

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, NOVEMBER 9, 2009 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, November 9, 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 Recording Clerk Fox.

**3. PRESENTATIONS:**

**4. CONSENT AGENDA:**

Mr. Allan Cederberg removed Item 4A, Minutes of October 26, 2009 Regular Council Meeting from the Consent Agenda.

Councilmember Piekarski Krech removed Item 4C, Final Pay Voucher for National Guard Gymnasium Floor Replacement, Item 4H, Resolution Authorizing the City of Inver Grove Heights to Enter into Agreement No. 92316 for Railroad Crossing Signals with Mn/DOT and the Union Pacific Railroad Company and Item 4P, Approve Agreement for Periodic Construction Observation Services for Roofing and related Sheet Metal Services for the Proposed Public Safety Addition/City Hall Renovation, from the Consent Agenda.

Councilmember Klein removed Item 4I, Consider Amendment No. 1 to Professional Services Agreement with SRF Consulting Group, Inc. for School Zone Safety Study, from the Consent Agenda.

Councilmember Madden removed Item 4L, Approve Disc Golf Course Hole Realignment, from the Consent Agenda.

Public Works Director Thureen removed Item 4R, Concord Hills Development Agreement Amendment, from the Consent Agenda.

- B. Resolution No. 09-210** Approving Disbursements for Period Ending November 4, 2009
- D.** Change Order No. 1 and Pay Voucher No. 2 for City Project No. 2008-22, Bohrer Pond Shoreland Protection Project
- E.** Change Order No. 1 and Pay Voucher No. 3 for City Project No. 2007-17, Clark Road Extension Improvements
- F.** Pay Voucher No. 3 - City Project No. 2008-09F, Salem Hill Farm Street Reconstruction/Mill and Overlay
- G.** Pay Voucher No. 5 – City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- J. Resolution 09-212** Authorizing the Sale of Unclaimed Property to a Local Non-Profit Organization
- K.** Approve Funding Source for Salem Hills Trail
- M.** Approve Employee Vehicle Use Policy
- N. Resolution No. 09-213** Authorizing Execution of Grant Programs Offered through Minnesota State Patrol
- O.** Accept Donation to the Inver Grove Heights Police Department from Residential Mortgage Group
- Q.** Authorize Advertisement of RFP for a Technology Systems Consultant for the Proposed Public Safety Addition/City Hall Renovation
- S.** Authorize Advertisement of Bids for Fire Truck
- T.** Approve 2010 Meeting Schedule for Advisory Commissions
- U.** Schedule Public Hearing – Amendment to Fees for 2010

- V. Schedule Public Hearing – 2010 Liquor License Renewals
- W. Schedule Special Council Meeting
- X. Consider 2010 Proposed Convention and Visitors Bureau Budget
- Y. Approve Fire Relief Association Worksheets
- Z. Personnel Actions

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

**Ayes: 5**

**Nays: 0      Motion carried.**

- A. Minutes – October 26, 2009 Regular Council Meeting

Allan Cederberg, 1162 E. 82<sup>nd</sup> Street, expressed concern regarding the assessment hearing that was held for City Project 2008-09D. He stated that M.S. 429 requires that the City hold a preliminary hearing prior to ordering a project. He explained that in his opinion the City did not follow the proper procedure when the improvements were ordered at the public hearing held on April 14, 2008.

Mayor Tourville clarified that Mr. Cederberg objected to what was done, not the content of the October 26<sup>th</sup> minutes. He stated the issue could be brought forth during the public comment section of the agenda.

**Motion by Klein, second by Madden, to approve the minutes of the October 26, 2009 Regular Council Meeting**

**Ayes: 5**

**Nays: 0      Motion carried.**

- C. Final Pay Voucher for National Guard Gymnasium Floor Replacement

Councilmember Piekarski Krech questioned what is being paid by each entity.

Mr. Carlson explained the National Guard will reimburse the City for 50% of the total cost of the project, up to \$90,000. He stated the City would be responsible for 50% of the total cost of the project, \$177,489.04. He noted the total did not reflect an additional outstanding invoice that had not been received. He clarified that the Council is being asked to approve a payment to the contractor in the amount of \$7,888.60.

**Motion by Klein, second by Madden, to adopt Resolution No. 09-211 Approving Final Pay Voucher for National Guard Gymnasium Floor Replacement**

**Ayes: 5**

**Nays: 0      Motion carried.**

- H. Resolution Authorizing the City of Inver Grove Heights to Enter into Agreement No. 92316 for Railroad Crossing Signals with Mn/DOT and the Union Pacific Railroad Company

Councilmember Klein questioned why crossing arms are proposed to be installed at 71<sup>st</sup> Street.

Mr. Thureen explained the project was identified in the State's Transportation Improvement Program for 2009-2012. He stated the City is responsible for 10% of the cost, approximately \$41,471.

Councilmember Klein stated that he does not think the improvement is needed at that crossing.

Mayor Tourville questioned if the City could decline the improvement.

Mr. Thureen responded that the City could refuse the proposed improvement.

Councilmember Piekarski Krech stated that the City needs to make the remaining railroad crossings as safe as possible. She commented that there will be a lot of changes in that area in the near future with new development, the completion of the Mississippi River Regional Trail, and the closing of one other railroad crossing.

Councilmember Grannis agreed that the remaining crossings need to be made as safe as possible.

Mayor Tourville asked if residents in the area of the crossing were notified of the proposed improvement.

Mr. Thureen responded that to his knowledge residents had not been notified. He noted that the Council originally approved the City's cost participation for the improvements in 2006 and residents may have been notified at that time.

Councilmember Klein confirmed that there would be time to notify the neighbors and bring the item back for further discussion.

Mayor Tourville agreed that it would be a good idea to notify the residents in the area.

Ed Gunther, 6671 Concord Boulevard, commented that the cost should be invested into the crossing at 65<sup>th</sup> Street.

Mr. Lynch explained that staff would host a neighborhood information meeting and clarified that detailed plans would not likely be available.

**Motion by Tourville, second by Madden, to table the item for further discussion.**

**Ayes: 5**

**Nays: 0      Motion carried.**

- I. Consider Amendment No. 1 to Professional Services Agreement with SRF Consulting Group, Inc. for School Zone Safety Study

Councilmember Klein stated he was not happy that the City has to pay for an additional meeting when no one from the school district attended the informational meetings that were previously held.

**Motion by Klein, second by Grannis, to approve Amendment No. 1 to Professional Services Agreement with SRF Consulting Group, Inc. for School Zone Safety Study**

**Ayes: 5**

**Nays: 0      Motion carried.**

- L. Approve Disc Golf Course Hole Realignment

Councilmember Madden asked how much the realignment would cost and where the funds are proposed to be taken from.

Mr. Carlson stated that staff perceives the course to be a highly-used amenity in the parks system. He explained there is no cost associated with the realignment, with the exception of staff time.

**Motion by Madden, second by Klein, to approve disc golf course hole realignment**

**Ayes: 5**

**Nays: 0      Motion carried.**

- P. Approve Agreement for Periodic Construction Observation Services for Roofing and related Sheet Metal Services for the Public Safety Addition

Councilmember Piekarski Krech stated that the terminology is misleading because the proposal says in an amount not to exceed \$3,600 and there are a number of incidental fees that can be added to the contract for a total cost that would exceed \$3,600.

Ms. Teppen stated that it was her understanding that the entire contract was for \$3,600, including mileage.

Councilmember Piekarski Krech stated that the mileage appeared to be an additional fee of \$600.

Ms. Teppen responded that the request should be corrected to reflect an amount not to exceed \$4,200.

Mayor Tourville questioned why this agreement for services was brought to the Council for approval if it is already included in the project budget.

Ms. Teppen responded that staff has brought all other inspection and testing services to the City Council.

Mr. Kuntz clarified that it was brought to the Council for approval because it is separate from the

construction contract with Shaw-Lundquist.

Councilmember Grannis confirmed that the cost was included in the total project budget.

Councilmember Klein asked why City inspectors could not perform the services in the agreement.

