

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, APRIL 10, 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, April 10, 2023, in person. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Dietrich; Council Members: Murphy, Gliva, Scales; City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, Finance Director Hove, Assistant Finance Director Hosszu, Community Development Director Rand, Public Works Director Connolly, Parks and Recreation Director Lares, City Engineer Merchlewicz, Technology Manager Gade, Police Chief Chiodo, Communications Manager Looze, City Planner Hunting, Associate Planner Botten, Human Resources Manager Shefchik

Present via Zoom Video Conferencing: Council Member T’Kach

3. PRESENTATIONS:

A. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting

Finance Director Amy Hove stated staff has been hard at work on the 2022 Audit. She presented the following on the 2021 Audit:

The city has participated in the Government Finance Officer Associations Certificate of Achievement for Excellence in Financial Reporting. This is an award program where the city submits the annual financials for comprehensive review and to determine whether or not the city meets certain standards. If the city achieves those standards, the city is issued an award.

She was pleased to say that the award has been issued to the city on the 2021 Financial Statements. The city has received this award since 1986. Staff continues to submit for the award every year and does their best to make sure financial statements meet the standards and qualifications for the program.

This takes the entire finance team and other departments and their support for the needed statistics.

Mayor Dietrich displayed the framed certificate. She shared on behalf of the Council; they would like to present the Certificate of Achievement for Financial Reporting.

Photos of the Finance Director, Assistant Finance Director, and the Council were taken.

4. CONSENT AGENDA:

A. Minutes of the March 27, 2023 City Council Meeting

B. Approval of Disbursements **Resolution 2023-064**

C. Personnel Actions

D. Resolutions 2023-065, 2023-066, 2023-067, & 2023-068 Awarding Contract and Approving Budgets for City Project Nos. 2022-09 I, J and L as part of the 2023 Pavement Management Initiative

E. Revised Budget **Resolution 2023-069** for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation

F. Resolutions 2023-070 & 2023-071 Awarding Contract and Approving Budgets for City Project Nos. 2023-06 & 2023-10 - Sewer Cleaning & Televising

G. Resolutions 2023-072 & 2023-073 Awarding Contract and Approving Budget for the 2023 Pavement Management Initiative, City Project No. 2023-09A - Crack Seal

H. Resolutions 2023-074 & 2023-075 Awarding Contract and Approving Budget for the 2023 Pavement Management Initiative, City Project No. 2023-09B - Seal Coat

I. Ordinance Amending City Code to Allow Dog Training Facilities and **Resolution 2023-076**

Approving a Conditional Use Permit for 6475 Cahill Avenue

J. Approval to Exceed Allowable Impervious Surface at 7142 River Road. **Resolution 2023-077**

K. Resolution 2023-078 Re-Approving the Final Plat for Inverpointe Business Park Third Addition

L. Approval of Email Retention Policy

M. Approval of Cost Sharing Agreement with Dakota County for Election ePollbook Replacement

N. Resolution 2023-079 Approving Second Amendment to Development Agreement for Plat of Peltier Reserve

O. Resolution 2023-080 to Approve 2023 Central Equipment Budget Adjustment for Purchase of a Replacement Paver

Councilmember Murphy requested pulling Agenda Item 4N.

Motion by Scales, second by Gliva, to approve the Consent Agenda with exception to Agenda Item 4N.

Ayes: 5

Nays: 0 Motion carried.

Agenda Item 4N. Resolution 2023-079 Approving Second Amendment to Development Agreement for Plat of Peltier Reserve.

Councilmember Murphy requested clarification if this was an amendment to the first amendment or first change.

City Attorney Bridget McCauley Nason replied it is the Second Amendment to the Development Contract which amends the original development contract and the first amendment.

He asked for clarification on what the Parks and Recreation Director told the Council in terms of still being ok with the park for the kids, that there would not be a delay. He said there appears to be a delay now and asked if that was accurate.

City Attorney McCauley Nason replied that the amendment attempts to avoid a delay as it relates to park purposes. The first amendment addressed items that were not done within the development contract timeframe. It is focused on the park lot and gives new deadlines for actions including:

- Replatting of the outlot into a buildable lot
- Retaining wall installation
- Grading of the lot
- Removal of bituminous and concrete
- Established deadlines for the removal of groundcover and trees

The development contract contemplated those actions occurring early winter/February. They did not. Staff have attained all required documents from the developer in order to move forward with the closing to convey the park lot to the city.

