

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, January 18, 2022 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

Commissioners Present: Elizabeth Niemioja
Dennis Wippermann
Pat Simon
Joan Robertson
Anthony Scales
Kate Challeen
Jonathan Weber
Robert Heidenreich
Scott Clancy

Staff Present: Kris Wilson, City Administrator
Allan Hunting, City Planner
Steve Dodge, Assistant City Engineer
Kim Fox, Community Development Specialist

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR DECEMBER 21, 2021

The Planning Commission Meeting Minutes for December 21, 2021 were approved as submitted.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

M/I HOMES - CASE NO. 22-02S

Reading of Public Notice

Commissioner Simon read the public hearing notice to consider the request for M/I Homes - Case No. 22-02S. The request is for property located at Outlot E, South Grove Townhomes and consists of a Final Plat and Final PUD for the Plat to be known as South Grove Townhomes 2nd Addition. This is for Phase 2 of the South Grove Subdivision and includes a 34-unit townhome development. Notices were mailed to 137 property owners on January 5th, 2022

Presentation of Request

Allan Hunting, City Planner, described the location of the project with 75th on the north, Clayton Avenue, and public streets going through, Cloman and 76th. This is for Phase 2 of the South Grove Townhome project, the second and final phase. The 1st Phase consisted of 36 units and 10 single family homes, currently under construction. Grading was done for Phase 2. The final 34 units would get started in the spring. The Commission would be confirming consistency with the preliminary plans and preliminary conditions of approval. Staff reviewed and determined the site plan and layout are exactly the same as the preliminary. Engineering has reviewed this and determined everything that is out there now is consistent with current grading plans. Phase 2 was mass graded with Phase 1. Staff has found everything to be consistent with the Preliminary Plans and recommend approval of the final Plat and PUD. The Assistant City Engineer Steve Dodge was also in attendance to answer any questions.

Commissioner Weber questioned when Fire reviewed this, if they were fine with all of the roads.

Mr. Hunting responded in the affirmative.

Commissioner Clancy asked if Staff received any comments about grading or drainage from neighbors in the area, especially in the southeast corner of the lot. It was a concern the first time around.

Mr. Hunting replied Staff did not receive anything with this application and notice. It was his understanding that portion was working.

Commissioner Challeen asked about Condition #8, where there was an area along what she thought was the eastern boundary, where the plan was abutting really close to a fence or some property lines. She asked if that has been accommodated.

Mr. Hunting replied that was the required open space along the east boundary that would have an easement area over it. He said there was a question about access to the backsides of the lots. It was Staff's understanding the Developer has worked out a private agreement so residents could get access to the backside. It would be a private issue; the city cannot correct it.

Steve Dodge, Assistant City Engineer, mentioned there was a phone call Engineering received from the resident on the south side of the property whose backyard is up against the ponds on 77th Street. He said he explained to the resident that the ponds were rough graded in and the function of the three staged pond system. There would be finished grading, turf, and vegetation as development continues. There are escrows in place to make sure that happens. Staff would be meeting with the resident in the spring/summer once things progress.

Opening of Public Hearing

Emily Becker, M/I Homes, 5354 Parkdale Drive, Suite 100, St. Louis Park, Minnesota, 55416, stated she has read and understands the report. She addressed the access easement that is currently being worked out with the Oaks HOA. There is some discrepancy and feeling that additional access easement should be given on the east side of the property where the open space easement is. She confirmed it is a private agreement.

William Scott, 3732 Conroy Trail, lives at the east end of this site and is the Representative for the Oaks Board. He referred to the access easement and said there has not been an agreement between them and M/I at this point. He was unsure it would work out or not, they have not heard anything back. He pointed out the area on the site plan and said that there was a discrepancy on their property line. It stands out to him if looking at the property line on the north end, it appears to shift a little bit north. He said he has been assured by the City Planner that those lines are correct. They are not debating where the property line is, but asking to get a little bit more movement on the north end of the property. Originally the easement he received gave two feet on the other side of the fence, he did not believe that would be enough. They need to be able to get mowers in there so people can get to the back of their properties for maintenance or fire escape. He asked if a Fire Study was done on this project.

