

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, FEBRUARY 14, 2011 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, February 14, 2011, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:30 p.m. Present were Council members Grannis, Madden, and Piekarski Krech; City Administrator Lynch, Assistant City Administrator Teppen, City Attorney Kuntz, Public Works Director Thureen, Community Development Director Link, Parks & Recreation Director Carlson, Finance Director Lanoue, and Deputy Clerk Rheume.

**3. PRESENTATIONS:**

**A. Jim Huffman – Dakota County Historical Society**

Mr. Huffman stated he was elected to the Dakota County Historical Society Board of Trustees on January 29, 2011. He explained he plans to use the opportunity to help preserve historical artifacts that are of significance to the City, such as the Old Town Hall and items related to the Rock Island Swing Bridge.

Mayor Tourville thanked Mr. Huffman for serving on the Board of Trustees.

Councilmember Madden recognized Mr. Huffman for his involvement in historical preservation efforts in the City, most notably with the Rock Island Swing Bridge project.

**B. Citizen Recognition – Chief Kleckner**

Chief Kleckner presented certificates of recognition to Mr. Gregory Groenjes and Mr. Anthony Cadotte for their efforts in assisting Officer John Decker on January 29<sup>th</sup>. He explained Officer Decker responded to a call at the movie theatre regarding a suspect that was damaging vehicles with a hammer. He stated the suspect threw a hammer at Officer Decker, proceeded to charge at him, and attempted to enter his squad car. He stated the suspect was eventually taken into custody with the help of the two good samaritans.

**4. CONSENT AGENDA:**

Citizen Allan Cederberg requested that Item 4A, Minutes of January 24, 2011 Regular Council Meeting, be removed from the Consent Agenda.

Councilmember Piekarski Krech removed Item 4K, Approve the 2010-2011 Labor Contract between the City of Inver Grove Heights and the International Union of Operating Engineers (Local 70), Item 4L, Approve 2011 Tree Replacement Plan, Item 4M, Approve 2011-12 Forest Bonding Grant with the MN DNR, and Item 4N, Resolution Adopting Siren Work Group's Outdoor Warning Siren Narrow Banding Plan, from the Consent Agenda.

- B. Resolution No. 11-14** Approving Disbursements for Period Ending February 9, 2011
- C.** Pay Voucher No. 20 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project
- D.** Final Compensating Change Order No. 2, Final Pay Voucher No. 6, Engineer's Final Report and **Resolution No. 11-15** Accepting Work for City Project No. 2009-29, Well No. 9 – Phase 2
- E.** Change Order No. 5, Final Compensating Change Order No. 6, Final Pay Voucher No. 5, Engineer's Final Report and **Resolution No. 11-16** Accepting Work for City Project No. 2008-11, Southern Sanitary Sewer System – East Segment
- F.** Change Order No. 2 and Pay Voucher No. 2 for City Project No. 2010-12, 59<sup>th</sup> Street East Street Improvements
- G. Resolution No. 11-17** Approving Parking Restrictions on Upper 65<sup>th</sup> Street East and 65<sup>th</sup> Street East
- H.** Approve Purchase of Replacement Equipment

- I. **Resolution Nos. 11-18 & 11-19** Calling for Hearing on Proposed Assessments and Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for 2020 Pavement Management Program, City Project No. 2010-12, 59<sup>th</sup> Street Reconstruction
- J. Set VMCC Ice Rates
- O. Approve Joint Powers Agreement with Minnesota Bureau of Criminal Apprehension for Use of DataMaster DMT – G Breath Test Instrument
- P. Schedule Economic Development Authority (EDA) Meeting
- Q. Personnel Actions

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

**Ayes: 4**

**Nays: 0 Motion carried.**

**A. Minutes – January 24, 2011 Regular Council Meeting**

Allan Cederberg, 1162 E. 82<sup>nd</sup> Street, referred to Item 7B of the minutes. He stated the ordinance that was adopted does not provide regulations pertaining to the size of the billboards.

Councilmember Madden stated there are other ordinances that govern the limits on the size of billboards.

Mr. Link confirmed there are regulations regarding the maximum size of all billboards, not just dynamic display.

Mr. Kuntz stated the ordinance that was adopted created an overlay zoning district specific to dynamic display billboards. He explained the ordinance that was adopted falls under existing regulations regarding the size of all billboards.

Mr. Lynch clarified that Mr. Cederberg did not have an issue with the minutes as they were written.

Mr. Cederberg stated he disagreed with the ordinance that was adopted, not with the minutes.

Mr. Lynch suggested that Mr. Cederberg come to City Hall at another time to receive a copy of the ordinance which regulates billboard size from staff and ask any additional questions at that time.

**Motion by Madden, second by Grannis, to approve the minutes of the January 24, 2011 Regular Council meeting**

**Ayes: 4**

**Nays: 0 Motion carried.**

**K. Approve the 2010-2011 Labor Contract between the City of Inver Grove Heights and the International Union of Operating Engineers (Local 70)**

Councilmember Piekarski Krech questioned what the dollar amount is and how many employees would be affected.

Mr. Lynch stated approximately twenty-five employees would be affected and the total amount would be \$16,400.

**Motion by Madden, second by Piekarski Krech, to approve the 2010-2011 Labor Contract between the City of Inver Grove Heights and the International Union of Operating Engineers (Local 70)**

**Ayes: 3**

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

**L. Approve 2011 Tree Replacement Plan**

Councilmember Piekarski Krech stated items 4L and 4M are related and could be discussed at the same time. She stated she wants to make sure that the trees are being removed in the most effective way

relative to Emerald Ash Borer. She explained Item 4L states the City will use the \$6,000 as an in-kind contribution for tree removal and clarified that the money is also being used to help obtain the Forest Bonding Grant from the DNR.

Mr. Carlson explained that the grant did not require a fund match; however staff included one in an effort to enhance the City's application and increase the chances of receiving the money. He stated the Council adopted an Emerald Ash Borer Management Plan in 2010 which outlined a plan to remove Ash trees found in public spaces over the course of ten (10) years. He explained the Forest Bonding Grant will allow the City to remove and replace approximately 80 trees in 2011 and stay on track with respect to the adopted management plan. He noted the recommendation is to use the \$6,000 in addition to the \$25,000 grant to complete the tree removal and replacement package for the calendar year.

**Motion by Piekarski Krech, second by Madden, to approve the 2011 Tree Replacement Plan and the 2011-12 Forest Bonding Grant with the MN DNR.**

**Ayes: 4**

**Nays: 0      Motion carried.**

**N. Resolution Adopting Siren Work Group's Outdoor Warning Siren Narrow Banding Plan**

Councilmember Piekarski Krech stated the dollar amount was not provided in the memo.

Mr. Lynch stated the City portion would \$3,150 and was included in the 2011 Police Department budget. He explained the remaining funds would be provided by Dakota County.

**Motion by Piekarski Krech, second by Grannis, to approve Resolution No. 11-20 Adopting Siren Work Group's Outdoor Warning Siren Narrow Banding Plan**

**Ayes: 4**

**Nays: 0      Motion carried.**

**5. PUBLIC COMMENT:**

Ossian Orr, Executive Director of Scenic Minnesota, spoke on the digital billboards. He commented on the testimony that was given and felt that some of the information that was provided to the Council was misleading. He recommended waiting until the Federal Highway Administration study is released before allowing digital billboards to be put up.

Mayor Tourville commented that the Council could choose to revisit the ordinance after the study is released.

**6. PUBLIC HEARINGS: None.**

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:**

**A. CITY OF INVER GROVE HEIGHTS; Consider First Reading of an Ordinance Establishing Timeframe for Completion of Exterior Work pursuant to a Building Permit**

Mr. Link discussed problems in the City with unfinished building exteriors. He explained the proposed ordinance would require that the exterior elements of a building be completed within 180 days of the building permit being obtained. He noted there are no limits proposed regarding interior work. He stated the Building Official would have the capability to grant an extension.

Councilmember Madden questioned if the proposed ordinance would apply to existing situations.

Mr. Link stated the ordinance does address the existing situations. He explained they would need to be completed by October 15, 2011.

Mayor Tourville asked that staff provide the Council with the number of existing situations at the next meeting. He commented that there have been many complaints from residents about projects going on for years and their impact on home values, and the nuisance to the neighborhood. He stated once a project is started their needs to be progress towards completion.

Mr. Link stated once a building permit is pulled work has to commence within 6 months.

Mayor Tourville stated on a larger project there may not be enough time to finish because the work is done in phases. He suggested language be added to the ordinance that would address larger projects.

Mr. Kuntz explained the ordinance does provide that upon initial issuance of the permit, the Building Official can grant a longer period of time for larger projects.

Councilmember Piekarski Krech asked if any other cities have tried similar ordinances.

Mr. Kuntz responded that most cities had a blanket finish date of one year.

Councilmember Madden questioned what the penalty would be for violating the ordinance.

Mr. Kuntz stated any violation would be a misdemeanor.

Councilmember Grannis asked staff to also provide the locations and addresses of the existing situations so the Council would have the opportunity to visit each location if they so desired. He also questioned if it would make more sense to have the six months start when construction begins, versus when the permit is issued.

Mr. Link explained staff does not track when construction starts. He stated staff would discuss the possibility and return with additional information for the second reading.

Mayor Tourville suggested that staff could make it a requirement of the permit that the City be notified when construction begins.

Councilmember Piekarski Krech stated applicants should be able to show proof of when they started construction. She explained she would rather the time limit be one year instead of 180 days. She explained there are many issues that could delay the completion of a project and felt a longer time period would be more realistic.

Mr. Kuntz stated there should be more discussion amongst staff regarding determination of the “time of construction” prior to the second reading. He explained time of construction can be difficult to determine on smaller scale projects.

Councilmember Grannis reiterated that the obligation should be placed on the permittee.

Mayor Tourville suggested that the applicant be required to put an estimated date for the start of construction on the permit application.

**Motion by Madden, second by Grannis, approve the First Reading of an Ordinance Establishing Timeframe for Completion of Exterior Work pursuant to a Building Permit**

**Ayes: 4**

**Nays: 0      Motion carried.**

**PUBLIC WORKS:**

**B. CITY OF INVER GROVE HEIGHTS; Consider Resolution Receiving Feasibility Report and Scheduling Public Hearing for the 2011 Pavement Management Program, Urban Street Reconstruction – City Project No. 2011-09D (South Grove Area 6)**

Mr. Thureen stated this is the final phase of the South Grove area. He explained the scope of the project was enlarged and reviewed the components that were added. He stated the project involves reconstructing most public streets in the project area including subgrade correction, new curb and gutter, replacing water main and new storm sewer. He noted some sanitary sewer replacement, storm drainage and miscellaneous water system modifications are included. He stated the project includes a new sidewalk along Dawn Way to follow the Park Department’s gap study recommendations, and re-grading of Skyview Park is also being considered. He explained the total project cost is estimated to be \$4,377,300 and a multi-faceted funding package was prepared to cover the project costs.

Councilmember Piekarski Krech questioned if the Skyview Park piece was included in the estimated costs.

She stated she did not see any Park and Recreation money designated in the funding proposal.

Mr. Thureen responded that the Skyview Park piece was included in the overall project cost. He explained Dawn Avenue is eligible for state aid funds and the money is proposed to be used for the new sidewalk.

Councilmember Piekarski Krech opined that state aid money could be used for other things. She commented on the water main improvements and explained there were complaints from residents during the last project regarding notification of water shut off and wanted some assurance that would not be a problem this time. She also inquired if the homeowners were required to replace their connection on 66<sup>th</sup> Street.

Mr. Thureen stated the homeowner could choose to replace their connection, it would be at their discretion.

Councilmember Piekarski Krech asked if the issue on Dawn Avenue regarding the depth of the sewer was resolved.

Mr. Thureen responded in the affirmative.

Mayor Tourville commented that there is a lot of City/Agricultural/Green-Acre property included in the project area. He asked that state aid funding be used wisely.

Mr. Thureen explained detailed information regarding proposed assessments would be available for the neighborhood meeting tentatively scheduled for March 2<sup>nd</sup>. He stated they would be assessing approximately 30% of the project.

**Motion by Piekarski Krech, second by Grannis, to adopt Resolution No. 11-21 Receiving Feasibility Report and Scheduling Public Hearing for the 2011 Pavement Management Program, Urban Street Reconstruction – City Project No. 2011-09D (South Grove Area 6)**

**Ayes: 4**

**Nays: 0      Motion carried.**

**ADMINISTRATION:**

**C. CITY OF INVER GROVE HEIGHTS;** Consider the First Reading of an Ordinance Amending City Code Title 1, Chapter 6, Article A, Section 1-6A-12-1: Personnel Policy – Vacation Leave

Ms. Teppen said they negotiated with one of the bargaining units to increase the accrued vacation leave from 182 hours to 184 hours because the number would be divisible by 8.

**Motion by Madden, second by Piekarski Krech, to approve the First Reading of an Ordinance Amending City Code Section 1-6A-12-1: Personnel Policy – Vacation Leave**

**Ayes: 4**

**Nays: 0      Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

Councilmember Grannis commented on a letter he received regarding the recent acquisition of golf carts and asked Mr. Kuntz to review the process that was followed.

Mr. Kuntz stated sealed competitive bids were required for the golf cart purchase because the estimate amount exceeded \$100,000. He explained statutorily the City had no choice but to award the bid to the lowest responsible bidder.

Mayor Tourville reviewed the events scheduled to commemorate the community center's ten year anniversary and discussed the candidates running for seats on the Metropolitan Council.

Councilmember Madden reminded citizens to clean up after their dogs.

**9. ADJOURN:** Motion by Piekarski Krech, second by Grannis, to adjourn. The meeting was adjourned by a unanimous vote at 8:45 p.m.