



Inver Grove Heights City Council
Monday, July 24, 2023 at 6:00 PM
8150 Barbara Ave, 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, July 24, 2023, will be provided to the Council at or before the July 24, 2023 meeting.

1. Call to Order

2. Roll Call

3. Presentations

A. Presentation by Park and Recreation Intern Lindsey Batson

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. Approval of Minutes for the June 26, 2023 City Council Meeting

B. Approval of Disbursements

C. Personnel Actions

D. Resolution Accepting Work, Authorizing Final Payment, and Closing the Contract for City Project No. 2019-09D

E. Resolution Accepting Work, Authorizing Final Payment, and Closing the Contract for City Project No. 2021-01

F. Authorization to Enter into 2023-2024 Labor Agreement with IAFF, Local 5251

G. Temporary Off-Site Gambling Permit for Moose Lodge 1088

H. Resolution Approving the Sustainable IGH Recognition Program

I. School Resource Officer Contract with ISD #199 for the 2023-24 School Year

J. Resolution Approving an Extension for Recording the Plat of Robert Trail Woods

K. Approval to Enter into Employment Separation Agreement

5. Public Hearing

A. Temporary 3-Day On-Sale Liquor License for Twin Cities Goodtime Softball League

B. Public Hearing and Second Reading of an Ordinance Establishing a City Licensing Requirement for Tobacco Sales

6. Regular Business

- A. Rental Housing Licenses
- B. Request for Donation to IGH Days Fireworks Display
- C. Consideration of Ordinance Prohibiting Use of Cannabis Products in Public Places
- D. Discussion Regarding Draft Interim Ordinance (Moratorium) Temporarily Prohibiting the Establishment or Operation of Cannabis Businesses
- E. Update on Preliminary Design Report Progress for Water Treatment Plant Rehabilitation Improvements (City Project No. 2023-03)

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.



Request for Council Action

SUBJECT: **Presentation by Park and Recreation Intern Lindsey Batson**

MEETING DATE: July 24, 2023

ITEM TYPE: Presentations

CONTACT: Adam Lares, Parks & Recreation Director, 651.450.2587

ACTION REQUESTED

The Council is asked to receive a brief presentation by Lindsey Batson, who is completing an internship with the City's Park and Recreation Department this summer. This public presentation will help Ms. Batson complete one of the requirements of her internship program.

BACKGROUND

FISCAL IMPACT

RECOMMENDATION

ATTACHMENTS

None

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JUNE 26, 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, June 26, 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, Public Works Director Connolly, City Engineer Merchlewicz, Police Chief Chiodo, Associate Planner Botten, City Planner Hunting, Communications Manager Looze, Technology Manager Gade, Fire Chief Thill, Parks and Recreation Director Lares

3. PRESENTATIONS:

4. CONSENT AGENDA:

A. Minutes of the June 5, 2023 City Council Work Session

B. Minutes of the June 12, 2023 City Council Meeting

C. Approval of Disbursements **Resolution 2023-142**

D. Personnel Actions

E. Resolutions 2023-143 & 2023-144 Accepting Contract Work, Approving Final Change Order and Payment, and Closing City Project No. 2021-11 - Trunk Storm Extension for Landlocked Basin JP-1 (M/I Homes)

F. Resolution 2023-145 Adding VMC, LLC to the City's Professional Engineering Services Consulting Pool

G. Resolution 2023-146 Amending 2023 City Fee Schedule

H. Exempt Gambling Permit for IGH Best Foundation

I. Compliance Agreement with the MN Department of Health for City Project No. 2023-03 - Water Treatment Plant Rehabilitation Improvements **Resolution 2023-147**

J. Contract with Excel AV Group for Council Chambers Audio Video Replacement

K. Resolution 2023-148 Accepting Donation for Use of Boat Slip

L. Resolution 2023-149 Accepting Updated Joint Powers Agreement with Dakota County Electronic Crimes Task Force

Councilmember Murphy requested pulling Agenda Item 4I.

Motion by Scales, second by Gliva, to approve the Consent Agenda with exception to Agenda Item 4I.

Ayes: 5

Nays: 0 Motion carried.

Agenda Item 4I. Compliance Agreement with the MN Department of Health for City Project No. 2023-03 - Water Treatment Plant Rehabilitation Improvements. Resolution 2023-147

Councilmember Murphy questioned if there has been a response from the Minnesota Department of Health regarding the difference in measurements from the city's independent laboratory measurements of the water level and the Minnesota Department of Health's readings.

Public Works Director Brian Connolly addressed the question stating the Department of Health's testing values have been consistently higher for radium than the independent lab tests taken by the city. The Department of Health has not offered any explanation for this other than there is variability in testing, which is normal, and that the variability seen here has been higher and outside of their typical realm. That has also been noted by them for several other communities. As the Department of Health takes tests, the city takes companion tests which are sent to an independent lab certified by the Department of Health. Once the results are received by the city, they are shared with the Department of Health. There have been 2-3 companion samples sent in for comparison. This has not been enough for the Department of Health to give any feedback. Nothing has officially/unofficially been received by the Department of Health regarding why those differences continue to exist in the testing results.

Councilmember Murphy asked if the companion tests have been consistently higher or lower.

Public Works Director Connolly replied they have been consistently lower, which is good. The Department of Health is aware there is a discrepancy as this has not been the only community that has exhibited it. No explanation has been provided to the public that indicates what the reasoning may be or what they are doing to continue to further their exploration of it.

Motion by Murphy, second by T'Kach, to approve Agenda Item 4I. Compliance Agreement with the MN Department of Health for City Project No. 2023-03 - Water Treatment Plant Rehabilitation Improvements. Resolution 2023-147

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

6. REGULAR BUSINESS:

A. Rental Housing Licenses

Community Development Director Heather Rand presented applications for 2 rental housing units. Staff in community development and the police department have reviewed them, found them to be in order, and recommend approval. They are in order of rental address, property owner, and property manager:

1470 Upper 55th St E., AA Alta Vista, Inc., Roseville, MN; Paul Nelson, New Richmond, WI
8799 Branson Dr., Carl Brust Midlothian, TX; Andrew Kern, Woodbury, MN

Motion by T'Kach, second by Scales, to approve the rental housing licenses as presented.

Ayes: 5

Nays: 0 Motion carried.

B. Third Reading of Ordinance Amending City Code Related to Alcoholic Beverages in City Parks and Resolution Approving Summary Publication. Resolution 2023-150

Parks and Recreation Director Adam Lares presented the Third Reading of an Ordinance Amending City Code Related to Alcoholic Beverages in City Parks:

South Valley and Rock Island Swing Bridge Park:

Removed:

- 3.2 malt liquor language
- 150 feet from the park shelter

Added:

- Rock Island Swing Bridge Park Shelter
- 16% alcohol by volume

- Original container
- Single serve
- No more than 16 ounces per serving
- Must be with an event sponsored permit/applicant at both locations
- Consumption must be contained to the shelter area

Rich Valley Athletic Complex:

Removed:

- 3.2 malt liquor language
- Removal of the word "park"

Added:

- Must be in conjunction with an event/permit in which the sponsor would have to obtain a permit from the city for any event and be responsible for possessing and identifying who is able to consume the alcoholic beverage.
- 16% alcohol by volume
- Original container
- Single serve
- No more than 16 ounces
- Event sponsor is required to identify guest age and who is eligible to consume alcohol
- Contained to the Athletic Complex and the parking lot
- Alcoholic beverages will not be allowed at any youth-focused events or tournaments

A new section of the Ordinance was added:

- Sell
- Must obtain one of the following:
 - On-sale liquor intoxicating liquor license
 - Temporary on-sale 3.2 liquor license
 - One-day consumption
- Can be sold in non-glass or plastic cups; not required to be in original containers
- Alcoholic beverages will not be allowed at any youth-focused events or tournaments

Requested Action:

- Council is asked to consider a third reading and final adoption of the proposed ordinance amendment
- If the ordinance is adopted, Council is asked to approve the summary publication resolution

Recommendations:

- On May 10, 2023, the Parks and Recreation Advisory Commission approved by unanimous vote, to send the recommendation before the City Council.
- Staff recommends approval of the third reading of the proposed ordinance and final adoption.

Motion by Scales, second by Gliva, to approve the Third Reading of Ordinance Amending City Code Related to Alcoholic Beverages in City Parks and Resolution 2023-150 Approving Summary Publication.

Ayes: 5

Nays: 0 Motion carried.

C. Consider Variances for Minimum Lot Width and Accessory Structure, 6938 Booth Avenue. Resolutions 2023-151 & 2023-152

City Planner Allan Hunting discussed two variances; one is for lot width, the second for an accessory structure on a lot. The property is located at 6938 Booth Avenue. 70th is on the south, Blaine is on the west. Booth Avenue is a private road. Background:

- Property owner owns two lots, a west and east lot.
- The east lot is smaller and does not have any frontage on any type of road.
- One parcel contains the house. The other parcel contains a shed, no house.
- Proposing to adjust the lot line to keep two lots but change the configuration to a north and south lot.
- The south lot would have frontage on the private road but needs a variance as it does not meet the 85-foot lot width. It does meet the 70% standard.
- There is a shed in the southeast corner of the property. Code requires there to be a house on the property before having a shed.
- Unsure when the shed was constructed.
- Council would need to address the variance to allow the shed to remain on the property before a house would eventually be constructed.
- Granting the lot width variance allows reasonable use of the parcel that is restricted due to lot size and lack of road frontage.
- Shed already exists on the property. The variance needs to be addressed to shift the line and create the smaller width.

Action Requested:

- Council is asked to take action on two variances:
 - To allow a lot with narrow lot frontage
 - To allow a shed on a lot prior to having a principal structure
- The Planning Commission approved and recommended approval of the lot width variance but did not find a practical difficulty with the shed and recommended denial.
- If the Council wishes to deny the shed variance, rationale could be used that the applicant failed to establish there are practical difficulties in complying with zoning, the plight of the landowner is not due to circumstances unique to the property, and variances not in keeping with the spirit and intent of the zoning ordinance.
- If denying the shed, the timeline for removal could be tied to the lot width variance.
 - If the lot width variance is approved, the applicant would still have to apply for an administrative lot boundary adjustment which is approved by staff.
 - A condition could be that it is not approved by staff until the shed is removed.
 - Another option could be to set a specific number of days or a date.

Brett Phares, 6938 Booth, stated the shed has been there for 25 years. It is illegal as it stands now as it is on a separate piece of property without a house on it. He keeps his mowing equipment inside the shed. He would get rid of it if he had to but would like to keep his equipment in it until he sells the lot, then he would move it. He mentioned this was not their fault, it was not disclosed to them that there were two lots when they bought the house. He was unsure why it was surveyed the way it was; it would have to be part of the city who did it. He asked for leeway and that it be grandfathered in until the parcel is sold. The shed has been there for 25 years and has not been an issue until this. He said he does not understand why they cannot be a little more forgiving on that.

Councilmember T’Kach asked for more information on the survey being an issue with the city, or the city doing the survey.

Mr. Phares replied that his wife did some checking and was told that some lots were surveyed that way. They were mistakes and were not supposed to happen that way. When he purchased the house, they were never told they were purchasing two separate pieces of property.

Councilmember T’Kach commented that the title company likely messed up.

Mr. Phares agreed. He said they found out when they paid their first taxes.

Mayor Dietrich said she could see how this could be a unique situation as it does not require a permit. Whoever put it on there, she could see where a resident would not know that anyone needs to be notified since there was no permit required. She asked what the sequence of violations would be for having the shed.

City Planner Hunting replied someone would call the department stating there appears to be a shed illegally on a lot without a house. The Code Enforcement Officer would investigate and pursue the action of notifying them that the shed would have to be moved because it is violating a section of the Code being that it does not have a principal structure. He agreed the shed has been there for a long time. The city has always reacted to complaints and has not gone out and done its own investigation. The shed would have been there for several years, and nobody would have known about it.

Mayor Dietrich asked what the first violation would be and if they would be cited and have a certain number of days to remove it or if there would be a monetary penalty.

City Planner Hunting replied a letter is sent to the landowner that they are in violation. They would be given a certain number of days to remove. Code Enforcement would work with the applicant to work out the number of days.

Mayor Dietrich asked if there has been a complaint about the shed.

City Planner Hunting replied not to his knowledge. This came to staff's attention as they went through the request.

Mayor Dietrich mentioned she drove out there today and did not see the shed from the road.

Councilmember Murphy asked what the city's involvement was in surveying the land and if it was done by the county or the city.

City Planner Hunting responded the city would not have been surveying any of the land. It would have been done by landowners who created the lots. Staff cannot find when these were created, there is no record. The city did not have any involvement in creating these lots.

Councilmember Murphy commented that the county must have known as the resident found out when the tax bill arrived.

City Planner Hunting replied the county must have known with regards to the tax statements.

Councilmember Murphy said he was trying to think of the practical difficulty. He asked who dropped the ball on this if it was the title company.

City Planner Hunting replied he was not sure. He was not sure why that was not disclosed in the original sale.

Councilmember Murphy asked if it was possible to tie the shed removal to the administrative approval of a potential change in the lot line. He asked if it was possible to put a condition on the sale of the lot that the shed must be removed.

City Attorney Bridget McCauley Nason replied as a condition of approval of the first variance with the lot creation smaller than mandatory minimum lot size, the Council could add a condition that prior to finalization of the administrative lot line adjustment process, the shed needs to be removed. An alternative condition could be prior to conveyance of the newly created lot to any third party, the shed would need to be removed.

Councilmember Murphy asked the applicant if that helps and if the goal was to sell the lot.

Mr. Phares replied it does help; the goal is to sell the lot. He mentioned the shed was \$4,000. He would move or get rid of it. He questioned if a property buyer would want to buy the property and the shed. That would not be able to happen because it would not be legal. He said he was satisfied to be able to keep the shed until he sells the parcel.

Councilmember T'Kach asked if there were immediate plans to put the lot on the market.

Mr. Phares replied yes, he still has some steps to go through with the county, it could be a while.

Councilmember T’Kach asked if there was any sense in putting a two- or three-year stipulation on it or that it at least has to go on the market.

Mr. Phares replied it will go on the market; he does not need the land.

Mayor Dietrich asked if a time limit was needed.

City Attorney McCauley Nason replied there does not need to be. A specific timeframe could be placed or make the shed removal based upon when administrative approval is approved or prior to conveyance to a third party. The variance approval resolution indicates the variance shall become void 2 years after its granted unless the use is made. If the Council approves the variance for lot width, it starts a clock of 2 years for the applicant to go through and finalize the process with city and the county for the lot line adjustment.

Motion by T’Kach to approve the variance for lot width per the staff report recommendation.

City Attorney Nason stated there were two separate variance applications and two separate resolutions. The first relates to lot width. The question is if the Council wanted to add, as a condition of approval of the lot width variance resolution, a requirement that the shed be removed before a date certain, the conveyance to a third party, or completion of the administrative lot line position. There is a second resolution related to the shed removal itself. There is a request on the table to keep the shed, notwithstanding the fact that it would be on a new lot that does not have a primary structure. The Council must act on both applications.

Motion by T’Kach to allow the variance for lot width with a contingency date certain for two years.

Councilmember Gliva asked if they were not putting in removal.

City Attorney McCauley Nason replied that she believed the motion was to require removal within two years from the date of approval of this variance. Condition 3 would be that the shed on that lot be removed within two years from the date of adoption of this resolution.

Councilmember Scales asked Councilmember T’Kach if she would consider changing the shed removal on conveyance of the property to another person.

Councilmember T’Kach replied that would be fine. It forces the conveyance, the owner to remove it. She said she was thinking if the new owner were to build a house quickly, they could keep the shed without having to knock it down. For example, if Mr. Phares sells it within three months and someone buys it and starts construction on a house, they would have a year or more to build the house without having to remove the shed.

Councilmember Scales asked if that would stay with the current owner or if it would go to the new owner with the timeline.

City Attorney McCauley Nason responded if the lot is split as proposed, the shed would be on the new lot to be developed by a third-party purchaser. What the purchaser and seller does relating to the shed is up to them except that Council has the ability to require its removal at any reasonable date as a condition of approval of the lot width variance.

Councilmember T’Kach said otherwise they are just wasting a shed unless it would sit there vacant for the next five years and go into disrepair.

Councilmember Murphy asked if there was already two years built into the agreement.

City Attorney McCauley Nason responded there are two years built into the agreement as they need to complete the lot split within two years or else the approval becomes void. They do not

have to sell it within two years, they would have to split the lot within two years. It is possible they could complete the lot split and not sell it within the timeframe anticipated.

Councilmember Gliva questioned if the shed would stay if nobody purchased the second lot, if no stipulation was put on it.

City Attorney McCauley Nason replied as soon as they split the lot, the shed is not allowed under the code because it is an accessory structure on a lot without a primary structure. It would not become any more legal than it is today once completing the lot split. The question is if wanting to allow an amount of time for removal of the shed and if wanting to include that condition as a condition of the variance approval.

Councilmember Murphy said he thought they were allowing the resident to keep the shed until it's conveyed to a third party.

City Attorney McCauley Nason replied this was different. There could be a second for that motion. If there is not a second on the motion, the motion would die. A different motion could be made with a different condition.

Motion by Murphy, second by Scales, to allow rearranging the lots, keeping the shed until it is conveyed to a third party, and staff's administrative approval for property located at 6938 Booth Avenue. Resolution 2023-151

Councilmember T'Kach asked if the motion on the table was once the lot is conveyed the shed has to be removed from the property by the new owner. They may remove the shed, build a home, and put another shed up.

City Attorney McCauley Nason clarified that the motion and second was to approve the resolution in the packet approving the lot width variance with a third condition that the shed must be removed prior to the sale of the lot to a third party.

Ayes: 4

Nays: 1 (T'Kach) Motion carried.

City Attorney McCauley Nason stated there is a resolution of denial of the variance request for the shed to be kept on the property. There is language for the resolution in the Council packets on Page 140. There is a blank for where practical difficulty or uniqueness was not found. She stated that City Planner Hunting indicated some language in his presentation that the Council could adopt regarding why there was not a real practical difficulty to allow the variance.

Motion by Scales, second by Dietrich, to deny the variance based on the wording used by City Planner Hunting for property located at 6938 Booth Avenue. Resolution 2023-152

Ayes: 5

Nays: 0 Motion carried.

D. Consider Request for a Variance from Accessory Structure Size Limitations, 5850 Asher Avenue. Resolution 2023-153

Associate Planner Heather Botten discussed property located at the end of Asher Avenue. It is a dead-end road zoned R-1B, single family residential district. The School District owns property to the north and east, there are single family homes to the west and south of this lot.

Action Requested:

- A variance to allow a 1,365 square foot detached accessory building whereas 1,000 square feet is the maximum size allowed.
- The maximum square footage is the maximum size allowed in all R-1 districts and all urban lots.

This is an after the fact request. The structure has already been built without a permit. It is located behind the existing home, is in compliance with exterior building material requirements and setbacks.

- Property may be considered unique because the house does not have an attached garage. Based on the layout of the house and lot size, it is not conducive to add on an attached garage.
- Code does not allow for flexibility for properties that do not have an attached garage to allow them to have a larger detached building or to have more than one detached accessory building.
 - Must follow the same requirements that a different lot would have if they have an attached garage. Those properties could also have a detached structure.
- In this case, they are allowed the one structure of up to 1,000 square feet maximum.

City Council has reviewed the size of accessory structures over the years. The size allowance was changed for structures in larger lots and rural areas. Size allowance has not been changed for the urban district; this is to control massing and size of the structures.

- Staff recommends denial of the variance request based on the following findings:
 - Approval could set a precedent for other large accessory structure size requests.
 - Denying does not preclude the applicant from reasonable use of the property. Can still have the 1,000 square foot maximum size.
 - Staff believes the facts presented do not satisfy the variance criteria and the size could be considered a convenience to the applicant and not a practical difficulty.

The Planning Commission reviewed this request on June 6th, 2023 at their public hearing. They also recommend denial based on the lack of a practical difficulty.

There are two resolutions included denial and approval. If approving, the Council would need to state a practical difficulty. There are also three conditions listed that would need to be incorporated.

Mayor Dietrich referenced a house to the south with a large accessory building and asked what their practical difficulty was.

Associate Planner Botten replied that was approved in 2004 with reasons stated by the Council for practical difficulty being a hardship on the lot, lot configuration, open space abutting it from the school, size request was a small request, and location of the garage exceeds setbacks for what a detached structure would be for a 1,000 square foot structure.

Councilmember Scales requested the size of the structure.

Associate Planner Botten replied inside measurements were 1,088. There is also an attached garage. She said in the applicant's narrative, he may reference having more square footage than what he has but that includes the attached structure along with the detached structure.

Mayor Dietrich asked if the school abuts this property.

Associate Planner Botten replied yes

Mayor Dietrich questioned if that could be a practical difficulty, if it goes into the lot configuration.

Associate Planner Botten replied it is unique. There are not a lot of properties that have school districts on two sides. It is up to the Council if it is a practical difficulty.

She replied about the size and how it was limited with the layout stating the house was built in the late 70's. There was a tuck under garage that was converted into living space prior to the current resident owning it. With the way the property is laid out, there is no room to add on an attached garage to either side of the house.

Councilmember Gliva asked how they got to a point of having the garage built and in existence.

Associate Planner Botten replied the applicant can address that question.

Councilmember Murphy asked about the practical difficulty being an open field.

Associate Planner Botten replied the approval to the south in 2004 references the open space from the school. There are greater setbacks between where the school is located compared to this one. The Council thought that to be uniqueness at that time. In 2004 they looked at a hardship versus a practical difficulty. It was different language in the variance criteria. That was an item listed they thought was unique.

Mayor Dietrich asked the City Attorney if that would meet requirements for a practical difficulty. City Attorney McCauley Nason replied the language of the statute changed between 2004 and today. The statute in 2004 referenced a hardship situation and did not use the words practical difficulty. The standard today is that uniqueness is one factor. Practical difficulty is what the Council would have to find. If the property is proposed to be used in a reasonable manner that is not permitted by the zoning ordinance, the variance, if granted, will not alter the essential character of the locality. The plight of the landowner is due to circumstances unique to the property, not caused by the landowner themselves. For example, this landowner did not do the conversion of the structure to take the garage and turn it into living space. That is now something that cannot be added onto with the garage. Those are criteria the Council would have to look at to determine if there is a practical difficulty. She does not see the fact that it backs up to a school as being relevant in this determination of whether or not there is a practical difficulty that would justify a deviation from the zoning ordinance for the detached structure.

Mayor Dietrich asked if there were any characteristics that would meet the practical difficulty in 2023. City Attorney McCauley Nason replied the Council could find it to be a reasonable use of the property that is not permitted by the zoning ordinance, it will not alter the essential character of the locality. Circumstances unique to the property not created by the landowner include the renovations done to the house that prohibit the ability to add on a garage so the only thing that could be done is to build a separate garage. Council could look at those factors for a practical difficulty. The size is a different question.

Councilmember Murphy questioned if a practical difficulty could be created by a previous owner. City Attorney McCauley Nason replied yes, the statute says the unique circumstances of the property cannot be created by the landowner. You cannot make your own problem. Buying the property and the problem already existing is different than doing something to the property.

Councilmember T'Kach asked if this owner built the building.

Associate Planner Botten replied yes. This owner did not fill in the once tucked under garage. Councilmember T'Kach questioned if the issue was the 1,000 feet versus 1,300 feet, not whether or not there is a structure at all. She asked if the applicant would need to take 300 feet off the structure if the Council did not approve this request.

Associate Planner Botten replied yes, the applicant would have to figure out how to get 300 feet off the existing structure or take it down and start over. The total would be 365 square feet.

Ryan Rechtzigel, 5850 Asher Avenue, stated when he bought the house it was horrendous. It was moldy, the ceiling was falling down, had cedar shakes, the garage was rotten. He bought the house because he was young and did not know what he was getting himself into. Now two years later, he has learned a lot along the way. He found someone named Jeff R. and hired him to build the garage. The concrete work and garage were done. He explored every option he could to attach a garage to his house, the options were not feasible, so he decided to go with a detached structure. He said he spoke with his neighbor abutting to the south regarding his structure and was told it was 1,152 square feet. He said he wanted to be able to park his truck, his fiancée's car, a couple of other cars, and tools. The only way to do it was to build it behind the house. He understands it's bigger than it should have been, he should have done his due diligence. He said he is in a bad position and would like to work with the city on this. It cost a lot of money to build. He was unsure of how to remove frost footings and was unable to financially do it at this time. He would need a timeframe to determine finances.

Councilmember Scales asked if permits were pulled on all the work done on the house.

Mr. Rechtzigel replied that Jeff came in and squared off the kitchen. Two months later he built the garage. Nothing moved much from the inside of the home. He has an electrical permit for the house, he did not have a permit for the kitchen. He said he has put a lot of money above the cost of the house. It has been a learning lesson; it is his first home. If needing to move the building smaller he would figure it out but needed time.

Councilmember Scales asked if he planned, at any time, to attach a garage to the house.

Mr. Rechtzigel replied there is no way to do it. Attaching something to the back of the house would cover up the windows in the bedrooms and bathrooms. From an aerial view, the building looks larger than it is, it has larger overhangs.

Councilmember Scales mentioned that Mr. Rechtzigel has taken the punishment from the Planning Commission and likely some from the Council for the after the fact variance. He appreciated the way he has handled this.

Mr. Rechtzigel responded that he wants to work with the city. If he has to do something, he asked to grant him some time to do it.

Councilmember Scales said Mr. Rechtzigel has a couple of neighbors in his corner. He received phone calls from them. The neighbors like what he has done to the house. He said he has driven by to see the home; he has done a beautiful job with it.

Councilmember Murphy referenced a building in the back.

Mr. Rechtzigel replied when he bought the house, he tore the garage down because it was in poor condition and would have fallen down. It was dangerous. The structure is gone. It was temporary to store materials while building. The area where the building was has been graded. He was planning on having grass soon, but the weather has been difficult, so he had topsoil brought in. He said he took the time to clean out both sides of the school's fence. There was buckthorn, he got rid of old debris left by the previous owner.

Councilmember Murphy said he was looking for a way to help. He asked about the individual who built the garage and if they had knowledge of construction.

Mr. Rechtzigel replied Luke Steenberg and Steve Johnson came to the house and asked about it. He said he thought there was a permit for it, and they ended up talking. He was asked to open the garage door. He said he was told it looked like whoever built it knew what they were doing. It has frost footings, is 12 inch on center, has 2x6 studs, and 24 inch on center trusses. It is not insulated but has a hot roof. The entire ceiling of the garage has 7 inches of spray foam. If needing to size the garage down, he would have to figure out how to cut that back.

Councilmember Scales asked if a permit was pulled for the insulation.

Mr. Rechtzigel replied no. It was the same guy whose brother owned a spray foam rig and wanted to spray the ceiling.

Councilmember Scales mentioned he does not like penalizing people who do not have attached garages. You can build very large, attached garages without needing anything other than a permit. He does not like that they limit the size of buildings. Someone who has a 3-car attached garage can also have a 1,000 square foot structure. He said he does not like after the fact things. He appreciated the honesty the applicant has had with the discussion. He said he would be willing to move forward with the hardship being the lot width; it is not possible to build an attached garage.

Councilmember Murphy said if a resident can build as large of an attached garage, there are other rules that need to be followed such as impervious surface.

Mayor Dietrich said she does not like an after the fact and setting a precedent. She asked if there was any monetary violation or something in place that could be enacted.

Associate Planner Botten replied the applicant still needs a permit. A double fee could be done for the permit for an after the fact request. It would not be for the variance but for the building.

Mayor Dietrich said that seemed reasonable.

Councilmember Murphy asked what the fee was.

Associate Planner Botten replied it is based on valuation of the building. She was unsure what the fee was offhand.

Mayor Dietrich stated the request is to consider a variance to allow 1,365 square feet whereas 1,000 square feet is the maximum allowed. It is a 60-day deadline, a 3/5 vote.

Motion by Scales to approve a variance to allow 1,365 square feet whereas 1,000 square feet is the maximum allowed with a 60-day deadline.

Councilmember Scales said the precedence side could be addressed by making the practical difficulty the width of the lot, the inability to build an attached garage. He felt it relieves some of the pressure they are feeling about setting a precedent. It is specific to this lot based on this project.

Mayor Dietrich asked Councilmember Scales if he would entertain what was said about the permit fee being doubled.

