

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, JANUARY 9, 2012 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, January 9, 2012, 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 & Recreation Director Carlson, Community Development Director Link, Fire Chief Thill, and Interim Police Chief Stanger

**3. PRESENTATIONS:**

**4. CONSENT AGENDA:**

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

- B. Resolution No. 12-01** Approving Disbursements for Period Ending January 4, 2012
- C. Resolution No. 12-02** Approving Proposed Settlement of the Grace Christian Reformed Church District Court Assessment Appeal
- D.** Personnel Actions

**Motion by Klein, second by Madden to approve the Consent Agenda**

**Ayes: 5**

**Nays: 0 Motion carried.**

- A.** Minutes – December 12, 2011 Regular Council Meeting

Councilmember Madden asked that the minutes be amend to reflect that Councilmember Grannis was not in attendance at the executive session.

Mr. Kuntz suggested that the Council vote on the minutes except for the section pertaining to Item 9A.

**Motion by Klein, second by Piekarski Krech, to approve every portion of the minutes, except Item 9A**

**Ayes: 5**

**Nays: 0 Motion carried.**

Councilmember Madden reiterated that the minutes should reflect Councilmember Grannis' absence from the executive session.

Mayor Tourville questioned if Councilmember Grannis should abstain from the vote on Item 9A.

Councilmember Grannis stated he would not be voting on anything that took place, he would be agreeing with the fact that he was not in attendance at the executive session.

Mr. Kuntz stated Councilmember Grannis could vote on the adoption of Item 9A as presented.

**Motion by Madden, second by Klein, to approve Item 9A of the minutes with the suggested change.**

**Ayes: 5**

**Nays: 0 Motion carried.**

**5. PUBLIC COMMENT:** None.

**6. PUBLIC HEARINGS:** None.

**7. REGULAR AGENDA:****COMMUNITY DEVELOPMENT:**

- A. D&T PROPERTY, INC.;** Consider an Ordinance Rezoning Property from B-4, Shopping Center District to B-3, General Business District for the Salem Square Shopping Center located at 5280 and 5350 South Robert Trail

Mr. Link reviewed the location of the property. He explained the former tenant of the space went out of business in 2008 and since then the property owners have been trying to find tenants to occupy the space. The property owners approached the City with potential tenants several times and found that the B-4 zoning district did not allow the proposed use, but a B-3 zoning district would. He stated that Pawn America is a potential lessee for the space, and the B-3 zoning district would allow that type of use while the current B-4 classification would not. He noted that typical uses in a B-4 district are enclosed shopping malls consisting of larger buildings, while uses in a B-3 district are typically strip commercial areas that are not enclosed. He stated Planning staff supported the application and found it to be consistent with the comprehensive plan. He explained that the comprehensive plan designates the property for regional commercial, and either a B-4 or B-3 zoning would fit with that land use designation. He stated the B-3 designation would fit better given the size and dimensions of the shopping center and the type of use that currently exists. He noted that Salem Square Shopping Center did not meet the zoning ordinance requirements for a B-4 designation. Both Planning staff and the Planning Commission recommended approval of the rezoning request.

Roz Peterson, owner of Salem Square, stated the B-3 designation would be a much better fit for the property and asked that the City Council approve the rezoning.

**Motion by Madden, second by Klein, to adopt Ordinance No. 1250 Rezoning Property from B-4, Shopping Center District to B-3, General Business District for the Salem Square Shopping Center located at 5280 and 5350 South Robert Trail**

**Ayes: 5**

**Nays: 0      Motion carried.**

**ADMINISTRATION:**

- B. CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Amending City Code Title 4, Chapter 2, Regarding License Provisions for Pawnbrokers and Precious Metal Dealers and Title 1, Chapter 10 and Title 3, Chapter 2 Eliminating Licenses for Secondhand Goods Dealers

Ms. Teppen stated the City Attorney drafted the proposed ordinance that would amend the City Code's current license provisions for pawnbrokers and precious metal dealers, and would eliminate the license requirements for secondhand goods dealers. She noted that the proposed ordinance amendments were discussed several times, most recently at a Council work session in November. The City's current license provisions for pawn brokers and secondhand goods dealers were set forth in the City Code in the 1970's and have not been amended since that time. Staff recommended that the Council proceed with the first reading of the ordinance and provide suggestions for changes if desired.

Councilmember Piekarski Krech referred to page 25 of the proposed ordinance and questioned why the transaction record data had to be reported to the Minneapolis Police Department.

Lt. Stanger explained that the Minneapolis Police Department is in charge of monitoring that information and disseminating it to other police departments in the metro area. He stated the Inver Grove Heights Police Department has access to the APS database to check records with respect to pawning activity.

Councilmember Klein stated it was his understanding that Pawn America works closely with police departments to help apprehend people who have pawned stolen goods.

Lt. Stanger responded in the affirmative.

Chuck Armstrong, Community Affairs Director for Pawn America, stated they view local law enforcement as a partner in their business and they work hard to increase public safety.

**Motion by Madden, second by Klein, to approve the First Reading of an Ordinance Amending City Code Title 4, Chapter 2, Regarding License Provisions for Pawnbrokers and Precious Metal Dealers and Title 1, Chapter 10 and Title 3, Chapter 2 Eliminating Licenses for Secondhand Goods Dealers**

Councilmember Piekarski Krech stated Pawn America is not the only company that would be covered under this ordinance and some residents have questioned allowing this type of business because they do not want multiple pawn shops in the City.

Councilmember Klein stated the ordinance included provisions for background checks and license fees.

Ms. Teppen stated the city has always had regulations and license requirements for pawnbrokers. She noted there has not been an applicant for such a license in recent years. She explained there are a number of requirements that an applicant would have to fulfill in addition to paying the requisite license and background investigation fees. She suggested that Council could include a provision that would impose a limit on the number of licenses that could be issued in the City.

Councilmember Piekarski Krech suggested that the Council have more discussion prior to the second reading. She stated Pawn America has a good reputation, but other businesses and resident concerns need to be considered as well.

Mayor Tourville stated he would support a limit of two licenses. He acknowledged that some residents are against allowing the type of business in the City.

Mr. Kuntz suggested that a sentence could be inserted for the second reading that would allow for a limit to be imposed and discussed further.

Councilmember Klein suggested that they start with a limit of one and consider changing it in the future. He stated he would like to see how things go with Pawn America before increasing the limit.

Tim Gaier, 4970 Ashley Lane, suggested that the limit should be two to avoid a monopoly in the City. He opined that pawnbrokers offer alternative services that could be beneficial.

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. CITY OF INVER GROVE HEIGHTS;** Consider Agreement with American Engineering Testing, Inc. for Third Party Independent Review of the Polished Concrete Floor in the Public Safety Addition/City Hall Renovation

Ms. Teppen explained following the Council's work session in November at which the Council expressed dissatisfaction with the finished condition of the polished concrete floors, the City Attorney drafted a letter to both BKV Group and Shaw Lundquist advising them of the City's non-acceptance of the work. Staff subsequently met with representatives BKV and Shaw Lundquist and reached an agreement to proceed with an independent review of the finished condition of the floor. She noted AET has previously performed engineering testing for the City and are a reputable firm with expertise in this specific area of work. She explained AET would report the findings from their field data and provide an opinion as to the reason for the cracks. After presenting their findings, AET is prepared to perform a petrographic examination of the three core samples. She stated it is believed that an independent review of the floors will determine if the floors were installed according to contract specifications, with the correct aggregate mixture, at the correct temperature. She noted the estimated total for phase 1 is \$3,930 and the cost for the petrographic analysis and additional report is \$3,540 for a contract total of \$7,470. She explained it was recommended that the funds for the testing be taken from the project budget.

