

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, APRIL 25, 2011 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, April 25, 2011, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:30 p.m. Present were Council members Grannis, Klein, and Madden; City Administrator Lynch, Assistant City Administrator Teppen, City Attorney Kuntz, Public Works Director Thureen, Parks and Recreation Director Carlson, Community Development Director Link, Finance Director Lanoue and Deputy Clerk Rheume.

Mayor Tourville asked for a moment of silence to honor Joseph Kennedy, Army Specialist, who was killed in Afghanistan on April 15, 2011.

3. PRESENTATIONS:

A. Presentation of the Certificate of Achievement in Financial Reporting for the 2009 CAFR

Mayor Tourville explained the Certificate of Achievement for Excellence in Financial Reporting was awarded to the City by the Government Finance Officers Association for its Comprehensive Annual Financial Report for the year ending December 31, 2009. He presented the award to Ms. Lanoue and the finance department.

Ms. Lanoue stated this is the 24th year the City has received the award and recognized the members of the Finance department.

4. CONSENT AGENDA:

Councilmember Grannis removed Item 4J, Consider Park Naming Policy, from the Consent Agenda.

- A.** Minutes – April 11, 2011 Regular Council Meeting
- B.** **Resolution No. 11-59** Approving Disbursements for Period Ending April 20, 2011
- C.** Pay Voucher No. 1 in the amount of \$76,560.95 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – B&B Sheetmetal Roofing
- D.** Change Order No. 2, Pay Voucher No. 6, & Pay Voucher No. 7 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – TRICOM Communications
- E.** Accept Proposal for Street Injection Spray Patching Services
- F.** Accept Quotes for Street Patching Services
- G.** **Resolution No. 11-60** Accepting Proposal from American Engineering Testing (AET) for Geotechnical Testing Services for the 2011 Improvement Program, City Project No. 2011-04, 93rd Street Improvements (from 90th Street East to Abigail Court)
- H.** **Resolution No. 11-61** Accepting Proposal from American Engineering Testing (AET) for Geotechnical Testing Services for the 2011 Pavement Management Program, City Project No. 2011-09G, Barbara Avenue (80th Street to Babcock Trail)
- I.** **Resolution No. 11-62** Approve Joint Powers Agreement with Minnesota Bureau of Criminal Apprehension for Participation in the Internet Crimes Against Children Task Force
- K.** Approve Rules for the Rock Island Swing Bridge
- L.** Approve Additional Funding for Energy Improvements at the VMCC/Grove
- M.** Award a Contract for the Splash Pool Air Handler Replacement
- N.** Approve Contractor for Painting of Lap Pool
- O.** Personnel Actions
- P.** Approve Temporary 3.2 Liquor License

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

Ayes: 4

Nays: 0 Motion carried.

J. Consider Park Naming Policy

Councilmember Grannis opined that the committee should be comprised of a wider scope of individuals beyond Advisory Commission chairpersons. He suggested that any activity be referred to each of the advisory commissions to allow for more citizen input and then be brought to the City Council for action. He stated the four identified categories of priorities should all be taken into consideration when naming a park.

Mayor Tourville suggested that the item be tabled and discussed at a future work session.

No action was taken on this item.

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS:

A. CITY OF INVER GROVE HEIGHTS; Consider Application of Mayjune Corporation dba Laser Liquor for Off-Sale Intoxicating Liquor License for Premises located at 5300 S. Robert Trail, Suite #600

Ms. Rheame stated this item pertains to the transfer of an existing liquor license for the premises. She explained the applicant currently owns and operates a similar business in Eagan and is looking to expand operations to Inver Grove Heights. She noted the anticipated closing date is in early May.

Neil Sorensen, President, stated they are a family-owned corporation and are looking forward to doing business in the City. He noted the closing was scheduled for May 2.

Mayor Tourville confirmed that the applicant provided all necessary fees and documentation as required by City Code.

Councilmember Piekarski Krech arrived at the meeting.

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

Ayes: 4

Nays: 0

Abstain: 1 (Piekarski Krech)

Motion by Klein, second by Madden, to approve the application of Mayjune Corporation dba Laser Liquor for an Off-Sale Intoxicating Liquor License for Premises located at 5300 S. Robert Trail, Suite #600

Ayes: 4

Nays: 0

Abstain: 1 (Piekarski Krech)

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. GEORGE CAMERON (CAMERON’S LIQUOR); Consider the following actions for property located along Concord Boulevard and 65th Street:

- i) Resolution approving a Final Plat, Development Contract and related documents for Cameron Addition
- ii) Resolution approving a Vacation of Unimproved Alley Right-of-Way within Block 1 of Inver Grove Park Subdivision
- iii) Resolution Modifying Resolution No. 09-245 by removing Condition #7 relating to Posting of No Overnight Parking Signs in the Parking Lot

Mr. Link stated the City Council approved the preliminary plat, site plan approval, rezoning and comprehensive plan amendment for the relocation of the liquor store in 2009. He explained since that time the applicant has been working with Dakota County to resolve the matter of relocation as a result of the Concord Boulevard reconstruction project. He stated the applicant submitted final plans with the intention of beginning site preparation this spring. He explained one of the conditions of preliminary approval is that the applicant obtains approval for the vacation of the unimproved alley right-of-way that runs through a portion of the property. He stated the final plat complies with the four conditions of preliminary approval and is consistent with the preliminary plat. He noted the park dedication fee would be paid at the time of plat release and the applicant submitted a request to vacate the public easements. He explained staff reviewed the vacation request and found it acceptable as there are no utilities in the right-of-way, and the City will retain the area in the public drainage and utility easement. He added that the improvement agreement includes a provision eliminating the need to post “no parking overnight” signs in the parking lot. He stated both Planning staff and the Planning Commission recommended approval of the requests.

George Cameron, 2477 79th Street East, thanked everyone for their work and efforts to keep the project moving forward.

Motion by Madden, second by Klein, to adopt Resolution No. 11-63 approving a Final Plat, Development Contract and related documents for Cameron Addition, Resolution No. 11-64 approving a Vacation of Unimproved Alley Right-of-Way within Block 1 of Inver Grove Park Subdivision, and Resolution No. 11-65 Modifying Resolution No. 09-245 by removing Condition #7 relating to Posting of No Overnight Parking Signs in the Parking Lot

Ayes: 5

Nays: 0 Motion carried.

B. GEORGE CAMERON (CAMERON’S LIQUOR); Consider Approval of Amendment No. 3 to Purchase Agreement between the City and George Cameron IV

Mr. Kuntz explained the amendment to the purchase agreement addresses a reduction in the purchase price from \$272,000 to \$210,000 and the formation of a limited liability company by which the Buyer intends to take title to the property being purchased from the City.

Councilmember Grannis stated he was only in favor of the amendment because of the circumstances involved with the sale of this particular piece of property.

Motion by Klein, second by Madden, to approve Amendment No. 3 to Purchase Agreement between the City and George Cameron IV

Ayes: 5

Nays: 0 Motion carried.

C. COMMON SENSE SERVICES; Consider Resolution relating to a Conditional Use Permit to Operate an Adult Day Care Service Program for property located at 6415 Carmen Avenue

Mr. Link stated the applicant is proposing to operate an adult day care facility within an existing building. He explained the operation provides professional care during normal work day hours for those who need assistance during the day. He stated the property is zone B-3, General Business, and any type of daycare is a conditional use in the B-3 district. He explained no changes were proposed to the exterior or grounds, and the site has ample parking and good drop off and pick up traffic flow. He noted the use is compatible with the surrounding area and there is a children’s daycare located in the building to the west of the site. He stated both Planning staff and the Planning Commission recommended approval of the request.

Mayor Tourville suggested that the City’s notification protocol may need to be amended in the future in an effort to better inform neighborhoods when the use of a property changes.

Councilmember Klein asked the applicant if anyone has ever wandered off from a facility.

Lynne Zimmerman, 8315 Cahill Avenue, responded in the negative and explained that the proposed site

is set off by itself and is very closely monitored by staff.

Motion by Piekarski Krech, second by Klein, to adopt Resolution No. 11-66 relating to a Conditional Use Permit to Operate an Adult Day Care Service Program for property located at 6415 Carmen Avenue

Ayes: 5

Nays: 0 Motion carried.

D. BITUMINOUS ROADWAYS; Consider a Conditional Use Permit Amendment to add a 1,600 Square Foot Building to the Existing Asphalt Plant Operation for property located at 11201 Rich Valley Boulevard

Mr. Link state the request is for the construction of a 1,600 square foot building with sheet metal siding on the existing mining site. He explained the building would be located in the pit, 40-50 feet below street elevation. He stated the most recent sand and gravel conditional use permit for the site was approved in 2007 allowing the sand and gravel operation to be in existence an additional 5 years, and the proposed amendment would not alter that timeline. He explained in 1991 a conditional use permit amendment was approved for the site allowing metal buildings in the sand and gravel overlay district because the buildings are temporary and would be removed when the pit is done or they would be required to be brought into conformance. He added that a condition of approval would be that the building be removed from the site within three (3) months of the closure of the facility. He noted Planning staff and the Planning Commission recommended approval of the request.

Motion by Madden, second by Klein, to adopt Resolution No. 11-67 approving a Conditional Use Permit Amendment to add a 1,600 Square Foot Building to the Existing Asphalt Plant Operation for property located at 11201 Rich Valley Boulevard

Ayes: 5

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance Amendment to Allow Outdoor Storage in the P, Institutional Zoning District when Associated with Local Government Use

Mr. Link explained staff suggested that the amendment be narrowly written to allow outdoor storage as a permitted use on property zoned Public/Institutional. He stated it was also recommended that outdoor storage be allowed only by local government so churches and other agencies would not be able to have outdoor storage on their property. He explained the Planning Commission raised concerns that amending the code would create problems with the City possible storing equipment or vehicles on city owned properties. He stated they also suggested that the language be modified to limit the use or allow only as part of emergency or short term operations. He noted neither the Parks nor Public Works departments store vehicles or equipment on random city owned properties, and the proposed amendment would not change that. He clarified that the Parks department would primarily use the storage for the stockpiling of Ash trees infected with Emerald Ash Borer until such time that they can be chipped and removed.

Councilmember Klein questioned why the City could not burn the infected trees.

Mr. Link explained staff would take infected trees to a site and grind them up as a way of processing and removing Ash trees infected with Emerald Ash Borer.

Councilmember Klein asked if that method of disposal was approved by the DNR.

Mr. Carlson explained one of the recommended methods of disposal is to grind the trees up to be reused as mulch.

Councilmember Piekarski Krech suggested that specific areas be designated and defined so it is known where outdoor storage will occur.

Mr. Link stated a list of sites could be provided prior to the second reading of the ordinance.

Motion by Piekarski Krech, second by Grannis, to approve the first reading of an Ordinance Amendment to Allow Outdoor Storage in the P, Institutional Zoning District when Associated with Local Government Use

Ayes: 5

Nays: 0 Motion carried.

PARKS AND RECREATION:

F. CITY OF INVER GROVE HEIGHTS; Consider First Reading of an Ordinance Amendment Updating Rules Pertaining to Parks and Recreation

Mr. Carlson explained current City ordinances pertaining to Parks and Recreation are spread throughout the City Code and cannot be found in one central location. He stated in an effort to centralize information and update language where necessary, staff recommended a series of updates to the existing ordinances. He noted the item was reviewed by the Parks and Recreation Advisory Commission and approval of the amendment was recommended.

Councilmember Madden questioned if weapons would be allowed in parks if an individual had a conceal and carry permit.

Mr. Carlson stated he would review the applicable statutes and suggest language for the second reading.

Councilmember Piekarski Krech suggested that the language pertaining to no swimming on any body of water adjacent to a park be modified for purposes of clarity. She also referred to the section related to animals and asked where a designated off-leash area would be located.

Mr. Carlson explained the reference was related to any dog parks that may be established in the future.

