

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, NOVEMBER 14, 2011 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL: The City Council of Inver Grove Heights met in regular session on Monday, November 14, 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; Assistant City Administrator Teppen, City Attorney Kuntz, Public Works Director Thureen, Parks and Recreation Director Carlson, and Community Development Director Link.

3. PRESENTATIONS:

4. CONSENT AGENDA:

Councilmember Piekarski Krech removed Items 4E, 4U, 4W, and 4X from the Consent Agenda.

Citizen Allan Cederberg requested that Items 4CC and 4DD be removed from the Consent Agenda.

Councilmember Madden noted there was not Item 4S, because it was listed twice on the agenda.

- A. Minutes – October 24, 2011 Regular Council Meeting
- B. **Resolution No. 11-203** Approving Disbursements for Period Ending November 9, 2011
- C. Approve Final Payment for Splash Pool Air Handler
- D. Approve 2011/2012 Collective Bargaining Agreement between the City and Law Enforcement Labor Services (LELS), Local 189 Sergeants
- F. Change Order No. 1, Final Compensating Change Order No. 2, Final Pay Voucher No. 1, Engineer's Report of Acceptance and **Resolution No. 11-205** Accepting Work for City Project No. 2010-13, Storm Water Facilities Maintenance Program Zone 1
- G. Final Compensating Change Order No. 2, Final Pay Voucher No. 2, Engineer's Final Report, and **Resolution No. 11-206** Accepting Work for City Project No. 2011-09A, Cracksealing
- H. Final Compensating Change Order No. 1, Final Pay Voucher No. 1, Engineer's Final Report and **Resolution No. 11-207** Accepting Work for City Project No. 2011-16, 80th Street and Bowman Avenue Storm Sewer Maintenance Project
- I. **Resolution No. 11-208** Accepting Individual Project Order No. 16B with Kimley-Horn and Associates, Inc. for Railroad Construction and Bidding Services for City Project No. 2010-22, Ravine Pond Railroad Erosion Mitigation
- J. **Resolution No. 11-209** Approving Agreement No. 99931 between the City of Inver Grove Heights and Mn/DOT to allow Mn/DOT to Act as the City's Agent in Accepting Federal Aid
- K. Proposal from Stantec Consulting Services, Inc. for Preparation of Part 1 of Wellhead Protection Plan
- L. **Resolution No. 11-210** Authorizing an Appraisal Benefit Analysis by Metzen Appraisers for City Project No. 2001-12, Concord Blvd. (CSAH 56) Improvement – Phase II (Corcoran Path to 65th Street)
- M. **Resolution No. 11-211** Authorizing an Appraisal Benefit Analysis by Metzen Appraisers for City Project No. 2009-11, Concord Blvd. (CSAH 56) Improvement – Phase III (65th Street to Linden Street)
- N. **Resolution No. 11-212** Approving a Repair Agreement on Clark Road with Dahn Construction as part of City Project No. 2007-17 and with Park Construction as part of City Project No. 2003-03

- O. **Resolution No. 11-213** Authorizing Feasibility Report for City Project No. 2011-20, Ashley Court Drainage
- P. Approve Modification to Engineering Consultants Scope for City Project No. 2011-08, 66th Street Improvements from Concord Boulevard to Mississippi River
- Q. Land Alteration Permit No. C-089-11(R) for WWKM, LLC
- R. **Resolution No. 11-214** Approving Amendment to Lease Agreement with AT&T for North Side Water Tower Antenna
- T. **Resolution No. 11-215** Approving the Dakota County 2012 Community Funding Application for Waste Abatement Activities
- V. **Resolution No. 11-216** Authorizing an Imprest Petty Cash Checking Account at Bremer Bank
- Y. Approve 30-Day Suspension of Firefighter for Failure to Meet Minimum Call Requirements
- Z. Schedule Public Hearing – 2012 Liquor License Renewals
- AA. Accept Donation to Inver Grove Heights Police Department
- BB. Approve Massage Therapist License Application
- EE. Approve 2012 Proposed Convention and Visitors Bureau Budget

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

Ayes: 5

Nays: 0 Motion carried.

