

**INVER GROVE HEIGHTS CITY COUNCIL WORK SESSION  
TUESDAY, SEPTEMBER 8, 2020. 6:00 PM - 8150 BARBARA AVENUE**

**A. CALL TO ORDER:** The City Council of Inver Grove Heights met for a Work Session on Tuesday, September 8, 2020. Mayor Tourville called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

**Roll Call:** Present in person were Mayor Tourville; Council Members Piekarski Krech, Perry, Bartholomew, and Dietrich; City Administrator Joe Lynch, City Attorney Bridget McCauley Nason, Parks and Recreation Director Eric Carlson, and City Clerk Rebecca Kiernan.

Present Via Zoom/Phone: Finance Director Amy Hove, Community Development Director Heather Rand, Police Chief Melissa Chiodo, and Fire Chief Judy Thill.

Jessica Cook, Economic Advisor, Ehlers.

**1) 2021 Budget:**

Finance Director Amy Hove discussed the 2021 Budget stating on August 24<sup>th</sup> the Council was given a Budget progress update. The levy increase then was \$1,625,375 or 6.6% over last years levy. This was due to salary and benefit related adjustments and the increase to pavement management of \$500,000. At that meeting Council requested full item details on the General Fund Budget and information on Fund Balance. The following presentation was given:

Schedule:

- July 27, 2020 - Council Meeting to discuss preliminary budget and levy impact
- August 24, 2020 - Council review of updated figures
- August 26, 2020 - General Fund Budget details emailed to the City Council for review
- September 8, 2020 - Council Work Session
- September 14, 2020 - Council Meeting to set preliminary levy and General Fund Budget

Proposed Tax Levy - Payable 2021 (Current Draft)

- General Fund - Expenditures: \$25,500,700
  - General Fund - Revenues: \$4,261,600
  - General Fund Levy - \$21,239,100
  - Pavement Management Levy - \$2,250,000
  - Debt Levy - \$2,867,158
  - Total Levy Requested - \$26,356,258
- \$1,625,375 over Tax Levy Payable 2020 (6.6%)

She stated the tax rate over a four-year history peaked in 2019, dropped in 2020 (TIF District falloff). The percent they are looking at now with the City tax rate is under 1%. They are at a 0.84% change. For median property it would be approximately \$84.00 a year, or \$7.00 per month.

Proposed Tax Levy - Payable 2021:

	Total Levy	Increase Over 2020	%Increase Over 2020	%Increase if removing the \$500,000 increase To the PMP
Current Draft:	\$26,356,258	\$1,625,375	6.6%	4.6%
\$150,000 Reduction	\$26,206,258	\$1,475,375	6.0%	3.9%
\$275,000 Reduction	\$26,081,258	\$1,350,375	5.5%	3.4%
\$400,000 Reduction	\$25,956,258	\$1,225,375	5.0%	2.9%

Levy Reduction - Options:

- Expenditure reductions
  - COLA, health insurance, League of MN Cities premium renewals
  - Election carryover needs for 2022
  - Council directed program reductions
- Revenue increases
- Use of Fund Balance
  - Closed Bond Fund
  - Host Community Fund
  - General Fund

Fund Balances:

- Closed Bond Fund
  - 12/31/2019 audited fund balance = \$1,968,905
  - No scheduled reductions within current CIP Plan
- Host Community Fund
  - 12/31/2019 audited fund balance = \$6,926,640
  - Scheduled reductions within current CIP Plan:
    - Community Center Operations/Capital (plus 2020/2021 revenue shortfalls to consider)
    - \$3.8 million to Local Improvement Fund (Public Works Facility)
    - \$500,000 annually in years 2021-2024 to Pavement Management
    - Other miscellaneous/smaller reductions
- General Fund
  - 12/31/2019 audited unassigned fund balance = \$11,313,120 (43.6%)
  - Fund Balance Policy between 40% to 45%

Councilmember Bartholomew referenced \$500,000 under the Host Community Fund where it states 2021 to 2024 and asked if that was currently valid. He asked if that was in addition to the levy they are going to be setting or removed from the possible expenditure for this fund. He stated according to the memo it states \$2.25 million dollars for pavement management. He asked if they were still contemplating an additional \$500,000 every year on top of that levy. Finance Director Amy Hove responded this is on top of the \$2,250,000 they are planning to levy for. She stated this was the last draft of the CIP and another look at how to catch up quicker.

