

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 22, 2011 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL: The City Council of Inver Grove Heights met in regular session on Monday, August 22, 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:

A. Recognize Retirement of Evelyn Duchene from the Inver Grove Heights Police Department

Lieutenant Stanger introduced Officer Evelyn Duchene and recognized her over 21 years of service to the Police Department. Officer Duchene began her career with the department as a reserve officer and was hired as the department's first female full time patrol officer in 1990. Over her career Officer Duchene participated in the development and implementation of the City's DARE program, served as an advisor for the Inver Grove Heights Police Explorer Post, worked in the department's investigative unit, and was a hostage negotiator on the MAAG/SWAT team. She received a number of acknowledgements throughout her career, including letters of appreciation from citizens and letters of recommendation and commendation.

Officer Duchene thanked her fellow officers and the Council for recognizing her career and her accomplishments.

Mayor Tourville thanked Officer Duchene on behalf of the Council for her service to the City and the time and effort she put into her work for the Police Department.

4. CONSENT AGENDA:

Councilmember Klein removed Item 4N, Approve Resolution to release Various Conditional Use Permits and Variances Recorded against property located at 3747 117th Street, and Item 4T, Personnel Actions, from the Consent Agenda.

- A. Minutes – August 8, 2011 Regular Council Meeting
- B. **Resolution No. 11-140** Approving Disbursements for Period Ending August 17, 2011
- C. Final Compensating Change Order, Final Pay Voucher No. 8 and **Resolution No. 11-141** Accepting Work for City Project No. 2009-24, Rock Island Swing Bridge Project
- D. Final Compensating Change Order No. 1, Final Pay Voucher No. 4, Final Report, and **Resolution No. 11-142** Accepting Work for Re-Roof of City Hall
- E. Pay Voucher No. 1 for City Project No. 2010-09I, Blaine Ave. Mill and Repave
- F. Pay Voucher No. 1 for City Project No. 2011-09A, Cracksealing
- G. Pay Voucher No. 1 for City Project No. 2011-09B, Sealcoating
- H. Change Order No. 2 and Pay Voucher No. 2 for City Project No. 2011-09D, South Grove Urban Street Reconstruction – Area 6
- I. Approve Easement Encroachment Agreement for Property Located at 7239 Baldwin Ave.
- J. **Resolution No. 11-143** Accepting Quotes and Awarding Contracts for the 2011 Storm Water Facility Maintenance Program
- K. **Resolution No. 11-144** Authorizing Staff to Enter the 2012 Fuel Consortium Purchase Program as Managed by the State of Minnesota
- L. Approve an Amendment to the 2011 Joint Powers Agreement with Dakota County SWCD for Services provided on City Project No. 2011-09D, South Grove Area 6

- M. Cultural Interpretation Planning Framework with Dakota County Historical Society
- O. Approve Limited Hunting of Canada Geese within the City
- P. **Resolution No. 11-146** Approving Charitable Gambling Premises Permit Application – IGH Soccer Association
- Q. **Resolution No. 11-147** Authorizing Execution of the Joint Traffic Safety Project Grant
- R. Approve Temporary Liquor License Extension for Drkula’s “32” Bowl for Events in Conjunction with Inver Grove Heights Days
- S. **Resolution No. 11-148** Making an Election Not to Waive Statutory Tort Limits

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

Ayes: 5

Nays: 0 Motion carried.

- N. Approve Resolution Releasing Various Conditional Use Permits and Variances Recorded Against Property Located at 3747 117th Street

Councilmember Klein questioned how the situation occurred.

Mr. Link explained prior to May 2007 the Distribution Center and Travel Plaza/Service Center were on one tax parcel. He advised that various Conditional Use Permits and Variances were recorded against the unplatted parcel for both the Distribution Center and the Travel Plaza/Service Center. He stated in 2007 the property was subdivided into two lots and one outlot, and a review of the existing land use approvals was not done. A title search completed on the IGH Distribution parcel revealed that a number of the conditional use permits and variances were carried forward on the property when they should have been applied to the Travel Plaza parcel. Staff reviewed the eight (8) land use applications and determined they were approved specifically for the Travel Plaza and not the Distribution Center or Outlot A.

