

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, MARCH 9, 2015 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, March 9, 2015, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Hark, Mueller and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, Public Works Director Thureen, Parks and Recreation Director Carlson, Chief Stanger, Chief Thill, and Deputy Clerk Kennedy

**3. PRESENTATIONS:**

**A. National Nutrition Month Proclamation**

Mayor Tourville proclaimed the month of March as “National Nutrition Month” in the City.

Carol Brunzell, University of Minnesota, stated she was a registered dietician. She introduced Gail Anderson from the Minnesota Department of Education and Joy Hayes from the Minneapolis Heart Institute. She thanked the City for participating in National Nutrition Month. She explained she and her colleagues belonged to the Academy of Nutrition and Dietetics and their organization’s mission was to help people improve their health through good diet and nutrition. She noted in the future the organization would like to hold small events that would provide assistance to the citizens of Inver Grove Heights. She directed individuals seeking more information on diet and nutrition to visit the organization’s website at: [www.eatright.org](http://www.eatright.org)

**4. CONSENT AGENDA:**

Councilmember Piekarski Krech removed Items 4D, 4E, and 4F from the Consent Agenda.

Councilmember Hark removed Item 4I from the Consent Agenda.

- A.** Minutes – February 23, 2015 Regular City Council Meeting
- B. Resolution No. 15-34** Approving Disbursements for Period Ending March 4, 2015
- C. Resolution No. 15-35** Awarding Contract for Demolition of 6845 Dixie Avenue East, 6836 Dickman Trail, and 6549 Doffing Avenue East to Max Steininger
- G. Resolution No. 15-38** Authorizing the Submittal of Grant Applications for the Community Conservation Partnership (CCP) with Dakota County Soil and Water Conservation District for City Project No. 2015-09E, 47<sup>th</sup> Street Area Reconstruction for the Boyd Avenue Biofiltration Basin and Bower Court Hydrodynamic Separator
- H.** Approve Therapeutic Massage License
- J.** Award Contract for Installation of Rooftop Heating Units at Fire Station 3
- K.** Approve Temporary Liquor License – Inver Hills Community College Foundation

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

**Ayes: 5**

**Nays: 0            Motion carried.**

- D.** Change Order No. 8 and Pay Voucher No. 6 for City Project No. 2014-09D, College Trail Street Reconstruction and Barbara Avenue Partial Street Reconstruction and City Project No. 2014-06, Blaine Avenue Retaining Wall Replacement Improvements
- E.** Resolution Accepting Individual Project Order (IPO) 19B for Additional Final Design and Construction Phase Services for City Project No. 2014-09D, College Trail Street Reconstruction and Barbara Avenue Partial Street Reconstruction
- F.** Resolution Accepting Individual Project Order (IPO) 20A for Additional Final Design and Construction Phase Services for City Project No. 2014-06, Blaine Avenue Retaining Wall Replacement

Councilmember Piekarski Krech stated there seemed to be a pattern of things happening that required change orders or additional consulting services. She referenced past issues with contractors and suggested that staff review the list of reputable contractors to make sure projects are done by those the City has had success with.

Mayor Tourville stated the issues with the retaining wall were related, in part, to faulty records.

**Motion by Piekarski Krech, second by Mueller, to approve Change Order No. 8 and Pay Voucher No. 6 for City Project No. 2014-09D, College Trail Street Reconstruction and Barbara Avenue Partial Street Reconstruction and City Project No. 2014-06, Blaine Avenue Retaining Wall Replacement Improvements, Resolution No. 15-36 Accepting Individual Project Order (IPO) 19B for Additional Final Design and Construction Phase Services for City Project No. 2014-09D, College Trail Street Reconstruction and Barbara Avenue Partial Street Reconstruction, and Resolution No. 15-37 Accepting Individual Project Order (IPO) 20A for Additional Final Design and Construction Phase Services for City Project No. 2014-06, Blaine Avenue Retaining Wall Replacement**

**Ayes: 5**

**Nays: 0            Motion carried.**

**I. Amend Official City Council Schedule**

Councilmember Hark proposed amending the schedule to start the Council Work Sessions at 6 p.m. rather than 7 p.m. He questioned if this posed a problem for staff or other members of the Council.

Mr. Lynch stated it would not cause an issue from staff’s perspective.

The Council agreed to start work sessions at 6 p.m. beginning with the April 6<sup>th</sup> meeting.

**Motion by Hark, second by Bartholomew, to change the start time for work sessions to 6 p.m.**

**Ayes: 5**

**Nays: 0            Motion carried.**

**Motion by Piekarski Krech, second by Bartholomew, to approve Item 4I as proposed and amend the official schedule to include events on April 8<sup>th</sup> and April 16<sup>th</sup>**

**Ayes: 5**

**Nays: 0            Motion carried.**

**5. PUBLIC COMMENT:** None.

**6. PUBLIC HEARINGS:**

**7. REGULAR AGENDA:**

**PUBLIC WORKS:**

**A. CITY OF INVER GROVE HEIGHTS:** Argenta Trail North Study Area Update, Alignment 3A

Mr. Thureen stated at the last Council meeting staff was directed to analyze alignment 3a to determine if it was a viable alternative. He noted one aspect of the analysis was to discuss the offer from a property owner to potentially use a portion of their property for storm water ponding purposes to facilitate alignment 3a. Two subsequent meetings were held. One meeting involved City and County staff, the engineering consultant, the neighborhood, the developer, and the builder to discuss the potential relocation of the affected regional basin. The developer’s engineer also presented a concept that would involve a revised plat with fewer lots in the Blackstone Ridge development. The primary concerns and questions raised by the neighborhood during the meeting related to the size of the ponding area that was proposed, the timetable for the acquisition of land, the potential effects on the groundwater table in the area, and the potential for seepage in basements. After reviewing the information presented at the meeting the property owners withdrew their offer to allow the use of their property for relocation of the regional basin due to concerns regarding the magnitude of the impact on their property. The second meeting that was held involved City and County staff, the developer’s team, and the builder to review alignment 3a as well as the

concept plat the developer had put together to assess its viability. The major conclusions from the meeting were that replacement of the regional basin would be challenging and that the developer, County, and the City would have to discuss potentially sharing the ponding needs to achieve some economies of scale. Expectations for the future county road right-of-way were also discussed, as well as the impacts on the plat of Blackstone Ridge and the reduction of lots. The developer's team proposed a combination of items that they felt, if included, they could potentially support the alternative alignment. City and County staff were still in the process of reviewing the developer's proposal to determine its viability. He noted County staff also wanted the concept plat to be reviewed by the Plat Commission to get input from a larger group of staff. He explained the revised schedule presented to the Council included consideration of a comprehensive plan amendment and a public hearing in front of the Planning Commission. He stated the results of the analysis would be presented at the next regular meeting on March 23<sup>rd</sup>.

Mayor Tourville clarified that all of the alignment alternatives would be discussed at the Planning Commission public hearing.

Mr. Thureen replied in the affirmative.

Councilmember Mueller questioned what the comprehensive plan amendment would consist of.

Mr. Link stated the amendment would consist of the alignment alternative selected by the Council on March 23<sup>rd</sup>. The comprehensive plan identified the corridor for the future Argenta Trail.

Councilmember Mueller questioned how it could be denoted on the comprehensive plan that he was not in favor of a six-lane roadway.

Mr. Link stated that would have to be a part of the Council's direction when an alignment alternative was selected on March 23<sup>rd</sup>.

Councilmember Mueller stated Argenta Trail was a County road, not a City street. He questioned why the City would pay 45% of the cost for the construction of the road.

Mr. Link explained the cost-share agreement had been a long-standing policy of the County.

Mr. Thureen noted that the County's latest update to their transportation plan added a new component. He stated there was a possibility, if a six-lane roadway was being planned, to discuss the potential for a 75/25 cost share because the six-lane roadway could be considered a major arterial and the extra width would be to fulfill a regional need.

Dian Piekarski, 7609 Babcock Trail, questioned when the practice started to plan for roads 20 years in advance.

Mr. Link stated legislative action, starting in the 1970's, required all cities to have a plan in place that extended out at least 20 years. He noted that had been the metropolitan standard for the last few decades.

Ms. Piekarski opined that the practice caused a lot of potential problems for developing cities. She questioned where the planned County greenway would be located in relation to the road being discussed.

Mayor Tourville stated the greenway would be located west of the existing Argenta Trail.

Ms. Piekarski stated if she lived in the area she would want to see both the greenway and the realignment of Argenta Trail on a map.

Mr. Kuntz stated a subsequent item on the agenda for consideration related to the plat of Blackstone Vista. He explained the greenway was identified on the plats for both Blackstone Vista and Blackstone Ponds.

Ms. Piekarski questioned if the Met Council would allow the City to reduce the density projections based on the amount of land that would be used for greenways and roads.

Mr. Link stated that was taken into account during the last update to the comprehensive plan. He explained the density calculations from the Met Council did exclude the right-of-ways for major roads.

