INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, OCTOBER 28, 2013 - 8150 BARBARA AVENUE

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, October 28, 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, Deputy Clerk Kennedy, City Planner Hunting, and Associate Planner Botten.

3. PRESENTATIONS:

4. CONSENT AGENDA:

A. i) Minutes of October 7, 2013 City Council Work Session
ii) Minutes of October 14, 2013 Regular City Council Meeting

B. **Resolution No. 13-150** Approving Disbursements for Period Ending October 23, 2013

C. **Resolution No. 13-151** Certifying Delinquent Utility Bills

D. Approve Contract with Common Sense Building Services

E. Pay Voucher No. 1 for City Project No. 2013-09C, Mill and Overlay

F. **Resolution No. 13-152** Accepting Proposal from Emmons and Olivier Resources, Inc. (EOR) for Updates to the Northwest Area Regional Basin Map

G. Approve Service Charge to Convention and Visitors Bureau

H. Approve Awarding Five Points to Inver Grove Heights Police Reserve Officers to 100-Point Scale

I. Approve Release of Lot 3 and Lot 4, Glenn Clarke Homestead from Development Contract Recorded as Dakota County Document No. 2371285

J. Accept Donations to Inver Grove Heights Fire Department

K. Schedule Public Hearings (Liquor License & Pawnbroker License Renewals)

L. Personnel Actions

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

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

5. PUBLIC COMMENT: None.

6. PUBLIC HEARINGS:

A. **CITY OF INVER GROVE HEIGHTS;** Assessment Hearing for the 2013 Pavement Management Program, City Project No. 2013-09E, Henry Avenue Bituminous Pavement Removal and Replacement

Mr. Kaldunski explained the project was done in conjunction with the City of South St. Paul to reconstruct Henry Avenue from the City limits to the North, along several properties in the community. Two (2) properties were proposed to be assessed for the project. The final costs were slightly less than the original feasibility study estimates.

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 approve Resolution No. 13-153 adopting the Final Assessment Roll for the 2013 Pavement Management Program, City Project No. 2013-09E, Henry Avenue Bituminous Pavement Removal and Replacement

Ayes: 5
Nays: 0 Motion carried.

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

COMMUNITY DEVELOPMENT:

A. BRUCE CORDS; Consider Resolution relating to a Vacation and Rededication of Certain Drainage and Utility Easements for property located at 2893 96th St. E.

Mr. Link reviewed the location of the property. He explained the applicant owned two (2) lots. A home is located on the eastern lot and the western lot is currently vacant. The applicant intended to sell the western lot and in order to do so he proposed to shift the lot line by approximately 16 feet on the back side of the lot. The perimeter drainage and utility easement along the existing lot line had to be vacated and rededicated along the new, shifted lot line. He noted the shifting of the lot line could be approved administratively by staff. Only the vacation and rededication of the easement required Council action. Both Planning staff and the Planning Commission recommended approval of the request.

Mayor Tourville questioned if the applicant agreed with staff's recommendation.

Bruce Cords, 2893 96th Street East, responded in the affirmative.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 13-154 relating to a Vacation and Rededication of Certain Drainage and Utility Easement for property located at 2893 96th St. E.

Ayes: 5
Nays: 0 Motion carried.

B. POWER DYNAMICS, INC.; Consider Resolution relating to a Determination of Substantially Similar Use Designation for a use not specifically listed as a permitted, conditional, or accessory in the B-3, General Business District

Councilmember Mueller stated he would be stepping down from the Council for this item because he was the property owner involved with the agenda item.

Mr. Hunting explained the applicant, Power Dynamics, was interested in purchasing the property currently owned and occupied by Inver City Printing. The applicant's business involves the sale and distribution of gaskets, which would fall under the category of a permitted use under the wholesale/office showroom category in the B-3 district. The issue is that portions of the applicant's business involves stamping and die cutting or manufacturing of gaskets. He noted manufacturing alone was not a permitted use in the B-3 district. Because staff felt the manufacturing use was a small portion (2%) of the applicant's business in terms of physical space, it was determined that the use could be considered accessory or ancillary to the office/warehouse use. Council was asked to determine that the proposed use of selling, distributing, and warehousing gaskets, with an ancillary component of manufacturing, was substantially similar to wholesale/office showroom use. Planning staff supported the substantially similar use designation and recommended several performance standards. A maximum floor area of 20% of the total space was recommended for the manufacturing use.

Councilmember Madden questioned if there were any noise or vibration concerns related to the manufacturing use.

Mr. Hunting stated staff's understanding was that the machine did not produce any substantial odors, emissions or vibrations. He noted the entire operation had to be contained within the building.

Councilmember Bartholomew disagreed with the manufacturing designation because the applicant was not creating new product. He explained the operation involved bringing in material that is uncut, cutting it to specifications, and packaging it for distribution and sale. He opined the operation did not involve manufacturing.

Mr. Hunting explained staff's determination was based on a general definition of manufacturing which involved using a raw material to create a product for sale.

Councilmember Bartholomew stated nothing new was being created. The product was simply being cut. He suggested that the operation could be designated as fabrication.

Councilmember Piekarski Krech suggested it may be prudent to start looking at codes and verbiage to bring the City Code and Zoning Code up to current standards.

Mr. Hunting stated it is a policy issue for the City Council to help direct staff when they are making their determinations of general uses. He explained staff felt this particular designation went beyond their authority.

Mayor Tourville questioned how often the similar use designation had been utilized.

Mr. Kuntz explained it was not a tool utilized by the Council with any frequency.

Councilmember Piekarski Krech questioned if the 20% performance standard was an arbitrary number.

Mr. Hunting stated it was arbitrarily chosen by the Planning Commission because they felt staff's recommendation of 10-15% of the total floor space was too restrictive.

Councilmember Madden questioned if the applicant agreed with the 20% recommendation.

Mr. Hunting replied in the affirmative.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 13-155 approving a Determination of Substantially Similar Use that a Use Consisting of Primarily Office-Showroom with a Component of Warehousing, but with a Component of Manufacturing is Substantially Similar to Wholesale Office Showroom which is a Permitted Use in the B-3, General Business District

Ayes: 4 (Bartholomew, Madden, Piekarski Krech, Tourville)
Nays: 0 Motion carried.

C. VANCE GRANNIS; Consider the Following Requests for the Property Located on the West Side of Barnes Avenue in the General Vicinity of 9249 Barnes Avenue:

i) Comprehensive Plan Amendment to Change the Land Use Designation providing a Dual Designation of RDR and PO and Text Amendments to Provide for the Nature Center Use

ii) Ordinance Amendment to Allow a Nature Center/Outdoor Skills Area in the E-1 District as a Permitted Use with Performance Standards

Mr. Hunting stated the applicant was continuing to move forward with his nature center/outdoor skills area project. The next step was to address the use in the Comprehensive Plan and Zoning Code. The property consisted of approximately 130 acres. The applicant was also working with Dakota County to place 105 acres into a permanent conservation easement. Staff proposed the use of a dual designation, RDR and PO, in conjunction with text amendments to allow the nature center type of use. This would allow flexibility with respect to how the property ultimately develops. The proposed ordinance amendment would allow the nature center use as a permitted use in the E-1 district with provisions to allow for an interpretive center building and a senior housing component with a preschool element. He noted the senior housing component was a departure from the standard development pattern in the southern half of the City. Staff was comfortable with the proposal because a limit of 53 units was placed on the senior housing component. The limit was based on taking the gross acreage divided by 2.5 acres to determine the maximum density. The ordinance was written to require both projects to go through the major site plan approval process. Planning staff recommended approval of the Comprehensive Plan amendment

and the ordinance amendment.

Vance Grannis, Jr., 9249 Barnes Avenue, stated his first goal was to preserve the area and that would be accomplished via the conservation easement. His second goal was to educate youth and adults on the benefits of our environment and ensure children have a place to enjoy the outdoors. He stated there were several trees on the property that would be relocated for screening of the senior living facility.

Ollie Smith, 10857 Andes Circle, questioned how access would be provided to the southern portion of the property.

Mr. Lynch reiterated the applicant intended to enter into a conservation easement with the County for that section of the property. No development would occur in that area.

Councilmember Piekarski Krech noted it was private property so there would be no public access.

Mr. Hunting stated it would be a private facility, not open to the public. Access to the senior housing and interpretive center would be via the existing drive off of Barnes Avenue.

