

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, OCTOBER 12, 2009 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, October 12, 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:

A. H1N1 Response Plan

Lieutenant Stanger provided an update on the City's continuity of operations plan to ensure delivery of essential services in the event of a pandemic. He stated that portions of the plan had already been implemented, including completion of individual department service assessments. He explained that informational sessions were held for employee education on the treatment and prevention of the H1N1 virus. He noted that information regarding planning for a pandemic was also placed on the City's website.

4. CONSENT AGENDA:

Mr. Allan Cederberg removed item 4B, Resolution Approving Disbursements for Period Ending October 7, 2009 and item 4M, Personnel Actions, from the Consent Agenda.

- A.** Minutes – September 28, 2009 Regular Council Meeting
- C.** Pay Voucher No. 3 for National Guard Armory Gym Floor Replacement
- D.** Pay Voucher No. 4 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- E.** Change Order No. 2 and Pay Voucher No. 2 for City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay
- F.** Change Order Nos. 5, 6, and 7 for City Project No. 2009-01, Trunk Highway 3 – 80th Street Intersection Improvements
- G.** Approve Proposals for Lighting Revisions in Portions of the Maintenance Building and the Cold Storage Building
- H.** **Resolution No. 09-185** approving Addendum No. 4 for the Agreement for Professional Services with Bolton & Menk, Inc. for the Northwest Area Utility Extensions – City Project No. 2003-15
- I.** **Resolution No. 09-186** approving the Dakota County 2010 Community Funding Application for Waste Abatement Activities
- J.** **Resolution 09-187** Calling for Hearing on Proposed Assessments and **Resolution No. 09-188** Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Nuisance Abatement 2009
- K.** Schedule Special Council Meeting
- L.** Schedule Hearing for Liquor License Violation

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

Ayes: 5

Nays: 0 Motion carried.

B. Resolution Approving Disbursements for Period Ending October 7, 2009

Allan Cederberg, 1162 E. 82nd Street, questioned why a payment to Shaw-Lundquist was listed on the disbursements prior to Council approval of the item.

Mr. Lynch explained that the finance department often cuts checks in advance of Council action to expedite the payment process. He noted checks are always held by the finance department until after the City Council has approved the payment.

Motion by Klein, second by Madden, to adopt Resolution No. 09-184 approving Disbursements for Period Ending October 7, 2009

Ayes: 5

Nays: 0 Motion carried.

M. Personnel Actions

Allan Cederberg, 1162 E. 82nd Street, asked what the eleven people being hired for temporary employment would be doing.

Councilmember Piekarski Krech stated they were being hired to fill various temporary positions in the Parks and Recreation Department. She noted the eleven individuals would all be part-time, non-benefitted employees. She explained that means they only get paid for the hours they work.

Mr. Lynch stated the City employs 135 full-time employees.

Motion by Madden, second by Klein, to approve Personnel Actions

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Jim Huffman, 4247 Denton Way, asked that a drainage issue near Ernster Park be addressed by City staff as soon as possible.

Ed Gunther, 6671 Concord Boulevard, asked if a crosswalk could be installed for pedestrians at the intersection of 69th and Cahill. He also questioned when the final assessments would be known for the Concord project.

Mr. Thureen responded that the County has not sent the final invoice for Phase Two of the Concord project and the final assessments will not be known until the invoice is received.

Allan Cederberg, 1162 E. 82nd Street, commented on the potential sale of Cameron Park for the relocation of Cameron's liquor store. He suggested that the property could be used for affordable housing rather than commercial use.

Mayor Tourville stated the City has taken a number of steps to support the establishment of affordable housing, including the creation of a Housing Task Force.

Councilmember Madden explained that the property the business was originally located on was taken by the county and the business was forced to relocate temporarily. He stated the business owner would like to reestablish his business near the location it occupied for over 100 years. He added that relocation of the business provides an opportunity to retain the existing tax base in the community.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. JAMES BROWN; Consider Resolutions for property located at 1186 90th Street:

- i) Waiver of Plat to create two parcels from the existing one tax parcel
- ii) Variance to allow the lots to be less than the required 2.5 acre minimum
- iii) Variance to allow an accessory structure on a lot without a principle structure

Mr. Link explained staff was directed to determine the date when the two lots were combined into one tax parcel as well as who was responsible for the subdivision, determine if access to the property is available from the east to 90th Street, and determine whether or not an easement exists on the south side of the property. He stated that the applicant's deed indicates that the property is one tax parcel with two property descriptions and no further information was discovered after review of the abstract other than confirmation that the property has been recognized as one tax parcel since 1976. He noted that the abstract indicates the property does have a legal right to utilize the existing private road for access and a 1955 survey identifies a 30-foot road easement across the southerly border of the original parcel leading to South Robert Trail. He explained both planning staff and the Planning Commission recommended denial of the request due to lack of hardship.

