

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, OCTOBER 22, 2012 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, October 22, 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, Parks & Recreation Director Carlson, Community Development Director Link, Public Works Director Thureen, and Deputy Clerk Kennedy

3. PRESENTATIONS:

A. Future of our Parks - Parks and Recreation System Plan

Mr. Carlson reminded residents to log on to the City's website to participate in an online survey regarding the Parks and Recreation System. He stated an open house was held and attended by approximately 20 residents. The information presented at the open house is also available for review on the City's website. He explained the current Parks and Recreation System contains approximately \$11.5 million in capital investments, not including the golf course or community center. In order to fully fund the maintenance and replacement of the current infrastructure \$510,000 is required annually. The current funding level allocated for this purpose is \$200,000. An extra \$22 per household would be required going forward to fully fund the existing system without any changes. He explained this information is being provided so residents can understand what the value of the current system is and take that information into consideration when the future of the system is contemplated.

Mayor Tourville commented that the open house turned into a mini breakout session in which people discussed ideas regarding the future of the system and the costs associated with various amenities and the current system. He stated it was interesting to hear what people are willing and unwilling to pay for and encouraged residents to continue their dialogue with each other and with staff throughout the planning process.

Mr. Carlson stated additional open houses and informational meetings would be held over the course of the next few months and would provide residents with additional opportunities to participate in the planning process.

4. CONSENT AGENDA:

Mayor Tourville removed Item 4C from the Consent Agenda.

- A. i) Minutes – October 8, 2012 Council Work Session
- ii) Minutes – October 8, 2012 Regular Council Meeting
- B. **Resolution No. 12-166** Approving Disbursements for Period Ending October 17, 2012
- D. **Resolution No. 12-167** Certifying Delinquent Utility Bills
- E. Change Order No. 3 and Pay Voucher No. 5 for City Project No. 2012-09D, Urban Street Reconstruction, 65th Street Neighborhood and Cahill Court
- F. Approve Concept Plan and **Resolution No. 12-168** related MRRT Trailhead Facility
- G. **Resolution No. 12-169** Adopting Northwest Area Collector Street System Study Report
- H. **Resolution No. 12-170** Approving Dakota County's 2013-2017 Capital Improvement Program
- I. **Resolution No. 12-171** Approving Assessment against Dakota County Tax Parcel No. 20-1700-07-120 with respect to City's Local Improvement Project to Abate Cesspool Nuisance on Property Owned by David D. Lethert and Margaret P. Lethert
- J. Approve Railing for Overlook Stairs
- K. Approve 2013 Park & Recreation Fees
- L. **Resolution No. 12-172** Approving Dakota County 2013 Community Funding Application for Waste

Abatement Activities

- M. Schedule Public Hearing – 2013 Liquor License Renewals
- N. Approve Temporary 3.2 Liquor License – Inver Hills Community College
- O. Schedule Special Council Meeting (11/9/12 – Canvassing)
- P. Schedule Public Hearing – 2013 Fees
- Q. Accept Resignation of Parks and Recreation Advisory Commissioner
- R. Personnel Actions
- S. **Resolution No. 12-173** Approving Purchase of 2013 Ford FPI Utility

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

Ayes: 5

Nays: 0 Motion carried.

- C. Approve Revised Master Plan for Heritage Village Park

No action was taken on this item. It will be brought back for approval at a subsequent meeting.

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS:

- A. **CITY OF INVER GROVE HEIGHTS;** Public Hearing for Special Assessments for 2012 Nuisance Abatement

Mr. Link stated over the past year several properties have been in violation of city ordinance, primarily involving uncut grass, weeds, and refuse accumulation on the property. He explained in each of the cases the property owner was notified of the violation and directed to correct the issue. In the instances in which the property owner failed or refused to rectify the violation, the City mitigated the nuisance. The costs incurred by the City to abate the nuisances are proposed to be assessed against the individual properties. He noted that the number of proposed assessments to be levied for nuisance abatement issues has decreased steadily over the last three (3) years.

Councilmember Madden stated there was a property with multiple violations over the course of the year and questioned if there was any more that could be done to encourage the property owner to clean the property up.

Mr. Link explained staff notified the property owner of each violation multiple times and the property owner refused to address the violations. He noted the all of the property owners were notified at least twice of the outstanding invoices and refused to pay the costs incurred by the City to abate each of the nuisances violations.

Mr. Lynch added that staff also attempts to work with civic and fraternal organizations when they are made aware of instances in which the property owner has a physical or financial hardship that precludes them from addressing the violation.

Mayor Tourville clarified there were many other nuisance complaints that had to be abated by the City, but the property owners paid the corresponding charges.

Councilmember Klein questioned what the process was after the assessments were certified.

Mr. Kuntz stated the assessments would be certified to the County and levied with the 2013 property taxes.

Councilmember Piekarski Krech questioned why the property with multiple violations had different abatement costs for each violation.

Mr. Link explained two different contractors are used, based on their availability to respond, to abate nuisances and each has slightly different rates. He stated the other determining factor could have been the length of the grass. Because the City addresses nuisance issues on a complaint basis the grass may have been a different length when each of the violations was reported.

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

Ayes: 5

Nays: 0 Motion carried.

Motion by Madden, second by Grannis, to adopt Resolution No. 12-174 approving Special Assessments for 2012 Nuisance Abatement

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. BITUMINOUS ROADWAYS; Consider the following resolutions for property located at 11201 Rich Valley Boulevard:

- i) An Ordinance Amendment for the Renewal of a Five Year Sand and Gravel Overlay Permit
- ii) A Conditional Use Permit Amendment for the Mining and Processing of Sand and Gravel and to Operate an Asphalt Plant and Contractor's Yard with Open Storage

Mr. Hunting stated the applicant requested two (2) modifications to the conditions. The first modification requested was to allow some overnight work shifts, up to 30 nights per season, to allow the applicant to bid on projects which require evening work. The second modification requested was to apply for the well to use in the wash water operation. He noted the issue was previously tabled by the Council due to concerns raised by residents regarding potential impacts to their wells. Staff subsequently hosted a neighborhood meeting to provide information to residents and obtain feedback regarding their concerns. In response to the feedback received at the neighborhood meeting, Bituminous Roadways modified their plans and has proposed to drill into a deeper aquifer. He stated it is believed that this change would reduce the greatest of the impacts and the potential draw down of the neighborhood wells. He noted Bituminous Roadways has also committed to providing a voluntary interference program to residents. He explained the DNR ultimately issues the permits for the water appropriations, so their agency would be responsible for addressing the pumping rates, duration, and review of the conditions related to the permits. Based on the review completed by Barr Engineering and comments received from the DNR, staff found the proposed changes to be acceptable.

A representative from Barr Engineering explained the applicant made a significant change to the manner in which the well is proposed to be constructed. The original plan entailed a well that was supposed to pump at a rate of 450 gallons per minute for three (3) days at the beginning of the year to fill up their ponds and then at an average rate of 160 gallons per minute for the remainder of the year. The applicant planned to screen the well in the sand and gravel aquifer, the shallowest aquifer in the City. The applicant has now proposed to go deeper and install the well in what is known as the Tunnel City Formation aquifer. The well would be considerably deeper than originally planned and would not pump from any of the aquifers that service current Inver Grove Heights residents. He noted there are very few wells located in this area of the County and this instance would be somewhat exploratory in nature as the applicant is unsure if they will be able to obtain the amount of water they desire for their operation, although it is likely. He explained additional modeling was completed based on the information available and it was found that the impact to the water table aquifer would be much less. He stated the DNR would likely require an aquifer test once the well is installed during which the applicant would have to pump at the rate they are proposing to use the well at for a certain period of time so water levels could be measured in the

residential wells in the area.

Councilmember Madden clarified that the revised plan should eliminate any impact to the residential wells in the area.

The representative from Barr Engineering confirmed it should not impact the residential wells, however if it did the DNR would have the power to stop the applicant from pumping.

Kent Peterson, President of Bituminous Roadways, stated even though it is thought that the potential impact to neighboring wells will be minimal they would still like to offer neighboring residents the option of a Well Interference Protocol Agreement.

Michaelea Whelan, Sunde Engineering, reviewed the components of the Well Interference Protocol Agreement that Bituminous would offer to their residential neighbors. She stated the agreements would be put in place to address any out-of-pocket expenses a well owner may incur if their well was to go dry. The protocol provides assurance to neighboring well owners in the event that field conditions vary from the model. The protocol would be offered to all residents in the City within the limits of the drawdown contour. She explained if a resident experiences water quantity issues they would contact the Bituminous Roadways emergency number. The applicant would provide water to the homeowner during the period in which the well is dry and would provide a well inspection from a licensed well driller. If it is determined after the inspection that the water supply issue was caused by Bituminous Roadways will provide the well owner with water at the standard domestic use rate and they shall lower their pump setting or install a new well. If the inspection determines that the supply issue was not caused by Bituminous Roadways repair costs would be the responsibility of the well owner.

