

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, OCTOBER 27, 2014 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, October 27, 2014, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Madden, Mueller and Piekarski Krech; City Administrator Lynch, 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 Piekarski Krech removed Item 4C from the Consent Agenda.

- A. Minutes – October 13, 2014 Regular City Council Meeting
- B. **Resolution No. 14-164** Approving Disbursements for Period Ending October 22, 2014
- D. Final Compensating Change Order No. 1 and Pay Voucher No. 1 for City Project No. 2014-08, Bohrer Pond NW Pre-treatment Basin Phase II
- E. Final Compensating Change Order No. 1, Final Pay Voucher No. 2, Engineer's Final Report and **Resolution No. 14-166** Accepting Work for City Project No. 2014-09A, Cracksealing
- F. Change Order No. 7 and Pay Voucher No. 4 for City Project No. 2014-09D, College Trail Street Reconstruction and Barbara Avenue Partial Street Reconstruction and 2014-06 Blaine Avenue Retaining Wall Replacement Improvements
- G. Approve Custom Grading, Drainage, and Utility Easement Agreements for 6914 Booth Avenue
- H. Approving Custom Grading, Drainage and Utility Easement, Easement Encroachment, and Release and Indemnification Agreements for 8915 Alverno Avenue
- I. **Resolution No. 14-167** Approving Agreements and Ratifying Staff Action
- J. **Resolution No. 14-168** Adopting Dakota County's 2015-2019 Capital Improvement Program
- K. Promote Dan Helling to Position of Superintendent of the Utilities Division
- L. Revised Proposal for Public Works Maintenance Facility Space Needs Study
- M. **Resolution No. 14-169** Receiving and Accepting Amendment to Proposal for Professional Services from Kimley-Horn and Associates, Inc. for City Project No. 2014-11, Argenta Trail and Trunk Highway 55
- N. Approve Re-commissioning Study for Veterans Memorial Community Center
- O. Schedule Public Hearings (Liquor License and Pawnbroker's License Renewals)
- P. Approve Massage Therapist License
- Q. Schedule Special Council Meeting
- R. **Resolution No. 14-170** Approving Charitable Gambling Premises Permit
- S. Personnel Actions
- T. **Resolution No. 14-171** Adopting Special Assessments for City Project No. 2014-16, Bechtel Avenue Drainage Improvements

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

Ayes: 5

Nays: 0 Motion carried.

C. Approve Certification of Delinquent Utility Bills

Councilmember Piekarski Krech questioned how many of the delinquent utility bills were for stormwater. Ms. Smith stated she would provide a breakdown of the number of bills that were for water, sewer, and stormwater.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 14-165 approving Certification of Delinquent Utility Bills

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS:

A. CITY OF INVER GROVE HEIGHTS: Consider Resolution Adopting the Assessment for the 2013 and 2014 Nuisance Abatement Program

Mr. Link explained in instances in which property owners fail to address nuisances that are related to code violations on a property the City hires a contractor to abate the nuisance. The costs related to abatement are then charged back to the property owner. The proposed assessment roll reflected charges that were not paid by the property owner and would therefore be assessed against the property. The total amount proposed to be assessed for 17 violations across 13 parcels was \$2,752.00.

Councilmember Bartholomew questioned why charges for 2013 were included.

Mr. Link explained in 2013 staff was unable to meet the County deadline for filing the assessments.

Motion by Piekarski Krech, second by Madden, to close the public hearing

Ayes: 5

Nays: 0 Motion carried.

Motion by Madden, second by Mueller, to approve Resolution No. 14-172 adopting the Assessment for the 2013 and 2014 Nuisance Abatement Program

Ayes: 5

Nays: 0 Motion carried.

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 within the zoning district one (1) accessory structure was allowed by code. The applicant currently had one (1) accessory structure on the property and was in the process of constructing the second. The request was for a variance to allow two (2) accessory structures on the property. The City Council previously tabled the request and directed staff to look at similar variances that had been considered by the Council. Two (2) similar variances were reviewed by staff. The first case was approved by Council earlier in the year for a property that was approximately 0.25 acres in size and the rationale was that the property did not have an attached garage and the applicant wanted an accessory structure in addition to the detached garage. The other case was considered in 2005 and was approved with the rationale that the property was an isolated residential lot in a primarily commercial area. Planning staff recommended denial of the request due to lack of practical difficulty, the fact that the applicant was not being denied reasonable use of the property, and there was nothing particularly unique about the property that would justify the need for a variance. Staff expressed concern that approval of the variance could set a precedent. The Planning Commission did not provide a recommendation because a motion to approve the variance failed.