Councilmember Klein questioned why a firm from outside the metro area was not sought out to do the testing. He expressed concerns regarding potential bias because both AET and the general contractor are well known in the metro area.

Ms. Teppen stated the cost would have been significantly higher. She explained the inspection group was recommended jointly by both the architect and Shaw Lundquist. Mayor Tourville stated that this is AET’s primary field of expertise.

Councilmember Piekarski Krech stated she is questioning the mechanics ability to finish the floor in the appropriate manner. She opined that the workmanship is substandard, not necessarily the materials. She expressed concern that the proposed tests would not be able to answer those questions.

**Motion by Klein, second by Madden, to approve an Agreement with American Engineering Testing, Inc. for a Third Party Independent Review of the Polished Concrete Floor in the Public Safety Addition/City Hall Renovation**

**Ayes: 5**

**Nays: 0      Motion carried.**

**D. CITY OF INVER GROVE HEIGHTS;** Consider Approval of Recommendation to Appoint Lt. Larry Stanger to the Position of Police Chief

Mr. Lynch stated six months ago a recommendation was made to appoint Lt. Larry Stanger as Interim Police Chief following the retirement of Chuck Kleckner. He explained that based on feedback he received from members of the department, the Council, and supervisory staff, he is proud to recommend that Lt. Larry Stanger be appointed to the position of Police Chief.

Mayor Tourville noted that other positions will need to be filled in the department.

**Motion by Piekarski Krech, second by Klein, to approve the City Administrator’s Recommendation to Appoint Lt. Larry Stanger to the Position of Police Chief**

**Ayes: 5**

**Nays: 0      Motion carried.**

**E. CITY OF INVER GROVE HEIGHTS;** Consider Council Appointments for 2012:

- i) Official Newspaper
- ii) Official Depositories
- iii) Acting Mayor
- iv) Council Delegate to Association of Metropolitan Municipalities
- v) Deputy Weed Inspector

**Motion by Klein, second by Piekarski Krech, to designate the Southwest Review as the Official City Newspaper for 2012**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Piekarski Krech, second by Madden, to designate Bremer Bank, N.A.; RBC Public Funds Services; US Bancorp Investments; Wells Fargo Securities, LLC; Morgan Stanley Smith Barney; American Bank; and Stifel, Nicolaus & Co., Inc. as Official Depositories for 2012**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion by Klein, second by Madden, to designate Key Community Bank as an Official Depository for 2012**

**Ayes: 4**  
**Nays: 0**  
**Abstain: 1 (Tourville) Motion carried.**

**Motion by Piekarski Krech, second by Madden, to continue practice of rotation of Acting Mayor beginning with the Senior Councilmember**

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

Councilmember Klein asked that he know when the meetings are so he can be involved.

**Motion by Piekarski Krech, second by Madden, to appoint Mayor Tourville as Council Delegate and Councilmember Klein as Alternate Delegate to the Association of Metropolitan Municipalities**

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

Mayor Tourville recommended the appointment of the Park Superintendent as the Deputy Weed Inspector.

**Motion by Piekarski Krech, second by Madden, to appoint the Park Superintendent as Deputy Weed Inspector for 2012**

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

**8. MAYOR AND COUNCIL COMMENTS:**

Councilmember Grannis thanked the fire department for the quick response. He also thanked the Parks Department for the New Year's party.

Councilmember Madden stated Holiday on Main Street was a success and thanked everyone involved.

Councilmember Klein stated Holiday on Main Street is almost completely paid for by businesses in the community. He commented on the light displays.

Mayor Tourville commented on the new locker program at the community center and noted that there will be some new recommendations. He stated they will be doing the town hall meetings and the schedules would be forthcoming. He stated they are also working on the City Administrator reviews.

**9. ADJOURN:** Motion by Grannis, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 7:50 p.m.