

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 12, 2013 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, August 12, 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:

Councilmember Piekarski Krech removed Items 4F, 4G, & 4L from the Consent Agenda.

- A. Minutes of July 22, 2013 Regular City Council Meeting
- B. **Resolution No. 13-102** Approving Disbursements for Period Ending August 7, 2013
- C. Pay Voucher No. 4 for City Project No. 2006-08, Asher Water Tower Replacement
- D. Appoint Board Member to the Lower Mississippi River Watershed Management Organization (LMRWMO)
- E. Approve Custom Grading Agreement for Lot 14, Block 2, Wildwood Ranch Estates (Murad) 8654 Alvarado Court
- H. **Resolution No. 13-103** Supporting Dakota County's Mendota/Lebanon Hill Regional Greenway Master Plan
- I. Approve Bituminous Trails 2013 Seal Coating
- J. Schedule Special Meeting
- K. Personnel Actions

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

Ayes: 5

Nays: 0 Motion carried.

F. Approve Proposal for Public Works Maintenance Facility Space Needs Study

Councilmember Piekarski Krech opined that the study was premature at this point and she was not in favor of spending the money because budget discussions were not finished.

Councilmember Mueller stated he would like staff to prepare a list of their needs for the building and what their plans are for the space to reduce the cost of the study. He acknowledged that the existing building needed maintenance work and questioned what specifically needed to be done.

Councilmember Piekarski Krech stated she thought the maintenance facility was included in the study that was completed for City Hall several years ago.

Mr. Thureen clarified staff was directed to move forward with a request for proposal for the needs analysis. He stated a space needs study for all city facilities, including City Hall and the Public Works Maintenance Facility, was completed in 2003. An update to the study was suggested at this point in time because the City now has a clearer picture of how it will build-out and the system it will need to maintain, which drives the need for additional space, equipment, and people. He noted staff was also conscious of the expensive maintenance issues that would need to be addressed in the existing buildings, including a new roof. Staff felt it would be beneficial to look at the overall condition of the major systems and revisit the needs analysis because the 2003 study projected a need for an additional 30,000 square feet by the year 2025 specifically for public works maintenance. He explained staff would be heavily involved with the

process and would work closely with the consultant to help them understand what is going to happen with the City's system and develop concepts that would fit into the current footprint and address the space needs.

Councilmember Mueller opined there was still room to expand at the current site and he could not envision tearing down the existing building.

Mr. Lynch explained staff was not proposing to tear the building down at this point in time. The proposal was to complete a study to determine what could be done to address the space needs. The question is what would be the best course of action - a remodel or an addition to the existing building, or a new facility. He stated a lot of information is needed to determine what the best option is for the City.

Councilmember Mueller reiterated his opinion that the cost of the study could be reduced.

Mayor Tourville stated the purpose of the analysis was to develop several options or scenarios for consideration. He noted a final decision had not been made on what should be done.

Councilmember Madden stated the consultant would use their experience and input from staff to come up with different ideas. He questioned if the recommended consultant was the low bidder.

Mr. Thureen stated it was the second lowest bid received. He explained the RFP was sent out to five (5) different firms, four (4) of which submitted a bid. Each of the four (4) firms conducted site visits and met with staff prior to submitting proposals. The proposals were reviewed by an internal ad-hoc committee of eight (8) staff members and individually scored. Former clients of the firms were contacted to obtain feedback on the product they received and their overall experience. He explained for professional services staff looks at the value and quality of the service that will be received, not necessarily the lowest price.

Councilmember Bartholomew questioned if there was anything that could be done with internal staff to reduce the cost of the proposal.

Mr. Thureen reiterated staff would be involved throughout the process, but structural engineering issues would be the main focus of the analysis. He stated electrical, HVAC, fire safety, and fire suppression would all be examined, specialties outside the scope of internal staff.

Councilmember Bartholomew questioned how long the proposal would be valid.

Mr. Thureen stated the intent was to get started on the project right away. He noted the City could ask Oertel Architects if they would be willing to hold the bid for a specified period of time.

Mr. Lynch stated the proposed funding source was the City Facilities fund, not the General Fund. He explained three (3) years ago the Public Works Facility was included in the annual CIP because staff knew ongoing maintenance and storage concerns would need to be addressed in the near future. The facility was constructed when the City had a population of less than 20,000. The City's population is nearing 50,000 and the City needs to make plans in advance to be able to adequately serve that population.

Mayor Tourville stated it would be inappropriate to ask staff how much a new building or building renovations would cost because that is not staff's area of expertise. He explained getting the information would be valuable for future budget considerations.

Councilmember Piekarski Krech stated the CIP is a plan and the items are not set in stone. She opined she did not want to spend the money at this point in time for something that is not a critical need.

Councilmember Madden stated he was concerned with the continued depreciation of the equipment and vehicles that are not able to be stored properly.

Mayor Tourville clarified that the study would address a number of items including the maintenance of the roof and the mechanical system.

Mr. Thureen reiterated the scope of the study would be comprehensive and would examine the City's projected and current needs. The architects would look at the lighting system, HVAC system, energy efficiency in each building and current maintenance needs.

Motion by Madden, second by Tourville, to approve Proposal for Public Works Maintenance Facility Space Needs Study**Ayes: 2****Nays: 3 (Bartholomew, Mueller, Piekarski Krech) Motion failed.****G. Award Proposal to Mill and Overlay the East Parking Lot at City Hall**

Councilmember Piekarski Krech expressed concern regarding the potential for additional litigation costs if the City proceeds with the parking lot correction using the remaining retainage held for the project.

Ms. Teppen explained in the mediated settlement agreement between the City and the general contractor on the project the City held funds to fix the parking lot if the parties could not reach an amicable resolution. Additional core samples were taken from the parking lot and it was determined that the asphalt did not meet the density or thickness that were prescribed in the project specifications. Shaw Lundquist's subcontractor offered to address the visible areas of wear through a patching and seal coat process. The City found the proposed resolution unacceptable as it would not result in a parking lot that would meet the plans and specifications with respect to the wear course in terms of density and thickness. Under direction from the City's legal representative on the case, the City exercised its right to provide the general contractor with ten (10) days written notice to fix the parking lot according to the plans and specifications. The general contractor's response was another offer to fix the visible areas of wear. The City subsequently sent the general contractor a courtesy notification of its intent to move forward with a proposal to complete a mill and overlay of the east parking lot at City Hall. She stated although the City's actions were well within the rights outlined in the mediated settlement agreement and contract there was no guarantee that the general contractor would not take legal action against the City.

Councilmember Piekarski Krech questioned if a mill and overlay would completely address the issues and provide the City with a parking lot that would last 30 years.

Ms. Teppen reiterated the mill and overlay would result in a parking lot that met plans and specifications.

Mayor Tourville stated the parking lot had a better chance of lasting 30 years if the mill and overlay was done versus leaving it in the current condition. He opined the City had a responsibility to make sure the parking lot meets specifications and he did not want to wait for the contractor to do something that wouldn't fully address the problem at the city's expense. He stated the issue needed to be addressed sooner rather than later.

Councilmember Bartholomew questioned if staff was certain all of the notification requirements had been met.

Ms. Teppen responded in the affirmative.

Councilmember Bartholomew clarified the city's attorney for the case was in agreement with the proposed course of action.

Ms. Teppen responded in the affirmative.

Councilmember Madden opined the City should not wait any longer to correct the problem.

Motion by Madden, second by Bartholomew, to award proposal to mill and overlay the East parking lot at City Hall**Ayes: 5****Nays: 0 Motion carried.****L. Approve Overtime Payment**

Councilmember Piekarski Krech expressed concern that there was no signed agreement included with the packet of information. She stated she wanted some assurance that everything had been taken care of from a legal standpoint. She questioned how staff could be certain that all of the overtime was attributable to duties within the Fire department.

Ms. Teppen explained staff reviewed the records over a five (5) year time period to determine which overtime hours were related to street maintenance duties and which overtime hours were related to firefighter duties. She stated the employee advised staff that he would sign an agreement which indicated his election to take the straight rate going forward. The City's understanding is that a written agreement between the employee and employer is required because the agreement could vary based on each specific employee's election in terms of the rate.

Councilmember Piekarski Krech stated she would like to see documented verification of the agreement before moving forward. She questioned why the issue was not previously researched.

Ms. Teppen stated the City was simply unaware of the requirement prior to this issue being brought forth. She noted this particular individual is the only employee who is both a full-time City employee and paid-on-call firefighter.

Councilmember Bartholomew questioned if future requests of a similar nature would be handled based on each employee's election or by City policy.

Ms. Teppen explained if the City moved forward with implementation of a policy whereby other full-time benefitted employees would be allowed to also serve as paid-on-call firefighters, the City would enter into an agreement and it would be at the employee's discretion whether they wanted the overtime rate calculated at the blended rate or the straight overtime rate.

Councilmember Bartholomew questioned if the City currently had a policy in place.

Ms. Teppen responded in the negative.

Mayor Tourville opined that a policy was necessary.

Mr. Lynch stated the broader discussion was whether or not the City should allow the situation to occur. He noted staff would discuss what the City's practice should be in terms of employment and if the City should encourage or allow full time benefitted employees to serve as paid-on-call firefighters. He explained the requirements of both positions would have to be taken into account and a discussion would need to take place with the City Council about employment practices before a policy was drafted.

Mayor Tourville stated many cities across the State allow their employees to serve as paid-on-call firefighters.

Motion by Piekarski Krech, second by Madden, to table item to August 26, 2013

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. 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 Street

Mr. Link reviewed the location of the property. He stated the proposal was to construct a deck and a handicap access ramp on the front of the house. Ordinance allows for an access ramp to extend into the front yard. A typical front yard setback is 30 feet, ordinance states the setback for an access ramp can be 24 feet. The request is to extend the ramp closer to the street. The proposal is to reduce the setback from 24 feet to 12 feet to accommodate the deck and the ramp. Staff's suggested compromise was to shorten the deck to a 17 foot setback. He noted there was no issue with the ramp. The issue was the proposed size of the deck. The applicant requested a deck that is 11 feet deep and staff felt that would extend too close to the street and the deck should be limited to 6 feet deep. Staff recommended the

request as proposed, with a 12 foot setback, be denied because no practical difficulty could be defined. Staff would support a variance for a 17 foot setback. The Planning Commission also recommended denial of the variance for a 12 foot setback and supported the 17 foot setback.

Terry Johnson explained the reason the deck was designed in the proposed configuration was because of a steep hill located in the front yard. The ramp cannot be attached directly to the house because it would be too steep of an incline. He stated the idea was to construct a deck that would allow the applicant to maneuver a wheelchair out of the home. He opined a deck with a six (6) foot depth would not be large enough to accomplish that purpose. He explained in order to comply with the required 12:1 ratio for the length of the ramp it would extend half way down the hill and would not be feasible in terms of ease of accessibility for the applicant. He stated the practical difficulty was the slope of the front yard.

Councilmember Piekarski Krech questioned if the proposed configuration met the regulations for access ramps.

Mr. Johnson responded in the affirmative.

Patricia Perish, 3160 71st Street, stated the main objective is for her husband to be able to get in and out of the house as easily as possible.

Mayor Tourville explained the practical difficulty needed to be something unique to the property. He opined the slope of the property constituted the practical difficulty and he would support the request because it would not negatively impact the neighboring properties and would increase the accessibility of the home.

Councilmember Madden questioned if the neighbors had any objections to the request.

Mr. Johnson responded in the negative. He stated the neighbors supported the proposal because it would improve the accessibility for the homeowner.

Councilmember Madden stated he would support the request as long as the neighbors did not object.

Councilmember Bartholomew stated this was one of the rare instances where he saw a practical difficulty and the Planning Commission did not. He supported the proposed variance with the slope of the front yard being the practical the difficulty.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 13-104 approving a Variance to allow a 12 Foot Front Yard Setback for a Deck and Handicap Ramp for property located at 3160 71st Street

Ayes: 5

Nays: 0 Motion carried.

B. HALLBLADE PROPERTIES; Consider Resolution relating to a Vacation of Certain Drainage and Utility Easements within the Plat of Arbor Pointe Commons Second Addition

Mr. Link reviewed the location of the property. He stated the Council previously approved the site plan for the property and the City inadvertently overlooked the need to vacate several internal easements recorded on the previous plat. Because the property owner was essentially combining the lots the easements no longer served any functional purpose. He noted the City did retain certain easements around the perimeter of the property. Both Planning staff and the Planning Commission recommended approval of the vacation.

Councilmember Mueller questioned if the applicant had to pay an additional fee for the vacation.

Mr. Link stated if a fee had been paid it could be refunded to the applicant because the additional vacation was needed due to an oversight by the City.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 13-105 approving a Vacation of Certain Drainage and Utility Easements within the Plat of Arbor Pointe Commons Second Addition

Ayes: 5

Nays: 0 Motion carried.

C. BRYAN TSCHIDA; Consider Resolution relating to a Variance to allow Construction of an Accessory Structure 20 Feet from the Front Property Line and 20 Feet from the Side Property Line for property located at 11990 Akron Avenue

Mr. Link stated the request was to replace an existing 600 square foot garage with a 1,200 square foot garage. The larger building would be in the same location. Because the new accessory structure would be over 1,000 square feet in size, larger setbacks were required. Ordinance requires a 50 foot setback on the side and a 30 foot setback in the front, whereas 25 foot setbacks were proposed. The proposed location was limited by steep topography to the west and east of the building site. The current structure is located in the only flat area on the property. The practical difficulty for the front yard setback exists because of the topography. Staff suggested reducing the size of the structure to 1,000 square feet to meet the required setback. Planning staff recommended approval of the front yard variance and denial of the variance for the side yard setback. The Planning Commission recommended approval of both variances on a 4-3 vote.

Councilmember Madden stated the property is located in a heavily wooded area that is not close to neighboring homes. He opined he would be in favor of approving both variances because it would not negatively impact the neighborhood.

Councilmember Piekarski Krech questioned what was on the other side of the property line and if it was developed.

Bryan Tschida, 11990 Akron Avenue, stated the property was developed and his neighbor's home was located on the northern portion of the property, approximately 30 yards away. He stated it was heavily wooded between the properties.

Motion by Madden, second by Mueller, to adopt Resolution No. 13-106 approving a Variance to Allow Construction of an Accessory Structure 20 Feet from the Front Property Line and 20 Feet from the Side Property Line for property located at 11990 Akron Avenue

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Mayor Tourville thanked all members of City staff who participated in Night to Unite.

9. ADJOURN: Motion by Mueller, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 8:00 p.m.