Motion by Bartholomew, second by Piekarski Krech, to adopt Resolution No. 13-156 approving a Comprehensive Plan Amendment to Change the Land Use Designation Providing a Dual Designation of RDR and PO and Text Amendments to Provide for the Nature Center Use and Ordinance No. 1271 to Allow a Nature Center/Outdoor Skills Area in the E-1 District as a Permitted Use in the A, E-1, and E-2 Districts

Ayes: 5
Nays: 0 Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider an Ordinance Amendment to Allow Vertical Axis Wind Turbines as a Permitted Use in the A, E-1, an E-2 Districts

Ms. Botten explained Council previously directed staff to prepare a code amendment that would allow vertical axis wind turbines as a permitted use in the A, E-1, and E-2 residential zoning districts. Current zoning code regulations conditionally allow wind power converters in the A, E, I, and P zoning districts. The proposed amendment included performance standards such as maximum height, setbacks, total number allowed on the property, maintenance and permitting requirements. The ordinance would allow one (1) vertical axis wind turbine on lots less than 15 acres. Additional turbines would be allowed provided they do not exceed a density of 15 acres per turbine. The maximum height allowed would be 52.5 feet. Turbines would have to be setback at least a minimum distance of the height of the tower from the property lines. She noted at this time the only thing being considered was an ordinance related to vertical axis wind turbines. An ordinance related to alternative energy (wind and solar) would be further researched by staff in the coming months. Planning staff recommended approval of the ordinance as presented. The Planning Commission recommended denial because they did not see the purpose of changing the ordinance since vertical axis wind turbines were currently allowed as a conditional use and there did not appear to be a pressing need to amend the ordinance at this time.

Councilmember Madden stated he was familiar with vertical axis turbines that were 35 feet tall. He opined the maximum height seemed very tall.

Ms. Botten stated staff used the maximum height currently in the code for towers, church spires, and flag poles because an applicant is allowed to go 50% higher than the maximum listed in the Code.

Mayor Tourville stated there was interesting discussion at the Planning Commission meeting because there did not seem to be a pressing need to change the code at this time.

Councilmember Madden opined he did not want to see 52 foot turbines popping up all over the City because they would be above the tree line and could become an eyesore. He stated he would support the request because it was a new idea and he was curious to see how much energy could be generated.

Councilmember Bartholomew stated the maximum density and setback requirements would restrict the number that could be placed on a property. He suggested the ordinance could be further restrictive and limit the vertical axis turbines to A and E-1 properties.

Mr. Grannis stated the turbines needed to be above the tree line to be able to catch any wind. He noted people were not going to start building the turbines until it is demonstrated that they can provide substantial value.

Motion by Piekarski Krech, second by Mueller, to approve the first reading of an Ordinance Amendment to Allow Vertical Axis Wind Turbines as a Permitted Use in the A, E-1, and E-2 Districts

Ayes: 5
Nays: 0 Motion carried.

ADMINISTRATION:

E. CITY OF INVER GROVE HEIGHTS; Consider the First Reading of an Ordinance Amending Inver Grove Heights City Code Title 4, Chapter 11, Sections 4-11-5(F) and 4-11-7(A) Regarding Payment of a Background Check Investigation Fee by Solicitors and the Grounds for Revocation, Suspension, or Denial of a License or Certificate of Registration

Ms. Teppen reviewed the current definitions contained in the City Code for a peddler and a solicitor. She explained peddlers are required to obtain a license from the City while solicitors are only required to register. A background investigation fee was adopted and implemented for peddlers, but not for solicitors. When the ordinance was originally adopted it was anticipated that a background investigation would be conducted on solicitors at the discretion of the clerk. Rather than arbitrarily choose which applicants to conduct a background investigation on, staff has conducted an investigation on every applicant for a solicitor who has sought registration with the City. In 2012 a total of 71 solicitor registrations were processed. To date in 2013, 100 registrations had been processed. Staff recommended implementation of a background investigation fee in the amount of $25 to cover the City's costs for conducting an investigation.

Mayor Tourville clarified the proposed changes would not apply to local school organizations fundraising in the City.

Ms. Teppen responded in the affirmative.

Councilmember Piekarski Krech questioned if $25 would be enough to cover the costs of the investigation.

Ms. Teppen stated she would review the fee with the Police Department prior to the second reading.

Ms. Kennedy noted the proposed fee was the current amount listed in the City's fee schedule for a basic criminal background investigation.

Motion by Piekarski Krech, second by Madden, to approve the First Reading of an Ordinance Amending Inver Grove Heights City Code Title 4, Chapter 11, Sections 4-11-5(F) and 4-11-7(A) Regarding Payment of a Background Check Investigation Fee by Solicitors and the Grounds for Revocation, Suspension, or Denial of a License or Certificate of Registration

Ayes: 5
Nays: 0 Motion carried.

F. CITY OF INVER GROVE HEIGHTS; Consider Appointment of Auditors for the Fiscal Years Ending 2013, 2014, 2015

Ms. Smith explained staff issued a request for proposal for audit services. The request was mailed to six (6) CPA firms, and posted on the City's website. Six (6) proposals were received in response to the request. Proposals were evaluated based on mandatory minimum requirements as well as technical quality. Separate sealed envelopes containing pricing information were also included with the proposals. A committee was formed to evaluate the proposals. The committee found that two (2) of the proposals did not meet the minimum requirements. Price quotes were then evaluated and it was found that the firm that submitted the lowest price quote also received the highest technical score. The firm was interviewed and reference checks were contacted. Staff recommended the appointment of Abdo, Eick & Meyers as auditors for the fiscal years ending 2013, 2014, and 2015.

Councilmember Bartholomew questioned if the price quote included all preliminary fees.

Ms. Smith responded in the affirmative.

Councilmember Bartholomew questioned how the cost compared to that of the previous audit.

Ms. Smith stated the fee for 2012 did not include preparation of the CAFR and was $37,500. The proposal for 2013 did include CAFR preparation at a total cost of $35,030. In terms of the three (3) year proposal the recommended audit firm's cost was within $1,800 of the current auditor.

Mayor Tourville questioned if there were any ancillary groups associated with the City besides the Fire Department that required audits.

Ms. Smith replied in the negative.

Motion by Mueller, second by Bartholomew, to appoint Abdo, Eick & Meyers, LLP as Auditors for the Fiscal Years Ending 2013, 2014, and 2015

Ayes: 5
Nays: 0 Motion carried.

G. CITY OF INVER GROVE HEIGHTS; Consider Design and Cost of a Sign for the East Wall of City Hall

Ms. Teppen stated an exterior and interior signage package was previously approved by the Council in June. At that time, staff was directed to come back with a proposed design for the East wall of City Hall that would be illuminated and visible from Highway 52. The proposed design entailed a 1'9" aluminum satin sign with 12 inch letters that would be illuminated with LED lights. The distance from the East wall to northbound Highway 52 was 540 feet, to southbound Highway 52 was 435 feet, and to Barnes Avenue was 290 feet. Based on industry standards, a 12 inch illuminated letter would be visible at 525 feet. For maximum impact at 540 feet, individual letters would need to be 54 inches tall. She noted staff did not feel letters of that size would be aesthetically desirable. The cost for the proposed sign, including electrical work, design and coordination, would be $16,390.

Councilmember Mueller stated he was not in favor of the proposal due to the cost.

Mayor Tourville stated 54 inches would be overkill. He noted the first time around not much consideration was given to sight visibility and the letters were too small. He opined signage and visibility were important for visitors and it should be done correctly. He added it was a good investment.

Councilmember Bartholomew opined that technology drives visitors to the City's facilities and the money could be better spent elsewhere at this time.

Councilmember Piekarski Krech stated she had a hard time visualizing what the sign would look like based on the description provided. She noted the signage should not have been so small and inconspicuous when it was done the first time.

The Council asked staff to clarify the warranty on the sign and to bring back examples of current signs with a similar design.

Motion by Madden, second by Piekarski Krech, to table consideration of the item

Ayes: 5
Nays: 0 Motion carried.

8. <u>MAYOR & COUNCIL COMMENTS:</u>

Motion by Madden, second by Piekarski Krech, to change the start time of the November 12, 2013 EDA Meeting to 6:00 pm.

Ayes: 5
Nays: 0 Motion carried.

9. <u>ADJOURN:</u> Motion by Mueller, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 8:20 p.m.