

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JANUARY 27, 2020 - 7:00 P.M. - 8150 BARBARA AVENUE.**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, January 27, 2020, in the City Council Chambers. The Pledge of Allegiance was recited. Mayor Tourville called the meeting to order at 7:00 p.m.

2. ROLL CALL:

Present were: Council Members Piekarski Krech, Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Attorney Kuntz, Public Works Director Thureen, Community Development Director Rand, and City Clerk Kiernan.

Mayor Tourville stated Kim Madigan, from School District 199, lost her battle with cancer last week. Many events have been planned in honor of her. He stated the family has been very involved with the City of Inver Grove Heights and the School District. Thoughts and prayers go out to the family.

3. PRESENTATIONS:

There were no presentations.

4. CONSENT AGENDA:

- A. i.** Minutes from the January 6, 2020 Council Work Session.
- ii.** Minutes from the January 13, 2020 Regular Council Meeting.
- B.** Disbursements for Period Ending January 22, 2020. **Resolution 2020-11.**
- C.** Consider Approval of Rental Licenses.
- D.** Consider **Resolution 2020-12** Designating Deputy Clerks to serve on AB Board.
- E.** Consider **Resolution 2020-13** Appointing Election Judges for the Presidential Nomination Primary, March 3, 2020.
- F.** Adopt a **Resolution 2020-14** Approving the Application for Fiscal Year 2020 Dakota County Community Development Block Grant Funding.
- G.** Confirm and approve personnel actions.
- H.** Consider **Resolution 2020-15** Calling for Hearing on Proposed Assessments and Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Nuisance Abatement 2019. **Resolution 2020-16.**
- I.** Consider Change Order No. 2, Change Order No. 3, Change Order No. 4, Change Order No. 5, Change Order No. 6 and Pay Voucher No. 6 for City Project No. 2015-03 - 65th Street Construction (between T.H. 3 and Argenta Trail) and City Project No. 2018-03 - NWA Trunk Watermain Improvements, 65th Street Loop (Phase IV of 2015-12) from Agate Trail to Alverno Lane.
- J.** Consider Final Compensating Change Order No. 4, Final Pay Voucher No. 8, Engineer's final Report, and **Resolution 2020-17** Accepting Work for City Project No. 2016-09E - Bancroft Way Area Reconstruction.
- K.** Consider Pay Voucher No. 11 for City Project No. 2017-03 - Watermain Improvements 65th Street Loop and 2017-24 - T.H. 3 Intersection Improvements for 65th Street.
- L.** Consider Final Pay Voucher No. 6, Engineer's Final Report, and **Resolution 2020-18** Accepting Work for City Project No. 2018-13 - Public Works Maintenance Facility HVAC Improvements.
- M.** Approve Custom Grading Agreement, Storm Water Facilities Maintenance Agreement and Permanent Utility and Drainage Easement for 3 High Road (S ½ of the SW ¼ of Section 32, Township 28, Range 22, Dakota County, Minnesota).

- N.** Amend Assessment Roll for 2019 Pavement Management Program, City Project No. 201809F - 55th Street Court and 55th Street Reconstruction for the Residential Driveway Restoration Program Participation. **Resolution 2020-19.**
- O.** Consider Pay Voucher No. 14 for City Project No. 2015-09D - Broderick Boulevard Reconstruction, City Project No. 2017-21 - VMCC/Golf Course Parking Lots, City Project No. 2018-08 - Fire Station No. 2 Sewer and Water Improvements, and City Project No. 2018-11- Fire Station No. 2 Fiber Optic Improvements.
- P.** Consider Rejection of Bids for VMCC Grove Aquatic Facility Filtration Project. **Resolution 2020-20.**
- Q.** Approve the Law Firm of Zimmerman Reed as Local Counsel for the Coal Tar Litigation (Federal Court Case No. 18-CV-3495). **Resolution 2020-21.**
- R.** Approve **Resolution 2020-22** Memorializing The Findings Of Fact And Reasons For Denial Relating To The Requests Of Adams French LLC For A Conditional Use Permit To Allow A Mini-Storage Facility And For A Conditional Use Permit To Allow Impervious Surface To Exceed 25% Within The Shoreland Overlay District Of Simley Lake (City Planning Case No. 19-45C).

Motion by Bartholomew second by Perry to approve all items on the Consent Agenda.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

There was no public comment.

6. PUBLIC HEARING:

7. REGULAR AGENDA:

ADMINISTRATION:

A. Resolution Declaring that No Factual Basis Exists with Respect to Allegations Against City Administrator Joe Lynch. Resolution 2020-23.

Mayor Tourville stated this item involved dealing with a personnel matter and was held in Executive Session.

Motion by Bartholomew second by Piekarski Krech to approve a Resolution 2020-23 Declaring that No Factual Basis Exists with Respect to Allegations Against City Administrator Joe Lynch.

Ayes: 4

Nays: 1 (Dietrich) Motion carried.

8. EXECUTIVE SESSION:

A. Closed Session pursuant to Minn. Stat. §13D.05, subd. 3(b), pursuant to the attorney-client privilege for discussion of pending/threatened litigation involving Minnesota Department of Human Rights File No. 69011 and related claims asserted by the claimant.

City Attorney Tim Kuntz stated the Open Meeting Law provides numerous exceptions which allow the Council to meet in a closed-door Executive Session. One of them is for the Council to be able to confer with its Attorney under the attorney-client privilege in a confidential manner dealing with pending

litigation. That exception is recognized in Minn. Stat. §13D.05, subd. 3(b), and the Common Law Doctrine of the attorney-client privilege with respect to pending or imminently threatened litigation. He stated in this instance the litigation involves a claim filed with the Minnesota Department of Human Rights under File Number 69011 and related claims made by the claimant. He stated under the Statute identified for the purpose stated, the Council make a motion to move to Executive closed-door session to discuss that litigation with respect to the Human Rights claim under File Number 69011 and related claims.

Motion by Piekarski Krech second by Perry to move to Closed Session pursuant to Minn. Stat. §13D.05, subd. 3(b), pursuant to the attorney-client privilege for discussion of pending/threatened litigation involving Minnesota Department of Human Rights File No. 69011 and related claims asserted by the claimant.

Ayes: 5

Nays: 0 Motion carried.

City Attorney Kuntz stated it was not expected that the Council would return to public session as there are no other Agenda items scheduled.

9. MAYOR AND COUNCIL COMMENTS:

10. ADJOURN:

The regular City Council meeting adjourned at 7:06 p.m.