INVER GROVE HEIGHTS CITY COUNCIL MEETING

MONDAY, JANUARY 27, 2025 – 6:00 P.M. – 8150 BARBARA AVENUE

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, January 27, 2025, in person. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Dietrich; Council Members: Gliva, Scales, Murphy and T'Kach; City Administrator Wilson, City Attorney Nason, Public Works Director Connolly, City Clerk Kiernan, Community Development Director Ziemer, Parks & Recreation Director Lares, and Assistant Fire Chief Eric Bergum.

3. APPROVAL OF AGENDA:

4. PRESENTATIONS:

5. CONSENT AGENDA:

A. Approval of Minutes of the January 6, 2025 City Council Meeting
B. Approval of Disbursements, **Resolution 2025-012**
C. Personnel Actions
D. Amendment to the 2025 City Council Meeting Schedule
E. Approval of Charitable Gambling Raffle by Church of St. Patrick
F. Approval of Massage Therapist Licenses
G. 2025 Contract with Madden Galanter Hansen for Labor Relations Services
H. Resolution Approving Submission of the City's Minnesota Pay Equity Implementation Report for the Year Ending December 31, 2024 **Resolution 2025-013**
I. 2nd Amendment to the Final Design Contract for City Project No. 2016-17 - 117th Street Reconstruction **Resolution 2025-014**
J. Resolution Authorizing Application for the Minnesota Pollution Control Agency Stormwater Resilience Grants **Resolution 2025-016**
K. Resolution Awarding a Final Design Contract for City Project Nos. 2025-13 and 2025-14 **Resolution 2025-017**
L. Contract Renewal for Fire Department Mental Wellness Services **Resolution 2025-018**
M. Acceptance of Grant / Donation from Firehouse Subs Public Safety Foundation **Resolution 2025-019**
N. 2025 Contract with Messerli & Kramer for Government Relations Services

Administrator Wilson has asked to have Item F be moved to the regular agenda.

Motion to approve Item A – N except for F by T'Kach, second by Scales.

Ayes: 5
Nays: 0 Motion carried.

City Clerk Kiernan asked to have a massage therapist removed from the agenda as the Chief Chiodo had not approved the license yet.

Motion to approve revised Item F by Scales, second by Gliva.

Ayes: 5
Nays: 0 Motion carried.

6. PUBLIC HEARING:
A. Consideration of New Liquor License Application – Open Window Theatre

Clerk Kiernan presented this item. Mark Dittman the applicant was present.

Mayor Dietrich opened the public hearing.

There were no public comments.

Motion to Close Public Hearing by Murphy, second by T'Kach.

Ayes: 5
Nays: 0 Motion carried.

Motion to approve Wine with Strong Beer liquor license for Open Window Theatre by Gliva, second by Scales.

Ayes: 5
Nays: 0

7. REGULAR BUSINESS:
A. Approval of Rental Housing Licenses

Director Ziemer presented twenty two rental housing licenses that has been reviewed by Staff and found to be eligible for a license. Staff recommends approval.

Motion to approve rental housing licenses for the addresses of 6952 Archer Trail, 4728 Blaylock Way, 2574 90th St E, 1572 76th St W, 4707 Blaine Ave, 2782 87th St E, 6997 Delaney Ave, 8871 Branson Dr, 8646 Bernard Path, 4911 Bisset Ln, 4835 Babcock Trl, 5445 Babcock Trl #101, 105, 202, 206, 5447 Babcock Trl #103, 104,106, 204, 206, 2524-2530 76th St E by Murphy, second by T'Kach.

Ayes: 5
Nays: 0 Motion carried.

B. Multiple Agreements and Land Use Approvals to Permit the Vertical Expansion of Pine Bend Landfill (continued from Jan. 6 and Jan. 13, 2025 Council meetings)

Administrator Wilson presented this request. Pine Bend Landfill is seeking authorization to accept additional cubic yards of waste, grow taller, and operate longer than currently permitted. The process involves permits and approvals from the State of Minnesota via the Minnesota Pollution Control Agency, Dakota County, and the City of Inver Grove Heights.

The City's role is focused on the landfill as a land use with our community and the negotiation of a Host Community Agreement. The City's Action Items are a Zoning Code Amendment, an Amendment to the Non-Conforming Use Certificate (NCUC), a Conditional Use Permit for Vertical Expansion and the Host Community Agreement.

The Environmental Advisory Commission reviews the proposed CUP and recommended approval with a six to zero vote (6-0).

The Planning Commission review the proposed Zoning Code Amendment, NCUC amendment and the CUP and recommended approval on a five-two-two vote (5-5-2).

The Pine Bend Landfill is located at 2495 117th Street between Highways 52/55 and Rich Valley Boulevard. It is a sanitary landfill with mixed municipal solid waste, non-hazardous industrial solid waste, construction debris, demolition debris, non-infectious waste, and asbestos.

Pine Bend Landfill is currently authorized to have a max capacity of 33,937,400 cubic yards with final cover. It is nearing current capacity limits by January of 2028, and must stop accepting waste and close by December 31, 2030.

The application for vertical capacity expansion phase seven timeline was June 2022 – initial expansion request was submitted to MPCA. The environmental assessment worksheet was completed and reviewed in 2023 and determined that no environmental impact statement (EIS) was needed. In June 2024, the Landfill submitted the land use applications to the City.

The current capacity is 33,937,400 cubic yards. They are asking for additional waste of 7,888,250 cubic yards and final cover of 297,550 cubic yards to the total of 8,185,800 cubic yards for a total capacity if expansion is approved to be 42,123,300 cubic yards.

Phase Seven would have the result of expansion to vertically extend the three to one final cover slopes, includes only a vertical expansion (no footprint increase), will extend the life by approximately 13.6 years and raise the height by approximately 86.8 feet at the highest point (which would be 8.5%).

The existing land use and zoning is listed in the 2040 land use as general industrial; zoning in the I-2 General Industry; located in the Integrated Resource Management (IRM) overlay district; with the proposed zoning code amendment for the parcel to continue to be zoned I-2 and guided as General Industrial. The revisions proposed to the size and height are allowed within the IRM district.

The Integrated Resource Management (IRM) Overlay district identifies certain uses as Conditional Uses (SS10-13E-6) as an air space expansion of an existing sanitary landfill. The proposed City Code revisions would change subparagraph F final height not to exceed 1,105.8 ft; subparagraph H capacity not to exceed 42,123,200 cubic yards; and subparagraph J would need to be removed. The revisions are consisted with amendments to the Non-Conforming Use Certificate (NCUC) and the Conditional Use Permit (CUP).

The amendment to the Non-Conforming Use Certificate is Legal, Non-Conforming Uses (LNC) in which zoning amendments may result in existing uses no longer permitted by zoning and becomes LNC, if lawful at the time of change. Protections provided by State Statute and City Code and limitations on continuation of uses and expansion. The Non-Conforming Use Certificate (NCUC) policy and process was established by City Code 10-3-3. It allows continuation of legal, non-conforming uses with conditions and may be amended.

The Pine Bend Landfill was permitted by the MPCA in 1971. Municipal waste disposal facilities were "out zoned" by Inver Grove Heights in 1991. The Non-Conforming Use Certificate for Pine Bend Landfill was created and approved in 1995 which clarified zoning status, determined rights and responsibilities, and established specific controls. There were previous amendments in 2002, 2004 and 2018.

The Pine Bend Conditional Use Permit (CUP) authorized the additional landfill height and volume subject to 21 total conditions with the majority of the conditions in the new CUP matching those found in the 2018 CUP.

The conditions require:

- That the expansion be constructed and operated in accordance with the application materials and plan documents submitted.
- Identifies the list of past City actions and approvals, which remain in effect and which the Landfill must continue to comply with
- Identifies the types of waste that may be disposed of in the Landfill – no change from the current list
- Requires that the Landfill connect to the City's sanitary sewer system and pay the applicable connection and hook up charges once sanitary sewer is extended to the property (with 117th St. reconstruction)
- Establishes hours for construction of the expansion
- States that the landfill must comply with all applicable federal, state and county laws and regulations
- Conditions 11 and 12 – surface water and groundwater monitoring is the same requirements as the current CUP and dual gas/leachate extraction system has the same requirements as current CUP except the annual report is due March 1 instead of February 1 to line up with the State's deadline.
- Conditions 13, 14 and 15 – all address subsurface gas migration – major focus of the CUP issued for the expansion. It requires compliance with Mn Rule 7035.2815, subpart 11 regarding landfill gas management and the last CUP (2018) required PBL to come into compliance and maintain compliance for six (6) consecutive months by January 1, 2025 or thirty (30) million cubic yards of waste (whichever came first). If not met, the CUP requires the Landfill to cease operations until compliance is achieved. PBL has not yet achieved compliance with this requirement. PBL must have continued

annual reporting to the EAC on their progress, continued oversite by the MPCA, and it is not expected to worsen as a result of expansion.
- The Draft CUP for this expansion includes extending the deadline four (4) more years, and grants the City Council the authority to waive this requirement if adequate progress is made. If compliance is not achieved and progress is not being made the Landfill may be ordered to close with 180 days' notice. It includes continued annual reporting but with trend analysis plus a mid-year statue update and requires efforts by PBL to identify the outer boundaries of the subsurface gas plume.

The conditions requires MPCA air emission permit for the renewable natural gas facility, makes both the owner and the operator of the Landfill responsible for compliance with the CUP, documents that a breach of the Host Community Agreement is a violation of this CUP, identifies the effective date of this CUP is the effective date of the new Host Community Agreement. It also notes that the terms of the CUP are subject to the approval of the Commissioner of the MPCA, making this CUP effective only if a valid Host Community Agreement is in place and states that any violation of the CUP is cause for revocation of the CUP.

In summary, the term of the Fourth (4th) Restated Host Community Agreement will be January 2025 to December 2032 (8 years) with a closure date of December 31, 2042. It includes emergency preparedness, host community fee payments, collection from city facilities, indemnification, a special assessment agreement, settlement, and waiver of claims.

Annual lump sum payments will be for 2025 - $250,000, 2026 - $257,000, 2027 – $265,225, 2028 - $275,834, 2029 - $286,867, 2030 - $301,211, 2031 - $316,271 and 2032 - $332,085.

Per ton payments will be 2025 - $7.75, 2026 - $7.98, 2027 - $8.30, 2028 - $9.15, 2029 - $9.15, 2030 - $9.61, 2031 - $10.09, and 2032 - $10.60.

In the agreement, PBL will continue to donate $15,000 per year to the IGH Parks and Recreation, and a new one-time donation of $500,000 to partially fund a new playground at Rich Valley Park, in conjunction with Dakota County's Veterans Memorial Greenway and planned Purple Heart Memorial Plaza. The donation will be provided in three installments (2026, 2027 and 2028). The naming rights for the playground will go to Republic Services.

Councils requested actions are motions to approve the Zoning Code Amendment, approve the Conditional Use Permit for Vertical expansion, the amendment to the Non-Conforming Use Certificate (NCUC) and the Host Community Agreement.

Motion to approve Ordinance 1492 Amending City Code Section 10-13E-6 Related to Expansion of the Air Space of an existing Sanitary Landfill by Murphy, second by Scales

Ayes: 5
Nays: 0 Motion carried.

Motion to approve Resolution 2025- 020 approving a Conditional Use Permit to allow a vertical expansion of Pine Bend Landfill by Scales, second by Gliva.

Ayes: 5
Nays: 0 Motion carried.

Motion to approve Resolution 2025-021 amending Resolution No. 6465 granting a non-conforming use certificate for Pine Bend Sanitary Landfill for a Sanitary Landfill by Gliva, second by Scales

Ayes: 5
Nays: 0 Motion carried.

Motion to approve Resolution 2025-022 approving 4th amended and restated Host Community Agreement and Memorandum of Agreement for Waiver of Assessment Appeals by T'Kach, second by Murphy.

Ayes: 5
Nays: 0 Motion carried.

C. Consider a Resolution Denying a Zoning Text Amendment and a Subsequent Ordinance Approving a Zoning Text Amendment, Establishing Palliative Care Homes as an Interim Use in the E-1, Estate Residential Zoning District

Motion to accept 2 residential comments (Kelly Kayser & Amy Hunting) into record by T'Kach, second by Gliva.

Ayes: 5
Nays: 0 Motion carried.

Motion to approve Resolution 2025-023 Denying application for zoning ordinance text amendment for Community Home for dying people and accessory uses by T'Kach, second by Gliva.

Ayes: 5
Nays: 0 Motion carried.

Motion to table the ordinance until a meeting in February when staff can come back with answers to the questions posed be Council by T'Kach; second by Scales

Ayes: 3
Nays: 2 (Dietrich, Gliva) Motion carried.

D. Purchase of Heritage Village Park Phase 5 Inclusive Playground, Splash Pad, Shade Structures, and Site Amenities for City Project No. 2210

Parks and Recreation Director Lares presented this item. With the 2023 legislative session, the City was awarded $2,000,000 dollars in state bond funds for this phase. This will be combined with approximately $650,600 city match from the City's Park Acquisition and Development fund. Phase 5 design was contracted with WSB and partnered with Flagship Recreation and Landscape Structures to custom design the inclusive playground and splashpad.

Phase 5 includes the includes playground, splashpad, site amenities, furnishings, and an expanded eastern parking lot. The design of the inclusive playground started in 2019 with three Parks and Recreation (PRAC) subcommittee meeting to guide programming and design. Final plans were approved by the PRAC in 2019. The final inclusive splash pad design was reviewed by PRAC on February 14, 2024 and was unanimously approved to recommend to council. Final design of the parking lot expansion, irrigation, earthwork, etc. will come before council in February or March to get approval to go out for bid.

The inclusive playground design will include 16,500 square feet, fully inclusive, fully poured in place rubber surfacing for accessibility, inspired by the history and heritage of Inver Grove Heights' Rock Island Swing Bridge, Old Town Hall, Old School House, train cars and fencing.

The inclusive splash pad design will include 7,200 square feet and be fully inclusive. It will be designed to reflect the natural environment of Inver Grove Heights, particularly the Mississippi River and provide interactive play for all ages and abilities (dynamic, family, and tot). It will be made of Aquaflex surfacing, provide adequate shade with six additional shade structures, fencing, a conventional domestic – single pass system, push button activated with timer, and an above ground holding tank (10,000 – 15,000 gallons) is included an add/alternate bid item, allowing reuse of splash pad water for irrigation.

The City was awarded $2 million in state bond funds for this phase. Combined with approximately $650,600 from the City's Park Acquisition and Development Fund, the total funding of $2,650,570 covers the estimated Phase 5 costs.

Staff is seeking authorization to purchase the playground and splash pad equipment, shade structures, and site furnishings in the amount of $1,843,629.24 through Flagship Recreation. If approved, this expenditure would leave approximately $806,940 of the estimated project budget available for remaining items to be bid in February or March. These items include earthwork and excavation for the playground and splash pad, installation of ornamental fencing and irrigation for the trees, landscaping, and main lawn along with the expanded parking lot.

Motion to approve purchase of Heritage Village Park Phase 5 inclusive playground, splash pad, shade structures, and site amenities for City Project No. 2210 by Scales, second by Murphy.

Ayes: 5
Nays: 0 Motion carried.

E. Purchase of Southern Lakes Park and Veterans Memorial Community Center Playground Replacements

Parks and Recreation Director Lares presented this item. In the fall of 2024, staff initiated preparations for both playgrounds as both play structures are more than twenty years old. Both projects are included in the City's adopted Capital Improvement Plan for 2025 and budgeted for within the Parks Capital Improvement fund. The total approved budget to replace both pay structures is $450,000. The designs for both playgrounds were developed through extensive community and staff engagement processes.

Community engagement efforts included a public survey shared via the City's social media platforms and website; two open houses hosted on site at the respective parks.

The Veteran's Memorial Community Center design includes two play containers, one for ages two to five and one for five to twelve. A parent/toddler swing, adding swings, and a separated container.

The Southern Lakes design also includes two play structures one designed for ages two to five and another for ages five to twelve. It will maintain the slide count and add swings. They will be expanding play containers to accommodate large play amenities, moving the monument park sign to accommodate expansion and adding a fixed shade structure and picnic table.

The combined budget for these two playground replacement projects is $450,000. Based on vendor quotes, both of which utilize the state's Cooperative Purchasing Venture (CPV) program, the total amount for both playgrounds is $402,845.96. The remaining funds will be used to expand and modify both playground containers and curbing at each site to accommodate the larger, updated play areas.

The Council is asked to authorize the purchase of playground replacements for Southern Lakes Park and Veterans Memorial Community Center Park, including the expansion of play containers, in the total amount of $450,000 through Flagship Recreation and MWP Recreation.

Motion to approve purchase of Southern Lakes Park & Veterans Memorial Community Center Playground Replacements by Gliva, second by T'Kach

Ayes: 5
Nays: 0 Motion carried.

F. Resolutions Appointing Council Members and Staff to Various Board & Liaison Roles for 2025-26

Administrator Wilson presented this item asking Council members to appoint Council and staff to serve in various board and liaison roles for the 2025 and 2026 calendars years.

Dakota 911 Board of Directors will be Tony Scales with alternate John Murphy

IGH Fire Relief Association will be Tony Scales, Finance Director Amy Hove, and Fire Chief Judy Thill

Municipal Legislative Commission Board of Directors will be Mayor Brenda Dietrich, with alternate John Murphy and Chief Administrative Officer – City Administrator Kris Wilson

River Heights Chamber of Commerce Local Issues Meeting will be Tony Scales and Mary T'Kach.

Northern Dakota County Cable Communications Commission (NDC4) will be Mary T'Kach and resident board member Regina Barr.

Local Government Information System (LOGIS) Association will be the Technology Manager to serve as Director and City Administrator to serve as the Alternate Director.

Motion to approve Resolution 2025-024 Appointing members of the City Council and Staff of the City to serve in various board and liaison rolls for the 2025 and 2026 calendar years appointing Regina Barr to the NDC4 and Resolution 2025-025 designating board of director appointees to the LOGIS Association by T'Kach, second by Gliva.

Ayes: 5
Nays: 0 Motion carried.

8. PUBLIC COMMENT: None

9. MAYOR AND COUNCIL COMMENTS

Council member Gliva would like to thank staff along with Republic Services to get the Action items completed this evening.

10. ADJOURN:

Motion to Adjourn at 8:23 p.m. by Murphy, second by Gliva.

Ayes: 5
Nays: 0 Motion carried.

Minutes prepared by City Clerk Rebecca Kiernan