

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, FEBRUARY 27, 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, February 27, 2023, in person. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

Mayor Dietrich requested Acting Mayor Murphy serve as the presiding Officer for the meeting due to her attending remotely via Zoom.

2. ROLL CALL:

Present In-Person: Acting Mayor Murphy; Council Members: T’Kach, Scales; City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, Public Works Director Connolly, Community Development Director Rand, Finance Director Hove, Parks and Recreation Director Lares, Operations and Maintenance Supervisor Stier, City Engineer Merchlewicz, Recreation Superintendent Dorshak

Present via Zoom Video Conferencing: Mayor Dietrich

Absent: Councilmember Gliva (excused)

3. PRESENTATIONS:

4. CONSENT AGENDA:

A. Approve minutes from the January 23, 2023 City Council meeting

B. Approve minutes from the February 2, 2023 City Council Retreat

C. Approve minutes from the February 6, 2023 City Council Work Session

D. Approval of Disbursements. **Resolution 2023-036**

E. Personnel Actions

F. Resolution 2023-037 Approving Dakota County Service Agreement for Right of Way Permitting Software

G. Approve Creation of New Public Safety Small Equipment Fund, Authorize Transfer to the Fund and Adoption of 2023 Fund Budget. **Resolution 2023-038**

H. Resolution 2023-039 Approving 2022 Budget Carryovers

I. Resolution 2023-040 Adopting Written Findings of Fact Regarding Denial of Application for Comprehensive Plan Amendment

J. Resolution 2023-041 to Approve 2022 Budget Adjustment for Fire Class A Uniform Purchases

K. Resolution 2023-042 Accepting Contract Work and Approving Final Contractor Payment for City Project No. 2022-09E, 2022-09F, and 2022-09G

L. Resolution 2023-043 Accepting Contract Work and Approving Final Contractor Payment for City Project No. 2022-09K

M. Resolution 2023-044 Approving Joint Powers Agreement between Dakota County and the City of Inver Grove Heights for Emergency Management Services

N. Resolution 2023-045 Approving Participation in EV Smart and Submittal of Letter of Commitment

O. Resolution 2023-046 Accepting \$2,000 in Donations for Fire & Police Departments

P. Letter of Support for Dakota County Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application.

Q. Authorization to Enter into 2023-2025 Labor Agreement with Law Enforcement Labor Services, Local 84

City Administrator Kris Wilson requested pulling Agenda Item 4E. Personnel Actions, for an update.

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Motion by T’Kach, second by Scales, to approve the Consent Agenda with exception to Agenda Item 4E.

Ayes: 4

Nays: 0 Motion carried.

Agenda Item 4E. Personnel Actions

City Administrator Wilson provided an update to the list of those being approved for full time employment. Two individuals have been selected and added to the full time Firefighter positions:

- Robert Christenson
- Roger Ledoux

Both would be filling positions vacant by recent resignations. They have completed all required pre-employment screenings and background checks. Staff requests their hiring be approved along with the remainder of items listed in the Personnel Actions report.

Motion by Scales, second by T’Kach, to approve Agenda Item 4E. Personnel Actions, along with the two positions as stated.

Ayes: 4

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. 2023 Liquor License Renewal for Speedway #4548 and Approval of New Manager

City Clerk Rebecca Kiernan presented the 2023 liquor license renewal for Speedway #4548 and the approval of a new manager. The Speedway store #4548 located at 5728 Bishop Avenue has completed and submitted their liquor license renewal for 2023. There is a new operating manager, David Gilroy, who has paid the appropriate background and renewal fees. Mr. Gilroy went through a full background investigation, the city has received his personal history statement, and he was approved by the police department. Staff recommends approval of the liquor license renewal and the new manager.

The Public Hearing was closed.

Motion by Scales, second by T’Kach, to approve the 2023 Liquor License Renewal for Speedway #4548 and the approval of the new Manager, David Gilroy.

Ayes: 4

Nays: 0 Motion carried.

