

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, JULY 13, 2020 - 7:00 P.M. - 8150 BARBARA AVENUE.**

**\*\*In Person Meeting and via Zoom\*\***

**1. CALL TO ORDER:**

The City Council of Inver Grove Heights met in regular session on Monday, July 13, 2020, both in person and via Zoom Video Conferencing. Mayor Tourville called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

**2. ROLL CALL:**

Present in Person: Mayor Tourville, Council Members Piekarski Krech, Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Attorney McCauley Nason, Park and Recreation Director Carlson, City Engineer Kaldunski, and City Clerk Kiernan.

Present Via Zoom Video Conferencing: Technology Manager Gade, Community Development Director Rand, Associate City Planner Botten, and Assistant City Engineer Dodge.

**3. PRESENTATIONS:**

There were no Presentations.

**4. CONSENT AGENDA:**

**A.** Minutes from the June 22, 2020 City Council Meeting.

**B.** Disbursements for Period Ending June 16, 2020. **Resolution 2020-130.**

**C.** Confirm and Approve Personnel Actions.

**D.** Consider Approval of a **Resolution 2020-131** Appointing Election Judges for the Minnesota State Primary.

**E.** Consider Approval of a Partial Refund for On-Sale and Sunday Liquor License Fees. **Resolution 2020-132.**

**F.** Consider Approval of Contract for Services with Messerli Kramer for lobbying and legislative support for 2021.

**G.** Consider Pay Request #2 for the Salem Hills Athletic Court Project.

**H.** Approve **Resolution 2020-133** to Not Waive Statutory Limit for Liability.

**I.** Approve Special Meeting for Monday, July 27th at 5:30pm to begin 2021 Budget Discussions.

**J.** Consider Approval of Agreement to Release and Transfer Ownership of K-9 Kato to Officer Ryan Rose. **Resolution 2020-134.**

**K.** Approve Agreement relating to Landowner Within City Easement for 3505 100th St. (Lot 16, Block 3, Leitch Estates).

**L.** Consider **Resolution 2020-135** Accepting Proposal for Stormwater Review Services from Wenck for the Robert Trail Property PUD Submittal (IMH Property).

**M.** Consider a **Resolution 2020-136** Requesting that Dakota County Submit a Request to the Minnesota Department of Transportation to Perform a Speed Study and Establish a Speed Zone on Babcock Trail (CSAH 73) in the City of Inver Grove Heights.

**N.** Consider **Resolution 2020-137** Accepting Proposal for Stormwater Review Services from Emmons & Olivier Resources Inc. for the Proposed Development at 1482 80th Street (Titan Land Development).

**O.** Consider a **Resolution 2020-138** Receiving Petition for Street Improvements on Delaney Circle/Delaney Court (City Project No. 2020-09E).

**P.** Consider Approving Land Alteration Permit for Pine Bend Estates by Alliant Ventures (aka Ades Property).

City Administrator Joe Lynch requested pulling Agenda Item 4P.

Councilmember Dietrich requested pulling Agenda Item 4B.

**Motion by Bartholomew second by Perry to approve the Consent Agenda with the exception of Agenda Items 4B and 4P.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Agenda Item 4B. Disbursements for Period Ending June 16, 2020. Resolution 2020-130.**

Councilmember Dietrich stated later in the Agenda there is a release and transfer of ownership of the K9. She commented the date may not be accurate depicting a payout on July 7<sup>th</sup>, for \$15,500. She asked what the payout was for and when it took place compared to knowing the dog would not be in service. City Administrator Lynch responded it is a service fee for K9 training. The current canine needs to be retired as it is no longer able to physically meet the demands of the position. He stated the plan is to go forward with the purchase of a new dog and train the dog with the same handler. This is the cost to hold the spot for training and purchase of the K9. He stated a generous donor donated the entire cost of a new animal and the training.

Councilmember Dietrich asked for additional information about Fund 205, a concession stand remodel in the amount of \$21,520 to Diversified Construction. Park and Recreation Director Eric Carlson responded the Council approved that work at a City Council meeting in March. Councilmember Dietrich asked if this took place pre-Covid. Park and Recreation Director Carlson responded it took place while it was happening.

