

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, APRIL 8, 2013 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, April 8, 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, Community Development Director Link, Public Works Director Thureen, Finance Director Smith, Parks and Recreation Director Carlson, Police Chief Stanger, and Deputy Clerk Kennedy

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Mayor Tourville removed Item 4A from the Consent Agenda.

Citizen Allan Cederberg requested that Items 4C, 4D, and 4G be removed from the Consent Agenda.

Councilmember Bartholomew removed Item 4H from the Consent Agenda.

B. Resolution No. 13-36 Approving Disbursements for Period Ending April 3, 2013

E. Accept Quote and Proposal for Fire Hydrant Replacement

F. Accept Proposals for Street Patching Services

I. Appoint Finance Director to Full Time, Permanent Status

J. Personnel Actions

Motion by Madden, second by Piekarski Krech, to approve the Consent Agenda

Ayes: 5

Nays: 0 Motion carried.

A Minutes – March 25, 2013 Regular Council Meeting

Mayor Tourville stated he would abstain from the vote because he was absent from the meeting.

Motion by Piekarski Krech, second by Mueller, to approve the Minutes of the March 25, 2013 Regular Council Meeting

Ayes: 4

Nays: 0

Abstain: 1 (Tourville) Motion carried.

C. Approve Change Orders 27 through 32 for City Project No. 2008-18

D. Approve Pay Voucher No. 28 for City Project No. 2008-18

G. Approve Mediated Settlement Agreement

Mr. Lynch explained the building project was completed in 2011 but there were outstanding issues yet to be resolved with the architect and the contractor. The City went through mediation with both the architect and the contractor and reached a tentative settlement agreement. The change orders and pay voucher listed on the agenda required approval by the Council to conclude the negotiations with the contractor and the architect with respect to the settlement agreement.

Councilmember Piekarski questioned items PR194R and GCPR54 listed on the change orders. She stated PR194R was related to the microwave and the ducting and questioned whether or not any modifications were made to that amount as a result of the discussions with the contractor and the architect.

Ms. Teppen explained the duct work was not included in the original contract documents and that would have been an issue attributed to the architect. She stated the with respect to GCPR54 the leaks were not identified at the beginning of the project and were discovered as the project went on and investigation was done on the lower level.

Councilmember Piekarski Krech clarified that the leaks were found in the renovated side of the building.

Ms. Teppen confirmed the leaks were found in the original structure on the lower level, an area that was not fully renovated. She noted items 4C, 4D, and 4G were all part of the settlement package.

Councilmember Piekarski Krech questioned why the roof repairs to the bowl area were listed when a different contractor was hired to do the roofing.

Ms. Teppen explained the item related to a different portion of the roof that was a part of the work completed by the original contractor on the Public Safety addition. A different contractor, B&B Sheet Metal, was hired to complete the work on the roof of the renovated City Hall building. She stated where the two roofs came together some leaks were discovered and it was determined the issues were the result of work done as part of the original contract for the roof on the Public Safety addition.

Mayor Tourville reiterated the negotiated settlement agreement was the result of the mediation process the City participated in with the contractor and the architect.

Allan Cederberg, 1162 82nd St. E., questioned what was meant by the language “\$6,000 and eight (8) days” in the settlement agreement.

Mr. Lynch explained the original contract addressed the amount of time the contractor had to complete and fulfill their obligations. Any time there were change orders that affected the contracted amount of time it was noted. When all of the change orders were processed it resulted in the addition eight (8) days to the defined period of time for contract completion.

Mr. Cederberg stated he was confused about the change orders. He claimed the foundation was changed because buried cable was found and he questioned if the City paid for that change order or if that was the responsibility of the contractor.

Mr. Lynch clarified that the foundation was not changed because there was cable in the ground. He explained there was a power line that needed to be adjusted and moved because of construction, but the plans for the building were not changed as a result. There was a negotiation between the contractor and the City with respect to who was responsible for payment for that work. He noted the power company also contributed towards the cost for relocation of the power line.

Mr. Cederberg questioned the amount that was identified on the pay voucher as “less retained (5%)” because \$75,000 was not 5% of the total contract amount.

Mr. Lynch explained \$75,000 was the negotiated amount the City is withholding from the contract because there is an outstanding issue with the parking lot to the east of the building. He stated the amount was not equal to 5% of the total contracted amount for the project.

Mr. Cederberg stated he was disappointed that the City Hall task force was not allowed to explore the possibility of the self-containment of storm water on the property, similar to the regulations set forth for the Northwest Area. He added the City paid for construction and observation services and many issues were missed. He opined when the cracks in the floor were first discovered in the Public Safety addition the project should have been stopped and that the project was not managed properly by the City Administrator. He claimed the contract was loose and did not adequately protect the City. He questioned if the original building contract had been reviewed by the City Attorney.

Mayor Tourville asked the City Attorney if he reviewed the original contract.

Mr. Kuntz responded in the affirmative.

Councilmember Madden disagreed with some of the comments that were made regarding the management of the project and opined that the City Administrator has done a fine job working for the City.

Mayor Tourville thanked Councilmember Piekarski Krech for participating in the mediation group. He stated none of the parties involved were 100% satisfied with the settlement but the process did serve as a means to negotiate outside of court.

Motion by Madden, second by Bartholomew, to approve Change Orders 27 through 32 for City Project No. 2008-18, Pay Voucher No. 28 for City Project No. 2008-18, and the Mediated Settlement Agreement

Ayes: 5

Nays: 0 Motion carried.

H. Approve Contract to Provide Golf Course Maintenance Services to the Mendota Heights Par 3 Golf Course

Mr. Carlson stated following discussion at the Council work session on April 1st, staff was directed to talk to the City of Mendota Heights to address concerns regarding potential exposure the City would have with respect to the maintenance of the equipment and irrigation system at the Mendota Heights course. He explained the City of Mendota Heights was comfortable removing both items from the contract. Mendota Heights proposed to reimburse the City for both time and materials for any work required by City staff on equipment that was over and above simple oil changes or beyond the start up and shut down of the irrigation system. The revised contract was for \$45,180 and the City's projected expenses were \$38,650 for a projected net profit of \$6,530.

Councilmember Bartholomew commended staff for answering the questions posed by Council and presenting the information that was requested. He expressed several concerns regarding the proposal. The first was related to a question of the City's primary focus. He opined the primary focus should be on Inver Wood and all efforts should be geared towards improving operations to make them as efficient as possible. He explained he saw the issue as a potential distraction for Inver Wood staff because the proposal intended to leverage 296 hours of supervisory time to the Mendota Heights course. He stated that made him question whether the current staff had that much capacity to take on the project or if the employees would be overworked. He opined either way it would not result in a positive ending for Inver Wood or the City. He explained he liked the idea of helping a neighboring community, but felt that the situation was not a pertinent example of a substantial reason to help a neighbor such as in an emergency. He viewed the proposal as an expansion of service and of an enterprise that the City should not be involved in. He clarified that he understood the City was already involved in the enterprise with Inver Wood and had a responsibility to make it viable. He explained he saw little reward for the City given the potential risk and felt the projected profit was too small to warrant the risk.

Councilmember Piekarski Krech disagreed with Councilmember Bartholomew's sentiments. She explained she looked at the situation as an opportunity to cooperate with a neighboring community and be an example of how cities can take advantage of specialized services to work together. She opined that the City had to stop being so parochial and start making an effort to branch out. She stated the grounds crew at Inver Wood has always done a fine job and she felt they saw the opportunity as a challenge. She opined it is not that the staff does not have enough to do at Inver Wood and the proposal was something different that would challenge the staff. She supported the proposal and noted it was a one year contract that could be reviewed after the season.

Councilmember Mueller stated he was opposed to the proposal because he objected to the City being involved in private enterprise. He explained he would consider supporting the proposal if the profit for the City was higher.

Councilmember Madden opined the risk was not worth the minimal profit the City could earn. He stated he was concerned primarily with the City's exposure to potential accidents or liabilities that would not otherwise be incurred. He noted he would like to help another city but his main concern was Inver Grove Heights and he would like to see staff concentrate on doing the best job they can at Inver Wood.

