

MINUTES

COTTAGE GROVE CITY COUNCIL

February 7, 2024

COUNCIL CHAMBER
12800 RAVINE PARKWAY SOUTH

REGULAR MEETING - 7:00 P.M **COUNCIL CHAMBER**

1. CALL TO ORDER

The City Council of the City of Cottage Grove, Washington County, Minnesota, held a regular meeting on February 7, 2024, at Cottage Grove City Hall, 12800 Ravine Parkway. Mayor Bailey called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

The audience, staff, and City Council Members stood and recited the Pledge of Allegiance.

3. ROLL CALL

City Clerk Tammy Anderson called the roll: Mayor Bailey-Here; Council Member Garza-Here; Council Member Khambata-Here; Council Member Olsen-Here; Council Member Thiede-Here.

Also present: Jennifer Levitt, City Administrator; Tammy Anderson, City Clerk; Ryan Burfeind, Public Works Director; Zac Dockter, Parks and Recreation Director; Koerner, Public Safety Director; Korine Land, City Attorney-LeVander, Gillen & Miller, PA; Jaime Mann, Assistant City Administrator & Interim Communications Director; Brenda Malinowski, Finance Director; Amanda Meyer, City Engineer; Crystal Raleigh; Assistant Engineer; Mike Mroska, Senior Planner; Emily Schmitz, Community Development Director.

4. OPEN FORUM

Mayor Bailey opened the Open Forum.

Bonnie Matter, 6649 Inskip Avenue South, stated she had a couple questions:

First of all, the January 6, 2024 Strategic Planning Meeting minutes are missing, and she would just like to know when they're going to be available for public access.

The other thing is on tonight's Consent Agenda, Item N, Mississippi Dunes Building Concept Design, her understanding is that if the City's plan to bond for \$15 million to

pay for the following projects: Hamlet Park, \$17 million; Mississippi Dunes Park, \$13 million; and River Oaks Golf Course, an additional \$6 million. The plan is that the \$15 million bond will be paid for by Local Option Sales Tax, that's also known as LOST. That Local Option Sales Tax will be part of a referendum that the residents will vote on in the November 2024 election. Before spending money on the Mississippi Dunes Park building design, wouldn't it be a good idea to first verify that these are the three projects that the residents want, and also pass the referendum in November 2024 to ensure that dollars will be in place to cover the necessary bonding dollars that the residents will be borrowing. Thank you.

As no one else wished to address the Council, Mayor Bailey closed the Open Forum.

5. ADOPTION OF AGENDA

Council Member Olsen made a motion to approve the agenda; second by Council Member Thiede. Motion carried: 5-0.

6. PRESENTATIONS

A. Part-time Fire Department Recognition

Staff Recommendation: Receive a presentation and recognize the Fire Department's years of service.

Mayor Bailey stated Pete Koerner, Public Safety Director, will get this started. Mayor Bailey asked the Council Members to join him in front of the dais.

Director Koerner stated there has been a lot of change in the last 20 years in our service, when we transitioned from a Police-Medic to a Fire-Medic program. The one thing we heard loud and clear last year from Mayor Bailey and the Council, when talking about staffing plans, was that you were very clear that we're going to continue with the combination program, with both fulltime and parttime staff. It's been a good delivery, a good service, and last year we also discussed transitioning from the old Relief Fund into the PERA Coordinated Fund. We listened to the staff about what is realistic, how many hours can they give, how many callbacks, etc. So, we redid a lot of the requirements. There are currently eight parttime firefighters, and four of them are here, four couldn't make it. Last year, we did a roundtable to create a policy of how do we recognize people, and there are different things we do for the length of service. One thing he really likes is, at the discretion of the Fire Chief, to recognize firefighters for their years of service; also, if the Mayor and Council tell me that they want to recognize people, we're going to bring them in here.

Tonight we have four of our firefighters here, they will all get their helmets, their badges, and we'll be doing a recognition in April for all the firefighters. Director Koerner stated Mayor Bailey and the Council would continue with tonight's recognition.

Mayor Bailey stated Director Koerner mentioned the many changes in the Fire Department, different models and processes. With change, sometimes there are people who have been here quite a while and they say maybe it's time to try something new

and move on. We also want to make sure that we recognize the number of years of service that many individuals have given our community. At the last meeting when we honored Kevin Zittel, we wouldn't be the City like we are without each and every one of these individuals that we're going to be recognizing tonight and obviously the individuals standing behind Director Koerner right now. The fact is that we're known as a community that takes great pride and excitement in our Public Safety Department, which includes police, fire, and EMS. He wanted to say thank you once again to all present, outgoing, and former members of the Public Safety team. We appreciate everything that you do.

Mayor Bailey asked those people present tonight when he read their name aloud if they'd please come up front to receive their plaque: Mike McCoy-17 years, Ryan Sundell-16.5 years, Tony Rich-17.5 years, Alex Wiesner-5 years, Xavier Gutierrez-7.5 years, Kyle Witkowski-5.5 years, Eric Morcos-5.5 years, Mike Skara, Jr.-5 years.

Mayor Bailey asked Council Member Olsen to hand out the plaques to the firefighters and then Council Member Olsen would like to say a few words.

Council Member Olsen thanked Mayor Bailey and stated he's so excited to see so many of the family members and friends and children of our retiring firefighters come out. It's great to have Commissioner Bigham here as well; she's the daughter of a firefighter, and he's the son of a firefighter. So, this is a really special night. He did the math, and the names on that list total 78 years of experience, working for the City of Cottage Grove. If you don't think that's going to be a tough loss, you've got another thing coming. That's 78 years of blood, sweat, tears, training, knowledge, etc. The good news is all of these folks standing to my right and all of the names on the list have done an amazing job of passing their knowledge down to sort of the next generation of our Cottage Grove Fire Department members, whether fulltime or parttime, acting as true leaders and mentors for the younger firefighters that are currently on staff. So, we owe them a debt of gratitude. He'd appreciate a round of applause for them and everyone applauded. Even though this plaque is just one small token of our appreciation, we want to make sure that you all understand how grateful we are for the time that you've spent serving the citizens of Cottage Grove. It is not an easy job, and for the public watching at home, all of the folks on the list have spent a lot of time away from their families, serving our residents as firefighters or EMTs, going to various events like the Hometown Holiday Celebration, Strawberry Fest, Fourth of July, interacting with the public. This isn't just a parttime job, this is a calling, and all of these folks stepped up to the largest degree possible to make sure that that call was answered here in the City of Cottage Grove. So, again, a small token of our appreciation, but please know that our hearts are full of gratitude.

Each of the four firefighters present was asked to step forward, and Mayor Bailey read aloud each of their plaques, which included their years of service. Everyone present applauded each firefighter.

Mayor Bailey thanked the families of each of the firefighters for having them be part of our community. Council Member Olsen mentioned time away from their families, getting called out in the middle of the night, missing birthday parties, holidays, or other family events; when they got the call, they came in. That showed their dedication to the community and the citizens they served. So, he thanked all of the family members for

allowing them to do that for so many years. Mayor Bailey invited the family members to step forward for photographs.

- B. February 2024: Black History Month Proclamation
Staff Recommendation: Receive a presentation and recognize Black History Month.

Mayor Bailey stated February 2024 is Black History Month, so we'll be doing a City Council Proclamation; he asked Council Member Garza to read aloud the proclamation, which she did.

Motion by Council Member Olsen to recognize and proclaim February 2024 as Black History Month; second by Council Member Khambata. Motion carried: 5-0.

7. CONSENT AGENDA

- A. Approve the January 3, 2024, City Council Special Meeting Minutes (Swearing-in & Badge Ceremony).
- B. Approve the January 3, 2024, City Council Regular Meeting Minutes.
- C. Approve the January 17, 2024, City Council Special Meeting Minutes (Legislative Review).
- D. Approve the January 17, 2024, City Council Regular Meeting Minutes.
- E. Accept and place on file the minutes from the December 18, 2023, Planning Commission Meeting.
- F. Accept the response letter replying to the request to link the South District Street & Utility Improvements Phase 2 Feasibility Report to Agenda Item 7.J. from the January 17, 2024, City Council Meeting Open Forum.
- G. Appoint Commissioners and CVB Directors to their assigned Commissions listed in the memo.
- H. Authorize entering into an agreement with Judith Graf for transcription services for 2024.
- I. Approve the issuance of rental licenses to the properties in the attached table.
- J. Adopt Resolution 2024-14, accepting donations received in the 4th Quarter 2023.
- K. Adopt Resolution 2024-15, authorizing the abatement of utility billing certifications in the amount of \$1,095.98.
- L. Approve the second amended Joint Powers Agreement between the City of Cottage Grove and the City of Woodbury for the East Metro Public Safety Training Facility (HERO Center).
- M. Authorize service agreement with Oertel Architects for Kingston Park Building Project final design services.
- N. Authorize service agreement with ISG, Inc. for Mississippi Dunes building planning and concept design.

- O. Adopt Resolution 2024-16 approving the 2024 Mining Permit for Holcim – MWR, Inc. - Nelson Sand & Gravel Facility.
- P. Approve the Cottage Grove 2024 Standard Specifications for Street & Utility Construction and 2024 Standard Detail Plates.
- Q. Adopt Resolution 2024-020 supporting the City's RAISE grant application for the County 19A/100th Street Realignment Project.
- R. 1) Approve the Cooperative Agreement between Washington County and the City of Cottage Grove for Construction Cost of County Road (CR) 74 Multi-Use Trail. 2) Approve the Cooperative Agreement between Washington County and the City of Cottage Grove for Maintenance of County Road (CR) 74 Multi-Use Trail Project.
- S. Adopt Resolution 2024-018 approving the plans and specifications and establishing a March 7, 2024 bid date for the 2024 Mill and Overlay Project.

Council Member Olsen wished to pull Item J, Accept Donations received in the 4th Quarter 2023, and Council Member Thiede and Council Member Khambata wished to pull Item G, Reappointing Commissioners and CVB Directors, on the Consent Agenda, for further comment and/or discussion.

Council Member Olsen stated after we finish up every quarter, we like to reflect back with gratitude to those who have made financial contributions to our community. He thanked the following for their donations in the 4th Quarter of 2023:

- The Cottage Grove Athletic Association made a donation to the City of Cottage Grove in the amount of \$40,300, and that donation is being used for seven AED units and five SaveStation units for the following locations: Lamar Park, Highlands Park, Kingston Park, Hamlet Park, and the sports building by Cottage Grove Middle School.
- Stantec donated \$2,200 to fund the reindeer at our Hometown Holiday Celebration in 2023. They made that donation the previous year, too, and the reindeer are always very popular, especially with the young people. We're very grateful for their contribution.
- First Response Fire & Safety, Inc. made a donation of \$3,900 to Cottage Grove Public Safety for the Fire Department to purchase a new Hose Roller System. Obviously, that is a really important tool for our firefighters to be able to use to make sure that the hoses are rolled properly so they maintain their value for an extended period of time. We're very grateful to them for that donation.

Mayor Bailey stated we really appreciate all of the donations made to support our community.

Council Member Khambata stated regarding Item G, Reappointing Commissioners and CVB Directors, he acknowledged the hard work and dedication of our commission members on our volunteer commissions. He's moving that we reappoint the following commissioners: Parks and Recreation: Samantha Crabtree, David Olson, and Shane

Waterman. Planning Commission: Evan Frazier, for another term as Chair, and Commissioners Jessica Fisher and Eric Knable. Convention and Visitors Bureau: Eric Olson is filling an empty seat; Laurie Levine and Druscilla Nute will continue to serve.

Council Member Thiede stated for the Advisory Committee on Historic Preservation: Joseph Gall has agreed to be on the committee for another couple years, after having served on it for a number of years. Some of them will have some additional years due to allowance on the COVID year, in terms of their span of being on that committee. Public Service Commission: Lisa Kon and Lise Rediske will serve through February 28, 2026.

