

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, OCTOBER 14, 2013 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, October 14, 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:

4. CONSENT AGENDA:

Councilmember Piekarski Krech removed Item 4A(iii) from the Consent Agenda.

Councilmember Mueller removed Item 4F from the Consent Agenda.

Mayor Tourville removed Item 4K from the Consent Agenda.

- A. i) Minutes of September 3, 2013 City Council Work Session
ii) Minutes of September 9, 2013 Regular City Council Meeting
- B. **Resolution No. 13-136** Approving Disbursements for Period Ending October 9, 2013
- C. Pay Voucher No. 6 for City Project No. 2006-08, Asher Water Tower Replacement
- D. Final Pay Voucher No. 2, Engineer's Final Report, and **Resolution No. 13-137** Accepting Work for City Project No. 2013-09A, Cracksealing
- E. **Resolution No. 13-138** Accepting Proposal for Additional Engineering Services for City Project No. 2013-03, SP-27 Storm Water Facilities Maintenance and City Project No. 2013-06, South Robert Trail (TH 3) Storm Water Facilities Repairs
- G. Approve Custom Grading Agreement, Easement Encroachment Agreement, and Drainage and Utility Easement Agreement for Lot 2, Block 3, Marcott Woods, 2386 96th Street
- H. **Resolution No. 13-140** Approving a Storm Sewer System Maintenance Agreement with Dakota County
- I. **Resolution No. 13-141** Approving Dakota County's 2014-2018 Capital Improvement Program
- J. Approve Release of Lot 1, Block 1, Arbor Pointe Commons Second Addition from Development Contract Recorded as Dakota County Document No. 2396890 and Development Contract Recorded as Dakota County Document No. 2004030
- L. Approve Contract for Irrigation Work at Rich Valley Park
- M. Approve Concession Agreement with Inver Grove Heights Youth Hockey
- N. **Resolution No. 13-142** Approving the Improvement Agreement and Storm Water Maintenance Agreement and other related Agreements for the Office Building Project located along 117th Street
- O. **Resolution No. 13-143** Approving the Improvement Agreement, Storm Water Maintenance Agreement and other related agreements for the addition to Hilltop Elementary School
- P. Approve Temporary Liquor License Extension Request
- Q. Consent Agreement for Sublease – APT (T-Mobile) Monopole
- R. Approve Joint Powers Agreement with Dakota County for Emergency Management Services
- S. Personnel Actions

Motion by Madden, second by Bartholomew, to approve the Consent Agenda**Ayes: 5****Nays: 0 Motion carried.****A. iii) Minutes of September 23, 2013 Regular City Council Meeting**

Councilmember Piekarski Krech stated she would abstain because she was absent from the meeting.

Motion by Madden, second by Bartholomew, to approve Minutes of September 23, 2013 Regular City Council Meeting**Ayes: 4****Nays: 0****Abstain: 1 (Piekarski Krech) Motion carried.****F. Resolution Accepting Proposal from Braun Intertec for Additional Geotechnical Services for City Project No. 2014-09D, College Trail Reconstruction**

Councilmember Mueller expressed concerns regarding the cost of the additional geotechnical work. His recollection was that there would be further discussion regarding the project and questioned why additional work was needed at this time.

Mr. Thureen stated as staff proceeded with the preliminary engineering required for the feasibility study it became clear that not enough borings were taken to adequately examine all potential trail alignments. Additional borings of street segments were also ordered based on the results of the preliminary tests. He stated it is typical to order additional borings for projects to ensure that enough information is available to develop an appropriate project design.

Mayor Tourville clarified Council was being asked to authorize additional borings, not to order a project.

Councilmember Mueller questioned why they could not wait to do the borings until later in the year once the ground is frozen to avoid additional charges for special equipment.

Mr. Thureen stated the intent was to keep the project on schedule and potentially send it out for bid early if the Council decided to move forward. Staff recommended sending the project out for bid in early 2014 because they had witnessed price increases in the construction market.

Mayor Tourville stated the contractor may not take soil borings after the ground is frozen.

Motion by Madden, second by Tourville, to adopt Resolution No. 13-139 Accepting Proposal from Braun Intertec for Additional Geotechnical Services for City Project No. 2014-09D, College Trail Reconstruction**Ayes: 5****Nays: 0 Motion carried.****K. Resolution Authorizing Execution of the Declaration of Conditions and Restrictions related to the State Forest Bonding Grant upon Certain City Parks and other City Property**

Mayor Tourville stated this item needed to be tabled to November 12th at staff's request.

Motion by Piekarski Krech, second by Bartholomew, to table item to November 12, 2013.**Ayes: 5****Nays: 0 Motion carried.****5. PUBLIC COMMENT: None.****6. PUBLIC HEARINGS:**

Mr. Kuntz explained there was a mailed and published notice of an assessment hearing for the Henry Avenue project and the item did not appear on the agenda. Public Works and Engineering staff requested

that the hearing be held on October 28th. Because the hearing was properly noticed, it was recommended that the Council open the public hearing and continue it to the regular meeting scheduled on October 28th at 7:00 p.m. at City Hall.

Councilmember Piekarski Krech clarified the Council had to first add the item to the agenda.

Councilmember Bartholomew questioned if the public had been notified of the change.

Mr. Kuntz stated notice was sent to the two (2) affected land owners.

Mr. Thureen added that staff also personally contacted both property owners to notify them of the proposed change.

Motion by Piekarski Krech, second by Bartholomew, to add item related to Henry Avenue Assessment Hearing to the agenda under public hearings.

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Madden, to continue Henry Avenue Assessment Hearing to October 28, 2013 at 7:00 p.m. at City Hall

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. DAN VUJOVICH; Consider Resolution relating to a Conditional Use Permit to Exceed Maximum Impervious Surface allowed for property located at 9209 Chapman Ct.

Mr. Link reviewed the location of the property. The request was for a deck and porch addition on the back side of the house. The deck and porch would be 240 square feet. The applicant requested a 300 square foot increase in impervious surface. Engineering reviewed the plans and worked with the applicant on storm water design. A rain garden would be constructed by the property owner directly behind the porch to handle the additional storm water resulting from the increased impervious coverage. A storm water maintenance agreement would also be required. Planning staff, Engineering staff, and the Planning Commission recommended approval of the request.

Dan Vujovich, 9209 Chapman Court, thanked staff for their work on the project.

Councilmember Madden asked the applicant if he agreed with the conditions of the approval.

Mr. Vujovich responded in the affirmative.

Councilmember Madden questioned how the City ensures the terms of the storm water maintenance agreements are met.

Mr. Thureen explained engineering staff is on site during construction to make sure the facility is built to specifications. Following construction, regular inspections are conducted to ensure proper maintenance.

Motion by Bartholomew, second by Madden, to adopt Resolution No. 13-144 relating to a Conditional Use Permit to Exceed Maximum Impervious Surface allowed for property located at 9209 Chapman Ct.

Ayes: 5

Nays: 0 Motion carried.

B. DARREN AAMOT; Consider Resolution relating to a Conditional Use Permit to Allow Sheet Metal Siding on an Accessory Structure for property located at 1985 102nd St.

Mr. Link reviewed the location of the property. The conditional use permit was requested to allow the construction of an accessory building with sheet metal siding. The building would be 972 square feet in

size. The closest neighbor was approximately 250 feet away and the lots in the area are heavily wooded. Staff did not foresee any negative impact to the surrounding property owners. The application met the conditional use permit criteria. Both Planning staff and the Planning Commission recommended approval of the request.

Mayor Tourville questioned if the applicant agreed to the conditions of approval.

Darren Aamot, 1985 102nd Street, replied in the affirmative.

Motion by Madden, second by Bartholomew, to adopt Resolution No. 13-145 relating to Conditional Use Permit to Allow Sheet Metal Siding on an Accessory Structure for property located at 1985 102nd Street

Ayes: 5

Nays: 0 Motion carried.

C. LARRY SKOW; Consider the Following Requests for the Property Located at 2143 94th Court:

- i) Amendment to the Development Contract for Shamrock Oaks to allow more than 5,000 Square Feet of Impervious Surface for Lot 2, Block 1, Shamrock Oaks
- ii) Amendment to Resolution #06-61 Approving the Preliminary Plat for Shamrock Oaks to allow more than 5,000 Square Feet of Impervious Surface for Lot 2, Block 1, Shamrock Oaks

Mr. Link reviewed the location of the property. When the plat was approved, lots were limited to 5,000 square feet of impervious coverage. The applicant requested that condition be amended to allow 10,000 square feet of impervious coverage. The increase would allow the applicant to construct a new home, driveway, and additional impervious surface for various additions. He noted the zoning ordinance would allow a maximum of 16,000 square feet. The applicant proposed a storm water facility to be located in the rear of the property. The storm water pond would handle the storm water from the additional impervious surface. Engineering staff would continue to work with the applicant to develop storm water maintenance and custom grading agreements for approval at a later date. Both Planning staff and the Planning Commission recommended approval of the requests.

Councilmember Piekarski Krech questioned if the storm water pond would be able to handle all of the runoff from the steep lots.

Larry Skow, 2143 94th Court, responded in the affirmative. He noted that was one of the reasons he requested the additional impervious surface.

Mr. Link noted the pond was designed for the additional 5,000 square feet.

Mayor Tourville asked the applicant if he agreed with the conditions of approval.

Mr. Skow replied in the affirmative.

Motion by Madden, second by Piekarski Krech, to approve an Amendment to the Development Contract for Shamrock Oaks to allow more than 5,000 Square Feet of Impervious Surface for Lot 2, Block 1, Shamrock Oaks and to adopt Resolution No. 13-146, an Amendment to Resolution No. 06-61 Approving the Preliminary Plat for Shamrock Oaks to allow more than 5,000 Square Feet of Impervious Surface for Lot 2, Block 1, Shamrock Oaks

Ayes: 5

Nays: 0 Motion carried.

D. RICHARD LAMETTRY; Consider Resolution and other related documents pertaining to a Conditional Use Permit to allow an Automobile and Off Highway Vehicles Sales Lot for property located at 4700 South Robert Trail

Mr. Link reviewed the location of the property. The applicant proposed to relocate his existing business to the new site. The applicant would renovate the existing building, add 600 square feet to the front of the

building, and expand the parking lot. The access to the site would not change. The proposal met the conditional use permit criteria. The Engineering department worked with the applicant on the storm water and grading plans. Both Planning staff and the Planning Commission recommended approval of the request.

Councilmember Piekarski Krech questioned where the applicant's existing business was located.

Richard Lamettry, applicant, stated his existing business was located at 10 Mendota Road.

Councilmember Bartholomew questioned if staff felt confident that all existing storm water issues on the site had been addressed.

Mr. Thureen stated the applicant submitted a design that was beyond what would normally be required.

Mr. Kaldunski explained the applicant would construct an infiltration basin that would infiltrate the first one inch of runoff and capture 60% of the rainfall in a given year. This would significantly reduce the amount of water that ends up in the pond. The developer also proposed the installation of a series of large diameter pipes surrounded by gravel to help promote additional infiltration into the soil. The City's design criteria required the developer to build the infiltration basin and storage basin to treat 100% of the new runoff created by the additional impervious surface. He noted the developer designed a system that would capture the majority of the runoff from the site and reduce the amount of runoff from the existing impervious surface.

Councilmember Madden questioned what would happen if the terms of the various agreements were not met.

Mr. Kuntz explained commercial projects typically involve improvement and storm water maintenance agreements. This application also involved an encroachment agreement. The improvement agreement outlines and itemizes the improvements and a cost estimate of what it will cost to construct the improvements. The developer escrows with the City 125% of the estimated costs via a letter of credit. The letter of credit is not discharged unless the City Engineering and Inspections departments agree that the improvements have been constructed according to the approved plans. If the improvements are not constructed in accordance with the plans, the letter of credit can be drawn upon and the City can install the improvement to ensure that the system works. The storm water maintenance agreement places on the owner the ongoing and perpetual obligation to maintain those facilities. The City obtains from the landowner an operations and maintenance manual, along with an annual report to the engineering department outlining any deficiencies that were observed during the year. If the developer does not meet the maintenance standards, the City can perform the obligations and charge the landowner to recoup the costs.

Mayor Tourville asked the applicant to discuss his timing schedule.

Mr. Lamettry stated the purchase agreement provides the current tenant with six (6) weeks to vacate the property. During that period he would be allowed to begin construction of the storm water improvements. Remodeling of the building would begin after the six (6) week time period had elapsed.

Motion by Piekarski Krech, second by Mueller, to adopt Resolution No. 13-147 and other related documents pertaining to a Conditional Use Permit to allow an Automobile and Off Highway Vehicle Sales Lot for property located at 4700 South Robert Trail

Ayes: 5

Nays: 0 Motion carried.

PUBLIC WORKS:

E. CITY OF INVER GROVE HEIGHTS; Approve Resolution Terminating the Joint Powers Agreement for the Gun Club Lake Watershed Management Organization

Mr. Thureen explained watershed management organizations review and approve cities' water resources and management plans. Inver Grove Heights is covered by two (2) watershed management organizations. One of the three member cities of the Gun Club Lake Watershed Management

Organization, Mendota Heights, requested that action be taken that would allow them to move the land area in the Gun Club Lake WMO into the Lower Mississippi River WMO. After review, each of the remaining member cities (Inver Grove Heights and Eagan) and the Board of Water and Soil Resources supported the request to terminate the joint powers agreement. A new joint powers agreement would be drafted between Eagan and Inver Grove Heights for membership in the Gun Club Lake WMO. The impact would be a slight increase in dues for the Gun Club Lake WMO and a decrease in the dues for the Lower Mississippi River WMO. He noted the dues were paid through the storm water utility.

Mayor Tourville questioned what would happen if Eagan did not agree to terminate the agreement.

Mr. Thureen stated termination of the joint powers agreement only required approval of 2/3 of the member cities. Mendota Heights already approved the termination and Eagan was prepared to take similar action.

Mayor Tourville stated 90% of the watershed was located in Eagan.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 13-148 Terminating the Joint Powers Agreement for the Gun Club Lake Watershed Management Organization

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

F. CITY OF INVER GROVE HEIGHTS; Resolution Approving Agreement with the Dakota County Community Development Agency Regarding Bank Qualified Bonds

Ms. Smith explained the Dakota County Community Development Agency recently inquired if the City would be willing to allocate a portion of its bank qualification to the CDA. The request was made because Dakota County is slated to issue more than \$10 million in tax exempt bonds in 2013, putting them over the established threshold for a calendar year. The CDA requested that the City allocate \$3 million of its bank qualification. She noted the City has not and does not intend to issue any bonds in 2013, so the full allocation is available. If approved, the allocation would not affect the City's bond rating or taxing authority, and the City would assume no liability. The City's bond counsel reviewed the proposed agreement and supported the request. The biggest benefit for the CDA would be the ability to issue bonds at a reduced interest rate.

Mayor Tourville noted this request was directly related to the senior housing project in Inver Grove Heights. He clarified that if the CDA had to issue bonds at a higher interest rate the overall cost of the project would increase.

Ms. Smith responded in the affirmative.

Councilmember Madden questioned why the CDA needed to use the City for their bond issue.

Mr. Lynch explained the County would use the City's bank qualification/tax exempt status to issue bonds at a lower interest rate. He reiterated the City had not issued any bonds in 2013 and did not intend to do so.

Councilmember Madden clarified the only impact to the City would be a reduction in the amount available if the City did need to issue bonds.

Mr. Lynch stated if the City encountered an emergency situation whereby bonds needed to be issued prior to the end of the year, the City would only have \$7 million of its bank qualification available. He noted that scenario was extremely unlikely to occur at this late point in the year.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 13-149 approving Agreement with the Dakota County Community Development Agency Regarding Bank Qualified Bonds

Ayes: 5

Nays: 0 Motion carried.

G. CITY OF INVER GROVE HEIGHTS; First Reading of Ordinance Amending Title 5, Chapters 3-7, Regulations on Registration of Installers of Alarm Systems

Lieutenant Folmar explained the Police Department reviewed this section of the City Code and determined they had not been retaining the information outlined in the ordinance for a number of years. He stated because of the information collected with the subscriber's permit, there is no longer a need for the regulations set forth in this section of the code.

Motion by Madden, second by Piekarski Krech, to adopt Ordinance No. 1270 Amending Title 5, Chapters 3-7, Regulations on Registration of Installers of Alarm Systems and to suspend the requirement for three (3) readings of the ordinance

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Councilmember Piekarski Krech stated the Fire Department Open House was a fun, successful event.

Mayor Tourville stated it was a full week of events for National Fire Prevention Week.

9. EXECUTIVE SESSION:

A. Property Acquisition

Mayor Tourville stated no action would be taken during the executive session. The only item to be discussed would be an update on property acquisitions.

10. ADJOURN: Motion by Madden, second by Piekarski Krech, to adjourn. The meeting was adjourned by a unanimous vote at 8:28 p.m.