Motion by Klein, second by Madden, to approve Resolution No. 11-145 releasing various Conditional Use Permits and Variances recorded against property located at 3747 117th Street

Ayes: 5

Nays: 0 Motion carried.

- T. Personnel Actions

Councilmember Klein asked for an explanation regarding the separation of employment referenced in the memorandum.

Mr. Lynch explained that the employee was offered and subsequently accepted a position with another municipality.

Motion by Klein, second by Grannis, to approve personnel actions

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Allan Cederberg, 1162 82nd St. E., asked the City Council to tell the public what is going on with the Target store.

Mr. Lynch stated IGH Investments, LLC notified the City that they would begin work sometime in the coming week on the remaining private improvements. The developer met with and was able to reach an understanding with Target and anticipated having a signed agreement within a few weeks. As per the contract for private development Target has until February 15, 2012 to begin construction. Target obtained the necessary permits and hopes to start construction earlier.

6. **PUBLIC HEARINGS:** None.

7. **REGULAR AGENDA:**

COMMUNITY DEVELOPMENT:

A. PAUL MASON, LLC; Consider a Resolution and related Improvement Documents relating to a Conditional Use Permit to Allow Outdoor Vehicle and Material Storage for the property located at 11278 Rich Valley Boulevard

Mr. Link explained the applicant requested a conditional use permit to allow outdoor vehicle and material storage on the property. He advised that the existing site is used as a single family residence and a recycling facility. The property has an existing conditional use permit for the recycling facility, and a new conditional use permit was requested for outdoor storage. The proposed request met the Conditional Use Permit criteria relating to the Comprehensive Plan, zoning consistency, land use impacts, environmental impacts, and public health and safety impacts. Access to the site would not change. Staff recommended that the landscape plan be modified to identify the location of two additional trees to be located in the southwest portion of the property. Planning staff met with the applicant on-site and determined that the 100 feet of solid screening shall be installed along the northern property line in addition to solid screening along the western property line. The applicant has been working with the Engineering Department to finalize stormwater and grading plans. Both Planning staff and the Planning Commission recommended approval of the request.

Councilmember Klein asked if the applicant was a new owner of the property.

Paul Saver, 7845 Boyd Court, stated he has owned the property since 2004.

Councilmember Madden confirmed that the applicant was aware of, and in agreement with the conditions.

Motion by Klein, second by Madden, to adopt Resolution No. 11-149 and related Improvement Documents relating to a Conditional Use Permit to Allow Outdoor Vehicle and Material Storage for the property located at 11278 Rich Valley Boulevard

Ayes: 5

Nays: 0 Motion carried.

B. GREG GROVER; Consider a Resolution related to a Variance to Allow a Fence to Exceed the Maximum Height of Seven (7) Feet in a Residential Area for property located at 5975 Concord Blvd.

Mr. Link stated the applicant received a building permit to construct a fence along a portion of his north property line in September, 2010. Subsequent to the construction of the fence it was brought to the City's attention that the fence exceeded the maximum seven (7) foot height limit. The Building Official measured the fence at a few locations and found it to range from 8'2" to 7'9" in height. The fence is located three (3) inches from the property line and measurements were obtained from the neighbor's side of the fence.

Mr. Link advised that the property rises from Concord toward the northeast, and the fence sections were constructed in a stepped fashion to address the change in topography. Due to the elevation changes and uneven ground level, the fence height does change depending upon where the measurement is taken. A question was raised at the Planning Commission meeting regarding how fence height is measured. The ordinance does not specify how or where to measure fence height. Planning staff recommended approval of the request based on the practical difficulty that the terrain of the property and the stepped design of the fence do not allow a perfect measurement of seven (7) feet along the entire fence line. He noted it seemed reasonable to allow flexibility in fence height because it may be impossible to construct a fence that is no taller than seven (7) feet from the ground at all points along the fence. The fence is located in the side and rear yard of the subject site and the variation of fence height did not appear to alter the character of the neighborhood. The Planning Commission recommended denial of the request because the property owner was aware of the 7 foot height requirement when the building permit was issued and failed to construct the fence in compliance with City Code.

