

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, SEPTEMBER 13, 2010 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, September 13, 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. Presentation of Minnesota Community Pride Awards for the Old Town Area and the Rock Island Swing Bridge

Mr. Carlson explained that the Minnesota State Fair sponsored a contest for Minnesota Community Pride Awards and the City was the recipient of two. He stated the City received the "Best in Class" award and an \$850 cash prize in the Community Design category for efforts related to the Rock Island Swing Bridge restoration project. He stated the City also received the second runner-up award (for populations over 10,000) and a \$600 cash prize for the overall community and economic development effort in the Old Town Area.

Mayor Tourville stated the contest is open to all cities in the state and Inver Grove Heights is very proud of both projects.

4. CONSENT AGENDA:

Councilmember Piekarski Krech removed Item 4A(ii), Minutes of August 30, 2010 Special Council Meeting, and Item 4G, Change Order No. 1 for City Project No. 2010-12, 59th Street East Improvements, from the Consent Agenda.

Ed Gunter, 6671 Concord Boulevard, requested that Item 4E, Pay Voucher No. 4 for City Project No. 2009-24 - Rock Island Swing Bridge Project be removed from the Consent Agenda.

Councilmember Klein removed Item 4M, Approve Proposal for Assistance with Blaine Pit Clean-Up, from the Consent Agenda.

- A.** (i) Minutes – August 23, 2010 Regular Council Meeting
- B.** **Resolution No. 10-137** Approving Disbursements for Period Ending September 8, 2010
- C.** Pay Voucher No. 15 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- D.** Change Order No. 2 for City Project No. 2009-24, Rock Island Swing Bridge Project
- F.** Pay Voucher No. 4 for City Project No. 2009-29, Well No. 9, Phase 2
- H.** Final Change Order No. 2, Final Pay Voucher No. 3, Engineer's Report of Final Acceptance, and **Resolution No. 10-138** Accepting Work for Fire Station No. 1 Parking Lot Improvements
- I.** **Resolution No. 10-139** Accepting Quotes and Awarding Contracts for the 2010 Storm Water Facility Maintenance Program – Zones 1A, 2, 5, and 6, City Project Nos. 2010-13, 2010-14, 2010-17, and 2010-18
- J.** Approve Policy for Credit Card Use by City Employees
- K.** Approve Hiring Keys Well Drilling Company and Automatic Systems Company for Arbor Pointe Water Tower Site Monitoring Well Installation
- L.** Approve Proposal for Engineering Services from WSB, Inc. for Argenta Hills 2nd Addition Water System Modeling
- N.** Approve Proposal from Decision Resources, LTD to Perform 2010 Community-Wide Phone Survey

- O. Authorize the Solicitation of Bids for the VMCC/Grove Locker Room Project
- P. Accept Grant for Simley Shoreline Improvements from Great River Greening
- Q. Approve Contract with HKGI for Trail Gap Study
- R. Approve Contract with McGhie & Betts for Special Inspections & Testing for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- S. **Resolution No. 10-140** Approving Application of Merrick, Inc. for a Premises Permit to Conduct Lawful Purpose Gambling at Jersey's Bar & Grill, 6449 Concord Blvd.
- T. Schedule Public Hearing – Liquor License Transfer
- U. Approve Proposal for Survey of Existing Roof at City Hall
- V. Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

- A. (ii) Minutes – August 30, 2010 Special Council Meeting

Councilmember Piekarski Krech explained she was unable to attend the special meeting and would abstain from the vote.

Councilmember Klein noted he did not attend the meeting either.

Motion by Grannis, second by Madden, to approve the minutes of August 30, 2010 Special Council Meeting.

Ayes: 3

Nays: 0

Abstain: 2 (Klein, Piekarski Krech) Motion carried.

- E. Pay Voucher No. 4 for City Project No. 2009-24, Rock Island Swing Bridge Project

Ed Gunter, 6671 Concord Boulevard, questioned what happened to the third change order for the project.

Mr. Carlson explained the item is a pay voucher, not a change order.

Motion by Madden, second by Klein, to approve Pay Voucher No. 4 for City Project No. 2009-24, Rock Island Swing Bridge Project

Ayes: 5

Nays: 0 Motion carried.

- G. Change Order No. 1 for City Project No. 2010-12, 59th Street East Improvements

Councilmember Piekarski Krech questioned why the City was paying for the relocation when the wall was moved at the request of the homeowner.

Mr. Thureen explained the original design had the new retaining wall located further to the east. He stated the wall was moved west because the homeowner did not want to backup and turn into the dead end. He further explained that the relocation of the wall resulted in impacts to the water service, and storm water facilities are being added to prevent runoff from overtopping the new retaining wall.

Councilmember Piekarski Krech clarified that the change was in response to issues in the field, not simply because of a homeowner request.

Councilmember Klein noted the move also helps emergency vehicles.

Motion by Klein, second by Grannis, to approve Change Order No. 1 for City Project No. 2010-12, 59th Street East Improvements

Ayes: 5

Nays: 0 Motion carried.

M. Approve Proposal for Assistance with Blaine Pit Clean-Up

Councilmember Klein noted that this is proof that the City does respond to citizen concerns.

Motion by Klein, second by Grannis, to approve proposal for assistance with Blaine pit clean-up

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Ed Gunter, 6671 Concord Boulevard, stated he would like to see a snow removal plan developed for the new streets that were just put in to ensure there are no issues in the beginning of the winter.

Howard Harvey, 7515 River Road, expressed concerns regarding the Rock Island Swing Bridge project and a silting issue observed on the river front. He explained that the residents along River Road used to have deep water access and could use the area for recreational boating. He stated that the north end of the channel is completely blocked and opined that the flow of water was cut off because of the way the equipment for the bridge project was stored. He explained that the area has silted in and can no longer be used recreationally. He asked that the issue be addressed before winter.

Mr. Lynch explained that the City does have a permit as part of the bridge project which allows for the construction of a causeway. He stated that the City met on-site with the DNR and Army Corps of Engineers to look at the issue. He explained that the DNR and Army Corps of Engineers acknowledged that some siltation has occurred, but did not find that City caused the siltation problem. He stated at the end of the project the City is required to remove the causeway that was constructed and any siltation within 20 feet of the center line on either side of the bridge. He noted once those items are completed that will end the City's responsibility. He reiterated that both the DNR and the Army Corps of Engineers have determined that the City did not cause the siltation issue. He stated the City will be meeting with representatives from the marina to further discuss the issue and their options going forward.

Mr. Harvey asked to see the report from the DNR and Army Corps of Engineers.

Mr. Lynch stated the DNR and Army Corps of Engineers would be writing letters to the City with their opinions from the visual observation that was conducted on-site.

Mayor Tourville suggesting meeting with the neighborhood after the letters have been received to have a discussion on the issue.

Councilmember Madden stated after he visited the site and saw the siltation he requested the meeting to discuss the problem and see if something can be done.

6. PUBLIC HEARINGS:

A. CITY OF INVER GROVE HEIGHTS; Assessment Hearing for City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay

Mr. Kaldunski stated the project was ordered by the Council in 2008 with most of the construction completed in 2009. He explained the final total project cost was \$1,245,831.29, including \$959,259.98 in street reconstruction costs, \$261,781.27 in mill and overlay costs, and \$24,790.04 in trail improvements. He reviewed the City's assessment policy and stated 107 single-family properties and one (1) City property were proposed to be assessed. He noted 75 parcels were included in the mill and overlay area and 33 parcels were included in the reconstruction area. He explained if the City's assessment policy was followed, single family homes in the reconstruction area would be assessed \$14,950.79 and \$2,244.32 in the mill and overlay area.

Mr. Kaldunski stated the proposed final assessment roll is based on a cap of \$6,000 for the street reconstruction area and \$4,000 for the mill and overlay area. He explained the proposed caps are based on a benefit analysis performed by Metzen Appraisals. He noted that because the proposed assessment

for the mill and overlay area was less than the recommended cap, only the reconstruction portion would have the cap applied. He stated if the total assessment exceeds the proposed cap, the amount in excess would be paid by the Pavement Management Fund.

Mr. Kaldunski stated the total amount proposed to be specially assessed on single family properties, with the proposed cap, is \$360,324.00 of the total cost. He explained the City's costs are covered by the Pavement Management Fund, Utility Fund, and the Recreation Fund. He stated an assessment term of 5 years at a 5.8% interest rate is proposed for the mill and overlay area, and a term of 10 years at a 5.8% interest rate is proposed for the reconstruction.

Mr. Kaldunski provided an overview of the neighborhood informational meeting that was held on September 1st and the numerous issues that were discussed. He noted that three assessment appeals were received by the City and provided to the City Council for acceptance.

Ryan Wilson, 6310 Beckman Avenue, stated he is the only parcel on Beckman Avenue that has been included in the reconstruction area, and is still unclear as to the reason why. He explained he has been given several different explanations over the course of the project and would like to be assessed as part of the mill and overlay area, just as his next door neighbor has been. He stated he believes he is being assessed in the reconstruction area because of a storm sewer drain that was installed to protect the McMenemy property from flooding. He noted the drain has no benefit to his property. He also expressed concerns regarding the quality of work that was done on his driveway, the large area that was dug up on his street to address a leaking gas line.

Mayor Tourville questioned if Mr. Wilson's driveway had already failed.

Mr. Wilson responded in the negative and noted there is a large crack between the original driveway and where the work was done. He stated other residents in the neighborhood have already experienced driveway failures and he would like to know how the problems will be addressed going forward. He added that he would have appreciated more communication regarding the 7 foot wall that was installed to separate his property from the trail and asked that the trees that were removed be replaced.

Bill McMenemy, 2180 63rd Street, stated he appealed the proposed assessment because he feels that the improvements did not increase the value of his property. He explained the biggest issue he has is with the gas line that was found running through the sewer line. He stated if the City knew about the issue it should have been disclosed to the neighborhood. He also questioned why the corner of the project was not the City's responsibility.

Mr. Kaldunski stated that the City first became aware that the gas line was in the sewer main in July of 2009. He noted that the City had no knowledge or record of the issue prior to that time.

Mike Hoffman, 6304 Ballantine Avenue, stated he suffered foundation damage during the project. He explained that an insurance claim was filed and it was determined that the issue was caused by the construction project. He stated in order to have the foundation damage repaired he was asked to sign a very broad and universal release form. He explained that he felt it was not in his best interest to sign the release and he paid to have the foundation repaired out of his own pocket. He stated the contractor is withholding his reimbursement payment and questioned if the City could assist him in moving the process along. He noted he hired an attorney to draft a different release that he is willing to sign if the contractor agrees with the language. He requested that the City look at other avenues to reduce the proposed assessments because he feels that a reconstruction would not have been necessary if not for sub-standard work that was done on the original project.

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

Ayes: 5

Nays: 0 Motion carried.

Councilmember Klein stated they knew this would be a difficult project and that there would be problems that needed to be addressed. He opined that the recommended assessment cap for the reconstruction area should be adopted.

Mayor Tourville stated that this is one of the largest contributions the City has ever made towards a project. He explained he would be willing to consider a reduction to the assessment for the Wilson property because he believes the property was included in the reconstruction area because of the drainage issues that needed to be addressed.

Councilmember Madden agreed that they should consider a compromise for the Wilson property and asked that they also consider adding some trees or shrubs along the trail for privacy.

Mayor Tourville asked if anything could be done to help Mr. Hoffman with his issue.

Mr. Thureen indicated he would provide the contractor with Mr. Hoffman's release and work with the City Attorney to see if anything else could be done. Mr. Thureen stated the reconstruction was necessary by Mr. Wilson's property.

Councilmember Piekarski Krech questioned if the proposed interest rate could be reduced.

Mr. Kaldunski stated a policy decision could be made by the Council to reduce the interest rate.

Mr. Thureen explained the interest rate could be reduced to 4.8% and still be within policy.

Mr. Kaldunski stated the original plat of the development identifies a wetland on Mr. Wilson's property. He explained when the 1st addition of the development was completed the road was constructed up to the Wilson property. He stated that blue-clay soils were found until the road hit where the construction began for the 2nd addition of the development, where sand-silt soils were found. He noted that the properties did benefit from the emergency overflow that was installed.

Mayor Tourville stated he would be in favor of assessing Mr. Wilson \$3,000, half the amount of the reconstruction.

Councilmember Klein agreed with the Mayor's suggestion.

Mayor Tourville asked Mr. Kaldunski to briefly address the driveway failure concerns.

Mr. Kaldunski explained the engineering department is keeping a list of the driveway issues that have been reported. He stated there is a one year warranty from the contractor that performed the work and the driveways will be inspected in 2011 for structural deficiencies.

Motion by Klein, second by Grannis, to approve Resolution No. 10-141 adopting the Final Assessment Roll with the recommended assessment cap of \$6,000 for street reconstruction, a 4.8% interest rate, and a \$3,000 assessment on the Wilson property for the 2009 Pavement Management Program, City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Madden, to receive assessment appeals from Ryan Wilson, William McMenemy, Geoffrey & Pamela Ewald

Ayes: 5

Nays: 0 Motion carried.

The City Council took a five minute break.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. KAY DICKISON; Consider the following request for the property located at 7521 River Road:

- i) Variance to allow two detached accessory buildings whereas one detached accessory building is allowed in the R-1B zoning district
- ii) Variance from the setback requirements for one of the structures along the river

Mr. Link stated the applicant would like to construct two detached accessory buildings. He explained the lot is one tax parcel divided by railroad right-of-way and River Road. He stated the applicant plans to demolish the existing home and accessory buildings and would like to construct a new home with a detached garage along with a small accessory building on the narrow portion of the property by the river.

Mr. Link explained that lots in the R-1B zoning district are only allowed one accessory building, not to exceed 1,000 square feet in size. He stated the larger detached structure near the house would be 960 square feet in size and the smaller structure, located near the river, would be 160 square feet in size. He explained after a conversation with the DNR it was determined that the more restrictive bluffline setback limitation should be used instead of the shoreland setback. He stated this would require a variance for the smaller structure both from the bluffline setback and a front yard setback from River Road. He noted the applicant shifted the smaller structure further west to reduce the impact to the bluff, and creating the need for a setback from River Road. He stated the smaller structure is proposed at 10 feet from the bluffline whereas 40 feet is required and 20 feet from River Road whereas 30 feet is required.

Mr. Link explained the DNR opposed the setback variance request. He stated based on property elevations available staff did not believe that there was a buildable area on the eastern portion of the property due to the 40 foot setback requirement from the top of the bluff and 30 foot setback from River Road. He noted the applicant could avoid impacting the bluff by moving the structure further south, although that would still require a variance from the front yard setback from the road. He added the variance request would not be needed if the applicant was to construct the smaller structure west of River Road.

Mr. Link stated both Planning staff and the Planning Commission recommended denial of the requests. He explained the applicant is not being denied reasonable use of the property and the property could reasonably function as its intended single-family use if the variances were denied. He stated staff also found that the site fails to demonstrate a hardship and would set a precedent for the number and location of accessory structures on a property. He noted there was recent case law that states cities are now more limited in their ability to grant variances.

Councilmember Klein asked if the hardship could be that the applicant's parcel is split up because of the road and the railroad property.

Mr. Link responded that even though the road bisects the property a variance is not needed in order to build a house and an accessory structure on it. He stated the other alternative would be to build on the west side of the road.

Councilmember Klein questioned if there would be enough room to build without needing a variance.

Kay Dickison, 8200 River Road, stated river property is prime property and pointed out that in this case she is being told that she cannot use the utilize the "river" part of her property. She explained she is asking for a very small structure with an electricity connection and security lights. She opined that the property is very unique and she would like to be able to utilize it and keep it clean and safe. She noted that people routinely use the property as a dump site because they think it is vacant.

Ralph Logensgaard, Architect, opined the hardship is that the road bisects the property. He stated the applicant has proposed no major excavation or change to the drainage and bluff. He reviewed the bluff line and explained they analyzed it and the proposed location is the flattest area. He stated the hardship for the bluffline setback is they want to connect the site.

Ms. Dickison stated the hardship could also be that it was very hard to get concurrence on the bluffline definition. She noted she is asking to have some connectivity to keep her property secure. She said it is not reasonable to only be able to build on the west side of the property.

Councilmember Madden commented that approval of the requests would set a precedent for all of the properties along the river.

Councilmember Piekarski Krech stated the issue is that the property is one parcel. She noted they have not been able to identify a hardship that is unique to the property.

Councilmember Klein stated the property is split by the railroad.

Mr. Kuntz responded that was not a legal hardship. He reviewed the definition of a hardship and stated in order to grant the requests the Council would have to make a finding that the property could not be put to a reasonable use.

Mr. Link stated either definition of the bluffline would require a variance.

Councilmember Piekarski Krech asked if the item could be tabled indefinitely to see if the state legislature makes any changes to cities ability to grant variances. She stated that if changes were made the applicant could bring the request back to the City Council without paying additional fees.

Mr. Kuntz recommended that the item be tabled to a specific date because of the 60-day deadline. He noted that the applicant could then request that the item be tabled indefinitely.

Motion by Piekarski Krech, second by Klein, to table items to November 8, 2010 and to extend the 60-day deadline

Ayes: 5

Nays: 0 Motion carried.

B. IGH INVESTMENTS, LLC (ARGENTA HILLS); Consider the following requests for property located north of Amana Trail and west of South Robert:

- i) Resolution relating to a Preliminary Plat and PUD Amendment for Phase I of Residential Development consisting of 45 Single-Family Lots
- ii) Resolution relating to a Final Plat and Final PUD Plan Approval with Development Contract & related Agreements for Argenta Hills 2nd Addition, consisting of 12 Single-Family Lots and Four Outlots
- iii) Resolution relating to Adjustments to the Letter of Credit and Maintenance Bond relating to Developer Warranties

Mr. Hunting state the applicant is requesting a modification to the approved PUD development plan for the Argenta Hills Development. He explained the original PUD, approved in 2007, was for 154 residential units and 410,000 square feet of commercial development. He stated the applicant proposed a change to the residential portion by modifying the street layout and lot layout for the neighborhood in the far northeast corner of the development. He noted the primary changes would include reducing the number of lots from 60 to 45, changing the street pattern and making minor changes to the trail layout. He explained the lots would be larger than originally planned and the buildings would maintain a minimum ten (10) foot separation as was originally approved. He stated the open space would still be twice as much as what is required. He explained the applicant is willing to pay the northwest area plat and building permit fees for the original number of lots that were approved. He noted payment of fees would be due when 80% of the total residential development is approved, and the remaining balance at that time would pay the current rate of plat and building connection fees.

Mr. Hunting stated the applicant has also requested flexibility in the total amount of tree reforestation required. He explained there is a total of 10,978 caliper inches to be replaced and a significant number of reforestation caliper inches lie in a large number of pine trees that were planted by the previous land owners and are pine or conifer plantations. He stated the applicant is requesting that the amount of trees in the pine plantation be removed from the total replacement, for a total replacement of 2,219 caliper inches for the entire PUD. He noted the applicant proposed that 114 trees be planted in the first phase with the balance spread out in future phases. He explained the Planning Commission recommended that 2,219 caliper inches plus an additional 45 trees be planted in the first phase.

Mr. Hunting explained the third request was related to adjustments to the letter of credit and maintenance bond for developer warranties. He noted this request was primarily handled by the City Attorney's office.

Mr. Hunting explained both Planning staff and the Planning Commission recommended approval of the requests with the conditions listed.

Councilmember Grannis questioned what the change was regarding the time frame for paving of the trail.

Mr. Hunting stated the trail segment would be graded in and covered with wood chips. He explained the trail would be paved at a later date to allow for orientation changes that may need to occur as the trail is connected to future phases of the development. He noted that the wood chip trail would allow new homeowners to know where the trail would be located.

Councilmember Grannis stated he is concerned that people may think that the trail won't be paved with asphalt and may not know that there will be bike traffic going through the neighborhood.

Councilmember Klein clarified that the trail would be advertised to potential home buyers as a paved trail.

Mr. Hunting noted that the developer is required to post signs indicating that the trail will be paved.

Councilmember Grannis asked if the reduction in the number of lots would make it difficult for the City to meet the Metropolitan Council's density requirement.

Mr. Hunting responded that they have to make sure that they are working towards those numbers as the development progresses to make sure that they are not losing site of the overall density.

Mayor Tourville questioned if the developer would now be offering a more expensive product.

Greg Munson, McGough Companies, stated that the development plan changes would allow them to avoid doing extensive excavation work. He explained they have a builder that wants to build now and they want larger lots. He noted that it is time that the development moves forward so the City can begin to recover its investment. He stated they concur with the staff report and agree with all the conditions.

Councilmember Klein applauded the developer for moving forward in a difficult market.

Councilmember Grannis stated he will be voting against this because he feels that the current development plan is the better plan. He explained he does not think the City should reduce the number of lots when they are trying to meet density requirements set forth by the Met Council. He opined that the trail should be paved right away and the tree reforestation requirements should not be reduced.

Motion by Klein, second by Madden, to adopt Resolution No. 10-142 relating to a Preliminary Plat and PUD Amendment for Phase I of Residential Development consisting of 45 Single-Family Lots, Resolution No. 10-143 relating to a Final Plat and Final PUD Plan Approval with Development Contract & related Agreements for Argenta Hills 2nd Addition, consisting of 12 Single-Family Lots and Four Outlots, and Resolution No. 10-144 relating to Adjustments to the Letter of Credit and Maintenance Bond relating to Developer Warranties

Ayes: 4

Nays: 1 (Grannis) Motion carried.

FINANCE:

C. CITY OF INVER GROVE HEIGHTS; Consider Approval of Proposed 2011 Tax Levies & Proposed 2011 Budgets

Ms. Lanoue explained that the City must adopt the proposed 2011 tax levies and proposed budgets on or before September 15th. She stated the tax levies and the date for the regularly scheduled public meeting where the budget will be discussed must be certified to Dakota County by the same date. She proposed that the final budget and tax levy be set, following a public hearing, at the regularly scheduled Council meeting on December 13, 2010 at 7:30 p.m. She explained that the budgets are still proposed and may change prior to final adoption in December. She stated the General Fund Budget as proposed is 0.2% greater than the 2010 amended budget. She explained the proposed city-wide tax levy reflects a 0% increase. She noted tax levies can be reduced but not increased after the proposed levies have been certified.

Councilmember Grannis stated he would be voting against the items because the budgets do not include the restructuring suggestions that were proposed to the Council last year to help reduce costs. He opined that the proposed tax levies and budgets are good, but feels they do not go far enough.

Motion by Piekarski Krech, second by Madden, to approve Resolution No. 10-145 adopting the Proposed Tax Levy for the Year 2011, Resolution No. 10-146 adopting the Proposed Watershed Management Taxing Districts’ Tax Levies for the Year 2011, and Resolution No. 10-147 adopting the Proposed 2011 Budgets and to schedule the public hearing to set the final tax levies and budgets for December 13, 2010 at 7:30 p.m.

Ayes: 4

Nays: 1 (Grannis) Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider Resolutions Awarding the Sale of General Obligation Sewer Revenue Bonds, Series 2010A; General Obligation Improvement Bonds, Series 2010B; and General Obligation Refunding Bonds, Series 2010C

Ms. Lanoue stated the City received very good bids for each of three bond issues, as well as an excellent bond rating.

Jessica Cook, Ehlers and Associates, reviewed each bond issue and the interest rates received for each sale. She explained that the City obtained an “AAA” credit enhanced rating primarily because it is not dependent on state aid.

Motion by Klein, second by Madden, to adopt Resolution No. 10-148 Awarding the sale of \$6,865,000 General Obligation Sewer Revenue Bonds, Series 2010A to Baird, Milwaukee, Wisconsin; Resolution No. 10-149 Awarding the Sale of \$4,885,000 General Obligation Improvement Bonds, Series 2010B to Baird, Milwaukee, Wisconsin; and Resolution No. 10-150 Awarding the Sale of \$905,000 General Obligation Refunding Bonds, Series 2010C to Bernardi Securities, Inc, Chicago, Illinois

Ayes: 5

Nays: 0 Motion carried.

PUBLIC WORKS:

E. CITY OF INVER GROVE HEIGHTS; Consider Proposed Assessment Appeal Settlement with Rolling Meadows Cooperative, Inc. for City Project No. 2009-09D

Mr. Kuntz explained as part of City Project No. 2009-09D the city assessed the Rolling Meadows Cooperative and that assessment was subsequently appealed. He stated the proposed settlement reflects a \$52,000 refund to the Rolling Meadows Cooperative because the storm water assessment did not benefit the land north of 78th Street. He noted the rest of the settlement is not being challenged. He stated the proposed settlement also reflects the granting of certain utility and drainage easements provided the City pays any future assessment levied against the Cooperative for a City public improvement project that would connect the JP-1 pond property storm sewer system easterly across ISD 199 property to the existing City storm sewer system within The Oaks third addition plat.

Councilmember Klein questioned if the holding pond would be cleaned up.

Mr. Thureen stated they need to survey all of the ponds to see how much settlement has occurred and then the ponds will be prioritized.

Mayor Tourville stated that pond should be moved to the top of the list.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 10-151 approving Assessment Appeal Settlement with Rolling Meadows Cooperative, Inc. for City Project No. 2009-09D

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

9. ADJOURN: Motion by Grannis, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 10:45 p.m.