- E. Final Compensating Change Order No. 2, Final Pay Voucher No. 4, Engineer’s Report of Acceptance and Resolution Accepting Work for City Project No. 2010-09I, Blaine Avenue Full Depth Mill and Repave Project (North End)

Councilmember Piekarski Krech questioned if the issues experienced with soft areas had been taken care of and if they would be covered by the warranty.

Mr. Thureen stated the problem areas were taken care of and the standard warranty on the project would apply.

Motion by Piekarski Krech, second by Klein, to approve Final Compensating Change Order No. 2, Final Pay Voucher No. 4, Engineer’s Report of Acceptance and Resolution No. 11-204 Accepting Work for City Project No. 2010-09I, Blaine Avenue Full Depth Mill and Repave Project (North End)

Ayes: 5

Nays: 0 Motion carried.

- U. Approve Park Maintenance Fund (Fund 444) Funding Transfer

Councilmember Piekarski Krech expressed concern with taking money out of discretionary funds. She stated she would rather fund maintenance issues as they arise and opined that they need to decide which services are critical.

Councilmember Klein stated this issue has been discussed extensively and it is critical that the City maintain its parks system.

Councilmember Grannis explained he has voted against new park projects in the past because of the long term maintenance costs and the question of how to fund those costs. He agreed that the City needed to allocate funds in order to maintain the parks that currently exist.

Mayor Tourville opined that if the parks aren’t maintained properly the costs increase because the City needs to fund complete replacement of the amenity.

Councilmember Madden clarified that the Council would still have final approval over any project the money would be spent on.

Councilmember Piekarski Krech stated it is often easier to approve things that are already in the budget and the review process may be more elaborate if the funds are not earmarked.

Motion by Klein, second by Grannis, to approve Park Maintenance Fund (Fund 444) Funding Transfer

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

W. Approve Agreement with Springsted for Financial Services for the Period beginning November 1, 2011 and ending December 31, 2012

X. Approve Interim Financial Services Agreement and work done by Abdo, Eick, and Meyers

Councilmember Piekarski Krech stated she was not clear how the two companies would work together and how each of their services would be defined and separated out. She explained it was also a bit confusing that the services cost the same amount money.

Ms. Teppen explained the contract with Springsted is for services related to work on the 2012 budgets and tax levies. The contract with Abdo, Eick and Meyers is to provide services related to the day-to-day issues that arise in the finance department. She clarified that the two contracts are independent of one another.

Councilmember Piekarski Krech opined that the cost of services seem a bit out of line if they are for the same amount of money and one is for 3-4 months of work and the other is only for one month of work.

Ms. Teppen explained that the contract with Abdo, Eick and Meyers includes on-site work a couple of days a week, for eight hours per day, to work on the day-to-day issues in the finance department. The contract with Springsted includes a few hours of on-site work per week, however the majority of the work would be completed off-site.

Councilmember Grannis clarified that the City is required to have a certified public accountant and does not currently have one on staff due to the retirements of the Finance Director and Assistant Finance Director.

Councilmember Piekarski Krech stated she understood the need for a Certified Public Accountant. She opined that two (2) days per week for \$9,000 a month seemed like a lot for the services.

Mayor Tourville confirmed that the firm that was recommended provided the lowest cost for the service.

Ms. Teppen explained the fee for the CPA works out to be approximately \$140 per hour, which is in the range of a consultant's hourly rate.

Councilmember Klein opined that the fee did not seem excessive or unreasonable and noted that the City was not currently paying a Finance Director or Assistant Finance Director.

Motion by Klein, second by Grannis, to approve agreement with Springsted for Financial Services for the period beginning November 1, 2011 and ending December 31, 2012 and to approve Interim Financial Services Agreement and work done by Abdo, Eick and Meyers

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

CC. Approve 2012 Meeting Schedule for Advisory Commissions

DD. Approve 2012 Meeting Schedule for the City Council

Mr. Cederberg stated he represented the Housing Committee and asked that their schedule of meetings for 2012 be approved and advertised similar to those of the Citizen Advisory Commissions.

Ms. Teppen responded that the committee's schedule could be added to the calendar and brought back for approval at the Council's next regular meeting.

Mr. Cederberg asked that a staff representative be assigned to take minutes at their meetings.

Motion by Madden, second by Klein, to approve the 2012 Meeting Schedules for Advisory Commissions and the City Council

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Allan Cederberg, 1162 E. 82nd St. suggested that the Council host a town meeting before the next election to allow citizens to ask them questions directly.

Councilmember Grannis stated the River Heights Chamber of Commerce sponsors a candidate forum before each general election that is broadcast on the local cable channels. He explained citizens can call in to the program to ask the candidates questions.

Councilmember Piekarski Krech stated it would probably be illegal to hold a town meeting before the elections with only Council members present because all candidates need to be given an opportunity to participate.

Mayor Tourville noted citizens can come to any City Council meeting to ask questions.

6. PUBLIC HEARINGS:

A. CITY OF INVER GROVE HEIGHTS; Assessment Hearing for the 2011 Pavement Management Program, City Project No. 2010-09I, Blaine Avenue (North Area) Full Depth Mill and Repave

Mr. Kaldunski reviewed the project area and explained the project consisted of a full depth mill and overlay. The total cost of the project was \$524,726.15. Ten (10) parcels were proposed to be assessed, eight (8) of which are owned by the Gertens. The remaining two (2) parcels are owned by Michael Medical, IGH. Gertens was proposed to be assessed for a portion of the street improvements and for 100% of the sidewalk replacement and center median improvements in accordance with a waiver of assessment appeal agreement. The total amount proposed to be assessed was \$261,560.88 with a ten (10) year assessment term at a 4.8% interest rate. He noted the market appraisal analysis reduced the assessments incurred by the medical center.

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. 11-217 adopting the Assessment Roll for City Project No. 2010-09I, Blaine Avenue (North Area) Full Depth Mill and Repave

Ayes: 5

Nays: 0 Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Consider Second 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 for the 2012 calendar year. She stated Council requested additional information at the first reading of the proposed ordinance and the information was provided to the Council prior to the meeting. She noted the City Planner also provided examples of costs associated with recent development in addition to a comparison of fees from neighboring cities.

Motion by Klein, second by Madden, to close the public hearing**Ayes: 5****Nays: 0 Motion carried.****Motion by Madden, second by Grannis, to approve the Second 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.****7. REGULAR AGENDA:****COMMUNITY DEVELOPMENT:****A. MIKE AND KATHY GOEHRING;** Consider Resolution relating to a Conditional Use Permit to allow Sheet Metal Siding on an Accessory Structure in an Agricultural Zoning District for property located at 11331 Albavar Path

Mr. Link stated the applicant proposed to construct a 1,350 square foot pole building with sheet metal siding. The property is zoned A, Agricultural, and is just over five (5) acres in size. The proposed building would be used for personal storage. Sheet metal siding is allowed on pole buildings in the "A" zoning district by conditional use permit. The proposed request met the Conditional Use Permit criteria and the closest neighboring structure is over 200 feet away on heavily wooded lots. The proposed structure would not affect any improvements to the vicinity. Both Planning staff and the Planning Commission recommended approval of the request.

Mayor Tourville confirmed that the applicant agreed with the conditions of approval.

Motion by Klein, second by Madden, to adopt Resolution No. 11-218 relating to a Conditional Use Permit to allow Sheet Metal Siding on an Accessory Structure in an Agricultural Zoning District for property located at 11331 Albavar Path**Ayes: 5****Nays: 0 Motion carried.****B. 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 City Council reviewed the third reading on October 24th but tabled the item for staff to address concerns raised by Mr. Willy Krech regarding the status of the northern building setbacks after the dedication to the County for the trail. He stated the proposed ordinance amendment was meant to address lot boundary adjustments on unplatted property. He clarified that Mr. Krech's concerns about the setbacks of the northern building from the new property line were not specifically relevant to the ordinance amendment. He noted Dakota County staff worked with Mr. Krech to determine the lot area that was to be dedicated. Mr. Krech subsequently applied for a variance from setbacks so the northern building would be considered legal and would not have any nonconforming status from setbacks. A letter was submitted by Mr. Krech indicating he had no concerns regarding the ordinance amendment.

