

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, NOVEMBER 28, 2011 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL:** The City Council of Inver Grove Heights met in regular session on Monday, November 28, 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:**

**4. CONSENT AGENDA:**

Councilmember Grannis removed Item 4A (ii), Minutes of the November 14, 2011 Regular Council Meeting, from the consent agenda.

- A. i) Minutes – November 7, 2011 Special Council Meeting
- B. **Resolution No. 11-219** Approving Disbursements for Period Ending November 23, 2011
- C. Pay Voucher No. 5 for City Project No. 2011-09D, South Grove Urban Street Reconstruction – Area 6
- D. Final Pay Voucher No. 16, Engineer's Final Report and **Resolution No. 11-220** Accepting Work for City Project No. 2003-15, Northwest Area Trunk Improvements
- E. Approve 2012 Park and Recreation Department Fees
- F. Approve Settlement Agreement with Sports Resource Group for the Skyview Hockey Rink
- G. **Resolution No. 11-221** Providing for the Sale of Unclaimed Property to a Local Non-Profit Organization
- H. Approve Appointment of Acting City Treasurer
- I. Approve 2012 Meeting Schedule of the Housing Committee
- J. Approve Individual Massage Therapist License Application
- K. Award Purchase of One (1) Air Shelter Unit to Equipment Management Company
- L. Approve 30-Day Suspension of Firefighter for Failure to Meet Minimum Call Requirements
- M. Personnel Actions

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

**Ayes: 5**

**Nays: 0      Motion carried.**

- A. (ii) Minutes – November 14, 2011 Regular Council Meeting

Councilmember Grannis requested that his remarks regarding the lack of exits and positioning thereof in the Council Chambers be added to the minutes under the "Mayor and Council Comments" section.

**Motion by Klein, second by Madden, to approve the minutes of the November 14, 2011 Regular Council Meeting as amended by Councilmember Grannis**

**Ayes: 5**

**Nays: 0      Motion carried.**

**5. PUBLIC COMMENT:**

**6. PUBLIC HEARINGS:**

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:****A. ADAM CANEFF;** Consider Resolution relating to a Variance to allow an Accessory Building Eight (8) Feet from the Front Property Line whereas 30 Feet is required for property located at 3988 78<sup>th</sup> St.

Mr. Link reviewed the location of the property on the southwest corner of Dawn Avenue and 78<sup>th</sup> Street. He explained the applicant proposed to construct an accessory building eight (8) feet from the front property line whereas 30 feet is required. He stated the proposed accessory building would be 960 square feet in size and would be used for the applicant's personal use. He explained the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the zoning ordinance. He clarified that the proposal was consistent with the intent of the zoning code with respect to the size of the proposed structure and the number of accessory buildings on the property. Corner lots have more restrictive setbacks than an interior lot because they have two front yards by definition. The size of the applicant's lot exceeds the minimum standards for a corner lot and the location of the accessory building would be only eight (8) feet from the property line. He noted that there was room on the property to construct the building that would meet setbacks. The setback standards would not preclude the homeowner from reasonable use of the property and allowing a 22 foot variance could set a precedent for other corner lots in the City. Both Planning staff and the Planning Commission recommended denial of the variance request because the 22 foot variance was a significant request with the potential to establish a precedent, and the applicant did not identify practical difficulties to comply with the ordinance as the accessory building could be constructed on the property to meet the setback requirements.

Councilmember Grannis questioned if variances in which the accessory building was proposed to be attached to the existing building had been approved by Council in the past.

Mr. Link stated those instances have typically been considered on a case by case basis. He noted a variance would still be required even if the accessory building was attached to the existing structure.

Councilmember Madden stated he went to look at the property and opined that the garage would not be any closer to the street than the house is. He believed the garage would fit in the proposed location and would not interfere with neighbors. He noted that the applicant cleaned up the property and installed new trees that enhance the property. He reiterated that he did not see a problem with the request.

