

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, OCTOBER 13, 2014 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, October 13, 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, Community Development Director Link, Finance Director Smith, Chief Stanger, Chief Thill, Public Works Director Thureen, and Deputy Clerk Kennedy

**3. PRESENTATIONS:** None.

**4. CONSENT AGENDA:**

Councilmember Madden removed Item 4A(iii) from the Consent Agenda.

Administrator Lynch removed Item 4N from the Consent Agenda.

- A. i) Minutes – September 8, 2014 Special City Council Meeting
- ii) Minutes – September 15, 2014 Special City Council Meeting
- iii) Minutes – September 22, 2014 Regular City Council Meeting
- B. Resolution No. 14-154** Approving Disbursements for Period Ending October 8, 2014
- C.** Approve Custom Grading Agreement and Storm Water Facilities Maintenance Agreements for 2143 94<sup>th</sup> Court (Lot 2, Block 2, Shamrock Oaks)
- D.** Approve Amendment to the Custom Grading Agreement for 2211 94<sup>th</sup> Court East (Lot 1, Block 2, Shamrock Oaks)
- E.** Approve Retaining Wall Maintenance Agreement for Landowner Improvements for Outlot J of the Argenta Hills 8<sup>th</sup> Addition
- F.** Accept Proposal from Keys Well Drilling Company
- G. Resolution No. 14-155** Approving Second Amendment to Lease – AT&T
- H. Resolution No. 14-56** Approving Traffic Control Signal Agreement No. 05974 (Robert Street and Mendota Road)
- I.** Approve Purchase of Capital Equipment
- J. Resolution No. 14-157** Approving Assessment Deferral for City Project No. 2012-09D, 65<sup>th</sup> Street Neighborhood and Cahill Court
- K. Resolution No. 14-158** Receiving a Petition Requesting a Mill and Overlay Project on Dawn Avenue from 78<sup>th</sup> Street to 80<sup>th</sup> Street
- L. Resolution No. 14-159** Receiving the Petition for Sewer and Water Extension and to Add and Incorporate into the Feasibility Report for City Project No. 2015-09E, 47<sup>th</sup> Street and Neighborhood Street Reconstruction
- M.** Approve Massage Therapist Licenses

**Motion by Madden, second by Mueller, to adopt the Consent Agenda**

**Ayes: 5**

**Nays: 0            Motion carried.**

- A. iii) Minutes – September 22, 2014

Councilmember Madden stated he would abstain because he was absent from the meeting.

**Motion by Piekarski Krech, second by Bartholomew, to approve the minute of the September 22, 2014 Regular Council Meeting**

**Ayes: 4**

**Nays: 0**

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

#### **N. Personnel Actions**

Mr. Lynch stated the personnel actions contained the confirmation of employment for the GIS Technician position. He explained staff was notified earlier in the day that the selected candidate had withdrawn their application and accepted a position with another organization. He requested that the GIS Technician position be removed from the personnel actions to allow staff to discuss the situation and determine how to move forward with the open position.

#### **Motion by Piekarski Krech, second by Bartholomew, to approve Personnel Actions with the omission of the GIS Technician position**

**Ayes: 5**

**Nays: 0**

**Motion carried.**

#### **5. PUBLIC COMMENT:**

Alan Kellogg, 8275 College Trail, discussed the College Trail street project. He explained as part of the project a drainage ditch was installed on the south side of the road. He stated the ditch was next to the driveway and was much deeper than what was originally discussed. He opined that the depth of the ditch created a hazard when pulling in and out of his driveway. He noted there were no street lights in the immediate area and it was difficult to see the edge of the ditch. He stated the City Engineer had agreed to extend the area by five (5) feet to resolve the situation. He opined that the drainage ditch was unnecessary and created additional issues on his property because he now had two (2) drainage points in his yard rather than one (1).

Mayor Tourville stated the City Engineer would continue to work with the property owner and the contractor to come up with a sufficient resolution to the problem.

Joe McBride, 4055 59th St. E., expressed concerns related to the Dawn Way landfill. He stated the City Planner and City Engineer informed him that the investigation into his allegations related to over-mining and placement of demolition material outside of the established limits was over. Their response indicated Dakota County GIS data from 2011 showed over-mining of 60 feet to the west of the debris limits and 60 feet below grade at the debris limits. He stated the City Planner and City Attorney decided that the non-conforming use certificate permit drawing was too weak to enforce regulations related to over-mining. He opined this allowed the City to not investigate the over-mining issues and ignore the possibility that there was demolition material buried outside of the debris limits. He stated the investigation consisted of a drawing from a land surveyor that was unsigned and contained a note indicating that the elevations were provided by Frattalone Companies surveying department for the first 100 feet of existing profiles. He noted the area in question was the west 154 feet measured from the center line of Henry Avenue to the debris limit line. He argued that Frattalone Companies provided two-thirds of the information for the investigation. He questioned why the City allowed Frattalone Companies to provide any of the information related to the independent investigation. He stated the City sent Frattalone a cease and desist notification in June related to filling and excavating along the western and southerly boundaries of the property. He contended in the last two (2) weeks he had witnessed filling on both the southern and western sides of the landfill to cover the over-mining and material that had been placed there. He requested that the City shut down the landfill before the evidence of the violation of the non-conforming use certificate was covered up.

