

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, SEPTEMBER 14, 2009 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, September 14, 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, Public Works Director Thureen, Parks & Recreation Director Carlson, Community Development Director Link and Deputy Clerk Rheaume.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Councilmember Klein removed Item 4G, Pay Voucher #1 for City Project No. 2008-09G - Cahill Avenue/Brooks Boulevard Mill and Overlay, from the Consent Agenda.

Councilmember Madden, removed Item 4S, Authorize Traffic Study of Pedestrian Crossing on Cahill Avenue in front of the Inver Grove Heights Middle School, from the Consent Agenda.

- A. Minutes – August 24, 2009 Regular Council Meeting
- B. **Resolution No. 09-167** Approving Disbursements for Period Ending September 9, 2009
- C. Pay Voucher No. 2 for National Guard Armory Gym Floor Project
- D. Pay Voucher No. 3 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- E. Pay Voucher No. 10 for City Project No. 2003-03, Southern Sanitary Sewer
- F. Change Order No. 1 and Pay Voucher No. 1 for City Project No. 2008-09F, Salem Hills Farm Street Reconstruction Mill and Overlay
- H. Change Order Nos. 1, 2, 3 & 4 and Pay Voucher No. 1 – City Project No. 2009-01, 80th Street Roundabout
- I. Final Pay Voucher, Engineer's Report, and **Resolution No. 09-168** Accepting Work for City Project No. 2009-09B, Sealcoating
- J. Change Order No. 2 and Pay Voucher No. 3 for City Project No. 2009-09D, South Grove Street Reconstruction Area 4
- K. Final Compensating Change Order, Final Pay Voucher, Engineer's Report, and **Resolution No. 09-169** Accepting Work for City Project No. 2007-05, Northwest Area Storm Water Overflows
- L. Authorize Payment for 60" Storm Sewer along Concord Boulevard
- M. Accept Proposal for Exterior Cleaning of Northside Water Tower
- N. Approve Purchase of Bathroom Stall Partitions for Maintenance Building
- O. Receive Quotes and Award Contracts for Street Patching Services
- P. Accept Proposal for Storm Sewer Pipe Repair at 8615 Ann Marie Trail
- Q. **Resolution No. 09-170** Banning Parking on River Road adjacent to River Front Park
- R. Approve Application for Crossing Permit and Agreement with Union Pacific Railroad for City Project No. 2008-11, Southern Sanitary Sewer (East Segment)
- T. Approve Appointment of Auditors for the Year Ending December 31, 2009
- U. **Resolution No. 09-171** Requesting Acquisition of Tax Forfeited Property – PIN – 20-00200-010-78
- V. **Resolution No. 09-172** Requesting Acquisition of Tax Forfeited Property – PIN – 20-36500-150-41

- W. Consider Improvements for North Valley Disc Golf Course
- X. Approve Massage Therapist License – Paula Fink
- Y. Approve Temporary Liquor License Request of Inver Hills Community College for Event to be held on October 2, 2009
- Z. **Resolution No. 09-173** Authorizing the City Administrator to Execute the Letter of Understanding on the Administration of the Dakota County Community Development Block Grant Program
- AA. Approve Payment for South Valley Park Erosion Work
- BB. Schedule Special Meeting
- CC. Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

- G. Pay Voucher No. 1 for City Project No. 2008-09G, Cahill Avenue/Brooks Boulevard Mill and Overlay

Councilmember Klein stated he noticed that some of the tolerances for the manhole covers had not been met along Cahill Avenue, near College Trail.

Mr. Thureen responded that the checklist of adjustments that needed to be made was almost complete.

Motion by Klein, second by Madden, to approve Pay Voucher No. 1 for City Project No. 2008-09G, Cahill Avenue/Brooks Boulevard Mill and Overlay

Ayes: 5

Nays: 0 Motion carried.

- S. Authorize Traffic Study of Pedestrian Crossing on Cahill Avenue in front of the Inver Grove Heights Middle School

Councilmember Madden clarified that the item would be brought back for further discussion after the cost and other details have been determined.

