

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

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, April 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, Police Chief Stanger, Fire Chief Thill and Deputy Clerk Rheaume

3. PRESENTATIONS:

A. United States Army Specialist Joseph Allan Kennedy Day Proclamation

Mayor Tourville stated the City would like to honor the life of Joseph Allan Kennedy in conjunction with a ceremony scheduled at the Army Guard Training Center on Sunday, April 15th, the one year anniversary of Specialist Kennedy's death.

Mike LaBelle, Director & Honorary Member of the Minnesota Patriot Guard, stated the Patriot Guard would like to honor the life of a soldier and his family. He explained Joseph Allan Kennedy was killed in action on April 15, 2011. He stated George Lutz, founder of the program, is a gold star father who lost his son in the Battle of Fallujah in 2006. He noticed that after the funeral there was no symbol to recognize the fallen and after extensive research found that nothing had ever existed. After discussing the issue with elected officials and other gold star families, Mr. Lutz took the initiative to design a flag that would honor those members of the military who lost their lives in action.

Mrs. LaBelle stated it takes an American seamstress twelve (12) hours to construct the flag that would be presented to the Kennedy family. She explained that each symbol and every color on the flag has a specific meaning. The red field represents the blood spilled by brave men and women in America's military throughout history who willingly gave their lives so we could remain free. The blue star represents active service in military conflict, signifying service through all generations from the American Revolution to the present. The white border surrounding the gold star recognizes the purity of sacrifice. The gold star signifies the ultimate sacrifice of a warrior in active service who will not return home. Gold reflects the value of the life that was given. The folded flag signifies the final tribute to an individual life that a family sacrificed and gave to the nation. The flame is the eternal reminder of the spirit that has departed this life, yet burns on in the memory of all those who knew and loved the fallen hero. Mrs. LaBelle stated Specialist Kennedy's selfless sacrifice would always be remembered and honored.

Mr. LaBelle presented a plaque, stating the honorary member flag was given to the Kennedy family with eternal gratitude and respect in memory of Specialist Joseph A. Kennedy. The flag honors Specialist Kennedy's unwavering dedication and remembers his selfless sacrifice. He stated by displaying this symbol collectively as a nation, we humbly recognize the enormity of the Kennedy family's loss and respectfully say, "thank you".

The plaque and honorary member flag were presented to the Kennedy family on behalf of the Honorary Members of the Patriot Guard and Tribute to the Troops.

Val Kennedy thanked everyone for attending the ceremony. On behalf of herself, her husband, Jim, and son, Casey, she thanked the Mayor and Council for accommodating all those in attendance. She stated the leadership provided by the Yellow Ribbon Community has offered her family continuous support. She expressed gratitude to her family, friends, Chief Warrant Officer Tori Klunis, the Red Bull unit stationed in Inver Grove Heights, the Inver Grove Heights Police and Fire Departments, members of the Patriot Guard, Tribute to the Troops, and Honor and Remember Organizations. She stated through the efforts of the all the groups involved they are assured that Joe, and all those who paid the ultimate sacrifice in service to the country, will never be forgotten. She explained that knowing there are so many who care so deeply about members of the military and their families has changed her life. She stated her family's new mission

is to join those groups who have helped them and pay it forward. She explained Joseph felt he was just doing his job and encouraged everyone to thank a soldier when given the opportunity.

Mayor Tourville read the proclamation recognizing April 15, 2012 as United States Army Specialist Joseph Allan Kennedy day in the City of Inver Grove Heights. He thanked the Patriot Guard for their efforts in helping the Kennedy family and all the military families in the community.

4. CONSENT AGENDA:

Mayor Tourville removed Item 4A, Minutes of March 26, 2012 Regular Council Meeting, and Item 4I, Resolution Accepting Proposal from SEH, Inc. for Professional Services to locate the Property Corners for the 66th Street Right-of-Way on City Project No. 2011-08, from the Consent Agenda.

- B. Resolution No. 12-52** Approving Disbursements for Period Ending April 4, 2012
- C.** Appoint Alternate to the Gun Club Lake Watershed Management Organization Board
- D.** Approve Request from Xcel Energy to Sign a Waiver of the Termination Clause on Existing Street Lighting Contracts
- E. Resolution No. 12-53** Approving Agreement with Xcel Energy for Sod Replacement and Seeding on City Project No. 2010-41, T.H. 3 Turn Lanes at Autumn Way
- F. Resolution No. 12-54** Approving Agreement with Xcel Energy for Sod Replacement and Seeding on City Project No. 2011-08, 66th Street Improvements and City Project No. 2011-21, 66th Street Parking Lot and related Trails
- G. Resolution No. 12-55** Approving Agreement with Xcel Energy for Sod Replacement and Seeding on City Project No. 2012-09D, 65th Street Neighborhood and Cahill Court Street Reconstruction
- H. Resolution No. 12-56** Accepting Proposal from Pioneer Engineering Inc. for Construction Surveying Services for the 2012 Improvement Program, City Project No. 2010-41, T.H. 3 Turn Lanes at Autumn Way
- J. Resolution No. 12-58** Calling for Hearing on Proposed Assessments and **Resolution No. 12-59** Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessment for City Project No. 2001-12, Concord Blvd. (CSAH 56) Improvement – Corcoran Path to 65th Street
- K.** Approve Authorization to move Southeast Quadrant LLC Escrow Funds to First American Trust
- L. Resolution No. 12-72** Accepting South Metro Fire Department as part of Dakota County Mutual Aid Fire Services Agreement
- M.** Approve Salary Adjustment for City Administrator for 2012
- N.** Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

