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

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

3. PRESENTATIONS:

A. Recognition of Dan Bernardy as Recipient of Community Service/Public Education Award from the Minnesota State Fire Department Association

Fire Chief Thill explained Dan Bernardy was recently recognized by the Minnesota State Fire Department Association at their annual awards banquet. The State Fire Department Association started a brand new recognition program, consisting of four (4) categories. Mr. Bernardy was awarded the first annual Community Service/Fire Prevention award. He was nominated by Daniel Johnson, the Executive Director for Minnesota FAIR Plan. Fire safety and fire prevention are very important to Minnesota FAIR Plan as the program's purpose is providing limited insurance to those who are unable to obtain coverage through the private sector. In his nomination Mr. Johnson wrote, "Dan's passion for fire safety education is boundless. I know of no one who has dedicated more time and energy to fire prevention and safety awareness than Dan Bernardy. Some programs are receiving interest from fire departments and fire safety officials from across the country". She stated Mr. Bernardy has worked on programs with Mr. Johnson dating back to 2003 including: the Juvenile Fire Setter Intervention Program, Check It Out Fire Safety Program, Risk Watch Injury Prevention Program for schools, Get Your Butt Outside Smoking Safety Campaign, the Heat Team, Youth Fire Safety and Prevention Program in coordination with Regions Hospital, and Governor's Fire Prevention Day at the State Fair. She stated Dan has been very busy promoting fire safety and prevention throughout the State and it was an honor to have an Inver Grove Heights Firefighter recognized amongst the 20,000 firefighters in the Minnesota.

Mr. Bernardy thanked the Mayor and Council for their support. He stated he was raised by the Inver Grove Heights Fire Department and he was taught very early on that if they were going to respond to something it was also their duty to prevent it from happening. He stated the firefighters enjoy visiting with community members and helping them in their time of need. He opined if someone is in need he did something wrong because that person did not know what could have been done to prevent the situation. He explained if the fire department can teach people how to prevent crises from happening they may not see so many people in need of help. He reiterated his belief that a firefighter's greatest responsibility was prevention.

The City Council congratulated Mr. Bernardy on his award and thanked him for his service to the City.

B. Mayor's Proclamation of July 14, 2013 as "Jeff Davis Day" in the City of Inver Grove Heights

Mayor Tourville stated the proclamation was to honor Jeff Davis, a member of the Inver Grove Heights Fire Department for 40 years. He explained there would be a public celebration on Sunday, July 14th from 6-8 pm at Fire Station #3 for Mr. Davis. He read the contents of the proclamation.

4. CONSENT AGENDA:

Councilmember Bartholomew removed Item 4J from the Consent Agenda.

A. i) Minutes of June 8, 2013 City Council Work Session
ii) Minutes of June 24, 2013 Regular City Council Meeting

B. **Resolution No. 13-86** Approving Disbursements for Period Ending July 2, 2013

C. Pay Voucher No. 3 for City Project No. 2006-08, Asher Water Tower Replacement

D. Custom Grading Agreement for Lot 3, Block 2, Orchard Trail (Heinsch) 1835 86th Ct. E.

E. Approve Improvement Agreement and Stormwater Facilities Maintenance Agreement for 2060 Upper 55th Street (Woodlyn Heights – Inverwood Realty, LLC)

F. Approve Access Agreement for the Minnesota Pollution Control Agency (MPCA) "Trestle Stop" Petroleum Remediation Project

G. Approve 2013/2014 Collective Bargaining Agreement between the City and Law Enforcement Labor Services (LELS), Local 189 (Sergeants)

H. Approve 2013/2014 Collective Bargaining Agreement between the City and International Union of Operating Engineers, Local 70

I. Approve 2013/2014 Collective Bargaining Agreement between the City and American Federation of State and Municipal Employees, Council Five, Local 1065

K. Approve Temporary Extension of Liquor License for Kladek, Inc.

L. Personnel Actions

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

Ayes: 5
Nays: 0 Motion carried.

J. Resolution Approving 2013 and 2014 Compensation Plans Covering All Non-Union Positions

Councilmember Bartholomew questioned how many employees were at Step V of the compensation scale.

Mr. Lynch explained of those employees at the director level position, only the Finance Director and Police Chief were not at Step V. He stated he would collect and provide information to the Council regarding the remaining non-union employees included in the compensation plan.

Councilmember Bartholomew stated he would like to start a discussion whereby the steps of the compensation scale are tied to performance. He opined that a performance based system would also promote the quality program the Council was working to implement with the department heads. He asked staff to schedule the item for discussion at a future work session.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 13-87 approving 2013 and 2014 Compensation Plans Covering All Non-Union Positions

Ayes: 5
Nays: 0 Motion carried.

