

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MARCH 26, 2012 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, March 26, 2012, in the City Council Chambers. Acting Mayor Madden called the meeting to order at 7:00 p.m. Present were Council members Grannis, Klein, 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, Police Chief Stanger, Fire Chief Thill and Deputy Clerk Rheaume

3. PRESENTATIONS:

A. Introduction of Kristi Smith – Finance Director

Mr. Lynch introduced the new Finance Director, Kristi Smith. He stated Ms. Smith worked for the previous three (3) years as the finance director for the City of Isanti, and in the private sector as an auditor for seven (7) years prior to that working primarily with municipalities and non-profit organizations. He noted that Ms. Smith was a CPA and a certified fraud examiner.

The Mayor and Council members welcomed Ms. Smith to the City and wished her luck in her new position.

4. CONSENT AGENDA:

Councilmember Klein removed Item 4M, Resolution Ordering Project No. 2006-08 Asher Water Tower Replacement, Ordering Preparation of Construction Plans and Specifications and Authorizing Execution of a Professional Services Agreement with SEH, Inc. for Preliminary Design and Final Design Services, from the Consent Agenda.

- A. i) Minutes – March 12, 2012 Council Study Session
ii) Minutes – March 12, 2012 Regular Council Meeting
- B. **Resolution No. 12-41** Approving Disbursements for Period Ending March 21, 2012
- C. Final Pay Voucher No. 4, Final Report, and **Resolution No. 12-42** Accepting Work for Technology Bid Package 27B, City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project
- D. Change Order No. 2 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation – Dascom
- E. Approve Contract with Common Sense Building Services, Inc.
- F. Approve Turf Care Products in the Park System for 2012
- G. **Resolution No. 12-43** Adopting Inver Wood Golf Course Even and Non-Event Spectator Policy
- H. Approve Contractor for Grove Heating System Repair
- I. Approve Replacement of Fitness Equipment for Veterans Memorial Community Center
- J. Consider Contractor for VMCC Munter Unit Repair
- K. **Resolution No. 12-44** Approving Transfers for Fiscal Year 2010, **Resolution No. 12-45** Ratifying an Interfund Loan for Advance of Certain Costs in Connection with Tax Increment Financing District No. 2-1, and **Resolution No. 12-46** Ratifying an Interfund Loan for Advance of Certain Costs in Connection with Tax Increment Financing District No. 3-1
- L. Approve Post Issuance Debt Compliance Policy
- N. Approve Contractor for Hydro-Seeding 66th St./RISB Slope
- O. Approve Contribution to Inver Grove Heights Fire Relief Association
- P. Approve Individual Massage Therapist Application – Charity Rockwell
- Q. Personnel Actions

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

Ayes: 4

Nays: 0 Motion carried.

M. Resolution Ordering Project No. 2006-08, Asher Water Tower Replacement, Ordering Preparation of Construction Plans and Specifications and Authorizing Execution of a Professional Services Agreement with SEH, Inc. for Preliminary Design and Final Design Services

Councilmember Klein asked Mr. Thureen to provide a brief explanation of why the water tower was being replaced.

Mr. Thureen explained in 2002 a feasibility study was completed that examined the Asher service area water storage needs for the City. The report recommended that the City should have 3 million gallons of elevated water storage and should construct a new water tower at 1 of 2 sites and either repair or replace the existing Asher stand pipe. He stated the 2 million gallon Arbor Pointe water tower was subsequently constructed. He explained although the Asher water tower is technically 2 million gallons in size, the way in which it was constructed limits the actual effective storage to 600,000 gallons for the system. He noted replacement of the tank with something similar to that of the Arbor Pointe tower, would provide a million gallons worth of storage to the system.

Councilmember Klein recalled in 2002 they were also considering repainting the tower and found another problem.

Mr. Thureen stated lead was found and that increases the cost of the repair option because it would have to be encapsulated.

Councilmember Klein questioned if any lead was found inside the tank.

Mr. Thureen stated the interior coating of the tank was a different material.

