

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

**1. CALL TO ORDER and 2. ROLL CALL**

The City Council of Inver Grove Heights met in regular session on Monday, November 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, City Clerk Tesser, Parks and Recreation Director Carlson, Finance Director Smith, Public Works Director Thureen, Police Chief Stanger, City Engineer Kaldunski and Fire Chief Thill.

**3. PRESENTATIONS:**

A. Introduction of Inver Grove Heights Royalty Scholarship Recipients

Mayor Tourville introduced the Royalty Recipients. Dale Henniger introduced the scholarship recipients of the royalty. The group presented the Mayor with a photograph.

**4. CONSENT AGENDA:**

A. i. Minutes of October 5, 2015 City Council Work Session Meeting

ii. Minutes of October 12, 2015 Regular City Council Meeting

B. Resolution 15-173 Approving Disbursements for Period Ending November 3, 2015

C. Accept Quote for Elevator Maintenance Repairs

D. Resolution 15-174 Consider Final Pay Voucher No. 2, Engineer's Final Report, and Resolution Accepting Work for City Project No. 2015-09A – Crackseal

E. Resolution 15-175 Consider Final Compensating Change Order No. 2, Final Pay Voucher No. 2, Engineer's Final Report, and Resolution Accepting Work for City Project No. 2015-09B – Sealcoat

F. Resolution 15-176 Consider Resolution Authorizing Preparation of a Feasibility Report for City Project No. 2015-20 – NWA Trunk Utility Improvements, Robert District

G. Resolution 15-177 Agreement for 2015 Technical Services for Conservation Projects with Dakota County Soil and Water Conservation District (DCSWCD) and Regulatory Assistance with the Wetlands Conservation Act

H. Consider Approval of the 2016 Proposed Convention and Visitors Bureau Budget

I. Resolution 15-178 Consider Resolution Approving Demolition Contract – 4195 – 68th Street East

J. Request Authorization to Make Final Offers for Acquisition of Easement on Glenlin and Flannery Properties

K. Personnel Actions

L. Schedule Public Hearing to Consider the Amendment of City Code Title 3, Chapter 4 Section 3-4-2-2, 3-4-2-3 Fees and 10-3-8 Planning Fees

**Motion by Bartholomew, second by Hark to approve the Consent Agenda 4.A- 4.L. 4K was pulled by Councilmember Mueller.**

**Ayes: 5**

**Nays: 0          Motion carried.**

Councilmember Mueller asked that the decision regarding the approval of the new administration position be brought to another council meeting. City Administrator Lynch declared that the job description and scale was approved by the council and authorization was received. He further added that there were 157 applications and an internal candidate was hired. Councilmember Bartholomew asked if the position of the new hire would be filled. City Administrator Lynch replied in the affirmative, that the open position would be filled. He explained that per union guidelines those internal candidates will be looked at first. Councilmember Mueller asked about the step increases for the position. City Administrator Lynch discussed that the chosen internal candidate will be at the top of her step increase in this new position.

**Motion by Bartholomew, second by Tourville to approve item 4K.**

**Ayes: 5**  
**Nays: 0**      **Motion carried.**

**5. PUBLIC COMMENT:** None.

**6. PUBLIC HEARINGS:**

A. Consider an Third and Final Reading of Ordinance 1304 Amending the Inver Grove Heights City Code by Adding Title 4, Chapter 12 Related to Tobacco and Electronic Delivery Sampling.

Ms. Bridget McCauley Nelson summarized the amended ordinance. Ms. Nelson stated that there has been no changes to the ordnance since the second reading. Council had no comments. Mayor Tourville asked if all the current license holders were given notice. Ms. Nelson stated in the affirmative, she added all current license holders were mailed the notice and the notice was published in the newspaper. The Public Hearing opened at 7:09pm. There were no public comments.

**Motion by Piekarski Krech, second by Bartholomew to close the public hearing.**

**Ayes: 5**  
**Nays: 0**      **Motion carried.**

The Public Hearing closed at 7:11pm.

**Motion by Hark, second by Bartholomew to accept the third and final reading of the ordinance.**

**Ayes: 5**  
**Nays: 0**      **Motion carried.**

B. Public Hearing to Consider Ordering the NWA Trunk Utility Project on the Blackstone Ridge Utility Alignments, Authorizing Final Plans and Specification and Authorizing City Attorney to Complete Easement Negotiations, for the 2015 Improvement Program, Resolution 15-179 City Project No. 2015-16 – NWA Trunk Utility Improvements, Argenta Trail to Blackstone Ridge

Mr. Kaldunski introduced the item. This is a trunk sanitary sewer and water main project. It includes a 16 inch water main and a gravity sewer that is 10-12 inch in diameter and 54 deep and is located in the alignment. The cost of the project is \$2,929,200. The funding will come from Fund 511 Water NWA and Fund 512 Sewer NWA. Mr. Kaldunski stated that these funds are collected during connection fees, plat connection charges and developer funds at the time of development. There are no proposed assessments on the project because it's a trunk improvement project. There are easements to secure on the project and staff has worked with the developer to secure those easements. Mr. Kaldunski presented a map and indicated where the project will start including the alignment and trunk extensions.

The Public Hearing was opened at 7:15pm

Nikki Abbott, 6720 Argenta Trail requested more details on the project. Tom Kaldunski went over the details of the project and asked that the resident contact him in the future with any more questions regarding the details.

**Motion by Piekarski Krech second by Mueller to close the public hearing.**

**Ayes: 5**  
**Nays: 0**      **Motion carried.**

The Public Hearing closed at 7:18pm

**Motion by Piekarski Krech, second by Mueller to accept NWA Trunk Utility Project on the Blackstone Ridge Utility Alignments, Authorizing Final Plans and Specification and Authorizing City Attorney to Complete Easement Negotiations, for the 2015 Improvement Program, Resolution 15-179 City Project No. 2015-16 – NWA Trunk Utility Improvements, Argenta Trail to Blackstone Ridge**

**Ayes: 5**

**Nays: 0            Motion carried.**

## **7. REGULAR AGENDA:**

### **COMMUNITY DEVELOPMENT:**

**A. JON SKOGH; Consider Resolution 15-180 relating to a Variance from side yard setbacks to allow an accessory structure over 1,000 square feet containing an accessory dwelling unit for property located at 1355 96th Street.**

Mr. Link introduced the item. The property is located on the north side of 96<sup>th</sup> Street. Mr. Link commented that the applicant has been in front of the council a few times before on an ordinance amendment to allow an accessory dwelling unit and the city council approved that action about a month ago. This is apart of that project which requires a variance. The garage would be turned into an accessory structure. The second floor was added and made the building square footage at 1,550 square feet thus requiring a 50 foot setback. The applicant cannot meet the 50 feet setback and holds a 20 foot setback.

Mr. Link discussed where the house sits on the property and the garage. The city's concern is that the accessory structure is located at the edge of the basin area; if the 50 foot setback is required than it would be at the center of the basin. It would imperil the city's ability to use the area for water retention which would negatively impact the storm water basin. Staff recommends approval of the variance. The Planning Commission also recommends approval of the variance.

**Motion by Batholomew, second by Hark to accept the Resolution relating to a Variance from side yard setbacks to allow an accessory structure for property at 1355 96<sup>th</sup> Street.**

**Ayes: 5**

**Nays: 0            Motion carried.**

### **B. Consider First Reading of the On-Street Parking Regulations Ordinance**

Mr. Link discussed the item at length. This is an item previously in front of the council on October 26, 2015. City Council directed staff to make revisions and bring the ordinance back for a first reading. The ordinance would regulate on-street parking. This suggested change came about because of the repeated complaints regarding semi trucks, campers, boats and trailers being stored on public streets for an extended time. In some instances they are being stored on the city street for an entire season. The concern from residents is that the neighborhood than appears junky and unattractive. Long-term is could have a negative impact of the neighborhood and property values in that neighborhood. Also a concern is traffic safety as these vehicles and trailers can obstruct driving to the public.

Mr. Link discussed the changes directed by the city council and the revised ordinance amendments summarized Mr. Link's request for council action memo provided in the council agenda packet.

Mr. Link discussed the three parts of the ordinance.

1. In residential zoning districts, prohibit commercial motor vehicles (except for school buses and tow trucks), semi-trailers, trailers and watercraft from being parked on city streets, except for the purpose of loading and unloading.
2. In all zoning districts, prohibit vehicles, trailers, semi-trailers, watercraft, recreational truck trailers, recreational vehicles and motor homes from being parked on city streets for more than 20 continuous hours in one place.
3. In all zoning districts, require trailers, semi-trailers, watercraft, recreation vehicles, recreational truck trailers, and recreational vehicles combinations that are parked on city streets to be hitched to a motor vehicle.

Mr. Link stated the staff recommends approval of the first reading on the on-street parking regulations in residential zoning districts, in response to the frequent complaints.

Councilmember Hark discussed his opinion of an unclear ordinance language specifically at 6-3-13 and 6-3-14 between parking that is prohibited and the definition of unloading and loading for up to 20 hours.

Mr. Link stated that he would bring back paragraph 13 and 14 with amendment language to remove any confusion.

**Motion by Batholomew, second by Hark to accept the first reading of the ordinance.**

**Ayes: 5**

**Nays: 0          Motion carried.**

**FINANCE:**

**C. CITY OF INVER GROVE HEIGHTS; Consider First Reading of an Ordinance Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees for 2016**

Ms. Smith discussed the item. She discussed a small change to item F in the connection fees for sanitary sewer. Ms. Smith discussed the change of rate from Ehlers June 2015 update. She summarized the increase in rates for water (3.5%) and sewer (3.5%). In the NW Area, the fees will increase at the rate for water (3.5%) sewer (5%) and storm water (5%). Ms. Smith discussed the upcoming work session to discuss the shortfall of the sewer rates. The approval of the rates will be set at the public hearing for December 14, 2015 and would go into effect on January 1, 2016.

The council did not have follow up questions to the ordinance.

Ms. Smith stated that the intent and approval of this is to be published and would be in affect on January 1, 2016.

**Motion by Batholomew, second by Piekarski Krech to accept the first reading of the ordinance.**

**Ayes: 5**

**Nays: 0          Motion carried.**

**PARKS AND RECREATION:**

**D. CITY OF INVER GROVE HEIGHTS; Consider Contract with Apex Arena Solutions, SBC for Energy Efficiency Improvements to the VMCC/Grove and City Hall**

Mr. Carlson introduced the item. He asked the council to table the public hearing until the November 23, 2015 Council meeting because staff had lingering questions. He stated that the contract was noticed in the paper so the item was required to remain on the council agenda. Mr. Carlson overviewed the energy savings contract. He pointed out that MN statute 471.345 subd.13 allows the city to enter into energy efficiency projects. There has to be a minimum of a 20 year maximum payback through energy savings. The contract is not open to competitive bidding. He discussed the proposed projects at the Community Center. He discussed the purchase power solar agreement with a 25 year new energy equity. Credits from Xcel would be \$43,000 annual and the net savings to the city is \$28,000 annually. Along with the purchase power solar agreement a technical service agreement would be performed by Apex at the end of each year. They would audit the energy savings and it would cost \$4,500 for the first year but that amount is included in the \$447,000 cost to the city. Mr. Carlson stated that the city can elect to continue with the technical service agreement but there will be out of pocket expenses of 3.5% COLA for the continuation. He opined that staff is looking at the continuation of the agreement incase the energy savings is underperforming. This would allow the city to make more improvements to meet the threshold or APEX would be required to pay the difference in cash so the city gets the full guarantee.

If the city wanted to provide insurance, they can purchase an Energy Savings Bond that would cost the City \$13,400 annually. Apex estimates that improvements would be \$56,000 in savings and is guaranteeing \$41,000. He stated in regards to financing the project, staff recommends an interest free loan that would be from Central Equipment Fund and paid back over a 6.2 year period of time.

The reduction of energy would be 600,000 kWh annually at the Community Center. The Investment would be \$447,000. In summary, Mr. Carlson stated that the project would reduce the amount of energy the city is using. The savings is guaranteed through the APEX contract. The project would be funded internally and the savings is \$70,000 annually over a 25 year period on average.

Councilmember Bartholomew asked Mr. Carlson what questions Mr. Carlson had that have not been answered. Mr. Carlson stated he wanted a clear answer from Xcel on the energy credit guarantee and to double check that the calculation is not correct.

Councilmember Bartholomew asked about the vetting process of APEX Solutions Business, what is their worth and financial stability? Mr. Carlson will gather company basics and recommendations from clients. Mr. Carlson stated that the school district has been working with APEX and has seen positive results. Mr. Carlson stated he has asked questions to the League of MN Cities regarding the insurance aspect of the project.

City Attorney, Mr. Kuntz was asked regarding snow removal and what happens if a solar panel fell of the roof. He stated our liability is making sure we have a structurally sound roof. We also checked with the building official of the capacity of the roof. There will be an engineering report conducted before the installation occurs.

Mayor Tourville asked if the solar panel flies of the roof and hits a vehicle the liability is with APEX and not us. Mr. Kuntz was confirmative.

Mr. Kuntz stated that the solar panels are installed by weights and are not secured to the roof. Further he added that a question was previously asked at another meeting regarding new technology in solar panels. Mr. Kuntz stated that new panels can be installed in the future if new technology arises. Mayor Tourville clarified that if a wind storm occurs then APEX is liable not the City.

Councilmember Hark stated that this idea is all predicated on a new roof for the Community Center. Mr. Carlson stated that staff is looking at replacing the roof over the ice arena. Councilmember Hark asked is the roof replacement is a requirement. Mr. Carlson stated no, but its staff's recommendation. Mr. Kuntz stated that the anticipation would be that council would approve the roof replacement first and then the APEX contract would come to the council for approval.

**Motion by Hark, second by Piekarski Krech to table the item until November 23, 2015 at 7:00P.M.**

**Ayes: 5**

**Nays: 0          Motion carried.**

**ADMINISTRATION:**

**E. CITY OF INVER GROVE HEIGHTS; Discussion of Authorization for City Attorney Time and Expense**

City Administrator, Mr. Lynch discussed the item at hand, he summarized the memo to the council and asked for action from the council on a practice and/or a policy on how to handle if a private party has an issue to discuss. The decision is up to the city council because they authorize the expenses on such issues.

Mayor Tourville stated that on private issues the city attorney needs to check with staff to make sure the City Administrator is notified first. Councilmember Hark asked if there is an issue with the city, Mr. Lynch should be the gatekeeper.

Mr. Kuntz asked to make a suggestion but first clarified that this is referring to city matters not private matters. Specifically, city matters are coming from an individual caller. The solution is that we follow a practice that if the caller has not yet filed an application for something than they should be referred to staff instead of calling the City Attorney. Those complaint types are at a lesser percentage. The majority of the calls are inquiries and they haven't made an application to the city. Mr. Kuntz stated there are three categories, the first one is 25-30 calls a year are private matters, people have yet to make an application or a license and those callers are trying to go around the levels of staff. Mr. Lynch is asking about the process to follow. A policy would instruct callers to go to the staff first. The last category is the ongoing complaints about the same thing. If the complaint has not been bought to the Administration then it must go through the city first before the city attorney.

Councilmember Mueller asked about the practice of council members in regards to questions they have. Mayor Tourville answered that council should go through Mr. Lynch first.

The council gave direction to Mr. Lynch for callers to go through him first. There was no vote by council.

**8. MAYOR & COUNCIL COMMENTS**

We are recycling plastic bags on November 18 through 20<sup>th</sup>.

State Official Ceremony will be at the VMCC on November 11, 2015 with the Governor and Senator Klubusher at 10:00a.m.

Councilmember Hark discussed the new Performing Arts Center at Simley High School. Mayor Tourville stated that Footloose is a play currently open to all.

**9. EXECUTIVE SESSION:**

Executive Session Pursuant to Minn. Stat. § 13D.05, Subd. 3

Mayor Tourville Discuss Status Update Relating to Discuss Determination of Compensation for Right-of-Way and Easement Needed from the Blackstone Ridge Plat for Future Argenta Trail.

No action was taken or decision made during the Executive Session.

**10. ADJOURN:** Motion by Piekarski Krech, second by Hark to adjourn. The meeting was adjourned by a unanimous vote at 9:26p.m.