

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, MARCH 12, 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, March 12, 2018, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Hark, Perry, and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, City Clerk Tesser, Parks and Recreation Director Carlson, Finance Director Smith, Public Works Director Thureen, City Engineer Kaldunski, Fire Chief Thill, Police Chief Schnell, Assistant City Engineer Dodge, and Recording Clerk Yourczek (absent).

**3. PRESENTATIONS:**

**A. Police Chief Update**

Police Chief Paul Schnell stated that they have completed an internal promotional process and with that, Dennis Haugland has been named the new Police Commander and Ben Madson has been promoted to the rank of Sergeant. He stated that the process involved several panels, one included having four residents from the Community, there was an outside Command Staff Panel made up of Command Staff from St. Paul, Plymouth, and Metro State Police Departments, and an Internal Command Panel that included staff from the Maple Grove Police Department and Internal Command Staff. He stated that they would like to continue to highlight new hires and promotions in the future, so they will be looking to come before the City Council on April 9<sup>th</sup> for a Swearing in Ceremony.

He stated that on March 2<sup>nd</sup> they did some tabletop exercises with the School District and provided them with different scenarios to walk through as well as their responses to them. He stated that as a result of those exercises, they have compiled a report that discusses the implementation of those recommendations.

He stated that all agencies within Dakota County are participating in the launch of the new Vitals App. Vitals is an application which is on officer phones provides information for those who may have autism or developmental disabilities. When someone who is wearing an FOB or Bracelet comes in close contact with an Officer, this notifies the Officer of who the person is, what their disability may be, and the best way to communicate with them. He stated that family members can participate in the program which provides a mechanism for a person that they may be concerned about. They are working with Dakota County Social Services to get this information out and will be posting additional information on their website.

He stated they are recruiting to get more information out about the Pathways to Policing Program which promotes diversity in the police department. He stated that this program allows those with a two or four-year degree in almost any subject, who have interest in serving their Community become a Police Officer. Those hired as police officers will be paid at a training rate and go through a training program in order to become licensed. Once they complete the program they are sworn in as officers.

Chief Schnell stated that in trying to grow transparency within the Department, they have a new tab on their website labeled Transparency Center. Within that tab they have information such as Uniform Crime Reports, which are the reports they submit to the FBI, as well as call service and crash data reports. Information will be updated on their website every month and will provide a year over year comparison. He stated that in the future they are looking to add additional data on domestic violence, sexual assaults, arrests by race and gender, adult, and juvenile.

**4. CONSENT AGENDA:**

**A. Minutes of February 26, 2018 City Council Meeting Minutes**

**B. Resolution 18-42 Approving Disbursements for Period Ending March 7, 2018**

**C.** Consider Approval of Massage Individual Therapist License for Enrique Solano, Inver Grove Chiropractic, 2940 65th Street East

**D.** Consider Resolution Approving of a Limited Use Permit with MnDOT for a Parking Area in the Right-of-Way of Trunk Highway 3 at 65th Street (CSAH 26) for City Project No. 2017-24 – T.H. 3 Intersection Improvements for the 65th Street Project

**E.** Consider Resolution Approving Final Plans and Specifications and Authorize Advertisement for Bids for the 2018 Improvement Program, City Project No. 2017-03 – NWA Trunk Watermain Improvements – 65th Street Loop (Phase III of 2015-12) Hwy 3 to Blackstone Ridge and City Project No. 2017-24 – T.H. 3 Intersection Improvements for the 65th Street Project

**F.** Consider a **Resolution 18-43** Authorizing Preliminary Engineering Services and Authorizing Preparation of a Feasibility Report for a Stormwater Treatment System Located at Dickman Trail, City Project No. 2017-17 – Dickman Industrial Park Wet Extended Detention Basin

**G.** Consider **Resolution 18-44** Awarding Contract for Demolition of 6940 and 6950 Dixie Avenue to Lloyd's Construction Services Inc.

**H.** Personnel Actions

Public Works Director Scott Thureen asked to pull Agenda Item 4D. He stated that there is a new format for the permit and would like to bring this item back at the next regular meeting.

