

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, NOVEMBER 23, 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 23, 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 and Fire Chief Thill.

**3. PRESENTATIONS:**

**A.** Proclamation Recognizing Fifty Year Anniversary and Presentation with Video and Booklet. Mayor Tourville read the Proclamation. Tracy Petersen, Recreation Coordinator presented the 50<sup>th</sup> Anniversary video.

**4. CONSENT AGENDA:**

- A.** Minutes of October 26, 2015 City Council Meeting Minutes
- B.** Resolution 15-181 Approving Disbursements for Period Ending November 17, 2015
- C.** Approval of a Lawful Gambling Premise Permit for Merrick, Inc. at the Premise Business Location of 4455 65th Street East Resolution 15-182
- D.** Approval of a Lawful Gambling Premise Permit for Spartan End Zone at the Premise Business Location of 6434 Cahill Ave. Resolution 15-183
- E.** Consider Purchase of Equipment for Inver Wood Golf Course
- F.** Consider Approval of 2016 Park and Recreation Fees
- G.** Consider Approval of Guaranteed Energy Savings Agreement
- H.** Consider Resolution 15-184 Approving the Dakota County 2016 Community Funding Application for Waste Abatement Activities
- I.** Approval of Position Reclassification to City Forester/Park Maintenance Coordinator
- J.** Consider Pay Voucher No. 7 for the 2015 Capital Improvement Program, City Project No. 2015-10 – NWA Trunk Utility Improvements, Argenta District (Alverno to Blackstone Vista Development) and City Project No. 2015-11 – NWA 70th Street Lift Station, Argenta District
- K.** Resolution 15-185 Approving Joint Powers Agreement (JPA) with Dakota County for Right-of-Way Acquisition, Construction and Maintenance for City Project No. 2014-11 – Argenta Trail at Trunk Highway 55
- L.** Approve Amendment to Proposal for Professional Services for Feasibility Study for City Project No. 2015-03 – 65th Street between Trunk Highway 3 and Argenta Trail
- M.** Consider Resolution 15-186 Accepting Proposal from Wenck Associates, Inc. (WAI) for a Hydrologic Modeling and Feasibility Study for City Project No. 2015-19 – Northwest Area (NWA) Robert Watershed Corridor
- N.** Consider Resolution 15-187 Accepting Proposal IPO No. 21A for Additional Engineering Services from Kimley-Horn & Associates, Inc. for Preparation of the Feasibility Report for City Project No. 2015-09D – Broderick Boulevard Reconstruction from 80th Street to Concord Boulevard
- O.** Consider Resolution 15-188 Separating City Project No. 2016-09D, 60th Street Area Reconstruction and Establishing Five Additional Projects: City Project No. 2016-10, 60th Street Area Utility Improvements; 2016-09F, Carleda Way Area Reconstruction; 2016-11, Carleda Way Area Utility Improvements; 2016-09G, 62nd Street Area Reconstruction; and 2016-12, 62nd Street Area Utility Improvements.
- P.** Personnel Actions

**Motion by Bartholomew, second by Hark, to approve the Consent Agenda 4.A- 4.P.**

**Ayes: 5**

**Nays: 0      Motion carried.**

## **5. PUBLIC COMMENT:**

Councilmember Mueller brought up the Pine Bend Area Study and expressed his disagreement with the study results and any improvements to Akron Road.

Councilmember Hark stated that the council should express to Dakota County and the City of Rosemount that the City Council doesn't support expanding Akron Road. He asked city staff if there was anything the council could do before the final results of the study come out.

Mayor Tourville agreed with Councilmember Hark and stated that the council could express their opinions when Dakota County's staff returns to the council to present an update of the study. Councilmember Hark expressed urgency in communicating before that meeting happens. He stated even if it's preliminarily, the council should formally let Dakota County know of the council's opinion on the Akron street expansion remaining at 66 feet.

Councilmember Piekarski Krech stated that the concern is that the City of Rosemount's City Council has approved significant street improvement plans already for that area, and if we don't get in front of this issue than the council may not have a voice at the end of the final plans. Mayor Tourville stated that the project needs the approval from both cities.

Mayor Tourville asked when Dakota County is scheduled to return to the council for the final study update.

Public Works Director Scott Thureen stated that the tentative date would be in January or February at a work session. Mr. Thureen stated that the Mayor is correct when he stated that a project would not advance without the Council agreeing to a joint powers agreement for the shared costs. He stated that the county has the option of doing the project on their own and paying for the entire project costs. However, that is not how they normally operate. Mr. Thureen suggested to the council that they draft a letter expressing their opinions. He stated that the letter could be completed in advance of the upcoming work session.

Mayor Tourville asked that if a letter is drafted that it be an agenda item. Councilmember Hark stated that he is okay with a letter. He reiterated that the Council needs their opinions to be known to Dakota County. Further he opined, that the Council's opinions could be of influence to Dakota County's final study. Councilmember Bartholomew agreed with a letter being drafted to the county.

Council directed staff to draft a letter and have it on the agenda at the next city council meeting.

## **6. PUBLIC HEARINGS:**

### **A. Consider Approval of the 2016 Liquor License Renewal Applications**

Mr. Lynch, City Administrator, stated that this item will be tabled until December 14, 2015, to meet the 10 day Public Notice requirement per city code. But added, that staff would like to review the materials with council in case of any questions.

Chief Stanger discussed the liquor license violations of 2015. He stated there were six liquor license violations in 2015. He included a list of the past five years for Inver Grove Heights' businesses and any associates that have been cited in the last five years which were 7 violations. He clarified that the associate businesses mean other locations outside of Inver Grove Heights. City Clerk, Ms. Tesser clarified that the attachment was sent to the City Council in the Dropbox.

Chief Stanger discussed the compliance check violations of the businesses and the servers that served alcohol to minors. He stated that the servers who received penalties have not gone through the court process yet. He stated that the businesses were given civil penalties per the city code. Chief Stanger asked Ms. Tesser for clarification on whether the penalties were paid by the businesses. Ms. Tesser stated in the affirmative. Mayor Tourville asked about the process in regards to future penalties for the servers. Chief Stanger stated that the servers have not been through the court yet. Councilmember Hark asked what kind of misdemeanor. Chief Stanger stated it was a gross misdemeanor.

City Attorney, Mr. Kuntz asked how the civil penalties were enforced. Chief Stanger stated by the city code. Mayor Tourville asked if any of the servers would be given a court date between now and December 14, 2015. Chief Stanger stated in the negative.

Councilmember Bartholomew asked if there is anything in the violations which would prohibit the council from approving the liquor license renewal for 2016. Chief Stanger stated that there is nothing in state statute but it's up to the council to decide if a license is approved. Councilmember Piekarski Krech asked regarding the 2011 violations and why a penalty wasn't established. Chief Stanger stated because the penalties weren't established until after the violation. He clarified that there hasn't been any violations from 2011 until 2015. Councilmember Piekarski Krech asked if we have conducted compliance checks every year. Chief Stanger stated yes, compliance checks have been done every year.

Mayor Tourville stated that the item will come back to the council on December 14, 2015.

**Motion by Piekarski Krech, second by Mueller, to table the item until December 14, 2015.**

**Ayes: 5**

**Nays: 0          Motion carried.**

### **B. Consider Approval of the 2016 Pawnbroker Renewal Application**

Chief Stanger discussed the penalties that were cited by PawnAmerica on the annual audit conducted by the Police Department. On the months of September through November there were 9 discrepancies found. Chief Stanger stated they could be considered violations under record keeping however they were immediately corrected upon the Police Department's request and the violations did not seem to have intent but were instead errors. Mayor Tourville asked how many transactions were completed a month. Chief Stanger stated that the police department budgets for 40,000 transactions a year.

**Motion by Piekarski Krech, second by Mueller, to table the item until December 14, 2015.**

**Ayes: 5**

**Nays: 0          Motion carried.**

### **C. Continuation of Assessment Hearing for City Project No. 2009-01 – T.H. 3 and 80threet/Amana Trail/Country Road 28 Intersection Improvements.**

The public hearing opened at 7:34p.m.

Mr. Thureen summarized the parcels that would be assessed in the overhead map. He stated there are two different classifications. The west side is of Trunk Hwy 3 will be assessed \$400,000 with a 10 year term and the interest rate of to be determined at the public hearing. Staff is recommending an interest rate of 4.8%. There are 18 properties on the east side of Trunk Hwy 3. In the original assessment roll on, October 26, 2015 meeting, when the first public hearing was opened those properties were proposed to be assessed a total of \$381,000 at a term of 10 years with an interest rate of 4.8%. Mr. Thureen commented that at the hearing, the public testified that the concerns raised were:

- The assessment amounts were too high

- The long period of time between project completion and the assessment hearing
- Disagreement with the method of spreading this assessment (future land use and the associated vehicular trip generation)
- Development density assumptions tied to the future land use
- Lack of benefit analysis.