Mayor Tourville explained he would support the proposal because the two major concerns he had regarding the equipment and the irrigation system were addressed and would now be reimbursed based

on time and materials. He clarified that two (2) seasonal labor positions would be hired to work exclusively at the Mendota Heights course. He noted what Mendota Heights was most interested in was the expertise the Inver Wood staff could provide with respect to the maintenance and care of the course. He reiterated it would be a one year contract that could be reviewed to determine whether or not it was a viable decision. He opined it could also open up future opportunities for Inver Wood to perform similar services for other courses in neighboring communities. He noted Inver Wood was not included in the City's operating budget and was an enterprise endeavor. He explained staff is challenged with making sure that the expenses stay within the golf course enterprise. He clarified operating funds were not proposed to be used for the proposed venture with Mendota Heights or for the operation of Inver Wood. He stated it is a unique opportunity that would benefit both parties involved.

Motion by Bartholomew, second by Mueller, to deny Contract to Provide Golf Course Maintenance Services to the Mendota Heights Par 3 Golf Course

Ayes: 3

Nays: 2 (Piekarski Krech, Tourville) Motion carried.

5. PUBLIC COMMENT:

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

ADMINISTRATION:

A. CITY OF INVER GROVE HEIGHTS; Consider First Reading of an Ordinance Regulating the Feeding of Deer

Mayor Tourville explained the City has looked at separating the urban from the rural areas to allow residents in rural areas to continue feeding the deer. The intent of the ordinance was to regulate feeding in the urban areas of the city.

Ms. Teppen explained the item was previously discussed by Council on February 25th and staff was directed to prepare a revised draft ordinance. She stated the revised draft included amended language to reflect Council direction to allow deer feeding only in the rural portions of the City. Because there was discussion regarding making the deer feeding boundaries contiguous with the bow hunting boundaries, the bow hunting map was provided for review and could be amended to reflect that deer feeding was allowed in all areas where bow hunting was allowed. She explained the areas where feeding would not be allowed would primarily be comprised of the urban areas. Other amendments to the draft ordinance included removal of the language "or is likely to attract" from the "prohibition" section. She stated there was a lot of discussion regarding the height requirement for bird feeders. The regulation included in the proposed ordinance was taken from an ordinance adopted by Sunfish Lake. The DNR also included a six (6) foot height requirement for bird feeders in 2011 when they imposed a no feeding rule in southern Minnesota counties to curb the spread of chronic wasting disease. She explained the height requirement raises feed off of the ground so deer are not likely to spread the disease through bodily fluids. She noted Council was also provided with copies of the comments received from citizens as well as a copy of the draft ordinance supplied by Mr. Vance Grannis.

Councilmember Piekarski Krech stated most people have hanging feeders and in order to hang it at the appropriate height to fulfill the requirement they would need to use a ladder and for some that may be physically difficult to accomplish. She opined the height requirements were likely meant to address shallow feeders or feeding on the ground. She noted deer were not able eat out of the hanging feeders shaped like a tube.

Mayor Tourville stated if there is no height restriction on the bird feeder everyone will just say they are feeding the birds even though there is feed on the ground. He noted the DNR included the height requirement for a specific reason.

Councilmember Piekarski Krech stated she would prefer the language suggested by Mr. Grannis with respect to the definition of feeding contained in Section 1(D) of his proposed draft ordinance. She opined

that the height requirement, even at five (5) feet, was onerous.

Councilmember Madden questioned if staff had considered the draft ordinance submitted by Mr. Grannis.

Ms. Teppen explained Council's direction at the February 25th meeting was for staff to return with a revised ordinance. Staff did not incorporate Mr. Grannis' provisions because Council did not provide direction to that effect. She noted the draft ordinance written by Mr. Grannis was provided subsequent to the February 25th Council meeting.

Councilmember Mueller stated he preferred the draft supplied by Mr. Grannis. He explained he preferred the Grannis definition of the "no deer feeding zone" to the bow hunting map because he would rather have the areas defined in writing rather than on a map.

Councilmember Piekarski Krech stated she would like to see a map that incorporates Mr. Grannis' boundaries because it would be easier to identify the "no feeding" areas. She stated the goal is to make sure that the densely populated areas, such as Southern Lakes, are part of the "no feeding" zone.

Councilmember Bartholomew stated the "no feeding" area would be too limited if the bow hunting map was used. He explained he would like to see some of the areas along Inver Grove Trail opened up with the idea being to keep more deer along the river. He stated he would be in favor of expanding the "no feeding" areas on the map and using color to make the defined areas easily understood and recognizable.

Amy Hunting, 2645 96th St. E., stated she read many of the comments residents submitted and felt that there was some misunderstanding as to the purpose of the ordinance. Her understanding was that the purpose of the ordinance was not to reduce the number of deer in the City, but to relocate the deer out of the urban areas because of the problems they are causing. She requested that a purpose be included in the final draft of the ordinance to make it clear why the regulations were being imposed. She stated the way the ordinance was rewritten it makes it seem as though if you live in a non-deer feeding area it is ok to have bird seed on the ground because it says that "non-bird seed mix" is the only thing a person cannot have on the ground. She stated there has to be a requirement to raise bird food off of the ground because if it is on the ground the deer will continue to eat it. She explained she was in favor of the ordinance because the regulations were needed for those in the urban area.

Mayor Tourville stated it would be beneficial to have the boundaries defined both in writing and on a map.

Councilmember Madden asked if the bird feed issue could be resolved by limiting the quantity that is allowed to be on the ground.

Mayor Tourville stated he knows the height requirement for bird feeders is a sticking point for the DNR.

Councilmember Piekarski Krech stated it should only apply to open feeders, not the enclosed tube feeders.

Mayor Tourville stated the most important suggestion is to not allow feed to be thrown on the ground.

Mr. Cederberg questioned if the City had an animal control officer to regulate the deer ordinance.

Ms. Teppen explained the City's police officers also serve as animal control. The ordinance could be enforced through a combination of animal control and the code enforcement officer, though further discussion amongst staff was needed regarding the issue.

Mayor Tourville reiterated further clarification regarding enforcement would be discussed during the second and third readings of the ordinance.

Ruth Rechtzigel, 10620 Courthouse Boulevard, commented that some birds will only eat from the ground. She stated realistically a deer is not obtaining much food from a bird feeder.

Mayor Tourville stated he has not received one complaint from people who live in the rural areas. The complaints have come from people in the urban areas where some feel deer are purposely being fed in order to attract them into the area. He reiterated the purpose is to make the rural areas more attractive to the deer so they will relocate away from the urban areas.

Councilmember Bartholomew clarified that the height restriction would only apply to the areas designated as “no feeding”.

Mayor Tourville noted this did not mean that the bow hunting areas would be changed or expanded.

Councilmember Bartholomew stated that was a completely separate issue.

Councilmember Piekarski Krech stated she would like to see staff incorporate more of the ordinance submitted by Mr. Grannis, specifically section “D” related to defining actions that would be considered “feeding”.

Councilmember Bartholomew questioned if Council would consider reducing the penalty for violations to that of a petty misdemeanor.

Ms. Teppen stated violations of the City Code are misdemeanors. She noted Council did reduce the penalty to a petty misdemeanor for violations of the garage sale ordinance.

Mayor Tourville suggested staff look into the issue and come back with a recommendation for the second reading.

Mr. Kuntz addressed the direction provided with respect to subpart “D”. He referenced the language “no person shall knowingly feed deer. No person shall do so in a manner that is intended to attract or likely to attract deer”. He explained the words knowingly, intended to, and likely to all refer to the mental state of an individual and it would be very difficult to prove the mental state of an individual when a violation occurs. The language in the draft provided by staff used the words “that attracts or is designed to attract”, which are more objective standards that can be applied. He questioned if Council would agree to retain the language “attracts or is designed to attract” if some of the examples provided by Mr. Grannis were also incorporated.

The Council agreed with Mr. Kuntz’s suggestion.

Mr. Kuntz stated the height requirement for bird feeders comes from a similar restriction previously imposed by the DNR. He explained if a lesser height were considered it would have to be in some manner that would prevent access by deer.

Councilmember Bartholomew suggested adding language to the effect of “a feeder that is designed to feed birds”.

Motion by Madden, second by Piekarski Krech, to approve the First Reading of an Ordinance Regulating the Feeding of Deer with the changes as directed.

Ayes: 5

Nays: 0 Motion carried.

