

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MARCH 12, 2012 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, March 12, 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, City Attorney Kuntz, Public Works Director Thureen, Parks & Recreation Director Carlson, Community Development Director Link, Police Chief Stanger, Fire Chief Thill and Recording Clerk Fox

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Councilmember Klein removed Item 4A, Minutes of the February 27, 2012 Regular Council Meeting, from the Consent Agenda.

Citizen Allan Cederberg requested that Item 4K, Cooperative Construction Agreement No. 00465 between Mn/DOT and the City of Inver Grove Heights for the T.H. 3 Improvements at Autumn Way, State Project No. 1908-85, City Project No. 2010-41, be removed from the Consent Agenda.

Councilmember Grannis removed Item 4O, Approve Contract for Tree Clearing at the Rock Island Swing Bridge Site, from the Consent Agenda.

Councilmember Klein removed Item 4S, Authorize Community Assessment Survey for Older Adults, and Item 4T, Award Custodial Services Contract, from the Consent Agenda.

B. Resolution No. 12-31 Approving Disbursements for Period Ending March 7, 2012

C. Pay Voucher No. 10 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – Low Voltage Contractors

D. Change Order No. 2 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – Low Voltage Contractors

E. Pay Voucher No. 1 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – Dascom Systems Group LLC

F. Change Order No. 2 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – Dascom Systems Group LLC

G. Pay Voucher No. 2 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – Dascom Systems Group LLC

H. Agreement for 2012 Water Quality Lake Monitoring Program with Dakota County Soil and Water Conservation District (SWCD)

I. Resolution No. 12-32 Accepting Amendment No. 2 to Feasibility Report for the 2012 Pavement Management Program, City Project No. 2012-09D – Urban Street Reconstruction Project (65th Street Neighborhood and Cahill Ct.)

J. Resolution No. 12-33 Approving Cooperative Construction Agreement No. 00609 between Mn/DOT and the City of Inver Grove Heights for the T.H. 52 West Frontage Road Water Main Improvements, State Project No. 1907-73 (T.H. 52 = 053), City Project No. 2011-12

K. Resolution No. 12-34 Approving Cooperative Construction Agreement No. 00465 between Mn/DOT and the City of Inver Grove Heights for the T.H. 3 Improvements at Autumn Way, State Project No. 1908-85, City Project No. 2010-41

L. Resolution No. 12-35 Approving Amendment to Argenta Hills 2nd Addition Development Contract and Argenta Hills 3rd Addition Development Contract

M. Resolution No. 12-36 Ordering the Project, Approving the Plans and Specifications, and Authorizing Ad for Bid for City Project No. 2010-41 – Improvements at T.H. 3 and Autumn Way

- N. **Resolution No. 12-37** Granting Easements for T.H. 3 Turn Lanes at Autumn Way – City Project No. 2010-41
- P. Approve Joint Powers Agreement with Dakota County for the Construction of the Central Segment of the Mississippi River Regional Trail
- Q. **Resolution No. 12-38** Approving an Assignment of a Trail Easement Agreement from the City to Dakota County relating to property owned by Swift Transportation, Co. Inc.
- R. Table to March 26, 2012 a Resolution relating to Vacation of all of the Streets Right-of-Way within the Plat of Dorr’s Third Inver Grove Addition
- U. Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

- A. Minutes – February 27, 2012 Regular Council Meeting

Councilmember Klein stated he was not present at the meeting on February 27th.

Motion by Grannis, second by Madden, to approve the Minutes of the February 27, 2012 Regular Council Meeting

Ayes: 4

Nays: 0

Abstain: 1 (Klein) Motion carried.

- K. Approving Cooperative Construction Agreement No. 00465 between Mn/DOT and the City of Inver Grove Heights for the T.H. 3 Improvements at Autumn Way, State Project No. 1908-85, City Project No. 2010-41

Allan Cederberg, 1162 E. 82nd St., advised that he lived within walking distance of the development. He stated his concern was that only one entrance was planned for the development. He opined that an emergency exit should be included to service the development of 160 homes.

Mr. Lynch clarified that there would be 160 units total in the entire development, not 160 units in this specific section of the development. He noted subsequent phases of construction for the entire development would include both single family and multiple family homes. He explained there would be a secondary entrance and exit for all of the units, but the platted area currently being discussed would have one entrance and exit to serve approximately 55 units. He stated the issue was reviewed and approved by the Planning Commission.

