



Inver Grove Heights City Council
Monday, May 4, 2026 at 5:30 PM
VMCC Community Rm #3
8055 Barbara Ave, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Rebecca Kiernan (rkiernan@ighmn.gov). Comments received prior to **12:00 p.m.** on Monday, May 4, 2026, will be provided to the Council at or before the May 4, 2026 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Regular Business**
 - A. Consider request for appeal and variance from order of fire inspector for property located at 5300 Robert Trail South, # 300 and action setting matter for hearing before the Fire Board of Appeals or endorsing the appeal and variance request to the State Fire Marshal
5. **Adjourn**

This document is available upon a three (3) business day request in alternate formats such as braille, large print, audio recording, etc. Please contact Rebecca Kiernan, City Clerk, at 651.450.2513 or rkiernan@ighmn.gov.



Request for Council Action

SUBJECT: Consider request for appeal and variance from order of fire inspector for property located at 5300 Robert Trail South, # 300 and action setting matter for hearing before the Fire Board of Appeals or endorsing the appeal and variance request to the State Fire Marshal

MEETING DATE: May 4, 2026
ITEM TYPE: Regular Business
CONTACT: Judy Thill, Fire Chief, 651.450.2495

ACTION REQUESTED

Determination whether to hear request for appeal/variance from the Fire Code.

BACKGROUND

In October of 2025, the City's Fire Marshal and Fire Inspector completed a fire code related inspection of Nowhere Haunted House, located at 5300 Robert Trail South, # 300. Based on their observations of certain paneling located in the escape room area of the haunted house, an order identifying a failure to comply with the Minnesota State Fire Code based on the paneling used in that area was issued. The order requires the removal of a portion of the paneling. The owner of the haunted house has appealed that order, requesting a variance from compliance with the fire code provisions related to the paneling. The City Council, along with the Fire Chief who serves as an *ex officio* member, serve as the City's Fire Code Board of Appeals, which is tasked with hearing appeals/requests for variances from the Minnesota State Fire Code. As the governing body of the City, under state statute, the City Council has the option to either hold a hearing and make a determination regarding the requested variance, or it can endorse the matter to the State Fire Marshal, in which case the State Fire Marshal will rule on the variance request.

The City Council is asked to take action to adopt one of the attached resolutions, either 1) setting the variance request for a hearing at a later date; or 2) endorsing the matter to the State Fire Marshal for a decision on the variance request.

FISCAL IMPACT

n/a

RECOMMENDATION

Adopt one of the attached resolutions.

ATTACHMENTS

1. Resolution Setting Hearing on Appeal
2. Resolution Endorsing Fire Code Variance Request to Fire Marshall

3. IGH Fire Inspection Report 10-29-25
4. Application for Variance
5. Crypt-Enchanted Forest Appeal - Final
6. Set #4 Crypt-Enchanted Forest Layout

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 2026-_____

**A RESOLUTION SETTING HEARING FOR APPEAL OF FIRE CODE ORDER AND
REQUEST FOR VARIANCE FROM FIRE CODE**

WHEREAS, the Inver Grove Heights Fire Marshal and Fire Inspector completed a property inspection for the property located at 5300 South Robert Trail, # 300, which is operated as Nowhere Haunted House; and

WHEREAS, following that inspection, the Fire Inspector issued a “failed” inspection report to Nowhere Haunted House that required the plastic paneling in the escape house area of the property to be removed due to its noncompliance with certain provisions of the Minnesota State Fire Code; and

WHEREAS, the operator of Nowhere Haunted House has submitted an appeal and request for variance related to this property inspection to allow the plastic paneling to remain on the walls in the escape house; and

WHEREAS, pursuant to Minnesota Statutes Section 299F.011, the City of Inver Grove Heights has established a fire code Board of Appeals, consisting of the City Council, with the fire chief serving as an *ex officio* member, as detailed in subd. 5a, Inver Grove Heights City Code Section 9-2-6; and

WHEREAS, the Board of Appeals is charged with considering issues related to requests for variances from orders issued under the code; and

WHEREAS, under state statute, the city council can choose to either hear the appeal itself, or can move to endorse the matter to the State Fire Marshal to hear the appeal and request for the fire code variance.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
INVER GROVE HEIGHTS MINNESOTA AND FIRE CODE BOARD OF APPEALS AS
FOLLOWS:**

1. The Inver Grove Heights City Council and Fire Code Board of Appeals hereby sets this appeal and request for variance for a hearing before the same at its regularly scheduled council meeting on _____, 2026.

