

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, April 9, 2018- 8150 BARBARA AVENUE**

1. CALL TO ORDER and 2. ROLL CALL

The City Council of Inver Grove Heights met in regular session on Monday, April 9, 2018, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Councilmembers Piekarski Krech, Hark, and Perry; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, Public Works Director Thureen, City Clerk Tesser, Police Chief Schnell.

Councilmember Bartholomew (absent), Recording Clerk Yourczek (absent).

3. PRESENTATIONS:

A. Inver Grove Heights Police Officers Swearing-In

Police Chief Paul Schnell introduced several new members of the Inver Grove Heights Police Department for the Administration of the Law Enforcement Oath of Honor. Three are newer Officers, Officers Timothy Gates, Ryan Malcolm, and Erika Running. He stated that they are also administering the Oath to three members of the Department who are assuming new roles. They are Deputy Chief Sean Folmar, Commander Dennis Haugland, and Sergeant Ben Madsen. He stated that Commander Josh Otis is not present this evening as he is attending the FBI National Academy for Police Leaders for 10 weeks. His wife Kelly and two daughters are here this evening on his behalf. He stated that Deputy Chief Folmar, Commander Haugland, and Sergeant Madsen, have been in service to Inver Grove Heights for many years but hold critical roles within this Community which is why they are reaffirming their Oath.

The Officers stepped forward for the Swearing-In Ceremony given by Mayor Tourville.

Badges, which symbolize a Shield, were pinned on their uniforms on the left-hand side by a person of their choosing. Photos were taken.

4. CONSENT AGENDA:

A. i. Minutes of March 10, 2018 Special Meeting Minutes

ii. Minutes of March 26, 2018 Council Meeting Minutes

B. Resolution 18-64 Approving Disbursements for Period Ending April 3, 2018

C. Resolution 18-65 Committing Franchise Fee Fund Balance for a Specific Purpose

D. Consider Approval of Plans & Specifications for the 2018 West Rink Floor Project and Authorizing Advertisement of Bids

E. Approve Relating to Release of Tree Replacement Agreement on Lot 8, Block 2, Concord Hills

F. Consider Approval of Cost Sharing Agreement with Dakota County for Purchase and Use of Electronic Pollbooks

G. Consider Approval of Individual Massage Therapist License for Kevin Miner, Salon Fusion, 3105 65th Street E.

H. Accept Proposal from Keys Well Drilling Company for Well Pump No. 3 Rehabilitation

I. Authorize Purchase of Wetland Credits for Mitigation of Wetland Impacts on City Project No. 2017-24 – TH 3 Intersection Improvements for the 65th Street Project and 2017-03 – NWA Trunk Watermain Improvements, 65th Street Loop. **Resolution 18-66**

J. Resolution 18-67 Accepting Proposal from Bolton & Menk, Inc. for Engineering Construction Services Related to Municipal Sewer and Water Improvements for City Project No. 2016-08 – Trunk Highway 3/70th Street Intersection Improvements (Roundabout)

K. Consider **Resolution 18-68** Accepting Proposal from SRF Consulting Group, Inc. for Design and Construction Engineering Services and Accepting Proposal from Bolton & Menk, Inc. for a Broderick Boulevard Sanitary Sewer Capacity Study for City Project No. 2018-08 Fire Station No. 2 Sewer and Water Improvements

- L. Consider Release of Lot 1, Block 1, and Outlot A, Arbor Pointe 11th Addition (former Rainbow Foods site) from the Development Contract and Agreement
- M. Adoption of Customer Service Policy
- N. Personnel Actions

Mayor Tourville asked that Agenda Item 4Aii be voted on separately.

Motion by Hark second by Piekarski Krech to approve the Consent Agenda with the exception of Agenda Item 4Aii.

Ayes: 4
Nays: 0 **Motion carried.**

Motion by Piekarski Krech second by Perry to approve Agenda Item 4Aii.

Ayes: 3
Nays: 0
Abstain: 1 (Tourville) **Motion carried.**

5. **PUBLIC COMMENT:** There were no public comments at this time.