Bennet Benson, 5906 Asher Avenue, provided examples of four (4) other properties in his neighborhood that were less than five (5) acres in size and had two (2) detached buildings.

Mayor Tourville opined some of the properties may have been older and were grandfathered in because the structures existed prior to the code regulations being established.

Councilmember Piekarski Krech suggested more research may be needed to determine the circumstances related to the additional examples provided by the applicant.

Mr. Link stated the examples provided were likely either the result of being built without obtaining the proper permits or before the adoption of the ordinance. He noted the ordinance regulations had been in place for approximately ten to fifteen years.

Councilmember Mueller clarified the applicant's existing accessory structure was built on a concrete slab and was located within the fence line.

Mr. Benson replied in the affirmative.

Councilmember Mueller questioned if the applicant's property was buffered from neighboring properties.

Mr. Benson replied in the affirmative and added he obtained written consent from his neighbors for the second accessory structure. He noted the larger shed was completely hidden from his neighbors' view.

Councilmember Piekarski Krech questioned how much the two (2) structures exceeded the maximum size allowed.

Mr. Benson stated that the maximum size allowed 120 square feet and his structure was 144 square feet.

Councilmember Piekarski Krech clarified the limits referenced by the applicant was the maximum size allowed without a variance being required.

Mr. Link explained the total combined size of both structures would exceed the 1,000 square foot maximum by eight (8) feet. The existing detached shed was 144 square feet and the proposed garage would be 864 square feet for a total of 1,008 square feet. He reiterated if an accessory structure was less than 120 square feet in size it was exempt from the regulation. He explained in this zoning district property owners were allowed no more than one (1) accessory structure at a maximum size of 1,000 square feet.

Councilmember Piekarski Krech clarified the applicant could have the proposed accessory structure and the existing shed if the size of the existing shed was reduced to 120 square feet or less.

Mr. Link replied in the affirmative.

Councilmember Piekarski Krech stated she could support the request if the total size both structures combined was 1,000 square feet or less. She questioned if the applicant could reduce the size of the new accessory structure by eight (8) feet.

Mr. Benson stated the new structure had already been constructed.

Mr. Link explained the building permit was issued with the understanding that if the variance was denied the applicant would either remove the smaller shed or reduce the size to comply with zoning code regulations.

Councilmember Bartholomew opined it would not be difficult to reduce the size of the shed to make it 120 square feet.

Mr. Benson stated he would have two (2) feet of concrete slab exposed and the fence would have to be realigned. He noted the State building code had been amended and the exemption requirement was expanded to include buildings up to 144 square feet. He explained if his variance was denied he would likely request that the City consider an ordinance that would amend the City's zoning code regulations so they mirrored those in the State building code.

Mr. Link confirmed that the City's exemption regulation was based on the State building code standard. He explained if the City were to continue to base the zoning exception on the State building code, the City could choose to amend the ordinance to increase the exception regulation to buildings that were 144 square feet in size.

Mayor Tourville opined the building permit should not have been issued until a decision was made regarding the variance. He expressed concern about setting a precedent for future requests.

Councilmember Piekarski Krech questioned if the applicant needed two (2) variances, one because the structures exceeded 1,000 square feet and one for the second accessory structure.

Mr. Link replied in the affirmative.

Mayor Tourville suggested that the applicant find a way to reduce the size of the shed to be within the maximum of 1,000 square feet.

Mr. Benson stated he would try to figure out a solution.

Councilmember Piekarski Krech reiterated her support of a variance for two (2) accessory structures that when combined would not exceed 1,000 square feet in size.

Councilmember Bartholomew restated his position that the shed could be reduced in size to 120 square feet so it would be exempt from the regulation. He noted it was clear at the time the applicant received the building permit for the new structure that this outcome could be a possibility.

Councilmember Madden stated he was still concerned about setting a precedent.

Councilmember Piekarski Krech suggested the Council could establish parameters to address future requests.

Councilmember Mueller questioned how quickly the applicant could reduce the size of the shed to meet the requirement.

Mr. Benson stated he could have it worked out by next spring.

Motion by Piekarski Krech, second by Mueller to adopt Resolution No. 14-173 approving a Variance to allow two (2) detached accessory structures on a property whereas one (1) is the maximum allowed with the condition that the combined size of the structures be 1,000 square feet or less by April 1, 2015 for the property located at 5906 Asher Avenue

Ayes: 5

Nays: 0 Motion carried.

B. LORI BARR: Consider an Ordinance to rezone the property located at 10133 Barnes Trail from A, Agricultural to E-1, Estate Residential

Mr. Link reviewed the location of the property. He explained the request was to rezone the property from Agricultural with a minimum size of five (5) acres to E-1 with a minimum size of 2.5 acres. The applicant's property was approximately five acres in size with a house located on the front portion of the property. The applicant proposed subdividing the property to create a lot on the backside where her daughter would build a home. The request was consistent with the comprehensive plan but the lot was part of the Blair Estates neighborhood which primarily comprised of lots five (5) acres in size. He explained staff's concern was that the request to subdivide the property would be inconsistent with the character of the neighborhood and could set a precedence whereby other lots in the neighborhood could be subdivided and the density of the neighborhood could be doubled. Planning staff recommended denial of the application. The Planning Commission also recommended denial of the request citing a concern that approval would be an example of spot zoning.

Lori Barr, 10133 Barnes Trail, explained she pursued subdivision of the property because she was told it was consistent with the comprehensive plan. She stated she thought the main concern would be related to privacy for the other neighbors.

Mayor Tourville stated some of the neighbors in the Blair Estates neighborhood did not support the introduction of 2.5 acre lots into the neighborhood.

Ms. Barr explained her understanding was that a majority of the concerns were from other neighbors with existing 2.5 acre lots.

Triina Barr, 10133 Barnes Trail, stated the other neighbors were concerned about how the new home would affect the view from their property.

Mayor Tourville questioned how the new property would be accessed.

Ms. Barr explained the property would be accessed via a shared driveway.

Councilmember Piekarski Krech questioned if the request was born from a desire for the applicant's daughter to have her own home or because the existing home could not be remodeled to accommodate two families.

Ms. Barr stated she wanted her own home. She reviewed pictures of the proposed location of the home in relation to the neighboring property. She explained she researched the issue and found 15 other examples of spot zoning of E-1 property in the City.

Mayor Tourville stated the existing neighborhood off of Barnes Avenue consisted of five (5) acre properties.

Ms. Barr stated the home would not be visible from the street and a new driveway would not be added for access.

Mayor Tourville expressed concern about what would happen in the future if one of the properties was sold and the shared driveway was no longer available for access.

David Frank, 2324 99th Street, opposed the request because he was concerned that the view from his property would be of the proposed home and his property value could be negatively impacted.

Councilmember Bartholomew questioned if there were covenants in place that the property owners within the Blair Estates neighborhood had to adhere to in terms of the size of the lots.

Mr. Link replied in the negative and stated it was simply a matter of zoning.

Councilmember Mueller stated he was not inclined to break up the five (5) acre neighborhood at this point in time.

Mayor Tourville stated he was also concerned about the expectation of the other property owners in the neighborhood that the lots would remain five (5) acres and would not be subdivided. He opined that allowing the properties to be subdivided could create a precedent and a need for City utilities to be needed sooner if the size of the neighborhood was doubled.

Councilmember Bartholomew agreed that the expectation of the neighborhood was that the density would remain as it currently exists. He stated he could not support the request because the Blair Estates neighborhood was intended to be five (5) acre lots.

Motion by Bartholomew, second by Mueller, to adopt Resolution No. 14-180 denying an Ordinance to rezone the property located at 10133 Barnes Trail from A, Agricultural to E-1, Estate Residential

Ayes: 5

Nays: 0 Motion carried.

C. WALMART (FREDRIKSON & BYRON): Consider Resolution relating to an Amendment to the PUD Development Plan Conditions of Approval and Development Contract related to Store Hours of Operation for the property located at 9165 Cahill Avenue

Mr. Link explained Walmart had restricted hours of 7 am to 11 pm. The one exception contained within the original approval allowed the store to open at 5 am on the Friday after Thanksgiving. In each of the

last two (2) years Walmart requested one-time amendments to the store hours of operation to remain open through the night on Thanksgiving and to close at 11 pm on the Friday after Thanksgiving. The City Council approved both requests. The current request was to make the amendment permanent and to eliminate the need to make an annual request to extend the hours of operation for one day. He noted the request would essentially add six (6) hours to their hours of operation for one day a year. He stated no problems or issues had occurred over the past two (2) years as a result of the temporary extension of hours. He explained within the City's commercial zoning districts there were very few retail businesses that had restricted hours of operation imposed as a condition of approval. Both Planning staff and the Planning Commission recommended approval of the request.

Sue Steinwall, Fredrikson & Byron, stated her client requested six (6) additional operating hours for one day per year to remain consistent with what is allowed for other retail businesses in the City.

Councilmember Mueller stated the parking lot and outdoor lights were supposed to shut off by 11:10 pm. He suggested extending that time by a half hour on a regular basis to allow employees and customers to get safely to their cars parked in the lot. He noted on Thanksgiving the parking lot lights should remain on all night into Friday morning if to coincide with the extended hours of operation.

Mayor Tourville stated the outdoor lights were actually controlled at Walmart Headquarters. He noted the retail climate had changed and it was important to be fair and allow Walmart the opportunity to be competitive.

Councilmember Piekarski Krech stated the original PUD would have to be amended to address the issue related to the parking lot and outdoor lighting on a permanent basis.

Mr. Kuntz suggested that the additional PUD amendment be sent to the Planning Commission for formal discussion.

Luke Nordquist, store manager, stated they would be amenable to the suggested change related to the parking lot lighting and he would communicate with headquarters about the issue.

Motion by Madden, second by Mueller, adopt Resolution No. 14-174 approving an Amendment to the PUD Development Plan Conditions of Approval and Development Contract related to Store Hours of Operation for the property located at 9165 Cahill Avenue

Ayes: 5

Nays: 0 Motion carried.

D. JEFF LEYDE: Consider the following requests for properties located between Boyd and Brent Avenues, between 49th and 50th Street:

- i) Resolution relating to a Comprehensive Plan Amendment to Change the Land Use Designation from LDR, Low Density Residential to HDR, High Density Residential
- ii) Ordinance Amendment to Change the Zoning of the Parcel from R-1A, Single Family Residential to R-3C, Multiple Family Residential
- iii) Resolution relating to a Preliminary Plat for a 3 Lot, One Outlot Multiple and Single Family Subdivision
- iv) Resolution relating to a Conditional Use Permit for a 52 Unit Senior Housing Multiple Family Development
- v) Resolution relating to a Conditional Use Permit to Allow a Structure Greater than 35 Feet in Height
- vi) Resolution relating to a Vacation of Certain Public Rights-of-Way within the Existing Plats of Oakland Park and Nabersberg Addition between 49th and 50th Street

Mr. Hunting explained the applicant originally applied for the comprehensive plan amendment and rezoning earlier in the spring. The Planning Commission and staff both recommended denial at that time because they felt it was a case of spot zoning due to the proposed change in density. At that time the Council was also concerned that an approval would be too open-ended as the type of multiple family development had not been finalized. The Council requested that the developer make application for a

conditional use permit with a specific site plan that staff could review. He provided an overview of the proposed project. The project consisted of a two-story, 52 unit senior housing building with a parking lot in front of the building as well as an underground parking garage. An emergency gated access to 49th Street was also included. The primary public access would be via a newly constructed public street with a cul-de-sac that would connect to 50th Street. He noted the development also included platting for two (2) single family homes on the east side of Bryce Avenue. He reiterated the conditional use permit would be specifically for the 52 unit senior housing project. On the north side of the building the height was measured at 37 feet from the midpoint of the peak to the first floor. Because the south side of the building was more than 50% exposed the height was measured from the basement level and found to be 47 feet. The height on the south side of the building created the need for the additional conditional use permit. Staff did not see an issue with the height because the building was oriented in such a manner that it would have the least amount of impact on the surrounding neighbors. The proposal also included the vacation of some unimproved rights-of-way however the City would retain easements over the alleyways for drainage and utility purposes. Planning staff reviewed the application and found it met all of the performance criteria.

Jaren Johnson, attorney for the applicant, stated the site was a unique parcel of land that required an infill project. He explained the parcel had severe topographical challenges that almost prevented it from being developed in accordance with the current zoning designation. He noted the original plat was from the 1880's and the platted lots were too small for single family residential development. He stated a large amount of fill and deforestation would be required to properly grade the site for construction of single family homes and the applicant would have to obtain several variances for the grades of the roads. The developer would like to rezone the property for a use that would be consistent with another use to the west of the subject property. He opined the developer came up with a proposal that would have the least amount of impact on the neighborhood and mitigate the topographical challenges of the property. He noted the project also presented an opportunity for the City to develop a regional water retention pond. He displayed photos of the projected sight lines from neighboring properties and argued that the proposed use was not inconsistent with the character of the neighborhood as there was a similar use near the proposed development.

Mayor Tourville clarified that the applicant was aware of the conditions of approval proposed by staff.

John Hurache, registered engineer and land surveyor, stated the only issue was the condition related to the vacation of the roadways. He explained the developer wanted the existing utility easements vacated at the same time because some of the alleyways conflicted with the location of the proposed building. He noted new easements would be dedicated to reflect the exact location of the utilities.

Mr. Dodge explained staff proposed that an easement be granted over the west side of one alleyway and the east side of the other alleyway to maintain the City's rights to the existing drainage and utility easements.

Councilmember Piekarski Krech clarified the City did not want to retain an easement over the entirety of the alleyway.

Mr. Dodge replied in the affirmative.

Mr. Kuntz confirmed that staff wanted to reserve a drainage and utility easement on the western half of the existing alley and on a portion of the eastern half of the other alley.

Mr. Dodge and Mr. Hurache agreed.

Councilmember Piekarski Krech questioned if the right-of-way that was vacated would be split between the new plat and the existing homes along the alleyways on the east and west sides.

Mr. Kuntz explained if the street and alley came from the same plat dedication the vacation would result in half the land being accrued to the new plat and half to the existing homes. He questioned if there was any vacant property outside of the plat.

Mr. Leyde stated there were two (2) vacant parcels on 49th Street.

Mr. Kuntz questioned if the vacant lots were buildable.

Mr. Leyde stated his understanding was that the properties were not serviced by water or sewer.

Mr. Kuntz questioned who owned the vacant parcels.

Mr. Leyde stated the parcels were owned by family members.

Mayor Tourville questioned if a drainage issue would be created for the lots that were not a part of the project because of the vacation of the alleyway.

Mr. Dodge replied in the negative.

Mr. Kuntz explained when the right-of-way was vacated, if the dedication of that strip was contained in the same plat the real property accrued in ownership evenly to each side. Ten (10) feet would accrue to the east and ten (10) feet would accrue to the west. He reiterated the City would not vacate the rights to the drainage and utility easement. The result would be that on the east side of the westerly lots there would be a ten (10) foot drainage and utility easement. When the new plat comes in the City would request drainage and utility easements around the perimeter of the boundaries of the new plat.

Mr. Thureen stated staff reviewed the plans to ensure the grading and drainage worked.

Mr. Leyde reviewed the storm sewer concept plan proposed by Barr Engineering.

Bill Dumond, 4922 Boyd Avenue, stated his home was located directly to the west of the west end of the proposed building. He questioned if the applicant provided information that would demonstrate the actual building elevations as compared to the elevations and sight lines of the existing homes. He stated the electronic renderings did not provide definitive information.

Mr. Leyde stated the architect prepared the electronic renderings with known elevations. He explained the architect knew the finished elevation of three (3) of the existing homes. He noted the rendering provided represented the actual view from the deck of an existing home

Mr. Dumond stated during the winter months the trees in the rendering would not block his view of the building. He opined he wanted the property developed in accordance with the original zoning designation.

Councilmember Mueller stated this an extremely unique piece of property and he was surprised that the developer was able to make any type of development work. He opined that things change and nothing is guaranteed.

Councilmember Bartholomew stated the property was a confined small area and the topography prohibited single family development simply due to the cost involved. He opined single family homes within the development would not be affordable.

Mr. Dumond asked the Council to consider the impact of the proposed development on the home values in the area. He questioned if the use as senior housing would stay with the property if the development was approved.

Mr. Hunting explained the wording in the resolution referred to senior housing and the use stayed with the property.

Mr. Leyde stated the intent was to have the building be for tenants 55 years of age and older.

Mr. Johnson suggested keeping the reference to senior housing rather than imposing an age limitation.

Gloria Zeitler, 2921 50th St. E., referenced the water drainage area for the property. She expressed concerns related to the possibility of needing to raise the north end of her property where her garage is located to avoid potential flooding. She stated in order to raise the elevation of that part of her property the removal of trees would likely be required. She opined that her property would be the most impacted by the proposed project. She explained in addition to changing the elevation of a portion of her property the area currently serving as her driveway would become a street.

Mr. Johnson explained Barr Engineering performed a study and in each of the scenarios studied the garage would be underwater. He stated the study was based on the 848 foot high water mark from a 100 year storm event. He explained the developer was planning around the 100 year event to anticipate the potential worst case scenario. Staff's proposal was to raise the garage by two (2) feet to raise it to the high water mark. He reiterated the potential for flooding of the garage was there whether the development was built or not.

Ms. Zeitler stated she had standing water in the northwest part of her yard after the heavy rainfall in the spring.

Mr. Dodge explained the City asked the applicant to address the issue when the development was first proposed. He stated the developer took the position that the issue was an existing condition. Barr Engineering performed a full review of the existing and proposed conditions. The elevation of the emergency overflow was at 849 feet, over the high water mark of 848 feet. If the area flooded under existing conditions the water would go up to the deck at the back of the house. To alleviate the existing condition it was proposed to lower the emergency overflow to an 848 foot elevation. This would move the water to the north and away from the house but would not alleviate, in an extreme condition, the impact to the garage and backyard.

Mayor Tourville questioned if the emergency overflow would go through existing properties.

Mr. Dodge explained it would go through two (2) properties to get to 50th Street. He stated the developer obtained commitments from the two (2) property owners for the dedication of easements.

Councilmember Piekarski Krech stated based on the information from Barr Engineering it appeared as though the proposed development would lessen the impact on the Zeigler property.

Mr. Dodge stated the issue was considered to be a private matter and the onus was on the developer to prove that the proposed development was improving or, at the very least, not worsening the situation with the Zeigler property. He explained staff felt it would be prudent to include a condition that the property owner be notified of the situation and to let the discussions go from there.

Mayor Tourville questioned how long the garage had been there.

Mike Harris, 2921 50th St. E., stated he thought it had been there since 1995.

Mayor Tourville stated the garage had not flooded up to this point.

Councilmember Piekarski Krech opined if the garage had not flooded up to this point it should not flood as a result of the proposed development based on the information provided by Barr Engineering.

Councilmember Bartholomew stated the development would result in an improvement by expanding the drainage area.

Mr. Dodge reiterated staff's proposal was to raise the garage to the 848 foot high water mark and to move it approximately ten (10) feet so it would be above the emergency overflow and in line with the proposed street grades. He noted other options could also be explored but staff felt it was important to bring the issue forward so everyone involved was aware of the potential problem.

Councilmember Mueller questioned if the property owner was in favor of the proposed solution to raise and move the garage.

Ms. Zeitler stated a meeting was scheduled with City staff to discuss the details further. She also expressed concern with the fact that the construction vehicles would be entering the development site using her existing driveway.

Councilmember Piekarski Krech questioned if it was a City street.

Ms. Zeitler stated it was platted as a public street but was not currently used as such.

Mr. Harris explained their biggest concerns were related to the removal of trees and the increased traffic next to their property. He stated parking lots and roofs don't absorb water and they were worried about

the potential impact to their property. He noted they were not made aware of any potential drainage issues when they purchased the home but they were informed of the plans to use the driveway easement for a street.

Mr. Kuntz stated the resolution that mentioned senior housing was for the conditional use permit. He questioned if the Council wanted to consider adding a condition for a separate, recordable document that would act as a covenant to guarantee that the property would be used for senior housing as defined by federal and state law.

Mr. Johnson stated the applicant would not object to the addition of a covenant.

Mr. Kuntz suggested it be added as a condition of the conditional use permit.

Councilmember Bartholomew questioned if the developer was willing to work with Ms. Zeitler & Mr. Harris to mitigate as much water as possible or remove it.

Mr. Leyde replied in the affirmative. He reiterated the information provided from Barr Engineering was in the event of a 100 year, 10 day, snow melt event.

Mr. Dodge explained in that extreme event, under current conditions, the garage would be under water by a couple of feet. He noted the road would be under water as well.

