

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JUNE 25, 2012 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, June 25, 2012, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Grannis, Klein, and Madden; City Administrator Lynch, Assistant City Administrator Teppen, City Attorney Kuntz, Public Works Director Thureen, Parks & Recreation Director Carlson, Community Development Director Link, Finance Director Smith, Police Chief Stanger, Fire Chief Thill and Deputy Clerk Kennedy

3. PRESENTATIONS:

A. Citizen Advisory Commission Recognition

Mayor Tourville recognized Martin Silvi, Rue Shibata, and Michael Schaeffer for their years of service on the Parks and Recreation Advisory Commission, Aircraft Noise Abatement Commission and Planning Commission. He thanked the individuals on behalf of the Council for their volunteer efforts.

B. Minnesota Recreation and Park Association Award of Excellence for Programming & Events – Random Acts of Fitness

C. Minnesota Recreation and Park Association Award of Excellence for Park & Facility – Rock Island Swing Bridge Recreational Pier

Mr. Carlson introduced Jason Eisold representing the Minnesota Recreation and Park Association to present awards to the City Council for two parks and recreation projects.

Mr. Eisold presented two (2) 2011 Minnesota Recreation and Park Association Awards of Excellence to the City. He explained the Minnesota Recreation and Park Association was formed in 1937 to foster the growth and development of the parks and recreation profession throughout the State. The awards committee was established in 1987 for the purpose of acknowledging individual members and agencies for their excellence in the field of parks, recreation, and leisure services. He stated the awards program is an annual program solely created to recognize agencies and their staff for exemplary projects that were either implemented in 2011 or received substantial revisions in 2011. Members of the Minnesota Recreation and Parks Association may nominate projects for awards of excellence in seven (7) different categories including: park facilities, programs and events, sustainability, communication, administrative or management services, volunteer initiatives, and sponsorships/partnerships. He explained the City received an Award of Excellence in the "Programs and Events" category for the Random Acts of Fitness program, and in the "Parks and Facilities" category for the Rock Island Swing Bridge Recreational Pier.

Mayor Tourville recognized Eric Carlson and Tracy Peterson for their work on each of the respective projects. He stated it is an honor to be recognized by their peers in the Minnesota Recreation and Park Association.

4. CONSENT AGENDA:

Councilmember Klein removed Items 4J & 4K from the Consent Agenda.

Mayor Tourville removed Item 4M from the Consent Agenda.

- A.** i) Minutes – June 11, 2012 Council Work Session
ii) Minutes – June 11, 2012 Regular Council Meeting

B. Resolution No. 12-101 Approving Disbursements for Period Ending June 20, 2012

C. Pay Voucher No. 1 for City Project No. 2011-21, 66th St. Parking Lot and Related Trails

D. Change Order No. 1 and Pay Voucher No. 1 for City Project No. 2011-08, 66th Street from Concord Boulevard to the Swing Bridge Pier

E. Pay Voucher No. 1 and City Project No. 2012-09D, Urban Street Reconstruction, 65th Street

Neighborhood and Cahill Court

- F. Pay Voucher No. 1 for City Project No. 2010-41, T.H. 3 Turn Lanes at Autumn Way
- G. Pay Voucher No. 2 for 2011 Storm Water Facility Maintenance Program, City Project No. 2011-17
- H. Final Pay Voucher No. 2, Engineer's Report of Acceptance and **Resolution 12-102** Accepting Work for City Project No. 2012-22, Ravine Pond Erosion Mitigation
- I. **Resolution No. 12-103** Authorizing Approval of Consent Letter for Modification of Antenna Facilities
- L. **Resolution No. 12-105** Receiving Bids, Awarding Contract and Approving Change Order No. 1 for the 2012 Pavement Management Program, City Project No. 2012-09B – Sealcoating
- N. Approve Friends of the Mississippi River Proposal for a Natural Resource Management Plan
- O. Accept Donation to Inver Grove Heights Police Department
- P. Personnel Actions

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

Ayes: 4

Nays: 0 Motion carried.

- J. Resolution Ratifying the Submittal of a MPCA Environmental Assistance Grant Application for the Construction of City Project No. 2012-15, Sediment Removal Project Storm Water Management Basin at 79th Street and Blanchard Way

Councilmember Madden questioned if the remaining sediment not covered by the initial \$200,000 would be removed in the future and if so how the costs associated with the removal (\$270,000) would be handled by the City.

