

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JUNE 14, 2010 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, June 14, 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. Certificates of Appreciation – Citizen Advisory Commissions

Mayor Tourville presented a certificate of appreciation to Dustin Bower for two years of service on the Aircraft Noise Abatement Commission.

Mayor Tourville presented a certificate of appreciation to Tammy Johnson for six years of service on the Parks and Recreation Advisory Commission.

4. CONSENT AGENDA:

Mayor Tourville removed Item 4C, Pay Voucher No. 1 for City Project No. 2009-24, Rock Island Swing Bridge Project, and Item 4D, Change Order No. 1 for City Project No. 2009-24, Rock Island Swing Bridge Project, from the Consent Agenda.

- A.** Minutes – May 24, 2010 Regular Council Meeting
- B.** **Resolution No. 10-84** Approving Disbursements for Period Ending June 9, 2010
- E.** Pay Voucher No. 12 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- F.** Pay Voucher No. 3 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation, Low Voltage Contractors
- G.** Pay Voucher No. 6 for City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay
- H.** Approve Contract for Moving Services with Fluid, Inc. for Public Safety Addition/City Hall Renovation
- I.** Approve Agreement with Dascom Systems Group, LLC for Moving and Installation of Cable Broadcasting Equipment for Public Safety Addition/City Hall Renovation
- J.** Accept Proposal for Water Distribution System Leak Detection Services
- K.** **Resolution No. 10-85** Receiving the Petition and Ordering the Preparation of a Feasibility Report for Street Light Improvements on Boyd Avenue East, from 80th Street East to 79th Street East
- L.** **Resolution No. 10-86** Authorizing Preparation of a Feasibility Report and Accepting Proposal from Bolton & Menk for the Possible Extension of Trunk Sanitary Sewer and Trunk Water Main to Properties
- M.** Approve Replacement of Furnace and Air Conditioner at the Inver Wood Club House
- N.** **Resolution No. 10-87** Approving Renewal of Premises Permit for MN/USA Wrestling, Inc.
- O.** Schedule Public Hearing
- P.** Personnel Actions
- Q.** **Resolution No. 10-88** Approving MAAG Joint Powers Agreement

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

Ayes: 5

Nays: 0 Motion carried.

C. Pay Voucher No. 1 for City Project No. 2009-24, Rock Island Swing Bridge Project

Mayor Tourville indicated he would abstain from the vote due to the fact he is now employed by SEH, Inc.

Motion by Klein, second by Madden, to approve Pay Voucher No. 1 for City Project No. 2009-24, Rock Island Swing Bridge Project

Ayes: 4

Nays: 0

Abstain: 1 (Tourville) Motion carried.

D. Change Order No. 1 for City Project No. 2009-24, Rock Island Swing Bridge Project

Mayor Tourville indicated he would abstain from the vote due to the fact he is now employed by SEH, Inc. He clarified that there would be no additional costs associated with the change order. He stated an additional pier needs to be removed and the details are being worked out with the contactor.

Motion by Klein, second by Madden, to approve Change Order No. 1 for City Project No. 2009-24, Rock Island Swing Bridge Project

Ayes: 4

Nays: 0

Abstain: 1 (Tourville) Motion carried.

5. PUBLIC COMMENT:

Councilmember Klein commented on receiving a number of phone calls relating to coyotes. He asked that a discussion be scheduled at a future Council work session regarding possible solutions to address the coyote problems.

6. ADMINISTRATIVE HEARINGS:

A. CITY OF INVER GROVE HEIGHTS; Starz Liquor License Violation Hearing

Mr. Kuntz explained the purpose of the hearing is to determine what action, if any, should be taken with respect to the off-sale intoxicating liquor license held by Starz Group Liquor, Inc. dba Starz Liquor.

Bridget McCauley-Nason, LeVander, Gillen & Miller, explained a hearing was held on March 8, 2010 regarding an alleged violation of the liquor license held by Starz Liquor. She stated based on the evidence presented at the hearing, the Council determined that Starz Liquor had failed to comply with Minnesota Statutes 340A.503, 340A.501, and 340A.415 and City Code Sections 4-1D-3 and 4-1A-19, in that an employee of the Off-Sale liquor license holder sold an alcoholic beverage to a person under 21 years of age on October 17, 2009 in the licensed establishment. She noted as a result of this violation, the Council imposed three sanctions upon the liquor license holder via Resolution No. 10-31. She stated the first sanction was a \$2,000 civil penalty to be paid to the City on or before March 31, 2010; the second sanction was that all individuals working at Starz Liquor who are engaged in the sale of alcohol needed to complete Alcohol Server Training by May 7, 2010 with proof of completion provided to the City Clerk by May 14, 2010; and the third sanction was a six (6) day suspension of Starz Liquor's off-sale liquor license. She explained three (3) days of the suspension were to be served on April 8, 9, and 10, 2010 and the remaining three (3) day suspension was stayed provided all of the conditions of Resolution No. 10-31 were met. She stated Starz Liquor did pay the civil penalty in a timely manner, and the three day suspension on April 8, 9, and 10, 2010 was abided by. She explained that proof of completion of the Alcohol Server Training program was e-mailed to the City Clerk on May 14, 2010, which indicated that four individuals completed the training on May 14, 2010. She noted that Resolution No. 10-31 required that such training was to be completed by May 7, 2010 and the purpose of the hearing is to determine if Starz Liquor complied with this requirement. She stated if the Council finds that Starz failed to comply with the Alcohol Server Training requirement, then the Council must determine whether to impose some or all of the remaining three (3) day liquor license suspension.

Councilmember Klein questioned if it was verified that Starz Liquor was closed for business on April 8th, 9th and 10th.

Ms. McCauley-Nason responded in the affirmative.

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

Ayes: 5

Nays: 0 Motion carried.

Councilmember Madden stated there seems to be a lack of understanding on the part of the license holder as to how serious of an issue this is. He recommended imposing another 3 day suspension on July 1, 2, and 3, 2010. He stated he was disappointed that a representative from Starz Liquor was not in attendance for the hearing and added he would like to see the owner of Starz Liquor take more responsibility for the operation of his business. He reiterated that the Council takes liquor license violations seriously and Starz Liquor needs to be aware that more violations will not be tolerated.

Councilmember Piekarski Krech suggested that the license be suspended on July 2, 3 and 5, 2010.

Motion by Madden, second by Klein, to adopt Resolution No. 10-89 imposing a three (3) day license suspension upon Starz Group Liquor, Inc. dba Starz Liquor on the following dates: July 2, 3, and 5 of 2010

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. AMAZING GRACE LUTHERAN CHURCH; Consider the following Resolutions for property located at 7160 South Robert Trail:

- i) Major Site Plan Approval including an Improvement Agreement and Storm Water Maintenance Agreement to reconfigure and reconstruct the existing parking lot
- ii) Variance to allow a five foot side yard setback for a parking lot

Mr. Link explained the applicant is proposing to improve the existing gravel parking lot with paving, curbing, and installation of stormwater infiltration systems. He noted there are no changes proposed to the building. He stated the applicant also requested a variance for a five foot side yard setback for the parking lot adjacent to residential areas. He explained the Northwest Area Overlay District regulations do not apply in this case because it is an existing development, but the applicant is required to comply with the Northwest Area Storm Water Manual. He stated the lot is being reconfigured to accommodate the future alignment of Allen Way.

Mr. Link explained the parking lot design meets all performance standards and staff recommended that a condition be added that would require a restricted use agreement rather than a public road easement. He stated the Planning Commission recommended approval provided the condition for the dedicated road easement was removed. He noted that the public road easement would be dealt with as a separate issue.

Councilmember Klein stated the restricted use agreement should apply to anything in the right-of-way, including trees and signs.

Mr. Link responded the agreement would limit the use, and stated the church is in agreement with the conditions and is interested in acquisition of the road easement.

Councilmember Piekarski Krech asked if the map reflected the final alignment of Allen Way.

Mr. Thureen indicated that the proposed alignment was finalized through discussions with the applicant's consultant.

Cameron Kruse, 588 Sutcliff Circle, Mendota Heights, stated he is a member of the Church and the head of the Property Ministry Team. He explained the location of the roadway was discussed numerous times over the years and the proposed alignment is the optimum location as far as meeting State and City requirements.

Mayor Tourville asked if the Church agreed to the conditions of the resolution.

Mr. Kruse responded in the affirmative and added that they also agree with the restricted use agreement.

Mr. Lynch explained the intent is to have staff continue to negotiate with the Church regarding the realignment of Allen Way and indicated that issue would be brought back to the Council for approval along with the necessary right-of-way and compensation for that easement.

Mr. Kruse stated the Church understands and agrees to continue negotiations with the City. He also recognized the other constituents from Amazing Grace Church that were in attendance to show their support of the issue.

Mayor Tourville indicated he would abstain from the vote due to the fact he is now employed by SEH, Inc.

Motion by Klein, second by Madden, to adopt Resolution No. 10-90 approving a Major Site Plan Approval including an Improvement Agreement and Storm Water Maintenance Agreement to reconfigure and reconstruct the existing parking lot and Resolution No. 10-91 approving a Variance to allow a five foot side yard setback for a parking lot

Ayes: 4

Nays: 0

Abstain: 1 (Tourville) Motion carried.

B. SUPER STOP; Consider the following for property located at 7030 Cahill Avenue:

- i) Ordinance Rezoning the property from B-2, Neighborhood Business to B-3, General Business
- ii) Resolution for a Conditional Use Permit to allow Outdoor Storage of U-Haul Vehicles

Mr. Link stated the applicant purchased the property in February, 2010 and was unaware that the previous owner was operating the U-Haul rental business without proper City approvals. He explained that after the applicant received notice of the violation, he submitted the rezoning and conditional use permit request to bring the property into compliance. He stated the lot is currently zoned B-2 which does not allow outdoor storage; therefore the applicant is requesting the lot be rezoned to B-3. He noted the proposed zoning would be similar to that of the Holiday Gas Station to the north.

He explained if the rezoning is approved a conditional use permit would be required for outdoor storage. He stated staff recommended that no more than ten (10) vehicles on the site, that they be parked along the east property line, and that the parking lot be striped. He stated the City Code requires screening when outdoor storage is adjacent to residential property, therefore staff also recommended that solid screening be installed along the eastern property line. He noted the Planning Commission recommended that the screening be seven (7) feet in height. He stated the proposed request meets the general Conditional Use Permit criteria. He noted access to the site would not change and the amount of traffic would not be out of the ordinary for a commercially zoned area.

Mr. Link stated both Planning staff and the Planning Commission recommended approval of the requests with the conditions listed in the resolution, including the seven (7) foot screening requirement along the east property line.

Councilmember Piekarski Krech asked if the neighbor along the eastern property line agreed to the seven (7) foot high fence. She stated that some people may prefer some type of screening other than a fence hat close to their property line.

Mr. Link stated no comments have been received from the property owner to the east. He noted there is a fence there now, but he did not know the specific height.

Miguel Mendoza, applicant, stated he is aware of the conditions. He commented on the fencing requirement and expressed concerns with a gap existing between the two fences. He stated that it would be tough to maintain the area between the fences and asked if another form of screening may be considered.

Councilmember Klein stated he is very familiar with the property and questioned how ten (10) U-haul trucks would fit on the property.

Mr. Mendoza stated the maximum they would have at one time is ten (10) and they would rarely be there at the same time because they come and go frequently.

Mr. Kuntz suggested that the condition read, "solid screening shall be required".

Councilmember Madden stated the screening needs to be acceptable to both the resident and the applicant.

Mr. Kuntz recommended adding, "solid screening shall be required up to seven (7) feet in height, along the eastern property line or another form of screening that is deemed acceptable by City staff".

Ed Gunter, 6761 Cahill Avenue, stated the neighbor is not opposed to a fence because he does not want to see U-Haul trucks or other things on the property. He explained the neighbor is concerned about the maintenance and regulation of any gap that would exist between two fences. He indicated that there were also concerns regarding the maintenance of the existing fence as a snow plow damaged it over the winter and the neighbor had to pay for the repairs. He stated the neighbor was also concerned about the fence breaking from the snow being pushed up against it in the winter.

Mayor Tourville stated he doesn't like the idea of a gap between the fences.

Mr. Link indicated staff would work with both parties to determine an acceptable form of screening.

Motion by Piekarski Krech, second by Madden, to adopt Ordinance No. 1213 rezoning the property from B-2, Neighborhood Business to B-3, General Business and Resolution No. 10-92 approving a Conditional Use Permit to allow outdoor storage of U-Haul vehicles

Ayes: 5

Nays: 0 Motion carried.

PARKS AND RECREATION:

C. CITY OF INVER GROVE HEIGHTS; Consider Process for Updating the Master Plan for Heritage Village Park Area

Mr. Carlson explained this is a request to hire Brauer and Associates in an amount not to exceed \$17,000 to update the master plan for the Heritage Village Park area. He stated because it is now known that the railroad will not allow for a crossing at 63rd Street, they need to look at all of the property that is now involved to create a new entrance to the park. He noted that as part of the process it was recommended by the Parks and Recreation Advisory Commission that a committee be formed to work with the consultant. He stated that the City did apply for an Active Living Grant but it is not known at this time whether or not the City will receive it. He noted if the grant is not received it is recommended that this be paid for from Park Development and Acquisition fund.

Councilmember Piekarski Krech stated the City spent a lot of money on the initial plan, now another plan is needed and at some point the residents expect the plan to be put in to action. She noted at this point the City does not have the money or the resources to maintain a facility like this. She questioned if another study would have to be done by the time the City is able to actually implement the plan.

Mr. Lynch noted this is a 25 to 40 year plan. He explained that the gateway to the park has changed, additional property was acquired in the surrounding area, along with the Rock Island Swing Bridge. He stated the factors that have changed require the plan to be updated and looked at on a broader scale. He indicated it is highly likely the City will have to do another plan in the future.

Mayor Tourville suggested that the plan be updated but that the proposed committee be the Parks and Recreation Advisory Commission and they could provide updates to the Council along the way.

Councilmember Grannis stated it would be a good idea to form the committee recommended by staff because there should be other individuals and perspectives involved besides the Parks and Recreation Advisory Commission.

Mayor Tourville suggested that the group could get together and have neighborhood meetings or open houses to gather public opinion on the issue.

Councilmember Grannis stated he thinks there needs to be a wider variety of people involved.

Councilmember Piekarski Krech commented on the extra fees listed for other services and opined that the City is not ready to fund this project right now.

Councilmember Klein asked if this was a request from the Parks and Recreation Advisory Commission.

Mr. Carlson responded that the issue has been discussed amongst staff and the Parks and Recreation Advisory Commission. He noted that in his opinion the consultants work would be very beneficial. He noted there are a number of meetings included in the \$17,000 fee.

Mayor Tourville opined that the Parks and Recreation Advisory Commission is capable of taking this on.

Councilmember Madden suggested that preliminary work be started using the resources we currently have. He stated it is not the right time to hire a consultant.

Councilmember Piekarski Krech questioned how an entrance is going to be determined at this point when the City does not own all of the property involved. She stated the City does not have the resources to carry out the plan.

Mr. Carlson reiterated that they need to examine all of the parcels involved and the general plan in a broader context because a lot of factors have changed since it was originally developed. He noted that the Rock Island Swing Bridge also has to be taken into account.

Mayor Tourville questioned how many meetings were included in the contract with the consultant because there may be a cost savings achieved if some of the meetings involving the proposed committee were eliminated.

Mr. Lynch stated the master plan needs to be looked at to incorporate the bridge and all of the amenities associated with that site. He noted that they need to make sure they are making the best use of resources and are not duplicating services throughout the park.

Councilmember Madden suggested that staff incorporate the plan for the bridge now and plan the rest of the park around it at another time.

Mr. Lynch suggested the Parks and Recreation Advisory Commission could be asked to develop a proposal for Council consideration with recommendations regarding the number of meetings and who will be involved in the process.

The City Council directed staff to come back with additional information.

ADMINISTRATION:

D. CITY OF INVER GROVE HEIGHTS; Consider Change Order No. 10 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ms. Teppen explained this change order is for a compressed air system requested by the Police Department to serve evidence processing, evidence garage, armory and squad garage. She stated during the planning of the project staff requested that this system be included and the architect's neglected to add the system to the documents. She stated the contract amount is reflected to increase a total of \$19,307 for a revised contract total of \$11,834,919.

Councilmember Madden stated he is tired of seeing change orders and asked how many more they are going to have because something was left off of the plans. He indicated he understands the equipment is needed but expects that this item will be added to the list that will be negotiated with the architect when the project is completed.

Motion by Klein, second by Grannis, to approve Change Order No. 10 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ayes: 5

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Approve Purchase of Task Chairs for Public Safety Addition/City Hall Renovation

Ms. Teppen stated the Public Safety Addition is nearing completion and this request is for the purchase of task chairs. She explained nine different chairs were brought in from various vendors and employees were asked to test them out and rank their choices on an on-line survey. She stated the top three choices were then brought back and employees were asked to rank the remaining three options. She noted the Allsteel #19 chair was chosen by 52.5% of respondents. She explained a quote was received from Henricksen PSG in the amount of \$25,947.11 for 40 task chairs. She stated this vendor has access to the Hennepin County Contract so the City is receiving a discount of over \$1,000 per chair.

Councilmember Madden stated that this seems like a lot of money for 40 chairs.

Councilmember Piekarski Krech agreed that it is too much money for task chairs.

Ms. Teppen stated that based on the information she received from vendors this is a normal price for a desk chair. She noted these task chairs come with a lifetime warranty.

Mayor Tourville stated the vendor's ability to access the county contract is saving the City a substantial amount of money. He added that the lifetime warranty is important because it saves the City from having to buy new chairs every couple of years.

Councilmember Klein noted that he would vote in favor of the purchase, but felt the cost was too high.

Motion by Klein, second by Grannis, to approve purchase of task chairs for Public Safety Addition/City Hall Renovation

Ayes: 3 (Klein, Grannis, Tourville)

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

F. CITY OF INVER GROVE HEIGHTS; Approve Purchase of Ancillary Furniture

Ms. Teppen requested that this item be pulled and brought back at a later date to review new information that was received prior to the meeting.

G. CITY OF INVER GROVE HEIGHTS; Consider Ordinance Establishing an Absentee Ballot Board for the 2010 Primary and General Elections

Mr. Kuntz explained as part of the election reform bills each municipality is now required to have an absentee ballot board if so designated by their County. He noted staff has recommended approval in one reading given the time constraints involved.

Ms. Rheume noted that absentee voting starts on June 25th.

Motion by Piekarski Krech, second by Klein, to adopt Ordinance No. 1214 Establishing an Absentee Ballot Board for the 2010 Primary and General Elections

Ayes: 5

Nays: 0 Motion carried.

PUBLIC WORKS:

H. CITY OF INVER GROVE HEIGHTS; Acceptance of Bids and Award of Contract for 2010 Pavement

Management Program - City Project No. 2010-12, 59th Street East Street Improvements

Mr. Thureen stated there were three bids submitted and the low bid was submitted by Frattalone Companies in the amount of \$150,176.44.

Ed Gunter, 6671 Concord, asked when this will be completed.

Tom Kalunduski, City Engineer, stated they are anticipating the project will be done in two weeks.

Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 10-93 Accepting Bids and Awarding Contract to Frattalone Companies in the amount of \$150,176.44 for 2010 Pavement Management Program - City Project No. 2010-12, 59th Street East Street Improvements.

Ayes: 5

Nays: 0 Motion carried.

I. CITY OF INVER GROVE HEIGHTS; Resolution Accepting the Proposal from Gorman Surveying, Inc. for Construction Staking Services for the 2010 Pavement Management Program – City Project No. 2010-12, 59th Street East Street Improvements

Mr. Thureen noted there was an updated proposal was distributed and recommended accepting the proposal from Gorman Surveying, Inc. for construction staking.

Motion by Klein, second by Madden, to adopt Resolution No. 10-94 Accepting the Proposal from Gorman Surveying, Inc. for Construction Staking Services for the 2010 Pavement Management Program – City Project No. 2010-12, 59th Street East Street Improvements

Ayes: 5

Nays: 0 Motion carried.

J. CITY OF INVER GROVE HEIGHTS; Resolution Accepting the Proposal from American Engineering Testing, Inc. for Materials Testing Services for the 2010 Pavement Management Program – City Project No. 2010-12, 59th Street East Street Improvements

Mr. Thureen stated the testing services will included soil observation and testing, concrete testing, bituminous mixture testing, pre-condition survey, and vibration recording. He stated the total amount of the proposal is for \$10,916.25

Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 10-95 Accepting the Proposal from American Engineering Testing, Inc. for Materials Testing Services for the 2010 Pavement Management Program – City Project No. 2010-12, 59th Street East Street Improvements.

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

9. EXECUTIVE SESSION:

A. Pending Litigation Cases (Attorney-Client Privilege)

Mayor Tourville said the pending litigation will be the only item discussed and the only thing they will do is adjourn when they return.

Mr. Kuntz said the item is the Attorney – Client Privilege. He said there are five briefings.

10. ADJOURN: Motion by Grannis, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 9:55 p.m.