Mr. Kuntz stated the evidence reviewed by the City Planner and City Engineer indicated there was no over-filling. He noted there was evidence of excavation beyond the fill line but that practice was recognized within the industry as normal in terms of filling for that type of slope.

Mayor Tourville suggested that the item be placed on an upcoming agenda for further discussion so all of the information could be presented to Council.

Councilmember Piekarski Krech questioned if staff visited the site or if the investigation was based solely on the documentation provided by Frattalone Companies.

Mr. Hunting stated he and the City Engineer visited the site two to three times to observe the operations. He explained they did not observe any obvious problems related to demolition debris beyond the established limits. He noted staff requested additional information from Frattalone Companies and contacted the MPCA to make sure nothing was missed. He stated although they witnessed over-excavation there was no evidence that they were placing the landfill material outside of the established limits.

Councilmember Piekarski Krech reiterated the issue needed to be placed on an agenda in order for any formal action to be taken.

Joe Beckers, 5058 Brent Ave. E., discussed several issues occurring in his neighborhood that were related to a single family dwelling that was rented out as a multifamily home. He explained there had been issues with parking in the neighborhood, criminal activity, illegal burning, excessive trash and debris. He stated a neighborhood meeting was held to discuss the problems with City staff including the Police Chief and Fire Marshal. The residents in the neighborhood asked the Council to adopt regulations that would allow the City to inspect the interior of the problem rental property. He opined that the property was not up to code for use as a multiple family dwelling.

Mayor Tourville stated the City was familiar with the property and the problems that had been occurring. He explained the City was considering adopting regulations for rental properties to be able to address quality of life and safety issues. He noted at this point the City did not have regulations in place to be able to go inside of the dwelling and perform inspections. He stated the City attempted to address several of the issues related to the exterior of the property and illegal burning through the landlord. He explained the City would continue to work with the neighborhood to try to improve the situation.

Mr. Beckers also addressed the condition of the street. He stated he understood that the City was considering a future street project in the area and opined that there were several problems that had to be fixed immediately. He explained there was a culvert in the area that was filled in by Mn/DOT during the 494 project and did not drain properly. He noted he personally dug a ditch along side of the culvert in order to get some drainage in the area. He opined the issue needed to be addressed this fall so the area would drain properly through the winter and into the spring.

Mayor Tourville questioned if this area would be included in the feasibility study for the proposed street project.

Mr. Kaldunski responded in the affirmative.

Nadine Hunziker, 5023 Brent Avenue, opined that the City's laws needed to be tougher to hold landlords accountable. She stated she would not be able to sell her property because of the poor condition of a neighboring property. She explained she and her neighbors have cleaned up trash from the woods behind the rental property on numerous occasions. She added that the street was in such poor condition because no real maintenance had been done in 25 years except for minimal patching. She stated the neighborhood needed help to address the ongoing problems.

Mayor Tourville clarified that the neighborhood supported the City moving forward with regulations to perform interior inspections of multifamily rental properties.

**6. PUBLIC HEARINGS:** None.

## **7. REGULAR AGENDA:**

### **COMMUNITY DEVELOPMENT:**

**A. 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. He explained the request was for a variance for two (2) accessory buildings on the property. He stated there was an existing shed on the property and the property owner pulled a building permit for a larger accessory building. If the variance was not approved the smaller building would need to be removed. Council previously directed staff to research other, similar applications. Planning staff found two (2) similar applications in the last ten years. In one case the variance was approved because the residence did not have an attached garage. The other similar variance application was also approved with the justification that it was an isolated residence located in a commercial area. Planning staff recommended denial of the variance because they did not find it necessary in order to make reasonable use of the property and there was nothing particularly unique about the situation. He noted staff was also concerned that approval of the variance could set a harmful precedence. The Planning Commission did not provide a recommendation as a motion to approve failed on a 4-5 vote.

Mayor Tourville stated the applicant was not present. He questioned if there were any concerns with tabling the request to the next regular meeting.

Mr. Link stated the first 60 days expired on October 14th. He noted the City could extend the timeline for the second 60 days.

**Motion by Piekarski Krech, second by Bartholomew, to table to October 27, 2014 and to extend the second 60-day time period**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. JAMES FROME:** Consider Resolution relating to a Conditional Use Permit to Exceed the Maximum Impervious Surface allowed for property located at 8956 Almquist Way

Mr. Link reviewed the location of the property. The request was for a conditional use permit to increase the amount of impervious coverage on the property. The applicant proposed to address the storm water by installing a rain garden. Engineering staff worked with the applicant to ensure the proposal complied with City ordinance. City staff and the Planning Commission recommended approval of the request.

**Motion by Bartholomew, second by Madden, to adopt Resolution No. 14-160 approving a Conditional Use Permit to Exceed the Maximum Impervious Surface allowed for property located at 8956 Almquist Way**

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. KEH&H:** Consider Resolution relating to a Conditional Use Permit to Add a Car Wash and Expand the Outdoor Storage Area for property located at 16 Mendota Road

Mr. Link reviewed the location of the property. He explained Morrie's Mazda purchased the adjacent property and requested an amendment to their conditional use permit to add a car wash onto the existing building and to provide for more outdoor storage of vehicles on the back side of the property. He noted the additional outdoor storage would be for inventory purposes, not for display. Access to the property remained the same and a driveway would be installed between the two (2) properties to allow for vehicles to be moved. Engineering worked with the applicant to ensure all storm water requirements had been met. Both Planning staff and the Planning Commission recommended approval of the request.

