

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 10, 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, August 10, 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, City Planner Hunting, and Public Works Director Thureen.

3. PRESENTATIONS:

There were no Presentations.

4. CONSENT AGENDA:

A. Minutes from the July 13, 2020 City Council Meeting.

B. Disbursements for Period Ending August 5, 2020. **Resolution 2020-149.**

C. Consider Approval of Rental Licenses.

D. Consider a **Resolution 2020-150** approving a Conditional Use Permit to operate a beauty salon at the property located at 8135 Claymore Avenue. (Miranda Carlson – Case No. 20-20C).

E. Consider Pay Request #4 (Final) – General Sheet Metal Company, LLC for VMCC/Grove HVAC Project.

F. Consider Approval of Proposal with WSB Inc. for Heritage Village Park Phase III Development.

G. Consider Approval of Golf Membership Program. (Request to move to August 24, 2020 City Council Meeting).

H. Consider Adopting a **Resolution 2020-151** to Authorize and Ratify Submission of the 2020 Grant Application with MN Public Facilities Authority (PFA) for a Point Source Implementation Grant for City Projects.

I. Consider **Resolution 2020-152** Accepting Proposal for Stormwater Plan Review Services from Wenck for Property Located at 7120 Allen Way (Builder Jones).

J. Consider Resolution **2020-153** Approving the Agreement for the School Resource Officer Program with ISD No. 199 for the 2020 to 2021 school year.

K. Consider Approval of Personnel Actions.

L. Consider **Resolution 2020-154** Assigning the City Clerk as the Data Practices Officer.

Al Eiden requested pulling Agenda Item 4F.

Councilmember Dietrich requested pulling Agenda Item 4L.

Motion by Bartholomew second by Perry to approve the Consent Agenda with the exception of Agenda Items 4F and 4L.

Ayes: 5

Nays: 0 Motion carried.

Agenda Item 4F. F. Consider Approval of Proposal with WSB Inc. for Heritage Village Park Phase III Development.

Al Eiden, 7810 Boyd Avenue, stated he was familiar with the project and has concerns. He requested when Phase 3 is approved adding on a contingency factor as a part of the project to receive answers about operations and some of the financing issues that may occur. Mr. Eiden handed information to the City Clerk.

Mr. Eiden was concerned with the all-inclusive play area and the operations. He stated he has asked questions about safety, the equipment, and hours of operation. Other concerns were about financing and having money available. He commented that it may be wise not to approve any phases at this time. He stated in the first proposal the area was to cost approximately \$500,000 with \$300,000 raised independently, he believed that was up to \$800,000 with \$100,000 being raised. To date \$10,000 to \$15,000 has actually been raised.

Mayor Tourville stated if there is not any money for a playground, there is no playground. This isn't for approval for a playground, this is for getting the property ready. He stated they would try to answer the questions asked. Councilmember Bartholomew stated he agreed with Mr. Eiden that any other improvement would be discussed by the Council.

Motion by Piekarski Krech second by Bartholomew to receive the information from Mr. Eiden.**Ayes: 5****Nays: 0 Motion carried.**

Councilmember Dietrich stated in the proposal on Page 44 it still says the curbing may be included as an alternate. She stated the "inclusive" word was left off from her question last time about being re-written. She asked what the process would be for approving the change order. She asked who the City Entity was that would be approving this.

Park and Recreation Director Eric Carlson responded the City entity is the City Council. He stated the Council desired the playground container be an add-alternate when the bids come in. There may be a base bid, an add-alternate for the playground container, which can be chosen to add to the project, or not, and may be an add-alternate for other items.

Mayor Tourville stated Councilmember Dietrich asked that the curbing be taken out. He said the Council asked if it could be an alternate and then agreed that it could. Councilmember Dietrich stated if it comes back to Council, she does not have a problem with the way it is written, but felt it was gray in the proposal. Park and Recreation Director Carlson responded based on Council direction, it will include the playground container as an add-alternate. The Council will have the opportunity to vote for or against based on bid numbers.

Councilmember Dietrich stated she was pleased to see the Golf Course promotion on the Agenda.

Motion by Bartholomew second by Perry to approve Agenda Item 4F. Consider Approval of Proposal with WSB Inc. for Heritage Village Park Phase III Development with the information provided and received by Mr. Eiden and comments made.**Ayes: 5****Nays: 0 Motion carried.**

Agenda Item 4L. Consider Resolution Assigning the City Clerk as the Data Practices Officer. Resolution 2020-154.

Councilmember Dietrich stated it is common in most statutory cities that it is the job of the Clerk to do Data Practices Compliance. She asked who the responsible authority was prior to the hire of the new City Clerk. She asked why this job description item is on the Consent Agenda.

City Attorney Bridget McCauley Nason responded to the second question stating under State Statutes it requires that a responsible authority and a Data Practices Compliance Official be appointed by the City. The responsible authority, until an individual is designated by the local government in a statutory City, would be the Clerk. The rules require the responsible authority be appointed by name, not just by position. She stated the City Clerk has already been appointed as a Data Practices Compliance Official. To confirm there is no question about that, the Resolution names her as both responsible authority and the Data Practices Official. She responded prior to the hiring of the City Clerk it was the City Administrator serving as the Interim Deputy Clerk.

City Administrator Lynch stated it was not done by official action like the Resolution on the Agenda, he took over that responsibility because he was designated as the Interim Deputy Clerk.

Motion by Dietrich second by Perry to approve Agenda Item 4L. Consider Resolution 2020-154 Assigning the City Clerk as the Data Practices Officer.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Al Eiden, 7810 Boyd Avenue, stated he would like a change in Park Commission meetings and would like all business of the Commission conducted at their regularly scheduled meeting which takes place at 7:00 p.m. the second Wednesday of every month. He stated the Commission has gone to a lot of workshops even though they are listed as open meetings. They are not televised and there are no minutes. He commented as a member of the public he has very little information about what the Commission is doing. He would like the Commission to conduct their business in the City Council Chambers and see how and what they are doing.

He suggested another option they could take which would be to publicize the workshops they hold at 6:00 p.m. as a regular meeting. Have them televised with minutes like they do with the regular meetings. He commented that he would like information about what the Commission is doing. The only way to do that is to watch and read the minutes.

Mr. Eiden gave examples to the City Clerk.

Mayor Tourville stated he would notify the Park and Recreation Commission of Mr. Eiden's concerns and request.

Motion by Piekarski Krech second by Perry to receive Mr. Eiden's information with the request it is forwarded to the Park and Recreation Commission.

Ayes: 5

Nays: 0 Motion carried.

Frank Rauschnot, 582 County Road 8b, Woodville, Wisconsin, stated he watched the previous City Council meeting and couldn't believe what he watched regarding the data breach. He commented it was disgusting how it was handled. He stated he would be willing to take over the City Administrator's job and straighten this situation out. He commented there have been problems here for years and it was time the Council started to do something about it. He stated he knew he could do the job, he is very diverse in many things, and also has many Attorney firms that would be willing to take over the City Attorney's job.

He stated he has dealt with the City for many years. The incompetence, stupidity, and corruption are out of control and it is time to straighten it out. He stated there needs to be a different direction because what is happening now doesn't seem to work and is costing taxpayers a lot of money in wasted time and Attorney fees. This takes away from doing better for the citizens and the Community. He stated he would like to look into the option of doing the City Administrators job at a reduced price. He commented the Mayor was a big part of the problem.

Mayor Tourville stated there have been numerous emails and comments on social media about why the City Council doesn't tell citizens what is going on. He stated they cannot because the investigation isn't done. He stated it was requested to be rescheduled to August 24th. When the investigation is complete, they can look at what happens from there.

6. PUBLIC HEARING:

7. REGULAR AGENDA:

Administration:

A. Consider the Second Reading of an Ordinance Amendment regarding Psychological/Medical Examinations.

City Administrator Lynch stated this is the Second Reading of an Ordinance Amendment regarding the Psychological/Medical Examinations portion of the Personnel Policy. The First Reading took place on July 27th and was accepted and adopted by the Council. Council directed Staff to send a copy to all City Staff, which has been done. There have not been any further changes since the July 27th reading.

Motion by Bartholomew second by Piekarski Krech to approve the Second Reading of an Ordinance Amendment regarding Psychological/Medical Examinations.

Ayes: 5

Nays: 0 Motion carried

Community Development:

B. Impervious Surface Maximum:

- 1. Consider the Third Reading of an Ordinance Amendment to eliminate the need of a conditional use permit to exceed the impervious surface maximum in the A, E-1, E-2, R-1A, R-1B and R-1C zoning districts.**
- 2. A Resolution authorizing summary of publication for the ordinance. Resolution 2020-155.**

Community Development Director Heather Rand stated this is the Third Reading of an Ordinance Amendment. Impervious surface is limited on single family residential lots so often that the Code has a provision that allows the lot owner to exceed the impervious surface by up to 10% with a Conditional Use Permit (CUP). She stated one of the requirements of the CUP is that the property owner must

obtain a SWFMA (Stormwater Facilities Management Agreement). Staff recommends passing the Ordinance change.

Motion by Bartholomew second by Perry to approve the Impervious Surface Maximum:

1. Consider the Third Reading of an Ordinance Amendment to eliminate the need of a conditional use permit to exceed the 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.

Motion by Bartholomew second by Perry to approve the Impervious Surface Maximum: 2. A Resolution 2020-155 authorizing summary of publication for the ordinance.

Ayes: 5

Nays: 0 Motion carried.

C. Consider the Third 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.

City Planner Allan Hunting stated this is the Third Reading. The First Reading took place on July 13th and the Second Reading on July 27th. No changes were suggested by the City Council or Staff. This is an Ordinance to simplify the Building Permit process. Staff supports they streamline so residents can address this through the Building Permit process and do not have to go through a Public Hearing. He stated Staff recommends the Third Reading of the Ordinance.

Councilmember Bartholomew stated they are not changing any requirement. The minimum requirement is 29-gauge steel, which is the same thickness for steel clad.

Motion by Bartholomew second by Piekarski Krech to approve the Third 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: 1 Motion carried.

D. Consider the Second 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.

City Planner Hunting stated this is for the Second Reading of the Ordinance. The first meeting was on July 13th. No changes were suggested. He stated Council asked Staff to notify all B-3 zoned properties. There were 145 mailings sent out on July 22nd. Three inquiries were received by mail, one previous, and six phone calls. Some of the emails were opposed to the Ordinance change, and the phone calls were general discussion. Staff recommends eliminating the mini storage operation use from the B-3 Zoning District, but allowing it to remain in the I-1 and I-2.

Councilmember Bartholomew asked for the ramifications of the Ordinance change for existing storage facilities that are in the B-3 and the legal non-conforming use that it would create in the B-3. City Planner Hunting responded if this is approved, there are three existing mini storage in the B-3 that would become legal non-conforming uses. They would be allowed to remain as is, but would have

some limitations to expansions they may propose in the future. If there are any uses solely outdoor storage, they would not be allowed to expand beyond what exists today. This puts a limitation on future building additions. Councilmember Bartholomew asked if legal non-conforming permits the individual to sell the business as a legal non-conforming. City Planner Hunting responded that was correct.

Councilmember Piekarski Krech stated she has received phone calls with some questions about some of the B-3 properties zoned B-3 and if they should be something else given the areas, they are located in. She stated the intent was to try to keep the central City area business oriented, and have storage facilities be more peripheral use in less developed areas. There are properties on the outer edge of the City that do not meet this. She asked if they need to look at the properties that have objected to what is being done, and if they are best as B-3 or would do better at a different zoning.

Mayor Tourville stated another issue was that they were having numerous requests for storage. The City was looking at how many storage units the City could have and support. City Planner Hunting displayed a zoning map of the City and stated an individual along Highway 52/55 has property with a vacant house on it. It is zoned B-3 commercial and he would like to do mini-storage. This is located next to property zoned I-1 along the Highway. He stated that parcel could be more suited for I-1 zoning rather than B-3.

City Planner Hunting stated another concern was raised with a parcel located on the south end of the Arbor Pointe development the trailer sales building. They are not doing that kind of use. There is a vacant piece owned by Walmart. They do not see any issues in that area. He stated another concern came from the owner of a shopping center that used to be a B-4 center and changed to B-3 when Pawn America came in and was a periphery use. It is not appropriate to change that one to I-1 zoning.

Mayor Tourville stated a car dealership asked if this change would affect what they are doing. City Planner Hunting responded because they had storage of vehicles, they wanted to ensure this didn't impact that part of the use. It does not because they are a whole separate use.

Councilmember Piekarski Krech asked if the rest of the B-3 areas were already developed. City Planner Hunting responded that was correct. There is one piece in the far northwest that is vacant. Most of the B-3 are occupied. There are a few off of 65th and Cahill that are vacant. He stated B-3 has a small number of parcels that are vacant and not in any kind of use.

Mayor Tourville questioned if people that sent emails or called with questions would want to express those concerns to the City Council before the Third Reading. Councilmember Piekarski Krech stated this was tough because they are trying not to have the entire City covered in mini storage facilities. She commented she also wants people to have use of their property to do things. She asked about the Conditional Use Permit and if they could make it that you could only get a CUP for mini storage in B-3 if outside of a residential area or don't impact a residential area. She commented she wasn't sure those types of conditions could be listed.

Mayor Tourville stated people may still have concerns, they could come to the Third Reading or put them in writing. Councilmember Bartholomew stated he thought that was wise to reach out to property owners to get a feeling about what they are thinking about for the use of their property.

Mayor Tourville suggested doing the Second Reading and having City Planner Hunting contact those that had questions to see if they would like to express their concerns to the City Council for the Third Reading. Councilmember Bartholomew stated there is a need to challenge Staff to be a problem solver and suggest other alternatives for the property and see if it's a fit. City Planner Hunting

responded they could get in touch with those that had an issue and see if there is another solution. Councilmember Bartholomew stated the need to understand what would happen if this passes and make it clear to them that some of their land use may go away. If they have any ideas, they should share them with the City Planner to see if they could come up with something that would benefit the City, the property owners, and the neighbors.

Mayor Tourville asked if the Council was comfortable having the Second Reading or if they should wait. Councilmember Bartholomew suggested waiting until Staff has a chance to visit this. City Attorney Bridget McCauley Nason responded the Council could move to table the Second Reading to the next meeting or the first meeting in September. Councilmember Bartholomew suggested moving it to the first meeting in September.

Motion by Bartholomew second by Piekarski Krech to table the Second 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 until the first meeting in September, on the 14th, 2020.

Ayes: 5

Nays: 0 Motion carried.

E. Consider a Resolution Authorizing a COVID-19 Small Business Assistance Grant Program and request Dakota CDA to administer. Resolution 2020-156.

Community Development Director Heather Rand stated the City recently received a \$2.6+ million-dollar allocation in Federal Government Corona Virus Aid and Relief (referred to as the CARES Act). The funding is to be utilized for reimbursing the City and its agents for certain eligible expenses. She stated the City Administrator and the Finance Director have been working closely with Ehlers to ensure they comply with Federal Rules and Regulations. Conversations have been had with Department Heads to identify uses appropriate for the funds. Staff intends to bring a CARES Act spending plan before the Council for discussion at the September 8th Work Session. Staff is recommending some of the funds be set aside, up to 16%, for the creation of a small business relief program, and a non-profit, as it relates to their needs relating to Covid-19. She stated they are suggesting Council set aside up to \$270,000 for the Small Business Relief Program. It is suggested the rules and criteria of the program conform with the rules and criteria for qualification that meet the Federal Government Guidelines Grant Criteria from the State of Minnesota Department of Employment and Economic Development and also Dakota County.

She stated Staff suggests the Council approve to set aside funds up to the \$270,000 following the same criteria so they can make use of Dakota County's third-party Administrator. If small businesses have made application to the State and County, this would be a third opportunity for them to be funded. She stated they are also adding a component of a similar program for non-profits within the City. They need Council to approve the Resolution as it authorizes the administrative fee, cooperation, and for entering into a Contract with Dakota County CDA who already has a Contract with a third-party Administrator for the Administration of the Small Business Covid Relief Program. She stated a third-party Administrator is critical as it allows the application and follow-up required to be handled by an outside third party. Items include payroll and tax records. It can remain within the care of the third-party Administrator and not become public information.

In summary, Community Development Director Rand stated the recommendation for Council as follows:

- Allocate funds up to \$270,000

- Grants would not exceed \$10,000 per business

Rules include:

- Businesses with 50 or less employees
- Does not include Grants for home occupation businesses with the exception of childcare businesses

Criteria for Non-Profit assistance:

- Requesting an allocation set aside of up to \$140,000
- To qualify the non-profits must be considered non-profit by the Federal Government/IRS

Information in the Council packets state they must be physically located within City limits. She suggested striking that portion because some non-profits that have done work in our City are not located in Inver Grove Heights. For example: Neighbors Inc. is located in South St. Paul. Distribution of funds will be approved by the City Council prior.

Motion by Bartholomew second by Perry to approve Resolution 2020-156 Authorizing a COVID-19 Small Business Assistance Grant Program and request Dakota CDA to administer.

Ayes: 5

Nays: 0 Motion carried.

Engineering/Public Works:

F. Consider Resolution Accepting Stormwater Modeling Report for Regional Basin IGT-B-3 and Surrounding Drainage Area (89th Street E. and Concord Hills) from Barr Engineering. Resolution 2020-157.

City Engineer Tom Kaldunski stated they had a meeting last week with residents around the area to share the details of the report. A brief overview of the findings would be given, and hope the City Council will accept the report at the end of the discussion. He stated the Council should consider the Resolution to give guidance on getting the report approved and discuss how to consider a policy on pumping in the future. He commented that there are many basins that are landlocked, and believe a policy would be helpful. He stated to note, the report has a list of options that would be best served by discussing the solutions or improvement projects at a Council workshop, but would look for Council guidance on that.

Greg Fransen, Barr Engineering Company, gave a summary of the report stating they were asked by the City Engineering Department to propose a study for the basin due to high water elevations being reported by residents. The first proposal was to do a Hydrologic Study. When it was submitted to Engineering, prior to a Council meeting, there was a very large five-inch rainfall event. They assisted the City in doing a temporary pumping project. The project was to lower the elevation about three feet. The elevation was at 896 feet. They were told by the DNR the lowest they could bring it down was to 893.

He stated the definition of the Ordinary High Water Elevation is the elevation at which the water reaches often enough to leave visible marks. Marks include erosion or on the vegetation. He stated the following in summary:

- Pump started: July 17, 2020
- Pump turned off: July 23, 2020
- 6.3 million gallons pumped out to reduce water elevation by 3 feet to 893.0 feet
- Equipment has remained in place temporarily in case of additional rainfall
- Pond elevation on August 10, 2020 was 892.9 feet

The original study proposed for land use and drainage patterns:

- Contributing area is 0.3 acres smaller than historic conditions (1% difference).
- Impervious area increased from 0.7 acres to 3.8 acres. Mostly associated with the construction of 87th Street East.
- The Concord Hills Development met City stormwater management standards at that time.

He stated they looked into what has been going on with rainfall, precipitation, and snow melt. There is a trend going on where the water is building up above normal every year and is increasing yearly. When consecutive years are had, the typical evaporation can't happen because water is continually adding to it. He stated wetlands form based on normal rainfall, the area of the wetland is defined by the normal cycle, when above normal, they expand, below normal they shrink. In 2019 the entire area has been inundated.

Mr. Fransen stated the following from the Hydrology Study Summary:

- Historic water elevations: High water elevations correlate with period of above normal precipitation. Also correspond with period following 87th Street/Concord Hills construction.

He stated part of the study was to try to separate that out and find out if it was caused by either of those two things, or other factors.

- Simulations predict that land use changes contribute to increased water elevations. Models were run with and without impervious, resulted in higher water elevations when run with impervious.
- Seepage to groundwater is an important influence, but is difficult to quantify.
- Model can predict general trends.
- Model can be used as a tool to compare water level management options.

He stated there are various options to take ranging from the most passive to the most active, cheapest, or most expensive.

Councilmember Bartholomew asked if the impervious surface was increased by three acres due to the road. Mr. Fransen responded it was the road, houses, and the cul de sac. It's driveways, sidewalks, footprints of the houses, and roadways. He stated the model includes existing conditions compared to updated conditions, both models include the homes on the south side of the basin. The increase is the new impervious created after the development.

Mayor Tourville commented that it looked like the City as a whole went through a wet period of time. Mr. Fransen responded the City has been above normal for rainfall for the last six years. Normal rainfall is approximately 31 inches, called the 30-year normal, and is based on the last three full decades. He stated the last year used in that calculation was 2010. Next years totals will be new and include the year 2020. He stated they have noticed anywhere from 35 to 40 inches has been occurring over the last six years. In 2020, stats were run through August 6th, they are four inches above normal so far this year. This does not include the most recent rainfall.

Councilmember Piekarski Krech stated this waterbody has changed. She asked what level should be expected, maintained, and how to keep that. She questioned if it would stabilize. City Engineer Kaldunski stated they feel the report includes good data, but may need a specific height to specify when they would start the pumps. Councilmember Piekarski Krech asked if they need to pump or if they could make the body larger to give extra capacity. She stated that pumps create a disturbance. Mr. Fransen responded the water body is DNR protected water. A permitting process would be needed through the DNR asking to deepen and dredge it. The DNR doesn't like to do that easily. He commented one issue would be that it wouldn't change the water elevation itself, if rainfall continues to be above normal, it will keep increasing. With increasing the size, it covers, evaporation can actually take the volume away because it has more surface. It seeps water out best on the fringes not at the

bottom. He stated that would be an option to study. It would be a permitting study and a physical property study.

Councilmember Piekarski Krech stated with pumping, they would still need DNR permits. Mr. Fransen responded those were easier permits.

Mr. Fransen responded to what could be expected stating that wetlands form according to the normal precipitation. If water continues in the trend, they would be establishing the wetland at a higher elevation and may stabilize there. If the trend goes upward, the water elevation would increase.

Councilmember Piekarski Krech asked if they could do something to make the drainage to the next line happen sooner. Mr. Fransen responded that was included as one of the options. Putting a pipe towards the east to the lower wetland, the issue is that one is landlocked.

Mayor Tourville asked if this had been shared with the neighborhood. City Engineer Kaldunski responded they spoke about the report at the meeting last week but have not distributed it yet.

Mayor Tourville stated they need to take a look at a policy. He asked if it made sense to look at seven items in the report and have another neighborhood meeting. City Engineer Kaldunski responded that would be a good idea, to pick less than seven and get the costs behind them. He stated he could work with Mr. Fransen and have another neighborhood meeting. The report would be distributed to the neighborhood beforehand.

Councilmember Piekarski Krech stated it affects properties differently, there needs to be an equitable solution. Mr. Fransen responded that was true, he commented they also discussed how this fit in with other landlocked basins around the City. City Engineer Kaldunski stated anything they do in terms of a policy would have to be done in a way to include all of the basins in the City. He stated for example, with the 100-year flood plain elevation, houses would need to be two feet above it. If water is within two feet, or within the 100-year flood elevation, that could be picked as the trigger point. In terms of a pumping perspective, they need to be aware of where they are pumping, they were concerned about the building and other improvements on the property being spoken of. He stated there is a lot of criteria to consider as they determine what this policy is going to be.

Councilmember Piekarski Krech stated she would like them to look at where they impact and when they are getting criteria. Pumping to another basin could create another problem down the line. She felt the rainfall events are going to increase over the years, and that homes may need to be built beyond the two-foot level. City Engineer Kaldunski responded some Communities have been modeling differing events and identifying areas in that trouble spot if that rainfall were to hit. He stated the City should look into the trouble spots in the event they get a higher-level storm. Mr. Fransen stated those are referred to as Resiliency Studies. They identify areas that are going to be compromised and then try to figure out how to be resilient and keep the infrastructure and private property intact.

Mayor Tourville stated they should put priority to this area while looking at the global parts of the City. City Engineer Kaldunski responded the neighborhood has been very willing to give input. He stated he would likely tell the Contractor he doesn't need to keep his pumping equipment there. The equipment can be brought back if needed. It costs approximately \$350.00 to \$375.00 a day to have the pump sitting there. He stated additional feedback was received today in the form of an email from Carrie Shatek that should be recognized formally.

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

Ayes: 5
Nays: 0 Motion carried.

Motion by Bartholomew second by Perry to accept the Resolution 2020-157 Accepting Stormwater Modeling Report for Regional Basin IGT-B-3 and Surrounding Drainage Area (89th Street E. and Concord Hills) from Barr Engineering.

Ayes: 5
Nays: 0 Motion carried.

Lisa Lencowski, 3945 89th Street East, is one of the properties directly impacted by the rising water in the IGT-B-3 Basin. She stated they purchased the home in August 2006 because of the acreage, mature woods, thriving wildlife, and the privacy. She stated they have watched the water slowly engulf theirs and their neighbor's properties along with the loss of mature trees. In 2017 it became clear to them that the water was going to continue to rise. She commented that her husband reached out to the City Engineer to discuss the issue and met on their property. At that time only trees and land were compromised, no building, septic, or wells were in danger, so nothing was done. She stated the above average rainfall caused the rising water to become an emergent situation resulting in additional tree loss and a potential compromise of the septic and well systems on their properties. Temporary pumping was completed and Barr was hired to do a water study and make recommendations to the City. She stated they are pleased with the results of the pumping and were shocked to see how much land and trees were absorbed into the water basin over the years. She urged the Council not to consider Options 1 and 2 in the Barr report. The options are a wait and see approach. She commented that her husband has spent countless hours and money mitigating the damage to their property. The basin should never have been allowed to encroach onto their property. She stated they cannot move forward with the plans for their property if nothing is done. A long-term solution is needed to keep the water at a stable level.

She stated she has pictures of their property she would like to give to the City Clerk for the Council to view.

Motion by Piekarski Krech second by Perry to receive the correspondence/photos from the Lencowski's.

Ayes: 5
Nays: 0 Motion carried.

Mayor Tourville asked the City Engineer when they would set up the meeting.

Ms. Lencowski stated she received the report from Kathy Fischer on Thursday. City Engineer Kaldunski stated it is a matter of picking a date, possibly next week. Mayor Tourville asked to put this on the Agenda for the first meeting in September.

Public Works Director Scott Thureen stated another point to address would be that the current DNR Water Appropriation Permit expires at the end of September. More than three quarters of the volume allowed to pump is with that permit. He suggested applying for another permit that extends them to the end of October, and also adjusting the volume, so if needed, all they have to do is get the Contractor out there with the approvals already in place. Mayor Tourville stated they do not need Council approval, but asked to keep the Council updated on what they are doing.

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

City Attorney Bridget McCauley Nason stated the Council is being asked to consider moving into a closed session Pursuant to Minn. Stat. SS 13D.05, Subd. 3(c)(3) in order to develop or consider offers or counter offers for the potential purchase of real property for park purposes in the northwest area. The particular real property that is the subject of the closed session is identified as follows:

1. Falcon Partners. 1285 70th Street. PIN# 20-00600-78-012
2. Jim Peltier. 7250 Argenta Trail. PIN# 20-00700-06-012
3. Glenlin Properties LLC. 1466 70th Street. PIN# 20-00700-05-018
4. Joe Fleming. No street address, located on South Robert Trail. PIN# 20-27090-00-010

Once Council moves into Executive Session, the Executive Session will be recorded and will have to identify for the record, all persons present during the closed portion of the meeting. The closed portion of the meeting will be held in the Council Chambers and will commence immediately upon Motion and approval by the Council.

Motion by Piekarski Krech second by Perry to move into Executive Closed Session Pursuant to Minn. Stat. SS 13D.05, Subd.3(c)(3) to develop or consider offers or counter offers for the potential purchase of real property for park purposes in the Northwest Area at 8:53 p.m.

Ayes: 5

Nays: 0 Motion carried.

9. MAYOR AND COUNCIL COMMENTS:**10. ADJOURN:**

Minutes prepared by Recording Clerk Sheri Yourczek