

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

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, July 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, 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, and Deputy Clerk Kennedy

**3. PRESENTATIONS:**

- A.** Presentation of Comprehensive Annual Financial Report for the Year Ended December 31, 2011 and the Auditor's Management Letter and Reports on Compliance with Government Auditing Standards and Legal Compliance

Ms. Smith requested that the Council accept the 2011 Comprehensive Annual Financial Report, auditor's management letter and reports pertaining to compliance with government auditing standards and legal compliance. She explained the management letter was reviewed at the Council work session. She stated with respect to the Comprehensive Annual Financial Report, a new standard known as GASB 54 was implemented to change the manner in which fund balances are reported. The statement of activities showed a change in net assets of over \$5.25 million due to capital expenses including community center projects and ongoing sewer and water projects. The total net assets were approximately \$176 million, of which just over \$107 million was reported as invested in capital assets net of related debt, \$56 million reported as unrestricted, and \$12 million reported as restricted for capital projects, debt service, and tax increment. The balance sheet for the governmental funds showed total fund balances of over \$32 million, based on the new classifications in accordance with GASB 54. She stated there was one budget amendment to the general fund in 2011 for carryovers from the 2010 budget. She noted tax collections in 2011 were approximately 95% of the levy and total revenues exceeded budget by over \$600,000 due to increases in licenses, permits, and charges for services. Expenditures were under budget by approximately \$525,000 and actual expenses were under revenues by \$574,000. At the end of 2011 the total outstanding bonds for the City were \$55,615,241.00 and during 2011 \$4.5 million of debt was issued to refund two (2) bonds. She similarly reviewed the Community Center, Enterprise and Internal Service funds. She thanked the Finance department staff for their work.

Steve Wischmann, Kern, DeWenter & Viere, stated the City was issued a clean or unqualified audit opinion, the highest level that can be issued. There were no items to note related to compliance with government auditing standards or legal compliance. He recommended that nothing be changed but to continue to analyze the internal controls and evaluate the segregation of duties. He noted they were very pleased with the results of the audit. He stated the City's finances are in very good condition and are very stable.

**Motion by Klein, second by Madden, to accept the Comprehensive Annual Financial Report for the Year Ended December 31, 2011 and the Auditor's Management Letter and Reports on Compliance with Government Auditing Standards and Legal Compliance**

**Ayes: 4**

**Nays: 0      Motion carried.**

**4. CONSENT AGENDA:**

Councilmember Madden removed Item 4N from the Consent Agenda.

- A.** i) Minutes – July 9, 2012 Council Work Session  
ii) Minutes – July 9, 2012 Regular Council Meeting

**B. Resolution No. 12-114** Approving Disbursements for Period Ending July 18, 2012

**C.** Change Order No. 1 for City Project No. 2010-41, TH 3 Turn Lanes at Autumn Way

- D.** Pay Voucher No. 8 for City Project No. 2011-09D, Urban Street Reconstruction, South Grove Area 6
- E.** Change Order No. 2 for City Project No. 2012-09B, Sealcoating
- F.** Pay Voucher No. 2 for City Project No. 2012-09B, Urban Street Reconstruction, 65<sup>th</sup> Street Neighborhood and Cahill Court
- G.** Approval of Custom Grading Agreement for Lot 7, Block 1, Inver Hills 9<sup>th</sup> Addition
- H.** Approval of Custom Grading Agreement for Lot 1, Block 6, Orchard Trail
- I.** Approve Playground Equipment for Skyview and Oakwood Parks
- J.** Approve Trail Paving Project along Cahill Avenue
- K.** Approve Splash Pool Painting
- L.** Approve Fence Installation for Skyview Park
- M.** Approve Contractor for HVAC Project at the VMCC
- O. Resolution 12-115** Making an Election Not to Waive the Statutory Tort Limits for Liability Insurance Purposes
- P.** Approve another Power Driven Mobility Device Policy
- Q.** Approve Carpet Replacement, Pain & Window Treatments for Veteran’s Memorial Community Center Community Rooms #1-3
- R.** Adopt Trail Maintenance Policies
- S.** Approve Temporary Extension of Liquor License – Drkula’s
- T.** Approve 30-Day Suspension of Firefighter
- U.** Accept Donation to IGHFD
- V.** Personnel Actions
- W. Resolution No. 12-116** Converting Pending Special Assessment to Additional Connection Fee

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

**Ayes: 4**

**Nays: 0      Motion carried.**

**Councilmember Piekarski Krech arrived at 7:15 p.m.**

- N.** Approve Park and Recreation System Plan Consultant

Councilmember Madden expressed concern about the frequency with which consultants are hired. He stated he would like to see staff attempt to do more work in-house to save money.

Al Eiden, 7810 Boyd Ave., Park and Recreation Advisory Commission Chair, explained a sub-committee was formed to work on the project and the members interviewed each of the consultants. He stated the recommended consultant was selected primarily because they were able to provide the most straight forward plan to meet the needs of the City. He agreed with Councilmember Madden’s comments regarding the use of consultants and noted that in this case the project requires a broader scope and focus than what current staff would be able to provide due to lack of available time to work on the project in conjunction with their other job duties. He commented that the City’s parks staff was very talented and valuable, but they are too overloaded with work to keep current programs operating. He noted he hopes the project will help identify people who are interested in Parks and Recreation and willing to serve as interested citizens. He stated he also hopes that the project will provide information along the way as to where the City can recoup the cost of the consultant group.

**Motion by Madden, second by Klein, to approve the Park and Recreation System Plan Consultant****Ayes: 4****Nays: 0      Motion carried.****5. PUBLIC COMMENT:**

Jerry Bretoi stated he would like to see more citizens get involved in community issues and participate in the public process.

**6. PUBLIC HEARINGS:** None.**7. REGULAR AGENDA:****COMMUNITY DEVELOPMENT:**

**A. THOMAS ALCORN III;** Consider Resolution relating to a Variance to allow a Deck to be located 13 Feet from the Front Property Line whereas 24 Feet is Minimum Allowed for property located at 3591 78<sup>th</sup> Street

Mr. Link explained the applicant constructed a deck/platform in the front yard 13 feet from the property line. Ordinance contains a provision to allow extensions of front porches to encroach into the setback up to six (6) feet. A permit was not required because the deck/platform was not attached to the building, however the structure is still required to comply with setback standards. Staff reviewed the request and did not find the circumstances to be consistent with the practical difficulties criteria. Denial of the variance would not preclude reasonable use of the property, and City Code already allows for the extension of decks or landings into the front yard to assist with access issues. Planning staff recommended denial of the variance and the Planning Commission passed the item onto Council with no recommendation following a failed motion to deny the request.

Thomas Alcorn III, 3591 78<sup>th</sup> Street, explained he hired a contractor last October to install the platform and when the deck was close to completion a stop work order was issued by the City's Chief Building Official. He stated prior to building the platform he consulted with the City and was informed that a permit was not required because the platform was not attached to the house. The contractor he hired thought the deck was being built according to code and was not aware of any issues related to the placement of the platform. He explained after receiving the stop work order he attempted to research the issue via the City's website and felt he was not able to find any useful information. He then visited City Hall and was provided with an application for a variance and felt he was not provided with adequate information to fully understand the process or the need for the variance. He displayed photos of his yard, taken prior to construction of the platform, to demonstrate how his property was negatively affected following a street reconstruction project. He stated the project was initially started to rectify the safety hazard created by the depressions in his front yard. He explained he chose to install the platform rather than patio stones or concrete because it was easier to install and his main goal was to make the ground level so his mother and handicapped sister could safely access his home.

Councilmember Klein questioned if the depression had been fixed.

Mr. Alcorn stated the yard has sunk again.

Mayor Tourville asked if the platform had posts.

Mr. Alcorn advised the posts were sitting on the ground and lifted at one end to be level.

Councilmember Klein opined that the platform would not hinder anything because it is moveable.

Mr. Link explained the reason for setback requirements is to maintain visibility for drivers and aesthetics.

Councilmember Madden commented on this being a precedent issue.

Mayor Tourville stated the safety issue needs to be addressed and people need to be able to access the home.

Councilmember Madden suggested that the platform be moved at such time that it is no longer needed.

Councilmember Piekarski Krech stated she wanted an assurance that the platform would not become a deck.

Mr. Alcorn advised he did not plan on turning the platform into a deck.

Councilmember Piekarski Krech stated she would also like to ensure that the platform continues to be a structure that could be removed if an issue related to the setback came up in the future.

**Motion by Tourville, second by Klein, to adopt Resolution No. 12-117 relating to a Variance to allow a moveable wooden platform to be located 13 feet from the property line whereas 24 feet is the minimum allowed for property located at 3591 78<sup>th</sup> Street.**

**Ayes: 5**

**Nays: 0 Motion carried.**

Mayor Tourville directed engineering staff to work with the applicant to correct the depression in the yard.

**B. CITY OF INVER GROVE HEIGHTS;** Consider Second Reading of Ordinance Amending Inver Grove Heights City Code Title 5, Chapter 6, Section 1(B) regarding Use of Firearms

Mr. Kuntz explained at the first regular Council meeting in August, the Council will consider the zoning/land use ordinance that deals with the proposed gun safety program within the E-1 zoning district. The amendment regarding the use of firearms is a companion of the land use ordinance as it addresses the restrictions within the City pertaining to the discharge of fire arms. He noted if the second reading of the firearms ordinance passes, the third reading would then be in line to be considered in conjunction with the third reading of the zoning/land use ordinance. No substantive changes were made to the fire arms ordinance prior to the second reading.

Mayor Tourville questioned if there was any way the ordinance could be written so the allowance could be more specific.

Mr. Kuntz stated that is addressed in the ordinance by limiting the firearm to a .22 caliber rifle and by stating that the discharge could only occur at a program sponsored by the DNR on land that is zoned E-1 and that has met the zoning requirements.

**Motion by Klein, second by Madden, to adopt the first reading of an ordinance amending Inver Grove Heights City Code Title 5, Chapter 6, Section 1(B) regarding Use of Firearms**

**Ayes: 4**

**Nays: 0**

**Abstain: 1 (Grannis) Motion carried.**

**C. CITY OF INVER GROVE HEIGHTS;** Authorize Advertisement for Bids for City Project No. 2012-15 Sediment Removal from Storm Water Basin at 79<sup>th</sup> Street and Blanchard Way

Mr. Kaldunski explained the City was working with the MPCA to improve water quality related to storm water discharges to the Mississippi River and other waters of the State. Removal of PAH contaminated sediments from ponds is a maintenance activity that helps the City meet its MS4 permit goals. The City identified a storm water basin near 79<sup>th</sup> Street and Blanchard Way that contained PAH sediments that need to be removed in order to improve the basin's storm water function. Council previously authorized submittal of a grant application to assist the City in completing a \$150,000 project to remove some of the PAH sediments while performing maintenance to the storm water pond. The MPCA has indicated they would provide a \$75,000 grant to the City for sediment removal, transportation, and disposal costs. The City would provide the in-kind engineering services and an estimated \$35,000-\$40,000 would be used to cover contractor and testing expenses. Funds for the project are proposed to be taken from the storm water utility fund. The City is required to complete a public bid for the project and award a contract by August 31, 2012 in order to secure the grant funding.

Councilmember Madden clarified that the project would not move forward if the grant was not received.

Mr. Kaldunski responded in the affirmative.

Councilmember Piekarski Krech questioned where the plume of sediment came from. She asked if staff was sure that the pond would not be a continually contaminated site.

Mr. Kaldunski explained the basin is a natural low spot and the pipe from 79<sup>th</sup> Street comes in slightly lower than the outlet so it is efficient at catching sediments. He noted the basin would always capture sediments because the outlet pipe is higher than the inlet pipe. He stated the level of contamination in the future will be dependent upon the chemicals that are used by residents that flow into the system.

Councilmember Grannis stated on page 2 of the addendum to the AET agreement under the mediation section it appears that there are a lot of typographical errors and in Section 11 the agreement should be changed so the City is not responsible for paying legal costs. He noted in Section 13 on page 3 the liability was limited to \$25,000 and he questioned if that was a good idea. With regard to the subsurface boring supplement, he stated in Section 4 the subject of lost equipment is addressed and it claims the City would be responsible for paying the costs associated with retrieval of lost or abandoned equipment. He opined that the contractor should be responsible for the cost to retrieve any equipment they lose during the course of their work.

Mr. Kaldunski stated all of the concerns would be addressed with AET. He explained he would like Council to authorize staff to enter into a contract with AET pending approval of the contract by the City Attorney.

**Motion by Grannis, second by Piekarski Krech, to authorize advertisement for bids for City Project No. 2012-15 Sediment Removal from Storm Water Basin at 79<sup>th</sup> Street and Blanchard Way and to direct staff to work with AET to address the four concerns related to the contract for services.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**8. MAYOR & COUNCIL COMMENTS:**

**9. EXECUTIVE SESSION:**

**A.** Discuss Litigation

**B.** Discuss Property Acquisition

**10. ADJOURN:** Motion by Madden, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 9:15 p.m.