

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MARCH 25, 2019 - 8150 BARBARA AVENUE**

1. CALL TO ORDER 2. ROLL CALL:

The City Council of Inver Grove Heights met in regular session on Monday, March 25, 2019, in the City Council Chambers. Acting Mayor Piekarski Krech called the meeting to order at 7:00 p.m.
Present were: Councilmembers Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Attorney Kuntz, Public Works Director Thureen, Parks and Recreation Director Carlson, and City Clerk Tesser.
Absent: Mayor Tourville.

Acting Mayor Piekarski Krech invited Boy Scouts Troop 507 to introduce themselves and lead the Pledge of Allegiance.

Acting Mayor Piekarski Krech listed the following changes to the Agenda:
Item 4C on the Consent Agenda will become Agenda Item 7B.
Item 4E on the Consent Agenda will become Agenda Item 6A.

3. PRESENTATIONS:

There were no presentations.

4. CONSENT AGENDA:

- A. i. Minutes of March 11, 2019 City Council Meeting Minutes.
ii. Minutes of March 14, 2019 Special City Council Meeting Minutes.
- B. **Resolution 19-47** Approving Disbursements for Period Ending March 20, 2019.
- C. Consider Approval of a ½ Basketball Court at Seidls Lake Park. **(moved to Item 7B)**
- D. Request Approval of Pay Application #4 for \$296,400.00 to Jorgenson Construction for Project 2014-10 Fire Station #2 New Construction.
- E. Consider Resolution Adopting the Assessments for 2018 Nuisance Abatement Program. **(moved to Item 6A)**
- F. Appointment of Board Member to the Lower Mississippi River Watershed Management Organization (LMRWMO).
- G. Accept and Approve Quotes for Municipal State Aid Street System Traffic Volume Data Collection.
- H. Consider Change Order No. 6, Final Compensating Change Order No. 7, Final Pay Voucher No. 13, Engineer's Final Report of Acceptance and **Resolution 19-48** Accepting Work for the 2015 Capital Improvement Program, City Project No. 2015-13 – NWA Trunk Utility Improvements, Argenta District – 70th Street Lift Station to Blackstone Ridge and City Project No. 2015-16 – Trunk Utilities, Argenta Trail to Blackstone Ridge.
- I. Consider Pay Voucher No. 6 for City Project Nos. 2017-03 – Watermain Improvements 65th Street Loop and 2017-24 – T.H. 3 Intersection Improvements for 65th Street.
- J. Personnel Action.

Motion by Perry second by Dietrich to approve the Consent Agenda with the exception of Consent Agenda Items 4C and 4E.

Ayes: 4

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

There were no public comments.

6. PUBLIC HEARING:

A. Consider Resolution Adopting the Assessments for 2018 Nuisance Abatement Program. Resolution 19-49.

City Administrator Joe Lynch stated that this was on a previous agenda and that this is a public hearing and is open to the public if they wish to testify. He stated this hearing is in regard to properties that are going to be assessed. He noted that the resolution states it is for the 2019 taxes, which is in error. This is for the 2020 taxes. He stated that another item for Council consideration is the length of time to have the penalty apply. He stated that number two in the resolution states that it is 8% per annum from the date of adoption, which includes all of 2019 and 11 months of 2020. That equals 20 months of interest going forward with that proposal.

He stated the following options:

1. Make it interest bearing only when they are assessed in November 2019 making it a 12-month interest period.
2. Adopt them now and have no interest accrue until November 2019 for that 12-month period.

He stated that they could be adopted now and have no interest accrue until 2019 for 2020, but they would be reassessed on the properties, or assessed on the properties. He stated that they could wait until November and do 2020 with those that come up in 2019.

Acting Mayor Piekarski Krech commented that if she had a nuisance property and sells that property, someone isn't going to know there is an assessment against it. They would be hit with a tax bill in 2020 that isn't theirs. She stated that she doesn't want to have huge interest payments accruing and would like to make sure there is something on the property so people know.

City Attorney Tim Kuntz responded that if the Council wanted to, they could pass the Resolution which would create the levy of the assessments to be certified to the County. This would not have to go through another hearing process because it would be levied this evening. He stated that they could provide that the interest begins to accrue from a later date, which could be November 2019, or January 1, 2020. This would accomplish getting something on the books.

Councilmember Bartholomew asked if all the property owners have been made aware of the assessments and received bills from the City.

City Administrator Lynch responded in the affirmative.

Motion by Bartholomew second by Perry to close the Public Hearing at 7:07PM.

Ayes: 4

Nays: 0 Motion carried.

The Council agreed to go forward with the levy and proposed to start interest on January 1, 2020.

Acting Mayor Piekarski Krech commented that they may have to go with a November date because of the county certification process.

City Administrator Lynch responded that statements go out in November, that month would be preferable. He stated that they will have the same question again in November for other properties, they would try to have them go into effect in 2020 tax statements which come out the first week of November. He stated that the first City Council meeting is November 11th, he would make them effective by the end of that week which would be November 15th.

Motion by Bartholomew second by Perry to approve to Consider Resolution 19-49 Adopting the Assessments for 2018 Nuisance Abatement Program with interest accruing beginning in November 2019.

Ayes: 4

Nays: 0 Motion carried.

7. REGULAR AGENDA:

A. Resolution Authorizing 2018 Transfers and Fund Closing. Resolution 19-50

City Administrator Lynch stated that this item is to make all transfers necessary for funds and accounting. The main item is the transfer from the host community fund to the community center to cover the operating deficit for 2018 in the amount of \$337,683.55. The budgeted transfer was estimated to be \$419,700.00. The amount was better than anticipated as a result of reduced operating expenses and increased revenue. He stated that they set a goal in 2007 of trying to recover 90% of the community center operating expenditures. With this amount they would be covering 89% of the community center operating expenditures in 2018. He stated that the other large transfer would be \$385,521.45 from the host community fund to the community center to cover capital outlay. The estimated budgeted transfer was for \$1,382,500 which was due to the delay of the replacement of the roof. This is an anticipated 2019 project. The resolution is for all amounts including the ones just mentioned.

Councilmember Bartholomew asked about the closed bond fund transfers into the bond accounts. He asked if the audit was finished and if they have agreed that the numbers were appropriate. He asked if it has been reviewed by both staff and the outside source.

City Administrator Lynch responded that the audit is not finished and will not be completed until May. The numbers agree with what is included in the memo. He responded that it was reviewed by both staff and the auditors.

Motion by Bartholomew second by Perry to authorize Resolution 19-50 Authorizing 2018 Transfers and Fund Closing.

Ayes: 4

Nays: 0 Motion carried.

B. Consider Approval of a ½ Basketball Court at Seidls Lake Park.

Parks and Recreation Director Eric Carlson stated that Seidls Lake Park consists of 30 acres located at 2655 - 47th Street. To the north is the South St. Paul border and they also have a Seidls Lake Park. He stated that our version of the park has open space, a playground that has been removed and will be replaced, paved trail, and informal natural trails. He stated that in 2007 the City did a Master Plan for Seidls Lake Park that includes a playground, shelter, paved/natural trails, informal fields/open space, and a hard surface court. In October 2018, the City Council approved the replacement of the existing playground which will be moved to the middle of the park for more visibility and to be consistent with the Master Plan.

He stated that the Council will consider whether or not a proposed ½ court basketball court would be appropriate for the park. The approximately 40'x40' court would be color coated with lines and have one basketball hoop. He stated that it is estimated not to exceed \$25,000. They have not received quotes yet. He stated that if approved it would be funded from the park acquisition and development fund 402. Part of the process included meeting with the neighborhood in September 2018 with the focus being on the playground. In February 2019, the neighborhood that surrounds the park was notified about the proposed ½ basketball court. He stated that at the park and recreation commission meeting some people in attendance were in favor and some were opposed to the court. There were questions about the location of the basketball court. He stated that the commission considered moving the location of the court, but he suggested that the commission may want to get additional feedback from the neighborhood. He stated

that they re-informed the neighborhood of the process and also put a survey monkey out to get more feedback. 144 responses were received from the survey.