Adopted by the City Council of Inver Grove Heights/Inver Grove Heights Fire Code Board of Appeals on this 4th day of May, 2026.

Ayes:
Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 2026-_____

**A RESOLUTION ENDORSING APPEAL AND REQUEST FOR VARIANCE FROM FIRE
INSPECTION ORDER TO THE MINNESOTA STATE FIRE MARSHAL**

WHEREAS, the Inver Grove Heights Fire Marshal and Fire Inspector completed a property inspection for the property located at 5300 South Robert Trail, # 300, which is operated as Nowhere Haunted House; and

WHEREAS, following that inspection, the Fire Inspector issued a “failed” inspection report to Nowhere Haunted House that required the plastic paneling in the escape house area of the property to be removed due to its noncompliance with certain provisions of the Minnesota State Fire Code; and

WHEREAS, the operator of Nowhere Haunted House has submitted an appeal and request for variance related to this property inspection to allow the plastic paneling to remain on the walls in the escape house; and

WHEREAS, pursuant to Minnesota Statutes Section 299F.011, the City of Inver Grove Heights has established a fire code Board of Appeals, consisting of the City Council, with the fire chief serving as an *ex officio* member, as detailed in subd. 5a, Inver Grove Heights City Code Section 9-2-6; and

WHEREAS, the Board of Appeals is charged with considering issues related to requests for variances from orders issued under the code; and

WHEREAS, under state statute, the city council can choose to either hear the appeal itself, or can move to endorse the matter to the State Fire Marshal to hear the appeal and request for the fire code variance.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
INVER GROVE HEIGHTS MINNESOTA AND FIRE CODE BOARD OF APPEALS AS
FOLLOWS:**

1. The Inver Grove Heights City Council and Fire Code Board of Appeals hereby endorses this matter to the State Fire Marshall for a hearing and decision on the requested appeal and variance from the failed property inspection and order issued by Fire Inspector Derek McNamara to Nowhere Haunted House.

Adopted by the City Council of Inver Grove Heights/Inver Grove Heights Fire Code Board of

Appeals on this 4th day of May, 2026.

Ayes:

Nays:

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Inver Grove Heights Fire Department

9200 Courthouse Blvd.
Inver Grove Heights, MN 55077

Property Inspection Result

Inspection Status

Completed with fail

Inspected by

Derek McNamara

Completed at

10/29/2025 10:49:12

Address

5300 ROBERT TRL #300
S

Suite**City**

INVER GROVE
HEIGHTS

State

MN

Zip

55077

Business Name

Nowhere Haunted House

Thank you for your cooperation with this inspection. Fire inspections are conducted to make buildings safer, prevent fires and mitigate fire severity within a building to protect lives, health, property and the environment. Please read inspection reports in their entirety, failure to do so will not grant immunity if items are not corrected at reinspection.

Miscellaneous - Interior:

✘ Fail

ITEM: Interior Finish - Testing Requirements

REMARK:

Remove the plastic paneling covering the walls in the escape house.

CODE: MSFC - 803.1 - General. - The provisions of this section shall limit the allowable fire performance and smoke development of interior wall and ceiling finishes in existing buildings based on location and occupancy classification. Interior wall and ceiling finishes shall be classified in accordance with Section 803 of the International Building Code. Such materials shall be classified in accordance with NFPA 286, as indicated in Section 803.1.1, or in accordance with ASTM E84 or UL 723, as indicated in Section 803.1.2. Materials tested in accordance with Section 803.1.1 shall not be required to be tested in accordance with Section 803.1.2.

Re-Inspection scheduled to be conducted on or after 12/28/2025 at 09:00


Next inspection scheduled to be conducted on or after 10/28/2027

Code deficiencies are violations of state law and every effort shall be made to correct

deficiencies. Fire inspection orders are appealable, if you wish to appeal any of the items listed above, please let us know in writing within thirty days of receiving this notice. If you have any questions feel free to contact the inspector listed below.

