

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MARCH 28, 2022 - 6:00 P.M. - 8150 BARBARA AVENUE**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, March 28, 2022, in person. Mayor Bartholomew called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Bartholomew, Council Members: Piekarski Krech, Dietrich, Murphy, Gliva; City Attorney McCauley Nason, City Administrator Wilson, City Clerk Kiernan, Public Works Director Connolly, Community Development Director Rand, Finance Director Hove, Parks and Recreation Director Lares, Assistant City Engineer Dodge, Associate Planner Botten.

3. PRESENTATIONS:

A. Neighbors Inc. 50th Anniversary.

The group from Neighbor's was not present for this Agenda Item.

B. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting.

Finance Director Amy Hove gave a formal presentation for the Certificate of Achievement for Excellence in Financial Reporting. It is issued by the Government Finance Officer's Association (GFOA). It is a significant accomplishment in our financial reporting; the transparency, accuracy of the data, and the comprehensiveness of the information presented in the financial statements. The city has earned this award since 1986. She stated staff would like to thank the council for their ongoing support for the transparency in our financial reporting. She also wanted to thank staff because it takes an entire team to pull all of this together. She mentioned that this is on our 2020 Financial Statement. The city just received notification. It's a process that takes quite a few months for them to review and get back to all of the jurisdictions that submit. Staff anticipates they will be submitting for the 2021 Financial Statements once those are completed in early summer.

Mayor Bartholomew stated he has the Certificate of Achievement from the GFOA that he would like to present to Finance Director Hove. It is for period ending December 31, 2020. It is a Certificate of Achievement for Excellence in Financial Reporting. He congratulated the Finance Director and Staff.

Mayor Bartholomew said they cannot underestimate the value of this. It goes a long way in the bond rating and in the respect in the community. It is the way finances are approached. He, along with the council, appreciate Finance Director Hove and her staff and all of the hard work and diligence they put in.

4. CONSENT AGENDA:

A. Approval of Disbursements. **Resolution 2022-061**

B. Approval of Personnel Actions.

C. Resolution 2022-062 Accepting \$2,000 in Donations for Fire & Police Departments.

D. Resolution 2022-063 Authorizing Application to the Transportation Advisory Board (TAB) for 2022 Regional Solicitation Grant Funds to Support Construction of a Multi-Use Trail along Babcock Trail.

E. Resolutions 2022-064 & 2022-065 Awarding Contract and Approving Budget for the 2022 Pavement Management Program, City Project No. 2022-09A - Crack Seal.

F. Resolutions 2022-066 & 2022-067 Awarding Contract and Approving Budget for the 2022 Pavement Management Program, City Project No. 2022-09B - Seal Coat.

G. Resolution 2022-068 Accepting a Proposal from Brin Glass Service and Awarding Contract for Maintenance Building Window Replacement.

H. Resolution 2022-069 Accepting Work for City Project Nos. 2017-03 - Watermain Improvements 65th Street Loop and 2017-24 - T.H. 3 Intersection Improvements for 65th Street including acceptance of Change Order No. 9, Final Compensating Change Order No. 10, Final Pay Voucher No. 13 and Engineer's Report of Acceptance

I. Resolution 2022-070 Approving Community Center 2021 Budget Carryover.

J. Resolution 2022-071 Approving 2021 Transfers to the Community Center.

K. Resolution 2022-072 Approving Project Funding and Closing Funds

Mayor Bartholomew stated Agenda Item 4H has been pulled by the request of Staff to come back at a future meeting.

Councilmember Dietrich requested pulling Agenda Item 4J.

Motion by Dietrich, second by Gliva, to approve the Consent Agenda with the exception of Agenda Items 4H and 4J.

Ayes: 5

Nays: 0 Motion carried.

Agenda Item 4J. Resolution 2022-071 Approving 2021 Transfers to the Community Center.

Finance Director Amy Hove addressed this agenda item and stated as a part of the budget process, staff takes a look at developing a budget for the community center. Part of their funding comes from a transfer from the host community fund.

- In 2021 the total transfer was budgeted at \$1.4 million dollars.
- At the end of 2021 Staff looked back to see how they performed (revenues, expenditures) to figure out exactly what they would need for a supporting transfer.
- In 2021:
 - The Operating Transfer came in at \$288,000 under what was originally anticipated with the 2021 Budget
 - The Capital Transfer came in at \$47,000 under what was originally planned in the 2021 Budget
- Areas where there was stronger revenue performance:
 - Admissions and Memberships
 - Prior to the COVID Pandemic
 - Starting to see those levels return
 - 2020 was an off year
 - 2021 was slowly coming back around
- Areas where there were shortfalls:
 - Kids R.O.C.K. Program
 - Due to parental schedules
 - Program had to be more flexible with the programming guidelines to keep the number count under control
- Major area of savings for expenditures:
 - There was not a full time Parks and Recreation Director for much of 2021
 - Saved about \$233,000 in personnel costs

She referenced page 2 of the council memo where there is detail on what the operating and capital transfers have been over the course of the last five years. It shows:

- The capital transfer will tend to vary based on whatever capital projects the council has decided upon
- Operating transfers will vary based on operations from year to year

She mentioned this was a transfer that is needed to make the community center whole for 2021.

Councilmember Dietrich thanked Parks and Recreation Director Lares for having a conversation with her. She felt like they have been working collaboratively to try to figure out a sustainable way to operate the VMCC without continuously relying on the host community fund. She commented that those monies will not be around forever, there is infrastructure that is suffering and has been for over a decade.

Councilmember Dietrich stated that the Finance Director mentioned the Kids R.O.C.K. Program. The Council was told there was a room that used to be a former gymnastics room that the tenant needed to vacate because they needed the room because they were expecting record numbers for Kids R.O.C.K. This was post-Pandemic; she does not have the date that the conversation took place. Seeing it came in at 42%, it leads her to believe that there may have been some trouble in forecasting, or not a plan in forecasting at all. She asked what tools were used for deciding that was going to be a banner year and needing that room and what tools were being used now to forecast revenues for the VMCC. Finance Director Hove responded she could not speak regarding the forecasting tools that were used to determine the Kids R.O.C.K. Programming for 2021. She mentioned that in 2020 when staff was putting the 2021 budget together it was still very uncertain as to when the community center would be back at full strength. She speculated that staff believed the membership numbers would be higher and the likelihood of having people return to normal programming just didn't happen at the same pace anticipated. She said one of the things that community center staff shared with her is that there were a lot of parents still working from home, so they had to adjust expectations. In the summer of 2021, people were still a little concerned about sending kids into more confined spaces and being more protective.

