

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 24, 2009 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, August 24, 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, Finance Director Lanoue, Police Chief Kleckner, Parks & Recreation Director Carlson, Community Development Director Link and Deputy Clerk Rheume.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Councilmember Klein removed Item 4E, Change Order No. 1 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation, from the Consent Agenda.

Citizen Tom Leach, removed Item 4G, Approve Limited Canada Goose Hunt within the City, from the Consent Agenda.

Citizen Ed Gunther pulled Item 4I, Approve Signing for the Mississippi River Trail, from the Consent Agenda.

- A. i) Minutes – August 10, 2009 Regular Council Meeting
ii) Minutes – August 13, 2009 Special Council Meeting
- B. **Resolution No. 09-162** Approving Disbursements for Period Ending August 19, 2009
- C. Pay Voucher No. 4 for City Project No. 2008-10, Ravine Ponds Improvement
- D. Final Pay Voucher No. 2, Engineer's Final Report, and Resolution Accepting Work of Northwest Sealing for City Project No. 2009-09A, Cracksealing
- F. **Resolution No. 09-163** Approving Plans and Specifications for City Project No. 2009-29, City Well No. 9, Phase 2 – Site and Well House Improvements
- H. Approve Fence and Trail Quotes for South Valley Trail
- J. Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

E. Change Order No. 1 for City Project No. 2008-18, Public Safety Addition/ City Hall Renovation

Councilmember Klein asked for further clarification regarding item CCD-001.

Ms. Teppen explained that item CCD-001 was a revision to layout and provision of additional exterior buried conduit, and additional pull box for the relocation of the fiber optic lines and telephone cables. She stated the work was required to accommodate the coordinated relocation of the utilities.

Motion by Madden, second by Grannis, to approve Change Order No. 1 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ayes: 5

Nays: 0 Motion carried.

G. Approve Limited Canada Goose Hunt within the City

Mr. Tom Leech requested that the City consider extending the goose hunt season in the area from October 3rd to October 18th. He stated that the crops should be down during that period and would allow more opportunity for hunters to harvest the geese.

Mayor Tourville stated the Council received a letter from the Minnesota Department of Natural Resources that suggested the City consider a longer hunting season.

Councilmember Piekarski Krech asked if the Police Chief would have any objections to the implementation of a longer season.

Motion by Klein, seconded by Madden, to receive the letter from the Minnesota Department of Natural Resources.

Ayes: 5

Nays: 0 Motion carried.

Police Chief Kleckner discussed the proposed season and indicated he would not be opposed to an additional week in October provided the conditions are safe and the neighbors do not have any objections.

Mayor Tourville clarified that the dates would be September 5th through September 22nd, October 3rd through October 11th and November 14th through November 15th.

Motion by Klein, second by Madden, to approve a Limited Canada Goose Hunt within the City on the following dates: September 5th through September 22nd, October 3rd through October 11th, and November 14th through November 15th.

Ayes: 5

Nays: 0 Motion carried.

I. Approve Signing for the Mississippi River Trail

Ed Gunther, 6671 Concord Boulevard, stated he would like to see the Great River Road designation remain along Concord Boulevard.

Councilmember Piekarski Krech stated the Great River Road designation would remain along Concord and noted the Mississippi River Regional Trail is separate from that designation. She explained that the regional trail would be a bike trail.

Mayor Tourville further clarified that one is the designation of a road and one is the designation of a trail.

Mr. Carlson explained that the trail designation through the City would be temporary until the Mississippi River Regional Trail is completed by Dakota County. He stated that after the regional trail is completed it will be re-designated as the Mississippi River regional trail. He clarified that the Mississippi River Trail and the Mississippi River Regional Trail are two separate items.

Motion by Piekarski Krech, second by Tourville, to approve signing for the Mississippi River Trail.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Jim Brown, 1186 90th St. E., stated the opportunity is still available for the Council to visit the Lakes and Plains Regional Council Headquarters and Training Center in St. Paul for a view of what the carpenters do and the apprentice training programs they participate in. He noted the best time to visit the center is during the day.

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 request is to add a porch on to the back side of the house. He stated the addition would increase the impervious coverage on the lot to 34.6%. He noted the City Council tabled the item to allow the applicant to look at different options. He noted the problem is still lack of a hardship.

Mike Russel, Sussel Builders, stated that the original intent of the ordinance was to manage storm water runoff. He explained that three possible solutions were developed to mitigate the water runoff including the installation of an additional rain garden to reduce the runoff to 30%, building a water infiltration system under the porch to distribute water evenly to the ground, or removal of concrete from the driveway and replacement with a pervious paver to reduce the amount of existing impervious surface on the lot. He noted that the applicant would prefer to install an additional rain garden because it would be the easiest feature to maintain. He addressed the need to identify a hardship and explained that the lot itself is the hardship because the ordinance puts it in to a non-conforming status. He reiterated that they are willing to work with the City to control the storm water runoff. He referenced two other cases in which the City granted variances for over 30% impervious coverage and discussed the precedent that was set as a result of those cases in terms of identification of a hardship.

Councilmember Grannis stated that another intent of the ordinance was to prevent overcrowding on lots.

Mr. Link confirmed that the ordinance was also intended to keep a lot from being overbuilt. He stated the control of storm water runoff became another reason for the impervious surface requirements.

Mayor Tourville asked if the conditional use permit would still be needed if an additional rain garden was installed.

Mr. Link explained that the installation of a rain garden does not reduce the amount of impervious cover.

Councilmember Piekarski Krech stated that the issue is the hardship because it needs to be something unique about the property.

Mayor Tourville added that it is the applicant's responsibility to identify the hardship.

Mr. Russel stated that the lot was small in comparison to other lots on the cul-de-sac.

Mayor Tourville reiterated that the additional 2% creates the need for a variance.

Mayor Tourville suggested that the definition of impervious may need to be looked at again. He referenced the study being done by the Community Development and Engineering departments and stated that there may be some areas where the allowable amount of impervious cover may go up and other areas where that figure will go down. He questioned whether or not the Council possessed the authority to dictate how impervious surface is calculated.

Mr. Kuntz responded that if the Council desired a change to the interpretation of the ordinance as per the zoning administrator an appeal would need to be made to the Planning Commission.

Mayor Tourville suggested that the Council appeal the interpretation of the ordinance.

Councilmember Madden expressed concern with setting a precedent if the request was approved without a legal hardship.

Mr. Russel indicated that they could wait until the study was completed for a decision by the Council.

Mayor Tourville noted that if the impervious surface coverage regulations were to change the applicant would not have to pay another application fee.

Mr. Kuntz stated that the Council could not table the item beyond October 20, 2009. He noted the applicant needed to submit a written request to table the item beyond the time frame specified by the Council.

Motion by Piekarski Krech, second by Klein, to table the item to September 28, 2009

Ayes: 5

Nays: 0 Motion carried.

PARKS AND RECREATION:

B. CITY OF INVER GROVE HEIGHTS; Consider Approval of Berm between the South St. Paul Gun Club and Heritage Village Park

Mr. Carlson explained that the County and City proposed construction of an eight foot berm to serve as a barrier between Heritage Village Park, the Mississippi River Regional Trail, and the South St. Paul Gun Club. He stated the anticipated construction costs, totaling \$22,000, would include the clearing and grubbing of trees, the installation of a cyclone fence, and the establishment of ground cover on the berm. He noted that a lateral support agreement and a temporary easement agreement would also need to be executed. He explained that Dakota County would contribute \$10,000 towards construction of the berm, the South St. Paul Gun Club would contribute \$4,000, and the City would be responsible for the remaining \$8,000 in construction costs. He stated funding for the City's portion of the project is proposed to come from the Park Acquisition and Development Fund.

Motion by Klein, second by Piekarski Krech, to approve installation of a berm between the South St. Paul Gun Club and Heritage Village Park

Ayes: 5

Nays: 0 Motion carried.

C. CITY OF INVER GROVE HEIGHTS; Consider Request for Park Property Boundary Exception at 7907 Conroy Way E.

Mr. Carlson explained that as a part of the park property boundary survey process, property owners living next to parks with encroachments were sent letters informing them to remove private improvements from public park property. He stated that the property owners of 7907 Conroy Way E. requested that the City consider allowing their fence to remain on park property or selling them approximately 550 square feet of the park property. He noted that staff expressed concern regarding the potential precedent that would be set if sale of the park property was considered. He added the Parks and Recreation Advisory Commission recommended denial of the request.

Doug Renner, 7907 Conroy Way E., stated the fence existed when he purchased the home eighteen years ago. He explained that because he did not install the fence, and because it is located on City property, the City should be responsible for removal of the fence.

Councilmember Piekarski Krech commented that portions of the fence are located on Mr. Renner's property.

Mr. Renner indicated he would be interested in buying a portion of the park property from the City to make the back of his lot straight.

Mayor Tourville suggested that staff consider what the City's position is going to be regarding encroachments that existed prior to the current property owner's purchase of the lot.

Mr. Lynch noted that two additional structures are located on park property in addition to the fence.

Mr. Renner stated that he regularly mows the park property and noted he would remove the kennels.

Councilmember Grannis suggested tabling the item to allow the City Attorney to review the issue.

Mayor Tourville said it would come back September 28th.

Motion by Madden, second by Klein, to table request for Park Property Boundary Exception to September 28, 2009**Ayes: 5****Nays: 0 Motion carried.****ADMINISTRATION:****D. CITY OF INVER GROVE HEIGHTS;** Consider Approval of Compensation Adjustment for Non-Union Group of Employees

Mr. Lynch explained that the City's four collective bargaining groups received compensation increases in 2009 as a result of collective bargaining agreements that were approved in 2008. He stated that a recommendation regarding a compensation increase in 2009 for the non-union group of employees was delayed pending further information regarding the City's financial status in terms of building permit revenue, tax collections, and investment income. He explained that because two of the three income sources are either higher than projected or remaining steady, a 3% increase for the Non-Union group of employees retroactive to January 1, 2009 is proposed. He stated a 3.25% increase was included in the 2009 budget.

Councilmember Klein asked if the compensation schedule had been changed.

Mr. Lynch responded that the 2008 Non-Union compensation schedule was adjusted by 3%.

Mayor Tourville noted that it looks like there will be no increase across the board in 2010.

Motion by Grannis, second by Tourville, to approve compensation adjustment for non-union group of employees**Ayes: 5****Nays: 0 Motion carried.****8. MAYOR AND COUNCIL COMMENTS:**

Councilmember Klein commented on the progress of the Cahill Avenue Mill and Overlay project.

Mayor Tourville reminded the Council about the Yellow Ribbon Campaign event scheduled for August 25th at 6:30 p.m.

Councilmember Piekarski Krech reminded citizens of upcoming Inver Grove Heights Days events.

9. ADJOURN: Motion by Madden, second by Grannis, to adjourn. The meeting was adjourned by a unanimous vote at 9:21 p.m.