

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, JUNE 22, 2009 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, June 22, 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:**

**4. CONSENT AGENDA:**

Mayor Tourville removed Item 4G, Approve Resolution Denying the Issuance of Building Permits for Certain Lots located within the Plat of Orchard Trail, from the Consent Agenda.

Councilmember Klein removed Item 4J, Consider Water Quality Improvements for Simley Pond Park, from the Consent Agenda

Councilmember Madden removed Item 4K, Consider First Reading of an Ordinance Amending Section 1500 of the City Code, from the Consent Agenda

Councilmember Piekarski Krech removed Item 4L, Consider First Reading of an Ordinance Amending Section 115 of the the City Code, from the Consent Agenda.

- A. Minutes – June 8, 2009 Regular Council Meeting
- B. **Resolution No. 09-126** Approving Disbursements for Period Ending June 17, 2009
- C. Approve Pay Voucher No. 1 for National Guard Armory Gymnasium Floor
- D. Approve Pay Voucher No. 12 for City Project No. 2003-15, Northwest Area Trunk Utility Improvements
- E. Accept Proposal for Concrete Repair
- F. Approve Land Alteration Permit No. C-089-09 Phase 2 for WWKM, LLC
- H. Direct Staff to Notify Residents of Park Encroachments & Order Encroachments Removed from Public Park Property
- I. Award Bid for Parking Lot Lighting at Oakwood Park
- M. Approve Non-Commercial Kennel License Application – Sean & Rachel Nyhus
- N. Approve Commercial Kennel License Application – Billie Jo Wood
- O. Approve Request to Extend Applebee's On-Sale Liquor License on July 2, 2009
- P. Approve Renewal of 2AM Liquor License – Jersey's Bar & Grill, 6449 E. Concord Blvd.
- Q. Personnel Actions

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

**Ayes: 5**

**Nays: 0      Motion carried.**

- G. Approve Resolution Denying the Issuance of Building Permits for Certain Lots located within the Plat of Orchard Trail

Mr. Kuntz explained that within the Orchard Trail Development a number of improvements that were to be made by the developer have not been completed. He stated the City has rights under the development contract to deny the issuance of building permits for certain lots. He noted there are 11 lots in the

subdivision for which improvements still need to be made. He noted that staff would continue to have discussions with the developer in an effort to resolve the situation.

**Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 09-127 Denying the Issuance of Building Permits for Certain Lots located within the Plat of Orchard Trail**

**Ayes: 5**

**Nays: 0 Motion carried.**

**J. Consider Water Quality Improvements for Simley Pond Park**

Councilmember Klein commented on the demonstration area and asked if the DNR was responsible for the creation of that area.

Mr. Carlson confirmed that the DNR did install the area that Councilmember Klein referenced.

Councilmember Klein asked why the DNR could not be contacted to continue that project.

Mr. Carlson responded that staff contacted the DNR and they indicated that they could not offer any plantings at this time. He noted that the DNR was able to offer fishing stations if they move forward with the improvements.

Councilmember Klein referred to number 5 regarding the storm water and asked if the plantings would really help improve the water quality.

Mr. Carlson stated that the plantings would help eliminate geese on the island and would also act as water filtration devices.

Councilmember Klein stated he is concerned with the tall grass.

Mr. Carlson referred to other cities that have had success with similar improvements.

**Motion by Piekarski Krech, second by Grannis, to approve water quality improvements for Simley Pond Park**

**Ayes: 5**

**Nays: 0 Motion carried.**

**K. Consider First Reading of an Ordinance Amending Section 1500 of the City Code**

Councilmember Madden questioned why the resolution was dated July 27, 2009.

Councilmember Piekarski Krech stated that the third reading would be scheduled for that meeting.

**Motion by Madden, second by Klein, to approve the first reading of an Ordinance Amending Section 1500 of the City Code**

Councilmember Piekarski Krech explained that she still disagrees with the amendment and feels that it should be left at the 15 days.

**Ayes: 4**

**Nays: 1 (Piekarski Krech) Motion carried.**

**L. Consider First Reading of an Ordinance Amending Section 115 of the City Code**

Councilmember Piekarski Krech stated she does not think citations should be issued by the code compliance officer at this point in time.

Councilmember Madden stated he supports the recommended change because it takes the obligation away from the Police Department and would free up officer's time to focus on other tasks. He added something needs to be done about the problem properties in the City and he feels that this is a step in the right direction.

Councilmember Piekarski Krech referenced a newspaper article regarding a community that has started adopting foreclosed homes within neighborhoods to help remediate the problems and commented that there are other ways to get problems resolved without issuing citations.

Councilmember Klein asked how many nuisance code citations were issued in the last year.

Ms. Teppen responded that the date could be gathered and provided to Council at a later date. She noted there were approximately 200 cases over the last year. She added that citations are not being issued for grass and weed violations.

Councilmember Piekarski Krech asked how many of the 200 cases were foreclosed homes.

**Motion by Grannis, second by Madden, to approve the first reading of an Ordinance Amending Section 115 of the City Code**

**Ayes: 4**

**Nays: 1 (Piekarski Krech) Motion carried.**

**5. PUBLIC COMMENT:** None.

**6. PUBLIC HEARINGS:** None.

**7. REGULAR AGENDA:**

**PARKS AND RECREATION:**

**A. CITY OF INVER GROVE HEIGHTS;** Authorize Application for 2010 State of Minnesota Bonding Bill Request for Heritage Village Park

Mr. Carlson stated in even numbered years the Minnesota Legislature considers requests to be included in the State Bonding Bill. He explained that local requests can be for up to 50% of the project costs and staff recommended that the City's request for Heritage Village Park be in the amount of \$1,312,750. He noted that the plan would be to match the request by the same amount of City funds.

Councilmember Madden questioned where the matching funds would come from.

Mr. Carlson responded that the Council would need to determine the funding source for the City's share of the project if the bonding request was approved.

Councilmember Madden stated that he would like to know what City fund the money would be taken from before he supports submitting the application to the Legislature. He added that he would also like to know how much money the City has in reserve funds. He stated that he is in favor of the Heritage Village Park project but feels that the City needs to set financial priorities rather than continuing to use money from discretionary funds for every project that comes up.

Councilmember Grannis stated that the matching funds could come from the Park Dedication Fund, Host Community Fund, Closed Bond Fund, or from a combination of those funds.

Councilmember Piekarski Krech agreed that the Council needs to know how much money was available in the reserve funds in order to make a decision. She stated that she would be fine with submitting the bonding bill request if there was enough money available in the Park Dedication Fund to match any funds received from the state.

Councilmember Klein asked how much discretionary money was available.

Mr. Carlson responded that there is roughly \$800,000 in the Park Dedication Fund.

Mr. Lynch explained that there is approximately 24 million dollars available between the Host Community, Closed Bond and City Facilities funds. He noted that the Council has already allocated 6.1 million dollars in cash for the City Facilities project and approximately 9 million dollars for other various projects throughout the City.

Mr. Carlson stated that he anticipates that any funds received from the state would be less than the amount requested because of the state's current budget deficit.

Mayor Tourville stated that he agrees that the City needs to be frugal with discretionary funds but feels that the City would be remiss to not submit an application to the legislature.

**Motion by Piekarski Krech, second by Klein, to authorize application for 2010 State of Minnesota Bonding Bill Request for Heritage Village Park**

**Ayes: 4**

**Nays: 1 (Madden) Motion carried.**

**COMMUNITY DEVELOPMENT:**

**B. JODY & DAN LISSON;** Consider the following requests for property located at 7140 Bovey Avenue:

- i) Variance to construct a gazebo that would encroach within the front yard setback
- ii) Variance to construct a home addition that would exceed the 30% allowed maximum impervious coverage on a lot
- iii) Conditional Use Permit to allow for impervious coverage on a lot to exceed the 25% in the R-1C Zoning District

Ms. Botten stated that when the request was originally submitted the regulation was still at 20%. She explained that the applicants initially wanted a gazebo to be located 4.5 feet from the corner front property line where as 30 feet is required for the setback. She stated the applicants also requested 37% impervious coverage where 30% is the maximum allowed. She added that the proposed location of the gazebo would be located within a City utility and drainage easement and noted that there are other areas available on the property to place the structure. She explained neither Planning staff and nor the Planning Commission was able to identify a hardship and recommended denial of the setback variance request.

Ms. Botten stated the applicants also requested a conditional use permit. She noted the zoning ordinance was changed to allow 25% impervious coverage and 30% would be allowed with a conditional use permit. She stated the property currently has 35% impervious surface coverage and the applicants requested to increase that total to 37%. She explained that Planning staff and the Planning Commission feel the hardship has not been met and are recommending denial of the variance request. She noted Planning staff would support the conditional use permit and variance if no additional impervious surface was added. She added that the conditions of approval were outlined in the resolution.

Councilmember Piekarski Krech asked if there were already items encroaching in the utility easement.

Ms. Botten confirmed that items were located in the utility easement.

Dan Lisson, 7140 Bovey Avenue, stated it was not his intent to violate any codes and indicated he is willing to compromise and work with staff to follow their recommendations.

Mayor Tourville commented on the location of the gazebo and asked if it could be put somewhere else on the property.

Mr. Lisson responded that the pad is already there for it.

Councilmember Piekarski Krech clarified that he is being asked to maintain 35% impervious coverage.

**Motion by Piekarski Krech, second by Grannis, to adopt Resolution No. 09-129 denying a Variance to construct a gazebo that would encroach within the front yard setback**

**Ayes: 5**

**Nays: 0 Motion carried.**

**Motion by Piekarski Krech, second by Klein, to adopt Resolution No. 09-130 approving a Variance to construct a home addition that would exceed the 30% allowed maximum impervious coverage on a lot and Resolution No. 09-131 approving a Conditional Use Permit to allow for impervious coverage on a lot to exceed 25% in the R-1C Zoning District**

**Ayes: 4**

**Nays: 1 (Grannis) Motion carried.**

Mr. Kuntz noted the applicant applied for 37% and 35% was granted and asked the applicant to withdraw the variance request for 37%.

Mr. Lisson withdrew his request for the 37% and stated he would work with staff on the approval of the 35%.

**C. CITY OF INVER GROVE HEIGHTS; Consider Resolution Establishing a Housing Task Force and Appointing its Members**

Mr. Link explained the Council solicited applications from residents interested in serving on a task force to study and advise the Council on housing issues. He stated the task force would be responsible for recommending a Housing Action Plan that would identify and prioritize housing issues as well as determine action steps to resolve the issues identified. He noted there were twelve applicants and the task force would meet monthly and be done within 12 months.

Mr. Lynch stated additional information regarding residence of applicants was provided to the Council.

Mayor Tourville clarified that not all of the applicants reside within the City, but all own property in the City.

**Motion by Piekarski Krech, second by Grannis, to approve Resolution No. 09-132 establishing a Housing Task Force and appointing the following members: Todd Foster, Stan Hamerski, Allan Cederberg, Catherine Carlson, Jon Wallerick, Karen Nelson, Mike Schaeffer, Steven Hoffman, David Houg, Gloria Edin, Christopher Schulz, & James Zentner**

**Ayes: 5**

**Nays: 0 Motion carried.**

**PUBLIC WORKS**

**D. CITY OF INVER GROVE HEIGHTS; Consider a Change Order to the 60” Storm Sewer along Concord Boulevard for City Project No. 2001-12**

Mr. Thureen stated on June 8, 2009 Council approved the expenditure of up to \$50,000 to replace the existing 48” reinforced concrete pipe with a 60” reinforced concrete pipe for the storm sewer along Concord Boulevard in Phase 2 of the county’s project. He explained three quotes received and the low bid was just under \$74,000. He stated the Council is asked to approve the change order in the amount of \$80,000 to allow for construction contingency. He noted the low bid was submitted by Arcon Construction Co., Inc. in the amount of \$73,850.45. He stated the change order would be funded through the Pavement Management Fund and construction would be completed by June 26, 2009.

Councilmember Madden asked for an explanation as to why the change order was needed.

Mr. Thureen responded that the preliminary estimate from the consultant was less than the low bid that was received.

**Motion by Klein, second by Madden, to approve a change order up to \$80,000 for the 60” Storm Sewer along Concord Boulevard for City Project No. 2001-12**

**Ayes: 5**

**Nays: 0 Motion carried.**

**ADMINISTRATION:**

**E. CITY OF INVER GROVE HEIGHTS;** Consider Change Order No. 1 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ms. Teppen explained that the original specifications put the conduit for telephone and data cabling under the parking lot of the Public Safety Addition. She stated that upon further review, the architect recommended that the conduit be extended beyond the parking lot to account for any future expansion of the building. She noted the total cost of the change order would be \$37,280.

Councilmember Klein stated that he thinks the cost to change the location of the conduit is too high and feels that the design should be left the way it is.

Councilmember Piekarski Krech commented that the technology currently used within City facilities will have changed by the time future expansion occurs. She stated that the current specifications should be followed.

Ms. Teppen noted that any changes to the conduit would be difficult and costly once it is placed under a permanent structure.

Councilmember Grannis clarified that the architect would not receive any money for the change order and questioned why the specifications were prepared with the conduit under the parking lot.

Councilmember Madden stated that a lot of money could be saved by keeping the current specifications.

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

**Ayes: 5**

**Nays: 0      Motion carried.**

**F. CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Adopting the Re-codification of the City Code Including the City Zoning Ordinance

Mr. Kuntz stated changes that may affect fees, licenses and insurance requirements would be identified and outlined in advance of the second reading of the ordinance.

Councilmember Piekarski Krech referred to page 13 of the ordinance and questioned if the verbiage that refers to the code enforcement officer should be revised or omitted because the position no longer exists.

Mr. Kuntz responded that the designation is there because that is how it appears in the current version of the City Code.

Councilmember Piekarski Krech asked that references to the code enforcement officer be omitted. She also referred to page 17 of the ordinance regarding the designation of the dog pound and asked if that location should be identified in the code.

Mr. Kuntz responded that staff would research the issue and determine what terminology should be used.

**Motion by Klein, second by Madden, to approve the first reading of an Ordinance Adopting the Re-codification of the City Code Including the City Zoning Ordinance**

**Ayes: 5**

**Nays: 0      Motion carried.**

**G. CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Establishing Requirements for Peddlers & Solicitors

Ms. Teppen explained that the City Council requested that staff prepare an ordinance for their review that would establish regulations pertaining to peddlers and solicitors. She stated the City Attorney supplied the draft ordinance.

Councilmember Madden stated the document was well written and thought that it thoroughly addressed the issue.

Mr. Kuntz reviewed the definitions of peddlers and solicitors. He stated peddlers would be required to obtain a license from the City.

Councilmember Piekarski Krech stated that the intent was not to regulate non-profit organizations or groups such as the Girl Scouts.

Mr. Kuntz responded that one way to addressing the issue is to require the group to register as a whole and delete the language that says each person engaging in the activity is required to be listed on the application. He clarified that registration could still be required but on a group or organization basis.

The City Council discussed distributing the proposed ordinance to the school district and non-profit organizations for review and input.

Mr. Kuntz stated references to garage sales and farmer's markets would be removed from page 2. Councilmember Piekarski Krech clarified that this only covers people going house to house.

**Motion by Madden, second by Klein, to approve the first reading of an Ordinance Establishing Requirements for Peddlers & Solicitors**

**Ayes: 5**

**Nays: 0      Motion carried.**

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

Councilmember Piekarski Krech asked about the misdemeanor.

Mr. Kuntz responded that it would be a misdemeanor.

Councilmember Piekarski Krech questioned the studies on public safety.

Mr. Kuntz indicated staff would ask the Police Department for more specificity on that subject.

**Motion by Madden, second by Klein, to approve the first reading of an Ordinance Establishing Regulations relating to Graffiti**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR AND COUNCIL COMMENTS:**

Councilmember Klein commented on a fence down on Cahill and stated nothing has been done yet.

Mr. Lynch responded that staff is trying to coordinate the timing with a public works project.

Councilmember Piekarski Krech indicated that residents are concerned with large trucks driving on the new streets around Craig and 77<sup>th</sup>.

Mr. Thureen indicated that staff would check into the issue as access is supposed to be to the East.

Councilmember Grannis asked if anything further has been done on the replacement of grass on the boulevards.

Mr. Thureen responded staff is obtaining proposals for Clayton Avenue to replace the grass between the curb and the sidewalk.

**9. ADJOURN:** Motion by Klein, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 9:15 p.m.