James Brown, 1186 90th Street, stated that other lots in the immediate area are less than 2.5 acres, including one that borders his property. He suggested that the hardship could be that he did not initiate the combination of the parcels.

Councilmember Piekarski Krech questioned what would happen if the 30-foot easement on the southern end was removed.

Mr. Link responded that the easement was included in the proposed lot size.

Councilmember Piekarski Krech commented that this lot was created before the issues and concerns with wells and septic systems were fully understood. She stated that she does not want to create another lot that is less than 2.5 acres.

Councilmember Grannis stated that he would not approve the request without a legal hardship.

Councilmember Madden stated that there are four other lots in the area that are less than 2.5 acres and the creation of two parcels would fit into the character of the neighborhood. He added that the request should be approved because there is no record of the combination.

Mayor Tourville questioned if Council could make the determination that a variance is not needed for the creation of two lots.

Mr. Kuntz responded that Council would need to make an appeal to the Planning Commission for a reinterpretation of the zoning code.

Mayor Tourville questioned why there two property descriptions for one tax parcel.

Mr. Kuntz indicated it was not unusual to have a number of legal descriptions for one parcel.

Motion by Grannis, second by Piekarski Krech, to approve resolution denying a waiver of plat to create two parcels from the existing one tax parcel, a variance to allow the lots to be less than the required 2.5 acre minimum, and a variance to allow an accessory structure on a lot without a principle structure due to lack of hardship.

Ayes: 2 (Grannis, Piekarski Krech)

Nays: 3 (Klein, Madden, Tourville) Motion failed.

Mayor Tourville commented that he would not be in favor of sending it back to the Planning Commission for a reinterpretation because they already did what they were supposed to do.

Motion by Madden to approve the resolution with the hardship being the difficulty determining how the plat came to be as it is.

Motion failed due to lack of a second.

Mr. Kuntz stated that the fact the lots were not combined by the current property owner cannot be the legal hardship because the property was purchased as one parcel.

Councilmember Piekarski Krech stated that the request cannot be approved without a hardship.

Mr. Kuntz reviewed that the property was owned by Herb and Elsie Sacs and in October of 1955 they surveyed out ten lots, nine of which were approximately 1.5 – 2.0 acres in size. He noted that the tenth lot was three plus acres in size. He explained that when Herb Sacs died in June of 1961 there were five lots, running North and South, still owned by Herb and Elsie. He stated in 1974 Elsie Sacs remarried and still owned two of the original ten lots and when those two lots were conveyed the legal description described a single rectangle that was approximately 158,000 square feet. He explained that because of the description at the time of conveyance, a 3.63 acre lot was created and in 1977 a variance was granted to build a home with the condition that the property be rezoned as E-1.

Councilmember Piekarski Krech questioned if the property was surveyed or platted in 1955.

Mr. Kuntz stated that the property was never platted.

Councilmember Piekarski Krech clarified that the lot never was two parcels.

Mr. Brown reiterated that he wants parcels that are similar to what his neighbors have and pointed out parcels to the north of his property that were less than 2.5 acres.

Mr. Kuntz reviewed that a legal hardship must be something that is unique to the property and is a constraint to the use or ability to build on the property.

Motion by Piekarski Krech to approve the resolution denying the three requests based on lack of a hardship.

Motion failed due to lack of a second.

Mayor Tourville suggested that the item be tabled to give the applicant the opportunity to review the historical information provided by the City Attorney and identify potential hardship.

Motion by Tourville, second by Klein, to table item to November 23, 2009.

Ayes: 5

Nays: 0 Motion carried.

B. McDONALD CONSTRUCTION; Consider Resolution regarding a Conditional Use Permit to allow for 27.5% impervious surface coverage to construct a single family home, garage, sidewalk and driveway for property located at 11617 Aileron Court

Mr. Link explained the property owner would like to construct a new home, driveway, sidewalk and porch with impervious coverage of approximately 27.5%. He stated the surrounding properties are all zoned single-family and the proposed home would aesthetically fit in with the neighborhood and all of the required setbacks would be met. He noted the applicant agreed to comply with the storm water treatment conditions to help maintain the drainage and storm water runoff on the applicant's property. He stated at the public hearing there was resident testimony expressing concerns about current drainage issues in the neighborhood. He explained in response to those concerns the Engineering department requested that the applicant install a larger rain garden on the property to help mitigate the runoff for the proposed new construction. He stated that planning staff recommending approval of the request with the conditions approval identified in the resolution, including the two conditions added by Engineering staff.

Councilmember Grannis clarified that if the conditional use permit was not required the applicant could apply for a building permit to start construction immediately. He questioned if the modified rain garden would be sufficient to handle the runoff and other water issues.

Mr. Link responded that the rain garden would be able to handle all the water.

Councilmember Klein asked about the topography of the lots.

Tom Kaldunski, City Engineer, explained that there was a 30-40 foot grade differential.

Bob McDonald, McDonald Construction, stated that the applicant has already met conditions 1-12 and feels that the addition of conditions 13 and 14 is onerous because they were added to mitigate drainage

issues on other properties. He noted the requirements for the applicant's property are met without the installation of gutters. He illustrated where the gutters are proposed to be installed and stated the gutters would not be aesthetically pleasing and the intricate system that would be required is overkill. He added the applicant already agreed to install the rain garden.

Councilmember Klein asked if Mr. McDonald completed most of the construction in the area.

Mr. McDonald responded that he was responsible for the Woodland Preserve development.

Tom Hall, 11552 Ashley Court, displayed pictures illustrating the drainage issues on his property. He explained that they previously asked for the lot to be regarded because the drainage plan does not take the road into consideration. He stated that no solution to the drainage problem has been offered and he is not in favor of the grading plan because it will increase the water flowing to his property. He added that the water was not there prior to the grading that occurred.

Mayor Tourville stated the applicant is taking a proactive approach to deal with the runoff from his property by installing a rain garden. He commented that there may be bigger issues in the neighborhood that need to be dealt with the address the drainage problems.

Lori Hall, 11552 Ashley Court, stated that McDonald Construction and the City should be held accountable for the grading issues.

Mayor Tourville stated the problem will be addressed and a neighborhood meeting would be held with city staff to get a better scope of the issues residents are encountering.

Tracy Newell, 11546 Ashley Court, stated that the majority of the water collects in the street in front of her home and the problem has gotten worse since the site was graded. She questioned how the rain garden would affect the drainage into her yard.

Mr. Kaldunski explained that rain gardens are a structure that work like a pond and are generally constructed to be able to capture a 2" rainfall. He noted that in this instance the applicant has agreed to construct a rain garden that will be able to capture a 6" rainfall. He stated the design is intended to handle all of the rain that will exceed the maximum. He explained that the intricate gutter design was proposed because the lot was not graded according to the approve grading plan so the high point is at the front of the house. He added that he would be comfortable with Mr. McDonald's revised gutter proposal.

Mr. McDonald stated he has never been asked to re-grade the lots. He explained that all the lots are designed to drain to the front because of the hill in the backyard. He reiterated that it is not reasonable to be asked to put gutters on every part of the house.

Molly Stakston, 11561 Avery Drive, questioned if the engineering department was able to determine if there was a spring that was contributing to the water issues.

Mr. Kaldunski responded that he did witness water flowing when he walked the neighborhood. He stated he prepared a hydraulic profile and found that there is some high ground water.

Mr. Hall presented e-mail correspondence indicating that the City did contact McDonald Construction about the grading issue.

Motion by Klein, second by Madden, to receive e-mail correspondence presented by Tom Hall

Ayes: 5

Nays: 0 Motion carried.

Councilmember Madden stated that the global drainage issues of the neighborhood should be addressed separate from the applicant's conditional use permit request. He added that the water is not coming from the specific lot in question.

Councilmember Klein questioned if condition number 13 would sufficiently address the drainage for the applicant's lot.

Mr. Kaldunski responded that if the rain garden is built to handle a 100-year event it will deal with the problem.

Motion by Madden, second by Klein, to adopt resolution regarding Conditional Use Permit to allow for 27.5% impervious surface coverage to construct a single family home, garage, sidewalk and driveway for property located at 11617 Aileron Court with the removal of Condition #14

Ayes: 3 (Klein, Madden, Tourville)

Nays: 2 (Grannis, Piekarski Krech) Motion failed.

Councilmember Piekarski Krech asked if the amount of runoff would increase because of the construction.

Mr. Kaldunski stated if the lot was graded per the grading plan they would be consistent with the current plan. He added that the gutters would solve problem for other lots.

Mayor Tourville clarified that the gutters were suggested to solve problems for adjacent lots.

Mr. Thureen commented on another neighborhood and stated that staff has added conditions that require gutters in the past.

Eric Curtin, 11571 Avery Drive, questioned who would ensure things are constructed correctly.

Mayor Tourville stated a neighborhood meeting would be held to address the issues.

Neil Mulrooney, 11617 Aileron Court, stated he owns the lot being discussed and does not want to maintain a gutter system that is not needed for his property and he does not care for how the system would look on his home. He commented that he should not be burdened with solving the problems of the entire neighborhood. He added that he has complied with all of the conditions that were originally imposed upon him and agreed to install a rain garden.

Councilmember Klein asked if water was draining into his neighbors' property if he would put in gutters.

Mr. Mulrooney responded that he would and clarified that the problem is more than just his lot.

Councilmember Grannis said he cannot support the request without the installation of gutters because it is an opportunity to solve some of the problems for the whole neighborhood.

Councilmember Madden stated it is not the applicant's responsibility to solve all of the drainage problems in the neighborhood.

Mayor Tourville stated that the applicant is meeting all of the requirements for his lot without the gutters.

Councilmember Piekarski Krech expressed concern with removing the gutter condition.

Councilmember Madden stated they have no right to deny him the right to build on his property.

Mr. McDonald noted his company did not build all the houses on that street.

Motion by Tourville, second by Klein, to adopt Resolution No. 09-189 approving a Conditional Use Permit to allow for 27.5% impervious surface coverage to construct a single family home, garage, sidewalk and driveway for property located at 11617 Aileron Court with Condition #14 modified to require gutters on the back of the garage only.

Ayes: 4 (Klein, Madden, Piekarski Krech, Tourville)

Nays: 1 (Grannis) Motion carried.

C. SHEEHAN/WOODS; Consider Resolution regarding a Variance from front yard setbacks to construct a covered porch for property located at 6455 Delaney Avenue

Mr. Link explained the applicant requested a variance to construct a porch addition that would encroach within the front yard setback. He stated the proposed addition is reasonable and the setback encroachment is marginal. He noted that the setbacks within the neighborhood are not consistent and the

proposed addition would not make the house appear out of character. He explained the hardship is that the applicant's home is located at the thirty-foot setback line and any addition would require a variance. He stated the applicant is also requesting the variance to mitigate a drainage and water damage issue.

Motion by Klein, second by Madden, to adopt Resolution No. 09-190 approving a Variance from front yard setbacks to construct a covered porch for property located at 6455 Delaney Avenue with the hardship as identified by staff

Ayes: 5

Nays: 0 Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of a Zoning Code Amendment relating to the maintenance and repair of non-conforming uses and structures

Mr. Link stated the Minnesota Legislature changed the statute which governs non-conforming properties. He explained the amendment would allow property owners of non-conforming uses and structures more rights and flexibility than what the current code allows. He stated under the amended statute the property owner would be allowed to replace, restore, or improve the non-conforming use or structure provided they do not expand it. He added that planning staff and the Planning Commission recommended approval of the ordinance amendment.

Motion by Madden, second by Klein, to approve first reading of a zoning code amendment relating to the maintenance and repair of non-conforming uses and structures

Ayes: 5

Nays: 0 Motion carried.

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

Mr. Link stated the draft ordinance had not been modified since the second reading. He explained that if the amendment were approved it would allow plastic hoop structures in the "A" and "E" zoning districts provided the lot is greater than or equal to 2.5 acres, the structure is not larger than 500 square feet, and that the minimum setback of 50 feet from all property lines is met. He noted that both planning staff and the Planning Commission recommended approval of the request.