Council Member Thiede stated he'll echo what Council Member Khambata said, we really appreciate all of the people who volunteer on these commissions and committees because it helps us tremendously to get a broader opinion of what's going on, being able to cover some things that Council doesn't always necessarily have time to cover all the details. We take their recommendations very seriously and appreciate their help. He'd appreciate reappointment of those people.

Mayor Bailey stated April is typically Volunteer Appreciation Month, and we will be recognizing all of the City volunteers, commissioners, and committee members for the work that they do to make our community such a great place to live, work, and play.

Motion by Council Member Thiede to approve the Consent Agenda; second by Council Member Garza. Motion carried: 5-0.

8. APPROVE DISBURSEMENTS

- A. Approve payments for the period of 1-11-2024 through 2-01-2024 in the amount of \$4,785,633.50.

Motion by Council Member Olsen to approve disbursements; second by Council Member Thiede. Motion carried: 5-0.

9. PUBLIC HEARINGS

- A. 2024 Pavement Management - Hold Public Hearing and Order Project
Staff Recommendation: 1) Adopt Resolution 2024-018 approving the plans and specifications and establishing a March 7, 2024 bid date for the 2024 Mill and Overlay Project.

Mayor Bailey stated our City Engineer, Amanda Meyer, will walk us through this.

Engineer Meyer stated we have a variety of pavement rehabilitation methods that we've used in the past on our streets; sealcoat is something that we're no longer doing, it was a big discussion that we had, part of which is to lengthen the lifecycle of our roadways. So, now we've moved just into the crack seal and the Mill and Overlays, trying to lengthen our road lifecycle from 27 years to 40 years. We have the reclamation process, so grinding up that existing asphalt with the aggregate base underneath, creating a more structurally-sound aggregate base, paving over it. We have full pavement replacement, which we'll talk more about tonight as part of the 2024 project,

and then full reconstruction, so really getting out the pavement, the full aggregate base underneath, really getting down to that subgrade, and building the road back up.

We do pavement management to keep our roads in good structural condition, but also maintaining the infrastructure in those areas. So, as she'll talk about a little bit later, we do review our sanitary sewer, our watermain, our storm sewer, our streetlighting systems in those neighborhoods where we're doing pavement management to ensure that those other pieces of our public infrastructure are also being maintained along the way. This also maintains property values for our residents.

The map before you shows some of our Pavement Management history areas; this only shows areas back to 2010, but our Pavement Management program really has been in place since 1994. So, if all of the neighborhoods were on here since 1994, most of our community would be highlighted. We prioritize pavement management in our community to ensure that we are providing a good level of service to our residents. So, that brings us to the purpose of this evening, which is the 2024 Pavement Management area, which is Prestige Estates. Before diving into that, she mentioned we had a workshop specifically talking about our project for this year, and we're still planning to do the Mill and Overlay of Jamaica, between 80th and 90th. We are planning to pay for that project through our Street Reconstruction and Overlay Bond; therefore, it needs to be a separate project, so that will come before you with some separate Council items at a later date.

She reviewed the history of the Prestige Estates neighborhood. It was built over three phases, between 1990 and 1994. We reviewed this neighborhood in about 2011; the intent was to Mill and Overlay that neighborhood, but we started seeing asphalt stripping, and this was new to us. MnDOT hadn't completed any sort of research to understand asphalt stripping and good methods to really rehab that pavement. So, our Public Works Department in 2012 and 2013 completed some thin overlays in this neighborhood to try to get that roadway to last a little bit longer, until we fully understood what was happening in the roadway with that asphalt stripping. We reviewed this neighborhood again in about 2016-2017, with the anticipation of it being part of a 2018 Pavement Management project. At that time, we noted that this neighborhood would be a full curb replacement project. The thin overlay was still holding up quite well in that timeframe, and so we pushed that project a little bit further, and that's how we've landed here tonight proposing the Prestige Estates neighborhood for 2024 Pavement Management.

Engineer Meyer provided photos of core samples from the area. You'll see a lot of asphalt stripping and the structural stability of that roadway really is gone. We've certainly reached the end of the lifecycle of this pavement, and she thinks you'll see that as well with the existing condition photos of cracking, stripping, and a lot of patching. At the Neighborhood Meeting last week, we heard an interesting story; one of the residents mentioned they had seen one of the streetsweepers come by, and the road was degrading so much that the streetsweeper actually started picking up some of the roadway. That's why some of these patches are here, that's how bad the street condition was getting.

Engineer Meyer mentioned as part of our review of the neighborhood, we reviewed all of the utilities in the area. Through that inspection, we found that our systems are in

good working condition; there are some minor maintenance items that we'll include in the project, which is standard for our pavement management project.

Proposed Improvements: She stated we're looking at a full pavement replacement and full curb replacement. In total, this neighborhood has about 39-40% curb damage, and on top of that, when we reset our catch basins, there's additional curb on either side that also needs to be replaced. When we look at kind of economy of scale and how that curb is placed back, at the 40% level, we get a lot more benefit by the curb being placed by a machine instead of the handwork that would be required when we typically do some of that patch curb work. There will be a more consistent flowline, so if there are any drainage concerns, we're really hitting that through that machine-formed curb. There are some minor utility repairs, but she highlighted because this neighborhood was a direct bury streetlight wire, when we're pulling that curb some of that wire may be damaged. We're planning to replace all of that in conduit while we're in that neighborhood; the streetlights there right now are high-pressure sodium, so, we'll be looking at potentially swapping those out to be LED, more consistent with our other neighborhoods.

Engineer Meyer mentioned something that was brought up in the Neighborhood Meeting with the curb replacement, there is an old style of curb in this neighborhood, its more of a V curb, about 24 inches wide, and it's a bit more abrupt to get into driveways. We are going to be replacing the curb with more of our standard curb style that you'd see in our neighborhoods now; its more of a rollover curb, and it's a bit more gradual of a transition. The back of curb alignment does not change and the height of the curb does not change, so its not impacting height or grades as we tie back into driveways and sod.

Assessments: There are 79 assessable properties in this project. Based on the City's Special Assessment Policy, the estimated assessment is at \$6,647.65. We had a third party complete a Special Benefit Appraisal, and that came back at \$7,500. If a property owner chooses to pay that assessment back over 15 years, the approximate average annual payment with interest is just under \$650; residents are also able to pay any amount up front within 30 days. The assessable parcels are on the screen before you; there are two very small, darker blue rectangular shapes, and those are City parcels.

Funding Breakdown: Total Project Cost is just over \$1.1 million. There is some funding through some of our other funding sources, and assessments are actually just under that 45% because of those City parcels that are directly adjacent to the roadway.

Assessment Terms: If Council decides to order the project this evening, the assessments become pending on the properties. The assessments would not become final until the project has been completed. We have our final Assessment Hearing, and at that time, if Council chooses to adopt the assessment roll, that's the time at which those assessments would become finalized. Residents at that point would have 30 days to pay that fee without any interest. They can choose to pay that assessment over 15 years with interest. Right now, the estimated interest is 5.6%, and that accounts for that 1.5% above the bond rate, which is typical for our projects. Partial payment is allowed, and then of course we have deferral of assessments available. There are some conditions that need to be met for deferral, but interest will still accrue over that deferral period.

Schedule: We had a Neighborhood Meeting last week, and we had a really great turnout. She was thrilled by the number of residents who were there, they were very engaged, and they had a lot of really great questions. Many of their questions were related to access and parking, rightfully so with a full curb removal and replacement project. Tonight we have the Public Hearing. We hope to bring the plans and specs back to Council on February 21 for approval and set a bid date. We will have the bid opening on March 21, and a project will be awarded on April 3. She mentioned they will hold a second Neighborhood Meeting, probably mid-April. At that point, we'll have a contractor on board, we have a schedule, we have a phasing plan, and we can provide more detailed plans to our residents to explain the phases and how parking will work. We can kind of work through more of those details after we've got the schedule from the contractor. Construction will begin in April or May, and will be completed in September. Of course, that's when we'd have that final Assessment Hearing in October, once the project has been completed.

Engineer Meyer stated there are two recommendations before you on the screen, and she will be happy to stand for any questions.

Mayor Bailey stated on the assessed amount, if we were to approve this tonight, he asked if the maximum amount is the amount that's in this report.

City Attorney Kori Land replied this is a little different than a levy question. When you adopt the levy in September, that's your maximum amount; you can go lower, but you can't go higher. Tonight, you have a preliminary assessment, and it's just an estimate. It actually can exceed it by the time we get to the final assessment; she's guessing it would be frowned upon by the members of this neighborhood if that happened, but it could happen. So, this is not a ceiling; the ceiling is the appraised value, the Special Benefit Appraisal. That's really the number that we cannot exceed because that's what our consultant has determined to be the maximum benefit for this particular project.

Mayor Bailey commented with the 1.5% above the bond rate, he acknowledged the fact that because we are a AAA bond-rated community, the interest rate is lower for us, which is why we're getting better interest rates. Obviously, this is a big example of how that benefit gets passed along to the residents; the interest rate would be higher if we were not a AAA bond-rated community.

Council Member Olsen thanked Engineer Meyer for the great information. There's no question that this is a necessary project, all the testing has proven that. First and foremost, when we do projects of this nature, one of the things we frequently hear about are driveway aprons. He asked her to talk about how we ensure that when the project's done, the driveway apron is right, and the resident is made whole, in terms of the damage that we might do to that apron from a construction standpoint.

Engineer Meyer replied that's a great question, and it actually was brought up in our Neighborhood Meeting. This is going to be a bit of a unique situation with the concrete curbing placed by a machine instead of hand poured. With concrete driveways, it is a little bit easier; we generally go back to that first joint in the concrete pavement, it's necessary so that we're replacing back into existing, not creating additional joints. As it relates to a paved driveway and asphalt driveway, generally, the distance we go from

the back of curb, two-to-three feet, and that allows us to ensure we get compaction when that pavement goes back. Now, we will take a look at the current state of the driveway; so, if there's certain cracking that's currently occurring, we can try to avoid that so we don't leave any small chunks that are going to pop out, we will take a look at that. At a minimum, it's that two-to-three feet to really make sure we get that compaction back.

Council Member Olsen asked about the electrical wires.

Engineer Meyer mentioned when we do projects of this nature, one of the things that we've done in the more recent past is we've put the wire in conduit.

Council Member Olsen asked with regard to some of the other projects we've done and the way in which we've approached that, through using the conduit in the ground, what benefit does that provide in terms of the lifespan of the streetlights or the quality of service of the streetlights.

Engineer Meyer stated she will answer that, but if she misses anything, she might ask our Public Works Director to add more information. Generally, with the conduit, we're protecting that direct bury wire. So, we're provided a barrier from shovels or other things that are happening in the Right-of-Way that could impact our streetlight wire. It also helps us for any wire breaks that we have, it makes finding and repairing those breaks a little bit easier because we're not pulling wire out of dirt, it's in that conduit.

Council Member Olsen stated part of the reason he asked that question is like you said, when we have wire breaks, which do happen, he knows that the conduit provides us with a safer way to get to the wire, but more importantly, a faster way to get to the wire. Especially if we're dealing with freeze and thaw cycles, as we do in the State of Minnesota, it will protect that wire for a lot longer than if it's direct bury underground.

Council Member Olsen stated in terms of the assessments and the way in which assessments work, he knows that sometimes when we're in the midst of these projects, there are lots of questions about all the various manners in which an assessment can be paid, etc. The fact is an assessment for a road project like this is a legal way of going about ensuring that we're taking care of this correctly. He asked Engineer Meyer to give a little bit of an explanation around why the process is what it is and how that has to do with State Statute; or, if you're not comfortable with that, he asked Engineer Meyer to have Attorney Land speak on this, which she did.

Attorney Land stated this is a Minnesota Statute 429 project. So, whenever the Council wants to assess property owners for a public improvement, you can do so, but you must follow all the rules in 429, which is a very detailed process. This is the first step of a Public Hearing. You will have another Public Hearing later in the process, but along the way, there will be other hearings where you have to make decisions on it, awarding the project is another decision you'll have to make. As Amanda said, when the project is completed and you hold an Assessment Hearing, there will be notice to all the property owners. They will have an opportunity to come before you and be heard and object and that is their opportunity; tonight's decision is to order the project. So, if there are objections to my road's fine, please leave it alone, this is where the public should be coming and telling you that. If it's this is too much money, that really is an argument for the Assessment Hearing. So, again, this is a very statutory process; this is the hearing where you will order the improvement, where you feel like the feasibility report is

appropriate, that they have indicated all of the right factors, all of the right process for the construction, as well as how to pay for it. That's in the feasibility report as well. So, ordering the project is this step tonight, then it will go out for bids, bids will come back, you will award, construction will occur, and then we come back for the Assessment Hearing; and that, again, is another statutory process. If people don't like the amount, which cannot exceed \$7,500, the worst case scenario is it goes up just that much. That is absolutely the most you can assess for legally, without challenge and probably losing. So, I would highly recommend we not exceed that amount. But that is the Special Benefit that has been determined to be the value to these homeowners for their shiny new street at the end of the day.

Council Member Olsen thanked Attorney Land very much for explaining that. He thinks it important for folks to understand the chain of events as it relates to these kinds of projects; moreover, the numbers that we're seeing tonight are estimates, and we won't have a firm handle on that until we bid the project and ultimately until it is finished. Because it could very well come in under budget, and that final assessment number will exist only when that has been established. He thanked them for all their help tonight, the great explanations, and for taking his questions.

Mayor Bailey opened the Public Hearing.

Eli Weinmann, 9498 79th Street South, stated his main point, why he's standing here, is he feels that the project should not be ordered. His main objection is it comes down to an improvement versus a maintenance. In the Minnesota Constitution, Article 10, one of the sentences in that is that the legislature may authorize municipal corporations to levy and collect assessments for local improvements upon property benefited thereby without regard to cash valuation. So, the key word there is improvements. There have been other cases recently, neighboring cities, St. Paul, that have fought special assessments that did not improve, instead, they maintained, and they won. First Baptist vs. the City of St. Paul, in May 2022, is a very similar case. The primary purpose of charging individual property owners, like the roadwork in that case, was to raise revenue to pay for regularly-scheduled maintenance. So, his argument would be is this an improvement or is this maintenance; an improvement would be an upgrade from the baseline. So, the baseline of this neighborhood started when all the houses were built, and a brand-new road was made. That's the baseline. So, if we started with gravel, and we got a paved road, that's an improvement. We started with a paved road, much like it is today, and it degraded. To further explain this point, let's just say a house is worth \$100,000, and \$5,000 of that is because of the road that it resides on, a brand-new road. Thirty years later, if that road was junk, we could say that the house was worth \$95,000, excluding equity, just looking at the road. So, if, in that hypothetical scenario, that house needed a new road and the City redid it, that house would be theoretically brought back up to the baseline, \$100,000 valuation. That is not an improvement; that is just getting back to the point where it started, that is maintaining the road. If a newly-repaired road will increase our property value, that must mean that the degraded road would decrease the property value. He doesn't see the City paying us for the property value that that road decreased by. So, this is not an improvement, this is a return to

baseline. In that same case, First Baptist vs. the City of St. Paul, another excerpt from that was finally the name of the program itself was telling; the program was called Street Maintenance Services Program. If we look at our example, we will see under the City of Cottage Grove Special Assessment, Article 3, Subsection 1, types of improvements; this falls under, according to the presentation, full pavement replacement. The very next two words are major maintenance. Maintenance, that same PowerPoint presentation, he just noticed some other telling words that this would be a project that maintains infrastructure in good working order. We're not getting a road that improves where we started, we are getting a maintained road that is meeting expectations. So, I'm here to not object to the amount, but to object to the project itself. He doesn't think it stands up to every one of the stipulations in the Minnesota Constitution and the actual assessment policy itself.

Attorney Land stated the St. Paul case is a little off point because in that situation, you may recall the City of Woodbury had a road improvement program, and they assessed for any new development unit you had to pay the major roadway fee. They used it as a bucket of money. When any new development came in, regardless of whether its the street in front of that development was going to be improved or not, they put in all of that money, that major roadway fee, into the bucket that they used to pay for roads in other areas in the community. That fee was struck down because it was not a specific benefit to that particular development. The City of St. Paul was doing something similar. They assessed every single property owner in town a road fee, road maintenance fee, and again it just went into a big bucket. It didn't matter if your street was being improved or not, and that was struck down, rightfully so. This is following Chapter 429. The only people we assess are the people who are getting the shiny new road, which is exactly what the Statute was intended for.

Dan Schouveller, 7929 Jenner Avenue South, stated okay, when we do things, we buy things ourselves, we get our prices ahead of time; \$6,700 is a ridiculous assessment, I'm going to just say I expected \$4,000-\$4,500. I'm not saying we don't need roads, I'm not saying we don't need curbs, but what I am saying the number that we are being thrown at as neighbors is obscene. I kind of got a really good eye opening last night. I went up to a neighborhood, off of Hydram and 50th in Oakdale. Pulled into the neighborhood, beautiful neighborhood, very nice homes like Prestige Estates. Brand-new streets, brand-new curbs, and I'm like, hmm. So, I go talk to the gentleman I'm getting a hitch from, and I said, if you don't mind me asking, what did they do? He explained everything they did. They did exactly what we're getting. His total assessment was \$4,200, and this was done last year. So, I'm saying why so damn high? I just don't understand where this number comes in, based on even other people in Cottage Grove that have had these repairs. We seem to be really astronomical, and that's what I'm saying. If we come back in and you're going to tell me we're now going to bid this, and we come back to a number and say we're going to be about \$4,800, okay. That's good. But right now, to hear well, it could go as high as \$7,500, that I think is really, really high. It seems to be much higher than anything I've ever heard of for anybody for any assessments for this kind of repair in any development of Cottage Grove. So, that's my, that's my gripe. Thank you.

As no one else wished to speak on this item, Mayor Bailey closed the Public Hearing.

Mayor Bailey asked if staff or anybody wanted to speak on his (Mr. Schouveller's) comment about the money or the cost. The only thing I can tell you, and obviously you know we can't guarantee, the guarantee is the assessment value that they say is capped at \$7,500. Staff is usually pretty darn good when it comes to, I'll say my opinion again, erring on the high side. I cannot tell you, even I think last year, and I'm looking to see, I don't know who's going to be able to tell me, but last year when we did the streets that we did, the assessment actually came back less than the original amount that was shared with the public. So, ultimately, our goal is to get the deal as cheap as we possibly can, but obviously get a quality street out of it. It's been a long time for my neighborhood, I was also one that had a full curb and street replacement, and I thought mine was around \$7,000, and that was quite a few years ago. A bigger area, too, so when I saw the number that they're estimating for your area, I know it's high, I mean, it sounds high, but I compared that to what I had with my neighborhood many years ago that was bigger and had more homes on it, and the number was higher. I was kind of surprised, but I got a new road and a new curb out of that deal.

Council Member Thiede asked are we positioned to kind of explain to people a little bit how that assessment comes about, that \$7,500, and what the elements of that are, and whoever gets to that number, how they arrive at that number.

Attorney Land confirmed with Council Member Thiede that he was talking about the Special Benefit Appraisal. She stated appraisers have different methodologies in how they appraise properties. But whenever we ask them to do a road project, we ask them to look at the various different kinds of lots; whether it's a corner lot or in some of our projects there's commercial property, multifamily, single family residential. We ask them to take a look at the category of property, and then base it on their expertise on how they appraise properties for the value of the new street and the infrastructure that that provides. Comparing from the original value of the home or of the property to what that improvement brings to it. To be honest, I wasn't trained as an appraiser, so, I don't know all of the things and the factors that they consider, but they look at comparable properties within other communities; so, it's not just within the City of Cottage Grove on literally what the value of that home increased from a sales perspective, what it was before the new street project and after. So, they do a before and after assessment, comparing it to other properties. So, it is real data, and it is relevant data, not five-or-ten years ago, it's within the last timeframe they have in mind, 6 months, 12 months at the most. Then they compile all that together and average it out; so, they're not just taking one example of a property that maybe increased in value. They average it out, and that's how they come to this value. So, it's a lot of research. Again, this is their area of expertise, and they do this year after year for us.

Council Member Thiede stated sure, but he was a little surprised at the amount, too. So, he asked if it's possible if any of these homeowners would want to see that information and see how that number came about, that we're able to find that information somewhere.

Attorney Land replied typically what we do is this is a preliminary Special Benefit Appraisal; this is not a document that we consider public, but it is the number that we use to cap it. So, if someone wanted to challenge the assessment, which again happens at the second Assessment Hearing, in the fall, that is their time to object. It would go into more of a litigation mode in District Court, and the City then would actually have a full-blown appraisal report. And the appraiser would testify in court as to the value, and at that point, that appraisal is public. At this point, it is not public.

Council Member Olsen stated again, he's not sure who wants to take this, but the question is this: Could you take a moment and explain how the bid process works with respect to these sorts of projects? Because he thinks, again, it's important for folks to know what the bidding environment looks like and the way in which we receive those bids, and then essentially how we are bound legally in terms of bid that we would accept should we order the project.

Engineer Meyer stated one of the things that we strive to do is bid as early as we can in the year to ensure that we are getting a lot of bids and competitive bids. She thinks you've seen over the last few years our engineer's estimates are actually coming in maybe in the top quarter, when we compare our bids to our engineering estimate. When it comes to actually awarding the project, the recommendation is always the low bidder.

Council Member Olsen stated he's very glad that she mentioned the bidding environment; that is something that the team here at City Hall has done exceptionally well for as long as he's been on the City Council is try to get the bids in early. We want to be first in line because the various construction crews and companies are starting to plan their calendars out right now. They want to know where are my people going to be able to work, and am I going to have enough work for my people over the summer and into the fall, whatever the construction season looks like. So, being part of those early bidding opportunities gives us the most competitive marketplace. He appreciates her sharing that and again, by law, we're bound to take the lowest bid, which obviously we'll do. So, thank you.

Mayor Bailey stated the only other thing he'd like to mention for the public, too, is should the Council vote to approve this, this evening, to move to the next phase, he thinks, if he remembers correctly, the intent would be we'd go out for bids in the next meeting. Then the bids would come back, we determine if we accept the bids, and the bids would be accepted, obviously, if they're within a range. If the bids come back, and they're out of whack, we're certainly not going to accept the bids. We'd probably have a different situation that we'd have to deal with, or postpone, or do something different when it comes to the price of the bid. Obviously, there's a cost factor to the residents, a cost factor to the rest of the residents of Cottage Grove, because that's how the pavement management process is, it's percentages. He thinks actually in this case, it's a little bit less on the two percentages because there are a couple City parcels in there.

Council Member Thiede stated he was just curious, as she said they had a good turnout at the Neighborhood Meeting; he asked if she knew how many homes are in that neighborhood and how many were represented at that meeting.

Engineer Meyer replied there are 79 residential properties within this neighborhood; she believed we had about 25-to-30 individuals there. So, assuming there were two per home, probably about 15 homes were represented at that Neighborhood Meeting.

Council Member Garza stated she's just wondering, and it may be a small amount compared to the assessment total, but you mentioned that they would be doing some repair or replacements of the lights; so, is that an additional charge or is that already covered?

Mayor Bailey replied he could answer that. Any of those other items are actually coming out from separate accounts. We're all paying into those different accounts, sewer, streetlight funds, all of that kind of stuff, all of that would be covered. Those are fully funded by the other accounts that we have, and this is just the road itself that was a percentage.

City Administrator Jennifer Levitt stated she'd like to make one quick clarification. The assessment is based upon the total project cost. So, when we look at all of the roads, the curb, the utilities, which is the stormwater, sanitary sewer, water, streetlights, all of that total project cost is then divided by 45%; 45% is assessed, and then 55% is then being borne by those additional costs. So, she just wanted to be really clear that the residents are paying 45% of the total project cost, which includes those utilities.

Council Member Khambata said he had a question for Attorney Land; he stated he could go on the Revisor of Statutes and answer this himself, but he thinks she might already know. In 429.031, does it give a definition for an improvement?

Attorney Land replied that was a very interesting argument, the difference between improvement vs. maintenance. She's sure there is a definition; frankly, she hasn't been faced with that particular aspect of a challenge to the 429 Statute. It's usually about the Special Benefit, and that my property did not see, as some of the audience members indicated, that much improvement for that value. So, as far as his argument that this isn't an improvement, therefore, you shouldn't order it, I guess he's asking you not to order the project.

Council Member Khambata stated the reason he was going to ask that, as somebody who has read a lot of appraisals, improvement is a specific term in real estate. So, in real estate and in real estate contracts, an improvement is any positive permanent change to land that augments the property's value. So, for instance, if you'd read any standard appraisal, it would ask are there any improvements to the property, such as new roof, new siding, new driveway, updated kitchen, those things could be classified as maintenance. But in terms of real estate terminology, they're classified as improvements. So, I think there's a little bit of a misnomer happening there where I think I'm sure that the spirit of the law is again to address the augmented value of the property. So, if they're using that term in its real estate context, that's what an improvement is in a real estate context. He just wanted to add a little bit of clarity there. He doesn't have the authority to bring it up here; the Mayor may or may not. But he just wanted to add a little bit more clarity in terms of when we're talking about real estate valuations, improvement is a specific term for those type of value adds to a property.

Mayor Bailey stated the Public Hearing was closed, but if there is a question that you have afterwards, then he, one of our staff members, or our attorney would be more than happy to speak with you.

Motion by Council Member Olsen to Adopt Resolution 2024-019 ordering the 2024 Pavement Management Project; second by Council Member Garza. Motion carried: 5-0.

10. BID AWARDS - None.

11. REGULAR AGENDA

A. Proposed Discount Tire Facility at 8647/8649 East Point Douglas Road South.

Staff Recommendation: Adopt Resolution 2024-017 approving the Conditional Use Permit for a minor automotive repair use for Discount Tire, to be located at 8647/8649 East Point Douglas Road South.

Mayor Bailey stated Connor Jakes, our Associate Planner, will walk us through this.

Planner Jakes stated the application before you this evening is a Conditional Use Permit (CUP) for the proposed Discount Tire use. The site location is at 8647/8649 East Point Douglas Road South; the site is adjacent to the current Wendy's restaurant and the current Target site. The site is located adjacent to two major roadways, Jamaica Avenue South and Highway 61.

Site Background: Originally developed in 1991 for an automotive repair use. Following those approvals, a minor subdivision lot split was completed in 1992. The intent at that time was for that northern portion of the site, 8649, to be utilized as office space; however, the site was used as an automotive repair use since the original approvals. Most recently, Big O Tires occupied the site until Fall of 2023, when it closed. There were approvals for an automobile carwash granted in March, 2023, Rocket Carwash, but the Applicant for that proposal withdrew and is no longer moving forward with that project. The site is currently vacant. Proposal: Automotive Repair Use, Minor. The site is zoned Mixed Use, and the use requires a CUP, which is why the application is before you. The Applicant is proposing to use the existing site layout and building with minor updates to the exterior elevations, parking lot, and landscaping. Vehicle Parking: There are 34 stalls currently on site; the Applicant is proposing 38 stalls, with two ADA accessible stalls, and that increase in stalls comes from the northern side of the site. Currently, there's angle parking on site, and they're proposing to change that to 90-degree parking stalls. Architecture: The updated elevations are on the screen before you. The Applicant is proposing updates to paint, trim, and a new storefront with a canopy overhang on that. Landscaping: The Applicant proposed a detailed landscape plan, keeping the current landscaping on site, but with proposed additional plantings of 35 shrubs, 21 ornamental grasses, and 21 perennials.

Planner Jakes stated the recommendation is on the screen before you, and the Applicant is in attendance for any questions.

Council Member Olsen stated he happens to be real familiar with that building, he'd worked in there for a long time. He said that building is segmented; there's a business space in the garage and then there's sort of a storage space, and then there's an additional space at the end that hasn't been used for a really long time. He asked Planner Jakes if the Applicant is planning to use the entire building, or are they just planning on using sort of the garage space, sales floor space, and then back room space.

Planner Jakes replied the Applicant is planning to utilize the entire existing building; they'll submit for a Building Permit for the interior remodel and then utilize that whole interior.

Council Member Olsen stated he asked that question because the previous owner did not use that kind of third space that's further away from the sales floor space; so, they acted somewhat as a landlord and tried to encourage people to come in and utilize that space, and it just wasn't really successful. So, knowing that the Applicant is going to use the whole building he thinks is really going to be helpful in terms of just putting that entire footprint to use. So, he appreciates that information, that's exciting news.

Planner Jakes added that a condition of approval is also to combine those lots into one parcel. Council Member Olsen stated that's fantastic, thank you.

Mayor Bailey asked if the Applicant would like to come up and speak; he asked him to just state his name and address for the record.

Todd Mosher, with R.A. Smith, stated he's representing Discount Tire on this application. We are going to use the whole building. He thinks we submitted a narrative, which may answer some of the operational questions, if there were any, but the flyover is we're closed on Sundays, and we're open basically from 8:00 a.m. to 6:00 p.m. Monday-Saturday. We sell only tires and wheels; there are no oil changes or anything of that nature. All of the new tires are stored inside the building, the used tires are also stored within the building, and then they're taken away to be recycled. He stated he's sure you're all familiar with Discount Tire.

Council Member Olsen stated Discount Tire is an excellent operator, and it will be a nice addition.

Mayor Bailey stated he appreciates the fact that you're going to do upgrades to the building, bring it up to your standards. The Discount Tires that he's seen look very nice. He asked if they're going to keep the garage doors the same as they are currently; he actually drove by there and some of the doors are painted and some of the paint is peeling, so he didn't know if they were going to use the same doors and just paint them.

Mr. Mosher replied he didn't know yet because we haven't done the permit set yet; he thinks the elevations we submitted considered painting everything so that it matches.

Motion by Council Member Thiede to Adopt Resolution 2024-017 approving the Conditional Use Permit for a minor automotive repair use for Discount Tire, to be

located at 8647/8649 East Point Douglas Road South; second by Council Member Khambata. Motion carried: 5-0.

Mayor Bailey welcomed Discount Tire, said we'll be excited to see a ribbon cutting.

12. COUNCIL COMMENTS AND REQUESTS

Council Member Thiede stated there's still time to really participate in Strawberry Fest. We have our meetings typically on the first Monday and the third Monday of the month, and most times they're at Carbone's. So, we'd love to see additional people there, we can use all the help we can get.

Mayor Bailey stated he's actually gotten some messages and good comments, as earlier this evening he had the opportunity to provide the State of the City address. He did it a little different this year, it wasn't live, we did it as a taping. He thought that worked better, specifically because we were able to show a lot of diagrams and pictures, more so than maybe we did if I was standing in the Council Chambers. He thanked SWCTC for doing such a great job of putting all that together, along with our staff; Jaime, specifically, helped out, so he thanked her for that. It is already out on Facebook, the City's Facebook, and you can link to that through our City website.

Mayor Bailey acknowledged what he'll say was some amazing work by both our Public Safety Department and our Public Works Department. As some of you may or may not be aware, around the Twin Cities and, frankly, around the nation, there's been a lot of copper wire theft going on. We had some of that happen here in Cottage Grove, which was fairly extensive in a couple areas. After that happened, one of our Public Works staff happened to be driving down a street and noticed that some of the items on the bottom of a particular street's streetlights looked like they might've been tampered with. So, that information got fed to our Public Safety Department, we put some officers on it, and the suspects were caught. We found that in their car they also had copper wire from St. Paul. So, a very good job working as a team, which our City does. Public Works noticed something, shared it with Public Safety, who then staked out the location and came across these gentlemen coming back to try to steal the copper wire. So, good job; please pass my appreciation along to everybody involved with that.

Mayor Bailey stated the season is starting to gear up at River Oaks. It's hard to believe that we're in February and the golf range is open, he doesn't believe the course is open yet. Starting on February 16, the Fish Fry begins at River Oaks; you can make reservations on our Facebook page for the link, or riveroaksmunigolf.com, or you can call River Oaks. The Fish Fry will be held every Friday, and you need reservations, so please do that.

Mayor Bailey stated looking out a ways, he hasn't seen anything specific on this yet, but there has been a really good Easter Brunch at River Oaks, which is on March 31. Eventually, there will be some information coming out about that, so you can make

reservations there for that brunch. There are other upcoming things there, like Dueling Pianos, so there are many events happening at River Oaks. He's been told by Director Koerner that Dueling Pianos is pretty amazing; Mayor Bailey stated he's not been there, but he knows Director Koerner has been there a couple times. He confirmed with Director Koerner that he'd said do not sit up in front. So, get your tickets so you can sit in the back vs. up in the front.

Mayor Bailey mentioned that we have a Workshop tonight, which is open to the public, and we'll be going into the Training Room for that. We will be reviewing our Police Annual Use of Force Report, which we do every year. We will be adjourning this meeting from the Training Room. He invited anyone who wished to do so to head over to the Training Room.

13. WORKSHOPS - OPEN TO PUBLIC - TRAINING ROOM

A. Police Annual Use of Force Report

Staff Recommendation: Receive the Annual Use of Force presentation and abbreviated annual S.W.A.T. report from Deputy Director Brad Petersen and Sergeant Nicholas Bailey.

Captain Brad Petersen stated he and Sergeant Nick Bailey would give the fourth Annual Use of Force Report presentation. Nick's been working with me over the last couple years with Use of Force programs, instruction, S.W.A.T., etc. Tonight he will take part of this presentation, and the programs will be in good hands; I'll hand over all these programs to him and move on to other things.

Captain Petersen stated he'd echo the Chief's message that the Cottage Grove Police Department is a really special organization, and it stands out from many other organizations throughout the state. Our Use of Force program is one of those things that makes this really special; there are a lot of programs across the country that collect data and are sure to use that data and put that data on their website. We are one of the only organizations that I've encountered that actually use that data in a useful way. By that I mean we look at every Use of Force and power as an opportunity to improve our services, to get better equipment, change our policies, and change our training. So, the data we collect drives meaningful change, and that's what's kept us ahead of reforms and kept us away from any negative publicity and any liability over many, many years. So, this is one of the things that I'm both passionate and proud of, and you should be proud of it as well.

We're giving you a sneak peek at our new Mission Statement that you'll be seeing and hearing more about. Again, this speaks to our commitment to safety and community policing and the culture that surrounds itself with professionalism, safety, training, and things like that. Again, this is what makes us better than many other law enforcement agencies and what allows us to serve our community so well.

Our recipe for excellence you'll see throughout tonight's presentation that these themes will come up over and over again throughout: The way we collect the data, how

we use the data, how that drives our training, and leads us to using Best Practices and translating that to successful outcomes and saving lives.

As you know, this is how our Use of Force reporting procedure operates. When there's a Use of Force incident, the officer or officers involved have to notify their sergeant. The sergeant comes to the scene and has a number of responsibilities that they handle at the scene. The officers will then come back to the Police Department and do a supplemental incident report; that's separate from their police report, this is the process that feeds our data collection. The sergeant then reviews that, basically that's a QC check to make sure that all the proper inputs are in place, and then that report goes to the Use of Force Review Panel. They meet quarterly, look at every single Use of Force with a keen eye, to figure out how we can do this better and safer and more efficiently. Then all that data goes into a dashboard that's real time, it always feeds us information, we've got all the critical analytics there that are available at our fingertips at any given moment. We can look at that to immediately identify a variety of injuries, per se, or a lack of efficiency on a particular technique, or a particular officer that throws a red flag up because they're using an unusually high amount of force, or things like that. So, it's a physical tool, and then at the end of the year, this dashboard issues us this report.

2023 Data

Captain Petersen stated jumping into this year's data, as you know, our population is growing and along with that, our Calls for Service are also growing. Despite that, crime is trending down; so, to me, that signifies that our Police Department is doing something right. The interesting thing is despite 43,000+ Calls for Service, there's a very, very low percentage of Use of Force incidents. So, this year, we had 82 uses of force; in some of those cases, there wasn't even an actual Use of Force because we track all threatened uses of force and displays of force. That means if I point my Taser at somebody or somebody even sees me have my Taser out of the holster, in preparation for Use of Force, or I warn somebody that if you don't do X,Y, and Z, I will Tase you, that's considered a Use of Force in our department. So, that number of 82 isn't actually us Tasing somebody 82 times or striking somebody 82 times. In some of those instances, there were multiple subjects; so, you'll see that there were 103 people involved in our Use of Force incidents.

You can see over the past seven years that our number of Use of Force incidents and force has remained relatively stable, despite the fact that our call volume is increasing. That's largely in part because we put so much emphasis on deescalation strategies and coaching and mentoring our officers to not put themselves in situations where their only option is to use force.

As you know, as in past years, the majority of these Use of Force incidents are not incidents that are self initiated by the police; we're not out targeting certain populations. The last thing we want to do is take enforcement action that will result in a Use of Force, in fact, it is the complete opposite. We know the likely outcomes of Use of Force, we potentially avoid those situations unless there's a really good reason to take that enforcement action. Most of the time, when we use force it's because we are called to that scene by citizens through a 9-1-1 call, a person in crisis that's out of control, or it's

a crime in progress; so, in most of those cases, there isn't another option besides Use of Force.

Subject Demographics

Captain Petersen stated you can see in this first slide that most of the subjects that we use force against are not even Cottage Grove residents; those are the folks that are coming here to prey on our citizens, they're here committing crimes when passing through town, and we find them in the process of committing a crime. It makes it really hard to make any correlation between the race of the subject and the demographics of our community. So, I would use caution in drawing any conclusions from that, knowing that this number doesn't represent the people who live in our community, if that makes sense. Despite that, you can see that the demographics in terms of race closely mirrors the composition of our community. Lastly, you can see that as we know, impairment can be either mental illness, drugs, or alcohol, as those are significant contributing factors to Use of Force. I mean, that's common sense; people aren't in a good state, they're not making great decisions, and therefore they end up having force used against them, it all depends.

Actual Use of Force Types Used

You can see that last year we didn't use any striking techniques, very few takedowns, and that's significant because we know that those are associated with higher risks for injury. So, we reserve those for the most pressing and dangerous situations. We're teaching officers to use techniques that control the situations earlier, with lower levels of force, unless it's absolutely necessary to use a takedown or a striking technique.

Administrator Levitt asked for those of us that aren't in law enforcement, what do the others look like; the escort and the grappling Use of Force.

Captain Petersen replied an escort would be me grabbing Nick like this, like this, like this; some type of minimal control technique, just to control him from walking away or controlling him before he got an opportunity to fight, flee, something like that. So, it's taking control of them, but not taking them to the ground where that might cause injury.

Mayor Bailey asked what's grappling then. Captain Petersen replied grappling would be wrestling, essentially.

Mayor Bailey stated okay, so, they're doing something with you. Captain Petersen stated yes, and oftentimes that's on the ground. Say we go to handcuff somebody and they start to resist. We're pressing them up against the car with some bear hugging and some wrestling around against the car, that would be considered grappling.

Sergeant Bailey stated one thing we have done a lot with our training is we've really focused on changing kind of how we're taking people to the ground. So, we would focus more on controlling their descent to the ground. Say we do a two-officer takedown; we have someone going high and someone going low. It's not like they're just taking them and slamming them to the ground. We're actually pretty much grabbing them and walking them down to the ground. So, we control the descent, again, to prevent that injury of them hitting the ground hard, especially if you don't know what's on the ground, if it's a hard surface or something. So, we do a lot with trying to control the descent when we are going to the ground. Then, on the ground, if they're still wrestling around, someone might grab them and hold them.

Intermediate Force Levels: Captain Petersen said those are Taser, PepperBall, 40 mm. munitions, chemical spray, and batons. We haven't used a baton in approximately 20 years, so, we're going to give officers the opportunity to take that off their belt. So, some are choosing to get rid of their baton.

Mayor Bailey stated those are good to hold doors open and break windows; Captain Petersen stated that's right.

So, you'll see batons being phased out. We see that there's a reluctance to use chemical spray, officers aren't using that very often, and there's a couple reasons for that: The effects of that are very long lasting. So, if I spray Nick, he's going to be suffering for at least an hour, and so that pain and suffering endures after the arrest by patrol happens. So, there's been a lot of case law that's ruling against officers using it as a Use of Force because they continue to suffer even after they're in custody and compliant.

Council Member Khambata stated I've used bear spray on animals; it doesn't really go where one person is either, so for everybody's who in my space, everyone's a victim. I had a buddy who decided to push the button, and I found out the hard way that that bear spray is potent. My question is about the 40 mm.; is that like a rubber bullet, because it's less than lethal, but that's not pistol ammunition. What is that 40 mm. impact?

Captain Petersen replied essentially it's just a rubber bullet, but it's about that big. Council Member Khambata asked does it shoot out of a special gun; Captain Petersen replied yes, it's a 40-mm. launcher.

Captain Petersen stated with the chemical sprays, it's not being used very often, and there's some case law that's coming out that we're not real happy with; we made a transition a year or two ago to a new type of chemical spray that we can basically activate once we have the person in control. Despite that, officers aren't using it for the very reason that you said, because everybody's affected. So, one of the new things that we're going to do this year is implement a PepperBall BLAST, which you'll see here in a little bit.

In these other categories, you have a 40-mm. impact, which is a really good tool. When you're dealing with somebody that is very determined, high, drunk, dangerous, poses a high-level threat, that's kind of our go-to weapon choice, but also along with that comes a high level of risk. So, you don't see that get used a whole lot, but we tend to use this PepperBall because of its safety factor. Its proven very, very effective, and its really safe. Its the only non-lethal option that we have, a great tool that's used a lot.

Taser, as you can see, is still used pretty commonly, but you'll see in the subsequent slides they're not actually Tasing people. You see officers pulling out their Taser and saying, hey, get on the ground, or we're going to Tase you, things like that. So, there's a lot of displays and threats, but not an actual number of actual Taser deployments.

So, here you can see PepperBall is about 70% accurate; 15 out of those 20 incidents was just me taking my PepperBall gun out of the car because I might need it or it ended up setting on the ground when I'm going to use my PepperBall launcher. So, we're not even using any real force. In only five of those incidents we actually deployed the PepperBall. We didn't even directly impact anybody; it was used once last year. That's

me shooting in the area around Nick or in the room that he's in, so he's not even experiencing any physical harm or any risk of harm. So, four times we put it into the vehicle, the room, the general area that he's in, and then we had one deployment of the new BLAST. So, it's a very, very safe, effective technique.

Mayor Bailey asked so, when you're tracking these numbers, then, like you just said you had 20; so, of the 20, five you actually used it, right? And that's why you still track them, though, right? So, the other 15 it was just the threat of it.

Captain Petersen replied that's right.

Council Member Olsen asked Captain Petersen to take a moment to explain your review process because I know you review everything, every incident, every situation, and that will speak to where these stats come from. You guys look at video, you do the whole nine yards. So, maybe just a minute on how you collect this data.

Captain Petersen replied so, it starts with the Use of Force Report that the officers do, that's what triggers this whole process. So, we'll look at that, and that's largely just them inputting hey, I used the Taser, and I used it two times, and it was either effective or not, and nobody was injured. So, it's more administrative-type data. So, from there, we'll review their incident report, that's their narrative summary of everything that happened, so that we're understanding all the different facts surrounding the situation from the officer's point of view and from the witnesses' point of view. And then we'll actually go in and watch all the squad and body-camera videos. Most of the time that'll answer all of our questions, but if there are some unanswered questions, we'll interview officers, supervisors, and we have the ability to go out and interview witnesses and call people in to acquire other testimony or explain other things. And, so, we'll keep digging until we get all the answers that we need. We haven't had to take it that far yet; usually, in the course of that review, we get all of our answers that we need. And then, through the course of that, if we discover that there's some type of significant policy violation or their actions were not reasonable, that stops our investigation and we defer to Command for an Internal Affairs investigation.

Director Koerner stated actually these are so infrequent. The other day we did a traffic stop where one of the operators was dead. I bet within five minutes into it, there were 20 of us watching to see what, you know, why this person did that.

Council Member Olsen said when you presented this information before, I think one of the very compelling pieces of information is the degree to which the department takes this; it's taken exceptionally seriously and I know you're a PepperBall expert, I know that, and Nick, you're a Use of Force expert, but all this data comes together to help you train better. I just think it's so awesome, first of all, how quickly but moreover, how deeply we dig into these things, looking for what could we have done to avoid this, how could we handle this differently, what are some of the things that we may want to change up in our training. You know, we're lucky, our officers get a lot of training, and a lot of it has to do with this.

Captain Petersen said yes, absolutely, I appreciate that.

Council Member Khambata stated I'm noticing a trend with these Use of Force categories, 69% effective, 71% effective. Is it safe to say that 30% of your Use of Force interactions are somebody who is just that determined?

Captain Petersen replied that's the part that we're dealing oftentimes with people that are under the influence of drugs or alcohol, which reduces their responsiveness to anything that involves pain or manipulation or things like that. Oftentimes, they're very determined, in a very emotional state, so, they're not going to respond to our techniques. Another part of it is humans just don't perform well under stress; even trained law enforcement officers, we can't be perfect all the time. So, I might try to do a technique on Nick, and I just can't execute that technique for a million different reasons, right? The ground's wet, it's cold, I just screw up, and so, despite our best training, you know, the best equipment, we still have to train on 70% effectiveness with pretty much all of our techniques. It's shocking to any department, not so shocking depending on the level of interest in this topic; that's way, way, way above the national average because most departments are looking at 30%-to-50% effectiveness if they're doing a good job. So, we're proud of that 70%, and so it's quite an achievement when you can sit in that category.

He said the other reason we track this effectiveness rate is so that officers understand that despite all the cards stacked in our favor, the training, equipment, Best Practices, you have to plan on the fact that there will be certain times when what they're trying to do isn't going to work. So, they can't come into a situation with only Plan A, because that Taser doesn't work a second time. So, they have to have Plans A, B, and C, and have a fallback plan to deal with and transition into those plans quickly so they don't get target lock when option A is not working; A, A, A, A, it's still not working, you need to know a guy with a gun or a knife is still advancing on you and causing a threat.

Council Member Khambata stated I wasn't trying to imply that that number was low, I was actually thinking that was pretty high. And then as far as determining if the specific tactic was effective, how do you define effective when you're talking about Use of Force?

Captain Petersen replied it kind of depends on the situation. It's somewhat up to the interpretation of the officer, and sometimes it's left up to the best judgment of the Review Board. So, if my intent, my Use of Force, is to just stop Nick from advancing on me, and I take my Taser and I tell Nick, stop, and he stops, then that would be effective. If my intent is to completely incapacitate Nick with my Taser, and it doesn't do that, then that's ineffective even though he stopped, but I wanted him to go to the ground and do the crappie flop. Even the fact that he stopped isn't effective. So, it's largely dependent on the intent of the officer.

Captain Petersen stated the Taser kind of speaks for itself, we're not actually deploying it very often at all, so it's mostly a threat or display. 40-mm., no actual deployments, we went through threats. K-9s: Everybody's favorite topic. So, the yellow you can see the total for our K-9s. You can see it's being used frequently for two different things: It's a search tool that enhances our ability to search a wooded area, an open area, or a building. And its used as a presence or a deterrent to crime; people are scared of dogs,

so when we pull a dog out, they tend to listen to us. Zero apprehensions among those three dogs; again, we're reserving those K-9 apprehensions for those people that truly, truly need it. Enhanced Restraints: Applying soft restraints, which you might see in a hospital or an EMS setting, and sedations; those are EMS functions, whereas putting a spit hood on somebody or applying hobbles, which is basically tying their legs together with a little device, those are law enforcement functions. We look at this from a public safety model perspective, knowing that when we're using these techniques, there is a ton of risk and a ton of liability associated with them. So, we're really sensitive to these topics for obvious reasons. I can think about a number of different incidents across the country in the last few years where people are dying in custody, and this is where it happens, when we're starting to hog pile on top of people and restrain their legs and sedate them, things like that. So, we're really tuned in to this. This number might seem alarming at first because it's increased over the last couple years, but it's important to note that the vast majority of those incidents are being attributed to two particular individuals, both juveniles who have special needs, at one particular group home. So, we're having a recurrent problem with two people at one group home. One of them I brought to your attention last year, he has since left town, but was replaced by the second individual, who has given us a problem over the last year but is now gone. So, hopefully, fingers crossed, we won't have a third and you'll see these numbers start coming back down. Because this gives us some concern every time we do that, there's a lot of risk associated with it. Pursuits: In 2022, we had 32 pursuits, a lot of risk and liability associated with that. Last year, we only had 19 pursuits, so that number is coming down. After that year's really high number of pursuits, we started to think about and implement tactics to reduce that risk and liability and make it safer, and so we implemented this blocking technique that we'll tell you more about in a moment. The idea behind the blocking technique is to A) Prevent pursuit in the first place, or B) Have a safe conclusion at the tail end of that pursuit. So, that was used successfully six times in the last year. Stop Sticks were used only once, and PIT maneuver only three times, which is good news.

Council Member Olsen stated that came way down.

Captain Petersen stated yeah, as you know, every time we use a PIT, there's a cost associated with that.

Deadly Force: Our fourth year in a row without any deadly force incident. You can see over the past seven years, we've only had one incident. So, what that translates into is a very, very small percentage of incidents. One is too many, but compared to the national average, we're doing a good job in preventing and mitigating the effects of those incidents. Injuries: Captain Petersen stated more good news is very few injuries this past year. Our officers only had five very minor injuries, which include getting cut and bruised, some minor pain. One incident loss, a loss of work time, and it was one week of lost work due to an ankle injury. Our subjects had very minor injuries as well, five paramedic evaluations, five decontaminations; so, a decontamination would be where we spray somebody with Pepper Spray or a PepperBall, and we've got to clean them off to reduce the impact on them after they're in custody. No significant injuries.

Captain Petersen stated this is one of the numbers that I think is the most important for this series of numbers because it directly shows how effective our training is, how

safe our tactics are. There are no other departments that can report that safety margin, this is incredible. Citizen Complaints: This is the third year in a row where we've had no citizen complaints regarding Use of Force for our department. Council Member Olsen stated that's amazing, that's awesome. Captain Petersen stated yes, we can brag about that. Three years in a row, zero complaints from the citizens regarding Use of Force incidents. That is amazing, that's a direct testament to professionalism and dedication of our officers, the training, the equipment, Best Practices, and policies that we have in place. Another year of no cases referred to Command on the part of our residents; the incidents were deemed reasonable and fit policy. We had five that we identified as an opportunity to make some type of improvement, whether it was a tweak to our policy, a minor adjustment for training, an adjustment of our tactics, something like that. And we're getting really, really picky now. We've been doing this for a number of years, and now we're getting really picky and going back to our officers, like you did a great job, but you can do better by doing X, Y, and Z.

Council Member Khambata asked, how is that feedback received?

Captain Petersen replied very well. Obviously, our officers were skeptical when we first launched this four-or-five years ago; they didn't know what to expect. They didn't know if we were going to come to them with discipline in hand every time they screwed up, but within the first year, they realized we're not out to get them in trouble, we're only there to protect the agency and improve them and protect them as well. We handle the vast majority, up to this date, we handled every single incident with coaching, mentoring, and training. So, we're not trying to get them in trouble or discipline them. We're like hey, you can do better by doing X, Y, and Z, let me help you do that, and they respect that, they appreciate that.

Director Koerner stated we have a younger department now, too, and they want that kind of mentorship.

Council Member Khambata stated I would thrive on that. It's like okay, this, obviously, a Use of Force is an escalation in risk for both myself and the other party. I would want to know how to avoid more dangerous situations, but I think there's, as somebody who's not in law enforcement, I think it would be easy to like feel like I'm getting by if somebody brought something like that to me.

Council Member Olsen stated it's in the presentation, isn't it? But the thing that's neat is now that you've got sort of a track record of doing this, it's becoming cultural. I think the more you continue to do this, the more opportunities for coaching and development that you take from the reviews and apply to the training and so on and so forth, you're going to recognize this is just what we do. This is just how our department rolls.

Captain Petersen stated to your point, they're starting to do it by themselves now. We went to the Review Panel, and yesterday we had an incident where an officer got bit during a Use of Force encounter. And before I even had a chance to look at the video or do anything, I walked back to Roll Call, and they were already sitting back there watching and critiquing themselves, critiquing each other, telling each other how they could do it better, and what they did good. I sat back and watched it happen; they're doing it for themselves now. Council Member Olsen stated yes, that's fantastic.

Captain Petersen stated so if someone's using deadly force, and deadly force is extremely rare despite what you might read in the newspaper or are led to believe if you watch TV. Most Use of Force incidents are resolved with deescalation strategies or the threat of using force. But our low injury rates are indicative of our safety and our tactics and the type of training. In almost every situation, officers are using Best Practices and exercising nearly perfect judgment.

Captain Petersen stated he's going to hand it off to Nick, so he can talk about training.

Sergeant Bailey stated Brad just went over last year's Use of Force numbers and the data we collected. So, now I will talk about kind of what is our plan this year for training, intending to have that high standard that has to do with good judgment and decisions made.

Obviously, the P.O.S.T. Board kind of has their training standards of what an officer needs in their P.O.S.T. license and renewal cycles. We go way above that, we believe strongly in exceeding those P.O.S.T. standards, and that's what we do by training the amount and to the level that we train. We really promote with our officers to be professional, make smart decisions, we're there to try to help people and make people safe, even if they're having a bad day. Ultimately, we want them to be proficient and knowledgeable of changing laws, State laws that are out there, to ultimately give them the skills so they can be successful and ultimately have that safe outcome when dealing with some things on the street. We also want to make sure that they're aware of everything, all the laws, and changing of the laws, because when they change, we have to change our tactics. And a lot of times we're kind of ahead of the curve on that; we know they're changing things, doing things before the law changes or a policy change.

Council Member Olsen asked does Lexipol help you with that?

Sergeant Bailey replied yes, Lexipol helps us to build those and push out new policies, so we're always looking at Lexipol. We always have our officers looking at it and telling us, hey, did you guys see this new case that is coming out? And we do our best to stay on top of things; the last thing we want to do is be behind the curve.

Director Koerner stated Lexipol just reached out to us, as there's some changes in the pursuit policies; they pushed it out to all the chiefs and they also pushed out their new changes to Lexipol, so we'll be getting an update, too.

Council Member Olsen asked Captain Petersen if he wanted to comment.

Captain Petersen stated so after a change in case law or a new Statute is enacted, we're responsible for that change that day, whereas Lexipol might not push out a policy recommendation for three months, six months. So, we're constantly monitoring, we've got to make that change on day one and not wait for Lexipol's recommendation.

Council Member Olsen stated all right, thank you.

Sergeant Bailey stated ultimately, with our training, our goal is to want to provide the best service we can to our citizens. Now, one thing to note with our training, we're not just training how to be proficient in firearms and wrestling around on the mats. Our training plan is a lot more comprehensive than that. We train deescalation strategies, we need to train culture awareness, we train in dealing with mental health, our report

writing, how to write better reports, how to investigate crimes better. So, we don't just strictly focus on firearms and wrestling around on the mats. We do a lot of other training so our officers are more well rounded when it comes to the time of having to use any type of force or deal with anyone in our community.

Obviously, with Use of Force and a Use of Force situation, things happen quick, things happen quick and fast, and ultimately, we need our officers to make good judgment calls. A lot of times they didn't make that call in a split second; so, that's why we really want to make sure that they are very proficient in everything they do. Ultimately, our officers are liable, civilly and criminally, if they make a mistake, and use that excessive force. The department and the City are also liable, though, if we don't train our officers and if we're not supervising them properly. So, it's very important that we continue now to train the way we do at our higher level. Ultimately, it might cost us something up front, but it's going to save us a lot on the back end to prevent any type of excessive force, any type of lawsuits.

Sergeant Bailey said he kind of touched on this earlier, our training emphasis. So, we've obviously had movement in our department; so, again, we're not just training on the firearms, we're not just training on the wrestling on the mat. We're developing instructors, new instructors; our instructors that are here now aren't always going to be the instructors. So, we're developing instructors and developing leaders for our department. We are working on those deescalation strategies, we're always focusing and pushing deescalation and dealing with mental health. We have our Case Management Unit (CMU) out there, Sergeant Shaver is our new CMU, now that Sergeant Young got promoted. So, we're out there trying to be proactive, preventing multiple calls for service that could potentially lead to a Use of Force, because we kind of saw that data before. Mental health calls, when we're on those, they can lead to a Use of Force, and there are a lot of unknowns when you're walking into those. So, we do our best to try to train officers, to get out there and be proactive on preventing us having to even get called out there.

Council Member Olsen asked Nick if he could ask a quick question, and if you're not able to answer, maybe Pete or Brad, but going back to your previous slide where you talked about liability. We're liable, if I'm a police officer, I'm liable as an individual, but as a City, we're also liable for certain behaviors because we employ that individual, what does the training look like. So, here's the question: What do you do if you have somebody that you're concerned about, you feel like maybe they're not operating at full capacity, maybe there's a mental health thing, maybe there's a PTSD thing. What do you do in those circumstances, beyond just training, to ensure that we mitigate that liability? How does that work?

Sergeant Bailey replied obviously, you're referring to the officers, right, themselves? Council Member Olsen replied yes.

Sergeant Bailey stated obviously, mental health for our officers is very important, and we're already taking steps to make sure officers are okay. We do our annual mental health checks where officers sit down with a counselor, and they have an hour of time, more if needed, to talk, making sure that they're doing okay. It's their time to talk with them. We've developed our Peer Support Group; so, we have a Peer Support team that

makes sure that they have their phone numbers listed throughout the Police Department if you need to call anyone and talk to anyone. If an incident happens, they'll check up on your officers, they'll make sure they're doing okay. So, we're already kind of taking those steps because mental health of our officers is very important. So, we do those yearly checks. They also offer counseling services, free of charge for the officers, throughout the year if they want to take part in that. And that can be for anything, that's not just necessarily something job related, it can be family related, money related, whatever it may be. We offer those services to our officers to kind of, again, be ahead of the curve, to try to catch stuff if something is starting to happen, catch it before it becomes a big problem.

Captain Petersen stated I'll add on to that, elaborate a little bit. We've also changed the culture in our Police Department where it's okay to admit that you're having problems, whether it's family, financial, mental health, substance abuse issues. We've made it okay to admit that you need help; we made all those resources available to people through either AIP, free counseling, a whole list of different resources that we have available. Knowing that every individual is not always going to admit they have a problem, we've also increased awareness training for all of our officers so that we can recognize problems in our peers and in our friends in the department. So, I can put my finger on a number of times where I've walked up to officers and said, hey, are you okay? Do you need some help, do you need some resources? If they're refusing my help, and I suspect they're heading down the wrong path, my next action may be to go to their supervisor. And then that supervisor has that chat, and Pete's having that chat, and it won't stop until that officer is getting help. Ultimately, if they're in a place where they're not making good decisions, we'll take them off the street; so they're not going to put themselves or the community in a place where bad things and liability and a negative result could occur.

Council Member Olsen stated I appreciate the answers from both of you because I know that it's been a very hot topic within the world of law enforcement for the past several years about the stress, the strain, how difficult it is. A lot of times we have people who are either ex-military or perhaps they're in the National Guard or something, and maybe they experienced something in that role that they're dealing with. I think you nailed it, we've made it okay for people to say I'm not okay. That's a massive change, and I love the fact that you talked about we're teaching awareness, too. Because if you see your buddy's struggling, and they may not want to admit they're struggling, I mean, that creates liability for the City, it truly does. So, somehow or another, an intervention has to occur, right? So, I appreciate that.

Captain Petersen stated lastly, I will add that we have a lot of ideas in terms of wellness, safety, peer attention that are in the hopper that we're really excited to share with you real soon. So, those are going to be phased in and are soon to come.

Council Member Olsen stated thanks for clarifying that. I just think it's such an important thing, especially now. There's a lot of people who aren't going into law enforcement, we've got to take care of the ones we have.

Director Koerner stated let me just add one more thing. Great response to that, we invested in Guardian Tracking years ago, too; it's turned into 95% of it is "atta people", a

lot of good, good jobs. But there is that early warning detection in there, and it's better now that we're all on the same crews; but before, when you had like two sergeants, we would document tardiness. And so, all of a sudden they have this shift they're late, this shift, so, we can identify some of those things, too. But like they said, the culture's way different than ten years ago. I mean, you don't have to come in and say you're under a doctor's care for depression, you just do it; 20 years ago, we had to report to our chief what prescriptions we were taking. So, people would rather not take a prescription than report to their boss on what they're on, but that's some good software, too.

Sergeant Bailey stated so, I'll just continue on the training emphasis. So, like Captain Petersen said, vehicle pursuit and intervention techniques, and we'll kind of show you an example of that, upcoming. Just like I referred to earlier, just on our tactics, the takedowns; we're kind of changing the way of how we're taking people down, a simpler, easier, and safer way of doing it, controlling that descent. And then like all that other stuff, realistic firearms training; we're not just sitting there shooting paperwork, we're incorporating more movement because if that is going to happen, the chances of you just standing still are very slim. So, we just want to make sure that our officers have the skills and ability to be accurate at that time, whatever happens. And then there's officer wellness, and like I said, reporting writing and investigative skills; those are all things that we incorporate in our yearly training plan.

Speaking of that vehicle intervention technique, this is kind of what this intervention technique looks like. The whole purpose of this technique, again, if we can prevent a pursuit from happening, that's the number one goal. If we're coming across a vehicle that this guy has fled from police every single time they've tried stopping him, what we will try to do is this intervention technique; we'll just prevent that he can't run, even if he wants to, at least not in his vehicle. So, what it entails is these two vehicles, they go and they will block that vehicle in, and they will do a low speed intentional contact with that vehicle, essentially pinching that vehicle in. That vehicle can try all they want, but they're not going to move. Then you have the other two vehicles on the sides, they're going to come in and they're going to give support now to the officers that have that vehicle blocked in; and we then now can control, at what level of control, where we're going to have these parties exit the vehicle and how we are going to get them into custody. We can move people around, we have more vehicles in the back if we need to take a driver out first. We can have more people over on this vehicle, and then with the passenger, we can then send people over there, and we can do that from behind our vehicle. So, the officers are safer, and the vehicle's not moving, and we can kind of really control that situation a lot better than we have in the past.

Captain Petersen said a couple things to note, too, like this might alarm somebody initially, with our new boxed-in technique, but this vehicle lasted three days of us playing bumper cars with it. These vehicles are currently in our fleet with zero damage on them, so every officer in the department doing this for day after day after day, zero damage to those patrol vehicles. And at the end of a couple days, we towed that piece of junk away and that tow was donated by SouthEast Towing. My point being zero damage to those vehicles. Now, sometimes this is going to happen on the street, and there's going to be some damage, right? As leaders, we need to be okay with that, knowing that we're

preventing bigger risks down the road. I'm okay with a broken bumper or a dented fender because I know the risk that that subject poses to the community if we're chasing all over town at high speeds. So, we've educated our leadership team, and I would just ask the leadership in this room to be okay with that, to a point, right? As long as we're being reasonable, understand that some minor damage could happen, but we're hopefully preventing bigger problems down the road.

Sergeant Bailey stated so this is just kind of a snapshot of what our training throughout this whole year is going to look like. So, with monthly in-service training we will have 8 hours of Use of Force, 4 hours of firearms. Now, you're going to start looking at all those other ones: Patrol tactics, driving and pursuit intervention, reality-based training, investigations, wellness, medical training, and there's also a mandatory policy review, so we make sure officers know the policies.

We have 56 hours of total monthly in-service training. When we're not training monthly, we are always training or trying to train on duty. So, we have 6 hours of on-duty firearms, we have 4 hours of on-duty simulator, and then we also do our patrol online, which is going to be 23 hours, and then our on-duty policy through Lexipol, which is 3. So, a total of 92 hours with all of those. P.O.S.T. Board standards are 16 hours a year, so, we're doing more than that. And that's not including the external training officers are being sent to; obviously, officers have that option to go and seek out external training and attend those trainings as well.

So, with that Use of Force review and changes that happened, obviously, our equipment and our policies change and get updated. Like I said, we're always trying to be up to date and ahead of that curve. So, that first slide there, that talks about that vehicle intervention, that blocking, so, in 2023 we changed our policy to allow for that low speed intentional contact with the suspect vehicle.

As Captain Petersen talked about with the asp, people haven't been using the asp. We're now giving officers the ability to not carry the extended baton; they can start carrying some of the other options that are now out there, like the PepperBall BLAST, if they don't want to carry the chemical spray. So, that policy was revised.

Taser: So, we all carry Taser X2s now, but they must be replaced by 2025; so, we're generally right now planning on purchasing Taser 7s. Ultimately, that's because Taser isn't going to be supporting the X2s anymore come 2025. And then, with that also being said, C.S.O.s and Reserves are no longer carrying Tasers; a lot of C.S.O.s were carrying the X26s, like the Reserves. Again, Taser just isn't supporting those anymore. So, now we are going to be equipping them with the PepperBall BLAST and a PepperBall pistol, and we'll show you what that looks like.

The final thing is we purchased a small robot and an interior drone for the Patrol Division; again, those are just extra tools and equipment to allow us to safely search residences, search areas where we don't have to put a person in there to search it. We can try to get as much of that searched, 99% of that searched, before we even set foot inside.

Sergeant Bailey said so, this is that PepperBall BLAST, kind of what it looks like, that we've been talking about; I don't know if you want to touch base any more on that.

Captain Petersen said I'll be happy to do that. So, its a pocket carry or belt-carry device that shoots a cloud of a chemical substance out; the same principle as the PepperBall launchers, it's just smaller, single-use only. It'll be easy to carry on your belt or your pocket. It's using the same weight, essentially, as the OC spray. PepperBall Pistol: It's a great tool for C.S.O.s or Reserves. We're not ever going to put this in the hands of our sworn officers, just to completely eliminate the possibility of weapon confusion; so, I don't ever want our officers to be in a situation where they confuse the pistol with the PepperBall pistol. So, our sworn officers will never, ever touch that thing in the field.

Council Member Olsen stated that's a smart decision.

Mayor Bailey stated he has a question on this one; is there a desired area of the body that they would want to hit with it?

Captain Petersen replied yes; so, our first option would be not shooting the body at all. I would shoot at your feet, the wall around you of the room that you're in. If that didn't work, then I would shoot anywhere from center mass, avoiding your head and the sensitive areas.

Sergeant Bailey stated so now I just want to talk about a case that we had, an incident that we had last year. The outcome was a very good outcome compared to what it could've been, but because of all the training, the changes to equipment, how we do things, that ultimately, without a doubt, led to a positive outcome in this instance. So, we had a call to a residence where there was a person in crisis; he had made threats to kill his family, harm his family, and then ultimately barricaded himself in a bedroom. The initial officers responded and they were able to talk, use effective deescalation, get family members out, and just really get a good containment on that residence. Once containment was established and the family was out, officers then grabbed ballistics protection, the less-lethal option, PepperBall, and a PepperBall launcher. They also had a CMU officer and a S.W.A.T. negotiator out there, to try to really start talking to this individual and really work on just come out, we're here to help, and we want to get you the help you need. We need you just to come out. Ultimately, when that didn't work, we then consulted with S.W.A.T., but due to the capabilities of our officers that we had on patrol, the resources and the equipment that we had, it was pretty much decided that we could handle this. We could stay to resolve this, based on the circumstances, without having to get the whole S.W.A.T. team involved in this, just because we have that high level of training, we had all those tools and all that equipment. So, after some time, the decision was made that we were going to breach the door of this bedroom, but then backing up to a safe distance. Ultimately, we're using PepperBall to area saturate that bedroom. Well, what happens is then let's open the windows, let that come out, but we also had a PepperBall launcher outside; so, then we started putting rounds through to saturate that bedroom, through the outside, which made that subject not want to have the window open anymore. So, now that chemical is starting to stay in that room, and it really kind of persuaded him, just come out to us, and we'll get you deconned and we'll get you the help you need. After some time, after several applications of PepperBall, the subject ultimately walked right out of the bedroom, obeyed commands, he was placed in handcuffs, and got the help he needed. So, it was a very positive outcome. After it came all the way to the Use of Force Review Board, it was really determined that it was

effective response by patrol, it was effective deescalation and CIT strategies. It was a great use and effective use of CMU, the S.W.A.T. negotiators, the resources we had right there. Everything that we did was effective: The less-lethal options with the PepperBall and the tactics that were used, and the communication coordination between the teams inside vs. the teams outside ultimately led to a successful outcome.

Captain Petersen stated the reason I put this in there is it kind of summarizes, wraps the essence of all of this data tracking, trending, training, the different weapon systems, practices, and policies. It all comes together, it all comes like this, where we can successfully and safely resolve the situation and get the individual the help he needs, and everybody goes home at the end of the day. These are happy endings, and that only happens through everything we talked about tonight. It starts with data collection, analyzing that, and then using that to make meaningful changes so we have these outcomes. And, so, that's why we used this case summary, because that wraps everything up.

S.W.A.T.

Captain Petersen stated we're going to through an abbreviated S.W.A.T. Report real quick. For those who don't know, our S.W.A.T. team is a multijurisdictional team, comprised of members of the Sheriff's Office and each city in the county. Those are our numbers: We have 43 tactical, 15 attack, 15 negotiators, 5 paramedics, 1 chaplain; out of those numbers, Cottage Grove has 6 tactical, 2 attack, and 2 negotiators on the team. Our team is considered a Tier 2 team, according to NCOA standards, meaning that we are qualified staff, we're equipment trained in full, a full spectrum of tactical missions, including hostage rescue, active shooter, high-risk warrant, barricaded subjects, civil unrest, and security missions.

So, these are our missions; as you can tell, we've been trending up for the amount of missions. In 2023, we had 64, which was 14 more than the previous year, but that's mainly due to a couple things: If you look at this graph here, our PR events, we had 24, and then we had 22 QRF missions; QRF is a Quick Response Force team that also is involved in the events. What we've been doing with our S.W.A.T. team is we've actually been trying to get out to these different events doing demos, being present and doing a lot more community engagement and involvement with the community. And people love it, they see the truck, they see all the equipment, and just letting the community know, hey, we're human, we're here to help you, and we've had a very positive outcome to that, a lot of positive feedback with that.

Director Koerner stated he would say we were one of the first departments that started doing the demos, at Strawberry Fest, and then all of a sudden Woodbury was like, hey, we want it here, too. So, it's the norm at all of these community events now.

Captain Petersen stated when S.W.A.T. proposed this idea to the County, there was a lot of apprehension. They didn't know how it would be received in their communities, and so, we tested this idea in Cottage Grove, knowing that we had the full support of Council and our citizens. And it sure proved that the citizens love it, it's very effective, and obviously, it's carried over afterward, so, it's been a great success. It's being implemented throughout our County and across the metro now.

Council Member Olsen stated I'd put our S.W.A.T. team up against anybody.

Captain Petersen stated absolutely; we're the best equipped, professional, well-trained team that I've seen in the country. I'd put us up against L.A., NYPD, all of them.

Captain Petersen stated so, again, with the QRF missions, we do a lot to just be present and be there in case something were to happen; to have that quick response and have that just in case, right? It's better to have it and not need it than need it and not have it. A good example of that is at Strawberry Fest a couple years ago, there was an incident just a couple blocks away. Council Member Olsen stated a suicidal male, I remember that. Captain Petersen stated our QRF team that was at Strawberry Fest responded to that, and we ultimately took that guy into custody pretty quick. Mayor Bailey stated he was shooting off rounds, which Captain Petersen confirmed. Council Member Olsen stated he remembered you guys were like, okay, we've gotta go.

Sergeant Bailey stated one of the missions of our S.W.A.T. team is we train all the patrol officers throughout the County, and we are responsible for changing practices and increasing their capability to handle results. So, as a result of that, you see that there's been no area searches, no barricaded subjects, very few warrant services; that's all being handled by patrol now, where traditionally, that was a S.W.A.T. mission all day long, every day. Patrol's handling that now.

Council Member Khambata told Sergeant Bailey this might be hard to provide empirical data for, but do you feel like those QRF responses are keeping those scenarios from escalating further, like just simply the presence of S.W.A.T. early in that process prevents it from kind of escalating any further than it would otherwise?

Sergeant Bailey replied I would, 100%. Yes, I don't have the data to prove it, but I would 100% say, yes, it does. And then an example would be if you get someone that's barricaded, I can't tell you how many times all of a sudden people in green and different equipment show up, and all of a sudden they're out; like, all right, we're done. So, it definitely does help prevent it, people see it, but also with that quick response helps pretty much solve that problem really quick. Just because, all right, now there's obviously a team here that has the equipment and stuff that I'm just going to be done.

Captain Petersen stated I can tell you this, in the summer of 2022, at our city festivals, there was a Woodbury gun incident, an Oakdale gun incident, we had that incident at Strawberry Fest, and at the County Fair. Since we exist across the County, none occurred in 2023, and I can't say that's a direct causal effect, but it's the only way I can quantify they're successful, to your point.

Captain Petersen stated in 2023, we did not do any No-Knock Search Warrant operations and, obviously, no nighttime warrant service. Those are only considered for very dangerous situations, when there's no other safer option.

S.W.A.T. Training Plan

Sergeant Bailey said we train 190 hours a year; every month there is a 10-hour training. We do a Spring in-service training at the HERO Center, which is 30 hours, and then a Fall in-service, up at Camp Ripley, for 60 hours. Our specialists, like our snipers and our breachers, they have separate trainings; so, the snipers do a 2-hour shoot every month. Our breachers train 4 hours quarterly, and our negotiators, our techs, also have training; I think for this coming year it's going to be almost monthly, as well. Plus, we offer our

operators to go to different external courses and conferences; we host our basic S.W.A.T. course, that's coming up at Camp Ripley, for our new operators. We also, like Captain Petersen said, do most training of patrol officers and supervisors to help prepare them for situations on the street.

2023 Accomplishments

- In 2023, we completed 64 missions. As Brad just talked about, that includes event security, community engagement with the QRFs; we've gained a lot of support, it's been very successful.
- We ordered a new armored vehicle, a new BearCat, and that arrival is slated for October 2024.
- We acquired a Level IV Ballistic Rolling Shield.
- We're always looking at ways of restructuring our team, to make sure everything flows the best, as it should.
- We enhanced our training for our negotiators and our tech operators; hence, that's why they're training more.
- We adapted to the new NCOA standards, which changed again; they seem to be changing a lot, but ultimately, with those standards, we still meet those levels of the NCOA standards to stay at that level, a Tier 2 Level team.

Sergeant Bailey stated we'll open it up for any questions you have of us.

Director Koerner stated he had just one thing to point out, because Brad is too humble and he wouldn't tell you. This year Brad was given the 1 in 100 Award, and that's the highest level for all of this, everything he's talked about here. So, the team, Countywide, recognized him at the awards banquet this year. He won't ever tell you that, but I had to tell you. Administrator Levitt congratulated Brad.

Captain Petersen stated I know this is a long presentation, but I feel it's important for you guys to know what a great job this department is doing; it gives you the information and the tools you need to answer those questions about why do we train so much, why do we spend so much on the equipment, and things like that. So, I would hope that you take this message out in the community and mention it to them, too, so they continue to support us. I can't tell you how much we appreciate your support, and thank you.

Council Member Khambata stated it was a great presentation.

Mayor Bailey asked on the Use of Force numbers that you guys were showing, would that also include like if our officer went into another city as mutual aid or whatever? Captain Petersen replied yes.

Mayor Bailey stated so, our numbers would incorporate them, even though they're in another jurisdiction. Captain Petersen stated even our S.W.A.T. and Mobile Force Officers that go out of the city on a mission that's exclusively S.W.A.T., our numbers represent that as well.

Mayor Bailey told Director Koerner, tonight they were mentioning that there were some additional changes coming to pursuits. I like the idea, by the way, I've seen that

on a YouTube channel that they do that box technique to try to stop, other than Stop Sticks and that. What's the changes that you're speaking of?

Director Koerner replied ours have already encompassed them, and Brad can speak about this

Captain Petersen stated so, literally, the P.O.S.T. Board put out their model policy, and it's going to result in a lot of changes for other agencies; it's going to be zero changes for us, we already have it, so. Council Member Olsen stated we're ahead of the curve again; Mayor Bailey stated which is cool.

Mayor Bailey stated the reason I bring it up is the one thing; first of all, kudos to all of you guys because the fact is that we keep getting recognized. Even, I can't remember, a couple weeks ago or a month or so ago, we got the report that shows we're one of the safest cities in the United States, or in the whole State of Minnesota. And that doesn't come by chance, that comes by training and with individuals like yourself. But what concerns me when you talk about pursuits is the word is on the street; like, if I could just get to St. Paul, or if I could just get to Minneapolis, I'll be good, right? Whereas, I want to make sure that as you guys are doing this and doing every technique you possibly can, I also don't want to have people come to town and think they can steal and do all the things that they do, and that we're not going to pursue them, per se, if we aren't able to do the box-in technique.

Captain Petersen stated quite the opposite is true. We have a reputation for enforcing crime and that has a deterrent effect. Mayor Bailey stated I'm glad that that's the case. Director Koerner stated he said at a big public meeting that Cottage Grove will enforce the law. Council Member Olsen stated we do the police work here.

Mayor Bailey stated you made a comment about the new BearCat, is that going to be stationed here then, or where does it go?

Captain Petersen replied it's going to be north; so, the brand-new one is going to be at the Sheriff's Office, the old one is going to go to either Forest Lake or Hugo, and then we'll still have our MRAP.

Mayor Bailey stated that's why I was curious. So, one will be there and one is at the County seat and then we'll have the MRAP.

Captain Petersen stated as you know, the goal has been distributing our equipment throughout the County so that we've got less than a 15-minute response time to an incident, no matter where it's at in the County. That's everything from a less-lethal tool to a ballistic shield to armor to robots and drones. We've got that redundancy and the ability to respond with any piece of equipment in 15 minutes in the County; so, that's a piece of our S.W.A.T. philosophy.

Mayor Bailey stated the last question is on all that data that you shared with us, are you guys able to break it down to how much is like youth, like under 18 vs. over 18?

Captain Petersen replied yes.

Mayor Bailey stated the only reason is because that one example you're using, and a couple of them you were sharing was youth in crisis, maybe it's a kid with mental illness or something's going on. I'd be interested, personally speaking, to know what is that, or are you guys dealing more with, I'll say, troubled youth?

Captain Petersen replied statistically, yes, but I think it's because of that one particular group home. We just had this conversation in preparation for this workshop, as we were building the PowerPoint. We actually have to tell you, like it seems like we're having more, but it's hard to extract that from the data because that one group home is causing so many incidents that it's skewing the data.

Sergeant Bailey stated in the last two years, you have one juvenile, he leaves, and then you get another juvenile right away; it was like they just swapped places.

Mayor Bailey asked when those things happen, I know that we were working on that one individual, then they swapped out with another, but is there a way for us to put kiboshes if we keep having a problem with a particular property? Because I know we have ways we can do things with residences, but on a group home situation, is there something we can do?

Director Koerner replied, well, Council Member Khambata, you probably want to talk first.

Council Member Khambata stated no, there is a specific State Statute that doesn't allow us to regulate group homes for juveniles.

Mayor Bailey stated the reason I'm asking is if you had a problem, it's a property, but maybe it's the people that are running it that cause the issue.

Council Member Olsen stated a lot of them aren't equipped to handle the level of. Mayor Bailey stated well, I know the one wasn't.

Council Member Khambata stated part of it is the zoning; we can't regulate it out of zoning. So, if you want to operate a group home in a residential environment, State Statute won't, at least from what I read, allow us to. I only know this because there's a group home behind my house, and my neighbor is like, can't we stop it? And I said I'll look into that.

Council Member Thiede stated yeah, we've had issues with that. He and Council Member Olsen discussed a previous HOA incident, but Council Member Thiede pointed out that that was many years ago.

Council Member Khambata stated yeah, so it seems there's a concern that it's going to be problematic. On the Health and Human Services side, I don't know that at a City level we could make it less likely, but I don't know how without like being arbitrary.

Mayor Bailey stated but if somebody has a group home, you don't want to have issues, that's what I'm talking about. We have many group homes in our community that we're not having issues with.

Council Member Khambata stated adult group homes we can regulate, but juvenile group homes we can't.

Director Koerner stated what I can tell you is they're licensed either by the State or the County, and we were at all levels with that group home down on River Acres where we're calling the director. And these were both people on probation from Dakota County, and so, Sergeant McCormick was involved in that, with Case Management. We went down every avenue with probation. We don't want our officers to get jammed up or hurt, and we have one of our officers that got scratched. So, we were very aggressive on this with contacting every person we could, even contacts with the County Commissioner in Dakota County. We were like you guys have to quit sending your people to this profit group home, they're a fine business with the right clientele, but

they're putting the wrong people there. And just working with the hospital, too, because Masonic in Minneapolis wasn't taking him, but we worked with the caseworker, we were like we can't go through all of this, we have to bring this kid there. There's a lot, it's just really challenging, but as far as licensure and stuff, last year I learned a lot when the neighbors started calling.

Captain Petersen stated the CMU officers worked heavily on both of these cases, and they were largely responsible for resolving them. But I don't know how many hours worth of work it took.

Director Koerner stated I know the residents out there are very appreciative, just in our communications, they're not mad.

Council Member Khambata asked can we bill the billable hours to the group home?

Director Koerner replied we actually have the ordinance with Excessive Consumption of Services, so that's one of them, but with mental health crises we can't. We're looking at everything.

Council Member Khambata stated from a high level standpoint of like being on the Council and thinking what's in the Council's best interest, I think you guys are doing an exceptional job on like risk mitigation, but that sounds really boring and kind of very impersonal. On a personal level, I think that risk mitigation translates to better work-life balance for officers and not having so many stressful days. I see that as a huge recruiting tool for bringing in and keeping good officers. So, I just have to commend you guys on the job that you're doing. Yeah, the outcome is we're going to be less likely to have a high-profile incident, but on a day-to-day level, I think it's better for our department.

Director Koerner stated we're already recruiting officers that want to come to a department that does community engagement and is supportive of police.

Council Member Khambata stated it's about the culture; it's okay to not be okay, you know, kind of holding people accountable for just making sure that they're coming to work and able to support their fellow officers. The last thing you would want is to rely on somebody, and have them not be able to assist or something like that, and put somebody's else's life in danger. So, I think the culture is really impressive. I think where we stand on how we address and mitigate stressful situations and the fact that we're an example of how to do things right, I think you guys are doing a really good job.

Captain Petersen stated those kind of words are really appreciated, and just know that we recognize we couldn't do it without your support. So, thank you.

14. WORKSHOPS - CLOSED TO PUBLIC - None.

15. ADJOURNMENT

Motion by Council Member Olsen, second by Council Member Thiede, to adjourn the meeting at 9:57 p.m. Motion carried: 5-0.

Minutes prepared by Judy Graf and reviewed by Tamara Anderson, City Clerk.