

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, FEBRUARY 9, 2009 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, February 9, 2009, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:30 p.m. Present were Council members Grannis, Klein, Madden, and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Public Works Director Thureen, Community Development Director Link, Parks & Recreation Director Carlson, and Deputy Clerk Rheume.

**3. PRESENTATIONS:**

A. 34th Red Bull Infantry Division Proclamation

Mayor Tourville read **Resolution 09-23** declaring the week of February 8<sup>th</sup> as 34<sup>th</sup> Red Bull Infantry Division week. He explained that there would be a send-off for the soldiers on Thursday, February 12<sup>th</sup> at the National Guard Armory at 7 am.

**4. CONSENT AGENDA:**

Council member Klein pulled items 4A, First Half (Items 1-6A) of Minutes of January 26, 2009 Regular Council Meeting, and 4E, Consider a Resolution relating to adopting the Dakota County Uniform Street Naming and Addressing System Procedural Manual, from the Consent Agenda

Council member Grannis pulled items 4C, Accept Donation to Inver Grove Heights Fire Department, and 4D, Accept Donation to Inver Grove Heights Police Department, from the Consent Agenda

A. Items 7A – 10 from the Minutes of January 26, 2009 Regular Council Meeting

B. **Resolution 09-17** Approving Disbursements for Period Ending February 4, 2009

F. **Resolution 09-19** Calling for Hearing on Proposed Assessments and **Resolution 09-20** Declaring Costs to be Assessed & Ordering Preparation of Proposed Assessments for the 2007 Pavement Management Program, City Project No. 2007-09E, 46<sup>th</sup> Street East Bituminous Removal and Replacement

G. Schedule Special Meeting

H. Approve Renewal of 3.2 On-Sale Liquor License for Arbor Pointe Golf Club

I. Approve Applications for Exempt Charitable Gambling Permits & Temporary 3.2% Malt Liquor License – St. Patrick's Church

J. Personnel Actions

**Motion by Madden, second by Klein, to approve the Consent Agenda.**

**Ayes: 5**

**Nays: 0 Motion carried.**

A. Items 1-6A from the Minutes of the January 26, 2009 Regular Council Meeting

Councilmember Klein explained that he would abstain from the vote because he was absent during this portion of the meeting.

**Motion by Piekarski Krech, second by Grannis to approve the First Half (Items 1-6A) of the Minutes of the January 26, 2009 Regular Council Meeting**

**Ayes: 4**

**Nays: 0**

**Abstain: 1 (Klein) Motion carried.**

- C. Accept Donation to Inver Grove Heights Fire Department
- D. Accept Donation to Inver Grove Heights Police Department

Councilmember Grannis explained that he wanted to recognize Walmart for their \$1,000 donations to the Inver Grove Heights Fire and Police Departments.

**Motion by Klein, second by Grannis, to approve items 4C, Accepting Donation to the Inver Grove Heights Fire Department, and 4D, Accepting Donation to the Inver Grove Heights Police Department**

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

- E. Consider a Resolution relating to adopting the Dakota County Uniform Street Naming and Addressing System Procedural Manual

Councilmember Klein questioned who would be responsible for determining the names of streets within subdivisions.

Mr. Link explained that the planners would undertake that task at the time of subdivision.

Mr. Lynch clarified that the City would not be deviating from the established procedural manual and noted that staff is asking the Council to formally adopt it. He added that the developer would propose street names within a development and the City Council would have the final approval of those names.

**Motion by Klein, second by Grannis, to approve Resolution No. 09-18 adopting the Dakota County Uniform Street Naming and Addressing System Procedural Manual**

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

**5. PUBLIC COMMENT:**

Loren Scherff, 1320 105<sup>th</sup> Street East, asked for clarification regarding language in the Comprehensive Plan as he was under the impression that the future expansion of Rich Valley Park had been removed from the plan by the Council.

Mr. Link explained that the Council directed that in the implementation section of the Comprehensive Plan language be added to reflect that at some point in the future the City would discuss the expansion of Rich Valley Park. He clarified that this is not reflected on any map and noted that the park designation was removed from Mr. Scherff's property. He noted that the Comprehensive Plan had not been submitted to Met Council and was in the process of being reviewed by surrounding cities for comment. He stated that after all comments have been received the plan would be brought back before the Council.

Mayor Tourville suggested changing the language in the implementation section to eliminate any reference to a specific park by saying “ work to acquire lands for expansion of parks”.

**6. PUBLIC HEARINGS:**

**A. CITY OF INVER GROVE HEIGHTS; Assessment Hearing for City Project No. 2008-09C, Mill and Overlay**

Mr. Thureen explained that last year's project included a bituminous mill and overlay of Cenex Drive, miscellaneous curb replacement, storm casting adjustments, miscellaneous street repair, new pedestrian ramps and striping. He stated that the total project cost was \$111,192.33. He explained that four parcels with two commercial owners are proposed to be assessed. He stated that the total City cost would be \$44,678.48, about 40% of the project cost. He added that the remaining cost of \$66,513.85 is proposed to be assessed on a front foot basis for 5 year term with a 5.8% interest rate.

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

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Madden, second by Klein, to approve Resolution No. 09-21 adopting the Final Assessment Role for City Project No. 2008-09C, Mill and Overlay**

**Ayes: 5**

**Nays: 0      Motion carried.**

## **7. REGULAR AGENDA:**

### **PARKS AND RECREATION:**

#### **A. CITY OF INVER GROVE HEIGHTS;** Consider Final Approval of Mississippi River Regional Trail through Heritage Village Park and Doffing Avenue

Mr. Carlson explained that there were two alignment options for Council consideration, the Doffing Avenue alignment and the 65<sup>th</sup> Street alignment. He discussed a new issue staff recently became aware of regarding a state statute that was adopted in 2005 that protects the operations of outdoor gun clubs. He explained that the new law states that no development shall be approved for any portion of property within 750 feet of an outdoor shooting range if the change in use, development, or construction would cause an outdoor shooting range in compliance to become out of compliance. He noted that while the trail on the City property would be located within 750 feet of the Gun Club in South St. Paul it is unknown whether the new development would cause the Gun Club to be out of compliance with respect to noise standards as they might apply to a public pedestrian trail in proximity to a gun club. He added that the County should be responsible for determining if any issue exists. He further explained that the statute allows for approval of new development if they entity seeking approval agrees to provide any mitigation required to keep the range in compliance. He stated that staff believes that because the new development is the responsibility of the County they should also be responsible for providing mitigation if it were to be necessary. He noted that the City Attorney added language to the easement agreement making necessary mitigation the responsibility of the County.

Mr. Kuntz added that the County does not agree with the added language as proposed by the City.

Jim Dziewic, 6549 Doffing Avenue, stated that 65<sup>th</sup> Street alignment is the safest and best option.

Ed Gunter, 6671 Concord, expressed concern with the safety of the 65<sup>th</sup> Street alignment. He commented on the trains and the truck traffic going into Allied Waste.

Scott Preavey, 6556 Doffing Avenue, stated that supported the 65<sup>th</sup> Street alignment.

Councilmember Klein questioned if the amount of money Dakota County has proposed for mitigation in item 3 of the agreement would be locked in if the resolution was approved.

Mr. Carlson responded that \$78,600 is the sum of money the City would receive from the County for running the trail through Heritage Village Park. He stated that there would be future negotiations and discussion with the County regarding the funding for other capital improvements to the park.

Todd Howard, Dakota County, stated that the County would not be opposed to adding a “whereas” statement to the resolution to acknowledge future improvements.

Councilmember Klein suggested that the City Attorney draft language to be added to the resolution that would acknowledge negotiations between the City and the County for future improvements to the park.

**Motion by Madden, second by Piekarski Krech, to approve the 65<sup>th</sup> Street Alignment of the Mississippi River Regional Trail and the corresponding Trail Easement Agreement with the language of #6 as drafted by the City Attorney and the addition of language as suggested by Council member Klein.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**COMMUNITY DEVELOPMENT:**

**B. BRIAN BORCHARDT;** Consider Resolution relating to a Variance to exceed the allowed maximum building coverage in the E-2 zoning district to construct an addition to an existing house located at 12 High Road

Mr. Link reviewed the location of the property and explained that City Code states the maximum allowed building coverage for lots less than five acres in the E-2 zoning district is 4,000 square feet. He stated that the applicant is requesting a variance to construct a 1,347 square foot home and garage addition, which would make the total building coverage, including the current structure and the proposed addition, 5,347 square feet. He explained that staff recommended denial of the variance request due to lack of hardship and the Planning Commission recommended approval of the request with the hardship being that the ordinance does not take into consideration the impact on oversized lots and unnecessarily restricts the usage of an oversized lot in the E-2 zoning district. He noted that the Planning Commission also felt that the proposed addition would be consistent with the character of the neighborhood.

Councilmember Piekarski Krech questioned if the impervious coverage requirements would be met.

Mr. Link responded that the E-2 zoning district does not have any impervious coverage requirements.

Mayor Tourville stated that he would not be opposed to approving the request given the size and location of the lot and the fact that the addition would not impact the lake or surrounding area.

Councilmember Madden stated that his main concern was setting a precedent.

Mr. Link responded that the language of approval proposed by the Planning Commission limits any precedence.

Mayor Tourville questioned if there were any Northwest Area requirements that needed to be met.

Mr. Link stated that if Council approved the variance the applicant would have to submit a storm water management plan for approval that was consistent with the Northwest Area Ordinance. He added that requirement was included in the conditions of approval.

Brian Borchardt, designer of the home addition, stated that the Northwest Area regulations were reviewed and the applicant intends to install a rain garden.

**Motion by Klein, second by Madden, to adopt Resolution 09-22 approving a Variance to exceed the allowed maximum building coverage in the E-2 zoning district to construct an addition to an existing house located at 12 High Road with the hardship being that the ordinance does not take into consideration the impact on oversized lots and it unnecessarily restricts the usage of an oversized lot in the E-2 zoning district.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**ADMINISTRATION:**

**C. CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Amending City Code Section 320.03 relating to Disposal of Unclaimed Property

Mr. Kuntz explained that the Police department has proposed an ordinance amendment that would allow for the disposition of unclaimed property by way of an online auction. He stated that a proposed contract would be brought back for Council approval by the third reading from a company that would implement the online auction. He explained that current City Code regulations only allow for the disposition of unclaimed property via live auction. He added that the proposed online auction method was found to be successful

by other cities. He noted that Sgt. Sean Folmar would be available to answer questions and provide more detail regarding his investigation of the company and the online auction method at the second reading of the proposed ordinance amendment.

Councilmember Klein suggested that language be added to the ordinance that would address the annual purchase of unclaimed bicycles by the Lions Club for refurbishment and donation to Holiday on Main Street.

**Motion by Klein, second by Madden, to approve the First Reading of an Ordinance Amending City Code Section 320.03 relating to Disposal of Unclaimed Property with language added to address the annual purchase of unclaimed bicycles by the Lions Club**

Councilmember Piekarski Krech stated that she looked at the website and found that it is not a local operation. She asked how the process worked and how the City made money off of the auctions.

Mr. Lynch responded that the company works with local vendors to hold the items and the City retains the largest percentage of each sale that is made.

Mayor Tourville asked about comments that were received from other cities. He asked if there were any other companies that utilized the online auction method.

Mr. Kuntz stated that the online auction would still need to be noticed in the official newspaper.

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR AND COUNCIL COMMENTS:**

Mr. Lynch reviewed the proposal and stated that there would potentially be two meetings.

Councilmember Madden commented on the expense associated with bringing in a facilitator and stated that he felt the meetings were unnecessary.

Councilmember Grannis stated that he felt having a facilitator for the meetings was helpful in getting them focused and providing an outside, unbiased perspective.

Mayor Tourville suggested scheduling only the goal session meeting.

Councilmember Grannis reminded everyone that the Council would be considering appointments to the various citizen advisory commissions in May and stated that applications were available on the City website or at City Hall.

**9. ADJOURN:** Motion by Madden, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 8:40 p.m.