

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, OCTOBER 23, 2017- 8150 BARBARA AVENUE**

1. CALL TO ORDER and 2. ROLL CALL

The City Council of Inver Grove Heights met in regular session on Monday, October 23, 2017, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Hark, Perry and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, City Clerk Tesser, Parks and Recreation Director Carlson, Public Works Director Thureen, City Engineer Kaldunski, and Fire Chief Thill.

3. PRESENTATIONS: There were no presentations.

4. CONSENT AGENDA:

- A. i. Minutes September 25, 2017, City Council Meeting
- ii. Minutes October 2, 2017, City Council Work Session
- B. Approve **Resolution 17-195** Approving Disbursements for Period Ending on October 18, 2017
- C. Approve **Resolution 17-196** Certifying Delinquent Utility Bills
- D. Approval of Awarding Contract for Custodial Services
- E. Approve Appointment to Fill Vacant Planning Commission Position
- F. Approve **Resolution No.17-197** to Amend Assessment Roll for 2017 Pavement Management Program, City Project No. 2016-09E – Bancroft Way Area Reconstruction to Reflect Credits for the Residential Driveway Restoration Program Participation
- G. ~~Financing Plan for Project #2014-10 Fire Station #2~~
- H. Approve Letter of Support for Local Road Improvement Program Funding Application
- I. Approve **Resolution 17-198** for Dakota County's 2018-2022 Capital Improvement Program and Approve **Resolution 17-199** Requesting Inclusion of Projects in the List of Projects to be Funded from the Transportation Sales and Use Tax
- J. Approve **Resolution 17-200** Parking Restrictions on Broderick Boulevard between Concord Boulevard and 80th Street East for City Project No. 2015-09D – Broderick Boulevard Reconstruction
- K. Approve **Resolution 17-201** Requesting an Advancement of Municipal State Aid (MSA) Funding from the City's State Aid Construction Account for City Project No. 2016-08 - Trunk Highway 3 / 70th Street Intersection Improvements (Roundabout) and City Project No. 2017-24 – T.H. 3 Intersection Improvements for the 65th Street Project
- L. Approve **Resolution 27-202** Receiving the Feasibility Study for City Project No. 2018-02 - 80th Street Sanitary Sewer Improvements (Robert District) and Scheduling a Public Hearing
- M. Approval for Pay Voucher No. 4 for the 2017 Capital Improvement Program, City Project No. 2017-02 - NWA Watermain Improvements, 65th Street Loop
- N. Accept 2018 Rates for Medical and Dental Insurance and Renewal Rates for the Supplement Insurance Plans
- O. Approve **Resolution 17-203** Calling for a Public Hearing on the Issuance of Capital Improvement Plan Bonds for Fire Station #2
- P. Consider Inver Grove Heights CVB 2018 Work Plan and Budget
- Q. Approval of Personnel Actions

Mayor Tourville stated that item G on the consent calendar was a duplicate item.

Councilmember Piekarski Krech pulled items Ai and Aii - Ai. Minutes September 25, 2017, City Council Meeting and Aii. Minutes October 2, 2017, City Council Work Session. Councilmember Piekarski Krech said she would forward her notes and the minutes would be put on a future council agenda.

Councilmember Hark pulled item P - Consider Inver Grove Heights CVB 2018 Work Plan and Budget. He questioned the work plan about why it did not include any leverage for the new Vikings practice facility for next year to draw in people to the hotels and businesses. This needs to be looked at for the benefit of businesses in Inver Grove Heights.

Motion by Bartholomew, second by Hark, to approve the Consent Agenda Items B through F, H through O and Q on the Consent Agenda

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT: There were no public comments.

6. PUBLIC HEARINGS: There were no public hearings.

7. REGULAR AGENDA:

I. COMMUNITY DEVELOPMENT:

A. FRANK RAUSCHNOT SR.; Consider the following resolutions for property located at 6751 Cahill Avenue: a) A Conditional Use Permit to allow expansion of a non-conforming structure up to 30% gross square feet Resolution 17-204 b) A Variance to exceed a 30% expansion of a non-conforming structure Resolution 17-205

Community Development Director Link presented the item to the council. He stated the property is located on the west side of Cahill just north of 70th. He showed the house on a map. The proposal is to add an attached garage and a mud room to an existing house. The property is zoned B-1 commercial and this is a residential use. The zoning was created in 1965. The house proceeded the zoning ordinance. It is a legal noncomplying structure. The zoning code allows for the expansion up to 30% with a conditional use permit and by a variance to exceed the 30%. This is why there are two requests. It is consistent and compatible with the surrounding uses. Mr. Link stated that the proposal meets the criteria for the Conditional Use Permit, variance and non-conforming uses. The Planning Staff and the Planning Commission unanimously recommends approval of the request.

Jim Rauschnot, 8602 Birch Court was present.

Councilmember Hark said there are conditions attached to this request and wanted to make sure the applicant understood the conditions.

Mr. Rauschnot asked what the conditions were. Councilmember Hark said they are in the resolutions - such as it will be developed in conformance with the site plan, any future additions or expansions will require additional approvals, the grading and erosion control will need to be approved by the City Engineer before issuance of the building permit, along with other boiler plate language.

Motion by Piekarski Krech second by Perry to Approve Resolution 17-204 for property located at 6751 Cahill Avenue: a) A Conditional Use Permit to allow expansion of a non-conforming structure up to 30% gross square feet b) Approve Resolution 17-205 for a Variance to exceed a 30% expansion of a non-conforming structure

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Ayes: 5

Nays: 0 Motion carried.

B. WASATCH STORAGE; Consider the following resolutions for property located south of 50th Street, east of Hwy 52 and north of I-494:

a) A Resolution relating to a Conditional Use Permit to allow a mini-storage facility with outdoor vehicle storage Resolution 17-206. b) A Resolution relating to a Variance from the minimum landscaping requirements Resolution 17-207

Community Development Director Link introduced the item. He stated this requires a 4th/5th vote by the Council. The property is located on the northwest corner of 494 and Blaine Avenue. He showed a map of the property. What is being proposed is a mini-storage facility with outdoor storage. The proposal is for an 11,000-square foot building on the north side of the property, a two-story 88,000 square foot building on the south side with open storage in the middle of the two buildings. The property is zoned B-3, General Business. The property has two billboards on it one in the southeast and one in the southwest. The proposal is consistent with the Comprehensive Plan. The plan envisions commercial uses here. He stated it is also consistent with the Zoning Ordinance and meets the criteria for a Conditional Use Permit, meets the site plan requirements, and meets the setback requirements.

Mr. Link stated the landscaping is in question, hence the request for a variance. The Planning Commission, at a neighbor's request, added additional landscaping for the north side, which the applicant has complied with. He stated previously there were 12 pieces of landscaping on the north side and it was expanded to 15 trees and eight of those trees are coniferous. The landscape is now consistent with the Planning Commission recommendation. The other issue is the landscaping on the south side of the building along 494. The Zoning Ordinance requires 100 trees (a combination of trees or shrubs). The applicant is proposing 74 plantings including a series of shrubs. Staff is asking for 80 trees including ornamental trees to break up the long 400-foot building. He stated the Planning Commission and Staff are recommending approval of the request.

Councilmember Piekarski Krech asked about the space between the trees and if there is enough room between the trees so the trees mature. Mr. Link responded that the spacing of the plantings is being looked at. This is one of the reasons the developer is asking for the variance. He does not believe there is enough land on the property to meet the landscaping requirements of the code. There is a combination of factors such as the billboard easements, the two storm water ponds and difficult topography.

Mayor Tourville suggested that staff and the developer work on the spacing of the trees and shrubs.

Mr. Link stated that what needs to be discussed by Council - should there be ornamental trees or shrubs on the south side of the property? Councilmember Piekarski Krech suggested that a professional landscaper develop a plan so that the trees or shrubs would survive on the property. Mr. Link stated that the question is - does the Council want ornamental trees – which is what staff is recommending (so it would break up the large building) or the shrubbery that the developer is suggesting. The developer is concerned about the visibility of the billboards.

Councilmember Perry asked if a traffic study was ever done at the intersection. Mr. Link stated that one has not been done that he is aware of. She suggested that a study be done because stops signs should be added to Blaine Avenue. There are a lot of walkers in the area and it is unsafe.

Applicant Scott Wychoth, Wasatch Partners, stated there are a couple of constraints on the property. One is the detention ponds already have existing trees. He showed the design that included the 74 trees. A landscape architect has drawn up a plan that would be appropriate for the area. The number of required trees would not fit if appropriately spaced for survival and that is why we are asking for the variance. We also cannot plant trees that would obstruct the views of the billboards. That was our objection to the ornamental trees along 494. Included is a dense number of shrubs to make up for the lack of ornamental trees to accommodate for the requirements. We also want people to be able to see the building. We agree with all of staff's recommendations except the planting of the 23 ornamental trees on the south side. The Planning Commission agreed with us when it was discussed. We added eight coniferous trees that the neighbors suggested.

Councilmember Piekarski Krech said she is willing to accept the plan with the 74 trees as the plan was done by a landscape architect. It seems reasonable. They added extra things for the neighbors.

Councilmember Bartholomew stated he is in agreement. The plan has been designed by a professional. It will work on the site even though it does not meet the exact code.

Mayor Tourville said that stop signs need to be looked at, but they do not always make the streets safer.

Public Work Director Thureen said Blaine is the primary, higher volume street. Before any changes are made a study would need to be done. Councilmember Perry stated the curve by the town houses are a concern and would like to see a study done. Thureen stated stop signs are not used to control speed and that is why studies are done.

Mr. Wychoth stated that the proposed mini-storage has a low traffic impact.

Councilmember Piekarski Krech asked how much outdoor storage would be there? Mr. Wychoth responded 17 vehicle spaces and they would be screened.

David Langer with Langer Real Estate Services, stated he is marketing the property adjacent to the site on 50th Street. Direct neighbors are not opposed to the project. The bigger issue for the adjacent site is - it is being marketed as an office zoning use/office park and building an office park would bring up a traffic issues. He also discussed the billboard locations and the zoning of the properties. Mr. Link stated the billboards are non-conforming and were built before the zoning regulations. It is believed that the billboards could not be moved. He stated the south side of the proposed building has the greatest elevation, lower story trees will not do much to break up the building. It was suggested that Mr. Langer attend the comprehensive planning meetings that are currently being held if he is interested in getting the zoning changed on the adjacent property.

Shannon Bagon, 4923 Bisset Lane, asked if her letter was submitted through Associate Planner Botten. She said pine trees should be a part of the landscaping plans on the north side because that is what is currently on the property. She has pine trees in her yard. It would fit in perfectly.

Dave Mrozinski, 2412 50th Street, is on the west side of the development. He discussed the traffic and stated it is bad and that a traffic study should be done. He stated that planting pine trees on the north side of the property could be a problem because that is where the power lines are located. There can't be large trees on the north side. The other property available should not be office park. Mayor Tourville stated that the zoning can be reevaluated during the comprehensive plan process.

Mr. Link stated that the resolution has a condition that talks about site plans and that references the landscape plan. He showed the landscape plan that references 15 trees along the north side of the property (along 50th Street) and eight of those are coniferous trees. If the Council were to approve it now as it stands, that would be the landscaping that would go in along the north side of the property. Councilmember Piekarski Krech asked where the conifer trees were located. Mr. Link pointed them out on the plan.

Mr. Wychoth stated that the property line on the north side does have 4 conifer trees. He did ask the landscape architect to draw a plan that was consistent with the City of Inver Grove Heights requirements. The neighbors were talked to about the landscape plan. We then went back to the landscape architect to make the plan aesthetically appealing with a minimum of 60% coniferous trees. That is where the current landscaping plan came from to provide buffering and screening for the town houses.

Mayor Trouville asked what kind of fencing was being used. Mr. Wychoth stated that the fencing that would be visible from 50th Street is a black pinch picket aluminum fence, with a baked enamel, that is six

feet tall with a gate. The fencing that is not visible is a black, vinyl coated, chain link fence. He stated the fencing would go around the perimeter of the building.

Councilmember Bartholomew asked to see a map of the elevation of the north side of the property. He pointed out that there were eight coniferous trees and the balance would be leaf trees in that area and it looks like it is a good plan.

Councilmember Piekarski Krech asked if the landscape architect thought that all conifer trees in the front of the property wouldn't be aesthetically pleasing. Mr. Wychoth stated that was correct. The trees are for buffering for the neighbors. Councilmember Piekarski Krech asked if the trees would block the neighbor's windows (there are two with windows that face the site). Mr. Wychoth stated that is what the landscaping plan is trying to do.

Mr. Kuntz, City Attorney, asked if the billboard owner approved the site plan. Mr. Wychoth stated yes and said there was an amendment to the billboard easement for the storage site plan and the plan is consistent with the amendment.

Councilmember Piekarski Krech said on the point of the trees she would like to see that coniferous trees be planted across from Ms. Bagon's property and the other town houses that directly face the development.

Motion by Piekarski Krech second by Bartholomew to approve a) Resolution 17-206 for a Conditional Use Permit to allow a mini-storage facility with outdoor vehicle storage. b) Resolution 17-207 relating to a Variance from the minimum landscaping requirements – with the applicant site plan, and not the extra trees, Councilmember Bartholomew added with the focus on putting in the coniferous trees where they would be an advantage to the town homes.

Mayor Tourville said staff, the applicant, and the town home owners could work together for the planting of the evergreen trees by the town homes.

Mr. Link asked for clarification- that along the northside there would be a mixture of coniferous and deciduous trees as recommended by the applicant and the coniferous would be planted directly across from the town homes that face most directly onto the site. It was confirmed that that was correct.

Mayor Tourville identified an email was accepted from Carol Stokey, regarding the landscaping plan and it will be added to the file and record.

Motion by Piekarski Krech second by Bartholomew to approve a) Resolution 17-206 for a Conditional Use Permit to allow a mini-storage facility with outdoor vehicle storage. b) Resolution 17-207 relating to a Variance from the minimum landscaping requirements – with the applicant site plan, and not the extra trees, Councilmember Bartholomew added with the focus on putting in the coniferous trees where they would be an advantage to the town homes. Council Piekarski Krech added to accept an email that was received into the record from Carol Stokey

Ayes: 5

Nays: 0 Motion carried.

C. WIDSETH SMITH NOLTING (River Heights Vineyard Church); Consider a Resolution relating to a Major Site Plan review and related improvement agreements to construct a building addition on property located at 6070 Cahill Avenue.

Mr. Link introduced the item and stated the property is on the east side of Cahill. He showed a map of the area. The proposal is to construct an addition onto the River Heights Vineyard Church. It is a two-story building with 10,000 square feet. The addition extends west towards Cahill Avenue. Council granted a

variance a couple of months ago to allow for a setback of 50 feet and the addition is consistent with the recently granted variance. It meets all other setback requirements. It conforms to the maximum lot coverage, building floor ratio, and has sufficient parking. Planning Staff and the Planning Commission recommends approval of the request. There is a need for one minor change to the improvement agreement.

Mr. Kuntz stated the improvement agreement is a list of various improvements and a conditions or date in which they need to be completed. In 2016, the church came before Council for a site plan approval and a storm facilities agreement. As part of that action, the parking lot identified on the sketch to the north was part of the storm facilities plan and other storm water improvements. In the improvement agreement in exhibit C and D there is the requirement that the parking lot and the 2016 storm water improvements be completed either by December 31, 2018, or before a certificate of occupancy is issued for the building. The church came forward this past week and indicated that tying the completion of the parking lot and the storm water facilities to a certificate of occupancy for the new church expansion would not work. They are hoping to sell the land to the north and then tie their parking lot on the church grounds to a new use to the north. They do not want to pave the parking lot twice. They brought their concerns to the Planning Commission and Engineering (Alan Hunting and Tom Kaldunski) and they have agreed to remove the condition that the parking lot be done before the certificate of occupancy be removed but keep the December 31, 2018, completion date. There would be a definite date in which it would have to be completed. They want to move into the church before the parking lot is done. It would be the same for the storm water facilities improvements that the completed work not be tied to the certificate of occupancy but to the completion date of December 31, 2018.

The plan for selling the property to the north is dependent on some funding mechanism that is being put together. There may be the possibility that they won't have construction done on the northern site until 2019. Both the Planning Staff and Engineering have made it known to the developer that if they have plans for the north property they would be willing to set a completion date for the work.

Mr. Link stated the Planning Commission and Planning staff recommends approval with the change pertaining to the completion date.

Peter Benedict, Pastor of River Heights Vineyard Church, stated he is excited about the expansion. They are trying to sell the northern property to a developer, it would require major regrading of the parking lot and there would be a shared agreement for the parking lot. He is hoping to avoid repaving the parking lot twice.

Motion by Bartholomew second by Piekarski Krech to approve Resolution 17-208 relating to a Major Site Plan review and related improvement agreements, with changes, to construct a building addition on property located at 6070 Cahill Avenue.

Ayes: 5

Nays: 0 Motion carried.

II. ADMINISTRATION:

D. CITY OF INVER GROVE HEIGHTS; Request for Name Change of Hornbean Lake to Hornbeam Lake

Mr. Kuntz stated there is a body of water on the border between Sunfish Lake and Inver Grove Heights, technically known as basin 19-47. He stated on the records of the DNR (which is the official keeper of the names of bodies of water) the lake is spelled Hornbean but the name of the lake was intended to be Hornbeam and it has been named that way in ordinances and other official documents. The belief is that the name was intended to be Hornbeam to identify the Hornbeam trees by the lake. Somehow the name was changed to Hornbean. A group of citizens petitioned the county to change the name. A hearing is coming up before the county board at the end of October. The city needs to make their position known at

or before October 31, 2017. The City of Sunfish Lake passed a resolution supporting the name change of the lake.

Motion by Hark second by Perry Approval of Resolution No. 17-209 for the Name Change of Hornbean Lake to Hornbeam Lake

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

Mayor Tourville stated that the Police Chief update meeting is Wednesday, October 25, 2017, at 6:00 pm.

9. ADJOURN:

Motion by Perry second by Hark to adjourn. The meeting was adjourned by a unanimous vote at 8:08pm.