Lynn Robson, Morrie's Automotive Group, thanked staff for their time and effort on the project.

Mayor Tourville questioned if the applicant agreed with the conditions of approval.

Ms. Robson replied in the affirmative.

**Motion by Piekarski Krech, second by Bartholomew, adopt Resolution No. 14-161 approving a Conditional Use Permit to Add a Car Wash and Expand the Outdoor Storage Area for property located at 16 Mendota Road**

**Ayes: 5**

**Nays: 0      Motion carried.**

**D. JIM DEANOVIC:** Consider the following requests for properties located in the Northwest Area:

- i) A Comprehensive Plan Amendment to Change the Land Use Categories on Portions of the Parcels and Additional Amendments
  - a) Blackstone Vista: 40 acres from IOP, Industrial Office Park, CC, Community Commercial, MDR, Medium Density Residential to LDR, Low Density Residential
  - b) Blackstone Ridge: 40 acres from LMDR, Low-Medium Density Residential, MDR, to LDR
  - c) Amend Sanitary Sewer Map to Show the Proposed Change in Routing of the Sanitary Sewer through the Argenta Sewer District
  - d) Change to the MUSA Expansion Exceptions through the Leitch Estates Neighborhood with Routing of Public Street and Utility Improvements through the Neighborhood
  - e) Create New Districts for the MDR and LDR Categories to Address Financial Implications in the Northwest Area
- ii) Rezoning of the Property from A, Agricultural to R-1C/PUD, Single Family Residential PUD and R-3B/PUD, Multiple Family Residential PUD
- iii) A Preliminary Plat and Preliminary PUD Development Plan Approval for a Three Parcel Plan to be known as Blackstone Vista – 78 Unit Single Family, Blackstone Ponds – 104 Unit Townhome and Blackstone Ridge – 121 Single Family

Ian Peterson, Vice President of Ryland Homes, provided an overview of the proposed project. He explained when the property was originally guided and zoned 60-65% of the market was for townhomes. In the current market, following the economic downturn, 10-15% of new construction was townhomes. He stated planning for the Blackstone development began two (2) years ago. The plat was originally going to be serviced via the sanitary sewer stub at the Holiday gas station on T.H. 3. After numerous iterations it was determined that the plat would be best served through a stub that ended in the Argenta Hills development on the Peltier property. The planning process began and two (2) additional parcels were acquired, Blackstone Vista and Blackstone Ponds. The sanitary sewer was proposed to be routed from the Peltier property to Blackstone Vista where a pump station would be constructed to serve Blackstone Ponds and Blackstone Ridge. He explained the development process in the Northwest Area was very complex as it had to adhere to many requirements related to density, utilities, storm water, transportation, natural resources and open space. He stated many of the concerns raised by the neighborhood at the Planning Commission meeting related to natural resources. Together the three (3) properties comprised approximately 126 acres of gross land. The developer proposed to fill no wetlands and made a significant effort to protect the basins in the Northwest Area by filling less than 1% of the total land area. In the Vista development they proposed to fill 0.29 acres of land, 0.03 acres in the Ponds development, and 0.75 acres in the Ridge development. He noted the proposal was to recreate 0.78 acres of basin area on the Ridge plat.

Mr. Peterson reviewed the results of a study conducted by Bolton and Menk earlier in the year on behalf of the City to come up with alternatives to serve the Ridge property. At the Planning Commission meeting the 69th Street alternative was primarily discussed and the City Engineer brought up the 70th Street alternative. He explained the developer looked at the 70th Street alternative in detail and it was determined additional right-of-way would need to be dedicated along 70th Street with the Vista and Ponds plats. The total right-of-way required along 70th Street would be 150 feet. If the future right-of-way dedication was extended easterly to Argenta Trail and a 50 foot setback was applied an unbuildable area would be created due to the nature of the county road. He noted no structures could be constructed within

the setback but berms and utilities would be allowed. He stated this was an alternative to what was discussed in the Bolton and Menk study and was the least intrusive option for the 69th Street neighborhood. With the development of the three (3) parcels the extension of sanitary sewer and water would provide direct access to 18 additional properties for future development.

Mr. Peterson discussed alternative options for access to the Ponds development. He explained access to the Ponds development was limited due to county road restrictions and spacing requirements for access points. The project was originally designed with an in and out onto itself and the County required the access point to be shifted. Providing two (2) access points became unfeasible because one of the points was moved so far west it ended up in the middle of a wetland. The developer proposed to construct the median entrance at the access point with a secondary emergency access to the west.

Mr. Peterson reviewed the alternatives for Argenta Trail. He stated there was a fixed point at T.H. 55 and the intersection point at 494 was relatively certain due to spacing and access requirements. He explained the major issue was how to get from 70th Street to 494. He noted there was a 75 foot wide easement on the western portion of the Ridge property for an Xcel Energy transmission line. He stated although the transmission line could be relocated it would be extremely costly to do so. The exact size and width of future Argenta Trail was still unknown but it was certain to be a major roadway. He explained several alternative alignments were considered and it was a major point of contention for the developer.

Mr. Peterson stated 20% (22.9 acres) of the land had to be defined open space and 35.6 acres was provided in the proposed plans. He noted 10% (11.4 acres) of the open space had to be undisturbed and the plan provided 13 acres.

Mr. Peterson reiterated that the development would provide direct access to utilities for 18 additional parcels. The developer proposed to dedicate the land required for the sanitary sewer lift station as well as right-of-way along 70th Street for future expansion. The developer would be responsible for payment of \$5 million dollars in utility fees and \$1 million in park dedication fees. He noted the developer would also construct the Mendota/Lebanon trail corridor through his respective properties. The developer would also dedicate half of the right-of-way required for 65th Street as well as right-of-way and partial construction for 67th Street.

Mr. Peterson stated the County was undergoing additional studies related to Argenta Trail. He opined at some point in the future the roadway and intersection would resemble that of Cedar Avenue and County Road 42. He explained the developer understood the need to plan for the future roadway but did not want to hold up the opportunity for development. He requested that the Council consider the comprehensive plan and zoning requests as well as the preliminary plat approval for the first two plats. Based on the discussion at the Planning Commission meeting it was suggested that it may be prudent to spend more time on the third plat. He proposed granting an extension to the City for the 120 day statutory limitations and requested that the item be brought back before the Council on November 10, 2014. He explained this would allow the developer's attorney and Mr. Kuntz to draft language related to the third plat and would also allow for more public input on the County's studies related to Argenta Trail.

Councilmember Piekarski Krech questioned if the proposed 70th Street alignment for the utility extension would take out a home.

Mr. Peterson explained that section of pipe would be directionally drilled or bored so as not to disrupt the existing home.

Councilmember Piekarski Krech questioned if the home was in the right-of-way for 70th Street.

Mr. Peterson stated the home was located within the setback that would be the future 75 foot right-of-way for 70th Street. He note his understanding was that it would not become an issue until such time that the property was developed.

Mayor Tourville clarified that the 70th Street alternative was more expensive but stayed out of the exception neighborhood (69th Street).

Mr. Peterson replied in the affirmative.

Councilmember Piekarski Krech questioned if the 69th Street alternative could be eliminated.

Mr. Hunting stated staff looked at several alternatives but he could not say with certainty at this point that the proposed alternative would work. He explained the proposed alternative would need to be reviewed internally by staff, the Fire Marshal, and the County.

Councilmember Piekarski Krech stated she wanted to get rid of the exception neighborhood issue.

Mayor Tourville stated there were two issues at play, transportation and utilities.

Councilmember Piekarski Krech stated the major issue was related to 69th Street because they knew the utilities could be rerouted.

Steve Schmidt stated he had owned the property located at the northwest corner of Argenta Trail and T.H. 55 for 40 years. Over the course of that time he saw numerous development proposals. He explained he had been working with the applicant and Ryland Homes to accommodate all of the requests from staff as well as the requirements of the City's zoning ordinances and stormwater management plan. He opined the applicant was a responsible developer and the proposal met the single family character of the existing neighborhood.

Martha Zachary, 6921 Arkansas Ave., stated the development was originally proposed to go right through her property. She explained she was glad to see representatives from the City finally came out to the property to see what her concerns were about. She asked that the City keep the neighborhood in the loop about the development.

Larry Flannery, 7101 Argenta Trail, stated his concerns were related to the proposed new water easement. He opined that the intent of the developer was to use his land to for a stub out. He stated the landowners in the neighborhood would benefit from the added value. He questioned why the utilities and the road were not being located within an existing easement rather than encroaching on his property.

Mr. Peterson explained the point shown on the map was for a future collector road for access onto Argenta Trail based on information from the County.

Mr. Flannery opined the plan to move the easement north was premature.

Ed Joseph, 1735 70th St. W., stated his property was located next to the proposed Ponds development. He explained the properties in his neighborhood were reasonably large lots. He opined that the proposed density for the town home development was not compatible with the existing neighborhood. He expressed concerns about the effect of the proposed development on the watershed and the environment, as well as the potential reduction in the size of his lot.

Joe Vogel, 6963 Arkansas Avenue, opined the proposed 70th Street alternative was a much more logical route for the extension of utilities. He stated he would also lose frontage along 70th Street and was concerned that he would eventually lose his drain field and be forced to hook up to City sewer and water. He explained he was also concerned about the overall density of the proposed development and the water levels. He opined it was counterintuitive to fill part of a natural basin for a holding pond and questioned if something could be worked out with the developer to preserve more of the natural open space.

Jeff Messerich stated his family owned a vacant property along the southern side 70th Street. He explained the second proposed alternative for the extension of utilities went right through his property. He questioned how that would affect the value of the property. He opined his preference would be the third proposed alternative 70th Street alignment. He noted he did not oppose the development he simply wanted to ensure his options were not limited.

Mark Van, 6660 Argenta Trail, questioned how the proposed exchange at Argenta and 494 was a fixed point. He stated based on conversations with Mn/DOT the State did not see a need for the interchange and did not have money for a study.

Mayor Tourville stated it was just added to the Metropolitan Council's transportation plan. He noted the location of the interchange was somewhat fixed because it had to be completely located within Inver Grove Heights.

Mr. Van stated the developer showed the proposed Argenta Trail going through a wetland. He noted there were 15 homes on the east side of Argenta Trail and the proposed 67th and 69th Street extensions would wipe out two-thirds of the homes in the neighborhood.

Mayor Tourville stated the City did not know the final alignment of Argenta Trail. He reiterated the County was continuing to study the issue to find the best alignment. He noted the County would hold a public hearing regarding the future of Argenta Trail sometime in early 2015.

Mr. Van opined there were too many unknown factors involved to make decisions regarding the proposed development.

Jim Abbott, 6720 Argenta Trail, stated there were two (2) main wetlands and one (1) encroached onto his property. He opined the road should be placed on the east side of the wetland rather than through a neighborhood.

Councilmember Piekarski Krech suggested that Mr. Abbott also express his concerns to the County when they hold the public hearing regarding the alignment of Argenta Trail. She noted the County would ultimately decide on the alignment.

Marsha Blackfelner, 6736 Argenta Trail, discussed Leitch Estates. She opined that moving the transmission line for the roadway would destroy their neighborhood and growth and development should not interfere with an established neighborhood.

John Todd, 6689 Argenta Trail, questioned why the developer would want to build a town home development if the market was so poor. He stated it was odd that a town home development was being considered when it wasn't the developer's preference and the neighborhood didn't want it.

Deborah Van, 6660 Argenta Trail, stated she lived west of the proposed Ridge development. She stated that the applicant grouped the three (3) proposed developments together in order to meet the stormwater standards. She opined that each of the proposed developments should meet the stormwater standards on their own. She stated it was not right that the developer requested flexibility with respect to a number of requirements and only generally met the performance standards. She added the developer should be expected to meet the City's requirements and standards. She opined sewer and water should not be extended through an exemption neighborhood. She expressed concern that the proposed extension of 67th Street would run right through her neighbor's property and that there was discussion of running multiple roads through 15 properties. She stated the development would not preserve and maintain the existing neighborhoods. She noted the studies performed by Emmons & Olivier and Kimley Horn cited numerous issues and questions that the developer should be required to address.

Dan Schmidt, Civil Engineer, state he worked with Emmons and Olivier and Kimley Horn to ensure that the proposed developments met the City's requirements and standards. He noted the stormwater standards in the Northwest Area were very complex and unique to Inver Grove Heights. He explained major changes were made to the Ridge development to preserve the existing basins. He reiterated the developer was very close to meeting the requirements. He stated the preliminary plans were not designed to solve all of the issues and were intended to get the development moving forward to proceed with preparation of final plans. He noted Kimley Horn acknowledged that their comments on the proposed developments were final plan comments and the outstanding issues would be able to be addressed in the final plans.

Councilmember Bartholomew clarified that Mr. Schmidt understood that the expectation was that each development had to maintain the water on that particular development.

Mr. Schmidt stated the stormwater would be managed on each site individually because that was how the watersheds were set up and that was the City's expectation.

Councilmember Piekarski Krech stated flexibility was built into the plan for the Northwest Area because the City had no idea how each area was going to develop or when it was going to happen.

Mayor Tourville stated the stormwater design standards for the Northwest Area were extremely unique because the water was treated and store onsite and was not discharged to a separate location.

Dick Roberts, 1655 68th St. W., opined that the City spent a lot of time developing the stormwater management plan for the Northwest Area and needed to ensure that the area was protected. He noted he previously expressed concern that the developer was not adhering to the low impact design standards and he was happy to hear that the plans had been revised and were closer to meeting the standards. He discussed the Mendota/Lebanon greenway corridor and opined that the wildlife corridor needed to be protected. He stated in the County's plan there was a designated trailhead and park area that landed within the Vista development and he did not see it addressed in the plans. He noted he agreed with flexibility as long as it did not impact the responsibility to manage the stormwater.

Mr. Peterson clarified there had been discussion with the County regarding construction of the Mendota/Lebanon trail through the Vista property.

Linda Flannery, 1466 70th St. W. and 7101 Argenta Trail W., asked the City to keep the property owners informed throughout the process.

Mike Simon, 1636 69th St. W., stated because of the topography of his lot and the way his house was built he was very concerned about stormwater runoff. He questioned if a hydrological study had been done in the area.

Mr. Schmidt stated a stormwater quantity and quality plan was in the process of being reviewed by Emmons and Olivier.

Mayor Tourville noted additional studies may be required if the development moved forward to the final plat stage.

Mr. Simon expressed concern about the cost to extend sewer and water down 69th St.

Pat Simon, 1636 69<sup>th</sup> St. W., questioned if the temporary sediment basins within the developments were the natural basins.

Mr. Schmidt replied in the negative. He explained the temporary basins were intended to take care of the construction runoff and protect the original basins.

Ms. Simon opined there were a number of outstanding issues that needed to be resolved including the Argenta Trail alignment study, adoption of a collector road policy, identification of a funding source for connection fee shortages, right-of-way acquisition, and the construction of Argenta Trail. She questioned why no neighborhood meetings were held when 23 of the 25 homes in the Leitch Estates could be impacted by the proposed development. She also questioned who would pay for the connection between the Ponds development and the Ridge development. She opined if the City changed the MUSA exception designation it should be done for all four (4), not just for one (1). She questioned if property owners would be forced to connect to City utilities and if they were not forced to connect why the MUSA designation would be changed. She stated the City should listen to its consultants and require the developer to put in more features that conform to the ideas of low impact development as outlined in the stormwater manual for the Northwest Area.

Mayor Tourville stated the questions related to financing could not be answered yet. If the development moved forward the City would consider options for financing the improvements.

Kyle Van, 6818 Argenta Trail, opined it was troubling that the developer assumed the realignment of Argenta Trail would fall on the west side of the transmission line. He stated the consultant would not conclude the study on Argenta Trail until 2015 and public input should be solicited before the final alignment is determined. He noted the County did not approve the Ridge plat and would not comment on the plat until the Argenta Trail study was complete. He opined there were too many unknown factors to make a decision on the development proposal.

Mary T'Kach, 7848 Babcock Trail, she stated the Housing Committee officially recommended that the City deny the request due to a lack of affordable housing, lack of density for future transit corridors, and the continuing trend of downzoning in the Northwest Area. She opined the proposed development accelerated the City's problem of a lack of affordable housing. She stated there was no mention of providing workforce housing in the proposed development. She opined the City needed to pay attention to

the Metropolitan Council's Fair Housing Policy Plan because the proposed development should be considered with that plan in mind. She reiterated part of the proposed development should include affordable units. She stated the future infrastructure plans would support higher density housing and commercial office space. She expressed concern that rezoning in an ad-hoc manner could potentially leave the City short on tax base and economic development opportunities in the future.

Mayor Tourville stated he could not support higher density development on any of the three (3) plats. He opined that affordable housing was an important issue but it would not fit in this particular development.

Councilmember Bartholomew opined the Robert Street corridor was the best opportunity for affordable housing and it would not be viable in the Vista development.

Chad Hagman, 6710 Argenta Trail, stated the Planning Commission voted to deny the proposed development. He opined he would not let the City or County acquire his property simply to benefit a private developer and the proposed development was contradictory to the comprehensive plan.

Mr. Roberts discussed the tree preservation standards in the City. He explained there were a number of protected trees in the area and he wanted staff to ensure that they would not be removed. He noted the proposed development plan did not address the State noise standards for roadways.

Ms. Van asked the City Administrator to address the memo from the secretary of the County Plat Commission to the Council.

Mr. Lynch stated the Council was aware of the fact that the Plat Commission acted. He explained the most recent memo reiterated the County's position that they approved the preliminary plat for the three phases. He noted phase one and phase two were approved as proposed and phase three was approved as an outlot. It was recommended that the City's action be consistent with the County's preliminary approval. The letter also outlined other items for the City's consideration including the fact that the Plat Commission would likely deny the plats as currently proposed given the fact that the final alignment of Argenta Trail remained unknown and the developer had failed to prove that there would be connections from the Ridge development to Argenta Trail. He reiterated that was information that the City Council was previously aware of.

Mr. Peterson reiterated the developer was requesting extra time on the third plat in order for their attorney to draft language that would allow the County to finish its study and receive public input regarding Argenta Trail. He noted the County did not have any jurisdiction over the preliminary plat. He explained they simply reviewed and commented on the preliminary plat to help the developer prepare for the final plat stage.

Dennis Wolfe, 6742 Argenta Trail, stated the final alignment of Argenta Trail had to be considered before the Ridge development was approved. He opined he would like to save his home and his neighbors' homes and their homesteads were just as important as the developer's investment. He suggested that the three development proposals needed to be considered separately because they affected three groups of neighbors in specific ways.

Councilmember Piekarski Krech suggested that the Council eliminate the 69<sup>th</sup> Street alternative that was discussed because she did not see any reason to go forward with that option.

Mr. Link noted the City had always required two (2) access points into developments and the City could review the other option presented with a temporary connection on the west side. He stated the decision was ultimately a County issue. He explained it was a public safety issue that staff would review and press the County about.

Mayor Tourville questioned if the best course of action would be to inform the County that the City did not support the 69<sup>th</sup> Street alternative.

Mr. Link replied in the affirmative.

Councilmember Piekarski Krech reiterated the Council should eliminate the 69<sup>th</sup> Street alternative and if

the County had an issue they could deal with it.

Mr. Link suggested it could be listed as a condition of approval for the Ponds development.

Mr. Kuntz stated if the 69<sup>th</sup> Street alternative was removed it would have to be replaced with something else to identify the utility connection between the Ponds and Ridge developments.

Councilmember Piekarski Krech stated the utility connection would go south of 70<sup>th</sup> Street.

Mr. Kuntz suggested that be added as a condition to the PUD approval for the Ponds development.

Mayor Tourville questioned if the 69<sup>th</sup> Street alternative was related to the comprehensive plan amendments.

Mr. Kuntz stated one of the comprehensive plan amendments was related to the location of the sewer pipe.

Mr. Link stated if the decision of the Council was not to have the road and sewer connection to 69<sup>th</sup> Street the Council did not have to act on item 7D(i)(d).

Councilmember Madden questioned what needed to be done in order to make it part of the record that nothing would be done with the 69<sup>th</sup> Street alternative.

Mr. Kuntz suggested the Council could make a motion to deny that particular comprehensive plan change.

Mr. Peterson clarified the intent of the Council would be to deny items 7D(i)(c), 7D(i)(d), and 7D(i)(e).

Mr. Kuntz questioned where the comprehensive plan showed the location of the sewer pipe.

Mr. Link stated the sewer map would need to be changed whether the City went through 69<sup>th</sup> Street or not.

Mr. Hunting stated when the comprehensive plan was originally approved the idea was that the trunk line would follow the alignment of the highway and then at some point start to head north. He explained the line was currently located in Argenta Hills and would cross the Peltier property and go north. He clarified the City should amend the map to show the alignment and what would happen south of 70<sup>th</sup> Street.

Mr. Kaldunski reviewed the sanitary sewer option 2B from the Bolton and Menk study.

Mr. Kuntz stated a lot of people care about where the pipe will be located. He suggested it may be best for the Council to provide direction on what they want and table the item to a later date to allow staff to work through the complexities involved to make sure everyone understands what the comprehensive plan amendment would entail.

Mr. Peterson requested that the entire item be tabled to November 10, 2014 so that everyone is clear about what is being requested and the documents can be updated accordingly. He stated the developer would grant an extension through November 11<sup>th</sup>.

Mr. Link stated staff understands that the item that is brought back to the Council in November should not include the road or sewer connection to 69<sup>th</sup> Street.

**Motion by Mueller, second by Madden, to table items to November 10, 2014 at the request of the applicant**

**Ayes: 5**

**Nays: 0      Motion carried.**

**PUBLIC WORKS:**

**E. CITY OF INVER GROVE HEIGHTS:** Approve the Execution of Assessment Waiver Agreement, Accept Petition, Order the Project, Accept the Quote, and Award the Contract for City Project No. 2014-16, Bechtel Avenue Backyard Drainage Improvements

Mr. Kaldunski stated all of the property owners executed the waiver agreements and supported the project. He noted obtaining the second quote also saved the residents a little bit of money.

The total estimated cost of the project was \$6,895. The City would be responsible for just under \$3,200 of the total cost. He noted a revised resolution was provided to the Council with additional language indicating that the Council's findings did not impact the comprehensive plan and that the proposed project was consistent with the comprehensive plan and did not require review by the Planning Commission. He reviewed the project area and outlined the scope of work to be completed. He recommended approval of the project and awarding the contract.

**Motion by Madden, second by Piekarski Krech, to approve the Execution of Assessment Waiver Agreement, Accept Petition, Order the Project, Accept the Quote, and Award the Contract for City Project No. 2014-16, Bechtel Avenue Backyard Drainage Improvements**

**Ayes: 5**

**Nays: 0          Motion carried.**

**ADMINISTRATION:**

**F. JIM KRECH:** Consider Request for Special Bow Hunt Outside of Established Hunting Area

Mr. Lynch stated the request was for establishment of a special bow hunting area for the 2014 season. He explained in 2013 the Council approved a similar request for the same group of property owners. He noted the applicant obtained written permission from each of the property owners within the special bow hunting area. He reviewed the restrictions and regulations that were imposed in 2013.

Councilmember Madden questioned if there were any issues or problems in 2013.

Mr. Lynch and Chief Stanger replied in the negative.

Councilmember Piekarski Krech expressed concern that there were a number of property owners in the City who would like to be given the same consideration. She questioned if approving the request would set a precedent for other requests or if the City was going to develop a protocol for similar requests that could be memorialized within the ordinance. She opined she could not approve the request when other property owners wanted their properties included as well.

Councilmember Mueller stated he also knew of several property owners who would like to bow hunt on their property.

Mayor Tourville stated he received several emails and phone calls from interested individuals and he advised them to call City staff to start the process and nobody contacted anyone because they felt it was too much work. He opined allowing the applicant to have the special hunt served the overall purpose of reducing the deer population. He added he would also be in favor of establishing a protocol for special requests for the 2015 season.

Mr. Krech stated the same individuals who hunted last year would hunt again this year.

Councilmember Piekarski Krech questioned if the ordinance had to be published.

Mr. Kuntz replied in the affirmative.

Councilmember Mueller questioned who would pay for the publication.

Mr. Kuntz stated the City paid the costs associated with publication of the ordinance.

Councilmember Mueller opined the applicant should have to pay for publication.

Mayor Tourville questioned if the Council was going to make applicants pay for required publications for future requests as well. He stated this neighborhood went through the process to make a formal request and there were no protests from the property owners.

Mr. Lynch noted the DNR was contacted and had no issues with the request.

Councilmember Mueller questioned how many deer were taken last year.

Mr. Krech stated nine (9) doe and two (2) bucks were taken.

**Motion by Madden, second by Bartholomew, to adopt Ordinance amending City Code Title 5, Chapter 6, Section 1 (D)(1)(a) regarding the Area Available for Hunting in the City by Bow and Arrow and to waive the requirement for three readings of the ordinance**

**Ayes: 3**

**Nays: 2 (Mueller, Piekarski Krech) Motion failed.**

Mr. Kuntz explained the proposed ordinance was drafted with the provision that it would be adopted by a unanimous vote in one (1) reading. He stated the previous motion failed in that the vote was not unanimous. He suggested the Council could consider another procedural approach.

Mayor Tourville suggested the Council could vote by separate motion to suspend the rules and consider the ordinance in one reading. If the motion was approved unanimously the Council could then take separate action on the ordinance.

**Motion by Madden, second by Bartholomew, to suspend the rules and waive the requirement for three readings of the proposed ordinance**

**Ayes: 4**

**Nays: 1 (Mueller) Motion failed.**

Mayor Tourville asked the Council to reconsider having three readings of the ordinance. He reiterated the hunt was beneficial because it helped reduce the deer population.

Councilmember Piekarski Krech stated the bowhunting ordinance and map should be permanently amended in 2015 to eliminate the need to consider the same request annually.

She noted that would also afford others to come forward to request changes.

Mr. Krech stated everyone had the opportunity to take the time and make the effort to come before the Council and make a similar request if they wanted to. He opined it was not easy to fill out all the paperwork and obtain the required signatures to meet the requirements. He expressed disappointment that the request was not approved given the effort that was put forth and the fact that they had a successful hunt last year.

**Motion by Mueller, second by Piekarski Krech, to reconsider motion to suspend the rules and waive the requirement for three readings of the proposed ordinance**

**Ayes: 5**

**Nays: 0 Motion carried.**

**Motion by Madden, second by Bartholomew, to adopt Ordinance No. 1283 amending City Code Title 5, Chapter 6, Section 1 (D)(1)(a) regarding the Area Available for Hunting in the City by Bow and Arrow**

**Ayes: 4**

**Nays: 1 (Piekarski Krech) Motion carried.**

**G. CITY OF INVER GROVE HEIGHTS:** Consider Third Reading of an Ordinance related to Body Art Establishments and Ordinance Amending related Sections of the Zoning Code

Mr. Kuntz stated no changes had been made since the second reading. He explained the draft ordinance was forwarded to the Chamber of Commerce and their comments were previously provided to the Council.

Ms. Kennedy reminded the Council that in order to pass the ordinance relating to amendments to the zoning code they would again have to suspend the rules and unanimously agree to adopt the ordinance in one (1) reading.

**Motion by Piekarski Krech, second by Bartholomew, to adopt Ordinance No. 1284 related to Body Art Establishments**

**Ayes: 5**

**Nays: 0 Motion carried.**

**Motion by Madden, second by Piekarski Krech, to suspend the rules and waive the requirement for three readings of an ordinance amending related sections of the zoning code**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Mueller, second by Piekarski Krech, to adopt Ordinance No. 1285 amending related sections of the zoning code**

**Ayes: 5**

**Nays: 0      Motion carried.**

**H. CITY OF INVER GROVE HEIGHTS:** Consider Ordinance Amendment related to Salaries of Mayor and Council

Mayor Tourville stated the proposed ordinance was drafted at the Council’s direction. He explained the ordinance had to take effect prior to the election so the Council would have to pass the ordinance in a single reading.

Councilmember Madden stated he opposed the ordinance but would not impede the democratic process.

**Motion by Piekarski Krech, second by Bartholomew, to adopt Resolution No. 14-163 authorizing the passage an ordinance amending City Code Title 1, Chapter 6, Section 1 regarding salaries of Mayor and Council with one reading**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Piekarski Krech, second by Mueller, to adopt Ordinance No. 1286 amending City Code Title 1, Chapter 6, Section 1 regarding salaries of Mayor and Council**

Councilmember Madden explained he opposed the ordinance in general because he did not agree with politicians increasing their own wages.

Mayor Tourville noted the Council’s wages had not been increased in eight (8) years.

Councilmember Madden noted he did not oppose an increase for the Mayor because he attended many meetings and functions outside of the City and did a lot of traveling.

Mayor Tourville stated the whole Council was very hard working.

Councilmember Bartholomew stated all members of the Council put in a lot of time and effort. He opined he was not sure how to vote on the issue. He explained he heard from a number of individuals who felt that the wage caused people not to seek office because it took time away from their regular job and they would end up losing money. He opined there was an overall lack of interest in running for the Council because it was very time consuming and it could cause an individual to lose real wages from their job.

Councilmember Piekarski Krech opined that an individual should not make money being a member of the Council but they should not lose money either.

**Ayes: 4**

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

**8. MAYOR & COUNCIL COMMENTS:**

Mayor Tourville stated there were numerous properties that needed to be cleaned up and the City needed regulations in place that would allow staff to address problem properties. He opined he fully supported implementing rental regulations that would permit interior inspections to address health and safety issues.

Councilmember Piekarski Krech stated she pushed for the implementation of rental regulations for a long time.

Councilmember Bartholomew stated his main concern was that the City remained balanced and

implemented regulations to address public concerns not aesthetic issues.

**9. ADJOURN:** Motion by Piekarski Krech, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 11:37 pm