

INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, October 14, 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, October 14, 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; City Administrator Wilson, City Clerk Kiernan, City Engineer Merchlewicz, City Attorney Nason, Public Works Director Connolly, Finance Director Hove, Commander Otis, and Code Enforcement Coordinator Rainey.

3. APPROVAL OF AGENDA:

Motion to approve Agenda by Murphy, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

4. PRESENTATIONS:

Mayor Dietrich said October is National Breast Cancer Awareness Month and the fire department and police department have patches for sale and asked residents to support their public safety teams through the month of October.

5. CONSENT AGENDA:

- A.** Approval of Minutes of the September 9, 2024, City Council Meeting
- B.** Approval of Minutes of the September 23, 2024, City Council Meeting
- C.** Approval of Disbursements, **Resolution 2024-229**
- D.** Personnel Actions
- E.** Resolution Amending Position Classification Plan, **Resolution 2024-230**
- F.** Summary of Conclusions Regarding City Administrator’s Performance Evaluation
- G.** Resolution Accepting Federal COPS Hiring Grant, **Resolution 2024-231**
- H.** Resolution Authorizing DWI Officer Grant Agreement with Minnesota Department of Public Safety, **Resolution 2024-232**
- I.** Approval of Exempt Gambling Permit for Inver Grove Heights Hockey Association
- J.** Resolution Appointing Additional Election Judges for the 2024 General Election, **Resolution 2024-233**
- K.** Resolution Declaring Surplus Property and Authorizing Disposal or Donation, **Resolution 2024-234**
- L.** Appointment of Auditors for Year Ending December 31, 2024, 2025 and 2026

M. Resolution Renewing a Joint Powers Agreement for Technical Services with the Dakota County Soil & Water Conservation District, **Resolution 2024-235**

N. Change Order No. 1 for City Project No. 2020-03 - ADA Pedestrian Ramp Improvements

O. Approval of Amended Open Space Plan for Plat of Archer Trail, **Resolution 2024-236**

Council Member Gliva asked to remove 5N from the consent agenda for further clarification.

Motion to approve Item A - M & O by Scales, second by T'Kach.

Ayes: 5

Nays: 0 Motion carried.

Council Member Gliva said the contract cost increased by 43% from the original budget and asked for clarification.

City Engineer Merchlewicz said MnDOT has three ways of delivering an ADA ramp project. The first is a Level One which is the least amount of design, and the risk is transferred to a contractor to do in the field. The second way is a balance between design and construction and is more in depth. The third way is to do a full survey and a specific design which the contractor would follow. They chose the Level One option, getting enough direction for the contractor to start in order to meet the timelines for the grant and get the project started. The original estimate is close to the final cost. The contractor bid low. They have gotten feedback from other communities that they have had similar outcomes when using the Level One design process. The grant was only able to be spent on the ramps and became inefficient. It is based on the field fitting of the ADA ramps to do the designs because they were not able to have surveys done in time.

Council Member Gliva asked if there were more quantities in design.

Engineer Merchlewicz said yes, it was all based on overruns and quantities. There were not any additional items added to the project. The ADA ramps had to meet specific standards and specifications to qualify for the grant.

Administrator asked if they should have chosen a different contractor based on the bids.

Engineer Merchlewicz said no, they bid based on the plans and specifications that were provided to them. They reviewed the bid, and it seemed reasonable for the work but the overrun in quantities to meet grades and things like that contributed to the higher cost. He did not check the other bidders that came in because they are fairly required to go with the lowest bid.

Council Member Gliva said it is hard to make a distinction about that large of a cost overrun without more explanation.

Engineer Merchlewicz said this is a partner project with federal grant funding. It is an 80-20 split up to \$250,240. The City is required to partner with MnDOT who administers the federal grants. Everything that is in the project is necessary to meet the requirements for the grant.

Council Member Gliva said she wants to keep contractors in check to make sure everything is of value and the design estimate is close to what they came in with makes her question it.

Mayor Dietrich asked if there are limits for how much a change order can be overrun.

Engineer Merchlewicz said there is a contingency of 5% of the budget and when it is over the contingency, it is brought before Council. He would advise against going against this type of project or funding in the future because of the variability of administering. The ADA ramps are a unique design and become complicated very quickly. They either spend a lot of money in design before the project or spend a lot of money in the field. They had a timeline to qualify for the grant they had already received and wanted to use the least amount of internal effort to deliver it. This is not a normal project.

Council Member Gliva asked if there are any additional pedestrian ramp projects.

Engineer Merchlewicz says this completes the projects. Staff would push for any future ramps to be included as part of a different project.

Motion to approve Item N by Gliva, second by T’Kach.

Ayes: 5

Nays: 0 Motion carried.

6. PUBLIC HEARING:

A. Assessment Hearings and Resolutions Adopting Final Assessment Rolls for 2024 Pavement Management Projects 2024-09D, 2024-09F, 2024-09G, 2024-09H, and 2024-09I, **Resolution 2024-237, 2024-238, 2024-239, 2024-240, 2024-241**

City Engineer Merchlewicz presented this item. There are five projects that need assessment hearings.

Projects:

- Delano Way & Dempsey Way Area (2024-09D)
- Corcoran Path & Dawson Way Area (2024-09F)
- South Grove Area 7 (2024-09G)
- 96th Street & 99th Street Area (2024-09H)
- Bixby Way (2024-09I)

Engineer Merchlewicz said the Bixby Way project is near 65th Street and Blaine Avenue. The South Grove area project is between 75th Street and 78th Street west of Clayton Avenue to Concord Avenue. The Delano Way and Dempsey Way Area is along 80th Street just west of Concord Avenue. The Corcoran Path and Dawson Way Area is east of Concord Avenue and just north of Old Concord Boulevard. The 96th Street project is between Highway 52 and Barnes Way.

2024 Pavement Management Initiative (PMI) Project History:

Initiated by City Council through the Pavement Management Initiative

Council Ordered Feasibility Report	June 12, 2023
Council Ordered Project (2024-09D, F, G, & I)	September 25, 2023
Council Ordered Project (2024-09H)	October 9, 2023

Council Awarded Contract	March 18, 2024
Construction	April - September 2024
Projects Substantially Completed	September 2024
Council Calls Assessment Hearings	September 9, 2024

Staff hosted three open house/neighborhood meetings:

- Prior to Improvement Hearing/Feasibility Study Acceptance
- Pre-Construction
- Prior to Assessment Hearing (10/3/2024)

Project Summaries - Mill & Overlay Project Areas:

99th Street and Baxter Trail (part of 2024-09H)

Bixby Way (2024-09I)

- 2" Pavement Mill & Overlay
- Spot Curb Replacement
- Utility Casting Adjustments (Catch Basins, Manholes, Gate Valves)

Project Summaries - Full Depth Reclamation Project Areas:

Delano/Dempsey (2024-09D)

Corcoran/Dawson (2024-09F)

South Grove (2024-09G)

Remaining streets in 96th Street Area (2024-09H)

- Full Depth Reclamation (FDR)
- Spot Curb Replacement
- Spot Subgrade Repair
- Select Storm Structure & Pipe Replacements
- Utility Casting Adjustments (Catch Basins, Manholes, Gate Valves)
- Sidewalk Panel and Pedestrian Ramp Replacements

	Feasibility Estimate	Bid Award	Final Cost*
Delano/Dempsey (2024-09D)	\$1,518,815	\$923,746	\$814,419
Corcoran/Dawson (2024-09F)	2,202,549	1,228,973	1,302,951
South Grove (2024-09G)	4,195,422	2,759,561	2,433,853
96 th St./99 th St. (2024-09H)	2,583,247	1,495,872	1,251,365
Bixby Way (2024-09I)	141,606	91,026	62,184
Total	\$10,641,639	\$6,499,178	\$5,864,772

* Final Cost is estimated based on contract costs at substantial completion, remaining work to be completed, and all legal, engineering, administrative, and finance (LEAF) costs for the project area. This value is utilized to calculate special assessments.

Engineer Merchlewicz said the construction bids came in approximately \$1.9 million under the engineer's estimate.

Special Assessments:

- 2024 PMI Projects subject to Special Assessment Policy
- Street, sidewalk, and storm sewer improvements are assessable to the benefiting properties, based on project type:

Project Type	Assessment Percentage
New Improvements	100%
Mill & Overlay	80%
Partial Reconstruction (FDR)	55%
Reconstruction	35%
Cracks Seals/Maintenance	Not Assessed

- Assessments calculated utilizing total project front footage by improvement type (i.e., Mill & Overlay vs. FDR), and dividing on a per parcel/per unit basis for each neighborhood/project area.

Assessment Payment Process:

- City mails statements after Council adopts assessments.
- Payment can be made in full to the City until Nov. 15, 2024.
 - Partial payments are not accepted.
- If unpaid, City certifies unpaid assessments to Dakota County Assessor's Office.
- Property owners may pay assessment in-full without interest to Dakota County until Noon on Dec. 31, 2024.
- If not paid, assessment is added to annual property taxes until paid off.

Assessment Terms:

- Interest accrues starting Jan. 1, 2025
- Payment in-full to Dakota County at any time during assessment term
 - Payment of interest for a full year in which payment is made is required

Assessment Amount	Term (years)	Interest Rate
\$1,000-4,999	5	4.39%
\$5,000-9,999	10	4.63%
\$10,000+	15	4.92%

Hardship Deferrals:

- Apply within 30 Days
- Income based deferments for:
 - 65 years old and older
 - Veteran or Active-Duty Service

- 100% Disability
- Must be a homesteaded property
- Must provide proof of eligibility (ID, federal tax return, etc.)
- Deferments accrue interest
- Council must approve

Objections & Appeals:

- Objections may be taken in writing or orally at the Assessment Hearing.
- Property owners may appeal a special assessment by performing the following:
 - Written objection provided to the City Clerk prior to or during the Assessment Hearing. The objection must be signed by the property owner.
 - Property owner must provide a formal notice of appeal to the City Clerk within 30 days of assessment adoption (if assessments adopted today, any appeal would need to be served by November 13, 2024).
 - Property owner must file the notice of appeal in Dakota Court within 10 days of notice being served to the City Clerk.
- If any of these steps are not followed or completed in the time prescribed, the appeal is waived per State Statute 429.081.

Assessment Hearing Procedure:

1. Staff will present costs and project details for each project area
2. Council should receive public input documents or written assessment objections provided to the City Clerk (if any)
3. Hold Public Hearings Independently:
 - Delano/Dempsey Area (2024-09D)
 - Corcoran/Dawson Area (2024-09F)
 - South Grove Area 7 (2024-09G)
 - 96th St./99th St. Area (2024-09H)
 - Bixby Way Area (2024-09I)
4. After each hearing:
 - Council Action: Approve Resolution Approving Assessments and Adopting Final Assessment Roll
 - Simple Majority Needed to Approve (3/5 vote)

Assessment Hearing - Delano Way & Dempsey Way Area, City Project No. 2024-09D:

Project Summary:

- 62 Single Family Residential Properties
- Full-Depth Reclamation (FDR)
 - Assessment Rate: 55%
- Uniform Assessment for all Lots
 - \$6,765.04

Cost Breakdown:

	Assessment (55%)	City Cost	Total Cost	City Funding Source
Street Improvements*	\$366,025	\$299,477	\$655,502	Pavement Management - Local Streets (Fund 440)
Storm Sewer Improvements*	53,407	43,696	97,103	Storm Water Capital (Fund 531)
Sanitary Sewer Improvements	0	34,969	34,969	Sewer Capital (Fund 521)
Watermain Improvements	0	16,845	16,845	Water Capital (Fund 511)
Total	\$419,432	\$394,987	\$814,419	

* Assessed rate is 55% of the total project cost for full-depth pavement reclamation projects.

Assessment Type	Feasibility Amount	Final Amount	Reduction from Feasibility Study
Single Family Residential	\$12,572.03	\$6,765.04	44% Decrease

- 62 single-family lots assessed on a uniform per lot basis

Engineer Merchlewicz showed before pictures showing cracked pavement and after pictures with the new pavement completed.

Assessment Hearing Instructions:

- Receive public input documents or assessment objections provided to the City Clerk (if any)
- Open Assessment Hearing for Delano Way & Dempsey Way Area (2024-09D)
 - Receive Public Comment
- Close Assessment Hearing and ask staff questions/clarifications

Mayor Dietrich opened the public hearing.

There were no public comments.

Motion to close public hearing for 2024-09d - Delano Way and Dempsey Way Area by Gliva, second by Murphy.

Ayes: 5

Nays: 0 Motion carried.

Engineer Merchlewicz said staff recommends adopting the Resolution Approving Assessments and Final Roll for City Project No. 2024-09D.

Motion to approve Resolution 2024-237 Special Assessments and adopting final assessment roll for the 2024 Pavement Management Initiative City Project 2024-09D - Delano Way and Dempsey Way Area by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Assessment Hearing - Corcoran Path & Dawson Way Area, City Project No. 2024-09F:

Project Summary:

- 33 Benefitting Single Family Residential Properties
 - 9 additional properties have frontage but no driveway access; are not assessed
- 226 Townhome Lots in 3 homeowner's associations
- Full-Depth Reclamation (FDR)
 - Assessment Rate: 55%
- Uniform Assessment for all Single-Family Lots
 - \$7,872.56/lot
- Uniform Assessment for Townhome lot by homeowner's association:
 - Springwood Ponds: \$1,499.78/lot
 - Park Point: \$3,591.72/lot
 - Legend Estates: \$1,741.08/lot

Cost Breakdown:

	Assessment (55%)	City Cost	Total Cost	City Funding Source
Street Improvements*	\$641,305	\$524,704	\$1,116,009	Pavement Management - Local Streets (Fund 440)
Storm Sewer Improvements*	21,323	17,446	38,769	Storm Water Capital (Fund 531)
Sanitary Sewer Improvements	0	36,909	36,909	Sewer Capital (Fund 521)
Watermain Improvements	0	61,264	61,264	Water Capital (Fund 511)
Total	\$662,628	\$640,323	\$1,302,951	

* Assessed rate is 55% of total project cost for full-depth pavement reclamation projects.

Assessment Type	Feasibility Amount	Final Amount	Reduction from Feasibility Study
Single Family Residential	\$13,083.09	\$7,872.56	40% Decrease
Townhome*	\$2,492.43 - \$5,968.94	\$1,499.78 - \$3,591.72	
*Preliminary assessment amount varies per homeowners' association; see assessment roll for more information			

- 33 single-family lots assessed on a uniform per lot basis
- 226 Townhome lots assessed based on an adjusted front footage calculation and applying a uniform per lot basis by homeowners' association/plat (Springwood Ponds, Park Point, Legend Estates)

Engineer Merchlewicz said the construction overran by approximately \$70,000 due to curb replacement and driveway replacements that were not expected from the initial design. He presented before pictures showing the large patching and after pictures showing the curb line replacement and new pavement.

Assessment Hearing Instructions:

- Receive public input documents or assessment objections provided to the City Clerk (if any)
- Open Assessment Hearing for Delano Way & Dempsey Way Area (2024-09D)
 - Receive Public Comment
- Close Assessment Hearing and ask staff questions/clarifications

Mayor Dietrich opened the public hearing.

There were no public comments.

Motion to close public hearing for 2024-09F Corcoran Path and Dawson Way area by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Engineer Merchlewicz said staff recommends adopting the Resolution approving Assessments and Final Assessment Roll for City Project No. 2024-09F.

Motion to approve Resolution 2024-238 Special Assessments and adopting final assessment roll for 2024 Pavement Management Initiative City Project 2024-09F - Corcoran Path and Dawson Way Area by T’Kach, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Assessment Hearing - South Grove Area 7, City Project No. 2024-09G:

Project Summary:

- 141 Benefitting Single Family Residential Properties
 - 6 additional properties have frontage but no driveway access; are not assessed
- 16 Condo units
- 1 Apartment Building
- Full-Depth Reclamation (FDR)
 - Assessment Rate: 55%

Cost Breakdown:

	Assessment (55%)	City Cost	Total Cost	City Funding Source
Street Improvements*	\$926,464	\$960,056	\$1,886,520	Pavement Management - Local Streets (Fund 440)
Storm Sewer Improvements*	210,186	171,971	382,157	Storm Water Capital (Fund 531)
Sanitary Sewer Improvements	0	72,026	72,026	Sewer Capital (Fund 521)
Watermain Improvements	0	93,150	93,150	Water Capital (Fund 511)
Total	\$1,136,650	\$1,297,201	\$2,433,853	

* Assessed rate is 55% of the total project cost for full-depth pavement reclamation projects.

Assessment Type	Feasibility Amount	Final Amount	Reduction from Feasibility Study
Single Family Residential	\$12,518.05	\$7,221.74	42% Decrease
Condominium (per unit)	\$6,826.42	\$3,938.20	
Apartment Property	\$95,983.67	\$55,373.66	

- 141 single-family lots assessed on a uniform per lot basis
- 16 Condo units assessed based on an adjusted front footage calculation and applying a uniform per unit basis
- Residential apartment lot based on an adjusted front footage calculation

Engineer Merchlewicz showed before pictures showing a large amount of spot patching and after pictures with the new pavement.

Assessment Hearing Instructions:

- Receive public input documents or assessment objections provided to the City Clerk (if any)
- Open Assessment Hearing for Delano Way & Dempsey Way Area (2024-09D)
 - Receive Public Comment
- Close Assessment Hearing and ask staff questions/clarifications

Mayor Dietrich opened the public hearing.

Public Comment:

Michael Blazek - 7837 Corey Path - said if the street were redone when it was initially looked at it in 2015, the cost would not be as high. Blazek asked how and why a street like this was overlooked and not reconstructed years ago.

Kevin Sethre - 3650 73rd Street E. - said he is encouraged by the reprioritization of the Pavement Management programs and thanked Council.

Mayor Dietrich said Mr. Sethre was on the Citizen's Pavement Management Initiative Taskforce and input from the residents has helped with initiatives.

Brook Williams - 3515 78th Street E. - said she has recommendations for mitigating runoff from construction into the storm drains and many of their downhill sewer grates were left uncovered. Williams said she wants to make sure contractors are protecting natural resources.

Motion to close public hearing for 2024-09G South Grove Area 7 by T'Kach, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Engineer Merchlewicz said staff recommends adopting the Resolution approving Assessments and Final Assessment Roll for City Project No. 2024-09G.

Motion to approve Resolution 2024-239 Special Assessments and adopting final assessment roll for the 2024 Pavement Management Initiative City Project 2024-09G - South Grove Area 7 by Murphy, second by T’Kach.

Ayes: 5

Nays: 0 Motion carried.

Assessment Hearing - 96th St. & 99th St. Area, City Project No. 2024-09H:

Project Summary:

- 76 Benefiting Single Family Residential Properties
 - 55 in FDR area
 - 21 in Mill & Overlay Area
- Assessment Rates
 - FDR: 55%
 - Mill & Overlay: 80%
- Uniform Assessment for all FDR Single-Family Lots
 - \$10,686.86/lot
- Uniform Assessment for all Mill & Overlay Single-Family Lots
 - \$5,266.54/lot
- Partial Assessments for Indirect Access Properties (3 total)

Cost Breakdown:

	Assessment (55%)	City Cost	Total Cost	City Funding Source
Street Improvements*	\$636,974	\$539,015	\$1,175,989	Pavement Management - Local Streets (Fund 440)
Storm Sewer Improvements*	45,371	30,005	75,376	Storm Water Capital (Fund 531)
Sanitary Sewer Improvements	0	0	0	Sewer Capital (Fund 521)
Watermain Improvements	0	0	0	Water Capital (Fund 511)
Total	\$682,345	\$569,020	\$1,251,365	

* Assessed rate is 55% of the total project cost for full-depth pavement reclamation projects; 80% of project cost for mill and overlay projects

Assessment Type	Feasibility Amount	Final Amount	Reduction from Feasibility Study
Single Family Residential (FDR)	\$19,677.30	\$10,686.86	46% Decrease
Single Family Residential (M&O)	\$20,397.24	\$5,266.54	74% Decrease

- 55 single-family lots assessed on a uniform per lot basis (full-depth reclamation)
- 21 single-family lots assessed on a uniform per lot basis (mill & overlay)

Engineer Merchlewicz showed before pictures of the cracking pavement and large patched areas and after pictures of the new pavement. A full cul-de-sac was also added.

Assessment Hearing Instructions:

- Receive public input documents or assessment objections provided to the City Clerk (if any)
- Open Assessment Hearing for Delano Way & Dempsey Way Area (2024-09D)
 - Receive Public Comment
- Close Assessment Hearing and ask staff questions/clarifications

Written Objections Received:

Doug and Gina Danner - 9583 Baker Ct - Objection Letter received

Lars and Lori Ann Runquist - 9580 Baker Ct - Objection Letter received

Anthony and Megan Woodward - 9595 Baker Ct - Objection Letter received

Daniel Gleason and Tessa Bright - 9589 Baker Ct - Objection Letter received

Jon and Stephanie Schmid - 9592 Baker Ct - Objection Letter received

Nicole and Willie Abbott - 2220 96th Street E - Objection Letter received

Motion to receive written objections by Scales, second by T’Kach.

Ayes: 5

Nays: 0 Motion carried.

Council Member Scales said the majority of the projects were a between 40% and 45% lower than the feasibility report and asked what the reason was for the 74% decrease for the Mill & Overlay project.

Engineer Merchlewicz said he did not look at the specific differences but said the feasibility study has a number of contingencies built in that compound on each other.

Director Connolly said Mill & Overlay and FDR assessments are typically close because of the percentage of the project that is assessed. In rural areas with larger lots the numbers can be skewed because of the quantity of pavement divided over less lots. The milling costs were quite a bit lower than they were anticipating. They received really good bids on pavement in 2024. They bid the jobs one month before they typically would and saw a 10% - 15% decrease in costs. They will plan to bid early moving forward. All of the bids were lower than their estimates. They will continue to better refine the feasibility estimates and try to be closer.

Council Member Scales said he understands they do not have control over material costs and thanked staff for doing everything they can do to drive the prices down.

Mayor Dietrich said moving the bids up seems to have been very beneficial and thanked Director Connolly.

Mayor Dietrich opened the public hearing.

Public Comments:

Lars Runquist - 9580 Baker Ct - said the City is supposed to provide an assessment to show the increased value from the reconstruction. Runquist owns three lots and two of them are vacant. He asked if the assessments could be deferred until they were either replatted into one lot or the vacant lots are developed or sold.

Mayor Dietrich asked if staff could provide information on the statute regarding property values.

Attorney Nason said she did not hear a specific statute but is not aware of a statute that requires an appraisal to be done. The test is a special benefit test. In order to assess any amount for any improvement the, the city must prove special benefit and that is calculated by the amount of appreciation and property value based on the improvements.

Virginia Achman - 2293 96th Street E - said she is thankful that the cost is lower than the original estimate but is disappointed the road was not reconstructed earlier to prevent the costs from getting as high as they are.

Tessa Bright - 9589 Baker Ct - asked how they can understand the increase in value of their property without having an assessment.

Director Connolly said they are required to justify any assessment for a project increases the value of the property. At the feasibility level they look at a project area and the different types of the property. If all of the properties are the same, they would generally do a per lot assessment to uniformly distribute the cost across everyone equally. They then review the property values in the county's database and take the average across the neighborhood. They apply a 3%-4% benefit test to the average property value. If the assessments are close to 3%-4% of the average home value, they would typically ask Council if they can have an independent special benefit analysis with a separate entity. They did not need to do an independent analysis this year because the benefit tolerance was a lot higher than what the actual assessments were estimated at. After construction, the assessments were even lower. Historically it is recommended to look at an average home value and the League of Minnesota Cities also recommends basing it on an average. If the cost came in a lot higher and all of the assessments went up it would signal that something was wrong.

Bright asked if they would have a higher assessed rate for their taxes next year.

Director Connolly said the county does not do an annual appraisal of properties and it typically lags 2-3 years but over time it should increase.

Administrator Wilson said the county assessor does not specifically review properties that received assessments in the same year. The assessor's office assesses properties on a rotating basis every 3-5 years.

Mayor Dietrich asked Bright to leave her contact information so they could provide her the contact for the county to help with her question.

Bright said that other Minnesota cities are no longer assessing properties and are finding other ways to fund their pavement projects. Her neighborhood was grouped into a project with a neighborhood on the east side of Barnes Avenue had a completely different scope with a more damaged road and this made her assessment higher.

Mayor Dietrich said within the last three years they did an overhaul on their capital improvement projects and had a citizens' taskforce and no residents that were interested were turned away. They had different input from different types of residents that had ideas on how the pavement management could move forward and recommended any comments or input should be provided to Director Connolly.

Mayor Dietrich said there were two residents who said they were disappointed that their streets were not reconstructed earlier. They had a project recently that recently came before them and some residents wanted the road to be done and others did not. As elected officials they took a vote and have to go with the majority. They have to trust the pavement index ratings. Dietrich apologized to the residents whose roads have been in dire need for a long time. They have a very good capital improvement plan to move forward.

Engineer Merchlewicz said the homes on both the east and west side of Barnes Avenue had a full depth reclamation.

Motion to close public hearing for 2024-09H 96th and 99th Street Area by T'Kach, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Engineer Merchlewicz said staff recommends adopting the Resolution approving Assessments and Final Assessment Roll for City Project No. 2024-09H.

Council Member T'Kach said she does understand what residents are saying and thinks it is worth it to look at other ways to complete their pavement management projects. She participated in the citizens' taskforce and said there was a lot of good input and direction, but she does not think they should be done. There was not a 100% consensus on the decisions.

Motion to approve Resolution 2024-240 Special Assessments and adopting final assessment roll for the 2024 Pavement Management Initiative City Project 2024-09H - 96th and 99th Street Area by T'Kach, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Assessment Hearing - Bixby Way Area, City Project No. 2024-09I:

Project Summary:

- 26 Residential Townhome Properties
- Mill & Overlay
 - Assessment Rate: 80%
- Uniform Assessment for all Lots

- \$1,654.22

Cost Breakdown:

	Assessment (55%)	City Cost	Total Cost	City Funding Source
Street Improvements*	\$42,152	\$10,538	\$52,690	Pavement Management - Local Streets (Fund 440)
Storm Sewer Improvements*	858	215	1,073	Storm Water Capital (Fund 531)
Sanitary Sewer Improvements	0	5,950	5,950	Sewer Capital (Fund 521)
Watermain Improvements	0	2,471	2,471	Water Capital (Fund 511)
Total	\$43,010	\$19,174	\$62,184	

* Assessed rate is 80% of the total project cost for mill and overlay projects.

Assessment Type	Feasibility Amount	Final Amount	Reduction from Feasibility Study
Single Family Residential	\$3,716.91	\$1,654.22	55% Decrease

- 26 Residential town home unit lots assessed on a uniform per lot basis

Engineer Merchlewicz showed before pictures with patching and weathered chip seal and after pictures with the new pavement.

Assessment Hearing Instructions:

- Receive public input documents or assessment objections provided to the City Clerk (if any)
- Open Assessment Hearing for Delano Way & Dempsey Way Area (2024-09D)
 - Receive Public Comment
- Close Assessment Hearing and ask staff questions/clarifications

Mayor Dietrich opened the public hearing.

There were no public comments.

Motion to close public hearing for 2024-09I Bixby Way Area by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Engineer Merchlewicz said staff recommends adopting the Resolution approving Assessments and Final Assessment Roll for City Project No. 2024-09I.

Motion to approve Resolution 2024-241 Special Assessments and adopting final assessment roll for the 2024 Pavement Management Initiative City Project 2024-09I - Bixby Way Area by Murphy, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

B. Certification of Delinquent Utility Balances, Resolution 2024-242

Finance Director Hove presented this item.

Certification Process:

- September 2024: Certification notices mailed to customers with past to balances greater than \$50
 - Reminder letters are sent on a monthly basis to accounts with an outstanding balance
- October 7: Deadline for customers to pay off balances prior to Council listing
- October 14: Council certification assessments
- November 2024: Staff sends list of assessments to Dakota County for collection with 2025 property tax bills
 - Includes 8% admin fee + 8% interest
 - 8% admin fee and 8% interest as outlined in City's Administrative Code
- March 2025: Dakota County mails property tax bills, include assessment for unpaid utility bills
- May & October 2025: Property owners pay assessments with their first and second half of property tax payments
- July & December 2025: City receives tax settlements from the County which include any assessments received

Certification History - August/September Mailing and Response Rates:

	Before Mailing		After Mailing	
Year	# of Unpaid Accounts	Unpaid Balance	# of Unpaid Accounts	Unpaid Balance
2018	957	\$355,239	343	\$180,656
2019	855	\$320,289	385	\$192,610
2022	1,156	\$636,855	435	\$363,633
2023	950	\$347,077	468	\$231,434
Average	980	\$414,865	408	\$242,083
# of delinquent accounts typically drops by 42% after mailing				
2024	1,035	\$497,233	524	\$297,420

Director Hove said in 2024 there was a 51% decrease in accounts and the unpaid balance is just under \$300,000.

Director Hove said there is a list of active accounts that continue to receive service and a smaller list of inactive accounts.

Active Accounts:

- Several property owners prefer to have their utilities collected with property taxes (through their mortgage payment)
 - 55 accounts (10%) have a balance of \$1,000 or more - their delinquent balances add up to \$91,450 (36%) of the total

- 43 of the 55 accounts (78%) have a history of certification
 - 6 of the accounts have not made a payment in 2024
- 2 accounts with larger balances on the list:
 - Irrigation issue - occurred during a contract for deed ownership change, notifications have been mailed to both parties with no response
 - Leak/high use occurred while property was vacant - rental property, building occupancy flagged by inspections, there has been no response to the City's notices.

Inactive Accounts:

- An inactive account happens when a property changes hands and the former owner did not pay off their final bill
- Notices sent to both current and previous owners
- Staff recommends certification of these balances, this allows buyer/seller resolve as properties would have only recently changed hands
- Number of inactive accounts - 9
- Outstanding balances (with fees/interest) = \$2,944

Requested Action:

- Resolution certifying delinquent utility balances and authorizing staff to submit any balances that remain delinquent after 30 days to Dakota County for collection on next year's property tax bills:
 - \$256,176.18 = balance from 524 inactive accounts
 - \$2,533.80 = balances from 9 inactive accounts
 - 8% administrative fee will be applied after Council approves the certification list
 - 8% interest will be applied when the balances are certified to the County Auditor (approximately 30 days after Council approval)
- Open public hearing for public comments
- Close public hearing
- Council vote on certification resolution

Council Member Murphy asked to clarify when the City would receive the money back from the county.

Director Hove said the first half of the settlement comes to the city in July and the second half comes in December.

Council Member Murphy asked if the balances with the City go to \$0 when the accounts are certified.

Director Hove said yes, the balance on the accounts will go to \$0 once the accounts are certified.

Mayor Dietrich opened the public hearing.

There were no comments.

Motion to close public hearing for certification of delinquent utility balances by Murphy, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Motion to approve Resolution 2024-242 Certifying Unpaid Water, Sewer, and Storm Water Charges to the County Auditor to be collected with other taxes on said property by T’Kach, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

C. Adoption of Assessment Roll for the 2024 Public Nuisance & Diseased Tree Abatement Program, Resolution 2024-243

Code Enforcement Coordinator Rainey presented this item. There is a public hearing requirement regarding adoption of the assessment roll for the 2024 Public Nuisance and Disease Tree Abatement program. This is the first set of properties for abatement for 2024 and the second set will be in the spring of 2025.

Code Enforcement Coordinator Rainey said there were eight properties that had abatement services contracted out for. The majority of the abatements were for lawn care and there was one for junk removal.

Parcels proposed to be placed on the 2024 Assessment Roll:

PID	Property Address	Violation Type	Amount
207115201270	7393 Clayton Ave	Lawn Cut	\$220.00
206720102050	6323 Apple Ct	Lawn Cut	\$135.00
206720102010	6339 Apple Ct	Lawn Cut	\$135.00
203650011253	6325 Dawn Ave	Lawn Cut	\$135.00
208210007020	8036 Dawn Ave	Lawn Cut	\$135.00
206720002140	6386 Alvina Ct	Lawn Cut	\$135.00
207115201270	7393 Clayton Ave	Lawn Cut	\$220.00
203655006111	6535 Dawn Way	Junk Removal	\$414.00

- If prepayment is not received with 30 days after the Special Assessments are levied and adopted by the City 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.

Mayor Dietrich opened the public hearing.

There were no public comments.

Motion to close public hearing for the 2024 Public Nuisance & Diseased Tree Abatements by Gliva, second by T’Kach.

Ayes: 5

Nays: 0 Motion carried.

Motion to approve Resolution 2024-243 Adopting the assessment roll for 2024 Public Nuisance and Diseased Tree Abatements by Scales, second by T’Kach.

Ayes: 5

Nays: 0 Motion carried.

7. REGULAR BUSINESS:

A. Approval of Rental Housing Licenses

City Administrator Wilson presented two renting housing licenses that have been reviewed by Staff and found to be eligible for licenses. The address of 6257 Bolland Trail was incorrectly listed as 6275 Bolland Trail and the correction has been made to the application.

Motion to approve two rental housing licenses for the addresses of 3290 Lower 67th Street E and 6257 Bolland Trail by T’Kach, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

B. Consider Response to Citizen Petition Requesting the City Require an Environmental Assessment Worksheet for a Proposed Development in the Northwest Area, **Resolution 2024-244**

Community Development Director Ziemer and Leila Bunge from Kimley-Horn presented this item. Director Ziemer said Kimley-Horn is the consulting firm that the City hired to assist with the review of the citizen petition. The question for Council tonight is about the environmental review and not about the proposed development.

EQB Petition Review and Response:

Proposed Development

- Development Site
 - 108 gross acres
 - 70th Street & Robert Trail
- Development Concept
 - 752 total residential units
 - Apartments, townhomes & single-family
 - Re-guide Robert Trail area to High-Density
- Located in the Northwest Area Overly District
- Previous Considerations
 - 08/07/2024 Planning Commission
 - 09/17/2024 Planning Commission

Director Ziemer said the recommendation from the Planning Commission after the public hearing on August 7th was to reguide the smaller area to HDR and an applicable zoning district. On September 17th, the Planning Commission reviewed the request to rezone the property to match the zoning with the land use.

Environmental Questions:

- Petition Received 09/24/2024
 - Asks City to conduct EAW
 - Environmental presentation of natural resources
 - Community health & safety (traffic/noise/pollution)
 - Sustainability in development practices
- AUAR for Northwest Area completed in 2005
 - Updated every 5 years; last update 2020
 - Assumptions of certain types of development
 - Assumptions are area-wide based on maximums
- Northwest Area environmental review complete

Director Ziemer said during the previous Planning Commission meeting a question that came up was what the different types of environmental reviews are.

Environmental Review:

- Types & process established by Minnesota Rules; administered by EQB
 - EAW & EIS : Site-specific based on development plan ("project")
 - AUAR: Area-specific based on development scenario(s)
 - Each have different thresholds triggering review & layers of detail
- Why AUAR
 - Development planning of an area
 - Cumulative environmental impact & mitigation strategies
 - Help with development due diligence but does not absolve developer from impacts
 - Beneficial to City public investment planning; better anticipation & response
- Process & Outcomes
 - Neither approval process, nor halt development
 - Awareness & identification of (potential) impacts & ways to reduce/mitigate
 - Not a question of whether can or cannot develop

Director Ziemer said the AUAR is a proactive tool and is something that a city looks at to anticipate potential issues and impacts that may result because of development. An EAW and an EIS are more reactionary tools when someone is proposing development to understand the same types of impacts that the AUAR would study. Environmental studies are a collaborative effort with other government agencies like the PCA, the department of Natural Resources, local watershed, and any other government agencies. These agencies review the studies, and they may provide comments that may trigger adjustments by the city or plan for. When the studies go forward, they are done according to established laws, government agency guidelines and any development would have to follow them.

Director Ziemer said environmental studies are a large collective effort and not just done by a city or developer.

Leila Bunge, an Environmental Planner with Kimley-Horn, said she assisted Inver Grove Heights with the 2020 AUAR update for the NWA expansion. Bunge said that an EAW is usually a study for an individual project that is not already covered by some other form of environmental documentation. The properties the study is requested for are covered in the 2020 AUAR Update.

EAW Petition:

- Date Petition Received
 - 09/24/2024
- Subject Property
 - 6470 & 6680 South Robert Trail
 - 1401 70th Street East
- Main Arguments/Concerns
 - Environmental presentation of natural resources
 - Community health & safety
 - Increase in traffic/noise/pollution
 - Sustainability in development practices
- Concerns Addressed through 2020 AUAR Update

Environmental Review Guidelines:

- Minnesota Rules 4410.3610, Subpart 2, Item A
 - Proposed development exempt from additional environmental review if complies with conditions of AUAR mitigation plan & development assumptions studied
- 2020 AUAR Update
 - Valid Through August 20205
 - Assumed Maximum Residential Unit Count (7,907)
 - Available Units Over & Above Proposed Development
 - 1,663 units still available after deducting existing, constructed, approved & potential

Bunge said AUARs are done on a five-year basis and the last update was in August of 2020. This document expires in August of 2025 and is still a valid document.

Northwest Expansion Area Unit Count:

	Units	Balance
AUAR Projected		7,907
Existing Residential	(193)	7,714
Construction/Approved	(1,444)	6,270
Remaining Capacity		6,270
Proposed Development	(752)	5,518
Possible Development	(3,855)	1,663
Projected Unused Capacity		1,663

Binge said there is still sufficient land to support proposed and future developments even with the additional residential units that are being proposed.