5. <u>PUBLIC COMMENT:</u>

Gary Vandelinde, 7103 River Road, stated he would like to stop some of the noise from the railroad in his neighborhood. He presented the Council with pictures of improvements that were made at railroad crossings in Cottage Grove and St. Paul Park to eliminate noise in residential areas. He noted he was specifically concerned with the crossing at Upper 71st Street. He stated the street basically goes to a dead end and emergency vehicles cannot access 71st Street directly. He opined that the street served no purpose and asked the City for assistance to solve the problem.

Mayor Tourville stated the issue was discussed by the Council at the most recent work session. He explained staff was collecting more information to determine what the requirements and cost would be to pursue the establishment of quiet zones at several railroad crossings.

Mr. Vandelinde suggested that staff contact Cottage Grove and St. Paul Park for examples of the process that was followed.

Councilmember Piekarski Krech questioned if he was talking specifically about the noise from the trains or from the train whistles.

Mr. Vandelinde indicated his main concern was the noise from train whistles.

Councilmember Piekarski Krech questioned if the whistles were being blown more frequently now than in the past.

Mr. Vandelinde explained the whistles have been much louder since the new track went through. He stated the noise had become a nuisance to the residents in the area.

Kenneth Detlie, 7071 River Road, expressed similar concerns regarding the noise from train whistles. He stated there were seven (7) trains that passed through on Sunday and the whistles were blown for extended periods of time. He opined that the whistles were being blown excessively every day of the week.

Mayor Tourville suggested staff send notice to the neighbors of when the issue would be discussed again by Council.

6. <u>PUBLIC HEARINGS:</u> None.

7. <u>REGULAR AGENDA:</u>

COMMUNITY DEVELOPMENT:

A. DAKOTA COUNTY CDA; Consider the following requests for property located at the Corner of Cheney Trail and Cahill Avenue:

i) Ordinance Amendment to the Arbor Pointe PUD Ordinance #789 to Change the Master Land Use Plan for the Parcel from R&D, Research & Development to Medium Density Residential R-III, Approximately 6-12 Units/Acre

ii) Resolution relating to a Final Plat and Final PUD Development Plan for a 66 Unit Senior Housing Multiple Family Development

iii) Resolution relating to a Conditional Use Permit for a Multiple Family Development

Kari Gill, Dakota County CDA, stated at the June 24th meeting the Council directed the CDA to review the site plan and explore alternatives that might improve the relationship with the homes to the east of the proposed site. She explained they did consider moving the building to the north, however because the site becomes substantially more narrow in that direction the end result was a long, rectangular shaped building. She noted they did not submit that site plan to staff as an option. She explained the proposed plan was revised to reflect a new orientation of the site on which the parking was closer to the homes and the building was as far west as possible while maintaining setback requirements. She noted it was also discovered that a 40 foot setback would be sufficient for the site. The combination of altering the building orientation and the additional setback achieved distances of 102 to 120 feet from the adjacent property lines of the homes to the east. She stated the new plan reflected a distance of at least 200 feet from any of the existing homes. Because of the elevation difference, the lighting in the parking lot would be below the elevation of the neighboring properties and, as required by the proposed conditions, all of the parking lot lighting would be downward facing. She explained staff determined that the maximum number of units that allowed on the site would be 68 under a medium density residential zoning. The proposed site plan included 66 units and they did not propose an increase because any additional units would have required them to go through the public hearing process with the Planning Commission again. She stated the landscape plan had not been finalized and acknowledged they were willing to include some larger, more mature evergreens in addition to plantings on the adjacent properties of interested homeowners. The CDA agreed to the four (4) additional conditions listed in the resolutions.

Kirk Velett, Insite Architects, reviewed the revised site plan. He stated the new configuration involved moving the building up to the 40 foot setback along Cahill Avenue and relocating the parking area to the east side of the building. He stated typically neighbors do not prefer to be closest to parking areas. In this case it was believed that because the elevation was 20 feet below the neighbors the parking area would not be obtrusive. He noted 20 foot light poles were proposed for the parking area so the top of the pole would be below the neighbors' lowest level. The building was moved approximately 50 to 55 feet to the west of the neighboring property lines and the minimum setbacks were increased from approximately 62 feet to 102 feet at the closest point and 120 feet at the farthest point. He stated the revised plan still

allowed them to maintain the existing knoll. The roundabout was reconfigured to account for the slightly longer building and to allow for easier access by the Fire Department and other emergency vehicles. He stated the building would be the same height as what was originally proposed.

Allan Cederberg, 1162 82nd St. E., stated the engineering plans did not reflect the revised site plan.