Councilmember Dietrich said there must have been some pretty strong reason to believe they were going to have to have that other room vacated that was bringing in revenue, albeit not a lot. Enough to say they need the room for Kids R.O.C.K. and then to find out they are at 42%. She said in her business that is an "F". She wondered what they can do going forward. Finance Director Hove responded having a full time Parks and Recreation Director on board will help solidify some of that consistency and those discussions and allow them to provide a better forecast.

Councilmember Dietrich appreciated the Finance Director's transparency with where the money has been going. She thought Parks and Recreation Director Lares is doing a great job. She looks forward to seeing improvement in this area.

Motion by Murphy, second by Gliva, to approve Agenda Item 4J. Resolution 2022-071 Approving 2021 Transfers to the Community Center.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. Public Hearing and Resolution Ordering Project and Authorizing Preparation of Plans and Specifications for the Akron Avenue and 50th Street Rehabilitation Project (City Project No. 2022-09K). Resolution 2022-073

Assistant City Engineer Steve Dodge discussed the 50th Street and Akron Avenue rehabilitation public improvement hearing for the 2022 pavement management program. The streets are Akron Avenue and 50th Street, west of Trunk Highway 3 and south of Mendota Road.

Project Background:

- Akron Avenue
 - Reconstructed in 1992 with some maintenance
- 50th Street
 - Reconstructed in 1997 with some maintenance
- The area consists of commercial car sales and repair businesses with one truck repair business

Project Process:

- Initiated by City Council as a part of the Pavement Management Initiative
- Council ordered a Feasibility Report in October 2021
- Staff hosted two meetings with the property owners. A hybrid meeting of virtual and in-person on February 16th to present the Feasibility Report and get feedback
- Council receives Feasibility on February 28th
- Staff held a hybrid information meeting on March 16th to receive further feedback before the Public Improvement Hearing

General Proposed Improvements:

- Mill & Overlay on 50th Street, depicted in green on the map
 - 2-inch Mill & Overlay (take the top 2 inches off and repave it)
- The same would be done with what was depicted in purple on the map
 - The pavement there needed a little more work.
 - There is over 4 inches of pavement
 - Would be a 4-inch Mill & Overlay on the west end of 50th Street
- On Akron Avenue
 - Road is in more need of full depth reclamation or pavement replacement full depth (involves grinding up the pavement along with the base material that is there, rebuild the base, and put new 6 inches of pavement down)

Feasibility Recommendation:

- Improvements
 - Minor utility improvements
 - Manholes, castings, and rings
 - Storm sewer on 50th Street needs some reconstruction (a manhole or two)
 - Adjustments of castings and rings will be made at grade level

Cost/Funding:

Total Project Cost:

- Total cost estimated at: \$760,000
- Surface improvements take up a majority of that cost at \$660,300
- Watermain improvements
- Sanitary Sewer improvements
- Storm Sewer improvements

Total Project Funding:

- Total Project Funding would come from the Pavement Management Fund: \$212,000
- Special Assessments of \$511,200
- Water Fund
- Sanitary Sewer Fund
- Stormwater Utility Fund

Area Assessments:

Non-Accessed Parcels:

- Parcel #18 on the west end of 50th. This is all Mendota Road/MnDOT/50th Street right of way.
- Parcels #16 and #17 is the Honda site along Trunk Highway 3/Mendota Road. Access points are Mendota Road or Trunk Highway 3. Because they don't access 50th or Akron, they cannot be assessed for this project. They were notified for transparency. For other car property owners in the area Staff wanted to make sure everyone knew that they were included in the review but determined not to be an assessable property.

Special Assessments:

- Per Policy: 80% assessable cost
- For Full Depth Reclamation/Partial Reconstruction; 55% on Akron Avenue
- Combining total cost of the two projects. This would be assessed on an area basis for all of the properties to try to distribute the costs evenly because everybody uses both Akron Avenue and 50th Street for access.
- The per policy assessed amount came in at \$12,898 per acre. Approximately 30 cents per square foot.
- A Special Benefit Analysis was done by an Independent Appraiser, the special Benefit Cap, or the benefit that could be valued was \$43,560 per acre or \$1.00 per square foot. This is below what the Special Benefit would be.
- Based on meetings with property owners, Staff has seen general support for the project.
- The recommended Assessment Term would be 10-years.

Neighborhood Feedback based off the two meetings:

- General support for the project
- Businesses want to make sure that access is key to keeping them open
 - Staff would hold a separate construction meeting with the group.
 - Will also be involved in communications with them when moving into the design phase to make sure to incorporate into the project documents/bid documents the needs they would have in order to keep them in business with only minor disruptions.
 - Comments received on high truck volumes especially on Akron Avenue.
 - Comment received on road weight restrictions.
 - Staff responded to these; a response was also posted on the website.
 - Road weight restrictions to protect investment:
 - 4 ton for Akron Avenue
 - 7 ton for 50th Street

Tentative Project Schedule:

- Hosting the Public Improvement Hearing tonight (March 28, 2022) in order to order the project and authorize plans and specifications
- Come back in April to receive the Contract Documents
- Authorize Ad for Bids and approve them
- Bid Project
- Award Project sometime in June
- Work with the Project Team and Business Owners to make sure there is a constrained time.
 - Once they start the work, want them to finish the work in a certain number of weeks so that they cannot draw the project out for a long time.
- Substantial Completion would be based off of a start and end time.
 - Would want them done by September.
- Host Assessment Hearing at the end of the project.
 - Will adjust assessments accordingly based on the cost of the project.
 - Sometimes there are savings in construction costs that can be helpful to the assessments.

Recommendations:

- Hold a Public Hearing

- Adopt Resolution
 - Ordering the Project
 - Authorizing the Preparations of Plans and Specs by WSB

Councilmember Murphy referenced parcel #18 saying he thought he recalled from the last meeting that there was no owner on that lot. Assistant City Engineer Dodge replied it has an interesting history. There is an underlying owner, the whole area is encumbered by right of way easements so they can't do anything with the parcel.

Mayor Bartholomew opened the public hearing.

Motion by Gliva, second by Piekarski Krech, to close the public hearing at 6:23PM.

Ayes: 5

Nays: 0 Motion carried.

Mayor Bartholomew said the council is being asked to consider a resolution ordering the project and authorizing the preparations of plans and specifications.

Motion by Gliva, second by Dietrich, to approve Resolution 2022-073 Ordering Project and Authorizing Preparation of Plans and Specifications for the Akron Avenue and 50th Street Rehabilitation Project (City Project No. 2022-09K).

Ayes: 5

Nays: 0 Motion carried.

6. REGULAR AGENDA:

A. Consider Resolution Adopting New Park Donation and Memorial Policy. Resolution 2022-074

Parks and Recreation Director Adam Lares presented a proposed Park Donation and Memorial Policy stating that it would cover the current Policy/Guidelines and reason for the potential change.

Current Guidelines:

- In 2010, the city adopted the Park Memorial Guidelines. Currently used for memorial donations and gifts for any city park.
- Provides standards and directions for members of the public wishing to make memorial gifts or donations to the City's Park system.
- Covers:
 - Memorial Trees
 - Memorial Benches
 - Limited Amenities

Evaluate:

Several factors have given Staff reason to evaluate the current guidelines.

1. Request from a resident for the city to accept a donation of a permanent monument to be placed within the city's park system.
2. As the city park system and community grows, does the current guidelines meet the needs of the community and the city.

Upon review and as a result, staff and legal counsel have identified the need to update the donation process and standards in the current guidelines:

- Memorial trees

- Memorial Benches
- Park Amenities

To include:

- Equipment Donations
- Financial Donations
- Permanent Monument Donations
- Official Review and Approval Process

New Park Donation and Memorial Policy would include:

- Memorial Trees
- Memorial Benches
- Donation of Park Amenities
- Donation of Equipment
- Donation of Permanent Monuments
- Financial Contributions
- Donation Review and Approval Process

Memorial Trees:

- Donors would pay for the cost of the tree(s) to be planted.
- Trees will be planted and maintained by City Staff.
- Donors would select from a list of approved trees by the City's Parks Superintendent.
- Placement of the trees is subject to availability and is at the sole discretion of the City's Parks Superintendent.
- Memorial plaques or markers are not permitted for tree donations.
- All donated trees would become the property and responsibility of the City.

Memorial Benches:

- Donors pay for the cost of a memorial bench.
- Donors would select from a list of approved benches.
- The cost of each bench varies depending on the size and style selected.
- Placement is subject to availability and is at the sole discretion of the City's Parks Superintendent.
- Benches may be engraved or come with a memorial plaque and shall be approved by the City's Parks Superintendent.
- All donated benches are the property and responsibility of the City.

Equipment or Amenities:

- Donor will work directly with the City's Parks Superintendent to discuss options.
- All donated equipment and amenities are the property and responsibility of the city.

Equipment:

- Maintenance equipment
- Program equipment
- Etc.

Significant amenities:

- park shelter donations
- basketball court donations
- playground equipment donations
- ball field
- Etc.

Permanent monument within the updated policy:

- Monuments may be accepted for placement in city parks when recommended by the Parks and Recreation Advisory Commission and approved by the City Council.

- Donors would have to contact the Parks and Recreation Director in advance to discuss suitability of their proposed monument.
- Monuments should only be accepted and placed in parks as a form of government speech; city parks are not open to the public as a forum for private speech in the form of permanent monument placement.
- The city council has the sole authority to select the location where a donated monument will be installed.
- Accepted monuments will be installed by the city.
- All donated monuments are the property and responsibility of the city.

Financial contributions:

- Donors seeking to support the city's parks with a financial contribution may make a monetary donation directly to the city via the Parks and Recreation Director for such use.
- Funds may be designated for approved park projects or capital improvements or may be given as unrestricted funds for use as determined by the city council.

Review and approval process:

- Memorial trees and benches may be administratively accepted by the park's superintendent subject to final approval by the city council.
- All tree and bench donations shall be submitted to the city council biannually for final acceptance by the city.
- Proposed donations of permanent monuments, playground equipment, other park amenities, or permanent memorials (other than trees and benches) will be referred to the Parks and Recreation Advisory Commission (PRAC) for review.
- The PRAC shall make a recommendation regarding acceptance of the proposed donation to the City Council.
- All donations are subject to formal acceptance by the City Council and the Council reserves the right to refuse any donation.
- The city will not take possession of any permanent monument, playground equipment, or other park amenity prior to formal Council acceptance.

Recommendation:

- PRAC: At its March 9th, 2022 meeting, the Park and Recreation Advisory Commission (PRAC) voted unanimously to recommend adoption of the park donation and memorial policy.
- Staff: Recommends adoption of the park donation and memorial policy, replacing the existing park memorial guidelines.
- The new Policy provides for the donation of trees and benches to be handled largely through an administrative process but ensures that the city council has the opportunity to specifically accept or decline donations of permanent memorials with input from the PRAC. This ensures the council has the discretion to determine the number, size, and messaging of items placed in our parks.

Councilmember Piekarski Krech requested clarification on permanent monuments/sign. She assumes it means it meets the parameters of current signs, with size, construction, material, or if someone could come in and say they want to do a monument to the steel workers, and it would be quite large. Parks and Recreation Director Lares replied the permanent monument signage would not necessarily correlate with the current signage. It could be anything they would like to put on city grounds. This is where the review process comes in, to review if that seems suitable for park grounds. For example, the reference of a steel monument, that request would go in front of PRAC first, advised through the Parks and Recreation Director to see if it's suitable for the area. He stated that it can go beyond what the current signage is approved for within park sites.

Councilmember Piekarski Krech said she has concerns about the types of materials that would be allowed to be used, safety of the installation, that it could be made out of something that kids are running around or playing and someone rides their bike into it. There are a lot of things that make her leery when they don't have a uniform idea of what can be allowed. She commented then it becomes one PRAC group may say one thing and the next group comes in with different ideas/suggestions. She wants to have transparency and make sure everyone is treated the same. For example: someone comes in with an idea, we don't like it, or don't like that person, so we shut it down. She would like to see some kind of parameters. Parks and Recreation Director Lares responded that the process would involve a review from the Parks and Recreation Director and Parks Superintendent to make sure its suitable and aligns with the aesthetics of the park. It would align more or less with any of the current signage, but things would deviate away from that. It would come to PRAC and the council with a recommendation from staff to approve or decline the acceptance of the permanent monument. He said it wouldn't be spelled out specifically what the requirements are, Staff would make sure it was viable for the area and that it would align with the park in general. Not all monuments would be made out of stone like our current signage calls for.

Councilmember Piekarski Krech was concerned that when they approve a housing development there are rules and regulations that say. With this it could be anything and everything depending on the personalities involved. She was concerned about that when saying we will accept these things and monitorial. For example, someone would give a million-dollar thing or give another monetary donation to parks as long as this thing is placed. She commented that art is very subjective. She knows other cities have run into issues with installation. She thought it was a great idea to do and have people participate and be a part of the parks but thought there needed to be some parameters.

City Attorney Bridget McCauley Nason stated for council to be aware that under this policy what they are really talking about with the council is that a monument policy is a form of government speech. There are issues when the government creates public forums, limited or traditional public forums to how the government can regulate that speech. With respects to city parks and facilities, the monuments that are proposed, if accepted by the council and erected within the park, would be a form of government speech which is immune from some of those First Amendment Free Speech challenges and does not require some of the balancing, opening up, and allowing all different viewpoints in. She wanted to clarify that we are not in the issue of a limited public forum or needing to allow different viewpoints in with respect to the policy on monuments, they are talking about what the government speech would be. That is why it is clarified in the Policy that monuments would be accepted and placed in a park as a form of government speech. Whatever is on the monument, for example, a war memorial or something like it, the government is speaking in that case. It's a little bit different than the typical First Amendment challenges that can arise in other contexts.

Councilmember Piekarski Krech mentioned there is no size limitation, a huge thing could be put up and take up half a park.

Mayor Bartholomew asked what they have as far as guidelines for the longevity of the monument. Who takes care of it after 30 years, how does the city dispose of it, what happens if it becomes an eyesore? Once the city puts it in the ground, we own it. He wanted to make sure there were parameters in place that something they put there is going to last, have some life, and not looking at it in nine or ten years and have to take it out. He questioned if we were prepared for something like that. He mentioned the size is an issue for him; are they prepared to monitor for that and make sure it doesn't overtake a park. He believes they are clear in the protection for speech, it's going to be government speech, not driven by anything other than that. Parks and Recreation Director Lares addressed the first question and said one of the things staff would do with owning the property, is they would treat it just like any other

property. If needing to maintain it, or it starts deteriorating, it would either be fixed or disposed of. For example: A park bench, the city would own it, take care of it, at some point and time if it needed to be rehabbed, replaced, or disposed of, the city has the authority given that the city owns the property. He said if the city has the capabilities to do that, if they want to replace a permanent monument it would have to be done with council action at some point and time to see if there is the capacity to do that.

Parks and Recreation Director Lares requested clarification on the second question. Mayor Bartholomew referenced an overwhelming size. Parks and Recreation Director Lares replied that additional language could be built in around what they are able to accept for a permanent monument. They could be a little clearer on parameters for size and shape that are more suitable for the environment of the park that it would be potentially at. That could be built into the policy.

Mayor Bartholomew said he wanted to make sure they give thought to the longevity of the monument so that it doesn't become an albatross. If someone says they want to put in a monument, the first question is how long they think it would last, will it last, and will it fit. Parks and Recreation Director Lares replied they could add that to the policy.

Councilmember Murphy said aside from some details, he thought this was a fantastic update; a much-needed update to our policy. His question was about government versus private speech. He asked if the seated council will decide what monument goes into a park. Parks and Recreation Director Lares replied that was correct.

Councilmember Murphy asked if all proposed monuments would start as private speech and then the council decides it is government speech by approving it. City Attorney McCauley Nason responded it could be looked at that way, it comes from a private entity. The contemplated path is there is a private entity, civic group, individual, whatever the case may be, that wants to make a donation to the council of some type of monument. The council would, by accepting the donation and choosing to put it in a park, convert it into government speech. Theoretically the council could, on its own initiative, determine it wants a monument in a park regarding any particular matter, or a third party could approach the council and gift a monument. By the council accepting and putting it in a park would be speaking as government speech. There is a transformation along the lines. She said what the Policy attempts to make clear is that the city is not creating any type of public forum, whether it's a limited public forum, etc., for private speech within a city park. There is a traditional public forum analysis for protests and things like that, but that's outside of the scope of this Policy. By adopting this Policy, the city wants to make clear that if the city approves/accepts a donation and places it in a park, it is placing it in the park as a form of its speech as a government unit.

Councilmember Murphy questioned if the Council approves to put in some crazy monument, can the next Council get it out. City Attorney McCauley Nason responded yes.

Mayor Bartholomew said the resolution is asking to adopt a resolution, there isn't a solid policy for yet. He questioned if they should wait until they have a better policy before they look at this. Parks and Recreation Director Lares responded he was just going to suggest that. He will rework some of the policy items the council had concerns/wanted additional information on so they can standardize a little bit more. For example, if accepting a monument, what the expectation is on longevity, size/shape that would be required/allowed to be in our parks. He would return with some of that information updated in the Policy.

Mayor Bartholomew mentioned he would also like to see things clearly on the point made by Councilmember Murphy, that subsequent councils can have the authority to remove, once the verbiage

accepted, its government speech. He said he wanted to be clear on that as is the understanding by City Attorney McCauley Nason. He suggested making sure it encompasses that in the Resolution.

Councilmember Piekarski Krech suggested they also make it clear to someone that if giving \$5,000 to put a monument in a park, the next Council can come and take it away. If that were the case, she'd be angry. Mayor Bartholomew agreed and said it sounded like the Council can do that, there is a need to make sure everyone is all on board. Councilmember Piekarski Krech said they need to be very clear about that, just because it gets put there now, in two years it could get taken away.

Mayor Bartholomew said the city, in good faith, takes a donation for whatever dollar amount to build a monument, two years later the monument is removed. He questioned if there is there any liability, he wanted to make sure that is avoided.

City Attorney McCauley Nason said she assumed there would be a Motion to table this item to a future meeting with direction to Staff as previously provided. Mayor Bartholomew agreed.

Motion by Murphy, second by Piekarski Krech, to table Resolution 2022-074 Adopting New Park Donation and Memorial Policy to a future meeting with direction to Staff as previously provided.

Ayes: 5

Nays: 0 Motion carried.

B. Consider Ordinance Amending City Code, Title 10 in relation to Garage Condos. Ordinance 1425

Associate Planner Heather Botten stated the Applicant has made Application to amend the Zoning Ordinance to allow Garage Condos in the city. Current Code does not address this type of use, it would not be allowed. Garage Condos allow individuals to purchase a garage space for their own personal storage and is often promoted for high end storage items such as luxury or antique cars but also used for RV's, Boats, Motorcycles, or any kind of storage. A lot of the Garage Condo units can be finished with a loft space and could include a bathroom or shower facilities. With a Garage Condo, one would see the private garages and could have community spaces that are operated by an HOA. In front of the Council are Amendments to 3 different parts of the Code:

1. Definition of Garage Condos
2. Land Use Table (to see what Zoning District this type of use would be allowed in)
3. Performance Criteria for all Garage Condo Developments

Staff recommends if this is allowed, it be a Conditionally Permitted Use. There would be a process that each development would come in, there would be the opportunity to add additional Conditions if the Council saw fit. This would be separate from the performance criteria listed.

She stated the Applicants are proposing the Garage Condo Use be allowed in the B-3, General Business District. The B-3 District is established for large scale retail uses and services that serve an entire region. Staff believes this type of use could be considered a high-end mini storage facility. Last year the Council adopted and initiated a Code Amendment to remove mini storage facilities out of the B-3 District as they were found not to be an appropriate use for the Commercial District. Mini storage facilities are allowed in the I-1 and I-2 Districts in the city. She referenced the Staff Report and said there was one map of the city included that had all of the B-3 Districts and another map that had the I-1 and I-2 properties in the City. Staff recommends that Garage Condo uses be allowed in the same District as mini storage facilities, the I-1 and I-2. Staff recommends denial of the B-3 proposal from the Applicant based on the similarity of the use to a mini storage facility and the Council direction not to

allow such uses in commercial districts. Staff recommends approval of the definition as presented along with the land use table conditionally allowing them in I-1 and I-2 and then the performance criteria listed.

She noted that the applicants do have property in mind in the city to construct a garage condo project. The applicants are aware that no matter what happens tonight, if the ordinance amendments are approved, and there would be a subsequent process of some platting and rezoning of comprehensive plan amendments, those subsequent processes does not mean that the proposal would be approved on the properties they are looking at. She added the planning commission had the same recommendation as staff, approving it in the I-1 and I-2 districts and denying it in the B-3 district.

Councilmember Murphy asked if staff's recommendation is a conditional use in I-1 and I-2. Associate Planner Botten replied that was correct.

Doug Johnson, Blue Ribbon Builders, 474 Manor Drive, Spring Lake Park, Minnesota, stated they are looking to do as presented by Associate Planner Botten, but more like an extension of your garage where people have some fancy cars, fancy boats, motorcycles. It is a kind of community within the garage condos. There are several around the State and other States. He mentioned when they first sat with Staff, they were thinking the optimal place would be in Business because with Industrial the Code states a landscaping company could come in and use one of the units for storing lawn care equipment or a plowing business that is more industrial. They were trying to scale it back to more of a community, like a gated community but with garages. They plan on doing a homeowner's association. The garage condos would be owned and occupied, not rentals, which he believes eliminates the mini storage connotation, most of those are rental. This would be an upper scale type extension to a garage.

Councilmember Dietrich asked if there were any other types of photos. She said the one shown by Associate Planner Botten looked fairly industrial, which wasn't her experience with garage condos, they look more like a luxury apartment.

Mr. Johnson displayed a photo of a garage condo in the White Bear Lake area. Those garages had bigger doors so they could accommodate larger boats or RV's. Their design has pitched roofs, are insulated, with two tone siding. They plan on doing a smart board or hardy board type siding so it looks more like an extension of a garage. The photo displayed had windows in the building. He displayed another photo of a building in the same area with a different color scheme. That was something they could also do so they wouldn't all look identical, more individualized. He said he also has pictures of the insides where some may epoxy the floors, some have mezzanines. They plan on putting water/sewer in so people can have a bathroom and a place to shower and clean up.

He mentioned when they presented before the planning commission, one of the commissioners said he goes to these almost every weekend. The commissioner said it was a community where they get together to show off their toys and have fun getting together. It is more of a community instead of having something just stored there. He said he hates to use the word "man cave" as it becomes one directional, it can be used for a lot of other things. Moms can get away from the kids for a few hours, go out there and have a wine tasting, or work on the car/motorcycle too. He said they understand the ordinance is being changed into an I-1 or I-2 zoning, that would be fine. Their homeowner's association can narrow down what is/isn't approved as far as what can go in there. He wanted to make sure if it is an industrial area, it isn't going to be semi's parking because he didn't think that enhances the neighborhood. He said there could be a car show at some point or when the public is welcomed in to look at the cool cars there.