A. Minutes – March 26, 2012 Regular Council Meeting

Mayor Tourville stated he would abstain from the vote as he was not present at the meeting on March 26th.

Motion by Klein, second by Grannis, to approve the minutes of the March 26, 2012 Regular Council Meeting

Ayes: 4

Nays: 0

Abstain: 1 (Tourville) Motion carried.

I. Resolution Accepting Proposal from SEH, Inc. for Professional Services to locate the Property

Corners for the 66th Street Right-of-Way on City Project No. 2011-08

Mayor Tourville stated he would abstain from the vote.

Motion by Klein, second by Grannis, to adopt Resolution No. 12-57 Accepting Proposal from SEH, Inc. for Professional Services to located the Property Corners for the 66th Street Right-of-Way on City Project No. 2011-08

Ayes: 4

Nays: 0

Abstain: 1 (Tourville) Motion carried.

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS:

A. CITY OF INVER GROVE HEIGHTS; Consider Resolution Ordering the Project and Approving Plans and Specifications for the 2012 Pavement Management Program, City Project No. 2012-09D, Urban Street Reconstruction Project (65th Street Neighborhood and Cahill Ct.)

Mr. Kaldunski explained the public hearing for this project was opened on January 23, 2012 and was continued by the Council to April 9, 2012 with direction to staff to update the feasibility report with recommendations for 67th Court East and Bixby Way. He state Council was provided with comments received during the informational meeting, as well as an updated assessment roll that incorporated changes based on amendments to the feasibility report. He noted three (3) letters and one (1) petition were received regarding project costs.

Motion by Piekarski Krech, second by Madden, to receive letters from Terrence Gerten, Commerce Express, Robert and Nancy Roloff, and a signed petition from the Blackhawk Trail Condominium Association Members.

Ayes: 5

Nays: 0 Motion carried.

Bob Lang, 6858 Blackhawk Trail, stated all 32 residents of the Blackhawk Trail Condominiums were senior citizens. He explained they are responsible for the maintenance of their streets and they only abut to 68th Street on the north end of their community. He requested relief from some of the project costs because they would receive no benefit from the improvements. He opined that the proposed assessment was too high and the value of their properties would not increase as a result of the project.

Mr. Kaldunski stated the Blackhawk neighborhood was being assessed for the 60 feet of frontage that their road connection has onto the intersection that is being totally reconstructed with new storm sewer. He explained the appraiser recommended a cap of \$1250 dollars for that neighborhood and the preliminary assessments were approximately 50% of those for a typical single family house because the neighborhood has an indirect access.

Mayor Tourville noted no decisions would be made regarding assessments until after the project is complete and final numbers are known.

Joe O'Shaughnessy, Commerce Express 2945 Buckley Way, stated when he purchased the property he paid approximately \$13,000 in special assessments and opined that being asked to pay additional assessments seemed redundant when the majority of the improvements he is being assessed for include curb, gutter, and storm sewer work. He noted that 46% of his parcel was green space and he installed a separate drainage system for his property. He requested that his assessment be reduced because he retains the majority of the water on his property.

Mayor Tourville asked if the road in front of Commerce Express would be a full reconstruction.

Mr. Kaldunski responded in the affirmative.

Terry Gerten, 2900 65th St., opined that 65th Street from 100 feet west of his property, going east to Cahill Avenue did not need to be totally reconstructed. He stated the existing gravel base has proven to be excellent for 31 years without any seal coating. He acknowledged that an approximately 700 foot section of the street did need new asphalt. He stated the curbs and sidewalks were in good shape and did not need to be replaced. He contended that it would be a waste of money to redo the base of the street and construction activity would be a major disruption to the access for his business. He requested that an amendment be considered that would allow for asphalt replacement only on 65th Street from approximately 100 feet west of Lot 3, Block 1, Valley View Addition, going east to Cahill Avenue. He opined that the road has never had any problems in the winter and the extra expense is not warranted.