Motion by Klein, second by Madden, to adopt Resolution No. 12-34 approving Cooperative Construction Agreement No. 00465 between Mn/DOT and the City of Inver Grove Heights for the T.H. 3 Improvements at Autumn Way, State Project No. 1908-85, City Project No. 2010-41

Ayes: 5

Nays: 0 Motion carried.

- O. Approve Contract for Tree Clearing at the Rock Island Swing Bridge Site

Councilmember Grannis explained he asked that the item be pulled because of concerns raised during the work session about paying for things. He stated this request was to clear trees to facilitate construction of a trail, and expressed concern that they are going to start doing more and more work in that area and it may not be the most appropriate use of money given the City’s financial situation.

Mr. Carlson stated the City recently acquired half of the railroad bed and acknowledged that some of the tree clearing is related to installing the trails that will lead up to the overlook and connect to the Mississippi River Regional Trail. He explained some of the tree clearing is also to clean up the area between 66th Street and the railroad bed and make it more aesthetically pleasing for visitors.

Mayor Tourville asked if there were more things that would need to be completed in order to move forward with construction of the trail and the work on 66th Street.

Mr. Carlson indicated that the 66th Street project would be brought to the Council for consideration in April. He explained staff wanted to complete the tree clearing separate from that project to maintain more control over the process. He stated following that project the County planned to install a parking lot and restroom facility. He noted the County would be responsible for funding that project and for maintaining the facility.

Councilmember Klein questioned if the City had the equipment to remove some of the trees before they needed to be grubbed.

Mr. Carlson responded in the negative.

Councilmember Madden questioned if this work would have to be done in the future as part of the overall project.

Mr. Carlson stated in staff's opinion it would have to be done as part of the overall project. He explained staff felt it would be better to do the work now before the road is redone and the trail is installed to prevent damage to any of the new construction.

Councilmember Madden stated the work would most likely be more expensive in the future and it would be a good idea to get it done now.

Councilmember Piekarski Krech questioned if the quote included the seeding and wildflower mix.

Mr. Carlson explained he would get back to the Council with an answer as to whether or not the seeding was included in the price.

Mayor Tourville stated the contractor may want to wait to seed until after 66th Street is completed.

Councilmember Piekarski Krech stated she was concerned with how much the seeding will cost if it is not included in this scope of work.

Motion by Klein, second by Madden, to approve contract for tree clearing at the Rock Island Swing Bridge Site

Ayes: 3

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

S. Authorize Community Assessment Survey for Older Adults

Councilmember Klein questioned if the survey would be a cooperative effort with Community Ed or the school district.

Tracy Petersen, Recreation Superintendent, explained the survey would be done in conjunction with Community Education.

Councilmember Klein confirmed that Community Education would be splitting the cost of the survey with the City, and the City's share of the cost would be \$5,140.

Ms. Petersen responded in the affirmative.

Motion by Klein, second by Madden, to authorize Community Assessment Survey for Older Adults

Ayes: 5

Nays: 0 Motion carried.

T. Award Custodial Services Contract

Councilmember Klein questioned if the contract would affect any current employees hours or positions.

Mr. Carlson stated it would not.

Mr. Lynch noted some job descriptions would be tweaked in light of the fact that some employees will be

asked to work different hours. He confirmed that no employee would lose their job, have their pay reduced, or lose seniority as a result of the new contract.

Councilmember Piekarski Krech questioned if employee pay would have to be increased due to the job description changes.

Mr. Lynch responded in the negative.

Craig Petersen, Perfection Plus Inc., stated his company bid on the custodial services contract. He reviewed the company's qualifications and opined his company was the better candidate for the custodial services contract. He expressed concern that their proposal was significantly lower than the company staff recommended, and felt the interview process was too brief. He asked Council to award the contract to the low bidder.

Mayor Tourville explained that a professional services contract does not have to be awarded to the lowest responsible bidder. He stated the relationship between the two parties is an important factor as well.

Councilmember Klein noted staff felt that the other bidders failed to provide the same level of detail to their approach.

Councilmember Piekarski Krech questioned if a two year contract was required.

