INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, NOVEMBER 25, 2013 - 8150 BARBARA AVENUE

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, November 25, 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, Community Development Director Link, Finance Director Smith, Parks and Recreation Director Carlson, and Deputy Clerk Kennedy

3. PRESENTATIONS:

4. CONSENT AGENDA:

Councilmember Piekarski Krech removed Item 4H from the Consent Agenda.

A. i) Minutes of November 4, 2013 City Council Study Session
ii) Minutes of November 12, 2013 Regular City Council Meeting

B. **Resolution No. 13-171** Approving Disbursements for Period Ending November 20, 2013

C. **Resolution No. 13-172** Approving Development Contract, Storm Water Maintenance Agreement and related Agreements for the Senior Housing Project along Cahill, South of Cheney Trail

D. Pay Voucher No. 1 for City Project No. 2013-06, South Robert Trail (TH 3) Stormwater Facilities Repairs

E. Approve Drainage and Utility Easement Agreements for an Existing Storm Pipe at 9162 Dalton Ct.

F. **Resolution No. 13-173** Accepting Proposals from WSB & Associates, Inc. for Updating the City's Water Resources Management Plan

G. Approve 2014 Parks and Recreation Department Fees

I. **Resolution No. 13-174** Approving Resolution and Table Setting Forth License Fees, Administrative Service Fees and Permit Fees

J. Approve 2014 City Council Meeting Schedule

K. Approve 2014 Meeting Schedule of Advisory Commissions

L. **Resolution No. 13-175** Approving the Sale of Unclaimed Property to a Local Non-Profit Organization

M. Schedule Public Hearing

N. Approve Therapeutic Massage Business License

O. Personnel Actions

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

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

H. Approve Contract with HKGI for Park Planning Services in the NW Area

Councilmember Piekarski Krech stated she was concerned that the proposed planning effort was premature because the City had changed a number of things within the Northwest Area, including densities within certain developments. She explained this was a sensitive issue and she would be more inclined to wait until more certain development plans were in place and to make decisions regarding parks as development takes place. She opined having a master plan creates more problems for the development community and the landowners because there is the perception that parks must be located according to the plan.

Mr. Carlson stated from staff's perspective it was important to be able to narrow down potential locations of future parks. He noted the intent was not to specify parcels of land at this time. He explained now that more is known regarding the location of housing, specific densities, and commercial developments it would be a good opportunity to develop a master plan that would provide more detail than what is currently found on the Comprehensive Plan. He opined developers would appreciate knowing what the City's plans are more specifically than what is presented on the Comprehensive Plan so they can work with the City to plan their developments in concert with the City's needs.

Councilmember Piekarski Krech stated she assumes that additional changes will be made to the plans for the Northwest Area as development opportunities present themselves and she did not want to limit the possibilities for the area.

Councilmember Mueller agreed that the plan should wait until more is known about the type of development that may occur in the area. He questioned if there was a major rush to start the process.

Mr. Carlson reiterated it was important for developers and landowners to be aware of what the City's plans are more specifically than what is currently known. He stated the Comprehensive Plan currently contained parameters that were too broad and did not provide the level of detail that is needed to be useful for developers and landowners to use in their planning efforts.

Mayor Tourville stated people that have already moved into the Northwest Area are also interested in getting the plan narrowed down because they want a park that can service their neighborhoods.

Councilmember Piekarski Krech suggested staff could look at planning a park area for the development that the City knows is already happening. She opined it was too soon to plan for the whole area and she wanted more flexibility to be able to work with potential developers.

Mayor Tourville opined one of the first things developers look at are the plans the City has in place and they may look elsewhere if there are no specific plans in place.

Mr. Lynch stated there were two driving forces behind staff bringing forward the request. The first was the development that had already occurred in the Northwest Area. The City has received a number of inquiries regarding when and where the City would be implementing a park to service the new development. The second was related to a potential developer currently working with the City who is worried about the greenway, transportation corridor, and the location of a park to determine if any property would need to be set aside in the development for that purpose. Staff felt it was time to narrow the scope of the plans for the Northwest Area.

Mayor Tourville clarified plans would come back to the City Council and Parks and Recreation Commission for approval.

Councilmember Piekarski Krech opined it was a good idea to plan for the development the City currently has and the future development the City is fairly certain will happen. She stated her objection was to planning for the entire Northwest Area at this point in time. She opined staff should be able to figure out where a park should go in the area that is currently developed.

Mr. Lynch stated the potential development that may occur next year involves approximately 800 acres, half of the Northwest Area. He stated it was important to get more specific plans in place.

Councilmember Piekarski Krech suggested staff should work with that specific developer.

Mr. Lynch stated the developer was interested in working with the City but staff had no specific details to provide about specific areas.

Councilmember Piekarski Krech stated the developer may have more expertise to be able to suggest where parks would fit within the development. She questioned why the City needed to hire a consultant when it could make more sense to work directly with the developer and their people. She opined it would not make sense to come up with a plan that could restrict the developer or force them to plan their development around what the City wants.

Mr. Carlson stated this was an opportunity to get ahead of development and to make sure the decisions that are made today are efficient and effective and that resources are used in the best way possible. If the City fails to plan appropriately it may result in shortfalls or overages within the system. He stated staff wants to make sure parks and trails are located in the right spot so there are no overlapping services areas. He reiterated the overall intent is to be able to have the flexibility and the necessary information to be able to work with developers.

Councilmember Bartholomew questioned what the map included with the Comprehensive Plan depicted.

Mr. Carlson reviewed the map and outlined the general, larger service areas that spanned across the entire Northwest Area. He explained the Comprehensive Plan identified broad search areas in which the City may want to locate a park.

Councilmember Madden questioned why there was any reason adjustments could not be made to the plan at the time specific developments occurred.

Mr. Carlson stated a master plan would have flexibility to work with developers.

Dian Piekarski, 7609 Babcock Trail, stated she did not understand why a consultant was needed. She opined current staff within the Parks department was capable of refining the plan. She suggested staff engage representatives from Dakota County Parks and Transit to meet with the potential developer as a group to determine the best way to develop the 800 acres. She questioned why a plan was needed if the parks could go anywhere in the Northwest Area. She stated staff knows the plans for the greenway and understands the transit issues in the area and has the knowledge base to be able make decisions regarding parks as the Northwest Area develops.

Mayor Tourville stated most developers like to see a plan in place before they start development so they are aware of the City's expectations ahead of time. He noted the parks cannot just go anywhere within the Northwest Area.

Ms. Piekarski stated the potential developer already knows which property he is interested in and should be able to make suggestions to the City for park locations within his targeted area for development based on the information contained in the Comprehensive Plan and the plans for the greenway.

Mr. Link explained a lot of planning was done for the Northwest Area and the Parks plan was the vaguest plan the City had. He stated a lot of time and effort was invested into plans for transportation, interchanges, land use, financing, and ordinances. He noted the parks element was weakest. He explained the City would work with interested developers and staff recognized the importance of being flexible, but at this point the City did not have any idea as to what the park system should be in the Northwest Area in terms of where things should be located and what kind of attributes are desired. He stated if the City is going to negotiate with a developer there needs to be a starting point or some of idea of what the City wants.

Councilmember Mueller stated the plan was not needed at this time and the City should wait until a developer is ready to negotiate.

Councilmember Bartholomew expressed concern that the potential developer could be delayed without the plan in place. He agreed with staff that there needed to be a starting point. He noted he was tired of always having to hire consultants.

Motion by Mueller, second by Piekarski Krech, to deny the request for a contract with HKGI for Park Planning Services in the NW Area

Ayes: 4
Nays: 1 (Tourville) Motion carried.

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

Don Roberts thanked the Council on behalf of the BEST Foundation Golf Tournament for their support of Inver Wood Golf Course. He stated it was privilege to have had the opportunity to golf at Inver Wood over the last 22 years. He explained in 2013 the BEST Foundation awarded 119 scholarships to students at Simley High School as a result of the proceeds raised from the tournament. He stated the staff at the course worked hard to make Inver Wood one of the best public courses in the metro.

Mayor Tourville announced the events planned for Holiday on Main Street, scheduled on December 14th at the community center.

6. <u>PUBLIC HEARINGS:</u> None.

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

COMMUNITY DEVELOPMENT:

A. DJ'S HANDYMAN SERVICE; Consider Resolution relating to a Variance to allow a Covered Landing for a Handicap Ramp to be located 17 Feet from the Front Property Line whereas 30 Feet is required for property located at 4604 Barbara Avenue

Mr. Link reviewed the location of the property. He explained there were two parts to the request. The first was to enlarge a deck that currently exists in the front yard and the second was to put a roof over the existing deck. Ordinance typically requires a front yard setback of 30 feet and in this case because there is an access ramp in front of the house the front yard setback is reduced to 24 feet. A variance was required because enlargement of the deck would result in a 17 foot setback. He noted the access ramp was not the issue and would continue to remain in its current location. The issue related to the enlargement of the deck and putting a roof over it. Staff recommended denial of the request because the size of the variance was large, a practical difficulty could not be identified to justify enlargement of the deck or placing a roof over it in the front yard, the request was not necessary in order to make a reasonable use of the property, there was nothing particularly unique about the property, and there were other options available to the applicant. He suggested that the deck could be put on the back side of the property or the deck could be extended towards the house rather than towards the street. He added in terms of the roof, there were other options available such as an awning or an umbrella. He explained there was also concern regarding impact to the character of the neighborhood. He noted the Planning Commission made a motion to approve the request, but the motion failed on a 5-2 vote.

Dick Johnson, 13836 Currant Circle, Rosemount, stated he was the general contractor for the project. He stated his client wanted to add two (2) feet out from the existing deck and two (2) feet towards the adjacent property line, and to put a roof over the deck so his client's son could go out on the deck and be protected from direct sunlight. He explained the County would not pay for enlargement of the platform in the backyard because the existing deck is for family use and is not strictly for use by the client's son.

Mayor Tourville stated there were many access ramps in the City and he was unaware of any that had a roof. He questioned if the contractor had built many roofs on access ramps.

Mr. Johnson responded in the negative. He explained the roof would be built to match the existing roof line of the house to make it more aesthetically pleasing.

Terri Dock, 4604 Barbara Avenue, stated her son used a very large, electrical wheelchair that spans approximately 6.5 feet. The platform would be extended so he is able to turn around at the end of the access ramp. She explained he is not able to be exposed to the sun for any period of time and his doctor suggested that accommodations be made so he could periodically go outside to get fresh air. She stated they attempted to use an awning, but her son is unable to put the awning up by himself and requires assistance that is not always readily available. Dakota County indicated they would fund an addition to the existing platform and a cover so her son could be outside.

Councilmember Madden questioned if there was any reason the applicant could not utilize the deck in the backyard.

Ms. Dock stated her son was not able to access the back of the house from the ramp in the front yard because it did not connect to the deck in the back yard.

Mayor Tourville clarified that the deck in the back yard could have a roof placed over it but it would be at the applicant's expense, the County would not pay for it. He noted the County would pay for the roof if it was part of the access ramp structure.

Ms. Dock stated that was correct.

Councilmember Piekarski Krech questioned if the applicant's son could access the deck in the backyard.

Ms. Dock stated the County would not pay for any modifications to the deck in the backyard because it is considered to be a recreational use. She explained her son could access the deck in the backyard through the house, but it did not have a cover over it.

Mayor Tourville stated the applicant could put a roof over the deck in the backyard at their own expense.

Councilmember Bartholomew stated there was discussion at the Planning Commission meeting regarding taking the roof structure down when it was no longer needed. He opined it may be too complicated to do that given the type of roof that would be constructed.

Councilmember Mueller stated he would support the request because in this instance Council would not be setting a precedent.

Councilmember Piekarski Krech stated the roof makes the ramp a structure and it is not an access issue.

Councilmember Madden stated theoretically it was not allowed to put a roof on a deck because it becomes a structure.

Mr. Link confirmed that was correct. He explained the ordinance treats a deck separately because it is lower, does not have as much of an impact, and is not as visible. Ordinance allows it to be extended out six (6) feet from the house in the case of a handicap accessibility ramp. He noted once a roof is added it is more substantial, more visible, more permanent and it becomes a structure that would have to meet the 30 foot setback requirement. He clarified the roof would not be attached to the house, it would be a separate structure.

Mayor Tourville questioned if the applicant had tried other types of temporary cover.

Ms. Dock stated a cover was placed over the top and it did not work well because its use was dependent on someone being available to put it up and take it down for her son. It could not stay up permanently because of the weather. If the roof was a permanent structure her son would not be dependent on someone else to put it up.

Councilmember Piekarski Krech stated the issue was irrespective of the deck and was more about finding a way for the applicant's son to be able to go outside when he chooses.

Ms. Dock stated the access ramp had to be there no matter what in order to be able to get her son in and out of the house. The idea was to have a slightly larger area where he could go outside and be able to stay underneath a covered area, away from the sun.

Mayor Tourville questioned if the roof would cover the entire structure.

Ms. Dock stated the roof would not cover the entire access ramp; it would only cover the 10'x10' square at the end of the ramp.

Councilmember Madden questioned how difficult the roof would be to remove at point in time when it was no longer needed.

Mr. Johnson stated in order to remove the roof it would simply be a matter of deconstructing it.

Councilmember Madden stated the Planning Commission had no choice but to deny the request because they have to go by the regulations that are set forth in the City Code.

Motion by Tourville, second by Madden, to adopt Resolution No. 13-176 approving a Variance to allow a covered landing for a handicap ramp to be located 17 feet from the front property line whereas 30 feet is required for property located at 4604 Barbara Avenue

Ayes: 5
Nays: 0 Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Consider Resolution Approving Amendments to the Development Contract for the Plat of Argenta Hills 8th Addition

Mr. Kuntz explained the Council previously approved the plat of Argenta Hills 8th Addition and the accompanying development agreements associated with the plat. An outstanding issue at that time related to the construction of Alverno Avenue, a collector street that would not have direct access from the lots within Argenta Hills 8th Addition. The City's intent was for Alverno Avenue to be designed and constructed as a collector roadway at the expense of the developer. A question was raised by the developer as to who would pay the differential between the land value costs of a collector street versus a traditional neighborhood street. Following negotiations between the developer and the City an amendment to the development contract was proposed which would adjust inspection fees in exchange for the developer constructing Alverno Avenue in accordance with collector street standards. He explained it was a difficult question as to how to proceed with collector streets in the Northwest Area, and the intent was to deal with them on a case by case basis. He noted in this instance there was a give and take on both sides and a willingness on the part of the developer to proceed with construction of the collector street if the inspection fees could be adjusted.

Mayor Tourville stated Council directed that the project be looked at in its entirety so as not to set a precedent.

Mr. Kuntz stated staff did not see that a precedent would be set if future collector streets in the Northwest Area are dealt with on a case by case basis to determine what is fair between the developer and the City. He explained the developer was willing to bear all responsibility for the costs associated with construction of the neighborhood stretch of the collector street. In this case with no direct access and the fact that other areas were being deeded to the City; the amendment was thought to be equitable.

Councilmember Piekarski Krech questioned how many more times a similar issue would be brought up in the Northwest Area. She opined a precedent would be set for how future collector streets would be handled.

Mayor Tourville stated in the future the intent would be to settle any issues prior to approval of the development contract.

Councilmember Piekarski Krech noted a development contract was in place and the terms included the developer being responsible for the collector street.

Mr. Kuntz stated the development contract was drafted with the developer assuming full responsibility for the construction of the collector street and prior to Council approval of the contract the developer informed the City that they would not agree to those terms. He noted that was why Council directed staff to meet with the developer to resolve the dispute.

Ms. Piekarski questioned if construction of a park was included in the development contract.

Mr. Kuntz stated the development contract provided for the payment of park dedication fees by the developer.

Councilmember Madden expressed concern with setting a precedent for future collector streets.

Councilmember Piekarski Krech stated she did not agree with handling future collector streets on a case by case basis.

Councilmember Bartholomew questioned when the developer knew the collector street would be their responsibility. He stated the issue should have been discussed up front. He clarified the developer would be receiving a $100,000 credit.

Mayor Tourville stated the developer claimed they had raised the issue regarding construction of the collector street from the beginning.

Mr. Kuntz explained the developer would pay for the construction and land equivalent of a neighborhood street, a fifty foot of right of way. The difference between that and the eighty foot right of way for the collector street is $132,000. The developer's portion of that cost is approximately 25% or $32,000. He stated after the Council gave preliminary approval of the plat, City staff and the developer met to draft an outline for the development contract. At that time the developer raised the issue regarding the collector street and indicated they would not agree to pay for 100% of the collector street and wanted to go to Council for further consideration. He noted the policy going forward would be to continue to demand that each developer assume responsibility for the collector street. In this case because all of the lots adjoining the collector would not direct access, a majority of the lots had to be conveyed to the City. He referenced a statutory requirement which states "the impositions that can be imposed need to bear a rough proportionality to the need created by the proposed subdivision". He stated the developer's argument is that the collector street is a road designed to move traffic through the City, not just within the development. He added the City will have to determine the proportion of the need for the collector street that is caused by the development.

Mayor Tourville stated the scenario may be much different in the future if the development had direct access to the collector street.

Mr. Kuntz stated that is the reason the suggestion was to handle future developments on a case by case basis, because the circumstances of each development may be different.

Councilmember Bartholomew questioned what could be done in the future to ensure that similar issues are dealt with earlier on in the process.

Mayor Tourville suggested the issue should be addressed as soon as it presents itself during the process of drafting the development contract.

Motion by Madden, second by Bartholomew, to adopt Resolution No. 13-177 Approving Amendments to the Development Contract for the Plat of Argenta Hills 8th Addition

Ayes: 5
Nays: 0 Motion carried.

C. CITY OF INVER GROVE HEIGHTS; Consider Third Reading of an Ordinance Amendment to Allow Vertical Axis Wind Turbines as a Permitted Use in the A and E-1 Districts

Mr. Link stated the ordinance amendment would allow vertical axis wind turbines as a permitted use in the A and E-1 Districts with conditions.

Councilmember Madden opined it was unnecessary to have an ordinance because only one (1) person was interested in having them on their property at this point in time. He stated considering all of the work that has been done to maintain the beauty and natural character of the City he was not in favor of allowing people to put up 52 foot towers because they were not aesthetically pleasing. He noted he saw no evidence that the turbines would generate enough electricity to be worthwhile or make any sort of contribution to the reduction in use of fossil fuels.

Jim Boldt, Anawanda Path, stated he contacted the Department of Commerce to ask about the efficiency and effectiveness of a 50 foot wind turbine. He reported the State indicated that there were no such wind turbine was currently certified. They took the position that a 50 foot tower would still be too close to the ground and would not be able to produce an efficient generation of electricity. He expressed concern regarding towers that are put up and abandoned or not functional.

Councilmember Madden explained the ordinance requires non-functional turbines to be removed.

Mr. Boldt questioned how the City would verify that a turbine was not functional or not in use. He opined it was premature to allow wind turbines as a permitted use.

Mayor Tourville stated the premise of the ordinance was to provide an opportunity for residents to try something new.

Councilmember Piekarski Krech stated the ordinance specifically related to vertical axis turbines, not the

large wind mills.

Motion by Bartholomew, second by Piekarski Krech, to adopt Ordinance No. 1273 approving an amendment to allow Vertical Axis Wind Turbines as a Permitted Use in the A and E-1 Districts

Ayes: 4 (Bartholomew, Mueller, Piekarski Krech, Tourville)
Nays: 1 (Madden) Motion carried.

FINANCE:

D. CITY OF INVER GROVE HEIGHTS; Review 2014 Tax Levies and Budgets

Mr. Lynch stated Council and staff had been discussing the 2014 tax levies and budgets since May. The information was brought forth for the purposes of review in advance of the final adoption scheduled for December 9th.

Councilmember Bartholomew questioned if the budget would be discussed at the upcoming work session.

Mr. Lynch stated it was not currently scheduled as an item on the agenda.

Ms. Smith provided an overview of the revised 2014 budgets and outlined the changes that had been incorporated since the preliminary budget was adopted on September 9th.

Councilmember Piekarski Krech questioned what the $400,000 transfer from the Host Community Fund to the General Fund was being used for.

Ms. Smith stated it was not tied to any one specific item and would be used for general operations.

Mr. Lynch explained beginning in 2009 the City Council determined they wanted to hold the tax levy and the operational costs of the City down as much as possible. One of the decisions made at that time was to use the Host Community Fund to help support the General Fund. He reiterated the transfer was not earmarked for any one specific item. During the 2014 budget process the City made an effort to reduce reliance on transfers from other funds to support the General Fund and a reduction was made in the amount proposed to be transferred from the Host Community Fund.

Ms. Smith stated in 2012 the budgeted reliance on the Host Community Fund was $1,460,000. Of that amount $500,000 was passed on to the Pavement Management Program. A recommendation was made that a direct transfer be made from the Host Community Fund to the Pavement Management Fund because there was no need for it to pass through the General Fund.

Councilmember Mueller stated he thought some staff changes were going to be proposed including potential outsourcing at the golf course.

Mr. Lynch stated staff's intention was to complete the review of the operations at the golf course and to look at potential outsourcing options in 2014 for possible implementation in 2015. He explained he previously recommended that the Council not move forward with the other specific staff change that was discussed. He stated he did previously note that he would be coming forward with potential operational and organizational changes after the first of the year. Staff was still in the processing of discussing and reviewing the impacts of potential changes. He explained he would not bring forward a plan without discussing it with department heads to make sure it made sense from their perspective and would allow the City to continue to meet operational demands.

Councilmember Mueller opined the City should not wait until 2014 to start looking at changes at the golf course.

Councilmember Bartholomew expressed disappointment with the budget process. He stated he had previously suggested a reduction in administrative staff and he felt there was a consensus at that time to explore that option. He noted this was the first time he had heard that the administrator would not consider potential changes until after the first of the year. He opposed changing the golf course from an enterprise fund to a special revenue fund. He opined the golf course was overstaffed and the issues should be addressed now. He explained he would not vote for the budget as currently proposed. He opined many of the issues should have been addressed and decided prior to the meeting on December

9th.

Councilmember Madden opined there was no consensus regarding the proposed staff changes to include them in the 2014 budget. He agreed some of the other issues should be discussed, but his impression was those discussions would occur in 2014.

Mayor Tourville stated Councilmember Bartholomew did propose the elimination of the Assistant City Administrator and it was discussed during a special budget meeting. He opined there was no consensus reached to proceed with the elimination of that specific position. He noted potential organizational changes as a result of impending retirements were also discussed. He recalled that staff had indicated during previous discussions regarding the golf course that potential outsourcing of management would be discussed after the first of the year.

Councilmember Bartholomew acknowledged there was no consensus reached regarding the elimination of the Assistant City Administrator position. He stated a consensus was reached that it should be considered and that something should be brought forward for further discussion. He explained he met with the City Administrator several times to express the same concerns and his desire that something be brought forward for discussion.

Councilmember Piekarski Krech recalled that the discussion was not focused on specific staff positions but on the structure of the organization as a whole. She expressed concern that once the budget is approved it is set in stone for the year. If things are cut during the year or changes are made during the year it does not impact the tax rate because it has already been set. Any savings that are going to be realized by the taxpayers in 2014 have to be put into the budget now.

Ms. Piekarski commented that the sales tax savings was being absorbed into individual department budgets and was not being passed along as a saving to the taxpayers.

Mayor Tourville clarified that the sales tax savings was being passed along to the taxpayers.

Ms. Smith explained the sales tax savings to the General Fund was $107,200 and was being passed on directly to the taxpayers by reducing the amount of the overall levy.

Ms. Piekarski referenced the minutes of the special meeting in August when the administrative staffing level was discussed. She opined that three out of the five Council members expressed an interest in reviewing the organizational structure. She stated several Council members also questioned how different the City's organizational structure compared to that of other cities similar in size. She commented she had also been waiting for an answer to that question. She questioned why staff did not present anything for discussion and opined it appeared as though staff ignored Council's direction. She also expressed concerns regarding the proposed franchise fee that was presented by staff as a revenue source for the Parks department. She stated she did not understand the process that was followed by staff.

Grant Pilkus asked for an explanation of the Host Community Fund.

Councilmember Piekarski Krech stated the fund is comprised of fees the City collects from the landfills.

Mr. Lynch stated there is a minimum fee paid to the City and additional fees are calculated based on the monthly volume taken in by the landfills.

Councilmember Piekarski Krech stated the money collected is placed in an unrestricted fund that can be used for a variety of purposes. She opined that the fund should not be used to pay for ongoing expenses because it is a finite source of money.

Mayor Tourville questioned what the current balance was in the Host Community Fund.

Councilmember Bartholomew stated it was $2.941 million.

Mr. Pilkus questioned when the City would stop receiving the money.

Mr. Lynch stated the payments would cease in 2031.

Mayor Tourville provided a brief overview of the how and why the Host Community Fund was established.

Mr. Lynch stated since 2008 the City had cut 22 positions, a net of over 11 positions. He stated from an Administrative standpoint it was not as though nothing had been done in terms of trying to manage staffing levels. He noted staff recognized the changes that occurred in the economy and the decline of development activity and realized that the City needed to changes its' strategies. He explained Council's direction was not ignored and it was part of internal discussions at the department head level regarding potential organizational changes. He noted there were impending retirements within the City that needed to be addressed and the best time to consider organizational changes is when those things occur or when positions become vacant. He stated over the last seven (7) years the net increase to the City from an operational standpoint in the General Fund was slightly over 1%. He opined that was pretty good considering the City's total budget of $16 million. He stated staff has managed the City's facilities, programs, and employees very well during his tenure, mostly due to the Council's stewardship of the taxpayers' money. He felt it was unfair to criticize staff from the perspective that the City has too many employees that make too much money and there is a need to get rid of them. He opined the organization as a whole had been managed very well. He explained he takes direction from the Council and when at least three (3) out of the five (5) members agree and take action it is followed. Based on the discussion that had taken place amongst the Council it did not appear that there was a consensus regarding the elimination of the Assistant City Administrator position and that is the reason the budget was not presented with an organizational change included. He noted the reason the budget was placed on the agenda for discussion was so Council would have an opportunity to provide feedback on the numbers.

Mayor Tourville stated the budget could be added to the agenda for the December 2nd work session for additional discussion.

Councilmember Piekarski Krech stated it would be a good idea to have another discussion. She explained one of the issues is that each Council member has had private discussions with the City Administrator and the Council had never come together to discuss those things with each other.

Ted Miller, 2655 62nd St., stated the City also had to consider that the average person's wages had either decreased or stayed the same over the past several years.

Ms. Piekarski asked for clarification as to what consensus meant.

Mayor Tourville stated in terms of a vote it meant three (3) out of five (5).

Ms. Piekarski reiterated her understanding of the discussion from the August work session was that three (3) of the Council members wanted to look at the organizational structure of the City.

Mayor Tourville stated there were other meetings between Council members and the City Administrator and department heads to discuss potential operational changes.

Ms. Piekarski stated she was not aware of the other discussions that took place after the August work session and that is why it seemed as though staff did not follow through on Council's directive.

Councilmember Piekarski Krech stated the budget should be added to the December 1st agenda.

ADMINISTRATION:

E. CITY OF INVER GROVE HEIGHTS; Consider Application for Chicken License for property located at 931 10th Ave. S.

Ms. Kennedy stated an application was submitted to keep a total of six (6) chickens on the property. As per City Code requirements a notice of application was sent to all property owners directly abutting or contiguous to the subject property. One (1) written objection was received from a neighboring property owner whose concerns were primarily related to the visibility of the proposed chicken coop and potential noise issues. The Code Compliance Specialist visited the subject property and reviewed the site plan submitted by the applicant. It was determined that the site plan as proposed would meet all the provisions set forth in Code.

Billy Pape, 931 10th Ave. S., explained he reviewed all the pertinent sections of the City Code and felt his proposed plan would comply with all of the established regulations. He stated he put together a comprehensive plan for the coop and the enclosure and was mindful of the requirements related to the

care of the chickens and the cleanliness of the coop.

Mayor Tourville stated the neighbor who submitted the objection suggested fencing the area in to block the visibility from his property.

Mr. Pape stated he wanted to put up a galvanized chain link fence to keep predators out of the coop.

Councilmember Madden questioned if any screening could be put up to reduce the impact on the neighbor.

Mr. Pape explained the back side of the coop would face the neighbor's garage across the alley.

Councilmember Piekarski Krech asked the applicant to point out on the pictures that were provided where the coop would be located on the property.

Councilmember Madden questioned which direction the neighbor's house faced.

Mr. Pape stated the front of the neighbor's house faced away from his property.

Shawn Tuhy, 932 9th Ave. S., stated he lived across the alley and would be able to see the chicken coop from inside his house. He explained every time he pulled into his garage he would have to look at the chicken coop. He noted chickens were not allowed in South St. Paul.

Mayor Tourville stated the applicant would be required to abide by the regulations and standards contained in the City Code.

Mr. Tuhy stated if problems occurred his only recourse would be to keep calling the City to file complaints.

Mr. Pape explained he proposed using a vinyl shed for the coop to avoid problems with mites and for the ease of cleaning.

Mayor Tourville clarified there was no issue with the shed being on the property.

Ms. Kennedy stated Planning staff reviewed the plans and the structure and did not find any issues.

Councilmember Madden questioned if there was any chance that the coop could be placed where the garden was located to eliminate the sight lines from the neighbor's property.

Mr. Pape stated the coop would no longer comply with the City's zoning requirements because it would technically be located in the side yard of his property.

Motion by Madden, second by Piekarski Krech, to approve application for a chicken license for property located at 931 10th Ave. S.

Ayes: 5
Nays: 0 Motion carried.

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

Ms. Teppen stated the item was previously tabled at the October 28th meeting. At that time the directive was to ask the sign consultant if there were any similar signs the Council could look at to better understand the product that was recommended for the east wall of the building. She explained it was recommended that Council look at the newly installed monument signs as they were most similar to the product that was proposed. Council also made inquiries at that time regarding the product's warranty. As part of the warranty the contractor would guarantee all work and materials furnished to be free of defects and faulty workmanship for the period of one (1) year. Any defective material or work would be required to be promptly repaired or replaced without additional cost to the owner or consultant. The contractor would also be required to maintain and service the signs and make regular inspections during the first year of operation. With respect to the coatings and finishes, all aluminum, metal, and fasteners shall be finish-coated with an appropriate primer and color coat with corrosion inhibitors guaranteed for eight (8) years against fading, chipping, cracking, peeling, and discoloration.

Councilmember Madden questioned if the City had staff that would be able to repair and maintain the sign following expiration of the one-year maintenance and service provision.

Ms. Teppen stated it would depend on the nature of the problem.

Mayor Tourville stated it should have been done right the first time. He noted there is a fund set aside to deal with these types of issues and opined the project should be done correctly.

Ms. Teppen proposed an alternative that would involve removing the existing letters on the east wall and painting them a darker color to make them more visible. The cost for the alternative option was $895.00.

Mayor Tourville stated the size of the letters was the major issue, not necessarily the color.

Councilmember Piekarski Krech stated she would be more inclined to go with the cheaper option to repaint the letters at this point in time. She opined she was not impressed with the new monument signs and she would rather wait a year or two to see if a different product might become available that would be more visible.

Mayor Tourville reiterated the letters need to be bigger.

Councilmember Madden suggested looking into the cost for larger letters in a darker color. He opined flood lights may provide the illumination necessary to increase the visibility at night.

Councilmember Mueller stated the current letters were fine and should be left alone.

Ms. Teppen stated flood lighting was discussed when the consultant was evaluating what type of signage would be appropriate to increase visibility. The difficulty was that there was no electricity in the area where the lights would need to be installed.

Councilmember Bartholomew opined the east wall looked great the way it was.

Mayor Tourville reviewed the direction to staff to obtain a price quote for larger, darker letters.

G. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Amending Bow Hunting Regulations

Ms. Teppen stated the City Attorney made suggestions for a draft ordinance that would be effective through the end of 2013 and would not be codified. She reviewed the boundaries and the map that would be attached to the ordinance.

Mayor Tourville questioned if the applicant felt the boundaries on the proposed map were correct.

Jim Krech, 2585 62nd St., responded in the affirmative.

Councilmember Bartholomew stated the bow hunting map on the City's website was different than the map that was provided to the Council.

Ms. Teppen stated she review the map on the website.

Councilmember Mueller questioned how many people would be hunting within the designated area.

Mr. Krech stated a total of six (6) hunters would be on the property at different times. The maximum number hunting at one time would be limited to two (2) to three (3) people.

Mayor Tourville stated the Police Department visited the site to ensure that the proposed area could be hunted safely.

Lieutenant Folmar stated the site was inspected and it was determined that the area had plenty of space to be hunted safely.

Councilmember Mueller stated he was concerned about the qualifications of the hunters.

Mr. Krech stated the area was designated for unlimited hunting by the DNR provided the hunters adhere to the restrictions set forth in the DNR handbook.

Councilmember Mueller stated he received a number of calls from other hunters questioning why a special hunt was being allowed and expressing safety concerns.

Mr. Krech reiterated the hunters would follow all of the regulations established by the DNR.

Mayor Tourville stated the request was considered primarily because of the size of the area.

Councilmember Piekarski Krech stated she would like to add a requirement that anyone who was going to hunt the property pass a competency test at an approved archery station.

Mayor Tourville questioned if Councilmember Piekarski Krech was referring to a general rule that would apply to the main bow hunting ordinance or just to the proposed amendment.

Councilmember Piekarski Krech suggested it could be implemented for the proposed ordinance amendment. She added she would also be in favor of incorporating it into the existing ordinance at some point in the future.

Mr. Krech questioned why it would be required for the proposed amendment if it isn't required for all bow hunters. He stated one of the individuals that would hunt in the area had the competency certification.

Councilmember Piekarski Krech stated the other hunters could easily go and take the test at an archery station to obtain certification. She explained her main concern was safety and she wanted the condition added to the proposed amendment as well as the main bow hunting ordinance.

Mayor Tourville stated the proposed amendment would apply to an area that was bigger than some of the places in the City where bow hunting was already allowed. He opined he would be in favor of looking at the bow hunting ordinance again after the first of the year but did not feel it was fair to place a restriction on the proposed amendment when it was not required for all bow hunters within the City.

Mr. Krech stated the individuals he would permit to hunt on his property were all experienced bow hunters. He explained the proposed hunting area was unique because it was down in a valley so hunters would be shooting against a hillside. He reiterated the Chief of Police visited the area and found it would be safe for the proposed hunting activity.

Ted Miller, 2655 62nd St. E., stated the individuals were all qualified to safely hunt the area and were very experienced. He noted each individual would have to abide by the safety guidelines set forth by the DNR.
Motion by Tourville, second by Bartholomew to adopt the second reading of an Ordinance amending bow hunting regulations and to waive the requirement for a third reading

Ayes: 4
Nays: 1 (Piekarski Krech) Motion carried.

Mr. Kuntz informed the Council that although the motion to approve the second reading passed, the request to waive the third reading of the ordinance did not pass because the vote was not unanimous.

Mayor Tourville questioned if the third reading of the ordinance could be placed on the upcoming work session agenda in order to salvage the remainder of the deer season for those requesting the amendment.

Mr. Kuntz responded in the affirmative.

Motion by Bartholomew, second by Mueller, to schedule the third reading of the ordinance amending bow hunting regulations on December 2, 2013

Ayes: 5
Nays: 0 Motion carried.

H. CITY OF INVER GROVE HEIGHTS; Consider First Reading of an Ordinance Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees

Ms. Teppen explained the Council annually adopts the ordinance related to various development fees. The proposed fees, with respect to connection fees, were set forth in the study completed by Ehlers and Associates specifically for the Northwest Area. The fees were proposed to increase 3.5-4.5%. A public hearing was scheduled for the first regular meeting in January.

Councilmember Bartholomew pointed out a typo under the section "fees payable at time of building permit".

Ms. Teppen stated she would make the necessary correction.

Councilmember Piekarski Krech questioned what percentage of increase was chosen for the areas of the City outside of the Northwest Area.

Mr. Thureen stated the study conducted by Ehlers and Associates looked at the entire City. All of the proposed rates were taken directly from the study.

Councilmember Mueller stated it seemed like a large increase when the City was trying to attract more development.

Councilmember Piekarski Krech stated the fees for the Northwest Area could not be changed because they were necessary to pay for the infrastructure.

Councilmember Mueller questioned how the fees compared to those of other cities. He opined he did not want to lose business because of the fees.

Mr. Thureen explained Ehlers and Associates was scheduled to update the rate study for 2015 and beyond. Revised recommendations would be presented in 2014. The fees were designed to help the City recover the costs of the infrastructure in the Northwest Area.

Mayor Tourville questioned if there would be an easy way to collect information from other cities for purposes of comparison.

Mr. Thureen stated staff could look for information but he was not certain there would be enough information to make a true, accurate comparison.

Motion by Piekarski Krech, second by Madden, to approve the First Reading of an Ordinance Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees

Ayes: 5
Nays: 0 Motion carried.

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

Mayor Tourville reminded citizens about Holiday on Main Street. The event was scheduled to take place on December 14th at the VMCC.

Mayor Tourville stated the Council needed to pick a date to schedule the City Administrator's annual performance review. He suggested December 16th.

Motion by Piekarski Krech, second by Mueller, to schedule a special meeting on December 16, 2013 at 7:00 p.m. for the purpose of conducting the City Administrator's annual performance review.

Ayes: 5
Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Bartholomew, to add 2014 Budget Discussion as an item on the December 2, 2013 Work Session Agenda.

Ayes: 5
Nays: 0 Motion carried.

9. <u>ADJOURN:</u> Motion by Bartholomew, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 10:17 p.m.