Mayor Tourville questioned when neighbors would know if they were eligible for the protocol agreement.

Ms. Whelan stated Mr. Peterson is prepared to offer the agreement to anyone who lives within a ½ mile of the well. Residents who live outside of the ½ mile radius are encouraged to contact Mr. Peterson if they have concerns about their water levels. She noted the well needs to be drilled before the DNR will issue the permit and before the parameters of the protocol agreement can be finalized.

Councilmember Piekarski Krech questioned what happens if neighbors experience supply issues while the well is being drilled.

Kirsten Pauley, Registered Civil Engineer & Geologist, explained the act of drilling the well will not have any impact on adjacent property owners because they will be drilling into the deeper aquifer. She noted the DNR will also review the protocol agreement to provide input and have it established prior to the appropriations permit being issued.

Patrick Lowry, well owner in the area, thanked Bituminous Roadways for coming up with other options that are more palatable to the residents in the area. He questioned who makes the determination regarding regional drought conditions as referenced in the protocol agreement.

The representative from Barr Engineering explained the DNR has a network of observation wells that they monitor to track water levels. The DNR has the right, during severe drought conditions, to shut down any well that does not provide potable water.

Councilmember Piekarski Krech stated her major concern is protecting the water we have.

Scott Pearson, DNR Lead Hydrologist, stated the protocol being discussed is the model the DNR prefers to have in place because it requires that the problem be addressed as fast as possible. He noted many of the well interference complaints they receive are mechanical in nature and cannot be fixed by the DNR.

Mr. Lowry questioned what would happen if Bituminous Roadways is not able to obtain enough water from the deeper aquifer.

Mr. Pearson explained if they cannot get enough water from the deeper aquifer they would have to drill at a more shallow depth to supplement the amount of water that is needed.

Ms. Pauley stated if there is not sufficient yield from the deeper aquifer the applicant could adjust the water management within the site to determine if they could get by in the washing operation with a lower pumping rate or larger sedimentation ponds. Bituminous Roadways could also consider pumping from the upper aquifer to supplement the amount that is needed, which would require an amendment to the permit from the City as well as to the water appropriations permit from the DNR.

Councilmember Klein asked that a condition be added that would require the applicant to come back to the City for approval if it is found that they need to use the upper aquifer to supplement their yields.

Mr. Kuntz stated a water appropriations permit for a different aquifer would require an amendment to the documents being considered by the City Council. He explained a sentence could be added to the effect of “any change or any application for an appropriation permit for an aquifer different than the one that has been identified would require an amendment to the conditional use permit”. He also suggested that the condition related to the Well Interference Protocol Agreement be tightened up to identify residents within a ½ mile of well.

Motion by Klein, second by Madden, to adopt Ordinance No. 1258 Renewing a Five Year Sand and Gravel Overlay Permit and Resolution No. 12-175 relating to a Conditional Use Permit for the Mining and Processing of Sand and Gravel and to Operate an Asphalt Plant and Contractor’s Yard with Open Storage with the suggested amendments to the conditions.

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

B. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees

Ms. Teppen stated this ordinance applies to the development fees that are established with respect to water, sewer, and some planning fees. She explained the water and sewer connection fees have been set forth in a study completed by Ehlers and Associates related to development projections for the Northwest Area.

Mayor Tourville suggested that the fees be sent to Progress Plus and the Chamber of Commerce for feedback. He questioned if the Council would need to amend the ordinance if Met Council reduced SAC charges for 2013.

Mr. Kuntz indicated Council would have to amend the ordinance if any fees were adjusted.

Motion by Piekarski Krech, second by Klein, to adopt the First Reading of an Ordinance Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Mayor Tourville discussed the upcoming election on November 6th and announced that City Hall would be open on Saturday, November 3rd from 10 am to 3 pm for absentee voting.

9. ADJOURN: Motion by Piekarski Krech, second by Grannis, to adjourn. The meeting was adjourned by a unanimous vote at 8:03 p.m.