Mayor Bartholomew stated Mr. Johnson was correct that he can limit, by contract, what they could have in their building and keep it to whatever size wanted. They can't limit the neighbor. Mr. Johnson replied he understands that. That was one of the issues he had brought up in discussions with staff. He said there is a parcel they have in mind. If they have a garage condo gated type community and right next door in an industrial parcel there is a cement plant, or a high traffic truck repair place, that takes and diminishes what they are trying to accomplish. That was why they petitioned to do more of a business community. In business communities there could be car repair shops, small stores, or bigger retail, they wouldn't have another refinery or an asphalt plant. That was their conundrum. He said a couple of members on the planning commission shared that same concern when they met the last time. He said they felt it was still better in the I1 and I2, but he still thought the business district would be better. He was looking at more of a mixed use that gives the city better direction on what is wanted in those areas, it gives more leeway.

Councilmember Murphy asked if these are rented or bought. Mr. Johnson replied these are bought. The price range would go from \$125,000 to \$250,000 for a garage condo depending on size and amenity inside, or if they or the buyer finish them out. They would be insulated.

Mr. Johnson displayed a photo and said if driving by this project in Hugo, you wouldn't know this was a bunch of garages. You would think it was an apartment building with a big garage door. That fits into the neighborhood with other residential. He mentioned there was one area that was more industrial, they had a snow plow sales company and stored stuff outside, it looked more industrial. He said that wasn't the kind of look he was trying to accomplish. They want to sell these as a high-end extension of your garage, they want it to look more like coming to your second home.

Councilmember Gliva asked if Mr. Johnson had any facilities already built. Mr. Johnson replied no, none of these. This is a new concept for them. He has built some townhomes, single family homes, and small commercial areas such as an eye clinic and tobacco stores. He has not built anything in an industrial zone. That was one of his concerns, he didn't want to have an industrial looking facility especially if it was going to be closer to a residential neighborhood as opposed to an industrial area.

Mayor Bartholomew said he has seen the recommendation from Staff to approve adding the definition of garage condos to our chapter and statute. Staff is recommending the land use of I-1 and I-2 only, denying B-3, and recommending adding the Garage Condo performance criteria. All of these would be permitted by condition. He said he was not in favor of the B-3 for several reasons. The Council just went through this at great lengths regarding removing/not allowing storage of any type in the B-3. The reasons why are that they are limited/losing the footprint for small business and felt that a bigger use or more aggressive use would be warranted. He said the idea of storage is storage and wanted to keep them away from business areas. This was something the council struggled with for 12-24 months. He said he liked the position of staff. He doesn't want to see them put this in B-3 since they spent a lot of time considering taking storage out of B-3. He thought it would be a mistake to roll that back. He liked the idea and thought garage condos was a good concept, he would see a good fit for it in I-1 and I-2.

Councilmember Piekarski Krech questioned Item C. in the Resolution where it states, "Individual units shall not be made available for business uses open to the public". She asked Associate Planner Botten if that meant they could be business uses. Associate Planner Botten replied staff would hope not. It would be hard to regulate that when someone has their own private unit. Staff figured if it was open to the public, it would be easier to prohibit and regulate.

Councilmember Piekarski Krech asked if they were open to the public because in the Planning Commission discussion, Commissioner Weber had mentioned that he goes to one and a lot of people

come there. Associate Planner Botten replied she wasn't very familiar with this type of use, with the conditional use permit process, where some have HOA gathering spaces. She mentioned that a lot of people that own individual ones can invite family and friends there, it's not just the public coming in. She said she believed Commissioner Weber may know people that own them. She said she also understands there may be car shows where the whole community is opened up for the public to see.

Councilmember Piekarski Krech asked how they put that fine line, so they are not running a business out of these. They are for your own personal use. She mentioned it was similar to when someone wants to put a big pole shed at their home. It's for their personal use, you cannot run a business out of it.

Associate Planner Botten said that staff could change the language in the performance criteria to take out the public part and leave it a blanket "no businesses would be allowed", or when it comes in for the conditional use permit, they could be more specific with that text. From a staff perspective unless someone is complaining about it, they wouldn't know what is going on in there.

Councilmember Piekarski Krech felt they needed to say no business right off the bat. It sounds like a fun thing for people. She agrees with the mayor in that it doesn't belong in the B-3 because it's not going to generate employment. Associate Planner Botten replied the text can be removed about the public part and left at no businesses would be allowed to be operated.

Councilmember Murphy said he thought it was a nice addition to Inver Grove Heights and understands Councilmember Piekarski Krech's point. He agrees with staff's recommendation.

Councilmember Dietrich stated it was a great product for Inver Grove Heights. She likens it to having a lot of enthusiasts out there, especially for automobiles for summer nights at A&W. She liked that it has the potential to bring people together, to bring more folks to Inver Grove, everybody grabbing a coffee at one of the Caribou's here. She would support this.

Mayor Bartholomew asked City Attorney McCauley Nason if the striking of the no businesses could be done this evening. If they could say as a condition that they are dropping and simply stating that no business shall be transacted. City Attorney McCauley Nason replied if the council wishes to clarify that provision, what could be done is to approve the ordinance with the following language: "The individual units shall not be used for business purposes". She said that business is a defined term in the zoning ordinance with the definition being: "Any occupation employment at your own enterprise where merchandise is exhibited or sold or where services are offered for compensation". If that definition encapsulates what the council is seeking to prohibit, that could be something that could be done. She recommends if the intent is to not allow it for business purposes, that be included under the performance standard in the ordinance as opposed to trying to add it as a condition to the conditional use permit. It's either not allowed period, or it would be allowed.

Mayor Bartholomew requested clarification on which amendment was being discussed. Associate Planner Botten replied it would be 10-15-36, garage condos performance criteria.

Mayor Bartholomew asked the city attorney if she was ok with lining it out as shown by Associate Planner Botten or if a longer dissertation is needed.

City Attorney McCauley Nason replied the language she suggested was "the individual units shall not be used for business purposes". That can be added if that is the direction the council is seeking.

Mayor Bartholomew recommended taking each one, one at a time. Look at the Amendment to Chapter 10-2-2, Amendment to Chapter 10-6-2 for Land Use, dropping the B-3, and then the Amendment to Chapter 10-15-36 as noted by Councilmember Piekarski Krech and Associate Planner Botten.

