. She commented that they almost need to be covered under the Rental Ordinance as transient use or interim use doesn't have them checked out.

Associate Planner Botten commented that she didn't believe that those that get a rental license have their homes inspected. They get a permit, background check, and approval by the City Council. If there is a complaint from a resident, there would be an inspection.

Councilmember Piekarski Krech commented that if she rents a place and it's out of code, as a transient renter, what are her options versus the rental license.

Interim Police Chief Sean Folmar stated that they could put a condition on the Interim Use Permit that they have the home inspected, which is a condition they have to comply with. This would force them to have their home inspected to ensure it is up to code.

Councilmember Dietrich asked if this would be at the resident's cost.

Interim Police Chief Folmar responded yes. They are operating a business, they should take the cost.

Mayor Tourville commented that they may need an inspection for both transient and rental.

Associate Planner Botten was unsure if they could change the rental ordinance. It could be added as a condition for transient. She stated that she would like to bring it back so that she can discuss it with the Building Official to see if there is any liability with the City.

Mayor Tourville stated that the transient piece is that it is going to be rented to all kinds of people.

Associate Planner Botten responded that there would be a high turnover. She commented that a lot of those places are dependent on Social Media for sites and reviews.

Mayor Tourville stated that they may have more liability under transient.

**Motion by Piekarski Krech second by Perry to approve to Consider the First Reading of an Ordinance to Allow Transient Lodging (short-term rentals) as an Interim Use in Residential Zoning Districts.**

Mayor Tourville recommended getting more information. He also suggested doing a short video with an explanation and putting it on the Website and Facebook so people know something is being done.

**Ayes: 5**

**Nays: 0 Motion carried.**

John Larson, 1938 105<sup>th</sup> Street, asked if the City is getting money off of 10805 Rich Valley. He stated that the house is being rented to eight people as spoken about earlier.

Councilmember Piekarski Krech responded that the City doesn't get income, but they have to have a License.

Mayor Tourville stated that he looked up the residence and it is not homestead. They are paying a higher tax for it not being Homesteaded.

**ADMINISTRATION:**

**D. Consider Second and Third Reading of Ordinance Amending Inver Grove Heights City Code Title 4, Chapter 1, Sections 4, 5, 6, and 14 to Permit the Issuance of On-Sale Brew Pub Liquor Licenses and Off-Sale Brew Pub Malt Liquor Licenses. Ordinance 1361. Resolution 19-26.**

Mayor Tourville stated that there was a First Reading and they are looking at doing the Second and Third Reading together. This is for Lakeville Brewing Company taking a look at the former Ruby Tuesday site.

**Motion by Piekarski Krech second by Bartholomew to suspend the rules.**

City Attorney Kuntz stated that they need to pass the Resolution first, if that is what they wish to do and that it would have to be unanimous.

Councilmember Bartholomew stated that there have been no changes since the First Reading.

**Ayes: 5**

**Nays: 0 Motion carried.**

**Motion by Piekarski Krech second by Dietrich to approve to Consider Second and Third Reading of Ordinance 1361 Amending Inver Grove Heights City Code Title 4, Chapter 1, Sections 4, 5, 6, and 14 to Permit the Issuance of On-Sale Brew Pub Liquor Licenses and Off-Sale Brew Pub Malt Liquor Licenses. Resolution 19-26.**

Community Development Director Gundlach stated that when Inver Grove Brewing Company is ready, they will submit their Application for their liquor license with the City Clerk.

City Clerk Tesser stated that they will also be amending the fee schedule since these are new Licenses.

**Ayes: 5**

**Nays: 0 Motion carried.**

**FIRE DEPARTMENT:**

**E. Consider Authorizing the Inver Grove Heights Fire Department to Order the Replacement Vehicles for both Ladder 35 and Rescue 10 before February 1, 2019 and Prepay the Full Cost of Each Truck at the time they are Ordered.**

Fire Chief Judy Thill stated that at the November 5, 2018 City Council Work Session, the Fire Department discussed replacing two trucks, Ladder 35, which is 32 years old, and Rescue 10, which is 27 years old. At that time, it was suggested to bring back pre-paid discount and discount information. She discussed why the vehicles are being requested for replacement stating that the City uses a scoring system looks at age, type of service, evaluates reliability, maintenance costs, present condition, and costs per mile. The Public Works Scoring System states that anything over 30 points is recommended for "immediate consideration". She stated that the scoring system rated Ladder 35 at 44.9 and Rescue 10 at 41.6 points. Using the Houston/Galveston Area Council Cooperative (HGAC) buying process, and ordering from

MacQueen Equipment Group, the final price of the Ladder Truck would be \$1,348,335 and the Rescue Rehabilitation Truck would be \$676,984. These costs include unexpected steel and aluminum surcharges of \$38,297 for the Ladder Truck and \$16,435 for the Rescue/Rehab Truck which totals \$54,732 in costs not originally planned for.

