

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 10, 2009 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, August 10, 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 Recording Clerk Fox.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Councilmember Madden removed Item 4E, Change Order No. 1 and Pay Voucher No. 1 for City Project No. 2009-09B, Sealcoating and Item 4G, Final Pay Voucher for Heritage Village Park Contract with Carl Bolander and Sons - Flood Plain Forest, from the Consent Agenda.

Councilmember Piekarski Krech removed Item 4K, Resolution Approving Contract with Cityview to upgrade Inspection Software, from the Consent Agenda.

- A.** Minutes – July 27, 2009 Regular Council Meeting
- B.** **Resolution No. 09-153** Approving Disbursements for Period Ending August 5, 2009
- C.** Pay Voucher No. 1 for Heritage Village Park Contract with Carl Bolander and Sons, Disc Work
- D.** Pay Voucher No. 1 for City Project No. 2009-09A, Cracksealing
- F.** Pay Voucher No. 2 for City Project No. 2009-09D, South Grove Street Reconstruction Area 4
- H.** **Resolution No. 09-154** for Authorization to Revoke County State Aid Highway (CSAH) Status and Designate County Road Status to County State Aid Highway 24 (66th Street East)
- I.** Approve Agreement with Flint Hills Resources for the Extension of a Private Sanitary Sewer System
- J.** Approve Improvement Agreement, Storm Water Facilities Maintenance Agreement, Encroachment Agreement, Restrictive Use Easement, and three (3) Impervious Surface Agreements for the Plat of Dahn Addition
- L.** **Resolution No. 09-156** Making and Election Not to Waive the Statutory Tort Limits for Liability Insurance Purposes
- M.** Pay Voucher No. 2 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- N.** **Resolution No. 09-157** Accepting Assistance to Firefighters Grant and Authorizing Requisite Fund Match
- O.** **Resolution No. 09-158** Approving Renewal of Inver Grove Heights Soccer Association's Charitable Gambling Premises Permit at Celts Pub, 6559 Concord Boulevard
- P.** Approve Temporary Extension of Licensed Premises relating to On-Sale Intoxicating Liquor License held by Grove Bowl, Inc. dba Drkula's "32" Bowl, 6710 Cahill Ave. E.
- Q.** Approve Temporary Extension of Licensed Premises relating to On-Sale Intoxicating Liquor License held by Kladek, Inc. dba King of Diamonds, 6600 River Road
- R.** Approve Contract with Global Golf Advisors for the Inver Wood Golf Course Operational Assessment
- S.** Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

E. Change Order No. 1 and Pay Voucher No. 1 for City Project No. 2009-09B, Sealcoating

Councilmember Madden commented on the high cost of the change order and questioned how this situation could be avoided in the future.

Mr. Thureen responded that normally two people review the estimates for City projects and in this case that did not happen and the quantity increases were due to mathematical errors in the bid quantities.

Mr. Madden asked staff to make sure that numbers are double checked in the future to avoid similar mistakes.

Motion by Madden, second by Grannis, to approve Change Order No. 1 and Pay Voucher No. 1 for City Project No. 2009-09B, Sealcoating

Ayes: 5

Nays: 0 Motion carried.

G. Final Pay Voucher for Heritage Village Park Contract with Carl Bolander and Sons, Flood Plain Forest

Councilmember Madden questioned what factors contributed to the determination that the area in the flood plain forest needed to be made larger and why staff and the contractor did not know what the size of the area needed to be from the beginning.

Mr. Carlson responded that the area became larger because the engineering staff determined that all of the trees needed to be removed from the levee.

Mr. Thureen added that the trees were removed to eliminate their effect on the structural integrity of the levee.

Motion by Madden, second by Piekarski Krech, to approve the final pay voucher for the Heritage Village Park Contract with Carl Bolander and Sons for work relating to the flood plain forest

Ayes: 5

Nays: 0 Motion carried.

K. Resolution Approving Contract with Cityview to upgrade Inspection Software

Councilmember Piekarski Krech asked if Cityview offered the City a credit or discount for the software upgrade because the existing software was purchased through them.

Mr. Link stated that the initial contract amount was reduced and he was not sure if the reduction was a credit or discount for the existing software.

Motion by Piekarski Krech, second by Madden, to approve contract with Cityview to upgrade inspection software

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Jerry Bretoi, 8365 Courthouse Boulevard Court, explained that he lives across the street from the United Properties development and expressed concern that the property is not being maintained and appears to be abandoned, rather than just vacant. He asked if maintenance could be done to make the property more aesthetically pleasing for the neighborhood.

Councilmember Klein questioned if United Properties entered into a maintenance agreement.

Mr. Kuntz indicated that there was no maintenance agreement in place.

Councilmember Klein suggested that the City should consider requiring maintenance agreements for future development projects.

Mayor Tourville asked that staff contact United Properties and pass along the concerns that were raised.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. SUSSEL CORPORATION; Consider the following resolutions for property located at 5924 Bradbury Court:

- i) Conditional Use Permit to allow impervious surface coverage to exceed 25%
- ii) Variance to allow the construction of a home addition that would exceed the 30% maximum impervious surface coverage

Mr. Link explained that the applicant proposed the addition of a 14'x 18' elevated four-season porch onto the rear of the house. He stated the property already exceeds the 30% impervious coverage limit as the existing impervious surface is at almost 33% and the porch would add an additional 2%. He explained that planning staff and the Planning Commission recommended denial of the requests due to lack of hardship.

Mike Russell, Sussel Corporation, stated he was the builder as well as a neighbor to the property owner. He explained the porch would be built on stilts and an actual foundation would not be laid, so they would not be covering the ground. He noted they have been working with planning and engineering staff on the incorporation of a rain garden to mitigate the stormwater runoff from the porch addition. He stated that the property owner wants to build the addition because he has Parkinson's disease and has difficulty accessing the lower level of his home via the stairs. He suggested that the hardship could be that the lot is too small to meet the impervious surface requirements.

Martin Burke, 5924 Bradbury Court, stated this was a medical hardship and the addition would allow him to remain in his home because he would have one-level living.

Councilmember Klein questioned if the hardship could be based on Mr. Burke's medical condition.

Mr. Kuntz responded that the applicant's medical condition could not be identified as the hardship.

Mr. Link explained that the porch addition is considered to be impervious cover because there is a roof over it. He stated that the hardship has to be something unique about the lot.

Councilmember Klein commented that the impervious surface standards were changed after the lots have been developed.

Councilmember Madden stated that the Council would be setting a precedent if the request was approved without a viable hardship.

Councilmember Piekarski Krech stated she would like to see staff develop a new regulation that would require a higher storm water utility fee be paid by residents that want to exceed the impervious surface standards.

Mike Russell stated it is a 12,000 square foot lot and the 2% addition is a minimal amount. He stated they would be installing a rain garden that would take the water from the roof.

Willie Krech, 9574 Inver Grove Trail, commented that if the applicant can control the runoff there should not be a problem.

Councilmember Piekarski Krech responded that the issue is that in order to grant a variance there has to

be a hardship that is particular to that piece of property.

Mayor Tourville asked if the hardship could be that the home existed prior to the impervious surface standards being changed.

Mr. Kuntz responded that the fact that the house existed before the Council changed the impervious surface requirements cannot be a hardship on its own. He reviewed that the current ordinance allows up to 25% impervious surface without a permit or variance and requests for impervious surface between 25% and up to 30% are allowed if a conditional use permit is obtained. He stated that requests to go beyond 30% require a hardship because a variance needs to be obtained.

Mayor Tourville asked if there was any way that the applicant could make the porch addition work by maintaining the existing 32.6% impervious surface coverage. He suggested that the applicant may want to continue to review and discuss the request with staff to try and determine a hardship or modify the plan.

Mr. Link noted that the current regulations are temporary and they may change in the next few months.

Mike Russell asked that the item be tabled to allow for further discussion with staff.

Motion by Madden, second by Klein, to table the item to August 24, 2009 and to extend the sixty day application deadline.

Ayes: 5

Nays: 0 Motion carried.

B. VANSOUTH LIMITED PARTNERSHIP; Consider Resolution relating to a Variance to allow an additional free standing sign for the Southridge Center located at the corner of Highway 3 and Mendota Road

Mr. Link stated the applicant requested an additional free standing sign on the southwest corner of the property. He explained the property already has three free standing signs along Mendota Road and South Robert Trail. He stated the additional sign is for a new tenant that would like more presence off of South Robert Trail. He noted the proposed sign would be 124 square feet in size and 20 feet high. He stated all required setbacks were met and both Planning staff and the Planning Commission recommended approval of the request.

Motion by Madden, second by Klein, to approve Resolution No. 09-159 relating to a Variance to allow an additional free standing sign for the Southridge Center located at the corner of Highway 3 and Mendota Road

Ayes: 5

Nays: 0 Motion carried.

PUBLIC WORKS:

C. CITY OF INVER GROVE HEIGHTS; Consider Resolution Accepting the Proposal from and Awarding Contract for Feasibility Study and Preliminary Engineering Services for City Project No. 2009-08, Courthouse Boulevard Trail Improvements

Mr. Thureen stated proposals were received from four firms for the feasibility study and preliminary engineering services for the Courthouse Boulevard Trail improvements. He explained staff reviewed the proposals and recommended accepting the proposal from Bonestroo in the amount of \$6,740. He noted Bonestroo had a lot of experience working with the project manager.

Jerry Bretoi, 8365 Courthouse Boulevard Court, stated that he does not want a trail and most of the neighbors he has talked to say they do not care if there is a trail. He suggested that if a trail was built, that it be adjacent to the blacktop and not separated. He stated if it is not going to be adjacent to the road a sidewalk should be put in and a buffer for the neighbors should be considered as well.

Mayor Tourville clarified that both alternatives are being looked at.

Councilmember Grannis stated he would vote against a motion to approve because the majority of the people do not want the trail.

Mayor Tourville stated he is looking to get all of the information to make a decision about the trail.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 09-160 accepting the proposal from and awarding contract to Bonestroo for feasibility study and preliminary engineering services for City Project No. 2009-08, Courthouse Boulevard Trail Improvements

Ayes: 4

Nays: 1 (Grannis) Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider Resolution Approving Improvement Agreement for Sanitary Sewer on Briggs Drive

Mr. Thureen explained the City received an application from the property owners to install the sanitary sewer lateral on Briggs Drive and to connect the buildings to the sewer. He stated the Engineering and Building Inspections divisions worked with the applicants to revise the plans to meet the City's standards and to submit the plans to the Metropolitan Council and the Minnesota Pollution Control Agency to obtain the necessary permits. He explained the improvement agreement memorializes the responsibilities of the applicants to construct and the responsibility of the City to maintain and operate the sanitary sewer.

Motion by Klein, second by Madden, to adopt Resolution No. 09-161 approving improvement agreement for sanitary sewer on Briggs Drive

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR AND COUNCIL COMMENTS:

The City Council thanked everyone that participated in the MN Night to Unite activities.

Councilmember Klein asked for an update on the renaming of Inver Grove Trail and 105th Street.

Mr. Link explained staff sent letters to residents and information would be brought back to the City Council after responses were received.

Councilmember Klein asked what the status was of the mill and overlay project on Cahill Avenue.

Mr. Thureen stated the asphalt would be laid in approximately two weeks.

Councilmember Klein asked if anyone contacted the State on the site line issue at Ann Marie Trail and South Robert.

Mr. Thureen responded that the State was contacted and their opinion was that it is not an issue.

Councilmember Klein suggested that the City Council send a letter.

Mayor Tourville asked Mr. Thureen to obtain a written response from the State on the issue.

Councilmember Grannis asked what the status was of the water testing program for the southern portion of the City.

Mr. Link responded that there are a lot of technical questions that have to be answered in order to get the program up and running. He stated that the estimated cost to start the program is \$15,000-\$20,000.

Councilmember Piekarski Krech asked if new certificates of occupancy are issued for a foreclosed home.

Mr. Link stated the City does not issue a certificate of occupancy because it does not require a building permit.

9. ADJOURN: Motion by Grannis, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 9:09 p.m.