COMMUNITY DEVELOPMENT:

B. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance Amendment to Allow Chickens in Single Family Residential Areas

Mr. Hunting explained the proposed ordinance would allow chickens in single family districts zoned E-2, R-1A, R-1B, R-1C, and R-2. Chickens are currently permitted on properties zoned agricultural or E-1. The proposed ordinance would be set up on a license basis. The licensure process mirrors the process currently used for the issuance of kennel licenses. He noted the intent is for the license to be approved and issued administratively. In previous discussions Council felt there should be a notice requirement for surrounding neighbors. A 350 foot notice requirement was placed in the ordinance as a starting point for discussion. He explained after reviewing similar ordinances from other communities staff found the total number of chickens allowed generally ranged from two (2) to five (5). The proposed ordinance would allow a total of three (3) chickens. He noted he did research the number that could be purchased from retail stores and he did find that some require a minimum of (6) be purchased, while others allow the consumer to order in any quantity. He stated the proposed ordinance would include a provision prohibiting roosters. The chickens would be allowed to be kept either in a coop or in a run; although no size

restrictions or regulations were included in the draft ordinance. The coop would be required to be located at least 25 feet from other residential structures and any run at least ten (10) feet from property lines. Both the coop and the run would be limited to the rear yard. The proposed ordinance included requirements that the coop be cleaned and maintained. Inspection and enforcement would be the responsibility of the animal control officer.

Councilmember Piekarski Krech opined that a notice requirement to neighbors seemed excessive for a few chickens when she could have three (3) large dogs without notifying anyone. She stated the chickens would not present any more of a health hazard and would not produce as much as waste or noise as dogs. She explained sometimes chickens need to be kept inside a dwelling or a garage due to inclement weather conditions. An extra heat source would be required for the limited number of chickens that would be allowed. She suggested that the language say the area needed to be kept clean and odor free. She opined they should not be limited to the coop or the run because people like to have their chickens out in the yard to interact with them and chickens like to lie in the sun. She explained the requirement to clean the coop on a daily basis was excessive because the whole idea is to use the compost. She suggested the ordinance require regular cleaning and maintaining in a sanitary condition with an appropriate disposal of waste.

Councilmember Madden questioned if six (6) chickens would be a better number to take advantage of their egg production.

Councilmember Piekarski Krech stated the problem with limiting the number to three (3) is that if kids are raising them for 4-H they are required to have them in lots of two (2). She stated the egg production depends on the type of chicken and the time of year, but most people who have five (5) hens will get two (2) to three (3) eggs per day.

Councilmember Madden suggested a maximum number of five (5).

Councilmember Mueller questioned how the rear yard would be defined for corner lots.

Mr. Hunting stated the most logical determination would be to figure out what the true back yard is depending on the orientation of the house. The intent is to prevent the coops and runs from being located between houses and in the largest area of the yard, typically the backyard.

Mayor Tourville suggested that adjacent property owners should be notified.

Councilmember Piekarski Krech questioned what purpose the notification would serve and what would happen if a neighbor objected.

Mayor Tourville stated the Council would make the final decision. He stated the City is better off having a notification process from the outset rather than waiting to implement a requirement after the ordinance is adopted.

Councilmember Bartholomew questioned if the notification was a function of denial of a permit application.

Mayor Tourville responded in the negative.

Councilmember Piekarski Krech reiterated that there is a big difference between people that want four (4) dogs in an urban area and someone who wants four (4) chickens.

Mr. Hunting stated the intent was to issue the permits administratively, without a requirement for Council action. He questioned how Council wanted to address the permitting process.

Mayor Tourville stated if there is no opposition to the permit it can be approved and issued by staff.

Councilmember Piekarski Krech questioned how long a person would have to respond to the notification.

Mayor Tourville stated staff would receive an application, notify the adjacent property owners, and if no opposition is received after a designated period of time the permit can be approved.

Councilmember Madden stated it should be easy to determine which properties are adjacent.

Councilmember Piekarski Krech suggested that the adjacent properties be contiguous to further clarify the

notification requirement. She questioned what the time frame would be on the notice.

Mr. Hunting suggested 7-10 business days.

Councilmember Piekarski Krech suggested 7 business days.

Mayor Tourville suggested 10 business days to account for people being out of town.

Councilmember Mueller suggested 10 days, including weekends.

Councilmember Piekarski Krech clarified a response would need to be received within 10 days of the date of the notice.

Mayor Tourville stated a license would be good for two (2) years.

Mr. Hunting stated licenses would follow the same time frames established for dog and kennel licenses. He noted a fee would need to be established separately by Council as part of the fee schedule.

Mayor Tourville asked staff to include suggestions for enforcement in the second reading.

Ron Burns, 8518 College Trail, questioned what was meant by “coop must be consistent with applicable building and zoning codes”.

Mr. Hunting explained the ordinance really should only refer to applicable zoning codes because the structure would be considered an agricultural or accessory building that is exempt from building codes. He stated the only restrictions the zoning code would impose would be that the structure could not be covered by fabric, canvas, or plastic. It would need to be covered by some type of rigid material such as siding or plywood.

Councilmember Piekarski Krech suggested including in the ordinance that the coop would be deemed an accessory structure, less than 120 square feet in size.

Laura Burns, 8518 College Trail, stated Tractor Supply will only sell chickens in groups of six (6).

Councilmember Piekarski Krech suggested that staff notify Tractor Supply of the proposed ordinance.

Councilmember Madden suggested increasing the number to six (6) for the second reading.

Motion by Piekarski Krech, second by Mueller, to approve the First Reading of an Ordinance Amendment to Allow Chickens in Single Family Residential Areas and to Receive the Emails and Letters Submitted by Residents

Ayes: 5

Nays: 0 Motion carried.

C. KRISTA & PETE HONSA; Consider Resolution relating to a Variance to Allow a Home Addition into the Side Yard Setback for property located at 10815 Alberton Court

Mr. Link reviewed the location of the property. He stated the request is to add a mud room to the back side of the house, behind the garage. He explained ordinance allows a garage to be set back five (5) feet, but the house has to be set back ten (10) feet. The proposed mud room addition would be set back seven (7) feet. Planning staff was unable to identify a practical difficulty and found there were other options for the mud room including a reduction in size to comply with the ten (10) foot setback requirement. He explained staff could not find anything unique or particularly unusual about the property to warrant the variance as it is very similar to the other properties located in the Southern Lakes development. He noted approval of the variance may set a precedent for future variance applications. Planning staff and the Planning Commission recommended denial of the variance.

Krista Honsa, 10815 Alberton Court, stated when the process started to design the mud room addition the intent was to maximize the space they could get for the amount of money they were spending. She explained the addition would be flush along the back of the house and would allow the required footing to be in the retaining walls. Reducing the size of the addition would require additional landscape work and would not reduce the cost of the addition. She reiterated they would look like to maximize the amount of

space they would gain from the addition. She stated the Planning Commission asked them to consider extending the addition out from the house, rather than back and that would interfere with the current location of the utilities and their pool equipment. She noted her neighbors did not object to the addition.

Councilmember Mueller stated when the development was built the lots were designed and oriented in such a manner that would maximize the amount of green space. He questioned if that had any bearing on the other homes in the neighborhood in terms of their proximity to the property lines. He explained he thought the homes in the development were built very close to the property lines.

Ms. Honsa stated the homes in the development were built right up to the minimum set back distance. She explained her addition would not impact the distance to her neighbor's property line because it was being built off the back of the garage.

Councilmember Mueller stated the way the lots were designed limited the size of the home that could originally be built.

Councilmember Piekarski Krech asked if the addition would extend another three (3) feet beyond the garage.

Ms. Honsa explained her garage was inset from the house. The addition would come out to be flush with the back of the house and would end three (3) feet in from the end of the garage.

Councilmember Piekarski Krech stated the issue with the side yard setbacks is because the lots angle backward and become skinnier.

Ms. Honsa stated there is a five (5) foot setback requirement for a garage and a ten (10) foot setback requirement for a house. The proposed addition is considered under the setback requirements for the house.

Councilmember Piekarski Krech confirmed the addition is considered to be part of the house because it is living space.

Councilmember Madden stated he did not see an issue with the request. He noted he likes to consider variances on a case by case basis.

Councilmember Piekarski Krech stated she was in favor of the variance because the addition would not extend beyond the end of the garage.

Councilmember Bartholomew stated the practical difficulty is the design of the lot and he would support the variance because the structure would not be pushed closer to the property line and it would be behind the garage.

Motion by Piekarski Krech, second by Mueller, to adopt Resolution No. 13-37 relating to a Variance to Allow a Home Addition into the Side Yard Setback for property located at 10815 Alberton Court

Ayes: 5

Nays: 0 Motion carried.

D. PULTE HOMES; Consider a Resolution relating to a Preliminary and Final Plat and related Development Agreements for the Plat of Summit Pines 2nd Addition. The plat is generally located at Inver Grove Trail and 87th Street

Mr. Link stated the request was to subdivide one (1) lot into two (2). He explained when the Summit Pines development was originally approved this was the original homestead and the person wanted to continue to live there. It was recognized at that time that at some point in the future the lot would and could be subdivided. The current proposal was consistent with the discussion at the time of the original subdivision. The utilities are already in place and both lots exceed the minimum lot size and width requirements. The only restriction was that driveway access would be off of the internal road, Crimson Way, and not off of Inver Grove Trail. Planning staff and the Planning Commission recommended approval of the request.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 13-38 relating to a Preliminary and Final Plat and related Development Agreements for the Plat of Summit Pines 2nd

Addition**Ayes: 5****Nays: 0 Motion carried.**

E. AT&T MOBILITY; Consider Resolution relating to a Conditional Use Permit to Expand the Telecommunications Tower and Equipment Storage Area for property located at 8392 College Trail

Mr. Link stated the request is for an amendment of the existing conditional use permit. The proposal is for an expansion of the equipment storage area to include a new building. The proposal met the conditional use permit criteria, access to the property would not change, and the applicant was working with the engineering department to address storm water requirements. Planning staff and the Planning Commission recommended approval of the request.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 13-39 relating to a Conditional Use Permit to Expand the Telecommunications Tower and Equipment Storage Area for property located at 8392 College Trail

Ayes: 5**Nays: 0 Motion carried.**

F. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Amending Title 8, Chapter 5, Subsurface Sewage Treatment Systems Code

Mr. Link explained the ordinance amendment would repeal all requirements for capacity compliance inspections. The City currently requires a capacity inspection when a property is sold, a building permit is pulled, or a septic system is modified to ensure that the size of the tank and drain field meet current requirements. Staff and residents have encountered difficulties with the requirements and have found that the regulations have placed undue hardships or financial burdens on the system owners. Staff recommended that the requirement for the capacity compliance inspection be eliminated. He noted state regulations would still apply to inspection of the system when a property is sold.

Councilmember Piekarski Krech suggested combining the second and third reading of the ordinance.

Motion by Piekarski Krech, second by Bartholomew, to approve the Second Reading of an Ordinance Amending Title 8, Chapter 5, Subsurface Sewage Treatment Systems Code and to Waive the Requirement for a Third Reading of the Ordinance Amendment

Ayes: 5**Nays: 0 Motion carried.****PUBLIC WORKS:**

G. CITY OF INVER GROVE HEIGHTS; Resolution Authorizing Submission of a Grant Application for the Community Conservation Partnership (CCP) with Dakota County Soil and Water Conservation District for City Project No. 2012-07, Bohrer Pond NW Pretreatment Basin

Mr. Thureen explained there are currently three (3) large storm sewers that discharge in the area. As staff has conducted inspections for the City's storm water permit they have found that the 60" diameter pipe that runs north on Carmen Avenue is almost half full of sediment and is backing up as a result and creating issues for property owners. He stated the application process for grants is currently very competitive, however representatives from the Soil and Water Conservation District felt the City's application for the project was strong. If awarded, the grant would cover approximately half of the construction costs for the project.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 13-40 Authorizing Submission of a Grant Application for the Community Conservation Partnership (CCP) with Dakota County Soil and Water Conservation District for City Project No. 2012-07, Bohrer Pond NW Pretreatment Basin

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Councilmember Piekarski Krech stated the roundabout at 80th and South Robert Trail was very dangerous and not adequately signed because drivers traveling south bound on South Robert Trail do not think north bound travelers are going to go west to get to Target.

Mr. Thureen stated legally vehicles entering the roundabout are supposed to yield to vehicles already in the roundabout. He added staff would talk to Mn/DOT to inquire about additional signage.

Councilmember Madden asked if signage could also be added that would direct people how to get to Target.

9. ADJOURN: Motion by Bartholomew, second by Mueller, to adjourn. The meeting was adjourned by a unanimous vote at 9:12 p.m.