INVER GROVE HEIGHTS CITY COUNCIL MEETING
TUESDAY, MAY 27, 2014 - 8150 BARBARA AVENUE

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Tuesday, May 27, 2014, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Madden, Mueller and Piekarski Krech; City Administrator Lynch, Assistant City Administrator Teppen, City Attorney Kuntz, Public Works Director Thureen, Community Development Director Link, Finance Director Smith, Parks and Recreation Director Carlson, Chief Stanger, Chief Thill, City Engineer Kaldunski, City Planner Hunting, and Deputy Clerk Kennedy

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

A. i) Minutes – May 5, 2014 City Council Work Session
ii) Minutes – May 12, 2014 Regular City Council Meeting

B. **Resolution No. 14-64** Approving Disbursements for Period Ending May 21, 2014

C. **Resolution No. 14-65** Accepting the MS4 Annual Report for 2013

D. Approve Purchase of Capital Equipment

E. **Resolution No. 14-66** Approving Special Assessment Agreement by and between City of Inver Grove Heights and Paul J. Harms relating to Payment of Special Assessments for City Project No. 2011-08, 66th Street Improvements

F. Approve Amendment No. 2 to Lease Agreement by and between the City of Inver Grove Heights and James W. Dziewic and April D. Dziewic for property located at 6549 Doffing Avenue East

G. **Resolution No. 14-67** Adopting the Publication of the Summary and Title of Ordinance No. 1276 Repealing Inver Grove Heights City Code Title 4, Chapter 1, Articles A, B, C, and D related to Alcoholic Beverages and Enacting Inver Grove Heights City Code Title 4, Chapter 1 related to Alcoholic Beverages

H. Personnel Actions

Motion by Madden, second by Bartholomew, to approve the Consent Agenda

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

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS:

A. **CITY OF INVER GROVE HEIGHTS:** Continuation of Assessment Hearing for City Project No. 2014-09D, College Trail Reconstruction and Barbara Avenue Partial Reconstruction relating to Tax Parcel 20-01600-30-015 (Roberts Funeral Home) and Consideration of Waiver Agreement and Resolution Adopting Final Assessment for Property Located at 8108 Barbara Avenue

Mr. Kaldunski stated the public hearing was a continuation of the hearing held at the last regular City Council meeting. He explained at that time the Council adopted an assessment roll for a majority of the parcels included in the project. The item to be considered related to the Roberts Funeral Home property located on Barbara Avenue. Action pertaining to an assessment for the property was delayed for further discussion. The City and the property owners reached an agreement on the final assessment amount.

Mr. Lynch reiterated the City and the property owners were able to reach an agreement on the final amount to be assessed for the project.

Mayor Tourville acknowledged that the property owners were in attendance and did not wish to make any additional statements.

Motion by Mueller, second by Madden, to close the public hearing.

Ayes: 5
Nays: 0 Motion carried.

Motion by Bartholomew, second by Piekarski Krech, to approve Resolution No. 14-68 Adopting Final Assessment against Dakota County Tax Parcel No. 20-01600-30-015 for 2014 Pavement Management Program, City Project No. 2014-09D, College Trail Reconstruction and Barbara Avenue Partial Reconstruction and Resolution No. 14-69 Approving a Waiver Agreement by and between Jaime T. Roberts and Jessica R. Roberts and the City of Inver Grove Heights relating to Special Assessments for City Project No. 2014-09D

Ayes: 5
Nays: 0 Motion carried

7. <u>REGULAR AGENDA:</u>

COMMUNITY DEVELOPMENT:

A. JEFF LEYDE: Consider the following actions for property located at Brent Avenue between 49th and 50th Streets:

i) Resolution relating to a Comprehensive Plan Amendment to Change the Land Use Designation from LDR, Low Density Residential to HDR, High Density Residential

ii) Ordinance Amendment to change the zoning of the parcel from R-1A, Single Family Residential to R-3C, Multiple Family Residential

Mr. Link reviewed the location of the property. He stated the request was for a comprehensive plan amendment to change the land use designation from low density residential to high density residential and a rezoning of the parcel from single family residential to multiple family residential. The proposal was for a senior housing development comprised of 52 units. He noted the subdivision on which the development was proposed is very old, dating back to the 1880's. The street and lot layout was no longer compatible with a contemporary type of development. The site had steep topography on the north side of the property. If the requests were approved the applicant would be required to submit a detailed site plan and an application for a conditional use permit. The City Council previously heard the request and tabled action at that time to direct the applicant to address the issues raised by residents within the neighborhood. The applicant subsequently provided additional information and made several revisions to the request. The first revision involved reducing the height of the senior housing building from three stories to two stories. Staff from both the Planning and Engineering departments reviewed the sketch plans and found that conceptually it appeared as though the plans would meet zoning requirements. He noted it also appeared as though the development could be served by existing sanitary sewer and municipal water, although some further improvements would be necessary. Following the last Council meeting, the applicant had considered making 20% of the units in the development affordable housing. City staff was later notified that the developer had withdrawn that concept or idea. He clarified that there was no affordable housing element being considered as part of the development.

