

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, APRIL 23, 2012 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, April 23, 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 Rheume

3. PRESENTATIONS:

A. Presentation of Eric Bergum, Assistant Fire Chief

Chief Thill explained a position was created within the last year for a full-time Assistant Fire Chief. She stated 62 applications were initially received from candidates representing 14 different states. The field was narrowed through a series of interviews, and Eric Bergum was eventually offered the position. She explained that Assistant Chief Bergum has been a lifelong resident of the City and a high-performing member of the Inver Grove Heights Fire Department for 23 years. During his tenure, he rose through the ranks of the Fire Department to his most recent position of paid on-call Deputy Fire Chief. She stated Assistant Chief Bergum was currently enrolled at Hennepin County Technical College and noted his wife, Amy, was an active member of the Fire Department Auxiliary. She stated Assistant Chief Bergum was passionate about fire service, the City of Inver Grove Heights, and the Inver Grove Heights Fire Department.

Assistant Chief Bergum thanked the Mayor, Council members, and City staff for the opportunity. He stated he has enjoyed his 23 years of service in the Fire Department and looked forward to the next phase of his work as the Assistant Chief.

Chief Thill presented Assistant Chief Bergum with a new fire helmet to signify his new position.

4. CONSENT AGENDA:

- A. Resolution No. 12-64** Approving Disbursements for Period Ending April 18, 2012
- B.** Final Pay Voucher No. 9, Final Report, and **Resolution No. 12-65** Accepting Work for Technology Bid Package 27A, City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- C.** Approve Request for Proposal for Park and Recreation System Plan
- D.** Approve Contract for Update of Heritage Village Park Master Plan
- E.** Approve 2012 Tree Replacement Plan
- F.** Approve Purchase of Capital Equipment
- G. Resolution No. 12-66** Accepting Proposal from American Engineering Testing, Inc. for Construction Materials Testing Services for the 2012 Pavement Management Program, City Project No. 2011-09D, Urban Street Reconstruction, 65th Street Neighborhood and Cahill Court
- H. Resolution No. 12-67** Calling for Hearing on Proposed Assessments and Resolution No. 12-68 Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for City Project No. 2011-09D, Urban Street Reconstruction, South Grove Area 6
- I.** Approve Massage Therapist License
- J.** Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Bill Freeson, 6802 Carleda Ave. E., stated he has a problem with the re-sodding that was done on his street approximately two years ago. He explained he tried to contact the contractor and never received a response.

Mayor Tourville asked him to provide his contact information to Mr. Thureen for follow-up to look at the problem and determine a solution.

6. PUBLIC HEARINGS: None.

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

A. IGH INVESTMENTS, LLC (ARGENTA HILLS); Consider Resolution relating to a Final Plat and Final PUD Development Plan and related documents for Argenta Hills 4th Addition located along Auburn Court and Autumn Way

Mr. Link reviewed the location of the property. He explained the proposal was for a 23 lot, single family subdivision. He noted this was the fourth addition and would build out the neighborhood and complete the balance of the streets in the neighborhood. He stated the final plat was reviewed against the conditions of preliminary approval and was found to be in compliance and consistent with the preliminary plans. Both Planning staff and the Planning Commission recommended approval of the request.

Councilmember Klein questioned who the developer was.

Jacob Fick, IGH Investments, clarified that they own Tradition Development and have a partnership with McGough Construction in this development. He explained that McGough Construction is responsible for the commercial development on the site and his company is responsible for the residential development.

Jim Brown, 1186 90th St. E., asked for clarification regarding the location of Robert St. in relation to the development.

Motion by Klein, second by Madden, to adopt Resolution No. 12-69 relating to a Final Plat and Final PUD Development Plan and related documents for Argenta Hills 4th Addition located along Auburn Court and Autumn Way

Ayes: 4

Nays: 1 (Grannis) Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance Amendment to allow Community Gardens as a Permitted Use in the Residential and Public/Institutional Zoning Districts

Mr. Link explained the ordinance would allow community gardens with a series of performance standards. He noted the community gardens would be a permitted use and would not require a separate city-issued permit. He stated the City Council reviewed the issue at several different work sessions and directed Planning Commission to hold a public hearing. Three (3) people testified at the public hearing and all were in favor of the ordinance. He explained the Planning Commission recommended several changes to the ordinance, staff supported all of the proposed changes except for two (2). The first issue related to screening requirements. Staff inserted screening language into the ordinance as per Council comments received during the work sessions. The Planning Commission recommended removing the paragraph in its entirety as they felt it was redundant given that the code already contains fencing regulations. He explained staff felt the paragraph might be helpful for some who want to fence off their garden. The second issue related to paths. The Planning Commission recommended removing the paragraph in its entirety. Staff felt the language would help guide potential operators and would clarify what to do if paths were installed.

