

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, APRIL 12, 2010 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, April 12, 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. Rock Island Swing Bridge Trust – Mr. Jim Huffman**

Jim Huffman, President of the Rock Island Swing Bridge Trust, stated a fundraiser was held in 2009 at Mississippi Pub to benefit the Rock Island Swing Bridge Project. He presented the City Council with a check for \$1,000.

Councilmember Madden thanked Mr. Huffman and all the volunteers for their efforts in conjunction with the fundraiser.

**4. CONSENT AGENDA:**

Mayor Tourville removed Item 4A, Minutes of March 22, 2010 Regular Council Meeting, from the Consent Agenda.

Councilmember Klein removed Item 4D, Municipal State Aid Street System Adjustments, Item 4E, Resolution Accepting the Proposal of American Engineering Testing, Inc. for Geotechnical Testing Services for City Project No. 2003-15, Northwest Utility Improvements at Manhole O on T.H. 3, and Item 4F, Resolution Accepting Proposal from WSB & Associates, Inc. for 2010 NPDES Storm Water Permit Assistance Program, from the Consent Agenda.

- B. Resolution No. 10-39** Approving Disbursements for Period Ending April 7, 2010
- C.** Pay Voucher No. 10 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- G.** Resolution Approving Special Assessment Deferral for City Project No. 2001-02, 70<sup>th</sup> Street Reconstruction and City Project No. 2006-09D, South Grove Street Reconstruction Area 1
- H.** Resolution Authorizing Feasibility Report – 2010 Pavement Management Program, City Project No. 2010-09C – Blaine Avenue Mill and Overlay
- I.** Consider Acceptance of an Easement Conveyance Agreement and Assessment Appeal Waiver Agreement, a Permanent Drainage and Utility Easement Agreement, and a Temporary Construction Easement Agreement with J.D. Trailer Property, LLC and a Resolution Approving the Agreements for City Project No. 2010-09D, South Grove Reconstruction Area 5
- J. Resolution No. 10-46** Approving Encroachment Agreement with Jeremy and Tammy Strong
- K. Resolution No. 10-47** Approving Participation in All Hazard Mitigation Planning Process
- L.** Approve Temporary 3.2 On-Sale Liquor License for St. Patrick's Church Fall Festival
- M.** Approve Transfer of Service Station License
- N.** Personnel Actions

**Motion by Madden, second by Grannis, to approve the Consent Agenda**

**Ayes: 5**

**Nays: 0      Motion carried.**

**A. Minutes – March 22, 2010 Regular Council Meeting**

Mayor Tourville stated he would abstain from a motion to approve because he did not attend the Council meeting on March 22, 2010.

**Motion by Klein, second by Grannis, to approve the Minutes of the March 22, 2010 Regular Council Meeting**

**Ayes: 4**

**Nays: 0**

**Abstain: 1 (Tourville) Motion carried.**

**D. Municipal State Aid Street System Adjustments**

Councilmember Klein asked the item be brought back to a work session for further discussion.

Mayor Tourville stated the adjustments would actually benefit the City.

Mr. Thureen stated the City would actually gain 0.79 miles of Municipal State Aid Streets. He explained the County has been requesting that the City remove 80<sup>th</sup> Street from its system so it could be added to the County's system. He noted the adjustments create a complete system that would utilize the available mileage currently available to the City. He clarified that the changes would not affect the City's ability to use state aid funds.

Councilmember Madden stated the streets that were added to the system are all in need of improvements and the City would benefit from the availability of state aid.

Mr. Thureen explained that none of the segments discussed involve the turn back of streets from the County to the City.

**Motion by Klein, second by Madden, to adopt Resolution No. 10-40 approving Municipal State Aid Street System Adjustments**

**Ayes: 5**

**Nays: 0 Motion carried.**

**E. Resolution Accepting the Proposal of American Engineering Testing, Inc. for Geotechnical Testing Services for City Project No. 2003-15, Northwest Utility Improvements at Manhole O on T.H. 3**

Councilmember Klein questioned how much more settlement could be expected.

Mr. Thureen stated he did not know if there would be additional settlement. He explained approximately nine (9) inches of settlement was detected within a few months of its original construction and no further settlement has been detected since. He stated the proposed investigation would examine the soils to ensure that the repairs can be done safely and provide a long-term solution.

Councilmember Klein asked if soil testing was done prior to construction.

Mr. Thureen indicated soil borings were completed, however further investigation is recommended given the 70 foot depth of Manhole "O".

Mayor Tourville commented that the project did not involve typical pipe construction.

**Motion by Klein, second by Grannis, to adopt Resolution No. 10-41 Accepting the Proposal of American Engineering Testing, Inc. for Geotechnical Testing Services for City Project No. 2003-15, Northwest Utility Improvements at Manhole O on T.H. 3**

**Ayes: 5**

**Nays: 0 Motion carried.**

**F. Resolution Accepting Proposal from WSB & Associates, Inc. for 2010 NPDES Storm Water Permit**

## Assistance Program

Councilmember Klein questioned if the MPCA report was a legislative mandate.

Mr. Thureen stated the entire scope of the item is associated with federal storm water mandates.

Councilmember Klein requested that the League of Minnesota Cities consider protesting legislative mandates that are not funded.

**Motion by Klein, second by Grannis, to adopt Resolution No. 10-42 accepting proposal from WSB & Associates, Inc. for 2010 NPDES Storm Water Permit Assistance Program**

**Ayes: 5**

**Nays: 0      Motion carried.**

**5. PUBLIC COMMENT:**

Mike Shubat, 2870 Upper 79<sup>th</sup> Ct. E., expressed concerns regarding the operations at a group home in his neighborhood. He stated Police and Emergency personnel responded to calls at the facility nine times from March 13<sup>th</sup> – March 26<sup>th</sup>. He noted the problems started when the services were changed at the group home. He stated he has not observed this much activity in over ten (10) years and asked that the City investigate the operations at the home.

Mayor Tourville stated City staff would check to see if there is anything that could be done to resolve the issue.

Mr. Lynch noted the City does not license group homes; they are regulated by the County. He indicated the City could contact the County to see if anything could be done to help alleviate the problem.

Don Olson, 2885 Upper 79<sup>th</sup> Ct. E., discussed parking concerns on the cul-de-sac and asked that the Police patrol in the area be increased.

Miles Mohlenhoff, expressed concerns that his tax dollars are paying for Police and emergency responders to the facility. He also discussed safety issues with traffic and parking at the group home as well as the activity of staff members outside of the facility.

**6. PUBLIC HEARINGS:**

**A. CITY OF INVER GROVE HEIGHTS; Assessment Hearing for City Project No. 2008-09G, Cahill Avenue/Brooks Boulevard Mill and Overlay**

Mr. Kaldunski explained the City Council opened the public hearing on March 8, 2010 and continued the hearing to April 12, 2010 to allow staff to further investigate several issues.

Mr. Kaldunski stated the assessments for the Fairway Hills Townhome association originally ranged from \$154.20 to \$301.55. He explained after consulting with the Townhome association the assessments were modified to be spread out equally amongst the residents within the association, resulting in a proposed assessment of \$248.93 per unit.

Mr. Kaldunski explained City staff reviewed the property located at 8315 Cahill Avenue and determined the property should not be assessed for the project because more than 50% of the Cahill Avenue frontage and the primary driveway were not in the project.

Mr. Kaldunski explained a market analysis was completed by an independent appraiser and it was determined that a single-family home could sustain a \$2,000 assessment and a townhome/condo could sustain a \$400 per unit assessment. He stated the total amount proposed to be specially assessed is \$136,311.09. He noted an assessment term of five (5) years is recommended at an interest rate of 5.8%.

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

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Klein, second by Madden, to approve Resolution No. 10-48 adopting the assessment roll and the recommended assessment cap of \$400 for multi-family parcels.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. CITY OF INVER GROVE HEIGHTS;** Assessment Hearing for City Project No. 2009-09D, South Grove Street Reconstruction Area 4

Mr. Kaldunski reviewed the scope of the project and indicated the final total project cost is \$2,893,925.03. He explained the proposed assessment roll is based on an assessment cap of \$4,000 per the recommendation of the market analysis completed by Metzen Appraisals. He stated if the cumulative total assessment for the parcels in the project area exceeds \$4,000, the excess amount would be paid by the Pavement Management Fund. He noted if a parcel was already assessed for previous improvements on a previous phase of the South Grove reconstruction program, that amount is subtracted from the \$4,000 cap to arrive at the final assessment amount. He indicated a letter was received on April 12, 2010 from William Wuorinen objecting to the assessment for the property located at 7904 Conroy Way.

**Motion by Klein, second by Grannis, to receive letter of objection from William Wuorinen.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Mr. Kaldunski explained the drainage area of 7650 and 7698 Cahill Avenue was reviewed and surveyed to determine the actual topography. He stated the survey indicated the presence of a slight depression on the parcel located at 7650 Cahill Avenue with an average depth of 4"-6" before the depression fills and overflows into the Rolling Meadows property. He explained the depression can capture a 1-year rainfall event up to 1.6" of runoff volume. He noted the City's storm sewer system is designed for a 10-year event, or 2.8" of rain. He stated over 95% of the runoff will leave the parcels in question and the net effect of the depression is minimal in relation to the 10-year storm sewer design.

Mr. Kaldunski explained the total amount proposed to be specially assessed is \$1,267,996.40, levied over 10 years at 5.8% interest rate. He noted a 15-year assessment term is recommended for non-government, non-profit parcels.

Cynthia Reiter, Westport Properties, presented a written notice of appeal for the assessment proposed for the Rolling Meadows Townhome Cooperative.

**Motion by Grannis, second by Madden, to receive notice of appeal from Westport Properties, property management for Rolling Meadows Townhome Cooperative.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Max Norton, Grace Church, stated an objection to assessment was previously filed. He explained his church is non-profit and is being assessed similar to a commercial property. He stated they do not believe that the value of the property has increased by an amount equivalent to the assessment.

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

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Grannis, second by Madden, to adopt Resolution No. 10-49 adopting the final assessment roll for the 2009 Pavement Management Program, City Project No. 2009-09D – Urban Street Reconstruction, South Grove Area 4 and the \$4,000 assessment cap for single-family parcels.**

**Ayes: 5**

**Nays: 0      Motion carried.**

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

Ms. Rheaume explained the applicant has requested the transfer of an existing On-Sale/Sunday Intoxicating Liquor License due to a change in ownership. She noted this was tabled at the last meeting to allow the applicant time to file a certificate of assumed name with the State of Minnesota. She stated a background check was completed by the Police Department and no basis for denial of the request was found. She indicated the applicant had paid the necessary license fees and provided proof of liquor liability insurance.

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

**Ayes: 5**

**Nays: 0        Motion carried.**

**Motion by Madden, second by Klein, to approve the transfer of an On-Sale/Sunday Intoxicating Liquor License to Morris-Walkers, Ltd. dba Emma Krumbree’s Restaurant & Bakery for the premises located at 5660 Bishop Ave. E.**

**Ayes: 5**

**Nays: 0        Motion carried.**

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:**

**A. JAMES BROWN;** Consider the following requests for property located at 1186 90<sup>th</sup> Street:

- i)        A Rezoning from E-1, 2½ Acre Estate Residential to E-2, 1¾ Acre Estate Residential
- ii)       A Waiver of Plat to divide the existing tax parcel into two lots
- iii)      A Variance to allow an accessory structure on a lot without a principle structure

Mr. Link explained the applicant is proposing to re-subdivide his land into two parcels based on E-2 standards. He stated the northern lot would be 1.75 acres and the southern lot would be 1.88 acres. He noted an existing accessory structure would be on the northern parcel without a principle structure and the applicant’s home would be on located on the southern parcel.

Mr. Link stated the rezoning would create a spot zoning situation that is inconsistent with the comprehensive plan. He explained the uses in the E-1 and E-2 districts are the same, and the spot zoning issue would be by map and not by use because the intent of the two districts are very similar.

Mr. Link stated the waiver of plat would create two lots that would meet the minimum lot size requirements in the E-2 district. He explained access to the property is achievable to the west and east via 90<sup>th</sup> Street, a private street. He noted the main access to the lot was designed to be from an easement on the west side of the property. He explained both segments of 90<sup>th</sup> Street do not meet minimum standards as defined by City Code for clear width and height for fire emergency. He stated emergency vehicle access is the main issue and the timing of the necessary improvements to 90<sup>th</sup> Street must be addressed. He suggested that the Council either require the clearing and widening now, or before a permit is issued for the lot. He noted Planning staff would not support the rezoning request because it would be a spot zoning that is contrary to the intent of the Comprehensive Plan, and the Planning Commission also recommended denial of the request on a 5-3 vote.

Jim Brown, 1186 90<sup>th</sup> Street, stated the he does not use the road to the west to access the property, and the road to the east is much larger and easier to travel on.

Mayor Tourville asked if the road to the east is compliant with the code requirements.

Mr. Link responded neither road meets the minimum standards set forth in the code.

Mayor Tourville commented that the applicant should only be responsible for making improvements to the segment of 90<sup>th</sup> Street that is in front of his property. He stated the driveways from the road have to be accessible for emergency vehicles.

Mr. Link clarified that the access issue pertains to the private roads (90<sup>th</sup> Street) used to access the property, not the driveway.

Mr. Kuntz clarified that condition number four of the resolution applies only to the private road on the west side of the property. He questioned if the condition should be changed to reflect improvements to the private road on the east side of the property. He requested that the applicant detail the route he uses to access the subject property.

Mr. Brown used a map to demonstrate the route he takes to access his property from the private road on the east side.

Councilmember Madden opined that the private road to the west of the property would not provide easy access and condition number four should apply to the private road to the east.

Mayor Tourville reiterated his opinion that the applicant should not be responsible for making improvements along the entire road. He stated if the road does not meet the minimum requirements all of the property owners should be notified that improvements need to be made to meet code specifications.

Mr. Link replied that the road has to meet code in order to approve the subdivision request.

Mr. Kuntz stated an easement over the entire road would allow the applicant the ability to make the necessary improvements.

Mr. Brown commented that a portion of the road already meets the minimum requirements.

Councilmember Grannis clarified that the same emergency vehicle access issue came up a couple of years ago when another land owner wanted to divide their property.

Mr. Link replied there was an application for a two lot subdivision a few years back for a lot south of the subject property. He explained the issue with that application was that 90<sup>th</sup> street did not meet code requirements and the applicant withdrew the application prior to any Council action.

Mr. Brown recalled that in the previous case the applicant did not have the easements needed to gain access to the road or to the property.

Mayor Tourville stated the City needs to take the necessary actions to bring the road up to code standards.

Councilmember Grannis stated he agrees with the recommendation of Planning staff and the Planning Commission.

Councilmember Piekarski Krech opined that she does not want additional septic systems.

Mr. Link stated condition number four could be changed to reflect that improvements would need to be made to the private road on the east side of the subject property. He clarified that the applicant would need to clear the vegetation in the easement before the waiver of plat could be recorded.

Councilmember Klein stated condition number four refers only to the private road on the east side of the subject property, not the entire road.

Mr. Link replied the intent of the condition is to bring the entire road into compliance.

Councilmember Piekarski Krech stated before a decision is made more research needs to be done to find out if an easement even exists for the private road to the east to allow for improvements to be made and if it does exist, what the width of the easement is.

Mr. Link stated the item could be tabled to allow staff more time to research the existence of an easement. He suggested the City Planner and the Fire Marshall could also determine what the obstructions are on

the private road to the east, and what improvements would need to be made to bring the road up to code. Councilmember Madden agreed that the item should be tabled to determine if there is an easement. He asked that staff measure the width of the private road to the east of the subject property.

**Motion by Klein, second by Madden, to table requests to April 26, 2010**

**Ayes: 5**

**Nays: 0      Motion carried.**

The City Council took a five minute recess.

**B. WADE AND JESSICA SHORT;** Consider a Variance to eliminate screening of rooftop mechanical equipment on new commercial building for property located at 9332 Cahill Avenue

Mr. Link explained the City Council tabled this request on February 22<sup>nd</sup> to allow staff to review the applicant's concerns about other rooftop screening in the vicinity of the applicant's building. He stated the applicant's building is constructed and rooftop screening was a condition of approval for site development and the approved building plans showed the required rooftop screening.

Mr. Link stated other commercial buildings in the area were reviewed and staff found that rooftop screening was missed on the first couple of commercial buildings in the Arbor Pointe development. He explained since 2000, all other commercial buildings in the Arbor Pointe development have provide screening and staff makes reasonable attempts to make sure rooftop and ground mounted mechanical equipment is screened. He noted during the planning application review staff requires the applicant to submit 4-side architectural building elevation drawings to verify screening, but does not require the applicant to submit perspectives from all surrounding topographic elevations.

Mr. Link stated both Planning staff and the Planning Commission recommended denial of the request because the property does not have any special conditions that make it unique and the applicant is not being denied reasonable use of the property. He explained approving the variance could set a precedent for future developments and the requirement of rooftop screening.

Councilmember Klein asked if the applicant attempted to screen the rooftop equipment. He opined that a lack of screening would not adversely affect any of the neighbors.

Councilmember Madden noted the view from Highway 52 is a much higher elevation than the view from Cahill Avenue.

Mayor Tourville stated the problem is that the original building plans showed rooftop screening.

Councilmember Grannis stated there is no hardship to justify the variance.

Councilmember Piekarski Krech questioned how much screening is deemed aesthetically necessary. She stated a portion of mechanical units can be seen on most buildings and questioned what the intent of the screening requirement was.

Mr. Link replied that staff is trying to find a reasonable approach to the requirement while taking elevations into account.

Mayor Tourville opined it would be a challenge to come up with a hardship. He suggested that the applicant could paint the units the same color as the building to reduce visibility.

Councilmember Piekarski Krech suggested having staff negotiate a reasonable amount of screening with the applicant.

The City Council discussed concerns with setting a precedent.

Mayor Tourville directed Planning staff to meet with the applicant to see if a compromise could be reached on a reasonable amount of screening.

**Motion by Madden, second by Piekarski Krech, to table consideration of item to May 10, 2010**

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. STEVE WATRUD;** Consider the following requests for property located at 10967 Clark Road

- i) First Reading of an Ordinance Amendment to allow impound lots in the I-2, General Industrial Zoning District
- ii) A Conditional Use Permit for an impound lot in the I-2 Zoning District

Mr. Link stated the request is for a zoning code amendment and a conditional use permit to operate an impound lot on an I-2 zoned property. He explained impound lots are conditionally allowed in the I-1 zoning districts and the request is to amend the Zoning Ordinance to conditionally allow such use in the I-2 district. He stated the main issue with the request is whether impound lots are an appropriate and desirable land use in the I-2 zoning district. He noted because the City currently allows impound lots in the I-1 zoning district, it seems reasonable to conditionally permit them in the I-2 zoning district with the same performance standards. He explained the proposed request meets the general Conditional Use Permit criteria relating to the Comprehensive Plan and Zoning consistency. He stated access to the site is not changing, the amount of traffic would not be out of the ordinary for an industrial area, and the site is already developed with no changes being proposed to the building or impervious surface on the property.

Mr. Link explained impound lots are also subject to five performance standards, the fourth of which relates to screening of the impound storage area from all abutting properties and the public right-of-way. He stated there is an existing chain link fence around the impound lot area that does not completely screen a portion of the impound lot from the street. He explained solid fence screening would be required along the entire north and east fence line of the impound storage area, as well as a portion of the south fence line. He stated the installation of mesh screening would be an option for the applicant. He noted Planning staff and the Planning Commission recommended approval of the requests with the conditions listed in the resolution.

Mr. Watrud stated the impound lot is a fenced area within a fenced area. He stated he would be fine with using mesh screening because it is a good product that lasts.

**Motion by Piekarski Krech, second by Grannis, to adopt Ordinance No. 1207 allowing impound lots in the I-2, General Industrial Zoning District and to forego three readings of the ordinance.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Piekarski Krech, second by Grannis, to adopt Resolution No. 10-50 approving a Conditional Use Permit for an impound lot in the I-2 Zoning District**

**Ayes: 5**

**Nays: 0      Motion carried.**

**D. CITY OF INVER GROVE HEIGHTS;** Consider Second Reading of an Ordinance Amendment to 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 the Council discussed the first reading of the ordinance amendment on March 22<sup>nd</sup> and the primary points of discussion were focused on making sure that the proposed coverage limits would work in the older sections of the City with small lots. He stated Council requested Staff to prepare information that would show the lot breakdown category and provide actual examples of lot coverage in the City. He explained the first map was provided to show the locations of lots in each of the categories in the new ordinance. He noted lots larger than one acre were not shown because they reflect a very small number of the overall total number of single family lots. He stated the second and third maps provided a breakdown of lot sizes below 9,000 square feet in three different neighborhoods. He explained the information illustrates that the total number of lots 9,000 square feet in size or less (511) with 40%

coverage would not overburden a neighborhood or stormwater systems in those particular areas of the City. He reviewed the total number of lots in each of the lot coverage categories and noted that the largest portions of lots in the City range from 9,000 to 15,000 square feet. He showed aerial photos of lots in the South Grove neighborhoods and discussed the allowed and existing coverage in each photo to illustrate what the properties would look like on the ground. He explained that the proposed regulations would allow property owners the flexibility and the opportunity to do a variety of things.

Mayor Tourville commented on several variance requests that were tabled in order to wait for the new coverage requirements to be developed and asked if a variance would still be needed in those instances if the proposed changes were adopted.

Mr. Hunting replied one of the requests would still require a conditional use permit.

Councilmember Grannis stated he would support a 30% maximum for the two lowest ranges of lot sizes. He opined that a putting 40% coverage on lots of that size is cramming too much onto the property.

Mayor Tourville commented that the reason for the increase to 40% is that property owners with lots in the two lowest ranges feel they are limited.

Councilmember Grannis stated his reasoning is based on the aesthetics of the property, not the surface water issue. He opined that neighbors may not want to look at a smaller property that has 40% coverage.

Councilmember Madden also expressed concerns with allowing 40% coverage on small lots.

Councilmember Grannis suggested allowing 30% coverage on lots that are 12,500 square feet with an additional 5% allowed if a conditional use permit is obtained.

Mayor Tourville stated the number of lots in the two smallest categories is very small. He opined that staff was asked to study the impervious surface coverage and the effect on the stormwater systems, not the aesthetic values of the property.

Councilmember Piekarski Krech questioned how many of the lots that are 9,000 square feet or less have 40% coverage. She clarified that there would not be any additional lots built in the City that would be less than 9,000 square feet.

Mr. Hunting replied that the smaller lots are older and may have more coverage because they existed prior to the regulations.

Councilmember Piekarski Krech suggested having this information tie into a future stormwater utility.

**Motion by Klein, second by Tourville, to approve the second reading of an ordinance amendment to 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: 3**

**Nays: 2 (Grannis, Madden) Motion carried.**

**E. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Adopting the Inver Grove Heights Comprehensive Plan and the Tier II Comprehensive Sanitary Sewer Plan

Mr. Link stated the Metropolitan Council approved the Comprehensive Plan on February 24, 2010 and the City can now formally adopt the plan and put it into effect. He explained the Metropolitan Council also requires that the City Council adopt a Tier II Comprehensive Sewer Plan, which is the sanitary sewer chapter of the Comprehensive Plan.

Loren Scherff, 1320 105<sup>th</sup> Street East, stated he still has concerns with the language regarding the possible future expansion of Rich Valley Park. He discussed safety concerns associated with the expansion and opined that a park should not be designed so people would have to cross a road to use the park.

Mr. Link explained the Scherff property is no longer shown as park property on the map. He noted the text references the City's acknowledgement that, at some point in time, Rich Valley Park may need to be expanded.

Mr. Lynch noted that this is a 20 year plan and the text reference does not indicate any expansion will occur.

Councilmember Madden stated he sees no reason why that language cannot be removed.

**Motion by Klein, second by Madden, to approve Resolution No. 10-51 adopting the Inver Grove Heights Comprehensive Plan with the language regarding the future expansion of the parks system removed and Resolution No. 10-52 adopting the Tier II Comprehensive Sanitary Sewer Plan**  
**Ayes: 4**

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

#### **ADMINISTRATION:**

**F. CITY OF INVER GROVE HEIGHTS;** Consider the following actions related to City Project No. 2008-18, Public Safety Addition/City Hall Renovation:

- i) Change Order No. 7
- ii) Approve Equipment Purchase for Public Safety Addition
- iii) Approve Purchase & Installation of Tracks for Future Mobile Shelving Units

Ms. Teppen stated this change order is for specialized lockers for the Police. She explained during the planning of the project staff sent the architects the specifications for the lockers that were chosen and the architects neglected to add the desired specifications to the documents and instead specified lockers that would normally be used in a park and rec environment. She noted the lockers for the Police are higher grade, more durable, and have additional compartments for all the equipment used by Police officers. She stated the total cost of the change order is \$31,057.

Councilmember Grannis asked how much cheaper the lockers would have been had the correct specifications been included in the original plans.

Ms. Teppen replied the lockers would not have been any less expensive.

Councilmember Klein asked why the other two vendors were so much more expensive. He stated he does not want to sacrifice quality or durability for something that will need to be replaced after a couple of years.

Ted Redmond, BKV Group, stated the quality level of the lockers from all three vendors is consistent. He indicated the price difference reflects the manner in which the lockers are assembled. He explained the recommended vendor assembles the lockers on-site and it is cheaper to ship unassembled lockers.

Mr. Lynch commented that the architect is aware of the frustrations the City has regarding items that were left out of the original plans and staff will work to resolve those issues through negotiation with the architect.

**Motion by Klein, second by Grannis, to approve Change Order No. 7 in the amount of \$31,057 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation**

**Ayes: 5**

**Nays: 0 Motion carried.**

Ms. Teppen explained there are several pieces of specialized equipment that are outside the contract with Shaw Lundquist. She stated the equipment is specialized Police evidence storage and processing equipment. She noted the Police Department has researched the equipment, finding the vendors and the best value. She stated the total cost of the equipment is \$22,228 and the funds for the equipment come from the internal sources the Council previously discussed.

Councilmember Piekarski Krech asked if the Police Department currently has this kind of equipment.

Ms. Teppen responded in the negative.

Councilmember Madden asked if we currently have personnel trained to use the equipment that is being purchased.

Ms. Teppen responded the Police Department does currently have staff trained to use the equipment. She explained the tasks are currently outsourced because staff does not have the equipment necessary to perform the work.

**Motion by Klein, second by Madden, to approve purchase of Police evidence storage and processing equipment for the Public Safety Addition in the amount of \$22,228**

**Ayes: 5**

**Nays: 0      Motion carried.**

Ms. Teppen stated the Council previously approved high density storage systems for both the records room and the evidence storage area. She explained the building was designed for two units in the evidence storage area based on anticipated growth and the General Contractor has cut the channels in the floor for the second unit. She stated the provider of the tracks and units has advised that it would be worthwhile to install the tracks now to avoid a raised surface between the units. She noted the cost of the materials and labor for the installation of the track is \$1,012.65.

Councilmember Piekarski Krech stated she wants to make sure a compatible storage unit would be available in the future. She suggested that the channels could be covered until the City needs to buy the second unit.

Mayor Tourville commented the tracks may be universal.

Councilmember Klein suggested installing both units now.

Councilmember Grannis agreed that it makes sense to install both storage units now and asked staff to provide the Council with a cost for an additional storage unit.

**Motion by Grannis, second by Klein, to approve the Purchase & Installation of Tracks for Future Mobile Shelving Units and to direct staff to provide a quote for the purchase of one mobile shelving unit.**

**Ayes: 4**

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

**G. CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Amending Title 1, Chapter 7, of the City Code relating to Elections

Mr. Kuntz stated the ordinance is being amended to make it consistent with State statute.

Councilmember Piekarski Krech asked if three readings are necessary if the changes reflect changes in State statutes.

Mr. Kuntz responded no changes were anticipated for the two subsequent readings.

**Motion by Klein, second by Piekarski Krech, to adopt Ordinance No. 1208 amending Title 1, Chapter 7, of the City Code relating to Elections and to forego three readings of the ordinance**

**Ayes: 5**

**Nays: 0      Motion carried.**

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

Ms. Teppen stated in response to the discussion at the March 22, 2010 City Council staff made several

revisions to the ordinance. She explained the “at large” definition was revised to permit the use of a “commercially manufactured retractable leash”, requirements for rabies vaccination of cats and ferrets were included, a provision was added for a prorated dog license fee for owners who acquire a new dog during the middle of a license term, the two year dog license and kennel license periods were revised to follow current practices, the accommodation of service or working dogs was added with respect to the at large/under restraint provisions, a provision was added requiring an impoundment notice be posted at the Police Department in addition to City Hall, the requirement to obtain neighbors’ consent for a kennel license was removed, and a prohibition was added regarding the selling or giving of any abandoned, unredeemable animals to research institutions.

Councilmember Piekarski Krech suggested that a notice requirement be added for neighbors within a certain radius of a property that has made application for a kennel license.

Amy Hunting, 2645 96<sup>th</sup> Street East, asked that a timeframe of within 24 hours be added under letter c of Section 5-4-5: Seizure and Impoundment of Animals. She suggested that the notice also be required to be posted for a period of 7 days. She stated she would like the language “adult person” added to letter h of Section 5-4-5: Seizure and Impoundment of Animals. She requested that language be added that requires a Police officer to actually observing a nuisance, such as continuous barking, prior to a citation be issued.

Ms. Teppen noted the Police follow that practice as a matter of course.

**Motion by Klein, second by Madden, approve the second reading of an ordinance amending Title 5, Chapter 4, of the City Code relating to Animal Control with the changes as noted**

**Ayes: 5**

**Nays: 0      Motion carried.**

**I. 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 stated at Council’s direction the City negotiated a purchase agreement with the Letherts for the purchase of their home at 8485 Courthouse Boulevard. He stated several issues were discovered, including a non-compliant septic system and an additional lot obtained by the property owner, after the purchase price had been agreed upon. He explained more discussions would need to take place with the property owner to resolve the issues if the Council intends to move forward with the purchase.

Mr. Kuntz explained the Lethert property consists of two tax parcels, the second of which was created as Outlot B, Orchard Trail and was subsequently transferred by the developer of Orchard Trail to Lethert. He stated Outlot B, Orchard Trail would need to be conveyed to the City via Quit Claim Deed because it still has a \$5 million mortgage on it as part of the financing of Orchard Trail by the developer. He noted since the un-built properties in Orchard Trail are in foreclosure and litigation, it is not expected that the City would have clear title to Outlot B. He explained because the only purpose of Outlot B was to accommodate the encroachment of a shed owned by Mr. Lethert and because the shed is going to be removed, the lack of clear title is not viewed as an impediment to closing the transaction.

Mr. Lynch addressed the non-compliant septic system and stated the system would need to be replace, refilled, or removed within a 10-month period.

Councilmember Grannis referred to the Planning Commission minutes and asked for clarification regarding the vote required to approve the purchase of the property.

Mr. Kuntz replied statute provides that the Planning Commission shall review the acquisition of property to determine compliance with the City’s Comprehensive Plan. He stated the Council could have bypassed by the Planning Commission review with a 4/5 vote. He noted the Council chose to have the acquisition reviewed by the Planning Commission and therefore the acquisition requires a simple majority vote.

Councilmember Grannis asked if a determination had been made regarding the location of the trail.

Mr. Link replied no definitive decision has been made.

Councilmember Grannis questioned if the trail would require more than the existing right-of-way.

Mr. Link responded the current right-of-way is approximately 80 feet.

Mayor Tourville stated there is a drop off from the property to the right-of-way and the topography is not flat.

Councilmember Klein stated Mr. Lethert would also be impacted by the increased truck traffic because the entrance to the development is directly across from his property.

Councilmember Grannis stated there is also an exit from the development further to the west. He stated if the City is going to buy the Lethert property because of the impact of the development they should buy the homes located near the exit to the west as well. He expressed concerns regarding establishment of a precedent.

David Lethert, 8485 Courthouse Boulevard, stated his bedroom window is 60 feet from the center line of the road. He indicated the people that live down the street near the exit of the development are a minimum of 100-150 feet from the center line of the road. He noted the environmental conditions indicate there should be 100 feet separation from the property to the center line of the road. He commented that his property is the most affected by the development because he has both health and safety concerns regarding the increased truck traffic.

Councilmember Madden suggested that the purchase of the property could be revisited at another time. He stated no development is occurring at this time and he does not see a reason why the City needs to purchase the property now. He commented that the money could be better spent elsewhere.

Councilmember Klein asked how long the appraisal is good for.

Mr. Kuntz replied one year.

Mr. Lethert stated he put a down payment on a townhouse based on previous discussions with the City. Councilmember Grannis asked what actions the Council took to cause him to put a down payment on the townhouse.

Mr. Lethert stated the Council provided direction to negotiate regarding the purchase during an Executive Session.

**Motion by Klein, second by Tourville, to adopt Resolution approving purchase agreement with David D. Lethert and Margaret P. Lethert for property located at 8485 Courthouse Boulevard**

Mayor Tourville stated he sees the purchase of the property as an opportunity to address the safety concerns associated with the increased vehicular traffic along Courthouse Boulevard Court.

Councilmember Piekarski Krech discussed setting a precedent and stated there needs to be more of a public interest or purpose associated with the transaction and does not feel it would be prudent to purchase the property at this time because no development is happening.

Councilmember Grannis opined that citizens would be outraged to spend this amount of money to potentially put in a trail.

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

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

**PUBLIC WORKS:**

**J. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Approving Agreement between the City of Inver Grove Heights and The Oaks Home Owners Association relating to the Installation of Public Watermain

Mr. Kuntz explained the agreement provides that the Oaks Association will pay the City up to \$151,800 to convert many of the three-inch diameter private watermains to six-inch diameter public watermains with hydrant leads. He stated because of the lack of accessibility and unaffordability, not all of the three-inch lines will be converted. He explained the substituted six-inch lines would be maintained by the City. He reviewed the salient terms of the agreement.

**Motion by Klein, second by Madden, to adopt Resolution No. 10-53 approving agreement between the City of Inver Grove Heights and The Oaks Home Owners Association relating to the Installation of Public Watermain**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

Mayor Tourville reminded citizens to complete and return their census information.

Mayor Tourville stated applications for commission appointments need to be turned in by May 7<sup>th</sup>.

**9. ADJOURN:** Motion by Grannis, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 11:50 p.m.