

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, SEPTEMBER 22, 2014 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, September 22, 2014, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Mueller and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, Finance Director Smith, Chief Stanger, Chief Thill, Public Works Director Thureen, and Deputy Clerk Kennedy

**3. PRESENTATIONS:**

A. Fire Department Donation

Chief Thill explained Station 3 Lieutenant Corey Rosendale's children, Wyatt and Payton, and his wife, Nicole, researched the use of pet oxygen masks. They questioned if the Inver Grove Heights Fire Department would be willing to put the equipment on its trucks. Lieutenant Rosendale discussed the issue with his Captain and determined the department would welcome the equipment. He told his wife to purchase two (2) masks so both stations would have them available for use. Upon learning that two (2) masks would be purchased Wyatt volunteered to pay for the second mask on his own. Wyatt mowed lawns throughout the summer and saved his money to purchase the second pet oxygen mask for the Fire Department. She introduced Nicole, Wyatt, and Payton and they presented the pet mask kits as a donation to the Fire Department. She stated the kits included different sized masks to be able to fit a wide variety of pets. She thanked Nicole, Wyatt, and Payton for their donation of the life-saving apparatus.

**4. CONSENT AGENDA:**

Councilmember Piekarski Krech removed Item 4E from the Consent Agenda

Mayor Tourville removed Item 4H from the Consent Agenda.

- A. i) Minutes – September 2, 2014 City Council Work Session
- ii) Minutes – September 8, 2014 Regular City Council Meeting
- B. **Resolution No. 14-144** Approving Disbursements for Period Ending September 17, 2014
- C. Approve Revision of Fund Balance Policy
- D. **Resolution No. 14-145** Accepting Individual Project Order No. 1 for General Planning Services to Assist with Development Reviews
- F. Change Order No. 6 and Pay Voucher No. 3 for City Project No. 2014-09D, College Trail Reconstruction and Barbara Avenue Partial Street Reconstruction and 2014-06, Blaine Avenue Retaining Wall Replacement
- G. Approve Custom Grading, Right of Way Easement, and Pedestrian Trail Easement Agreements for 2211 94<sup>th</sup> Court East (Lot 1, Block 1, Shamrock Oaks)
- I. Approve VMCC Concession Stand Lease with IGHHA
- J. Approve Dasher Board Letter of Understanding with IGHHA
- K. Approve Amended Start Time for October 6, 2014 City Council Work Session
- L. Personnel Actions

**Motion by Piekarski Krech, second by Mueller, to approve the Consent Agenda**

**Ayes: 4**

**Nays: 0          Motion carried.**

**E. Resolution Calling for Hearing on Proposed Assessments, Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Nuisance Abatement**

Councilmember Piekarski Krech questioned if the people from 2013 would be charged interest for all of 2013 or only from the date the assessment was levied.

Mr. Link stated he would have the information available at the assessment hearing. He explained his understanding was that interest would be charged for the past year.

**Motion by Piekarski Krech, second by Bartholomew, to adopt Resolution No. 14-146 Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Nuisance Abatement and Resolution No. 14-147 Calling for Hearing on Proposed Assessments**

**Ayes: 4**

**Nays: 0 Motion carried.**

**H. Resolution Receiving Professional Services Proposal and Accepting Proposal from Short Elliott and Hendrickson, Inc. (SEH) for City Project No. 2015-09E, 47<sup>th</sup> Street Neighborhood Street Reconstruction**

Mayor Tourville questioned if the scope of services included looking at the storm water in the area in conjunction with the street project.

Mr. Kaldunski replied in the affirmative.

