

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JULY 24, 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, July 24, 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, T'Kach, Scales; City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, Public Works Director Connolly, City Engineer Merchlewicz, Recreation Superintendent Dorshak, Human Resources Manager Shefchik, and Recreation Intern Batson

3. PRESENTATIONS:

A. Presentation by Park and Recreation Intern Lindsey Batson

Recreation Superintendent Julie Dorshak introduced Recreation Intern Lindsey Batson who has been with the department since May 17th. She will be ending her internship at the end of this week. Lindsey has been doing a great job with the city and comes from the University of Missouri.

Parks and Recreation Intern Lindsey Batson introduced herself stating she is from Missouri and traveled to the city to do this internship. While here she received a broad overview of what the Parks and Recreation industry looks like. She said she created and ran her own program from start to finish and has assisted Rachel and Chelsea, the Recreation Coordinators. She has helped with several events and programs such as Terrific Tuesdays, introduced performers, handed out flyers at events, and helped at food truck day. She was happy the city had this program/internship, is sad to leave, and will use her experience into the future.

4. CONSENT AGENDA:

A. Approval of Minutes for the June 26, 2023 City Council Meeting

B. Approval of Disbursements **Resolution 2023-163**

C. Personnel Actions

D. Resolution 2023-164 Accepting Work, Authorizing Final Payment, and Closing the Contract for City Project No. 2019-09D

E. Resolution 2023-165 Accepting Work, Authorizing Final Payment, and Closing the Contract for City Project No. 2021-01

F. Authorization to Enter into 2023-2024 Labor Agreement with IAFF, Local 5251

G. Temporary Off-Site Gambling Permit for Moose Lodge 1088 **Resolution 2023-166**

H. Resolution 2023-167 Approving the Sustainable IGH Recognition Program

I. School Resource Officer Contract with ISD #199 for the 2023-24 School Year **Resolution 2023-168**

J. Resolution 2023-169 Approving an Extension for Recording the Plat of Robert Trail Woods

K. Approval to Enter into Employment Separation Agreement

Motion by Scales, second by Murphy, to approve the Consent Agenda as presented.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. Temporary 3-Day On-Sale Liquor License for Twin Cities Goodtime Softball League

City Clerk Rebecca Kiernan presented a 3-Day On-Sale Liquor License for Twin Cities Goodtime Softball League. The request is for August 29th through September 1st. This is one of multiple sites for

the Gay Softball World Series. The event is run by the North American Gay Amateur Athletic Alliance which has more than 170,000 players from 52 cities in the U.S. and Canada. This will be the third time the event is held in the Twin Cities since its inception in 1977. Organizers are expecting approximately 225 teams to play on softball fields in Eagan, Burnsville, Inver Grove Heights, Woodbury, and South St. Paul, simultaneously. The group is seeking a temporary 3-day on-sale liquor license in order to be able to sell alcoholic beverages at the athletic complex. This is allowed under the city's recently adopted ordinance related to the sale and consumption of alcohol in city parks. Staff has reviewed the application, found it to be complete, and in compliance with all requirements. Staff recommends holding a public hearing and approving the application.

Motion by Gliva to close the public hearing at 6:06PM

Mayor Dietrich reopened the public hearing for comment.

William Frison, 6802 Carleda Avenue East, said he stopped in at the public works department last week regarding the top coat coming off on his street. He said the person he spoke with stated they were out of money in the budget. He requested there be more money to get it fixed up.

Mayor Dietrich mentioned the item Mr. Frison spoke of could be discussed under Public Comment at the end of the meeting, or he could fill out a sheet and give his contact information to the City Clerk.

Motion by Gliva, second by Murphy, to close the public hearing at 6:37PM

Ayes: 5

Nays: 0 Motion carried.

Motion by T'Kach, second by Gliva, to approve a Temporary 3-Day On-Sale Liquor License for Twin Cities Goodtime Softball League.

Ayes: 5

Nays: 0 Motion carried.

B. Public Hearing and Second Reading of an Ordinance Establishing a City Licensing Requirement for Tobacco Sales

City Clerk Kiernan discussed the second reading for City Issued Licensing of Tobacco Retailers. No changes have been made since the first reading.

- Dakota County has been doing the tobacco licenses since before 2015. Looking to bring this back as a city function.
- There are 32 tobacco retailers in the city.
- In 2023 the City Council discontinued the licensing of service stations and automobile dealerships, making staff time available for this licensure process.

Key Features in the Proposed Ordinance:

- 1-year license period (January 1 to December 31)
 - Consistent with other neighboring cities
 - Consistent with Inver Grove Heights liquor licensing
 - Different than what Dakota County does (theirs is 2-years)
- Background check and insurance required
- Staff training and record keeping required

Violations:

- First: \$300 fine, no suspension
- Second: \$600 fine + 1 day suspension

- Third: \$1,000 fine + 7-day suspension
Proposed penalties match Dakota County and neighboring cities

License Fees: Tobacco

- The city is in the middle of neighboring cities at \$300

Direction from Council:

- Proceed with a 1-year license
- Fee of \$300 per year
- Keep retailer history of violations from Dakota County

Next Steps:

- Council is asked to hold a public hearing
- Approve the second reading of the proposed ordinance regarding Tobacco related retailers and enforcement

Councilmember T’Kach referenced 4.12.05, #3, stating there was no end to the sentence. She requested having item #16 removed under 4.12.05, where it states, “the applicant or licensee is not of good moral character”. She said they should define moral character or delete it; it was very generic. She questioned the alignment with the future discussion about Cannabis and the distance from schools and playgrounds versus the cannabis ordinance and if they could align the violations. She was unsure how the state was going to address this. She said there is 1,000 feet under the cannabis discussion and 500 feet under the city’s proposed ordinance.

City Administrator Kris Wilson replied the city will not be licensing cannabis retailers, the state has reserved that for themselves. The city can do registration, a step down from licensure. Cities have the ability to regulate the time, manner, and place (zoning areas) where the sale of products or operation of cannabis businesses are allowed or not allowed. When it gets to that point, she said staff can match them if that is the Councils direction.

Councilmember T’Kach asked if that would be the same for the distance issue. She said it looked like the state was going to require 1,000 feet from schools for cannabis.

City Attorney Bridget McCauley Nason replied cities will be allowed to adopt reasonable time, place, and manner restrictions. One specifically called out in the statute is that the city can prohibit cannabis businesses from being within a certain distance of schools and playgrounds. If the city does not adopt that type of restriction, it is not a state restriction.

Councilmember T’Kach mentioned there has not been a discussion about the other item if trying to align and clean up ordinances. She said this was something they should pay attention to down the road as they have these conversations.

Motion by T’Kach, second by Scales, to close the public hearing at 6:15PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Scales, second by T’Kach, to approve the Second Reading of an Ordinance Establishing a City Licensing Requirement for Tobacco Sales.

Ayes: 5

Nays: 0 Motion carried.

Mayor Dietrich asked when this item would be back before the Council.

City Clerk Kiernan replied August 14th.

6. REGULAR BUSINESS:

A. Rental Housing Licenses

City Administrator Kris Wilson presented four rental housing license requests. Applications and background checks were reviewed by police and inspections departments. Staff recommends approval. The requests are in order of rental address, property owner, and property manager:

4809 Blaine Ave., Narina Stepanova Woodbury, MN; Branden Nation, Eden Prairie, MN
2000 70th St W., St. Paul Real Estate LLC., Minneapolis, MN; Branden Nation, Eden Prairie, MN
8203 Darcy Ln., Robert Steininger, Eagan, MN; Branden Nation, Eden Prairie, MN
3780 71st St E., Alex Hulute, Eagan, MN; Branden Nation, Eden Prairie, MN

Motion by Gliva, second by Scales, to approve the four (4) rental housing license as presented.

Ayes: 5

Nays: 0 Motion carried.

B. Request for Donation to IGH Days Fireworks Display

City Administrator Wilson stated for years the city has made a voluntary contribution to the non-profit IGH Days to help fund the Saturday evening fireworks display. The contribution amount for the last several years has been \$5,000, which has been budgeted for. A request has been received from Mickey Difronzo, President of the IGH Days organization, noting that their costs for putting on the fireworks display has increased. Mr. Difronzo has inquired as to whether the city would consider an additional increase. The Council is to consider whether or not to proceed with the budgeted donation amount of \$5,000 or a different amount.

Councilmember Murphy asked what the balance of the Mayor/Council account was.

City Administrator Wilson replied she was unsure. She was going to suggest it come from the Administration Budget as there are some unspent dollars. She mentioned that the Mayor/Council budget was a little tighter, there are fewer line items and resources.

Mayor Dietrich mentioned that the State of the City is coming up this autumn, she asked if those funds would come from administration.

City Administrator Wilson responded that it likely would. She said staff has not specifically budgeted for a State of the City event. It was probably an oversight from not doing an event over COVID years, but staff could make it work. She said the reason for the additional funds in administration is because earlier this evening in personnel actions, the Council approved the hiring of an office support person for the department. That position has been vacant for several months and is about to be filled.

Mayor Dietrich asked if there was anything else that might be coming out of that fund.

City Administrator Wilson replied not that she was aware of.

Councilmember Scales asked staff if they had a recommendation without knowing what is available.

City Administrator Wilson replied that the city could afford a slight increase in the dollar amount. It is currently budgeted at \$5,000, if the Council wanted to give \$6,000 or \$7,000 that could be done without a negative impact on other plans and projects.

Councilmember Murphy said Inver Grove Heights Days has been a long tradition in the city, it is something the community enjoys. He said the fireworks are a culmination of Inver Grove Heights Days. It is a big part of the culture the Council wants to approve upon. He said he would support an increase.

Mickey Difronzo, 7967 Charles Way, said he appreciates the help and assistance the city has given the organization in the past. He said it was not just about the \$5,000. There is great support by the Parks and Recreation Department and Public Safety the entire weekend. Everyone is great to work with and

works well together. The city does a lot for IGH Days. He mentioned as stated in his letter, costs have increased, they are looking for additional funding. There are others that are sponsors of the fireworks, such as the Moose Lodge and Integrity Woven Wire. Both have increased their contribution, he said he was looking to see if the city could do the same.

Mayor Dietrich asked how residents join the committee.

Mr. Difronzo replied there is a link on the website to "contact us." He would be the one responding.

Councilmember T'Kach said she was unsure if they would be able to come up with the additional \$10,000 requested. She asked if the fireworks display would still proceed if short on funds, if the fireworks would be shorter in length, or if they would ask for donations.

Mr. Difronzo replied the fireworks would still happen. He said he knew he was late with the request and should have asked sooner to make it into the budget. He said if able to give more, it is much appreciated. He is not requesting the full amount but appreciates anything given. He mentioned that a donation letter was sent to over 100 businesses in the city and others. They will figure out how to make it happen.

Councilmember T'Kach referenced the newer laser firework shows and asked if Mr. Difronzo was familiar with them and if they were more or less expensive.

Mr. Difronzo replied he has not looked into them. They use a non-profit club that does firework shows around the state. They are volunteers that have been used by the city for years and do a great job. He said people often comment about how wonderful the city's fireworks are compared to others around town.

Mayor Dietrich thanked Mr. Difronzo for all his work to make this successful.

Councilmember Scales said he was willing to give what was needed. He would like to see the amount bumped up if there is room in the budget. If able to get to \$10,000 he would agree with it.

Councilmember T'Kach mentioned she would be concerned with \$10,000 and would like to see it be in the \$6,000 to \$7,000 range and look at budgeting for next year.

Councilmember Murphy said he had determined an additional \$2,500.

Councilmember T'Kach said she could imagine that. She said she thought the Council recognizes there are air pollution issues. She commented that she has heard about this from people, it is a concern. She said she was hopeful the Inver Grove Heights Days committee would think about alternatives for next year, such as laser shows.

Councilmember Gliva shared that \$7,500 was her high end. She wanted to make sure the public knew the city is safeguarding tax dollars.

Mayor Dietrich asked Mr. Difronzo what the request would be in terms of the city being able to budget for next year.

Mr. Difronzo replied that he would like to meet with the other major sponsors to get their thoughts.

Mayor Dietrich asked the City Administrator what a good timeframe would be for Mr. Difronzo to get back to the city.

City Administrator Wilson replied within the next month.

Motion by Murphy, second by T'Kach, to approve an increase in the donated amount to \$7,500 for the Inver Grove Heights Days Fireworks.

Ayes: 5

Nays: 0 Motion carried.