B. Public Hearing for 117th Street Reconstruction (City Project 2016-17) and Consider Resolution Accepting the Feasibility Report and Ordering the Project. Resolution 2023-047

Public Works Director Brian Connolly mentioned there were members of the design firm consulting team and Dakota County present to address any technical questions. The following was presented on the 117th Street Reconstruction project:

Project Overview:

- 117th Street is an essential transportation corridor located in the southeast portion of the city.
 - Serving residents, commuters, and commercial traffic.
- Serves one of the largest hubs of industrial activity in the State with key access to Trunk Hwy 52.
- There are two landfills along 117th Street. Includes Flint Hills Resources (largest refinery in the upper Midwest) and several trucking and logistical firms.

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- 117th Street was originally constructed in 1960.
- Interchange with Highway 52 was constructed in 2004.
- 117th Street is identified as a future corridor for County Road 32 or Cliff Road extension to Highway 52.
- At the time of completion and upgrade of the roadway, would convert from a city street to a turnback to a county road.

Project Background:

- August 2002: Cliff Road Extension Study undertaken by Dakota County
- 2002-2004: Construction of the interchange with Highway 52 and 117th Street
- August 2016: Pine Bend Arterial Study was undertaken by Dakota County as a joint study along with the City of Rosemount to look at county road alignments, configurations, and future needs in the southern portion of Inver Grove Heights and the northeastern portion of Rosemount
- September 2020: City applied for a Minnesota Highway Freight Program Grant. (Grant was awarded/received in the amount of):
 - \$8 million dollars in February 2021
- February 8, 2021: Entered into a Joint Powers Agreement (JPA) with Dakota County for the Preliminary Design of 117th Street
- April 12, 2021: Approved a contract for preliminary design engineering with SRF
- April 2021 to January 2023: Three (3) public Open Houses were held
 - Other meetings were held with property owners and other stakeholders
- February 27, 2023: The completion of the preliminary design stage. Requesting a public hearing be held to discuss the merits of advancing the project to final design

Project Schedule:

- Hold public hearing, receive feasibility report, and order project: February 27, 2023
- Bring forward final design, JPA with the County, and approve final design services: March 27/early April, 2023
- Final design, advanced utility relocation, and Right of Way (ROW) acquisition: Summer/Fall 2023
- Authorize bids for the project: Late Winter 2024
- Award/Approve contract for construction: Early Summer 2024
- Construction: Fall 2024 through Fall 2026 (2 full construction seasons)
- Assessment Hearing: September 2026

Key Design Objectives:

- Enhance transportation efficiency and mobility throughout the corridor
 - Currently a two-lane rural roadway, a lot of truck traffic, no turn lanes, safety concerns
- Improve roadway safety and business access along 117th Street
- Project intends to support the phased development of an essential east-west transportation corridor
- At the completion of construction, turn the road back to Dakota County for ongoing maintenance responsibilities

Design priorities identified include:

- Installation of a 10-ton structural design strength standard (for heavier truck traffic)
- State Aid and Dakota County compliant design
- Managing access points along 117th Street is important for safety
- Adding adequate turn lanes where applicable
- Upgrading two existing at-grade railroad crossings to current safety standards

The City of Inver Grove Heights is leading project design efforts (Preliminary and Final Design). Dakota County leads Right of Way Acquisitions and Administration efforts.

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Existing Conditions:

- Railroad crossing without crossing arms (has lights)
- Truck traffic backs up at the entrance of Pine Bend Landfill
- No stormwater management or control for runoff from the roadway

Project Layout 1-4:

- 1. Rich Valley Boulevard:
 - Proposing to reconfigure the intersection at Rich Valley Boulevard and 117th Street
 - Traffic studies indicate this is where most of the traffic movement is from
 - Create a "T" intersection creating a stop condition
 - Stormwater management facilities are proposed at the lowest point in the corridor
- 2. East:
 - Access modifications:
 - Squaring up the Republic Services entrance with 117th Street
 - Aligned driveways. Allows for turn lanes and a median
- 3. Further East:
 - Modifications of access. Some are switching to right in/right out
 - Driveway to Flint Hills Resources (Administration Building)
 - Mill and Overlay on a section of roadway
- 4. Mill and Overlay extends across the bridge to the east end of the interchange where northbound on and off ramps for Highway 52 intersect with 117th Street

Typical Cross Sections:

- No turn lanes
- 14-foot drive lanes, 8-foot shoulders, boulevard
- One side has a trail on the north side of 117th Street

Public Utility Considerations - Watermain:

- 16" trunk watermain exists on all but 1,100 feet of the western end of 117th Street
 - Proposing to extend the watermain through the reconstruction area
 - Provides for an eventual looping of the watermain, timeline TBD
 - Funded through the Water Capital Connection Fund (Fund 511): \$395,000
 - Potential to recuperate costs in the future with extension and connection fees

Public Utility Considerations - Sanitary:

- Sanitary Sewer serves the Flint Hills Refinery Administration Building
- Does not exist along 117th Street
- Majority of the area is within the 2040 Municipal Urban Service Area (MUSA) boundary
- Landfill properties have indicated a desire for sanitary sewer to accommodate leachate runoff
 - Leachate: Liquid waste runoff at the bottom of a landfill
- Generates and collects up to 80,000 gallons of leachate per day (same amount of flow that 500 single family homes generate in a day)
- City completed an independent Sanitary Sewer Capacity Review. There is capacity to handle current and estimated future leachate volumes
- Approximate cost for sanitary sewer extension on 117th Street to serve the two landfill properties: \$2.3 million dollars
- Proposal would be to have the sanitary sewer costs be fully funded through special assessments to the benefitting properties
 - 2 Landfill properties
 - Current properties without direct service have previously paid trunk area charges, but have not had the sewer delivered to their site
- Key sanitary sewer challenges/questions to resolve:

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- Will the Metropolitan Council Environmental Services require additional treatment/pretreatment of leachate (example: PFAS removals)
- Is this still something the landfills want
- Is this something the city would want to proceed with doing
- Is it cost viable now versus what if pretreatment was needed in addition to other things that are not known yet
- Inclusion in the Feasibility Study:
 - Included in the feasibility study because it was originally added in the scope
 - MN Statute 429 indicates the scope of work cannot be increased after the feasibility study and public hearing are done
 - This is being added to the project knowing it could be pulled out later
 - If not placing in the feasibility study now and later determine it be added, would have to go through an entire feasibility and public hearing process
 - This could jeopardize the ability to cash in on some of the grant funding already received for this project
- Design Approach:
 - Work with each landfill to enter into a Memorandum of Understanding (or other similar agreement) to identify a date to make a determination on the sanitary sewer extension and ensure the city can be reimbursed for the cost of the design work
 - There are approximately \$75,000 in design costs
 - Working with landfills, stakeholders, and partners to ensure it is divvied up and understanding what the costs would be
 - Council would see this at some point soon for discussion and recommendation of approval

Feasibility Cost/Budget Estimates; all in total costs:

- Surface Improvements: \$16,056,044
- Street Improvements, Right of Way/Easements, Utility Relocation, Railroad Crossing Agreements
- Storm Sewer Improvements: \$4,600,073
- Sanitary Sewer Improvements: \$2,344,145
- Watermain Improvements: \$393,696
- Preliminary Design Costs (Incurred to date): \$774,000
 - Total: \$24,167,958

Feasibility Cost/Budget Estimates, Funding Sources:

- Minnesota Highway Freight Program Grant: \$8,000,000
- Dakota County Transportation Funds: \$9,934,324
- Water Capital - Connection Fund (Fund 511): \$393,696
- Pavement Management Fund (Fund 440): \$1,110,121
- Special Assessments approximate: \$4.7 million dollars
 - Street & Storm Assessments, Sanitary Sewer Trunk Area Assessments, Sanitary Sewer Lateral Assessments
- Total: \$24,167,958
 - 33% Grant Funding
 - 26% City Contribution
 - 41% County Contribution
- City Project Cost: \$6,233,634
 - 18% Pavement Management Fund (Fund 440)
 - 38% Street & Storm Assessments

