

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MARCH 11, 2013 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, March 11, 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, City Attorney Kuntz, Community Development Director Link, Public Works Director Thureen, Finance Director Smith, Police Chief Stanger, Fire Chief Thill, and Deputy Clerk Kennedy

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Mayor Tourville removed Item 4D from the Consent Agenda.

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

- A. i) Minutes – February 25, 2013 Council Study Session
ii) Minutes – February 25, 2013 Regular Council Meeting
- B. **Resolution No. 13-22** Approving Disbursements for Period Ending March 6, 2013
- C. Approve Custom Grading Agreement for 8671 Alvarado Court (Lot 4, Block 2, Wildwood Ranch Estates)
- E. Change Order No. 4 and Pay Voucher No. 7 for City Project No. 2012-09D, Urban Street Reconstruction, 65th Street Neighborhood and Cahill Court
- F. **Resolution No. 13-24** Accepting Amendment No. 5 to the Proposal for Engineering Services from Bolton & Menk, Inc. for the 2012 Pavement Management Program, City Project No. 2012-09D Urban Street Reconstruction, 65th Street Neighborhood and Cahill Court
- G. **Resolution No. 13-25** Accepting Contract Change Order No. 1 to Proposal from American Engineering Testing, Inc. for Construction Materials Testing Services for the 2012 Pavement Management Program, City Project No. 2012-09D, 65th Street Improvements
- H. **Resolution No. 13-26** Accepting Final Response Action Plan (RAP) prepared by AET, Inc. for Pollution Mitigation on City Project No. 2012-09D, 65th Street Improvements
- J. Approve 2013 Tree Replacement Plan
- K. Approve MOU with Friend of the Mississippi River for Implementation of the First Phase of a Natural Resource Management Plan for the Rock Island Swing Bridge Property
- L. Approve Contract for Portable Toilets for the Park System
- M. Approve Revised Date for Commission Appreciation Dinner
- N. Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

- D. Resolution Authorizing Execution of a Professional Services Agreement with SEH, Inc. for Construction Phase Services for City Project No. 2006-08, Asher Water Tower Replacement

Mayor Tourville stated he would abstain from the vote because the item related to SEH, Inc.

Motion by Piekarski Krech, second by Mueller, to adopt Resolution No.13-23 Authorizing Execution of a Professional Services Agreement with SEH, Inc. for Construction Phase Services for the City Project No. 2006-08, Asher Water Tower Replacement

Ayes: 4

Nays: 0

Abstain: 1 (Tourville) Motion carried.

I. Approve Actions related to State Auditor TIF Reports

Dian Piekarski, 7609 Babcock Trail, questioned how this would affect the City's finances.

Mr. Lynch explained when TIF was created all expenses were included and over time the auditor and TIF preparers decided that non-TIF related expenditures should not be included. Those cities that have TIF districts have been asked to remove those expenditures that were not TIF related.

Ms. Smith stated the first task was to get the reports that were submitted to the OSA to agree with the City's financial reports (CAFR) that were produced at the end of the year. The second task was to remove all non-TIF related revenues and move them into other funds as per the direction given from the State Auditor. She stated the transfer of money out of TIF funds went primarily into the Water System Improvements Fund and the Closed Bond Fund.

Mr. Lynch stated the result is a lower fund balance in TIF accounts and an increased balance in the identified funds.

Councilmember Piekarski Krech clarified all of this was being done to fulfill the requirements of the State Auditor.

Mayor Tourville questioned if any financial difficulties were created in the City's TIF districts because of the new requirement.

Ms. Smith explained the City has been aware for some time that TIF District 2-1 had shortfalls. Pooling authority was given to take funds from TIF District 4-1 to cover those shortfalls. She noted TIF District 2-1 would be decertified by the end of the year, and future actions would be taken to close out the district.

Motion by Madden, second by Bartholomew, to approve actions related to State Auditor TIF Reports

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. MIKE STANTON; Consider Resolutions for the property located at 3865 73rd Street:

- i) **Resolution No. 13-27** and Improvement Documents relating to a Conditional Use Permit to allow Additional Impervious Surface up to 4,719 Square Feet
- ii) **Resolution No. 13-28** relating to a Variance to allow an addition to the existing home five (5) feet from the side property line whereas ten (10) feet is required
- iii) **Resolution No. 13-29** relating to a Variance to allow a front porch addition 26 feet from the front property line whereas 30 feet is required

Mr. Link reviewed the location of the property. He stated the applicant would like to make two (2) additions to his home, one on the back side and the other on the front. He explained up to 35% impervious coverage is allowed as a permitted use and up to 45% is allowed as a conditional use. The home is currently setback five (5) feet and the proposed addition to the back of the home would maintain the same five (5) foot setback. Ordinance requires a setback of ten (10) feet. Because the home was built in 1956 and the City ordinance did not go into effect until 1965, a legal non-conforming use was created and staff did not see an issue with granting the variance from the side property line because the

current setback would be maintained. The third request, relating the front porch addition, was for a variance to allow the addition to be located 26 feet from the front property line whereas 30 feet is required by ordinance. Planning and Engineering staff recommended approval of the conditional use permit and side yard setback variance. Planning and Engineering staff also recommended denial of the front yard setback variance for the porch because no practical difficulty was identified. The Planning Commission agreed with staff's recommendations however, the vote in favor of denial of the front yard setback was on a 7-1 vote.

Councilmember Bartholomew questioned if 45% impervious surface coverage would be the maximum limit for the property.

Mr. Link responded that would be the absolute maximum with a conditional use permit.

Councilmember Madden questioned if the applicant would have to make storm water improvements on the property.

Mr. Link stated the applicant worked with Engineering staff to finalize a storm water management plan.

Mike Stanton, 3865 73rd St. E., stated he would be allowed to construct the porch addition without a variance if he did not put a cover over it. He explained the proposed porch addition would not obstruct the sight lines or negatively impact the neighbors. He stated they want the porch covered to protect it from the weather elements and noted there were other similar structures in the neighborhood.

Mayor Tourville clarified that the porch without the cover would be permitted without a variance.

Mr. Link confirmed once the roof is added it becomes a covered porch and is essentially a structure. He stated without the cover the porch would be permitted without a variance.

Mayor Tourville opined that the roof over the porch would greatly enhance the aesthetics and usage.

Councilmember Mueller added that the cover also enhanced the safety of the porch because it would protect it from rain, sleet, and snow.

Councilmember Madden questioned if the roof would cover the entire porch and extend along the length of the house.

Mr. Stanton stated the cover would extend approximately one (1) foot beyond the porch and showed how the cover would run along the length of the front of the house.

Mayor Tourville stated the proposed style and design of the front porch is very common.

Councilmember Madden questioned if staff felt the porch would adversely affect the sight lines of the neighbors.

Mr. Link responded in the negative.

Mr. Stanton explained his neighbors were in favor of his proposed plan. He stated the home was purchased as an abandoned foreclosure and he has worked to clean up and remodel the property.

Councilmember Bartholomew questioned if the peak over the door, the fascia, was 26 feet from the property line and confirmed the request was for a four (4) foot variance.

Mr. Stanton responded in the affirmative.

Councilmember Madden, second by Mueller, to approve the conditional use permit and both variance requests

Councilmember Piekarski Krech questioned if justification for the variances was required.

Mr. Link explained there should be some statement of a practical difficulty. He noted one of the statements he heard was that the variance would not negatively impact the sight line of neighboring properties.

Mayor Tourville stated the covered porch would not adversely affect the sight lines, was more functional

and aesthetically pleasing, and provided a greater degree of safety than a porch with no cover.

Councilmember Bartholomew stated without a practical difficulty a precedent could be set. He noted the Planning Commission expressed the same concern.

Councilmember Madden opined each scenario should be looked at on a case by case basis and stated he believed in following the spirit of the law rather than the letter of the law. He added in this case the request made sense.

Amended Motion by Madden, second by Mueller, to adopt Resolution No. 13-27 and Improvement Documents relating to a Conditional Use Permit to allow Additional Impervious Surface up to 4,719 Square Feet

Ayes: 5

Nays: 0 Motion carried.

Motion by Madden, second by Mueller, to adopt Resolution No. 13-28 relating to a Variance to allow an Addition to the Existing Home Five (5) Feet from the Side Property Line whereas Ten (10) Feet is Required

Ayes: 5

Nays: 0 Motion carried.

Motion by Madden, second by Mueller, to adopt Resolution No. 13-29 relating to a Variance to allow a Front Porch Addition 26 Feet from the Front Property Line whereas 30 Feet is Required

Ayes: 4

Nays: 1 (Bartholomew) Motion carried.

FINANCE:

B. CITY OF INVER GROVE HEIGHTS; Approve Carryover of Unused Budget Appropriations, Approve Transfers, Closing of Funds, and 2013 Budget Amendments

Ms. Smith explained the first item related to department requests to carryover funds from the 2012 budget into the 2013 budget. She stated departments impacted in the General Fund were Police, Planning, Engineering, and Fire for a total carryover request of \$114,300. The Community Center requested a carryover of capital items in the amount of \$95,000. The Water Fund requested a carryover of \$160,000 and the Sewer department requested a carryover of \$48,000. She noted details of each department's requests were included in the Council's packet.

Ms. Smith stated staff also requested that transfers be authorized, effective December 31, 2012. The first transfer from the Host Community Fund to the Community Center Fund was in the amount of \$301,290 to cover the operating deficit for 2012. She noted the budgeted transfer for 2012 was \$393,900. As part of the 2007 operational audit of the VMCC a goal was set to recover 90% of operating expenditures with revenues and with the unaudited information from 2012 approximately 88% was recovered. Transfers from the Community Project Fund to the Community Center Fund in the amount of \$337,684, from the Capital Facilities Fund to the Community Center Fund in the amount of \$53,855 and an additional \$10,000 from the Host Community Fund to the Community Center Fund were requested for budgeted capital outlay expenses. A \$150,000 transfer from the Host Community Fund to the Doffing Avenue Voluntary Acquisition Program was requested to replenish the fund balance. A transfer from Fund 348 to Fund 399 for Geo Equipment Certificates Issue 2007A was also requested because the certificates were paid off and residual funds were left in the account. In relation to the carryover requests, authorization was also requested for transfers from the Community Projects Fund to the Community Center Fund up to \$45,000 to cover capital outlay and from the Capital Facilities Fund to the Community Center Fund up to \$50,000. Each of the transfer authorizations would be brought back to the Council for individual approval at a later date once the final costs are established.

Ms. Smith explained prior to the carryovers and transfers the General Fund had a surplus of \$1,060,000. Project related transfers reduced the surplus amount to approximately \$805,000. This reflected revenues in excess of expenditures in the General Fund as opposed to the anticipated contribution from fund balance in the amount of \$437,390. She also reviewed the proposed 2013 budget amendments.

Mayor Tourville stated the goal to recover 90% of the operational expenses with revenues at the Community Center was very aggressive and it is a great achievement to be so close to the established goal.

Ms. Piekarski questioned if legislative impacts on the Host Community Fund would be discussed at an upcoming meeting.

Mr. Lynch stated the City partnered with the City of Burnsville to consider possible legislation that would provide for reimbursement of the potential revenue lost due to the enforcement of the solid waste management plan by the MPCA. The solid waste management plan has been in effect for ten (10) years under the purview of the Met Council who chose not to enforce it. The Met Council received orders from the legislature to begin enforcement as of February 15, 2013. He noted the City would also work with the MPCA to determine when the enforcement would begin so the City can adequately plan for potential impacts on the Host Community Fund. He explained in 2012 staff began to plan and budget for an estimated loss of 20% of revenue. Separate budget sessions would be held with the Council to discuss individual funds such as the Host Community Fund.

Motion by Mueller, second by Madden, to adopt Resolution No. 13-30 Approving Transfers for Fiscal Year 2012, and Resolution No. 13-31 Approving Carryover of 2012 Budget Appropriations and 2013 Budget Amendments

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Mayor Tourville stated the Town Hall Forum for residents would be held on April 13th from 10 am to noon and the Town Hall Meeting for the business community would be held on April 18th at 11:30 am. He reminded all those interested that applications for the Citizen Advisory Commissions were available on the website and could be submitted through the middle of May.

John Wendt, 1111 105th St. W, expressed concern that the proposed regulations related to the feeding of deer were too broad. He stated his family feeds pheasants and other wildlife and fear that they would be cited if deer were to stop and eat that food. He stated he lives in a rural area of the City and did not feel that feeding would change the deer's habits or migration patterns. He opined that the Police Department was already understaffed and should not be responsible for enforcement of such an ordinance. He stated the City should focus their resources on the most important issues. He presented a letter from his wife, noting that she felt it was a privilege to live in the City because they had the opportunity to experience the wildlife.

9. EXECUTIVE SESSION:

A. UPDATE ON CITY HALL MEDIATION

This portion of the meeting was closed subject to attorney-client privilege.

10. ADJOURN: Motion by Madden, second by Mueller, to adjourn. The meeting was adjourned by a unanimous vote at 8:15 p.m.