

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, SEPTEMBER 26, 2011 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL: The City Council of Inver Grove Heights met in regular session on Monday, September 26, 2011, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 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. Rock Island Swing Bridge Recreation Pier Partners Presentation

Tracy Petersen, Recreation Superintendent, explained the Rock Island Swing Bridge Recreation Pier Project donation program was developed to assist in deferring some of the costs of the project. A plaque embedded in one of the stones with the names of the Mississippi River Partners will be displayed at the bridge. In total, the program received \$6,690.17 in contributions. Ms. Petersen recognized the following donors as Shore Partners for contributions between \$25-\$499: G.L. Fett, Gretchen Fett, Cub Pharmacy, Jan Thoemke, Chester and Janet Swanson, Chuck Kleckner, Janet Derow, George Tourville, Richard & Janet Jacka, Charles Jones, Marilyn Tempel, and Illetschko's Meat & Smokehouse. The following donors were recognized as Mississippi Partners for contributions of \$1,000 or more: Simley High School History Class Students, Jim Huffman & Family, Vance "Chip" Grannis, SKB Environmental, Total Construction & Equipment, Inc., Becky Austing representing Industrial Metal Fabrication & Repair. Ms. Petersen thanked all those who contributed and encouraged residents to visit the pier.

Mayor Tourville stated the donation program was an on-going process and contributions would still be accepted. He thanked those that had already participated in the program for their donations.

4. CONSENT AGENDA:

Councilmember Klein removed Item 4A, Minutes of September 12, 2011 Regular Council Meeting, from the Consent Agenda.

Councilmember Madden removed Item 4F, 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, from the Consent Agenda.

Mayor Tourville removed Item 4I, Approve Documents related to the Foreclosure of Vacant Lots within the Plat of Summit Pines, from the Consent Agenda.

- B. Resolution No. 11-164** Approving Disbursements for Period Ending September 21, 2011
- C.** Pay Voucher No. 2 for City Project No. 2010-09I, Blaine Avenue Mill and Repave
- D.** Pay Voucher No. 3 for City Project No. 2011-09D, South Grove Urban Street Reconstruction – Area 6
- E. Resolution No. 11-165** Accepting Quotes and Awarding Contract for the 2011 Storm Water Facility Maintenance Program – City Project No. 2011-17
- G. Resolution No. 11-166** Calling for Hearing on Proposed Assessments and **Resolution No. 11-167** Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for 2011 Pavement Management Program – City Project No. 2011-09F, 65th Street Reconstruction (from Concord Boulevard to 200' West)
- H. Resolution No. 11-168** Calling for Hearing on Proposed Assessments and **Resolution No. 11-169** Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for City Project No. 2000-10, 117th Street and T.H. 52 Interchange

- J. **Resolution No. 11-170** Calling for Hearing on Proposed Assessments and **Resolution No. 11-171** Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Nuisance Abatement
- K. **Resolution No. 11-172** Authorize Execution of Joint Powers Agreement with Dakota County to Implement Outdoor Warning Siren Narrow Banding
- L. Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

- A. Minutes – September 12, 2011 Regular Council Meeting

Councilmember Klein stated he would abstain from the vote because he did not attend the meeting on September 12th.

Motion by Grannis, second by Madden, to approve the Minutes of the September 12, 2011 Regular Council Meeting

Ayes: 4

Nays: 0

Abstain: 1 (Klein) Motion carried.

- F. 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

Councilmember Madden asked where the money came from to reconstruct.

Mr. Kaldunski explained the money to do the reconstruction work is coming from the same funds that were used for the construction.

Councilmember Madden asked how similar problems would be avoided in the future.

Mr. Kaldunski stated a different mixture was being used in response to the issues that were encountered.

Motion by Madden, second by Klein, to 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

Ayes: 5

Nays: 0 Motion carried.

- I. Approve Documents related to the Foreclosure of Vacant Lots within the Plat of Summit Pines

NO ACTION WAS TAKEN ON THIS ITEM

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS:

- A. **CITY OF INVER GROVE HEIGHTS;** Assessment Hearing for City Project No. 2010-09D, Urban Street Reconstruction, South Grove Area 5

Mr. Kaldunski reviewed the project area and stated improvements included street reconstruction, curb and gutter, concrete sidewalk, storm sewer, water main, grading, street lighting, landscaping, restoration and appurtenances. The total project cost was \$3,872,856.17 and 405 properties were proposed to be assessed. The proposed assessment roll was based on the single-family assessment cap of \$4,000 and a townhome/multi-family assessment cap of \$2,000. The proposed caps were recommended in the assessment analysis completed by Metzen Appraisals. The cumulative total assessments for parcels in the project area exceeded the respective caps. Amounts in excess of the cap would be paid by the Pavement Management Fund. If the parcel was previously assessed for another South Grove project or

the 70th Street project, that amount was deducted from the cap to calculate the final assessment. The total amount proposed to be assessed was \$1,112,723.76, approximately 29% of the total project costs. An assessment term of 10 years at a 4.8% interest rate was recommended. An assessment term of 15 years at 4.8% interest rate was recommended for non-government, non-profit parcels. The assessment deferral policy was reviewed. A brief overview of the September 15, 2011 informational meeting was provided. Two notices of objection to assessment were received and presented to the City Council.

Councilmember Piekarski Krech questioned if the proposed interest rate was the same as what was certified for the previous South Grove projects.

Mr. Kaldunski stated the proposed rate was lower than what was charged for previous projects.

Councilmember Piekarski Krech stated she would like to keep the interest rate as low as possible.

Mayor Tourville suggested that the objection notices received from Grace Church and James & Bonnie Smith be formally accepted by the Council.

Motion by Klein, second by Piekarski Krech, to receive notices of objection to assessment from Grace Church and James & Bonnie Smith.

Ayes: 5

Nays: 0 Motion carried.

Debbie Best, 3712 Conroy Trail, asked what the process was to pay an assessment.

Mr. Kaldunski explained after the Council took action, an invoice would be sent out to all property owners with the final cost of their assessment. He stated the property owner had the option to pay the assessment, interest free, within 30 days. If the property owner does not pay the full amount due within 30 days, the assessment would be certified to Dakota County and would be payable with 2012 property taxes.

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

Ayes: 5

Nays: 0 Motion carried.

Councilmember Piekarski Krech asked when the interest would start to accrue on the account.

Mr. Kuntz explained if the assessment is not prepaid within 30 days, interest would accrue from the date the assessment was levied by the Council, September 26, 2011. State statute mandates that unpaid assessments be certified to the county after 30 days and that time period would begin to elapse on September 27, 2011. He noted that the first installment of payments, due with payable 2012 property taxes, would include the accrued interest from the period of 9/26/11-12/31/12.

Councilmember Piekarski Krech questioned if there were other instances in which the Council opted to delay the accrual of interest.

Mr. Kuntz recalled that the Council delayed the accrual of an interest for one particular project because the work was not completed at the time the assessment was levied.

Mr. Thureen confirmed that it was done for City Project No. 2003-03 because the work was not completed, the considerable amounts of the assessments proposed to be levied, and the timing (date) of the public hearing.

Councilmember Piekarski Krech suggested that the Council delay the date on which interest would begin to accrue from September 26, 2011 until November 1, 2011.

Mayor Tourville stated he would be willing to defer the accrual of interest until December 31st.

Mr. Lynch clarified that delaying the accrual of interest would have an impact as the City would incur the costs associated with holding the interest for three (3) months. He suggested that the Council consider a decrease to the interest rate rather than changing the City's common practices with respect to the time frames associated with the payment of assessments and the accrual of interest.

Mayor Tourville opined that he has heard more complaints from residents about the payment due dates and when the interest begins to accrue rather than about the interest rate.

Lyle Dixon, 7560 Cloman Way, asked when residents would receive an invoice.

Mr. Kaldunski stated invoices would be received approximately 2-3 days after the Council meeting.

Councilmember Piekarski Krech questioned how much the proposed interest rate could be reduced.

Mr. Lynch explained the policy has been to charge an interest rate that is equivalent to 1% over the bond rate. He cautioned the Council on straying from the adopted practices and policies related to the accrual of interest. He stated a precedent would be set for future projects if the established practices are modified. He reiterated that the Council cannot change the time period in which the assessment can be paid without interest.

