

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, JULY 13, 2009 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, July 13, 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, Parks & Recreation Director Carlson, Community Development Director Link and Deputy Clerk Rheaume.

**3. PRESENTATIONS:**

**4. CONSENT AGENDA:**

Councilmember Grannis removed Item 4I, Resolution Adjusting the Price of Contract with Stonebrooke Engineering for Engineering Final Design Services and Construction Phase Services for City Project No. 2009-01, Trunk Highway 3 and Proposed 80<sup>th</sup> Street (CSAH 28) Intersection Improvements, from the Consent Agenda.

Councilmember Piekarski Krech removed Item 4M, Consider Allowing Contractor to Begin Work Before 7AM, from the Consent Agenda.

- A. Minutes – June 22, 2009 Regular Council Meeting
- B. **Resolution No. 09-133** Approving Disbursements for Period Ending July 8, 2009
- C. **Resolution No. 09-134** Approving Final Payment for Groveland Lighting Project 2005-04 and North Valley Lighting Project 2007-10
- D. Consider Pay Voucher No. 1 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- E. Consider Change Order No. 1 and Pay Voucher No. 1 for City Project No. 2009-09D, South Grove Urban Street Reconstruction – Area 4
- F. Consider Pay Voucher No. 1 for City Project No. 2007-17, Clark Road Extension
- G. Consider Change Order No. 4 and Pay Voucher No. 9 for City Project No. 2003-03, Southern Sanitary Sewer System Improvements
- H. Land Alteration Permit No. A-122-09 – Starfire Property
- J. **Resolution No. 09-136** Approving a Right of Entry and Waiver of Trespass Agreement, Permanent Utility and Drainage Easement, and Raingarden Maintenance Agreement with Rolling Meadows Cooperative relating to City Project No. 2009-09D, South Grove Street Reconstruction Area 4
- K. Accept Proposal for Geotechnical Testing Services of American Engineering Testing, Inc. for City Project No. 2008-11, Southern Sanitary Sewer East Segment Improvements
- L. **Resolution No. 09-137** Terminating Contract for City Project No. 2008-22, Bohrer Pond Shoreland Protection Project
- N. Approve Expenditure of Funds to Purchase Computer Server
- O. Renew Optional 2AM Liquor License – Grove Bowl, Inc. dba Drkula's
- P. Personnel Actions

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

**Ayes: 5**

**Nays: 0            Motion carried.**

**I. Resolution Adjusting the Price of Contract with Stonebrooke Engineering for Engineering Final Design Services and Construction Phase Services for City Project No. 2009-01, Trunk Highway 3 and Proposed 80<sup>th</sup> Street (CSAH 28) Intersection Improvements**

Councilmember Grannis questioned why Stonebrooke did not submit the plans to the State Aid office for review until after they were completed.

Mr. Thureen responded that the City did not originally plan to apply for state aid. He stated the City initially applied for cooperative agreement funding and then decided to apply for state aid to cover the City's portion of the project costs.

Councilmember Grannis asked why multiple design options relating to the infiltration basins were needed and why an area of the design was moved out of right-of-way.

Mr. Thureen stated the design that was initially proposed did keep the project in the right-of-way. He explained the plans were redesigned because MN/DOT wanted to move an area of concern out of the right-of-way.

Councilmember Grannis clarified that Mn/DOT forced the change. He asked why additional money was requested for agreement assistance. He questioned how the work that was done was different from what would normally be done for this type of project that requires the City, County and State to agree.

Mr. Thureen responded that the way the scope of the project was designed it was unclear what was going to be required for approval and in the end Mn/DOT thought it would be best to have maps. He stated the additional money requested from Stonebrooke was for a number of exhibits that were prepared for County and State approval.

**Motion by Klein, second by Madden, to adopt Resolution No. 09-135 Adjusting the Price of the Contract with Stonebrooke Engineering for Engineering Final Design Services and Construction Phase Services for City Project No. 2009-01, Trunk Highway 3 and Proposed 80<sup>th</sup> Street (CSAH 28) Intersection Improvements**

**Ayes: 5**

**Nays: 0 Motion carried.**

**M. Consider Allowing Contractor to Begin Work Before 7AM**

Councilmember Piekarski Krech expressed concerns regarding noise levels and stated she wants to make sure the neighbors are not negatively impacted.

Mr. Lynch stated that the majority of the noise should occur in the next two weeks. He noted the amended work hours would not pertain to the entire construction project, only through the end of September, 2009.

Councilmember Piekarski Krech stated she is concerned with how far the noise will carry.

