

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 22, 2016 - 8150 BARBARA AVENUE**

1. CALL TO ORDER and 2. ROLL CALL

The City Council of Inver Grove Heights met in regular session on Monday, August 22, 2016 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.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

- A. i.** Approval of City Council Meeting Minutes July 11, 2016
- ii.** Approval of City Council Meeting Minutes Executive Session July 11, 2016
- iii.** Approval of City Council Meeting Minutes July 25, 2016
- iv.** Approval of City Council Meeting Minutes Work Session August 1, 2016
- v.** Approval of Special City Council Meeting August 12, 2016
- B.** Resolution 16-136 Approving Disbursements for Period Ending August 17, 2016
- C. GERTEN GREENHOUSES;** Approve a Resolution 16-137 Approving a Wetland Replacement Plan for Wetland Mitigation of 0.34 acres for property Located at 550 Blaine Avenue
- D. DAKOTA COUNTY;** Approve a Resolution 16-138 Approving a Wetland Replacement Plan for One Wetland located in the Reconstruction Area of Hwy 55 and Argenta Trail/Yankee Doodle Trail Intersection
- E.** Approve the Contract for Services Agreement with ISD 199 for School Resource Officer
- F.** Consider Approval of Revised Resolution 16-139 Supporting City Funding Sources for \$2,000,000 State Bonding Grant
- G.** Consider Pay Voucher No. 3 for the 2015 Capital Improvement Program, City Project No. 2015-13 – NWA Trunk Utility Improvements, Argenta District (70th Street Lift Station to Blackstone Ridge) and 2015-16 – Trunk Utilities, Argenta Trail to Blackstone Ridge
- H.** Consider Final Pay Voucher No. 1, Engineer’s Final Report, and Resolution 16-140 Accepting Work for City Project No. 2016-09A – Crackseal
- I.** Consider Pay Voucher No. 2 and Change Order No. 3 for City Project No. 2016-09D – 60th Street Area Reconstruction, City Project No. 2016-10 – 60th Street Area Utility Improvements, and City Project No. 2015-12 (Phase 1) – NWA Trunk Watermain Improvements, 65th Street Loop (Argenta Trail to Babcock Trail)
- J.** Approve Custom Grading Agreement for 9408 Aladin Trail
- K.** Resolution 16-141 Receiving and Accepting Proposal for Professional Services (Individual Project Order (IPO) No. 24B) from Kimley-Horn and Associates, Inc for City Project No. 2014-11 – Argenta Trail and Trunk Highway 55
- L.** List of Saleable City-Owned Properties
- M.** Personnel Actions
- N.** Consider Approval of Spa Heat Exchange Replacement (Amended)

Councilmember Mueller pulled items 4F and 4L.

Motion by Bartholomew, second by Hark, to approve 4A through 4N without 4F and 4L.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Mueller stated that this item was on the slow track and there would be a payback. Mr. Carlson Parks and Recreation Director stated that the bonding dollars by the State were always 1:1 with a non-matching of the dollars. He stated that in the beginning of the process they didn’t have to show the state how the city was going to match the dollars and when he did look at the matching dollars there was a

slight mistake in the math which is why this is coming to the Council again for approval. Mr. Carlson reiterated that nothing has changed. By the council approving the grant and signed the resolution the City has the right to access the \$2 million dollars but it doesn't force the council to spend \$2 million dollars.

Mr. Carlson discussed the County's use of grant monies for the improvement of the Mississippi River Trail. If the Council approves the grant the city would be spending \$1.3 million dollars for the improvement of the Mississippi River Regional Trail. He stated the city has up until 2018 to make the decision.

Councilmember Mueller asked about Castaway Marina. Mr. Carlson stated that the item reflected the removal of Castaway Marina because that was sold. Councilmember Mueller asked about the DNR grant monies. Mr. Carlson stated that the money spent was from the DNR migration monies and other sources.

Councilmember Mueller asked if they will be doing electricity or the dog park. Mr. Carlson stated if the council approves the minor change of the grant it will go forward. There are no decisions regarding how monies will be spent yet. He stated that it is up to the recommendation of the Parks and Recreation Commission and the decision by the Council on what improvements will be done to Heritage Village Park.

Motion by Bartholomew, second by Hark to approve item 4F.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Mueller asked if the item was on a fast track. City Administrator Lynch stated the item is not on a fast track. He stated council's instructions were to draft a final list. He stated the only changes to the list the add land for utility right of way. He stated that the list identifies the properties that the city could sell. We don't have to sell them. The policy was written and adopted by the Council that we will go in front of the Council every three years to update the list. He stated there is no time table on this.

Councilmember Mueller suggested providing an opportunity to the neighbors of the properties to buy the property to increase the tax base. Mr. Lynch responded that there shouldn't be any unfair advantages of the neighboring property. Councilmember Mueller asked what funds the monies would go into. Mr. Lynch stated the property was identified in the table and the monies should be returned to those funds stated. Mr. Lynch stated if it's an unknown fund it will be returned to the General Fund. The golf course debt would be a combination of Host Community Fund and Housing Fund. Those were identified in the table provided. It would be the decision with the Council what funds the monies will go into.

Councilmember Hark asked procedurally what happens once this is approved. Mr. Lynch stated the council will need to identify what properties should be for sale. This would be a public bid process and the highest bidder would be awarded the property or no sale is made if the result is too low of a bid. Councilmember Mueller asked about the other properties listed in the beginning. Mr. Lynch stated that we listed 126 properties, there are specific requirements involved in some of those properties. There are a number of properties that are designated and can't be sold because of various reasons. Some properties were removed that needed to be kept in perpetuity for park land and drainage and utility easements.

Councilmember Hark asked to move forward on all of the properties and put them on the market. Councilmember Bartholomew asked for an updated schedule on the sale of properties.

Motion by Hark, second by Mueller to approve the list for saleable properties and put them on the market for sale.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Marley Danner, 8314 Delany Circle with Danner Construction discussed the stop work order on Concord Hills. He asked to be notified first that a stop order is going to happen and provide an explanation before a stop order happens on the property.

Mayor Tourville asked staff to provide the council with the written procedure.

Councilmember Bartholomew asked for the clarification from staff if contractors have 48 hours to get repairs completed and asked for an explanation of why the work was stopped.

6. PUBLIC HEARINGS:

None.

7. REGULAR AGENDA:

I. COMMUNITY DEVELOPMENT:

A. CALATLANTIC GROUP, INC.; Consider a Resolution 16-142 approving the Final PUD Development Plan for Blackstone Ponds 2nd and 3rd Addition, Final Plat, Development Contract and related agreements for the plat of Blackstone Ponds 2nd Addition. Property located on north side of 70th Street at Archer Trail 16-143

Mr. Hunting outlined the item to the Council. He illustrated on the map that Phase 1 and Phase 2 of the development. He stated there are 36 units in Phase 2 and they are building the last segment of street. They will be finishing the regional trail as it hits back towards 70th. Phase 3 will come to the council sometime next year. The applicant is asking for the final PUD Development Plan and the Final Plat for the second addition of the Development Contract. The Planning staff and Commission approved the Final Plat for the 2nd Additional and Final Development plans for 2nd and 3rd additions as proposed.

Motion by Piekarski Krech second Bartholomew to approve the resolution relating to the Preliminary PUD Development Plan Amendment.

Ayes: 5

Nays: 0 Motion carried.

B. SARJU IGH, LLC; Consider the following for property located at 5448 South Robert Trail:

- a) A Resolution 16-144 relating to a Major Site Plan Approval for a four story hotel.
- b) A Resolution 16-145 relating to a Conditional Use Permit to exceed impervious surface in the shoreland overlay district.
- c) A Resolution 16-146 relating to a Conditional Use Permit to exceed the maximum height allowance in the B-3, General Business District.
- d) A Resolution 16-147 relating to a Variance to allow the parking lot to encroach into the front yard setback.