Motion by Klein, second by Grannis, to adopt Resolution No. 12-47 Ordering City Project No. 2006-08, Asher Water Tower Replacement, Ordering Preparation of Construction Plans and Specifications and Authorizing Execution of a Professional Services Agreement with SEH, Inc. for Preliminary Design and Final Design Services

Ayes: 4

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Allan Cederberg, 1162 E. 82nd St., contended that the March 12th regular Council meeting was not legal because no papers were outside of the Council Chambers during the meeting.

Ms. Rheaume asked Mr. Cederberg if he was referring to the agenda that is posted outside of City Hall on a bulletin board prior to meetings.

Mr. Cederberg responded in the negative and explained he was referring to the public copy of the entire agenda packet.

Ms. Rheaume explained the City was only required to post a copy of the agenda prior to meetings for public viewing. She stated an agenda was posted for the March 12th City Council meeting on the bulletin board outside of City Hall. She reiterated that the City was not required to have the entire information packet at the meeting. She noted that a public copy of the packet was always available for review upon request.

Councilmember Piekarski Krech clarified that staff only provides a public copy of the entire agenda packet because of previous Council direction to that effect, not because it was a legal requirement.

Mr. Cederberg commented on the recently adopted stormwater utility fee rate structure and opined that the City overlooked the requirement that the fees should be calculated based on square footage.

Mr. Lynch clarified that Mr. Cederberg's argument was that the City may impose an operation charge on all users and owners in the storm sewer system solely based on the square footage of the property adjusted for the reasonable calculation of stormwater runoff. He explained that the document referenced by Mr. Cederberg provides multiple ways by which the City is allowed to calculate the fee. The City is not required to calculate the fee using only the square footage methodology.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. SALAS TRUCKING; Consider a Resolution and related documents pertaining to the Vacation of Street Rights-of-Way in the plat of Laura Riebe Addition located between 6080 and 6202 Concord Boulevard

Mr. Link reviewed the location of the property and stated the request is for vacation of rights-of-way. He explained there was a 30-35 foot wide right-of-way located on the south side of the property, and a 16 foot alley right-of-way on the east side of the property. He noted there were no roads in either right-of-way. He stated there was an existing storm water line in the southern right-of-way, and the City would be maintaining the drainage and utility easements over a portion of the right-of-way in addition to an encroachment agreement. Planning staff and the Planning Commission recommended approval of the request.

Motion by Piekarski Krech, second by Klein, to adopt Resolution No. 12-48 and related documents pertaining to the Vacation of Street Rights-of-Way in the plat of Laura Riebe Addition located between 6080 and 6202 Concord Boulevard

Ayes: 4

Nays: 0 Motion carried.

B. DAVID WHEATON; Consider a Resolution relating to Vacation of Certain Street Rights-of-Way within the plat of Dorr's Third Inver Grove Addition

Mr. Link stated the property was located along the Mississippi River, just east of Inver Grove Trail and Old Concord. The request was before the Council on February 13th and was subsequently tabled for further discussions regarding City storm water easements. He explained the request entailed the vacation of old right-of-way on a plat dating back to the 1880's. He stated there were no roads and no real access to the property. Council previously directed staff to meet with the applicant and Dakota County to negotiate the details related to the storm water easements that the City requested across the property. He explained the negotiations were successful and an agreement was reached for the vacation of the right-of-way and the granting of easements. He stated there were three (3) storm water and access easements, and one (1) restricted use agreement included with approval of the vacation. The request would provide the vacation of the right-of-way to Dakota County and Macalester College for the permanent protection of the property for open space. He noted Dakota County is considering taking conservation easement over the Macalester property for the preservation of the open space. He explained the City would benefit because the easements and use agreement provide an opportunity to use a narrow corridor across the property for stormwater purposes if future needs arise. He stated there were three (3) small portions of the right-of-way not included in the vacation because of a statute which requires the City to allow the DNR 60 days to review and comment on any right-of-way that abuts the Mississippi River. He noted vacation of those three (3) sections would be brought back to the Council for approval after the DNR review period had passed. Planning staff recommended approval of the vacation subject to the stormwater and access easements and the restricted use agreement.