Inspection Signatures

Inspector Signature



Derek McNamara
Firefighter-Fire Inspector
651-450-2475
dmcnamara@ighmn.gov



Minnesota State Fire Marshal Division

445 Minnesota St. – Suite 145
St. Paul, Minnesota 55101-5145



Application for Variance / Time Extension

Please accept this application for the following matter: Variance Time Extension

Requestor Information (Please Print)			
Last Name: McKay	First Name: Galen	MI: S	
Address: 948 Portland Avenue			
City: Saint Paul	State: MN	ZIP Code: 55104	
Company Name: Nowhere Entertainment, LLC			
Daytime Phone: 651-271-2447	Email: galenmckay@yahoo.com		
Relationship to Property: Owner of business			

Property Information (Please Print)			
Property Name: Nowhere Entertainment			Phone: 651-340-8651
Address: 5300 South Robert Trail, Suites 200 & 300			Fax: N/A
City: Inver Grove Heights	State: MN	ZIP Code: 55077	File # (if known):
Fire Inspector Name: Derek McNamara		Compliance Date (time extensions only):	
How is the property used? Amusement Center			

Inspection Information (Please Print)		
Date of Inspection:	Item #:	Description of violation/issue
October 29, 2025	N/A	Remove plastic wall panels in escape room
October 29, 2025	N/A	Remove plastic wall panels in escape room

Information Provided (check all that apply):	
<input checked="" type="checkbox"/> Photographs	<input type="checkbox"/> Floor Plans/Diagrams
<input type="checkbox"/> Contractor Bids	<input type="checkbox"/> Plan of Correction
<input type="checkbox"/> Governing Body Action (opinion from City Council, Board of Appeals, County Board, Township Board)	
<input checked="" type="checkbox"/> Other: Documentation of history of inspection and vacufoam panel usage	

All blanks must be complete and all supporting documents must be included in the variance package to be considered a complete variance application.

Signature of Requestor:	Date: March 31, 2026
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Date Received:	Date Reviewed:	Reviewed by:
Date of FMCAP:	Disposition: <input type="checkbox"/> Denied <input type="checkbox"/> Granted <input type="checkbox"/> Granted as Amended	

Complete for Variance Request

Pursuant to Minn. Stat. 299F.011, subd. 5, please explain in detail how your variance request meets each of the following statutory requirements. Be as complete and thorough as possible. Use additional sheets if necessary. Attach any documents that will support your position such as pictures, drawings, floor plans and contractor's estimates. The completeness of your information will assist the panel in evaluating the validity of your variance request.

All sections must be completed.

The property is substantially in compliance with the fire code (other than the variance issue):

Please see attached

The safety of the public and building occupants will not be jeopardized (public includes responding firefighters):

Please see attached

Undue hardship will result to the requesting party unless the variance is granted:

Please see attached

Application for Time Extension

Complete for a request for a time extension to complete fire code orders:

Please explain in detail how your request for a time extension meets each of the following criteria. Be as complete and thorough as possible. Use additional sheets if necessary. Attach any documents that will support your position such as pictures, drawings, floor plans and contractor's estimates. The completeness of your information will assist the panel in evaluating the validity of your request for a time extension.

All sections must be completed.

A good faith effort has been/is being made to correct all violations cited:

Please see attached

The granting of a time extension is an acceptable risk for the property occupants:

Please see attached

Undue hardship will result to the requesting party unless the time extension is granted:

Please see attached

Set #4 – Crypt / Enchanted Forest Timeline

June 2022 – Vacuform panels were installed in Set #4 (“Crypt”).

July 2022 – Fire Marshal Phil Owens conducted a walkthrough inspection and informed us of the additional fire safety requirements associated with classification as a “Special Amusement” establishment. No concerns were raised regarding the vacuform panels being non-compliant. In addition, the inspection report stated: “Please read inspection reports in their entirety; failure to do so will not grant immunity if items are not corrected at reinspection.”

September 22, 2022 – Fire safety plans were reviewed, approved, and returned via the city permit portal.

September 30, 2022 – Fire Marshal Phil Owens and members of the fire department conducted a comprehensive walkthrough of all sets, including testing and inspection of all fire safety equipment and emergency exits. No concerns were raised regarding the vacuform panels being non-compliant. In addition, the inspection report stated: “Please read inspection reports in their entirety; failure to do so will not grant immunity if items are not corrected at reinspection.”

September 20, 2023 – Fire Marshal Scott Oswald and Fire Inspector Derek McNamara conducted a walkthrough inspection.

October 3, 2023 – An inspection report was issued identifying the following items for correction:

- Open holes around electrical conduit in the workshop area to be sealed with fire-retardant spray
 - Submission of a specification sheet for the fire-retardant spray used on set materials
- No concerns were raised regarding the vacuform panels being non-compliant. In addition, the inspection report stated: “Please read inspection reports in their entirety; failure to do so will not grant immunity if items are not corrected at reinspection.”

September 4, 2024 – Fire Marshal Scott Oswald and Fire Inspector Derek McNamara conducted a walkthrough inspection.