There are conditions in the development contract amendment that need to occur before the closing:

- Replatting (has taken place)
- Things that are partially done but not completely done:
 - Grading
 - Retaining wall installation
 - Removal of items the city does not want on the lot

Because of the way they are structured with conditions, the purpose of the second amendment is to avoid any argument made that by accepting conveyance of the outlot without first having

the conditions completed, the city waived its right to have those completed. From a legal standpoint, it is important to have that addressed.

This extends the deadline for closing through April 15th, it's currently scheduled for the 12th/13th. These are all things the developer has said they would do. They are obligated to do this pursuant to the development contract. Just because the city is closing on the conveyance of the lot does not mean the city waives requirements that the development completes those items.

Councilmember Murphy said the request for Council action and the second paragraph under background, tells him certain requirements have been met. He questioned the "extends the time for closing on the park lot." He was trying to understand that along with what the City Attorney shared.

City Attorney McCauley Nason replied that the last closing deadline was February 1st. This extends the deadline and adds anti-merger language such as: notwithstanding, argument to the contrary, everyone agrees that the items that still need to be done have to be done.

Councilmember Murphy asked if it would take longer to build a park.

City Attorney McCauley Nason replied it should not take longer to build a park. The developer's attorney has said the developer will sign this. The contract states:

- The need to get the lot to the city
- For the City Council to entertain motions or consideration of contracts for the park at the next Council meeting
- The city needs to own the park before awarding a contract to build on the park
- Key Objective: Get the park lot into the city's hands while preserving city rights to require the developer do everything it says it is going to do.

Councilmember Murphy asked what would happen if the Council voted not to extend.

City Attorney McCauley Nason replied there would be a legal issue. The City Attorney's office would say if moving forward with closing, which the Council already authorized with the first amendment, there would be some legal risk to the city that they would like to mitigate with the second amendment. A conversation would have to be had about whether or not to close. If not closing, the advice from the City Attorney's office would be to not award a contract to build a park on a lot you don't own.

Councilmember Murphy said the city gets criticized for not being friendly to developers. He said he is trying to see how this is something the city needs to do. He asked if the city is delaying anything.

City Attorney McCauley Nason replied the city is not doing anything to delay. The city is trying to move forward with the next step in the park development process, taking title to this lot.

Councilmember Murphy questioned if they were waiting for the developer. He said the developer has delayed this already and the city is waiting for them again. The city is trying to make sure all is covered.

City Attorney McCauley Nason responded that the city is trying to move forward to closing. The items needed to get ready for closing, be prepared, and approved by the developer. The city is ready to close but wants to ensure the city's right to require the developer to do all these things is not infringed by moving forward with the closing without having this in place.

Councilmember Gliva asked if proceeding, if there was still risk that something does not get done by the developer in the park.

City Attorney McCauley Nason replied that was correct. There are things that have not been done and will not be done by the closing date of Wednesday or Thursday. For example, if the grading is partially completed, it would not be completed by Wednesday. Staff have requested a meeting with the development team to discuss when and how they would get everything done. That will be scheduled this week or next week to get realistic deadlines.

She shared that the city retains all rights and remedies under the original development contract. One of those is to declare the developer in default. If not cured within 30 days, the city would move forward, do the work itself, and bill the developer back for that work. If the developer

does not get the work done, this sets the city up to get the work done, then the developer would then have to pay for it.
Councilmember Murphy replied that made sense.

Motion by Murphy, second by Scales, to approve Agenda Item 4N. Resolution 2023-079 Approving Second Amendment to Development Agreement for Plat of Peltier Reserve.

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. These are required two-year rental licenses. Community development staff and the police department have reviewed the five applications, found everything to be in order, and recommend approval. The following are listed in order of Rental Address, Property Owner, and Property Manager:

8812 Brunswick Path, Sickel Properties LLC., Lakeville, MN. Chris Sickel, Lakeville, MN
8852 Brunswick Path, David Rust & Angela Kermes, St. Paul, MN. David Rust, St. Paul, MN
3794 Upper 73rd St E., Metzen Enterprises LLC., Cottage Grove, MN. Travis Metzen, Cottage Grove MN
8830 Branson Dr., Baorang Li, St. Paul, MN. Baorang Li, St. Paul, MN
8865 Brunswick Path, Tara Olson, Minneapolis, MN. Tara Olson, Minneapolis, MN

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

Ayes: 5

Nays: 0 Motion carried.

