

**INVER GROVE HEIGHTS CITY COUNCIL WORK SESSION**  
**MONDAY, APRIL 5, 2021. 6:00 PM - 8150 BARBARA AVENUE**  
**\*\*Meeting Via In-Person or Virtual Zoom\*\***

**A. CALL TO ORDER:** The City Council of Inver Grove Heights met for a Work Session on Monday, April 5, 2021. Mayor Bartholomew called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

**Roll Call:** Present In-Person: Mayor Bartholomew; Council Members; Piekarski Krech, Dietrich, Murphy, and Gliva; City Clerk Rebecca Kiernan, Community Development Director/Interim City Administrator Heather Rand, City Attorney Bridget McCauley Nason, and Interim Parks and Recreation Director Jon Oyanagi.

Staff Present via Zoom Video Conferencing: Technology Manager Marc Gade, Interim Public Works Director Klay Eckles, Finance Director Amy Hove, Associate Planner Heather Botten, and Fire Chief Judy Thill.

Presenting/Speaking via Zoom Video Conferencing/Phone: Greg Fransen, Barr Engineering; Karen Chandler, Barr Engineering; Greg Williams, Barr Engineering.

**1. Landlocked Stormwater Basin Study Presentation** (No Material)

Interim Public Works Director Klay Eckles stated landlocked basins are a challenge. The City has dozens of landlocked basins. A landlocked basin is a low spot that does not have a place for water to get out without getting deep or flooding properties. There are hundreds of properties affected/at risk. He stated they would engineer their way out of them and get the water to go where they want it to go which can be challenging. He stated the City of Woodbury has a similar situation and spent \$40 million dollars along with the Watershed District spending another \$20 million dollars over a 30-year period to allow development to occur and eliminate the land locked situation. For Inver Grove Heights, Barr Engineering would look at the situation, management strategies, and policies and prepare a report. He stated there is currently there a draft report but wanted to get Council feedback and input before continuing.

Greg Fransen, Barr Engineering, gave the following presentation:

Landlocked Basin Management:

Definition: A watershed with no surface water overflow (natural or piped) during the 100-year, 10-day snowmelt event. This consists of seven inches of water melting all over the watershed and coming to the low point on the landscape and ponding at the location.

Landlocked Basins in Inver Grove Heights:

- Primarily found in the southern part of the City and in the northwest area (NWA).
- NWA has been modeled to identify landlocked basins and develop a long-range stormwater management plan.
- In the southern area, snowmelt modeling was used to identify and set high water levels for 128 landlocked basins. There are additional that have not been studied yet.

Landlocked Basin Hydrology:

- Water can enter via precipitation (snow melt and rain) runoff, and groundwater.
- Water can only leave via evaporation and groundwater.
- During years with average precipitation, the water level is maintained at a stable elevation.
- When precipitation is above average, water level rises.
- When precipitation is below average, water level falls.

Landlocked Basin Terminology:

- Normal water level for a landlocked basin is the elevation where they typically see water.
- Natural overflow is going to be the lowest point where water can get out of the watershed and cross over into another. May be another landlocked basin.
- Lowest Floor Elevation (LFE) common term used. The elevation of the lowest floor in the house. Typically, a basement.
- High water level. Defined by the City in Ordinance as the elevation set by doing a model that accounts for a 100-year snow melt event. Assumes basin starts at the normal water level.

- Freeboard. The distance that is required between the highwater level set by the City and the lowest floor elevation for any new development that comes in. The freeboard ensures there is some area for the water rise and still will not impact the low floors.

He stated this is terminology used for new development occurring in landlocked basins once regulations have been set. There are some circumstances in the City with older areas that may not be the freeboard that would have been regulated if the homes would have been built after the Ordinance had been put in place.

Impacts of Recent Wet Period:

- Annual precipitation was above normal for six consecutive years. 2014-2019.
- By spring of 2020, some landlocked basins were higher than their 100-year high water levels.
- Several residents with property adjacent to landlocked basins have expressed concerns and/or requested relief from high water impacts.

Public Works Staff initiated a study with Barr to review and recommend updates if necessary, to the landlocked basin policies of the City. There were three main Study Tasks:

1. Policy Review

Goals:

- o Barr reviewed IGH Policies and Ordinances regarding landlocked basin management.
- o Review landlocked basin policies of other Cities and watershed management organizations.
- o Identify gaps or inconsistencies in City policies or Ordinances.
- o Provide recommendations for revisions to address existing structures as well as new development that may occur in the future.
  - Have met with City Staff and revised these a couple of times.
  - City Staff has a final copy of the memo which can be discussed further with the City Council.

Recommendations Summary:

- o Maintain "issues" map to track problem areas.
- o Collect additional data to inform decision making and potential management actions.
- o Develop a basin classification system - Identify "critical" areas.
- o Make targeted revisions of City Policies and Ordinances.
- o Develop response strategies and actions - provide Staff with "tools" to address issues consistently and fairly.

Next Steps:

- o Gather public input.
- o Consider recommendations.

2. Vulnerability Pilot Study

Goals:

- o Develop methodology they can use to estimate the year-to-year water elevation changes of the landlocked basins using aerial photography.
- o Identify landlocked basins that are prone to large increases during wet period.
- o Develop a ranking system for prioritizing future management activities.
- o Define high floor risk areas where possible.

Results:

- o Rich Valley drainage basin was chosen for the study.
- o Water elevations were estimated annually from 2015 to 2020 using aerial photography.
- o 39 of the 63 landlocked basins never held visible water during the study period.
- o Remaining 24 basins held water during most years.
  - 16 reached their peak elevations in spring 2019, when snowmelt runoff was very high.
  - Eight reached their peak elevations in spring 2020.
  - Three exceeded their 100-year high water levels in 2020 (confirmed by survey).

- The greatest increases were seen in basins that were in the lowest landscape positions. This suggests groundwater was contributing to the rise. If it is groundwater, time would be needed to look over. If it turns out to be groundwater connected, it does not make very good candidates for pumping. 4-7 feet of water level increase by the end of the study in 2020.

### 3. Modeling Pilot Study

#### Goals:

- Update snowmelt models using new topographical information.
- Investigate alternative methods for determining the starting elevation for landlocked basins.

#### Results:

- Rich Valley drainage basin was chosen for the study.
- HWL (High Water Levels) changes were mostly +/- one foot or less.
- There were three HWL changes of less than two feet.
- "Starting elevation" task is on hold pending review of the vulnerability study.

#### Discussion:

##### Next Steps:

- Public meeting to gather feedback.
- Review vulnerability study results with City Staff.
- Develop final recommendations for City Council consideration.

Mayor Bartholomew asked if there was a timeline for the public meetings to gather feedback. Mr. Fransen responded a timeline has not been set yet. Mayor Bartholomew asked how long the vulnerability study would take. Mr. Fransen responded they have the draft memo and draft map completed; Staff has it for review.

Mayor Bartholomew stated there are homeowners in the Rich Valley area that contacted the former Public Works Director and some Councilmembers regarding high water. He wanted to make sure they are getting the information and are in the loop. Interim Public Works Director Klay Eckles responded there has been discussion and email exchanges with people in the City about highwater issues. Those he has spoken to him, has asked for patience. He commented one of the things that will come out of this would be when and under what conditions they would take emergency action with emergency pumps. It has been done in the recent past. They are unable to give a response until understanding the issue fully and develop/refine the policy. He stated communication and setting expectations with those that live in these areas will be an important part of their message.

Mayor Bartholomew asked if the water table is the problem and if there were corrections they could look at. He asked what Mr. Eckles experience and action has been when the water table gets that high. Interim Public Works Director Eckles responded the groundwater table rises and falls slowly. It will not be a sudden surprise when it comes to groundwater. There would be plenty of time to discuss locations. He commented that groundwater, while difficult to deal with, is very slow moving.

Mayor Bartholomew stated he is aware of three residents in the area that are very concerned. He wanted to make sure that Mr. Eckles has their names and phone numbers. He stated those residents need to be in the loop, understand what is being done, and to make sure it is understood what the residents high level concerns are with their properties. Interim Public Works Director Eckles responded he would have conversations with them.

Councilmember Murphy asked if normal water level and starting water level were the same. Mr. Fransen responded yes. Normal water level is a term used when looking at a pond as it stands. Starting water level is a term used for the modeling. In the future they may choose to start the water level at a higher elevation. With ponds that have shown a possibility that they are very impacted by long term wet periods, it may be decided to start them at a higher elevation.

Mayor Bartholomew asked for a timeline on when it is expected to receive more feedback from Barr and when the Council would hear this again at a Public Meeting or a Work Session. Mr. Fransen responded they would like to move forward as soon as they can. There are no specific dates set yet for next steps.

Mayor Bartholomew asked Interim Public Works Director Eckles to make sure the effected landowners are in the loop, understand what is being done, and have a timeframe. He wants to make sure there is contact and feedback from the individuals. He wanted to make sure it would be taken on in the manner that it is which is very urgent. Interim Public Works Director Eckles responded a public engagement process would be set up in the near future. The goal was to make sure they are on the right track with the City Council and finalize the report. The report would be presented to the Community. He commented he sees this happening in a matter of weeks. He stated they are making progress and has not heard any major concerns or issues from the Council yet. He believes it would be wrapped up before summer. Mayor Bartholomew stated there is urgency here, since late last year he has had several conversations regarding high water with the homeowners. He believes there is an urgency with this and would be an approach he would like to take. He suggested following up with property owners that have sent emails and those that engaged with previous Public Works Director Thureen. Interim Public Works Director Eckles responded there is the immediate issue they have with property owners, and several hundred others that live near landlocked basins. He would want to engage those as well. Those that are actively engaged, he would engage quickly.

Mayor Bartholomew stated he rarely has people up for discussion or to speak during a Work Session and asked if there was anyone in the Rich Valley area that wanted to come up to speak.

Chuck Bohrer, 9701 Rich Valley Boulevard, stated he has high water concerns. If there is an over average rain fall this year the water will be up towards his home. He is looking at how to alleviate the problem. He commented there are wells in the area that he would also like to speak to the Interim Public Works Director about.

## **2. Park Comprehensive Planning**

Interim Parks and Recreation Director Jon Oyanagi updated the Council about the Park Comprehensive Planning:

- In 2008 the City Council adopted a Parks Recreation Trails and Facilities Plan. This document guides all decision making and planning centered around Parks and Recreation.
- In 2020 the City Council and Department heads had a strategic planning session. One of the objectives was to update the Plan.
- In March, a Contract was entered into with HKGi to assist with the update.
- In 2008 the Director created the document. It was a \$20,000 agreement to do the update. They got through about \$12,000 of services.
- In January, Staff looked into amending the agreement with HKGi to do a more comprehensive plan.
  - The City Comprehensive Plan was done in 2018, HKGi was the Contractor who helped with the City Plan. That is one of the reasons why they were hired to do the Parks update.
- In January, Staff looked at a proposed amendment around \$33,700. Some Councilmembers had questions about what they get for the money and what the Contractor does.
- The Interim Parks and Recreation Director began in the position shortly after the meeting.
- Staff discussed the scope of work that would be in the amended proposal.
  - They decided to alter it a bit. The previous plan was heavy on physical infrastructure such as parks and buildings. It did not discuss recreation and natural resources.
  - The scope was revised to be a more comprehensive parks and recreation systems plan.
- This was brought to HKGi and they were able to refine their scope in their proposed Amendment.

- Included in Council packets is the updated proposal with the scope spelled out. This was more detailed than what was completed in January.
  - It delineates what HKGi's and Staffs responsibilities are.
  - It would be taken chapter by chapter to be more manageable.
  - HKGi would put in 420 hours' worth of services.
  - HKGi would be doing a majority of writing with the final writing of a document. (Huge timesaver for Staff).
  - Staff would be involved with providing City specific information into the Plan.

He stated in his experience, he has noticed firms like this doing this type of service at \$75,000 to \$150,000 for a comprehensive system plan. This is quite a bargain for the price. The \$20,000 in the original Contract price was reduced and would charge the City \$31,800. The remaining \$8,000 plus \$31,800 would total \$39,800. He stated that is less than what was previously proposed. He believes they would receive a lot of work out of HKGi who provides a professional approach to planning. He stated this document would be used to guide decisions and prioritization through the next ten years. They would try to plan it at the time the City Plan would need updating. He stated this is an excellent use of resources and the City would get a great plan that would cover every aspect of Parks and Recreation.

Mayor Bartholomew asked what the total price requested was. Interim Parks and Recreation Director Oyanagi responded it is \$31,800 in addition to the previous \$8,000.

Councilmember Gliva asked for examples of the types of Recreation that would be included in the Plan. Interim Parks and Recreation Director Oyanagi responded it would be created specific to Recreation Programming. It is anticipated things such as what they currently know, for example, a deficit in programs for Teens. That could be an area with specific strategies for providing programming for teens. It could also look at the wide amount of programming for youth, what is effective, analyzing, and priority.

Councilmember Dietrich asked if the Parks and Recreation Commission had any input or comments. Interim Parks and Recreation Director Oyanagi responded the Commission has discussed this and are anxious for an update of the 2008 Plan. He stated they have a subcommittee that deals with the Comprehensive Parks and Recreation System Plan and have been involved in the different stages.

Councilmember Murphy asked if Staff has had a chance to weigh in. Interim Parks and Recreation Director Oyanagi responded Recreation Superintendent Julie Dorshak and Maintenance Superintendent Brian Swoboda have been involved in this all along. Julie is excited to have a recreation plan included and Brian is interested in the maintenance and natural resource plan.

Mayor Bartholomew asked when this comes back to the Council for the Amendment. Interim Parks and Recreation Director Oyanagi responded it would be ready next week. The Council agreed they were ready.

**3. Cul-de-sac Parking Recommendation**

Interim Public Works Director Klay Eckles discussed Cul-De-Sac Parking Policies:

The Issue:

- IGH historically did not restrict parking on Cul-De-Sacs (CDS)
- In recent years, the City has begun to add no parking (NP) signs on CDS - during reconstruction
- Less than 10% are signed
- Inconsistency creates the appearance of a double standard. It seems like some can park on their Cul-De-Sac while others cannot

Parking - Why or Why not:

- CDS present potential access issues for large vehicles - Fire Apparatus
- CDS are Dead Ends
- On Street Parking can constrict flow of large vehicles moving in CDS (especially getting out)
- Parking restrictions help reduce conflicts
- Parking restrictions take away a use for residents on a CDS

The Current Situation:

- Over 200 CDS in the City
- Different sizes
- Different lengths
- Different configurations (some have open blacktop; some have a center island)
- Only a few have NP signage

Roads Do Many Things:

- Provide mobility and access
- Provide recreation for pedestrians
- Provide temporary parking opportunities
- Allow for emergency response

How Much Road is Enough:

- Road design is an art and a science. Every City is different. Most have 28 and 33 feet wide. Most of the City has 32 feet
- Balancing of needs
- Serving all users for all conditions is unrealistic
- Goal is to serve a majority of needs most of the time

Suburban Parking Densities:

- Using Google Earth in this Community 45 Cul-De-Sacs were sampled. The average parking density was about .65 cars per Cul-De-Sac. One of the worst parking situations he has seen. Four was the maximum density of parking he noticed.
- Overall roads are parked low density.

Other Cities:

- Reviewed other City practices and found no others restricting parking on CDS. Looked at Apple Valley, Burnsville, Eagan, Rosemount, Stillwater, and Woodbury. There are parking restrictions in those Cities, they are not signing Cul-De-Sac's no parking.
- Many have a smaller standard CDS
- Some allow narrower streets
- Some have much heavier on-street parking density
- Rescue apparatus in dense urban settings "find a way" to provide service in less than optimum situations

He stated if continuing to put parking restrictions on every Cul-De-Sac as they go through the pavement management program, this would be one of the only Cities that would be putting parking restrictions on Cul-De-Sacs to maintain maximum service to large vehicles.

Recommendation: For Engineering, they met with people from Public Safety and the Fire Chief and have agreed to:

- Recommend parking be allowed on CDS
- Exceptions include:
  - Very small CDS
  - Some CDS with landscape islands
  - Other special situations

Interim Public Works Director Eckles stated there is concurrence that although there is some restriction on fire apparatus access, the parking densities are low enough. They wanted Council to be aware there is a limited reduction in fire service access with some risk. He stated at a Staff level, they may want to look at some

standardizing of the design criteria. They have not allowed these islands in recent years but may want to be more direct about it.

What's Next:

- Develop criteria for Signage. Signs everywhere or restrict to special cases
- Ongoing analysis of individual CDS as part of PMP or as needed
- Remove some signage as soon as practical
- Solidify design criteria
- Public Education. If taking signs down in the areas that currently have signs, would want to discuss with the residents about what is taking place. He suggested a newsletter article to inform residents.

Mayor Bartholomew asked what was meant by "special situations". Interim Public Works Director Eckles responded when doing the flyover of the City, he noticed Dead Ends with a turn around. There may be some issues Public Safety may have with private streets.

Councilmember Murphy asked if there was a standard operating procedure for newer developments that have no parking on one side of the street and the street leads into a Cul-De-Sac. Interim Public Works Director Eckles responded they do not have a written policy; it is as they go. There is a need to determine on street parking in general. There are some roads that have tight corners even though they are wide enough for parking. They may need to sign the corners even if cars are parked there, stating that it may be difficult for a vehicle to get through. There is further work to do as he is still learning a lot. He suggested as a general rule they not restrict parking on Cul-De-Sacs and determine specific situations when they might.

Fire Chief Judy Thill stated they are in agreement with not signing the larger majority of Cul-De-Sacs. With the smaller ones, her preference would be to look at the 60-65-foot ones and make sure there is no obstruction. She has not noticed any situations that the smaller ones need signs but does not want to rule them out completely until having a chance to look at them. With Cul-De-Sacs in general, other than those with islands and special circumstances, Public Safety is in agreement to remove signage. She stated in the area by Target there are a couple of Cul-De-Sacs that have islands and allow parking along the island at the inner side, not against the curb at the outer side. This allows for larger vehicles to make the outer turn and get through. Allowing parking on both sides, especially with snow being added, can be difficult. They prefer to keep parking along the inside of the island and not have parking on the outside.

She stated for special circumstances the only one she has noticed was north of Target. There is a street that dead ends with a partial Cul-De-Sac and would eventually be a through street. That would need to be signed as no parking as it is the only way to turn around, it would have to maintain signage until the street goes through. She stated they would need to go out and look at all streets with smaller Cul-De-Sacs to make sure there are no obstructions. She thanked Ben from GIS who put together all of the Cul-De-Sacs and sized them.

Mayor Bartholomew asked when this would come before the Council. Interim City Administrator Rand responded Staff has not yet discussed when this would be ready but can try for the end of the month. Councilmember Piekarski Krech suggested everyone on a Cul-De-Sac be educated. People need to realize that it is their liability. They may not be able to get a Fire Truck in if people do not move their cars. Fire Chief Thill responded that is one of their concerns, that there may be a large party and they will not be able to get in the area. They would get as close as they can get, but it may take longer to pull a hose. She stated they would do anything and everything possible to get in quickly. Councilmember Piekarski Krech stated they need to make people aware those are the choices they make, and that choice may affect their neighbors. She commented vehicles need to be parked correctly. They may need to have Police, as they drive around, ticket cars that are

parked incorrectly in Cul-De-Sacs. Fire Chief Thill responded they could look to make sure they are not so narrow, parking on both sides, and if Public Safety may have issues getting close.

Mayor Bartholomew asked if the Ordinance precludes how to park, nose in or tail in when parking in a Cul-De-Sac. Interim City Administrator Rand responded she was not aware but would get back to Council with the answer. Mayor Bartholomew stated it should be clear they cannot park that way and should be an Ordinance. It would just be a suggestion.

Kelly Kayser, 1953 59<sup>th</sup> Court East, commended Fire Chief Thill, and Interim Public Works Director Eckles for collaborating and getting what is a common-sense recommendation. She commented that she found a lot of the same things when she called Cities five years ago. She is happy to have something going forward that is clear for everyone. She stated there may be something in the Parking Ordinance about parking nose in. If it is not in there, it should be. She thanked everyone that worked on this.

**4. Severe Weather Awareness Update (No Material)**

Fire Chief Thill stated with severe weather awareness starting next week she wanted to provide a quick update. Severe Weather Awareness Week runs from April 12-16<sup>th</sup> and addresses many different types of severe weather such as:

- Storm, Lightning, and Hail
- Tornado
- Flood
- Extreme Heat

Storms, Lightning, and Hail:

- Typical Thunderstorm: 15 miles in diameter/lasts 30 minutes
  - All thunderstorms are dangerous anytime there is lightning
- "Severe" Thunderstorms produce large hail or winds at least 58 miles per hour
  - Some wind gusts can exceed 100 mph and produce tornado-like damage
  - Many Communities sound outdoor warning sirens, not only for tornadoes, but also damaging straight-line winds
  - Large hail stones can fall faster than 100 mph
    - Most hail is pea-sized, but can reach softball size

Weather Alerting System:

- Warning
  - Dangerous weather occurring or imminent
  - Likely significant threat to life or property
  - Take protective action immediately
- Watch
  - Weather conditions favorable for a hazardous weather event
  - Stay alert to changing conditions
  - Make alternate plans
  - Be aware of possible shelter or evacuation routes
- Advisory
  - Less hazardous weather conditions or less specific locations
  - Weather may still pose significant safety risk or travel problems
  - Situations are possible that could threaten life or property
  - Plan ahead

Siren Activation:

- Warning Sirens

- Outdoor only
- Not intended for hearing indoors (Weather radio/app)
- Dakota Dispatch Center (DCC) activates sirens throughout Dakota County
- Dakota County activates outdoor warning sirens during tornado warnings or wind speed expected to meet or exceed 70 mph
  - Sires activated for 3 minutes
  - If you hear a siren, go indoors, and turn on the TV/Radio, check App
  - Do NOT call 911 or local public safety to inquire
    - They are busy getting ready for the weather event
    - There is no such thing as an "all-clear" siren

Tornado Drill Day:

- Thursday, April 15<sup>th</sup>
- Outdoor warning sirens will be activated at 1:45 and 6:45 p.m.
  - Practice/discuss what to do while at work and at home
  - Do not forget to practice with child sitters/caregivers
- Most severe weather occurs between 3:00 p.m. and 6:00 p.m., but can happen anytime

For More Information:

- Much more information available through:
  - MN Homeland Security and Emergency Management (HSEM) website
- Google: MN Severe Weather Awareness Week 2021
  - Includes information for Deaf and Hard of Hearing Community

Fire Chief Thill stated she would put this information on the Website and Facebook pages next week.

**5. Residential Accessory Structure Ordinance Discussion**

Associate Planner Heather Botten stated over the last couple of months the Council has acted on different accessory structure related variances. Throughout those discussions the Council has suggested changes to three different sections of the Accessory Structure Ordinance:

1. Allow the size of accessory buildings on lots that are 2.5 to 5 acres in size, be based on a ratio system instead of a set size maximum.
2. Allow properties that do not have an attached garage, one additional detached structure on their lot where one would currently be the maximum allowed.
3. Consider limiting the number of accessory structures 120 square feet or less on residential property. Currently those are exempt with no maximum.

Before moving forward with the Ordinance Amendment, Staff wanted to be sure they were all on the same page and if there were any other changes to review. Staff also wanted to discuss the timing of the Ordinance changes. Staff feels the first point of allowing the size change to be based on a ratio system could be discussed at a Public Hearing in April. Items 2 and 3 may require additional review time to determine the impacts to the City and Community, and how many lots may be affected.

Councilmember Piekarski Krech stated these are residential properties. With allowing accessory buildings, they do not want to change the property from looking like a residential property to suddenly being covered with buildings. She stated the need to be careful with going to a ratio, not that they expand exponentially. If wanting to go to some interim residential garage spot, they need to look at it differently. She stated people have the expectation when buying a residential lot, it is for living on, not for storing all types of things. She understands people want to use their property, she hoped they come to a balance and do not forget they are residences, and not have numerous or huge accessory buildings.

Mayor Bartholomew stated it is key to look at the size of the lot. There are residential lots that are 100 by 150 or smaller. He does not believe they need to consider those lots and to keep the Code the way it is. He stated he personally would consider lots that are one acre in size or larger change to ratio.

Associate Planner Botten stated she was looking for direction on how the Council wanted to proceed with the three items listed. Mayor Bartholomew agreed Items 2 and 3 would need more time.

Associate Planner Botten responded about Councilmember Piekarski Krech's comment stating once at 5 acres for an accessory structure, it cannot exceed 2,400 gross square feet. With the ratio, they would still not be able to exceed 2,400. Councilmember Piekarski Krech asked if they could look at configurations of lots. There are some that even though there are four acres, if it is a pie shape, allowing the ratio and change should be without variances from setbacks.

Councilmember Murphy asked for clarification on the changes possible for 2.5 to 5 acres in size with a ratio method. He assumed there would be some limits whether it starts at one acre or 2.5. Associate Planner Botten responded at 2.5 acres you are allowed a 1,600 square foot structure. They would likely have the ratio go to 2,400 square feet at 5 acres. Councilmember Murphy asked if it was possible to see a drawing of what the different ratios might look like. He suggested a midpoint of 2.5 and 5 acres. Associate Planner Botten responded they could try. Mayor Bartholomew stated as long as they stick with setbacks, so they are not encroaching. He liked the idea of a visual for the percentage.

Mayor Bartholomew stated there is agreement from the Council about the size of accessory building and the ratio of 2.5 to 5 acres. For those with a detached garage and allowing one accessory structure, they would have additional feedback. He liked the idea and felt an individual with a detached garage should be allowed an accessory structure. He stated he was unsure how to define the square foot limitation and requested help from the Associate Planner with that.

Councilmember Piekarski Krech referenced the 120-square feet and asked if they allowed as many as they wanted because they do not count them as impervious surface. Associate Planner Botten responded they do count toward impervious surface as they are on a hard surface. She believed if someone were at the maximum of allowed impervious surface it would prohibit additional structures. She stated there are two exemptions under the Accessory Structure Ordinance:

1. 120 square feet or less
2. A building that is an accessory structure to principle agricultural uses

These are exempt from the normal requirements.

Mayor Bartholomew asked if there should be any parameters as far as limiting the 120 square feet. Councilmember Piekarski Krech responded she was unsure, especially if having 4-5 acres. It would become the aesthetic idea of it.

Councilmember Dietrich asked if there has been anything in the recent past about 120 square feet buildings as far as complaints, or anything that stands out. Associate Planner Botten responded no complaints, but it came up in the most recent discussion about the homeowner looking at the number of accessory structures in his neighborhood. Councilmember Dietrich asked if there were any others within the last five years. Associate Planner Botten responded she did not know of any off hand.

Mayor Bartholomew stated if in violation of impervious surface, they would have to reduce the roof area and take some of the buildings down. That is an enforcement issue. He stated for example a lot 100x150 with impervious surface due to the house and driveway, if putting in 10 sheds, it would be a violation. He asked how that was

monitored and if it would be by complaint. Associate Planner Botten responded they do not actively look for it, and do not need a Permit for a structure that is 200 square feet or less. It is by complaint. They should still comply with setbacks. She believed a majority of the time people are just putting in the smaller structures.

Mayor Bartholomew stated there is a Statute in place for impervious surface, if there were a violation, they would have to remove some of them. Council agreed. Councilmember Murphy asked if there was an example on a quarter acre lot with a certain size home, driveway, and attached garage. He asked with impervious surface limitations, how many 120-foot structures can be built. He felt it helpful to have that information. Associate Planner Botten asked if it would be beneficial to have the information in a Friday memo. The Council agreed on a memo for the information.

Mayor Bartholomew stated direction would be to look at Items 1 and 2 as they discuss the size of the accessory structure on a ratio basis and the detached garage allowing one accessory building. Associate Planner Botten asked if the Council wanted them split up or kept together in one Ordinance Amendment. Councilmember Piekarski Krech responded to split them up as they are easier to look up. Associate Planner Botten responded she would follow up with more information on Item #3 and the 120 square feet.

#### **6. Home Occupation Ordinance Discussion**

Associate Planner Botten stated the City currently allows Home Occupations that comply with City Code. A couple of the requirements of the Ordinance state:

- The business must be engaged only by persons living in the dwelling
- The business must be conducted entirely within the principal structure, not in an attached or detached accessory structure.

Staffs understanding is that all aspects of the business, including the storage of commercial or industrial related equipment or materials in accessory buildings. City Code allows for the resident to have one commercially licensed vehicle parked at the residence of the owner/operator of the vehicle. Changing the Home Occupation Ordinance to allow a home business to be in an accessory either attached or detached structure has gone back to 2019. The Planning Commission and City Council struggled with the possibility of the Ordinance being amended. Last summer Staff created a survey for citizen comment with 147 people responding. 63% of respondents stated the Home Occupation Ordinance should be expanded to allow for the use of garages or accessory structures. 63% also stated that operating a home occupation out of an accessory building could have an adverse effect to the neighborhood.

Associate Planner Botten stated when looking at a possible Code Amendment to expand the use of a home business into an accessory building. Consideration should include:

- If there should be a maximum percentage of space utilized in an accessory building, so it does not interfere with the primary residential use of the property.
- Should there be a minimum lot size for a home business and an accessory building. When looking at a business being operated out of an 8,000 square foot lot and a garage would have a greater impact than someone who is on an acreage lot.
- Setbacks. An accessory structure can be up to 1,000 square feet in size in an "R" District and five feet from the side property line. An "E" District would have a ten-foot setback.
- Can have accessory structures up to 2,400 square feet.
- Anything over 1,000 square feet would have to be at least 50 feet from a side property line.
- That exact same business operating out of an Industrial area, and abutting a residential property, would have to have a 100-foot setback for the business.
- Should there be considerations to have a larger setback for structures that have a home business in it.

She stated for Code Enforcement there are complications about how they can enforce what is going on inside an accessory building. Staff questioned if there should be a public process. With the exception of a couple of home businesses, a majority of them are a permitted use and do not require neighbor notification. When utilizing an accessory building for a home business there may be additional impacts such as noise, higher traffic volumes, and aesthetics. She asked if they should consider licensing or a neighbor notification process that involves a CUP (Conditional Use Permit) or an IUP (Interim Use Permit).

Staff continues to not support a change to the Home Occupation Ordinance to allow the use of accessory buildings for business purposes. It is based on the fact that Staff believes businesses located in a residential accessory building could be deemed an incompatible use, compromise the quality of life in a residential district, there could be adverse impacts to neighborhoods such as higher traffic volumes, noises, and changes to the aesthetic appearance of the neighborhood. It could conflict with the City Comprehensive Plan to maintain rural character. Allowing for commercial or industrial uses to be operated out of residential property takes away from filling the vacant spaces in the City.

Associate Planner Botten stated Staff looks for direction from Council on if they believe the Home Occupation Ordinance should be amended to allow businesses to operate out of residential accessory buildings. If so:

- Should it be done in all residential districts
- Should there be minimum lot sizes
- What type of process, if any?

If wanting to change the Code, those would be worked out through the process. Staff looks for direction on where to start on lot size or setbacks, and if it should be changed.

Mayor Bartholomew stated he does not want to change home occupation but wants clarification. He believes if having a business and not running it out of the home, they can store whatever they want in the garage. He stated for example, he is operating a business and stores product/trailers/equipment in his residential garage and is not servicing anybody from the home, it is there to keep out of the elements. As far as the rest, he is not in favor of changing the rules other than to add clarification on storage in a private personal garage as long as they are not running a business out of the home that is in violation of the current business Home Occupation. Councilmember Murphy agreed stating he would not support a change. Any potential benefits will be far outweighed by the negative consequences to the Community and neighborhoods. He would not support a change.

Councilmember Piekarski Krech asked for clarification from the Mayor about bringing a trailer home as long as it is kept inside of the garage and nothing is being stored outside, that should be fine. Mayor Bartholomew agreed stating if having a business, equipment, and own property, you should be able to store what you want on your property or inside the garage as long as it is not violating or operating a business. Councilmember Piekarski Krech commented it has to be stored inside, there is no way from the outside that you can tell those things are there. Mayor Bartholomew stated one commercial vehicle in the driveway is allowed, he does not believe commercial trailers were addressed.

Mayor Bartholomew asked Associate Planner Botten if commercial trailers stored outside of a garage were permitted by Code. Associate Planner Botten asked if the Council would be fine with a Contractors yard as long as it is stored inside the building. Mayor Bartholomew disagreed. He stated if he has a business, is in a residential area, and have material he wants to store inside in his garage he should be able to. He was not saying anything about a Contractor's yard. Councilmember Piekarski Krech stated for example a Carpenter has his trailer with all his items and is storing them inside the garage. Mayor Bartholomew responded as long as they are not running the business out of the home. Councilmember Piekarski Krech responded technically they are because they leave and come back. If not having an office somewhere it is assumed the address is the home.

She stated there are several businesses in the City that are operating out of residential properties that are running businesses that deal with lots of equipment and materials.

Mayor Bartholomew stated this has to be flexible enough to say a Contractor can bring his truck home, park it in his garage, and shut the garage door. He is storing his personal belongings in the garage. Councilmember Murphy asked if this was an issue. Mayor Bartholomew responded it was an issue in the past. Councilmember Murphy stated for example, he is on the phone with someone and pulls into the garage and shuts the door and is still conducting business. He asked if he was in violation of the City Ordinance. He did not understand why parking his tools in a garage would be an issue. Councilmember Piekarski Krech stated the issue comes down to when making out a business card, does the business card state the business is at the home address or gives a business address. Mayor Bartholomew stated he would not want to tell anyone that they cannot put what they want in their own garage.

Associate Planner Botten questioned if someone's business card uses a home address and stores items in the garage, if that would be considered a home business and not be allowed. Councilmember Dietrich responded that could be just to get mail. Associate Planner Botten responded this is where the grey area is. Mayor Bartholomew suggested telling them not to put their address on their business card. Councilmember Piekarski Krech stated a licensed business has to have an address for the business on tax documents, it does not have to be on the business card.

Councilmember Murphy asked if they could have a better definition of conducting business. Mayor Bartholomew gave an example of being a housepainter and someone calls to paint their home. He has six ladders, seven buckets of paint, and a truck and trailer in the garage. He keeps the garage shut and is not running a business there. He stated if chipping wood in his backyard for commercial uses that is in violation. He stated if bringing ladders and paintbrushes home and putting them in the garage and shutting the garage door, he is not working there. Councilmember Piekarski Krech asked if the personal car is in the garage too, that becomes another issue. Councilmember Dietrich stated she does not want to have a say as to what is in anyone's garage. Councilmember Piekarski Krech asked if vehicles were then parked outside. Councilmember Gliva asked if Homeowners Associations did not take care of some of these issues.

Councilmember Murphy referenced the example given by Mayor Bartholomew stating if the truck he is using to go to work and paint, how is that any different than his car that is parked in the garage. He does not know how they can tell people they cannot park their paint truck in the garage. Mayor Bartholomew stated they need to be nimble with the wording and describe it in a way that they understand that they cannot run a business but can store whatever they want that is legal in the garage. Councilmember Murphy stated there needs to be a better definition of conducting business.

Associate Planner Botten asked if it would be fair to say the Council would be in support of using accessory buildings for home business, but maybe prohibit a list of businesses such as boat repair, vehicle repair, small engine repair. Have a list of things not allowed. Mayor Bartholomew responded he was struggling with why this point was difficult. If someone wants to put something in their garage and shuts the garage door, it is none of his business. Associate Planner Botten responded he is allowing home business in an accessory building. Mayor Bartholomew responded no. If it is an illegal operation of business there, they would have to define the businesses. If he gets a call to paint a house, he gets in the truck goes to paint the home and comes home and shuts the garage door. He is not running a business out of his house because he is not doing any work at his house. Councilmember Piekarski Krech stated no work can be performed at the residence. Mayor Bartholomew stated you cannot paint a boat, change a transmission out, you can only do what is permitted to be done as a home occupation at that location.

Councilmember Murphy asked if an attached garage in this example an accessory building. Councilmember Piekarski Krech responded yes. Councilmember Murphy stated someone may want to build on their back lot, this is about both situations. He sees how this becomes grey. Mayor Bartholomew stated if changing out an engine and getting paid to do it, that is an illegal use of the property.

Councilmember Dietrich stated her recommendation would be to keep the garage door shut.

Associate Planner Botten stated about the painting example and for the person to have the home as their business address as long as they are not doing the physical work in their accessory building. Mayor Bartholomew commented he believed they were getting somewhere with that. She stated she would talk with Legal and Staff and see what they can come up and make the Ordinance a bit clearer.

Councilmember Murphy asked if there was language, they can include that separates an attached garage versus a separate building or detached garage. Mayor Bartholomew responded they are allowed one commercial truck of a certain size in the driveway. The key is not doing a business. If doing a business that is not permitted from the home, it needs to be stopped. In the example of painting, you are taking a phone call, you are not painting a person's home from your own home. He stated the key is that you cannot perform any work at the home that is not permitted such as hair salons.

Councilmember Piekarski Krech stated a home business cannot have employees. Councilmember Murphy asked if businesses were allowed in primary residence like a hair salon. Mayor Bartholomew stated daycares in homes can have employees. Councilmember Murphy asked if they could have a hair salon in the garage, or if they could have the same hair salon in an attached garage. Associate Planner Botten responded you cannot have the hair salon in the garage currently. You need a CUP for a hair salon approved in a specific space within the house. She stated the way the Ordinance could be drafted would be the salon would not be able to be used in the accessory building still going forward. Councilmember Piekarski Krech stated the rollers and dye could be stored out there. Associate Planner Botten agreed. Councilmember Murphy understood Associate Planner Bottens confusion. They needed a better definition of what work is, and what conducting business is.

Mayor Bartholomew stated the common-sense approach would be to allow so many things as a home occupation and that they must be done in the home. He stated if on the phone while driving in the car and doing business, it could be a violation, but he did not believe in the need for an Ordinance for that. Associate Planner Botten stated she would speak with Staff and the Attorney and determine if it should come in front of the Council at another Work Session, in a memo, or at a Public Hearing.

**7. Proposed City Permit Application Timing Changes**

City Clerk Rebecca Kiernan stated every even year there is an Election. With the abundance of Absentee Voting, it is getting extremely difficult to cover all of the Business Licenses in that timeframe. She proposed moving the Massage Business, Massage Individual Therapist, Motor Vehicle Sales, Rubbish Haulers, and Service Stations Licenses to have a due date of May 1st. That would free up 70 of the 120 Licenses she does. It would also assist the Police Department who does the background checks. It would be done twice a year instead of all at once. She proposes changing the due dates for the listed items and extending their license for 2021 into 2022 to be able to make this work. The Council agreed.

**B. Adjourn:**

**Motion by Dietrich second by Gliva to adjourn the meeting at 8:05 p.m.**

**Ayes: 5**

**Nays: 0**

**Motion carried.**

Minutes prepared by Recording Clerk Sheri Yourczek.