

INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, OCTOBER 9, 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, October 9, 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, Fire Chief Thill, Assistant Fire Chief/Fire Marshal Oswald, Finance Director Hove, Assistant Finance Director Hosszu, City Engineer Merchlewicz, Assistant City Engineer Dodge, Public Works Director Connolly, Code Compliance Coordinator Rainey, Human Resources Manager Shefchik, City Planner Hunting, Golf Clubhouse Superintendent Moynihan, Golf Course Superintendent Metz

3. PRESENTATIONS:

A. 2023 Fire Prevention Week Proclamation

Mayor Dietrich read aloud a Proclamation for Inver Grove Heights Fire Prevention Week.

The National Fire Prevention Association is celebrating its 101st annual Fire Prevention Week in 2023. The theme is “Cooking safety starts with you, pay attention to fire prevention.”

The week of October 8th, to October 14th, 2023 will be recognized as Fire Prevention Week in the City of Inver Grove Heights. The public is invited to learn more about fire prevention, fire safety, and is welcome to attend the Inver Grove Heights Fire Departments Annual Community Open House on Sunday, October 15th from 12:00 to 3:00 p.m. at Fire Station #2.

Mayor Dietrich welcomed Assistant Chief/Fire Marshal Scott Oswald and presented him with a plaque.

4. CONSENT AGENDA:

A. Minutes of the August 28, 2023 City Council Meeting

B. Approval of Disbursements **Resolution 2023-241**

C. Personnel Actions

D. Resolution 2023-242 Approving Property and Casualty Insurance Renewal

E. Resolution 2023-243 Designating Polling Locations and Establishing Stipends

F. Resolution 2023-244 Regarding Counting of Write-In Votes for Local Elective Office

G. Approval of Exempt Gambling Permit for Inver Grove Heights Hockey Association

H. Change Order No. 1 for City Project No. 2022-09I - Carmen Avenue & Claude Way Area Rehabilitation

I. Resolution 2023-245 Awarding a Contract to Kimley Horn, Inc. for Final Design and Engineering Services for City Project No. 2024-09G - South Grove Area 7 Improvements

J. Resolution 2023-246 Accepting Change Order #1 for City Project No. 2215 - Vista Pines Trail Connections

K. Purchase of Encrypted Radios for the Fire Department **Resolution 2023-247**

L. Approval of Replacement Non-DOT Drug and Alcohol Testing Policy

M. Resolutions 2023-248, 2023-249, 2023-250 Denying Rezoning and PUD Development Plan and Resolution Approving Preliminary and Final Plat for 8245 Argenta Trail (proposed Bulk Fluids location)

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

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. Continued Public Hearing and Resolution Ordering Project No. 2024-09H - 96th Street and 99th Street Area. Resolution 2023-251

Mayor Dietrich opened the Public Hearing.

Assistant City Engineer Steve Dodge presented on the 96th Street and 99th Street Area Project:
Project History:

- Initiated by the City Council through the Pavement Management Initiative
- Council ordered feasibility reports on June 12, 2023
- Council scheduled the improvement hearing on August 24, 2023
- Staff hosted an Open House on September 13, 2023 consisting of:
 - Draft feasibility report, project boards, preliminary assessment roll, receiving feedback
- Council accepted the feasibility report on September 25th and continued the public hearing to October 9th.

Project Summary 2024 PMI:

- 99th Street, Baxter Trail
 - PCI Ratings were above 35
 - 2" mill and overlay recommended
 - 96th Street, Barton Trail, Baker Court
 - PCI Ratings are below 35
 - Full depth reclamation is recommended
 - Pavement drainage corrections
 - Select storm structure replacement
 - Utility adjustments
 - Spot curb replacement
- To note: This area does not have sewer and water.

2024 Pavement Management Initiative Project Schedule:

- If Council orders the project/moves into final design: September 2023 through January 2024
- Council approves plans and project specs, authorize advertisement for bids: January 22, 2024
- Staff holds bid opening: February 2024
- Council receives bids and authorizes construction to lowest responsible bidder: March 11, 2024
- Construction open house neighborhood meeting: April 2024
- Construction: April through September 2024
- Council schedules assessment hearing: September 9, 2024
- Assessment open house neighborhood meeting: September 2024
- Council holds the assessment public hearing: October 14, 2024

Funding Sources:

- Pavement Management - Local Streets Fund (Fund 440)
- Water Capital Fund (Fund 511)
- Sewer Capital Fund (Fund 521)
- Storm Water Capital Fund (Fund 531)
- Special Assessments
- Municipal State Aid Funds

Assessment Policy Overview:

- 1981 Assessment Policy
- 2001 Pavement Management Policy (Where the 100%, 80%, or 50% assessments amounts came from).
- 2016 Assessment Policy Update
 - New improvements, 100% assessed
 - Mill & Overlay, 80%
 - Partial Reconstruction, 55%
 - Full Reconstruction, 35%
 - Crack seals/seal coats and potholes are not assessed

Pavement Management Citizen Task Force:

Staff met with the Task Force for a 9-month period, 2021-2022, to give guidance on the city's Pavement Management Initiative. Key Recommendations:

- Focus on improving the entire pavement management system
- Focus on life-cycle cost effectiveness and use most effective rehabilitation techniques
- Align utility infrastructure needs with pavement rehabilitation
- Maintain existing mix of project funding including maintaining the city special assessment rates
- Ensure rural area roads are included in the pavement management initiative
- Improve communications through early project notifications, open houses, field meetings, and clear website communication

Mayor Dietrich asked how people would be notified of the citizens meeting taking place in April.

Assistant City Engineer Dodge replied people would be notified by letter.

Anne Greer, 2263 99th Street East, mentioned she was surprised to learn that 99th Street was singled out for improvements. She has noticed other streets to be much needier. Other streets will need improvements sooner than this one, there is minor wear compared to other places. She suggested the funds be relocated to the manholes on Cahill. She suggested reallocating the funds toward something that would benefit the shock absorbers in cars.

Rhonda Klint, 9816 Baxter Trail, shared that at the last meeting the PCI value was 60, which is good. She requested the Pavement Committee take another look at Baxter Trail and the need for a full mill and overlay project. She requested information about how the percentages were arrived at 80%, 55%, and 35%.

Karl Findorff, 2386 99th Street East, was concerned because 99th Street is a completely different street than 96th Street. 99th Street is a cul-de-sac that is in good shape and needs minor maintenance. The people on 99th Street do not want this to be done. He was unsure why they were combined with 96th Street which has been bumpy and poorly graded the entire time it has been there. He believes the projects need to be separated. 96th Street needs to be fixed, 99th Street does not. It has little traffic as a cul-de-sac, it is not a through street. He is concerned these were lumped together to help pay for 96th Street when it is not necessary to do anything with 99th Street.

Gina Danner, Doug Danner, 9583 Baker Court. Ms. Danner stated there were more details about the project provided in the Council Meeting Minutes from Kimley Horn. She said it questions why 96th and Baker Court are lumped together. They are two distinct neighborhoods. She asked what the motivation was behind combining them. She referenced the Kimley Horn report stating the sewer has one minor

thing being done. She asked if this was to help pay for 96th Street. She said it was approximately \$4,100 per owner, per lot.

Mr. Danner stated the Kimley Horn report does not show the PCI Rating on Baker Court, it lists zero. He requested that rated pavement structure. He said the last time they were present 70 and above was considered good, numbers stated were at 20 and 50. He was unsure where their street is. He mentioned patchwork was done last summer. He was unsure when the last sealcoat was done, it could have been 2003. He was unsure if that could be done to buy them more time on the restructuring.