**Motion by Hark second by Perry to approve Consent Agenda Items A-H with the exception of 4D.**

Bob Dalsin, 6637 South Robert Trail, Inver Grove Heights stated that the changes to Robert Street and 65<sup>th</sup> Street would be devastating to the trees and seclusion of their property. He stated that the Appraisal from the City addresses some of the issues, but not the loss of numerous varieties of trees. He asked if he could receive compensation to replant trees, particularly along Robert Street, to give them the seclusion they currently have. He stated that they are also losing a lot of land for a holding pond located near their driveway.

Public Works Director Scott Thureen stated that they are in the middle of negotiations with the Dalsin's regarding their concerns. He stated that the retaining wall they will be installing will minimize the loss of trees so they don't have to slope further back into their yard. He stated that a few of the trees are screening the driveway are on existing MnDOT right of way as you head south along TH 3.

He stated that he has met with the Dalsin's and that the ponding item was a late change during the finalizing of the design. He stated that there is a culvert that goes under T.H. 3 that drains the low area and they recognized that there have been issues due to that so this project was a way to try to remedy the problem.

Mr. Dalsin stated that he had hoped to minimize tree loss, but that little screening will be left. He stated that they have hired an Appraiser to do their own appraisal to address the value and other issues that they felt have not been addressed.

Director Thureen stated that the goal was to bid this so they can coordinate the closure that needed to take place in order to do the work on T.H. 3, along with the closure that will occur with the County for the Roundabout at 70<sup>th</sup> Street. He stated that they needed to get the plans approved, otherwise they will lose the coordination with the other project.

He stated that he attempted to reach the Dalsin's and their Attorney when they discovered this addition but received no response. Due to that, they reached the point when they had to put the offers out and that is how they heard about the storm water ponding areas.

Mayor Tourville recommended taking Agenda Item E off as well as Item D as was stated in the Motion. He asked if the ones who made the Motion and second were in agreement.

**Councilmembers Hark and Perry agreed.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Piekarski Krech second by Perry to table Agenda Item D to Consider a Resolution Approving of a Limited Use Permit with MnDOT for a Parking Area in the Right-of-Way of Trunk Highway 3 at 65th Street (CSAH 26) for City Project No. 2017-24 – T.H. 3 Intersection Improvements for the 65th Street Project to the next Council Meeting.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Director Thureen stated that they will have an Appraisal done. The property owner has the right to have their own Appraisal done, which they are doing. They will continue to negotiate and arrive at an amount to bring before the Council for consideration.

**Motion by Bartholomew second by Piekarski Krech to approve Agenda Item E. to Consider a Resolution Approving Final Plans and Specifications and Authorize Advertisement for Bids for the 2018 Improvement Program, City Project No. 2017-03 – NWA Trunk Watermain Improvements – 65th Street Loop (Phase III of 2015-12) Hwy 3 to Blackstone Ridge and City Project No. 2017-24 – T.H. 3 Intersection Improvements for the 65th Street Project**

Director Thureen stated that they are taking care of negotiations for both the City and State and that the only way they can get the approval for 65<sup>th</sup> is to make the changes on T.H. 3. He stated that we are utilizing our Municipal State Aid Funding to pay for it.

Mr. Dalsin stated that they want to be able to restore the new trees and be compensated fairly.

**Ayes: 5**

**Nays: 0      Motion carried.**

**5. PUBLIC COMMENT:** There was no public comment at this time.

**6. PUBLIC HEARING:**

**A. Public Hearing to Consider Ordering City Project No. 2018-04 – Arbor Pointe PUD Shared Street Light System Improvements. Resolution 18-45**

Assistant City Engineer Steve Dodge stated that he is here this evening regarding the Arbor Pointe shared street light improvement project. He referenced a map of the location in which 64 streetlights would be replaced in Arbor Pointe. He stated that 31 streetlights are the cities responsibility and that 33 are with the Arbor Pointe Association. The type of streetlight that they are proposing to install would be a bronze and 30ft in height with LED luminaires. He stated the total project cost was \$401,500 with the cities estimated portion of \$194,500. They recommend ordering the project. The Resolution has the following three items:

1. The City enter into the Fourth Amended Maintenance Arbor Pointe Agreement
2. The City enter into an Xcel Streetlight Installation Agreement
3. The City would prepare a Streetlight Removal and Restoration Agreement with Arbor Pointe.

