

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JULY 22, 2013 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, July 22, 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 Administrator Teppen, City Attorney Kuntz, Community Development Director Link, Public Works Director Thureen, Finance Director Smith, Parks and Recreation Director Carlson, Chief Stanger, Fire Chief Thill, and Deputy Clerk Kennedy.

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Mayor Tourville removed Items 4G, 4L, & 4M from the Consent Agenda.

- A. i) Minutes of June 17, 2013 Special City Council Meeting
- ii) Minutes of July 1, 2013 City Council Work Session
- iii) Minutes of July 8, 2013 Regular City Council Meeting
- B. **Resolution No. 13-90** Approving Disbursements for Period Ending July 17, 2013
- C. **Resolution No. 13-91** Making an Election Not to Waive Statutory Tort Limits for Liability Insurance Purposes
- D. **Resolution No. 13-92** Approving Improvement Agreement, and Storm Water Maintenance Agreement for Absolute Trailer Sales located South of Tractor Supply on the West Side of Cahill Avenue
- E. Pay Voucher No. 9 for City Project No. 2012-09D, Urban Street Reconstruction, 65th Street Neighborhood and Cahill Court
- F. **Resolution No. 13-93** Authorizing Submittal of a Grant Application for the Clean Water Land and Legacy Program with the Minnesota Public Facilities Authority (PFA) and the MPCA's Green Infrastructure Program for City Project No. 2011-15 Orchard Trail Stormwater Improvements
- H. **Resolution No. 13-95** Approving Plans and Specifications and Authorizing Advertisement for Bids for City Project No. 2012-07, Bohrer Pond NW Pretreatment Basin
- I. **Resolution No. 13-96** Accepting Quotes and Awarding Contract for City Project No. 2013-03 Regional Basin SP-27 Stormwater Facility Repairs
- J. **Resolution No. 13-97** Accepting Bids and Awarding Contract for City Project No. 2013-06, South Robert Trail (T.H. 3) Stormwater Facilities Repairs
- K. Approve Land Alteration Permit (LAP) for IGH Investment LLC for Argenta Hills 8th Addition Plat
- N. Approve Custom Grading Agreement for Lot 5, Block 2, Orchard Trail (1793 86th Ct. E.)
- O. Approve Painting and Rubberized Flooring Projects for the VMCC
- P. Approve Year Four (2013) of a Four Year (2010 through 2013) Golf Course Pavement Project
- Q. **Resolution No. 13-98** Authorizing Auto Theft Prevention Grant
- R. Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

G. Resolution Ratifying Acceptance of a Proposal from SEH, Inc. for Preparation of a Wetland Permit Application for City Project No. 2012-07, Bohrer Pond NW Pretreatment Basin

Mayor Tourville explained he would abstain from voting on the item because it related to a small contract with the company he worked for.

Motion by Bartholomew, second by Madden, to adopt Resolution No. 13-94 Ratifying Acceptance of a Proposal from SEH, Inc. for Preparation of a Wetland Permit Application for City Project No. 2012-07, Bohrer Pond NW Pretreatment Basin

Ayes: 4

Nays: 0

Abstain: 1 (Tourville) Motion carried.

L. Approve Encroachment Agreement for Lot 4, Block 2, Argenta Hills 4th Addition (7532 Auburn Ct.)

M. Approve Encroachment Agreement for Lot 3, Block 2, Argenta Hills 4th Addition (7528 Auburn Ct.)

Mayor Tourville stated he would abstain from voting because the items involved two (2) of his family members.

Motion by Madden, second by Mueller, to approve Encroachment Agreement for Lot 4, Block 2, Argenta Hills 4th Addition (7532 Auburn Ct.) and for Lot 3, Block 2, Argenta Hills 4th Addition (7528 Auburn Ct.)

Ayes: 4

Nays: 0

Abstain: 1 (Tourville) Motion carried.

5. PUBLIC COMMENT:

Allan Cederberg, 1162 82nd St. E., questioned what the City planned to do with the money that was saved on the City Hall project as a result of a settlement agreement with the contractor. He stated the City received a million dollars from the settlement and opined that the money should be separated from the rest of the budget. He suggested letting the citizens decide how the money should be spent.

Councilmember Piekarski Krech stated Mr. Cederberg had a different perception and understanding of the settlement agreement. She clarified the City did not receive a million dollars as part of the settlement.

Mayor Tourville stated some of the money may be set aside to pay for ongoing maintenance of the facility.

Mr. Cederberg questioned how much money the City received as part of the settlement.

Mr. Lynch stated the settlement with the contractor was for \$100,000. He explained the City Council had yet to determine what they would like to do with the funds.

Mr. Cederberg stated he was under the impression that the City received a million dollars.

Councilmember Piekarski Krech reiterated that figure was incorrect. She explained the City did not receive extra money. The money was already in the budget for the building project and the settlement was money that did not have to be paid to the contractor. She stated they are still discussing whether or not some of the money should be used for repairs of the polished concrete floor.

6. PUBLIC HEARINGS:

A. CITY OF INVER GROVE HEIGHTS; Resolution Ordering the Project, Approving Plans and Specifications, and Authorizing Advertisement for Bids for 2013 Pavement Management Program, City Project No. 2013-09C, Mill and Overlay

Mr. Dodge explained the project would cover Conroy Way, spanning from Clayton Avenue to 78th Street, and Cloman Avenue, from 80th Street to Conroy Way. In total, 44 properties were eligible to be assessed for the project. The estimated total project cost was approximately \$297,000. The City's assessment policy calls for 80% of the project costs to be assessed, with a 20% contribution from the City. He noted

after all credits were applied approximately 71% of the project costs would be assessed. Each assessment on the roll was approximately \$4,800. A benefit analysis was conducted by an independent appraisal firm and the recommendation was that a \$4,000 assessment per parcel could be sustained. He stated the benefit analysis would be recertified in another year, prior to the assessment hearing. He reviewed the project schedule and stated the intent was to ask Council to award a contract at their regular meeting on August 26th. The project would be bid with Conroy Way as the base bid with Cloman Avenue and rain garden improvements listed as alternate bids.

Councilmember Bartholomew questioned how long the repair would be expected to last.

Mr. Dodge explained based on the geotechnical analysis it was estimated that the mill and overlay would last a minimum of 15 years. This particular project would involve an edge mill and overlay, designed to provide more structure to the road.

Joe Anania, 7395 Conroy Way, questioned why Conroy was being considered when so many other streets in the City were in much worse conditioned. He opined that the repairs were not needed at this point in time. He noted he was just recently assessed for drainage in a previous project.

Mayor Tourville stated there were many streets in the City that were on a schedule for total reconstruction. He explained if they wait the street may need to be totally reconstructed, at a much more substantial cost. He stated the Pavement Management Program was implemented at the request of citizens for an established street maintenance program.

Mr. Anania stated the base of Conroy Way was in good condition.

Mayor Tourville noted that was why a mill and overlay was proposed to prolong the life of the street.

Randy Rageth, 7910 Conroy Way, stated he was also surprised that Conroy Way needed such significant repairs at this point in time. He reiterated that the neighbors were previously assessed for work that was done in conjunction with a project on 78th Street. He questioned why property owners on Comstock and Clayton were not being assessed for the project.

Mr. Dodge explained residents were previously assessed for drainage improvements that were completed in conjunction with the project on 78th Street. He noted they were not assessed for any street improvements.

Mr. Rageth questioned if he could be assessed again if street improvements are done on Comstock in the future.

Councilmember Piekarski Krech explained a property owner can only be assessed for street improvements when their property has frontage on or direct access to the street on which improvements are completed.

Mr. Rageth questioned if something less expensive than a mill and overlay could be done.

Councilmember Piekarski Krech reiterated that if a mill and overlay is not done now the road may need to be totally reconstructed in the near future. She explained many years ago the City did not adequately take care of the streets and put off maintenance that was needed to extend the life of the streets. The result was that many of the streets needed to be totally reconstructed due to their horrible condition. She stated the City has implemented a Pavement Management Program that allows the City to evaluate the condition of the streets and perform scheduled maintenance and improvements in a timely manner.

Mr. Dodge explained staff worked on the project with a geotechnical engineer to develop a matrix and analysis of the street based on core samples and subgrade reviews. Based on their recommendations and analysis the streets in this area of the City, Conroy and Cloman were found to be in need of major repairs. The idea behind preventative maintenance is to restore structural strength to the road.

Councilmember Bartholomew questioned how streets were selected for improvements as part of the Pavement Management Program.

Mr. Dodge explained the Public Works Director has established a process for independent review of the City's street system. Approximately 1/3 of the City's streets are analyzed on an annual basis and given a rating. This allows the City to identify, through a Pavement Condition Index rating, and categorize streets that are in need of maintenance, major repairs, or total reconstruction.

Councilmember Bartholomew clarified that process allowed staff to prioritize the streets that would be targeted for improvements.

Mr. Rageth questioned what curb sections would be replaced as part of the project.

Mr. Dodge stated the project would include minimal curb replacement. Areas that have settled or cracked to the point where drainage has become an issue would be repaired.

Mr. Rageth questioned how long the assessment term would be.

Mr. Thureen stated the Pavement Management Policy called for a five (5) year term for a mill and overlay project. He noted at the time of the assessment hearing the Council will ultimately decide the amount to be assessed, the term of the assessment, and the interest rate.

Mayor Tourville stated it seemed that the consensus from the neighborhood meeting was that the residents would be in favor of the project if the assessments were levied at approximately \$4,000 per lot.

Mr. Cederberg opined that the City had not followed the statutory requirements for the project.

Mr. Dodge stated all statutory requirements had been fulfilled with the exception of the assessment hearing. He reiterated the assessment hearing would be held after the project was completed and the final costs were known. He explained the feasibility report was presented to and accepted by the Council at a previous meeting, the project was included in the planning and forecasting for the annual Pavement Management Program projects, and the improvement hearing to consider ordering the project was presently being held.

Mr. Kuntz reiterated the City was currently at the improvement hearing stage of the process during which the Council will decide whether or not to move forward with the project. He noted the current improvement hearing was preceded by both mailed and published notice. He stated it was likely that the assessment hearing would be held at some point prior to November of 2014. Council received the feasibility report at their regular meeting on June 24, 2013 and scheduled the current improvement hearing. With respect to planning review, because the proposed project is not a capital improvement project it is viewed as replacement and repair and as such was part of the overall City budget. The project was not required to go to the Planning Commission for review because it did not include capital improvements.

Mayor Tourville stated very few street projects that are part of the Pavement Management Program go to the Planning Commission for review.

Mr. Kuntz explained all projects that involve new capital improvements are sent to the Planning Commission for review to ensure that the projects themselves are consistent with the Comprehensive Plan.

Mr. Cederberg stated the final assessment cannot be more than the benefit projected by the appraisal analysis.

Councilmember Piekarski Krech stated the Council was aware of that fact and reiterated the assessment hearing would be scheduled after the project was completed.

Councilmember Bartholomew asked for clarification regarding the independent appraiser's recommended assessment cap.

Councilmember Piekarski Krech stated the recommended cap is the amount the appraiser has determined could be substantiated.

Mayor Tourville stated the information is part of the feasibility report and helps the Council determine if the City can afford the project.

Mr. Kuntz explained the reason why there was some degree of uncertainty attached to the final amount assessed was because the project had yet to be bid and at the time of the assessment hearing engineering staff would obtain a recertification of the benefit analysis.

Councilmember Piekarski Krech questioned what the repayment term was for the storm water drainage assessment that was levied several years ago.

Mr. Dodge stated it was a ten (10) year repayment term.

Councilmember Bartholomew questioned if the same appraisal firm would perform the recertification of the benefit analysis.

Mr. Dodge stated the same firm would provide the recertification. He explained the firm performed an independent analysis of the market as it currently exists and by using the same firm for the recertification there is some continuity between the analyses.

Motion by Madden, second by Piekarski Krech, to close the public hearing.

Ayes: 5

Nays: 0 Motion carried.

Motion by Madden, second by Mueller, to adopt Resolution No. 13-99 Ordering the Project, Approving Plans and Specifications, and Authorizing Advertisement for Bids for 2013 Pavement Management Program, City Project No. 2013-09C, Mill and Overlay

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. JOE LEXA (DAKOTA COUNTY); Consider Resolution relating to a Major Site Plan Approval for an Approximately 4,000 Square Foot Addition to the Inver Glen Library for property located at 8098 Blaine Avenue

Joe Lexa, Dakota County Project Manager, stated his request was for a major site plan approval for the Inver Glen Library addition.

Paul Newhouse, Perkins & Will Architects, presented the site plan. He stated two (2) additions were proposed, one (1) approximately 2,200 square feet in size on the west side of the building and one (1) approximately 2,200 square feet in size on the east side of the building. The west side addition would include a public meeting room and the east side addition would include a combination of meeting rooms and seating areas. Additional parking spaces would also be added to the site, increasing in number from 55 to 86. New landscaping would be added to the front of the building along the 80th Street side along with a sidewalk leading to a new entrance.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 13-100 relating to a Major Site Plan Approval for an Approximately 4,000 Square Foot Addition to the Inver Glen Library for property located at 8098 Blaine Avenue

Ayes: 5

Nays: 0 Motion carried.

B. BEVERLY ANDERSON; Consider Resolution relating to a Waiver of Plat for property located at 7070 Bester Avenue

Mr. Link reviewed the location of the property. The request was for a waiver of plat to divide a one (1) acre parcel into two (2) parcels. A house currently exists on the north part of the property. Parcel A would be 0.6 acres in size and Parcel B would be 0.4 acres in size, both exceeding the minimum lot size requirements. He noted both lots would also meet the minimum lot width requirements. Both Planning staff and the Planning Commission recommended approval of the request.

Councilmember Piekarski Krech questioned if the applicant agreed with the conditions.

Beverly Anderson, 7070 Bester Avenue, responded in the affirmative.

Motion by Piekarski Krech, second by Bartholomew, to adopt Resolution No. 13-101 relating to a Waiver of Plat for property located at 7070 Bester Avenue

Ayes: 5

Nays: 0 Motion carried.

C. PATRICIA PERISH; Consider Resolution relating to a Variance to allow a 12 Foot Front Yard Setback for a Deck and Handicap Ramp for property located at 3160 71st St.

Mr. Link suggested that the item be tabled to the next regular meeting to allow the applicant the opportunity to appear before the Council.

Motion by Bartholomew, second by Madden, to table the item to August 12, 2013

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

D. RICHARD & DODY SOBASZKIEWICZ; Consider Application for Chicken License to Keep Four (4) Chickens on property located at 7775 Boyd Avenue

Ms. Kennedy explained the request was for a chicken license to keep a total of four (4) chickens on the residential property located at 7775 Boyd Avenue. She stated notice was sent to affected property owners on July 5th and one (1) written objection was received. She noted this situation was unique because it was determined that the applicants were keeping chickens on their property prior to making application for the license. Because an objection was received the Code Compliance Specialist conducted a site inspection to ensure all shelter and enclosure requirements had been met and that the coop was being maintained in a clean and sanitary manner. She explained the objection received was primarily related to noise concerns.

Richard Sobaszkiwicz, 7775 Boyd Avenue, stated he discussed and resolved the issue with the neighbor that expressed concerns.

Dody Sobaszkiwicz, 7775 Boyd Avenue, explained the process provided them with an opportunity to communicate with their neighbor because they were not previously aware of their concerns. She stated the four (4) hens only made noise when they were laying eggs.

Councilmember Piekarski Krech stated she visited the property and the chickens were not making any noise.

Councilmember Mueller clarified that the applicants understood something may need to be done in the future if more noise complaints were received.

Motion by Piekarski Krech, second by Mueller, to approve Application for a Chicken License to Keep Four (4) Chickens on property located at 7775 Boyd Avenue

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Motion by Madden, second by Bartholomew, to schedule Special City Council Meeting on July 29, 2013 at 7:00 p.m.

Ayes: 5

Nays: 0 Motion carried.

9. ADJOURN: Motion by Bartholomew, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 8:15 p.m.