

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, NOVEMBER 23, 2009 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, November 23, 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 Rheume.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Councilmember Grannis removed Item 4C, Change Order No. 3 for City Project 2008-18, and Item 4N, Consider Increase to Contract with Short Elliott Hendrickson Inc. for the Rock Island Swing Bridge Project, from the Consent Agenda.

Mayor Tourville removed Item 4E, Change Order No. 1, Final Pay Voucher No. 1, Engineer's Final Report and Resolution Accepting Work for City Project No. 2009-13, Storm Water Facility Maintenance Program Zone 2, from the Consent Agenda.

- A.** Minutes – November 9, 2009 Regular Council Meeting
- B.** **Resolution No. 09-222** Approving Disbursements for Period Ending November 18, 2009
- D.** Change Order No. 1, Final Pay Voucher No. 1, Engineer's Final Report and **Resolution No. 09-223** Accepting Work for City Project No. 2009-12, Storm Water Facility Maintenance Program - Zone 1
- F.** Change Order No. 1, Final Pay Voucher No. 1, Engineer's Final Report and **Resolution No. 09-224** Accepting Work for City Project No. 2009-14, Storm Water Facility Maintenance Program - Zone 3
- G.** Change Order No. 1 and Pay Voucher No. 1 for City Project No. 2009-15, Storm Water Facility Maintenance Program - Zone 4
- H.** Change Order No. 1, Final Pay Voucher No.1, Engineer's Final Report and **Resolution No. 09-225** Accepting Work for City Project No. 2009-16, Storm Water Facility Maintenance Program – Zone 5
- I.** Final Compensating Change Order No. 1, Final Pay Voucher No. 1, Engineer's Final Report and **Resolution No. 09-226** Accepting Work for City Project No. 2009-17, Storm Water Facility Maintenance Program – Zone 6
- J.** Final Compensating Change Order No. 1, Final Pay Voucher No. 1, Engineer's Final Report and **Resolution No. 09-227** Accepting Work for City Project No. 2009-18, Storm Water Facility Maintenance Program – Zone 7
- K.** Change Order Nos. 8, 9 and Pay Voucher No. 2 for City Project No. 2009-01, Trunk Highway 3/80th (CR 28) Street Intersection Improvements
- L.** Pay Voucher No. 5 for City Project No. 2009-09D, South Grove Urban Street Reconstruction, Area 4
- M.** Change Order No. 1 and Pay Voucher No. 2 for City Project No. 2008-11, Southern Sanitary Sewer System, East Segment
- O.** **Resolution No. 09-228** and Table Setting Forth License Fees, Administrative Service Fees and Permit Fees for 2010
- P.** Accept Donation to Inver Grove Heights Police Department
- Q.** **Resolution No. 09-229** Approving Special Assessment Deferral

R. Approve 2010 City Council Meeting Schedule

S. Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

C. Change Order No. 3 for City Project 2008-18

Councilmember Grannis reviewed the items included in the change order for public information purposes. He stated a credit of \$1,308 was given for a revision to the water heater that eliminated the need for a hot water storage tank, \$1,031 for additional dowels required to anchor the floor slab to the foundation wall, \$1,937 for additional reinforcement to accommodate the specific loading requirements for the high density file storage system on the upper floor, \$330 for additional concrete topping, and \$21,680 for soil corrections at the South half of Phase 1. He noted the total cost of the change order was \$23,670.

Motion by Klein, second by Madden, to approve Change Order No. 3 for City Project No. 2008-18

Ayes: 5

Nays: 0 Motion carried.

Councilmember Grannis suggested that future change orders be placed on the regular agenda because there is a lot of interest in the community regarding the cost of the project.

Mayor Tourville stated information about the project could also be found on the City's website.

E. Change Order No. 1, Final Pay Voucher No. 1, Engineer's Final Report and Resolution Accepting Work for City Project No. 2009-13, Storm Water Facility Maintenance Program – Zone 2

Mayor Tourville stated the item would be considered on December 14th.

No Action Was Taken on This Item.

N. Consider Increase to Contract with Short Elliot Hendrickson, Inc. for Rock Island Swing Bridge Project

Councilmember Grannis explained the item would increase the engineers' contract for the Rock Island Swing Bridge project by \$15,000. He noted the original contract was for \$150,000 and the revised contract would be for \$165,000.

Mr. Carlson clarified that \$4,000 of the \$15,000 increase would be reimbursed to the City by the State of Minnesota.

Motion by Grannis, second by Madden, to approve increase to contract Short Elliot Hendrickson, Inc. for Rock Island Swing Bridge Project

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Allan Cederberg, 1162 East 82nd Street, questioned why there was such a delay between when people were assessed and when the project was paid for. He also questioned why the Council's assessment policy is not the same for every project.

Mayor Tourville responded that the City cannot adopt a final assessment role until the project is complete and the total cost of the project is known. He explained that money is contributed from City funds for each project and the sustainable assessment amount varies from project to project.

Mr. Thureen added that assessments are based on a benefit analysis that is done for each project. He explained that money from the Sewer and Water Fund, State Aid, and the Pavement Management Fund is also used to pay for projects.

Councilmember Piekarski Krech clarified that there are different assessment methods for projects that involve the reconstruction of existing streets and projects that involve the construction of new streets.

6. PUBLIC HEARINGS:

A. CITY OF INVER GROVE HEIGHTS; Consider Second 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 explained that the Council is asked to consider the second reading of an ordinance to amend the City Code to adjust the fees and charges associated with development activities. She stated the water and sanitary sewer connection fees are proposed to increase between 3.5% and 4.5%.

Councilmember Madden clarified that the proposed collection of an abstract fee was the only change and that it was a measure to recover the cost that the City pays to record documents with the County.

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

Ayes: 5

Nays: 0 Motion carried.

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

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. MJOJO; Consider the following resolutions for property located at 6240/6250 Carmen Avenue:

- i) Conditional Use Permit to exceed 25% impervious surface in the Shoreland Overlay District
- ii) Conditional Use Permit for Outdoor Storage in the I-1 District
- iii) Variance for a Driveway to be located within the required five foot setback
- iv) Variance from minimum driveway spacing along collector road

Mr. Link explained the applicant has an existing tenant located in the industrial building that would like to relocate to the northeast corner of the building. He stated the tenant move would require a new turnaround area and an impervious "bump out" for the storage of landscaping material. He explained the property is located in the Shoreland Overlay district which allows a maximum of 25% impervious surface in a development. He stated the property currently has 43.6% impervious surface and the applicant requested an additional 1%. He noted that no changes were proposed to the exterior of the building and the size of the building would remain the same. He explained the Fire Marshal has requested both sides of the fire lane be open at the curb and made into a driveway for better access. He stated both Planning staff and the Planning Commission recommended approval of the requests.

Councilmember Madden stated the language of Condition #3 should be changed to reflect that a letter of credit would be required.

Motion by Grannis, second by Piekarski Krech, to adopt Resolution No. 09-230 approving a Conditional Use Permit to exceed 25% impervious surface in the Shoreland Overlay District, Resolution No. 09-231 approving a Conditional Use Permit for outdoor storage in the I-1 District, and Resolution No. 09-232 approving a Variance for a driveway to be located within the required five foot setback and a Variance from minimum driveway spacing along a collector road.

Ayes: 5

Nays: 0 Motion carried.

PARKS AND RECREATION:**B. CITY OF INVER GROVE HEIGHTS;** Consider Approval of the Comprehensive Park Plan and Development Guide

Mr. Carlson explained over the past two years the Parks and Recreation Commission and the City Council worked to update the Comprehensive Park Plan and Development Guide. He stated the Park Plan has similarities to the City's Comprehensive Plan and provides more detail than the Comprehensive Plan itself. He noted the plan does not bind the Council to any decision and acts as a vision for the future of the park and recreation system. He stated it is expected that the plan will be updated every other year. He explained the plan was approved by the Parks and Recreation Commission on November 18th. He clarified that on page 48 the language identifying Rich Valley Park should be stricken and the "greenway" terminology should be removed from the table of contents.

Loren Scherff clarified that the reference to his property has been removed.

Mayor Tourville confirmed that the reference would be stricken from the plan.

Motion by Klein, second by Grannis, to approve the Comprehensive Park Plan and Development Guide

Ayes: 5

Nays: 0 **Motion carried.**

C. CITY OF INVER GROVE HEIGHTS; Consider Request to Sell Park Property Adjacent to Oakwood Park

Mr. Carlson explained that Mr. Doug Renner requested that the City consider selling him approximately 546 square feet of property that is currently part of Oakwood Park. He stated that before Mr. Renner invests his resources to comply with the City's process to value park land he would like assurance that the City will follow through with selling the property. He noted that after Mr. Renner provides the necessary information and documentation, the item will be brought to the City Council for formal action.

Councilmember Piekarski Krech asked if it would be a straight piece of property and what the effect would be on the description of the City's park property.

Mr. Carlson responded that Mr. Renner would have to determine that information and provide legal documentation to the City prior to Council consideration of the request.

Councilmember Madden confirmed that the sale of the property would not have a negatively impact the use of the park.

Councilmember Klein clarified that park encroachment issues would be handled on a case-by-case basis.

Councilmember Grannis stated he is not in favor of selling park property.

Doug Renner, 7907 Conroy Way, stated he talked to 15 neighbors and they did not think the sale of the property would change the use of the park.

Mayor Tourville suggested that the Council direct that the process move forward and be brought back for formal approval.

The City Council directed Mr. Renner to move forward with the process and gather the information required for the Council to consider his request to purchase a piece of park property.

ADMINISTRATION:**D. CITY OF INVER GROVE HEIGHTS;** Consider the Second Reading of an Electric Franchise Ordinance with Dakota Electric

Mr. Kuntz explained the current franchise agreement with Dakota Electric expires at the end of this year. He stated no changes have been made to the agreement since the first reading.

Motion by Madden, second by Klein, to approve the second reading of an Electric Franchise Ordinance with Dakota Electric

Ayes: 5

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider the Third Reading of Electric and Gas Franchise Ordinances with Xcel Energy (NSP)

Mr. Kuntz explained that this is the final reading for the new Electric and Gas Franchise ordinances with Xcel Energy. He stated no changes were made to either ordinance since the second reading. He noted an email was received from the attorney for Xcel Energy confirming that they had no further changes.

Motion by Madden, second by Klein, to approve Ordinance Nos. 1199 and 1200 adopting Electric and Gas Franchise Ordinances with Xcel Energy (NSP)

Ayes: 5

Nays: 0 Motion carried.

F. CITY OF INVER GROVE HEIGHTS; Consider the Third Reading of an Ordinance relating to Alcohol Server Training Requirements

Mr. Kuntz explained the changes directed by the Council at the time of the second reading were to provide for a 24 month interval for the refresher course and to allow, as an alternative, a training course provided by the licensee if such training course met the standards in the ordinance and also was approved by the Police Department.

Mayor Tourville stated the Chamber of Commerce had questions regarding enforcement of the ordinance and stated it will be up to the City to make sure the training has occurred and proof of training will also need to be provided with license renewal applications. He noted that existing in-house training programs need to be approved by the Police Chief.

Councilmember Klein explained he would vote against the ordinance because there are penalties already in place to handle violations.

Councilmember Piekarski Krech suggested that licensees make alcohol server training part of their employee orientation programs.

Mayor Tourville commented that making the training a requirement will be another form of protection for the licensees.

Mr. Kuntz clarified that evidence of the completion will be presented no later than 72 hours after the request has been made.

Mayor Tourville suggested that it be referenced as 3 business days.

Motion by Piekarski Krech, second by Grannis, to adopt Ordinance No. 1201 relating to Alcohol Server Training Requirements with the changes as noted.

Ayes: 4

Nays: 1 (Klein) Motion carried.

G. CITY OF INVER GROVE HEIGHTS; Consider Third Reading of an Ordinance regulating the Number and Frequency of Garage Sales

Ms. Teppen stated this is the third and final reading of an ordinance regulating the number and frequency of garage sales. She explained as per Council direction she inserted language making a violation of the ordinance a petty misdemeanor.

Motion by Madden, seconded by Grannis, to adopt Ordinance No. 1202 regulating the Number and Frequency of Garage Sales

Councilmember Klein asked how staff will know if someone has more than four garage sales.

Ms. Teppen responded the code compliance specialist will track the total number on a complaint-only basis, not through proactive enforcement.

Ayes: 3

Nays: 2 (Klein, Piekarski Krech) Motion carried.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember Grannis stated the annual performance review for the City Administrator needs to be done.

Mayor Tourville responded that the review would be scheduled in January. He asked for an update on the Rock Island Swing Bridge project.

Mr. Carlson responded that the City completed the necessary steps and met the required deadlines to secure funding from the Federal Government.

9. ADJOURN: Motion by Grannis, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 8:30 p.m.

DRAFT