

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, FEBRUARY 23, 2009 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, February 23, 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; Assistant City Administrator Teppen, City Attorney Kuntz, Public Works Director Thureen, Community Development Director Link, Parks & Recreation Director Carlson, Finance Director Lanoue and Deputy Clerk Rheame.

**3. PRESENTATIONS:** None.

**4. CONSENT AGENDA:**

Mayor Tourville stated that item **4I, Approve Interest Charge for Past Due Accounts for Parks and Recreation/VMCC**, was removed from the Consent Agenda.

- A. Minutes of February 9, 2009 Regular Council Meeting
- B. **Resolution 09-26** Approving Disbursements for Period Ending February 18, 2009
- C. Pay Voucher No. 8 for City Project No. 2003-15, Northwest Area Trunk Utility Improvements
- D. Change Order No. 1 and Pay Voucher No. 3 for City Project No. 2008-10, Ravine Ponds Improvement
- E. Change Order with Emmons & Olivier Resources, Inc.
- F. Pay Voucher No. 1 and Change Order No. 1 for Heritage Village Park Contract with Carl Bolander and Sons
- G. 2009-10 Ice Rates for the VMCC
- H. 2009 Tree Replacement Fund Expenditures
- J. Soil Borings & Funding Source for Property Located in the SW Corner of Hwy 52 and 80<sup>th</sup> Street
- K. Infrared Survey of the VMCC/Grove
- L. **Resolution No. 09-27** Approving Individual Project Order No. 5C with Kimley-Horn and Associates, Inc. for City Project No. 2007-17, Clark Road Improvements
- M. **Resolution 09-28** Approving Individual Project Order No. 11A with Kimley-Horn and Associates, Inc. for City Project No. 2008-11, Southern Sanitary Sewer, East Segment
- N. **Resolution 09-29** Approving Work Order No. 8 with Barr Engineering Company & Authorizing the City Attorney to begin Easement Acquisition for City Project No. 2009-09D, South Grove Street Reconstruction Area 4
- O. Personnel Actions

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

**Ayes: 5**

**Nays: 0      Motion carried.**

**5. PUBLIC COMMENT:** None.

**6. PUBLIC HEARINGS:** None.

**7. REGULAR AGENDA:****ADMINISTRATION:****A. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Approving Project Labor Agreement for the City of Inver Grove Heights Public Safety Addition/City Hall Renovation

Mr. Kuntz explained that in the past the City has entered into a Project Labor Agreement with the St. Paul Building and Construction Trades Council for projects that the City Council has determined must be completed on time, without any works stoppage relating to labor disputes or jurisdictional challenges among collective bargaining units in the construction trades. He stated that the Council is being asked to consider a resolution that would require the successful bidder to enter into a similar agreement with respect to the proposed Public Safety Addition/City Hall Expansion project. He reviewed the four categories of contracts that are envisioned for the project and explained that the resolution provides that a Project Labor Agreement will apply to the contracts under categories 1-3 (construction and renovation contract for the expansion and remodeling, contracts for technology and contracts for furniture, fixtures and equipment). He stated that with respect to the fourth category (contract for earthwork related trucking) the resolution provides that the minimum wage rates shall be the prevailing wage rates determined by the Minnesota Department of Labor and Industry.

Councilmember Piekarski Krech clarified that approval of the resolution would not mean that the City is committed to ordering the project.

Mr. Kuntz confirmed that approval of the resolution does not mean that the City has ordered the project or is required to award a bid for the project at a later date.

**Motion by Klein, second by Madden, to adopt Resolution No. 09-30 Approving Project Labor Agreement for the City of Inver Grove Heights Public Safety Addition/City Hall Renovation**

Councilmember Grannis stated that he would be voting against the motion due to the disadvantages he has found through research on the use of Project Labor Agreements. He explained that he reviewed studies that have shown that the use of a Project Labor Agreement excludes merit shop contractors from bidding on projects paid for by their own tax dollars and it drives the cost of the project up by reducing competition for the work. He further explained that he found that only 15.6% of the American Private Construction Force belonged to a union in 2008 and a May, 2006 study conducted by Boston Hill Institute found that the use of Project Labor Agreements on school construction projects in New York increased the cost of the project by 20% and increased construction bids by approximately \$27 per square foot.

Mayor Tourville questioned if there have been a lack of bids on past City projects where a Project Labor Agreement has been used.

Mr. Kuntz responded that in his recollection the City has received a number of bids on each of the projects where a Project Labor Agreement has been used.

Councilmember Grannis noted that the City may have received more bids for each project had a Project Labor Agreement not been used.

Mayor Tourville stated that the most important aspects of using the Project Labor Agreement are to prevent work stoppages, get laborers that are trained and qualified to do the work and that offer the appropriate benefits so the City could not be held liable for non-prevailing wage agreements. He noted that the City has found Project Labor Agreements to be very useful in past projects. He asked for the opinion of the owner's representative for the proposed project from Krech, O'Brien & Mueller on the use of Project Labor Agreements.

Linda McCracken-Hunt, Krech, O'Brien & Mueller, explained that she has been involved with a number of projects that have used Project Labor Agreements and stated that a contract for a project of this size would most likely have union labor involved and noted that the Project Labor Agreement does provide advantages to the City such as a guarantee of no stoppage of work.

Councilmember Madden stated that he supports the use of a Project Labor Agreement because it ensures that the laborers will be competent and trained to do the job properly.

Jim Brown, 1186 E. 90<sup>th</sup> Street, explained that he is an employee of the State of Minnesota and talked about the construction jobs and the prevailing wage requirements. He stated that they get a lot of complaints that the workers are not being paid the prevailing wage requirement. He added that in his opinion a Project Labor Agreement is the best thing to do for the City, tax payers and workers. Councilmember Grannis noted that it would not be known if Project Labor Agreements used by the City in previous projects increased the cost of the project.

**Ayes: 4**

**Nays: 1 (Grannis) Motion carried.**

**B. CITY OF INVER GROVE HEIGHTS;** Approve Plans and Specifications, Approve Contract Documents and Authorize Advertisement of Bids for Public Safety Addition/City Hall Renovation

Ms. Teppen explained that BKV Group completed the construction document package for the base project and alternates and noted that the total construction cost estimate was also complete. She stated that the City Council and task force members reviewed the construction documents at a special meeting and made minor modifications to the plans and specifications. She explained that the next step is to go out for bids on the project to enable the City to receive and evaluate bid packages. She stated that after bids are received, the Council would then consider an award of the bid. She reviewed the proposed timeline for advertisement of bids and possible award of a bid by the Council on April 13<sup>th</sup>.

Councilmember Grannis asked if the bids would go out with the two doors at the end of the Council chambers.

Ms. Teppen explained that the modification to the Council Chambers would be issued as an addendum to the construction document package and it would only include one door as per direction that was received during the work session from the majority of the Council.

Councilmember Grannis indicated that he would not support the advertisement of bids if only one door out of the Council chambers was included in the addendum to the construction documents. He stated that having two doors out of the Council chambers is a public safety issue and thinks that the option should at least be included in the bids to find out an actual cost.

**Motion by Madden, second by Piekarski Krech, to Approve Plans and Specifications, Approve Contract Documents and Authorize Advertisement of Bids for Public Safety Addition/City Hall Renovation with the Addendum to the Construction Documents as described by Ms. Teppen**

**Ayes: 4**

**Nays: 1 (Grannis) Motion carried.**

**COMMUNITY DEVELOPMENT:**

**C. CITY OF INVER GROVE HEIGHTS;** Consider the Following Requests:

- i) Resolution relating to a Major Site Plan Review for the Public Safety Expansion/City Hall Renovation Project
- ii) Resolution relating to Vacation of portion of Barbara Ave. right-of-way

Mr. Link explained that the request is for a major site plan review for an approximate 46,740 square foot Public Safety addition and an interior remodel of City Hall and a vacation of a portion of Barbara Avenue. He stated that the site is zoned P, Public/Institutional and the proposed site plans meets the necessary requirements. He noted that the proposed site plan increases the available parking by 10%. He stated that the application also includes a request to vacate a 60 foot wide portion of Barbara Avenue right-of-way. He explained that the City Hall, Public Works buildings and Community Center are all part of a civic center and that when the first of the civic buildings was constructed the land was subdivided into two lots with right-of-way for a public street. He stated that because the area functions as a civic center campus, there is no longer a need for a public right-of-way. He explained that the vacation of right-of-way would start at the South boundary line of Robert's funeral home and continue to Babcock Trail. He further explained that constructed Barbara Avenue would remain, but would function essentially as a driveway for access to the public buildings. He noted that both Planning staff and the Planning Commission

recommended approval of the requests.

Councilmember Piekarski Krech questioned if approval of the requests would be premature at this point since the project has not been ordered.

Mr. Link responded that the vacation should be completed even if the project is never ordered and added that there is no harm in approving the site plan at this point because it would be moot if the project is not ordered.

Mayor Tourville asked how the vacation would affect the way improvements are assessed because the vacated portion would no longer be a City street.

Mr. Kuntz explained that the vacation legally makes the City the owner of the road because it takes the physical space of the street and attaches it to the plat of the property on each side of the street. He stated that there are no plans to change the use or prohibit parking.

Councilmember Piekarski Krech expressed concerns regarding the vacation and the potential for future Councils to change the use of the vacated portion.

**Motion by Klein, second by Madden, to approve Resolution No. 09-31 relating to a Major Site Plan Review for the Public Safety Expansion/City Hall Renovation Project and Resolution No. 09-32 relating to the Vacation of a portion of Barbara Ave. right-of-way**

**Ayes: 3**

**Nays: 2 (Grannis, Piekarski Krech) Motion carried.**

**D. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Approving Acquisition of Property located at 6535 Doffing Ave.

Mr. Link explained that the property owner contacted the CDA and requested the City purchase his property as part of the Doffing Avenue Voluntary Acquisition Program. He reviewed that the purpose of the program is to acquire properties in the Mississippi River flood plain, remove the structures to restore the flood plain and eventually redevelop the area as a community park. He stated that an environmental study was completed on the site and minor contamination was discovered. He noted that although no remediation is expected to be necessary MPCA approval of the site will be sought. He reminded the Council that because the property is outside of the 100 year flood plain, DNR grant money cannot be used for the acquisition and that the Host Community Fund would be used.

**Motion by Piekarski Krech, second by Grannis, to adopt Resolution No. 09-33 Approving the Acquisition of property located at 6535 Doffing Avenue**

**Ayes: 5**

**Nays: 0 Motion carried.**

**FINANCE:**

**E. CITY OF INVER GROVE HEIGHTS;** Approve Carryover of Unused Budget Appropriations and Approve Transfers

Ms. Lanoue informed the Council that a new resolution was prepared with a corrected amount (\$545,040) for the transfer from the Host Community Fund to the Community Center Fund and addressed the reasons for the difference between the budgeted Community Center deficit (\$522,900) and the actual transfer amount. She reviewed the carryover requests for unused 2008 appropriations to the 2009 budget as well as the transfer requests. She stated that prior to the carryovers and transfers the General Fund had a surplus of \$425,692. She explained that each department was asked to submit their requests for carryovers and transfers and because the requests exceeded the surplus not all of the requests were recommended for approval.

**Motion by Klein, second by Madden, to adopt Resolution 09-25 approving Carryover of Unused Budget Appropriations and approving Transfers**

Councilmember Grannis commented that the Community Center operations are improving and stated that

the reasons for the increased deficit were the result of Council policy decisions.

**Ayes: 5**

**Nays: 0      Motion carried.**

#### **PUBLIC WORKS:**

**F. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Receiving the Third Amendment to the Feasibility Study & Scheduling a Public Hearing for City Project No. 2008-11 (Southern Sanitary Sewer, East Segment) and Resolution Ordering City Project No. 2008-08 (T.H. 52 East Frontage Road)

Mr. Thureen explained that City staff and Kimley-Horn worked with Mn/DOT to prepare the sanitary sewer plans that were included in Mn/DOT's plans for its East Frontage Road project (City Project No. 2008-08) that is currently out for bid. He stated that Kimley-Horn has also prepared plans for the southern-most segment of the sanitary sewer that would be constructed as City Project No. 2008-11. He explained that because Mn/DOT is scheduled to open bids for its East Frontage Road Project on February 27<sup>th</sup> staff has recommended that the Council order City Project No. 2008-08 and fund the City's cost for the trunk sanitary sewer via the City Sewer Connection Fund. He stated that this would allow the frontage road project to proceed on schedule and while the City preserves the ability to extend the sewer south.

**Motion by Klein, second by Grannis, to approve Resolution No. 09-34 receiving the Third Amendment to the Feasibility Study & Scheduling a Public Hearing for City Project No. 2008-11 (Southern Sanitary Sewer, East Segment) and Resolution No. 09-35 Ordering City Project No. 2008-08 (T.H. 52 East Frontage Road)**

**Ayes: 5**

**Nays: 0      Motion carried.**

**G. CITY OF INVER GROVE HEIGHTS;** Consider Approval of Cooperative Construction Agreement No. 93748-R between Mn/DOT and the City of Inver Grove Heights for the T.H. 52 East Frontage Road Water Main and Sanitary Sewer Improvements State Project No. 1907-68 (T.H. 52=053), City Project No. 2008-08

Mr. Thureen explained that the agreement outlines the responsibilities between Mn/DOT and the City of Inver Grove Heights for the East Frontage Road project. He stated that the City would reserve the right to not accept the bids. He noted that this agreement needs to be executed prior to the state awarding bids.

**Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 09-24 approving Cooperative Construction Agreement No. 93748-R between Mn/DOT and the City of Inver Grove Heights for the T.H. 52 East Frontage Road Water Main and Sanitary Sewer Improvements State Project No. 1907-68 (T.H. 52=053), City Project No. 2008-08**

**Ayes: 5**

**Nays: 0      Motion carried.**

#### **PARKS AND RECREATION:**

**H. CITY OF INVER GROVE HEIGHTS;** Consider Alignment for Southern Section of the Mississippi River Regional Trail

Mr. Carlson explained that the County is looking for approval of an alignment for the southern section of the Mississippi River Regional Trail. He explained that the county is considering four alternatives for the alignment. He stated that at the open house hosted by Dakota County alternative three was thought to be the best option. He noted that the Parks and Recreation Advisory Commission recommended alignment alternative three on a 5-2 vote.

Councilmember Grannis asked how this section of the trail would be funded.

Mr. Carlson responded that the County would apply for federal grant money after an alignment was chosen by Council.

Councilmember Grannis asked if residents would be assessed.

Mr. Carlson responded that residents would not be assessed and noted that the trail would be on the West side of Cahill Avenue.

Councilmember Piekarski Krech questioned if a specific section of the trail on the map was already constructed and how it was funded.

Bruce Blair, Dakota County, stated that the section was funded from a grant approximately six years ago and that section of the trail ends at Walmart.

Maryann Richter expressed concerns regarding plans to extend the trail in the future within 28 feet of her home.

Bruce Blair, Dakota County, addressed the future extension of the trail and discussed the limitations on where the trail can be located.

Mayor Tourville commented that he attended the open house and agrees that alternative three has the least impact to residents.

**Motion by Grannis, second by Madden, to approve Alignment Alternative #3 for the Southern Section of the Mississippi River Regional Trail**

**Ayes: 4**

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

**ADMINISTRATION:**

**I. CITY OF INVER GROVE HEIGHTS; Consider 2009 Seasonal/Temporary Employee Compensation Plan**

Ms. Teppen explained that City Ordinance provides that the City Council shall approve compensation plans for positions classified by the City each year and a proposed wage schedule for seasonal/temporary positions was provided to the Council. She noted that in July the minimum wage will increase to \$7.25 per hour and the bottom of the ranges have been adjusted to meet the new requirements. She added that the increases were accounted for in the 2009 budget.

Councilmember Piekarski Krech commented on several positions and questioned if the cost of the position was being recovered through program fees.

Ms. Teppen responded that many of the positions are paid for through program fees.

Councilmember Klein said it would help to see how many hours some of the employees are putting in.

**Motion by Madden, second by Grannis, to approve 2009 Seasonal/Temporary Employee Compensation Plan**

**Ayes: 5**

**Nays: 0 Motion carried.**

**J. CITY OF INVER GROVE HEIGHTS; Consider 2<sup>nd</sup> Reading of Ordinance Amending City Code Section 320.03 relating to Disposal of Unclaimed Property**

Mr. Kuntz reviewed the changes that were incorporated after the first reading of the ordinance and stated that a contract with PropertyRoom.com would be presented for Council approval at the third reading.

Mayor Tourville questioned if other cities that have used this method to dispose of unclaimed property have had any problems.

Sergeant Sean Folmar, Inver Grove Heights Police Department, stated that he has researched the company and the process and feels it is a good idea. He explained that none of the other Police departments he contacted have had any issues with the company and provided positive feedback. Councilmember Madden clarified that this would reduce the amount of staff time needed to coordinate the disposition of property.

Mr. Folmar stated that it would greatly reduce the personnel time involved and would allow officers to concentrate their time in other areas that may be more prudent.

Mayor Tourville asked for clarification regarding the length of the initial contract and also asked if the City has to dispose of all of their unclaimed property via the online method or if the City would reserve the right to choose what they want to send to the company.

**Motion by Piekarski Krech, second by Grannis to approve 2<sup>nd</sup> Reading of an Ordinance Amending City Code Section 320.03 relating to Disposal of Unclaimed Property**

**Ayes: 5**

**Nays: 0      Motion carried.**

**K. CITY OF INVER GROVE HEIGHTS; Appoint Representatives to, and Approve High Performance Partnership Group Memorandum of Understanding with Dakota County**

Mayor Tourville explained that he and Mr. Lynch would like to continue to serve as representatives to the group.

**Motion by Klein, second by Madden, to approve the High Performance Partnership Group Memorandum of Understanding with Dakota County and appoint Joe Lynch and Mayor Tourville as representatives to the group**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR AND COUNCIL COMMENTS:**

**9. ADJOURN:** Motion by Grannis, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 9:18 p.m.