He stated that the lights would be installed between June and August.

Councilmember Hark asked if these were the newer generation of LED lights.

Public Works Director Thureen responded that the Association wanted to make the change to LED and that the fixtures have changed and are much more directed.

**Motion by Hark second by Bartholomew to close the public hearing at 7:29PM**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Hark second by Bartholomew to approve the Public Hearing to Consider Ordering City Project No. 2018-04 – Arbor Pointe PUD Shared Street Light System Improvements. Resolution 18-45**

**Ayes: 5**

**Nays: 0      Motion carried.**

**7. REGULAR AGENDA:**

**I. FINANCE:**

**A. Resolution Authorizing 2017 Transfers and Fund Closings. Resolution 18-46**

Finance Director Kristi Smith stated that they have the annual request for transfers to be effective for 2017 and one fund closing. She gave the following updates:

- \$545,185.18 was transferred from the Host Community Fund to the Community Center Fund for operations. She stated that the audit from 2007 set a goal of recovering 90% of the Community Center operating expenditures with operating revenues, in 2017 it is estimated to have covered 82%.
- They are requesting \$515,000.00 from the Capital Facilities Fund to the Community Center Fund for capital needs and \$12,571.48 from the Host Community Fund to the Commuter Center Fund for capital outlay.
- \$500,000 from the Host Community Fund to the Pavement Management Project Fund.
- \$515,000.00 from the Capital Facilities Fund to the Community Center Fund and \$12,571.48 from the Host Community Fund to the Community Center Fund to cover capital outlay purchased in 2017. The budgeted transfer was \$720,000.00.
- \$500,000.00 from the Host Community Fund to the Pavement Management Project Fund.
- \$35,000.00 from the General Fund to the Pavement Management Project Fund. This brings the total transferred from the General Fund to \$700,000.
- \$25,000.00 from the Host Community Fund to the Parks Capital Replacement Fund for future capital replacement.
- \$25,000.00 from the Capital Facilities Fund to the Parks Capital Replacement Fund for future capital replacement.
- \$1,199.00 from the Host Community Fund to the EDA Acquisition Fund, Project #E013 for acquisitions costs.
- \$6,518.59 from the Park Dedication Fund to the 2015 Improvement Capital Project Fund for Project #1518.
- \$9,957.63 from the NWA Storm Water Fund to the NWA Capital Project Fund for Project #1519.
- \$9,173.89 from the Central Equipment Fund to the 2016 Improvement Capital Project Fund for Project #1620.

She stated that they are requesting that Fund 360 General Obligation Storm Water Refunding Bonds 2012A Debt Service Fund from Fund 399 Closed Bond Fund, \$97,006.81. be closed effective December 31, 2017.

Please refer to the Resolutions for specific transfer and fund closings and carryovers of unused budget appropriations.

**Motion by Piekarski Krech second by Perry to approve Resolution 18-46 Authorizing 2017 Transfers and Fund Closings.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. Resolution Approving Carryover of Unused Budget Appropriations. Resolution 18-47**

Finance Director Kristi Smith stated that this item is regarding using unused funds from 2017 to continue with projects to be completed in 2018. She stated that it would come from the General Fund in the amount of \$179,600 and includes projects related to Engineering, Parks, Fire, and Police. She gave the following updates:

- \$163,000 for the Community Center funded by transfer from the Host Community Fund
- EDA - \$37,300
- ADA - \$138,000
- City Facilities: Repair and Maintenance - \$74,500

She stated that the total carryover for all funds total \$592,400.

She stated that with the 2000 General Fund amended budget, they were looking at using a fund balance of \$133,100. They are looking at a surplus in excess of \$550,000. She stated that they are looking at a swing in the fund balance of over \$683,000 before the carryover requests.

**Motion by Bartholomew second by Piekarski Krech to approve Resolution 18-47 Approving Carryover of Unused Budget Appropriations.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**II. COMMUNITY DEVELOPMENT:**

**C. GREG GROVER; Consider a Resolution relating to a Variance from the front yard setback to allow a garage 26 feet from the front property line for property located at 7231 Cahill Avenue. Resolution 18-48.**

Community Development Director Tom Link stated that the request is for a 1,000 square foot detached accessory structure with a setback of 26-feet from the Cahill right-of-way. He stated that the Ordinance requires a setback of 50-feet, the request is for a 24-foot variance. If a variance is approved, the Applicant would have to work with the Engineering Department to make sure there is no adverse impact on drainage, grading, and erosion. He stated that staff is recommending denial of a 26-foot variance as they believe it is more of a convenience than a practical difficulty. Staff would support a 30-foot setback that is consistent with the standard setback and that this would require the applicant to change his plans. He stated that the Planning Commission recommended denial of the Application. He stated that they had received an email from a neighbor that expressed concerns about the location, impact on views, landscaping, and grading and drainage.

Director Link stated that the building code requires a six-foot separation between buildings, but it can be closer if there is fire protection such as firewalls in place.

Greg Grover, 7231 Cahill Avenue East, displayed a picture of his neighbor's property with a garage located 49-feet back from Cahill. He felt that set a precedence for the block. He stated that in reducing the size of the building as it's being requested would decrease the size that is needed for his storage

purposes. He stated that he could decrease it to 27-feet, which would be the same setback as his neighbor's garage.

Mr. Grover stated that he has spoken to the neighbor and they mentioned that they did have water problems but that they had some landscaping done to help with that. He stated that he was willing to build a small retaining wall in the front to aid with that as well.

Director Link stated that the request is for a 26-foot setback and that staff is recommending a 30-foot setback. He stated that the 30-foot recommendation would require some changes to the dimensions of the size of the garage unless he moves it closer to the house.

Mr. Grover stated that the 30-foot setback only allows for a 24-foot deep garage which would not be large enough for his needs. He stated that he could decrease a foot off the front, so that both setbacks would be 49-feet off of Cahill.

**Motion by Piekarski Krech second by Perry to add the email from Shirley Benz to the records.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Bartholomew second by Piekarski Krech to approve Resolution 18-48 relating to a variance of a 27-foot setback for property located at 7231 Cahill Avenue.**

City Attorney Tim Kuntz stated that there is a Resolution approving a 30-foot variance. This would be substituting 27-foot for the 30-foot. He stated that there are three conditions that go along with this and wanted to ensure Mr. Grover understood them.

Mr. Grover responded that he understands that he needs to work with Engineering, that water would not impact the neighbor, and that he would not be using the garage for commercial work.

**Ayes: 5**

**Nays: 0      Motion carried.**

**D. FRATTALONE'S DAWNWAY; Table action to March 26 for a Resolution relating to an Amendment to the Non-Conforming Use Certificate allowing the landfill to operate for an additional 15 years and approving a Host Community Agreement among Frattalone's Dawnway, Inver Grove Heights and South St. Paul. The property is located on Dawn Way, west of Concord Boulevard (item tabled from 12/11/17).**

Mayor Tourville stated he has received some phone calls regarding this and wasn't sure if the Council wanted to wait to discuss this at their April 9<sup>th</sup> meeting.

**Motion by Tourville second by Bartholomew to move Agenda Item D regarding the Resolution relating to an Amendment to the Non-Conforming Use Certificate allowing the landfill to operate for an additional 15 years and approving a Host Community Agreement among Frattalone's Dawnway, Inver Grove Heights and South St. Paul. The property is located on Dawn Way, west of Concord Boulevard to the April 9<sup>th</sup> Council Meeting.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**E. MWF PROPERTIES; Consider a Resolution relating to a Comprehensive Plan Amendment to change the land use from CC, Community Commercial to HDR, High Density Residential for property bounded by 65th Street, Buckley Way and Buckley Circle.**

Community Development Director Tom Link displayed copies of the property and stated that the request is for a Comprehensive Plan Amendment to go from Community Commercial to High Density Residential. He stated that the existing Community Commercial allows for a variety of retail and service businesses and High Density Residential allows for higher density townhomes or apartments. He stated that if the Comprehensive Plan is approved, they are proposing a three-story 55-unit affordable housing apartment building. The property location was formerly known as the old rubbish ranch site which was a privately-owned City dump that closed in 1971 and has been vacant. It is considered contaminated. He stated that if the development proceeds the Applicant will seek grants for funding to assist with remediation. The Applicant would come back for Rezoning, Plat, and Conditional Use Permit. He stated that neighboring properties are residential and commercial. There has been little interest in commercial use of the property due to limited visibility from Cahill Ave. He stated that residential would encourage shopping in the Cahill Corridor and provide affordable housing as well as clean up a contaminated site.

Planning staff recommends approval and the Planning Commission had unanimous approval. He stated that they had received two emails from neighbors objecting to the proposal with concerns about traffic and that those emails were handed out at the Planning Commission meeting.

Mayor Tourville stated one of the concerns is traffic. He stated traffic increases with housing and is different than the existing zoning. The estimate for the housing would be a lot different than if they did the existing zoning the way it is currently. He stated in taking a look at the designation, it has one of the highest for retail.

Director Link stated that they didn't have an estimate from the Applicant regarding what the traffic would be, but this could be done. He stated that zoning Community Commercial allows for a wide variety of uses.

Councilmember Piekarski Krech asked if the developer was firm with 50-units. She stated that most of the parking could go underneath if they had an underground garage.

Chris Stokka, MWF Properties, 7645 Lyndale Avenue South, Richfield stated that the Comprehensive Plan Amendment would allow them to submit an Application to the Met Council for an investigation of the site. He stated that they have time to work through the details and that this is just a concept. He stated that they didn't hire a traffic engineer but they have done those types of studies before and have noticed that there is a reduction in traffic.

He stated that the proposed development would have underground parking of one stall for every unit and additional in the parking lot.

He stated in the future they will meet with the neighborhood and put together elevations and a more detailed site plan.

Councilmember Piekarski Krech asked if they know the levels of contamination.

Mr. Stokka responded that they have spoken to the County and that the report is significant. They will have to do additional reporting as requirements have changed. They will submit their reports to MPCA with plans of cleanup, which they will have to approve, and then they can proceed with cleaning up the site. He stated that it is in tax forfeiture so they would be paying \$60,000 in property taxes.

Director Link stated that it had been discussed to cap the contamination with fill. They did something similar to property on Doffing, but the exact type of remediation is yet to be determined.

City Attorney Tim Kuntz asked about the forfeiture status and if the amount they were quoted included reimbursement for the City on assessments that were levied.

Mr. Stokka responded that there was an assessment on the tax forfeiture statement, so it is still tied to the land.

Attorney Kuntz asked Mr. Stokka that if the Council passed the Comprehensive Plan Amendment, would they have a problem with tying the effective date of the Comprehensive Plan Amendment to seeing the site plan.

Mr. Stokka responded that in order to submit an application for the Met Council grant they need evidence that their application is in accordance with the existing Comprehensive Plan, which is due in May. He stated to make the application happen this would have to be approved this evening.

Mayor Tourville asked if you can buy property that is tax forfeiture. He stated that they were trying to get the assessments that were coming.

Attorney Kuntz responded that you can if it is for sale. He stated that they are at the process of finding out how to remedy the site and where the money will be coming from over the next six to nine months.

Mr. Stokka stated that the tax forfeiture allows them to enter into a Contract for Deed. He stated that in response to the assessments, he felt it was tied in with the land price.

Victoria Fenlon, 6630 Buckley Circle asked what high density residential meant. She stated that with 55-units, that there will be a lot of cars in a small area.

Director Link responded that it meant any kind of development over 12-units to the acre. He stated that the properties around the cul-de-sac are considered medium density.

Janice Darsow, 6610 Buckley Circle asked what the City did when they designed Buckley Circle 30 years ago as this area has been vacant for that long. She doesn't disapprove of the rezoning. She asked if senior living could be a possibility. She stated that the neighborhood was concerned about safety, theft, domestic, drug issues, and property values. She stated that high density can lead to over-crowding, lack of adequate outdoor open spaces, and was not a fit for the area. She commented that the in the paperwork they received from the Planning Commission, it was mentioned that there would be four people per unit, with this small a setting, and a smaller park nearby, where are all those children going to go.

Beth Marschall, 6640 Buckley Circle stated that safety is a big concern. Initially, traffic would come off of Buckley Way, but this stated 65<sup>th</sup> Street, which would be better. She stated that her other concern was parking and if there would be parking allowed on the street. Commercial property has a starting time and ending time and there would be no parking problems, residential comes and goes all the time. She stated that she was disappointed in the high density of 55 apartments and felt it was too big for their neighborhood. At the beginning the project it was said to be a 40-unit apartment building and now its 50-55-unit apartment building. She would like to see something smaller, like under 38 units.

Mr. Stokka stated that it would take a couple of years to get this planned and that they will need to see what the budget looks like. They are thinking of 50 or less units. He stated that the context of four people per unit came out of the income limits that could be about \$55,000. This would be a mix of one, two, and three-bedroom units. He stated that they may have about 13 three-bedroom units with a maximum of six people for that sized unit. He stated that will provide enough parking.

Marie Gadway, 6601 Buckley Circle, Unit 104, stated that her concern was with high density. She asked why they can't keep it medium density like the rest of the properties. She stated that the units the developer has in Newport say it has underground parking so it's a four-story building. She stated that the Planning Commission says it would help Cahill Business, but there are not any businesses on Cahill Ave.

Director Link stated that with these grants the City would be a partner to the grant and the application asked for the Comprehensive Plan designation.

Mayor Tourville asked if this could work with less than 50-units.

Mr. Stokka stated that he wouldn't be able to answer that right now, but he could have conversations about it. He does not know that 26-units would work here due to the time and investment, but that it would be no more than 50-units. He stated that the CDA has designated different areas, and this one was favorable as there is a school close by. He stated that when they looked at this site, they knew it was a site they could lease. It's between medium density and commercial and is competitive for funding.

Mayor Tourville stated that he knows of different sites that would work much better for high density. He suggested Mr. Stokka research, along with the CDA, other locations in the area that may work better than this one.

Councilmember Bartholomew stated that he wasn't sure how 50-units with parking inside and the stalls outside would work. He stated that he would be more comfortable with more details rather than just a concept.

Mayor Tourville asked if they could table this item and have a meeting that would involve the City, the developer, and the CDA. He felt that without the CDA there is no project. He stated that there needs to be further discussion about high density, parking, and the number of units.

Mr. Stokka stated that the application is due on May 1<sup>st</sup>. They can have the Resolution for the application if it does come to another hearing on the same night.

Director Link stated that the City has had a number of inquiries from private developers for apartments and townhomes. He stated that with multi-family and density there is usually opposition. He stated that if you wanted to identify other sites, we can have a discussion and come back in two weeks. The CDA doesn't select sites, but that we could meet with them and ask them to finance this as proposed. He asked if Council would like him to ask the CDA if this type of development would be eligible for their financial assistance.

Councilmember Piekarski Krech stated she was concerned about the site conditions and the size of the development. Parking is also an issue that needs further discussion. She stated that it would be helpful to know the potential of the contamination.

City Administrator Joe Lynch stated that he would propose that he meets with the CDA and the developer to find a solution. He asked if this could be scheduled for the April 9<sup>th</sup> meeting.

Attorney Kuntz stated that the Applicant has 60 days which expires on March 23, 2018. If we suggest that the Applicant come back on April 9<sup>th</sup>, it might be better to extend the timeframe to April 13<sup>th</sup> and do so by having the Applicant sign a piece of paper that states he is requesting an extension of the timeframe under Stat. § 15.99 to April 13<sup>th</sup>. A vote will be needed to grant that extension.

Mr. Stokka asked if we can get a Conditional Comprehensive Plan Amendment.

City Administrator Lynch responded that he will check into that requirement.

**Motion by Piekarski Krech second by Perry to extend the deadline to April 13<sup>th</sup> for MWF Properties and have a meeting with City Council on April 9<sup>th</sup>.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**F. PINE BEND LANDFILL; Consider the Second Reading of an Ordinance Amendment to allow a side slope capacity expansion of an existing landfill as a conditional use permit in the Integrated Resource Management Overlay District following for property located at 2495 117th Street E.**

Community Development Director Tom Link stated that this is regarding the expansion of 4.1 million cubic yards. The landfill has a capacity of 29.8, which would take it up to 34 million cubic yards. Operational aspects would remain the same as would be the hours, security, number of employees, equipment, processing, and nuisance control. He stated that this was similar to what was approved in 2004 with the exception of the capacity and surface square footage. He stated that the proposal offers environmental benefits such as control over methane gas, it also means more gas extraction wells will be put in as well as a liner being installed for protection of the ground water. He stated that Planning staff recommends approval of the request and that the Planning Commission and the Environmental Commission unanimously recommended approval.

Administrator Lynch stated that the third reading is scheduled to take place when the Mayor is on vacation.

**Motion by Piekarski Krech second by Perry to approve to Consider the Second Reading of an Ordinance Amendment to allow a side slope capacity expansion of an existing landfill as a conditional use permit in the Integrated Resource Management Overlay District following for property located at 2495 117th Street E.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**G. CITY OF INVER GROVE HEIGHTS; Consider the Second Reading of an Ordinance to allow Park and Ride facilities as an Interim Use in the B-3, B-4 and P zoning Districts.**

Community Development Director Tom Link stated that this item is regarding allowing Park and Ride facilities into the City as an Interim Use. An Interim Use Permit would have to be applied for if the Ordinance is adopted. He stated that there have been two changes to the Ordinance since the first meeting. The first is that they created a definition. They have two park and ride facilities in the City right now, one at the Rainbow site and the other that a local hotel operates at the movie theatre parking lot. He stated that this would not affect nor regulate if a hotel offers shuttle services to it's customers. The second addition was language regarding issues the City Council expects an Applicant to address such as security, landscaping, access, traffic generation, and storm water. Staff and the Planning Commission recommend approval.

Director Link stated this would require two approvals by the City Council. One is the Interim Use Permit, and the second would be a Contract.

**Motion by Hark second by Piekarski Krech to Consider the Second Reading of an Ordinance to allow Park and Ride facilities as an Interim Use in the B-3, B-4 and P zoning Districts.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**H. ADAM MILLER; Consider a Resolution relating to a Variance to allow an accessory structure to be located 36 feet from the side property line whereas 50 feet is required for property located at 1358 Courthouse Boulevard. Resolution 18-49.**

Community Development Director Tom Link stated that this is regarding property located at 1358 Courthouse Boulevard for an accessory building. The ordinance requires that a building of this size

maintain a setback of 50-feet. This proposal is for 36-feet. He stated that staff supports the Application and the Planning Commission unanimously approves. They had received two inquiries looking for information but that staff was not aware of any opposition.

Adam Miller, 1358 Courthouse Boulevard stated that he is using a shipping container as structural support. He stated that he will be putting an exterior on the container as there is no other way to meet the 25-year steel siding warranty. He stated that they poured a 1,000 square concrete slab as the foundation for the project.

Director Link stated that the Ordinance requires a Conditional Use Permit for steel sided buildings, but in this case, he is covering it up so the exterior would be wood instead of steel. There is a condition in the Resolution that states that the “exposed metal siding of the storage container shall be covered by the same exterior siding used as the rest of the accessory structure”. Diagrams were shown to depict the plans.

**Motion by Perry second by Bartholomew to approve Resolution 18-49 relating to a Variance to allow an accessory structure to be located 36 feet from the side property line whereas 50 feet is required for property located at 1358 Courthouse Boulevard.**

**Ayes: 5**

**Nays: 0      Motion carried.**

### **III. PUBLIC WORKS:**

#### **I. Authorization for the Use of Eminent Domain Process to Acquire Easements for Trunk Highway 3 Intersection Improvements for the 65th Street Project – City Project No. 2017-24 and Installation of Trunk Watermain in the Northwest Area of the City on 65th Street between Trunk Highway 3 and Blackstone Ridge – City Project No. 2017-03. Resolution 18-50.**

City Engineer Tom Kaldunski stated that this Agenda Item is for the Eminent Domain process for the T.H. 3 and 65<sup>th</sup> Street Project. He stated that they will be opening bids in May and that they are on schedule to have construction begin on June 17<sup>th</sup>. He stated that there are a number of privately owned properties in the area and that numerous easements are needed to be secured for the project. There are eight parcels affected by the process in which seven people own. He stated that they have identified what easements are needed, appraisals were done, and they have recently made final offers.

