

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, AUGUST 23, 2010 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, August 23, 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:** None.

**4. CONSENT AGENDA:**

Councilmember Madden removed Item 4A(i), Minutes of August 9, 2010 Regular Council Meeting, from the Consent Agenda.

Councilmember Klein removed Item 4J, Approve Agreement with Xcel Energy for Sod Replacement and Seeding on City Project No. 2010-09D, South Grove Street Reconstruction – Area 5, from the Consent Agenda.

Councilmember Grannis removed Item 4N, Approve Contract with Braun Intertec for Response Action Plan Preparation of the Rock Island Swing Bridge Site, from the Consent Agenda

- A. (ii) Minutes – August 13, 2010 Special Council Meeting
- B. **Resolution No. 10-128** Approving Disbursements for Period Ending August 18, 2010
- C. Pay Voucher No. 1 for City Project No. 2010-09B, Sealcoating
- D. Pay Voucher No. 5 for City Project No. 2007-17, Clark Road Ext. Improvements
- E. Change Order No. 3 and Pay Voucher No. 3 for City Project No. 2010-09D, South Grove Urban Street Reconstruction – Area 5
- F. Approve Proposal for Handheld Data Collectors
- G. Request Authorization to Enter into an Agreement with Rehder and Associates, Inc. to Complete the As-built Record Plans for Brentwood Hills Townhomes
- H. Accept Landowner Improvements within City Easement Agreements for Landowners, Restrictive Use Agreements for Landowners, and Temporary Construction Easement Agreement for Landowner Bulson as part of the 2010 Storm Water Facility Maintenance Program, City Project No. 2010-19
- I. **Resolution No. 10-129** Accepting Quote and Awarding Contract for City Project No. 2010-19, Storm Water Facility Maintenance Program – Zone 7
- K. Request Authorization to Enter into an Agreement with L'Allier Concrete, Inc. to Construct Pedestrian Curb Ramps on the East Side of Cahill Avenue at 8<sup>1st</sup> Street
- L. **Resolution No. 10-131** Receiving Feasibility Study, Scheduling Public Hearing, Authorizing Plans and Specifications for City Project No. 2010-21, Boyd Avenue Street Lighting
- M. Approve Lease Agreement with the Inver Grove Heights Hockey Association for the Operations of the VMCC Concession Stand for the 2010-11 Season
- O. Approve Contractors for Energy Improvement Projects at the VMCC/Grove
- P. Approve Contractor for the Replacement of the Splash Pool Heat Exchanger
- Q. **Resolution No. 10-132** Making an Election Not to Waive the Statutory Tort Limits for Liability Insurance Purposes
- R. Approve the Limited Hunting of Canada Geese within the City

S. Personnel Actions

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

**Ayes: 5**

**Nays: 0 Motion carried.**

A. (i) Minutes – August 9, 2010 Regular Council Meeting

Councilmember Madden corrected the minutes to reflect that Councilmember Grannis removed item 4A from the consent agenda and he removed Item 4I.

**Motion by Klein, second by Piekarski Krech, to approve the minutes of the August 9, 2010 Regular Council Meeting with the noted corrections.**

**Ayes: 5**

**Nays: 0 Motion carried.**

J. Approve Agreement with Xcel Energy for Sod Replacement and Seeding on City Project No. 2010-09D, South Grove Street Reconstruction – Area 5

Councilmember Klein questioned the two telephone poles on Concord that have been there for four months and need to be removed.

Mayor Tourville stated that Public Works would get the information from Councilmember Klein and address the issue.

**Motion by Klein, second by Madden, to adopt Resolution No. 10-130 Approving Agreement with Xcel Energy for Sod Replacement and Seeding on City Project No. 2010-09D, South Grove Street Reconstruction – Area 5**

**Ayes: 5**

**Nays: 0 Motion carried.**

N. Approve Contract with Braun Intertec for Response Action Plan Preparation of the Rock Island Swing Bridge Site

Councilmember Grannis explained he would not vote in favor of contracting with Braun Intertec due to a problem with the soil testing that was performed for a project at Skyview Park.

**Motion by Madden, second by Klein, to approve contract with Braun Intertec for Response Action Plan Preparation of the Rock Island Swing Bridge Site**

**Ayes: 4**

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

H. Accept Landowner Improvements within City Easement Agreements for Landowners, Restrictive Use Agreements for Landowners, and Temporary Construction Easement Agreement for Landowner Bulson as part of the 2010 Storm Water Facility Maintenance Program, City Project No. 2010-19

Todd Bulson, 2407 77<sup>th</sup> Street East, stated he is the subject of the item and none of the agreements have been signed.

Mayor Tourville clarified that they are just approving the agreements from the City's perspective to expedite the process.

Mr. Bulson indicated he had just received the documents a few days prior to the meeting, and he had not finished reviewing them.

Mr. Kuntz stated the City understands the documents have not been signed. He explained that comments from the landowner's attorney would be received in the next couple of days and the City would proceed if no substantive changes were proposed. He indicated the documents could be brought back to the Council if needed.

Mr. Bulson stated he would prefer that the item be pulled and not considered at this time.

**Motion by Klein, second by Piekarski Krech, to reconsider Item 4H.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Klein, second by Piekarski Krech, to table item to September 13, 2010**

**Ayes: 5**

**Nays: 0      Motion carried.**

#### **5. PUBLIC COMMENT:**

Mark Stangl, 10120 Cloman Path, thanked the City Engineer for handling a truck traffic concern within his neighborhood. He explained that 40-50 trucks a day were traveling through his neighborhood to haul materials to Total Construction. He stated the City Engineer changed the route the trucks were taking to alleviate the neighbors' concerns.

#### **6. PUBLIC HEARINGS:**

**A. CITY OF INVER GROVE HEIGHTS;** Resolution Ordering the Project, Approving Plans and Specifications, and Authorizing Advertisement for Bids for the 2010 Pavement Management Program, City Project No. 2010-09C – Blaine Avenue (South Area) Mill and Overlay

Mr. Kaldunski stated the project would entail a bituminous mill and overlay of Blaine Avenue to include a full street width 2.5 inch depth mill, miscellaneous curb replacement, storm sewer casting adjustments, miscellaneous street repair, new pedestrian ramps, 2.5 inch bituminous wear course overlay and striping. He explained the south area of Blaine Avenue was constructed in 1985 and the average pavement condition index was 47 out of 100. He noted that ratings from 33 to 66 warrant a mill and overlay. He explained Braun Intertec took core samples in the street and sidewalk areas, analyzed them, and recommended a mill and overlay due to the wearing course layer having insufficient density and showing signs of surface pop-out. He stated that the underlying bituminous layers are considered to be in good condition.

Mr. Kaldunski stated an independent appraising firm, Metzen Appraisals, performed a benefit analysis. He explained that Metzen Appraisals provided the opinion that the project would provide a benefit up to \$4,000 for each single-family parcel that is assessable per policy. He explained the total estimated project cost is \$203,990 and the proposed city cost would be \$157,130, with \$46,860 being specially assessed. He identified the General Fund, Pavement Management Fund, and the Utility Fund as funding sources for the project. He stated an informational meeting was held and four residents attended, representing three out of the ten single family parcels designated to be assessed. He noted the residents generally supported the project provided the recommended assessment caps were followed. He reviewed the proposed project schedule and stated the bid opening would be on September 17, 2010.

Michael Newbauer, 6008 Blaine Avenue, stated he received conflicting assessment estimates and questioned why there was such a discrepancy.

Mr. Kaldunski responded that the \$4,000 figure is the recommended assessment cap, based on the feasibility study and appraisal analysis that were prepared for the project. He noted that staff estimates project costs very conservatively, and the assessment could not exceed \$4,000 if the recommended cap is followed.

Mr. Newbauer stated he has lived in his home since 2004 and has never seen any improvements or maintenance done on the street.

Mr. Kaldunski stated the mill and overlay can be done now at a lower cost versus postponing the project a few years and having to perform a full reconstruction.

Mr. Newbauer also expressed concern regarding the property across from his house that is routinely used as a dump site.

Mr. Thureen indicated that the City uses a portion of the site as a temporary holding area for sand soils.

Mayor Tourville opined that the City needs to do a better job controlling the access to the site. He stated that nobody has approval from the City to use the property as a dump site.

Mark Colburn, 5986 Blaine Avenue, explained he has lived in his home for five years and has not seen any maintenance done on the road, other than the patching of potholes. He explained that he has 97 feet of property on Blaine Avenue, and doesn't feel that is worth a \$4,000 assessment. He stated that Blaine Avenue is a collector street and it is unfair to expect 10 property owners to bear the cost of the project when over half of the benefitting area is state property.

Mayor Tourville responded that the project is unique in that the state parcels cannot be assessed. He explained that the City is covering a large portion of the cost to counteract the inability to assess the State.

Councilmember Klein how much the City contributed to the Blaine Avenue project that was done to the south of 70<sup>th</sup> Street.

Mr. Thureen indicated that the same policy was followed, and the project was an 80/20 split. He noted that the methodology acknowledges wider collector streets.

Mayor Tourville stated that they are only dealing with estimates at this point, and the numbers being discussed are not the final assessments. He opined that the project needs to be done and additional funding can be looked at after the bids have been received.

Mr. Kuntz stated the current financing for the project indicates the assessment portion is at or near 20% of the total project cost. He explained if 20% of the project is not assessed the City cannot bond for the project.

Councilmember Klein stated the project needs to be done.

Councilmember Madden opined that if the project was delayed a full street reconstruction would be needed and the cost would be significantly higher. He stated the roads need to be maintained and the project needs to be done.

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

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Klein, second by Grannis, to adopt Resolution No. 10-133 Ordering the Project, Approving Plans and Specifications, and Authorizing Advertisement for Bids for the 2010 Pavement Management Program, City Project No. 2010-09C – Blaine Avenue (South Area) Mill and Overlay**

**Ayes: 5**

**Nays: 0      Motion carried.**

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:**

**A. TEMO SUNROOMS AND EXTERIORS;** Consider Resolution relating to a Variance from Front Yard Setbacks to Construct a Sunroom Addition for Property Located at 1634 Upper 55<sup>th</sup> St.

Mr. Link explained the applicant requested a variance to construct a 216 square foot porch addition on the west side of the existing home. He stated the lot is a corner lot and the addition would be located 17 feet from the front property line whereas 30 feet is the required setback to allow the construction of a porch addition on the west side of the house. He noted when the house was built in 1969 it was not a corner lot and it abutted the property to the west. He explained the lot was platted in 1974 and at this time right-of-way dedication was required for Asher Avenue and created a corner lot. He stated corner lots have more restrictive setbacks than interior lots because they have two front yards by definition. He stated both planning staff and the Planning Commission recommended approval of the request. He noted that the

porch addition would not impact traffic visibility and it would not cause the home to be out of character with the neighborhood. He explained the hardship was found to exist in that the home was constructed prior to the dedication of right-of-way for Asher Avenue, which created a more restrictive setback for the west property line, and changed the designation from a side yard to front yard for setback requirements.

**Motion by Klein, second by Madden, to adopt Resolution No. 10-134 relating to a Variance from Front Yard Setbacks to Construct a Sunroom Addition for Property Located at 1634 Upper 55<sup>th</sup> St.**

**Ayes: 5**

**Nays: 0          Motion carried.**

**B. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Electing to Continue Participating in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act

Mr. Link stated the City has an opportunity to again participate in the Livable Communities Program. He explained the program is a voluntary, incentive-based approach to address regional affordable and life cycle housing needs while providing funds to cities to assist them in carrying out their development plan. He noted Inver Grove Heights has participated in the program since it began in the mid -1990's. He explained that in order to participate the City must agree to goals for affordable housing and life cycle housing and work towards those goals over the next decade. He stated the Metropolitan Council's approach to establishing goals is different from previous occasions because it acknowledges the reality of limited funding that is available to cities, and expresses the goals as a range rather than a specific number. He explained the range for the affordable housing goal is between 610 to 871 dwelling units over the next decade. He noted the high end of the range represents the City's share of the region's affordable housing needs as reflected in the Metropolitan Council Development Guide and the Inver Grove Heights Comprehensive Plan, and the low end of the range represents the number of units that the Metropolitan Council believes can be accomplished with funding that is currently available. He explained the Metropolitan Council established a range of 870 to 2652 dwelling units over the next decade for the life cycle housing goal, which would include affordable housing as well as housing for the young and seniors. He stated in exchange for establishing these housing goals, the Local Housing Incentives Account Program provides the City the opportunity to seek grants. He noted the City has already made application for such a grant, in the amount of \$48,000 for the Concord Neighborhood Studies. He stated the City is also required to prepare a Housing Action Plan by December 1<sup>st</sup>.

Councilmember Klein asked if any cities in Dakota County have elected not to participate in the program.

Mr. Link responded that he was unsure of the participants, but knew that Eagan did not participate several years ago.

Councilmember Klein expressed concern regarding the goal for life-cycle housing.

Mr. Link explained that the City would work to achieve the goal over a period of ten years.

Mayor Tourville noted that if the City does not participate in the program, they would not be eligible to receive any grant money.

Councilmember Madden commented that participation in the program does not guaranteed that the City will receive the grant money. He questioned if there were any other incentives for participation.

Mr. Link reiterated that the incentive for participation is the opportunity to receive grant funding.

**Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 10-135 Electing to Continue Participating in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act**

**Ayes: 5**

**Nays: 0          Motion carried.**

**PARKS AND RECREATION:****C. CITY OF INVER GROVE HEIGHTS;** Consider Approval of the Mississippi River Regional Trail – Cahill to Mn DOT Frontage Road

Bruce Blair, Dakota County, explained the Mississippi River Regional Trail will generally be an off-road, two-way, multi-use trail with a 20 foot easement and a 10 foot bituminous surface. He stated the design speed for the trail is 20 mph. He explained the trail will extend over 27 miles along the Mississippi River, from South St. Paul to Hastings, and will provide scenic views of the river and connections to local parks and trails. He reviewed the section of the trail that is already constructed, and stated the section along Cahill Avenue to the Mn/DOT frontage road is already funded and construction is scheduled to begin next year. He stated the County hosted an Open House on May 19<sup>th</sup> to get public feedback regarding the alignment for the trail. He reviewed the alignment alternatives and noted that they all share the same route along the west side of Cahill Avenue until the trail reaches Pine Bend Elementary School. He stated the park-lake alternative was met with positive response. He explained that both park-lake alignments would utilize the old road on the west side of the lake, and have the least amount of impact on affected property owners. He noted that the preferred option, C2, would require negotiations with the railroad for temporary easements to eliminate the need for a double crossing. He explained that the County would like the City's concurrence with the preferred park-lake alignment so engineering plans can be developed in anticipation of negotiations with the railroad and final plans with details can then be brought back to the City for approval.

Councilmember Madden questioned how close the trail would be to neighbors along the park-lake (C2) option.

Mr. Blair responded the closest distance would be approximately 200 feet.

Mayor Tourville stated the number one overall concern was safety and the park-lake alternative seems to address that concern. He noted that everyone involved with the alignment of the trail wants to affect the least number of residents.

Councilmember Klein opined that option C2 with only one crossing would be his preferred alignment.

Mr. Kuntz questioned if the County intended to come back to the Council for approval of the park-lake alignment, C1 option if after discussions the railroad will not agree to option C2.

Mr. Blair reiterated that the County Board has identified the C2 option of the park-lake alignment as their preferred alignment. He added that if that alignment is not feasible after discussions with the railroad, the direction from the County Board is to proceed with option C1. He stated the County would like the City to concur with that plan.

Mayor Tourville clarified that the County would return to the Council with plans and specifications after the final alignment is determined.

Mr. Blair responded that the City Council would be asked to approve plans and specifications after they are developed and an alignment has been finalized.

**Motion by Klein, second by Madden, to approve the Park Lake Trail alignment and to identify Option C2 as the preferred alignment; if Option C2 is found to be unfeasible, to proceed with the plans and specifications for Option C1.**

**Ayes: 5**

**Nays: 0**

**Motion carried.**

**PUBLIC WORKS:****D. CITY OF INVER GROVE HEIGHTS;** Accept Proposal from SRF to Conduct an Improvement Cost Allocation Analysis for the Pending Assessments on City Project No. 2000-10, TH 52/117<sup>th</sup> Street Interchange

Mr. Thureen explained the City was the lead agency on the improvement project, which constructed a new interchange at TH 52 and 117<sup>th</sup> Street including a new bridge at TH 52 and three signals at nearby intersections. He stated the project was completed with a Cooperative Agreement involving Mn/DOT, Inver Grove Heights, and other agencies at the federal level. He noted SRF Consulting Group was the engineer on the project.

Mr. Thureen stated the City's share of the constructions costs is approximately \$410,000, and the Feasibility Study and preliminary assessment roll prepared by SRF outlined the assessment area. He explained the project costs were to be allocated based on the traffic generated by existing and future developments using trip generations. He stated the Feasibility Study presented a number of alternatives for calculating assessments, and at the time the project was ordered no consensus could be reached on an assessment methodology. He explained since the original study was done a number of industry improvements were made in the method of allocating project costs based on trip generation. He stated a significant amount of local change and development in the area also occurred as a result of projects such as the Southern Trunk Sanitary Sewer east and west segments, Clark Road improvements, East Service Drive and Briggs Drive sanitary sewer improvements. He noted the changes in the area are substantial enough to warrant an update to the cost allocation.

Mr. Thureen stated the City approached SRF for a proposal to update the cost allocations in 2010, and the analysis will become the basis of the final assessments for the project. He explained the analysis would include a review of the cost allocations to the originally notified assessment area and a second analysis would be done to review the effects of the City improvements on the traffic that benefitted from the interchange. He noted that the City would be able to assess the original property owners and may consider collecting some funds through development agreements for parcels that were not originally included in the improvement area. He stated SRF submitted a proposal for the scope of work in the amount of \$28,700.

**Motion by Piekarski Krech, second by Madden, to accept proposal from SRF to conduct an Improvement Cost Allocation Analysis for the Pending Assessments on City Project No. 2000-10, TH 52/117<sup>th</sup> Street Interchange****Ayes: 5****Nays: 0      Motion carried.****E. CITY OF INVER GROVE HEIGHTS;** Resolution Approving Agreement for Sanitary Sewer to Serve Praxair, Inc. from Clark Road

Mr. Thureen explained that following the construction of the Southern Sanitary Sewer, the owners of Praxair, Inc. requested that a sanitary sewer lateral be extended to serve their facilities because they were also planning some private sewer construction within their site at the same time. He stated Praxair, Inc. will build a public sewer across land owned by Xcel Energy this fall and have been working to secure the necessary public drainage and utility easement. He explained the City has received application from the property owners to install the sanitary sewer lateral on the easements and to connect the buildings to this sewer. He stated the improvement agreement would memorialize the construction responsibilities of the applicant and the City with respect to the maintenance and operation of the sanitary sewer. He noted that the public sewer would be accepted by the City after the completion of the project easements from Praxair, Inc. and Xcel Energy.

**Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 10-136 approving agreement for sanitary sewer to serve Praxair, Inc. from Clark Road****Ayes: 5****Nays: 0      Motion carried.**

**F. CITY OF INVER GROVE HEIGHTS;** Consider Change Order No. 1 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – Low Voltage Contractors

Ms. Teppen explained change order number one is for Low Voltage Contractors, a subcontractor doing the majority of the work related to building security and access for the project. She stated the four items included in the change order total \$4,806.

**Motion by Madden, second by Klein, to approve Change Order No. 1 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – Low Voltage Contractors**

**Ayes: 5**

**Nays: 0      Motion carried.**

**G. CITY OF INVER GROVE HEIGHTS;** Consider Change Order No. 13 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ms. Teppen explained that the change order was comprised of seven items totaling \$4,343, for a revised contract total of \$11,863,272.00. She noted that change orders are funded from the project contingency, which has a balance of \$260,119.

Councilmember Piekarski Krech questioned who is responsible for not knowing what the code requirements are for the item related to Stair A infill plates. She also questioned why the location of the paper towel dispensers was not planned to accommodate the hand dryers. She stated she is concerned by the change orders that appear to be simple items that should have been figured out and appropriately planned from the beginning.

**Motion by Madden, second by Grannis, to approve Change Order No. 13 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation**

**Ayes: 5**

**Nays: 0      Motion carried.**

**H. CITY OF INVER GROVE HEIGHTS;** Approve Purchase of Mail Storage Unit for Squad Room and Cabinet Records Room for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ms. Teppen stated two pieces of furniture for the Police Department were left off the recent furniture package, a mail slot unit and a 15 foot cabinet for storage of materials in the records room. She explained they received a quote for both pieces of furniture and the total, including installation, was \$5,861.87.

**Motion by Klein, second by Madden, to approve the purchase of a Mail Storage Unit for Squad Room and Cabinet Records Room for City Project No. 2008-18, Public Safety Addition/City Hall Renovation**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

Mayor Tourville reminded residents about the upcoming events for Inver Grove Heights Days, September 9<sup>th</sup> – 12<sup>th</sup>, and Fall Clean Up Day on Saturday, September 18<sup>th</sup>.

Mr. Lynch stated there will be a Special City Council meeting on Monday, August 30<sup>th</sup> at 6:00 p.m. to discuss the Economic Development Authority.

**9. ADJOURN:** Motion by Klein, second by Grannis, to adjourn. The meeting was adjourned by a unanimous vote at 9:37 p.m.