Mr. Kaldunski explained the project was split into multiple phases. He stated a partial construction project was being considered at this time to utilize the funding that would be received if the City was awarded the grant from the MPCA. He explained where the sediment is being deposited and noted that the pond was too large for the City to excavate with conventional equipment. The intent is to use \$100,000 worth of equipment to begin the project in the northwest corner to clear out approximately one-third of the basin. He noted any other work on the project would have to be completed at a later date depending on the availability of funding. He stated the initial phase of the project would help the 79th Street storm sewer flow much better.

Councilmember Madden asked how much time the City would have to complete the project if the grant was received.

Mr. Kaldunski indicated that the City would have until the end of 2013 to complete that portion of the project.

Motion by Madden, second by Klein, to adopt Resolution No. 12-104 Ratifying the Submittal of a MPCA Environmental Assistance Grant Application for the Construction of City Project No. 2012-15, Sediment Removal Project Storm Water Management Basin at 79th Street and Blanchard Way

Ayes: 4

Nays: 0 Motion carried.

- K. Resolution Receiving Bids, Awarding Contract and Approving Change Order No. 1 for the 2012 Pavement Management Program, City Project No. 2012-09A – Cracksealing

Councilmember Madden questioned where area 6 was located.

Mr. Kaldunski stated area 6 is located on Inver Grove Trail. He explained there was a piece that was reconstructed from Concord Boulevard to the southern edge of the Summit Pines development. He stated it was determined that this section of pavement was in good enough condition to push back on the schedule until 2013 in order to stay within the 2012 budget.

Motion by Madden, second by Klein, to adopt Resolution No. 12-105 Receiving Bids, Awarding Contract and Approving Change Order No. 1 for the 2012 Pavement Management Program, City Project No. 2012-09A – Cracksealing

Ayes: 4

Nays: 0 Motion carried.

M. Resolution Approving Improvement Agreement and related Documents for the Truck Service Operation Approved on June 11, 2012 for property located at 10982 Clark Road

Mayor Tourville announced that the new owners of Catco have decided not to purchase the property at this point in time.

Councilmember Klein questioned if the new owners pulled out the development because of the City's intense storm water regulations and requirements.

Mr. Thureen explained staff worked with the applicant to change the overall conveyance of storm water in the area to the City's benefit and to maximize the storage capacity. He noted as part of the agreement the City was going to fund a portion of the work because it benefitted the City's storm water system. He stated without the development there was no need to do anything further at this point.

Mayor Tourville stated the new owners are evaluating projects and determining

Mr. Kuntz opined that the decision to not proceed with the development was not related to storm water regulations. He explained that Catco was sold nationally and the attorney for the new owner notified the City that all development projects were put on hold pending further review by the new ownership.

No Action Was Taken on this Item.

5. PUBLIC COMMENT:

6. PUBLIC HEARINGS:

A. CITY OF INVER GROVE HEIGHTS; Continuation of Assessment Hearing for City Project No. 2001-12, Concord Boulevard Reconstruction Phase II

Mr. Kaldunski explained the remaining parcel to be assessed for the project was owned by ABE Investments. Staff recommended that the property be assessed approximately \$7,231 and the proposed rate of \$0.14 per square foot was reconfirmed by the City's appraiser.

Steve Nelson, ABE Investments, opined that the information from the City's appraiser was flawed because he did not believe that the benefit to the property was equal to the amount proposed to be assessed. He stated the property has no direct access to Concord Boulevard and was previously assessed for a different project with similar improvements. He noted his personal appraiser provided the opinion that the market value of the property did not increase at all as a result of the improvements that were a part of the project. He requested that no assessment be levied against the property.

Mayor Tourville clarified that the parcel was not previously assessed for any projects. He stated the larger property that this parcel is a part of was assessed for projects that took place prior to the platting of Concord Commons.

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

Ayes: 4

Nays: 0 Motion carried.

