

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, OCTOBER 24, 2011 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL:** The City Council of Inver Grove Heights met in regular session on Monday, October 24, 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. Recognition of Retirement of Cathy Shea, Assistant Finance Director

Mr. Lynch explained Assistant Finance Director, Cathy Shea, announced her retirement effective October 31, 2011. He recognized Ms. Shea for her past accomplishments, including 12 years of service to the City of Inver Grove Heights as an accountant and Assistant Finance Director. He stated Ms. Shea worked in the municipal finance sector for a total of 34 years in a number of cities including St. James, Winthrop, Gaylord and St. Louis Park, and obtained her CPA in the year 2000. He thanked Ms. Shea for her effort and dedication to her work for the City and wished her well on her retirement.

Mayor Tourville thanked Ms. Shea on behalf of the City Council for her years of service to the City.

Mayor Tourville stated the Chamber of Commerce did a fundraiser for military families and the Yellow Ribbon program. The City became an official Yellow Ribbon community in August and was the recipient of a \$550 donation from the Chamber's fundraising efforts.

**4. CONSENT AGENDA:**

Councilmember Klein removed Item 4A, Minutes of October 10, 2011 Regular Council Meeting, and Item 4H, Approve Dakota County's 2012-2016 Capital Improvement Program, from the Consent Agenda.

Councilmember Piekarski Krech removed Item 4K, Approve Seasonal Closure of the Rock Island Swing Bridge, from the Consent Agenda.

- B. Resolution No. 11-188** Approving Disbursements for Period Ending October 19, 2011
- C. Resolution No. 11-189** Approving the Certification of Delinquent Utility Bills
- D.** Change Order No. 3 and Pay Voucher No. 4 for City Project No. 2011-09D, South Grove Urban Street Reconstruction – Area 6
- E.** Final Pay Voucher No. 2, Engineer's Final Report, and **Resolution No. 11-190** Accepting Work for City Project No. 2011-09F, 65<sup>th</sup> Street Construction
- F. Resolution No. 11-191** Approving Amendment to Revised and Restated Joint Powers Agreement (JPA) Establishing a Watershed Management Organization for the Lower Mississippi River Watershed
- G. Resolution No. 11-192** Awarding Contract for Televising Services for City Project No. 2012-09D, Urban Street Reconstruction – 65<sup>th</sup> Street Area
- I. Resolution No. 11-194** Approving the Acquisition of Property at 6549 Doffing Avenue
- J.** Approve Modification to Skate Park Rules
- L.** Approve 30-Day Suspension of Two (2) Firefighters for Failure to Meet Minimum Call Requirements
- M.** Approve Massage Therapist License Applications
- N.** Schedule Public Hearing

**O. Personnel Actions****Motion by Madden, second by Klein, to approve the Consent Agenda.****Ayes: 5****Nays: 0 Motion carried.****A. Minutes – October 10, 2011 Regular Council Meeting**

Councilmember Klein explained he was absent from the October 24<sup>th</sup> meeting and would abstain from voting on the item.

**Motion by Grannis, second by Madden, to approve the Minutes of the October 10, 2011 Regular Council Meeting****Ayes: 4****Nays: 0****Abstain: 1 (Klein) Motion carried.****H. Resolution Approving Dakota County's 2012-2016 Capital Improvement Program**

Councilmember Klein questioned if the proposed roundabout at 70<sup>th</sup> Street and T.H. 3 would be big enough to handle the volume of traffic at the intersection.

Mr. Thureen explained that the final design will be controlled by Mn/DOT because it would be part of a larger project.

Councilmember Klein asked Mr. Thureen to push for a larger roundabout that can accommodate large trucks.

Mr. Thureen noted that the existing roundabout at 80<sup>th</sup> Street and T.H. 3 was designed to handle large truck traffic provided it is correctly navigated by the drivers. He stated the design met the national standards for accommodation of semi-trucks.

Councilmember Grannis questioned if trucks have been able to get through the existing roundabout.

Mr. Lynch commented that he had witnessed trucks using the roundabout and maneuvering through it without difficulty.

Mayor Tourville suggested sending another letter to the County to reinforce the importance of an interchange at Argenta Trail and Highway 55. He opined that the Council needs to continue to let the County know that it continues to be a priority to the City.