Mr. Carlson stated the RFP indicated that the City was looking to enter into a two year contract for the professional services. He noted the contract contained language that would allow the City to terminate the contract if it was determined that the service was not satisfactory.

Mr. Kuntz stated a 30–day written notice of termination was required.

Motion by Klein, second by Madden, to award Custodial Services Contract to Common Sense.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Allan Cederberg, 1162 E. 82nd St., stated he contacted Alcohol and Gambling Enforcement regarding the King of Diamonds and was informed that the Optional 2am license was limited to the sale of alcohol and did not pertain to the adult use. He opined that the City was breaking the law by allowing the adult use to continue until 2 am.

Mayor Tourville clarified that Alcohol and Gambling Enforcement did not comment on legality of the adult use because it was not within their agency's purview.

Councilmember Piekarski Krech stated the establishment's hours of operation coincide with the optional 2 am liquor license.

Mayor Tourville suggested that Council direct Mr. Kuntz to draft a response addressing the issue outlining the City's position.

Motion by Piekarski Krech, second by Klein, to receive letter presented by Mr. Cederberg from the Minnesota Department of Public Safety Alcohol and Gambling Enforcement Division.

Ayes: 3

Nays: 2 (Grannis, Madden) Motion carried.

Mr. Lynch explained that Mr. Cederberg has asked the same questions on several occasions and been given a response by himself, the Assistant City Administrator, and the City Attorney. He stated Mr. Cederberg does not believe any of the responses the City has provided to him. He noted Mr. Cederberg has caused staff and the City Attorney to spend an inordinate amount of time and effort, at a substantial cost, to answer the same question multiple times. He stated he did not feel it was worth Mr. Kuntz's time and effort to respond to the question again because, in his opinion, Mr. Cederberg would not believe the response that would be provided.

Mayor Tourville stated it may be helpful for the Council to have Mr. Kuntz's response in writing.

Mr. Lynch noted Mr. Kuntz did previously provide a written response and Mr. Cederberg did not agree with or like the answer that was provided.

Mayor Tourville reiterated that it would be helpful for the Council to receive the written response as well. Councilmember Piekarski Krech asked for a copy of the response that was provided to Mr. Cederberg.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. L&D SIGN; Consider Resolution relating to an Amendment to a Planned Unit Development to Increase the Size of the Existing Multi-Tenant Monument Sign for property located at 9087 Broderick Boulevard

Mr. Link reviewed the location of the property. He stated there was an existing monument sign in front of the Holiday gas station that was 113 square feet in size. He explained the applicant would like to increase the size of the existing sign to 122 square feet. He noted the actual monument would not change; the existing reader board would simply be replaced with a digital price display and an electronic message center. He stated both Planning staff and the Planning Commission recommended approval of the request.

Motion by Piekarski Krech, second by Klein, to adopt Resolution No. 12-39 approving an amendment to a Planned Unit Development to Increase the Size of an Existing Multi-Use Tenant Monument Sign for property located at 9087 Broderick Boulevard.

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

B. CITY OF INVER GROVE HEIGHTS; Approve Sale of General Obligation Utility Revenue Refunding Bonds, Series 2012A

Mr. Lynch explained the request involved the sale of \$5,835,000 general obligation utility revenue refunding bonds in order to provide funds sufficient for a crossover refunding of three separate issues including: the 2014-2018 maturities of \$4,760,000 of general obligation water revenue refunding bonds (Series 2004B), the 2014-2017 maturities of \$905,000 of general obligation storm water refunding bonds (Series 2005D), and the 2015-2022 maturities of \$4,725,000 of general obligation water revenue bonds (Series 2006C).

Councilmember Klein questioned what the cost savings would be.

Mr. Lynch stated the savings would be approximately \$400,000 after applicable fees and charges. He stated the rate would be determined during a future bond rating call.

Steve Apfelbacher, Ehlers and Associates, stated a 1.33% interest rate was projected and a savings of just under 8% was anticipated.

Motion by Klein, second by Grannis, to adopt Resolution No. 12-40 approving the sale of General Obligation Utility Revenue Refunding Bonds, Series 2012A.

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember Madden expressed condolences to the family of Mr. Ed Gunter.

Mayor Tourville commented on the success of the Simley High School Wrestling team.

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