Jaren Johnson, attorney representing the applicant, stated this was an infill project and he opined that the City would see more similar projects in the coming years as vacant properties throughout the City are developed. He stated this situation was an opportunity for the City to establish a set of guidelines outlining how the City would address with similar types of infill projects in the future. He argued that this development was particularly challenging because the topography of the property was very steep. He speculated that when the property was originally platted the plan was that the whole block would be developed at one time. He stated the lots on the outside were developed first and the subject property was left as is with very steep grades. He explained the property was heavily wooded and if the applicant developed the property as single family residential in order to comply with the current zoning designation, nearly all of the trees on the property would need to be removed. Because of the severe topography the applicant would also need a variance for the roads. He stated there would be significant issues to address in order to develop the property in accordance with the current zoning designation. He opined there would

be fewer impediments to development of the property if the land use and zoning designations were amended. He stated the applicant owned and developed other properties in the City and operated approximately 325 rental units. He reiterated the applicant believed the proposal was the best fit for an infill development on this type of property. He explained the applicant altered the plans in response to the concerns outlined by the neighborhood. He noted allowing the proposed use would allow for the inclusion of a water retention basin on the property as well as a shorter construction time frame. He stated no fill would be required for a multi-family development and the developer would fund the roads inside the development. He argued less traffic would be generated from a senior living community than from a single family residential development. He stated the developer had plans to buffer the property with landscaping and was willing to plant additional mature trees as needed to alleviate the sight line concerns of neighboring residents.

Jeff Leyde, developer, stated he put forth a substantial amount of time and effort to work with the neighborhood to address the concerns that were raised. He explained he met personally with the neighbors who had concerns to assure them that the proposal was the best use for the land. He stated the original design was changed to reduce the overall height and width of the building. He presented architectural renderings of the revised building with potential views from homes on Boyd Avenue. He stated that the new design would be less noticeable by the neighbors and would allow more of the current tree buffer to remain intact around the perimeter of the site. He noted he had done his best to design a development that work around the topographical challenges of the site. He opined that the proposal was the best and most effective use of the infill development. He stated the proposal would allow the current retention area that served the surrounding neighborhood to remain undisturbed and would result in the least amount of environmental impact.

Councilmember Bartholomew questioned what the distance was from the property lines of the homes on Boyd Avenue to the property line of the proposed development.

Mr. Leyde stated the distance from the property line to the building was approximately 66 feet. He added that the distance from the building to the back of the homes on Boyd Avenue was approximately 125 feet.

Councilmember Bartholomew question how the elevation on the architectural renderings was chosen.

Mr. Leyde stated the elevation was set by a civil engineer. He explained the elevations of the two homes currently on Boyd Avenue were considered as well as the elevation of the foundation of the proposed building. He noted the proposed building would be 35 feet from grade to mid-peak. The two properties on Boyd Avenue, from grade to mid-peak, were at 25 feet and 24.6 feet respectively. He stated the proposed building would be at the same height as the homes on Boyd Avenue.

Councilmember Bartholomew questioned if the applicant was open to installing additional screening to buffer the neighbors' view of the building.

Mr. Leyde stated he discussed the issue with the neighbors around the site. He indicated he would be willing to install berms or plant mature trees to buffer the sight lines as needed to address the neighborhood concerns.

Bill Dumond, 4922 Boyd Avenue, stated at the first meeting City staff mentioned that the proposed development was considered to be a form of spot zoning. He opined that the term "infill" referred to the use of a property in accordance with its current zoning designation. He argued that because the developer proposed to change the land use and zoning to something drastically different the development should be considered spot zoning. He opined at best spot zoning was considered to be a mildly inappropriate form of zoning. He asked for clarification regarding a statement made at a previous meeting by Councilmember Mueller regarding spot zoning and its existence in other areas of the city.

Councilmember Mueller explained his statement was made in response to the argument that approval of the proposal would be setting a precedent for spot zoning. He stated other developments in the City had been approved that could be considered spot zoning. He noted if the property had been developed sooner it likely would not have been an issue.

Mr. Dumond opined that the proposed development was a drastic departure from the way the property was currently zoned. He questioned what the justification was for allowing spot zoning to occur again in this particular situation.

Mayor Tourville stated opinions on the occurrence of spot zoning differed because there were different zoning designations throughout the City.

Councilmember Bartholomew stated at some point a decision has to be made for the use of a specific piece of property. At that point it needs to be determined if the current zoning of the property is appropriate. He noted in some instances the zoning may need to be changed to allow for the best use of the property.

Mayor Tourville stated it was not likely that the property would developed the way it was platted in 1880.

Mr. Dumond argued that not every property in the City should be developed because the City needed to have green space. He stated he asked the developer to provide elevation drawings to address his concerns about the height of the building and the impact on the sight lines from his home. He opined that the renderings presented by the developer were not accurate. He maintained that the property could be developed with single family lots and encouraged the Council to determine why the property could not be developed with a use that would comply with the original zoning designation. He stated the developer would pursue a single family development if the multi family development was not approved. He opined that the proposed use was profit driven and asked the Council to deny the requests.

Chris Solberg, 4938 Boyd Ave., explained he asked the developer to prepare renderings of the proposed building and what the view would look like from his home. He stated there had been no discussion regarding if the building needed to be two (2) stories or if a one (1) story rambler building would be feasible for the developer's project. He opined he would rather have the property developed with a two (2) story building and a buffer of mature trees than have all of the trees removed to accommodate single family homes. He stated given a choice between the two types of development he would rather have a development with a minimal footprint and minimal impact on the surrounding properties. He noted he would prefer something that was hidden from view and did not involve a lot of tree removal.

Mayor Tourville questioned if the developer brought a copy of the document containing signatures from residents in the neighborhood who supported the proposed development.

Mr. Leyde displayed the document and stated he had collected eleven (11) signatures in support of the project.

Mayor Tourville asked if the applicant's attorney had a response to the question of whether or not the property would be developable if the proposals were not approved as presented.

Mr. Johnson stated a single family development would be feasible, but it would be very difficult. He noted if he previously stated the lot would otherwise be undevelopable that was not a correct statement and he had misspoken.

Councilmember Bartholomew questioned what guarantees the City had that a two (2) story senior living building would be built on the property if the comprehensive plan amendment and rezoning request were approved by Council.

Mr. Link explained an applicant has two choices when they put forth a proposal. The first option was to bring forth a comprehensive plan amendment and a rezoning request to see if the concept or land use works before coming forward with a site plan and conditional use permit application. The advantage would be that before the developer invests a substantial amount of time, effort, and money into the process they are able to get feedback from the City as to whether the concept works or not. The second option is to present everything at once. The advantage being that everyone is aware of the details of the proposed development up front. He noted the drawback is that the second option requires substantial investment on the part of the developer. He explained if the City approved the rezoning request and comprehensive plan amendment, any subsequent application would simply have to conform to the zoning requirements for the zoning district. He acknowledged that a developer could submit plans for a different

type of building with different dimensions or a completely different site plan. He stated at this point in the process the City did not have the legal authority to put conditions on what type of development is built on the property. He noted the City may be able to approve the request with the caveat that the approval not take effect until such time that a conditional use permit and site plan were approved by the City. He stated that may provide the City with more leverage over the design of the development.

Mr. Kuntz stated in this particular instance the property rezoning was not for a planned unit development that was tied to a specific set of plans. There was no particular assurance at this point as to what the development might look like because there were no plans submitted with the request. He stated if the Council was of the mind to react favorably to the proposal and there was nonetheless a concern about the final plans, one option would be to make the comprehensive plan amendment and rezoning effective only upon the approval of a conditional use permit for the multi-family dwelling. He reiterated that only at that point in the process would the City have the ability to attach conditions to an application.

Councilmember Piekarski Krech questioned if the Council would have the authority to deny the conditional use permit without issue and if that subsequently meant that the comprehensive plan amendment and rezoning would never go into effect.

Mr. Kuntz stated that would be the case if the City had legitimate grounds to deny the conditional use permit.

Councilmember Piekarski Krech stated she wanted to ensure that the Council would have the authority to deny the conditional use permit if the plans did not match what was discussed and presented when the comprehensive plan amendment and rezoning were approved.

Mr. Kuntz explained the opportunity to deny arises at the time of comprehensive plan designation. If the comprehensive plan amendment was approved, but only effective upon a later action related to a conditional use permit, the City would need to have sufficient grounds to deny based on the standards associated with a conditional use permit. He noted that was why staff encouraged applicants to bring a full set of plans at the beginning of the process.

Mayor Tourville stated it was hard to protect the neighborhood because no plans had been submitted at this point. He reiterated many applicants present everything up front, but it was more economical for the developer to follow the path that was chosen.

Councilmember Piekarski Krech stated she liked the idea of reducing the number of trees that would need to be removed, but could not go along with a blanket approval that provided no guarantee that the plan would not change. She reiterated there would be no way to protect the neighborhood without specific plans or a conditional use permit application.

Councilmember Bartholomew questioned if the applicant would be willing to table the item to allow him time to prepare plans and submit an application for a conditional use permit.

Councilmember Mueller opine the City should give the applicant some sort of assurance that if he moves forward with an application for a conditional use permit the City will support the development.

Mr. Leyde stated he would fine with that stipulation if the requests were approved.

Mayor Tourville stated the City could not guarantee approval or place conditions on the current requests that would protect the neighborhood.

Mr. Leyde explained the revised design with a two story building met the height requirements allowed in an R-3 zoning district without a conditional use permit. He stated he would sign an agreement indicating that he would not bring forward plans for the development that would contradict what had already been presented and discussed. He noted he had every intention of developing the site with the two (2) story building as discussed.

Mr. Kuntz explained the City could not attach conditions to the current comprehensive plan amendment and rezoning requests.

Mr. Leyde stated before making application for a conditional use permit he wanted to determine if the City

would support rezoning the property.

Mr. Dumond questioned what the definition of "reasonable" was in terms of the City's ability to deny an application for a conditional use permit. He questioned what would happen if the property was sold to another developer. He encouraged the Council to not move forward with any approvals until the developer comes forward with the necessary plans and specifications. He opined the neighborhood feared what would happen on the property if no conditions were placed on the development.

Mr. Johnson stated the applicant owned other properties in the City and intended to develop the property in accordance with what had been discussed. He reiterated the R-3 zoning district performance standards included a 35 foot height limit. If the developer presented a building in excess of that height the City could deny the request.

Councilmember Piekarski Krech stated the developer had done a decent job of moving through the process, but there was no guarantee that at some point the property would not be sold to another developer. She noted the City's hands would be tied if another developer came forward with plans for a development deemed to be a reasonable use of the property in terms of the R-3 zoning requirements. She reiterated that she would fully support the requests if there was a guarantee that the development would occur as proposed.

Mr. Johnson stated the developer was willing to make the investment required to submit an application for a conditional use permit provided the process kept moving forward.

Mr. Kuntz stated the Council has expressed a desire for a plan set to accompany the applications. He explained the developer would need to apply for a conditional use permit as a companion application to those already submitted for the comprehensive plan amendment and rezoning. He noted the applicant needed to understand that the conditional use permit needed to be tied to a set of plans. The current application deadline expires on June 21, 2014. The applicant could further extend the deadline via written notice to the City requesting extension of the time limit. He suggested that the applicant should determine a realistic timeframe to prepare the plans and present a written request to the City Council for extension of the deadline at the regular meeting scheduled for June 9, 2014.

Mr. Link stated if an application was submitted for a conditional use permit with a site plan the item would need to go back through the Planning Commission process.

Mr. Johnson estimated it would take the developer 1 to 2 months to finish the plans.

Mayor Tourville noted there was no guarantee that an application for a conditional use permit would be approved by the Council, but at least everyone involved would have a better understanding of the details of the proposed development.

Motion by Bartholomew, second by Piekarski Krech, to table item to June 9, 2014

Ayes: 5
Nays: 0 Motion carried.

B. CITY OF INVER GROVE HEIGHTS: Consider the Second Reading of an Ordinance relating to Parking of Vehicles in the Front Yard

Mr. Hunting stated per Council direction at the first reading of the ordinance staff removed language regarding the orientation of vehicles and added language to clarify that parking had to be a minimum of five (5) feet from any side property line. An effective date of November 1, 2014 was inserted to provide residents with an opportunity to comply with the new requirements.

Councilmember Piekarski Krech questioned how the regulations would apply to a corner lot.

Mr. Hunting the regulations would still apply to a corner lot because they were tied to a driveway. He explained a corner lot could theoretically have a driveway on each side and both would be considered a front yard. He stated the language included in the ordinance tied the regulations to a driveway. Even on a corner lot people would still have to park on a driveway or a hard surface next to a driveway.

Motion by Bartholomew, second by Mueller, to approve the Second Reading of an Ordinance relating to Parking of Vehicles in the Front Yard

Ayes: 5
Nays: 0 Motion carried.

C. BIAGINI PROPERTIES: Consider Resolution Memorializing Findings of Fact and Reasons for Denial Relating to the Land Use Requests of Biagini Properties (on behalf of Prairie Oaks Memorial Eco Gardens) for Property Located at 8225 Argenta Trail (City Planning Case No. 14-11PUD)

Mr. Link explained at the last regular meeting the City Council considered a request that had four (4) different parts to it, pertaining to a mortuary and a crematorium. At that meeting the City Council denied the requests and directed staff to prepare a resolution detailing the findings supporting the denial as identified by the Council. Since that time the applicant requested that the City Council reconsider the denial to allow for consideration of a revised proposal that did not include a mortuary or a crematorium but did include a chapel and columbarium. The Council had two options for consideration. The first was to approve the resolution memorializing the reasons for the denial action that was taken at the last meeting. The second option was to reconsider the denial to allow for consideration of the revised proposal. He noted that if Council took action to reconsider the denial, Planning staff recommended that Council table consideration of the revised proposal to allow staff to review the revised proposal and re-notify the neighborhood.

Councilmember Madden stated he would not support a motion to reconsider the request.

Councilmember Piekarski Krech opined that reconsideration of the request would not change her reasons for denial. She stated there was no way she would reconsider making it a permitted use in the institutional zoning district.

Mr. Kuntz stated the resolution memorialized the reasons for denial as identified by each member of the Council at the last regular meeting.

Kevin, 6275 South Robert Trail, stated he could not believe that the Council had outright denied the applicant's requests. He opined that the applicant paid for the land and should be allowed to move forward with his plans because he was offering an affordable option for burials. He added that the operation may also provide job opportunities for the community.

Councilmember Piekarski Krech clarified that the Council was not denying the applicant's right to have a cemetery. She stated the building belonged in a B-3 zoning district where it would be a permitted use.

Mayor Tourville stated the Council did not feel that the applicant's requests fit within the zoning district and many of the neighbors expressed concerns regarding the crematorium.

Dick Biagini, Biagini Properties, stated the revised proposal, including a church and a columbarium, would be permitted in the current zoning district. He noted the plan that was submitted for reconsideration was the original plan. Mr. Weber's drive for a green and controlled cemetery led him to expand the original plan. After listening to the neighbors and the Council, the decision was made to reduce the scope of the request.

Councilmember Piekarski Krech stated if the revised proposal fit within the standards for the P-1, Institutional zoning district the applicant should not need any further approvals from the Council.

