

**INVER GROVE HEIGHTS CITY COUNCIL WORK SESSION
MONDAY, JUNE 4, 2018, 6:00 PM – 8150 BARBARA AVENUE**

A. CALL TO ORDER: The City Council of Inver Grove Heights met in work session on Monday, June 4, 2018, in the Inver Grove Heights Council Chambers. Acting Mayor Piekarski Krech called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited. Roll call: Present were Mayor Tourville (arrived 6:08 pm), Councilmembers Bartholomew, Hark, Perry, and Piekarski Krech. Staff present; City Administrator Joe Lynch, City Attorney Tim Kuntz, Allan Hunting, City Planner, Michelle Tesser, City Clerk, Police Chief Paul Schnell, and Deputy Chief Sean Folmar.

1) Review No Parking on Babcock Trail

Deputy Chief Folmar presented the item, and stated In August of 2017, the Council passed a resolution that prohibited parking on Babcock trail from Upper 55th Street to 60th Streets on both the east and west side of the street. The county installed the signs. Council requested follow up after the school year. In the packet is a summary and recommendation on this item.

Councilmember Piekarski Krech said there were a few people that were not really happy with the no parking. When she goes by there some people are still parking there. Mr. Folmar said there are people stopping there, not getting off the roadway and by the time a police officer arrives they are gone. We do try to give it extra attention. Some people do not understand that pulling over is the same as parking. Two phone calls he received were from a Ms. Taylor, 1909 59th Street and Ms. Unrue at 5888 Babcock Trail. They were supportive or neutral on the subject. Neither one was opposed to the no parking. There is not a whole lot of opposition to the no parking. There is some positivity to it. It is worth continuing since the school district purchased the property that is directly adjacent to the school. They will be coming before the Council to rezone the property. They have hired an engineer to give them some ideas on what to do with the property to help ingress and egress. Joe Lynch, City Manager, said that according to the Superintendent they would like to create a new entrance, create some additional parking, and use the existing entrance as an exit only.

Councilmember Piekarski Krech asked if there were any problems with parking when residents were holding a graduation or an event at their house? Mr. Folmar responded no. No one has commented negatively on that. If additional parking was needed they have worked it out with the school.

Councilmember Perry asked when the school holds an event, like their carnival, do they contact the Police so an eye can be kept on that area? Mr. Folmar said they typically do not notify us, but we do know when they are having an event because we have a police presence at it. Councilmember Perry said in May, they had a grandparent's day and the pre-school graduation and there were cars parked in the no parking zone on both sides of the street. She was there for both of events. Mr. Folmar said if there is a special need, we have 24-hour notice we can bag the signs and then remove the bags from the signs.

Councilmember Piekarski Krech asked if they were busing people to the school. Mr. Folmar responded they tried busing facility to the school for a while. They did hire a traffic consultant and they then changed the way they pulled the buses in front of the school. They now utilize the path in the back of the school, which allows more cars to get off the road and into the parking lot.

Councilmember Bartholomew said there was a letter from a resident that was concerned about u turns. Were a lot of problems seen with u turns in the area? Is a u turn permitted? Mr. Folmar said a u turn is permitted. They are also going down the side streets and pulling in the first driveway, nosing in, backing out and making the turn. This is also happening on 81st by Cahill at the middle school.

Councilmember Hark asked if the signs are going to be covered does the county need to be involved. Mr. Folmar responded no.

Councilmember Piekarski Krech asked what action needed to be taken. Mr. Folmar said the only action would be if Council wanted to remove the no parking. My recommendation is that we leave it. Let the school get through the process they want to get through, consider the future changes they will be making to the property, and consider leaving it as it is because the ditches are deep and there is so little shoulder, this makes parking there very difficult.

Councilmember Hark said he noticed squad cars in front of the high school in the mornings – why are there squad cars at the grade schools in the morning? Mr. Folmar responded that the police officers are enforcing traffic laws at the 20 mile an hour zone when at the school in the morning.