She stated that there are prepayment options available which reduces the overall cost of the vehicles. For the Ladder Truck, chassis prepayment \$12,731, aerial prepayment \$8,147, full prepayment interest discount \$52,897, for a total prepayment discount of \$73,776. For the Rescue/Rehab Truck, the chassis discount \$10,400, full prepayment interest discount \$16,628, for a total prepaid discount of \$27,028. In addition to the prepay discount, MacQueen also offered a valued customer discount on the Ladder Truck of \$4,000 and a two-truck discount if both were bought at the same time of \$29,000.

She stated that the complete vehicle cost of the Ladder Truck before discounts is \$1,348,335, minus the total discounts of \$77,776 for a total cost of \$1,270,560. The Rescue/Rehab Truck before discounts is \$676,984, minus total discounts of \$56,028 for a total cost of \$620,956. She stated that all the equipment off of Ladder 35 would be saved and transferred to the new Ladder Truck, no additional equipment is needed. All equipment from the Rescue 10 Truck and Rehabilitation Trailer would be transferred to the new Rescue/Rehab Truck. A \$14,000 air fill station would eventually be needed for the Rescue/Rehab Truck but would be purchased in the 2020 or 2021 Budget. The current cost if the manufacturer were to install would be \$22,000. About \$6,000 to \$8,000 of that would be saved if purchased later and have someone else install it. The fill station isn't needed until the truck would be in service and would take about a year or more to build and many months to be in service. They are recommending not purchasing it now. She stated that there would be a performance bond for each truck. There is currently \$1,587,051 in the Fire Department Central Equipment Fund that includes replacement funds for Ladder 35 and other funds set aside for replacement of Rescue 10. This leaves a \$304,465 shortfall if the City were to purchase both trucks. To cover the shortfall, it is recommended that the Fire Department borrow the funds from the General Central Equipment Fund and repay it with zero interest over the next nine years. The repayment costs would be added to the Fire Department budget. The Finance Director evaluated the discounts versus financing the trucks over time. If the Council decides to purchase either one or both trucks, the interest rate earned by not repaying is approximately 2.5%, less than the prepayment discount of 4% or 5% per truck which averages 5.1% for both trucks if purchased together. She stated that costs are based on 2018 pricing and will remain in effect until February 1, 2019. After that the price increases an additional 3% on both trucks. That would cost \$60,760, which is \$40,450 for the Ladder and \$20,310 for the Rescue/Rehab Truck.

Fire Chief Thill stated that there are a few members of the Truck Committee here this evening to answer questions. She recognized all members of the Committee who put in hundred of hours combined into the design of the two trucks over the last few months. She stated that a special thanks goes out to Assistant Chief Bergum who put in over 200 hours himself, for coordinating the design of the trucks and working with the manufacturer to get the best deals possible. The Truck Committee did research, went through specifications, and made sure everything was needed for the City. This includes Assistant Chief Bergum, Battalion Chief John Patnode, Captain Scott Oswald, Lieutenant Paul Rank, Lieutenant Adam Caneff, and Engineer Luke Steenberg. They discussed what was needed, could be removed, or changed, and saved another \$160,000. She stated that staff offers the following three recommendations to consider:

1. Purchase both trucks through the HGAC Program and MacQueen Equipment Group. This would give the \$29,000 two truck discounts.
2. Placing the order with MacQueen Equipment Group before February 1<sup>st</sup>. This would avoid the 3% increase of \$60,760.
3. Prepaying the full price of both trucks at the time they are ordered providing a \$100,804 discount. The total cost of both trucks with prepay discounts, along with the loyalty and two truck discounts, would be \$1,891,516. The Ladder Truck would be on a 30-year replacement and the Rescue/Rehab would be on a 20-year replacement schedule.

Councilmember Piekarski Krech asked if there was anything, they have taken off the two trucks that they think would make them much better. For example, they purchased an Engine awhile back and didn't put a back-up camera on because they thought they could cut the cost. That was not a cost worth cutting.

Fire Lieutenant Paul Rank responded that the biggest discussion point they have is that the Ladder they have right now, which they will be replacing, has onboard breathing air, so you can operate in the bucket for an extended period of time. That additional breathing air system from the bucket could cost approximately \$40,000. He commented that they feel the way they currently operate, they don't need that. He stated that Assistant Chief Bergum's point was if they do operate in the bucket for an extended period of time, that should be there. He commented that was the only hang up they had. The Ladder being proposed today has all of the same capabilities as the truck they have now. There would be no loss in operation, no loss in capability, and no loss in the ability to protect the citizens of Inver Grove Heights.

Councilmember Piekarski Krech commented that the air seemed critical.

Fire Chief Thill responded that they cycle Firefighters in and out more frequently because of the rehabilitation programs. Rather than being up in the bucket for a half hour at a time, on extended air, if the bottle ends, you leave.

Councilmember Piekarski Krech asked if anyone was put at risk by doing that.

Lieutenant Rank responded that based off discussions, and the way the operations have changed in the last 30 years since this truck was built, they are not putting any additional risk on the Firefighters.

Mayor Tourville commented that the difficulty could be in a situation that it gets to be 28 minutes, then 30 minutes, and the bucket needs to come down, change, or placed back up.

Lieutenant Rank responded that the bucket includes an integrated automatic functioning nozzle, or a remote operated nozzle, so you wouldn't necessarily need Firefighters in the bucket. The primary area of operation that they may need the bucket would be at a place like Flint Hills. Flint Hills does not allow a "people in the bucket" Policy due to the nature of their hazards. He stated that the bucket would be used more for an entry or exit platform to roofs and decks rather than sustained operations. He commented that the last time they used sustained operations on that bucket was about 12 years ago. It does not happen that frequently and is something they felt would be fiscally responsible removing.

Councilmember Piekarski Krech stated that she wanted to be fiscally responsible. She commented that they put a lot of money in these trucks and don't buy them that often, she wanted to make sure that we are protecting Firefighters and citizens.

Lieutenant Rank responded that they are appreciative of the Council's support.

Mayor Tourville asked what the estimated delivery dates were and suggested that they have a date listed if they are going to do a Contract.

Fire Chief Thill responded that it was 11 to 12 months for the Rescue Truck and 15 plus months for the Ladder Truck. She responded that they will have dates.

Mayor Tourville asked what the payback per year was.

Fire Chief Thill responded that it is approximately \$33,000.

City Administrator Lynch stated that the amount was \$33,880 out of Operating.

Mayor Tourville asked if that was sustainable.

Fire Chief Thill responded that is what their plan is. She stated that the Finance Director recommended nine years. They were looking at seven years and felt that ten was too much.

Councilmember Bartholomew commented that there is an existing cost allocation but would be increasing it by \$33,380.

City Administrator Lynch stated that it is up \$101,399 because we have to start building the Fund back up. The 30-year replacement on \$2 million dollars is \$67,511. The total cost will be \$101,399 annually for nine years. Then back down to \$67,511 for the remaining 21 years for the replacement of the equipment.

Fire Chief Thill stated that their next big truck expense would be in 2026, and then in 2027, which is for an Engine. There are also two Brush Trucks that would need to be replaced in the same timeframe, which they have been setting aside money for.

**Motion by Piekarski Krech second by Bartholomew to approve to Consider Authorizing the Inver Grove Heights Fire Department to Order the Replacement Vehicles for both Ladder 35 and Rescue 10 before February 1, 2019 and Prepay the Full Cost of Each Truck at the time they are Ordered. This includes all three recommendations.**

**Ayes: 5**

**Nays: 0      Motion carried.**

#### **8. MAYOR & COUNCIL COMMENTS:**

City Administrator Lynch stated that he recommended on Friday that the Work Session that takes place on February 4<sup>th</sup>, be for Strategic Planning. The reason for this is because Finance Director Smith is available. The start time would be the same.

The Council agreed to the suggestion.

#### **9. EXECUTIVE SESSION:**

**A. A. 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.**

City Attorney Kuntz stated that there is a Stat. § 13D.05, Subd. 3(c), which allows the City Council to meet in a closed session to consider offers and counter offers and to review confidential public appraisal data. He stated that the Council is being asked to do that this evening. The property under consideration is the excess Fire Station No. 2 property. He stated that when the City purchased the property, it was contemplated that a portion of it could be available for sale to others. The seller would only sell the totality of the site, so the City was forced to buy the totality, which they did. He stated that now they are considering sale of a portion. The property in question is the Fire Station site. He asked the Council to make a Motion to proceed to a closed session under the Statute indicated for the purpose identified.

**Motion by Piekarski Krech second by Perry to talk about the property and offers and counter offers.**

**Ayes: 5**

**Nays: 0      Motion carried.**

City Attorney Kuntz stated that he also needed to identify under the Statute those that will be in present. It will be the Mayor, the Councilmembers, the City Administrator, and the City Attorney.

#### **10. ADJOURN:**

The Council went into the Closed-Door Session at approximately 9:15 p.m.

**At approximately 10:00 p.m. a Motion was made by Perry and seconded by Piekarski Krech to adjourn. The Motion to adjourn passed by a vote of 5 to 0.**

Minutes prepared by Recording Clerk Yourczek.