Mr. Thureen stated that a number of things have occurred since that last meeting; staff contacted Metzen Appraisals concerning the proposed final assessment roll. Metzen Appraisals felt that the appraisals were reasonable. City staff came up with an alternative roll based on the input received.

This roll assumes the total amount to be assessed to the parcels on the east side of Trunk Hwy 3 is reduced from \$381,585.36 to \$147,741.52. The Municipal State Aid funds would cover the difference. The complete alternative roll proposed was presented by Mr. Thureen. The amount was \$781,000 reduced to 547,000. The outstanding amount would be spread to the future area. Everything would stay the same, 10 year term, interest rate at 4.8%. Mr. Thureen discussed staff's recommendation of the revised assessment deferment. Mr. Thureen proposed the estate planning subdivision not being a part of the roll. He stated that the property is subdivided with the meaning of MN.Statute §462.352, Subd. 12 provided, however, the term subdivision shall not include any parcels that are created by way of any of the following future transfers from the current owner of the property as of the date of this Resolution and Certificate.

Mr. Thureen recommended the alternative roll and the deferment process. It has no trips included in the calculation and is on gross area of land. It was reduced by \$234,000. Mayor Tourville stated that it is coming out of city share. Mr. Thureen stated in the affirmative. Mr. Thureen stated that there are three different resolutions for the council to discuss. Of the three resolutions is the deferment if the Council wishes to go forward with a deferment. The other resolution that staff recommends is the new assessment roll.

Councilmember Bartholomew asked how Mr. Thureen arrived at the 4.8% interest rate. Mr. Thureen stated that staff follows standard practice where they look at the rate of the bonds sold and add 2%. Councilmember Bartholomew stated that its based on the bond rating and a premium is then added. Councilmember Bartholomew the area based method we must use that on the square footage and its calculated by slopes. Mr. Thureen stated in the affirmative.

Mr. Link, Community Development Director discussed the density reasonability, staff compared the O'Shaughnessy Property to the 8 developments the City has seen and they are almost exact. The average density is 2.52 units to the acres and other acres at the Malensek property are deemed at 2.55 units. The 8 development proposals were the same. Topography was 25%, 4-5 had equivalent slops which is similar than the other properties seen. The severity of slops is similar then the other developments. Mr. Link bought up another question that was asked in regards to the undeveloped property. The design for the NW area is different from what the city has seen at other areas of the city. There is no minimum lot size or width. Mr. Link discussed the 20% of open space requirement and how the maximum amount is calculated. Again, Mr. Link reiterated that the Malensek property has similar degree of ski slopes, undeveloped acres and density is the same.

Councilmember Hark asked Mr. Thureen if the use of the MN State Aid fund would take away from other street projects for the MN State Aid Fund. Mr. Thureen concurred that this would take from the availability of the MN State Aid.

Mayor Tourville stated he was uncomfortable with the trip calculation. He stated he was glad that it has been removed from the revised roll.

Kurt Rechtzigel, 1407 80<sup>th</sup> Street, commented on the assessment.

Mr. Thureen discussed the benefits of the roundabout vs. traffic lights.

Mayor Tourville discussed that Argenta Trail LLC that would like to pay their amount.

Jeanne Abbott 1401 80<sup>th</sup> Street, commented on the lack of benefit of the assessment.

Christine O'Shaughnessy, 1592 Ashbury Place commented on the assessment and Mr. Link's commented on the density and wetlands.

Tony Abbott, 1401 80<sup>th</sup> Street commented on the Target assessment.

Mr. Thureen discussed the developer agreement was \$400,000 for the entire parcel.

Alfred Willenbring, 1185 80<sup>th</sup> Street asked about deferment partial or full.

Mr. Thureen commented that the deferment partial and full payment was from the first feasibility study done. He stated that approach is not being proposed anymore.

Councilmember Bartholomew asked that this be proposed for staff to discuss the new roll with the residents.

Kurt Rechtzigel, 1407 80<sup>th</sup> Street, commented that half of the amount should help pay for schools or sports. Mayor Tourville discussed that the city will be contributing \$234,000.

Councilmember Piekarski Krech commented that until the assessment roll is levied Target's assessment of \$400,000 will not be received.

Mr. Thureen discussed the notices of publication and the mailed notice of the hearing. The affidavit of mailing was completed for those mailings.

Alfred Willenbring, 1185 80<sup>th</sup> Street, asked if residents were going to receive notices in the mail.

Jeanne Abbott 1401 80<sup>th</sup> Street, commented on the assessment.

Councilmember Bartholomew would like to see that staff meet with property owners to discuss the new proposed assessment roll and answer questions, and then bring back the item to discuss it with the council in January.

City Administrator, Joe Lynch suggested that with the holidays it's best to schedule the meeting on January 25, 2016.

Mayor Tourville stated that the meeting with the public and staff would happen before now and January 25, 2016.

The public hearing remains open and we will meet again on January 25, 2016 at 7:00p.m.

**Motion by Piekarski Krech, second by Hark to continue to keep the public hearing opened until January 25, 2016 at 7:00PM at City Hall.**

**Ayes: 5**

**Nays: 0**

**Motion carried.**

**7. REGULAR AGENDA:****COMMUNITY DEVELOPMENT:****A. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of the On-Street Parking Regulations Ordinance**

Mr. Link introduced the item discussed at the October 26, 2015 meeting. This is the second reading of an ordinance to regular the on-street parking. This ordinance is being bough forward to the council because of frequent complaints about commercial vehicles, boats, trailers and recreation vehicles being stored on public streets for extended periods of time. Complaints are that it makes the neighborhood look junky and unattractive. Over time, this can have a negative effect on a neighborhood and property values. Other concerns are traffic safety as these vehicles and trailers can be obstructions.

Mr. Link stated that there are three changes from the first reading of the ordinance. The first is stating at the beginning of each of the three paragraphs the zoning districts that the particular paragraph regulates. Secondly, adding a reference in paragraphs 6-3-14 and 6-3-15 that the more restricted regulations of 6-3-13 apply in residential districts. And thirdly, changing the effective date to April 1, 2016 after the winter parking ban is lifted.

Mr. Link stated that the ordinance would do the following:

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, recreation truck trailers, recreation 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, recreation truck trailers, and recreation vehicles combinations that are parked on city streets to be hitched to a motor vehicle.

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

**Motion by Hark second Bartholomew to approve the second reading of the on- street parking ordinance.**

**Ayes: 5**

**Nays: 0          Motion carried.**

**FINANCE:****B. CITY OF INVER GROVE HEIGHTS; Consider Second 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**

Kristi Smith, Finance Director introduced the item. The council was asked to consider the second reading of an ordinance to amend the City Code to adjust the fees and charges associated with development activities. This includes water and sanitary sewer connection fees, and fees associated with planning activities. Ms. Smith stated that the required public hearing is set for December 14, 2015. No changes were discussed from the first reading.

**Motion by Bartholomew second Piekarski Krech to approve the second reading of the development fees ordinance.**

**Ayes: 5**

**Nays: 0          Motion carried.**

**FIRE DEPARTMENT:**

**C. CITY OF INVER GROVE HEIGHTS; Authorize the City Administrator to begin discussion with the property owner of the identified site for the new fire station and move forward with an appraisal.**

Ms. Thill introduced the item. She stated that in November of 2011 an analysis of the Fire Station locations were completed by DLR and TriData,. Four properties were identified as potential sites for the new fire station. She discussed the design team and how the team scored the properties. One property rose to the top and an appraisal was completed in April 2015. The appraisal came in too high and the council decided not to pursue the property. The design team met again this year and another property stood out. The next step is to see if the property owners would be interested in selling. The selected parcel is larger than needed for the fire station however; 6 acres of the large parcel would work for the needs of the Fire Dept. Ms. Thill discussed that staff would like to begin discussions with the property owner to identify a solution to the possible acquisition of 6 acres of their property and if willing, conduct an appraisal.

**Motion by Piekarski Krech second Mueller to approve the authorization of City Administrator to discuss with property owners the identified a site for the potential new fire station and move forward with an appraisal.**

**Ayes: 5**

**Nays: 0          Motion carried.**

**8. MAYOR & COUNCIL COMMENTS**

Mr. Lynch discussed scheduling a meeting with the Council and himself on November 30, 2015 at 7:00p.m. for a special council meeting to discuss the Convention Bureau, 2016 Budget, Progress Plus and Transportation.

**Motion by Piekarski Krech second Bartholomew to schedule a special meeting for November 30, 2015.**

**Ayes: 5**

**Nays: 0          Motion carried.**

**9. ADJOURN:** Motion by Hark, second by Bartholomew to adjourn. The meeting was adjourned by a unanimous vote at 9:16p.m.