Councilmember Madden suggested that the Council adopt the proposed interest rate and assessment term to avoid setting a precedent for future projects.

Councilmember Piekarski Krech opined that something should be done with the interest rate to alleviate some of the burden on property owners. She stated that it is an unprecedented time given the decrease in home values and state of the economy.

Motion by Klein, second by Grannis, to approve Resolution No. 11-173 adopting the Final Assessment Roll for the 2010 Pavement Management Program, City Project No. 2010-09D – Urban Street Reconstruction, South Grove Area 5

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

7. REGULAR AGENDA:

ADMINISTRATION:

A. CITY OF INVER GROVE HEIGHTS; Consider Proposal for Tunnel Painting Contest

Mark Borgwardt, Park Superintendent, stated every year the Parks Division paints the three tunnels in the parks system multiple times due to graffiti vandalism. The cost to paint the tunnels is approximately \$250 each time. In some instances the annual cost of painting the tunnels exceeded \$2,500. As part of a Girl Scouts project, Inver Grove Heights resident Catherine Link proposed a graffiti art contest program as a way to reduce inappropriate graffiti in the College Trail tunnel. Many cities have initiated programs that encourage graffiti “art” as a productive way to channel energy and provide a palate for graffiti artists to express themselves. Approximately 40 residents signed a petition in support of Ms. Link’s proposal. It is anticipated that the annual costs would be approximately \$500 and would be funded from the Parks Division budget. Mr. Borgwart opined that the program could be a creative way to help the City and the Parks Department reduce the costs associated with painting the tunnels. He commended Ms. Link for taking the initiative to develop the program.

Catherine Link, 8340 Carew Court, explained her proposal and reviewed the premise of the contest. She stated she did research and found other examples in which graffiti problems were reduced as a result of having murals or other artwork painted on various surfaces. She noted the contest could be held on an annual basis. A letter of support from the Birchwood Ponds Association was presented.

The City Council discussed the proposal and the consensus was that the contest was a great idea that had the potential to yield positive results.

Councilmember Klein opined that if the contest was successful for the College Trail tunnel it could be expanded in subsequent years.

Motion by Klein, second by Piekarski Krech, to approve proposal for Tunnel Painting Contest

Ayes: 5

Nays: 0 Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Discuss Potential Acquisition of Lethert Property and Requisite Changes to the Existing Septic System

Mr. Lynch informed the Council that Mr. Lethert requested that the item be tabled until the next regular Council meeting.

Motion by Piekarski Krech, second by Madden, to table discussion of the item to the October 10, 2011 Regular Council Meeting

Ayes: 5

Nays: 0 Motion carried.

COMMUNITY DEVELOPMENT:**C. INVERHILLS CHURCH;** Consider a Resolution relating to a Variance to Allow More than One Free Standing Sign for property located at 8265 Babcock Trail

Mr. Link reviewed the location of the property on the north side of Highway 55. The property is 13.4 acres and is zoned P, Institutional. The applicant proposed to construct a second freestanding sign, approximately 70 square feet, on the property whereas one (1) sign is allowed in the zoning district. The property currently has one (1) freestanding sign near the entrance off of Babcock Trail, one (1) wall sign on the church, and one (1) temporary sign on the west side of the church. The temporary sign would be removed if the second freestanding sign was approved. The applicant requested the second freestanding sign for visibility purposes from Highway 55. The church has 1500 feet of frontage along Highway 55. The majority of businesses located along a highway are typically zoned commercial or industrial and both designations would allow more than one freestanding sign, provided the size of the property would allow it. The requested variance is in accord with the general purpose and intent of the city ordinance and is consistent with the comprehensive plan. The proposed sign would not have a negative impact on the surrounding properties, and the property owner has proposed to utilize the property in a reasonable manner. Both Planning staff and the Planning Commission recommended approval of the request.

Bart Thompson, Pastor of Inver Hills Church, thanked everyone for their cooperation. He stated the church has been working for a long time with other agencies to obtain approval for a sign on their frontage along Highway 55.