He discussed a couple of the questions from the survey monkey survey. One question asked if a ½ basketball court was wanted in the area; 64% of the 144 responded no, 36% responded yes. Another question was if they lived in the Seidls Lake Park neighborhood; 20% identified they did not, 80% responded that they did.

He stated that the comments via email and from the survey show concern from people that the court may bring unwanted behavior. Other parks that include basketball courts are Groveland, Skyview, and Rich Valley Park. He stated that police call data does not support an increase in calls for service at those locations. Police are called to the parks for a number of reasons, there is no correlation to having a basketball court in the area. He stated that another concern was the proximity of the court to the playground. The proposed location in the Master Plan is consistent with other parks and range from 120 feet up to 380 feet of space between them. The court at Seidls Lake Park is proposed to be about 130 feet away. He stated that another concern was the location of the court near homes. The proposed location is between 300-500 feet away from single-family homes and 250-370 feet away from the townhomes. He listed how close other courts were to the closest residential property and range from 100 feet at Ernster Park to 480 feet at Rich Valley Park.

He stated that the Parks and Recreation Commission voted 5/2 to recommend that the Council move forward with the basketball court. The recommendation includes meeting with the neighborhood in April or May to find the best location in the park for the basketball court. If approved they would go out and get bids, meet with the neighborhood to find a location, and then come back before the City Council to approve a bid and location. Construction would begin in 2019.

Councilmember Bartholomew asked if North Valley had basketball courts. He asked why the basketball courts were taken out of Oakwood.

Parks and Recreation Director Carlson responded that North Valley has not had basketball courts. North Valley has four tennis courts that are being repurposed into six pickleball courts. That item will be before the City Council soon. He stated that Oakwood had a basketball hoop in a tennis court but was removed because there was too much interference with those playing tennis.

Susanna Pearson, 2660 47th Street East, stated that she has lived in the neighborhood for 25 years. She commented that she attended the meetings for the park development years ago and at that time the neighborhood fought to keep the parkland, open natural space. That was approved by the Park and Recreation Commission and the City Council. She stated that the Master Plan does not say a basketball court, it recommends a future use area that could be used for basketball, four squares, or hop scotch, should the demand exist. She stated that the survey shows demand does not currently exist, 66% do not want the court. She commented that at the last Park and Recreation meeting a commissioner had said that it was important that 1/3 of the people wanted it. She stated that they shouldn't assume those that didn't vote don't have a voice, it is probably due to not caring one way or the other. Those who responded feel strongly about their choice. She stated that as a resident she is afraid of the unwanted behavior a basketball court may bring to the area. The location is in the corner of the park and hidden and would not be easily patrolled. She stated that the motion that was passed by the park and recreation commission was to put the court in the best location in the park. She commented that the best location is an opinion and she didn't feel that Parks and Recreation worked well with them because the survey shows it is not wanted. She stated that the park is used for several types of activities and can help nearby residents lead healthy lives. She commented that 73% of the residents in the neighborhoods are adults who could benefit from walking paths. 15 years ago, it was approved to add paved paths down to and around the lake, which still has not been done. She stated that when the tot park was located in its previous location, they noticed behavior such as smoking, drinking, drugs, and littering. She commented that they didn't always call the Police, sometimes they would ask those there to leave, or would wait until they left and

then went out and removed the litter. She stated that she has had beer bottles in their mailbox and rocks thrown at their home after her husband has told the kids to leave. She stated that she agrees with using the park amenities but felt the neighborhood should use the park the way they want, which is open space used for a variety of activities. She commented that rather than the focus being on the basketball court, they should focus on what the community wants, 66% do not want the court. She asked that the council vote no to the basketball court.