Councilmember Grannis stated he had similar concerns but did not see a big difference between the equipment the contractor will be using and the equipment already being used at that time of day by City staff.

Councilmember Piekarski Krech commented that they owe it to the residents to be thoughtful.

Mayor Tourville suggested that if complaints are received staff may have to tell Shaw-Lundquist to cease work prior to 7 a.m.

**Motion by Piekarski Krech, second by Klein, to allow Shaw-Lundquist to begin work at 6:30 a.m. through the end of September, 2009**

**Ayes: 5**

**Nays: 0 Motion carried.**

**5. PUBLIC COMMENT:**

Rich Burrows stated he recently moved from the South Grove area and has money being held in an escrow account to pay for the pending assessments from last year's project. He asked when the final assessments would be calculated so he can get his money out of escrow.

Mr. Thureen responded that the City has not made the final payment to the contractor. He stated after the final payment has been made the assessments would be calculated and an assessment hearing would be scheduled to adopt the final assessment roll. He noted staff would try to expedite the process as much as possible.

Councilmember Madden asked that staff expedite the process because it also affects other residents in the neighborhood.

**6. PUBLIC HEARINGS:****7. REGULAR AGENDA:****PARKS AND RECREATION:****A. CITY OF INVER GROVE HEIGHTS; Consider Approval of Comprehensive Trail Plan**

Mr. Carlson explained the City has been working on two separate but connected documents regarding the future of parks and trails in the community. He stated at this level of planning the specific details regarding trail locations, widths and costs have not been decided and the plan is a concept of what may be done at some point in the future. He reviewed comments received from the Metropolitan Council regarding the proposed trails in the draft plan. He stated the Parks and Recreation Advisory Commission reviewed the issue and recommended approval of the trail plan with several exceptions including: the removal the trail shown along Barnes Avenue, removal of the trail shown along Courthouse Boulevard across from the United Properties Development, and removal of the trail along Annalisa Path and Ann Marie Trail East. He explained that if the City Council proceeds with removal of those trails, the Planning Commission would be required to hold a public hearing and the plan would have to be re-submitted to the Metropolitan Council for review.

Mr. Link added that the trails being considered for removal are city trails and the Metropolitan Council should not have issues with their removal from the plan.

Kirk Lindberg, 8799 Audubon Rd., stated that the Parks and Recreation Commission listened to the residents' comments and made some minor changes to the plan. He urged the Council to continue following that process. He commented on a trail that was put in the fact that he does not see many people using it. He referred to the difficulties with slopes and the grades in the area and said several of the trails on the plan are not feasible. He asked that the Parks and Recreation Commission's recommendation be followed.

Darlene Grannis, 9249 Barnes Ave., commented that there would be a number of safety concerns associated with a trail along Barnes Avenue. She stated that residents already encounter safety issues with getting on and off Barnes Avenue to and from their homes because of the topography of the street and the speed with which people travel. She stated that a trail would only add to the problems and it would not be safe.

Amy Hunting, 2645 96<sup>th</sup> St. E., stated she was very happy to see a trail proposed for 96<sup>th</sup> Street. She commented that this would allow for safe travel from one area to another.

Tim Sweeney, 9223 Barnes Ave., asked if there is ever a time that there would be changes to the master Plan and what would prompt those changes.

Mayor Tourville responded that zoning changes have effects on the plan. He stated that the Metropolitan Council give final approval of the Comprehensive Plan, but changes first have to be approved by the Council.

Councilmember Piekarski Krech stated that development also spurs changes to the plan.

Mr. Sweeney stated he would like to follow the recommendation of the Parks and Recreation Commission.

MaryAnn Sweeney, 9223 Barnes Ave., said she is against putting a trail along Barnes Avenue and supports the Parks and Recreation Commission's recommendation.

Mike Knapp, 8700 Ann Marie Trail, stated his street is developed and there is no room for a trail. He stated he is against the trail and believes it will reduce the value of his property. He commented he is also concerned about it being a trail to nowhere. He asked that the trail be removed from the plan.

Ann, 9047 Barnes Avenue, stated she was also opposed to the trail along Barnes Avenue because it appears to be a trail to nowhere. She stated Barnes Avenue is not safe for pedestrian travel.

Lee Lindberg, 8965 Alfa Lane, stated he hopes the Parks and Recreation Commission's recommendation is taken into account. He suggested that the trails be looked at from a safety standpoint as to whether they should be on the Comprehensive Plan.

Gretchen Koestler, 10081 Barnes Ave., stated she did not want a trail along Barnes Avenue.