**Motion by Klein, second by Madden, to adopt Resolution No. 11-193 approving Dakota County's 2012-2016 Capital Improvement Program****Ayes: 5****Nays: 0 Motion carried.****K. Resolution Approving Seasonal Closure of the Rock Island Swing Bridge**

Councilmember Piekarski Krech stated the City spent a lot of money to have the amenity and suggested that it be left open for visitors until the first snow fall of the year and then keep it closed until the snow melts. She opined that the specific dates were too restrictive and may cause the bridge to be open or closed at inopportune times in terms of the weather.

Mr. Carlson explained staff picked the suggested dates to coincide with the City's winter parking regulations. Staff felt it would be easier to communicate the expectations to the public if specific dates for the opening and closure of the bridge were established ahead of time.

Councilmember Klein agreed that the bridge should not be closed until the first snow fall.

Mayor Tourville stated the intent is to eliminate plowing the entrance and the bridge. He suggested that they could try to leave it open until the first snow fall this year to see how it works and they could adjust the policy next year if needed. He confirmed that there would be plenty of signage and notification for visitors when the bridge does close for the winter. He asked the Park Department to use their best judgment to determine when the bridge is no longer safe for visitors because of weather conditions.

**Motion by Klein, second by Madden, to adopt Resolution No. 11-195 approving the Seasonal Closure of the Rock Island Swing Bridge at the discretion of the Parks Department**

**Ayes: 5**

**Nays: 0      Motion carried.**

**5. PUBLIC COMMENT:**

Ray Miller, 7135 Coleman Avenue East, expressed concerns regarding the cost for an inspection of a newly installed water softener. He opined that a fair figure would be \$30 and noted the average fee charged by other municipalities he researched was \$31.58.

Councilmember Madden agreed that the fee is too expensive.

Mayor Tourville explained staff has been reviewing the fees that are charged for services and more information and discussion would be forthcoming at a future meeting.

**6. PUBLIC HEARINGS:**

**A. CITY OF INVER GROVE HEIGHTS; Assessment Hearing for City Project No. 2011-09F, 65<sup>th</sup> Street Reconstruction (from Concord Boulevard to 200' West)**

Mr. Kaldunski explained project improvements included street reconstruction, curb and gutter, concrete driveway, water main, grading, restoration, and appurtenances thereto. The final total project cost was \$82,543.46. One commercial property was proposed to be assessed, Cameron's Liquor Store. As per an agreement executed with the City, the total amount proposed to be assessed is \$74,781. The City entered into the agreement to secure a waiver of assessment appeal and establish the maximum assessable amount. An assessment term of ten (10) years at a 4.8% interest rate for street reconstruction costs was recommended.

Councilmember Klein clarified that the amount proposed to be assessed was the maximum assessable amount that was agreed upon by Cameron's Liquor Store.

**Motion by Piekarski Krech, second by Klein, to close the public hearing**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Klein, second by Madden, to approve Resolution No. 11-196 adopting the Assessment Roll for City Project No. 2011-09F, 65<sup>th</sup> Street Reconstruction (from Concord Boulevard to 200' West)**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. CITY OF INVER GROVE HEIGHTS; Assessment Hearing for City Project No. 2000-10, 117<sup>th</sup> Street and T.H. 52 Interchange**

Mr. Kaldunski explained the City worked with Mn/DOT on the interchange improvement project and the project was completed in 2008. The final project cost was \$656,052.21. 67 properties were proposed to be assessed, six (6) single family residential lots, 54 commercial/industrial and 7 park parcels. The interchange improvement project was part of a larger, \$10 million dollar project and the local costs were related to water main relocation, a turn lane and the traffic signals installed at the three intersections that

were built. The water main and turn lane were funded from the Water Connection Fund and the Landfill Abatement Fund, respectively. The local cost for the turn signals was \$406,353.57. The total amount proposed to be assessed for traffic signals was \$333,443.87.

Mr. Kaldunski explained that due to the complex nature of the project and the cost sharing involved between the City and Mn/DOT, the project was assessed based upon the traffic generated through the intersection. The City contracted with an engineering consultant, SRF, to prepare the traffic-based assessment roll. SRF calculated the assessment roll based on assumptions relating to traffic generation, land use based on the City's Comprehensive Plan, traffic counts at the signals, and a "traffix" model that was generated specifically for the project. The City also determined that some credits, beyond traffic generation, should be considered in the calculation of the assessment roll. Credit was given for conditions such as: steep slopes in the scenic and natural area along the Mississippi River, landfills that are abandoned or filled, current land uses at Xcel Energy's facilities, wetlands and other non-developable areas, and agreements that defined developable areas for the southern sanitary sewer project. He noted that all residential properties received the same assessment and that credit would also be awarded for existing background traffic from the raw count data to reduce the assessments. The City utilized MSA funds to cover the assessment reductions.

Mr. Kaldunski stated the project assessments involved only the traffic signals for City Project No. 2000-10. Staff had the original appraisal analysis recertified for the properties in the project area, and the analysis provided an opinion regarding the sustainability of the proposed assessments. Current land values averaged \$3 per square foot and the proposed assessments were generally less than 1% of the land value.

Mr. Kaldunski stated two informational meetings were held to obtain input from the owners in the assessment area. The first meeting focused on the completion of the project and the pending assessments. Discussion at the meeting resulted in the addition of the City credit associated with background traffic in which the City covered \$75,481.05 of the project costs through the use of MSA funds. Discussions during the second informational meeting led to a review of the proposed ponds on parcels 42 & 44, owned by Max Steininger. The review indicated that the mining permit required the ponds and wetlands to be constructed. The two parcels in the mining permit area should have been granted credits to be consistent with the wetland credits that were granted to other properties. After the appropriate wetland credits were factored in, the proposed assessment for parcel 42 was \$12,133.08 and \$16,249.95 for parcel 44.

Mr. Kaldunski stated Mr. Steininger also requested consideration for an assessment adjustment related to the steep slopes that will be westerly of the stormwater pond as he contends that this land will not be developed in the future. He noted no credit had been factored into the proposed assessments and that further adjustments would require Council authorization. He reviewed the assessment deferral process. He recommended approving the assessment roll as proposed, including the wetland credit adjustments to the assessments for parcels 42 and 44.

Max Steininger, 3070 South Lexington Avenue, representing Clark Road Properties. He stated he has a total of 46 acres between his two parcels. He clarified that he does not object to the assessment for the traffic lights. He explained he would like the assessments to be calculated more fairly. He reviewed figures he calculated based on acreage and opined that he was not being assessed at a rate comparable to surrounding properties. He stated he does not have the same volume of traffic going in and out of his property as many of the other properties in the project area.

Mr. Kaldunski that this was a complex project. He explained that the general formula was to determine if the property had a heavy or light industrial in order to project traffic generation, and a calculation of the area and the percentage of the area that was buildable. The theory was that the bigger the building that is on the property, the heavier the industrial uses would be, and therefore more traffic would be generated when the site is developed in the future. A larger parcel that has an industrial use would theoretically generate more traffic than a smaller parcel. He noted that Mr. Steininger would get credit for storm water

ponds and wetlands that are required to be constructed.

Mr. Steininger stated he had not seen the revised numbers with the credits. He opined that the future traffic generation volume is a guessing game and everyone should be assessed in the same manner.

Mayor Tourville questioned if adoption of the final assessment roll could be delayed.

Mr. Kuntz reminded the Council that Public Works would like to get the assessments certified to the county in time for them to be included with the property taxes payable in 2012. He noted the deadline for certification was approaching

Mr. Kaldunski and a representative from SRF met briefly with Mr. Steininger to review the updated assessment roll.

Mr. Kaldunski explained they were able to factor in a credit amount related to water bounce that is based on what the water level will be. After this credit was calculated, the total assessment for both parcels was acceptable to Mr. Steininger. He stated the assessment for parcel 42 would be \$9,249.26 and the assessment for parcel 44 would remain the same for a total assessment of \$25,499.21.

Mr. Steininger stated he is comfortable with the revision because he is treated exactly the same as his neighbors.

Mayor Tourville clarified that the City would pay the difference between the original and revised assessments.

**Motion by Madden, second by Klein, to receive notice of objection to assessment from Max Steininger**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Klein, second by Piekarski Krech to close the public hearing**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Klein, second by Madden, to approve Resolution No. 11-197 adopting the Assessment Roll, as amended, for City Project No. 2000-10, 117<sup>th</sup> Street and T.H. 52 Interchange**

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. CITY OF INVER GROVE HEIGHTS; Assessment Hearing for 2011 Nuisance Abatement**

Mr. Link explained that various property owners were noticed that their properties were out of compliance for a variety of reasons such as long grass and weeds, refuse, and other nuisance abatement issues. The property owners were made aware that if their properties were not brought into compliance the City would abate the nuisance and assess the costs against the property. Twelve properties were proposed to be assessed a total of \$3,914.63.

Councilmember Piekarski Krech questioned how many of the twelve properties were abated due to long grass.

Mr. Link responded that most of the nuisances were related to long grass and weeds. He noted that one of the properties had a retaining wall issue that had to be abated.

Councilmember Madden asked if the number of properties that had to be assessed was higher or lower than in previous years.

Mr. Link responded that 12 properties was an average amount compared to recent years.

Mayor Tourville requested that in the future staff identify the properties by both parcel number and

address.

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

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Klein, second by Madden, to approve Resolution No. 11-198 adopting the Assessment Roll for 2011 Nuisance Abatement**

**Ayes: 5**

**Nays: 0      Motion carried.**

**7. REGULAR AGENDA:**

**ADMINISTRATION:**

**A. CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Adding Chapter 11 Under Title 1, Administration, Domestic Partner Registry

Ms. Teppen stated a draft ordinance was reviewed at a previous Council work session and it was brought back for the first reading at the October 10<sup>th</sup> Council meeting. Because Councilmember Klein was absent on October 10<sup>th</sup>, Council tabled the first reading so it could be considered when all five members of the Council were present. She reiterated that the proposed ordinance would create a domestic partnership registry for people who live in the City. She noted four emails were received in opposition of the proposed ordinance.

**Motion by Madden, second by Grannis, to receive Four (4) Emails Submitted in Opposition to the Proposed Ordinance**

**Ayes: 5**

**Nays: 0      Motion carried.**

Mayor Tourville clarified if the first reading did not pass, the process would stop and the ordinance would no longer be considered.

Phil Duran, Outfront Minnesota, encouraged the Council to listen to the statements of council members from St. Louis Park and Falcon Heights who spoke in favor of domestic partnership registries in their respective communities. He referenced Shoreview and realtors who spoke in favor of a registry because it was an additional tool that could be used to sell homes in the community. He opined that the proposed ordinance was a great opportunity to send a message about the type of community the Council wants to be seen as. He referenced potential benefits that were identified in other communities. He encouraged the City Council to pass the first reading.

Rev. Obi Ballanger, pastor of a church in St. Paul Park, spoke in favor of the proposed ordinance. He stated members of his church live in Inver Grove Heights and could benefit from the registry. He opined that the Council had a chance to make it clear that all families were welcome in the City.

Ted Trenzeluk, 7305 Bancroft Way, opined that the City had no reason to pass the proposed ordinance because it was legally irrelevant. He stated tax dollars should not be used to for something that is a symbol.

Bill Kostner, 10145 Cloman Path, spoke in opposition of the proposed ordinance. He questioned why the City was getting involved in a moral issue. He opined that the issue was not related to the growth of the community, its fiscal base, or the safety of its citizens. He stated the issue would be resolved at the state level during the 2012 election.

Collin Kane, 1811 80<sup>th</sup> Street, stated he was opposed to the proposed ordinance.

Carolyn Krech, 6402 Burnham Circle, expressed opposition to the proposed ordinance. She stated that this is not an issue that the City should be involved in.

Councilmember Madden stated he opposed the proposed ordinance because it would be a step towards approving the proposed constitutional amendment at the state level. He opined that the City should not be involved in a moral issue and stated it would not be guaranteed to provide legal authority or insurance benefits to those who registered.

Mayor Tourville stated he has heard from many citizens of the community who feel that the City does not need to regulate the issue. He stated that it was important to have discussion on the issue because it was brought to the Council's attention. He explained one of his concerns is that the issue is outside the purview of City government. He opined that he was unable to find a benefit or reason why the City should get involved in the issue. He stated it is the Council's job to promote the welfare and safety of all residents of the community.

Councilmember Piekarski Krech stated it was important to consider and listen to the view points of residents on the issue.

Councilmember Klein stated he was opposed to the ordinance because it was not a City issue and it should be resolved at a state or county level.