Councilmember Klein questioned if the plat had any historical significance.

Mr. Link responded in the negative. He stated utilities were never extended to the property and staff was not aware of any previous use.

Acting Mayor Madden clarified that the agreement would allow the City to access property with any

necessary equipment if a need arose.

Mr. Link confirmed the agreements would allow the City to access the property to make necessary improvements and restore it to original conditions.

Councilmember Piekarski Krech questioned how the City would memorialize the intent to convey the one acre of land that cannot be released until 2015.

Mr. Link stated the City acquired that piece of property in 1966 and there is a restriction over it that it can only be used for park purposes. He explained the City has never used it for that intent and has no plans to do so in the future, so in 2015 the property could be conveyed to Macalester College.

Mr. Kuntz explained at the time the second round of vacations come back to Council for approval an agreement could be included that would memorialize the City's intent to convey the one acre piece of property to Macalester College in 2015.

Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 12-49 approving the Vacation of Certain Street Rights-of-Way and related documents within the plat of Dorr's Third Inver Grove Addition

Ayes: 4

Nays: 0 Motion carried.

PARKS AND RECREATION:

C. CITY OF INVER GROVE HEIGHTS; Approve Heritage Village Park Architecture Concepts

Mr. Carlson explained Partners & Sirny Architects was hired in May of 2011 to assist with the process of creating a general architectural style concept for the future buildings in Heritage Village Park. He noted Dakota County and the City partnered for the project. He stated the preliminary plans were reviewed by the Dakota County Physical Development Committee in January and they commented that the costs were too high for the buildings, the graphics that were provided made it difficult to visualize what was going to happen, and the architectural styles were too utilitarian. The county subsequently decided to pay the architect an additional \$1,000 to develop revised plans. He stated the City Council reviewed the original draft plans at a work session in January and generally liked the concept and did not suggest any changes. The county and the architect worked on the revised plans for the trailhead facility which would include restrooms, informational display areas, and drinking water stations. The trailhead facility would be owned and operated by Dakota County, including maintenance and repairs of the facility after construction. He reviewed the building designs, stating the overall concept was a railroad theme. The first design incorporated more wood, whereas the second design incorporated more stone. The Parks and Recreation Advisory Committee preferred the first design because it felt more in tune with the railroad theme and would be easier to maintain if vandalism occurred. He also reviewed the site layout and the changes that were proposed. He noted the parking lot was reduced to one entrance/exit because of a slightly modified configuration. He explained if the Council were to approve the concepts the county would move forward with hiring an architect to develop plans and specifications in greater detail. He stated the City would be provided with another opportunity to review and approve the plans and specifications. He noted no investment from the City was required at this time.

Councilmember Piekarski Krech stated she was concerned with the building that was primarily wooden, and liked the building that had more stone from an architectural and aesthetic standpoint.

Mr. Carlson stated the Parks Commission also suggested incorporating more stone accents into the wooden design.

Acting Mayor Madden agreed that the stone looked much better and would be a much more stable building.

Councilmember Piekarski Krech confirmed that the Council would have more input on the final design are just approving the general concept at this point.

Councilmember Klein expressed concern with the size of the parking lot and the plan to only have one

entrance/exit.

Motion by Klein, second by Piekarski Krech, to approve Architecture Concepts for Heritage Village Park

Ayes: 4

Nays: 0 Motion carried.

ADMINISTRATION:

D. CITY OF INVER GROVE HEIGHTS; Consider Resolution Awarding the Sale of General Obligation Utility Revenue Refunding Bonds, Series 2012A

Mr. Apfelbacher stated bids were taken to refinance three (3) existing debt issues. He noted the City's AA bond rating was reconfirmed by Standard & Poor's prior to taking bids. He stated seven (7) bids were received and the best bid, submitted by Vining Sparks IBG, L.P., was 1.51%. He reminded the Council that the debt was going out over ten (10) years and 5.51% was the average of the debt issue over that period of time. He noted the bid was slightly higher than what was projected. He explained as a result of the refinancing the City will save \$390,000 present net value. He stated the savings figure is net of all expenses related to the obligation, and as a percent of savings equates to approximately 6.3%. He explained a smaller debt issue, \$5,710,000 was recommended because the dealer bid a premium and that was factored into the size of the issue and the extra money was used to reduce the size of the issue.

