INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, AUGUST 26, 2013 - 8150 BARBARA AVENUE

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, August 26, 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, 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 4A(i) and 4H from the Consent Agenda.

Councilmember Mueller removed Item 4N from the Consent Agenda.

Citizen Dian Piekarski requested Item 4A(ii) be removed from the Consent Agenda.

Citizen Allan Cederberg requested Items 4G and 4J be removed from the Consent Agenda.

Citizen Larry Josephs requested Item 4O be removed from the Consent Agenda.

A. iii) Minutes of August 12, 2013 Regular City Council Meeting

B. **Resolution No. 13-107** Approving Disbursements for Period Ending August 21, 2013

C. Pay Voucher No. 1 for City Project No. 2013-09A, Cracksealing

D. Pay Voucher No. 1 for City Project No. 2013-09B, Sealcoating

E. Pay Voucher No. 5 for City Project No. 2006-08, Asher Water Tower Replacement

F. Change Order No. 5 for City Project No. 2012-09D, Urban Street Reconstruction – 65th Street Neighborhood and Cahill Court

I. **Resolution No. 13-109** Accepting Bids and Awarding Contract for the 2013 Improvement Program, City Project No. 2012-07, Bohrer Pond NW Pre-treatment Basin

K. Approve Replacement of Fitness Strength Equipment for the Veterans Memorial Community Center

L. Approve ADA Accessibility at Groveland Park

M. Approve Dive Pool Heat Exchanger Replacement

P. Approve Temporary Liquor License Extension (Drkula's)

Q. Personnel Actions

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

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

A. i) Minutes – July 29, 2013 Special City Council Meeting

Councilmember Piekarski Krech explained she did not recall making the statement regarding the Host Community Fund reflected on the second page or asking the question regarding the relationship between the debt service levy and the overall levy limit.

Mayor Tourville suggested both items be stricken from the minutes.

Motion by Piekarski Krech, second by Mueller, to approve Minutes of the July 29, 2013 Special City Council Meeting with the changes as noted.

Ayes: 5
Nays: 0 Motion carried.

A. ii) Minutes – August 5, 2013 City Council Study Session

Dian Piekarski, 7609 Babcock Trail, stated during the Fire Chief's budget presentation she asked a question regarding repair standards for equipment and did not see it reflected in the minutes. She opined the question was an important aspect of the discussion and requested it be added to the minutes.

Motion by Piekarski Krech, second by Madden, to approve Minutes of the August 5, 2013 City Council Study Session with the change as noted.
Ayes: 5
Nays: 0 Motion carried.

G. Consider Rejecting Bids Received on City Project No. 2011-15, Orchard Trail Stormwater Improvements

Allan Cederberg, 1162 82nd St. E., suggested staff should inform the residents in the area of the proposed action to reject the bids received for the project.

Mayor Tourville indicated the neighborhood would be notified after Council took formal action on the item.

Mr. Thureen explained staff was working with representatives from MN Pollution Control as well as the Dakota County Soil and Water Conservation District to identify potential alternate funding sources as new options become available.

Motion by Madden, second by Mueller, to adopt Resolution No. 13-108 rejecting bids received on City Project No. 2011-15, Orchard Trail Stormwater Improvements

Ayes: 5
Nays: 0 Motion carried.

H. Approve Proposal from Redstone Construction Company, Inc. for Replacement of River Road Sanitary Sewer Lift Station

Councilmember Piekarski Krech stated she was concerned that only two (2) bids were received and each was significantly higher than the original estimate.

Mr. Thureen stated the Utilities Superintendent provided a memo explaining at the time the City solicited input from three (3) contractors in June of 2012 each contractor estimated that the installation phase of the project would cost $55,000 to $58,000. With this information staff inserted a conservative estimate of $65,000 into the 2013 Sewer Fund budget for the project. Several factors contributed to a less competitive bidding climate than what was anticipated. Many utility contractors downsized or left the business entirely over the last five (5) years enabling those that remain to charge a higher cost for their services. The contractors who remain are smaller and less able to respond to the sudden increase in construction demand that has recently occurred. Despite all of the factors involved, staff felt that two (2) competitive bids were received from reputable contractors. Given the current bidding climate staff could not guarantee that the project would be less expensive if it were delayed until 2014. The Utilities Division recommended that a contract be awarded to Redstone Construction Company Incorporated in the amount of $78,000. He noted the three (3) contractors who did not submit a bid did provide a response to the request indicating they were simply too busy to be able to complete the project in 2013.