6. **PUBLIC HEARING:**

7. **REGULAR AGENDA:**

I. COMMUNITY DEVELOPMENT:

A. GWEN LYSNE; Consider an Ordinance Amendment 1349 to Rezone three parcels from R-1C, Single Family Residential District to B-3, General Business District for property located west of 6591 Concord Boulevard. Ordinance 1349.

Community Development Director Tom Link stated that the property is located at 6591 Concord Boulevard and that the request is for rezoning from R-1C Single Family Residential, to B-3 General Business. The property is guided commercial and multiple family. He stated that the proposal would be to sell the three parcels to the car dealership located on the corner. The dealership would then have to come in and have the Conditional Use Permit amended. He stated that the site is viable for commercial and that single family is not consistent with the Comprehensive Plan designation.

Planning Staff and the Planning Commission unanimously recommend approval.

Brandon Barth, Celts Pub, 6559 Concord, asked if he will get notified when the applicant applies for the Conditional Use Permit.

Director Link responded that there will be a Public Hearing at the Planning Commission meeting and that surrounding property owners will be notified.

Motion by Piekarski Krech second by Perry to approve Ordinance 1349 Amendment to Rezone three parcels from R-1C, Single Family Residential District to B-3, General Business District for property located west of 6591 Concord Boulevard.

Ayes: 4
Nays: 0 **Motion carried.**

B. TABBY CAT, LLC; Consider an Ordinance Amendment 1350 to the Bishop Heights PUD Ordinance to allow for a feline veterinary clinic to be located on Lot 3, Block 1, Bishop Heights 4th Addition. Ordinance 1350.

Community Development Director Tom Link stated that the property is located off of Upper 55th and Blaine Avenue in a commercial retail strip center located near the Caribou Coffee shop. He stated that the Southeast Quadrant has its own PUD Ordinance with properties rezoned to a specific use, and that this is zoned for general retail/restaurant. It does not provide for a veterinary clinic. He stated that when they consider zoning changes, they look at parking and traffic generation. This will use less parking than the retail it is zoned for now.

Planning Staff recommends approval and the Planning Commission unanimously recommends approval.

Dr. Grant Gugisberg, Parkview Cat Clinic, stated that they have been in business for 30 years and are looking for a new place to locate their business.

Motion by Piekarski Krech second by Perry to approve an Ordinance 1350 Amendment to the Bishop Heights PUD Ordinance to allow for a feline veterinary clinic to be located on Lot 3, Block 1, Bishop Heights 4th Addition.

Ayes: 4

Nays: 0 Motion carried.

C. FRATTALONE'S DAWNWAY;

1) Amendment No. 2 to Host Community Fee Agreement

2) Consider a Resolution relating to an Amendment to the Non-Conforming Use Certificate allowing the landfill to operate for an additional 15 years. The property is located on Dawn Way, west of Concord Boulevard.

City Administrator Joe Lynch reviewed the Amendment to the Host Community Fee Agreement which include two changes in the Agreement. One is in Section 711 for the omission of acceptance of material from each City. The current agreement was to allow each City to bring up to 1500 cubic yards of debris to the site for disposal without cost to the City. He stated that the new agreement contemplates elimination of that statement. He stated that the second change is Section 7.15, for payment to each City would be \$750,000, which is \$75,000 each in the next ten years. The previous agreement granted \$830,000, over a five-year period, which did not have a calculation based on value. He stated that he recommends approval of Amendment #2 to the Host Community Fee Agreement for Dawn Way Landfill.

City Attorney Tim Kuntz stated that in the 2002 Agreement, Section 7.8 stated that payments were made irrespective of future events including closing of the landfill. He stated that they put an abbreviated part of that sentence in the Second Amendment. He stated that they were contacted by Frattalone asking that the same exception that exists in Section 7.08 be repeated in this section, which states that if there is an Amendment to Federal, State, or Local Law which shuts the landfill down, the payments would cease if the landfill were permanently closed. He stated that the City Administrator recommends approval of that change and he asks that any motion recognize that change as a part of the approval process.

City Planner Allan Hunting stated that the applicant is proposing to amend the existing Non-Conforming Use Certificate to allow it to operate for an additional 15 years. This item was tabled at the December 11th meeting. There were concerns for truck traffic, dust, and vibrations. He stated that Staff looked into costs of house monitoring for approximately \$2,325.00. He stated that the Council is to act on the extension of the Non-Conforming Use Certificate.

Councilmember Piekarski Krech asked if this used to be a gravel pit and then they started filling it in with demolition debris.

Attorney Kuntz responded that it started as a gravel pit that served building materials. Then the business was sold and began to fill it with demolition filling.

Tony Frattalone, Dawn Way Landfill, stated that they started the application process a year ago and wants to support the neighborhood and the City of Inver Grove Heights. He stated that they crush during the winter months and had the testing done during that timeframe as that is when the vibration would be there. Truck traffic is down from what it is during the summer. He stated that the vibrations do not seem to be from their operations but from the truck traffic on Concord and the railroad tracks down there.

Mayor Tourville stated that an extension has been requested for 15 years but asked if eight to 10 years would be an option.

Mr. Frattalone responded that they ask for a longer extension so they wouldn't have to come back in ten years and try to extend it again for another 15 years. He stated that 12 years could be a possibility.

Keith Joyce, 5873 Concord Boulevard, stated that he has lived in his home for 25 years and is against the extension as they were supposed to be closed 15 years ago. He stated that he feels the vibrations but felt that some were from the railroad and from the trucks going in and out of that area and on Concord. Dust is also an issue. He stated that Ordinance 10-15-4 states that vibrations are not supposed to cross the property line and his home is three property lines over.

Jim Fyksen, 4045 59th Street East, stated that he lives close to the gravel pit and gets dust all the time but that he doesn't feel a lot of the vibrations. He stated that when Kamish started this over 30 years ago, they stated that it should be filled up in 15 years. Extending it for another 15 would put this in operation for 45 years. He does not agree to the extension.

Mike Gardner, 5950 Concord, stated that he doesn't feel the vibrations as much but does feel the trains that go through his backyard. He stated that there is traffic constantly going up and down the road. He doesn't feel it is watered down as much as they say it is, and that at times it looks like a dirt road.

Joe McBride, 4055 59th Street East, displayed a chart representing Frattalone's recycling figures versus disposed materials over the course of eight years. He stated that he didn't understand why they don't take the recycle off, as that creates more traffic. He suggested that they get rid of the recycling there. He stated that he has 49 signatures on a petition that he handed to the City Clerk to keep on file.

Motion by Piekarski Krech second by Perry to receive the petition.

Ayes: 4

Nays: 0 Motion carried.

Mr. McBride stated that in the Amendment it says if the landfill is closed then Frattalone doesn't owe any money. He felt it should be kept on there.

Attorney Kuntz stated that the Amendment states that payments required by this section should be paid regardless of future events even if waste volumes drop to zero or the landfill ceases operation. If outside the control of Dawn Way, Federal, State, or Local Governments pass an enactment/amendment which requires permanent closure and if the landfill permanently closes, then the fees cease. He stated that you would need a change to the law passed by the Government that required permanent closure. If they decide that nothing goes in or out of the landfill, and it wasn't stated by the Government, they would still have to pay as it's under their control.

Glen Birnstengel, South St. Paul, stated that he is representing his mom who lives at 1610 South Concord Street. He stated that the pit has been operating for at least 60 years. He agreed that it was time to close, and that another 15 years is too long.

Mark Feidick, 5946 Concord, displayed some photos off his phone for the Council to look at. He stated that the trucks come by quickly, and the exhaust and dust is blown into his home. Noise is also a factor.

Larry Lascewski, 5919 Concord Boulevard, stated that it was time to close it down because it is an eyesore, a pollutant, and there is too much truck traffic.

Dr. Clayton Anderson and Alaina Berube, 5901 Concord stated that they just bought their home three years ago. They agree with their neighbors regarding the noise, the dust, and debris. They would also like it closed down.

Ms. Berube stated they bike and rollerblade. This area is littered with rocks, gravel, and boulders, making that difficult. She agreed with the need to shut it down.

Mayor Tourville asked where American Testing placed the vibration monitors.

Planner Hunting displayed a map and pointed out the locations of the monitors.