Motion by Madden, second by Klein, to adopt Resolution No. 11-174 relating to a Variance to allow more than one free standing sign for property located at 8265 Babcock Trail

Ayes: 5

Nays: 0 Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Amendment to the City Code (Subdivision Regulations) relating to Allowing Subdivisions for the Creation of Public Land Subject to Administrative Approval

Mr. Link stated Dakota County was in the process of acquiring land or easements for the section of the Mississippi River Regional Trail through the City. This particular instance involved the acquisition of land from Mr. Wilfred Krech, who expressed a willingness to deed the property to the County. Because new parcels would be created as a result of the acquisition, the city's subdivision ordinance applies. One of the newly created parcels would not meet the minimum lot width requirements and would require a variance and a Waiver of Plat. Staff worked with the County over the past year to resolve the issue and suggested that the code be amended to allow land acquisitions by a government entity for public use without having to go through the variance process. The first proposed ordinance amendment would allow the division of land through the staff level administrative process for a government entity when used for public purpose. In this instance the land could be of any size. Staff recommended expanding the administrative subdivision section of the code to allow for minor land acquisitions where the property would not be used for a new building site and the review of bulk standards would not be necessary. The second proposed ordinance amendment would add a new section to the Performance Standards to clarify that parcels created for those specific uses listed and owned by a government entity would not have to meet the

dimensional standards of the underlying zoning district. The amendment would allow any shape and size of land acquisition regardless of the underlying zoning dimensional standards. Both Planning staff and the Planning Commission recommended approval of the first reading of the ordinance amendments.

Willie Krech, 8570 Inver Grove Trail, expressed concerns regarding his setbacks. He wanted to verify that his property would not be deemed non-conforming after the new parcel is created. He stated the County and the City need to work together ensure that his 25 foot setback would be allowed.

Mayor Tourville stated that City staff should be able to get the issue resolved for Mr. Krech before the third reading of the ordinance.

Motion by Klein, second by Grannis, to approve the first reading of an Amendment to the City Code (Subdivision Regulations) relating to allowing Subdivisions for the Creation of Public Land subject to Administrative Approval

Ayes: 5

Nays: 0 Motion carried.

PARKS AND RECREATION:

E. CITY OF INVER GROVE HEIGHTS; Consider Construction of Scenic Overlook Near the Rock Island Swing Bridge

Mark Borgwardt stated the Master Plan for Heritage Village Park included the construction of a scenic overlook deck at the Rock Island Swing Bridge. Two proposals were received, and the low bidder was Woods Construction & Carpentry, Inc. in the amount of \$35,200. The project was proposed to be funded from the Rock Island Swing Bridge project fund, which had a balance of \$70,000. Staff suggested a total project cost of \$40,000.

Councilmember Piekarski Krech questioned what the maintenance costs would be for the overlook going forward.

Mr. Borgwardt stated the overlook would have a lifespan of 40 years and the maintenance costs would be minimal with the exception of costs associated with the removal of graffiti. He noted a monthly inspection would be performed by staff.

Councilmember Piekarski Krech questioned if now was the most appropriate time to construct the overlook. She stated the money in the project fund would not go away if it wasn't used. She opined that just because the idea is listed on the Master Plan does not mean that it has to be constructed right away.

Councilmember Grannis agreed that now was not the best time to spend the money of the construction of the overlook.

Councilmember Klein stated the City should do a little bit of the project at a time and opined that this portion was a good item to complete to keep the project moving forward.

Mayor Tourville opined that nothing would ever get done if people always waited for the perfect time. He noted that this item has always been a part of the Master Plan and would be a great addition to the area.

Motion by Klein, second by Madden, to approve hiring Woods Construction & Carpentry, Inc. in an amount not to exceed \$40,000 for the Construction of a Scenic Overlook near the Rock Island Swing Bridge

Ayes: 3 (Klein, Madden, Tourville)

Nays: 2 (Grannis, Piekarski Krech) Motion carried.

PUBLIC WORKS:**F. CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Adding Inver Grove Heights City Code Title 9, Chapter 5, Sections 9-5-13, Regarding Illicit Connections and Discharges to the Municipal Separate Storm Sewer System (MS4)

Mr. Kaldunski stated all cities that have been issued MS4 permits by the MPCA for their storm water systems are required to adopt an ordinance regulating illicit connections and discharges to the MS4 system. The ordinance is intended to prohibit, regulate, and track illicit discharges to the MS4 system. City staff was trained in the detection of and response to illicit discharges last year. The ordinance would provide the City with a mechanism to prohibit and regulate illicit discharges, as well as a means of enforcement. Without an ordinance in place the MPCA considers the City to be non-compliant with its MS4 permit requirements.

