

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JULY 27, 2009 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, July 27, 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, Fire Chief Thill and Deputy Clerk Rheume.

3. PRESENTATIONS:

A. Assistance to Firefighter Grant – Judy Thill

Chief Thill explained the City was awarded an Assistance to Firefighter grant in the amount of \$70,000. She noted this is the third time since 2005 the City has been a recipient of the grant. She stated \$35,000 would be used for rescue equipment and \$35,000 would be dedicated to various types of educational training. She asked that the City Council consider authorizing the 10% match of funds that is required for the grant.

Mayor Tourville asked that a resolution indicating where the matching funds would come from be presented at the next meeting for Council approval.

4. CONSENT AGENDA:

Mayor Tourville removed Item 4C, Change Order No. 1 for National Guard Armory Gym Floor Replacement, from the Consent Agenda.

Councilmember Piekarski Krech removed Item 4E, Change Order No. 4 and Pay Voucher No. 13 for City Project No. 2003-15, Northwest Area Trunk Utility Improvements

Councilmember Grannis removed Item 4G, Consider Purchase of Water Heaters at the VMCC, and Item 4K, Schedule Public Hearing, from the Consent Agenda.

A. Minutes – July 13, 2009 Regular Council Meeting

B. Resolution No. 09-146 Approving Disbursements for Period Ending July 22, 2009

D. Resolution No. 09-147 Approving Final Compensating Change Order No. 3, Final Pay Voucher No. 6, Engineer's Final Report, and Resolution Accepting Work under the 2008 Pavement Management Program, City Project No. 2008-09H – South Grove Sod Replacement

F. Accept Proposal for Street Patching Services

H. Consider Hiring Consultant for Operational Assessment of Inver Wood Golf Course

I. Resolution No. 09-148 Authorizing Execution of Joint Traffic Safety Project Grant Awarded for the Period from October 1, 2009 through September 30, 2010

J. Resolution No. 09-149 Approving Charitable Gambling Premises Permit – IGH Hockey

L. Personnel Actions

Motion by Madden, second by Piekarski Krech, to approve the Consent Agenda.

Ayes: 5

Nays: 0 Motion carried.

C. Change Order No. 1 for National Guard Armory Gym Floor Replacement

Mr. Carlson explained that the warranty would provide for repair at the discretion of the manufacturer.

Motion by Madden, second by Grannis, to approve Change Order No. 1 for National Guard Armory Gym Floor Replacement

Ayes: 5

Nays: 0 Motion carried.

- E. Change Order No. 4 and Pay Voucher No. 13 for City Project No. 2003-15, Northwest Area Trunk Utility Improvements

Councilmember Piekarski Krech questioned why there were sprinklers installed at the skateboard park and the maintenance facility.

Mr. Thureen responded that most of the City's facilities have irrigation systems.

Mr. Carlson explained that the irrigation systems were damaged during the project.

Councilmember Piekarski Krech stated that irrigation systems in those areas seem unnecessary.

Motion by Klein, second by Madden, to approve Change Order No. 4 and Pay Voucher No. 13 for City Project No. 2003-15, Northwest Area Trunk Utility Improvements

Ayes: 5

Nays: 0 Motion carried.

- G. Consider Purchase of Water Heaters at the VMCC

Councilmember Grannis explained that he received additional information from staff and was told the water heater recommended for purchase from U.S. Mechanical for \$30,675 is 80% energy efficient, the product from Yale Mechanical for \$38,200 is 95% efficient, and the product from Master Mechanical for \$38,500 is 99.1% energy efficient. He noted the water heaters that are currently used are believed to be approximately 72%-75% energy efficient. He stated each water heater has a ten year life expectancy. He added that staff recommended purchasing the water heater offered by U.S. Mechanical because the energy savings over the ten-year life expectancy would not be equivalent to the \$7,825 cost difference between the model from U.S. Mechanical and the more energy efficient model from Master Mechanical.

Councilmember Piekarski Krech asked how much water is used by the zamboni each time it resurfaces the ice and questioned how many gallons of water the water heaters can heat.

Mr. Carlson responded that he did not know the exact size of the tank on the zamboni. He stated three water heaters are hooked up in a series and there would be no pay back with the more energy efficient models over ten years.

Motion by Madden, second by Grannis, to approve the purchase of water heaters for the VMCC from U.S. Mechanical in the amount of \$30,675.00 plus tax

Ayes: 5

Nays: 0 Motion carried.

- K. Schedule Public Hearing

Councilmember Grannis asked if it would help Mr. Cameron if the Council expedited the process and scheduled a special meeting to hold the public hearing. He stated if the public hearing was held before August 24th the business could be open sooner.