AUAR Mitigation & Next Steps:

- AUAR Addresses Petition Concerns
 - Proposed development is required to follow the regulation & permits of the AUAR
- City-Specific Regulations
 - Northwest Area Overlay District
 - Tree Protection, Preservation & Landscaping Ordinances
 - Natural Resource Inventory & Management Plan
 - City permit & approvals
- AUAR Mitigation Plan for Natural Communities (Pg. 98)
 - Protect & restore natural community areas in the NW Expansion Area as development occurs+
- Additional Compliance with 2020 AUAR Mitigation Measures Related to Petition
 - Stormwater Pollution Prevention Plan & Natural Pollutant Discharge Elimination System
 - Wetland delineation to avoid & account for the different wetland management types & buffers (completed by developer)
 - Phase 1 Environmental Site Assessment to identify potential contamination & remediation steps (completed by developer)
 - Species and habitat protection measures
 - Loggerhead Shrike
 - Rusty Patched Bumble Bee
 - Visual, noise, air & transportation mitigation

Findings Overview:

- Question of Petition
 - Project does not have significant environmental effects (MR 4410.1700, Subpart 7)
 - Type, extent & reversibility of environmental effects
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority
 - Extent to which environmental effects can be anticipated & controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EIS studies
- Recommendation
 - Deny the citizen petition for an EAW

Director Ziemer said the AUAR includes maximum development that assumes a combination of commercial and residential units. For residential it assumes up to 7,907 total residential units in the NWA. When staff is deciding if an additional environmental review is needed, one of the questions they ask is if they are exceeding the maximums that are established by the AUAR. There are currently 193 existing residential units in neighborhoods that are assumed to be unlikely to be redeveloped. There are 1,444 residential units that are currently in construction or approved leaving a remaining capacity of 6,270 residential units. The

proposed development would add an additional 752 residential units that would still leave a remaining capacity of 5,518 that could be constructed. Possible development is assumed at 3,855 new residential units. The possible development is an assumed number of units based on the remaining land guided as residential in the NWA and assuming an average density development within the area covered under the AUAR.

Director Ziemer said the residential developments that have occurred have been built at a density less than the maximum density permitted. The AUAR assumed a projected density of approximately 4 and that is currently the rate at which they are developing. Including the projected development the total residential units come in lower than the projected total of 7,907 based on the current development trajectory.

Action Recommendation:

- Question Tonight
 - Is whether additional environmental review necessary based on petition
 - Is not discussion or action regarding proposed development
- Summary of Findings
 - Northwest Expansion Area planned for the type of development proposed
 - City has previously completed an environmental study for the Northwest Expansion Area
 - Project does not exceed thresholds beyond those covered by 2020 AUAR
 - No additional review would substantially change/introduce new information
 - No material evidence presented vis petition to suggest otherwise
 - Potential impacts addressed & mitigated through approval & regulatory permitting processes

Director Ziemer said if Council follows staff's recommendation the item would be back before Council to begin the process of allowing the development to proceed. That would start the regarding and rezoning and would allow the developer to move forward with a development plan. Once staff are able to see the development plan, they will have the ability to review it in more detail. They would look at all of the environmental requirements and make sure the development was following them. MnDOT and Dakota County would have the ability to provide comment on the roadway facilities and advise if there are any transportation needs that have to be addressed.

Director Ziemer said the information presented is a very small portion in the overall development process. There are zoning rules and regulations in the Northwest Overlay district that will address open space, tree preservation, protection and replacement and other environmental items. The 2020 AURA satisfies all of the terms that the petition is seeking in terms of an overall environmental review and staff recommends denial of the petition request.

Council Member T'Kach asked what mitigation measures are included in the AUAR regarding the Loggerheaded Shrike and the Rusty Patched Bumble Bee.

Director Ziemer said one of the mitigation measures for the Loggerheaded Shrike is to not remove certain types of trees during certain seasons like breeding or mating season.

Bunge said there are recommendations for mowing restrictions for Rusty Patch Bumblebee habitats. There are also recommendations to incorporate native habitat species that welcome them. The AURA has a lot of options that can be incorporated into the design.

Council Member T'Kach asked if the recommendations are a requirement of development.

Director Ziemer said they do not have development plans that they can provide comment on in relation to potential mitigations, but the developer is obligated to review them. Staff will have to make sure developers are abiding by the particular items to not have a potential impact on those species.

Council Member Gliva asked how long a new EAW would take and who would pay for it.

Bunge said an EAW typically takes 6 - 9 months to complete and there is a 30 day public comment period before it is adopted.

Director Ziemer said if the project meets the thresholds to require an EAW or an EIS it is typically paid for by the developer. The EAW would be presented to the City and would go to all of the regulator agencies to have the opportunity to review and comment. There is also a public comment period.

Council Member Murphy asked if the unused unit capacity of 1,663 was for the entire NWA.

Director Ziemer said yes, 1,663 is the projected unused capacity for the entire NWA. Presently there are 6,270 units available in the NWA. If the proposed development units are removed, there are 5,518 units that could still be developed. The remaining development that occurs within the area is still 3,855 plus the 1,663 unused capacity.

Council Member T'Kach asked what was included in the response to the petition from the EQB.

Director Ziemer said the EQB receives the petition and reviews it to verify it conforms to their rules for petitioning and then they send it to the City. They are not provided with the response to the petitioner.

Public Comment:

Craig Hillegas - 6755 Arlene Ave - said the current zoning of the area is agricultural but the Planning Commission recommended the change. Hillegas asked if there were special considerations given to the Lennar and Canvas developments because they completely changed the land to build their developments.

Karen Van De Velde - 6565 Arlene Ave - said she is concerned about climate change and wants deeper environmental studies to be done with development. The area is a wetland and a natural habitat for many species and supported a new EAW being completed.

Ria-Lynne Nelson - 6855 Arlene Ave - said she is concerned that the specific property was not reviewed during the AUAR study and is also concerned about destroying the Rusty Patched Bumble Bees habitats because they are an endangered species.

James Lauck - 6785 Athena Way - asked who is responsible for monitoring the developers because they have been clearing out the trees.

Larry Nelson - 6855 Arlene Ave - said there is a man-made lake on the property, and it has effected the water quality of the nearby wells. The property has wetlands that feed the aquifers and removing them or creating fake wetlands affects the aquifers. Nelson said these concerns were not addressed in the AUAR.

Kaoru Shibata - 6190 South Robert Trail - thanked the Council for caring about the Environment and said if they develop 7,000 units in the NWA there will be an environmental impact.

Brook Williams - 3515 78th Street E - said the project area is 108 acres, and each parcel should be reviewed individually because they are very different areas. Williams said the Rusty Bumble Bee is a very important pollinator and there is an endangered plant in the area that is not listed in the report. Williams said she supports having another study for the safety of the community.

Bill Griffith - National Land Holdings - said the AUAR is a comprehensive document that identifies issues and mitigation strategies proactively. The proposed density of the development is approximately 10% of the total units identified for development in the area and the environmental impact would be small. The development has to comply with the AUAR strategies and additional regulatory controls that are already in the City's ordinances. There is a wetland delineation that has been completed on the project and they will have to develop a stormwater regulatory management plan. The NWA has higher standards in its ordinance and the development will have to meet the strict standards to develop in the NWA. Griffith said he appreciates the staff and the AUAR consultant being brought into the meeting. The project is exempt from an additional study but there are controls in place for environmental oversight and protection.

Kevin Sethre - 3650 73rd Street E - said he has a colony of Rusty Patched Bumble Bees on his property that was developed in 1958. The Environmental Commission held a water summit in April and there was a comprehensive overview of stormwater programs within the city. The video is available on the City's website and Sethre said he encouraged any residents to review it.

Mayor Dietrich said Director Ziemer is new to City staff and some of the questions asked during public comment were prior to his arrival.

Mayor Dietrich asked if the Lennar or Canvas developments received any special considerations.

Attorney Nason said the question seemed to be more of how all of the trees were able to be removed during development. Nason said she will review the agreements and determine what the tree replacements requirements were and staff can send the information to the resident.

Mayor Dietrich asked if climate change was or will be addressed in the EAW or in the AUAR.

Director Ziemer said when a development is starting the AUAR guidelines are only one part of what the developer needs to follow. The development has completed the wetland delineation and that is being sent to a technical review panel. They have to have a stormwater management plan. Stormwater management continues to evolve in regard to an environmental review. Each generation of stormwater management is usually more stringent and stricter in terms of management of water from rain and snow melts. The policies evolve to address climate change. A development plan is always reviewed by multiple agencies such as the Board of Water and Soil Resources, the Watershed district and city standards. Any regulatory agencies that handle items in the development plan review the plan based on current standards. Rules and guidelines have become much more stringent over the years.

Mayor Dietrich asked if the current property owners of the site have allowed people on to the property to study it.

Director Ziemer said he does not have the information if people were permitted to access the specific properties. The Dakota County website provides a significant amount of information that provides a layout of the land including soils, topography, types of plants that exist on the property and much more. Some of the information could be about the general area but the developer is doing their phase one environmental review as part of the wetland delineation and that information is about the specific property.

Mayor Dietrich asked if the beehives would be decimated with development because they are in the ground.

Bunge said the AUAR does not go into that level of detail regarding the location of a beehive. A habitat survey could be completed before development to identify if there are any. It is a federal nexus if there is any impact to a protected species.

Mayor Dietrich asked if an EAW would go into more detail.

Bunge said no, it would provide the same information as in the AUAR.

Mayor Dietrich asked who monitors the development progress.

Director Ziemer said when a developer gets a plan approved, they are able to go forward. All of the activity on the property from tree removal and tree replacement or potential impact to wetlands is monitored as the development moves forward. It could be existing city staff or a contracted firm that does that type of review. Sometimes cities will bring in wetland engineers to make sure that there are not any impacts to wetlands and that they are meeting all requirements. All of the different phases of development are managed and monitored.

Director Ziemer said there are mitigation strategies if a developer takes out too many trees or impacts a wetland. When there are wetlands the local watershed district approves the plan and will come out and evaluate the development to make sure they are meeting all of the requirements during development. If an accident happens and the contractor does something that impacts the wetland, the project is shut down and it has to be determined how it can be mitigate the impact.

Mayor Dietrich asked about the effects on the aquifer and wells in the area that were caused by a lake that was dug by a property owner.

Director Ziemer said the AUAR identifies wells on the property if they were drilled under a permit. There were two or three wells on the property, but they are not sure if they have been closed or remain open. If the development moves forward, they will probably look at closing the wells if they are still open. They do not want to have a source point into their drinking supply system.

Director Ziemer said when staff reviews developments they do take a very serious look at the impacts to the environment. They need to make sure they are preserving and protecting natural resources. It is difficult to balance growth and protecting natural resources. The benefit of having the AUAR is that they have done significant advanced due diligence. It is better to understand how development might impact an area over time and what mitigation measures they have available as opposed to reviewing one project at a time as they come in. When developments are looked at on an individual basis as opposed to looking at the area as a whole can cause issues over time. The purpose of the AUAR is to identify all of the potential impacts that are going to occur within the environment and how to offset them. The developer has to make sure they are following all of the rules and regulations, mitigation strategies and all of the other requirements. If they do not follow everything there are consequences as to how they have to adjust their plan.

Director Ziemer said there are significant changes and evolution in environmental science and strategy relating to development. Every time the plan is updated the requirements are updated. When a development proposes a project, everything is evaluated based on current rules and regulations. An environmental review has been completed and if there was any indication that something was missing, they would have determined what type of additional review was needed.

Council Member Gliva asked how many square miles the AUAR covers.

Director Ziemer said it is approximately 3,100 acres or 5 square miles.

Council Member Gliva asked how many acres were included in the project area.

Director Ziemer said 108 gross acres.

Council Member Scales asked if development is stopped if another environmental study is done and it is determined that there is a different endangered animal, or if the mitigation strategies just change.

Director Ziemer said yes, if something else is identified, there would be mitigation strategies attached to it.

Council Member Scales said the property has been guided for medium density since the 1970s and asked if the study was done considering the impact of a higher density than is being proposed.

Director Ziemer said looking at the whole area the report looks at the density being proposed.

Council Member Scales asked to confirm if they authorize the new study and find a new impact, it will only change the mitigation required and not stop the development.

Director Ziemer said yes, it would not prevent the development from continuing.

Council Member T'Kach said in past developments there does not seem to be oversight on the mitigation measures and asked who is responsible for ensuring the developers are following the rules.

Administrator Wilson said the City ordinances focus on mitigation and if trees are removed, they need to be replaced at a certain level. Residents may drive by a development and see a large number of trees cut down but that is not a sign that the developer is doing something illegal or that City Staff is not monitoring. It is a sign of new development. Development causes trees to be removed. Council can discuss the ordinances and if replacement is sufficient, but it is not accurate that staff are looking away while developers are illegally removing trees.

Council Member T'Kach said she knows a lot of trees are removed for being diseased or damaged. They might need a more robust tree preservation ordinance so trees can be protected. The density also has an impact. A single-family residential development would have more driveways and roads that would be more damaging to the environment than townhomes or an apartment building.

Mayor Dietrich said they should only be discussing if Council wants to move forward with the EAW or not and everything else should be saved for a later conversation.

Council Member T'Kach said there are processes in place to protect endangered animals but asked if the EAW would provide more detail and guidance on the processes.

Director Ziemer asked what information Council Member T'Kach would want to see that has not been addressed.

Council Member T'Kach said she has not been able to finish reading the AUAR.

Director Ziemer said the AUAR states that there are endangered species and a potential impact. The developer has to come up with mitigation measures. As City Staff they have to rely on the agencies that determine the rules and guidelines as it relates to wetland management and protection. The development is obligated to follow those, and their wetland delineation is going to clearly identify the area and wetlands that have to be protected, the type of protection and the different types of management areas.

Director Ziemer said the development is clearly identifying areas that are part of the wetlands in the area. Staff have to lean on the rules that are established by state agencies and watershed districts that define and guide how they are going to manage the water and what impacts are associated with the land. The AUAR identifies potential impacts and provides maps as it relates to different wetlands within the area. Developments have to do a wetland

delineation to identify the particular errors and that is going to trigger different rules and requirements.

Council Member T'Kach asked if the developer was going to be doing more in-depth research on the two properties.

Director Ziemer said the developer has already completed the wetland delineation and it is before the tech panel. They have also completed their phase one environmental assessment. Staff have not seen it yet because it is in draft form, but they have been notified that it is completed. The developer has been onsite doing their due diligence to prepare for development.

Council Member Scales said this area has always been special to him. Most of the land used to be hayfields but growth happens, and they just need to be smart about it. Scales thinks the AUAR addresses the issues in the area and does not support moving forward with another study. Another study does not stop development, it would just put another mitigation factor in place if they found something.

Mayor Dietrich said there may need to be individual studies that need to be done and would be addressed as they come up. The specifics that residents are asking for would not come from the study. Dietrich said she does not support approving the petition.

Council Member Murphy said he did have concerns prior to the presentation but they have been addressed. There is still capacity in the NWA and the AUAR addresses the entire area. Murphy agrees with not moving forward with the EAW.

Council Member Gliva said she does not think another environmental study will discover anything new. There are 752 units proposed of the 7,907 units which is roughly 9.5% of total units. The area is only 3.5% of the total area of the AUAR. The density is about three times the acreage.

Council Member T'Kach said she has been on both sides of the issue with the request for the EAW and Staff's response to what is in place with the AUAR and the opportunities in the future to hold everyone including Council responsible for what happens in the entire NWA. T'Kach said she does believe the systems are in place and was not additional evidence provided to the EQB for additional information that was needed.

Motion to approve the Resolution 2024-244 Denying a Petition for preparation of an environmental assessment worksheet for the application by National Land Holdings LLC for the Rezoning and reguiding of the property located at 6570 and 6680 South Robert Trail and 1401 70th Street E by T'Kach, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Council Member T'Kach said residents have mentioned issues about tree coverage and preservation and would like Council to discuss it in 2025. Inver Grove Heights does not have a particularly robust tree preservation program.

8. PUBLIC COMMENT:

Glen Ruiz - 2462 53rd Street E - said they are putting in an overflow from the cinema between Hwy 494 and Hwy 52 and have built the wall about 20 feet behind their property. The past storm caused the water to go over the embankment and has been causing his yard to stay wet for longer periods of time. Ruiz said he spoke to the City and thanked Director Connolly and Code Enforcement Coordinator Rainey for having the affected trees removed from his yard, but he does not want to see all of his trees needing to be removed.

Tracie Killion - 4660 Bacon Ave - said according to a recent poll said 62% of Americans have concerns over the election systems. Systems can be hacked, and the upcoming election is a prime target. The approximate cost to have four election judges work two days would be \$1,120. If the cost is a concern, there are people that are willing to donate their time. Per statute 204c.10 and rule 8235 hand counting is the only option in an extremely close or contested race. An audit should be performed the same way. Elections should be locally controlled, secure, and completely transparent to the public.

Derek Lind - Ramsey - said he is part of a team of advocates in Anoka County that have reached out to all 21 cities in Anoka County and asked if they could give a presentation on how to better secure their election. They were invited back by 11 cities and seven of the cities passed Resolutions relating to the elections. The City of Oak Grove passed a second resolution to eliminate their electronic poll pads and want to return to paper poll pads. Lind said the City can control their elections by doing a post-election review, eliminating the electronic poll pads and review the mail in ballots. It would make it very hard to cheat in the election.

Erik Van Mechelen - Minneapolis - said one of the challenges they have right now is an information flowing between the government and the public. The Post-election reviews are under Statute 206.89 and all ballots are to be reviewed. There is a certificate regarding the 5th precinct that was reviewed in the post-election review that the Dakota County Elections Manager sent to an Attorney that has been entered into public record through a petition to the State Board of Ethics. The first two columns on the certificate are the total votes reported and the total hand counted votes. There were 863 missing ballots that they said were absentee ballots. All of the ballots should be present at the post-election reviews. When ballots are missing statute 206.89 Subd. 4 and 5 say an additional review should be done. There was no additional review done. There are 12 precincts in Inver Grove Heights and some of them could be included in the Dakota County post-election review.

Kelly Kayser - 1953 59th CT E. - said she was on the pavement management Citizen Taskforce and has been following Pavement Management for ten years. The information that staff, the City Attorney and the Public Works director said is all accurate and informative. Kayser said there is a lot of confusion around the term appraisal. The county assessor appraises property, the benefit analysis appraisal is another form and there is a real estate appraisal when you buy or sell a house. Kayser said she spoke with a county assessor and their primary focus is the land and buildings but there are nuances when they review properties including nicely maintained houses and streets that are in good condition that will influence the appraisal. The benefit analysis appraisal is assessing the neighborhood and

assigns a benefit for the project to those houses. The neighborhood is benefiting from the improvements and the benefit is divided between the houses. The City provides a large amount of money each year for pavement management from different avenues including taxes paid by residents. Every city struggles with roads and how to pay for them. In Inver Grove Heights there were many years when roads were not adequately addressed.

Kayser said Council Member T'Kach was on the taskforce as well and was correct that there was not a 100% consensus because they had a diversity of people learning and sharing opinions. The strong opinions were that assessments needed to be fair, and neighborhoods needed to be treated consistently.

Keven Sethre - 3650 73rd Street E - said he was also on the Pavement Management taskforce and there was engagement from Council and Staff during the process. Some of the recommendations the taskforce made were similar to the comments made today. Development has to be done responsibly but it is not always a bad thing.

Patty Mikulski - 3379 67th Street E. - said there has been a lot of information over the last four years about insecure machines, publicly available passwords and machines being hackable. Mikulski said she is an election judge and was willing to volunteer her time for an audit.

Sandy Honerbrink - 2318 75th Street E - said she supports a post-election review because mistakes happen and there is also fraud. Honerbrink said she double checks everything in her daily life. Residents want the correct vote count and the correct person in office. Hand counting the ballots would allow them to verify the machines and totals.

Brook Williams - 3515 78th Street E - said the Attorney General of Minnesota has required warrants for police to operate an Unmanned Aerial system for observation on private property. There is a statistic that says law enforcement is responsible for one third of aircraft and UAS collisions. Williams said she would recommend a very strong pilot training program for any UAS operators in Inver Grove Heights. When there is an emergency response type of situation where a quick response is needed it might be better to have the fire department respond with a drone, so they do not have to get a warrant.

9. MAYOR AND COUNCIL COMMENTS:

Council Member Scales said he appreciated everyone being involved and staying through the meeting. The Fire department is halfway through their Citizen Academy, and he has been participating. He encourages anybody who is interested in learning how the Fire Department works to attend, and it is a lot of fun. The Police Department also has a Citizen Academy, and it is a great way to get involved with City services and learn what they do.

Mayor Dietrich said she has done both and they are fantastic.

Council Member Gliva said Council has heard a lot of feedback about the election and she does not see any harm in auditing some of their precincts.

Council Member Murphy said the audit makes sense to him and would be curious what it would look like. Council has a full agenda and the election is coming soon. If Council wants to consider it, they will need to discuss it soon.

Mayor Dietrich said she does not know the logistics but supports an audit. Fraud is abundant and the City's Election team does a great job, but it is more about double checking the machines. She would support an audit.

Council Member T'Kach said there is a public check of the voting machines before each election and asked if staff could provide any information on the process.

Administrator Wilson said there is a regular meeting prior to the election and suggests the city clerk prepare a written report for Council to read in advance of the next meeting that describes the current steps to verify the accuracy of the election and what would be involved in a higher level verification. Council could provide direction at the next meeting and staff can make sure it is in allowable option.

Administrator Wilson said the end of the year is approaching and it can be a busy time for the City and the list of agenda items. Staff proposed an additional meeting on November 18th but it did not work for all of Council. There are major items coming that will need Council's time and attention before the end of the year. The Ordinance related to the legalization of cannabis beginning in 2025 is one item. Staff expects there will be additional Council action on the proposed development in the NWA including the comp plan amendment and rezoning requests that have been applied for. The Pine Bend landfill has applied for an expansion which Council will have to consider some zoning changes in land use.

Administrator Wilson said the work session scheduled for December 2nd and the topic during that work session would be their truth and taxation meeting where the public can comment on the budget. In recent years that meeting has been 30 - 45 minutes and they could call a meeting after the work session. Another option would be to add an additional meeting in December. Their last scheduled meeting for 2024 is December 9th. They could schedule a meeting for December 16th if Council is available. They could consider another day of the week also.

Mayor Dietrich said Monday nights are good for residents.

Administrator Wilson said residents are accustomed to Council meetings on Monday nights.

Council agreed to expand the December 2nd meeting.

Mayor Dietrich said she agreed to extend the meeting on December 2nd as long as the agenda does not get too heavy and asked staff if they could bring back what the agenda looks like closer to the meeting, and they can decide then.

Administrator Wilson said yes, they can bring it back with agenda topics closer to December 2nd.

Council Member T'Kach said she agreed with expanding the meeting on December 2nd but thinks it may be a good idea to hold December 16th for a possible meeting if needed.

Administrator Wilson asked if any members of Council know they would not be available for a meeting on December 16th.

Council Member Murphy said he is not sure he would be available on December 16th.

Administrator Wilson said she will provide an outline for regular business items Council can expect to see for the meetings on November 25th, December 2nd and December 9th.

Council Member T'Kach said some of the items are pretty large and asked if staff will be able to balance and allocate the items based on the applications and deadlines associated with them.

Administrator Wilson said staff will do their best. They have statutory deadlines for land use applications. She expects the meetings to be long meetings but will try to prevent the meetings from going past 11 p.m. Staff will try to provide an outline of what the meetings would look like in a week, and it can be revisited at the close of Council's October 28th meeting. Council could also start one or more of the meetings earlier than 6:00 p.m.

10. ADJOURN:

Motion to Adjourn at 9:30 p.m. by Gliva, second by Murphy.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sara Lyons