Considerations:

- Preliminary levy is set in September
  - Final levy is set in December and cannot exceed the preliminary levy (gives Council and Staff three additional months to work on reducing levy)
- Using Fund Balance for operations
  - Put pressure on future year's budgets to catch up for expenditure needs
  - Best Practice is to utilize fund balance for one-time purchases
  - Current economic situation/may need fund balance for other purposes

Finance Director Hove discussed ways to use the fund balance to reduce the PMP stating the CIP Schedule has them increasing to \$2,250,000 for 2021 and increasing the levy by \$250,000 each year. At the end of five years they would have put \$13,750,000 into the Pavement Management Program. Reducing the need and having it at \$2,000,000 in 2021 works fine but causes a dilemma in 2022 because they would either need to go back to the schedule of the \$2.5 million dollars for 2022 or increase it to \$250,000 after that. Over the course of five years it leaves the program short of \$1.25 million dollars. She stated if reducing it \$250,000 per year it would be short by the larger amount. If adjusted in the one year only they would need to increase the levy by \$500,000 next year to make sure they catch up with the schedule within the CIP.

Councilmember Bartholomew asked if they are considering, with the balance of \$13,750,000, an additional \$500,000 each year from the Host Community Fund. He commented he did not feel the \$500,000 was being recognized when they get to the bottom \$13,750,000. He stated that total is short each year they contemplate the \$500,000 from the Host Community Fund. Finance Director Hove responded this looks at the levy. If considering all funding sources, two columns shown would need to be increased by the respective amount planned from other sources.

Councilmember Bartholomew stated he wanted to make sure all knew this was not the only amount being considered for Pavement Management, there are additional funds coming in. Finance Director Hove agreed and stated Pavement Management would be brought back before the Council within the next few months.

Next Steps:

- September 14, 2020 - Council Meeting to set Preliminary Levy and General Fund Budget. The increase is 6.6%, the percent change to the tax rate is 0.84, less than 1%. The dollar changes are coming in at just under \$85.00 per year.

She stated she is looking for feedback or changes prior to the meeting next week where they would be drafting up Resolutions and materials to set the Preliminary Levy and General Fund Budgets.

Councilmember Bartholomew asked if they are using the adjusted tax capacity number of \$50 million. Finance Director Hove responded they are using the latest figures from Dakota County to project the City tax rate and the change in taxes. Those are for the estimated tax capacity and their estimates on fiscal disparity. Councilmember Bartholomew asked if they also anticipate the fiscal disparity contribution and disparity distribution is calculated in these numbers. Finance Director Hove responded those figures are in the footnotes of the page.

Councilmember Bartholomew stated he has a slightly different number and would be willing to speak with her offline.

Mayor Tourville referenced Page 9, Fund Balance stating \$6.9 million is in the Host Community Fund as of last year. He asked what is collected on an annual basis. Finance Director Hove responded in 2019 they collected almost \$3 million dollars in total revenues. They are anticipating those revenues to go down slightly with the newer Host Community Fund Agreement and are projecting that to be between \$2.3 to \$2.5 million a year.

Councilmember Piekarski Krech asked what has come out of the 2019 audited fund balance in 2020. Finance Director Hove responded Legislative operating costs come out of there, there has not been any large expenses yet. Some come out at the end of the year.

Councilmember Bartholomew stated the Ehlers CIP report has a targeted amount of \$474,000 for Community Center Operations and Community Center Capital \$829,400. He stated the numbers could be understated because of the operation shortfall during Covid. Finance Director Hove responded that was correct and hope to bring better estimates in October.

Mayor Tourville stated those two figures bring them to \$1.2 million. He agreed with looking into using the Closed Bond Fund. They need to be careful with the General Fund and stay within 40-45. He stated the State and County reference the possibility of foreclosures that could run as high 20-28%. With the Host Community Fund money comes from people currently living in the City and are being charged the extra fees in order to. He asked if the new agreement was a 20-or 30-year agreement. City Administrator Joe Lynch responded it does not go beyond 2031. Additional money can be used out of the Host Community Fund and still have a cushion to have what they need in order to run other budgets. He stated the Closed Bond Fund and General Fund could be kept intact and stay as close to 45 as they can. Going to Pavement Management is not necessarily year to year operations. He stated concern with statistical data coming from the State about the possibility of running out of unemployment and foreclosures. He commented that he felt seven or eight was too high and keeping it at five was better.

Councilmember Piekarski Krech agreed stating they have to hold the line, there may be other things that need to be cut out of the budget as proposed. She asked what they are considering for the levy.

Councilmember Bartholomew stated if coming in with a tax of 2.5%-3% that is reflective to an increase to the tax levy. If coming in at the rates he listed, he would be comfortable. The amount he is looking at comes to \$23,491,000 final levy. Fiscal disparity would push the number down. He stated he was fine with approving the preliminary they have now, with full knowledge of knowing they are going to drive it down. He stated the Franchise Fee Fund at the end of the year is \$2 million and they are only looking at taking out \$1 million dollars. He suggested discussing with Staff to see if they can take out a bit more. He stated he would like to see them use the money as it comes in because it is there for them to use. Councilmember Piekarski Krech stated it needs to go to Streets, not trails.

Councilmember Bartholomew stated he didn't feel having a \$2 million dollar fund balance in the Franchise Fees was not the appropriate thing to do, he would like to see it at \$1 million dollars and use the money as it comes in with a cushion of \$1 million dollars. Finance Director Hove responded the first year they were not sure how much was going to come in, so they did not want to commit it to a project. She stated her understanding is they are working through a revised PMP Plan with the intent to fully utilize Franchise Fees as part of the long-range planning on projects. She stated she would work with the Public Works Director and the Financial Advisor to make sure that is included.

Councilmember Piekarski Krech stated they need to have a good idea of what is in Host Community and what is coming in. She commented she felt there was more committed out of it than what has been discussed this evening. She stated she would not have a problem using Host Community as part of the General Fund this year.

Mayor Tourville stated they could look at adding some Host Community Fund and look at some reductions. On September 15<sup>th</sup>, newspapers are going to want to know those figures so they can attribute them to the different Cities. He stated as a Council, they need to look at what is committed and come up with a number for the annual. They could go low on the revenue.

Finance Director Hove stated in the last Capital Improvement Financing Plan, they took a five-year look, that is where she got some of her numbers from. There are some significant projects coming up that are needed in the Community Center. The Host Community Fund balance is shown to drop to \$1.6 million in 2023 and rebounding to \$2.6 million in 2024. She stated she could look into the CIP Plan and bring it back before the Council. She asked if they wanted to see what other reductions they could come up with, or if the information is wanted at next week's meeting. They could also set it at the current rate which gives them a few months to get data in and see where they can make reductions and how that translates into percent's and rates. Mayor Tourville responded that was fine. Councilmember Bartholomew agreed.

Mayor Tourville stated he was concerned with being at 7 - 8%, they would be the highest in Dakota County. Councilmember Bartholomew stated levy increases are completely different than tax rates, historically they have had higher levy increases. Mayor Tourville responded it is different, but they are in combination. Councilmember Bartholomew stated they are currently in a good spot at \$1,634,000 and could be lower than they were historically.

Mayor Tourville asked if the information the public wants, which is a combination of multiple items such as tax capacity and percentage of increase over previous years. City Administrator Lynch responded a request from the news media is as reported:

- What is the gross tax levy in terms of dollars?
- What is the increase/change from the previous years in terms of dollars?
- What is the percentage over the previous year?
- What is the current tax levy rate?
- What does the preliminary rate equate to as a result of what is being considered for the tax levy in terms of dollars.
- What is the percentage change from the previous year's final to this year's preliminary?
- What is the impact to the mean residential property value within the City? What does the median valued home see in terms of a tax increase? In this case that is almost an \$85 increase and how it compares to other Communities.

He stated those are the categories and comparisons the news media makes. There are also comparisons within the County, and metro Cities are compared by size of Community.

Mayor Tourville stated those numbers could be in as soon as weeks end if not sooner.

Councilmember Bartholomew referenced the median property figure of \$85.00 and asked if that is based off of the current total draft levy of \$26 million. Finance Director Hove responded that is based on the draft levy less the fiscal disparities. Councilmember Bartholomew stated the \$85.00 figure includes the fiscal disparities, the \$26 million does not include fiscal disparity. Finance Director Hove responded that was correct.

Councilmember Bartholomew stated he believed they would be ok for the next meeting. Mayor Tourville stated they do not have to reflect which account and funds. There may be some deductions and some increased revenue. Staff can come back to make that work and look at future and current CIP.

## **2) CARES ACT Spending Plan and Programming:**

Finance Director Amy Hove discussed the CARES ACT spending plan and programming stating they would like Council feedback on the Coronavirus Relief Fund. The following information was shared:

Coronavirus Relief Funds in Minnesota:

- Coronavirus Relief Fund (CRF) for State, Territorial, Local, and Tribal Governments, is part of the Federal CARES Act.
- On June 25<sup>th</sup>, Governor Walz announced a plan to distribute \$841 million dollars of the State's \$2.2 billion dollars to Counties, Cities, and Townships. For Cities: \$75.34 per Capita.
- The City of Inver Grove Heights Allocation: \$2,665,614.

Funding Process:

- Receive full allocation of fund in July (City received funds on July 29<sup>th</sup>).
- Adopt spending plan to specify eligible uses.
  - September 8<sup>th</sup> Work Session
  - September 14<sup>th</sup> City Council Meeting
- Make eligible expenditures and reimburse for eligible costs already incurred.
- Monthly reporting to Minnesota Management & Budget (MMB) on spending.
- Return unused funds to Dakota County by November 15<sup>th</sup>.