Mr. Link outlined the item to the Council. He illustrated the area on the map. He stated the item came before council in 2015 and the council amended the comprehensive plan and zoning to B-3. He stated that a 4-story hotel with 77 units is being proposed. The building is 50 feet in height which requires a

conditional use permit. B-3 zoning allows for up to 35 feet in heights. He discussed the variance being requested for the parking setback does not appear to have an adverse impact on the neighboring properties. He discussed the limitations the property. He discussed that the property is in the Shoreland Overlay District which limits the entire site to the maximum 25% impervious surface but can exceed that by permitted use. Applicant is asking for 77% impervious but without the driveway its at 50% which is similar to Heartland Credit Union that was approved in the past. The DNR reviewed the plans and had no concerns. The applicant is working with the City Engineering Department to finalize stormwater and grading plans. The applicant shall continue to work with the City to secure final approval of construction drawings. A stormwater facilities maintenance agreement and improvement agreement shall be executed between the applicant and the City relating to the location of proposed improvements and stormwater control on the property. This will come back to the council in a couple of weeks. He stated that the resolution is relating to a preliminary and final plat, conditional use permit and variance.

The Planning Commission had approved the conditional use permit and variance. Councilmember Mueller asked about the Robert Street address. Mr. Link stated the addresses are done by Dakota County. Councilmember Mueller asked about whether the applicant was talked to about the stormwater and what the cost was going to be.

Tom Kaldunski, City Engineer stated that the applicant and city staff have worked together on the stormwater management. The applicant has a good plan and he will be using the pond on the south which has helped him come to an appropriate solution. He has a small sewer system and treatment system and then converting the existing pond into a bio retention system that will infiltrate water into the ground. He does have the cost in his budget.

Hemant Bhakta, 2020 Wilson Avenue, South St. Paul was present and available to answer any questions.

Councilmember Hark expressed concerns over parking. He stated it meets minimum requirements but it's tight. Mr. Bhakta stated he is working with a business for the overflow parking. Councilmember Hark stated there are 77 rooms and 88 parking spaces.

Motion by Piekarski Krech second Mueller to approve items A. through D.

Ayes: 5

Nays: 0 Motion carried.

C. INVER GROVE STORAGE; Consider the following for property located at 9735 South Robert Trail:

- a) A Resolution 16-148 relating to a Preliminary and Final Plat for a one lot subdivision.**
- b) A Resolution 16-149 relating to a Conditional Use Permit Amendment to construct a three-story storage building.**
- c) A Resolution 16-150 relating to a Variance to exceed the maximum size allowance for a wall sign in the I-1 zoning district.**

Mr. Link outlined the item to the Council. He illustrated the area on the map. He stated the item has three requests which requires a 4/5 vote. This is a climate controlled building to the northwest. He stated the use is consistent with the comprehensive plan and meets all the site plans. The access doesn't change and will be at the same location. The applicant has been working with the City Engineering Department to finalize stormwater and grading plans and drainage. He stated there will be a stormwater facilities

maintenance agreement and improvement agreement shall be executed between the applicant and the city that will come forward to the council shortly. The one issue is the wall sign. The applicant is asking for a wall sign of 240 square feet, the ordinance maximum is 100 square feet. Mr. Link stated it's a 3-story building and will only be less than 10 percent of the wall, he stated its reasonable based on the size of the building. He noted the total square footage is less than 400 square feet and the ordinance would allow 900 square feet. He opined that the setback is far from the highway and the signage size is necessary to see the business from the highway.

The Planning staff recommended approval of the request. The Planning Commission recommended approval of the preliminary and final plat and conditional use permit amendment as submitted. The planning commission recommended approval of the sign variance with the conditions listed (6-3).

Quinn Hudson, Principal Architect, CNH Architect was present to answer any questions.

Councilmember Hark asked about impervious surface and what was there presently. Mr. Hudson said it's a hard pavement. Mayor Tourville asked what the sign would say. Mr. Hudson stated the sign would say climate control storage and he discussed the importance of being able to see the sign. They discussed the building and where the area of the sign will be placed.

Councilmember Piekarski Krech asked if there were objections to the property improvement from the neighbors. Mr. Link stated there were no comments received from the notices sent to neighbors within the 350 feet radius.