Councilmember Klein concurred with Councilmember Madden's comments. He opined that the applicant's proposed location for the accessory building was the most logical.

Councilmember Piekarski Krech questioned what the new criteria were for granting a variance. She clarified that identification of a hardship was no longer necessary.

Mr. Link confirmed that definition of a hardship was no longer required. He explained that the applicant must provide a practical difficulty to justify approval of the variance.

Councilmember Piekarski Krech stated she did not see an issue with the placement of the garage.

Mr. Kuntz informed the Council that the Public Works department expressed concerns regarding the berm.

Councilmember Klein stated he did not see an issue with the berm because it had a gradual incline in height and an estimated four (4) to five (5) feet of clearance for snow removal.

Councilmember Madden stated he would like to avoid removal of the trees in the berm.

Mayor Tourville suggested that if the variance request was approved the Council could impose conditions regarding the right-of-way. He stated that the proposed location of the accessory structure seemed to make the most sense and opined that the impervious surface on the property could increase if it were built in a different location. He questioned if the issue with the berm was discovered after the Planning Commission hearing.

Mr. Thureen explained the issue with the berm was previously identified by Public Works staff as a potential issue related to keeping the right-of-way clear. He stated a letter was sent to the property owner requesting that the trees be moved back to allow room for maintenance. He noted in addition to its proximity to the right-of-way, the height of the berm was also an area of concern.

Adam Caneff, 3988 78<sup>th</sup> St., stated the berm has always existed. He explained a variety of shrubs and bushes were previously planted there and were routinely overgrown and hanging into the street. He stated he planted the evergreens because they were easier to maintain. He noted there has always been enough room for snow removal in past years despite the overgrown shrubs, and there is more space now between the berm and street than ever existed. He stated all the neighbors like the improvements he made to the berm. He explained he spoke with the Assistant City Engineer and was told that the trees could remain through the winter, but if there was an issue he would be required to move the trees in the spring.

Mr. Thureen clarified that the engineering department recognized the lateness of the season and the difficulties that the property owner may have moving the trees, and offered Mr. Caneff a temporary obstruction permit through June with the understanding that the trees would need to be moved next spring.

Councilmember Madden reiterated that the berm looks good the way it is. He suggested that the property owner be allowed to leave the trees where they are if there are no problems as a result of snow removal over the winter.

Councilmember Grannis clarified that the Public Works department is concerned with snow removal in the future as the trees continue to grow and encroach further into the right-of-way, reducing the amount of space available for snow storage.

Mr. Caneff stated he chose to plant this specific species because they can be easily shaped and maintained to control their size and they are very durable.

Councilmember Klein opined that there should be plenty of room for snow storage.

Mayor Tourville asked if a compromise could be reached between the applicant and engineering that could be incorporated into approval of the variance for the garage.

Councilmember Madden stated the applicant would have to be willing to accept the risk that the trees may get damaged during snow removal.

Mayor Tourville clarified that the result may be that the applicant needs to move the berm prior to the construction of the garage and in the interim he would release the City from liability for damage to the trees.

Mr. Caneff stated if there was a problem with snow removal over the course of the winter he would have no problem moving the trees in the spring.

Councilmember Piekarski Krech asked if the applicant installed the berm or if it had previously existed.

Mr. Caneff responded that the berm always existed, he removed the old vegetation and replaced it with the arborvitaes.

Mr. Thureen stated that he questioned the height of the berm, especially on the north end, compared to what was there historically. He explained that he did not dispute that something was there in the past, especially to the south.

Councilmember Klein stated snow should be able to be pushed onto the berm with minimal issues.

Mayor Tourville commented that snow being pushed onto and against vegetation is different than snow falling onto the trees. He noted there may also be issues related to the chemicals that get mixed in with the snow during removal.

Mr. Kuntz suggested a condition could be that by June 1, 2012 the landowner and public works shall determine if the vegetation needs to be removed and if no compromise can be reached the City Council

will make a final determination regarding the berm.

