

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, APRIL 22, 2019 - 8150 BARBARA AVENUE**

1. CALL TO ORDER 2. ROLL CALL:

The City Council of Inver Grove Heights met in regular session on Monday, April 22, 2019, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m.

Present were: Council members Piekarski Krech, Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Attorney Kuntz, Public Works Director Thureen, Community Development Director Rand, Parks and Recreation Director Carlson, City Planner Hunting, and City Clerk Tesser.

3. PRESENTATIONS:

City Administrator Joe Lynch introduced new Community Development Director Heather Rand. He stated that she comes from the City of Duluth where she served as Director of Business and Economic Development. Prior to that she was employed for 12 years by the State of Minnesota, DEED, as a business developer.

Community Development Director Heather Rand stated that she has been working in this city for under two weeks and is pleased to be working here. She stated that the Comprehensive Plan is a wonderful guiding document. She stated that she has a background in economic development in both the private and public sectors. She stated that she has worked in the City of Duluth for the last three years, with the State of Minnesota, and with Minnesota Power. She commented that she looks forward to putting her skillset to work, partnering with departments, with the community, and external partners.

Mayor Tourville welcomed Ms. Rand to the City of Inver Grove Heights.

Mayor Tourville stated that the Inver Grove Heights Fire Department held their banquet last weekend where awards given out. He stated that Mike McGonigal was awarded for 10 years of service and Eric Bergum, who is retired from the Relief Association but is still the Assistant Fire Chief, was congratulated for his service and time. He stated that Jeff Davis retired from the Relief Association with 45 plus years with the City of Inver Grove Heights and the Fire Department. He congratulated Mr. Davis on his accomplishments and stated that he was always at the top for fire calls and training requirements. Mayor Tourville thanked all of the fire fighters and their families for serving the City of Inver Grove Heights citizens and businesses.

4. CONSENT AGENDA:

- A.** Minutes of April 1, 2019 Work Session Meeting Minutes.
Minutes of April 8, 2019 City Council Meeting Minutes.
- B. Resolution 19-60** Approving Disbursements for Period Ending April 17, 2019.
- C.** Approval of Rental Housing License.
- D.** Consider Approval of Plans and Specifications and Order Bids for the Heritage Village Park Project.
- E.** Consider Proposal from Braun Intertec for Response Action Plan for Heritage Village Park.
- F.** Approve a **Resolution 19-61** Relating to the Notice of Completion, Encroachment Agreement and Related Agreements for James Van Buskirk for Property Located at 9215 Rich Valley Boulevard.
- G.** Approve Custom Grading Agreement, Stormwater Facilities Maintenance Agreement, and Permanent Drainage and Utility Easement for 5039 Brent Ave. (Lot 5 and the South 22 feet of Lot 4, Block 1, Glenwood).
- H.** Consider **Resolution 19-62** Approving a Drainage and Utility Easement Agreement and Plans for Driveway Closure at 9051 Buchanan Trail and Approval of Change Order No. 7 for City Project No. 2015-09D – Broderick Boulevard Reconstruction.
- I.** Consider **Resolution 19-63** Receiving Bids and Awarding Contract for the 2019 Pavement Management Program, City Project No. 2019-09A – Crackseal.