Councilmember Scales said he has no issue with that suggestion.

Motion by Scales, second by Dietrich, to approve a variance to allow 1,365 square feet whereas 1,000 square feet is the maximum allowed for property located at 5850 Asher Avenue. It is a 60-day deadline with the lot width being the practical difficulty. The permit fee would be doubled. Resolution 2023-153

Councilmember Murphy questioned if they were worried about other residents with a tuck under garage that remodel the garage and then build something bigger. He believes they need to protect the city and residents from these types of things. He said he is having a hard time with this.

Councilmember Scales said he did not believe that would be possible because the landowner would have created their own issue. If a landowner filled in their tuck under or made their garage living space, they would be unable to do this because it would have been created by the landowner.

City Attorney McCauley Nason said if creating their own practical difficulty then you would not qualify for a variance. The difference here is that it is not just the structure, it is the size of the structure. The size is something else for the Council to consider.

Councilmember Murphy said the next owner of the home did not create the practical difficulty so they could build something bigger.

City Attorney McCauley Nason replied it was a matter of interpretation of landowner. The statute says landowner. It does not state current or prior. As far as who created the practical difficulty, it would be if they created the problem themselves. If selling the home, the next landowner would have to prove that they did not create the uniqueness to the land that is creating the need for the variance.

Councilmember T'Kach stated the need to look at redoing these ordinances. She said there is a full work plan for the year, but they have received several of these type of requests in the last two months.

Ayes: 5

Nays: 0 Motion carried.

E. Consider a Comprehensive Plan Amendment for the Southeast Corner of Buckley Way and Buckley Circle. Resolution 2023-154

City Planner Allan Hunting presented a comprehensive plan request for property located at Buckley Way and Buckley Circle. The property is located west of Cahill Avenue, south of 65th Street, currently guided mixed use. It is a mix of residential and commercial type uses. The request is to change it to medium residential, 8-12 units per acre. The thought is to do a 10-unit townhome development, two 5-unit buildings on either side of an access road that would go out onto Buckley Circle. The property is .92 acres. In the 2040 Comprehensive Plan, the large area of 65th and Cahill Avenue was reguided to a mixed use in anticipation of future redevelopment of a PUD with walkability and city center features. It is something that would take time to occur, likely several years.

Background: Rationale For:

- Currently has mixed density housing to the south and southwest. The area is guided MDR.
- Separated from Cahill. Is not a prime area for commercial.
- Because some of the lots have an old landfill with contamination, could have limitations if a commercial operator was trying to get a loan. May have difficulty or extra costs involved.

Rationale Against:

- Property is zoned B-3. Council has been reluctant to want to change commercially guided/zoned property to residential use in hopes of retaining for potential future commercial.
- Cahill/65th Street area is anticipated to develop into a mix of residential/commercial. This piece is smaller and will not develop into some type of mix. Changing to residential takes away the opportunity for future commercial development.

Action Requested:

- Take action on the Comprehensive Plan Amendment regarding the change from mixed use to medium density.
- Two resolutions are included in the Council packets. One to approve, one to deny.
- Planning Commission recommended approval 5/0. They felt this made sense to change since there is some residential in the area.
- If the comprehensive plan amendment is approved, the applicant would need to come back for rezoning, platting, and a conditional use permit. There will be a review of site plan details and further public notice at that time.

At this time, the Council would only be addressing if it makes sense to change from a mix of commercial/residential to straight residential.

Councilmember T'Kach said if approved for a recommended land use change, she questioned if it does not change until the site plan. She asked what happens when going through site planning, the market goes south, nothing gets built, and this goes back up for sale. She asked if the comprehensive plan change would be stuck with this after the site plan approval.

City Planner Hunting responded yes. It is conditioned upon the comprehensive plan approval of a rezoning and preliminary plat. In this case it would be a CUP site plan. The Council could approve but there is no guarantee that a development would occur. The developer could do final approval and for whatever reason, choose not to do the project. The record will have changed and there would be a recorded approved plan in place. There would be limitations on the conditional use permit that would have to be used within two years of approval. It would become effective if Council approves the zoning and a site plan. If not, it falls back to the mixed-use designation and there will have been no change to the Comprehensive Plan. Someone else would have to come in and reapply for the same application.

Councilmember T'Kach asked where things would be at if the applicant gets site approval but does not build in the two-year time frame.

City Planner Hunting replied the code allows the applicant to apply for an extension. If they do not, the CUP lapses and is no longer valid. The rezoning and plat would still be in place, the conditional use permit (site plan approval) would become null and void. Someone would have to reapply for the same thing or start over.

Ilya Zubarev, 17218 Finch Path, Farmington, provided the following via presentation:

- Vacant since 1971.
- Current landowner has been trying to sell it for over 20 years.
- Priced below market value for that time.
 - There is another piece of land for sale .96 acres, zoned the same way, going for \$85,000.
- MLS shows 7 years of recent history:
 - 32 status changes. Means a change every 2.5 months over the last 7 years.

He said the obvious question is why the land has not been purchased or developed on for so long. He displayed an aerial photograph from 1966. An adjacent area was the Rubbish Ranch Dump Site in the 1950's and 1960's. It included some section of the property. After the dump site closed, any property associated with it was marked in the U.S. Environmental Protection archives as a possible "brownfield," meaning it could potentially be contaminated with something that may or may not be hazardous. He displayed an aerial photograph from 1974 stating the Rubbish Ranch closed in 1971 when landfill regulations came around. He said a business would typically use an SBA Loan (Small Business Association); they have favorable loan terms, can get up to \$5 million dollars, and guarantee up to 85% of that loan. A conventional loan goes up to approximately \$720,000. The difficult part is that the SBA has specific regulations about environmental restrictions and brownfields. They will not finance anything listed in the EPA as a brownfield. No business would be able to buy the land. He displayed a photo from 2005 depicting where core drills were sampled. Waste was found in many locations. He said their property was not tested at that time. The property has been left on the EPA registry because there is a higher likelihood that it is contaminated.

The county did more testing such as 25 deep core drills, surface soil testing, and vapor testing. Everything came out safe and clean with results below what is set by the Minnesota Pollution Control Agency. SBA lenders still will not touch it, it is still considered high risk. He said he was unsure why and did some checking. He found that the SBA lender is still on the hook for anything wrong with the land. The government guarantee is more for things covered by a business going under. The lender still does not want to fund it, it would take an SBA appeal process. With COVID and businesses going under, it creates an unnecessary burden for the landowner.

He said they are not the landowners; they have a purchase agreement that is contingent on this passing. The current landowner is still paying taxes. The business guidance does not work in this area due to the unfortunate history of the land. The area has businesses and residential townhomes around it. This would not be out of character for the area.

He shared that they are trying to build their own little neighborhood where they would live next door to their loved ones, family, and friends. They do not qualify for SBA lending, everything would be on their own names, they would be living on the property. The initial build consists of the first three units for his wife and himself, his mother and stepfather, the third would be his brother. The plan is to expand in phases over the next several years and have more family and friends living there. They do not plan to sell the units, they plan to keep them, want to live in them.

He said at the Planning Commission meeting, a person named Jacob was concerned about the façade, how it was facing Buckley Way, and would be more of a backyard type of look. He said he flipped it around to have the more aesthetic façade facing that way. He likes green energy and wanted to do carbon zero and net energy use zero plan, that is why the roofs are monopitched facing south. Carbon zero means they do not want to use any natural gas or fuels on the property, everything would be electric. The entire roof would be covered by solar shingles to try to get all energy from the sun to run

the place. He said there were two people at the Planning Commission meeting who lived in the townhomes nearby that were concerned about their view. He said he would have a berm on the property. From 30 feet away a person would see a 17-foot visible façade. The people were also concerned about it looking like the rest of the neighborhood. He would use the same type of exterior; they are not married to any type of exterior design.

He discussed the following foreseeable questions and concerns:

- Is there a housing need. He said he was quoting Community Development Director Heather Rand who stated that Dakota County did a study recently where they called for over 900 more units. There was a housing development with 152 units that filled up almost immediately. There seems to be a need.
- Why not build higher density. To build something bigger, an SBA loan is needed. He is not interested in apartments.
- Why here. He said they have looked elsewhere. This land has been a diamond in the rough to them. Others were far too big, too expensive.
- Parking. There would be four parking spaces per unit. The current plan has 8 more communal parking spaces.
- Concerns about renting. He said they hope to always have friends and family but that may not always be realistic. They would go through a reasonable vetting process to find renters to move in. If surrounding neighbors have concerns or an issue with a renter, he would be the first unit and would handle it personally.
- The comprehensive plan should not be changed. He quoted the Planning Commission's Chair, Liz Niemioja, stating the Comprehensive Plan is a living breathing document, it changes regularly.

He stated they would like the comprehensive plan to be changed to allow them to build their dream here.

Councilmember Murphy asked how they would build two and then stop, build two more and then stop. He asked what that would look like to the community.

Mr. Zubarev replied they would start with the first three, then add two to it, and then do more on the other side. It is a financial necessity; they can only get so much of a loan. It would be to build, wait a couple of years, build, wait a couple of years. Structurally, he just determined the layout along with an architect. The exterior of one of the interior homes would have a fire rated wall; they are still working to determine how to do this.

Councilmember Murphy asked if the exterior wall would be finished with the appearance to change.

Mr. Zubarev replied yes. Finished it would be insulated with siding to match the rest of the building. They are planning it to be able to take the siding and insulation wrap off. There would be another wall that goes right against it.

Councilmember T'Kach asked what the impervious surface was and if there was too much parking on site.

City Planner Hunting replied he did not know the numbers off hand. It would have to comply with impervious surface standards.

Mr. Zubarev replied the impervious surface for R-3B is 40%. He has already removed a couple of parking spaces to meet the restriction.

Councilmember Gliva asked if there was a timeline from start to completion.

Mr. Zubarev replied assuming this passes today, they would be sure they would be buying the land. He has civil engineers lined up to survey, which could be 2-3 weeks. He would come back before the Council for permits and platting which would take 60-90 days. They estimate to break ground in October assuming the Met Council does not take 90 days. He expects about

two years between the finish of one and the start of the next. He expects three phases and would be done in six years.

Councilmember T’Kach asked if these would all be rentals. She asked if his unit would be owner occupied as a separate entity or if his would also be a rental.

Mr. Zubarev replied in a legal sense it would be a self-rental, they would be living in one of the units. The others would be rented out to family and friends. They do not want to have them sold off to others in the event others would sell. They were hoping to hold onto all of them indefinitely.

City Clerk Rebecca Kiernan stated there were two letters to be included into the public record. The first is from Katie Gerten and family, which owns Gertens Farm Market. The second is from Elizabeth Marschall, 6640 Buckley Circle.

Motion by T’Kach, second by Gliva, to add the two items of correspondence into the record as stated.

Ayes: 5

Nays: 0 Motion carried.

Pastor Isaac K., 137 Edison, stated he has known the couple for a very long time. If there was anyone that could actually get things accomplished, it would be Ilya and Natasha. They are focused and driven. He knows they are a tight knit family. He said he does development on the North Shore; this makes a lot of sense. The area has been sitting there for a long time, it looks like a great place to have townhomes. It is not where he would put a business. He commented this would build a good community because they serve their community well. This takes a piece of land and makes it useful. Rog B., 28 Cutler Street, St. Paul, Minnesota, stated he believes Ilya and Natasha would be a great addition to any community. He has lived with both for three years. They are both very driven, focused, and are very good at planning things. He commented that the land is underused, this would be a chance to make good use of it. He said he would be interested in moving into this property.

Councilmember Murphy said he does not like giving up any land currently zoned for business development. He understands the comprehensive plan is a living breathing document, he does not believe that it needs to change as much as it does. He said this plan makes a lot of sense; it fits well into the area. He said he believes there are other business locations that would be developed sooner than this might be if the Council does not change the Comprehensive Plan. He said he is in favor of the comprehensive plan change.

Councilmember Scales said he agrees a little. When a lot of the development was done on Cahill in the 80’s, that lot was for sale. It has been sitting for sale for more like 40 years. There were a lot of people that had a lot of ideas for the land that fell apart. He said he has given up the idea of commercial or business showing up there. If it has not happened in 40 years, it was not happening now. He said he fully supports the request and thinks it would be a great addition to the neighborhood.

Councilmember Gliva said a comprehensive plan change, given where this is located, would fit due to the density. Her biggest concern is that the project would sit for a period of time, not completed, or something happens, and they would have something partially sitting there. She does not want that to not fit into the neighborhood and be a detriment to those around. She appreciates the fact they can change the comprehensive plan. She does not believe a business would come in. Her concern is with doing three, getting funding or assuming funding, and starting up again with another three or five.

Councilmember T’Kach said she struggles with the same concerns. A certain amount of infrastructure has to go in to make a project work such as curb, gutter, sewer, and water. She likes the idea of having something on this piece of property but there could be an incomplete project. She was concerned with having residential there. She said there are a lot of long-time renters in the city, this group would like to be long time renters. She indicated other properties nearby, when someone comes in with another development, she asked if it would be a “not in their backyard.” She said she was trying to think of what the longer-term repercussions would be. A part of her thinks it could end up being just three rental units. She asked if staff knew of what type of infrastructure would be typical in this situation.

Councilmember Scales said the city has had a lot of developments that have started and not finished with the original developer. It is a chance taken with every developer/redevelopment. He said he is not saying that would happen here. He felt it was unfair to put that onto this development when every development has that possibility. The land for this has been sitting since at least 1971.

Councilmember Gliva stated this was not a large development coming in. This is someone who would have to be dependent on funding. It will be a six-year process or longer.

Councilmember T’Kach said she liked the idea of getting this property developed, she is not against it. She is concerned about the whole process and the infrastructure. She asked if they would be market rate apartments or less than market rate.

Mr. Zubarev replied his plan would be to bring in a rental company that does a market assessment on what it would be worth. He addressed the concern about the phases stating the first three units would be the hardest part. There is the cost of buying the land and the infrastructure. The lender will not give them money unless they have it plotted out with costs. Once the first three are built, adding on would not be as expensive.

Mayor Dietrich asked if they were married to this particular project if this comprehensive plan goes through.

City Attorney McCauley Nason replied they are not. The comprehensive plan amendment as proposed would only become valid upon the Council approving final rezoning and development plans for the property. It is a conditional approval. If reguiding it to multifamily development, it limits the type of development that may go into the area.

Councilmember T’Kach asked how many units could be built on this property as medium density.

City Planner Hunting replied 11 would be the maximum based on lot square footage and code requirements. It cannot be more than 12 units per acre.

Motion by Murphy, second by Scales, to approve the Comprehensive Plan Amendment for the Southeast Corner of Buckley Way and Buckley Circle. Resolution 2023-154

Ayes: 4

Nays: 1 (Gliva) Motion carried.

F. Consider Resolution Authorizing Ordering of a New Fire Engine. Resolution 2023-155

Fire Chief Judy Thill stated in 2006 the department purchased Engine 33, the oldest engine in their fleet. All their trucks are on a recommended replacement schedule with engines listed to be replaced at 20 years. Engine 33 is scheduled to be replaced in 2026. In the past when engines were ordered, lead times were between 10-14 months to both design and build the truck. Due to many issues, the lead time for this engine is now set at 40-49 months. This places the engine to be delivered late 2026

or early 2027. Over the past several years with supply chain issues and inflation, fire truck costs have risen considerably. The new truck would be built to almost the same specifications as Engine 17, located at Station 1. A few modifications would be added based on things learned since building the first one. They would not be large modifications.

- Engine 17 was purchased in 2015 at a cost of \$549,850.
- In the most recent proposal, the almost identical truck was quoted at \$1,174,882.29.
- Since December there have already been two price increases to raise the cost by more than \$170,000.
 - Part of the large increase includes the manufacturer bidding out 2026 engine, which has new emission requirements.
 - More price increases are expected in 2023.

This manufacturer is not alone in these types of increases. All firetruck manufacturers have done the same. She referenced the Citygate report that recommended having one reserve or backup engine in the fleet. The fire department currently has three engines with one at each station. With all the computer-controlled equipment as well as the mechanical parts on the trucks, they can be in the shop for days and weeks. There have been times when more than one engine has been down at the same time. Their ladder and pumper tender trucks all have pumps on them so they can run as an engine in a pinch, but do not carry all the same equipment. They take off the equipment needed before it goes in for work and then put it on the ladder or tender. These were purchased as specialty vehicles and not meant to be run daily like an engine would. As a result, they have 25-30-year replacement schedules. If running those more often, they would have to bring up the replacement schedules and order them sooner.

Because of the three issues: long lead time, increasing costs, and the reserve engine recommended and needed, staff seeks Council approval to consider the resolution to order the replacement of Engine 33. When that arrives, they would turn Engine 33 into their reserve engine in the fleet. With the long lead time, Engine 33 would be 20-21 years old at the time the new truck would arrive.

To purchase new trucks, they go through the Houston-Galveston Area Council (H-Gac), which is the National Government Procurement process. H-Gac receives competitive bids from different truck manufacturers and sets the price for trucks and the options. The truck would be built by Pierce Manufacturing who has built previous trucks, and purchased through their dealer MacQueen Emergency, for \$1,174,882.29 using the H-Gac Cooperative.

She mentioned the fire department has already accumulated \$798,115 in the city's Central Equipment Fund and will continue to allocate \$44,340 per year for the next three years before the truck would be delivered. When getting a new truck, money is set aside to pay for it. In the past, they have been able to pay for the truck without any type of shortfall. Due to the heavy increases, they have come up short. Their shortfall is approximately \$243,750. Staff is proposing to pay for the gap using a portion of the one-time, \$1,560,000 public safety funds the city will be receiving from the State of Minnesota at the end of this year. The funds are a result of the legislative session that just ended. If ordering the truck soon they could lock in the price and prevent future increases that come along before receiving it. Staff recommends adoption of the resolution as proposed.

Mayor Dietrich thanked the Fire Chief for working with Finance Director Hove on this. She said she spoke with the Finance Director about this. She knows there are few companies that make these types of specialized equipment, there is no comparison shopping. She mentioned too many times she sees studies that are done and then shelved. She appreciated that the Fire Chief referenced the Citygate Fire Study and that they are still using their advice.

Councilmember Scales mentioned this is exactly what those public safety funds should be used for. He believes this to be a perfect example. He fully supports getting the new truck and ordering as soon as possible.

Motion by Scales, second by Gliva, to approve Resolution 2023-155 Authorizing the Ordering of a New Fire Engine.

Councilmember T'Kach asked if Fire Chief Thill would be using all discounts possible and if she anticipates any additional reduction in price.

Fire Chief Thill replied the only discount received is if prepaying. From discussion with the Finance Director regarding the current interest rates, it was determined that it would make more sense to pay it when received rather than prepaying.

Ayes: 5

Nays: 0 Motion carried.

G. Appointments to the Planning Commission and Environmental Advisory Commission

City Administrator Kris Wilson stated the City Council annually makes appointments to three Advisory Commissions:

1. Planning Commission
2. Environmental Advisory Commission
3. Parks and Recreation Advisory Commission

This process was just completed however, two Commission Members resigned mid-term. Resignations have been received from a member of the Planning Commission resulting in a vacancy for the remainder of the term, 2 years. The Environmental Advisory Commission also had a midterm resignation with 1-year left on the term. Candidates that were interviewed in May are still available options for the Council. Additional candidates applied and were interviewed earlier today.

City Clerk Kiernan passed out ballots to the Council for the one position on the Planning Commission.

Councilmember T'Kach asked if a motion could be made in regard to the Planning Commission to take the last person appointed in May, Aida Schaefer, and move her to the two-year term that is left and fill tonight's remaining term. She said there were a lot of candidates last time, Ms. Schaefer rose to the top to get appointed, she would like to see that moved into the longer term of 2 years.

Mayor Dietrich asked if that has been discussed with Ms. Schaefer.

City Administrator Wilson replied it has not been discussed with Ms. Schaefer. She said prior to tonight's meeting she was contacted by Councilmember T'Kach regarding this. There is no barrier if that was the Council's preference.

Councilmember T'Kach said she has not reached out to Ms. Schaefer. Since she applied for a three-year term originally, she guessed she would still be available for a three-year term even though it would be a two-year term.

Councilmember Scales asked if the time length would be 1.5 years.

City Administrator Wilson replied it would be close to 2 years. Terms start June 1st. It would be 1 year 11 months as they would be on the Commission before July 1st.

Mayor Dietrich said she does not feel comfortable with changing the terms without approval.

Councilmember Gliva mentioned if someone would have reached out to Ms. Schaefer to find out if she would have been ok with it.

Councilmember Murphy said they have not spoken with the individual or advertised it. He was a little uncomfortable with it.

Councilmember T’Kach said she would not make the motion if there was no support. She believes it is the right thing to do. She said it was unfortunate that she did not think of it sooner.

The Commission would cast their votes with one seat to be filled.

City Administrator Wilson displayed the results after the first round of voting:

- Four candidates were selected.
- Three candidates received one vote (Paul Mandell, Connor Gosell, Pattie MiKulski). One individual received two votes (Trisha Presley).

When working with a larger number of seats to fill they typically eliminate the candidates receiving the least number of votes and recast. In this case, it would result in only one candidate carrying on. She suggested striking the individuals who did not receive any votes and cast a second round of votes.

City Clerk Kiernan passed around a second ballot for voting.

City Administrator Wilson displayed the results from the second round of voting:

- Two candidates were selected (Trisha Presley and Patti MiKulski).
- Trisha Presley received 3 votes; Patti MiKulski received 2 votes.

The Council can choose to strike the candidates not receiving a vote and vote again or proceed with a motion to appoint.

Motion by T’Kach to appoint for someone that wanted it as a first choice, versus a second choice.

Mayor Dietrich asked if the Council could vote on the two remaining.

City Administrator Wilson replied yes.

Mayor Dietrich asked what the Council’s thoughts were.

Councilmember Murphy said he was neutral but could do another round of voting. He understands the theory of first choice versus second choice.

Councilmember Scales mentioned he would be happy to vote again.

Mayor Dietrich said it would be thoroughly vetted. The Council would vote one last time.

Councilmember T’Kach withdrew her Motion.

City Clerk Kiernan passed around a third ballot for voting.

City Administrator Wilson stated the third round of voting remains unchanged from the second round.

Motion by T’Kach, second by Gliva, to appoint Trisha Presley for a two-year term on the Planning Commission.

Ayes: 5

Nays: 0 Motion carried.

City Administrator Wilson stated a similar balloting process will take place for the one vacancy on the Environmental Advisory Commission. This is for a 1-year term.

The results from the first round were displayed:

- Three candidates were selected.
- One candidate received three votes (Patti MiKulski), two candidates each received one vote (Dawn Gaetke, Laura Grevas).

It is the Council’s decision whether to ballot again or make a motion based on the fact that one candidate received three votes.

Mayor Dietrich requested striking those that did not receive votes and voting again.

City Clerk Kiernan passed around a second ballot for voting.

City Administrator Wilson displayed the results of the second round of voting:

- Patti MiKulski received four votes; Dawn Gaetke received one vote.

Motion by Gliva, second by Scales, to appoint Patti MiKulski for a 1-year term on the Environmental Advisory Commission.

Ayes: 5

Nays: 0 Motion carried.

Mayor Dietrich asked the City Clerk if she would be contacting all applicants tomorrow.

City Clerk Kiernan replied yes.

H. Continued Discussion of On-Sale Liquor Licenses for Exclusive Liquor Stores

City Administrator Wilson followed up from conversations had during the June Work Session regarding a local business having the ability to have a liquor license but did not fit into the categories in the city code. Under current City Code 4-1-4, B-1:

On-Sale Intoxicating Liquor License - May be issued to:

- Hotels that have an on-site restaurant, as defined in this chapter
- Clubs or congressionally chartered Veterans organizations with the approval of the Commissioner of Public Safety
- Theaters
- Restaurants
- Exclusive Liquor Stores
- Inver Wood Golf Course

State Statute 340A.412, Subd. 14 defines what an Exclusive Liquor Store is. They can only sell a specific list of items (there are 16):

1. Alcoholic beverages
2. Tobacco products
3. Ice
4. Soft drinks and a variety of ancillary products.

Research turned up a piece from the League of Minnesota Cities that states the Legislature has added Cannabis to the list of items that exclusive liquor stores may sell. Staff still has things to learn as they get closer to the effective dates of the new Cannabis laws in Minnesota. Cannabis would be the 17th item listed. They would also have to have a Cannabis retailers license from the State of Minnesota. Someone with an exclusive liquor store license could apply for one of those from the state.

Two additional notes from the Statute:

- An exclusive liquor store that has an on-sale, or a combination on-sale and off-sale license may sell food for on-premise consumption when authorized by the municipality issuing the license.
 - If issuing an on-sale license to an exclusive liquor store, need to decide whether they can serve.
 - Yes or no from the City Council would give the ability to sell packaged food as there needs to be a license from the Department of Health to be a restaurant.
 - If a restaurant, this type of liquor license would not be needed. Would be able to get a restaurant liquor license.
- An exclusive liquor store may offer live or recorded entertainment.

Follow-Up to Council questions:

- Can the Council be more restrictive than state law on what an exclusive liquor store may sell.
 - Yes. Any City Council in Minnesota can take the definition of an exclusive liquor store and cross through items on the list.
 - If wanting to determine that an exclusive liquor store in the city cannot sell a certain item, it can be crossed off the list.
 - Cannot be less restrictive. Cannot add things to the list. Cannot allow to sell something that is not on the list but can narrow the list for use in the city.
- Can require items on the list.
 - As it is printed in the State Statute, may sell any combination of the 16 items.
 - If wanting to require that food be sold where alcohol is being sold, might want to require that soft drinks or non-alcoholic beverages be offered alongside alcoholic beverages.
- If wanting either of the above mentioned, an Ordinance would be needed amending the code.

If an on-sale license is issued to an Exclusive Liquor Store:

- Must meet all licensing requirements including background checks for the owners and proof that they have the proper insurance.
- Subject to compliance checks the same as any other license holder.
- Exclusive Liquor Stores are not eligible for a Sunday on sale liquor license.

The business that has led staff to do this research would be able to sell Monday through Saturday, not on Sundays. This is a State Law.

Questions for the City Council:

1. Does the Council wish to put local requirements on the definition of an Exclusive Liquor Store.
 - a. There is room to adjust and customize to the city. The question is if the Council wants to.
 - b. Can remove items from the list of allowable merchandise.
 - c. Could mandate the sale of certain items on the list of allowable merchandise.
 - d. Cannot add to the list of allowable merchandise.
2. Is PerpleBunny Axe House "selling" axe throwing.
 - a. Need to make the finding that PerpleBunny Axe House is not selling axe throwing. Because you are not taking a tangible item away, it is a recreational/entertainment experience, not selling axe throwing. Similar to a bowling alley. State law allows bowling alleys to have liquor licenses.

Feedback from the Council was requested prior to the meeting tonight. Feedback received back was mixed. There did not appear to be a clear consensus that allowed staff to have an ordinance ready. More specific answers are needed to questions #1 and #2.

Mayor Dietrich asked if there could be a difference between a vape shop or physical tobacco. She was thinking of an establishment that has physically more square footage and areas for seating that sells tobacco in a physical form. She was also thinking of smaller vape shops that do not have seating. She was unsure what their capacity may be but are selling liquid in the vape.

City Attorney McCauley Nason replied her understanding when speaking with the contact at Alcohol and Gambling Enforcement:

- If the city wanted to only the sale of a certain subset of tobacco products, the city could say no tobacco products and issue a license but cannot sell tobacco products.
- Or could issue the license and say they must sell tobacco products.
- It is a cannot sell, must sell, or have limitations on the sale.
 - Could say they can sell certain types of tobacco products. If liquids are included within the definition of tobacco products, could say not those types of products.
 - Could sell the leaf or those products, but not the liquid form. All of that would have to be put into the code.

Councilmember Scales selected #2. He said he is comfortable saying its recreation and entertainment.

A majority of the Council agreed.

City Administrator Wilson mentioned it leaves the question if wanting to see an ordinance drafted that customizes the concept of an exclusive liquor store to Inver Grove Heights.

Mayor Dietrich asked if the information provided by the Council could be shared.

City Administrator Wilson shared:

- Two Councilmembers thought requiring food sales and prohibiting tobacco were preferred.
- One Councilmember was not inclined to require food sales and was silent on the issue of tobacco.
- Another Councilmember thought they should let the businesses decide what they were going to sell off the list and would not make modifications to the State Statute.

Mayor Dietrich asked if there was a State Statute prohibiting people that would now be able to sell alcohol under this that they can order food in such as Subway.

City Administrator Wilson replied there is no ordinance that states people would not be able to allow Door Dash to deliver to them at their site. Places that do not want that tend to be selling their own food. It was not uncommon for breweries without kitchens to have food trucks come.

Councilmember T'Kach mentioned sometimes places allow people to bring in a bottle of wine, there may be a corkage fee. She asked how that concept figures into the exclusive liquor store situation. She asked if it would be allowed.

City Administrator Wilson replied she has not done research on that. There is an axe throwing business in the state using that model.

Councilmember T'Kach said she was thinking of places that sell set ups and places that have on-sale liquor but could allow customers to bring in a special bottle of wine for a party.

City Administrator Wilson stated that the owner of PerpleBunny Axe House was in attendance and may know the answer. He has also done research.

Dustin Kerr, 4485 Cinnamon Ridge Trail, Eagan, stated there is only one place in Minnesota that allows people to bring in their own alcohol, United States Axe in St. Cloud. Most other places are full on bars or restaurants.

Councilmember T'Kach asked if the place in St. Cloud sold liquor.

Mr. Kerr replied they do not.

Councilmember T'Kach asked if someone had an exclusive liquor store license, if they could legally bring alcohol in.

Mr. Kerr replied most that have liquor on site are not allowed to bring in your own. Once selling liquor onsite, the owners become responsible, and there are other laws in place. Bringing in your own is more laid back.

Councilmember Gliva mentioned during a previous discussion Mr. Kerr had mentioned a food sale of Heggie's Pizza. She asked if having a simple oven would require a discussion with the Department of Health.

Mr. Kerr replied there needs to be a sink. Once it becomes unpackaged food, you have to have some type of restaurant license. Packaged food could be packages of chips or a sealed package sandwich, something he is not preparing on site.

Mayor Dietrich asked what he wanted to do regarding food and if he allowed Door Dash.

Mr. Kerr replied they currently allow people to bring in food as they are located next door to Jimmy John's. They were fine with this. For birthday parties, they allow people to bring their own food in or cater in. They are looking into food trucks for different events they have. He said with this, they may start offering chips, may offer prepackaged nachos. Longer term they are looking to get the restaurant as they look to remodel some of their space.

City Attorney McCauley Nason addressed Councilmember T'Kach's question stating it is a consumption and display permit. This permit authorizes someone to allow the consumption and display of alcoholic beverages. This is the concept of bringing your own wine and charging a corkage fee. This would be issued by the Commissioner of Public Safety and can only be issued to certain businesses such as restaurants, hotels, clubs, and bed and breakfasts. It would not be an option for this business.

Councilmember Scales asked what Mr. Kerr's thoughts were on limiting tobacco.

Mr. Kerr replied he has no intentions of selling tobacco. There is a vape store down the road.

People that currently smoke need to do so outside. He felt the same about Cannabis.

Councilmember T'Kach said she hoped the Council would not decide based on a particular business.

Councilmember Scales said his decision would be based on his feelings, not on a specific business.

Councilmember Murphy said he would not be in favor of limiting anything. There are other businesses in town that may want to apply for this. He said he is certain, without talking to this business, that they may want to apply for one of these licenses. If limiting certain things on the list, it could not happen.

Councilmember Scales asked what the age group was of people who come into the business.

Mr. Kerr replied ages 14 and over with an adult based on their insurance waiver.

Councilmember Scales said that is where he is uncomfortable with tobacco sales.

Mr. Kerr replied that most axe throwing places wristband people 21+. Everyone is carded when entering. This would be an additional thing they would keep track of. He said he has worked at axe throwing places previously, the axe masters were certified through the state through tips. They were trained as though they were bartenders to help recognize inebriation and safety. He would do the same thing for his staff if getting the liquor license.

Councilmember Gliva referenced question #2 stating she was unsure she would go to a vape shop or tobacco place; she asked if it would be considered recreation in order to sell alcohol at the same time. She questioned if they were trying to stay recreation.

City Administrator Wilson replied there is a smoke free indoor air act in Minnesota. If choosing to sell tobacco, it could not be used on site in the building. There is one business in Inver Grove Heights that operates as a sampling shop for tobacco products. They have an exception that they can sell and smoke on site. Other businesses such as axe throwing, or a haunted house do not have the ability to smoke indoors.

Councilmember Scales mentioned that he struggles with the exposure to children. For example, walking into a place such as a bounce house and seeing bottles of alcohol for sale.

City Administrator Wilson replied there are teenagers at bowling alleys and golf courses, both places have the ability to sell.

Councilmember Murphy asked if a cigar shop was considered sampling.

The response was yes.

Mayor Dietrich said that was a different demographic from vaping. She would hate to see them excluded from this opportunity.

Councilmember T'Kach questioned who she would hate to see excluded.

City Administrator Wilson replied a sampling business. If that was the case, they would probably do nothing and leave the definition of exclusive liquor store as it stands.

City Attorney McCauley Nason stated under the tobacco ordinance, the city allows sampling, but only of tobacco and tobacco related devices, only at a tobacco products shop that sells premium cigars. Those can only allow the sampling of premium cigars and pipe tobacco. It is not allowed to sell alcoholic beverages. If the intent is to allow the exclusive liquor store to sell tobacco products, this section of the code would have to be changed as well. Right now, the two would conflict.

City Administrator Wilson said if wanting to sell tobacco but did not want the consumption going on, they could leave the two alone. A sampling business would not be able to get a liquor license.

City Attorney McCauley Nason replied a sampling business cannot sell alcoholic beverages under the current language. If wanting to change and allow the sampling of products at a retail establishment that has a liquor license as an exclusive liquor store, they would have to change this section of the code.

Councilmember T'Kach said she would like to strike tobacco products from the list.

City Administrator Wilson questioned if there were additional Councilmembers that wanted an Ordinance drafted to strike tobacco. She asked if the Council wanted any local requirements on the definition of an exclusive liquor store. If there is a majority, staff could draft a first reading of the ordinance. Staff and the City Attorney would work on one and bring it back before the Council.

Councilmember Scales said he was concerned about other businesses they might be limiting by doing it. He said he was less likely to vote for no tobacco products because of the consequences to other businesses.

Councilmember T'Kach said with any other business she could say no tobacco. She said there were many access points for tobacco, she does not think they need to have it in the exclusive liquor store ordinance.

Councilmember Gliva asked if this would need to be discussed surrounding Cannabis.

City Administrator Wilson replied that she believes so. She was unsure there would be the ability to remove it from the list. There seemed to be a strong sentiment that the state was looking for consistency; they were hesitant to give much local control.

Councilmember Murphy asked if the Council moved to strike tobacco from the list if they would lose the avenue to change the ordinance to allow a sampling shop to get an exclusive liquor license.

City Attorney McCauley Nason responded that was correct.

Councilmember Murphy said he would not support. He believes in less government, not more. He believes the list is just fine.

Councilmember Gliva said she is usually less government. She was unsure that the Council was getting the spirit of what they were trying to do here. It is already not allowed in tobacco stores.

City Attorney McCauley Nason agreed that it is not allowed in a tobacco sampling shop.

Councilmember Gliva commented that nothing would be changed.

City Administrator Wilson replied that was correct. If directing staff to leave the liquor licensing statutes alone, they could expect the local business in attendance to come back at a meeting seeking an exclusive on sale liquor license. It is already in the code, no one has ever applied for one. If doing nothing ordinance wise, the Council could grant an exclusive on sale liquor license to the business at hand and the existing sampling shops would still be ineligible under current

city code. If a business that allowed sampling of tobacco wanted to have one of these licenses, they would have an additional ask before the Council.

City Administrator Wilson said a decision does not need to be made tonight. There is nothing barring the local business from turning in an application for an exclusive on sale liquor license tomorrow. Staff will not draft any changes to the exclusive liquor store definition. They would stick with the state statute definition for now. Council could revisit in the future if it becomes an issue or concern.

7. PUBLIC COMMENT:

Jill Weber, 6863 Arkansas Avenue, said she has sent emails but wanted to come in front of the Council. She mentioned she is a neighbor of a short-term rental. The one they are next to hosts up to 30 people at a time. She requests the Council move forward with a 30-day minimum rental ordinance. The property next to them regularly hosts weddings, bachelor parties, corporate retreats. It is being used as a resort type business. Business and residential is not mixing. There are children in the area with cycles of 24-30 people in and out of the home consistently. They have had drunken trespassing, loud vulgar retreats, late night parties, and not a lot of respect for the neighborhoods.

Mayor Dietrich asked if there has been any success calling law enforcement with some of the violations. Ms. Weber replied yes.

Councilmember T'Kach asked what size the house was with bedrooms. Ms. Weber replied there are four to five bedrooms.

Councilmember Scales asked if the Council could receive information if there have been a lot of calls to that house in regard to code, police, and fire.

City Administrator Wilson replied yes, staff would follow up on police calls. Staff is working on finding out what other cities are doing on this topic.

Councilmember Scales mentioned if there is a problem the city should deal with it.

City Administrator Wilson replied there is currently no mechanism to deal with it other than to send the police and charge them with crimes that there is evidence of. Short term rentals do not currently have rental licenses in the city. There is no information to pull.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember Murphy said he appreciated the public comment. He said he was wondering where things stood with short term rentals. He questioned if the Council would have a decision to make by the end of the summer.

City Administrator responded yes.

Councilmember Murphy shared that the developer is finishing up in the neighborhood he lives in. He said there could still be money in escrow/deposit that is given when signing off on the development. He asked if someone comes through to make sure things are the way they should be before signing off. He was hopeful those would be fixed before giving them their money back.

City Administrator Wilson replied she would check. She said some of the escrows are tied to successful installation of the water system. She would need look at the specific development contract to find out what performance standards the escrow is being held for.

Councilmember Murphy asked if city taxpayers would end up fixing, for example, the light pole if the developer did not.

City Administrator Wilson replied the point of escrow is, so the city does not end up financially on the hook for those specific things.

Mayor Dietrich reminded everyone of a retail recruitment open house being held tomorrow night from 4:00-6:00 at the VMCC Community Room #1. They would like to hear from everyone about what types of businesses people would like to see in the city.

City Administrator Wilson stated due to the 4th of July holiday, the City Council Work Session will take place on Monday, July 17th.

9. ADJOURN:

Motion by Gliva, second by Scales, to adjourn the meeting at 9:08 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: July 24, 2023

ITEM TYPE: Consent Agenda

CONTACT: Amy Hove, Finance Director, 651.450.2521

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving disbursements for the period of July 4 - 18, 2023.

BACKGROUND

The following chart represents a summary by fund type of the disbursements processed during the period of July 4 - 18, 2023. Disbursement details are attached to this memo.

Fund Type	Amount
General Fund	\$603,118.18
Special Revenue	36,646.56
Debt Service	-
Capital Projects	799,116.56
Enterprise	78,688.06
Internal Service	157,733.41
Escrows	28,656.66
Total - All Funds	\$1,703,959.43

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 (7.4.2023 - 7.18.2023)

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

RESOLUTION NO. __

RESOLUTION APPROVING DISBURSEMENTS FOR THE PERIOD OF

July 4, 2023 - July 18, 2023.

WHEREAS a detailed listing of disbursements for the period of July 4, 2023 - July 18, 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	\$603,118.18
Special Revenue	36,646.56
Debt Service	-
Capital Projects	799,116.56
Enterprise	78,688.06
Internal Service	157,733.41
Escrows	28,656.66
Total - All Funds	\$1,703,959.43

Adopted this 24th day of July 2023 by the City Council of Inver Grove Heights, MN

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Expense Approval Report

By Fund

Payment Dates 7/4/2023 - 7/18/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 101 - GENERAL FUND					
FAST SIGNS	255-895108	05/25/2023	Door hangers for code enforc...	101.45.3000.419.60065	288.19
LEVANDER, GILLEN & MILLER P...	5/31/2023 81.10	06/15/2023	ATC Water Treatment Plant Si...	101.43.5000.441.30420	42.00
WI SCTF (WI SUPPORT COLLEC...	INV0165064	06/16/2023	PARTICIPANT ID#0004986316	101.203.2032100	433.06
MN DEPT OF LABOR & INDUS...	7/5/2023	07/05/2023	Monthly surcharge 6.2023	101.207.2070100	7,558.79
MN DEPT OF LABOR & INDUS...	7/5/2023	07/05/2023	Monthly surcharge 6.2023	101.41.0000.3414000	-151.18
MN DEPT OF LABOR & INDUS...	7/5/2023	07/05/2023	Monthly surcharge 6.2023	101.41.0000.3414000	127.68
FIRST IMPRESSION GROUP	145123P	07/06/2023	postage insights summer	101.41.1300.413.50032	3,143.80
PINE BEND PAVING, INC.	23-2101	07/06/2023	Paving Athena way	101.43.5200.443.60016	53,350.11
RENEE DUBS ELLENA	23-5166	07/06/2023	Logos/branding	101.41.1300.413.30700	265.00
RENEE DUBS ELLENA	23-5187	07/06/2023	Logos/branding	101.41.1300.413.30700	590.00
TAHO SPORTSWEAR	23TS2685	07/06/2023	Long Sleeve Uniform JD- Recr...	101.44.6100.459.60045	20.50
TAHO SPORTSWEAR	23TS2712	07/06/2023	P&R Staff t-shirts	101.44.6100.459.60045	668.75
VERIFIED HOLDINGS, LLC	343768	07/06/2023	Pre-employment background ...	101.41.1120.413.30700	1,203.50
INNOVATIVE OFFICE Solutio...	4244120	07/06/2023	office supplies	101.44.6100.459.60010	62.23
SHORT ELLIOTT HENDRICKSON...	448437	07/06/2023	MSA Traffic Counts	101.43.5100.442.30700	1,719.68
MIDWEST ELECTRIC AND GEN...	6/27/2023	07/06/2023	Refund permit #PRMH202300...	101.45.3300.3224000	65.60
JOHN PAUL KERNS	6/30/2023	07/06/2023	Terrific Tuesdays Music in the ...	101.44.6100.453.30700	300.00
DOUGLAS JOSEPH JAKACKI	6/30/2023	07/06/2023	Umpire payment for Adult Sof...	101.44.6100.455.30700	408.00
JEREMY CARLSON	6/30/2023	07/06/2023	Umpire payment for Adult Sof...	101.44.6100.455.30700	272.00
BIG TOP RENTAL, INC.	73379	07/06/2023	Port a potties 5.2023	101.44.6000.451.40065	2,910.00
INNOVATIVE OFFICE Solutio...	IN4235363	07/06/2023	Lamination supplies	101.44.6100.459.60010	155.60
INNOVATIVE OFFICE Solutio...	IN4242043	07/06/2023	AP Check Stock	101.41.2000.415.60010	825.45
ECOSAFE ZERO WASTE USA IN...	SO7367	07/06/2023	INVER GLEN LIBRARY DROP SI...	101.45.3000.420.60065	2,931.60
BEACON ATHLETICS	0574347-IN	07/13/2023	tool refurbishing kit	101.44.6000.451.60040	109.00
VOLUNTEER FIREFIGHTERS BE...	102582	07/13/2023	application for VFBA of MN Ku...	101.42.4200.423.50070	14.00
MN FIRE SERVICE CERT BOARD	11603	07/13/2023	FAO testing at St 2 multiple FF...	101.42.4200.423.50080	1,065.75
MN FIRE SERVICE CERT BOARD	11617	07/13/2023	firefighter I test multiple IGHF...	101.42.4200.423.50080	504.00
WEBBER RECREATIONAL DESI...	1298	07/13/2023	replacement grills for Rich Val...	101.44.6000.451.40047	4,043.00
MH PAINTING, LLC	1315	07/13/2023	power wash and paint block ...	101.44.6000.451.40047	2,400.00
FIRST IMPRESSION GROUP	145123	07/13/2023	Summer 2023 Insights product...	101.41.1300.413.50032	6,922.46
CULLIGAN	157984591006X06302023	07/13/2023	bottled water and solar salt St...	101.42.4200.423.60065	167.18
CULLIGAN	157984591188X06302023	07/13/2023	bottled water and solar salt st...	101.42.4200.423.60065	77.85
CULLIGAN	157985524824X063023	07/13/2023	bottled water svc to maint. bui...	101.44.6000.451.40050	11.30
CULLIGAN	157985524824X063023	07/13/2023	bottled water to maint. buildi...	101.44.6000.451.60065	54.00
CULLIGAN	157986034674X06302023	07/13/2023	bottled water and solar salt St...	101.42.4200.423.60065	260.34
PRECISE MRM	200-1043297	07/13/2023	Truck Data plan	101.43.5200.443.30700	110.00
ELSA LITECRY	20230629	07/13/2023	Contractor fee for Outdoor Su...	101.44.6100.452.30700	495.00
CLAREY'S SAFETY EQUIPMENT	206269	07/13/2023	swivel gasket for one of the tr...	101.42.4200.423.40041	62.44
MCKESSON MEDICAL-SURGIC...	20808216	07/13/2023	chest occlusive patches	101.42.4200.423.60065	21.39
WARRANT DIVISION - RECORDS	22424046	07/13/2023	Bail Money CN: 23-002221 (W...	101.207.2071000	78.00
WARRANT DIVISION - RECORDS	23002221	07/13/2023	Bail Money CN 23-002221 (Wa...	101.207.2071000	78.00
PINE BEND PAVING, INC.	23-2141	07/13/2023	paving asphalt	101.43.5200.443.60016	35,421.90
PINE BEND PAVING, INC.	23-2161	07/13/2023	Paving asphalt	101.43.5200.443.60016	24,258.57
DAKOTA CTY DISTRICT COURT	23-2222	07/13/2023	Bail Money CN:23-002222	101.207.2071000	300.00
RENEE DUBS ELLENA	23-5186	07/13/2023	Insights summer 2023 layout	101.41.1300.413.30700	1,825.00
TAHO SPORTSWEAR	23TS2684	07/13/2023	Recreation Staff Uniforms	101.44.6100.459.60045	423.50
TAHO SPORTSWEAR	23TS3082	07/13/2023	Summer Rec Soccer	101.44.6100.454.60045	621.60
SHERWIN-WILLIAMS CO.	2447-0	07/13/2023	paint for misc projects	101.44.6000.451.60016	283.56
AMERICAN LEGAL PUBLISHING...	25435	07/13/2023	Codification	101.41.1140.413.50030	991.68
M & J SERVICES, LLC	2758	07/13/2023	curb repair	101.43.5200.443.40046	3,570.00
ASPEN MILLS	302309	07/13/2023	new duty crew shirts	101.42.4200.423.60045	113.97
GOPHER LAWN AND SNOW S...	3085	07/13/2023	lawn care for Union Cemetary	101.44.6000.451.30700	405.00
GOPHER LAWN AND SNOW S...	3086	07/13/2023	lawn care for ditches	101.44.6000.451.30700	260.00

Expense Approval Report

Payment Dates: 7/4/2023 - 7/18/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
GOPHER LAWN AND SNOW S...	3087	07/13/2023	Lawn Services-6320 Apple Cou...	101.45.3000.419.30700	85.00
GOPHER LAWN AND SNOW S...	3088	07/13/2023	Lawn Services-4507 August W...	101.45.3000.419.30700	85.00
BOLTON & MENK, INC.	314902	07/13/2023	Engineering Staff Augmentati...	101.43.5100.442.30700	10,625.00
MN GLOVE & SAFETY, INC.	342177	07/13/2023	safety gear	101.44.6000.451.60045	310.65
TOTAL CONSTRUCTION & EQU...	36622	07/13/2023	fix cord drop at St 2 and light ...	101.42.4200.423.40040	543.68
TWIN CITIES FLAG SOURCE, IN...	37845	07/13/2023	parts for flag poles	101.44.6000.451.40047	250.00
MESSERLI & KRAMER, P.A.	442022	07/13/2023	2023 3rd quarter retainer	101.41.1000.413.30700	10,750.00
SAFETY AND SECURITY CONSU...	4452	07/13/2023	class attended to by Tony LaF...	101.42.4200.423.50080	150.00
BJORKLUND COMPENSATION ...	4528	07/13/2023	Job Eval - Graduate Engineer &...	101.41.1120.413.30700	300.00
MN NCPERS LIFE INSURANCE	542000082023	07/13/2023	Monthly Premium 8.2023	101.203.2031600	256.00
HOLMES DESIGN, INC.	5481	07/13/2023	Design work	101.41.1300.413.30700	1,060.00
DAKOTA CTY FINANCIAL SVCS	5500661	07/13/2023	1st qtrr 2023 Electric Utility	101.43.5400.445.40020	882.72
BRYAN ROCK PRODUCTS	59202	07/13/2023	field diamond dirt	101.44.6000.451.60016	2,216.86
BRYAN ROCK PRODUCTS	59557	07/13/2023	field diamond dirt	101.44.6000.451.60016	2,037.59
KENISON, TERRI	6/30/2023	07/13/2023	cleaning stations 1, 2,3	101.42.4200.423.30700	1,600.00
VOLUNTEER FIREFIGHTERS BE...	6/30/2023	07/13/2023	annual renewal dues for VFBA...	101.42.4200.423.50070	310.00
NATHAN ALPERT	6/30/2023	07/13/2023	Mailbox Reimbursement	101.43.5200.443.60016	75.00
SPARTAN PROMOTIONAL GR...	608841	07/13/2023	New Parks and Rec. special ev...	101.44.6100.459.60065	886.67
WENDELL'S INC	620884	07/13/2023	City Council recognition coins	101.41.1000.413.30700	1,335.78
ST. PAUL PIONEER PRESS	623572521	07/13/2023	NoPH: Tobacco	101.41.1140.413.50025	16.17
ST. PAUL PIONEER PRESS	623572521	07/13/2023	Ord #1445 0 Premature Devel...	101.41.1140.413.50025	44.10
ST. PAUL PIONEER PRESS	623572521	07/13/2023	Temp 1 day premise expansio...	101.41.1140.413.50025	16.66
ST. PAUL PIONEER PRESS	623572521	07/13/2023	NoPH: New Officers - LOOM ...	101.41.1140.413.50025	18.13
ST. PAUL PIONEER PRESS	623572521	07/13/2023	Summary Financial Statement	101.41.2000.415.50025	1,317.12
CENTURY LINK	651-455-9072 6/19/2023	07/13/2023	invoice for phone line at Stati...	101.42.4200.423.50020	48.91
TRICIA HAYNES	7/11/2023	07/13/2023	Terrific Tuesdays Music in the ...	101.44.6100.453.30700	750.00
BRESKI PLUMBING	7/7/2023	07/13/2023	Refund permit #PRPL2023001...	101.45.3300.3221500	126.10
BILL RASCHER MECHANICAL I...	7/7/2023	07/13/2023	Refund permit #PRMH202300...	101.45.3300.3224000	75.20
HOLIDAY COMPANIES	80901072300	07/13/2023	Holiday washes	101.42.4000.421.40041	235.00
INVER GROVE HEIGHTS ANIM...	864148	07/13/2023	PD K9 medical expenses	101.42.4000.421.60013	2,518.99
INVER GROVE HEIGHTS ANIM...	864653	07/13/2023	PD K9 medical expenses	101.42.4000.421.60013	74.00
SPEED PRINT INC	89366	07/13/2023	fire watch forms for FM	101.42.4200.423.50030	75.00
UNIFIRST CORPORATION	900763422	07/13/2023	Streets Uniforms	101.43.5200.443.60045	34.34
UNIFIRST CORPORATION	900763422	07/13/2023	Parks Uniforms	101.44.6000.451.60045	15.93
UNIFIRST CORPORATION	900772610	07/13/2023	Streets Uniforms	101.43.5200.443.60045	36.54
UNIFIRST CORPORATION	900772610	07/13/2023	Parks Uniforms	101.44.6000.451.60045	15.93
RCM SPECIALTIES, INC.	9062	07/13/2023	spray patching	101.43.5200.443.40046	1,029.92
STREICHER'S	I1642671	07/13/2023	Ammo	101.42.4000.421.60018	928.00
MUNICIPAL EMERGENCY SERV...	IN1890585	07/13/2023	women's uniform pants	101.42.4200.423.60045	223.09
GEOTAB USA, INC.	IN343995	07/13/2023	Monthly ProPlus plan 7.2023	101.42.4000.421.50072	283.05
INNOVATIVE OFFICE SOLUTIO...	IN4235915	07/13/2023	3 ring binder for Fire Marshal	101.42.4200.423.60010	12.27
INNOVATIVE OFFICE SOLUTIO...	IN4239972	07/13/2023	letter paper for fire marshal	101.42.4200.423.60010	13.33
INNOVATIVE OFFICE SOLUTIO...	IN4252380	07/13/2023	Shop supplies	101.43.5200.443.60016	107.72
SAINT PAUL, CITY OF	IN54291	07/13/2023	Asphalt mix	101.43.5200.443.60016	15,947.11
SAFE-FAST, INC.	INV277670	07/13/2023	uniforms	101.43.5200.443.60045	106.04
TRI-STATE BOBCAT INC.	P00023	07/13/2023	Streets backpack blowers	101.43.5200.443.60040	880.00
ICMA RETIREMENT TRUST - 4...	INV0167835	07/14/2023	457 - ROTH AGE <50 %	101.203.2031400	859.72
ICMA RETIREMENT TRUST - 4...	INV0167836	07/14/2023	457 - ROTH AGE <50	101.203.2031400	505.00
ICMA RETIREMENT TRUST - 4...	INV0167837	07/14/2023	457 - ROTH AGE 50+	101.203.2031400	225.00
ICMA RETIREMENT TRUST - 4...	INV0167838	07/14/2023	457 -AGE <49 %	101.203.2031400	8,863.70
ICMA RETIREMENT TRUST - 4...	INV0167839	07/14/2023	457 -AGE 50+	101.203.2031400	2,565.29
ICMA RETIREMENT TRUST - 4...	INV0167840	07/14/2023	457 -AGE <49	101.203.2031400	7,023.38
ICMA RETIREMENT TRUST - 4...	INV0167841	07/14/2023	457 PLAN -AGE 50+ %	101.203.2031400	1,013.54
MN STATE RETIREMENT SYST...	INV0167842	07/14/2023	457 ROTH IRA (AGE 49 & UND...	101.203.2031400	510.00
AFSCME COUNCIL 5	INV0167843	07/14/2023	UNION DUES (AFSCME FULL S...	101.203.2031000	979.30
AFSCME COUNCIL 5	INV0167844	07/14/2023	UNION DUES (AFSCME FULL S...	101.203.2031000	20.98
MINNESOTA DEPARTMENT OF...	INV0167845	07/14/2023	CASE #001570640001	101.203.2032100	342.87
TEXAS STATE DISBURSEMENT...	INV0167846	07/14/2023	CASE #0012022247	101.203.2032100	230.77
MINNESOTA DEPARTMENT OF...	INV0167847	07/14/2023	CASE #001490481201	101.203.2032100	357.72
MINNESOTA DEPARTMENT OF...	INV0167848	07/14/2023	CASE #000115468905	101.203.2032100	65.06

Expense Approval Report

Payment Dates: 7/4/2023 - 7/18/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
MINNESOTA DEPARTMENT OF...	INV0167849	07/14/2023	CASE #001563363401	101.203.2032100	426.85
MINNESOTA DEPARTMENT OF...	INV0167850	07/14/2023	CASE #001567848502	101.203.2032100	60.45
MINNESOTA DEPARTMENT OF...	INV0167851	07/14/2023	CASE #001521862201	101.203.2032100	200.73
MEDSURETY ACH ONLY	INV0167853	07/14/2023	HSA ELECTION-FAMILY	101.203.2032500	4,209.29
MEDSURETY ACH ONLY	INV0167854	07/14/2023	HSA ELECTION-SINGLE	101.203.2032500	5,442.84
IGH PROFESSIONAL FIREFIGHT...	INV0167855	07/14/2023	UNION DUES (IAFF)	101.203.2031000	504.01
LELS LOCAL #84	INV0167857	07/14/2023	UNION DUES (LELS)	101.203.2031000	2,371.50
MN STATE RETIREMENT SYST...	INV0167859	07/14/2023	MINNESOTA DEFERRED COM...	101.203.2031400	1,291.95
MN STATE RETIREMENT SYST...	INV0167860	07/14/2023	MINNESOTA DEFERRED COM...	101.203.2031400	799.18
PERA	INV0167861	07/14/2023	PERA COORDINATED PLAN	101.203.2030600	51,597.68
PERA	INV0167862	07/14/2023	EMPLOYER SHARE (EXTRA PE...	101.203.2030600	3,969.12
PERA	INV0167863	07/14/2023	PERA POLICE & FIRE PLAN	101.203.2030600	31,426.11
PERA	INV0167864	07/14/2023	EMPLOYER SHARE (POLICE & F...	101.203.2030600	47,139.18
ICMA RETIREMENT TRUST - 4...	INV0167865	07/14/2023	ROTH IRA (AGE 49 & UNDER)	101.203.2032400	3,568.76
ICMA RETIREMENT TRUST - 4...	INV0167866	07/14/2023	ROTH IRA (AGE 50 & OVER)	101.203.2032400	538.46
ICMA RETIREMENT TRUST - 4...	INV0167867	07/14/2023	ROTH-AGE <49 %	101.203.2032400	49.08
EFTPS	INV0167869	07/14/2023	FEDERAL WITHHOLDING	101.203.2030200	75,262.97
MN DEPT OF REVENUE (PAYR...	INV0167870	07/14/2023	STATE WITHHOLDING	101.203.2030300	32,340.62
EFTPS	INV0167871	07/14/2023	MEDICARE WITHHOLDING	101.203.2030500	21,577.52
EFTPS	INV0167872	07/14/2023	SOCIAL SECURITY WITHHOLDI...	101.203.2030400	58,815.32
PERA	INV0167873	07/14/2023	PERA POLICE & FIRE PLAN	101.203.2030600	2,115.68
PERA	INV0167874	07/14/2023	EMPLOYER SHARE (POLICE & F...	101.203.2030600	3,173.53
EFTPS	INV0167875	07/14/2023	FEDERAL WITHHOLDING	101.203.2030200	5,357.18
MN DEPT OF REVENUE (PAYR...	INV0167876	07/14/2023	STATE WITHHOLDING	101.203.2030300	1,808.65
EFTPS	INV0167877	07/14/2023	MEDICARE WITHHOLDING	101.203.2030500	705.68
Fund 101 - GENERAL FUND Total:					599,162.12

Fund: 102 - PUBLIC SAFETY SMALL EQUIPMENT FUND

TK ARMOR SYSTEMS LLC	S21809	07/13/2023	SRG	102.42.4000.421.60040	3,956.06
Fund 102 - PUBLIC SAFETY SMALL EQUIPMENT FUND Total:					3,956.06

Fund: 201 - C.V.B. FUND

LIME VALLEY ADVERTISING, I...	22011.11	07/06/2023	Web Updates 11.2022	201.44.1600.465.50025	115.00
LIME VALLEY ADVERTISING, I...	22011.12	07/06/2023	Web Back up Site 12.2023	201.44.1600.465.50025	115.00
LIME VALLEY ADVERTISING, I...	23004	07/06/2023	Programming Services Web M...	201.44.1600.465.50025	115.00
LIME VALLEY ADVERTISING, I...	23004.02	07/06/2023	Web Back Up 3.2023	201.44.1600.465.50025	115.00
LIME VALLEY ADVERTISING, I...	23004.03	07/06/2023	Web Back up and Plugin Event...	201.44.1600.465.50025	221.81
ENSEMBLE CREATIVE & MARK...	IGH061923	07/06/2023	Marketing IGH CVB 5.2023	201.44.1600.465.50025	1,837.50
Fund 201 - C.V.B. FUND Total:					2,519.31

Fund: 205 - COMMUNITY CENTER-OPERATING FUND

SUPREME AUDIO INC	227832	07/06/2023	Replacement Headset for stud...	205.44.6200.453.40042	439.98
TAHO SPORTSWEAR	23TS2685	07/06/2023	Fitness Tshirts for staff	205.44.6200.453.60045	160.00
PUSH PEDAL PULL	363131	07/06/2023	Repair Pec Fly/Rear Delt mach...	205.44.6200.453.40042	148.48
INNOVATIVE OFFICE SOLUTIO...	4244120	07/06/2023	Office Supplies	205.44.6200.453.60010	145.10
INNOVATIVE OFFICE SOLUTIO...	IN4244296	07/06/2023	office supplies	205.44.6200.453.60010	27.44
R & R SPECIALTIES OF WI, INC.	0079253-IN	07/13/2023	Zam blade sharpening	205.44.6200.453.40042	90.00
MEI TOTAL ELEVATOR SOLUTI...	1027204	07/13/2023	Jul-Sep 2023 elevator monitor...	205.44.6200.453.40040	284.67
APEC	125232	07/13/2023	HVAC Filters	205.44.6200.453.60016	492.34
APEC	125232	07/13/2023	HVAC Filters	205.44.6200.453.60016	738.50
CULLIGAN	157011438908X063023	07/13/2023	softener salt	205.44.6200.453.60016	98.45
CULLIGAN	157011438908X063023	07/13/2023	softener salt	205.44.6200.453.60016	393.80
AMERICAN RED CROSS	22602093	07/13/2023	LG REVIEW CLASS	205.44.6200.453.60018	252.00
TAHO SPORTSWEAR	23TS2684	07/13/2023	Fitness Staff Uniforms	205.44.6200.453.60045	490.00
TOTAL CONSTRUCTION & EQU...	36703	07/13/2023	add switches & receptacles for..	205.44.6200.453.40040	2,089.86
TWIN SOURCE SUPPLY	505000	07/13/2023	cleaning supply	205.44.6200.453.60011	28.02
TWIN SOURCE SUPPLY	505000	07/13/2023	cleaning supply	205.44.6200.453.60011	28.02
TWIN SOURCE SUPPLY	505193	07/13/2023	cleaning supplies	205.44.6200.453.60011	1,603.02
TWIN SOURCE SUPPLY	505193	07/13/2023	cleaning supplies	205.44.6200.453.60011	1,603.02
PLUNKETT'S PEST CONTROL	8087211	07/13/2023	2023-24 svc fee	205.44.6200.453.40040	888.56
PLUNKETT'S PEST CONTROL	8087211	07/13/2023	2023-24 svc fee	205.44.6200.453.40040	888.57
ACTIVE NETWORK, LLC	CBJUNE2023_0138	07/13/2023	credit card chargeback	205.207.2070300	5.46

Expense Approval Report

Payment Dates: 7/4/2023 - 7/18/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ACTIVE NETWORK, LLC	CBJUNE2023_0138	07/13/2023	credit card chargeback	205.44.0000.3490100	76.54
ACTIVE NETWORK, LLC	CBJUNE2023_0138	07/13/2023	credit card chargeback	205.44.0000.3493501	136.50
SWANK MOTION PICTURE INC	RG2065894	07/13/2023	Dive-In Movie	205.44.6200.453.60065	425.00
Fund 205 - COMMUNITY CENTER-OPERATING FUND Total:					11,533.33
Fund: 206 - COMMUNITY CENTER-CAPITAL FUND					
COMMERCIAL INFRASTRUCTU...	I10397-B	07/06/2023	VMCC cabling project	206.44.6200.459.80200	4,518.54
Fund 206 - COMMUNITY CENTER-CAPITAL FUND Total:					4,518.54
Fund: 270 - HOST COMMUNITY FUND					
BARR ENGINEERING COMPANY	23190218.00-318	07/13/2023	Progress on Environmental Te...	270.75.5900.751.30700	5,072.50
GREENE ESPEL PLLP	88192	07/13/2023	Legal advice & representation...	270.75.5900.751.30420	5,202.88
Fund 270 - HOST COMMUNITY FUND Total:					10,275.38
Fund: 290 - EDA-OPERATING FUND					
KRUEGER REAL ESTATE ADVIS...	6/30/2023	07/06/2023	Monthly charges 6.2023	290.45.3000.419.30700	7,800.00
Fund 290 - EDA-OPERATING FUND Total:					7,800.00
Fund: 401 - PARK CAPITAL REPLACEMENT					
FLAGSHIP RECREATION LLC	F21346	07/13/2023	picnic tables for So Valley Proj...	401.74.5900.744.60065	21,088.00
Fund 401 - PARK CAPITAL REPLACEMENT Total:					21,088.00
Fund: 402 - PARK ACQUISITION & DEVELOPMENT FUND					
RAMSEY COMPANIES	6/20/2023	07/06/2023	Project 2022-15 - Pay Voucher...	402.44.6000.451.80300	119,231.94
KIMLEY-HORN & ASSOCIATES, ...	24954175	07/13/2023	Vista Pines Parks Trail Constr...	402.44.6000.451.30700	7,191.50
Fund 402 - PARK ACQUISITION & DEVELOPMENT FUND Total:					126,423.44
Fund: 436 - 117TH STREET RECONSTRUCTION					
LEVANDER, GILLEN & MILLER P...	5/31/2023 81.09	06/15/2023	Sanitary Sewer Agreement C...	436.73.5900.736.30420	623.50
UNION PACIFIC RAILROAD	90126551	07/13/2023	UP Railroad Crossing Design R...	436.73.5900.736.30700	1,216.00
Fund 436 - 117TH STREET RECONSTRUCTION Total:					1,839.50
Fund: 440 - PAVEMENT MGMT-LOCAL STREETS					
MCNAMARA CONTRACTING I...	6/15/2023	07/06/2023	Project 2022-09J - Pay Vouche...	440.74.5900.740.80300	331,154.51
MCNAMARA CONTRACTING I...	6/15/2023	07/06/2023	Project 2022-09I - Pay Voucher...	440.74.5900.740.80300	218,452.50
WSB & ASSOCIATES, INC.	R-022621-000-2	07/06/2023	Construction Materials Testing	440.74.5900.740.30300	553.75
WSB & ASSOCIATES, INC.	R-022722-000-2	07/06/2023	Construction Materials Testing	440.74.5900.740.30300	696.25
WSB & ASSOCIATES, INC.	R-022723-000-2	07/06/2023	Construction Materials Testing	440.74.5900.740.30300	2,833.75
PINE BEND PAVING, INC.	23-2031	07/13/2023	Dickman Trail - BAP	440.74.5900.740.60016	16,881.67
BOLTON & MENK, INC.	314897	07/13/2023	Construction Survey	440.74.5900.740.30300	6,426.50
BOLTON & MENK, INC.	314899	07/13/2023	Construction Services	440.74.5900.740.30300	5,928.50
BITUMINOUS ROADWAYS, INC.	32654	07/13/2023	Dickman Trail - BAP	440.74.5900.740.60016	66,838.19
Fund 440 - PAVEMENT MGMT-LOCAL STREETS Total:					649,765.62
Fund: 500 - NW AREA CAPITAL PROJECTS					
KIMLEY-HORN & ASSOCIATES, ...	24954175	07/13/2023	Construction Services	500.74.5900.746.30300	18,777.81
Fund 500 - NW AREA CAPITAL PROJECTS Total:					18,777.81
Fund: 510 - WATER-OPERATING FUND					
TYLER TECHNOLOGIES, INC	025-429443	07/13/2023	UT Online Fees 6.2023	510.50.7100.512.70440	2,221.25
SHADES OF GREEN OUTDOOR ...	11930	07/13/2023	Lawn care	510.50.7100.512.30700	1,000.00
LONE OAK COMPANIES	92621	07/13/2023	6.2023 Delinquent Notice Pro...	510.50.7100.512.30700	217.20
LONE OAK COMPANIES	92628	07/13/2023	Statement processing 6.2023	510.50.7100.512.30700	585.07
LONE OAK COMPANIES	92628	07/13/2023	Postage credit 6.2023	510.50.7100.512.50035	-8.61
Fund 510 - WATER-OPERATING FUND Total:					4,014.91
Fund: 511 - WATER-CAPITAL FUND					
STANTEC CONSULTING SERVI...	2100340	07/13/2023	Water treatment plant RFP	511.50.7100.512.30300	12,207.97
Fund 511 - WATER-CAPITAL FUND Total:					12,207.97
Fund: 520 - SEWER-OPERATING FUND					
TYLER TECHNOLOGIES, INC	025-429443	07/13/2023	UT Online Fees 6.2023	520.51.7200.514.70440	2,221.25
LONE OAK COMPANIES	92621	07/13/2023	6.2023 Delinquent Notice Pro...	520.51.7200.514.30700	217.20
LONE OAK COMPANIES	92628	07/13/2023	Statement processing 6.2023	520.51.7200.514.30700	585.07
LONE OAK COMPANIES	92628	07/13/2023	Postage credit 6.2023	520.51.7200.514.50035	-8.61
Fund 520 - SEWER-OPERATING FUND Total:					3,014.91

Expense Approval Report

Payment Dates: 7/4/2023 - 7/18/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 530 - STORM WATER-OPERATING					
M & J SERVICES, LLC	2759	07/13/2023	storm sewer maintenance	530.74.5900.741.40066	3,510.00
Fund 530 - STORM WATER-OPERATING Total:					3,510.00
Fund: 550 - INVER WOOD GOLF COURSE					
HERITAGE LANDSCAPE SUPPLY...	0010762012-001	07/06/2023	pesticide	550.52.8600.527.60035	611.47
HERITAGE LANDSCAPE SUPPLY...	0011341321-001	07/06/2023	round up, pesticide	550.52.8600.527.60035	185.84
HERITAGE LANDSCAPE SUPPLY...	0011343538-001	07/06/2023	fertilizer	550.52.8600.527.60030	38.04
HERITAGE LANDSCAPE SUPPLY...	0011359838-001	07/06/2023	supplies gc	550.52.8600.527.60020	448.88
HERITAGE LANDSCAPE SUPPLY...	0011451147-001	07/06/2023	supplies gc seed	550.52.8600.527.60020	293.25
MTI DISTRIBUTING CO	1391181-00	07/06/2023	irrigation pumphouse repair	550.52.8600.527.60008	2,360.24
MTI DISTRIBUTING CO	1391246-00	07/06/2023	equipment repair - blower	550.52.8600.527.40042	1,243.41
MTI DISTRIBUTING CO	1391462-00	07/06/2023	equipment repair	550.52.8600.527.40042	763.41
GERTENS	203750/12	07/06/2023	mulch	550.52.8600.527.60020	668.73
COCA COLA BOTTLING COMP...	3607217815	07/06/2023	pop & water for resale	550.52.8300.524.76100	1,508.62
COCA COLA BOTTLING COMP...	3607217816	07/06/2023	CO2 cannister return	550.52.8300.524.76100	-150.00
PLAISTED COMPANIES, INC.	60491	07/06/2023	topdressing sand, bunker sand...	550.52.8600.527.60020	3,544.93
ADIDAS AMERICA INC.	6159022937B	07/06/2023	Apparel for resale	550.52.8200.523.76200	3,431.92
PERFORMANCE FOOD GROUP ...	68689842	07/06/2023	supplies	550.52.8300.524.60065	111.80
PERFORMANCE FOOD GROUP ...	68689842	07/06/2023	food for resale	550.52.8300.524.76050	1,065.66
PERFORMANCE FOOD GROUP ...	68689842	07/06/2023	distilled water for coffee maker	550.52.8300.524.76100	13.31
UNIFIRST CORPORATION	900773921	07/06/2023	uniforms towels	550.52.8600.527.60045	136.81
COLLEGE CITY BEVERAGE	923062	07/06/2023	beer for resale	550.52.8300.524.76150	361.85
YAMAHA GOLF & UTILITY, INC.	01-291324	07/13/2023	parts for carts	550.52.8400.525.40042	57.44
BREAKTHRU BEVERAGE MINN...	111007940	07/13/2023	beer for resale	550.52.8300.524.76150	417.60
BREAKTHRU BEVERAGE MINN...	111104458	07/13/2023	beer for resale	550.52.8300.524.76150	343.20
DENNY'S 5TH AVENUE BAKERY	12954	07/13/2023	breads for food resale	550.52.8300.524.76050	127.09
DENNY'S 5TH AVENUE BAKERY	13080	07/13/2023	breads for resale	550.52.8300.524.76050	139.75
DENNY'S 5TH AVENUE BAKERY	13082	07/13/2023	breads for resales	550.52.8300.524.76050	139.75
DENNY'S 5TH AVENUE BAKERY	13083	07/13/2023	breads for food resale	550.52.8300.524.76050	127.09
DENNY'S 5TH AVENUE BAKERY	13407	07/13/2023	breads for resale	550.52.8300.524.76050	139.75
DENNY'S 5TH AVENUE BAKERY	13489	07/13/2023	breads for food resale	550.52.8300.524.76050	168.11
MTI DISTRIBUTING CO	1392152-00	07/13/2023	equipment repair	550.52.8600.527.40042	64.68
MTI DISTRIBUTING CO	1393981-00	07/13/2023	equipment repair/new reels f...	550.52.8600.527.40042	3,772.33
MTI DISTRIBUTING CO	1394058-00	07/13/2023	equipment repair	550.52.8600.527.40042	77.63
MTI DISTRIBUTING CO	1394063-00	07/13/2023	credit to equipment repair	550.52.8600.527.40042	-231.82
COVERALL OF THE TWIN CITIE...	1590028792	07/13/2023	July 2023 clubhouse cleaning ...	550.52.8500.526.40040	1,446.19
SHAMROCK GROUP	2908231	07/13/2023	ice for bev. resale	550.52.8300.524.76100	252.00
SHAMROCK GROUP	2908731	07/13/2023	ice for bev. resale	550.52.8300.524.76100	208.20
SHAMROCK GROUP	2910655	07/13/2023	ice for bev. resale	550.52.8300.524.76100	185.60
COCA COLA BOTTLING COMP...	3607217878	07/13/2023	pop & water for resale	550.52.8300.524.76100	1,441.70
ARTISAN BEER COMPANY	3614420	07/13/2023	beer for resale	550.52.8300.524.76150	392.40
M. AMUNDSON LLP	364665	07/13/2023	snacks for resale	550.52.8300.524.76050	374.72
M. AMUNDSON LLP	365063	07/13/2023	snacks for resale	550.52.8300.524.76050	322.91
WORLD FUEL SERVICES	377261350622-41801	07/13/2023	fuel	550.52.8600.527.60021	1,111.42
ARAMARK REFRESHMENT SER...	3845418	07/13/2023	filter for dispensers	550.52.8300.524.40042	148.48
HEGGIES PIZZA	400713	07/13/2023	food for resale	550.52.8300.524.76050	189.90
ARAMARK REFRESHMENT SER...	4515552	07/13/2023	filters for dispensers	550.52.8300.524.40042	130.86
HORNUNG'S GOLF PRODUCTS,...	532195	07/13/2023	accessories for resale	550.52.8200.523.76400	370.48
PLAISTED COMPANIES, INC.	61703	07/13/2023	range tee topdressing	550.52.8600.527.60020	1,593.10
PHILLIPS WINE & SPIRITS	6617428	07/13/2023	alcohol for resale	550.52.8300.524.76150	920.53
PERFORMANCE FOOD GROUP ...	68652682	07/13/2023	food for resale - wrong item	550.52.8300.524.76050	-13.45
PERFORMANCE FOOD GROUP ...	68745033	07/13/2023	supplies	550.52.8300.524.60065	172.79
PERFORMANCE FOOD GROUP ...	68745033	07/13/2023	food & supplies for resale	550.52.8300.524.76050	884.13
SOUTH BAY DESIGN	7/1/2023	07/13/2023	quarterly hosting	550.52.8500.526.50025	287.00
DRAFT TECHNOLOGIES	7122301	07/13/2023	beer line cleaning	550.52.8300.524.40042	75.00
FAHRNER ASPHALT SEALERS L...	8300015982	07/13/2023	crack fill in parking lot	550.52.8500.526.40040	2,000.00
UNIFIRST CORPORATION	900775251	07/13/2023	uniforms and towels	550.52.8600.527.60045	136.81
TITLEIST	916026742	07/13/2023	apparel for resale	550.52.8200.523.76200	58.80
COLLEGE CITY BEVERAGE	925181	07/13/2023	beer for resale	550.52.8300.524.76150	441.25
EXPERT TREE SERVICE AND SC...	9263	07/13/2023	tree removal	550.52.8600.527.50045	1,472.97

Expense Approval Report

Payment Dates: 7/4/2023 - 7/18/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
COLLEGE CITY BEVERAGE	927436	07/13/2023	beer for resale	550.52.8300.524.76150	577.90
Fund 550 - INVER WOOD GOLF COURSE Total:					37,162.46

Fund: 603 - CENTRAL EQUIPMENT

FACTORY MOTOR PARTS COM...	124-228549	07/06/2023	Stock Filters	603.140.1450050	29.58
FACTORY MOTOR PARTS COM...	128-169264	07/06/2023	Stock filters	603.140.1450050	8.75
FACTORY MOTOR PARTS COM...	165-016139	07/06/2023	Stock filter	603.140.1450050	30.56
FACTORY MOTOR PARTS COM...	1-8750854	07/06/2023	Stock filters	603.140.1450050	117.62
FACTORY MOTOR PARTS COM...	1-8754041	07/06/2023	Stock Filters	603.140.1450050	45.12
FACTORY MOTOR PARTS COM...	1-232806	07/06/2023	Stock battery	603.140.1450050	201.66
FACTORY MOTOR PARTS COM...	1-232877	07/06/2023	Stock Battery	603.140.1450050	305.92
ADVANCED GRAPHIX, INC.	211863	07/06/2023	Cadet Truck reflectives & grap...	603.00.5300.444.80701	691.60
ADVANCED GRAPHIX, INC.	211864	07/06/2023	New Squad graphics & reflecti...	603.00.5300.444.80701	3,073.90
WORLD FUEL SERVICES	375127653460-41801	07/06/2023	Stock Oil	603.140.1450050	2,182.92
FACTORY MOTOR PARTS COM...	6-1650322	07/06/2023	Stock filters	603.140.1450050	25.72
FACTORY MOTOR PARTS COM...	74-313525	07/06/2023	Stock filter	603.140.1450050	30.56
METRO JANITORIAL SUPPLY I...	11015896	07/13/2023	janitorial supplies	603.00.5300.444.60012	114.19
H&L MESABI	12115	07/13/2023	Stock plow runners.	603.140.1450050	9,864.00
FACTORY MOTOR PARTS COM...	1-8765226	07/13/2023	Stock filter	603.140.1450050	71.40
FACTORY MOTOR PARTS COM...	1-8787788	07/13/2023	Stock filters	603.140.1450050	90.24
FACTORY MOTOR PARTS COM...	1-232940	07/13/2023	Stock battery	603.140.1450050	156.66
CUSTOM TRUCK ONE SOURCE,...	2023002130938	07/13/2023	800 Ford Ranger Inspections	603.00.5300.444.40041	324.85
MANSFIELD OIL COMPANY	24406372	07/13/2023	Extra unleaded Fuel	603.140.1450060	2,715.35
MANSFIELD OIL COMPANY	24406373	07/13/2023	Diesel Fuel	603.140.1450060	6,342.35
MANSFIELD OIL COMPANY	24406374	07/13/2023	Unleaded Fuel	603.140.1450060	11,084.02
L.T.G. POWER EQUIPMENT	277893	07/13/2023	Ball joint for Utilities mower (...)	603.00.5300.444.40042	69.86
L.T.G. POWER EQUIPMENT	278127	07/13/2023	Fuel system kit for park weed...	603.00.5300.444.40042	35.66
L.T.G. POWER EQUIPMENT	278251	07/13/2023	Fuel tank retainer for parks bl...	603.00.5300.444.40042	11.55
C.J. SPRAY, INC.	3235713	07/13/2023	Graco Roadlazer painter 833 f...	603.00.5300.444.40042	385.25
CINTAS CORPORATION	4159856740	07/13/2023	PW rugs	603.00.5300.444.40065	99.25
INVER GROVE FORD	5331217	07/13/2023	Brake pads for Parks F250 (#5...	603.00.5300.444.40041	83.49
INVER GROVE FORD	5331263	07/13/2023	Rotory brake assmbly for park...	603.00.5300.444.40041	177.08
INVER GROVE FORD	5331343	07/13/2023	Shield and moulding for squad...	603.00.5300.444.40041	296.76
INVER GROVE FORD	5331373	07/13/2023	TPMS sensor kit for squad car ...	603.00.5300.444.40041	211.56
INVER GROVE FORD	5331397	07/13/2023	Trailer hitch & wire for police ...	603.00.5300.444.40041	361.80
INVER GROVE FORD	5331516	07/13/2023	Wiring sleeve for police F150 (...)	603.00.5300.444.40041	92.81
INVER GROVE FORD	5331637	07/13/2023	Spark plug for squad car (#21...	603.00.5300.444.40041	41.91
INVER GROVE FORD	5331699	07/13/2023	Brake lining kit for squad car (...)	603.00.5300.444.40041	115.00
INVER GROVE FORD	5331896	07/13/2023	Exhaust sensor for squad car (...)	603.00.5300.444.40041	55.89
INVER GROVE FORD	6393281	07/13/2023	Engine repair for squad car (#...	603.00.5300.444.40041	1,125.61
BIG TOP RENTAL, INC.	73380	07/13/2023	porta potty at PW	603.00.5300.444.40040	70.00
UNIFIRST CORPORATION	900763422	07/13/2023	Other Rentals	603.00.5300.444.40065	154.68
UNIFIRST CORPORATION	900763422	07/13/2023	CE Uniforms	603.00.5300.444.60045	32.62
UNIFIRST CORPORATION	900772610	07/13/2023	Misc rentals	603.00.5300.444.40065	131.55
UNIFIRST CORPORATION	900772610	07/13/2023	CE Uniforms	603.00.5300.444.60045	35.81
POMP'S TIRE SERVICE, INC.	980107199	07/13/2023	Skid steer repairs	603.00.5300.444.40042	76.00
RUFFRIDGE-JOHNSON	IA25326	07/13/2023	Belts for Paver (#336)	603.00.5300.444.40042	207.42
ZIEGLER INC	IN001061398	07/13/2023	Fire Dept Loader parts	603.00.5300.444.40042	67.62
ZIEGLER INC	IN001061415	07/13/2023	Fire Dept Loader parts	603.00.5300.444.40042	130.18
TRI-STATE BOBCAT INC.	P00021	07/13/2023	Skid Steer (#352) air filter	603.00.5300.444.40042	135.96
MACQUEEN EMERGENCY GR...	P09310	07/13/2023	Regulator cab (#E17)	603.00.5300.444.40041	372.55
MACQUEEN EMERGENCY GR...	P09329	07/13/2023	Low beam for fire truck	603.00.5300.444.40041	1,493.56
MACQUEEN EMERGENCY GR...	P09357	07/13/2023	Seat belts & ICP Bars for fire t...	603.00.5300.444.40041	739.93
TRI-STATE BOBCAT INC.	P99532	07/13/2023	Skid steer (#520) filters	603.00.5300.444.40042	476.05
TRI-STATE BOBCAT INC.	P99658	07/13/2023	Parts for skid steer (#520)	603.00.5300.444.40042	373.98
TRI-STATE BOBCAT INC.	P99659	07/13/2023	Parts for Skid steer (#352)	603.00.5300.444.40042	429.35
TRI-STATE BOBCAT INC.	S36472	07/13/2023	New Toolcat (#521)	603.00.5300.444.80400	66,000.00
ROAD MACHINERY & SUPPLIES..	S3745301	07/13/2023	Parts for Roller (#310)	603.00.5300.444.40042	241.60
Fund 603 - CENTRAL EQUIPMENT Total:					111,839.31

Fund: 605 - CITY FACILITIES

CINTAS CORPORATION	5164474009	07/06/2023	first aid supplies	605.00.7500.460.60065	97.63
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Expense Approval Report

Payment Dates: 7/4/2023 - 7/18/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
MEI TOTAL ELEVATOR SOLUTI...	1027204	07/13/2023	Jul-Sep 2023 elevator monitor...	605.00.7500.460.40040	854.04
CULLIGAN	157985030228X063023	07/13/2023	softener salt	605.00.7500.460.60016	104.65
HUEBSCH SERVICES	20239623	07/13/2023	lobby mats	605.00.7500.460.40065	171.57
MAS COMMUNICATIONS	230600050101	07/13/2023	Monitor CH elevator phone	605.00.7500.460.40040	54.15
AEP ONSITE PARTNERS, LLC	419-21439608	07/13/2023	solar panels 6.2023	605.00.7500.460.40020	16,379.18
Fund 605 - CITY FACILITIES Total:					17,661.22

Fund: 606 - TECHNOLOGY FUND

COMMERCIAL INFRASTRUCTU...	I10397-B	07/06/2023	VMCC Infrastructure	606.00.1400.413.80610	13,099.98
PRO-TEC DESIGN INC.	101693	07/13/2023	Door reader repair	606.00.1400.413.30700	127.50
INSIGHT PUBLIC SECTOR	1101069540	07/13/2023	Office365 License	606.00.1400.413.50072	2,577.50
ZAYO GROUP, LLC	19621259	07/13/2023	PRI Phone System	606.00.1400.413.50020	1,933.30
AT&T MOBILITY	287298707874X07032023	07/13/2023	Cell phones	606.00.1400.413.50020	946.60
AT&T MOBILITY	287298708193X07032023	07/13/2023	Cell phones	606.00.1400.413.50020	2,833.33
AT&T MOBILITY	287299110577X07032023	07/13/2023	Cell phones	606.00.1400.413.50020	3,105.57
MARCO TECHNOLOGIES, LLC	34423524	07/13/2023	Printers & Copiers	606.00.1400.413.40050	2,157.91
VERIZON WIRELESS	9938000202	07/13/2023	Cell phones	606.00.1400.413.50020	600.17
SPOK, INC.	G03174935	07/13/2023	Translation service	606.00.1400.413.50072	4.81
QUADIENT LEASING USA, INC.	N9999458	07/13/2023	Postage lease	606.00.1400.413.40050	846.21
Fund 606 - TECHNOLOGY FUND Total:					28,232.88

Fund: 702 - ESCROW FUND

LEVANDER, GILLEN & MILLER P...	5/31/2023 81.06	06/15/2023	FINAL DRAFT & REVIEW OF E...	702.229.2293002	122.00
EMMONS & OLIVIER RESOUR...	00095-0074-25	07/06/2023	Erosion & Sediment Control In...	702.229.2284803	2,469.97
EMMONS & OLIVIER RESOUR...	00095-0074-25	07/06/2023	Erosion & Sediment Control In...	702.229.2304103	825.85
BARR ENGINEERING COMPANY	23190328.22-12	07/06/2023	Robert Curve Stormwater Rev...	702.229.2307703	551.00
KIMLEY-HORN & ASSOCIATES, ...	24954176	07/06/2023	Construction Services	702.229.2288102	1,825.85
BARR ENGINEERING COMPANY	23190218.02-2	07/13/2023	Expansion Permit App. Techni...	702.229.2293002	13,416.00
SOUTH EAST TOWING, Inc.	237094	07/13/2023	Tow for squad 34	702.229.2291000	158.40
SOUTH EAST TOWING, Inc.	237544	07/13/2023	tow for squad 34	702.229.2291000	167.20
SOUTH EAST TOWING, Inc.	237589	07/13/2023	Tow for squad 34	702.229.2291000	176.00
BOLTON & MENK, INC.	314903	07/13/2023	Construction Services	702.229.2304103	8,890.00
ST. PAUL PIONEER PRESS	623572521	07/13/2023	NoPH: Americlnn Hotel - 23-2...	702.229.2295303	24.99
ST. PAUL PIONEER PRESS	623572521	07/13/2023	NoPH: Stelter Enterprises 23-...	702.229.2309703	29.40
Fund 702 - ESCROW FUND Total:					28,656.66

Grand Total: 1,703,959.43



Request for Council Action

SUBJECT: Personnel Actions

MEETING DATE: July 24, 2023

ITEM TYPE: Consent Agenda

CONTACT: Cora Bauer, HR Coordinator, 651.450.2490
 Janet Shefchik, HR Manager, 651.450.2512

ACTION REQUESTED

The Council is asked to confirm and approve the personnel actions as attached.

BACKGROUND

The attached listing of hires, promotions, resignations and/or retirements is presented for Council approval. Data contained in the attachment is not public information until after Council takes action and therefore the attachment is not visible to the public prior to approval.

FISCAL IMPACT

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

RECOMMENDATION

Staff recommends approval of the attached personnel actions.

ATTACHMENTS

1. Personnel Actions 07.24.23



Request for Council Action

SUBJECT: **Resolution Accepting Work, Authorizing Final Payment, and Closing the Contract for City Project No. 2019-09D**

MEETING DATE: July 24, 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 work, authorizing final change order and payment, and closing the contract for City Project No. 2019-09D - 64th Street Area Improvements.

BACKGROUND

As part of the 2020 Pavement Management Program, Project No. 2019-09D for improvements to 64th St E, Bowman Avenue, Bowman Circle, and Upper 64th Ct E was ordered by Council on November 25, 2019, with a total project budget of \$1,679,316. Valley Paving, Inc. was awarded the contract on May 11, 2020 for \$989,601.87 for construction of the improvements.

The attached Final Pay Voucher No. 7, in the amount of \$4,503.03, will constitute payment in full for all work performed for a total contract payment of \$900,605.58. Also attached is Final Compensating Change Order No. 3, in the amount of (\$116,254.29). The Final Compensating Change Order balances the approved contract amount and allows staff to administratively close the project and finalize the project budget. With final total costs determined by staff to be \$1,273,703.97, a savings of \$405,612.03 (24%) compared to budget is realized for this project.

FISCAL IMPACT

The final compensating change order requests a reduction in the construction contract amount of (\$116,254.29), lowering the final contract amount to \$900,605.58. The final construction contract amount is (\$88,996.29) under the original approved contract value. The project was funded through Dakota County Soil and Water Conservation District grants (DCSWCD), Assessments, Pavement Management - Local Streets Fund (Fund 440), Water Capital Fund (Fund 511), and Sewer Capital Fund (Fund 521).

RECOMMENDATION

Staff recommends adoption of the attached Resolution, accepting the contract work, approving final compensating change order, authorizing final payment, and closing the contract for City Project No. 2019-09D.

ATTACHMENTS

1. Resolution - Final Acceptance - 2019-09D
2. Engineer's Report of Final Acceptance - 2019-09D

3. Final Compensating Change Order - 2019-09D
4. Final Pay Voucher - 2019-09D

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

RESOLUTION NO. _____

**RESOLUTION ACCEPTING WORK, AUTHORIZING FINAL PAYMENT, APPROVING FINAL
COMPENSATION CHANGE ORDER, AND CLOSING OF CONTRACT FOR CITY PROJECT NO.
2019-09D – 64th STREET AREA IMPROVEMENTS**

WHEREAS, on November 25, 2019, the City Council approved City Project No. 2016-09D (Resolution 2019-224) with a total estimated project budget of \$1,679,316 as identified in the feasibility report thereto, to be hosted in the Pavement Management – Local Streets Fund (Fund 440), with contributions in project funding from Dakota County Soil and Water Conservation District grants (DCSWCD), Special Assessments, the Pavement Management - Local Streets Fund (Fund 440), Water Capital Fund (Fund 511), and Sewer Capital Fund (Fund 521); and

WHEREAS, on May 11, 2020, the City Council awarded a contract to Valley Paving, Inc. (Resolution 2020-087) in the amount of \$989,601.87 for the construction of City Project No. 2016-09D.

WHEREAS, pursuant to a written contract with the City of Inver Grove Heights dated May 11, 2020, Valley Paving satisfactorily completed improvements and appurtenances for City Project No. 2019-09D – 64th Street Area Improvements for a total contract cost of \$900,605.58.

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

1. The Council accepts the Engineer's Report of Final Acceptance as approval of the work completed under this contract.
2. The Council approves the Final Compensating Change Order (Change Order No. 3).
3. The Mayor and the City Clerk are hereby directed to issue a proper order for final payment (Pay Estimate No. 7) on this contract, taking the contractor's receipt in full, and closing the construction contract for Project No. 2016-09D.

Adopted by the City Council of the City of Inver Grove Heights this 24th day of July 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

ENGINEER'S REPORT OF FINAL ACCEPTANCE

CITY PROJECT NO. 2019-09D – 64TH STREET AREA IMPROVEMENTS

July 24, 2023

TO THE CITY COUNCIL
INVER GROVE HEIGHTS, MINNESOTA

HONORABLE MAYOR AND CITY COUNCIL MEMBERS:

This is to advise you that I have received the work under contract to Valley Paving.
The work consisted of a street rehabilitation with utility improvements.

The contractor has completed the project in accordance with the contract.

It is recommended, herewith, that final payment be made for said improvements to the contractor in the amount as follows:

ORIGINAL CONTRACT PRICE	\$989,601.87
CHANGE ORDERS	\$(88,996.29)
FINAL CONTRACT AMOUNT	\$900,605.58
FINAL VALUE OF WORK	\$900,605.58
PREVIOUS PAYMENTS	\$896,102.55
BALANCE DUE	\$4,503.03

Sincerely,

A handwritten signature in blue ink that reads "Steve W. Dodge". The signature is written in a cursive, flowing style.

Steve W. Dodge, P.E.
Assistant City Engineer

FINAL COMPENSATING CHANGE ORDER NO. 3

2020 Pavement Management Program

CITY PROJECT NO. 2019-09D - 64th STREET AREA IMPROVEMENTS

Owner: City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077	Date of Issuance: July 24, 2023
Contractor: Valley Paving 8800 13 th Avenue East Shakopee, MN 55379	Engineer: City of Inver Grove Heights

PURPOSE OF CHANGE ORDER

To balance the value of the work satisfactorily completed and total payments made to the Contractor.

Total Value of Work Completed to Date	\$900,605.58
Contract Amount to Date	\$1,016,859.87
Final Compensating Change Order Amount	(\$116,254.29)

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price: \$989,601.87	Original Contract Time: Final Completion: June 30, 2023
Previous Change Orders \$27,258.00	Net Change from Previous Change Orders None
Contract Price Prior to this Change Order \$1,016,859.87	Contract Time Prior to this Change Order None
Net Increase (Decrease) of this Change Order (\$116,254.29)	Net Increase (Decrease) of Change Order None
Contract Price with all Approved Change Orders \$900,605.58	Contract Time with Approved Change None
Recommended By: <i>Alisa Witte</i> Alisa Witte, Engineering Technician	Approved By: <i>[Signature]</i> Valley Paving

Approved By:

[Signature]
Paul Merchlewicz, City Engineer

Approved By:

Brenda Dietrich, Mayor

Date of Council Action:

July 24, 2023

**CITY OF INVER GROVE HEIGHTS
CONSTRUCTION PAY VOUCHER**

ESTIMATE NO: 7 (Seven - Final)

DATE: July 10, 2023

PERIOD ENDING: June 30, 2023

CONTRACT: 2020 Pavement Management Program

PROJECT NO: 2019-09D-64th Street Area Improvements

TO: Valley Paving, Inc.
8800 13th Ave E
Shakopee, MN 55379

Original Contract Amount..... \$989,601.87

Total Addition (Change Order No. 2)..... \$46,663.00

Total Deduction (Change Order No. 1, 3)..... (\$135,659.29)

Total Contract Amount..... \$900,605.58

Total Value of Work to Date..... \$900,605.58

Less Retained (0.5%) \$0.00

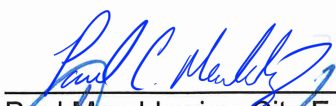
Less Previous Payments \$896,102.55

Total Approved for Payment this Voucher..... \$4,503.03

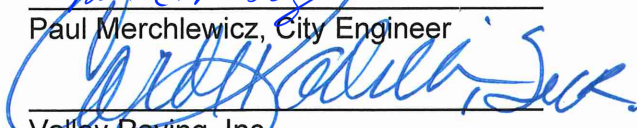
Total Payments including this Voucher \$900,605.58

Approvals:

Pursuant to our field observation, I hereby recommend for payment the above stated amount for work performed through June 30, 2023.

Signed by: 
Paul Merchlewicz, City Engineer

7/14/2023
Date

Signed by: 
Valley Paving, Inc.

7/14/23
Date



Request for Council Action

SUBJECT: **Resolution Accepting Work, Authorizing Final Payment, and Closing the Contract for City Project No. 2021-01**

MEETING DATE: July 24, 2023

ITEM TYPE: Consent Agenda

CONTACT: Mike Edwards, Sr Engineering Technician, 651.450.2575

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, accepting work, authorizing final change order and payment, and closing the contract with Northern Lines Contracting for City Project No. 2021-01.

BACKGROUND

This project was initiated in preparation for the Dakota County projects to realign Argenta Trail (City Project No. 2016-05) and widen 70th Street (City Project No. 2015-08). The work included the extension of trunk sanitary and trunk watermain to avoid conflicts or impacts from the county projects. On April 26, 2021, Northern Lines Contracting, Inc. was awarded the contract for \$1,274,460.72.

The attached final Pay Voucher No. 7, in the amount of \$76,951.27, is payment in full for all work performed for a total contract payment of \$1,186,955.37. Also attached is final Compensating Change Order No. 1, in the amount of (\$87,505.35). The final Compensating Change Order balances the approved contract amount and allows staff to administratively close the contract.

FISCAL IMPACT

The final compensating change order requests a reduction in the construction contract amount of (\$76,951.27), lowering the final contract amount to \$1,186,955.37. The project was funded through the Water Capital Fund (Fund 511) and Sewer Capital Fund (Fund 521).

RECOMMENDATION

Staff recommends adoption of the attached Resolution, accepting work, and approving the final pay voucher and final compensating change order, authorizing final payment, and closing the contract with Northern Lines Contracting for City Project No. 2021-01.

ATTACHMENTS

1. Resolution - Final Acceptance - 2021-01
2. Engineers Report of Final Acceptance - 2021-01
3. Final Compensating Change Order - 2021-01
4. Final Pay Voucher - 2021-01

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

RESOLUTION NO. _____

**RESOLUTION ACCEPTING WORK, AUTHORIZING FINAL PAYMENT, APPROVING FINAL
COMPENSATION CHANGE ORDER, AND CLOSING OF CONTRACT FOR CITY PROJECT NO.
2021-01 - NWA TRUNK UTILITY IMPROVEMENTS**

WHEREAS, on November 9, 2020, the City Council approved Project No. 2021-01 (Resolution 2020-250) with a total estimated project budget of \$1,528,000 as identified in the feasibility report thereto, to be hosted in the Water Capital Fund (Fund 511) and Sewer Capital Fund (Fund 521).

WHEREAS, on April 26, 2021, the City Council awarded a contract to Northern Lines Contracting, Inc. (Resolution 2021-121) in the amount of \$1,274,460.72 for the construction of City Project No. 2021-01.

WHEREAS, pursuant to a written agreement with the City of Inver Grove Heights dated April 26, 2021, Northern Lines Contracting, Inc. satisfactorily completed improvements and appurtenances for City Project No. 2021-01 NWA Trunk Utility Improvements for a total cost of \$1,186,955.37.

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

1. The Council accepts the Engineer's Report of Final Acceptance as approval of the work completed under this contract.
2. The Council approves the Final Compensating Change Order (Change Order No. 1).
3. The Mayor and the City Clerk are hereby directed to issue a proper order for final payment (Pay Estimate No. 7) on this contract, taking the contractor's receipt in full, and closing the construction contract for Project No. 2021-01.

Adopted by the City Council of the City of Inver Grove Heights this 24th day of July 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

ENGINEER'S REPORT OF FINAL ACCEPTANCE

**CITY PROJECT No. 2021-01 NWA TRUNK UTILITY IMPROVEMENTS FOR FUTURE COUNTY PROJECTS OF
ARGENTA TRAIL (2016-05) AND 70TH ST. (2015-08)**

July 24, 2023

TO THE CITY COUNCIL
INVER GROVE HEIGHTS, MINNESOTA

HONORABLE MAYOR AND CITY COUNCIL MEMBERS:

This is to advise you that I have received the work under contract with Northern Lines Contracting, Inc. for City Project 2021-01 NWA Trunk Utility Improvements for Future County Projects of Argenta Trail (2016-05) and 70th St. (2015-08)

The developer has completed the project in accordance with the agreement.

It is recommended, herewith, that final payment be made for said improvements to the contractor in the amount as follows:

Original Contract Amount	\$1,274,460.72
Total Addition	\$0.00
Total Deduction (Change Order No. 1)	(\$87,505.35)
Total Contract Amount	\$1,186,995.37
Total Value of Work to Date	\$1,186,995.37
Less Previous Payment	\$1,110,004.10
Total Approved for Payment this Voucher	\$76,951.27
Total Payments including this Voucher	\$1,186,955.37

Sincerely,



Paul Merchlewicz, P.E.
City Engineer

CHANGE ORDER NO. 1
FINAL COMPENSATING CHANGE ORDER

**City Project No. 2021-01 NWA Trunk Utility Improvements for Future County Projects of
Argenta Trail (2016-05) and 70th St. (2015-08)**

Owner: City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077 Contractor: Northern Line Contracting, Inc.	Date of Issuance: July 24, 2023 Engineer: Bolten and Menk
<u>Purpose of Change Order</u> Final compensating amount to balance value of work completed and total payment made to the Contractor. Accounts for miscellaneous increases and decreases in contract quantities.	
CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price: \$ 1,274,460.72	Original Contract Time:
Previous Change Order: \$ 0.00	Net Change from Previous Change Orders:
Contract Price Prior to this Change Order \$ 1,274,460.72	Contract Time Prior to this Change Order
Net Decrease of this Change Order: \$ 87,505.35	Net Increase of Change Order:
Contract Price with all Approved Change Orders \$ 1,186,955.37	Contract Time with Approved Change Orders
Recommended By:  Michael Edwards, Sr. Engr. Tech.	Approved  By: _____ Northern Lines Contracting, Inc.

Approved By:



Paul Merchlewicz PE, City Engineer

Approved By:

Brenda Dietrich, Mayor

Date of Council Action:

July 24, 2023

**CITY OF INVER GROVE HEIGHTS
CONSTRUCTION PAY VOUCHER**

ESTIMATE NO: 7(Seven) FINAL

DATE: July 24, 2023

PERIOD ENDING: May 31, 2023

PROJECT NO: City Project No. 2021-01 NWA Trunk Utility Improvements for
Future County Projects of Argenta Trail (2016-05) and 70th
St. (2015-08)

TO: Northern Lines Contracting Inc.
9705 Upton Circle S.
Bloomington, MN 55431

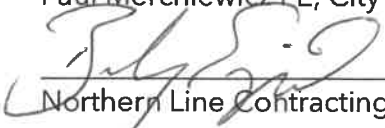
Original Contract Amount..... \$1,274,460.72
Total Addition\$0.00
Total Deduction (Change Order No. 1).....(\$87,505.35)
Total Contract Amount \$1,186,955.37
Total Value of Work to Date \$1,186,955.37
Less Retained (0%) \$0.00
Less Previous Payment..... \$1,110,004.10
Total Approved for Payment this Voucher \$76,951.27
Total Payments including this Voucher..... \$1,186,955.37

Approvals:

Pursuant to our field observation, I hereby recommend for payment the above stated amount for work performed through May 31, 2023.

Signed by: 
Paul Merchlewicz PE, City Engineer

July 24, 2023
Date

Signed by: 
Northern Line Contracting, Inc.

6-30-23
Date

Signed by: _____
Brenda Dietrich, Mayor

July 24, 2023
Date

Request for Council Action

SUBJECT: **Authorization to Enter into 2023-2024 Labor Agreement with IAFF, Local 5251**

MEETING DATE: July 24, 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 collective bargaining agreement for 2023 and 2024, with the IAFF, Local #5251, representing the fulltime Firefighters, Fire Inspector, Lieutenants, and Shift Captains within the City's Fire Department.

BACKGROUND

Negotiations for a new contract with this bargaining unit began in early December 2022, prior to expiration of the unit's initial contract on December 31, 2022. Several negotiating sessions, and some assistance from a mediator with the State's Bureau of Mediation Services on June 21, 2023, resulted in a negotiated agreement that the members of the bargaining unit have voted to accept.

A summary of the terms is as follows:

1. The contract duration will be for two years from January 1, 2023 to December 31, 2024.
2. The positions of full-time Firefighter and Lieutenant will be added to the unit, and the Fire Marshal will be removed.
3. The filing period for a Step 1 Grievance will be increased from 14 to 21 calendar days.
4. A statement will be added that unit employees may only be mandated to work overtime, holdovers, forced shifts or callbacks to maintain coverage for emergency response, and not to participate in community outreach or public education events.
5. The overtime article will be adjusted to include language that the employer will provide the union with a quarterly summary of hours of overtime worked by each employee.
6. The seniority article will be adjusted to use date of hire as an IGH paid on-call firefighter as the tie-breaker for determining seniority in cases where two new hires are directed to report on the same date. If neither served as an IGH paid on-call firefighter, the tie breaker will be the last four digits of their social security number.
7. The wages will be updated to reflect a 3% general wage increase for each of the years of the contract (2023 and 2024). Additionally, a new provision will provide a 3% premium pay for those employees who are certified paramedics.
8. The employer will provide the previously established City contribution amounts for health insurance to eligible employees for 2023 and reopen this article (only) for the purpose of negotiating employer contributions for 2024.
9. The number of banked holiday hours will increase from 96 to 104 for 56-hour work-week employees to reflect the addition of Juneteenth, which will also be added to the list of

recognized holidays. Additionally, holidays for 56-hour work-week employees will be paid time and a half on Easter Sunday rather than Good Friday, and recognized holidays will be defined as running from 00:00 to 23:59 except for Easter Sunday and Christmas Eve, which will be defined as running from 12:00 to 23:59.

10. Paid Parental Leave will be added for eligible employees of up to 80 hours for 40-hour work-week employees, and 112 hours for 56-hour work-week employees, just for the two-year duration of this contract.

FISCAL IMPACT

The negotiated agreement falls within the parameters of the City's adopted 2023 budget, with the exception of the 3% premium pay for those certified as paramedics. The Fire Department's adopted 2023 budget is likely to have sufficient funds to cover this added cost for 2023, due to some salary savings resulting from vacant positions in the paid-on-call ranks. Funding for this premium pay and for the 2024 general wage increase will need to be included in future City budgets.

RECOMMENDATION

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

ATTACHMENTS

None



Request for Council Action

SUBJECT: **Temporary Off-Site Gambling Permit for Moose Lodge 1088**

MEETING DATE: July 24, 2023

ITEM TYPE: Consent Agenda

CONTACT: Rebecca Kiernan, City Clerk, 651.450.2513

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving the application of Moose Lodge #1088 for a temporary off-site gambling (bingo) permit for the O'Reilly Auto Parts parking lot at 6582 Cahill Ave, in conjunction with IGH Days, September 8 - 10, 2023.

BACKGROUND

The Loyal Order of Moose Lodge #1088 has submitted an application to conduct temporary, off-site gambling (bingo) on September 8, 9, and 10, 2023 for the Inver Grove Heights Days celebration.

FISCAL IMPACT

NA

RECOMMENDATION

Staff recommends approval of the application to conduct off-site gambling.

ATTACHMENTS

1. Resolution Approving Moose Lodge #1088 Temporary Off-Site Gambling Permit
2. LG230 Application to Conduct Off-Site Gambling - LOOM #1088

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

RESOLUTION NO. _____

**RESOLUTION APPROVING THE APPLICATION OF
LOYAL ORDER OF MOOSE LODGE 1088
TO CONDUCT OFF-SITE GAMBLING - BINGO
AT 6582 CAHILL AVENUE**

WHEREAS, Minnesota Statutes require premises on which lawful gambling is conducted to be licensed by the Minnesota Charitable Gambling Control Board, and

WHEREAS, Loyal Order of Moose Lodge 1088 has submitted an application to Conduct Off-Site Gambling - Bingo at 6582 Block of Cahill Avenue Inver Grove Heights on the dates of September 8, 2023, September 9, 2023, and September 11, 2023.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Inver Grove Heights, County of Dakota, State of Minnesota, hereby approves the application of Loyal Order of Moose 1088 to conduct Off-Site Gambling - Bingo.

FURTHER, to direct staff to forward a copy of this resolution to the Minnesota Charitable Gambling Control Board.

Passed by the City Council of Inver Grove Heights this 24th day of July, 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

LG230 Application to Conduct Off-Site Gambling**No Fee****ORGANIZATION INFORMATION**

Organization Name: Moose Lodge 1088 License Number: 00110

Address: 5927 Concord Blvd City: Inver Grove Heights, MN Zip: 55076

Chief Executive Officer (CEO) Name: Hubert Bauer Daytime Phone: 651-214-9199

Gambling Manager Name: Peter Gaarder Daytime Phone: 651-270-8468

GAMBLING ACTIVITY

Twelve off-site events are allowed each calendar year not to exceed a total of 36 days.

From 09 / 08 / 23 to 09 / 10 / 23

Check the type of games that will be conducted:

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

GAMBLING PREMISES

Name of location where gambling activity will be conducted: O'Rielly Auto Parts Parking Lot

Street address and
City (or township): 6582 Cahill Ave, Inver Grove Heights MN Zip: 55076 County: Dakota

- Do not use a post office box.
- If no street address, write in road designations (example: 3 miles east of Hwy. 63 on County Road 42).

Does your organization own the gambling premises?

☐ **Yes** If yes, a lease is not required.

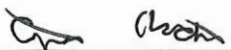
☒ **No** If no, the lease agreement below must be completed, and signed by the lessor.

LEASE AGREEMENT FOR OFF-SITE ACTIVITY (a lease agreement is not required for raffles)

Rent to be paid for the leased area: \$ \$0 (if none, write "0")

All obligations and agreements between the organization and the lessor are listed below or attached.

- Any attachments must be dated and signed by both the lessor and lessee.
- This lease and any attachments is the total and only agreement between the lessor and the organization conducting lawful gambling activities.
- Other terms, if any:

Lessor's Signature:  Date: 7-12-23

Print Lessor's Name: Cristin Rocks

CONTINUE TO PAGE 2

Acknowledgment by Local Unit of Government: Approval by Resolution

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
City Name: <u>Inver Grove Heights</u>	County Name: _____
Date Approved by City Council: _____	Date Approved by County Board: _____
Resolution Number: _____ (If none, attach meeting minutes.)	Resolution Number: _____ (If none, attach meeting minutes.)
Signature of City Personnel: _____	Signature of County Personnel: _____
Title: <u>City Clerk</u> Date Signed: _____	Title: _____ Date Signed: _____
Local unit of government must sign.	TOWNSHIP NAME: _____
	Complete below only if required by the county. On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.)
	Print Township Name: _____ Signature of Township Officer: _____ Title: _____ Date Signed: _____

CHIEF EXECUTIVE OFFICER (CEO) ACKNOWLEDGMENT

The person signing this application must be your organization's CEO and have their name on file with the Gambling Control Board. If the CEO has changed and the current CEO has not filed a LG200B Organization Officers Affidavit with the Gambling Control Board, he or she must do so at this time.

I have read this application, and all information is true, accurate, and complete and, if applicable, agree to the lease terms as stated in this application.

Signature of CEO (must be CEO's signature; designee may not sign)

 Date

Mail or fax to:

Minnesota Gambling Control Board
 Suite 300 South
 1711 West County Road B
 Roseville, MN 55113
Fax: 651-639-4032

No attachments required.

Questions? Contact a Licensing Specialist at 651-539-1900.

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

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 your organization's 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.



Request for Council Action

SUBJECT: **Resolution Approving the Sustainable IGH Recognition Program**

MEETING DATE: July 24, 2023

ITEM TYPE: Consent Agenda

CONTACT: Ally Sutherland, Environmental Specialist, 651.604.8511

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving the Sustainable IGH Recognition Program.

BACKGROUND

On February 13, 2023, the City Council approved the 2023 Environmental Advisory Commission (EAC) Work Plan, which includes a goal to develop a sustainability recognition program for IGH residents and businesses. Many cities have created community recognition programs to help recognize community members and businesses for making a positive impact on their community. Sustainability recognition programs are one example of recognition programs created by local governments.

Sustainability recognition programs are created by local governments to recognize community members and businesses for their sustainable achievements. They also help foster sustainability and environmentally friendly practices as a norm in the community. Sustainable practices have a wide range of benefits that support ecological, wellbeing, and economic vitality. Sustainability presumes that resources, both natural and financial, are finite and that they should be conserved and used wisely to benefit current and future generations.

Staff have incorporated feedback received from the City Council, Environmental Advisory Commission, Chamber of Commerce, Dakota County, various City departments and Xcel Energy Partners In Energy.

FISCAL IMPACT

This item is budget neutral for the City.

RECOMMENDATION

Staff and the Environmental Advisory Commission recommend adoption of the attached Resolution.

ATTACHMENTS

1. Resolution
2. Program Parameters
3. Draft Business Application
4. Draft Resident Application

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

RESOLUTION NO. _____

RESOLUTION APPROVING THE SUSTAINABLE IGH RECOGNITION PROGRAM

WHEREAS, the City Council approved the 2023 Environmental Advisory Commission (EAC) Work Plan, which includes a goal to “recognize IGH residents and businesses taking environmentally friendly actions by developing a recognition program”;

WHEREAS, the City researched local residential and business environmental recognition programs and shared examples with the Environmental Advisory Commission (EAC) and City Council;

WHEREAS, the City has developed the Sustainable IGH recognition program as detailed in the Program Parameters document with input from the community and external City partners;

WHEREAS, Sustainable IGH seeks to raise environmental awareness, recognize accomplished residents and businesses, share success stories, and foster environmental friendliness and sustainability as a community norms;

WHEREAS, Actions and program parameters may be updated by the EAC or City Council on an annual basis to align with currently published best practices or to improve the program as needed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, that the Council hereby approves the Sustainable IGH recognition program.

Adopted this 24th day of July, 2023 by the City Council of the City of Inver Grove Heights, Minnesota.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

Program Parameters: Sustainable IGH Recognition Program

Updated 7/24/2023

PROGRAM NAME: Sustainable IGH

ELIGIBLE RECIPIENTS: Residents, businesses, and organizations that own or rent a property in Inver Grove Heights.

PROGRAM PURPOSE:

- Raise awareness of environmental and/or sustainability best practices for residents and businesses.
- Recognize residents and businesses for completing recommended best practices.
- Share success stories and learning experiences with other community members.
- Foster sustainability and environmental friendliness as a community norm.

RECOGNITION AWARD PROCESS:

- April 1 - April 22 (Earth Day): Promote opportunity via the following communications channels: Q2 Insights article, City website news flash and webpage, Social media posts, Environmental e-news, City bulletin boards, City events, Flyers on city bulletin boards, Flyers and signs at city events, Townsquare NDC4 cable channel announcement, VMCC electronic sign board, and Chamber of Commerce communication channels
- April 22 (Earth Day): Annual application deadline.
- April 23 through mid-May: Staff (Environmental Specialist/EAC staff liaison) reviews applications for completeness and assigns recognition level for each applicant.
- May EAC meeting: Review applications and recommend City Council approval of awards.
- June 1: Staff notifies recipients of recognition award. Invites new and existing recipients to the final June City Council Meeting.
- Final June City Council Meeting: 1) Mayor and EAC chair recognize new awardees by announcing their name/business and achievements and giving them the award, 2) Staff shares list of existing awardees, and 3) Staff takes picture of new awardees with City Council and Environmental Advisory Commission.
- July: Promote awardees via the following communication channels: Q3 Insights article, City website news flash and webpage, Social media posts, Environmental e-news, and Request Chamber shares business awardees announcement.

RECOGNITION PROCESS: Recognized actions are organized within four program categories: Energy, Landscaping & Water, Waste Abatement, and Social. To receive a recognition award, an applicant submit a complete application that adequately showcases the required actions plus additional actions as stated below:

- Bronze recognition: All 5 required actions
- Silver recognition: All 5 required actions + at least 5 additional actions
- Gold recognition: All 5 required actions + at least 10 additional actions

AWARD: Award(s) may vary annually as needed based on program budget and/or Environmental Advisory Commission direction. Awards should be sustainable based on considerations such as material, purchase source, value to recipient, and durability for intended use. Awards may include one or more of the following:

- Dated certificate printed on recycled content paper.
- Dated program poster for window printed on recycled content paper.
- Dated digital program award to share on website and social media.
- Donation from program sponsor.
- Award plaque for specially recognized gold recipients.
- Recognized at a City Council meeting.
- Recognized in City communication pieces.
- Listed on City board of recognition.

PROGRAM UPDATES: Actions and program parameters may be updated by the EAC and/or City Council on an annual basis to align with currently published best practices or to improve the program as needed.

SUSTAINABLE IGH APPLICATION

Businesses and Organizations

Please complete this application if you are applying on behalf of a business or organization.

BUSINESS/ORGANIZATION APPLICANT

- Business/Organization Name:
- Employee First and Last Name:
- Employee Title:
- Business/Organization Address:
- Business/Organization Phone Number:
- Business/Organization Email:

RECOGNITION PROCESS

Select all completed actions below. Applicant must complete required actions plus additional actions as needed for the following recognitions: **Bronze recognition** (all 5 required actions), **Silver recognition** (all 5 required actions + at least 5 additional actions) or **Gold recognition** (all 5 required actions + at least 10 additional actions). Please follow URL links to additional information about the action.

Energy Actions

Energy actions that promote energy efficiency, renewable energy use, and/or improve air quality.

- ☐ **Required Action:** Complete a business energy audit: [Xcel Energy Business Energy Assessment](#), [Xcel Energy Multifamily Building Efficiency Program](#), or [Dakota Electric business energy audit](#). Please share record of completion (email, invoice, etc.)
 - a. **If not applicable (renter/tenant, etc.):** Use LED bulbs for all lighting.
- ☐ Complete additional actions recommended in your building energy audit.
- ☐ Use LED bulbs for all lighting.
- ☐ Use a programmable thermostat.
- ☐ Use an [EnergyStar](#) appliance or upgrade to more energy efficient appliances.
- ☐ Participate in an energy savings programs through [Xcel Energy](#) or [Dakota Electric programs](#).
- ☐ Utilize rebates on energy efficient or renewable energy powered products.
- ☐ Own a building certified by a building efficiency standard, such as [LEED](#).
- ☐ Participate in new construction program offered by [Xcel Energy's New Construction Programs](#) or [Dakota Electric New Construction program](#).
- ☐ Utilize energy benchmarking software to monitor building energy usage.
- ☐ Utilize energy efficient, [Dark-Sky compliant](#) new or replacement outdoor lighting fixtures
- ☐ Power your property with renewable energy ([solar](#), [wind](#) or [geothermal](#)).
- ☐ Subscribe to [Xcel Energy's Windsource](#) or [Dakota Electric's Wellspring Renewable Energy program](#) to support renewable energy.
- ☐ Subscribe to a [community solar garden](#).
- ☐ Drive an [electric vehicle](#).
- ☐ Install an [electric vehicle charging station\(s\)](#).
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

SUSTAINABLE IGH APPLICATION

Businesses and Organizations

Landscaping & Water Actions

Included landscaping and water actions that promote provide habitat for native species, pollinators, and wildlife, and promote local foods, water conservation and good water quality.

- ☐ **Required Action (property owners only):** Landscape your yard or garden with pollinator friendly natives, or other native plants, trees and shrubs. Remove any invasive vegetation and [diseased or infested trees](#) from your property. If recommended by a certified arborist, treat ash trees [to prevent](#) emerald ash borer infestations, oak wilt or other tree diseases. Share a picture of your yard. Describe what native vegetation is present and what invasive vegetative or diseased trees you have removed (if applicable).
- ☐ **Required Action (property owners only):** Only [water your lawn](#) if needed before 4 a.m. and 10 a.m. and on an odd/even schedule based on address number.
- ☐ **Required Action (renters only):** Use at least two [Water-Sense](#) products. Describe which products you use.
- ☐ Plant and maintain a [low-maintenance turf lawn](#) with species such as fine fescues, buffalo grass, blue gramma, and pussytoes.
- ☐ Remove [invasive vegetation](#) from your property.
- ☐ Build a [rain garden](#) on your property per the City guidelines.
- ☐ Collect rainwater in a [rain barrel](#) or other grey water systems to water your plants and trees.
- ☐ Sell locally grown plants and produce.
- ☐ Sell locally made compost or use in landscaping.
- ☐ Install bird, bat, or bee houses on your property.
- ☐ [Leave grass 2 ½ - 3 ½ inches high during hot weather](#) to promote deep root growth and shade the growth crowns.
- ☐ Complete a [shoreline preservation project](#) per city guidelines.
- ☐ Follow the city's [Smart Salting guidelines](#) in winter.
- ☐ Utilize rebates on water-efficient products.
- ☐ Adopt a storm drain.
- ☐ Attend the city's [Local Stormwater Impacts annual meeting](#).
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

Waste Actions

Waste actions that promote waste reduction, reuse, composting, safe disposal, recycling and/or litter cleanup.

- ☐ **Required for recognition:** [Recycle at your business or multifamily property](#) following local recycling rules.
- ☐ Reduce [food waste](#) by donating eligible food.
- ☐ Prevent [unwanted mail](#).
- ☐ Operate a business that promotes reducing, recycling or composting waste.
- ☐ [Incorporate sustainability](#) into your business purchasing.
- ☐ [Rent equipment](#) such as tools and event supplies instead of buying.
- ☐ [Shop for used equipment and materials](#) in good working condition from businesses, non-profit organizations and online exchange websites.
- ☐ [Sell](#) gently used goods. (See Social Actions for donation).
- ☐ Offer reusable bags, mugs, and to-go containers, utensils and napkins to customers.
- ☐ Offer customer discount use of reusable bags, mugs, and to-go products.
- ☐ Operate waste reduction, recycling or composting business.
- ☐ Compost organics via [your waste hauler](#).
- ☐ Use the [Recycling Guide](#) to find out where to get rid of hundreds of unwanted items.
- ☐ Participate in a [Very Small Quantity Generator](#) (VSQG) business program, [Dakota County Multifamily Recycling Program](#), or [Dakota County Business Recycling Program](#).
- ☐ Offer public special recycling opportunities for plastic bags, batteries, or other recyclable materials.
- ☐ Adopt an [IGH park](#).

SUSTAINABLE IGH APPLICATION

Businesses and Organizations

- ☐ Host or organize a cleanup event/day for ponds, parks, natural areas, wetlands, etc.
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

Social Actions

Social actions that promote community and/or employee wellbeing.

- ☐ **Required for recognition:** Volunteer and/or donate annually to benefit the IGH community. Describe how your business or organization volunteers or donates.
- ☐ Teach IGH residents or businesses about your completed actions.
- ☐ Promote workplace diversity during the hiring process.
- ☐ Offer free or reduced-cost services to vulnerable populations (food, shelter/housing, transportation, education, healthcare, counseling, childcare, etc.)
- ☐ Offer free or reduced-cost services to employees (transportation, education, healthcare, counseling, childcare, etc.)
- ☐ Accept food stamps.
- ☐ Host employee appreciation events and/or activities.
- ☐ Have an internal wellness committee that coordinates wellbeing initiatives for employees.
- ☐ Have an internal green team that coordinates environmentally friendly business practices.
- ☐ Organize a local community group or complete a community project.
- ☐ Participate on a local community board on behalf of your organization.
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

SHARE YOUR SUSTAINABILITY STORY

Please answer at least 1 or more of the following questions based on actions you have completed:

- Describe any financial savings you have experienced or plan to experience overtime from taking your actions:
- Describe community and/or employee wellbeing benefits you have witnessed from taking your actions:
- Describe any environmental benefits of your actions:
- Please share any pictures that help showcase your sustainability accomplishments.

SIGNATURE

By signing and submitting this application, I authorize the City of Inver Grove Heights to publicly share the following information in all City Communication channels: *Applicant First Name and Initial of Last*

SUSTAINABLE IGH APPLICATION

Businesses and Organizations

Name, Business Name, Mailing Address, Actions Completed, Details and Pictures provided in “Share Your Sustainability Story” section. This information will be publicly shared by the City to highlight your accomplishments and to help inspire others to take sustainable actions.

By signing and submitting this application, I certify that the information I have provided on this application is truthful to the best of my knowledge. I also acknowledge that the City may request additional information to confirm recognition eligibility.

Signature: _____

Date: _____

DRAFT

SUSTAINABLE IGH APPLICATION

Residents

Please complete this application if you are applying as a resident.

RESIDENTIAL APPLICANT

- First and Last Name:
- Address:
- Phone Number:
- Email Address:

RECOGNITION PROCESS

*Select all completed actions below. Applicant must complete required actions plus additional actions as needed for the following recognitions: **Bronze recognition** (all 5 required actions), **Silver recognition** (all 5 required actions + at least 5 additional actions) or **Gold recognition** (all 5 required actions + at least 10 additional actions). Please follow URL links to additional information about the action.*

Energy Actions

Energy actions that promote energy efficiency, renewable energy use, and/or improve air quality.

- ☐ **Required for recognition:** Complete a [Home Energy Squad](#) visit or receive energy upgrades through the [Weatherization Assistance Program](#) (if eligible). Share record of completion (email, invoice, etc.)
 - a. **If not applicable (renter, condo, etc.):** Use LED for all lighting.
- ☐ Complete actions recommended by your home energy audit.
- ☐ Use LED bulbs for all lighting.
- ☐ Use a programmable thermostat.
- ☐ Use an [EnergyStar](#) appliance or upgrade to more energy efficient appliances.
- ☐ Participate in an energy savings programs through [Xcel Energy](#) or [Dakota Electric programs](#).
- ☐ Utilize rebates on energy efficient or renewable energy powered products.
- ☐ Own a home certified by a building efficiency standard, such as [LEED](#).
- ☐ Utilize energy efficient, [Dark-Sky compliant](#) new or replacement outdoor lighting fixtures.
- ☐ Power your property with renewable energy ([solar](#), [wind](#) or [geothermal](#)).
- ☐ Subscribe to [Xcel Energy's Windsource](#) or [Dakota Electric's Wellspring Renewable Energy program](#) to support renewable energy.
- ☐ Subscribe to a [community solar garden](#).
- ☐ Drive an [electric vehicle](#).
- ☐ Install an [electric vehicle charging station](#).
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

SUSTAINABLE IGH APPLICATION

Residents

Landscaping & Water Actions

Included landscaping and water actions that promote provide habitat for native species, pollinators, and wildlife, and promote local foods, water conservation and good water quality.

- ☐ **Required Action (property owners only):** Landscape your yard or garden with pollinator friendly natives, or other native plants, trees and shrubs. Remove any invasive vegetation and diseased trees or infested from your property. If recommended by a certified arborist, treat ash trees to prevent emerald ash borer infestations, oak wilt or other tree diseases. Share a picture of your yard. Describe what native vegetation is present and what invasive vegetive or diseased trees you have removed (if applicable).
- ☐ **Required Action (property owners only):** Only [water your lawn](#) if needed before 4 a.m. and 10 a.m. and on an odd/even schedule based on address number.
- ☐ **Required Action (renters only):** Use [Water-Sense](#) products. Describe which products you use.
- ☐ Plant a [low-maintenance turf lawn](#) with species such as fine fescues, buffalo grass, blue gramma, pussytoes, etc.
- ☐ Build a [rain garden](#) on your property per the City guidelines.
- ☐ Use a Landscaping for Clean Water grant from Dakota County Soil & Water Conservation District to complete a [Landscaping for Clean Water project](#), including rain gardens and more.
- ☐ Collect rainwater in a [rain barrel](#) or other grey water systems to water your plants and trees.
- ☐ Buy locally grown produce or grow [your own food](#).
- ☐ Use locally made compost in gardens or landscape.
- ☐ Take one or more [Landscaping for Clean Water classes](#).
- ☐ Install bird, bat, or bee houses on your property.
- ☐ [Leave grass 2 ½ - 3 ½ inches high during hot weather](#) to promote deep root growth and shade the growth crowns.
- ☐ Complete a [shoreline preservation project](#) per city guidelines.
- ☐ Follow the city's [Smart Salting guidelines](#) in winter.
- ☐ Utilize rebates on water-efficient products.
- ☐ Adopt a storm drain.
- ☐ Attend the city's [Local Stormwater Impacts annual meeting](#).
- ☐ Participate in the [Master Water Stewards](#) program.
- ☐ Participate in the [aquatic invasive species detector](#) program.
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

Waste Abatement Actions

Waste actions that promote waste reduction, reuse, composting, safe disposal, recycling and/or litter cleanup.

- ☐ **Required for recognition:** [Recycle at your home following these recycling rules](#).
- ☐ Reduce [food waste](#) meal planning, storing food properly and more.
- ☐ Prevent [unwanted mail](#).
- ☐ Make and use [Green Cleaners](#).
- ☐ Take home free second-hand products from the [Reuse Zone](#), located at the The Recycling Zone.
- ☐ Participate in a [Community Swap](#).
- ☐ Participate or volunteer at a [Dakota County Fix-It Clinic](#).
- ☐ [Rent equipment](#) such as tools, outdoor gear and event supplies instead of buying.
- ☐ Shop secondhand at [brick-and-mortar stores](#), garage sales or through online outlets such as facebook, nextdoor, craigslist, thredUP and more.
- ☐ Sell gently used goods at a local donation center, garage sale or online outlets. (See Social Actions for donation).
- ☐ Use reusable bags, mugs, and to-go containers, utensils and napkins.
- ☐ Compost organics via a residential [organics drop-off](#) or [at home](#)
- ☐ Use the [Recycling Guide](#) to find out where to get rid of hundreds of unwanted items.
- ☐ Participate in a the [Dakota County Recycling Ambassador Program](#).
- ☐ Attend a [city residential special collections event](#) to recycle unwanted items.
- ☐ Join a local [recycling tour](#).

SUSTAINABLE IGH APPLICATION

Residents

- ☐ Utilize [The Recycling Zone](#) to dispose of hazardous waste, small electronics, recyclables and more.
- ☐ Adopt an [IGH park](#).
- ☐ Host or organize a cleanup event/day for ponds, parks, natural areas, wetlands, etc.
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

Social Actions

Social actions that promote community wellbeing.

- ☐ **Required for recognition:** Volunteer and/or donate annually to benefit the IGH community. Describe how you volunteer or donate.
- ☐ Teach IGH residents about your completed actions.
- ☐ Offer free or reduced-cost assistance to a neighbor(s) in need.
- ☐ Organize a local community group or complete a community project.
- ☐ Participate on a local community board.
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

SHARE YOUR SUSTAINABILITY STORY

Please answer at least 1 or more of the following questions based on actions you have completed:

- Describe any financial savings you have experienced or plan to experience overtime from taking your actions:
- Describe any wellbeing benefits you have experienced from taking your actions:
- Describe any environmental benefits of your actions:
- Please share any pictures that help showcase your sustainability accomplishments.

SIGNATURE

By signing and submitting this application, I authorize the City of Inver Grove Heights to publicly share the following information in all City Communication channels: *Applicant First Name and Initial of Last Name, Mailing Address, Actions Completed, Details and Pictures provided in "Share Your Sustainability Story" section*. This information will be publicly shared by the City to highlight your accomplishments and to help inspire others to take sustainable actions.

By signing and submitting this application, I certify that the information I have provided on this application is truthful to the best of my knowledge. I also acknowledge that the City may request additional information to confirm recognition eligibility.

Signature: _____

Date: _____



Request for Council Action

SUBJECT: **School Resource Officer Contract with ISD #199 for the 2023-24 School Year**

MEETING DATE: July 24, 2023

ITEM TYPE: Consent Agenda

CONTACT: Joshua Otis, Commander, 651.450.2528

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, authorizing appropriate officials to enter into an agreement with Independent School District 199 for the School Resource Officer Program for the 2023-24 school year.

BACKGROUND

The IGH Police Department and Independent School District No. 199 ("District") wish to continue the School Resource Officer (SRO) Program which fosters an efficient and cohesive program to build positive relationships between police officers, school staff, and students; promotes a safe and positive learning environment; and decreases the number of youths formally referred to the juvenile justice system.

The previous agreement expired on June 30, 2023. The new agreement would run through June 30, 2024.

The SRO is primarily stationed at Simley High School, which is connected to the Middle School. The SRO also visits each of the district's elementary schools approximately once per week or as needed.

FISCAL IMPACT

The agreement provides for the District to pay the City \$115,543 to cover the wage and benefit costs for an officer to be assigned to the SRO position for 40 hours per week, nine months of the year. The District also agrees to pay the City \$1,800 toward the costs of having a squad car available at the school, \$1,200 toward the costs of having computer-aided dispatch terminal software available at the school, and \$200 toward the costs of having a police computer available at the school.

RECOMMENDATION

Staff recommends adoption of the attached Resolution.

ATTACHMENTS

1. Resolution Approving 2023-2024 SRO Contract
2. 2023 to 2024 SRO Contract

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

**RESOLUTION APPROVING AGREEMENT BETWEEN
THE CITY OF INVER GROVE HEIGHTS AND INDEPENDENT SCHOOL DISTRICT
NO. 199 FOR THE SCHOOL RESOURCE OFFICER PROGRAM FOR THE 2023-2024
SCHOOL YEAR**

RESOLUTION NO.____

WHEREAS, The City of Inver Grove Heights ("City") and Independent School District No. 199 ("District") will continue the School Resource Officer Program which fosters an efficient and cohesive program that will build a positive relationship between police officers, school staff, and the students, promote a safe and positive learning environment, and decrease the number of youths formally referred to the juvenile justice system; and

WHEREAS, District schools are located within the city limits of the City of Inver Grove Heights; and

WHEREAS, the City and District desire to have a School Resource Officer assigned to the District schools for the **2023-2024** school year, as a liaison between the District and the City; and

WHEREAS, District will reimburse the City for the assignment of a School Resource Officer for the **2023-2024** school year.

NOW, THEREFORE BE IT hereby RESOLVED, by the City Council of the City of Inver Grove Heights, Minnesota, as follows:

1. The City Council hereby approves the attached Agreement for the School Resource Officer Program between Independent School District No. 199 and the City of Inver Grove Heights for the **2023-2024** school year.
2. The City Council hereby authorizes the mayor to enter into the attached Agreement for the School Resource Officer Program between Independent School District No. 199 and the City of Inver Grove Heights for the **2023-2024** school year.

Adopted by the City Council of Inver Grove Heights this 24th day of July 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

Attest:

Rebecca Kiernan, City Clerk

THE CITY OF INVER GROVE HEIGHTS AND INDEPENDENT SCHOOL DISTRICT NO. 199
AGREEMENT FOR THE SCHOOL RESOURCE OFFICER PROGRAM
FOR THE 2023-2024 SCHOOL YEAR

This Agreement ("Agreement") is made and effective as of the 24th day of July 2023, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as "City"), and Independent School District No. 199, a Minnesota public school corporation (hereafter referred to as "District"). Subject to the terms and conditions hereafter stated and based on the representations, covenants, and agreements herein contained, the parties do hereby agree as follows:

SECTION 1: PURPOSE

This Agreement establishes the role of the City in providing a police officer to serve as the School Resource Officer (hereinafter referred to as "SRO") who will assist the District with the implementation of its School Resource Officer Program, (hereafter referred to as the "SRO Program"), clarifies roles and expectations, and formalizes relationships between the City and District to foster an efficient and cohesive program that will build a positive relationship between police officers, school staff, and the students, promote a safe and positive learning environment, and decrease the number of youths formally referred to the juvenile justice system.

SECTION 2: MISSION

The mission of the SRO Program is to promote school safety by building a positive school climate in which everyone feels safe, and students are supported to succeed. The SRO Program also seeks to reduce violent crime committed by and against youth in our community. The SRO Program accomplishes this mission by supporting safe, secure, and orderly learning environments for students, teachers, and staff.

The School Resource Officer (hereafter referred to as "SRO") will:

- Establish a trusting channel of communication with students, parents, and teachers and establish regular feedback opportunities.
- Serve as positive role models to students to instill good moral standards, good judgment, and discretion, respect for other students, and a sincere concern for the school community. The role of the SRO is not to enforce school discipline or punish students.
- Provide information on community resources available to students and parents.

SECTION 3: GOALS OF THE SRO PROGRAM

The SRO Program goals and objectives are designed to develop and enhance rapport between youth, families, police officers, school administrators, and the community to promote overall student achievement and success.

The SRO Program goals include:

1. To ensure a safe learning environment for all children and adults who enter the building.
2. To foster a positive school climate based on respect for all children and adults in the school.
3. To prevent and reduce potential harm related to incidents of school violence.
4. To monitor and update SRO Program procedures to align with this Agreement.

THE CITY OF INVER GROVE HEIGHTS AND INDEPENDENT SCHOOL DISTRICT NO. 199
AGREEMENT FOR THE SCHOOL RESOURCE OFFICER PROGRAM
FOR THE 2023-2024 SCHOOL YEAR

SECTION 4: AGREEMENT

4.1 OFFICER EMPLOYED BY CITY

The City shall employ and temporarily assign, in accordance with applicable state statutes, a licensed peace officer to serve as the SRO for the District. The SRO shall serve at the various District schools identified in Section 4.9. The assignment of the SRO to a school shall be determined by the District.

The SRO shall be an employee of the City. The SRO shall not be considered an employee of the District for any purpose, including but not limited to salaries, wages, other compensation or benefits, worker's compensation, unemployment, PERA, Social Security, withholding, liability insurance, personnel records, termination of employment, individual contracts, or other contractual rights.

The type, scope, and manner of law enforcement services rendered to the District shall be at the sole direction of the City.

Nothing in this Agreement shall be deemed to require the City to provide the SRO or any police officer at any District school for pedestrian or traffic enforcement on a regular basis.

For the use of the SRO, the District will reimburse the City as stated in paragraph 4.12 of this Agreement.

4.2 HOLD HARMLESS

Each party shall be solely responsible and liable for the act(s) and omission(s) of its own officers, employees, officials, agents, and representatives. Subject to the maximum liability limits provided by Minnesota Statute, Chapter 466, and to the extent allowed by law, each party shall indemnify, defend and hold harmless the other from any and all claims, judgments demands, actions, suits, proceedings, losses, costs, expenses, obligations, liability, damages, fees, recoveries, and deficiencies, including interest, penalties, and attorneys' fees, of any kind and nature, arising from and/or pertaining to the act(s) and/or omission(s) of its own corporation, officers, employees, agents and representatives arising that either party incurs or suffers arising out of, resulting from, or relating to the performance of this Agreement. , This indemnity and waiver shall apply solely with respect to services provided pursuant to this Agreement. For liability purposes, no SRO who is assigned to provide services under this Agreement shall be considered to be an officer, employee, official, agent, or representative of the District.

Nothing contained herein shall be deemed a waiver by the City or District of any governmental immunity defenses, statutory or otherwise. Further, any and all claims brought by a third party shall be subject to any governmental immunity defenses of the City and District and the maximum liability limits provided by Minnesota Statute, Chapter 466.

4.3 SELECTION AND ASSIGNMENT OF SRO

A selection committee, consisting of District designees and Police Department designees, will be established to interview and recommend the person to fill the position of SRO. The selection of such an officer shall be the decision of the Chief of Police or their designee, in consultation with the selection committee.

THE CITY OF INVER GROVE HEIGHTS AND INDEPENDENT SCHOOL DISTRICT NO. 199
AGREEMENT FOR THE SCHOOL RESOURCE OFFICER PROGRAM
FOR THE 2023-2024 SCHOOL YEAR

The continued assignment of the selected officer shall be at the discretion of the Chief of Police or their designee, in consultation with the District Superintendent.

Should the SRO resign, be reassigned, or be discharged, the selection committee shall interview and recommend a replacement.

4.4 PERFORMANCE AND DISCIPLINE RESPONSIBILITIES

Standards of performance, personnel policies, the discipline of the SRO, and other internal matters shall be under the authority of the City. The District may provide the City with a perspective on the performance of the School Resource Officer. The District shall immediately notify the City in writing of any purported deficient performance or purported inappropriate conduct by the SRO.

4.5 SRO DUTIES AND RESPONSIBILITIES

The SRO shall meet with their commanding officer and the District Superintendent or designee at mutually convenient times throughout the school year to review SRO duties and responsibilities. Duties may include but are not limited to:

Specific daily assignments to accomplish duties and responsibilities will vary by school. The SRO and a school principal or designee will meet regularly to discuss plans and strategies to address specific issues or needs that may arise. As required by law, SROs should never be assigned to duties within schools in place of a certified teacher.

4.6 DAILY SCHEDULE

The SRO's yearly shift shall be determined by the City. The SRO will be provided during the regular school year (approximately nine months), from the first day of school in the District in September of 2023 until the last day of the school year in June of 2024. The City shall have exclusive use of the employee assigned as the SRO for the non-school year period (approximately three months), from when school ends until school begins, based on the school calendar in effect at the time of execution of this Agreement.

During the regular school year, the schedule shall consist of an average of 40 hours per week, Monday through Friday, corresponding approximately to the regular 8-hour school day.

The SRO's daily schedule shall be developed cooperatively between the City and District. The City and District agree the SRO's presence is essential for special events, and the District shall provide the City with a school special events calendar. The City and District shall cooperatively develop a special events schedule, including but not limited to athletic events, dances, or other school activities.

4.7 ABSENCES

During the school day, the SRO will be available for and may respond to emergency calls and other assistance required by the City and may attend police training and special duties as assigned by the City. The City is not responsible for providing a replacement during such absences, and the amount owed by the District under paragraph 4.12 is not reduced because of the absences. The City will use

THE CITY OF INVER GROVE HEIGHTS AND INDEPENDENT SCHOOL DISTRICT NO. 199
AGREEMENT FOR THE SCHOOL RESOURCE OFFICER PROGRAM
FOR THE 2023-2024 SCHOOL YEAR

reasonable efforts to schedule the officer's training and any assignments to special duties for days that are not regular school days.

From time to time, the SRO may be absent due to vacation, illness, personal leave days, holidays, and other authorized leaves under the employee's collective bargaining agreement. In the event of an absence, the SRO shall notify a District designee.

The City is not responsible for providing a replacement during such absences unless the SRO is on a leave of absence under the Minnesota Family Medical Leave Act or will otherwise be unable to serve as the SRO for a period in excess of two (2) weeks. The amount owed by the District under paragraph 4.12 is not reduced because of the absences.

To the extent the collective bargaining agreement applicable to the employee allows, the City will use reasonable efforts to schedule vacation and authorized leaves (excluding absences for illness, personal leave days, and holidays) for days that are not regular school days. If such absences described in this paragraph are for more than five (5) consecutive regular school days, the City, after consultation with the District, will in good faith endeavor to make-up the time lost above the five (5) consecutive absences or the City, after consultation with the District, will in good faith endeavor to provide an alternate SRO for the time above the five (5) consecutive absences.

4.8 OVERTIME

Hours worked more than the SRO's normally scheduled shift of eight (8) hours within a twenty-four (24) hour period shall be paid by the City according to the employee's collective bargaining agreement. Approval of such overtime will be done by a Police Department supervisor. Approval shall be on a case-by-case basis, and general or blanket approvals will not be accepted.

Additional special event work hours requested by the District of the SRO shall be compensatory time only.

4.9 SERVICE LOCATIONS

During the school year, the SRO serves at the following District schools:

- Simley High School
- Inver Grove Heights Middle School
- Hilltop Elementary School
- Pine Bend Elementary School
- Salem Hills Elementary School
- Early Learning Center

4.10 CITY RESPONSIBILITIES

Without cost to the District, the City shall provide any required clothing, uniform equipment, training, vehicle maintenance, vehicle fuel, weapons, and supplies for the SRO to perform their official law enforcement duties.

THE CITY OF INVER GROVE HEIGHTS AND INDEPENDENT SCHOOL DISTRICT NO. 199
AGREEMENT FOR THE SCHOOL RESOURCE OFFICER PROGRAM
FOR THE 2023-2024 SCHOOL YEAR

4.11 DISTRICT RESPONSIBILITIES

Without cost to the City, the District shall provide the SRO the following materials, and facilities which are deemed necessary to the performance of the SRO's duties:

1. Access to a properly lit private lockable office, which shall contain a telephone, internet access, and a printer, which may be used for general business purposes.
2. A location for files and records which can be properly locked and secured.
3. A desk with drawers, a chair, worktable, filing cabinet, and office supplies.
4. The opportunity for SROs to address teachers, school administrators, and student families about the SRO program, goals, and objectives.
5. The opportunity to provide input regarding criminal justice problems relating to students.
6. The opportunity to address teachers and school administrators about criminal justice problems relating to students during in-service workdays.
7. The District Emergency Operations Manual, Crisis Plan, Student Handbook/Code of Conduct, and other related materials as deemed appropriate.
8. A school staff designee for referrals for counseling and other school-based and/or community-based support services for students and families.
9. Provide training to teachers, administrators, staff, and SROs about when to directly involve SROs with student misconduct and about available alternatives to arrest.

4.12 COST

For and in consideration of the City providing School Resource Officer services in accordance with the terms of this Agreement, District shall pay City the following amount:

1. The sum of \$115,543.50 in nine equal monthly installments with each installment due on the first of each month, beginning September 1, 2023, and ending May 1, 2024.
2. The sum of \$1,800.00 in nine equal monthly installments with each installment due on the first of each month, beginning September 1, 2023, and ending May 1, 2024.
 - a. This sum is to offset the cost to the City for vehicle replacement as a result of the use of police vehicles by the School Resource Officer while on District premises.
3. The sum of \$1200 in nine equal monthly installments with each installment due on the first of each month, beginning September 1, 2023, and ending May 1, 2024.
 - a. This sum is to offset the cost to the City for the use of the secure computer-aided dispatch terminal software by the School Resource Officer while on District premises.
4. The sum of \$200 in nine equal monthly installments with each installment due on the first of each month, beginning September 1, 2023, and ending May 1, 2024.
 - a. This sum is to offset the cost to the City for computer replacement specifically as a result of the use of the police computer specifically used by the School Resource Officer while on District premises.

THE CITY OF INVER GROVE HEIGHTS AND INDEPENDENT SCHOOL DISTRICT NO. 199
AGREEMENT FOR THE SCHOOL RESOURCE OFFICER PROGRAM
FOR THE 2023-2024 SCHOOL YEAR

The parties agree that special events not covered by the SRO shall be referred to the current off-duty rates as outlined in the City's fee schedule.

The City shall pay all employee-related expenses for the non-school year period (approximately three months), from when school ends until school begins.

4.13 PRIVACY OF PUPIL RECORDS

Pursuant to the District's Protection and Privacy of Pupil Records Policy (Policy) and consistent with the requirements of the Family Educational Rights and Privacy Act (Privacy Act) and the Minnesota Government Data Practices Act (Data Practices Act), the School Resource Officer for purposes of the Policy, the Privacy Act and the Data Practices Act shall be deemed to be a school official when performing the duties and responsibilities of the School Resource Officer. As such, the City certifies and agrees that all data created, collected, received, stored, used, maintained, or disseminated by the School Resource Officer must comply with the Privacy Act and the Data Practices Act.

SECTION 5: TERM OF AGREEMENT

5.1 TERM OF AGREEMENT

Subject to termination as outlined in paragraph 5.2, this Agreement shall remain in effect from August 2023 until the last day of June 2024, coinciding with the District's 2023-2024 school year as per the school calendar in effect at the time of executing this Agreement.

5.2 TERMINATION

Either party may terminate this Agreement upon one hundred eighty (180) days advanced written notice of such termination. If the District terminates this Agreement prior to January 15, 2024, the District shall pay an amount equal to one-half of the fees that would otherwise be payable to the City during the term of this Agreement.

5.3 SUSPENSION

The Agreement may be suspended by the District for a period not to exceed ninety (90) days upon thirty (30) days written advance notice to the City of such suspension. If the District suspends this Agreement, the District shall pay a prorated amount equal to one-half of the fees that would otherwise be payable for the period of suspension.

5.4 FORCE MAJURE

The City reserves the right to suspend or terminate this Agreement and reassign the SRO in the event of natural or man-made disasters, civil unrest, terrorism, war, pandemic, or other similar unforeseen events for the duration of such an event. The District agrees that the City's failure to perform or delay in the performance of the City's specified duties in this Agreement will not constitute a breach of contract if the failure to perform or delay in the performance of the City's specified duties is due to or caused by an event of natural or man-made disaster, civil unrest, terrorism, war, pandemic, or any similar unforeseen event.

THE CITY OF INVER GROVE HEIGHTS AND INDEPENDENT SCHOOL DISTRICT NO. 199
AGREEMENT FOR THE SCHOOL RESOURCE OFFICER PROGRAM
FOR THE 2023-2024 SCHOOL YEAR

SECTION 6: MISCELLANEOUS

6.1 COMMUNICATION

Any notice, demand, or communication to the District shall be addressed to the Superintendent at:

Superintendent of Schools
Independent School District No. 199
2990 80th Street East
Inver Grove Heights, MN 55076-3232

Any notice, demand, or communication to the City shall be addressed to the Chief of Police at:

Chief of Police
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077

6.2 SCOPE

It is agreed that the entire agreement of the parties is contained herein, and that this Agreement supersedes all oral and written agreements and negotiations between the parties relating to the subject matter hereof. This Agreement may not be altered, changed, or amended except by an instrument in writing, signed by all parties.

6.3 BINDING AGREEMENT

The parties mutually recognize and agree that all terms and conditions of this Agreement shall be binding upon the parties and the successors and assigns of the parties.

6.4 GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

6.5 COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which shall constitute the same instrument.

THE CITY OF INVER GROVE HEIGHTS AND INDEPENDENT SCHOOL DISTRICT NO. 199
AGREEMENT FOR THE SCHOOL RESOURCE OFFICER PROGRAM
FOR THE 2023-2024 SCHOOL YEAR

IN WITNESS WHEREOF, District and City have executed this Agreement effective as of the day and year first stated above. This Agreement shall not become effective unless and until it is approved by the City Council and the School Board and is signed by the representatives listed below.

CITY OF INVER GROVE HEIGHTS

By:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

INDEPENDENT SCHOOL DISTRICT #199

By:

Matt Schaefer, School Board Chair

ATTEST:

Carrie Lounsberry, School Board Clerk



Request for Council Action

SUBJECT: **Resolution Approving an Extension for Recording the Plat of Robert Trail Woods**

MEETING DATE: July 24, 2023

ITEM TYPE: Consent Agenda

CONTACT: Heather Botten, Associate Planner, 651.450.2569

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, extending the deadline to record a plat for the four lot subdivision known as Robert Trail Woods (Bilotta- Case No. 23-02S).

BACKGROUND

On April 24, 2023, the Council approved a Final Plat for a four-lot subdivision to be known as Robert Trail Woods for the property located at 9450 Robert Trail. If not recorded, a Plat becomes void 90-days after being approved by the City Council, unless an extension is granted. Attached is the written request from Steve Bilotta asking for an extension for financial reasons. To prevent the plat approved in Resolution 2023-085 from becoming null and void, a new deadline of September 30, 2023 is being requested.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends approval of the request to extend the deadline to record the plat of Robert Trail Woods.

ATTACHMENTS

1. Resolution
2. Request from Applicant

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

RESOLUTION NO. _____

**A RESOLUTION EXTENDING DEADLINE FOR RECORDING THE FINAL PLAT OF
ROBERT TRAIL WOODS**

WHEREAS, a Final Plat application was submitted to the City for the plat of ROBERT TRAIL WOODS; and

WHEREAS, the City Council originally approved the final plat on April 24, 2023; and

WHEREAS, the plat will not be filed by the applicant with Dakota County within 90 days of approval as required by city code; and

WHEREAS, the Developer has requested and the Council has agreed to extend the deadline for recording of the final plat.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS that the City Council hereby extends the time for recording of the plat of ROBERT TRAIL WOODS until September 30, 2023.

Passed this 24th day of July, 2023.

AYES:

NAYS:

ATTEST:

Brenda Dietrich, Mayor

Rebecca Kiernan, City Clerk

Heather Botten

From: hbotten@ighmn.gov
Subject: extension

From: bilottaenterprises@yahoo.com <bilottaenterprises@yahoo.com>
Sent: Tuesday, July 18, 2023 4:52 PM
To: Heather Botten <hbotten@ighmn.gov>
Subject: Re: meeting next week

Hi Heather, per our conversation I am requesting an extension on the signing of the development agreement. The time is needed to acquire the necessary funds. Thank you for your consideration

[Sent from Yahoo Mail for iPad](#)



Request for Council Action

SUBJECT: **Approval to Enter into Employment Separation Agreement**

MEETING DATE: July 24, 2023

ITEM TYPE: Consent Agenda

CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to authorize the appropriate officials to enter into a Separation Agreement with an employee and to conclude the employee's employment effective August 4, 2023.

BACKGROUND

A complete copy of the Agreement has been provided to the Council under separate cover.

FISCAL IMPACT

RECOMMENDATION

ATTACHMENTS

None



Request for Council Action

SUBJECT: **Temporary 3-Day On-Sale Liquor License for Twin Cities Goodtime Softball League**

MEETING DATE: July 24, 2023

ITEM TYPE: Public Hearing

CONTACT: Rebecca Kiernan, City Clerk, 651.450.2513

ACTION REQUESTED

The Council is asked to conduct a public hearing and then take action on a temporary, 3-day, On-Sale Liquor License for Twin Cities Goodtime Softball League from August 29 to September 1, 2023.

BACKGROUND

The Twin Cities Goodtime Softball League is renting the Rich Valley Athletic Complex, August 29 through September 1, 2023 as one of multiple sites for the Gay Softball World Series. The event is run by the North American Gay Amateur Athletic Alliance, which has more than 170,000 players from 52 cities in the US and Canada. This will be the third time this event is held in the Twin Cities, since its inception in 1977. Organizers are expecting around 225 teams to play on softball fields in Burnsville, Eagan, Inver Grove Heights, South St Paul and Woodbury simultaneously.

The group is seeking a temporary, 3-day, on-sale liquor license in order to be able to sell alcoholic beverages at the athletic complex, as is allowed under the City's recently adopted ordinance related to the sale and consumption of alcohol in parks. Staff have reviewed the application and find it to be complete and in compliance with all requirements.

FISCAL IMPACT

none

RECOMMENDATION

Staff recommends holding a public hearing and then approving the application for a 3-day temporary On-Sale Liquor License.

ATTACHMENTS

1. MDPS Appl for 3 day ONSL License - IGH
2. Certificate of Insurance



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization		Date organized		Tax exempt number	
Twin Cities Goodtime Softball League		1/1/1995		41-1475090	
Address		City	State	Zip Code	
4358 Sheridan Ave N		Minneapolis	MN	55412	
Name of person making application		Business phone		Home phone	
Josh Hausmann		651-424-7559		651-424-7559	
Date(s) of event		Type of organization ☐ Microdistillery ☐ Small Brewer			
Aug 29- Sept 1, 2023		☐ Club ☐ Charitable ☐ Religious ☒ Other non-profit			
Organization officer's name		City	State	Zip Code	
Chris Overlie		Minneapolis	MN	55412	
Organization officer's name		City	State	Zip Code	
Joe Ohlgren		Minneapolis	MN	55412	
Organization officer's name		City	State	Zip Code	
			MN		

Location where permit will be used. If an outdoor area, describe.

Rich Valley Athletic Fields- Defined area to be within fields 1-4 and around concessions area.

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service. N/A

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

Certain UnderWriters at Lloyds

General \$2,000,000, \$1,000,000 per occurrence

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license	Date Approved
Fee Amount	Permit Date
Date Fee Paid	City or County E-mail Address
	City or County Phone Number

Signature City Clerk or County Official

Please Print Name of City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

**PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY
PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY
CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US**



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/18/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER East Main Street Insurance Services, Inc. Will Maddux PO Box 1298 Grass Valley CA 95945	CONTACT NAME: Will Maddux PHONE (A/C, No, Ext): (530) 477-6521 E-MAIL ADDRESS: info@theeventhelper.com FAX (A/C, No): INSURER(S) AFFORDING COVERAGE INSURER A: Evanston Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 35378
INSURED Twin Cities Goodtime Softball League c/o Joshua Hausmann 4358 N Sheridan Ave Minneapolis MN 55412		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Host Liquor Liability ☐ Retail Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y	N	3DS5474-M3143957	08/29/2023 12:01 AM	09/02/2023 12:01 AM	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Deductible \$ 1,000
	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	☐ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y / N ☒ N / A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder listed below is named as additional insured per attached MEGL 2217 01 19. Attendance: 2000, Event Type: Softball Tournament - Amateur Only.

CERTIFICATE HOLDER**CANCELLATION**

Twin Cities Goodtime Softball League City of Inver Grove Heights Rich Valley Athletic Complex North American Gay Amateur Athletic Alli 1841 105th St E Inver Grove Heights MN 55077	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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EVANSTON INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:
COMMERCIAL GENERAL LIABILITY COVERAGE FORM

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

Twin Cities Goodtime Softball League
City of Inver Grove Heights
Rich Valley Athletic Complex
North American Gay Amateur Athletic Alli
1841 105th St E
Inver Grove Heights, MN 55077

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule of this endorsement, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by the acts or omissions of any insured listed under Paragraph **1.** or **2.** of Section II – Who Is An Insured:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

All other terms and conditions remain unchanged.



Request for Council Action

SUBJECT: **Public Hearing and Second Reading of an Ordinance Establishing a City Licensing Requirement for Tobacco Sales**

MEETING DATE: July 24, 2023

ITEM TYPE: Public Hearing

CONTACT: Rebecca Kiernan, City Clerk, 651.450.2513

ACTION REQUESTED

The Council is asked to conduct a public hearing and then consider approval of the second reading of the attached Ordinance, which establishes a City licensing process for the sale of tobacco products.

BACKGROUND

Most Dakota County cities license tobacco retailers at the local level. However, the City of Inver Grove Heights has not implemented a tobacco licensing program up until now. As a result, Dakota County has been carrying out the licensing of tobacco sales within the city.

Dakota County staff reached out to the City Clerk's Office in 2022 requesting that the City take over the licensing and enforcement of tobacco sales, starting with the renewal process in 2023 for licensure in 2024. There are currently 32 licensed tobacco retailers in the city.

The proposed ordinance, which is attached, provides for a 1-year license period (January 1 to December 31) to be more consistent with other neighboring jurisdictions and with the other business licenses the City currently administers, such as liquor licenses. This would be a change from the current 2-year license period administered by Dakota County. With respect to violations of the tobacco licensing ordinance, the proposed ordinance includes fines and penalties consistent and comparable to what other jurisdictions in Dakota County have enacted.

No changes have been made to the language of the proposed ordinance since the Council approved the first reading on June 12, 2023.

FISCAL IMPACT

License fee revenue would be a modest revenue increase for the City, while at the same time there would be some added administrative and enforcement costs.

RECOMMENDATION

Staff recommends holding a public hearing and then considering approval of the second reading of the attached Ordinance.

ATTACHMENTS

1. Ordinance 1457 - Tobacco Licensing & Enforcement
2. License Violation Penalties and Fees 2023

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

ORDINANCE NO. 1457

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE
TITLE 4, CHAPTER 12, RELATED TO THE SALE OF TOBACCO AND NICOTINE
PRODUCTS**

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

Section One. Amendment. Title 4, Chapter 12 of the Inver Grove Heights City Code is hereby repealed and replaced in its entirety as follows:

4-12-1 PURPOSE AND INTENT.

The City Council recognizes that many persons under the age of 21 years purchase or otherwise obtain, possess, and use tobacco, tobacco products and tobacco related devices, as well as electronic delivery devices and nicotine or lobelia delivery products, and such sales, possession, and use are violations of state and/or federal laws. The City intends to regulate the sale of tobacco, tobacco products, and tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing law, to prevent and protect underaged individuals against the health harms from the use of tobacco, tobacco products, and tobacco related devices, electronic delivery devices, and nicotine or lobelia delivery products and to further the policy of the State of Minnesota, as state in Minnesota Statutes, section 144.391, with respect to preventing underage individuals from starting to smoke.

4-12-2 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILD RESISTANT PACKAGING. Packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

COMPLIANCE CHECKS. The system the city uses to investigate and ensure that those authorized to sell licensed products are following and complying with the

requirements of this chapter. Compliance Checks may involve the use of persons under 21 years of age as authorized by this chapter. Compliance Checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations related to licensed products.

ELECTRONIC DELIVERY DEVICE. Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

INDIVIDUALLY PACKAGED. The practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing five (5) or more single packs or other containers as described in this chapter shall not be considered individually packaged.

INDOOR AREA. All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50% of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes a retractable divider, garage door, or other physical barrier, whether temporary or permanent.

LICENSE. A license issued under this chapter for the sale of licensed products.

LICENSED PRODUCTS. Any tobacco, nicotine, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery device.

LOOSIES. The common terms used to refer to a single or individually packaged cigarette or any other licensed product that has been removed from its intended retail packaging and offered for sale. The term "loosies" does not include individual cigars with a retail price, before any sales tax, of more than \$2.00 per cigar.

MOVEABLE PLACE OF BUSINESS. Any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

NICOTINE. Any product containing nicotine. Nicotine does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence treatment product, or for other medical purposes, and is marketed and sold for such an approved purpose.

NICOTINE OR LOBELIA DELIVERY DEVICE. Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this section. Nicotine or lobelia delivery device does not include any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for sale as a tobacco cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

PREMIUM CIGAR. Any cigar that is hand-constructed, has a wrapper that is made entirely from whole tobacco leaf, has a filler and binder that is made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor, and has a wholesale price of no less than two dollars (\$2.00).

RETAIL ESTABLISHMENT. Any place of business where licensed products are available for sale to the general public. **RETAIL ESTABLISHMENTS** shall include, but not be limited to, grocery stores, convenience stores, drug stores, restaurants, tobacco products shops and bars.

SALE. Any transfer of goods for money, trade, barter or other consideration.

SELF-SERVICE MERCHANDISING. Open displays of licensed products in any manner where any person shall have access to the licensed products, without the assistance or intervention of the licensee or the licensee's agents or employee.

SAMPLING. The lighting of tobacco, tobacco products, or tobacco-related devices in a retail establishment by a customer or potential customer for the purpose of sampling the product or device before purchase, or the activation of an inhaling of vapor from electronic cigarettes in a retail establishment by a customer for the purpose of trying the product or device.

TOBACCO or TOBACCO PRODUCTS. Cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes

any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

TOBACCO PRODUCTS SHOP: A retail establishment that has an entrance door opening directly to the outside and that derives more than 90 percent of its gross revenue from the sale of licensed products and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

TOBACCO RELATED DEVICES. Cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

VENDING MACHINE. Any mechanical, electric or electronic or other type of device which dispenses tobacco, tobacco products or tobacco related devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product or tobacco related device.

4-12-3: LICENSE.

No person shall sell or offer to sell any licensed products at a retail establishment without first having obtained a license to do so from the city

(A) Applications.

(1.) An application for a license to sell licensed products shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the names of the business for which the license is sought, the specific location of the retail establishment, and any additional information the city deems necessary. No license shall be granted to an applicant under twenty-one years of age. Incomplete applications shall be returned to the applicant with notice of the information required to complete the application. Applicants shall include with their application a copy of the educational materials the applicant will provide to employees who sell licensed products to educate employees about laws regarding licensed products.

(2.) Upon receipt of a completed application for a new license, the City Clerk shall forward the application to the Police Department for a background investigation and recommendation. If the Clerk shall determine that an application is incomplete, application shall be returned to the applicant with notice of the information necessary

to make the application complete.

(B) Action. Upon receipt of a completed application together with the applicable license fee and a completed background investigation, the City Clerk shall forward the application to the City Council for action at a regularly scheduled Council meeting. The Council may either approve or deny the license, or it may delay action for such reasonable period of time as is necessary to complete any investigation of the application or the applicant it deems necessary. If the Council approves the license, the Clerk shall issue the license to the applicant. If the Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the Council's decision.

(C) License fee. The applicant shall submit the fees required by the City's fee schedule at time of submission of application. No license shall be issued or renewed unless the appropriate fees are paid in full.

(D) Investigations.

(1.) For all new applicants, a background investigation will be conducted on the applicant listed on the application. If more than one background investigation is required, the applicant shall pay a background investigation fee for each background investigation conducted. For applicants who have an existing license who want to add an additional location at any time other than annual renewal, a background investigation will be required.

(2.) For applicants who are applying for a license for more than one (1) location, only one background investigation and background investigation fee shall be required.

(E) Term. All licenses shall expire on December 31st of each year.

(F) Revocation or Suspension. Any license issued under this section may be revoked or suspended as provided in Section 3-2-10.

(G) Moveable Place of Business. No license shall be issued to a movable place of business. Only fixed location businesses shall be eligible to be licensed under this section.

(H) Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

(I) Renewals. At least sixty (60) days before a license expires, an application for renewal shall be filed with the City Clerk. No licensee has a right to have a license renewed.

(J) Changes in Ownership. A license is non-transferable. If there is a change in the ownership of the retail establishment, a new license is required and the applicant shall be required to submit to a background investigation as a new applicant.

(K) License Valid for Only One Location. A license shall only be valid for the premises for which it is issued, and any change in location of the premises shall require reapplication by the applicant for a license for the new premises.

4-12-04: LICENSE REQUIREMENTS.

All licenses shall be issued subject to the following requirements:

(A) No license shall be issued to any applicant for the sale of licensed products at any place other than the applicant's established place of business.

(B) No license shall be issued for the sale of licensed products at a moveable place of business.

(C) No license shall be issued for the sale of licensed products at more than one place of business.

(D) No person shall sell or dispense any licensed products through the use of a vending machine.

(E) No licensed products shall be offered for sale by means of self-service merchandising.

(F) No person under the age of twenty-one shall sell or offer for sale any licensed products in a tobacco products shop.

(G) All licensed premises shall post in a prominent place the legal sales age and age verification requirements.

(H) Every licensee shall be responsible for the conduct of its employees while on the licensed premises and any sale or other disposition of licensed products by an employee or other individual to a person under 21 years of age shall be considered an act of the licensee for purposes of imposing an administrative fine, license suspension or revocation.

(I) No new license shall be issued to a tobacco products shop located within five-hundred (500) feet of a school, as measured from the nearest property line of the property on which the school is located to the building where the tobacco products shop is located.

(J) Licensees shall comply with all applicable regulations of the State of Minnesota relating to the sale or dispensing of licensed products. If there is a conflict between the regulations of the State and the regulations of the City, the more restrictive regulations shall control.

(K) Any employee of a licensed retail establishment or other person who sells licensed products at the licensed establishment shall complete an educational or training program regarding the sale of licensed products to underage purchasers before they may be allowed to sell licensed products at the licensed establishment. The educational or training program must include information regarding the following:

(1.) Information regarding the laws pertaining to the sale of licensed products.

(2.) The rules for identification checks.

(3.) Responsibilities of establishments selling licensed products.

(4.) Verification of age, forms of identification, and forms of false or misleading age identification.

Licensees shall keep on file proof that all persons selling licensed products at the retail establishment have completed the educational or training program required by this section. Such proof shall be kept for at least three (3) years. Proof of a person's completion of the required educational or training program shall be presented to a police officer upon request no later than three (3) days after the request, excluding holidays and weekends. License holders shall submit all information required by the City regarding the completion of this education or training requirement along with the applicant's initial or renewal license application.

4-12-05: BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

(A) The following shall be grounds for denying the issuance or renewal of a license or suspending or revoking any license issued under this chapter:

(1.) The proposed use does not comply with the zoning ordinance.

(2.) The proposed use does not comply with a health, building, maintenance, or other provision of the city code or state law.

(3.) The applicant has failed to pay all of the appropriate fees related to the

(4.) The applicant has failed to provide all information required on the application or requested by City or has made fraudulent statements, misrepresentations, or false statements in the application or investigation for or in the

course of the applicant's business.

(5.) The applicant has been convicted of a crime or offense in the previous 5 years involving or related to the business that is licensed or the type of licensed activity and failed to show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the business.

(6.) The licensed activity is conducted in such a manner as to constitute a breach of the peace, a menace to the health, safety, and welfare of the public, or a disturbance of the peace or comfort to the residents of the city, upon recommendation of the Police Chief or appropriate city official.

(7.) Expiration or cancellation of any required insurance or failure to notify the city within a reasonable time of changes in terms of the insurance or the carriers.

(8.) The licensee has acted in an unauthorized manner or beyond the scope of the license granted.

(9.) The applicant has had a license to sell licensed products issued by the city, state, or another government unit revoked, denied, or suspended within the preceding twelve (12) months of the date of application.

(10.) Failure to allow inspections of the licensed premises, for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

(11.) Failure to continuously comply with all conditions required as precedent to the approval of the license, all requirements of this Chapter, and all state or federal regulations related to the sales of licensed products.

(12.) Real estate taxes, personal property taxes, or special assessments on the business premises or the real property where the business is located have become delinquent or are unpaid and the property owner and the applicant are the same person or entity, or have any common ownership between the property owner and the applicant where they are a different person or entity.

(13.) Violation of any regulation or provision of the city code or zoning ordinance applicable to the activity for which the license has been granted, or any regulation or state law that may be applicable.

(14.) The applicant or licensee has been found guilty of professional misconduct, either criminally or civilly.

(15.) Based on the findings of a background investigation, granting a license would be a menace to the safety, health, morals and welfare of the public.

(16.) The applicant or licensee is not of good moral character.

(17.) The activity has been conducted without a license.

(18.) The applicant is under 21 years of age.

(19.) Any of the grounds found in section 3-2-10.

(20.) Other good cause shown.

(B) Except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license. If a license is mistakenly issued or renewed it shall be revoked upon the discovery that the person was ineligible for the license under this chapter.

4-12-06: PROHIBITED SALES.

It shall be unlawful for any person licensed under this chapter to sell, offer for sale, give away, furnish, or otherwise deliver licensed products as follows:

(A) To Any Person Under 21 Years of Age. Licensees must verify by means of government-issued photographic identification that the purchaser is at least 21 years of age. It shall be an affirmative defense to the violation of this section for a person to have relied in good faith on proof of age by verification of age as described in Minn. Stat. Sec. 340A.506, subd. 6.

(B) By means of any type of vending machine, except as may otherwise be provided in this chapter.

(C) By means of self-service merchandising, as defined in § 118.02, whereby the customer is not required to make a verbal or written request to an employee of the licensed premises in order to receive the licensed product and whereby there is not a physical exchange of the licensed product between the licensee, or the licensee's employee, and the customer.

(D) By means of loosies, as defined in § 4-12-02.

(E) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other type of deleterious, hallucinogenic, or toxic or controlled substance except nicotine and not naturally found in tobacco or tobacco products.

(F) From a moveable place of business, such as but not limited to, any motorized vehicle, a kiosk, a trailer, a transportable shelter, or table, or any other movable structure.

(G) No person shall sell or offer for sale any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic

delivery device, in packaging that is not child resistant. Upon request, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

(H) No person shall sell or offer to sell licensed products by means of a vending machine unless the vending machine was used and in operation at a retail establishment licensed prior to January 1, 1997.

(I) By any other means, or to any other person prohibited by federal, state or other local law, ordinance, provision or other regulation.

4-12-07: DISPLAY, STORAGE, AND SAMPLING.

(A) All licensed products shall be stored behind a counter or other area not freely accessible to customers or in a case or other storage unit not left open and accessible to the general public. It shall be unlawful for a licensee to allow the sale of licensed products by any means whereby the customer may have access to those items without having to request the item from the licensee or the licensee's employee and whereby it is not a physical exchange of the licensed product between the licensee or their employee and the customer. Any retail establishment selling licensed products at the time this section is adopted shall comply with this section within 90 days following the effective date of this section.

(B) The owner or operator of a retail establishment shall not allow the sampling of tobacco, tobacco related devices or electronic delivery devices within the indoor area of a retail establishment except for the sampling of premium cigars and pipe tobacco and electronic delivery devices only as permitted herein. The sampling of tobacco, tobacco related devices or electronic delivery devices is prohibited within the indoor area of a retail establishment except for the sampling of premium cigars and pipe tobacco and electronic delivery devices only as permitted in this subdivision.

Sampling of premium cigars and pipe tobacco may occur in a tobacco products shop subject to the following conditions:

(1.) The tobacco products shop must sell premium cigars.

(2.) In addition to premium cigars, the tobacco products shop may sell cigar accessories, pipe tobacco, or pipe tobacco accessories, but may not sell any other tobacco-related accessories.

(3.) The tobacco products shop may not sell cigarettes or any other form of tobacco or tobacco products other than premium cigars and pipe tobacco.

(4.) The tobacco products shop may not allow the sampling of cigarettes or any other tobacco or tobacco products other than premium cigars and pipe tobacco.

(5.) The tobacco products shop may not sell premium cigars or pipe tobacco to individuals under twenty-one (21) years of age.

(6.) The tobacco products shop may not allow the sampling of premium cigars or pipe tobacco by individuals under twenty-one (21) years of age.

(7.) No alcoholic beverages may be sold or served on the premises of the tobacco products shop. No person shall consume alcoholic beverages on the premises of the tobacco products shop.

(8.) Only premium cigars and pipe tobacco purchased at the tobacco products shop may be sampled on site and sampling must occur contemporaneously with the purchase for sampling of the premium cigar or pipe tobacco.

Retail establishments located within the city which permit the sampling of electronic delivery devices as of the date of adoption of this chapter may continue to allow the sampling of electronic delivery devices. The following retail establishments located within the city permit sampling as of the date of adoption of this chapter:

Vappour Shoppe, 5854 Blaine Avenue;
Inver Grove Tobacco, 6570 Cahill Avenue; and
Cahill Tobacco, 7806 Cahill Avenue;

If a retail establishment listed above moves locations within the city, the retail establishment may continue to allow the sampling of electronic delivery devices at its new location; the retail establishment may not add another location in the city where sampling of electronic delivery devices is permitted.

Provided, however, if any of the above identified retail establishments sell or transfer ownership thereof or have a change in ownership where a majority of the stock membership units or interests in the entity are different than exist as of the date of adoption of this chapter, then the right to permit sampling of electronic delivery devices shall cease with respect to that retail establishment.

4-12-08: RESPONSIBILITY.

All licensees under this chapter shall be responsible for the actions of their employees and others in regard to the sale of licensed products on the licensed premises and the sale of such an item by an employee or other person on the licensed premises shall be considered a sale by the license holder. Nothing in this chapter shall be construed as prohibiting the city from also subjecting the employee to whatever penalties are appropriate under this chapter, state law or other applicable law or regulation for

employees failing to comply with the provisions of this chapter or state statute.

4-12-09: COMPLIANCE CHECKS AND INSPECTIONS.

All retail establishments shall be open to inspection by the Police Department or other delegated law enforcement officers or agencies during regular business hours. From time to time, but at least once per year, a law enforcement officer shall conduct compliance checks to ensure compliance with the provisions of this chapter. Compliance checks shall utilize, with the written consent of their parents or guardians, persons over the age of 17 years, as well as other individuals under 21 years of age to enter the retail establishments to attempt to purchase licensed products. Persons under 18 years of age shall be utilized only with the written consent of their parents or guardians. Persons used for the purpose of compliance checks shall be supervised by designated law enforcement officers. Persons used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase, or the unlawful possession of licensed products when such items are obtained as part of a compliance check. No person used in compliance checks shall attempt to use a false identification misrepresenting the person's age, and all persons lawfully engaged in a compliance check shall truthfully answer all questions about the person's age asked by the licensee or employee thereof and shall produce any identification, if any exists, for which he or she is asked. Nothing in this chapter shall prohibit other compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law.

4-12-10: ADMINISTRATIVE PENALTIES FOR VIOLATIONS.

(A) License Violations. Any violation of the terms of a license or the provisions of this chapter shall be cause for an administrative financial penalty and/or suspension or revocation of the license. The following minimum penalties are deemed appropriate for a licensee's failure to comply with an applicable statute, rule, ordinance, or term of the license. However, the level and order of the penalties shall be at the sole discretion of the City Council, based on the nature of the infraction and the City Council may suspend or revoke a license for any violation of this chapter or any applicable law. When appropriate, the City Council may impose penalties exceeding those stated below or impose other conditions deemed appropriate. The following minimum penalties are established for violations of the terms of a license or the provisions of this chapter:

(1.) The first violation shall result in an administrative penalty of \$300 to the license holder payable to the city. Failure to pay the administrative penalty within 30 days from the date of the invoice shall result in the licensee's license being suspended until payment is received.

(2.) A second violation within thirty-six (36) months of a previous violation shall result in a minimum administrative penalty of \$600 to the license holder payable to the city and a license suspension of at least one (1) day. Failure to pay the administrative penalty within 30 days from the date of the invoice shall result in the licensee's license being suspended until payment is received.

(3.) A third violation within thirty-six (36) months of a previous violation or for sales during a license suspension, shall result in a minimum administrative penalty of \$1,000 to the license holder payable to the City and a license suspension of at least seven (7) days.

(B) Notice Required. No suspension, revocation, or other penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

(C) License Revocation and License Ineligibility. Licensees whose licenses have been revoked shall not be eligible for another license for one (1) year from the date of revocation. The City Council may attach reasonable conditions to the reinstatement of a suspended or revoked license.

(D) Noncriminal Penalties for Sales to Persons Under 21 Years of Age. An individual who sells, gives, or otherwise furnishes licensed products to a person under the age of 21 years may be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing

4-12-11: HEARINGS.

(A) Revocation, suspension, or denial of a license shall be preceded by a hearing before the City Council. Notice of the hearing shall be provided to the license holder via certified mail or personal service at least 10 days prior to the hearing. The notice shall include the time and place of the hearing and shall state the nature of the charge against the licensee. A hearing for consideration of the issuance, suspension, or revocation of a license will be conducted before the City Council. At the hearing, the applicant or licensee has the right to be represented by counsel, the right to respond to the charges or information provided to the Council, and the right to present evidence through witnesses under oath. It is not necessary that criminal charges be brought in order to support a determination of a license violation, nor does the dismissal or acquittal of such a criminal charge operate as a bar to adverse license actions under this section.

(B) Following the hearing, the Council may deny, revoke, suspend, or not renew the license for the retail establishment or may grant or continue the license upon such terms and conditions as it deems reasonable and necessary to accomplish the purposes of this chapter. The decision by the City Council following a hearing is final.

(C) Enforcement actions provided in this section are not exclusive and the Council may take any action with respect to a license, employee, or retail establishment as is authorized by city code, state, or federal law.

4-12-12: EXCEPTIONS.

The exceptions found in Minn. Stat. Sec. 609.685, subd. 5 shall apply to any sales or provision of licensed products in violation of this Chapter.

Section Two. Effective Date. This Ordinance shall be in full force and effect as of _____, 2023.

Passed in regular session of the City Council on the _____ day of _____, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS
LICENSE VIOLATION PENALTIES AND FEES (EFFECTIVE JANUARY 1, 2023)

	1st Violation within 5 years	2nd Violation within 3 years	2nd Violation within 5 years	3rd Violation within 3 years	3rd Violation within 5 years	4th Violation within 5 years
Liquor License	\$750.00 civil penalty		• \$1,000.00 civil penalty • One (1) day license suspension Police Chief will recommend three (3) potential calendar dates for suspension to the council who will select the suspension date.	•	• \$2,000.00 civil penalty • Three (3) day license suspension and/or license revocation Police Chief will recommend five (5) potential calendar dates for suspension to the council who will select three (3) days for the suspension.	• \$2,000.00 civil penalty • Suspension of more than three (3) days and/or license revocation If it is determined that the license will be suspended and not revoked, the Police Chief or his/her designee will recommend calendar dates for the suspension to the council to select the specific dates for the suspension.
Tobacco License	• \$300 fine to the license holder payable to the city **Failure to pay fine within 30 days from date of invoice shall result in the licensee's license being <i>suspended</i> until payment is received.	• Minimum \$600 fine payable to the city • Minimum one (1) day license suspension **Failure to pay fine within 30 days from date of invoice shall result in the licensee's license being <i>suspended</i> until payment is received.		• Minimum \$1,000 fine payable to the city • Minimum seven (7) days suspension		



Request for Council Action

SUBJECT: Rental Housing Licenses**MEETING DATE:** July 24, 2023**ITEM TYPE:** Regular Business**CONTACT:** Mary Lein, Assistant to the Chief Building Official, 651-450-2552

ACTION REQUESTED

The Council is asked to consider approval of rental housing licenses.

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
4809 Blaine Ave	Narina Stepanova Woodbury, MN	Branden Nation Eden Prairie, MN
2000 70th St W	St. Paul Real Estate LLC Minneapolis, MN	Branden Nation Eden Prairie, MN
8203 Darcy Ln	Robert Steininger Eagan, MN	Branden Nation Eden Prairie, MN
3780 71st St E	Alex Hulute Eagan, MN	Branden Nation Eden Prairie, MN

The above applications have been found to be complete. The applications include the necessary fee payments, and BCA background checks. The Police Chief/Designee has also reviewed and approved the license applications.

FISCAL IMPACT

None

RECOMMENDATION

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

ATTACHMENTS

None



Request for Council Action

SUBJECT: **Request for Donation to IGH Days Fireworks Display**

MEETING DATE: July 24, 2023

ITEM TYPE: Regular Business

CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to authorize a financial contribution toward the cost of the IGH Days Fireworks Display, scheduled for September 9, 2023.

BACKGROUND

Inver Grove Heights (IGH) Days is a volunteer-organized community celebration that takes place annually during the second weekend of September. In recent years, the City has contributed \$5,000 toward the cost of the Saturday night fireworks display and this amount was budgeted for in the 2023 budget for the Recreation Division.

The Mayor and I recently received the attached request from Mickey Difronzo, IGH Days President, noting their appreciation for the City's support but inquiring if a larger donation might be considered given the rising cost of the fireworks. It is noted that the total cost of the display now exceeds \$15,000.

FISCAL IMPACT

As noted above, \$5,000 is currently budgeted for this purpose. If the Council desires to make a larger contribution, a source for those funds will need to be identified. Alternatively, the Council may wish to approve donation of the budgeted amount for this year but direct staff to include a larger amount in the City's 2024 budget for next year's IGH Days celebration.

RECOMMENDATION

A motion, second and vote to donate the desired dollar amount to the IGH Days Fireworks Display is requested.

ATTACHMENTS

1. July 17 Email from IGH Days President

From: [IGH Days President](#)
To: [Kris Wilson](#); [Brenda Dietrich](#)
Date: Monday, July 17, 2023 12:38:19 PM

Brenda and Kris:

The IGH Days Volunteer Committee is hard at work planning the 2023 community celebration September 6th-10th.

Our community celebration has included activities for the entire family such as: City Wide Garage Sale, Children's Family Fun Night Carnival and Treasure Hunt, Disc Golf, Pickleball, Bean Bag and Volleyball Tournaments, Pet Contest, Business Expo, Public Safety Display, Car Show, Bingo, Street Dance, Parade and Fireworks.

In the past the city of Inver Grove Heights has donated \$5,000 to the committee which was in turn used towards the Saturday evening fireworks display. I am submitting the request for the annual donation again this year with an additional ask.

As we all know costs continue to increase, and fireworks are no exception. The display we have provided to the community which cost as little as \$7,500 has now doubled in price to over \$15,000. I understand the city has probably budgeted for the \$5,000 this, but if it is possible for the city to increase their donation it would go a long way in allowing the committee to continue to provide a great city celebration for our community.

The city has been extremely gracious in the past not only with a cash donation, but the support from Public Safety, Fire, Public Works, Park and Rec, and many more. The volunteer committee appreciates this support and looks forward to working with everyone to make this year's celebration a great one.

Any questions please let me know.

Thanks

Mickey Difronzo
IGH Days President

2022 Executive Committee

Mickey Difronzo, President
Becky Austing, Treasurer
Robin Reitberger, Parade Director

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Request for Council Action

SUBJECT: **Consideration of Ordinance Prohibiting Use of Cannabis Products in Public Places**

MEETING DATE: July 24, 2023
ITEM TYPE: Regular Business
CONTACT: Bridget Nason, City Attorney

ACTION REQUESTED

The Council is asked to consider the first reading of the attached Ordinance, prohibiting the use of cannabis products in public places within the city.

BACKGROUND

Adult use of cannabis becomes legal in Minnesota on August 1. Use of certain cannabis products in public spaces is not explicitly prohibited by the legislation which legalized adult use of cannabis, but cities are authorized to adopt ordinances prohibiting the use of certain cannabis products in public places.

The attached ordinance has been prepared for the Council's consideration, should it wish to exercise this option in all or some public places within the city. As currently drafted, the ordinance includes a broad definition of public places, including city buildings, parking lots, parks, sidewalks and trails. The Council has the option to proceed with that definition or, if it prefers, to narrow the scope of public places where cannabis use is prohibited to a smaller scope, such as just parks. Similarly, the attached ordinance is currently drafted to prohibit the use of all soon-to-be legal cannabis products in public places, but the Council could opt to prohibit the use of some, while allowing the use of others. For example, the ordinance could be rephrased to prohibit just the smoking of cannabis products in public places while still allowing the consumption of edibles.

The discussion around the use of cannabis in public places includes issues of public health, such as concerns about non-users being exposed to a substance used to get high via second-hand smoke. There are also public safety concerns and the potential desire to discourage use in public places as one means of reducing the number of people who get behind the wheel of a vehicle after using cannabis.

The proposed ordinance that is attached was modeled after ordinance language from other metro-area cities, specifically the cities of Apple Valley and Prior Lake.

FISCAL IMPACT

n/a

RECOMMENDATION

The Council is asked to discuss and determine whether it would like to proceed with an ordinance prohibiting the use of all or some cannabis products in all or some public places within the city.

If there is a desire to adopt an ordinance that would be in effect when the new state law related to cannabis use takes effect on August 1, a unanimous vote (5/5 vote) of the Council would be needed to waive the City's three-reading requirement for ordinances.

The ordinance itself requires only a simple majority to adopt (3/5 vote).

If an ordinance is adopted, a resolution of summary publication is also attached, which requires a super-majority vote to approve (4/5).

ATTACHMENTS

1. Draft Ordinance - Prohibiting Cannabis Use in Public Places
2. Resolution Approving Summary Publication

**CITY OF INVER GROVE HEIGHTS, DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING CITY CODE, TITLE 5, CHAPTER 5, ADDING
SECTION 5-5-13 PROHIBITING CANNABIS USE WITHIN PUBLIC PLACES**

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

Section One. Amendment. Title 5, Chapter 5, Section 5 of the Inver Grove Heights City Code is hereby amended by adding Section 5-5-13 as follows:

5-5-13 CANNABIS USE PROHIBITED.

- A. Definitions: For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PLACE. Property owned, leased, or controlled by a governmental unit including the City but does not include: (1) a private residence, including the person's curtilage or yard; (2) private property not generally accessible to the public, unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or (3) the premises of an establishment or event licensed to permit on-site consumption. Public places include but are not limited to: City buildings and all the land thereon, parking lots, golf course, parks, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, city equipment, and the like.

CANNABIS FLOWER, CANNABIS PRODUCT, LOWER-POTENCY HEMP EDIBLES, and HEMP-DERIVED CONSUMER PRODUCTS shall have the meanings as defined in Minn. Stat. §342.01 (enacted under Minnesota Laws 2023).

- B. Prohibition: No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products within a public place.
- C. Penalty: A violation of this section is a petty misdemeanor.

Section 2. Effective Date. This ordinance shall take effect upon its passage and the 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
Its: Mayor

Attest:

By: Rebecca Kiernan
Its: City Clerk

(Published in the *Pioneer Press* on _____)

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA
RESOLUTION NO. _____**

**A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE
NO. _____, AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE,
TITLE 5, CHAPTER 5, ADDING SECTION 13 PROHIBITING CANNABIS USE WITHIN
PUBLIC PLACES**

WHEREAS, on July 24, 2023, the City Council of the City of Inver Grove Heights, Dakota County, Minnesota ("City") adopted Ordinance No. _____, an Ordinance Amending Inver Grove Heights City Code Title 5, Chapter 5, adding Section 13 Prohibiting Cannabis Use Within Public Places; and

WHEREAS, pursuant to Minn. Stat. Sec. 412.191, subd. 4, the Council may, by a 4/5 vote, direct that only the title and a summary be published; and

WHEREAS, the City Council for the City of Inver Grove Heights has reviewed the summary of Ordinance No. _____ which is attached hereto as **Exhibit A**; and

WHEREAS, the City Council for the City of Inver Grove Heights has determined that publication of the title and a summary of Ordinance No. _____ would clearly inform the public of the intent of the ordinance; and

WHEREAS, due to the length of Ordinance No. _____ the City Council desires to publish a summary of the Ordinance.

NOW THEREFORE BE IT RESOLVED, by a vote of at least four-fifths of its members, that the City Council of the City of Inver Grove Heights hereby:

1. Approves the text of the summary of Ordinance No. _____ attached as **Exhibit A** and authorizes the publication of the summary shown in **Exhibit A** in lieu of publication of the entirety of Ordinance No. _____ in the City's official newspaper.
2. Directs the City Clerk to ensure that a full and complete printed copy of Ordinance No. _____ is available for inspection during regular business hours at the office of the Inver Grove Heights City Clerk, by standard mail, or by electronic mail.
3. Directs the City Clerk to file the executed Ordinance No. _____ upon

the books and records of the City along with proof of publication.

This resolution is passed and adopted by the City Council of the City of Inver Grove Heights, Dakota County, Minnesota this 24th day of July, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich
Its: Mayor

Attested:

By: _____
Rebecca Kiernan
Its: City Clerk

(Published in the *Pioneer Press* on _____, 2023.)

EXHIBIT A

**SUMMARY PUBLICATION
ORDINANCE NO. _____**

A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE NO. _____, AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE, TITLE 5, CHAPTER 5, ADDING SECTION 13 PROHIBITING CANNABIS USE WITHIN PUBLIC PLACES

On July 24, 2023, the City Council of the City of Inver Grove Heights, Dakota County, Minnesota ("City") adopted Ordinance No. 1_____, ("Ordinance") an Ordinance Amending Inver Grove Heights City Code Title 5, Chapter 5, adding Section 13 Prohibiting Cannabis Use Within Public Places.

The Ordinance prohibits any person from using cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products within a public place.

It is hereby determined that publication of this title and summary will clearly inform the public of the intent and effect of Ordinance No. _____ and it is directed that only the above title and summary of Ordinance No. _____ conforming to Minn. Stat. Sec. 331A.01 be published, with the following:

NOTICE

A printed copy of the full text of Ordinance No. _____ is available for public inspection by any person during regular office hours at the office of the Inver Grove Heights City Clerk, 8150 Barbara Avenue, Inver Grove Heights, MN 55077, by standard mail, or by electronic mail, and at any other public location which the Council designates.



Request for Council Action

SUBJECT: **Discussion Regarding Draft Interim Ordinance
(Moratorium) Temporarily Prohibiting the Establishment
or Operation of Cannabis Businesses**

MEETING DATE: July 24, 2023
ITEM TYPE: Regular Business
CONTACT: Bridget Nason, City Attorney

ACTION REQUESTED

The Council is asked to discuss whether it would like to consider adoption of an interim ordinance (moratorium) temporarily prohibiting the establishment or operation of cannabis businesses within the City. If the Council would like to consider such an action, it should direct staff to publish notice of the required public hearing on such an ordinance for a future Council meeting.

BACKGROUND

The Minnesota Legislature recently enacted, and Governor Walz signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (“Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis businesses and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions and providing for the temporary regulation of certain edible cannabinoid products.

The Act provides local units of government certain authority related to cannabis businesses, including the authority to (1) require local registration of certain cannabis businesses operating retail establishments, (2) adopt reasonable restrictions on the time, place, and manner of the operation of cannabis businesses, provided that such restrictions do not prohibit the establishment or operation of a cannabis businesses, (3) limit the number of certain cannabis businesses based on the population of the community, and (4) prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

The Act further requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of cannabis businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of cannabis businesses. The City will benefit from reviewing and analyzing the OCM’s soon to be developed model ordinances, rules and regulations before making any decisions related to the regulation of cannabis businesses in the City.

The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for

the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of cannabis businesses, to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of cannabis businesses within the jurisdiction or a portion thereof until January 1, 2025. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City Council is asked to consider adoption of an interim ordinance prohibiting the establishment or operation of a cannabis business within the City.

A draft interim ordinance is attached for Council review and discussion. If the Council would like to consider adoption of the interim ordinance, the draft ordinance will be scheduled for a public hearing at an upcoming Council meeting, after which the Council may vote to adopt the interim ordinance.

FISCAL IMPACT

n/a

RECOMMENDATION

ATTACHMENTS

1. Draft Interim Ordinance

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY
ORDINANCE NO. _____**

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM
ON THE OPERATION OF A CANNABIS BUSINESS WITHIN THE CITY OF INVER
GROVE HEIGHTS**

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

ARTICLE I. Authority and Legislative Findings.

- A. The Minnesota Legislature recently enacted, and Governor Walz signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (“Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis businesses and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions and providing for the temporary regulation of certain edible cannabinoid products.

- B. The Act provides local units of government certain authority related to cannabis businesses, including the authority to (1) require local registration of certain cannabis businesses operating retail establishments, (2) adopt reasonable restrictions on the time, place, and manner of the operation of cannabis businesses, provided that such restrictions do not prohibit the establishment or operation of a cannabis businesses, (3) limit the number of certain cannabis businesses based on the population of the community, and (4) prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

- C. The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of cannabis businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of cannabis businesses. The City will benefit from reviewing and analyzing the OCM’s

model ordinances, rules and regulations before making any decisions related to the regulation of cannabis businesses in the City.

- D. The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of cannabis businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of cannabis businesses within the jurisdiction or a portion thereof until January 1, 2025.
- E. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.
- F. The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of cannabis businesses as well as the other regulations local units of government may adopt under the Act.
- G. On _____, after providing at least 10 days published notice, the City Council held a public hearing regarding the consideration and adoption of an interim ordinance prohibiting the operation of cannabis businesses within the City until January 1, 2025.

ARTICLE II. Definitions. For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (a) “Act” means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- (b) “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.
- (c) “City” means the City of Inver Grove Heights.

- (d) “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (e) “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.
- (f) “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e).

ARTICLE III. Study Authorized. The City Council hereby authorizes and directs the City Administrator to have City staff conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as the other potential local regulations allowed under the Act, and report to the City Council on the potential regulation of Cannabis Businesses. The study must include a review of the model ordinances the OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the City Council’s consideration of this matter. The report shall include the City staff’s recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations.

ARTICLE IV. Moratorium. A moratorium is hereby imposed regarding the operation of a Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business.

ARTICLE V. Violation. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

ARTICLE VI. Exceptions. The moratorium imposed by this Ordinance does not apply to: (1) the continued operation of a business as part of the Medical Cannabis Program administered by the Minnesota Department of Health that was lawfully operating within the City prior to July 1, 2023; (2) the lawful sale of Edible Cannabinoid Products in compliance with Minnesota Statutes, section 151.72; or (3) sales of Edible Cannabinoid Products at an exclusive liquor store in accordance with Minnesota Statutes, section 340A.412, subdivision 14. Nothing in this Article exempts a business, person, or entity that

is selling Edible Cannabinoid Products from having to comply with all requirements and prohibitions of applicable laws and ordinances.

ARTICLE VII. Enforcement. Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City's general penalty in City Code and may result in the City reporting the violation to the OCM if relevant to OCM licensing. The City Council hereby authorizes the City Administrator, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance.

ARTICLE VIII. Duration. This Ordinance shall become effective the fifth day after adoption and publication and shall remain in effect until January 1, 2025. This Ordinance may be repealed earlier upon the effective date of an ordinance adopting or amending reasonable restrictions on the time, place and manner of the operation of a Cannabis Business within the City or by resolution of the City Council terminating this Ordinance prior to the expiration date.

ARTICLE IX. Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Adopted this ____ day of August, 2023.

Brenda Dietrich, Mayor

ATTEST: _____

Rebecca Kiernan, City Clerk

Date of Publication _____ 2023

Effective Date _____



Request for Council Action

SUBJECT: **Update on Preliminary Design Report Progress for Water Treatment Plant Rehabilitation Improvements (City Project No. 2023-03)**

MEETING DATE: July 24, 2023

ITEM TYPE: Regular Business

CONTACT: Brian Connolly, Public Works Director, 651.450.2571
Eric Kramer, Utility Superintendent, 651.450.2565

ACTION REQUESTED

The Council is asked to receive an update on the preliminary design report progress for the Water Treatment Plant Rehabilitation Improvements.

BACKGROUND

In late January of 2023, the City of Inver Grove Heights received a notice of violation from the Minnesota Department of Health indicating the radium concentrations in the City's treated water exceeded the Maximum Contamination Level set by the Environmental Protection Agency. While the levels were not considered an immediate danger to public health, it did trigger a public notification to our water customers and requires that the City undertake a plan of action to bring the Water Treatment Plant back into regulatory compliance.

Since that time, City utility staff have worked successfully to moderate the radium levels in the short-term through chemical treatment modifications. At the same time, the City entered into a contract with the consulting firm of Stantec Consulting Services, Inc. for the preliminary design review and "phase 1" final design for the Water Treatment Plant Rehabilitation Improvements (City Project No. 2023-03). "Phase 1" improvements are focused on chemical and filter improvements associated with the Water Treatment Plant.

Staff would like to provide an update to the City Council on the progress of the preliminary design report, review some of the initial consultant recommendations, and discuss some of the challenges being worked through with respect to project scheduling and material procurement requirements for the proposed "phase 1" improvements.

FISCAL IMPACT

N/A

RECOMMENDATION

N/A

ATTACHMENTS

None