Mr. Biagini stated because the property was located in the Northwest Area they were required to go through the PUD approval process. He explained their original mistake was the result of an overzealous attempt to make every aspect of the operation "green".

Matt Slaven, Briggs and Morgan, took issue with the assertion that the applicant could place what would effectively be a commercial enterprise within the Public/Institutional zoning district and call it a church. He stated the City's zoning code included a definition of a church. He argued that the applicant's proposal did not meet the definition of a church because it would not be a place where "persons regularly assemble for religious worship" and because the building would not be "maintained and controlled by a religious body

organized to sustain public worship". He noted the concept of a chapel did not appear in the City's zoning code and opined that it was not a permitted use. He stated the applicant previously testified that the operation would be owned and operated by a for-profit Minnesota corporation.

Tony Weber, Prairie Oaks Memorial Eco-Gardens, stated their original application was for a church and it was going to be a religious organization. He explained because of his desire to ensure that every part of the process was as "green" as possible he brought forth the application that was subsequently denied by the Council. He stated the revised proposal was to build a bonafide church with a minister that would offer regular Sunday services. All of the profits of the entire property, including the cemetery, would go to a non-profit organization. He explained he realized that he needed to have a religious building on the property to be able to honor the people that are being buried with memorial services. He noted they also planned to offer wedding services, much like any other church. He opined the proposed church would be the same as every other church in the community. He stated he submitted a revised proposal for Council's consideration that did not include anything that was objectionable. He questioned why there would be an objection to putting a church on the property. He stated they had every opportunity to make a profit taken away from them.

Mayor Tourville stated he was a bit confused by the fact that all of a sudden there was going to be a non-denominational church on the property.

Mr. Weber stated the church was proposed because the City took his opportunity away to have a crematorium and a mortuary.

Mayor Tourville opined it seemed as though the church was an idea that came up in the time since the last meeting in an effort to get the Council to give approval.

Mr. Weber stated it was the only way to have a place to honor those being buried in the cemetery.

Councilmember Bartholomew questioned if adopting the resolution memorializing the denial would prohibit the applicant or anyone else from submitting an application for a church on the property.

Mr. Kuntz stated it would not prohibit a reapplication but it would postpone it. Because the property is located in the Northwest Area, in order for it to be developed for any use with a building the property would have to be rezoned to an Institutional-PUD designation. The property would need to be rezoned even for a permitted use. Due to the denial of the application on May 12th, the ordinances provide that there has to be a six (6) month waiting period before reapplication can be made for rezoning.

Motion by Bartholomew, second by Piekarski Krech, to adopt Resolution No. 14-70 Memorializing the Findings of Fact and Reasons for Denial relating to the Land Use Requests of Biagini Properties (on behalf of Prairie Oaks Memorial Eco Gardens) for property located at 8225 Argenta Trail, Inver Grove Heights (City Planning Case No. 14-11 PUD)

Ayes: 5
Nays: 0 Motion carried.

PUBLIC WORKS:

D. CITY OF INVER GROVE HEIGHTS: Consider Resolution Awarding Contract for the 2014 Pavement Management Program, City Project No. 2014-09D – College Trail Reconstruction and Barbara Avenue Partial Reconstruction and City Project No. 2014-06 – Blaine Avenue Retaining Wall

Mr. Kaldunski stated Council was asked to consider awarding a contract for the project including work on College Trail, Barbara Avenue, within the College Heights area, and on the Blaine Avenue retaining wall. Bids were received on March 27th and the low base bid was submitted by SM Hentges and Sons in the amount of $2,769,496.10. He noted this was a very favorable bid that was approximately $148,000 less than the engineer's estimate.

Councilmember Madden asked Mr. Kaldunski to review the project area.

Mr. Kaldunski stated the project involved work in three (3) main areas. The first was the reconstruction of College Trail from Cahill Avenue to Broderick Boulevard as well as some streets within the College Heights neighborhood. The second involved a partial reconstruction of a portion of Barbara Avenue. The third involved the repair of an existing retaining wall along Blaine Avenue.

Councilmember Madden questioned if the bid include the sidewalk and trail along College Trail.

Mr. Kaldunski responded in the affirmative. He stated there was one base bid that contained separate line items for the various components of the project.

Councilmember Bartholomew questioned if the concrete sidewalk was only being considered along College Trail.

Mr. Kaldunski stated a concrete sidewalk was proposed along College Trail from Brewster Avenue to Cahill Avenue. Another concrete sidewalk was also proposed along the west side of Barbara Avenue.

Councilmember Bartholomew clarified that line item 50 of the bid for concrete sidewalk was for both locations.

Mr. Kaldunski responded in the affirmative.

Councilmember Bartholomew stated he has felt all along that the concrete sidewalk along College Trail was not necessary and wished there was a way to separate that from the base bid.

Mr. Kaldunski stated staff had the ability to negotiate a change order with the contractor if Council was so inclined to remove a portion of the project.

Councilmember Madden stated he would like to explore the possibility of a change order for the sidewalk along College Trail.

Mr. Kaldunski recommended that Council consider awarding the contract and directing staff to negotiate the change order. He noted staff would then bring a change order back to Council for consideration that related to that specific item. He stated staff could not negotiate a change order without a contract.

