



Inver Grove Heights City Council
Monday, March 27, 2023 at 6:00 PM
8150 Barbara Avenue, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Rebecca Kiernan (rkiernan@ighmn.gov). Comments received prior to 4:00 p.m. on Monday, March 27, 2023, will be provided to the Council at or before the March 27, 2023 meeting.

1. Call to Order

2. Roll Call

3. Presentations

4. Consent Agenda

All items on the consent agenda are considered routine and have been made available to the City Council at least two days prior to the meeting; the items will be enacted in one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from this agenda and considered in normal sequence.

- A. Approve minutes from February 13, 2023 City Council Regular Meeting
- B. Approve minutes from the March 6, 2023 City Council Work Session
- C. Approve minutes from the March 13, 2023 City Council meeting
- D. Approval of Disbursements
- E. Personnel Actions
- F. Approval of Charitable Gambling Raffle by Church of St. Patrick
- G. Approve Change Order No. 2 for City Project No. 2021-09D – Bryant Lane Area Improvements
- H. Resolution Accepting Proposal for Geotechnical Construction Testing Services from WSB for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation
- I. Authorization to Enter into 2023-2024 Labor Agreement with IUOE, Local No. 70
- J. Approve Application for Drinking Water Revolving Fund Loan Consideration for City Project No. 2023-03 - Water Treatment Plant Rehabilitation
- K. Approval to Opt-In to Additional Opioid-Related Settlement Agreement

5. Public Hearing

6. Regular Business

- A. Rental Housing Licenses
- B. 2nd Reading of Ordinance Amending City Code to Repeal Certain Business Licenses

C. Approve Final Plans & Specifications, Approve Park Names, and Authorize Advertisement for Bids – Northwest Area Park #1 and Park #2

7. Public Comment

Public comment provides an opportunity for the public to address the Council on items that are not on the agenda. Comments will be limited to three (3) minutes per person.

8. Mayor and Council Comments

9. Adjourn

This document is available upon a three (3) business day request in alternate formats such as braille, large print, audio recording, etc. Please contact Rebecca Kiernan, City Clerk, at 651.450.2513 or rkiernan@ighmn.gov.

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, FEBRUARY 13, 2023 - 6:00 P.M. - 8150 BARBARA AVENUE**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, February 13, 2023, in person. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Dietrich, Council Members: Murphy, Gliva, T'Kach, Scales; City Administrator Wilson, City Attorney McCauley Nason, City Clerk Kiernan, Community Development Director Rand, Senior City Planner Hunting, Parks, and Recreation Director Adam Lares

3. PRESENTATIONS:

4. CONSENT AGENDA:

- A. Approve minutes from the December 12, 2022 City Council Meeting
- B. Approve minutes from the January 3, 2023 City Council Special Meeting
- C. Approve minutes from the January 9, 2023 City Council Meeting
- D. Approval of Disbursements **Resolution 2023-021**
- E. Personnel Actions
- F. Approve Closure of Facility Use Fee Escrow Account **Resolution 2023-022**
- G. Approve Closure of Pop Fund Escrow Account **Resolution 2023-023**
- H. Approve Closure of Holiday in the Heights Escrow Account **Resolution 2023-024**
- I. Approve Closure of Concord Boulevard Floodplain Fund **Resolution 2023-025**
- J. Approve Closure of Central Stores Internal Service Fund **Resolution 2023-026**
- K. **Resolution 2023-027** Accepting Donations to the Parks and Recreation Department
- L. Storm Water Facilities Maintenance Agreement for 8715 Aviary Path
- M. Approve Plans & Specs and Authorize Advertisement for Bids – Vista Pines Trail Connection Project #2215
- N. Approve Amended 2023 Fee Schedule
- O. Award Contract for Reconditioning of Well #3 (City Project No. 2023-01A)
- P. Joint Powers Agreement with the City of South Saint Paul for Project 2022-14 - Seidl's Lake Trail and Shoreland Restoration. **Resolution 2023-028**
- Q. Authorization to Enter into 2023-2025 Labor Agreement with Law Enforcement Labor Services, Local 189
- R. **Resolution 2023-029** Approving the 2023 Environmental Advisory Commission Work Plan
- S. **Resolution 2023-030** Executing the Xcel Energy Partners In Energy Memorandum of Understanding Phase Two 2023 Implementation Extension

Motion by Murphy, second by Scales, to approve the Consent Agenda as presented.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

6. REGULAR BUSINESS:

A. Rental Housing Licenses

Community Development Director Heather Rand presented nine (9) Rental Housing Licenses for approval. The applications have been reviewed and found to be complete by staff, community development, and the police department. Staff recommends approval of the following rental licenses in the order of address, property owner, and property manager:

- 8788 BRUNELL WAY, Coating Associates, Thomas Schaefer
- 4867 BOATMAN LN Daniel Garrett, Daniel Garrett
- 4899 BITTERMAN PATH Brandt Uthus, Brandt Uthus
- 5455 BREWER LN Rachel Farris, Jeremy Hollingsworth
- 8764 BRUNELL WAY Robert & Phyllis Benz, Robert & Phyllis Benz
- 8760 BRUNELL WAY Robert & Phyllis Benz, Robert & Phyllis Benz
- 8893 BRUNELL WAY Apple Holdings LLC, Peggy Ann Lovejoy
- 8869 BRUNSWICK PATH Timothy Mansur, Scott Ficek
- 4858 BIVENS CT Michael Hamsund, Michael Hamsund

Motion by Gliva, second by T’Kach, to approve the Rental Housing Licenses as presented.

Ayes: 5

Nays: 0 Motion carried.

B. Comprehensive Plan Amendment for Blackshire Flats, LLC, located at Upper 55th Street and Blackshire Path. Resolution 2023-031

Community Development Director Heather Rand discussed the Comprehensive Plan Amendment for land on Upper 55th Street zoned/guided for commercial use. It is less than one acre, long and narrow, and has an unusual access that may have impacted/limited its development over the years. There is a robust town office park that is shared within this complex. She said she believes this is a tough decision for Council because there are two conflicting goals. Some may want to see commerce/retail/services while others may want additional types of housing. The applicant, Landucci Construction and Development is proposing a boutique/luxury 27-unit apartment building with underground parking, balconies, and nice amenities. If Council wanted the apartments, it would be voted on by a supermajority (4/1) vote. If denying, the recommendation would be to deny on the grounds of preserving the current commercial guiding. She mentioned that Dakota County contracts with Maxfield Housing Study. About one year ago, data was presented to the Council demonstrating a need for an additional 900 units of market rate housing, additional seasonal housing, and affordable housing. This 27-unit indicates demand. She shared that the Council approved a Comprehensive Plan Amendment for The Crossings apartment building located on 80th Street. That project opened with a temporary certificate of occupancy for 152 units with nice amenities. It is already almost full.

Senior City Planner Allan Hunting presented the request for property located within an area called the Bishop Heights PUD. This area is currently guided regional commercial. The Applicant proposes re-guiding it to high density residential which is 12-35 units per acre. The concept would be a three story 27-unit market rate apartment building. There would be underground and surface parking.

Background:

- Density: 27 units would be 34.6 units per acre. (Top of the high-density category)
- Parcel was originally platted in 2001 for a Vet office. There was no construction.
- Parcel has sat vacant since that time.
- The PUD contains uses such as: greenhouses, theatre, restaurants, hotels, town office park, single family, and multiple family.
- The area began developing around 1996 when the theatre was built.
- Allowing residential provides more rooftops to the area to help with commercial uses.
- Switching to commercial drops opportunity for further retail, service, or office type uses in that part of the city.

Traffic Generation:

This has been brought up by many residents. A high-level traffic trip generation was gathered by staff using publicly found data by a professional in the industry. Local consulting group Spack Consulting had

done actual counts in the metro area for some projects. That data shows how an apartment complex of this size would compare to fast food and medical/dental.

- Counts were based on a 33-unit apartment in St. Louis Park
 - Showed total daily trips; AM peak trips, PM peak trips
- Comparing that to a dental office in Blaine (seemed to be a similar comparison to a Vet Clinic)
 - Total daily trips; AM peak trips, PM peak trips

Counts ended up being very similar. An apartment complex of this size would not end up generating high traffic volumes compared to a dental office.

- Counts were also based off a fast-food chain restaurant
 - Total daily trips; AM peak trips, PM peak trips

The fast-food chain restaurant counts were significantly greater.

An apartment complex of this size would be in the same general traffic generation range of what may be there or an office type use.

Action Requested:

- Council is asked to decide if this comprehensive plan change is a good idea/bad idea.
 - If deciding this site is still viable for commercial or office, the guiding would be kept as is.
 - If deciding to go with apartments/residential, the vote would be to go with high density.
- The Planning Commission reviewed this request and recommended approval of the comprehensive plan change 4/2.
- If Council supports the change and approves, the developer would still have to go through the rezoning and site plan approval process.
- The site has been vacant for several years.
- Staff supports the request as presented.

Councilmember T'Kach questioned if the Council approved the request and the project didn't go through if the zoning would not change until there was an actual contract.

City Planner Hunting replied there is a resolution positive action. Comprehensive plan changes are subject to final plat, final PUD, or rezoning. If the project doesn't go through and the Council hasn't re-guided the land, something else might come through. This does not become effective until an actual plan is approved.

Councilmember Murphy asked if there were examples where they had rezoned and married the situation without a plan in place. He asked if they were locked in at preliminary plat, not the final plat.

City Planner Hunting replied the preliminary plat approval gives the developer their rights to the project. Final plans would still need to be approved. This doesn't guarantee a project gets done. Preliminary plat and rezoning would be the next step. If approved, it gives development rights to the developer.

Councilmember Murphy questioned if the Council approves a comprehensive plan amendment if it was a done deal and changed going forward.

City Planner Hunting replied it was changed and states which direction it should go. On official maps it doesn't change. If another developer came in tomorrow, staff would say the Council gave a positive vote to the comprehensive plan, but that it wasn't effective until the developer receives plan approval.

Councilmember Murphy asked if they were dealing with this type of situation near Target. Where the comprehensive plan and zoning was changed at the same time.

City Planner Hunting replied the zoning was not changed. The comprehensive plan was based on the same premise that it's not effective until a plan is approved. The record would say the Council vote was supportive of changing it to residential and retaining some for retail. The developer still needs to come in with something, then it becomes effective. If someone else calls and wants to do commercial, they don't have to come back through and get an amendment again, it's still commercial on maps.

City Attorney Bridget McCauley Nason stated the way the resolution is drafted; the comprehensive plan amendment would not take place until four conditions are met:

1. Comprehensive Plan Amendment subject to review and comment by the Metropolitan Council.
2. A required rezoning.
3. & 4. Final Plat and Final PUD Development Plans have been approved by the City Council.

If the project falls through it is still guided commercial. If a new developer comes in or the current developer changes their mind, the developer could proceed with a development that is consistent with the existing commercial zoning and existing commercial comprehensive plan designation. If this is approved, it sets the path forward toward amending the comprehensive plan. If there is a rezoning application, it would be consistent with the comprehensive plan. If the final plat and final PUD complies with all city regulations and requirements, are approved and eligible for approval, that would be the direction the city is moving. While it's not changing the map at this time, it is the path the Council would be going down if approving.

Nathan Landucci, Landucci Construction/Blackshire Flats, 13230 20th Street Court North, Stillwater, Minnesota, stated the lot has sat vacant for 22+ years, is commercial, and at one point was going to be a Vet Clinic. He thought the location would be great for fast food if the access allowed. He noticed there are vacancies in some of the strip malls, the office park on the site has three vacancies. He didn't believe they would want to build more of something that sits vacant. After looking at options, he determined it would make a great apartment site. The current market indicates people wanting to live close to commercial corridors; near restaurants and hotels. This would be a great spot for a boutique apartment. He said the proposal is for a 35 foot, up to three story building. He had a Zoom call with some people from the office park; there were differing vantage points. He mentioned an exact same sized building could be a hotel or office. One of the complaints he has heard is that the proposed building would block the view of the existing businesses. He sympathizes with that. A single story would block the view of the single story 300 feet away. Rezoning could have the same possible impact of blocking the view of the properties behind it. He said the building was only 130 feet long, with the office park being a quarter mile long, depending on the vantage point, there wouldn't be a lot blocked out. He said he has read comments from the community and noticed some thought this was subsidized or low income. It is not. People rent this because they want to, not because they have to. The rent for a one bedroom would likely start at \$1,800. There would be underground parking, a rooftop patio, balconies, and amenity space. He said the Twin Cities area has a shortage of housing. This is one small step to meeting the shortage. He asked the Council to consider what was best for the community, not just those impacted. He discussed demographics stating they are renting to a variety of people; young professionals, people who work from home, empty nesters. Sometimes people rent for a few years and then end up buying a house in the city.

Councilmember Murphy asked Mr. Landucci if he had considered building anything else when looking at the site.

Mr. Landucci replied that he looked at all options. A hotel would be too small, fast food would be the highest and best use if making the traffic flow in and out work. He said if this was not approved tonight and came back with something else, they may receive the same feedback from people. He said there were more office vacancies in the Twin Cities as a whole, he felt that would be a non-starter. Another option would be a strip center. He said there is a parcel south of the area available for sale that was set up for a strip center or office. He felt that parcel would be a better use for a strip center or office space. He said housing was the way to go with the market. He was unsure more commercial was needed in that area.

He said he has tried to reach out and say this was a rezone and would try to divert traffic away from the office park with a right in/right out. He felt that was an attempt for him to say he understands and would try to avoid the traffic. He said he felt they were underutilizing traffic load and providing something good. He was surprised he has people opposing this. He did not feel

there would be any opposition because the more rooftops there are, the more help there would be with employment and customers. Nearby businesses would benefit incrementally by having more units/rooftops in the area.

Sarah, 5885 Blackberry Trail, stated she lives directly behind this site. She directed a comment to Councilmember Scales stating that he ran on the issue of communication between residents and the city. She said she was on a 10-day vacation and received notice, missed the meeting, and the Planning Commission approved this in six days. She was one of two residents who received notice. She assumes that is what he meant when it's said they need better communication. She said the sign was not put up on the property until 13 days after Planning Commission approval. There has not been neighborhood input on the front end. She said it was heartbreaking for her to have to stand before the Council with three minutes to defend her home and beg that the Council listens. She felt that was wrong and was disappointed in her city for that. She said this wasn't a money issue for them, they live in this community. She said there were no neighbors or key stakeholders in attendance at the Planning Commission meeting. The meeting was short, the request was two pages, and did not include an architectural rendering. She and her neighbors had no idea what was happening until after the Planning Commission had already approved it. She asked how a change in zoning can be approved with no stakeholders present at the meeting. She commented this was not keeping with the city's responsibility to this community. This has significant neighborhood opposition; many emails were sent to the Council. Before the neighborhood was even built there was an agreement with the city that the parcel be commercial. Their neighborhood has gone back and forth with the city on this issue many times and were promised the parcel would remain commercial. She said it was zoned retail, it's a retail location, she believes it is unfair to threaten them with fast food when they know the traffic patterns won't support that either. She said they are fine with the offices and the liquor store, vape store, and axe throwing businesses. To assume the neighborhood is opposed to something just because of the principle "not in my backyard" or that they are opposed to progress in general is not accurate. They have not opposed other high density residential in their neighborhood where it was zoned. She said it was not appropriate nor zoned for this location. She mentioned that their neighborhood has some of the highest amounts of high-density housing in the entire city. It has made their neighborhood less walkable and noisier; they have not opposed any of it. She mentioned there is no playground within walking distance. She listed several apartment buildings in the area stating they are at all the density they can handle. They are having significant problems with things they already have that has not been addressed. They are preparing for new problems the Planning Commission may not have considered. She mentioned that Mr. Landucci stated there was another corner that he did not purchase. She questioned why he purchased such a small lot. She mentioned that Mr. Landucci stated at the Planning Commission meeting that it was too small for business. She could not understand how a lot too small for business could house 27 patios, underground parking, surface parking, a rooftop patio, and a party room. There are only 1.8 units of parking in the plan. She said the average family has two cars per house, there is no on street parking. The only on street parking would be overflow to their neighborhood. All the apartment buildings in the area already overflow into their neighborhood. When lots are cleared, they park in their neighborhood. She said their developments streets are very narrow, there are no curbs and sidewalks. Cars park on their lawns with all four tires. She said they do not complain and have not called the Police, they are trying to be good neighbors. Parking on both sides of the street creates a one way on a dead-end street. Kids walking to the school bus have to walk in the middle of the road. They cannot handle additional high density.

She said this proposal was at the maximum square footage of impervious surface for the lot. There are already drainage issues in their neighborhood. Every spring water from Upper 55th Street floods their neighborhood. She requests the city not increase problems in their neighborhood before fixing existing ones.

She addressed traffic stating there is no left turn into the property so people would be making U-turns at the light. The right turn does not have a dedicated right turn lane. The only dedicated right turn is to their neighborhood. Any traffic making a right turn will block up traffic to the light. She said their neighborhood had to fight for the right turn lane to prevent the issue. She addressed Mr. Landucci's comment that

people would like to live next to an office park stating she disagrees. This is on a busy intersection, it's not a good place for anyone to live. There's no greenspace, amenities, pool, playground, and not enough parking spots. There is a huge apartment building across the street that is not charging luxury rates and has all those things. She said she would love if a park would go there because there isn't one nearby but knows that isn't realistic. She asks the Council as a neighbor who lives here to take into consideration that its zoned retail, in a prime retail location. Citizens of the city were promised more retail options, rezoning retail space is counterproductive to that. She said the neighborhood asks that the city maintain the agreement made for them when they chose the place they live.

Paul Phelps, 5754 & 5758 Blackshire Path, stated he has a law office in the building closest to Upper 55th on the end and owns two units. He bought the office 21 years ago. He speaks on behalf of himself and the association. He stated that the argument was made by Mr. Landucci as to why he would want more office space in front of his business. He said he would invite other businesses into the area, it would be good for everybody. He said he was the only one at the Planning Commission meeting and spoke against the change to the master plan. He has spoken with Community Development Director Heather Rand who explained that Mr. Landucci was open to building commercial space, but Mr. Landucci states he is not, he wants residential. He commented that there is more money in high density residential. He did not think it was fair to his office complex or those in attendance to succumb to a developer that just wants money. He said he can't blame him for it. He urged the Council to deny this master plan change.

Regina Barr, 5947 Bryant Lane, Majestic Woodlands Development, stated she is speaking against the proposed zoning changes to Blackshire Flats. She sees a trend in the community to convert commercially zoned property to high density residential. She felt it was premature to start. She said several residents are opposed to this project.

She referenced a survey that Commissioner Atkins did that posed a question regarding affordable housing proposals. It asked what thoughts were about suburbs such as Richfield and Bloomington that are considering allowing duplexes on lots now zoned for single family and/or decreasing the minimum lot size for homes. She said 76% were opposed because they relied on the current zoning. She said she has a problem with the city continually making changes to the zoning. She said residents are interested in more retail. When asked about having a bakery in our community, 85% said they would love to see a bakery. She said at a recent meeting Councilmember Gliva had mentioned that the city is hiring an Economic Development Consultant. She said she felt like we were going to be spending money to get someone to come in and look at what the city is looking to propose and develop. Making a change right now is premature. She mentioned that some of the commercial businesses they see openings with could be due to COVID which hit a lot of small businesses hard. She felt they needed a chance to get out from under COVID before continuing to utilize commercial property space. She commented if the applicant wanted to develop something that keeps with what is there commercially, she would have no problem with putting something single story high density residential. She did not feel it was about blocking, but what is keeping with the rest of the development of the space/property. She said she also heard that Mr. Landucci would be fine with commercial. She has heard high density residential, luxury, and work force housing: there is a lot of confusion surrounding that. She said it was disappointing to hear that only two residents were notified. She said it was great that Mr. Landucci reached out to the other business owners, but those do not necessarily live in our community. She stated the residents here live in this community, work, raise families, and vote in this community; they are the ones that deserve to be heard this evening.

Susan Grimes, 5906 Blackberry Bridge Path, behind the proposed Landucci development, shared that she and her husband have been there for 24 years. When they moved in, they loved the fact that the whole corner was all trees. They knew things would have to change and are in favor of the town houses and the strip mall that came in. She suggested having something that fits with the environment, single story, with the zoning that was agreed upon years ago. She disagrees with rezoning and said it is not within the community's interest to change it.

Bud Grimes, 5906 Blackberry Bridge Path, Forest Haven neighborhood adjacent to the proposed rezoning, said he agreed with just about all points made by Sarah who spoke earlier. He said there are town offices in the space, not town houses. His issue with rezoning is the issue of precedent. 25 years ago, when the Council looked at the town office development, the neighborhood adjacent was very adamant that those town offices never become town homes. He was concerned that rezoning to high density residential could bring about the opportunity of some of the open town offices being sold as town houses.

Mayor Dietrich said there were several emails received. She requested they be entered into the public record.

Motion by Gliva, second by Scales, to enter the emails received into the public record.

Ayes: 5

Nays: 0 Motion carried.

Gary Keindl, 5880 Blackberry Trail, said he shares the same concern of the town offices converting to residential if the development fails. Today there are businesses working 8:00 to 5:00 Monday through Friday with low traffic. This is a situation with an undersized parcel for an apartment building, not zoned for apartments. He reminded the Council of the comprehensive plan residents bought into and the zoning that went with it. The original plan was designed for an office building that was never built. He felt it was still prime office space. He doesn't believe there is a lack of necessity for an office building, there is lack of opposition to it. He commented there is the idea of trusting what the city has decided and that they won't back out on it.

Sarah, 5885 Blackberry Trail, asked how many opposition letters were received.

City Clerk Rebecca Kiernan replied 21 were received over the weekend, others were included in the Council packets.

Mayor Dietrich said that information can be shared with Sarah via the City Clerk at a later time.

Tom Prifrel, 5876 Bryant Lane, mentioned that he agreed with everyone who has spoken. He wishes to be put down as a "no." He questioned the 350-foot notification stating he felt it seemed short.

City Administrator Kris Wilson replied State Law sets the notification parameter for any rezoning. It is followed by many due to its consistency.

Mr. Prifrel said there is transitional housing near them, it seemed like they were having a lot of issues with police next to their neighborhood. He believed that was somewhat of a concern, he does not want to have a repeat.

Councilmember Scales stated the city website has a lot of information that residents could check to see items coming up. He mentioned that every 10 years the city goes through the Comprehensive Plan; it's a living, breathing document that changes from time to time. He did not think it is about not changing the comprehensive plan, but more of what is right in the city and the area. He said he believed that a consultant was just approved to look at these issues. He would like to hear what they have to say before changing guidance around the city. He said he would lean against this for those reasons.

Councilmember Murphy said he understands the comprehensive plan needs to change sometimes. He believes every time it is changed it would lead to other changes. He said he felt the 2040 Comprehensive Plan was the best vision of Inver Grove Heights right now. He was not willing to give up retail space until there is more information. He is not in favor of the change.

Councilmember T'Kach was empathetic with the issue of the 350-foot rule. She commented that it doesn't mean as a community, they can't come together and decide what they are willing to afford. She said it was

not cheap to notify people. She questioned how to better notify a community when doing these types of things be it better signage or earlier signage. She said it's not on the Council's work plan to work on this but felt as a community they need to be better at figuring out how to move forward. She shared that she looks at this piece of land and asks what would be best for retail in this situation. There are restaurants, a coffee shop, green houses, and medical care close by. To her this was an ideal place for residential property. The comprehensive plan says they want a walkable city with trails, sidewalks, be more connected, not have to get out of the car, and enjoy the community. She said she did not know there wasn't a park in the area.

She mentioned she does not see the visual issues whether this area develops as retail or residential. Some of the offices were visible in the back where some are not visible from the street. She said other places in the city have been rezoned such as The Crossings on 80th which has 150 apartment units and 30 townhomes. She lives in that area and didn't want that building to go up. At that time, she was on the Housing Committee; the Committee supported it because they knew that was the best thing for the city at the time. It was near retail, made the most sense economically, and was what the city needed at the time. The area was zoned for office park; nobody wanted to build an office park in the area since it was rezoned 10-20 years. She stated this is an opportunity. She said she is new to the Council but knows over the next several years we can do a lot better as a community. She questioned if people in the room, and others, could sit down with the current developer to come up with a compromise.

Mayor Dietrich agreed there was a lot of information available on the city website. She said the website has been improved over the last year.

She stated it was mentioned that Commissioner Atkins had a survey out about what the community wants. She is a policy maker for this community; it is important for her to pay attention to what is good for our community, not necessarily housing numbers for Minneapolis or the State of Minnesota. She said that was how she would be basing her vote this evening.

Councilmember T'Kach said that Commissioner's Atkins survey was not a statistically accurate survey. It is whoever is on his newsletter list and responds. She said Joe would be the first one to say it's pretty slanted. She asked to keep that in mind.

Motion by Murphy, second by Gliva, to deny the change of the Comprehensive Plan Amendment for Blackshire Flats, LLC, located at Upper 55th Street and Blackshire Path. Resolution 2023-031

Ayes: 4

Nays: 1 (T'Kach) Motion carried.

C. Resolutions Accepting Bid, Awarding Contract and Approving Budgets for City Project No. 2114 - South Valley Park Redevelopment. Resolutions 2023-032 & 2023-033

Parks and Recreation Director Adam Lares provided an update on South Valley Parks Redevelopment: Current State of the Park:

- Shelter was built in the 1980's
- Playground was built, rehabbed in 1999
 - All are beyond their life cycles

South Valley Park Redevelopment:

- The Council approved the Master Plan for Phases 1, 2, and 3
- In 2021, design work began for Phase 1:
 - Includes the playground, picnic shelter, performance area, parking lot extension, trail connections, and amenities associated with the new activity area.

Design Overview:

- In 2021 Council approved design efforts and plans and specifications to develop with the firm HKGi
- Playground Design:
 - The design is out with Flagship Recreation and Landscape Architects

- Park Shelter Design:
 - New heated catering kitchen
 - 2 restrooms
 - Drinking fountain
 - 9 picnic tables
 - Serving and staging counter areas

Bid – August 2022:

- Lowest bid received at that time was \$2.75 million dollars
- Engineers cost estimate for Phase 1 was \$2.25 million
 - This exceeded the cost estimate by \$490,000
 - The City Council rejected the bid
- Council approved to rebid the project in January, 2023

Project Cost Estimate. Updated in December, 2022, for January bidding:

- Overall project cost: \$2,944,227
- City direct purchases: \$437,269
- Construction cost estimate including 20% contingency: \$2,506,958

Bid Results. January 27, 2023:

- 5 Bids were received
- Weber, Inc. was the lowest bidder at \$2,381,104
- Estimated overall project cost: \$2,944,227
- By accepting the Weber, Inc. bid of \$2,381,104 and adjusting the contingency to 6%, the overall project cost comes in under the estimated overall project cost by \$746

Bid Comparison:

- When bidding in August, 2022, the lowest bid was \$2.75 million
- In January, 2023, the lowest bid came in at \$2.38 million
- Difference/cost savings: \$370,000

Funding Sources:

- Park Capital Replacement Fund: \$1,958,481
- Park Acquisition and Development Fund: \$350,000 (covers new amenities within the parks) for the heated catering kitchen
- Pavement Management Fund: \$285,000 (expansion of the parking lot)
- DNR Grant: \$250,000 (expires at the end of this year)
- Water & Sewer Fund: \$100,000 (connects to city)
 - Total: \$2,943,481

Park Acquisition and Development Fund:

- Approximately \$5.3 million dollars in the fund
 - Includes Northwest Area Park #4, Heritage Village Park Phase 4, the remaining two northwest area parks currently being designed, trail connections, Seidls Lake trail reconstruction and extension.
- After spending down the above mentioned, there will still be \$1 million dollars in the account

Construction Timeline:

- Construction begins Spring 2023
- Fall 2023: Substantial construction completed
- Spring 2024: Final construction items (if needed)
 - By this time there will be enough completed for construction in terms of the DNR Grant which expires December, 2023
- South Valley Park will be closed during construction

Staff recommends the adoption of the following resolutions:

- Accepting the bid and awarding a contract to Weber, Inc., in the amount of \$2,381,104
- Approving budgets for City Project No. 2114-South Valley Park Redevelopment

Councilmember Scales asked if the sliding hill would be open in the winter.

Parks and Recreation Director Lares replied the hill should be open in January.

He mentioned that some city parks staff will be helping with demolition for cost savings.

Parks and Recreation Director Lares shared that the playground was previously located towards the back and would be brought to the forefront. It will be seen from 70th Street. Staff will be looking into wayfinding signage to enhance visibility.

Motion by T’Kach, second by Murphy, to approve Resolution 2023-032 Accepting the Bid and Awarding a Contract to Weber, Inc., for City Project No. 2114 - South Valley Park Redevelopment.

Ayes: 5

Nays: 0 Motion carried.

Motion by Gliva, second by Scales, to approve Resolution 2023-033 accepting the Budgets for City Project No. 2114 - South Valley Park Redevelopment

Ayes: 5

Nays: 0 Motion carried.

Mayor Dietrich thanked the PRAC Commission (Parks and Recreation Advisory Commission).

Parks and Recreation Director Lares appreciated the work that the Parks and Recreation Advisory Commission has done.