B. Variance for the Size of an Accessory Structure at 2421 105th Street East. Resolution 2023-081

Associate Planner Heather Botten presented the request for property located on the east side of Barnes Avenue, north of 105th Street, zoned Agricultural. The request is for an accessory structure to be 4,050 in size whereas 2,400 square feet is the maximum size allowed by the zoning code. The applicant’s lot is 5.13 acres. For lots greater than 5 acres, code allows two detached accessory buildings with a gross square footage of 2,400 square feet. The lot currently has a single-family home with an attached garage, an old 160 square foot milkhouse, and a couple of temporary structures that would be removed this summer. The proposed accessory building will be in compliance with other zoning code requirements such as exterior building materials, setbacks, and impervious surface.

With large lot residential areas, larger accessory structures may be appropriate. The Council has reviewed and modified the city code over the years, most recently in 2021 where the size allowance for lots 3.4 to 5 acres was amended to allow accessory structures. Lots greater than 5 acres were not reviewed.

Staff does not believe the variance to allow the additional size to be consistent with the current zoning ordinance. The planning staff recommends denial of the variance request as approval could set a precedent for other large lot accessory buildings for size variances. Staff believes the facts presented do not meet the criteria to show a practical difficulty on the lot to support granting the variance. The Planning Commission recommended denial at their March 21st, 2023 public hearing on a 6/0 vote. Councilmember Murphy asked if the numbers were done for the 5.13 acres.

Associate Planner Botten replied taking the 5.13 acres multiplied by 480 (ratio used by 3.4 to 5 acres) allows for a 2,462 square foot accessory building.

Michael Santema, 2421 105th Street East, said he applied for a variance. He has been coming before the Council over the last 40 years to see if he could get a shed put up and has always been shut down. He has neighbors who are putting things up that are bigger or double the size, than what he wants. He needs a shed to get his things in, out of the weather. He said he is paying the price by having collector cars sitting outside in the snow, cold, and rain; the tires are rotting. He estimated the size he needed for his things and his wife's things, who is a Master Gardener and has items in her shed which is 8x8. She propagates plants; most rooms in their home are filled with plants and grow lights. He would like to see the plants and things needed move out to an area where she can do it earlier in the season.

Councilmember Scales asked if Mr. Santema does anything agricultural.
Mr. Santema replied no.

Councilmember Murphy questioned if the 2,400 square foot building would not work based on the cars and garden utensils.
Mr. Santema replied it would not be quite big enough.

Mayor Dietrich stated the Council and Staff revised the code. She agrees with Planning that this needs to be consistent with all residents. She understands the applicants' hardships and things he is trying to accomplish. With math noted by Ms. Botten, she said the largest could be 2,462.

Councilmember Scales mentioned in his time with the Planning Commission he struggled with these requests frequently. He said the last few years were spent updating the standards, requirements, and size of buildings. Those are better now than in the past but there was still room to be a little better. He mentioned these were big lots, he struggles with 2,400 and felt it may be a little small for a lot that size. He stated that 4,000 is a very large building and way over the standard set by the city. It would be a difficult precedence to set for a building of that size. He questioned if there was room to compromise.

Councilmember T'Kach commented if moving the number above 2,400 square feet to compromise, if that does not set a precedence no matter what the number is.

Councilmember Scales said anything they do could set a precedence, sometimes they are good, sometimes they are bad. He shared that over the years on the Planning Commission it was requested that the Council address this; in 2021 the Council did. He felt there was still room for compromise. He mentioned that the larger buildings mentioned by the applicant may be located on agricultural land. He was unsure of any other large buildings. He said 4,000 was large for him.

Councilmember Gliva asked if the Council had to prove a practical difficulty.
City Attorney McCauley Nason nodded yes.

Councilmember Gliva shared that she feels for the applicant. She was unaware of a practical difficulty. She said the size could be reviewed at a later date. She was unsure going to 2,462 was the correct thing to do.

Mayor Dietrich asked the Associate Planner if the Planning Commission had come up with a Practical Difficulty.

Associate Planner Botten replied they did not and recommended denial.

Motion by Scales, second by Murphy, to deny the request for a Variance for the Size of an Accessory Structure at 2421 105th Street East. Resolution 2023-081

Ayes: 5

Nays: 0 Motion carried.

City Attorney McCauley Nason clarified that the motion was to adopt the resolution of denial with all the reasons stated, included in the resolution.

C. Request for Short Term Mining Operation. Resolution 2023-082

City Planner Allan Hunting presented the request for waiver of certain requirements in the sand and overlay district.

The applicant proposes the Council adopt a determination that their sand mining project be deemed a very short-term operation for the mining used for a public road purpose.

- Section 10-13 of the City Code has a section on sand and gravel overlays that regulates all normal sand mining pits that typically occur over a number of years.
- A provision discusses the short term where the Council can waive parts of the sand and gravel overlay article and only require an excavation/land alteration permit for sand and gravel conducted over a very short period of time. In this case when it is limited to mining for a road project.
- The applicant is requesting to waive these certain requirements:
 - Mining being closer than 300 feet to a house on the property and 75 feet to the road. (The house is on the applicant's property)
 - Screening and fencing for any stockpiling
 - Size of the operation would be less than 20 acres
 - No landscaping is needed
 - Work would only be in the summer months
- Location is on 70th Street, in between South Robert Trail and Argenta Trail
 - There are sand deposits located on a hill area that would be excavated and taken directly to the construction site

Background:

- The applicant, S.M. Hentges, is the contractor for County CSAH 26 and CSAH 63, the 70th and Argenta Trail road construction project.
- Sand excavation would begin sometime in May/June and be completed no later than October 31, 2023.
- No crushing of the materials would be a part of this excavation.
- Mining is for a local roadway project currently under construction.
- Local material would not have to be hauled onto roads to be taken to another site. It is mined and taken from the project to the road construction site.
- The amount of material requested matches what is needed for the base of the road.
- Land disturbance would be regulated by the Land Alteration Permit.

Action Requested:

- The Council is asked to approve a Resolution to waive certain requirements of the Sand and Gravel Overlay District to allow a short-term mining operation for the construction of the 70th Street/Argenta Trail County Road project and allow by Land Alteration Permit.
- If approved, the next step for the applicant would be to apply for an Excavation/Land Alteration Permit. This would then go before the Environmental Advisory Commission. The City Council would review the Permit.

He stated that staff feels this is consistent with the clause and recommends approval of the resolution as presented.

Councilmember T’Kach asked what the height would be when the sand/gravel is removed versus the current height of the hillside.

City Planner Hunting replied he was unsure of the exact elevations. It would end up being a little below surface elevation. There would not be a big hole, with having to bring material back in.

Joe Miller, S.M. Hentges and Sons, 650 Quaker Avenue, Jordan, Minnesota, 55352, replied to the question posed regarding the hill stating it is roughly 40 feet above where the future roadway would be. When done excavating, the hill/knob would come down 30 feet from its current elevation. The future elevation of the road and hillside/land would still be 8 feet higher than the roadway.

Councilmember T’Kach asked if there was any planned development on the hill or if it would be open land after the road is built.

City Planner Hunting replied the site would be restored back to the elevation for future development. There would be vegetation on top. This land was part of the At Home Apartments project. This would go back to raw land with vegetative cover and available for future development.

Councilmember Murphy shared that living in the area, there are a few residents that are aware of this agenda item. People want 70th done and do not have an issue with mining.

City Attorney McCauley Nason stated the resolution indicates the mining operation shall last no longer than six months. It does not have the October end date. It still falls within the parameters as presented. The applicant would be back before the Council for the permit, there would be an opportunity to establish conditions. This item allows the applicant to move forward with the application for the land alteration permit without having to first rezone the property.

Motion by Murphy, second by Scales, to approve the Request for Short Term Mining Operation. Resolution 2023-082

Ayes: 5

Nays: 0 Motion carried.

D. First Reading of Ordinance Amending City Code Title 11, Chapter 1, Prohibiting Premature Subdivisions

City Planner Hunting presented the First Reading of an Ordinance amending City Code Title 11, Chapter 1, prohibiting premature subdivisions. This allows the Council to make determinations that a subdivision/project could be deemed premature.

- It was discovered there is not any type of provision or language in the zoning or subdivision code that the Council could fall back on to deny a request and state that it is premature.
- Staff and the City Attorney have put together language for an ordinance that gives the City Council the ability to deny a request based on being premature and the ordinance criteria.
- Looks at things from a high level, not intended to be used as a design tool.
- This is a discretionary tool. Council may determine premature if any of the criteria are noted/is not consistent in the ordinance.

Ordinance:

1. Could be deemed premature if the project is inconsistent with the Comprehensive Plan.
2. Could be inconsistent if it is not consistent with the Capital Improvement Plan.
 - a. The development needs some type of city improvement, utilities, roads. Something that is not currently on the capital improvement plan or could not be accomplished within

two years. If taking longer than that, gives the Council the ability/authority for Council to deny the request.

3. & 4. Same item, touches on water supply and sewer. If a development leapfrogs and there is not city sewer and water available to the site yet, can determine it to be premature because it is not easily connected/accessible to those municipal services.
5. Lack of adequate streets. Could be deemed inconsistent if there are not any streets directly abutting or immediately available to a site. If the project generates traffic that would not be able to be handled and the road capacities, could be deemed incomplete.
6. Lack of adequate drainage, stormwater management. If there is something in the development or in city systems where it is not set up to handle stormwater. Some other improvements would need to be installed by the city and would not be ready to be done. This could be a reason for denial.
7. Inconsistent with state environmental review. If there is an EIS, EAW, or an AUAR that the Environmental Quality Board has reviewed and approved. If there is something inconsistent with the project, the Council could use that as a determination to deny a request.

Action Requested:

- The Council is asked to act on the First Reading of an Ordinance to add language to the Subdivision Code prohibiting premature subdivisions.
- Staff recommend approval of the First Reading.

Councilmember Murphy questioned if this gives the Council the ability to say this is not the time for the request. It does not mean it will not happen. It gives the ability to say we cannot afford it, there is not any infrastructure.

City Planner Hunting agreed. He shared an example stating if a subdivision application came in, leapfrogged, and wanted to develop a site that does not have any streets or utilities to it, this gives basis to deny and would be a legal standing. There was no language in the code prior to be able to deny.

Councilmember Murphy provided an example such as a developer stating they would build it all.

City Planner Hunting replied that could happen if there was not the means to get utilities or roads to them.

Councilmember Gliva asked if the city has ever had to deny and how they denied something before.

City Planner Hunting replied there may have been something done creatively, but not out of a legal realm. The City Attorney at that time likely helped with the language.

Councilmember Scales said this confused him. If there are not adequate streets, they could not build. He questioned if approving something meant it could not be built.

City Attorney McCauley Nason replied there is a difference between streets within a subdivision compared to streets serving a subdivision. The developer would have to build the streets to serve the subdivision. For example, there is a capacity issue with a street that everyone needs to take to get into the subdivision. That could be grounds under this item.

Councilmember Murphy referenced a report he read from Ehlers from 2015/2016 that said the city got into some financial issues because there was some leapfrogging done in the northwest area. It was paid out of certain funds when the money should have been taken from somewhere else.

City Planner Hunting replied that was true, it was used to extend sewer and water further. It allowed for possible development with services in place.

Councilmember Murphy mentioned he thought he read somewhere, it may have been the Canvas Development, that it not be approved because of leapfrogging and the impact to finances.

Motion by T’Kach, second by Gliva, to approve the First Reading of Ordinance Amending City Code Title 11, Chapter 1, Prohibiting Premature Subdivisions.**Ayes: 5****Nays: 0 Motion carried.****E. First Reading of Ordinance Amending City Code to Allow Police Cadets to Issue Certain Citations**

Police Chief Melissa Chiodo requested Council consideration on a first reading of an ordinance that allows Police Cadets the ability to issue citations.

She shared that prior to her working with the city, there were Community Service Officers, which are non-sworn uniformed positions. Community service officers were allowed to issue citations per ordinance while working. This is common for community service officers in the State of Minnesota. The city has since hired Police Cadets, very similar to Community Service Officers, but with a difference in title and being non-benefitted. A trend is being noticed with police departments having to change their ordinances so cadets could write citations just like community service officers did.

The current ordinance states community service officers can issue citations. Staff requests cadets be able to issue citations but with a very narrow scope. She said they do not want cadets out doing traffic stops or enforcing the law. These are college students in law enforcement programs hoping to be police officers but are not. The request is for cadets to write citations for things in city code, specifically:

- Relating to parking restrictions
- Expired vehicle registration
- Animal control regulations
- Park regulations

One of the main jobs of a cadet is animal control

- If there is an animal running loose in the city, the cadet rounds them up to get them to their owner or to the impound. Sometimes citations need to be issued. Cadets currently need to call on the radio, get a Police Officer to show up, the Police Officer issues a citation, and the cadet finishes what they were doing.
- Another example is parking. If finding an abandoned parked vehicle, a cadet cannot issue a citation. The cadet would need to call a police officer, wait for them to finish a call, and come issue a citation. These are low level things staff would like cadets to be able to issue citations for. This frees up police officers time to stay on busy calls or calls where they are really needed.

Staff asks for consideration to amend the ordinance to allow police cadets to issue citations specifically for violations of state law and city ordinance related to:

- Parking Restrictions
- Expired Vehicle Registrations
- Animal Control Regulations
- Park Regulations (consists of people in the park after hours, a car parked in the park after hours)

The above mentioned are low level items where their safety would not be compromised and can help police officers out by taking the minor citations for them.

Councilmember T’Kach referenced the background material the Council received stating that the cadets would not be pulling people over and giving a ticket for expired vehicle registration. She said the language before them says they can do citations for expired vehicles. She requested language clarifying that the vehicle be parked versus cadets pulling people over and putting themselves at potential risk.

Police Chief Chiodo replied she would refer to legal for that answer. She stated she was unsure it was necessary because they were not allowed to do police enforcement like that.

City Attorney McCauley Nason mentioned that cadets are not allowed/authorized to make arrests because they are not sworn law enforcement officers/licensed peace officers in the State of Minnesota. If Council directs, clarification language can be added. She expects there is language within the program, such as the job description, stating what cadets do/do not have the authority/power for. If the Council was more comfortable, clarifying language can be added. Police Chief Chiodo agreed that information is covered. If Cadets were to do that, they would be terminated.

Councilmember T'Kach said she would appreciate the clarification being there.

Police Chief Chiodo responded that it could be added. If a cadet were to pull someone over, they would be committing a crime.

Councilmember Murphy questioned if it was the city or state that says its illegal.

Police Chief Chiodo replied it is the State of Minnesota. Cadets are considered civilians. They cannot make traffic stops and do not have arrest powers.

Councilmember T'Kach mentioned if it was state law, the information is there.

Councilmember Scales shared that he felt this was great, he appreciates the narrow focus given. He said police officers should be able to focus on important issues and not worry about parked cars. He appreciates taking the work load off the officers.

Police Chief Chiodo stated while officers handle crimes where they have arrest powers, cadets would help with what are called "lower level." This allows officers to handle calls where cadets can respond to community requests and needs.

Mayor Dietrich asked if cadets go out on patrol.

Police Chief Chiodo replied cadets do not go out on patrol, they go out in a vehicle and respond to animals, dogs, and cats, that are out. They also go to parks. If they see something they cannot handle they call the police and have the officers handle it. Cadets act as a witness. They also go on ride alongs with officers, but do not have patrol powers. Cadets can drive around the city and look for properties that are in disrepair. In that case, they work with code compliance. Cadets serve as an extra set of eyes without enforcement power.

Mayor Dietrich asked about the citations listed in the Council packets and if those were misdemeanors.

Police Chief Chiodo replied some are petty misdemeanors.

Mayor Dietrich mentioned that in February a resident came up during Public Comment and discussed a parking ticket they had received. This falls under the citations that a cadet could handle. When the resident went to the County to inquire about the ticket, they discovered it was a misdemeanor. She said she has some concerns. While this may be a separate issue she suggested when setting priorities for the retreat about cleaning up code, she wondered if some need to be reclassified that they are not misdemeanors. With a clean record, a misdemeanor can be a big deal to have on a record.