Councilmember Bartholomew stated he would support awarding the contract with the understanding that a change order would be negotiated for further consideration of the concrete sidewalk along College Trail. He explained he had always supported the bituminous trail along College Trail. He opined the concrete sidewalk was unnecessary because the homes had walkways in front of them and could still access Cahill via other routes. He stated the concrete sidewalk would not be used from Cahill to Brewster.

Mayor Tourville stated he had always supported both the trail and the sidewalk along College Trail. He explained both components were included in the negotiations with the CDA for their new housing development. He noted the school district supported the sidewalk for safety reasons and the state identified a need for a connection between Cahill Avenue and Broderick Boulevard. He opined that more people would walk, run, or bike along the route if it was safer. He stated the biggest factor in his decision was safety. He added that the connection was also identified in the City's trail gap study.

Councilmember Madden questioned where people were currently walking because he did not see it being used.

Mayor Tourville stated people do not use it because it is not safe.

Councilmember Bartholomew suggested staff bring back three alternatives for Council consideration. The first would be to proceed with the concrete sidewalk as proposed. The second would be a bituminous trail in place of the concrete sidewalk. The third would be to remove the concrete sidewalk along College Trail from the project.

Jim Hanson, 8265 College Trail, stated there would still be a trail near the CDA development for access to 80th Street.

Mayor Tourville stated the pedestrian connection being advertised was from Cahill Avenue to Broderick Boulevard.

Mr. Hanson stated the trail gap study identified the connection between Cahill and Broderick as not feasible.

Mr. Kaldunski stated the trail gap study was done several years ago. He explained the feasibility study for the project presented cost estimates that demonstrated the connection was feasible at this time.

Mr. Hanson stated none of the residents in the neighborhood wanted the trail or the sidewalk. He opined that the City needed to be more economical when making decisions.

Mr. Kaldunski stated he had heard from seven (7) different people who supported the sidewalk being included in the project and three (3) or four (4) who opposed the sidewalk. He presented and reviewed statistics from the Federal Highway Administration regarding pedestrian safety. He noted Mn/DOT also promoted forms of multi-modal transportation.

Councilmember Bartholomew asked Mr. Kaldunski to provide copies of the information from the Federal Highway Administration to the Council.

Mr. Hanson questioned if staff knew when the last pedestrian-auto accident occurred in the City.

Mr. Kaldunski stated the statistics from the Federal Highway Administration were based on data obtained from across the nation.

Mayor Tourville questioned when the change order would come back to the Council for consideration.

Mr. Kaldunski stated as soon as possible because the contractor would want to begin construction.

Motion by Piekarski Krech, second by Bartholomew, to adopt Resolution No. 14-71 Accepting Bids and Awarding Contract for the 2014 Pavement Management Program, City Project No. 2014-09D – College Trail Reconstruction and Barbara Avenue Partial Reconstruction and City Project No. 2014-06 – Blaine Avenue Retaining Wall and directing staff to negotiate two (2) change orders related to the proposed concrete sidewalk along College Trail

Ayes: 5
Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS: Consider Resolution Accepting Individual Project Order (IPO) No. 19A for Additional Topographic Survey and Final Design Services for City Project No. 2014-09D – College Trail Reconstruction and Barbara Avenue Partial Reconstruction

Mr. Kaldunski stated the item related to additional services provided by the consultant to finish the plans for the project. He recommended that the Council approve the proposal in the amount of $21,640. He noted a majority of the work was completed in the design phase of the project.

Councilmember Bartholomew questioned if that process was typically followed for projects.

Mr. Thureen explained the original IPO contemplated a fixed number of hours to complete the work and as the City moved forward with the process the consultant had to put more time and effort into the project to keep it moving on schedule. He noted similar things had been done in the past to keep the process moving forward. He stated the costs were legitimate and the work was necessary to get to this point in the project.

Motion by Mueller, second by Piekarski Krech, to adopt Resolution No. 14-72 Accepting Individual Project Order (IPO) No. 19A from Kimley-Horn and Associates, Inc. for Additional Topographic Survey and Final Design Services for City Project No. 2014-09D – College Trail Reconstruction and Barbara Avenue Partial Reconstruction

Ayes: 5
Nays: 0 Motion carried.

F. CITY OF INVER GROVE HEIGHTS: Consider Resolution Accepting Proposal from American Engineering Testing, Inc. (AET) for Construction Phase Geotechnical Services for City Project No. 2014-09D – College Trail Reconstruction/Barbara Avenue Partial Reconstruction and City Project No. 2014-06 – Blaine Avenue Retaining Wall

Mr. Kaldunski stated the proposal from American Engineering Testing, Inc. was for construction testing services for the project. He noted the services were standard for this type of project.

Motion by Piekarski Krech, second by Bartholomew, to adopt Resolution No. 14-73 Accepting Proposal from American Engineering Testing, Inc. (AET) for Construction Phase Geotechnical Services for City Project No. 2014-09D – College Trail Reconstruction and Barbara Avenue Partial Reconstruction and City Project No. 2014-06 – Blaine Avenue Retaining Wall

Ayes: 5
Nays: 0 Motion carried.

G. CITY OF INVER GROVE HEIGHTS: Consider Resolution Accepting Proposal from Gorman Surveying, Inc. for Construction Surveying Services for City Project No. 2014-09D – College Trail Reconstruction/Barbara Avenue Partial Reconstruction and City Project No. 2014-06 – Blaine Avenue Retaining Wall

Mr. Kaldunski stated the proposal was for staking during the construction phase of the project.

Councilmember Bartholomew questioned if the number was consistent with staff's expectations given the amount of surveying required and the distance involved.

Mr. Kaldunski replied in the affirmative.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 14-74 Accepting Proposal for Construction Surveying Services for City Project No. 2014-09D – College Trail Reconstruction/Barbara Avenue Partial Reconstruction and City Project No. 2014-06 – Blaine Avenue Retaining Wall

Ayes: 5
Nays: 0 Motion carried.

H. CITY OF INVER GROVE HEIGHTS: Consider Resolution and Four Encroachment Agreements for City Project No. 2014-06 – Blaine Avenue Retaining Wall Replacement

Mr. Kaldunski stated the agreements outline the terms for restoration of the properties following construction of the retaining wall. He noted each of the property owners agreed to the terms outlined in the agreements.

Councilmember Piekarski Krech questioned why the retaining wall had to be redone so soon.

Mr. Kaldunski explained the old wall was a dry cast, small block wall that was exhibiting a great deal of deterioration. He stated the new wall would be constructed using wet cast, big concrete blocks to build a stronger wall. He noted there was some utility work done in the area that caused some problems and there was a documented failure of the wall shortly after construction that had to be repaired.

Councilmember Bartholomew questioned if maintenance of the wooden fence would be the homeowner's long term responsibility.

Mr. Kaldunski explained the terms of the agreement state that the City would construct the fence as compensation for the removal of trees and landscaping. The agreement also states that after construction of the fence is completed it becomes the private homeowners' responsibility. The homeowners' will own the fence and be responsible for maintaining it.

Councilmember Bartholomew questioned if the homeowners could remove the fence.

Mr. Kaldunski stated they would own the fence and could remove it if they chose to do so.

Motion by Mueller, second by Madden, to adopt Resolution No. 14-75 Approving Encroachment Agreements for Properties at 7980 Blanchard Court (Wormer), 7985 Blanchard Way (Hogenson), 7986 Blanchard Court (Ahlberg) and 7990 Blanchard Court (Diedrich) in Connection with the Installation of Improvements relating to City Project No. 2014-06 – Blaine Avenue Retaining Wall Replacement Project

Ayes: 5
Nays: 0 Motion carried.

ADMINISTRATION:

I. CITY OF INVER GROVE HEIGHTS: Consider Resolutions Assigning the Responsibilities of the Golf Course Manager to other Positions within the Parks and Recreation Department/Golf Course Division and Modifying the City's Compensation Plan for Non-Union Employees

Ms. Teppen explained the items were brought forth for consideration following the elimination of the Golf Course Manager position. At that time Council considered the revised job descriptions and requested additional information for further clarification. She stated the responsibilities of the Golf Course Manager had been adequately reassigned to other personnel within the golf course division. The reassignment of the responsibilities was reflected within the revised job descriptions. She noted that graphical representations were also included to demonstrate how the course was organized under the Golf Course Manager and how the course would be organized in the new scenario without the position. She stated two (2) positions within the golf course division, the Golf Course Superintendent and the Clubhouse Superintendent, were assigned the responsibilities formerly assumed by the Golf Course Manager. She explained the Golf Course Superintendent would be responsible for the maintenance functions of the golf course and the Clubhouse Superintendent would be responsible for clubhouse operations. She stated the second item for Council consideration related to the amendment of the compensation plan for the Non-union group of employees. The individual who assumed the responsibilities of the Clubhouse Superintendent previously held the position of Clubhouse Coordinator and was a member of the AFSCME bargaining unit. She explained because the new Clubhouse Superintendent position had supervisory responsibilities it should be moved to the non-union group of employees. The new position was placed within the non-union compensation plan so it would be equal with the Golf Course Superintendent position.

Councilmember Bartholomew questioned what the rationale was for the proposed compensation range of $66,000 to $82,600 for the new Clubhouse Superintendent position.

Ms. Teppen stated the City was required to comply with the states comparable worth statutes. Under that statute the City has to assign points to each position. The point system is based on a number of different factors including education, experience, decision making, and a safety rating. Each position is assigned a point value and is then placed in the compensation plan so that positions with similar point values are grouped within the same salary range.

Councilmember Bartholomew clarified that the City had methodology in place that could be provided to the Council.

Ms. Teppen responded in the affirmative.

Councilmember Mueller stated he had a problem with the new position because it was previously a union position and the progression through the compensation system would put the position at the top of the pay range too quickly. He questioned what would happen to the Clubhouse Superintendent position if management of the golf course was outsourced. He questioned who would protect the employee in that scenario because the position would no longer be a part of the union. He opined that the employee could be compensated in other ways or the supervisory aspects of the position could be shifted elsewhere.