Mayor Tourville asked about the statement that was made regarding “no vibrations can leave the property”. He asked that if it says it is by Ordinance, if that would that be in violation of City Code.

Planner Hunting responded that he felt it was a reference in the City Code and that there wasn't anything specific in the document.

Attorney Kuntz responded that Code 10-15-4 would have to be read and applied.

Mr. McBride stated that he had a vibration study done on his house in 2009 by the City of Inver Grove Heights. The findings stated that “all vibration readings were recorded during normal hours of operation of the landfill”. He stated that it counted 21 events in one day and on some days, there was nothing, but that all occurred during operational hours.

Mr. Fyksen commented that they probably didn't have the Cat trucks running during the testing as they haven't been running those lately. He felt those were the ones that cause the vibrations.

Mayor Tourville stated that one of the concerns that came up was about the recycling. There is more going out than is coming in which creates the issue of when will this area will ever get filled. He stated that hearing about the amount of debris that was on Dawn and Concord gives the impression that trucks are uncovered more than covered.

Councilmember Hark stated that he was reading Code Section 10-15-4 regarding vibrations. He questioned how the City enforces this. He wasn't sure how it could be enforced unless there is equipment in their yards to measure it at the time of the vibration. He said that the code states that “any use creating periodic earth-shaking vibrations, such as created from a drop forge, shall be prohibited if such vibrations are perceptible beyond the lot line of the site of which the use is located”. And that “the standard shall not apply to vibrations created during the process of construction”. He asked how this is enforced and measured as there is evidence that vibrations are leaving the lot line.

Community Development Director Tom Link responded that the question had not come up before and they have not received any complaints.

Councilmember Hark asked if there was a violation with the vibration statute and if it would void the Non-Conforming Use Agreement. He asked if that would be in violation of the Code, or if that needed to be placed into the agreement.

Attorney Kuntz responded that the agreement requires compliance with the existing Code and that there is a section that deals with violations. He stated that in regard to the Code, they would have to begin to quantify those vibrations from an engineering firm and see if there is something more than a rare occurrence in order to validate the Ordinance.

Councilmember Hark stated that we had received an estimate for the City to do measurements for vibrations and felt that was something we needed to do before going forward. He stated that while the firm is reputable, that he was reluctant to rely on the applicant's vibration information as they probably didn't consult with the neighbors when they came out and ran the tests. He stated that he is not insinuating that there is anything illegal going on in regard to the testing.

Mayor Tourville asked if the operation would be viable if you are not able to recycle.

Tony Frattalone responded that the recycle numbers that are on there are in the tons, and the material coming in is by the yard.

Nick Frattalone stated that the numbers that were displayed were tight yards at 50% compaction. If you multiply that by two, that is the number of yards that come in.

He stated that in regard to the life of the landfill, in the last ten years they have averaged 108,000 tight yards per year. The total remaining compacity is 1.4 million yards in demolition debris. He stated that without recycling it would still be filled up in 15 years. In the last ten years 900,000 yards of demolition debris has come in. He stated that eliminating the recycle portion and filling it up quickly would not be reasonable as they charge a lesser fee for the concrete to be disposed of because they are recycling it. He stated that if they charge what they need to fill the landfill, customers will go elsewhere with the concrete, so the demolition debris intake will still stay the same.

He stated that in regard to truck traffic, they would have about 15% to 20% less traffic if they were to eliminate the recycling. People will still be coming or going, it will be whether they leave with gravel or not. He stated that they have excavated yards of sand out that is no longer there, so that will eliminate traffic there too. The traffic will gradually decline, but he felt the landfill will be filled up in 15 years.

Tony Frattalone stated that the vibration monitors were placed on the edges of their property except for the one at Troje's. He put it down there because there it's vacant and he wanted to get a reading off of Concord Avenue and the railroad tracks. Other monitors were placed on their property lines where they thought would be the worst points for vibration.

He stated that there is a street sweeper at their location full-time. They don't sweep just once a day, it can be up to four times a day. He stated that there will be dust and that they are always looking at what they can do regarding that. He stated that they welcome calls regarding the dust.

He stated that covering trucks isn't a requirement by the State and that some trucks have tarps some don't. Most of the demolition hauled in are tarped, but not all do it. He stated that it is a DOT rule, but that it doesn't carry for a lot of different materials. Some Counties require tarping, Dakota County does not.

Nick Frattalone stated that the Host fee is a 15-year agreement to be paid in full at year 10.

Attorney Kuntz asked if they report the amount of demolition debris coming in separately from the amount of crushable material coming in to the County. He asked if they are paying a tipping fee to the County on both sources.

Nick Frattalone responded that they report the amount of demolition debris coming in twice to the County on a quarterly basis, as well as a quarterly summary which includes the crushing and the demolition debris. He responded that they pay a tipping fee on just the demolition debris.

Mr. Feidick asked that before a decision is made whether they can be an air and sound quality check done.

Councilmember Piekarski Krech stated that 15 years was way too long in the middle of a residential area. She can't support 15 years. She would like it to shut down now but felt that five years would be reasonable.

Mayor Tourville stated that it would be nice to come up with something to give urgency to getting it filled. They could say 10 years and then it needs to be done. He stated they are doing a great job for where you are located.

Councilmember Hark stated that it has been suggested to be open between 0-5 years. The Mayor is suggesting 5-10. He stated that if we agree on a number, he would suggest seven years.

Nick Frattalone asked what would happen after five years, even if it's not filled.

Councilmember Piekarski Krech responded that nothing would probably be built there as it's been a demolition landfill for so long. She stated that the other landfill in town had to be covered with an appropriate cover.

Nick Frattalone stated that they are also developers and that there is potential for development there. He stated that the site has to be filled at some point. In five years, if it's not filled, then the development can't happen.

Planner Hunting stated that the NCUC was created in 2002 and that it had an end date to be the end of December 2017. He was unsure if there was a Non-Conforming Use Certificate before that.

Mayor Tourville felt they could work better on getting more fill in so the development plan comes to a reality.

Mr. Gardner suggested that they monitor the trucks in the meantime to see what is going on.

Councilmember Perry stated that she agreed with the seven to eight-year range. She stated that she sat at two different spots in the area last week and that in one spot she was at, she noticed between six to ten trucks in the timeframe that she was there.

Mr. Birnstengel stated that on the South St. Paul side there are some very large berms, and that this area was called a landfill but seems to be more of an exchange.

Mayor Tourville asked if the economy were to improve if this area could fill up sooner.

Tony Frattalone responded that there is a small section that has a ponding area, and that the berms will cap the landfill when it's done. He felt the recycling portion was a good thing, as it keeps the costs down and it helps out the City. He stated that it could take 12-13 years to complete, or that it could take 15. He does not see this happening in ten years. He stated that in the top parcel near Henry Avenue, that has been kept low to run the recycle yard so it's kept away from the residents. Their goal is to fill that area and then finish it off.

Mayor Tourville asked if they can make sure the truck loads are covered.

Tony Frattalone responded that they can focus on that, but that most that come in are subcontractors.

Councilmember Piekarski Krech asked if they can state that all loads must be covered in the Conditional Use Permit.

Attorney Kuntz responded that they have a Non-Conforming Use Certificate which was negotiated in 2002. He stated that you could require a condition that would affect all similar type operations as a generic Ordinance. You can't add it to the NCUC without the negotiation.

Mayor Tourville asked if we could have them come back in five years to see how things have progressed.

Attorney Kuntz responded that it would make the language different and comes back to having a permit or not having one.

Councilmember Piekarski Krech stated that she can't see this going on for 15 more summers until 2032, as she will not support that. She felt that seven years with 2025 as the end date was a stretch but was willing to go with that number. She stated that this is in the middle of a residential area and was never meant to be going on for that long and that the residents in the area need some relief.

Nick Frattalone stated that the biggest complaint is the recycle. He asked if they could do five years of the recycle and ten years for the demolition. He stated that the truck load information is included on the reports that are given to Dakota County, and figured that approximately 2,000 truckloads of recycle go out a year. He stated that those trucks are also coming in with something to drop off, as they are picking up. The demolition debris is twice the quantity per load.

Councilmember Piekarski Krech suggested five years demolition and ten years recycling because she doesn't think the recycle is as big of a quality of life issue as the demolition would be.

Ms. Berube stated that this is a residential area that is changing, as are all the towns around us. She asked to please take all that into consideration.

Mr. Joyce stated that he wasn't sure about the Frattalone's suggestion. Most of the issues come from the vibrations. He stated the truck traffic, the braking, tailgates slamming, etc.

Mr. Fyksen stated that 2000 trucks over a year's period of time, in an eight-hour day is one every hour. He felt that was a lot of traffic on a residential street. He felt the 0-5-year time was a good compromise.

Councilmember Piekarski Krech agreed with the seven-year timeframe for both with the end in 2025.

Attorney Kuntz stated that the two items on the Agenda, one being the Amendment to the Host Community Fee and the other the Amendment to the Non-Conforming Use Certificate are connected. He stated that it would be better to have an understanding of both, as the application wasn't for seven or ten years, it was for 15 years and that means the motion for seven denies the 15 years being requested. He stated that they would need findings and reasons for their denial. He stated that they also need an understanding for the zoning.

Attorney Kuntz asked how much of the South St. Paul side was done compared to how far they are on the Inver Grove Heights' side.

Tony Frattalone responded that for the South St. Paul side, the fill area is roughly 80% done and that the cap is not on it. He stated that the Inver Grove Heights side was at about 50%.

Mayor Tourville stated that this will not be approved for 15 years as the City would like to get to the end result as soon as possible. He asked if a different land owner could do something different in the area.

Attorney Kuntz responded that they could not in terms of the Non-Conforming Use Permit.

Mayor Tourville stated that they may need to table this and come up with more information. He stated that if this does continue to operate, it needs to continue to operate cleaner.

Tony Frattalone stated that when they began this project last May, they came up with this plan and that they don't want to see this extend too much longer as it's their busy time of year. He feels shutting this down early will affect the outcome of the property.

Administrator Lynch stated that this is complicated due to a second party, being the City of South St. Paul, is also involved. He stated that South St. Paul will be making a decision next week, and that he wasn't sure what position that decision would put us in.

Mayor Tourville recommended tabling this until the next regular meeting on May 14th, which gives them time before the end of the 60-day period ending May 25th. This also gives them time with the Applicant and the City of South St. Paul.

Motion by Piekarski Krech second by Perry to table this until May 14, 2018.

Ayes: 4

Nays: 0 Motion carried.

D. PINE BEND LANDFILL;

1) Consider third restated and amended Host Community Agreement

2) Consider the third and final reading of a zoning ordinance to allow a side slope capacity expansion of existing landfills as a conditional use (requires a 4/5th's vote). Ordinance 1351

3) A conditional use permit to allow a side slope capacity expansion at Pine Bend Landfill of 4.1 million cubic yards, including 3.53 million cubic yards of waste (requires a 4/5th's vote). Resolution 18-69.

Resolution 18-69.

4) A non-conforming use certificate amendment to allow the capacity expansion at Pine Bend Landfill (requires a 4/5th's vote). Resolution 18-70.

City Administrator Joe Lynch stated that Allied Waste Industries will guarantee the payments as follows:

- The City and BFI have agreed to pay the City \$1,000,000 dollars in ten equal installments of \$100,000 annually beginning October 1st. These are unrestricted funds.
- BFI will pay the City \$1,500,000 in 12 payments of \$125,000 annually beginning June 1, 2018. These payments will be made even if the landfill closes.
- BFI will continue to donate \$15,000 annually to support programs and activities at the V.M.C.C. This funding will cease when the landfill closes.
- The fee schedule found in Exhibit A to the Third Restated and Amended Agreement will apply to the waste volume per year for amounts between 0 and up to 260,000 tons and for any amounts over 400,000 tons. The volume between 260,001 and 399,999 tons will be charged at a rate of \$1 per ton instead of the fee schedule on Exhibit A.
- The inducement fee found in Section 8.07 applies to all volume; the inducement fee is applicable in the years 2026-2030.
- BFI grants the City a Right of First Refusal to purchase the commercial property at 66th Street and Concord Blvd.
- BFI waives the right to appeal any special assessments up to \$1,000,000 for any future street reconstruction on 117th Street as long as they are treated substantially in the same manner with respect to the assessment methodology as other similarly situated land and landowners located along and/or benefitted by the 117th Street improvements.