Park and Recreation Director Carlson stated the former concession stand near the splash pool has not been used in years. It previously had kitchen type equipment in it which was removed to become a more usable space. The size of the room is approximately 12x12. City Administrator Lynch stated items were removed and walls were refinished. Park and Recreation Director Carlson stated it is more of a storage area currently, but could be used for small meetings.

**Motion by Dietrich second by Perry to approve Agenda Item 4B. Disbursements for Period Ending June 16, 2020. Resolution 2020-130.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Agenda Item 4P. Consider Approving Land Alteration Permit for Pine Bend Estates by Alliant Ventures (aka Ades Property).**

City Administrator Lynch stated at the request of the property owner, Alliant Ventures, the request is to table this item until the July 27<sup>th</sup> meeting. Contamination has been found on the property and have not agreed to the terms and conditions for the clean-up or removal of contaminants in the road right of way or easements that end up getting owned by the City.

**Motion by Piekarski Krech second by Perry to table Agenda Item Agenda Item 4P. Consider Approving Land Alteration Permit for Pine Bend Estates by Alliant Ventures (aka Ades Property) until the July 27<sup>th</sup> City Council Meeting.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**5. PUBLIC COMMENT:**

There were no public comments.

**6. PUBLIC HEARING:**

**A. Public Hearing to Consider the application of a Temporary 2-day Liquor License for the Church of Saint Patrick for the premises located at 3535 72nd Street E for September 19-20, 2020.**

City Clerk Rebecca Kiernan stated the Church of St. Patrick makes application twice a year. This time they are requesting two days for a temporary liquor license. Everything is in order and all fees have been paid.

**Motion by Perry second by Piekarski Krech to close the Public Hearing at 7:09PM.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Perry second by Bartholomew to approve the application of a Temporary 2-day Liquor License for the Church of Saint Patrick for the premises located at 3535 72nd Street E for September 19-20, 2020.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. Public Hearing to Consider approval of a Therapeutic Massage Business License for OyeSpa, 7741 Amana Trail.**

City Clerk Kiernan stated this is for approval of a Therapeutic Massage Business License by Mr. Hitesh Soneji. Therapist information will come before the City Council at a later time. She stated the background check was conducted and the results were fine. Looking to open in August.

Mayor Tourville stated the location is across the street from Iwa Sushi and the Credit Union.

**Motion by Perry second by Piekarski Krech to close the Public Hearing at 7:11PM.**

Mayor Tourville stated he has been asked why this was taking so long to move forward. The answer to that is that the business went to the State to be able to have alcohol along with the business. The State does not allow that to happen. Due to that, the business owner had to return to the City for application.

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Piekarski Krech second by Perry to approve a Therapeutic Massage Business License for OyeSpa, 7741 Amana Trail.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**7. REGULAR AGENDA:****Administration:****A. Second Reading - City Discipline Policy Review and Update. Resolution 2020-140.**

City Administrator Lynch stated this was previously discussed at the June 22<sup>nd</sup> City Council meeting and requested being returned for a second and possible final reading. Staff recommends the City Council adopt the Personnel Code change to the discipline policy. He stated the League of Minnesota Cities has reviewed it. The City Attorney can answer questions about any changes. This has not been changed from the version viewed on June 22<sup>nd</sup>. The following three actions need to be taken:

1. If passing tonight, in less than three readings, the Council would need to pass a unanimous Motion waiving those regulations.

2. Need to approve the Ordinance change.
3. Approve the summary publication.

He stated there is a new legal newspaper, the St. Paul Pioneer Press, in which they are trying to publish in on a summary basis to save on the publication costs of full Ordinances.

Mayor Tourville asked if there was any time sensitivity. If not, he didn't see a need to push this through and suggested having three readings.

City Attorney Bridget McCauley Nason responded most changes were minor. She commented she had a conversation with one of the Attorney's at the League to address the issue of individuals who may have a physical or medical condition that may make them unable to do the job. They wanted to make sure the language in the discipline and medical sections reflect the current status of the law and is in compliance with ADA requirements.