Mr. Link explained staff's understanding following the June 24th meeting was that Council wanted the CDA to present a concept of a revised site plan. It was noted at the June 24th meeting that the CDA would not have time to prepare detailed landscape and engineering plans. The CDA presented a concept of a revised building location on the site and, if the Council is agreeable to the revisions, the CDA would prepare the more detailed engineering and landscape plans.

Mr. Kuntz explained in two (2) of the resolutions there was a reference to adoption of a plan set. He stated the Council could add that the plans shall be modified to conform to the revised site plan and that the plans have to be approved by both the Community Development Director and the Director of Public Works. He noted the development contract would have to come back to the City Council for approval that would contain a list of the revised plans.

Joe Sonday, 9258 Cheney Trail, commented he was happy to see that the building was set back farther away from the neighbors. He stated the revised site plan still did not address the issue regarding the building placement on the site because it was not centered. He opined it was unfair that the neighbors on the southern end had to bear the brunt of the development. He questioned what the CDA's ultimate goal was for the site if they were going to leave the northern half of the site empty. He suggested if the building were configured on the site in the shape of a "v" it would make more sense because it would develop the whole outlot at once. He opined that the conditions 10, 11, and 12 had too many loopholes that could allow the northern half of the site to be developed in the future.

Mayor Tourville stated at the last meeting the Council asked that language be included that would preclude future development on the site and the engineering department also indicated it would be very difficult to develop on the northern half of the site because it would require additional storm water improvements that would limit the space available for development.

Mr. Lynch clarified no outlot would be created and the property was one (1) single lot.

Mr. Thureen stated he was not in attendance at the last meeting and did not have the same familiarity with the plans as the City Engineer. He explained in general it is usually possible to add storm water improvements to make a site developable, but reiterated he did not know the specific details of the site in question.

Mayor Tourville noted the CDA also went on record and stated they were not looking to build anything else on the lot other than the proposed 66 unit building.

Mr. Kuntz stated four conditions were included to address the concerns that were raised at the last meeting regarding potential future development on the site. The first was a requirement that the plat remain one (1) lot. The second was a requirement that there could not be any additional buildings on the site for principal use, other than what was depicted on the site plan. The third was a requirement prohibiting future subdivision of the lot. The fourth was a requirement was to limit the number of units on the property to 66 and that the use remains senior housing. He explained the clause which provides the city council with the ability to waive or amend the covenants was a reality of a statutory city that would exist whether the language was included in the resolution or not. The reason the language was included was to make sure all parties understood that a subsequent city council could waive or enter into a different agreement if they so decided. He noted any proposed changes in the future would require that the applicant go through the public hearing process with the planning commission and formal approval by the city council.

Mayor Tourville reiterated that the CDA agreed to each of the conditions outlined by the City Attorney to address the neighbors' concern that something else would be built on the north half of the lot in the future.

Mr. Sonday questioned if the CDA would consider configuring the building a "v" shape so it was more

spread out across the property.

Aric Elsner, 9250 Cheney Trail, stated the neighbors were not opposed to a senior housing development and wanted to work with the CDA to come up with solution that would fit better in the neighborhood. He referenced a previous proposal for the site that was approved but never built as an example of a development that utilized the entire lot. He reiterated the concern that the CDA would develop the north half of the lot at some point in the future.

Mayor Tourville stated the CDA agreed to a covenant that would preclude them from developing on the north half of the lot. He added that the Council imposed a number of conditions to address the concerns about future development and the CDA has agreed to each of them.

Jessica Kuefler, 9254 Cheney Trail, stated she appreciated the conditions that were included to address the concerns regarding future development. She opined that the burden had been unfairly placed on the four (4) or five (5) homeowners on the end. She stated the development should be spread over the entire lot to spread the burden equally amongst the homeowners.

Mr. Velett stated keeping the development on the south side of the property had nothing to do with the potential to develop the north half in the future. He explained the goal was to determine where the building would fit best on the site. The concern with centering the building more on the property was that it became too long and stretched out, more rectangular. The t-shaped configuration helped to shorten the building. He stated the CDA would not be able to construct another building in the same configuration on the north half of the property because the lot became narrower at that point. He noted it was the CDA's desire from the beginning to preserve the knolls on the property as natural buffers. He reiterated the CDA had not considered what could potentially be built on the north half of the lot.

Mr. Sonday stated he would be in favor of the more elongated plan and questioned why the CDA could not stretch the building out even farther to get more units.

Mayor Tourville stated the CDA had made it very clear at both meetings that they were only interested in building 66 units.

Mr. Elsner questioned why the elongated configuration could not be shifted to the north. He reiterated his opinion that the building should be located according to where the neighbors feel is the best fit.

Councilmember Piekarski Krech stated the situation is being presented as the neighbors on the south end of the site versus the neighbors on the north end. She opined if the building was shifted north the neighbors on that end wouldn't be happy with the location either. She stated there is no solution that would make the whole neighborhood happy.

Mayor Tourville noted the CDA stated that the longer configuration would not work for their development.

Mr. Sonday stated several of the neighbors to the north would not be affected because the existing knoll blocks the view from their property and the remaining neighbors did not care about the development. He opined it was unfair to the neighbors on the south end.

Councilmember Madden clarified that one of the reasons the CDA did not want to construct a longer building was because it was not conducive to the use, senior housing. He stated it can be difficult for senior citizens to move around and a shorter building would make it easier and safer for the residents.

Mr. Velett confirmed that it was very important to the CDA to keep the corridors of the building as short as possible to benefit the tenants.

Councilmember Bartholomew confirmed that the reason the building could not be more centered on the property was a function of the shape and size of the lot.

Mr. Velett stated the original plans had the building centered on the property. It was moved further south because it allowed for the more desirable t-shaped configuration and for the preservation of more open space.

Councilmember Bartholomew clarified the shape of the building was a function of its use because the

shorter building was more conducive to senior housing. He questioned if the proposed building location was the best concept for the property and where it truly belonged.

Mr. Velett responded in the affirmative.

Councilmember Mueller questioned how the future sidewalk along Cahill Avenue would affect the project.

Mr. Link stated the site plan included the future extension of the sidewalk along the east side of Cahill Avenue.

Mayor Tourville questioned if the conditions previously discussed by Mr. Kuntz needed to be restated.

Mr. Kuntz stated the four (4) conditions were already embedded within the resolutions.

Councilmember Piekarski Krech questioned if the requirement to modify the plan set documents was also included.

Mayor Tourville questioned if it would be appropriate to include language that the plans must be modified to conform to the revised site plan dated July 1, 2013.

Mr. Kuntz responded in the affirmative.

Councilmember Piekarski Krech confirmed the landscaping plan still included a provision that would allow for screening on the neighboring properties.

Mayor Tourville stated the CDA agreed to provide a revised landscaping plan that would include larger, more mature trees and to work with interested neighbors to provide screening on their property.

Councilmember Bartholomew noted the CDA did everything that was asked of them. He stated they have agreed to a covenant limiting the building to 66 units, explained the building had to be three stories because it was more economically feasible, and gave full consideration to the placement of the building on the lot. He opined he agreed with the architect that the proposed plan reflected the best placement of the building on the lot. He stated he was in favor of the proposal given the covenants the CDA agreed to and their willingness to work with the neighbors to provide screening with landscaping. He noted this was as close to a guarantee as they were ever going to receive that nothing would change on the property beyond what was agreed to in the plan documents.

Councilmember Piekarski Krech opined she did not know how to modify the plans any more than what had already been done. She stated it was unfortunate that the neighbors felt abused or cheated because that was not the City's intent. She explained they did the best they could to minimize the impact on the neighbors and make it as equitable as possible. She stated the CDA bent over backwards to accommodate the City's requests and alleviate the neighbors' concerns. She added she did not want to excavate any more than was necessary and because the CDA agreed to keep the open space and only build 66 units on the property the impact on the environment would be minimized.

Mayor Tourville stated the neighbors requested that the building be moved farther away from the homes and the CDA complied and also agreed to provide landscaping to screen the private properties. The CDA also agreed to a number of covenants to address the concern about future development on the northern portion of the lot. He opined the CDA did compromise on many aspects of the development.

Councilmember Madden stated there was a vital need for senior housing in the community.

Mr. Kuntz confirmed that the motion included the changes to require that the plan set documents be modified to conform to the revised site plan dated July 1, 2013.

Council members Piekarski Krech and Bartholomew agreed.

Motion by Piekarski Krech, second by Bartholomew, to adopt Ordinance No. 1268 amending the Arbor Pointe PUD Ordinance #789 to Change the Master Land Use Plan for the Parcel from R&D, Research & Development to Medium Density Residential R-III, Approximately 6-12 Units/Acre, Resolution No. 13-88 relating to a Final Plat and Final PUD Development Plan for a 66 Unit Senior Housing Multiple Family Development, and Resolution No. 13-89 relating to a Conditional Use

Permit for a Multiple Family Development with the changes as noted

Ayes: 5
Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Councilmember Madden thanked the Boy Scouts for putting up the flags in the City for the 4th of July. He also reminded dog owners to clean up after their pets in the parks and public property.

Mayor Tourville reminded citizens that Night to Unite was scheduled for August 6, 2013.

9. ADJOURN: Motion by Mueller, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 8:17 p.m.