

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MAY 24, 2010 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, May 24, 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, Chief Kleckner, and Deputy Clerk Rheume.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Councilmember Klein removed Item 4I, Authorize Gorman Surveying to Conduct a Survey and Place Right-of-Way Markers on both sides of Dixie Avenue near Dickman Trail, and Item 4J, Accept Proposal for Forensic Investigation of Water Intrusion in the Public Works Maintenance Building, from the Consent Agenda.

Councilmember Piekarski Krech removed Item 4M, Resolution Awarding Contract for Lawn Care Services related to Nuisance Abatement, from the Consent Agenda.

- A. Minutes – May 10, 2010 Regular Council Meeting
- B. **Resolution No. 10-74** Approving Disbursements for Period Ending May 19, 2010
- C. Approve Correction to Change Order No. 1 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – Dascom Systems Group, LLC
- D. Pay Voucher No. 3 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – TRICOM Communications
- E. Pay Voucher No. 2 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – Low Voltage Contractors
- F. **Resolution No. 10-75** Receiving Bids and Awarding Contract for the 2010 Pavement Management Program, City Project No. 2010-09A - Cracksealing
- G. **Resolution No. 10-76** Receiving Bids and Awarding Contract for the 2010 Pavement Management Program, City Project No. 2010-09B - Sealcoating
- H. **Resolution No. 10-77** of Municipal Concurrence with Dakota County's Action to Designate 80th Street (CR 28) from Babcock Trail to Concord Boulevard as a New County State Aid Highway (CSAH) and **Resolution No. 10-78** Authorizing Execution of an Agreement with Dakota County for Revocation of County State Aid Status for Segment of County State Aid Highway 32 (105th Street)
- K. **Resolution No. 10-79** Approving Construction Agreement for Street Lighting Facilities with Xcel Energy on Conroy Trail as part of City Project No. 2010-09D, South Grove Street Reconstruction – Area 5
- L. **Resolution No. 10-80** Terminating both a Conditional Use Permit for additional impervious surface and storm water maintenance agreement for property located at 11617 Aileron Court
- N. Personnel Actions
- O. Schedule Administrative Hearing
- P. Approve Massage Therapy Establishment License

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

Ayes: 5

Nays: 0 Motion carried.

- I. Authorize Gorman Surveying to Conduct a Survey and Place Right-of-Way Markers on both sides of Dixie Avenue near Dickman Trail

Frank Rauschnot, 6840 Dixie Avenue, stated the proposed survey is a waste of money. He explained that he offered to do the clean up himself and when he started to removed the rotted railroad ties it became an issue. He stated the area he wanted to clean up was less than 25 feet away from the telephone poles and there is supposed to be 30 feet of right-of-way there.

Mr. Thureen stated the City received requests from the residents and property owners on Dixie Avenue to conduct road repair activities. He explained the road is being affected by erosion of the road bed and the growth of trees on this narrow 30-foot right-of-way. He stated the railroad ties Mr. Rauschnot referenced have a function of drainage and their removal could cause additional problems. He noted staff attempted to locate the property lines and have been unable to do so. He stated the proposed survey would establish the right-of-way and allow for the development of a plan of action to implement the road repairs. He explained staff recommended that a licensed lead surveyor be hired to set the right-of-way because of neighborhood disputes in the area. He stated the total cost of the survey would be \$5,170 and the funding for the work would come from the Road Repair Fund.

Councilmember Klein questioned why they have to hire a surveyor when aerial photos and GPS information could be used to identify the approximate property lines.

Councilmember Piekarski Krech opined aerial photos and GPS information are not always accurate. She stated that field measurements are critical in the determination of exact boundaries.

Mayor Tourville opined that the City cannot guess where the location of the right-of-way is concerned. He stated the exact boundaries need to be established so the issues in the neighborhood can be resolved.

Councilmember Grannis asked if the City installed the railroad ties and if something would need to be done to deal with the drainage issues in the area.

Mr. Thureen stated the ties were privately installed and confirmed that something would need to be done to address the drainage issues.

Motion by Grannis, second by Piekarski Krech, to authorize Gorman Surveying to Conduct a Survey and Place Right-of-Way Markers on both sides of Dixie Avenue near Dickman Trail for a total cost of \$5,170.00

Ayes: 4

Nays: 1 (Klein) Motion carried.

- J. Accept Proposal for Forensic Investigation of Water Intrusion in the Public Works Maintenance Building

Councilmember Klein questioned why the City would pay for an investigation to determine where the leak is coming from when they know it is coming from the window. He opined that \$13,000 was a lot of money for just the investigation.

Mr. Thureen responded that initially it was thought the problem was with windows and further review indicated the window and mold problem may be due to water intrusion in other parts of the building envelope. He stated it is important to identify what is going on so the problem can be properly repaired.

Councilmember Piekarski Krech stated mold was discovered and the problem needs to be identified and properly fixed.

Mayor Tourville stated the first step is to identify where the problem is coming from so the issue can be properly addressed. He opined that he doesn't want to guess what the problem is and then find out the issue is much larger than anticipated.

Mr. Rauschnot commented that City staff should be able to figure out where the water is coming from.

Motion by Grannis, second by Madden, to Accept Proposal for Forensic Investigation of Water Intrusion in the Public Works Maintenance Building

Ayes: 4

Nays: 1 (Klein) Motion carried.

M. Resolution Awarding Contract for Lawn Care Services related to Nuisance Abatement

Councilmember Piekarski Krech stated the City needs to develop a protocol for bid processes because the current process is flawed.

Mayor Tourville stated there were a total of eight (8) jobs in 2009 and the contract amount is not a significant amount of money. He noted because the amount of work is so minimal there are a number of contractors who choose to not work with the City because it is not worthwhile to give up other jobs for the few times during the season that the City needs work done.

Councilmember Piekarski Krech stated her major issue is with who was actually contacted by the City. She reiterated that a protocol needs to be in place and the bids need to be compared on the same merits.

Mr. Lynch reviewed the process that was used to solicit bids from contractors and noted that a number of businesses chose not to respond the request. He explained that staff contacted personnel from neighboring cities and the approach varied in terms of process.

Councilmember Piekarski Krech opined that the City should be promoting the businesses in Inver Grove Heights.

Motion by Klein, second by Madden, to adopt Resolution No. 10-81 Awarding Contract for Lawn Care Services related to Nuisance Abatement to Juckel Lawn Care and Walker Lawn Care

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

5. PUBLIC COMMENT:

Ivan Ash expressed concerns with someone placing a mobile home on a piece of property in Ernster Park. He questioned whether or not the City allowed this to happen or if a piece of the park property was purchase from the City.

Mayor Tourville responded that Ernster Park property is not for sale and indicated that any decision to sell a piece of park property would first have to be presented to the Parks and Recreation Advisory Commission.

Mr. Carlson explained the issue is regarding potential park encroachments and staff is currently going through a process to identify park boundaries and possible encroachments.

6. PUBLIC HEARINGS:

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. LUTHER NISSAN KIA; Consider the following resolutions for property located at 1430 50th Street:

- i) A Conditional Use Permit Amendment to allow the Expansion of Outdoor Storage on the Existing Surface Parking Lot
- ii) A Conditional Use Permit to exceed 25% Impervious Surface coverage in the Shoreland Overlay District

Mr. Link explained the applicant is requesting a conditional use permit amendment to expand the outdoor vehicle storage area on the vacant lot north of Luther Nissan. He stated adding the additional storage

would increase the total impervious surface on the property from 13% to 45%, exceeding the maximum amount allowed in the shoreland district. He noted the vehicles stored on the northern lot are not displayed for sale and the general public is not allowed on the storage site. He stated Planning staff reviewed the request and found that it met all of the general conditional use permit criteria relating to the Comprehensive Plan and Zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts. He concluded that both Planning staff and the Planning Commission recommended approval of the request.

Jon Baker, architect for the project, stated the applicant agrees with the conditions and noted there would not be a lot of impact involved to the existing operation.

Councilmember Klein clarified that there is adequate screening to keep the storage area out of view.

Mr. Baker indicated the northern lot would be expanded towards Best Buy and additional trees would be planted to further screen the property.

Motion by Piekarski Krech, second by Klein, to adopt Resolution No. 10-82 approving a Conditional Use Permit Amendment to allow the expansion of outdoor storage on the existing surface parking lot and Resolution No. 10-83 approving a Conditional Use Permit to exceed 25% impervious surface coverage in the Shoreland Overlay District

Ayes: 5

Nays: 0 Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Consider the Second Reading of an Interim Ordinance related to Open Wood Burning Furnaces

Mr. Kuntz explained the proposed ordinance would place a moratorium on open wood burning furnaces for a 12 month period or until such time that the City Council adopts an ordinance regulating open wood burning furnaces. He stated no changes were made to the ordinance since the first reading and noted if the Council could unanimously agree to adopt the ordinance after two readings.

Armando Lissarrague, 11730 Albavar Path, expressed support of the moratorium and presented a letter to the City Council.

Motion by Klein, second by Madden, to receive letter presented by Armando Lissarrague

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Madden, to adopt Ordinance No. 1212, an interim ordinance relating to Open Wood Burning Furnaces

Ayes: 5

Nays: 0 Motion carried.

PARKS AND RECREATION:

C. CITY OF INVER GROVE HEIGHTS; Receive Inver Wood Golf Course Operational Assessment Study

Mr. Carlson stated Global Golf Advisors was hired to do an operational assessment of Inver Wood Golf Course. He explained the report was presented to the Council at a previous work session. He stated the City Council is being asked to formally receive the report and acknowledge that Global Golf Advisors completed the work they were hired to perform. He noted staff would continue update the Council on the progress at Inver Wood and would also continue to recommend the implementation of suggested changes from the study that they feel would be appropriate and in the best interest of Inver Wood. He reviewed some of the changes that have already been implemented based on recommendations included in the operational assessment.

Councilmember Grannis clarified that the assessment was public information and could be reviewed by

interested parties.

Allan Cederberg, 1162 East 82nd Street, stated the he hopes the recommendations of the operational assessment produce positive results at Inver Wood. He discussed the management of the course and asked the Council to get an opinion on the management from Global Golf Advisors.

Mayor Tourville stated that option was looked at and discussed at great length amongst the Council and the task force. He stated many positive comments regarding the management were included in the report received from Global Golf Advisors. He reiterated that the suggestions for improvement are being implemented.

Councilmember Grannis stated Global Golf Advisors recommended that the City retain the current manager because they found him to be very good and knowledgeable.

Councilmember Madden reiterated that the Council and staff will continue to look at improvements.

Mayor Tourville added that a number of focus groups were held outside of the task force to gain feedback on the golf course. He explained that the operational assessment did not recommend outsourcing the manager's position because it would not save the City any money and a change was not warranted.

Motion by Piekarski Krech, second by Klein, to receive the Inver Wood Golf Operational Assessment Study

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

D. CITY OF INVER GROVE HEIGHTS; Consider Change Order No. 9 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ms. Teppen provided an update on the whole project and stated that staff will be moving into the new Public Safety Addition at the end of July. She noted the last Council meeting in the existing building would most likely be July 26th. She explained the total cost for change order no. 9 is about \$35,680 for a revised contract total of \$11,815,612. She noted the project contingency balance is \$307,779.

Motion by Madden, second by Grannis, to approve Change Order No. 9 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider Advisory Board Applications and Appointments

Councilmember Grannis suggested starting with the Parks and Recreation Advisory Commission ballots.

Mayor Tourville gave interested applicants the opportunity to introduce themselves.

Motion by Madden, second by Klein, to appoint Wilfred Krech, James Huffman, and Chris Solberg to the Parks and Recreation Advisory Commission

Ayes: 5

Nays: 0 Motion carried.

Motion by Grannis, second by Piekarski Krech, to appoint Dennis Wipperman, Mike Schaeffer, & Patricia Simon to the Planning Commission

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Klein, to appoint Jordan Dols and Jason Franke to the Convention and Visitors Bureau

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Grannis, to appoint Susan Burke to the Environmental Commission

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Klein, to appoint Mark Storo and Ronald Sieloff to the Aircraft Noise Abatement Commission

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Councilmember Madden reminded everyone about the meaning of Memorial Day.

9. ADJOURN: Motion by Piekarski Krech, second by Grannis, to adjourn. The meeting was adjourned by a unanimous vote at 9:00 p.m.