Chair Niemioja responded the Fire Marshall analyzed the plan.

Mr. Scott said he did not see those results.

Chair Niemioja said the Commission has not received those results.

Mr. Hunting replied that he did not recall what the results were. It would have been at the Preliminary stage.

Mr. Scott said safety was one of the reasons why they were asking for the easement. Some of the townhomes are trapped between other townhomes, there is no way for them to get out, especially if

they do not have access through the gates currently located in the fence. He requested the Commission consider denying this until the easement can be worked out. He was unsure if that could even be done or not.

Chair Niemioja said the Commission is trying to see if there are consistencies between the first and second plan. She has not noticed a major inconsistency. She mentioned this was a great opportunity to voice some of those concerns, discuss them with the City Planner, and forward them on to the City Council.

Mr. Scott said that some of the homeowners have voiced concerns about the elevation on the north end of the property. He referred to the grading diagram and the north end of the property which has a retaining wall. It could be 5-6 feet on the elevation. Some of the homeowners behind that elevation have concerns about intrusion of their privacy. He assumed some of the homes would have deck lights coming off the back of the properties, he was unsure if they could take action to alleviate the light intrusion or view. The homes would sit quite a bit taller than the current elevation of the Oaks. Some of those consist of people's bedrooms.

Chair Niemioja asked if there were plans for a fence on the retaining wall.

Mr. Dodge replied if there was a fence on a wall, it was typically a protective fence for pedestrians. It could be a 3.5-4-foot black cyclone fence. It would not be anything of significance.

Commissioner Weber mentioned the floor values of the townhomes in the northeast corner are at 862.1. The townhomes are in between 858 and 860 grade lines. Their basement would sit maybe 2-3 feet above the townhome basement. If putting a single-family residence there it would be a two story above ground and bigger than what is being put in with this project. He felt the wall was more protective than increasing the height of homes.

Mr. Scott said looking at the project the way it is now, it looks quite a bit taller. He was sure that wasn't the current grade of where the houses would sit. He is voicing the concerns of the homeowners who were not in attendance. He was unsure if there was any privacy that could be added to that or not.

Chair Niemioja said it was great to voice those concerns now. She mentioned that the pile of dirt would likely not remain there like it is.

Mr. Scott said the wall looks like it's 2 feet from their fence. If the wall stands there, he asked if it could be moved back so they have more than 2 feet from the bottom of the wall to the fence.

Chair Niemioja asked the City Planner what the rules were where there is an abutting property line and wall/fence.

Mr. Hunting replied there were not any. A retaining wall could be right up to a property line. There could be a comment put in the minutes. If the Developer wanted to look at modifying something it may be possible if it works with grading. It cannot be added as a condition.

Commissioner Weber referenced the diagram shown of the property and the true northern boundary that shows as a straight line, and an off-kilter line 5-10 feet away from that. He knew they had taken the 30-foot setbacks off of the very northern line. He asked what the solid black line was that the wall was located right next to.

Mr. Hunting thought it was matching the property line. He displayed a diagram of the plat and said it was working off of the legal descriptions.

Mr. Scott referenced a diagram and said the developer was saying the property line is the line located in the back. The fence is the dotted line in between. That was why he brought up the discrepancy about the property because they are saying the actual property line is behind their fence. The fence has been sitting there since 1978. He guessed the dotted line was also where the retaining wall would start. Putting a wall there would not allow room for anyone to open their gate, walk, push their mower to the back, or bring equipment in if someone needed to have the back of their house sided. He referred to the east end and said the property line shows they have 4 feet from their fence to the property line. They are requesting a couple more feet, to 6 feet on that side.

Ms. Becker replied she would have to have their Engineer look to see if it would be feasible to move the retaining wall back. They are more than willing to take a look and see if it is feasible and if it would work with grading. She addressed the east side and the request for more room stating that is between the Attorney and the Oaks Representative. It is a private agreement. She said they would work through it.

Mr. Scott discussed additional information that was shared with him during their HOA meeting. One item was about a light on the southeast end where the city has easement access into the Oaks. There is a light there they believe they no longer need. The Board was wondering if they could alleviate that light or transfer it over to M/I. The HOA pays the electricity bill on it.

Commissioner Weber asked if the light was located along the sidewalk going south down to 77th Street.

Mr. Scott agreed that was the location, it sits on the border. The Oaks doesn't use that access, if M/I would be using the access for their residents, their Board suggests/requests they transfer the light to them or get rid of it.

Commissioner Weber said it looked like it was going to be going into the ponds in the southwest corner.

Chair Niemioja said ownership of the light would need to be determined. She suggested calling Utilities at City Hall for a start. It was likely not a condition the Commission would add. She encouraged Mr. Scott to call and said she would like to know the answer to that herself.

Mr. Scott said the city had several windstorms over the summer that tore several trees out on the east end of the property, the south end of the northern retaining pond. There are a lot of trees located there. Before the project began, there were oaks. Some of those trees were removed with the grading, but when the winds came through it took a couple trees out. There are only a few trees standing, the rest are not good shelter trees and just hanging there. He asked if some of those trees could be replanted. There are also dead ones that could be a threat to residents if they come down.

Chair Niemioja asked the City Planner if there was a landscape plan.

Mr. Hunting displayed a diagram of the landscape plan and pointed out the location he believed Mr. Scott was referring to.

Mr. Scott agreed that was the location. The storm took two trees down, one of which landed on a garage and crushed the fence. The trees that remain are just tall limbs leaning toward the Oaks. He was hoping the Commission could help residents have M/I remove and replant trees.

Chair Niemioja asked if Ms. Becker was aware of any further details in the area. If it was disturbed and what would be replaced in the area.

Ms. Becker replied as far as she knew the cleanup planned in the area has been done. She would have to discuss this with her on-site Construction Manager to verify if he was aware that any of them are dead and need to be removed. If there are dead trees, they do not want to pose a safety hazard. It was something they could look at.

Carmen Campbell, 3690 Conroy Court, said her home is located on the north end. She just recently moved there and didn't know the area. She mentioned with the way the mound of dirt sits against her fence, last year a pool of water had come into their home. Now they have to try to level it out. Her concern was now that they moved the area, they don't have access, before they did. She said someone did come and worked on it prior and had to take the fence down. There is no way now that they can enter their yard. They took the back fence down and dug a hole so the property could be trenched. They were told it would have to be leveled further to prevent further water toward the home. Her concern is now they are not going to have that access. Her other concern was about the privacy of her home. If the homes sit close to where the mound is, they wouldn't have any type of privacy. When the mound of dirt was done, it went into her yard. With the second plan, she would have to keep her windows closed because the dirt blew into her home. She stated she was not happy this was going on but her biggest concern was that she won't be able to have access to that fence for them to level off the area to prevent water from coming in. Being that it is higher up, could be a problem too.

Chair Neimioja asked the Applicant to speak regarding mitigation of the items the resident just spoke about such as the dust and getting the mound of dirt away from her backyard.

Ms. Becker suggested getting Ms. Campbell in touch with their Construction Manager. He pays close attention to residents' concerns.

Ms. Becker asked Ms. Campbell if she has had conversations with him.

Ms. Campbell responded she has spoken to him, and they have exchanged emails back and forth. She addressed her concerns about what had occurred and did not receive a response back. Ms. Becker mentioned she would get Ms. Campbell in touch with both herself and the Construction Manager and make sure concerns are addressed and she receives a response.

Commissioner Robertson was concerned that Ms. Becker put the responsibility for the conversation with the Construction Manager onto the resident. It seemed like mitigation and the situation should never have occurred that created the scenario Ms. Campbell has. From her perspective, the ownership of addressing and mitigating the issue rests with Ms. Becker.

Ms. Becker agreed and said she offered to give Ms. Campbell her contact information. She will follow up with Ms. Campbell and make sure her concerns are being addressed.

Ms. Campbell mentioned there would be no way she could try to reconstruct the backyard area now with what happened. There was some reconstruction done in the front yard area, and with that, it narrowed their way. The only way they could have construction done in the back was to come through the back way. With the space in between there is no way anybody can get there because it's just two feet or so that they are able to get in.

Chair Niemioja mentioned that it limits the use of the property.

Ms. Campbell agreed it limits the use of the back area for them to do anything. If they get a heavy rain, she gets a flow of water coming. It needs to be fixed or she would have continuous flooding in her home. She was unsure how fixing it would happen now. She is concerned for the next phase and the cloud of dust and construction, she just moved there.

Chair Niemioja said the Commission is trying to see if there is consistency between the preliminary and final plat. It's important they have those in the town working to be good neighbors. She appreciates attention being brought before Staff, this Commission, and the City Council to make sure everyone is being a good neighbor whether building temporarily or moving here and living here a long time.

Mr. Scott, 3732 Conroy Trail, asked if there was money allotted for clean up after a construction project is done. A lot of the homes have dust, it can't be avoided. He inquired about how to take advantage of those funds and who to contact to get clean up done.

Assistant City Engineer Dodge responded the escrows and funds they have are development funds related to getting the project completed. He felt what Mr. Scott was talking about is if they feel there is an act that has harmed them, it's a private issue between them and the Developer. If the Developer would be able to do additional work that Mr. Scott was referring to, such as washing or cleaning the outside of the houses. That is not something the city takes on. It's a private issue between the two. The city wouldn't use those funds for that purpose. The city agreement is with the Developer, the Developer would have to deal with the residents around their property.

Commissioner Weber asked the City Planner if Outlot D was created for the fact of the dispute over the northern boundary line.

Mr. Hunting replied Outlot D was on the preliminary, but because there was a discrepancy at that point there is no Outlot D on the final plat. They have determined where their lot line is. Outlot D was the discrepancy area, the lower line.

Commissioner Weber asked if Outlot D became a part of the Oaks. He referenced the east side of the property, while looking at Dakota County GIS, there were so many lines it was confusing to decipher which is which. He questioned if the surveys have been verified, matched, recorded, and this is the final.

Mr. Hunting replied a registered Surveyor does this. The County does a check but looks to more legal descriptions. If there is a discrepancy with a lot line, it's between property owners.

Commissioner Weber referenced the Oaks neighborhood to the north and east and said there were several general areas he believed was owned by the HOA. Each individual property owner owns their own subsection. He asked what the typical rear yard setback was for a fence.

Mr. Hunting replied a fence can be built up to or on a property line.

Commissioner Weber shared an example saying he owns a house and wants to build a fence regardless of if his neighbor has a fence up or not. If he wanted access behind that fence, it would be something he would have to create himself because he can go to his property line.

Mr. Hunting responded in the affirmative.

Commissioner Weber said it was unfortunate because in this neighborhood they are side by sides on top of each other. It was difficult for him to push the line back on this developer because of access issues. He has had to tear fences down to get things in the backyard before. If the Developer is meeting the criteria for this development, that's where he sits.

Kathryn Lawler, 3710 Conroy Trail, lives on the east side and is concerned about the access issue. She lives in a middle unit, the only access to her backyard is through her home or through her back gate. She currently has a dying tree in her backyard and needs it removed. The only way they can

remove that tree is to go through her neighbor's backyard and drop a fence between their properties to try to get to the tree. She was hoping when the development went in, she would have access to her backyard. She thought there would be streets and she could have a delivery to her back gate when it was too large to come in the front. Now it is going to be very close, the only access she would have would be even less than she has now. The access issue is a problem. In her situation, she was unsure how close it was going to be, the retaining wall and pond. Privacy is a concern. She has a picture of the pile of dirt currently located above the fence line, if building on top of it, or the retaining wall goes above it, it would be a different site line that would be hard to get used to. She was hoping the drainage issue had been addressed sufficiently, that the retaining pond is going to keep from flooding their backyards as it has in the past. She hoped it would be diverted. Their homes were below the ground level as it was before, and what it appears to be now. She was hoping it has been addressed. Access and privacy are still a concern and hopes it could be improved.