City Attorney Tim Kuntz stated that the Council ordered these projects in November 2017 and that final offers were made to the parcel owners on February 16, 2018. With respect to Mr. Dalsin, as noted earlier in the meeting, his offer was made later due to his easement being identified later on in the process. He stated that there are eight parcels with seven landowners, and that progress has been made with three landowners. They hope to bring forward settlement agreements. He stated that in keeping with the schedule, we need to commence condemnation which will begin this Friday, by filing the petition and beginning service on all the landowners. They hope to have acquired Title and possession by July 2018. He stated that in order for them to coordinate with the State project, the State is not allowing the City to award a construction contract until we have secured the right-of-way. The City project will be timed at the same time of the State project.

Councilmember Piekarski Krech stated that she was aware of the impact on trees and asked if this comes close to any of the houses.

Engineer Kaldunski responded that no homes were being taken and referenced their locations on a map. He also referenced the location of the retaining wall, pond, and some of the trees being taken out on the Dalsin property.

He referenced several accesses on the Murphy property and stated that one would be shut-off. Due to that, they will be building them a gravel road which will allow them connections to their other accesses until they build 65<sup>th</sup> Street which is anticipated to be completed in 2019.

He also pointed out the additional right-of-way that they are getting for 65<sup>th</sup> Street which will allow access to the property owned by Tom Peltier. He stated that there is also a retaining wall planned along the Nichols property as well.

**Motion by Bartholomew second by Perry to approve the Authorization for the Use of Eminent Domain Process to Acquire Easements for Trunk Highway 3 Intersection Improvements for the 65th Street Project – City Project No. 2017-24 and Installation of Trunk Watermain in the Northwest Area of the City on 65th Street between Trunk Highway 3 and Blackstone Ridge – City Project No. 2017-03. Resolution 18-50.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**J. Consider Resolution Awarding Contract for City Project No. 2015-09D – Broderick Boulevard Reconstruction and City Project No. 2017-21 – VMCC/Golf Course Parking Lot. Resolution 18-51.**

City Engineer Tom Kaldunski stated that they received bids for the Broderick Boulevard reconstruction with the lowest bid coming from McNamara Contracting at a cost of \$4,189,854.00, which was less than initial estimates. He stated that they had alternate bids for the parking lots located at the VMCC and the Golf Course. Bids were favorable from McNamara Contracting and they are asking that the Council adopt a Resolution awarding the project to McNamara for both projects for a total amount of \$4,189,854.00 with \$3,329,897.50 for City Project No. 2015-09D – Broderick Boulevard Reconstruction and \$859,956.50 for City Project No. 2017-21-VMCC/Golf Course Parking Lots.

**Motion by Bartholomew second by Perry to approve to Consider Resolution Awarding Contract for City Project No. 2015-09D – Broderick Boulevard Reconstruction and City Project No. 2017-21 – VMCC/Golf Course Parking Lot. Resolution 18-51.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**K. Consider Change Order No. 1 for City Project No. 2017-21 – VMCC/Golf Course Parking Lots.**

City Engineer Tom Kaldunski stated that with the award of the contract approved in Agenda Item 7J, we have the ability to reduce the project cost by adopting the Change Order No. 1. Original bids came in higher than what was budgeted, so to get costs down they spoke with McNamara Contracting and removed a few projects and modified others. He stated due to that, they received a reduction in both projects. He stated that if Council approves the change order, the final price for City Project No. 2017-21 would be \$413,566.25. This also lowers Bid Alternate No. 3 to \$331,661.50. He stated that brings the overall base bid down to \$4,075,125.25.

**Motion by Bartholomew second by Perry to approve Change Order No. 1 for City Project No. 2017-21 – VMCC/Golf Course Parking Lots**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

**9. ADJOURN: Motion by Hark second by Bartholomew to adjourn the meeting at 9:52 p.m.**