Ms. Piekarski questioned if the alignment that would be eventually selected was binding or if it could be changed in the future.

Mr. Kuntz stated as long as substantial portions had not been constructed and considerable public investment had not been made, the alignment could presumably be changed by the Council. He explained the road was a County road and the timing of construction was heavily dependent on the County and their investment. He noted extension of major county roads required City participation. He added that comprehensive plan amendments required a 4/5 vote by the Council. He stated the Council did select an alignment for the southern segment of Argenta Trail and there was a plan in place to construct that segment in 2016.

Nikki Abbott, 6720 Argenta Trail, questioned how long the City had known that Argenta Trail would be an eventual six-lane roadway.

Mr. Thureen stated the potential need for the six-lane roadway was first discussed during the County's Regional Roadway System Visioning Study that was completed in 2010. He explained that process spanned over a 12-month period and many meetings and open houses were held to present and discuss the information resulting from the study. He noted that the six-lane roadway was identified in the study.

Dennis Wolfe, 6742 Argenta Trail, stated the neighborhood appreciated City and County staff taking the time to further examine alignment 3a before making a recommendation to the Council. He also thanked staff for taking the time to meet with property owners in the neighborhood and answer questions. He stated the neighborhood hoped the process could continue to move towards a conclusion that would be fair to both the developer and the existing property owners.

Mary T'Kach, 7848 Babcock Trail, questioned if there would also be work done to analyze basic concept designs associated with the other alignment alternatives. She stated if the developer could live with alignment 5, a concept plan under that scenario could be created so the Council would be able to compare the development impacts in both cases.

Mayor Tourville stated the primary focus of staff's time was to determine if alignment 3a was viable.

Ms. T'Kach questioned if all of the alignment alternatives were still on the table for consideration.

Mayor Tourville stated all of the alternatives would be presented to the Planning Commission, but the main focus of the additional work was related to alignment 3a.

Councilmember Piekarski Krech stated all of the alternatives were still being considered because a final decision had not been made.

Councilmember Bartholomew stated he did not recall the developer saying he was comfortable with alignment alternative 5.

Mr. Thureen clarified staff's entire focus since the last Council meeting had been to determine if alignment 3a would be viable. He stated comparable work had already been completed on the other alignment alternatives prior to the last Council meeting.

Jim Deanovic, developer, stated he never said that alignment alternative 5 would be a viable option for him. He noted that someone would be affected under each of the different scenarios. He explained the Council had to consider that alignment alternative 5 would totally eliminate the home on the Flannery property and would also kill the City's tax base. He stated his main concern was that the final decision was legal and that those involved were properly compensated. He explained the City, County, and his development team were working hard to find a solution that would accommodate the neighborhood. He suggested everyone involved continue to look at alignment 3a to find out if it might work for everyone involved.

Mr. Wolfe reiterated everyone involved was interested in a resolution that would be fair for everyone involved, including the developer.

**Motion by Piekarski Krech, second by Mueller, to receive correspondence from Martha Zachary and McGough Construction**

**Ayes: 5**

**Nays: 0**      **Motion carried.**

**COMMUNITY DEVELOPMENT:**

**B. RYLAND HOMES:** Consider a Resolution relating to the Final Plat and Final PUD Development Plans for Blackstone Vista

Mr. Hunting reviewed the location of the property. He explained the Council was asked to review the final plans against the preliminary plans and conditions of approval. He stated both the plan and the plat were consistent with what was preliminarily approved. He noted the final plat was reduced by one (1) lot to accommodate the lift station. He stated the plat was not contingent upon the alignment selected for the northern segment of Argenta Trail. He explained the City Engineer was satisfied that the final plat had met the preliminary conditions of approval. A development contract and related stormwater management documents would be presented for approval at a subsequent meeting. He stated the development contract would address the construction of the Mendota-Lebanon trail. Both Planning staff and the Planning Commission recommended approval of the final plat and final PUD development plans.

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

Tracy Russ, Ryland Homes, stated they agreed with the conditions of approval and were excited to move forward with the development.

**Motion by Piekarski Krech, second by Bartholomew, to adopt Resolution No. 15-39 approving a Final Plat and Final PUD Development Plans for Blackstone Vista**

**Ayes: 5**

**Nays: 0**      **Motion carried.**

**C. ROOTY'S DEN, LLC & LES JEPSEN:** Consider the following actions for the A&W Property located at 9061 Buchanan Trail:

- i) Resolution Amending the Final PUD Development Plan and related agreements for A&W to allow for an Expansion of the Building and to allow One Free Standing Sign on the Property
- ii) Resolution Amending the Approved Conditions of Approval for Arbor Pointe 14<sup>th</sup> Addition to allow One Free Standing Sign on the Subject Property

Mr. Link reviewed the location of the property. He explained the applicant wanted to reopen the A&W restaurant and expand the building. The outdoor, drive-in style ordering component would be removed and additional seating for 64 patrons would be added to the interior of the restaurant. The access from Broderick Boulevard and the on-site parking would not change. No additional impervious surface would be added to the site. He stated the second part of the request related to signage. Current regulations prohibited pylon signs. He noted staff recognized that the site had limitations, including low visibility, and supported the need for a free-standing pylon sign. The main concerns related to the height and size of the sign. The applicant requested a 40 foot tall, 141 square foot oval sign with the A&W logo. Planning staff suggested a maximum height of 30 feet and a sign that was 100 square feet in size. Staff wanted to ensure that the sign remained in character with the commercial neighborhood and no other pylon signs were currently permitted in the Arbor Pointe area. He noted there were two (2) 100 square foot pylon signs located just outside the Arbor Pointe district at Tractor Supply and Absolute Trailer. Both Planning staff and the Planning Commission recommended approval of the amendments to the final PUD development plan to allow for expansion of the building. Staff and the Planning Commission also recommended approval of the request for the pylon sign, although each recommended different sizes be allowed. The Planning Commission approved the applicant's request for a 40 foot tall, 141 square foot oval pylon sign.

Councilmember Piekarski Krech questioned what the rationale was for the size of sign requested by the applicant.

Mr. Link stated the larger sign was mainly intended to increase the visibility of the business.

Mayor Tourville clarified that the rationale for staff’s recommendation was to stay in line with what was allowed for Tractor Supply and Absolute Trailer.

Mr. Link replied in the affirmative.

Councilmember Hark stated both Tractor Supply and Absolute Trailer were located much closer to the highway than the A&W restaurant. He explained the applicant wanted the larger signage to increase the visibility of the restaurant from the highway. He opined he could rationalize allowing the larger sign for A&W because of the difference in proximity to the highway.

Les Jepsen, applicant, stated at a height of 30 feet the sign would not be visible over the Holiday gas station. He noted a larger sign would increase the overall visibility of the restaurant.

Mr. Hunting stated the oval sign would be 141 square feet in size.

Councilmember Piekarski Krech opined the business had to have visibility from the highway in order to be successful. She stated a lack of visibility contributed to the failure of the original restaurant at that location.

Councilmember Mueller stated the larger sign was needed in order to be visible over the Holiday station.

Dian Piekarski, 7609 Babcock Trail, questioned if the applicant had any relationship with the previous owner of A&W.

Mayor Tourville replied in the negative.

Ms. Piekarski suggested staff review the signage requirements for the entire Arbor Pointe commercial district to try to attract more attention and traffic to the area.

**Motion by Piekarski Krech, second by Mueller, to adopt Resolution No. 15-40 amending the Final PUD Development Plan and related agreements for A&W to allow for an expansion of the building and to allow one (1) free standing sign on the property and Resolution No. 15-41 Amending the Approved Conditions of Approval for Arbor Pointe 14<sup>th</sup> Addition to allow one (1) free standing sign on the subject property**

**Ayes: 5**

**Nays: 0      Motion carried.**

**FINANCE:**

**D. CITY OF INVER GROVE HEIGHTS:** Consider the following actions:

- i) Approve 2014 & 2015 Transfers
- ii) Approve Carryover of Unused Budget Appropriations

Ms. Smith reviewed the proposed transfers for 2014 and 2015. She noted updated information was provided to the Council prior to the meeting. The requests included a transfer from the Host Community Fund to the Community Center Fund in the amount of \$288,826.68 to cover the operating deficit. The cost recovery for the Community Center was at 89%, the highest it had been in quite some time. She noted the established goal for cost recovery was 90%. Transfers from the Community Project Fund and Capital Facilities Fund were also requested for a total of \$188,815.76 to cover capital purchases at the Community Center. A request was also presented to transfer \$100,000 from the Host Community Fund to the Golf Course Fund for funding of future capital needs. The transfer was previously budgeted to cover improvements to the driving range that did not occur in 2014. She stated the preliminary audit numbers estimated a cash increase of approximately \$82,000 at the Golf Course after repayment of 1/3 of the loan. She proposed a transfer of \$500,000 from the Host Community Fund to the Pavement Management Fund. She explained the transfer request to the EDA was for the assessment completed for the Dickman Trail area and the Arbor Pointe retail analysis.

Councilmember Bartholomew questioned if the \$100,000 transfer to the Golf Course Fund was intended

to be a loan.

Ms. Smith replied in the negative. She stated the transfer was budgeted in 2014 for improvements at the driving range.

**Motion by Bartholomew, second by Piekarski Krech, to adopt Resolution No. 15-42 approving 2014 and 2015 Transfers**

**Ayes: 5**

**Nays: 0      Motion carried.**

Ms. Smith stated the total carryover request for the General Fund was \$103,800. The total carryover for the Community Center Fund, tied to operating and capital needs, was \$291,400. Additionally, carryovers were requested to the ADA Fund in the amount of \$62,600, the Water Fund in the amount of \$30,000, the Sewer Fund in the amount of \$50,000, and the Golf Course Fund in the amount of \$1,200. She noted the requisite transfers related to the carryovers in the Community Center Fund would come back for separate Council approval. An estimated surplus of \$900,000 in the General Fund was projected prior to the transfer and carryover requests. She stated a large portion of the surplus was attributable to increased revenues.

Mayor Tourville noted that the excess revenues were primarily the result of increased building and construction permits in 2014.

Councilmember Hark clarified that the carryover requests were funds previously appropriated by the Council in 2014 that went unspent.

Ms. Smith replied in the affirmative.

Councilmember Mueller questioned if the funds would be placed into each fund separately.

Ms. Smith replied in the affirmative. She explained the budget would be amended to reflect the changes in each of the affected line items.

**Motion by Mueller, second by Hark, to adopt Resolution No. 15-43 approving the Carryover of Unused Budget Appropriations**

**Ayes: 5**

**Nays: 0      Motion carried.**

**ADMINISTRATION:**

**E. CITY OF INVER GROVE HEIGHTS:** Consider Approval of Lease Agreement with Criminal Justice Information Integration Network (CJIIN) Program through Dakota County

Mr. Lynch stated the request was to approve a lease agreement for the use of space in City Hall by CJIIN. The program was offered through Dakota County to assist public safety agencies. The organization was currently housed in the Administration Center in Hastings and no longer had sufficient space to operate in the County facilities. The organization approached the City to inquire about the potential to lease space in the Public Safety building. The lease agreement was reviewed by both the County Attorney and the City Attorney. He stated the lease would be for a five (5) year term and the City would receive annual payments of \$8,900. CJIIN agreed to pay up to \$6,500 for furniture, installation, and system changes such as electrical work that may be required. The City would pay up to \$6,000 in other expenses for furniture that would stay in the building.

Councilmember Piekarski Krech questioned how the lease amount was determined.

Mr. Lynch stated the amount was based on square footage.

Councilmember Piekarski Krech questioned if the lease payment included utilities.

Mr. Lynch replied in the affirmative.

Councilmember Hark questioned who would pay for the removal of the technology installed by CJIIN if the

organization decided to terminate the lease.

Mr. Lynch stated the County would be responsible for the technology and equipment they need to connect to the County system.

Councilmember Bartholomew questioned why a formula was used to calculate the CAM charge versus using the actual costs.

Mr. Lynch stated the formula accounted for the use of shared spaces such as restrooms, lunch rooms, and public spaces.

**Motion by Bartholomew, second by Hark, to approve Lease Agreement with Criminal Justice Information Integration Network (CJIIN) Program through Dakota County**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

**9. EXECUTIVE SESSION:**

- A.** Update on Union Negotiations
- B.** Consideration of Termination of Employment

Mr. Kuntz reviewed the statutory background related to the ability of the Council to meet in executive session. He stated the first item related to a discussion with the department of administration regarding labor negotiations with a collective bargaining unit. Minnesota Statute 13D.03, Subd. 1, allows discussions and the development strategy related to labor negotiations to be done in a closed door session. He noted the session would be taped, as required by law. The second item to be discussed in executive session related to the preliminary consideration of allegations or charges against an individual subject to the Council’s authority as provided by Minnesota Statute 13D.05, Subd. 2. The employee to be discussed was identified as Patricia Niedzielski. He noted no formal action would be taken in the executive session.

**Motion by Piekarski Krech, second by Bartholomew, to move to executive session for the reasons and under the statutes presented by the City Attorney**

**Ayes: 5**

**Nays: 0      Motion carried.**

The Council recessed at 8:23 pm and reconvened in executive session at 8:30 pm.

**10. ADJOURN:** Motion by Mueller, second by Hark, to adjourn. The meeting was adjourned by a unanimous vote at 9:50 pm