**Motion by Klein, second by Madden, to approve the First Reading of an Ordinance Adding Chapter 11 Under Title 1, Administration, Domestic Partner Registry**

**Ayes: 1 (Piekarski Krech)**

**Nays: 4 (Grannis, Klein, Madden, Tourville) Motion failed.**

**B. FINE & ASSOCIATES, INC.;** Consider Resolution Approving a Second Amendment to Contract for Private Development between the City and Southeast Quadrant, LLC

Mr. Lynch explained the developer requested a second amendment to the contract for private development in order to extend the completion date by three years to December 31, 2014. The amendment would allow the developer additional time to complete the minimum improvements and remaining site improvements. If the work is completed by December 31, 2014, and the Land Development Agreement is also executed, payments on the Series 2006A Note will begin. He suggested the addition of the word "presently" to number two of the Second Amendment to the Contract for Private Development to reflect "presently available tax increment". He noted further discussion with Fine & Associates would be required regarding their requests for potential legislative action for extension of the TIF District and other increment that may be available for use on their project.

Bob Kueppers, Fine & Associates, stated they are in agreement with the contract, including the language change suggested by Mr. Lynch.

**Motion by Piekarski Krech, second by Klein, to adopt Resolution No. 11-199 approving a Second Amendment to the Contract for Private Development between the City and Southeast Quadrant, LLC with the change in language as proposed.**

**Ayes: 5**

**Nays: 0 Motion carried.**

**C. DAVID LETHERT;** Consider Approval of an Agreement to Abate Cesspool Nuisance with Local Improvement Project pursuant to Minnesota Statutes §429.021

Mr. Lynch explained Mr. Lethert inquired about the possibility of working with the City to finance the replacement of his septic system. This would allow Mr. Lethert to replace the non-compliant system and pay for the improvement over a period of seven (7) years. He stated interest would accrue at a rate of 1% above the City's cost to borrow the money. Mr. Lethert could prepay the amount with no penalty, but would be responsible for the interest that had accrued up to that point. He noted that if another party purchased the property within that seven (7) year period, the loan would be required to be paid off at the time of purchase.

David Lethert, 8485 Courthouse Boulevard, explained the contract price has been quoted at \$11,003 and there is a \$300 fee for the design of the system. He noted this price did not include earth removal or restoration, which is why the maximum was set at \$15,000. He stated it is a very challenging place to replace the septic system because of the topography of the lot.

**Motion by Klein, second by Piekarski Krech, to approve an Agreement to Abate Cesspool Nuisance with Local Improvement Project pursuant to Minnesota Statutes §429.021**

**Ayes: 5**

**Nays: 0          Motion carried.**

### **COMMUNITY DEVELOPMENT:**

**D. RODGER ESPESETH;** Consider Resolution relating to a Conditional Use Permit Amendment to allow Three (3) RV/Trailer Rental Spaces instead of Two (2) for property located at 1181 80<sup>th</sup> Street

Mr. Link explained the applicant requested a conditional use permit to allow three RV-trailer rental spaces on the existing multi-use site. The additional RV space would be located next to the main building. The previous owner rented out three (3) RV/trailer spaces, but one of the spaces was eliminated in 1998 due to its proximity to the realigned 80<sup>th</sup> Street. He noted that the existing septic system would sufficiently handle three (3) RV/trailer rentals, but any additional spaces would require a major upgrade to the system. The proposed request met the criteria for a Conditional Use Permit and access to the site would remain the same. Both Planning staff and the Planning Commission recommended approval of the request with the conditions outlined in the resolution.

Councilmember Madden confirmed that the third space would not be too visible from 80<sup>th</sup> Street.

**Motion by Madden, second by Klein, to adopt Resolution No. 11-200 relating to a Conditional Use Permit Amendment to allow Three (3) RV/Trailer Rental Spaces instead of Two (2) for property located at 1181 80<sup>th</sup> Street**

**Ayes: 5**

**Nays: 0          Motion carried.**

**E. DAKOTA COUNTY PARKS DEPARTMENT;** Consider the Third 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 explained the ordinance amendment would allow subdivisions for the creation of public land subject to administrative approval. He stated the second reading of the ordinance was approved on October 10, 2011 and no changes were proposed by the Council at that time.

Wilfred Krech, 9574 Inver Grove Trail, stated that something should be added to memorialize the setback change on his property so his lot is not considered non-conforming in the future. He suggested that a variance could be provided the property owners who donate the land for public use. He stated the abstracts and the surveys of the property need to be changed to reflect the land that is being used for the trail.

Councilmember Madden stated he had previously expressed concerns about memorializing the setback changes.

Mr. Krech stated that a property owner who donates land for a public purpose should not have to be subjected to the lengthy and costly variance process. He reiterated that the need for a variance was created by the public entity that is using the land for the trail.

Mr. Kuntz explained that staff was told by the County attorney and by Mr. Krech's attorney that the two parties who made the deal (Dakota County and Mr. Krech) understood that the north building would become non-conforming. Because the landowner had no plans to expand the north building, he was comfortable with that fact. The south building was also too close to property line, but the County made that an easement rather than a fee acquisition in order to maintain conformity. He reiterated that the City was told that all of this information was understood by the property owner. He noted that the ordinances do not exempt the variance process.

Mr. Krech reiterated that all he wants is a conforming building. He stated he doesn't want the property because he doesn't want liability issues associated with the trail.

Mr. Link explained they cannot grant a variance without going through the Planning Commission.

Councilmember Madden suggested that City initiate the variance process.

Mr. Link stated this is really an issue between the County and the property owner. He reiterated that the City has not been involved with the acquisition of the property other than to help facilitate the process.

Mayor Tourville suggested that all the parties involved need to get together to work the issue out.

**Motion by Klein, second by Madden, to table the Third Reading of an Amendment to the City Code (Subdivision Regulations) relating to Allowing Subdivisions for the Creation of Public Land Subject to Administrative Approval to the November 14, 2011 Regular Council Meeting**

**Ayes: 5**

**Nays: 0      Motion carried.**

**F. CITY OF INVER GROVE HEIGHTS;** Consider the following Ordinance amendments:

- i) Third Reading of an Ordinance Amendment to Chapter 10 of the City Code relating to Updates to the Floodplain Management District and Adoption of the New FEMA Floodplain Maps
- ii) Resolution Adopting for Publication the Summary and Title of the Ordinance Amending Chapter 10 of the City Code relating to updates to the Floodplain Management District and Adoption of the New FEMA Floodplain Maps

Mr. Link stated the second reading of the ordinance was approved on October 10, 2011 and no changes were proposed by the Council at that time. He explained the ordinance would become effective following its publication in the official City newspaper. Due to the length of the ordinance a summary ordinance is proposed for publication purposes. He noted that State statute allows cities to publish a summary of ordinances.

**Motion by Madden, second by Piekarski Krech, to adopt Ordinance No. 1243 amending Chapter 10 of the City Code relating to Updates to the Floodplain Management District and Adopting of the New FEMA Floodplain Maps and Resolution No. 11-201 Adopting for Publication the Summary and Title of Ordinance No. 1243**

**Ayes: 5**

**Nays: 0      Motion carried.**

**PUBLIC WORKS:**

**G. CITY OF INVER GROVE HEIGHTS;** Consider Second Reading of an Ordinance Prohibiting the Use of Coal Tar-Based Sealer

Mayor Tourville said it is the right thing to do.

Councilmember Madden talked about doing an educational program.

**Motion by Madden, second by Grannis, to approve the Second Reading of an Ordinance**

**Prohibiting the Use of Coal Tar-Based Sealer****Ayes: 5****Nays: 0            Motion carried.**

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

Mayor Tourville stated the ordinance had already been discussed in great detail. He stated the ordinance needed to be adopted in order for the City to remain compliant with MPCA regulations.

Councilmember Klein opined that the federal government should be paying for this if it is mandated.

**Motion by Piekarski Krech, second by Madden, to adopt Ordinance No. 1244 adding Inver Grove Heights City Code Title 9, Chapter 5, Section 9-5-13, Regarding Illicit Connections and Discharges to the Municipal Separate Storm Sewer System (MS4)**

**Ayes: 4****Nays: 1 (Klein)            Motion carried.**

**I. CITY OF INVER GROVE HEIGHTS;** Consider the First Reading of an Ordinance Amending Inver Grove Heights City Code Title 9, Chapter 4, Sections 9-4-1-2 and 9-4-1-3 regarding Excavation and Fills

Mr. Kaldunski explained current City code regulations exempt property owners from permitting requirements when excavating or filling their property provided that the material involved does not exceed 500 cubic yards. The code also contains provisions whereby the City could required a permit for quantities less than 500 cubic yards if the work would adversely affect drainage to neighboring properties. He stated that City staff has had to respond to an increasing volume of complaints from residents regarding excavation and fill activities. The proposed code amendment would establish the following provisions; parcels greater than 5 acres would follow the current code which allows 500 cubic yards of excavation or fill to occur without a permit as long as the adjacent properties are not adversely affected, parcels from 1.0 to 4.99 acres in size would be required to apply for a land alteration permit if more than 30 cubic yards or excavation or fill is planned, parcels smaller than 1.0 acre would be required to apply for a land alteration permit if more than 10 cubic yards of excavation or fill is planned. He noted that the City currently issues administrative land alteration permits for quantities less than 10,000 cubic yards. He explained the goal of the proposed amendment was to regulate fill in smaller quantities on smaller lots, and the intent was to address issues that have been witnessed and brought to staff's attention.