Mr. Link responded that it is not uncommon on large projects to use special inspectors. He stated that the scope of the work includes specialties that City inspectors are not trained for.

**Motion by Madden, second by Grannis, to approve agreement for periodic construction observation services for roofing and related sheet metal services for the Public Safety Addition**

**Ayes: 5**

**Nays: 0      Motion carried.**

**R.      Concord Hills Development Agreement Amendment**

Mr. Thureen explained the developer requested that some of the completion dates be modified due to the stated of the economy. He suggested approving the document but changing the date of November 9<sup>th</sup> on pages 8, 9 and 10 to November 23<sup>rd</sup>.

**Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 09-214 approving the Concord Hills Development Agreement Amendment with November 23<sup>rd</sup> inserted on Pages 8, 9, & 10 to replace November 9<sup>th</sup>**

**Ayes: 5**

**Nays: 0      Motion carried.**

#### **5. PUBLIC COMMENT:**

Allan Cederberg, 1162 E. 82<sup>nd</sup> Street, stated he has discussed the preliminary hearing requirement with other attorneys and by his estimation state statute requires two publications of the notice of hearing. He added that his understanding is that the project cannot be ordered at the public hearing.

Mayor Tourville suggested that Mr. Cederberg meet with Mr. Lynch to discuss his questions.

Mr. Lynch stated he has already discussed the issue with Mr. Cederberg and his questions were answered by the City Attorney.

Frank Rauschnot Jr., 6840 Dixie Avenue, commented that Walmart was treated unfairly regarding their request for extended hours of operation. He stated the City should look into allowing the business to be open 7 days a week, 24 hours a day, similar to the options available to Cub and Rainbow Foods.

#### **6. ADMINISTRATIVE HEARINGS:**

##### **A. CITY OF INVER GROVE HEIGHTS; Kladek, Inc. Liquor License Violation**

Mr. Kuntz stated the hearing is being held to consider the evidence and Council action relating to an alleged violation of a liquor license with respect to the license holder, Kladek, Inc.

Bridget McCauley-Nason, LeVander, Gillen & Miller, explained that Kladek, Inc., dba King of Diamonds is before the Council for a hearing regarding the imposition of a civil penalty for the illegal sale of alcohol that occurred after 1:00 a.m. on September 19, 2009. She explained that a packet containing eight separate exhibits was provided to the Council and asked that the exhibits be formally received into the record.

**Motion by Madden, second by Klein, to receive Exhibits 1-8.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Ms. McCauley-Nason explained the allegation involves an illegal sale of alcohol after 1:00 a.m. on September 19, 2009. She stated that Kladek, Inc., held an optional 2:00 a.m. liquor license that expired in

July of 2009. She explained that two investigators from the State Department of Alcohol and Gambling enforcement were served alcohol after 1:00 a.m. on September 19, 2009 which is a violation of state statute. She noted that the State Department of Public Safety did impose a \$200 civil penalty on Kladek, Inc. She explained that the City does have the authority to impose an additional civil penalty against the licensee and City Code deems that the minimum penalty of \$750 shall be imposed for the first violation.

Mr. Lynch stated he spoke with the licensee who admitted that the violation was the result of an oversight on her part and is willing to accept the \$750 civil penalty.

Allen Cederberg, 1162 E. 82<sup>nd</sup> Street, stated the event happened on September 19<sup>th</sup> and the following meeting on September 28<sup>th</sup> the one hour extension was approved by the Council. He stated the Council should not have approved the application for the 2 AM license if they knew about the violation.

Mr. Kuntz responded that the State of Minnesota is the entity which grants the 2:00 a.m. license.

Mayor Tourville clarified that the Council was notified by the Deputy Clerk as soon as the City received notification of the violation.

Susan Kladek, 1401 70<sup>th</sup> Street East, apologized for the violation and clarified that a business has to have two separate liquor licenses to stay open until 2:00 a.m. She assured the Council that this situation would never happen again.

**Motion by Madden, second by Klein, to close the hearing.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Klein, second by Piekarski Krech, to approve Resolution No. 09-215 Imposing a \$750 Penalty upon On-Sale Intoxicating Liquor License Holder Kladek, Inc. dba King of Diamonds**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. CITY OF INVER GROVE HEIGHTS; Assessment Hearing for 2009 Nuisance Abatement**

Ms. Teppen stated that a number of property owners were noticed that their properties were out of compliance for issues such as long grass, weeds, or refuse. She explained property owners were notified that they needed to bring their properties into compliance or the City would abate the nuisance and assess the property for the costs. She stated six properties were proposed to be assessed for a total assessment amount of \$2,730.99.

Councilmember Piekarski Krech questioned how many of the properties were in foreclosure.

Ms. Teppen responded that she was not sure how many were in foreclosure. She opined that each of the properties would likely fall into that category.

Councilmember Madden questioned if the property owner was personally contacted.

Ms. Teppen responded that numerous attempts are made to contact the property owner.

Councilmember Piekarski Krech asked for clarification regarding what happens if the property taxes are not paid.

Mr. Kuntz explained that once the assessment is certified to the County it is payable with taxes and it becomes a lien on the property, coexistent with the real estate taxes paid in that year. He clarified that the real estate taxes cannot be paid without paying the assessment and the assessment cannot be paid without paying the real estate taxes. He stated that both costs need to be paid in order to record any deed of ownership transfer.

Mayor Tourville suggested that the reason for abatement be given to the Council in the future.

**Motion by Klein, second by Piekarski Krech, to close the hearing.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Klein, second by Grannis, to approve Resolution No. 09-216 adopting the assessment for the 2009 Nuisance Abatement Program**

**Ayes: 5**

**Nays: 0      Motion carried.**

## **7. REGULAR AGENDA:**

### **ADMINISTRATION:**

#### **A. CITY OF INVER GROVE HEIGHTS; Consider First Reading of Electric Franchise Ordinance with Dakota Electric**

Mr. Kuntz stated the existing franchise ordinance with Dakota Electric will expire on December 31, 2009. He explained the ordinance mirrors that of the franchise ordinance with Xcel Energy with two exceptions that were outlined in the memo to the City Council.

**Motion by Klein, second by Piekarski Krech, to approve the first reading of an Electric Franchise Ordinance with Dakota Electric**

Craig Knudsen, Dakota Electric, stated they are in agreement with the provisions and support the ordinance.

Mayor Tourville suggested the revised franchise ordinances be sent to the Chamber of Commerce.

**Ayes: 5**

**Nays: 0      Motion carried.**

#### **B. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of Electric and Gas Franchise Ordinances with Xcel Energy (NSP)**

Mr. Kuntz explained there have been no changes to either ordinance since the first reading. He noted that a map of the territorial areas served by Dakota Electric and Xcel Energy were included in the packet for informational purposes.

**Motion by Klein, second by Grannis, to approve the Second Reading of Electric and Gas Franchise Ordinances with Xcel Energy (NSP)**

**Ayes: 5**

**Nays: 0      Motion carried.**

#### **C. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance relating to Alcohol Server Training Requirements**

Mr. Kuntz stated the second page of the ordinance addresses the timeframe in which the training must be renewed. He explained that a draft of the ordinance with options of 12, 24 or 36 months for renewal was sent to all licensed establishments and the Chamber of Commerce for feedback. He noted that the responses received were provided in a separate memo from the Deputy Clerk.

Mayor Tourville noted that most of the servers are already required to go through training.

Shannon Goerges, 7850 Cahill Avenue, stated that Cub Foods only sells 3.2 liquor and asked that the Council recognize the in-house training program as fulfillment of the ordinance requirements.

Dave Gall, 7850 Cahill Avenue, stated the in-house training program is completed on an annual basis by all employees that are involved with the point-of-sale system. He explained the registers automatically lock when alcohol is scanned through the system and the transaction cannot be completed until the employee enters the birth date from the identification provided by the customer. He noted he has worked at Cub Foods for over five years and there has never been an alcohol violation. He encouraged the

Council to authorize their training program.

Mayor Tourville clarified that the ordinance requires training that addresses how to determine if a person should not be allowed to purchase alcohol because of reasons other than age. He stated that while the in-house training program offered by Cub Foods addresses not selling to underage persons, it does not include the full scope of issues that the ordinance is intended to address. He clarified that the intent of the ordinance is proactive in nature and is not being looked at as a method to punish establishments because of violations.

Mr. Gall asked if their training program would be accepted if it was modified and expanded to address the other areas covered by the acceptable training programs recognized in the ordinance.

Mayor Tourville responded in the affirmative.

Mr. Lynch clarified that the modified training program would need to be reviewed by staff.

Susan Kladek, 1401 70<sup>th</sup> St. E., supported the ordinance stated that her employees are already required to receive server training. She suggested that the liquor license holders in the City could network and host joint training sessions to reduce the cost to the business owners.

Mr. Kuntz referred to Page 2, Item F, and stated the current language of the ordinance does not recognize in-house training programs. He questioned if the curriculum of the in-house training program should be required to be approved by the City.

Ms. Piekarski Krech suggested that a list be developed that would outline the criteria that need to be covered in the training program.

Mayor Tourville stated the City Council would need to review and approve the in-house training program.

Councilmember Klein indicated he would like to receive information regarding the costs of the various training programs that are offered.

Councilmember Madden commented on the business owners concerns regarding high employee turnover and their request for a 30-day grace period.

Councilmember Piekarski Krech stated there are ways the business owner can address that issue and indicated she is not willing to allow employees that have not been properly trained to serve or sell alcohol.

Mayor Tourville agreed with Councilmember Piekarski Krech and added that the training can be completed in a very short period of time.

Councilmember Klein stated he would prefer the 24-month renewal option.

**Motion by Klein, second by Piekarski Krech, to approve the Second Reading of an Ordinance relating to Alcohol Server Training Requirements with a refresher course required every 24 months**

**Ayes: 5**

**Nays: 0      Motion carried.**

**D. CITY OF INVER GROVE HEIGHTS; Consider the Second Reading of an Ordinance regulating the Number and Frequency of Garage Sales**

Ms. Teppen explained the only change made after the first reading was the addition of language to allow four garage sales per calendar year and not including any city-sanctioned garage sale event. She noted the City Attorney added a memorandum regarding the differences between a misdemeanor and a petty misdemeanor.

**Motion by Madden, second by Klein, to approve the second reading of an Ordinance regulating the Number and Frequency of Garage Sales with a violation resulting in a petty misdemeanor**

**Ayes: 4**

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

**COMMUNITY DEVELOPMENT:**

- E. JOYCE JOHNSON;** Consider Resolution and Two Encroachment Agreements relating to a Conditional Use Permit to increase the size of a non-conforming structure by 14% of the original size for property located at 7432 Cloman Way

Mr. Link stated the applicant intends to reconstruct a house that was destroyed by a fire last August. He explained the original structure did not meet setback requirements and the new house is proposed to be 14% larger than the original. He stated the second part of the request requires two encroachment agreements because of the encroachment into the utility easement. He noted both Planning staff and the Planning Commission recommended approval of the request.

Councilmember Piekarski Krech questioned if a conditional use permit would still be necessary if Item 7F on the agenda was approved.

Mr. Link responded in the affirmative.

Councilmember Klein asked if the applicant agreed with the conditions of approval.

Joyce Johnson, 7432 Cloman Way, indicated she agreed with the conditions.

**Motion by Madden, second by Klein, to adopt Resolution No. 09-217 and Two Encroachment Agreements relating to a Conditional Use Permit to increase the size of a non-conforming structure by 14% of the original size for property located at 7432 Cloman Way**

**Ayes: 5**

**Nays: 0      Motion carried.**

- F. CITY OF INVER GROVE HEIGHTS;** Consider the Third Reading of a Zoning Code Amendment relating to the maintenance and repair of Non-Conforming Uses and Structures

Mr. Link reviewed that the ordinance would amend the City Code to make it consistent with changes in state statute. He noted no changes had been made to the ordinance since the second reading. He stated Planning staff and the Planning Commission recommended approval.

Frank Rauschnot Jr., 6840 Dixie Avenue, stated that allowing non-conforming structures to be rebuilt does not bring the property into compliance. He commented that something needs to be done to bring properties into compliance rather than continuing to allow non-conforming uses.

**Motion by Madden, second by Klein, to adopt Ordinance No. 1198, a Zoning Code Amendment relating to the maintenance and repair of Non-Conforming Uses and Structures**

**Ayes: 5**

**Nays: 0      Motion carried.**

- G. CITY OF INVER GROVE HEIGHTS;** Consider Resolution relating to a Comprehensive Plan Amendment for the modification of proposed trails shown on the Parks, Trails and Open Space Plan in the Parks and Recreation Chapter of the 2030 Comprehensive Plan

Mr. Link stated this is a modification to the trail plan in the 2030 comprehensive plan. He said all cities in the metro are required to have a Comprehensive Plan and to update it every 10 years. He stated there are about 15 pages of different testimony from various Planning Commission meetings regarding the proposed trail plan.

Mr. Carlson reviewed the development of the current trail plan that was part of the 2020 Comprehensive Plan and the process that has been followed to update the trail plan for inclusion in the 2030 Comprehensive Plan. He stated removal of proposed trail segments on the Comprehensive Plan would affect the framework and long-term goals of the City. He explained that because the southern portion of the City will not develop as intensely as the northern part of the City removal of any of the proposed trail segments would result in large gaps that would hinder the connectivity of trails. He stated trails are popular and use has grown significantly both regionally and locally. He explained that trails are used for

safe and convenient access to parks, open space, neighborhoods, commercial areas and destinations beyond and into the City. He reviewed the proposed changes recommended by City staff and those changes that were not recommended. He noted the Parks and Recreation Advisory Commission discussed the trail plan at two separate meetings and recommended that the trail along Barnes Avenue be retained, provided the trail is a paved shoulder on the roadway once the road is reconstructed. He added that their recommendation also included the removal of the proposed trails on Courthouse Boulevard Court, Anne Marie Trail, and Annalisa Path.

Councilmember Madden referenced the retention of a proposed trail along Barnes Avenue and stated it was his understanding that the Council agreed to remove that trail from the plan.

Mr. Carlson responded it was previously discussed, but was not formally removed from the plan.

Councilmember Madden stated he would not support the inclusion of the proposed trail along Barnes Avenue. He expressed concerns with the cost to build and maintain all the trails.

Councilmember Piekarski Krech clarified that they are not deciding to whether or not the trails will be built. She stated this is a long term plan and that the decision regarding whether or not some of the trails will be built may be left to future City Councils.

Councilmember Madden stated that the use of the tax payers' money still needs to be taken into consideration.

Lee Lindberg, 8965 Alfa Lane, questioned who the trails on Barnes Avenue and Courthouse Boulevard Court were for because he has not seen people in favor of those trails being included in the trail plan. He stated that the trails need to be safe and shoulders along the side of the road do not promote safety. He asked that Council remove the proposed trail on Barnes Avenue.

Sheldon Sandmann, 10199 Barnes Way, stated he was not in favor of the trail on Barnes Avenue had asked that it be removed from the trail plan.

Councilmember Madden agreed that there are safety concerns with shoulders along the side of the road and he does not consider that to be a trail.

**Motion by Grannis, seconded by Klein, to approve the resolution with the eight (8) identified changes to the Comprehensive Trail Plan with an additional change (number 9) that the proposed trail along Barnes Avenue be removed from the plan and (number 10) that the proposed trail along Courthouse Boulevard Court be removed from the plan.**

Mayor Tourville stated he would be fine with the removal of the proposed trail on Barnes Avenue but not Courthouse Boulevard Court. He explained that trail is currently part of an agreement and leaving it on the plan does not force the City to do anything.

**Motion by Tourville, seconded by Madden, to amend the motion by removing proposed change number 10.**

**Ayes: 3**

**Nays: 2 (Grannis, Piekarski Krech) Motion carried**

**Motion by Klein, second by Madden, to adopt Resolution No. 09-218 approving items 1-9 of the Comprehensive Plan Amendment for the modification of proposed trails shown on the Parks, Trails and Open Space Plan in the Parks and Recreation Chapter of the 2030 Comprehensive Plan**

**Ayes: 4**

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

**Motion by Klein, second by Grannis, to remove the proposed trail on Courthouse Boulevard Ct from the 2030 Comprehensive Plan**

Mayor Tourville opined that leaving it in the plan would provide them with the opportunity to discuss it further.

Councilmember Grannis stated he does not see the harm in removing the trail at this point because the Council could consider an amendment to include it at a later date.

**Ayes: 2 (Grannis, Klein)**

**Nays: 3 (Madden, Tourville, Piekarski Krech) Motion failed.**

**H. CITY OF INVER GROVE HEIGHTS;** Consider Renewal of permits for advertising benches (bus benches) in the City of Inver Grove Heights

Mr. Link explained the number and location of the benches are identical to what the City Council approved two years ago.

**Motion by Klein, second by Madden, to renew permits for advertising benches (bus benches) in the City of Inver Grove Heights**

**Ayes: 5**

**Nays: 0 Motion carried.**

**PUBLIC WORKS:**

**I. CITY OF INVER GROVE HEIGHTS;** Consider Resolutions Establishing Utility Rates for 2010

Mr. Thureen explained the water rates are proposed to increase 2% and sewer rates are proposed to increase 3.5 % for 2010.

**Motion by Klein, second by Piekarski Krech, to adopt Resolution Nos. 09-219 and 09-220 establishing utility rates for 2010**

**Ayes: 5**

**Nays: 0 Motion carried.**

**J. CITY OF INVER GROVE HEIGHTS;** Consider Change Order No. 5 and Pay Voucher No. 14 for City Project No. 2003-15, Northwest Area Trunk Improvements

Mr. Thureen explained that this amount is higher than what is typically seen. He stated this is for the tunneling work and noted it is within the contingency budget.

**Motion by Klein, second by Grannis, to approve Change Order No. 5 and Pay Voucher No. 14 for City Project No. 2003-15, Northwest Area Trunk Improvements**

**Ayes: 5**

**Nays: 0 Motion carried.**

**K. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Approving Addendum No. 5 for Engineering and Construction Services Agreement with Bolton & Menk, Inc. for City Project No. 2003-15, Northwest Area Trunk Utility Improvements

Mr. Thureen explained that this was a large, complex project and Bolton & Menk, Inc. assisted with the engineering and construction services.

**Motion by Klein, second by Grannis, to adopt Resolution No. 09-221 approving Addendum No. 5 for Engineering and Construction Services Agreement with Bolton & Menk, Inc. for City Project No. 2003-15, Northwest Area Trunk Utility Improvements**

**Ayes: 5**

**Nays: 0 Motion carried.**

**L. CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and Title 10, Chapter 3, Section 10-3-8 Adjusting Development Fees for 2010

Ms. Teppen stated the Council is asked to approve the first reading of an ordinance to amend the City Code to adjust the fees and charges associated activities. She explained that this would include water and sanitary sewer connection fees, as well as fees associated with planning activities. She explained the

water and sanitary sewer connection fees are proposed to increase between 3.5% and 4.5% based on financial projections provided by Ehlers and Associates.

Councilmember Piekarski Krech asked what the abstract fee was for.

Ms. Teppen reviewed the fees and stated that none of them have been changed for 2010. She noted that the required public hearing was scheduled for Nov. 23<sup>rd</sup>.

**Motion by Klein, second by Grannis, to approve Consider First Reading of an Ordinance Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and Title 10, Chapter 3, Section 10-3-8 Adjusting Development Fees for 2010**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR AND COUNCIL COMMENTS:**

Councilmember Madden commented on the Lions Park dock and asked about the repairs.

Mr. Carlson responded the fishing dock was donated to the City and the City is responsible for maintaining it. He indicated that staff plans to repair the dock next spring.

Councilmember Klein questioned if any of the lakes were going to be stocked by the DNR.

Mr. Carlson stated he would provide an update on the stocking activity of the DNR.

**9. ADJOURN:** Motion by Madden, second by Grannis, to adjourn. The meeting was adjourned by a unanimous vote at 10:30 p.m.