**Motion by Bartholomew second by Piekarski Krech to approve the Second Reading - City Discipline Policy Review and Update. Resolution 2020-140.**

**Ayes: 5**

**Nays: 0      Motion carried**

**Community Development:**

**B. Consider the First Reading of an Ordinance Amendment to eliminate the need for a conditional use permit to exceed impervious surface maximum in the A, E-1, E-2, R-1A, R-1B and R-1C zoning districts.**

Associate City Planner Heather Botten stated Staff suggests a review of the Residential Impervious Surface Ordinance in regards to the public process. Impervious surface is limited on all residential single family lots within the City. The Engineering Department reviewed the Cities stormwater system in 2010 to determine an appropriate amount of impervious surface on each lot. The maximum amount is based on lot size unless it is approved by a PUD. She stated the Code has provisions to allow a lot owner to exceed the maximum amount of impervious surface by up to 10% of the lot size with a Conditional Use Permit.

She stated one of the requirements of the CUP is to obtain a Stormwater Facilities Maintenance Agreement (SWFMA) which is an agreement between the Applicant and the City that addresses responsibilities and maintenance of the system. Staff believes the objective of the Impervious Surface Ordinance can still be met by removing the CUP portion and just requiring the SWFMA. She stated if removing the CUP from the Code, the process for the homeowner would be the same as it is today, with the exception of an application fee and public hearing process, which takes eight weeks. An escrow is still required of the homeowner with City Council approval for that agreement. Staff recommends approval of the First Reading as presented with this Ordinance change.

Councilmember Piekarski Krech asked if anything over 10% would still require neighbor notification. Associate City Planner Botten responded if the Ordinance is changed it would not require neighbor notification. It would require approval from the Council and the City. Going over 10% would require a Variance.

Councilmember Bartholomew asked if the SWFMA would be done and reviewed in house by City Engineering staff, and if they could handle the increase. Associate City Planner Botten responded it is drafted by the City Attorney and brought in front of the City Council on the Consent Agenda. She responded it would be done by the Engineering Staff which has been able to handle it. Over the last 10 years there have been 16 Impervious surface SWFMA's and CUP's.

**Motion by Bartholomew second by Piekarski Krech to approve the First Reading of an Ordinance Amendment to eliminate the need for a conditional use permit to exceed impervious surface maximum in the A, E-1, E-2, R-1A, R-1B and R-1C zoning districts.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. Consider the First Reading of an Ordinance Amendment to eliminate the need for a conditional use permit allowing sheet metal siding on accessory structures in the A, and E-1 zoning districts.**

Associate City Planner Botten stated staff suggests a review to the exterior building material requirements to allow sheet metal, corrugated metal, and shake metal siding as a permitted type of material on accessory buildings in the agricultural and E-1 zoning districts. Currently, these types of metal are prohibited within residential districts except by conditional use in the A and E-1 districts. She stated the CUP process requires neighbor notification and review by the Planning Commission and Council along with a 6-8-week application process and application fee.

She stated that allowing the metal siding goes back over 20 years. The zoning requirement is to have the metal siding have a thickness of at least 29 gauge and comes with a 20-year warranty at least. Those requirements would still be required for any sheet, corrugated, or shake metal buildings. She stated Staff reviewed the land use applications over the last 10 years and found that nine CUP requests were applied for and approved. Staff believes that modifying the Ordinance to allow sheet, corrugated, and shake metal siding as a permitted type of material in the A and E-1 zoning districts would not have an impact on those neighborhoods. Staff recommends approval of the First Reading as presented.

Councilmember Piekarski Krech asked if 29 gauge is an industry standard, if lesser quality material could be used, and how that would be monitored. Associate City Planner Botten responded they would still need a Building Permit and would review the criteria at that time.

**Motion by Piekarski Krech second by Perry to approve the First Reading of an Ordinance Amendment to eliminate the need for a conditional use permit allowing sheet metal siding on accessory structures in the A, and E-1 zoning districts.**

**Ayes: 5**

**Nays: 0      Motion carried.**

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

Community Development Director Heather Rand stated mini storage requires a Conditional Use Permit (CUP) in the B-3 General Business District. In the Limited Industry District, a CUP is required. This use is also permitted in the General Industrial District. This item pertains to General Business Districts. She stated a concern discussed during Work Sessions has been that Inver Grove Heights has too many storage facilities and that outdoor storage/mini storage, was not an appropriate use within a B-3 District. Staff was directed to bring this matter back to the Planning Commission with a Public Hearing to receive input on the topic. This was done on June 16<sup>th</sup>.