Tim Salscheider, 2306 99th Street, agreed that it felt as if 99th Street does not need to be done. They are being lumped into a project that needs to be done, but theirs does not. He requested clarification on the assessment amount handed out. He said if taking the 14 houses on 99th Street and multiplying it by \$20,000 it is \$240,000 just for 99th Street. He said he is in the construction industry and made some phone calls, that amount is about double what it should be. \$120,000 divided by 14 is a lot less. He requested an understanding of where the assessment amount came from.

Lucinda Findorff, 2386 99th Street East, stated the documents she has noticed looks like there are two very separate and distinct projects on 96th Street versus 99th Street. The cost looks like a total of both projects combined. She requested a very detailed listing of the costs for the 96th Street project and the 99th Street project and to see that they are being assessed for the work that is only being done on 99th Street.

Gerry Thomas, 3042 96th Street, stated he is in full support of rebuilding 96th Street. He referenced two homes on Benjamin Trail that were defined as an indirect access. He was unsure what that meant. That proposed assessment is about ½ of everyone else's. It consists of a long driveway called Benjamin Trail with two homes at the end, the only access is 96th Street. He asked why it has a different assessment.

Allan Hunting, 2645 96th Street East, said he is not opposed to the reconstruction. He addressed traffic safety stating that 96th Street is not an official collector on the comprehensive plan/roadway network. Because it is one of the only east/west streets, it acts like a neighborhood collector. The concern is with the speeds of cars running eastbound down 96th at the Baxter Trail/cul-de-sac which has a blind curve. He asked if anything can be looked into for traffic control safety such as a stop sign or some way to slow cars down as they head east.

Mayor Dietrich asked what the posted speed limit was.

Mr. Hunting replied it is posted as 30.

Mayor Dietrich asked if there has been a public safety flashing sign showing people what speed they should be going.

Mr. Hunting was not aware of one being placed there. He said it would be helpful for people to see their speed.

Motion by T'Kach, second by Gliva, to close the Public Hearing at 7:28PM.

Ayes: 5

Nays: 0 Motion carried.

Assistant City Engineer Dodge presented a portion of the presentation that may help answer some of the questions:

Project Area:

- 96th Street, cul-de-sac, and 99th Street

- Benjamin Trail is a private road connecting to 96th Street

Street Conditions, 96th Street: Pavement conditions are below 35.
Street Conditions, 99th Street: Within the range of doing a mill & overlay.
Existing Conditions of Baxter Trail: Range of 60, mill & overlay.

Questions from the original Open House and September 25th Public Hearing:

- 2 estate parcels on Benjamin Trail are considered a private road with access off of 96th Street
 - Shared driveways are different than private roads
 - Per policy, it is 50% for a standard single-family lot
- Mill & Overlay is more than Full Depth Reclamation (FDR)
 - Mill & Overlay is assessed at 80%
 - Full Depth Reclamation/Partial Reconstruction is 55%
 - Reconstruction, 35%

The city is making an improvement to a neighborhood. Type/class of property/neighborhood would get a similar assessment.

Assistant City Engineer Dodge addressed the inclusion of Baker Court with 96th Street costs:

- City assessments are on a neighborhood basis
- The city does 6-7 miles of pavement rehabilitation per year
 - Projects are looked at on a neighborhood basis
- Unimproved right of way of 96th Street, west of Baker Court. There is a shared driveway.
- As a part of the assessment roll there was 550 feet left out on Barton Trail.
 - Adding 550 feet of Barton Trail and taking out the 900 feet of unimproved right of way, the adjustment adjusts assessments \$19.00.
 - City would pay approximately \$1,000 more on the city parcel.
 - Adjustments will be made once getting to the assessment hearing.
- Subgrade and drainage issues on the project:
 - A part of the feasibility report. Soft spots on roads will be taken care of.
 - In these type of full depth reclamation projects, they would go down an additional foot below gravel and put a rock/aggregate base to firm up the road. A gravel/pavement section is placed on top.
 - Part of the estimate
- Increased truck traffic on 96th Street:
 - Trunk Highway 52 is nearby
 - Barnes Avenue is a county road that 96th Street connects to.
 - Staff looked at design parameters. The road design can handle 3x or more traffic than what is seen today.
 - Traffic counts on 96th Street show over 300 vehicles per day.
 - Inver Grove Trail, Blaine Avenue, and Cahill Avenue are examples of collector streets.
 - Have traffic counts of 2,000 vehicles or higher.

Costs/Funding:

- Total Project Cost: \$2,583,247
 - Streets
 - Storm sewer (on 96th at a low point)
 - Sanitary sewer
 - Watermain
- Total Project Funding:
 - Pavement Management Fund, \$1,036,443
 - Stormwater Utility Fund

- Watermain Utility Fund
- Special Assessments, \$1,490,917

Project Special Assessments:

- Full Depth Reclamation (FDR), 55% assessment rate
 - 55 single family lots
 - 1 city lot
 - 10-year term
- Mill & Overlay, 80% assessment rate
 - 21 single family lots
 - 10-year term

Preliminary Assessment:

- Single family residential (Full Depth Reclamation), \$19,677
- Indirect access single family residential (FDR), \$9,839
- Single family residential on Baxter and 99th Street (Mill & Overlay), \$20,397

Assistant City Engineer Dodge addressed questions beginning with 99th Street, if the improvement was needed, singled out, and why it was along with 96th Street.

He stated that 99th Street and Baxter have pavement conditions between the 35 and 65 range. City policy is to extend the life of the pavement for another 20 years. For that reason, they do not want this to fall into a more expensive project. The time to do a mill and overlay is now, while in the area. The projects are lumped together because they are a similar improvement. Costs for improvements are broken down in the feasibility report. He recommends sticking with the neighborhood policy approach.

Mayor Dietrich mentioned a resident who stated the PCI Rating was 60 on Baxter Trail. She questioned if this confirms there are areas that are 35.

Assistant City Engineer Dodge replied the PCI begins at 100 for a brand-new road, curving down to 70, 65, and 45. The further it goes down the curve the faster it deteriorates. If these projects are not done while in the 65-35 range, it's possible they could go into a reconstruction type project.

Mayor Dietrich asked about Cahill and where things were. She said it was mentioned to apply some of these monies to Cahill and that there was a large pothole.

Assistant City Engineer Dodge replied Cahill would be a part of the Capital Improvement Program. He was unsure of the 5-year plan at this time.

Public Works Director Brian Connolly responded that the current 5-year draft of the Capital Improvement Plan for 2024-2028 proposes doing a traffic study for the entire length of Cahill in either 2024 or 2025. Doing so would begin the process of having more comprehensive upgrades on Cahill. It is not in the 5-year CIP, but off the end of it. It would start showing up in next year's CIP in segments beginning in 2029. It is not a road that can be improved all at once. He stated the effort made this year at 65th Street was to correct an issue with rutting. Since a contractor was working in the area a price was negotiated to do an intersection overlay.

Assistant City Engineer Dodge addressed the question regarding Baker Court stating it is a part of the project because deterioration of the pavement is similar to 96th Street. It has deteriorated too far to be a mill and overlay project. It is PCI 35 or under and due for an FDR.

He addressed the neighborhood project approach stating the housing type and class are similar, street width and property sizes are similar. Staff recommends staying with the neighborhood plan.