Motion by Grannis, second by Madden, to approve Resolution No. 12-107 adopting the Third and Final Assessment Roll for City Project No. 2001-12, Concord Boulevard Reconstruction Phase II**Ayes: 4****Nays: 0 Motion carried.****7. REGULAR AGENDA:****COMMUNITY DEVELOPMENT:**

A. STEVE & COLENE WOOG; Consider a Resolution relating to a Variance to allow an accessory structure 2,016 square feet in size whereas 1,600 square feet is the maximum size allowed for property located at 2927 96th Street East

Mr. Link stated the property is a 2.5 acre parcel in the E-1 zoning district. He explained the zoning code states that the maximum size for a detached accessory building in the E-1 zoning district is 1,600 square feet for parcels that are between 2.5 and 5.0 acres. The applicant requested a variance to increase the size of the accessory building to 2,016 square feet. He stated staff could not find a justification for the variance and felt a precedent could be set if the variance was approved. The property owner is not precluded from a reasonable use of the property, the existing attached garage could still be used and an accessory building up to 1,600 square feet could be constructed, no practical difficulty was found, and the property was not deemed to be unique or unusual to warrant granting the variance request. Both Planning staff and the Planning Commission recommended denial of the request.

Councilmember Klein questioned what the value of the new accessory building would be.

Steve Woog, 2927 96th Street East, estimated between \$60-70,000.

Councilmember Klein stated that would contribute to a larger tax base for the City. He asked the applicant to describe the property and the screening from the neighbors.

Mr. Woog explained all of the neighbors agreed and supported the project. He stated the building would only be partially visible from 96th Street, the property is all wooded and heavily screened from any neighbors' view. He noted nobody would notice the building if they were just driving by.

Councilmember Madden agreed it would be very difficult to see the building even from the street because of the hill in front of the house. He stated the building would be screened on three sides and partially screened on the fourth side because of the hill. He opined that a large building could be constructed and it would not be noticeable on the property. He stated he likes to consider things on a case-by-case basis and opined that in this instance the request makes sense and would not negatively affect the neighbors.

Councilmember Klein questioned if the variance would cause any water problems.

Mr. Link responded that no problems were anticipated given the size of the parcel.

Mayor Tourville discussed the precedence issue and agreed that requests should be considered on a case-by-case basis. He suggested that the variance be granted for 2,000 square feet because it is an easier number to work with going forward. He stated the building would provide a more secure storage option for the equipment and would eliminate the need to store it outside on the property.

Councilmember Klein asked if the applicant agreed with the three (3) conditions of approval.

Mr. Woog responded in the affirmative.

Motion by Klein, second by Madden, to adopt Resolution No. 12-108 relating to a Variance to allow an accessory structure 2,000 square feet in size whereas 1,600 square feet is the maximum size allowed for property located at 2927 96th Street East

Ayes: 4**Nays: 0 Motion carried.**

B. INVER GROVE HEIGHTS 2001 LLC (CUB FOODS); Consider a Resolution relating to an Amendment to the Cahill Plaza PUD to add a canopy and drive-through pharmacy lane on the north side of the Cub Foods building for property located at 7850 Cahill Ave.

Mr. Link stated the applicant proposed a drive through on the north side of the building for the pharmacy. He explained the parking would be reconfigured and would result in the loss of five (5) parking spaces. He noted the overall parking was still ample enough that this would not have a major impact on the property. Signage would be installed to direct customers to the drive through on the north side of the building. The request met all of the PUD zoning requirements and both Planning staff and the Planning Commission recommended approval.

Mayor Tourville stated a drive through pharmacy has become a standard service.

Councilmember Klein asked that the number of handicap parking spaces be reviewed.

Motion by Klein, second by Madden, to adopt Resolution No. 12-109 relating to an Amendment to the Cahill Plaza PUD to add a canopy and drive-through pharmacy lane on the north side of the Cub Foods building for property located at 7850 Cahill Avenue

Ayes: 4

Nays: 0 Motion carried.

8. EXECUTIVE SESSION:

A. Discuss Arbitration and Litigation Claims relating to City Hall Renovation and Expansion Project

7. REGULAR AGENDA (CONT.)

C. CITY OF INVER GROVE HEIGHTS; Consider the following actions:

- i) Legal Services Agreement with Attorney James Strommen of Kennedy & Graven
- ii) Authorize Special Counsel to Initiate Arbitration and Litigation Claims relating to City Hall Renovation and Expansion Project

Motion by Klein, second by Madden, to approve legal services agreement with Attorney James Strommen of Kennedy & Graven and Authorize Special Counsel to Initiate Arbitration and Litigation Claims relating to City Hall Renovation and Expansion Project

Ayes: 4

Nays: 0 Motion carried.

9. ADJOURN: Motion by Grannis, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 8:36 p.m.