Dennis Schueller, 8081 Carmen Ave. E., asked the City Council to take into consideration the opinions of several of the Parks and Recreation commissioners that were not in favor of removal of the trails from the plan. He discussed Barnes Avenue and stated that it is a dangerous road and it is not safe for pedestrian or bike traffic and it may be best to have a path on one side to provide safe access to Rich Valley. He agreed that the trail along Annalisa and Ann Marie trail was not necessary.

Martin Silvi, PRAC Commissioner, stated Rich Valley Park is a destination that parents drive their kids to. He added that a trail along Barnes Avenue would not serve anyone.

Councilmember Klein stated he agrees with the Parks and Recreation Commission's recommendations on the removals. He clarified that the trail would not be going down Inver Grove Trail.

Councilmember Madden stated he also agrees with the Parks and Recreation Commission. He talked about the cost to maintain the trail and questioned why money would be spent to have a trail that people do not want.

Councilmember Piekarski Krech stated any major city streets should have sidewalks or trails to promote other modes of transportation from neighborhood to neighborhood. She commented that the City needs to plan for pedestrian traffic.

Councilmember Grannis stated that the plan shows a trail on 96<sup>th</sup> Street going through to Rich Valley and clarified that 96<sup>th</sup> Street does not connect to Rich Valley Boulevard. He stated that trail should be removed. He commented that the majority of the people on the East side of Barnes Avenue do not want a trail and he agrees with the Parks and Recreation Commission's recommendation.

Mayor Tourville noted that the 96<sup>th</sup> Street trail was not discussed at Parks and Recreation Commission meeting. He stated he feels that there needs to be more discussion and information regarding the trail along Courthouse Boulevard. He stated he supports removing the trail along Barnes Avenue from the plan.

**Motion by Piekarski Krech, second by Grannis, to remove all trails that do not currently exist from the Comprehensive Trail Plan and to look at future trails on a case by case basis.**

**Ayes: 2 (Grannis, Piekarski Krech)**

**Nays: 3 (Klein, Madden, Tourville)**

**Motion failed.**

Councilmember Piekarski Krech asked if future trails had to be on the Comprehensive Plan.

Mr. Kuntz responded that it would put the City in a difficult position with future developers to ask that a trail be built if it was not on the Comprehensive Plan.

Councilmember Madden that money should not be spent on a trail that people do not want.

Councilmember Grannis noted he has heard from residents along Courthouse Boulevard that are opposed to a trail.

Mr. Kuntz commented that the Council is only being asked to decide if the Planning Commission should hold a public hearing regarding changes to the plan.

**Motion by Madden, second by Klein, to support the Parks and Recreation Commission's recommendation to remove the three trails from the Comprehensive Plan and to direct the Planning Commission to hold a public hearing to consider the changes to the Comprehensive Plan**

**Ayes: 3 (Tourville, Madden and Klein)**

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

**B. CITY OF INVER GROVE HEIGHTS; Consider Approval of Rock Island Swing Bridge Plans**

Mr. Carlson explained that the Council is being asked to approve several design features regarding the Rock Island Swing Bridge. He reviewed that the City received a 1.3 million dollar Transportation Enhancement grant along with a \$100,000 from the Minnesota Historical Society. He stated staff recommended approval of Option 1 and is also seeking authorization to submit the necessary permits and Project Memorandum. He noted that approval would not commit the City to ownership of the bridge.

Jeff Johnson, SEH Inc., showed pictures of the bridge and stated that the railroad ties would need to be removed for safety purposes. He stated there is lead-based paint on the bridge and graffiti on the deck area, and the railing is a wood railing that is in poor condition. He reviewed all of the improvements included in Option 1. He presented the preliminary cost summary and stated the construction cost of option 1 is \$1,680,000 and the estimated annual maintenance cost would be \$42,500.

Councilmember Klein stated there are still other grants that can be applied for to help defray some of the costs and noted there is a lot of interest in the preservation of this landmark.

Councilmember Madden stated that they need to take into account the amount of money it may cost the City to maintain the structure.

Mayor Tourville suggested that it may be beneficial to spend more money on the initial improvements to reduce the annual maintenance costs.

Mr. Johnson commented that bids have been coming in approximately 10-20% lower than the estimates on state projects.

Ed Gunther, 6671 Concord Blvd., stated the rails should be kept on the top and because it is an important part of the historical value of the bridge.

Mr. Johnson explained that from a liability standpoint people can get up on top and walk on the rail.

Loren Scherff, 1320 105<sup>th</sup> Street East, expressed concerns about the City taking over the liability for the bridge.

Mayor Tourville stated that if the bridge is not safe they are not going to do it. He noted they are looking at bike and pedestrian traffic.