Mayor Tourville suggested that the condition deadline be by June 1, 2012 or before a building permit is issued for the accessory building, whichever occurs first.

Mr. Kuntz stated the second condition could be that the landowner accepts responsibility for any and all damage to the trees caused by snowplowing.

Mr. Thureen noted that the Engineering department would also request that the landowner enter into an encroachment agreement for the right-of-way.

Mr. Caneff stated he would be amenable to the conditions that were suggested regarding the berm.

Mr. Link indicated that Planning staff had also recommended five conditions in the planning report. He reviewed the five conditions.

Mr. Caneff stated he was aware of and agreeable to the five conditions recommended by Planning staff.

**Motion by Klein, second by Madden, to receive two (2) additional letters in support of the variance request from Ronald Kosman, and Kevin and Wendy Eisen**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 11-222 approving a Variance to allow an accessory building eight (8) feet from the front property line whereas 30 feet is required for property located at 3988 78<sup>th</sup> St. with the five (5) conditions listed in the planning report and the three (3) additional conditions regarding the berm.**

**B. CITY OF INVER GROVE HEIGHTS;** Consider Third and Final 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 this ordinance is amended on an annual basis. She stated the proposed amendments would adjust fees associated with development for 2012. She noted the ordinance was previously discussed twice by the City Council.

**Motion by Klein, second by Madden, to adopt Ordinance No. 1248 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.**

**C. CITY OF INVER GROVE HEIGHTS;** Consider Approval of Short Term Strategic Planning Effort for the Inver Grove Heights Fire Department

Mr. Lynch stated the recommendation was that the Council approve an agreement for services related to development of a strategic plan for the Fire Department. He explained the plan would help Council and the Fire Department prepare for changes that may be needed in personnel, service delivery, equipment, facilities and structures. He stated the proposed services would be provided by David Unmacht and Pat Simpson. Mr. Unmacht currently serves as Vice President in charge of Management Services with Springsted, and is a former City and County Administrator in Minnesota. Mr. Simpson was a former Fire Chief in a number of cities and recently assisted the City with the recent Station Location Analysis performed with the DLR Architectural firm. He explained that during discussions regarding the Assistant Fire Chief position he recommended that Council wait until a strategic plan was developed in order to be better informed regarding the future structure of the Fire Department, equipment and facility needs, and the recruitment, retention, and compensation of future firefighters. He noted the cost for the services would be in an amount not to exceed \$21,000 and funding would come from the City Facilities, Community Projects, and Host Community funds.

Councilmember Klein asked if this process would prohibit the Council from moving forward with the Assistant Fire Chief position.

Mr. Lynch stated he has told the Fire Chief that he would like to get the strategic planning process underway and see where the process is at in 2012. He explained that if development of the plan is proceeding at a good pace and they feel it is at a good place, they could proceed with the Assistant Fire Chief process. He noted the position was not contingent upon the strategic planning process and is currently budgeted for the entire year in 2012.

Councilmember Klein clarified that if the Council chose to proceed with the hiring of a full-time Assistant Fire Chief that item would be removed from the scope of work for the development of the 3-5 year strategic plan and all of the other items would be examined.

Mr. Lynch reiterated that the basis for the strategic plan was to look at the structure of the department as well as the personnel, compensation, benefits, not necessarily a particular position.

Councilmember Piekarski Krech questioned why they need to hire an outside source to complete the strategic plan. She asked why current staff could not develop the plan themselves. She asked Mr. Lynch if he felt a neutral party was needed or if the consultant was going to provide information that was beyond their expertise.

Mr. Lynch explained that he felt a neutral party was needed to help alleviate some tension that existed between Administration and the Fire Department, and he felt that both individuals would bring a necessary level of expertise and experience to the formulation of the strategic plan.

Councilmember Piekarski Krech questioned if the recommended individuals were the only consultants available.

Mr. Lynch stated they were not the only consultants that were contacted. He noted their services were the cheapest.

Mayor Tourville suggested that the scope of work could be sent out for a formal bidding process.

Mr. Lynch stated the hope was to get started as soon as possible and sending out an RFP for services would take an additional 30 days to receive proposals and review them for presentation to the Council. He noted that it also may create an unfair advantage given that a price point has already been established.

Councilmember Grannis stated he was fine with Mr. Lynch's recommendation in light of the fact that he did obtain quotes from three different consultants. He opined that if Mr. Lynch had a concern with the quality of the firm, he would have recommended one of the other consultants even though their proposal may have been more expensive.

Mayor Tourville confirmed that all three firms were provided with the same scope of work.

Councilmember Klein opined that this may be a way to alleviate some of the resistance between Administration and the Fire Department.

Mr. Lynch clarified that he was not resistant and was only asking for something that showed him strategically that this is what needed to be done at this point in time. He stated there is a difference of opinion regarding the need for that information. He explained he recommended that a consultant be hired to obtain input from both departments so the strategic plan is not viewed just as his plan and is developed through collaboration.

Councilmember Klein questioned how long the process would take.

Mr. Lynch stated the hope is that it would take no longer than three (3) months.

Mayor Tourville asked that the Council be provided with the proposals from the other firms as well.

Councilmember Madden stated time was of the essence and he did not want to see the process delayed.

**Motion by Grannis, seconded by Madden, to Approve the Short Term Strategic Planning Effort for the Inver Grove Heights Fire Department.**

Mayor Tourville clarified that the Fire Department supports the initiative.

Fire Chief Thill stated the department understands the need for a three (3) year plan. She explained the department began working on a plan in-house approximately a year ago and has some of the components of the plan already in place.

Dan Bernardy, 3248 70<sup>th</sup> Street, stated he believes the department can complete the strategic plan in-house. He opined that if the Assistant Fire Chief position had been filled in 2011 the plan would have already been completed. He stated the department is working off of three (3) sister cities' templates and including all of the components identified by Mr. Lynch. He commented that the components of the plan are all things that should be looked at and put together by people who have worked in the department and in the community. He reiterated that if the Assistant Chief position is filled it would free up other officers of the department to complete the strategic plan in-house.

Mayor Tourville suggested that if the Council moves forward with the hiring of an Assistant Fire Chief, that they give the Fire Department until the end of April to complete the 3-5 year strategic plan in-house. He stated this option would save the consulting fees.

Councilmember Grannis stated his only concern with that option is that one of the reasons Mr. Lynch recommended the development of the 3-5 year strategic plan was to assess the need for the full-time Assistant Fire Chief position. He agreed that it may be a good idea to bring in a neutral party to help with the development of the strategic plan and alleviate some of the tension between the departments.

Mayor Tourville stated part of the frustration has been that the position has been budgeted for and remains unfilled. He opined that if part of the premise for doing the strategic plan is to determine whether or not the position is needed, then that should be communicated to the Fire Department. He stated if the position is in the budget, then the Council should move forward with the knowledge that one of the priorities for that position is to complete the 3-5 year strategic plan.

Councilmember Grannis stated he would definitely be in favor of the Assistant Fire Chief position if it is needed, but if part of the strategic plan is to determine the need then it does not make sense to fill the position until the plan is completed.

Mr. Lynch stated he would be amenable to the Fire Department putting together the plan provided that a member of administration could be involved in the process and the Assistant Fire Chief position would not be filled until the report is finished.

Councilmember Klein stated Mr. Lynch's suggestion was a good idea.

