



Inver Grove Heights City Council
Monday, August 28, 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, August 28, 2023, will be provided to the Council at or before the August 28, 2023 meeting.

1. Call to Order

2. Roll Call

3. Presentations

4. Consent Agenda

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

- A.** Approve Minutes of the July 24, 2023 City Council Meeting
- B.** Approval of Disbursements
- C.** Personnel Actions
- D.** Approval of Charitable Gambling Raffles by Spartan End Zone Club
- E.** Resolution Scheduling Public Hearings for 2024 Pavement Management Projects 2024-09 D, E, F, G, H, and I
- F.** Release of Development Contract for plat of Total Construction Addition
- G.** Approval to Purchase New Fitness Equipment for the Veterans Memorial Community Center
- H.** Agreement for Community and Public Service Messages on Digital Billboard
- I.** Resolution Accepting Work and Authorizing Final Payment for City Project No. 2215 – Vista Pines Trail Connections
- J.** Approval of Contract with WSB for Final Design, Preparation of Plans, Specifications, and Bid Documents, and Construction Administration for Heritage Village Park Phase 5
- K.** Rezoning, Comprehensive Plan Amendment and Conditional Use Permit for 9150 Jefferson Trail
- L.** Variance to Exceed the Maximum Fence Height on a Riparian Yard, 6790 River Road
- M.** Resolution Approving Workers' Compensation Insurance Renewal

- N. Resolution Accepting FY 2023 JAG Grant and Amending 2023 Police Department Budget

5. **Public Hearing**

- A. Conduct a Public Hearing for a Temporary Premise Expansion for On-Sale Liquor License - Inver Grove Brewing Co.

6. **Regular Business**

- A. POSTPONED at the REQUEST of APPLICANT: ~~Comprehensive Plan Amendment for 7950 Blaine Avenue~~
- B. First Reading of Ordinance Amending Reference to Bow Hunting Map and Related Resolution Adopting Revised Bow Hunting Map
- C. Use of Energy Efficiency and Conservation Block Grant (EECBG) Funds
- D. Joint Powers Agreement with Dakota County for Absentee Mail-In Ballot Services
- E. Second Reading of Interim Ordinance Temporarily Prohibiting the Establishment and Operation of Cannabis Businesses within the City
- F. Third Reading of Ordinance Prohibiting Cannabis and Tobacco Smoking and Vaping In Public Places
- G. Potential Regulation of Short-Term Rentals

7. **Public Comment**

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

8. **Mayor and Council Comments**

9. **Adjourn**

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

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JULY 24, 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, July 24, 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, Public Works Director Connolly, City Engineer Merchlewicz, Recreation Superintendent Dorshak, Human Resources Manager Shefchik, and Recreation Intern Batson

3. PRESENTATIONS:

A. Presentation by Park and Recreation Intern Lindsey Batson

Recreation Superintendent Julie Dorshak introduced Recreation Intern Lindsey Batson who has been with the department since May 17th. She will be ending her internship at the end of this week. Lindsey has been doing a great job with the city and comes from the University of Missouri.

Parks and Recreation Intern Lindsey Batson introduced herself stating she is from Missouri and traveled to the city to do this internship. While here she received a broad overview of what the Parks and Recreation industry looks like. She said she created and ran her own program from start to finish and has assisted Rachel and Chelsea, the Recreation Coordinators. She has helped with several events and programs such as Terrific Tuesdays, introduced performers, handed out flyers at events, and helped at food truck day. She was happy the city had this program/internship, is sad to leave, and will use her experience into the future.

4. CONSENT AGENDA:

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

B. Approval of Disbursements **Resolution 2023-163**

C. Personnel Actions

D. Resolution 2023-164 Accepting Work, Authorizing Final Payment, and Closing the Contract for City Project No. 2019-09D

E. Resolution 2023-165 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 **Resolution 2023-166**

H. Resolution 2023-167 Approving the Sustainable IGH Recognition Program

I. School Resource Officer Contract with ISD #199 for the 2023-24 School Year **Resolution 2023-168**

J. Resolution 2023-169 Approving an Extension for Recording the Plat of Robert Trail Woods

K. Approval to Enter into Employment Separation Agreement

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

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

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

City Clerk Rebecca Kiernan presented a 3-Day On-Sale Liquor License for Twin Cities Goodtime Softball League. The request is for August 29th through September 1st. This is 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 U.S. and Canada. This will be the third time the event is held in the Twin Cities since its inception in 1977. Organizers are expecting approximately 225 teams to play on softball fields in Eagan, Burnsville, Inver Grove Heights, Woodbury, and South St. Paul, 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. This is allowed under the city's recently adopted ordinance related to the sale and consumption of alcohol in city parks. Staff has reviewed the application, found it to be complete, and in compliance with all requirements. Staff recommends holding a public hearing and approving the application.

Motion by Gliva to close the public hearing at 6:06PM

Mayor Dietrich reopened the public hearing for comment.

William Frison, 6802 Carleda Avenue East, said he stopped in at the public works department last week regarding the top coat coming off on his street. He said the person he spoke with stated they were out of money in the budget. He requested there be more money to get it fixed up.

Mayor Dietrich mentioned the item Mr. Frison spoke of could be discussed under Public Comment at the end of the meeting, or he could fill out a sheet and give his contact information to the City Clerk.

Motion by Gliva, second by Murphy, to close the public hearing at 6:37PM

Ayes: 5

Nays: 0 Motion carried.

Motion by T'Kach, second by Gliva, to approve a Temporary 3-Day On-Sale Liquor License for Twin Cities Goodtime Softball League.

Ayes: 5

Nays: 0 Motion carried.

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

City Clerk Kiernan discussed the second reading for City Issued Licensing of Tobacco Retailers. No changes have been made since the first reading.

- Dakota County has been doing the tobacco licenses since before 2015. Looking to bring this back as a city function.
- There are 32 tobacco retailers in the city.
- In 2023 the City Council discontinued the licensing of service stations and automobile dealerships, making staff time available for this licensure process.

Key Features in the Proposed Ordinance:

- 1-year license period (January 1 to December 31)
 - Consistent with other neighboring cities
 - Consistent with Inver Grove Heights liquor licensing
 - Different than what Dakota County does (theirs is 2-years)
- Background check and insurance required
- Staff training and record keeping required

Violations:

- First: \$300 fine, no suspension
- Second: \$600 fine + 1 day suspension

- Third: \$1,000 fine + 7-day suspension
Proposed penalties match Dakota County and neighboring cities

License Fees: Tobacco

- The city is in the middle of neighboring cities at \$300

Direction from Council:

- Proceed with a 1-year license
- Fee of \$300 per year
- Keep retailer history of violations from Dakota County

Next Steps:

- Council is asked to hold a public hearing
- Approve the second reading of the proposed ordinance regarding Tobacco related retailers and enforcement

Councilmember T’Kach referenced 4.12.05, #3, stating there was no end to the sentence. She requested having item #16 removed under 4.12.05, where it states, “the applicant or licensee is not of good moral character”. She said they should define moral character or delete it; it was very generic. She questioned the alignment with the future discussion about Cannabis and the distance from schools and playgrounds versus the cannabis ordinance and if they could align the violations. She was unsure how the state was going to address this. She said there is 1,000 feet under the cannabis discussion and 500 feet under the city’s proposed ordinance.

City Administrator Kris Wilson replied the city will not be licensing cannabis retailers, the state has reserved that for themselves. The city can do registration, a step down from licensure. Cities have the ability to regulate the time, manner, and place (zoning areas) where the sale of products or operation of cannabis businesses are allowed or not allowed. When it gets to that point, she said staff can match them if that is the Councils direction.

Councilmember T’Kach asked if that would be the same for the distance issue. She said it looked like the state was going to require 1,000 feet from schools for cannabis.

City Attorney Bridget McCauley Nason replied cities will be allowed to adopt reasonable time, place, and manner restrictions. One specifically called out in the statute is that the city can prohibit cannabis businesses from being within a certain distance of schools and playgrounds. If the city does not adopt that type of restriction, it is not a state restriction.

Councilmember T’Kach mentioned there has not been a discussion about the other item if trying to align and clean up ordinances. She said this was something they should pay attention to down the road as they have these conversations.

Motion by T’Kach, second by Scales, to close the public hearing at 6:15PM.

Ayes: 5

Nays: 0 Motion carried.

Motion by Scales, second by T’Kach, to approve the Second Reading of an Ordinance Establishing a City Licensing Requirement for Tobacco Sales.

Ayes: 5

Nays: 0 Motion carried.

Mayor Dietrich asked when this item would be back before the Council.

City Clerk Kiernan replied August 14th.

6. REGULAR BUSINESS:

A. Rental Housing Licenses

City Administrator Kris Wilson presented four rental housing license requests. Applications and background checks were reviewed by police and inspections departments. Staff recommends approval. The requests are in order of rental address, property owner, and 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

Motion by Gliva, second by Scales, to approve the four (4) rental housing license as presented.

Ayes: 5

Nays: 0 Motion carried.

B. Request for Donation to IGH Days Fireworks Display

City Administrator Wilson stated for years the city has made a voluntary contribution to the non-profit IGH Days to help fund the Saturday evening fireworks display. The contribution amount for the last several years has been \$5,000, which has been budgeted for. A request has been received from Mickey Difronzo, President of the IGH Days organization, noting that their costs for putting on the fireworks display has increased. Mr. Difronzo has inquired as to whether the city would consider an additional increase. The Council is to consider whether or not to proceed with the budgeted donation amount of \$5,000 or a different amount.

Councilmember Murphy asked what the balance of the Mayor/Council account was.

City Administrator Wilson replied she was unsure. She was going to suggest it come from the Administration Budget as there are some unspent dollars. She mentioned that the Mayor/Council budget was a little tighter, there are fewer line items and resources.

Mayor Dietrich mentioned that the State of the City is coming up this autumn, she asked if those funds would come from administration.

City Administrator Wilson responded that it likely would. She said staff has not specifically budgeted for a State of the City event. It was probably an oversight from not doing an event over COVID years, but staff could make it work. She said the reason for the additional funds in administration is because earlier this evening in personnel actions, the Council approved the hiring of an office support person for the department. That position has been vacant for several months and is about to be filled.

Mayor Dietrich asked if there was anything else that might be coming out of that fund.

City Administrator Wilson replied not that she was aware of.

Councilmember Scales asked staff if they had a recommendation without knowing what is available.

City Administrator Wilson replied that the city could afford a slight increase in the dollar amount. It is currently budgeted at \$5,000, if the Council wanted to give \$6,000 or \$7,000 that could be done without a negative impact on other plans and projects.

Councilmember Murphy said Inver Grove Heights Days has been a long tradition in the city, it is something the community enjoys. He said the fireworks are a culmination of Inver Grove Heights Days. It is a big part of the culture the Council wants to approve upon. He said he would support an increase.

Mickey Difronzo, 7967 Charles Way, said he appreciates the help and assistance the city has given the organization in the past. He said it was not just about the \$5,000. There is great support by the Parks and Recreation Department and Public Safety the entire weekend. Everyone is great to work with and

works well together. The city does a lot for IGH Days. He mentioned as stated in his letter, costs have increased, they are looking for additional funding. There are others that are sponsors of the fireworks, such as the Moose Lodge and Integrity Woven Wire. Both have increased their contribution, he said he was looking to see if the city could do the same.

Mayor Dietrich asked how residents join the committee.

Mr. Difronzo replied there is a link on the website to "contact us." He would be the one responding.

Councilmember T'Kach said she was unsure if they would be able to come up with the additional \$10,000 requested. She asked if the fireworks display would still proceed if short on funds, if the fireworks would be shorter in length, or if they would ask for donations.

Mr. Difronzo replied the fireworks would still happen. He said he knew he was late with the request and should have asked sooner to make it into the budget. He said if able to give more, it is much appreciated. He is not requesting the full amount but appreciates anything given. He mentioned that a donation letter was sent to over 100 businesses in the city and others. They will figure out how to make it happen.

Councilmember T'Kach referenced the newer laser firework shows and asked if Mr. Difronzo was familiar with them and if they were more or less expensive.

Mr. Difronzo replied he has not looked into them. They use a non-profit club that does firework shows around the state. They are volunteers that have been used by the city for years and do a great job. He said people often comment about how wonderful the city's fireworks are compared to others around town.

Mayor Dietrich thanked Mr. Difronzo for all his work to make this successful.

Councilmember Scales said he was willing to give what was needed. He would like to see the amount bumped up if there is room in the budget. If able to get to \$10,000 he would agree with it.

Councilmember T'Kach mentioned she would be concerned with \$10,000 and would like to see it be in the \$6,000 to \$7,000 range and look at budgeting for next year.

Councilmember Murphy said he had determined an additional \$2,500.

Councilmember T'Kach said she could imagine that. She said she thought the Council recognizes there are air pollution issues. She commented that she has heard about this from people, it is a concern. She said she was hopeful the Inver Grove Heights Days committee would think about alternatives for next year, such as laser shows.

Councilmember Gliva shared that \$7,500 was her high end. She wanted to make sure the public knew the city is safeguarding tax dollars.

Mayor Dietrich asked Mr. Difronzo what the request would be in terms of the city being able to budget for next year.

Mr. Difronzo replied that he would like to meet with the other major sponsors to get their thoughts.

Mayor Dietrich asked the City Administrator what a good timeframe would be for Mr. Difronzo to get back to the city.

City Administrator Wilson replied within the next month.

Motion by Murphy, second by T'Kach, to approve an increase in the donated amount to \$7,500 for the Inver Grove Heights Days Fireworks.

Ayes: 5

Nays: 0 Motion carried.

C. Consideration of Ordinance Prohibiting Use of Cannabis Products in Public Places. Resolution 2023-170

City Attorney Bridget McCauley Nason presented on the draft ordinance prohibiting the use of certain cannabis products in public places. Background:

- In 2022, the Minnesota legislature legalized certain edible cannabinoid products.
- In 2023, the Minnesota legislature adopted comprehensive legislation regulating adult cannabis use.
- It does not prohibit the use of cannabis products in public places.
 - It is not allowed to be used anywhere where the Clean Air Act applies.
 - Indoor places such as public meetings, indoor public spaces, indoor restaurants
- It does prohibit the use of cannabis products around minors
- Cities do have limited regulatory authority related to the adult use cannabis legislation that was adopted. One area with the ability to adopt regulations is with respect to restriction of the use of cannabis products in public places.
- The statute specifically authorizes a city to adopt an ordinance establishing a petty misdemeanor offense (non-criminal offense) for a person who unlawfully uses certain cannabis products in a public place.
 - The term public place is not defined within the statute but is up to the cities to define what that means.

What other cities are doing:

- Many are adopting prohibition on outdoor use
 - Some cities across the state are considering some type of public use prohibition
 - Some are adopting smoking and vaping only restrictions
 - Some are adopting restrictions that prohibit the use of any type of legal cannabis products in public spaces
 - Prohibitions range from a broad range of public places such as public parks, sidewalks, and trails, to more limited prohibitions such as only in public parks
 - Some are copying existing smoking restrictions
 - In Inver Grove Heights there are no specific prohibitions on smoking in outdoor public areas

Definitions and key terms:

"Public Place" is not defined in state statute for these purposes. The city must define if this is the route they want to go, what a "public place" is. The proposed definition in the ordinance is:

- "Property owned, leased, or controlled by a governmental unit including the city but not including." Items were listed in the statute.
- The proposed definition includes parking lots, city buildings, golf courses, parks, pathways, and trails, and right of ways.

Four (4) different products that can be prohibited by the ordinance:

1. Cannabis Flower. The harvested flower, but, leaves and stems of a cannabis plant, not including the seeds.
2. Cannabis Product. Cannabis concentrates but does not include edible cannabis products or medical cannabis.
3. Lower-Potency Hemp Edibles (gummies, seltzers containing TSC)
4. Hemp-Derived Consumer Products. Products intended for human consumption, do not contain cannabis flower, cannabis concentrate, or contain other parts of hemp plants or hemp concentrate.

Council Options:

- Take no action. If the Council takes no action, there is no state statute or local ordinance that prohibits the use of these adult use cannabis products in public places.
 - Cannot vaporize or smoke cannabis flower or products, or other products in an area where they would be inhaled by a minor. Example: If smoking a joint at a park and there is a child standing right next to them, this is not allowed.
- Discuss potential draft ordinance and any revisions the Council would like to see to what is prohibited or where it is prohibited and move forward with either adoption of an ordinance, if the three readings are waived, or a first reading could be made this evening, then the Council could consider the ordinance at a future meeting.
- If approving the ordinance as presented/revised, the Council is asked to adopt a summary publication resolution to save on publication costs.

Councilmember T'Kach said there is no smoking in the dog park. She asked if there was an ordinance prohibiting tobacco smoking in other city parks.

City Attorney McCauley Nason replied no.

City Administrator Wilson replied that was also her understanding from the Parks and Recreation Director.

Councilmember T'Kach asked what other cities were doing. She questioned if people were waiting to see how it goes and then deciding if there is a problem or issue that needs to be dealt with. She asked if the city was trying to find a solution to a problem that does not exist.

City Attorney McCauley Nason replied it was across the board on this topic. There are cities that are adopting ordinances prohibiting use in public spaces. Other cities are taking a wait and see approach to see if it is really a concern or not. She knew that Duluth, Alexandria, Prior Lake, and Apple Valley are creating ordinances. She said staff modeled the ordinances in the Council packets from Prior Lake and Apple Valley. She mentioned that the League is indicating if the city wants to prohibit use of any or some of these products in public places, the city needs to take affirmative action. She stated that the Council does not have to act tonight, they can wait to see if it is a problem or not to respond. It is a policy decision for the Council.

Councilmember T'Kach commented that people have probably been smoking in public places for years. She asked if anyone has heard from the Police Chief about how much of a problem or concern this is in town.

City Administrator Wilson responded that the Police Chief has been involved in conversations regarding this matter but was unable to attend this meeting. Based off conversations, there is a fairly strong expectation that there will be a change in people's behavior. More will utilize the products now that they are legal and/or utilizing them out in the open. She shared that the Police Chief is supportive of this to discourage enjoying the product somewhere and jumping in the car and traveling while under the influence. There is not much of an ordinance the city can enact that would prohibit that but can encourage the use of the product in private places such as homes and other private places is the preference of the police department.

Mayor Dietrich mentioned she spoke with Police Chief Chiodo this afternoon and echoed the sentiments expressed by the City Administrator. The Police Chief mentioned these could always be repealed, but if getting too far it may be difficult.

Councilmember Murphy said there could be an issue when allowing the smoking of cigarettes in public places where other people are and then say they cannot smoke marijuana. He believes that is an issue, it does not make sense to him. He said edibles are mentioned too, he cannot picture the police department checking to see what people are eating. He has concerns about how close that is to people's rights, according to the State of Minnesota. He understands the argument about people driving, being around schools, and children, of which he agrees 100%. He said they trust residents and consumers to drink responsibly and not get behind the wheel if they do they go to jail. He feels it is the

same thing. He said he does not feel the argument that we could repeal it later or must stop it now. He did not feel that the way it was written was fair to all residents in the city.

Councilmember Gliva mentioned she spent a week in Colorado, there are signs all over about how and where a person can consume marijuana. It was lumped together with smoking in general. She said she was at the Red Rocks Amphitheatre; it is a big outdoor space that you cannot vape or smoke in because it affects the people around you. She said she would be in favor to not being able to consume in a public space. She did not believe there was a way to track edibles.

Councilmember Scales said he equates the smoking of cannabis to smoking. He prefers both not be in parks. People are not allowed to bring beer and drink it; he was unsure why this was not the same. He said he likes the ordinance, he does not like waiting for a problem and then coming back. He does not believe edibles should be done in a public space but does not think it can be controlled. He said it could be put on the books, but likely not enforceable. If banning smoking in public places, he would like to see the same with this, it should be managed the same for both.

Councilmember T'Kach mentioned the city is starting to permit alcohol use in parks if people have a permit for an event. She asked how to address this. She questioned what was said by Councilmember Scales about prohibiting smoking and cannabis in parks, and then if allowing alcohol and cannabis. She said a part of the bill the legislature passed was because a lot of people do not want to consume alcohol and cannabis is not an addictive product. She suggested there be a lot more conversation around this and look into what other cities and states have done.

Councilmember Scales said he understands but sees a difference between the two. He said alcohol does not affect the person next to you. That is where he makes the distinction. If someone next to you is drinking a beer, he is not going to get drunk/affected by it; sitting next to someone smoking a joint, he would be affected. He does not want it.

Councilmember T'Kach asked if it would be possible to say you cannot smoke next to a minor, as stated, but also by other people, or to even have smoking areas. There are a lot of places that have smoking areas where you need to be a certain number of feet away from the building such as 10 or 30 feet. She asked if that was a possibility.

Councilmember Scales said he is a firm believer of doing whatever you want. He does not like getting in the middle of anyone's choices and what they do. He said when it affects someone else, that is when we need to get involved. Putting it in a public space affects others.

Councilmember T'Kach agreed with Councilmember Murphy that stepping into other territory does not make sense.

Mayor Dietrich asked what it would look like to address tobacco smoking along with this and if it could be run in tandem.

City Attorney McCauley Nason replied she would recommend it be a separate ordinance or separate section of this ordinance. It would be in a different location within city code. She stated the Council could direct staff if wanting to prohibit tobacco smoking and the smoking/vaping of cannabis products and if wanting to set aside the consumption of edibles and THC infused beverages. An ordinance for consideration could be brought forward at the next meeting in August.

Councilmember T'Kach asked if that could include the vaping of tobacco.

City Attorney McCauley Nason replied it could.

Councilmember T'Kach asked if penalties could be aligned and if this could be penalized.

City Attorney McCauley Nason replied she would check to confirm, but believed the Council could adopt a penalty. Cannabis products is a petty misdemeanor, it is not a crime, it is a non-criminal offense. If receiving a citation, there would be a fine associated with it.

Mayor Dietrich mentioned there are documented health implications to second hand smoke. She would be in favor of an ordinance prohibiting the use of cannabis products in public places.

Councilmember T'Kach stated she felt they were chasing something that was not a problem yet. She said if there was a problem, to address it. She understands not smoking in parks, but all public places, walking down a sidewalk, she was not sure that makes sense.

City Administrator Wilson clarified that public places are defined as government owned. Some may think of the parking lot in front of Cub as a public place, that is not covered by this ordinance. She said if there is Council interest in restricting it further it could be defined. For example, stating that people cannot use cannabis products inside city parks, golf course, VMCC, on the grounds of the fire station or city hall. Sidewalks and trails could be excluded to the extent they are outside of a city park. The current proposal is drafted as city owned spaces within the community.

Mayor Dietrich asked if that included city owned trails.

City Administrator Wilson replied as currently written it includes sidewalks, trails, right of way.

Mayor Dietrich asked if that was all sidewalks.

City Administrator Wilson replied yes.

Councilmember T'Kach asked if a right of way included a street.

City Administrator Wilson responded yes. If there was no Council concern about someone standing on the street or sidewalk in front of their home using these products, a narrow way to define this would be to say it was not allowed in city parks, the golf course, any city building or surrounding grounds. They can specifically exclude public streets, trails, or sidewalks because they are outside of a park area.

Mayor Dietrich referenced the Police Chiefs concern regarding vaping in the Cub parking lot and then getting into their car. She asked how that would be addressed.

City Administrator Wilson replied that would be addressed by stopping someone who is displaying signs of impaired driving. Public spaces are addressed by staff, indoor spaces are governed by the Clear Air Act, private outdoor spaces are parking lots.

Councilmember T'Kach asked if cigarette smoking is prohibited on any city property.

City Administrator Wilson did not believe the city prohibits this. She said this was a bit of a surprise to newer staff working in the city. She mentioned that Parks and Recreation Director Adam Lares said smoking cigarettes was not prohibited in city parks. It is fairly common for those prohibitions to be put in place, but the city has not done this.

City Attorney McCauley Nason stated the Council has the following options to proceed with:

1. Consider adoption of the ordinance as proposed this evening
2. Consider adoption of a revised version of the ordinance
 - a. Someone can make a motion to approve the ordinance with the modification, for example, the use of edible products be removed or something along those lines.
3. Request that a revised ordinance be brought forward for consideration at the next meeting addressing any Council concerns such as:
 - a. Removing the use of edible products
 - b. Narrowing the definition of public places
 - c. Ordinance that also addresses and treats smoking and vaping in public places in a similar manner

The above three are what has been noted and identified, there could be others.

Councilmember T’Kach asked if there would be public input. She questioned if they were looking at having a broader discussion regarding this or if wanting to move forward in the next month or two.

City Administrator Wilson replied staff is not currently proposing some type of public outreach or engagement process. She shared that the local newspaper has this as their front page/top issue for discussion, that may warrant not rushing ahead tonight, but approving the first reading and putting a second reading on the agenda for August. If the Council is interested in public input, her suggestion is to consider a first reading tonight knowing the language could be amended; then have further discussion at the meetings in August. Staff can let residents know via social media accounts.

Mayor Dietrich shared that she discussed this with constituents a year ago on Night to Unite. She said that would be a great opportunity when out and about to discuss anything up and coming.

Councilmember Murphy said he has no issues with moving this forward faster. He said it sounded like there was Council consensus to alter three things: Including tobacco, not addressing edibles, and narrowing the location. He asked if there needs to be a second reading to add or change the language.

City Attorney McCauley Nason responded no. If the Council wanted to craft and wordsmith the ordinance this evening, the Council could adopt a modified version of the ordinance, waive the three-reading requirement, move forward with it, and move forward with summary publication. If Council would like more time to review a revised ordinance that addresses those three items and brings forward the no smoking/vaping in parks, the Council could move the first reading with direction to staff to modify the ordinance to address those three components and bring it back for a second reading in August. If not moving forward with the ordinance adoption tonight, when the law becomes effective on August 1st, there would be a gap period. At the second reading they could always waive the three readings at that time or if the Council chooses to move forward, could have an ordinance in place by the end of August.

Councilmember T’Kach said she could see coming back with a clean ordinance word smithed by the City Attorney and city staff. Looking at it and getting time with people on Night to Unite along with other venues and social media. She commented that people have been smoking cigarettes in public places for years. Having a gap for a few weeks, they would not have a major problem/issue that they have not already. She believed it was the behavior that results from drinking beers or smoking, she would rather look at that versus another government regulation. She wants to listen to what other people are thinking in the community.

Motion by Gliva, second by Scales, to go forward with the First Reading and to match the regulations on use of smoking and vaping of cannabis products to tobacco, removing the edible portion (gummies or THC infused beverages), and not making changes to the public place definition at this time. Resolution 2023-170

Ayes: 4

Nays: 1 (T’Kach) Motion carried.

Mayor Dietrich questioned if wanting to direct staff to look into public places.

Councilmember Gliva asked if it was possible to have a rough draft for the upcoming Night to Unite to show what the second reading would be like.

City Attorney McCauley Nason replied she could prepare those revisions and circulate that to the Council by this Wednesday.

D. Discussion Regarding Draft Interim Ordinance (Moratorium) Temporarily Prohibiting the Establishment or Operation of Cannabis Businesses

City Attorney McCauley Nason discussed the Council's interest in considering, at a future meeting, adoption of an interim ordinance prohibiting the establishment of cannabis related businesses. The following three items are worth noting:

1. When talking about cannabis, this is uncharted territory. Minnesota is a one of a growing list adopting legalization of cannabis products. Legislation adopted does not mirror any other states regulations. Everyone is making things up as they go.
2. There are many unknowns at this time. There is an Office of Cannabis Management. It may have a director, there has been no guidance put out from that office. This is an entity that was established to provide guidance to a city, regulatory agencies, legislature, and the public on the cannabis products.
3. There still may be changes to come. What has been adopted this legislative session may be revised again next legislative session before the licenses are anticipated to be issued (starting in January, 2025).

Background:

- In 2022 the legislature legalized certain edible cannabinoid products
 - These are products that contain THC derived from the hemp plant
- The City of Inver Grove Heights responded to that by adopting an interim ordinance which is set to expire on August 19th, 2023.
 - The interim ordinance established a study of edible cannabinoid products to determine what types of regulations the city may want to enact such as licensing ordinances and zoning regulations.
- Before the studies were complete, the legislature adopted Chapter 63, the Regulation of Adult Use Cannabis.
 - This legislation added a sunset date and a repealer to what it did in 2022.
 - The 2022 law still exists. It has been amended. As of March 1, 2025 it will no longer exist.
 - Everything will then be under the chapter that was adopted, 2023 legislation.
- Legislation created a new chapter of the statutes and modified the existing edible cannabinoid product statutes.
- Legislation created the Office of Cannabis Management (OCM).
- OCM is tasked with doing several things including issuing licenses for cultivators, manufacturers, distributors, and retailers, from seed to sale.

Adult-Use Cannabis Regulatory Structure

- There are 14 different license types that the OCM is authorized to issue.
- There are 16 different types of license holders that will exist under the new structure.
 - Mezzobusiness
 - Microbusiness
 - Cannabis Event Organizer
 - Testing Facilities
 - Manufacturers
 - Cultivators
 - Lower Potency Edible Retailers

Legislative Details:

The legislature sought to adopt a state-wide legislative structure for the use of cannabis products. The legislature took the ability to license out of the city's hands and:

- Cities are not allowed to license cannabis businesses
- Cities are not allowed to prohibit cannabis businesses
- Cities are not allowed to prohibit the adult use consumption of cannabis products authorized by the statute
- Cities are allowed to require registration for licensed businesses
- Cities can impose a place, time, and manner restriction on these businesses

- Can limit the number of licensed cannabis and other businesses with retail operations based on active registration within the county

There is specific local control that indicates what cities can and cannot do.

- The reasonable time, place, and manner restrictions are yet to be determined. OCM will provide guidance.
- One of the prohibitions reasonable is prohibiting the operation of a cannabis business within a certain number of feet from a school, daycare, or an attraction within a public park such as a playground used by minors.

City Role in Regulation:

Once everything is up and running and the structure moves forward:

- A cannabis business will apply for a license through OCM
- OCM advises the city of the application received
- The city has 30 days to respond and provide information such as zoning
- Cities are authorized to issue registrations
- Once the business receives a license from the OCM, they can conduct compliance checks, suspend regulations, and collect registration fees. They are provided a tax revenue sharing piece through the state

The OCM is still getting the office up and running, no licenses have been issued to cannabis businesses. Licenses will not be available and issued to cannabis businesses until January 2025. August 1, 2023, adult-use becomes legal, cannot sell the product, cannot buy the product, can grow, and use it. There is not going to be a retail establishment selling the cannabis products.

Edible cannabinoid products that were allowed/adopted in 2022, are still legal and can be sold. New products under discussion cannot be sold in the State of Minnesota yet.

What Other Cities Are Doing:

- The legislature has authorized cities the ability to adopt an interim ordinance
- Cities are authorized to adopt an interim ordinance no later than January 1st, 2025
- If the city chooses to adopt an interim ordinance, the following needs to be done:
 - Complete a study regarding what the appropriate time, place, and manner restrictions for cannabis businesses.
 - Provide an opportunity for the city to review model regulations that come out of OCM, potential recommendations from the League of Minnesota Cities, and to do what cities are already doing which is having conversations with each other about what types of regulations they are looking at.
 - Provide time to ensure those appropriate regulations are in place prior to issuance of those licenses from the OCM.

Definitions and Key Terms:

- Starts out with 72 defined terms. Everything has a definition including a cannabis business. There are 14 types of licensed businesses.

Council Options:

- Take No Action. The Council can choose to take no action.
 - No cannabis business licenses would be issued in the near future. There is the potential to impact the city's ability to regulate cannabis businesses in the future.
- Direct staff to call for a public hearing. Statute allows cities to adopt an interim ordinance, but only after a public hearing.
 - If the Council takes this direction, staff would notice a public hearing on the interim ordinance that would occur at the meeting in August.
 - After the public hearing, the Council could consider adoption of the interim ordinance.

Requested Action:

- Staff seeks direction as to whether or not the Council wants to consider adoption of an interim ordinance regarding cannabis businesses. The interim ordinance would prohibit the

establishment/operation of a cannabis business in the city as defined by the 2023 cannabis legislation until January 1, 2025, or such time as the interim ordinance is rescinded.

- Advise the Council and request direction as to whether or not the Council wants to direct staff to look into establishing a temporary licensing structure for businesses that are selling the 2022 legalized edible cannabinoid products.

There are 2022 legal products and 2023 legal products.

The city does not have any current regulations regarding edible cannabinoid products which include THC infused seltzers or edibles that are hemp-derived THC.

If the city does nothing, the interim ordinance will expire on August 19th and then businesses authorized to conduct retail sales would not be authorized/prohibited from selling these types of products. Where are these expected to be seen:

- Restaurants
- Grocery Stores
- Gas Stations
- Chiropractic Offices
- Massage Offices

Any place where those types of retail products are sold.

If the Council wants to move forward with directing staff to establish some type of licensing structure, it would be a temporary licensing structure. Once the 2023 legislation picks up and the 2022 legislation expires, the city would no longer be allowed to license those products under the way the statute is currently drafted. It would be an effort to create a licensing structure that would sunset automatically. Mayor Dietrich mentioned having conversations with the Chief and finding out that the OCM is not even in place yet, there is a lot of unknowns. She would be in favor of a moratorium. She does not want to waste staff time with licensing structure because that is further down the road with more unknowns.

Councilmember Murphy stated those were exactly his thoughts.

Councilmember T'Kach referenced "businesses with retail operations based on active registrations" asking if that was current for edibles or for in the future.

City Attorney McCauley Nason replied in the future. There is a specific requirement based on population, a certain number of licensed cannabis retailers must be allowed within each county. She mentioned there was language that establishes a certain number of registrations per resident. If it is one active registration for every 12,500 residents, applying that to the population of Inver Grove Heights, by the time all is said and done the city would be looking at three (3). This would be 3 retail licenses must be issued, 3 retail registrations must be approved. There is also language that says if your county has met the requirements. This is determined by number of registrations based on county population, if all those registrations have been complied with, a city is not required to register a retail cannabis business. If there is a city that is very open to businesses and issues a large number of registrations to license retail establishments, a city may have the ability to say that all registrations are accounted for, so they refuse to register. This blocks the business. Staff is hoping to get further guidance about how this works in practicality.

City Attorney McCauley Nason mentioned that municipal cannabis businesses are authorized by this statute. There are discussions being had just like municipal liquor as to if this was something that cities want to look into. She said that is not something they would be discussing tonight.

Councilmember T'Kach asked if there was a chance the regulations would come out of the cannabis office as early as mid-2024. She questioned if taking the idea of having a business advantage for this, there are small and large businesses, and if wanting to recruit/reach out to have a benefit to this new

law, it gives tax base and business cache. She asked if the moratorium could be revoked in August of next year.

City Attorney McCauley Nason replied the ordinance as drafted goes as long as possible as allowed by statute. The city can rescind the interim ordinance ahead of time/any time. It is within the Council's purview.

Councilmember T'Kach asked if the city is required to do any kind of study.

City Attorney McCauley Nason responded yes. Any time there is an interim ordinance, it is a requirement to do a study. It is not a defined study, the city does not have to hire someone to do it, staff can be directed if this ordinance is adopted. This includes reviewing the proposed regulations from OCM, looking at other cities ordinances as they are drafted, and working with the League of Minnesota Cities.

Councilmember T'Kach asked if staff has the planning capacity in the next year to be able to do this work.

City Administrator Wilson replied yes. She does not see the need to hire a consultant or a firm.

Councilmember T'Kach questioned what would happen if the city does not do this, nobody can open a business anyway. She questioned why they would do this.

City Attorney McCauley Nason responded that nobody can open a business because they cannot get a license from the Office of Cannabis Management. Reasons why is putting everyone on notice that the city is engaging in this process. She said there were businesses out there looking for places to open a business in. This gives information that there might be regulations and restrictions impacting where and how businesses, manufacturing, and distribution facilities are located. Another reason is to ensure the moratorium is in place so there is not any argument from a business possibly opening before the city adopts a zoning ordinance. This is even before becoming a licensed cannabis business. She said it could be a stretch of an argument, but it was better to not have the argument at all if not necessary.

Councilmember Gliva said she would be in favor of a moratorium and no further licensing until January 1st, 2025, or sooner if there is further information or direction.

Motion by T'Kach, to put a moratorium in place until January 1st, 2025 unless there is additional information that allows the city to pass a separate ordinance.

Mayor Dietrich asked the City Attorney what the second part of the motion may be.

City Attorney McCauley Nason replied it was to direct staff not to pursue adoption of licensing or other restrictions for edible cannabinoid products made legal in 2022

Councilmember T'Kach asked if it could include not to have staff study or look at licensing cannabinoid products or edibles until January 1, 2025, or the expiration of the 2022 legislation.

Motion by T'Kach, second by Gliva, to put a moratorium in place until January 1st, 2025 unless there is additional information that allows the city to pass a separate ordinance and to direct staff at this time, not to pursue adoption of licensing or other restrictions for edible cannabinoid products made legal in 2022, until January 1, 2025, or the expiration of the 2022 legislation.

City Administrator Wilson stated following the direction just made, the first step would be to notice a public hearing. The Council cannot adopt a moratorium tonight because the state is requiring public hearings. Staff will follow the necessary steps and get the public hearing scheduled for the first Council meeting that they can make dates line up. After holding the public hearing, the Council could choose to adopt the moratorium.

Ayes: 5**Nays: 0 Motion carried.****E. Update on Preliminary Design Report Progress for Water Treatment Plant Rehabilitation Improvements (City Project No. 2023-03)**

Public Works Director Brian Connolly provided an update on the water treatment plant rehabilitation and preliminary design efforts.

Project Overview:

- In October 2022, testing was done as a part of the Department of Health's regular testing protocol.
- In January 2023, the city was informed about higher levels of radium than what is allowed by the state and the Environmental Protection Agency standards.
- At the time notice was given, the city had already planned on doing a water treatment plant rehabilitation review. The project was already budgeted for 2024.
 - Construction in 2024 was budgeted for \$4,700,000. The city has already applied for Drinking Water Revolving Loan funds with the Department of Health and Public Facility Authority. The city is still waiting to see where their application falls in this process.
 - On April 24, 2023, the city awarded a preliminary/final design contract to Stantec Consultants.
 - Pilot testing was completed, running test samples for several different filter media and chemical treatment procedures to see what their effectiveness is.
 - There have been several water treatment plant walk throughs with Stantec, members of different suppliers, and material engineers. This provided input as to what the city can do to improve treatment efficiencies.
 - Received a Phase 1 improvement recommendation outline.

He said he does not have the outline with him this evening because it is still incomplete.

Preliminary Review Challenges:

- Pilot testing
 - Staff had hoped to begin testing in May.
 - Staff discovered while getting the test set up and the staff qualified to run it, it was a matter of trying to work with several different companies to align.
 - Began 3 weeks later than anticipated.
 - Tests have to be sent to a certified laboratory to get result on radium testing. Also testing for different types of chemicals they treat for and types of chemical treatments they put in to ensure all of that is taken out of the drinking water through the pilot test effort.
 - Each takes approximately 6 weeks to get results back. Still in the process of seeing results from the pilot testing effort.
 - Cannot draw conclusions until all tests are received back.
- Challenges with material suppliers and being able to get costs back and lead times.
- Scope of the rehabilitation has increased more than anticipated.
 - With filter treatment and changing chemical feed methods, finding other things that may need to be changed in terms of backwashing.
 - Staff prefers to vet this process now instead of during final design.

Design and Construction Schedule Challenges:

Staffs desire is to get to this as quickly as possible and address the treatment issue from a public safety standpoint while trying to be transparent in the process. Staff knew they would be able to get the filter media regardless of type needed, quickly. Have noticed other challenges come up:

- Applied for Drinking Water Fund Loan earlier this year. The approval is not anticipated until September/October.
 - Staff did not know that once approved, what their review process was going to be to certify the loan.

- Staff expected it to run in parallel with some of the design review and bidding. Finding out if the loan is received, will still have to do additional environmental review. This process should not take too much on staff's end in terms of cost and time.
- The challenge would be that there is still going to be a public review period. With a review process, it has to be open for public comment for 30 days. This is 30 days that staff cannot do anything while waiting for comments.
- If there are comments, time needs to be taken to respond to them and then they need to be reviewed again.
 - The process can take from 1-3 months.
- Talking with suppliers about Material Lead Times:
 - Discovered several key components that have 10-20-week order lead times. The challenge with this is if bidding a product in January, if it takes 4 months to get materials, cannot start work on those components until at least April or May.
 - The problem with this is that most components must be put in at the bottom of the filtering system. It is the first thing typically done. There is little staff can do leading up to that to make staff ready to get those components in. The challenge is not being able to really start a project until April or May and then wanting to finish that job by the end of May. An impossible timeframe considering the amount of work to do in the plant.
 - The reason why staff is concerned about this is because the way the treatment plant is set up is that they can take out half the plant's capacity at one time and do all the filter work, get filters back into service, and then work on the other half of the plant.
 - Staff wants to do this during off-peak season, not in the middle of summer. September through May is the ideal target.

Alternative Options to Accelerate Project:

- Look to replace filter media in some of the filter cells, but not all. Pick 2-4 that can be replaced.
 - Could reduce radium with less chemical use.
 - One of the challenges with this is that the filter media would be sacrificial, it would be put in, the old would be swapped out, new would be put in; none of the mechanicals would be changed.
 - When getting the mechanical components, would have to remove all the filter media and then replace it.
 - Cannot reuse filter media, cannot put it into service, take it out of service, and then put it back in. It needs to go in new or it is not effective.
 - Per filter cell, \$70,000 to just do the media replacement.

To staff it seems like a high number to make something that is sacrificial for only 7-10 months of time. The costs of that would not be eligible for any Drinking Water Revolving Fund (DWRF) Loan coverage. It would only be eligible for things actually included after the loan and would be reviewed and approved by the Department of Health.

- Could look at doing advance chemical feed options
 - Currently have a two-part chemical feed system, looking to go to a single part chemical feed
 - This would help save money on chemicals. Chemical costs are rising.
 - Can be done without filter media replacement. Not eligible for DWRF loan coverage.
- Do nothing. Skip doing the mechanical valve components and just do a filter media replacement.
 - Staff and operators of the treatment facility have concerns about the reduced effectiveness of the backwashing system.
 - If a trail in the location, it would have been for nothing. This is not something staff recommends but always an option if the Council wants to move forward.
- The consultant is working on the opportunity to preorder key material components.
 - Involves more risk and liability challenges

- Warranty challenges
- Liability and schedule risks

The Silver Lining:

- Adjustments have been made to the chemical treatment process at the treatment plant since January, since receiving the notice of noncompliance from the Department of Health.
 - Noted that the effectiveness of radium removal has been good, below the maximum contamination level.
 - Back down into compliance with what the standard typically is.
 - There is a compliance agreement with the Department of Health that says the city will do improvements at the water treatment plant. The city is still obligated to do something at the treatment plant.
 - The city is in a better place now than they were 6-8 months ago. The water has been tested and is considered at a level to be safe by the Department of Health and the Environmental Protection Agency.

Project Schedule:

Dates were shown including the original date and a modified date for each line item.

- Preliminary Design - Progress Update: Not that far off on the modified date, July 24th, 2023.
- Preliminary Design Report (Draft) Presentation to the City Council: August 14th or August 21st City Council Meeting. Stantec will be in attendance to help answer questions.
- Preliminary Design Report (Final) Adoption by the City Council: September 11, 2023.

The following items were added that were not on the previous schedule such as:

- Tonight's update
- Assuming the city receives the Drinking Water Revolving Fund Loan: September/October 2023
- MDH Certification (Design/Funding Approval): January - March 2024

Project Schedule continued:

- Bid the project early 2024
- Start Construction in late summer/fall 2024
- Wrapping up the project at the end of 2024

Staff Recommendations:**Extend Design and Construction Schedule**

Pros: -Achieve comprehensive objectives for filter and chemical treatment rehabilitation
-Affords the time of doing a thorough analysis of life-cycle costs/benefits
-Brings costs under a potential single DWRF loan program (can do a single contract)
-More detailed planning to reduce logistical challenges (Lowers risk of cost/scope creep)

Cons: -Delays the completion of the project by 9+ months
-Limited alternatives if radium levels increase in the next 12-18 months. Do not have a quick project to fix it. Will keep operating the way they have.
-Could experience inflationary cost impacts for construction materials and labor

A bid could be delayed by 3-4 months. If accelerating something, they are usually paying a premium to get things done sooner. It is unsure if the premium is greater or lesser if waiting 3 months to bid and not have the time crunch. Based off discussions with consultants and material suppliers, the city would be paying the same whether they accelerate or build over a longer period. Staff believes it is best to continue and stay the course. The later end time allows for more flexibility to be able to get this done in the most efficient manner.

Councilmember Gliva referenced the DWRF Loan and asked if it meant going with staff recommendations as stated and when they would apply for the loan.

Public Works Director Connolly replied the loan has already been applied for. Notice will be received indicating whether qualified and selected in September/October 2023. Before June 30th, 2024, the city would have to go through the approval process and then they would give the city the loan. The approval process asks if the plans are accepted by the Department of Health

and if the city has done the necessary Environmental Review documents. The only recommendation is that there is a retaining wall outside of the plant that could be repaired in the 1st Phase if the city felt it made sense with the other things they are doing. It was nothing that was critical to the treatment component. If approved, the city would be told they were approved up to a certain dollar amount. Staff would put a plan together, get bids, and tell them where the bids came in at.

Councilmember Murphy asked whose data points were included in the Silver Lining slide.

Public Works Director Connolly replied they are the Department of Health data points.

Councilmember Scales asked if the current schedule was a realistic one or if anything was noted that may push things out further.

Public Works Connolly replied if talking about the modified version. He is still working through the final design effort with the consultant. The consultant has already started. It could get challenging if doing advanced material ordering or multiple contracts. This has not been looked at to see how it plans out. The consultant has stated they have no problems being able to bid this by next spring. The only curveball would be if there was some random material supply issue next summer.

Councilmember T'Kach asked when testing the water if they look for PFAS and other chemicals. She said her understanding was that the Department of Health or the PCA would probably regulate those. She asked for further discussion, if that was layered on, if there would be another huge investment, and if it is compatible.

Public Works Director Connolly replied that one of the criteria was to be more aware of what the future emerging chemical contaminants are. The city voluntarily submitted samples to the Department of Health to look at what they had in the drinking water. There was PFAS, every community has it. His understanding from testing was that they were below thresholds. He said the EPA Draft Standards are likely going up. The treatment plant is stuck with what they have in the existing footprint. If having higher requirements for PFAS for future treatment, they would have to do a much bigger expansion or look at other treatment methods. When those regulations come forth, they are going to have to come forward with some assistance. The water treatment plant is good at currently treating issues in the system. He was unsure of the details regarding a future system. There is little out there that has been effective at treating PFAS, activated carbon is one method. They know activated carbon is contrary to radium, it absorbs radium and then becomes highly radioactive. Passing water through it does not remove radium, in some cases it puts it back into the system. He said they are exploring it, there is a component in the preliminary design for it. There is uncertainty about what could happen with technology and regulations.

Councilmember T'Kach commented there was not a preventative plan because of the lack of regulation and technology.

Public Works Director Connolly replied they are cognizant of it. Staff talks with other communities about what they are doing, what capabilities. From discussions with consultant Stantec, they have said the city is hemmed in because of how the raw water comes into the plant and is treated. There are potentials to doing something in the treatment stream, upstream from the treatment plant.

7. PUBLIC COMMENT:

William Frison, 6802 Carleda Avenue East, stated back in March he went to Public Works and asked about redoing the topcoat in some areas of his street that has come off. He said he stopped over last week and spoke with the Public Works Assistant who said they were out of money and that the money

was spent on contractors to come in and do most of the work. That is what took the funding. He said he was hoping to get the repairs necessary by September or October.

He mentioned he spoke with Joe Atkins about the train whistles going off in the middle of the night. He questioned what the holdup was on this.

Mayor Dietrich stated she has had another constituent talk to her about the train whistles, she is getting a response to that. She asked Mr. Frison to leave his contact information with City Clerk Kiernan so staff can find out the answers to his questions.

Todd Gabriel, 8755 River Heights Way, referenced the bow hunting boundary map that was adopted last September. He discovered that his lot was omitted from the boundary. He shared that his development has 33 residential lots, 9 of them were omitted and he was unsure why. The boundary map says that significant development has occurred in the northwest area. He said they are in the northeast area. He asked to get that amended. He said he spoke to the Police Chief last September who told him to come forward and try to get it back in. He questioned what needed to be done to get the residents on the north side. He said his neighbor at 8745, was unable to attend this meeting. He said he has been in his home for 28 years and has deer hunted. His home is high elevation, he does not allow others to hunt there, there are no safety problems.

Mayor Dietrich stated that the Council vetted the ordinance very thoroughly. She mentioned that amending this may not be an easy task. She asked that he provide his contact information to the City Clerk.

Mr. Gabriel asked if they knew why they were left off. Nothing has changed in his area.

Mayor Dietrich said she was unable to answer the question. His information would be passed along to the correct staff member.

George Fell, 1765 Upper 55th Street East, the section east of Babcock and west of South Robert Trail. He said it is a racetrack. He has spent the last 13 months on behalf of himself and his neighbors presenting this to the previous administration and this administration. He said it is a city street, the speed limit is set by the Council, enforcement is by the police department. He said if there are no resources in the police department financially or physically to be able to do anything, he asked if they would please let the neighbors know that the Council is aware of their concerns and that there is nothing that can be done at this point. He asked if that was unreasonable to do after 13 months. He said he provided the Council with information from the Minnesota Department of Transportation on the impacts of noise and speed on human health the last time he was present. He asked the Council if they read it if anyone was concerned. He said if there was nothing that could be done, to be courteous and tell them.

Mayor Dietrich asked when Mr. Fell was last before the Council and if he left information and nobody got back to him.

Mr. Fell responded that Mr. Connolly replied, then he responded back and asked if it was an enforcement issue. He asked if the Council could understand the speeding on that road, the defects on vehicles from tires, exhaust, transmissions, and that speed is the cause of noise.

Mayor Dietrich asked the Public Works Director if he would be the one to contact Mr. Fell.

Public Works Director Connolly replied he has had a couple of meetings with Mr. Fell about the issue with speeding and stop signs. He questioned if Mr. Fell's concern was regarding a lack of recognition by someone on the Council as to the concern and clarification in terms of being able to have more police enforcement there. His understanding from conversations with Police Chief Chiodo and others is that they have reached out to Mr. Fell in the distant past and have discussed with him some of the challenges they have with speed enforcement. They have discussed what they could do from a project standpoint but seems to be more of a police speed enforcement issue.

Mr. Fell stated he has met with Public Works Director Connolly and his staff. He has thanked him and the City Clerk for working with him from the beginning. He said he was always told "you do business as if people matter." He said the Public Works Director, City Clerk, City Administrator, and staff do that. They have really tried to solve the problem. He understands if the police department does not have the resources or that the road lends itself to be monitored as it should be. His neighbors understand that. He said they just want the Council to acknowledge them. He asked the Council to look at them as if they are them. If the Council came to them with a problem, they would understand and acknowledge it.

8. MAYOR AND COUNCIL COMMENTS:**9. ADJOURN:**

Motion by Gliva, second by Scales, to adjourn the meeting at 8:11 p.m.

Ayes: 4

Nays: 1 (T'Kach) Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek

Request for Council Action

SUBJECT: Approval of Disbursements

MEETING DATE: August 28, 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 August 9 – August 22, 2023.

BACKGROUND

The following chart represents a summary by fund type of the disbursements processed during the period of August 9 – August 22, 2023. Disbursement details are attached to this memo.

Fund Type	Amount
General Fund	\$787,741.89
Special Revenue	40,701.03
Debt Service	-
Capital Projects	197,271.79
Enterprise	151,529.26
Internal Service	47,171.20
Escrows	25,325.00
Total - All Funds	\$1,249,740.17

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 (8.9.2023 - 8.22.2023)

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

RESOLUTION NO. __

RESOLUTION APPROVING DISBURSEMENTS FOR THE PERIOD OF

August 9, 2023 - August 22, 2023.

WHEREAS a detailed listing of disbursements for the period of August 9, 2023 - August 22, 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	\$787,741.89
Special Revenue	40,701.03
Debt Service	-
Capital Projects	197,271.79
Enterprise	151,529.26
Internal Service	47,171.20
Escrows	25,325.00
Total - All Funds	\$1,249,740.17

Adopted this 28th day of August 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 8/9/2023 - 8/22/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 101 - GENERAL FUND					
ICMA RETIREMENT TRUST - 4...	INV0170532	08/11/2023	457 - ROTH AGE <50 %	101.203.2031400	931.24
ICMA RETIREMENT TRUST - 4...	INV0170533	08/11/2023	457 - ROTH AGE <50	101.203.2031400	505.00
ICMA RETIREMENT TRUST - 4...	INV0170534	08/11/2023	457 - ROTH AGE 50+	101.203.2031400	245.00
ICMA RETIREMENT TRUST - 4...	INV0170535	08/11/2023	457 -AGE <49 %	101.203.2031400	8,892.50
ICMA RETIREMENT TRUST - 4...	INV0170536	08/11/2023	457 -AGE 50+	101.203.2031400	2,585.29
ICMA RETIREMENT TRUST - 4...	INV0170537	08/11/2023	457 -AGE <49	101.203.2031400	7,023.38
ICMA RETIREMENT TRUST - 4...	INV0170538	08/11/2023	457 PLAN -AGE 50+ %	101.203.2031400	1,015.87
MN STATE RETIREMENT SYST...	INV0170539	08/11/2023	457 ROTH IRA (AGE 49 & UND...	101.203.2031400	510.00
AFSCME COUNCIL 5	INV0170540	08/11/2023	UNION DUES (AFSCME FULL S...	101.203.2031000	1,007.28
AFSCME COUNCIL 5	INV0170541	08/11/2023	UNION DUES (AFSCME FULL S...	101.203.2031000	20.98
MINNESOTA DEPARTMENT OF...	INV0170542	08/11/2023	CASE #001570640001	101.203.2032100	342.87
TEXAS STATE DISBURSEMENT...	INV0170543	08/11/2023	CASE #0012022247	101.203.2032100	230.77
MINNESOTA DEPARTMENT OF...	INV0170544	08/11/2023	CASE #001490481201	101.203.2032100	357.72
MINNESOTA DEPARTMENT OF...	INV0170545	08/11/2023	CASE #000115468905	101.203.2032100	65.06
MINNESOTA DEPARTMENT OF...	INV0170546	08/11/2023	CASE #001563363401	101.203.2032100	426.85
MINNESOTA DEPARTMENT OF...	INV0170547	08/11/2023	CASE #001567848502	101.203.2032100	60.45
MINNESOTA DEPARTMENT OF...	INV0170548	08/11/2023	CASE #001521862201	101.203.2032100	200.73
MEDSURETY ACH ONLY	INV0170550	08/11/2023	HSA ELECTION-FAMILY	101.203.2032500	4,134.29
MEDSURETY ACH ONLY	INV0170551	08/11/2023	HSA ELECTION-SINGLE	101.203.2032500	5,417.84
IGH PROFESSIONAL FIREFIGHT...	INV0170552	08/11/2023	UNION DUES (IAFF)	101.203.2031000	504.01
LELS LOCAL #84	INV0170554	08/11/2023	UNION DUES (LELS)	101.203.2031000	2,371.50
MN STATE RETIREMENT SYST...	INV0170556	08/11/2023	MINNESOTA DEFERRED COM...	101.203.2031400	885.00
MN STATE RETIREMENT SYST...	INV0170557	08/11/2023	MINNESOTA DEFERRED COM...	101.203.2031400	792.10
PERA	INV0170558	08/11/2023	PERA COORDINATED PLAN	101.203.2030600	51,005.60
PERA	INV0170559	08/11/2023	EMPLOYER SHARE (EXTRA PE...	101.203.2030600	3,923.52
PERA	INV0170560	08/11/2023	PERA POLICE & FIRE PLAN	101.203.2030600	30,946.82
PERA	INV0170561	08/11/2023	EMPLOYER SHARE (POLICE & F...	101.203.2030600	46,420.21
ICMA RETIREMENT TRUST - 4...	INV0170562	08/11/2023	ROTH IRA (AGE 49 & UNDER)	101.203.2032400	3,568.76
ICMA RETIREMENT TRUST - 4...	INV0170563	08/11/2023	ROTH IRA (AGE 50 & OVER)	101.203.2032400	538.46
ICMA RETIREMENT TRUST - 4...	INV0170564	08/11/2023	ROTH-AGE <49 %	101.203.2032400	51.01
EFTPS	INV0170566	08/11/2023	FEDERAL WITHHOLDING	101.203.2030200	75,008.45
MN DEPT OF REVENUE (PAYR...	INV0170567	08/11/2023	STATE WITHHOLDING	101.203.2030300	32,421.99
EFTPS	INV0170568	08/11/2023	MEDICARE WITHHOLDING	101.203.2030500	21,718.14
EFTPS	INV0170569	08/11/2023	SOCIAL SECURITY WITHHOLDI...	101.203.2030400	59,740.50
ING DIRECT	INV0170570	08/11/2023	MSRS-HCSP	101.203.2032200	22,202.41
EFTPS	INV0170571	08/11/2023	FEDERAL WITHHOLDING	101.203.2030200	6,254.34
MN DEPT OF REVENUE (PAYR...	INV0170572	08/11/2023	STATE WITHHOLDING	101.203.2030300	1,868.67
EFTPS	INV0170573	08/11/2023	MEDICARE WITHHOLDING	101.203.2030500	618.44
EFTPS	INV0170574	08/11/2023	SOCIAL SECURITY WITHHOLDI...	101.203.2030400	2,644.34
EFTPS	INV0170575	08/11/2023	FEDERAL WITHHOLDING	101.203.2030200	5,007.58
MN DEPT OF REVENUE (PAYR...	INV0170576	08/11/2023	STATE WITHHOLDING	101.203.2030300	1,517.80
EFTPS	INV0170577	08/11/2023	MEDICARE WITHHOLDING	101.203.2030500	515.14
EFTPS	INV0170578	08/11/2023	SOCIAL SECURITY WITHHOLDI...	101.203.2030400	2,202.64
MN DEPT OF REVENUE (PAYR...	INV0170579	08/14/2023	STATE WITHHOLDING	101.203.2030300	19.66
EFTPS	INV0170580	08/14/2023	MEDICARE WITHHOLDING	101.203.2030500	15.36
EFTPS	INV0170581	08/14/2023	SOCIAL SECURITY WITHHOLDI...	101.203.2030400	65.72
HERITAGE LANDSCAPE SUPPLY...	0011724719-001	08/16/2023	fertilizer	101.44.6000.451.60030	7,680.00
HERITAGE LANDSCAPE SUPPLY...	0011724719-001	08/16/2023	seed	101.44.6000.451.60065	3,730.00
HERITAGE LANDSCAPE SUPPLY...	0012022997-001	08/16/2023	pesticides	101.44.6000.451.60035	1,864.00
ANCOM TECHNICAL CENTER	116436	08/16/2023	radio repair	101.42.4200.423.40042	197.00
ANCOM TECHNICAL CENTER	116437	08/16/2023	replace mic and repaired radio	101.42.4200.423.40042	69.00
UNIFIRST CORPORATION	1410003116	08/16/2023	Streets Uniforms	101.43.5200.443.60045	77.06
UNIFIRST CORPORATION	1410003116	08/16/2023	Parks Uniforms	101.44.6000.451.60045	15.93

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
SHRED-N-GO, INC.	154526	08/16/2023	Shred Confidential Docs	101.41.1140.413.30700	37.50
SHRED-N-GO, INC.	154526	08/16/2023	Shred Docs	101.44.6100.459.30700	35.00
MADISON NATIONAL LIFE INS...	1571329	08/16/2023	8.2023 Premium	101.203.2031700	3,213.83
CULLIGAN	157984591006X07312023	08/16/2023	Bottled water for St 1	101.42.4200.423.60065	76.48
CULLIGAN	157986034674X07312023	08/16/2023	bottled water for St 2	101.42.4200.423.60065	18.09
GUARDIAN SUPPLY, LLC	15969	08/16/2023	leather name tags for Pederso...	101.42.4200.423.60045	44.97
EYEMED	165888102	08/16/2023	8.2023 Premium	101.203.2032700	251.07
EYEMED	165888104	08/16/2023	8.2023 Cobra Premium	101.203.2032710	13.66
SKYHAWKS SPORTS ACADEMY,...	17522	08/16/2023	Youth summer sports camp. S...	101.44.6100.454.30700	774.00
TRUGREEN	180676670	08/16/2023	pesticide applications	101.44.6000.451.60035	3,693.52
EXECUTIVE CONTRACTORS, IN...	20230613-01	08/16/2023	Profile Milling	101.43.5200.443.40046	11,000.00
EXECUTIVE CONTRACTORS, IN...	20230725-01	08/16/2023	Profile Milling	101.43.5200.443.40046	3,250.00
ELSA LITECRY	20230727	08/16/2023	EcoElsa Summer Nature Camp...	101.44.6100.452.30700	660.00
EXECUTIVE CONTRACTORS, IN...	20230802-01	08/16/2023	Profile Milling	101.43.5200.443.40046	6,800.00
EXECUTIVE CONTRACTORS, IN...	20230802-02	08/16/2023	Profile Milling	101.43.5200.443.40046	2,000.00
MINNEAPOLIS OXYGEN CO.	20284504	08/16/2023	refill of medical O2	101.42.4200.423.40042	189.74
GERTENS	206893/12	08/16/2023	seed	101.44.6000.451.60065	1,018.00
GERTENS	206954/12	08/16/2023	balance on seed after exchan...	101.44.6000.451.60065	229.05
BLACKTOP PROS, LLC	23-0258	08/16/2023	Clark road paving	101.43.5200.443.60016	13,800.00
PINE BEND PAVING, INC.	23-2489	08/16/2023	asphalt for Clark Road overlay	101.43.5200.443.60016	24,299.10
PINE BEND PAVING, INC.	23-2540	08/16/2023	asphalt	101.43.5200.443.60016	17,325.42
TAHO SPORTSWEAR	23TS3532	08/16/2023	Safety Camp T-Shirts	101.44.6100.452.60045	1,050.00
BOLTON & MENK, INC.	316156	08/16/2023	Engineering Staff Augmentati...	101.43.5100.442.30700	3,250.00
ASPEN MILLS	317436	08/16/2023	Uniforms for Travis Dohmen	101.42.4200.423.60045	99.90
ASPEN MILLS	317481	08/16/2023	new uniforms for C Peterson	101.42.4200.423.60045	85.95
ASPEN MILLS	317554	08/16/2023	uniforms for Tim Voight	101.42.4200.423.60045	57.95
STREAMLINE DESIGN INC	42496	08/16/2023	uniform fleece shirts	101.42.4200.423.60045	137.00
ATOM	453	08/16/2023	FTO School- Pung/Kuzel	101.42.4000.421.50080	1,250.00
BJORKLUND COMPENSATION ...	4537	08/16/2023	Job evaluation	101.41.1120.413.30700	150.00
CENTRAL TURF & IRRIGATION ...	50258267-00	08/16/2023	irrigation parts	101.44.6000.451.40047	57.43
LOCAL GOVERNMENT INFOR...	53933	08/16/2023	Axon, MCD & RMS softwares	101.42.4000.421.50072	2,741.00
LOCAL GOVERNMENT INFOR...	53941	08/16/2023	logis feld ops	101.42.4200.423.50072	215.00
HOLMES DESIGN, INC.	5479	08/16/2023	Graphic design for May P&R p...	101.44.6100.459.30700	1,080.00
HOLMES DESIGN, INC.	5480	08/16/2023	Graphic design for Parks & Rec...	101.44.6100.459.30700	1,064.00
HOLMES DESIGN, INC.	5488	08/16/2023	July Graphic Design Work	101.44.6100.459.30700	1,080.00
HOLMES DESIGN, INC.	5489	08/16/2023	Fall Brochure Graphic Design	101.44.6100.459.30700	1,280.00
DAKOTA CTY FINANCIAL SVCS	5501004	08/16/2023	ECU participation dues	101.42.4000.421.70501	21,000.00
DAKOTA CTY FINANCIAL SVCS	5501004	08/16/2023	Emergency services managem...	101.42.4000.421.70520	6,149.00
DAKOTA CTY FINANCIAL SVCS	5501004	08/16/2023	DPC participation dues	101.42.4000.421.70520	25,248.98
LEVANDER, GILLEN & MILLER P...	6/30/2023 81.13	08/16/2023	Casavida Senior Living - 7855 ...	101.45.3200.419.30700	318.50
EMC	62625	08/16/2023	annual tool service on cutters	101.42.4200.423.30700	2,426.26
CENTURY LINK	651-455-9072 7/19/2023	08/16/2023	phone bill for st 1	101.42.4200.423.50020	48.92
CAMPBELL KNUTSON, P.A.	7/31/2023	08/16/2023	Campbell/Knutson	101.42.4000.421.30410	20,068.62
KENISON, TERRI	7/31/2023	08/16/2023	cleaning of all three fire statio...	101.42.4200.423.60011	1,600.00
ST. PAUL PIONEER PRESS	723572521	08/16/2023	NOPH: Cannabis Ordinance	101.41.1140.413.50025	36.26
ST. PAUL PIONEER PRESS	723572521	08/16/2023	Publ 1455 - Alcohol in Parks	101.41.1140.413.50025	46.06
ST. PAUL PIONEER PRESS	723572521	08/16/2023	NOPH: Softball League	101.41.1140.413.50025	18.62
MN LIFE INSURANCE CO	8/1/2023	08/16/2023	8.2023 Premium	101.203.2030900	3,860.12
MN LIFE INSURANCE CO	8/1/2023	08/16/2023	8.2023 Cobra Premium	101.203.2030910	102.52
JENNIFER ANN CRNOBRNA	8/1/2023	08/16/2023	refund check for class cancell...	101.44.6100.3470000	129.00
MADDEN GALANTER HANSEN,...	8/11/2023	08/16/2023	Labor relations services thru 7...	101.41.1120.413.30420	660.00
FIELDSTONE FAMILY HOMES	8/3/2023	08/16/2023	Refund permit #PRBD202300...	101.45.3300.3221000	100.00
METROPOLITAN COUNCIL	8/4/2023	08/16/2023	Less: other charges	101.41.0000.3414000	-149.10
WINDOW WORLD	8/4/2023	08/16/2023	Refund permit #PRBD202203...	101.45.3300.3221000	92.00
COMCAST	8/5/2023	08/16/2023	cable invoice for station 1	101.42.4200.423.30700	10.79
JANELLE ELIZABETH JACQUES ...	8/8/2023	08/16/2023	refund out of class-	101.44.6100.3470000	129.00
GERTENS	803134/6	08/16/2023	seeder rental	101.44.6000.451.40050	114.00
UNIFIRST CORPORATION	900773882	08/16/2023	Street uniforms	101.43.5200.443.60045	34.34
UNIFIRST CORPORATION	900773882	08/16/2023	Parks uniforms	101.44.6000.451.60045	15.93
UNIFIRST CORPORATION	900777896	08/16/2023	Street Uniforms	101.43.5200.443.60045	43.14

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
UNIFIRST CORPORATION	900777896	08/16/2023	Parks Uniforms	101.44.6000.451.60045	15.93
RCM SPECIALTIES, INC.	9166	08/16/2023	spray patching	101.43.5200.443.40046	11,925.00
FIELD TRAINING SOLUTIONS	9688	08/16/2023	FTO -Atzmiller	101.42.4000.421.50080	295.00
PUBLIC SAFETY EQUIPMENT, L...	9730	08/16/2023	Joe Robertson- Vest	101.42.4000.421.60045	1,494.00
ENTERPRISE FM TRUST	FBN4814636	08/16/2023	lease payments	101.42.4000.421.70300	20,466.00
DAKOTA 911	IG2023-07	08/16/2023	Monthly DCC fees 7.2023	101.42.4000.421.70502	61,559.10
DAKOTA 911	IG2023-07	08/16/2023	Monthly DCC fees 7.2023	101.42.4200.423.70502	6,839.90
DAKOTA 911	IG2023-09	08/16/2023	DCC monthly 911 fee 9.2023	101.42.4000.421.70502	61,559.10
DAKOTA 911	IG2023-09	08/16/2023	DCC monthly 911 fee 9.2023	101.42.4200.423.70502	6,839.90
INNOVATIVE OFFICE SOLUTIO...	IN4271107	08/16/2023	office supplies for fire station 2	101.42.4200.423.60010	202.86
INNOVATIVE OFFICE SOLUTIO...	IN4282001	08/16/2023	office supplies	101.44.6100.459.60010	7.01
SAINT PAUL, CITY OF	IN54755	08/16/2023	asphalt mix - 4A	101.43.5200.443.60016	2,672.70
PIONEER ATHLETICS	INV892665	08/16/2023	field marking paint	101.44.6000.451.60065	5,947.50
MACQUEEN EMERGENCY GR...	P18306	08/16/2023	gas detector for Oswald	101.42.4200.423.60040	273.30
MACQUEEN EMERGENCY GR...	P18385	08/16/2023	gas detector for Oswald	101.42.4200.423.60040	90.55
GAME TIME	PJI-0212525	08/16/2023	parts for playgrounds	101.44.6000.451.40047	1,316.20
CORE & MAIN LP	T330623	08/16/2023	street supplies	101.43.5200.443.60016	708.20
CORE & MAIN LP	T337006	08/16/2023	Street Supplies	101.43.5200.443.60016	264.42
MN DEPT OF REVENUE	July 2023	08/17/2023	Taxes	101.207.2070300	400.54
MN DEPT OF REVENUE	July 2023 CR	08/17/2023	Taxes	101.207.2070300	-0.22
Fund 101 - GENERAL FUND Total:					787,741.89

Fund: 201 - C.V.B. FUND

RIVER HEIGHTS CHAMBER OF ...	11423	08/16/2023	Quarterly Office Rent Q3	201.44.1600.465.30700	1,800.00
HOUR MEDIA	3-23-AAA1105	08/16/2023	Photo/Listing advertismnt 3....	201.44.1600.465.50025	1,086.00
HOUR MEDIA	5-23-AAA1013	08/16/2023	Digital advertising 5.2023 - 6....	201.44.1600.465.50025	192.00
Fund 201 - C.V.B. FUND Total:					3,078.00

Fund: 205 - COMMUNITY CENTER-OPERATING FUND

AMERICAN RED CROSS	22613568	08/16/2023	Bridging class for LGS	205.44.6200.453.60018	258.00
PUSH PEDAL PULL	364922	08/16/2023	repairs on fitness equipment	205.44.6200.453.40042	824.02
PUSH PEDAL PULL	364923	08/16/2023	repairs for fitness equipment	205.44.6200.453.40042	584.87
AEP ONSITE PARTNERS, LLC	419-21444841	08/16/2023	AEP July 2023 solar panels	205.44.6200.453.40020	6,614.89
AEP ONSITE PARTNERS, LLC	419-21444841	08/16/2023	AEP July 2023 solar panels	205.44.6200.453.40020	6,704.90
TWIN SOURCE SUPPLY	505539	08/16/2023	cleanser	205.44.6200.453.60011	34.44
TWIN SOURCE SUPPLY	505539	08/16/2023	cleanser	205.44.6200.453.60011	34.43
HOLMES DESIGN, INC.	5479	08/16/2023	Graphic design for May P&R p...	205.44.6200.453.30700	1,620.00
HOLMES DESIGN, INC.	5480	08/16/2023	Graphic design for P&R June p...	205.44.6200.453.30700	1,596.00
HOLMES DESIGN, INC.	5488	08/16/2023	July Grapphic Design Work	205.44.6200.453.30700	1,620.00
HOLMES DESIGN, INC.	5489	08/16/2023	Fall Brochure Graphic Design	205.44.6200.453.30700	1,920.00
HAWKINS, INC.	6531748B	08/16/2023	pool chemicals	205.44.6200.453.60024	588.00
HAMEN, JUDY	8/1/2023	08/16/2023	Refund for cancelled out of cla...	205.44.0000.3493501	15.00
INNOVATIVE OFFICE SOLUTIO...	IN4282001	08/16/2023	office supplies	205.44.6200.453.60010	32.93
INNOVATIVE OFFICE SOLUTIO...	IN4284821	08/16/2023	office supplies	205.44.6200.453.60010	30.33
MN DEPT OF REVENUE	July 2023	08/17/2023	Taxes	205.207.2070300	7,391.22
Fund 205 - COMMUNITY CENTER-OPERATING FUND Total:					29,869.03

Fund: 270 - HOST COMMUNITY FUND

BOLTON & MENK, INC.	314904	08/16/2023	Union Cemetery survey	270.75.5900.751.30700	3,405.00
AMERICAN ENGINEERING TES...	INV-141961	08/16/2023	Ground Penetrating Radar (G...	270.75.5900.751.30700	3,115.00
Fund 270 - HOST COMMUNITY FUND Total:					6,520.00

Fund: 290 - EDA-OPERATING FUND

LEVANDER, GILLEN & MILLER P..	6/30/2023 81.13	08/16/2023	EDA	290.45.3000.419.30420	84.00
DCA TITLE	DC231161	08/16/2023	Title Work RE 6971 Dickman Trl	290.45.3000.419.30700	575.00
DCA TITLE	DC231162	08/16/2023	Title Work RE L 14-17, O.M. J...	290.45.3000.419.30700	575.00
Fund 290 - EDA-OPERATING FUND Total:					1,234.00

Fund: 401 - PARK CAPITAL REPLACEMENT

HOISINGTON KOEGLER GROUP..	021-002-28	08/16/2023	July 2023 SV project svcs	401.44.5900.744.30700	2,103.05
FIRST IMPRESSION GROUP	146312	08/16/2023	2024 Tennis/Pickleball cts pos...	401.44.5900.744.50030	385.00
FIRST IMPRESSION GROUP	146312	08/16/2023	2024 Tennis/Pickleball cts pos...	401.44.5900.744.50035	277.96
HOLMES DESIGN, INC.	5488	08/16/2023	Graphic Design for community...	401.44.5900.744.30700	236.25

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Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
BRAUN INTERTEC CORPORATI...	B351800	08/16/2023	inspection svcs for SV renovat...	401.44.5900.744.30700	2,023.00
Fund 401 - PARK CAPITAL REPLACEMENT Total:					5,025.26
Fund: 402 - PARK ACQUISITION & DEVELOPMENT FUND					
WEBER, INC.	6/30/2023	06/30/2023	Pay Voucher 2, Project 2021-15	402.44.6000.451.80300	81,361.02
WSB & ASSOCIATES, INC.	R-020153-000-11	08/16/2023	June 2023 HVP Phase IV svcs	402.44.6000.451.30700	12,580.91
WSB & ASSOCIATES, INC.	R-021133-000-11	08/16/2023	Argenta Hills & Overlook Ridge..	402.44.6000.451.30700	6,747.05
WSB & ASSOCIATES, INC.	R-021133-000-11	08/16/2023	Argenta Hills & Overlook Ridge..	402.44.6000.451.30700	6,747.05
Fund 402 - PARK ACQUISITION & DEVELOPMENT FUND Total:					107,436.03
Fund: 436 - 117TH STREET RECONSTRUCTION					
SRF CONSULTING GROUP, INC	13074.00-27	08/16/2023	117th St. Preliminary Design	436.73.5900.736.30300	1,882.52
SRF CONSULTING GROUP, INC	16424.00-3	08/16/2023	117th St. reconstruction Final...	436.73.5900.736.30300	44,559.58
Fund 436 - 117TH STREET RECONSTRUCTION Total:					46,442.10
Fund: 440 - PAVEMENT MGMT-LOCAL STREETS					
BOLTON & MENK, INC.	316154	08/16/2023	Construction Services	440.74.5900.740.30300	5,187.50
GOODPOINTE TECHNOLOGY, ...	4417	08/16/2023	2023 Pavement Condition Sur...	440.74.5900.740.30340	8,580.00
GOODPOINTE TECHNOLOGY, ...	4418	08/16/2023	2023 Pavement Condition Sur...	440.74.5900.740.30340	4,450.00
MCNAMARA CONTRACTING I...	6/26/2023	08/16/2023	Final Pay Voucher 7, Project 2...	440.74.5900.740.80300	8,472.15
WSB & ASSOCIATES, INC.	R-022621-000-3	08/16/2023	Construction Materials Testing	440.74.5900.740.30300	2,566.25
WSB & ASSOCIATES, INC.	R-022722-000-3	08/16/2023	Construction Materials Testing	440.74.5900.740.30300	8,966.25
WSB & ASSOCIATES, INC.	R-022723-000-3	08/16/2023	Construction Materials Testing	440.74.5900.740.30300	146.25
Fund 440 - PAVEMENT MGMT-LOCAL STREETS Total:					38,368.40
Fund: 510 - WATER-OPERATING FUND					
PROTOUCH PAINTING, INC.	18732	08/16/2023	Hydrant painting	510.50.7100.512.40043	19,500.00
CITY OF BLOOMINGTON	22470	08/16/2023	Water samples	510.50.7100.512.30700	480.00
BDG INC.	29054	08/16/2023	Operator's manual	510.50.7100.512.60016	118.25
AUTOMATIC SYSTEMS CO.	40542	08/16/2023	Well 3 repairs	510.50.7100.512.30700	144.93
AUTOMATIC SYSTEMS CO.	40553	08/16/2023	whistle tree lift station switch ...	510.50.7100.512.30700	1,191.67
HAWKINS, INC.	6543842	08/16/2023	chemicals	510.50.7100.512.60019	26,963.12
HAWKINS, INC.	6548113	08/16/2023	chemicals	510.50.7100.512.60019	1,961.00
LONE OAK COMPANIES	8/10/2023	08/16/2023	Reminder notice postage 8.20...	510.50.7100.512.50035	301.25
LONE OAK COMPANIES	8/10/2023	08/16/2023	Utility bills postage 8.2023	510.50.7100.512.50035	756.25
LONE OAK COMPANIES	8/10/2023	08/16/2023	Reminder notice paper order 8...	510.50.7100.512.60010	37.50
SOUTH GROVE TOWNHOMES	8/2/2023	08/16/2023	Refund on Utility Account 04-...	510.50.0000.3811000	3,646.44
GRAINGER	9790747662	08/16/2023	Well 9 maintenance	510.50.7100.512.40040	60.78
MN DEPT OF REVENUE	July 2023	08/17/2023	Taxes	510.207.2070200	10,307.02
Fund 510 - WATER-OPERATING FUND Total:					65,468.21
Fund: 520 - SEWER-OPERATING FUND					
LONE OAK COMPANIES	8/10/2023	08/16/2023	Utility bills postage 8.2023	520.51.7200.514.50035	756.25
LONE OAK COMPANIES	8/10/2023	08/16/2023	Reminder notice postage 8.20...	520.51.7200.514.50035	301.25
LONE OAK COMPANIES	8/10/2023	08/16/2023	Reminder notice paper order 8...	520.51.7200.514.60010	37.50
Fund 520 - SEWER-OPERATING FUND Total:					1,095.00
Fund: 521 - SEWER-CAPITAL FUND					
METROPOLITAN COUNCIL	8/4/2023	08/16/2023	Monthly SAC fees 7.2023	521.217.2170000	14,910.00
Fund 521 - SEWER-CAPITAL FUND Total:					14,910.00
Fund: 530 - STORM WATER-OPERATING					
M & J SERVICES, LLC	2783	08/16/2023	storm sewer maintenance	530.74.5900.741.40066	4,655.00
M & J SERVICES, LLC	2784	08/16/2023	storm sewer maintenance	530.74.5900.741.40066	5,105.00
M & J SERVICES, LLC	2785	08/16/2023	storm sewer maintenance	530.74.5900.741.40066	2,275.00
Fund 530 - STORM WATER-OPERATING Total:					12,035.00
Fund: 550 - INVER WOOD GOLF COURSE					
HERITAGE LANDSCAPE SUPPLY...	0010762575-001	08/16/2023	wetting agents and pesticide	550.52.8600.527.60035	15,761.32
BREAKTHRU BEVERAGE MINN...	111518966	08/16/2023	beer for resale	550.52.8300.524.76150	697.05
BREAKTHRU BEVERAGE MINN...	11509230	08/16/2023	alcohol for resale	550.52.8300.524.76150	81.45
UNIFIRST CORPORATION	1410003118	08/16/2023	uniforms and towels	550.52.8600.527.60045	134.97
DENNY'S 5TH AVENUE BAKERY	14539	08/16/2023	breads for food resale	550.52.8300.524.76050	139.75
DENNY'S 5TH AVENUE BAKERY	14597	08/16/2023	breads for resale	550.52.8300.524.76050	127.09
DENNY'S 5TH AVENUE BAKERY	14771	08/16/2023	breads for food resale	550.52.8300.524.76050	139.75
DENNY'S 5TH AVENUE BAKERY	14874	08/16/2023	breads for food resale	550.52.8300.524.76050	127.09

Expense Approval Report

Payment Dates: 8/9/2023 - 8/22/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
DENNY'S 5TH AVENUE BAKERY	14987	08/16/2023	breads for food resale	550.52.8300.524.76050	127.09
MN GOLF ASSOCIATION, INC.	231022	08/16/2023	handicaps thru July 2023	550.52.8000.521.70250	1,500.00
SHAMROCK GROUP	2922552	08/16/2023	ice for bev. resale	550.52.8300.524.76100	351.60
SHAMROCK GROUP	2923064	08/16/2023	ice for bev. resale	550.52.8300.524.76100	291.20
SHAMROCK GROUP	2924886	08/16/2023	ice for bev. resale	550.52.8300.524.76100	268.60
SHAMROCK GROUP	2925380	08/16/2023	ice for bev. resale	550.52.8300.524.76100	137.65
ARTISAN BEER COMPANY	3620295	08/16/2023	beer for resale	550.52.8300.524.76150	226.20
M. AMUNDSON LLP	366691	08/16/2023	snacks for resale	550.52.8300.524.76050	327.19
COCA COLA BOTTLING COMP...	37003853011	08/16/2023	pop & water for resale	550.52.8300.524.76100	1,338.22
COCA COLA BOTTLING COMP...	37003853013	08/16/2023	returned CO2 cannisters	550.52.8300.524.76100	-150.00
PHILLIPS WINE & SPIRITS	6639573	08/16/2023	alcohol for resale	550.52.8300.524.76150	729.27
PERFORMANCE FOOD GROUP ...	69112160	08/16/2023	towels	550.52.8300.524.60065	65.54
PERFORMANCE FOOD GROUP ...	69112160	08/16/2023	food & food supplies for resale	550.52.8300.524.76050	971.55
DRAFT TECHNOLOGIES	8092301	08/16/2023	beer line cleaning	550.52.8300.524.40042	150.00
TITLEIST	916270605	08/16/2023	golf balls for resale	550.52.8200.523.76450	124.36
COLLEGE CITY BEVERAGE	936898	08/16/2023	beer for resale	550.52.8300.524.76150	274.50
ALL STAR PRO GOLF, INC.	INV32983	08/16/2023	Imprinted (Blue) hex score pe...	550.52.8000.521.60010	823.71
ALL STAR PRO GOLF, INC.	INV34274	08/16/2023	finance chg for pencils	550.52.8000.521.60010	12.36
VISTA OUTDOOR SALES LLC	INV611725	08/16/2023	accessories for resale	550.52.8200.523.76400	235.10
MN DEPT OF REVENUE	July 2023	08/17/2023	Taxes	550.207.2070300	33,008.44
Fund 550 - INVER WOOD GOLF COURSE Total:					58,021.05

Fund: 602 - RISK MANAGEMENT

GUADALAJARA, MIGUEL	7/31/2023	08/16/2023	Employer release - settlement...	602.00.2100.415.70600	100.00
Fund 602 - RISK MANAGEMENT Total:					100.00

Fund: 603 - CENTRAL EQUIPMENT

KIMBALL MIDWEST	101311617	08/16/2023	Shop Supplies	603.00.5300.444.60012	44.58
MTI DISTRIBUTING CO	1392393-00	08/16/2023	Mower caps	603.00.5300.444.40042	58.27
MTI DISTRIBUTING CO	1393355-00	08/16/2023	Ball drag rake prongs	603.00.5300.444.40042	206.54
MTI DISTRIBUTING CO	1393897-00	08/16/2023	Ball drag rake finishing	603.00.5300.444.40042	192.30
MTI DISTRIBUTING CO	1399305-00	08/16/2023	Mower seal kits and parts	603.00.5300.444.40042	1,037.79
MTI DISTRIBUTING CO	1399684-00	08/16/2023	Mower wheels	603.00.5300.444.40042	432.66
UNIFIRST CORPORATION	1410003116	08/16/2023	Other rentals	603.00.5300.444.40065	131.55
UNIFIRST CORPORATION	1410003116	08/16/2023	CE Uniforms	603.00.5300.444.60045	40.46
TITAN MACHINERY	18692346	08/16/2023	Backhoe filters	603.00.5300.444.40042	157.73
L.T.G. POWER EQUIPMENT	279034	08/16/2023	Mower blade set	603.00.5300.444.40042	125.98
NORTH AMERICAN TRAILER S...	30004210077	08/16/2023	Dump Truck quick release val...	603.00.5300.444.40041	16.93
NORTH AMERICAN TRAILER S...	30004210101	08/16/2023	Dump Truck parts	603.00.5300.444.40041	4.90
DELEGARD TOOLS	300442/1	08/16/2023	Small tools	603.00.5300.444.60040	138.84
INVER GROVE FORD	5332971	08/16/2023	Fire Truck wheel cover	603.00.5300.444.40041	285.62
NORTHERN SAFETY TECHNOL...	56201	08/16/2023	Squad 21	603.00.5300.444.80701	9,828.31
NORTHERN SAFETY TECHNOL...	56202	08/16/2023	Squad car outfitting	603.00.5300.444.80701	9,828.31
INVER GROVE FORD	6395191	08/16/2023	Squad car parts	603.00.5300.444.40041	354.81
DAKOTA AGGREGATES, LLC.	7223471	08/16/2023	sand for cold storage	603.00.5300.444.40040	478.67
BIG TOP RENTAL, INC.	72855	08/16/2023	PW Biffy 4.2023	603.00.5300.444.40040	70.00
UNIFIRST CORPORATION	900773882	08/16/2023	Other rentals	603.00.5300.444.40065	120.35
UNIFIRST CORPORATION	900773882	08/16/2023	CE uniforms	603.00.5300.444.60045	35.81
UNIFIRST CORPORATION	900777896	08/16/2023	Other rentals	603.00.5300.444.40065	137.15
UNIFIRST CORPORATION	900777896	08/16/2023	CE uniforms	603.00.5300.444.60045	35.81
FACTORY MOTOR PARTS COM...	95-364779	08/16/2023	Stock Filters	603.140.1450050	23.76
MIDWEST MACHINERY, INC	9691228	08/16/2023	Tractor fan drive	603.00.5300.444.40042	1,243.43
POMP'S TIRE SERVICE, INC.	980108664	08/16/2023	Fire Truck tires	603.00.5300.444.60014	2,557.94
I-STATE TRUCK CENTER	C242837142-01	08/16/2023	Fire Truck filter	603.00.5300.444.40041	88.11
I-STATE TRUCK CENTER	C242837659-01	08/16/2023	Fire Truck filter	603.00.5300.444.40041	88.11
CENTENNIAL GLASS	I00013274	08/16/2023	F550 door	603.00.5300.444.40041	290.00
MACQUEEN EMERGENCY GR...	W05503	08/16/2023	Fire Truck seat switch replace...	603.00.5300.444.40041	322.20
Fund 603 - CENTRAL EQUIPMENT Total:					28,376.92

Fund: 605 - CITY FACILITIES

OPTION ONE MECHANICAL LLC	3320	08/16/2023	upgrade parts to WTP Anon un..	605.00.7500.460.40040	1,694.00
AEP ONSITE PARTNERS, LLC	419-21444841	08/16/2023	AEP July 2023 solar panels	605.00.7500.460.40020	3,543.95

Expense Approval Report

Payment Dates: 8/9/2023 - 8/22/2023

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
REFLECTIONS WINDOW DOWN WA...	8175	08/16/2023	CH & PD window washing	605.00.7500.460.40040	2,150.00
Fund 605 - CITY FACILITIES Total:					7,387.95
Fund: 606 - TECHNOLOGY FUND					
INSIGHT PUBLIC SECTOR	1101078160	08/16/2023	Office 365 license	606.00.1400.413.50072	2,577.50
AT&T MOBILITY	287298707874X08032023	08/16/2023	Cell phones	606.00.1400.413.50020	963.56
AT&T MOBILITY	287298708193X08032023	08/16/2023	Cell phones	606.00.1400.413.50020	2,836.42
AT&T MOBILITY	287299110577X08032023	08/16/2023	Cell phones	606.00.1400.413.50020	3,112.57
MARCO TECHNOLOGIES, LLC	34628004	08/16/2023	Printers & copiers leases	606.00.1400.413.40050	1,816.28
Fund 606 - TECHNOLOGY FUND Total:					11,306.33
Fund: 702 - ESCROW FUND					
STANTEC CONSULTING SERVI...	2110323	08/16/2023	Stormwater Facility Construct...	702.229.2298003	260.75
BOLTON & MENK, INC.	316157	08/16/2023	Construction Services	702.229.2304103	444.50
LEVANDER, GILLEN & MILLER P..6/30/2023 81.13		08/16/2023	Chipotle PUD	702.229.2285503	73.50
LEVANDER, GILLEN & MILLER P..6/30/2023 81.13		08/16/2023	Healing Garden/Solomonson -...	702.229.2304803	245.00
LEVANDER, GILLEN & MILLER P..6/30/2023 81.13		08/16/2023	Staples/Rich Valley Ranch Sub...	702.229.2306603	1,621.00
LEVANDER, GILLEN & MILLER P..6/30/2023 81.13		08/16/2023	Robert Curve 4th Addition	702.229.2307703	9,069.00
LEVANDER, GILLEN & MILLER P..6/30/2023 81.13		08/16/2023	Bilotta Subdivision - 9450 Rob...	702.229.2308603	245.00
LEVANDER, GILLEN & MILLER P..6/30/2023 81.13		08/16/2023	InverPoint Business Park 3rd ...	702.229.2308903	2,146.00
ST. PAUL PIONEER PRESS	723572521	08/16/2023	NOPH: Bulk Fluids 23-29S 2nd...	702.229.2308203	30.38
ST. PAUL PIONEER PRESS	723572521	08/16/2023	NOPH: Bulk Fluids 23-29S	702.229.2308203	27.44
ST. PAUL PIONEER PRESS	723572521	08/16/2023	NOPH: BJ Baas Builders 23-30...	702.229.2308503	27.93
ST. PAUL PIONEER PRESS	723572521	08/16/2023	NOPH: Corey Dotas 23-28Z	702.229.2309203	25.48
ST. PAUL PIONEER PRESS	723572521	08/16/2023	NOPH: Corey Dotas 23-28Z 2...	702.229.2309203	27.93
ST. PAUL PIONEER PRESS	723572521	08/16/2023	NOPH: Corey Dotas 23-28Z 3r...	702.229.2309203	28.42
MATT & BETHANY OTTERSTAT...8/11/2023		08/16/2023	Escrow Release - 6556 Arlene ...	702.229.2307303	1,052.67
MATT & BETHANY OTTERSTAT...8/11/2023		08/16/2023	Escrow Release - 6556 Arlene ...	702.229.2307403	10,000.00
Fund 702 - ESCROW FUND Total:					25,325.00
Grand Total:					1,249,740.17



Request for Council Action

SUBJECT: **Personnel Actions**

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Cora Bauer, HR Coordinator, 651.450.2490

ACTION REQUESTED

The Council is asked to confirm and approve the personnel actions 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 08.28.23



Request for Council Action

SUBJECT: **Approval of Charitable Gambling Raffles by Spartan End Zone Club**

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Rebecca Kiernan, City Clerk, 651.450.2513

ACTION REQUESTED

The Council is asked to approve the attached Resolution, authorizing charitable gambling raffles by the Spartan End Zone Club on September 1, September 8, September 22, and October 12, 2023.

BACKGROUND

Spartan End Zone Club has submitted a request for four charitable gambling raffles to be held in conjunction with the Simley High School football games on September 1, September 8, September 22, and October 12, 2023. Spartan End Zone Club raises funds for Inver Grove Heights youth football, lacrosse, softball, baseball, and wrestling activities.

FISCAL IMPACT

This item has no fiscal impact to the City.

RECOMMENDATION

Staff recommends Council adoption of the attached Resolution, authorizing the four raffles by the Spartan End Zone Club.

ATTACHMENTS

1. Resolution - Approving Spartan End Zone Raffle Permits
2. LG230 Spartan Application 9-1-2023
3. LG230 Spartan Application 9-8-2023
4. LG230 Spartan Application 9-22-2023
5. LG230 Spartan Application 10-12-2023

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

RESOLUTION NO. _____

**RESOLUTION APPROVING THE APPLICATION OF
SPARTAN END ZONE CLUB
TO CONDUCT OFF-SITE GAMBLING - RAFFLES
AT SIMLEY HIGH SCHOOL FOOTBALL FIELD**

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

WHEREAS, Spartan End Zone Club has submitted an application to Conduct Off-Site Gambling - Raffles at Simley High School Football field in Inver Grove Heights on the dates of September 1, September 8, September 22, and October 12, 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 Spartan End Zone Club to conduct Off-Site Gambling - Raffles.

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 28th day of August, 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

MINNESOTA LAWFUL GAMBLING
LG230 Application to Conduct Off-Site Gambling

6/15 Page 1 of 2

No Fee

ORGANIZATION INFORMATION

Organization Name: SPARTAN END ZONE CLUB License Number: 93697
Address: PO BOX 3312 City: INVERGROVE HTS, MN Zip: 55076
Chief Executive Officer (CEO) Name: JASON BRYANT Daytime Phone: 651-302-8334
Gambling Manager Name: DIANNE ROSSMAN Daytime Phone: 651-459-6090

GAMBLING ACTIVITY

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

From 9/1/83 to 9/1/83

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: SIMLEY HIGH SCHOOL

Street address and City (or township): 2920 80th ST E. DUELL 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: \$_____ (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: _____

Print Lessor's Name: _____

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: _____ Title: _____ Date Signed: _____	Signature of County Personnel: _____ 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)

8-7-2023
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.

MINNESOTA LAWFUL GAMBLING
LG230 Application to Conduct Off-Site Gambling

6/15 Page 1 of 2

No Fee

ORGANIZATION INFORMATION

Organization Name: SPARTAN END ZONE CLUB License Number: 93697
Address: PO BOX 2312 City: INVERGROVE HTS, MN Zip: 55076
Chief Executive Officer (CEO) Name: JASON BRYANT Daytime Phone: 651-302-8334
Gambling Manager Name: DIANNE RASMAN Daytime Phone: 651-459-6090

GAMBLING ACTIVITY

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

From 9/8/23 to 9/8/23

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: SIMLEY HIGH SCHOOL
Street address and City (or township): 2950 8TH ST E IGH 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: \$_____ (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: _____

Print Lessor's Name: _____

CONTINUE TO PAGE 2

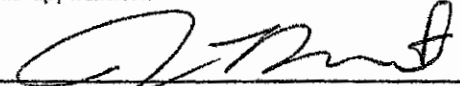
Acknowledgment by Local Unit of Government: Approval by Resolution

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: _____ 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.


8-7-2023

 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.

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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.

MINNESOTA LAWFUL GAMBLING
LG230 Application to Conduct Off-Site Gambling

6/15 Page 1 of 2

No Fee

ORGANIZATION INFORMATION

Organization Name: SPARTAN END ZONE CLUB License Number: 93697
Address: PO BOX 2212 City: INVERGROVE HTS MN Zip: 55076
Chief Executive Officer (CEO) Name: JASON BRYANT Daytime Phone: 651-302-8334
Gambling Manager Name: DIANNE RASSMAN Daytime Phone: 651-459-6090

GAMBLING ACTIVITY

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

From 9/22/23 to 9/22/23

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: SIMLEY HIGH SCHOOL
Street address and City (or township): 2920 80th St E IGH 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: \$ _____ (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: _____

Print Lessor's Name: _____

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: _____ 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)

8-7-2023
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.

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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.

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

Organization Name: SPARTAN END ZONE CLUB License Number: 93697
 Address: PO BOX 3312 City: INVERGROVE HTS, MN Zip: 55076
 Chief Executive Officer (CEO) Name: JASON BRYANT Daytime Phone: 651-302-8334
 Gambling Manager Name: DIANNE RASSMAN Daytime Phone: 651-459-6090

GAMBLING ACTIVITY

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

From 10/12/23 to 10/12/23

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: SIMLEY HIGH SCHOOL

Street address and City (or township): 2920 80th ST E. 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: \$ _____ (if none, write "0")

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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: _____ Date Signed: _____	Title: _____ Date Signed: _____
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8-7-2023
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Request for Council Action

SUBJECT: **Resolution Scheduling Public Hearings for 2024
Pavement Management Projects 2024-09 D, E, F, G, H,
and I**

MEETING DATE: August 28, 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, scheduling improvement hearings for 2024 Pavement Management Projects 2024-09 D, E, F, G, H and I.

BACKGROUND

The Council initiated the following Pavement Rehabilitation Projects on June 12, 2023, as part of the 2024 Pavement Management Initiative (2024 PMI):

- 2024-09D – Delano Way and Dempsey Way Area
- 2024-09E – Inver Grove Trail (Pine Bend)
- 2024-09F – Corcoran Path and Dawson Way Area
- 2024-09G – South Grove Areas 7A and 7B
- 2024-09H – 96th Street
- 2024-09I – Bixby Way
- 2024-09J – 99th Street

During the development of the feasibility of the 2024 PMI, staff made the following updates in **BOLD** to the project nomenclature and project scope which are also covered in the attached resolutions:

- 2024-09G – South Grove Areas 7A and 7B project name is changed to **2024-09G - South Grove Area 7.**
- 2024-09H – 96th Street project has been combined with 99th Street and the name changed to **2024-09H - 96th Street and 99th Street Area.**
- 2024-09J – 99th Street has been combined with 2024-09H and project number 2024-09J has been eliminated from the 2024 PMI project list.

The feasibility report for the 2024 PMI projects is nearing completion, and will be presented as part of the public improvement hearings to be held on September 25, 2023. Staff are continuing to review and finalize the feasibility reports. Staff will be hosting an open house on September 13 to provide a summary of the feasibility report recommendations to adjacent property owners ahead of the proposed public improvement hearing.

FISCAL IMPACT

There are no fiscal impacts associated with this Council action of calling the public hearings. The fiscal impacts of constructing the projects will be presented as part of the scheduled public hearing.

RECOMMENDATION

Staff recommends adoption of the attached Resolution ordering publication of and scheduling public hearings for the six aforementioned projects on September 25, 2023, where details of the feasibility report will be presented, resident comments will be heard, and the Council can consider ordering the project.

ATTACHMENTS

1. Resolution - Schedule Public Hearing for 2024 PMI Projects

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

**RESOLUTION SCHEDULING A PUBLIC HEARING
FOR 2024 PAVEMENT MANAGEMENT PROJECTS 2024-09 D, E, F, G, H, and I**

RESOLUTION NO. _____

WHEREAS, on June 12, 2023, City Council authorized the preparation of a feasibility report by Kimley-Horn & Associates, Inc. for the 2024 Pavement Management Initiative projects,

WHEREAS, Staff and Consultants have prepared a draft feasibility report, will meet with property owners, and incorporate feedback into the report, and present the final feasibility report to Council for acceptance prior to the improvement hearing for the following projects:

<u>Project No.</u>	<u>Location</u>	<u>Improvements</u>
2024-09D	Delano Way and Dempsey Way Area	Full Depth Reclaim
2024-09E	Inver Grove Trail (Pine Bend)	Full Depth Reclaim
2024-09F	Corcoran Path and Dawson Way Area	Full Depth Reclaim
2024-09G	South Grove Area 7	Full Depth Reclaim
2024-09H	96th Street and 99th Street Area	Full Depth Reclaim/Mill & Overlay
2024-09I	Bixby Way	Mill & Overlay

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

1. A public hearing will be held on such improvements at 6:00 PM on Monday, September 25, 2023, in the City Council Chambers at 8150 Barbara Avenue, Inver Grove Heights, MN 55077.
2. The Council hereby directs the City Clerk to mail and publish notice of such hearing and improvements as required pursuant to Chapter 429 of Minnesota Statute.

Adopted by the City Council of the City of Inver Grove Heights this 28th day of August 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

Request for Council Action

SUBJECT: **Release of Development Contract for plat of Total Construction Addition**

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Allan Hunting, City Planner, 651.450.2554

ACTION REQUESTED

The Council is asked to approve the attached release of development contract, releasing lots within the plat of Total Construction Addition from the development contract and its obligations.

BACKGROUND

In 1995, the city entered into a development contract for the plat of Total Construction Addition. One of the current landowners has asked the city to release the lots within the plat from all of the obligations, responsibilities and duties created under that development contract.

Engineering has confirmed all requirements of the agreement had been met previously and there are no on-going maintenance obligations for stormwater ponding as no ponds were created.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends approval of the attached Release.

ATTACHMENTS

1. Release from development contract for plat of Total Construction Addition

**RELEASE OF LOTS 1 – 3, BLOCK 1, AND OUTLOT A, TOTAL CONSTRUCTION
ADDITION, DAKOTA COUNTY, MINNESOTA, FROM DEVELOPMENT CONTRACT
FOR PLAT OF TOTAL CONSTRUCTION ADDITION (DOCUMENT NO. 1315562)**

WHEREAS, Lots 1 – 3, Block 1 and Outlot A, TOTAL CONSTRUCTION ADDITION, according to the plat thereof on file and of record with the Dakota County Recorder, Dakota County, Minnesota, are currently subject to that Development Contract dated September 25, 1995, and recorded December 4, 1995 as Document No. 1315562 with the Office of the Dakota County Recorder, Dakota County, Minnesota (the “Development Contract”); and

WHEREAS, the conditions imposed by the above-referenced Development Contract have been fulfilled.

NOW, THEREFORE, the City of Inver Grove Heights does hereby forever release and discharge Lot 1 – 3, Block 1 and Outlot A, TOTAL CONSTRUCTION ADDITION, according to the plat thereof on file and of record with the Dakota County Recorder, Dakota County, Minnesota, from all of the obligations, responsibilities and duties created under the that Development Contract dated September 25, 1995, and recorded December 4, 1995 as Document No. 1315562 with the Office of the Dakota County Recorder, Dakota County, Minnesota.

IN WITNESS WHEREOF, this Release is executed by the City of Inver Grove Heights this _____ day of _____, 2023.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich, Mayor

Attest: _____
Rebecca Kiernan, City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this _____ day of _____, 2023, before me a Notary Public within and for said County, personally appeared Brenda Dietrich and Rebecca Kiernan, to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed in behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

This instrument was drafted by:

Bridget M. Nason. # 0347322
Inver Grove Heights City Attorney
LeVander, Gillen & Miller, P.A.
1305 Corporate Center Drive, Suite 300
Eagan, MN 55121
651-451-1831

After recording, please return this instrument to:

Bridget M. Nason, # 0347322
Inver Grove Heights City Attorney
LeVander, Gillen & Miller, P.A.
1305 Corporate Center Drive, Suite 300
Eagan, MN 55121



Request for Council Action

SUBJECT: **Approval to Purchase New Fitness Equipment for the Veterans Memorial Community Center**

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Julie Dorshak, Recreation Superintendent, 651.450.2588

ACTION REQUESTED

The Council is asked to authorize the purchase of new fitness equipment from Johnson Fitness & Wellness at a cost of \$45,432 and to adopt the attached Resolution, declaring certain fitness equipment surplus property and authorizing its trade-in for credit toward the purchase of new equipment.

BACKGROUND

To maintain a high quality, safe and up-to-date fitness center, it is essential that fitness equipment be replaced and updated on a regular basis. Over the past ten years, VMCC staff have striven to replace cardio equipment every 3-5 years and strength equipment every 7-10 years. When purchased, most strength equipment will include a ten-year warranty for frame, three to five-years for parts and one-year labor.

Currently, staff are requesting approval to replace nine pieces of strength equipment, one cardio machine and a storage rack for the Grove Room 1 studio. Each of the nine strength machines has been on the floor for 7-10 years, and are out of warranty for parts, labor and structure. In many cases, parts for the units have been discontinued. The average wait time to replace a part on a machine is two weeks. The fitness center is relatively small and can house only one of each type of strength equipment. Therefore, when a piece of equipment is down for maintenance, customers become frustrated about having their workout routine interrupted due to broken equipment. Keeping equipment clean, safe and in working order allows us to remain competitive with other facilities at our price point.

One other factor that has contributed to the need for replacement of the strength equipment is due to customers sanitizing equipment during COVID. This has led to increased rust on our machines. Below is a picture of the Rust inside the Hoist Lat Pull and the Rust inside the Hoist Leg Press.



This request also includes the replacement of the ADA-compliant Scifit Arm Bike and a storage rack for weights. The Scifit Arm bike is out of warranty and parts are no longer available. This is an important cardio machine for customers who are wheelchair bound and only able to strengthen their upper body or our older adult population needing to rehab shoulders. The new storage rack will more efficiently contain and compact the amount of floor space needed for placing fitness equipment that is used for classes, such as kettlebells, hand weights, bosu balls, etc.

FISCAL IMPACT

The 2023 Capital Improvement Budget (CIP) includes \$45,000 for fitness equipment. The remaining \$432 will be taken from repair and replacement line item in the Fitness Budget, where there is currently an available balance of \$2,175.

Quotes were received from two local vendors and are listed below. Each vendor provided a competitive quote for the same number and same or similar piece of equipment. Quotes include the appropriate factory freight, delivery charges and trade in values. Also shown below are the vendor warranties for the equipment.

Vendor	Push Pedal Pull	Johnson Fitness
Cardio	\$ 6,195.00	\$6,500.00
Strength	\$41,536.43	\$38,837.00
Trade in	\$(1752.50)	\$(2,705.00)
Freight	\$3,000.00	\$0
install	\$3,995.00	\$2,800.00
Total	\$52,973.93	\$45,432.00

Vendor	Quote	Equipment	Moving Parts Warranty	Bearings Bushings Pulleys	Cable Warranty	Labor Warranty	Frame
Push Pedal Pull	\$ 52,973.93	Upper Body Ergometer	3	3	N/A	1	10
		Precor Strength	5	5	1	3	10
		Titan rack	1	N/A	1	N/A	10
Johnson Fitness	\$ 45,432.00	Upper Body Ergometer	3	3	N/A	1	10
		Hoist Strength Machines	5	3	N/A	3	10
		Torque rack	1	N/A	N/A	N/A	10

RECOMMENDATION

Staff recommends approval of the purchase of fitness equipment from Johnson Fitness & Wellness, as quoted, and adoption and of the attached Resolution, declaring certain fitness equipment surplus property and authorizing its trade-in for a credit toward the purchase of new equipment.

ATTACHMENTS

1. Resolution declaring certain fitness equipment surplus property
2. Johnson Fitness Quote
3. Push Pedal Pull Quote

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

RESOLUTION NO. _____

**CONSIDER RESOLUTION DECLARING SURPLUS PROPERTY AND AUTHORIZING ITS
TRADE IN AND FOR THE PURCHASING OF NEW FITNESS EQUIPMENT**

WHEREAS, the City of Inver Grove Heights is in possession of the following equipment or property which is no longer needed for public service and can be offered for sale and/or disposal or donation pursuant to the terms of Minnesota Statutes, Sections 471.345, 471.64, and 471.3459: and

- (1) FREE MOTION Cable Squat Machine
- (1) HOIST 6 station Single Pod w/Stand Alone HILO
- (1) HOIST ROC-IT Lat Pull
- (1) HOIST ROC-IT Leg Press
- (1) HOIST ROC-IT Low Back/Extension
- (1) HOIST ROC-IT Abdominal
- (1) HOIST Leg Curl/Leg Extension
- (1) MATRIX Aura Rear Delt/Fly
- (1) SCIFIT Pro (2013 model)
- (1) VTX Plate Tree
- (4) VTX 45 lb Plates
- (15) VTX 35 lb Plates
- (12) VTX 25 lb Plates

WHEREAS, the City is in need of the following identified Equipment; which may be purchased from Johnson Fitness & Wellness for a total of \$45,432.00 with a credit of \$2,705.00 for trading in the equipment listed above.

- ((1) HOIST 6 station Single Pod w/Stand Alone HILO
- (1) HOIST ROC-IT Lat Pull
- (1) HOIST ROC-IT Leg Press
- (1) HOIST ROC-IT Low Back
- (1) HOIST ROC-IT Abdominal
- (1) HOIST Leg Curl
- (1) HOIST Leg Extension
- (1) HOIST Dual Pec Fly/Rear Delt
- (1) NUSTEP UE8 Pro Upper Body Ergometer
- (1) Torque Fitness X-Create 3 Module Storage

NOW THEREFORE, be it resolved by the City Council of the City of Inver Grove Heights, Minnesota, as follows:

1. The equipment or property listed above is declared surplus and is authorized to be traded into Johnson Fitness & Wellness for a credit of \$2,705 to offset the purchase of the above fitness equipment.
2. City staff are authorized to take the necessary actions to trade in of the surplus equipment or property listed above and to purchase the new equipment listed above.

Adopted this 28th day of August 2023 by the City Council of Inver Grove Heights, MN

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Johnson Fitness & Wellness

Drew Wurst (3827)
7585 Equitable Drive
Eden Prairie, MN 55344
Phone: (952) 500-0508
Fax: (952) 906-6909
Email: drew.wurst@johnsonfit.com

Quote

Quote Order 22-063995
Date 08/08/23

Ship To Information

The Grove Community Center

Amy Crary
8055 Barbara Ave
Inver Grove Heights, MN 55077

Home: (651) 554-3420

Cell: (651) 554-3426

Email: invoice to drew.wurst@johnsonfit.com

ONLY invoices@ighmn.gov acrary@ighmn.gov

Bill To Information

The Grove Community Center

Amy Crary
8055 Barbara Ave
Inver Grove Heights, MN 55077

Home: (651) 554-3420

Cell: (651) 554-3426

Email: invoice to drew.wurst@johnsonfit.com

ONLY invoices@ighmn.gov acrary@ighmn.gov

Expiration Date: 10/3/2023

Terms: Prepaid

Qty	SKU	Description	Delivery Method	Tax	List Price	Your Price	Ext. Price
1	NS20001	NuStep UE8 Pro Upper Body Ergometer	Deliver	☐	\$7,995.00	\$6,500.00	\$6,500.00
		swivel head best accommodates wheelchair users		☐			
		10yr Frame, 3yrs parts, 1yr Labor Warranty		☐			
				☐			
1	HF-CMJ-6600-S	Hoist 6 Station Single Pod w/Stand Alone HILO	Deliver	☐	\$10,350.00	\$8,735.00	\$8,735.00
		*New Version of your unit		☐			
				☐			
		New Versions of your existing units:		☐			
1	HF-RS-1403A	Hoist ROC-IT Leg Press	Deliver	☐	\$6,799.00	\$4,937.00	\$4,937.00
1	HF-RS-1201	Hoist ROC-IT Lat Pull	Deliver	☐	\$4,750.00	\$3,450.00	\$3,450.00
1	725595	Hoist RS-1401 ROC-IT Leg Extension	Deliver	☐	\$4,750.00	\$3,450.00	\$3,450.00
1	RMF001676	Hoist ROC-IT Leg Curl	Deliver	☐	\$4,750.00	\$3,450.00	\$3,450.00
1	HF-HD-3900	Hoist Dual Pec Fly/Rear Delt	Deliver	☐	\$3,599.00	\$2,615.00	\$2,615.00
1	HF-RS-1204	Hoist ROC-IT Low Back/Extension	Deliver	☐	\$4,750.00	\$3,450.00	\$3,450.00
				☐			
		3 Section Storage Unit		☐			
		total dimensions:7ft tall, 37" deep, 12.5ft wide		☐			
1	TF-QT62676-02	Torque Fitness X-Create 3 Module Storage	Deliver	☐	\$10,658.00	\$5,300.00	\$5,300.00
		each 4ft section has 3 Storage Trays (42"x17")		☐			
		each 4ft section has 2 ball trays (6 total)		☐			
		each flat tray is rated to hold well over 1000lbs		☐			
		9 Trays x 1000lbs = over 9000lb weight capacity		☐			
				☐			
1	HF-RS-1601	Hoist ROC-IT Abdominal	Deliver	☐	\$4,750.00	\$3,450.00	\$3,450.00
				☐			

Qty	SKU	Description	Delivery Method	Tax	List Price	Your Price	Ext. Price
				☐			
-1	trade-in Credit	Credit for Piece for Piece (from above list)	Deliver	☐	\$0.01	\$1,925.00	-\$1,925.00
		\$600 for multijungle		☐			
		\$225 for each Hoist Machine x 5pcs		☐			
		\$200 for SciFit Pro (2013 model)		☐			
		*10yr old pieces need sandblasting, repainting,		☐			
		new cables, and some new components		☐			
		-estimated \$700-\$2500 cost per machine to refurb		☐			
		trade-in credit includes disassembly, removal,		☐			
		and transport of the pieces (\$1,200 value)		☐			
		*No trade-in credit for Matrix Fly Rear Delt based		☐			
		on Amy's report of new arms/parts needed		☐			
-1	Trade-Credit	Trade Credit for 1005lbs VTX Plates & Plate Tree	Deliver	☐	\$0.01	\$780.00	-\$780.00
				☐			
		<u>Torque 3-Module Storage Unit Warranty:</u>		☐			
		10 year frame and welds/1 year parts/90 days misc.		☐			
				☐			
		<u>HOIST WARRANTY For All HOIST On This Quote:</u>		☐			
		Frame: 10yrs		☐			
		Structural Moving Parts: 5yrs		☐			
		Bearings, Bushings, Pulleys: 3yrs		☐			
		Finish/Paint, Cables,Upholstery & Accessories:1yr		☐			
				☐			
		<u>Matrix Strength Warranty:</u>		☐			
		Frame: 10yrs		☐			
		Weight Stacks, Pulleys, Bearings: 5yrs		☐			
		Parts & Other: 3yrs		☐			
		Upholstery/Cables/Springs/Grips: 1yr		☐			
		Accessories: 6 months		☐			
				☐			
				☐			
1		Factory Freight		☐	\$7,021.22	\$0.00	\$0.00
		free freight c/o Johnson Fitness		☐			
				☐			
1	COMMDEL01	Commercial Delivery & Assembly	Deliver	☐	\$5,820.00	\$2,800.00	\$2,800.00
				☐			

Special Instructions:

NET 30 Terms
Black Pads, Silver Frames

Item Total:	\$45,432.00
Tax:	\$0.00
TOTAL:	\$45,432.00

Standard Terms and Conditions

1. All orders must be prepaid before shipment without approved credit.
2. These prices are subject to change after 30 days from document date.
3. There will be a 1.5% monthly service charge on all overdue accounts. The buyer is also responsible for any collection and/or legal fees involved in collecting past due accounts.
4. Any changes on orders must be made within 7 days after the order is accepted.
5. Clerical errors subject to correction. All prices and agreements are contingent upon strikes, accidents, and other causes avoidable or beyond our control.
6. Buyer agrees to promptly file claim for all goods damaged in transit.
7. There will be a 25-35% restocking charge on merchandise ordered but not accepted. Special orders are not refundable. Delivery, Set-Up and Freight charges will not be refunded.
8. A Preventative Maintenance Agreement is available for all equipment.
9. Equipment lease is available with approved credit.
10. All unit prices are F.O.B. manufacturer.
11. Products purchased without commercial warranties that are placed in non-residential settings void manufacturer's warranty. All repair costs are customer's responsibility.

Please send check payments to:

DBA Johnson Fitness & Wellness

1600 Landmark Drive

Cottage Grove, WI 53527

Acceptance of Proposal:

These prices, specifications and conditions are satisfactory and are hereby accepted.

I am authorized to order the listed equipment with full understanding
of the payment terms.

Authorized Signature: _____

Print Name: _____

P.O. Number: _____

Date of Acceptance: _____

www.johnsonfit.com/commercial



Push Pedal Pull, Inc.
14300-B Buck Hill Road
Burnsville MN 55337
MN COMMERCIAL DELIVERY
Cell / Text: (612) 201-0879
cwitt@pushpedalpull.com

Purchase Recommendation

Page 1 of 2

Prepared by: Chad Witt

Quote Date	Quote #
08/07/2023	97732

Billing Address	Shipping Address
INVER GROVE HGTS PARK/REC att: Accounts Payable 8055 BARBARA AVE INVER GROVE HEIGHTS MN 55077	INVER GROVE HGTS PARK/REC Amy Crary 651-554-3426 8055 Barbara Ave Inver Grove Heights MN 55077

Account No.	Customer Email
3601401 INVER GROVE HGTS PARK/REC	acrarry@ci.inver-grove-Heights.mn.us

Due to Covid19, we have been experiencing delayed lead times on various products for up to 20 weeks. See your local P3 representative for any updated changes. We apologize in advance for any inconvenience this may cause.

Item #	MFR	MODEL	Description	Color	Qty	MSRP	Price	Extended
74783	NUSTEP	20001	UE8 PRO UPPER BODY ERGOMETER (requires plug in)		1	6,995.00	6,195.00	6,195.00
26498	TAG FITNE...	ELITE-5S	5 STACK MULTI STATION W/ SHROUDS ALL 235# STACKS		1	13,998.00	10,834.66	10,834.66
74086	PRECOR	RSL0505	RESOLUTE REAR DELT/PEC FLY		1	5,500.00	3,993.33	3,993.33
96	PRECOR	C002BP	LAT PULLDOWN ***SILVER FRAME ONLY		1	3,600.00	2,999.00	2,999.00
74089	PRECOR	RSL605	RESOLUTE LEG EXTENSION		1	5,670.00	4,116.00	4,116.00
74092	PRECOR	RSL619	RESOLUTE SEATED LEG CURL		1	5,780.00	4,458.44	4,458.44
74096	PRECOR	RSL0313	RESOLUTE BACK EXTENSION		1	5,230.00	3,795.00	3,795.00
74088	PRECOR	RSL602	RESOLUTE LEG PRESS		1	7,630.00	5,540.00	5,540.00
NEW	PUSHUP	JPTA	Titan Custom Storage Unit 12' w/ dumbbell, kettlebell, band, mat & med ball storage. 6 x 6'f flat shelves for KB, DBs & 2 x 6' med ball rail shelves. Storage Peg -for battle rope 6 x accessory hooks for bands, jump ropes & mat storage		1	7,962.00	5,800.00	5,800.00
9901		FC	FREIGHT COMMERCIAL		1		3,000.00	3,000.00
9977		DEL	DELIVERY/INSTALLATION -		1		3,995.00	3,995.00

Standard Terms and Conditions:

1) 50% deposit and signed P.O. with order. Balance due before delivery.

Send Payment To:
2306 W 41st St.
Sioux Falls, SD 57105

2) Additional delivery fees may apply for additional trips.

3) Prices are subject to change 14 days after the quote date.

4) There will be a 2% monthly service charge on all overdue accounts. Buyer is also responsible for any collection and/or legal fees involved in collecting past due accounts.

5) The quote is computed to be performed during regular business hours. Any special request by the buyer necessary to complete work will be paid by the buyer.

6) Clerical errors are subject to correction.

7) Buyer agrees to promptly file claim for all goods damaged in transit.

8) We have a 30-day limited exchange policy with the exception of damaged or defective goods. This policy excludes exchanges on special orders and accessories. Merchandise must be in "like new" condition.

9) There will be a 20% restocking fee on merchandise cancellations or returns. Delivery, Set-Up and Freight will not be refunded.

Subtotal \$: 52,973.93

Sales Tax \$: 0.00

Total \$: 52,973.93

Acceptance of Proposal:

These prices, specifications, and conditions are satisfactory and are hereby accepted. I am authorized to order the equipment listed with full understanding of the payment terms.

A 3% fee will be assessed on all credit card payments.

Date:

Authorized Signature:

P.O. Number:

Print Signature:

Purchase Recommendation

Page 2 of 2

Push Pedal Pull, Inc.
14300-B Buck Hill Road
Burnsville MN 55337
MN COMMERCIAL DELIVERY

Prepared by: **Chad Witt**

cwitt@pushpedalpull.com

Quote Date	Quote #
08/07/2023	97732

Billing Address				Shipping Address				
INVER GROVE HGTS PARK/REC att: Accounts Payable 8055 BARBARA AVE INVER GROVE HEIGHTS MN 55077				INVER GROVE HGTS PARK/REC Amy Crary 651-554-3426 8055 Barbara Ave Inver Grove Heights MN 55077				
Account No.				Customer Email				
3601401 INVER GROVE HGTS PARK/REC				acrary@ci.inver-grove-Heights.mn.us				
Item #	MFR	MODEL	Description	Color	Qty	MSRP	Price	Extended
9938		TR	INCLUDES REMOVAL AND/OR DISPOSAL OF TRADE IN PIECES. TRADE IN CREDIT - LEG PRESS, LEG EXT, LEG CURL, PEC FLY, BACK EXTENSION , LAT PULLDOWN (HOIST MODULAR NO VALUE)		1		-1,250.00	-1,250.00
9938		TR	TRADE IN CREDIT RUBBER VTX OLYMPIC GRIP PLATES 25- 12 35-15 45-4		1,005		-0.50	-502.50
9995			FREE MOTION SQUAT - NO TRADE VALUE					



Request for Council Action

SUBJECT: **Agreement for Community and Public Service Messages on Digital Billboard**

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Allan Hunting, City Planner, 651.450.2554

ACTION REQUESTED

The Council is asked to approve the attached agreement with Clear Channel Outdoor, which provides for community and public service message time on a dynamic display billboard to be located at 11380 Courthouse Blvd.

BACKGROUND

Inver Grove Heights City Code requires applicants for a dynamic display billboard permit to enter into an agreement with the City to provide no less than five (5) hours per month, per billboard, for community and public service messages at such times as shall be determined by the City. The five hours per month is provided in 2,250 eight-second spots. This agreement must be approved by the City Council before a permit for the construction or conversion of a dynamic display billboard may be issued by the building official.

Clear Channel Outdoor is seeking to convert an existing, static billboard to a dynamic display billboard along the east side of Hwy 52/55 in the southern portion of the city, which is triggering the need for this agreement.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends approval of the attached agreement

ATTACHMENTS

1. Agreement for Community and Public Service Messages

AGREEMENT FOR COMMUNITY AND PUBLIC SERVICE MESSAGES

THIS AGREEMENT, made this ____ day of ____, 2023, between Clear Channel Outdoor, LLC, a Delaware limited liability company (“Company”), and the City of Inver Grove Heights, a municipal corporation organized under the laws of the State of Minnesota, (the “City”).

RECITALS

WHEREAS, Company desires to have a dynamic display billboard (“Billboard”) within the City pursuant to City Code Section 10-15E-6I to be located on property described on Exhibit A; and

WHEREAS, prior to the issuance or approval of a permit for the construction or conversion of the Billboard, the City requires Company to enter into an agreement with the City to provide no less than five (5) hours per month per dynamic display billboard face for community and public service messages, pursuant to City Code Section 10-15E-6I4i.

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions hereinafter set forth, the Company and the City hereby agree as follows:

SECTION 1. **COMPANY’S COVENANTS**

- 1.1** Company acknowledges and agrees that no future building permits will be issued by the City for construction of the Billboard until Company executes this Agreement.
- 1.2** Company shall provide at least five (5) hours (2,250 eight-second spots) per dynamic display billboard face per month of advertising space to display community and public service messages and information for and on behalf of Inver Grove Heights residents, at no cost to the City. The City shall be allowed to provide community and public service messages for other governmental agencies during its public service message time, at its sole discretion. The City’s community and public service messages shall be evenly distributed during day and evening hours on a schedule approved by the City Administrator.
- 1.3** Company understands that it is subject to all federal, state, county and City regulations, rules, ordinances and laws related to the Billboard. Company shall be responsible for applying for and obtaining all necessary federal, state, county and/or City building, sign and electrical permits and zoning approvals. The City shall cooperate with any approval applications, if required by the government agency so granting the approval and if it is legally permissible for the City to do so.

SECTION 2.
CITY'S COVENANTS

- 2.1** The City will provide Company reasonably advanced notice of any messages for display in a format that is acceptable to Company.

SECTION 3.
CITY REMEDIES UPON COMPANY DEFAULT

- 3.1 City Remedies.** If Company defaults by failing to provide the community and public services messages as required by this Agreement, the City may, in its discretion, require Company to limit the rotation of messages displayed on the Billboard to a period of not less than twenty (20) minutes between any change or movement of any image or message displayed on the Billboard, until such time as Company complies with the Agreement. The City may also avail itself of all remedies under law or in equity, including the remedy of mandatory injunctive relief and the remedy of specifically enforcing this Agreement.

SECTION 4.
MISCELLANEOUS

- 4.1 No Third Party Recourse.** Third parties shall have no recourse against the City under this Agreement.
- 4.2 Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this recordable Agreement shall run with the Property and shall be binding upon the heirs, successors, administrators and assigns of the parties.
- 4.3 Amendment And Waiver.** The parties hereto may by mutual written agreement amend this Agreement in any respect. Any party hereto may extend the time for the performance of any of the obligations of another, waive any inaccuracies in representations by another contained in this Agreement or in any document delivered pursuant hereto which inaccuracies would otherwise constitute a breach of this Agreement, waive compliance by another with any of the covenants contained in this Agreement and performance of any obligations by the other or waive the fulfillment of any condition that is precedent to the performance by the party so waiving of any of its obligations under this Agreement. Any agreement on the part of any party for any such amendment, extension or waiver must be in writing. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provisions, whether or not similar, nor shall any waiver constitute a continuing waiver.
- 4.4 Governing Law.** This Agreement shall be governed by and construed in accord with the laws of the State of Minnesota.

[the remainder of this page has been intentionally left blank]

IN WITNESS WHEREOF, the parties have executed this Agreement the year and day first set forth above.

CITY OF INVER GROVE HEIGHTS

By: _____
Brenda Dietrich
Its: Mayor

ATTEST:

Rebecca Kiernan, City Clerk

[illegible]

On this ____ day of _____, 2023, before me a Notary Public within and for said County, personally appeared Brenda Dietrich and Rebecca Kiernan, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

CLEAR CHANNEL OUTDOOR, LLC

By: _____
By: Dan Ballard
Its: Branch President

STATE OF MINNESOTA)
)
COUNTY OF _____) ss.

On this _____ day of _____, 2023, before me a Notary Public within and for said County, personally appeared Dan Ballard, to me personally known, who being by me duly sworn, did say that they are the Branch President of Clear Channel Outdoor, LLC , a Delaware limited liability company, and that said instrument was signed on behalf of said limited liability company by Dan Ballard and they acknowledged said instrument to be the free act and deed of the limited liability company.

Notary Public

THIS INSTRUMENT DRAFTED BY:

Bridget Nason, #0347322
LeVander, Gillen, & Miller, P.A.
1305 Corporate Center Drive
Suite 300
Eagan, MN 55121
(651) 451-1831

**AFTER RECORDING PLEASE
RETURN TO:**

Bridget Nason, # 0347322
LeVander, Gillen & Miller, P.A.
1305 Corporate Center Drive
Suite 300
Eagan, MN 55121
(651) 451-1831

EXHIBIT A

Location of the Billboard

Real property located in the City of Inver Grove Heights, County of Dakota, State of Minnesota legally described as follows:

All that part of the Southwest Quarter of the Northeast Quarter of Section 34, Township 27, Range 22, Dakota County, Minnesota, lying north and east of the northeasterly right of way line of the Great Northern Oil Branch Railroad, east of the east right away line of State Trunk Hwy. Nos. 52, 55 and 56 platted as Minnesota Department of Transportation Right Of Way Plat No. 19-141, recorded this Document number 479429 (Torrens) and 1952097 (abstract) and west of the west line of the east 150.00 feet are said Southwest Quarter of the Northeast Quarter of Section 34

Tax Parcel Identification Number: 20-03400-77-020



Request for Council Action

SUBJECT: **Resolution Accepting Work and Authorizing Final Payment for City Project No. 2215 – Vista Pines Trail Connections**

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Adam Lares, Parks & Recreation Director, 651.450.2587

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, accepting work and authorizing final payment for the construction of City Project No. 2215 – Vista Pines Trail Connections.

BACKGROUND

In 2022, the City completed construction on the new Vista Pines Park located west of the new CSAH 63 (Argenta Trail) roadway alignment and east of Argenta Court. In the overall park design, there was a trail in concept connecting the new County trail to the park's trail system. The intent was to revisit these trail connections after the completion of the park and in concert with approved Argenta Trail improvements.

In March 2023, the City accepted the bid and awarded a contract to Ramsey Companies in the amount of \$121,324.90 to construct the two trail connections on the eastside of Vista Pines Park. Construction began in the spring of 2023 and has recently been completed. As a result, approval is sought for a Final Pay Voucher in the amount of \$1,204.36.

FISCAL IMPACT

The final payment of \$1,204.36 resulted in the project coming in below the approved budget by \$888.60. The project was funded through the Park Acquisition and Development Fund (Fund 402).

RECOMMENDATION

Staff recommends adoption of the attached Resolution, accepting work and authorizing final payment for the construction of City Project No. 2215 – Vista Pines Trail Connections.

ATTACHMENTS

1. Resolution - Final Acceptance - Project. No. 2215 - Vista Pines Trail Connections
2. Park and Recreation Director's Report of Acceptance - Vista Pines Park Trail Connections
3. VISTA PINES - PAY APP #2_FINAL PAYMENT - signed

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

**RESOLUTION ACCEPTING WORK OF RAMSEY COMPANIES AND AUTHORIZING FINAL
PAYMENT IN THE AMOUNT OF \$1,204.36**

CITY PROJECT NO. 2215 – VISTA PINES TRAIL CONNECTIONS

RESOLUTION NO. _____

WHEREAS, pursuant to a written contract with the City of Inver Grove Heights in March 2023, Ramsey Companies satisfactorily completed construction of Vista Pines Park Trail Connections.

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

1. The work completed under this contract is hereby accepted and approved.
2. The Mayor and the City Clerk are hereby directed to issue a proper order for final payment on such contract, taking the contractor's receipt in full.

Adopted by the City Council of the City of Inver Grove Heights this 28 day of August 2023.

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

PARKS AND RECREATION DIRECTOR'S REPORT OF FINAL ACCEPTANCE

CITY PROJECT NO. 2215 - Vista Pines Park Trail Connections

August 28, 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 Ramsey Companies. The work consisted of a trail connections construction.

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

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

ORIGINAL CONTRACT PRICE	\$121,324.90
FINAL CONTRACT AMOUNT	\$120,436.30
FINAL VALUE OF WORK	\$120,436.30
PREVIOUS PAYMENTS	\$119,231.36
BALANCE DUE	\$1,204.36

Sincerely,

Adam Lares

Adam Lares
Parks and Recreation Director

CONSTRUCTION PAY VOUCHER

ESTIMATE NO: Two (2)
DATE: August 10, 2023
PERIOD ENDING: May 31, 2023
CONTRACT: Vista Pines Trail Connections
PROJECT NO: 2215

TO: Ramsey Companies
8297 Brooklyn Blvd
Minneapolis, MN 55445

Original Contract Amount \$121,324.90
Total Addition \$0.00
Total Deduction \$0.00
Total Contract Amount..... \$121,324.90
Total Value of Work to Date \$120,436.30
Less Retained (0%) \$0.00
Less Previous Payment \$119,231.94
Total Approved for Payment this Voucher \$1,204.36
Total Payments including this Voucher \$120,436.30

Approvals:

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

Signed by: _____
Adam Lares, Parks and Recreation Director

Date

Signed by: Matt Thompson

Ramsey Companies

Aug 22, 2023

Date

PAYMENT DETAIL LIST

Aug-23

Contract: CP 2215
 Owner: City of Inver Grove Heights
 Projects: Vista Pines Trail Connections
 KHA Job No: KH Job # 160509042

Description: Vista Pines Park Trail Connections

Item No.	Item No.	Item Description	Unit	Estimated Quantity	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2021.501	MOBILIZATION	LUMP SUM	1	1	\$6,000.00	\$ 6,000.00	\$ 6,000.00
2	2106.507	EXCAVATION - COMMON (P)	CU YD	2660	2660	\$18.20	\$ 48,412.00	\$ 48,412.00
3	2106.507	COMMON EMBANKMENT (CV) (P)	CU YD	260	260	\$30.00	\$ 7,800.00	\$ 7,800.00
4	2123.610	STREET SWEEPER (WITH PICKUP BROOM)	HOURL	10		\$150.00	\$ 1,500.00	\$ -
5	2211.507	AGGREGATE BASE (CV) CLASS 5 (P)	CU YD	97	129	\$108.00	\$ 10,476.00	\$ 13,932.00
6	2504.602	ADJUST GATE VALVE & BOX	EACH	1		\$708.00	\$ 708.00	\$ -
7	2506.602	RECONSTRUCT SANITARY MANHOLE	EACH	1	2	\$2,400.00	\$ 2,400.00	\$ 4,800.00
8	2521.518	3" BITUMINOUS WALK	SQ FT	5000	4520	\$2.50	\$ 12,500.00	\$ 11,300.00
9	2557.503	WIRE FENCE DESIGN SPECIAL VINYL COATED	LIN FT	450	427	\$32.50	\$ 14,625.00	\$ 13,877.50
10	2563.601	TRAFFIC CONTROL	LUMP SUM	1	1	\$500.00	\$ 500.00	\$ 500.00
11	2564.518	SIGN PANELS TYPE C	SQ FT	10.5	10.5	\$85.00	\$ 892.50	\$ 892.50
12	2573.501	STORM DRAIN INLET PROTECTION	LUMP SUM	5		\$150.00	\$ 750.00	\$ -
13	2573.503	SILT FENCE; TYPE MS	LIN FT	650	550	\$2.25	\$ 1,462.50	\$ 1,237.50
14	2573.503	SEDIMENT CONTROL LOG TYPE COMPOST	LIN FT	50		\$5.00	\$ 250.00	\$ -
15	2574.508	FERTILIZER TYPE 3	POUND	150	165	\$1.00	\$ 150.00	\$ 165.00
16	2575.504	ROLLED EROSION PREVENTION CATEGORY 20N	SQ YD	1000		\$1.40	\$ 1,400.00	\$ -
17	2575.505	SEEDING	ACRE	0.63	0.75	\$9,980.00	\$ 6,287.40	\$ 7,485.00
18	2575.505	RAPID STABILIZATION METHOD 2	ACRE	0.63		\$2,450.00	\$ 1,543.50	\$ -
19	2575.508	SEED MIXTURE 25-131	POUND	50	55	\$3.20	\$ 160.00	\$ 176.00
20	2575.508	SEED MIXTURE 35-241	POUND	20	22	\$18.00	\$ 360.00	\$ 396.00
21	2575.508	HYDRAULIC MULCH MATRIX	POUND	1050	1155	\$1.50	\$ 1,575.00	\$ 1,732.50
22	2575.508	HYDRAULIC REINFORCED FIBER MATRIX	POUND	605	666	\$2.60	\$ 1,573.00	\$ 1,730.30

Subtotal: \$ 121,324.90 \$ 120,436.30

COST SUMMARY

Description

Vista Pines Trail Connections

Total Estimated Cost	Total Contract Cost To-Date
\$ 121,324.90	\$ 120,436.30
Total Base Cost	\$ 121,324.90 \$ 120,436.30

Deductions Per Contract

\$ -

Total Contract Amount	\$ 121,324.90	
Contract Work Completed To Date		\$ 120,436.30
Retainage 0.00%		\$ -
Previous Payments		\$ 119,231.94
Amount Due This Payment #2		\$ 1,204.36

VISTA PINES - PAY APP #2_FINAL PAYMENT

Final Audit Report

2023-08-22

Created:	2023-08-22
By:	Diana Eide (diana.eide@ramseyco.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAkBLfDAzEuqVc-HUs947biby3IT92dAP3

"VISTA PINES - PAY APP #2_FINAL PAYMENT" History

-  Document created by Diana Eide (diana.eide@ramseyco.com)
2023-08-22 - 5:03:33 PM GMT- IP address: 96.87.158.2
-  Document emailed to Matt Thompson (matt.thompson@ramseyco.com) for signature
2023-08-22 - 5:04:11 PM GMT
-  Email viewed by Matt Thompson (matt.thompson@ramseyco.com)
2023-08-22 - 7:22:07 PM GMT- IP address: 96.87.158.2
-  Document e-signed by Matt Thompson (matt.thompson@ramseyco.com)
Signature Date: 2023-08-22 - 7:22:22 PM GMT - Time Source: server- IP address: 96.87.158.2
-  Agreement completed.
2023-08-22 - 7:22:22 PM GMT



Request for Council Action

SUBJECT: **Approval of Contract with WSB for Final Design, Preparation of Plans, Specifications, and Bid Documents, and Construction Administration for Heritage Village Park Phase 5**

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Adam Lares, Parks & Recreation Director, 651.450.2587

ACTION REQUESTED

The Council is asked to approve the attached professional services agreement with WSB & Associates for final design, preparation of plans, specifications and bid documents, and construction administration for Heritage Village Park Phase 5.

BACKGROUND

In February of 2023, the Council approved the Phase 4 construction of a roundhouse-themed picnic shelter, bench-lined walkway and accessible restrooms at Heritage Village Park. Construction on Phase 4 began in the spring of 2023 and substantial completion is anticipated by this fall.

The next phase of the project (Phase 5), would bring the park to near full fruition with the construction of an inclusive playground, splash pad, and parking lot expansion. Recently, the City was awarded \$2 million in state bond funds for Phase 5, which, when combined with approximately \$650,600 from the City's Park Acquisition and Development Fund, will allow for full funding of the estimated Phase 5 cost of \$2,650,570. (See attached from WSB.)

The City currently has a contract with WSB & Associates for professional services and construction administration related to Phase 4. Therefore staff requested a proposal for WSB to provide final design, preparation of plans and specs, preparation of bid documents, and construction administration services for Phase 5. WSB is an approved consulting firm from the City's Professional Engineering Services Consulting Pool that was approved this past April. Additionally, they are the consulting firm that originated the 30% plan set for HVP – Phase 5 that includes the full design of the inclusive playground through Flagship Recreation and Landscape Structures. This 30% plans set for the playground now needs to be brought to completion and plans for the splash pad and parking lot expansion need to be prepared from scratch.

With Council approval of the attached agreement with WSB, it is anticipated that the final plans and specifications will be ready for bidding by February 2024. These would be brought before the Council for final approval before advertising for bids.

FISCAL IMPACT

WSB will complete these services for an amount not to exceed \$100,000. This would initially be funded from the Park Acquisition and Development Fund, and would be eligible for reimbursement with state bond funds as part of the total project cost. As shared with the Council during the April 24, 2023, meeting, the Park Acquisition and Development Fund has an approximate balance of \$1.45 million, after accounting for currently planned parks in the northwest area.

RECOMMENDATION

Staff recommends approval of the agreement with WSB & Associates to provide professional consulting for the final design, preparation of plans, specifications and bid documents, and construction administration for Heritage Village Park Phase 5.

ATTACHMENTS

1. WSB Professional Services Proposal for HVP Phase 5
2. HVP Phase 5 Probable Cost Estimate (Jan 2023)

August 23, 2023

Mr. Adam Lares
Parks and Recreation Director
City of Inver Grove Heights
8055 Barbara Avenue East
Inver Grove Heights, MN 55076

Re: Professional Services Proposal – Heritage Village Park 2023 Ph5 Final Design & Implementation (Inclusive Playground & Splash Pad)

Dear Mr. Lares:

I am pleased to submit this letter proposal on behalf of WSB & Associates, Inc. (Consultant) to the City of Inver Grove Heights (Client) to complete professional consulting and design for the final design, bidding and construction administration of Phase 5 of the improvements at Heritage Village Park.

A.1 PROJECT UNDERSTANDING

It is understood that the City of Inver Grove Heights seeks professional services for the development of final design documents for Phase 5 of the Heritage Village Park improvements to include the remainder of the primary parking lot, installation of the inclusive playground equipment and surfacing, and the development of a splash pad. This includes bidding the project, working with equipment vendors and providing limited construction administration services.

B.1 BASE SCOPE OF SERVICES

B.1.1 PROJECT KICK-OFF

- (1) Project Management and Project Kick-Off Meeting: Consultant will facilitate an in-person meeting with City staff to review the project schedule and deliverables along with a discussion of programming ideas for the splash pad design approach. Consultant will prepare and distribute meeting summary notes to those in attendance.
- (2) Site Review: Following the kick-off meeting the Consultant will undertake a site visit with the Client to review current site development and to identify site opportunities and constraints.

B.1.2 SPLASH PAD DESIGN DEVELOPMENT

- (1) Preliminary Splash Pad Design Options: The Consultant will prepare up to two varying splash pad design approaches based on the programming needs established with the Client. Factors that will affect the splash pad design options will include:
 - A. Access and circulation
 - B. Size and layout
 - C. Splash pad function and operation as it relates to stormwater management, maintenance & operations, and construction costs.
 - D. Appearance and aesthetics (natural vs. colorful, ground events vs overhead events, theming, character, etc.)

- (2) Design Review Meeting: The Consultant will attend a virtual design review meeting with the Client to review the preliminary splash pad design options and determine which approach, or combination of approaches, should be carried forward into final design.
- (3) Preferred Plan: The Consultant will create a preferred plan graphic of the splash pad design intent to guide further development by the splash pad vendors.
- (4) Splash Pad RFP: The Consultant will prepare and distribute an RFP to varying splash pad vendors for the submission of a splash pad design based on the preferred design approach. The RFP will require the splash pad vendors to submit a design with plan view and 3-D graphics of the proposed designs suitable for public viewing. The Client will select a splash pad vendor based on the preferred submitted splash pad design to proceed into final design and construction. The splash pad vendor will be responsible for all design, engineering, and all permits / approvals related to the splash pad and mechanical system.
- (5) Splash Pad Vendor Coordination: The Consultant will coordinate with the City's preferred splash pad equipment vendor for the development of the splash pad equipment design based on the preferred design approach. The vendor will prepare a preliminary splash pad design with plan view and select 3-D graphics of the proposed design suitable for the Client to visualize the proposed design. The Client will review the design and provide feedback for further refinements. The vendor will update the design and 3-D graphics based on the Clients' design preferences. Coordination includes up to two (2) virtual coordination review meetings with the Client and Vendor.

B.1.3 COMMUNITY ENGAGEMENT

- (1) Online Interactive Map: Consultant will develop a project page utilizing Social Pinpoint which is an online forum with an interactive map that can be used through various forms of social media and devices. It is anticipated that Phase 5 site improvements illustrating the completion of the parking lot, the splash pad design and the inclusive playground design will be uploaded on the interactive map to gather feedback. Community surveys can be linked to this platform to provide additional feedback to guide the planning process. Includes a \$500 licensing fee and one preference survey, if applicable.
- (2) Community Meeting: Consultant will facilitate one community open house meeting to present the Phase 5 site improvements to illustrate the completion of the parking lot, the splash pad design and the inclusive playground design for review and feedback.
- (3) Commission Meetings: Consultant will attend a Parks and Recreation Advisory Commission meeting to share the schematic splash pad design and the input gathered from the Social Pinpoint page and open house meeting, and to address any questions.

B.1.4 FINAL DESIGN

- (1) Design Development: Consultant will prepare design development plans for the Phase 5 design approach, based on the outcomes of the previous steps. Design development plans will include the remainder of the parking lot, the playground equipment, and the splash pad design. The plans will be taken to an approximate 30% level with overall layout plans and a grading and stormwater intent. The plans will illustrate spatial configurations, material selections, and general character. This includes a corresponding estimate of probable costs and determination of options for alternates to fit within the established construction budget.
- (2) Design Review Meeting: The Consultant will attend a virtual design review meeting with the Client and Vendors to review the preferred design and estimate to determine which elements to carry forward into final design and assign responsibilities.
- (3) Final Design: Consultant will prepare final design documents that further refine the site design to include the following documents taken to a 60% and 90% level for review prior to the 100% completion for bidding.
 - A. Cover Sheet / Index
 - B. SWPPP
 - C. Removals Plan
 - D. Layout Plan & Enlargements
 - E. Grading Plan & Enlargements
 - F. Restoration & Erosion Control Plan
 - G. Stormwater Utility Plans
 - H. Water Service Utility Plans
 - I. Construction Details
 - J. Technical Specifications
 - K. Bid Proposal Form with Estimate of Probable Costs
 - L. Cad model in Civil 3D suitable for GIS based systems for increased accuracy of construction
- (4) Water Resources & Permitting: Consultant will prepare a stormwater design to include Best Management Practice options for capture of the splash pad runoff to meet the local LGU requirements. Includes updating the Hydrocad and P8 model and SWMP for the Heritage Village Park. It is assumed all work will be compliant within the previously approved CUP from previous phases and that no additional floodway / floodplain permitting is required. Assumes all previous stormwater calculations and permit requirements for the completion of the parking lot have been met and that no additional stormwater design and modeling revisions are necessary.
- (5) NPDES & SWPPP: Consultant will prepare erosion control and SWPPP plans that will adhere to the NPDES permit requirements for inclusion in the final construction package. Application and the corresponding fee for the NPDES permit will be obtained prior to construction start and transferred to the approved Contractor.

- (6) Electrical Design: Electrical sub-Consultant (edi-dolejs) will provide electrical plans for the completion of the parking lot lighting and providing electrical service to the splash pad.
- (7) Irrigation Design: Irrigation sub-Consultant (MLC) will provide irrigation design plans for the park turf areas. This is anticipated to include the park boulevards along Doffing Ave from 63rd St E to 65th St E, the main open lawn area, lawn spaces around the splash pad and playground, turf areas along the parking lot, and turf areas around the trails in the main park. Excludes areas west of the regional trail. Services include:
 - A. Irrigation plan and details with piping and controls
 - B. Technical specifications
 - C. Submittal reviews
 - D. Exclusions: Does not include water reuse design
- (8) Council Meeting: Consultant will attend a City Council meeting to provide the final design package and estimate of probable costs to obtain approval to bid the project.
- (9) Bidding: Consultant will facilitate an electronic bidding process to include:
 - A. Upload Advertisement for Bid and distribute construction document plans through QuestCDN
 - B. Answer Contractor's questions that arise
 - C. Prepare and distribute addenda
 - D. Conduct online bid opening through QuestCDN
 - E. Receive and tabulate all bids including required bidding documents
 - F. Review Contractor references and provide letter of recommendation

B.1.5 CONSTRUCTION ADMINISTRATION

- (1) Construction Administration: Consultant will undertake project administration and periodic site observation of the construction progress for adherence to design intent as illustrated and described in the construction documents to include:
 - A. Contractor Contract / Agreement
 - B. Contractor Bonds & Certificate of Insurance
 - C. Coordination and scheduling with the selected Contractor and separate playground and splash pad vendors
 - D. Responding to questions and RFI's
 - E. Prepare and distribute PR documents, change orders, updated cad files and plan sheets
 - F. Review and approval of submittals and shop drawings
 - G. Review and approve payment applications
- (2) Construction Progress Meetings: Consultant will facilitate site progress meetings averaging one (1) site meeting per week for a 10-week period, with one (1) substantial completion meeting, and one (1) final completion meeting.
- (3) Construction Survey Staking: Consultant will provide 2-man survey crew for initial layout and grade staking for construction, including an as-built record drawing upon project completion. Restaking efforts and additional staking will be the

Contractor's responsibility. Contract includes up to five (5) trips and a total of 32 hours of staking time plus 8 hours for the as-built survey.

- (4) Construction Materials and Testing: Consultant will provide construction inspection and testing services by a construction inspector and engineering technician who will be on site for limited portions of construction to ensure construction operations and techniques meet all the necessary standards, as follows:
- A. Utility connections, installation and testing
 - B. Subgrade testing and inspections
 - C. Payroll certification for confirmation of labor compliance requirements
 - D. Shop drawing submittal reviews
 - E. Materials testing (concrete, bituminous & compaction)

B.2 EXCLUSIONS

- B.2.1 The following items are excluded from this Agreement; however, Consultant can provide these professional services for additional compensation by amendment to this Agreement.
- (1) Water reuse system.
 - (2) Interpretive signage design.
 - (3) Mechanical & plumbing engineering services.
 - (4) Splash Pad equipment design and permitting. The splash pad vendor will be responsible for all design, engineering, and all permits / approvals related to the splash pad plumbing, electrical, and mechanical systems, including State DOLI and DOH permit applications.
 - (5) Water testing services.

B.3 ADDITIONAL SERVICES

- B.3.1 Additional services may be added upon approval by both Client and Consultant via amendment to this Agreement.

C.1 PROPOSED FEES, SCHEDULE AND ACCEPTANCE

- C.1.1 Base Scope of Services: The Base Scope of Services outlined in Paragraphs B1.1 – B1.2 above will be provided for an hourly not to exceed fee of \$100,000 as follows:
- | | | |
|------|-------------------------------------|----------|
| (1) | Project Kick-off: | \$2,000 |
| (2) | Splash Pad Design Development: | \$6,000 |
| (3) | Community Engagement: | \$4,000 |
| (4) | Final Design & Permitting – WSB: | \$35,500 |
| (5) | Electrical Service Design: | \$3,500 |
| (6) | Irrigation Design: | \$6,100 |
| (7) | Bidding: | \$2,400 |
| (8) | Construction Administration: | \$22,000 |
| (9) | Construction Survey Staking: | \$11,000 |
| (10) | Construction Testing & Inspections: | \$7,500 |

D.1 SCHEDULE

A project schedule will be prepared once the final planning approach approved by the Client has been established. It is anticipated that if the agreement is approved by September 12, 2023, then the final contract documents will be ready for bidding by February 2024.

ACCEPTANCE

This letter represents our entire understanding of the project scope. If the City of Inver Grove Heights is in agreement, the necessary contract documents can be provided and signed. WSB will start work upon receipt of a signed contract.

Sincerely,

WSB



Candace Amberg
Project Manager



Jason L. Amberg
Director of Landscape Architecture

HVP Master Plan Estimate

City of Inver Grove Heights, Minnesota

25-Jan-23



Phase 1: Dog Park

Phase 2: Eastern Park Development (earthwork, half parking lot & trails)

Phase 3: Retaining wall, partial specialty concrete, playground curbs & interpretive fence panels

Phase 4: Restroom & Shelter buildings (pending)

ESTIMATE OF PROBABLE COSTS					
No.	Phase 5: Playground & Splash Pad	Est. Qty.	Unit	Unit Price	Low Total
	Parking Lot Expansion				
1	Earthwork & Excavation	1	LS	\$100,000	\$100,000
2	Traffic Control	1	LS	\$5,000	\$5,000
3	Bituminous Parking Lot	1,400	SY	\$32	\$44,800
4	10' Wide Bituminous Trail	400	SY	\$28	\$11,200
5	Curb & Gutter	650	LF	\$30	\$19,500
6	Draintile Cleanout	4	EA	\$500	\$2,000
7	Perforated Draintile	500	LF	\$30	\$15,000
8	Catch Basins	1	EA	\$4,000	\$4,000
9	Stormwater Pipe	200	LF	\$100	\$20,000
10	Stormwater FES and Splash Blocks	1	EA	\$1,500	\$1,500
11	Ornamental Light Posts	3	EA	\$9,500	\$28,500
12	Striping and Signage	1	LS	\$4,000	\$4,000
13	Construction Exit	1	EA	\$2,000	\$2,000
14	Erosion Control	1	LS	\$3,000	\$3,000
15	Restoration (seeding)	1	LS	\$3,000	\$3,000
	Playground & Splash Pad				
16	Earthwork & Excavation	1	LS	\$40,000	\$40,000
17	Concrete Walks & Pads - Standard	800	SF	\$10	\$8,000
18	Draintile Cleanout	3	LF	\$300	\$900
19	Perforated Draintile	400	LF	\$30	\$12,000
20	Solid Pipe	100	LF	\$30	\$3,000
21	Precast Apron / Headwall	1	EA	\$500	\$500
22	Playground Equipment & PIP Surfacing	1	LS	\$848,800	\$848,800
23	Splash Pad Equipment (budget)	1	LS	\$350,000	\$350,000
24	Splash Pad Surfacing	4,000	SF	\$30	\$120,000
25	Benches	12	EA	\$2,500	\$30,000
26	Picnic Tables	16	EA	\$2,500	\$40,000
27	Receptacles	4	EA	\$2,500	\$10,000
28	Bike Rack	2	EA	\$1,500	\$3,000
29	Irrigation - budget	1	LS	\$250,000	\$250,000
30	Deciduous Tree - overstory	21	EA	\$650	\$13,650
31	Deciduous Tree - understory	8	EA	\$350	\$2,800
32	Coniferous Tree	5	EA	\$400	\$2,000
33	Shrub	30	EA	\$75	\$2,250
34	Perennial	500	EA	\$25	\$12,500
35	Erosion Control	1	LS	\$2,500	\$2,500
36	Restoration (seeding)	1	LS	\$3,500	\$3,500
37	Intepretive Elements (budget)	1	LS	\$20,000	\$20,000

ESTIMATE SUBTOTAL:					\$2,038,900
Construction Contingency & Mobilization (15%)					\$305,835
Estimated Professional Design, Engineering & Permit Fees (15%)					\$305,835
ESTIMATED PROJECT TOTAL:					\$2,650,570
No.	Future / Optional Phases	Est. Qty.	Unit	Unit Price	Low Total
	Structures & Miscellaneous				
1	Amphitheater Shelter	1	LS	\$150,000	\$150,000
2	Picnic Shelter (4-6 tables)	1	EA	\$75,000	\$75,000
3	Interpretive Garden Walks & Elements (budget)	1	LS	\$50,000	\$50,000
4	Interpretive Schoolhouse Shelter (budget)	1	LS	\$200,000	\$200,000
5	Nature Play Elements (budget)	1	LS	\$100,000	\$100,000
	Dog Park Parking Lot				
6	Earthwork & Excavation	1	LS	\$40,000	\$40,000
7	Bituminous Parking Lot	125	SY	\$30	\$3,750
8	Bituminous Parking Lot Trail	220	SY	\$30	\$6,600
9	Curb & Gutter	500	LF	\$30	\$15,000
10	Draintile Cleanout	2	EA	\$500	\$1,000
11	Perforated Draintile	400	LF	\$30	\$12,000
12	Catch Basins	1	EA	\$4,000	\$4,000
13	Stormwater Pipe	25	LF	\$100	\$2,500
14	Stormwater FES and Splash Blocks	1	EA	\$1,500	\$1,500
15	Ornamental Light Posts	2	EA	\$9,500	\$19,000
16	Striping and Signage	1	LS	\$600	\$600
17	Erosion Control	1	LS	\$1,000	\$1,000
18	Restoration (seeding)	1	LS	\$1,500	\$1,500
ESTIMATE SUBTOTAL:					\$683,450
Construction Contingency & Mobilization (15%)					\$102,518
Estimated Professional Design, Engineering & Permit Fees (15%)					\$102,518
ESTIMATED PROJECT TOTAL:					\$888,485



Request for Council Action

**SUBJECT: Rezoning, Comprehensive Plan Amendment and
Conditional Use Permit for 9150 Jefferson Trail**

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Heather Botten, Associate Planner, 651.450.2569

ACTION REQUESTED

The Council is asked to approve the following requests for the property located at 9150 Jefferson Trail (Dotas - Case No. 23-28ZC):

1. Comprehensive Plan Amendment to change the land use from Community Commercial (CC) to Limited Industrial (I-1); (Requires a 4/5th vote)
2. Rezoning of the property from B-3, General Business to I-1, Limited Industry; (Requires a 3/5th vote)
3. Conditional Use Permit for a contractor's yard with outdoor storage; (Requires 3/5th vote)

60-day deadline: October 18, 2023 (2nd 60-days)

BACKGROUND

The applicant purchased the property located at 9150 Jefferson Trail in December 2021. The applicant is currently operating a tree service business on the property. This type of use is considered a "contractors' yard with outdoor storage" in the City's zoning code. A contractor's yard is a conditional use in the I-1 District and a permitted use in the I-2 district. The property is currently zoned B-3, General Business, and guided CC, Community Commercial. The applicant is requesting a Comprehensive Plan Amendment to change the land use to Light Industrial and change the zoning to I-1, Limited Industry District, along with a Conditional Use Permit for the use of a contractor's yard with outdoor storage.

The lot is 1.14 acres in size. There is an existing home on the property that was built in 1926 and a couple of detached accessory buildings. The home is not allowed to be used for residential purposes, but its use as an office, meeting room, and break room would be acceptable. The applicant received an access permit from Dakota County to re-locate the main access for the business to Rich Valley Boulevard instead of Jefferson Trail.

The existing commercial zoning is spot zoning with no other commercial properties located in the area. The proposed industrial use is a low impact use compatible with other industrial zoning to the north. The property has a unique shape located along Hwy 149 and CSAH 71 that makes access a challenge. A high traffic use would not be a good fit for this location. Staff believes the proposed zoning and land use change would be compatible with existing land uses in the neighborhood. There are no proposed building additions at this time. The applicant has added landscaping to the property and proposes to add more trees to the east for additional screening to the residential home. The

proposed conditional use does not appear to have a negative effect on city facilities, services, or neighboring properties.

FISCAL IMPACT

Not Applicable

RECOMMENDATION

Planning Staff: Staff finds the proposed comprehensive plan change, rezoning and conditional use permit to be compatible with the existing established uses in the neighborhood and would be in the best interest of the physical development of the area. Staff recommends approval of the requests with the conditions listed in the attached resolutions.

Planning Commission: A public hearing was held at the Commission's August 2, 2023 meeting. The applicant was present and one neighbor testified regarding the request. The Planning Commission unanimously recommended approval of the requests with the conditions listed in the attached resolutions.

ATTACHMENTS

1. Resolution - Comprehensive Plan Amendment
2. Ordinance - Rezoning
3. Resolution - Conditional Use Permit
4. Planning Commission Recommendation
5. Planning Report

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO
CHANGE THE LAND USE DESIGNATION FROM CC, COMMUNITY COMMERCIAL
TO LI, LIMITED INDUSTRIAL**

CASE NO. 23-28ZC

Dotas

WHEREAS, an application has been submitted for property described as;

PT of N1/2 of NW1/4 Beg. Int. STH#49&Rich Valley Blvd. E. on R/W Blvd. 485.74 ft S 286 ft W
42.4 ft R/W, SECTION 19 TWN 27 RANGE 22, Dakota County, MN

WHEREAS, an amendment to change boundaries of any district may be granted by the
City Council on an affirmative vote of 4/5ths of the Council as per City Code Title 10, Chapter 3,
Section 10-3-5, A;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request
on August 2, 2023, in accordance with City Code Title 10, Chapter 3, Section 10-3-5, D;

WHEREAS, the change to the Comprehensive Plan Land Use Plan was found by the City
Council to be consistent with the existing and proposed uses in the area;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE
HEIGHTS**, that the Comprehensive Plan Map Amendment is hereby approved subject to the
following conditions:

1. The Metropolitan Council shall not require any significant modifications to the
comprehensive plan amendment.
2. The Metropolitan Council shall not make a finding that the comprehensive plan
amendment has a substantial impact or contain a substantial departure from any
metropolitan systems plan.

Adopted by the City Council of Inver Grove Heights on this 28th day of August, 2023.

Ayes:

Nays:

ATTEST:

Brenda Dietrich, Mayor

Rebecca Kiernan, City Clerk

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

ORDINANCE NO.

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 4 (ZONING MAP) OF THE INVER
GROVE HEIGHTS CITY CODE**

CASE NO. 23-28ZC

Dotas

The City Council of Inver Grove Heights ordains as follows:

SECTION I. Ordinance No. 1190 adopted July 27, 2009, entitled, "AN ORDINANCE ADOPTING THE RECODIFICATION OF THE INVER GROVE HEIGHTS CITY CODE INCLUDING THE CITY ZONING ORDINANCE, is hereby amended to rezone the following described property located within the City of Inver Grove Heights from B-3, General Business to I-1, Limited Industry to wit:

PT of N1/2 of NW1/4 Beg. Int. STH#49&Rich Valley Blvd. E. on R/W Blvd. 485.74 ft S 286 ft W 42.4 ft R/W, SECTION 19 TWN 27 RANGE 22, Dakota County, MN

SECTION II. The Zoning Map of the City of Inver Grove Heights referred to and described in said Ordinance No. 1190 as that certain map entitled "Inver Grove Heights Zoning Map, June 24, 2002", together with all amendments thereto, hereinafter referred to as the "zoning map", shall not be republished to show the aforesaid rezoning, but the Clerk shall appropriately mark the said zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance and all of the notations, references and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

SECTION III. This Ordinance shall be in full force and effect from and after its publication according to law.

Enacted and ordained into an Ordinance this 28th day of August, 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

RESOLUTION NO. 2023-_____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A
CONTRACTORS YARD WITH OUTDOOR STORAGE**

CASE NO. 23-28ZC

Dotas

WHEREAS, an application has been submitted for property located at 9150 Jefferson Trail, legally described as;

PT of N1/2 of NW1/4 Beg. Int. STH#49&Rich Valley Blvd. E. on R/W Blvd. 485.74 ft S 286 ft W 42.4 ft R/W, SECTION 19 TWN 27 RANGE 22, according to Dakota County, MN

WHEREAS, an application for a conditional use permit has been submitted to allow a contractors yard with outdoor storage;

WHEREAS, the aforescribed property is zoned I-1, Limited Industry;

WHEREAS, the request has been reviewed against Title 10, Chapter 3, Article A, Section 10-3A-5 regarding the criterion for a Conditional Use Permit and meets the minimum standards; the request is consistent with the Comprehensive Plan, is in conformance with the Zoning Ordinance and it does not have a negative impact on public health, safety or welfare;

WHEREAS, a public hearing concerning the conditional use permit was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statute, Section 462.357, Subdivision 3 on August 2, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that a conditional use permit to allow a contractor's yard with outdoor storage is hereby approved subject to the following conditions:

1. Development of the site shall be in substantial conformance with the site plan on file with the Planning Department except as it may be modified by the conditions below.
2. The existing house is not allowed to be used for residential purposes.

3. All parking/drive aisles areas shall be properly marked and follow all fire and building code requirements.
4. The applicant must apply for and obtain a building permit for any signage or building improvements.
5. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.

BE IT FURTHER RESOLVED that the Deputy Clerk is hereby authorized and directed to record a certified copy of this Resolution at the Dakota County Recorder's Office.

Adopted by the City Council of Inver Grove Heights this 28th day of August, 2023.

AYES:

NAYS:

ATTEST:

Brenda Dietrich, Mayor

Rebecca Kiernan, City Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: August 2, 2023

SUBJECT: Consider a Comprehensive Plan Amendment to change the land use from CC, Community Commercial to LI, Light Industrial, Rezoning from B-3, General Business District to I-1, Limited Industry District, and a Conditional Use Permit for a contractor's yard with outdoor storage for the property located at 9150 Jefferson Trail. (Corey Dotas - Case No. 23-28ZC).

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice. The notices were mailed to 19 property owners on July 19, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located on the corner of Jefferson Trail and Rich Valley Boulevard, zoned B-3, General Business District. The applicant purchased the property in December 2021, and is currently using it to operate his tree service business. This type of use is considered a contractor's yard with outdoor storage in the zoning code. The recommendation is to get the request in compliance with what the applicant is currently using it for. The lot is 1.14 acres with an existing home that was built in 1926 along with a couple of detached accessory buildings. The home is not allowed to be used for residential purposes. It could be used for an office, meeting room, break rooms, or anything else related to a business.

If this request is denied, the use of a residential lot has lost its grandfathering rights as it has been vacant and not used as a residential house for longer than 1 year. The property is currently zoned commercial. The applicant plans to change the land use to Light Industrial and the zoning to I-1, Limited Industry District. Existing commercial zoning and land use is spot zoning, there are no other commercial zones in the area. The property is unique as it is tucked between two major roads making access a challenge. Any high traffic use would not be a good fit for the property. The proposed industrial use is a low impact use. There is other industrial property to the north. The property is screened with vegetation to the south and east, to the west there is almost 200 feet of space and right of way that includes a highway and a railroad up to residential properties.

Staff believes the proposed zoning and land use change would be compatible with existing land uses in the neighborhood. There are no building additions at this time. The applicant has added landscaping to the property and proposes to add trees to the east for additional screening to the residential home. The applicant has moved the main access to Rich Valley Boulevard. The contractor's yard would not generate noise inconsistent with I-1 zoning. The site drains into MnDOT right-of-way. The applicant has received their MnDOT drainage permit. The City Engineering Department takes no exception to the request. Staff recommends approval of all 3 requests with the conditions listed in Alternative A. Staff has heard from two residents; one inquired about the site, the other concern was about possible contamination and inquired if there was a spill prevention plan in place. Associate Planner Botten stated that she checked with the Inspections Department and the Fire Marshal, nothing like that is required with this type of use. If there is more than a 5-gallon spill, there are reporting requirements from the landowner. They would have to work with the Fire Department for an illicit discharge and the

Minnesota Pollution Control Agency.

Planning Commission Discussion

Chair Niemioja asked if the spill plan was applicable in other zoning areas.

Associate Planner Botten responded in the affirmative.

Opening of the Public Hearing

Corey Dotas, 13261 Couchtown Court, Rosemount, Applicant, stated he has read and understands the staff report.

Commissioner Wippermann complimented Mr. Dotas on the improvements he has made to the property.

Chair Niemioja asked Mr. Dotas how long his business has been operating.

Mr. Dotas replied he has owned the business since 1995. They were in Apple Valley for a while. This property came along and was a good fit. He fixed everything up and realized it was not zoned for his sort of business.

Paul Johnson, 9163 Rich Valley Boulevard, stated that his property is located close to Mr. Dotas' property. He said he was the one that brought up the spill prevention plan. He mentioned he has been around the trucking industry for about 35 years and worked for UPS. If there was any type of spill, they had to take care of it. He is aware of what can happen. He asked Mr. Dotas what his plan was if there was a leak. He mentioned there is another business in the neighborhood, Windscares, right across from the property. They have some big trucks and equipment, which could leak, but are on blacktop which is easier to contain to spill. There was another business, Fast Repair, which was road ready and has about 20-40 semis in there. His concern was if there was a spill prevention plan. It was a lot of antifreeze and oil that could contaminate all area wells.

Chair Niemioja stated that the Commission did not have information on those businesses tonight. He could call the city. She said it was stated that most areas have to have some type of reporting process after a 5-gallon spill.

Mr. Johnson mentioned that the applicant has cleaned up the property. He said sometimes cities make people put up boards against the fence line if someone doesn't like it. His last concern was if Mr. Dotas decided to sell, the next person comes in, brings in 15 semis and the Planning Commission finds out a year or two later. He said it was like Fast Repair, it is something that is a concern. He asked the Commission to check on the storm planning within the neighborhood.

Chair Niemioja asked Associate Planner Botten if there was a board requirement on fencing.

Associate Planner Botten replied there is not a requirement with boards. If fencing is a requirement sometimes a solid fence is done. In this case there is screening. Staff believes there is enough landscaping for the property to the south with additional trees to fill in spots to the east.

Mr. Dotas addressed spill prevention stating there are a couple of trucks there. At the end of the day, it's what is in the gas tank. If someone were to drill a hole in it, it would leak out. He does

not have fuel tanks on site, they do not change their own oil, that gets done at the shops.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Commissioner Weber said this was pretty straightforward. He does not have a problem with it. He drives by several times a day, it looks better. He said he was willing to make a motion to approve.

Commissioner Schaefer said she was unsure if the same principles apply for a proposed change to the Comprehensive Plan as for a Variance request.

Commissioner Weber responded no.

Commissioner Schaefer said if this were a Variance request, the plight of the landowner would be a consideration and a practical difficulty. She said it seemed a change to the Comprehensive Plan or a change to zoning would be better than a Variance, but sounded like a Variance has a stricter set of rules.

Commissioner Weber questioned if the Met Council would have to approve a Comprehensive Plan change.

Associate Planner Botten replied that was correct. When a Comprehensive Plan change goes to the City Council it requires a 4/5 vote. A Rezoning and a Variance requires a 3/5 vote. The Variance is where a practical difficulty is needed. With a Rezoning and Comprehensive Plan change, they look to see if the request is compatible with the uses in the neighborhood, if there is a benefit to the city, and if it meets the best physical interest and development of the city. A practical difficulty or hardship is not needed in this case.

Chair Niemioja stated there is a concept that the Comprehensive Plan is not completely static. The plan is supposed to develop and grow. She said she thought there is supposed to be some flexibility in where the city is going and how are they getting there.

Associate Planner Botten said in this specific case, it is currently zoned and guided for commercial. If the Commission believes a commercial use is better for this property, they would not support the change to industrial.

Commissioner Schaefer replied she would. She asked if another way to achieve the purpose of allowing the operation to continue if a Conditional Use Permit would work.

Associate Planner Botten responded that a Conditional Use Permit is part of this request. The contractor's yard with outdoor storage is not allowed in the B-3 District. It must be changed to I-1 zoning first and then the Conditional Use Permit comes along with it. It is not just a permitted use in the I-1 district. Some uses are permitted and others like this one, still need a Conditional Use Permit to be approved. That is one of three parts in front of the Commission.

Commissioner Weber questioned if it was about two years ago that the Comprehensive Plan was reviewed and all B-3's were looked at. Several were moved to I-1 partially due to mini storages and outdoor storages.

Associate Planner Botten responded in this case the property was overlooked, she was unsure

why. In her opinion, it didn't make sense to be commercial. If the Commission felt like it could be a commercial use, the Rezoning and Comprehensive Plan could be denied.

Chair Niemioja mentioned historically the Commission would never deny a Conditional Use Permit if it met the standards. If moving forward on the Comprehensive Plan Amendment and Rezoning, if standards are met for a Conditional Use Permit, it would be moved forward. It's a process of notification so everyone knows this would be happening and have the opportunity to come and speak.

Chair Niemioja reopened the Public Hearing.

Mr. Johnson said his home was zoned light commercial when he moved into his place 23 years ago. After a few years he received a letter from the city stating they wanted to rezone it to residential. At that time he had a discussion and asked if the city would give him money for the loss he would take. The city told him they were going to leave it. Years went by and the last time he checked the city took it away from him. He said he was told 20 years ago that the city would never allow a business south of Rich Valley. Today the city is allowing another business to go in, but took away his light commercial property. He would like the Commission to look into this and offer an explanation.

Chair Niemioja replied this evening the Commission is not looking into his parcel; they do not have the history or information about it. She mentioned the Planning Commission makes the assessment as to whether or not these are good decisions. What was decided 20 years ago is not necessarily going to make it today. The Commission and Council will make a decision.

Chair Niemioja closed the Public Hearing.

Chair Niemioja stated there were three action items to take:

- Comprehensive Plan Amendment
- Rezoning
- Conditional Use Permit

If doing a white ballot, it means taking all of the above with the rationale stated by whoever makes the motion. They can also be separated out.

Planning Commission Recommendation

Motion by Weber, Second by Clancy, to Approve the Comprehensive Plan Amendment from Community Commercial to LI, Light Industrial, subject to the two (2) conditions; Approval of the Rezoning of the property from B-3, General Business District, to I-1, Limited Industry District; and Approval of the Conditional Use Permit for a contractor's yard with outdoor storage subject to the five (5) conditions for property located at 9150 Jefferson Trail.

Ayes: 9

Nays: 0 Motion carried. Item goes before City Council tentatively August 28, 2023



Planning Commission Report

MEETING DATE:	August 2, 2023
CASE NO:	23-28ZC
APPLICANT:	Corey Dotas
PROPERTY OWNER:	C & J, LLC
REQUEST:	Comprehensive Plan Amendment, Rezoning and Conditional Use Permit
LOCATION:	9150 Jefferson Trail
COMPREHENSIVE PLAN:	CC, Community Commercial
ZONING:	B-3, General Business
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The specific requests for the project include the following:

1. A Comprehensive Plan Amendment to change the land use from CC, Community Commercial to LI, Light Industrial.
2. A Rezoning from B-3, General Business District to I-1, Limited Industry District.
3. A Conditional Use Permit for a contractor's yard with outdoor storage.

BACKGROUND

The applicant purchased the property located at 9150 Jefferson Trail in December 2021, with the intent of running his business out of it. The applicant is currently operating his tree service business on the property. This type of use would be considered a “contractors’ yard with outdoor storage” in the zoning code. A contractor’s yard is a conditional use in the I-1 District and a permitted use in the I-2 district. The property is currently zoned B-3, General Business, and guided CC, Community Commercial. The applicant is requesting a Comprehensive Plan Amendment to change the land use to Light Industrial and change the zoning to I-1, Limited Industry District, along with a Conditional Use Permit for the use of a contractor’s yard.

The lot is 1.14 acres in size. There is an existing home on the property that was built in 1926 and a couple of detached accessory buildings. The home is not allowed to be used for residential purposes, but the use of an office, meeting room, and break room is acceptable. The applicants business generally operates Monday - Friday.

EVALUATION OF REQUEST

Surrounding Uses

The following land uses, zoning districts, and comprehensive plan designations surround the subject property:

<u>North:</u>	Truck Repair	<u>Zoned:</u> I-1, Limited Industry	<u>Guided:</u> LI, Light Industrial
<u>East:</u>	Single-Family	<u>Zoned:</u> A, Agricultural	<u>Guided:</u> RDR, Rural Density Residential
<u>West:</u>	Railroad/MnDOT Right-of-Way/Single-Family	<u>Zoned:</u> R-1C, Low Density Residential	<u>Guided:</u> LDR, Low Density Residential
<u>South:</u>	Single-Family	<u>Zoned:</u> A, Agricultural	<u>Guided:</u> RDR, Rural Density Residential

Comprehensive Plan Amendment

The subject parcel is currently guided Community Commercial and proposed Light Industrial. Each is defined in the 2040 Comprehensive Plan as follows:

Community Commercial is defined in the 2040 Comprehensive Plan as:

“Community commercial areas included lots or parcels that contain retail sales and services located along community collector and arterial roadways that serve the community. Community commercial areas differ from neighborhood commercial areas in that they are more intensive and are designed to attract customers from a wider trade area. As such, the goods and services that are available in community commercial areas are broader in scope such as restaurants, private recreational facilities, professional services offices, small-scale printing, etc.”

Light Industrial is defined in the 2040 Comprehensive Plan as:

“Light industrial areas in Inver Grove Heights include lots or parcels containing light manufacturing, goods movement and wholesale trade. Light industrial parcels are located in a number of sites throughout the community with concentrations in the northeast and extreme southern portions of the city”.

The existing commercial zoning is a spot zoning with no other commercial properties located in the area. The proposed industrial use is a low impact use with other industrial zoning to the north. The property is a unique shape located along Hwy 149 and CSAH 71 that makes access a challenge. A high traffic use, open to the general public, would not be a good fit for this location.

Any action of a Comprehensive Plan change by the City is still controlled by the approval by the Met Council of the City’s 2040 plan. Once a Comprehensive Plan Amendment is approved by the City the request is sent to Met Council for their review.

Rezoning

The City Code, Title 10-3-5 states that a Rezoning request must be in the best interest of the physical development of the City in order to be approved. This suggests that the request should be reviewed against such factors as infrastructure availability; compatibility with existing land uses in the neighborhood; and consistency with the Comprehensive Plan.

Infrastructure

City sewer and water are available to the site. No additional roadways or other public improvements are necessary with this request.

Comprehensive Plan Consistency

With the approval of the requested Comprehensive Plan Amendment, the Rezoning would be consistent with the 2040 Comprehensive Plan.

Neighborhood Compatibility

The property is triangular in shape, located between a state highway and a county road. The property is screened with existing vegetation from the property owners to the south and east. There is almost 200 feet, with Jefferson Trail/ Hwy 149 and railroad tracks located between the applicant's property and the residential properties to the west. The request does not appear to have any adverse impacts on the neighboring properties.

Staff believes the proposed zoning would be compatible with the existing, established uses in the neighborhood.

General Site Plan Review

Setbacks: There are no building additions or changes to the exterior proposed at this time. Setbacks have been met for the parking and outdoor storage area.

Access: The applicant received an access permit from Dakota County to locate the main access for the business off of Rich Valley Boulevard instead of Jefferson Trail.

Signage: Signage is not approved as part of the Conditional Use Permit request. Signage on the property shall follow Section 10-15E of the City Code. A building permit is required for any new signs or changes to the existing signs.

Engineering: Engineering has reviewed the plans. The site drains into a MnDOT right-of-way. The applicant received a MnDOT drainage permit for the stormwater runoff. Engineering takes no exception to the request.

Conditional Use Permit Review

This section reviews the plans against the Conditional Use Permit criteria in the Zoning Ordinance (Section 10-3A).

1) The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.

With the approval of the Comprehensive Plan Amendment, the use would be consistent with the goals, policies, and plans of the Comprehensive Plan. A contractor's yard is consistent with the uses envisioned in the industrial district.

2) The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.

The property would be zoned Industrial. The land use of the contractor's yard is consistent with the intent of the I-1 zoning district.

3) *The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*

The proposed use would not have a detrimental effect on public improvements in the vicinity of the property.

4) *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police, and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.*

The existing improvements do not appear to have any negative effects on City facilities or services.

5) *The use is generally compatible with existing and future uses of surrounding properties, including:*

i. Aesthetics/exterior appearance

There are no additions proposed to the existing structures. The applicants cleaned up the property and added landscaping.

ii. Noise

The proposed use would not generate noises that are inconsistent with I-1 zoning or with the background auto/truck noise from the highway.

iii. Fencing, landscaping, and buffering

Screening is required from the abutting residential properties. There is existing vegetation screening the business from the residential property to the south and east. The applicant has planted trees to screen the business from the residential lots to the west.

6) *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

The applicant moved the main access of the business to the Rich Valley Boulevard side of the property for safer traffic movement compared to the Jefferson Trail/Highway 149 side of the property. Setbacks have been met for the outside storage of vehicles and equipment.

7) *The use does not have an undue adverse impact on public health, safety or welfare.*

This use does not appear to have any negative effects on the public health, safety, or welfare.

8) *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater, and air quality.*

The proposed use does not appear to have an undue adverse impact on the environment. The applicant received a MnDOT drainage permit addressing stormwater runoff on the site.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed project:

A. Approval: If the proposed request is found to be acceptable, approval of the applicable following actions should be taken:

- Approving the Comprehensive Plan Amendment from CC, Community Commercial to LI, Light Industrial subject to the following conditions:
 1. The Metropolitan Council shall not require any significant modifications to the Comprehensive Plan Amendment.
 2. The Metropolitan Council shall not make a finding that the Comprehensive Plan Amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
- Approving the Rezoning of the property from B-3, General Business District to I-1, Limited Industry District.
- Approval of the Conditional Use Permit for a contractor's yard with outdoor storage subject to the following conditions:
 1. Development of the site shall be in substantial conformance with the site plan on file with the Planning Department except as it may be modified by the conditions below.
 2. The house is not allowed to be used for residential purposes.
 3. All parking/drive aisles areas shall be properly marked and follow all fire and building code requirements.
 4. The applicant must apply for and obtain a building permit for any signage or building improvements.
 5. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.

B. Denial: Should the proposed request, or portions thereof, not be found to be acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

RECOMMENDATION

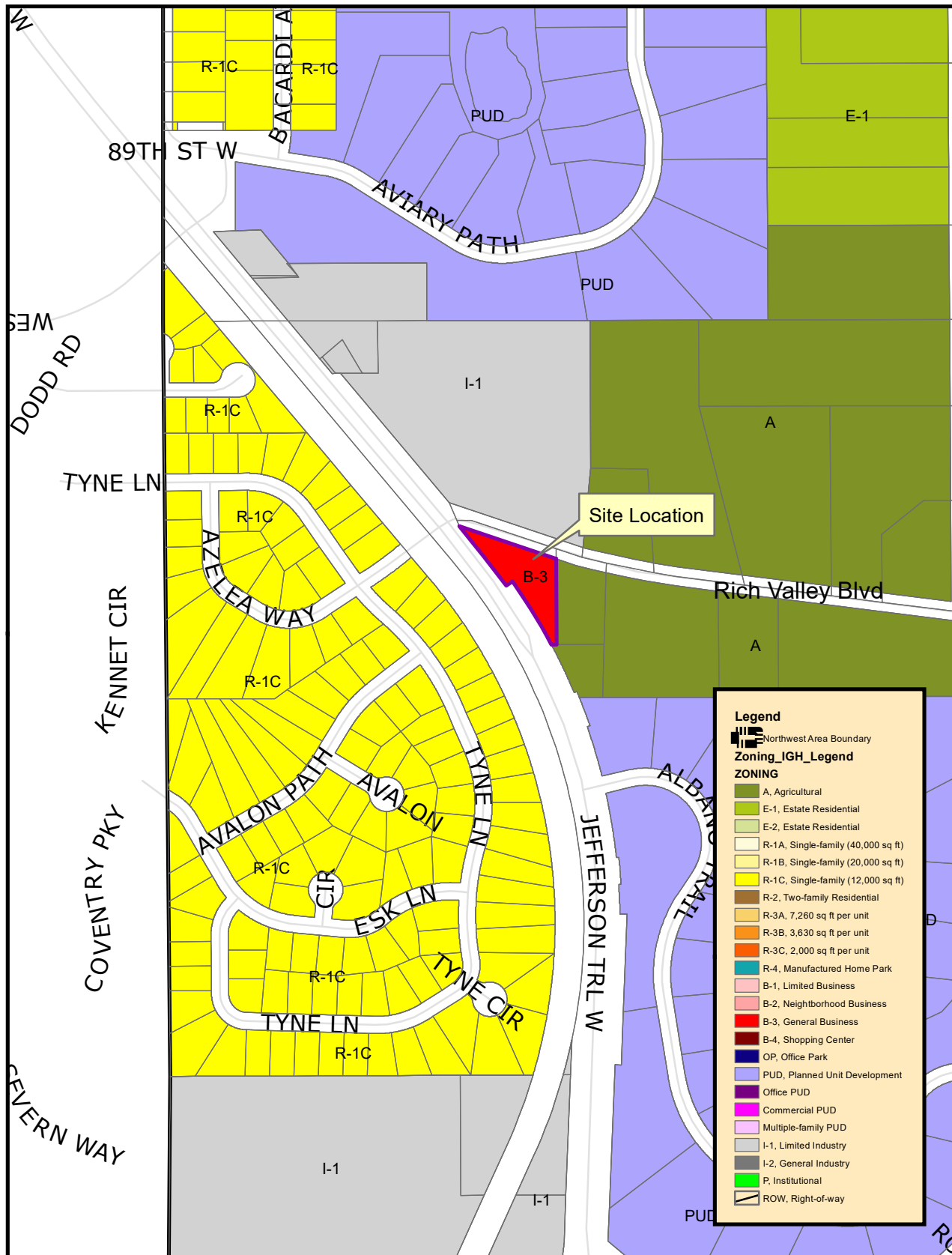
Staff recommends approval of the three-part request with the conditions listed in Alternative A.

ATTACHMENTS

1. Zoning and Location Map
2. Comprehensive Plan Map
3. Applicant Narrative
4. Site Plan
5. Aerial Photo of Site



9150 Jefferson Trail Case No. 23-28ZC



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILED OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

Map produced by the City of Inver Grove Heights GIS Dept.
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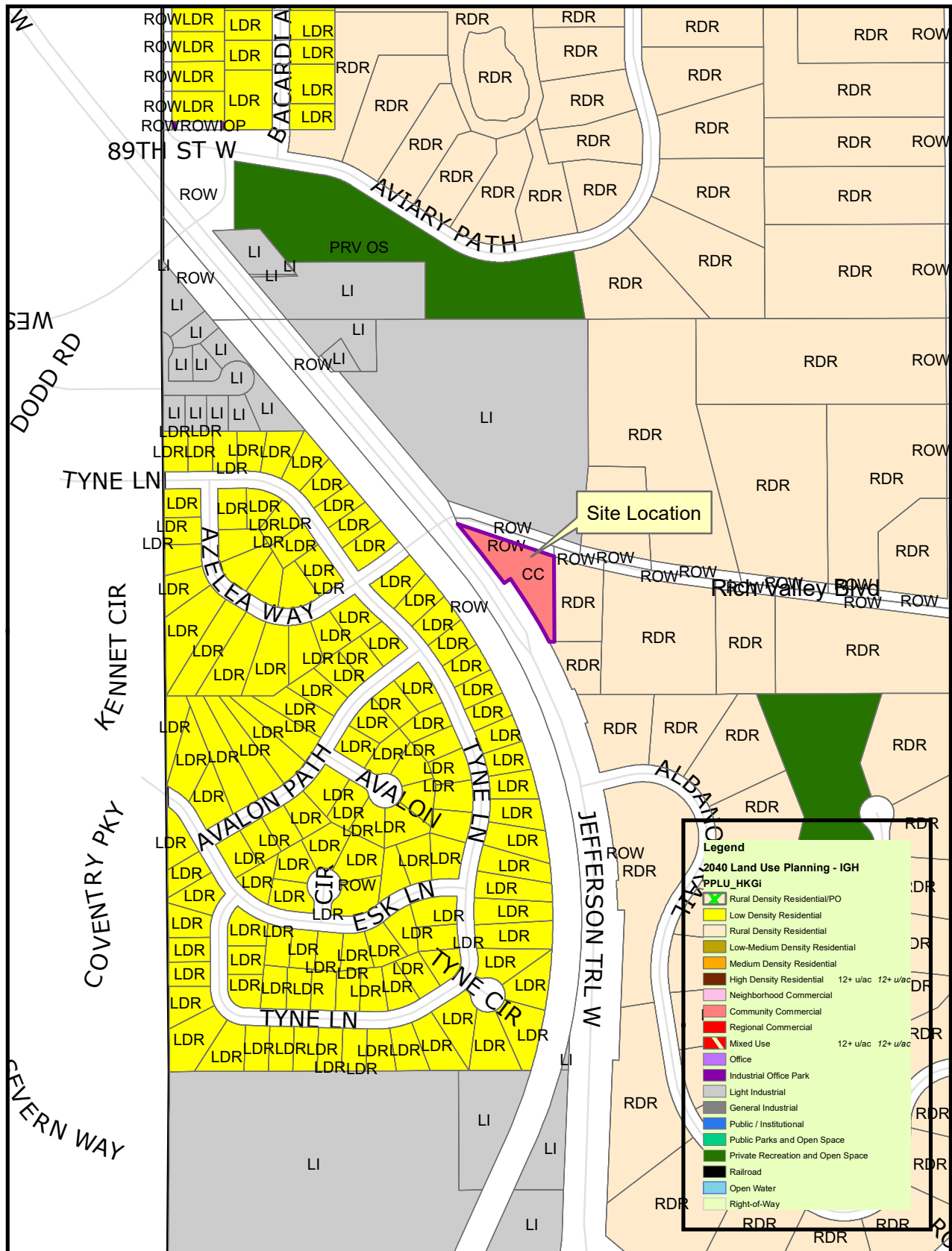


Exhibit A
Zoning and Location Map

Map not to scale



9150 Jefferson Trail Case No. 23-28ZC



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Exhibit B
2040 Comprehensive Plan Map

9150 Jefferson Trail

The Property owner would like to use the commercial property that he purchased in December 2021 to run his business-Valley Tree Service, Inc. from.

-The vehicles and equipment that are stored at this property are as follows:

Two Log trucks

Chip Truck

Bucket Truck

Nifty Fifty Lift

-There will be no chemicals or other Class V storage on this property and all parking of equipment/vehicles is at least 10 feet from abutting boundaries.

-Number of employees: 3

-The use of the existing buildings:

House- The house will be vacant with the exception of a room used for an office and the former kitchen as a meeting/break room.

Garage- A cube van, truck and mower are stored in the garage along with chain saws and tools.

Shed- Tools

Please see the attached document for the following information:

-Four company vehicles are parked along the side of the property. These vehicles are left overnight and on weekends (these positions are marked in red).

-A Nifty Fifty Lift is parked evenings and weekends (position is marked in yellow).

-Three employee cars are parked on business days (these positions are marked in blue).

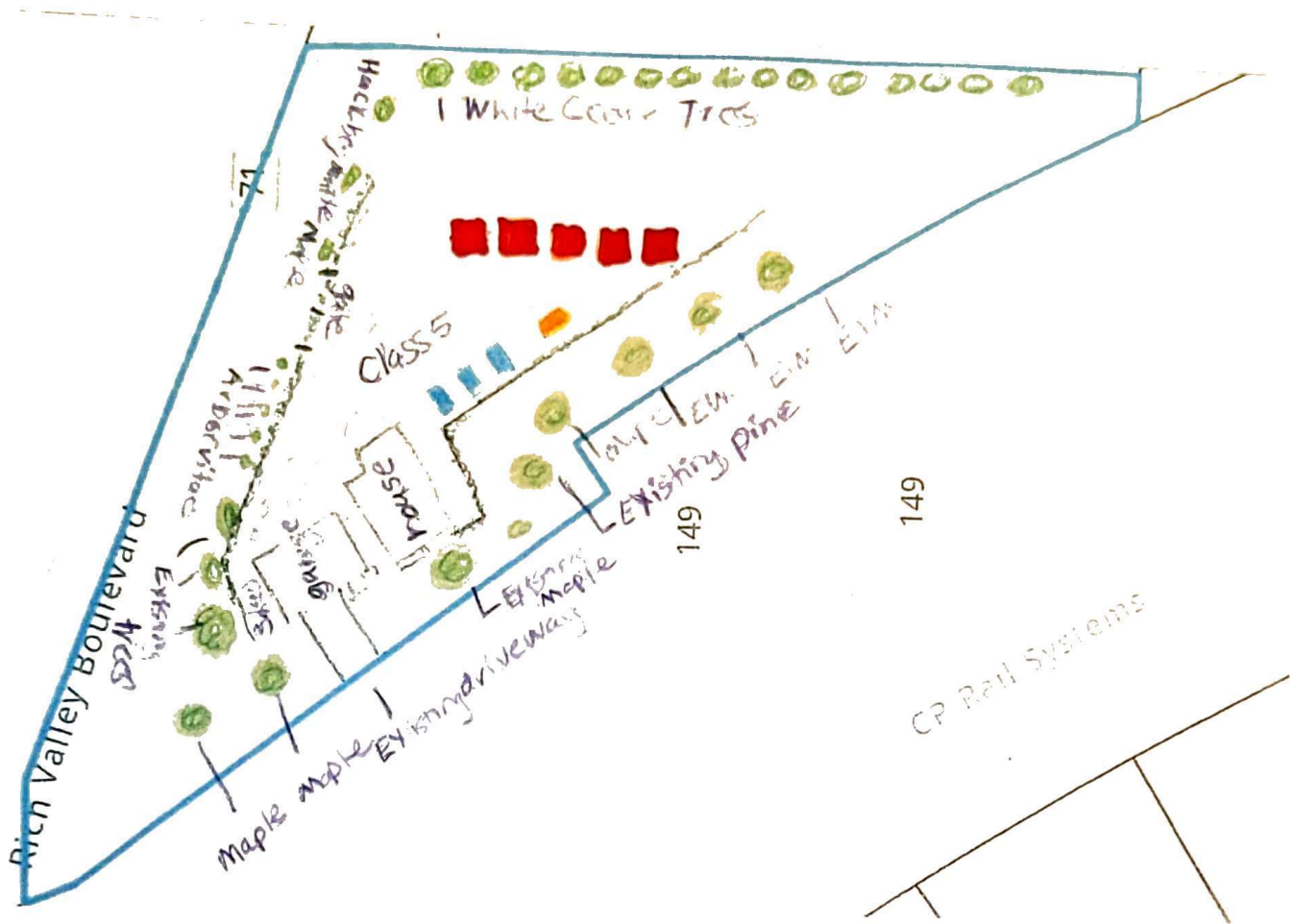
-A 6X3 foot Dumpster is located on the property (position is marked in orange).

-Additional footage of an existing 6-foot chained link fence has been added for approximately 395 feet of fencing (location of the fence is in black) (a permit from the city was received prior to the installation).

-Maple, Elm, Hackberry and Arborvitae trees with 1.5-2 inch diameter trunks have been planted at least 5 feet from all property lines (positions are marked in green).

-Class 5 rock has been laid in the fenced in areas (marked in gray).

Screening will be provided along the property boundary to the West. The screening that is used will be determined by what is required.



Company vehicles and equipment (marked in red).

Employee parking (marked in blue).

The onsite 6X3 dumpster (marked in orange).

Additional footage of an existing 6-foot chained link fence has been added for approximately 395 feet of fencing (the location of the fence is marked in black) (a permit was received from the city prior to installation).

Class 5 rock has been laid in the fenced in areas (marked in gray).

Maple, Elm, Hackberry and Arborvitae trees with 1.5-2 inch diameter trunks have been planted 5 feet from all property lines (locations are marked in green).

Approximately 15 White Cedar evergreen trees will be planted to provide screening along the property boundary to the East (locations are marked in green).



486

312

94

427

35

298

258

263

25



Request for Council Action

SUBJECT: **Variance to Exceed the Maximum Fence Height on a Riparian Yard, 6790 River Road**

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Heather Botten, Associate Planner, 651.450.2569

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving a variance to exceed the maximum fence height on a riparian yard, for the property located at 6790 River Road (Clark, Case No.23-33V).

- Requires 3/5th's vote
- 60-days: September 5, 2023

BACKGROUND

The applicant is requesting a variance to construct five-foot (5') fencing around the perimeter of the residential property. The property is the first residential lot south of the Rock Island Swing Bridge Park, with a public trail located north of the applicant's property. The property is a riparian lot, abutting the Mississippi River. Fencing would not be located along the easterly property line, parallel to the river. City Code requires fences in riparian yards to be no higher than forty-two inches (42"). On non-riparian lots, City Code allows fencing up to forty-eight inches (48") in the front yard and up to seven feet (7') on the side and rear yards.

The proposed fence height does not appear to have an adverse impact on the neighborhood or the river. The property is unique in that it is abutting park property with a public trail. The additional fence height will ensure safety for the applicant and his family. The applicant has been working with the Parks Department regarding access to the owner's property for the City to access and maintain the park land to the north.

FISCAL IMPACT

Not applicable

RECOMMENDATION

Staff: Staff recommends approval of the fence height variance with the condition listed in the attached Resolution.

Planning Commission: At the August 15, 2023, public hearing, the applicant was present and no members of the public testified. The Planning Commission unanimously recommended approval of the request with the condition listed in the attached Resolution.

ATTACHMENTS

1. Resolution of Approval
2. Planning Report

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

RESOLUTION NO. 2023-

**RESOLUTION APPROVING A VARIANCE TO EXCEED THE MAXIMUM FENCE HEIGHT ON
A RIPARIAN LOT**

**CASE NO. 23-33V
Clark**

Property located at 6790 River Road and legally described as follows:

COM ON N LINE GOVT LOT 5 447.75 FT W OF MEANDER LINE S 6D E 291.5 FT S 83D W
607.3 FT TO E LINE OLD PINE BEND RD N 119.7 FT TO S LINE R.I.RY NE ON S LINE
283.19 FT TO N LINE GOVT LOT 5 E 471.3 FT TO BEG, SECTION 2 TWN 27 RANGE 22,
DAKOTA COUNTY, MN

WHEREAS, the applicant is requesting a variance to construct five-foot fencing along the north, west, and south lot lines whereas 42 inches is the maximum fence height allowed on riparian yards;

WHEREAS, the afore described property is zoned R-1C, Single-Family Residential;

WHEREAS, a Variance may be granted by the City Council from the strict application of the provisions of the City Code Title 10, Chapter 3-4 and conditions and safeguards imposed in the variance so granted where practical difficulties or particular hardships result from carrying out the strict letter of the regulations of the Zoning Code, as per City Code 10-3-4 D;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on August 15, 2023 in accordance with City Code Section City Code 10-3-3:C;

WHEREAS, a practical difficulty or uniqueness was found to exist based on the following findings:

- a. The request is in harmony with the general purpose and intent of the City Ordinance and is consistent with the Comprehensive Plan.
- b. The variance request does not appear to have any adverse impacts on the neighboring properties or the river.
- c. The property is unique in that it is abutting park property with a public trail. The additional fence height will ensure safety for the applicant and his family.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow a five foot fence on a riparian yard is hereby approved subject to the following condition:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to record a certified copy of this Resolution at the Dakota County Recorder's Office.

Adopted by the City Council of Inver Grove Heights this 28th day of August, 2023.

Brenda Dietrich, Mayor

Ayes:

Nays:

ATTEST:

Rebecca Kiernan, City Clerk



Planning Commission Report

MEETING DATE:	August 15, 2023
CASE NO:	23-33V
APPLICANT:	Jeremy Clark
PROPERTY OWNER:	Same as Applicant
REQUEST:	Variance from maximum fence height
LOCATION:	6790 River Road
COMPREHENSIVE PLAN:	LDR, Low Density Residential
ZONING:	R-1C, Single-Family Residential
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The request consists of the following:

- A **Variance** from City Code Section 10-15-12 to exceed the maximum allowed fence height on a riparian property.

BACKGROUND

The applicant is requesting a Variance to construct five foot (5') fencing around the perimeter of the residential property. The property is the first residential lot south of the Rock Island Swing Bridge, with a public trail located north of the applicant's property. The applicant is proposing over 200 feet of wrought iron fencing along the front and side property lines and over 650 feet of deer fencing along the remainder of the property. The property is a riparian lot, abutting the Mississippi River. The fencing would not be located along the easterly property line, parallel to the river. City Code requires fences in riparian yards to be no higher than forty-two inches (42"). On non-riparian lots, the City Code allows fencing up to forty-eight inches (48") in the front yard and up to seven feet (7') on the side and rear yards.

EVALUATION OF REQUEST

The following Land Uses, Zoning Districts, and Comprehensive Plan designations surround the property:

North	Trail	<u>Zoned</u> : P, Public/Institutional	<u>Guided</u> : Public Open Space
East	River		<u>Guided</u> : Private Open Space
West	Park & Single-Family Residential	<u>Zoned</u> : P, Public/Institutional & R-1C, Single-Family Residential	<u>Guided</u> : Public Open Space & LDR, Low Density Residential
South	Single-Family Residential	<u>Zoned</u> : R-1C, Single-Family Residential	<u>Guided</u> : LDR, Low Density Residential

ENGINEERING

Engineering has reviewed the request and takes no exception to the proposed fencing.

PARK AND RECREATION

The applicant has been working with the Parks Department regarding access points on the owner's property for the City to access and maintain the park land to the north.

DNR REVIEW

The Shoreland Overlay District and the Critical Area Overlay District require any application for a Variance to be submitted to the DNR for their review and comment. The DNR has received the request, but has not yet responded. Staff is not anticipating any concerns as the updated MRCCA requirements allow fencing up to six feet (6') in height as long as it is not located in the regulatory floodplain and out of any shore or bluff impact zones.

VARIANCE REVIEW

City Code Title 10, Chapter 3. Variances, states that the City Council may grant Variances when they are in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested Variances, City Code identifies which are to be considered practical difficulties.

The applicant's request is reviewed below against those criteria.

1. The Variance request is in harmony with the general purpose and intent of the City Code and consistent with the Comprehensive Plan.

The request is not contrary to the residential use of the property or area as defined in the Comprehensive Plan. The proposed fencing would meet all other code requirements including materials and setbacks.

2. *The property owner proposed to use the property in a reasonable manner not permitted by the Zoning Ordinance.*

One of the functions of the shoreland requirements is for consistency of structure placement and aesthetic qualities from river, street, and neighboring views. The proposed fencing would not be out of character for the area. The Variance request is reasonable as the property is abutting park land to the north and the height of the fence does not exceed the maximum height allowed on lots that are non-riparian. The applicant is not proposing to extend the fence along the river.

3. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The lot does have a special condition that does not apply to other properties in the area. The lot is larger than the average urban lot that abuts city park property with a trail. To provide better security and distinguish the location of the property boundaries, the property owners are requesting to install a fence that would comply with the height requirements on non-riparian lots.

4. *The Variance will not alter the essential character of the locality.*

One of the functions of setback requirements is to protect the shoreland and maintain consistency of structure placement and aesthetic qualities from street and neighboring views. The proposed fencing would meet these requirements. Staff does not believe the improvements would alter the essential character of the neighborhood.

5. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do not appear to be a basis for this request.

ALTERNATIVES

A. Approval: If the Planning Commission finds the application acceptable, the following request should be recommended for approval:

- Approval of a **Variance** to construct a fence within the shoreland setbacks subject to the following condition:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.

Rationale:

The request is not out of character for the neighborhood and is consistent with the Comprehensive Plan. The proposed fence height does not appear to have an adverse impact on the shoreland. The property is unique in that it is abutting park property with a public trail. The additional fence height will ensure safety for the applicant and his family.

B. Denial: If the Planning Commission does not favor the proposed Variance, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

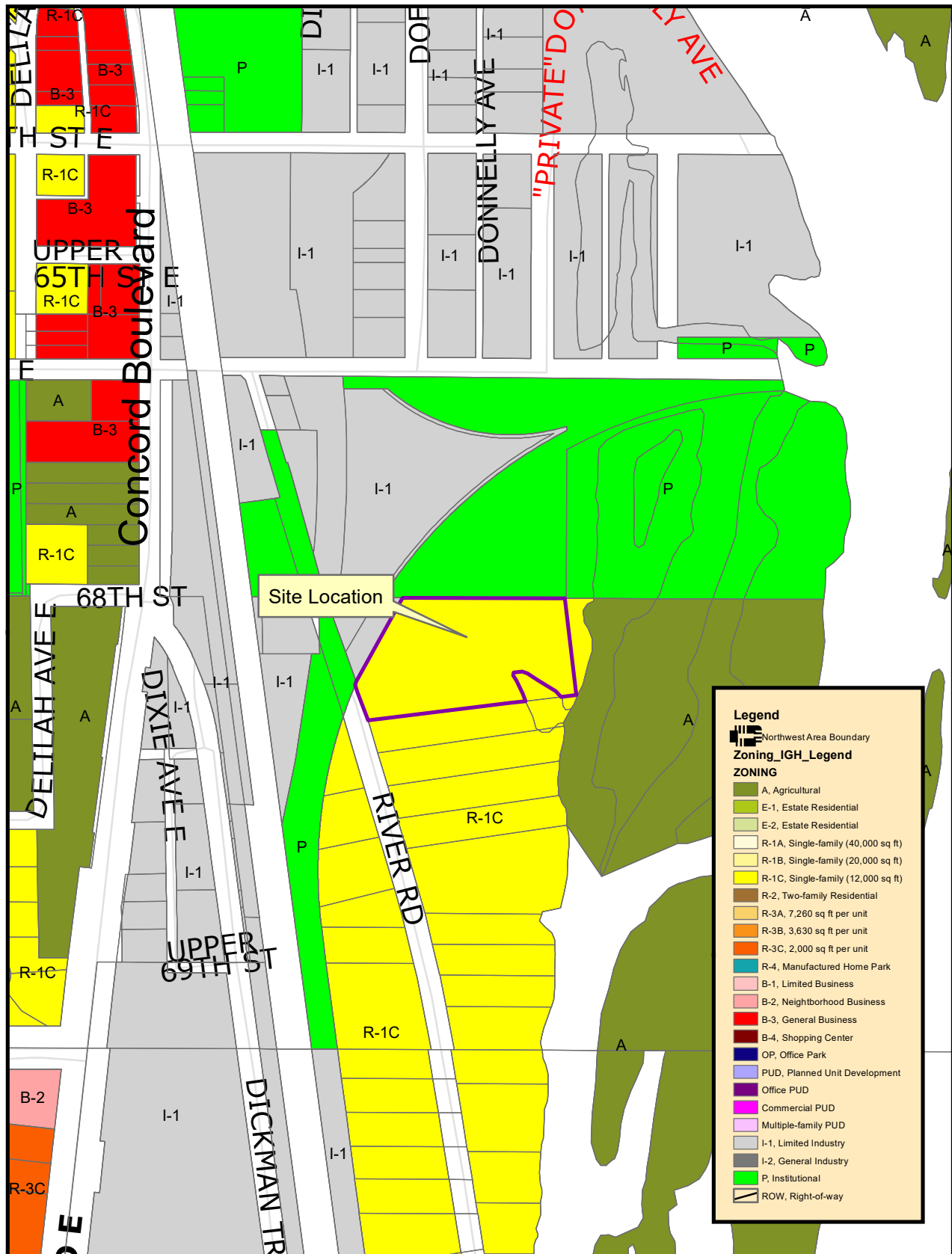
Based on the information in the preceding report and the condition listed in Alternative A, staff is recommending Approval of the requested Variance.

ATTACHMENTS

1. Zoning and Location Map
2. Narrative
3. Site Plan
4. Fence Types



6790 River Road Case No. 23-33V



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILED OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

Map produced by the City of Inver Grove Heights GIS Dept.
Copyright© City of Inver Grove Heights 2020



Exhibit A
Zoning and Location Map

Map not to scale

Request for Variance for Fencing at 6790 River Rd, Inver Grove Heights

To The Planning Commission:

I am writing a request for a variance for fencing my property at 6790 River Rd, Inver Grove Heights. I recently sent in for a fencing permit but was denied due City Code Section 10-15-12 stating that fences in riparian yards can be no higher than 42".

On the permit application I mentioned installing 5' deer fencing to the lower two sides of my property (see attached diagram). I can adjust that height to 4' (48") to be closer to code but would ask for an additional 6" in height due to the fact that we own 2 large English mastiffs and, if excited, can easily clear a 42" fence.

I am also requesting a variance for the front wrought iron fence that will be located on the upper south side of our property, across the front of our property and then extending down 100' meeting up with the deer fence on the north side of the property (see attached diagram). On the response to my earlier permit request, I was informed that a front fence would be no taller than 48", have at least 75% visibility and be 30' recessed from roadway. I have 2 reasons I would like to submit for this variance request concerning this section of fencing.

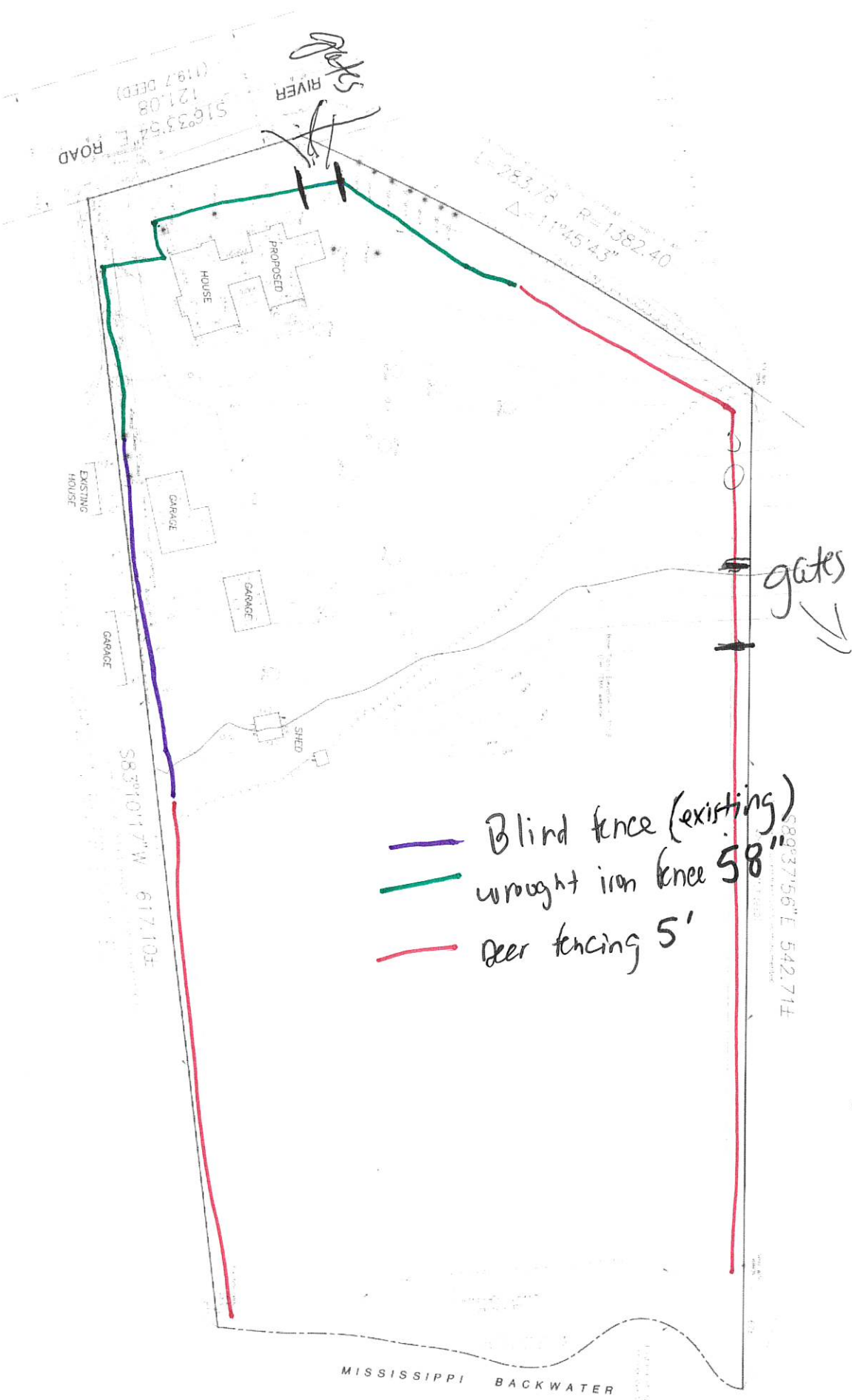
1. In building this house, we were forced due to bedrock being very close to the surface to elevate the foundation and main floor of the house. Our designer showed plans that because of the elevation of the house, a taller fence would fit much more aesthetically to the yard and surrounding landscaping. In order to facilitate planning and contractors, this fencing was already purchased and delivered.
2. The property is located at the beginning of River Rd, the north side of our property is directly adjacent and follows the Mississippi River Regional Trail Bikeway. With the use of the trail and being as close as we are to the existing business at the entrance to River Rd, we would feel much safer with a fence that is slightly taller and cannot be easily jumped over. I travel for work and so my wife is alone at home for long periods of time, and I would feel safer having a fence that is hard to climb over.

The wrought iron fence we purchased is 58" in height, it will be to code, installed 30' back from roadway, it has clear visibility per code and will not obstruct any vision for corners or traffic.

Lastly, I have met with the Inver Grove Parks staff a few times concerning the need to access the south corner of Swing Bridge Park. The only access to the park for vehicles is through my property. That would include installing two additional gates and allowing city vehicles to drive through my yard for upkeep and maintenance to that area of the park. I am happy to accommodate their need and access through my property, I am hoping that this accommodation will be taken into consideration when looking at my request for these variances.

Thank you,
Jeremy and Jennie Clark

Building Permit Survey for:
JEREMY CLARK
 at 6790 River Road - Inver Grove Heights, Minnesota



PROPERTY DESCRIPTION

SURVEYOR'S NOTES

AREAS

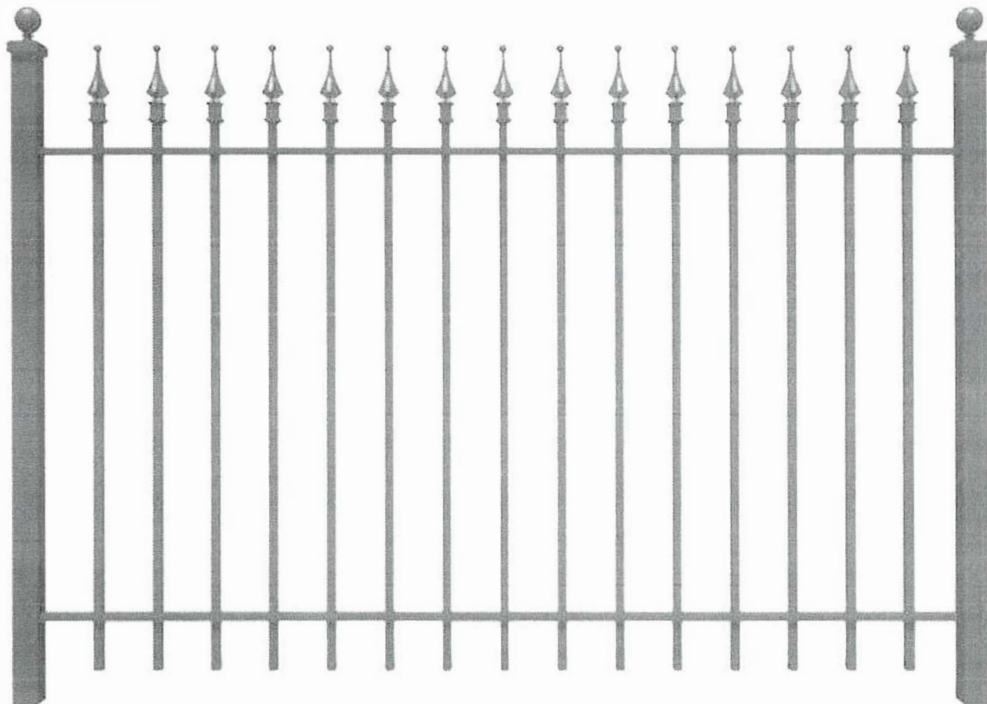
[redacted]

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Classic



Sent from my iPhone





Request for Council Action

SUBJECT: Resolution Approving Workers' Compensation Insurance Renewal

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Sam Hosszu, Assistant Finance Director, 651.450.2516

ACTION REQUESTED

The Council is asked to adopt the attached Resolution, approving the League of Minnesota Cities Insurance Trust (LMCIT) insurance policy renewal for Workers' Compensation coverage for the coverage period of September 1, 2023 to September 1, 2024, including utilization of the \$5,000 per occurrence deductible option.

BACKGROUND

The League of Minnesota Cities Insurance Trust (LMCIT) is a not-for-profit, self-insured membership cooperative formed by Minnesota cities in 1980 and specifically designed to help cities address their property/casualty and workers' compensation insurance needs. The City of IGH has been a member of the cooperative since 1985 and has carried the corresponding property/casualty and workers' compensation insurance since that time.

The annual renewal process involves two separate applications and quotes through LMCIT - a property/casualty application and a workers' compensation application. The property and casualty application involves listing the City's assets, expenditures, and other exposure items and an analysis by LMCIT. The application for a workers' compensation quote involves submitting payroll data to LMCIT and having them perform risk calculations based on employee types.

Annual premium costs for cities participating in these programs are affected by municipal market rates, exposures, and experience. A specific city's premium will also be impacted by changes in exposure such as payrolls, city expenditures, property values or changes in workers' compensation claims.

At this time, City staff are requesting Council review and approve only the renewal of the workers' compensation insurance policy as staff have not received a quote back for the property/casualty renewal. As permitted by the LMCIT, staff have requested a 60-day extension for the property/casualty policy to bridge insurance coverage until such time that a quote can be received, analyzed, and prepared for Council review and approval.

Workers Compensation Policy

The LMCIT provides workers' compensation coverage and benefits as required under state statutes, and offers additional coverage for things such as exposure testing for employees exposed to bloodborne pathogens or infectious diseases, employer's liability for work-related injuries, and additional injury provisions provided under federal laws. The policy covers employees, elected and

appointed officials, separate boards and commissions, emergency response employees, and volunteers.

As presented at the August 21 work session, the LMCIT's net premium quote is \$917,314, which is an increase of 22% over last year's net premium of \$750,527. This increase is primarily driven by a 15% increase in the City's experience factor over last year's policy - this experience factor is based on the volume of city claims over the last three policy periods and given the City's higher than normal COVID and PTSD claims during the 2019-2020 and 2020-2021 policy periods, this increase lines up with what the City would expect to see in terms of a rate increase.

While the City has not elected a deductible for workers' compensation in the past, the LMCIT does offer per occurrence/deductible options ranging from \$250 to \$50,000 per occurrence. Each deductible has a corresponding premium credit but also carries some additional risk to the City as there is no total comprehensive maximum deductible set for the policy period - deductibles are per individual claim. After a review of past claim history, staff believe a per occurrence/deductible option would make sense for consideration. At the August 21 work session, staff presented Council with three per occurrence/deductible options (\$2,500, \$5,000, and \$10,000) with a recommendation to consider the \$5,000 deductible option for this renewal. By selecting this per occurrence/deductible option, the net premium cost would drop from \$917,314 to \$858,882.

FISCAL IMPACT

Although this workers' compensation renewal is higher than what is presently proposed in the 2024 budget, staff believe the Risk Management Fund, which has benefited from two years of dividend returns from the LMCIT, can absorb the increase for 2024. Staff would also expect the City's experience factor to improve in the next renewal cycle as the largest of the City's three years of claim history, used to calculate this year's experience factor, will be replaced with what would be considered a more normal year of claim activity.

RECOMMENDATION

Staff recommends adoption of the attached Resolution, approving the League of Minnesota Cities Insurance Trust (LMCIT) insurance policy renewal for Workers' Compensation coverage for the coverage period of September 1, 2023 to September 1, 2024, including utilization of the \$5,000 per occurrence deductible option.

ATTACHMENTS

1. 2023-2024 Insurance Resolution - WC

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

RESOLUTION NO. _____

**RESOLUTION APPROVING LEAGUE OF MINNESOTA CITIES INSURANCE TRUST
POLICY RENEWALS FOR WORKERS COMPENSATION FOR THE COVERAGE
PERIOD OF SEPTEMBER 1, 2023, TO SEPTEMBER 1, 2024**

WHEREAS, the League of Minnesota Cities Insurance Trust (LMCIT) is a not-for-profit self-insured membership cooperative formed by Minnesota cities in 1980 to help cities address their property/casualty and workers compensation insurance needs; and

WHEREAS, the City has procured its insurance from the LMCIT since 1985; and

WHEREAS, City staff, in coordination with North Risk, LLC, the City's agent for Workers Compensation insurance, have submitted renewal application materials to the LMCIT and received premium proposals back from the LMCIT for workers compensation coverage; and

NOW, THEREFORE BE IT RESOLVED, BY THE CITY OF INVER GROVE HEIGHTS that the Council does hereby approve the LMCIT September 1, 2023, to September 1, 2024, insurance policy renewals for the City of Inver Grove Heights which reflect premium costs \$858,882 for workers compensation insurance which is net of a credit for \$5,000 deductible.

Adopted by the City of Inver Grove Heights this 28th day of August 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Request for Council Action

SUBJECT: **Resolution Accepting FY 2023 JAG Grant and Amending 2023 Police Department Budget**

MEETING DATE: August 28, 2023

ITEM TYPE: Consent Agenda

CONTACT: Joshua Otis, Commander, 651.450.2528

ACTION REQUESTED

The Council is asked to accept an Edward Byrne Memorial Justice Assistance Grant (JAG) for police equipment.

BACKGROUND

This federal fiscal year, the cities of Inver Grove Heights, West St. Paul, and Burnsville were notified that they were eligible to apply for an Edward Byrne Memorial Justice Assistance Grant (JAG). This is the leading source of federal justice funding to states and local governments to support a range of law enforcement programs and needs.

The City of Burnsville agreed to prepare the grant application documents on behalf of all three Dakota County cities. The funding specifically available to Inver Grove Heights is estimated to be \$11,032, which will be utilized for the purchase of additional equipment for the Police Department.

FISCAL IMPACT

This grant provides additional resources for the Police Department and has no matching fund requirement.

RECOMMENDATION

Staff recommends adoption of the attached Resolution and authorization for the City Administrator to sign the Memo of Understanding when it is received from the City of Burnsville.

ATTACHMENTS

1. 2023 IGH - Resolution to accept FY 2023 JAG Grant

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

RESOLUTION NO. _____

RESOLUTION APPROVING ACCEPTANCE OF FY 2023 JAG GRANT

WHEREAS, the Bureau of Justice Assistance (BJA) recognizes that many state and local criminal justice systems currently face challenging fiscal environments; and

WHEREAS, BJA has created their JAG grant program based on violent crime rates and determined that the City of Inver Grove Heights would be one of three Dakota County eligible agencies invited to make application to the program; and

WHEREAS, the City of Inver Grove Heights applied for and was awarded a JAG grant in the amount of \$11,032 for the purchase of equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA, does hereby accept the JAG Grant for the purchase of approved equipment for the Inver Grove Heights Police Department and directs staff to increase the 2023 budget to reflect those grant activities.

Adopted by the City Council of Inver Grove Heights, MN this 28th day of August 2023.

Ayes:

Nays:

Brenda Dietrich, Mayor

Attest:

Rebecca Kiernan, City Clerk



Request for Council Action

SUBJECT: **Conduct a Public Hearing for a Temporary Premise Expansion for On-Sale Liquor License - Inver Grove Brewing Co.**

MEETING DATE: August 28, 2023

ITEM TYPE: Public Hearing

CONTACT: Rebecca Kiernan, City Clerk, 651.450.2513

ACTION REQUESTED

The Council is asked to conduct a public hearing for a temporary premise expansion for the On-Sale Liquor License held by Inver Grove Brewing Co. for an event on September 8, 2023 in conjunction with Inver Grove Heights Days.

BACKGROUND

Inver Grove Brewing Co has submitted a temporary On-Sale Liquor License expansion permit for Friday, September 8, 2023 for their location at 9051 Buchanan Trail.

The premise expansion allows a license holder to serve alcohol beyond the normal boundaries of its operation, for a defined date and time frame. The site map contained in the attached application identifies the area of the parking lot where alcohol will be allowed during this event for corn hole games.

This application has been reviewed and approved by the Building Inspections, Planning, Fire and Police departments.

The City Council is tasked with approving any temporary On-Sale Liquor Premise Expansion permits.

FISCAL IMPACT

none

RECOMMENDATION

Staff recommends holding a public hearing, and then approving the application for a 1-day premise expansion for an On-Sale Liquor License for Inver Grove Brewing Co.

ATTACHMENTS

1. Temporary On-sale Intoxicating city permit application -FILLABLE
2. Renewal Certificates
3. IGH Brewery Co Temporary Additional Area map



City of Inver Grove Heights

8150 Barbara Ave

Inver Grove Heights, MN 55076

**APPLICATION AND PERMIT FOR A 1 DAY
PREMISE EXPANSION FOR ON-SALE LIQUOR LICENSE**

Name of person making application

Erin Gerlach Inver Grove Brewing Co.

Business phone

651-370-1565

Home phone

651-343-8441

Date(s) of event

9/8/2023

Type of organization



On-Sale License Holder



Club



Charitable



Religious



Other non-profit

Organization Address (No PO Boxes)

9051 Buchanan Trail

City

Inver Grove Heights

State

Minnesota

Zip Code

55076

Organization officer's name

Erin Gerlach

City

Inver Grove Heights

State

Minnesota

Zip Code

55076

Organization officer's name

Erin Gerlach

City

Inver Grove Heights

State

Minnesota

Zip Code

55076

Organization officer's name

Erin Gerlach

City

Inver Grove Heights

State

Minnesota

Zip Code

55076

Location where permit will be used. If it is an outdoor area, describe (map would be preferred).

We would like it extended to the east side of our building along the back of our outdoor bar and dumpster

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service (if other than licensee holder).

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

Event in conjunction with a community festival ☒ Yes ☐ No

APPROVAL BY CITY OF INVER GROVE HEIGHTS

Mayor

City Clerk

Date Approved

Permit Date



LAKEBRE-01

SREIJO

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/3/2022

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 Solutions Insurance Agencies 215 N Central Ave Suite 6 Duluth, MN 55807	CONTACT NAME: Timothy Blahnik PHONE (A/C, No, Ext): (612) 859-9498 FAX (A/C, No): E-MAIL ADDRESS: tblahnik@solutionsagencies.com
	INSURER(S) AFFORDING COVERAGE INSURER A: Cincinnati Insurance Company INSURER B: The Cincinnati Casualty Company INSURER C: INSURER D: INSURER E: INSURER F:
	NAIC # 10677 28665

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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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 GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC OTHER:	X		ETD 0595334	11/7/2022	11/7/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 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
A	☒ AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			ETA 0595334	11/7/2022	11/7/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$			ETD 0595334	11/7/2022	11/7/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Liquor Liability			ETD 0595334	11/7/2022	11/7/2023	Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Inver Grove Heights is included as Additional Insured. Liquor Liability Coverage is continuous until cancelled and extends to the parking lot. Liquor Liability \$1,000,000 each / \$2,000,000 aggregate

CERTIFICATE HOLDER

CANCELLATION

City of Inver Grove Heights
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



LAKEBRE-01

SREIJO

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DATE (MM/DD/YYYY)

10/3/2022

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	INSURER(S) AFFORDING COVERAGE INSURER A: Cincinnati Insurance Company INSURER B: The Cincinnati Casualty Company INSURER C: INSURER D: INSURER E: INSURER F:
	NAIC # 10677 28665

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A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$			ETD 0595334	11/7/2022	11/7/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N	N / A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Liquor Liability			ETD 0595334	11/7/2022	11/7/2023	Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Lakeville is included as Additional Insured. Off Premises coverage is included. Liquor Liability Coverage is continuous until cancelled. Liquor Liability \$1,000,000 each / \$2,000,000 aggregate

CERTIFICATE HOLDER

CANCELLATION

City of Lakeville 20195 Holyoke Ave Lakeville, MN 55044-8339	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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LAKEBRE-01

SREIJO

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PRODUCER Solutions Insurance Agencies 215 N Central Ave Suite 6 Duluth, MN 55807	CONTACT NAME: Timothy Blahnik PHONE (A/C, No, Ext): (612) 859-9498 FAX (A/C, No): E-MAIL ADDRESS: tblahnik@solutionsagencies.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Cincinnati Insurance Company	10677
	INSURER B : The Cincinnati Casualty Company	28665
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

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	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Liquor Liability			ETD 0595334	11/7/2022	11/7/2023	Aggregate 2,000,000

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

Locations Covered:

8790 Upper 208th St. West, Lakeville, MN 55044 including parking lot and off premises coverage included.
9051 Buchanan Trail, Inver Grove Heights, MN 55076 including parking lot and off premises coverage included.
Liquor Liability - \$1,000,000 per occurrence; \$2,000,000 aggregate. Coverage is continuous until cancelled.

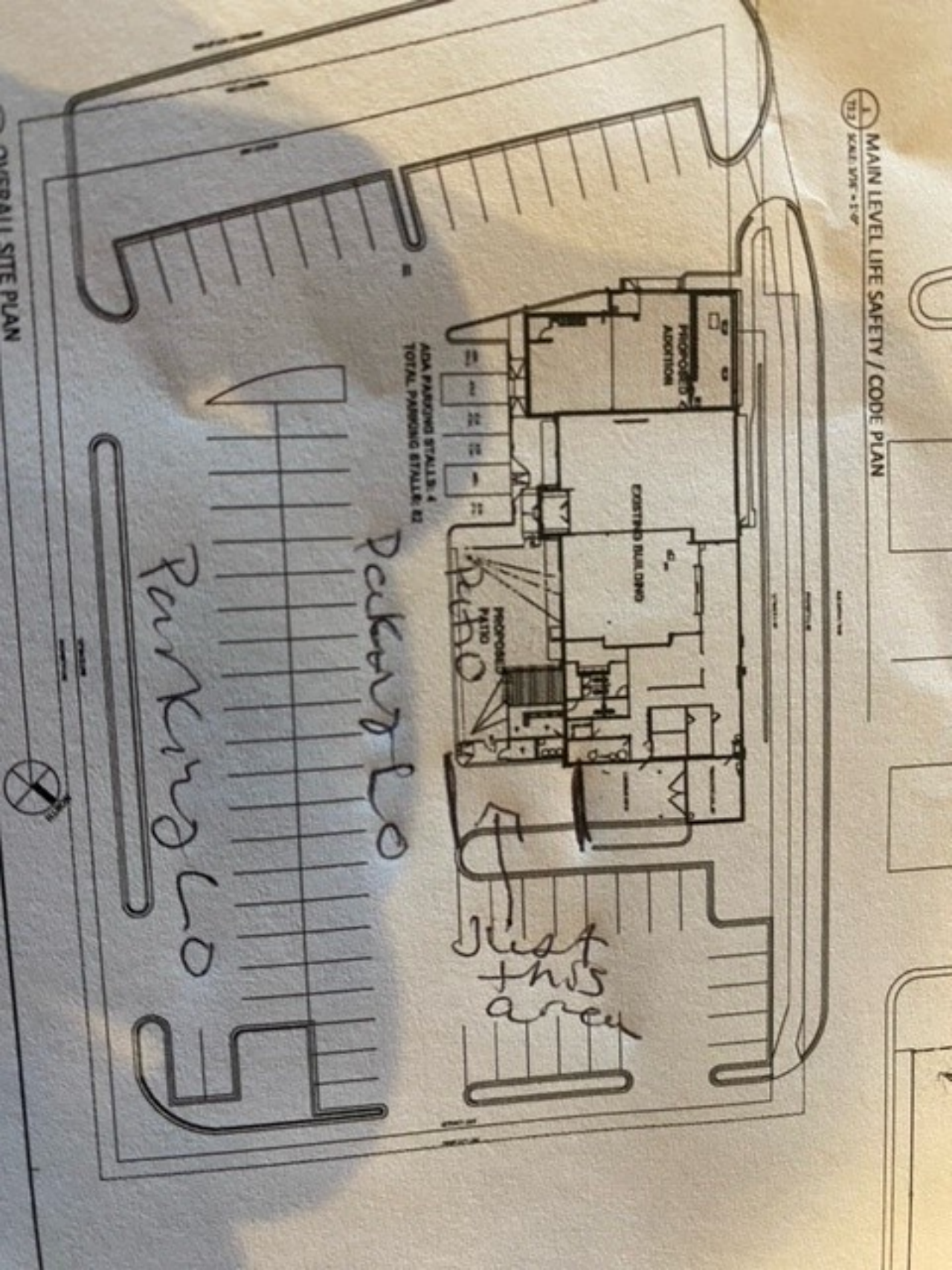
CERTIFICATE HOLDER

CANCELLATION

Minnesota Department of Public Safety - Alcohol and Gambling Enforcement Division
445 Minneaota St., Ste 222
St. Paul, MN 55101

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





Request for Council Action

SUBJECT: **POSTPONED at the REQUEST of APPLICANT:**
~~Comprehensive Plan Amendment for 7950 Blaine Avenue~~

MEETING DATE: August 28, 2023
ITEM TYPE: Regular Business
CONTACT: Allan Hunting, City Planner, 651.450.2554

ACTION REQUESTED

The Council is asked to consider a request to amend the land use designation / comprehensive plan guiding of a portion of the parcel located at 7950 Blaine Avenue from Public Institutional to High Density Residential (Stelter Enterprises - Case No. 23-26CPA)

- Requires 4/5ths vote
- 60-day deadline: September 30, 2023 (second 60 days)

BACKGROUND

The applicant is seeking to requide a portion of the Grace Church parcel from Public Institutional to High Density Residential to allow for the development of approximately 4.5 acres of the total 7.0 acre parcel with a market rate apartment building of about 100 units.

If the comprehensive plan amendment is successful, an application for rezoning, platting and a conditional use permit will be required before development can occur. This later process provides for public review and comment on the actual site plan.

The area is currently developed with single family to the north and east and college and government uses to the south. The site is also bounded by Hwy 52 on the west and fronts County Road 28 (80th Street) on the south, both high volume arterial roads.

The following provides some rationale for approval and denial of the proposed land use change.

RATIONALE FOR THE LAND USE CHANGE

- The southern half of the site is primarily vacant. Some of the parking lot extends into this area and there is a small community garden on the west side. The current church access is on the southern half of the site. Beyond this, the southern portion is excess land owned by the church and could be used for a higher and better use.
- Typical residential land use patterns are designed around placing higher-density residential along major roadways and then transition densities from high to low as you move geographically away from the high volume roads. The area requested for a comp plan change

is along two higher volume roads. This corner would be a typical location for an apartment building. The density pattern of the area transitions away from the corner into lower-density, single-family homes.

- The location is generally at the lowest point on the lot, which is 20+ feet lower than the church elevation and 10-15 feet lower than the homes to the east. The homes to the north are approximately 20-30 feet lower than the church elevation. The general first floor elevation of the proposed apartment building would be sitting lower than the houses to the east and the church.
- There appears to be a need and demand for higher density and apartment housing in the city. The Crossings apartment building and townhomes, to the west on 80th Street, were fully leased within a very short period of time following completion.
- Consistent with the policy of providing a broad range of housing opportunities.
- Provides a transition and buffer from the higher volume streets in the area (Hwy 52) to the single-family neighborhood to the east.

RATIONALE AGAINST THE LAND USE CHANGE

- The surrounding neighborhoods on the east side of Hwy 52 are predominantly single-family. There is a large area of townhome development to the north and east (east side of Blaine Avenue and 78th Street). There are no existing apartment buildings or high-density projects in this area of the city.
- There are approximately 55 vacant acres guided HDR and 60 vacant acres guided Mixed-Use elsewhere in the city. The Comprehensive Plan anticipates this amount of land to be absorbed through 2040.
- Would not be consistent with the policy of allowing infill development that protects the character of the neighborhood. The project would be a departure from single-family development and density, which is the primary land use in the area. Could be considered out of character for the neighborhood.
- Project would not appear to be compatible in size and scale with the existing, adjacent neighborhood. This would be the only apartment building in this area of the city and a multi-story building would appear out of character in terms of size and bulk.

FISCAL IMPACT

N/A

RECOMMENDATION

The Planning Commission reviewed the request at its June 20 meeting. There were a number of residents that spoke against the project that night and also a number of emails were submitted as well. The Planning Commission recommends denial of the Comprehensive Plan Amendment (6-1).

ATTACHMENTS

1. Denial Resolution

2. Approval Resolution
3. Planning Commission Recommendation
4. Planning Report
5. Resident Emails

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

RESOLUTION NO. _____

**RESOLUTION DENYING A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE
LAND USE DESIGNATION OF APPROXIMATELY 4.5 ACRES FROM PUBLIC
INSTITUTIONAL TO HDR, HIGH DENSITY RESIDENTIAL**

**CASE NO. 23-26CPA
(Stelter Enterprises)**

WHEREAS, an application has been submitted to amend the future land use map in the City of Inver Grove Heights' Comprehensive plan to regulate the land use designation of approximately 4.5 acres from Public Institutional to HDR, High Density Residential for the real property (Property) legally described as;

The southerly 4.5 acres of a total 7.0 acre parcel described as:

The Southeast Quarter of the Southeast Quarter of the Southwest Quarter, except that part taken for State Trunk Highway No. 3 and that end of the west 7.50 feet of the Southwest Quarter of the Southwest Quarter the Southeast Quarter, all in Section 9, Township 27 , Range 22, Dakota County Minnesota.

WHEREAS, an amendment to the City's Comprehensive Plan may be approved by the City Council on an affirmative vote of 4/5ths of the Council per Minn. Stat. Sec. 462.355, subd. 3;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the application on June 20, 2023, held a public hearing regarding the application following posted and published notice of the same, and recommended denial of the Application to the City Council;

WHEREAS, following a review of the Application, the change to the City's Comprehensive Plan Land Use Plan was found by the City Council to be contrary to the development direction for this part of the City and inconsistent with the existing and proposed land uses in the area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, that the application for a Comprehensive Plan Map Amendment amending the City's future land use plan to reguide approximately 4.5 acres of the Property from Public Institutional to HDR, High Density Residential is hereby denied based on the following findings of fact:

1. The City's existing comprehensive plan, which was adopted relatively recently, represents the best vision for the future land use for the Property and the City at this time.
2. The proposed amendment to the Comprehensive Plan would disrupt the land use pattern envisioned by the adopted Plan for this particular area and create a series of impacts on other properties and land uses.
3. The City's circumstances and vision have not changed measurably in any way to support the impact to the Comprehensive Plan that would be effectuated by the proposed amendment.
4. The proposed comprehensive plan amendment would not have a positive impact on the health, safety, and general welfare of the citizens of the community and the surrounding land.

Adopted by the City Council of Inver Grove Heights on this ____ day of _____, 2023.

Ayes:

Nays:

ATTEST:

Brenda Dietrich, Mayor

Rebecca Kiernan, City Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE
THE LAND USE DESIGNATION OF APPROXIMATELY 4.5 ACRES FROM PUBLIC
INSTITUTIONAL TO HDR, HIGH DENSITY RESIDENTIAL**

**CASE NO. 23-26CPA
(Stelter Enterprises)**

WHEREAS, an application has been submitted to amend the future land use map in the City of Inver Grove Heights' Comprehensive plan to regulate the land use designation of approximately 4.5 acres from Public Institutional to HDR, High Density Residential for the real property (Property) legally described as;

The southerly 4.5 acres of a total 7.0 acre parcel described as:

The Southeast Quarter of the Southeast Quarter of the Southwest Quarter, except that part taken for State Trunk Highway No. 3 and that end of the west 7.50 feet of the Southwest Quarter of the Southwest Quarter the Southeast Quarter, all in Section 9, Township 27 , Range 22, Dakota County Minnesota.

WHEREAS, an amendment to the City's Comprehensive Plan may be approved by the City Council on an affirmative vote of 4/5ths of the Council per Minn. Stat. Sec. 462.355, subd. 3;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the application on June 20, 2023, held a public hearing regarding the application following posted and published notice of the same;

WHEREAS, following a review of the Application, the change to the City's Comprehensive Plan Land Use Plan was found by the City Council to be a positive development direction for this part of the City and have a positive impact on the health, safety, and general welfare of the citizens of the community and the surrounding land.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS, that the application for a Comprehensive Plan Map Amendment amending the City's future land use plan to reguide approximately 4.5 acres of the Property from Public Institutional to HDR, High Density Residential is hereby approved subject to the following:

1. The comprehensive plan land use change shall not become effective until reviewed by the Metropolitan Council and rezoning, final plat and final planned unit development plans have been approved by the City Council.
2. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.
3. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.

Adopted by the City Council of Inver Grove Heights on this ____ day of _____, 2023.

Ayes:

Nays:

ATTEST:

Brenda Dietrich, Mayor

Rebecca Kiernan, City Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: June 20, 2023

SUBJECT: Consider a Comprehensive Plan Amendment to change the future land use on a portion of the property located at 7950 Blaine Avenue from P, Public Institutional to HDR, High Density Residential (Stelter Enterprises-Case No. 23-26CPA).

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice. The notice was mailed to 52 properties on June 1, 2023.

Motion by Heidenreich, Second by Wippermann, to accept the received resident emails and letters onto the agenda and minutes for the meeting.

Ayes: 7

Nays: 0 Motion carried.

Presentation of Request

Associate Planner Botten presented a summary of the staff report that was prepared by City Planner Alan Hunting.

Ms. Botten stated that staff has received 26 emails from residents that had been emailed to the Planning Commissioners earlier today and a hard copy of each email has been provided to each Planning Commissioner as well.

Community Development Director Rand stated that a land use trend has been increasing with churches that have surplus land and have been subdividing. Isn't only a trend in the Twin Cities but throughout the Midwest. This wasn't a trend that was predicted when the Comprehensive Plan was put together five years ago. This is why amendments are being brought to the Commission and Council. Two other churches in Inver Grove Heights have subdivided their properties and built apartments.

Planning Commission Discussion

Commissioner Weber stated that in the City Code it states that in the church properties require a 3-acre minimum requirement and that will be a Variance hurdle in the future. Botten stated that staff has discussed that with the applicant or change how they are splitting the lot. The only issue is that there is a lot of Storm water treatment proposed along that line and it makes sense to include all of it on the apartment property. Weber questioned if the church property lost that land would they have enough impervious surface. Botten stated that would be reviewed when that time comes.

Commissioner Schaefer inquired where the 55 vacant acres guided HDR and the 60 vacant acres guided Mixed Use are available property located within the city. Botten stated that land is within the Northwest Area of Inver Grove Heights that is planned for city water and sewer.

Commissioner Heidenreich inquired if the application is premature since the proposal doesn't meet the requirement of the 3-acre size requirement for the church property. Botten stated that the church does have enough land to make that requirement, depending on where the lot line is drawn. If this item is approved one of the conditions is that the Comprehensive Plan Land Use change does not go into effect until there is a development plan. If the developer is unable to

meet certain requirements, the land use would revert to P, Public. Heidenreich questioned why use this piece of land when other properties are available that are already guided High Density Residential. Botten stated that the applicant can answer that question.

Vice-Chair Clancy inquired if there had been any other proposed uses of the land. Botten stated that there had been no other development requests regarding this piece of land.

Opening of the Public Hearing

Fred Stelter, 14505 43rd Ave N, Plymouth, Applicant, stated that the church presented them with the opportunity to look at this land for development, as the church would like to open a childcare facility, and needs the funds. A couple neighborhood meetings have been held and great feedback from the neighbors residing mostly to the north of the property. The residents to the north shared that they have a lot of grading issues, and a stormwater study was completed to address those concerns and see how they could help if they placed the apartment building in the lower lot and regraded the church lot. It was found that a lot of the residents' concerns could be fixed, and the water could be routed differently. From reading through the resident comments earlier three stuck out, why here, who would be living in the building, and what's the impact on our neighborhood. Why this location, would be because the location of the property being right off Highway 52, is very attractive. It is also set back from the residential properties.

Vice-Chair Clancy questioned if the applicant had looked at any other sites for this sort of use.

Mr. Stelter stated that the location of the site, with Highway 52 next door, isn't an attractive site for low density, but usually used for high density.

Commissioner Weber stated that placing a building on a site that already has water issues in the neighborhood is concerning. Mr. Stelter stated that the water study showed what was going on with the water currently. The water that is now going into the neighborhood, would now go to the stormwater pond.

Commissioner Wippermann questioned who would own and manage the apartment building.

Mr. Stelter stated that is a future decision.

Matt Taufen, 7912 Blanchard Way, stated that a lot of people are opposed to the project, including himself. The decision affects a lot more residents outside of the 350 feet of residents that received the public hearing notice letter. Some neighbors didn't receive a letter and information about the meeting and project was provided to them. The apartment building would not fit in the neighborhood.

Mr. Taufen submitted a letter to the City on Friday, June 16, 2023, that was included in the staff report for the Planning Commission packet.

Gary Pieper, 7956 Blanchard Court, stated that a lot of his questions have already been answered. Doesn't seem like the building will fit on the lot or look good in the neighborhood.

Townhomes or single-family homes would fit better.

Georgia Mueller, 2591 80th Street East, questioned if the developer has done any other developments like the proposed in this area. Is opposed to the apartment building and like the appropriate research to be completed.

Ms. Mueller submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Bruce Onsted, 7915 Blanchard Way, stated that people that rent, have no skin in the game. They don't take care of the area like they would if they owned property. Isn't opposed to having the land developed but would like it to not be rentals.

Jeffrey Eichstadt, 7936 Blanchard Way, questioned if the development would be condos or apartments.

Vice-Chair Clancy stated that what is being reviewed is if the high-density zoning would work on the proposed property. What exactly is going on the property isn't being looked at, it's what would be allowed to go on the property.

Mr. Eichstadt stated that the possibility of bringing criminals to the area and the increase in traffic is concerning.

Mr. Eichstadt submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Jim Douglas, 1595 86th Court East, questioned if the developer has a drawing of what the development would look like. Making such a dramatic change on no specific information. Would like to see the Comprehensive Plan not changed.

Stephanie Taufen, 7912 Blanchard Way, questioned how making such a change is being looked at without having a traffic study completed. The corner of 80th Street and Blaine Ave is very congested, and especially when school is in session or after activities. Would like to see the entire City get notified if a change to the Comprehensive Plan is proposed. If anyone on the Planning Commission are members of the Church, that is a conflict of interest and shouldn't vote.

Alan Shilepsky, 8432 Claymore Court, stated that the Comprehensive Plan was created to plan for specific uses throughout the city. A drastic change from the current zoning of Public Institutional and changing it to the complete opposite to High Density Residential.

Damaris Jugovich, 7948 Blanchard Way, stated that the church would like to open a daycare. Instead of selling the land, could they come up with the money from their congregation.

Ms. Jugovich submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Brittany Skoglund, 7911 Blackstone Ave, stated that traffic and safety concerns that come with high density properties is concerning. Poor visibility to the east on Blaine Avenue and pedestrian accidents that have happened at the intersection is concerning that an increase in traffic would make worse. Questioned if the city resources, Police and Fire, can handle an increase in calls and incidents.

Bruce Onsted, 7915 Blanchard Way, stated that the item should be tabled until there is a better proposal that includes more details and specific building drawings, and driveway locations.

Jerome Jugovich, 7948 Blanchard Way, stated that the church land has always been empty. Stated that the church property needed to be 3 acres, with the proposed, the property would be 2.5 acres. A Variance will be needed in the future. Proposing to place a high density building on land that has current traffic one day a week, the item should be tabled until more specific information is included.

Mr. Jugovich submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Joan Wormer, 7980 Blanchard Court, stated that what the developer is asking isn't allowed, and will need a Variance in the future.

Ms. Wormer submitted a letter to the City on Monday, June 19, 2023, that was emailed and printed for the Planning Commissioners.

Commissioner Heidenreich stated that the Planning Commission is only being asked to make a recommendation to the City Council if the developer can move forward with the requested land use change.

Bruce Bruns, 7610 Banning Way, stated that the noise from Highway 52 has increased from Highway 52. Doesn't like the idea of a large apartment building that will bring in more noise into the neighborhood.

Amelia Tallarini, 2430 96th Street, stated that the grading on the church and surrounding neighborhood properties can be done without building the apartment building.

Joan Robertson, 8153 Cleadis Ave, stated that this sort of decision impacts the entire city. High density residential areas are considered transient areas. There isn't a transition or buffer on the property that is required in the Comprehensive Plan. Would like to see a single level, association neighborhood on this site instead.

Taylor Leslie, 7974 Blanchard Court, stated that they came to the neighborhood for what it is, not for a high-density neighborhood. Works from home and enjoys the quiet area as well.

Keith Schindeldecker, 2391 77th Street East, stated that he isn't happy that the public hearing notice letter was only sent out to residents within the 350 square feet radius of the project.

Would like to see the property stay how it is.

James Leslie, 7974 Blanchard Court, stated that the traffic on Blaine Avenue is busy and that the road is single lane. With the addition of 100-unit building, would the roads get additional work on them to help with the additional use.

Carol Ferry, 7924 Blanchard Way, stated that their neighborhood is close and would not purchase a home near a high-density residential area. Concerned that a study out of Australia has shown that high density areas have a negative health impact on the residents.

Ms. Ferry submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Jim Douglas, 1595 86th Court East, stated that he would like the petitioner to withdraw his petition.

Commissioner Teiken questioned if there was a member of the church in attendance.

Mike Fenton, 7131 Clay Court, stated that he is a member of the church and lives in the community, so has skin in the game. There is a need for high density housing and a need for daycare. The money that will be used from the sale of the property will be used to renovate the church building to get it up to the building code for the daycare. Most of the proposed apartment building will be facing south and west. Not east towards most of the concerned neighbors.

Jerome Jugovich, 7948 Blanchard Way, questioned how much high density residential is currently zoned in Inver Grove Heights.

Vice-Chair Clancy stated that it is about 55 acres of high density residential.

Andrea Hogenson, 7985 Blanchard Way, stated that she's familiar with the need for daycare, but that there are other ways to raise the funds than building an apartment building.

Heidi Onsted, 7915 Blanchard Way, stated that the 100-unit apartment complex could potentially fill the daycare facility and the need for daycare will still be there.

Stephanie Pastirik, 7544 Borman Court, stated that there are a lot of vehicles that speed on Blaine Avenue and 80th Street. The Police Department and Fire Department are already overworked and don't have enough staff. Adding additional vehicles from the apartment building would place added strain.

Ms. Pastirik submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Frank Stelter, Plymouth, MN, Applicant, stated that they own eight apartment buildings. Have completed many projects like the proposed. At some point many people live in apartments and would be cautious, labeling them transient, criminals, or that they wouldn't have a stake in the community.

Ann Marie Nerka, 7935 Blanchard Way, stated that there is concern for the additional vehicles in the area and the current speeding issue and the safety of current residents.

Ms. Nerka submitted a letter to the City on Tuesday, June 20, 2023, that was emailed and printed for the Planning Commissioners.

Karen Waldemarsen, 7910 Blackstone Ave, is concerned that if the neighborhood changes that it could turn into not a very nice area.

Joan Robertson, 8153 Cleadis Ave, stated that there are other properties available to place high density housing, with 55 acres zoned high-density and 60 acres zoned mixed-use. There is enough space to have rental properties.

Planning Commission Discussion

Vice-Chair Clancy stated that he is hesitant to make the change from Public to High Density Residential but is curious to hear what the other Commissioners have to say.

Commissioner Weber stated that he has multiple concerns. Making the blanket change is not supported due to the fact that multiple proposed factors would also need Variances and/or Conditional Use Permits in the future and seems premature without hard plans.

Commissioner Schaefer stated that making a change to residential could make sense but the change to High Density Residential is too far and would change the characteristics of the existing neighborhood, there would be no buffer. Would be too big of a change for the area.

Commissioner Wippermann stated that the change would be too significant to the character of the neighborhood. Is not in favor of the proposed change. Commissioner Teiken stated that he is in support of the application. Research found that there is a housing vacancy shortage in Inver Grove Heights and there really is a daycare shortage. This location is so close to amenities that the City has to offer, vehicles may not always be used.

Commissioner Twedt stated that he does not support the change. Seems too drastic, there isn't a buffer.

Commissioner Weber stated that if the demands were so high for this sort of housing, the developers would be getting the buildings up. There are projects that have been approved that have yet to break ground.

Commissioner Teiken stated that when The Crossings opened, filled up very fast. Also, this is still one piece of more applications that would need to be brought before the Planning Commission and City Council.

Planning Commission Recommendation

Motion by Weber, Second by Twedt, to Deny the request for a Comprehensive Plan Amendment to change the future land use on a portion of the property from P, Public Institutional to HDR, High Density Residential based on the fact that it doesn't meet certain criteria listed in the City Code and there isn't enough information from the developer on the specifics of the development.

Ayes: 6

Nays: 1 Teiken. Motion carried. Item tentatively goes before City Council July 10, 2023.



Planning Commission Report

MEETING DATE:	June 20, 2023
CASE NO:	23-26CPA
APPLICANT:	Stelter Enterprises, LLC
PROPERTY OWNER:	Grace Church of the Nazarene
REQUEST:	Comprehensive Plan Amendment to change Land Use from Public Institutional to High Density Residential.
LOCATION:	7950 Blaine Avenue
COMPREHENSIVE PLAN:	Public Institutional
ZONING:	P, Institutional
STAFF CONTACT:	Allan Hunting, 651.450.2554

ACTION REQUESTED

Comprehensive Plan Amendment to change the Land Use from Public/Institutional to HDR, High Density Residential.

BACKGROUND

The applicant is proposing to change a portion of the Grace Church of the Nazarene parcel from Public Institutional to High Density Residential. The plan would be to develop approximately 4.5 acres of the total 7.0 acre parcel with a market rate apartment building of about 100 units.

A sketch plan has been provided showing the apartment building located on the southern half of the site. Access would be from Blaine Avenue at a location across from Blanchard Way. No further details have been provided, nor are they required for this Comprehensive Plan Amendment application.

If the Comprehensive Plan Amendment is successful, an application for Rezoning, Platting and a Conditional Use Permit will be required before development can occur. This later process provides for public review and comment on the actual site plan.

SURROUNDING USES

The subject property is surrounded by:

North:	Single family homes & Church building	Zoned: R-1C, Single-Family Residential	Guided: LDR, Low Density Residential
East:	Single family homes	Zoned: R-1C, Single-Family Residential	Guided: LDR, Low Density Residential
West:	Highway 52		
South:	Community College	Zoned: P, Public	Guided: Public/Institutional

EVALUATION OF REQUEST

Comprehensive Plan Amendment

The subject parcel is currently guided Public/Institutional.

Public/Institutional is defined in the 2040 Comprehensive Plan as:

“Uses categorized as Public/Institutional include a number of different types of public and semi-public uses. Most of the institutional land in Inver Grove Heights is developed land occupied by public or private schools, religious institutions, or facilities associated with the government, such as City Hall, Veterans Memorial Community Center, state or county facilities.”

The applicant is proposing to change the land use designation of approximately 4.5 acres of the 7.0 acre parcel to HDR, High Density Residential (12-35 units/acre). The concept submitted is a +/- 100 unit market rate apartment building.

HDR, High Density Residential is defined in the 2040 Comprehensive Plan as:

“Areas designated as High Density Residential are intended to accommodate multi-family housing at densities exceeding 12 units per net acre. Uses in this category will be principally limited to higher density apartment or condominium buildings for either general occupancy or for specific segments of the population such as senior housing.”

The property is located within the Established Development Area as defined in the 2040 Comprehensive Plan. The area is generally from the northern boundary of the city to Babcock Trail on the west and as far south as the Arbor Pointe PUD (Highway 55 and Concord Boulevard, and to the river to the east). Established areas represent portions of the community which are mostly built out. Policy directions focus on preservation and maintenance of existing neighborhoods.

Established Development Area Policies include:

1. Allow infill development in a manner that protects the character of existing residential neighborhoods.
2. Maintain a circulation system that connects neighborhood areas while emphasizing a system of collector roadways to accommodate vehicular movements.
3. Provide a broad range of housing opportunities.
4. Ensure that new development areas are compatible in size and scale with existing, adjacent neighborhoods.
5. Provide appropriate buffers to allow density transitions and to accommodate a range of housing types.
6. Promote programs and adopt and enforce codes that encourage the maintenance of the existing housing stock.
7. Encourage rehabilitation of deteriorating housing stock.
8. Conduct long term planning to ensure existing neighborhood infrastructure is well maintained and reliable.
9. Disperse affordable housing throughout the area rather than creating concentrations in specific locations.
10. Reflect the history and character of existing residential neighborhoods in future infill development within those neighborhoods.
11. Provide commercial services that are convenient to neighborhoods.

12. Work closely with the school districts within the City to ensure the local school facilities are properly maintained, sustainable and serve as gathering spaces for neighborhoods.
13. Continually monitor the vitality and viability of existing commercial nodes and encourage the integration of supporting residential uses where necessary.
14. The City will continue to support the R-4 Mobile Home Park Zoning District that was established for mobile home park developments.

The main issue is what is the most appropriate future land use for the property. The following discussion addresses some of the issues that Staff has raised regarding the land use change.

Existing Uses.

The area is developed with single family properties to the north and east and college and government uses to the south. The site is also bounded by Highway 52 on the west and fronts County Road 28 (80th Street), both high volume arterial roads.

The following provides some rationale for approval and denial of the proposed land use change.

RATIONAL FOR THE LAND USE CHANGE

- The southern half of the site is primarily vacant. Some of the parking lot extends into this area and there is a small community garden on the west side. The current church access is on the southern half of the site. Beyond this, the southern portion is excess land owned by the church and could be used for a higher and better use.
- Typical residential land use patterns are designed around placing higher-density residential areas along major roadways and then transition densities from high to low as you move geographically away from the high volume roads. The area requested for a Comprehensive Plan change is along two higher volume roads. This corner would be a typical location for an apartment building. The density pattern of the area transitions away from the corner into lower-density single-family homes.
- The location is generally at the lowest point on the lot which is 20+ feet lower than the church elevation and 10-15 feet lower than the homes to the east. The homes to the north are approximately 20-30 feet lower than the church elevation. The general first floor elevation of the proposed apartment building would sit lower than the houses to the east and the church.
- There appears to be a need and demand for higher density and apartment housing in the city. The Crossings apartment building and townhomes, to the west on 80th Street have been fully leased in a very short period of time since they were completed.
- Consistent with the policy of providing a broad range of housing opportunities.
- Provides a transition and buffer from the higher volume streets in the area (Highway 52) to the single family properties to the east.

RATIONALE AGAINST THE LAND USE CHANGE

- The surrounding neighborhoods on the east side of Highway 52 are predominantly single-family properties. There is a large area of townhome development to the north and east (east side of Blaine Avenue and 78th Street). There are no apartment buildings or high-density projects in this area of the city.
- There are approximately 55 vacant acres guided HDR, High Density Residential and 60 vacant acres guided Mixed Use. The Comprehensive Plan anticipates this amount of land to be absorbed through 2040.

- Would not be consistent with the policy of allowing infill development that protects the character of the neighborhood. The project would be a departure from single family development and density, which is the primary land use in the area. Could be considered out of character for the neighborhood.
- The project would not appear to be compatible in size and scale with the existing, adjacent neighborhood. This would be the only apartment building in this area of the city and a multi-story building would appear out of character in terms of size and bulk.
- Could be considered an abrupt change in density that provides a different housing type not found in the area.

ALTERNATIVES

The Planning Commission has the following alternatives available for the proposed request:

A. Approval. If the Planning Commission finds the application acceptable, the Commission should make the following recommendation:

Approving the Comprehensive Plan Amendment change from Public/Institutional to HDR, High Density Residential subject to the following conditions:

1. The Metropolitan Council shall not require any significant modifications to the Comprehensive Plan Amendment.
2. The Metropolitan Council shall not make a finding that the Comprehensive Plan Amendment has a substantial impact or contains a substantial departure from any metropolitan systems plan.
3. The Comprehensive Plan land use change shall not become effective until a Rezoning and Development Plan has been approved by the City Council.

B. Denial. If the Planning Commission does not favor the Comprehensive Plan Amendment, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

The primary question to answer is a change to High Density Residential, a benefit to the city, and if so, should the land use plan be changed for the parcel?

The City Council has raised concerns in the past regarding high density apartment projects and if additional land should be reguided to multiple family.

The Planning Commission is asked to make a recommendation to the City Council on this land use change request.

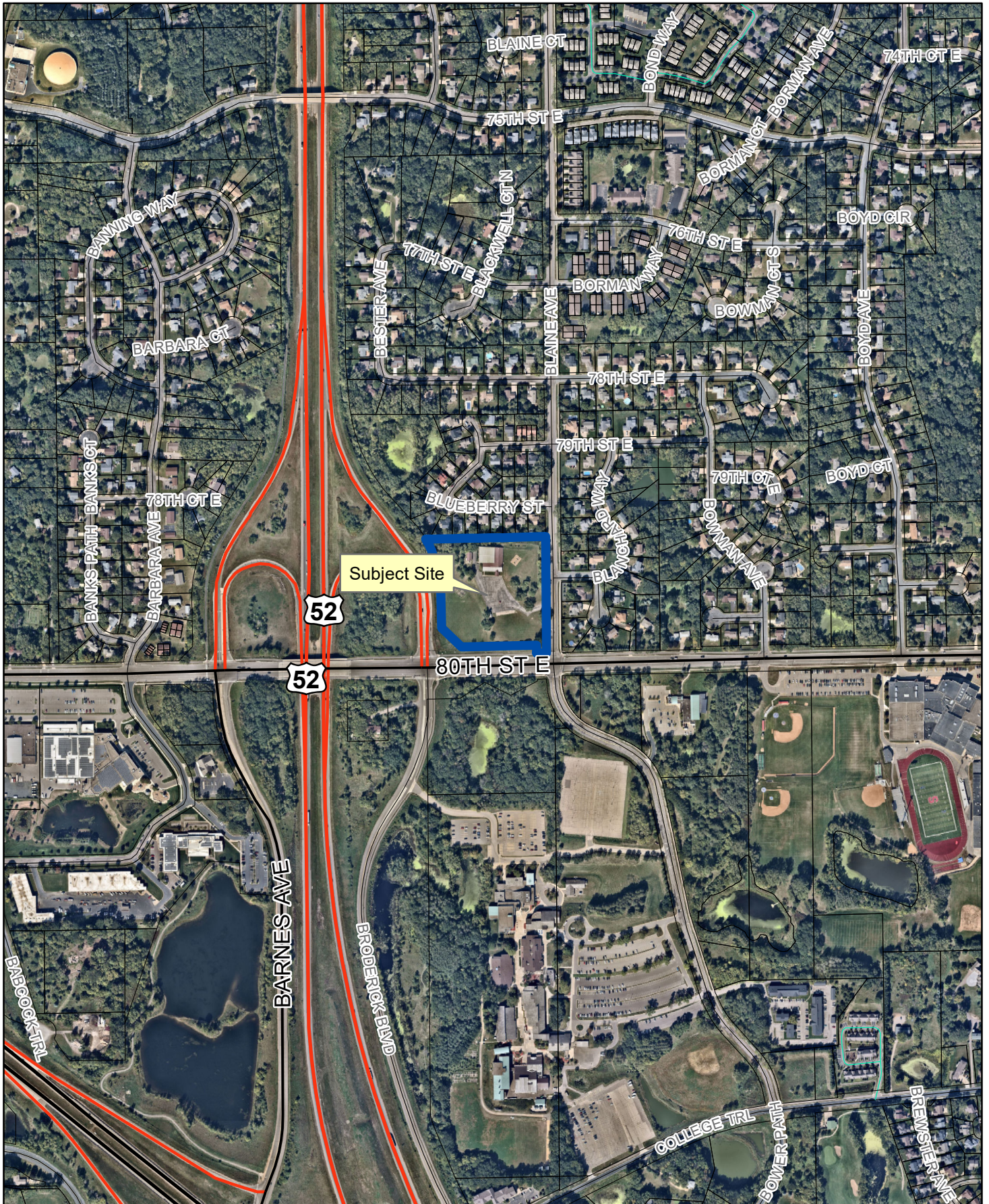
ATTACHMENTS

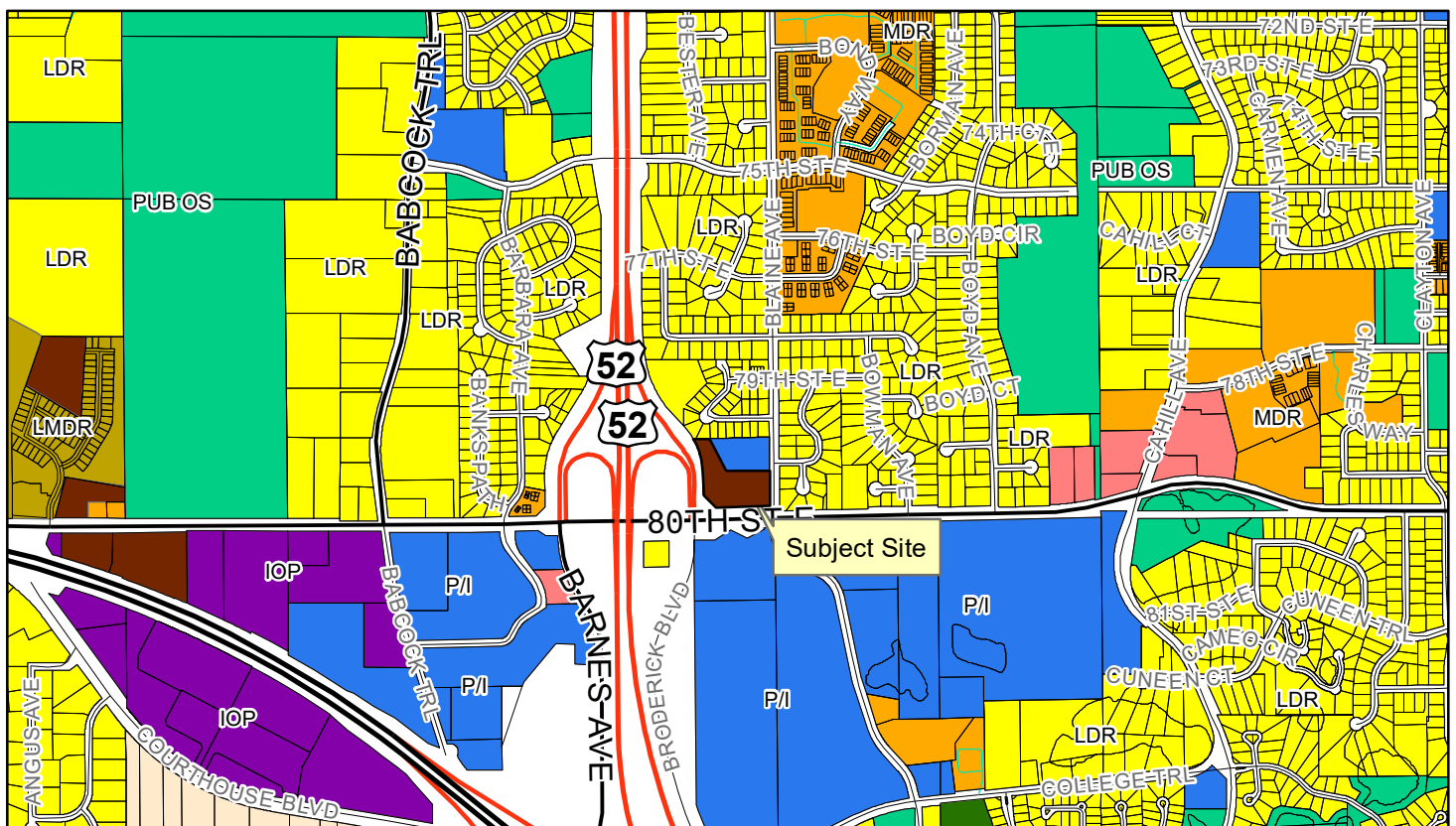
1. Location Map
2. Existing / Proposed Comprehensive Plan Map
3. Applicant Narrative & Concept Plan
4. Resident Emails



Location Map

Case No. 23-26CPA





Stelter Enterprises LLC ("Stelter Enterprises") is requesting an amendment to the city of Inver Grove Heights' 2040 Comprehensive plan. The proposed amendment would re-guide the parcel owned by Grace Church of the Nazarene (Church) located at 7950 Blaine Ave E. (Parcel) from Public Institutional to HDR, High Density Residential, to make the guiding consistent with their plans to develop a +/- 100 unit market rate apartment building on approx. 4.5 acres on the southwesterly portion of the Parcel.

Stelter Enterprises has agreed to terms with the Church and a purchase agreement has been executed. Stelter Enterprises believes that re-guiding this Parcel to HDR in support of Stelter Enterprise's project will provide significant community benefits including the apartment building bolstering the tax base from converting a portion of the Parcel from a tax-exempt status and allowing for the funding necessary for the Church to add a daycare center in their existing building which is needed in the community.

We continue to see a high level of demand for apartment space in the metro area broadly and in the SE submarket (which includes Inver Grove Heights) specifically. This project will appeal to renters who desire easy access to Hwy 52 and the surrounding shopping and other services available in the area.

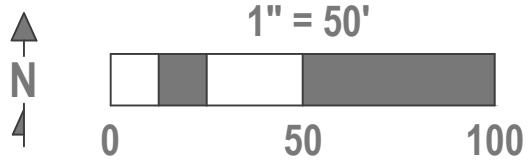
The Minneapolis - St. Paul market is home for Stelter Enterprises and we take pride in working with Churches and other organizations in helping them develop all or portions of their properties. We recently completed a similar project obtaining approval for a Suite Living Senior Care facility on a portion of the Pilgrim Methodist Church site in Plymouth. As another example, we are also currently assisting the owner of an African grocery store in Brooklyn Park to develop a site for a new mixed use building that will feature approx. 20,000 sq. ft. of commercial space for the grocery store and other businesses and approx. 100 market rate apartment units above.

Overall, we enjoy working with cities, our clients and other stakeholders to bring challenging projects to fruition. This Parcel has some particular challenges with existing storm water run-off affecting the neighbors to the north. To address this issue head on, we commissioned a storm water study and believe those issues have been addressed in such a way that it will provide very substantial benefit of reduced run-off affecting the neighbors should the project move forward. We have presented those results to the City as well as the affected neighbors and are pleased by the positive response to our concept plan.



Overall Property Description

The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 9, Township 27, Range 22, Dakota County, Minnesota, EXCEPT that part thereof taken for State Trunk Highway Number 3 (now known as State Trunk Highway Number 103).



DRAWINGS BY	
 Land & Resource Consulting 14260 23rd Ave N Plymouth, MN Phone: 763-340-0699	
DRAWINGS FOR	
Stelter Street Address City, ST Zip code Phone: XXX-XXX-XXXX	
PROJECT	
Multi Unit Residential Inver Grove Heights, MN	
CERTIFICATION	
PRELIMINARY NOT FOR CONSTRUCTION	
ISSUED FOR	
ISSUE / REVISION	DATE
Submittal Name	mm dd yyyy
SUBMITTAL INFO	
Review By: Name / Initials Project # : 23003 Submittal Date: 05-22-2023 Submittal Phase: Exhibit	
SHEET TITLE	
Lot Split	
SHEET NUMBER	
2.0 Copyright Land & Resource Consulting	

From: [Mike & Ruth Newbauer](#)
To: [Stacy Bodsberg](#)
Subject: 7950 Blaine Ave - Rezoning - Case No. 23-26CPA
Date: Thursday, June 8, 2023 9:26:47 AM

Dear Stacy,

My name is Michael Newbauer and I live at 7930 Blanchard Way. We purchased our lot and built our home to be in a neighborhood. We do not want a large apartment building as a neighbor. We and the other home owners take pride in our homes and are willing to help each other out. By putting in an apartment building in, you bring in residents that don't have to take any pride in the neighborhood and will probably bring our property values down. I personally don't think that every piece of open land has to be built on. Someone will be making a lot of money at our expense, I'm sure the owner will not be living there. Was the property already rezoned when they put the church in? I don't believe that it should be changed. Please leave our neighborhood as is.

Thank you,
Michael and Ruth Newbauer

Sent from my iPad

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From: [Brian Hogenson](#)
To: [Stacy Bodsberg](#)
Cc: [Andrea Hogenson](#)
Subject: Public Comments: STELTER ENTERPRISES - CASE NO. 23-26CPA
Date: Thursday, June 8, 2023 4:02:30 PM

Stacy,

I live immediately adjacent to the property in question (7985 Blanchard Way) and my comments/questions are as follows:

- What is the expected impact on traffic volume?
- Has any consideration been given to adding a turn lane(s) on Blaine Avenue going into the property to prevent backups that block access to Blanchard Way?

Thank you,

Brian Hogenson

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From: [Matt Taufen](#)
To: [Stacy Bodsberg](#)
Cc: joe.atkins@co.dakota.mn.us
Subject: Stelter Enterprises - Case No. 23-26CPA
Date: Friday, June 16, 2023 12:07:24 PM

Inver Grove Heights Planning Commission,

I adamantly oppose the proposal to re-guide/re-zone the Grace Nazarene Church property to build High Density Residential housing (apartments!!). I'm hopeful this is not truly being considered by the Planning Commission and that you are only going through necessary due diligence.

I moved to this area (Blaine and Borman Way) in IGH at 10 years old. I attended Salem Hills, and graduated from Simley. After college at UMD and a short stint in my first home in SSP, I built my family's forever-home on Blanchard way (immediately adjacent to the Grace Nazarene property. I wanted my children to grow up in the single-family bedroom community area of IGH as I did. My son and daughter attended Hilltop where my wife Stephanie has taught for 25 years. Both kids graduated Spartans and call IGH their home today as well.

Please do me and this community a favor and drive east to west on 80th street, then south to north on Blaine and see for yourself how extremely out of place an apartment building/complex would be in this area. During your drive look closely at the trees, the skyline, the homes, and put yourself in the mindset of the people who live in this area. While doing this, you no-doubt will see this proposal absolutely does not make sense!

There are zero apartment complexes in the heart of Inver Grove Heights' established neighborhoods, and one should never be in IGH's future plans. IGH has adequate lands available along highway 55 and other areas where multi-family, multi-level, and high-density homes exist today.

I understand Grace Nazarene is looking to sell and something will need to take it's place. My parents lived at 7620 Borman Way just down the street from Grace their entire adult lives. At 74 and 76 years old they looked in IGH for modern single-level detached townhomes to no avail. They moved out of IGH to find one. Please engage developers of new single-level, single family home associations so we can keep our resident aging parents, who are not ready for assisted living, nearby.

The IGH community was built at different times over many years with different faces on our Planning Commission. This left four largely disjointed business districts, meaningful pockets of single-family homes, townhomes, elderly care, and apartments; with only a few parcels of land still available for development. In the greater context of Inver Grove Heights' future, please place the final pieces of this puzzle, IGH, my family forever home in a meaningful way!!

Sincerely,
Matt Taufen

7912 Blanchard Way, IGH 55076

From: [Beth Gruenke](#)
To: [Stacy Bodsberg](#)
Subject: Planning for 7950 Blaine Ave
Date: Tuesday, June 20, 2023 1:28:12 PM

To Whom It May Concern,

I'm a resident at 2660 Boudreau court. Our backyard is 80th and the amount of traffic on the road is quite large. I'm worried that traffic will increase with more housing on Blaine. I want to make sure a safe plan is in place when increasing the number of residents in an area.

If IGH is adding more housing what other resources are we adding? Will there be more money for school staff? Will more social workers and police officers be available in the city? When housing is added more human needs are added and I hope we are providing resources and opportunities for those who are living here and want to live here in the future.

Thank you,
Beth Gruenke

Sent from my iPhone

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From: [Carol Ferry](#)
To: [Stacy Bodsberg](#)
Subject: Planning Commission Meeting - Stelter Enterprises - case no. 23-26CPA
Date: Tuesday, June 20, 2023 12:59:35 PM

Dear Stacy,

I have been a resident of Inver Grove Heights for 14 years and love this city for the small town feel within a major metropolitan area. Specifically the tight community on Blanchard Way that I have been lucky to call home for the last 10 years.

Unfortunately the proposed Zoning change for Grace Church of the Nazarene from P, Public Institutional to HDR High Density Residential has me very concerned. Adding a 100+ apartment complex at the exit of my neighborhood will have negative affects on traffic, noise, infrastructure, and market value of my home. HDR communities also tend to have increased crime rates. If the proposal was at the end of your neighborhood would you want it?

I respectfully request that the rezoning of the property to HDR be denied and that other options be reviewed.

Thank you for your time.

Carol E. Ferry

7924 Blanchard Way, Inver Grove Heights, MN

Sent from [Mail](#) for Windows

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From: [Jennifer Farley](#)
To: [Stacy Bodsberg](#)
Subject: Regarding the request for rezoning at 80th and Blaine
Date: Tuesday, June 20, 2023 1:36:31 PM

To the Planning Commission:

My name is Jennifer Farley and I live on Blackwell Court S, just about 4 city blocks north of the parcel in question for consideration of rezoning tonight.

As part of the committees due diligence regarding the IGH citizens feeling on this issue, I highly urge the committee to look at Joe Atkins Dakota County Commissioner Facebook page and see the results of the informal poll that Joe put out posing this question of rezoning for an apartment complex to the community. I have never seen this much engagement on one of these informal polls before this one. There were over 200 responses vehemently against the apartment complex within the first 2 hours it was posted alone. The overwhelming amount of responses do not favor a 100 +/- unit apartment complex in that location. This should factor into the decision.

Because of the turn lane on 80th on that corner, the only entrance in or out of an apartment complex would be on Blaine Avenue and to increase the traffic flow by that many extra cars would, in my opinion, be detrimental to the quiet nature of the neighborhood which is one big reason we purchased our home here.

We also just completed a large apartment complex about a mile down the road on 80th. Do we really need another complex of this scale so close by? In my opinion the answer is no.

80th was recently redone to reduce traffic flow in front of the high school to improve safety of our students crossing there. I'm concerned another hundred unit apartment complex with increased traffic flow will affect the safety of our students.

I'm not opposed to rezoning in general for new rental housing. Allow a neighborhood of single family home for rent, allow a tasteful row of townhomes for rent, but please do not allow a 100+ unit high rise to be built here.

Thank you,
Jennifer Farley

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From: [Lynda Bartlette](#)
To: [Stacy Bodsberg](#)
Cc: Joe.Atkins@co.dakota.mn.us
Subject: Grace Nazarene Re-zoning
Date: Tuesday, June 20, 2023 3:49:56 PM

6/20/2023

Inver Grove Heights Planning Commission,

I am writing to let you know we vehemently oppose the re-zoning of the Grace Nazarene Church property to build High Density housing. This would not serve the community at this location as it is already a busy area and can be a hazard with the incline approaching the intersection and not seeing vehicles or pedestrians. If you add another 100+ people to this corner daily, I am afraid it could be very detrimental to the neighborhood.

I have lived in Inver Grove Heights for 37 years and 25 of them with my husband raising our 4 children. There are no apartment complexes in the heart of established single-family homes in Inver Grove Heights and that is how it should stay. There are other areas of Inver Grove that are available and already have High Density housing. It would make much more sense to search out those properties. We rely on the City's Comprehensive Guide Plan to keep our neighborhoods just that, neighborhoods. Must we develop every square inch of green space? That is why we have loved living here; it is a quiet neighborhood with lots of trees and nature. Please leave it that way for all to enjoy.

In the greater good of the city, please do not allow this property to be re-zoned in this fashion.

Thank you,

Lynda Bartlette

Lynda Bartlette – 2615 79th St. E. IGH 55076 –

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From: [tvener](#)
To: [Stacy Bodsberg](#)
Subject: Public Comments: STELTER ENTERPRISES - CASE NO. 23-26CPA
Date: Tuesday, June 20, 2023 3:12:40 PM

Inver Grove Heights Planning Commission,

I am writing to express my opposition to the proposal of rezoning the Grace Nazarene Church property, which is currently zoned as Public/Institutional, to High Density Residential (HDR) property.

Like many other residents, I have lived or worked in Inver Grove Heights for decades, and was drawn to the area because of the rural, small town feel that it offers. Lots of trees, "country roads" and farm fields. I know that progress happens, and we have seen that, but the changes to the current zoning that have been requested and considered lately are changing the way we as a City decided to move forward. There has been a number of cases come up in the last couple of years involving rezoning property for the sake of progress, but it feels more like it is driven by Developers, and it's coming at the expense of homeowners that chose to buy here because of the current zoning or the rural properties. We like that it's not crowded and overpopulated, that's why we chose to live here rather than St. Paul or Minneapolis.

I live off of Babcock and 70th, and am seeing a number of requests for zoning changes to the area that are concerning, including this one. We do not need additional HDR, with all the new developments currently being built in the City. Increased traffic levels, environmental degradation, lower property values and the aesthetics of these types of buildings all need to be considered.

I respectfully ask that you deny this proposal.

Regards,

TVener

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Joe & Donna Remachel

2515 - 78 St East I.G.H. MN 55076

Not in FAVOR of Land Change at,
7950 - BLAINE Ave. To much Cor.
Traffic now on Blaine now. at night
Speeding after 11:30 PM.

From: [Brian and Joy Hayes](#)
To: [Stacy Bodsberg](#)
Subject: Opposition to Grace Nazarene rezoning - 80th and Blaine - Stelter Enterprises-Case No. 23-26CPA
Date: Tuesday, June 20, 2023 8:23:08 AM

Stacy,

We are in opposition of rezoning the Grace Nazarene property located on 80th and Blaine and building apartments, for the following reasons:

1. It is contrary to the City of IGH Comprehensive plan. It will make the neighborhood busier, noisier and less safe. Thus decreasing our property value.
2. It will add at least 500 in and out vehicles per day to our neighborhood. (~100 housing units x 2 cars each x 2 times per day + 50 day care x 2 = 500 per day or 500 x 7=3500 per week). Note that the existing use is about 100 in and outs per week. This new proposal is a 35 times increase in traffic in our neighborhood. This new traffic would be happening on a daily basis – every day.
3. This many vehicles has not been properly planned for and will reduce our walking and driving safety.
4. This many vehicles will increase noise and other negative elements to our quiet neighborhood.

We are also concerned about what happens if the day care does not work out. What “other “ business could we get in this case that would be more detrimental to our neighborhood?

The group of people proposing this development likely don’t live in our neighborhood (and some don’t even live in Inver Grove Heights), thus have no consequences from the negative impacts of this decision. Please listen to the neighborhood residents who are opposing the rezoning, like ourselves.

Please note that the back of our lot is on Blaine, directly across from this new development and one lot away from the proposed exit of this development. Thus our property will be significantly impacted by this proposed traffic and noise. (We have 2 lots: ~7935 Blaine Ave and 7925 Blanchard Way)

Please contact us if there is an opportunity to have input in other ways.

Thoughtfully,

Brian and Joy Hayes
7925 Blanchard Way
Inver Grove Heights, MN 55076

From: [Jerome Jugovich](#)
To: [Stacy Bodsberg](#)
Subject: Opposition to Rezoning of Property owned by Grace Nazarene Church
Date: Tuesday, June 20, 2023 6:03:12 AM

Hello Stacy

I am writing you to voice my opposition to the rezoning of the property owned by Grace Nazarene Church. I live right across the street from this property and have lived here for over thirty years.

To rezone to allow an apartment complex to be built is just unfair to the people who live nearby. If this was to be rezoned to residential that would be one thing and I could understand.

The volume of traffic will increase by a huge amount. Our property values will be diminished.

I hope that the City Comprehensive Guide Plan is followed and does not rezone this. From the churches perspective I am sure they are all for this but how many of the people who are for it live next to the property?

So please do not allow for the greed of a developer to ruin our neighborhood.

If the church wants to add a daycare they should look to other ways to generate the money to do this.

Thanks for your time and consideration in this matter

Jerome and Damaris Jugovich
7948 Blanchard Way
Inver Grove Heights MN 55076

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From: [Ann Nerka](#)
To: [Stacy Bodsberg](#)
Subject: Grace Nazarene Church Apartment Proposal
Date: Monday, June 19, 2023 8:49:33 PM

To the IGH Planning Commission and Council Members

We are writing to express our thoughts and concerns regarding the rezoning proposal put forth by Grace Nazarene. We have owned our home on Blanchard Way for the past 32 years and plan on continuing to live here. As close neighbors to the proximity of Grace Nazarene Church, we have always appreciated the careful upkeep of their property and inclusion in their events. Since receiving the recent rezoning notice from the City of IGH we have some strong feelings and are opposed to the construction of a multi-family apartment complex. We live in a residential neighborhood made up of single family homes. We have made a considerable investment in our home and strive to sustain our property at a high level. We believe the City's Comprehensive Guide Plan has this property zoned for church use only. If apartments were to be built we feel our property value would decrease, traffic in the vicinity would increase, along with noise and possible safety concerns for the families in our neighborhood.

Please take into consideration our thoughts and concerns as you evaluate and decide on the rezoning proposal.

Sincerely,

Ann Marie and Don Nerka
7935 Blanchard Way, IGH

Sent from my iPad

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From: [Tammy.R.Robertson](#)
To: [Stacy Bodsberg](#)
Subject: Letter of Opposition to Re-Zoning Request for at 7950 Blaine Case Number 23-26CPA
Date: Monday, June 19, 2023 7:35:28 PM
Importance: High

To whom it may concern,

I am writing in opposition to the requested zoning change at 7950 Blaine Avenue from Public Institutional to High Density Residential. My primary reasons for opposition include:

- **Why here?**
 - 55 acres are already designated for high density residential in the city of Inver Grove Heights, therefore there's no compelling reason for high density residential at this location.
- **"Luxury" and "market rate"?**
 - If we changed the zone to high density we have no control over whether the high density ultimately is "luxury."
- **Unsafe Traffic.**
 - If there 100 units and two people rented each unit – that would equal at minimum 200 people in the complex. With that tiny driveway leading to 80th and Blaine, that would cause major traffic issues in an already busy area within the city. Has a traffic study been conducted? If so, what were the results? Our assumption is that it would create a congested and unsafe environment for our citizens.

My name is Emma Robertson, I am 11 years old and will be attending Simley Middle School in the fall. I plan to walk to school and am concerned the additional traffic will impact and potentially create an unsafe space for me to walk to school each day.

Also, I find it confusing that they are putting an apartment by Single Family Homes. I totally support the fact of funding the daycare, though we have to think of the families. This may create a dangerous space.

Thank you for your time.

Sincerely,

Emma Robertson (age 11)

From: [Karen EICHSTADT](#)
To: [Stacy Bodsberg](#)
Subject: Possible New Development
Date: Monday, June 19, 2023 8:08:44 PM

To the Planning Commission and IGH City Council,

I'm opposed to the planned new development at the corner of 80th Street and Blaine.

Jeff Eichstadt
7936 Blanchard Way

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From: [joan wormer](#)
To: [Stacy Bodsberg](#)
Subject: Case No 23-26CPA
Date: Monday, June 19, 2023 8:20:42 PM

Hello Stacy,

I am concerned about the proposal for the new apartment complex at 80th Street and Blaine Avenue.

The daily increase in traffic has me concerned. It will directly affect me, my family, and my neighbors.

Secondly, the proposal is going to rezone my neighborhood. Thus, it will decrease my home value.

I am against this proposal.

Thank you
Joan Wormer
7980 Blanchard Ct, Inver Grove Heights, MN 55076

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From: [Robert Deeb](#)
To: [Stacy Bodsberg](#)
Subject: Public Comments - 7950 Blaine Ave - Rezoning - Case No. 23-26CPA
Date: Monday, June 19, 2023 9:59:30 AM

Stacy,

I am writing this email as a concerned IGH resident and business owner regarding the proposed rezoning of 7950 Blaine Ave.

To sum, in my opinion, the rezoning and development would be considerably out of place given the surrounding property types and neighborhood, and if approved, would prioritize Stelter Enterprise's and Grace Church's profitability at the expense of the surrounding area. Instead, I believe that a lower density development would still allow for Stelter's/Grace's stated goals while minimizing the negative impacts to the surrounding area.

According to the submitted narrative, the project's two goals are to:

1. Bolster the tax base by converting the property from tax exempt to taxable, and
2. Provide funding for a "needed" daycare center for the community.

Regarding the tax base goals, I am not convinced that such a high density development would be in the best interest of the City and the surrounding area. Obviously, a high density development would maximize the tax value of the rezoned lot, but that is likely at the cost of reducing the tax values of the surrounding Low Density area. While I concede that there is probably a net positive regardless of the decline of the surrounding area values, that increase is solely from converting a tax exempt property to taxable. Any development, low or high density, will be a net positive for the City in terms of tax base. Further, in every "state of the city" presentation that I've attended as an IGH business and commercial property owner, I've never heard that the City was in dire need of increasing its tax base for sustainability, therefore I see no need for the City to prioritize Stelter/Grace's need for a high density development over the concerns of the surrounding area.

Regarding the goal for an additional daycare center for the community, while I can appreciate that goal and agree that an additional center would be helpful to increase area supply, adding a 100+ unit development would likely increase the demand for daycare services by as much or more. Because of this, I'm not convinced this would materially change the balance of daycare supply and demand in the area. However, I am convinced that adding a 100+ unit building next to Grace's new daycare would be very helpful in feeding that center for the foreseeable future. Again, a less dense development here would likely still provide Grace the funding to establish a daycare center while not significantly increasing daycare demand like a 100+ unit would. In my opinion, that would be the best option for materially improving the supply and demand balance for daycare services in the area.

Further, while not related to Stelter/Grace's stated project goals, prior to making any business decision, I always consider what the worst case scenario might be and whether that risk can be managed, reduced, or I am willing to accept it. In my opinion, the worst case scenario for this development is that the building turns into a poorly managed "slum". While I recognize that this would be worst case scenario, if I was a member of the planning committee, I'm not sure I would be willing to accept the risk of allowing a 100+ unit "slum" basically 1 block away

from the City's library, high school and middle school. Again, a less dense development would significantly reduce that risk and make it more manageable if it became necessary.

Finally, as a commercial property owner in the City, I firmly believe that Grace should be allowed to sell/develop their property so that they can achieve their goals. And, even if Stelter is not interested, I believe Grace can find a developer for a less dense option that is still profitable for the developer and still provide the needed funding for Grace's daycare center. While I recognize that that funding will likely be smaller than the proposed plan, Grace should bear that risk and cost as the land owner and prior developer of a lot surrounded by low density zoning, not the surrounding area and residents.

Thank you in advance for your attention in this matter.

- Robert Deeb
1578 86th Ct E, IGH

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From: [Steve Henning](#)
To: [Stacy Bodsberg](#)
Subject: Case NO 23-26CPA
Date: Monday, June 19, 2023 9:46:13 AM

Stacy, I'm writing this email in concern of the potential of apartment rental property near our residential Neiborhood. Blaine and 80th is already a very busy traffic area and to add additional traffic would make things even worst, besides this area is a quite, nice low crime Neiborhood, bring in HDR rental property raises concerns. Crime rates increase with Rental apartment's. Just drive by the other apartment rentals in IGH, they are not even safe to enter, drugs, theft, and domestic issues happen on a daily basis. I read the police reports. We do NOT want that kind of atmosphere in our quite Neiborhood. Please reconsider your proposal. This would lower our home value as well; I see no positive outcome with this change. Would you want this is your back yard.....

A very concerned home owner.

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From: [Tony Gruenke](#)
To: [Stacy Bodsberg](#)
Subject: 7950 Blaine Ave
Date: Monday, June 19, 2023 9:37:43 PM

I am adamantly opposed to the construction of a new development on this property. My family lives along 80th and have resided in IGH for 15 years. Every year 80th becomes busier. I have two children that walk to the middle school and daily we see people speeding, and not stopping for pedestrians in the crosswalk. At school arrival and dismissal, it is chaotic. The idea of adding more traffic on that road worries me.

This will also dramatically impact our schools. Hilltop is already experiencing too large of class sizes, I believe children that live in this complex would also attend Hilltop, which would further strain school's resources.

Please vote no on this amendment.

Tony Gruenke

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TO: INVER GROVE HEIGHTS CITY PLANNING COMMISSION
FROM: LYNNE BERG
DATE: JUNE 19, 2023
RE: 7950 BLAINE AVENUE - REZONING – CASE NO.. 23-26CPA

I have resided near the intersection of Blaine Avenue and 78th Street East since 1998. My two adult children grew up in this home and attended Inver Grove Heights schools. The neighborhood in which I reside is made up of well-maintained single family homes. My neighbors and I all take pride in our homes and yards and have worked very hard to retain and/or increase our property values. The prospect of an apartment building being constructed at the current Grace Nazarene site does not contribute to the goals of property owners in my neighborhood.

Over recent years, it is apparent that the Inver Grove Heights Planning Commission has repeatedly focused the needs of senior citizens. Most, if not all, of these buildings are in the form of assisted living facilities. It is my feeling that there is a genuine need for single level homes/townhomes for seniors who are desirous of a smaller home without the yardwork required of single family home living but are not in need of assisted living services. This type of residential community would be a much better fit for what is now a single family home community.

The construction of an apartment building amongst our single family home community would have a severe negative impact on both our property values as well as the aesthetics of our neighborhood. This would in turn negatively impact future sales of properties in our neighborhood.

All Inver Grove Heights residents should be afforded the protection of one of their biggest financial investments (their homes) by the backing and support of the Inver Grove Heights Planning Commission. Please don't fail the residents of my neighborhood now.

From: [edward.eichstadt](#)
To: [Stacy.Bodsberg](#)
Subject: Planning Commission Meeting 06/20/23
Date: Tuesday, June 20, 2023 11:35:21 AM

To IGH Planning Commission,

Regarding the Stelter Enterprises – Case NO. 23-26CPA

If the point of the rezoning of this property is to turn it into apartments, you should take into consideration the burden it puts on the homeowners/tax payers in IGH.

High density housing comes with a slew of side effects that the IGH homeowner is tasked with dealing with. We can use the high density housing already in IGH as a perfect example. All of the areas close to high density housing have degraded and turned into ghettos and eye sores.

The IGH city council and planning commission need to be less concerned about the tax revenue these apartments can generate and worry more about the future of the city and its residents.

Renters in apartments DO NOT contribute to the long term health and well-being of our city. The average income of renters is significantly less than the average homeowner. They do not contribute to money to improve the city.

As a city, we need single family homes which will be filled by honest tax paying, working families that can spend their money to improve our city.

After the apartments and townhomes are built, the neighbors are left to deal with the increased crime, degradation of the surrounding landscape, and decreased property values.

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.

From: [Georgia Mueller](#)
To: [Stacy Bodsberg](#)
Subject: Case # 23-26CPA
Date: Tuesday, June 20, 2023 12:27:45 PM

To Stacy Bodsberg~

I am opposed to changing the zoning at 80th Street and Blaine to accommodate an apartment complex in a primarily single family homes and townhomes area - that simply does not fit this area at all. The traffic is already very heavy on 80th Street from the City Offices, Police Department, The Grove, The Veterans Memorial Center, The High School and the Cub Shopping area. There needs to be more thought and planning for the increased housing that is inevitable on our area along with more support for local residents: like a hospital, restaurants and open spaces.

Thank-you for taking the time to present my concerns.

Regards- Georgia Mueller

Sent from my iPhone

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.

From: [Nicholson, Mark](#)
To: [Stacy Bodsberg](#)
Subject: Concerns About Rezoning Proposal - Case No. 23-26CPA
Date: Tuesday, June 20, 2023 11:58:58 AM

Hello Stacy,

I just wanted to express my concerns about the proposed development at 7950 Blaine Ave. I live nearby at 7909 Bowman, and, as a resident and stakeholder, I firmly believe it is essential for the Planning Commission and City Council to consider the long-term implications of such a project on our neighborhood and its residents.

First and foremost, the proposed high-density housing development raises concerns about the impact on our community's infrastructure. The strain on existing utilities, transportation systems, and public services needs to be thoroughly assessed and addressed. High-density housing may exacerbate traffic congestion, increase the demand for parking spaces, and put additional pressure on our schools, healthcare facilities, and other public amenities. It is crucial to ensure that the infrastructure can adequately support the increased population density that this development would bring.

Furthermore, the character of our neighborhood is at stake. Many of us have chosen to reside in this area because of its low-density nature and its peaceful, family-friendly environment. The proposed development may lead to a loss of the neighborhood's unique charm, as well as increased noise and overcrowding. Preserving the quality of life for current residents should be a priority when considering such significant changes to the community's landscape.

Additionally, I am concerned about the potential impact on property values. High-density housing developments often result in reduced property values for existing homeowners. This could have a negative financial impact on families who have invested their hard-earned savings into their homes. The potential depreciation of property values must be carefully considered, as it may adversely affect the stability of our community.

Thank you for taking the time to consider my concerns. I trust that you will carefully deliberate on this matter and act in the best interest of our community.

Mark Nicholson

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.

From: [PATRICK YOUNG](#)
To: [Stacy Bodsberg](#)
Subject: STELTER ENTERPRISES - CASE NO.23-26CPA
Date: Tuesday, June 20, 2023 11:12:02 AM

Dear Planning Commission,

We feel that this is a poor community plan to rezone from public institutional to high density residential. The Church has enjoyed property ownership for some decades without the responsibility of paying taxes on this property. Now the only benefit will be to the church for the purposes of starting a new business (again without the need of paying property taxes) with the gain of this financial windfall.

Further, this is a poor location for a 100 unit residence. There exists poor access to the space and 100 new residents in such a confined space is not beneficial to the community. Consider also the added traffic from a daycare center in this confined space.

We are opposed to the zoning change as described.

Patrick and Susan Young
7903 Blackstone Avenue

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From: [rita schnoor](#)
To: [Stacy Bodsberg](#)
Subject: Case #23-26CPA
Date: Tuesday, June 20, 2023 11:49:22 AM

I would like to express my feelings of great opposition to the apartment building going in across the street from me. When I moved here 8 years ago from Iowa and chose IGH and this neighborhood, I never dreamed that having a church across the street would allow for such a huge change in our quality of living here.

I am very concerned about the traffic flow, my property value, and the aesthetics of the land here.

We have made a huge investment in our home and feel that the city is not protecting our interests in the fact that we bought into this neighborhood because of its beauty and zoning.

Respectfully submitted,

Rita Schnoor
7990 Blanchard Ct
IGH

Sent from my Galaxy

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From: [Stephanie Pastirik](#)
To: [Stacy Bodsberg](#)
Subject: Comments Re 7950 Blaine plot split High density housing
Date: Tuesday, June 20, 2023 10:00:05 AM

Dear Stacy,

I live off of Blaine and 75th and have some major concerns regarding putting high density housing on the corner of Blaine and 80th. We already have issues with vehicles speeding up and down Blaine Ave and adding more into the mix would cause more chaos. If we do the math, for a 100 unit apartment building, say 2 adult people per unit, that is 200 people, not including any children. If each person has a vehicle that is at the least 200 more vehicles in the area alone. The streets are not built for such a high influx of traffic. Not only on Blaine but on 80th as well with both the High School and Middle School right there. The City/County already redid 80th within the past few years to bring it down to a single lane to improve safety for students. This would be undone by adding more traffic onto roads that already have issues with speeders. Our already overworked and understaffed Police department will have to monitor that area even more. Within the past 3 years the police department was already denied approval for hiring more personnel, which the city desperately needs.

Rentals require no such pride in ownership and home life. There is nothing that would entice people to keep things nice and quiet, because that is what we are, a quiet neighborhood. In keeping in tune with what is already in the area, one level detached town homes, or side by sides with decent lot sizes could be a positive for the area if done right.

Thank you for taking time to read my comments and concerns.

Stephanie Pastirik - Concerned Neighbor

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.

From: [steve klimas](#)
To: [Stacy Bodsberg](#)
Subject: Case 23-26CPA
Date: Tuesday, June 20, 2023 11:55:16 AM

A high density apartment building does not fit in at the neighborhood at Blaine and 80th. This is primarily single family homes with multi-unit (4 plex / townhomes) residences built here. A 100 unit apartment complex at the intersection of county road 28 and is highway 52 is not feasible. The complex's auto traffic will need to enter and exit on Blaine and the proximity to the entrance of highway 52 is very restricted.

Please look for alternative uses for this property.

Steven Klimas

2635 79th Street East IGH MN

Sent from my iPhone

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.

From: [Tammy Hane](#)
To: [Stacy Bodsberg](#)
Subject: Letter of opposition - Case No. 23-26CPA
Date: Tuesday, June 20, 2023 11:25:52 AM

Hello Stacy,

I am a resident living at 7965 Blanchard Way, 2 houses down from Blaine across from Grace Nazarene church. I would like to express my concern and opposition against the above said proposal to build apartments on the land across the street from me. I am VERY concerned about the additional traffic that this will bring to the area where Blanchard Way and Blaine intersect. In addition, my family chose this location 25 years ago for our home and with the pending proposal I am fearful that this will drastically reduce the value of my home!!

I feel Inver Grove Heights has ample apartments for new residents to choose from and this property may be more suited for something other than apartments.

Thank you for your attention to my concerns.

Tammy Hane
7965 Blanchard Way, IGH

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.

From: [Brenda Dietrich](#)
To: [Rebecca Kiernan](#)
Subject: Fwd: Case No. 23-26 CPA
Date: Wednesday, June 21, 2023 12:56:06 PM

From: Carol Ferry <
Sent: Tuesday, June 20, 2023 1:06:43 PM
To: joe.atkins@co.dakota.mn.us <joe.atkins@co.dakota.mn.us>; Brenda Dietrich <bdietch@ighmn.gov>; Sue Gliva <sgliva@ighmn.gov>; John Murphy <jmurphy@ighmn.gov>; Tony Scales <tscales@ighmn.gov>; Mary T'Kach <mtkach@ighmn.gov>
Subject: Case No. 23-26 CPA

Dear Mayor, City Council Members and Commissioner,

I have been a resident of Inver Grove Heights for 14 years and love this city for the small town feel within a major metropolitan area. Specifically the tight community on Blanchard Way that I have been lucky to call home for the last 10 years.

Unfortunately the proposed Zoning change for Grace Church of the Nazarene from P, Public Institutional to HDR High Density Residential has me very concerned. Adding a 100+ apartment complex at the exit of my neighborhood will have negative affects on traffic, noise, infrastructure, and market value of my home. HDR communities also tend to have increased crime rates. If the proposal was at the end of your neighborhood would you want it located there?

I respectfully request that the rezoning of the property to HDR be denied and that other options be reviewed.

Thank you for your time.

Carol E. Ferry

7924 Blanchard Way, Inver Grove Heights, MN

Sent from [Mail](#) for Windows

From: [Jan Behnken](#)
To: [Stacy Bodsberg](#)
Subject: Case No. 23-26CPA
Date: Saturday, August 12, 2023 10:32:39 AM

Dear Ms. Bodsberg:

This memo is written in regards to the above case. I live at 7372 Bolton Way in a townhome. When I leave here, about 80% of the time I either go west on 75th or Bond Way to Blaine Avenue.

Blaine Avenue coming north from 80th Street has hills before both of these stop signs. I must carefully pull out because there is not much notice for oncoming cars. If a 100-unit apartment building becomes a reality, the traffic on Blaine will surely increase. The developer states the proximity to Highway 52 will be advantageous for the residents but there will still be increased traffic on Blaine.

As you know, Blaine is single lane traffic and I worry about the increased traffic and how the residents of our townhomes in this area will be affected. Additionally, even though 80th Street just south of the property is two lane, it narrows to one lane just past Blaine to the east. This will certainly cause problems for school traffic since the start and end times for school will certainly coincide with people coming and going from work. There is also heavy foot traffic before and after school at the intersection Blaine and 80th Street.

I don't believe there would be much opposition if single family or townhomes were built on the site. Since there are 55 acres already designated for apartments within the city limits, I strongly urge the city council to reject this proposal.

Thank you.

Jan Behnken
7372 Bolton Way

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.

City Council Meeting on Monday August 14th 2023:

This letter is about **STELTER ENTERPRISES – CASE NO. 23-26CPA.**

At the Planning meeting the developer stated that there would be no impact to the West of the proposed site because it only HI way 52 on the west side.

I disagree with this statement since a few years ago there was work on building / raising the sound walls on the East side of 52. Since that time the traffic noise has increased in my back yard to the point where I hear the traffic noise all day and night long. My concern is that now there will be an even taller structure for the sound of Hiway 52 to bounce off and the sound will continue to travel more to the West.

If the city council plans to approve this change to the zoning of the property I'm requesting that a sound study also needs to be completed before and after the construction of a High Density Residential apartment building. If the sound levels increase in my back yard (which faces east) then something needs to be done to lessen the noise levels from Hiway 52.

The sound levels are not my only concern with this proposal but others have already stated their concerns with traffic flow, etc

Bruce Bruns

A handwritten signature in cursive script, appearing to read "Bruce Bruns", written in dark ink.

7610 Banning Way

Inver Grove Heights MN 55077

From: [Jerome Jugovich](#)
To: [Stacy Bodsberg](#)
Subject: Re: Update: Stelter Enterprises/Grace Nazarene Church (7950 Blaine Ave) Case No. 23-26CPA
Date: Friday, August 11, 2023 1:34:26 PM
Attachments: [stelter-enterprises.docx](#)

Hello

I did some research into this Developer and found some things that are questionable.
I attached the Word doc with the info I found.

Thanks Jerry

On Wed, Jul 19, 2023 at 10:34 AM Stacy Bodsberg <sbodsberg@ighmn.gov> wrote:

Good morning,

A City Council meeting date has been determined and it is Monday, August 14, 2023.

The Notice was mailed today, and I have also attached it to this email.

Please let me know if you have any questions.

Have a great day,

Stacy

Stacy Bodsberg | Community Development Support Specialist

Tel: (651) 450-2545

City of Inver Grove Heights | 8150 Barbara Ave | Inver Grove Heights | Minnesota | 55077

sbodsberg@ighmn.gov | www.ighmn.gov

Background Info Stelter Enterprises LLC

The following information was gathered from public web sites.

Their web site says they have two properties here in Minnesota as shown below.

I went to check these out as it seemed important to see what kind of building they built.

What I found was that the properties on the Web Site do not exist.

I then went to research the Company and I found the person listed as the Agent is Fred Stelter who is Ben Stelter father.

I then researched Fred Stelter. I found that he was the President / CEO of Inter Savings Bank which Failed and was seized by the FDIC.

Documented Below.

I then found

There are 12 individuals that go by the name of Fred Stelter.

These individuals collectively are associated with 12 companies in Eden Prairie MN, Minneapolis MN, and Plymouth MN.

Source [Fred Stelter Profiles in Eden Prairie MN, Minneapolis MN, and Plymo... \(bizapedia.com\)](#)

This seems to be quite a few companies.

I then found

There are 18 companies that have an address matching 14505 43rd Ave N Plymouth, MN 55446.

The companies are Lloyd Volunteer Committee, Blue Chip Consulting Inc, 108 Lakeview Drive LLC, Aurena Investments LLC, Shared2you Inc, Marions Ridge Home Owners Association, Hawkeye Mobile Repair LLC, Juneau Ridge Homeowners Association Inc, Juneau Ventures L L C, Reflectivity Inc, Aks Builders LLC, Lanewood Estates LLC, Hugo Ventures LLC, Vhf Investments LLC, Every Home Sells LLC, Cg Land LLC, Stelter Enterprises LLC, and Shs Development LLC.

Source [14505 43rd Ave N Plymouth, MN 55446 - Bizapedia Address Profile](#)

So now it is 18 Companies?

I personally would not be doing business with this Company.



[Home](#) [About](#) [Properties](#) [Bio](#) [Contact](#)

About

The business strategy of Stelter Enterprises focuses on acquiring existing multi-family properties with value-add opportunities, specifically in opportune locations around the Midwest. We identify locations that hold potential for developing future multi-family buildings along with acquiring existing structures. At the core, establishing a portfolio of multi-family properties is Stelter Enterprises.



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Biography

Stelter Enterprises began in 2017 when Sam purchased his first single family rental property in Williston, North Dakota. While living in his fraternity house at the University of Iowa, he would cultivate a strategic relationship with a neighboring property owner that allowed him to purchase his first multi-family property. From that point on, acquiring and developing multi-family properties around the Midwest became the core business strategy for Stelter Enterprises. Sam enjoys fishing, hunting, traveling, and spending time with his dog Zeus.



Timeline of Events

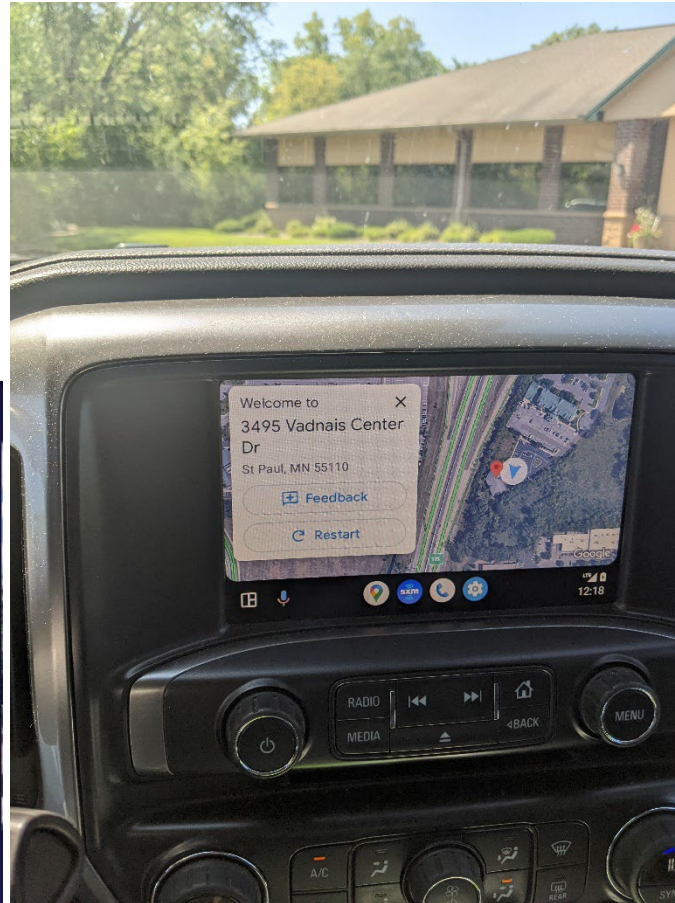
Vadnais heights, Minnesota

Address: 3495 Vadnais Center Dr

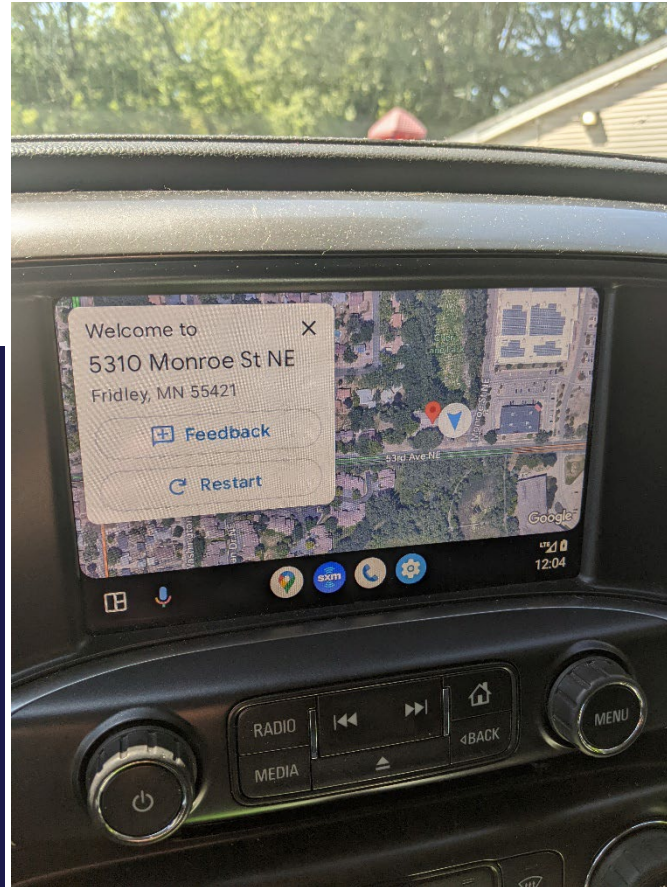
Apartment Complex (55 and older)

Year Built: 2023

Number of Units: 20









FRED STELTER

Linkedin profile [\(37\) Fred Stelter | LinkedIn](#)



Fred Stelter · 3rd

Financial Industry Executive

Minneapolis, Minnesota, United States · [Contact info](#)

242 connections

Message

+ Follow

More

About

Over 20 years of Executive Management experience in the financial industry. Currently seeking an opportunity to join the management team of a quality organization.

Activity

242 followers

Fred hasn't posted yet

Recent posts Fred shares will be displayed here.

Show all activity →

Experience

 **Inter Savings Bank, FSB**
19 yrs 5 mos

●

President/CEO
2000 - 2012 · 12 yrs
Maple Grove, Minnesota

Lead Executive Team which oversaw the Bank growing from \$30M to over \$1B in assets at its peak.

●

CFO
Sep 1992 - Jun 2000 · 7 yrs 10 mos
Edina, Minnesota

Served as CFO of Aurora Service Corporation, parent company of Inter Savings Bank from 1992 - 2012 in addition to serving as CFO of the Bank from its acquis ...see more

Failed Bank Information for Inter Savings Bank, FSB D/B/A InterBank fsb, Maple Grove, MN

On April 27, 2012 InterBank fsb was closed by Office of the Comptroller of the Currency. The FDIC was named Receiver. Great Southern Bank, Reeds Spring, MO acquired all deposit accounts.

The FDIC as Receiver for InterBank fsb, Maple Grove, MN has taken all actions necessary to terminate the Receivership Estate. The Receiver published a legal notice of intent to terminate the receivership on September 10, 2018 and has made all dividend distributions required by law. Effective December 01, 2018, the Receiver was discharged and the Receivership Estate was terminated and ceased existence as a legal entity.

Receivership Status

TERMINATED

Notice of Termination

Effective Date: December 01, 2018

Notice of Intent to Terminate

Publication Date: September 10, 2018

Dividend Information

Report on dividends paid

Press Release

Official press release

There are 12 individuals that go by the name of Fred Stelter.

These individuals collectively are associated with 12 companies in Eden Prairie MN, Minneapolis MN, and Plymouth MN.

Source [Fred Stelter Profiles in Eden Prairie MN, Minneapolis MN, and Plymo... \(bizapedia.com\)](#)

FRED STELTER (AGENT)
AURENA INVESTMENTS LLC
MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave. N
Plymouth, MN 55446

Registered Agent: Fred Stelter

Filing Date: December 31, 2012

File Number: 636485100020

FRED STELTER (AGENT)
CG LAND LLC
MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N.
Plymouth, MN 55446-5544

Registered Agent: Fred Stelter

Filing Date: October 29, 2021

File Number: 1267303300021

FRED STELTER (AGENT)
EVERY HOME SELLS LLC
MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N.
Plymouth, MN

Registered Agent: Fred Stelter

Filing Date: November 09, 2020

File Number: 1191537000023

FRED STELTER (AGENT)
HSB VENTURES LLC
MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Minneapolis, MN 55446

Registered Agent: Fred Stelter

Filing Date: April 18, 2017

File Number: 946511800027

FRED BRENT STELTER (AGENT)

HUGO VENTURES LLC

MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N.
Plymouth, MN 55446

Registered Agent: Fred Brent Stelter

Filing Date: November 26, 2018

File Number: 1049415700028

FRED STELTER (AGENT)

JUNEAU RIDGE HOMEOWNERS ASSOCIATION, INC.

MINNESOTA NON-PROFIT CORPORATION (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Registered Agent: Fred Stelter

Filing Date: February 20, 2015

File Number: 812978900026

FRED BRENT STELTER (AGENT)

LANEWOOD ESTATES LLC

MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Registered Agent: Fred Brent Stelter

Filing Date: April 29, 2016

File Number: 886381800026

FRED STELTER (AGENT)

PURA VIDA LIVING LLC

MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Minneapolis, MN 55446

Registered Agent: Fred Stelter

Filing Date: April 23, 2021

File Number: 1232216500025

FRED STELTER (CHIEF FINANCIAL OFFICER)
SHARED2YOU, INC.
TEXAS FOREIGN FOR-PROFIT CORPORATION

Address: 11383 Entrevaux Drive
Eden Prairie, MN 55347
Registered Agent: Serve Secretary Of State For Mailing To
Filing Date: October 17, 2013
File Number: 0801869440

FRED BRENT STELTER (AGENT)
SHS DEVELOPMENT LLC
MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N.
Plymouth, MN 55446
Registered Agent: Fred Brent Stelter
Filing Date: March 27, 2023
File Number: 1383117300028

FRED STELTER (AGENT)
STELTER ENTERPRISES LLC
MINNESOTA LIMITED-LIABILITY COMPANY (FOREIGN)

Address: 14505 43rd Ave N.
Plymouth, MN 55446
Registered Agent: Fred Stelter
Filing Date: March 28, 2022
File Number: 1305900100028

FRED BRENT STELTER (AGENT)
VHF INVESTMENTS LLC
MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N.
Plymouth, MN
Registered Agent: Fred Brent Stelter
Filing Date: November 08, 2018
File Number: 1045878200023

14505 43RD AVE N PLYMOUTH, MN 55446

There are 18 companies that have an address matching 14505 43rd Ave N Plymouth, MN 55446.

The companies are Lloyd Volunteer Committee, Blue Chip Consulting Inc, 108 Lakeview Drive LLC, Aurena Investments LLC, Shared2you Inc, Marions Ridge Home Owners Association, Hawkeye Mobile Repair LLC, Juneau Ridge Homeowners Association Inc, Juneau Ventures L L C, Reflectivity Inc, Aks Builders LLC, Lanewood Estates LLC, Hugo Ventures LLC, Vhf Investments LLC, Every Home Sells LLC, Cg Land LLC, Stelter Enterprises LLC, and Shs Development LLC.

Source [14505 43rd Ave N Plymouth, MN 55446 - Bizapedia Address Profile](#)

LLOYD VOLUNTEER COMMITTEE

MINNESOTA ASSUMED NAME

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Principal

Registered Agent:

Filing Date: February 09, 2012

File Number: 466583700025

BLUE CHIP CONSULTING, INC.

MINNESOTA BUSINESS CORPORATION (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Principal and Registered Agent

Registered Agent: (Optional) None Provided

Filing Date: November 24, 1998

File Number: 10J-666

108 LAKEVIEW DRIVE LLC

NORTH DAKOTA LIMITED-LIABILITY COMPANY

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Principal

Registered Agent: Alvern Kolschefski

Filing Date: February 27, 2012

File Number: 0000114803

AURENA INVESTMENTS LLC

MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Principal and Registered Agent

Registered Agent: Fred Stelter

Filing Date: December 31, 2012

File Number: 636485100020

SHARED2YOU, INC.

TEXAS FOREIGN FOR-PROFIT CORPORATION

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Officer

Registered Agent: Serve Secretary Of State For Mailing To

Filing Date: October 17, 2013

File Number: 0801869440

MARION'S RIDGE HOME OWNERS ASSOCIATION

NORTH DAKOTA NON-PROFIT CORPORATION

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Principal

Registered Agent: Justin Usselman

Filing Date: December 01, 2014

File Number: 0000142377

HAWKEYE MOBILE REPAIR L.L.C.
MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446
Address Types: Principal and Registered Agent
Registered Agent: (Optional) None Provided
Filing Date: March 30, 2015
File Number: 819850500024

JUNEAU RIDGE HOMEOWNERS ASSOCIATION, INC.
MINNESOTA NON-PROFIT CORPORATION (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446
Address Types: Principal and Registered Agent
Registered Agent: Fred Stelter
Filing Date: February 20, 2015
File Number: 812978900026

JUNEAU VENTURES L. L. C.
MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446
Address Types: Registered Agent
Registered Agent:
Filing Date: April 05, 2014
File Number: 750136600022

REFLECTIVITY, INC.
MINNESOTA BUSINESS CORPORATION (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446
Address Types: Principal and Registered Agent
Registered Agent: (Optional) None Provided
Filing Date: February 16, 1999
File Number: 10M-780

AKS BUILDERS, LLC

NORTH DAKOTA LIMITED-LIABILITY COMPANY

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Principal

Registered Agent: Alvern Kolschefski

Filing Date: June 23, 2014

File Number: 0000137896

LANEWOOD ESTATES LLC

MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Registered Agent

Registered Agent: Fred Brent Stelter

Filing Date: April 29, 2016

File Number: 886381800026

HUGO VENTURES LLC

MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Principal and Registered Agent

Registered Agent: Fred Brent Stelter

Filing Date: November 26, 2018

File Number: 1049415700028

VHF INVESTMENTS LLC

MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Registered Agent

Registered Agent: Fred Brent Stelter

Filing Date: November 08, 2018

File Number: 1045878200023

EVERY HOME SELLS LLC

MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Registered Agent

Registered Agent: Fred Stelter

Filing Date: November 09, 2020

File Number: 1191537000023

CG LAND LLC

MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Registered Agent

Registered Agent: Fred Stelter

Filing Date: October 29, 2021

File Number: 1267303300021

STELTER ENTERPRISES LLC

MINNESOTA LIMITED-LIABILITY COMPANY (FOREIGN)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Registered Agent

Registered Agent: Fred Stelter

Filing Date: March 28, 2022

File Number: 1305900100028

SHS DEVELOPMENT LLC

MINNESOTA LIMITED-LIABILITY COMPANY (DOMESTIC)

Address: 14505 43rd Ave N
Plymouth, MN 55446

Address Types: Registered Agent

Registered Agent: Fred Brent Stelter

Filing Date: March 27, 2023

File Number: 1383117300028



Request for Council Action

SUBJECT: **First Reading of Ordinance Amending Reference to Bow Hunting Map and Related Resolution Adopting Revised Bow Hunting Map**

MEETING DATE: August 28, 2023
ITEM TYPE: Regular Business
CONTACT: Melissa Chiodo, Police Chief, 651.450.2526

ACTION REQUESTED

The Council is asked to consider waiving the three reading requirement for adoption of ordinances and adopting the attached ordinance amending the city code to update the reference to the adopted bow hunting map. The Council is also asked to consider approval of a revised bow hunting map.

BACKGROUND

In 2022, the City Council approved significant amendments to the city code related to where target practice and bow hunting was allowed within the City. As part of this process, the City Council approved a revised map identifying areas within the City where target practice and bow hunting would be allowed within the City. Since that time, staff have been approached by a property owner whose property is located just outside of the approved hunting area. Staff have reviewed the map and determined that it would be appropriate to amend the map to include several additional parcels within the permitted hunting area. This amendment impacts approximately 12 residential parcels located east of Inver Grove Trail and north of River Heights Way. If approved by Council, the new boundary of the bow hunting area would be the red line on the attached map, rather than the existing yellow line that follows River Heights Way. These parcels were included within the bow hunting area previously, but were excluded in the updated map adopted in 2022 for no apparent reason.

The Council is asked to consider two actions related to this item. The first is to approve an ordinance amendment that clarifies that the map showing the permitted hunting area within the City is the map approved by the Council and on file with the City Clerk. The current ordinance specifies a map adopted on a certain date, creating a situation whereby an ordinance, with its associated three readings, must be taken up every time a change or clarification is needed. With the revised wording contained in the attached ordinance amendment, the Council will be able to adopt future maps via resolution, which takes only one action / council meeting to accomplish. Because this is a minor amendment to the city code, and in order to make the changes to the city code effective in time for the 2023 deer bow hunting season, the Council is asked to consider waiving the three reading requirement for ordinances and consider approving the ordinance in one reading.

The second action the Council is asked to take is to approve the attached Resolution adopting a revised bow hunting map that includes the additional properties identified by staff as appropriate for inclusion within the approved bow hunting area.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends that Council vote to waive the three reading requirement for adoption of an ordinance, then approve the attached ordinance, and adopt the attached Resolution.

ATTACHMENTS

1. Ordinance Amending City Code Related to Approved Bow Hunting Map
2. Resolution Approving Revised Bow Hunting Boundary Map
3. Map of Proposed Correction to Bow Hunting Area

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE, TITLE 5,
CHAPTER 6, SECTIONS 1(C) (1)(2) and (C)(2) RELATED TO THE PERMITTED
AREAS FOR BOWHUNTING**

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

Section One. Amendment. Sections 5-6-1(C)(1)(e) and 5-6-1(C)(2) of the Inver Grove Heights City Code are hereby amended as follows. The new language is underlined and the deleted language is shown with ~~strike through~~:

e. While engaged in target practice or hunting activities on an individual parcel two and a half (2.5) or more acres in size located in that geographic portion of the city designated on the map approved by the City Council and, ~~effective August 22, 2022~~, on file with the city clerk and in accordance with all Department of Natural Resources rules and requirements for such hunting activities; or

2. The shooting or discharge of a bow and arrow under the circumstances described in subsection C1 relating to hunting or target practice on parcels of at least 2.5 acres located in that geographic portion of the city designated on the map approved by the City Council and, ~~effective August 22, 2022~~ on file with the city clerk shall only occur if the following conditions are met:

Section Two Effective Date. This Ordinance shall be in full force and effect upon its passage and publication according to law.

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

CITY OF INVER GROVE HEIGHTS

By: _____

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

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

RESOLUTION NO. _____

RESOLUTION ADOPTING REVISED BOW HUNTING BOUNDARY MAP

WHEREAS, Inver Grove Heights City Code Title 5, Chapter 6, Section 1, permits the discharge of bows and arrows for hunting and target practice on lots of a certain size located within the areas designated as approved for hunting on the City's bow hunting boundary map; and

WHEREAS, the current bow hunting boundary map was approved in 2022, and since that time staff have determined it would be beneficial to shift one of the boundaries to include additional parcels that staff have identified as appropriate for inclusion within the boundaries of the areas of City where bow hunting and target practice is permitted.

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

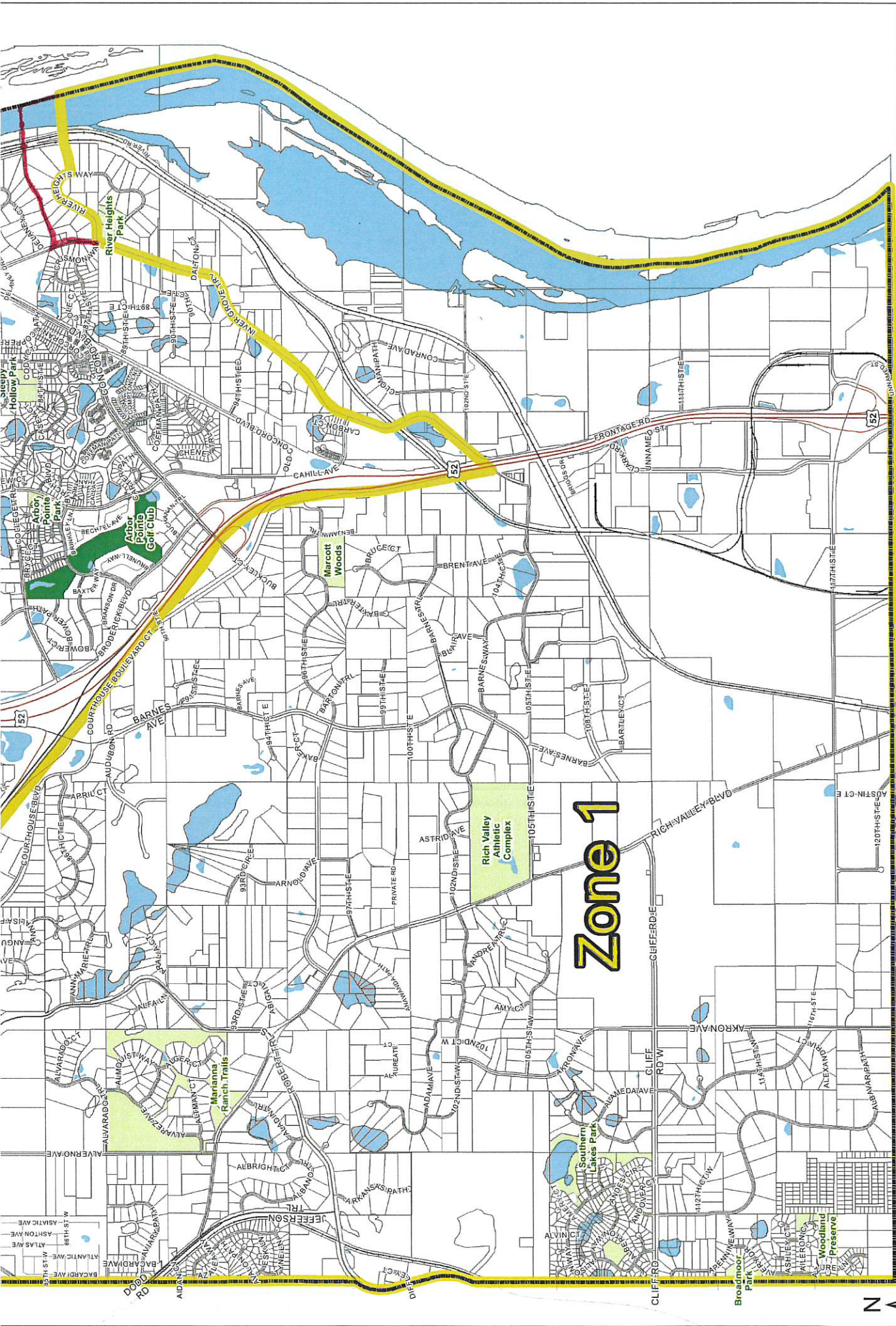
1. The attached revised Bow Hunting Boundary Map is hereby adopted by the City Council and shall be effective as of its date of adoption.
2. A copy of this map shall be kept on file with the City Clerk.

Passed this 28th day of August, 2023.

Brenda Dietrich, Mayor

Attest:

Rebecca Kiernan, City Clerk



Map produced by the City of Inner Grove Heights GIS Dept.
 THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A
 SURVEY AND DOES NOT CONSTITUTE A RECORD OF RECORDS, INFORMATION AND
 DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE
 OFFICES AND OTHER SOURCES AND IS TO BE USED FOR
 INFORMATIONAL PURPOSES ONLY. THE CITY OF INNER GROVE
 HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES
 HEREIN CONTAINED.
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Adopted September 12, 2022





Request for Council Action

SUBJECT: Use of Energy Efficiency and Conservation Block Grant (EECBG) Funds

MEETING DATE: August 28, 2023

ITEM TYPE: Regular Business

CONTACT: Ally Sutherland, Environmental Specialist, 651.604.8511

ACTION REQUESTED

The City Council is asked to discuss the three project options and provide direction on the use of \$76,160 in Energy Efficiency and Conservation Block Grant (EECBG) funds.

BACKGROUND

The U.S. Department of Energy (DOE) has made \$430 million available for state, local, and tribal governments through the [Energy Efficiency and Conservation Block Grant \(EECBG\) Program](#). Based on population size, the City of Inver Grove Heights is eligible to receive a non-competitive grant award of \$76,160, with no match required, to use towards projects that cut carbon emissions, improve energy efficiency and reduce energy use. Grant funds must be applied for by January 31, 2024 and utilized within two-years of application approval.

The City submitted a non-binding Pre-Award Information Sheet in April to confirm the City will be requesting funding for a voucher award option. The DOE recommends small local governments with awards less than \$250,000 select the voucher award option which can be used towards equipment and technical assistance services. Staff reviewed the fourteen eligible funding categories and discussed potential project options for the use of the funds. Staff identified the following project options, with a recommendation for Option 1:

Option 1: Fund a portion of the city's lighting upgrade project that is included in the proposed 2024 budget. Inefficient bulbs will be replaced with LEDs at Fire Station #3, City Hall, Public Works, and the Rich Valley Maintenance Shop.

- **Benefits:** Provides energy and cost savings; Project is proposed for 2024 Capital Improvement Fund expenditures. Budgeted funds can be made available for other uses.
- **Considerations:** Project is likely to be implemented with or without the use of EECBG funds.

Option 2: Fund the replacement of an existing city fleet vehicle with an electric vehicle at the time of replacement and the purchase an electric vehicle charger.

- **Benefits:** Spurs the city's first replacement of a traditional gas-powered vehicle with an electric vehicle. Savings on fuel, maintenance and emissions if the replacement vehicle maintains high utilization. Existing budgeted vehicle replacement funds can be made available for other uses.
- **Considerations:** Council must direct staff to complete additional research on this topic before moving forward with this option in order to determine the best vehicle candidates for EV replacement. More

information is needed on the market availability of electric vehicles in 2024-2025; total costs for replacement vehicle, maintenance, and mechanic training; total costs for electric vehicle charger equipment, installation and ongoing software; charger location and storage space for the electric vehicle; and additional information such as anticipated cost and energy savings, vehicle trade-in value, vehicle/battery life expectancy, winter performance, etc.

Option 3: Fund the installation of a dual-port, Level 2, publicly-accessible electric vehicle charging station at the VMCC.

- **Benefits:** Spurs the installation of the City's first municipally-owned public electric vehicle charger. Addresses the lack of electric vehicle chargers within the Inver Grove Heights area. Provides an amenity to VMCC patrons.
- **Considerations:** Additional research needed into ongoing software costs; and the fee/revenue structure for public use of charger.

The Environmental Advisory Commission (EAC) discussed these project options at its June 2023 and July 2023 meetings, and voted to recommend Option 2 (replacement of an existing city fleet vehicle with an electric vehicle at the time of replacement), for the following reasons:

- Local communities have demonstrated electric vehicles can save the City money and energy if the replacement vehicle maintains high utilization;
- Spurs operational change by funding the City's first transition to an electric fleet vehicle;
- Allows existing budgeted vehicle replacement funds to be used for other uses;
- Is an exciting use of the clean energy funds.

The EAC believes Option 2 sends a strong sustainability message to the community.

FISCAL IMPACT

This item has a positive financial impact to the City as it provides additional funds to invest in environmental efforts, with no matching fund requirement.

RECOMMENDATION

The City Council is asked to discuss the three project options presented by staff and provide direction on the use of \$76,160 in Energy Efficiency and Conservation Block Grant (EECBG) funds.

ATTACHMENTS

None



Request for Council Action

**SUBJECT: Joint Powers Agreement with Dakota County for
Absentee Mail-In Ballot Services**

MEETING DATE: August 28, 2023
ITEM TYPE: Regular Business
CONTACT: Rebecca Kiernan, City Clerk, 651.450.2513

ACTION REQUESTED

The Council is asked to approve the attached Joint Powers Agreement with Dakota County for Absentee Mail Ballot Services for the 2024 Election Cycle.

BACKGROUND

Minnesota Statute 203B.04 assigns counties the responsibility to administer and supervise federal, state, and local elections in the county. Statute 203B.05 also allows counties to designate cities to administer the absentee voting laws. Dakota County is the third most populous county in the state, with approximately 282,062 registered voters. It is also one of the few counties in Minnesota requiring its cities to conduct Absentee Mail Voting for the various elections. As the population of the County, and each respective city, continues to grow, and the political climate around elections become more intense, the scope, complexity, and resources needed to conduct an Election must be continuously evaluated.

As a result, Dakota County is proposing a Joint Powers Agreement (JPA) to provide Absentee Mail Ballot Voting Services for all their cities, townships, and school districts for the 2024 election cycle. The JPA centralizes Absentee Mail Voting services, which allows the absentee mail voting experience to be consistent across the county. State Statute does not allow mail-in ballots to be processed until two weeks before election day, leaving 46 days' worth of ballots to be processed in just a few days. Dakota County has a central ballot counter that is designed to stay free of ballot jams and can accurately process thousands of mailed ballots faster than individual cities can process those ballots, for days at a time during the election crunch. This shift to Dakota County processing all Absentee Mail Voting will be consistent, transparent and enhance the voter experience.

The City of Inver Grove Heights elections staff will still be serving any walk-in absentee voters for the 46 days prior to each election event, and giving the voter the option to collect their completed ballot and have it couriered to Dakota County for processing or have the voter mail their completed ballot directly to Dakota County.

A state statute was enacted in 2023 allowing for Direct Voting (casting a ballot directly into a tabulator) for the 18 days prior to each election event, so local election staff will still be needed for that process as well. That law requires City Offices to be open for voting for two Saturdays prior and the Sunday directly before the General Election, along with being open until 5 p.m. on the Monday prior, and open until 7 p.m. on the Tuesday prior.

The Dakota County JPA for Absentee Voting Services is attached for your review, along with Attachment B, which shares the estimated costs and benefits for these services.

FISCAL IMPACT

The cost to the City of Inver Grove Heights would be \$22,997 in 2024. This equals about \$1.03 per voter. Staff included sufficient funding for this amount in the proposed 2024 budget for the Elections Division, as presented to Council at their July 31 work session.

RECOMMENDATION

Staff recommends entering into the JPA with Dakota County for the reasons mentioned above.

ATTACHMENTS

1. Draft AB Admin. Joint Powers Agreement 2024 8.16.2023
2. Attachment A Dakota County Absentee Voting Admin
3. Attachment B 2024-2025 JPA Cost-Share Proposal

Dakota County Contract No. _____
JOINT POWERS AGREEMENT BETWEEN
DAKOTA COUNTY AND
THE CITIES AND TOWNSHIPS IN DAKOTA COUNTY
FOR THE PROVISION OF ABSENTEE VOTING
ADMINISTRATION SERVICES

This is a Joint Powers Agreement ("JPA") between the County of Dakota ("County") and THE CITIES AND TOWNSHIPS IN DAKOTA COUNTY ("Governmental Entities") (collectively the "Parties") entered into pursuant to Minn. Stat. §471.59, for the provision of absentee voting administration services.

Section 1
Term And Renewal

1. This JPA shall be in effect beginning January 1, 2024, until December 31, 2025, subject to automatic renewal on January 1 of each even calendar year for a two-year term beginning January 1, 2026.

Section 2
Contract Termination

2. This Agreement may be terminated as follows:
 - 2.1. Participation in this Agreement may be terminated without cause by the County or individual Governmental Entity effective at the end of the initial term or renewal term by providing written notice to the Parties no later than June 1 in the year prior (the odd year of the two-year term) to the next automatic renewal in Section 1;
 - 2.2. This Agreement may be terminated by the County effective at the end of a renewal term by providing written notice to the Governmental Entities no later than July 15 in the year prior to the next automatic renewal in Section 1, if the County determines, in its sole discretion, that there is an insufficient number of Governmental Entities in Dakota County participating in this Agreement to share the fixed costs of Absentee Voting Administration between the remaining participating Governmental Entities;
 - 2.3. The County or individual Governmental Entities may terminate their participation in this Agreement for cause by providing at least seven days' written notice to the County and other Governmental Entities. A party may terminate this agreement for cause due to a material breach of the terms of this Agreement, including failure to provide payment within the time specified in this Agreement. The written notice must state the intent to terminate participation and specify the events or circumstances and relevant provision warranting termination of the Agreement or withdrawal of the individual Governmental Entity;
 - 2.4. Termination of this Agreement does not discharge any liability, responsibility, or right of the Parties that arises from the performance of, or failure to adequately perform the provisions of this Agreement prior to the effective date of termination, such as payment of an invoice for services satisfactorily performed prior to the effective date of termination. Termination of the Agreement or an individual Governmental Entity's termination of participation does not discharge any obligation which, by its nature, would survive after the date of termination.

Section 3

Absentee Voting Administration

3. County and the Governmental Entities agree to consolidate absentee voting administration countywide in accordance with the Absentee Voting Administration Division of Duties Between Cities and Townships, and County attached hereto as **Attachment A** and incorporated by reference. The Parties agree by executing the Agreement, the County Election Director and the Governmental Entities' Clerks may agree, in writing, to modify operational responsibilities identified in **Attachment A** for operational efficiency and to maintain compliance with election laws, rules and regulations. Prior to April 1 of each calendar year, the Parties shall meet to discuss performance of the previous year election cycle and evaluate roles and duties of the Parties.

In addition to temporary staffing necessary to administer absentee voting, County will hire at least two full-time equivalent ("FTE") positions (Elections Systems Manager and Election Coordinator, or successor positions) to ensure sufficient resources are available to manage the consolidated absentee voting for the county while maintaining service levels of all other election work.

In agreeing to the consolidation of absentee voting administrative functions to ensure the successful conduct of multiple, simultaneous elections in the County, the Parties acknowledge that decisions made by the County regarding resources, procedures, and policies are based upon providing the same scope and level of service to all the participating jurisdictions and the Governmental Entities recognize that such decisions, made for the benefit of the whole, may not be subject to review by the Governmental Entities.

Section 4

Applicability

4. This Agreement between the County and the Governmental Entities is limited to absentee voting administration. All other voting processes are outside of the scope of this Agreement. This Agreement is applicable for all regularly scheduled elections or State special elections in a precinct within the jurisdiction of Dakota County.

Section 5

Allocation of Costs and Invoicing

5. The County will invoice each Governmental Entity its cost share allocation for fixed costs and its share of variable costs for its voters that voted via absentee voting.
 - 5.1. The Governmental Entities will proportionately share the County's absentee balloting administration fixed costs annually based on the annual FTE cost incurred by the County for this Agreement ("Fixed Costs"). The Fixed Costs allocated to a Governmental Entity is proportionate to its share of registered voters.
 - 5.2. The Governmental Entities agree that absentee balloting administration variable costs, such as absentee voter application and absentee ballot mailings, incurred by the County shall be shared based on actual utilization by its voters (Variable Costs).

- 5.3. In even-years for regularly scheduled or State special elections, the County shall assume 55% of Fixed Costs and Variable Costs. The Governmental Entity shall assume the remaining portion of its Fixed Cost share and 45% of Variable Costs for the actual number of its voters that voted via absentee voting.
- 5.4. In even-years for a city or township special election not held on a date for an election identified in Section 5.3, the County shall assume 55% of Fixed Costs. The Governmental Entity shall assume the remaining portion of its Fixed Cost share and 100% of Variable Costs for the actual number of its voters that voted via absentee voting.
- 5.5. In odd-years, the County shall assume 75% of Fixed Costs. The Governmental Entity shall assume the remaining portion of its Fixed Cost share. In addition, Governmental Entities holding elections in odd-years shall assume 100% of Variable Costs for the actual number of its voters that voted via absentee voting. If such an election is layered with school districts or other government entities, the Variable Costs for the actual number of voters that voted via absentee voting shall be shared proportionately.
- 5.6. Each Governmental Entity will be invoiced within 60-days of the final election day of each calendar year. Said invoice shall be due and payable within thirty-five (35) calendar days of invoicing. Invoicing will occur after application of any grant or other state or federal funds received by the County for absentee voting administration.
- 5.7. For illustrative purposes, a cost projection for the 2024-2025 elections are attached as **Attachment B**. Final invoices will reflect actual absentee utilization and variable costs.

Section 6

Electronic Voting System and E-Pollbook Costs

6. The cost of the purchase, operation and maintenance of the electronic voting system, voting machines, and electronic pollbooks are not included in this Agreement and are the subject of separate agreements.

Section 7

Independent Contractor

7. It is agreed that nothing in this Agreement is intended or should be construed as creating the relationship of agents, partners, joint ventures, or associates between the Parties hereto or as constituting the County or the Governmental Entities as the employee of the other entity for any purpose or in any manner whatsoever. The County is an independent contractor and neither it, its employees, agents, nor its representatives are employees of the Governmental Entities. From any amounts due the County, there shall be no deductions for federal income tax or FICA payments, nor for any state income tax, nor for any other purposes which are associated with an employer-employee relationship unless required by law.

Section 8 Data Practices

8. All data created, collected, received, maintained, or disseminated for any purpose in the course of this contract is governed by the Minnesota Government Data Practices Act, any other applicable statute, or any rules adopted to implement the Act or statute, as well as federal statutes and regulations on data privacy. Election data shall also be governed by Minnesota Election Law and associated Minnesota Rules.

Section 9 No Waiver

9. No delay or omission by the Parties to exercise any right or power occurring upon any noncompliance or default with respect to any of the terms of this Agreement shall impair any such right or power or be construed to be a waiver thereof unless the same is consented to in writing. A waiver by the County or the Governmental Entities of any of the covenants, conditions, or agreements to be observed by the Parties shall not be construed to be a waiver of any succeeding breach or of any covenant, condition, or agreement herein contained. All remedies provided for in this Agreement shall be cumulative and in addition to, and not in lieu of, any other remedies available to the Parties at law, in equity, or otherwise.

Section 10 Governing Law

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

Section 11 Entire Agreement

11. It is understood and agreed that the entire Agreement between the Parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the Parties relating to the subject matter hereof and hereby rescinds and replace all prior Agreements with the respective Governmental Entities with this Agreement. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement. Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the Parties hereto.

Section 12 No Assignment

12. The Parties may not assign, sublet, or transfer this Agreement, either in whole or in part, without the prior written consent of the Governmental Entities and the County and any attempt to do so shall be void and have no force and effect.

Section 13 Notice

13. Any notice or demand shall be in writing and shall be sent registered or certified mail to the other party addressed as follows:

To the Governmental Entity: To the person and address designated by each Governmental Entity in writing.

To the County: Dakota County Elections Director
1590 Highway 55
Hastings MN 55033

Section 14 Audit Provision

14. The Parties agree that the State Auditor, or any of their duly authorized representatives at any time during normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the other party and involve transactions relating to this Agreement. Such materials shall be maintained, and such access and rights shall be in force and effect during the period of the contract and for six (6) years after its termination or cancellation.

Section 15 Liability, Indemnification and Insurance

15. The County and each Governmental Entity to this Agreement shall be solely liable for the acts of its elected officials, officers, employees, or agents and shall not be responsible for the acts of the other parties to this Agreement, their elected officials, officers, employees, or agents.
- 15.1. The provisions of the Municipal Tort Claims Act, Minnesota Statutes, Chapter 466 and other applicable laws govern liability of the Parties. To the full extent permitted by law, actions by the Parties, their respective officers, employees, and agents pursuant to this Agreement are intended to be and shall be construed as a "cooperative activity." It is the intent of the Parties that they shall be deemed a "single governmental unit" for the purpose of liability as set forth in Minnesota Statutes, Section 471.59, subd. 1a(b). For the purpose of Minnesota Statutes, Section 471.59, subd. 1a(a), it is the intent that this Agreement does not create any liability or exposure to the Parties for the acts or omissions of the County or other individual Governmental Entity.
- 15.2. The County agrees to defend, hold harmless and indemnify the Governmental Entities and their officials, agents, and employees, from any liability, loss, or damages the Governmental Entity may suffer or incur as a result of demands, claims, judgments, or costs arising out of or caused by the County in the performance of its obligations under this Agreement.
- 15.3. The Governmental Entities agree to defend, hold harmless and indemnify the County and its officials, agents, and employees, from any liability, loss, or damages the County

may suffer or incur as a result of demands, claims, judgments, or costs arising out of or caused by a Governmental Entity in the performance of its respective obligations under this Agreement.

- 15.4. Nothing in this Agreement shall not be construed nor operate as a waiver of any applicable limitation of liability, defenses, immunities, or exceptions by statute or common law, nor does it impose or imply responsibility for the acts or omissions of the County or other Governmental Entities. The County and the Governmental Entities warrant that they are able to comply with the aforementioned indemnification requirements and have sufficient insurance coverage consistent with the liability limits contained in Minnesota Statutes, Chapter 466.

Section 16 Survival of Provisions

16. It is expressly understood and agreed that Sections 8, 10, 14 and 15 hereof shall survive the completion of performance and termination or cancellation of this Agreement.

Section 17 Authority

17. The person or persons executing this Agreement on behalf of the Governmental Entity and County represent that they are duly authorized to execute this Agreement on behalf of the Governmental Entity and the County and represent and warrant that this Agreement is a legal, valid and binding obligation and is enforceable in accordance with its terms. Each Party agrees that the electronic signatures of the Parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as wet ink signatures.

(Rest of page left intentionally blank. Signature pages to follow)

IN WITNESS WHEREOF, the Parties hereto have hereunto set their hands.

COUNTY OF DAKOTA

By: _____
Its: Board Chair

Dated: _____

APPROVED AS TO FORM:

By: _____
Assistant Dakota County Attorney

Dated: _____

CITY OF ***

By: _____

****, Its Mayor

Dated: _____

By: _____

***, Its Clerk

Dated: _____

DRAFT

TOWNSHIP OF ***

By: _____
****, Its Board Chair

Dated: _____

By: _____
***, Its Clerk

Dated: _____

DRAFT



Absentee Voting Services Provided via Joint Powers Agreement (JPA)

Division of Duties Between Cities, Townships, School Districts, and Dakota County

Dakota County Elections
Administration Center
1590 Highway 55
Hastings, MN 55033-2372

651-438-4305
elections@co.dakota.mn.us

Version 7/11/2023

Summary

Topic	Dakota County	Cities/Townships/School Districts
Recurring Absentee Application (permanents)	The county will send recurring absentee ballot applications.	
Receiving regular applications for AB by mail, email or fax	The county will process all mail absentee ballot applications.	If a city/township/school district receives an application for an absentee ballot to be mailed, they will scan and email the application to the county for processing.
Online applications	The county will process all online applications. NOTE: the SVRS online module will not be available in odd years except in the case of a special election for a federal, state, or county office.	
UOCAVA applications	The county will handle all aspects of UOCAVA voting.	
Mail absentee ballots	The county will handle all aspects of absentee voting by mail including fulfillment, incidental correspondence, rejects, etc.	
Prepare materials for in-person absentee	County will prepare in-person, postage paid absentee materials for use at city and school districts	
In-person absentee ballots	The county will be an in-person absentee voting site for the entire absentee period for all Dakota County residents. Offered at Hastings, Apple Valley and/or West St. Paul, election location dependent. The county will provide regular courier services to collect city and school district absentee ballots to deliver to the County Absentee Ballot Board, for those entities with regular office hours.	Cities/townships/school districts which have regular office hours will maintain in-person absentee voting sites for the entire absentee voting period.
Direct balloting/Early Voting (In-person absentee ballots cast in tabulator beginning 18 days before election day)	All County in-person absentee sites will offer direct balloting for all county voters.	Direct balloting is discretionary.

Topic	Dakota County	Cities/Townships/School Districts
Health Care Facility absentee voting		Cities/townships/school districts will carry out health care facility voting.
Safe at Home	The county will manage all aspects of Safe at Home ballots.	
Agent Delivery and Return	All in-person absentee sites will issue Agent Delivery and Return ballots.	All in-person absentee sites will issue Agent Delivery and Return ballots to be couriered to the County.
Absentee Ballot Board	The county will establish the Absentee Ballot Board which will be responsible for all necessary duties to process Dakota County absentee ballots.	School districts that cross counties will be responsible for all non-Dakota County ballots.
Rejected Ballots	The county will issue the replacement (only Dakota County ballots), to be returned by mail to Dakota County.	
Spoiled ballots	If the voter's original ballot has already been accepted, the county and city/township/ school district will coordinate efforts so that the ballot is spoiled before the voter is issued a replacement ballot. If the original ballot has not yet been accepted, the county will spoil and replace for mail absentee voters, or the city/township/school district will spoil and replace for in-person voters.	If the voter's original ballot has already been accepted, the county and city/township/school district will coordinate efforts so that the ballot is spoiled before the voter is issued a replacement ballot. If the original ballot has not yet been accepted, the county will spoil and replace for mail absentee voters, or the city/township/school district will spoil and replace for in-person voters.

Topic	Dakota County	Cities/Townships/School Districts
Rosters and greeter lists	Electronic roster files will be uploaded to the poll book management system, for download to the poll books. Supplemental reports of voters with ballots accepted after the rosters are generated will be pushed to the poll books the day before election day and multiple times on election day. Rosters and Greeter lists will be delivered by vendor.	Cities/townships/school districts will download the rosters to their poll books after the rosters are generated and before the poll books are delivered to the election judges or polling places. (Pollbook access points to be added to all large school district office) Cities/townships/school districts will work with the county to ensure that on election day all poll books sync the AB roster supplement before the polls open and continue to sync throughout the day.
Results	The county will combine absentee results from all absentee ballot counters to create one absentee result grand total. This AB total will be combined with polling place results and posted on the OSS and Dakota County websites. Reports will be made available on the County SharePoint site in a timely manner to allow for canvassing within all deadlines.	Cities/townships/school districts will be responsible to transmit polling place results to the county. Cities/townships/school districts will canvass reports against original tapes and summary statements. Cities/townships/school districts will consult with the County when scheduling canvass meetings.
Storage	The county will retain absentee ballots and related materials in their respective possession. In the event of a recount, materials will be transferred as soon as possible to the jurisdiction conducting the recount.	Cities/townships/school districts will retain absentee ballots and related materials in their respective possession. In the event of a recount, materials will be transferred as soon as possible to the jurisdiction conducting the recount.

2024-2025 JPA Costs for Absentee Services - Draft 08/08/2023

Even Year			
Base (Fixed) Costs		Absentee (Variable) Costs	
Dakota County Share	55%	Dakota County Share	55%
Municipality Share	45%	Municipality Share	45%

Odd Year			
Base (Fixed) Costs		Absentee (Variable) Costs	
Dakota County Share	75%	Dakota County Share	0%
Municipality Share	45%	Municipality Share	45%

Municipality	# of Voters as of June 2, 2022	Fixed Cost Share (2024-2025)*	Estimated Absentee Balloting Cost (2024-2025)**	Reduction from Ongoing VOTER Funds***	Total Estimated Costs 2024-2025
ISD 196 - Rosemount/Apple Valley/Eagan	105,635	\$ 15,248	\$ 13,367		\$ 28,614
ISD 197 - West St. Paul/Mendota Heights/Eagan	29,698	\$ 4,287	\$ 4,576		\$ 8,863
ISD 199 - Inver Grove Heights	18,226	\$ 2,631	\$ 1,776		\$ 4,406
ISD 200 - Hastings	19,957	\$ 2,881	\$ 3,946		\$ 6,827
Lakeville	46,134	\$ 26,021	\$ 29,146	\$ (13,419)	\$ 41,747
Eagan	45,274	\$ 25,535	\$ 35,616	\$ (13,169)	\$ 47,982
Burnsville	37,883	\$ 21,367	\$ 26,194	\$ (11,019)	\$ 36,542
Apple Valley	35,735	\$ 20,155	\$ 26,339	\$ (10,395)	\$ 36,100
Inver Grove Heights	22,534	\$ 12,710	\$ 16,818	\$ (6,555)	\$ 22,973
Rosemount	17,245	\$ 9,727	\$ 13,405	\$ (5,016)	\$ 18,115
Hastings	14,571	\$ 8,218	\$ 8,704	\$ (4,238)	\$ 12,684
Farmington	13,844	\$ 7,808	\$ 8,008	\$ (4,027)	\$ 11,789
West St. Paul	12,523	\$ 7,063	\$ 7,706	\$ (3,643)	\$ 11,127
South St. Paul	12,190	\$ 6,875	\$ 4,987	\$ (3,546)	\$ 8,316
Mendota Heights	9,154	\$ 5,163	\$ 10,299	\$ (2,663)	\$ 12,800
Empire	2,017	\$ 1,138	\$ 573	\$ (587)	\$ 1,124
Ravenna Twp	1,731	\$ 976	\$ 705	\$ (504)	\$ 1,177
Eureka Twp	1,096	\$ 618	\$ 298	\$ (319)	\$ 598
Castle Rock Twp	983	\$ 554	\$ 226	\$ (286)	\$ 495
Northfield	967	\$ 545	\$ 871	\$ (281)	\$ 1,135
Vermillion Twp	933	\$ 526	\$ 226	\$ (271)	\$ 481
Marshan Twp	893	\$ 504	\$ 265	\$ (260)	\$ 509
Lilydale	801	\$ 452	\$ 763	\$ (233)	\$ 982
Nininger Twp	654	\$ 369	\$ 163	\$ (190)	\$ 341
Hampton Twp	633	\$ 357	\$ 148	\$ (184)	\$ 321
Greenvale Twp	613	\$ 346	\$ 236	\$ (178)	\$ 404
Randolph Twp	553	\$ 312	\$ 199	\$ (161)	\$ 350
Douglas Twp	523	\$ 295	\$ 115	\$ (152)	\$ 257
Sunfish Lake	436	\$ 246	\$ 250	\$ (127)	\$ 369
Hampton City	406	\$ 229	\$ 57	\$ (118)	\$ 168
Waterford Twp	378	\$ 213	\$ 155	\$ (110)	\$ 258
Sciota Twp	327	\$ 184	\$ 66	\$ (95)	\$ 156
Vermillion City	312	\$ 176	\$ 54	\$ (91)	\$ 139
Randolph City	286	\$ 161	\$ 33	\$ (83)	\$ 111
Mendota City	129	\$ 73	\$ 12	\$ (38)	\$ 47
Coates	101	\$ 57	\$ 226	\$ (29)	\$ 254
Miesville	86	\$ 49	\$ 292	\$ (25)	\$ 316
New Trier	56	\$ 32	\$ 112	\$ (16)	\$ 127
TOTAL	455,517	\$ 184,100	\$ 216,933	\$ (82,028)	\$ 319,005

*Fixed costs contemplate a Primary & General Election in even years and a General Election in odd years. PNP costs to be reimbursed separately from this agreement.

**Used actual absentee voting utilization from past elections to estimate.

***Reduction of State VOTER funds is at the discretion of each municipality.

2024 Elections - Draft 08/08/2023

100% of FTE Costs	\$ 263,000	AB Mailed Cost	\$ 10.00	AB DakCo Share	55%
Fixed costs proportioned by registered voter		AB In Person Cost	\$ 4.50	AB Municipality Share	45%
Fixed cost per reg voter	\$ 0.93				

				\$ 4.50	\$ 2.03	\$ 20,507	\$ 20,507		
Municipality	Voters as of June 2, 2022 (per VOTER Funding rules)	Proportion of Registered Voters	Annual Fixed Cost-share (45%)	Estimated Costs of AB Ballot mailed*	Estimated Costs of IP AB Ballot*	25% Reduction from Ongoing VOTER Funds for Proportioned # of Voters	25% Reduction from Ongoing VOTER Funds for AB	Total Estimated Costs - 2024	Estimated Cost Per Reg Voter
Lakeville	46,134	0.164	\$ 19,361	\$ 17,401	\$ 11,745	\$ (3,355)	\$ (3,355)	\$ 41,798	\$ 0.89
Eagan	45,274	0.161	\$ 19,001	\$ 21,263	\$ 14,353	\$ (3,292)	\$ (3,292)	\$ 48,032	\$ 1.07
Burnsville	37,883	0.134	\$ 15,899	\$ 15,638	\$ 10,556	\$ (2,755)	\$ (2,755)	\$ 36,583	\$ 0.98
Apple Valley	35,735	0.127	\$ 14,997	\$ 15,725	\$ 10,614	\$ (2,599)	\$ (2,599)	\$ 36,139	\$ 1.02
Inver Grove Heights	22,534	0.080	\$ 9,457	\$ 10,040	\$ 6,777	\$ (1,639)	\$ (1,639)	\$ 22,997	\$ 1.03
Rosemount	17,245	0.061	\$ 7,237	\$ 8,003	\$ 5,402	\$ (1,254)	\$ (1,254)	\$ 18,134	\$ 1.02
Hastings	14,571	0.052	\$ 6,115	\$ 5,197	\$ 3,508	\$ (1,060)	\$ (1,060)	\$ 12,700	\$ 0.87
Farmington	13,844	0.049	\$ 5,810	\$ 4,781	\$ 3,227	\$ (1,007)	\$ (1,007)	\$ 11,804	\$ 0.85
West St. Paul	12,523	0.044	\$ 5,256	\$ 4,601	\$ 3,106	\$ (911)	\$ (911)	\$ 11,141	\$ 0.90
South St. Paul	12,190	0.043	\$ 5,116	\$ 2,977	\$ 2,010	\$ (886)	\$ (886)	\$ 8,330	\$ 0.70
Mendota Heights	9,154	0.032	\$ 3,842	\$ 6,149	\$ 4,150	\$ (666)	\$ (666)	\$ 12,810	\$ 1.40
Empire	2,017	0.007	\$ 846	\$ 342	\$ 231	\$ (147)	\$ (147)	\$ 1,126	\$ 0.57
Ravenna Twp	1,731	0.006	\$ 726	\$ 409	\$ 276	\$ (126)	\$ (126)	\$ 1,159	\$ 0.67
Eureka Twp	1,096	0.004	\$ 460	\$ 142	\$ 96	\$ (80)	\$ (80)	\$ 539	\$ 0.49
Castle Rock Twp	983	0.003	\$ 413	\$ 135	\$ 91	\$ (71)	\$ (71)	\$ 496	\$ 0.50
Northfield	967	0.003	\$ 406	\$ 520	\$ 351	\$ (70)	\$ (70)	\$ 1,137	\$ 1.20
Vermillion Twp	933	0.003	\$ 392	\$ 135	\$ 91	\$ (68)	\$ (68)	\$ 482	\$ 0.53
Marshan Twp	893	0.003	\$ 375	\$ 142	\$ 96	\$ (65)	\$ (65)	\$ 483	\$ 0.54
Lilydale	801	0.003	\$ 336	\$ 455	\$ 307	\$ (58)	\$ (58)	\$ 982	\$ 1.26
Nininger Twp	654	0.002	\$ 274	\$ 97	\$ 66	\$ (48)	\$ (48)	\$ 342	\$ 0.52
Hampton Twp	633	0.002	\$ 266	\$ 88	\$ 60	\$ (46)	\$ (46)	\$ 321	\$ 0.52
Greenvale Twp	613	0.002	\$ 257	\$ 45	\$ 30	\$ (45)	\$ (45)	\$ 243	\$ 0.40
Randolph Twp	553	0.002	\$ 232	\$ 119	\$ 80	\$ (40)	\$ (40)	\$ 351	\$ 0.64
Douglas Twp	523	0.002	\$ 219	\$ 68	\$ 46	\$ (38)	\$ (38)	\$ 258	\$ 0.50
Sunfish Lake	436	0.002	\$ 183	\$ 149	\$ 101	\$ (32)	\$ (32)	\$ 370	\$ 0.86
Hampton City	406	0.001	\$ 170	\$ 34	\$ 23	\$ (30)	\$ (30)	\$ 169	\$ 0.40
Waterford Twp	378	0.001	\$ 159	\$ 85	\$ 57	\$ (27)	\$ (27)	\$ 245	\$ 0.65
Sciota Twp	327	0.001	\$ 137	\$ 40	\$ 27	\$ (24)	\$ (24)	\$ 156	\$ 0.46
Vermillion City	312	0.001	\$ 131	\$ 32	\$ 22	\$ (23)	\$ (23)	\$ 140	\$ 0.46
Randolph City	286	0.001	\$ 120	\$ 20	\$ 13	\$ (21)	\$ (21)	\$ 112	\$ 0.39
Mendota City	129	0.000	\$ 54	\$ 7	\$ 5	\$ (9)	\$ (9)	\$ 47	\$ 0.36
Coates	101	0.000	\$ 42	\$ 135	\$ 91	\$ (7)	\$ (7)	\$ 254	\$ 2.54
Miesville	86	0.000	\$ 36	\$ 175	\$ 118	\$ (6)	\$ (6)	\$ 316	\$ 3.85
New Trier	56	0.000	\$ 24	\$ 67	\$ 45	\$ (4)	\$ (4)	\$ 127	\$ 2.19
TOTAL	282,001	1.00	\$ 118,350	\$ 115,216	\$ 77,771	\$ (20,507)	\$ (20,507)	\$ 270,323	\$ 0.96

2025 Elections - Draft 08/08/2023

100% of FTE Costs	\$	263,000												
Costs proportioned by registered voter								AB Mailed Cost	\$	10.00		AB DakCo Share	0%	
Fixed cost per registered voter	\$	0.58						AB In Person Cost	\$	4.50		AB Municipality Share	100%	

								\$ 10.00	\$ 4.50	\$ 20,507	\$ 20,507		
Municipality	# of Voters for Fixed Costs	Proportion of Registered Voters for Fixed Costs	Voters as of June 2, 2022 (per VOTER Funding rules)	Proportion of Registered Voters for VOTER funds	Annual Fixed Cost (100%)	Annual Fixed Cost - 25 % Share	ABs Cast in Most Recent Election	Estimated Costs of AB Ballot mailed*	Estimated Costs of IP AB Ballot*	25% Reduction from Ongoing VOTER Funds for AB	25% Reduction from Ongoing VOTER Funds for Proportioned # of Voters	Total Estimated Costs - 2025	Estimated Cost Per Reg Voter
ISD 196 - Rosemount/Apple Valley/Eagan	105,635	0.232			\$ 60,990	\$ 15,248	1,995	\$ 7,980	\$ 5,387			\$ 28,614	\$ 0.27
ISD 197 - West St. Paul/Mendota Heights/Eagan	29,698	0.065			\$ 17,147	\$ 4,287	683	\$ 2,732	\$ 1,844			\$ 8,863	\$ 0.30
ISD 199 - Inver Grove Heights	18,226	0.040			\$ 10,523	\$ 2,631	265	\$ 1,060	\$ 716			\$ 4,406	\$ 0.24
ISD 200 - Hastings	19,957	0.044			\$ 11,522	\$ 2,881	589	\$ 2,356	\$ 1,590			\$ 6,827	\$ 0.34
Lakeville	46,134	0.101	46,134	0.164	\$ 26,636	\$ 6,659		\$ -	\$ -	\$ (3,355)	\$ (3,355)	\$ (51)	\$ (0.00)
Eagan	45,274	0.099	45,274	0.161	\$ 26,140	\$ 6,535		\$ -	\$ -	\$ (3,292)	\$ (3,292)	\$ (50)	\$ (0.00)
Burnsville	37,883	0.083	37,883	0.134	\$ 21,872	\$ 5,468		\$ -	\$ -	\$ (2,755)	\$ (2,755)	\$ (42)	\$ (0.00)
Apple Valley	35,735	0.078	35,735	0.127	\$ 20,632	\$ 5,158		\$ -	\$ -	\$ (2,599)	\$ (2,599)	\$ (39)	\$ (0.00)
Inver Grove Heights	22,534	0.049	22,534	0.080	\$ 13,010	\$ 3,253		\$ -	\$ -	\$ (1,639)	\$ (1,639)	\$ (25)	\$ (0.00)
Rosemount	17,245	0.038	17,245	0.061	\$ 9,957	\$ 2,489		\$ -	\$ -	\$ (1,254)	\$ (1,254)	\$ (19)	\$ (0.00)
Hastings	14,571	0.032	14,571	0.052	\$ 8,413	\$ 2,103		\$ -	\$ -	\$ (1,060)	\$ (1,060)	\$ (16)	\$ (0.00)
Farmington	13,844	0.030	13,844	0.049	\$ 7,993	\$ 1,998		\$ -	\$ -	\$ (1,007)	\$ (1,007)	\$ (15)	\$ (0.00)
West St. Paul	12,523	0.027	12,523	0.044	\$ 7,230	\$ 1,808		\$ -	\$ -	\$ (911)	\$ (911)	\$ (14)	\$ (0.00)
South St. Paul	12,190	0.027	12,190	0.043	\$ 7,038	\$ 1,760		\$ -	\$ -	\$ (886)	\$ (886)	\$ (13)	\$ (0.00)
Mendota Heights	9,154	0.020	9,154	0.032	\$ 5,285	\$ 1,321		\$ -	\$ -	\$ (666)	\$ (666)	\$ (10)	\$ (0.00)
Empire	2,017	0.004	2,017	0.007	\$ 1,165	\$ 291		\$ -	\$ -	\$ (147)	\$ (147)	\$ (2)	\$ (0.00)
Ravenna Twp	1,731	0.004	1,731	0.006	\$ 999	\$ 250	3	\$ 12	\$ 8	\$ (126)	\$ (126)	\$ 18	\$ 0.01
Eureka Twp	1,096	0.002	1,096	0.004	\$ 633	\$ 158	9	\$ 36	\$ 24	\$ (80)	\$ (80)	\$ 59	\$ 0.05
Castle Rock Twp	983	0.002	983	0.003	\$ 568	\$ 142		\$ -	\$ -	\$ (71)	\$ (71)	\$ (1)	\$ (0.00)
Northfield	967	0.002	967	0.003	\$ 558	\$ 140		\$ -	\$ -	\$ (70)	\$ (70)	\$ (1)	\$ (0.00)
Vermillion Twp	933	0.002	933	0.003	\$ 539	\$ 135		\$ -	\$ -	\$ (68)	\$ (68)	\$ (1)	\$ (0.00)
Marshan Twp	893	0.002	893	0.003	\$ 516	\$ 129	4	\$ 16	\$ 11	\$ (65)	\$ (65)	\$ 26	\$ 0.03
Lilydale	801	0.002	801	0.003	\$ 462	\$ 116		\$ -	\$ -	\$ (58)	\$ (58)	\$ (1)	\$ (0.00)
Nininger Twp	654	0.001	654	0.002	\$ 378	\$ 94		\$ -	\$ -	\$ (48)	\$ (48)	\$ (1)	\$ (0.00)
Hampton Twp	633	0.001	633	0.002	\$ 365	\$ 91		\$ -	\$ -	\$ (46)	\$ (46)	\$ (1)	\$ (0.00)
Greenvale Twp	613	0.001	613	0.002	\$ 354	\$ 88	24	\$ 96	\$ 65	\$ (45)	\$ (45)	\$ 160	\$ 0.26
Randolph Twp	553	0.001	553	0.002	\$ 319	\$ 80		\$ -	\$ -	\$ (40)	\$ (40)	\$ (1)	\$ (0.00)
Douglas Twp	523	0.001	523	0.002	\$ 302	\$ 75		\$ -	\$ -	\$ (38)	\$ (38)	\$ (1)	\$ (0.00)
Sunfish Lake	436	0.001	436	0.002	\$ 252	\$ 63		\$ -	\$ -	\$ (32)	\$ (32)	\$ (0)	\$ (0.00)
Hampton City	406	0.001	406	0.001	\$ 234	\$ 59		\$ -	\$ -	\$ (30)	\$ (30)	\$ (0)	\$ (0.00)
Waterford Twp	378	0.001	378	0.001	\$ 218	\$ 55	2	\$ 8	\$ 5	\$ (27)	\$ (27)	\$ 13	\$ 0.03
Sciota Twp	327	0.001	327	0.001	\$ 189	\$ 47		\$ -	\$ -	\$ (24)	\$ (24)	\$ (0)	\$ (0.00)
Vermillion City	312	0.001	312	0.001	\$ 180	\$ 45		\$ -	\$ -	\$ (23)	\$ (23)	\$ (0)	\$ (0.00)
Randolph City	286	0.001	286	0.001	\$ 165	\$ 41		\$ -	\$ -	\$ (21)	\$ (21)	\$ (0)	\$ (0.00)
Mendota City	129	0.000	129	0.000	\$ 74	\$ 19		\$ -	\$ -	\$ (9)	\$ (9)	\$ (0)	\$ (0.00)
Coates	101	0.000	101	0.000	\$ 58	\$ 15		\$ -	\$ -	\$ (7)	\$ (7)	\$ (0)	\$ (0.00)
Miesville	86	0.000	86	0.000	\$ 50	\$ 12		\$ -	\$ -	\$ (6)	\$ (6)	\$ (0)	\$ (0.00)
New Trier	56	0.000	56	0.000	\$ 32	\$ 8		\$ -	\$ -	\$ (4)	\$ (4)	\$ (0)	\$ (0.00)
TOTAL	455,517	1.00	282,001	1.00	\$ 263,000	\$ 65,750	\$ 3,574	\$ 14,296	\$ 9,650	\$ (20,507)	\$ (20,507)	\$ 48,682	\$ 0.11



Request for Council Action

SUBJECT: **Second Reading of Interim Ordinance Temporarily Prohibiting the Establishment and Operation of Cannabis Businesses within the City**

MEETING DATE: August 28, 2023
ITEM TYPE: Regular Business
CONTACT: Bridget Nason, City Attorney

ACTION REQUESTED

The Council is asked to consider adoption of the attached Interim Ordinance, temporarily prohibiting the establishment and operation of cannabis businesses within the City.

BACKGROUND

The Minnesota Legislature recently enacted comprehensive legislation (the "Act") relating to the sale, use, and possession of cannabis products in Minnesota. This legislation legalized the possession and use of cannabis and certain hemp products by adults, provided for the licensing, inspection, and regulation of cannabis businesses and hemp businesses, established the Office of Cannabis Management ("OCM"), amended criminal penalties related to the possession of cannabis, and provided for expungement of certain convictions, among other items.

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 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 yet-to-be-published model ordinances, rules and regulations before making any decisions related to the regulation of cannabis businesses in the City.

The Act 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, on August 7 the City Council held a public hearing and approved the first reading of an interim ordinance temporarily prohibiting the establishment and operation of cannabis businesses within the City.

If the Council chooses, it may waive the three-reading requirement (this requires a unanimous vote of the Council) and adopt the interim ordinance after its second reading. If the interim ordinance is adopted by the Council, the Council is also asked to consider approval of the attached summary publication resolution (this requires a 4/5ths vote of the Council to pass). The Council also has the option to act only on the 2nd reading of the ordinance and schedule the third reading / final adoption for its September 11 meeting.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends adoption of the attached interim ordinance.

ATTACHMENTS

1. Interim Ordinance
2. Summary Publication Resolution

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY
ORDINANCE NO. 1458**

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A
MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF CANNABIS
BUSINESSES WITHIN THE CITY OF INVER GROVE HEIGHTS**

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

SECTION 1. 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 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 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 August 14, 2023, 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.

SECTION 2. 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).

SECTION 3. 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.

SECTION 4. Moratorium. A moratorium is hereby imposed regarding the establishment and 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.

SECTION 5. 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.

SECTION 6. 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 Section 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.

SECTION 7. 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.

SECTION 8. Duration and Effective Date. This Ordinance shall become effective five days following adoption and publication as required by law 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.

SECTION 9. 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.

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. 1458, AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A
MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF CANNABIS
BUSINESSES WITHIN THE CITY OF INVER GROVE HEIGHTS**

WHEREAS, on August 28, 2023, the City Council of the City of Inver Grove Heights, Dakota County, Minnesota ("City") adopted Ordinance No. 1458, an Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Establishment and Operation of Cannabis Businesses within the City of Inver Grove Heights; 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. 1458 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. 1458 would clearly inform the public of the intent of the ordinance; and

WHEREAS, due to the length of Ordinance No. 1458 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. 1458 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. 1458 in the City's official newspaper.
2. Directs the City Clerk to ensure that a full and complete printed copy of Ordinance No. 1458 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. 1458 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 28th day of August, 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. 1458

A RESOLUTION APPROVING THE PUBLICATION OF A SUMMARY OF ORDINANCE NO. 1458 AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF CANNABIS BUSINESSES WITHIN THE CITY OF INVER GROVE HEIGHTS

On August 28, 2023, the City Council of the City of Inver Grove Heights, Dakota County, Minnesota ("City") adopted Ordinance No. 1458, ("Ordinance") an Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Establishment and Operation of Cannabis Businesses within the City of Inver Grove Heights.

The Interim Ordinance 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 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100) and report to the City Council on the potential regulation of Cannabis Businesses.

The Interim Ordinance imposes a moratorium on the establishment and 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 of Inver Grove Heights. 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.

It is hereby determined that publication of this title and summary will clearly inform the public of the intent and effect of Ordinance No. 1458 and it is directed that only the above title and summary of Ordinance No. 1458 conforming to Minn. Stat. Sec. 331A.01 be published, with the following:

NOTICE

A printed copy of the full text of Ordinance No. 1458 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: **Third Reading of Ordinance Prohibiting Cannabis and Tobacco Smoking and Vaping In Public Places**

MEETING DATE: August 28, 2023
ITEM TYPE: Regular Business
CONTACT: Bridget Nason, City Attorney

ACTION REQUESTED

The Council is asked to continue its review and discussion of prohibiting cannabis and tobacco smoking and vaping, and possibly other uses, in certain public places.

BACKGROUND

Adult use of cannabis became legal in Minnesota on August 1. While use of cannabis products in public spaces is not explicitly prohibited by the legislation, cities are authorized to adopt ordinances prohibiting the use of certain cannabis products in public places. 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 Council has considered adoption of an ordinance prohibiting the use of certain cannabis products as well as certain tobacco/nicotine products at two prior meetings. The first version of the ordinance prohibited only the use of cannabis products in public places. Following council feedback and direction, the second version of the ordinance prohibited the use of both cannabis *and tobacco* products in public places, and narrowed the prohibition to the smoking or vaping of either substance.

Following the Council discussion at its most recent meeting, staff further reviewed the draft ordinance and researched similar ordinances recently adopted by other cities. Staff also reviewed the City's existing restrictions on the consumption of alcoholic beverages in public places. Following this review, staff are seeking specific direction from the Council prior to preparation of the third reading version of this ordinance regarding the scope, application, and specific prohibitions the Council would like to see in place in this ordinance. Staff have confirmed that currently the consumption of alcoholic beverages is prohibited in all "public places," with the exception of certain park facilities or in conjunction with the issuance of a license for such sale and consumption.

In light of this broad prohibition on the consumption of alcoholic beverages in public places and variety of approaches other cities have adopted with respect to similar prohibition, before bringing forward a final, third reading version of the draft ordinance, at its August 28th meeting, staff will ask the Council for final direction on the following aspects of the ordinance:

1. What specific “public places” should cannabis use be prohibited? (*Note: State law includes a prohibition on use of cannabis products inside a vehicle.*)

Option A: On City property, including all parks, the golf course, City Hall, Fire Stations, VMCC, police station, maintenance facility, water treatment plant, adjacent parking lots, etc. (*This is the narrower definition of the two.*)

Option B: All of the places in Option A plus city streets, adjacent right-of-way, sidewalks and trails. (*This is the broader definition of the two.*)

Should the public places where cannabis use is prohibited be the same as those where tobacco use is prohibited? If the City opts for Option B above as the areas where cannabis use is prohibited, making it applicable to tobacco may be problematic as it would have the unintended consequence of prohibiting tobacco use in a vehicle traveling down a public street.

Staff Recommendation: Staff recommends that Option A above be used as the definition of “public spaces” and that this be applied to both cannabis and tobacco/nicotine products. Option A is likely to be the most enforceable in scope and allows for consistency between cannabis and tobacco. It is also the most necessary or relevant to protecting those who don’t wish to be exposed to the second-hand effects of cannabis or tobacco.

2. What specific products should be prohibited:

- a. Smoking or vaping of cannabis products
- b. Smoking or vaping of tobacco/nicotine products
- c. Chewing tobacco
- d. Consumption of beverages containing THC
- e. Consumption of edibles or other products containing THC

Staff Recommendation: At a minimum, staff recommends that the smoking or vaping of cannabis and tobacco/nicotine products be prohibited. Additionally, the Police Department recommends that Council consider also adopting a prohibition on the consumption of beverages containing THC in public places, much like the consumption of alcoholic beverages is prohibited today in public places.

Additionally, since the first reading of this draft ordinance, a number of cities have adopted ordinances prohibiting the use of certain cannabis products and in some instances tobacco products in public places. Below is a chart highlighting some of those ordinances, including what products are prohibited, and how each city has chosen to define a public place for purposes of such prohibitions.

City	Prohibits Tobacco and/or Cannabis Use	Definition of Public Place	Cannabis Products Prohibited
Albert Lea	Both: No smoking or chewing of any prohibited	Includes city parks and any place owned by the city.	Any cannabis flower or cannabis product that can be inhaled through the means

	substances (tobacco or cannabis product) in any public place or public vehicle.		of smoking or an electronic device.
Albertville	Cannabis products	Property within the City that is owned, leased, or controlled by a governmental unit, including but not limited to any public street, avenue, boulevard, right of way, road, alley, sidewalk, park, trail, parking lot, building, and vehicle as well as any private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use. Exemptions for private residences and establishments or events licensed to permit on-site consumption.	Cannabis flower, cannabis products, lower-potency hemp edibles, or hemp derived consumer products.
Alexandria	Both: Tobacco prohibited only in parks, cannabis prohibited in all public places	Any and all public places within the city, including but not limited to any public street, avenue, boulevard, right of way, road, alley, sidewalk, park, trail, parking lot, beach, pier building, and airport. Exemptions for private residences and private property not generally accessible by the public and the premises of an establishment or event licensed to permit on-site consumption.	Cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.
Apple Valley	Cannabis only, tobacco use appears to be prohibited in parks.	Property that is generally open to or accessible by the public, except on those premises licensed by the State of Minnesota to permit on-site consumption, as well as property, real and personal, that is owned, managed, or controlled by the City including but not limited to city buildings and all land thereon, parking lots, parks, golf course, 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 products, lower-potency hemp edibles, or hemp-derived consumer products.
Detroit Lakes	Cannabis products only	All areas contained within the City boundaries, except private residences, private property not generally accessible to the public, and the premises of an establishment or event licensed to permit on-site consumption of cannabis products.	Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.
Duluth	Tobacco and cannabinoids	No smoking or chewing of any tobacco or cannabinoid related product near a medical facility, anywhere smoking is prohibited by the MN Clean Indoor Air Act, within 15 feet of any Duluth Transit Authority Transit Shelter, and within any public park.	Cannabinoid products, defined as any of the chemical constituents of hemp plants or cannabis plants that are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to THC and cannabidiol.

Lakeville	Cannabis and hemp	Property owned, leased, or controlled by a governmental unit, and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use. Excused private residences, private property not generally accessible by the public, and the premises of an establishment or event licensed to permit on-site consumption.	No smoking of cannabis or hemp in a public place.
North Branch	Alcoholic beverages, tobacco products, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or controlled substances	Limited to parks, playgrounds, and public grounds (appears to be limited to public grounds owned by or otherwise under the control of the city council).	Possession, consumption, or providing to others of all alcoholic beverages, tobacco products, and listed cannabis products prohibited.
Prior Lake	Cannabis products only	Property owned, leased or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clean notice of the property's current dedication to public use, with statutory exceptions.	Use of cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or certain cannabinoid products in a public place prohibited.
West St. Paul	Policy only (not an ordinance, no citation may be issued); applies to tobacco, nicotine products, cannabis, and hemp-derived products	n/a	Smoking and vaping of tobacco, nicotine, cannabis, and hemp derived products prohibited on all city-owned property and in all city-owned vehicles and facilities with the exception of certain areas in parking lots, on all streets, sidewalks, and rights of ways, and in certain areas of city parks.

In light of the above, staff have prepared and attached three different versions of the proposed ordinance for Council review and discussion. One of these may or may not hit on the specific combination of products and places that the Council supports:

Option #1 is identical to the version approved by the Council as the second reading on August 14. It includes the broader definition of public places and prohibits only smoking and vaping. THC-infused beverages would be allowed in public places under this version.

Option # 2 narrows the definition of a public place to those properties owned, leased or controlled by the City, and clarifies that the ordinance does not prohibit the smoking or vaping of tobacco or nicotine products in a vehicle on a City roadway.

Option # 3 narrows the definition of a public place even further, eliminating roadways and trails and sidewalks located within right of way from the definition of a public place.

The purpose of including these alternative ordinance versions is to facilitate Council discussion around the scope of the proposed ordinance prior to adoption, particularly in light of the additional research completed in recent days as other cities move forward with adoption of similar ordinances, and to ensure the Council has the opportunity to fully vet the draft language prior to consideration of a final version of the ordinance.

If the Council is in agreement with the Police Department’s recommendation, that public consumption of THC-infused beverages should also be prohibited, then a fourth version of the ordinance will need to be drafted.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends that the Council review the attached, discuss the same during the August 28 meeting, and provide final direction to staff to prepare a third reading version of the ordinance to be brought to the Council at its September 11 meeting for final consideration and adoption.

ATTACHMENTS

1. Ordinance Option # 1
2. Ordinance Option # 2
3. Ordinance Option # 3

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 AND TOBACCO SMOKING AND VAPING IN
PUBLIC PLACES

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

Section One. Amendment. Title 5, Chapter 5, Section 13 of the Inver Grove Heights City Code is hereby amended by adding Section 5-5-13 as follows:

5-5-13 SMOKING AND VAPING OF CANNABIS AND TOBACCO 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. Public places include but are not limited to the following owned, leased, or controlled by the City: 1) buildings and all the land thereon, parking lots, Inver Wood golf course, parks, pathways and trails; 2) rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails; and 3) personal property, including motor vehicles, city equipment, and the like owned, leased or controlled by the City. A Public Place 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.

CANNABIS FLOWER, CANNABIS PRODUCT, and HEMP-DERIVED CONSUMER PRODUCTS shall have the meanings given in Minn. Stat. §342.01 (enacted under Minnesota Laws 2023).

TOBACCO AND ELECTRONIC DELIVERY DEVICE shall have the meanings given in Minn. Stat. § 609.685, subd. 1.

VAPE or VAPING shall have the meaning given in Minn. Stat. § 120B.238, subd. 1(e).

- B. Prohibition: No person shall smoke tobacco or any cannabis flower, cannabis product, or hemp-derived consumer product in any public place. No person shall use any electronic delivery device or otherwise engage in vaping of tobacco, any

OPTION # 1: Second Reading Version of Ordinance

product containing nicotine, or any cannabis flower, cannabis product, or hemp-derived consumer product in any 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
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING CITY CODE, TITLE 5, CHAPTER 5, ADDING SECTION
5-5-13 PROHIBITING CANNABIS AND TOBACCO SMOKING AND VAPING IN
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**THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS HEREBY
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5-5-13 SMOKING AND VAPING OF CANNABIS AND TOBACCO 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 the City of Inver Grove Heights. Public places include but are not limited to the following owned, leased, or controlled by the City: 1) buildings and all the land thereon, parking lots, Inver Wood golf course, parks, pathways and trails; 2) rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails; and 3) personal property, including motor vehicles, city equipment, and the like owned, leased or controlled by the City.

A Public Place 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.

CANNABIS FLOWER, CANNABIS PRODUCT, and HEMP-DERIVED CONSUMER PRODUCTS shall have the meanings given in Minn. Stat. §342.01 (enacted under Minnesota Laws 2023).

TOBACCO AND ELECTRONIC DELIVERY DEVICE shall have the meanings given in Minn. Stat. § 609.685, subd. 1.

VAPE or VAPING shall have the meaning given in Minn. Stat. § 120B.238, subd. 1(e).

- B. Prohibition:** No person shall smoke tobacco or any cannabis flower, cannabis

product, or hemp-derived consumer product in any public place. No person shall use any electronic delivery device or otherwise engage in vaping of tobacco, any product containing nicotine, or any cannabis flower, cannabis product, or hemp-derived consumer product in any public place. This Section shall not prohibit the smoking or vaping of tobacco or any product containing nicotine in a motor vehicle traveling on City right of way.

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
ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE, TITLE 5, CHAPTER 5, ADDING SECTION
5-5-13 PROHIBITING CANNABIS AND TOBACCO SMOKING AND VAPING IN
PUBLIC PLACES

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

Section One. Amendment. Title 5, Chapter 5, Section 13 of the Inver Grove Heights City Code is hereby amended by adding Section 5-5-13 as follows:

5-5-13 SMOKING AND VAPING OF CANNABIS AND TOBACCO 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 or CITY OWNED PROPERTY. Property owned, leased, or controlled by the City of Inver Grove Heights. Public Places/City Owned Property include but are not limited to the following owned, leased, or controlled by the City: 1) buildings and all the land thereon, parking lots, Inver Wood golf course, parks, and pathways and trails located on City-owned property; and 2) personal property, including motor vehicles, city equipment, and the like owned, leased or controlled by the City.

For purposes of this Section, a Public Place/City Owned Property does not include: (1) City owned or controlled right-of-way, including sidewalks and trails located within the right-of-way; (2) a private residence, including the person's curtilage or yard; (3) 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 (4) the premises of an establishment or event licensed to permit on-site consumption.

CANNABIS FLOWER, CANNABIS PRODUCT, and HEMP-DERIVED CONSUMER PRODUCTS shall have the meanings given in Minn. Stat. §342.01 (enacted under Minnesota Laws 2023).

TOBACCO AND ELECTRONIC DELIVERY DEVICE shall have the meanings given in Minn. Stat. § 609.685, subd. 1.

VAPE or VAPING shall have the meaning given in Minn. Stat. § 120B.238, subd. 1(e).

B. Prohibition: No person shall smoke tobacco or any cannabis flower, cannabis product, or hemp-derived consumer product on any **City Owned Property**. No person shall use any electronic delivery device or otherwise engage in vaping of tobacco, any product containing nicotine, or any cannabis flower, cannabis product, or hemp-derived consumer product on any **City Owned Property**.

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 _____)



Request for Council Action

SUBJECT: Potential Regulation of Short-Term Rentals

MEETING DATE: August 28, 2023

ITEM TYPE: Regular Business

CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to discuss and provide direction regarding potential regulation of short-term or vacation rental properties in residential zoning districts.

BACKGROUND

In the summer of 2022, city officials and staff started receiving complaints from residents regarding the use of residential properties in various locations around the city as short-term or vacation rentals. The complaints noted noise and parking disruptions, and raised concerns about such rentals being at an advantage over local hotels, who are required to collect the City's lodging tax. Staff has continued to receive complaint calls and/or inquiries regarding the status of this topic every couple of weeks this summer.

The topic was discussed at the Council's August 2022 work session, including a range of possible City responses. Initial direction was given to staff to draft an ordinance amending City Code to establish a minimum rental period of 30-days for any residential rentals within the City. A first reading of this ordinance was approved at the August 22, 2023 City Council meeting. However, when the issue was brought forward for a second reading at the September 26, 2022 City Council meeting, the Council tabled the item and asked staff to meet with owners of local short-term rentals to determine whether alternative ordinance amendments might address resident concerns. Following that meeting, the item returned to the Council at its December 12, 2022 meeting, for further discussion, but no action was taken.

With the new make-up of the City Council in 2023, staff sought additional direction from the Council at its March 6, 2023 work session, regarding what, if any, steps it wishes to see taken on this topic. Following discussion, Council requested additional staff research into how other cities are dealing with short-term rentals. At the moment, there is no regulation of short-term rentals in Inver Grove Heights and the lodging tax is not being collected.

Staff sought to survey other metro-area cities on this topic and garnered a combined 15 responses, using two different survey platforms. The raw survey responses are attached for Council's information and review. A more detailed overview/summary will be presented during Monday's Council meeting, but in general the data collected indicates a wide variation in approaches, with several cities prohibiting them (such as Bloomington, Brooklyn Park and Eagan) and others allowing them, with or without licenses. It does appear, however, that most cities that allow short-term rentals, and otherwise license rental housing, include short-term rentals in those licensing requirements. Additionally, survey results show most other cities are not collecting a lodging tax on

short-term rentals.

If Council wishes to proceed with any change to the current status in IGH, it would be helpful to provide direction as to the preferred general path. From there, staff can bring forward a specific ordinance for Council consideration. The general options for moving forward include:

1. Prohibit the operation of short-term or vacation rentals by establishing a 30-day minimum rental period on all rental properties.
2. Regulate the operation of short-term/vacation rentals via a licensing structure that is as consistent as practicable to the licensing approach already in place for long-term rentals.
3. Regulate the operation of short-term/vacation rentals via a licensing structure specifically tailored to this use and the types of complaints commonly received by the City from neighboring properties.
4. Make no change to City ordinance or practice, thereby allowing for the continued operation of such rentals within the open market.

In addition to considering the factors brought forth by operators of short-term rentals and their opponents, Council may also wish to consider what level of City-resources it wishes to devote to this topic. Currently, the licensing of long-term rental housing includes a background check by the Police Department, license processing by administrative staff and occasional, complaint-based inspections and communications by Building Inspections staff. A customized licensing approach for short-term rentals will require additional staff time, which must be weighed against other responsibilities and priorities for staff.

FISCAL IMPACT

RECOMMENDATION

ATTACHMENTS

1. Google Survey Results
2. Summary of Survey Planet Responses
3. New Plymouth Ordinance on ShortTerm Rental Licensing

Rental Housing License Survey

What city are you responding for?

Bloomington

Does your city regulate rental housing in any way? *

- ☐ Yes, we require registration
- ☒ Yes, we require a license
- ☐ No, we do not regulate rental housing
- ☐ Other: _____

Does your City perform inspections of rental housing?

If yes, what is the frequency?

Annually

Does your city regulate short-term rentals (such as those often booked through AirBnB or VRBO)?

If yes, please describe how:

Not allowed

If your City requires a license or registration for short-term rentals:

What is the length (or term) of the license / registration? (i.e. annual? Every two-years? Etc.)

Not allowed

Is there a license or registration fee?

If yes, what is the dollar amount of that fee?

For Short Term, no. Other types vary. Let me know if you want the whole list.

Does your City have a lodging tax?

If yes, do you collect lodging taxes from short-term rentals?

Yes, not for short term, they are not allowed.

Please share a copy of any relevant ordinance, regulations or information pieces your City may have regarding short-term rentals.

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Rental Housing License Survey

What city are you responding for?

Chanhassen

Does your city regulate rental housing in any way? *

- ☐ Yes, we require registration
- ☐ Yes, we require a license
- ☐ No, we do not regulate rental housing
- ☒ Other: Only require a license for short-term rental licensing

Does your City perform inspections of rental housing?

If yes, what is the frequency?

Does your city regulate short-term rentals (such as those often booked through AirBnB or VRBO)?

If yes, please describe how:

Yes. See website: <https://www.chanhassenmn.gov/departments/community-development/planning/planning-permits/short-term-rentals>

If your City requires a license or registration for short-term rentals:

What is the length (or term) of the license / registration? (i.e. annual? Every two-years? Etc.)

Annually

Is there a license or registration fee?

If yes, what is the dollar amount of that fee?

Yes. \$200

Does your City have a lodging tax?

If yes, do you collect lodging taxes from short-term rentals?

No.

Please share a copy of any relevant ordinance, regulations or information pieces your City may have regarding short-term rentals.



Ordinance_698.d...

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Google Forms

Rental Housing License Survey

What city are you responding for?

Coon Rapids

Does your city regulate rental housing in any way? *

- ☐ Yes, we require registration
- ☒ Yes, we require a license
- ☐ No, we do not regulate rental housing
- ☐ Other: _____

Does your City perform inspections of rental housing?

If yes, what is the frequency?

1 to 3 years depending on condition of property.

Does your city regulate short-term rentals (such as those often booked through AirBnB or VRBO)?

If yes, please describe how:

We do not allow them.

If your City requires a license or registration for short-term rentals:

What is the length (or term) of the license / registration? (i.e. annual? Every two-years? Etc.)

Is there a license or registration fee?

If yes, what is the dollar amount of that fee?

\$120.00 Annually plus \$500 conversion fee if property is homesteaded and goes to non homestead

Does your City have a lodging tax?

If yes, do you collect lodging taxes from short-term rentals?

We are part of Twin City Gateway Visitor and Convention Bureau.

Please share a copy of any relevant ordinance, regulations or information pieces your City may have regarding short-term rentals.



Rental Licensing ...

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Google Forms

Rental Housing License Survey

What city are you responding for?

Lakeville

Does your city regulate rental housing in any way? *

- ☐ Yes, we require registration
- ☐ Yes, we require a license
- ☐ No, we do not regulate rental housing
- ☒ Other: We are in the process of the council adopting a rental registration ordinance

Does your City perform inspections of rental housing?

If yes, what is the frequency?

no

Does your city regulate short-term rentals (such as those often booked through AirBnB or VRBO)?

If yes, please describe how:

yes

If your City requires a license or registration for short-term rentals:

What is the length (or term) of the license / registration? (i.e. annual? Every two-years? Etc.)

no

Is there a license or registration fee?

If yes, what is the dollar amount of that fee?

Council has not determined if a fee will be required

Does your City have a lodging tax?

If yes, do you collect lodging taxes from short-term rentals?

yes

Please share a copy of any relevant ordinance, regulations or information pieces your City may have regarding short-term rentals.

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Google Forms

Rental Housing License Survey

What city are you responding for?

Maple Grove

Does your city regulate rental housing in any way? *

- ☐ Yes, we require registration
- ☒ Yes, we require a license
- ☐ No, we do not regulate rental housing
- ☐ Other: _____

Does your City perform inspections of rental housing?

If yes, what is the frequency?

3 years

Does your city regulate short-term rentals (such as those often booked through AirBnB or VRBO)?

If yes, please describe how:

no

If your City requires a license or registration for short-term rentals:

What is the length (or term) of the license / registration? (i.e. annual? Every two-years? Etc.)

Is there a license or registration fee?

If yes, what is the dollar amount of that fee?

one-time \$1000 conversion fee + \$500 for a 3-year license

Does your City have a lodging tax?

If yes, do you collect lodging taxes from short-term rentals?

Please share a copy of any relevant ordinance, regulations or information pieces your City may have regarding short-term rentals.

This content is neither created nor endorsed by Google.

Google Forms

Rental Housing License Survey

What city are you responding for?

Maplewood

Does your city regulate rental housing in any way? *

- ☐ Yes, we require registration
- ☒ Yes, we require a license
- ☐ No, we do not regulate rental housing
- ☐ Other: _____

Does your City perform inspections of rental housing?

If yes, what is the frequency?

Yes. Since we are a new program (established mid-2020) currently we conduct inspections annually; however, are moving towards getting properties on a 1/2/3 year inspection cycle based on condition of property, etc.

Does your city regulate short-term rentals (such as those often booked through AirBnB or VRBO)?

If yes, please describe how:

We do not have specific language that regulates short-term rentals

If your City requires a license or registration for short-term rentals:

What is the length (or term) of the license / registration? (i.e. annual? Every two-years? Etc.)

Annual license

Is there a license or registration fee?

If yes, what is the dollar amount of that fee?

\$150 base fee + \$50/unit

Does your City have a lodging tax?

If yes, do you collect lodging taxes from short-term rentals?

No

Please share a copy of any relevant ordinance, regulations or information pieces your City may have regarding short-term rentals.

This content is neither created nor endorsed by Google.

Google Forms

Rental Housing License Survey

What city are you responding for?

Oak Grove

Does your city regulate rental housing in any way? *

- ☐ Yes, we require registration
- ☐ Yes, we require a license
- ☒ No, we do not regulate rental housing
- ☐ Other: _____

Does your City perform inspections of rental housing?

If yes, what is the frequency?

Does your city regulate short-term rentals (such as those often booked through AirBnB or VRBO)?

If yes, please describe how:

If your City requires a license or registration for short-term rentals:

What is the length (or term) of the license / registration? (i.e. annual? Every two-years? Etc.)

Is there a license or registration fee?

If yes, what is the dollar amount of that fee?

Does your City have a lodging tax?

If yes, do you collect lodging taxes from short-term rentals?

Please share a copy of any relevant ordinance, regulations or information pieces your City may have regarding short-term rentals.

This content is neither created nor endorsed by Google.

Google Forms

Rental Housing License Survey

What city are you responding for?

Rosemount

Does your city regulate rental housing in any way? *

- ☐ Yes, we require registration
- ☒ Yes, we require a license
- ☐ No, we do not regulate rental housing
- ☐ Other: _____

Does your City perform inspections of rental housing?

If yes, what is the frequency?

Every 2 Years

Does your city regulate short-term rentals (such as those often booked through AirBnB or VRBO)?

If yes, please describe how:

No

If your City requires a license or registration for short-term rentals:

What is the length (or term) of the license / registration? (i.e. annual? Every two-years? Etc.)

N/A

Is there a license or registration fee?

If yes, what is the dollar amount of that fee?

\$35/unit

Does your City have a lodging tax?

If yes, do you collect lodging taxes from short-term rentals?

No

Please share a copy of any relevant ordinance, regulations or information pieces your City may have regarding short-term rentals.



city code - Erin F...

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Rental Housing License Survey

What city are you responding for?

Does your city regulate rental housing in any way? *

- ☐ Yes, we require registration
- ☒ Yes, we require a license
- ☐ No, we do not regulate rental housing
- ☐ Other: _____

Does your City perform inspections of rental housing?

If yes, what is the frequency?

Interior ever 3 and exterior every year. Apartments we do 1/3 each year.

Does your city regulate short-term rentals (such as those often booked through AirBnB or VRBO)?

If yes, please describe how:

We treat exactly like a regular rental.

If your City requires a license or registration for short-term rentals:

What is the length (or term) of the license / registration? (i.e. annual? Every two-years? Etc.)

1 year. Jan 1 - Dec 31

Is there a license or registration fee?

If yes, what is the dollar amount of that fee?

Single family \$190. duplex and bigger \$180 for building and \$10 for each unit.

Does your City have a lodging tax?

If yes, do you collect lodging taxes from short-term rentals?

No

Please share a copy of any relevant ordinance, regulations or information pieces your City may have regarding short-term rentals.

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Question: **Does your city regulate short-term rentals, i.e. AirBnB or VRBO? Please elaborate.**

- Yes. **Plymouth** City Council just approved Section 411 of Plymouth City Code that regulates short-term rentals. A license is required. (*See attached*)
- **Eden Prairie** requires all short term rental dwellings to meet the same requirements as a single family license holder. Short term rental properties are required to obtain an annual license to operate and complete inspection of the area that shall be rented at a minimum,
- **Shoreview**: standard rental licenses
- **Fridley**: Yes, We treat them just like any other rental, they must renew their rental license annually and have an inspection every 3 years
- **Champlin**: All properties that are not owner occupied are required to obtain a rental license. Current ordinance does not differentiate between short term or long term.
- **Richfield**: No, we just require a single family rental license at this time
- **Brooklyn Park**: We consider short term rentals to be zoned hotel/motel use and are not allowed in residential areas. At this time Air BnBs and VRBO rentals are prohibited unless it is just renting out a portion of the residence while the owner lives and remains on site.
- **Blaine**: Yes, we consider them rental properties the same as long-term rentals and require a license and inspections.
- **Oakdale**: We license them as a rental unit similar to any other we license.

CITY OF PLYMOUTH

ORDINANCE No. 2023-05

ORDINANCE AMENDING CHAPTER IV BUILDING, HOUSING AND CONSTRUCTION REGULATIONS AND CHAPTER X LICENSES AND PERMITS; PROCEDURES AND FEES OF THE PLYMOUTH CITY CODE

THE CITY OF PLYMOUTH, MINNESOTA ORDAINS:

SECTION 1. Chapter IV, Building, Housing, and Construction Regulations of the Plymouth City Code is hereby amended by adding Section 411. - SHORT-TERM RENTAL LICENSING as follows:

SECTION 411. - SHORT-TERM RENTAL LICENSING

§ 411.00. - PURPOSE.

It is the purpose of this ordinance to protect the public health, safety and welfare of our community members and visitors by maintaining standards for operating accommodations at residential dwellings defined in this section as short-term rentals.

411.05. - DEFINITIONS.

For the purposes of Section 411.00 et seq., the terms defined in this Section shall have the meanings given them in the subdivisions which follow:

Subd. 1. **Short-Term Rental.** Accommodations at a residential dwelling property, or unit of a residential dwelling, that is rented for a duration of less than 30 days at one time. Short-term rental does not include properties meeting the definition of "Hospitality Accommodation" in Section 435.

Subd. 2. **Operate.** As used in this ordinance, the term "operate" means to charge a rental charge or other form of compensation for the use of a short-term rental.

411.10. - LICENSE REQUIRED.

No person, firm, partnership, corporation or other legal entity shall operate a short-term rental in the city without first having obtained a license. The license is issued annually and is not transferable. Owner occupied dwellings are exempt from licensing.

411.15. - APPLICATION FOR LICENSES.

Applications for licenses shall be made in writing on forms provided by the city and accompanied by the fee amounts as established by the council. Such application shall be submitted at least 60 days prior to the expiration date of the license, and shall specify the following:

Subd. 1. The application shall include, but is not limited to, requiring the full name of the applicant, property owner, and property manager/agent; the applicant, owner, and property

manager/agent business address, e-mail address, and telephone numbers including a 24-hour contact phone number; the name of the proposed license holder; and the address for which the license is sought. The completed application along with the application fee shall be submitted to the city for review.

Subd. 2. In cases where the owner of a dwelling resides outside of the 11-county metropolitan area consisting of the following counties: Hennepin, Anoka, Washington, Ramsey, Dakota, Scott, Carver, Wright, Sherburne, Isanti, or Chisago; the owner's agent/contact person shall reside within the 11-county area.

Subd. 3. If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, and telephone number of such agent.

Subd. 4. Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address and telephone number, and a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (1) above.

Subd. 5. If the City Manager or designee determines that an application is incomplete, he or she shall return the application to the applicant with notice of the deficiencies. Should any application information change during the license period, the applicant shall notify the city within seven business days. Failure to do so may be considered a license violation.

Subd. 6. In the event that any of the information required to be provided by this Section changes, the applicant or licensee shall, within ten days, notify in writing the Code Official of the change. However, if the natural person designated in Subdivision 3 changes, the licensee or applicant shall file an entirely new application within ten days. Furthermore, for just cause, the Code Official may request that an applicant or licensee complete and file a new or replacement application for any short-term rental, giving the licensee or applicant a minimum of ten days to comply.

Subd. 7. Properties identified as operating a short-term rental without a license may be given a compliance period to apply for and obtain a license. During the compliance period all operations must cease unless a temporary license is granted. After the compliance period, a short-term rental found to be operating in lieu of obtaining proper licensure requirements will be subject to penalties as determined in Chapter X.

Section 411.42 shall apply to a short-term rental as if the dwelling has a license in the instance where the dwelling was rented without a license as required by Section 411 but is within 365 days of filing an application for a license. If there have been two or more instances of conduct deemed to be disorderly under Section 411.42 during the 365 days prior to filing the application, the short-term rental license shall not be issued until 365 days have elapsed since the last violation. If there has been one instance of disorderly conduct during the prior 365 days, the license may be issued but the instances of disorderly conduct shall apply to the license.

411.20. - TEMPORARY LICENSES.

The Code Official may issue a temporary license to the owner of a short-term rental who has submitted an application and paid the license fee. A temporary license shall authorize the continued operations of the short-term rental in actual existence, pending issuance of a license. A temporary license shall authorize continued operations, which shall be inspected pursuant to Section 411.32. A temporary license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in Section 411.40. A temporary license is not a determination that the building complies with the housing maintenance code or minimum standards set forth in Section 411.40.

411.23. - MANDATORY TRAINING.

The owner or property manager of a short-term rental must complete training approved by the Public Safety Department prior to the issuance of an initial rental license, or upon any change in property ownership.

411.25. - LICENSE RENEWAL.

Notwithstanding the application signature requirements of Section 411.20, renewals of the license as required annually by this Code may be made by filling out the required renewal form furnished by the city to the owner, operator or agent of a short-term rental and provide said form together with the required registration fee to the city.

411.30. - LICENSE FEES.

Rental license fees, penalty fees, and reinstatement fees are set forth in Chapter X.

411.32. - INSPECTIONS REQUIRED.

Pursuant to this Section, the Code Official shall make inspections to determine the condition of short-term rental located within the city for the purpose of enforcing the rental licensing standards. Inspection is required prior to initial issuance of the license. The Code Official or designated representative may enter, examine and survey at all reasonable times all short-term rentals and premises after obtaining consent from an owner or occupant of the premises. In the event that an occupant of the premises does not consent to entry by the Code Official or designate representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises.

411.35. – POSTING AND PUBLIC NOTICE.

Subd. 1. Every licensee of a short-term rental shall post the annual license issued by the city. The annual license shall be conspicuously posted by the registrant in the main entryway of the short-term rental for which they are issued and shall include contact information for the owner or agent.

Subd. 2. Upon issuance of an initial license, the city shall notify by mail all properties within 200 feet of the short-term rental.

411.37. – NOTICES TO LICENSEE.

Whenever a notice is required to be sent to or served upon the licensee of a short-term rental under this Section, notice shall be deemed sufficient if sent by certified mail to the owner or owner's designated agent at the address specified in the last license application filed with the city. If a notice sent to the address specified in the last license application is returned, and the owner or owner's agent cannot be found, then notice shall be sent to the person designated in the last license application as responsible for the maintenance and management of the premises, or any other known caretaker or manager, and a notice shall also be posted on the building.

411.40. – MAINTENANCE STANDARDS.

Every short-term rental shall maintain the standards in Chapter 405 Property Maintenance Code in addition to any other requirement of the ordinance of the city or special permits issued by the city, or the laws of the State of Minnesota.

411.41. – HOME OCCUPATION PROHIBITED

Use of short-term rentals for a Home Occupation is prohibited.

411.42. - CONDUCT ON LICENSED PREMISES.

Subd. 1. It shall be the responsibility of the licensee to take appropriate action to prevent conduct that disturbs or diminishes the health and welfare of the neighborhood community such as violations of City Code 960, incidents of nuisance service calls as defined by Section 960 or any other relevant criminal state statutes. It shall not be necessary that criminal charges are brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section.

Subd. 2. Upon determination by the Compliance Official that a licensed premises was used in a disorderly manner, as described in Subdivision 1, the city shall notify the licensee by certified mail of the violation and direct the licensee to take appropriate action to prevent further violations. The licensee must submit a written report of the actions taken, and proposed to be taken, by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the city within seven days of receipt of the notice (excluding holidays) of disorderly use of the premises and shall detail all actions taken by the licensee.

Subd. 3. If another instance of disorderly use of, the licensed premises within 365 days after the first instances of disorderly use for which a notice was sent, licensee for the premises may be fined or have their license denied, revoked, suspended, placed on probation, or not renewed. An action to fine, deny, revoke, suspend, place on probation, or not renew a license under this Section shall be initiated by the city in the manner described in Section 411.45, and shall proceed according to the procedures established in Sections 411.45 and 411.50. If a serious incident deemed detrimental to public safety occurs, notice of a prior incident of disorderly use is not necessary for the same consequences listed within this subdivision to apply.

411.45. – FINE, REVOCATION, SUSPENSION, OR PROBATION.

Subd. 1. Every license issued under this ordinance is subject to the right, which is hereby expressly reserved, to fine, suspend, revoke, or place on probation the same should the license holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain short-term rentals contrary to the provisions of this ordinance or any other ordinance of the city or any special permit issued by the city or the laws of the State of Minnesota.

Subd. 2. The license may be fined, suspended, revoked, or placed in a probation status by the Council after a written notice is sent to the license holder specifying the violations that are the cause for the action. This notice shall also specify the date for hearing before the Council, which shall not be less than ten days from the date of the notice.

Subd. 3. At such hearing before the Council, the license holder or their attorneys may submit and present witnesses on their behalf.

Subd. 4. After a hearing the Council may fine, suspend, revoke, or place on probation the license if they deem it necessary to protect the public health, safety or general welfare. Applicable fines are defined in Chapter X.

411.50. - SUMMARY ACTION.

Subd. 1. When the condition of the short-term rental of any license holder or their agent, representative, employee or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other unsafe or dangerous condition and thus give rise to an emergency, the Compliance Official shall have the authority to temporarily suspend, summarily condemn or close off such area of the short-term rental.

Subd. 2. Any person aggrieved by a decision of the Compliance Official to suspend the license shall be entitled to appeal to the Council immediately, by filing a Notice of Appeal. The City Manager shall schedule a date for hearing before the Council and notify the aggrieved person of the date.

Subd. 3. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.

Subd. 4. The decision of the Compliance Official shall not be voided by the filing of such appeal. Only after the Council has held its hearing will the decision of the Compliance Official be affected.

411.55. - APPLICABLE LAWS AND ENFORCEMENT.

Licenses shall be subject to all of the ordinances of the city and the State of Minnesota relating to dwellings; and this ordinance shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

Subd. 1. Any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offences. Each act of violation and every day on which a violation occurs or continues is a separate violation..

SECTION 2. Chapter X, Licenses and Permits; Procedures and Fees, Section 1005.25. – Temporary Suspensions, of the Plymouth City Code is hereby amended, with existing text, ~~deleted text~~, and new text, as follows:

§ 1005.25. - TEMPORARY SUSPENSIONS.

The Council may temporarily suspend a license pending a hearing on revocation or suspension when in its judgment the public health, safety and welfare is endangered by the continuance of the licensed activity.

Exception: A Short-Term Rental Dwelling License may be temporarily suspended by the Compliance Official according to Section 411.50., Subd. 1.

SECTION 3. Chapter X, Licenses and Permits; Procedures and Fees, Section 1010.01. – Fees, of the Plymouth City Code is hereby amended, with existing text, ~~deleted text~~, and new text, as follows:

§ 1010.01. – FEES

Subd. 10. Rental Dwellings.

Type of License	Fee
A. One Family Dwelling	\$150.00/3 years
B. Two Family Dwelling	\$225.00/3 years
C. Condominium Dwelling Unit	\$150.00/3 years
D. Three Family Dwelling	\$100.00
E. Four Family Dwelling	\$125.00
F. Five or More Family Dwelling	\$100.00 per Complex plus \$6.00 per Rental Unit
G. Reinspection Fee	\$40.00 per Inspection
<u>H. Investigation fee for unlicensed rental dwelling</u>	<u>\$500.00 first offence</u> <u>\$1,000 second offence within 365 days</u>

Subd. 11. Short-Term Rental Dwellings.

<u>Type of License</u>	<u>Fee</u>
<u>A. One Family Dwelling</u>	<u>\$150.00/1 year</u>
<u>B. Two Family Dwelling</u>	<u>\$225.00/1 year</u>
<u>C. Condominium Dwelling Unit</u>	<u>\$150.00/1 year</u>
<u>G. Reinspection Fee</u>	<u>\$60.00 per Inspection</u>
<u>H. Investigation fee for unlicensed rental dwelling</u>	<u>\$500.00 first offence</u> <u>\$1,000 second offence within 365 days</u>
<u>J. 1st Council Hearing</u>	<u>\$500.00</u>
<u>K. 2nd Council Hearing</u>	<u>\$1,000.00</u>
<u>L. 3rd Council Hearing</u>	<u>Revocation</u>

Subd. ~~11~~ 12. **Gambling Investigation Fee.**

Type of License	Fee
Investigation Fee	\$250.00

SECTION 4. This ordinance shall be effective August 1, 2023.

ADOPTED by the City Council this 27th day of June, 2023.

By _____
Jeffry Wosje, Mayor

ATTEST:

Jodi Gallup, City Clerk