Councilmember Klein stated he plans to vote against the ordinance because it is a federal mandate with no accompanying funding source.

Mayor Tourville opined that the City has to follow the guidelines set in place to remain compliant for the MS4 permit.

Motion by Grannis, second by Piekarski Krech, to approve the first reading of an Ordinance adding Inver Grove Heights City Code Title 9, Chapter 5, Sections 9-5-13, Regarding Illicit Connections and Discharges to the Municipal Separate Storm Sewer System (MS4)

Ayes: 4

Nays: 1 (Klein) Motion carried.

ADMINISTRATION CONT.:**G. CITY OF INVER GROVE HEIGHTS;** Consider Change Order No. 27 & Change Order No. 28 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ms. Teppen stated Change Order 27 reflected a decrease of \$112,000 to the overall contract total for liquidated damages in Phase One of the project. The required contract completion date was July 25, 2010 and substantial completion was not reached until November 15, 2010. As per the contract specifications, liquidated damages were withheld in the amount of \$1,000 per day past the contract completion date. The revised contract total with decreased to \$11,936,553.10.

Ms. Teppen explained that Change Order 28 was comprised of one (1) item totaling \$1,624, for a revised contract total of \$11,938,177.10. Including Change Order 28, the contingency fund had a balance of \$38,613.90. The singular item involved adjustments to drive apron elevations to address water flow from the driveway. Because the change was requested by the City Engineer it was not covered by corrective work.

Mayor Tourville commented on the newspaper article that was written about the project. He questioned what the schedule would be going forward and if any discussion had taken place at the staff level regarding an open house for the facility.

Ms. Teppen stated the first group of employees would move on Friday, October 21st. The second group would move on Friday November 4th. The building would officially open to the public on Monday, November 7th. She explained that has had preliminary discussions about hosting an open house.

Mr. Lynch stated because the move was taking place later than anticipated it was suggested that the best time for the open house would be in the spring.

Mayor Tourville asked that staff and Council discuss the open house and advertising the opening of the building to the public. He opined that the open house should be held soon after the building officially opens to the public.

Councilmember Klein suggested hosting an event on December 17th in conjunction with Holiday on Main Street.

Motion by Klein, second by Madden, to approve Change Order No. 27 and Change Order No. 28 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ayes: 5

Nays: 0 Motion carried.

H. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Amending City Code Title 9, Chapter 5, Section 9-5-5 relating to Compliance Requirements for Land Alterations

Mr. Kuntz stated no substantive changes were made since the first reading of the ordinance amendment.

Motion by Klein, second by Madden, to approve the second reading of an Ordinance amending City Code Title 9, Chapter 5, Section 9-5-5 relating to Compliance Requirements for Land Alterations

Ayes: 5

Nays: 0 Motion carried.

I. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Amending City Code Title 4, Chapter 1, Article A, Section 4 relating to Types of Intoxicating Liquor Licenses and a Resolution Adopting Temporary On Sale Liquor License Fees

Mr. Kuntz stated no changes were made since the first reading. He reviewed the purpose of the ordinance amendment.

Councilmember Klein asked if there would be liability insurance requirements for religious organizations.

Mr. Kuntz explained for temporary on sale licenses the organization would be required to obtain the same level of coverage as is required for a regular intoxicating liquor license. He noted no liability insurance would be required for the one day temporary consumption and display permit.

Motion by Klein, second by Piekarski Krech, to approve the second reading of an Ordinance Amending City Code Title 4, Chapter 1, Article A, Section 4 relating to Types of Intoxicating Liquor Licenses and a Resolution Adopting Temporary On Sale Liquor License Fees

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Councilmember Piekarski Krech commented on the success of fall cleanup day.

Mayor Tourville stated Council would take a five minute break and then reconvene in executive session to discuss property acquisition.

9. EXECUTIVE SESSION:

A. Discuss Acquisition of Property located at 4465 66th Street for Trail Purposes

10. ADJOURN: Motion by Klein, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 8:55 p.m.