- J.** Consider **Resolution 19-64** Receiving Bids and Awarding Contract for the 2019 Pavement Management Program, City Project No. 2019-09B – Sealcoat.
- K.** Consider **Resolution 19-65** Receiving Bids and Awarding Contract for the 2019 Pavement Management Program, City Project No. 2019-09E – Emulsified Asphalt Sealcoat.
- L.** Consider **Resolution 19-66** Receiving Bids for the 2019 Improvement Program, City Project No. 2015-03 - 65th Street Construction (between T.H. 3 and Argenta Trail) and City Project No. 2018-03- NWA Trunk Watermain Improvements - 65th Street Loop (Phase IV of 2015-12) from Agate Trail to Alverno Lane.
- M.** Request Approval of the Pay Application #5 for \$270,085.00 to Jorgenson Construction for Project 2014-10 Fire Station #2 New Construction.
- N.** Consider **Resolution 19-67** Approving Addendum No. 1 for Professional Engineering Services Proposal from Bolton & Menk, Inc. for City Project No. 2018-09D – Atwater Path Pavement Replacement and Stormwater Improvements and City Project No. 2018-09F - 55th Street Court and 55th Street Reconstruction.
- O.** Consider **Resolution 19-68** Calling for Hearing on Proposed Assessments, Declaring Costs to be Assessed, and Ordering Preparation of Proposed Assessments for the 2019 Pavement Management Program, City Project No. 2018-09F – 55th Street Court and 55th Street Reconstruction.
- P.** Consider **Resolution 19-69** Calling for Hearing on Proposed Assessments, Declaring Costs to be Assessed, and Ordering Preparation of Proposed Assessments for the 2019 Pavement Management Program, City Project No. 2018-09D – Atwater Path Pavement Replacement and Stormwater Improvements.
- Q.** Personnel Action.

Al Eiden, 7810 Boyd Avenue, requested pulling Agenda Item 4D as he had some questions.

Motion by Bartholomew second by Dietrich to approve the Consent Agenda with exception of Agenda Item 4D.

Ayes: 5

Nays: 0 Motion carried.

Al Eiden stated that he has concerns and questions about Agenda Item 4D, to Consider Approval of Plans and Specifications and Order Bids for the Heritage Village Park Project. He stated that Phase II of the park has two bid packages, one for infrastructure and the other with add-ons. He quoted the following statement: “in 2020 the City Council will consider if it would like to proceed with the inclusive playground and the restroom shelter buildings”. He stated that the City Council would be discussing these projects and possible improvements at the May 6th, City Council Work Session. He asked what the Council would be doing in terms of the approval. He commented that a partial set of preliminary plans, to him, meant that there would be an ability to have input for the amenities and development of the final plans. He asked what the approval meant going forward. He stated that he has interest in the following quote “future improvements may be included as resources become available”. He commented that the intent of this park was to depict the history of the origins and growth of this town. He stated that the Comprehensive Plan states that it is supposed to be a passive or semi passive park. He commented that the infrastructure should get done and the faster it is done; the more ready people would be to complete the development of the park.

Parks and Recreation Director Eric Carlson stated that the City Council is being asked to approve the plans and specifications for the next phase of development for Heritage Village Park. There are two bid packages. Bid Package A consists of grading, installing site utilities, constructing a parking lot, and trails. Bid Package B consists of site grading and constructing a trail connection between Heritage Village Park and Swing Bridge Park. He stated that when the bids come back in June, the Parks and Recreation Commission will review them at their June meeting and make a recommendation to the City Council. On June 24th the City Council decides if or which bid package they would like to move forward with. He stated that they are not approving anything but sending the entire bid package out to bid. He stated that the plan

is about 35 pages and that he pulled out a few important pages. Small modifications may be made before going out to bid if approved by the City Council tonight.

Mayor Tourville asked about the historical interpretation of Swing Bridge Park.

Parks and Recreation Director Carlson responded that when the City received the \$1.5 million-dollar Grant from the State in 2014, the City was not able to come up with all of the money required to match the Grant on a one to one basis. Due to that, the City partnered with Dakota County to do a few things that they are matching the Grant with. One is to build a trail connection between Heritage Village Park and Swing Bridge Park along Doffing Avenue. He stated that they are using some of the Grant proceeds and that Dakota County is matching with their dollars. He stated that Dakota County is doing some historical interpretation at Swing Bridge Park and the County is providing the match. The City would be doing historical interpretation at Heritage Village Park but plans have not been put together yet. He stated that the Parks and Recreation Commission heard a presentation from a member of the community at the last meeting in April. The Commission stated that if the Council chooses to continue with the development of Heritage Village Park, they can work with that individual and others in the community to decide what to do with regards to historical interpretation.

Mayor Tourville stated that the possibility of an inclusive playground was also in the presentation. The items don't preclude anything that would force it to be done, or not done. He asked if that item would stand on its own.

Parks and Recreation Director Carlson responded that if the Council awards Bid Package A, which consists of a parking lot, grading, sidewalks, and installed site utilities. He stated that in May the City Council would discuss how to finance improvements, an inclusive playground, and a shelter and restroom facility. In June, with Bid Package A, the City would be committed to installing an inclusive playground and a shelter with restrooms. He stated that finance options would come in May.

Parks and Recreation Director Carlson stated that a Grand Opening and Ribbon Cutting Ceremony for the dog park will be held on Tuesday, June 11th, weather permitting, from 5:00 to 7:00 p.m. with a rain date of the following Thursday.

Motion by Bartholomew second by Perry to approve Agenda Item 4D Consider Approval of Plans and Specifications and Order Bids for the Heritage Village Park Project.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Greg Sperl, 1705 93rd Circle East, commented that he has had problems with coyotes, skunks, and wildlife at his home. He stated that he met with Officer Sloan and discussed the Ordinance, but that didn't help his situation. He stated that he noticed a coyote outside of his window four days in a row, he called the Police for animal control and was told that there is no animal control in Inver Grove Heights. He was told that they would send a Police Officer to his home, but he didn't feel that would help the situation. He stated that the Officer arrived and said that she could not shoot it, but that his options could be poisoning it or trapping it. He commented that poison wasn't an option, and trapping wasn't much better. He stated that the Ordinance limits what they can do with a bow and arrow. He asked if they could do a variance for small game hunting. He offered to take part in allowing something like this. He stated that himself and his neighbors deal with this issue on a daily basis.

Mayor Tourville stated that several years ago the DNR had a meeting about coyotes. Inver Grove Heights doesn't allow single shot or the shooting of anything, but do allow some bow hunting. He suggested that Mr. Sperl send suggestions to the City and stated that it could be looked into for a single area. He stated

that the DNR has said if two or three coyotes are taken out, the ones remaining take over the area. It's all about the food. He stated that it doesn't do any good to trap coyotes and move them.

Councilmember Piekarski Krech asked Mr. Sperl what Ordinance he was talking about.

Mr. Sperl responded that it is the Ordinance about weapons. He stated that he owns 4.1 acres of land that is next to 200 acres of wildlife. He commented that this is a problem that needs to be worked on. He stated that the Ordinance took away spring turkey hunting and that he would like to hunt in his backyard.

Mayor Tourville suggested sending suggestions and ideas to City Administrator Lynch. He stated that the DNR would have to be involved.

Mr. Sperl stated that he has a problem with the language of the Ordinance. It specifies that only family or relatives should hunt on your property. He commented that he felt he has a right to choose that person. He stated that there is more that Park and Recreation should be involved with such as hunting and fishing. Those are sports for youth that need more entertainment.

6. PUBLIC HEARING:

7. REGULAR AGENDA:

PLANNING DEPARTMENT:

A. CITY OF INVER GROVE HEIGHTS; Consider a Resolution relating to a Conditional Use Permit to allow fill in the Flood Fringe for Heritage Village Park located at 4321 65th Street. Resolution 19-70.

City Planner Allan Hunting stated that the request is to bring fill in from city street projects to raise the elevation of Heritage Village Park so it is at or above the flood plain level. The grand total brought in for the park is almost 70,000 cubic yards, of that total, 34,500 cubic yards are within the flood fringe. He stated that both the Planning Commission and Environmental Commission have reviewed this and recommend approval as presented.

Councilmember Bartholomew asked if all of the fill is from the city and if this would have to be approved by the DNR.

City Planner Hunting responded that the fill is from the 65th Street project and other projects taking place this year. He responded that it does not require DNR approval, but was submitted to the DNR as a courtesy. They have not received comment back from the DNR.

Mayor Tourville asked who would be overseeing this project.

Parks and Recreation Director Carlson responded that a majority of the dirt is coming from two city street projects, one on 65th Street and the other from 55th Street. He stated that the dirt being hauled is from street projects and managed under street projects. Provisions are in place to deal with issues like the grading plan and dust control. He stated that they did a lot of dirt hauling in 2010 when they were filling the railroad portion of the project and have learned from that. They will do a better job of handling the dust control in this part of the project. The grading plan is created by WSB who is designing the park.

Denise Haugum, 6140 Doffing Avenue, Slip #12, stated that she had attended the April 22nd Planning Commission meeting and that there was a condition that she didn't hear in the motion and cannot locate in the report. She quoted the following stating that "the Planning Commission recommendation was a motion by Commissioner Wippermann, seconded by Commissioner Scales, to approve the request for a Conditional Use Permit to allow 34,500 cubic yards of fill for the flood fringe for the property located at

6701 River Road and identified as all city owned property contained within Heritage Village Park... extending to the northern Inver Grove Heights boundary with the condition listed in the report". She commented that she didn't know what that condition was.

Mayor Tourville responded that the condition is as follows: "The placement of fill shall be consistent with the grading and erosion control plan dated 3/15/19 on file with the Planning Department."

Ms. Haugum responded that she didn't find that information online and asked if there was a copy she could receive.

Councilmember Piekarski Krech responded that it was part of the Resolution approving the Conditional Use Permit and should be located in the packet online.

City Planner Hunting displayed the grading plan in reference and stated that the condition ties to the grading proposed in the plan.

Ms. Haugum stated that her other concern was what the city plans to do to eliminate the damages that have been done to the marina and properties there between 2010 and 2012.

Mayor Tourville asked what the damages were.

Ms. Haugum responded that there was approximately \$53,000 worth of damages. She stated that the city wrote a check in 2012. She commented that she had pictures she could show.

Parks and Recreation Director Carlson stated that in 2010 when dirt was hauled to the site, there were dust issues and dust got onto the canopies at one of the marinas. He stated that they worked with the marina and paid them about \$2,000 or \$3,000 to have them cleaned. He stated that the conversation with the marina began in 2010, they received a check a year or two later because they were told they would receive payment when the project was completed.

Ms. Haugum stated that the marina turned in an insurance claim to pay for the additional damages. She commented that the conversation began with an email to the city in October 2010. In August 2011 there was a letter written to the Mayor. On June 13, 2012, there was a check in the amount of \$2,500. She displayed photos of what had happened and commented that cleaning them damaged them further.

Mayor Tourville asked what would be done to ensure that this doesn't happen again. He asked if there was an outstanding bill.

Ms. Haugum responded that she has a letter from their past President that she can share. She commented that 18 covers were ruined and had to be sent out for cleaning due to the damages. She stated that the map shows where the fill was before, which was much further away from the marina. Where the fill is shown now is almost in their front yard. She commented that if nobody comes and looks at the damage that was done now, and this project comes through, it would be hard to assess the damages. She stated that she would like the city to come down and see the current conditions and would like someone they can talk to about issues before they have a problem that is bad and can't be fixed.

Thomas Pulkrabek, President of Castaways Marina, 6140 Doffing Avenue, Slip #16 was also in attendance.

Mayor Tourville asked who would be taking charge of this. Parks and Recreation or Public Works.

Parks and Recreation Director Carlson responded that it would be Parks and Recreation. He stated that he wrote down dust control and to take pictures of the tarps before they start the project. This way they can see the conditions at the start and end of the project to determine whether there was any damage or

not. He stated that they have learned from their mistakes and will manage and mitigate the project better than the last time they did this.

Mayor Tourville asked if he would be the contact person.

Parks and Recreation Director Carlson responded that he would be the contact person and that he would share his business card with them.

Councilmember Bartholomew asked if they would be able to stop the work if there was a problem or if they would have to wait until they can get someone down there to look at it.

Parks and Recreation Carlson responded that they would be able to do that on the spot.

Ms. Haugum stated that she read in one of the documents that there hasn't been a decision to seed the dirt. She commented that she wasn't sure what the steps were to control the dust.

Parks and Recreation Director Carlson responded that it has to be seeded right away for erosion purposes. He stated that the Council would determine improvements and the type of seed to use at their June meeting.

Ms. Haugum stated that was a long time if the project begins in May and no decision to seed until June. She asked if there was a plan for the road.

Parks and Recreation Director Carlson responded that there is a haul route plan the contractors have to follow. They would be coming in off of 65th Street full, turn into the Heritage Village Park site west of where the Walser property used to be. Loads will be dumped and they will exit the site along Doffing Avenue with an empty truck, and continue back to 65th Street up to Concord and out of the site. He stated that 65th Street and Doffing are in poor condition, but did not know what the rating was on the pavement management index.

Public Works Director Scott Thureen responded that the rating was low.

Mayor Tourville asked if it would be dust controlled and watched for mud, due to rain.

Parks and Recreation Director Carlson responded that the contractor was responsible for erosion and dust control on the roadway. They would be required to sweep when there is debris in the road.

Councilmember Bartholomew asked if WSB has an interim dust plan until it is fully seeded.

Parks and Recreation Director Carlson responded that he would have to talk with WSB to see what that plan could be.

Mayor Tourville stated that with Heritage Village Park, part of this could happen without the City Council approving any of the improvements. The improvements are not dependent on the fill. He asked that the plan be shared with the marina so expectations are understood.

Mark Chamberlain, 6140 Doffing Avenue, Slip #39, stated that he was concerned about Doffing Avenue when all of this is done.

Mayor Tourville responded that would be something they would have to address after the project.

Jason Powell, 6140 Doffing Avenue, stated that he owns five slips at Castaways. He stated that the dyke wall is 19 feet tall. He commented that others are asking that further damages are not incurred. He stated that if they could be given those assurances, he was okay with it, but if not, as the largest owner of the

marina at the moment, he would have a problem. He asked that the City Council assure him that this would be done in a good way, and requested that they take a step back and figure out how to proceed.

Mayor Tourville asked Mr. Powell if he had any damages. He asked if there were other damages besides the dust on the boat covers.

Mr. Powell responded that he has had damages before, but does not want them again. He stated that he owns Slip #'s 28, 29, 37, 40, and 45.

Ms. Haugum stated that she did not live there at the time, but knew that some of the boat owners had a lot of cleaning expenses. She stated that one of them had to pay several hundred dollars several different times just to have his boat cleaned. She stated that a lot of people have not stepped up as they do not believe anything would be done about it. She commented that there were no damages that she was aware of, just a lot of cleaning.

Thomas Pulkrabek, President of Castaways Marina, 6140 Doffing Avenue, Slip #16 stated that there is a cover on the top of his boat. He does not have a cover over the whole thing. He commented that every couple of days the cover had to be cleaned off either with a power washer or by scrubbing.

Barbara Munoz, Slip #20, stated that they own three covered slips at the marina. She commented that each of the covered slips cost about \$10,000. The marina has 18 covered slips. She was concerned about how difficult it was for the marina to be working with the city last time. She asked if that same thing happened again, if the city would be responsible. She commented that it was a long hard process before and the percentage of money they received wasn't much. She asked if this is approved tonight, when the process would begin.

Mayor Tourville asked if the dust, dirt, and grime was something they could control.

Parks and Recreation Director Carlson responded that they would do a better job than they did last time. He stated that they would make sure the contractor is aware of the concerns and will make sure they have a good dust control plan in place and will use best practices for erosion control on the site and street.

Mayor Tourville stated that they need to get a plan in place so everyone is aware of what they are supposed to do. He suggested getting email information and phone numbers from those that want to be a part of the notifications.

Parks and Recreation Director Carlson stated that he would meet with the marina in the next week or two, take some pictures, and make sure everyone is on the same page.

Public Works Director Thureen stated that the project would begin sometime in June.

Parks and Recreation Director Carlson stated that they would be hauling approximately 70,000 cubic yards, which is a small fraction of what was hauled in 2010. This is a smaller area with less dirt.

Councilmember Dietrich commented that she wasn't on the Council when the last project took place. She stated that she was uncomfortable with the language from both sides that says we are going to try to do our best. She commented that she didn't know how that is going to be measurable. She asked if someone was dissatisfied, how that would be measured if it is not written clearly what the expectation is.

Parks and Recreation Director Carlson responded that all he could do was put best management practices in place, be available if there are concerns, and do his best to mitigate any issues as they happen.

Mayor Tourville stated that they didn't want any dust going on the boats or covers.

Mr. Powell stated that three of the five slips he owns are covered. The assurance that he wants is not to have any cleaning or reparation because of damages caused. He stated that it would cost him \$15,000 to have them completely renovated. That is not the cost for the entire marina, that could cost up to \$50,000.

Councilmember Dietrich asked who would decide if they need to be cleaned.

Mr. Powell stated that they need to make sure to have active mitigation on dust control and not have this happen a second time.

Councilmember Piekarski Krech asked to verify the address. She stated that when she pulls up the address it states that it is owned by the City of Inver Grove Heights.

Mr. Pulkrabek responded that 6140 was the house that was on the property. It was purchased by the city two years ago, leveled, and currently gone. That is still the same addresses.

Councilmember Piekarski Krech commented that they need to look into that because Castaways Marina doesn't have an address it has a P.O. Box.

City Administrator Lynch stated that is the address of the former structure and that the County would make the reassignment. He stated that they would communicate with the County on this.

Mayor Tourville apologized for the dust control that took place. He stated that most of the people at Castaways know that the city has been willing to work with them on flood issues, the house, and some variances for additional buildings. There have been a lot of things both groups have worked together on.

Mr. Pulkrabek agreed and stated that they are looking forward to the park and that it would be a nice addition.

Councilmember Piekarski Krech commented that every project creates dust. It is part of growing, moving, and construction. She stated that it's not that they are not trying to be a good neighbor, sometimes things happen and there isn't a lot that can be controlled.

Councilmember Bartholomew asked Parks and Recreation Director Carlson to continue to communicate with the boat owners. He asked that the plan from WSB be passed along to the City Council.

Motion by Bartholomew second by Perry to approve to Consider a Resolution 19-70 relating to a Conditional Use Permit to allow fill in the Flood Fringe for Heritage Village Park located at 4321 65th Street.

Ayes: 5

Nays: 0 Motion carried.

8. EXECUTIVE SESSION:

A. Pursuant to attorney-client privilege and pursuant to Minn. Stat. § 13D.05, Subd. 3(b) a closed Executive Session to discuss the lawsuit of City of Inver Grove Heights vs. GS Truck & Trailer Repair LLC and GS Transport Express LLC.

City Attorney Tim Kuntz stated that under the attorney-client privilege and as found further in Minn. Stat. § 13D.05, Subd. 3(b), the State Statute allows the City Council to meet in a closed-door executive session with the City Attorney to discuss and review pending litigation. He stated that in this instance the Council is being asked to do that this evening with respects to the lawsuit of the City of Inver Grove Heights versus GS Truck & Trailer Repair LLC and GS Transport Express LLC. He asked that the Council make a motion

to move to executive closed-door session pursuant to the attorney-client privilege and pursuant to the Statute referenced to discuss that particular lawsuit.

9. MAYOR & COUNCIL COMMENTS:

Councilmember Piekarski Krech asked about the meeting taking place on the 29th and stated that she could meet at 7:30 that evening.

Councilmember Bartholomew commented that the time worked for him.

Mayor Tourville stated that the items for discussion would be the City Administrators review, and to look at possible organization changes and/or updates on the financial department. He suggested meeting in Council Chambers. The financial update would come first.

Motion by Piekarski Krech second by Perry to approve the meeting date, time, location, and Agenda.

Ayes: 5

Nays: 0 Motion carried.

10. ADJOURN:

Motion by Piekarski Krech second by Perry to adjourn at 8:07 p.m. and go into Executive Session.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Yourczek.