Mayor Tourville stated that extreme event could easily happen in Minnesota with the changing weather. He stated if the road was under six (6) inches of water it couldn't be used.

Mr. Dodge stated a secondary access was provided by the developer onto 49th Street for use during emergencies.

Councilmember Piekarski Krech questioned why the ponding area was not being made deeper.

Mr. Dodge stated the grades were extreme on the property and the developer was already cutting into the existing basin by a couple of feet to increase the depth while still maintaining the appropriate slope ratios on either side of the basin.

Mr. Kaldunski explained the basin was designed as an infiltration basin. He stated the basin would likely be in a dry state most of the time because it is known that the soils in the area drain very well and at a fast rate. He opined the system proposed was as good as any of the landlocked basins that were constructed in the Northwest Area. The design of the system had to strike a balance between serving the proposed development, the existing drainage area, and trying not to send too much water down to 494.

Councilmember Piekarski Krech questioned if the engineers really thought the garage would flood.

Mr. Kaldunski stated there was a possibility that the garage could flood.

Councilmember Piekarski Krech stated all of the information and options needed to be reviewed with the property owners so they could make an informed decision about their garage.

Councilmember Bartholomew questioned if the emergency overflow designated on the map was an existing path of water.

Mr. Kaldunski stated in an extreme event that is where the engineers believed the water would go.

Councilmember Bartholomew questioned if there were easements across the properties where the water would flow.

Mr. Kaldunski stated obtaining the easement agreements was a condition of approval.

Councilmember Piekarski Krech stated the City needed to be a partner in determining a solution because it was a City drainage issue. She opined the developer was not causing the issue.

Mr. Hurache opined the drainage in the area was confusing. He stated there were no wetlands on the property and it drained very fast. He noted the drainage calculations used to be based on a six (6) inch 100 year event and they were now based on a seven (7) inch 100 year event and a 10 day snow melt condition when the ground was totally frozen. He stated the amount of water they needed to design for

had increased exponentially.

Motion by Mueller, second by Madden, to adopt Resolution No. 14-175 approving a Comprehensive Plan Amendment to change the land use designation from LDR, Low Density Residential to HDR, High Density Residential

Ayes: 5

Nays: 0 Motion carried.

Motion by Mueller, second by Piekarski Krech, to adopt Ordinance No. 1288 changing the zoning of the parcel from R-1A, Single Family Residential to R-3C, Multiple Family Residential

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville questioned if screening requirements would be a part of the conditional use permit. He suggested working with the developer within the landscaping plan to plant some more mature trees and evergreens to better block the view from the neighboring properties.

Mr. Kuntz stated a condition could be added to the preliminary plat and the conditional use permit for the 52 unit senior housing development.

Mr. Leyde stated he would be amenable to working with the City and the property owners to come up with a suitable landscaping plan for screening with more mature trees.

Motion by Mueller, second by Madden, to adopt Resolution No. 14-176 approving a Preliminary Plat for a Three (3) Lot, One (1) Outlot Multiple and Single Family Subdivision with the added condition related to screening

Ayes: 5

Nays: 0 Motion carried.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 14-177 approving a Conditional Use Permit for a 52 Unit Senior Housing Multiple Family Development with the added conditions related to screening and a covenant stipulating the senior housing requirement

Ayes: 5

Nays: 0 Motion carried.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 14-178 approving a Conditional Use Permit to allow a structure greater than 35 feet in height

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Mueller, to adopt Resolution No. 14-179 approving a Vacation of certain public rights-of-way within the existing plats of Oakland Park and Nabersberg Addition between 49th and 50th Streets

Ayes: 5

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS: Consider the following actions:

- i) Ordinance Amending City Code Title 6, Chapter 3 regarding Parking Regulations on Cenex Drive
- ii) Ordinance Amending City Code Title 6, Chapter 3 regarding Parking Regulations

Mr. Kuntz explained two ordinance amendments were presented for consideration. The first ordinance applied to parking regulations along Cenex Drive from Babcock Trail to Upper 55th Street. The proposed ordinance outlined regulations whereby certain types of vehicles would be prohibited from being parked on Cenex Drive. He reviewed the types of vehicles proposed to be prohibited as outlined in the proposed ordinance. He explained CHS, Inc. requested that the proposed ordinance be modified by deleting from

the prohibited list recreational truck trailer, recreational vehicle combination, trailer as defined by state statute, motor home, and watercraft. When the ordinance was prepared the Police and Community Development departments identified a number of potential prohibited types of vehicles, mainly because of their bulk. Upon review by CHS, Inc. their opinion was that they would rather have those types of vehicles parked along Cenex Drive versus in their parking lot due to crowded parking conditions and potential for unsafe conditions. He clarified that the prohibition of parking along Cenex Drive would still apply to commercial motor vehicles, semi-trailers, and tow trucks or towing vehicles.

Motion by Mueller, second by Piekarski Krech, to suspend the rules and waive the requirement for three readings of the ordinance related to parking along Cenex Drive.

Ayes: 5

Nays: 0

Motion carried.

Ian Ellis, CHS Facility Manager, stated the changes discussed by Mr. Kuntz were an accurate representation of their request. He explained every once in a while employees may bring boat trailers or motor homes with them on Fridays before going out of town for the weekend and the preference of management would be to have those types of vehicles parked along Cenex Drive rather than in their parking lots. He noted this was not a regular occurrence so they were not concerned about the volume of those types of vehicles that would be parked along Cenex Drive temporarily during the work day. He stated the second ordinance on the agenda for consideration would eliminate the parking of those types of vehicles for extended periods of time along Cenex Drive.

Motion by Mueller, second by Piekarski Krech, to adopt Ordinance No. 1287 amending City Code Title 6, Chapter 3 regarding parking regulations to prohibit the parking of commercial motor vehicles, semi-trailers, and tow trucks or towing vehicles along Cenex Drive

Ayes: 5

Nays: 0

Motion carried.

Mr. Kuntz stated it was anticipated that the second ordinance presented for consideration would go through the customary process of three readings. One of the objectives achieved by the ordinance was that any trailer, semi-trailer, boat, or other form of watercraft must be hitched to a motor vehicle if parked on a City street. The ordinance prohibited the parking of boats and trailers on any City street if they were not hitched to a motor vehicle. The ordinance also provided that on any City street a vehicle, trailer, semi-trailer, boat, or other watercraft could only be parked in one location on the street for a period of up to 20 hours. The ordinance also stated that on any City street that adjoined property zoned agricultural, estate, residential, or B-1 specific types of vehicles and trailers were prohibited from being parked except for the purposes of loading and unloading. He noted the list of the prohibited types of vehicles was prepared by the Police Chief simply as a list of vehicle types the Council may want to address.

Mayor Tourville questioned if there had been problems in the City with vehicles with boats hitched to them being parked for long periods of time on the street.

Chief Stanger stated a majority of the issues had been boats on trailers, utility trailers, and motor homes left out in the street for extended periods of time. He reiterated the intent was to identify every potential type of vehicle the Council may want to consider including in the ordinance regulations. He noted there was no expectation that every vehicle type presented would stay in the proposed ordinance.

Councilmember Piekarski Krech opined that every type of vehicle should be required to be moved every 20 hours if parked on the street. She stated she thought it should be allowed to park a motor home or a boat that is hitched to a vehicle in the street. She expressed concern about boats and trailers being permanently parked in the street.

Mr. Link stated a number of complaints were received in code compliance related to the use of a public street for private storage. He noted a majority of the concerns from residents were related to traffic safety as well as the impact on property values.

Mr. Kuntz stated the most controversial aspect would be the prohibition within a geographical area.

Councilmember Piekarski Krech questioned if the prohibition for commercial motor vehicles would address some larger vehicles such as step vans that would not be allowed to be parked in a lot at an apartment building.

Chief Stanger stated the definition of a commercial motor vehicle was taken out of state statute.

Mayor Tourville expressed concerns about the prohibitions in the B-1 zoning district. He suggested CHS may want to consider designating a specific area in a parking lot for employees to temporarily park vehicles with boats, trailers, or motor homes attached.

Councilmember Piekarski Krech questioned if the ordinance could be extended out so it would not take effect until April to allow for an educational process and an opportunity to work out the issues within the business district.

Mr. Lynch suggested postponing the second reading until January to allow staff time to work out some of the issues that had been discussed.

Motion by Piekarski Krech, second by Mueller, to approve the first reading of an Ordinance amending Title 6, Chapter 3 regarding parking regulations

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

9. ADJOURN: Motion by Bartholomew, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 10:32 pm