Mr. Kaldunski stated the geotechnical report recommended replacement and reconstruction of that stretch of road. He explained the report did include information showing that the underlying soils were in much better shape because they are more sandy in that area. The underlying soils do have issues with drainage and pavement does need work to rectify some rutting. He noted it also become problematic to save the curb when doing a full reconstruct because the street must be excavated approximately three (3) feet to complete the sub grade work. He explained the appraiser recommended a cap of \$1 per square foot for commercial properties.

Councilmember Klein questioned what the maximum life of a road is supposed to be.

Mr. Kaldunski stated the road has lasted as long as it has because of the good base and thick layer of black top. He explained many roads built in the 1980's were given a maximum life of 20-25 years. He noted the point of the Pavement Management Program is to implement roads that will last approximately 30 years with regular maintenance.

Councilmember Grannis questioned what was found in the soil analysis that made the geotechnical experts recommend a full reconstruct for the particular stretch of road in question.

Mr. Kaldunski stated the report references clay sands and silt sands. He explained materials were found throughout the project area that were very fine, sandy particles that do not promote the movement of water. He noted there is also a lot of traffic at the referenced area that has contributed to rutting and undulation of the road surface, another sign of small particles in the underlying base.

Mayor Tourville clarified that even if the project was amended to include only a mill and overlay on the section of road referenced by Mr. Gerten, the total project costs may decrease but it would not necessarily affect the assessments for the properties located along that specific stretch. He noted there is a difference between a mill and overlay and total removal of asphalt.

Mr. Kaldunski confirmed that any savings would be spread out over the total cost of the project, not specific to individual assessments.

Mr. O'Shaughnessy stated he does not have any issues with the road in front of his property either and questioned if a mill and overlay could be considered.

Mr. Gerten stated he would not be interested in a mill and overlay. He explained even if the cost reduction does not benefit him, it would still benefit the tax payers.

Councilmember Klein questioned if any storm sewer work would be performed in that area.

Mr. Kaldunski reviewed the utility improvements that would be completed.

Councilmember Klein stated if the underlying soil is good it should be left alone.

Councilmember Piekarski Krech stated she fears what will happen if the base is removed because it has worked and lasted for so long. She opined if the base is removed more of a problem could be created.

Councilmember Madden questioned when construction would begin.

Mr. Kaldunski stated construction would begin in May and would be completed in four different phases to alleviate any disruption to the business owners.

Councilmember Klein asked if an alternative bid could be included for that particular stretch of road that would be for a partial reconstruction depending on the sub grade conditions.

Mr. Kaldunski stated that could be included as part of the bidding process and noted that additional soil testing could be done after the bituminous is removed.

Motion by Klein, second by Madden, to close the public hearing

Ayes: 5

Nays: 0 Motion carried.

Councilmember Klein opined that the bids could always be rejected. He stated an alternative bid should be included for a partial reconstruct on the stretch of 65th Street in front of Gerten's Farm Market to Cahill Avenue.

Mayor Tourville stated the \$1200 assessment for the Blackhawk Trail residents seemed high.

Mr. Kaldunski explained in recent projects appraisals for townhome associations have come in between \$2,000 and \$2,500. He stated because the residents have no direct connection, the appraiser's recommended cap, \$1,200, was 50% of what a typical assessment for a townhome would be.

Councilmember Piekarski Krech questioned why it was not classified as senior housing if the residents had to be over 55 years old to live in the development.

Mr. Kaldunski stated staff could ask the appraiser that question.

Mayor Tourville clarified that the access on 68th Street is considered a long drive way for the development.

Mr. Kaldunski replied in the affirmative.

Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 12-60 Ordering the Project and Approving Plans and Specifications for the 2012 Pavement Management Program, City Project No. 2012-09D, Urban Street Reconstruction Project (65th Street Neighborhood and Cahill Ct.) and to include an alternative bid for a partial reconstruct on 65th Street from 100 feet west of the Gerten's Farm market, east to Cahill Avenue.

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. McDONALD'S; Consider Resolution relating to a Planned Unit Development Amendment to Change the Site, Grading and Elevation Plans for Remodeling of the McDonald's Restaurant located at 3075 80th Street

Mr. Link reviewed the location of the property. He explained the request is for a change to the site plan to allow for the construction of an additional drive thru lane. He stated the restaurant currently has a single-lane drive thru. The exterior of the building would be upgraded. The north entrance would be closed and the main entrance would be off of the existing east side of the property. He noted the building foot print itself would remain the same. He stated the proposal complied with the PUD and zoning requirements, and the engineering division worked with the applicant on grading requirements. The Fire Marshall reviewed the revised site plan and had no issues or concerns. He stated both Planning staff and the Planning Commission recommended approval of the request.

Councilmember Madden asked for clarification on which entrance would be closed.

Councilmember Piekarski Krech explained patrons would only be able to enter off of 80th Street. The entrance on the north side of the restaurant would be closed.

