Inver Grove Heights City Council

Monday, June 3, 2024 at 6:00 PM

8150 Barbara Avenue, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Rebecca Kiernan (rkiernan@ighmn.gov). Comments received prior to 4:00 p.m. on Monday, June 3, 2024, will be provided to the Council at or before the June 3, 2024 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Discussion Items**
   - **A.** Potential Partnership with Dakota County CDA for use of Affordable Housing Sales Tax Revenue
   - **B.** Dakota County CDA Request to Build 2nd Senior Housing Building at Hillcrest Pointe
   - **C.** Communications, Media Inquiries & Information Sharing Related to a Critical Incident
4. **Adjourn**

Agenda Item 3.A.

Request for Council Action

SUBJECT: **Potential Partnership with Dakota County CDA for use of Affordable Housing Sales Tax Revenue**

MEETING DATE: June 3, 2024
ITEM TYPE: Discussion Items
CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to receive a presentation from representatives of the Dakota County Community Development Agency (CDA) regarding a potential partnership for use of the new Local Affordable Housing Aid (LAHA) that is coming to the City.

BACKGROUND

During the 2023 legislative session, the State of Minnesota enacted a quarter-cent sales tax increase in the metro-area and directed that the proceeds be distributed to metro-area cities and counties via the new Local Affordable Housing Aid (LAHA) program. The sales tax took effect on October 1, 2023 and the first annual LAHA distribution will be made to metro-area cities and counties in the second half of 2024. The exact amount each city and county will receive depends on how much revenue is raised from the sales tax, and will therefore vary from year to year. Early estimates suggest the City of Inver Grove Heights will receive approximately $380,000 in the first year (2024) and more in subsequent years.

There are numerous qualifying uses for LAHA funds. One option is to partner with the Dakota County CDA to have them distribute the funds to projects and programs in Inver Grove Heights via three different programs that the CDA already operates. This would allow the City to take advantage of the CDA staff's knowledge and expertise in the area of housing. The CDA is currently in the process of meeting with each City Council in Dakota County to describe the qualifying programs that they would be willing to operate on behalf of cities. At Monday's work session, CDA representatives will be present to describe these three programs and answer questions. The Council does not need to make a decision Monday evening - or even this month - but this is a first step toward exploring options for spending this new LAHA money on qualifying projects or programs.

Additional information about the LAHA program - as well as the three qualifying CDA programs that are being made available to Dakota County cities - is attached.

FISCAL IMPACT

RECOMMENDATION

ATTACHMENTS

1. Local Affordable Housing Aid (MN Dept of Revenue)

2. Residential Preservation and New Construction Gap Financing Program (Dakota County CDA)
3. Homeowner Radon Testing and Mitigation Grant Program (Dakota County CDA)
4. Single Family Home Improvement Loans (Dakota County CDA)

Local Affordable Housing Aid

Local Affordable Housing Aid helps metropolitan local governments develop and preserve affordable housing within their jurisdictions to keep families from losing housing and to help those experiencing homelessness find housing. Aid will begin in 2024.

About the Program

The Department of Revenue certifies preliminary distribution factors for eligible counties and cities by August 1 each year. We base this certification on current statutes, including any changes from the most recent legislative session.

Revenue also posts aid amounts after they are calculated each year and before the first-half payment on July 20.

The certification of preliminary distribution factors and posting of final aid amounts is accompanied by a summary explaining how each was calculated.

Local Affordable Housing Aid is paid in two equal installments in the year aid is calculated. The first half is paid on July 20 and the second half on December 26.

2024 Certification

2024 Local Affordable Housing Aid Preliminary Distribution Factors - Counties

2024 Local Affordable Housing Aid Preliminary Distribution Factors - Cities

Summary of 2024 Local Affordable Housing Aid Preliminary Distribution Factors

2024 Local Affordable Housing Aid Amounts - will be posted about July 1, 2024

Summary of Local Affordable Housing Aid - will be posted about July 1, 2024

Use of Aid

Funds distributed under this aid program must be spent on a qualifying project.

Funds will be considered spent if both of these conditions are met:

- A county or eligible city demonstrates to Minnesota Housing that the city or county cannot expend funds on a qualifying project by the deadline below due to factors outside the control of the city or county
- The funds are transferred to a local housing trust fund

If funds are transferred to a local housing trust fund, they must be spent on a project or household that meets the affordability requirements described below.

Deadline: Funds must be spent by December 31 of the fourth year after the aid was received.

Qualifying Projects

Qualifying projects include:

- Emergency rental assistance for households earning less than 80 percent of area median income as determined by the United States Department of Housing and Urban Development
- Financial support to nonprofit affordable housing providers in their mission to provide safe, dignified, affordable and supportive housing; and
- Projects designed for the purpose of construction, acquisition, rehabilitation, demolition or removal of structures, construction financing, permanent financing, interest rate reduction, refinancing, and gap financing of housing to provide affordable housing to households that have incomes which do not exceed:
  - For homeownership projects, 115% of the greater of state or area median income as determined by the United States Department of Housing and Urban Development

    - For rental housing projects, 80% of the greater of state or area median income as determined by the United States Department of Housing and Urban Development
- Housing developed or rehabilitated with funds under this section must be affordable to the local work force

Projects are prioritized that provide affordable housing to households that have incomes that:

- For homeownership projects, do not exceed 80 percent of the greater of state or area median income as determined by the United States Department of Housing and Urban Development
- For rental housing projects, do not exceed 50 percent of the greater of state or area median income as determined by the United States Department of Housing and Urban Development.

Priority may be given to projects that:

- Reduce disparities in home ownership
- Reduce housing cost burden, housing instability, or homelessness
- Improve the habitability of homes
- Create accessible housing
- Create more energy- or water-efficient homes

Gap financing is the difference between the costs of the property and either:

- The market value of the property upon sale; or
- The amount the targeted household can afford for housing, based on industry standards and practices.

If aid received under this program is used for demolition or removal of existing structures, the cleared land must be used for the construction of housing to be owned or rented by persons who meet the income limits described above.

If an aid recipient uses the aid on new construction or substantial rehabilitation of a building containing more than four units, the loan recipient must construct, convert, or otherwise adapt the building to include:

- The greater of:
    - At least one unit
    - At least 5% of units that are accessible units, as defined by section 1002 of the current State Building Code Accessibility Provisions for Dwellings Units in Minnesota, and include at least one roll-in shower
- The greater of
    - At least one unit
    - At least 5% of units that are sensory-accessible units that include:
        - Soundproofing between shared walls for first and second floor units
        - No florescent lighting in units and common areas
        - Low-fume paint
        - Low-chemical carpet
        - Low-chemical carpet glue in units and common areas

These guidelines do not relieve a project funded by this aid program from meeting other applicable accessibility requirements.

Reporting to Minnesota Housing

Beginning in 2025, aid recipients must submit a report annually, no later than December 1 of each year, to Minnesota Housing. The report must include documentation of the location of any unspent funds distributed under this section and of qualifying projects completed or planned with funds under this section.

FAQs

Will there be more information provided about eligible uses of aid?

All of the information for use of aid provided in the law for this program is in the Use of Aid and Qualifying Projects sections on this page. We will update those sections if the Legislature changes the guidelines.

Questions?

If you have questions, email us at PropTax.Admin@state.mn.us.

Dakota County Community Development Agency
CDA

Project Proposal:	**Residential Preservation and New Construction Gap Financing Program**
Project Purpose:	Expand the existing CDA-administered gap financing resources for residential multi-family and single-family preservation and new construction to include Local Affordable Housing Aid (LAHA) funding. The CDA currently administers other gap financing tools such as the Dakota County levy-funded HOPE Program and federally-funded HOME Program.
Project Objectives:	1) Continue to improve and add to the affordable housing stock of Dakota County. 2) Provide cities and county with a way to use LAHA for an existing countywide housing program. 3) Increase and diversify gap financing resources.
Project Outcomes:	Currently the CDA is providing gap financing to an average of two - three new construction multi-family projects and an average of three - four single-family projects (both new construction and preservation).
Project Details:	The CDA is fortunate to have a variety of affordable housing finance resources including the annual Low-Income Housing Tax Credit allocation, an annual tax-exempt bond allocation, and gap finances including the locally-funded HOPE Program and the federally-funded HOME Program. With this level of resources, the CDA is typically aware of any potential, significant affordable housing developments that are looking to come into Dakota County. The CDA has staff who work regularly with developers from concept to fully-financed and constructed affordable housing developments, both preservation and new construction, throughout Dakota County. The CDA has in-house knowledge and expertise on underwriting these projects. Cities may allocate LAHA funds to increase the amount of gap financing available in their communities for preservation and new construction. Cities can rely on the CDA's underwriting capabilities to structure these complex financial deals on the behalf of their LAHA dollars. The details on how the LAHA dollars will be structured in a preservation or new construction affordable housing project will need to be determined, but initial thoughts are the structure would mimic the primary gap funding source (i.e. HOPE, HOME).

Project Funding:	• The CDA Board of Commissioners has traditionally allocated $1.5 million of HOPE funds annually to provide gap financing to two multi-family projects. • The CDA also administers the HOME Program that has approximately $800,000 annually for gap financing to support preservation and new construction residential projects. • Future LAHA – The CDA will work with cities to identify multi-family and single-family residential projects that need gap financing. • Individual cities contributing to the program would have separate subaccounts that will be tracked by CDA staff.

Project Staff:	• Existing staff:
	  ○ Housing Finance Manager
	  ○ Community Development Coordinator
	  ○ Director of Comm & Econ Development
	• Additional staff needed for LAHA funds: None.
	• Cost to City Partners: Nominal admin fee.

Project Reporting:	The CDA would provide annual reports to participating cities. The annual report would include the following:
	  ○ Community's contribution to program that fiscal year
	  ○ Number of projects that received LAHA gap financing
	  ○ Details of projects including: number of units, income limits of units, details of loan terms, etc.

Dakota County Community Development Agency
CDA

Proposed Project:	**Dakota County Homeowner Radon Testing and Mitigation Grant Program**
Project Purpose:	The average radon level in Minnesota is more than three times higher than the U.S. radon level. This is due to our geology and how our homes operate. Minnesota homes are closed up or heated most of the year, which can result in higher levels of radon. In Minnesota, more than two in five homes have radon levels that pose a significant health risk. Exposure to radon over a prolonged period can lead to lung cancer. *Minnesota Department of Health website* The Environmental Protection Agency (EPA) has set the action level at 4 pCi/L (picocuries of radon per liter of air). The Minnesota Department of Health recommends installing a radon mitigation system when the radon level is at 4 pCi/L or higher. Between 2 and 4 pCi/L, a radon mitigation system should be considered to lower the level as much as possible. The average indoor radon level in Dakota County is 3.6 pCi/L as determined by radon test results from AirChek, an at-home radon testing company. There is no safe level of radon in a home. The proposed Homeowner Radon Testing and Mitigation Grant program would provide free testing services to income-eligible residents, and would provide free mitigation services for those income-eligible residents whose homes have radon levels greater than 2.6 pCi/L. A lower radon level was chosen as the benchmark in order to reduce radon levels in existing homes as much as possible.
Project Objectives:	1) Continue to improve the housing stock of Dakota County. 2) Reduce potential future risk of lung cancers in Dakota County residents. 3) Provide cities and county with a way to use Local Affordable Housing Aid (LAHA).
Project Outcomes:	1) Test at least 40 homes in Dakota County for radon per year. 2) Install radon mitigation systems in all homes assessed for radon with levels greater than 2.6 pCi/L per year, subject to available funding. 3) Reduce the number of homes with high radon levels. Mitigation systems would be required to reduce radon to $\leq$ 2.0 pCi/L.

Project Details:	• Provide grants to assess for and mitigate radon when levels are 2.6 pCi/L or greater.
	• Homeowners must own and reside in home, be current on property taxes, and be income eligible.
	  ○ CDBG funds require 80% AMI cap
	  ○ Sales tax funds require 115% AMI cap
	} *See attachments for current AMI limits*

Dakota County
Community Development
Agency
CDA

	• Homeowners who qualify for CDA Home Improvement Loan, MHFA RLP Loan, Energy Assistance, Weatherization automatically will be eligible for the Radon Grant Program.
	  ○ Homeowners would need to sign a grant agreement if they are recipients of the above-listed program.
	• Homeowners who do not qualify for the above-listed programs may apply for the Radon Grant Program with a separate application.
	  ○ A separate application process will be developed if this program is established.
	  ○ Homeowners would need to sign grant agreement.
	• Homeowners will solicit bids from two licensed mitigators; CDA will evaluate bids for cost reasonableness.
	• CDA will pay mitigators upon completion of project and satisfactory clearance test numbers ($\leq$ 2.0

Project Funding:	• Funding exclusively through LAHA funds. • Estimate program would need $200,000 per year to assess for and install radon mitigation systems in 40 homes. • Individual cities contributing to the program would have separate subaccounts that will be tracked by CDA staff.
Project Staff:	• The Radon Mitigation Grant program would use existing CDA staff. No additional staff would be needed.

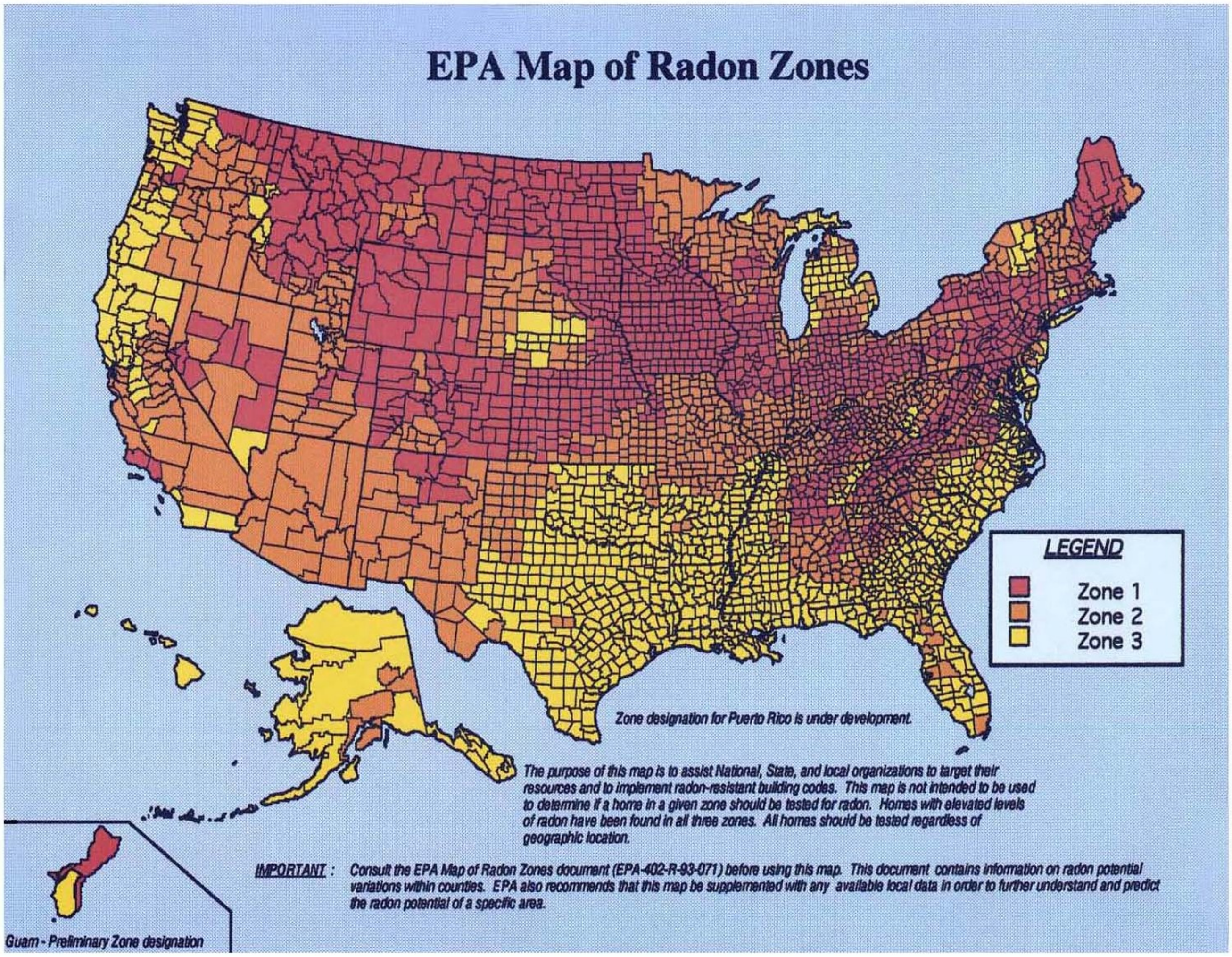
Project Reporting:	The CDA would provide annual reports to participating cities and Dakota County. The annual report would include the following:
	  ○ Community's contribution to program that fiscal year
	  ○ Number of grants using LAHA funds

Attachments:

1. EPA Radon Zones Map
2. EPA Radon Risks Chart

Radon Zones Map

The U.S. Environmental Protection Agency (EPA) created this map to identify areas with the potential for elevated indoor radon levels. The EPA Map of Radon Zones helps national, state, and local organizations implement radon-resistant building codes. The map should not be used to determine if a home in a given zone should be tested for radon. Homes with elevated levels of radon have been found in all three zones. All homes should be tested for radon.



What do the colors mean?

	Zone 1 (red zones)	Highest potential; average indoor radon levels may be greater than 4 pCi/L (picocuries per liter)
	Zone 2 (orange zones)	Moderate potential; average indoor radon levels may be between 2 and 4 pCi/L
	Zone 3 (yellow zones)	Low potential; average indoor radon levels may be less than 2 pCi/L

THE RISK OF LIVING WITH RADON *continued*

It's never too late to reduce your risk of lung cancer. Don't wait to test and fix a radon problem. If you are a smoker, stop smoking.

RADON RISK IF YOU SMOKE

Radon Level	If 1,000 people who smoked were exposed to this level over a lifetime*...	The risk of cancer from radon exposure compares to**...	WHAT TO DO: Stop Smoking and...
20 pCi/L	About 260 people could get lung cancer	◂ 250 times the risk of drowning	Fix your home
10 pCi/L	About 150 people could get lung cancer	◂ 200 times the risk of dying in a home fire	Fix your home
8 pCi/L	About 120 people could get lung cancer	◂ 30 times the risk of dying in a fall	Fix your home
4 pCi/L	About 62 people could get lung cancer	◂ 5 times the risk of dying in a car crash	Fix your home
2 pCi/L	About 32 people could get lung cancer	◂ 6 times the risk of dying from poison	Consider fixing between 2 and 4 pCi/L
1.3 pCi/L	About 20 people could get lung cancer	(Average indoor radon level)	(Reducing radon levels below 2 pCi/L is difficult)
0.4 pCi/L		(Average outdoor radon level)	

Note: If you are a former smoker, your risk may be lower.

RADON RISK IF YOU'VE NEVER SMOKED

Radon Level	If 1,000 people who never smoked were exposed to this level over a lifetime*...	The risk of cancer from radon exposure compares to**...	WHAT TO DO:
20 pCi/L	About 36 people could get lung cancer	◂ 35 times the risk of drowning	Fix your home
10 pCi/L	About 18 people could get lung cancer	◂ 20 times the risk of dying in a home fire	Fix your home
8 pCi/L	About 15 people could get lung cancer	◂ 4 times the risk of dying in a fall	Fix your home
4 pCi/L	About 7 people could get lung cancer	◂ The risk of dying in a car crash	Fix your home
2 pCi/L	About 4 people could get lung cancer	◂ The risk of dying from poison	Consider fixing between 2 and 4 pCi/L
1.3 pCi/L	About 2 people could get lung cancer	(Average indoor radon level)	(Reducing radon levels below 2 pCi/L is difficult)
0.4 pCi/L		(Average outdoor radon level)	

Note: If you are a former smoker, your risk may be higher.
*Lifetime risk of lung cancer deaths from *EPA Assessment of Risks from Radon in Homes* (EPA 402-R-03-003).
**Comparison data calculated using the Centers for Disease Control and Prevention's 1999-2001 National Center for Injury Prevention and Control Reports.

Dakota County Community Development Agency

CDA

Project Proposal:	**Enhanced Single-Family Home Improvement Loan Program**
Project Purpose:	Expand the existing CDA-administered Home Improvement Loan Program to include additional Local Affordable Housing Aid (LAHA) funding. Please see the attached brochure for information about the Home Improvement Loan Program.
Project Objectives:	1) Continue to improve the housing stock of Dakota County. 2) Expand existing program with proven results to more income-eligible residents of County. 3) Provide cities and county with a way to use LAHA for an existing countywide housing program. 4) Diversify funding resources for existing CDA program.
Project Outcomes:	1) Increase number of homes improved from 60-70 per year to 115-120 per year after Year 2 of new program.

Project Details:	• Provide deferred 0% loans of up to $35,000 for home improvement projects.
	• Home improvement projects prioritize health, safety, and structural integrity issues.
	  ○ Common improvements include new roofs, siding, HVAC systems, windows, building foundation or other structural updates, accessibility improvements, kitchens and bathrooms(accessibility).
	  ○ Other improvements would be considered if they address health and safety issues or otherwise improve the value of the home. Common improvements are repairs or replacement of detached garages, kitchens and bathrooms (non-accessibility), driveway replacement/repair
	• Homeowners must be income eligible and meet other CDA program requirements, e.g. own and reside in home, meet credit standards, be current on property taxes, properties must be at least 15 years old, etc.
	  ○ CDBG funds require 80% AMI cap
	  ○ LAHA requires 115% AMI cap
	See attachments for current AMI limits
	• Have one application for homeowners; eliminates any confusion for homeowners.
	• Eligible HO with incomes at or below 80% AMI could use either countywide and city CDBG and LAHA.
	• Eligible HO with incomes between 81-115% AMI would use only countywide and city LAHA as they are available.
	• Program income generated from LAHA would be used for future home improvement loans, similar to the CDBG program. CDA would track program income and deposit into individual city accounts.

Dakota County Community Development Agency
CDA

Project Funding:	• Current CDBG entitlement funding totals $1,193,635 for FY 2023, which includes cities' and Dakota County CDBG allocated to CDA's HO Rehab program.
	• CDA spends approximately $1,725,800 to rehab 70 homes in a fiscal year, on average.
	  ○ Current CDBG allocation will fund about 37 loans at $32,000/ea.
	  ○ Program income from previous CDBG loans supports another 15 more per year.
	  ○ Takes about 18 months to fully expend a year's worth of CDBG and program income.
	  ○ Funds are replenished annually, provided Congress funds the CDBG program.
	• Future LAHA – CDA estimates it could successfully deploy an additional approximately $1,400,000 to rehabilitate an additional 55 loans per year after first full year of additional funds.
	• Individual cities contributing to program would have separate subaccounts that will be tracked by CDA staff.

Project Staff:	• Existing staff:
	  ○ 1 FT Rehab Coordinator
	  ○ 1 FT Rehab Advisor
	  ○ 1 FT PSA
	  ○ 2 Rehab Advisor contractors – each takes 5-7 files per year, total of 15
	• Additional staff needed for LAHA funds: 1 additional FT Rehab Advisor

Project Reporting:	The CDA would provide annual reports to participating cities and Dakota County. The annual report would include the following:
	  ○ Community's contribution to program that fiscal year
	  ○ Number of loans using LAHA
	  ○ Program income generated

Attachments: 1. CDA Home Improvement Loan Brochure

Minnesota Housing Rehabilitation Loans

The Dakota County CDA is a local lending partner with Minnesota Housing for the state funded Rehabilitation Loan program.

This program assists very low-income homeowners in financing basic home improvements that directly affect the safety, habitability, energy efficiency and accessibility of their homes.

To be eligible, borrowers must occupy the property, have less than $25,000 in financial assets and meet program income limits.

For more information about Minnesota Housing's loan programs visit **www.mnhousing.gov**.

CDA

Dakota County
Community Development
Agency

1228 Town Centre Drive
Eagan, MN 55123

Home Improvement Loan Programs
07/21

Dakota County

Home Improvement Loan Programs

Loans to help Dakota County homeowners finance their fix-ups.

Home Improvement Loan Program

Dakota County homeowners needing financial assistance to make improvements to their homes can apply for a Home Improvement Loan from the Dakota County Community Development Agency (CDA).

Common improvements include adding insulation, furnace replacements, exterior upgrades (roofs, siding, windows) and special needs modifications (such as ramps or roll-in showers).

How to Qualify

Applicants must own and reside in their home, meet equity and credit requirements and have a gross annual income that does not exceed the federally mandated limits for the program. For information about the program and income limits, visit **www.dakotacda.org**.

Loans Terms

- 0% interest
- No monthly payments
- Minimum loan = $15,000
- Maximum loan = $35,000
- Repayable when the home is no longer the homeowner's primary residence or when the home is sold. Homeowners may also be required to repay the loan if they refinance or take out a home equity loan.
- Dakota County CDA Home Improvement Loans are not forgiven. Repayment is required.

The Process

- If you qualify, the CDA will inspect your home, prepare specifications and assist you in obtaining at least two bids for the work to be done.
- Loan proceeds are kept on account for you by the CDA and payments are made directly to the contractors on your behalf when the work is completed.
- Inspection of work upon completion is required by both you and the CDA before payment is made.
- Special provisions may apply to emergency situations and accessibility improvements, which can be obtained by contacting the CDA.

How to Apply

Home Improvement Loan applications can be downloaded from the CDA's website at www.dakotacda.org or call (651) 675-4400 to request an application by mail.

Completed applications will be reviewed for eligibility and all personal information will be kept private per Minnesota State Law.

Program funding is limited and there is a waiting list for loans.

Questions?

Contact the CDA Housing Rehab Specialists at (651) 675-4400.

The Home Improvement Loan Program is funded by the federal Community Development Block Grant Program through the U.S. Department of Housing and Urban Development. Additional funding is provided by the Dakota County HOPE Program.

The Dakota County CDA has programs for homebuyers and homeowners to be successful. For more information about home improvement loans, weatherization funds, mortgage foreclosure counseling, homebuyer education or first time homebuyer resources, visit www.dakotacda.org

Agenda Item 3.B.

Request for Council Action

SUBJECT: **Dakota County CDA Request to Build 2nd Senior Housing Building at Hillcrest Pointe**

MEETING DATE: June 3, 2024
ITEM TYPE: Discussion Items
CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to receive information from the Dakota County CDA regarding their interest in constructing a second senior housing building at 9170 Cahill Ave and provide feedback.

BACKGROUND

The Dakota County Community Development Agency (CDA) owns and operates Hillcrest Pointe Senior Housing at 9170 Cahill Ave, which is located immediately east or behind Walmart in the Arbor Pointe area of IGH and contains 66 apartment units for seniors.

As a condition of the plat approval back in 2013, the City required the CDA to accept certain covenants on the plat which restrict future changes or expansion of the use. A copy of the agreement containing these covenants is attached.

At this time, the CDA is interested in constructing a second senior housing building on the 5.37 acre parcel. The recorded covenants on the property require that the City Council agree, in writing, before any additional buildings may be constructed on the site.

Representatives of the CDA will be present at the Council work session to provide a general overview of their proposal to add a second building of senior housing and gather feedback from the Council regarding its willingness to approve such a project. If the Council is generally agreeable to the CDA's proposed project, they would then make formal application through the planning process and the item would return to the City Council for formal action at a future date.

FISCAL IMPACT

NA

RECOMMENDATION

ATTACHMENTS

1. 2013 Agreement with Dakota County CDA
2. Hillcrest Pointe Site Map

Receipt# 309257
ABSTRACT FEE $46.00 2992075

Recorded on: 12/26/2013 02:11:06PM
By: STG, Deputy

Return to:
LEVANDER GILLEN & MILLER
633 S CONCORD ST #400
SOUTH ST PAUL, MN 55075

Joel T. Beckman County Recorder
Dakota County, MN

(4)-4

AGREEMENT RELATING TO SENIOR HOUSING REQUIREMENTS FOR LOT 1, BLOCK 1, ARBOR CREST 2ND ADDITION, DAKOTA COUNTY, MINNESOTA

THIS AGREEMENT RELATING TO SENIOR HOUSING REQUIREMENTS FOR LOT 1, BLOCK 1, ARBOR CREST 2ND ADDITION, DAKOTA COUNTY, MINNESOTA (Agreement) is made and entered into on the 25th day of November, 2013, by and between the City of Inver Grove Heights, a Minnesota municipal corporation, (hereinafter referred to as "City"), and Dakota County Community Development Agency, a Minnesota public body corporate and politic, (hereinafter referred to as "Owner"). Subject to the terms and conditions hereafter stated and based on the representations, warranties, covenants, agreements and recitals of the parties herein contained, the parties do hereby agree as follows:

ARTICLE 1
RECITALS

Recital No. 1. Owner owns the real property described in Exhibit A (hereinafter referred to as "Subject Land").

Recital No. 2. As a condition of plat approval for the plat of Arbor Crest 2nd Addition, Dakota County, Minnesota, the City required that the Owner impose upon the Subject Land the covenants hereafter contained in this Agreement.

Recital No. 3. The Owner is willing to impose the covenants hereafter contained in this Agreement.

ARTICLE 2
COVENANTS AND AGREEMENTS

2.1 **Representation as to Ownership**. Owner, for itself, its successors and assigns, does represent and warrant to the City, its successors and assigns, that it is well seized in fee of the Subject Land.

2.2 **Covenant Relating to Senior Housing**. Owner, for itself, its successors and assigns, does hereby covenant and agree with the City, its successors and assigns, that unless the City Council agrees otherwise in writing or waives this Agreement in writing, the building on the Subject Land shall be used and operated only as a senior housing development (also known as "housing for older persons" and "housing for elderly persons") within the meaning of the Federal Housing For Older Persons Act of 1995, as amended from time to time, and within the meaning of Minnesota Statutes § 363A.21, as amended from time to time.

2.3 **Covenant Relating to Number of Units**. Owner, for itself, its successors and assigns, does hereby covenant and agree with the City, its successors and assigns, that unless the City Council agrees otherwise in writing or waives this Agreement in writing, the building on the Subject Land shall not contain more than 66 housing units.

2.4 **Covenant Prohibiting Subdivision and Prohibiting Additional Principal Buildings**. Owner, for itself, its successors and assigns, does hereby covenant and agree with the City, its successors and assigns, that unless the City Council agrees otherwise in writing or waives this Agreement in writing, no additional buildings for any principal use shall be constructed on the Subject Land beyond the building shown on the site plan and final planned unit development plan approved by the City Council by Resolution No. 13-88 dated July 8, 2013.

Owner, for itself, its successors and assigns, does hereby covenant and agree with the City, its successors and assigns, that unless the City Council agrees otherwise in writing or waives this Agreement in writing, the Subject Land shall not be further subdivided.

ARTICLE 3
CITY AGREEMENT

3.1 **Approval of Development Plans.** The City agrees that if Owner executes this Agreement and if the other conditions set forth in the Development Contract between the parties for the Subject Land are met, the City Council will approve the Development Plans (as identified in the Development Contract) for the Subject Land.

ARTICLE 4
MISCELLANEOUS

4.1 Binding Agreement. The parties mutually recognize and agree that all covenants, restrictions, terms and conditions of this recordable Agreement shall run with the Subject Land and shall be binding upon the parties and the successors and assigns of the parties. This Agreement shall also be binding on and apply to any title, right and interest of the Owner in the Subject Land acquired by Owner after the execution date of this Agreement or after the recording date of this Agreement.

4.2 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, waive 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.

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

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

4.5 Consent. Owner consents to the recording of this Agreement.

4.6 Notice. Notice shall means notices given by one party to the other if in writing and if and when delivered or tendered either in person or by depositing it in the United States mail in a sealed envelope, by certified mail, return receipt requested, with postage and postal charges prepaid, addressed as follows:

If to City:

City of Inver Grove Heights
Attention: City Administrator
8150 Barbara Avenue
Inver Grove Heights, MN 55077

If to Owner: Dakota County Community Development Agency
Attention: Mark S. Ulfers, Executive Director
1228 Town Centre Drive
Eagan, MN 55123

or to such other address as the party addressed shall have previously designated by notice given in accordance with this Section. Notices shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the third day after mailing if mailed as provided above, provided, that a notice not given as above shall, if it is in writing, be deemed given if and when actually received by a party.

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

IN WITNESS WHEREOF, Owner and City have caused this Agreement to be executed as of the day and year first above written.

CITY OF INVER GROVE HEIGHTS

By: _______________________
George Tourville, Mayor

ATTEST:

____
Melissa Kennedy, Deputy City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this 25th day of November, 2013, before me a Notary Public within and for said County, personally appeared George Tourville and Melissa Kennedy, to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and Deputy 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 Deputy City Clerk acknowledged said instrument to be the free act and deed of said municipality.

____
Notary Public

Amy Sue Jannetto
Notary Public
Minnesota
My Commission Expires January 31, 2017

OWNER:
DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY

By: ______________________
Mark S. Ulfers
Its Executive Director

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this 10th day of December, 2013, before me a Notary Public within and for said County, personally appeared Mark S. Ulfers to me personally known, who being by me duly sworn did say that he is the Executive Director of Dakota County Community Development Agency, a public body corporate and politic organized under the laws of Minnesota, the entity named in the foregoing instrument, and that said instrument was signed on behalf of Dakota County Community Development Agency by its Executive Director and its Executive Director acknowledged said instrument to be the free act and deed of Dakota County Community Development Agency, a public body corporate and politic organized under the laws of Minnesota.

KRISTEN L. MILLER
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/18

____
Notary Public

This Instrument Was Drafted By:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

After Recording, Please Return This Instrument To:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT LAND

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

Lot 1, Block 1, Arbor Crest 2nd Addition, Dakota County, Minnesota.

Hillcrest Pointe, Inver Grove Heights

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search,appraisal, survey, or for zoning verification.

Map Scale
1 inch = 150 feet
2/24/2023

Agenda Item 3.C.

CITY OF INVER GROVE HEIGHTS

Request for Council Action

SUBJECT: **Communications, Media Inquiries & Information Sharing Related to a Critical Incident**

MEETING DATE: June 3, 2024
ITEM TYPE: Discussion Items
CONTACT: Kris Wilson, City Administrator, 651.450.2511
Melissa Chiodo, Police Chief, 651.450.2526
Judy Thill, Fire Chief, 651.450.2495
Amy Looze, Communications Manager, 651-450-2494

ACTION REQUESTED

The Council is asked to receive a presentation from staff regarding best practices for managing communications, media inquiries and information sharing in the case of a critical incident.

BACKGROUND

Local governments can face a wide variety of critical incidents, ranging from storms and other natural disasters, to train derailments, bridge collapses, and civil unrest. Earlier this year, the City of Burnsville experienced a critical incident that resulted in the line of duty deaths of three first responders.

When something like this happens, the resulting need to communicate with the public, respond to media requests and appropriately share information can be significant and intense. While there is no way to plan for every possible scenario, there are best practices for critical incident and emergency management response that can guide both city staff and elected officials through such difficult times.

At Monday's work session, the Police Chief, Fire Chief, Communications Manager and City Administrator will provide an overview of some of these best practices and take Council questions so that we are better prepared should there be a critical incident here in Inver Grove Heights.

FISCAL IMPACT

RECOMMENDATION

ATTACHMENTS

None