Councilmember Piekarski Krech asked if staff re-measured the fence on the property owner's side.

Mr. Link reiterated that the ordinance does not specify where to measure the fence from. He noted that the fence would be higher if measured from the property owner’s side inside because the elevation is lower.

Councilmember Piekarski Krech asked if the height of the fence caused any problems with the neighbors.

Mr. Link reported staff did not see that it caused any difficulties.

Greg Grover, 5875 Concord Boulevard, stated he had the fence panels measured and intended to bring in some fill to make the fence meet the height requirement. He noted there was a lot of miscommunication between himself and the City throughout the entire process.

Motion by Klein, second by Madden, to adopt Resolution No. 11-150 related to a Variance to allow a Fence to Exceed the Maximum Height of Seven (7) Feet in a Residential Area for property located at 5975 Concord Blvd.

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

C. CITY OF INVER GROVE HEIGHTS; Consider Change Order No. 26 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ms. Teppen stated the change order was comprised of five items totaling \$5,494. The revised contract total, including the change order, was \$12,048,553.10 and the project contingency fund balance was \$40,237.90. She noted the project was just a few weeks away from substantial completion.

Councilmember Piekarski Krech stated she understood the first few items but did not understand why the items for the rock swale and painting were not included in the original contract.

Ms. Teppen explained the painting of the existing stucco was needed to cover exposed damp-proofing, and the rock line swale would be used to provide an additional measure of water flow and infiltration.

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

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

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

Mr. Lynch explained this is the third reading of the ordinance amending the start time of City Council meetings from 7:30 to 7:00 p.m. No changes were made to the proposed ordinance in either the first or second reading and no comments were received by staff on the proposed change.

Motion by Klein, second by Madden, to adopt Ordinance No. 1239 amending City Code Title 1, Chapter 5, Section 1 - Meetings

Ayes: 5

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider First Reading of an Ordinance Amending City Code Title 5, Chapter 9, Section 5-9-4-D-2-b regarding the definition of Park Lands

Mr. Kuntz explained when Title 7, Chapter 5 of the City Code was updated earlier in the year the definition of “parklands” in Section 7-5-1B was amended to a definition of “parks, park facilities, and recreation areas”. The proposed amendment is a housekeeping measure designed to change the current reference to the definition of “parklands” in Section 5-9-4-D-2-b and bring that reference into conformity with the revised definition located in 7-5-1B.

Mr. Lynch recommended that the Council adopt the ordinance amendment in one reading because it was

a minor housekeeping item, not a substantive change to the City Code.

The City Council agreed to pass the ordinance amendment in one reading if a unanimous vote was received.

Motion by Klein, second by Grannis, to adopt Ordinance No. 1240 amending City Code Title 5, Chapter 9, Section 5-9-4-D-2-b regarding the definition of Park Lands and to adopt the Ordinance in one (1) reading if unanimously approved

Ayes: 5

Nays: 0

Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Ms. Teppen stated the City's annual clean-up day was scheduled for Saturday, September 17th, from 8:00 a.m. to 2:00 p.m. at the Public Works Maintenance facility.

Mayor Tourville announced that the City would be designated a Yellow Ribbon community by the Governor in a ceremony on August 23rd.

Mayor Tourville reminded citizens that Inver Grove Heights Days was scheduled for September 8-11th.

Mayor Tourville explained the Council would be going into executive session to discuss property acquisition. He noted the only action that would be taken when they returned would be to adjourn. He stated a work session would be held immediately following the adjournment of the regular meeting for budget discussions.

9. EXECUTIVE SESSION:

A. Discuss Property Acquisition at 4465 66th St. for Trail Purposes

10. ADJOURN: Motion by Grannis, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 8:33 p.m.