**Councilmember Grannis and Councilmember Madden withdrew their previous motion.**

**Motion by Grannis, second by Madden, to approve a joint effort between members of the Fire and Administration departments to develop a three to five year strategic plan for the Inver Grove Heights Fire Department by April 30, 2012 with the condition that the Assistant Fire Chief position not be filled until the plan is completed or both parties agree to provide direction to the Council to proceed with the hiring process for that position.**

Mr. Bernardy reiterated his previous comments regarding the amount of time required to complete the strategic plan and the need for the Assistant Fire Chief position to be filled. He discussed why the position was put into the budget several years ago. He clarified that the department does not want to operate independently, but that it does operate differently from any other department in the City given the nature of the department and its staffing of paid on-call volunteers. He explained that there has been a person fulfilling the duties of a full-time Assistant Fire Chief for several years and opined that it is time that the individual be recognized for the work they have done.

Mayor Tourville stated everyone involved wants to determine what is best for the Fire department and the safety of the community as a whole.

Fire Chief Thill reiterated that the three year plan has been a priority to her department. She stated part of the difficulty in completing the plan has been a lack of time because the department does not have anyone in a full-time capacity to complete a lot of the operational items that need to be addressed on a daily basis. She stated she is agreeable to developing the three year plan in conjunction with Administration. She

explained it is hard to get it done without having another full-time person available to handle the operational and administrative duties of the department that would allow her to have more free time to complete the plan.

Councilmember Klein asked how much of the plan had been completed.

Fire Chief Thill estimated that approximately half of the plan had been completed. She stated all of the pieces have been put together, but they have to start laying out the action plans and goals.

Councilmember Klein asked the Chief if the consultant would be able to help get the plan completed.

Councilmember Piekarski Krech stated that the consultant would facilitate the process, but the Fire Department would still be required to do the majority of the work. Her understanding was that without the Assistant Fire Chief position, the department would still have a lack of personnel and would not have the time required to pull all of the components of the plan together.

Councilmember Klein stated they have been talking about a strategic plan for a couple of years. He commented that he does not understand why it has taken so long to complete the plan.

Mayor Tourville questioned if the proposed scope of work could be completed by Administration and the Fire Department.

Mr. Lynch stated it could be completed if the Fire Department has all of the data that they claim to. He explained he is willing to give them the opportunity to complete the plan by April 30, 2012.

**The previous motion was withdrawn.**

**Motion by Klein, second by Grannis, to approve a joint effort between members of the Fire and Administration departments to develop a three to five year strategic plan for the Inver Grove Heights Fire Department by April 30, 2012 with monthly status reports provided to the Council.**

Mr. Bernardy clarified that once a three year plan has been completed, in conjunction with the Administration Department, that the Council would move forward with hiring a full time Assistant Fire Chief because it has been budgeted for 2012.

Mayor Tourville stated if it stays in the budget the Council would move forward with filling the position if that is what both departments agree to do.

**Ayes: 5**

**Nays: 0      Motion carried.**

Councilmember Klein questioned if it would be possible to provide the Deputy Fire Chief with additional compensation for the extra hours of work he has put in while during the full-time Assistant Fire Chief hiring process.

Mr. Lynch explained a proposal for additional compensation would need to be presented by the Fire Chief and would depend on the availability of funds remaining in the department's budget.

**D. CITY OF INVER GROVE HEIGHTS;** Consider Resolution Approving Assignment and Subordination of Contract for Private Development between the City of Inver Grove Heights, Brentwood Hills Limited Partnership and Wells Fargo Bank, National Association

Mr. Kuntz stated the item was reviewed and approved by the City's bond counsel.

**Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 11-223 approving Assignment and Subordination of Contract for Private Development between the City of Inver Grove Heights, Brentwood Hills Limited Partnership and Wells Fargo Bank, National Association**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

Councilmember Grannis asked that a discussion be placed on an upcoming agenda regarding what they

are going to name the conference rooms in City Hall.

Councilmember Klein stated Holiday on Main Street would be held on Saturday, December 17<sup>th</sup>.

Mayor Tourville mentioned that the budget hearing would be held on December 12<sup>th</sup> and questions could be directed to Mr. Lynch.

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