

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, APRIL 11, 2011 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, April 11, 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, City Engineer Kaldunski, Public Works Director Thureen, Parks and Recreation Director Carlson, Community Development Director Link, Chief Thill and Deputy Clerk Rheaume.

**3. PRESENTATIONS:** None.

**4. CONSENT AGENDA:**

Mayor Tourville removed Item 4A, Minutes of March 28, 2011 Regular Council Meeting, from the Consent Agenda.

- B. Resolution No. 11-45** Approving Disbursements for Period Ending April 6, 2011
- C.** Approve Pay Voucher No. 22 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- D.** Change Order No. 1 and Pay Voucher No. 1 for City Project No. 2010-09H, South Grove Sod Repair Project
- E. Resolution No. 11-46** Approving the Acquisition of Property at 6556 Doffing Avenue
- F. Resolution No. 11-47** Approving the Non-Union Compensation Plan for 2010-11
- G.** Approve Purchase of Golf Course Capital Equipment
- H.** Approve Purchase of Replacement Equipment
- I. Resolution No. 11-48** Approving Joint Powers Agreement (JPA) with Dakota County for Cost Share related to the Improvements to Digital Elevation Data
- J. Resolution No. 11-49** Accepting Proposal from American Engineering Testing (AET) for Geotechnical Testing Services for the 2012 Pavement Management Program
- K.** Approve Military Discounts at the VMCC/Grove
- L.** Approve Joint Powers Agreement with State of Minnesota for Utilization of the Criminal Justice Data Communications Network for the Period of Five Years
- M.** Award Purchase of a Self-Contained Breathing Apparatus (SCBA) Compressor to Alex Air Apparatus, Inc.
- N. Resolution Nos. 11-51, 11-52 & 11-53** Approving Proposed Settlement of Jean L. Ades Assessment Appeal
- O.** Schedule Public Hearing
- P. Resolution No. 11-54** Ordering the Project and Approving the Joint Powers Agreement with Dakota County Transportation Department for City Project No. 2011-05, Concord Boulevard Mill and Overlay from Cooper Path to T.H. 52
- Q.** Approve Position Description for Assistant Fire Chief
- R.** Personnel Actions

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

**Ayes: 5**

**Nays: 0      Motion carried.**

A. Minutes – March 14, 2011 Regular Council Meeting

Mayor Tourville explained he did not attend the March 28, 2011 meeting.

**Motion by Grannis, second by Madden, to approve the Minutes of the March 28, 2011 Regular Council Meeting**

**Ayes: 4**

**Nays: 0**

**Abstain: 1 (Tourville)**

**5. PUBLIC COMMENT:** None.

**6. PUBLIC HEARINGS:** None.

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:**

**A. RJ RYAN CONSTRUCTION;** Consider Resolution relating to a Conditional Use Permit Amendment to Add an Addition to an Existing Auto Sales Building Located at 1290 50<sup>th</sup> Street

Mr. Link explained the applicant is requesting an 860 square foot addition to the existing building to accommodate more vehicles in the auto sales write-up area. He noted no additional impervious surface would be added to the property, and access to the site and parking lot configuration would not be altered. He stated the proposed request meets the Conditional Use Permit criteria and both Planning staff and the Planning Commission recommended approval of the request.

**Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 11-55 relating to a Conditional Use Permit Amendment to Add an Addition to an Existing Auto Sales Building located at 1290 50<sup>th</sup> Street**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. CITY OF INVER GROVE HEIGHTS;** Consider a Conditional Use Permit Amendment to Add an Addition to the Existing Convenience Store along with other Property Improvements for Property Located at 3240 57<sup>th</sup> Street

Mr. Link stated the applicant is proposing to construct an addition to and remodel the existing vacant gas service station on the southwest corner of 57<sup>th</sup> Street and Carmen Avenue. He explained the proposed plans include an 800 square foot addition and remodel, two additional fuel pumps and canopy, an LP fill station, one additional buried fuel tank, and additional landscaping. He noted the proposal meets the Conditional Use Permit criteria and complies with all requisite codes. He stated staff recommended that all landscaping be located outside the 20 foot utility easement on the north property line. He explained the Parks Department commented that there is a gap in the City's trail system along 57<sup>th</sup> Street between Cahill and Carmen Avenue and the City requested, and the applicant subsequently agreed, to grant the City a 15 foot trail/sidewalk easement along the northern property line so that in the future the City may consider the construction of a trail/sidewalk. He stated both Planning staff and the Planning Commission recommended approval of the request.

Councilmember Klein asked if South St. Paul has a sidewalk on the other side of the street.

Mr. Link responded in the negative.

Councilmember Piekarski Krech commended the applicant for working to clean up the site.

**Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 11-56 relating to a Conditional Use Permit Amendment to Add an Addition to the Existing Convenience Store along with other Property Improvements for Property located at 3240 57<sup>th</sup> Street**

**Ayes: 5**

**Nays: 0**      **Motion carried.**

**PUBLIC WORKS:**

**C. CITY OF INVER GROVE HEIGHTS;** Approve Resolution to Receive Amended Feasibility Study, Schedule Public Hearing and Authorize Preparation of Plans and Specifications for City Project No. 2010-09I, Blaine Avenue (North Area) Full Depth Mill and Repave from Upper 55<sup>th</sup> Street to 50<sup>th</sup> Street

Mr. Kaldunski explained this segment of Blaine Avenue was in the original feasibility study for City Project No. 2010-09C, and the City constructed the south segment and the north segment was delayed until 2011. He stated the feasibility study amendment updates the information for the Blaine Avenue north area. He explained Blaine Avenue was constructed in 1986 and the street pavement is stressed and has irreparable block cracking. He noted a portion of concrete sidewalk near Upper 55<sup>th</sup> Street, along Gertens property, has been damaged from equipment performing maintenance activity at their sign at Upper 55<sup>th</sup> and Blaine Avenue. He explained Gertens is responsible for this sidewalk via an agreement executed with the City.

Mr. Kaldunski stated Braun Intertec completed borings and field review of the street and sidewalk in 2010 and recommended full-depth replacement of the street pavement and replacing the damaged sidewalk with an eight foot bituminous trail. He noted improvements would also be made to the crosswalk on Blaine Avenue in accordance with required state-aid standards, and a center median would be installed to allow for pedestrian safety and ease of City maintenance activities.

Mr. Kaldunski explained engineering staff has had discussions with Gertens to address their responsibilities for the street and sidewalk improvements. He stated Gertens has verbally agreed to participate in the project costs and requested the project be completed by mid-September of 2011. He noted construction would be scheduled to start on July 5<sup>th</sup>.

Mr. Kaldunski stated the total estimated project cost is \$661,000 and the project will be funded from special assessments, Pavement Management Fund, and Water Operating Fund. He explained the special assessments occur to the benefitted properties in accordance with M.S. Chapter 429, and under the approved funding policy for the Pavement Management Program, the City portion of the costs consists of at least 25 percent of the assessable project cost, plus extra bituminous width, corner credits, and the cost of the items that are paid for in full by the City such as striping and pedestrian curb ramps. He noted some of the benefitted property is in the "green acres" program, and assessments to those parcels are governed by state laws. He added the City and Gertens would be entering into an agreement to allow the City to assess the "green acres" parcels. He explained Gertens would also be waiving their right to appeal the assessments as part of this agreement and would be 100% responsible for items related to the sidewalk/trail near Upper 55<sup>th</sup> Street and the median being installed to provide a pedestrian safe crosswalk.

Councilmember Piekarski Krech asked if the City is paying 100% for the pedestrian crossing in front of Gertens.

Mr. Kaldunski responded the City would be responsible for 100% of the costs for the pedestrian ramps.

**Motion by Klein, second by Madden, to adopt Resolution No. 11-57 Receiving an Amended Feasibility Study, Scheduling a Public Hearing, and Authorizing the Preparation of Plans and Specifications for City Project No. 2010-09I, Blaine Avenue (North Area) Full Depth Mill and Repave from Upper 55<sup>th</sup> Street to 50<sup>th</sup> Street**

**Ayes: 5**

**Nays: 0**      **Motion carried.**

**D. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Receiving Feasibility Report and Authorizing the Negotiations for the Site Acquisition for City Project No. 2011-02, Concord Bioretention Basin at 78<sup>th</sup> Street

Mr. Kaldunski explained the project was initiated by the City Council on October 25, 2010 to order the preparation of a feasibility study for a bioretention basin on land the City would purchase from 4075 and 4095 78<sup>th</sup> Street. He stated this site was identified as a suitable location for a storm water management facility to provide water quality treatment before the storm water is discharged to the Mississippi River. He explained the proposed facility will provide for bioretention of solids and other debris, followed by rapid infiltration of water in the main basin. He noted this water quality facility would assist the City in meeting the anti-degradation guidelines established by the MPCA, and is also being reviewed as part of Dakota County's SWCD's subwatershed evaluation. He stated this basin along with rain gardens the City has been building will improve the water quality of storm water from the South Grove watershed.

Mr. Kaldunski stated the total estimated project cost is \$344,000. He explained the City's Capital Improvement Revolving Fund would be used to cover the site acquisitions and the City is working with Dakota County SWCD to secure a Clean Water Legacy Act Grant for the estimated cost of constructing the storm water treatment facility in 2012. He stated the City becomes eligible for the grant programs once the property is acquired.

Mr. Kaldunski reviewed the appraisal of the two sites proposed to be purchased by the City. He stated the acquisition cost is estimated to be \$52,000 based on the appraisals. He explained staff has had preliminary discussions with the property owners who have indicated their willingness to work with the City to complete the purchase agreements. He stated no assessments are anticipated for the project and if the City is successful in securing the grant the construction would be funded 100% because the City would provide its in-kind funding share through the site acquisition and engineering services.

Councilmember Klein asked what happens if the grant is not awarded to the City.

Mr. Kaldunski stated they can continue to apply for the grant and push construction of the project back until such time funding becomes available.

Mayor Tourville stated it appears that the properties will be landlocked after the acquisition. He suggested there may be a benefit in extending the second lot all the way to the next property line.

Mr. Lynch stated the first step would be to determine if the property is subdividable and if so, determine where the property can be accessed from.

Mr. Thureen responded that no access currently exists to the west.

Councilmember Piekarski Krech questioned if one of the lots created would be non-conforming.

Mr. Kaldunski stated the lots would be conforming because they were over-sized to begin with.

Mayor Tourville asked staff to determine if the property is subdividable, developable, and where the access point to any future development would be. He also asked staff to notify the neighbors regarding the potential purchase and future use of the property.

**Motion by Klein, second by Madden, to adopt Resolution No. 11-58 Receiving the Feasibility Report and Authorizing the Negotiations for the Site Acquisition for City Project No. 2011-02, Concord Bioretention Basin at 78<sup>th</sup> Street**

**Ayes: 5**

**Nays: 0      Motion carried.**

**ADMINISTRATION:**

**E. CITY OF INVER GROVE HEIGHTS;** Consider Third Reading of an Ordinance related to Emergency Management

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

**Motion by Klein, second by Grannis, to adopt Ordinance No. 1234 relating to Emergency Management**

**Ayes: 5**

**Nays: 0**      **Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

Councilmember Klein commented on the poor road conditions of 65<sup>th</sup> Street, Babcock Trail, and Blaine Avenue. He questioned if there has been any information regarding failure of the asphalt mix.

Mr. Thureen stated a lot of cities in the metro are having similar issues and a study is being conducted by another agency.

Councilmember Grannis stated advisory commission applications were available on the web site.

**9. ADJOURN:** Motion by Piekarski Krech, second by Grannis, to adjourn. The meeting was adjourned by a unanimous vote at 8:20 p.m.