D. Resolutions Accepting Bid, Awarding Contract and Approving Budgets for City Project No. 2115 - Heritage Village Park Phase 4. Resolutions 2023-034 & 2023-035

Parks and Recreation Director Lares provided an update on Heritage Village Park Phase 4:

Current State of the Park:

- Located in the northeast corner of the city
- Council approved the Master Plan
- Dog Park and parking lot were built in 2019
- Paved trails, parking lot
- Phases 1-3 are complete

Heritage Village Park Phase 4 Overview:

- In the works since 2020. The park will include: a roundhouse shelter, bench coverings, restroom building, drinking fountain, concrete pavement, railroad walkways, and landscaping

Bid – July 2022:

- The City Council approved authorization to do plans and specifications, and go out to bid
- At the time, the lowest bid was \$1.8 million dollars
- Engineers cost estimate: \$1.5 million
 - Exceeded the cost estimate by \$300,000
 - The City Council rejected the bid
- Council approved to rebid the project in January, 2023

Project Cost Estimate. Updated cost estimates were done at the end of December

- Bidding in January, 2022
- Overall Project Cost: \$1.9 - \$2 million dollars
- Includes 5% Contingency, site furnishings, construction administration: \$212,500
- Construction Cost Estimate: \$1,782,863

Bid Results – February 1, 2023:

- 5 bids were received
- Brennan Construction submitted a bid that was disqualified due to an error

- The second lowest bid was from Weber, Inc. in the amount of \$1,428,971.46
 - WSB Consulting provided a letter of recommendation to accept the lowest bid of Weber, Inc. and disqualify Brennan Construction

Bid – February 2023:

- Estimated overall project cost: \$1.9 to 2 million dollars
- Engineers cost estimate of \$1,782,863
- By accepting the Weber, Inc. bid of \$1,428,971.46 with a 5% contingency, the overall project comes in under the estimated overall project cost by \$378,257
- Overall project cost: \$1,621,743

Bid Comparison:

- July 2022: \$1.82 million dollars
- February 2023: \$1.42 million dollars
 - Difference of \$400,000

Funding:

- Park Acquisition and Development Fund: \$1,371,743
- DNR Grant: \$250,000 (Grant expires December, 2023)
 - Total \$1,621,743

Park Acquisition and Development Fund:

- Northwest Area Park #4 was kept in this fund to ensure there is adequate funding
- Also includes:
 - South Valley Park kitchen
 - Seidls Lake
 - Two parks in the northwest area currently in design

Construction Timeline:

- February 13, 2023: Accept bid and award contract
- Spring 2023: Construction begins
- Fall 2023: Substantial construction completed
- Spring 2024: Final construction items (if needed)

Staff Recommendation:

- Adoption and acceptance of the bid and awarding a contract to Weber, Inc. in the amount of \$1,428,971.46
- Approving budgets for City Project No. 2115 – Heritage Village Park Phase 4 Development

Councilmember T’Kach asked if there was a chance for cost savings with Weber, Inc., and if Weber, Inc. had the physical capacity to get both projects done given their workloads.

Parks and Recreation Director Lares replied he has had discussions with Weber, Inc., who has assured him they have full capability to complete both projects simultaneously. Both consulting firms confirmed Weber Inc’s., work and references; they have a good product. He said he was unable to see if there would be potential cost savings. It is a legal question as to being allowed to adjust the bid, but he could check further.

Councilmember Gliva asked how there was such a cost savings at this time when costs are increasing everywhere. She questioned if there was better information, better estimates.

Parks and Recreation Director Lares replied the bid was advertised differently with the South Valley project. In the previous bid staff did one lump sum. Elements were broken down in terms of the playground, site work, and facility. Due to this, a more accurate estimate was received. He said he felt they were in the best bid timing; some may have fine-tuned estimates. The DNR Grant timing was also a concern. If something doesn’t go to fruition with either project, he could reach out to the DNR to request an extension. Both projects have already been extended due to COVID at the end of 2021.

Councilmember Gliva asked if fine tuning applies to Heritage Village Park.

Parks and Recreation Director Lares invited the consultant, Candace, to elaborate. Candace Amberg, WSB, addressed the cost savings stating that last year was a very difficult year for bidding especially due to the timeline. There were products the contractors were not able to acquire. Due to that, costs were higher. A lot of contractors were full for their projects. Last year Heritage Village Park received one bid, this year there was a more competitive environment. A lot of contractors were interested in the project, there was better product availability.

Councilmember Murphy referenced Phase 4 and questioned if approved, if it would limit them from doing any of the dream projects, they have thought about such as moving the old City Hall and the Schoolhouse, to make it the Heritage theme it originally started out as. He questioned if there was anything in Phase 4 that may stop them from doing those.

Ms. Amberg replied it does not limit them. The whole Master Plan was built around identifying locations if desiring to bring in the other buildings. Locations for the buildings are on the plan.

Motion by Murphy, second by Scales, to approve Resolutions 2023-034 and 2023-035 Accepting Bid, Awarding a Contract, and Approving Budgets for City Project No. 2115 - Heritage Village Park Phase 4.

Ayes: 5

Nays: 0 Motion carried.

E. Summary of City Council's February 2, 2023 Priority-Setting Retreat

City Administrator Wilson presented a summary of the outcomes of the City Council's 2023 Retreat that took place on February 2, 2023. She was present at that retreat along with other senior staff members to discuss priorities for the upcoming year. Staff requests that Council ensure all information has been captured correctly and there are accurate descriptions.

Ongoing/Continued Priorities - Areas that the Council has been working on during 2022 that are ongoing and/or unfinished.

Staff wanted to make sure they were communicating to the public that these priorities are not going away:

- Pavement Management
 - Recommendations that came out of the final report from the Citizen's Task Force
- Park Development in the Northwest Area (NWA)
 - Bringing about new parks
 - Reinvesting in parks in other areas of the city such as South Valley
- Utility Rates and Funding (specifically stormwater)
 - Adjustments were made in 2022 for utility rates/fees
 - Additional work needs to be done regarding stormwater

Six (6) areas of focus for 2023:

1. Efforts to expand, enhance, and accelerate the attraction and development of retail, restaurant, and consumer service offerings available locally.
2. Work to review, modernize, and amend a wide variety of City Ordinances in an effort to provide clarity for residents and businesses, supply the necessary tools for staff to address community concerns, and reduce duplications and contradictions with the City Code.
 - a. The City Code is a living/breathing document that has been amended over time.
3. Development of up-to-date cost recovery expectations for the Veteran's Memorial Community Center and other recreational program offerings to guide future budgeting and operating decisions.
 - a. Currently the Veteran's Memorial Community Center operating budget is covered by memberships, program fees, ice arena rentals, community room rentals, and a transfer in from the Host Community Fund.
 - b. It is not self-sustaining. Very few community centers are.

4. Completing a needs analysis and preliminary plan for the expansion, remodeling and/or repurposing of the City's Maintenance Facility and surrounding facilities, including the current cold storage buildings, and parking and security constraints at the Police Station.
 - a. To help with this issue the city has purchased residential property adjacent to the maintenance facility. Determine how to best utilize and reconfigure the space.
5. Determine the desired direction and, if warranted, next steps for key roadway projects included in the 2040 Comprehensive Plan for the northwest area, including a potential interchange at Argenta and I-494 and the potential expansion of 65th Street east of Highway 3.
 - a. Both roads are called for in the comprehensive plan and have adjacent land for sale or marketed. Decisions would need to be made about how the city foresees the roadway infrastructure projects.
6. Discussion around community standards and blight prevention strategies to enhance both the visual appeal and overall public safety of Inver Grove Heights.
 - a. Some of this relates back to the review of ordinances. Involves ordinance clean up in order to assist staff.

Additional Priorities:

- Prioritize clear, consistent, and pro-active communication with residents and businesses regarding city policies, procedures, and processes, key timelines, and opportunities to provide input.
- Education on senior housing to gain a more comprehensive understanding of the housing types and costs currently available in Inver Grove Heights. Market trends, demands, and resident needs.

Staff requests Council feedback regarding if this was what was determined from the retreat or if there was anything that Council wanted to have changed.

Councilmember Scales agreed with what was discussed and presented.

Councilmember T'Kach noted #5 and stated her understanding was that it was not going to be the role of the city to lead that effort. She questioned if it was something that could be discussed in the next few weeks to either move forward or take it off the table and focus elsewhere.

City Administrator Wilson suggested hearing from all five Councilmembers to receive feedback.

That item can be scheduled in the next few weeks for further discussion.

Councilmember Murphy referenced #6 and asked if it would be appropriate to add an analysis of the rental situation. He asked if this was something different and not a part of the discussion.

City Administrator Wilson replied rental housing was discussed by the Council in 2022 regarding whether the level of licensing and/or inspection was at the right spot and needed to be enhanced.

She said she did not recall it coming up last week, that doesn't mean this cannot be amended.

Councilmember Murphy mentioned that it was regarding the long term/short term rental situation that has not been resolved yet.

City Administrator Wilson responded that staff would bring it back before the Council under Item #2 as an ordinance that lacks clarity.

Councilmember T'Kach asked if staff has looked at the resources it was going to take or prioritization on what may be achievable this year. She asked if there was a plan to approach this.

City Administrator Wilson replied that staff does not have a plan yet. If Council agrees with what has been presented, the next step for staff would be how, by whom, and by when. Staff will prioritize these and come back with an update. Doing the needs analysis and preliminary plan for the maintenance facility will require a contract with a consultant with architectural/building skills. Money for that is currently allocated in the budget.

She stated that Item #5 will require determining a funding source. The priority is to make decisions as to where to go, which leads into budgeting in future years or seeking other sources of grant funding for an interchange. She stated this would be a matter of time, not money.

Councilmember Gliva shared that she was at a Chamber meeting last week. She mentioned that Commissioner Atkins, Senator Kline, and Representative Mary Frances Clardy were there. It was brought up that the city received information on the Argenta and 494 interchange. She wanted to share that the information is out there and will likely be discussed further.

City Administrator Wilson said she wasn't at the same meeting, but also got the same impression. The interchange is in the county's long-range plan.

Mayor Dietrich asked how this would come to fruition. She requested updates to see where things are at, if they are meeting objectives, and how realistic they are.

Councilmember Murphy shared that he felt the list was too long. He believes it was important for staff to let the Council know if it's too much, and if there aren't enough people.

Councilmember T'Kach referenced Item #2, modernizing ordinances, and stated the Council Chambers were filled this evening with people who felt they had not been heard previously. She questioned how to look at that issue. She said if they were to look at the ordinances without having resolved some kind of better communication, how they would engage the public. She questioned if there was an order of the work shown that staff would consider. She said getting the public engaged is a more difficult and challenging situation, it would make the work go faster once it's started. She believes they would end up with a better product in the end and would not have to end up looking at the ordinances again in two years because they realize they may not have received enough input. She asked if staff has had the chance to think about that.

City Administrator Wilson responded that she was sure there has been some thought to it. There has not been a robust discussion about the timing of how it fits in. She said it was something that winds its way through all of the numbered priorities. As staff discusses how they plan to tackle these, one of the questions would be how to communicate about this to residents. She said that may inform the order in which staff tackles ordinances. She said there is a struggle with communication in the city; there is not a local newspaper. Communications staff works hard using social media, the city website, and the Insights newsletter.

She said if Council states staff is on the right track, the next Insights newsletter is currently being written and would go out in March. Staff plans to make this the front-page cover.

Motion by T'Kach, second by Gliva, to approve a Summary of City Council's February 2, 2023 Priority-Setting Retreat.

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

Isaac Contreras, 28633 127th Street, Zimmerman, Minnesota, introduced himself as the Twin Cities Chapter past President and Current Director of the Governmental Affairs Committee of NAHREP Twin Cities (National Association of Hispanic Real Estate Professionals). This is a National Trade Organization made up of over 40,000 real estate practitioners with over 100 chapters across the United States. There is a chapter in the Twin Cities. He mentioned that he also brought with him this evening, Jean Pierre Pallais, who also serves on the Board of Directors. He stated NAHREP Twin Cities is the voice for Hispanic real estate and proud champions of home ownership for the Hispanic community in and around the Twin Cities. They were in attendance to introduce themselves and offer themselves as a resource for answers and guidance as local policies are discussed and decided upon. These include zoning changes, new housing policies, or adjustments to the city's comprehensive plan.

He shared that he wanted to dispel some misconceptions, one of which is that you must speak Spanish or be Latino in order to be a part of NAHREP Twin Cities as a member or leader in the chapter. Both are myths and not necessary. They look for members/partners that are interested in their mission. Their mission is to advance sustainable Hispanic homeownership.

He stated a recent study from the Urban Institute predicts for the next 20 years, 70% of all new homeownerships would come from the Latino cohort. The U.S. Latino GDP is more than \$2.7 trillion dollars. Every year nationally, NAHREP produces a report called the State of Hispanic Homeownership. This is how they track how they are performing as a cohort. It was noticed the State of Minnesota saw one of the fastest Hispanic growth rates in the region, up 62.3% since 2010. According to the Census, the Latino population in Inver Grove Heights has grown and is in the top 15 cities in the State of Minnesota in regards to cities with the largest Latino population, which is currently over 12% in the city. He suggested the Council get in touch with them and let them know how they can help.

Councilmember Scales asked where the Council could get a copy of the report.

Mr. Contreras replied he could email the information to the City Clerk. There is a 2021 report, the 2022 report would be released in December. He said he could also share that information.

Councilmember T'Kach asked if there was a local office.

Mr. Contreras replied they do not have a local office. They are a local chapter made up of volunteers, most of which are real estate practitioners.

8. MAYOR AND COUNCIL COMMENTS:

City Administrator Wilson shared that the House and Senate Bonding Bills were released. Both of Inver Grove Heights' requests are in both bills. There is \$2 million dollars for Phase 5 of Heritage Village Park, and \$5 million dollars for 117th Street. She mentioned that a big thank you goes to the Legislative Delegation, Representative Mary Frances Clardy, Senator Kline, and Representative Rick Hansen

9. ADJOURN:

Motion by Scales, second by Gliva, to adjourn the meeting at 8:12 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek

**INVER GROVE HEIGHTS CITY COUNCIL WORK SESSION MEETING
MONDAY, MARCH 6, 2023 - 6:00 P.M. - 8150 BARBARA AVENUE**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, March 6, 2023, in person. Acting Mayor Murphy called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Acting Mayor Murphy, Council Members: T'Kach, Scales; City Administrator Kris Wilson, City Attorney Bridget McCauley Nason, Deputy City Clerk Katie Malott, Community Development Director Heather Rand

Present via Zoom Video conferencing: Mayor Dietrich, Council Member Gliva

3. DISCUSSION ITEMS:

A. Business Licensing

City Administrator Kris Wilson provided an update on the City Code Business Regulations. This falls under the priorities for 2023 that were adopted by the Council.

Current Categories of Business Licenses:

- Alcoholic Beverage Sales - On and Off Sale
- Pawnbrokers & Precious Metal Dealers
- Bowling Alleys
- Motor Vehicle Sales
- Automobile Service Stations
- Automobile Junkyards
- Massage Businesses
- Body Art Establishments
- Peddlers & Solicitors
- Dog Daycare & Kennels
- Trash Haulers

Staff has discussed changes to the following four:

- Bowling Alleys
- Motor Vehicle Sales
- Automobile Service Stations
- Trash Haulers

Staff also discussed bringing in a new type of licensing for the following:

- Tobacco Sales

Why require a license:

- Most city licensing activities are tied to a public safety goal of the city:
 - Adult products such as alcohol and tobacco
 - Risk of criminal activity such as massage therapy and pawn shops
- In Minnesota, cities are generally not involved in public health/sanitation related inspections or consumer protection (restaurants and hotels) – those fall to the state

Bowling Alleys:

- In 2015 the city repealed a licensing requirement for dance halls and cabarets. Staff recommends bowling alleys also be repealed.
- Listed in the City Code; no licenses have been issued since at least 1988.
- If repealing the requirement to have a bowling alley license, any bowling alley that serves alcohol would still have to have a liquor license.

- South St. Paul is the only other city in Dakota County requiring a license for bowling alleys
- Uncommon for cities around the area to be licensing bowling alleys

Councilmember T’Kach referenced alcohol, tobacco, massage parlors, and pawn shop licensing and questioned if the city goes out and checks on things or if it is by complaint only.

City Administrator Wilson replied that compliance checks are done for those holding a liquor license in the city. Compliance checks are also done at massage therapist establishments. The city currently requires a license to be a pawn broker; there are none operating in the city. Tobacco sales are licensed by the County; the Sheriff’s office does compliance checks to ensure sales are there.

City Administrator Wilson discussed Motor Vehicle Related Businesses:

1. Motor Vehicle Sales (new and used)
2. Automobile Service Stations
3. Automobile Junkyards
 - Staff is proposing to repeal #1 and #2, and to keep #3
 - Motor vehicle sales are currently licensed by the state (Department of Public Safety Division of Driver and Vehicle Services). Staff questioned the value in continuing to license. No compliance checks are done.
 - Service/Gas Stations are regulated by the Department of Commerce. Staff questioned the value in continuing to license. No compliance checks are done.
 - There would be a modest loss of revenue. Current licenses bring in \$6,500 per year combined (Service/Gas and Motor Vehicle Sales). This also frees up staff time for other work.

Current licenses for these expire on April 30, 2023.

Two cities in Dakota County, South St. Paul, and West St. Paul, requires licensing of these types of businesses.

Councilmember T’Kach stated she was not aware of any junkyards in the city.

City Administrator Wilson replied there are none licensed. While in the process of writing up the agenda, someone mentioned a site to the City Clerk that staff would be following up with.

Councilmember T’Kach asked if the city does anything with a junkyard if noisy or if there were complaints. She questioned if those issues could be handled through other ordinances.

City Administrator Wilson responded that the Code Compliance Officer, Community Development Director, and City Attorney all agreed there were other sections of code that cover service stations. Staff recommends keeping #3, automobile junkyard, at this time because that type of business could create concerns for neighbors. It also has the potential to factor into crime similar to a pawn shop.

Councilmember Gliva referenced West St. Paul and South St. Paul’s licensing fees and questioned if it meant they are providing some kind of service the city is considering.

City Administrator Wilson replied she was unsure. She said staff could contact those cities for information.

City Administrator Wilson discussed Tobacco Sales stating this item is one staff is requesting the Council consider adding.

- Dakota County currently provides this type of licensing and enforcement
 - There are 40 currently licensed in the city

- Inver Grove Heights is the only large city in Dakota County not doing its own tobacco licensing.
- Through conversations with Dakota County staff, it is proposed the city put a tobacco licensing ordinance in place and be prepared to take on the renewal process.
- Brings in more than the \$6,500 from lost fee revenue and uses staff time.
 - The city clerk's office and the police department feel they can take on this function at current staffing levels.

Trash Hauling:

- Staff seek clarification as to what the city should regulate
- Currently requires any hauler wishing to provide service in the city have a license from the city
 - The number of licenses was capped
 - When the ordinance was adopted, the number was at 17
 - The ordinance stated as licenses were surrendered, those licenses would not be re-issued to a new company. This condenses the number of haulers in the city.
 - This was not done to limit competition but to reduce the wear and tear on city streets
 - All large cities in Dakota County either license haulers or have a closed system where the city picks a single hauler and requires all residents to use that hauler
 - This exists in only two cities in Dakota County, the rest license them
 - The City of Eagan has 7 haulers, Burnsville has 6, Inver Grove Heights has 15
- Does the Council want to regulate roll-off container businesses
 - Does not include ones delivered or emptied weekly (outside apartments or businesses)
 - Consists of remodeling projects or cleaning out a home. (One time dumpster/roll off container)
 - Code is unclear as to whether or not this needs to be a licensed hauler
 - Numerous unlicensed haulers provide this service

City Administrator Wilson asked if the Council would like the code to specifically exempt people who provide roll off services only. The license would only be required for those that have a regularly scheduled pickup, or if wanting this to be included in the licensing process.

Mayor Dietrich shared that the constituents she has spoken with seemed like this wasn't an issue right now. She said she would hate to be a solution looking for a problem. She would like to see it stay the way it is.

Acting Mayor Murphy asked if anybody could bring a roll off in the way it was currently stated.

City Administrator Wilson replied that was the way it is in practice. When staff knows of a company bringing in a roll off container they have not reached out to tell them to stop or that they do not have a license in the city. It has been allowed to take place without any enforcement.

Councilmember Scales said he didn't mind the idea of a license for the boxes/dumpsters. He was concerned about limiting the number of haulers. If the number of haulers continue to go down, he felt that was saying no one else can get in this business in the future. He believes the more competition the better. He does not like limiting trash haulers.

He said he was unsure how to contact those that provide boxes/dumpsters. He would like to know what the value would be to have a license. If the license was just to add a license and collect the fee, that doesn't add value to it. He questioned if there would be a mechanism to check on the boxes and what they would do. He requested information about the value.

City Administrator Wilson responded that staff doesn't have a strong value on roll off dumpsters. She said she spoke with Public Works Director Connolly while putting together this agenda item. There is a certain volume of demand for roll off containers throughout the city. Whether that be with five or ten providers, they tend to be single trips. Staff's purpose in licensing regular service providers is to consolidate and control the number of trips on city streets. From a public works perspective, Mr. Connolly did not see a strong argument for requiring roll off container providers have a city license.

She mentioned there were other provisions of Code such as weight restrictions and laws as to where they could park in a right of way. Those apply whether licensed or not.

Councilmember Scales said he understood the road issue. He didn't believe they would ever find a city that has one trash hauler that has been more economical than someone who has multiple. He felt there were more things to look at such as residents, instead of just wear and tear.

City Administrator Wilson said staff is not proposing to go to a single system set up.

Councilmember Scales mentioned as haulers drop, that number goes down in years to come.

Acting Mayor Murphy asked if the question was about staying at 15 haulers.

City Administrator Wilson replied the question was if expecting companies providing roll off containers to be licensed. Regardless of the answer provided, staff would work with the City Attorney to make sure the code is clear.

Acting Mayor Murphy referenced the list of providers and asked if the five checked off provide roll offs.

City Administrator Wilson replied yes.

Acting Mayor Murphy questioned if there was another company that was not checked off that provided a roll off if they were technically licensed or not licensed.

City Administrator Wilson replied it was her understanding those were licensed to provide a service in the city. The city questionnaire asks which of the listed services they provide. She did not believe they were specifically licensed for only those items.

Deputy City Clerk Katie Malott agreed that the questionnaire asks what other services are provided. There is a slight difference in fee by \$50.00 if having roll offs.

Acting Mayor Murphy mentioned companies that do not currently provide roll offs would still have the ability to have free market advantage. His opinion is with 15 options in the city, he would prefer to see roll off containers monitored somehow and make them a part of the licensing.

Councilmember T'Kach said to her, there is not a lot of value to licensing. She commented they were without a value and did not have the wear and tear on roads like there is with weekly garbage haulers. She said if there were issues, those could be dealt with accordingly. She agreed with businesses starting up and competing with others.

Councilmember Scales said he didn't see the value in having a license for roll offs when there wasn't any enforcement. If there was a mechanism for enforcement for being without a license, he may think there was value for it. He referenced the five listed who bought licenses and said those should be protected because they bought the license. Since enforcement isn't done with those five, he said he feels guilty going to them and telling them to pay the license and try to argue with them that they are getting a value for their license fee.

Acting Mayor Murphy said he understands what is being said. He questioned why they don't tell the 15 companies who already did what they were supposed to in the city. Then they could say no matter what size the garbage container is, they need to be licensed to bring it into this city.

Councilmember Scales said he felt there were more than the 15 listed bringing roll offs into the city.

Acting Mayor Murphy replied there probably were more than 15 and questioned if they want them driving around town.

Councilmember Gliva was concerned about creating more of a problem by licensing something, particularly on the roll offs. She was unsure how that could be dealt with when someone drops off something unless someone complains about it causing damage to a street. She questioned what the value was and if it mattered.

City Administrator Wilson asked if anyone had concerns with the city doing its own tobacco licensing. If not, staff would bring a first reading of an ordinance.

Acting Mayor Murphy said he agreed with all other recommendations by staff including tobacco.

City Administrator Wilson stated that staff would move forward with a resolution discontinuing bowling alleys, motor vehicle sales, and automobile service stations for the next regular City Council meeting. Tobacco sales would take longer and wouldn't need to be in place until September in order to communicate and educate those establishments.

B. Regulation of Short-Term/Vacation Rentals

City Administrator Wilson stated this topic has been discussed several times. Staff has received comments from property owners both for and against. Staff requests Council direction on this topic. Background:

- City Council adopted a rental licensing ordinance, Fall 2016
 - Regularly posted on the City Council meeting agendas for approval
- Current Code language does not speak specifically to short term/vacation rentals
- Current Code language has not been interpreted to apply to short terms rentals, only long-term rentals

Timeline of discussion so far:

- Last summer staff started to see an increase in calls/emails to the City Council with neighbors of some of the short-term rental properties expressing frustrations.
 - Frustrations included people operating a business in a residential district, people staying in these do not have an interest in knowing the neighbors or investing in the neighborhood, and traffic and noise concerns.
- August 1, 2022: City Council Work Session discussed this topic. Staff received direction, drafted it into an ordinance, and brought that ordinance back before the Council on:
- August 22, 2022: First Reading was approved
- September 26, 2022: Second Reading was scheduled and tabled. Several individuals attended this meeting and spoke out in opposition of where the city was heading with the First Reading to prohibit short term rentals by having a required minimum rental period of 30 days.
 - Staff was asked to meet with the individuals that gave testimony during the meeting to receive additional input.
 - Staff met with those individuals and came back before the Council at the:
- December 12, 2022 City Council meeting: Staff presented the original draft of the ordinance establishing a minimum rental period of 30 days and an alternative (secondary draft of the ordinance) creating a licensing structure for short term rentals. No Council action was taken.

Continuum of Options:

1. No regulation. Properties used as short-term rentals would be subject to the same ordinances as any other property in the city. For example: Noise ordinance, tall grass, and weeds.
2. Apply existing rental licensing ordinance to short term rentals.
3. Create a new section of code requiring a license specific to short term rentals.
4. Restrict short terms rentals to specific types of properties. (Can be done in conjunction with requiring or not requiring a license).
 - a. Some cities only allow short term rentals of homesteaded properties.
 - b. In order to homestead a property, the person themselves would have to live there a majority of the year. (Can be defined).
 - c. This prevents a property from primarily being used for short term rental.
5. Prohibit short term rentals via a minimum rental period of 30 days.

She stated when staff presented the options in August the Council directed staff to prepare the ordinance in line with #5. When staff returned with two options, one of which was prohibiting short term rentals, the other option was to create a new license specific to short term rentals.

Some arguments for short term rentals:

1. Small business opportunity
2. Offsets the cost of homeownership for some
3. Brings people in town who spend money at local businesses (restaurants)
4. A service for which there is a growing demand in the marketplace

Some arguments heard against short term rentals:

1. Allows a business to operate in a residentially zoned area bringing potentially undesirable impacts such as traffic, noise, and crime.
2. Currently does not pay lodging taxes putting them at a possible advantage over local hotels and motels.
 - a. Staff can fix this by clarifying the city ordinance
3. The buy up of homes to be used for this type of business reduces the amount of housing available for people to live in on an ongoing basis. (Either through home ownership or long-term rentals).

There are two versions of the Short-Term Rental Ordinance:

1. Set a minimum rental period
2. Establish a license specifically for short term rentals

The existing rental licensing ordinance does not "fit" for short term:

- There is a requirement in the existing rental license ordinance that landlords use a crime free lease addendum and background check every one of their tenants
 - Having to background everyone staying there does not seem logical
- Current rental licensing lacks any requirement to collect lodging taxes because longer term rentals are not considered to be lodging, they are considered to be homes
- Creating a short-term rental license creates opportunity to address the challenges of short-term rentals. For example, the hosting of events or parties

Questions for the Council:

- If the Council wishes to continue discussing this topic, should staff time be invested in further research, meetings, or ordinance drafting.
- If yes, what direction the Council is interested in going.
- If there was anything the Council would like to have in terms of additional information that would help make a decision.
- Council can determine not to take any action on the subject. If that is the case, it would be removed from the pending ordinances/ordinances under consideration section of the website. Staff would focus time and work on other things.

Mayor Dietrich said she spoke to some of the hotel/motel General Managers from the CVB, they were not as concerned about the lodging tax piece because it is a different client using their facilities compared to using short term rentals.

Councilmember Scales did not believe this was a topic that can be ignored. He said it needs to be addressed and has some ideas. He didn't like the idea of leaving it the way it is and felt it was short sided to limit and not allow in the city. He said the world changes, just like cities that were trying to limit Lyft and Uber, he believes they need to change with it but have some control. He said he has a lot of sympathy for those living next door to party houses. He suggested finding a way to limit/control those. He said he and his wife have stayed in short term rentals and received a list of things they needed to do such as having the car in the driveway, they couldn't have more than 3-4 unregistered guests. He said having control over them is important. He liked the idea of the lodging tax and commented that if they are in that line of work, they do what comes with that line of work. He suggested a compromise for those that do and those that do not want this.

Councilmember T'Kach stated she uses short term rentals when she travels. She said she is price sensitive, if looking at a city or area and have additional fees, some go on to the next place. If the city has lodging taxes and surrounding cities do not, it may limit who would come to the city. She mentioned to help her make a decision she would like to see who else is charging lodging taxes. She said if local hotels/motels are not concerned, it adds a cost. She believed the benefits and that the world is changing, staying with current norms are a value to the city. She said she has spoken to five homeowners who run VRBO's and Airbnb's; all live on the property, some rent the entire property, the basement, or an ADU. She sees it as people looking for income. She mentioned this allows people to visit and see the city. She felt the city should have a competitive edge to bring more people in, spend their money here, and visit restaurants and businesses.

Councilmember Scales said if charging a lodging tax limits people from coming to the city, they probably shouldn't have the hotels charge it.

Councilmember T'Kach replied it was a different clientele than those who use hotels/motels.

Councilmember Gliva commented as a user/frequenter of VRBO and Airbnb's, there is a long list of requirements. If doing short term rentals, the city should be very specific about things that need to be abided by. For example: if having a two-stall garage, can have two cars, if three stalls, have three cars, cannot be on sidewalks, cannot have events. These are things that could hopefully get the right people in them for the neighborhoods. She suggested the license fee be a significant amount for those with homes for short term vacation rentals. She said there should be consequences for city ordinances that are broken. If providing lodging, she believes the lodging tax should be there.

Acting Mayor Murphy said he had taken a brief tour of some of the rentals in town. If there isn't already a problem, in his opinion they may soon have one. He said this shouldn't be left unattended. He was of the opinion that it should be 30 days. He felt there is a compromise. He said he was 50/50 on the lodging tax. He believes they should be licensed, have a minimum stay, and follow all other rules in the city. He asked if there was information on other cities.

City Administrator Wilson replied staff went out and looked for different samples. Staff spoke with legal counsel because their firm has helped with this issue in other cities. Staff has not gone down a list of cities in the metro area; a more systematic approach could be done. Questions could include:

- Do you require a lodging tax
- Do you have a minimum stay
- What is your license fee

Staff could put those questions together and send it to colleagues in other cities and report back.

Councilmember T'Kach asked what the value was for the lodging tax or what it was used for.

City Administrator Wilson replied by state law the lodging tax has to be devoted to the Convention and Visitor's Bureau (CVB) in town. She believed the city was allowed to keep a very small portion for administrative costs. The vast majority of the lodging tax goes to the CVB to fund marketing of the community as a destination. If bringing in more revenue in that area, the CVB would be the recipient.

Councilmember T'Kach responded if that was the case, she wanted to be sure the Convention and Visitor's Bureau would let people know there is a licensed program. She said that Airbnb's require certain things such as carbon monoxide detectors and fire alarms. She said she felt people look for quality places to rent. She mentioned with as close as they are to the airport, the minimum stay could be one night. She agreed the city should have licensing and broad parameters around noise, number of people registered, and a limit of those staying. She said some require ID when checking in. She suggested when/if this comes to be, to have the police department on board initially to respond quickly to complaints. With places she has rented, if there is a call to the owner or the police by a neighbor it would result in an instant fee of \$1,000 for the renter. Like Uber and Lyft, she felt this was still evolving.

Mayor Dietrich said there may be something to the homesteaded piece so that it isn't a property that is turning over all the time. She mentioned she wants to do something for those people that are having party houses next door. She shared that while she was campaigning during two different cycles, one same house had unresolved issues. It was very concerning for those people to be dealing with that for two years. She noticed when asking people doing short term rentals about licensing, they were not against it. She agreed they needed to have some skin in the game to that regard. She said many with Homeowner's Associations did not allow them to do short term rentals, yet many were doing it in an unsolicited ask. She said it was prevalent in the city and agrees there needs to be some type of legislation to protect residents and be welcoming to people.

Acting Mayor Murphy said he felt the Council was saying something needs to be done and doesn't want to be the last city to do something about this. He suggested after staff surveys what other cities are doing, they provide Council with a list of the top things other cities do so the Council can pick what is preferred for the city from that list. For example: minimum stays, maximum number of people, homesteaded or not homesteaded, lodging tax or no lodging tax.

City Administrator Wilson agreed. She said that staff would take the feedback and do research. She anticipates coming back before the Council in April for discussion. She asked the Council if what was found could be presented as a First Reading. That may be preferred over having a Second Reading due to the fact of having a new Council in the New Year and starting fresh.

Councilmember Scales questioned if the first reading would be a rough draft of what staff discovers.

City Administrator Wilson responded yes and stated that the city requires three readings. She looks at the first reading as staff bringing something forward to Council and questioning if they are on the right track. Staff would publicize the second reading and try to think of who they should make this known to such as the Chamber, the Convention and Visitor's Bureau, and social media posts. The second reading is where they target public comments. A third reading is brought back in hopes of having a document that a majority of the Council can adopt. She recommends starting with a first reading at one of the two April meetings.

Mayor Dietrich said that made sense. She shared that she spoke with the Mayor and City Manager in Maple Grove who are going through this too. They put a moratorium on. She asked the City Administrator what the benefit would be to doing something like that and if it would save staff dollars. She asked what some reasons would be to entertain a moratorium.

City Administrator Wilson responded that a moratorium was generally used when considering zoning changes. She was not familiar with using a moratorium in a licensing matter, not that it couldn't be used. Given the amount of unknown short-term rentals going on she was unsure how a moratorium would be enforced, there is not a solid list of who is currently doing rentals. She felt time and energy would be better spent on judiciously moving through the process.

Councilmember T'Kach referenced the comment of those that buy property specifically to turn into rental units and that it could be a problem. She felt those in that position were investing in the property to make them wonderful for renting. She agreed that it shuts the property out of homeownership. She asked if other cities or experts could be asked about the trend in the metro area outside of Minneapolis and St. Paul, and transit lines and condos, and if it was really a big concern. She requested staff check into some of the longer-term rental properties bought up from people all over the country and going into disrepair.

City Administrator Wilson replied that there are some issues with long term rental licensing that staff believes could use attention and clean up. She said this was not the only rental issue likely to come before the Council this year.

4. ADJOURN:

Motion by T'Kach, second by Scales, to adjourn the meeting at 7:07 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek

INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MARCH 13, 2023 - 6:00 P.M. - 8150 BARBARA AVENUE

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, March 13, 2023, in person. Acting Mayor Murphy called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Acting Mayor Murphy; Council Members: Gliva, Scales; City Administrator Wilson, City Attorney McCauley Nason, Community Development Director Rand, Community Development Support Specialist Bodsberg, City Engineer Merchlewicz, Assistant Finance Director Hosszu, Assistant City Engineer Dodge

Present via Zoom Video Conferencing: Mayor Dietrich, Council Member T’Kach

3. PRESENTATIONS:

4. CONSENT AGENDA:

A. Minutes of the February 13, 2023 Special City Council Meeting

B. Minutes of the February 27, 2023 City Council Meeting

C. Approval of Disbursements **Resolution 2023-049**

D. Personnel Actions

E. Approval of Massage Therapist License

F. Approve Change Order No. 1 for City Project No. 2016-09F - Carleda Way Reconstruction and City Project No. 2021-16 - Cahill Ave. Drainage Improvements

G. Award Contract for North Side Booster Station Pump Replacement (City Project No. 2023-02)

H. Resolution 2023-050 Approving an Amendment to Bolton & Menk Consultant Services Proposal for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation

I. Resolutions 2023-051 & 2023-052 Awarding Contract and Approving Budget for City Project No. 2023- 09D - Dawn Way Area Street Rehabilitation

J. Resolutions 2023-053 & 2023-054 Accepting Bid, Awarding Contract and Approving Budget for City Project No. #2215 - Vista Pines Trail Connections

K. Resolution 2023-055 Accepting Federal Grant and Approving Fire Department Budget Adjustment

L. Resolutions 2023-056, 2023-057, 2023-058, 2023-059 and Certificates Memorializing Deferred Assessments for Properties Enrolled in Green Acres Program

M. Resolution 2023-060 Correcting Certain Water Utility Rates for 2023

Motion by T’Kach, second by Scales, to approve the Consent Agenda as presented.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

6. REGULAR BUSINESS:

A. Rental Housing Licenses.

Community Development Director Heather Rand presented Rental Housing Licenses for approval. All background checks and other information have been performed by the police department.

To note:

- License update for the 424 units at Southview Gables
- 24 units of townhomes at Crossings at Inver Wood
- 49 units of workforce housing at Babcock Crossings on Upper 55th and Babcock Trail

Staff found everything to be in order and recommend approval of the requests.

RENTAL ADDRESS	PROPERTY OWNER	PROPERTY MANAGER
7452 Bolton Way	Boris Makhlin Eagan, MN	Boris Makhlin Eagan, MN
1462 80th St E North Building-12 Units	The Crossings at Inver Woods Townhomes Little Canada, MN	Camille Horne-Inver Grove Hts Jason Knutson-Inver Grove Hts
1462 80th St E South Building-12 Units	The Crossings at Inver Woods Townhomes Little Canada, MN	Camille Horne-Inver Grove Hts Jason Knutson-Inver Grove Hts
6931 Archer Ct	Cory & Linnea Buffie Eagan, MN	Cory Buffie Eagan, MN
4930 Ashley Ln 424 Units	GSIC II Southview LLC Houston, TX	Diana Castellanos Sanchez Inver Grove Heights, MN
3280 Lower 67th St E	Douglas M Steven Eagan, MN	Douglas M Steven Eagan, MN
5445 Babcock Trl #101	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5445 Babcock Trl #105	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5445 Babcock Trl #202	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5445 Babcock Trl #206	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5445 Babcock Trl #207	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5445 Babcock Trl #208	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5447 Babcock Trl #103	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5447 Babcock Trl #104	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5447 Babcock Trl #106	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5447 Babcock Trl #202	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5447 Babcock Trl #204	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
5447 Babcock Trl #206	MABC Portfolio LLC Eden Prairie, MN	Erik Andrew Larson Stanchfield, MN
2782 87th St E	Gena Simon Maplewood, MN	Gena Simon Maplewood, MN

RENTAL ADDRESS	PROPERTY OWNER	PROPERTY MANAGER
6973 Archer Pl	Har Krishna Mattaparti Rosemount, MN	Har Krishna Mattaparti Rosemount, MN
6975 Archer Ct	Har Krishna Mattaparti Rosemount, MN	Har Krishna Mattaparti Rosemount, MN
6239 Concord Blvd	Jacob Bryan Bocht Hastings, MN	Jacob Bryan Bocht Hastings, MN
3567 Cuneen Trl	James Gutzman Prior Lake, MN	James Gutzman Prior Lake, MN
3449 Cloman Way E	Linnea Borer Forest Lake, MN	Linnea Borer Forest Lake, MN
4376 Upper 71st St E	Reinaldo Cintron Bloomington, MN	Reinaldo Cintron Bloomington, MN
2021 Upper 55th St 49 Units	Babcock Crossing Ltd Ptnr Edina, MN	Steven Scott Management St Louis Park, MN

Councilmember Gliva asked if the rentals at Babcock Crossings were full.

Community Development Director Heather Rand replied the 49 units leased up quickly. She noted that The Crossings 155 units, also filled up quickly along with the 24 townhomes nearby.

Motion by Gliva, second by Scales, to approve the Rental Housing Licenses as presented.

Ayes: 5

Nays: 0 Motion carried.

B. 1st Reading of Ordinance Amending City Code to Repeal Certain Business Licenses

City Administrator Kris Wilson presented the 1st Reading of a proposed ordinance to repeal certain business licenses. This item is a follow up to a previous discussion that took place at the March 6th City Council Work Session. Staff proposes the following licenses be eliminated (Repealing sections of the City Code and eliminating the requirement that these categories of businesses seek a license).

The three categories include:

1. Bowling Alleys
2. Motor Vehicle Sales
3. Automobile Service Stations

Why license city businesses:

- Most city licensing activities center around areas that may be a public safety concern such as:
 - Retailers selling adult products (alcohol and tobacco).
 - Risk of criminal activity (massage therapy and pawn shops).
- In Minnesota, cities are generally not involved in public health/sanitation-related inspections or in consumer protection related inspections.
 - Handled at the State level, not by individual cities.

Bowling Alleys:

- No record of licenses being issued since at least 1988.
- Bowling alleys that serve alcohol would still be required to have a liquor license.
- One other city in Dakota County licenses bowling alleys.

Motor Vehicle Related:

- There are currently three (3) motor vehicle related business licenses:
 1. Motor Vehicle Sales

- 2. Automobile Service Stations
- 3. Automobile Junkyards
- Ordinance would repeal Items #1 & #2, and keep #3.
- Motor vehicle sales and service stations are both licensed by the State. This includes new, used, auction houses, and brokers.
- Elimination of the two licenses would bring a modest loss of revenue of approximately \$6,500 per year. This would also free up staff time for other work.
- Current licenses in this category expire April 30th.

Requested action for the Council would be a Motion to approve the 1st Reading of the proposed ordinance.

Motion by Gliva, second by Scales, to approve the 1st Reading of an Ordinance Amending City Code to Repeal Certain Business Licenses as presented.

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

Bill Frison, 6802 Carleda Avenue East, discussed the condition of streets in the city stating last fall he spoke with the Public Works Director at that time about the sealcoating that was coming off the street. He was informed there wasn't any money in the budget. Later that fall the city top coated the problem areas with gravel. With the spring thaw, the potholes have become worse.

He referenced Well #3 on Cahill where contractors did work on the pumphouse. He said a lot of damage was done to Cahill. He questioned if the contractors were held liable for repairs.

He said he hoped the budget was bigger this year to get street problems fixed.

Councilmember T'Kach recommended the Pavement Management Task Force Report so Mr. Frison can see the plan the city has to make improvements in a more organized fashion than was done in the past.

Mayor Dietrich suggested Mr. Frison fill out the form, so staff knows how to follow up with answers.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember Scales commended the city 911 service that was recently used for a family member. He thanked the police and fire departments that responded, they did a wonderful job. He appreciates all the work our first responders do.

9. ADJOURN:

Motion by Scales, second by Gliva, to adjourn the meeting at 6:16 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek



Request for Council Action

SUBJECT: Approval of Disbursements

MEETING DATE: March 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Ryan Albright, Accounting Technician, 651.450.2515

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving disbursements for the period of March 8 – 21, 2023.

BACKGROUND

The following chart represents a summary by fund type of the disbursements processed during the period of March 8 – 21, 2023. Disbursement details are attached to this memo.

Fund Type	Amount
General Fund	\$233,304.12
Special Revenue	44,489.61
Debt Service	-
Capital Projects	130,124.99
Enterprise	293,915.84
Internal Service	121,203.26
Escrows	10,811.93
Total - All Funds	\$833,849.75

FISCAL IMPACT

The disbursements are within adopted budgets for the associated funds or have otherwise been approved by the Council.

RECOMMENDATION

Staff recommends approval of the disbursements as presented.

ATTACHMENTS

1. Resolution
2. Disbursements listing (3.8.2023 - 3.21.2023)

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. __

RESOLUTION APPROVING DISBURSEMENTS FOR THE PERIOD OF

March 8, 2023 - March 21, 2023.

WHEREAS a detailed listing of disbursements for the period of March 8, 2023 - March 21, 2023, was presented to the council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, that payment of the disbursements for the following fund types are approved:

Fund Type	Amount
General Fund	\$233,304.12
Special Revenue	44,489.61
Debt Service	-
Capital Projects	130,124.99
Enterprise	293,915.84
Internal Service	121,203.26
Escrows	10,811.93
Total - All Funds	\$833,849.75

Adopted this 27th day of March 2023 by the City Council of Inver Grove Heights, MN

John Murphy, Acting Mayor

ATTEST:

Rebecca Kiernan, City Clerk



City of Inver Grove Heights

Expense Approval Report By Fund

Payment Dates 3/8/2023 - 3/21/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 101 - GENERAL FUND					
BETTIN INC	1/27/2023	03/09/2023	Permit refund - canceled permit	101.45.0000.3222000	78.40
OCCUPATIONAL HEALTH CENTE...	103703235	03/09/2023	Pre-employment physical	101.41.1100.413.30500	287.00
OCCUPATIONAL HEALTH CENTE...	103718383	03/09/2023	Pre-employment physical	101.41.1100.413.30500	162.00
OCCUPATIONAL HEALTH CENTE...	103725302	03/09/2023	Pre-employment physicals	101.41.1100.413.30500	2,033.00
MN RECREATION AND PARK AS...	10661	03/09/2023	Parks Job posting	101.41.1100.413.30500	125.00
ACME TOOLS	10912252	03/09/2023	generator for NDTA	101.42.4200.424.60040	2,399.00
FIRST IMPRESSION GROUP	140340	03/09/2023	Envelopes (5%) Finance	101.41.2000.415.60010	86.60
FIRST IMPRESSION GROUP	141372P	03/09/2023	Spr 2023 P&R brochure postage	101.44.6100.459.50035	1,456.63
GET MESSY LLC	15523852	03/09/2023	Ghostly Gathering craft services	101.44.6100.453.30700	87.50
CULLIGAN	157985524824X022823	03/09/2023	RV water service	101.44.6000.451.40050	11.30
ULINE	160259669	03/09/2023	gear locker	101.44.6000.451.40040	1,127.41
SENSIBLE LAND USE COALITION	1968	03/09/2023	Registration Comp Plan Fact or F...	101.45.3000.419.50080	144.00
ELSA LITECRY	20230224	03/09/2023	Winter Night Hike and Family S...	101.44.6100.453.30700	120.00
L.T.G. POWER EQUIPMENT	275269	03/09/2023	chainsaw battery and chain	101.44.6000.451.60040	721.98
L.T.G. POWER EQUIPMENT	275269	03/09/2023	helmet & chaps	101.44.6000.451.60045	214.94
SOCCER SHOTS	3/2/2023	03/09/2023	Three Soccer shots classes Jan-...	101.44.6100.454.30700	1,428.00
MN GLOVE & SAFETY, INC.	340934	03/09/2023	cold weather gear	101.44.6000.451.60045	783.86
ASSOCIATION OF MINNESOTA ...	64157	03/09/2023	Finance Dept. Job posting	101.41.1100.413.30500	75.00
HOLIDAY COMPANIES	80901032300	03/09/2023	Squad Washes	101.42.4000.421.40041	295.00
STREICHER'S	11618944	03/09/2023	BolaWrap Holsters	101.42.4000.421.60065	209.85
MN STATE RETIREMENT SYSTEM	INV0159125	03/10/2023	457 ROTH IRA (AGE 49 & UNDE...	101.203.2031400	480.00
MINNESOTA DEPARTMENT OF ...	INV0159128	03/10/2023	CASE #001570640001	101.203.2032100	331.79
TEXAS STATE DISBURSEMENT ...	INV0159129	03/10/2023	CASE #0012022247	101.203.2032100	230.77
MINNESOTA DEPARTMENT OF ...	INV0159130	03/10/2023	CASE #001490481201	101.203.2032100	316.30
MINNESOTA DEPARTMENT OF ...	INV0159131	03/10/2023	CASE #000115468905	101.203.2032100	65.06
MINNESOTA DEPARTMENT OF ...	INV0159132	03/10/2023	CASE #001563363401	101.203.2032100	377.48
MINNESOTA DEPARTMENT OF ...	INV0159133	03/10/2023	CASE #001567848502	101.203.2032100	60.45
MINNESOTA DEPARTMENT OF ...	INV0159134	03/10/2023	CASE #001521862201	101.203.2032100	200.73
WI SCTF (WI SUPPORT COLLECT...	INV0159135	03/10/2023	PARTICIPANT ID#0004986316	101.203.2032100	433.06
MEDSURETY ACH ONLY	INV0159136	03/10/2023	HSA ELECTION-FAMILY	101.203.2032500	4,390.15
MEDSURETY ACH ONLY	INV0159137	03/10/2023	HSA ELECTION-SINGLE	101.203.2032500	5,723.15
IGH PROFESSIONAL FIREFIGHTE...	INV0159138	03/10/2023	UNION DUES (IAFF)	101.203.2031000	426.47
IUOE	INV0159139	03/10/2023	UNION DUES IUOE	101.203.2031000	1,627.00
LELS	INV0159141	03/10/2023	UNION DUES (LELS LIEUTENANT...	101.203.2031000	270.00
MN STATE RETIREMENT SYSTEM	INV0159142	03/10/2023	MINNESOTA DEFERRED COMP...	101.203.2031400	1,389.23
MN STATE RETIREMENT SYSTEM	INV0159143	03/10/2023	MINNESOTA DEFERRED COMP...	101.203.2031400	404.35
LELS	INV0159151	03/10/2023	UNION DUES (LELS SGT)	101.203.2031000	472.50
COMCAST	030523FD	03/16/2023	Fire station 1 cable	101.42.4200.423.30700	20.71
OCCUPATIONAL HEALTH CENTE...	103734087	03/16/2023	Pre-employment physical	101.41.1100.413.30500	162.00
PETER OSOWSKI	104371	03/16/2023	Hydro-testing scba bottles	101.42.4200.423.40042	3,604.00
MINNEAPOLIS OXYGEN CO.	105921	03/16/2023	Oxygen cylinder rentals	101.42.4200.423.30700	258.33
MINNEAPOLIS OXYGEN CO.	105922	03/16/2023	oxygen cylinder rentals St 1	101.42.4200.423.30700	184.52
MN FIRE SERVICE CERT BOARD	10682	03/16/2023	Recertification - Christenson	101.42.4200.423.50070	52.50
COMPASS MINERALS AMERICA ...	1139189	03/16/2023	Salt/Sand	101.43.5200.443.60016	50,858.64
DASH MEDICAL GLOVES	1282710	03/16/2023	Nitrile Gloves XL	101.42.4000.421.60065	185.44
MARTIN-MCALLISTER	15182	03/16/2023	Pre-employment psych. evals	101.42.4200.423.30700	3,425.00
CULLIGAN	157984591006X022823	03/16/2023	bottled water for St 1	101.42.4200.423.60065	151.08
CULLIGAN	157986034674X022823	03/16/2023	bottled water for St 2	101.42.4200.423.60065	67.86
ULINE	160406448	03/16/2023	Evidence Room- Poly tubing	101.42.4000.421.60065	467.37
NORTHERN SERVICE CENTER	19WSCR2141901	03/16/2023	CN:23-000730-Kemo	101.207.2071000	200.00
KENISON, TERRI	2/1/2023	03/16/2023	cleaning stations 1, 2 and 3	101.42.4200.423.30700	1,600.00
CAMPBELL KNUTSON, P.A.	2/28/2023	03/16/2023	February 2023 services	101.42.4000.421.30410	17,422.64
EXECUTIVE CONTRACTORS, INC.	20221230-01	03/16/2023	Excavating in PW parking lot	101.43.5200.443.40046	2,250.00

Expense Approval Report

Payment Dates: 3/8/2023 - 3/21/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
CITY OF BURNSVILLE	2023-00000007	03/16/2023	station alerting invoice	101.42.4200.423.30700	451.42
ELSA LITECRY	20230122	03/16/2023	Family snowshoeing class with ...	101.44.6100.453.30700	80.00
MCKESSON MEDICAL-SURGICAL	..20359261	03/16/2023	medical supplies for the trucks	101.42.4200.423.60065	377.28
ADVANCED GRAPHIX, INC.	211048	03/16/2023	IGHPD Coin Wall Decal	101.42.4000.421.50030	154.00
WARRANT DIVISION - RECORDS	23401878/23402645	03/16/2023	CN:23-000699 - Parker	101.207.2071000	156.00
FIRSTSCRIBE	259557	03/16/2023	ROWay subscription	101.43.5100.442.50072	250.00
CARGILL, INC.	2907974763	03/16/2023	Salt	101.43.5200.443.60016	30,951.26
METROPOLITAN COUNCIL	3/3/2023	03/16/2023	Less: other charges	101.41.0000.3414000	-248.50
MADDEN GALANTER HANSEN, L...	3/7/2023	03/16/2023	Labor relations services thru 2/...	101.41.1120.413.30420	140.00
STEVEN STAPLES	3/8/2023	03/16/2023	Refund license fee	101.41.0000.3223500	25.00
JESSICA SHORT	3/8/2023	03/16/2023	Youth & Preschool Dance progr...	101.44.6100.454.30700	624.00
BOLTON & MENK, INC.	307080	03/16/2023	Staff Augmentation General	101.43.5100.442.30700	10,937.50
VERIFIED HOLDINGS, LLC	340027	03/16/2023	Pre-employment background c...	101.41.1100.413.30500	233.50
OXYGEN SERVICE COMPANY, INC	3547331	03/16/2023	OSC Services	101.42.4000.421.60065	66.82
HOMETOWN MEATS	3613	03/16/2023	food for mass casualty drill	101.42.4200.423.50075	179.98
DINGES PARTNERS GROUP LLC	38000	03/16/2023	lights	101.42.4200.423.60040	261.09
SHORT ELLIOTT HENDRICKSON, ...	442993	03/16/2023	2022 Bridge Inspections	101.43.5100.442.30300	464.62
LOCAL GOVERNMENT INFORM...	53439	03/16/2023	logis invoice	101.42.4200.423.30700	215.00
LAWMAN BADGE COMPANY	6177	03/16/2023	New Badges: 3649/3650	101.42.4000.421.60045	1,050.00
RAMSEY COUNTY SHERIFF'S DE...	625UCR223358	03/16/2023	CN: 23-000694- Jones	101.207.2071000	500.00
PLUNKETT'S PEST CONTROL	7924650	03/16/2023	pest control at St 2	101.42.4200.423.30700	609.80
UNIFIRST CORPORATION	900747286	03/16/2023	Uniforms - Streets	101.43.5200.443.60045	34.34
UNIFIRST CORPORATION	900747286	03/16/2023	Uniforms - Parks	101.44.6000.451.60045	15.93
UNIFIRST CORPORATION	900750034	03/16/2023	Uniforms - Streets	101.43.5200.443.60045	34.34
UNIFIRST CORPORATION	900750034	03/16/2023	Uniforms - Parks	101.44.6000.451.60045	15.93
UNIFIRST CORPORATION	900752755	03/16/2023	Streets uniforms	101.43.5200.443.60045	34.34
UNIFIRST CORPORATION	900752755	03/16/2023	Parks Uniforms	101.44.6000.451.60045	15.93
POTTERS INDUSTRIES INC	91390560	03/16/2023	Highway safety marking spheres	101.43.5200.443.60016	3,872.00
DAKOTA 911	IG2023-04	03/16/2023	Dakota 911 monthly fee 4.2023	101.42.4000.421.70502	61,559.10
DAKOTA 911	IG2023-04	03/16/2023	Dakota 911 monthly fee 4.2023	101.42.4200.423.70502	6,839.90
GEOTAB USA, INC.	IN331306	03/16/2023	ProPlus plan service fee 3.2023	101.42.4000.421.50072	264.18
AXON ENTERPRISES, INC.	INUS141919	03/16/2023	BWC bay/dock bundle	101.42.4000.421.70501	227.99
MACQUEEN EMERGENCY GRO...	P12753	03/16/2023	parts for SCBA	101.42.4200.423.40042	720.69
WSB & ASSOCIATES, INC.	R-022068-000-1	03/16/2023	Multiple Family Ordinance Upd...	101.45.3200.419.30700	1,902.00
INNOVATIVE OFFICE SOLUTIONS	SUM-072000	03/16/2023	Returned screen filter	101.41.1100.413.60010	-94.06
INNOVATIVE OFFICE SOLUTIONS	SUM-072000	03/16/2023	Fire station office supplies 1.20...	101.42.4200.423.60010	310.38
INNOVATIVE OFFICE SOLUTIONS	SUM-072000	03/16/2023	Fire station office supplies 1.20...	101.42.4200.423.60010	117.31
Fund 101 - GENERAL FUND Total:					233,304.12

Fund: 201 - C.V.B. FUND

RIVER HEIGHTS CHAMBER OF C...	11410	03/09/2023	February 2023 office rent, servi...	201.44.1600.465.30700	1,638.00
STACY ANN BROOKS	462	03/09/2023	March Blog Posts	201.44.1600.465.50025	245.00
LIME VALLEY ADVERTISING, INC.	23004.01	03/16/2023	Programming Services - Back up...	201.44.1600.465.50025	115.00
Fund 201 - C.V.B. FUND Total:					1,998.00

Fund: 205 - COMMUNITY CENTER-OPERATING FUND

TWIN CITY HARDWARE	PSI2162866	12/31/2022	painting on new rink doors	205.44.6200.453.40040	1,000.00
EVA MOREIMI	104	03/09/2023	Senior speaker-signed book copy	205.44.6200.453.60065	90.00
APEC	125076	03/09/2023	Filters	205.44.6200.453.60016	237.12
FIRST IMPRESSION GROUP	141372P	03/09/2023	Spr 2023 P&R brochure postage	205.44.6200.453.50035	2,184.95
CULLIGAN	157011438908X022823	03/09/2023	softener salt	205.44.6200.453.60016	416.56
CULLIGAN	157011438908X022823	03/09/2023	softener salt	205.44.6200.453.60016	104.14
TAHO SPORTSWEAR	23TS0281	03/09/2023	GS Staff jackets	205.44.6200.453.60045	153.00
B & B SHEETMETAL AND ROOFI...	60301	03/09/2023	roof repair over studio	205.44.6200.453.40040	419.50
HAWKINS, INC.	6414114	03/09/2023	pool chemicals	205.44.6200.453.60024	6,244.92
CITY OF EAGAN PARKS & REC	65333	03/09/2023	Deposit - Kids ROCK Cascade Ba...	205.44.6200.453.50090	250.00
GRAINGER	9608394905	03/09/2023	light bulbs	205.44.6200.453.60016	98.00
GRAINGER	9608394905	03/09/2023	light bulbs	205.44.6200.453.60016	98.00
GRAINGER	9608507803	03/09/2023	line volt NP analog tstat	205.44.6200.453.60065	119.41
GRAINGER	9628462245	03/09/2023	hot tub timer	205.44.6200.453.60065	89.55
TOTAL MECHANICAL SERVICES ...	PM4719	03/09/2023	2023 Prev. Maint.	205.44.6200.453.40040	1,890.63
OWENS COMPANIES	33765	03/16/2023	finished electrical for feedwater ..	205.44.6200.453.40040	2,656.00

Expense Approval Report

Payment Dates: 3/8/2023 - 3/21/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
NASSEFF PLUMBING & HEATING..	48857	03/16/2023	repair IR heaters in rink	205.44.6200.453.40040	1,369.74
SHERWIN-WILLIAMS CO.	7919-3	03/16/2023	paint	205.44.6200.453.60016	39.16
GRAINGER	9621959460	03/16/2023	pressure gage tests	205.44.6200.453.60016	53.96
INNOVATIVE OFFICE SOLUTIONS	SUM-072000	03/16/2023	Community center office suppli...	205.44.6200.453.60010	337.97
Fund 205 - COMMUNITY CENTER-OPERATING FUND Total:					17,852.61
Fund: 270 - HOST COMMUNITY FUND					
BARR ENGINEERING COMPANY	23190218.00-312	03/09/2023	Pine Bend Landfill Technical Ass...	270.75.5900.751.30700	4,396.50
Fund 270 - HOST COMMUNITY FUND Total:					4,396.50
Fund: 290 - EDA-OPERATING FUND					
DAKOTA CTY COMM DEV AGEN...	2/27/2023	03/09/2023	2023 Open to Business Participa...	290.45.3000.419.30700	6,500.00
WSB & ASSOCIATES, INC.	R-021791-000-3	03/16/2023	Argenta Trail/I-494 Intrchange P...	290.45.3000.419.30700	13,742.50
Fund 290 - EDA-OPERATING FUND Total:					20,242.50
Fund: 402 - PARK ACQUISITION & DEVELOPMENT FUND					
WSB & ASSOCIATES, INC.	R-020153-000-6	03/16/2023	HVP Phase IV Final Design	402.44.6000.451.30700	1,236.75
WSB & ASSOCIATES, INC.	R-021133-000-6	03/16/2023	NWA Parks #3 - Highlands	402.44.6000.451.30700	4,287.37
WSB & ASSOCIATES, INC.	R-021133-000-6	03/16/2023	NWA Parks #2 - Peltier Reserve	402.44.6000.451.30700	4,287.38
Fund 402 - PARK ACQUISITION & DEVELOPMENT FUND Total:					9,811.50
Fund: 440 - PAVEMENT MGMT-LOCAL STREETS					
MCNAMARA CONTRACTING INC	2/27/2023	12/31/2022	Final Pay Voucher 3 Project 202...	440.74.5900.740.80300	6,635.02
MCNAMARA CONTRACTING INC	2/27/2023	12/31/2022	Final Pay Voucher 3 Project 202...	440.74.5900.740.80300	7,023.85
MCNAMARA CONTRACTING INC	2/27/2023	12/31/2022	Final Pay Voucher 3 Project 202...	440.74.5900.740.80300	13,403.22
MCNAMARA CONTRACTING INC	2/27/2023B	12/31/2022	Final Pay Voucher 2 Proj 2022-0...	440.74.5900.740.80300	32,932.25
BOLTON & MENK, INC.	305410	03/09/2023	Surveys for Bolland/62nd San S...	440.74.5900.740.30300	2,116.00
BOLTON & MENK, INC.	307078	03/16/2023	Dawn Way Design Services	440.74.5900.740.30300	18,293.00
BOLTON & MENK, INC.	307080	03/16/2023	Staff Augmentation Cheney Cof...	440.74.5900.740.30700	5,375.00
BOLTON & MENK, INC.	307080	03/16/2023	Staff Augmentation Bolland Trail...	440.74.5900.740.30700	5,375.00
BOLTON & MENK, INC.	307080	03/16/2023	Staff Augmentation Carmen Cla...	440.74.5900.740.30700	5,500.00
Fund 440 - PAVEMENT MGMT-LOCAL STREETS Total:					96,653.34
Fund: 470 - 2020 IMPROVEMENT FUND					
KRUGER INC.	2/24/2023	12/31/2022	Final Payment for Good Samarit...	470.77.5900.770.80300	23,660.15
Fund 470 - 2020 IMPROVEMENT FUND Total:					23,660.15
Fund: 510 - WATER-OPERATING FUND					
MINNESOTA DEPARTMENT OF ...	1/1/2023	03/09/2023	1st Qtr 2023 Water Test Fee	510.207.2070100	19,578.00
FIRST IMPRESSION GROUP	140340	03/09/2023	Envelopes (35%) Water Notices	510.50.7100.512.60010	606.20
FIRST IMPRESSION GROUP	140340	03/09/2023	Envelopes (30%) Utility Bills-Wa...	510.50.7100.512.60010	519.60
USABLUEBOOK	279719	03/09/2023	chemicals	510.50.7100.512.60019	3,167.32
USABLUEBOOK	280081	03/09/2023	return	510.50.7100.512.60019	-299.82
GOPHER STATE ONE-CALL	3020489	03/09/2023	Locate tickets	510.50.7100.512.30700	103.95
HAWKINS, INC.	6410008	03/09/2023	chemicals	510.50.7100.512.60019	5,749.86
HAWKINS, INC.	6410038	03/09/2023	chemicals	510.50.7100.512.60019	7,874.50
VESSCO INC	90170	03/09/2023	Equip for WTP	510.50.7100.512.40042	317.28
VESSCO INC	90246	03/09/2023	kits installed treatment plant	510.50.7100.512.40042	2,479.35
GOPHER STATE ONE-CALL	2100489B	03/16/2023	Locate tickets	510.50.7100.512.30700	643.95
LONE OAK COMPANIES	3/7/2023	03/16/2023	3.2023 Utility Bills Postage (50%)	510.50.7100.512.50035	716.75
LONE OAK COMPANIES	3/7/2023	03/16/2023	3.2023 Reminder Notice Postag...	510.50.7100.512.50035	344.25
LONE OAK COMPANIES	3/7/2023	03/16/2023	3.2023 Reminder Notice Paper ...	510.50.7100.512.60010	37.50
ADVANCED ENGINEERING AND ...	86151	03/16/2023	Utility Rate Study - 40% Water	510.50.7100.512.30700	1,396.20
LONE OAK COMPANIES	91878	03/16/2023	3.2023 Statement Processing (5...	510.50.7100.512.30700	525.37
LONE OAK COMPANIES	91878	03/16/2023	3.2023 Postage Credit	510.50.7100.512.50035	-493.27
Fund 510 - WATER-OPERATING FUND Total:					43,266.99
Fund: 520 - SEWER-OPERATING FUND					
FIRST IMPRESSION GROUP	140340	03/09/2023	Envelopes (30%) Utility Bills-Se...	520.51.7200.514.60010	519.60
MN GLOVE & SAFETY, INC.	340953	03/09/2023	Chris O uniforms	520.51.7200.514.60045	99.99
METROPOLITAN COUNCIL	1152889	03/16/2023	Waste Water Services	520.51.7200.514.40015	181,505.90
LONE OAK COMPANIES	3/7/2023	03/16/2023	3.2023 Reminder Notice Postag...	520.51.7200.514.50035	344.25
LONE OAK COMPANIES	3/7/2023	03/16/2023	3.2023 Utility Bills Postage	520.51.7200.514.50035	716.75
LONE OAK COMPANIES	3/7/2023	03/16/2023	3.2023 Reminder Notice Paper ...	520.51.7200.514.60010	37.50
ADVANCED ENGINEERING AND ...	86151	03/16/2023	Utility Rate Study - 40% Sewer	520.51.7200.514.30700	1,396.20

Expense Approval Report

Payment Dates: 3/8/2023 - 3/21/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
LONE OAK COMPANIES	91878	03/16/2023	3.2023 Statement Processing (5...	520.51.7200.514.30700	525.37
LONE OAK COMPANIES	91878	03/16/2023	3.2023 Postage Credit	520.51.7200.514.50035	-493.28
Fund 520 - SEWER-OPERATING FUND Total:					184,652.28
Fund: 521 - SEWER-CAPITAL FUND					
METROPOLITAN COUNCIL	3/3/2023	03/16/2023	Monthly SAC fees 2.2023	521.217.2170000	24,850.00
Fund 521 - SEWER-CAPITAL FUND Total:					24,850.00
Fund: 530 - STORM WATER-OPERATING					
ADVANCED ENGINEERING AND ...	86151	03/16/2023	Utility Rate Study - 20% Stormw...	530.74.5900.741.30700	698.10
Fund 530 - STORM WATER-OPERATING Total:					698.10
Fund: 533 - STORM WATER-CAPITAL FUND NWA					
KIMLEY-HORN & ASSOCIATES, L...	23967032	03/09/2023	Construction Services	533.74.5900.748.30300	318.00
Fund 533 - STORM WATER-CAPITAL FUND NWA Total:					318.00
Fund: 550 - INVER WOOD GOLF COURSE					
GOLF COMPETE, INC.	03-2023-11672	03/09/2023	balance on annual software ma...	550.52.8500.526.50072	1,350.00
GEAR FOR SPORTS	41986164	03/09/2023	apparel for resale	550.52.8200.523.76200	426.12
BIG TOP RENTAL, INC.	69556	03/09/2023	toilet rental	550.52.8600.527.40065	159.08
CLEVELAND GOLF/SRIXON	7328737	03/09/2023	clubs for resale	550.52.8200.523.76250	615.50
TITLEIST	915036445	03/09/2023	gloves for resale	550.52.8200.523.76300	2,328.48
TITLEIST	915036948	03/09/2023	golf balls for resale	550.52.8200.523.76450	709.00
MTI DISTRIBUTING CO	1374829-00	03/16/2023	ball picker range	550.52.8600.527.60040	4,809.38
MTI DISTRIBUTING CO	1374858-02	03/16/2023	equipment repair	550.52.8600.527.40042	184.74
MTI DISTRIBUTING CO	1376798-00	03/16/2023	toro workman high flow kit	550.52.8600.527.40042	2,884.56
THE PROACTIVE SPORTS GROUP	1500647-00	03/16/2023	cart rentals	550.52.8400.525.40065	2,640.00
PING	16764277	03/16/2023	clubs for resale	550.52.8200.523.76250	682.10
PING	16770885	03/16/2023	caps for resale	550.52.8200.523.76200	1,452.74
PING	16780499	03/16/2023	caps for resale	550.52.8200.523.76200	114.18
ALOE CARE INTERNATIONAL, LLC	240026	03/16/2023	accessories for resale	550.52.8200.523.76400	311.54
PETTY CASH - INVERWOOD	3/2/2023	03/16/2023	Golf shop - 2A	550.100.1010700	100.00
PETTY CASH - INVERWOOD	3/2/2023	03/16/2023	Safe - Reserve bank	550.100.1010700	1,000.00
PETTY CASH - INVERWOOD	3/2/2023	03/16/2023	Golf shop - 2B	550.100.1010700	100.00
PETTY CASH - INVERWOOD	3/2/2023	03/16/2023	Golf shop - 1B	550.100.1010700	100.00
PETTY CASH - INVERWOOD	3/2/2023	03/16/2023	Golf Shop - change bank	550.100.1010700	1,000.00
PETTY CASH - INVERWOOD	3/2/2023	03/16/2023	F&B clubhouse	550.100.1010800	100.00
PETTY CASH - INVERWOOD	3/2/2023	03/16/2023	F&B beverage cart	550.100.1010800	100.00
PETTY CASH - INVERWOOD	3/2/2023	03/16/2023	F&B vending	550.100.1010800	100.00
GEAR FOR SPORTS	41987151	03/16/2023	apparel for resale	550.52.8200.523.76200	2,988.94
ADIDAS AMERICA INC.	6159022937	03/16/2023	apparel for resale	550.52.8200.523.76200	3,431.92
HANCO CORPORATION	659359	03/16/2023	tires	550.52.8600.527.60014	332.30
HANCO CORPORATION	659755	03/16/2023	tires	550.52.8600.527.60014	191.00
HANCO CORPORATION	659756	03/16/2023	return wrong size tires credit	550.52.8600.527.60014	-184.00
THE CIT GROUP COMMERCIAL S...	70780870	03/16/2023	apparel for resale	550.52.8200.523.76200	5,402.62
PRESTIGE FLAG	719662	03/16/2023	state of MN flags	550.52.8600.527.60050	196.51
CLEVELAND GOLF/SRIXON	7330129	03/16/2023	bags for resale	550.52.8200.523.76350	258.00
UNIFIRST CORPORATION	900751461	03/16/2023	uniforms and towels	550.52.8600.527.60045	136.81
UNIFIRST CORPORATION	900752797	03/16/2023	uniforms and towels	550.52.8600.527.60045	136.81
TITLEIST	915067972	03/16/2023	apparel for resale	550.52.8200.523.76200	1,326.89
TITLEIST	915154985	03/16/2023	apparel for resale	550.52.8200.523.76200	130.94
CUTTER & BUCK	96735082	03/16/2023	apparel for resale	550.52.8200.523.76200	1,602.27
CUTTER & BUCK	96742119	03/16/2023	staff uniforms	550.52.8000.521.60045	257.54
CUTTER & BUCK	96742119	03/16/2023	staff uniforms	550.52.8100.522.60045	1,429.50
CUTTER & BUCK	96742119	03/16/2023	staff uniforms	550.52.8300.524.60045	857.50
CUTTER & BUCK	96742119	03/16/2023	staff uniforms	550.52.8600.527.60045	367.50
Fund 550 - INVER WOOD GOLF COURSE Total:					40,130.47
Fund: 603 - CENTRAL EQUIPMENT					
ABM EQUIPMENT & SUPPLY	0173132-INB	03/09/2023	Side walk machine freight charge	603.00.5300.444.40042	32.46
KIMBALL MIDWEST	100786264	03/16/2023	Stock nuts & bolts	603.140.1450050	368.00
KIMBALL MIDWEST	100795225	03/16/2023	Shop Supplies	603.00.5300.444.60012	26.50
KIMBALL MIDWEST	100819334	03/16/2023	Shop Supplies	603.00.5300.444.60012	264.75
EMERGENCY APPARATUS MAIN...	126296	03/16/2023	Fire Truck (#E21) swivel & hose ...	603.00.5300.444.40041	1,457.53

Expense Approval Report

Payment Dates: 3/8/2023 - 3/21/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
OVERHEAD DOOR CO OF THE N...	129840	03/16/2023	Garage door repairs	603.00.5300.444.40040	5,680.00
UNITED RENTALS (NORTH AMER...	216346906-001	03/16/2023	Fire Dept man lift charger kit	603.00.5300.444.40042	438.18
MANSFIELD OIL COMPANY	24039740	03/16/2023	Fuel	603.140.1450060	2,662.00
MANSFIELD OIL COMPANY	24039741	03/16/2023	Fuel	603.140.1450060	13,519.21
MANSFIELD OIL COMPANY	24053838	03/16/2023	Fuel	603.140.1450060	10,310.68
NORTH AMERICAN TRAILER SAL...	30004202192	03/16/2023	Light parts for dump truck	603.00.5300.444.40041	19.88
WORLD FUEL SERVICES	343712729527-41801	03/16/2023	Windshield wash	603.140.1450050	131.45
WORLD FUEL SERVICES	347659340223-41801	03/16/2023	Stock Oil	603.140.1450050	2,182.92
WORLD FUEL SERVICES	347686072192-41801	03/16/2023	Dump truck exhaust fluid	603.00.5300.444.40041	204.65
WORLD FUEL SERVICES	349100436370-41801	03/16/2023	Dump truck exhaust fluid	603.00.5300.444.40041	204.65
WORLD FUEL SERVICES	350177005667-41801	03/16/2023	Stock Antifreeze	603.140.1450050	612.70
LITTLE FALLS MACHINE INC	366853	03/16/2023	Pressure valve for Dump truck ...	603.00.5300.444.40041	544.31
LITTLE FALLS MACHINE INC	366981	03/16/2023	Dump truck parts	603.00.5300.444.40041	3,706.59
CINTAS CORPORATION	4148591334	03/16/2023	Rugs at the PW building	603.00.5300.444.40065	99.25
TOWMASTER TRAILERS INC	457375	03/16/2023	Dump Truck switch	603.00.5300.444.40041	81.59
TOWMASTER TRAILERS INC	457511	03/16/2023	Dump Truck (321) parts	603.00.5300.444.40041	266.14
TOWMASTER TRAILERS INC	457588	03/16/2023	Dump Truck parts	603.00.5300.444.40041	41.51
NUSS TRUCK AND EQUIPMENT	4740704P	03/16/2023	Dump Truck parts	603.00.5300.444.40041	899.00
NUSS TRUCK AND EQUIPMENT	4741108P	03/16/2023	Stock filters	603.140.1450050	137.36
NUSS TRUCK AND EQUIPMENT	4741238P	03/16/2023	Dump truck housing switch	603.00.5300.444.40041	99.41
NUSS TRUCK AND EQUIPMENT	4741576P	03/16/2023	Dump truck cover & latch repla...	603.00.5300.444.40041	102.62
INVER GROVE FORD	5325833	03/16/2023	Handle for Inspection's truck #8...	603.00.5300.444.40041	69.36
INVER GROVE FORD	5326016	03/16/2023	Stock brake pads	603.140.1450050	134.10
INVER GROVE FORD	5326186	03/16/2023	Parts for squad car	603.00.5300.444.40041	103.39
INVER GROVE FORD	5326188	03/16/2023	Radiator hose for Inspection's p...	603.00.5300.444.40041	78.78
HANCO CORPORATION	660739	03/16/2023	Tire Supplies	603.00.5300.444.60014	116.50
COMO LUBE & SUPPLIES	693780	03/16/2023	Used oil filters	603.00.5300.444.40025	308.53
UNIFIRST CORPORATION	900747286	03/16/2023	Other rentals	603.00.5300.444.40065	120.46
UNIFIRST CORPORATION	900747286	03/16/2023	Uniforms - CE	603.00.5300.444.60045	32.62
UNIFIRST CORPORATION	900750034	03/16/2023	Other rentals	603.00.5300.444.40065	142.86
UNIFIRST CORPORATION	900750034	03/16/2023	Uniforms - CE	603.00.5300.444.60045	32.62
UNIFIRST CORPORATION	900752755	03/16/2023	Other rentals	603.00.5300.444.40065	123.63
UNIFIRST CORPORATION	900752755	03/16/2023	CE Uniforms	603.00.5300.444.60045	32.62
MINNESOTA AG POWER, INC.	9481877	03/16/2023	Tractor gearbox & repairs	603.00.5300.444.40042	8,338.01
POMP'S TIRE SERVICE, INC.	980103077	03/16/2023	Tires for boom truck	603.00.5300.444.60014	1,140.00
POMP'S TIRE SERVICE, INC.	980103090	03/16/2023	Tires for Park's pickup truck	603.00.5300.444.60014	931.20
I-STATE TRUCK CENTER	C242813584-01	03/16/2023	Fire truck filters	603.00.5300.444.40041	128.39
MACQUEEN EMERGENCY GRO...	P08581	03/16/2023	Fire Truck regulator and parts	603.00.5300.444.40041	362.56
MACQUEEN EMERGENCY GRO...	W05035	03/16/2023	Fire truck front wheel cover rep...	603.00.5300.444.40041	310.36
Fund 603 - CENTRAL EQUIPMENT Total:					56,599.33
Fund: 605 - CITY FACILITIES					
APEC	125077	03/09/2023	Firestation #2 filters	605.00.7500.460.60016	3,178.31
CULLIGAN	157985030228X022823	03/09/2023	softener salt	605.00.7500.460.60016	87.50
AEP ONSITE PARTNERS, LLC	419-21419054	03/09/2023	Feb 2023 solar panels	605.00.7500.460.40020	561.87
HILLYARD INC	605047408	03/09/2023	cleaning supply	605.00.7500.460.60011	31.00
HUEBSCH SERVICES	20213437	03/16/2023	lobby mats	605.00.7500.460.40040	171.57
CINTAS CORPORATION	5148684847	03/16/2023	first aid supplies	605.00.7500.460.60065	74.15
HILLYARD INC	605051865	03/16/2023	latex gloves	605.00.7500.460.60011	7.75
Fund 605 - CITY FACILITIES Total:					4,112.15
Fund: 606 - TECHNOLOGY FUND					
PRO-TEC DESIGN INC.	108892	03/16/2023	PD Camera	606.00.1400.413.60041	550.31
PRO-TEC DESIGN INC.	108968	03/16/2023	Phone Software	606.00.1400.413.50070	3,687.06
INSIGHT PUBLIC SECTOR	1101030716	03/16/2023	Office365 License 2.2023	606.00.1400.413.50070	2,340.75
ZAYO GROUP, LLC	19259279	03/16/2023	PRI - Phone lines	606.00.1400.413.50020	1,531.65
CENTURY LINK	2/19/2023	03/16/2023	Analog phone lines	606.00.1400.413.50020	49.23
CIVICPLUS	256048	03/16/2023	2023 Website hosting and supp...	606.00.1400.413.50070	3,724.60
AT&T MOBILITY	287298707874X03032023	03/16/2023	Cell phones	606.00.1400.413.50020	948.13
AT&T MOBILITY	287298708193X03032023	03/16/2023	Cell phones	606.00.1400.413.50020	2,814.77
AT&T MOBILITY	287299110577X03032023	03/16/2023	Cell phones	606.00.1400.413.50020	2,837.46
MARCO TECHNOLOGIES, LLC	33409232	03/16/2023	Printers & Copiers rental charge...	606.00.1400.413.40050	1,816.28

Expense Approval Report

Payment Dates: 3/8/2023 - 3/21/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
MARCO TECHNOLOGIES, LLC	33606339	03/16/2023	Printer & Copier rental charges/...	606.00.1400.413.40050	5,174.81
LOCAL GOVERNMENT INFORM...	53552	03/16/2023	Servers	606.00.1400.413.80610	33,894.51
CENTURY LINK	651-457-4184 2/23	03/16/2023	analog line	606.00.1400.413.50020	70.95
CENTURY LINK	651-457-4602 2/23	03/16/2023	Analog line	606.00.1400.413.50020	100.70
CENTURY LINK	651-457-5525 2/23	03/16/2023	Analog line	606.00.1400.413.50020	80.94
CENTURY LINK	651-457-6070 2/23	03/16/2023	Analog line	606.00.1400.413.50020	264.57
VERIZON WIRELESS	9928459547	03/16/2023	Cell phones	606.00.1400.413.50020	600.17
SPOK, INC.	G03174930	03/16/2023	Translation services	606.00.1400.413.50070	4.89
Fund 606 - TECHNOLOGY FUND Total:					60,491.78
Fund: 702 - ESCROW FUND					
BARR ENGINEERING COMPANY	23190218.00-312	03/09/2023	Bituminous Roadways	702.229.2307003	4,372.00
EMMONS & OLIVIER RESOURCES	00095-0074-22	03/16/2023	Erosion Control and Sediment C...	702.229.2284803	642.41
EMMONS & OLIVIER RESOURCES	00095-0074-22	03/16/2023	Erosion Control and Sediment C...	702.229.2304103	567.66
DAKOTA CTY ATTORNEY	030923VF	03/16/2023	Forfeiture CN 21-000167	702.229.2291000	258.10
DAKOTA CTY ATTORNEY	030923VFB	03/16/2023	Forfeiture CN: 21-002966	702.229.2291000	1,176.76
BOLTON & MENK, INC.	307081	03/16/2023	Lund Development - Sanitary S...	702.229.2284301	3,795.00
Fund 702 - ESCROW FUND Total:					10,811.93
Grand Total:					833,849.75



Request for Council Action

SUBJECT: Personnel Actions

MEETING DATE: March 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Cora Bauer, HR Coordinator, 651.450.2490

ACTION REQUESTED

The Council is asked to confirm and approve the personnel actions listed below.

BACKGROUND

Full-time Employment:

Nathan Taarud, Police Officer

Seasonal/Temporary Employment:

Jane Hall-Dayle, Fitness Intern

Kaylee Olson, Lifeguard

Vincent Elustondo, Lifeguard

Matthew Kueffler, Fitness Intern

Cassandra Torres, Lifeguard

Arden Bolland, Golf Course Laborer

Hunter Aamot, Birthday Party Host

Aaron Rahkola, Natural Resources & Stormwater Maintenance Helper

Voluntary Resignations, Retirements and/or Terminations:

Jared Dansby, Utility Maintenance Helper

Katherine Odland, Lifeguard

Kayla Moua, Child Care Worker

FISCAL IMPACT

All positions to be filled are funded within the adopted City budget.

RECOMMENDATION

Staff recommends approval of the above-listed personnel actions.

ATTACHMENTS

None



Request for Council Action

SUBJECT: **Approval of Charitable Gambling Raffle by Church of St. Patrick**

MEETING DATE: March 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Rebecca Kiernan, City Clerk, 651.450.2513

ACTION REQUESTED

The Council is asked to approve the attached application authorizing a charitable gambling raffle by the Church of St. Patrick, 3535 72nd Street E, Inver Grove Heights, to be held June 1 - 30, 2023.

BACKGROUND

The raffle is an annual calendar raffle and the church would like to start selling the calendars beginning on April 1, 2023.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends Council approval for the Church of St. Patrick to hold a charitable gambling raffle.

ATTACHMENTS

1. Church of St Patrick raffle application

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Church of St. Patrick

Previous Gambling Permit Number: X- 19086-22-029

Minnesota Tax ID Number, if any: 9110954

Federal Employer ID Number (FEIN), if any: 41-0837975

Mailing Address: 3535 72nd Street East

City: Inver Grove Heights State: MN Zip: 55076 County: Dakota

Name of Chief Executive Officer (CEO): Fr. Brian Flier

CEO Daytime Phone: 651-455-6624 CEO Email: bfler@churchofstpatrick.com

(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): bcollins@churchofstpatrick.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal ☒ Religious ☐ Veterans ☐ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

☐ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103

Secretary of State website, phone numbers:

www.sos.state.mn.us

651-296-2803, or toll free 1-877-551-6767

☒ **IRS income tax exemption (501(c)) letter in your organization's name**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Church of St. Patrick

Physical Address (do not use P.O. box): 3535 72nd Street East

Check one:

☒ City: Inver Grove Heights Zip: 55076 County: Dakota

☐ Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): June 1-30, 2023

Check each type of gambling activity that your organization will conduct:

☐ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☐ Tipboards ☒ Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)**CITY APPROVAL
for a gambling premises
located within city limits**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- ☐ The application is denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

**The city or county must sign before
submitting application to the
Gambling Control Board.**

**COUNTY APPROVAL
for a gambling premises
located in a township**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- ☐ The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: B. Brian Fier Date: 2/28/23
(Signature must be CEO's signature; designee may not sign)

Print Name: Fr. Brian Fier**REQUIREMENTS****Complete a separate application for:**

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS**Mail application with:**

- _____ a copy of your proof of nonprofit status; and
- _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

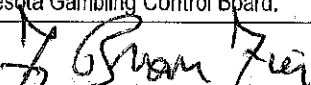
application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

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Checklist for Exempt Raffle

Organization Name: Church of St. Patrick		Previous Gambling Permit #: X- 19086-22-029	Date of Raffle Drawing: June 1, 2023	
INSTRUCTIONS: - The purpose of this form is to help your organization conduct exempt raffles in compliance with the requirements listed below. Detailed information regarding each requirement is available by clicking on the following links (in blue italics): 1) applicable statutes and rules; 2) the <i>Lawful Gambling Manual</i> chapter on raffles; 3) the online class, "<i>Conduct of Raffles</i>"; and 4) the <i>phone number and email address</i> of your county's Compliance Specialist. - After reading each checklist item, mark "Yes" to indicate that you understand the requirement and agree to comply. After answering "Yes" to each applicable item, your organization's CEO must sign the acknowledgment below. Include the completed checklist as part of your application to conduct an exempt raffle.				
Yes	N/A	- If tickets will be sold prior to the event, mark "Yes" to item #1 and mark "N/A" to items #2 and #3. - If tickets are sold only at the event using theater tickets, mark "N/A" to item #1 and answer "Yes" to items #2 and #3.	Yes	Conduct
☒	☐	1. Tickets are printed in accordance with MN Rule 7861.0310 .	☒	9. Only cash, personal checks, cashier's checks, money orders, travelers' check, and debit cards may be accepted (NO CREDIT CARDS). (349.2127) (7861.0260)
☒	☐	2. Tickets contain the sequential number of the raffle ticket. (349.173)	☒	10. The method of selection cannot be manipulated or based on the outcome of an event not under the organization's control. (349.173)
☒	☐	3. A list of prizes and a statement of other relevant information is made available to ticket purchasers. (349.173)	☒	11. Persons are not required to be present at a raffle drawing to be eligible to win. (349.173) (7861.0310)
Yes	Prizes		☒	12. Raffle tickets are not sold to or won by persons under age 18. (349.181) (7861.0310)
☒		4. The organization is the sole owner of all the real or personal property to be awarded. (7861.0260)	☒	13. Purchasers are not required to buy anything other than the ticket. (349.173) (7861.0310)
☒		5. A merchandise certificate is used when a prize requiring registration or licensure (guns, cars, ATVs, etc.) is offered. (7861.0260)	Yes	House Rules
☒		6. Prizes must not consist of lawful gambling equipment including raffle tickets for another raffle. (7861.0260)	☒	14. Clear and legible house rules in accordance with MN Rule 7861.0310 are prominently posted at the point of winner selection.
☒		7. The total value of lawful gambling prizes awarded (use fair market value for donated prizes) does not exceed \$50,000 in a calendar year. (349.166)	Yes	Post Raffle Conduct
☒		8. Alcohol is only awarded as a prize to persons who demonstrate that they are 21 years of age or older. (340A.707)	☒	15. An exempt permit financial report (LG220A) must be submitted to the Gambling Control Board within 30 days of the gambling occasion. (349.166)
			☒	16. Gambling funds may only be spent for allowable expenses and lawful purposes. (349.12 3a & 25)
			☒	17. Gambling records must be kept for 3½ years. (7861.0310)
CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)				
Noncompliant Activity: I acknowledge by signing below that my organization must follow all raffle rules and that any gambling activity conducted by the organization at the event that is not in compliance with Minnesota Statute and Rule may subject the organization to citation or the inability to receive future permits to conduct gambling. I understand that my permit will not be issued until this form has been completed and submitted to the Minnesota Gambling Control Board.				
Signature: 		Date: 4/28/23	Print Name: Fr. Brian Fier	
Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application.		Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public		
Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.				

This form will be made available in alternative format (i.e., large print, braille) upon request.

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How You May Spend Gambling Funds	How You May Not Spend Gambling Funds
Allowable expenses - Gambling funds may be spent for allowable expenses, such as: • gambling equipment (pull-tabs, bingo paper, bingo blower, paddlewheel tickets, tipboard games); • advertising; • printing raffle tickets; or • any services or goods that are directly related to the conduct of your gambling. Charitable contributions - Gambling funds may be spent for the following charitable contributions (lawful purpose): • to or by 501(c)(3) organization and 501(c)(4) festival organizations; • relieving the effects of poverty, homelessness, or disability; • problem gambling programs approved by the Minnesota Department of Human Services; • public or private nonprofit school; • scholarships (if a contribution is made to a scholarship fund, it must be made to a nonprofit organization whose primary mission is to award scholarships); • church; • recognition of military service (open to public) or active military personnel in need; • activities and facilities benefiting youth under age 21; • citizen monitoring of surface water quality, with data submitted to Minnesota PCA; • unit of government (NOTE: A direct contribution to a law enforcement or prosecutorial agency is not allowed); • wildlife management projects or activities that benefit the public-at-large, with DNR approval; • grooming and maintaining snowmobile or all-terrain trails that are grant-in-aid trails, or other trails open to public use, with DNR approval; • supplies and materials for DNR training and educational programs; • nutritional programs, food shelves, and congregate dining programs primarily for persons who are 62 or older or disabled; • community arts organizations or programs; • humanitarian service recognizing volunteerism or philanthropy; and • acquisition and repair of real property and capital assets (contact the Gambling Control Board for requirements).	1. Controlled contribution - An organization may not retain any control over any contribution made from gambling funds. The only exception is for expenditures by a 501(c)(3) organization or a 501(c)(4) festival organization to its general fund. 2. Financial gain - A contribution or expenditure may not be made if it results in any monetary, economic, financial, or material benefit to the organization making the contribution or expenditure. 3. Government - An expenditure may not be made for: • influencing the nomination or election of a candidate for public office; • promoting or defeating a ballot question; or • any activity intended to influence an election or a governmental decision-making process. 4. Law enforcement - A direct contribution may not be made to a law enforcement or prosecutorial agency. 5. Pension - A contribution may not be made to a government pension or retirement fund, such as a fire relief association. 6. Conflict of interest - A contribution or expenditure may not be made if it is not allowed under the conflict of interest provisions of the Minnesota Nonprofit Corporation Act, Minnesota Statutes, Section 317A.255. 7. Alcohol - An expenditure may not be made for the purchase of any intoxicating liquor, wine, or malt beverages. 8. Fundraising - An expenditure may not be made for fundraising costs, except as allowed for a 501(c)(3) organization or 501(c)(4) festival organization from its general fund. 9. Other organizations - With few exceptions, gambling funds may not be contributed to other organizations or clubs such as veterans, fraternal, Lions, etc. unless it is a 501(c)(3) organization. 10. Other contributions - A contribution may not be made to a 501(c)(3) organization or another entity with the intent or effect of not complying with lawful purpose restrictions or requirements.

ARCHDIOCESE
OF
SAINT PAUL &
MINNEAPOLIS

OFFICE OF THE CHANCELLOR FOR CIVIL AFFAIRS

January 15, 2019

Reverend Brian Fier
Church of Saint Patrick
3535 72nd St E
Inver Grove Heights, MN 55076

Dear Reverend Fier,

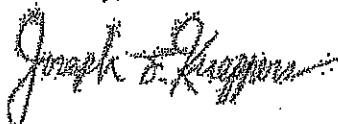
The Church of St. Patrick of Inver Grove, Minnesota, a Minnesota religious parish corporation, is a tax exempt organization under the provisions of Section 501(c)(3) of the Internal Revenue Code by reason of a Group Ruling issued to the United States Conference of Catholic Bishops by the Internal Revenue Service on October 24, 2018, which is the latest annual update in a series that began with the original determination of March 25, 1946. A copy of the 2018 Group Ruling is enclosed. The Group Exemption Number is 0928.

The Group Ruling provides that any organizations listed in the *Official Catholic Directory* for 2018 as being an agency, instrumentality and educational, charitable and religious institutions operated, supervised or controlled by or in connection with the Roman Catholic Church in the United States, are tax exempt.

The Church of St. Patrick of Inver Grove, Minnesota, is listed in the *Official Catholic Directory* for 2018 on page 1268. A copy of the Archdiocesan section from the directory showing that listing is enclosed.

If you have any questions about the tax exempt status, please contact me.

Sincerely,



Joseph F. Kueppers
Chancellor for Civil Affairs

ENCLOSURES

Internal Revenue Service
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: October 24, 2018

Person to Contact:

R. Meyer ID# 0110429

Toll-Free Telephone Number:

877-829-5500

United States Conference of Catholic
Bishops
3211 4th Street, NE
Washington, DC 20017-1194

Group Exemption Number:
0928

Dear Sir/Madam:

This responds to your October 12, 2018, request for information regarding the status of your group tax exemption.

Our records indicate that you were issued a determination letter in March 1946, that you are currently exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, and are not a private foundation within the meaning of section 509(a) of the Code because you are described in sections 509(a)(1) and 170(b)(1)(A)(i).

With your request, you provided a copy of the *Official Catholic Directory for 2018*, which includes the names and addresses of the agencies and instrumentalities and the educational, charitable, and religious institutions operated by the Roman Catholic Church in the United States, its territories, and possessions that are subordinate organizations under your group tax exemption. Your request indicated that each subordinate organization is a non-profit organization, that no part of the net earnings thereof inures to the benefit of any individual, and that no substantial part of their activities is for promotion of legislation. You have further represented that none of your subordinate organizations is a private foundation under section 509(a), although all subordinates do not all share the same sub-classification under section 509(a). Based on your representations, the subordinate organizations in the *Official Catholic Directory for 2018* are recognized as exempt under section 501(c)(3) of the Code under GEN 0928.

Donors may deduct contributions to you and your subordinate organizations as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to them or for their use are deductible for federal estate and gifts tax purposes if they meet the applicable provisions of section 2055, 2106, and 2522 of the Code.

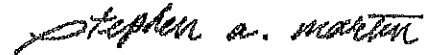
Subordinate organizations under a group exemption do not receive individual exemption letters. Subordinate organizations are not listed in Tax Exempt Organization Search (Pub 78 data), and many are not listed in the Exempt Organizations Business Master

File extract, or EO BMF. Donors may verify that a subordinate organization is included in your group exemption by consulting the *Official Catholic Directory*, the official subordinate listing approved by you, or by contacting you directly. IRS does not verify the inclusion of subordinate organizations under your group exemption. See IRS Publication 4573, *Group Exemption*, for additional information about group exemptions.

Each subordinate organization covered in a group exemption should have its own EIN. Each subordinate organization must use its own EIN, not the EIN of the central organization, in all filings with IRS.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Stephen A. Martin".

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements



Request for Council Action

SUBJECT: **Approve Change Order No. 2 for City Project No. 2021-09D – Bryant Lane Area Improvements**

MEETING DATE: March 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Steve Dodge, Assistant City Engineer, 651.450.2541

ACTION REQUESTED

The Council is asked to approve Change Order No. 2 for City Project No. 2021-09D - Bryant Lane Area Improvements.

BACKGROUND

The Bryant Lane Area Improvements were ordered as part of the 2021 Pavement Management Program. The contract for City Project No. 2021-09D was awarded on May 10, 2021, to McNamara Contracting, Inc. for the amount of \$1,424,376.00. Change Order No. 1, for the amount of \$86,449.90, was approved by the City Council on January 10, 2022 to account for additional driveway and landscape quantity increases. The revised contract value was established at \$1,510,825.90.

Change Order No. 2, for the amount of \$5,950.00, covers the cost for 17 water main gate valve box adjustments performed throughout the project, for which there was no pay item in the original contract. If approved, the revised contract value will be \$1,516,775.90.

FISCAL IMPACT

This Change Order will be funded as part of the project contingency, through the Water Capital Fund (Fund 511).

RECOMMENDATION

Staff recommends approval of Change Order No. 2, in the amount of \$5,950.00, for City Project No. 2021-09D - Bryant Lane Area Improvements.

ATTACHMENTS

1. Change Order No. 2 - 2021-09D

CHANGE ORDER NO. 2

2021 Pavement Management Program

CITY PROJECT NO. 2021-09D - Bryant Lane Area Improvements

Owner: City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077	Date of Issuance: March 27, 2023
Contractor: McNamara Contracting, Inc. 16700 Chippendale Ave. Rosemount, MN 55068	Engineer: SEH, Inc.

PURPOSE OF CHANGE ORDER

To compensate for the adjustment of existing water main gate valve boxes on the project streets. The work was necessary but there was no pay item in the contract.

Item	Unit Price	Quantity	Cost
Adjust Gate Valve	\$350.00	17 EA	\$5,950.00
Total Cost Increase			\$5,950.00

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price: \$1,424,376.00	Original Contract Time: None
Previous Change Orders \$86,449.90	Net Change from Previous Change Orders None
Contract Price Prior to this Change Order \$1,510,825.90	Contract Time Prior to this Change Order None
Net Increase (Decrease) of this Change Order \$5,950.00	Net Increase (Decrease) of Change Order None
Contract Price with all Approved Change Orders \$1,516,775.90	Contract Time with Approved Change None
Recommended By:  Nick Hahn, Senior Engineering Technician	Approved By:  McNamara Contracting, Inc.

Approved By:

Paul Merchlewicz, City Engineer

Approved By:

John Murphy, Acting Mayor

Date of Council Action:
March 27, 2023



Request for Council Action

SUBJECT: **Resolution Accepting Proposal for Geotechnical Construction Testing Services from WSB for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation**

MEETING DATE: March 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Steve Dodge, Assistant City Engineer, 651.450.2541

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, accepting a proposal for geotechnical construction testing services from WSB for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation.

BACKGROUND

The contract for City Project No. 2023-09D was awarded to Meyer Contracting, Inc. on March 13, 2023, in the amount of \$4,278,449, with a total approved bid budget of \$5,433,649.

Staff requested and received proposals for geotechnical construction testing services from two firms, as identified below:

Firm	Quote Received
WSB	\$38,315
American Engineering Testing (AET)	\$43,900

FISCAL IMPACT

Funding will come from the legal, engineering, administrative, and finance (LEAF) costs approved for the project via Resolution 2023-052, with funding through the Pavement Management - Local Streets fund (Fund 440), Water Capital Fund (Fund 511), Sewer Capital Fund (Fund 521), Storm Water Operating Fund (Fund 531), Special Assessments, Metro Transit (Metropolitan Council funds) and City of South St Paul funds.

RECOMMENDATION

Staff recommends adoption of the attached Resolution, accepting proposal for geotechnical construction testing services in the amount of \$38,315 from WSB for City Project No. 2023-09D - Dawn Way Area Street Rehabilitation.

ATTACHMENTS

1. Resolution - Accept Geotechnical Services

2. Geotechnical Construction Testing Services Proposal from WSB

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

**RESOLUTION ACCEPTING PROPOSAL FOR GEOTECHNICAL CONSTRUCTION TESTING
SERVICES FROM WSB FOR CITY PROJECT NO. 2023-09D – DAWN WAY AREA STREET
REHABILITATION**

RESOLUTION NO. _____

WHEREAS, as part of the City's Pavement Management Initiative, staff has requested proposals for geotechnical construction testing services for City Project No. 2023-09D; and

WHEREAS, proposals for geotechnical construction testing services were received from AET for \$43,900 and WSB for \$38,315; and

WHEREAS, staff has reviewed the proposals and recommends the City Council accept WSB's proposal in the amount of \$38,315.00 for geotechnical construction testing services for 2023-09D.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE INVER GROVE HEIGHTS, MINNESOTA THAT:

1. WSB's proposal in the amount of \$38,315.00 is hereby accepted for geotechnical construction testing services for 2023-09D – Dawn Way Area Street Rehabilitation.
2. The Public Works Director is authorized to direct the use of contingency funds up to 10% of the contract amount (\$3,831.50) for changes in site conditions, testing quantity adjustment, or additional testing deemed necessary to confirm the quality of the work constructed.
3. The costs for these services will be funded by project legal, engineering, administrative, and finance (LEAF) funds identified in the budget approved via Resolution 2023-052.

Adopted by the City Council of the City of Inver Grove Heights this 27th day of March 2023

John Murphy, Acting Mayor

ATTEST:

Rebecca Kiernan, City Clerk



A PROPOSAL FOR

Dawn Way Area Street Rehabilitation 2023-09D Materials Testing Services

FOR CITY OF INVER GROVE HEIGHTS

March 21, 2023

Mr. Steve Dodge, PE
Assistant City Engineer
Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077



Re: Proposal for Dawn Way Area Street Rehabilitation 2023-09D
Materials Testing Services
Inver Grove Heights, MN

Dear Mr. Dodge,

WSB is pleased to present this proposal to provide professional services for construction materials testing in conjunction with the Request for Proposal (RPF) received from the City of Inver Grove Heights for the Dawn Way Area Street Rehabilitation 2023-09D project. Our proposal includes a description of our understanding of services to be provided, proposed project personnel, and an estimate including the various services that may be rendered.

If you have any questions about this proposal, please feel free to contact the Project Coordinator, Emily DeSchepper, at 612.289.3048.

Sincerely,
WSB

A handwritten signature in black ink, appearing to read "Mark Watson".

Mark Watson, PE
Project Manager

A handwritten signature in black ink, appearing to read "Emily DeSchepper".

Emily DeSchepper
Project Coordinator

ACCEPTED BY: CITY OF INVER GROVE HEIGHTS

The City of Inver Grove Heights hereby accepts the WSB proposal for Construction Materials Testing as outlined and according to the enclosed General Contract Provisions.

Signature: _____

Name: _____

Title: _____

Date: _____



Why WSB?

WSB is a forward-thinking design and consulting firm specializing in engineering, community planning, environmental, and construction services. WSB's Construction and Design-Build Services Division is made up of more than 170 engineers, technicians, and materials specialists. These dedicated individuals are capable of providing sampling, testing, special inspections and more for all types of heavy civil, vertical, County, City, State, and Federally-funded projects. Our Minnesota team for Materials Testing has offices and staff located in Burnsville, Golden Valley, St. Paul, and Rochester. WSB's AASHTO Re:source accredited lab is located in Burnsville, Minnesota. The City can rest easy knowing you have a highly qualified team of experts that go above and beyond to deliver successful projects.

We inspire each other to discover thoughtful & creative solutions.



Highly-Qualified Team

WSB has over 87 MnDOT certified field technicians, 48 being within the metro area. WSB also holds 63 MnDOT prequalifications which is more than any other firm. Our team has a proven history of providing materials testing services on projects similar to the upcoming project for the City of Inver Grove Heights.



Above & Beyond

We strive to build lasting, profound client relationships. Our construction services group is a collective of critical, creative, and empathetic thinkers with ambitious and disruptive ideas. We challenge what has been done in order to create what could be done because we believe more is possible when we work together.



Technology

WSB provides our field staff with phones and tablets to allow data to be input in real-time while performing on-site testing and observations to fully integrate the office and the field. By using this paperless, integrated reporting technology, we have quicker report turn around times and are less prone to making errors.

We don't just work for you, we work with you.



Project Understanding

It is our understanding that this contract will consist of materials testing services for the Dawn Way Area Street Rehabilitation project in Inver Grove Heights, Minnesota. The estimate was compiled using the project plans, specifications, and additional correspondence with the City of Inver Grove Heights. This proposal has been prepared with the intent to provide services according to the most current MnDOT Schedule of Materials Control with special requests for testing rate changes from the City of Inver Grove Heights.

Based on the information provided and our experience with similar work scope, we have prepared a material testing estimate outlining the tasks that may be required and their associated costs. The tasks were directly derived from project quantities within the project plans and specifications. Changes to the testing rates and schedule can be discussed and adjusted as seen fit under the Engineer's discretion.

WE UNDERSTAND THE PROJECT MAY INCLUDE THE FOLLOWING RELEVANT CONSTRUCTION ACTIVITIES:

- Full Depth Reclamation
- Aggregate Base Placement
- Utility Installation
- Concrete Curb & Gutter
- Concrete Flatwork
- Bituminous Paving

Scope of Services



We will assign qualified engineering technicians to perform construction materials testing in accordance with all project and City of Inver Grove Heights requirements. The work will be performed by certified technicians under the direct supervision of a registered Professional Engineer. We are prepared to provide the requested services on an as-needed basis as requested by the City or their representative.

Based on the relevant construction activities, we anticipate the following inspection and testing services may be requested:

EARTHWORK

- Perform laboratory proctor tests, gradations, and quality testing on subgrade and imported materials, as sampled by technicians in the field.
- Perform density and moisture testing by nuclear gauge on fill and backfill placed during utility backfill and earthwork operations.
- Perform dynamic cone penetrometer (DCP) testing on granular, reclaimed, and aggregate base materials.

CONCRETE

- Perform field testing of plastic concrete including air content, slump, and temperature.
- Cast concrete cylinder or beam specimens for laboratory strength testing.
- Transport specimens to the laboratory for curing and strength testing.

BITUMINOUS

- Obtain companion samples from contractor during each day of paving operations.
- Perform laboratory testing on each companion sample for MnDOT gyratory mix properties.
- Obtain companion core samples after each day of paving operations, per the project specifications.

SCHEDULING

This contract is being proposed with the understanding that all scheduling will be completed by City personnel or authorized representatives on an as-needed basis to fulfill testing needs. To ensure that scheduling is performed in a timely and efficient manner, all requests will be placed with Emily DeSchepper, project coordinator, via call, text, or email at 612.289.3048 or edeschepper@wsbeng.com.

REPORTING

Our field staff are equipped with company provided phones and tablets that will allow them to keep in contact with office personnel, project managers, and City staff. These mobile devices will allow the technicians to enter real-time data into our testing software, QESTField, while on the project site. These reports are reviewed and submitted to the City provided distribution list within one business day of the field work being completed. Laboratory tests will be reported within our laboratory software, QESTLab. All reports for field and laboratory testing will be distributed with turnaround time meeting or exceeding, the MnDOT requirements. Reports are distributed via our online cloud-based system, Construction Hive, and available for download immediately upon recipient receipt allowing projects to be managed in real-time from the field.

INVOICING

The monthly project invoices will include the project name, the City project number, the date, category of the tasks performed, and relevant sample identification information. Additional project diaries and observations will be provided upon request.



Cost

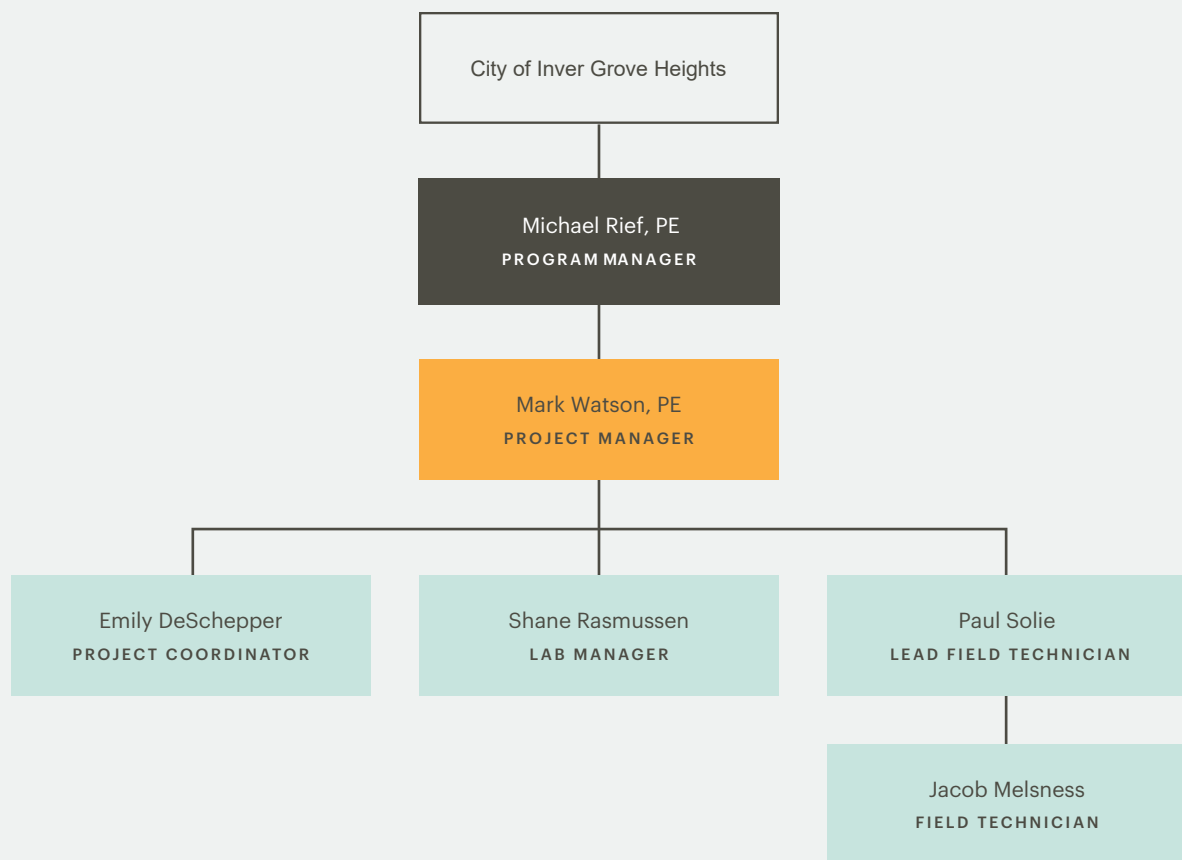
Enclosed in the Appendix is the cost estimate for the work indicated in our proposal. Final fees for the project will depend on the amount of observation and testing requested by the City or their project representatives. WSB understands that the contract will be held to an amount determined by the enclosed cost estimate. If the total fees approach the project's limit, WSB will work with the City to find a mutually agreed upon cost for additional work.

If there are additional services necessary that are not included in this proposal, we would be happy to discuss how WSB can assist.

PROJECT TIMELINES & RESPONSIBILITIES

- The City or thier project representative will submit testing / sampling requests with an attempt to have them made 24 hours prior to on-site tasks, but no later than 4 PM the day prior.
- WSB Technicians will work cooperatively with the contractor to perform testing and obtain samples.
- Project staff will provide reports for each sample and test to the distribution list provided by the City. The reporting will be completed and distributed within one business day of task completion.
- Project Assistant time will be utilized for scheduling, report review, and compilation of final project documentation.
- Project Manager time will be utilized for preconstruction meeting attendance, formal requests, notification of test failures or construction related impacts, project invoice review, and review of final project documentation.

Key Personnel



Michael Rief, PE, DBIA

PROGRAM MANAGER

Mike is a professional engineer, and Sr. Vice President of Construction and Design-Build at WSB with more than 32 years of industry experience managing some of the largest transportation projects in the state, and a career emphasis on Project Management, Contract Administration, Construction, Design, Materials, and Pavements. Prior to WSB, Mike worked for Koch Pavement Solutions for 3 years as the Field Engineering Leader for the Midwest Region, and spent 13 years working for MnDOT in various District throughout the state including the Maplewood Materials Lab. While at MnDOT, Mike served as a Soils Automation Engineer, a Design and Construction Engineer, a District Materials Engineer, and worked in the Pavement Management Office. Mike has an expert understanding of materials and material testing. Mike has seen the industry from all perspectives. Mike is actively involved in the field on all his projects and still manages several construction projects annually. Mike is also an instructor for several of MnDOT Technical Certification Courses including Grading and Base II and Grading and Base Recertification, in addition to developing technical training videos for MnDOT on Material Testing procedures.

Meet Our Team



Mark Watson, PE
PROJECT MANAGER

Mark is a professional engineer with more than 17 years of industry experience in design and construction of public infrastructure in the Metro Area. Prior to WSB, Mark served in multiple roles at MnDOT, including Materials, Operations, Construction, and Transit. He has experience providing project management, project development, scheduling, and construction oversight. Mark's experience over the full project spectrum from design, construction and maintenance gives him a unique perspective when managing projects.



Shane Rasmussen
LAB MANAGER

Shane is currently the WSB Materials Lab Supervisor with over five years experience in laboratory testing of aggregate, asphalt, soils and concrete. Previously, Shane worked primarily in the Materials Lab as a Technician. His general duties are testing construction materials for the various projects that WSB is working on, calibrating equipment, entering/reporting lab data results, training staff in lab testing and oversees the day-to-day operations of the lab. Most of his work is in the soils/aggregate lab, bituminous lab and concrete lab testing per MnDOT procedures on MnDOT projects.



Jacob Melsness
FIELD TECHNICIAN

Jacob is a senior testing technician for the materials testing group where he performs various types of tests to confirm all materials meet project specifications. He has over five years of experience in the concrete and construction industry and materials testing. Jacob has tested construction materials for various types of clients including state and federal, municipalities, and private businesses. He coordinates with contractors and inspectors on all levels to ensure materials conform to project standards and client satisfaction remains high.



Emily DeSchepper
PROJECT COORDINATOR

Emily has more than ten years of experience in construction inspection and materials testing. She has multiple MnDOT certifications. Since being with WSB since 2016, Emily has worked for clients with a range of funding sources, including state and federal agencies, municipalities, and private businesses. She has worked in a variety of settings with municipal, county, state and federal shareholders. Emily is the project coordinator and assistant project manager for the materials testing group where she brings in projects, prepares testing estimates, schedules technicians for testing, coordinates with contractors and inspectors on all levels to deliver projects to ensure compliance with the project plans and specifications.



Paul Solie
LEAD FIELD TECHNICIAN

Paul has over 41 years of construction materials testing (CMT) experience. His experience includes construction materials management, field testing inspection, and laboratory oversight. Paul has experience in attaining and maintaining AASHTO Lab Accreditations by providing construction materials lab supervision and oversight. Paul holds numerous ICC certifications for special inspections on various construction materials. Paul gained his experience performing CMT on a variety of projects across the state of Minnesota, achieving an unparalleled depth of construction expertise on both public and private infrastructure projects.



Appendix

COST ESTIMATE
GENERAL CONTRACT PROVISIONS



City of Inver Grove Heights

Dawn Way Area Street Rehabilitation

City Project 2023-09D

Construction Materials Testing Estimate of Costs (2020 MnDOT SMC & IGH)

WSB Unit	Test Type/Material	Minimum Required Testing Rate	Quantity of Material	Minimum Tests	Probable Tests	Cost Per Test	Minimum Cost	Probable Cost
Gradation Testing								
3025	Aggregate Surfacing	Random Sampling: <250 CY (CV) or 500 Tons no tests required. ≥ 250 CY (CV) to <2,000 CY (CV) OR ≥ 500 Tons to <4,000 Tons. Material is a minimum of one lot. Test 2 random samples from each lot and average. > 2,000 CY (CV) 4,000 Tons Divide into lots with lot size no greater than 2,000 CY (CV) or 4,000 Tons. Test two random samples from each lot and average	CL 2: 10 T Small Quantity	0	1	\$150.00	\$0.00	\$150.00
3025	Aggregate Base		CL 5: 6350 CY	8	14	\$150.00	\$1,200.00	\$2,100.00
3025	Stabilizing Aggregate		1280 CY	2	3	\$150.00	\$300.00	\$450.00
3025	Reclamation FDR	Test at Engineer's Discretion. Look for oversize FDR, after the motor grader has overturned the material	39,390 SY	0	2	\$150.00	\$0.00	\$300.00
Total Minimum Cost for Section							\$1,500.00	
Total Probable Cost for Section							\$3,000.00	

WSB Unit	Test Type/Material	Minimum Required Testing Rate	Major Soil Types	Minimum Tests	Probable Tests	Cost Per Test	Minimum Cost	Probable Cost
Proctor Test								
3260	Proctor Test	1 / Major soil type. Additionally, one for each granular material, if using specified density.	Trench Backfill	1	5	\$150.00	\$150.00	\$750.00
Total Minimum Cost for Section							\$150.00	
Total Probable Cost for Section							\$750.00	

WSB Unit	Test Type/Material	Minimum Required Testing Rate	Quantity of Material	Minimum Tests	Probable Tests	Cost Per Test	Minimum Cost	Probable Cost
Compaction Testing - <i>Nuclear Density Gauge (40)</i> and <i>Dynamic Cone Penetrometer (20)</i>								
3500	Aggregate Surfacing (DCP Testing as Requested)	1 density test per 500 CY (CV) or 1 per 1,000 Tons. If test rolled, 1 test / 1,500 CY (CV) or 3,000 Tons.	CL 2: 10 T Small Quantity	20	20	\$50.00	\$1,000.00	\$1,000.00
	Aggregate Base (DCP Testing on Recycled Materials)	1 density test per 500 CY (CV) or 1 per 1,000 Tons. If test rolled, 1 test / 1,500 CY (CV) or 3,000 Tons.	CL 5: 6350 CY (7)					
	Reclamation FDR (DCP Testing on Reclaimed Materials)	1 DCP per 3,000 SY. If test rolled, 1 test per 10,000 SY.	39,390 SY (14)					
3510	Granular Materials (DCP Testing on Recycled Materials) (Nuke Testing on Non-Recycled Materials)	Roadway Embankment: 1 test per 2,000 CY (CV). If test rolled, One test per 6,000 CY (CV).	Stabilizing Aggregate 1280 CY (1)	40	40	\$20.00	\$800.00	\$800.00
	Non-Granular Materials (Nuclear Density Testing)	Structures Trenches: 1 test per 500 feet of each structure length at various depths.	Storm: 310 LF (1) Structures: As requested.					
Total Minimum Cost for Section							\$1,800.00	
Total Probable Cost for Section							\$1,800.00	

WSB Unit	Test Type/Material	Minimum Required Testing Rate	Quantity of Material	Minimum Tests	Probable Tests	Cost Per Test	Minimum Cost	Probable Cost
Moisture Content Test								
3250	Aggregate Surfacing	1 / 1,000 CY up to 10 maximum. For quality compaction test at Engineer's discretion.	CL 2: 10 T Small Quantity	0	0	\$15.00	\$0.00	\$0.00
3250	Aggregate Base	1 / 1,000 CY up to 10 maximum. For quality compaction test at Engineer's discretion.	CL 5: 6350 CY	7	7	\$15.00	\$105.00	\$105.00
3250	Full Depth Reclamation (FDR)	1 / 20,000 SY	39,390 SY	2	2	\$15.00	\$30.00	\$30.00
3250	All Embankment Materials	1 / 10,000 CY up to 10 maximum. For quality compaction, test at Engineer's discretion	Stabilizing Aggregate 1280 CY	1	1	\$15.00	\$15.00	\$15.00
Total Minimum Cost for Section							\$150.00	
Total Probable Cost for Section							\$150.00	

WSB Unit	Test Type/Material	Minimum Required Testing Rate	Number of Sources	Minimum Tests	Probable Tests	Cost Per Test	Minimum Cost	Probable Cost
Aggregate Quality								
4030	Aggregate Base Recycled/Salvaged/Reclaimed Bitumen content	At the Discretion of the Engineer	Aggregate Base Reclaimed Material	0	4	\$165.00	\$0.00	\$660.00
4030	Granular Materials Recycled/Salvaged/Reclaimed (Stabilizing/Fine Bedding/Medium Filter) Bitumen content	At the Discretion of the Engineer	Stabilizing Aggregate	0	2	\$165.00	\$0.00	\$330.00
Total Minimum Cost for Section							\$0.00	
Total Probable Cost for Section							\$990.00	

Test Type/Material	Minimum Required Testing Rate
Depth Check	
Reclamation FDR & SFDR	1 per day *Assuming onsite Agency representative will perform checks.

WSB Unit	Test Type/Material	Minimum Required Testing Rate	Observation Trips	Minimum Trips	Probable Trips	Technician Time
Test Rolling						
CMT02	Test Rolling	Contractor to perform test rolling at the top of non-granular subgrade (2105/2106), granular subgrade that does not meet 3149.2.B.2 (2105/2106), base (2211), and unstabilized Full Depth Reclamation (2215). Minimum 12' width and 300' length.	3	0	3	Included in Technician Time

WSB Unit	Test Type/Material	Minimum Required Testing Rate	Quantity of Material	Minimum Sets	Probable Sets	Cost Per Test	Minimum Cost	Probable Cost
Concrete Testing								
2040	Concrete Testing	1 / 100 CY / mix type / day (Client Request: 1 set of 5 cylinders) *Field Cure Cylinder = Additional. Casted upon request.*	Curb / Gutter: 325 CY 6" Walk: 20 CY 6" Drive: 140 CY 8" Valley Gutter: 75 CY 4" Walk: 57 CY	9	15	\$150.00	\$1,350.00	\$2,250.00
Total Minimum Cost for Section							\$1,350.00	
Total Probable Cost for Section							\$2,250.00	

WSB Unit	Test Type/Material	Minimum Required Testing Rate	Quantity of Material	Minimum Tests	Probable Tests	Cost Per Test	Minimum Cost	Probable Cost
Bituminous Testing								
4090	Verification Testing - MnDOT Gyrotory Mix Properties	1 / mix type / day	9.5W(3,C): 9820 T 12.5NW(3,C): 9610 T Small Quantity: 3." 9.5W(2,C): 100 T	10	15	\$600.00	\$6,000.00	\$9,000.00
4100	Nuclear Denisty Testing of Bituminous	As requested by the City		0	20	\$20.00	\$0.00	\$400.00
4080	Core Thickness & Density	1 Companion Core per Lot		40	40	\$55.00	\$2,200.00	\$2,200.00
				Total Minimum Cost for Section			\$8,200.00	
				Total Probable Cost for Section			\$11,600.00	

WSB Unit	Test Type/Material	Minimum Required Testing Rate	Number of Sources	Minimum Tests	Probable Tests	Cost Per Test	Minimum Cost	Probable Cost
Miscellaneous Testing								
3253	Topsoil Material - Gradation, Hydrometer, Organic Content, pH	At the direction of the Engineer.	Blvd Topsoil Borrow 1040 CY	1	1	\$300.00	\$300.00	\$300.00
Total Minimum Cost for Section							\$300.00	
Total Probable Cost for Section							\$300.00	

WSB Unit	Project Charges	Rate (\$)	Quantity	Subtotal
CMT02	Field Technician Time	95	86	\$8,170.00
2130	Trip Charge	30	77	\$2,310.00
CMT01	Sample Pick-Up Time	75	51	\$3,825.00
CMT90	Project Administration	85	2	\$170.00
CMT70	Project Assistant	105	20	\$2,100.00
CMT80	Project Engineer	150	6	\$900.00
Field and Overhead Subtotal				\$17,475.00
Testing Subtotal (minimum-probable)				\$13,450.00 - \$20,840.00

Total Estimated Minimum Cost	\$30,925.00
Total Estimated Probable Cost	\$38,315.00

Request for Council Action

SUBJECT: **Authorization to Enter into 2023-2024 Labor Agreement with IUOE, Local No. 70**

MEETING DATE: March 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Kris Wilson, City Administrator, 651.450.2511
 Janet Shefchik, HR Manager, 651.450.2512

ACTION REQUESTED

The Council is asked to authorize the appropriate officials to enter into a newly negotiated 2023-24 labor agreement with IUOE, Local No. 70.

BACKGROUND

The International Union of Operating Engineers (IUOE), Local No. 70, represents approximately 24 maintenance employees of the City. IUOE members work in a variety of positions within the Streets, Parks, Fleet and Facilities divisions of the City.

The previous collective bargaining agreement expired December 31, 2022. Negotiations for a successor agreement have been underway since early November and recently resulted in agreement that the union has voted to accept. The following summarizes the highlights of the agreement:

1. **Duration:** A two-year agreement running from January 1, 2023 through December 31, 2024.
2. **Wages:** A 3% general wage increase effective January 1, 2023 and a 3% general wage increase effective January 1, 2024.
3. **Paid Parental Leave Benefit:** Two-weeks of paid parental leave upon the birth or adoption of a child, without deduction from the employee's accrued vacation or personal leave time. This benefit is for the two-year duration of this contract only, in order to provide the City with the opportunity to review and evaluate any state-mandated paid leave programs that may be adopted by the state legislature. (**NOTE:** *This is a new addition to the City's benefits package. Policy language to extend this benefit to non-union employees will be brought forward to the Council upon conclusion of this round of collective bargaining.*)
4. **Insurance.** The City will contribute toward employee health insurance for 2023 in accordance with the amounts previously approved by the Council for non-union employees. The City and the Union agree to split any increase in health insurance costs 50/50 for 2024.
5. **Holidays.** The addition of Juneteenth as a paid holiday beginning with the 2024 calendar year, with a one-day "floating holiday" as a place holder for calendar year 2023 only.

6. **Shift Differential.** The existing shift differential of 45 cents per hour, that is paid for hours worked between midnight and 6:00 a.m. from November 1 through April 1, is increased to \$1.00 per hour for calendar year 2023 and \$2.00 per hour for calendar year 2024. This most commonly comes into play when employees are called-in during the early hours of the morning to plow snow.
7. **Call Back Pay.** The existing guarantee of a two-hour minimum if an employee is called back to work during their off-duty time is increased to a three-hour minimum. The City's Police Officers currently have a three-hour minimum, so this change would make the two groups equal.
8. **Miscellaneous.** The contract agreement also includes various changes to the order of the articles, clarification of covered positions and position titles, and other miscellaneous edits of no financial impact.

FISCAL IMPACT

The negotiated agreement falls within the parameters of the City's adopted 2023 budget, with the possible exception of the increase in shift differential pay, which was not anticipated. Costs for this item will be highly dependent on the number of winter weather events. Staff will monitor the impacted departmental budgets to determine if this is likely to cause an overspend and bring a recommended budget amendment back to the Council later in the year if that appears necessary. Funding for the 2024 general wage increase of 3% will need to be included in the City's 2024 budget.

RECOMMENDATION

The City Administrator and HR Manager recommend approval of the negotiated agreement.

ATTACHMENTS

None



Request for Council Action

SUBJECT: **Approve Application for Drinking Water Revolving Fund Loan Consideration for City Project No. 2023-03 - Water Treatment Plant Rehabilitation**

MEETING DATE: March 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Brian Connolly, Public Works Director, 651.450.2571

ACTION REQUESTED

The Council is asked to approve the City's application to add the Water Treatment Plant Rehabilitation project (City Project No. 2023-03) to the Minnesota Department of Health Project Priority List and the Minnesota Public Facilities Authority Intended Use Plan.

BACKGROUND

The Minnesota Public Facilities Authority (PFA) administers several state funding programs for water infrastructure, in partnership with the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Health (MDH). These funding programs include:

- Clean Water Revolving Fund (CWRF) loans
- Drinking Water Revolving Fund (DWRF) loans
- Water Infrastructure Fund (WIF) grants
- Point Source Implementation Grants (PSIG)
- Small Community Wastewater Treatment Program

The first step in the funding process for each of these programs is for a project to be listed on the appropriate Project Priority List (PPL) with the regulatory agency (MPCA or MDH), and to be included in the appropriate Intended Use Plan (IUP) for the fiscal year for which the funds will be requested with the PFA (in this case, FY 2024).

The MDH has indicated that the City's Water Treatment Plant Rehabilitation project (City Project No. 2023-03) is a qualified candidate for use of DWRF loans, due to the recent non-compliance report for radium concentrations above the maximum contamination level (MCL), and has recommended the City submit an application to be considered for this loan program. Projects with known MCL violations are given higher funding priority than many other applications where no MCL violations have occurred. The PFA anticipates that recent increases in funding from the Federal Infrastructure Investment and Jobs Act (IIJA), combined with the anticipated increases in State bonding money for these programs, will result in more projects gaining priority funding approval in FY 2024 than has occurred in past fiscal years.

The City has noted an estimated project cost of \$4,900,000 for the filter replacement and chemical treatment system upgrade at the water treatment plant in the attached application. This is

significantly more than the \$2,800,000 noted in the 2023-2027 Capital Improvement Plan for the water treatment plant. The increase is based on several preliminary engineering review items performed by staff over the past two months, identifying additional rehabilitation needs that would most efficiently be implemented in conjunction with the filter replacement project. Staff recommend utilizing this placeholder estimate to ensure any additional costs above current CIP estimates are qualified for the DWRF program, should they arise. The preliminary engineering study to be completed later this spring/summer will result in a comprehensive preliminary design report and recommended phased implementation of improvements at the Water Treatment Plant with more refined costs provided for Council consideration, and integration into future capital improvement plans and budget requests.

FISCAL IMPACT

There is no immediate fiscal impact resulting from submitting an application. If a loan is awarded, it is anticipated that it would be at a lower interest rate than the City would obtain through its own bonding process. Repayment of any loan would be factored into the City's long-term financial model for the water utility.

RECOMMENDATION

Staff recommends approval of the attached application to add the City's Water Treatment Plant Rehabilitation project (City Project No. 2023-03) to the Minnesota Department of Health Project Priority List and the Minnesota Public Facilities Authority 2024 Intended Use Plan.

ATTACHMENTS

1. Cover Letter - MDH PPL Submittal
2. Cover Letter - PFA IUP Submittal
3. Application - DWRF (PPL & IUP)



CITY OF
**INVER GROVE
HEIGHTS**

8150 Barbara Avenue
Inver Grove Heights
Minnesota 55077

651-450-2500

www.ighmn.gov

March 27, 2023

Minnesota Department of Health
DWRP Program
P.O. Box 64975
St. Paul, MN 55164-0975

**RE: Drinking Water Revolving Fund Loan Program
Project Priority List Application**

Dear Revolving Fund Coordinator,

Enclosed, please find the Drinking Water Revolving Fund application for the City of Inver Grove Heights to include the rehabilitation of our water treatment facility on the Minnesota Department of Health 2024 Drinking Water Revolving Fund Project Priority List.

Thank you in advance for your consideration.

Sincerely,

Brenda Dietrich
Mayor

Enclosures

cc: Kris Wilson, City Administrator
Brian Connolly, Public Works Director
Eric Kramer, Utility Superintendent



8150 Barbara Avenue
Inver Grove Heights
Minnesota 55077
651-450-2500
www.ighmn.gov

March 27, 2023

Ms. Rebecca Sabie
Minnesota Public Facilities Authority
1st National Bank Building, Suite W820
332 Minnesota Street
St. Paul, MN 55101-1378

**RE: Request for Placement on 2024 Intended Use Plan (IUP) for
Drinking Water Revolving Loan Fund Program**

Dear Ms. Sabie,

The City of Inver Grove Heights has submitted the enclosed Drinking Water Revolving Fund (DWRF) application to the Minnesota Department of Health to include the rehabilitation of our water treatment facility on the 2024 DWRF Project Priority List. This letter represents the City's formal request to place the same project on the PFA's 2024 Intended Use Plan for the DWRF. The project information requested for consideration is as follows:

Project Applicant:	City of Inver Grove Heights
Project Name:	Water Treatment Plant Rehabilitation (Proj. No. 2023-03)
Project Costs Estimate:	\$4,900,000
Project Source Funding:	Request for 2024 DWRF loan funding (pending) is the only external funding being sought at the present time. Should the project not qualify, the City intends to utilize a combination of bonding and existing utility capital funding for the majority of the project costs.

Project Schedule:

Final Design Engineering Contract Award:	April 24, 2023
Complete Plans & Specifications:	September 1, 2023
Contract Bidding:	Fall 2023
Begin Construction:	December 2023
Final Completion:	April 30, 2024

Thank you in advance for your consideration.

Sincerely,

Brenda Dietrich
Mayor

Enclosures

Cc: Kris Wilson, City Administrator
Brian Connolly, Public Works Director
Eric Kramer, Utility Superintendent

Drinking Water Revolving Fund Application

Project Priority List

Project Owner

City of Inver Grove Heights

Project Name

Water Treatment Plant Rehabilitation
City Project No. 2023-03

Contacts

City Representative

Brian Connolly, Public Works Director
City of Inver Grove Heights
8150 Barbara Ave
Inver Grove Heights, MN 55077
651-450-2571
bconnolly@ighmn.gov

Community Statistics & Population

Inver Grove Heights is in the northeast portion of Dakota County, Minnesota, approximately 10 miles south of downtown St. Paul. Incorporated initially as a township in 1858, and as a village in 1909, the current boundaries of Inver Grove Heights were established with the creation of the City of Inver Grove Heights in 1965. Inver Grove Heights is unique among its peer communities throughout the Twin Cities metropolitan area, in that a large portion of the City remains rural in nature, with larger estate lots and some remaining agricultural plots, which exist outside the Metropolitan Council's Municipal Urban Service Area (MUSA) boundary. The developed areas of Inver Grove Heights are within the MUSA boundary, and receive water and sanitary sewer utility services from the City's infrastructure system.

Current Population (2021): 35,500⁽¹⁾

Current Households (2021): 14,500⁽¹⁾

Projected 2030 Population: 42,000⁽²⁾

Projected 2040 Population: 46,700⁽²⁾

Median Household Income (2021): \$89,141⁽¹⁾

(1) Data from US Census Bureau (www.census.gov)

(2) Data from Inver Grove Heights 2040 Comprehensive Plan (www.ighmn.gov/1246/2040-Comprehensive-Plan)

System description

General

The public water system consists of seven (7) municipal wells, an iron & manganese and radium removal filtration plant, four elevated storage tanks, and a distribution system that serves all developed properties within the corporate city limits. The average water use in 2022 was 2.99 million gallons a day, and the maximum water use was 6.55 million gallons on June 29, 2022. All service connections are metered.

Supply

Wells 3, 4, 5, 7, 8 and 9 all draw water from the Jordan aquifer. Well #6 is in the Mount Simon aquifer and is our emergency well that we never use daily. All the wells are connected via the raw water main and pump directly to the water treatment plant.

Well Information

Well	Constructed	Depth	Capacity	Iron	Manganese	Radium Raw
#3	1970	407	1100 GPM	0.0	.196	8.8
#4	1970	360	1100 GPM	0.01	.196	9.3
#5	1980	452	1100 GPM	0.03	.261	7.3
#6	1987	1044	1100 GPM	0.22	.26	8.8
#7	1990	514	1100GPM	0.10	.253	7.8
#8	2004	542	1100GPM	.64	.303	12.3
#9	2009	510	1100GPM	.14	.212	9.3

Treatment

The iron & manganese filtration plant was built in 1998 and expanded in 2006 to treat water from the raw water wells at a capacity of 12 MGD. The treatment process consists of aeration followed by filtration through sand media. Potassium Permanganate and magnesium sulfate is added to form a floc and filter out the iron, manganese and radium. Water after treatment is pumped from the clear well into distribution system. Chemical treatment consists of potassium permanganate, magnesium sulfate, gas chlorine, and fluoride. The system practices breakpoint chlorination to burn off the ammonia.

Storage

Water is stored in four (4) water reservoir structure throughout the community, as shown in the map included with this summary submittal:

- 5-million-gallon ground storage reservoir is located at the water treatment plant
- 2-million-gallon Arbor Point water tower
- 1-million-gallon Northside water tower
- 1-million-gallon Asher water tower tanks

Distribution

The community is served by cast and ductile iron watermain. Most lines are six, eight- and 12-inches diameter. Most of the cast iron pipes are in the northeast portion of the community and were installed between 1955 and 1970. Since the early 1970's watermain installed in town consisted of ductile iron pipe.

Need for Improvements

Treatment

The rehabilitation of the treatment plant is the primary need for which this application is being made for DWRP needs. Since 2021, the Minnesota Department of Health has been performing quarterly combined radium tests of the treated water at the treatment plant, as individual tests were found to be fluctuating between 4.4 pCi/L and 6.6 pCi/L on a quarterly basis. In January 2023, the City was notified that the annual average combined radium readings had exceeded the maximum contaminant level (MCL) of 5.4 pCi/L for combined radium, as the most recent sample taken in October 2022 put the annual average at 6.0 pCi/L. The City was required to notify water system customers of this MCL exceedance and develop a plan of action to address the issue.

As it was known prior to the MCL exceedance that the sand filters were likely the primary deficiency in the treatment process, the City had included the anticipated replacement of the sand filter system, along with select piping, metering, and monitoring systems as part of its Capital Improvement Plan, with construction slated for 2024. The City is endeavoring to accelerate the replacement of the current sand filters, while also looking to develop a better understanding of recommended water treatment plant upgrades that may occur in conjunction with the filter replacement or may be considered for implementation as part of a long-term phased water treatment plant rehabilitation project.

As previously noted, the treatment plant was constructed in 1998, and most of the mechanical and systems equipment is original. The sand media filters are all original and are in need of replacement to address recent deficiencies in radium removal effectiveness. The filter underdrains and backwash system are in need of additional rehabilitation, and most, if not all, of the air and inlet valves need to be replaced. The City is undertaking a preliminary design assessment and first-phase design that will focus on the potential replacement of the current hydrous manganese oxide (HMO) in-situ dosing system with a pre-mixed Potassium Permanganate and Manganese Sulfate HMO system. The current effort will also review upgrades to the fluoride and chlorine injection systems.

Alternatives

The City would like to list the water treatment plant rehabilitation on the Project Priority List at this time.

Treatment

The following alternatives were evaluated for the existing treatment plant:

1. **Filter Replacement Only** – The rehabilitation will include the replacement of only the existing sand filters, with limited additional work on associated components such as valves, the underdrain system, or addressing other noted deficiencies. Undertaking this effort

alone will require future rehabilitation work, and possible re-work associated with the filter media replacement to address underdrain and backwash system rehabilitation needs.

Estimated cost - \$1,800,000

2. **Filter Replacement with Chemical Treatment System Component Rehabilitation & Upgrade** – This option would include the replacement of the existing sand filters, repainting the filter system distribution boxes, replacing all filter valves and air compression valves, rehabilitating and upgrading the underdrain and filter backwash piping components, updating the chlorine feed system, replacing the fluoride pumps, and installing a new chemical feed HMO system. **Estimated cost - \$4,900,000**
3. **Comprehensive Water Treatment Plant Rehabilitation** – This option would include the replacement of the existing sand filters, repainting the filter system distribution boxes, replacing all filter valves and air compression valves, rehabilitating and upgrading the underdrain and filter backwash piping components, updating the chlorine feed system, replacing the fluoride pumps, installing a new chemical feed HMO system, and performing several improvement to the building mechanical system and building envelope, with a focus on dehumidification and air quality improvements. This effort would also include updates to existing pumping systems by installing new variable flow drives on all high-service pumps, as well as security improvements such as new security cameras and fire alarm panel. **Estimated cost - \$6,800,000**
4. **Do nothing.** The plant will continue to operate at a level that is out of compliance with the Safe Drinking Water Act and would result in further non-compliance action from the Minnesota Department of Health.

Alternative Selected

Treatment – Filter Replacement with Chemical Treatment System Component Rehabilitation & Upgrade – Based on the cost comparison of the options, and the likely time needed for design and construction, the City would like to perform a rehabilitation effort that focuses on the treatment system components, to bring the plant into compliance with Minnesota Department of Health requirements for radium removal as quickly and cost-effectively as possible, while simultaneously addressing known deficiencies in the chemical treatment process. The building remains in good condition, and improvements to the building envelope and mechanical systems can be implemented under future phases of rehabilitation without having an adverse impact on the treatment plant operations.

Cost Summary

Treatment Plant Addition and Rehabilitation - \$4,900,000

Description	Cost
Construction Cost	\$3,565,000
Engineering & Admin (25%)	\$ 890,000
Contingency (10%)	\$ 445,000
Total	\$4,900,000

Project Schedule

Treatment Plant Rehabilitation

Final Design Engineering Contract Award:	April 24, 2023
Complete Plans & Specifications:	September 1, 2023
Contract Bidding:	Fall 2023
Begin Construction:	December 2023
Substantial Completion:	March 15, 2024
Final Completion:	April 30, 2024

Water Supply Plan

The most recent City of Inver Grove Heights Water Supply Plan was submitted to the Minnesota Department of Natural Resources on February 19, 2020, and was subsequently approved on February 24, 2020. Inver Grove Heights operates its water system under DNR Appropriation Permit No. 1980-6052.

Miscellaneous

A map highlighting the City of Inver Grove Heights water distribution system is attached for reference.

- 

WATER TREATMENT PLANT
- 

WATER RESERVOIR
- 

WELL HOUSE
- 

BOOSTER STATION
- 

POTABLE WATER LINE
- 

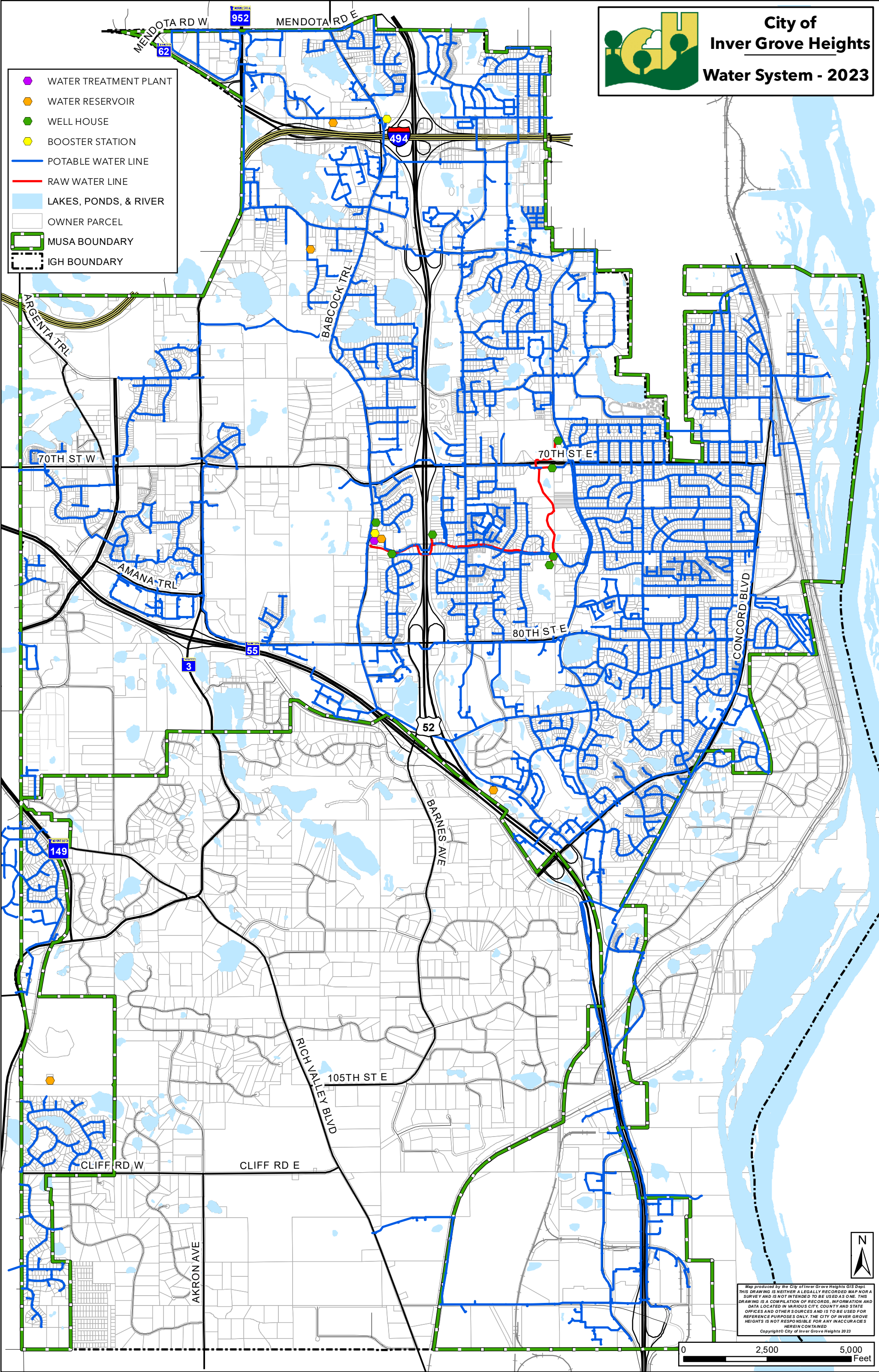
RAW WATER LINE
- 

LAKES, PONDS, & RIVER
- 

OWNER PARCEL
- 

MUSA BOUNDARY
- 

IGH BOUNDARY



Map produced by the City of Inver Grove Heights GIS Dept.
THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A
SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS
DRAWING IS A COMPILATION OF RECORDS, INFORMATION AND
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Request for Council Action

SUBJECT: **Approval to Opt-In to Additional Opioid-Related Settlement Agreement**

MEETING DATE: March 27, 2023

ITEM TYPE: Consent Agenda

CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, opting in to a third opioid-related settlement agreement, as well as future settlement agreements with opioid supply chain participants, and authorizing City staff to sign the necessary documents to execute the attached Memorandum of Agreement.

BACKGROUND

In the past few years, the State of Minnesota, and a number of Minnesota cities and counties, joined with other local governments across the country to file lawsuits against opioid manufacturers and pharmaceutical distribution companies to hold those companies accountable for actions that fueled the opioid epidemic. After years of negotiations, two proposed nationwide settlement agreements were reached in the fall of 2021 to resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen, and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson. A third settlement has now been reached with manufacturers Teva Pharmaceuticals and Allergan, as well as retail pharmacies Walmart, CVS and Walgreens.

Like the previous two settlements, the City of Inver Grove Heights has the option to opt-in to this third settlement and receive additional funding that can be used for approved expenditures to remediate and abate the impacts of the opioid crisis. The League of MN Cities has prepared the attached one-page fact sheet which outlines the relevant facts for this third settlement agreement.

FISCAL IMPACT

Opting-in to this settlement agreement will provide additional resources to the City for remediation and abatement of the impacts of the opioid crisis within our community.

RECOMMENDATION

Staff recommends Council adopt the attached Resolution, opting in to this settlement agreement, and future settlement agreements with opioid supply chain participants, and authorizing City staff to sign the necessary documents to execute the Memorandum of Agreement.

ATTACHMENTS

1. LMC Opioids Settlement Flyer (March 2023)

2. Resolution Authorizing Inver Grove Heights's Opt-In to Settlement Agreement with Opioid Supply Chain Participants
3. Memorandum of Agreement for Teva Allergan CVS and Walgreens Settlement (March 2023)

NEW ROUND OF OPIOID SETTLEMENTS, FUNDS, & ACTION STEPS



Settlements have been reached with opioid manufacturers Teva Pharmaceuticals and Allergan, and retail pharmacy chains Walmart, CVS and Walgreens.

Awards are dependent on participation by both litigating and non-litigating local governments and could exceed \$235 million over 15 years for Minnesota.

To maximize the money coming to Minnesota, all cities with populations over 10,000 are being asked to sign on to these settlements by April 18, 2023. Anticipated breakdown of payouts nationwide:

- Teva will pay up to \$4.25 billion over 13 years.
- Allergan will pay up to \$2.37 billion over 7 years.
- Walmart will pay up to \$3.1 billion over 6 years, with a possibility for states to earn the entire amount in the first year.
- CVS will pay up to \$5 billion over 10 years.
- Walgreens will pay up to \$5.7 billion over 15 years

State/Local Government Memorandum of Agreement

Under the MOA, abatement funds will be directed as follows:

- Seventy-five percent (75%) will be paid directly to counties and certain cities/other municipalities that participate in the settlement process (e.g., cities over 30,000 population and any city that has a public health department).
- Twenty-five percent (25%) of the abatement funds will be paid directly to the State.
- Any city allocated a share may elect to have its full share or a portion of its full share directed to the county or counties in which it is located.
- Each county must consult annually with cities in its jurisdiction regarding future use of settlement funds, including holding an annual public meeting to receive input on proposed uses and to encourage collaboration between local governments.

Action steps for cities by April 18, 2023

A notice of the settlements with Teva, Allergan and the three pharmacy chains along with the invitation to join was sent to cities on March 8, 2023. Participation is similar to the process cities used for joining last year's Johnson & Johnson and distributors settlements. The deadline to participate in this latest round of settlements is April 18, 2023.

Action Step, due by April 18: Cities with 2019 populations of at least 10,000 must sign documents via DocuSign and execute an amendment to last year's MOA. These documents are included in the email from opioidsparticipation@rubris.com.

The League's Role

Since 2022, the League has been working closely with state and local government partners to develop and implement a state-subdivision agreement (or "Minnesota Memorandum of Agreement") designed to maximize the settlement funds coming to the state from litigation against opioids manufacturers and distributors. The money is earmarked to fund needed abatement and remediation programs to fight against the devastating impacts on Minnesota communities borne from the opioid crisis.

The League continues to work closely with state/county partners to facilitate communications about the settlement sign-on process and reporting requirements that will reflect how settlement funds are being used across the state.

League Resources and Contacts

Visit the League's website for links to these resources and latest news: lmc.org/resources/opioid-epidemic/.

Please direct questions to the League of Minnesota Cities General Counsel: (800) 925-1122.

Patricia Beety, General Counsel
pbeety@lmc.org
(651) 281-1270

Edward Cadman, Associate General Counsel
ecadman@lmc.org
(651) 281-1229

Resolution Authorizing Inver Grove Heights city Staff to Execute All Necessary Documents to Ensure Inver Grove Heights city Participation in the Multistate Settlements Relating to Opioid Supply Chain Participants, and in the Minnesota Opioids State-Subdivision Memorandum of Agreement.

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against opioid supply chain participants related to the opioid crisis; and

WHEREAS, the Minnesota Attorney General has signed on to multistate settlement agreements with several opioid supply chain participants, but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and

WHEREAS, for the April 2023 agreements there is a deadline of April, 18 2023, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that city or county but by all Minnesota cities and counties from the settlement funds; and

WHEREAS, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota have reached agreement on the intrastate allocation of these settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which will be memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement, as amended (the "State-Subdivision Agreement"); and

WHEREAS, the State-Subdivision Agreement creates an opportunity for local governments and the State to work collaboratively on a unified vision to deliver a robust abatement and remediation plan to address the opioid crisis in Minnesota;

NOW, THEREFORE, BE IT RESOLVED, Inver Grove Heights city supports and agrees to the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, Inver Grove Heights city supports and opts in to the April 2023 multistate agreement and all future multistate settlement agreements with opioid supply chain participants; and

BE IT FURTHER RESOLVED, Inver Grove Heights city authorizes city staff to execute all necessary documents to ensure Inver Grove Heights city participation in the multistate settlement agreements, including Participation Agreement(s) and accompanying Release(s), and the State-Subdivision Agreement(s), unless and until such authority is revoked.

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time?

☐ Yes ☐ No

Governmental Entity: Inver Grove Heights city	State: MN
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Exhibit K
Subdivision and Special District Settlement Participation Form

Governmental Entity: Inver Grove Heights city	State: MN
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Teva Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.



8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entities and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the CVS Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Inver Grove Heights city	State: MN
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*CVS Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the Walgreens Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Inver Grove Heights city	State: MN
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*Walgreens Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation Form**

Will your subdivision or special district be signing the settlement participation form for the Walmart Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Inver Grove Heights city	State: MN
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopiodsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



AMENDED MINNESOTA OPIOIDS STATE-SUBDIVISION MEMORANDUM OF AGREEMENT

WHEREAS, the State of Minnesota, Minnesota counties and cities, and their people have been harmed by misconduct committed by certain entities that engage in or have engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic;

WHEREAS, certain Minnesota counties and cities, through their counsel, and the State, through its Attorney General, are separately engaged in ongoing investigations, litigation, and settlement discussions seeking to hold opioid manufacturers and distributors accountable for the damage caused by their misconduct;

WHEREAS, the State and Local Governments share a common desire to abate and alleviate the impacts of the misconduct described above throughout Minnesota;

WHEREAS, while the State and Local Governments recognize the sums which may be available from the aforementioned litigation will likely be insufficient to fully abate the public health crisis caused by the opioid epidemic, they share a common interest in dedicating the most resources possible to the abatement effort;

WHEREAS, the investigations and litigation with several companies have resulted in National Settlement Agreements with those companies, which the State has already committed to join;

WHEREAS, Minnesota's share of settlement funds from the National Settlement Agreements will be maximized only if all Minnesota counties, and cities of a certain size, participate in the settlements;

WHEREAS, the National Settlement Agreements will set a default allocation between each state and its political subdivisions unless they enter into a state-specific agreement regarding the distribution and use of settlement amounts;

WHEREAS, this Amended Memorandum of Agreement is intended to facilitate compliance by the State and by the Local Governments with the terms of the National Settlement Agreements and is intended to serve as a State-Subdivision Agreement under the National Settlement Agreements;

WHEREAS, this Amended Memorandum of Agreement is also intended to serve as a State-Subdivision Agreement under resolutions of claims concerning alleged misconduct in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic entered in bankruptcy court that provide for payments (including payments through a trust) to both the State and Minnesota counties and cities and allow for the allocation between a state and its political subdivisions to be set through a state-specific agreement; and

WHEREAS, specifically, this Amended Memorandum of Agreement is intended to serve under the Bankruptcy Resolutions concerning Purdue Pharma, Mallinckrodt, and Endo as a qualifying Statewide Abatement Agreement.

I. Definitions

As used in this MOA (including the preamble above):

“Approved Uses” shall mean forward-looking strategies, programming, and services to abate the opioid epidemic that fall within the list of uses on **Exhibit A**. Consistent with the terms of the National Settlement Agreements and Bankruptcy Resolutions, “Approved Uses” shall include the reasonable administrative expenses associated with overseeing and administering Opioid Settlement Funds. Reimbursement by the State or Local Governments for past expenses are not Approved Uses.

“Backstop Fund” is defined in Section VI.B below.

“Bankruptcy Defendants” mean any Opioid Supply Chain Participants that have filed for federal bankruptcy protection, including, but not limited to, Purdue Pharma L.P., Mallinckrodt plc, and Endo International plc.

“Bankruptcy Resolution(s)” means resolutions of claims concerning alleged misconduct in manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic by the Bankruptcy Defendants entered in bankruptcy court that provide for payments (including payments through a trust) to both the State and Minnesota counties and municipalities and allow for the allocation between the state and its political subdivisions to be set through a state-specific agreement.

“Counsel” is defined in Section VI.B below.

“County Area” shall mean a county in the State of Minnesota plus the Local Governments, or portion of any Local Government, within that county.

“Governing Body” means (1) for a county, the county commissioners of the county, and (2) for a municipality, the elected city council or the equivalent legislative body for the municipality.

“Legislative Modification” is defined in Section II.C below.

“Litigating Local Governments” mean a Local Government that filed an opioid lawsuit(s) on or before December 3, 2021, as defined in Section VI.B below.

“Local Abatement Funds” are defined in Section II.B below.

“Local Government” means all Minnesota political subdivisions within the geographic boundaries of the state of Minnesota.

“MDL Matter” means the matter captioned *In re National Prescription Opiate Litigation*, MDL 2804, pending in the United States District Court for the Northern District of Ohio.

“Memorandum of Agreement” or “MOA” means this agreement, the Amended Minnesota Opioids State-Subdivision Memorandum of Agreement.

“National Settlement Agreements” means a national opioid settlement agreement with the Parties and one or more Opioid Supply Chain Participants concerning alleged misconduct in manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic, which includes structural or payment provisions requiring or anticipating the participation of both the State and its political subdivisions in the national opioid settlement agreement and allows for the allocation of Opioid Settlement Funds between the State and its political subdivisions to be set through a state-specific agreement.

“Opioid Settlement Funds” shall mean all funds allocated by the National Settlement Agreements and any Bankruptcy Resolutions to the State and Local Governments for purposes of opioid remediation activities or restitution, as well as any repayment of those funds and any interest or investment earnings that may accrue as those funds are temporarily held before being expended on opioid remediation strategies.

“Opioid Supply Chain Participants” means entities that engage in, have engaged in, or have provided consultation services regarding the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic, including, but not limited to, Janssen, AmerisourceBergen, Cardinal Health, McKesson, Teva Pharmaceuticals, Allergan plc, CVS Health Corporation, Walgreens Boots Alliance, Inc., and Walmart Inc. “Opioid Supply Chain Participants” also means all subsidiaries, affiliates, officers, directors, employees, or agents of such entities.

“Parties” means the State and the Participating Local Governments.

“Participating Local Government” means a political subdivision within the geographic boundaries of the State of Minnesota that has signed this Memorandum of Agreement and has executed a release of claims by signing on to the National Settlement Agreements. For the avoidance of doubt, a Local Government must sign this MOA to become a “Participating Local Government.”

“Region” is defined in Section II.H below.

“State” means the State of Minnesota by and through its Attorney General, Keith Ellison.

“State Abatement Fund” is defined in Section II.B below.

II. Allocation of Settlement Proceeds

- A. Method of distribution. Pursuant to the National Settlement Agreements and any Bankruptcy Resolutions, Opioid Settlement Funds shall be distributed directly to the State and directly to Participating Local Governments in such proportions and for such uses as set forth in this MOA, provided Opioid Settlement Funds shall not be considered funds of

the State or any Participating Local Government unless and until such time as each distribution is made.

B. Overall allocation of funds. Opioid Settlement Funds will be initially allocated as follows: (i) 25% directly to the State (“State Abatement Fund”), and (ii) 75% directly to abatement funds established by Participating Local Governments (“Local Abatement Funds”). This initial allocation is subject to modification by Sections II.F, II.G, and II.H, below.

C. Statutory change.

1. The Parties agree to work together in good faith to propose and lobby for legislation in the 2022 Minnesota legislative session to modify the distribution of the State’s Opiate Epidemic Response Fund under Minnesota Statutes section 256.043, subd. 3(d), so that “50 percent of the remaining amount” is no longer appropriated to county social services, as related to Opioid Settlement Funds that are ultimately placed into the Minnesota Opiate Epidemic Response Fund (“Legislative Modification”).¹ Such efforts include, but are not limited to, providing testimony and letters in support of the Legislative Modification.

2. It is the intent of the Parties that the Legislative Modification would affect only the county share under section 256.043, subd. 3(d), and would not impact the provision of funds to tribal social service agencies. Further, it is the intent of the Parties that the Legislative Modification would relate only to disposition of Opioid Settlement Funds and is not predicated on a change to the distribution of the Board of Pharmacy fee revenue that is deposited into the Opiate Epidemic Response Fund.

D. Bill Drafting Workgroup. The Parties will work together to convene a Bill Drafting Workgroup to recommend draft legislation to achieve this Legislative Modification. The Workgroup will meet as often as practicable in December 2021 and January 2022 until recommended language is completed. Invitations to participate in the group shall be extended to the League of Minnesota Cities, the Association of Minnesota Counties, the Coalition of Greater Minnesota Cities, state agencies, the Governor’s Office, the Attorney General’s Office, the Opioid Epidemic Response Advisory Council, the Revisor’s Office, and Minnesota tribal representatives. The Workgroup will host meetings with Members of the Minnesota House of Representatives and Minnesota Senate who have been involved in this matter to assist in crafting a bill draft.

E. No payments until August 1, 2022. The Parties agree to take all steps necessary to ensure that any Opioid Settlement Funds ready for distribution directly to the State and Participating Local Governments under the National Settlement Agreements or

¹ It is the intent of the Parties that counties will continue to fund child protection services for children and families who are affected by addiction, in compliance with the Approved Uses in **Exhibit A**.

Bankruptcy Resolutions are not actually distributed to the Parties until on or after August 1, 2022, in order to allow the Parties to pursue legislative change that would take effect before the Opioid Settlement Funds are received by the Parties. Such steps may include, but are not limited to, the Attorney General's Office delaying its filing of Consent Judgments in Minnesota state court memorializing the National Settlement Agreements. This provision will cease to apply upon the effective date of the Legislative Modification described above, if that date is prior to August 1, 2022.

- F. Effect of no statutory change by August 1, 2022. If the Legislative Modification described above does not take effect by August 1, 2022, the allocation between the Parties set forth in Section II.B shall be modified as follows: (i) 40% directly to the State Abatement Fund, and (ii) 60% to Local Abatement Funds. The Parties further agree to discuss potential amendment of this MOA if such legislation does not timely go into effect in accordance with this paragraph.
- G. Effect of later statutory change. If the Legislative Modification described above takes effect after August 1, 2022, the allocation between the Parties will be modified as follows:
 - (i) 25% directly to the State Abatement Fund, and (ii) 75% to Local Abatement Funds.
- H. Effect of partial statutory change. If any legislative action otherwise modifies or diminishes the direct allocation of Opioid Settlement Funds to Participating Local Governments so that as a result the Participating Local Governments would receive less than 75 percent of the Opioid Settlement Funds (inclusive of amounts received by counties per statutory appropriation through the Minnesota Opiate Epidemic Response Fund), then the allocation set forth in Section II.B will be modified to ensure Participating Local Governments receive 75% of the Opioid Settlement Funds.
- I. Participating Local Governments receiving payments. The proportions set forth in **Exhibit B** provide for payments directly to: (i) all Minnesota counties; and (ii) all Minnesota cities that (a) have a population of more than 30,000, based on the United States Census Bureau's Vintage 2019 population totals, (b) have funded or otherwise managed an established health care or treatment infrastructure (e.g., health department or similar agency), or (c) have initiated litigation against AmerisourceBergen, Cardinal Health, McKesson, or Janssen as of December 3, 2021.
- J. Allocation of funds between Participating Local Governments. The Local Abatement Funds shall be allocated to Participating Local Governments in such proportions as set forth in **Exhibit B**, attached hereto and incorporated herein by reference, which is based upon the MDL Matter's Opioid Negotiation Class Model.² The proportions shall not change based on population changes during the term of the MOA. However, to the extent

² More specifically, the proportions in Exhibit B were created based on Exhibit G to the National Settlement Agreements, which in turn was based on the MDL Matter's allocation criteria. Cities under 30,000 in population that had shares under the Exhibit G default allocation were removed and their shares were proportionally reallocated amongst the remaining subdivisions.

required by the terms of the National Settlement Agreements, the proportions set forth in **Exhibit B** must be adjusted: (i) to provide no payment from the National Settlement Agreements to any listed county or municipality that does not participate in the National Settlement Agreements; and (ii) to provide a reduced payment from the National Settlement Agreements to any listed county or city that signs on to the National Settlement Agreements after the Initial Participation Date.

- K. Redistribution in certain situations. In the event a Participating Local Government merges, dissolves, or ceases to exist, the allocation percentage for that Participating Local Government shall be redistributed equitably based on the composition of the successor Local Government. In the event an allocation to a Local Government cannot be paid to the Local Government, such unpaid allocations will be allocated to Local Abatement Funds and be distributed in such proportions as set forth in Exhibit B.
- L. City may direct payments to county. Any city allocated a share may elect to have its full share or a portion of its full share of current or future annual distributions of settlement funds instead directed to the county or counties in which it is located, so long as that county or counties are Participating Local Governments[s]. If a city is located in more than one county, the city's funds will be directed based on the MDL Matter's Opioid Negotiation Class Model.

III. **Special Revenue Fund**

- A. Creation of special revenue fund. Every Participating Local Government receiving Opioid Settlement Funds through direct distribution shall create a separate special revenue fund, as described below, that is designated for the receipt and expenditure of Opioid Settlement Funds.
- B. Procedures for special revenue fund. Funds in this special revenue fund shall not be commingled with any other money or funds of the Participating Local Government. The funds in the special revenue fund shall not be used for any loans or pledge of assets, unless the loan or pledge is for an Approved Use. Participating Local Governments may not assign to another entity their rights to receive payments of Opioid Settlement Funds or their responsibilities for funding decisions, except as provided in Section II.L.
- C. Process for drawing from special revenue funds.
 - 1. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
 - 2. The budget or resolution must (i) indicate that it is an authorization for expenditures of opioid settlement funds; (ii) state the specific strategy or strategies the county or city intends to fund, using the item letter and/or number in **Exhibit A** to identify each funded strategy, if applicable; and (iii) state the amount dedicated to each strategy for a stated period of time.

- D. Local government grantmaking. Participating Local Governments may make contracts with or grants to a nonprofit, charity, or other entity with Opioid Settlement Funds.
- E. Interest earned on special revenue fund. The funds in the special revenue fund may be invested, consistent with the investment limitations for local governments, and may be placed in an interest-bearing bank account. Any interest earned on the special revenue funds must be used in a way that is consistent with this MOA.

IV. Opioid Remediation Activities

- A. Limitation on use of funds. This MOA requires that Opioid Settlement Funds be utilized only for future opioid remediation activities, and Parties shall expend Opioid Settlement Funds only for Approved Uses and for expenditures incurred after the effective date of this MOA, unless execution of the National Settlement Agreements requires a later date. Opioid Settlement Funds cannot be used to pay litigation costs, expenses, or attorney fees arising from the enforcement of legal claims related to the opioid epidemic, except for the portion of Opioid Settlement Funds that comprise the Backstop Fund described in Section VI. For the avoidance of doubt, counsel for Litigating Local Governments may recover litigation costs, expenses, or attorney fees from the common benefit, contingency fee, and cost funds established in the National Settlement Agreements, as well as the Backstop Fund described in Section VI.
- B. Public health departments as Chief Strategists. For Participating Local Governments that have public health departments, the public health departments shall serve as the lead agency and Chief Strategist to identify, collaborate, and respond to local issues as Local Governments decide how to leverage and disburse Opioid Settlement Funds. In their role as Chief Strategist, public health departments will convene multi-sector meetings and lead efforts that build upon local efforts like Community Health Assessments and Community Health Improvement Plans, while fostering community focused and collaborative evidence-informed approaches that prevent and address addiction across the areas of public health, human services, and public safety. Chief Strategists should consult with municipalities located within their county in the development of any Community Health Assessment, and are encouraged to collaborate with law enforcement agencies in the county where appropriate.
- C. Administrative expenses. Reasonable administrative costs for the State or Local Government to administer its allocation of the Opioid Settlement Funds shall not exceed actual costs, 10% of the relevant allocation of the Opioid Settlement Funds, or any administrative expense limitation imposed by the National Settlement Agreements or Bankruptcy Resolution, whichever is less.
- D. Regions. Two or more Participating Local Governments may at their discretion form a new group or utilize an existing group (“Region”) to pool their respective shares of settlement funds and make joint spending decisions. Participating Local Governments may

choose to create a Region or utilize an existing Region under a joint exercise of powers under Minn. Stat. § 471.59.

E. Consultation and partnerships.

1. Each county receiving Opioid Settlement Funds must consult annually with the municipalities in the county regarding future use of the settlement funds in the county, including by holding an annual meeting with all municipalities in the county in order to receive input as to proposed uses of the Opioid Settlement Funds and to encourage collaboration between Local Governments both within and beyond the county. These meetings shall be open to the public.
2. Participating Local Governments within the same County Area have a duty to regularly consult with each other to coordinate spending priorities.
3. Participating Local Governments can form partnerships at the local level whereby Participating Local Governments dedicate a portion of their Opioid Settlement Funds to support city- or community-based work with local stakeholders and partners within the Approved Uses.

- F. Collaboration. The State and Participating Local Governments must collaborate to promote effective use of Opioid Settlement Funds, including through the sharing of expertise, training, and technical assistance. They will also coordinate with trusted partners, including community stakeholders, to collect and share information about successful regional and other high-impact strategies and opioid treatment programs.

V. Reporting and Compliance

- A. Construction of reporting and compliance provisions. Reporting and compliance requirements will be developed and mutually agreed upon by the Parties, utilizing the recommendations provided by the Advisory Panel to the Attorney General on Distribution and Allocation of Opioid Settlement Funds.
- B. Reporting Workgroup. The Parties will work together to establish a Reporting Workgroup that includes representatives of the Attorney General's Office, state stakeholders, and city and county representatives, who will meet on a regular basis to develop reporting and compliance recommendations. The Reporting Workgroup must produce a set of reporting and compliance measures by June 1, 2022. Such reporting and compliance measures will be effective once approved by representatives of the Attorney General's Office, the Governor's Office, the Association of Minnesota Counties, and the League of Minnesota Cities that are on the Workgroup.
- C. Application of Reporting Addendum and State Law. The requirements of the Reporting and Compliance Addendum agreed to by the Minnesota Governor's Office, the Minnesota Attorney General's Office, the Association of Minnesota Counties, the League of Minnesota Cities, and members of the Minnesota Opioid Epidemic Response Advisory

Council, as well as the requirements of Minnesota Statutes section 256.042, subdivision 5(d), apply to Local Governments receiving Opioid Settlement Funds under National Settlement Agreements and Bankruptcy Resolutions within the scope of this MOA.

VI. Backstop Fund

- A. National Attorney Fee Fund. When the National Settlement Agreements provide for the payment of all or a portion of the attorney fees and costs owed by Litigating Local Governments to private attorneys specifically retained to file suit in the opioid litigation (“National Attorney Fee Fund”), the Parties acknowledge that the National Settlement Agreements may provide for a portion of the attorney fees of Litigating Local Governments.
- B. Backstop Fund and Waiver of Contingency Fee. The Parties agree that the Participating Local Governments will create a supplemental attorney fees fund (the “Backstop Fund”) to be used to compensate private attorneys (“Counsel”) for Local Governments that filed opioid lawsuits on or before December 3, 2021 (“Litigating Local Governments”). By order³ dated August 6, 2021, Judge Polster capped all applicable contingent fee agreements at 15%. Judge Polster’s 15% cap does not limit fees from the National Attorney Fee Fund or from any state backstop fund for attorney fees, but private attorneys for local governments must waive their contingent fee agreements to receive payment from the National Attorney Fee Fund. Judge Polster recognized that a state backstop fund can be designed to incentivize private attorneys to waive their right to enforce contingent fee agreements and instead apply to the National Attorney Fee Fund, with the goals of achieving greater subdivision participation and higher ultimate payouts to both states and local governments. Accordingly, in order to seek payment from the Backstop Fund, Counsel must agree to waive their contingency fee agreements relating to these National Settlement Agreements and first apply to the National Attorney Fee Fund.
- C. Backstop Fund Source. The Backstop Fund will be funded by seven percent (7%) of the share of each payment made to the Local Abatement Funds from the National Settlement Agreements (annual or otherwise), based upon the initial allocation of 25% directly to the State Abatement Fund and 75% directly to Local Abatement Funds, and will not include payments resulting from the Purdue, Mallinckrodt, or Endo Bankruptcies. In the event that the initial allocation is modified pursuant to Section II.F. above, then the Backstop Fund will be funded by 8.75% of the share of each payment made to the Local Abatement Funds from the National Settlement Agreements (annual or otherwise), based upon the modified allocation of 40% directly to the State Abatement Fund and 60% directly to the Local Abatement Funds, and will not include payments resulting from the Purdue, Mallinckrodt, or Endo Bankruptcies. In the event that the allocation is modified pursuant to Section II.G. or Section II.H. above, back to an allocation of 25% directly to the State Abatement Fund and 75% directly to Local Abatement Funds, then the Backstop Fund will be funded by 7% of the share of each payment made to the Local Abatement

³ Order, In re: Nat’l Prescription Opiate Litig., Case No. 17-MD-02804, Doc. No. 3814 (N.D. Ohio August 6, 2021).

Funds from the National Settlement Agreements (annual or otherwise), and will not include payments resulting from the Purdue, Mallinckrodt, or Endo Bankruptcies.

- D. Backstop Fund Payment Cap. Any attorney fees paid from the Backstop Fund, together with any compensation received from the National Settlement Agreements' Contingency Fee Fund, shall not exceed 15% of the total gross recovery of the Litigating Local Governments' share of funds from the National Settlement Agreements. To avoid doubt, in no instance will Counsel receive more than 15% of the amount paid to their respective Litigating Local Government client(s) when taking into account what private attorneys receive from both the Backstop Fund and any fees received from the National Settlement Agreements' Contingency Fee Fund.
- E. Requirements to Seek Payment from Backstop Fund. A private attorney may seek payment from the Backstop Fund in the event that funds received by Counsel from the National Settlement Agreements' Contingency Fee Fund are insufficient to cover the amount that would be due to Counsel under any contingency fee agreement with a Litigating Local Government based on any recovery Litigating Local Governments receive from the National Settlement Agreements. Before seeking any payment from the Backstop Fund, private attorneys must certify that they first sought fees from the National Settlement Agreements' Contingency Fee Fund, and must certify that they agreed to accept the maximum fees payments awarded to them. Nothing in this Section, or in the terms of this Agreement, shall be construed as a waiver of fees, contractual or otherwise, with respect to fees that may be recovered under a contingency fee agreement or otherwise from other past or future settlements, verdicts, or recoveries related to the opioid litigation.
- F. Special Master. A special master will administer the Backstop Fund, including overseeing any distribution, evaluating the requests of Counsel for payment, and determining the appropriate amount of any payment from the Backstop Fund. The special master will be selected jointly by the Minnesota Attorney General and the Hennepin County Attorney, and will be one of the following individuals: Hon. Jeffrey Keyes, Hon. David Lillehaug; or Hon. Jack Van de North. The special master will be compensated from the Backstop Fund. In the event that a successor special master is needed, the Minnesota Attorney General and the Hennepin County Attorney will jointly select the successor special master from the above-listed individuals. If none of the above-listed individuals is available to serve as the successor special master, then the Minnesota Attorney General and the Hennepin County Attorney will jointly select a successor special master from a list of individuals that is agreed upon between the Minnesota Attorney General, the Hennepin County Attorney, and Counsel.
- G. Special Master Determinations. The special master will determine the amount and timing of any payment to Counsel from the Backstop Fund. The special master shall make one determination regarding payment of attorney fees to Counsel, which will apply through the term of the recovery from the National Settlement Agreements. In making such determinations, the special master shall consider the amounts that have been or will be received by the private attorney's firm from the National Settlement Agreements' Contingency Fee Fund relating to Litigating Local Governments; the contingency fee contracts; the dollar amount of recovery for Counsel's respective clients who are

Litigating Local Governments; the Backstop Fund Payment Cap above; the complexity of the legal issues involved in the opioid litigation; work done to directly benefit the Local Governments within the State of Minnesota; and the principles set forth in the Minnesota Rules of Professional Conduct, including the reasonable and contingency fee principles of Rule 1.5. In the interest of transparency, Counsel shall provide information in their initial fee application about the total amount of fees that Counsel have received or will receive from the National Attorney Fee Fund related to the Litigating Local Governments.

- H. Special Master Proceedings. Counsel seeking payment from the Backstop Fund may also provide written submissions to the special master, which may include declarations from counsel, summaries relating to the factors described above, and/or attestation regarding total payments awarded or anticipated from the National Settlement Agreements' Contingency Fee Fund. Private attorneys shall not be required to disclose work product, proprietary or confidential information, including but not limited to detailed billing or lodestar records. To the extent that counsel rely upon written submissions to support their application to the special master, the special master will incorporate said submission or summary into the record. Any proceedings before the special master and documents filed with the special master shall be public, and the special master's determinations regarding any payment from the Backstop Funds shall be transparent, public, final, and not appealable.
- I. Distribution of Any Excess Funds. To the extent the special master determines that the Backstop Fund exceeds the amount necessary for payment to Counsel, the special master shall distribute any excess amount to Participating Local Governments according to the percentages set forth in **Exhibit B**.
- J. Term. The Backstop Fund will be administered for (a) the length of the National Litigation Settlement Agreements' payments; or (b) until all Counsel for Litigating Local Governments have either (i) received payments equal to the Backstop Fund Payment Cap above or (ii) received the full amount determined by the special master; whichever occurs first.
- K. No State Funds Toward Attorney Fees. For the avoidance of doubt, no portion of the State Abatement Fund will be used to fund the Backstop Fund or in any other way to fund any Litigating Local Government's attorney fees and expenses. Any funds that the State receives from the National Settlement Agreements as attorney fees and costs or in lieu of attorney fees and costs, including the Additional Restitution Amounts, will be treated as State Abatement Funds.

VII. General Terms

A. Scope of agreement.

1. This MOA applies to the National Settlement Agreements and the Bankruptcy Resolutions.⁴
2. This MOA will also apply to future National Settlement Agreements and Bankruptcy Resolutions with Opioid Supply Chain Participants that include structural or payment provisions requiring or anticipating the participation of both the State and its political subdivisions, and allows for the allocation between the State and its political subdivisions to be set through a state-specific agreement.
3. The Parties acknowledge that this MOA does not excuse any requirements placed upon them by the terms of the National Settlement Agreements or any Bankruptcy Resolution, except to the extent those terms allow for a State-Subdivision Agreement to do so.

B. When MOA takes effect.

1. This MOA shall become effective at the time a sufficient number of Local Governments have joined the MOA to qualify this MOA as a State-Subdivision Agreement under the National Settlement Agreements or as a Statewide Abatement Agreement under any Bankruptcy Resolution. If this MOA does not thereby qualify as a State-Subdivision Agreement or Statewide Abatement Agreement, this MOA will have no effect.
2. The Parties may conditionally agree to sign on to the MOA through a letter of intent, resolution, or similar written statement, declaration, or pronouncement declaring their intent to sign on to the MOA if the threshold for Party participation in a specific Settlement is achieved.

C. Dispute resolution.

1. If any Party believes another Party has violated the terms of this MOA, the alleging Party may seek to enforce the terms of this MOA in Ramsey County District Court, provided the alleging Party first provides notice to the alleged offending Party of the alleged violation and a reasonable opportunity to cure the alleged violation.
2. If a Party believes another Party, Region, or individual involved in the receipt,

⁴ For the avoidance of doubt, this includes settlements reached with AmerisourceBergen, Cardinal Health, McKesson, Janssen, Teva Pharmaceuticals, Allergan plc, CVS Health Corporation, Walgreens Boots Alliance, Inc., and Walmart Inc., and Bankruptcy Resolutions involving Purdue Pharma L.P., Mallinckrodt plc, and Endo International plc.

distribution, or administration of Opioid Settlement Funds has violated any applicable ethics codes or rules, a complaint shall be lodged with the appropriate forum for handling such matters.

3. If a Party believes another Party, Region, or individual involved in the receipt, distribution, or administration of Opioid Settlement Funds violated any Minnesota criminal law, such conduct shall be reported to the appropriate criminal authorities.
- D. Amendments. The Parties agree to make such amendments as necessary to implement the intent of this MOA.
 - E. Applicable law and venue. Unless otherwise required by the National Settlement Agreements or a Bankruptcy Resolution, this MOA, including any issues related to interpretation or enforcement, is governed by the laws of the State of Minnesota. Any action related to the provisions of this MOA must be adjudicated by the Ramsey County District Court. If any provision of this MOA is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision which can be given effect without the invalid provision.
 - F. Relationship of this MOA to other agreements and resolutions. All Parties acknowledge and agree that the National Settlement Agreements will require a Participating Local Government to release all its claims as provided in the National Settlement Agreements to receive direct allocation of Opioid Settlement Funds. All Parties further acknowledge and agree that based on the terms of the National Settlement Agreements, a Participating Local Government may receive funds through this MOA only after complying with all requirements set forth in the National Settlement Agreements to release its claims. This MOA is not a promise from any Party that any National Settlement Agreements or Bankruptcy Resolution will be finalized or executed.
 - G. When MOA is no longer in effect. This MOA is effective until one year after the last date on which any Opioid Settlement Funds are being spent by the Parties pursuant to the National Settlement Agreements and any Bankruptcy Resolution.
 - H. No waiver for failure to exercise. The failure of a Party to exercise any rights under this MOA will not be deemed to be a waiver of any right or any future rights.
 - I. No effect on authority of Parties. Nothing in this MOA should be construed to limit the power or authority of the State of Minnesota, the Attorney General, or the Local Governments, except as expressly set forth herein.
 - J. Signing and execution. This MOA may be executed in counterparts, each of which constitutes an original, and all of which constitute one and the same agreement. This MOA may be executed by facsimile or electronic copy in any image format. Each Party represents that all procedures necessary to authorize such Party's execution of this MOA have been performed and that the person signing for such Party has been authorized to execute the MOA in an official capacity that binds the Party.

This **Amended Minnesota Opioids State-Subdivision Memorandum of Agreement** is signed

on _____ by Kristine Wilson:

Signature: _____

Name: _____

Title: _____

Date: _____

On behalf of: Inver Grove Heights city



Request for Council Action

SUBJECT: **Rental Housing Licenses**

MEETING DATE: March 27, 2023

ITEM TYPE: Regular Business

CONTACT: Mary Lein, Assistant to the Chief Building Official, 651-450-2552

ACTION REQUESTED

The Council is asked to approve the rental housing licenses listed below.

BACKGROUND

The City Council adopted a rental licensing ordinance that requires all rental property owners to obtain a rental license every two years. The purpose of the ordinance is to assure proper maintenance of structures to preserve neighborhood stability, protect the quality of existing rental housing stock and maintain property values. The ordinance provides for basic safety and living standards for rentals.

The following rental license applications have been submitted:

RENTAL ADDRESS	PROPERTY OWNER	PROPERTY MANAGER
6965 Archer Ct	Har Krishna Mattaparti & Sarita Veera Dangeti Rosemount, MN	Har Krishna Mattaparti Rosemount, MN
6381 Crosby Ave	Olivia Estrella Inver Grove Heights, MN	Olivia Estrella Inver Grove Heights, MN
6997 Delaney Ave	Robert Dahl Inver Grove Heights, MN	Robert Dahl Inver Grove Heights, MN
3303 75th St E	Robert Dahl Inver Grove Heights, MN	Robert Dahl Inver Grove Heights, MN
7550 Banning	HP Minnesota I LLC Inver Grove Heights, MN	Gary Vanderbush Roseville, MN
6512 Dawn Ave	HPA US1 LLC Chicago, IL	Gary Vanderbush Roseville, MN
3984 64th St E	HPA II Borrower 2021-1 LLC Chicago, IL	Gary Vanderbush Roseville, MN
3760 75th St E	HPA US1 LLC Chicago, IL	Gary Vanderbush Roseville, MN

3363 69th St E	HPA II Borrower 2021-1 LLC Chicago, IL	Gary Vanderbush Roseville, MN
3284 71st St E	HPA US1 LLC Chicago, IL	Gary Vanderbush Roseville, MN
6852 Craig Ct E	HP Minnesota I LLC Chicago, IL	Gary Vanderbush Roseville, MN
7008 River Rd	Cassie L Verch & Anthony J Verch Hampton, MN	Anthony Verch Hampton, MN
8842 Branson	Joseph T Andert Eagan, MN	Joseph T Andert Eagan, MN

FISCAL IMPACT

None.

RECOMMENDATION

Community Development and Police Department staff recommend approval of the licenses listed above.

ATTACHMENTS

None



Request for Council Action

SUBJECT: **2nd Reading of Ordinance Amending City Code to Repeal Certain Business Licenses**

MEETING DATE: March 27, 2023

ITEM TYPE: Regular Business

CONTACT: Rebecca Kiernan, City Clerk, 651.450.2513

ACTION REQUESTED

The Council is asked to approve the second reading of an ordinance amending City Code, Title 3, Section 2(5) and Title 4, Chapters 3 and 5, to repeal certain business licenses.

BACKGROUND

At the March 6, 2023 City Council work session, the Council received a presentation from staff on potential updates to the City Code as it relates to required business licenses. Specifically, staff proposed elimination of three currently listed business licenses:

1. **Bowling Alley License.** The first license proposed for elimination is the Bowling Alley License in Title 4, Chapter 3. Despite the provisions of the City Code and the fact that there is at least one bowling alley operating within the city, current City staff can find no record of Bowling Alley Licenses having been issued at least as far back as 1988. It is unclear to current staff why this is the case. Bowling Alleys typically have liquor licenses, which are also issued by the City, and they would continue to need this type of license if they serve alcoholic beverages, but staff finds no reason or benefit to continuing the Bowling Alley License.
2. **Motor Vehicle Sales.** The Minnesota Department of Public Safety's Driver and Vehicle Services Division licenses businesses who sell, lease, auction or broker the sale of new or used vehicles. City staff questions what value add the city licensing process is providing to the business or local consumers and would therefore propose that this license requirement be repealed from the City Code. If the Council is supportive of this change, it would be desirable to do so soon, as the current licenses are set to expire on April 30. A repeal of this section of the City Code prior to that date would allow both the City and impacted businesses to avoid starting another round of license renewals for these businesses. There are currently 17 businesses licensed for motor vehicle sales in Inver Grove Heights, and the City would be forgoing approximately \$5,500 in revenue if the license is no longer required.
3. **Service Stations.** The third business license proposed for elimination is the license for Automobile Service Stations. The Minnesota Department of Commerce inspects and regulates gas stations from a consumer protection perspective, and other sections of City Code provide a reasonable means to regulate building conditions and code enforcement of these businesses. There are currently 15 active Service Station licenses, and the licensing

timeline is the same as noted above for Motor Vehicle Sales Licenses. Eliminating this license would likely result in a revenue reduction for the City of approximately \$1,300 per year.

The attached Ordinance was drafted to accomplish the repeal of all three of the above business license categories. The Council approved a first reading of this ordinance on March 13, 2023. No edits or changes have been made since the first reading.

FISCAL IMPACT

Repeal of these three license types is expected to result in a loss of approximately \$6,500 in license fee revenue per year.

RECOMMENDATION

Staff recommends approval of the second reading of the attached Ordinance.

ATTACHMENTS

1. Ordinance Repealing Certain Business Licensing Requirements (2nd Reading March 27 2023)

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE,
TITLE 3, SECTION 2(5) AND TITLE 4, CHAPTERS 3 AND 5,
REPEALING CERTAIN BUSINESS LICENSES**

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS
FOLLOWS:

Section One. Amendment. Section 3-2-5 of the Inver Grove Heights City Code is hereby amended as follows. The ~~struck-out text~~ shows the deleted wording:

The following licenses will not be approved if there are any outstanding debts or delinquencies on taxes or special assessments due to the city:

~~Automobile sales.~~

~~Automobile service stations.~~

Body art establishments.

~~Bowling alleys.~~

Contractors.

Garbage collection.

Liquor sales.

Massage therapists and therapeutic massage businesses.

Pawnbrokers and precious metal dealers.

Rental licensing

Section Two. Repeal. Title 4, Chapter 3 of the Inver Grove Heights City Code regarding the licensing of bowling alleys is hereby repealed in its entirety.

Section Three. Repeal. Title 4, Chapter 5, Articles A and B of the Inver Grove Heights City Code regarding the licensing of motor vehicle sales and automobile service stations are hereby repealed in their entirety. The remaining article shall be renumbered accordingly.

Section Four. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed in regular session of the City Council of the City of Inver Grove Heights on the ____ day of _____, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

Request for Council Action

SUBJECT: **Approve Final Plans & Specifications, Approve Park Names, and Authorize Advertisement for Bids – Northwest Area Park #1 and Park #2**

MEETING DATE: March 27, 2023

ITEM TYPE: Regular Business

CONTACT: Adam Lares, Parks & Recreation Director, 651.450.2587

ACTION REQUESTED

The Council is asked to approve the final plans, specifications, and park names, and authorize staff to advertise for bids for Northwest Area Park #1 (Project No. 2211) and Park #2 (Project No. 2212).

BACKGROUND

The City has acquired two new park properties via land dedication as a result of recent residential development in the northwest area of IGH. The first is a 1.3-acre park site within the Peltier Reserve development (NWA Park #1). This site has a significant amount of topographic change across the buildable area, as well as existing burr oak trees, and a gas utility line easement to design around. The second location is a 0.54-acre park site within the Highlands at Settlers Ridge development (NWA Park #2). This site does not have significant topographic changes across the buildable area.

In August of 2022, the City contracted with WSB & Associates, Inc. to complete professional consulting and design service options for the two park properties. The contract included the preparation of final design packages using a combined approach with both parks in one package utilizing simultaneous scheduling to avoid duplication of efforts.

From September through November 2022, the City conducted an awareness and engagement campaign to raise awareness of the project for the community. A variety of community engagement efforts were conducted through online engagement, awareness and engagement campaigns, neighborhood events, and neighborhood meetings. A unique, online engagement platform, called Social Pinpointing, was also offered to residents. This interactive project map allowed residents the ability to get involved virtually. The platform was used to gather initial comments and ideas from stakeholders in order to determine the types of amenities the neighborhood and user groups are seeking. The platform was also used to illustrate the preliminary plan and options for the park improvements and playground designs with a corresponding survey in order to determine preferences for the desired approach.

As a result of the community engagement efforts, four park designs (two for each location) were created. Residents were then asked to review each of the concepts and let us know what they liked, didn't like, or wanted to see modified. Those engagement efforts ran from November 15 through December 9. Following feedback from the community, the Park and Recreation Advisory Council

(PRAC) selected one design for each of the two parks to move forward with final design efforts (see *attached design concepts*).

Since that time, final plans, specifications and bid documents have been prepared by WSB. A brief site plan of the proposed parks and the engineer's cost estimate are attached. The full plans and specification documents are available upon request from the Parks & Recreation Department.

Staff is now seeking Council authorization to advertise for bids for construction of this project.

The anticipated schedule for park development is as follows:

March 27, 2023	City Council approve Plans and Specs and Authorizes Bidding
March 29, 2023	Bid Notice Published (Pioneer Press, City Website, & Quest)
April 19, 2023	Bid Opening
April 24, 2023	City Council Acceptance of Bid, Award of Contract, and Approve Budget
Summer 2023	Construction Starts
Fall 2023	Final Completion

Playground Designs

This past February, the City received several playground design proposals for each of the two parks. The designs are a result of the community engagement efforts described above. Following that, the Park and Rec Advisory Commission's NWA Park Development Subcommittee reviewed the designs, provided feedback, and selected a design for each park at a work session. The playground designs will be shared with residents from March 21 - April 7, 2023 through social media, the city's website, and a community open house. The request to purchase the playground equipment and installation will come at a later April Council meeting when approving the budget for both projects. Attached are depictions of the playgrounds that have been selected for each site.

Naming of New NWA Parks

A community outreach process was also conducted to help name the two new NWA parks. Through community engagement surveying and with the Parks and Recreation Advisory Commission, three to four potential park names were posted on-line from February 14 to February 28, 2023 for residents to vote for their favorites. Of the 140 votes cast, the most popular choice for Park #1 was Argenta Hills Park, and of the 142 votes casted, the most popular choice for Park #2 was Overlook Ridge Park. (Attached are the survey results)

This process is consistent with the City's Parks and Recreation Facility Naming Policy.

At their March 8, 2023 meeting, the PRAC voted unanimously to recommend to Council that the City name park #1 Argenta Hills Park and park #2 Overlook Ridge Park.

FISCAL IMPACT

The specific action of approving the plans and specifications and authorizing staff to advertise for bids has no financial cost. If a bid is accepted and a construction contract is awarded, funding for the project would come primarily from the City's Park Development and Acquisition Fund.

Over the past year, staff have included a high-level cost estimate of \$500,000 for the development of

each of these parks to come from the City's Park Development and Acquisition Fund.

The updated estimated project cost is as follows:

NWA Park #1 - Located in the Peltier Development (Project No. 2211)

Estimated Construction Cost	\$225,839.25
10% Construction Contingency	\$22,583.93
Playground (purchased directly by the City for cost savings)	\$174,650.00
Site Amenities (purchased directly by the City for cost savings)	\$20,000
Subtotal	\$443,073.18

NWA Park #2 - Located in the Highlands at Settler Ridge Development (Project No. 2212)

Estimated Construction Cost	\$110,542.95
10% Construction Contingency	\$11,054.30
Playground (purchased directly by the City for cost savings)	\$280,100.00
Site Amenities (purchased directly by the City for cost savings)	\$25,900
Subtotal	\$427,597.25

The chart below shows the current balance of the Fund, as well as very high-level estimates of allocations for other park needs and projects on the horizon. In summary, it shows that funds are available to proceed with both NWA Parks, Vista Pines Trail connections, finance a third of the South Valley Park Shelter, and also develop the other identified parks in the City's northwest area (NWA), Heritage Village Park Phase 4, and maintain a healthy balance in the Fund for future needs and opportunities.

Park Acquisition and Development Fund Balance	\$5,399,227
Vista Pines Trail Connection - Kimley Horn	-\$54,400
Vista Pines Trail Connection Construction (includes 10% Contingency)	-\$133,457
NWA - Park Design (Highlands & Peltier)	-\$61,300
NWA - Peltier Park (estimated)	-\$500,000
NWA - Highlands Pocket Park (estimated)	-\$500,000
NWA - Park #4 (estimated)	-\$1,000,000
South Valley Improvement - Park Shelter (1/3 Construction Contribution)	-\$350,000
Heritage Village Park Construction Cost – Phase 4 (after DNR Grant)	-\$1,178,971
HVP-Phase 4 5% Construction Contingency	-\$71,449
HVP-Phase 4 Site Amenities	-\$52,500

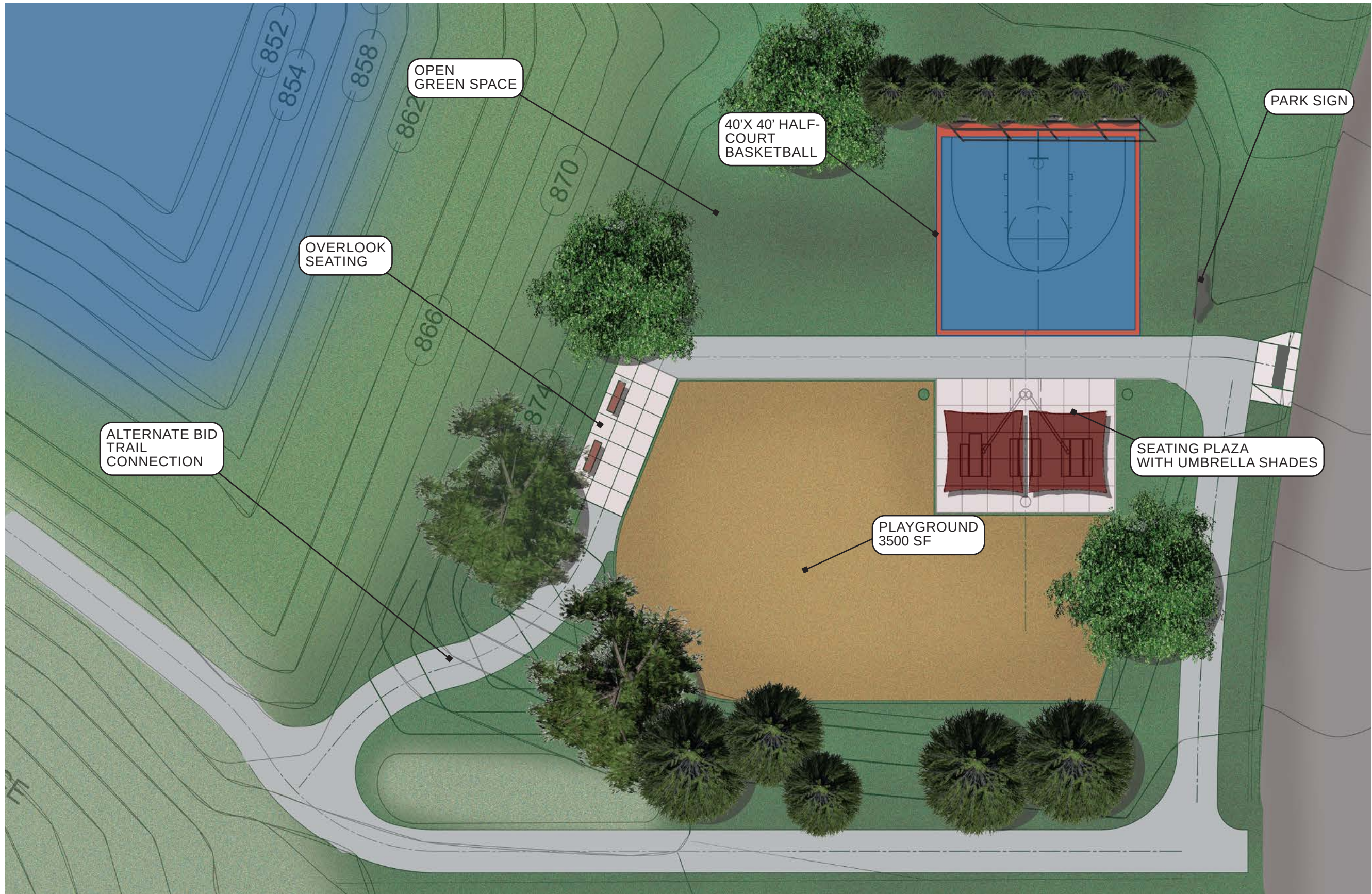
HVP-Phase 4 Construction Administration	-\$68,823
Seidls Lake Park Trail Connection	-\$175,000
Remaining Balance	\$1,253,327

RECOMMENDATION

Staff recommends approval of the final plans, specifications, recommended park names, and that Council grant authorization to seek bids for Northwest Area Park #1 (Project No. 2211) and Park #2 (Project No. 2212).

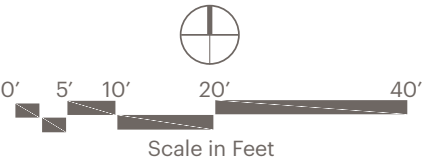
ATTACHMENTS

1. NWA #1 & #2 Park Design CONCEPT BOARD
2. NWA Park #1 Bid Form Est_2023-0313
3. NWA Park #2 Bid Form Est_2023-0313
4. NWA #1 -Playground Image 1
5. NWA #1 - Playground Image 2
6. NWA #1 - Playground Image 3
7. NWA #1 - Playground Image 4
8. NWA #2 - Playground Image 1
9. NWA #2 - Playground Image 2
10. NWA #2 - Playground Image 3
11. Park #1 Names - Survey Results 2.28.2023 - Peltier Development
12. Park #2 Names - Survey Results 2.28.2023 - Highlands at Settlers Ridge Development

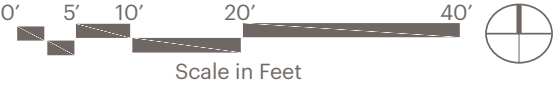
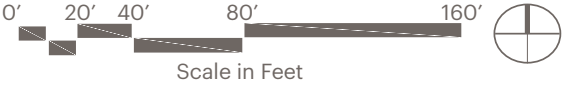


Highlands Park Development | Preferred Concept

Inver Grove Heights, Minnesota
January 10, 2023 | WSB Project number: 021133-000



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Peltier Park Development | Preferred Concept

Inver Grove Heights, Minnesota
January 10, 2023 | WSB Project number: 021133-000



ESTIMATE OF PROBABLE COSTS FOR CONSTRUCTION

PROJECT TOTAL W/ALTERNATES		\$443,073.18
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Northwest Area Park #2

ESTIMATE OF PROBABLE COSTS FOR CONSTRUCTION

No.	Spec	Item	Units	Quantity	Unit Price	Total Price
BASE BID - HIGHLANDS						
1	2021.501	SITE MOBILIZATION (5%)	LS	1	\$5,263.95	\$5,263.95
2	2104.503	REMOVE CURB AND GUTTER	LF	12	\$3.00	\$36.00
3	2106.501	EXCAVATION - COMMON	LS	1	\$30,000.00	\$30,000.00
4	2232.618	BITUMINOUS MILL & PATCH	SF	20	\$30.00	\$600.00
5	2360.504	3-INCH BITUMINOUS TRAIL	SY	180	\$35.00	\$6,300.00
6	2360.504	3.5-INCH BITUMINOUS COURT	SY	178	\$45.00	\$8,010.00
7	2502.502	4" PRECAST CONCRETE HEADWALL	EACH	1	\$500.00	\$500.00
8	2502.503	4" PERF PVC PIPE DRAIN	LF	100	\$15.00	\$1,500.00
9	2503.503	4" PVC PIPE SEWER (STORM)	LF	30	\$35.00	\$1,050.00
10	2521.518	6-INCH CONCRETE	SF	1,300	\$13.00	\$16,900.00
11	2531.503	CONCRETE PLAYGROUND CURB	LF	300	\$45.00	\$13,500.00
12	2531.503	CONCRETE CURB & GUTTER	LF	14	\$32.00	\$448.00
13	2531.503	CONCRETE MAINTENANCE CURB	LF	40	\$30.00	\$1,200.00
14	2531.618	TRUNCATED DOMES	SF	16	\$80.00	\$1,280.00
15	2540.602	BASKETBALL GOAL FOOTING	EACH	1	\$2,000.00	\$2,000.00
16	2557.503	10' CHAIN LINK FENCE (BLACK CLAD)	LF	38	\$110.00	\$4,180.00
17	2573.501	STABILIZED CONSTRUCTION EXIT	LS	1	\$3,000.00	\$3,000.00
18	2573.502	STORM DRAIN INLET PROTECTION	EACH	2	\$300.00	\$600.00
19	2573.503	SILT FENCE TYPE MS	LF	600	\$3.50	\$2,100.00
20	2573.503	SEDIMENT CONTROL WOOD FIBER LOG	LF		\$3.50	\$0.00
21	2574.507	ORGANIC TOPSOIL BORROW (LV)	CY	60	\$20.00	\$1,200.00
22	2575.504	ROLLED EROSION PREVENTION CAT 25	SY	600	\$2.50	\$1,500.00
23	2575.505	SEEDING - SUNNY TURF MIXTURE	ACRE	0.25	\$5,500.00	\$1,375.00
24	2582.501	BASKETBALL COURT STRIPING	LS	1	\$8,000.00	\$8,000.00
TOTAL BASE BID SCHEDULE						\$110,542.95
10% Contingency						\$11,054.30
Project Total						\$121,597.25
BY OTHERS						
		PARK SIGN	LS	1	\$10,000.00	\$10,000.00
		MNWI PLAYGROUND & SHADE	LS	1	\$280,100.00	\$280,100.00
		RECEPTACLES	EA	2	\$2,000.00	\$4,000.00
		TABLES	EA	3	\$1,500.00	\$4,500.00
		BENCHES	EA	2	\$2,000.00	\$4,000.00
		BIKE RACK	EACH	1	\$900.00	\$900.00
		BASKETBALL GOAL	EACH	1	\$2,500.00	\$2,500.00
TOTAL ALT BID SCHEDULE						\$306,000.00
PROJECT TOTAL W/ALTERNATES						\$427,597.25















Name Options for Park #1

Column Bar Pie Map



- Argenta Hills Park
- Cardinal Crest Park
- Twin Oaks Park

[Hide table](#)

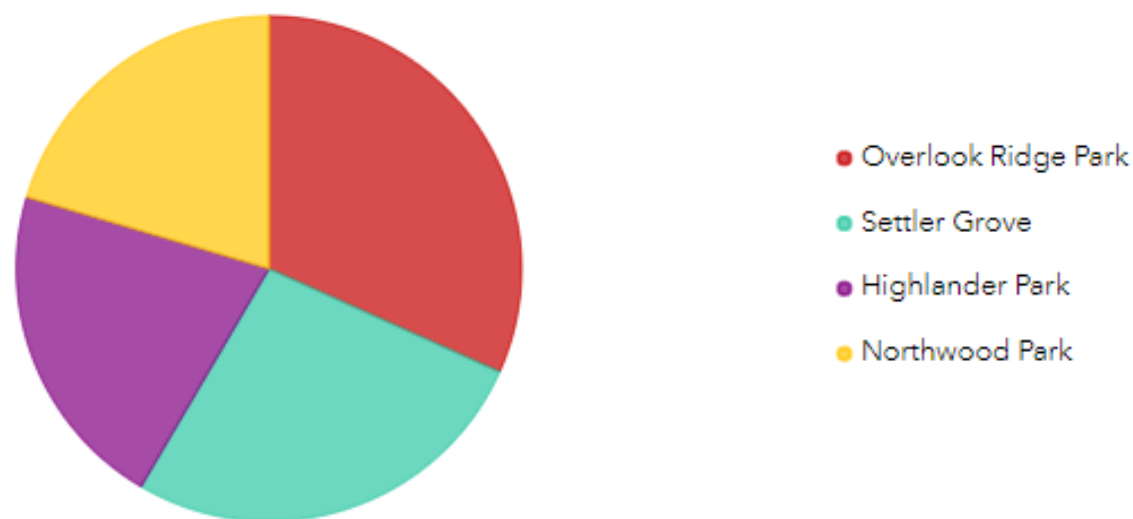
☒ Empty categories [↑↓ Sort](#)

Answers	Count	Percentage
Argenta Hills Park	70	49.3%
Cardinal Crest Park	38	26.76%
Twin Oaks Park	32	22.54%

Answered: 140 Skipped: 2

Name Options for Park #2

Column Bar Pie Map



[Hide table](#)

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Answers	Count	Percentage
Overlook Ridge Park	45	31.69%
Settler Grove	38	26.76%
Highlander Park	30	21.13%
Northwood Park	29	20.42%

Answered: 142 Skipped: 0