Councilmember Perry asked if she believed the bad activities that were occurring on the upper portion would also take place at the newer location, which is more visible. She stated that the police department will drive on the trails to patrol the parks and that she assumed they would still do that at Seidls Park.

Ms. Pearson responded that she does believe the activity would still take place. She stated that parking was another issue there. Those using the tot park parked in the cul de sac and along Blaine, which is a busy street. She commented that the park has been a party area for over 30 years. She responded about the Police patrolling and stated that they cannot get through on the current trail because there is a cement pillar in the center. She stated that moving it down toward the street wouldn't be a good idea either because Blaine is a very busy street, the balls would be going out into it all the time.

Councilmember Bartholomew asked about the location being near Blaine Ave. He commented that there is a lot of room between the proposed playground and the trees and quite a distance from Blaine Ave.

Ms. Pearson responded that at the park and recreation meeting they spoke about moving it closer to the townhomes off of Blaine Ave.

Ms. Karels, 2670 Bower Court, one block north of 47th, stated that she has lived there for 30 years when they started to develop the area before the park. She commented that she emailed her thoughts to everyone. She stated that she agreed with what Ms. Pearson said and commented that her biggest concern coming out of the park and recreation meeting was that they are not being listened to as a community. The survey has shown the court was not wanted. She asked why it was still being recommended. She commented that the location is key, and the current location is isolated without access. She stated that if the court is approved the location should be changed.

Karen Wirkus, 4629 Bloomberg Lane, stated that she has lived on the other side of the park's free space. She stated that 95% of the people on her street are senior citizens, and it is the only thru street into South St. Paul. She commented that her concern is traffic. She stated that along Blaine Ave, across from the park, the townhomes park on the free space side because they can't park on the other side. She commented that the playground would be great for the little kids but would like more open space and benches. She commented that there is a traffic sign that says 25 miles per hour, people go 40-45 miles per hour and there isn't a big Police presence in the area. She commented that the demographics and speed of the area should be looked at.

Dick Zeien, 4675 Bower Path, lives about 500 feet from where the intended court would be. He commented that he agreed with everything that Ms. Pearson stated. He stated that he disagrees on the basketball court being at that location.

Joe Rascher, 2655 Bower Court East, is north of the proposed park. He stated that he agreed with Ms. Pearson and everyone else. He stated that 2/3 of the people surveyed didn't want the basketball court. He asked that the city council do what people are asking for and that is to vote down the basketball court. He suggested taking the cost of the basketball court, the \$25,000, and putting it toward the walking paths because that is what people as a whole could use and was a part of the master plan in the past.

Jennifer Freeland, 4886 Bivens Court, stated that she sent the city council an email with her points. She commented that crime and unwanted behavior is an unfortunate stereotype. She stated that she has lived in the area for four years and has played basketball for over 20 years. She has driven around the

surrounding areas looking for open basketball courts and hasn't noticed any traffic, parking, or criminal behavior. She commented that she plays basketball two or three times a week and that another concern is the lack of availability of courts in the area. She said she has to drive around to a few parks before finding an open hoop. She commented that the basketball courts are full when the grassy areas are open. She stated that there has been opposition with this court, but kids haven't spoken or parents may have been busy and unable to vote on their position. She commented that she didn't think a basketball court would have an affect on traffic. She stated that she plays basketball at Salem Hills Park and has noticed families, couples, and groups playing there. She asked that the council consider the benefits and the facts behind the advantages of being involved in a physical team sport such as basketball.

Andrew Payne, 4859 Boatman Lane, commented that he sent an email and received a response. He stated that he agrees with Ms. Freeland's comments and that he shares the same points. He commented that he has a passion for getting something else to do outside and that the park is big enough for a basketball court. He stated that if there were an uptick in crime due to the basketball court, that area could be an off-path place for kids to play other games that are fun on hard surfaces versus grassy surfaces. He stated that he has a two-year old daughter and is happy to use the brand-new playground, and as she gets older, it would be nice to do something else. He stated that he is a strong proponent of having the basketball court. He commented that the wording states "do you want one" not if you are "opposed to having one".