**Motion by Bartholomew, second by Mueller, to adopt Resolution No. 14-148 Receiving Professional Services Proposal and Accepting Proposal from Short Elliott and Hendrickson, Inc. (SEH) for City Project NO. 2015-09E, 47<sup>th</sup> Street Neighborhood Street Reconstruction**

**Ayes: 3**

**Nays: 0**

**Abstain: 1 (Tourville) Motion carried.**

**5. PUBLIC COMMENT:**

**6. PUBLIC HEARINGS:** None.

**7. REGULAR AGENDA:**

**FINANCE:**

**A. CITY OF INVER GROVE HEIGHTS:** Consider Resolutions Adopting the Proposed Tax Levy for 2015, Adopting the Proposed Budgets for 2015, Adopting the Proposed Watershed Management Taxing Districts Tax Levies for 2015, and Setting the Date and Time of a Regularly Scheduled Meeting where the Budget will be Discussed

Ms. Smith explained the preliminary tax levies and budgets for 2015 had to be adopted and certified to the County prior to September 30th. She stated at this point the budgets were proposed and subject to change prior to final adoption on December 8th. She noted once the preliminary information was certified to the County the tax levy could not increase. The proposed 2015 budget was based on the 2015 base budget plus additions and reflected a 3.9% increase in the tax rate. She explained the taxable market values and net tax capacities increased for 2015. The General Fund base budget reflected a 2.3% increase from the 2014 amended budget. The base budget plus additions equated to an 8.4% increase from the 2014 amended budget. She stated the General Fund budget relied on a transfer from the Host Community Fund.

Mayor Tourville stated the budget discussions would continue in the coming months and clarified that the proposed levy could be reduced but not increased.

Councilmember Bartholomew stated he was pleased to see the staff recommendation to reduce contingency by \$50,000 and to increase the fund reserve policy from 40% to 45%. He questioned if the decrease of \$129,000 in sewer utility services was a result of a change in the charges from MCES.

Ms. Smith explained when the preliminary budget was originally presented an estimated cost was included for MCES charges. Since that time the actual numbers were received and incorporated into the budget.

**Motion by Piekarski Krech, second by Mueller, to adopt Resolution No. 14-149 adopting the Proposed Budgets for 2015, Resolution No. 14-150 adopting the Proposed Tax Levy for 2015, and Resolution No. 14-151 adopting the Proposed Watershed Management Taxing Districts Tax Levies for 2015**

**Ayes: 4**

**Nays: 0            Motion carried.**

**COMMUNITY DEVELOPMENT:**

**B. WOODALE BUILDERS:** Consider Resolution relating to a Conditional Use Permit to Exceed the Maximum Impervious Surface on a Residential Lot Located at 9063 Altman Court

Mr. Link reviewed the location of the property. He explained the request was for a conditional use permit for impervious coverage. The applicant was building a new home on the property and was installing a storm water infiltration system. He stated the applicant wanted to size and design the system in such a way that would provide for future needs on the property. The applicant worked with Engineering staff and the storm water plans met the department's approval. Both Planning staff and the Planning Commission recommended approval of the request.

**Motion by Piekarski Krech, second by Bartholomew, to adopt Resolution No. 14-152 approving a Conditional Use Permit to Exceed the Maximum Impervious Surface on a Residential Lot located at 9063 Altman Court**

**Ayes: 4**

**Nays: 0            Motion carried.**

**C. PAUL AND STACY MARION:** Consider Resolution relating to a Variance from the Shoreland Setbacks to allow a Deck 61 Feet from the Ordinary High Water Mark whereas 75 Feet is required for property located at 1905 63<sup>rd</sup> Street

Mr. Link reviewed the location of the property. The applicant wanted to replace the existing deck and add two (2) feet to it. The deck was located 63 feet from the ordinary high water mark and with the addition that distance would be reduced to 61 feet. The shoreland ordinance required a setback of 75 feet. He noted the additional two (2) feet would not require any new footings. Planning staff recommended denial due to lack of a practical difficulty and concern with setting a precedent. The Planning Commission recommended approval of the request because the additional two (2) feet did not require any additional posts or footings.

Paul Marion, 1905 63rd St. E., clarified that the deck was being refurbished, not reconstructed. He stated there were no plans to add new footings.

Councilmember Piekarski Krech stated she would support the request because no additional footings or posts were proposed.

**Motion by Piekarski Krech, second by Mueller, to adopt Resolution No. 14-153 approving a Variance from the Shoreland Setbacks to allow a deck 61 Feet from the Ordinary High Water Mark whereas 75 Feet is required for the property located at 1905 63<sup>rd</sup> Street**

**Ayes: 4**

**Nays: 0            Motion carried.**

**D. BENNET BENSON:** Consider Resolution relating to a Variance to Allow Two Detached Accessory Structures on a property whereas One is the Maximum Allowed for the property located at 5906 Asher Avenue

Mr. Link reviewed the location of the property. The applicant requested two (2) accessory buildings and only one (1) was allowed by ordinance. Planning staff recommended denial of the variance due to lack of

a practical difficulty and precedent concerns. He noted the second accessory building was not considered necessary for reasonable use of the property. The Planning Commission considered a motion to approve the variance and the motion failed on a 4-5 vote.

Bennett Benson, 5906 Asher Avenue, stated the combined size of the accessory buildings was still under the impervious surface requirements. He noted he did not want to tear down the existing shed on the property. He explained the accessory structure only exceeded the allowed size by two (2) feet. If the structure was 10 feet by 12 feet in size the variance would not be required. He opined that the structure fit well on his half-acre property.

Mayor Tourville questioned how the applicant proposed to address the issue of setting a precedent for future requests for multiple accessory structures.

Mr. Benson reiterated if his building was two (2) feet shorter he would not need a variance. He stated he did not know that information prior to constructing the building.

Councilmember Mueller stated if the building was removed there would still be a concrete slab. He noted the building was secluded from view.

Mr. Benson stated the smaller shed was visible from the street and the new shed was behind it. He explained he had a thick line of trees to the north and the lot to the east was completely wooded. He added he had letters of support from both neighbors that may be able to see the new building from their properties.

Mayor Tourville stated the fact that the neighbors approved did not address the precedence issue.

Councilmember Piekarski Krech questioned how the applicant would access the new building.

Mr. Benson stated there was access through an existing gate between the house and the shed. He explained the new building would primarily be used for personal storage to keep items from being stored out in the yard.

Councilmember Bartholomew questioned how difficult it would be to reduce the size of the shed by two (2) feet.

Mr. Benson explained he would have to reduce the length and rebuild the fence. He noted the concrete slab would still be there and the reduction would not affect the impervious surface. He stated he could reduce the size at a significant expense.

Councilmember Bartholomew stated the issue was setting a precedent for future requests.

Mr. Benson noted there were changes proposed to the Minnesota State Building Code that could impact his request.

Mr. Link explained the City's zoning ordinance was tied to the State building code in that if a structure was 120 square feet or less in size it did not count as an accessory structure. The State was considering redoing the code and increasing the maximum size to 144 square feet. If the State code changed the City could consider amending the zoning ordinance. If the ordinance was amended the applicant would not need the variance.

Councilmember Mueller stated the requests should be considered on a case by case basis.

Mr. Benson stated he already obtained the permit and the new building was already under construction.

Councilmember Piekarski Krech questioned why the applicant received a building permit.

Mr. Link stated the permit was issued with the understanding that if the variance was not approved the shed would have to be removed or brought into compliance.

Mr. Benson presented examples of similar variances for second accessory structures that were previously approved by the Council within the last year.

Mr. Link stated staff could research the issue and bring back additional information.

Mayor Tourville suggested tabling consideration of the variance to allow staff time to research the issue. He stated the applicant could continue constructing the new building with the understanding that if the variance was denied the building would have to be removed or brought into compliance.

Mr. Benson stated he understood the terms.

**Motion by Piekarski Krech, second by Mueller, to table the request to October 13, 2014**

**Ayes: 4**

**Nays: 0      Motion carried.**

**PUBLIC WORKS:**

**E. CITY OF INVER GROVE HEIGHTS:** Consider Authorizing Staff to Secure the Execution of Assessment Waiver Agreements, Order the Project, Accept the Quote, and Award the Contract for City Project No. 2014-16, Bechtel Avenue Backyard Drainage

Mr. Kaldunski stated the item related to backyard drainage issues on properties located along Bechtel Avenue. He explained the request was to authorize staff to obtain executed waiver agreements from the eight (8) affected property owners to move forward with the project. The total cost of the project was estimated to be approximately \$11,000. The project would tie into the existing catch basin and would include the installation of 180 feet of six (6) inch drain tile and four (4) sump baskets. He explained the properties had a flat grade in the backyards. The runoff and drainage going through the properties to the catch basin, combined with discharge from private sump pumps, was contributing to the wet conditions that were frequently experienced. He stated the proposed project was brought forward following a series of discussions with the neighborhood. The project could move forward if all eight (8) property owners agreed to sign the waiver agreements prepared by the City Attorney. He noted there was a property owner that was still undecided and requested that the City obtain additional quotes for the proposed project. The same property owner also expressed concerns that the problem may be related to a ground water issue in the area. He explained the proposed project would capture the drainage on the surface of the ground in a simple infiltration trench to dry up the backyards. It was estimated that the cost of the project would be \$300-\$800 for each of the affected property owners. He reiterated if all eight (8) property owners agreed the project would be completed this fall. If the property owners did not agree the project would be pushed back for possible completion in 2015 as a 429 project.

Mayor Tourville clarified the City would contribute approximately half of the total estimated cost of the project.

Councilmember Piekarski Krech questioned why staff was so confident that the proposed project would resolve the problem.

Mr. Kaldunski stated they knew that the clay soils in the area did not transmit a lot of water. The puddles and pooling of water in the backyards primarily occurred along the back of the property owners' fences. Everything was graded to drain to the back lot lines and go to the existing catch basin. The drain tile and inlets from the sump baskets would allow water to be picked up from the backyards. He reiterated the project was meant to address the surface water problem.

Councilmember Piekarski Krech stated one of the property owners claimed that the sump pumps had to run continuously because of a groundwater issue. She expressed concerns that the project would not address the real problem in the area.

Mr. Kaldunski stated the project would address the problem of wet backyards. He noted a much larger project would be required to solve a groundwater issue, if it was able to be solved at all.

Steve Heasley, 8580 Bechtel Avenue, stated he owned the corner lot where the existing catch basin was located. He explained the problem had gotten progressively worse since he purchased the property in 1995. He stated he was unable to mow the affected area of his property until late May. He noted the City could not even mow a section of the park land behind his house because it was too wet. He opined the issue was not just related to ground water and that some erosion had also occurred over the past 20 years. He stated the park land was elevated and sloped towards the drainage area located behind their

backyard.

Mayor Tourville stated the project would make the backyards more useable. He noted if the issue was related to ground water a larger project would be required to fix the problem.

Mr. Heasley stated based on his observations the issue was related to drainage from the park and the properties located further up the street.

Councilmember Mueller questioned which of the properties had the most water in the backyard.

Mr. Heasley stated his yard had the most water because of the catch basin. He noted there were times, after long periods without rain, that the backyards were dry.

Mayor Tourville clarified each of the property owners had to agree to the project in order to proceed in 2014.

Mr. Kuntz replied in the affirmative. He advised if the Council made a motion to contingently order the project and award the contract the motion should also indicate that pursuant to M.S. 462.356, subdivision 2, the City finds that the project does not affect the comprehensive plan and review by the Planning Commission is not required.

Mayor Tourville questioned if it would be difficult to obtain another quote for the project.

Mr. Kaldunski stated he could obtain one (1) more quote for the project.

Dean Smith, 8554 Bechtel Avenue, stated this had been an ongoing issue since 1995 and it was not enjoyable to be unable to use the last 25 feet of his property. He expressed gratitude that the City was attempting to address the problem.

Councilmember Piekarski Krech questioned what would happen if the water table was hit during construction.

Mr. Kaldunski explained the drain tile being installed would be put inside of a drainable material.

Mayor Tourville reiterated ordering the project and awarding the contract would be contingent upon all eight (8) property owners executing the assessment waiver agreements.

**Motion by Mueller, second by Bartholomew, to Authorize Staff to Secure the Execution of Assessment Waiver Agreements, Order the Project, Obtain an Additional Quote, Accept the Quote, and Award the Contract for City Project No. 2014-16, Bechtel Avenue Backyard Drainage, with the Understanding that the Project Does Not Affect the Comprehensive Plan and Review by the Planning Commission was not required**

**Ayes: 4**

**Nays: 0          Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

**9. ADJOURN:** Motion by Bartholomew, second by Mueller, to adjourn. The meeting was adjourned by a unanimous vote at 8:10 pm