Motion by Klein, second by Grannis, to adopt Ordinance No. 1245 and Ordinance No. 1246 relating to allowing Subdivisions for the Creation of Public Land Subject to Administrative Approval**Ayes: 5****Nays: 0 Motion carried.****C. CITY OF INVER GROVE HEIGHTS;** Consider Third Reading of an Ordinance Prohibiting the Use of Coal Tar-Based Sealer

Mr. Thureen stated the proposed ordinance would prohibit the use of coal tar-based sealer and no comments had been received since the second reading. He noted a typographical error was corrected in the proposed ordinance.

Councilmember Klein questioned how often coal tar-based products were used in the City and where the products could be purchased.

Mayor Tourville stated it was becoming less available because vendors have realized there is an issue with that type of product. He noted an educational program would coincide with the adoption of the ordinance.

Motion by Piekarski Krech, second by Madden, to adopt Ordinance No. 1247 Prohibiting the Use of Coal Tar-Based Sealer

Ayes: 5

Nays: 0 Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider Second 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 stated the proposed ordinance would modify the regulations regarding the amount of fill people can move on their properties. He reviewed the main changes to the existing regulations and discussed what the amendment would accomplish. During the first reading several questions were raised by the Council and staff outlined responses to those issues in the Council's information packet. He stated the Council may want to consider adding language recognizing the cumulative effects of site grading. He explained the City of Bloomington confirmed that they base their grading permits on 25 cubic yards or a significant alteration to the existing drainage paths, but did not define the drainage path items in any detail, leaving it up to the engineer's judgment. Language was proposed to address the issue in the ordinance. He recommended that the Council also consider adding items from the 1988 Uniform Building Code regarding activities that are typically exempt from a grading plan or permit, and language "excepting earth work related to a building, retaining wall, or other structure authorized by a valid building permit" and excepting "street right-of-way construction".

Councilmember Piekarski Krech stated she spoke to several local landscapers regarding the proposed amendments and the requirement to obtain a permit to do something as simple as lay black dirt on an average City lot. She acknowledged past issues in which people have excavated, brought in dirt and adversely affected drainage on neighboring properties. She explained her main concern is that the proposed amendments would preclude people from performing basic yard maintenance or landscaping activities. She stated she would like the ordinance to address major issues in which drainage or water quality are adversely affected by the excavation or filling activity.

Mr. Kaldunski suggested that language could be added that would exempt spreading topsoil for basic yard or landscaping maintenance from the permit requirements.

Mr. Kuntz reviewed the possible exceptions to the permit requirements. He stated if the general rule is formed in the nature of "don't affect drainage" or "don't harm your neighbor" there are too many possible interpretations of that general rule and it is hard to determine or measure when a violation has occurred. He explained the inherent merit to the quantification approach that was proposed. He noted there was also merit in determining exceptions to the requirements and felt the exceptions proposed needed to be further clarified.

Mayor Tourville stated the exceptions needed to be established in order to develop specific guidelines for the exceptions.

Councilmember Piekarski Krech reiterated that drainage was the key issue.

Mr. Kuntz stated the exceptions could be further clarified by incorporating measurable standards. He stated Mr. Kaldunski referenced the cumulative effect issue and questioned how far back the issue would

be reviewed.

Mr. Kaldunski suggested a time period less than twenty years because of the limitation to the data available for review.

Mayor Tourville stated he would like to see some recommendations regarding the drainage and the cumulative effect review timeframe.

Councilmember Klein stated the information should be given to landscapers for input.

Motion by Piekarski Krech, second by Klein, to table the item to the December 12, 2011 Regular Council Meeting

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Councilmember Madden commented on a visit to Sleepy Hollow Park and expressed concerns regarding the volume of trash he saw in the park. He reminded residents to help keep the parks clean by removing trash and cleaning up after their pets.

Councilmember Klein provided an update on Holiday on Main Street, scheduled on December 17th.

Mayor Tourville commented on the positive feedback he received regarding the Veteran's Day kickoff celebration that was hosted by the City.

Councilmember Grannis stated after holding the first meeting in the new Council Chambers he still felt that the positioning of the exits and lack thereof was a safety concern. He noted that this issue was one of the reasons why he voted against the project.

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