Jim Pearson, 2660 47th Street East, stated that the citizens in the area would appreciate more walking trails in the area and more open space. The open area is used frequently, soccer teams have practiced there. He commented that an open field allows for a variety of activities than a basketball court would. He stated that South St. Paul doesn't have any basketball courts close by due to bad behavior. He stated that he has policed this area in the past, picked up trash, called the police when there have been fires in the area, and even noticed someone living there last summer. He stated that they have lived in the area for 25 years and wish for access to the lake and would like that to be a priority.

Parks and Recreation Director Carlson stated that part of the master plan includes a trail around the pond in conjunction with the City of South St. Paul. The reason that has not been constructed yet is because the pond has a significant bounce in the elevation of the water. He stated that there is an engineering solution to address that issue but there are two cities that need to contribute in addition to Inver Grove Heights. Those cities are South St. Paul and West St. Paul. He stated that water comes from those communities and contributes to the bounce in the lake. He commented that once the engineering takes place, pipes and a lift station can be installed, and the level of the lake can be controlled, then they can consider building a trail around the lake. He stated that there isn't public access all around the lake and that it has what they refer to as "pinch points". Those pinch points need to be discussed with landowners.

Acting Mayor Piekarski Krech asked where they were in that process.

Public Works Director Scott Thureen responded that at least years Legislative session, South St. Paul was successful in attaining bonding dollars. There were problems with the use of the money and the source that were being worked out. He stated that he hasn't heard anything in the last three months but could check further. He commented that they would still need to have a joint powers agreement between the three cities to move forward.

Acting Mayor Piekarski Krech asked if there was anything that could be done to get better access to the lake.

Parks and Recreation Director Carlson responded no, not until they can get the bounce in the lake fixed.

Councilmember Perry stated that the path that is paved around the lake has been flooded 60% to 75% of the time.

Councilmember Bartholomew asked what effect the hard surface basketball court proposed on the bounce from the lake.

Public Works Director Thureen responded that it wouldn't be discernable, adding the court wouldn't be an issue with the bounce.

Councilmember Bartholomew asked Parks and Recreation Director Carlson to show a picture of where the park is and where the proposed basketball court would be. He asked about the length of space between the two. He asked about the length from the hard surface court to the cul de sac.

Parks and Recreation Director Carlson responded that it would be approximately 130 feet. He responded that the length of the court to the cul-de-sac would be between approximately 300 to 500 feet.

Acting Mayor Piekarski Krech asked where the picnic shelter would go. She asked how they decided on the area for the basketball court.

Parks and Recreation Director Carlson responded that there is not a picnic shelter there currently. He responded that in 2007 they wanted to keep the open space, and that the whole area is well seen from Blaine Avenue.

Councilmember Dietrich asked how long it had been since the paved trail has been discussed and in the works.

Parks and Recreation Director Carlson responded that the master plan is from 2007, the same year he arrived in his position. The Master Plan has been in existence for about 13 years. He commented that there was controversy with the developer and trees.

Acting Mayor Piekarski Krech stated the 20 years ago the original plan when Seidls Lake Park was developed as a combination park along with South St. Paul. She stated both cities were going to work on the water quality.

Councilmember Dietrich asked if they really need engineers and lift stations. She asked if they could make the paved trail on higher ground. She commented that if it was that pressing it would have been addressed.

Parks and Recreation Director Carlson responded that the existing elevation floods out. He stated that there are other reasons why they want to control the level of the lake, but they cannot build a trail until it has been addressed.

Public Works Director Thureen responded that the slopes in the area get quite steep. The existing trail dead ends and is right down to the water level. He commented that to get the trail higher would come at a higher cost and result in taking out a lot of vegetation.

Councilmember Bartholomew asked what the other possibilities were for the court in the park.

Parks and Recreation Director Carlson responded that he wasn't sure what the other possibilities were. He commented that they were supposed to meet with the neighborhood to see what other locations may be possible. He stated that they could go out and survey the land and find two or three potential locations. Then they would invite the neighborhood in to see where those potential locations were and get feedback to bring back to the city council.

Councilmember Bartholomew asked what the contour of the elevation is between the water and the proposed sliding area.

Parks and Recreation Director Carlson responded that the bright green color depicted on the map is level land, and the darker green color has the elevation beginning to change drastically. He stated that the bright green area is the usable space in the park.

Acting Mayor Piekarski Krech stated that she would like to get a consensus from the neighborhood on where a better location would be rather than approving it. She asked if there was a timeline.

Parks and Recreation Director Carlson responded that there is not a timeline. He responded that they could meet with the neighborhood if that is what the council wants to do.

Councilmember Perry asked how many notices were mailed out. She asked how it was communicated in survey monkey.

Parks and Recreation Director Carlson responded that he didn't know the exact number but that it was probably more than 100. He responded that notifications were sent out twice, once for the February parks and recreation commission meeting, and once for the March meeting. He stated that they used the same mailing list both times. The second mailing included a link to the survey, plus it was put on social media. They tried to reach the same people through the letter twice.

Councilmember Bartholomew stated that he liked the idea of it staying open space. He commented that he didn't like the idea of spending funds on a hard surface when they are working more toward open space for activity. He was in favor of an open area and would rather see the funds spent on something else. He stated that he is willing to have input from the neighborhood and see if there is a consensus.

Mr. Pearson responded that he and his daughter coach four to five-year-old kids with another group that plays on the other side of the open space. He stated that this is the perfect location and that they have their own pop up nets and ran practices there once a week there. He commented that if looking at the master plan, there would be no place to do that anymore.

Councilmember Perry asked Mr. Pearson if he contacted the parks department to make sure that was open or if he just went there and used the field.

Mr. Pearson responded that his daughter was the manager, he was unsure what she did.

Councilmember Bartholomew stated that he would like to see this go back to parks and recreation to see what other options there are for courts before he could commit to spending money.

City Attorney Kuntz stated that they should make a motion. This may not be back before the Council for quite a while.

Motion by Bartholomew second by Piekarski Krech to have this item go back before the Park and Recreation Department and Commission to determine other feasible hard surface areas for a ½ sized basketball court at Seidls Lake Park.

Parks and Recreation Director Carlson wanted to clarify what the request was and stated that they are looking for areas for a basketball court inside of Seidls Lake Park.

Councilmember Bartholomew clarified and stated that this would go back to the Parks and Recreation Department to get a consensus on other locations that they can discuss further.

Parks and Recreation Director Carlson stated that he would invite the neighborhood to come out to the park in the spring to build a consensus on locations, or to not have a consensus on locations. He stated that he would bring that information back to the Park and Recreation Commission and then bring it before the City Council.

Councilmember Bartholomew stated that engineering should look at this and see if there is any viable area that would work topographically.

Councilmember Perry stated that she was open to looking at other areas within that park for a basketball court. She commented that having it nearby there, when she moved in, the townhomes had no kids in the area, and when they moved and left the area, it was just beginning to get kids. She commented that townhomes ebb and flow and there are so many teenagers outside in the area that had nothing to do. She stated that there are three different townhome associations within that area, and her section allowed basketball hoops in the area. She commented that the problem with that was when kids would move the locations of the hoops or play late into the night. She stated that there are a lot of kids in that neighborhood that might use it. She commented that on Night to Unite, there is often talk about having something else in the park other than it being used for dog space.

Councilmember Dietrich thanked the many residents that wrote to her and phoned her about this item. She stated that from her perspective residents have been heard.

Ayes: 3

Nays: 1 (Dietrich) Motion carried.

8. MAYOR & COUNCIL COMMENTS:

9. ADJOURN:

Motion by Perry second by Dietrich to adjourn at 8:12 p.m.

Ayes: 4

Nays: 0 Motion carried.