

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

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, March 28, 2011, in the City Council Chambers. Acting Mayor Madden called the meeting to order at 7:30 p.m. Present were Council members Grannis, Klein and Piekarski Krech; City Administrator Lynch, Assistant City Administrator Teppen, City Attorney Kuntz, City Engineer Kaldunski, Finance Director Lanoue, and Parks and Recreation Director Carlson, Community Development Director Link, and Deputy Clerk Rheume.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

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

Citizen Allan Cederberg requested that Item 4D, Resolution to Contract During a Special Emergency, be removed from the Consent Agenda.

Councilmember Klein pulled Item 4E, Approve Request for Proposal to Provide Services related to Compliance with Americans with Disabilities Act, Sec. 504 & the Minnesota State Building Code, M.R. Chapter 1341, from the Consent Agenda.

Citizen Allan Cederberg requested that Item 4G, Approve North Valley Disc Golf Operations Agreement, be removed from the Consent Agenda.

B. Resolution No. 11-38 Approving Disbursements for Period Ending March 23, 2011

C. Resolution No. 11-39 Extending Period of Local Emergency

F. Approve Proposal for Architectural Services for Heritage Village Park

H. Personnel Actions

Motion by Klein, second by Grannis, to Approve the Consent Agenda

Ayes: 4

Nays: 0 Motion carried.

A. Minutes – March 14, 2011 Regular Council Meeting

Councilmember Klein stated he did not attend the March 14, 2011 meeting.

Motion by Grannis, second by Piekarski Krech, to approve the Minutes of the March 14, 2011 Regular Council Meeting

Ayes: 3

Nays: 0

Abstain: 1 (Klein)

D. Resolution to Contract during a Special Emergency

Allan Cederberg, 1162 East 82nd Street, opined the Council should declare what fund the \$50,000 will be taken out of so it is recorded in the minutes of the meeting.

Mr. Lynch explained the City does not know what resources or services will be needed. He stated exact costs and specific funding sources cannot be identified until such time that the City knows which departments are involved. He reiterated staff is seeking authorization for an amount not to exceed \$50,000 and noted that does not guarantee that specific amount will be needed or utilized. He stated staff would need to come back to the Council to designate funding sources at such time that specific costs have been identified.

Motion by Klein, second by Grannis, to approve Resolution No. 11-40 authorizing the City to Contract during a Special Emergency**Ayes: 4****Nays: 0 Motion carried.**

E. Approve Request for Proposal to Provide Services related to Compliance with Americans with Disabilities Act, Sec. 504 & the Minnesota State Building Code, M.R. Chapter 1341

Councilmember Klein clarified that this would include all City buildings.

Mr. Lynch explained it would include all City buildings except for Parks and Recreation buildings, which are included in a separate contract.

Councilmember Klein questioned how smaller cities address ADA compliance.

Mr. Lynch responded most smaller cities do not do this and risk having a claim filed against their insurance. He explained the proposed services will allow the City to identify potential risks, evaluate the cost associated with those risks, and determine whether or not the City has the resources to remediate the issues.

Councilmember Klein asked how the federal government enforces compliance with the Americans with Disabilities Act.

Mr. Lynch responded most claims are complaint based.

Councilmember Klein asked which City buildings are not handicapped accessible.

Mr. Lynch stated the fire stations are not completely handicapped accessible. He noted the City would not be obligated to make them handicapped accessible until such time that changes were made to the building.

Councilmember Klein opined there are current staff members that are familiar with ADA regulations and could identify areas that need to be addressed.

Councilmember Piekarski Krech questioned why City hall and the new Public Safety building were included in the proposal if they were designed to meet ADA standards.

Mr. Lynch responded with respect to those two buildings the use of the facility will be evaluated more so than the construction or access to the building. He clarified that the City's building inspectors and planning staff look at and evaluate new construction, but do not continue to revisit buildings on an annual basis to assess compliance with ADA standards. He noted the City does not have the staff available to keep up with the ongoing changes to ADA laws.

Councilmember Klein questioned if there were any grants offered by the federal government to address compliance issues.

Mr. Lynch responded in the negative.

Mr. Cederberg questioned how this would be funded. He stated the budget does not show any reference to the amount and asked where the revenue comes from.

Mr. Lynch stated the cost is proposed to be taken out of the City Facilities fund, which has a fund balance of \$774,695. He explained this is an internal fund and the revenue comes from an allocation that is charged to each department for their specific use of the facility.

Motion by Grannis, second by Piekarski Krech, to Approve Request for Proposal to Provide Services related to Compliance with Americans with Disabilities Act, Sec. 504 & the Minnesota State Building Code, M.R. Chapter 1341**Ayes: 3****Nays: 1 (Klein) Motion carried.**

G. Approve North Valley Disc Golf Operations Agreement

Mr. Cederberg asked who will take care of the sales tax.

Mr. Kuntz stated in the agreement the net revenue is defined as the total revenue minus the sales tax. He explained users of the facility would pay sales tax and then the net revenue would be split after the sales tax has been subtracted. He clarified the sales tax would not be split.

Motion by Klein, second by Grannis, to approve the North Valley Disc Golf Operations Agreement

Ayes: 4

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

David Jones, 3840 67th St. E., asked if the City would consider installing a street light on his street. He stated there are a number of children in the neighborhood and there are safety concerns because the street is so dark.

Mr. Kaldunski explained there have been discussions about installing street lights in the neighborhood. He stated the process would be to submit a petition for street lights to the City so a feasibility study can be ordered.

6. PUBLIC HEARINGS:**A. CITY OF INVER GROVE HEIGHTS; Skyview Park Athletic Field Conversion Project**

Mr. Carlson stated staff has proposed submitting an application for an Outdoor Recreation Grant from the Minnesota Department of Natural Resources. He explained if the City were awarded the grant, the City would use the proceeds to make improvements to Skyview Park. He stated on February 14, 2011 the City Council discussed the concept of converting athletic fields at Skyview Park from baseball/softball to football/soccer/lacrosse and expressed interest in obtaining feedback from residents and local youth athletic associations. On March 1, 2011 a meeting was held to gain feedback on the proposed project and approximately a dozen residents attended. He noted a few residents did not see a need for the change, while the majority of those in attendance were either supportive of the project or neutral. He explained the Comprehensive Park Plan and Development Guide identifies a need for additional rectangular fields to assist the City in relieving pressure on the four (4) fields at Rich Valley due to changing use patterns and demographics. He explained this year's South Grove street reconstruction project is immediately adjacent to Skyview Park and would provide an opportunity to utilize additional fill to re-grade the area and create a crown over the field. He outlined the proposed schedule, stating that the plan would be to close the athletic field area to public use in 2011-12 in order to strip the top 8-12 inches of topsoil for reuse in the park, haul approximately 5,000-8,000 cubic yards of clean fill from the street project and re-grade the area, replace the topsoil and seed the area in 2011, and install irrigation in 2012 and seed the park with athletic seed mixture. He stated the park would be open for use in 2013, provided that there is adequate grow-in of the seed. He noted the proposal does not include lighting the fields, or assessing residents for the cost of the project.

Mr. Carlson stated the project was discussed with the local youth soccer and football associations, and both organizations were supportive of the project and indicated a willingness to contribute financially towards the project. He noted lacrosse is growing in popularity both at the high school level and within the Parks and Recreation program.

Mr. Carlson stated in order to be eligible for the grant the entire park must meet the standards of the Americans with Disabilities Act. He explained that revised standards took effect on March 15, 2011 with compliance required by March 15, 2012. The City's ADA consultant reviewed the entire park for ADA compliance and found a few minor issues that need to be addressed for a cost of approximately \$20,000. He noted the issues are grant eligible and are included in the request. He stated the playground equipment is nearing the end of its scheduled useful life and replacement of the equipment, estimated at \$70,000, is grant eligible and has been included in the request. The permanent recreation building is approximately 35 years old and its restroom facilities do not meet the new ADA standard. He suggested

the issue could be addressed in the interim by supplying a portable, ADA accessible bathroom.

Mr. Carlson stated the total cost of the project is estimated to be \$192,000. He explained in July of 2012 the irrigation system, approximately \$40,000, would be completed and 240 feet of bituminous trail and 700 feet of chain link fence would also be installed at an estimated cost of \$12,000 and \$20,000 respectively. In August of 2012 athletic turf seed would be established on three (3) acres for an estimated cost of \$10,000, ADA compliant playground equipment would be installed for approximately \$70,000, miscellaneous ADA corrections and permanent site amenities would be completed for \$40,000.

Mr. Carlson identified various funding sources including: \$5,000 from the local youth football association, \$15,000 from the local youth soccer association, \$31,000 from the City's Park Acquisition and Development Fund, and \$55,000 from the City's Park Maintenance Replacement Fund, for a total of \$106,000. He explained the grant request would be for \$86,000, 45% of the projected total for the whole project.

Mr. Carlson stated the area is already an active athletic field that received a higher level of maintenance activity and the proposed improvements would slightly increase the existing costs. He explained the projected annual cost to maintain the area is approximately \$24,000, including staff, supplies, utilities, vandalism repair, chemicals and equipment costs. He noted funding for this is provided in the City's Park Maintenance budget. He reviewed the projected long term maintenance costs over a twenty year period. He stated after the initial investment, the projections assume 3% inflation per year for the length of the anticipated useful life of the improvements.

Councilmember Madden asked if the City still has to proceed with the project if the grant is not awarded.

Mr. Carlson explained if the City is not awarded the grant the irrigation portion of the project would not move forward unless the Council directs otherwise. He stated the grading and seeding portions of the project were included as alternates for the South Grove Area 6 project and are scheduled to move forward whether the City receives the grant or not. He reiterated that the grant money would essentially be used to install an irrigation system and purchase new playground equipment.

Councilmember Piekarski Krech questioned if the City has ever completely closed down a neighborhood park.

Mr. Carlson clarified that they would not be closing the entire park, just the portion where construction would be occurring. He displayed a map to illustrate where the park would be available for public use.

Councilmember Piekarski Krech asked what water costs would be if the irrigation system was installed.

Mr. Carlson stated that figure was included in the \$15,000 annual maintenance estimate for that section of the park.

Councilmember Klein asked what the results were of the soil testing that was done on Craig Ct.

Mr. Carlson stated the soils were tested to make sure they were not contaminated. He explained the preliminary results revealed no contamination and found that the soils would be suitable for what they are trying to accomplish.

Councilmember Piekarski Krech stated the top soil is primarily sand and opined it will cost more to irrigate to get the seeding to work.

Councilmember Klein asked how the Parks and Recreation Advisory Commission responded to the proposal.

Mr. Carlson stated the Commission supported the concept.

Councilmember Piekarski Krech stated she is concerned about the irrigation portion of the project because if the City is not awarded the grant they will have to decide if they can successfully get the fields up and running without an irrigation system.

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

Ayes: 4

Nays: 0 Motion carried.

Motion by Grannis, second by Madden, to adopt Resolution No. 11-41 Authorizing the Inver Grove Heights Parks and Recreation Department to Execute Such Agreements as are Necessary to Implement the Skyview Park Athletic Field Conversion Project

Ayes: 3

Nays: 1 (Klein) Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Assessment Hearing for the 2010 Pavement Management Program, City Project No. 2010-12, 59th Street Improvements

Mr. Kaldunski stated the project area included 59th Street East from Concord Boulevard East to terminus and an alley from 59th Street East to Linden Street. He noted 59th Street East and the alley were unimproved dirt streets. He reviewed the improvements that were completed including: aggregate base, bituminous paving, concrete curb and gutter, retaining walls, grading, drainage improvements, restoration, water main improvements and appurtenances.

Mr. Kaldunski stated the total project cost was \$209,062.28. He explained two (2) commercial properties and five (5) residential parcels are proposed to be assessed and the City's contribution consists of at least 20 percent of the assessable project cost, plus extra bituminous width, corner credits, and items such as water utility updates. He stated commercial properties are assessed on a front footage basis and both properties are proposed to be assessed at the appraiser's recommended benefit of \$10,528.14 and \$17,539.10, which is equivalent to a \$1 per square foot. He explained single family lots are assessed on front footage for new improvements and the appraiser's recertification indicates the project provides added value to the properties up to \$6,000 per parcel. Four (4) of the single family parcels were proposed to be assessed \$6,000 and one (1) parcel was proposed to be assessed \$3,466.06 over a 10 year period at a 5% interest rate. Without the recommended cap, single family parcel assessments ranged from \$3,466 to \$14,370. He noted one notice of objection to assessment was received from the property owner at 5873 Concord Boulevard.

Motion by Klein, second by Piekarski Krech, to receive notice of objection to assessment from Keith Joyce, 5873 Concord Boulevard

Ayes: 4

Nays: 0 Motion carried.

Mr. Kaldunski provided the Council with a revised assessment roll, reflecting reduced assessments for three (3) out of the five (5) single family parcels. He explained the proposed reductions remove charges associated with curb, gutter, and sidewalk installation because of an approximately \$5,000 change order that came up over the course of the project. He recommended that the Council consider adopting the optional lowest noticed assessments. He also reviewed the City's assessment deferral policy.

Councilmember Piekarski Krech questioned why two parcels in the project area were not proposed to be assessed.

Mr. Kaldunski responded that both parcels were already being assessed for other projects up to the recommended cap.

Councilmember Piekarski Krech opined the assessment roll was confusing because some parcels are being assessed for multiple projects. She questioned how the recommended cap could have been lower for the Concord Boulevard project.

Mr. Kaldunski stated the same appraisal firm was used to determine benefit for both projects. He reiterated that this project involved improvements to a formerly unimproved, gravel road.

Councilmember Grannis questioned why the 59th Street project was not bid with the Concord project.

Mr. Kaldunski stated the 59th Street project had to be bid separately.

Peter Gaarder (Moose Lodge), 5927 Concord Boulevard, asked what their final assessment would be.

Mr. Kaldunski stated the proposed assessment is \$17,539.10.

Mr. Gaarder asked if they were assessed based on 104 square feet or 170 square feet. He stated they are a non-profit organization and the improvements provide no added value to their property because they do not access 59th Street.

Mr. Kaldunski responded the assessment was based on 170 square feet, which was the amount shown in the Dakota County land base.

Mr. Kuntz stated the two commercial properties were capped based on the appraisal firm's recommendation that a \$1 per square foot assessment could be sustained on the property. He questioned if the square footage was still relevant.

Mr. Kaldunski responded that it likely would not be relevant.

Keith Joyce, 5873 Concord Boulevard, stated the revised assessment presented to the Council was more in line with what he wanted.

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

Ayes: 4

Nays: 0 Motion carried.

Motion by Klein, second by Grannis, to adopt Resolution No. 11-42 approving the Optional Lowest Noticed Assessment Roll for City Project No. 2010-12, 59th Street East Improvements

Ayes: 4

Nays: 0 Motion carried.

The City Council took a five minute recess.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

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

Mr. Kuntz explained this is the third reading of the ordinance amendment that would extend the time period for permanent and temporary relocation of an off-sale liquor establishment. He stated no changes were directed by the Council after the second reading.

Motion by Piekarski Krech, second by Klein, to adopt Ordinance No. 1233 relating to Off-Sale Intoxicating Liquor Licenses

Ayes: 4

Nays: 0 Motion carried.

FINANCE:

B. CITY OF INVER GROVE HEIGHTS; Approve Carryover of Unused Budget Appropriations and Approve Transfers and Budget Amendments

Ms. Lanoue explained appropriations for the 2010 budget expired on December 31, 2010. She stated some items were not completed in 2010 and staff is requesting carryover of unused 2010 appropriations to the 2011 budget. She reviewed the appropriations eligible for carryover. She also provided an overview of the General Fund transfers and budget amendments effective December 31, 2010. She noted the budgeted transfer amount to the Community Center Fund was \$503,200 and the actual amount being transferred is \$347,632. She explained prior to the carryovers and transfers the General Fund had a surplus of \$244,355.

Councilmember Grannis commented on the improvement shown in the Community Center deficit and

stated that the changes made as a result of the operational assessment are working.

Motion by Klein, second by Grannis, to adopt Resolution No. 11-43 Approving Carryover of Unused Budget Appropriations, Transfers, and Budget Amendments

Ayes: 4

Nays: 0 Motion carried.

PUBLIC WORKS:

C. CITY OF INVER GROVE HEIGHTS; Consider Approving a Temporary Stockpiling Easement Agreement and a Permanent Storm Sewer Utility Easement Agreement and Clear Zone Covenant for the South St. Paul Airport for City Project No. 2011-09D

Mr. Kaldunski explained a temporary stockpiling easement agreement is needed with the City of South St. Paul in order to utilize the green space along 70th Street between Cloman Avenue East and Craig Avenue East. He stated the agreement is similar to that which has been in place since 2008. He explained the easement would allow the storage of excavated materials, trees, brush, construction material and construction equipment and trailer on the property. He noted the agreement does not allow rock or bituminous crushing on site. He stated a 100 foot clear zone will be maintained between the contractor's activities and the parcels on Craig Avenue.

Mr. Kaldunski stated with respect to the drainage improvements on Craig Court, the City of South St. Paul has indicated a willingness to grant an easement to the City to allow construction of a storm sewer system on the airport property. In return the City of South St. Paul has asked that Inver Grove Heights provide the airport with the ability to maintain airspace over the City's 69th Street right-of-way. He noted no financial contributions would be made in the granting of easements and covenants.

Motion by Piekarski Krech, second by Klein, to adopt Resolution No. 11-44 Approving a Temporary Stockpiling Easement Agreement and a Permanent Storm Sewer Utility Easement Agreement and Clear Zone Covenant for the South St. Paul Airport for City Project No. 2011-09D

Ayes: 4

Nays: 0 Motion carried.

ADMINISTRATION:

D. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance related to Emergency Management

Mr. Lynch stated no changes have been made to the ordinance since the first reading.

Motion by Klein, second by Piekarski Krech, to adopt the Second Reading of an Ordinance related to Emergency Management

Ayes: 4

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider Approval of Agreement to Abate a Failed Septic System Nuisance

Mr. Lynch explained during construction on the Concord Boulevard project a private utility company struck an unknown septic system on the property located at 6202 Concord Boulevard. He stated the private utility was attempting to relocate the service to avoid conflicts with other private and public utilities on the project. He noted the septic system was not shown on any plan set and was not known to exist by inspectors and local contractors. He explained the City declared the septic system to be a nuisance because it is illegal and not in conformance with State and County standards. It was determined that it would be in the best interest of all parties involved to reach an agreement by which the City would finance the costs associated with the removal of the septic system and connection to the municipal sewer system. He explained the property owner would be assessed for the costs paid by the City. He stated the funds are proposed to be taken from the sewer utility.

Motion by Grannis, second by Piekarski Krech, to approve agreement to abate a failed septic system nuisance

Ayes: 4

Nays: 0 Motion carried.

F. CITY OF INVER GROVE HEIGHTS; Consider Change Order No. 21 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ms. Teppen stated the change order was comprised of for four items totaling \$8,081 for a revised contract total of \$11,998,192.10. She noted the project contingency had a balance of \$90,598.90.

Motion by Klein, second by Grannis, to approve Change Order No. 21 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ayes: 4

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Councilmember Grannis reminded people that Commission appointments were scheduled for May.

9. ADJOURN: Motion by Grannis, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 9:20 p.m.