Chair Niemioja asked the City Planner to address the holding pond area. It was discussed a great deal at the first meeting.

Mr. Hunting replied the city Engineering Department has worked with the Developer's Engineers to make sure this conforms with standards.

Mr. Dodge responded a pond located on the east side is a bio-retention basin. It's been worked very closely with Mr. Scott because his property is located east of this in his backyard. The properties around also have flat and low-lying areas. They made sure where that bio retention basin is, the water will flow south to bigger ponds. The overflow elevation where water would leave the pond has been set so it's lower than the properties. There are no buildings or structures in danger. There is an existing low area that can't be resolved 100% in a large event. There are no structures that would be in jeopardy. Staff made sure elevations were set to function the same or better than it was before.

Commissioner Weber asked if the city would maintain the access to the easement to the ponds on the south side, off of 77th Street. It looked like an extension. He was unsure what that was.

Mr. Dodge replied he was unsure what the line referred to represented. There is an existing sidewalk coming off of 77th Street. The sidewalk ends when it hits the Oaks parcel. The "L" is gone and the sidewalk just ends. They spoke with Maintenance Staff as the project moved forward, there is water main, storm sewer, and manholes within the Oaks open space area. The city has easement over the Oaks open space for the purpose of maintenance crews being able to maintain the hydrant, water main, and stormwater there, they felt keeping the sidewalk in was important. There is no connection way from the sidewalk to what used to be the old school. The decision was that they were not going to require a pedestrian connection to the development. Clayton Avenue would provide a direct connection to the park. This may be because the ponds would be vegetated and won't always have water in them, people may decide to walk across the area. They worked with the Oaks to make sure when putting the fence back, people won't be walking through their open space. People would be walking along the fence if they needed to walk back there and use the sidewalk to walk to 77th Street. They anticipate some may walk that way across the grass, Staff worked with neighboring properties to make sure it accommodates in a safe manner. The sidewalk was mainly kept for maintenance purposes to drive equipment back there.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Chair Niemioja said focusing on the purview of the Commission, they know what they need to be doing. This was a special circumstance where a piece of land was switched from Public Institutional with people that had access to their backyards for decades. She appreciated the

Applicants willingness to being good neighbors while they are building. She said as a city, there is more responsibility to try to have these conversations referenced to make this go a little more smoothly for residents. This was a big change.

Commissioner Robertson understands the purview is to put a final stamp on something they had discussed earlier as preliminary. She was unsure if she missed something, but she didn't feel she was as concerned then as she is now about this "private discussion" regarding the easement and the size and impact on neighbors. Legally, it probably needs to be a private discussion, she was concerned that the neighbors to the north could fall short in this private discussion. She is nervous about saying yes when she thinks the neighbors do not have confidence in these discussions nor haven't heard anything for a while. That remains a concern for her.

Commissioner Heidenreich said he thought he heard that both are being represented by their Attorneys. The Association has an Attorney, and the Builder has an Attorney and they were doing the communicating, not directly with the homeowners. He asked if that was incorrect.

Chair Niemioja asked if there was an Attorney for the HOA. Off camera the response was that there is an Attorney for the HOA. Those discussions had stopped at this point.

Commissioner Weber mentioned it was a touchy subject that he feels for everyone. He had a fence that was put in his backyard that he never thought would go there and he didn't like it. From the Planning Commission's standpoint, this is a case of somebody meeting the requirements of what they are doing for land use. They were following rules and have done everything they possibly can. He knew the northern boundary was an argument for two of the Commission's meetings. It was nice to see they had come to an agreement on where the actual property line is.

Commissioner Challeen mentioned that she scoured for more information about the north side but didn't see anything. If it was just a property line dispute, it's been resolved. She questioned if it was reasonable to have a fence 2 feet from a retaining wall, she didn't believe so. Something is going to have to move, which is what is unfortunate about this. She felt it's probably not going to be the retaining wall; it's going to be the fence.

Commissioner Robertson said another concern she has is she wants to say she has full faith in the Developer. There have been other mitigation issues with other challenges with water that happened during the course of development that caused substantial damage. She questioned if there was a way the city or Council could enforce those mitigations. She wants to trust the Developer when it's said they would get right on it, but she has a sour feeling about that because they dealt with that for a long time in another development. She would like to see something more firmly put in place with a deadline and actions taken because she doesn't think it's fair to the neighbors to the north to have to deal with water running into their homes.

Chair Niemioja did not believe the Commission could add a condition like that.

Mr. Hunting agreed they could not.

Chair Niemioja said it was something the City Council could do. The concern is noted on the record.

Commissioner Robertson replied as long as nothing too adverse happens to the neighbors between now and the Council taking significant action on it.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Scales, to approve the request for M/I

Homes - Case No. 22-02S, for property located at Outlot E, for the Final Plat and Final PUD for the Plat to be known as South Grove Townhomes 2nd Addition and the three conditions listed.

Motion carried (9/0). This item goes before the City Council on February 14, 2022.

Chair Niemioja addressed the residents in attendance and said they were happy between the Applicant and residents making connections and putting their concerns on the record.

4. OTHER BUSINESS

CITY OF INVER GROVE HEIGHTS - CASE NO. 22-05X

Allan Hunting, City Planner, mentioned that Assistant City Engineer Steve Dodge may also be able to add some information regarding this. Mr. Hunting stated the items discussed are not a part of the Capital Improvement Plan. There are eight street rehabilitation construction projects. The request is for the Planning Commission to make a recommendation on consistency with the Comprehensive Plan. The new City Attorney wants the Planning Commission to adopt a Resolution. The Commission's action would be finding these to be consistent with the Comprehensive Plan and adopting the Resolution.

Steve Dodge, Assistant City Engineer, said they have been updating their Pavement Management Program in the last year and refocusing on extending the life of the pavement they have at the most effective cost. In order to do that, they developed a Pavement Initiative Program, which is provided on the city website. This focuses on rehabilitation projects. The eight projects were identified at the October 11th City Council meeting in which Council ordered the preparation of feasibility reports for these projects. Staff would like the Planning Commission to review the projects to confirm that they are consistent with the Comprehensive Plan. The projects moving forward would only be those that will get a complete feasibility report, that goes to the Council, has an Improvement Hearing, and then ordered by Council. These projects are in the works, with a couple of them going to Council later this month. Most likely not all eight would make it this year, but in future years. These are existing streets that fit within the Comprehensive Plan and are rehabilitation projects consisting of mill and overlays or pavement replacement projects (FDR's). Staff is trying to use less obtrusive projects that keep some of the assets like curb, utilities, and infrastructure in place.

Chair Niemioja asked for further explanation on Full Depth Reclamation.

Mr. Dodge responded that a geotechnical investigation is done in order to get professional guidance. Cores of the pavement and borings that go below the pavement are done to check the gravel and sometimes the subgrade. Recommendations are based off a Geotechnical Engineer's expertise and review of the road, both pavement and what's below the pavement to understand if the pavement is bad, and if they would remove or replace the pavement. They determine if the gravel doesn't meet specifications or is too thin. Then they recommend a full depth reclamation. This method goes below the pavement and gravel and grinds it all up and makes brand new gravel out of the road base and the gravel that's there. They then skim off the top of it approximately four inches to put four more inches of pavement in. This rebuilds a new gravel base by a reclamation project and puts new pavement on top of that. In this process they are able to save the curb, which is an asset.

Commissioner Simon asked who chooses what roads. She questioned if there was a recommendation or a committee. It says the streets were chosen by the Council, she asked how the Council knows.

Mr. Dodge replied the process is being looked at by the Pavement Management Citizen's Task Force. The group has been meeting for 3-4 months and would meet for another 3-4 months.

Recommendations would go to the Council from the Citizen's Task Force and what initiatives they recommend Staff and the Council look at. These were selected by Staff who had a Work Session with Council because it was a revamp of the 5-year Capital Improvement Program. In order to have projects for 2022 they had to have a Staff recommendation through Council. In the future, the 5-year CIP will be developed with the new initiative. Staff and the Council will be able to have a more solidified 5-year CIP with 2-3 years out for sure, so communication can happen more effectively and further out with residents so they can be more aware of what is going on. The selection process will be a part of that. That would be worked through with Staff and Council on what the selection process would be in the next year while they revamp the CIP. Prioritization is yet to come and has to do to the age of the pavement and the development area. They want to be able to rehabilitate the pavement before it deteriorates to the point of being a more expensive project. Other factors will also be taken into account such as type of road; or example: Collector Road versus neighborhood road.

Commissioner Simon was happy to see Upper 55th Street was being rehabbed until she noticed it was Blackberry Trail to Cahill. From Robert Street to the freeway, it is horrible. She asked why they chose further on rather than doing that area. She questioned if it was because the houses were so close and they can't do it. It's in terrible shape.

Commissioner Robertson referenced the CIP and asked if there were areas of the city targeted under the other 5-year Pavement Improvement Plan. She asked if there were areas that were expecting improvement because of where they were in the 5-year plan and if they would still be getting improved or if the new initiative was bumping some of those people back.

Mr. Dodge replied they would stay in the mix of the discussion. Staff, with Council guidance, will develop a prioritization system that is yet to be seen how that pans out. It comes down to an annual budget. With the rehabilitation method, it would be to extend the life of the pavement to the most cost-effective method within the geotechnical guidance they receive with professionals.

Commissioner Weber mentioned this was the first time the Planning Commission has noticed, approved, and adopted a Resolution and having the Chair sign a document like this. The Commission makes recommendations to approve. He said an Elected Official has items to protect them if things go bad. If the Chair is signing this document on behalf of this Commission, he wanted clarification on where they would be approving actions for the city when they are not seeing the entire financial view of the discussion.

Mr. Hunting replied the Commission isn't actually approving any project, they are finding if the money that is being spent is consistent with the Comprehensive Plan. They are not approving anything other than just the recommendation that the projects in the city plan are consistent with the Comprehensive Plan. The new City Attorney recommends the Planning Commission do this by Resolution rather than just through the minutes the way they used to.

Mr. Dodge clarified why it is was being done by Resolution stating in the Statute there is specific language that says the decision needs to be made in writing. Because that specific language is in the Statute, the City Attorney said they would be more comfortable if it was a Resolution, they would be able to sign.

Chair Niemioja said the language states potential approval.

Commissioner Scales said this was similar to what they have done for other expenditures in the city. It's just new for the asphalt plan.

Mr. Hunting replied this was just a new method. If the Commission ever receives any other Capital Improvement expenditure, purchase of land, or anything, they will have a Resolution with it. It's not

just tied to street projects.

Mr. Dodge said there is a website location for further information.

Motion by Commissioner Weber, second by Commissioner Robertson, to approve the review of the Capital Expenditures associated with the 8 Street Projects for consistency with the Inver Grove Heights Comprehensive Plan.

Motion carried (9/0).

Commissioner Simon said she didn't believe they needed to know when this goes to the City Council.

Mr. Hunting replied this action itself doesn't go, it just becomes internal or when those projects come forward as Council discusses them. This is a written record exercise.

Commissioner Simon questioned a copy of the mylar in the Commission packet without signatures on it. In all the years she has been here, she has never had a physical copy of what the mylar would be if they were in the backroom signing it. She asked if this was something new.

Mr. Hunting replied it was not new. Most of the time they do not include the signature page. It's not relevant, it's mostly descriptions. This time they were looking at the layouts.

Chair Niemioja mentioned due to the Caucus that takes place on Tuesday, February 1st, the Planning Commission would be meeting on Wednesday, February 2nd.

Mr. Hunting replied in the affirmative.

5. ADJOURN

The meeting was unanimously adjourned at 8:13 p.m.

Respectfully submitted,
Sheri Yourczek, Recording Clerk