Councilmember Piekarski Krech asked for more information regarding the rationale of regulating by cubic yards rather than by square footage.

**Motion by Klein, second by Piekarski Krech, to approve the First Reading of an Ordinance Amending Inver Grove Heights City Code Title 9, Chapter 4, Sections 9-4-1-2 and 9-4-1-3 regarding Excavation and Fills**

**Ayes: 5****Nays: 0            Motion carried.**

**J. CITY OF INVER GROVE HEIGHTS;** Consider Approval of Third Amended Maintenance Agreement with Arbor Pointe Association, Inc.

Mr. Thureen stated the Council previously discussed a request from the Arbor Pointe Association, Inc. to revise the current maintenance agreement. The Association's requests included: the addition of three (3) outlots that were deeded to the Association subsequent to the second amendment to the maintenance agreement, a reduction in the right-of-way area for which the Association is responsible for boulevard and center median maintenance, and a reduction in the number of street lights the Association is responsible

for operation and maintenance costs. He noted the Association is not and was never responsible for the commercial areas in the development. The Council previously agreed to the revisions requested by the Association and staff worked to correlate the existing street lights and billing from Xcel Energy.

**Motion by Piekarski Krech, second by Klein, to adopt Resolution No. 11-202 approving the Third Amended Maintenance Agreement with Arbor Pointe Association, Inc.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**ADMINISTRATION CONT.:**

**K. CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Amending City Code, Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees for 2012

Ms. Teppen explained the proposed ordinance amendment would adjust the fees and charges associated with development activities, including water and sanitary sewer connection fees and planning activities such as variances, rezoning, or conditional use permits. Water and sewer connection fees were proposed to increase between 3.5% and 4.5%. The proposed fees are based on financial projections supplied by Ehlers and Associates. Planning staff proposed an increase to \$2,000 for the fee for either a Major Site Plan Approval or Final Plat process for single family sites due to the fact that the documents required for the development contracts and storm water improvements are becoming more complex to complete. She noted the public hearing for this item was set for November 14<sup>th</sup>.

Councilmember Piekarski Krech asked how the proposed fees compare to those of other cities.

Ms. Teppen stated it depends on the fee and which municipality it is being compared to.

Mr. Link explained that they charge what the costs are. He stated they have found that they are not collecting enough fees up front.

Councilmember Piekarski Krech asked for a breakdown of what the City's actual costs are to justify the fees that are charged.

**Motion by Klein, second by Grannis, to approve the First Reading of an Ordinance Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees for 2012**

**Ayes: 5**

**Nays: 0      Motion carried.**

**L. CITY OF INVER GROVE HEIGHTS;** Consider Change Order No. 29 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ms. Teppen stated the change order was comprised of ten (10) items for a variety of issues and amounts. The total amount is \$98,950, for a revised contract total of \$12,037,127.10. She noted that this change order included voiding change order no. 27 because a project closeout agreement was reached between both parties. The project contingency fund had a balance of \$21,663.90 with only punch list items left for completion of the project.

Mayor Tourville questioned if the Council would receive something in writing for approval of the project closeout agreement.

Mr. Lynch stated staff is awaiting an agreement from Shaw Lundquist.

Councilmember Klein opined that change order number 27 should not be voided until the Council sees the agreement.

Mr. Lynch clarified that the agreement would reflect the numbers as they were presented in change order number 29.

Mayor Tourville suggested approving everything except for the voiding of change order number 27 and the project closeout agreement. He stated it would be helpful to see in writing what they are agreeing to.

Councilmember Piekarski Krech stated she is not comfortable with this because there are too items in the building that she feels the City should not have paid for but did already. She stated she has not seen anything come to the Council that solves those issues.

**Motion by Klein, second by Madden, to approve Change Order No. 29 with the Removal of CO 27, for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project**

**Ayes: 3**

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

**8. MAYOR & COUNCIL COMMENTS:**

Councilmember Klein stated Holiday on Main Street is scheduled for December 17<sup>th</sup> at the VMCC.

**9. ADJOURN:** Motion by Piekarski Krech, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 9:50 p.m.