Mayor Dietrich mentioned a resident asked how they arrive at assessment percentages and numbers.

Assistant City Engineer Dodge replied that the assessment percentages have been developed since 2001 and relates to how the city funds projects. The ratio is a part of the funding packages.

Councilmember T'Kach asked what an assessment difference would be between a mill and overlay for one mile with an average house versus a complete reconstruction. A complete reconstruction has a lower percentage of the cost but is a cost higher than an assessment would be for something bigger even though the percentage is smaller.

Assistant City Engineer Dodge responded that a threshold needs to be met if bonding. The city has to assess at least 20% or over. The assessment rates are set so that the 35%, 55%, and 80% should be similar in the same area. With the need for a full depth reclamation, when coming back in 20-25 years they would do a mill and overlay. The mill and overlay would be about the same assessment paid for the partial reconstruction/FDR. The assessments should be similar.

Councilmember T'Kach said the costs would be larger if doing a total reconstruction.

Assistant City Engineer Dodge replied assessments are at 35%.

Councilmember T'Kach stated that no matter what was done to the road, assessments would be similar.

Assistant City Engineer Dodge agreed.

Public Works Director Connolly addressed the question posed by Councilmember T'Kach stating there is the assessment cost, which individual residents pay, and additional costs. If assessments are 35% the city pays 65%. Even though the assessments stay level, the city cost share goes up substantially more than other types of projects such as a mill and overlay. There is a Council approved and adopted policy staff follows. Those percentages were looked at by the Citizen's Task Force. The group determined the values to be reasonable and to continue with those numbers into the future.

Councilmember Gliva inquired if there was no cost savings when going out to bid, the last time she noted larger projects they had \$13,000 and \$12,000; \$19,000 and \$20,000 is a lot larger.

City Engineer Dodge replied it deals with the class and type of property and large estate lots appropriate with the valuations of the property. It meets the special benefit test.

Assistant City Engineer Dodge stated there was a question regarding PCI that he would get in touch with the resident about.

Councilmember T'Kach shared for residents concerned with traffic and speed, it is not a public works issue. She has heard in the past to direct phone calls to the police department to enforce speeds.

Assistant City Engineer Dodge replied he noted the traffic counts per day. There have been recent traffic counts in 2019, new ones are coming soon. The existing signage is appropriate for the vehicle traffic they are seeing. He said he has heard when Trunk Highway 52 backs up, traffic comes down this road and people question what they should do to redirect them.

Public Works Director Connolly replied this is one of the few roads that connect between the frontage road of Highway 52/Courthouse Boulevard and Barnes. This street was designed to fit the topography. The curves are natural deterrents to speeding. A straight road would have a lot more speeding. He was unsure how often Highway 52 is backed up; sometimes alternative routes are sought out. If there are concerns about speeding, engineering and public works could look at the area and determine if there was a way additional traffic calming would be warranted. The width of the road prevents the ability to do much. He mentioned there is a Traffic Control Committee that meets and has police representatives. If there continues to be concerns about speeding one of the mobile speed units can be placed there to take additional data. Staff can work with the design team to see if anything can be done to make sure it is being addressed.

Assistant City Engineer Dodge stated Council action would be to approve the project and authorize plans and specs.

Motion by T’Kach, second by Gliva, to approve Resolution 2023-251 Ordering Improvement and Authorize preparation of plans and specifications for 2024-09H - 96th Street & 99th Street Area

Ayes: 5

Nays: 0 Motion carried.

B. Assessment Hearing and Resolution Adopting Final Assessment Rolls for 2023 Pavement Management Projects 2022-09 I, J, and L. Resolution 2023-252, 2023-253, 2023-254

Assistant City Engineer Steve Dodge presented the 2023 Pavement Management Initiative Assessment Hearing for the following projects:

- Carmen Avenue and Claude Way Area (2022-09I)
- Cheney Trail and Coffman Path Area (2022-09J)
- Bolland Trail and 62nd Street Area (2022-09L)

Project History:

- Initiated by the City Council through the Pavement Management Initiative (PMI)
- Council ordered the Feasibility Report, October 2021
- Projects were put on hold due to several ordered at once as a part of the PMI
- This is the second set of projects on schedule
- Council ordered the project in November 2022
- Council awarded the project, April 2023
- Projects were substantially completed, June-September 2023
- Staff hosted three (3) open houses:
 - Improvement Hearing/Feasibility
 - Pre-Construction
 - Assessment Hearing Open House (held prior to this meeting)

Project Summary, 2022-09I

- Full Depth Reclamation: Carmen Avenue
 - Grind gravel and pavement together to produce new reclaimed aggregate base
 - All new pavement is brought in and put on top
- 2" Mill & Overlay: Claude Avenue
 - Pavement patching
- Spot curb replacement
- Utility work
 - Storm rehabilitation/structures, storm casting, sewer castings, water gate valves
- Worked with both Metro Transit and the City of South St. Paul
- Took a trail on the west side of Carmen and newly constructed it as a sidewalk

Project Summary, 2022-09 J & L

- 2" Mill & Overlay
- Spot curb replacement
- Minor utility adjustments: storm castings, water gate valves
- Trail replacement, (2022-09J, Cheney and Coffman)
- Sewer extension, (2022-09L, Bolland and 62nd)

Assessment Payments:

- When Council approves the final roll and levies the assessments for each project, the city mails out a statement to residents
- Property owners have 30 days to pay in full or the city certifies with the county
- Council will take payment in full until the end of December
- No interest is charged through the end of 2023

Assessment Terms:

- 4.95% interest begins January 1, 2024
- 5-year payment term for Mill & Overlay
- 10-year payment term for FDR
- Included with future property tax statements
- Can pay the county in full at any time. Required to pay interest for that year.

Hardship Deferment for Assessments:

- Homesteaded property, and...
- 65 years old and older, permanent disability, or active military, and...
- Payment would be a hardship (income based)
- Accrues interest starting January 1, 2024
- Submit request within 30 days of the levy by the Council

Assessment Hearing Procedure:

- Staff presents summary of each project
- Receive documents or assessment objections (if any)
- Hold each public hearing independently
- After each hearing Council approves the resolution approving assessments and adopting the final assessment roll.

Assistant City Engineer Dodge presented project background for Carmen Avenue and Claude Way (2022-09I):

- 1970 Street Construction, 1.26 miles
- Past maintenance includes seal coats, crack seals, and mill & overlay
- Carmen Avenue was in need of new aggregate base material
 - There was no gravel below the road
 - Use the reclamation process to create a new gravel base
 - Pave 6" over that
- Claude Way required spot pavement replacement and patching where necessary

Estimated Final Cost/Funding (2022-09I):

- From feasibility (\$3,320,096) to final (\$1,961,417)
- Total Project Costs:
 - \$1,386,540 for street improvements
 - \$36,506 for watermain improvements
 - \$51,069 for sanitary sewer improvements
 - \$159,890 for storm sewer improvements
 - \$327,412 for sidewalk improvements
- Total Project Funding:
 - \$713,442, Pavement Management - Local Streets Fund 440
 - Water Capital, Sewer Capital, and Storm Water Capital Funds
 - \$1,009,398, Special Assessments
 - \$100,938, South St. Paul and Metro Transit
 - South St. Paul will assess their parcels.

- Metro Transit has a bus stop on Carmen. They were highly involved in this project.
- Improvements were made by the city to several Metro Transit bus stations. Metro Transit paid for those improvements, but the city did not.

Special Assessments (2022-09I):

- Based off an area assessment
- 80% of Mill & Overlay was assessed on Claude
- 55% of Full Depth Reclamation was assessed on Carmen
- Recommended 10-year term at 4.95% interest
- Assessment amount:
 - Per policy assessment: approximately \$17,000 per acre
 - Special Benefit Cap for commercial property, approximately \$1.00 per square foot
 - Proposed Final Assessment: \$10,392.24 per acre, 0.24 per square foot
 - 40% reduction from the feasibility report to final assessment

Mayor Dietrich opened the Public Hearing for Carmen Avenue and Claude Way.

Motion by Gliva, second by Scales, to close the Public Hearing at 7:22PM

Ayes: 5

Nays: 0 Motion carried.

Councilmember Murphy asked if South St. Paul's assessments were related to Lot 34, 5th Avenue Plaza.

Assistant City Engineer Dodge replied yes, 600 feet going down the road.

Councilmember Murphy asked if that money makes it back to Inver Grove Heights.

Assistant City Engineer Dodge replied yes. South St. Paul Metro Transit has over \$100,000 that would be invoiced by the city.

Councilmember T'Kach asked what the Carmen Avenue PCI was before the project.

Assistant City Engineer Dodge replied it was below 35.

Motion by T'Kach, second by Gliva, to approve Resolution 2023-252 approving special assessments and adopting final assessment roll for the 2023 PMP 2022-09I - Carmen Ave & Claude Way Area Reconstruction.

Ayes: 5

Nays: 0 Motion carried.

Assistant City Engineer Dodge presented project background for Cheney Trail and Coffman Path (Project 2022-09J):

- 71 single family homes on the Cheney Trail section with cul-de-sacs
- 107 townhomes are in the Coffman Path area
- Trail improvements (Coffman Path)
- 1.9 miles of urban street with curb was constructed around 2001
- Past maintenance: 2 seal coats, 2 crack seals, miscellaneous patching

Estimated Final Cost/Funding (2022-09J):

- From feasibility (\$628,519) to final (\$476,381)
- Total Project Costs:
 - \$295,698 for street improvements

- \$84,232 for bituminous trail improvements
- \$27,749 for sanitary sewer improvements
- \$31,889 for watermain improvements
- \$36,813 for storm sewer improvements
- Total Project Funding:
 - \$106,793, Pavement Management - Local Streets Fund 440
 - Water, Sewer, and Storm Water Capital Funds
 - \$302,617 Special Assessments

Special Assessments (2022-09J):

- Street and storm are assessed at 80% for mill and overlay
- Trail assessed rate is 55% to the townhomes
- 5-year assessment term at 4.95% interest starting in 2024
- 71 single family lots assessed on a uniform per parcel basis
- 107 multifamily townhome lots assessed on uniform per parcel basis
- 1 apartment, 2 commercial, and 2 city owned properties
- Assessment amount:
 - Single Family Residential, \$2,283, 31% reduction
 - Multi Family Townhomes (Arbor Pointe), \$1,051, 25% reduction
 - Multi Family Townhomes (Woodview Ponds/Estates), \$1,355, 26% reduction
 - Multi-Family Residential, CDA Apartment, \$8,100
 - Commercial/City, varies per policy amount

Mayor Dietrich opened the Public Hearing for Cheney Trail and Coffman Path.

Motion by Scales, second by T’Kach, to close the Public Hearing at 8:31PM

Ayes: 5

Nays: 0 Motion carried.

Motion by Gliva, second by Scales, to Approve Resolution 2023-253 approving special assessments and adopting final assessment roll for the 2023 PMP 2022-09J - Cheney Trail & Coffman Path Area Rehabilitation.

Ayes: 5

Nays: 0 Motion carried.

Assistant City Engineer Dodge presented project background for Bolland Trail and 62nd Street (2022-09L):

- 55 Single Family Homes, 107 townhomes in the Coffman Path area
- 0.8 miles of urban street with curb, constructed in 2001. 62nd Street was constructed in 1977.
- Past maintenance includes: 1 seal coat, 1 crack seal, miscellaneous patching
- 62nd Street sewer extension from the intersection of Bolland Court/Bolland Trail, to 62nd Street.
- 62nd Street improvement project was funded through the Sewer Fund. Those residents did not pay for the sewer funding.

Estimated Final Cost/Funding (2022-09L):

This project required the use of the Bid Budget due to an identified need for a sewer project.

- From feasibility (\$604,300) to final (\$571,009)
- Total Project Costs:

- \$254,802 for street improvements
- \$25,297 for sanitary sewer improvements
- \$12,944 for watermain improvements
- \$21,865 for storm water improvements
- \$256,101 for sanitary sewer extension
- Total Project Funding:
 - \$56,906, Pavement Management - Local Streets Fund 440
 - Water Capital Fund
 - \$249,121 Sewer Capital Fund, Fund 504
 - Storm Water Capital
 - \$247,156, Special Assessments

Special Assessments (2022-09L):

- 80% assessment rate for mill and overlay
- 5-year payment term at 4.95% with interest starting in 2024
- 55 single family lots assessed on a uniform per parcel basis
- Assessment amount:
 - There was a special benefit cap. Feasibility assessment was at \$5,900, proposed final assessment was \$4,943, 17%.

Councilmember Gliva asked why there was a gap in 62nd Street where a section was not repaired.

Assistant City Engineer Dodge responded that area was considered. There are other parcels on septic and well. While meeting with those residents it was determined their septic systems were showing signs of failing. At some time in the near future a sewer project in this area may need to be considered. Sanitary sewer was extended to the project limits of this project for the possibility of an extension of sanitary sewer and the possibility of road reconstruction.

Councilmember Gliva asked if that consisted of five parcels.

Assistant City Engineer Dodge replied that was correct. Five parcels would be paying for sewer and a new street.

City Clerk Rebecca Kiernan read aloud a letter from a resident located at 2545 62nd Street East, Mr. Keith Arnold, Parcel #52. He was not objecting to the actual work; he was objecting to the restoration.

Motion by T’Kach, second by Gliva, to accept the letter of objection into the public record.

Ayes: 5

Nays: 0 Motion carried.

Mayor Dietrich opened the Public Hearing for Bolland Trail and 62nd Street.

Keith Arnold, 2545 62nd Street, stated he is new to the city. He reached out to the city numerous times throughout the pavement project and has received no feedback and no response via email or phone. This was because the person had left the city but was still on the notices. He said the issue is that their lot was uniquely impacted. The sewer extension was never listed in any of the pavement paperwork, it went right through their yard. They only found out about it after they discovered stakes in their trees, across the right of way, and on both sides of their driveway. They were worried it may impact their trees. He said the contractors did a great job; the problem was with the clarity of the project. They had no idea about the sewer. He said they will likely have to go through this again in the future for the other homes next to them. He mentioned that their neighbors had meetings, but he was never included. He

did not like the idea of having to pay an equal share of the assessment while being the only parcel that was ripped to shreds for over three months. He did a landscaping project in the yard, which he never would have done if he had known about this work being done. They now have a two-tone driveway and after all of the shaking and movement from the ground they had a massive tree limb fall resulting in \$4,000 to \$5,000 of tree work and now have rodents in their home, which they never had before. He said it has been a bad summer, the communication has been poor. He does not like the idea of having to pay this only to have another disruption with the four houses that didn't join in with this construction.

Motion by Scales, second by Gliva, to close the Public Hearing at 7:45PM**Ayes: 5****Nays: 0 Motion carried.**

Assistant City Engineer Dodge noted there was a change of staffing that took place as the project moved forward. He picked up the project after the letters went out. A construction open house was held. He said it would have been useful if staff would have reached out to those adjacent to the sanitary sewer as a separate meeting. This is something staff could learn from and look to in the future. He agreed that stakes showed up in their yard as the sanitary sewer was being staked. The homeowner should be notified by staff or the surveyor that did the staking. Someone should have knocked on their door prior to putting stakes on their property. He said he had a separate meeting with the Arnolds and walked through the whole project with them for an understanding.

He addressed the driveway color stating that the sanitary sewer was deep enough to disturb the homeowner's driveway. The disturbance was within the road right of way/easement, which is city property. It is standard practice to replace the driveway in kind with the same material. The homeowner was unhappy with the two different colors. He said it is not the city's responsibility to match new pavement with pavement that has aged. Staff did what was required.

Mayor Dietrich asked how the landscaping was disturbed.

Assistant City Engineer Dodge replied the landscaping was near the curb, they salvaged what they could. The homeowners were notified if there were any plants, they wanted to salvage they would need to place them outside of the project limits and put them back when the project was done. Staff worked with the contractor to minimize disturbance to the trees and agreed to trim a tree if needed during the winter.

Mayor Dietrich asked the Assistant City Engineer if he spoke with the Arnold's regarding things within the 10-foot area. For example, items that may be hit by a snowplow.

Assistant City Engineer Dodge replied the right of way includes approximately 14 feet beyond the curb, depending on right of way width and type of road. While still city property, it needs to be maintained. Things such as landscaping, obstructions in the right of way, and irrigation are at risk at the property owner's expense.

Councilmember T'Kach asked if the construction project went beyond the right of way into their yard.

Assistant City Engineer Dodge replied the construction project consisted of a sanitary sewer pipe going down the road. Due to the depth, the trench excavation caused removal of curb and disturbance to the road that went by their driveway. There is a substantial driveway replacement area approximately 16 feet past the curb going into the easement.

Councilmember T'Kach asked if it was beyond the private land line after the right of way.

Assistant City Engineer Dodge replied it was a drainage and utility easement, there are rights to utilize it.

Councilmember Murphy asked if the homeowners told staff the septic was likely to go out or if staff verified it.

Assistant City Engineer Dodge replied staff met directly with the 5 residents. A couple of them acknowledged that they already have septic issues and would rather be hooked up to city sewer in the future rather than paying for an expensive septic system. This would be placed in the CIP and coordinated with the homeowners.

Councilmember Murphy asked if it doesn't come up again in the next 5-10 years, if it would stay the way it is in the future.

Assistant City Engineer Dodge replied they know it will come up in 10 years. It's not a part of the 5-year CIP today. Staff will look at it in the longer-term capital improvement plan.

City Attorney Bridget McCauley Nason stated there is a new version of the resolution. The motion would be to approve the resolution that was placed on the Council dais that approves the special assessment and adopts the final assessment roll for Project 2022-09L. The resolution in the Council packets was a duplicate resolution for Project 2022-09J. The correct resolution was handed out to approve special assessments and adopt the final assessment roll for the 2023 Pavement Management Program City Project No. 2022-09L for Bolland Trail and 62nd Street. The second page in the packet is correct.

Motion by Scales, second by Gliva, to approve Resolution 2023-254 approving special assessments and adoption final assessment roll for the 2023 PMP 2022-09L - Bolland Trail and 62nd Street Area Rehabilitation

Ayes: 5

Nays: 0 Motion carried.

C. Certification of Unpaid Utility Bills. Resolution 2023-255

Assistant Finance Director Sam Hosszu presented the Certification of Delinquent Utility Bills.

Background:

- Monthly, finance staff sends out reminder letters to utility accounts with an outstanding balance.
- In August, staff sent out certification notices to any account holder who had a balance due of greater than \$50.00.
 - The notices let the account holder know that the city intends to certify the balance if it remains unpaid.
 - October 3rd was the deadline for payment.
 - If no payment was received, their utility account would be included in Council packets.
 - October 9th, the Council considers certification for assessment of those balances.
- Assuming the Council approves the certifications, staff and the city would continue to accept payment on all accounts for 30 days.
- After those 30 days, staff sends those assessments to Dakota County for collection on the 2024 property tax bill.
 - An 8% admin fee and 8% interest would be added to the account (16% total).
- March 2024, Dakota County mails the 2024 property tax bills.
- In May and October property owners pay their first and second half of property taxes.
- The city receives its settlement in July and December of 2024.

Active Accounts:

- Information pulled in late August had a total of 950 accounts, an unpaid balance of \$347,077.

- This number is within the range of previous years 2017-2022.
- Staff was disappointed to see the collection rate from the August mailing was only 38% when an average of 44% is typically seen.
- That left 468 accounts with a total of \$231,434. One of them is a large commercial account.
- Staff will continue to monitor the ratio and bring forward trends noticed.

Inactive Accounts:

- An inactive account occurs when property changes hands and the former owner does not pay all of their final bill.
 - Last year there were 62 with a total outstanding bill of \$7,766.
 - In these cases, notices are sent to the previous owner and the current owner of the property. Once certified it would go onto their property taxes.
- Staff recommends certification of these balances as it allows the buyers and sellers to resolve this privately if the property has only recently changed hands.

Council is asked to certify 468 active utility accounts with a delinquent balance totaling \$199,512 and 62 inactive utility accounts with delinquent balances of \$6,670.

After tonight's certification the city will continue to accept payment for 30 days through all normal utility collection methods. After 30 days is up, the city would submit the list of all unpaid accounts to the county and apply the 8% admin fee and 8% interest charge. Those percentages equal approximately \$25,252.

Mayor Dietrich asked if the 30 days for payment starts tonight.

Assistant Finance Director Hosszu replied 30 days starts tomorrow morning.

Mayor Dietrich asked if it was common to see a commercial property accumulate that kind of total.

Assistant Finance Director Hosszu replied he was unsure historically; this one is an outlier.

Councilmember Scales asked if the commercial property changed hands recently.

Assistant Finance Director Hosszu responded that he believes it did.

City Administrator Kris Wilson stated the changing of hands took place about 15 months ago.

Councilmember Murphy asked if there is a point where they turn it off.

Assistant Finance Director Hosszu replied it has not been past practice to do so. It is in city code. Public Works Director Connolly replied it is stated in the city code that delinquent utility bills can have the water turned off. Past practice has not been to do it, it has been to go through this process and try to get it resolved. If there is no movement on a resolution, it is something that could be considered.

City Administrator Wilson stated the city may want to consider a policy regarding shutting it off. She was unsure there could be differing policies between businesses and residences. Many cities have moved away from shutting off water because it is a basic necessity. Most cities use this method to collect rather than a shut off means. If the Council wishes to pursue this or see if there could be a different policy between residential and commercial, staff could look into it for the future.

Councilmember Murphy said there could be different policies for residents and businesses, one is for profit, and one is not. He said it does not seem fair to residents in the city who can and did pay the bill and have a for-profit business that is this far behind.

Mayor Dietrich agreed with Councilmember Murphy's statement. She would like to have this looked into to see if there could be something different for businesses.

Councilmember T'Kach said there are people running businesses out of their homes all of the time. The idea of public health and safety far outweigh the dollars. The city currently has a mechanism, she would like to see the city pursue the avenues they have.