Councilmember Piekarski Krech said she thought they were all in the same document. Mayor Bartholomew said they would just do it in one.

Motion by Piekarski Krech, second by Gliva, to approve all three in one Resolution to Ordinance 1425 Amending City Code, Title 10 in relation to Garage Condos with the noted changes.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Dietrich stated she voted Aye but doesn't agree with changing the language. She thinks it's over-legislation and an over reach of power. For example: All of these vehicles are out there, and someone comes up with a great wax product. She thinks about all of the great businesses that have started out of a garage, like Bill Gates. She hates to put those types of provisions on people and limit folks like that, she doesn't think that is her business.

C. Consider an Ordinance Amendment to Allow a Recreation Center Use in a portion of the Inver Grove Market Building, 5828 Blaine Avenue. Ordinance 1426

Associate Planner Botten stated the request is for property located south of Upper 55th Street, east of Blaine Avenue, zoned PUD, Planned Unit Development. The Applicant is requesting an amendment to the southeast quadrant PUD. The area is known as the Bishop Heights area. The Applicant would like to open up an axe throwing/recreation center business to be located within an existing building. The Bishop Heights PUD was set up as each parcel having its own listed uses that are allowed to be in each building that was constructed. Current approvals for this property include retail, a sit-down restaurant, and a fast-food restaurant without drive thru. The proposed recreation center use does not fall under any of those categories. The PUD needs to be amended to allow the Recreation Center use. She stated the amount of retail space is going from 14,000 square feet down to 10,000 square feet and adding 3,809 square feet of the recreation center use. In the future, if the Applicant would expand into more space he would have to come back and request another PUD amendment because staff would be looking at some of the performance criteria that may be different for parking that a retail place would allow versus a recreation center. As mentioned, the uses are going into an existing building. Access is not changing. Code does not have any parking requirements for an axe throwing business but found a similar use with a bowling alley which requires 6 parking spaces per alley. According to the submitted plans there would be either 6 or 7 throwing arenas. Using the bowling alley criteria there would be 42 parking spaces required. The property has about 114 spaces. Staff believes there would be adequate parking for the proposed use. Staff recommends approval of the request as presented for the changes to parcel 14. She mentioned at the March 15th Public Hearing the applicant was present. There were no neighbors that testified at the meeting. Planning commission recommended approval as presented.

Councilmember Murphy questioned if there was a sit-down restaurant included in the area now. Associate Planner Botten replied there is a sit-down restaurant at this parcel.

Councilmember Murphy asked if alcohol was being served. Associate Planner Botten replied it is being served at the existing restaurant.

Dustin Kerr, 4485 Cinnamon Ridge Trail, Eagan, stated he has heard the recommendations from staff and the planning commission. He is in agreement with all of the conditions and is fine with the staff and the planning commission's recommendation. He had no questions.

Motion by Murphy, second by Dietrich, to approve Ordinance Amendment to Allow a Recreation Center Use in a portion of the Inver Grove Market Building, 5828 Blaine Avenue. Ordinance 1426

Ayes: 5

Nays: 0 Motion carried.

D. Consider Third Reading and Adoption of Ordinance Amending Certain Park Dedication Fees. Ordinance 1423

Parks and Recreation Director Adam Lares gave a brief update on the proposed ordinance change to park dedication fees to be increased for residential zoning districts.

Dedication fees:

- Cash contributions by the developer for each residential unit.
- Cash contributions are deposited in the city's park acquisition and development fund.

Background:

- The city has not updated its park dedication fees since 2014. Over seven years ago.
- September of 2021, the Parks and Recreation Advisory Commission (PRAC) reviewed a presentation regarding the city's current park dedication fees and proposed an increase in fees for 5 residential zoning districts.
- October of 2021, at a city council work session, the council reviewed PRAC's recommendation to increase park dedication fees.

Proposed ordinance:

- Based on PRAC's recommendation and council feedback from the October work session, a proposed ordinance has been prepared to increase dedication fees by \$1,000 for 5 residential zoning districts, from \$2,850 to \$3,850/unit.

Residential Zones Impacted – Single Family:

- A = Agricultural district
- E-1 = 2 ½ acre estate district
- E-2 = 1 ¾ acre estate district
- R-1 = One family residential district
- R-2 = Two family residential district

Dedication Fee Increase:

- The recommended fee increase is based on the factors listed in Minn. Stat. 462.358, subd. 2b(c), mainly a review and determination by Staff of the fair market value of unplatted land in the northwest area for which park fees have not been paid.
- At its February 9, 2022 meeting, the PRAC voted unanimously to recommend approval of the ordinance change to increase park dedication fees.

2020 Metro area dedication fees:

- City of Inver Grove Heights ranks 21st among cities in the metro for park dedication fees.
- If Council adopts the ordinance change and increases \$1,000 per residential dedication fee, the city would rank 15th amongst cities.

Development Fee Comparison:

- At the March 14th city council meeting the council requested additional information.
- That information was in reference to all development fees for comparison for cities like our size.

- For that information, staff would be using the report from the city's financial advisors from the fall of 2021.
- After reviewing the Report, the city's fees are near the upper end of comparable cities, particularly in the northwest area.
 - Due to the city's higher water and sewer connection fees.
 - Resulted from a historical decision to not assess property owners at the time utilities were extended.

A development fee comparison chart was shown depicting the City of Inver Grove Heights as a whole.

- Adding just the northwest area, it is noticed to be much higher.
- Park dedication fees were compared to other cities.
- Also included: storm water, sanitary sewer, and water.

A chart by the numbers was shown by comparison.

- In the middle is Inver Grove Heights, as a city, the total fees per unit is a little over \$10,000. Includes all development fees, not just park development.
- Isolating Inver Grove Heights' northwest area: it is higher at \$21,000.

Development Fee Comparison:

- The city's park dedication fees for single family development are lower than the market.
- There will be no changes to park dedication fees, or other fees, for multi-family development.