**Motion by Klein, second by Piekarski Krech, to approve Rock Island Swing Bridge Plan Option 1**

**Ayes: 5**

**Nays: 0 Motion carried.**

**C. CITY OF INVER GROVE HEIGHTS; Consider Approval of Inver Wood Golf Course Operational Assessment Committee Makeup**

The City Council discussed the options to appoint member to the assessment committee and decided to appoint all applicants.

Mr. Lynch noted that a schedule would need to be established.

**Motion by Piekarski Krech, second by Madden, to appoint Tom Bartholomew, Andy Hansen, Dave Lesch, Donavon Roberts, Jim Laska, Joel Johnson, Kevin Finley, Manny Krug, Matt Hunt, Jerry Schommer, Jim Corcoran, Richard Lanpher, and Paul Engleson to the Inver Wood Golf Course Operational Assessment Committee**

**Ayes: 5**

**Nays: 0      Motion carried.**

**COMMUNITY DEVELOPMENT:**

**D. TOTAL HOMES PLUS;** Consider Resolution relating to a Conditional Use Permit to exceed the allowed maximum impervious surface coverage on a lot not meeting the minimum lot size requirements for property located at 3820 74<sup>th</sup> Street

Mr. Link explained that the property owner would like to construct a garage on his property with a driveway leading up to it. He stated the lot is 9,855 square feet which is 20% smaller than what is required by the Zoning Code for a minimum lot size in the R-1C district. He noted that the property does not have an attached or detached garage, and the construction of a garage would exceed the impervious surface maximum on the property. He stated the total proposed impervious surface on the lot would approximately be 31% whereas 25% is the maximum allowed. He explained lots that do not meet the minimum lot size requirements in the R-1 district require a conditional use permit to exceed the allowed 25% maximum impervious surface provided the conditions of the staff report are met. He added that the property owner was working with staff and the City Engineering department to meet the conditional use criteria. He stated both Planning staff and the Planning Commission recommended approval of the request with the conditions as outlined in the resolution.

Councilmember Grannis asked if there was a cap on the amount of impervious surface coverage.

Mr. Link responded it was capped at 30% and noted there was still an exception for smaller lots.

The applicant's representative stated they have agreed to staff's conditions of approval.

**Motion by Klein, second by Madden, to adopt Resolution No. 09-138 relating to a Conditional Use Permit to exceed the allowed maximum impervious surface coverage on a lot not meeting the minimum lot size requirements for property located at 3820 74<sup>th</sup> Street**

**Ayes: 5**

**Nays: 0      Motion carried.**

**E. DAHN;** Consider the following requests for property located at 5645 Annette Avenue:

- i) Preliminary and Final Plat for a three-lot subdivision
- ii) Variance to allow an accessory structure on a lot without a principle structure
- iii) Variance to allow accessory structures on a lot without a principle structure for Lot 3
- iv) Variance to allow impervious surface coverage to exceed 30% maximum allowed for Lot 3
- v) Conditional Use Permit to exceed 25% impervious surface coverage in the R-1C District and in the Shoreland Overlay District for Lot 3

Mr. Link stated the property would like to plat the 2.5 acre lot into three single family lots. He explained the existing home would remain on the proposed Lot 2, and there are three detached accessory buildings on Lots 1 and 3. He stated there are two key issues and that is if the accessory structures should remain and what amount of impervious surface coverage should be allowed on the Lot 3. He stated Planning staff did not support the proposed plat and subsequent requests as presented because the design of the plat would create a non-conforming lot in relation to impervious surface and accessory buildings on a property prior to a principle structure. He explained Planning staff would support the subdivision of the

property into two lots, because leaving Lots 2 and 3 as one large lot eliminates the two variance requests needed for Lot 3. He stated the Planning Commission recommended approval of the Preliminary and Final Plat with several conditions. He stated the Planning Commission recommended denial of the variance to allow an accessory building on Lot 1 and denial of the variance to allow impervious surface coverage to exceed 30% on Lot 3. He explained the Planning Commission recommended approval of a conditional use permit to allow for impervious coverage on the lot up to 30% with conditions and approval of the variance to allow accessory buildings on Lot 3 with conditions and the hardship that it is unreasonable to remove the large structures.

Jeff Dahn, 8341 Delaney Circle, stated that he no longer needed a variance to exceed 30% impervious surface coverage on Lot 3 because he agreed to remove some of the existing impervious surface.

Mr. Kuntz questioned if Mr. Dahn's calculation of impervious coverage included the building on Lot 3.

Mr. Dahn responded his calculation was 25% impervious coverage and the building would need to be removed once a house was built on the lot.

Mr. Link clarified that the applicant would need to remove the gravel this year and the Southwest accessory building would need to be removed before a building permit is issued. He stated requests iv and v would no longer be necessary if the applicant agreed to the conditions and stated his intent to withdraw those requests. He stated the Council would still need to take action on item i-iii.

Mr. Kuntz said this would be in the developer's agreement.

Mr. Dahn formally withdrew requests iv and v.

The City Council discussed what the hardship would be for the variance requests for Lots 1 and 3.

Councilmember Madden stated the hardship could be that it is unreasonable to remove the larger structures on Lot 3.

Mr. Link stated the accessory structure on Lot 1 does not have any impact on the neighbors or on storm water and is too small to be used for a commercial use.

Councilmember Piekarski Krech suggested using the hardship rationale from staff fro Lot 1 and the rationale from the Planning Commission on Lot 3.

Mr. Kuntz asked if the applicant agreed to the condition that the buildings could not be used for commercial use.

Mr. Dahn stated he agreed with the conditions.

**Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 09-139 approving a Preliminary and Final Plat for a three-lot subdivision and Resolution No. 09-140 approving a Variance to allow an accessory structure on a lot without a principal structure for Lot 1 and to allow accessory structures on a lot without a principle structure for Lot 3 with the conditions as listed and the hardships as identified.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**PUBLIC WORKS:**

**F. CITY OF INVER GROVE HEIGHTS;** Accept Proposal for Storm Sewer Pipe Repair at South Valley Park

Mr. Thureen explained the storm sewer is being proposed to reduce the erosion that is occurring between the existing storm outlet and the bottom of the valley. He stated the erosion is affecting the City trail system in the area. He explained City staff arranged for the Parks Department to clear the trees and brush in the ravine and fill material from the South Grove project will be used to backfill the outfall. He stated Dahn Construction submitted a quote for the work in the amount of \$15,320 and the work is proposed to be funded via the Repairs and Maintenance – Structures account.

**Motion by Klein, second by Madden, to accept proposal from Dahn Construction in the amount of \$15,320 for Storm Sewer Pipe Repair at South Valley Park**

**Ayes: 5**

**Nays: 0      Motion carried.**

**G. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Accepting Bids and Awarding Contract for the 2008 Pavement Management Program, City Project No. 2008-09G, Cahill Avenue/Brooks Boulevard Mill and Overlay

Mr. Thureen stated eight bids were received and opened on June 30<sup>th</sup>. He explained the low bid was submitted by Rum River Contracting in the amount of \$243,098.72. He noted this amount was \$88,628.93 less than the engineer's estimate

Councilmember Grannis asked when the mill and overlay work begin.

Mr. Thureen responded the contractor would begin in approximately two to three weeks.

Councilmember Grannis asked when the project would be completed.

Mr. Thureen responded he would check the specifications for that information.

**Motion by Madden, second by Klein, to adopt Resolution No. 09-141 Accepting Bids and Awarding Contract in the amount of \$243,098.72 to Rum River Contracting for City Project No. 2008-09G, Cahill Avenue/Brooks Boulevard Mill and Overlay**

**Ayes: 5**

**Nays: 0      Motion carried.**

**I. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Accepting Bids and Awarding Contract for the 2008 Pavement Management Program, City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay

Mr. Thureen stated seven bids were received and opened on July 8<sup>th</sup>. He explained the base bid was for the street reconstruction portion of the project, alternate number one was for the mill and overlay portion of the project, and alternate number two was for a trail connection. He stated the engineer's estimate for the base bid was \$932,378.00, the estimate for alternate number one was \$251,393.00, and the estimate for alternate number two was \$18,175.00. He noted the estimate for the base bid plus both alternates was \$1,201,946.00. He explained that Danner, Inc. is the apparent low bidder. He stated the low base bid is \$775,564.41, the low bid for alternate number one is \$198,867.70, and the low bid for alternate number two is \$16,681. He stated the total for base bid plus alternates is \$991,245.11, which is \$210,700.89 less than the engineer's estimate. He asked if the Council would like to postpone a decision on the project to allow staff to hold another neighborhood meeting to discuss to discuss the mill and overlay portion.

Councilmember Piekarski Krech asked how long the bids were good for.

Mr. Thureen responded 60 days.

Councilmember Klein stated that he would prefer to go ahead with the project because it needs to get done before the end of the construction season.

Bill McMenemy, 2180 63<sup>rd</sup> St. E., state the costs associated with the mill and overlay sound very reasonable. He questioned what the proposed assessment would be for the reconstruction portion.

Mr. Thureen stated the estimated assessment for the reconstruction portion is approximately the same as what was outline in the feasibility study. He noted the recommended assessment cap per parcel is \$5,000.

Mayor Tourville asked if the outstanding issues relating to the pond and drain tile installation could still be discussed.

Mr. Thureen responded there could always be change orders to the contract.

Mayor Tourville noted there are concerns in the neighborhood that the storm sewer piping may be plugged.

Paul Johnston, 2170 63<sup>rd</sup> St. E., stated he would be in favor of having another neighborhood meeting because he still has questions and concerns relating to the storm sewer system.

Ryan Wilson, 6310 Beckman Ave., stated he would like to see the assessments capped at \$5,000 per parcel with the City contributing the remaining balance. He discussed the location of the proposed trail connection and stated he is concerned with the proximity of the trail to his property and asked if a fence could potentially be installed to maintain his privacy. He also asked if he would be specially assessed for the trail.

Mayor Tourville stated that he would not be specially assessed for the trail and noted there would be further discussion regarding the trail and the potential for some sort of screening to be installed. He clarified with Mr. Thureen that the question is if a discussion should be had with the property owners in the mill and overlay area of the project..

Mr. Johnston clarified that his desire to have a neighborhood meeting is not to discuss the mill and overlay or the reconstruction but rather to address his concerns regarding the storm sewer and the holding pond near his property.

Mr. Thureen stated Council needed to identify a funding source for the trail. He noted staff recommended that park dedication funds be used.

Mr. Kuntz referred to item number three of the resolution and suggested that language be added to identify the funding source for the trail, bid alternate number two. He stated the sentence would read, “the Council reserves the right to also provide funding for the trail system through the Park Dedication fund”.

**Motion by Klein, second by Grannis, to adopt Resolution No. 09-142 Accepting Bids and Awarding Contract in the amount of \$991,113.11 to Danner, Inc. for City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay with the addition of language to number three of the resolution as suggested by the City Attorney to identify the funding source for bid alternate number two**

**Ayes: 5**

**Nays: 0      Motion carried.**

**H. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Accepting the Proposal and Awarding Contract for Engineering Construction Services for City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay

Mr. Thureen explained that staff requested proposals from three area consulting firms to assist perform inspections for the project. He stated staff reviewed the experience of the three firms, their work scope, and the associated fee for the proposed services. He added that staff also received two proposals for geotechnical services. He stated staff recommended that the proposal from Kimley-Horn and Associates, Inc. in the amount of \$69,470 be accepted for construction services and that the proposal from AET in the amount of \$23,212.50 be accepted for geotechnical services. He noted that the geotechnical services performed by AET would be invoiced through Kimley-Horn and Associates, Inc.

Mayor Tourville stated that these services should have been bid with the rest of the project if it was known that there would not be sufficient staff to perform the duties in-house.

Mr. Thureen responded the revised estimated assessments included the costs for the services.

**Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 09-143 Accepting the Proposal and Awarding Contract to Kimley-Horn and Associates, Inc. for the combined amount of \$92,682.50 for Engineering Construction Services for City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay**

**Ayes: 5**

**Nays: 0 Motion carried.**

**J. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Awarding Contract for City Project No. 2009-01, Trunk Highway 3 and Proposed 80<sup>th</sup> Street (County Road 28) Intersection Improvements

Mr. Thureen stated eight bids were received and opened on July 8<sup>th</sup>. He explained the low base bid was submitted by Enebak Construction Co., in the amount of \$869,859.71. He noted the bid was \$154,197.28 lower than the engineer's estimate.

Councilmember Piekarski Krech clarified that this was for the roundabout.

**Motion by Klein, second by Madden, to adopt Resolution No. 09-144 awarding contract to Enebak Construction Co. in the amount of \$869,859.71 for City Project No. 2009-01, Trunk Highway 3 and Proposed 80<sup>th</sup> Street (County Road 28) Intersection Improvements**

**Ayes: 4**

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

**K. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Accepting Quotes and Awarding Contract for City Project No. 2008-22, Bohrer Pond Shoreland Protection Project

Mr. Thureen explained the south shoreline experienced erosion due to the high water level. He stated staff contacted the DNR and the Dakota County Soil and Water Conservation District to request technical assistance for the design of a natural shoreline restoration project and the City selected a contractor to complete the project in the Spring of 2009. He explained that the contractor did not perform and the City subsequently terminated the original contract. He stated City staff requested quotes from six contractors to finish the project and three bids were received. He added the low base bid was submitted by Applied Ecological Services in the amount of \$45,365.77. He stated the project would be funded from the State Cost Share money administered through the Dakota County Soil and Water Conservation District and by the Bohrer Pond Outlet project funds. He noted that Applied Ecological Services would complete the project this fall and would perform maintenance on the plantings for two years.

**Motion by Piekarski Krech, second by Grannis, to adopt Resolution No. 09-145 Accepting Quotes and Awarding Contract to Applied Ecological Services in the amount of \$45,365.77 for City Project No. 2008-22 – Bohrer Pond Shoreland Protection Project**

**Ayes: 5**

**Nays: 0 Motion carried.**

#### **ADMINISTRATION:**

**L. CITY OF INVER GROVE HEIGHTS;** Consider Allocating Funds to Upgrade the Light Fixtures in the Public Works Building

Ms. Emmerich explained in an effort to identify ways in which the City can save money, staff identified an option to upgrade and replace the existing light fixtures in the Public Works building with more efficient T-8 fluorescent fixtures and to place the lights on sensors. She stated staff contacted the Center for Energy and Environment regarding rebate programs and the City was awarded a rebate in the amount of \$8,169.53. She explained staff solicited quotes from local electrical companies to perform the services and Gephart Electric submitted the low bid of \$14,370.00. She noted with the grant that was received the total cost to the City would be \$5,200.47. She added that the Center for Energy and Environment determined that the estimated annual savings in energy costs would be \$4,144.89, which equates to a rate of return of just over one year.

Mr. Lynch stated the project would be funded via the City Facilities Fund which has a current balance of approximately \$950,000.

**Motion by Klein, second by Grannis, to approve Allocating Funds in the amount of \$5200.47 to Upgrade the Light Fixtures in the Public Works Building.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**M. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Amending Sec. 1500 of the City Code**

Ms. Teppen stated this is the second reading of an ordinance amendment that would reduce the compliance time for grass and weed violations from 15 days to 7 days. She explained that if the violation is not corrected within 7 days the City would abate and assess the costs associated would be assessed to the property.

**Motion by Grannis, second by Madden, to approve the Second Reading of an Ordinance Amending Sec. 1500 of the City Code**

**Ayes: 4**

**Nays: 1 (Piekarski Krech) Motion carried.**

**N. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Amending Section 115 of the City Code**

Ms. Teppen stated this is the second reading of an ordinance amendment that would grant the code compliance specialist the authority to issue citations for violations of the code. She explained at the first reading the Council requested information regarding the number of citations issued in the past year as well as the nature of the citations. She stated the Code Compliance Specialist opened 237 cases in the past year and issued five (5) citations.

Councilmember Madden reviewed the violations for which the five citations were issued and stated there was no reason to tie up a police officer to issue a citation for nuisance violations.

Ms. Teppen added that the Code Compliance Specialist works with the property owners to correct a violation in a timely manner and a citation is issued only as a last resort.

Councilmember Piekarski Krech stated she had a problem with most of the contact between the Code Compliance Specialist and the property owner being via letters. She suggested there should be more personal contact.

**Motion by Madden, second by Grannis, to approve the Second Reading of an Ordinance Amending Sec. 115 of the City Code.**

**Ayes: 4**

**Nays: 1 (Piekarski Krech) Motion carried.**

**O. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Establishing Requirements for Peddlers & Solicitors**

Ms. Teppen stated this is the second reading an ordinance establishing requirements for peddlers and solicitors. She noted the draft ordinance reflected suggested changes that were made during the first reading. She explained Council requested that staff contact local school districts as well as the Boy Scouts and Girl Scouts for input. She stated School District 196 personnel found the requirements to be onerous and the Superintendent of School District 199 had number of comments and procedural questions that staff would respond to prior to the third reading. She noted the Boy Scouts and Girls Scouts did not respond to the request for input. She stated the City Attorney provided a memorandum regarding the practices followed by surrounding communities.

Councilmember Piekarski Krech commented that Independent School District 196 had to follow similar requirements in Eagan and Apple Valley.

Ms. Teppen responded that the school district does have to follow the requirements set forth by each of those communities, but representatives feel the requirements are too extensive.

Mayor Tourville stated that the ordinance was not intended to hinder non-profit organizations, religious or school groups. He suggested that language be added to the ordinance that would address those types of groups and would not require registration for every fundraiser that occurs throughout the course of a school year.

Mr. Kuntz responded that the current draft of the ordinance, with respect to solicitation, provides that there is no fee for registering and registration by group is allowed. He stated the alternative is to not require school age children selling items for a fundraiser to register or obtain a license.

Councilmember Piekarski Krech stated it is important for residents to know that if someone coming to the door selling goods it is for a legitimate purpose.

Mr. Kuntz stated language would be added to grant exemption to students who attend schools or school districts within the City, and students who reside in the City.

Ms. Teppen noted that associated fees would be discussed at the third reading.

Councilmember Klein asked that the ordinance be submitted to the Chamber of Commerce for review.

**Motion by Klein, second by Grannis, to Approve Second Reading of an Ordinance Establishing Requirements for Peddlers & Solicitors**

**Ayes: 5**

**Nays: 0      Motion carried.**

**P. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Establishing Regulations relating to Graffiti**

Mr. Lynch stated two changes were made to the ordinance since the first reading. He explained that item C in the Findings section was removed because there was no specific study cited, and the penalty section was deleted because there is a general penalty provision section in the re-codification of the City Code.

**Motion by Klein, second by Grannis, to approve Second Reading of an Ordinance Establishing Regulations relating to Graffiti.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Q. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Adopting the Re-codification of the City Code Including the City Zoning Ordinance**

Ms. Teppen stated that following the first reading several minor changes were made and as per Council's request staff contacted the licensed contractors and garbage haulers to notify them of changes that were made to their insurance requirements. She noted that no questions or comments were received from the licensees.

Councilmember Piekarski Krech asked why the amount of time a service station can have a vehicle outside awaiting repair was reduced from seven (7) days to two (2) days.

Mr. Kuntz responded that information would be provided to the Council prior to the third reading of the ordinance as to what precipitated that change. He noted that time frame would not apply if there was a delay in getting the appropriate part(s) to repair the vehicle. He referred to page 13, section 3.2.25, relating to the salaries of the Mayor and Council and stated the reference to the 2005 amount would be removed.

Councilmember Piekarski Krech questioned why the licensing requirements for Christmas tree sales was removed from the code.

Ms. Teppen responded that the City had not issued a license or had a request for a license to conduct Christmas tree sales in over 15 years.

Mr. Kuntz stated the licensing of tobacco products was also removed from the code because the County took over the licensure and regulation of such businesses.

Mr. Kuntz referred to page 21 of the ordinance and stated there was a question related to the dismissal of the Fire Chief. He stated the Fire Chief is covered as a department head and this section is referring to a 2005 ordinance that needs to be revised after the re-codification is in place.

Mr. Kuntz referred to page 40 of the ordinance and indicated that the language would be changed to reflect that copies of the City Code would be placed in both Dakota County library locations.

**Motion by Klein, second by Madden, to approve Second Reading of an Ordinance Adopting the Re-codification of the City Code Including the City Zoning Ordinance.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**R. CITY OF INVER GROVE HEIGHTS; Consider Accepting Proposal for Barbara Avenue Bituminous Driveway Restoration**

Mr. Thureen explained that a quote was requested and received for a complete Barbara Avenue bituminous driveway restoration rather than patching the road. He stated the cost would be \$16,678 to place a new 4-inch bituminous surface on the road. He noted that the estimated cost for a 2-inch mill and overlay was \$14,346. He stated the new surfacing would be a better long-term solution for the road.

Councilmember Klein asked if both coats would be put on right away or if one would be delayed until after construction of the new City facilities was completed.

Mr. Thureen stated both coats would be put on right away.

Mayor Tourville commented that the road would need to be re-done after construction was complete because of the heavy truck and machine traffic that would be traveling on the new surface.

Mr. Thureen responded that it is a short segment of road that would be done and noted the contractor for the City facilities project would use the alternate route so as not to drive on the new section of bituminous.

Mayor Tourville suggested waiting to do the restoration until the heavy footings were in place.

The Council agreed that the consensus was to restore the driveway after construction.

Frank Rauschnott, 6840 Dixie Ave., agreed that Barbara Avenue should not be restored with new bituminous until after construction is done. He stated there was not a lot of discussion on 7M and he would like to see the compliance period remain at 15 days. He also discussed item 7Q and suggested that there needs to be a way that ordinances are done with more public input and more time for people to understand them.

**8. MAYOR AND COUNCIL COMMENTS:**

Councilmember Grannis asked about the status of the boulevard restoration along Clayton Avenue.

Mr. Thureen responded that proposals for restoration of the boulevard area on Clayton Avenue would be brought to the next meeting for Council action.

Mayor Tourville stated the Council would be going into Executive Session to discuss the acquisition strategy for the property located at 80<sup>th</sup> and Barnes. He noted the only thing Council would do upon returning is adjourn.

**9. EXECUTIVE SESSION:**

**A. Discuss Property Acquisition Strategy for Mn/DOT Property on the Corner of 80<sup>th</sup> and Barnes**

**10. ADJOURN:** Motion by Klein, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 12:05 a.m.