Councilmember Piekarski Krech questioned why two (2) different account numbers were listed as funding sources.

Mr. Thureen stated one of the accounts was specifically for major repairs or replacements and the second account had funds available to cover the $13,000 difference.

Mayor Tourville commented other cities were experiencing similar issues in the bidding market.

Motion by Piekarski Krech, second by Madden, to approve proposal from Redstone Construction Company, Inc. for Replacement of River Road Sanitary Sewer Lift Station

Ayes: 5
Nays: 0 Motion carried.

J. Resolution Accepting Bids and Awarding Contract for the 2013 Pavement Management Program, City Project No. 2013-09C, Mill and Overlay

Allan Cederberg, 1162 82nd St. E., expressed concerns with the procedure that was used to order the project. He presented the Council with a copy of MN Statute 609B.176 relating to the vacation of a public office following an incumbent's conviction of a crime.

Motion by Piekarski Krech, second by Bartholomew, to receive document submitted by Mr. Cederberg.

Ayes: 5
Nays: 0 Motion carried.

Mr. Cederberg stated he was confused about the procedures used for pavement management projects. He claimed in 1993 an assessment hearing was held prior to the bidding process for a proposed project on 82nd Street. He questioned why the assessment hearing would be held after the completion of the project and if any other street projects had followed a similar procedure. He opined the Council violated the referenced statute because they approved a feasibility study that indicated the assessments for the project would be $4,800 per parcel and the appraisal analysis recommended that a $4,000 assessment per parcel could be substantiated.

Mayor Tourville stated no member of the Council had been convicted of a crime, so the statute was not applicable to the subject at hand. He noted his issue regarding the procedure followed for pavement management projects had been discussed numerous times in the past. He asked the City Attorney if the City had followed all State statutes and City Code regulations in terms of the procedure followed for this specific pavement management project.

Mr. Kuntz replied in the affirmative. He explained the contract was bid pursuant to the regulations set forth by Minnesota Statutes Chapter 429 and the Minnesota Contracting Law.

Mr. Cederberg questioned if it was proper procedure to hold the assessment hearing after the completion of the project or before the project was bid.

Mr. Kuntz stated the usual practice of the City for the majority of its Chapter 429 improvements has been to order a project, receive bids to award a contract for completion of the project, and then to assess for the project after completion. He explained there had been instances where an alternate procedure was followed, as allowed by Chapter 429, in which a project was ordered, bids were received, and the project was assessed prior to the award of contract. This was done with certainty, due to the nature of the project, that there would be no change orders or cost overruns. He noted the alternate procedure had been followed in certain instances where there had been a questionable aspect about how large the bids would be in relation to the assessments and the ability of the City to finance. He stated the feasibility report for the 2013-09C project indicated the initial assessment roll would show assessments of approximately $4,800 per parcel, as per the City's assessment policy. Computation of the initial assessment roll for a Chapter 429 project always followed the City's assessment policy to ensure the Council and the public were aware of those figures. There was also indication that if the appraisal analysis was recertified prior to the assessment hearing, the assessments may be closer to $4,000 per parcel.

Mayor Tourville clarified the Council was not approving final assessments. He stated the estimated assessment for the project was $4,800 per parcel and that figure could be modified, at the Council's discretion, at the time of the assessment hearing once final project costs were known.

Mr. Cederberg questioned why the project did not require approval by the Planning Commission.

Mr. Kuntz stated the issue was discussed the last time Council reviewed the project. The improvement referenced in the applicable statute is a form of capital improvement which is included in a capital improvement plan. Because the proposed project was part of a maintenance program and did not involve

a capital improvement, approval by the Planning Commission was not required. He suggested Council could add language to the resolution approving the contract stating, "the project does not have a relationship to the Comprehensive Plan and therefore review of the project by the Planning Commission for consistency with the Comprehensive Plan is waived".

Mr. Cederberg questioned if some of the project would be funded via the General Fund and Water fund.

Councilmember Piekarski Krech responded in the affirmative. She stated projects are often funded from multiple sources.

Mr. Cederberg opined it was not fair because the residents in the project area already contribute money to the General Fund through taxes, and to the Water and Sewer Funds for utilities. He commented those that would be assessed were paying for the project multiple times.

Mayor Tourville stated the City traditionally contributes a portion of the costs for street improvements and different funds are utilized to cover those costs. He stated the Water Fund was supported by those connected to City water and the Sewer Fund was supported by those connected to City sewer.

Councilmember Piekarski Krech noted money was being contributed from the Water and Sewer funds because the project included improvements to the sewer and water system.

Mr. Thureen explained other funding sources were used because the project included expenses that are appropriately related to the funds identified.

Councilmember Bartholomew stated the City Attorney has explained that the City has the option to hold the assessment hearing after the project has been completed or at the time the bids are received. He stated there was nothing nefarious occurring. The funding sources were proposed because they are being used to fix the infrastructure they are designated for.

Motion by Madden, second by Bartholomew to adopt Resolution No. 13-110 Accepting Bids and Awarding Contract for the 2013 Pavement Management Program, City Project No. 2013-09C, Mill and Overlay with language added as suggested by the City Attorney

Ayes: 5
Nays: 0 Motion carried.

N. Approve Overtime Payment

Councilmember Mueller expressed concern that the overtime payment would be taken from the Fire Department's budget. He opined that the Fire Department needed the money that was in the budget and suggested that the funds be taken from another source.

Councilmember Piekarski Krech opined this issue was not the result of any negligence on the part of the Fire Department as they were simply unaware of the requirement. She suggested that the funds be taken out of contingency.

Mr. Lynch stated the funding source was proposed because that was the duty performed at the time the employee earned the overtime pay and it was a matter of fairly assessing that pay to the correct department. The employee was not fairly compensated for his time served as a paid-on-call firefighter. There has been ongoing discussion with the Council as to whether or not the City would allow all other public employees to serve in similar capacities as paid-on-call firefighters in addition to their regular duties as full-time employees of the City. Consequently other departments' budgets would have to be adjusted accordingly to compensate for any overtime that was earned.

Mayor Tourville stated the practice going forward could be to fund the overtime from the individual department's budget. He suggested taking the funds for this particular item from contingency because it was the result of an oversight, not a planned expense.

Mr. Lynch requested that the Council allow staff to determine the source of the allocation based on the availability of fund balances. He stated the contingency fund may not have the funds available. He suggested that Council direct staff to take the funds from another source that would not affect the fire

department's budget.

Ms. Smith stated at this point the amount budgeted for contingency had been utilized to fulfill obligations resulting from employee contract negotiations.

Mr. Lynch stated he and the Finance Director would make the determination and inform the Council of the recommended funding source.

Motion by Piekarski Krech, second by Mueller, to approve overtime payment and direct the funds be taken from an alternate source, as determined by the City Administrator and Finance Director, so as not to adversely affect the 2013 Fire Department budget

Ayes: 5
Nays: 0 Motion carried.

O. Approve Limited Hunting of Canada Geese within the City

Mr. Larry Josephs presented a letter from the MN DNR dated June 28, 2013. He stated most cities within the seven-county metro area experience some type of problems with Canada Geese. It is believed that the most effective and cheapest solution to the problem is to control the population through hunting. The early goose season typically opens around September 1st and has been particularly effective in controlling local resident Canada Goose populations. Hunting helps control the population and reduce nuisance complaints. It also offers outdoor recreational opportunities for people in the community. He urged the Council to continue to allow hunting within the City and requested that the dates of the hunting season be modified and extended to coincide with the calendar adopted by the MN DNR. He stated the early dates in the season do not provide hunters with ample opportunity to significantly reduce the population.

Chief Stanger stated the City was not considering elimination of the Canada Goose hunt. He explained the limited hunting season was originally instituted because there are different windows of opportunity for migrating geese that fly through the area. The problem geese are those that stay in the area year-round, not migrating geese. He noted migration normally occurs in mid-October through the end of November. In the past the Council has allowed a goose hunt for one weekend per month for the regular Canada Goose season in addition to the early Canada Goose season from September 1st to September 20th.

Councilmember Piekarski Krech questioned what the difference was between what the City allows and what the DNR allows.

Chief Stanger explained the City's proposed dates fall within the dates of the established DNR hunting season. The only difference is the City limits the dates within the prescribed season.

Councilmember Piekarski Krech questioned when the migratory period was.

