

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, JUNE 23, 2014 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, June 23, 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, City Attorney Kuntz, Public Works Director Thureen, Community Development Director Link, Finance Director Smith, Parks and Recreation Director Carlson, Chief Thill, City Engineer Kaldunski, City Planner Hunting, and Deputy Clerk Kennedy

**3. PRESENTATIONS:** None.

**4. CONSENT AGENDA:**

Mayor Tourville removed Item 4E and Item 4H from the Consent Agenda.

Allan Cederberg requested that Item 4M be removed from the Consent Agenda.

- A. i) Minutes – May 19, 2014 Special City Council Meeting  
ii) Minutes – June 2, 2014 City Council Work Session  
iii) Minutes – June 9, 2014 Regular City Council Meeting
- B. **Resolution No. 14-92** Approving Disbursements for Period Ending June 18, 2014
- C. Approve Contract for Services Agreement with ISD 199 to Provide a School Resource Officer for the 2014/2015 and 2015/2016 School Years
- D. Approve Replacement of Fitness and Strength Equipment for Veterans Memorial Community Center
- F. Approve Custom Grading Agreement for 9145 Dalton Court
- G. Receive Proposals and Accept Quote for Fire Hydrant Reconditioning
- I. **Resolution No. 14-94** Accepting Individual Project Order (IPO) No. 22 for General Engineering Services to Assist with Development Reviews
- J. Receive Proposal and Accept Quote for Exterior Cleaning of Northside Water Tower
- K. **Resolution No. 14-95 and Resolution No. 14-96** Calling for Hearing on Proposed Assessments, Declaring Costs to be Assessed, and Ordering Preparation of Proposed Assessments for City Project No. 2012-09D, 65<sup>th</sup> Street Neighborhood and Cahill Court
- L. Approve Temporary Extension of Liquor License for Kladek, Inc.

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

**Ayes: 5**

**Nays: 0      Motion carried.**

E. Approve Transfer to City of Inver Grove Heights Economic Development Authority

Councilmember Piekarski Krech stated the item was updated by the Finance Director to correct a mistake found in the original version.

**Motion by Bartholomew, second by Madden, to adopt Resolution No. 14-93 Approving Transfer to City of Inver Grove Heights Economic Development Authority**

**Ayes: 5**

**Nays: 0      Motion carried.**

H. Accept Proposal from SEH for Telecommunications Services

Mayor Tourville stated he would abstain from voting on a motion to approve the agenda item.

**Motion by Bartholomew, second by Madden, to accept Proposal from SEH for Telecommunications Services****Ayes: 4****Nays: 0****Abstain: 1 (Tourville)      Motion carried.****M. Personnel Actions**

Allan Cederberg, 1162 E. 82<sup>nd</sup> St., stated he was sorry to hear about the resignation of the Assistant City Administrator. He opined that the Administration Department was losing a great person.

Mayor Tourville clarified that the Assistant City Administrator had accepted a position with another municipality.

Councilmember Madden agreed that the City was losing a great employee and stated he was also sorry to hear that the Assistant City Administrator would be leaving. He opined that she did an excellent job for the City and wished her well in her new position.

**Motion by Piekarski Krech, second by Mueller, to approve Personnel Actions****Ayes: 5****Nays: 0      Motion carried.****5. PUBLIC COMMENT:**

Gary Vandelinde, 7103 River Road, expressed concerns regarding train noise. He stated he previously discussed the issue with the Council and what could be done to rectify the problem. He explained Cottage Grove and Newport had taken the necessary steps to address similar problems within their communities and asked the Council to consider taking the same measures.

Ken Detlie, 7071 River Road, stated he had lived on River Road for 57 years. He commented that the old steam engines were not as loud as the current high decibel train whistles. He explained residents in the area cannot enjoy their properties because it is not enjoyable to be outside when the train whistles are blowing so frequently and at such high volume levels. He noted at times there could be between ten (10) and fifteen (15) train trips per day through the area. He opined that property values were decreasing because nobody would want to buy a house in a neighborhood with such noise levels. He played a video clip of a train passing to demonstrate the volume of the train whistles. He stated the first train normally traveled through the area at 2:30 am and the last train came through at 10:30 pm. He added that the residents could not have leave their windows open because of the noise. He asked the City for help to address the problem.

Mayor Tourville questioned if staff was bringing back more information on a potential quiet zone study.

Mr. Link explained the Council previously directed staff to meet with representatives from Progress Plus and the railroad. Staff met with both entities and additional meetings were scheduled. Railroad representatives also expressed interest in meeting with the Mayor and City Administrator. Staff planned to meet with representatives from the City of South St. Paul as their community had also encountered similar problems from train noise.

Bill Schuldt, 7106 River Road, stated he had a right to peace and quiet. He opined that the train conductors had to excessively blow their whistles to protect the rights of those who choose to ignore the law and behave in a dangerous manner. He expressed hope that the City could find a solution to the problem to help residents in the neighborhood.

Mayor Tourville stated the City had to conduct a quiet zone study in order to consider any improvements on railroad property.

Mitch Hilsgen, 7091 River Road, opined that the issue could be addressed without a study by simply putting up a sign that said "no train noise".

Mayor Tourville explained the City was not allowed to put signs on or make improvements on railroad property without their approval. He stated in order to obtain the railroad’s approval for establishment of a quiet zone the City was first required to perform the study.

Chris Shipton, 4195 68<sup>th</sup> St. E., stated his major concern was when trains are parked and idle for long periods of time. He opined that noise was worse than the train whistles. He explained in the past he had reported the problem to both the railroad and the Police Department. He stated in one instance a locomotive was idling in the area for three (3) weeks. He noted there were homes located approximately 50 yards away from the train tracks and it was difficult to deal with the railroad directly to get the issue resolved.

Allan Cederberg, 1162 E. 82<sup>nd</sup> St., stated he was surprised to learn that there was no funding earmarked for the City’s Pavement Management Program in the 2015 budget. He suggested putting \$500,000 into the 2015 budget for pavement management. He opined that the problem was only going to get worse and the City had to take action to start funding the program. He questioned if there were plans in place to pave the proposed trail near the King of Diamonds.

Mayor Tourville stated a trail was already constructed within the right-of-way that was purchased near the King of Diamonds. He added that discussions related to the 2015 budget were scheduled and the Pavement Management Program would be discussed.

Councilmember Madden stated since his first term the City had put money aside for the Pavement Management Fund. He explained the Council would again consider that option as part of the 2015 budget process.

**6. PUBLIC HEARINGS:**

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:**

**A. THOMAS MILLAN:** Consider Resolution relating to a Variance to Allow Two Detached Accessory Buildings on a Property Whereas One is Allowed in the R-1C Zoning District for property located at 3183 70<sup>th</sup> Street

Mr. Link reviewed the location of the property. He explained the request was to replace an existing storage shed with a larger structure measuring 18 feet by 18 feet. The size of the structure was not an issue. The applicant already had a detached garage on the property and the new shed would be the second detached accessory building on the property. The zoning ordinance only allowed one (1) accessory building within the R-1C zoning district. Planning staff supported the request because they found the storage shed to be a typical improvement for a single-family lot and felt the request would not have any negative impact to the neighborhood. He stated the situation was unique because the majority of homes have an attached garage and a storage shed would be permitted without the need for a variance. He noted the combined size of the two (2) structures would not exceed 1,000 square feet and the lot would comply with the City’s impervious surface requirements. The Planning Commission also recommended approval of the request.

**Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 14-97 relating to a Variance to Allow Two Detached Accessory Buildings on a Property Whereas One is Allowed in the R-1C Zoning District for property located at 3183 70<sup>th</sup> Street**

**Ayes: 5**

**Nays: 0                      Motion carried.**

**B. CITY OF INVER GROVE HEIGHTS:** Consider Authorizing Distribution of an Update to the AUAR for the Northwest Area

Heather Botten, Associate Planner, explained following discussion by the Council at their May 5<sup>th</sup> work session, staff began the process to update the Alternative Urban Area-Wide Review (AUAR) for the Northwest Area. The purpose of the AUAR was to inventory the environmental and the cultural resources, and to analyze the environmental impacts of the extension of sewer and water and the development in the

Northwest Area. Staff prepared an addendum for incorporation into the existing AUAR document. Updates included the new sewer and water alignments, incorporation of new storm water and traffic studies, and incorporation of new maps reflecting changes that occurred with respect to land use, zoning, water, sewer, and watersheds. If authorized, staff would send the update to over 20 different agencies for review and comment. Following the comment period the Council would have the opportunity to review the update again and make any necessary changes.

Councilmember Piekarski Krech questioned if the density projections had been updated.

Ms. Botten stated the densities were not changed. She explained staff updated the densities as necessary for developments that had already received City approval rather than speculating about the densities of potential future developments.

Councilmember Piekarski Krech questioned how the update would help the City determine if a development's density would fit into the plan for the overall area.

Ms. Botten explained that the AUAR reflected what staff would consider to be a worst-case scenario. She stated any development with a density that was less intense than what was originally assumed would still fit into the guidelines.

Councilmember Bartholomew questioned what the designation "DUAC" stood for.

Ms. Botten explained the acronym meant "dwelling unit per acre".

Councilmember Bartholomew stated there were two (2) tables in the report that had not been updated because staff was still reviewing a section of the report on page seven (7).

Ms. Botten stated the tables would be updated prior to distribution of the AUAR for comment and review.

**Motion by Bartholomew, second by Piekarski Krech, to Authorize Distribution of an Update to the AUAR for the Northwest Area**

**Ayes: 5**

**Nays: 0      Motion carried.**

**PUBLIC WORKS:**

**C. CITY OF INVER GROVE HEIGHTS:** Consider Resolution Accepting the Proposal from Bolton & Menk, Inc. for Final Design Services for City Project No. 2014-13, Northwest Area Utility Extension, Argenta Trail Alignment

Mr. Thureen stated the consultant was asked to adjust their proposal to separate the project into three (3) phases. He explained the first phase of the project would begin where the utilities currently end in the Argenta Hills subdivision and would extend to the north west, across property currently controlled by the group that submitted a preliminary plat application, and would end at 70<sup>th</sup> Street. The second phase would continue from that point to the east, across Argenta Trail, and then north following an alignment that had yet to be determined. The third phase would only involve the extension of trunk water main to the east along the alignment of future 65<sup>th</sup> Street and then north to tie into the existing trunk system at 63<sup>rd</sup> Street. He explained the project was separated into phases because two of the three had access issues that would need to be worked out with the County. The second phase was dependent on the future alignment of Argenta Trail. Staff felt the issues within the first phase would be relatively easy to resolve with the County and the third phase had no issues that would require County input. He explained phase one and phase three could be designed and bid as one project, but the consultant's proposal conservatively estimated the work involved as three separate projects. The estimated costs in the proposal were approximately 33% higher than they would have been if the work had been combined into a single project. The consultant anticipated that the actual cost would be closer to the original estimate of \$210,000 if everything worked out as planned. He stated staff has been trying to expedite the process in order to move forward with the trunk utility installation.

Councilmember Bartholomew clarified that higher cost of \$275,000 deemed by staff as the worst case scenario was just for completion of the study.

Mr. Thureen replied in the affirmative.

Mayor Tourville questioned if the project schedule outlined by staff could be accelerated.

Mr. Thureen stated the schedule could potentially be adjusted to reduce the amount of time. He explained the proposed schedule allowed additional time for the second phase to be completed if the City ran into issues trying to sort out the final alignment of Argenta Trail with the County.

Councilmember Mueller questioned if staff looked at any alternative alignments for the first phase.

Mr. Thureen stated two (2) alternatives were considered and both were significantly higher in cost than the alignment that was chosen.

Councilmember Bartholomew questioned if the developer was any closer to submitting an acceptable plat.

Mr. Thureen stated the developer submitted information last week. He explained that from the Planning department's perspective everything required was submitted with the application. He noted the Engineering department had not yet completed its initial review to determine if the application was complete. He stated if the application was complete both departments would begin their full-scale review.

Mr. Link reiterated the Planning department found the application to be complete and the Engineering department was still reviewing it. He explained the plan review process would start after it was determined that the application was complete. He stated the analysis could take up to four (4) months to complete depending on a number of factors.

Councilmember Mueller questioned if the plan review process could be completed sooner if the Council chose to delay work on the second phase of the project and just focus on the first phase.

Mr. Link stated it was a possibility.

Mr. Thureen stated if the temporary access issue could be resolved with the County relatively quickly staff would feel comfortable telling the consultant to move forward with the design for phase one of the project.

Councilmember Bartholomew questioned if staff's preference would be to move forward with the proposal for all three phases or to just focus the work at this time on completing the first phase of the project.

Mr. Thureen opined that it would be beneficial to tell the consultant to focus on phases one and three at this time. He stated the work on phase two could be delayed because the City needed to have more discussion with the County regarding the future alignment of Argenta Trail in order to move forward.

Councilmember Piekarski Krech questioned if the City already had the necessary easements for phase three.

Mr. Thureen replied in the negative. He stated the consultant's proposal included going through the process to acquire easements. He noted the acquisition process for the third phase could move quickly because the alignment was already known.

Mayor Tourville stated staff needed to continue communicating the status of the project with all those involved.

**Motion by Mueller, second by Bartholomew, to adopt Resolution No. 14-98 Accepting the Proposal from Bolton & Menk, Inc. for Final Design Services for City Project No. 2014-13, Northwest Area Utility Extension, Argenta Trail Alignment**

**Ayes: 5**

**Nays: 0          Motion carried.**

**D. CITY OF INVER GROVE HEIGHTS:** Review Change Order Options for Sidewalk on City Project No. 2014-09D, College Trail between Cahill Avenue and Brewster Avenue

Mr. Thureen stated at the time Council awarded the contract for the project staff was directed to meet with the contractor to obtain pricing for a change order with two options for the six foot wide concrete sidewalk from Brewster Avenue to Cahill Avenue. He explained the first option would be to move forward with the

contract that was originally awarded. The second option would be to remove the concrete sidewalk from the project and replace it with turf. The second option would result in a contract reduction of approximately \$31,500. The third option would be to replace the concrete sidewalk with a six foot wide bituminous trail, for a contract reduction of approximately \$9,200. He explained the City Engineer provided the Council with a number of emails received after the contract was awarded, and letters received from the school district and CDA regarding the sidewalk and trail. He stated the only property proposed to be assessed for the trail and sidewalk was that belonging to the CDA. He noted the City had previously reached an assessment agreement with the CDA. The reason the CDA agreed to be assessed the amount outlined in the agreement was because the trail and sidewalk were included in the project and they felt it was a valuable amenity. He stated it was unclear if the CDA would want to renegotiate the assessment agreement if the sidewalk was removed from the project.

Councilmember Bartholomew clarified that the CDA's assessment agreement included a charge for the sidewalk.

Mr. Thureen replied in the affirmative. He stated the project plan the CDA based their assessment agreement on included both the sidewalk and trail. He noted over half of the amount the CDA agreed to be assessed was attributed to the sidewalk and trail.

Councilmember Bartholomew admitted he had missed that fact when staff brought the agreement forward for approval.

Mayor Tourville stated he received a call from the CDA wondering how they should proceed because one of their projects was specifically for families.

Councilmember Bartholomew stated the CDA development had 19 children between the ages of zero (0) and four (4), 18 children between the ages of five (5) and eleven (11), and eight (8) children between the ages of twelve (12) and fourteen (14).

Councilmember Madden clarified that in the long run a concrete sidewalk would be a better deal than the bituminous in terms of maintenance and how long it would last.

Mr. Thureen responded in the affirmative.

Sherry Warrick, 8534 Brewster Avenue, thanked the City for having a community with a lot of sidewalks and trails. She stated she had three (3) school age children that used the trails and sidewalks frequently. She opined a safe connection was need from Brewster Avenue to Cahill Avenue. She stated the area could used by many more kids and adults if the sidewalk was constructed because it would be much safer. She opined it was not currently safe to travel along College Trail as a pedestrian or a biker. She asked the Council to move forward with a sidewalk or a trail along College Trail to provide a connection to Cahill Avenue.

Sindy Goodwill, 8271 College Trail, stated a tree was removed from her property as part of the project and questioned who would be responsible for cleaning up the mess that was left behind. She questioned if the fire hydrant located across from her property would be functioning throughout the duration of the project. She explained she understood the safety aspect of the trail and sidewalk issue. She stated if a connection had to be built her preference would be to have a bituminous trail for both sections. She opined the winter maintenance for a bituminous trail would be easier because the sidewalks were not plowed well.

Mr. Thureen stated the tree was removed for construction and the clean up would occur as part of the restoration work. He noted the contractor would clean up any debris that was causing an issue. He explained if a fire hydrant line has to be removed from service for a period of time the Fire Department and affected residents are notified in advance.

Jim Hanson, 8265 College Trail, stated he was unhappy with the entire process because the residents in the neighborhood that actually live on College Trail do not want the sidewalk and the City was altering the whole look and feel of the neighborhood. He opined that the residents living on the CDA property did not need a sidewalk from Brewster Avenue to Cahill Avenue. He stated parents should teach their children how to walk to school safely. He added the sidewalk was just one more thing the City would have to

maintain. He opined the money being used for the sidewalk and trail could have been used for something else such as a bike trail and parking lane.

Councilmember Madden stated he did not think the City needed to have trails between every neighborhood. He expressed concern about funding the long-term maintenance of the trails and sidewalks.

Councilmember Bartholomew clarified that the total cost for the bituminous trail and concrete sidewalk as originally proposed was approximately \$69,000. He reiterated he did not realize that the agreement with the CDA included an assessment for the trail and sidewalk.

Mayor Tourville stated he understood the neighborhood's concerns regarding the sidewalk. He opined the trail and sidewalk were needed to increase the safety for those traveling along College Trail. He stated many people won't use College Trail because it isn't safe.

Councilmember Piekarski Krech stated the City has been at fault in a number of areas for failure to install sidewalks and contributing to an overall lack of connectivity. She explained there were many more places in the City that were becoming more urban than rural.

Councilmember Mueller questioned how long the bituminous trail would last.

Mr. Thureen stated the Parks department had a management program for the City's trails that was similar to the program used for the street system. He explained a trail built to current standards should last between 20 and 25 years if regular crack seal and seal coat maintenance is performed. A concrete sidewalk would be expected to last 50 or 60 years with minimal maintenance. He noted the same piece of equipment was used to plow bituminous trails and concrete sidewalks.

**Motion by Tourville, second by Piekarski Krech, to proceed with the original base bid that included a concrete sidewalk along College Trail from Brewster Avenue to Cahill Avenue**

**Ayes: 4**

**Nays: 1 (Madden) Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

The Council discussed the recent flooding issues and inquired about recovering the costs incurred.

Mr. Thureen stated the City was tracking all costs related to fighting the flood. He provided an update on the work being done to mitigate the damage.

**9. ADJOURN:** Motion by Piekarski Krech, second by Mueller, to adjourn. The meeting was adjourned by a unanimous vote at 8:35 p.m.