City Administrator Kris Wilson stated the Police Chief and City Attorney are best equipped to handle this. There has been follow up discussions with the resident that came forward in February. She was unsure where things stood at this time.

Police Chief Chiodo stated winter parking is a misdemeanor because of the need to immediately tow the vehicle out of the road because it is blocking where the plow needs to go. There is a difference between an immediate tow and a delayed tow.

Mayor Dietrich mentioned she would be more comfortable with the way this item reads if they were all petty misdemeanors.

Councilmember T’Kach agreed those should be reviewed; a petty misdemeanor versus a misdemeanor for a snow plow. She would like more discussion with the Council and the Public Works Director.

Councilmember Scales questioned if a petty misdemeanor could not be towed.

Police Chief Chiodo replied they could not do an immediate tow. There is no point in tagging a winter vehicle if it would not be towed.

Councilmember Scales said he felt there was some value in having the misdemeanor tag on parking for snow removal. He would like more thought given to it being a petty misdemeanor when they cannot move a vehicle out of the plow’s way.

Mayor Dietrich asked if the vehicle could be moved by an officer, not by a cadet.

Police Chief Chiodo replied if deciding a cadet cannot issue tickets for parking, the police officer would come and order the immediate tow.

Councilmember Scales addressed the parking situation that was mentioned earlier in the year, and stated if the car needed to be towed it was probably labeled the right way, as a misdemeanor. If it did not need to be towed it could have been a petty misdemeanor.

Police Chief Chiodo said there were different levels. Parking in a handicapped spot is a gross misdemeanor. There is a petty misdemeanor for parking so many inches away from the curb and impeding traffic. There are parking citations that fall in different areas depending on severity, or whether it is a safety impact, such as a snow emergency, or not a safety impact.

City Attorney McCauley Nason mentioned one thing that the Council could do if comfortable with the theoretical application of the ordinance to authorize cadets the ability to issue citations would be to move forward with the first reading and direct staff to bring back an analysis of where the different parking citations lay. This item may fit on the May Work Session schedule for review. Council can provide direction if there were any revisions they would like to see made.

Mayor Dietrich agreed with the suggestion for further discussion during a work session.

Councilmember Murphy said he believes this is a good idea, but not to forget there is an ordinance in place that says not to park on the streets. He was unsure how they could change what a petty misdemeanor was versus a misdemeanor. He was unsure how a cadet’s ability to write or not write a ticket solves that problem. When sworn officers are busy with car wrecks, other things need to get done. He said with the last storm there was eight inches of wet snow, the plow came through once, there were two cars on the road that should not have been there, buses could not get through because they only had one snowplow pass. The kids did not have someplace to stand. He said he is a follow the rules type and felt the discussion was about what a cadet can do, he wanted to be sure they can do things.

Motion by Murphy, second by T’Kach, to approve the First Reading of Ordinance Amending City Code to Allow Police Cadets to Issue Certain Citations

Ayes: 5

Nays: 0 Motion carried.

F. Authorization to Issue Request for Proposals for Insurance Agent Services. Resolution 2023-083

Assistant Finance Director Sam Hosszu discussed a resolution for the city to go out for an RFP (Request For Proposal) for Insurance Agent Services.

Current City Insurance Policies:

- Property and Casualty Policy
 - Includes: liability, property, automobile, cyber, fuel tank storage, employee bond
 - Renews September 1, 2023
 - League of MN Cities requires the use of an Agent for this policy renewal
- Workers Compensations Policy
 - Renews September 1, 2023
 - Agent not required for this policy renewal
- Liquor Liability
 - Renews January 1, 2024
 - Agent not required for this policy renewal

Agent Duties:

- Assist with the annual renewal
 - Help facilitate the relationship between the League and Founders Insurance
- Make recommendations on coverage options
- Advise the city on coverage alternatives
 - For example: Last year the Agent brought up the primary vehicle use coverage. This covers city employees who use their personal vehicle for city use. The city's liability coverage would default to become the primary.
- Assist with safety and loss control activities
 - If noting a commonality such as carpal tunnel, gives recommendations
- Review policies for completeness and accuracy
- Assist the city in limiting exposures or dangerous activities
- Recap and explain any increases in premiums
- Evaluate alternatives to League of Minnesota Cities
 - When the renewal happens in August, it was unlikely he would be before the Council recommending something other than the League
 - 830 of the 853 cities within the state are with the League (97%)
 - Other opportunities should also be explored
- Review open claims quarterly
- Other functions normally done by an Agent

Current Agent:

- Arthur J. Gallagher
 - Agent of record since March 2014
 - Currently the agent for property and casualty insurance and liquor liability insurance
 - Workers' compensation does not require the use of an agent for the renewal. The city does not currently use an agent for this renewal
 - No current contract with Gallagher
 - Gallagher is aware of the city's intent to solicit proposals

Fees:

- Agent fees are negotiable
 - Existing fees have been 10% of the renewal premiums
 - For the 2022/2023 policy, this is \$42,845.20
 - Includes both liquor liability and property and casualty amounts
- Proposed RFP changes this to a flat rate structure
 - Consistent with many neighboring cities
 - Ties the fee to a service rather than a policy premium

RFP Details:

- Proposed duration:
 - 3-year initial period (September 2023 through August 2026)

- Optional 2-year extension if the city is satisfied with the services (September 2026 through August 2028)
- Option to include Workers Compensation insurance agent services

Next Steps:

- April 10, 2023: Council approves advertisement of RFP
- April 11, 2023: Staff distributes and advertises the RFP
- April 28, 2023: 4 p.m. deadline for the submission of the RFP
- May 1-5, 2023: Staff reviews the RFP's, performs background checks
- May 8-12, 2023: Insurance broker interviews, if necessary
- May 15-16, 2023: Staff compiles a recommendation, discusses contract details
- May 22, 2023: City Council considers contract recommendation

To note: This is a tight timeline due to the renewal date quickly approaching.

Councilmember Gliva asked if claims with workman's comp are handled with the Union.

Assistant Finance Director Hosszu replied it is handled through finance and human resources.

Councilmember Murphy noted the flat rate versus the 10% commission and asked if the percentage was normal. It seemed high to him.

Assistant Finance Director Hosszu replied the renewal had three different options; 10% was the highest of the three selections. The flat rate is typical.

Motion by Scales, second by Gliva, to approve an Authorization to Issue Request for Proposals for Insurance Agent Services. Resolution 2023-083

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

Allan Hunting, 2645 96th Street East, was present on behalf of his wife Amy, who could not attend. He discussed the No Mow May initiative stating that Amy had sent an email to the Council asking if the city could take part in this initiative. No Mow May is an effort to provide a habitat for bees and other pollinators to have a food source as they come out of hibernation. For the month of May, residents would let their grass grow. When May ends, the city gives a grace period of a certain number of days before residents would have to cut their grass. He said they noted other cities also taking part including St. Paul. Residents would sign up, so there would be a name and address on record for code enforcement. People would be allowed to let their grass grow in May and when the month is over, cut the grass. He said Amy feels it is very important for the city and would like the city to approve and let residents take part in the No Mow May initiative.

Councilmember T'Kach stated in the last year she has heard of several people who have supported the idea of No Mow May and would like over time, involve young people, and come up with a logo supporting this for the city. The logo could change yearly like a design contest. She said there is a lot of public support out there. This is an ecological environmental opportunity for the city. She would support something like this.

Councilmember Murphy said he felt No Mow May was a great idea. He asked if a lot of citations were handed out for not mowing the grass.

Community Development Director Rand replied not so much in the month of May. Six (6) inches or more of grass would need to be there before citing people.

She stated this item was discussed by the Environmental Advisory Commission. That Commission recommended a work plan for the Council for this year. The Council adopted it. The Commission chose to focus on four items but this item did not make the cut. It is important, but the Commission decided to focus on other things. The intent could be to consider it for next year. If this were to be the case, the city would need to change the ordinances in advance. There would be a sign up and an educational component.

8. MAYOR AND COUNCIL COMMENTS:

Mayor Dietrich shared that the city is currently accepting applications to three Advisory Commissions: Planning Commission, Parks and Recreation Commission, and the Environmental Advisory Commission. Applications are being accepted through May 1st with terms beginning in June. She encouraged those interested to apply. Application forms and additional information can be found on the city website at: www.ighmn.gov, or call the City Clerk.

9. ADJOURN:

Motion by Scales, second by Gliva, to adjourn the meeting at 7:22 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek