

INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, June 10, 2024 - 6:00 P.M. - 8150 BARBARA AVENUE

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, June 3, 2024. 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, T’Kach, Gliva and Scales

Staff Present: City Clerk Kiernan, Public Works Director Connolly, City Engineer Merchlewicz, City Attorney Mikhail, City Planner Hunting and Environmental Specialist Sutherland

3. PRESENTATIONS:

4. CONSENT AGENDA:

- A.** Approval of the Minutes of the May 13, 2024, City Council Meeting
- B.** Approval of the Minutes of the May 28, 2024, City Council Meeting
- C.** Approval of Disbursements
- D.** Personnel Actions
- E.** Resolution Approving Application to the Public Facilities Authority for a Drinking Water Revolving Fund Loan for City Project No. 2023-03
- F.** Exempt Charitable Gambling Permit for the Church of St. Patrick
- G.** Approval of Storm Water Facilities Agreement for 5904 Robert Trail
- H.** Approval of Property Access and Indemnity Agreement with BFI Waste Systems of North America
- I.** Approval of Sustainable IGH Award Recommendations
- J.** Adoption of Written Findings of Fact and Reasons of Rezoning Application

Motion to approve consent agenda items 4A - 4J by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

6. REGULAR BUSINESS:

7. PUBLIC COMMENT:

Kelly Kayser - 1953 59th Court E - said she was assessed for a street reconstruction project in 2016 and there was not a set process in place, and it was not resident friendly. She was the chairperson of the pavement management citizens’ taskforce. Kayser said what is happening beneath the surface of the street is more important than what is seen. Effective pavement management requires a two-pronged approach. The first is to preserve and extend the life of the existing pavement and the second is replacing pavement and infrastructure that has no

further life. The cost to wait to repave all roads when they reach the end of their lifespan is too high.

Kayser said there were a lot of comments about chip sealing and prior re-pavement efforts suggesting poor city planning or improper application by contractors. There is new data causing many cities to re-evaluate chip sealing. There were also concerns about property taxes increasing but the assessment does not have a direct impact on property taxes. Kayser did a comparison between the projects discussed at the previous meeting. The first project at Barbara Avenue and 46th Street has 119 single family homes. The assessments for these homes were a little over \$13,200 for full reconstruction and a little over \$10,200 for reclamation. Kayser reviewed 50 parcels in the northern area and 93% of the parcels were under .3 acres and the 2024 estimated value for 92% was under \$350,000. These are more affordable "starter" homes. Residents from 30 of the single family residences in this area attended the open house and only three residents spoke against the project at the open hearing, not including any written correspondence.

Kayser also reviewed the 102nd Street and Akron area project that had either a mill and overlay assessment just under \$20,000 or a partial reconstruction assessment just over \$17,200. 24 residents spoke at the public hearing representing 21 residences. The average 2024 total estimated value of the 21 properties is \$808,595 with the lowest value \$530,000 and the highest \$1.5 million. The parcel sizes ranged from 2.5 acres to 5.83 acres with the majority between 2.5 - 2.75 acres. Residents from eight single family residences attended the open house and only two from the open house attended the public hearing. The 24 residents that spoke against the project at the public hearing make up 19.8% of the single family properties in the project area. 80% of the residents either did not object strongly enough to attend the public hearing, were in favor of the project or did not have an opinion either way.

Kayser said one of the overall goals from the pavement management citizens' taskforce was to remove the need for petitions and individual neighborhoods having strong input on what roads are done. Anyone that wanted to be on the taskforce could be and Staff has done a much better job communicating with residents since the taskforce. They also hear about precedence a lot and turning down the project felt like it was potentially setting a precedence. City resources were wasted in preparing for this project including staff time and paying for the geological reports that needed to be done. If the project is not done for a significant amount of time, it will require more in depth rehabilitation, which will require more work and a higher cost for the City.

There was a project on 60th Street east of Babcock that was originally intended to be done when Kayser's project was done. Approximately half of the residents wanted it to be done and in 2019 residents were requesting that the road be done. The assessment increased almost \$5,000 from the original assessment in 2016 to the new assessment in 2020. Turning down projects could potentially mean the City does not meet the amount of pavement miles they intended to complete in 2025 and slow the momentum of the pavement management initiative. Preserving the functioning of the pavement is as important as replacing the terrible payment. Assessment amounts should not be the only consideration when evaluating the

impact to residents. Property values and neighborhood demographics have an impact as well. Attendance at the open houses is relatively low but based on the

Attendance at the open house was relatively low and the majority of the residents that attended the open house did not attend the public hearing to object. An important item for the taskforce was providing as much information and providing it early to residents. Educational slides included in the public hearing presentation could be helpful for residents that did not attend the open house. Kayser said Public Works Director Connolly provided a great summary on how these projects come together and why. Kayser has been involved in this process for over ten years and said it is moving in a positive direction.

8. MAYOR AND COUNCIL COMMENTS:

Council Member Murphy said projects one and three during the Council's last meeting had similar objections from residents and Council approved project one and denied project three. Murphy asked if that is an issue, or if the Council can arbitrarily say no to one project and yes to another.

City Attorney Mikhail said legally the Council can approve or deny any projects as long as they have enough votes.

Council Member Murphy asked if there is a path for residents on project one to further object to their project proceeding because of the decision the Council made on project three.

Attorney Mikhail said that project three not passing does not give residents from either of the other projects that passed a legal option to object to their project passing.

Council Member Scales said the projects were three separate projects with different road conditions for each project and he voted based on his understanding of the road conditions not on whether the residents wanted the project or not.

Council Member Murphy said he is concerned that the surface of the road appears to be in good condition while underneath is not and deciding not to do the project is a crack in the dam. Murphy asked if it was possible to call for another public hearing on this project if the majority of the Council wanted to.

Attorney Mikhail said they would need to have a unanimous vote to change the agenda and make it an item on the agenda. Then by a majority vote it move to reconsider the last decision and if the majority wanted to reconsider the decision a new public hearing would need to be called and revisit after a second public hearing.

Council Member Murphy asked if it is possible to be notice the public and brought back for another public hearing.

Attorney Mikhail said in order to revisit the decision there has to be a motion to reconsider the decision brought by someone who voted no on the original decision and a majority would have to approve to reconsider. Before a motion to provide notice and another public hearing the item needs to be added to the agenda for this meeting by a unanimous vote. He

does not have a time frame on what code requires for timing on bringing back a decision that was already made and referred to discuss later with Attorney Nason.

Council Member Murphy asked if reopening the decision would be done without public notice.

Attorney Mikhail said there is no public notice needed to reconsider a decision but if the motion to reconsider passes there will need to be public notice and a public hearing and the Council will vote again.

Council Member Murphy asked if the Council would like to reconsider.

Council Member Murphy asked if Council Members Scales or T'Kach would like to make a motion to reconsider. There was no motion to reconsider.

Council Member Murphy asked if Council has any recourse when it is clear a Council Member is not doing their job.

Attorney Mikhail said he would need to defer to Attorney Nason.

Mayor Dietrich asked Council Member Scales if part of his reasoning for denying the project was visually what the condition was or what the pavement index was.

Council Member Scales said it was a combination of both. Residents in rural roads tend to be more forgiving of their roads. He did not hear any support from residents until after the vote failed based on the condition of the road as they see and use it.

Mayor Dietrich asked if Director Connelly had the PCI ratings for the three projects discussed at the May 28th Council Meeting.

Director Connelly said the PCI ratings will vary as it was provided based on each street and there was not an average given but he will retrieve the information from the feasibility report.

Mayor Dietrich said the majority of homeowners did not voice concern with the 102nd and Akron are project as it was presented. She previously asked Director Connolly what the implications of this project being denied were for the City as a whole. The policymakers represent Inver Grove Heights as a whole, not based on specific areas or parcels. The Capital Improvement Plan that the citizens' taskforce worked on for over 12 months is an important document to reference. Staff time was used to choose and develop this project and now additional staff time will be required to shift to other projects. A few departments that will be impacted by this decision are GIS, finance, engineering, and utilities. The additional staff time is our tax dollars not being used efficiently. The Capital Improvement Plan was developed to balance pavement, utilities, assessments, and external funding. Shifting one project has an effect on financing and budgeting projections and requires diligence to ensure they are not put into a fiscal challenge in future years. They are not sure if they will be able to find a project to take the place of this one and if they do it will require additional time. Due to staff's time being redirected to find another project other projects such as delayed starts to the 2026 PMI project feasibility studies and stormwater planning.

There have been projects in the recent years that were shelved by staff. They provided the reasons why they were being delayed. The residents, staff, and citizens' taskforce deserve to have the reasons the project was denied. Mayor Dietrich asked Council Member T'Kach to provide her reasoning.

Council Member T'Kach said one of the reasons she voted against the project was the perception of the roadway and the volume of traffic that is on the roads. There is very little traffic on the roads. There are other roads in the city that could use repair before this road.

Council Member Gliva said there were three public hearings at the last meeting and two of the three were passed. There was an open discussion and Council Member Scales was the only member who was on the fence about the project. She voted in favor and Council Member Gliva is disappointed in the resolution not being passed.

Council Member Murphy said they are a representative democracy and have a greater responsibility to all of Inver Grove Heights. Any project that is delayed will cost all of the taxpayers more and they should take that very seriously. They cannot do all of the bad roads at the same time, and it has to be balanced. It should not make any difference if a vote requires a 4/5th vote. Many people thought the project passed.

Council Member T'Kach said she was surprised the vote needed 4/5th to pass and the evening of the public hearing she was not sure which way she would vote. Hearing from the residents about the condition of the road and their perception of it she chose to deny the vote and hearing from residents and thinking about it for the last few weeks feels she made the right vote. She said she was not influenced by the economic status of the residents or the value of their homes.

Mayor Dietrich asked Director Connolly if he was able to retrieve the PCI information.

Director Connolly said the PCI ratings for the Barbara Avenue and 46th Street Area was between 7 and 50, the 50th Street Area was between 8 and 18, and the 102nd Street and Akron Avenue was between 7 and 74. PCI is one of several things that they look at, but it is not the top of their determining factors. It is greatly affected if a seal coat is done. A seal coat on a road with a PCI of 50 can inflate the PCI to 80 or 90 which would rapidly decrease. Seal coats were done on several of these roads in 2020 and the PCI range prior to 2020 was between 30 and 50.

Mayor Dietrich asked if in the future staff could put the required vote in the agenda.

Director Connolly said staff has discussed this and anything other than a 3/5th vote will be notated on the agenda.

Mayor Dietrich said there were several residents that asked where their tax dollars go. She asked if staff could put a pie chart or something similar in Insights and continually available on the City's website.

Director Connolly said most cities do something similar and they would work with Administrator Wilson and Finance Director Hove about putting something together.

Council Member Murphy said the 4/5th vote should not be necessary on the agenda because it should not matter but it appeared it did on project three. He would like a discussion prior to it being added to the agenda.

Council Member Scales said it would not have mattered to him if it was a 3/5th or 4/5th vote. He will always vote for what he feels is best for the residents of Inver Grove Heights.

Mayor Dietrich said she wants consistency because it is listed on some items but not on others.

Council Member T'Kach asked if Staff was able to make any progress on finding a different project to take the place of the 102nd Street and Akron Avenue area project.

Director Connolly said they have not found a project and he does not think he will be able to find one.

Mayor Dietrich said finding an additional project will take additional staff time at the residents' expense.

9. ADJOURN:

Motion to adjourn the meeting at 6:50 p.m. by Murphy, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sara Lyons