

INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, June 24, 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, June 24, 2024. 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, T'Kach, Gliva and Scales
Staff Present: City Administrator Wilson, City Attorney Nason, City Clerk Kiernan, Public Works Director Connolly, Fire Chief Thill, Finance Director Amy Hove, City Engineer Merchlewicz, Communications Manager Looze, Parks & Recreation Director Lares, and Environmental Specialist Sutherland

3. PRESENTATIONS:

A. Recognition of 2024 Sustainable IGH Award Winners

Environmental Specialist Ally Sutherland presented awards to recognize the sustainability efforts and achievements of the following Inver Grove Heights residents and businesses:

Individual Recipients

- Amy & Allan Hunting (gold)
- Charlotte Svobodny (gold)
- The Goodman Family (gold)
- Ella Wilsey (gold)
- Jeff Parsons (gold)
- Karen Asmundson (gold)
- Roodly Richard (silver)

Not in attendance but briefly acknowledged:

- Amanda Braith (silver)
- Chris Garnsworth (gold)
- Elizabeth Ziebarth (gold)
- Kim Browing (gold)
- Laura Grevas (gold)
- Robert Heidenreich (special recognition)

Business Recipients

- Gramercy Park Cooperative (gold)
- Key Community Bank (gold)
- Oyespa (gold)
- Republic Services (gold)
- Inver Glen Library (special recognition)

4. CONSENT AGENDA:

A. Approval of Minutes of the June 3, 2024, City Council Work Session

B. Approval of Disbursements, Resolution 2024-120

- C.** Personnel Actions
- D.** Resolution Amending Position Classification Plan, Resolution 2024-121
- E.** Approval of New Massage Therapist License
- F.** Resolution Approving Additional Water & Sewer Cash Reserve Transfers, Resolution 2024-122
- G.** Resolution Approving a Variance to Allow Outdoor Storage at 8450 Courthouse Blvd, Resolution 2024-123
- H.** Resolution Approving Replacement Trustee for the City's Health Reimbursement Plan (HRA VEBA), Resolution 2024-124
- I.** Resolution Declaring Certain Fitness Equipment Surplus Property and Authorizing Sale, Resolution 2024-125
- J.** Equipment Use Agreement with Galvan Painting
- K.** Memorandum of Agreement Regarding the Climate Pollution Reduction Grant - Twin Cities Commercial Energy Efficiency Collaboration, Resolution 2024-126
- L.** Approval of Final Plans and Specifications and Authorization to Advertise for Bids for the Lighting of the Rock Island Swing Bridge, City Project 2024-19
- M.** Authorization to Enter into Contract with Option One Mechanical for New Dehumidification System at the Water Treatment Plant
- N.** Resolution Revising 2024 Parks Capital Improvement Plan & Authorization of Project Contract, Resolution 2024-127
- O.** Resolution for FY 2024 Host Community Grant with MN Department of Employment and Economic Development, Resolution 2024-128

Motion to approve consent agenda items 4A - 4O, except Item 4K, by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Council Member Gliva asked for further clarification on the Climate Pollution Reduction Grant application and whether it went through the Environmental Advisory Commission.

Environmental Specialist Sutherland responded that the grant application was started by the City of Minneapolis and then expanded to include neighboring communities to be more competitive for federal funding. The application is not formally submitted yet, but the EPA is requesting a Memorandum of Agreement as a gesture of commitment.

Environmental Specialist Sutherland added that this program has not gone through the Environmental Advisory Commission, but it aligns with the 2024 Environmental Advisory Commission Work Plan and current business outreach efforts through Partners in Energy.

Council Member Gliva clarified that this program would not take the place of current outreach programs.

Environmental Specialist Sutherland confirmed that it would not. Businesses interested in making energy efficiency improvements would have increased rebates available to them.

Council Member Gliva asked whether the grant would require program management and/or City staff time.

Environmental Specialist Sutherland responded that Inver Grove Heights will have no responsibility other than informing businesses of their eligibility. Businesses would then contact Energy Smart, a program through the state Chamber of Commerce and city of Minneapolis, for paperwork completion and funding transfers. For the City, this would be another resource to promote to businesses.

Council Member T'Kach commented that this program is a great opportunity for the City to demonstrate the power of regional partnerships. She added that it will accelerate needed energy efficiency work in the commercial sector and provide many economic and environmental benefits at little to no cost to the city.

Council Member Murphy asked if staff had found any downsides to participating in the program.

Environmental Specialist Sutherland said that regional partnerships are increasingly encouraged in grant applications, due to the potential for greater impact at the regional level and the benefits of sharing resources.

Council Member Murphy asked about how Inver Grove Heights became included in the regional grant application.

Environmental Specialist Sutherland responded that she heard about it through her networks and that Eagan and Burnsville are other Dakota County communities included in the grant.

Mayor Dietrich asked what the future commitments will be, beyond the life of the grant.

Environmental Specialist Sutherland answered that the sole responsibility Inver Grove Heights will have is promoting the program. The Partners in Energy data shows that the business sector is a big area of opportunity for reducing emissions as part of the Energy Action Plan.

Mayor Dietrich asked about the deadline for submitting the grant.

Environmental Specialist Sutherland said that it is August 1st.

Mayor Dietrich said it was her preference that this type of program go through the Environmental Advisory Commission in the future to ensure appropriate time for consideration.

Council Member Scales asked if there was time for it to go in front of the Environmental Advisory Commission.

Environmental Specialist Sutherland said that she recommended the Council consider approval due to the possibility that the City of Minneapolis could submit the grant ahead of the recently extended deadline.

Motion to approve Item 4K, Memorandum of Agreement Regarding the Climate Pollution Reduction Grant - Twin Cities Commercial Energy Efficiency Collaboration, Resolution 2024-126, by T'Kach, second by Scales.

Ayes: 3

Nays: 2 Motion carried.

5. PUBLIC HEARING:

A. Temporary Two-Day Liquor License for Church of Saint Patrick

Council is asked to hold a public hearing and consider approval of an application from the Church of Saint Patrick for a temporary two-day liquor license (September 14th and 15th, 2024) in conjunction with their annual fall festival. A public hearing is required. Notice was published on June 9th. City Clerk Kiernan stated that staff recommends approval of the temporary license.

Motion to close the public hearing by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Motion to approve temporary two-day liquor license for Church of Saint Patrick, 3535 72nd Street E by Scales, second by Murphy.

Ayes: 5

Nays: 0 Motion carried.

B. Off-Sale Liquor License for GasX, LLC (451 Beer)

Council is asked to hold a public hearing and consider approval of an off-sale liquor license for GasX, LLC. License application and approval is required due to the business having new ownership. The necessary license information along with the background application and personal history statement has been received. Public notice was given on June 9th in the Pioneer Press. The police department has conducted the background investigation and has found no basis for denial. City Clerk Kiernan stated that staff recommends approval of the off-sale liquor license.

Motion to close the public hearing by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Motion to approve Off-Sale liquor license for GasX, LLC, 6530 Cahill Ave by Gliva, second by Murphy.

Ayes: 5

Nays: 0 Motion carried.

C. Application for New Tobacco Sales License

Council is asked to hold a public hearing and consider approval of an application for a new tobacco sales license for Snak Atak #51. The application has been reviewed by staff and found to be complete and qualified. City Clerk Kiernan stated that staff recommends approving the tobacco sales retailer.

Motion to close the public hearing by T'Kach, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

Motion to approve new tobacco license for Snak Atak #51, 9717 S Robert Trail by Scales, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

6. REGULAR BUSINESS:

A. Rental Housing Licenses

City Administrator Wilson said that the following six rental licenses had been reviewed and found to be in compliance:

- 7515 & 7535 Cloman Way
- 4917 Bolger Trl
- 8859 Branson Dr
- 7570 Borman Ct
- 8789 Branson Dr

City Administrator Wilson said that staff recommended approval.

Motion to approve six rental licenses by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

B. Dakota County Presentation on Akron Avenue (CR 73)

Assistant County Engineer Chapek presented on the Akron Avenue project.

Goals & Objectives

- Provide background and understanding of the corridor
- Garner consensus for project need
- Advance proposed interim project into County and City Capital Improvement Programs for the 2025 budget year and subsequent years

Background

- The gravel section of Akron Avenue from Cliff Road to the Rosemount County line has been a CIP Project dating back to 2001.
- Recommendations from Arterial Connector Study in 2016 (using preferred alternative Scenario D-Refined)
 - Once the roadway meets a four-lane need (15,000–16,000 average daily traffic), reroute Akron north of Bonaire to go through the Flint Hills property and the Bituminous Roadways mining area, connecting with Cliff Road near Rich Valley Boulevard
 - Currently, the gravel section is at about 900 average daily traffic. For the section to the south, in Rosemount, it is 3,600 average daily traffic and is expected to increase further due to recent development.
 - Right-of-way, including mineral rights, will need to be acquired within the Bituminous Roadways active mining area. This is cost-intensive, so the study recommended an interim project to improve the gravel section.
 - For this interim project, the study recommended a constructing a two-lane paved roadway with bituminous shoulders, intersection improvements, left and right turn lanes, and multimodal review.

Project Need

- Enhance safety and mobility
 - The Dakota County 2040 Transportation Plan recommends paving gravel roads when AADT (average daily traffic) reaches 300-500 vehicles; Akron Ave has met or exceeded this criterion since at least 1998.
- Address interim need, keep long-term alternative viable
- Reduce/eliminate maintenance challenges
 - The average county road gets graded twice per year, with chloride or dust palliative applied about twice a year. Currently, this section of Akron Ave is being graded every 3 weeks and chloride is also being applied at a higher rate.
 - Residents also submit maintenance requests for this road at a higher rate
- Accommodate regional development and growth
 - This road is the regional connection to a section of Rosemount seeing rapidly increasing housing development.

Mayor Dietrich asked about the reason for increases in average daily traffic in 2003 and 2022.

Assistant County Engineer Chapek answered that for 2003, it could have been the result of adjacent construction. For 2022, he attributed the spike to the volume of development and the need for a north-south connection through the area.

Advancing Project into County and City Capital Improvement Programs

The proposed interim project includes a preliminary engineering and traffic study to confirm necessary improvements and conduct public engagement.

Baseline preliminary engineering details

- Two-lane rural paved roadway with paved shoulders
- Curb & gutter and retaining wall considerations
- Intersection improvements and turn lanes
- Multi-modal review
- Understand right-of-way impacts

The goal is to garner concurrence from agencies and advance this project to final design.

Akron Ave (County Road 73) Capital Improvement Program (CIP)

Preliminary engineering and final design (2025)

- \$800,000 total for consultants and ancillary costs
 - 85/15 Cost Split = \$680,000 County / \$120,000 City

Right-of-way acquisition (2026)

- \$600,000 - \$1,200,000 (will vary based on preliminary engineering study)
 - 85/15 Cost Split = \$510,000-\$1.02M County / \$90,000-\$180,000 City

Construction (2027)

- \$3.5M-7M
 - 85/15 Cost Split = \$2.975M-\$5.95M County / \$525,000-\$1.05M City

Council Member T'Kach asked why the proposed final route for Akron does not continue along the current Rich Valley Boulevard after intersecting with Cliff Road.

Assistant County Engineer Chapek said the Met Council recommends arterial road spacing at 1.5 to 2 miles. To the west, the current spacing is roughly 3 miles. To the east, it is 1.5 miles. Sliding Akron over to the west after Cliff Road addresses the issue to the west without pulling the road out of recommended arterial spacing to the east.

Assistant County Engineer Chapek added that alternative routes were examined, but due to limitations from the railroad and Shafer mining pits, they would be more circuitous.

Council Member T'Kach asked about the rationale for extending Rich Valley south of 117th. She asked if it was possible to connect Akron directly to Rich Valley to avoid Bituminous Roadways and associated expenses.

Assistant County Engineer Chapek answered that he would have to look at the study for more details, but he believes Bituminous Roadways impacts were unavoidable due to the parceling of land in that area.

Council Member Murphy confirmed that this is a county-maintained road. He agrees that paving needs to be done. He asked if the Council could agree to the project but not the cost-sharing.

Assistant County Engineer Chapek answered that staff have to follow the cost policy laid out, which is 85% County/15% City. Deviations from that cost split would need to go to the County Board.

Council Member Scales said he agrees the road needs to be paved. However, he questioned the benefit to Inver Grove Heights versus the cost of creating a wide road with paved shoulders, especially because the area does not allow for future City growth.

Assistant County Engineer Chapek answered that this project is consistent with standards for county roads, which are intended to convey regional traffic. The proposed size of the road is consistent with projected traffic (8,000–9,000 average daily traffic). The shoulder has multiple purposes -- multimodal aspects, emergency pull-offs, etc.

Council Member Scales said the proposed road does not seem to fit Inver Grove Heights; it fits Rosemount.

Council Member T'Kach asked about the rationale for curb and gutter is, given that the area is non-MUSA (Metropolitan Urban Service Area).

Assistant County Engineer Chapek answered that curb and gutter are a space-saving tool. The alternative is cutting rural ditch sections for drainage, which takes real estate.

Council Member T'Kach asked about the easements on the east side, the height of proposed retaining walls and maintenance responsibility.

Assistant County Engineer Chapek answered that the easement size varies based on parcel. Retaining walls are an option to contain construction limits tighter to corridor. County would maintain and own the retaining walls. The height will depend on the corridor topography.

Council Member Gliva asked if it is typical for the County to consider adding bike paths when constructing new roads.

Assistant County Engineer Chapek answered that checking feasibility of incorporating bike paths is part of the County's assessment process.

Council Member Gliva asked about how best to minimize future costs to the City.

Assistant County Engineer Chapek answered that the best way to prevent scope creep is to perform a robust preliminary engineering phase to account for things that can create increased costs down the line, like gas lines, overhead power, etc. He added that the costs are based on a project that is not yet designed; they are subject to change once the design phase is complete.

Council Member Scales asked about the planned timeline for the realignment.

Assistant County Engineer Chapek answered that the 2016 study was clear in recommending realignment if a four-lane need is met. The proposed preliminary engineering study includes long-term traffic projections; it will provide an estimate of when this need would be met.

Council Member Scales reiterated that he feels a lesser road is called for.

Assistant County Engineer Chapek said that if the preliminary engineering study projected that the four-lane need would be met earlier than anticipated, the tradeoffs of the proposed interim project will be examined, but safety and traffic demands are ongoing factors to consider.

Council Member Scales said that he feels there will not be enough traffic on this section of Akron after the realignment to justify the size and cost of the planned interim road. He said that safety is a concern on many local roads; he does not see the benefits of the proposed interim project as worth the costs.

Council Member T'Kach said that the project does not make sense to her, due to the potential for high cost to the City for an interim project and the potential need for decreasing the size of the road after the planned realignment. She does not feel that this project should be a priority for the City.

County Engineer Merchlewicz said that the preliminary engineering study would allow looking for alternatives to present to the City.

Council Member T'Kach said that it seems like the 2016 study already provides some options.

County Engineer Merchlewicz said that the preliminary engineering study would focus on specific design alternatives for Akron.

Paul Nelson - 11810 Akron Ave - presented opposition. He said that the proposal would lead to congestion at the intersection of Cliff and Akron, leading drivers to jump to side streets and making residential streets dangerous. He contended that traffic on Akron is lower than the County has reported in the past. He said that he had checked accident reports for the road, and the average for recent years was low -- one accident per year, some of which were vehicle-deer collisions. He said that there are other routes available to Rosemount residents. He is concerned that if this interim road is constructed, Scenario D would be abandoned due to expense and Akron would then be expanded to four lanes.

Jeff Brown - 11636 Akron Ave - presented opposition. He said that a Dakota County official document called for Scenario D when a paved two-lane highway was needed, not four lanes. He said he would provide this document to the Council. He said he had been to Bituminous Roadways recently, and there was no mining south of 117th, so it would be easy to run the road to 117th.

Wayne Schmidt - 11680 Alexandria Ct - presented opposition, citing concern about increased traffic on nearby residential streets.

Mayor Dietrich asked Assistant County Engineer Chapek for further information on mining south of 117th.

Assistant County Engineer Chapek responded that he would have to look at the property lines and the study's reasoning for the proposed final route.

Council Member T'Kach asked whether the County could instead jump to Scenario D.

Assistant County Engineer Chapek responded no, as the traffic need is not at the four-lane threshold yet.

Council Member T'Kach clarified that Akron would be two lanes in the interim, and asked whether the County had told Rosemount that Akron could be expanded to four lanes in its current location.

Assistant County Engineer Chapek said he was not aware of that conversation, but that the section of Akron in Rosemount would also need to expand to four lanes when the realignment occurs.

County Engineer Merchlewicz clarified that the red route on the map would be four lanes both in Inver Grove Heights and in Rosemount, but the current route of Akron would stay at two lanes.

Mayor Dietrich asked about the economic benefit of this improvement to Inver Grove Heights residents.

Assistant County Engineer Chapek said that the main benefit to Inver Grove Heights was safety.

Council Member Scales said that given the accidents are mostly vehicle-deer collisions, the safety concern does not seem significant enough to justify the proposed project.

County Engineer Merchlewicz said that developments will lead to increased traffic.

Council Member Scales said that those developments are in Rosemount, not Inver Grove Heights.

County Engineer Merchlewicz said that increased traffic on Akron will lead to increased safety concerns.

Council Member Scales said that those safety concerns would be addressed once realignment happens. He reiterated that he does not see benefits to Inver Grove Heights residents, and he is concerned about the costs.

Mayor Dietrich said that if the County were willing to pay the cost of the project, she would be on board, but she concurred with the concern about the width.

County Engineer Merchlewicz said that the County could present scaled-down options to the City as part of the preliminary engineering study.

Council Member T'Kach said the map does not show Robert Trail, and she is wondering about the opportunity to move Bonaire Path to Robert Trail. She suggested the County and Rosemount invest in improving Bonaire to Highway 42 to get onto Highway 52. She agrees that there is not a lot of benefit to Inver Grove Heights. Paving increases speed and noise, which is out of character for the neighborhood.

Council Member Murphy said that the interim plan acts as a 20-year Band-aid on road until traffic is higher and realignment is warranted. He asked about the difference in safety between a gravel road and a paved road.

County Engineer Merchlewicz said that Inver Grove Heights and Rosemount residents would benefit from being able to walk and bike on Akron via the shoulder or a trail.

Council Member Murphy said that he is concerned about making the case to Inver Grove Heights residents.

Public Works Director Connolly said that the Council seems to be in agreement that paving is warranted but does not want to participate in costs for a study at this point. As a result, the County would not include this as part of the Capital Improvement Plan. Without City cost-participation, the County would have the ability to do whatever they feel is warranted.

Council Member T'Kach said she understands that the County can do what they want with their property, but it might negatively affect the County-City relationship.

Public Works Director Connolly said that the County will now make a policy decision at the County Board about whether to proceed with the study without city participation. He cautioned the Council that Akron would not be included in the 2025 CIP, and that if the will of the Council changed, it would take time to get it included in future CIPs.

Council Member T'Kach asked whether the County could add bike and/or walking paths without paving the road.

County Engineer Merchlewicz said it would be possible, but challenging, to add a trail. Typically, trails are added during road construction because of cost efficiencies.

Council Member Gliva clarified that the City would be giving up a say in the Akron Ave project by declining to fund the preliminary engineering study.

Public Works Director Connolly confirmed that and said the cost-sharing policy exists because it gives the City a say. He said that for the future realignment project, if the City wanted sanitary, sewer, and water mains extended, it would potentially be more difficult if the City was not engaged fiscally and otherwise with the planning of the road.

Council Member Gliva stated that she sees value in collaborating with the County.

Mayor Dietrich said the Council's responsibility is to advocate for residents as each Council Member sees fit, and that collaboration will continue.

Council Member Scales said that he could potentially support a two-lane road without shoulders.

County Engineer Merchlewicz said participation in the preliminary engineering study would allow the County to present the City with options, including a narrow, medium, and wider section.

Mayor Dietrich said she wanted to seek a different cost-sharing agreement from the County Board for this project.

Council Member T'Kach clarified that Mayor Dietrich wanted to explore other options for cost-sharing before approving \$120,000 for the preliminary engineering study.

Public Works Director Connolly confirmed that he was not putting the Akron project in the CIP.

C. 3rd Reading of Ordinance Amending City Code Title 1, Chapters 2 and 5, Related to City Council Procedures, Resolution 2024-129

City Administrator Wilson presented this item. The proposed ordinance's intent is to make the current processes related to City Council meetings and the language of the City Code consistent. It also reduces excess, self-imposed requirements and simplifies the Code language.

City Code 1-2-3: Procedures:

- Ordinances, Resolutions, Petitions & Communications
 - Removes the requirement that they be "read in full"
- 2nd & 3rd Reading of Ordinances
 - Change to two subsequent meetings: rather than the following two meetings
 - Change to a 4/5th vote to suspend the rules rather than unanimous
- Effect Date of Ordinances
 - Makes ordinances effective upon publication, rather than 5 days after publication -unless otherwise specified in the Council action

1-5-3: Order of Business

- Adds "Approval of the Agenda" at the beginning of the agenda
- Relocates "Public Comment" and "Consent Agenda" to match current practice
- Removes that "all public hearings shall be held at the time specified in the notice of the hearing"

1-5-4: Agenda

- Requires that agendas be finished by noon on Thursday
 - Staff will continue current practice of publishing at close of business on Wednesday as the norm

Approval of the Agenda

Once the agenda is approved:

- The order of agenda items may be amended, or items may be removed from the agenda by a vote of 2/3rds of the members present at the meeting
- No additional item(s) of business may be considered or added to the agenda, except upon unanimous vote of the council members present at the meeting

1-5-6: Voting Procedure

- Except where a roll call vote is required by law or requested by the Mayor or any member of the Council, all votes shall be voice votes
 - Change from all votes being roll call votes
- A majority vote of those members of the Council present shall be required for the passage of any motion or approval of any resolution or ordinance, except as otherwise provided by state statute or the provisions of the City Code
 - Change from a majority of all members of Council to a majority of Council members present

1-5-9: Suspension, Repeal or Amendment of Rules

- These rules, or any of them, may be temporarily suspended by a four-fifths (4/5) vote of Council members present at the meeting where a motion to suspend the rules is made
- These rules shall not be repealed or amended except by a majority vote of the whole Council after notice has been given at some preceding Council meeting

Council Member T'Kach said her only concern was the amendment under voting procedures (1-5-16) that states a majority of quorum is needed for approval. Her concern is that that would mean that two members could change a city ordinance. While that does not seem likely, she is hoping to remove that amendment.

Council Member Scales said he is in favor of the amendment because leaving the Code as it is means two members can control the work of the Council by not showing up. He does not think that is reasonable - if the majority of members show up, the Council should be able to move forward with business.

Council Member T'Kach said that people might just be unable to attend due to sickness or emergency. She asked how many sessions a council member could skip without consequences.

Council Member Scales said elections are the only check on council members not showing up.

Council Member Gliva said that an ordinance cannot be changed in one session anyway, due to the three readings requirement.

Motion to approve third and final Reading of Ordinance 1480 amending Inver Grove Heights City Code Title 1, Chapters 2 and 5, Related to Council Procedures and to approve Resolution 2024-129 Approving the Publication of Summary Ordinance 1480 by Scales, second by Gliva.

Ayes: 4

Nays: 1 Motion carried.

7. PUBLIC COMMENT: none

8. MAYOR AND COUNCIL COMMENTS:

A. Farmers Market is open 8 a.m. to 1 p.m. on Sundays.

B. Hangry Joe's Hot Chicken and Wings is now open on Broderick Boulevard.

9. ADJOURN

Motion to adjourn the meeting at 8:08 p.m. by Gliva, second by Murphy.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Wilfred Clashe