She stated notice was given to all existing storage facilities that are operating within the B-3 Districts. There are three of them in addition to the storage in B-3 that has been proposed and recently issued a Conditional Use Permit. She stated prior to the Public Hearing input was received from one of the B-3 storage facilities stating they did not have any concerns with the proposed change. During the Planning Commission's Public Hearing there was one owner/operator of the storage facility on Concord that asked if he could continue to operate. She stated if approved, he would still be able to operate as a non-

conforming use. She stated the Planning Commission voted with an 8-0 vote in favor of a change. The change would be this type of use, mini storage/outdoor storage, would not be permitted in the future within a B-3 or General Commercial Business District. She stated Legal would draft the proposed Ordinance change. It requires three readings, 3/5 vote. Staff recommends the change.

Councilmember Piekarski Krech asked if they have heard from anyone with vacant B-3 parcels. Community Development Director Rand responded not from vacant, but there was discussion about whether the City should notify those that own B-3 property. She responded they have not sent out notices as it seemed complicated. Councilmember Piekarski Krech stated there could be a lot of people that would have no idea about this change. She asked if this was put on the website and in the paper. Community Development Director Rand responded yes. Councilmember Piekarski Krech stated she felt those needed to be aware of this change. Councilmember Bartholomew agreed and felt it was unfair that some may not be aware.

Mayor Tourville asked how many B-3 parcels there were. Community Development Director Rand responded Staff determined it was too cumbersome to determine what is vacant, what isn't, and who owns what, so no notices were sent out. Staff did not feel this was a significant enough change. She stated if Council wants that looked into, they could.

Councilmember Bartholomew asked City Attorney McCauley Nason how things stand if this is changed without notification. City Attorney McCauley Nason responded the City can exercise its legislative power to change the zoning of these parcels and change what are allowed uses or not allowed uses. She stated on Page 525 of the Council packets there is a map and looks like there are 21 parcels identified as vacant in the B-3 and 93 actively occupied. If there is concern about those with parcels who may not be aware of the proposed change, a letter could be sent and advise them whether Council approves the First Reading, and the date of the Second Reading to give staff additional time.

Councilmember Piekarski Krech stated she was concerned there wasn't a database of those properties. Associate City Planner Botten responded they would be able to find the property owners via the Dakota County website, or GIS. She stated doing this could set a precedence to notify vacant property owners for Ordinance changes.

Mayor Tourville stated they do not send out letters with the Comprehensive Plan but do have numerous meetings. Councilmember Piekarski Krech stated this is a major change that some may not be aware of. She commented that notification has gone out for other changes made. Councilmember Bartholomew suggested Staff come up with a way of notifying them. He stated he doesn't have a problem with the First Reading, but felt there should be a mechanism in place to notify the owners of a change.

Mayor Tourville suggested finding out more about how Staff is doing with the notifications at the next meeting. Councilmember Piekarski Krech asked if there were parcels guided B-3 that have not been rezoned yet. Community Development Director Rand responded they would look into that further.

Mayor Tourville stated by direction that the City Council suggests notifying all existing B-3 properties that this change could take place. The Second Reading could be scheduled for a later time.

Councilmember Perry asked how many B-3 are currently mini storages. Community Development Director Rand responded there are currently three mini storages that would be impacted and grandfathered in. There is also a storage facility that is currently being proposed for 79<sup>th</sup> and Cahill that has been issued a Conditional Use Permit. Councilmember Perry asked if those four were aware of the limitations if wanting to expand in the future with the Ordinance change. Community Development Director Rand responded the four did receive letters.

**Motion by Perry second by Piekarski Krech approved the First Reading of an Ordinance Amendment deleting Ministorage facilities (with caretaker quarters) and outdoor vehicle storage as a conditional use in the B-3, General Business District.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Public Works/Engineering:**

**E. Consider Tabling Action on Receiving Feasibility Report for City Project No. 2016-19 – 65th Street Construction (between T.H. 3 and Babcock Trail).**

City Engineer Tom Kaldunski stated this is about 65<sup>th</sup> Street between Babcock Trail and Highway 3. There was a Public Hearing and direction was to have meetings with the large individual land owners and those along Arlene Avenue. He stated due to the Covid pandemic, it was not a good time for those meetings to take place. They believe they can now arrange for those types of meetings and would be scheduling those in the next few weeks. Due to those meetings coming up they are asking for additional time as outlined in the memo. He stated the recommendation is to table this item until the November 9, 2020 meeting.

**Motion by Piekarski Krech second by Perry to table Action on Receiving Feasibility Report for City Project No. 2016-19 – 65th Street Construction (between T.H. 3 and Babcock Trail) until November 9, 2020.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**F. Consider Resolution Accepting Quote and Authorizing Temporary Pumping of Basin IGT-B3 by Hydro Engineering. Resolution 2020-141.**

City Engineer Kaldunski stated a copy of the proposal and quote is included in Council packets. They are ready to advance the pumping. He stated the DNR would likely say they could pump down to the ordinary high-water level. They are ready to do that if the Council authorizes the expenditure of \$63,350 plus the 10% contingency. He stated they met with residents last week. Barr will finish the report and Council will receive that information at the next City Council meeting. He stated he just learned the Contractor is ready to install the work. The DNR has said they would issue the permit by this Wednesday, July 15<sup>th</sup>. The Contractor stated they would be ready for set up on Thursday, July 16<sup>th</sup>. Staff suggests moving forward.

Councilmember Piekarski Krech asked if this was a City pond. City Engineer Kaldunski responded it is a naturally occurring basin, regional pond, a DNR protected waterbody. The City has easement over more of the lower lying land. This is not a pond on a City outlot.

Councilmember Piekarski Krech asked whose responsibility it becomes if the water keeps coming up. City Engineer Kaldunski responded he did not know the answer to that at this time, but would know more once they receive the report from Barr. Councilmember Piekarski Krech asked if this had been done anywhere else. City Engineer Kaldunski responded he was not aware of it being done in the ten years he has been with the City. He stated there have been at least ten other ponding areas they have received calls about. Sandbags are offered to those having to deal with floods.

Carrie Shatek, 3905 89<sup>th</sup> Street East, called in and stated this agenda item concerns her property. She stated her property does not have a designated wetland or water easement on the plat map. She asked what the City would do to restore her land. She stated she would like some work done this year so the restoration process can begin. She asked the City to help restore the grass, correct the soil, and plant

new trees on her property. She stated when the City pumps all the water out, she would be left with muck and would need the restoration to begin as soon as possible.

Ms. Shatek stated she brought up the high-water levels with the City in 2017 and since then has watched her land be destroyed by the water. She has been waiting for over three years and has spent over \$20,000 since 2017. Her shed is currently under water. They will not accept a temporary solution of pumping that leaves them with a huge problem.

She stated many of the neighbors shared comments and documents about their losses and wanted to make sure that information was shared with the Council. City Engineer Kaldunski responded those comments will be made available in the Barr report at the next City Council meeting. Mayor Tourville stated that meeting would take place on Monday, July 27<sup>th</sup>.

Mayor Tourville stated a comment was received via email today and should be received by the Council.

**Motion by Piekarski Krech second by Perry to receive the email from Ms. Shatek.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Councilmember Piekarski Krech asked if people want the pumping done. City Engineer Kaldunski responded that many around the body of water signed a letter of support and support the temporary pumping. Councilmember Piekarski Krech asked if they have permission from the property owner. City Engineer Kaldunski responded they have verbal permission but are working on written permission before going onto the property.

Councilmember Dietrich stated people are just looking for a plan with options going forward. City Engineer Kaldunski agreed. He stated a permanent pumping station would require a feasibility study. Councilmember Bartholomew asked if the Barr report would tell where the water is coming from and who is responsible for the water. City Engineer Kaldunski responded yes, but was unsure what the source was other than the rain that fell. It could be groundwater, but they will not know until they begin pumping.

Mayor Tourville stated an item in the letter states some of the property owners are saying it isn't marked a DNR pond. He asked if that was something Barr could figure out. City Engineer Kaldunski responded they know for a fact that it is a DNR waterbody and that the DNR duty is to protect it. That is why they say the Permit will only allow to pump down to the ordinary high-water mark.