October 4, 2024 – An inspection report was issued identifying the following items for correction:

- Adjustment of emergency exit doors to ensure ease of opening
 - Replacement of batteries in emergency lighting
 - Replacement of a missing ceiling tile in the break room
 - Replacement of power strips
 - Installation of a cover on an open electrical box
 - Securing hanging acoustical tiles using metal ties instead of plastic
- No concerns were raised regarding the vacuform panels being non-compliant. In addition,

the inspection report stated: “Please read inspection reports in their entirety; failure to do so will not grant immunity if items are not corrected at reinspection.”

September 4, 2025 – Fire Marshal Scott Oswald and Fire Inspector Derek McNamara conducted a walkthrough inspection.

October 9, 2025 – An inspection report (attached) was issued identifying the following items for correction:

- Adjustment of emergency exit doors
- Removal of partial obstructions to means of egress (artificial plant located too close to an exit door)
- Replacement of batteries in emergency lighting
- Replacement of power strips

No concerns were raised regarding the vacuform panels being non-compliant. In addition, the inspection report stated: “Please read inspection reports in their entirety; failure to do so will not grant immunity if items are not corrected at reinspection.”

October 27, 2025 – A follow-up inspection report (attached) reiterated the same items listed above.

No concerns were raised regarding the vacuform panels being non-compliant. In addition, the inspection report stated “Thank you for correcting code deficiencies to make your property safer...”. In addition, the report stated “Next inspection scheduled to be conducted on or after 09/22/2026.”

October 29, 2025 – An unscheduled Property Inspection Result (attached) was provided to us that identified a new requirement without any change in the law:

- Removal of plastic paneling covering the walls in the escape room

October 29, 2025 – We formally challenged the request to remove the vacuform panels. Our challenge is based on the following:

- Multiple reputable vendors manufacture and sell vacuform panels specifically for the haunted house and escape room industry. These vendors regularly exhibit at the annual TransWorld Haunted Attraction & Escape Room Trade Show in St. Louis, Missouri.

The panels have been in place since June 2022, and no prior inspections to October 29, 2025 identified them as a concern. In fact, the prior inspection report on October 27, 2025 stated that the Inspection was “Completed” and that all previous deficiencies had been corrected, and that the next inspection was to be conducted on or after 09/22/2026. In addition, the prior inspection report stated we had immunity for those items had corrected at reinspection. Reinspection occurred on October 27, 2025, and the property fully passed inspection.

Application of Variance Questions/Responses

1. The Property is Substantially in Compliance with the Fire Code (Other than the Variance Issue)

Nowhere Entertainment is a year-round amusement center offering mini golf, arcade games, escape rooms, and seasonal haunted attractions

. We are a family run business that aims to provide enriching, fun activities for individuals to bond with each other and create lasting memories whether it is a fun family outing, a birthday party, or a corporate team building exercise.

Throughout our existence as a business, we have complied with all deficiencies that were completed by proper and valid inspections. In the multiple inspections that we have had, it was emphasized through each Fire Inspection Report that immunity would be granted for items that were not corrected at reinspection. Each Fire Inspection Report clearly stated *“Please read inspection reports in their entirety; failure to do so will not grant immunity if items are not corrected at reinspection.”* Since opening on October 1, 2022, we have consistently complied with all required fire safety protocols and promptly addressed any requested corrections.

Notably, the vacuform panels at issue were not identified as a concern in inspections conducted over the previous three years. In fact, in the most recent inspection on October 9, 2025, the vacuform panels were not identified as a concern nor a code violation. Based on this consistent history, we believe it is reasonable to conclude that enforcement of this requirement should not be applied retroactively in this instance.

Additionally, the October 27, 2026 Fire Inspection Report clearly showed that our business had passed the inspection. The Report stated: “Thank you for correcting code deficiencies to make your property safer...”. Moreover, the Report stated “Next inspection scheduled to be conducted on or after 09/22/2026.” Instead of following its own Report and the conclusions of the Report, the City arbitrarily decided to conduct another alleged inspection on October 29, 2026 when it failed our business for the vacuform panels.

Due to our objection to the October 29, 2026 arbitrary Fire Inspection Report, an additional site visit was conducted with representatives from the Fire Department (Scott Oswald and Derek McNamara) and the City Inspection Team (Steve Johnson and Luke Steenberg). During this visit, we provided video evidence demonstrating that the vacuform panels have been in place since our opening in 2022 and had never previously been identified as non-compliant.

During the discussion, Scott Oswald sought input from Steve Johnson, who indicated that, given the panels have been in place since opening and were never previously cited, they should not

now be considered a violation. (This statement is paraphrased but accurately reflects the substance of his feedback.)

2. The Safety of the Public and Building Occupants Will Not Be Jeopardized (Including Responding Firefighters)

We are confident that the use of vacuform panels does not pose any risk to public safety. These panels have been in use for over 20 years in similar establishments without any reported fire safety incidents. Additionally, there are never more than eight customers in the set at one time, and the building is equipped with an approved sprinkler system as well as two accessible exits, each within 30 feet of the building's exterior.

3. Undue Hardship Will Result to the Requesting Party Unless the Variance Is Granted

As a small family-owned business, each dollar that we spend matters a great deal to our bottom line. Since 2022, we have invested more than \$9,500 in the incorporation of the vacuform panels in our family friendly, team-building, memory enhancing space.

The vacuform panels are currently an integral part of the immersive experience attendees encounter in our space and it is crucial to the success of our haunted house and escape rooms. Our customers expect a fully realistic environment, which is achieved through the use of vacuform panels. Without these panels, we would be forced to close the escape room and hire a set designer to manually recreate the experience, which would be both cost-prohibitive and time-consuming. There is currently no cost-effective alternative to replicate the realism that these panels provide. The potential lost revenue is approximately \$12,000, in addition to an estimated \$10,000-\$15,000 for demolition and reconstruction.

We are a small, family-owned business working very hard to establish ourselves. We love the Inver Grove Heights community and feel honored to share in numerous memorable moments within our center. Nowhere Entertainment is growing each year, but it's a painstaking process. We have a tight budget. Shutting down one sixth or our sets and a very popular escape room would cause undue hardship.

4. A Good Faith Effort Has Been/Is Being Made to Correct All Violations Cited

We have always complied with every request made by the Fire Department or City Inspectors Office in a timely manner. We have acted in good faith, and relied on the statements and inspection reports created by the city.

5. The Granting of a Time Extension is an Acceptable Risk for the Property Occupants

Granting an extension would not resolve the core issue, as the vacuform panels are integral to creating the immersive experience necessary for our haunted house and escape room to be successful. If the appeal is not granted, we respectfully request an extension until August 2027, which aligns with the expiration of our lease. While the alternative we propose is not what we

want, at least it allows us to minimize the hardship that we would endure if the vacuform panels are required to be replaced at this time.

6. Undue Hardship Will Result to the Requesting Party Unless the Time Extension Is Granted

We are a small, locally owned business that has invested substantial financial resources, time, and personal commitment to create a unique, safe, and welcoming destination for the Inver Grove Heights community. What we have built is more than a business—it's a place for families, friends, workgroups, and classmates to gather and create memories as they experience interactive activities, custom designed private events, celebrations and Nowhere Entertainment's own free community events throughout the year.

Since opening, we have grown to serve more than 8,000 subscribed community members and have hosted hundreds of events. We have consistently demonstrated our commitment not only to compliance, but to community enrichment. Each year, we provide free seasonal events, including Easter celebrations where children can meet the Easter Bunny, enjoy face painting, and receive gifts, as well as Christmas events featuring Santa and his elf. These events are offered at no cost to families and are designed to ensure that all members of the community—regardless of means—can participate.

Our commitment to the community extends further through charitable partnerships. Most recently, we collaborated with Neighbors, Inc. on the "Escape Hunger" initiative, during which local mayors from Inver Grove Heights, Mendota Heights, South St. Paul, and West St. Paul volunteered to be locked in an escape room. Community donations were used to provide clues for their release, resulting in more than \$5,500 raised for a local food shelf serving families in need. This event reflects the type of meaningful, community-centered engagement we strive to provide.

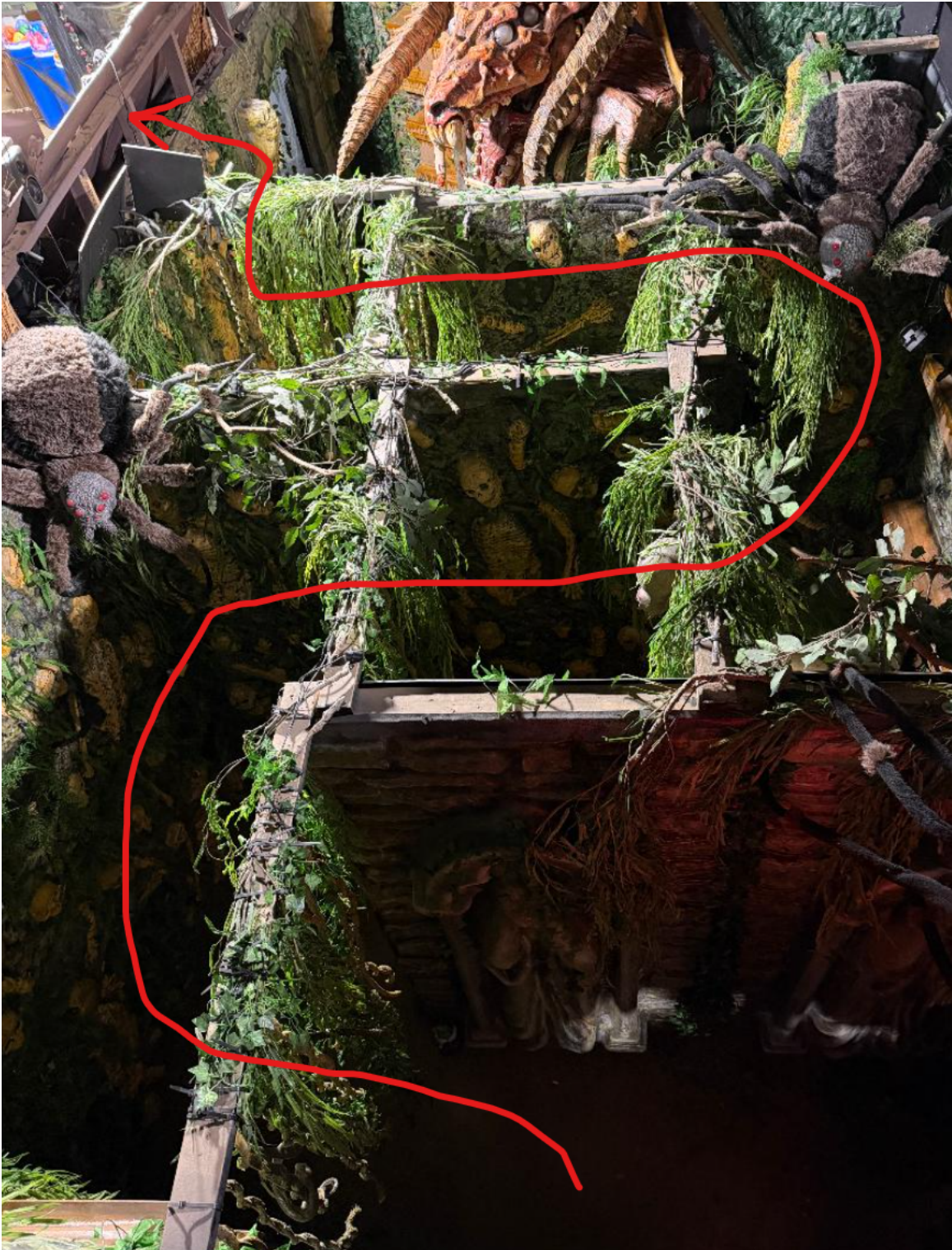
Requiring the removal of the vacuform panels would impose a significant and undue hardship on our business. The escape room attraction—one of our primary offerings—would be forced to close entirely. Any attempt to recreate a comparable experience would necessitate hiring a professional set designer and undertaking extensive reconstruction. Such efforts would be both cost-prohibitive and time-intensive, with no reasonable assurance of achieving a similar result. At present, there is no feasible or economically viable alternative that would replicate the existing installation.

The financial burden alone is substantial, including an estimated \$12,000 in lost revenue, in addition to \$10,000–\$15,000 in demolition and reconstruction costs. For a small business, these costs are not merely inconvenient - they are materially impactful and threaten the continued viability of a key component of our operations.

Moreover, this hardship is compounded by the fact that the panels have been in place since our opening and were not previously identified as non-compliant in prior inspections – including a previous inspection conducted that same month.

For these reasons, we respectfully submit that strict enforcement of this requirement, under these specific facts, results in an undue hardship that is both significant and avoidable. We therefore respectfully request immunity from the fire code regulation restricting the use of vacuform panels, or such relief as deemed appropriate, so that we may continue to operate safely while serving and supporting our community.

Set #4 Crypt/Enchanted Forest Layout



Entrance



Approximately 30' from entrance to exterior exit



Approximately 26' from exit to exterior exit