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- 38% Sanitary Sewer Assessments
- 6% Water Capital Fund (Fund 511)

A Bonding bill was drafted and introduced last week in the amount of \$5 million dollars. If the bonding bill succeeds and is received, it covers the costs of:

- Pavement Management Fund, Capital Water Fund, and defrays Street and Storm Special Assessments.
- Work with Dakota County to see if costs could be leveraged to receive advanced funding from the County for some of the preliminary/private costs not eligible for bonding.
- Use excess bonding money to cover some of the County's costs on the construction side.
 - The County does have a separate bonding request
 - Make sure the city works with the county regarding the details of the final design JPA
- Not recommending covering the costs of sanitary sewer extension with the bonding money.
 - This is due to feedback from the Council and because in the past all sanitary sewer was extended to this area. There wasn't sanitary sewer serving the refinery and the businesses in the southern area (area south of Highway 52 and Concord Boulevard).
 - The costs to extend that was on the backs of all assessments had for all benefitting properties. This would be continued from a fairness and equity standpoint to continue to ensure those who were at the end of the line are also paying their fair share for the sanitary that was previously paid for by fellow property owners in this area of the city.

Special Assessments - Street:

- Assessment policy indicates 35% of street and storm costs are assessed to benefitting properties for reconstruction and up to 80% for mill and overlay.
 - Assessments are based on current road classification, collector street, and a 9-ton pavement design constructed to a 36' width. (This road is wider).
 - Assessments are based off constructing to an urban section of 36' width with a 9-ton road design.
 - All additional costs for oversizing (widening of the roadway over 36', medians, trail, 10-ton pavement design, utility relocation).
 - Most of the Right of Way costs are not included in the assessment calculations. Those are costs above and beyond that the city/county funds.
 - 35% is based on a 36' wide road if constructed at any other place in the city and would be a city street.
 - Assessments are based on a front footage basis. Only assessed for the portion of the front footage adjacent to the roadway being improved.
- There are 18 different parcels on the property: 10 business operations and 8 owners
- Total preliminary assessments for street/storm: \$2,384,677
 - Range from \$22,000 to \$1,060 per property owner

Special Assessments - Sanitary Sewer:

- Assessments per policy, 100% of the cost for sanitary sewer can be assessed to the benefitting property owners.
- Cost of sanitary improvements (some of the properties already have sanitary sewer and paid for them the first time around). \$2,345,000
 - Area assessments are set per City Code: \$5,418/acre totaling \$1,620,000 from 8 benefitting properties (called trunk assessments in the feasibility study)
 - Lateral assessments set by the assessment policy: \$349.73/acre totaling \$725,000 from 7 benefitting properties
- Preliminary sanitary sewer assessments range from \$17,350 (2.3-acre property) to \$1,617,000 (216-acre property, landfill)

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Ongoing Design Considerations and Concerns:

- Sanitary sewer extension
- Final driveway access configurations and locations (particularly for landfills)
- Concerns regarding reduced access
- Location, design, and need for multi-use trail facility
 - Staff is addressing concerns citizens may have about safety for the trail
- ROW & easement acquisition (extents, cost, private property impacts)
- Project partner agreements & logistical considerations

Public Works Director Connolly stated he was hoping to have the final design contract and a Joint Powers Agreement at the time of this Public Hearing; there was additional detail and information staff needed to pull together. The Memorandum of Understanding also includes access modifications.

Project Schedule:

- Hold Public Hearing, receive Feasibility Report, order project: February 27, 2023

Recommendations:

1. Receive public input documents
2. Hold Public Hearing
3. Staff recommends approval of a Resolution:
 - a. Receiving Feasibility Report
 - b. Ordering project to proceed to final design

Councilmember Scales asked what the reason was for using two construction seasons instead of one.

Public Works Director Connolly replied staff is trying to determine how to phase construction.

There are accesses that need to be maintained due to trucking and business operations. When having to maintain access to ingress/egress in the amount they would need to do here, it's likely this project would take two full construction seasons.

Councilmember T'Kach asked if there were any owners the city would want to assess for sanitary sewer that might say no.

Public Works Director Connolly replied the only two parcels that have not been assessed for sanitary sewer in the past are the two landfills.

Councilmember T'Kach asked if it was known how long the two landfills would be operational; actively bringing in material, functioning, and have a lot of traffic.

City Administrator Wilson replied the current Host Community Agreement with Pine Bend Landfill, the most active of the two landfills, has 2030 as the year they would wrap up business. That landfill is in the process of seeking state permission for both expansion and a longer operational period. Those requests would be coming to the city for consideration.

Motion by T'Kach, second by Scales, to receive a letter into the record from Flint Hills Resources dated February 21, 2023.

Ayes: 4

Nays: 0 Motion carried.

Motion by Scales, second by T'Kach, to close the Public Hearing at 6:45PM

Ayes: 4

Nays: 0 Motion carried.

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Motion by Scales, second by T’Kach, to approve Resolution 2023-047 Accepting the Feasibility Report and Ordering the Project for 117th Street Reconstruction.

Ayes: 4

Nays: 0 Motion carried.

6. REGULAR BUSINESS:

A. Rental Housing Licenses.

Community Development Director Heather Rand presented Rental Housing Licenses for approval. The applications were found complete by community development and the police department. Staff recommends approval of the following three (3) rental housing licenses in order of rental address, property owner, and property manager:

- 8864 Brunell Way: Mark Mueller, Lyndhurst OH; Branden James Nation, Minnetonka, MN
- 4619 Bower Path: Kenneth Albrecht, Louisville, KY; Chris Mauzy, Lakeville MN
- 6952 Archer Trail: Shravan Pallati, Lakeville, MN; Sharavan Pallati, Lakeville, MN

Councilmember Scales mentioned it seemed like the city is receiving a lot from those out of town. He asked if this was becoming a vacation hotspot or if there was an explanation.

Community Development Director Rand said that some on the Council requested staff start including the name and address of the property owner in addition to management. She replied it has been an ongoing trend for a while. A large majority of rental housing licenses are property owned and managed by out-of-town people or firms. She mentioned that the city does not license vacation rentals, which could change in the future. Further discussion will come before the Council at upcoming meetings.

Motion by T’Kach, second by Scales, to approve the Rental Housing Licenses as presented.

Ayes: 4

Nays: 0 Motion carried.

B. Resolution to Approve 2022 Transfers to the Community Center Fund. Resolution 2023-048

Parks and Recreation Director Adam Lares discussed the Community Center year end transfers. With him at the meeting were Recreation Superintendent Julie Dorshak, Operations and Maintenance Supervisor Phil Stier, and Finance Director Amy Hove.

Background:

- During the yearly budget process for the Community Center, the Council approves financial assistance to help cover 100% of the capital costs for the VMCC and additional operating expenses not covered by revenue.
- An analysis is done at the end of the year to determine if they met what they anticipated and what the true transfer need is for the community center for capital and operating expenses.

2022 Community Center Highlights:

- In 2022 there was \$400,000 more revenue than the previous year (2021)
- VMCC membership was up 21% from 2021
- VMCC Admissions were up 23% from 2021
- Kids R.O.C.K. Program generated 5% more than 2021
 - There were 151 participants. A 213% increase from 2021’s participants of 71

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- In 2022 there was a pool construction project to replace the filter and filtration system. Due to supply chain issues, the project did not start until July through October. Due to that, revenue was impacted:
 - 95% of membership admissions
 - 92% lessons/tuitions

2022 Community Center Challenges:

- Operating overages due to higher utility and chemical supply costs.
 - Associated with the pool filter project and pool leak.
- Two substantial emergency cost repairs:
 - Compressor repair \$23,000
 - Cooling tower repair \$24,000
- Gym closure.
 - From January through April the gym was used by the National Guard for COVID testing. This restricted programming and rentals from taking place.
- Staff shortages.
 - Challenging to get childcare staff and specialty staff for swim lessons and fitness programs.
- Pool closure due to the filter and filtration system replacement project.

2022 Operating Revenues:

- Membership/Admissions: Under projected \$58,000. 95% of meeting the goal
- Rentals*
- Contributions/Donations*
- Lessons/Tuition: Under projected \$24,854. 92% of meeting the goal
- K.I.D.S. Rock/Child care: Under budget. 105%
- Other Revenues: Under budget \$3,114. 97%
- Total Operating Revenue: Under budget \$102,179. 96%

*Denotes an agreement with the School District that pays the city/VMCC roughly \$275,000 annually. This is for space, utilization, and administrative costs. Previously this payment went into Contributions/Donations, but is more of a Rental Fee. This has been corrected for 2023, it was not for 2022.

Revenue Comparisons:

- In 2018 and 2019, historic highs in generating revenue at the VMCC
- In 2020 during COVID, dipped substantially
- In 2021 climbed up a bit more
- In 2022 more post-pandemic, reaching the historic highs from 2018 and 2019
- Hoping to maintain that increase into 2023

2022 Operating Expenses:

- Personnel: Under budget. Saved \$141,411. 94%
- Professional/Technical: Over budget \$3,167. 106%
- Purchased Services/Property/Equipment: Over budget \$245,270. 129%
 - Due to increased utility charges.
 - Pool chemical prices increased. As the pool kept leaking, it regenerates itself to fill it back up. The leakage continued until the leak was repaired.
- Other Purchased Services: On target 100%
- Supplies: Over budget \$36,084. 120%
- Other Expenses/Expenditures: Over budget \$4,006. 108%
- Total Operating Expenditures: Over budget \$147,577. 104%

2022 Operating Revenues versus Expenditures:

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- Difference in revenues of \$102,179
- Operating expenditures difference: \$147,577
- Transfer from the Host Community Fund: \$249,757

2022 Capital Expenditures - Budget:

- The following projects were completed:
 - New pool filters and pumps
 - Replace dive board/lifeguard stand
 - Fitness equipment replacements
 - Replace condensing unit
 - ADA door openers
 - Community Room improvements
- The Bright Sides Room remodel of \$150,000 was not completed.
 - Cost savings of \$150,000
 - In 2023 there would be carryover to finish the community room improvements of approximately \$40,000
- Total Capital Expenditures: Budgeted for 2022, \$1,338,900
 - 2022 Activity: \$1,161,832
 - Cost savings of \$177,068 (includes the remodel of the Bright Sides Room and carryover for the Community Room improvement project)

2022 Host Community Fund Transfers:

- Operating transfer
 - Capital transfer
- Total Transfers to the Community Center: \$72,689 over budget

Recommendation:

Staff recommends adoption of the resolution authorizing a total of \$2,231,389 in transfers to the Community Center Fund from the Host Community Fund for fiscal year 2022.

Councilmember T'Kach asked where the \$72,689 was going to come from.

Parks and Recreation Director Lares replied it would come from the Host Community Fund.

Acting Mayor Murphy asked why the Bright Sides Room did not proceed.

Parks and Recreation Director Lares responded in bandwidth with other projects being done at the time in the Parks and Recreation Department. He said he questioned if there were other options to explore in the remodel of the Bright Sides Room. Initially they were looking at a multi-use space including a sport court, basketball court, storage. He said as he entered his role with the Parks and Recreation Department he questioned if there were other ways to utilize the space other than a multi-use function. This year staff plans to look at other options, other potential ways to generate revenue, or if the space should be categorized as multi-use. The Parks and Recreation Advisory Commission would be utilized for options as well as community engagement as to the best use of the space.

Councilmember T'Kach asked if the fees charged and labor costs have been impacted by inflation the last couple of years.

Parks and Recreation Director Lares replied yes. At times an analysis is done looking at two-year cycles. An analysis is also done to check what surrounding communities are doing for their ice arena fees. He said they try to stay towards the middle of the fee structure, not the top or bottom. They try to be competitive but not over the market. They also look at increasing costs due to offsetting wages for part time seasonal staff. He said the Host Community Fund offers

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financial assistance to subsidize affordability for a lot of memberships, missions, and recreation programs hosted out of the VMCC.

Motion by T’Kach, second by Scales, to approve Resolution 2023-048 for the Approval of 2022 Transfers to the Community Center Fund as presented.

Ayes: 4

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

Kelly Kaiser, 1953 59th Court East, commented at the last City Council Meeting, City Administrator Wilson presented a summary of priorities from the priority setting retreat. One of the items was regarding possible changes to city Ordinances. She shared how one of the ordinances recently affected her stating that on the evening of January 1st, she brought her dad’s car to her home. After unloading it they parked the car in the street. The following morning, they realized they had forgotten to put the car in the driveway overnight. It was the first time in 31 years they parked on the street during restricted winter hours. She said they live in an out of the way cul de sac and suspect that a snow plow driver may have alerted the police, but was unsure. She said they went online to pay the fee and noticed the charge was a Misdemeanor. She phoned Police Chief Chiodo who may have been mildly surprised as well. She said the Police Chief said that parking tickets are not something that typically goes on the driving record. She said she asked the Police Chief if it would become a Misdemeanor if not paying the ticket. The Police Chief had replied she was unsure and would speak with other officers. She said she went to the Northern Dakota Service Center to pay the ticket and asked the clerk what the Misdemeanor designation meant. The clerk was surprised and got his supervisor. The Supervisor said there may have been a mistake and mentioned she may want to wait to pay the ticket until confirming. He mentioned if paying the ticket, it would be pleading guilty to a Misdemeanor. She said she called Police Chief Chiodo back, who looked closely at the Code and could not find a penalty in that section of the Code. The Police Chief then consulted with the City Attorney who referenced the beginning of the Code and stated that it applies to all Code violations unless there is a special provision in that particular section of the Code.

She shared other moving violations according to the State’s payable list from 2022 that are also Misdemeanors: driving without a License, open bottle with violation, vehicle registration problems, failure to produce proof of insurance, or driving an uninsured vehicle. She said Petty Misdemeanors were described as the lowest level of offense and not considered a crime under Minnesota Statutes; those include speeding, speeding in a school or work zone, passing violations, wrong way on a one-way road, failure to stop at a stop sign, and use of a wireless communications device while operating a motor vehicle.

She stated she was before the Council because it seemed silly that a parking ticket is a Misdemeanor. There are probably other sections of the Code where there are very minor violations that would also be a Misdemeanor if not designated otherwise. She said it was an unnecessary and excessive penalty and encourages review of the different sections of the Code. She mentioned that another violation in the Code is not parking in the lines. The way she read that; it would also be a Misdemeanor.

Acting Mayor Murphy said that was news to him. He asked staff if there were any thoughts on this and if there had been a chance to research. He questioned if it was normal.

City Attorney Bridget McCauley Nason replied the general penalty provision is found at the beginning of the Code and states that every violation of this Code is a Misdemeanor unless otherwise noted within the Code. There are different provisions within the Code that state a violation of this section is a Petty Misdemeanor. If it doesn’t say Petty Misdemeanor, the default

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penalty is a Misdemeanor penalty. She stated that was something she had conversations with the Police Chief regarding and would be discussed as a part of the code review process within the parking restriction section.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember T'Kach thanked the anonymous donor(s) for their contributions to the fire and police funds in the city. It is much appreciated by both groups.

Councilmember Scales mentioned that tomorrow at 6:00 p.m. in the City Council Chambers, there is a public meeting about city water.

City Administrator Wilson stated it would also be broadcast and livestreamed by Town Square Television.

Acting Mayor Murphy shared that he had the privilege of reading at his Alma Mater, Hilltop Elementary. He thanked District 199 and the staff at Hilltop.

Mayor Dietrich thanked Acting Mayor Murphy for presiding over the meeting and doing such a fine job. She thanked staff for getting her technologically hooked up to attend.

9. ADJOURN:

Motion by Scales, second by T'Kach, to adjourn the meeting at 7:11 p.m.

Ayes: 4

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek