

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 8, 2011 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, August 8, 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, Parks and Recreation Director Carlson, and Community Development Director Link.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Councilmember Piekarski Krech removed Item 4C, Pay Voucher No. 26 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project, from the Consent Agenda.

Councilmember Grannis removed Item 4E, Cooperative Construction Agreement between Mn/DOT and the City of Inver Grove Heights for the T.H. 3 Turn Lanes at Autumn Way in Argenta Hills 2nd Addition, City Project No. 2010-41 and Item 4F, Grant Easements for T.H. 3 Turn Lanes at Autumn Way for City Project No. 2010-41, from the Consent Agenda.

- A. Minutes – July 25, 2011 Regular Council Meeting
- B. **Resolution No. 11-132** Approving Disbursements for Period Ending August 3, 2011
- D. Final Compensating Change Order No. 3, Final Pay Voucher No. 3, Engineer's Report of Acceptance and **Resolution No. 11-133** Accepting Work for City Project No. 2010-12, 59th Street East Street Improvements
- G. **Resolution No. 11-136** Calling for Hearing on Proposed Assessments and **Resolution No. 11-137** Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for 2010 Pavement Management Program – City Project No. 2010-09D, South Grove Street Reconstruction (Area 5)
- H. **Resolution No. 11-138** Accepting Proposal from Emmons and Olivier Resources, Inc. (EOR) for Design and Construction Observation Services
- I. Approve Nexterra Wireless, LLC Lease
- J. Approve Driving Diversion Program Services Agreement
- K. Personnel Actions

Motion by Madden, second by Klein, to approve the Consent Agenda.

Ayes: 5

Nays: 0 Motion carried.

- C. Pay Voucher No. 26 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Councilmember Piekarski Krech expressed concern that the City would be left with no recourse to recoup money for the items identified for negotiation with the contractor because the project is close to being finished and the contractor continues to get paid.

Mayor Tourville stated the City is obligated to pay the contractor so there is no breach of contract. He opined the City would still have recourse against the contractor at the end of the project.

Motion by Klein, second by Madden, to approve Pay Voucher No. 26 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

- E. Cooperative Construction Agreement between Mn/DOT and the City of Inver Grove Heights for the T.H. 3 Turn Lanes at Autumn Way in Argenta Hills 2nd Addition, City Project No. 2010-41

Councilmember Grannis stated he pulled the item because under the development agreement the developer is responsible for all costs associated with the turn lane. He opined that the City should not be making an agreement to get more public assistance to help fund the development.

Mr. Thureen explained if the agreement was approved it would expand the scope beyond the turn lanes.

Councilmember Grannis clarified that this would be something in addition to what the developer is supposed to do.

Mr. Thureen responded in the affirmative.

Motion by Klein, second by Madden, to adopt Resolution No. 11-134 approving a Cooperative Construction Agreement between Mn/DOT and the City of Inver Grove Heights for the T.H. 3 Turn Lanes at Autumn Way in Argenta Hills 2nd Addition, City Project No. 2010-41

Ayes: 5

Nays: 0 Motion carried.

- F. Grant Easements for T.H. 3 Turn Lanes at Autumn Way – City Project No. 2010-41

Councilmember Grannis opined that \$5,000 was not enough money for the easement.

Councilmember Madden asked if the amount was determined by an appraisal.

Mr. Thureen confirmed that the amount was determined by an appraisal done by Metzen Appraisals.

Mayor Tourville clarified that the turn lanes are being done for safety not for convenience.

Councilmember Grannis stated he does not dispute the need for the turn lanes, he disagrees with the amount being paid for the easement.

Motion by Madden, second by Klein, to adopt Resolution No. 11-135 Granting Easements for T.H. 3 Turn Lanes at Autumn Way, City Project No. 2010-41

Ayes: 4

Nays: 1 (Grannis) Motion carried.

5. PUBLIC COMMENT:

Laura Vaughn, 77th Street, asked the council to consider allowing chickens to be kept as pets in zoning districts where it currently is not allowed.

Councilmember Madden asked how many chickens Ms. Vaughn want to keep.

Ms. Vaughn stated she would like to keep four chickens.

Mayor Tourville asked Ms. Vaughn to put her request in writing and submit it to the City Administrator.

Mr. Lynch indicated he received a written request and advised that the item would be put on a future work session agenda for discussion.

6. PUBLIC HEARINGS:

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

- A. **BM REAL ESTATE HOLDINGS, LLC;** Consider a Resolution and related Improvement Documents relating to a Conditional Use Permit Amendment to Add an Addition to the Existing Building along with Stormwater Improvements for the property located at 1055 Highway 110

Mr. Link stated the applicant requested a conditional use permit amendment to construct a 26,000 square foot addition and remove a portion of the existing building, for a net increase of approximately 5,000

square feet. The applicant would also re-grade a portion of the parking area and install various stormwater improvements to decrease the amount of runoff on the site. He stated the proposed request met the Conditional Use Permit criteria and noted access to the site would not change. He explained the landscaping requirements had not been met and a revised landscaping plan would be submitted prior to the issuance of a building permit. He advised that the applicant would continue to work with the Engineering Department to finalize stormwater and grading plans. He stated Planning staff and the Planning Commission recommended approval of the request.

Councilmember Grannis asked if Mauer Chevrolet requested tax increment financing assistance.

Mr. Link stated there was preliminary discussion on the topic. He explained that assistance of that type has not been the City's practice in the past. He stated tax increment finances have not been used much in recent years, but have typically been used for larger, new projects not for the expansion of existing businesses.

Councilmember Madden stated he saw an architectural drawing of the planned expansion and commented he was impressed with the project.

Motion by Klein, second by Madden, to adopt Resolution No. 11-139 approving a Conditional Use Permit Amendment to Add an Addition to the Existing Building along with Stormwater Improvements for the property located at 1055 Highway 110

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

B. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Amending City Code Title 1, Chapter 5, Section 1 – Meetings

Mr. Lynch stated no changes were made to the proposed ordinance since the first reading. He noted the Council meeting start time would change to 7:00 p.m. at the first meeting in September.

Motion by Klein, second by Grannis, to approve the Second Reading of an Ordinance Amending City Code Title 1, Chapter 5, Section 1 - Meetings

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Councilmember Klein stated a Council work session to discuss the 2012 budget needed to be scheduled for August 22, 2011, immediately following the regular Council meeting.

Motion by Klein, second by Madden, to schedule a Council work session to immediately follow the regular Council meeting on August 22, 2011 to discuss the 2012 budget.

Ayes: 5

Nays: 0 Motion carried.

9. ADJOURN: Motion by Madden, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 8:00 p.m.