Mr. Link confirmed the access would be off the existing drive, on the east side.

Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 12-61 relating to a Planned Unit Development Amendment to Change the Site, Grading, and Elevation Plans for Remodeling of the McDonald's Restaurant located at 3075 80th Street

Ayes: 5

Nays: 0 Motion carried.

PUBLIC WORKS:

B. CITY OF INVER GROVE HEIGHTS; Consider Resolution Receiving Feasibility Report and Scheduling Public Hearing for the 2012 Improvement Program, City Project No. 2011-04, 93rd Street Extension

Mr. Kaldunski stated the feasibility study covered the extension of 93rd Street. He explained the road would be extended from the gravel road on 90th Street to the intersection of 93rd Street and Abigail Court. He noted a street would be built where none currently exists. He stated 11 out of 11 residents signed a petition for this project. The estimated project cost was \$180,000 and the improvements would be 100% assessed.

Councilmember Klein questioned how many people would be assessed.

Mr. Kaldunski stated 11 properties are proposed to be assessed.

Councilmember Klein asked if the overall consensus of the property owners was to move forward with the project considering the anticipated costs.

Mr. Kaldunski explained one of the property owners was new to the neighborhood in the last year. He noted nothing had been heard from the other 10 property owners, other than to move forward with the public hearing for the project.

Motion by Klein, second by Madden, to adopt Resolution No. 12-62 receiving Feasibility Report and Scheduling Public Hearing for the 2012 Improvement Program, City Project No. 2011-04, 93rd Street Extension

Ayes: 5

Nays: 0 Motion carried.

C. CITY OF INVER GROVE HEIGHTS; Acceptance of Bid and Award of Contract for 2012 Pavement Management Program, City Project No. 2011-08, 66th Street Improvements (Concord Boulevard to Swing Bridge Pier) and City Project No. 2011-21, 66th Street Parking Lot Improvements and related Trails

Mr. Kaldunski explained the low bid was submitted by Max Steininger, Inc. in the amount of \$611,342.09. He stated the base bid cost of \$384,632.15 was for street, pond and utility improvements included in City Project No. 2011-08. The base bid cost of \$226,709.94 was for trails included in City Project No. 2011-21. Two alternate bids were included, the first alternative would include extension of water service to the bridge and would be funded by the Parks and Recreation Department at a cost of \$13,587.77. The City would install Alternative Bid No. 2 if River Heights Marina were to indicate, in writing, that they want water service lines installed at this time. The Marina would need to execute an agreement expressing their willingness to cover the related costs in addition to a waiver of assessment appeal. Mr. Kaldunski recommended that the contract be awarded to Max Steininger, Inc. for a total contract cost of \$644,444.62.

Councilmember Klein questioned why the County removed the parking lot from the bid.

Mr. Kaldunski explained it was removed because the final layout has not been determined by the County.

Councilmember Klein confirmed that the County will take care of the parking lot and the bidding process for that improvement.

Councilmember Madden questioned who would be assessed for the improvements.

Mr. Kaldunski stated the businesses and property owners (including the City and the County) immediately abutting the project area would be assessed. He clarified that no residents on Concord would be assessed.

Greg Sampson, 7540 River Road, questioned where the access points would be for two businesses if 66th Street was closed.

Mr. Kaldunski stated there would be a time period during which 66th Street would be closed at the railroad crossing. He explained the City has an agreement with Union Pacific Railroad to install a new crossing at that location. When the new crossing occurs, 66th Street would still be open and accesses will be detoured down Doffing Avenue and over to 65th Street. People going to the Allied Waste or the King of Diamonds would have the option to use 65th Street from Concord to Doffing Avenue to access the businesses.

Mr. Sampson stated his concern is that River Road will be used to access the King of Diamonds while the crossing is being constructed. He questioned if there was any way to deter traffic from using that route.

Mr. Kaldunski stated the bid for the project includes a full detour with complete signage to direct people to the businesses.

Motion by Klein, second by Madden, to adopt Resolution No. 12-63 Accepting Bid and Awarding Contract for 2012 Pavement Management Program, City Project No. 2011-08, 66th Street Improvements (Concord Boulevard to Swing Bridge Pier) and City Project No. 2011-21, 66th Street Parking Lot Improvements and related Trails

Ayes: 4

Nays: 1 (Grannis) Motion carried.

FINANCE

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

Ms. Smith explained the amendment would put the Finance Department's long time practice into code. She stated utility customers are currently allowed 30 days (by Code) to pay their bill. She explained the 30 day time frame creates a problem with the City's financial software and the standard practice has been a 20 day payment period.

Councilmember Piekarski Krech opined that it is terrible that the City's practices were going to be modified to comply with software.

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

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

8. MAYOR AND COUNCIL COMMENTS:

9. ADJOURN: Motion by Madden, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 8:35 p.m.