Ms. Teppen stated the non-union compensation plan mirrored the step progression of each of the City's other bargaining units. She explained each position had a starting step and increases were achieved at the successful completion of six (6) months and twelve (12) months. After that point step increases were awarded annually on anniversary dates for every position within the organization.

Councilmember Mueller opined that the progression was too fast and the City needed to control how fast people progressed through the steps.

Mayor Tourville clarified that positions did not reach the top of the range after one (1) year.

Mr. Lynch explained the starting compensation for the Clubhouse Superintendent position would be $66,100 and at the successful completion of one (1) year the compensation would be $74,400.

Councilmember Mueller questioned what the employee's current compensation was as the Clubhouse Coordinator.

Ms. Teppen stated the employee currently earned $24.07 per hour, approximately $48,000 annually. She noted that the position of Clubhouse Coordinator was a nine (9) month position and the new Clubhouse Superintendent would be a twelve (12) month position. She reiterated that the employee was also being asked to assume greater degree of responsibility associated with the operation of the clubhouse.

Mr. Lynch stated the former employee who held the golf course manager position was at the top of the pay range and was earning $95,900 annually.

Mayor Tourville stated elimination of the golf course manager position was a Council initiative to attempt to save $60,000 annually in salary and benefits at the golf course.

Councilmember Mueller opined the City was not going to save any money. He stated the City needed to cut costs to make the course profitable. He questioned how much money had been saved by implementing the proposed changes.

Ms. Teppen reiterated the former golf course manager earned $95,900 annually. The new Clubhouse Superintendent position would earn a starting salary of $66,100 annually. The individual who would assume the role of Clubhouse Superintendent previously served in the position of Clubhouse Coordinator with a salary of approximately $48,000 for the nine (9) month position.

Councilmember Piekarski Krech questioned if the golf shop cashiers were nine (9) employees.

Ms. Teppen replied in the affirmative. She noted that the seasonal/temporary positions simply worked for the duration of the golf season.

Councilmember Bartholomew clarified that with the changes the City was cutting $95,900 in payroll, cutting approximately $50,000 in payroll, and gaining approximately $66,000 in payroll.

Ms. Teppen responded in the affirmative.

Councilmember Bartholomew stated he hoped the changes were not setting the course up to fail and that there would be enough of a savings realized to make the course successful.

Motion by Bartholomew, second by Piekarski Krech, to adopt Resolution No. 14-76 Assigning the Responsibilities of the Golf Course Manager to other Positions within the Parks and Recreation Department/Golf Course Division and Resolution No. 14-77 Approving the City's Compensation Plan for its Non-Union Employees

Ayes: 4 (Bartholomew, Madden, Piekarski Krech, Tourville)
Nays: 1 (Mueller) Motion carried.

FINANCE:

J. CITY OF INVER GROVE HEIGHTS: Consider Resolution Approving 2014 Budget Amendments

Ms. Smith explained in light of the staffing changes made within the golf course division there were recommended changes to the General Fund budget, the transfer of savings in the amount of $14,900 from the Parks Department to the Parks Capital Replacement Fund, and an actual savings of $26,300 in the Golf Course Fund for the 2014 budget.

Councilmember Piekarski Krech questioned why the savings from Parks employee was being moved to the Parks Capital Replacement Fund.

Ms. Smith explained as a part of the reorganization that was recommended and approved in December, there was a possibility that had those dollars not been used by the Parks department they would have been left in the Recreation Fund for staffing purposes and then ultimately rearranged and transferred out in 2015 to the Parks Capital Replacement Fund.

Councilmember Piekarski Krech clarified the savings would not have been used for something else in the General Fund.

Ms. Smith stated she was not aware of any other use within the General Fund.

Motion by Bartholomew, second by Piekarski Krech, to adopt Resolution No. 14-78 Amending the 2014 Budget

Ayes: 3 (Bartholomew, Madden, Tourville)
Nays: 2 (Mueller, Piekarski Krech) Motion carried.

8. MAYOR & COUNCIL COMMENTS:

9. EXECUTIVE SESSION:

The City Council entered executive session at 9:30 p.m.

A. Preliminary Consideration of Employee Charges

10. REGULAR AGENDA CONT.

At 11:06 p.m., the Council ended the closed door session relating to preliminary consideration of charges against employees. The Council reconvened in open session in the Council chambers. The Mayor and all Council members were present.

A. Consider Decision with Respect to Employee Charges

Motion by Madden, second by Piekarski Krech, to approve Resolution No. 14-79 Determining that Discipline is not Warranted in Connection with a Complaint Against Inver Grove Heights Park and Recreation Director Eric Carlson

Ayes: 5
Nays: 0 Motion carried.

Motion by Madden, second by Piekarski Krech, to approve Resolution No. 14-80 Determining that Discipline is not Warranted in Connection with a Complaint Against Inver Grove Heights City Administrator Joe Lynch

Ayes: 5
Nays: 0 Motion carried.

Motion by Madden, second by Bartholomew, to add the item of review and evaluation of City Administrator to the agenda for the June 2, 2014 Council work session meeting

Ayes: 5
Nays: 0 Motion carried.

11. ADJOURN: Motion by Piekarski Krech, second by Mueller, to adjourn. The meeting was adjourned by a unanimous vote at 11:11 p.m.