Recommendation:

- Staff recommends council approve the third reading of the ordinance adopting the ordinance as proposed.
- Adoption of the ordinance will generate additional revenue for the city's park acquisition and development fund. These much-needed funds will allow for future park and trail development in the northwest area and throughout the city.

Mayor Bartholomew asked if there has been any input or concerns since this is the last Reading. Parks and Recreation Director Lares responded he has not received anything.

Mayor Bartholomew asked if there were any changes to the third reading. Parks and Recreation Director Lares replied no changes were made.

Mayor Bartholomew asked when this would go into effect. City Clerk Rebecca Kiernan responded it would go into effect 10 days after publishing, which would be April 13th.

Mayor Bartholomew stated everything they are working on as a plat would not be included. He asked at what point do they move up. If there is something they are working on now. He asked how they make the fine judgement, how do they decide, what is that point. City Attorney McCauley Nason responded typically under the Statute it would be once a final application is received, then it would be under the old fee. Moving forward, anything that comes forward for a final application after this date, that is submitted to the city would be subjected to these fees. She mentioned in particular, Highlands at Settler's Ridge will be subject to these fees, that was one of the conditions of preliminary approval back in December that they would pay park dedication fees in effect at the time they came in with the development contract. That has been communicated to the developer. She said she doesn't believe there is anything out there pending that would be impacted by this change at this time. Moving forward is affected by these changed fees which are just the single-family developments, those would be subject to these new and higher fees.

Motion by Dietrich, second by Gliva, to approve the Third Reading and Adoption of Ordinance 1423 Amending Certain Park Dedication Fees.

Ayes: 5

Nays: 0 Motion carried.

E. Consider Request for Approval of Rental Housing Licenses.

Community Development Director Heather Rand requested the council consider approval of 11 additional rental housing licenses in the city. Staff and the police department found the applications to be complete, everything is in order. Staff recommends approval of the following:

1. 5220 GREYSTONE DRIVE - GREYSTONE HEIGHTS TOWNHOMES LIMITED PARTNERSHIP
2. 3840 67TH STREET - GIAM NGUYEN
3. 3832 67TH STREET - GIAM NGUYEN
4. 3100 65TH STREET - KIMBERLY RINEHART
5. 1455 UPPER 55TH STREET - CONDOR CORPORATION
6. 8213 COLLEGE TRAIL - GRANITE BLUFFS PARTNERS LLC
7. 5359 AUDOBON AVENUE - BRIAN ROSENSTEIN
8. 1181 80TH STREET - RODGER ESPESETH
9. 6020 CAHILL AVENUE - NANCY CASHMAN
10. 1860 52ND STREET - ROBERT HAIGHT
11. 7512 BANNING WAY - HPA II BORROWER 2020-1 GA LLC

Motion by Gliva, second by Dietrich, to approve the Rental Housing Licenses as presented.

Ayes: 5

Nays: 0 Motion carried.

7. PUBLIC COMMENT:

Mayor Bartholomew wanted to acknowledge that someone was in attendance from Neighbors, which was scheduled for a presentation at the beginning of the meeting. He asked if it was fine to proceed with the presentation at this time.

Charlie Thompson, President, and CEO of Neighbor's Inc., gave the following presentation: Neighbors is providing opportunities for our neighbors to thrive, by connecting volunteers to people in need.

- This began 50 years ago, this year. 1972-2022.
- This year they would be celebrating all of the service, the volunteers, and the communities that have supported Neighbors during that time.
- They are remembering the past, celebrating the present, and planning for the future.
- They were founded by six local churches.
- They have been providing for the needs of the community they serve.
- This year they are commemorating being a pillar of support to their communities.

Background of Neighbors, Inc.:

- Nonprofit human services organization.
- Serves 7 communities including Inver Grove Heights. South St. Paul, West St. Paul, Mendota Heights, Mendota, Sunfish Lake, and Lilydale.
- Volunteer Based model.
- Funded primarily through individual donors, foundations, and community partners.

There is definitely a need for Neighbors. The past couple of years have highlighted that with the pandemic. There is any number of reasons someone may find themselves coming to them for assistance such as: rising costs, low wages, unexpected expenses, to name a few.

Remembering the Past:

Original Mission: Providing neighborly assistance in an organized fashion, primarily through the use of volunteers.

- There have been several programs, some of which they are still doing to this day.

Celebrating the present:

- Four areas they focus on:
 1. Hunger Relief:
 - a. Curbside pickup
 - b. In person shopping
 - c. Home delivery
 - d. There are five Neighbors express sites located throughout the communities they serve. These are like pop-up food shelves in high need/high density areas.
 2. Resiliency:
 - a. Clothes closet thrift store
 - b. Small sums grants
 - c. Holiday gift program
 3. Financial Empowerment:
 - a. Decrease debt
 - b. Increase savings
 - c. Achieve financial well being
 4. Community Engagement:
 - a. Volunteers
 - b. Community partners
 - c. Internships
 - d. Events

Planning for the Future:

- 50th Anniversary Celebration
 - A lot of things happening online through social media to commemorate.
 - Community wide celebration on September 16th and 17th.
 - Open house
 - Picnic
 - Events
- The building has been rebranded as the Community Engagement Center.
 - Adding new signage
 - Wall mural to commemorate the first 50 years
 - Remodeling throughout the building
- As they plan for the financial future:
 - Generous Donor's have put forward \$50,000 challenge match that dollar for dollar they would match up to \$50,000.

Join Us:

- Support:
 - neighborsmn.org

He thanked everyone for their support. He mentioned that the city has been a great supporter of Neighbors and are so glad we are here for them so that they can be here for our neighbors in need.

Mayor Bartholomew thanked Mr. Thompson for his service and thanked him for the 50 years of Neighbors in the Community. It was hard to believe it has gone by that quickly. He mentioned that his children went to Parochial School in the area and had the opportunity to visit Neighbors, they thought highly of it, they did volunteer work there, their memories are with that.

8. MAYOR AND COUNCIL COMMENTS:

9. ADJOURN:

Motion by Murphy to adjourn the meeting at 7:32 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek