

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JANUARY 23, 2023 - 6:00 P.M. - 8150 BARBARA AVENUE**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, January 23, 2023, in person. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited by Boy Scout Troop #507 from Inver Grove Heights.

2. ROLL CALL:

Present In-Person: Mayor Dietrich, Council Members: Murphy, Gliva, T’Kach, Scales; City Administrator Wilson, City Clerk Kiernan, City Engineer Merchlewicz, Information Technology Manager Gade, Communications Manager Looze, Parks and Recreation Director Lares, Public Works Director Connolly, Finance Director Hove, Community Development Director Rand
Present Remotely: City Attorney McCauley Nason

3. PRESENTATIONS:

4. CONSENT AGENDA:

- A.** Minutes of the December 5, 2022 City Council Special Meeting
- B.** Approval of Disbursements. **Resolution 2023-012**
- C.** Personnel Actions
- D.** Joint Powers Agreement for the Pharmaceutical Drug Disposal Program
- E.** Authorization to Apply for Federal Assistance to Firefighters Grant. **Resolution 2023-13**
- F. Resolution 2023-014** Accepting \$15,000 Donation for Veteran's Memorial Community Center
- G.** Scheduling a Public Hearing for the 117th Street Reconstruction Project (City Project No. 2016-17). **Resolution 2023-015**
- H.** Approval of Final Plans and Specifications and Authorize Advertisement for Bids for City Project Nos. 2022-09 I, J and L. **Resolution 2023-016**
- I.** Approve Delegated Contracting Process Agreement with MnDOT. **Resolution 2023-017**
- J.** Contract with Consolidated Communications, Inc. for SIP PRI Phone Service
- K.** Final Closeout of City Project No. 2022-05 – Pool Filter Replacement Project. **Resolution 2023-018**
- L. Resolution 2023-019** Amending 2023 Budget for Administration and Finance Departments
- M.** Authorization to Enter into 2023-2024 Labor Agreement with AFSCME, Local 1065
- N.** 2023 Legislative Positions & Priorities

Motion by T’Kach, second by Scales, to approve the Consent Agenda as presented.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

6. REGULAR BUSINESS:

A. Rental Housing Licenses

Community Development Director Heather Rand presented Rental Housing Licenses for approval. The applications have been reviewed by the community development department and the police department. Everything was found to be in order. Staff recommends approval of the following:

- 7075 Cleve Ave E - Leah Frenning
- 7928 Barbara Ave - Leah Frenning

- 8744 Callahan Trl- Leah Frenning
- 7463 Dickman Trl - John & Cassie Stiles
- 8857 Brunswick Path - Lucia Juenemann
- 8821 Brunell Way - Richard Larson

Councilmember Murphy mentioned three of the license requests have the same name listed. He asked if it was an individual or a company.

Community Development Director Rand replied she did not have that information with her. She would look up the information and contact him.

Motion by Scales, second by Murphy, to approve the Rental Housing Licenses as presented.

Ayes: 5

Nays: 0 Motion carried.

B. Ordinance Amending and Extending Existing Interim Ordinance Prohibiting the Establishment of New Uses or the Expansion of Existing Uses Related to the Sale, Testing, Manufacturing, and Distribution of THC Products (Edible Cannabinoid Products). Resolution 2023-020

City Attorney Bridget McCauley Nason presented the following background information:

- Edible cannabinoid products were made legal by the legislature at the last legislative session.
- In 2022 the Minnesota Legislature legalized certain edible cannabinoid products.
 - In response to this action, the city adopted a 6-month moratorium in August 2022.
 - The purpose of the moratorium was to provide staff the time to study the issue and prepare a draft licensing ordinance and any zoning ordinance amendments that the Council may wish to consider responding to new legalized products related to retailers selling THC products.
- A city licensing ordinance was drafted and introduced for a First Reading in November 2022.
- The Second Reading of the ordinance took place on January 9, 2023.
- In the 2023 Legislative Session the legislature introduced a House File and a Senate File, which would address, legislate, and regulate edible cannabinoid products but would also legalize adult use recreational marijuana.
- The proposed legislation includes a state wide licensing structure and limited local control.
 - Due to this change, the Council directed staff at the last City Council meeting to prepare an extension of the existing moratorium. This provided enough time for the city to wait and see what the legislature does this year with respect to edible cannabinoid products and make any suggested city ordinance revisions in light of any future changes to state law.

Requested Council Action:

- Draft Ordinance that would amend and extend the existing interim ordinance to August 2023.
- Summary publication resolution authorizing the summary publication of the ordinance instead of publishing the ordinance in its entirety.

The Council is requested to take the following three actions:

1. Consider a motion to suspend the three-reading requirement for all ordinances.
 - Requires unanimous vote of the City Council
 - If passes, would allow the adoption of Ordinance 1443 in one reading
2. Consider approval of Ordinance 1443 which would amend and extend the existing interim ordinance through August 2023.
 - Requires a majority vote of the Council
3. Consider approval of the Summary Publication Resolution authorizing summary publication of Ordinance 1443.

- Requires a 4/5 vote of the Council

Mayor Dietrich requested clarification on taking Item 1 independently, if Items 2 & 3 could be passed in one motion, or if all needed to be independent.

City Attorney McCauley Nason replied Item #1 can be taken independently. Items 2 & 3 could be taken in one motion.

Councilmember T'Kach asked if suspending the three-reading requirement was only for Ordinance 1443.

City Attorney McCauley Nason replied that was correct.

Motion by Murphy, second by Gliva, to suspend the three-reading requirement for all ordinances and adopt Ordinance 1443 in one reading.

Ayes: 5

Nays: 0 Motion carried.

Motion by Gliva, second by Scales, to approve Ordinance 1443 which would amend and extend the existing interim ordinance through August 2023 and approve the Summary Publication Resolution 2023-020 authorizing the summary publication of Ordinance 1443.

Ayes: 5

Nays: 0 Motion carried.

C. Appointment of Resident Representative to NDC4 Cable Commission

City Administrator Kris Wilson stated this item has returned after making appointments for Councilmembers to serve as representatives on various commissions. There was an opportunity to fill a resident seat on the NDC4 Cable Commission (Northern Dakota County Cable Commission). This is a joint powers association of seven cities in northern Dakota County that join together to negotiate a cable franchise and operate government and public access television channels. Each city has one elected official and one resident representative on the board. The Council appointed Councilmember T'Kach to be the elected representative and asked staff to advertise the opportunity for a resident representative and see who might be interested. This was advertised through the city website and social media from January 6th through the 19th. Three letters of interest were received and provided to Council via email on Friday. The three individuals expressing interest in being appointed are:

George Tourville, Incumbent appointee

Regina Barr

Greg Doyle

Next steps would be Council discussion and then a motion to appoint a person to fill the seat. The term is not set in stone. She mentioned after speaking with the Executive Director of NDC4 it was stated people were typically appointed to a 2-year term. The Council can determine a different term length.

Councilmember T'Kach was glad the position was opened to residents to be able to receive additional input. She said that she would generally look at an incumbent having been in the position for quite some time and think it may be time for new people. Having looked at the three resumes received; she believes that George Tourville would serve the interest of the city the best. He was very well versed in what the issues of the board were. She said it would help her bridge the gap with the learning curve.

Councilmember Gliva believed that continuity in a position like this adds value. She liked when new members of the community step forward. There were two other candidates that would do well in the

position given their backgrounds. She said she was leaning toward Regina Barr given her prior board work and the local community television work she has done.

Councilmember Murphy mentioned that Mr. Tourville has a lot of experience. Given the growing community, he thought it was best to get new people involved when having the opportunity. He said this was put out for a possible change, that is where he was leaning.

Councilmember Scales shared that he would also lean towards someone new. He said he would back Regina Barr with her experience.

Mayor Dietrich stated by way of transparency and diversity, it was important to welcome the two new applicants who applied. She would support either of the new applicants.

**Motion by T’Kach to appoint George Tourville to the NDC4 Cable Commission.
Motion fails for lack of a second.**

City Attorney McCauley Nason stated because there was a motion with no second made, the motion fails for lack of a second. A new motion may be made.

Motion by Gliva, second by Scales, to appoint Regina Barr to the NDC4 Cable Commission.

Ayes: 4

Nays: 1 (T’Kach) Motion carried.

D. Approval of Community Recognition Coin

City Administrator Wilson stated this item was discussed by the Council at the December 12th City Council meeting. This proposal would be to have a more formal way of recognizing people who make remarkable contributions to the community. A written form for occasions was requested to be brought back to the Council for approval of the expenditure. She shared that Councilmember Murphy has been a leading champion of this idea.

Councilmember Murphy stated this has been a long process with a lot of people providing input. He believes this helps build the culture of the city. There would be a formalized way of recognizing those in the community that have given back; such as kids who listen to instructions from the police and fire departments on what to do in an emergency. He was looking for a way to recognize that in the community. He thanked everyone for their input; he is excited to have the opportunity.

Mayor Dietrich thanked both Councilmember Murphy and Communications Director Amy Looze for working so hard on this.

Motion by Scales, second by Gliva, to approve the ordering of the City Branded Recognition Coin.

Councilmember T’Kach mentioned this was a great program that could build a lot of community engagement. She wanted to make sure to have a program that would continue to evolve and be represented in the city as decisions are made. She said she was unclear if staff was recommending people or if anyone could recommend anyone in the city. She suggested creating parameters and framework. She wanted the recognition piece to reflect the community. She said it was mentioned the coin itself was nickel plated. She commented that nickel has environmental issues associated with it.

She recommends looking at that as a GreenStep City. She shared that she has assurances from staff that it would be looked at. She asked Councilmember Murphy if he would be open as well.

Councilmember Murphy replied that he had made his comments.

Ayes: 5

Nays: 0 Motion carried.

E. Discussion of Planning Commission Vacancy

Mayor Dietrich stated Councilmember Scales was elected to the City Council, there is now a Planning Commission vacancy.

City Administrator Wilson agreed, stating by City Code there is currently a nine-member Commission. They are currently working with eight people. The appointment process typically runs in the spring with the Council accepting applications from late March through early May and interviewing candidates in mid-May for terms that begin June 1st. For Council consideration:

- Decide if making the appointment to fill the vacancy prior to June 1st.
- If not, follow the normal process and fill the seat along with any others that are coming open for appointment through the typical process.
- If wanting to fill the seat in a faster timeframe:
 - Staff can provide Council the applications for those that applied to be on the Planning Commission last year and were not selected. A number of well qualified candidates were interviewed.
 - Direct staff to re-advertise for a couple of weeks and receive additional applicants.
 - There is no formal process that must be followed.

Councilmember Murphy questioned if they need to stay at nine members as stated by Code.

City Administrator Wilson replied the Council could choose to amend the City Code and change the number of members on the Planning Commission. She said the city isn't alone in having nine members but is on the larger side; 5-7 members is fairly common. If the Council wanted to make that change it would be an ordinance amendment.

Councilmember Scales mentioned that he was on the Planning Commission for a long time. He valued the nine members, there were disagreements but he learned a lot. Having the nine voices helped point him in right direction. He prefers the opinions and walked away with very different ideas than what he came with. He was unsure of what the gain would be in going to a lesser number. He said he didn't really have an option about whether it should be filled immediately or to wait for its timeframe. He felt there was value in keeping it at nine. He did not see it as a savings or value to the city to have less citizens involved in the process; the more citizens involved, the better we are.

Mayor Dietrich referenced Councilmember Scales years of service on the Planning Commission and asked if all seats were filled, how many people were absent, and if they were usually utilizing nine seats.

Councilmember Scales replied someone was usually gone at some point. He said he was there for 15 years and most of that time there was full membership.

Councilmember T'Kach stated everything said by Councilmember Scales resonated with her. She felt they need as many diverse opinions as they can get on that Commission. She has served in the past, there were common ideas across the Commission. She said the more that can be done in the community to engage people, the better. She supports keeping the Commission at nine members.

Councilmember T'Kach asked if staff has spoken with past applicants to see if they were still interested or available. She was open to filling or not filling the vacancy.

City Administrator Wilson replied she has not. That would be her first step tomorrow if that was what Council chose.

Councilmember Murphy said he made a few phone calls about this topic. He mentioned he could go either way on the decision. He said there was a lack of historical data but found since 2019 the average term for Commissioners was 3 years. It was noted in 2018 there were two changes, 2019 had two changes, 2020 one change, and in 2022 there was one. There was little change from 2003 to 2013. He has heard that it doesn't change that often even though it's a bigger Commission. He said people feel that a smaller number could accomplish the same thing and may be easier on developers and staff. He has also heard that the Planning Commission has a longer tenure than the Council. He shared that South St. Paul, Mendota Heights, Rosemount, Eagan, Apple Valley, and Lakeville all have seven members and Burnsville has five. He felt discussion was needed considering there is less land in town to be developed. He questioned if this was more about term limits at a Council and Commission level rather than the number of people.

Councilmember Gliva suggested notifying the public if there is an open seat. That provides full transparency. She agreed with contacting those that have applied in the past. She did not believe there was too much harm in waiting until May.

Mayor Dietrich questioned how to check this further in regard to the bylaws and a possible change.

City Administrator Wilson replied the Council has the discretion to determine term limits. She was unsure if that was done by ordinance or policy. Other cities she had worked for had term limits for Commission Members to generate the opportunity for different voices. The Council does not have discretion establishing the term limits for Council. The State of Minnesota does not allow that to take place for a statutory city. If Council was interested in term limits for Commissions, staff could bring information forward.

City Attorney McCauley Nason stated there are three, three-year terms for Planning Commission members. Every three years, three terms expire. If Council was thinking of moving forward with a plan to reduce the number of Planning Commission members, it would be beneficial to determine that before the expiration of the next term of three. Additional Code amendments would be made. For example: moving to a seven-member Planning Commission. As terms expire the positions would be eliminated and filled based on seven members instead of nine.

Mayor Dietrich questioned if there would be time to do term limits before appointing Commissions in the spring.

City Attorney McCauley Nason replied there should be time before the May process.

Councilmember Scales said he finds the issue of term limits disingenuous because they do not need anyone to tell them that they are not going to appoint somebody. He said if he wasn't willing to put term limits on himself he was unsure why he would put them on someone else. With his experience on the Planning Commission, he felt there was always a good mix of people coming on and people who had been there a long time. That helped with having the history. He said he grew up in Inver Grove Heights and found that background valuable. Those that are new to the city and go onto the Commission had a fresh perspective that was valuable to him. Putting the two together is where he thought growth came from. He said there has been a lot of change in the Council in the last couple of years. Citizens are looking for more involvement and can see the city turning and getting better. He likes the idea of getting as many people involved as they can. He suggested discussing the number on Commissions in a couple of years. He shared that as he was walking around campaigning, he heard a lot of people say they didn't feel the city was listening to them. Now it is feeling like the city is starting to

listen. He commented that he didn't want to do anything that makes anyone feel they are limiting resident participation in the city.

Councilmember Murphy suggested filling the seat and having further discussion about the size of the Commission sometime this year. He was unsure of his decision with the timeline be it now or in the spring.

Councilmember T'Kach shared she would like to ask staff to go back to the applicant pool we have. She felt that method would be faster. They could choose from those unless there was a reason why they should not.

Councilmember Gliva asked how appointing someone works with the term limit.

Councilmember Scales replied in the past they finished out the remaining term.

City Administrator Wilson said from her records, Planning Commissioner Scales was scheduled to serve a term through the end of May 2024. There are approximately 16 months left on that term. If filling at the February meeting, they would serve the remaining term of 15-16 months. If holding off and appointing during the normal cycle, they would serve a one-year term.

She mentioned there were eight applicants for the Planning Commission last spring, three appointments were made leaving five potential candidates for consideration.

Councilmember Murphy said he did not have any issues using the current pool if the Council wanted to fill immediately.

Councilmember Scales suggested filling the position because it was a shorter term.

Motion by T'Kach, second by Murphy, to go to the existing Planning Commission applicant pool and appointing someone as soon as practical.

Ayes: 4

Nays: 1 (Gliva) Motion carried.

7. PUBLIC COMMENT:

Joe Atkins, 2463 78th Street, said he wanted to take the time to congratulate Mayor Dietrich and Councilmembers T'Kach and Scales. He thanked Councilmember's Murphy and Gliva for their continued service. He said if there were any County issues, he welcomes the input.

He thanked staff, Police Chief Chiodo, and Fire Chief Thill. He said often people don't know who to contact about things taking place in the city and contact him. He reaches out to staff to determine how to respond. He said that response reflects well on the city and the Council.

Mayor Dietrich thanked Mr. Atkins for serving and congratulated him on his re-election.

Joan Robertson, 8153 Cleadis Avenue, mentioned she has been in the city for 35 years. She thanked the Council for taking the time to consider the vacant seat on the Planning Commission. She was happy with the result and would have been happy if the Council had chosen to do it differently. She was pleased to hear there were eight applicants for the Planning Commission. That tells them there are people in the city who really care and wish to be a part of the planning, study, considering, and advising of the City Council. She said the culture of the Planning Commission has been one of real engagement; they take their roles seriously. Potential new people will soon understand that is an important part of the task. She believes strongly in increasing and maintaining opportunities for

representation. She said the goal should be honoring people who have said they were really interested and to not lose representation in the process.

Mayor Dietrich thanked Ms. Robertson for serving on the Planning Commission.

8. MAYOR AND COUNCIL COMMENTS:

Mayor Dietrich discussed the Police Departments annual survey that is open until next Tuesday, January 31st. Anyone who lives, works, and visits the city are encouraged to take the survey. The survey can be found at: ighmn.gov/police. Feedback received will be used by the police department to develop and refine its annual police strategies and priorities when it comes to crime, traffic, and quality of life issues in the community. The survey is anonymous and takes five minutes to complete.

9. ADJOURN:

Motion by Scales, second by Murphy, to adjourn the meeting at 6:52 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek