

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, FEBRUARY 10, 2020 - 7:00 P.M. - 8150 BARBARA AVENUE.**

**1. CALL TO ORDER:**

The City Council of Inver Grove Heights met in regular session on Monday, February 10, 2020, in the City Council Chambers. The Pledge of Allegiance was recited. Mayor Tourville called the meeting to order at 7:00 p.m.

**2. ROLL CALL:**

Present were: Council Members Piekarski Krech, Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Attorney Kuntz, Community Development Director Rand, Police Chief Chiodo, Police Commander Haugland, and City Clerk Kiernan.

**3. PRESENTATIONS:**

There were no presentations.

**4. CONSENT AGENDA:**

- A. i. Minutes from the January 27, 2020 Town Hall Meeting.
- ii. Minutes from the January 27, 2020 Regular Council Meeting.
- B. Disbursements for Period Ending February 4, 2020. **Resolution 2020-25.**
- C. Consider Approval of Rental Licenses.
- D. Confirm and Approve Personnel Actions.
- E. Consider a **Resolution 2020-26** filling Lieutenant Position.
- F. Consider Resolution **2020-27** Approving the Negotiated Settlement and release related to MDHR Charge No. 69011.
- G. Consider Pay Request #1 and Change Order #1 to General Sheetmetal LLC for the VMCC/Grove HVAC Project.
- H. Consider a Resolution **2020-28** Receiving Revised Feasibility Report and Scheduling a Public Hearing for City Project No. 2019-09C – Cahill Avenue Mill and Overlay (Concord Boulevard to Inver Grove Trail).
- I. Approve Information Technology Plan.

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

**Ayes: 5**

**Nays: 0      Motion carried.**

**5. PUBLIC COMMENT:**

There was no public comment.

**6. PUBLIC HEARING:**

**A. Consider a Resolution approving the application of Inver Grove Heights Baseball Association for a premises permit to conduct lawful purpose gambling operations at Celts Pub, 6559 Concord Blvd. Resolution 2020-29.**

Tabitha Alberghetti, 3900 76<sup>th</sup> Way, from the Inver Grove Heights Baseball Association, stated they are requesting a permit for charitable gambling to take place at Celts on Concord.

City Clerk Rebecca Kiernan stated everything is in order and the background has been passed.

Councilmember Bartholomew asked if all of the requirements for filing have been given to Ms. Alberghetti from the City Clerk. He stated new gambling sites may not understand the reports that have to come back

to the City and wanted to ensure she was aware of them. Ms. Alberghetti responded she was given the information and is aware of the requirements. She stated they have filed with the Gambling Board.

**Motion by Perry second by Dietrich to close the Public Hearing at 7:13PM.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Bartholomew second by Perry to approve a Resolution 2020-29 approving the application of Inver Grove Heights Baseball Association for a premises permit to conduct lawful purpose gambling operations at Celts Pub, 6559 Concord Blvd.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. Consider a Resolution approving the application of Saint Thomas Academy Alumni Association for a premises permit to conduct lawful purpose gambling operations at Mallards Restaurant, 5681 Blaine Ave. Resolution 2020-30.**

City Clerk Kiernan stated the Saint Thomas Academy Alumni Association would fulfill the intent of the Ordinance to maintain it's use of proceeds within the city and its designated trade area.

Greg Walsh, 2480, 91<sup>st</sup> Street East, Vice President of the Saint Thomas Academy Alumni Association, gave an overview stating Saint Thomas Academy began in 1885. The College and High School co-existed until 1965 when it moved to its current location in Mendota Heights. There are 675 boys enrolled at Saint Thomas Academy in Grades 6-12 that come from Dakota and Ramsey Counties. He stated the Saint Thomas Academy Alumni Association is a 7,000-member Organization with 91 members residing in Inver Grove Heights. He stated there are over 450 unique relationships of Inver Grove Heights residents and Saint Thomas Academy that include extended family members that also reside in the city.

He stated they are seeking a Charitable Gambling Application from the City, Pursuant to Title 4 Chapter 7 of the Inver Grove Heights City Code. The application seeks approval to operate at the new Mallards Restaurant off of Upper 55<sup>th</sup>. He stated the Council should have a letter from the Suddath family, who owns the Restaurant, in support of the Application. He stated the Alumni Association and the Suddath family are looking forward to a partnership together in Inver Grove Heights to run a successful charitable gambling operation and restaurant in town.

Mr. Walsh discussed the Saint Thomas Academy Alumni Association's Charitable Gambling History stating they sought their Minnesota Gaming License in 2019 with a successful operation at Buffalo Wild Wings in Eagan. Upon license receipt, they hired Minnesota Gaming Services as a Consultant to ensure requirements are completed properly. He stated they have a Gambling Manager, Mr. John Sturner, who is a 35-year retired St. Paul Police Officer/Deputy Chief. For 38 years Mr. Sturner was in the Army National Guard, retired as a full Colonel, and was a member of the Inver Grove Heights Planning Commission.

He stated the goal is to use the funds two ways. One way would be to benefit Inver Grove Heights Youth Sports or the Recreational Community every year. He stated they would talk with members to determine the best way to pay back residents of the city. He stated the second way is that they believe the funds would be funneled back to STA families that reside in Inver Grove Heights. Not just in this city, but other surrounding communities through scholarships and financial aid so they can attend Saint Thomas Academy. He asked the Council for approval of the permit.

Councilmember Bartholomew asked Mr. Walsh if he reviewed and understood the requirements for the proceed percentage that needs to go to the city and/or defined trade area. Mr. Walsh responded he understood.

**Motion by Piekarski Krech second by Perry to close the Public Hearing at 7:12PM**

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

**Motion by Perry second by Piekarski Krech to approve a Resolution 2020-30 approving the application of Saint Thomas Academy Alumni Association for a premises permit to conduct lawful purpose gambling operations at Mallards Restaurant, 5681 Blaine Ave.**

Mayor Tourville stated Mallards will be opening in late February.

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

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:**

**A. Outfront Media, LLC – Consider the following actions:**

- 1. The First Reading of an Ordinance Amendment to expand the geographic area of the Dynamic Display Billboard Overlay District.**
- 2. An Ordinance Amendment to Rezone to Dynamic Display Billboard Overlay District an area on the north side of Hwy I-494.**

Community Development Director Heather Rand stated there is an Applicant that owns two billboards on the north side of I494, located on the new mini storage property east of Highway 52. The Applicant, Outfront Media, LLC., is proposing to convert the westerly most sign into a dynamic display billboard. Doing so requires Ordinance changes and would be done in three readings. She stated the proposed display would be on the same post and the same size. On January 21<sup>st</sup>, the Planning Commission considered the request and accepted Staff’s recommendation to approve the Ordinance changes. She stated one Amendment is to expand the geographic area required as a part of the Dynamic Billboard Overlay District. The second change is to rezone the overlay district to include this area.

She stated the Planning Commission voted 6-3. The concerns pertain to billboards being a distraction. Staff checked with the Police Department and neighboring cities with these displays, and while the complaints have merit for some, they are not a large concern for many other communities. Staff recommends approval of the Ordinance changes.

Councilmember Piekarski Krech stated if looking at the Ordinance amending rezoning the property, in the verbiage after the lined-out section, she questioned why it would be approved if that was what would be said. Community Development Director Rand responded she would look into that item further. Mayor Tourville stated there was discussion several years ago about dynamic billboards, part of it was doing just a couple to ensure length of the display and if it was a distraction. It was made to be in a smaller area to get started.

John Bodger, Outfront Media, stated they built the only digital billboard in Inver Grove Heights out by Highways 52/55. That has been there almost eight years without any complaints about distracted driving or excessive accidents. That exact sign would be placed over on 494. Mayor Tourville stated some of the complaints from other cities was from the neighborhoods near them due to the bright colors. That was the reason behind having three readings. Mr. Bodger stated they are computer controlled and can be

dimmed. Councilmember Piekarski Krech asked if the city would receive advertising on it. Mr. Bodger responded yes; an agreement is drafted that states the city is given an allotted time.

Community Development Director Rand commented that City Code states it to be five hours minimum. The amount can be negotiated. She stated it would be five hours over the course of a month that the billboard must flash a community goodwill messaging. The one along Highway 52 promotes events at the Community Center, Parks, or other events.

City Attorney Tim Kuntz addressed what Councilmember Piekarski Krech referenced stating the language was in the original Ordinance. The purpose at that time was distinguishing why not all billboard allowed areas were dynamic billboards.

City Attorney Kuntz stated the First Reading is the Ordinance Text Amendment. The second is the Ordinance Amendment itself to rezone. That one requires one reading and does not need to be addressed this evening. He noted for the second one, the first 60 days expires on February 21. He stated the Planning Department would probably set an extension evoking the second 60 days. That item can be directed to Planning.

**Motion by Piekarski Krech second by Perry to approve Outfront Media, LLC – Consider the following actions:**

- 1. The First Reading of an Ordinance Amendment to expand the geographic area of the Dynamic Display Billboard Overlay District.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Mayor Tourville stated the second portion would be addressed during the Third Reading.

**POLICE:**

**B. Consider Third Reading of Ordinance Amending City Code 4-1-19: Civil Penalties and Sanctions of, Chapter 1 Alcoholic Beverages of Title 4 Business Regulations and Consider Resolution Approving Summary Publication of Ordinance amending Title 4, Chapter 1, Section 19 of the Inver Grove Heights City Code Related to Civil Penalties and Sanctions for Liquor License Violations. Resolution 2020-31.**

Police Chief Melissa Chido stated this is the Third Reading. The proposed Ordinance intends to better define what is considered civil penalties and sanctions. The adoption of the more clearly defined language allows Police a clear way to determine a violation of this section. The two changes are:

1. In Section 1: Failure to comply with any provisions of this Chapter are separate failures. She stated this was so people were not confused if they failed to provide alcohol server training and failed a compliance check. Those are two separate failures.
2. The wording in Section 2: The Police Chief or his/her designee will recommend three potential calendar dates for the suspension to the Council. The Council will select the suspension date.

Mayor Tourville stated some businesses had commented favorably about the business updates offered and how it would help them versus being reactive to them failing. The businesses thought it was a great idea. He stated as Council, they would like the follow through with that. Police Chief Chido agreed and responded one meeting was offered with three businesses attending. Those businesses provided information that will be discussed in a Council Work Session. She stated continuous meetings have been offered either twice a year or quarterly.

Councilmember Dietrich stated she had the same question about what type of feedback has been received from license holders. Councilmember Bartholomew stated he wanted to make sure there was full disclosure and full communication with all of the license holders.

**Motion by Dietrich second by Piekarski Krech to approve the Third Reading of Ordinance Amending City Code 4-1-19: Civil Penalties and Sanctions of, Chapter 1 Alcoholic Beverages of Title 4 Business Regulations.**

**Ayes: 5**

**Nays: 0      Motion carried.**

City Attorney Kuntz asked that by separate motion, the Council consider a free-standing Resolution that approves publication of the Ordinance in summary form as allowed by Statute.

**Motion by Piekarski Krech second by Perry to approve a Resolution 2020-31 Approving Summary Publication of Ordinance amending Title 4, Chapter 1, Section 19 of the Inver Grove Heights City Code Related to Civil Penalties and Sanctions for Liquor License Violations.**

Councilmember Bartholomew asked the City Attorney about the summary publication and if it directs where to find the full chapter and verse. City Attorney Kuntz responded it directs them to where the full Ordinance can be seen. The summary is contained in the packet materials.

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. Consider Third Reading of Massage Licensing Requirements and Consider Resolution Approving Summary Publication of Ordinance Amending Chapter 8 of the Inver Grove Heights City Code Related to Massage Business and Massage Therapist Licenses. Resolution 2020-32.**

Police Commander Dennis Haugland discussed the Third Reading of the Massage Licensing Ordinance stating changes were requested by Council at the last City Council meeting. Those changes were made with the help of the City Attorney. Once the language was drafted, the proposed changes to the Ordinance were sent out to the businesses and Massage Therapist License holders on January 29th. As of today, no feedback has been received. Changes to the Ordinance are as follows:

- 4-8-11 – Inspections Division: When the exterior door is locked it must be opened for Police Department or City Staff for an inspection. If the door is not opened it could be grounds for license denial.

Councilmember Bartholomew asked when they are at the door, if it must be said if they do not open the door, they could lose their license. Police Commander Haugland responded at that time they would say they are there for an inspection. If the door is not opened for them, knowing it is an inspection, they would come back and propose that their license would be revoked, suspended, or denied.

- Doors, Locks, and Latches: This is regarding how someone gets out if that door is locked and they are in a massage room. The wording states “If that interior door is locked it must be able to be opened from the inside without having to use a key”. He stated there is language included about a crash bar too.
- Chair Massages: They looked into what a good number would be for this. The current Code is 10. They looked at 12. He stated the packet reads that it is 24. It is two days per month that someone could come in and do those types of massages.
- License Premises: For age and age requirement to be on the premises at a massage business. You cannot have anyone under the age of 18 in there. He stated it now reads there is a potential to have a business that is massage, hair, and nails, and people may go in for different services. He stated this speaks about if you are going in for massage therapy you must have a parent or guardian with you if you are under the age of 18.

Councilmember Dietrich asked if he was referencing 2C. Police Commander Haugland responded he was discussing K2J 481. Councilmember Dietrich asked if the parent needs to be in the room where the massage is given. She commented that a lot of young athletes may not want the parent in the room for privacy reasons. She asked what that language would look like. Police Commander Haugland responded

the specific wording for that reads “To obtain massage services at a massage business unless accompanied”. To him that means they have to be there. Whether that is in the room or not, is unknown, but a parent needs to be with them in order to have massage services. Councilmember Dietrich asked if he anticipated a problem with that if they are in the building. Police Commander Haugland responded no, they want the parent with them, not necessarily in the room.

- 4-8-1 K2N: Deals with the posting of rates. This is a change from the lobby to a prominent location on the business premises.

Mayor Tourville stated there were conversations about the licenses and where they need to be posted. The State doesn't issue a Massage License, just Certification. Other Minnesota Licenses state it has to be in the area where you work. He commented he was unsure what Massage Therapists thought about this. Police Commander Haugland responded there are two Massage Therapists in attendance that could speak regarding that question.

Terri Hanson, Owner of Concepts in Massage Therapy and Body Work, 5878 Blackshire Path, stated her certifications are located in her office area where clients can see them. This includes the Massage Therapy License and Business License.

Mayor Tourville asked where information would be posted if three Massage Therapists were at one business. Ms. Hanson responded it could be posted in their treatment rooms.

Councilmember Bartholomew stated the intent of the Ordinance is that they are displayed for the public to see. It is not a requirement that each room have a copy. Police Commander Haugland responded that was correct.

Ms. Hanson asked if interpretative services have been added for people who go in to apply for licenses. City Clerk Kiernan responded it was the Applicant's responsibility to bring an Interpreter with. Ms. Hanson commented that past paperwork had been looked into and that hers was found to have been missing a record of tax licensing. She asked if other licenses were looked into with things that may have been missed. City Clerk Kiernan responded she has been doing complete checks and there are things that have been missed.

Ms. Hanson asked if a Fire Ordinance had been added. Police Commander Haugland responded yes, that was referenced in a different reading.

Ms. Hanson discussed Occupancy Certificates, stating the Fire Marshal and City Inspector both came out and found fire deficiencies. She stated she emailed him but he hasn't come back to look at the Fire Extinguishers that were out of date from the building owner's standpoint. She asked if it was redundant doing an Occupancy Certificate as well as Code. It states all businesses must be compliant with Building Codes and Fire Codes. She commented she also has to have the Occupancy Certificate and it's also written into language. Councilmember Piekarski Krech responded it is to remind people, it's not making an extra regulation, it is just repeating it somewhere else.

Mayor Tourville stated if there is a language situation or issue, an Interpreter should be brought with when they come in. Ms. Hanson stated she is also a Paramedic here and in the State of Wisconsin. From a human trafficking perspective, that Interpreter is most likely the “handler” that is handling that person and keeping them under lock and key. She stated the benefit to having an Interpreter on your side is a benefit to the city that information is being accurately communicated back and forth. Having Interpretive Services available helps someone from being trafficked. She stated for example, Hennepin County Medical Center has full time staff hired to interpret for patients. They do not use family interpreters so information going back and forth is accurate. She stated they may not be interpreting on their behalf. Mayor Tourville stated hospitals have a Federal requirement to do that, the city does not. He commented if it's noticed that something may be wrong, they would have to look into it further. The Police Department would have to help oversee the licensing. He stated that could be looked into further.

Police Chief Chiodo stated the Police are trained in detecting people that are involved in human trafficking. If something doesn't seem right, they have access to the language line and can easily call and separate the people and have Interpreters they can use if something questionable come up.

Jeanne Fox, 2406 53<sup>rd</sup> Street East, had a question under Section 4, Amendment, Item 3 License Transfers. It states no license may be transferred to another person or entity where the ownership of the entity holding a Massage Business License changes following an issuance of a Massage Business License. The new owners of the entity must apply for a new Massage Business License for the business. She asked if they apply for a new business license, how that would affect the individual therapists that work there. For example, if she is a legitimate therapist, would there be another fee or would she have to apply for another license. City Administrator Lynch responded the individual is still properly licensed within the city; they cannot practice unless they are with a properly licensed business.

**Motion by Piekarski Krech second by Perry to approve the Third Reading of Massage Licensing Requirements and Consider Resolution 2020-32 Approving Summary Publication of Ordinance Amending Chapter 8 of the Inver Grove Heights City Code Related to Massage Business and Massage Therapist Licenses. Resolution 2020-32.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. EXECUTIVE SESSION:**

**9. MAYOR AND COUNCIL COMMENTS:**

Mayor Tourville stated the next Town Hall Meeting will take place on February 24<sup>th</sup> at 6:00 p.m. with discussion about Community Development. All are welcome.

**10. ADJOURN:**

**Motion by Dietrich second by Perry to adjourn to meeting at 7:55 p.m.**

**Ayes: 5**

**Nays: 0      Motion carried.**