- The Third Restated and Amended Host Community Agreement doesn't become effective until the State of Minnesota, through the Minnesota Pollution Control Agency, approves the side slope capacity expansion.
- This Third Restated and Amended Agreement supersedes the Second Restated and Amended Host Community Agreement.
- The restriction that the landfill must stop accepting waste for disposal and must close to the public no later than December 31, 2030 remains in the Third Restated and Amended Host Community Agreement.
- The Third Agreement acknowledges and grants BFI the side slope modification adding 3.53 million cubic yards to waste disposal capacity to the landfill. This does not include the final cover system.
- The Third Agreement provides that no waste can be disposed of on the west 100-acre site.

Administrator Lynch stated that he is recommending approval of the third restated amended Host Community Agreement.

Mayor Tourville stated that the agreement is with BFI, the location is Republic.

Administrator Lynch responded the owner is listed as BFI Waste Systems of North America, Allied Waste Industries is the parent company of BFI Industries, LLC. Allied Waste will guarantee the payments.

Aaron Janusz Environmental Manager, Pine Bend Landfill, 2495 East 117th Street. He also brought Jeff Brown, the Operations Manager for the landfill and Tom Shusterich who is the Design Engineer.

Motion by Piekarski Krech second by Hark to approve the following for PINE BEND LANDFILL:

- 1) Consider third restated and amended Host Community Agreement
- 2) Consider the third and final reading of a zoning ordinance to allow a side slope capacity expansion of existing landfills as a conditional use (requires a 4/5th's vote). Ordinance 1351
- 3) A conditional use permit to allow a side slope capacity expansion at Pine Bend Landfill of 4.1 million cubic yards, including 3.53 million cubic yards of waste (requires a 4/5th's vote). Resolution 18-69.
- 4) A non-conforming use certificate amendment to allow the capacity expansion at Pine Bend Landfill (requires a 4/5th's vote). Resolution 18-70.

Ayes: 4
Nays: 0 **Motion carried.**

8. MAYOR & COUNCIL COMMENTS:

City Administrator Joe Lynch stated that he was trying to set up a meeting between staff, department heads and the City Council. The dates could be Saturday, April 28th, or Monday, April 30th.

Motion by Tourville second by Perry to have the meeting at City Hall on Monday, April 30th at 7:00 p.m.

Ayes: 4
Nays: 0 **Motion carried.**

Administrator Lynch stated that there is a Town Hall meeting on April 25th at 6:00 in the City Council Chambers.

9. EXECUTIVE SESSION:

Consider Strategy for Labor Negotiations Pursuant to MN 13D.03

City Attorney Tim Kuntz stated that Statute 15D.03 Subdivision 1B, provides that the City Council may hold a closed meeting to consider strategy for labor negotiations including negotiations strategies or developments, or discussion, and review of labor negotiations and proposals conducted pursuant to the collective bargaining act. He stated that the Council is being asked to go into a closed-door Executive Session to consider strategy for labor negotiations under the Statute indicated. The Statute requires that the Council votes in public and to make a motion to go to that Executive Session. He stated that the Statute requires that we inform the public of when that closed-door session will start. That session will begin approximately five minutes after the Council moves from public to the closed session. The Statute requires that we inform the public of the location of the closed-door session and that location is the Mayors conference room in the City Hall which adjoins the Council Chambers. The Statute requires that we have on record the names of those who attended that closed-door session. Attendees include Mayor Tourville, three Councilmembers, Piekarski Krech, Hark, and Perry, City Administrator Joe Lynch, Human Resources Manager Janet Shefchik, and himself, the City Attorney.

The closed-door session will be tape recorded.

Motion by Piekarski Krech, second by Perry to move into Executive Session.

Ayes: 4

Nays: 0 Motion carried.

10. ADJOURN: The meeting was adjourned at 9:36 p.m.