

INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, March 18, 2024 - 6:00 P.M. - 8150 BARBARA AVENUE

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, March 18, 2024. Mayor ProTem Murphy called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Council Members: Murphy, Gliva, T’Kach and Scales.

Remote: Mayor Dietrich

Staff Present: City Administrator Wilson, City Clerk Rebecca Kiernan, City Attorney McCauley Nason, Parks & Recreation Director Lares, Fire Chief Judy Thill, City Engineer Merchlewicz, Assistant City Engineer Dodge, Associate Planner Botten, and Assistant Fire Chief Eric Bergum

3. PRESENTATIONS: none

4. CONSENT AGENDA:

- A.** Approval of Disbursements, **Resolution 2024-043**
- B.** Personnel Actions
- C.** Resolutions Awarding Contract and Approving Budgets for City Project Nos. 2024-09 D, F, G, H, and I as part of the 2024 Pavement Management Initiative **Resolutions 2024-044, 2024-045, 2024-046, 2024-047, 2024-048, & 2024-049**
- D.** Resolution Awarding Contracts for Construction Geotechnical Testing and Survey Staking Services for 2024 Pavement Management Initiative Projects, **Resolution 2024-050**
- E.** Resolution Approving Final Plans & Specifications and Authorizing Advertisement for Bids for ADA Pedestrian Ramp Improvements (City Project No. 2020-03), **Resolution 2024-051**
- F.** Resolution Approving Contract with Wold Architects & Engineers for Central Maintenance Facility Needs Analysis and Site Plan Development (City Project 2017-01), **Resolution 2024-052**
- G.** Resolution Approving Natural Resource Management Plan for Salem Hills Park / Harmon Park Reserve, **Resolution 2024-053**
- H.** Authorization to Purchase Golf Course Beverage Carts
- I.** Approval of 2nd Amendment to Declaration of Reciprocal Easements and Restrictive Covenants
- J.** Authorization to Purchase New Motors for Fire Department Boat

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

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING: none**6. REGULAR BUSINESS:****A. Ordinance Amendment for Industrial Office Park Zoning District and Conditional Use Permit for 8360 Courthouse Blvd, Ordinance 1472 & Resolution 2024-054**

Associate Planner Botten presented the requested use for a Zoning Code Amendment to allow a Recreation Center as a Conditional Use in the IOP (Industrial Office Park) zoning districts and a Conditional Use Permit to allow a Recreation Center to be operated out of an existing building in an IOP zoning district at 8360 Courthouse Blvd, Ste 100. This facility would be open to the public for leisure, amusement, and recreation activities.

The Soccer Club would occupy approximately 25% of the building and would include indoor turf, a hard court, office and a conference center. Peak operating times would be nights and weekends. Traffic would come off of Barnes Avenue and enter the Easterly access, driving through with drop off access and a left turn only onto Barnes. There are approximately 27 parking spaces in front of their building. There are over 100 spaces available for the entire building.

Staff recommends approval of the ordinance amendment and conditional use permit with 6 conditions. Since the Planning Commission meeting, conditions 5 and 6 have been added.

1. All parking/drive aisles areas shall be properly marked and follow all fire and building code requirements.
2. The applicant must apply for and obtain a building permit for any signage or building improvements.
3. Operation of a new business may not commence until an Occupancy permit is obtained from the City Inspections Department.
4. 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.
5. The Recreation Center - Soccer Club training space shall be limited to a soccer training center and due to the limited parking spaces available, no tournaments, scrimmages, or games shall be held at the facility.
6. No parking or stacking of vehicles is allowed on Courthouse Blvd.

At the March 6, 2024 public hearing, the Planning Commission recommended approval of the Ordinance Amendment and Conditional Use Permit (6-0).

Jonathan Weber - 10394 Andrea Trail - President of Wave Soccer Club presented information about the proposed soccer club. It is a combination of recreational and competitive soccer for 8 to 21 year-olds under Minnesota Youth Soccer Association. They are made up of 47 teams. Their run time would be weekend nights from 5:00 p.m. to 10:00 p.m. and weekends from 9:00 a.m. to 10:00 p.m., but not necessarily throughout all of the hours. This would serve as an additional training space, and they plan on utilizing the domes they currently use (3). Most teammates ride share and there would be approximately 10 cars per

team. There would only be 4 teams training at the same time, but their start times would be staggered to limit car flow. The planned exit has no right turn sign when exiting and they will enforce it as well as no entry or exit thru Ann Marie Trail.

They prefer an Industrial Building as opposed to a Commercial Property because they have larger ceiling heights, easier access, and the hours of operation are typically opposite of the businesses that are operating in the same building. Commercial Properties are typically smaller, have lower ceilings, and often include restaurants that would be occupied during the similar hours.

They are planning a hard court in the front 50' X 70' and would be utilized for Futsal (soccer with a weighted ball), Pickle ball, and training skills. There would also be a weight training area as well. The conference room would be large enough to fit the entire team. They will work diligently to make sure there are no issues with their neighbors. They have members across the Metro area and would like to have a central location and be open and accessible to all to promote the love of soccer.

Presented the City of Eagan's current City Ordinance where Commercial Recreation space is already approved in their Industrial Zones. Mr. Weber also presented images of previously viewed properties they had viewed as well as mapping directions to the facility from different locations showing it would not have a high impact on the local neighborhoods.

The action requested is to approve the Amendment to the Zoning Code Ordinance to allow a recreational facility in an Industrial Office Park zone as well as to approve a Conditional Permit.

Public Comments:

Paul Hark - 8119 Courthouse Blvd - presented opposition

Sharon Robinson - 8410 Annalisa Path - presented opposition

Megan Sturm - 8700 Ann Marie Trail - presented opposition

Jill Sampson - 8660 Ann Marie Trail - presented opposition

Jacob Gonsior - 8700 Ann Marie Trail - presented opposition

Rachel Doubre - 8315 Annalisa Path - presented opposition

Ben Davidson - 8453 Courthouse Blvd - presented opposition

Denton Bruening - 8475 Ann Marie Trail - presented opposition

Tom Cahill - 8525 Ann Marie Trail - presented opposition

Leslie Cooper - 8325 Courthouse Blvd - presented opposition

Jeff Johnson - 8690 Ann Marie Trail - presented opposition

Dale Comer - 8305 Angus Ave - presented opposition

Dan Stanton - 8459 Courthouse Blvd

Suzanne Aten - 8355 Angus Ave - presented opposition

Randy Sampson - 8660 Ann Mariel Trail - presented opposition

Heather Klokens - 8655 Ann Marie Trail - presented

Rochelle Davidson - 8453 Courthouse Blvd - presented opposition

Jayne Thalhuber - 8708 Ann Marie Trail - presented opposition

Motion to receive an additional 20 emails into record by Gliva, second by T’Kach.

Ayes: 5

Nays: 0 Motion carried.

Pro-Tem Mayor Murphy would like to have the residents’ questions regarding traffic and routes. Administrator Wilson said there has not been a traffic study for this purpose. There have been some broader studies done in the past. The unofficial determination from the Public Works Director is that the street can handle this from a design perspective.

Pro-Tem Mayor Murphy asked if the ordinance was approved, how else would it impact the industrial park. Administrator Wilson said recreational centers would become a conditional use in the IOP district if this motion is approved. It’s possible another recreational space could come in and rent space in the facility, but they would need to obtain a Conditional Use permit from the City. A business meeting those conditions are entitled to the permits.

Council Member Scales said they are trying to do what’s best for the City and the residents. He has also taken multiple routes via GPS. He’s struggling with changing what is permitted in the Industrial Zone.

Council Member Gliva attended the Planning Committee meeting. She thought it was a great program. She said Ann Marie is not an easy road to navigate if you’re not familiar with it. She thinks it’s a really good opportunity, but unsure if it matches the space.

Council Member T’Kach said there are other areas that the applicant can possibly take advantage of this. She’s worried this could change the dynamic because other types of recreational facilities could move into these areas.

Mayor Dietrich thanked everyone who emailed and showed up to voice their concerns. She reviewed the numbers and with the potential of 40 vehicles per rotation, there will be some vehicles that will use the Ann Marie, approximately 10 vehicles per hour and it doesn’t reach the peak number of vehicles that the road is equipped to handle.

Pro-Tem Mayor Murphy agreed it is a difficult decision. Safety of the children is first and foremost, but that is the same for the entire city. He said the issue with large trucks is likely an issue that should be brought up another time. He thinks the club would be a good addition to the City.

President of Wave Soccer Club, Jonathon Weber, said he understands the concerns of the neighborhood. They are non-profit club. He is a volunteer and said they have scouted many buildings and has been unable to find any alternative building that would fit the needs of the

club. He will make sure during parent meetings the maps are front and center. The building suits every need they have, and they cannot afford to make alterations to other buildings.

Council Member T’Kach would like to separate the issue. This is not specific to the Wave Soccer Club, it’s regarding the change of use of the Industrial Zone.

Motion to approve Resolution 2024-054 to deny an Amendment Ordinance to City Code Title 10, Chapter 6, Section 2 amending the land use table to use table to add recreational center as a conditional use in the IOP, Industrial Office Park Zoning District by T’Kach, second by Gliva.

Ayes: 3

Nays: 2 (Dietrich, Murphy) Motion carried.

Motion to Deny a Conditional Use Permit for a Recreation Center by Gliva, second by T’Kach.

Ayes: 3

Nays: 2 (Dietrich, Murphy) Motion carried.

Council Member Gliva, T’Kach, and Scales denied the motion because it is not a permitted use in the IOP, Industrial Office Park Zoning District.

B. Variance to Allow More than One Detached Accessory Building at 3834 64th Street, Resolution 2024-055

Associate Planner Botten presented the request to allow more than one detached accessory building to a property zoned R1C. The code allows one detached accessory building up to 1,000 square feet. It currently has a 256 square foot detached porch that is not visible from the cul-de-sac. The proposal is to add a 624 square foot structure that would be in compliance with all building codes. The combined size of both structures would be under 1,000 square feet.

The action requested is to approve two unattached accessory structures on an R-1C zoned property. Staff recommends denying the request. They do not want to set a precedent for allowing more than one detached structure on R-1C zoned properties.

Council Member T’Kach confirmed that the owner could add on to the current structure. Associate Planner Botten confirmed he could.

Applicant Mike Christensen - 3834 64th Street - would like the exception to be considered. He would like an additional structure for boat storage/wood shop. He has the space to accommodate the structure and it will not impact his neighbors.

Council Member Gliva asked how long he has had his porch. Christensen said the patio had been there 15 to 17 years.

Council Member Scales said they have done a lot of work to update Ordinances to make sense the majority of the time.

Council Member T'Kach said 15 years ago when he built the structure, there were no minimums to the number of structures. Had this Ordinance been in place, he may have attached the porch to his house. Associate Planner Botten confirmed that structures over 120 square feet, there has always been a maximum of one.

Motion to approve Resolution 2024-055 to deny a variance to allow two detached accessory structures whereas one in is the maximum allowed by Dietrich, second by Scales.

Ayes: 4

Nays: 1 (T'Kach) Motion carried.

C. Third Reading of Ordinance Amending City Code Related to Residential Accessory Structures, Ordinance 1473 & Resolution 2024-056

Associate Planner Botten presented the Third Reading to amend the City Code related to Residential Accessory Structures. The First Reading was approved February 12th. The Second Reading on February 26th, it was requested by Council to get additional information to the Public before the Third Reading. They had two residents come to City Hall and received one email. There were also two phone calls. There were no major changes between the Second Reading and Third Reading.

The major changes to the Ordinance are for lots greater than 5 acres that are zoned A or E-1. The proposed changes increase the maximum size allowed for accessory structures. For properties 5-7.49 acres there is an increase from 2,400 gross sq ft to 3,000 gross sq ft. For properties 7.5-9.99 acres there is an increase from 2,400 gross sq ft to 3,500 gross sq ft. For properties 10 acres or more there is an increase from 2,400 gross sq ft to 3,750 gross sq ft.

Additional proposed language is for properties without an attached garage to be permitted to have one detached garage up to 750 square feet in addition to the accessory building or buildings permitted in this section. There is also a definition of Gross Square Feet to measure the exterior face of the exterior walls. The language regarding the placement of the structures has been removed since it is covered under building code requirements. There was also an addition to limit the number of additional accessory structures under 120 square feet to two.

The action requested is to approve the Third and Final Reading of the Ordinance Amending certain Accessory Structure Regulations and to approve the Summary of Ordinance for Publication.

Mayor Dietrich asked if the two items could be covered in one motion. Associate Planner Botten confirmed that they could be done in one motion.

Council Member Scales thanked Associate Planner Botten for doing the work to get this done.

Motion to Approve Third and Final Reading of an Ordinance 1473 and Motion to Approve Resolution 2024-056 Summary Publication of Ordinance 1473 Amending City Code Title 10, Chapter 15, Section 18, Accessory Structures, Title 10, Chapter 7, Section

2.B Bulk Standards Title 10, chapter 8A, Section 2.B Bulk Standards, and Title 10, Chapter 2, Section 2, Definitions related to accessory structure standards by Scales, second by T’Kach.

Ayes: 5

Nays: 0 Motion Carried

D. Second Reading of Ordinance Establishing a Four-Year Term for the Office of Mayor

Administrator Wilson presented this item. The Inver Grove Heights City Code currently establishes a 2-year term for the office of Mayor and a 4-year term for the office of City Councilor. Minnesota allows cities like Inver Grove Heights to have either two or four-year terms for Mayor. The changes must be done by ordinance, adopted, and published at least 4 weeks prior to the close of the filing period to run for office. This Ordinance would not extend the term of the current office holder.

According to the League of MN Cities, the majority of Minnesota cities have a 4-year term. Inver Grove Heights is the largest city in Minnesota to have a 2-year term in Minnesota. A 4-year term is consistent with City Council seats and allows the Mayor time to settle-in and learn the job before considering running for re-election.

Staff has posted on social media, e-news notifications and has posted flyers. The topic is the front-page article for the Spring Insights newsletter and should be delivered to residents the first week in April. As of now, 29 emails have been received, 22 in favor and 7 against the changes. The Third Reading is planned for the April 22 City Council Meeting.

The action requested is to accept the emails into the record and approve the Second Reading of the presented ordinance, establishing a 4-year term for the office of Mayor.

Motion to accept 2 additional emails into record by Gliva, second by T’Kach.

Ayes: 5

Nays: 0 Motion carried.

Council Member T’Kach asked if Inver Grove Heights has recall. Administrator Wilson said Statutory Cities in Minnesota do not have the option for recall. There are also no term limits and no right to establish term limits. Council Member T’Kach asked if it was an option to change term limits for Council Members. Administrator Wilson said they follow the Statutes given by the state and she doesn’t believe they could choose different term limits for Council Members. Attorney McCauley Nason confirmed that the Statute sets a 4-year term for Council Members.

Mayor Dietrich is thankful that residents are giving feedback.

Council Member T’Kach has a concern about the change taking place for the 2024 election and thinks it should be let go for a term. She is not opposed to a 4-year term, but prefers it not take place for the 2024 election.

Public Comment:

Kelly Kayser - 1953 59th Ct E - presented support.

Council Member Murphy said it takes so long to get things done at the City level and for a Mayor to have to worry about re-election so soon is hard to get things done.

Council Member Gliva wanted to verify there were no changes to the First Reading. Administrator Wilson confirmed there were no changes.

Motion to Approve the Second Reading of an Ordinance Amending City Code Title 1, Chapter 7, Section 2; Elected Offices; Time and Term by Scales, second by Gliva.

Ayes: 4

Nays: 1 (T'Kach) Motion carried.

E. Second Reading of Ordinance Amending City Code Title 8, Chapter 4 Related to Connection to Public Sanitary Sewer System

Administrator Wilson presented this item. There were no changes from the First Reading to the Second Reading.

Currently the City Code requires a property connect to public sanitary sewer within one year following the availability sanitary sewer system. There is an upcoming project to extend sewer to new properties. Recently some of these properties have upgraded or installed new septic systems. It seems unfair to require these owners to connect to the public sewer system.

If the property has a compliant septic system, they will be able to continue using that system provided they remain compliant. If the septic system becomes non-compliant, they will need to connect to the public sewer system and would not be permitted to install a new septic system. If a system becomes non-compliant and poses an imminent threat to public health and safety, they will have 30 days to connect to the public sewer system. If they become non-compliant and are not posing an imminent threat to public health and safety, they will have 10 months to connect to the public sewer system.

The action requested is to approve the Second Reading of the Ordinance to amend City code related to the connection to public sanitary sewer system.

Council Member T'Kach wanted to confirm that a property would not be able to replace a septic system if there is public sewer access. Administrator Wilson said that once there is public sanitary sewer access, they would not be able to receive a permit to replace their current septic system with a new one. They would be required to connect to the public sanitary sewer system.

Council Member Murphy asked if he could make a motion to waive the Third Reading and approve the publication. Attorney McCauley Nason confirmed he could make a motion to waive the Third Reading.

Motion to Waive the Third Reading by Murphy, second by Scales.

Ayes: 4

Nays: 1 (T'Kach) Motion failed.

Motion to Approve the Second Reading of an Ordinance amending City Code Title 8, Chapters 4 & 5 Related to Connection to Public Sanitary Sewer System by T’Kach, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

F. Approval of Letter to State Senator Regarding Local Zoning Preemption Bills

Administrator Wilson presented this item. At the previous City Council Meeting a letter was approved to be sent to the State House Representatives. The Senate bill language was influx and has since been confirmed. The letter has been updated to include the proper bill number and remove areas of concern that appeared in the House bill but is not included in the Senate bill.

Mayor Dietrich appreciates both letters being put together and the professional wording.

Council Member T’Kach agrees that both letters layout the problems. She doesn’t agree with all of the wording in the bills, but wishes our letters addressed the housing problem and provided alternatives. Administrator Wilson said one of the pieces of feedback is that we need to propose solutions to the housing problem. If this does not pass this year, it does not mean this concern will go away.

Council Member T’Kach asked if Administrator Wilson thought the bill would not pass. Administrator Wilson said that it has been waiting for the next committee meeting and it has not been scheduled. Council Member T’Kach would like to discuss options in a Work Session if time permits.

Council Member Scales said the letter is appropriate and thinks it should go as is. He said the solutions that may work for Inver Grove Heights may not work for other cities and does not think we should suggest solutions at this time.

Council Member Gliva agrees with Council Member Scales. It should go out as is and is supportive of working on housing, but it should be done under local control.

Council Member T’Kach wants to put solutions out for what will work for the City of Inver Grove Heights.

Council Member Murphy would like to solve problems, but the letter needs to be sent to the Senators to address the current issue.

Motion to Approve the Letter to State Senators Regarding Local Zoning Preemption Bills by Gliva, second by Scales.

Ayes: 4

Nays: 1 (T’Kach) Motion carried.

G. CLOSED SESSION Pursuant to Minn. Stat. Sec. 13D.05, subd. (3)(c)(3) (Consider Offer to Acquire Land)

Motion to move into Closed Session pursuant to Minnesota Statute Section 13D.05, Subdivision (3)(c)(3) to consider offer to acquire land located at 6971 Dickman Trail and property located on Dickman Trail and legally described as Lots 14-17, OM Johnson Addition identified by parcel numbers 20-00200-56070, 20-39900-00170, 20-39900-00210, 20-39900-00250, and 20-00200-57093

and by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Motion to move out of Closed Session into open session by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

H. Authorization to Submit DEED Host Community Grant Application for State Fiscal Year 2024 and to Submit Amended Grant Application for State Fiscal Year 2023

Administrator Wilson presented this item. The City of Inver Grove Heights is one of a few cities in Minnesota that is eligible for this grant, being a Host Community for a landfill. Staff is seeking permission to submit the application for a grant to purchase land in the block South of Heritage Village Park. The City owns several parcels on that block and would look to purchase additional parcels from the current owner, Republic Services.

Mayor Dietrich supports the conversation.

Motion to Authorize submission of DEED Host Community Grant Application for State Fiscal Year 2024 and to submit amended Grant Application for State Fiscal Year 2023 by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT: none

8. MAYOR AND COUNCIL COMMENTS:

Mayor Dietrich is excited the South Valley Park will be completed and open this spring. Thanks to the Parks and Recreation Staff.

Council Member Gliva congratulated the IGH Fire Department for being awarded Exploring Cadet Program which is a National award. They received the Junior Fire Fighter Program Award.

9. ADJOURN:

Motion to adjourn the meeting at 8:47 p.m. by Scales, second by Gliva

Ayes: 5

Nays: 0 Motion Carried.

Minutes prepared by Recording Secretary Sara Lyons