Mayor Tourville asked if the property sale has been finalized by the school district. Mr. Folmar said the sale has been finalized.

2) Off Sale Liquor License Discussion

Michelle Tesser, City Clerk, introduced the item. She said in February, the Council approved a new off-sale liquor license for the liquor store business under the name Mallory and Mikala, (by ALDI). This increased the number of off-sale liquor licenses in the City to nine. A few current off-sale liquor license holders were upset and complained to the council and city staff that there are too many liquor stores in the City and it has affected the market. The city does have the authority to limit the off-sale liquor licenses. The cost of an off-sale liquor license is \$200. Staff has no recommendation on this matter.

Councilmember Piekarski Krech asked when and why the city should set limits for liquor stores, grocery stores, gas stations – what is the rationale for limiting the number of licenses? Mr. Lynch said it is like trash hauling there were several considerations - such as competition, wear and tear on the street, number of pickups. One of the license holders feels it should be limited – the market could be oversaturated. Some cities limit the number of liquor licenses to one per 1,000 residents.

Councilmember Bartholomew said the police department does not see higher volume of calls compared to other retail businesses. If you limit the number of licenses it puts an artificial value on the license that are existing and that would be unfair. He would like to hear a good reason to limit the number of licenses and currently is not aware of a good reason to limit competition.

Councilmember Hark said there is currently one liquor store for 4,000 residents roughly. He does not like being in the business of picking winners or losers in these situations. We potentially may be one national liquor store away from having only one liquor store. It is a difficult situation and he is a fan of a free market. He is worried about the small shops and their ability to compete. We did impose some regulations on rubbish haulers. He thinks this matter should be considered and would like to see no more than nine licenses. This is a tough issue.

Councilmember Bartholomew said we are one vacant license away from a large retailer coming in and capturing a majority of the market just by their size. That to me is not a pressing argument. The pressing argument for me is seeing the public good for limiting the number of licenses.

Councilmember Piekarski Krech said we limited the rubbish hauler licenses and they only serve the people of Inver Grove Heights. Commercial retail establishments serve people from all over, anybody can come in with the free market. If we start limiting retail businesses because of competition what about service stations, auto repair businesses, and grocery stores because of unfair competition, that is my dilemma with this.

Councilmember Hark said Minnesota Statute already limits off-sale liquor licenses for first class cities to one for each 5,000 residents. How long has the statute been on the books and what was the legislative intent of the statute? The state limited the number of off-sale liquor licenses. Councilmember Piekarski Krech also wanted to know why they are limited.

Mayor Tourville said there are good arguments on both sides. It is a tough issue. A good example is if someone wants to put in a liquor store in Argenta Trail. If we are limited we would have to say no. You also could be artificially inflating the license because someone waits for a license. Can you have too many coffee shops or gas stations? It is free market. Some cities around us do limit the number of licenses and some cities do not.

Councilmember Bartholomew said it would be interesting to know the rationale behind the state legislature decision. He also wanted to know the definition of a first-class city. Mr. Lynch said it is determined by population, he provided the first-class cities: St. Paul, Minneapolis and Duluth. He stated it is a limited number.

Mr. Lynch said a couple of things to think about are whether grocery stores are allowed to sell alcohol. He stated that issues was brought up in the legislature this year and it came close to passing. He believes it is going to pass soon.

Mr. Lynch stated we need to think of retail establishments, Target did come in to explore the opportunity to create a space to sell alcohol which is being done in combination stores. The AMC theater is now selling alcohol. One cautionary thing to consider is the continued use of availability for the sales of alcohol. I am thinking of the health, welfare, and safety of the community. Should Council limit that type of access? We need to think of other types of opportunities that might come along for example grocery stores, or other retail locations like Target or Walmart that may want a liquor license in the future.

Tim Kuntz, City Attorney, said a city of the first class is a city with over 100,000 in population. If a city dipped below the 100,000 population (like Duluth did) there is a special provision that they can stay a first-class city if they choose to.

Councilmember Piekarski Krech asked about the benefits of being a first-class city. Mr. Kuntz responded that Inver Grove Heights is a second-class city (a city with over 20,000 population). The grades are based on population. It is an antique of the past. If you were a city of the first-class you could pass certain laws that perhaps other cities could not. Mr. Lynch said some would say it creates exceptions from regulations and allows certain regulations because the city is of a certain size.

Mayor Tourville said there are certain statues that affect each class of city.

Councilmember Piekarski Krech said it would be interesting to learn why the state limited the number of off-sale liquor licenses in first-class cities to one for each 5,000 population and why there are no limits for the other classes of cities?

Councilmember Perry said Inver Grove Heights is still growing and does not see the point of limiting the licenses since the city is still growing.

The Council had mixed views on the issue and decided to keep an eye on the increasing number of liquor licenses in the future.

3) Vitals Program Update

Police Chief Paul Schnell presented the item. He said the Vitals Aware Service program was initiated earlier this year. It is a program used by all Dakota County agencies except Burnsville. All participating law enforcement agencies are able to track people who use the app that have some type of disability such as autism or dementia. We can get information about them so that incidents don't erupt. We are encouraging people to use this app. The need for this in the county is significant. He showed a short video of the hows and whys of the Vitals app. People can also use the app for free now.

People that use Vitals carry a small beacon and when it comes into contact with a cell phone in each squad it sets off a tone and will give the information of that person to the cell phone app. The information that is put in the app is provided by the family and can be changed at any time. It can include voice directions from a family member. He showed a sample profile of a person using the app. It can show a range of triggers. Medications and medical information is included. Caregiver information is also provided. All the squads are equipped with cell phones and have this app. It would be a good service for our community to help deescalate situations. Eight people are on the program in Inver Grove Heights. Minnesota is a pilot for this program and the program was built in Minnesota. Families can get one-year free service to the Vitals program.

The information in the app is for first responders use only. Fire service may have access to the information in the future as it develops and grows. This can really reduce negative encounters with people who suffer from a range of disabilities.

We are promoting the program on our Facebook page because we want to encourage people to sign-up to use the program. We are going to do an aggressive push at the school district and through social media to try to increase program users. It is a great tool. It will make a difference. When we get into a certain range of a person using the app, the first responder receives an alert that a vulnerable individual is within range.

Councilmember Bartholomew asked if there was a cost to the city for using the program. Mr. Schnell responded there is a cost to the city of about \$4,000 and forfeiter money was used to buy into this program. It provides the secure app on our end - it is on the cell phones in the squads which has access to the app. We did not want to be in the position where the neighboring communities were using this, and if we were not using the program then people in our community did not have access to this app. Ultimately, the cost will be borne out of the subscribers. Most of subscriber's costs will come from insurance or from waivers from social services.

Councilmember Bartholomew asked if it was an annual fee or one-time fee. Mr. Schnell said there is an annual fee of \$4,000 for us.

Councilmember Piekarski Krech asked what the amount of the fee is for subscribers. Mr. Schnell said he thought it was \$20 a month but the first year is free.

Councilmember Piekarski Krech asked why Burnsville did not sign-up for the program and asked if cost was a factor. Mr. Schnell said they wanted to wait and see about the cost. You do pay by the number of phones the department has (squads only or each officer). They also wanted to see the level of interest this program will have. Social services are just beginning to push the program.

Councilmember Piekarski Krech asked if all St. Paul police officers have the app. Mr. Schnell responded that they did. A St. Paul police officer was behind this program as he has a child that is autistic. He became a huge advocate for having and using this type of tool. It is a simple, important and remarkable tool for police officers.

Councilmember Hark asked how long the city has had the app. Mr. Schnell responded it was launched in late February or early March. We are also hopeful with the new 917 program coming to the city. He stated that one of the service demands may be walk-a-ways and we think the app will be useful in helping us as we respond or address some of those issues. Councilmember Hark asked how many individuals in Inver Grove Heights use the app? Mr. Schnell said there are eight (8) Inver Grove Heights residents currently using the app. The key is getting people aware of the program.

Councilmember Bartholomew said he thought the program was great and that it offered two types of protections to the citizens and the police officers. Mr. Schnell said this program would be a risk deduction and a liability reduction tool. There is also protection to the city as a whole.

Mayor Tourville said he was looking for a price after the first year for subscribers. Mr. Schnell said there is a range of services with a range of pricing for the program. Waiver services may offer some reduced costs. Mayor Tourville said it looks like it is \$60.00 per household. There is also a family plan for \$60.00. Mr. Schnell says the app does not allow us to track or locate people because of privacy concerns. It will tell us if we are in the perimeter of a person using the service. The company believes the cost will go down as people start using the program.

Councilmember Bartholomew asked about the number of people participating in Dakota County. Mr. Schnell said the numbers are low right now. We need to push the program.

4) Bituminous Roadways Noise Study Update

Mr. Allan Hunting, City Planner, introduced the item. He stated back at the February work session the Council discussed doing a noise study at Bituminous Roadways. During their review process some neighbors felt the noise was getting louder over the years. Staff had Barr Engineering prepare a proposal for a noise study. It is a simple process. They would look at having monitors at the perimeter of Bituminous Roadways property and one or two monitors at a residence. It would run for a one-week period during normal business hours in June or July when there is maximum activity.

They would take that information and do an impact assessment where they would review the raw data against the established standards of the Minnesota Pollution Control Agency has for noise. A final report with the noise analysis would be presented to the Council.

- The cost for one monitor on the property and two residences would be \$7,200.
- The cost for one monitor on the property and one residence would be \$6,000.

Staff is looking for further direction on proceeding with the noise monitoring.

Councilmember Piekarski Krech believes the noise study needs to be done and it should be done at two residences. One of the reasons for two residences is because you don't know if you are getting the noise if it is bouncing around.

Councilmember Bartholomew agrees with Councilmember Piekarski Krech and believes it would be money worth spending.

Mayor Tourville asked if the noise monitors are installed everyone will know then they are being installed. Mr. Hunting said yes. He would go back through the Council minutes and the residents with the greatest concerns he would contact them to see if they were willing to have a monitor on their site. We would then work with Barr Engineering so that Bituminous Roadways would not know where the monitors are being installed and the timing of the installation.

Councilmember Piekarski Krech said now is a good time to monitor for noise as it is their busy time. Mr. Hunting responded that the monitors could be installed but not turned on when they are installed. It could be a couple of days or a week before they are turned on.

Mayor Tourville said weather would affect the noise greatly such as rain, temperature and wind. We do need to also get a baseline. He believes everyone on the Council agrees it needs to be done.

Councilmember Hark asked if Barr Engineering went out and set the monitors then activated them. He asked about inclement weather and what that would mean. Mr. Hunting responded in the affirmative but was not sure how exactly they handle that type of situation.

Mayor Tourville said he thought a baseline was going to be done on the water because there was a big discussion about the water and how often it got tested or was tested. Mr. Hunting said he believes the wash ponds were going to be monitored one every other year and a schedule was set. He was not sure what was going on with a baseline. Mayor Tourville said some residents had asked what numbers the city gotten from the past regarding the water. The noise was one piece and the water testing was another piece of the discussion. The city needs to do a better job of documenting what we already have.

Mayor Tourville said the noise monitoring bid should go on the next Council meeting for approval.

B. Adjourn

Councilmember Perry made a motion to adjourn, seconded by Councilmember Hark, and unanimously carried. The work session adjourned at approximately 7:06 p.m.