Chief Stanger stated it was usually mid-October through November, depending on the weather. The City limits hunting in October, November, and December to one weekend per month. He explained the City had an ordinance prohibiting the discharge of firearms within the City limits and the Canada Goose hunt was one of the exemptions of the ordinance.

Councilmember Mueller questioned if the City had records of the bag limits to measure the success of the hunters in past seasons.

Chief Stanger stated the City had not received consistent feedback from the hunters. He noted a change would be implemented for the upcoming season which would involve meeting with the hunters prior to issuance of a permit to provide them with guidelines of what the department would expect in terms of reporting their bag limits.

Mr. Greg Josephs explained the request was to expand the season in the City to coincide with the hunting season schedule adopted by the DNR. He opined the best chance to have an impact on the population was during October and November.

Mayor Tourville suggested expanding the season to two (2) weekends per month in October, November, and December to see how it goes. He stated some residents may not want an expanded season.

Councilmember Madden suggested allowing hunting every weekend in October, November, and December.

Councilmember Bartholomew opined allowing hunting on weekends would be more disruptive to citizens than during the week.

Councilmember Piekarski Krech stated the initial thought was to limit the activity to certain days to clearly establish when hunting was allowed to address the concerns related to the discharge of firearms.

Mr. Willy Abbott stated the close proximity of the airport should also be taken into consideration because the goose population affects the safety for pilots.

Chief Stanger clarified the early season ran from September 1st to September 20th. The regular season was split to allow hunting September 21st to September 29th and from October 12th to December 28th.

Mr. Mark Van stated he resided in an area of the City where hunting is allowed. He presented a list of residents in the same area who indicated they were in favor of extending the hunting season.

Mayor Tourville stated he was in favor of the Police department meeting with the hunters prior to issuance of a permit.

Councilmember Madden asked the Chief to impress upon the hunters the importance of providing the bag limit information.

Chief Stanger clarified the early season would stay the same as it had been in the past and the regular season would be modified to allow hunting every weekend it is allowed by the DNR.

Motion by Piekarski Krech, second by Madden, to approve limited hunting of Canada Geese within the City on weekends that fall within and coincide with the regular waterfowl hunting season established by the MN DNR and to continue to allow hunting of Canada Geese throughout the duration of the early hunting season established by the MN DNR

Ayes: 5
Nays: 0 Motion carried.

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

Councilmember Mueller requested that the hiring practices for police officers be reviewed. He opined reserve officers that have been with the Police Department for at least two (2) years should be granted interviews for open patrol officer positions.

Mayor Tourville suggested staff should work on a recommendation to bring back to the Council for discussion. He asked Mr. Lynch if the current practice involved granting interviews to those who earn a score within a specific range on a written test.

Mr. Lynch responded in the affirmative.

Mayor Tourville stated if a reserve officer takes the test and receives a high enough score they would be granted an interview anyway. He expressed concerns with a scenario in which a reserve officer's test score was not high enough and they were still granted an interview. He opined the process needed to be fair for all applicants.

Councilmember Mueller suggested a reserve officer from the Inver Grove Heights Police Department could have points added to their test score to increase their chances of receiving an interview. He opined the process should be changed to give the reserve officers a better opportunity to be hired for open patrol officer positions.

Councilmember Bartholomew asked staff to prepare information for Council discussion detailing what the concerns are and whether or not the suggested course of action could be implemented. He stated he felt it would be fair to find some way to acknowledge a reserve officer's history with the City so it is recognized in the hiring process.

Councilmember Madden stated he would be willing to discuss the issue but had concerns with directing the Chief of Police or any other department heads how to do their jobs from the City Council bench. He opined it was not necessary for the Council to micromanage everything that is done. He stated he would like to leave the decision up to the Chief and those who are in charge of making decisions regarding the hiring of personnel.

Councilmember Mueller stated he did not know what the point system was but felt it was tough for reserve officers to earn enough points to get an interview.

Mr. Lynch stated staff would prepare information for Council discussion and review. He noted a legal opinion would also be necessary because at least one (1) councilmember had a family member that could potentially benefit from the change that had been suggested.

Mayor Tourville directed staff to provide information explaining the points system and the current procedure followed for hiring police officers.

6. <u>PUBLIC HEARINGS:</u>

A. CITY OF INVER GROVE HEIGHTS; Liquor License Violation Hearing – Eddy's Bar & Grill, LLC dba Eddy's Bar & Grill

Mr. Kuntz stated the agenda item deals with a public hearing concerning a liquor establishment located at 7537 Concord Boulevard, known as Eddy's Bar & Grill. The purpose of the hearing is for the Council to determine if it chooses to impose sanctions against the liquor establishment for a violation of liquor ordinances.

Mayor Tourville declared the hearing open.

Bridget McCauley Nason of Levander, Gillen, & Miller explained Eddy's Bar & Grill, LLC dba Eddy's Bar & Grill was before the Council for a hearing concerning the imposition of an administrative penalty for failing to comply with City Code requirements related to the liquor license and the operations of the establishment. Specifically the allegation is that Eddy's Bar & Grill failed to have all persons, other than employees, vacate the licensed premises within 30 minutes of the closing hour on December 1, 2012. Eddy's Bar & Grill is the intoxicating liquor license holder for the premises located at 7537 Concord Boulevard in the City of Inver Grove Heights. Edward Cardigan Carlson is listed as the owner of the establishment on the liquor license application submitted to the City. Eddy's Bar & Grill was served with notice of the hearing on August 12, 2013 pursuant to both the City Code and State statute provisions related to this type of hearing. Service was made by leaving the notice and attachments (police report, notice of hearing, and sentencing order) at the licensed premises with the person in charge thereof, and also via certified and regular mailing to Mr. Carlson himself. She stated on December 1, 2012 Officer Miguel Guadalajara of the Inver Grove Heights Police Department drove by Eddy's Bar & Grill at approximately 3:50 a.m. and observed that there were a number of cars in the parking lot of the licensed premises, well after the closing time of the bar. Officer Guadalajara observed several individuals exiting the building. After speaking with Mr. Carlson and entering the licensed premises Officer Guadalajara observed a number of individuals in the bar and in the downstairs area. One individual, found in the downstairs area of the bar, stated he did not work for Eddy's Bar & Grill but was there to give a friend a ride home. Mr. Carlson was subsequently issued a criminal citation for two (2) violations of the Inver Grove Heights City Code related to the operation of a liquor license establishment. On June 24, 2013 Mr. Carlson pled guilty to permitting persons in a liquor license establishment after hours in violation of City Code provision 4-1A-14(D1). He was sentenced in Dakota County District Court to one (1) year of probation, required to pay a $280 fine and surcharge, and required to have no same or similar liquor license related offenses. She provided three (3) sets of exhibits for Council review.

Motion by Piekarski Krech, second by Madden, to receive three (3) sets of evidence exhibits.

Ayes: 5
Nays: 0 Motion carried.

Ms. McCauley Nason stated City Code provisions and State statutes do permit the Commissioner of Public Safety as well as the issuing authority to revoke or suspend a license or permit, or to impose a civil penalty of up to $2,000 for each violation of an on-sale liquor license. Specifically for this matter, the failure to comply with any applicable statute, rule, or ordinance relating to alcoholic beverages, or any provision of City Code Title 4, Chapter 1, Article A. She noted City Code provisions provide a minimum penalty of a $750 fine for a first-time liquor license violation. The Code provides that based upon the nature, type, severity, and circumstances of the violation the Council may impose penalties which exceed the minimums set forth at their discretion. Staff recommended the imposition of a $750 civil penalty with a two (2) day liquor license suspension. The suspension would be stayed provided the civil penalty was paid on or before September 5, 2013 at 4 p.m. If the civil penalty was not paid on or before the deadline, the liquor license would be suspended for two (2) days calculated from 8:00 a.m. on Friday, September 20, 2013 through 8:00 a.m. on Sunday, September 22, 2013. She reiterated the imposition of any civil penalties was entirely at the discretion of the Council if they find that a violation has occurred.

Councilmember Mueller questioned why such a short period of time was given for payment of the fine. He questioned if it could be extended to 30 days.

Ms. McCauley Nason stated it was based on a staff recommendation and it could be changed at the discretion of the Council.

Councilmember Madden questioned if the suspension could also be modified at the Council's discretion.

Ms. McCauley Nason responded in the affirmative.

Edward Carlson, owner of Eddy's Bar & Grill, stated he learns from his mistakes and has taken measures to correct the issue. He asked the Council to take into consideration the fact that he is still a new establishment and every day of business matters. He requested he be allowed to pay the fine within 30 days, without a license suspension.

