

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JANUARY 25, 2010 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, January 25, 2010, 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, Finance Director Lanoue, and Deputy Clerk Rheume.

3. PRESENTATIONS:

A. Bill Wolston Day Proclamation

Mayor Tourville explained the event was held on Saturday, January 23rd and indicated he would send out copies of the program to the City Council members.

4. CONSENT AGENDA:

Councilmember Piekarski Krech removed Item 4F, Approve Irrigation Well Repairs at Inver Wood Golf Course, and Item 4I, Approve Amended Agreement for Periodic Construction Observation Services for Roofing and Related Sheet Metal Services for the Public Safety Addition, from the Consent Agenda

- A. Minutes – January 11, 2010 Regular Council Meeting
- B. **Resolution No. 10-06** Approving Disbursements for Period Ending January 20, 2010
- C. Change Order No. 2 and Pay Voucher No. 3 for City Project No. 2008-11, Southern Sanitary Sewer System, East Segment
- D. Final Pay Voucher No. 4, Engineer's Final Report, and **Resolution No. 10-07** Accepting Work for City Project No. 2009-01, T.H. 3/80th (CR 28) Street Intersection Improvements
- E. **Resolution No. 10-08** Approving Amendment No. 1 to Agreements between the City and Charles A. Schroeder and Marolyn M. Schroeder
- G. Consider Disposal of City Owned Assets from Veterans Memorial Community Center
- H. Approve 2009 Pay Equity Report
- J. **Resolution No. 10-09** Approving Amendment No. 1 to Purchase Agreement related to the Sale of Cameron Park Property to George Cameron IV
- K. Accept Donation to Inver Grove Heights Fire Department from Kay Dickison
- L. Accept Donation to Inver Grove Heights Fire Department from John Dickison
- M. Accept Donation to Inver Grove Heights Fire Department from Deborah Dickison Whidden
- N. Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

F. Approve Irrigation Well Repairs at Inver Wood Golf Course

Councilmember Piekarski Krech questioned if a regular maintenance program would be established going forward.

Mr. Carlson responded that routine maintenance of the well was placed on the schedule.

Motion by Klein, second by Madden, to approve Irrigation Well Repairs at Inver Wood Golf Course

Ayes: 5

Nays: 0 Motion carried.

- I. Approve Amended Agreement for Periodic Construction Observation Services for Roofing and Related Sheet Metal Services for the Public Safety Addition

Councilmember Piekarski Krech questioned why the City is responsible for paying the extra cost when the wet insulation was not caused by the City.

Ms. Teppen responded that the City is not paying for the extra costs to remove and reinstall the damaged insulation. She stated the amendment to the agreement is to pay the inspector who was on-site longer than anticipated.

Councilmember Piekarski Krech reiterated that the contractor should pay for the additional time the inspector had to spend on-site because the contractor was responsible for the insulation getting wet.

Councilmember Grannis clarified that the City needs to pay the inspector first because the agreement for inspection services is with the City, not the contractor. He stated the City could then pursue reimbursement of those costs from the contractor.

Motion by Grannis, second by Piekarski Krech, to approve Amended Agreement for Periodic Construction Observation Services for Roofing and related Sheet Metal Services for the Public Safety Addition

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Armando Lissarrague, 11730 Albavar Path, stated his neighbor has an outdoor wood burning stove located 90 feet from his property, and the smoke emanating from the wood burner has turned in to a major nuisance. He displayed pictures to illustrate the volume of smoke and the proximity with which the smoke is located to his home. He stated his family can no longer enjoy the benefits his property once offered. He explained that he has health problems that the smoke makes worse. He referenced a report from the health department that outlined the harmful effects of smoke from outdoor wood burning stoves on humans, animals and the environment. He asked that the Council consider banning or at least regulating the distance with which outdoor wood burning stoves can be located from another property and place restrictions on when they can be operated.

Julie Mellum, President of "Take Back the Air", stated she has been concerned about wood smoke issues for many years. She explained she is the President of Take Back the Air, a state wide environmental organization. She discussed the multitude of health implications associated with smoke from outdoor wood burners and referenced recent legislation from other states that prohibits the use of outdoor wood burners.

Mayor Tourville asked staff to look at sample ordinances and gather additional information to bring to a Council work session in March.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. JAMES BROWN; Consider the following 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 min.
- iii) Variance to allow accessory structure on lot without a principal structure

Mr. Link stated the applicant would like to subdivide his parcel into two separate parcels. He explained that neither of the two parcels would meet the minimum lot size requirement of 2.5 acres. He stated both Planning staff and the Planning Commission were unable to identify a hardship and recommended denial of the requests.

Mayor Tourville suggested that the applicant consider withdrawing his application and reapplying to rezone his property from E-1 to E-2.

Mr. Brown stated he would like the Council to consider everything that has been done to the property from the beginning and the fact that the property description has always been two lots, less than 2.5 acres.

Councilmember Madden stated the request would fit in with the neighborhood.

Councilmember Grannis asked if there would be a spot zoning issue if the property was rezoned to E-2.

Mr. Kuntz explained spot zoning typically refers to different uses, and in this case a rezoning from E-1 to E-2 would not change the use. He explained that the applicant can either withdraw the three existing applications or extend the time for the City to consider those applications.

Mr. Brown stated he will withdraw his requests for a waiver of plat and two variances.

Motion by Klein, seconded by Madden, to accept Mr. Brown’s withdrawal

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

B. CITY OF INVER GROVE HEIGHTS; Consider Change Order No. 4 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ms. Teppen stated the contract amount reflects an increase of \$40,020 for the twelve items included in the change order, for a revised contract total of \$11,676,143. She explained change orders are funded from the project contingency which started at \$613,601 and is now \$439,358 with the inclusion of this change order.

Councilmember Grannis asked for clarification on line item PR 019 because of the large dollar amount.

Ms. Teppen responded that changes to the security, audiovisual, data/telecommunications systems were Requested by the City which required the repositioning of electrical rough-ins.

Councilmember Piekarski Krech questioned if the City requested the upgraded mechanical unit referenced in line item ASI 021.

Ted Redmond, BKV, explained there were a number of piping changes made and this change also relates to final equipment selections.

Mayor Tourville stated the project is not even half done and the change order budget is decreasing.

Mr. Lynch stated the project is 25% completed and approximately 28% of the contingency money had been used.

Councilmember Klein asked staff to continue to watch the change orders closely.

Ms. Teppen assured the Council that the change orders are diligently reviewed on a weekly basis.

Motion by Klein, second by Madden, to approve Change Order No. 4 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ayes: 5

Nays: 0 Motion carried.

C. CITY OF INVER GROVE HEIGHTS; Consider Resolution Authorizing the Release of Various Development & Financing related Documents concerning Southridge Center

Mr. Kuntz explained the bonds were paid off in February 2006 and the current valuation of the property is approximately \$14.9 million. He stated the owner of the property is asking that those documents be released. He noted the release of the documents would not affect the continuation of the tax district.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 10-10 authorizing the release of various development and financing related documents concerning Southridge Center

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Mr. Lynch stated the joint meeting with the school board is set for February 23rd at 7:00 p.m.

Mayor Tourville noted a tour of the Public Safety Addition will be done first.

Motion by Klein, second by Grannis, to reschedule the special joint meeting with the School Board on February 23, 2010 at 7:00 p.m. at City Hall

Ayes: 5

Nays: 0 Motion carried.

Councilmember Klein asked for an update on the 105th Street signage.

Mr. Thureen stated there are two options available, the businesses can apply for the business service signs or the City could apply for a permit for a temporary sign. He noted the estimate for a temporary sign is between \$1,700 and \$2,000 and Mn/DOT has indicated the permit, if approved, would only be for a maximum of 60 days.

Councilmember Klein stated he would like a temporary sign installed.

The City Council discussed applying for a permit and then deciding whether or not to proceed if the application is approved.

9. ADJOURN: Motion by Grannis, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 8:40 p.m.