

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, FEBRUARY 28, 2011 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, February 28, 2011, 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, Community Development Director Link, Parks & Recreation Director Carlson, Finance Director Lanoue, and Deputy Clerk Rheume.

3. PRESENTATIONS:

4. CONSENT AGENDA:

Councilmember Klein removed Item 4A, Minutes of February 14, 2011 Regular Council Meeting, from the Consent Agenda.

Councilmember Grannis removed Item 4C, Approve Contract for Re-Roof of City Hall, and Item 4D, Approve 2010 Collective Bargaining Agreement between the City of Inver Grove Heights and American Federation of State and Municipal Employees, Council Five, Local 1065, from the Consent Agenda.

Citizen Keith Joyce requested that Item 4H, Parking Restrictions on 59th Street East, West of Concord Boulevard, be removed from the Consent Agenda.

Councilmember Klein removed Item 4J, Approve Disposal of City Property – Cameron Park Monument Plaque, and Item 4L, Approve Contract for Soil Testing by Braun Intertec, Inc., from the Consent Agenda.

Councilmember Piekarski Krech removed Item 4K, Approve Park Encroachment Policy, from the Consent Agenda.

- B. Resolution No. 11-22** Approving Disbursements for Period Ending February 23, 2011
- E. Resolution No. 11-23** Accepting Individual Project Order (IPO) No. 16A from Kimley-Horn and Associates, Inc. for Design Services and Preparation of Preliminary Plans for City Project No. 2010-22, Ravine Pond Railroad Erosion Mitigation
- F. Resolution No. 11-24** Accepting Individual Project Order (IPO) No. 17B from Kimley-Horn and Associates, Inc. for Final Design Services and Preparation of Final Plans for City Project No. 2011-09D, South Grove Street Reconstruction, Area 6
- G. Resolution No. 11-25** Approving Agreement with Xcel Energy for Sod Replacement and Seeding on City Project No. 2011-09D, South Grove Street Reconstruction, Area 6
- I.** Schedule Public Hearings
- M.** Approve ADA Consultant for City Park & Recreation Facilities
- N.** Accept Assistance to Firefighter's Grant

Motion by Madden, second by Piekarski Krech, to Approve the Consent Agenda

Ayes: 5

Nays: 0 Motion carried.

- A.** Minutes – February 14, 2011 Regular Council Meeting

Councilmember Klein noted he was not present at the February 14th meeting.

Motion by Madden, second by Piekarski Krech, to approve the minutes of the February 14, 2011 Regular Council meeting

Ayes: 4

Nays: 0

Abstain: 1 Motion carried.

C. Approve Contract for Re-Roof of City Hall

Councilmember Grannis explained he pulled the item because of the inclusion of a project labor agreement that requires the payment of prevailing wage. He opined that allowing open market forces control the wages would result in a better cost on the project.

Councilmember Piekarski Krech explained the document states that the contractor is going to follow the specifications provided by the architect and she wants to make sure there is a guarantee that the work will be done correctly.

Mr. Lynch explained the contract was reviewed by the City Attorney and the City hired an inspection firm to provide services during installation. He noted the City does have insurance, and there is a process in place that the City could use to collect or recover expenses that are incurred as a result of errors or omissions by the architect. He acknowledged that throughout the course of the project there have been change orders that were the result of errors or omissions made by the architect. He stated those items have been tracked and the City continues to have ongoing discussions regarding the recovery of the cost of those items.

Councilmember Klein questioned if a separate insurance policy was purchased with a lower deductible.

Ms. Teppen stated the work would be covered under the basic builder's risk insurance policy that is currently in place. She explained there is a \$10,000 deductible for general items and \$25,000 for both flood and earthquake.

Mr. Lynch added the City has investigated the possibility of switching to a lower deductible. He stated there would be a charge associated with the change and the City is trying to determine if the change would be cost-effective at this juncture of the project.

Motion by Klein, second by Madden, to approve contract for re-roof of City Hall

Ayes: 4

Nays: 1 (Grannis) Motion carried.

D. Approve 2010 Collective Bargaining Agreement between the City of Inver Grove Heights and American Federation of State and Municipal Employees, Council Five, Local 65

Councilmember Grannis stated he pulled the item because it is a 2% wage increase over a two year contract. He explained that wages are going down in the private sector and expenses are being reduced. He added that people find it unbelievable that employees in the public sector are being given more money in the current economic climate.

Mayor Tourville explained that the City went to binding arbitration with the police officers and the arbitrator awarded a 1.5% increase for 2010. He stated the Council directed staff to attempt to negotiate two year contracts with the remaining bargaining units that would be similar to what was awarded by the arbitrator. He explained an agreement was reached with the remaining units for a 2% wage increase over a two-year contract. He noted concessions were made by the bargaining units with respect to 2011 health insurance contributions.

Councilmember Grannis stated he understands that the City is bound by the arbitrator's decision, but felt that the City should have attempted to negotiate a 0% increase with the other units.

Motion by Madden, second by Klein, to approve the 2010 Collective Bargaining Agreement between the City of Inver Grove Heights and American Federation of State and Municipal Employees, Council Five, Local 65

Ayes: 4

Nays: 1 (Grannis) Motion carried.

H. Parking Restrictions on 59th Street East, West of Concord Boulevard

Keith Joyce, 5873 Concord Boulevard, asked the Council to approve the option that would restrict parking on the north side of the street.

Mr. Kaldunski stated staff did initially propose parking restrictions on the south side of the street. He explained the feedback from the residents along 59th Street was that they would prefer to have six parking spaces along the south side of the street rather than two on the north side. He noted because of the comments received from residents, staff recommended parking restrictions on the north side of 59th Street.

Joe McBride, 4055 59th Street, stated he does not understand why any restrictions need to be imposed. He suggested that parking be retained on both sides of the street.

Mr. Kaldunski explained policy restricts parking to one side of the street whenever the width is 28 feet or less. He stated the street was reconstructed in 2010 to a width of 28 feet and if parking were allowed on both sides of the street it may be difficult for vehicles, including snow plows and emergency vehicles, to turn or get through the narrow street.

Councilmember Piekarski Krech questioned where people would be able to park on Concord Boulevard.

Mr. Joyce stated parking is available on Linden Street.

Mayor Tourville stated there are a few “bump out” spaces for parking along Concord. He noted the County did not have the funding available to provide additional parking.

Motion by Madden, second by Klein, to adopt Resolution No. 11-26 approving Parking Restrictions on 59th Street East, West of Concord Boulevard

Ayes: 5

Nays: 0 Motion carried.

J. Approve Disposal of City Property – Cameron Park Monument Plaque

Councilmember Klein clarified that Mr. Cameron would be receiving the plaque at no charge.

Mr. Carlson responded in the affirmative.

Motion by Klein, second by Madden, to Approve of the Disposal of the Cameron Park Monument Plaque

Ayes: 5

Nays: 0 Motion carried.

K. Approve Park Encroachment Policy

Councilmember Piekarski Krech stated the plan was good but seemed to involve a lot of staff time. She expressed concern regarding the financial implications of administering the policy.

Mr. Carlson suggested that the plan could be revised to be less time consuming.

Councilmember Piekarski Krech confirmed that Mr. Carlson understood the modifications that needed to be made to the policy.

Mayor Tourville asked that the Council be provided with a copy of the revised policy.

Motion by Piekarski Krech, second by Klein, to approve the Park Encroachment Policy with the appropriate revisions

Ayes: 5

Nays: 0 Motion carried.

L. Approve Contract for Soil Testing by Braun Intertec, Inc.

Councilmember Grannis explained in July of 2002 Braun Intertec, Inc. was hired to conduct soil tests at Skyview Park for the installation of a hockey rink. He stated four out of the five tests revealed sand at a depth of 5.5 feet, and one revealed sand at a depth of 10.5 feet. He explained Braun Intertec recommended that one of their geotechnical engineers observe the excavation of sub grades to determine if the soils were similar to those that were tested. He recounted that the soils at the bottom were observed on October 8, 2002 and the engineer deemed the soils to be suitable for support of the hockey rink. He

explained after construction began the concrete would not set because the soil underneath was not suitable for support. He stated Braun Intertec was asked to revisit the site to determine the cause of the problem and found that the soil underneath 2/3 of the rink was clay, not sand. He noted this mistake caused the project to go over the budgeted amount by approximately \$20,000.

Mayor Tourville stated the results of the tests from the areas the City chose to have tested were verified and found to be correct. He explained that Ace Blacktop found that there was clay in areas that the City did not ask to be tested.

Councilmember Grannis stated he did not see that information in any of the records that he reviewed and if he was provided with that information it may change his opinion on the issue.

Motion by Madden, second by Klein, to approve Contract for Soil Testing by Braun Intertec, Inc.

Ayes: 4

Nays: 1 (Grannis) Motion carried.

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. GEORGE CAMERON (CAMERON'S LIQUOR); Consider the following requests for property located along Concord Boulevard at 65th Street:

- i) A Resolution approving a Final Plat with Development Contract and related Agreements for Cameron Addition, a One Lot Subdivision
- ii) A Resolution approving a Vacation of Unimproved Alley Right-of-Way within Block 1 of Inver Grove Park Subdivision

Mr. Lynch stated the applicant requested that Items 7A and 7G be tabled to allow time for further review.

Mr. Cameron indicated they would like to table the item to March 14th.

Motion by Piekarski Krech, second by Madden, to table Item 7A relating to consideration of requests for property located along Concord Boulevard at 65th Street, and Item 7G relating to City Project No. 2011-03, to March 14, 2011

Ayes: 5

Nays: 0 Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance Amendment relating to Off-Sale Intoxicating Liquor Licenses

Mr. Kuntz explained the current liquor ordinance prohibits an off-sale intoxicating liquor establishment within 500 feet of a school or church. He stated there are four current exceptions, two of which were adopted in July of 2009 in response to the request of Cameron's Liquor Store. He reviewed the exception which provides for the relocation of a liquor store (already within 500 feet of a school or church), that has been acquired by a government entity, to within 500 feet of the same school or church as long as the relocation occurs within three (3) years of the acquisition. He stated any liquor establishment may relocate within 500 feet of any church or school for a temporary period of two (2) years if the liquor establishment was acquired by the government and if the relocation occurs within six (6) months of the acquisition. He noted after two (2) years at the relocated site, the relocated site is no longer an eligible location for an off-sale intoxicating liquor license.

Mr. Kuntz explained Cameron's Liquor Store held an off-sale intoxicating liquor license for its location on Concord Boulevard, and on July 18, 2008 Dakota County purchased the property. He stated after a lease/back period of one (1) year, the establishment closed for business on Concord Boulevard and relocated to a site in the Village Square Shopping Center on Cahill Avenue. He noted Cameron's

anticipated building a new, permanent location by the fall of 2010 and subsequently delayed construction until the fall of 2011 due to ongoing issues related to the settlement with Dakota County. He explained the proposed ordinance would extend the three (3) year time frame for permanent relocation to forty-two (42) months and the two (2) year time frame for temporary relocation to thirty (30) months.

Motion by Madden, second by Klein, to approve the First Reading of an Ordinance Amendment relating to Off-Sale Intoxicating Liquor Licenses

Ayes: 5

Nays: 0 Motion carried.

C. CITY OF INVER GROVE HEIGHTS; Consider Amendment No. 2 to Purchase Agreement between the City and George Cameron IV

Mr. Kuntz explained due to the delay in construction of the new building until the fall of 2011, the contingency dates set forth in the Purchase Agreement by which the closing is to occur and by which the Buyer needs to obtain land use and license approvals need to be amended.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 11-27 approving Amendment No. 2 to Purchase Agreement between the City and George Cameron IV

Ayes: 5

Nays: 0 Motion carried.

D. GERTEN GREENHOUSES; Consider the following actions for property located on the east side of Blaine Avenue at 5500 Blaine Avenue:

- i) An Ordinance Amending Ordinance #946 to Rezone Additional Land to Commercial Planned Unit Development District and to Change the Site Plan and Allowed Uses for a Greenhouse Expansion
- ii) A Resolution Approving a PUD Amendment to the Gerten Greenhouse PUD to Allow for a Greenhouse Expansion
- iii) A Resolution Approving a Wetland Replacement Plan to Mitigate a Total of 10,509 Square Feet of Wetland through Wetland Banking

Mr. Link explained the applicant is proposing to add approximately another 300,000 square feet of greenhouse on the property on the east side of Blaine. He stated the addition would consist of 250,000 square feet of new greenhouse structure located on the southerly part of the lot and the remainder would be filling in the gaps between the existing greenhouses. He noted the greenhouse addition would be constructed in phases. He explained engineering staff met with the applicant to resolve outstanding storm water issues and noted solutions were found that are acceptable to all parties involved. He stated as part of the development plan the applicant is proposing to fill a wetland along the eastern boundary adjacent to the parking lot of the apartment complex. He noted the applicant submitted a wetland replacement plan providing for the fill of the 10,509 square foot wetland and replacement of it through the wetland banking system. He stated staff found the replacement plan acceptable as part of the overall site plans and grading improvements.

Mayor Tourville clarified that the outstanding storm water issues had been addressed to the satisfaction of the engineering department.

Mr. Kaldunski responded that the engineering department did some detailed modeling that led to the proposed solutions that address the concerns.

Motion by Klein, second by Madden, to adopt Ordinance No. 1230 Amending Ordinance No. 946 to Rezone Additional Land to Commercial Planned Unit Development District and to Change the Site Plan and Allowed Uses for a Greenhouse Expansion, Resolution No. 11-28 Approving a PUD Amendment to the Gerten Greenhouse PUD to Allow for a Greenhouse Expansion, and Resolution No. 11-29 Approving a Wetland Replacement Plan to Mitigate a Total of 10,509 Square Feet of Wetland through Wetland Banking

Ayes: 5

Nays: 0 Motion carried.

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

Mr. Link explained the proposed ordinance is meant to address issues related to the completion of work after a building permit is issued. He reviewed the changes that were made to the ordinance for the second reading as per direction received from the City Council. He noted the ordinance would require exterior work to be completed within one year of the issuance of a building permit. He stated a one-time extension of an additional 180 days could be granted by the Chief Building Official, or through an appeal process in front of the City Council. He stated staff reviewed policies in eight (8) other cities in Dakota County and two (2) have a 180 day completion timeframe and two (2) have a 360 day completion requirement. He provided information collected by staff on five current examples in the City of uncompleted exteriors.

Councilmember Piekarski Krech questioned whether there is a need for the ordinance if there are only five existing issues, two of which are the result of extenuating circumstances.

Mr. Link responded throughout the course of a year the City consistently has 2, 3, 4 or 5 ongoing issues and the ordinance would provide staff with more leverage to get the projects completed in a reasonable timeframe.

Mayor Tourville stated he knows of at least four other examples that are not on the list.

Mr. Link clarified that staff only keeps record of instances where a formal complaint has been filed and a case has been opened.

Councilmember Piekarski Krech stated all complaints should be documented by staff.

Councilmember Madden stated he would like staff to have this tool available to resolve ongoing issues. He opined that the ordinance is needed and long overdue.

Motion by Klein, second by Grannis, to approve the second reading of an Ordinance Establishing Timeframe for Completion of Exterior Work pursuant to a Building Permit

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

F. CITY OF INVER GROVE HEIGHTS; Consider Resolution Authorizing Staff to Negotiate an Agreement for Professional Services with Hoisington Koegler Group, Inc. for the Concord Boulevard Neighborhood Plan Update

Mr. Link explained proposals were requested from six (6) firms for the Concord Boulevard neighborhood plan update and two (2) were submitted. He stated staff recommended accepting the proposal from Hoisington Koegler Group, Inc.

Motion by Klein, second by Madden, to adopt Resolution No. 11-30 Authorizing Staff to Negotiate an Agreement for Professional Services with Hoisington Koegler Group, Inc. for the Concord Boulevard Neighborhood Plan Update

Ayes: 5

Nays: 0 Motion carried.

PUBLIC WORKS:

G. 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. 2011-03, 65th Street East from Concord Boulevard to 200' West

This item was tabled in a previous motion included under Item 7A.

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

Ms. Teppen stated this is the second reading of the ordinance that would amend the personnel policy. She explained the amendment would provide for the accrual of 184 hours of vacation leave by those employees with 18 or more years of service. She noted the current annual accrual is 182 hours.

Motion by Piekarski Krech, second by Madden, to waive the requirement of three readings and adopt Ordinance No. 1231 Amending City Code Title 1, Chapter 6, Article A, Section 1-6A-12-1: Personnel Policy – Vacation Leave

Ayes: 5

Nays: 0 Motion carried.

I. CITY OF INVER GROVE HEIGHTS; Consider Change Order No. 20 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ms. Teppen stated the change order is comprised of eight (8) items totaling \$28,636. She noted as of Change Order No. 19, 86.6% of the project is complete with 23.6% of the contingency remaining.

Motion by Madden, second by Grannis, to approve Change Order No. 20 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ayes: 5

Nays: 0 Motion carried.

J. CITY OF INVER GROVE HEIGHTS; Approve Payment to Shaw Lundquist for Claim on Builder's Risk Insurance Policy

Ms. Teppen explained in June of 2010 the public safety addition flooded following a large rain event. She stated the City filed a claim against the builder's risk insurance policy which has a \$25,000 per occurrence deductible for flood claims. She explained Shaw Lundquist submitted a claim of \$42,107.41 to repair the damage caused by the flooding. She stated the City received a check from the insurance company for \$17,107.41 and subsequently met with Shaw Lundquist to discuss the situation and they offered to drop their claim to \$32,107.41. She explained the Council is asked to authorize payment of the \$15,000 difference from either the Host Community or Risk Management funds.

Councilmember Piekarski Krech suggested that the money be taken out of the project contingency.

Motion by Piekarski Krech, second by Klein, to approve payment to Shaw Lundquist for Claim on Builder's Risk Insurance Policy

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Councilmember Grannis reminded everyone applications for advisory commissions are available on the website and appointments will be made in May.

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