Councilmember Scales becomes concerned when shutting off water. Not having flowing water can be bad in a building. He would be cautious about shutting commercial or anyone's water off.

Councilmember Gliva said there has to be something they can find in the middle. They should not be going through something for an entire year before putting something on the county rolls. If this continues into the first quarter, there should be some type of action into which they could look.

Mayor Dietrich suggested this should be looked into. They should look into something that could mitigate so this doesn't get so far out.

Mayor Dietrich opened the Public Hearing.

Motion by Gliva, second by T'Kach, to close the Public Hearing at 8:11PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Gliva, second by Scales, to approve Resolution 2023-255 certifying unpaid delinquent water, sewer, and storm water charges to the county auditor to be collected with other taxes on said property.

Ayes: 5

Nays: 0 Motion carried.

D. Adoption of Assessment Roll for the 2023 Public Nuisance & Diseased Tree Abatement Program. Resolution 2023-256

Code Compliance Coordinator Tyson Rainey presented on Code Compliance:

- Property owners were notified in writing of code compliance violations on their properties.
 - This included things such as long grass, weeds, diseased trees, refuse, and other nuisance conditions.
 - Notices were sent to the property owners explaining if they did not correct the violation the city would abate the nuisance and they would be billed the cost for the abatement.
 - The property owners did not remedy their violations after notice, so the city took action.
 - Those property owners were billed for the cost of abatements; the bills have yet to be paid.
 - Notice of the pending assessment cost has been sent out twice to the property owners requesting payment with no response.
 - Staff has prepared an assessment roll to recoup the costs of the abatements.
 - If prepayment is not received within 30 days after the special assessments are levied and adopted by the Council, the assessments will be sent to the County Auditor to be placed on the property tax list to be paid in two equal installments extending over a period of one year.

- The city looks to recoup \$4,970 in unpaid abatement costs via this assessment process.

Mayor Dietrich opened the Public Hearing

Motion by T’Kach, second by Scales, to close the Public Hearing at 8:15PM

Ayes: 5

Nays: 0 Motion carried.

Motion by Gliva, second by T’Kach, to approve Resolution 2023-256 adopting the assessment roll for the 2023 Public Nuisance & Diseased Tree Abatement

Ayes: 5

Nays: 0 Motion carried.

6. REGULAR BUSINESS:

A. 3rd Reading of Snow Removal Ordinance and Resolution Adopting an Updated Winter Maintenance Policy. Resolution 2023-257, 2023-258

Public Works Director Brian Connolly presented the 3rd Reading of an updated Winter Maintenance Policy and 3rd Reading of the Snow Removal Ordinance.

Background:

- Winter Maintenance Policy was initially adopted in January 2010.
- The goal of the policy is to address snow and ice removal objectives and to establish procedures to respond to winter weather events.
- Noted policy shortcomings:
 - Has not been updated to reflect changes in staffing levels, equipment, and infrastructure expansion
 - Lacks procedures for use of staffing across divisions
 - Lacks clarity for sidewalk and trail snow removal responsibility (city does not unilaterally clear snow from all public sidewalks).
- Current sidewalk ordinance dates back to 1974
- Key ordinance details:
 - Places responsibility for sidewalk maintenance and repair on abutting property owners
 - Identifies what is considered a “nuisance” on public sidewalks (ice, dirt, and rubbish)
 - Identifies triggers for abatement and subsequent tracking of payment and costs
- Noted shortcomings:
 - Does not specifically address snow removal
 - Adopted at a time when the city had substantially less infrastructure and very few sidewalks/trails along public streets
- Importance of Updates:
 - Winter Maintenance Policy: Impacts city maintenance processes and practices.
 - Snow Removal Ordinance: Impacts private property owners; details their responsibilities for maintenance of abutting sidewalks.
 - This policy and ordinance are intertwined; changes in one impacts the other.
 - Clarity in both policy and ordinance allows Code Enforcement and Public Works staff to effectively address complaints and address maintenance activities equitably across the community.

System Statistics:

- 150 miles of city street, 270 cul-de-sacs, and approximately 78 miles of sidewalks and trails.
 - Staff currently clears snow from 50 miles of sidewalks and trails along public roadways equaling 64% of the sidewalks and trails in the city.
 - 27 miles along city roadways
 - 5 miles in city parks
 - 18 miles along County and MnDOT roadways
 - Remaining walks/trails (36%) are typically plowed by adjacent property owners or left unplowed/unmaintained.

Proposed Winter Maintenance Policy Updates:

- Clarify winter maintenance staffing requirements
 - Utilize staff from streets, central equipment, utility, and park maintenance divisions
- Remove clause regarding declaring a "Snow Emergency." (No longer referenced in city code).
- Clarify what is/isn't allowed in boulevards and what the city will repair/replace if damaged
 - Mailboxes, landscaping elements, clearing snow around fire hydrants
- Clarify what sidewalks/trails will be plowed by the city
 - Map will be updated annually with a focus on main roads such as county roads, sidewalks/trails, collector streets, and walks near schools and bus stops
- Clarify snow and ice removal priorities
 - Major streets and public safety facilities
 - Residential streets and City Hall/VMCC
 - Cull de sacs and park parking lots
 - Alleys
 - City responsible sidewalks
 - Excess boulevard/intersection snow removal

Proposed Changes in Sidewalk Plowing:

- Remove 4.2 miles of sidewalk from the current plowing routine
 - 63rd Street, east of Babcock Trail
 - Blaine Avenue, north of Seidls Park
 - Argenta Trail/Yankee Doodle Road, west of Trunk Highway 55
 - South Grove
 - Arbor Pointe
- Add 4.2 miles of new County Trail in 2023 and 2024 on Argenta Trail/70th Street/65th Street

City Code Modifications:

- Title 5, Chapter 9 Section 6(A), Public Nuisance Code:
 - Add a definition regarding "Immediate Abatement." This accommodates emergency situations where written notice may not always be feasible (danger to health/safety/welfare).
 - General clause, not just for snow/ice removal.
- Title 7, Chapter 1, Section, Sidewalk Maintenance Policy:
 - Adding the term "snow" to the current "ice, dirt, and rubbish on sidewalks" clause
 - Clarification on abatement requirements and costs
 - Allows the street superintendent and code compliance officer to provide notice and coordinate corrective action if necessary.

City Code Modifications, Enforcement:

- Current code requirements: 24 hours to remove ice, dirt and rubbish
 - Proposing to add the word "snow" to the clause
 - Provide notice of noncompliance, 24 hours to correct the issue

- If after 24 hours and the issue has not been correct, the city can abate the issue and charge the property owner
- Soft Enforcement in 2023/2024:
 - Focus on education of property owners regarding code
 - Provide more leeway for compliance/correction
 - Only abate if considered an emergency or the property owner(s) is non-responsive/uncooperative

Highlights of past Council discussion and public outreach:

- Proposed Winter Maintenance Policy Revisions and First Reading of Sidewalk Snow Removal Ordinance was presented at the August 14, 2023, City Council Meeting.
- Staff reviewed recommendations and Council discussed a modification to past sidewalk and trail snow removal practices.
- Council requested staff provide notice to impacted properties of the proposed ordinance changes.
 - Staff established a GIS web map and information website
 - Sent notice to 541 property owners
 - Included a section in the fall Insights newsletter
- Second Reading of the Sidewalk Snow Removal Ordinance was presented at the September 11, 2023, City Council Meeting.
- Staff reviewed the general policy recommendations.
 - Members of the public were invited to address Council regarding the proposed updates.
 - 6 residents spoke, representing 5 different parcels/common interest parcels.
 - Council accepted 2 emails into the public record.
 - Most comments were regarding why the city would not continue certain snow removal in the future, budget impacts, and general inquiries regarding future code enforcement.
- Following the meeting, staff responded to those who inquired:
 - City has limited resources for sidewalk and trail snow removal.
 - Staff uses three (3) pieces of equipment.
 - It can take up to six days to clear snow depending on the snowfall.
 - Costs for non-compliance is based on actual snow removal costs.
- Staff has reviewed and made minor changes to the proposed sidewalk plowing map since the September 11th meeting to ensure consistency in the application.
 - Sidewalk on 55th Street was shifted to "city plow" due to existing Metro Transit bus stop.
 - Portions the city plowed that dead ended, changes were made to extend to the closest intersection.
 - Staff will continue to work on the map this winter.

Next Steps/Action Requested:

- Staff recommends Council take 3 separate actions:
 1. Approve Resolution and adopt an updated Winter Maintenance Policy
 2. Approve the 3rd Reading of the Sidewalk Snow Removal Ordinance
 3. Approve Summary Publication Resolution for the Sidewalk Snow Removal Ordinance

Councilmember T'Kach referenced a comment about the Seidls Lake Park trail that residents use to cut through to South St. Paul and the bus stop and asked if this was one of the places they would consider for next year.

Public Works Director Connolly replied that he did reach out to the resident with the concern and reached out to his counterpart in South St. Paul for an understanding. It is a cul-de-sac. There is no formal sidewalk connecting Inver Grove Heights to South St. Paul. There is a

“volunteer” trail (walking over land that creates a pathway). He agrees with the need to look into this. He believes it is a comprehensive component. He has concerns about plowing a trail that dead ends and does not go to another trail. It creates problems with accessibility. Being a volunteer trail, it is not something maintained by the city. It creates a question regarding liability as it is on the border of both communities. He said there may be an opportunity in the future to make a sidewalk connection with South St. Paul. If that were the case, he would be open to evaluating the area for pedestrian needs to make the connection.

Jeff Jones, 4556 Blaylock Way, referenced taking out 4.2 miles in the city and taking on 4.2 miles of county trails. He said there was no cost savings, he pays one way or the other through city taxes or from a private contractor. He would still be paying for country trails to be done. The 50 miles would still remain 50 miles. He mentioned there is no private access to the sidewalk from the townhome addition called Lafayette Park. There are 26 private residences between Upper 55th Street and 80th Street where the Blaine sidewalk cuts across driveways and a condo unit. The city does both sides of the street for Gertens. He said he could drive down the street and point out those that do not follow. The city plows cul-de-sacs all of the time, but now cannot plow sidewalks because it ends at a cul-de-sac. He said it saves 3/10 of a mile. There are no long stretches but trying to collect enough property to come up with 4.2 miles of county trails. He suggested if wanting to do county trails, to budget for them.

Cindy Schmidt, 1915 55th Street East, shared that she sent letters to all Council Members. She has been communicating with Public Works Director Connolly, who has done a nice job of keeping her informed. She appreciated the fact that people can come and engage with the city.

Mayor Dietrich said this would be a learning curve over the winter. She encouraged residents and Mr. Jones to stay in contact.

Mr. Jones asked if this takes effect in 2023/2024 or if it would start in the season of 2024/2025.

Public Works Director Connolly replied the proposed implementation would be for 2023/2024.

Commissioner Scales mentioned that he struggles with the Blaine Avenue area. A lot of the city has residents with sidewalks that are not done by the city. He likes to stay with standard policy and believes it is fair. He hopes going through South St. Paul would be looked at in the future.

Motion by Scales, second by T’Kach, to approve #1 - an update to the City’s Winter Maintenance Policy & to #2 - approve Ordinance 1462 Amending IGH City Code Title 5, Chapter 9, Section 6 & Title 7, Chapter 1, Section 2 regarding public nuisance abatement and snow removal from Public Sidewalks and #3 approve Resolution 2023-257 Approving Summary Publication

Ayes: 5

Nays: 0 Motion carried.

B. First Reading of Ordinance Establishing Hotel License

City Attorney Bridget McCauley Nason discussed the First Reading of an Ordinance Establishing a Hotel License in the city:

Background:

- Hotels in the State of Minnesota are licensed by the Minnesota Department of Health
- There is no specific statutory authority for statutory cities to license hotels
- New legislation authorized cities to adopt and issue licenses and hotels within their jurisdiction

Key Ordinance Provisions:

- All hotels are required to be licensed by the city, effective January 31, 2024
 - When the statute was adopted, it imposed two requirements:
 - The city may only charge up to a \$150.00 fee for the hotel license
 - The only conditions of the hotel license be that the hotel is in full compliance with all state and local laws
 - The city does have the authority to revoke/deny/suspend the license if the licensee does not comply with the licensing requirements.

Requested Council Action: Consider the first reading of the ordinance included in the Council packets.

Councilmember T’Kach noticed that this license would be different from the resident rental license. She asked how this could impact short term rental licenses.

City Attorney McCauley Nason replied the short-term rental license ordinance is still being sorted through. Definitions across the statutes do not show up in different places. For example, the “furnished apartment house” reference is the only time this term is used in the entire Minnesota State Statute. Under the current rental license, hotels are exempted from the rental license provision. They are not required to obtain a rental license. Under Lodging Tax, all hotels have to pay rental licenses. The definitions in the lodging tax statute do not correspond neatly with the definitions in the hotel licensing statute. Staff needs to work through whether or not short term rentals would be required to also get a hotel license if they would be considered a furnished apartment house or other building. At this point, they would not be required to have a hotel license but is still something that staff is working on.

Councilmember Gliva referenced revocation or denial and what would happen if a license is revoked. She questioned if they would be notified, would there be signage, and if they would be unable to have anyone stay at the hotel.

City Attorney McCauley Nason replied if it did come to that, the city would provide notice and the opportunity to be heard to the license holder/license applicant if the recommendation from staff is denial because of noncompliance with code requirements or state statutes. After a hearing, if the Council found there are grounds to deny/revoke the license, a resolution would be adopted with those grounds and findings. A time period can be given to wrap things up. If it is a final decision of the city and the license holder wanted to contest it, it could be appealed to court. If the license holder failed to comply with the requirement to have a license after the license was denied or revoked the city could seek a civil injunction prohibiting the operation of the hotel until a license was secured by the owner. She mentioned there would be plenty of warning if this was the path the license holder was headed down.

Motion by Gliva, second by T’Kach, to approve 1st reading amending city code Title 4 adding Chapter 16, Hotel License

Ayes: 5

Nays: 0 Motion carried.

C. First Reading of Ordinance Regarding Temporary Parking Restrictions

City Attorney Bridget McCauley Nason provided the following on the First Reading:

Background:

- City Code currently authorizes the temporary restriction of parking in emergency situations

- Staff recognized the need to establish additional flexibility to establish temporary no parking regulations in non-emergency situations such as:
 - Parade routes or road reconstruction

Key Ordinance Provisions:

- Authorize temporary no parking restrictions by:
 - City Administrator, Chief of Police or Designee, Public Works Director
- Streets must be posted
- Vehicles are authorized to be towed or impounded

Requested Council Action: Consider a first reading of an ordinance included in the Council packets.

Motion by Gliva, second by Scales, to approve the 1st reading of ordinance amending city code Title 6, Chapter 3, Sections 5 & 11 related to temporary parking

Ayes: 5

Nays: 0 Motion carried.

D. Review of Proposed 2024 Golf Course Budget

Golf Clubhouse Superintendent Matt Moynihan discussed the proposed 2024 Golf Course Budget:

Golf Course Overview:

- 2024 Priorities & Goals:
 - Provide a well-conditioned, quality golf course and practice facility
 - Provide fair and equitable tee time access to the general public
 - Contribute to the overall recreational options available to the community
 - Protect the green space area in an environmentally responsible manner

Golf Course Revenues:

- Projected for 2024:
 - Green fees, Anniversary Memberships (2-year), golf cart rentals, food/beverages, practice center, and other revenues
 - Total: \$2.7 million dollars projected for 2024

Noteworthy Revenue Items:

- Projecting a 7% overall increase in revenues
 - Anniversary Membership revenue up 23%
- Proposing a 4% across the board rate increase for green fees to keep up with operating expenses.

Proposed Green Fee and Cart Rate Increases:

- 18-hole regular weekday: Currently \$45, proposed \$47
- Seniors 18-hole Weekday: Proposed \$33.50
- 9 holes weekday, regular: Currently \$25, proposed \$26
- 9 holes weekday, senior: Currently \$18.50, proposed \$19
- 18 holes regular weekend: Currently \$53.50, proposed \$55.50
- 9 holes weekend, regular: Currently \$35.50, proposed \$37
- Evenings/Twilight: Currently \$34.50, proposed \$36

Expenditures by Category:

- Personnel, internal allocations, supplies & services, capital outlay
- Subtotal Operating: \$2.324 million dollars
- Debt Payment: \$546,053
- Total: \$3,095,353

Mayor Dietrich requested information about the capital outlay for 2022.

Clubhouse Superintendent Moynihan responded in 2022 some equipment and other things were pushed off and ran into 2023. The same thing will take place in 2023. They are still waiting for things to arrive from manufacturers. The city is not charged until those items arrive.

Clubhouse Superintendent Moynihan discussed Expenditures by Area:

- Operations: \$437,550
- Practice Center: \$20,350
- Golf Shop: \$80,900
- Food /Beverage: \$280,700
- Outside Services: \$77,500 (cart cleaning, range ball picking)
- Common: \$426,900 (repairs and maintenance to the building, advertising)
- Grounds: \$1,000,000
- Subtotal Operating: \$2,324,300
- Depreciation: \$225,000
- Debt: \$546,053
- Total: \$3,095,353

Noteworthy Expenditure Items:

- Proposing a 3% increase to the budget for seasonal wages
 - There are 5-6 benefitted employees
 - 50+ positions are seasonal/part time employees
- \$546,053 loan repayment
 - In 2016 the golf course had a major refurbishment that included an irrigation system, took out a lot of bunker/sand traps, new bunkers with new sand, graded, changed holes
 - Project cost was borrowed out of the Capital Improvement Fund
 - Accelerate this payment
 - 2023 will be the first year, then 2024 and 2025
 - \$225,000 annual depreciation

Additional Requests:

- Expanded hours for the Grounds Technician Position
 - Moving from 36 weeks to 40 weeks
 - This is an additional 160 hours
 - Amounts to \$4,000 plus benefits for the additional time
- Re-establishing the Teaching Professional Position
 - Hourly non-benefitted position
 - Mid-April through September duration, weather permitting
 - About \$24,000 in wages if 40 hours per week

Capital Proposed 2024 Projects:

- Practice Center: Ball Machine Replacement
 - Purchased 12 years ago. The interior of the machines are starting to rust, showing wear and tear. Life expectancy is 10 years. These are kept inside in the winter.
 - Cost of \$8,000
- Food/Beverage Cart Replacements:
 - \$55,000 (\$26,000 each)
 - Current ones are in their 5th Season
- Common:

- Capital Improvement Projects:
 - Lighting improvements are going to LED, \$10,000
 - Fire suppression system. The clubhouse was built in 1992 and has the original fire suppression system. \$40,000. This would be done between January and March.
- Grounds:
 - Chemical Sprayer, \$100,000
 - Utility Vehicle, \$15,000
 - Current using old beverages carts from the 1990's. The engines are starting to go.
- Total Proposed Projects: \$228,000

There is money in the Golf Course Fund, they need to start putting some money back into the course. He stated that the original 2024-2028 CIP had a chemical sprayer priced at \$85,000. Updated quotes bring this estimate closer to \$100,000.

Regarding the grounds green roller, the two they currently have will suffice. They will not add the third one as they need the utility car more. That \$15,000 was put into the utility car.

2024 Budget Summary:

- \$2,715,700 Revenues
- \$-2,3224,300 Operating Expenditures
- \$391,400 Net Operating Income before the debt payment and depreciation
- \$546,053 for the Debt Internal Loan Payment (2016 improvements)
- \$225,000 annual depreciation

Golf Course Cash Balances:

- In 2019 the golf course paid off an internal loan for equipment.
- The 2023 increase to cash reflects cash inflows from the 2-year membership drive (\$1.2 million), and deducts \$546,053 (repay the entire loan in 3 years, 2023, 2024, and 2025)
- The next membership drive would be in 2025.

Councilmember Gliva asked if there was a limit for the membership drive.

Clubhouse Superintendent Moynihan responded yes, there is a number they cap at. It has not been reached yet.

Councilmember Gliva referenced memberships stating since they are paying ahead and at a lower rate, she questioned if the tee times were shortened.

Clubhouse Superintendent Moynihan replied there are stipulations with the membership. It is three days in advance to make tee times.

7. PUBLIC COMMENT:

Keith Arnold, 2545 62nd Street, asked if the assessments would be going through since the agenda item was approved and if the letter he shared would be reviewed.

City Attorney McCauley Nason replied the letter was received by the Council prior to this meeting. Now that Council made their decision, under State Statute the written objection allows a path forward if wishing to appeal the assessment further. Information on timelines should be included in the letter he received.

Mr. Arnold asked if he had received the letter the city sent. He said there was likely no chance the Council was able to read his letter as it was given to the Council at the beginning of the meeting. He said the plan is foolish in terms of what it does from a disruption standpoint to the neighborhood. It was all on his property, everyone else had pavement done. He has to pay an equal share to everyone else and be the only lot impacted. When the next four houses have their systems done it will ruin homes again. The pipe was not included in any information received from the city, it was always a pavement or

road maintenance project. That was why he didn't attend anything. He understands roads need maintenance. He does not understand how they could meet with 5 neighbors next to him to discuss a sewer project that goes right through his property and not bring it to his attention. He sent notes and phone calls, the name on the letter he received did not change. He said he was texting with Alyssa in June, today there are still wires and things in his yard from the contractors. It was 3 ½ months of construction. He did not like the process since everything ran through his yard. He felt the process was run terribly, he feels taken advantage of, and was frustrated that he spent four hours of his evening to address this item. The gap and change in the road is at the bottom of a hill. With ice and snow, people may get stuck in front of his home. He said if there is recourse, he is happy to chase it down.

8. MAYOR AND COUNCIL COMMENTS:

Mayor Dietrich reminded everyone about the Fire Departments Annual Open House taking place Sunday, October 15th from 12:00 to 3:00 at Fire Station #2.

9. ADJOURN:

Motion by Scales, second by Gliva, to adjourn the meeting at 9:33 p.m.

Ayes: 5

Nays: 0

Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek