

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

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, March 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, 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 Rheaume.

**3. PRESENTATIONS:** None.

**4. CONSENT AGENDA:**

Councilmember Klein removed item **4A, Minutes of February 23, 2009 Regular Council Meeting**, from the Consent Agenda.

Councilmember Madden removed item **4E, Accept Proposal from Keys Well Drilling Company for Well Pump No. 5 Rehabilitation**, from the Consent Agenda.

Councilmember Grannis removed items **4F, Resolution Approving Plans & Specifications and Authorizing Advertisement of Bids for City Project No. 2009-01, Trunk Highway 3 and Proposed 80<sup>th</sup> Street (County Road 28) Intersection Improvements** and **4K, Approve Agreement with Elert and Associates**, from the Consent Agenda.

Councilmember Piekarski Krech removed item **4J, Schedule Special Meetings**, from the Consent Agenda.

- B. Resolution 09-36** Approving Disbursements for Period Ending March 4, 2009
- C.** Pay Voucher No. 7 for City Project No. 2003-03, Southern Sanitary Sewer System Improvements
- D.** Pay Voucher No. 12 for City Project No. 2003-15A, Northwest Area Utility Improvements – Lift Station R-9.1
- G.** Award Bid for National Guard Gymnasium Floor Replacement
- H.** Consider Application for Exempt Charitable Gambling Permit
- I.** Approve Renewal of 3.2% Off-Sale Liquor License for PDQ Store #212
- L.** Personnel Actions

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

**Ayes: 5**

**Nays: 0 Motion carried.**

- A.** Minutes of February 23, 2009 Regular Council Meeting

Councilmember Klein corrected page 6 of the minutes to reflect that he voted against the motion to approve the alignment of the southern section of the Mississippi River Regional Trail.

Councilmember Grannis corrected the vote total for item 7C to reflect that Councilmember Piekarski Krech also voted against the motion to approve the vacation of a portion of Barbara Avenue. He also stated that the word “producing” on page 2, under item 7A, should be changed to “reducing”.

**Motion by Klein, second by Madden to approve the Minutes of the February 23, 2009 Regular Council Meeting with changes as noted.**

**Ayes: 5**

**Nays: 0 Motion carried.**

**E.** Accept Proposal from Keys Well Drilling Company for Well Pump No. 5 Rehabilitation  
 Councilmember Madden questioned why an invoice from 2003 was included in the packet.

Mr. Thureen responded that the invoice was provided for historical information to illustrate what the cost was for work done in the past. He stated that staff is seeking approval to accept the lowest proposal.

**Motion by Klein, second by Grannis, to accept proposal from Keys Well Drilling Company for Well Pump No. 5 Rehabilitation**

**Ayes: 5**

**Nays: 0 Motion carried.**

**F.** Resolution Approving Plans & Specifications and Authorizing Advertisement of Bids for City Project No. 2009-01, Trunk Highway 3 and Proposed 80<sup>th</sup> Street (County Road 28) Intersection Improvements

Mr. Thureen clarified that they do not have approval from Mn/DOT on all the areas needed. He noted the item would be brought back for Council approval in a couple of weeks.

**No Action was taken on this item.**

**J.** Schedule Special Meetings

Councilmember Piekarski Krech stated she would not be available to meet on March 30<sup>th</sup>.

Ms. Teppen explained that two special meetings with the Council and task force members are requested to review the alternates for the proposed public safety addition/city hall renovation project and the financing for the proposed project with Steve Apfelbacher of Ehlers and Associates.

Mayor Tourville suggested that both items be discussed on April 6<sup>th</sup> at 5:30 p.m. so all of the Council members can attend.

**Motion by Piekarski Krech, second by Klein, to schedule a special meeting on April 6<sup>th</sup> at 5:30 p.m. in the City Council Chambers**

**Ayes: 5**

**Nays: 0 Motion carried.**

**K.** Approve Agreement with Elert and Associates

Councilmember Grannis stated that he could not see entering into a contract at this time because it is not known if the proposed public safety addition/city hall renovation project is going to move forward.

Councilmember Piekarski Krech concurred with Councilmember Grannis' statement.

Ms. Teppen explained that if the project was to move forward the phone and cable lines would need to be relocated and given the proposed project schedule staff felt it would be advantageous to begin negotiations with Qwest and Comcast as soon as possible to make sure that there are no delays should the project be ordered. She noted that the \$4,000 fee is proposed to be funded via the MIS Fund.

Mayor Tourville stated that he agrees that it would be a good idea to begin negotiating, however he would like to see the City save the money and negotiate with Qwest and Comcast themselves. He volunteered to assist Ms. Teppen, free of charge, with the negotiations with Comcast and Qwest.

**No Action was taken on this item.**

**5. PUBLIC COMMENT:** None.

**6. PUBLIC HEARINGS:**

**A. CITY OF INVER GROVE HEIGHTS;** Consider a Resolution Adopting the Final Assessment Role for City Project No. 2007-09E, 2007 Pavement Management Program, 46<sup>th</sup> Street East Bituminous Pavement Removal and Replacement Project

Mr. Thureen stated that the project was initiated by the City Council as part of the City's Pavement Management Program and was ordered on May 29, 2007 and the project responsibilities were defined in a Joint Powers Agreement with the City of South St. Paul. He explained that the project included the removal of the existing bituminous pavement and aggregate base to a depth of four inches, subgrade correction where necessary, minor curb and gutter replacement and installation of four inches of new bituminous pavement and boulevard restoration. He stated that the City's cost for the project was \$20,424.21. He explained that five parcels are proposed to be assessed. He noted that staff proposed that the City contribute 25% of the total project cost (\$5,106.06) from the Pavement Management fund because the project was more substantial than a mill and overlay and less substantial than a reconstruction. He stated that the proposed assessment amount is \$15,318.15 with an interest rate of 5.8 percent, over a 10-year term. He noted that a neighborhood information meeting was held and an email objecting to the proposed assessment was received from one property owner. He added that the City of South St. Paul assessed the project at a higher rate than what staff has proposed for Inver Grove Heights.

**Motion by Piekarski Krech, second by Klein, to receive the letter submitted by the owner of the property located at 2760 46<sup>th</sup> St.**

**Ayes: 5**

**Nays: 0      Motion carried.**

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

**Ayes: 5**

**Nays: 0      Motion carried.**

Mayor Tourville asked if the project was successful.

Mr. Thureen responded in the affirmative.

**Motion by Klein, second by Grannis, to approve Resolution 09-37 adopting the Final Assessment Role for City Project No. 2007-09E, 2007 Pavement Management Program, 46<sup>th</sup> Street East Bituminous Pavement Removal and Replacement Project**

**Ayes: 5**

**Nays: 0      Motion carried.**

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:**

**A. BEAUCLAIR CONSTRUCTION;** Consider a Resolution relating to a Variance to exceed the allowed impervious surface coverage to construct an addition onto an existing home located at 8355 Cooper Way E.

Mr. Link explained that the applicant submitted a request to construct an addition that would exceed the allowed maximum impervious coverage on the 13,750 square foot, R-1C, Single Family Residential zoned lot. He stated that City Code allows for 20% (2,750 square feet) maximum impervious coverage on lots zoned R-1C, and currently the lot features 23% (3,270 square feet) of impervious coverage. He noted that the proposed addition, if approved, would increase the impervious coverage on the lot to 28% (3,838 square feet). He explained that Planning staff recommended denial of the request because the property does not have any conditions that make it unique for the zoning district it is in, the applicant is not being denied reasonable use of the property and approval of the request may set a precedent for future applications of a similar nature. He added that the Planning Commission recommended approval of the request on a 5-2 vote stating that the hardship is that the request was in compliance prior to the recent zoning ordinance amendment.

Councilmember Madden questioned if there were any objections received from neighbors and also if the proposed addition would cause the property to become out of character with the rest of the neighborhood.

Mr. Link responded that no objections were received and that the proposal would be consistent with the character of the neighborhood.

Ken Beauclair, Beauclair Construction, asked the Council to consider the fact that 30% impervious coverage was allowed when the home was originally purchased and the limit was reduced to 20% at the last minute.

Councilmember Klein questioned if the applicant would be willing to build a rain garden. He also commented that he was never in favor of the reduction to 20% and would like to see that issue revisited by staff and Council.

Mayor Tourville stated that he would be in favor of allowing 30% impervious coverage because the property is a large corner lot and the addition would not be noticed or out of character in the neighborhood.

Councilmember Grannis stated that he would vote against a motion to approve the variance request because there is no legal hardship to justify approval of the request.

**Motion by Klein, second by Madden, to adopt Resolution No. 09-38 approving a Variance to exceed the allowed impervious surface coverage to construct an addition onto an existing home located at 8355 Cooper Way E. because the request would have been in compliance with the ordinance prior to its modification.**

**Ayes: 4**

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

#### **ADMINISTRATION:**

#### **B. CITY OF INVER GROVE HEIGHTS; Approve Additional Services Compensation**

Ms. Teppen explained that the City and BKV Group signed an agreement for architectural services for the proposed public safety addition/city hall renovation project. She stated that there were items outside of that contract that the City Council asked BKV Group to include during the design development phase. She noted that credit was received for items that were included in the original contract and subsequently removed by the Council during design development. She stated that the BKV Group is seeking a total adjustment to compensation of \$27,464. She added that staff budgeted \$37,000 to cover additional services, and added that the owner's representative team from Krech, O'Brien & Mueller reviewed the invoice and recommended approval.

Mayor Tourville suggested that the Council not approve the invoice as presented and instead direct staff to review the cost and time put into each additional item with the Owner's Representative team and the BKV Group. He stated that his major concern was the cost associated with the additional basement storage.

The City Council directed staff to further review the invoice with the BKV Group and the Owner's Representative team.

#### **C. CITY OF INVER GROVE HEIGHTS; Consider Third Reading of an Ordinance Amending City Code Section 320.03 relating to Disposal of Unclaimed Property & Approval of Agreement with PropertyRoom.com**

Mr. Kuntz explained this is the third reading of an ordinance which allows there to be online auction bidding for the sale of surplus or unclaimed property of the City. He stated there have been no changes to the ordinance since the second reading. He clarified that the term of the contract is one year. He added that the contract does indicate that the City does retain the right to choose which property is disposed of via the online auction method. He explained that an addendum was added to the contract that to further clarify that the contract is not exclusive and the City has the right to choose which property is sent to PropertyRoom.com.

**Motion by Klein, second by Madden, to approve Ordinance No. 1188 amending City Code Section 320.03 relating to Disposal of Unclaimed Property & Approval of Agreement with PropertyRoom.com with the addendum as proposed by Mr. Kuntz.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR AND COUNCIL COMMENTS:**

Councilmember Madden commented on a letter received with no contact information.

Councilmember Klein discussed the poor condition of Cahill Avenue from Cuneen to Concord and stated that staff needs to look at a way to fix that stretch of road.

Councilmember Madden asked if staff was still researching the tenting issue affecting many City streets.

Mr. Thureen responded that Mn/DOT is still looking at that issue and has not come up with a good method to resolve it yet.

Councilmember Klein suggested getting together with representatives of the various homeowner associations in the City to try to come up with a solution to the financing issues surrounding the repair of many of the streets in town.

Mr. Thureen indicated that there would possibly be a meeting on April 18<sup>th</sup>.

Mayor Tourville stated that they also need to look at College Trail.

Ms. Teppen provided an update on some of the upcoming events in the City including Spring Clean-Up Day, the annual Rabies and Dog Licensing Clinic, and reminded residents that commission applications are available at City Hall or on the City's website.

Mr. Carlson discussed the upcoming job fair at Inverwood Golf Course as well as the scheduled Community Center and golf course focus group meetings.

**9. ADJOURN:** Motion by Madden, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 8:26 p.m.