

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, OCTOBER 12, 2020 - 7:00 P.M. - 8150 BARBARA AVENUE**

**\*\*In Person Meeting and via Zoom (Hybrid Meeting)\*\***

**1. CALL TO ORDER:**

The City Council of Inver Grove Heights met in regular session on Monday, October 12, 2020, both in person and via Zoom Video Conferencing (Hybrid Meeting). 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, Parks and Recreation Director Carlson, and City Clerk Kiernan. Present Via Zoom Video Conferencing: Technology Manager Gade, City Attorney McCauley Nason, Public Works Director Thureen, Community Development Director Rand, Assistant City Engineer Dodge, City Planner Hunting, City Engineer Kaldunski, Finance Director Hove, and Fire Chief Thill. Peter Stalland, Titan Land LLC.; Jason Aarsvold, Ehlers, Inc.; Ian Peterson, Watermark; Clark Wicklund, Alliant Engineering, Mark Welch, Fluor Corporation; and Adam Colon.

**3. PRESENTATIONS:**

There were no presentations.

**4. CONSENT AGENDA:**

- A.**
  - i.** Minutes from the September 8, 2020 City Council Meeting.
  - ii.** Minutes from the September 14, 2020 City Council Meeting.
- B.** Disbursements for Period Ending October 7, 2020. **Resolution 2020-207**
- C.** Consider Approval of Rental Licenses.
- D.** Consider Approval of Personnel Actions.
- E.** Set General Election Canvass Meeting for Friday, November 13, 2020 at 8:00 a.m.
- F.** Consider Approving a **Resolution 2020-208** Appointing Election Judges for the Minnesota State General Election.
- G.** Consider Approving City Group Insurance Plans, Rates and Proposed Contribution Requests.
- H.** Approve a **Resolution 2020-209** relating to a Variance to allow a porch addition 15 feet from the rear property line whereas 30 feet is required for property located at 10887 Alberton Court. (Adam Colon - Case No. 20-30V).
- I.** Approve a **Resolution 2020-210 and 2020-211** relating to Conditional Use Permit Amendment to modify the approved site plans for the properties at 1055 50th Street and 1111 50th Street. (John Grotkin - Case No. 20-31 CUP & 20-32 CUP).
- J.** Consider Replacement of VMCC Water Softener Unit.
- K.** Approve Custom Grading Agreement, Stormwater Facilities Maintenance Agreement and Permanent Drainage and Utility Easement for 5641 Babcock Trail.
- L.** Consider a **Resolution 2020-212** Scheduling a Public Hearing for City Project No. 2021-01 - NWA Trunk Utility Improvements for Future County Projects of Argenta Trail (CPN 2016-05) and 70th Street (CPN 2015-08).
- M.** Consider **Resolution 2020-213** Accepting Proposal for Stormwater Review Services from Barr Engineering for the Babcock Trail Apartments Project (5590 Babcock Trail).
- N.** Consider a **Resolution 2020-214** Receiving and Accepting the Final Geotechnical Report from Element Materials Technology for the Pavement Management Program.

- O.** Consider **Resolution 2020-215** Accepting Quotes and Awarding Potholing and Geotechnical Testing Contracts for City Project Nos. 2022-09D and 2023-09D – Dawn Way South and North Neighborhood Street Improvements.
- P.** Consider **Resolution 2020-216** Accepting Quotes and Awarding Potholing and Geotechnical Testing Contracts for City Project No. 2021-09D – Bryant Lane Area Improvements.
- Q.** Consider **Resolution 2020-217** Establishing Parking Restrictions on Austin Way within the Scenic Hills subdivision.
- R.** Consider Appointment of Board Member the Eagan-Inver Grove Heights watershed Management Organization (E-IGHWSMO).
- S.** Schedule Public Hearing on Development Fees.
- T.** Schedule Public Hearing on City Host Approval. **Resolution 2020-218**
- U.** Approve Contract with Beth Holmes for Parks & Recreation Brochure.

Councilmember Dietrich requested pulling Agenda Items, 4E, 4P, and 4Q for further discussion.

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

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

**Agenda Item 4E. Set General Election Canvass Meeting for Friday, November 13, 2020 at 8:00 a.m.**

Councilmember Dietrich asked for the location. City Clerk Rebecca Kiernan responded City Hall Council Chambers.

**Motion by Piekarski Krech second by Perry to approve Agenda Item 4E. Set General Election Canvass Meeting for Friday, November 13, 2020 at 8:00 a.m.**

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

**Agenda Item 4P. Consider Resolution 2020-216 Accepting Quotes and Awarding Potholing and Geotechnical Testing Contracts for City Project No. 2021-09D – Bryant Lane Area Improvements.**

Councilmember Dietrich requested history about how this moved up the list ahead of others. Public Works Director Scott Thureen responded after discussions with residents, it was their desire to move it up. He proposed moving it forward with the CIP.

**Motion by Dietrich second by Bartholomew to approve Agenda Item 4P. Consider Resolution 2020-216 Accepting Quotes and Awarding Potholing and Geotechnical Testing Contracts for City Project No. 2021-09D – Bryant Lane Area Improvements.**

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

**Agenda Item 4Q. Consider Resolution 2020-217 Establishing Parking Restrictions on Austin Way within the Scenic Hills subdivision.**

Councilmember Dietrich stated she had not heard from residents about this item and asked if anyone else had. Councilmember Piekarski Krech responded this has not been built yet.

**Motion by Dietrich second by Perry to approve Agenda Item 4Q. Consider Resolution 2020-217 Establishing Parking Restrictions on Austin Way within the Scenic Hills subdivision.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**5. PUBLIC HEARING:**

**A. Public Hearing to Consider Adopting Resolution Approving Property Tax Abatement Agreement with Titan Land LLC. Resolution 2020-219**

Community Development Director Heather Rand stated Titan Land LLC., is interested in developing a 152-unit apartment building (multi-family) on 1462-80<sup>th</sup> Street, directly across from the new Assisted Living Facility. Estimated project value exceeds \$22 million dollars. She stated the development fees for water/sewer connections and Park Dedication fees for a multi-family building in the northwest area are high at approximately \$2.7 million dollars. The Developer requests financial assistance from the City in the amount of \$2.4 million dollars. She stated in the spring, Council approved a new Financial Assistance Application Review process. The Developer must submit a formal application for financial assistance. The Developer shared their Performa data.

She stated as part of the process, Council approved hiring Financial Advisor, Ehlers Financial, to look at the financial assistance applications. Ehlers does a comparison to other projects of similar size, scope, construction materials, and amenities, and determines how the budget looks. She stated that Ehlers prepared a financial review analysis of the application that was presented at the City Council meeting on September 14<sup>th</sup>. At that time Staff recommended the City Council approve, on a preliminary basis, a term sheet that would allow the Developer to realize up to \$1.6 million dollars, property tax abatement, for up to 11 years depending on how the property is valued by the County Assessor. At the September 14<sup>th</sup> meeting Council authorized Staff to publicize a Public Hearing for transparency and citizen input. She stated at the close of the Public Hearing, Staff recommended approval of the Tax Abatement Agreement with Titan Land LLC. for the following reasons:

- There is strong evidence a financing gap in the Performa for this Developer exists due to the extraordinary costs of Developer fees for multi-family buildings in the northwest area.
- After researching, they are aware of the fact that this Developer has a wonderful track record.
- There is great market demand for market rate housing like this with high amenities.
- Excited about what that may mean with respect to the future of the Community.
- This type of financial assistance at a very limited basis through the Tax Abatement Agreement. If not approved by the Council this project would not move forward.

She stated the Developer, Peter Stalland, is on the phone for questions as well as Mr. Jason Aarsvold from Ehlers who prepared the Financial Assistance Analysis, the Term Sheet, and the comparison of fees.

Peter Stalland, Titan Land, thanked the Mayor, City Council, and Community Development Director for the time spent on this. It was critical to move forward with the project. He stated the northwest area fees are in excess of other municipalities in the metro. He has worked with City Planner Allan Hunting for years to get a project going in Inver Grove Heights. This property is the perfect spot. The Tax Abatement Agreement and process would allow them to move forward. If approved, construction would begin in 2020.

Councilmember Bartholomew stated \$1.6 million dollars was a large number. He requested hearing the true risk and if the project bears the risk. Community Development Director Rand responded one of the greatest risks they have is not supporting a project like this with the fees for a multi-family

project. If the project moves forward, but gets put on hold, the Developer isn't receiving the tax abatement on the front end, but are paying over \$2.7 million dollars in fees. They would not be able to walk away from the project once construction commences. There are also City escrows.

Jason Aarsvold, Ehlers, stated the tax abatement in the agreement is only abating the increase in taxes. The Developer would be paying fees up front and in return will get a note from the City that states in return they owe \$1.6 million dollars. The City only needs to pay that from the taxes generated from the new project. It is only the increase in property taxes as a result of the new project. Existing taxes being paid on the property will be paid as they always have. He stated all the risk is on the Developer. Once built, they would receive a rebate annually of their property taxes for 11 years. It is structured as a pay as you go.

Councilmember Piekarski Krech stated this was an appropriate area to build and looks forward to the number of construction jobs this will bring to the City. She commented she could go along with the tax abatement because they are not losing anything and gaining rooftops. Councilmember Bartholomew agreed stating another point would be the density and velocity of commerce in the area that is desperately needed as well as the jobs with construction of the project.

**Motion by Piekarski Krech second by Bartholomew to close the Public Hearing at 7:18PM.**

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

**Motion by Piekarski Krech second by Perry to approve Public Hearing to Consider Adopting Resolution 2020-219 Approving Property Tax Abatement Agreement with Titan Land LLC.**

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

**B. Public Hearing to Consider Resolution Adopting the Final Assessment Roll for the 2020 Pavement Management Program, City Project No. 2019-09C - Cahill Avenue Mill and Overlay (Concord Boulevard to Inver Grove Trail). Resolution 2020-220**

Assistant City Engineer Steve Dodge gave the following presentation on the Cahill Avenue Mill and Overlay project for Concord Boulevard to Inver Grove Trail, City Project No. 2019-09C. This includes Cafferty Court and a small portion of Old Concord Boulevard.

**Total Project Costs:**

- Street                                 \$442,233
- Storm                                   \$112,802
- Sewer & Water                     \$88,560
- Overall cost:                         \$643,595

**Total Project Funding:**

- Pavement Management Fund       \$308,041
- Assessments                         \$246,766
- Water & Sewer Fund               \$88,560
- Total:                                   \$643,595

**Special Assessments:**

- Assessments came under by 37% due to project cost savings.
- A general assessment special benefit was performed. An adjustment cap was set of \$1.00 per square foot for business properties. (Non single-family).

- The range determined for square foot assessments range between .04 cents and .33 cents. Depends on front footage.
- The proposed assessment is much less than the per policy assessment due to caps provided by the Independent Appraiser for special benefit. \$246,766.
- Portion of right of way along MnDOT property, Cahill and Trunk Highway 52. Unable to access directly. The City is picking up a portion of the assessment.
- Proposed assessment term is 5 years at 3.15%.

Payment of Assessment:

- 30 days to pay in full or payments due with 2021 taxes.
- 3.15% interest rate.
- Interest accrues from date of levy or as otherwise guided by Council.
- 5-year term.

Deferred Assessments (Income-Based):

- 65 years or older.
- Active Military.
- 100% Disability.

Project Schedule:

- Construction began: May 2020.
- End of Construction: August 2020.
- Assessment Hearing to be held: October 12, 2020.

Assistant City Engineer Dodge stated consideration needs to taken for an assessment objection for the Short property. Mayor Tourville stated the objection is from Chris and Barbara Short with property identified as 0010 map #9.

**Motion by Perry second by Piekarski Krech to receive the letter of objection from Chris and Barbara Short.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Assistant City Engineer Dodge stated Council would need to open and hold the Assessment Hearing and then pass the Resolution adopting the final assessment roll at the term and rate described. When COVID-19 occurred, Council considered reducing the rate by 1% in order to make accommodations.

Mayor Tourville asked if the concerns by Chris and Barbara Short have been addressed. Assistant City Engineer Dodge responded Staff was in contact with the Short's until the preliminary hearing was held. At that point it came down to the \$4,000 assessment amount. He stated the Short's have said they wanted to seek legal advice. There has been no contact from them since the objection letter was received. Mayor Tourville stated there is no address and the claim is that the City has declared the parcel non-buildable. He suggested the item be addressed further. Assistant City Engineer Dodge responded there is an option to adopt the assessment roll as a whole, or adopt the assessment roll and make an exception to the Short property. It can be certified with exception of the Short property. The hearing could be continued to a future meeting to give Staff time to contact the Short's and get back to the Council.

Councilmember Piekarski Krech asked when Short's developed the Dance Studio property, if this outlot was divided from the initial residence. Assistant City Engineer Dodge displayed a map of the location stating Parcel #8 is the Dance Studio. Parcel #9 has been separated. He was unsure of the separation history. Councilmember Piekarski Krech referenced the white parcel on the diagram and asked if that was the home property that comes off of Old Concord. Assistant City Engineer Dodge responded he

would have to look into it further but is commercial non single-family parcel. That is what was assigned for an assessment evaluation. The assessment was \$14,000. Staff was in touch with the Independent Appraiser who reviewed the area again and determined the best use for the property. Part of the property has a pond and dry land, there was enough space to develop a home. For that reason, the assessment evaluation could be at \$4,000.

Councilmember Piekarski Krech stated she thought they wanted commercial along the area, everything else is commercial. She asked why put a house in the middle. She asked if it would have access to Cahill. Assistant City Engineer Dodge responded the property has access to Cahill Avenue. This is what the Appraiser's special benefit determined. He expects this property be combined with another to develop the area someday.

Mayor Tourville stated the Shorts have said they cannot develop the parcel. It has been determined the parcel, even with water on it, could have a building on it. Mayor Tourville suggested passing the Resolution and excluding Short property #9, have Staff look into it further, and address the letter. Councilmember Bartholomew agreed.

City Attorney Bridget McCauley Nason stated if Council wants Staff to review the situation with the Short's, the Council can close the Public Hearing and approve the Resolution with exception of the Short property. The Council can continue consideration of the assessment of the Short property to the October 26<sup>th</sup> meeting or the first meeting in November.

**Motion by Piekarski Krech second by Perry to close the Public Hearing at 7:39PM.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Bartholomew second by Piekarski Krech to approve Public Hearing to Consider Resolution Adopting the Final Assessment Roll for the 2020 Pavement Management Program, City Project No. 2019-09C - Cahill Avenue Mill and Overlay (Concord Boulevard to Inver Grove Trail). Resolution 2020-220 with the exception of Short Lot #9. The Short parcel #9 will be discussed at the first meeting in November.**

Mayor Tourville requested this be discussed at the first meeting in November. Assistant City Engineer Dodge responded they would reach out to the Shorts and return to the Council with information. City Attorney McCauley Nason stated the Motion is to approve the assessment roll with the exception of Short Parcel #9 which will be discussed on November 9<sup>th</sup>.

**Ayes: 5**

**Nays: 0      Motion carried.**

**6. PUBLIC COMMENT:**

Kelly Kayser, 1953 59<sup>th</sup> Court East, stated she emailed the entire Council last week and thanked Councilmember's Perry and Dietrich for responding. Mayor Tourville stated he did not respond yet as there were a lot of questions. Those questions were sent to the City Attorney and the Police Chief. Ms. Kayser stated she was at the last meeting and wanted to discuss Agenda Item 7C. She has a long list of questions and comments she would email to the Council after reading some of them first. Her questions pertain to the process, how things unfolded, and what it looks like to City residents. Comments follow:

- She commented it appeared that Mr. Lynch was the person that initially identified/brought forth the potential data breach. She asked if Mr. Lynch had given copies of the email to the two other individuals referenced in the Attorney's report.
- Mr. Lepak mentioned at the meeting in July that the Mayor is the next higher up when the City Administrator cannot take action. She asked where that information is spelled out.
- The Mayor stated in July everyone was notified that the City was looking at this item in multiple emails. She asked if the alleged breach and potential investigation was brought to the Council's attention in the emails before the investigation was actually ordered, and if so, were Councilmembers able to reply to the request to start an investigation.
- Since the alleged breach occurred in an Executive Session, the entire Council received the allegedly breached information. She asked if it would have been more prudent to bring the request for an investigation before the entire Council rather than acting on it independently.
- Since the investigating law firm was already under Contract with the City for other matters, they likely interact with Mr. Lynch and Ms. Shefchik when services are needed. She asked if an investigation was warranted and why different outside Counsel wasn't hired to ensure objectivity.
- She questioned whether or not the investigating Attorney defined the word "data" and if the definition is spelled out in the report.
- The intent of the State Statute is "To protect information that is collected and maintained by the City". Mr. Lynch did not ask the employee to write the email and appears the employee did not ask him to take further action. She commented she struggles to see how that information constitutes data collected by the City.
- The matter of the employee being questioned as part of the investigation. It was obvious that she was the person that penned the email.
- The Statute seems to be very specific with guidelines as to how to notify someone their data has been breached. She asked if the person was notified in a manner consistent with the guidelines.
- Questioned if every email written by a City employee that contains information is treated/handled as protected data. She questioned what if the same employee had written an email about a positive work experience, included the same personal information, and the email followed the same chain of custody. She asked if there would be an investigation. Negative or positive it is the same process.
- She asked if a citizen wrote an email recounting a difficult interaction with a City employee, if that information was treated as though its data.
- She asked if the information was shared with a superior without following data practices.
- She asked if the employee had written the same email directly to Council and it was used at the City Administrator's review, if that was considered a breach.
- If such an email was considered protected data and deleted by the recipient, is it being handled according to proper data practices considering the data is to be classified and maintained.
- Emails with personal or sensitive information is shared all of the time. Messages should be protected to the extent that any private contents are not made known to someone for no reason.
- Data is information that becomes part of permanent record, via an electronic retention system or personnel file.

Ms. Kayser stated there were references to the City Data Policy throughout the open meetings. She asked for a response this evening as to where the Policy could be found, she could not locate it on the City website. Mayor Tourville responded it is a part of the Policy Manual, not on the website. City Administrator Lynch responded it is available upon request. An email request can be sent to the City Clerk. Mayor Tourville stated Ms. Kayser has a lot of questions and has been asking why this

information isn't available. The report is still in redacted form and not out for public view. He stated a lot of the questions asked surround the report. They would answer her questions the best they could.

Ms. Kayser shared the following:

- Stated she thought the Lawyer, Ms. Quade, was there to present the results of the investigation as publicly as she could. There were no Statutes referenced, or anything specific that said there was a data breach or how it occurred. She asked why that information was considered data.
- As a person watching the meeting, Ms. Quade's tone and language sounded like she was trying someone in criminal court. It seemed there was an intention to influence Council and public into believing Ms. Shefchik was guilty by talking about her like she was guilty. That didn't seem fair.
- The manner the allegations were made seem to appear Ms. Quade had significant knowledge of the investigation, yet referred to Mr. Lynch as Mr. Murphy multiple times. She asked if she was actually a principle in conducting the investigation because Mr. Lepak was the first Attorney, or if she was selected for maximum effect. Mayor Tourville responded she was part of the investigation.
- She stated Ms. Quade repeatedly tried to minimize relevant information by mocking Ms. Shefchik's experience with data practices. She commented in her own experiences HR Managers do not play fast and loose with the rules protecting employees, they tend to go out of their way to guard information.
- Ms. Quade's claims of knowing Ms. Shefchik's motives for her act of sharing the email with a Councilmember, and her actions during the investigation seemed very biased and unprofessional. A Law Firm's role is to report facts and findings. Using innuendo in a public forum is repulsive.
- The language used to characterize Ms. Shefchik as a liar was excessive and unnecessary.
- Ms. Quade's argument seemed like an attack on Ms. Shefchik's character. In the study of logic, this is known as the ad hominem fallacy; an attempt to discredit or undermine an opponent's argument by attacking that person's character.
- Evidence presented by Ms. Quade stated "The author of the email wasn't making a complaint that she wanted investigated, she was making a general statement of the employees and that she didn't appreciate them." When asked about the City Administrator sharing the email with another person, she replied "that was the Supervisor of the person who wrote the email to see if there was anything further that needed to be done related to the content of that email. That is not a data breach." She commented the author of the email wasn't requesting an investigation.
- It was also said that "Ms. Shefchik and an Administrator... that's their job, to know what to do with data and how to handle it."
- She asked when the investigation was ordered, was it known the email had been shared with two other individuals by Mr. Lynch.
- She felt this had a double standard when one person can hand out an email but the other cannot.
- Contents of the email as well as the statements made by Ms. Shefchik and other witnesses was glossed over by investigators. She thought that would be concerning to elected Officials.
- The email author's own statement the Union President read includes statements such as "constant internal dysfunction" "who to trust" "culture in Administration" "leadership problems", and "neglect."
- If having a City Administrator who has been investigated and disciplined on a sexual harassment complaint, and now learn he has been criticized for the handling of another employee's situation. She asked if that was pertinent. Workplace culture starts at the top, when one has control over the management of every paid employee, he/she needs to be above reproach and

City employees need to know that someone has their back. That isn't the case. The chain of command is the Council.

- The workplace appears to be dysfunctional and maybe overtly hostile. She asked why there was no investigation into that.
- Wasting valuable resources on what is looking like an unsubstantiated data breach.

Ms. Kayser stated the Mayor made the most unsolicited comments a couple of weeks ago:

- The Mayor had mentioned a couple of times that he apologized to the author of the email. She asked what the apology was for. She commented it didn't seem wise to speak to the author of the email prior to a report establishing wrong doing being voted on and accepted by the Council.
- Another comment by the Mayor was that "In September or October this whole thing could have been solved very easily." The Mayor stated Councilmember Dietrich's Attorney could have responded in 2019 and received answers, it would not have cost anything, it would have been done." She stated it seems insulting that a fellow Councilmember is directly responsible for dragging out the investigation.
- Right after that the Mayor said it was delayed for a personal matter and other stuff. She stated if going back to July, Mr. Lepak stated he requested the information in December and it was declined. She commented that was not October or September. The reason was because the investigation was not authorized by the full Council. Prior to that comment Mr. Lepak stated there was considerable discussion whether the matter should be finalized using indirect information.
- Mr. Lepak also said he asked the Mayor whether this would be an appropriate item for consideration by the entire Council. The response from the Mayor was that it would be. The Mayor also indicated it was his preference this matter be put before the Council at an in-person meeting. Due to COVID that meeting wasn't held until July 2020. She stated it was not because Councilmember Dietrich's Attorney didn't reply. Mayor Tourville responded some parts were mixed up, but would clarify those when responding.

Mayor Tourville stated the employee called and told him she didn't have any intention of that being shared with the City Council. He stated he apologized for that, which he thought appropriate since she was very upset. Mayor Tourville asked Ms. Kayser to give them the information she has comments and questions on and they would get back to her on the items they can.

Ms. Kayser stated this hasn't been accepted as an actual data breach. Mayor Tourville responded that was correct and why the matter is being looked into. Ms. Kayser asked if apologizing to the author of the email was suggesting it was a data breach. Mayor Tourville responded no, he apologized to her because her thought was that it shouldn't have been shared with others. Councilmember Dietrich stated it was not shared with a whole bunch of other people.

Ms. Kayser stated the following:

- There are thousands of emails circulating through the City and many contain personal information. There is no way each can be monitored to ensure they are not accidentally read by an unauthorized party, printed out, forwarded to someone, thrown in the trash, or deleted. Nobody monitors them to be sure each person who gains access to them is authorized to have access. Any of those scenarios would be considered a data breach according to the Investigators argument.
- Even though the Investigator tried to argue otherwise, there is a clear reason why employees sign an agreement acknowledging emails may be accessed by their Employer. This establishes there is no guarantee that information shared via email will not be shared with another party regardless of content. It will only become data if it becomes part of a permanent record.

Ms. Kayser encouraged the Council to read the Statutes, rewatch video's, carefully examine any confidential report and supporting information received, consider her questions and comments, and listen to other residents who may contact them. She stated one on the Council is leaving after many years of service, and others are not guaranteed a seat after the Election. She questioned if they want this as part of their legacy, or worse, leaving it for the next Council. She suggested they think about the word Justice and ask if it is being served here, the overall health of the City depends on it. She stated two weeks ago the Mayor said it doesn't matter if you're the Mayor, they all have the same power. She hopes each are brave enough to exercise that power by acknowledging the poor handling of this situation and rejecting the report as soon as they are able.

She addressed Mayor Tourville stating at the time the investigation was ordered, the information had remained confidential. It was only known to those that wrote it and up the chain of authority. She stated the email has now been released and that maybe it didn't have to happen. Mayor Tourville responded the question how it was released was not mentioned.

## **7. REGULAR AGENDA:**

### ***Community Development:***

#### **A. WATERMARK PROPERTIES: Consider the following requests for property located at the Northeast corner of Hwy 3 and 70th Streets.**

- 1. An Ordinance Rezoning the property to R-1C, Single Family PUD, R-3B, Multiple Family PUD and R-3C, Multiple Family PUD, Ordinance 1391**
  - 2. A Resolution relating to a Preliminary Plat for 120 single family lots, one lot for an approximate 100-150-unit apartment building plus 6 lots,**
  - 3. A Resolution relating to a Preliminary PUD for a 120-unit single family and 100-150 apartment building for development to be named Canvas at Inver Grove Heights.**
- Resolution for both items 2 & 3 #2020-221**

City Planner Allan Hunting stated the approximate 40-acre parcel is located in the northeast quadrant of South Robert/Highway 3/70<sup>th</sup> Street. In 2015 this was in front of Council as a project named Hannah Meadows that received preliminary approval but didn't go further. This project is called Canvas at Inver Grove Heights and proposes 120 detached single-family rental units. There would be a future apartment building along Highway 3 with approximately 100-152 units. He stated the project is unique and designed on a private road/alley system. Detached units are on 50 and 30-foot wide lots. The Applicant is requesting flexibility from the northwest standards as follows:

1. Requesting a 20-foot setback for the units where 30-foot is required.
2. Separation between units due to size of lots. The 30 foot lots would have an 8-foot separation, 50 foot lots would have a 10-foot separation.

He stated the project provides for a collector street required as part of the northwest area collector street study. They are also providing a public street stub to the property to the east for when that develops. He stated the project would be done in three phases:

1. Units that are on the south side.
2. Units on the north side.
3. Apartments.

Staff and Planning Commission recommend approval of the project as presented with the conditions listed.

Ian Peterson, Watermark, stated he has been working with the City Planner, Community Development Director, the seller, and City Staff since December 2019. A presentation was given:

- What are single family rental communities (SFR)
  - A Community of single-family homes strictly for rent.
  - An apartment building that is more vertical but on a horizontal platform.

- Apartments are often classified as Class “A”, “B”, or “C” type space.
- Watermark specializes in what they refer to as “A+” SFR Communities. Highly amenities, resort style living atmosphere, totally maintenance free.

He stated they work with Brad Hunter, Hunter Housing Economics, who does market studies around the Country. SFR Communities came about in 2012, beginning in Phoenix, Dallas/Ft. Worth, and Florida. The first project in the Twin Cities was in 2017.

- In 2018 about 5% of all housing starts, or 42,000 homes, were built as single-family rentals. As of 2019 that number is about 8% of all housing starts.
- Why single-family rental communities:
  - Allows for more flexibility for the renter.
  - Ease of mobility, lock and leave type syndrome. They can leave to go to their cabin without having to worry about cutting grass.
  - Homeowner affordability is worsening.
  - Student Loan Debt is an issue for first time buyers.
  - Do not have a down payment.
  - Starting families later in life.
  - Wanting to get out of apartment/condo living.

He stated the renting stigma is a thing of the past. Demographics of single-family renters closely align with single family buyers. Not targeted to a specific age group. Resort style amenities such as a clubhouse, workout room, and pool, is a big draw. No stress about maintenance: He stated there is an on-site maintenance person in the Communities that can: Change furnace filters, fill the water softener, take care of grass and snow. There are no unexpected repairs.

- Who is a typical customer of single-family rental Communities:
  - There isn't a typical. All kinds. Millennials are 1/3 of the renters. Empty nesters 1/3, forty something's 1/3. Other parts of the Country notice more Military, relocators, or those wanting to test out a Community before buying.
  - Data from Twin Cities Communities:
    - Average age is 39.
    - Pet ownership is 50%. Of that 50% everybody has a dog. Dog Parks are included in all Communities.
  - Income: Average income is nearly \$130,000. 44% earn more than \$150,000. This is a renter who could afford to buy, but are choosing not to, choosing the lifestyle, testing it out.

He stated there was an article last week in the Star Tribune featuring one of their residents who sold their home, were empty nesters, and didn't know what they wanted to do. They fall into the 55+ category. They moved in yet have a place up north they like to go.

- What do typical homes look like for single family rental Communities:
  - A diagram was shown of a Community they did in Maple Grove consisting of 66 single family homes. Includes a clubhouse, game lawns, dog park, pool, organic gardens, and a fitness trail. A farmhouse theme was chosen for the area.
  - Working on a unique Community in Plymouth. 37 homes. Contains the clubhouse, game lawns, dog park, and the pool. Homes are still being built. There are 19 leases signed, 12 living there currently. Average rent is \$4,000 per month.
  - He stated they have just begun 88 homes in Woodbury.
- Canvas at Inver Grove Heights Community:
  - A diagram was shown. The green homes were on 50-foot lots, there would be 51. There would be 69 of the others on a 30-foot lot.
  - Proposing: Clubhouse, game lawns, dog park, pool, trails, and a putting green.
  - A clubhouse design was shown. One wing includes a workout facility, bathroom/showers. The other wing is the leasing office and large club room available to rent for parties.

- What a typical home would look like for SFR Communities:
  - Single Family Home: 1,500 square feet for a slab on grade single level home to 3,000 square feet which is a home that includes a basement and five bedrooms.
  - 2-5 bedrooms.
  - 2-4 bathrooms.
  - All would have a 2-car garage.
  - Medium density product is a 22-foot-wide product.
  - Alley load.
  - Ranges in square footage from 850 square feet for a single level two bedroom home up to 2,100 square feet.

Renderings of single-family homes were shown. The main thoroughfare was shown depicting the collector road, public trail on one side, sidewalk on the other side. He stated he has been working with the Fire Chief for an emergency fire access point. He shared the open space plan stating they have nearly 12 acres of open space. The site is 40 acres, 32 acres is developable, 12 acres would be open space. Parking exhibits were shown and he stated there were 4.5 stalls per unit, 2 in the garage, 2 in the driveway, and guest parking. Photos of the interior and exterior of some of homes were shown and have the following:

- Stainless steel appliances.
- Backless range.
- Some plans have two stories, wood beams.
- Shiplap siding.

Mr. Peterson stated they have reviewed the Staff report and are in agreement.

Councilmember Piekarski Krech asked if 650 families was the correct figure. Mr. Peterson responded this was 120 units. The apartment would be 100 to 150 units.

Councilmember Perry stated there has been some confusion from residents. She commented the Maple Grove location is \$4,000 a month in rent and asked what that includes. Mr. Peterson responded the Maple Grove project is just over \$3,000 a month in rent, the one in Plymouth is \$4,000 a month. Rent includes, the home, if having a pet, a monthly pet fee, trash removal, snow removal, lawn irrigation, mowing, trimming, furnace filter change, water softener fill. Residents are on their own for sewer/water and electric, gas, and cable. Councilmember Piekarski Krech asked about appliances. Mr. Peterson responded every home has a washer/dryer, dishwasher, stove, and refrigerator. Maintenance is taken care of.

Mayor Tourville suggested receiving the emails as part of the record. He has one from Paul Cotterman. City Clerk Rebecca Kiernan stated she has one for supporting. Councilmember Bartholomew stated there is one from yesterday on Arlene Avenue and 65<sup>th</sup> Street (Karen Vandeveld). Councilmember Piekarski Krech stated there is an email from Samantha Fitzgerald.

**Motion by Piekarski Krech second by Perry to receive three email correspondence from: Paul Cotterman, Karen Vandeveld, and Samantha Fitzgerald, to be made part of the file.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Diane Rademacher, 6560 Arlene Avenue, stated she has three concerns with the project:

1. The density.
2. Wide range of the apartment building. 100 to 150 is a large variance.
3. Status of the 70<sup>th</sup> Street project is. This will add a lot of volume to 70<sup>th</sup>.

Mayor Tourville responded construction on 70<sup>th</sup> Street will begin in 2021.

Paul Cotterman, 1271 70<sup>th</sup> Street East, stated he was one that sent an email. He read through his letter stating the proposed property has a few flaws as follows:

- The destruction of a natural wetland to build a collector road. That item was addressed in Hannah Meadows, passed by Council before, but is still there. It is not recognized by the DNR but is by water conservation. Efforts have been made to redirect water across the street. Once wetlands are destroyed, you will never have that back again.
- Population density. He stated this would be about 350 total units. Hannah Meadows was 47. That is a significant density change in a 32-acre lot. He commented two people couldn't walk between homes and be able to social distance.
- Traffic and Parking. The total number of vehicles in this space, with two vehicles per household. He stated the Planning Commission, when asked what they would do about the parking problems around the Recreation Center, the response was they would figure it out as they go. He stated as a homeowner if he asking for a permit to do something and gave the answer, he "would figure it out as we go" he would be laughed out of the building, it is not a professional answer.

He stated this project would bring in a lot of money. He asks that Council look at the traffic issues and going from Hannah Meadows 40 units to 350 units with an apartment building.

Keith Vorderbruggen, 7477 Cahill Avenue, stated his concern was the wetland. He commented Dakota County has Water Stewards and asked if input was requested from them. Destruction of wetlands were a bad thing in his opinion. He would like to see a couple of them remain in the City. He asked Mayor Tourville not to let the destruction of a natural resource be one of the last things he approves.

Mayor Tourville asked about water and the water resource coming that stormwater is a big issue in the northwest area. Mr. Ian Peterson responded the minimum number of units would be 220. The apartment complex is said to be from 100 to 150 and need to hit a minimum density of 220 units on this site. The previous plat, Hannah Meadows, had close to 250 total units. There were 43 plus with apartments at 220. Mayor Tourville commented adding up the numbers he gets to 270. Mr. Peterson agreed.

Mr. Peterson stated the collector road was dictated by many things. It has to align with Allen Way heading to the south. Dakota County controls access onto 70<sup>th</sup> Street. He stated he had a meeting with Dakota County along with Staff online. As it relates to distance from the newly constructed traffic circle at 70<sup>th</sup> Street and Robert Street, to Allen Way meets the spacing guidelines for access point. That access point falls in the middle of the western edge of the wetlands that need to be filled. No access is allowed onto Trunk Highway 3, which is governed by MnDOT. That is how the wetland fill became that way in the previous project and this one. Mayor Tourville asked if he was mitigating for that. Mr. Peterson responded yes. The wetlands were delineated and approved June 8<sup>th</sup>. Wetland mitigation is next and comes after they receive the preliminary plat approval.

Councilmember Bartholomew asked if they would hear from the Engineer regarding the mitigation. He requested clarification based on comments made by residents and their concern about losing wetland and not mitigating. Clark Wicklund, Alliant Engineering, 733 Marquette Avenue, Minneapolis, responded wetland impacts will be provided for offsite. This has to be approved by the TIF. A process for this has begun, and anticipate it being accepted, it has not yet occurred, process is underway. His response to stormwater was that they are related to wetland impacts. This is a landlocked parcel with nothing going downstream from it. There would be no impacts offsite as a result of this development.

Councilmember Piekarski Krech asked about being sent across the road. Mr. Wicklund responded the City Consultant is providing for the design of a lift station. He wasn't familiar with the system being designed, but the City would have full control of what comes off of the property via the lift station.

Mayor Tourville stated based off the discussion at the Planning Commission meeting, the wetland area was going to be delineated with the previous project as well. It will here because of it being landlocked. Stormwater will have to be dealt with, within the property or the general area. Mr. Wicklund responded that was correct. Mayor Tourville stated it was not on the Agenda this evening because once this receives approval, that issue would be dealt with.

City Engineer Tom Kaldunski stated the most notable between the two basins, one north and one south of 70<sup>th</sup> Street. The City Stormwater Plan includes a main that would be put in with part of the project. It is there for the potential of pumping if water levels got close to the proposed 100-year event in the northwest area standard. Facilities will be in place they would deal with when going to the final plat. He stated the recommendation is for approval.

Councilmember Piekarski Krech asked if it would go to a basin that was behind Holiday. City Engineer Kaldunski responded yes. When the roundabout and the Holiday Gas Station were built, they put a pipe under 70<sup>th</sup> Street for the main. It will all drain into the large hole immediately south of the Holiday Gas Station, if needing to be pumped.

Mr. Peterson displayed a map of the property and pointed out the northwest wetland that would be undisturbed. The southeast one would be delineated. City Engineer Kaldunski responded each basin would have a force main from them, if the City felt a need, an emergency pump would be put in and pump by the fire access where there is a gravity storm sewer. There is a basin on the south side of 70<sup>th</sup> Street, close to Allen Way that has an equalization pipe that goes from the south side to the north side if having to get into a pumping situation. That is a very small chance of occurring but are planning for it.

Councilmember Piekarski Krech asked about the density plan for the northwest area that states it has to be at least 220 units. Mr. Peterson responded that was the number that was shared in December 2019.

Mayor Tourville stated there is a band of about 30 units in the apartment building. Mr. Peterson responded they have had a lot of interest in this apartment site. They receive calls nearly every week on this site. It has been around for over five years. Those interested are a bit hesitant about making commitments until they build the infrastructure on the site, provide sewer/water and the collector road for the site to be viable to someone. He responded about the band stating some want 100, some want 150, it depends on whether it be senior or an apartment site.

Councilmember Perry asked about employees who may be relocating using spaces and asked if these were long term or short-term rentals, and if there was a yearlong lease requirement. Mr. Peterson responded they typically require a one-year lease. There are some situations where they may do a six-month lease. He stated he was referencing an instance where a company will have a lease with Watermark for a particular unit. 30% of the time that unit is never occupied, but someone may come in on a short-term project and live there. Or if someone was relocated, they may live there for a short amount of time. Some leases can vary up to three years.

Councilmember Piekarski Krech asked if all have stayed rental and stated some of the fear of the neighborhood is that it becomes single-family owner-occupied homes with eight-foot distance in between. She asked what the probability was that 5-10 years down the road it is changed to owner occupied. Mr. Peterson responded slim to none. If that were to occur in any Communities, they have done it would need a lengthy Home Owner's Association documentation.

Mayor Tourville stated this is unique to the City. There are not a lot of single-family rental properties standalones. He commented the one concern is that the houses are too close. The property has been available off and on for 12 years.

**Motion by Bartholomew second by Dietrich to approve the rezoning for WATERMARK PROPERTIES: Consider the following requests for property located at the Northeast corner of Hwy 3 and 70th Streets. 1. An Ordinance Rezoning the property to R-1C, Single Family PUD, R-3B, Multiple Family PUD and R-3C, Multiple Family PUD, Ordinance 1391**

Councilmember Piekarski Krech stated she would like to address some of the resident's issues with the open space or it should be a park. It is someone's private property, chosen to be developed. She stated there is a choice in keeping all of Inver Grove Heights a park and having development. She commented they are doing a decent job here. She has no problem with it.

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

**Motion by Bartholomew second by Perry to approve a Resolution 2020-221 relating to a Preliminary Plat for 120 single family lots, one lot for an approximate 100-150-unit apartment building plus 6 lots,**

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

**Motion by Bartholomew second by Perry to approve A Resolution relating to a Preliminary PUD for a 120-unit single family and 100-150 apartment building for development to be named Canvas at Inver Grove Heights along with the suggestions per the Planning Commission for a fence along a retaining wall is included with the PUD. Same Resolution as previous motion. Resolution 2020-221**

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

Mayor Tourville asked when additional information would be brought before the Council in regards to addressing some of the issues. Mr. Peterson responded they hope to get an application in by the end of the year. He stated the City has been very lucky to have Mayor Tourville as Mayor for 18 years. He has done a few projects here and commented the Mayor has always represented the Community and the City first and foremost. He congratulated the Mayor and wished him the best.

**B. TITAN LAND: Consider the following requests for property located at 1462 80th Street.**  
**1. A Resolution relating to a Preliminary Plat for a one lot, one Outlot subdivision.**  
**2. A Resolution relating to a Preliminary PUD for a 152-unit apartment building and 30 townhomes for development to be named The Crossings at Inver Wood.**  
**Resolution for items 1 & 2 #2020-222**

City Planner Allan Hunting stated the location is on the south side of 80<sup>th</sup> Street. The closest development is the Senior project. This project consists of a 152-unit apartment building. The second phase would have approximately 30 townhome units. The apartment building is unique in design with a majority of the parking facing Highway 55. Parts of the building would be about four stories high. He stated the request is for flexibility with a closer setback to 80<sup>th</sup> Street, and would be 20 feet to the new right of way line. For noise requirements they are trying to keep the building farther away from

Highway 55 and would have a sound wall. One other flexibility request would be for the building size to be slightly over the maximum size due to underground parking. Staff and the Planning Commission recommend approval of the project with the conditions listed in the Resolutions.

Councilmember Piekarski Krech asked where a majority of the parking would be. City Planner Hunting responded slightly over half of the parking would be underground with the balance outside.

Peter Stalland, Titan Land, stated they have spent a tremendous amount of time looking at Engineering. This is a difficult site due to the grades and configuration of the property. The challenge is being next to Highway 55, so they would be building a wall with extensive landscaping to lessen noise from coming into the building. There will be an upper level deck with lounge. A majority of the parking would be heated, underground. All units have large covered decks almost the width of the entire unit, providing an amenity for every unit. There is a pool, pool building, and undisturbed green space. He stated this would be one of the nicest suburban apartment projects in the Twin Cities. Most people believe they are of the highest quality/soundproofing throughout the entire structure. He stated they are excited to start this in the fall and feel it is a great thing for the City.

**Motion by Piekarski Krech second by Bartholomew to approve TITAN LAND: Consider the following requests for property located at 1462 80th Street.**

- 1. A Resolution relating to a Preliminary Plat for a one lot, one Outlot subdivision.**
  - 2. A Resolution relating to a Preliminary PUD for a 152-unit apartment building and 30 townhomes for development to be named The Crossings at Inver Wood.**
- Resolution for both items 1 & 2 #2020-222**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Finance:**

**C. Consider First Reading of an Ordinance Amending City Code Title 3, Development Fees.**

Finance Director Amy Hove stated the request is for consideration of the First Reading of an Ordinance to amend the City Code to adjust fees and charges associated with development activities for 2021. The timeline is as follows:

- First Reading: October 12, 2020
- Second Reading: November 9, 2020
- Third Final Reading: December 14, 2020

She stated this is a collaborative effort between Community Development Director Rand, Public Works Director Thureen, and herself. This year's recommendations are similar to previous years for proposed increases between 3.5% and 5% and based off financial projections from Ehler's, May 2016. Individualized fees are included. They have started looking into some proposed changes for next year.

Mayor Tourville stated Developer's believe the northwest area for multi-family housing fees are high. Councilmember Piekarski Krech stated in order to not push people off their land, this was the way it was set up. Mayor Tourville agreed and stated it was designed to be heavier on the Developer's than it would be for existing landowners.

Councilmember Bartholomew stated it was a significant increase. He said he could support the First Reading. He asked if all percentages and increases are correct based on the percentage discussed. He stated he would look through this before the Second Reading. Finance Director Hove responded she has looked through them and stated if further discussion was needed, he is welcome to contact her.

Mayor Tourville asked Community Development Director Rand if there was any advantage in looking at a group of peers. After the First Reading he suggested sending this to the Chamber of Commerce to look at the fees. Community Development Director Rand responded she could send this to the Chamber of Commerce Representatives.

**Motion by Bartholomew second by Perry to approve the First Reading of an Ordinance Amending City Code Title 3, Development Fees.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**D. Resolution Providing for the Sale of \$1,675,000 General Obligation Refunding Bonds, Series 2020A. Resolution 2020-223**

Finance Director Hove stated they have been watching the Cities current Bond issuances to determine if they have any current City Bonds there would be a financing opportunity for. After discussions with Ehler's, they determined it was a good time to look at the 2010B's. It's called a refunding issuance, but basically refinancing for an improved interest rate.

Jason Aarsvold, Ehler's, stated the document is the presale report that outlines a proposed issuance of debt. It is for potential refinancing of the Cities 2010B Bonds issued in 2010 for street reconstruction. Those Bonds are callable (prepayable) now for a current refunding. He stated they would issue new Bonds to take these out at a lower interest rate. The interest rate on the ones outstanding range between 3% - 3.15%. New issue would have rates providing a total savings of approximately \$80,000 of principle and interest over the remaining life of the issue. He stated when noticing savings over 3% of the refunded principle, they are worth consideration for refunding and would get almost 4% savings.

He stated these would be set up as a competitive issuance and be exposed to the entire marketplace, take bids, and award to the lowest bidder. In addition to these Bonds, monitoring will continue with other outstanding debt. He stated there are other refunding opportunities out there, for example, Bonds issued in 2014 and 2015. He stated they are not callable until 2022 and 2023. There is a way to do them now as a refinancing, but would need to be done as an advance refunding as taxable debt rather than tax exempt debt. They will continue to monitor those and hope for better savings. Follows is the schedule:

- Presale review this evening.
- If Council finds this acceptable, proceed with setting up the sale process.
- Get official statement ready.
- Have a conference with Standard and Poor's (Ratings Agency that rates the Cities debt).
- Taking bids and awarding in a sale. Schedule anticipates that happening on November 23<sup>rd</sup> and coming before Council to consider the sale results.
- Close on December 15, 2020.
- Repay/redeem old Bonds before the end of the year.

Mayor Tourville stated between January and February 2027 is where the savings is shown for \$80,000. Mr. Aarsvold responded that was correct. They will use the money already set aside to make the payment to buydown size of the issue. Payments will be made from 2022 through 2027 with the total savings amount of \$80,000.

**Motion by Bartholomew second by Piekarski Krech to approve Resolution 2020-223 Providing for the Sale of \$1,675,000 General Obligation Refunding Bonds, Series 2020A.**

**Ayes: 5**

**Nays: 0      Motion carried.**

### **8. EXECUTIVE SESSION:**

#### **A. Closed Session Pursuant to Minn. Stat. SS13D.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 Council is being asked to consider moving into a closed session Pursuant to Minn. Stat. SS13D.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. Real property that is the subject of this closed session is identified as follows:

- Property located at: 1285 70<sup>th</sup> Street, PID #20-00600-78-012 owned by Falcon Partners
- Property located at: 6815 Robert Trail South, PID #20-28500-01-012 owned by Oak Grove Properties
- Property located at: 7101 Argenta Trail, PID #20-00700-05-018 owned by Glenlin Properties LLC
- PID #20-12054-00-040
- PID #20-27090-00-010 owned by Jill Fleming

She stated once in closed session, the session must be recorded and will ask to identify all persons in the closed meeting. The closed meeting will be held in the City Council Chambers and will commence immediately. She stated once the closed meeting is completed, assuming Council updates are completed before going into closed session, the Council will reconvene the open portion of tonight's meeting in City Hall, there being no further items on the Agenda, once back in open session, the Council will adjourn the meeting. There must be a Motion made, seconded, and approved by the majority of the Council to head into closed session.

#### **Motion by Piekarski Krech second by Perry to move into Closed Session Pursuant to Minn. Stat. SS13D.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 Administrator Lynch stated at the October 26<sup>th</sup> meeting the Council will have three meetings: 5:30 p.m. for the EDA Meeting, 6:00 p.m. for the Town Hall Meeting, and 7:00 p.m. for the regular City Council Meeting

Councilmember Dietrich thanked City Clerk for the update on early voting. Mayor Tourville stated if there are any election questions, to go on the City Website or call. Please vote, it is safe and can be done early.

**Ayes: 5**

**Nays: 0      Motion carried.**

### **9. MAYOR AND COUNCIL COMMENTS:**

### **10. ADJOURN:**

Council adjourned into Executive Session at 8:24 p.m.