Eligibility Criteria:

- Federal Guidelines provide wide range of possible CRF uses.
- Three major tests of eligibility:
  - Expenditure incurred due to the pandemic/public health emergency. Used for actions taken to respond.
  - Costs not accounted for in budget approved as of March 27<sup>th</sup>, 2020.
    - Cost cannot be funding with existing line item; or
    - Cost is for “substantially different purpose” from expected use.
  - Cost incurred in covered period of March 1<sup>st</sup> to November 15<sup>th</sup>.

Eligible Uses:

- Up to 100% of “payroll costs for public safety and public health employees”.
  - Treasury guidance allows, substantially different purpose.
- Medical, public health, order enforcement expenses.
- Facility and workspace improvements, increased sanitation, technology required for remote work and meetings.
- Increased workers compensation, administrative leave expenses.
- Business Assistance.
  - To help with costs incurred due to required business closures.
- Individual Assistance.
  - Rent assistance, utility assistance, foreclosure prevention.
- Operate programs through EDA or coordinate with County/CDA.
- Sub-allocations to other units of local Government.

Ineligible Uses:

- Cannot use for revenue replacement such as:
  - Lost fees from Community Center closure.
  - Waiving license fees.
  - Waiving utility fees.
- Replacement of equipment needed in the normal course of operations.

Priorities:

- Cover unbudgeted City costs.
  - Public health protective measures.
  - Teleworking technology.
  - Unemployment costs
- Provide economic support to IGH Community.
  - Refund of liquor license fees.
  - Small Business Assistance Program.
  - Non-Profit Assistance Program.
  - Convention and Visitor’s Bureau.

Priorities:

- Expand and improve the City’s online services for the safety of residents, businesses, and City Staff.
  - CityView software solutions.
- Reimbursement of public safety payroll costs.

Proposed Spending Plan:

Costs have been tracked since Covid-19 began. Figures are as of July 31<sup>st</sup> for what was spent. There are costs anticipated August through November, to get a total for each of the following categories:

- Unbudgeted City Costs: Spent \$193,213 through July. Anticipate needing \$274,263 for August through November 15<sup>th</sup>. Total cost reimbursed: \$467,476. These include:
  - Public Health Protective Measures: Include cleaning supplies and services, protective equipment, communications, and \$200,000 (an estimate, actual figure would be brought before the Council for approval when known) for installation of bi-polar ionization units to HVAC units in City Facilities.

Councilmember Piekarski Krech asked if that was a proven method that does what it is supposed to do, if the City would be getting the value out of it, if it protects the safety of employees, can employees work at the facilities, and if needed at all facilities. Finance Director Hove responded they are researching costs for all City facilities. Parks and Recreation Director Eric Carlson responded it is a device and process that many municipalities and public facilities are installing. Currently researching further to ensure it provides employees with a safer work environment. Once determined that it does what it says it does, this comes before the City Council for approval. The facilities they are looking at having them in are: The three Fire Stations, the Community Center, City Hall, and the Public Works Building. This does not include the Water Treatment Plant because of the low number of employees that work in the facility.

Councilmember Dietrich asked what the long-term plan was for working at home and working remotely for employees, and how many employees would be coming back. This is for oxygen consumption, especially in the Community Center where people are working out and would have elevated heart rates. Finance Director Hove responded they would include that information in their research. Additional information was shared as follows:

- Unbudgeted City Costs (Continued):
  - Teleworking technology.
  - Unemployment costs.
- Enhanced Online Services: (Covers CityView) Anticipated Costs from August through November 15<sup>th</sup>. \$125,000.

Community Development Director Rand stated the City uses software from Harris Company called CityView. Over the last year they implemented software that enables residents and Contractors, to make simple Building Permit Applications online and pay for them. It has been a busy year for construction which led them to move forward and purchase additional CityView software and have it installed, and staff trained so they can move forward with Electronic Plan Submittal. This allows:

- Architects and Engineering firms to submit plans electronically to the proper departments that review them.
- Online appointment scheduling and Contractor licensing.
- Electronic integration of property records with GIS database, interactive mapping, and Laserfiche document management into the online system.

She stated this allows for better record management for all these entities. The Cities of St. Paul and Bloomington are already doing this and have been more responsive because of it. She stated Staff has visited with the City of Bloomington to gain a better understanding of the system and its uses. This qualifies as a CARES Act related expense. They would like to bring this back to the Council on September 14<sup>th</sup> with additional information about this expenditure.

- Economic Support: (Includes Liquor License refunds): \$19,766 Spent as of July 31<sup>st</sup>. Anticipated Costs for August through November 15<sup>th</sup> would be for \$438,354 for the Small Business Program, Non-Profit Program, and any administrative costs.

Community Development Director Rand stated they are projecting spending to be \$458,120. There was a refund of liquor license fees the Council approved on July 13, 2020. She stated on August 10<sup>th</sup>, the Council approved the concept of the following Relief Grants:

- o Small Business Assistance Program: Setting aside up to \$280,000 in funds.

Community Development Director Rand stated this program would mirror what is being done for Small Business Grants with the State and Dakota County level. Those are:

- Grants not to exceed \$10,000.
- For businesses of 50 or fewer employees, not home occupations, except childcare.
- On August 10<sup>th</sup>, the City Council approved in concept, the partnership with Dakota County CDA and their Small Business Grant Program. They would administer the application review at a fee not to exceed 3.44% per Grant dollar awarded.
- Encouraged small businesses to apply online by August 14<sup>th</sup>. Deadline was noted on the City website, Social Media campaign, and promoted by the River Heights Chamber of Commerce to their members.

Community Development Director Rand stated Countywide, over 2,000 applications came in by the deadline. There were over 100 applications from small businesses with Inver Grove Heights locations.

- Dakota County CDA is reviewing applications through a Third-Party Administrator to do the Grant review and will provide a list of small businesses eligible for City funds.
- City Council to approve distribution of funds prior to November 1<sup>st</sup>.

Community Development Director Rand stated they would be bringing forward a Joint Powers Agreement (JPA) with the County CDA to continue to administer the program. When the County has a list of recommended businesses that meet the criteria, the list would be brought before the City Council for Grant Application Agreements. She stated they are hopeful to have a JPA for the City Council to consider on Monday, September 14<sup>th</sup>.

- o Non-Profit Assistance Program, setting aside up to \$140,000.

Jessica Cook, Ehlers, stated they have been working with Staff on evolving the Non-Profit Grant Program as follows:

- Council approved \$140,000 be set aside for Grants to Non-Profits.
- Grants not to exceed \$20,000 per organization.
- Grant funds will be used to reimburse expenses incurred between March 1, 2020 and application deadline.
- Partnership with Ehlers.
- Final Grant approvals shall be made by the City Council at the October 26, 2020 Council Meeting.

Non-Profit Grant Program Guidelines:

- Eligibility Criteria: 501(c)3, 501(c)6 which is the Chamber of Commerce or a 501(c)9 Veteran's Organization. Nonprofit's revenues are down, or unfunded services are up due to the pandemic. Must serve at least 50 residents or be located in the City.
- Ineligible Non-Profits/Restrictions: Nonprofits that derive income from gambling. Cannot pay for expenses already covered by PPP or another Grant.
- Priority given to Applicants who: Serve greatest number of City residents, have seen 25%+ decline in revenue, are spending 10%+ more on programs to respond to the pandemic.
- Process: Outreach will begin after Council approval of the program (September 14<sup>th</sup>). Applications are due on September 30<sup>th</sup>, with funds distributed by 11/15.

- o The Inver Grove Heights Convention & Visitor's Bureau.

Jessica Cook stated the Convention and Visitor's Bureau has done an extraordinary job of changing their marketing focus to address safety issues and concerns.

- Extension of the City.
- Staff recommendation is to reimburse the Convention and Visitor’s Bureau of up to \$12,500 to cover eligible costs through November 15<sup>th</sup>. The Bureau is funded by the Lodging Tax, is a fund of the City, and is a part of the Cities audit.
- Public Safety Payroll: \$1.615,018. Finance Director Hove stated Public Safety Payroll costs from March 1<sup>st</sup> through November 15<sup>th</sup> are estimated at \$5.2 million. That is \$4 million dollars of Police and \$1.2 million dollars of Fire. She stated there is not enough CARES money left to allocate fully to that. Balance remaining is \$1.6 million dollars. She stated this is a fluid recommendation. If less is needed in one of the categories, it can be shifted to another. Updates will be provided regularly.

Finance Director Hove stated the following next steps:

- September 14<sup>th</sup> Council for approval.
  - Spending Plan.
  - CityView Services Contract.
  - Agreement with Dakota County CDA for Small Business Program.
  - Non-Profit Program documents.
- Ongoing reporting with the State on how funds have been spent.
- Updates to future City Council meetings.

Councilmember Piekarski Krech stated the plan looks very good. Mayor Tourville stated the plan was well conceived.

Mayor Tourville stated if you have already received money from a Federal, State, or County program, you would not be eligible for the City programs. Ms. Cook responded in the Non-Profit Program; you cannot get reimbursed for the same expenditures for which you were already reimbursed for from another program. For example, received a PPP loan in the spring, and in July programmatic expenses for serving the homeless, those would be eligible. Community Development Director Rand stated it was very similar for the small business, with the PPE loans. If you have already received a loan for certain expenses you cannot reclaim for the same expenses. With the Grant Program, if a small business receives a Grant from the State, they cannot also receive a Grant from the City.

Councilmember Bartholomew stated this was a lot of work and appreciated everything Staff has put together on this.

Mayor Tourville stated this item would be on the Agenda next Monday.

**3) Development Fee Comparison:**

Community Development Director Heather Rand stated a memo on development fee comparisons was given to Council. This gives information on why they recently engaged with Ehlers and had them survey communities similar in size and location to ours in the Twin Cities Metro area with respect to development fees. The fees include things such as a water trunk connection fee, water connection fees, sewer and sanitary sewer connections, stormwater management, and park dedication fees. She stated Ehler’s contacted the neighboring communities of Apple Valley, Burnsville, Chanhassen, Cottage Grove, Eagan, Hastings, Lakeville, Rosemount, and Woodbury. Fees were averaged and “pilot” projects were set up creating a model for various situations such as a commercial industrial project, an apartment project, or a single-family home.

She stated with the updated fee comparison, City fees are similar with the exception of the fees charged in the Northwest area. Often, they are double what a developer would pay in neighboring communities. A reminder of why the fees are so high is because the northwest area has some of the most challenging topography with rolling

hills and water basins. She stated Council's in the past have set up a Policy called "pay for itself". Some Cities, when they have new developments, will have all of the City taxpayers subsidize the new infrastructure. This City charges the Developer for fees as they connect. She stated they can be expensive because of a long-term loan taken out to already pay for the public infrastructure.

Community Development Director Rand stated utility extensions, as they were put in, were more expensive than originally estimated, due to topography challenges. As a result, some Developers have asked for support or for fees to be waived. Sometimes the City has done that. They have found that some of the densities may have been projected too optimistically on a higher density level than what could actually occur. She stated moving forward there is updated information on how the fees compare. Discussions will need to continue. She stated depending on the project, it is likely the Council would be asked to provide some type of subsidy with respect to the developer fees so a project is financially viable for a real estate developer.

Councilmember Piekarski Krech agreed the fees are high and stated this is also an unbelievable City with all kinds of opportunities, close to several freeways and the airport. There is developable land available. She stated she is not here for someone to make a profit, she is here for her community to look decent, be decent, and be a welcoming home for the residents. She does not have a problem with their fees at all.

Mayor Tourville stated this was one of the most comprehensive evaluations done. It was very organized, thoughtful, and easy to read through. He commented that the northwest area is higher and was set up in a way if projects are started and can pay off some of the debt sooner rather than later. More development would have come in the northwest area if Covid-19 had not taken place in 2020. They have been lucky to get what they have. He thanked them for the work stating it was comprehensive, easy to read through, and understand.

#### **4) Public Safety Meeting Plan:**

City Administrator Joe Lynch stated the Council packets include a memorandum from him. The group met to discuss the fact that neighboring communities have experienced some violence and threats during City Council meetings. This has happened in the Cities of Minneapolis, St. Paul, Hugo, and White Bear Lake. He stated the City does not have a comprehensive public meeting safety plan. There is a weather evacuation plan, and they have done active shooter simulations. A plan is needed on what to do if something were to occur during a meeting. This would include Council, Commissions, and neighborhood meetings or a specialty event.

He stated there is an overview of a plan, they would like to receive Council comments, make changes as directed, and bring it back at the September 14<sup>th</sup> City Council meeting. They would have Staff Liaison's and Public Safety Personnel, Chiefs, and/or designees work with each of the various committees and Commissions to be aware, practice the plan, and know what the safety expectations are. Sections of the plan include:

Meeting Management:

- Set expectations early
- Set time limits for speakers
- First time speakers only. (Feedback was received from the City Attorney about this item and has been suggested being changed)
- One in one out. If there are capacity issues, they want to create the ability for others who are not in Chambers to have an opportunity to speak
- Space Management. Covid and Non-Covid considerations.
  - During Covid: Limited in capacity with six feet spacing. Following CDC and MDH guidelines.
  - Non-Covid: Fire and Building Code issues to be in compliance with. Overflow would be the lobby area, overflow to the overflow area would be the EOC Room (Emergency Operations Center).

- Signage. Those that wish to be in the Council meeting with signs, outside the City Hall, or where an event or meeting is taking place with signage. (Feedback was received from the City Attorney and adjustments have been made)
- Safety
  - Evacuation
  - Council Dais. Information about the way the room was constructed, and materials used
  - Emergency Exits. Making sure everyone knows where they are located and when they should be used
  - Safety Place. As with severe weather, there is a storm shelter below Council Chambers. If there is a need to evacuate the building, making sure people regather to ensure that everyone made it out safely
  - Threshold. Council and other groups will have to decide at what point are they willing to tolerate some behavior, but not other behaviors. This includes:
    - Language
    - Violence or threat of violence
    - Signage
    - Activity. For example: If an individual or group rushes the dais or rushes the speaker. A group or individual threatens a member of the audience/public.
    - Actions. For example: Calling for a brief recess. Legal impacts state they cannot reconvene and cannot conduct the meeting in another location. Must come back to the space they originally were. That information has been added to the revision. They can decide to cancel the meeting or call for it to happen on another date/another time.

City Administrator Lynch stated the intent was to put this together in a more formalized plan and bring it back to the Council for consideration and adoption at the meeting on September 14<sup>th</sup>. This information will be communicated to the other groups, committees, and Commissions so they are aware of what the plan is.

He stated that Police Chief Chiodo and Fire Chief Thill were included in the conversation, Parks and Recreation Director Carlson because of City facilities, and Finance Director Hove because of any financial impacts that may be had as a result of what may happen. Others volunteered to be a part of the discussion to make sure they were considering things that should be considered.

Police Chief Melissa Chiodo stated she wants to make sure they are making the meetings safe for residents, City crews, Council Members, and Staff. She is looking for Council guidance as they do not ever want to make Police the issue at any of these meetings.

Mayor Tourville suggested taking a few minutes one evening to discuss protocol and doing it when there is a change in Council or Staff. He stated he knew of Cities that do not allow any signage, good or bad, in Council Chambers.

Councilmember Dietrich asked about the 5-minute time limit and when there is 1-minute left if there would be some type of announcement. They currently have a 3-minute limit in place but not much accountability. She questioned the change and who would be accountable. City Administrator Lynch responded this tries to set the expectation at the beginning with the thought that a group came for a specific purpose and to try to limit conversations each have. He stated he did have 3-minutes in there as the current policy, the City Attorney advised to make that longer but was unsure it was enforceable. The 1-minute announcement would be made either by himself or the City Clerk. This has not been enforced in the past but has been historical practice.

Councilmember Piekarski Krech stated it has been used with full Council Chambers and many wanting to speak. Normally they do not enforce it because they try to let the public speak and not be so restrictive on their speech rights. Councilmember Dietrich stated the freedom of speech piece needs to be consistent. She has not seen anyone held to that standard. There have been people allowed to come up and reiterate what they have said two or three times. She questioned how that was a safety issue. City Administrator Lynch responded it was not meant to be a safety issue but a meeting management expectation. The wording can be moved or changed. Mayor Tourville stated under Citizen Comment it is suggested three minutes, he did not think they would want that at five minutes. With presentations, when they are looking at a planning review, a client, or a potential client, they are not going to limit them to three minutes. He suggested giving criteria on what type of presentations. He stated there has been situations where there is a group and they have designated one person to speak and have requested additional time, which Council has agreed with. He stated for example, tonight, some may say they only get five minutes where the budget discussion took 25 minutes.

City Attorney Bridget McCauley Nason stated as far as speaker management, what is being discussed is about Public Comment and setting parameters. The City does have in the City Code, under Section 157 language that sets parameters around when people can comment. It references "limiting the address to a reasonable period of time except at a Public Hearing when the limit shall be three minutes". She stated there is caselaw out there in a School Board case where the Court held that limiting public comments to three minutes did not provide a meaningful Public Hearing opportunity and did not deny the participants the opportunity to engage in the Public Hearing process. She asked what the Council's expectations were with Citizen Comment's at the beginning of the meeting, and then when the floor is opened up on other Agenda items to take comments from people other than the applicant and how that could be handled.

City Attorney McCauley Nason stated she usually sees the City Clerk handling this. Typically, there is a sign in sheet where people are called up one by one and then the Mayor asks if anyone else wants to speak that did not sign the sheet. She stated if a meeting is running late, the City Clerk may say "time is up it has been three minutes". The Mayor has discretion to allow for a sentence to be finished. The thought is that everyone is treated equally, be it Citizen A or Citizen B. She stated it is up to the Council to determine the timing. Councilmember Dietrich responded that was exactly her thought and needs to be addressed more than what it has been in the past. She stated this is very close to her heart because when she was elected to this position, she asked if they could have a meeting on decorum and professionalism about how meetings were run. She tried to get it on a Work Agenda but that did not happen because everyone could not make it. She stated she does not want to rush getting this together with a lot of questions on the table. One issue is the accountability piece and how it is going to happen since it has not prior. She stated there has already been a policy about the three minutes, and the transparency about how it is going to be articulated. She commented they want to be thoughtful that many people come here, it is not the same that come to every meeting. She asked if this would this be posted somewhere and suggested to make sure it is very clear.

Councilmember Dietrich asked why family members could not sit together during Covid. For example, a husband and wife, or a child and parent/guardian. Councilmember Piekarski Krech responded it may be due to the difficulty of respacing the chairs. She asked who moves the chairs back when people leave and how can one be sure they are a family. Councilmember Dietrich stated she wanted to be respectful to those, it does not need to be a huge undertaking.

Councilmember Dietrich asked for the cost of the Duty Patrol Officer and plain clothes personnel. She referenced the last page and the heading Activity, where it states a group, or an individual threatens a member of the audience or public. She asked what type of threat, she felt that some of the terms were grey. She stated she was not comfortable having this on the Consent Agenda for next Monday unless there is more work done with the handout. Police Chief Chiodo responded the Police cost is zero. Most Council meetings she herself is in attendance or in the building. It would be herself, Commander Otis, or Commander Haugland. If they know there is a big event, they will bring in a Patrol Officer currently on duty. There is not an extra cost there. She

stated for example, a use of Police force that ends in the loss of life. That could result in a full Council Chambers, people lined up to speak for hours, people with signs that are protesting. She stated in that case they would bring in extra Staff which would be an hourly rate for the Officers to be there for a four-hour minimum.

Police Chief Chiodo stated the following items she is looking for guidance from the Council:

- They do not ever want the Police to become the issue at a Council meeting especially if people are already upset by some actions the Police have taken.
- Guidance from the Council as to when they would like the Police to step in, in Council Chambers to take action.

She stated from attending meetings in other Cities, usually that threshold is when someone is threatening assault, threatening something in Council Chambers, or getting up on the Dais.

- She asked when Council wants the Police to step in and remove someone from Council Chambers. If they just want them removed, or there could be things they could be cited for criminally. She asked if that was what Council is looking for or if they are wanting them removed from the meeting for just that day. She stated that is something she would like the Council to think about and provide guidance on.

Councilmember Dietrich asked during Covid, if they are expecting to Staff someone here from the next Monday on. Police Chief Chiodo responded if she is not there, there is usually a Supervisor or Sergeant in the building, they are not standing in the Chambers. She stated when Covid was not the issue she attended every meeting and would notify a Patrol Sergeant that she is there in case she needs a uniform presence.

Mayor Tourville stated he did not believe they would be ready for this next week. He stated it may help to look at what is in current policies regarding speaking. He suggested keeping non-Agenda items/Citizen's Comments to three minutes and suggested whether it is Covid or not there be no signs allowed inside of Council Chambers. He suggested looking into the items brought up by Councilmember Dietrich.

Mayor Tourville responded to things getting out of hand and stated he was not sure it does any good to take the individual outside. Someone would almost need to be or stay with them. He commented he did not say they should be charged but felt the Police should make that determination versus the Council. Councilmembers could ask for anyone to be removed. He stated there have been times someone has been removed. Councilmember Piekarski Krech stated they have had to go into recess.

Councilmember Dietrich asked for direction from the Police Chief and stated Fire Chief Thill could also weigh in about what has been noticed and what their recommendations to the Council would be. Police Chief Chiodo responded what she has seen from previous experiences in a different City is that Police get direction from the School Board/Council. If Police use their discretion, they become the issue and it becomes worse for everyone involved. She stated if a severe crime happens, they would take immediate action before given the nod, but there has to be unity on who would be the one to notify the Police and give the signal that a person needs to be removed. Having one person on their own tell them because then another person could disagree such as two Board Members or Council Members. She suggested more thought about this and reaching out to her, the Fire Chief, City Administrator, and the City Attorney so they can have further conversations. They need a unified message from the Council, so they have one direction they head into when something happens.

City Administrator Lynch stated there is a lot to consider, they will have further discussion and may bring it back to the last meeting in September or the first meeting in October.

Mayor Tourville commented there have to be Cities out there that have had a plan in place for a while. He asked if the League has guidelines. He stated he has no problem with those researching how other Cities are handling this and getting back to the Council with ideas. City Attorney McCauley Nason responded she would check with the League.

Councilmember Perry referenced Speaker Management where it lists City Clerk and City Administrator and stated if this also includes Committee's and Commissions, they may need to add Staff Liaison in there. She suggested sending this out to the Commission's to see if they have any feedback.

**B. Adjourn:**

**Motion by Piekarski Krech second by Perry to adjourn the meeting at 8:11 p.m.**

**Ayes: 5**

**Nays: 0      Motion carried.**

Minutes prepared by Recording Clerk Sheri Yourczek.