Motion by Klein, second by Grannis, to approve the first reading of an Ordinance Amendment Updating Rules Pertaining to Parks and Recreation

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. 2011-09F, 65th Street East from Concord Boulevard to 200' West

Mr. Thureen explained the project was initiated by a request received from George Cameron. He stated the project would involve reconstructing streets within the project area including subgrade correction, new curb and gutter, and the removal of utility services. He explained the total estimated project cost is \$74,781.30 and Mr. Cameron has been asked to cover 100% of the assessments. He noted the residential parcel north of 65th Street would not be assessed. He stated at the request of the developer street widths would be modified on 65th Street to provide a uniform width of 36 feet from Concord Boulevard to the alley west of Concord. He explained paving marking is included in the project to outline one incoming land and two outgoing lanes to accommodate turning movements. He stated this project would be ordered by June 1, 2011 with an estimated completion date of September 15th.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 11-68 Receiving Feasibility Report and Scheduling Public Hearing for the 2011 Pavement Management Program, Urban Street Reconstruction, City Project No. 2011-09F, 65th Street East from Concord Boulevard to 200' West

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

H. CITY OF INVER GROVE HEIGHTS; Consider Change Order No. 22 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ms. Teppen stated the change order included 17 items totaling \$21,227. The revised contract total is \$12,019,419.10 and the project contingency balance is \$69,371.90. She noted 93.7% of the construction was complete.

Councilmember Piekarski Krech questioned why carpet had to be added in the Council Chambers.

Ms. Teppen explained carpet was added to cover an irregularity on the floor.

Councilmember Piekarski Krech opined that the City should not be responsible for paying for a mistake that was made when the floor was installed.

Mayor Tourville asked what was originally planned for the floor in the Council chambers.

Ms. Teppen stated the original plans called for a polished concrete floor.

Councilmember Grannis agreed that the City should not be responsible for paying for the carpet and suggested that the item be added to the list to be discussed with the architect.

Councilmember Klein asked when the lighting in the parking lot would be complete.

Ms. Teppen stated the parking lot was not finished and explained the schedule for light installation had not been finalized.

Motion by Klein, second by Grannis, to approve Change Order No. 22 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

I. CITY OF INVER GROVE HEIGHTS; Approve Purchase of Ancillary Furniture for the Public Safety Addition/City Hall Renovation Project – Phase Two

Ms. Teppen explained during Phase One of the Public Safety Addition/City Hall Renovation project a RFP was posted for the ancillary furniture package and vendors were asked to quote on various groups of furniture. She stated staff went back to those vendors for the ancillary furniture required for the completion of Phase Two and requested quotes for the various packages. She explained the total purchase price of the combined groups is \$139,936.51, and three of the groups' totals were over \$25,000 requiring the City to receive more than one quote. She noted the lowest quote is reflected in the total. She explained the budget was prepared with an estimate of \$624,528 for furniture, and with the final purchase for Phase Two the total is \$1,576 under the estimate. She stated the funds for this purchase come from internal sources including the MIS Fund, City Facilities Fund, Water and Sewer Funds, the Closed Bond Fund, and the Host Community Fund.

Councilmember Klein questioned if furniture for the Council Chambers was included.

Ms. Teppen responded in the affirmative.

Motion by Klein, second by Grannis, to approve the Purchase of Ancillary Furniture in the amount of \$139,936.51 for the Public Safety Addition/City Hall Renovation Project – Phase Two

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Mayor Tourville reminded citizens that commission applications are available on the website and would be accepted until May 9th.

9. EXECUTIVE SESSION:

A. Discuss Collective Bargaining

B. Litigation Update – A&W

10. REGULAR AGENDA CONT.

A. CITY OF INVER GROVE HEIGHTS; Consider Approval of Agreement with the Law Firm of Dady & Gardner for Litigation Services related to A&W

Motion by Grannis, second by Klein, to approve agreement with the Law Firm of Dady & Gardner for Litigation Services related to A&W

Ayes: 5

Nays: 0 Motion carried.

11. ADJOURN: Motion by Grannis, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 9:35 p.m.