Motion by Madden, second by Klein, to adopt Ordinance No. 1196 approving 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:

F. CITY OF INVER GROVE HEIGHTS; Consider Process in which to Value Parkland related to Private Encroachments

Mr. Carlson stated that staff developed a process in which the City would place a value on city park property. He explained each case would be handled on an individual basis to determine if there were any adverse effects in selling the public park property to the private property owner. He stated if the Council determined the land should not be sold, the private property owner would be required to remove the encroachment at the private property owner's expense. He reviewed the process that would be followed if the Council determined that the property could be sold. He explained that the value of the land would be determined via the Dakota County property web site and the City would subsequently check the value of four properties in the immediate area of the property in question plus the property currently owned by the private property owner. He further explained that the value of the property would be converted into a cost per square foot and the values would be averaged to determine an average value per square foot. He stated the average value would be multiplied by the square footage needed to correct the encroachment of the private land owner. He established that once the value was determined, and approved by the City

Council, the private land owner would be given the opportunity to purchase the property. He noted that the private land owner would be responsible for the costs associated with the property survey, recording, preparation of legal documents, and filing fees. He stated the City Attorney would review all documents related to the sale prior to any official City Council action.

Councilmember Piekarski Krech stated that she does not want to see small pieces of land sold to accommodate encroachments and if property is sold the purchased portion should create a uniform property line.

Councilmember Madden confirmed that each case would be handled on an individual basis to eliminate establishment of a precedent.

Mr. Carlson noted that some park property may have deed restrictions that would preclude the property from being sold.

Councilmember Klein clarified that there were a number of parks that still needed to be surveyed.

Mayor Tourville stated all of the major parks have been surveyed.

Councilmember Klein confirmed that parks staff had aerial pictures of the surveyed parks so new encroachments could be easily identified in the future.

Councilmember Piekarski Krech suggested that the private property owner be responsible for all of the costs associated with the sale of the property, including the City Attorney's fees.

Mr. Carlson stated he would make the necessary changes to the process to reflect that suggestion.

NO ACTION WAS TAKEN ON THIS ITEM

PUBLIC WORKS:

G. CITY OF INVER GROVE HEIGHTS; Consider Resolution Ratifying the Revised Call for Hearing on Proposed Assessments for 2008 Pavement Management Program – 2008 Urban Street Reconstruction South Grove Area 3 – City Project No. 2008-09D

Mr. Thureen explained that there was an error in the original published notice and the hearing was rescheduled for October 26, 2009 in order to retain the desired schedule of adopting and certifying assessments in 2009.

Motion by Klein, second by Madden, to adopt Resolution No. 09-191 ratifying the revised call for hearing on proposed assessments for 2008 Pavement Management Program – 2008 Urban Street Reconstruction South Grove Area 3 – City Project No. 2008-09D

Ayes: 5

Nays: 0 Motion carried.

H. CITY OF INVER GROVE HEIGHTS; County Road 24 (66th Street) Turnback Request

Mr. Thureen explained that the turnback of 66th Street is part of the City's efforts to preserve the swing bridge. He stated the jurisdictional transfer is being done to give the City ownership of the road and bridge before the end of November, 2009. He added that the City needs ownership of the bridge to receive grants for the project. He noted that Dakota County's estimated project cost is \$291,000.

Motion by Klein, second by Madden, to adopt Resolution No. 09-192 approving a transfer of ownership and approving an agreement for revocation of County Road 24 (66th Street) from Dakota County to the City of Inver Grove Heights

Ayes: 5

Nays: 0 Motion carried.

I. CITY OF INVER GROVE HEIGHTS; Consider Resolution Authorizing Staff to Enter into the 2010 Fuel Consortium Purchase Program as Managed by the State of Minnesota

Mr. Thureen stated in 2008 the City joined a consortium of cities and counties to contract for a bulk fuel purchase for 2009. He explained the state solicited a fixed price contract for fuel. He stated the City's participation in program protects against additional costs due to extreme spikes in fuel prices. He recommended that the City continue to participate in the program in 2010.

Mr. Lynch stated that the fixed price for 2009 was approximately \$2.48 per gallon and a total savings of approximately \$180,000 is anticipated for 2009.

Motion by Madden, second by Klein, to adopt Resolution No. 09-193 authorizing staff to enter into the 2010 Fuel Consortium Purchase Program as managed by the State of Minnesota

Ayes: 5

Nays: 0 Motion carried.

J. CITY OF INVER GROVE HEIGHTS; Consider Resolution Awarding Contract for City Project No. 2009-29, Well No. 9

Mr. Thureen stated four contractors submitted bids and the low bid was submitted by Burschville Construction, Inc. in the amount of \$440,772.90. He added that an alternate bid was also received in the amount of \$38,180.00 for construction of a bituminous trail. He recommended that Council award the contract to the low bidder for the base bid and alternate number one for a grand total of \$478,952.90. He noted the engineer's estimate for the project was \$595,000.

Councilmember Piekarski Krech questioned how the trail would be funded.

Mr. Carlson responded that the funds would be taken from the Park Acquisition and Development Fund.

Motion by Klein, second by Madden, to approve Resolution No. 09-194 Awarding Contract for City Project No. 2009-29, Well No. 9 to Burschville Construction, Inc. in the amount of \$478,952.90

Ayes: 5

Nays: 0 Motion carried.

K. CITY OF INVER GROVE HEIGHTS; Consider Dakota County's 2010-2014 Capital Improvement Program

Mr. Thureen explained that two projects were removed from the five-year Capital Improvement Program due to financial hindrances. He stated a roundabout at T.H. 3 was added to the program and other projects had dates adjusted.

Councilmember Piekarski Krech asked if the project listed for 80th Street, east of T.H. 3 would be ready by the dates listed and if there a final design had been decided upon.

Mr. Thureen responded that the dates were adjusted because some property owners indicated a willingness to sell right now. He noted a final design would still need to be determined.

Councilmember Klein asked why the project for Argenta Trail and Highway 55 was removed from the CIP.

Mr. Thureen stated the project is part of Dakota County's transportation visioning study.

Mr. Link added that the Council would receive an update on the visioning study on November 9th.

Mayor Tourville stated that Argenta Trail and Highway 55 project should be listed on the resolution so the county does not lose sight of its importance.

Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 09-195 approving Dakota County's 2010-2014 Capital Improvement Program with the addition of the project at Argenta Trail and Highway 55.

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:**L. CITY OF INVER GROVE HEIGHTS;** City Administrator Performance Review

Mayor Tourville indicated that the performance review would be scheduled for late December or early January.

M. CITY OF INVER GROVE HEIGHTS; Consider Cost of Living Compensation Adjustment for 2009 for City Administrator

Mayor Tourville explained that the City Administrator was not included in the non-union group of employees that received a compensation adjustment on August 24, 2009 retroactive to January 1, 2009. He suggested that the City Administrator receive the same 3% increase that was approved for all non-union employees.

Motion by Madden, second by Grannis, to approve Cost of Living Compensation Adjustment retroactive to January 1, 2009 for the City Administrator

Ayes: 5

Nays: 0 **Motion carried.**

PARKS AND RECREATION CONT.**N. CITY OF INVER GROVE HEIGHTS;** Consider Approval of Heritage Village Park Seeding Work

Mr. Carlson stated that after further research with the consultant the seed mixture and mulch specifications were modified and it was determined that rock picking would also be necessary. He explained the modifications created a slight increase in cost compared to the estimated budget amount that was reviewed by Council. He recommended that Council approve hiring Central Landscaping in the amount of \$33,695 and Bonestroo in the amount of \$5,989.

Councilmember Piekarski Krech commented that the cost associated with the rock picking seemed expensive.

Mr. Carlson noted that the cost is for work on 23 acres of the park.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember Klein asked for an update regarding the street lights that were inoperable.

Mr. Lynch stated staff is working to compile a complete list of the inoperable street lights and the private companies responsible for their maintenance.

Councilmember Piekarski Krech stated she received a number of comments from residents concerned with the blacktop replacement where lights were replaced on Cahill Avenue.

Mr. Thureen stated that the replacement was temporary because crews were working around traffic to get the lights installed.

Councilmember Grannis reminded residents of the meeting with the consultant for the Golf Course Operational Assessment on October 13th from 6-7 p.m. in Community Room #1 as well as the City Administrator's budget presentation on October 14th at 6 p.m. in the Council Chambers.

Mayor Tourville asked if there were still sod replacement projects underway.

Mr. Thureen responded that sod replacement was finished until the spring.

Mayor Tourville commented on the changes to the 63rd Street Mill and Overlay project and asked that staff address some of the confusion regarding maintenance of the sidewalk that was installed.

9. ADJOURN: Motion by Grannis, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 10:53 p.m.