Councilmember Madden questioned if Mr. Carlson was given a warning by the Police Department regarding the same type of problem prior to being issued a citation.

Mr. Carlson stated he was issued a warning letter from the Chief of Police.

Motion by Madden, second by Bartholomew, to close the public hearing.

Ayes: 5
Nays: 0 Motion carried.

Councilmember Piekarski Krech questioned if there had been issues at the establishment since the citation.

Chief Stanger stated there had been no observed violations. He explained officers have continued to conduct walk-throughs at the business, similar to what is done at every other liquor establishment in the City, and have observed individuals in the bar after hours but saw no indication that the individuals were consuming alcohol.

Mayor Tourville suggested that Mr. Carlson should take measures to better control who is in the establishment after closing.

Mr. Carlson stated the only people that are in the bar after hours are employees that clean.

Councilmember Madden stated he would be willing to go along with staff's recommendation. He warned Mr. Carlson that he would seek a much more severe punishment if there are future violations.

Councilmember Bartholomew stated everyone is responsible for the mistakes they make and felt staff's recommendation was an appropriate penalty. He explained staff has presented a recommendation that demonstrates the City is serious about the enforcement of established rules and regulations.

Councilmember Madden stated he would be willing to give Mr. Carlson 30 days to pay the fine.

Councilmember Bartholomew opined extending the time frame to 30 days would set the wrong precedent.

Councilmember Piekarski Krech suggested a compromise of 15 days.

Councilmember Mueller stated 30 days was reasonable.

Mayor Tourville stated 30 days would make the due date for payment of the fine September 26, 2013. If the fine is not paid by the deadline the two (2) day suspension would be imposed from 8:00 a.m. on October 11th through 8:00 a.m. on October 13th.

Motion by Mueller, second by Madden, to adopt Resolution No. 13-111 Imposing Sanctions upon On-Sale Intoxicating Liquor License Holder Eddy's Bar & Grill LLC dba Eddy's Bar & Grill with the changes as noted

Ayes: 5
Nays: 0 Motion carried.

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

COMMUNITY DEVELOPMENT:

A. INDEPENDENT SCHOOL DISTRICT #199; Consider the following requests for property located at 3201 68th Street:

i) Resolution relating to a Conditional Use Permit to Exceed the Impervious Surface Amount Allowed in the Shoreland District for an Expansion to Hilltop Elementary School

ii) Resolution relating to a Variance to Allow a 20 Foot Rear Yard Setback Whereas 30 Feet is Required

Mr. Hunting explained the school district proposed a 10,000 square foot addition onto the north side of Hilltop Elementary school. The addition would be on the northwest portion of the site. The variance is for a 20 foot setback from the north property line whereas 30 feet is required. Staff did not find a negative impact of the variance request because the immediate property to the north was vacant. The conditional use permit request was to exceed the 25% impervious surface allowed in the Shoreland Overlay District. In 2006 an increase to 39% impervious surface was approved and the current proposal would further increase the impervious surface to 41%. He noted an applicant is allowed to exceed the 25% threshold if the City has a storm water management plan in place. The school district included measures that would treat storm water on site. Staff recommended approval of both requests.

Councilmember Piekarski Krech if the increase in impervious surface would result in the school district paying increased storm water utility fees.

Mr. Thureen stated when computing fees consideration is given as to whether or not the site contains features and facilities to treat the storm water. Credit is given against a portion of the fee to recognize the measures that were implemented. The school district will create the facility and maintain it so the City does not have to do it. The base fee for storm water utility would not change, the surcharge would be affected. A credit from 25-75% can be earned based on the design of the facilities.

Councilmember Piekarski Krech expressed concern about the amount of impervious surface. She confirmed all of the water would be treated on-site.

Mr. Thureen responded in the affirmative.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 13-112 approving a Conditional Use Permit to Exceed the Impervious Surface Amount Allowed in the Shoreland District for an Expansion to Hilltop Elementary School and Resolution No. 13-113 approving a Variance to Allow a 20 Foot Rear Yard Setback whereas 30 Feet is Required

Ayes: 5
Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Councilmember Madden commended the parks staff for their work repairing the sink hole at Sleepy Hollow Park.

Mayor Tourville reminded residents to participate in Inver Grove Heights Days.

9. ADJOURN: Motion by Mueller, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 8:50 p.m.