**Motion by Piekarski Krech second by Perry to approve Resolution 2020-141 Accepting Quote and Authorizing Temporary Pumping of Basin IGT-B3 by Hydro Engineering.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**G. Consider Resolution Establishing Parking Restrictions for City Project No. 2016-09G – 60<sup>th</sup> Street, 62<sup>nd</sup> Street and Bacon Avenue Improvements. Resolution 2020-142.**

Assistant City Engineer Steve Dodge stated this is for a Resolution to establish parking restrictions on 60<sup>th</sup> Street, 62<sup>nd</sup> Street, and Bacon Avenue. This was tabled on June 8<sup>th</sup> with direction from Council to reach out to residents on the north side of 60<sup>th</sup> Street to consider an option with parking on one side of the street.

He stated on the week of June 15<sup>th</sup>, Staff, the Consultant, and Engineer met with the four residents on the north side of 60<sup>th</sup> Street with addresses 1911 through 1963. Because of the steep slopes and wetlands, this would require less than a 28-foot road through that section. He stated it was suggested to add four feet to the road to be able to provide parking on the south side. The area was staked so residents could



see the difference between what was originally proposed. All four residents stated they would prefer the straight curve line through the area and would not want it bumped out. Due to that, no parking on both sides would remain as planned. Parking restrictions would include the north side of 60<sup>th</sup> Street (including the pitch point) on the west side of Bacon Avenue (including the pitch point), and on the north side of 62<sup>nd</sup> Street. Staff recommends approval of the Resolution.

Mayor Tourville asked if tree cutting had begun. Assistant City Engineer Dodge responded they began this morning. Mayor Tourville stated he had received a few phone calls from the neighborhood saying they had no idea they would be losing trees. He directed them to phone the Assistant City Engineer if they had questions.

Assistant City Engineer Dodge pointed out the locations of the trees being taken down on a diagram. He stated when they get to the point of construction, they give all residents with trees being removed a notice. They have the opportunity to call staff and have a discussion about the trees coming down.

**Motion by Perry second by Piekarski Krech to approve Resolution 2020-142 Establishing Parking Restrictions for City Project No. 2016-09G – 60th Street, 62nd Street and Bacon Avenue Improvements.**

**Ayes: 5**  
**Nays: 0      Motion carried.**

**8. EXECUTIVE SESSION:**

**A. Closed Session Pursuant to Minn. Stat. SS 13D.05, Subd. 3(c)(1) to develop or consider offers or counteroffers for the potential purchase of real property for park purposes in the Northwest Area.**

City Attorney McCauley Nason stated the Council is being asked to move into a closed session Pursuant to Minn. Stat. SS 13D.05, Subd. 3(c)(1) in order to develop or consider offers or counter offers for the potential purchase of real property for park purposes in the northwest area and to review confidential or protected non-public appraisal data under Minn. Stat. Section 13.44 Subd. 3. The particular real property that is the subject of the closed session is identified as:

Real property located at Argenta Court in Inver Grove Heights owned by James Peltier and described by PID # 20-00700-06-012 which is a subpar of a 37.76-acre parcel addressed at 7250 Argenta Trail.

She stated due to the current restrictions, the closed meeting will be held in Council Chambers. Upon vote the Council will commence immediately. Once the closed meeting is completed the City Council would then reconvene the open meeting portion of tonight’s meeting. She stated being there are no further Agenda items, once back in Open Session the Council would adjourn the meeting. Once the closed session is commenced, the Council should know it needs to be audio recorded. That tape recording must be preserved for a minimum of eight years and is confidential until such times the City either moves forward with a purchase or abandon the purchase of the property. Once going on record in the closed session, all members of the Council will need to be identified as well as Staff members present and the names of individuals who are present during that closed session is public information following the closed session.

**Motion by Piekarski Krech second by Perry to go to closed session as stated by the City Attorney at 8:07 p.m.**

**Ayes: 5**  
**Nays: 0      Motion carried.**

**9. MAYOR AND COUNCIL COMMENTS:**

**10. ADJOURN:**