This item was discussed under item 7D on the regular agenda.

5. PUBLIC COMMENT:

Ted Trenzeluk, 7305 Bancroft Way, stated that the Inver Hills Assembly of God church property was affected by the recent construction. He explained that several events are scheduled in the coming weeks and the Church would like the property to be restored to its original state.

Mayor Tourville asked Mr. Trenzeluk to contact Mr. Thureen and Mr. Lynch to get the problem resolved.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:**ADMINISTRATION:****A. CITY OF INVER GROVE HEIGHTS;** Consider Approval of Additional Cost for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ms. Teppen explained the construction of the police addition to the West of the existing City Hall and the lower level storage area below the new council chamber location to the East of the existing building contractually note footings and foundations that extend below the existing footings and foundations. She stated that underpinning needs to be installed to assure stability during construction while excavation is occurring below the existing footing locations. She explained that the original construction bids and documents anticipated the construction of a concrete footing extension below the existing structure and it was determined that this type of underpinning would not be feasible on the West side of the building due to the height and lateral loads imposed. She stated that the design and owner's representative team agreed that a change was necessary to meet this project's specific conditions and that the project cannot move forward without the change. She explained that the contractor team submitted a cost associated with the underpinning system that included a credit for the elimination of the work included in the original bid documents. She stated the additional cost for the required work on the West side would be an amount not to exceed \$45,139. She noted that the owner's representative and design team assessed the revised costs to substantiate Shaw Lundquist's proposed costs for the finalized system on the West side.

Councilmember Klein asked if this was why a concrete wall was started and then taken down.

John Love, BKV Group, stated that was not related to the underpinning issue. He indicated that he would ask the contractor for an explanation and get back to the Council with the answer.

Councilmember Piekarski Krech questioned how the underpinning error occurred. She stated she is very concerned about keeping the project within the established budget and would like to see a breakdown of how the final cost for the change was reached, including the credits that were issued.

Mr. Love responded that the error occurred because a note was inadvertently left off of the construction bid documents. He stated that the design team will exercise due diligence to maintain the project budget and noted that the additional design time for the underpinning was done at no charge to the City.

Mayor Tourville asked that a spreadsheet be provided for every change order so that the costs are clearly laid out and documented.

Councilmember Grannis suggested that the change order information, including running totals for the project, be included with the Council's Friday information updates.

Mr. Love reiterated that the underpinning issue was affecting the contractor's ability to proceed with the project.

Councilmember Madden commented on working to reduce the number of change orders that are needed for projects.

Motion by Grannis, second by Tourville, to approve additional cost for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ayes: 4

Nays: 1 (Klein) Motion carried.

COMMUNITY DEVELOPMENT:**B. HERDTLE;** Consider Resolution relating to a Variance to encroach within the front yard setback for a porch addition for property located at 7710 Banks Path

Mr. Link explained the applicant submitted a variance request to construct a porch addition that would encroach within the front yard setback of the R-1C, Single Family Residential Lot. He stated that the lot

currently features the home and an attached garage constructed 32 feet from the property line. He noted that the proposed porch addition would be 96 square feet and would extend six feet into the required setback. He stated both planning staff and the Planning Commission recommended denial of the request because no hardship was identified. He explained that the property does not have any special conditions that make it unique and the applicant is not being denied reasonable use of the property.

Thomas Herdtle, 7710 Banks Path, stated that a number of the houses in the neighborhood have a front porch and the primary function of the porch would be to protect the front of his home from weathering.

Councilmember Piekarski Krech asked if the maintenance issue could be the identified hardship. She stated the porch addition would help maintain the value of the home and retain the aesthetic viability.

Mr. Kuntz responded that the hardship could be a function of the curvature of the road as the property owner would like to keep his home even with the homes on either side of the property.

Mayor Tourville stated that the overhang would only extend as far as the cement and the addition would enhance the home. He added that the porch addition would not negatively impact the neighborhood.

Mr. Kuntz identified a desire to create a uniformity of setbacks in the neighborhood as a potential reason to grant the variance.

Councilmember Piekarski Krech stated the hardship be identified as a function of the design of the roadway and the desire to enhance the aesthetics of the neighborhood by creating uniform setbacks.

Motion by Piekarski Krech, second by Klein, to approve Resolution No. 09-150 relating to a Variance to encroach within the front yard setback for a porch addition for property located at 7710 Banks Path with the hardships identified as the design of the roadway and the creation of uniform setbacks to enhance the aesthetics of the neighborhood.

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION CONT.

C. CITY OF INVER GROVE HEIGHTS; Consider the following actions:

- i) Consider the Third Reading of an Ordinance Adopting the Recodification of the City Code Including the City Zoning Ordinance
- ii) Consider Resolution Adopting for Publication the Summary and Title of the Ordinance Adopting Recodification of the 1974 Code of City Ordinances

Councilmember Piekarski Krech questioned a change to section 3.2.35 which would reduce the amount of time motor vehicles in need of repair could be stored on the property from seven days to forty-eight hours. She stated that the change was restrictive and may make it difficult for service stations to operate. She added that the police department should not be involved in the enforcement of the ordinance or in the granting an extension of time to the business.

Mr. Kuntz responded that the base requirement of not more than forty-eight hours came from the zoning code. He reviewed the exceptions and stated the zoning code had been in effect for a long period of time and has not caused any problems for service stations in the City. He noted that the intent of the change to the zoning code was to address outdoor storage issues.

Mayor Tourville suggested deleting the "police department" terminology under section 3.2.35 on page 15 of the ordinance and inserting "the City".

Frank Rauschnott, 6840 Dixie Ave., stated that the City should be less restrictive on small businesses.

Motion by Madden, second by Grannis, to approve Ordinance No. 1190 adopting the Recodification of the City Code including the City Zoning Ordinance and to approve Resolution No. 09-151 adopting for Publication the Summary and Title of the Ordinance Adopting Recodification of the

1974 Code of City Ordinances with the change to Section 3.2.35**Ayes: 5****Nays: 0 Motion carried.****D. CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Amendment relating to Off-Sale Intoxicating Liquor Licenses

Mr. Kuntz explained that the current liquor ordinance prohibits off-sale intoxicating liquor establishments to be located within 500 feet of a school or a church and noted that the current ordinance provides for two exceptions to that regulation. He stated that the proposed amendment would create two additional exceptions that would only relate to instances where the liquor establishment was acquired by a governmental entity. He explained that in a situation where the government acquired the liquor store and the store was within 500 feet of a school or church, the new change would allow the liquor store to relocate within 500 feet of the same school or church provide the relocation occurred within three years of the acquisition. He stated the second change would be to allow the acquired establishment to relocate within 500 feet of any school or church for a temporary period of two years if the relocation occurred within six months after the acquisition. He noted that after two years at the relocated site, the relocated site would no longer be an eligible location for an off-sale intoxicating liquor license.

Mr. Kuntz addressed the Cameron's Liquor Store situation and explained that Mr. Cameron would like to temporarily relocate his store to the old Snyder's Drug Store site. He explained that the application to relocate the premises for which the liquor license was granted is a separate issue that requires a public hearing.

Councilmember Grannis reiterated his suggestion to schedule a special Council meeting to hold the public hearing to address the relocation of the licensed premises.

Councilmember Madden stated that he would like to expedite the process and proposed passing the ordinance amendment in one reading rather than three.

George Cameron IV, 2477 79th Street, stated that he would appreciate the Council expediting the process so he could open at his new location as soon as possible.

Mayor Tourville stated that if the ordinance amendment was passed in one reading and the publication requirements were considered the Council could schedule a special meeting on August 13th to hold the public hearing.

Mr. Kuntz stated that the ordinance amendment would go into effect five days after publication and the public hearing could be held ten days after publication of the notice.

Mayor Tourville clarified that if the relocation application was approved, Mr. Cameron could open at his new location on August 14th.

Motion by Piekarski Krech, second by Madden, to forego three readings and adopt Ordinance No. 1191, an amendment relating to Off-Sale Intoxicating Liquor Licenses, and to schedule a Special Council Meeting for Thursday, August 13, 2009 at 7:00 p.m. in the City Council Chambers to conduct a public hearing to consider the application for relocation of the Off-Sale Liquor License held by Cameron's Warehouse Liqs, Inc. dba Cameron's Liquor Warehouse

Ayes: 5**Nays: 0 Motion carried.****E. CITY OF INVER GROVE HEIGHTS;** Consider Third Reading of an Ordinance Amending Sec. 1500 of the City Code

Ms. Teppen stated this amendment would reduce the compliance time for grass and weed violations from 15 days to 7 days.

Councilmember Madden confirmed that the property owner could still work with the City to get an

extension or assistance with compliance.

Councilmember Piekarski Krech stated she would vote against the amendment because there should be more personal contact. She asked how the City would choose who will abate the nuisances.

Ms. Teppen responded that staff solicited three proposals and quotes from local contractors.

Councilmember Piekarski Krech suggested doing an RFP in the future.

Motion by Klein, second by Madden, to adopt Ordinance No. 1192 amending Section 1500 of the City Code

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

F. CITY OF INVER GROVE HEIGHTS; Consider Third Reading of an Ordinance Amending Sec. 115 of the City Code

Ms. Teppen stated the amendment would allow the Code Compliance Specialist to issue citations for violations of the code. She noted there have been 237 nuisance cases in the past year and a total of 5 citations were issued.

Councilmember Madden stated he is in favor of the change because it will give the police department time to respond to more critical issues.

Councilmember Piekarski Krech stated she still thinks there needs to be more personal contact with property owners.

Motion by Grannis, second by Madden, to adopt Ordinance No. 1193 Amending Section 115 of the City Code

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

G. CITY OF INVER GROVE HEIGHTS; Consider the following actions:

- i) Consider Third Reading of an Ordinance Establishing Requirements for Peddlers and Solicitors
- ii) Consider Resolution Adopting Fees with respect to a Peddler’s License

Ms. Teppen explained that per Council direction any student who resides in the City or any student that attends a school located in the City or any student attending a school inside or outside the City operated by a school district that has at least one school located within the City would be exempt from the licensing requirements . She noted fees associated with the license were also proposed for Council consideration.

Councilmember Grannis suggested that the fees be added to the schedule that is updated annually.

Councilmember Piekarski Krech asked if the fees would adequately cover the costs.

Mr. Lynch stated that staff believes the fees will cover costs and noted that staff would monitor the situation and advise the Council if the fees need to be adjusted.

Motion by Klein, second by Madden, to adopt Ordinance No. 1194 Establishing Requirements for Peddlers and Solicitors and to approve Resolution No. 09-152 Adopting Fees with respect to a Peddler’s License

Ayes: 5

Nays: 0 Motion carried.

H. CITY OF INVER GROVE HEIGHTS; Consider Third Reading of an Ordinance Establishing Regulations relating to Graffiti

Mr. Kuntz stated no changes had been made since the second reading of the ordinance.

Motion by Klein, second by Madden, to adopt Ordinance No. 1195 Establishing Regulations relating to Graffiti

Ayes: 5

Nays: 0 Motion carried.

PUBLIC WORKS:

I. CITY OF INVER GROVE HEIGHTS; Consider Appointment of Alternate to the Gun Club Lake Watershed Management Organization Board

Mr. Thureen explained that the three-year term for the alternate position has expired.

Councilmember Piekarski Krech stated that Mr. Huffman will be very busy with his duties on Parks and Recreation Advisory Commission.

Councilmember Grannis asked what area of the City this organization applies to.

Mr. Thureen responded it is a small portion of the West side of the city.

Councilmember Grannis noted that Mr. Cederberg lived closer to the watershed.

Councilmember Madden stated he would like to see Mr. Huffman appointed because he likes his positive attitude.

Motion by Piekarski Krech, second by Grannis, to appoint Mr. Allan Cederberg as alternate to the Gun Club Lake Watershed Management Organization Board

Ayes: 3

Nays: 2 (Klein, Madden) Motion carried.

J. CITY OF INVER GROVE HEIGHTS; Clayton Avenue Boulevard Restoration

Mr. Thureen stated that staff recommended seeding options be considered for boulevard restoration because of the deep rooting that would occur within the topsoil and the use of alkali seed mixtures would also resist the affects of road salt. He noted that the use of compost/topsoil mix provides an advantage to retain moisture and promote seed germination and turf growth.

Councilmember Madden asked if a completion date could be identified in the contract and if the contractor offered a warranty for the work.

Mr. Thureen responded that the City would pay for any warranty beyond thirty days. He indicated that staff could ask the contractor to amend the proposal to include a completion date.

Councilmember Madden stated he would like to know what a one year warranty cost.

Councilmember Piekarski Krech commented that the work should be done in September or October to make sure that extreme heat is not a factor.

Mayor Tourville asked that staff obtain a project timeline and warranty information from the contractor.

Motion by Piekarski Krech, second by Madden, to approve Option 2 and authorize Windscares to vegetate the East boulevard of Clayton Avenue from 67th Street to 75th Street in the amount of \$9,777.60

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember Piekarski Krech asked who was responsible for construction at 80th and Robert Street. She stated that the area has not been signed appropriately.

Mr. Thureen responded that the City was the lead agency for the project and he would look into additional

signage.

Councilmember Grannis asked Mr. Link to move the water testing program for the southern part of the City up on the priority list because he would like to see it done in the near future.

9. ADJOURN: Motion by Piekarski Krech, second by Grannis, to adjourn. The meeting was adjourned by a unanimous vote at 9:30 p.m.