

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MARCH 22, 2010 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, March 22, 2010, in the City Council Chambers. Acting Mayor Madden called the meeting to order at 7:30 p.m. Present were Council members Grannis, Klein, 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 Rheaume.

3. PRESENTATIONS:

4. CONSENT AGENDA:

Councilmember Piekarski Krech removed Item 4E, Approve Use of Turf Care Products in the Park System for 2010, from the Consent Agenda.

Councilmember Grannis removed Item 4I, Approve Phase II Environmental Contract for the Rock Island Swing Bridge Property and property located at 4301 63rd St. E., and Item 4N, Rescind 1986 JPA Agreement between ISD 199 and City, from the Consent Agenda.

- A. Minutes – March 8, 2010 Regular Council Meeting
- B. **Resolution No. 10-35** Approving Disbursements for Period Ending March 17, 2010
- C. Change Order No. 4 and Pay Voucher No. 5 for City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay
- D. Approve Additional Services Agreement with BKV
- F. Approve Tree Fund Expenditures for 2010
- G. Approve Agreement with Great River Greening for work at Heritage Village Park
- H. Approve Grant Agreement with Dakota County for Way-Finding Signage
- J. Approve Portable Toilet Agreement for 2010-2013
- K. Approve Agreement for Participation in the Internet Crimes against Children Program
- L. **Resolution No. 10-36** Approving Consent Agreement for Sublease – Nextel/Sprint Monopole
- M. **Resolution No. 10-37** Approving Lease Agreement between the City and Clear Wireless, LLC
- O. Personnel Actions

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

Ayes: 4

Nays: 0 Motion carried.

- E. Approve Use of Turf Care Products in the Park System for 2010

Councilmember Piekarski Krech questioned how eco-friendly the Turf Care products are.

Mr. Carlson explained City staff is licensed to apply chemicals in the park system. He stated all of the chemicals, when used and applied properly, are acceptable for use in the park system.

Councilmember Piekarski Krech questioned if staff was applying bare minimum amounts to get the desired effect and questioned if there were other products that could be used that may be more eco-friendly.

Mr. Carlson explained Park Maintenance staff collects soil samples to determine what nutrients are needed to make the plants grow as efficiently as possible. He noted that they only apply products that are deemed necessary based on the soil samples.

Councilmember Piekarski Krech suggested that staff start looking at the use of more eco-friendly products and finding alternatives that can be used instead of chemicals.

Motion by Klein, second by Grannis, to approve the use of Turf Care Products in the Park System for 2010

Ayes: 4

Nays: 0 Motion carried.

- I. Approve Phase II Environmental Contract for the Rock Island Swing Bridge Property and Property located at 4301 63rd St. E.

Councilmember Grannis stated he would not support a contract with Braun Intertec because of a mistake that was made on a previous project that involved soil testing. He suggested if the contract was approved that an addendum be drafted that would allow the City to recover any costs incurred from litigation.

Motion by Klein, second by Madden, to approve the Phase II Environmental Contract for the Rock Island Swing Bridge Property and Property located at 4301 63rd St. E. with an addendum added to the contract

Ayes: 3

Nays: 1 (Grannis) Motion carried.

- N. Rescind 1986 JPA Agreement between ISD 199 and City

Councilmember Grannis opined that the minutes should reflect why the agreement was terminated.

Councilmember Piekarski Krech stated the school district requested termination of the agreement.

Mr. Lynch explained the agreement with the school district dated back to 1986. He stated it was determined that neither the school district nor the City was recovering their expenses for facility and field rental. He explained both parties would need to charge the other for facility and field usage. He noted both parties have agreed to terminate the agreement.

Motion by Grannis, second by Klein, to approve rescinding the 1986 JPA Agreement between ISD 199 and the City

Ayes: 4

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Ed Gunter, 6671 Concord, discussed the upcoming construction season on Concord Boulevard and asked if the City has considered repairing the potholes between 66th Street and 67th Street.

Mr. Thureen indicated that maintenance crews have already started to patch potholes throughout the City. He stated there are number of areas that need work done and noted that staff will coordinate with the County to get the areas that were mentioned done.

John Waddehl, 7883 Claiborne Lane, commented on the number of different trash haulers that do business in the City and opined that the streets in residential areas are deteriorating as a result of this type of traffic. He asked if the roads were built to handle that type of weight and traffic. He suggested that the Council consider limiting the number of trash haulers that can conduct business in the City.

Mr. Thureen responded trash haulers are exempt from the weight limits.

Councilmember Piekarski Krech stated the Council has discussed limiting the number of trash haulers in the City and the consensus was that they did not want to interfere with free enterprise in the City. She suggested that neighborhoods could get together to contract with one hauler and possibly work out a deal for service.

6. PUBLIC HEARINGS:**A. CITY OF INVER GROVE HEIGHTS;** Assessment Hearing for City Project No. 2009-09D, South Grove Street Reconstruction (Area 4)

Mr. Kaldunski stated the project was ordered by the City Council on March 23, 2009 as part of the City's 2009 Pavement Management Program. He explained the project entailed street reconstruction with concrete curb and gutter, concrete sidewalk, storm sewer, water main, grading, landscaping, restoration and appurtenances. He stated the total project cost is \$2,893,925.03. He explained 476 properties are proposed to be assessed, including: 149 single-family residential lots, four (4) commercial, 56 multi-family, one (1) school property, two (2) church properties, three (3) City properties and two (2) County properties. He noted there are three single-family residential lots on Cahill Avenue that are proposed to be assessed for storm sewer only.

Mr. Kaldunski explained that 70% of the total project cost is typically assessed per City policy and the City is responsible for the remaining 30%. He stated if City policy was followed the assessments for single-family homes would range from \$5,500 to \$7,000, from \$1,300 to \$2,400 for multi-family parcels and from \$2,500 to \$167,000 for commercial properties.

Mr. Kaldunski reviewed the benefit analysis that was performed by Metzen Appraisals. He stated the proposed assessment roll is based on the recommended assessment cap of \$4,000 per parcel for single-family parcels and \$2,000 per multi-family unit. He explained if the calculated, cumulative total assessment for the parcels in the project area were to exceed the recommended cap, the excess amount would be funded via the Pavement Management Fund. He noted if a parcel was previously assessed for improvements on a previous phase of the South Grove reconstruction program, that amount would be deducted from the \$4,000 cap to arrive at the final assessment amount.

Mr. Kaldunski stated the total amount proposed to be specially assessed is \$1,267,675.07, if the assessment were to be capped as per the recommendation of the benefit analysis. He explained an assessment term of ten (10) years at an interest rate of 5.8% is recommended for street reconstruction and/or storm sewer costs and a term of 15 years at a 5.8% interest rate for non-government, non-profit parcels. He noted a drainage area correction was made that resulted in a reduction of the assessment for Good Shepherd Church and ten (10) single-family lots with small areas draining toward the church.

Mr. Kaldunski reviewed the information meeting that was held on March 9, 2010. He indicated 13 residents were in attendance and various topics were discussed including: how prepayments are handled, partial payments, revised drainage area at Good Shepherd, cap considerations from owners of large lots with drainage only assessments, and a request for a full lot drainage assessment in 2010 rather than split assessments in 2010 and 2011. He noted one official assessment appeal was received from Grace Christian Reformed Church. He recommended that the Council not take action on the assessment roll because of a minor deviation from State statute language in the assessment notice. He stated this would allow staff to go through a process to properly notify the appropriate people and for the Council to then take action at their regular meeting on April 12, 2010.

The City Council indicated their intent to follow the recommended assessment caps.

Peter Benner, 7650 Cahill Avenue, stated his initial notice was for an assessment of \$8,300 and after changes were made to the Good Shepherd drainage area it was reduced to \$6,500. He stated he appreciates the intent to cap the assessments for single-family parcels at \$4,000. He explained that most of his property does not drain into the assessment area and requested staff further investigate the issue.

Roger Leik, 7698 Cahill Avenue, stated he is Mr. Benner's neighbor and requested that staff investigate the drainage area of his property as well.

William Wuorinen, 7904 Conroy Way, stated he is not in the area that was improved and questioned how the drainage improvements increase the value of his property. He explained that he lives on top of a hill and does not have drainage issues.

Councilmember Piekarski Krech stated all storm water has to be dealt with, including the runoff from Mr.

Wuorinen's property.

Mr. Wuorinen stated he has a problem with being assessed when the improvements do not directly affect his property, and questioned if he would be assessed for future drainage improvements in other South Grove projects.

Acting Mayor Madden commented that the improvements affect the entire neighborhood.

Mr. Thureen explained that the water from Mr. Wuorinen's property drains into two different parts of the storm water system. He stated that at this time he is only being assessed for that portion of his property which drains into the area in which improvements were made. He noted that if improvements were made to the other portion of the storm water system in a future project, Mr. Wuorinen would be assessed for the remaining portion of his property that drains into that area.

Mr. Kuntz stated the recommendation is to not close the hearing but to make a motion to continue the hearing to April 12, 2010.

Motion by Piekarski Krech, second by Klein, to receive the letter of appeal from Grace Christian Reformed Church

Ayes: 4

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Klein, to continue the public hearing to April 12, 2010 at 7:30 p.m.

Ayes: 4

Nays: 0 Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Public Improvement Hearing for City Project No. 2010-12, 59th Street Reconstruction

Mr. Kaldunski explained the project was initiated by the City Council after receiving a request from residents on 59th Street. He stated a feasibility study was presented to the City Council and plans and specifications were prepared. He explained the project would involve the initial construction of 59th Street, west of Concord Boulevard, as well as paving of the alley from 59th Street to Linden Street. He stated the project would include: bituminous pavement, subgrade excavation and preparation, granular subgrade, aggregate base, curb and gutter construction, retaining wall construction, drainage improvements including new storm sewer near Concord Boulevard with inlets, inverted crown on the alley and the curb and gutter, and the restoration of boulevards and driveways. He noted the project is being coordinated with the schedule on the Concord Boulevard Phase 3 reconstruction. He stated 59th Street would be constructed 28 feet wide, centered in the right-of-way, with a widened terminus to facilitate turning movements.

Mr. Kaldunski stated the project is proposed to be funded from special assessments for initial construction to the benefitted properties and the Pavement Management Fund. He stated based on previous Council discussions regarding initial construction, the preliminary assessment calculations assume a 100% assessment, minus any corner credits. He explained the storm sewer would be assessed based on the area of each parcel that drains into the improvements. He noted the assessment roll recognized the proposed assessments for the Concord Boulevard project. He stated the total estimated project cost is \$118,443.33, and the total amount proposed to be assessed is \$76,049.80. He explained the estimated assessments for a single-family home ranged from \$2,677.80 to \$15,945.89 as per City policy, and assessments for commercial properties ranged from \$10,641.09 to \$22,246.73. He stated the total City cost of the project, based on corner credits, is \$42,393.53. He explained the appraisal analysis presented the opinion that an assessment amount of \$6,000 per single-family home could be sustained. He stated if the City Council opts to utilize the recommended cap amount, the total amount proposed to be assessed would be estimated at \$57,413.13. He noted the sustainable amount is higher because the project involves the initial construction of the street. He explained the assessments would be levied over a ten year period.

Mr. Kaldunski stated a neighborhood informational meeting was held and 7 residents were in attendance. He explained the group indicated general support of the project, provided the recommended assessment cap was instituted.

Councilmember Klein opined that he is in favor of the project, but feels it is a lot of money. He clarified the proposed location of the catch basins.

Councilmember Piekarski Krech confirmed that the project would only be put out for bids at this point and the Council could make a final determination after the costs are known.

Ed Gunter, 6671 Concord, spoke in favor of the project and stated the work is long overdue.

James Fyksen, 4045 59th St. E., presented a petition from the residents in the project area that asked the Council to institute the recommended assessment cap.

Motion by Klein, second by Grannis, to receive petition from James Fyksen.

Ayes: 4

Nays: 0 Motion carried.

Keith Joyce, 5873 Concord Blvd., clarified that the residents would like the Council to adopt the recommended cap.

Councilmember Piekarski Krech stated the Council cannot adopt an assessment cap at this time and explained they have to wait until an assessment hearing is held for the project. She noted the project has not even been bid on yet, so the actual costs are not known.

Allan Cederberg, 1162 E. 82nd St., questioned why the City was contributing funds to the project if it was requested by the property owners.

Mr. Kuntz responded the amount proposed to be assessed for a project is the judgment of the Council.

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

Ayes: 4

Nays: 0 Motion carried.

Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 10-38 Ordering Improvements, Approving Plans and Specifications, and Authorizing Advertisement for Bids for the 2010 Pavement Management Program – City Project No. 2010-12, 59th Street Reconstruction

Ayes: 4

Nays: 0 Motion carried.

C. CITY OF INVER GROVE HEIGHTS; Consider Application of Aldi, Inc. dba Aldi Foods #78 for a 3.2 Off-Sale Liquor License for premises located at 1414 Mendota Rd. E.

Ms. Rheame explained Aldi Foods applied for a 3.2 Off-Sale License for their second location that recently opened on Mendota Road. She stated the police department did conduct a background investigation and found no basis for denial of the request. She noted the applicant will need to comply with the newly adopted Alcohol Server Training requirements.

Motion by Piekarski Krech, second by Grannis, to close the public hearing.

Ayes: 4

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Madden, to approve the application of Aldi, Inc. dba Aldi Foods #78 for a 3.2 Off-Sale Liquor License for premises located at 1414 Mendota Rd. E.

Ayes: 4

Nays: 0 Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider Application of Morris-Walkers, Ltd. dba Khoury's Restaurant & Bakery for the transfer of an On-Sale/Sunday Intoxicating Liquor License for premises located at 5660 Bishop Ave. E.

Motion by Piekarski Krech, second by Grannis, to table consideration of the application until April 12, 2010 at 7:30 p.m.

Ayes: 4

Nays: 0 Motion carried.

7. REGULAR AGENDA:

PARKS AND RECREATION:

A. CITY OF INVER GROVE HEIGHTS; Consider Approval of Issues related to the Rock Island Swing Bridge Project – City Project No. 2009-24:

- i) Award Contract to Lametti & Sons in the amount of \$1,877,732
- ii) Award Contract to SEH, Inc. in the amount of \$147,800
- iii) Purchase Builders Risk Insurance from AGCS Marine Insurance Company in the amount of \$8,509
- iv) Pay for MN DNR Endangered Species Mitigation in the amount of \$38,879
- v) Purchase Material Testing Services from MnDOT in the estimated amount of \$38,879
- vi) Approve a Joint Powers Agreement with Dakota County accepting a contribution
- vii) Accept a Federal Grant in the amount of \$1,300,000 and a State Grant in the amount of \$100,000
- viii) Approve the Designated Funding Sources & Overall Project Budget totaling \$2,207,367

Mr. Carlson reviewed the scope of the project and the potential long-term costs associated. He stated the deferred maintenance costs are estimated at \$42,525 annually, plus \$13,000 for liability insurance. He explained the Council is being asked to award the contract for the project to Lametti & Sons in the amount of \$1,859,700 for the base bid on the project and \$18,032 for the add alternate of repairing the scour under piers 4 and 5. He stated the total contract would be in the amount of \$1,877,732. He noted the engineer's estimate was \$1,971,000.

Mr. Carlson explained a contract with SEH, Inc. for Construction and Observation Services is also recommended in the amount of \$147,800. He noted the fees include professional services and reimbursable expenses. He stated staff felt SEH, Inc. was better suited to execute the project and address any issues that may arise with the contractor during construction given their familiarity with the project.

Councilmember Piekarski Krech clarified that they would be responsible for any add-ons or change orders.

Mr. Carlson explained builders risk insurance acts as the City's property liability coverage during construction. He stated the policy would be purchased from AGCS Marine Insurance Company in the amount of \$8,509. He noted once construction is complete the City will need to purchase liability insurance.

Mr. Carlson explained two mussel surveys have been completed and it was determined that there are threatened mussels in the construction and demolition area. He stated the City will need to mitigate the removal of these mussels through a permit issued by the MN DNR. He noted the compensatory mitigation fee is \$38,879.

Mr. Carlson stated through the course of the project MN DOT will perform material testing in an estimated amount of \$10,000.

Mr. Carlson reviewed the construction funding sources and outlined the grants the City has received to help offset the cost of the project. He noted Dakota County has agreed to help fund the project through a contribution of \$150,000. He stated the City and the County have agreed to enter into a Joint Powers Agreement for the contribution the County is making towards the project. He explained the estimated total cost of the project from start to finish is \$2.4 million, and the total City contribution is estimated to be \$450,000.

Councilmember Klein asked if fundraising had been started.

Mr. Carlson responded staff is working on developing a fundraising plan.

Councilmember Klein asked if there are any other sources still available for additional funding.

Mr. Carlson stated the City can continue to investigate additional revenue sources.

Councilmember Grannis commented that the original estimates received from the County to tear the bridge down actually exceeded the cost to preserve.

Motion by Klein, second by Piekarski Krech, to approve the Award of Contract to Lametti & Sons in the amount of \$1,877,732

Ayes: 4

Nays: 0 Motion carried.

Motion by Klein, second by Piekarski Krech, to approve the Award of Contract to SEH, Inc. in the amount of \$147,800 for construction and observation services

Ayes: 4

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Grannis, to approve the Purchase of Builders Risk Insurance from AGCS Marine Insurance Company in the amount of \$8,509

Ayes: 4

Nays: 0 Motion carried.

Motion by Grannis, second by Piekarski Krech, to Pay for MN DNR Endangered Species Mitigation Permit in the amount of \$38,879

Ayes: 4

Nays: 0 Motion carried.

Motion by Grannis, second by Piekarski Krech, to Purchase Material Testing Services from MnDOT in the estimated amount of \$10,000

Ayes: 4

Nays: 0 Motion carried.

Motion by Klein, second by Grannis, to approve a Joint Powers Agreement with Dakota County accepting a contribution towards the project in the amount of \$150,000

Ayes: 4

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Grannis, to accept a Federal Grant in the amount of \$1,300,000 and a State Grant in the amount of \$100,000

Ayes: 4

Nays: 0 Motion carried.

Motion by Madden, second by Grannis, to approve the Designated Funding Sources and Overall Project Budget totaling \$2,207,367

Ayes: 4

Nays: 0 Motion carried.

The City Council took a five minute recess.

COMMUNITY DEVELOPMENT:

B. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance Amending the Zoning Ordinance relating to maximum allowed impervious surface coverage in the single family residential zoning districts including: A, E-1, E-2, R-1A, R-1B and R-1C

Mr. Hunting explained City Council directed staff to conduct additional research in regards to providing a final recommendation on impervious surface coverage for single-family residential zones. He stated Engineering completed an in-depth analysis to determine that the proposed changes do not conflict with the City's storm water management system design standards. He noted there is a temporary ordinance in place that expires in June. He explained the Planning Commission reviewed the ordinance and recommended that staff look at the ordinance that was proposed in the original planning report and modify it to allow a weighting element so as the lot size categories increase, they would be allowed at least the same amount of coverage as the smaller lot size category.

Mr. Hunting stated the proposed changes to the ordinance would only apply to the impervious surface coverage in the single-family districts. He explained the proposed ordinance does not make any changes to the multi-family, commercial, industrial or institutional districts, and it would not affect the Northwest Area. He stated the proposed changes would create impervious surface coverage limits by lot size, not by zoning district. He explained that lot sizes vary significantly within each district and a one size fits all approach is not the most effective. He stated each impervious surface category provides an initial increase in coverage to address the inequity between lots at either end of a lot size category. He noted the building coverage limit in E-1 and E-2 were removed and replaced with impervious surface coverage. He explained the proposed ordinance would allow a built-in opportunity for additional coverage with a conditional use permit and the conditions of the permit would require the landowner to provide means to control runoff from the additional lot coverage. He added both Planning staff and the Planning Commission recommended approval of the ordinance as proposed.

Mr. Dodge gave a presentation of the analysis that was conducted by engineering staff. He reviewed a map of 34 developments that were analyzed and used to develop the proposed guidelines. He stated the recommendations being proposed would be consistent with national guidelines for storm water design and would be feasible from the engineering staff's perspective.

Councilmember Grannis asked if a pond would counts towards the impervious surface coverage on a lot.

Mr. Hunting responded the pond would be counted in the total area.

Councilmember Klein asked how the recommendations would affect the South Grove area.

Mr. Hunting stated that the South Grove area would most likely be in the 35% coverage category.

Councilmember Klein asked to see some photos of average lots in South Grove to get a better idea of what 35% coverage would look like.

Mr. Hunting indicated he would provide some aerial photos to show how there would be room to grow. He stated the proposed changes would allow for more coverage and would be much more useable for the residents.

Councilmember Grannis stated he is concerned with the aesthetics and is not sure that amount of impervious coverage is what residents want to be looking at. He asked staff to prepare some maps and other exhibits to show the lot breakdown by category.

Councilmember Piekarski Krech asked to see more examples of actual lot coverage within the City.

Motion by Klein, second by Grannis, to approve the first reading of an Ordinance Amending the Zoning Ordinance relating to maximum allowed impervious surface coverage in the single family residential zoning districts including: A, E-1, E-2, R-1A, R-1B and R-1C

Ayes: 4

Nays: 0 Motion carried.

ADMINISTRATION:**C. CITY OF INVER GROVE HEIGHTS;** Consider Change Order No. 6 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ms. Teppen explained Change Order Number 6 includes 16 items that total \$20,415.

Acting Mayor Madden asked how much of the project had been completed.

Ms. Teppen responded the Public Safety Addition is progressing well and the contractor anticipates they may be finished in June, a month ahead of schedule.

Councilmember Piekarski Krech expressed concerns regarding the contingency money and what will happen when the renovation of City Hall begins. She stated the contractor will undoubtedly find things during the renovation that were not anticipated and will require more change orders.

Motion by Klein, second by Grannis, to Approve Change Order No. 6 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ayes: 4

Nays: 0 Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider First Reading of an Ordinance Amending Title 5, Chapter 4, of the City Code relating to Animal Control

Ms. Teppen stated the proposed ordinance was posted on the City's website along with definitions of a dangerous dog and a potentially dangerous dog. She explained a letter was also sent to the local veterinarians for feedback regarding rabies vaccinations and noted no responses were received.

Amy Hunting, 2645 96th Street East, commended the City Council for not targeting certain breeds of dogs. She suggested that the definition of "running at large" be amended to remove the words "not exceeding six feet in length".

Councilmember Piekarski Krech suggested the term retractable leash could be inserted.

Ms. Hunting encouraged the City to promote dog owners licensing their pets and suggested that staff develop additional benefits to licensure. She stated access to a dog park in the City could be one potential benefit to an owner having their dog licensed.

Ms. Hunting referred to the impoundment of animals section and suggested that signage be posted at City Hall and the Police Department.

Councilmember Piekarski Krech suggested that information regarding the location animals are taken by Animal Control also be included on the notice.

Ms. Hunting referred to the disposition of unclaimed animals section and suggested more stringent qualifications be added for determining who is allowed to adopt an unclaimed animal.

Councilmember Piekarski Krech commented she did not think animals could be sold to medical facilities.

Ms. Rheame added that the animal hospital determines who that unclaimed animal can or cannot be sold to.

Ms. Hunting suggested a 30-day rather than 14-day deadline for an owner to provide proof of a surety bond after the seizure of a dangerous or potentially dangerous dog.

Ms. Hunting referred to the Prohibitions section and opined that the three minute intervals of barking, yelping, or crying seems unreasonable to be defined as a public nuisance. She suggested adding a longer time frame or requiring that the continuous barking, yelping, or crying be confirmed by a police officer.

Mr. Kuntz stated there are two issues that are common and generally dealt with by staff on a weekly basis: events detailed in the Prohibition section, and issues with retractable leashes. He asked if Council wanted to change the intervals listed and if they wanted to add language that referred to a "commercial retractable

leash” .

Councilmember Piekarski Krech agreed with the “commercial retractable leash” language and suggested getting input from the police department regarding the actual process that is followed to determine whether or not a barking, yelping, or crying dog is a public nuisance.

Ms. Teppen indicated staff would discuss the issue with the Police Department and bring back a recommendation at the second reading.

Councilmember Grannis asked about the definition of “running at large” and asked if the exempt dogs should be exempt from the running at large definition.

Ms. Teppen suggested language could be added that would exempt working or service dogs.

Councilmember Grannis referred to the number of dogs allowed at a commercial daycare kennel and questioned if that number should be reduced.

Councilmember Piekarski Krech suggested that regulations could be added based on the zoning of the property.

Councilmember Grannis suggested that ferrets be added to the list of animals requiring rabies vaccinations.

Councilmember Grannis suggested the license period be changed to account for the annual rabies & license clinics that are usually held in April.

Motion by Klein, second by Grannis, to approve First Reading of an Ordinance Amending Title 5, Chapter 4, of the City Code relating to Animal Control

Ayes: 4

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider Resolution Approving Purchase Agreement with David D. Lethert and Margaret P. Lethert for property located at 8485 Courthouse Boulevard

Mr. Lynch explained the property owner requested that the City Council look at a possible acquisition and an agreement was reached for the 2008 market appraised value of \$268,000. He suggested the item be tabled until Mayor Tourville returns on April 12th so the purchase agreement can be discussed amongst the entire Council.

Motion by Piekarski Krech, second by Klein, to table consideration of the item to April 12, 2010

Ayes: 4

Nays: 0 Motion carried.

PUBLIC WORKS:

F. CITY OF INVER GROVE HEIGHTS; Consider 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

Mr. Thureen provided background information and stated in 2006 the State provided an estimated cost for the project of \$250,000. He noted the Council did approve moving forward at that time. He explained updated cost estimate for the project is approximately \$418,000 of which 10% would be the City’s responsibility. He stated responses were received from four residents that all indicate there was no need for improvements to the crossing at this time.

Ed Gunter, 6671 Concord, stated approximately 25 cars use that crossing per day stated the money could be put to better use on a different project.

Councilmember Klein opined there is no need for the crossing at that location.

Acting Mayor Madden stated his main concern is the cost.

Mr. Thureen stated they should hang on to the crossing for use in future negotiations.

Motion by Piekarski Krech, second by Klein, to deny 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

Ayes: 4

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

9. EXECUTIVE SESSION:

10. ADJOURN: Motion by Madden, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 10:15 p.m.