Councilmember Madden questioned if there was also an issue with setback requirements.

Mr. Link explained staff supported the suggested change from 20 foot setbacks to five (5) foot setbacks.

Councilmember Piekarski Krech clarified that setback would be irrespective of any easement areas.

Mr. Link stated the setback would be measured from the edge of the right-of-way.

Councilmember Klein opined that the ordinance was a violation of property rights. He stated an ordinance was not necessary because a person should be allowed to do what they want on their property. He further stated the government should not intervene in an issue of this nature.

Mayor Tourville explained the issue was looked at because there may be some neighbors who are not ecstatic about the concept, and there may be some safety issues that need to be addressed with respect to blocking of road signs or encroachments on right-of-way.

Mr. Link clarified that the ordinance would not impact a typical family garden. He explained the ordinance was meant to address instances in which groups or organizations set up a garden with numerous plots and they may sell or lease plots to individuals. He noted that current regulations within the City Code do not allow community gardens. The proposed ordinance would permit community gardens provided certain performance standards are met.

Councilmember Klein asked the City Attorney if there was an ordinance prohibiting gardens.

Mr. Kuntz explained there was not an ordinance prohibiting individual gardens owned by the person(s) who own the property. He stated the judgment of the planning staff, with respect to non-residential uses, was that community gardens were not seen as customary or incidental to the institutional use.

Councilmember Klein asked the City Attorney to draft a legal opinion and explanation as to why the proposed ordinance was necessary.

Councilmember Piekarski Krech questioned if the proposed regulations were the same as what the Parks and Recreation Department operates under.

Mr. Link responded in the affirmative.

Mayor Tourville clarified that a fence would not be required, but installation would not be prohibited.

Councilmember Klein stated he was not against community gardens on public land.

Paul Tischy, 2865 Upper 79th Ct. E., spoke in favor of the proposed ordinance. He opined that the concept was a great thing and stated the more community gardens, the better.

Councilmember Madden questioned if concrete paths would be prohibited.

Mr. Link explained the staff version of the ordinance makes paths optional. The only requirement would be that a path be constructed of natural materials.

Councilmember Piekarski Krech stated there was a big difference between having a community garden on a major thoroughfare and out off of Rich Valley Blvd. She expressed concerns about the upkeep. She questioned who would take care of the garden if it was abandoned. She stated basic regulations are needed for community gardens in public areas.

Mayor Tourville suggested adding verbiage for the second reading regarding maintenance and upkeep of the community garden.

Mr. Link noted the Planning Commission recommended striking the sentence regarding removal of dead plants with the rationale that removing too much may cause erosion.

Councilmember Piekarski Krech agreed with staff that there may need to be some screening along arterial streets.

Motion by Piekarski Krech, second by Madden, to approve the Planning Commission version of the first reading of an Ordinance Amendment to allow Community Gardens as a Permitted Use in the Residential and Public/Institutional Zoning Districts with a standard that paths are allowed provided they are constructed of natural materials.

Ayes: 4

Nays: 1 (Klein) Motion carried.

PUBLIC WORKS:

C. CITY OF INVER GROVE HEIGHTS; Rescind Action for Alternative Bid for City Project No. 2012-09D, 65th Street Neighborhood and Cahill Court Street Reconstruction

Mr. Kaldunski explained the eastern side of 65th Street near Cahill Avenue was discussed at the last meeting. He stated the potential for an alternative bid was discussed primarily to save the curb and gutter and existing sub grade underneath the road. The public works department looked at that particular segment and found that a large portion of curb along the south side cannot be saved because there is a large storm sewer system that is going in underneath the curb. He noted there were also improvements to catch basin leads, fire hydrants, and gate valves that would prohibit saving the curb and gutter. He stated they also found an area that had a spot overlay done in 2011 to hold the pavement together, and differential settling would be a concern going forward. He explained staff would not recommend an alternative bid on this project because of the number of factors that would impact the existing pavement, gravel, and sub grade. He stated staff would like to be consistent with the policy to have a uniform base course and sub grade in order to receive the best finished product.

Councilmember Piekarski Krech asked if the advertisement for bids was out.

Mr. Kaldunski stated the project was sent out without the alternative bid.

Councilmember Piekarski Krech commented on all the trouble the City has experienced with tenting and stated she wanted a guarantee that there would be no tenting. She opined that someone had to be held accountable because streets needed to be built to last.

Mayor Tourville expressed concern with making the road narrower because it is a commercial area where parking is allowed on both sides of the street. He opined it would be safer with the extra two (2) feet.

Mr. Kaldunski responded that there should not be an issue with retaining the existing width of the street. He noted they would prefer to pick logical starts and stops. He indicated staff would proceed with the 46 foot width on the two segments of 65th Street.

Councilmember Klein reiterated the extra width is needed in the area.

Terry Gerten, 2900 65th Street, Gertens Farm Market, asked for confirmation that municipal state aid funds are available for the project.

Mr. Thureen stated the state aid eligible costs for the project are approximately \$3.5 million.

Motion by Klein, second by Madden, to adopt Resolution No. 12-70 Rescinding Action for Alternative Bid for City Project No. 2012-09D, 65th Street Neighborhood and Cahill Court Street Reconstruction with the suggested street width modifications

Ayes: 5

Nays: 0 Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Discuss Draft Feasibility Report and Consider Resolution Concerning Financing Analysis for City Project No. 2011-15, Orchard Trail Improvements

Mr. Kaldunski explained a draft feasibility study was prepared by the City to outline the necessary improvements and project costs for the incomplete public storm water improvements in the Orchard Trail development. He stated a funding analysis was required to complete the feasibility study. He noted funding methods other than special assessments would be considered for the project, and both methods utilize special tax district levies. The analysis would require assistance from the City Attorney's office, Ehlers and Associates, and the engineering consultant that prepared the City's Water Resources Management Plan, Barr Engineering.

Mayor Tourville asked if the information was provided to residents in the neighborhood.

Mr. Kaldunski indicated that staff met with the two people that contacted the City.

Mr. Lynch noted the information was incomplete and not ready to be presented to the neighborhood at this point. He explained a public hearing regarding the improvements would be scheduled after the financial analysis was completed.

Mr. Kuntz explained the financial analysis is needed in order to develop an economic impact report for presentation at the public hearing. He stated right now the options to pay for the improvements would be to tax based on the value of the property or determine some form of special assessment.

Councilmember Grannis asked if a trail was originally proposed for the area.

Mr. Lynch explained it was considered a private improvement that the homeowners would need to move forward with.

Mayor Tourville asked about the procedure and communication with the neighborhood going forward.

Mr. Lynch explained the plan would be to bring the financial analysis back to the City Council for direction and then set up a neighborhood meeting. A public hearing would then be scheduled. He noted this would be a 2013 project.

Motion by Grannis, second by Madden, to accept the feasibility report and adopt Resolution No. 12-71 authorizing a Funding Analysis for City Project No. 2011-15, Orchard Trail Storm Water Improvements

Ayes: 5

Nays: 0 Motion carried.

FINANCE:

E. CITY OF INVER GROVE HEIGHTS; Consider the Third and Final Reading of an Ordinance to amend City Code Title 8, Chapter 2, Section 10, Rates and Charges

Ms. Smith stated this was the third reading of the proposed ordinance amendment. No changes were made since the second reading.

Motion by Grannis, second by Madden, to adopt Ordinance No. 1252 amending City Code Title 8, Chapter 2, Section 10, Rates and Charges

Ayes: 4

Nays: 1 (Piekarski Krech)

8. MAYOR AND COUNCIL COMMENTS:

Motion by Klein, second by Piekarski Krech, to schedule a Special Council Meeting on April 30, 2012 at 6:00 p.m. in the City Council Chambers to discuss the Concord Neighborhood Boulevard Plan

Ayes: 5

Nays: 0 Motion carried.

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