Mr. Lynch noted a refunding escrow agreement was also included for approval.

Mr. Cederberg questioned what the total cost was to the City for the transaction, including commission.

Mr. Apfelbacher stated the discount expense, paid to the purchaser, was \$38,600. The cost of issuance - including payments to the escrow agent, verification agent, bond attorney, the rating agency, and Ehlers - was \$51,970. He noted the total costs were factored into the savings figure of \$390,000.

Motion by Klein, second by Grannis, to adopt Resolution No. 12-50 Awarding the Sale of General Obligation Utility Revenue Refunding Bonds, Series 2012A and the corresponding refunding escrow agreement

Ayes: 4

Nays: 0 Motion carried.

E. CITY OF INVER GROVE HEIGHTS; Consider Resolution Establishing Precincts and Polling Places

Ms. Rheaume stated legislative redistricting was completed at the state level on February 21, 2012. As a result of those changes the City was combined into one congressional district and one legislative district. She explained staff used the redistricting process as an opportunity to adjust precinct boundaries to accommodate growth in the voting age population based on 2010 census data that was obtained. She stated staff wanted to minimize the impact on voters as much as possible while keeping the voting age population in each precinct under a 3,000 people. The boundary adjustments that were made resulted in a more even distribution of the voting age population within each precinct, and allowed room for growth in the future. She noted staff proposed continuing to divide the City into ten (10) precincts and to use the same polling places that were previously established, with the exception of moving Precinct 4 back to City Hall. She stated if no changes had been made to the boundaries the voting age population in several precincts would have exceeded 3,000 and polling places would have become difficult to manage on Election day.

Councilmember Piekarski Krech expressed concern that the changes would result in people being unable to locate their appropriate polling place on Election day.

Ms. Rheaume explained staff tried to make the map as easy to understand as possible. She noted on Election day polling place workers are encouraged to use polling place finders to ensure voters are in the right precinct based on their address.

Councilmember Klein stated the proposed boundaries would more evenly distribute the voters on Election

day and would keep the precincts running more efficiently.

Motion by Klein, second by Grannis, to adopt Resolution No. 12-51 Establishing Precincts and Polling Places

Ayes: 4

Nays: 0 Motion carried.

F. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance to Amend City Code, Title 8, Chapter 2, Section 10, Rates and Charges

Ms. Teppen stated an amendment to the City code was proposed to provide for a different pay period that utility bills are due. She explained City code requires utility bills to be due within 30 days of when the utility bill is issued, but the practice has been, for approximately 20 years, that bills are due on the 21st day after the bill is issued. With the implementation of new financial software it was found that the software could not accommodate the due date set forth in code. She stated this would affect all utility customers that have automatic withdrawal set up on their accounts.

Acting Mayor Madden clarified that the bill would continue to be due on the 20th day after the bill is issued.

Councilmember Klein questioned how customers would be notified.

Ms. Teppen stated a notice would be sent with the utility bills and it would be advertised on the website. She noted the practice would not change in that the bill has been due 20 days after the bill goes out for the past 20 years.

Councilmember Piekarski Krech questioned if the due date was date specific.

Acting Mayor Madden confirmed that the bill is due on the 20th and is late on the 21st.

Motion by Grannis, second by Klein, to approve the First Reading of an Ordinance to Amend City Code, Title 8, Chapter 2, Section 10, Rates and Charges

Ayes: 4

Nays: 0 Motion carried.

8. MAYOR AND COUNCIL COMMENTS:

9. ADJOURN: Motion by Grannis, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 8:05 p.m.