C. Consideration of Ordinance Prohibiting Use of Cannabis Products in Public Places. Resolution 2023-170

City Attorney Bridget McCauley Nason presented on the draft ordinance prohibiting the use of certain cannabis products in public places. Background:

- In 2022, the Minnesota legislature legalized certain edible cannabinoid products.
- In 2023, the Minnesota legislature adopted comprehensive legislation regulating adult cannabis use.
- It does not prohibit the use of cannabis products in public places.
 - It is not allowed to be used anywhere where the Clean Air Act applies.
 - Indoor places such as public meetings, indoor public spaces, indoor restaurants
- It does prohibit the use of cannabis products around minors
- Cities do have limited regulatory authority related to the adult use cannabis legislation that was adopted. One area with the ability to adopt regulations is with respect to restriction of the use of cannabis products in public places.
- The statute specifically authorizes a city to adopt an ordinance establishing a petty misdemeanor offense (non-criminal offense) for a person who unlawfully uses certain cannabis products in a public place.
 - The term public place is not defined within the statute but is up to the cities to define what that means.

What other cities are doing:

- Many are adopting prohibition on outdoor use
 - Some cities across the state are considering some type of public use prohibition
 - Some are adopting smoking and vaping only restrictions
 - Some are adopting restrictions that prohibit the use of any type of legal cannabis products in public spaces
 - Prohibitions range from a broad range of public places such as public parks, sidewalks, and trails, to more limited prohibitions such as only in public parks
 - Some are copying existing smoking restrictions
 - In Inver Grove Heights there are no specific prohibitions on smoking in outdoor public areas

Definitions and key terms:

"Public Place" is not defined in state statute for these purposes. The city must define if this is the route they want to go, what a "public place" is. The proposed definition in the ordinance is:

- "Property owned, leased, or controlled by a governmental unit including the city but not including." Items were listed in the statute.
- The proposed definition includes parking lots, city buildings, golf courses, parks, pathways, and trails, and right of ways.

Four (4) different products that can be prohibited by the ordinance:

1. Cannabis Flower. The harvested flower, but, leaves and stems of a cannabis plant, not including the seeds.
2. Cannabis Product. Cannabis concentrates but does not include edible cannabis products or medical cannabis.
3. Lower-Potency Hemp Edibles (gummies, seltzers containing TSC)
4. Hemp-Derived Consumer Products. Products intended for human consumption, do not contain cannabis flower, cannabis concentrate, or contain other parts of hemp plants or hemp concentrate.

Council Options:

- Take no action. If the Council takes no action, there is no state statute or local ordinance that prohibits the use of these adult use cannabis products in public places.
 - Cannot vaporize or smoke cannabis flower or products, or other products in an area where they would be inhaled by a minor. Example: If smoking a joint at a park and there is a child standing right next to them, this is not allowed.
- Discuss potential draft ordinance and any revisions the Council would like to see to what is prohibited or where it is prohibited and move forward with either adoption of an ordinance, if the three readings are waived, or a first reading could be made this evening, then the Council could consider the ordinance at a future meeting.
- If approving the ordinance as presented/revised, the Council is asked to adopt a summary publication resolution to save on publication costs.

Councilmember T’Kach said there is no smoking in the dog park. She asked if there was an ordinance prohibiting tobacco smoking in other city parks.

City Attorney McCauley Nason replied no.

City Administrator Wilson replied that was also her understanding from the Parks and Recreation Director.

Councilmember T’Kach asked what other cities were doing. She questioned if people were waiting to see how it goes and then deciding if there is a problem or issue that needs to be dealt with. She asked if the city was trying to find a solution to a problem that does not exist.

City Attorney McCauley Nason replied it was across the board on this topic. There are cities that are adopting ordinances prohibiting use in public spaces. Other cities are taking a wait and see approach to see if it is really a concern or not. She knew that Duluth, Alexandria, Prior Lake, and Apple Valley are creating ordinances. She said staff modeled the ordinances in the Council packets from Prior Lake and Apple Valley. She mentioned that the League is indicating if the city wants to prohibit use of any or some of these products in public places, the city needs to take affirmative action. She stated that the Council does not have to act tonight, they can wait to see if it is a problem or not to respond. It is a policy decision for the Council.

Councilmember T’Kach commented that people have probably been smoking in public places for years. She asked if anyone has heard from the Police Chief about how much of a problem or concern this is in town.

City Administrator Wilson responded that the Police Chief has been involved in conversations regarding this matter but was unable to attend this meeting. Based off conversations, there is a fairly strong expectation that there will be a change in people’s behavior. More will utilize the products now that they are legal and/or utilizing them out in the open. She shared that the Police Chief is supportive of this to discourage enjoying the product somewhere and jumping in the car and traveling while under the influence. There is not much of an ordinance the city can enact that would prohibit that but can encourage the use of the product in private places such as homes and other private places is the preference of the police department.

Mayor Dietrich mentioned she spoke with Police Chief Chiodo this afternoon and echoed the sentiments expressed by the City Administrator. The Police Chief mentioned these could always be repealed, but if getting too far it may be difficult.

Councilmember Murphy said there could be an issue when allowing the smoking of cigarettes in public places where other people are and then say they cannot smoke marijuana. He believes that is an issue, it does not make sense to him. He said edibles are mentioned too, he cannot picture the police department checking to see what people are eating. He has concerns about how close that is to people’s rights, according to the State of Minnesota. He understands the argument about people driving, being around schools, and children, of which he agrees 100%. He said they trust residents and consumers to drink responsibly and not get behind the wheel if they do they go to jail. He feels it is the

same thing. He said he does not feel the argument that we could repeal it later or must stop it now. He did not feel that the way it was written was fair to all residents in the city.

Councilmember Gliva mentioned she spent a week in Colorado, there are signs all over about how and where a person can consume marijuana. It was lumped together with smoking in general. She said she was at the Red Rocks Amphitheatre; it is a big outdoor space that you cannot vape or smoke in because it affects the people around you. She said she would be in favor to not being able to consume in a public space. She did not believe there was a way to track edibles.

Councilmember Scales said he equates the smoking of cannabis to smoking. He prefers both not be in parks. People are not allowed to bring beer and drink it; he was unsure why this was not the same. He said he likes the ordinance, he does not like waiting for a problem and then coming back. He does not believe edibles should be done in a public space but does not think it can be controlled. He said it could be put on the books, but likely not enforceable. If banning smoking in public places, he would like to see the same with this, it should be managed the same for both.

Councilmember T'Kach mentioned the city is starting to permit alcohol use in parks if people have a permit for an event. She asked how to address this. She questioned what was said by Councilmember Scales about prohibiting smoking and cannabis in parks, and then if allowing alcohol and cannabis. She said a part of the bill the legislature passed was because a lot of people do not want to consume alcohol and cannabis is not an addictive product. She suggested there be a lot more conversation around this and look into what other cities and states have done.

Councilmember Scales said he understands but sees a difference between the two. He said alcohol does not affect the person next to you. That is where he makes the distinction. If someone next to you is drinking a beer, he is not going to get drunk/affected by it; sitting next to someone smoking a joint, he would be affected. He does not want it.

Councilmember T'Kach asked if it would be possible to say you cannot smoke next to a minor, as stated, but also by other people, or to even have smoking areas. There are a lot of places that have smoking areas where you need to be a certain number of feet away from the building such as 10 or 30 feet. She asked if that was a possibility.

Councilmember Scales said he is a firm believer of doing whatever you want as long as it is legal. He does not like getting in the middle of anyone's choices and what they do. He said when it affects someone else, that is when we need to get involved. Putting it in a public space affects others.

Councilmember T'Kach agreed with Councilmember Murphy that stepping into other territory does not make sense.

Mayor Dietrich asked what it would look like to address tobacco smoking along with this and if it could be run in tandem.

City Attorney McCauley Nason replied she would recommend it be a separate ordinance or separate section of this ordinance. It would be in a different location within city code. She stated the Council could direct staff if wanting to prohibit tobacco smoking and the smoking/vaping of cannabis products and if wanting to set aside the consumption of edibles and THC infused beverages. An ordinance for consideration could be brought forward at the next meeting in August.

Councilmember T'Kach asked if that could include the vaping of tobacco.

City Attorney McCauley Nason replied it could.

Councilmember T'Kach asked if penalties could be aligned and if this could be penalized.

City Attorney McCauley Nason replied she would check to confirm, but believed the Council could adopt a penalty. Cannabis products is a petty misdemeanor, it is not a crime, it is a non-criminal offense. If receiving a citation, there would be a fine associated with it.

Mayor Dietrich mentioned there are documented health implications to second hand smoke. She would be in favor of an ordinance prohibiting the use of cannabis products in public places.

Councilmember T'Kach stated she felt they were chasing something that was not a problem yet. She said if there was a problem, to address it. She understands not smoking in parks, but all public places, walking down a sidewalk, she was not sure that makes sense.

City Administrator Wilson clarified that public places are defined as government owned. Some may think of the parking lot in front of Cub as a public place, that is not covered by this ordinance. She said if there is Council interest in restricting it further it could be defined. For example, stating that people cannot use cannabis products inside city parks, golf course, VMCC, on the grounds of the fire station or city hall. Sidewalks and trails could be excluded to the extent they are outside of a city park. The current proposal is drafted as city owned spaces within the community.

Mayor Dietrich asked if that included city owned trails.

City Administrator Wilson replied as currently written it includes sidewalks, trails, right of way.

Mayor Dietrich asked if that was all sidewalks.

City Administrator Wilson replied yes.

Councilmember T'Kach asked if a right of way included a street.

City Administrator Wilson responded yes. If there was no Council concern about someone standing on the street or sidewalk in front of their home using these products, a narrow way to define this would be to say it was not allowed in city parks, the golf course, any city building or surrounding grounds. They can specifically exclude public streets, trails, or sidewalks because they are outside of a park area.

Mayor Dietrich referenced the Police Chiefs concern regarding vaping in the Cub parking lot and then getting into their car. She asked how that would be addressed.

City Administrator Wilson replied that would be addressed by stopping someone who is displaying signs of impaired driving. Public spaces are addressed by staff, indoor spaces are governed by the Clear Air Act, private outdoor spaces are parking lots.

Councilmember T'Kach asked if cigarette smoking is prohibited on any city property.

City Administrator Wilson did not believe the city prohibits this. She said this was a bit of a surprise to newer staff working in the city. She mentioned that Parks and Recreation Director Adam Lares said smoking cigarettes was not prohibited in city parks. It is fairly common for those prohibitions to be put in place, but the city has not done this.

City Attorney McCauley Nason stated the Council has the following options to proceed with:

1. Consider adoption of the ordinance as proposed this evening
2. Consider adoption of a revised version of the ordinance
 - a. Someone can make a motion to approve the ordinance with the modification, for example, the use of edible products be removed or something along those lines.
3. Request that a revised ordinance be brought forward for consideration at the next meeting addressing any Council concerns such as:
 - a. Removing the use of edible products
 - b. Narrowing the definition of public places
 - c. Ordinance that also addresses and treats smoking and vaping in public places in a similar manner

The above three are what has been noted and identified, there could be others.

Councilmember T’Kach asked if there would be public input. She questioned if they were looking at having a broader discussion regarding this or if wanting to move forward in the next month or two.

City Administrator Wilson replied staff is not currently proposing some type of public outreach or engagement process. She shared that the local newspaper has this as their front page/top issue for discussion, that may warrant not rushing ahead tonight, but approving the first reading and putting a second reading on the agenda for August. If the Council is interested in public input, her suggestion is to consider a first reading tonight knowing the language could be amended; then have further discussion at the meetings in August. Staff can let residents know via social media accounts.

Mayor Dietrich shared that she discussed this with constituents a year ago on Night to Unite. She said that would be a great opportunity when out and about to discuss anything up and coming.

Councilmember Murphy said he has no issues with moving this forward faster. He said it sounded like there was Council consensus to alter three things: Including tobacco, not addressing edibles, and narrowing the location. He asked if there needs to be a second reading to add or change the language.

City Attorney McCauley Nason responded no. If the Council wanted to craft and wordsmith the ordinance this evening, the Council could adopt a modified version of the ordinance, waive the three-reading requirement, move forward with it, and move forward with summary publication. If Council would like more time to review a revised ordinance that addresses those three items and brings forward the no smoking/vaping in parks, the Council could move the first reading with direction to staff to modify the ordinance to address those three components and bring it back for a second reading in August. If not moving forward with the ordinance adoption tonight, when the law becomes effective on August 1st, there would be a gap period. At the second reading they could always waive the three readings at that time or if the Council chooses to move forward, could have an ordinance in place by the end of August.

Councilmember T’Kach said she could see coming back with a clean ordinance word smithed by the City Attorney and city staff. Looking at it and getting time with people on Night to Unite along with other venues and social media. She commented that people have been smoking cigarettes in public places for years. Having a gap for a few weeks, they would not have a major problem/issue that they have not already. She believed it was the behavior that results from drinking beers or smoking, she would rather look at that versus another government regulation. She wants to listen to what other people are thinking in the community.

Motion by Gliva, second by Scales, to go forward with the First Reading and to match the regulations on use of smoking and vaping of cannabis products to tobacco, removing the edible portion (gummies or THC infused beverages), and not making changes to the public place definition at this time. Resolution 2023-170

Ayes: 4

Nays: 1 (T’Kach) Motion carried.

Mayor Dietrich questioned if wanting to direct staff to look into public places.

Councilmember Gliva asked if it was possible to have a rough draft for the upcoming Night to Unite to show what the second reading would be like.

City Attorney McCauley Nason replied she could prepare those revisions and circulate that to the Council by this Wednesday.

D. Discussion Regarding Draft Interim Ordinance (Moratorium) Temporarily Prohibiting the Establishment or Operation of Cannabis Businesses

City Attorney McCauley Nason discussed the Council's interest in considering, at a future meeting, adoption of an interim ordinance prohibiting the establishment of cannabis related businesses. The following three items are worth noting:

1. When talking about cannabis, this is uncharted territory. Minnesota is a one of a growing list adopting legalization of cannabis products. Legislation adopted does not mirror any other states regulations. Everyone is making things up as they go.
2. There are many unknowns at this time. There is an Office of Cannabis Management. It may have a director, there has been no guidance put out from that office. This is an entity that was established to provide guidance to a city, regulatory agencies, legislature, and the public on the cannabis products.
3. There still may be changes to come. What has been adopted this legislative session may be revised again next legislative session before the licenses are anticipated to be issued (starting in January, 2025).

Background:

- In 2022 the legislature legalized certain edible cannabinoid products
 - These are products that contain THC derived from the hemp plant
- The City of Inver Grove Heights responded to that by adopting an interim ordinance which is set to expire on August 19th, 2023.
 - The interim ordinance established a study of edible cannabinoid products to determine what types of regulations the city may want to enact such as licensing ordinances and zoning regulations.
- Before the studies were complete, the legislature adopted Chapter 63, the Regulation of Adult Use Cannabis.
 - This legislation added a sunset date and a repealer to what it did in 2022.
 - The 2022 law still exists. It has been amended. As of March 1, 2025 it will no longer exist.
 - Everything will then be under the chapter that was adopted, 2023 legislation.
- Legislation created a new chapter of the statutes and modified the existing edible cannabinoid product statutes.
- Legislation created the Office of Cannabis Management (OCM).
- OCM is tasked with doing several things including issuing licenses for cultivators, manufacturers, distributors, and retailers, from seed to sale.

Adult-Use Cannabis Regulatory Structure

- There are 14 different license types that the OCM is authorized to issue.
- There are 16 different types of license holders that will exist under the new structure.
 - Mezzobusiness
 - Microbusiness
 - Cannabis Event Organizer
 - Testing Facilities
 - Manufacturers
 - Cultivators
 - Lower Potency Edible Retailers

Legislative Details:

The legislature sought to adopt a state-wide legislative structure for the use of cannabis products. The legislature took the ability to license out of the city's hands and:

- Cities are not allowed to license cannabis businesses
- Cities are not allowed to prohibit cannabis businesses
- Cities are not allowed to prohibit the adult use consumption of cannabis products authorized by the statute
- Cities are allowed to require registration for licensed businesses
- Cities can impose a place, time, and manner restriction on these businesses

- Can limit the number of licensed cannabis and other businesses with retail operations based on active registration within the county

There is specific local control that indicates what cities can and cannot do.

- The reasonable time, place, and manner restrictions are yet to be determined. OCM will provide guidance.
- One of the prohibitions reasonable is prohibiting the operation of a cannabis business within a certain number of feet from a school, daycare, or an attraction within a public park such as a playground used by minors.

City Role in Regulation:

Once everything is up and running and the structure moves forward:

- A cannabis business will apply for a license through OCM
- OCM advises the city of the application received
- The city has 30 days to respond and provide information such as zoning
- Cities are authorized to issue registrations
- Once the business receives a license from the OCM, they can conduct compliance checks, suspend regulations, and collect registration fees. They are provided a tax revenue sharing piece through the state

The OCM is still getting the office up and running, no licenses have been issued to cannabis businesses. Licenses will not be available and issued to cannabis businesses until January 2025. August 1, 2023, adult-use becomes legal, cannot sell the product, cannot buy the product, can grow, and use it. There is not going to be a retail establishment selling the cannabis products.

Edible cannabinoid products that were allowed/adopted in 2022, are still legal and can be sold. New products under discussion cannot be sold in the State of Minnesota yet.

What Other Cities Are Doing:

- The legislature has authorized cities the ability to adopt an interim ordinance
- Cities are authorized to adopt an interim ordinance no later than January 1st, 2025
- If the city chooses to adopt an interim ordinance, the following needs to be done:
 - Complete a study regarding what the appropriate time, place, and manner restrictions for cannabis businesses.
 - Provide an opportunity for the city to review model regulations that come out of OCM, potential recommendations from the League of Minnesota Cities, and to do what cities are already doing which is having conversations with each other about what types of regulations they are looking at.
 - Provide time to ensure those appropriate regulations are in place prior to issuance of those licenses from the OCM.

Definitions and Key Terms:

- Starts out with 72 defined terms. Everything has a definition including a cannabis business. There are 14 types of licensed businesses.

Council Options:

- Take No Action. The Council can choose to take no action.
 - No cannabis business licenses would be issued in the near future. There is the potential to impact the city's ability to regulate cannabis businesses in the future.
- Direct staff to call for a public hearing. Statute allows cities to adopt an interim ordinance, but only after a public hearing.
 - If the Council takes this direction, staff would notice a public hearing on the interim ordinance that would occur at the meeting in August.
 - After the public hearing, the Council could consider adoption of the interim ordinance.

Requested Action:

- Staff seeks direction as to whether or not the Council wants to consider adoption of an interim ordinance regarding cannabis businesses. The interim ordinance would prohibit the

establishment/operation of a cannabis business in the city as defined by the 2023 cannabis legislation until January 1, 2025, or such time as the interim ordinance is rescinded.

- Advise the Council and request direction as to whether or not the Council wants to direct staff to look into establishing a temporary licensing structure for businesses that are selling the 2022 legalized edible cannabinoid products.

There are 2022 legal products and 2023 legal products.

The city does not have any current regulations regarding edible cannabinoid products which include THC infused seltzers or edibles that are hemp-derived THC.

If the city does nothing, the interim ordinance will expire on August 19th and then businesses authorized to conduct retail sales would not be authorized/prohibited from selling these types of products. Where are these expected to be seen:

- Restaurants
- Grocery Stores
- Gas Stations
- Chiropractic Offices
- Massage Offices

Any place where those types of retail products are sold.

If the Council wants to move forward with directing staff to establish some type of licensing structure, it would be a temporary licensing structure. Once the 2023 legislation picks up and the 2022 legislation expires, the city would no longer be allowed to license those products under the way the statute is currently drafted. It would be an effort to create a licensing structure that would sunset automatically. Mayor Dietrich mentioned having conversations with the Chief and finding out that the OCM is not even in place yet, there is a lot of unknowns. She would be in favor of a moratorium. She does not want to waste staff time with licensing structure because that is further down the road with more unknowns.

Councilmember Murphy stated those were exactly his thoughts.

Councilmember T'Kach referenced "businesses with retail operations based on active registrations" asking if that was current for edibles or for in the future.

City Attorney McCauley Nason replied in the future. There is a specific requirement based on population, a certain number of licensed cannabis retailers must be allowed within each county. She mentioned there was language that establishes a certain number of registrations per resident. If it is one active registration for every 12,500 residents, applying that to the population of Inver Grove Heights, by the time all is said and done the city would be looking at three (3). This would be 3 retail licenses must be issued, 3 retail registrations must be approved. There is also language that says if your county has met the requirements. This is determined by number of registrations based on county population, if all those registrations have been complied with, a city is not required to register a retail cannabis business. If there is a city that is very open to businesses and issues a large number of registrations to license retail establishments, a city may have the ability to say that all registrations are accounted for, so they refuse to register. This blocks the business. Staff is hoping to get further guidance about how this works in practicality.

City Attorney McCauley Nason mentioned that municipal cannabis businesses are authorized by this statute. There are discussions being had just like municipal liquor as to if this was something that cities want to look into. She said that is not something they would be discussing tonight.

Councilmember T'Kach asked if there was a chance the regulations would come out of the cannabis office as early as mid-2024. She questioned if taking the idea of having a business advantage for this, there are small and large businesses, and if wanting to recruit/reach out to have a benefit to this new

law, it gives tax base and business cache. She asked if the moratorium could be revoked in August of next year.

City Attorney McCauley Nason replied the ordinance as drafted goes as long as possible as allowed by statute. The city can rescind the interim ordinance ahead of time/any time. It is within the Council's purview.

Councilmember T'Kach asked if the city is required to do any kind of study.

City Attorney McCauley Nason responded yes. Any time there is an interim ordinance, it is a requirement to do a study. It is not a defined study, the city does not have to hire someone to do it, staff can be directed if this ordinance is adopted. This includes reviewing the proposed regulations from OCM, looking at other cities ordinances as they are drafted, and working with the League of Minnesota Cities.

Councilmember T'Kach asked if staff has the planning capacity in the next year to be able to do this work.

City Administrator Wilson replied yes. She does not see the need to hire a consultant or a firm.

Councilmember T'Kach questioned what would happen if the city does not do this, nobody can open a business anyway. She questioned why they would do this.

City Attorney McCauley Nason responded that nobody can open a business because they cannot get a license from the Office of Cannabis Management. Reasons why is putting everyone on notice that the city is engaging in this process. She said there were businesses out there looking for places to open a business in. This gives information that there might be regulations and restrictions impacting where and how businesses, manufacturing, and distribution facilities are located. Another reason is to ensure the moratorium is in place so there is not any argument from a business possibly opening before the city adopts a zoning ordinance. This is even before becoming a licensed cannabis business. She said it could be a stretch of an argument, but it was better to not have the argument at all if not necessary.

Councilmember Gliva said she would be in favor of a moratorium and no further licensing until January 1st, 2025, or sooner if there is further information or direction.

Motion by T'Kach, to put a moratorium in place until January 1st, 2025 unless there is additional information that allows the city to pass a separate ordinance.

Mayor Dietrich asked the City Attorney what the second part of the motion may be.

City Attorney McCauley Nason replied it was to direct staff not to pursue adoption of licensing or other restrictions for edible cannabinoid products made legal in 2022

Councilmember T'Kach asked if it could include not to have staff study or look at licensing cannabinoid products or edibles until January 1, 2025, or the expiration of the 2022 legislation.

Motion by T'Kach, second by Gliva, to put a moratorium in place until January 1st, 2025 unless there is additional information that allows the city to pass a separate ordinance and to direct staff at this time, not to pursue adoption of licensing or other restrictions for edible cannabinoid products made legal in 2022, until January 1, 2025, or the expiration of the 2022 legislation.

City Administrator Wilson stated following the direction just made, the first step would be to notice a public hearing. The Council cannot adopt a moratorium tonight because the state is requiring public hearings. Staff will follow the necessary steps and get the public hearing scheduled for the first Council meeting that they can make dates line up. After holding the public hearing, the Council could choose to adopt the moratorium.

Ayes: 5**Nays: 0 Motion carried.****E. Update on Preliminary Design Report Progress for Water Treatment Plant Rehabilitation Improvements (City Project No. 2023-03)**

Public Works Director Brian Connolly provided an update on the water treatment plant rehabilitation and preliminary design efforts.

Project Overview:

- In October 2022, testing was done as a part of the Department of Health's regular testing protocol.
- In January 2023, the city was informed about higher levels of radium than what is allowed by the state and the Environmental Protection Agency standards.
- At the time notice was given, the city had already planned on doing a water treatment plant rehabilitation review. The project was already budgeted for 2024.
 - Construction in 2024 was budgeted for \$4,700,000. The city has already applied for Drinking Water Revolving Loan funds with the Department of Health and Public Facility Authority. The city is still waiting to see where their application falls in this process.
 - On April 24, 2023, the city awarded a preliminary/final design contract to Stantec Consultants.
 - Pilot testing was completed, running test samples for several different filter media and chemical treatment procedures to see what their effectiveness is.
 - There have been several water treatment plant walk throughs with Stantec, members of different suppliers, and material engineers. This provided input as to what the city can do to improve treatment efficiencies.
 - Received a Phase 1 improvement recommendation outline.

He said he does not have the outline with him this evening because it is still incomplete.

Preliminary Review Challenges:

- Pilot testing
 - Staff had hoped to begin testing in May.
 - Staff discovered while getting the test set up and the staff qualified to run it, it was a matter of trying to work with several different companies to align.
 - Began 3 weeks later than anticipated.
 - Tests have to be sent to a certified laboratory to get result on radium testing. Also testing for different types of chemicals they treat for and types of chemical treatments they put in to ensure all of that is taken out of the drinking water through the pilot test effort.
 - Each takes approximately 6 weeks to get results back. Still in the process of seeing results from the pilot testing effort.
 - Cannot draw conclusions until all tests are received back.
- Challenges with material suppliers and being able to get costs back and lead times.
- Scope of the rehabilitation has increased more than anticipated.
 - With filter treatment and changing chemical feed methods, finding other things that may need to be changed in terms of backwashing.
 - Staff prefers to vet this process now instead of during final design.

Design and Construction Schedule Challenges:

Staffs desire is to get to this as quickly as possible and address the treatment issue from a public safety standpoint while trying to be transparent in the process. Staff knew they would be able to get the filter media regardless of type needed, quickly. Have noticed other challenges come up:

- Applied for Drinking Water Fund Loan earlier this year. The approval is not anticipated until September/October.
 - Staff did not know that once approved, what their review process was going to be to certify the loan.

- Staff expected it to run in parallel with some of the design review and bidding. Finding out if the loan is received, will still have to do additional environmental review. This process should not take too much on staffs end in terms of cost and time.
- The challenge would be that there is still going to be a public review period. With a review process, it has to be open for public comment for 30 days. This is 30 days that staff cannot do anything while waiting for comments.
- If there are comments, time needs to be taken to respond to them and then they need to be reviewed again.
 - The process can take from 1-3 months.
- Talking with suppliers about Material Lead Times:
 - Discovered several key components that have 10-20-week order lead times. The challenge with this is if bidding a product in January, if it takes 4 months to get materials, cannot start work on those components until at least April or May.
 - The problem with this is that most components must be put in at the bottom of the filtering system. It is the first thing typically done. There is little staff can do leading up to that to make staff ready to get those components in. The challenge is not being able to really start a project until April or May and then wanting to finish that job by the end of May. An impossible timeframe considering the amount of work to do in the plant.
 - The reason why staff is concerned about this is because the way the treatment plant is set up is that they can take out half the plants capacity at one time and do all the filter work, get filters back into service, and then work on the other half of the plant.
 - Staff wants to do this during off-peak season, not in the middle of summer. September through May is the ideal target.

Alternative Options to Accelerate Project:

- Look to replace filter media in some of the filter cells, but not all. Pick 2-4 that can be replaced.
 - Could reduce radium with less chemical use.
 - One of the challenges with this is that the filter media would be sacrificial, it would be put in, the old would be swapped out, new would be put in; none of the mechanicals would be changed.
 - When getting the mechanical components, would have to remove all the filter media and then replace it.
 - Cannot reuse filter media, cannot put it into service, take it out of service, and then put it back in. It needs to go in new or it is not effective.
 - Per filter cell, \$70,000 to just do the media replacement.

To staff it seems like a high number to make something that is sacrificial for only 7-10 months of time. The costs of that would not be eligible for any Drinking Water Revolving Fund (DWRF) Loan coverage. It would only be eligible for things actually included after the loan and would be reviewed and approved by the Department of Health.

- Could look at doing advance chemical feed options
 - Currently have a two-part chemical feed system, looking to go to a single part chemical feed
 - This would help save money on chemicals. Chemical costs are rising.
 - Can be done without filter media replacement. Not eligible for DWRF loan coverage.
- Do nothing. Skip doing the mechanical valve components and just do a filter media replacement.
 - Staff and operators of the treatment facility have concerns about the reduced effectiveness of the backwashing system.
 - If a trail in the location, it would have been for nothing. This is not something staff recommends but always an option if the Council wants to move forward.
- The consultant is working on the opportunity to preorder key material components.
 - Involves more risk and liability challenges

- Warranty challenges
- Liability and schedule risks

The Silver Lining:

- Adjustments have been made to the chemical treatment process at the treatment plant since January, since receiving the notice of noncompliance from the Department of Health.
 - Noted that the effectiveness of radium removal has been good, below the maximum contamination level.
 - Back down into compliance with what the standard typically is.
 - There is a compliance agreement with the Department of Health that says the city will do improvements at the water treatment plant. The city is still obligated to do something at the treatment plant.
 - The city is in a better place now than they were 6-8 months ago. The water has been tested and is considered at a level to be safe by the Department of Health and the Environmental Protection Agency.

Project Schedule:

Dates were shown including the original date and a modified date for each line item.

- Preliminary Design - Progress Update: Not that far off on the modified date, July 24th, 2023.
- Preliminary Design Report (Draft) Presentation to the City Council: August 14th or August 21st City Council Meeting. Stantec will be in attendance to help answer questions.
- Preliminary Design Report (Final) Adoption by the City Council: September 11, 2023.

The following items were added that were not on the previous schedule such as:

- Tonight's update
- Assuming the city receives the Drinking Water Revolving Fund Loan: September/October 2023
- MDH Certification (Design/Funding Approval): January - March 2024

Project Schedule continued:

- Bid the project early 2024
- Start Construction in late summer/fall 2024
- Wrapping up the project at the end of 2024

Staff Recommendations:

Extend Design and Construction Schedule

Pros: -Achieve comprehensive objectives for filter and chemical treatment rehabilitation
-Affords the time of doing a thorough analysis of life-cycle costs/benefits
-Brings costs under a potential single DWRF loan program (can do a single contract)
-More detailed planning to reduce logistical challenges (Lowers risk of cost/scope creep)

Cons: -Delays the completion of the project by 9+ months
-Limited alternatives if radium levels increase in the next 12-18 months. Do not have a quick project to fix it. Will keep operating the way they have.
-Could experience inflationary cost impacts for construction materials and labor

A bid could be delayed by 3-4 months. If accelerating something, they are usually paying a premium to get things done sooner. It is unsure if the premium is greater or lesser if waiting 3 months to bid and not have the time crunch. Based off discussions with consultants and material suppliers, the city would be paying the same whether they accelerate or build over a longer period. Staff believes it is best to continue and stay the course. The later end time allows for more flexibility to be able to get this done in the most efficient manner.

Councilmember Gliva referenced the DWRF Loan and asked if it meant going with staff recommendations as stated and when they would apply for the loan.

Public Works Director Connolly replied the loan has already been applied for. Notice will be received indicating whether qualified and selected in September/October 2023. Before June 30th, 2024, the city would have to go through the approval process and then they would give the city the loan. The approval process asks if the plans are accepted by the Department of Health

and if the city has done the necessary Environmental Review documents. The only recommendation is that there is a retaining wall outside of the plant that could be repaired in the 1st Phase if the city felt it made sense with the other things they are doing. It was nothing that was critical to the treatment component. If approved, the city would be told they were approved up to a certain dollar amount. Staff would put a plan together, get bids, and tell them where the bids came in at.

Councilmember Murphy asked whose data points were included in the Silver Lining slide.

Public Works Director Connolly replied they are the Department of Health data points.

Councilmember Scales asked if the current schedule was a realistic one or if anything was noted that may push things out further.

Public Works Connolly replied if talking about the modified version. He is still working through the final design effort with the consultant. The consultant has already started. It could get challenging if doing advanced material ordering or multiple contracts. This has not been looked at to see how it plans out. The consultant has stated they have no problems being able to bid this by next spring. The only curveball would be if there was some random material supply issue next summer.

Councilmember T'Kach asked when testing the water if they look for PFAS and other chemicals. She said her understanding was that the Department of Health or the PCA would probably regulate those. She asked for further discussion, if that was layered on, if there would be another huge investment, and if it is compatible.

Public Works Director Connolly replied that one of the criteria was to be more aware of what the future emerging chemical contaminants are. The city voluntarily submitted samples to the Department of Health to look at what they had in the drinking water. There was PFAS, every community has it. His understanding from testing was that they were below thresholds. He said the EPA Draft Standards are likely going up. The treatment plant is stuck with what they have in the existing footprint. If having higher requirements for PFAS for future treatment, they would have to do a much bigger expansion or look at other treatment methods. When those regulations come forth, they are going to have to come forward with some assistance. The water treatment plant is good at currently treating issues in the system. He was unsure of the details regarding a future system. There is little out there that has been effective at treating PFAS, activated carbon is one method. They know activated carbon is contrary to radium, it absorbs radium and then becomes highly radioactive. Passing water through it does not remove radium, in some cases it puts it back into the system. He said they are exploring it, there is a component in the preliminary design for it. There is uncertainty about what could happen with technology and regulations.

Councilmember T'Kach commented there was not a preventative plan because of the lack of regulation and technology.

Public Works Director Connolly replied they are cognizant of it. Staff talks with other communities about what they are doing, what capabilities. From discussions with consultant Stantec, they have said the city is hemmed in because of how the raw water comes into the plant and is treated. There are potentials to doing something in the treatment stream, upstream from the treatment plant.

7. PUBLIC COMMENT:

William Frison, 6802 Carleda Avenue East, stated back in March he went to Public Works and asked about redoing the topcoat in some areas of his street that has come off. He said he stopped over last week and spoke with the Public Works Assistant who said they were out of money and that the money

was spent on contractors to come in and do most of the work. That is what took the funding. He said he was hoping to get the repairs necessary by September or October.

He mentioned he spoke with Joe Atkins about the train whistles going off in the middle of the night. He questioned what the holdup was on this.

Mayor Dietrich stated she has had another constituent talk to her about the train whistles, she is getting a response to that. She asked Mr. Frison to leave his contact information with City Clerk Kiernan so staff can find out the answers to his questions.

Todd Gabriel, 8755 River Heights Way, referenced the bow hunting boundary map that was adopted last September. He discovered that his lot was omitted from the boundary. He shared that his development has 33 residential lots, 9 of them were omitted and he was unsure why. The boundary map says that significant development has occurred in the northwest area. He said they are in the northeast area. He asked to get that amended. He said he spoke to the Police Chief last September who told him to come forward and try to get it back in. He questioned what needed to be done to get the residents on the north side. He said his neighbor at 8745, was unable to attend this meeting. He said he has been in his home for 28 years and has deer hunted. His home is high elevation, he does not allow others to hunt there, there are no safety problems.

Mayor Dietrich stated that the Council vetted the ordinance very thoroughly. She mentioned that amending this may not be an easy task. She asked that he provide his contact information to the City Clerk.

Mr. Gabriel asked if they knew why they were left off. Nothing has changed in his area.

Mayor Dietrich said she was unable to answer the question. His information would be passed along to the correct staff member.

George Fell, 1765 Upper 55th Street East, the section east of Babcock and west of South Robert Trail. He said it is a racetrack. He has spent the last 13 months on behalf of himself and his neighbors presenting this to the previous administration and this administration. He said it is a city street, the speed limit is set by the Council, enforcement is by the police department. He said if there are no resources in the police department financially or physically to be able to do anything, he asked if they would please let the neighbors know that the Council is aware of their concerns and that there is nothing that can be done at this point. He asked if that was unreasonable to do after 13 months. He said he provided the Council with information from the Minnesota Department of Transportation on the impacts of noise and speed on human health the last time he was present. He asked the Council if they read it if anyone was concerned. He said if there was nothing that could be done, to be courteous and tell them.

Mayor Dietrich asked when Mr. Fell was last before the Council and if he left information and nobody got back to him.

Mr. Fell responded that Mr. Connolly replied, then he responded back and asked if it was an enforcement issue. He asked if the Council could understand the speeding on that road, the defects on vehicles from tires, exhaust, transmissions, and that speed is the cause of noise.

Mayor Dietrich asked the Public Works Director if he would be the one to contact Mr. Fell.

Public Works Director Connolly replied he has had a couple of meetings with Mr. Fell about the issue with speeding and stop signs. He questioned if Mr. Fell's concern was regarding a lack of recognition by someone on the Council as to the concern and clarification in terms of being able to have more police enforcement there. His understanding from conversations with Police Chief Chiodo and others is that they have reached out to Mr. Fell in the distant past and have discussed with him some of the challenges they have with speed enforcement. They have discussed what they could do from a project standpoint but seems to be more of a police speed enforcement issue.

Mr. Fell stated he has met with Public Works Director Connolly and his staff. He has thanked him and the City Clerk for working with him from the beginning. He said he was always told "you do business as if people matter." He said the Public Works Director, City Clerk, City Administrator, and staff do that. They have really tried to solve the problem. He understands if the police department does not have the resources or that the road lends itself to be monitored as it should be. His neighbors understand that. He said they just want the Council to acknowledge them. He asked the Council to look at them as if they are them. If the Council came to them with a problem, they would understand and acknowledge it.

8. MAYOR AND COUNCIL COMMENTS:

9. ADJOURN:

Motion by Gliva, second by Scales, to adjourn the meeting at 8:11 p.m.

Ayes: 4

Nays: 1 (T'Kach) Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek