

INVER GROVE HEIGHTS CITY COUNCIL MEETING

MONDAY, September 23, 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, September 23, 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; City Administrator Wilson, City Clerk Kiernan, Community Development Director Ziemer, Parks & Recreation Director Lares, City Engineer Merchlewicz, City Attorney Nason, Assistant City Planner Botten, Finance Director Hove, Commander Otis, Parks Superintendent Swoboda, Human Resources Manager Shefchik and Code Enforcement Coordinator Rainey.

3. APPROVAL OF AGENDA:

Council Member Gliva said she would like to move Public Comment after Regular Business item 7D.

Motion to move Public comment after item 7D prior to Closed sessions by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

4. PRESENTATIONS:

5. CONSENT AGENDA:

- A.** Approval of the Minutes of the September 9, 2024, City Council Meeting
- B.** Approval of Disbursements **Resolution 2024-210**
- C.** Personnel Actions
- D.** Resolution Approving Joint Powers Agreement for Final Design of City Project No. 2023-09E - Argenta Trail Reconstruction **Resolution 2024-211**
- E.** Resolution Approving Joint Powers Agreement for Preliminary Design of City Project Nos. 2023-13 and 2024-14 - 70th Street Reconstruction and Lane Reduction **Resolution 2024-212**
- F.** Resolution Approving Amendment to Final Design Contract for City Project No. 2023-08 - Babcock Trail Multi-Use Path Construction **Resolution 2024-213**
- G.** Resolutions Granting Conditional Use Permit and Approving PUD Development Plan Amendment, Improvement Agreement, and Related Documents for Daycare Facility Located at 7761 Amana Trail **Resolution 2024-214, 215, 216, & 217**
- H.** Approval of Final Plat for the Plat of Archer Trail and Related Development Documents **Resolution 2024-218 & 219**

- I.** Resolution Adopting Written Reasons for Denial of Interim Use Permit (IUP) Application
Resolution 2024-220
- J.** Resolutions Approving a Conditional Use Permit and Granting Variances for an Essential Service Use at 4682 Babcock Trail **Resolution 2024-221, 222, & 223**
- K.** Exempt Gambling Permit for Ducks Unlimited
- L.** Approval of Contract with Invoice Cloud for Payment Processing Services
- M.** Resolution Approving Agreement with Legal Notification Services Inc. for 180-day Pilot Program of iSubpoena **Resolution 2024-224**
- N.** Authorization to Enter into Contract with Total Construction & Equipment, Inc. for Lighting Improvements at City Hall, and Police Station
- O.** Approval of 2025 Group Medical, Dental and Vision Insurance Plans and City Contribution Amounts
- P.** Approval of Contract with Wellness That Fits for Fire Department Mental Wellness Services **Resolution 2024-225**
- Q.** Acceptance of Survey Proposals and Scope of Work from Alliant Engineering for City/EDA Owned Properties
- R.** Memorandum of Understanding Modifying Allocation of Cable Franchise Fee Revenues

Council Member T’Kach asked to remove 5A and 5J from the consent agenda to be discussed by Council.

Ali Hasan – 5861 Blaine Avenue – requested to remove 5I from the consent agenda to be discussed by Council.

Motion to approve Item A – R except for Items A, I & J by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Council Member T’Kach asked to correct the minutes of the September 9th City Council Meeting on page 21 to add “in the future” because that was the context of the conversation.

“Council Member T’Kach said she thinks 4.5% is great but does not want residents to be shocked with a 12 – 15% increase in the future because they forgot something.”

Attorney Nason said the motion can be approved with the correction if the Council believes that the minutes do not accurately reflect what the statement was. If the Council believes the minutes accurately reflect what was said, the motion can be denied. Staff can review the minutes and the video and provide more information at the next regular meeting.

Motion to table Item A – Minutes of the September 9 CC Meeting minutes for staff to further review recording and bring back to next regular meeting for approval by T’Kach, second by Gliva.

Ayes: 5

Nays: 0 Motion Carried

Council Member T’Kach said she wants to reconsider if a 10-foot fence makes sense in the residential area. The Planning Commission approved the variance request, but the area is mostly residential. Having a 10 foot fence is not going to keep somebody out if they have a bolt cutter and she does not see why they would want a 10-foot fence in that area.

Council Member Scales said he thinks the 10-foot fence is a federal requirement for utilities to harden their sites.

Council Member T’Kach said her understanding was the 10-foot fence is a preference.

Associate Planner Botten said she would refer to the applicant because there are differences between an electrical substation requirements and an essential service with gas connection requirements.

Bryan Sullivan from Xcel Energy said there are differences in the regulations for the electrical and gas sides of business. For electrical equipment, the Federal Electrical Regulatory Commission sets guidelines and regulations for securing facilities and have a 10-foot chain link fence requirement. They have adopted the 10-foot chain link fence guideline for their gas facilities because it is an essential service. The fence is the primary defense against people entering in the facilities. A 10-foot fence with a one inch grid is very difficult to climb. This will keep out adventure seekers but if someone wants to get in, they will get in. The one inch grid is too small for a bolt cutter to get through. It would require a power tool of some kind to cut through the fence.

Council Member T’Kach asked if all of the equipment at this site will be in the new building if the new building is approved.

Sullivan said yes, it will be in the new building.

Council Member T’Kach said she understands the reasoning but thinks 10-feet is unreasonable for the area. She asked if they have had issues with people vandalizing their property.

Sullivan said they have not at this site as far as he is aware but have had issues at other places in the past.

Council Member Scales said he appreciates the clarification but does not have an issue with the 10-foot fence.

Motion to approve (Item J) Resolution 2024-221 approve a major site plan review for essential service structure, 2024-222 approve a variance to allow a fence 10 feet in heights whereas seven feet is maximum allowed in code, and resolution 2024-222 a variance to allow a structure to encroach into the required setback by Scales, second by Gliva.

Ayes: 4

Nays: 1 (T’Kach) Motion carried.

Applicants Ali Hasan - 5861 Blaine Avenue and Evelyn Sanchez - 2790 47th Street E were present.

Hasan said during the last meeting Council had many concerns. One of the concerns was regarding security. They plan to have security at the location starting on the first day but may not be able to have the guard building completed by January 1st. They would be willing to have the Interim Use Permit start later than January 1st if Council wants the guard building there prior to any use. There was a concern about the business in the area. The applicants have submitted an email with signatures from the local businesses.

Mayor Dietrich said they received the email.

Hasan said they spoke to the businesses and there were concerns that they would be leaving cars in the lot with no security. They explained the security plan to the businesses and said after they heard the plan, they were supportive and even enthusiastic about having additional security. Council Member Murphy had concerns about the timeframe of the permit. Hasan asked if Council would be open to a longer permit if they chose a different site that did not require an IUP.

Mayor Dietrich asked if they had a secondary site in mind.

Hasan said there are other properties that are for sale, but they are not zoned correctly. There is a site across the street from their property that would fit their needs better, but it is currently zoned for a medical building that does not allow for an IUP for parking. It would require a zoning change and wanted to know if Council would consider a zoning change.

Council Member Murphy said he does not have enough information to comment on a zoning change. His objection to the IUP was they should not be continually approving them for the same reason, and they should look at changing the zoning to add the specific type of business to the zoning if Council wants it to be permitted. He would need to see more information on a different location.

Hasan asked if Council had any thoughts on the additional information provided about security concerns and the opinions of the businesses.

Mayor Dietrich said in the past ten days there have been some incidents in the area that were brought to her attention and brought to code compliance. There was an RV parked in the lot for a week with people living in it and they have had issues before in the area because it is not zoned for residential. It was taken up with the police department. While that situation was being investigated, another RV was pulling into camp there. That causes concerns for safety. There was also a jalopy that was jacked up off of the ground and missing both rear tires. There were trash bins outside of the business entrances that were overflowing for weeks after Inver Grove Heights Days. A boat was listed for sale in the lot also.

Mayor Dietrich said there are viable concerns in the area and if Council had any other comments or if Attorney Nason could advise on the next steps.

Attorney Nason said the action item on the agenda is approval of the resolution adopting written reasons for the denial of the interim use permit. If there is no further discussion or

other type of motion, they would make a motion to approve the resolution, adopting the reasons for denial.

Mayor Dietrich asked Administrator Wilson if there were any options they could offer the applicants that would allow them to do their business.

Administrator Wilson said there are certain zoning districts that allow a park-and-ride or park-and-fly as an interim use. Staff has spoken with the applicant about what zoning districts permit the IUP and where some of the locations are in Inver Grove Heights. The applicants could review the list and consider some of the other parcels. They could submit a rezoning of a parcel that they think would be a good fit in one of the categories that allow an interim use for a park-and-ride.

Council Member T'Kach said the current security and safety concerns are out of the applicant's control and wonders if having them in the space would help reduce that activity because there would be lighting and security. It might be a benefit to the area. T'Kach originally supported the proposal and hearing the security issues thinks it provides more of a reason to have activity in the area, so they do not have people causing problems.

Council Member Scales said he believes it is a good interim use in the space for a couple of reasons. They talk about development in the city and both the spot that they are currently in and the spot they are proposing has no plans for development that they have seen. If there is a proposal for development, they can review it at that time because it is an interim use and not a permanent use for the site. They are moving because a year and a half ago it was decided that they were going to develop the area by the movie theater, so they only gave them a two year IUP instead of a five year IUP. There are no plans for development at their original site and they could have continued their business at the current location without affecting anything. The new site has been empty and been a crime issue for many years. This would help minimize the crime issue temporarily with security. Leaving the site as it is now is not working and there is still crime, RVs and cars being worked on. That does not go away if they say no. Scales supports it as an interim use and does not see an issue with a five-year term. If the owner of the property decides it would be beneficial to develop the site, it is likely there is something in the lease that would allow the owner to do so. This does not stop anything from being developed. It is a great business in the community, and he supports it.

Council Member T'Kach asked if approving 5I would prevent them from reconsidering the issue.

Attorney Nason said it would not prevent them from reconsidering. There is no waiting period for an interim use permit.

Council Member T'Kach asked if there could be a reconsideration of the last vote that was taken.

Attorney Nason said the Council's decision at the last meeting can be reconsidered at this meeting. Council has approved the agenda and the motion for reconsideration is not a business item on this meeting's agenda. There would need to be a motion made to amend the agenda to add reconsideration of the prior action on this item to tonight's agenda for

business purposes. That motion could be made by any member of Council but does require a unanimous vote of Council since Council has previously approved the agenda. If the motion to amend the agenda is approved, one of the three members who voted against the original motion to approve the IUP would have to make the actual motion to reconsider. Any member can second the motion and it would require a simple majority vote and that would put the original approval before Council at this meeting.

Administrator Wilson said the action to reconsider has to be taken at this meeting because this is the next subsequent meeting after the action.

Mayor Dietrich asked if the applicant could work with community development on other locations if a motion to reconsider was not approved.

Administrator Wilson said they could look at other locations or they could reapply for the same location if they thought some factual basis had changed. It would be a fresh case file and agenda item before the Council.

Council Member T'Kach asked if the applicants would have to repay the \$500 fee for the application if it was a fresh case file.

Administrator Wilson said yes, they would have to pay the application fee again.

Motion to reconsider and amend the agenda to add an item to the agenda for the IUP by T'Kach, second by Scales.

Ayes: 2

Nays: 3 (Dietrich, Gliva & Murphy) Motion failed.

Motion to approve (Item I) Resolution 2024-220 Memorializing and adopting written findings of fact and reasons for denial of the application for an interim use permit to allow a park-and-ride facility to be operated at 6600/6588 Cahill Ave by Murphy, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

6. PUBLIC HEARING:

7. REGULAR BUSINESS:

A. Third and final Reading of Ordinance Amending City Code Related to Abatement of Nuisance (Hazardous and Diseased Trees)

Attorney Nason presented this item.

Background:

- City Code currently declares certain diseased trees to constitute a public nuisance and authorizes their abatement

- Unlike the general public nuisance abatement section (Title 5, Chapter 9), the diseased tree abatement section (Title 5, Chapter 8) does not provide for the appeal of an abatement order
- Staff are requesting the Council consider amending the City Code related to diseased and hazardous trees to clarify certain definitions as well as the abatement procedures for diseased and hazardous trees

Three Objectives of Ordinance

1. Clarify that diseased and hazardous trees and wood constitute a public nuisance under the City's general public nuisance section (Title 5, Chapter 9)
2. Define hazardous trees and include hazardous trees as a public nuisance
3. Provide that abatement of diseased trees and hazardous wood and trees is to follow the process provided in Title 5, Chapter 9

Attorney Nason said the Ordinance does not change the currently established control zones and does not expand the ability to abate diseased trees to areas outside of the control zones. The entire city is a control zone.

City Code Revisions:

#1. Clarify that Dead, Diseased, and Hazardous Trees that Constitute a Public Nuisance under Chapter 8 Also Constitute a Public Nuisance Under Chapter 9

Section One. Amendment. Title 5, Chapter 9, Section 2 of the Inver Grove Heights City Code is hereby amended to include the following language:

- T. Diseased trees, hazardous trees, or hazardous wood which constitute a public nuisance under section 5-8-4 of this code.

#2. Define a Hazardous Tree and Declare Them to be a Public Nuisance Under Chapter 8

Section Two. Amendment. Title 5, Chapter 8, Section 4 of the Inver Grove Heights City Code is hereby amended as follows. The new language is show underlined:

5-8-4: Nuisances Declared and Prohibited

- A. Nuisances Declared: The following items are hereby declared to be public nuisances, ~~when found within the control zones between April 1 and September 15:~~
1. Any hazardous tree. A hazardous tree is defined as a tree which has structural defects in the roots, stem, and/or branches that are likely to cause the tree or tree part to fall, and such fall could cause property damage or personal injury.
 - Ordinance clarifies the definition of a diseased tree
 2. Any diseased tree. A diseased tree shall mean any of the following when found with the control zones between April 1 and September 15:
 - Ordinance clarifies the definition of a hazardous wood

Hazardous wood is the wood from one of these trees in the control zone.

#3. Clarify Language in Section 5-8-6 Related to Abatement

- Add a reference to "diseased or hazardous trees" to Section 5-8-6, along with hazardous wood
- Amended the section related to abatement of trees to clarify that the abatement process found in Section 5-9-6 shall be followed.
- Further clarifies that the forester and/or any other authorized enforcement officer may abate the public nuisance

Additional Information:

- Diseased trees are only subject to abatement if they are:
 1. Located in a control zone; and
 2. Between April 1 and September 15
- Hazardous wood is only subject to abatement if it is:
 1. Located in a control zone; and
 2. Between April 1 and September 15
- Hazardous trees are subject to abatement at any time

Requested Council Action:

1. Consider a third and final reading of the ordinance included in tonight's council packet.
2. If the third reading of the ordinance is approved, consider approval of the summary publication resolution included in the council packet.

Council Member T'Kach asked if staff has tried to research a payment system or program to help property owners with the costs of tree removal.

Administrator Wilson said they have not received direction from Council that they were interested in providing that kind of program. Council Member T'Kach made them aware that there is another city in the metro area has a program. If Council would like to move forward, they can discuss a program and how it might be funded. Staff does not have anything to propose.

Public Comment:

Kelly Kayser - 1953 59th Ct E - said ash trees can be treated for a fraction of the cost of abatement.

Motion to approve Third reading of Ordinance 1484 amending IGH City Code Title 5, Chapters 8 & 9 related to abatement of diseased and hazardous trees and Resolution 2024-226 Summary publication by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

B. Consideration of Personnel Action

Administrator Wilson said Council has received a confidential memo with a personnel recommendation. The employee that is the subject of the memo has a right to be heard before Council and has indicated that he wished to do so.

John Verdeja - 748 Ottawa Ave, St. Paul - said the League of Minnesota's insurance company is denying his benefits and has submitted a statement to Council and requested Patti Jo Verdeja to read the statement on his behalf.

Patti Jo Verdeja 7264 Brittany Lane said John Verdeja was a member of the building department for nearly a decade and dedicated himself to serving the community and providing quality service to residents. He assisted the City of Inver Grove Heights with the public election in November 2020 during the peak of Covid-19. There were no vacations available and very little was known about the transmission and safety precautions for this deadly disease. Verdeja and ten of his coworkers contracted Covid-19 as the result of their long term exposure on Election Day. One of his coworkers passed away due to the virus.

Verdeja faced a severe battle with Covid-19, spending many months in the hospital and enduring several near-death experiences. He spent three months in a medically induced coma and his mother passed away during that time. After awakening from the coma, he spent the next two months relearning basic skills like sitting, walking, talking, and feeding himself. In total he was away from his wife and four young children for five months. The impact on his mental and physical well-being has been and continues to be profound. He uses oxygen nearly 24/7.

Verdeja does not blame anyone for contracting Covid-19 because, so little was known about the disease then and there were not adequate resources to protect them. He asks that his insurance claim be paid as all of his coworker's claims have been paid and, in some cases, continue to be paid. He is asking council to reconsider the disparate treatment he has received and has learned that the League of Minnesota Cities trust board has the power to review his case. He requests that they consider his family's situation and his request for a fair outcome for his sacrifice.

Mayor Dietrich asked staff for information regarding the League of Minnesota and their insurance situation.

Administrator Wilson said they do receive a number of insurance products through the League of Minnesota Cities insurance trust including, liability, property, auto and workers compensation insurance. When an employee files a first report of injury it is sent to the insurance company to be considered and open a claim. They also send a supervisor's report that provides additional information about the circumstances surrounding contracting an illness or experiencing an injury. The claim is then in the insurance carrier's hands. They do not process the details further. They receive information from the insurance company if they have approved benefits or if they will be providing wage replacement. They do not get involved in the medical bills or what is to be or not to be paid. There are privacy and HIPAA restrictions so as the employer, they do not see the medical bills or any treatment plans. They provide information when asked but beyond that, it is handled by a neutral third party. This ensures that workers compensation is not based on preferences or personalities but leaves them not directly involved in the settlement process.

Mayor Dietrich asked if the action before them is for non-disciplinary dismissal of the employee because they need to fill the position.

Administrator Wilson said yes, it is a non-disciplinary dismissal because the position needs to be filled.

Mayor Dietrich said she understands they need to resolve the issue of his employment status with the City to allow for a building inspector to be hired and will ask for a motion and a second to adopt the resolution. Dietrich asks that the City Administrator and HR Manager stay in active contact with the insurance company and provide updates to Council at a high level to avoid getting into any private data.

Motion to approve Resolution 2024-228 Authorizing termination of employment for John J. Verdeja, effective September 23, 2024 by T’Kach, second by Murphy.

Ayes: 5

Nays: 0 Motion carried.

Council Member T’Kach said she is moving the motion because the City has an obligation to continue with its work. It is a very difficult situation and is empathetic to the situation but wants to continue moving things forward in the city without losing sight of the situation at hand.

Council Member Murphy agreed with Council Member T’Kach in the reasoning for his second.

C. Allocation of Remaining American Rescue Plan Act (ARPA) Dollars

Finance Director Hove presented this item.

Background:

- Distinct from CARES Act funding received earlier in the in the pandemic
- City’s ARPA Funds total \$3.9 million - half received in May of 2021 and half in May of 2022
- Accepted under the category of “revenue replacement”
- May be spent on any “governmental purpose”
- Must be obligated by Dec. 31, 2024 and fully spent by Dec. 31, 2026
- May be divided up and spent on multiple things

Council Discussions:

- June 7, 2021 Work Session - introduction to ARPA and presentation of eligible uses
- December 13, 2021 Council Meeting - City Council accepts City’s share of ARPA funds
- February 26, 2022 Council/Staff Retreat - discussion of guiding principles and priorities for use of funds
 - Heritage Village Park - continued build out
 - 117th Street
 - PW Facility
 - Advanced Metering Infrastructure (water meters)
- February 28, 2022 Council Meeting - Council adopts the standard allowance under the revenue loss provision
- June 5, 2023 Work Session - Discuss potential use of funds

- Water Infrastructure (Water Treatment Plant)
 - Acquisition of park land specifically in the NWA of the City
 - Movement of historic buildings
- May 13, 2024 Council Meeting – Council approves use of \$2.5 million for Water Treatment Plant Project
- August 5, 2024 Work Session – Discussion on remaining dollars
 - \$1 million earmarked for Parks
 - \$400,000 available for another use

Upcoming Deadline: Dec. 31, 2024:

- December 31, 2024 is the deadline to legally obligate the City's remaining ARPA dollars
- US Treasury defines obligation as an order placed for property and services and entry into contracts, subawards, and similar transactions that require payment
 - Approving a budget does not obligate funds
 - Passing a spending plan does not obligate funds

Staff Recommendation:

- Staff recommendation is to allocate the remaining ARPA dollars (\$1,397,440.98) to the Police Dept. 2024 full-time wages
- Police Department has largest payroll with a 2024 budget of just over \$5.8 million in full-time wages
- Tis allocation/transfer to the General Fund would allow the General Fund's balance to grow by \$1,397,440.98 which would allow that original funding for Police payroll (tax levy) to be used elsewhere

General Fund & Budget Carryovers:

- At the beginning of each year staff present the Council with a list of potential carryovers to consider based on ending General Fund balances
- 2024 Carryovers to 2025 Budget
 - Anticipate General Fund requests would include the normal list of carryover items PLUS
 - Staff would prepare a recommendation for a budget carryover and/or transfer of any savings generated by using ARPA on police payroll to another Council-designated purpose
 - Allows staff to continue with park land negotiations without those negotiations tied to ARPA deadline
 - Allows Council to provide additional feedback without hindrance of ARPA deadline

Director Hove said if they do not legally obligate the funds by December 31, 2024 they are returned to the federal government.

Mayor Dietrich asked if allocating the funding to the Police Department is for bookkeeping and Council will still be able to use the funds for the best purpose for the City.

Director Hove said yes, the police department's budget will not change. It is changing what funds they have earmarked as a city to pay for their expenses. Most General Fund departments need tax dollars to supplement their spending because they are not revenue generating departments. Staff recommends using the \$1.4 million ARPA dollars to fund part of their payroll and \$1.4 million from the tax levy can be spent elsewhere.

Mayor Dietrich said that they are one of the few cities that still have ARPA dollars to spend, and she applauds staff, policymakers, and input from residents for making the best decisions for the city.

Council Member Murphy said he understands the deadline but is uncomfortable with the funds being in the General Fund. He asked what the process would be if the funds are in the General Fund and Council wanted to use them to purchase much needed park land in the NWA.

Director Hove said anytime they want to purchase a park or make improvements they would first look at the fund balance in the Park Acquisition and Development fund. If the money is still in the General Fund and they have met their fund balance policy, they can transfer the funds at any time to the Park fund.

Council Member Murphy asked why they chose the police department budget as opposed to any other department.

Director Hove said they looked for the largest area of spending in the General Fund to minimize the accounting. It could have been applied across multiple departments, but they had a large amount of spending on the police payroll, and it was the most streamlined way to report it.

Council Member Murphy asked if the \$1.4 million could get lost in the budget or if it was a separate line item.

Director Hove said at the end of the year they will have an extra transfer of \$1.4 million into the General Fund. Staff will ask Council if they want to keep it in the general fund or transfer to another fund when they present budget carryovers. Council could transfer the funds at any time.

Council Member Scales said this was an allocation they had set for parks, and he does not like the idea of it being in the General Fund and possibly being used for another use. He is disappointed they have not moved the historic buildings. Scales said he would like to see the funds transferred into the parks fund on January 1, 2025 so they can accomplish the things they have wanted to do like a park in the NWA and possibly move the historic buildings to Heritage Village.

Council Member Gliva asked if Council should have the discussion and allocate the funds before the year ends. They would not have to worry about the next year and the funds being lost.

Mayor Dietrich said they have \$25 million in deficit for the utilities in the ground that are not currently funded and does not believe there is a clear consensus of where the money should

go. Dietrich asked if they could move the current item as recommended and Council could have a meeting prior to yearend to discuss how the money should be spent.

Administrator Wilson said yes, they could have a discussion at December's Work Session where staff can present ideas and bring a resolution in the following meeting to carry out the decision Council makes during the Work Session.

Mayor Dietrich said the NWA needs a park and they will be receiving money into the fund from upcoming developments that are already signed.

Council Member Gliva said she was not alluding to where the dollars should go at this time, but it would be helpful if they could decide prior to December 31, 2024.

Public Comment:

Ben Johnston - 4735 Babcock Trail - said he did not want the funds to stay in the General Fund where they could be lost and wants to see it done by the end of the year.

Sandy Honerbrink - 2318 75th Street E - said the money needs to be put where it belongs otherwise it will get lost.

Mayor Dietrich asked if the motion needs to include Council having a discussion about moving the funds before December 31st.

Administrator Wilson said staff understands the direction and they can move to adopt the resolution in the packet.

Motion to approve Resolution 2024-229 Allocating the City's remaining American Rescue Plan Act (ARPA) dollars by T'Kach, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

D. Comment Letter to the Metropolitan Council Regarding the Draft 2025 Comprehensive Plan System Statements

Community Development Director Ziemer presented this item. Director Ziemer said they are in the very early stages of the 2050 comprehensive plan for the city. The Metropolitan Council puts out system statements where their staff meets with constituents and the public to get an idea of what people's perceptions are of the Twin Cities metropolitan area today and in the future. They published the system statements on August 12th and there is an opportunity for local governments in the area to review the statements and provide comment on things they like and do not like. Staff has prepared a letter that is included in the packet and at this meeting they would like to receive comments.

Image 2050 Comprehensive Planning Process:

- Policy System Statements (Regional)
 - Policy Areas: Land Use, Housing, Parks & Trails, Water & Transportation
 - Purpose: Snapshot of current & projected critical issues facing region

- Goal: Tool allowing local governments to plan for growth, change
- System Statements Review
 - Drafts complete; public comment period until October 7
 - Final documents release expected September 2025
- Current & Future Steps
 - City's reaction to system statements (September 23)
 - Receive final system statements; review & develop direction
 - Determine process for updating comprehensive plan

Timeline:

- 2025 - Receive System Statements
- 2026 - Review: Determine Process
- 2027 - Hire Consultant & Commence Work
- 2028 - Draft Document & Public Review
- 2029 - Approve & Implement 2050 Plan

Community Forecasts:

- Inver Grove Heights still growing but at a slower projected rate
- 2020 US Census: 35,801 (population) & 14,723 (households)

Thrive 2040	Population	Households	Employment
2020	33,730	15,400	11,400
2030	42,000	17,600	12,400
2040	47,700	19,800	14,000

Imagine 2050	Population	Households	Employment
2020	33,730	15,400	11,400
2030	42,000	17,600	12,400
2040	47,700	19,800	14,000
2050	42,513	18,010	15,670

Director Ziemer said the entire metro area is expected to continue to grow but at a slower rate than in the past.

- Absorption of affordable housing (units)
- Dakota County CEDA housing study under way

	Thrive 2040	Imagine 2050
≤ 30% AMI	274	256
31% TO 50% AMI	157	210
51% to 80% AMI	160	62
Total Units	591	528

Director Ziemer said every city is expected to absorb a certain number of affordable housing units and the number of units Inver Grove Heights is expected to provide has decreased from 591 units in the Thrive 2040 plan to 528 units in the Imagine 2050 plan.

The large components that cities spend the most time on are land use aspects and the housing policy statements.

Draft Image 2050 Summary:

- Continued growth of the Region & IGH but at a slower pace
- Enough land supply & sewer capacity to meet projected growth
 - No expansion of MUSA necessary
- Current developed density is greater than planned density; projected to continue
- Housing demands continue to evolve; continued need for more attainable housing
 - Renewed emphasis on naturally occurring affordable housing (NOAH) preservation; not just new construction
 - Across all ages, notably younger & older generations
- Reduce costs; remove barriers to enhance community choice
 - Leverage existing assets & available capacity (utilities & transportation)
- Balanced development approach to enhance community resiliency
 - Control costs, preserve land, protect natural resources, reduce climate impacts
- Shared regional responsibility

Draft Image 2050 Proposals & Response:

- Increase average minimum net density from 3.0 u/na to 4.0 u/na
 - Proposed density is only intended for areas identified for (re)development
 - Response:
 - Region & cities are unique; one-size-fits-all policy approach does not work
 - Market, housing demand & developer interest not equitable across region
 - Physical landscape does not always allow for more dense development

Director Ziemer said this is not a citywide density, it refers to areas of the city that are to be developed like the NWA.

- Expectation of compact development design
 - Response:
 - Physical landscape does not always allow for more dense development
 - Threatens developer creativity; conflicts localized housing demand
- All “new connections” must meet minimum density requirements
 - Response:
 - Clarification relationship of individual developments in planned areas meeting minimum density

Director Ziemer said it is not clear if the document is it mentions new connections and they do not know if this refers to new connections in the MUSA area or not in the MUSA area, or every new development with new residential connections that connect to the existing utilities. They are requesting clarification for the relationship between developments in a planned

MUSA areas that meet minimum density versus areas that are not currently serviced by utilities or outside of the MUSA areas.

- Meeting future affordable housing need
 - Response:
 - Clarify if cities need land use designation starting at 10 u/na

Director Ziemer said they currently do not have a land use designation that meets the 10 units per net acre (u/na) and is requesting to clarify if they can adjust on of their current designations or if they have to add an additional land use designation.

- Requiring cities to use certain financial incentives
 - Response:
 - Typical cities identify as tools; remove perceived obligations to use
- Decade-by-decade housing density progress reporting
 - Response:
 - Cities currently report development progress via plat monitoring
 - Remove policy statement until can clarify policy, process, implementation & implications

Director Ziemer said they are currently reporting density yearly to the MET Council through plat monitoring reporting.

- Regional water supply planning
 - Response:
 - City already follows permitting requirements & rules for water supply, consumption via MnDNR

Director Ziemer said staff is recommending Council direct the Mayor and City Administrator to sign the letter and send it to the Metropolitan Council.

Mayor Dietrich asked if there is collaboration with other cities in response to the Policy System Statements.

Director Ziemer said he thought there would be a lot of comments from cities similar to Inver Grove Heights in regard to the density changing from 3 u/na to 4 u/na but Inver Grove Heights is the first city to provide comments. He also spoke to the executive director of the Association of Minnesota Cities, and they have not heard many comments but expect some cities to provide comments by the October 7th deadline. It is not uncommon for some cities to provide no comments.

Mayor Dietrich asked if they wanted to provide additional comments that are not in the letter, would they have another chance to do so.

Director Ziemer said it is an ongoing dialog with MET Council. There is a deadline of October 7th but there is a portal where comments can be submitted if any Council Members or anyone from the public would like to. Ziemer highly recommends anyone with comments to submit them. They do like to hear public comment. Sending the letter does not obligate them to anything. If they identify something after the October 7th deadline, they could still

provide comments and if the document finished, there is still potential for the comments to be heard. MET Council is not obligated to adjust the document based on comments they receive but they will review them.

Council Member Murphy said the document reminds him of House File 4009 from the last legislative session which would have hurt Inver Grove Heights, and he supports and appreciates the clarity of the response and that it was focused on the residents. Murphy asked why there were no comments of parks and said his experience with those that want to develop the community is that parks are on the bottom of their list. Green space for families is very important.

Director Ziemer said the section on parks and trails in the document is very small and focuses on the regional component as opposed to the local component. The system statements typically say their goal is to make sure they are providing recreational opportunities for all residents and allows local governments to determine park areas.

Council Member Gliva thanked Director Ziemer for the good comments and said she asked about the move from 3 u/na to 4 u/na because it is a 33% increase. Gliva agreed with Council Member Murphy that Imagine 2050 reminds her of House File 4009. There is constant infringement on local control and makes elected officials make decisions that they do not have control over. She is not in agreement with how it is written. The MET Council is not an elected body whereas Council is an elected body, and they have residents to be accountable to. She is in favor of the comments and hopes other communities will respond in a similar way.

Council Member Scales agreed with the other Council Members.

Council Member T'Kach asked if the motion was to send the letter to MET Council.

Mayor Dietrich said yes, the request is to approve the letter.

Council Member T'Kach said there is a lot of detail in the summary statement and staff did a great job to break it down. She would like to offer solutions for what Inver Grove Heights would like to see instead and how they can make do their part for the region instead of just submitting their concerns. She understands it is important to submit some comments to the MET Council but has not had a chance to read the document in its entirety and is not positive she agrees with all of the comments.

Council Member Scales said he understands Council Member T'Kach's comments but any direction they take right now may not be what the city wants in the future. The goal is to maintain as much local control as they can. The letter says they understand what their goals are, but each city is different, and the city needs to be able to determine what is right for it now and in the future.

Mayor Dietrich said she agreed with maintaining local control.

Director Ziemer said when Council was developing the 2040 Comprehensive Plan there was robust community engagement. Once MET Council provides the final system statements Council can determine how they want to engage citizens for feedback to determine what is

wanted for the community. This is a draft to what they initially put forward and he does understand Council Member T’Kach’s want for community engagement.

Public Comment:

Jeff Peltier - 7146 Claude Avenue - said there was a statement made in the report that the density occurring was more than was planned. It was followed by a plan to increase density. He supports local control.

Patty Mikulski - 3379 67th Street E - said every city is different and wants control with local elected officials.

Rachel Brewer - 6925 Athena Way - said she would like to know the type of surveys the MET Council did to determine the density and encouraged Council to listen to the residents.

Craig Hillegas - 6755 Arlene Ave - said residents want to make sure they keep the units per acre down and opposes the increase in density, especially in the NWA and wants to keep local control.

Motion to Recommendation by city council to direct mayor and city administrator to sign the letter and send to Metropolitan Council by Murphy, second by Gliva.

Ayes: 4

Nays: 1 (T’Kach) Motion carried.

8. PUBLIC COMMENT:

Tracie Killion - 4660 Bacon Ave - said she serves on the Environmental Commission and is a part of the Grassroots Election Integrity Team. Many residents have expressed concerns about upcoming elections. Killion proposes a post-election review audit to help restore faith in the elections. There are currently six cities in Anoka County and Big Lake in Sherburne County that are doing some type of post-election review audit. Inver Grove Heights has twelve precincts, and the Grassroots Election Integrity team would like a random audit of a minimum of two precincts. The county will do a post-election review audit ten days after Election Day. In 2022 the county audited around four precincts out of 142 precincts and only the top races are audited. A post-election review audit would help confirm the results and alleviate questions citizens may have.

Killion said a post-election review audit requires cities to send election judges to the county and the cost is approximately \$1,000 for a full ballot audit of all of the races. Per state statutes they can no longer get cast vote records with images or do a parallel ballot counting. This is a way the city can still have authority of the elections. Killion is willing to come back to another meeting on the agenda or Council can discuss with her at a later time.

Mayor Dietrich thanked Killion for her commission service and asked her to leave her information with the City Clerk.

Kevin Sethre - 3650 73rd Street E - said the MET Council meets every other Monday in St. Paul and encourages people to go to the meeting.

Nathan Herschbach - 115 Salem Church Road, Sunfish Lake - said he is running for House Representative for 53A which encompasses the majority of Inver Grove Heights. He agrees with keeping local control of the ballots and supports a post-election audit.

7E. CLOSED SESSION: Attorney-Client Privilege

Motion pursuant to Minnesota Statute Section 13D.05, subdivision 3(b) to move into closed session pursuant to the attorney-client privilege regarding a contract dispute between the City and Weber, Inc. by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Motion to move to reconvene in open session by T'Kach, second by Gliva.

Ayes: 5

Nays: 0 Motion carried.

7F. Consider Approval of Settlement Agreement with Weber, Inc.

Motion to approve settlement Agreement with Weber Inc. by Gliva, second by Murphy.

Ayes: 5

Nays: 0 Motion carried.

7G. CLOSED SESSION: City Administrator Performance Evaluation

Motion to move into closed session pursuant to Minnesota Statute Chapter 13D.05, subd. 3, to conduct a performance review of the City Administrator, Kris Wilson, by Scales, second by T'Kach.

Ayes: 5

Nays: 0 Motion carried.

9. MAYOR AND COUNCIL COMMENTS:

10. ADJOURN:

Motion to Adjourn at 9:30 p.m. by Gliva, second by Scales.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sara Lyons