Motion by Bartholomew second Hark to approve all three items A. through C.

Ayes: 5

Nays: 0 Motion carried.

II. ADMINISTRATION

D. CITY OF INVER GROVE HEIGHTS; Consider First Reading of Ordinance Amendment 8-6-2 Relating to Rubbish (Trash) Haulers Licenses

Ms. Calvert, City Government Intern outlined the item. June 6, 2016 Work Session was discussed in regards to the number of trash haulers. Staff met with trash haulers, discussions occurred on the number of trucks and expressed other concerns limiting days or number of licenses. On August 8 2016, more discussion was heard from the Council. Trash haulers will again meet with staff on August 31, 2016. She stated that the Administration staff is still looking over classifications and standards. Councilmember Hark asked when the next meeting is. Ms. Calvert stated August 31st. Councilmember Mueller asked if staff is trying to determine routes. Ms. Calvert stated no. Councilmember Mueller asked about transferring the license. Ms. Calvert stated that it's transferable as long as the number stays within 17.

The third reading will go in front of the Council before the discussions with the trash haulers are done. City Attorney, Mr. Kuntz stated he doesn't see further changes other than the ordinance being restricted to 17. He stated a second ordinance can be drafted as discussions continue. The moratorium lifts off on September 12th.

Councilmember Piekarski Krech stated there are specifications regarding just doing residential and some only having rollovers. Councilmember Piekarski Krech wants to delineate between what haulers are doing

now. Ms. Calvert stated that during discussions they will figure out the specifications. Councilmember Piekarski Krech stated they wanted to keep the numbers as is and asked for delineation. She stated she doesn't want the restrictions to limit the types.

City Administrator Lynch stated the new standards wouldn't be enacted until after January 1st. Staff will continue to work with the trash haulers to come up with different classifications. He stated the haulers are in agreement to identify those that do residential, commercial, or both. That would mean a different license fee and classification which would be in the new ordinance language.

Councilmember Piekarski Krech stated that if there are haulers that are going to only do roll over licenses than that will limiting customers.

Jim Berquist, 8579 Bower Court, Ken Berquist & Son Disposal. Mr. Berquist stated there is 42 businesses in St. Paul. We need to meet with haulers first and we need accurate numbers before we limit it to 17. Mr. Berquist stated he wants his license to be transferable. He asked not to put the cart in front of the horse.

Mr. Kuntz City Attorney stated that the current system is flexible and attributes a lot to why there are 17 haulers. He inputted we need input from the haulers.

Councilmember Piekarski Krech stated she wanted haulers to have time to talk to staff first before this item came back to the council. Ms. Calvert explained that the moratorium lapses after the next meeting with the haulers to staff could return to the council with the 2nd reading of the ordinance amendment.

Councilmember Piekarski Krech stated consensus is more important. Ms. Calvert stated that is staff's goal. Councilmember Piekarski Krech stated that it doesn't matter regarding the consensus.

Mayor Tourville stated that continued communication with the haulers is important.

Motion by Piekarski Krech second Bartholomew to the first reading of ordinance 8-6-2.

Ayes: 5

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider Third Reading of Ordinance 1320 Amendment 5-6-1 Relating to Use of Bows and Arrows

Ms. Calvert outlined the item. No changes were made to the ordinance from the second reading.

Brian LeMay, 4841 Boyd Ave. He stated he's a member of Bow Hunter Resources for 15 years and stated the proficiency is great but would like to see an additional bow hunting ED type class requirement. He opined that anyone can pass a proficiency test but youth hunters need additional safety classes.

Gary VandeLinde, 7103 River Road, was supportive of the proficiency test. The cost is \$35.00 for a test. He stated there is no substitute for safety.

The council discussed proficiency testing at different levels and age limits.

The council agreed to keep the proficiency testing in the ordinance.

Motion by Hark second Piekarski Krech to approve the third reading of the Bow and Arrow ordinance 5-6-1.

Ayes: 5

Nays: 0 Motion carried.

III. PUBLIC WORKS

F. Consider Resolution Receiving Proposals and Accepting Proposal from Wenck Associates for Updating the City's Water Resources Management Plan

Mr. Thureen outlined the item. He discussed that three proposals were received. The standard, Atlas 14 Volume 8, has been updated on the size of the storm water bonds increased. There are seven areas that should be updated for the new standards. He stated this is subsequent to the Comprehensive Plan. Any new standards would be an identified item now for the plan update. The proposals were received, Mr. Thureen stated that staff recommends using Wenck Associates and the amount of \$46,042.

Councilmember Hark stated that the increase could be more between the high end and the low end. In all likely hood this will cost more. Mr. Thureen stated the old models haven't been found to study so assumptions were made. The firms reduced the estimates from modeling but we acknowledge modeling changes. Assumptions were made based on lack of information and the expectation is they will probably find something. We acknowledge the modeling maybe changed. You're assuming an area of the watershed then the elevation changes then the details increase. The flood elevation may be detailed and could increase cost by \$10-15,000. Mr. Thureen stated he could easily see the changes being \$10,000-\$15,000. Originally, we thought \$100,000, because of the lack of previous information.

Councilmember Hark stated he appreciates the communication that the amount will likely change. Councilmember Mueller asked if this will be in a book and will builders be grandfathered into the plan.

Mr. Thureen stated there are three requirements; one is with the Met Council with the Comp Plan that references the water management plan. The other one is Eagan and Lower Mississippi approve the update. And the final one is the rules of 48.10. He stated there are performance standards. In our last update, that covered currently that the standards reflect this. The additional modeling will be from 1960's with the rainfall event with new development just before our stormwater that is the standard that everyone needs to meet.

Councilmember Bartholomew asked what is a legitimate cost and how do you determine if it's a legitimate response. Mr. Thureen stated going through the process they will know whether more details will be needed. In some watersheds, they may run down into certain areas where measurements aren't received. Councilmember Bartholomew stated staff will determine whether that is going to increase because of fluctuation. Mr. Thureen stated with the fluctuations of the amount they have certain models. He stated that the Council will be aware of any issues found in study.

G. Additional Request for Change in Work Hours by EJM Pipe Services, Inc. on City Project No. 2015-13 and 2015-16

City Engineer, Mr. Kaldunski outlined the item. The City contracted with EJM Pipe Services to install truck utility sewer and water. The project had rainfall and the large rocks were found. The bid accounted for this. The contractor asked that the Council put in Segment F to G through September 2nd. They are asking for the time line of 5:00am through 10:00pm at Blackstone Ridge. They are slightly over half way through the project. The water is creating issues. They are asking for extended hours.

The contractor is asking for the same at segment C to D at GlenLin. The timelines is through the month of September 2016. A notice was sent out to the public. One email was sent today. One resident spoke to the neighbors and were supportive of the request. Councilmember Piekarski Krech asked if complaints were received. Mr. Kaldunski stated no complaints were received. He stated this extension of time is critical to get the sewer lines.

Councilmember Piekarski Krech stated if complaints are received the time extension will be removed. Mr. Kaldunski stated that request is a recommendation.

Motion by Piekarski Krech second Mueller approval of the work hour extension.**Ayes: 5****Nays: 0 Motion carried.****8. MAYOR & COUNCIL COMMENTS**

Mr. Thureen stated that an email was sent out regarding the FCC request that staff needs a Yes or NO answer from the council. The council stated no one has FCC ownership of licenses and to continue forward.

9. EXECUTIVE SESSION:

Mr. Kuntz stated the Council will go into an executive session to consider an employee matter subject to 13D.05 subd. 2(b). Mr. Kuntz stated that a public body shall close a meeting subject to its authority. This law allows you to go into a closed session. This allegation was made against Police Chief Larry Stanger. The persons present will be the Mayor, City Council, City Administrator and Human Resources Manager Janet Shefchik.

Mr. Kuntz stated that the Council will not take a vote on the manner. The council will return from the session to adjourn the meeting.

10. ADJOURN: Motion by Mueller, second by Piekarski Krech to adjourn. The meeting was adjourned by a unanimous vote at 9:50 p.m.