Motion by Madden, second by Grannis, to Authorize Traffic Study of Pedestrian Crossing on Cahill Avenue in front of the Inver Grove Heights Middle School

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

- A. **LUND;** Consider a Resolution relating to a Conditional Use Permit to construct a three-season porch that would increase the impervious coverage on the lot to 29%

Mr. Link explained the request is for a conditional use permit to construct a 12'x14' porch onto the existing home. He stated the addition would increase the impervious coverage on the R-1C, Single Family Residential lot from 27% to 29%. He explained that staff reviewed the request and found it to be consistent with the Comprehensive Plan, determined it would not have a negative impact on the public health, safety, or welfare and found it to be compatible with surrounding uses. He stated Planning and Engineering staff as well as the Planning Commission recommended approval of the request with the

conditions outlined in the resolution.

Mayor Tourville clarified that a Conditional Use Permit did not require identification of a hardship for approval.

Councilmember Madden asked if the applicant reviewed the conditions of approval.

Councilmember Klein asked if the applicant agreed with the conditions as listed.

Charles Lund, 6135 Boyer Path, stated he read and has agreed to the conditions listed in the resolution.

Motion by Klein, second by Madden, to approve Resolution No. 09-174 relating to a Conditional Use Permit to construct a three-season porch that would increase the impervious coverage on the lot to 29%

Ayes: 5

Nays: 0 Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Consider a Zoning Code Amendment relating to exterior building materials in the rural zoning districts (A, E-1, E-2)

Mr. Link stated that this is the first reading of the ordinance amendment relating to exterior building materials. He explained that the current ordinance prohibits plastic hoop structures in rural residential areas and staff was directed to prepare an ordinance that would allow hoop structures in rural residential areas provided they met certain standards regarding zoning districts, minimum acreage, maximum hoop structure size, additional setbacks and number of hoop structures. He noted that after discussing the draft ordinance with the City attorney, staff proposed some revised language that would be incorporated for the second reading of the ordinance amendment. He stated both Planning staff and the Planning Commission recommended approval of the first reading.

Motion by Klein, second by Madden, to approve the first reading of a Zoning Code Amendment relating to exterior building materials in the rural zoning districts (A, E-1, E-2)

Ayes: 5

Nays: 0 Motion carried.

PARKS AND RECREATION:

C. CITY OF INVER GROVE HEIGHTS; Consider Approval of Tree Planting Plan for portions of Heritage Village Park

Mr. Carlson explained the Parks and Recreation Advisory Commission is asking the City Council to approve a tree planting plan and a seeding plan for Heritage Village Park. He noted that area one included the planting of 100 trees along 2500' feet of the Mississippi River Regional Trail underneath power lines.

Councilmember Madden commented that the federal government adopted a regulation that all rights-of-way underneath power lines had to be cleared.

Mr. Carlson stated that the plan for area one would be to plant the trees within the easement. He noted staff was told the trees could be planted provided they did not grow over twenty feet. He stated that staff would get that provision verified in writing by Xcel Energy. He explained that area two would consist of 100 trees planted in the prairie and West berm along the railroad track, and area three would consist of 100 trees planted in the North berm along the South St. Paul Gun Club. He added that Parks staff would work with EOR to plan the placement of trees for orderly development of the park. He stated that three quotes were received for the tree planting plan and the lowest quote was submitted by Gerten's in the amount of \$42,700. He noted that the quote included installation by the contractor, mulch, and regular watering by the contractor, and a one year warranty.

Mr. Carlson explained that quotes were also received for restoration of ground cover and the low bid for the seeding plan was submitted by Heikes in the amount of \$39,087. He stated the total cost for the recommended tree planting and seeding plans was \$81,787. He noted the funding is proposed to come from the Park Dedication and Development Fund.

Councilmember Madden questioned if funding for the entire project was readily available.

Mr. Carlson responded in the affirmative.

Councilmember Piekarski Krech asked if parks staff could handle the watering and maintenance of the trees.

Mr. Carlson stated after discussion it was determined that the maintenance and care for the trees needed to be done by the contractor in order to be eligible for the one year warranty.

Councilmember Grannis asked if any other quotes were received besides the two included with the packet.

Mr. Carlson stated that a total of three bids were received for the tree planting plan.

Motion by Klein, second by Madden, to approve tree planting plan quote submitted by Gerten’s in the amount of \$42,700 plus tax and the fall 2009 seeding plan quote submitted by Heikes in the amount of \$39,087 for portions of Heritage Village Park

Ayes: 5

Nays: 0 Motion carried.

PUBLIC WORKS:

D. CITY OF INVER GROVE HEIGHTS; Consider Resolutions Declaring Costs to be Assessed and Scheduling an Assessment Hearing for City Project No. 2008-09D, South Grove Street Reconstruction Area 3

Mr. Thureen explained that the assessment hearing would be for last year’s street reconstruction project in South Grove Area 3. He stated the proposed hearing would be scheduled for October 12th with a neighborhood information meeting scheduled for September 30th. He noted he would like to provide the updated benefit analysis and proposed assessment cap with the notice of hearing that would be sent to all affected residents.

Motion by Piekarski Krech, second by Grannis, to adopt Resolution Nos. 09-175 and 09-176 declaring costs to be assessed and scheduling an assessment hearing for City Project No. 2008-09D, South Grove Street Reconstruction Area 3

Ayes: 5

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider Accepting Quotes and Awarding Contract for City Project Nos. 2009-12 through 2009-18, 2009 Storm Water Facility Maintenance Program

Mr. Thureen explained that six local contractors were solicited to quote work in seven maintenance zones that were identified in need of work to keep the storm water management system functioning properly. He stated the use of three different contractors is recommended over the seven zones. He stated that Total Construction is recommended for zones one and two, Arcon Construction is recommended for zones three and five, and Total Repair is recommended for zones four, six and seven. He noted the total program cost of \$103,631.98 is proposed to be funded via the Street Maintenance Division budget.

Councilmember Madden pointed out that Public Works Street Maintenance Division was able to complete the clearing and grubbing work in each zone and that saved \$124,965.

Motion by Madden, second by Klein, to approve Resolution No. 09-177 accepting quotes and awarding contract for City Project Nos. 2009-12 through 2009-18, 2009 Storm Water Facility

Maintenance Program**Ayes: 5****Nays: 0****FINANCE:****F. CITY OF INVER GROVE HEIGHTS;** Consider Approval of Proposed 2010 Tax Levies and 2010 Proposed Budgets

Ms. Lanoue explained that the City must adopt the proposed 2010 tax levies and proposed budgets on or before September 15th. She stated that the budgets are still proposed and will change prior to final adoption in December. She explained the General Fund budget as proposed is 2% less than the 2009 amended budget and is mainly supported by the tax levy. She reviewed that the tax levies could be reduced, but not increased, after the proposed levies have been certified. She noted the proposed tax levy included two special levies to recuperate money that was unallotted by the state in 2008 and 2009. She stated the proposed city-wide levies are \$671,531 or 4.41% greater than in 2009 with an estimated 12.42% increase in the tax rate.

Motion by Klein, second by Piekarski Krech, to adopt Resolution Nos. 09-164, 09-165, and 09-166 approving the proposed 2010 Tax Levies and 2010 Proposed Budgets and to schedule adoption of the final 2010 budgets and tax levy for the regularly scheduled City Council meeting on December 14, 2009 at 7:30 p.m.

Ayes: 5**Nays: 0 Motion carried.****ADMINISTRATION:****G. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Authorizing Distribution of DCC Undesignated Fund Balance

Mr. Lynch stated the City is a part of the Joint Powers Agreement establishing and outlining the operations of the Dakota Communications Center. He explained that member cities are being asked to decide whether they would like to receive a credit in 2010 for the full amount of their share of the fund balance use, a one-time cash payment for the full amount, or a three-year credit, issued annually, against expenses. He recommended selecting the one-time cash payment for the full amount.

Councilmember Klein asked what would be done with that money.

Mr. Lynch stated it would be placed in the General Fund.

Councilmember Klein suggested allocating a separate account for the money so its use could be tracked.

Councilmember Grannis said the same interest would be received.

Motion by Madden, second by Klein, to adopt Resolution No. 09-178 authorizing the Distribution of DCC Undesignated Fund Balance in a single, cash payment to be allocated in a special account

Ayes: 5**Nays: 0 Motion carried.****8. MAYOR AND COUNCIL COMMENTS:**

Councilmember Madden discussed the success of Inver Grove Heights Days and suggested that the fireworks display start earlier in the future.

Councilmember Grannis noted that a Special Council Meeting to discuss the 2010 budget was scheduled for Monday, September 21st at 6:30 p.m.

Mr. Lynch added that he would be hosting a special budget presentation on October 14th at 6:30 p.m.

Councilmember Klein commented on the crack filling done in the South Grove area and asked that someone from engineering look into why all of the cracks were not filled.

9. ADJOURN: Motion by Grannis, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 8:20 p.m.