

**INVER GROVE HEIGHTS CITY COUNCIL MEETING  
MONDAY, JANUARY 14, 2013 - 8150 BARBARA AVENUE**

**CALL TO ORDER/ROLL CALL** The City Council of Inver Grove Heights met in regular session on Monday, January 14, 2013, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Madden, Mueller, 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, Finance Director Smith, Police Chief Stanger, Fire Chief Thill and Deputy Clerk Kennedy

**3. PRESENTATIONS:**

**A. Oath of Office for Newly Elected Officials**

Judge Thomas Pugh administered the Oath of Office to Tom Bartholomew, Jim Mueller, and George Tourville.

**B. NEA Read Across America Proclamation**

Mayor Tourville read the proclamation establishing March 1<sup>st</sup> as "NEA Read Across America Day" honoring the 109<sup>th</sup> birthday of Dr. Seuss.

**Motion by Mueller, second by Bartholomew, to adopt the NEA Read Across America Proclamation**

**Ayes: 5**

**Nays: 0      Motion carried.**

**C. Introduction of Police and Fire Members**

Chief Stanger introduced the three (3) police officers recently appointed to the department.

Miguel Guadalajara officially started with the Inver Grove Heights Police Department on October 26, 2012. He graduated from Inver Hills Community College with a degree in Law Enforcement and completed his skills training through the law enforcement program at Hennepin Technical College. He previously served as a police reserve officer in Inver Grove Heights.

Brandon Kelting graduated from Minneapolis Community College with a degree in Law Enforcement and completed his skills training through the law enforcement program at Hennepin Technical College. He has previous experience as a loss prevention associate and as a security officer. His official start date with the Inver Grove Heights Police Department was November 7, 2012.

Nicole Wilson graduated from Normandale Community College with an Associate of Arts degree and from Hamline University with a Bachelor of Arts degree in Criminal Justice and Forensic Science. She received her law enforcement skills certificate through the Center for Criminal Justice and Law Enforcement and previously worked for the Hennepin County Medical Examiner's Office. Her official start date with the department was December 13, 2012.

Fire Chief Thill introduced the newest members of the Inver Grove Heights Fire Department.

Brian Costello works in the airline industry and will respond out of Fire Station #1.

James Karowski works in the towing industry and will respond out of Fire Station #3.

Nathan Skoglund works in the moving industry and was a previous member of the City's Fire Explorers program. He will respond out of Fire Station #1.

Josh Faulkner works in the solid waste business and will respond out of Fire Station #1.

The Council welcomed the new officers in both departments to the City and thanked them for their service.

**4. CONSENT AGENDA:**

Mayor Tourville removed Items 4A (i), 4A (ii), and 4A (iii) from the Consent Agenda.

Citizen Dian Piekarski requested that Item 4H be removed from the Consent Agenda.

Councilmember Piekarski Krech removed Item 4P from the Consent Agenda.

- B. Resolution No. 13-01** Approving Disbursements for Period Ending January 9, 2013
- C.** Final Compensating Change Order No. 4, Final Pay Voucher No. 10, Engineer’s Final Report, and **Resolution No. 13-02** Accepting Work for City Project No. 2011-09D – South Grove Urban Street Reconstruction, Area 6
- D.** Final Compensating Change Order No. 1, Final Pay Voucher No. 2, Engineer’s Final Report and **Resolution No. 13-03** Accepting Work of Gartzke Construction, Inc. for City Project No. 2012-09D – Urban Street Reconstruction, 65<sup>th</sup> St. Neighborhood and Cahill Court – for Borden Way Backyard Storm Sewer Improvements
- E. Resolution No. 13-04** Amending Table Setting Forth License Fees, Administrative Service Fees, and Permit Fees
- F.** Approve Various ADA Policies
- G. Resolution No. 13-05** Authorizing Mutual Aid Agreement for Emergency Management with Dakota County
- I.** Approve Social Media Policy
- J. Resolution No. 13-06** Supporting Dakota County’s Request for Funding a Conservation Easement for Marcott Lakes Area
- K. Resolution No. 13-07** Approving Consent Letters Modifying the Water Tower Site Lease Agreement with Sprint Spectrum, L.P.
- L.** Schedule Public Hearing – Temporary On Sale Liquor License (Church of St. Patrick)
- M.** Confirm Appointment to Convention and Visitors Bureau
- N.** Appoint Applicants to Airport Relations Commission
- O.** Accept Donation to Inver Grove Heights Police Department from Drive Right 365

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

**Ayes: 5**

**Nays: 0          Motion carried.**

- A.** ii) Minutes – December 10, 2012 Council Study Session
- iii) Minutes – December 10, 2012 Regular Council Meeting
- iv) Minutes – December 17, 2012 Special Council Meeting

Mayor Tourville noted Council members Bartholomew and Mueller would abstain from the vote.

**Motion by Madden, second by Piekarski Krech, to approve the minutes of the December 10, 2012 Council Study Session, December 10, 2012 Regular Council Meeting, and the December 17, 2012 Special Council Meeting.**

**Ayes: 3**

**Nays: 0**

**Abstain: 2 (Bartholomew, Mueller)          Motion carried.**

**H. Approve 2013 Legislative Agenda**

Dian Piekarski, 7609 Babcock Trail, questioned what the City is asking the legislature to do in terms of the initiative regarding property maintenance code enforcement.

Ms. Teppen explained the property maintenance code legislative initiative is to allow the city to administer administrative fines. She stated right now the City is not able to perform that function and all fines and citations go through Dakota County. She noted the initiative is supported by a number of cities around the metro area.

Councilmember Madden stated he thought the legislative agenda was great, but took exception to the initiative regarding automated citation technology. He explained he would not be in favor of implementing the technology in the City and opined it was an underhanded tactic.

Ms. Piekarski clarified that the automated citation technology was separate from the property maintenance code enforcement initiative.

Mayor Tourville responded in the affirmative. He stated legislation is needed because current law does not allow many cities to issue administrative citations.

**Motion by Piekarski Krech, second by Bartholomew, to approve the 2013 Legislative Agenda****Ayes: 5****Nays: 0      Motion carried.****P. Personnel Actions**

Councilmember Piekarski Krech stated some issues have been brought to her attention and she needed to be able to vote separately on the item. She stated she is not comfortable voting without knowing the ramifications of one of the actions included in the item.

Mr. Lynch clarified there were four (4) action items included in the personnel actions and stated he Councilmember Piekarski Krech's concerns were specifically related to the last action item regarding the termination of a full time employee.

Mayor Tourville suggested that additional information be provided to all members of the Council and that the item be considered without the termination request.

Mr. Lynch indicated he would provide a separate memorandum to the Council as part of their weekly update.

**Motion by Piekarski Krech, second by Madden, to approve personnel actions with the exception of the termination request.****Ayes: 5****Nays: 0      Motion carried.****5. PUBLIC COMMENT:**

Allan Thompson, 9660 Alaureate Trail Court, stated he had questions regarding the storm water utility fee. He stated the fee is the same as a tax. He explained he and his neighbors have their own well and septic systems and maintain them at their own expense. He stated they are not connected to any City rain water infrastructure that dumps into the Mississippi River. He opined that the City was not proactive in providing information to residents regarding the storm water utility and felt that the implementation process was not transparent. He stated he is not getting any City services and yet he is being taxed. He provided a list of questions for response. He encouraged the Council to work with the residents and keep them informed.

Mayor Tourville stated Mr. Thureen would provide a written response to his questions.

Dian Piekarski, 7609 Babcock Trail, requested that all EDA meetings be televised. She stated citizens are not always aware of what is going on and it would be helpful if the meetings were televised. She opined that the City had a responsibility to articulate and justify the need and goals of the EDA and to identify an

ongoing or limited funding source.

Jim Brown, 1186 90<sup>th</sup> St. E., discussed the storm water utility. He questioned if the City was really looking out for the taxpayers. He stated anything the City does has to be engineered, planned, developed, and approved by a number of different agencies in addition to the Council. He explained his assumption was that anything to do with storm water had to be planned and engineered into the future and those costs were already factored into his taxes. He stated his second issue was related to the different rate structures for different parts of the City. He opined that a more equitable approach would have been to charge property owners an equal amount per square foot. He commented that many property owners do not have access to City utilities and there seemed to be a disparity with regards to how the storm water utility was handled and he did not think the fee was necessary.

Margaret Sullivan, 1254 90<sup>th</sup> St. E., questioned why the dates between 1995 and 2005 were chosen for the actual rainfall percentage.

Mr. Thureen explained in the process of getting ready for the study that was referenced that was the most recent data available.

Ms. Sullivan questioned what the other outside agencies were that the City referenced in the materials regarding the storm water utility fee.

Mr. Thureen stated the City has a federal storm water permit that comes from the EPA but is administered at the State level by the MPCA. He noted the Clean Water Act was the basis for it and was a part of federal law. He stated in the metropolitan area the City is required to have a water resource management plan which stems from the Metropolitan Surface Floor to Management Act.

Ms. Sullivan questioned if there was an application for appeal on the website.

Mr. Thureen stated there was not and they would be changing that. He explained because of the time of year and the information that is needed for the application, it is much easier for City staff to perform the calculation of the area of the hard surface on the property for residents. He noted the information on the website would be updated.

Ms. Sullivan questioned how much the fee will increase going forward.

Mayor Tourville stated it is a rhetorical question because they cannot predict what the taxes or fees will be in the City from year to year. He noted most cities in Dakota County have implemented a storm water utility fee. He explained there are things the City has to do to the system for the overall good of the entire community. He stated the fee was implemented to offset some of the costs that were previously a part of general fund taxes. He suggested that residents go to the website for more information and continue to call staff with their questions.

**6. PUBLIC HEARINGS:** None.

**7. REGULAR AGENDA:**

**COMMUNITY DEVELOPMENT:**

**A. GERTENS GREENHOUSES;** Consider Resolution relating to a Wetland Replacement Plan to Mitigate a Total of 25,000 Square Feet of Wetland with the Purchase of Wetland Bank Credits for property located on the East Side of Blaine Avenue at 5500 Blaine.

Mr. Link reviewed the location of the property. He stated the item relates to a wetland replacement plan. He explained in 2011 the City approved a large greenhouse expansion on the south part of the Gerten's property. Some of the rain water from the greenhouse goes to the east/northeast wetland. As per the Wetland Conservation Act, that storm water is considered to have an impact on the wetland and the Act requires that the impact be mitigated. The applicant proposed to purchase wetlands from a county wide wetland bank to replace the impacted wetlands. The technical evaluation plan established by the Wetland

Conservation Act reviewed the technical aspects of the request and found the mitigation proposed to be acceptable. He noted the mitigation plan was also approved by the Board of Water and Soil Resources, and recommended for approval by the City’s Environmental Commission.

**Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 13-08 Approving a Wetland Replacement Plan Application for the Impact of Wetlands**

**Ayes: 5**

**Nays: 0      Motion carried.**

**ADMINISTRATION:**

**B. CITY OF INVER GROVE HEIGHTS; Consider Council Appointments for 2013:**

i) Official Newspaper

**Motion by Madden, second by Piekarski Krech, to designate the South West Review as the Official City Newspaper**

**Ayes: 5**

**Nays: 0      Motion carried.**

ii) Official Depositories

**Motion by Madden, second by Piekarski Krech to designate Bremer Bank, N.A.; RBC Capital Markets LLC; Wells Fargo Securities LLC; Morgan Stanley Smith Barney LLC; and Stifel Nicolaus & Co., Inc. as Official Depositories**

**Ayes: 5**

**Nays: 0      Motion carried.**

iii) Acting Mayor

**Motion by Mueller, second by Madden, to rotate service as Acting Mayor beginning with the most senior Council member in terms of years of service**

**Ayes: 5**

**Nays: 0      Motion carried.**

iv) Council Delegate to Association of Metropolitan Municipalities

**Motion by Mueller, second by Madden, to appoint Mayor Tourville as Council Delegate and Councilmember Bartholomew as Alternate Delegate to the Association of Metropolitan Municipalities**

**Ayes: 5**

**Nays: 0      Motion carried.**

v) Northern Dakota County Cable Communications Commission Representatives

**Motion by Piekarski Krech, second by Mueller, to appoint Mayor Tourville and Richard Jackson as Northern Dakota County Cable Communications Commission Representatives**

**Ayes: 5**

**Nays: 0      Motion carried.**

vi) Dakota Communications Center Board of Directors Representatives

**Motion by Mueller, second by Bartholomew, to appoint Mayor Tourville as Representative and Councilmember Madden as Alternate Representative to the Dakota Communications Center Board**

**Ayes: 5**

**Nays: 0      Motion carried.**

vii) Deputy Weed Inspector

**Mayor Tourville appointed the Park Maintenance Superintendent to the position of Deputy Weed Inspector.**

**8. MAYOR & COUNCIL COMMENTS:**

Mayor Tourville announced that several of the Citizen Advisory Commissions currently had vacancies and applications were available on the website.

**Motion by Piekarski Krech, second by Madden to recess at 8:00 p.m.**

**Motion by Piekarski Krech, second by Madden, to reconvene at 8:10 p.m.**

**9. EXECUTIVE SESSION:**

A. Discuss Whistle Tree Woods Litigation

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