INVER GROVE HEIGHTS CITY COUNCIL AGENDA

Monday, October 24, 2016
8150 BARBARA AVENUE
7:00 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. PRESENTATIONS
4. CONSENT AGENDA – All items on the Consent Agenda are considered routine and have been made available to the City Council at least two days prior to the meeting; the items will be enacted in one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from this Agenda and considered in normal sequence.

   A. i. Approval of City Council Special Meeting Minutes September 19, 2016
      ii. Approval of City Council Meeting Minutes September 26, 2016
      iii. Approval of City Council Work Session Meeting October 3, 2016
   B. Resolution Approving Disbursements for Period Ending October 19, 2016
   C. Consider Inver Grove Heights CVB 2017 Work Plan and Budget
   D. Certification of Delinquent Utility Bills
   E. Consider Approval of Cahill Streetscape Improvements
   F. Consider Pay Request #2 for the Inver Wood Golf Course Improvement Project – City Project 2016-07
   G. Consider Approval of Proposal from WSB for Babcock Trail Feasibility Report
   H. Set Canvass Board Meeting for Monday, November 14, 2016 6:00PM
   I. Consider Pay Voucher No. 5 for the 2015 Capital Improvement Program, City Project No. 2015-13 – NWA Trunk Utility Improvements, Argenta District (70th Street Lift Station to Blackstone Ridge) and 2015-16 – Trunk Utilities, Argenta Trail to Blackstone Ridge
   J. Consider Pay Voucher No. 4 for City Project No. 2016-09D – 60th Street Area Reconstruction, City Project No. 2016-10 – 60th Street Area Utility Improvements, and City Project No. 2015-12 (Phase 1) – NWA Trunk Watermain Improvements, 65th Street Loop (Argenta Trail to Babcock Trail)
   K. Approve Stormwater Facilities Maintenance Agreement for 10326 Robert Trail South (Xcel Energy)
   L. Release of Retaining Wall Maintenance Agreement for Outlot C, Blackstone Vista
   M. Temporary Cul-De-Sac Easement Agreement for Lot 1, Block 6, Blackstone Vista and Lot 6, Block 5, Blackstone Vista
   N. Release of Lots 1 and 2, Block 6, Blackstone Vista from a Temporary Cul-De-Sac Easement Agreement Recorded as Dakota County Document No. 3065070
   O. Consider a Resolution Authorizing Engineering Design Services and Authorizing Preparation of a Feasibility Report for a Stormwater Treatment Pond Located at 78th Street and Concord Avenue, City Project No. 2016-01 – Stormwater Treatment for Mississippi River Discharge from Barr Engineering Company
   P. Approve Joint Powers Agreement with Dakota County for Right-of-Way Purchase on 70th Street (County Road 26) and Authorizing Negotiations for Easements along 70th Street for

City Project No. 2015-12 - NWA Trunk Watermain Improvements - 65th Street Loop (Argenta Trail to Babcock Trail)

Q. Consider Approval of a Request for a Time Extension for Land Alteration Permit No. C-096-15 (Hassebroek)

R. Personnel Actions

5. **PUBLIC COMMENT**: Public comment provides an opportunity for the public to address the Council on items that are not on the Agenda. Comments will be limited to three (3) minutes per person

6. **PUBLIC HEARINGS:**

A. Conduct a Public Hearing to Consider Application for New Owners of the Established Off Sale Liquor License NIRVANA, LLC dba Gold Palace Liquor

7. **REGULAR AGENDA:**

I. COMMUNITY DEVELOPMENT:

A. CITY OF INVER GROVE HEIGHTS; Consider the Third Reading of the Rental License Ordinance

B. CITY OF INVER GROVE HEIGHTS; Consider Approval of Rental and Code Compliance Job Description and Compensation

C. CITY OF INVER GROVE HEIGHTS; Discussion and possible selection of consultant to conduct work for the 2040 Comprehensive Plan Update.

D. NSP; Consider the following resolutions for property located at 3185 117th Street:

a) a Preliminary and Final Plat for a one lot subdivision to be known as Inver Hills Tank Farm.

b) a Variance to allow existing buildings to be located within the side yard setback requirements.

E. RED PINE PARTNERS; Consider a Resolution relating to a Comprehensive Plan Amendment to change the land use designation from Public/Institutional to LI, Light Industrial for property located just north of the intersection of Auburn Way and Argenta Trail.

II. ADMINISTRATION:

F. Annual Clean Up Day Results

III. PUBLIC WORKS:

G. Additional Request for Change in Work Hours by EJM Pipe Services, Inc. on City Project No. 2015-13 and 2015-16

H. First Reading of an Ordinance Amending Inver Grove Heights City Code, Title 9, Chapter 5, Section 9-05-1 through Section 9-5-12 Related to Stormwater

8. **MAYOR & COUNCIL COMMENTS:**

9. **EXECUTIVE SESSION:**

Consider a lawsuit of EdgeGrove Senior Living vs. City of Inver Grove Heights pursuant to MN Statute 13D.05 Subd. 3b (Attorney- Client Privilege)

9. **ADJOURN:**

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Michelle Tesser at 651.450.2513 or mtesser@invergroveheights.org

INVER GROVE HEIGHTS CITY COUNCIL WORK SESSION
TUESDAY, OCTOBER 3, 2016, 6:00 PM – 8150 BARBARA AVENUE

A. CALL TO ORDER/ROLL CALL: The City Council of Inver Grove Heights met in work session on Tuesday, October 3, 2016, in the Inver Grove Heights City Council Chambers. Mayor George Tourville called the meeting to order at 6:00 p.m. Present were: Mayor Tourville, Councilmembers Bartholomew, Hark, Mueller and Piekarski Krech. Staff; City Administrator Joe Lynch, Community Development Director Tom Link, Finance Director Kristi Smith, Tom Kaldunski City Engineer and City Attorney Tim Kuntz. The Pledge of Allegiance was recited.

1. 2017 Budget

K. Smith, Finance Director reported that the 2017-2021 CIP (Capital Improvement Plan) was not ready and would be on the November work session agenda. T. Link, Community Development Director reported that he brought back additional information for further discussion of the EDA 2017 Budget. The new information includes the creation of a new position of Economic Development Specialist, software and the role of Progress Plus.

The web-based search engine would be an inventory of properties and would among other things include lot size and dimension, building size and dimension, description, contact information, and whether the property was for lease or sale. Progress Plus has a contract to use the Exceligent database to keep track of the property inventory which costs $1,000 a year. Progress Plus can write reports, look at trends and look at comparable properties.

Jennifer Gale of Progress Plus is recommending modifying the contract with Progress Plus. The city membership would be $5,500 rather than the current $25,000. Specified services could be contracted out for a specific price. The city could purchase from Progress Plus: Exceligent search engine, marketing, a broker event, food truck event, trade show, website, social media and business retention add ons. They also provide economic services as well as the city and it would be a collaboration of services. The Exceligent database at $1,000 a year and the $5,500 membership fee is currently not in the budget.

J. Lynch, City Administrator said it is recommended that the membership fee of $5,500 and the Exceligent database of $1,000 be added to the 2017 budget and then when an Economic Development Specialist is hired the other add on services to purchase would be discussed.

Mayor Tourville asked what the $5,500 would include. He stated he would like further information, and would also support hiring someone.

Councilmember Hark asked if all members had access to the database.

T. Link said yes they did.

Councilmember Hark asked if the membership needed to be included to access the database.

T. Link said the membership would be used for other functions.

Councilmember Hark asked if the staff would respond to property inquiries/requests.

J. Lynch said staff would have direct access to the information and the information could be updated, added to or changed.

Councilmember Piekarski Krech said that Progress Plus does a good job. Their website is easy to access. A consultant should be used for Inver Grove Heights on specific issues and she does not support the new position. She stated more needs to be done for development and filling store fronts. She stated hiring a new person would mean they would need to be trained to use Progress Plus.

Councilmember Bartholomew said the position hiring should be held until it can be seen what a consultant can do.

Councilmember Mueller said he agrees with not hiring the position in 2017.

Councilmember Hark says he is in favor of hiring the position but maybe not in January of 2017. Inver Grove Heights would not get the full attention of Progress Plus, they have other clients.

Mayor Tourville said he has no problems staying with Progress Plus but looking at a website does not sell anything. He stated that nothing proactively is being done.

Councilmember Mueller suggested looking at the a la carte pieces of Progress Plus and hiring a consultant to get through 2017.

J. Lynch said this has been on the EDA and City Council's radar for at least the last five years. The city needs an individual who would be a graduate of a program like the National Economic Development Foundation or similar and would know all the tools for the job. The EDA needs to decide about TIF, tax abatement or permit fee reductions and those conversations have not been held. This individual would help with those conversations. He stated a consultant would cost more than a staff person. We are talking an additional $71,000 to the budget. The EDA budget currently has $100,000. He stated Target came to the city in 2010 through the assistance of the city and pays $600,000 a year in taxes. The EDA has done a lot for the city. The position of an Economic Development Specialist is a priority for the city.

Mayor Tourville said the a la carte services from Progress Plus should be looked at and more discussion is needed.

T. Link said the EDA and City Council needs to decide what they want in economic development. What does that mean? Generally, it means employment and tax breaks. Target and Flint Hills are an economic development success. There are bigger issues further out there that need to be looked at and discussed.

Councilmember Bartholomew agreed good things have been done and working with consultants and Progress Plus in 2017 would work.

T. Link said there should be more discussions about economic development and what needs to be done.

Councilmember Piekarski Krech said a consultant could help with financial incentives.

Mayor Tourville said to add the item to the next EDA agenda for further discussion.

Councilmember Piekarski Krech suggested inviting Jennifer Gale to the EDA meeting.

Councilmember Mueller suggested listing and knowing permitted uses in the city and updating zoning regulations should be done before hiring an Economic Development Specialist.

2. COMMUNITY CONSERVATIONS – LEAGUE OF MN CITIES

J. Lynch introduced Rachel Walker from the League of Minnesota Cities and their presentation of Community Conversations – Minnesota Talks About Cities, Services, Funding. R. Walker stated the study was done by the League of Minnesota Cities to raise awareness of what cities do and a report was commissioned about the future of cities. League representatives met with people from all over Minnesota to discuss:

1. City services (rules and mandates that cities follow)
2. How cities pay for services (revenues sources)
3. Key issues facing cities (example cutting services)
4. Prices (what cities buy)
5. Economic Trends
6. Communications with cities

The goal is to get cities starting good conversations with their communities. Participants said taxes were preferred over charging fees to raise revenues.

Ideas that were offered to help cities were:

1. Residents should step up to help their city
2. Cities should look for partners
3. Make service changes
4. Finding new ways to bringing in revenues such as charging higher fees for non-residents to use city facilities and programs
5. Do things in new ways – such as using volunteers

Councilmember Piekarski Krech asked what age groups were part of the discussion. R. Walker said age groups varied but it was hard to get participants. Meetings were held at Rotary Clubs, schools, churches, and senior citizen centers.

Councilmember Bartholomew asked how the issues of how much things cost such as parks was approached. R. Walker said it was discussed under city mandates and prices.

Councilmember Piekarski Krech asked if the League of Minnesota Cities helps cities host these conversations. R. Walker said yes. The host city would be responsible to engage and reach out to groups for these conversations. It could be done through social media which has not been done yet.

Councilmember Hark asked if cities had trouble getting people to attend and how was it promoted. R. Walker said yes the attendance varied. The key is to use groups that meet regularly such as the Rotary Club and other community groups.

J. Lynch said when he first started city town hall meetings were held out in the community that that started out with good attendance and then dwindled to a few people. It's hard to engage people and the community needs to be reengaged. He stated today there a lot of different ways to try to engage citizens.

Mayor Tourville said more discussion is needed to try to get citizens engaged with the city.

3. DISCUSS CAHILL AVENUE STREETSCAPE RECOMMENDATION

E. Carlson, Parks and Recreation Director reported that in July the Council discussed the Cahill Avenue streetscape improvements from 20 years ago. The improvements included landscaping, flag poles with US and holiday flags (40), banners, holiday decorations and bollards. Some businesses made donations towards the improvements. Some of the flag pole bollards are missing and need replacement. Council directed staff to meet with the local business community. Also, it was discussed with the Chamber of Commerce. On August 15th an open house was held (20-25 people attended). A task force was set up to develop recommendations. The task force recommendations were: to have a single flag at each location for a total of 15. To have a new bollard at each flag location. Maintain the holiday banners, decorations and flags. Install a new rock sign on the north and south end of Cahill. Seek donations from businesses and recognize them. Seek donations from charitable gambling sites. He stated the Council should budget for maintenance annually. Cost estimate: $99,300.00.

The Chamber of Commerce Local Issues Group (about 12 attended) recommendations are to have three flag poles (at 80th and Cahill, 70th and Cahill, and north side of 65th and Cahill for a total of nine flags). Remove all flag bollards, remove concrete bollards, continue to maintain the holiday banners, decorations and flags, new rock signs on the north and south end of Cahill, seek donations from the businesses and recognize them, seek donations from charitable gambling sites and Council budget annually for maintenance. Cost estimate $63,660.00.

The city would need to budget $7,400 annually to replace flags, banners, etc. There is approximately $4,000 annually of staff time to maintain the improvements (changing flags and putting up decorations with traffic control). The Chamber of Commerce is willing to seek voluntary donations with a goal of 10% of the city's investment. The American Legion feels that going from 40 flags to nine is "unpatriotic" and did donate money to the original improvements. Staff recommends keeping things as minimal as possible given on-going costs and budget issues.

The sign at the pump house was discussed as to the location of the sign and whether or not the community groups are still in existence. The two recommendations were also discussed. A welcome to the city of Inver Grove Heights sign was discussed.

It was the consensus to work with the two groups to figure out the number of flags, keep the other improvements and install one rock sign. This work should be done in 2017, included in the 2017 budget, and brought back to a city council meeting. It was also suggested to look at city rights-of-way, boulevards and bollards. The recommended funding source is the Host Community Fund and other funds. The annual maintenance cost would come out of the parks maintenance fund.

Tony Scales, 10211 Barnes Avenue, stated that businesses were assessed heavily for the improvements 20 years ago. The businesses were not involved with the planning of the improvements. It is important to maintain the current improvements. It is disappointing to see that the improvements have been forgotten and not maintained.

Mayor Tourville said some businesses did donate money to the improvements.

Ted Thompson, Commander of the American Legion in Inver Grove Heights, stated that the American Legion paid for the American flags 20 years ago. It was a lot of money. They are ok with having 15 flags - one where each flag site is now. The sign by the pump house was put up so people would know what organizations are in the city. He stated 20 years ago the American Legion was told the city would maintain the improvements. A record should be kept of how these decisions were made and kept track of so down the road it is known who paid for what and who will be paying for the upkeep of the maintenance.

Mayor Tourville said the decisions would be in writing and the city will do the maintenance.

Councilmember Piekarski Krech said the organization sign needs to be examined.

Mayor Tourville suggested it should be looked at who gets plaques on the organization sign and looking for other donations for the streetscape improvements is a good idea. The American Legion has done a lot for the city over the years.

5. PREDITORY OFFENDER

J. Lynch reported the Police Department held a predatory offender public meeting with over 100 citizens of Inver Grove Heights attending and the representatives from the Department of Corrections. An interim residence restriction ordinance was adopted regarding predatory offenders. That was done to have something in place while further discussions were held to deal with concerned citizens. He introduced Jim Scovil Deputy Director Community Corrections Dakota County, Brian Copperrude Director Community Corrections, Mark Mel Supervisor Community Corrections, and Mark Leven Supervisor of Minnesota Department of Corrections. They are going to discuss predatory offender registration and consideration of the permanent residency restriction ordinances that have been adopted by 40+ communities which is not an effective tool.

Jim Scovil, Community Corrections Dakota County presented information regarding sex offenders nationally and locally. Nationally 90% of predatory sex offenders do not reoffend. Locally numbers are better. 90% have not had a previous conviction for a sex offence. 90% of victims know their abuser and it is about relationships. A vast majority of offenders do not go to prison. They are sentenced to probation with treatment and other conditions. Sex offender notification happens for Level I (lower risk of re-offence – notifications: law enforcement, victims and witnesses), Level II (moderate risk of re-offence notifications also include day cares, schools and others likely to be victimized by the offender) Level III (Higher risk of re-offence – community notification).

Dakota County has approximately 110 new sex offenders placed on probation supervision each year. Approximately 80 offenders are discharged successfully each year. 980 individuals have been placed on probation in the last 10 years in Dakota County. Minnesota has 316 sex offenders per 100,000 people. An estimated 1,268 sex offenders reside in Dakota County. 302 are on probation. Treatment and supervision does work and has been successful. Re-offense rates are going down. Most offences are related to relationships and not location.

Integrated approaches work – treatment, community support, intensive supervision, employment, prosocial activities, and community residence. Some family and friends are willing to house a sex offender.

Level III offenders cannot go homeless. There are reintegration challenges because landlords are unwilling to approve their applications and there is a sense of hopelessness with residency

restrictions. Dakota County's approach is to partner with communities to develop housing options for offenders.

Passing residency restrictions increases homelessness for sex offenders, they are unable to return to their home after release and/or unable to live with family members, and they falsely report where they are living. Kansas studies show residency restrictions don't work and several states that have residency restrictions been found unconstitutional. It has not been challenged in Minnesota yet.

Councilmember Piekarski Krech asked why this information is not disseminated to the public and to councilmembers. J. Scovil answered a similar presentation was given to the Dakota County Board, community providers and Dakota County landlords. M. Mel also said the numbers are out there. There is a cost to keep offenders in prison or to track them down. Passing residency restriction ordinances does not help community safety and also does not help law enforcement officials either.

Mayor Tourville asked if other cities in Dakota County have residency restrictions ordinances. M. Mel answered there are none. South Saint Paul is working on an ordinance.

Councilmember Piekarski Krech asked if there were any statistics as to why offenders are moving to Inver Grove Heights or South Saint Paul? J. Scovil said the one in Inver Grove Heights moved in with a family member. Affordable rent is also a factor.

Brian Copperrude said offenders want to move to a community and blend in. They want to have a place to live and work.

Councilmember Hark asked if there was research of when an offender moves in with a family member. M. Mel responded they would have community support and stability. Having a stable place to go lowers the risk factor for reoffending. As they get older risk factor is lower.

Councilmember Hark asked if other Minnesota cities have passed residency restriction ordinances that include they can live with family members. M. Mel responded other cities have that type of ordinance.

Mayor Tourville said an interim ordinance had been done with one reading. The Council needs to learn more. The public needs to hear the information. A discovery meeting was held and people left more educated. Offenders can live in Inver Grove Heights and not be registered.

Councilmember Piekarski Krech said that education needs to be worked on and given to the public.

J. Lynch asked if the presenters had any tools the city or city council could use for public safety education. M. Mel said there would not be a big population of Level III offenders in Inver Grove Heights. A good ordinance would say that offenders cannot hang around places where children congregate such as parks or schools.

Councilmember Hark asked if other cities have adopted that kind of ordinance. M. Mel said other cities around the country have.

Councilmember Piekarski Krech asked what percentage of victims are children? M. Mel stated that 2/3 of the victims are minors.

Councilmember Mueller thanked the presenters for their time and asked if the County Board was behind the presentation. J. Scovil said they are and they want us to go to landlords with the information. Councilmember Mueller asked if there were funds available to educate the city of Inver Grove Heights residents. M. Mel said they are more than willing to help educate residents at no cost.

6. **2017 BUDGET cont.**

1. Golf Course - E. Carlson gave an overview of the 2017 golf budget. There won't be golf cart lease payment in 2017. There will also be no operating debt payment in 2017. A capital equipment payment of $30,800 will need to be made. There are $2.3 million improvements being made and the payments will not start until 2018. There are no proposed personnel changes. A .50 cent to $1.00 increase in rates is being proposed for 2017 for green fees and other programs/services. A $50,000 budget proposal is for roofing the club house, pump house, and comfort station. To pay for the improvements it was proposed to raise the green fees. 30,000 to 32,000 rounds of golf were played up to the end of July. The improvements to the golf course were discussed. The last two years the golf course closed the week of thanksgiving. The turf freezing determines the closing date. Councilmember Bartholomew complimented staff on their good work with the golf course.

2. Recreation – E. Carlson – said the 2017 budget includes a new position Recreation Coordinator with no other significant changes to the budget. T. Peterson said the ad for the new position went out today. It will close in three weeks. There will be two rounds of interviews with the school district in November and the panel has been set for the interviews.

   Mayor Tourville said the seniors are waiting for it to happen.

3. Community Center – E. Carlson reported that the revenue numbers reflect the new agreement with the school district (10 years) and the $14,000 hockey association payment (through 2023). A $1.00 membership fee increase per month at the community center is being proposed. A user group was lost – they moved into their own facility- which results in lost revenue. The concessions at Rich Valley is being dropped and will save about $1,000.

   There is a new marketing position (30 hours a week) in the budget. It will replace the positions of guest services and event manager. It will be part of the community center and recreation budget. The additional cost of the position is $66,000 for salary and benefits.

4. Facilities Manager – E. Carlson said the city is recommending hiring a new facilities manager. The position would help the city remain fiscally stable and improve operational efficiencies. Facility Management is a set of skills that encompasses multiple disciplines to ensure functionality of the environment by intergrading people, processes and technology by providing cost effective solutions that would save money and prolong the life of the facilities. The city has 325,000 square feet of facilities including administration, public works, fire, and parks and recreation. The city has $55,000,000 worth of facilities and annually spends $3,000,000 on facilities. The council should consider a new position to manage the facilities. Currently, multiple people are managing the facilities. The position would track problems and issues to develop cost effective solutions. They would control costs through the consolidation of contracts. The position would optimize operational efficiency, reduce staff time and maintenance investments. A facilities manager would also optimize our efficiency and effectiveness saving money over time. It would also be tasked to develop

cost effective solutions to our issues and challenges. Each building is responsible for the maintenance or repair of their building.

Councilmember Piekarski Krech recommended hiring a facilities management company who would know and could do the things required of the new position.

J. Lynch said a facilities management company would cost more than hiring a facilities manager and the city would not be their number one priority.

Councilmember Piekarski Krech asked about the budget for the position. E. Carlson responded the salary range would be a non-union position of $70,100 to $87,700.

J. Lynch said there are eight cities in the metro that have facilities managers on their staff.

The requirements, knowledge, level and licenses of the position were discussed.

J. Mueller said he thinks the position is not needed.

Councilmember Hark asked about the threshold for needing this type of position. E. Carlson said it was brought up last year and is being pushed harder this year. The position will be allocated to all buildings.

J. Lynch said five people are telling him what the buildings needs are. Hiring the position would be an efficient way of doing things, keeping tracking of services and warranties, etc. Costs allocations for salary would need to be figured out. It would be like figuring out the IT budget.

Mayor Tourville said he supports the position and believes it will make the city better and if a person was hired it would be less burdensome for department heads.

Councilmember Bartholomew asked if a game plan has been developed yet.

E. Carlson said one has not been developed yet. The person would first learn about the community center (which has the biggest footprint,) the employees that work there and would supervise six employees at the community center. Over time the position would oversee the maintenance of the water treatment plant.

Councilmember Bartholomew said he would like more information - a game plan on the position, and how it would save the city money.

Mayor Tourville said the position description would come back to council and with more information on supervisory requirements.

Kathy Fisher asked how the position would affect Dennis's position. Also, she asked about background checks on employees.

J. Lynch said Dennis would not lose his job or any of his salary if a facilities manager is hired.

Interim Police Chief Folmar reported that employees that clean areas with protected data in the police department have background checks done. All employees also have had background checks done.

5. TIF – K. Smith reported on the TIF Management Plan. The TIF 2-1 Southridge was authorized an extension for four years on 2013 with the refinancing of the bonds. It was restructured and will decertify at the end of 2016. A resolution will be brought to the city council at the end of the year and will put the property back on the tax rolls. TIF 3-1 Springwood Ponds was decertified at the end of 2015 and will be on the tax rolls in 2016. TIF 4-1 Southeast quadrant was authorized in 1991 and will decertify in 2019. This is the last TIF District.

The balance of the TIF districts would be given to the council members at a later date.

7. **TEAM POLICING**

J. Lynch reported that the police staff increased in 2016. The current contract states officers work nine hour shifts. Both unions were approached to change the shifts to 12 hours in 2017. A memo of understanding for 2017 was signed by both unions for the 12 hours shifts.

Interim Chief Folmar reported that 12 hour shifts work better due to the number of officers/sergeants working at one time. There are now enough officers and sergeants to make this work. There will be supervision by a sergeant for all 24 hours. There will be six officers and a sergeant assigned to each 12-hour block. Officers will be assigned to work the same area. The team policing would see a reduction in overtime.

Councilmember Piekarski Krech asked about the new lieutenant position responsibilities.

Interim Chief Folmar answered one lieutenant oversees the patrol officers and sergeants (among other duties) and the other lieutenant oversees the support staff and investigations (among other duties). The lieutenants will work eight hours a day. 30 of the 39 staff will work 12 hour shifts. Six on days and six on nights. Shifts are bid by seniority for the year.

Councilmember Mueller asked when training would be done.

Interim Chief Folmar said the training would be done on their own time. The Pittman schedule is being used for scheduling days off. The shifts are from 5:30 to 5:30.

Mayor Tourville said other cities in Dakota County are using team policing, they like it and 12 hours shifts better than 9 hours.

Interim Chief Folmar said the new team policing would have better supervision and more officers on covering the streets. If team policing does not work in 2017 we would go back to nine hour shifts.

8. **ADJOURN**

Motion by Councilmember Piekarski Krech and seconded by Mueller to adjourn the meeting. Motion was carried unanimously. Meeting adjourned at 10:35 pm.

INVER GROVE HEIGHTS CITY COUNCIL SPECIAL MEETING
MONDAY, SEPTEMBER 19, 2016 - 8150 BARBARA AVENUE

1. **CALL TO ORDER/ROLL CALL:** The City Council of Inver Grove Heights met in a special meeting on Monday, September 19, 2016, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Hark, Mueller and Piekarski Krech; City Administrator Lynch, City Clerk Tesser, Community Development Director Link, Finance Director Kristi Smith, Fire Chief Judy Thill and Parks and Recreation Director Carlson.

2. **2017 BUDGET**

Finance Director, Ms. Smith introduced the item. She summarized the fund balance/cash balances, reviewed the fund balance policy and debt service.

Councilmember Bartholomew had a question on Exhibit D of whether the tax capacity is still accurate. Ms. Smith stated that its $37,822,469. She stated that the Fiscal Disparities has been updated. Councilmember Bartholomew questioned the increase in tax capacity. Ms. Smith stated the market value increase of 2.5% and the tax capacity increase of 2.2% is current at this time.

She stated Fund Balances was provided in the packet and updated in 2014. The policy of unassigned fund balance is 40-45% of the budget. The base budget is at 44% and it falls into the projected range. Fund balance will be used to cover Comp Plan costs and election equipment from the 2016 budget. Recommendation is to use Risk Management net position to cover the $50,000 classification study and is included in the budget. She stated the 2015 General Fund excess of $720,000 was transferred to the NWA sewer fund. The 2016 budget set the transfer to the payment management fund at less than originally recommended and if there is a surplus she stated she would recommend a $35,000 transfer to the pavement management fund so the total transfer was $700,000. She stated it would be a year end transfer.

Ms. Smith stated that the debt services summary includes the bond title, amount outstanding, final maturity, bond payment, cash balance, levy amount and recommended changes to the levy amount. The debt levy is $2.2 million and a watershed management taxing district levy of just over$24,000. She stated the budget book Exhibit C outlines the debt service levies.

Councilmember Hark asked about the cash balances sheet and if it's current from July. Ms. Smith stated in the affirmative. All 2015 funds, the balance is assigned and unassigned, he asked if it's possible to get the current amount. Ms. Smith stated the accrual entries are needed so it's fairly difficult to get amounts mid-year. Restricted fund balance is typically related to debt service or grant dollars. Ms. Smith stated committed funds are designated funds by Council. Assigned is similar but the Council can reassign and committed funds as well. Unassigned is funds with negative amounts or the general fund can be unassigned.

City Administrator, Mr. Lynch and Ms. Smith are meeting with Ehlers to discuss a refinance with bonds. Ms. Smith stated that the refinance wouldn't impact any debt service levies for pay 2017.

Councilmember Bartholomew asked what the limit on debt services is. Ms. Smith stated that there's no formal level but Steve Apfelbacher recommended maintaining a maximum of 20-25% levy for debt service.

Mayor Tourville asked about the fund balance policy and whether the city will stay within that amount. Ms. Smith stated that either the base or the base plus additions keeps us within the policy range.

Ms. Smith stated that on Monday night Sept 26th the preliminary levy approval is required and will be presented as the base plus the additions. Councilmember Hark stated we can't go above the levy later, correct. Ms. Smith concurred.

Mr. Lynch stated the presentation will include a 5.1% increase to the tax rate that nets out at 7.62% increase to the tax levy.

Mayor Tourville asked if there will be a presentation on Monday. Ms. Smith stated yes there will be a brief overview of the presentation. Lynch stated a Truth in Taxation (TNT) is not required but at the public meeting in December the public must be allowed to speak at the meeting scheduled in December. Mayor Tourville asked what the resolution includes. Ms. Smith reiterated that the increase to the tax rate is 5.1% and the levy increase is 7.62%. Mr. Lynch also stated that the increase to the tax rate is 5.1% and the levy increase is 7.62%. Mr. Lynch discussed growing cities and stagnate cities. Councilmember Bartholomew stated our tax capacity rate is a good indicator. Councilmember Bartholomew stated we're consistent with the levy amount increase. He stated but there's always room for improvement.

Councilmember Piekarski Krech asked about the classification and compensation study, she stated it costs a lot and the results cost us more. In 2017, we would have to change the amount. Lynch stated we will have 2017 to complete and to include changes in the 2018 budget process. There would be no immediate changes in 2017 unless we get any new jobs and we incorporate them in the budget. Council discussed union contract timing. Mr. Lynch indicated starting discussions with all of the unions for 2017. Ms. Smith stated the COLA is included in the budget.

Mr. Lynch discussed updates were provided regarding new positions including the K-9 position, environmental specialist and facilities management position. Lynch stated that the K-9 position is not in the 2017 budget. Councilmember Piekarski Krech stated the food cost projection low and should be double the estimate. Mayor Tourville asked if the council is open to a K-9 position. Mr. Lynch stated it's out another year and is not ready to bring forward with program

changes beginning 1/1/17, the six new officers that started and CIT and Crowd Control Training. The council discussed the public safety item and future donation possibilities. Mr. Lynch stated the Environmental Specialist position would not go forward until the Pine Bend contract is renewed. Staff is doing part of these duties. A facility position would maintain and manage our facility. Councilmember Piekarski Krech stated we should combine a Planning/Environmental Specialist. Mayor Tourville asked about the internship completion. Mr. Lynch stated it's a 24 month position. Our current intern is looking for a job and wants to be gainfully employed. Mr. Lynch stated the intern position is not to be in charge of duties. He added that after a certain amount of hours of work the city is required to pay health insurance to the intern.

The council discussed the environment specialist position and Pine Bend contract at length. Councilmember Hark asked if in the interim the projects and tasks are being completed. Lynch stated in the affirmative.

Mr. Lynch stated from 2011-2017 only 3 FTE were hired. Councilmember Bartholomew asked about the golf course 6.93 FTE that are year round. Ms. Smith stated no it's seasonal, five positions are truly year round. Parks and Recreation Director, Eric Carlson discussed the maintenance of the equipment. The council discussed the facilities management position. Mr. Lynch stated there is no net change to the city fund. Currently, we have a janitorial type position at the City Hall and that person would shift over to the VMCC. This position would be a supervisory position, operational, management and expert in building maintenance. Mr. Lynch stated we don't have standard operations for our systems such as elevator and fire, no standard bidding form, that person would help us with our maintenance agreements. We don't have anyone who can manage those areas.

Mr. Lynch stated we have $50 million assets of our facility. They would manage the maintenance staff. We need to better utilize our staff to our current maintenance needs. Lynch discussed savings and efficiencies on purchases supplies and contracted services by examining where savings could be while protecting the city's assets.

Councilmember Mueller asked when the position of the chamber of commerce will come forward. Lynch asked if Mueller meant the Economic Development position. Councilmember Mueller asked when the decision will be made. Lynch stated it's the Council's decision on whether or not to go forward and that will be discussed when the Community Development budgets are brought forward.

Councilmember Hark asked that information on the budget be out for the press on the website, social media etc. Ms. Smith indicated this would be prepared and available.

3. <u>OTHER BUSINESS:</u>

The Council asked to set a meeting on October 24th regarding 117th Street.

4. **<u>ADJOURN:</u>** Motion by Bartholomew, seconded by Hark to adjourn the meeting. Motion was carried unanimously. Meeting adjourned at 8:16 p.m.

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INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, SEPTEMBER 26, 2016 - 8150 BARBARA AVENUE

1. CALL TO ORDER and 2. ROLL CALL

The City Council of Inver Grove Heights met in regular session on Monday, September 26, 2016 in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Hark, Mueller and Piekarski Krech; City Administrator Lynch, City Attorney Kuntz, Community Development Director Link, City Clerk Tesser, Parks and Recreation Director Carlson, Finance Director Smith, Human Resource Manager Shefchik and Public Works Director Thureen.

3. PRESENTIONS:

4. CONSENT AGENDA:

A. i. Approval of City Council Meeting Minutes August 22, 2016
ii. Approval of City Council Work Session Minutes September 6, 2016
B. Resolution 16-161 Approving Disbursements for Period Ending September 21, 2016
C. Consider Pay Request #5 for the VMCC/Grove Energy Improvement Project(s) – City Project 2016-06
D. Consider Pay Request #1 for the Inver Wood Golf Course Improvement Project – City Project 2016-07
E. Consider Pay Request #4 for the VMCC Roofing Project - City Project 2016-14
F. Consider Approval of Purchase of Lions Trophy Case
G. Consider Approval of Agreement Relating to Certification of Amount Owed
H. Set Special Meeting for October 24, 2016 to Discuss Akron Avenue/Southern Road Alignment
I. Consider Change Order No. 6 and Pay Voucher No. 10 for the 2015 Capital Improvement Program, City Project No. 2015-10 – NWA Trunk Utility Improvements, Argenta District (Alverno to Blackstone Vista Development) and City Project No. 2015-11 – NWA 70th Street Lift Station, Argenta District **Resolution 16-162**
J. Consider Pay Voucher No. 4 for the 2015 Capital Improvement Program, City Project No. 2015-13 – NWA Trunk Utility Improvements, Argenta District (70th Street Lift Station to Blackstone Ridge) and 2015-16 – Trunk Utilities, Argenta Trail to Blackstone Ridge
K. Final Compensating Change Order No. 1, Final Pay Voucher No. 1, Engineer's Final Report, and **Resolution 16-163** Accepting Work for City Project No. 2016-09B – Sealcoat
L. Consider Pay Voucher No. 3 for City Project No. 2016-09D – 60th Street Area Reconstruction, City Project No. 2016-10 – 60th Street Area Utility Improvements, and City Project No. 2015-12 (Phase 1) – NWA Trunk Watermain Improvements, 65th Street Loop (Argenta Trail to Babcock Trail)
M. Accept Proposal from Total Control Systems, Inc. for Foresthaven Sanitary Lift Station Modifications
N. Approve Proposal for Professional Services for Feasibility Study for City Project No. 2016-19 – 65th Street between Trunk Highway 3 and Babcock Trail
O. Consider **Resolution 16-164** Approving Agreements (Agreement Relating to Landowner Improvements within City Easement, Retaining Wall Maintenance Agreement and Fire Hydrant License Agreement) on Lot 3, Block 1, Bishop Heights 4th Addition (Caribou Coffee)
P. Approve **Resolution 16-165** for a 2-Year Contract Renewal Agreement with HealthPartners for Health and Dental Insurance for the Benefit Plan Years of 2017 and 2018
Q. Personnel Actions

Councilmember Bartholomew pulled item 4F. Councilmember Mueller pulled item 4N.

Motion by Bartholomew, second by Hark, to approve 4A through 4Q.
Ayes: 5
Nays: 0 Motion carried.

Councilmember Bartholomew pulled item 4F. Mr. Carlson, Parks and Recreation Director was present to answer questions. Councilmember Bartholomew stated his concern is in regards to whether the

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insurance company will cover the $8,500 and when we will know that information. He asked if the city does pay then does the trophy case stay with the club or is the $8500 paid to the club. Mr. Carlson stated the intention is for the $8500 to replace an actual trophy case hung on the wall at the Community Center near the front desk. He stated the insurance company will cover the loss. The Finance Director recommends that the amount come out of the risk management fund and go towards the deductible. He stated whether the deductible would be reached at the end of the year is unknown. But that is how they will pay for the trophy case. Councilmember Bartholomew asked what the deductible amount is. Ms. Smith, Finance Department Director stated the cumulative amount is $50,000. She stated in the last two or three years we haven't hit that deductible. Councilmember Bartholomew asked that the item go to the next work session. He stated the City is not 100 percent at fault and that he would like to talk about it in more detail.

Councilmember Mueller stated he was going to let his wife Sharon Mueller discuss the issue since he is the President of the Lions Club and doesn't have the patience to talk. He stated he was quite upset. He stated the memo received was incomplete.

Sharon Mueller, 7800 Boyd Ave E. (Lions Member) stated two cabinets were destroyed. She stated the Lions Club has been in Inver Grove Heights for 50 years. She mentioned the club's merits. She described the trophy cases in detail. She stated the trophy case was displayed at the village shopping center and then moved to the VMCC. She stated that someone destroyed the cabinets and destroyed the memorabilia. Ms. Mueller stated the Lions Club is asking for just one trophy case as a replacement. Ms. Mueller summarized past donations the Lions Club gave to the community.

City Attorney Kuntz asked Ms. Mueller if the Lion Club wants to own the case. Councilmember Mueller stated the Lions Club wants to own the case. He stated he wanted the location of where the case was going to be placed. Councilmember Mueller asked what the building is called. Councilmember Piekarski Krech stated the Grove.

Mr. Carlson reiterated that the case would be place by the Grove's front desk between the front desk and the splash pad. City Attorney Kuntz asked who is going to own the trophy case. Mr. Carlson stated that they are replacing the case therefore the Lions Club should own the case. Councilmember Mueller stated they will maintain the case. Councilmember Hark stated that we need an agreement between both parties that memorize the agreement so this situation doesn't happen again in fifteen years.

The council tabled the item for the November work session.

Motion by Bartholomew, second by Piekarski Krech to table item 4F.
Ayes: 5
Nays: 0 Motion carried.

Councilmember Mueller pulled item 4N.

Councilmember Mueller asked if this item had been previously discussed. Public Works Director, Mr. Thureen stated no, this is an outstanding issue with the alignment at its intersection with Trunk Highway 3. Development concepts for property on the eastside of T.H.3 (Nichols property) could affect that recommendation. Mr. Thureen stated that developing parcels of the alignment asked for future plans of roadways. He added another family approached the city who owns a different parcel, they specifically

asked about future plans of roadway. Mr. Thureen recommended that an alignment get figured out to answer these types of questions. He noted a developer could approach the city and we need to discuss future right of way. Councilmember Mueller asked if Mr. Thureen talked to the residents. Mr. Thureen stated three families have approached the city.

Motion by Mueller, second by Piekarski Krech to approve item 4F.
Ayes: 5
Nays: 0 Motion carried.

5. PUBLIC COMMENT:

6. PUBLIC HEARINGS:

7. REGULAR AGENDA:

I. COMMUNITY DEVELOPMENT:
A. BRIAN & VICKI DZIEWECZYNSKI; Consider a Resolution 16-166 relating to a Variance to allow a detached accessory structure 1,440 square feet in size and six (6) feet from the side property line for property located at 7030 River Road

Mr. Link outlined the item to the Council. The applicant is proposing to add an accessory structure that is 1,440 square feet. The maximum size allowed is 1,000 square feet. The property is 1.09 acres in size located along the Mississippi River. The request is to build the accessory building on an existing foundation that was there previously from a house that was burnt down in the 1980s. Mr. Link stated that the existing foundation is six feet from the property line. Any building over 1,000 square feet requires a 50 foot setback. The planning staff recommended approval of both requests. The planning commission approved the set back but they recommended denial of the request for the variance to allow a detached accessory building 1,440 square feet in size whereas 1,000 square feet is the maximum size allowed. They believe there is no practical difficulty and it's not unique.

Applicant, Vicki and Ryan Dzieweczynski, 7030 River Road, she described the history of the property, she stated the concrete slab is in eye sore. She stated they would like to utilize the foundation in its entirety and reflect the structure of their home. She stated that the other structure on the property would be torn down. She discussed how they would use accessory structure. She mentioned that the structure is bed rock which means no basements. She stated they feel that there is hardship of the property and that this variance would allow for a practical use of the property.

Councilmember Piekarski Krech stated she likes that they are reusing something. She stated covering up the foundation makes it useful and likes that they are not increasing the impervious surface. Mr. Dzieweczynski stated that they are not creating a new concrete slab.

Councilmember Hark asked Mr. Link if a previous concrete slab brings hardship or if something like this was passed by a variance in the past. Mr. Link answered no. Mayor Tourville asked about a structure fire time frame. Mr. Link stated yes there is but doesn't know the specifics. Councilmember Hark asked does

the garage have a concrete slab and whether it will be removed. Mr. Dzieweczynski responded no, it has pavers and it will be removed.

Motion Piekarski Krech second Mueller to approve the resolution of the variance to allow a 1,440 square foot accessory building.
Ayes: 5
Nays: 0 Motion carried.

B. DEALS ON WHEELS, LLC; Consider a Resolution 16-167 relating to a Variance to allow a four foot parking setback from the front property line whereas 10 feet is required for property located at 6250 Concord Boulevard

Mr. Link outlined the item to the Council. He illustrated the property on the map. He stated that the business wants a four foot setback to include a cedar fence and planter boxes to provide a buffer between the parking area and the property line. The applicant would like green space. He stated, there are two different recommendations. The Planning staff recommends a denial. They stated that there is no uniqueness. The Planning Commission approved the setback with the condition that curb stops be installed and also recommending that the newly paved area be reestablished to meet code requirements.

The Applicant, Mathew Balsimo and Douglas Balsimo, 6250 Concord Blvd stated that they are trying to improve the eye sores. The one neighbor to the north has landscaping. They stated they paved without knowing about the setback. They noted it helps customers move and turn around safely.

Councilmember Piekarski Krech asked about impervious surface. Mr. Link stated Engineering Dept looked at this and was not concerned.

Councilmember Bartholomew asked if the other properties have setbacks. Mr. Link stated it's mixed; we enforce if there's a complaint. He stated that some of the uses have been non-conforming.

Councilmember Bartholomew stated there not out of character. Mr. Link stated that the property to the south doesn't have the setback but the property to the north does.

Mayor Tourville stated that the property looks improved.

Councilmember Bartholomew commented that providing safety is beneficial when parking and turning out is important.

Councilmember Hark stated that next time the applicants will remember to go to the city and ask the question.

Motion Bartholomew second Piekarski Krech to approve item the setback.
Ayes: 5
Nays: 0 Motion carried.

C. PULTE HOMES OF MINNESOTA; Consider a Resolution 16-168 relating to a Comprehensive Plan Amendment to change the land use designation from LI, Light Industrial to LDR, Low Density Residential for property located west of Jefferson Trail and south of Wescott Road

Mr. Link outlined the item to the Council. He stated that currently the property is Light Industrial. The applicants are planning on a single family development. They have not put in for the plat or the rezoning but they wanted to request a comprehensive plan amendment. Mr. Link stated Pulte home would like to change the property from Light Industrial to LDR. The area is consistent with the current nature of the area. There is a problem with the access of Jefferson Trail and Wescott Road. The access would go through the residential area. Planning Commission and Planning Staff recommended the approval of the change to the comprehensive plan. He reminded the council that it will need a 4/5 vote of the council.

Councilmember Piekarski Krech asked about the history of the proposals in the past. Mr. Link stated a townhome development was approved by the council but it never materialized. The comprehensive amendment never went through.

Applicant, Paul Heuer, 7500 Office Ridge Circle, Eden Prairie, stated Pulte Homes is excited to build in Inver Grove Heights.

Councilmember Mueller discussed concerns over the topography and stated he wanted to make sure homes are built and it's not a storage area. Councilmember Mueller discussed access issues. Mr. Link responded that there is no access off 149th. Mr. Link stated if the council approves the comprehensive plan amendment it does not become effective until the council sees the plat. The council has an opportunity to review the plat. Councilmember Mueller asked who pays for sewer and water and who maintains the roads. Mr. Link stated the joint powers agreement between Eagan and Inver Grove Heights will be reviewed by staff.

Mayor Tourville stated that the applicant needs approval from Eagan and the City on the plat.

Motion Bartholomew second Piekarski Krech to approve the comprehensive plan amendment.
Ayes: 5
Nays: 0 Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider the Second Reading of a Zoning Ordinance Amendment relating to:
a) changes to the Major Site Plan Review and Conditional Use Permit Review amendments expanding administrative review.
b) changes to the permitted and conditional uses in the I-2, General Industry Zoning District

Mr. Hunting stated no changes were made to the ordinance and this is the second reading of the ordinance. This reading is the same as the first reading. Mr. Hunting stated that staff recommends approval.

Motion Bartholomew second Mueller to approve the second reading of the zoning ordinance.
Ayes: 5
Nays: 0 Motion carried.

II. FINANCE

E. Consider Resolutions 16-169 Adopting the Proposed Tax Levy for 2017, Adopting the Proposed 2017 Budgets Resolution 16-170, Adopting the Proposed Watershed Management Taxing District Tax Levy for 2017 Resolution 16-171 and Set the Date and Time for the Regularly Scheduled Meeting

Ms. Smith, Finance Director gave an outline of the item. The proposed 2017 Base Budget Plus Additions results in a 5.13% increase to the tax rate and a 7.62% increase to the tax levy. The General Fund budget continues to rely on a transfer from the Host Community Fund. There is a decrease of $100,000 from the budget when comparing last year's budget. The Base plus additions were outlined from the Request for Council Agenda report. Ms. Smith outlined the dates of the scheduled meetings regarding the budget.

Staff recommends setting the regularly scheduled meeting for Monday, December 12, 2016 at 7:00 pm and approving the three resolutions brought forward including:

Resolution adopting the proposed 2017 Budget
Resolution adopting the proposed property tax levy for 2017
Resolution adopting the proposed watershed management taxing district tax levy for 2017

Motion by Bartholomew second by Hark to approve the above Resolutions and set the date for the hearing on December 12, 2016 at 7:00 pm.
Ayes: 5
Nays: 0 Motion carried.

III. ADMINISTRATION

F. Consider Second Reading of Ordinance 1321 Amending Section 8-2-2 through 8-2-5 Trash Collection

City Attorney, Mr. Kuntz outlined the item he stated the amended ordinance would have six changes, one of those changes would be to allow for 17 licenses and will approve license transferable.

The administration penalty was removed for the section draft. He stated that both the state auditor and stated general stated a statutory city does not have the right to impose administrative fines system unless the state statute allows for the city to fine that area. He stated in terms of liquor and tobacco cities have that ability to administer fines.

Another change is in the hours of collection. It will now be 6:00am-6:00pm instead of 9:00pm. The fourth change requires that the trash collection company pick up recyclables from a customer on the same day that they pick up municipal mixed solid waste. The next change is regarding residential units, for a single family residential housing of up to four types of units, the pickup of recyclable authority must be provided by the trash authority. Another change is that the trash collector must have an invoice that reflects recycling and trash collection on the same bill. The next change is that a trash hauler cannot place at a residential unit a trash container or bin unless the person in charge of the property has first consented to

the placement or contacted the business for that service. He explained that this action is used by trash companies as a predatory marketing tool. The bins show up in residential areas and people start using that company and end up with a lifetime of service to that residence. Mr. Kuntz concluded that those are the six changes to the ordinance. The administrative penalties section will be removed.

Ms. Calvert, Government Intern gave an overview of the meetings with the trash haulers. She stated we heard complaints from residents which started this discussion with the haulers. The aforementioned changes of the ordinance were brought forward and have been agreed upon by the trash haulers.

Ms. Calvert clarified one of the changes as presented by Mr. Kuntz. She stated that recycling and trash collection must be done on the same day but could be collected every other week. Mr. Kuntz stated that the ordinance will need to be clarified to show that point.

Ms. Calvert pointed out that the haulers did not agree with the mandatory recycling services and that those services be included in their fees.

Ms. Calvert stated currently they can bill extra for recycling. Councilmember Piekarski Krech commented that she thought it was all included. Ms. Calvert stated no, companies can bill extra for the recycling service.

Mayor Tourville stated there shouldn't be an opt out of recycling option and they shouldn't increase the fees.

Mr. Lynch stated that recycling is going to be mandatory and currently it has not been practiced that way. The recycling will be the standardized. Mayor Tourville stated two barrels are included in the service. Mr. Lynch concluded that the haulers were in agreement with the changes.

The council discussed the ordinance at length and proposed changes. Administration staff stated that there will be discretion for the new time of service of 6:00pm. They added that trucks are allowed to drive on the roads after pick up.

Motion by Piekarski Krech second by Mueller for the second reading of the ordinance.
Ayes: 5
Nays: 0 Motion carried.

G. Interim Ordinance Regarding Predatory Offender Residency Restrictions

Mr. Kuntz outlined the ordinance. He pointed out that this is an interim ordinance meaning a temporary ordinance. It allows a certain time in which the city can study the issue. It's admissible by the Association of Municipal Planning Act and does not require a public hearing. It does not need an application review. He stated this ordinance would need to be done in one reading. If passed in one reading then it can pass in a majority vote.

Mr. Kuntz outlined the ordinance language. The planning staff would engage in a study and have a maximum length of one year. It should be back in February for consideration from the council. He stated that the thought was for it to be discussed at the October work session meeting. With that in mind, the map has been prepared. The council received the map and it was printed on the diesis.

The council discussed the map at length.

The council discussed licensed daycares and whether all daycares were accounted for. Mayor Tourville stated that the information on daycares came from the county not the state. He asked who administered the licenses.

Councilmember Piekarski Krech stated that the county licenses the day care homes and the state licenses day care centers. But it is all under the State's regulations.

Mr. Kuntz stated under section 3. 1.5. The intent is to cover both the in home and daycare centers. The ordinance will reflect that change.

Mayor Tourville stated that the predatory offender has moved out of the city.

Councilmember Piekarski Krech stated she is worried about the legality of this in court and whether the ordinance will actually help. She stated what makes a city safer is awareness and education. She stated that we should educate and put our money towards programming. She discussed the importance of what the police department is currently doing when they make random visits of registered sexual offenders (1, 2, 3,) quarterly.

Mayor Tourville stated in the discussion with the school district of ISD 199 and the City, they would like joint presentations with the Jacob Wetterling program. ISD 199 would like to be involved in training and education.

Mr. Lynch discussed that the temporary ordinance gives the council time to discuss these issues that the council is discussing. He stated that on October 3rd the Department of Corrections and the Dakota County Probation Services office will talk about this issue and they will bring up that establishing the ordinance does not have the effect it intends to have. The offenders need housing and jobs. Mr. Lynch stated you don't want them to congregate in one area. He stated that after the October 3rd meeting there will be a community meeting scheduled for the city and the ISD 199.

Councilmember Piekarski Krech asked how long this ordinance is in effect. Mr. Kuntz stated one year and it can't be extended. Councilmember Bartholomew asked if we impose this interim ordinance does this take away any of our rights we currently have. Mr. Kuntz stated this is a supplemental tool, and does not take away or substituent from our rights.

Councilmember Piekarski Krech asked if we have regulation against half way housing. Mr. Lynch stated we are notified when licenses are given but we don't have the ability to impact the location. He stated we can't zone them to particular area. She asked if a half way house would be built in the red circled areas of the map. Mr. Lynch stated this may be a legal challenge. Mr. Kuntz stated that the ordinance exempts housing licensed by the state i.e. state of corrections prior to September 26, 2016.

Mayor Tourville stated that the League of MN Cities is looking group homes and similar housing to make sure that they are not in close distance to each other and should go to the legislature in 2017.

Mr. Lynch discussed that the level 3 Predator could move back into the city because his support system is in Inver Grove Heights, and then another public hearing would have to be done. If this is adopted then he would be subjected to the ordinance where he wasn't before.

Councilmember Hark asked that the council approve this in the interim and then move forward in reviewing the information, modify or not approve it.

Councilmember Piekarski Krech stated that the legislature or courts will have to do something about this. We are in new territory. She stated she thinks new regulations are going to be happening in the next year.

Mayor Tourville stated he was concerned about the lack of input from residents and the discussion of the map.

Councilmember Piekarski Krech stated the residents want us to do something. Mayor Tourville stated that we are going to suspend rules to pass it without notifying residents. Councilmember Hark stated this is an interim ordinance. Councilmember Piekarski Krech stated residents concerns were about the predatory offender being close to schools.

Mr. Lynch stated the legislative balance here is the short term protection compared to the long term protection of what is in the best interest of the city. If we don't start in October, the best estimate of getting an ordinance established is in the month of February. The council should balance that with having another predatory offender back in the city. He stated in the interim the council will try and protect residents in the best interest of the community.

The council discussed the interim ordinance at length.

Mr. Lynch stated that at the level 3 predatory offenders meeting the crowd was notified that the city would be meeting.

Councilmember Bartholomew asked if the map is driving the ordinance. Ms. Nassan stated that the map is an illustration of the ordinance. Mayor Tourville questioned about changes to the map.

City Clerk Tesser asked about the map associated with the ordinance. She stated city code does not include maps. She further asked going forward does the council want the map on the website similar to the bow hunting map.

Mayor Tourville stated that a map shouldn't be included on the website. Mr. Lynch stated that the map could be for informational purposes but used as a disclaimer.

Councilmember Bartholomew stated we can rescind the ordinance and afford to protect our residents.

Motion by Piekarski Krech second Bartholomew to suspend the rules.
Ayes: 5
Nays: 0 Motion carried.

Motion by Bartholomew second Piekarski Krech to approve the interim ordinance and includes that it covers home daycares and daycare centers licensed by Dakota County or the State of Minnesota.
Ayes: 5
Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS

9. ADJOURN: Motion by Bartholomew, second by Hark to adjourn. The meeting was adjourned by a unanimous vote at 8:55 p.m.

AGENDA ITEM _____4B_____

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Meeting Date:	October 24, 2016		**Fiscal/FTE Impact:**
Item Type:	Consent		None
Contact:	Kristi Smith 651-450-2521	X	Amount included in current budget
Prepared by:	Bill Schroepfer, Accountant		Budget amendment requested
Reviewed by:	N/A		FTE included in current complement
			New FTE requested – N/A
			Other

PURPOSE/ACTION REQUESTED

Approve the attached resolution approving disbursements for the period of October 6, 2016 to October 19, 2016.

SUMMARY

Shown below is a listing of the disbursements for the various funds for the period ending October 19, 2016. The detail of these disbursements is attached to this memo.

General & Special Revenue	$144,622.45
Debt Service & Capital Projects	1,226,812.35
Enterprise & Internal Service	304,594.50
Escrows	44,102.05
Grand Total for All Funds	$1,720,131.35

If you have any questions about any of the disbursements on the list, please call Kristi Smith, Finance Director at 651-450-2521.

Attached to this summary for your action is a resolution approving the disbursements for the period October 6, 2016 to October 19, 2016 and the listing of disbursements requested for approval.

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING DISBURSEMENTS FOR THE PERIOD ENDING October 19, 2016

WHEREAS, a list of disbursements for the period ending October 19, 2016 was presented to the City Council for approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS: that payment of the list of disbursements of the following funds is approved:

General & Special Revenue	$144,622.45
Debt Service & Capital Projects	1,226,812.35
Enterprise & Internal Service	304,594.50
Escrows	44,102.05
Grand Total for All Funds	$1,720,131.35

Adopted by the City Council of Inver Grove Heights this 24th day of October, 2016.

Ayes:

Nays:

_____
George Tourville, Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

City of Inver Grove Heights

Expense Approval Report

By Fund

Payment Dates 10/06/2016 - 10/19/2016

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ADVANCED GRAPHIX, INC.	195608	10/19/2016	10/12/16	101.42.4000.421.50030	70.00
AMERICAN PLANNING ASSOCIATION	057566-1673	10/12/2016	057566	101.45.3000.419.50070	575.00
BARNA, GUZY, & STEFFEN LTD	163522	10/19/2016	50003-005	101.41.1100.413.30430	117.00
BARR ENGINEERING COMPANY	23190328.16-6	10/12/2016	9/28/16	101.43.5100.442.30300	396.00
BLACKTOP PROS, LLC	17-08	10/12/2016	10/4/16	101.43.5200.443.40046	2,500.00
CDW GOVERNMENT INC	FPW7896	10/19/2016	2394832	101.41.2000.415.60040	373.29
COMCAST	10/5/16 8772 10 591 03595	10/19/2016	8772 10 591 0359526	101.42.4200.423.30700	10.00
CULLIGAN	9/30/16 157-98459100-6	10/12/2016	157-98459100-6	101.42.4200.423.60065	75.75
DAKOTA CTY FINANCIAL SVCS	00022188	10/12/2016	P0001753	101.42.4000.421.70501	1,469.79
DAKOTA CTY FINANCIAL SVCS	00022188	10/12/2016	P0001753	101.42.4200.423.30700	1,656.43
DAKOTA CTY FINANCIAL SVCS	00022188	10/12/2016	P0001753	101.43.5200.443.30700	46.66
DAKOTA CTY PROP TAXATION & RECORDS	09272016IGH	10/12/2016	9/27/16	101.41.1200.414.50030	84.96
DAKOTA ELECTRIC ASSN	246837-9 10/16	10/12/2016	Electric	101.44.6000.451.40020	1,662.54
DAKOTA ELECTRIC ASSN	250165-8 10/16	10/12/2016	Electric	101.44.6000.451.40020	570.03
DAKOTA ELECTRIC ASSN	393563-2 10/16	10/12/2016	Electric	101.44.6000.451.40020	520.43
DAKOTA ELECTRIC ASSN	426713-4 10/16	10/12/2016	Electric	101.43.5400.445.40020	45.50
DAKOTA ELECTRIC ASSN	443054-2 10/16	10/12/2016	Electric	101.44.6000.451.40020	14.00
DAKOTA ELECTRIC ASSN	109394-7 10/16	10/12/2016	Electric	101.43.5400.445.40020	1,198.24
EYEMED	3677826	10/12/2016	OCTOBER 2016	101.203.2032700	233.12
FERRELLGAS	1093298695	10/12/2016	7754787	101.43.5200.443.60016	53.17
FIRSTSCRIBE	2470115	10/12/2016	7/1/16	101.43.5100.442.40044	250.00
FIRSTSCRIBE	2470737	10/12/2016	9/1/16	101.43.5100.442.40044	250.00
FURLONG FARMS	485251	10/19/2016	10/12/16	101.43.5200.443.60016	1,050.00
FURLONG FARMS	485251	10/19/2016	10/12/16	101.44.6000.451.60030	2,350.00
GENESIS EMPLOYEE BENEFITS, INC	IN863167	10/19/2016	8/1/16-8/31/16	101.42.4000.421.30550	71.50
GENESIS EMPLOYEE BENEFITS, INC	IN863167	10/19/2016	8/1/16-8/31/16	101.43.5100.442.30550	21.28
GENESIS EMPLOYEE BENEFITS, INC	IN863167	10/19/2016	8/1/16-8/31/16	101.44.6000.451.30550	2.64
GENESIS EMPLOYEE BENEFITS, INC	IN863167	10/19/2016	8/1/16-8/31/16	101.45.3300.419.30550	7.50
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.41.1100.413.30550	31.75
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.41.2000.415.30550	72.17
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.42.4000.421.30550	254.20
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.42.4200.423.30550	21.50
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.43.5000.441.30550	15.00
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.43.5100.442.30550	44.50
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.43.5200.443.30550	39.00
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.44.6000.451.30550	41.03
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.45.3000.419.30550	18.93
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.45.3200.419.30550	16.16
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	101.45.3300.419.30550	29.50
GERTENS	413099/1	10/19/2016	103566	101.44.6000.451.60016	39.92
INNOVATIVE OFFICE SOLUTIONS	SUM-027981	10/12/2016	S28777	101.41.1200.414.60010	104.95
INNOVATIVE OFFICE SOLUTIONS	SUM-027981	10/12/2016	S28777	101.45.3300.419.60040	21.33
KEEPRS, INC	324186	10/19/2016	INVERG0009	101.42.4000.421.60045	186.34
KENISON, TERRI	SEPT 2016	10/19/2016	SEPTEMBER 2016	101.42.4200.423.30700	850.00
LANGUAGE LINE SERVICES	3926557	10/19/2016	9020909043	101.42.4000.421.50020	5.35
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Community D	10/12/2016	Legal	101.45.3000.419.30420	420.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Council Meeti	10/12/2016	Legal	101.41.1000.413.30401	120.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Engineering	10/12/2016	Legal	101.43.5100.442.30420	2,520.50
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Hayden Heigh	10/12/2016	Legal	101.45.3200.419.30420	460.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Mayor/CC	10/12/2016	Legal	101.41.1000.413.30420	6,720.30
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Parks	10/12/2016	Legal	101.44.6000.451.30420	777.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Planning	10/12/2016	Legal	101.45.3200.419.30420	1,336.50
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Police	10/12/2016	Legal	101.42.4000.421.30420	456.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Public Works	10/12/2016	Legal	101.43.5000.441.30420	274.50
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Sale of 3501 (	10/12/2016	Legal	101.41.1000.413.30420	175.50
LEVANDER, GILLEN & MILLER P.A.	9/30/16 92000E	10/19/2016	92000E	101.42.4000.421.30410	12,672.59
LILLIE SUBURBAN NEWSPAPERS	9/30/16 001363	10/12/2016	Advertising/Publishing	101.41.1100.413.50025	24.90
LILLIE SUBURBAN NEWSPAPERS	9/30/16 001363	10/12/2016	Advertising/Publishing	101.43.5100.442.50025	83.00
M & J SERVICES, LLC	1515	10/12/2016	9/29/16	101.43.5200.443.40046	970.00
M & J SERVICES, LLC	1516	10/12/2016	9/29/16	101.43.5200.443.40046	190.00
M & J SERVICES, LLC	1520	10/12/2016	9/30/16	101.43.5200.443.40046	2,280.00
METROPOLITAN COUNCIL	SEPTEMBER 2016	10/19/2016	SEPTEMBER 2016	101.41.0000.3414000	(74.55)
MINNEAPOLIS OXYGEN CO.	171163174	10/19/2016	113504	101.42.4200.423.40042	56.10
MINNEAPOLIS OXYGEN CO.	171163175	10/19/2016	113504	101.42.4200.423.40042	56.10
MN DEPT OF LABOR & INDUSTRY	SEPTEMBER 2016	10/19/2016	SEPTEMBER 2016 SURCHARGE REP(	101.207.2070100	1,569.65
MN DEPT OF LABOR & INDUSTRY	SEPTEMBER 2016	10/19/2016	SEPTEMBER 2016 SURCHARGE REP(	101.41.0000.3414000	(31.39)
MRPA	9016	10/19/2016	10/7/16	101.41.1100.413.30500	100.00
OXYGEN SERVICE COMPANY, INC	03353255	10/19/2016	04394	101.42.4000.421.60065	26.40
PETTY CASH	10/19/16	10/19/2016	PETTY CASH REQUEST	101.43.5200.443.50080	12.00
PETTY CASH	10/19/16	10/19/2016	PETTY CASH REQUEST	101.45.3300.419.50080	41.07

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
PETTY CASH-WF PURCHASE CARD FEES	SEPTEMBER 2016	10/11/2016	CLIENT ANALYSIS	101.41.2000.415.70440	135.34
PINE BEND PAVING, INC.	16-576	10/12/2016	9/19/16	101.43.5200.443.60016	395.85
RCM SPECIALTIES, INC.	5692	10/12/2016	9/29/16	101.43.5200.443.40046	9,075.00
RIVER HEIGHTS MARINA	10/6/16	10/12/2016	REFUND CHECK	101.43.0000.3218500	525.00
STREICHER'S	I1229654	10/12/2016	285	101.42.4000.421.60045	940.00
STREICHER'S	I1229655	10/12/2016	285	101.42.4000.421.60045	4,590.00
STREICHER'S	I1229661	10/19/2016	285	101.42.4000.421.60045	160.00
STREICHER'S	I1230126	10/19/2016	285	101.42.4000.421.60045	45.95
STREICHER'S	I1230210	10/19/2016	285	101.42.4000.421.60045	19.96
T MOBILE	9/8/16 494910368	10/12/2016	494910368	101.43.5100.442.50020	49.99
THOMSON REUTER - WEST	834797469	10/12/2016	1000197212	101.42.4000.421.30700	190.05
TOTAL CONSTRUCTION & EQUIP.	68842	10/19/2016	CIT001	101.44.6000.451.40040	199.90
UNIFIRST CORPORATION	090 0324751	10/12/2016	1051948	101.43.5200.443.60045	37.70
UNIFIRST CORPORATION	090 0324751	10/12/2016	1051948	101.44.6000.451.60045	32.40
URBAN LAND INSTITUTE	2112994	10/12/2016	7/25/16	101.45.3000.419.50070	220.00
VERIFIED CREDENTIALS, INC.	257379	10/12/2016	9/30/16	101.41.1100.413.70600	117.25
WALL TRENDS INC	7158	10/19/2016	9/15/16	101.44.6000.451.40040	14,650.00
WATER DOCTORS	175410	10/12/2016	PL2016-2213	101.45.0000.3222000	40.00
WELLS FARGO CREDIT CARD ACH	BENNETT MADSEN WF C	10/19/2016	Wells Fargo Purchase Cards	101.42.4000.421.50075	9.44
WELLS FARGO CREDIT CARD ACH	BENNETT MADSEN WF C	10/19/2016	Wells Fargo Purchase Cards	101.42.4000.421.50075	15.16
WELLS FARGO CREDIT CARD ACH	BENNETT MADSEN WF C	10/19/2016	Wells Fargo Purchase Cards	101.42.4000.421.50075	20.00
WELLS FARGO CREDIT CARD ACH	BENNETT MADSEN WF C	10/19/2016	Wells Fargo Purchase Cards	101.42.4000.421.50075	21.99
WELLS FARGO CREDIT CARD ACH	BENNETT MADSEN WF C	10/19/2016	Wells Fargo Purchase Cards	101.42.4000.421.50075	11.44
WELLS FARGO CREDIT CARD ACH	CARRIE ISAACSON WF O	10/19/2016	Wells Fargo Purchase Cards	101.41.1100.413.50065	36.72
WELLS FARGO CREDIT CARD ACH	CARRIE ISAACSON WF O	10/19/2016	Wells Fargo Purchase Cards	101.41.1100.413.50075	25.00
WELLS FARGO CREDIT CARD ACH	DANE WINGET WF OOP S	10/19/2016	Wells Fargo Purchase Cards	101.42.4000.421.50075	262.00
WELLS FARGO CREDIT CARD ACH	HEATHER BOTTEN WF O	10/19/2016	Wells Fargo Purchase Cards	101.45.3200.419.50075	204.52
WELLS FARGO CREDIT CARD ACH	HEATHER BOTTEN WF O	10/19/2016	Wells Fargo Purchase Cards	101.45.3200.419.50080	104.76
WELLS FARGO CREDIT CARD ACH	LOIS KLASSEN WF OOP S	10/19/2016	Wells Fargo Purchase Cards	101.42.4000.421.50075	18.75
WELLS FARGO CREDIT CARD ACH	PATRICK SLOAN WF OOI	10/19/2016	Wells Fargo Purchase Cards	101.42.4000.421.50075	47.24
WELLS FARGO CREDIT CARD ACH	PAUL RANK WF OOP 9/16	10/19/2016	Wells Fargo Purchase Cards	101.42.4200.423.50080	145.00
WELLS FARGO CREDIT CARD ACH	SHELLEY CALVERT WF C	10/19/2016	Wells Fargo Purchase Cards	101.41.1100.413.50020	40.00
WELLS FARGO CREDIT CARD ACH	SHELLEY CALVERT WF C	10/19/2016	Wells Fargo Purchase Cards	101.41.1100.413.50065	18.36
WELLS FARGO CREDIT CARD ACH	SHELLEY CALVERT WF C	10/19/2016	Wells Fargo Purchase Cards	101.41.1100.413.50065	8.64
WELLS FARGO CREDIT CARD ACH	SHELLEY CALVERT WF C	10/19/2016	Wells Fargo Purchase Cards	101.41.1100.413.50065	18.36
WELLS FARGO CREDIT CARD ACH	WILLIAM SCHROEPFER V	10/19/2016	Wells Fargo Purchase Cards	101.41.2000.415.50065	36.50
WINFIELD SOLUTIONS, LLC	000061185787	10/19/2016	116678	101.44.6000.451.60035	3,549.60
XCEL ENERGY	518997937	10/19/2016	Gas & Electric	101.43.5200.443.40020	2,513.94
XCEL ENERGY	518997937	10/19/2016	Gas & Electric	101.43.5400.445.40020	9,704.26
XCEL ENERGY	519017705	10/19/2016	Gas & Electric	101.42.4200.423.40010	155.47
XCEL ENERGY	519017705	10/19/2016	Gas & Electric	101.42.4200.423.40020	1,449.37
XCEL ENERGY	519021971	10/19/2016	Gas & Electric	101.43.5400.445.40020	781.43
XCEL ENERGY	519737681	10/19/2016	Gas & Electric	101.44.6000.451.40010	128.94
XCEL ENERGY	519737681	10/19/2016	Gas & Electric	101.44.6000.451.40020	1,376.51
XCEL ENERGY	519738139	10/19/2016	Gas & Electric	101.42.4000.421.40042	44.05
ZEE MEDICAL SERVICE	54111972	10/19/2016	10/10/16	101.42.4000.421.60065	240.65
Fund: 101 - GENERAL FUND					**101,115.12**
RIVER HEIGHTS CHAMBER OF COMMERCE	7089	10/19/2016	10/14/16	201.44.1600.465.30700	2,924.71
RIVER HEIGHTS CHAMBER OF COMMERCE	7089	10/19/2016	10/14/16	201.44.1600.465.40065	250.00
WELLS FARGO CREDIT CARD ACH	TRACY SHIMEK WF OOP	10/19/2016	Wells Fargo Purchase Cards	201.44.1600.465.50065	14.04
WELLS FARGO CREDIT CARD ACH	TRACY SHIMEK WF OOP	10/19/2016	Wells Fargo Purchase Cards	201.44.1600.465.50065	3.24
WELLS FARGO CREDIT CARD ACH	TRACY SHIMEK WF OOP	10/19/2016	Wells Fargo Purchase Cards	201.44.1600.465.50065	8.10
WELLS FARGO CREDIT CARD ACH	TRACY SHIMEK WF OOP	10/19/2016	Wells Fargo Purchase Cards	201.44.1600.465.50065	8.10
WELLS FARGO CREDIT CARD ACH	TRACY SHIMEK WF OOP	10/19/2016	Wells Fargo Purchase Cards	201.44.1600.465.50065	12.00
WELLS FARGO CREDIT CARD ACH	TRACY SHIMEK WF OOP	10/19/2016	Wells Fargo Purchase Cards	201.44.1600.465.50065	3.78
Fund: 201 - C.V.B. FUND					**3,223.97**
BURNSVILLE ATHLETIC CLUB	201603	10/19/2016	9/21/16	204.44.6100.452.30700	1,405.95
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	204.44.6100.452.30550	13.98
IGH/SSP COMMUNITY EDUCATION	10/3/16	10/12/2016	SENIOR TRIP	204.227.2271000	1,058.00
MN DEPT OF COMMERCE	10/18/16	10/18/2016	ANGELA SCHROEDER CK#113580	204.228.2280100	50.00
Fund: 204 - RECREATION FUND					**2,527.93**
AQUA LOGIC, INC.	45446	10/19/2016	9/30/16	205.44.6200.453.40040	417.34
AQUA LOGIC, INC.	45447	10/19/2016	9/30/16	205.44.6200.453.40040	643.31
BURROWS REFRIGERATION	10515	10/12/2016	8/30/16	205.44.6200.453.40042	327.90
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	205.44.6200.453.30550	12.50
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	205.44.6200.453.30550	12.50
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	205.44.6200.453.30550	26.64
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	205.44.6200.453.30550	3.50
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	205.44.6200.453.30550	11.00
KLEIN, WILLIAM	10/11/16	10/19/2016	REFUND - LOW ENROLLMENT	205.44.0000.3493501	64.00
LISA LYNN CONSULTING	IGH:3:16	10/19/2016	8/23/16	205.44.6200.453.30700	281.04
OLD WORLD PIZZA	10/11/16	10/19/2016	10/11/16	205.44.6200.453.76050	100.00
RECREATION SUPPLY COMPANY	308052	10/19/2016	M09501	205.44.6200.453.60040	720.29
RIVER HEIGHTS CHAMBER OF COMMERCE	7052	10/12/2016	9/8/16	205.44.6200.453.60065	55.00
SAFE-WAY BUS COMPANY	5283	10/12/2016	6/30/16	205.44.6200.453.50090	443.38
VANCO SERVICES LLC	00007773829	10/12/2016	SEPTEMBER 2016	205.44.6200.453.70600	83.75
WELLS FARGO CREDIT CARD ACH	AMY CRARY WF OOP 9/1	10/19/2016	Wells Fargo Purchase Cards	205.44.6200.453.60040	75.00

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
WELLS FARGO CREDIT CARD ACH	AMY CRARY WF OOP 9/1	10/19/2016	Wells Fargo Purchase Cards	205.44.6200.453.60040	45.00
WELLS FARGO CREDIT CARD ACH	JUDY WONICK WF OOP 9	10/19/2016	Wells Fargo Purchase Cards	205.44.6200.453.60065	17.59
WELLS FARGO CREDIT CARD ACH	KYLE BODSBERG WF OC	10/19/2016	Wells Fargo Purchase Cards	205.44.6200.453.50065	179.28
WELLS FARGO CREDIT CARD ACH	RICK ROACH WF OOP 9/1	10/19/2016	Wells Fargo Purchase Cards	205.44.6200.453.50065	16.20
WELLS FARGO CREDIT CARD ACH	RICK ROACH WF OOP 9/1	10/19/2016	Wells Fargo Purchase Cards	205.44.6200.453.50065	3.24
XCEL ENERGY	519737681	10/19/2016	Gas & Electric	205.44.6200.453.40010	810.57
XCEL ENERGY	519737681	10/19/2016	Gas & Electric	205.44.6200.453.40010	2,154.54
XCEL ENERGY	519737681	10/19/2016	Gas & Electric	205.44.6200.453.40020	14,471.15
XCEL ENERGY	519737681	10/19/2016	Gas & Electric	205.44.6200.453.40020	9,230.08
Fund: 205 - COMMUNITY CENTER					**30,204.80**
BRAUN INTERTEC CORPORATION	B069552	10/19/2016	I09213	290.45.3000.419.30700	2,100.00
EVERGREEN LAND SERVICES	00-11674	10/19/2016	8/25/16	290.45.3000.419.30700	664.30
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	290.45.3000.419.30550	1.33
LANDMARK ENVIRONMENTAL, LLC	15084.03-1	10/19/2016	15084.03	290.45.3000.419.30700	2,230.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 EDA	10/12/2016	Legal	290.45.3000.419.30420	240.50
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Rauschnot	10/12/2016	Legal	290.45.3000.419.30420	72.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Shepard	10/12/2016	Legal	290.45.3000.419.30420	680.00
MN POLLUTION CONTROL AGENCY	10000017178	10/19/2016	PBP REIMBURSEMENTS	290.45.3000.419.30700	62.50
MN POLLUTION CONTROL AGENCY	10000017229	10/19/2016	VIC REIMBURSEMENTS	290.45.3000.419.30700	687.50
MN POLLUTION CONTROL AGENCY	10000018109	10/19/2016	PBP REIMBURSEMENTS	290.45.3000.419.30700	812.50
Fund: 290 - EDA					**7,550.63**
WELLS FARGO BANK	1366340	10/19/2016	10/3/16	355.57.9000.570.90300	400.00
WELLS FARGO BANK	1366340	10/19/2016	10/3/16	355.57.9000.570.90300	400.00
Fund: 355 - G.O. IMPR BONDS 2010B					**800.00**
WELLS FARGO BANK	1366340	10/19/2016	10/3/16	356.57.9000.570.90300	266.67
Fund: 356 - G.O.PIR REFUNDING 2010C					**266.67**
WELLS FARGO BANK	1366340	10/19/2016	10/3/16	357.57.9000.570.90300	133.33
Fund: 357 - G.O. WMTD REF BONDS 2010C					**133.33**
EHLERS AND ASSOCIATES, INC.	71624	10/12/2016	9/30/16	365.57.9000.570.30150	2,250.00
Fund: 365 - G.O. IMPR BONDS 2015A					**2,250.00**
EHLERS AND ASSOCIATES, INC.	71664	10/12/2016	10/7/16	399.57.9000.570.30150	4,180.00
Fund: 399 - CLOSED BOND FUND					**4,180.00**
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Heritage Park	10/12/2016	Legal	402.44.6000.451.30420	27.00
Fund: 402 - PARK ACQ. & DEV. FUND					**27.00**
METROPOLITAN COUNCIL	SEPTEMBER 2016	10/19/2016	SEPTEMBER 2016	404.217.2170000	7,455.00
Fund: 404 - SEWER CONNECTION FUND					**7,455.00**
EVERGREEN LAND SERVICES	00-11673	10/19/2016	8/25/16	425.72.5900.725.30700	864.80
Fund: 425 - 2005 IMPROVEMENT FUND					**864.80**
AMERICAN ENGINEERING TESTING, INC.	93226	10/19/2016	INV001	436.73.5900.736.30300	1,251.14
BARR ENGINEERING COMPANY	23190328.15-18	10/12/2016	8/31/16	436.73.5900.736.30300	3,504.00
BARR ENGINEERING COMPANY	23190328.16-5	10/12/2016	8/31/16	436.73.5900.736.30300	698.50
DUININCK	PAY REQUEST #2	10/19/2016	CITY PROJECT NO 2016-07	436.52.5900.736.80300	574,940.00
SHORT ELLIOTT HENDRICKSON, INC.	313133	10/19/2016	4340	436.52.5900.736.30300	892.91
Fund: 436 - 2016 IMPROVEMENT FUND					**581,286.55**
AMERICAN ENGINEERING TESTING, INC.	93226	10/19/2016	INV001	440.74.5900.740.30300	6,870.86
JERRY, ELLER	10/6/16	10/19/2016	DRIVEWAY AGREEMENT REIMBURSE	440.74.5900.740.70500	5,000.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 #1609D-Impr	10/12/2016	Legal	440.74.5900.740.30420	504.00
PARK CONSTRUCTION COMPANY	PAY VO. NO. 4	10/19/2016	CITY PROJECT 2015-12	440.74.5900.740.80300	111,791.74
SHORT ELLIOTT HENDRICKSON, INC.	320496	10/12/2016	4340	440.74.5900.740.30300	4,332.15
SHORT ELLIOTT HENDRICKSON, INC.	320496	10/12/2016	4340	440.74.5900.740.30300	4,688.25
SRF CONSULTING GROUP, INC	09278.00-2	10/12/2016	7/31/16	440.74.5900.740.30300	15,033.64
SRF CONSULTING GROUP, INC	09278.00-3	10/12/2016	8/31/16	440.74.5900.740.30300	10,488.25
Fund: 440 - PAVEMENT MANAGEMENT PROJ					**158,708.89**
EAGAN, CITY OF	9/1/16	10/12/2016	3RD QUARTER	441.74.5900.741.40030	4,266.77
Fund: 441 - STORM WATER MANAGEMENT					**4,266.77**
AMERICAN ENGINEERING TESTING, INC.	93050	10/12/2016	INV001	446.74.5900.746.30300	1,280.00
BARR ENGINEERING COMPANY	23190328.16-5	10/12/2016	8/31/16	446.74.5900.746.30300	598.44
BARR ENGINEERING COMPANY	23190328.16-5	10/12/2016	8/31/16	446.74.5900.746.30300	598.44
BARR ENGINEERING COMPANY	23190328.16-6	10/12/2016	9/28/16	446.74.5900.746.30300	656.34
BARR ENGINEERING COMPANY	23190328.16-6	10/12/2016	9/28/16	446.74.5900.746.30300	656.34
BOLTON & MENK, INC.	0194918	10/12/2016	T18.111066	446.74.5900.746.30300	1,184.00
EJM PIPE SERVICES	PAY VO. NO. 5	10/19/2016	CITY PROJECT NO 2015-13	446.74.5900.746.80300	115,335.70
EJM PIPE SERVICES	PAY VO. NO. 5	10/19/2016	CITY PROJECT NO 2015-13	446.74.5900.746.80300	328,314.30
ELEMENT MATERIALS TECHNOLOGY ST. PAUL,	ESP0116891IN	10/12/2016	00006343	446.74.5900.746.30300	128.25
ELEMENT MATERIALS TECHNOLOGY ST. PAUL,	ESP0116891IN	10/12/2016	00006343	446.74.5900.746.30300	128.25
EVERGREEN LAND SERVICES	00-11641	10/12/2016	7/19/16	446.74.5900.746.30300	1,244.82
EVERGREEN LAND SERVICES	00-11684	10/12/2016	8/31/16	446.74.5900.746.30300	480.00

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 #1510 Impr Pı	10/12/2016	Legal	446.74.5900.746.30420	344.50
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 #1512-Impr Pı	10/12/2016	Legal	446.74.5900.746.30420	3,738.50
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 #1513-Impr Pı	10/12/2016	Legal	446.74.5900.746.30420	675.00
PARK CONSTRUCTION COMPANY	PAY VO. NO. 4	10/19/2016	CITY PROJECT 2015-12	446.74.5900.746.80300	478.80
SATHRE-BERGQUIST, INC.	52486	10/19/2016	9/14/16	446.74.5900.746.30700	1,094.03
Fund: 446 - NW AREA					**456,935.71**
BARR ENGINEERING COMPANY	23190218.00-244	10/12/2016	7/27/16	451.75.5900.751.30700	170.00
BARR ENGINEERING COMPANY	23190218.00-245	10/12/2016	8/15/16	451.75.5900.751.30700	85.00
BARR ENGINEERING COMPANY	23190218.00-246	10/12/2016	9/15/16	451.75.5900.751.30700	1,891.00
Fund: 451 - HOST COMMUNITY FUND					**2,146.00**
ACCESSABILITY, INC.	112359	10/12/2016	9/30/16	454.43.5500.446.40025	334.63
JR'S APPLIANCE DISPOSAL	90551	10/12/2016	9/30/16	454.43.5500.446.40025	5,582.00
JR'S APPLIANCE DISPOSAL	90694	10/19/2016	10/14/16	454.43.5500.446.40025	127.00
MOMENTUM ENTERPRISES, INC.	00421	10/12/2016	INVE00001	454.43.5500.446.40025	1,448.00
Fund: 454 - LANDFILL ABATEMENT					**7,491.63**
BATTCHER & AERO ELECTRICAL CONST.	469	10/19/2016	1021	501.50.7100.512.40042	2,400.00
BLACKTOP PROS, LLC	17-10	10/19/2016	10/11/16	501.50.7100.512.40046	1,200.00
CITY OF BLOOMINGTON	9/1/16-9/30/16	10/12/2016	9/30/16	501.50.7100.512.30700	434.00
CSS	9220	10/12/2016	9/12/16	501.50.7100.512.40043	151.80
EAGAN, CITY OF	9/1/16	10/12/2016	3RD QUARTER	501.50.7100.512.40005	46,229.35
GENESIS EMPLOYEE BENEFITS, INC	IN863167	10/19/2016	8/1/16-8/31/16	501.50.7100.512.30550	8.08
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	501.50.7100.512.30550	43.78
GERTENS	359/6	10/12/2016	103566	501.50.7100.512.60016	480.00
GOODIN COMPANY	02177922-00	10/12/2016	1001619	501.50.7100.512.60016	17.89
GOPHER STATE ONE-CALL	6090456	10/12/2016	MN00435	501.50.7100.512.30700	595.35
KANE TRANSPORT	PERMIT #1613	10/12/2016	REFUND HYDRANT PERMIT #1613	501.207.2070300	(6.04)
KANE TRANSPORT	PERMIT #1613	10/12/2016	REFUND HYDRANT PERMIT #1613	501.50.0000.3813000	(84.82)
KLM ENGINEERING INC	6172	10/12/2016	9/29/16	501.50.7100.512.40040	8,900.00
M & J SERVICES, LLC	1523	10/12/2016	10/5/16	501.50.7100.512.40046	660.00
MN GLOVE & SAFETY, INC.	296973	10/12/2016	CTINVP	501.50.7100.512.60045	145.96
PETTY CASH	10/19/16	10/19/2016	PETTY CASH REQUEST	501.50.7100.512.50080	6.00
TKDA	002016003126	10/12/2016	0015781.001	501.50.7100.512.30700	1,481.16
TYLER TECHNOLOGIES, INC	025-169646	10/12/2016	41443	501.50.7100.512.70440	548.13
WATER CONSERVATION SERVICES INC	7062	10/19/2016	10/10/16	501.50.7100.512.40046	274.30
XCEL ENERGY	519015020	10/19/2016	Gas & Electric	501.50.7100.512.40010	998.55
XCEL ENERGY	519015020	10/19/2016	Gas & Electric	501.50.7100.512.40020	20,762.69
Fund: 501 - WATER UTILITY FUND					**85,246.18**
EAGAN, CITY OF	9/1/16	10/12/2016	3RD QUARTER	502.51.7200.514.40015	23,993.57
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	502.51.7200.514.30550	23.23
KAT-KEY'S LOCK & SAFE CO.	112257	10/12/2016	9/28/16	502.51.7200.514.40042	268.07
METROPOLITAN COUNCIL	0001060029	10/12/2016	5084	502.51.7200.514.40015	145,904.71
TYLER TECHNOLOGIES, INC	025-169646	10/12/2016	41443	502.51.7200.514.70440	548.12
XCEL ENERGY	519015020	10/19/2016	Gas & Electric	502.51.7200.514.40010	27.49
XCEL ENERGY	519015020 CR	10/19/2016	Gas & Electric	502.51.7200.514.40020	(41.36)
Fund: 502 - SEWER UTILITY FUND					**170,723.83**
COVERALL OF THE TWIN CITIES INC	7070230410	10/12/2016	707-2469	503.52.8500.526.40040	253.99
DAKOTA ELECTRIC ASSN	201360-5 10/16	10/12/2016	Electric	503.52.8600.527.40020	216.55
ESCAPE FIRE PROTECTION LLC	18820	10/12/2016	9/29/16	503.52.8500.526.40040	365.00
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	503.52.8000.521.30550	18.50
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	503.52.8500.526.30550	12.65
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	503.52.8600.527.30550	21.50
GMS INDUSTRIAL SUPPLIES, INC.	025401	10/19/2016	0001869	503.52.8600.527.60012	110.51
LEITNER COMPANY	215931	10/12/2016	INVERW	503.52.8600.527.60020	751.65
LEITNER COMPANY	216843	10/12/2016	INVERW	503.52.8600.527.60020	765.18
MTI DISTRIBUTING CO	1092839-00	10/19/2016	402307	503.52.8600.527.40042	3,345.30
MTI DISTRIBUTING CO	1092852-00	10/19/2016	402307	503.52.8600.527.40042	542.06
NAPA OF INVER GROVE HEIGHTS	476209	10/19/2016	4165	503.52.8600.527.40042	69.17
NAPA OF INVER GROVE HEIGHTS	476218	10/19/2016	4165	503.52.8600.527.40042	1.76
NATURE CALLS, INC.	24840	10/12/2016	8/31/16	503.52.8600.527.40065	124.27
SOUTH BAY DESIGN	100116	10/12/2016	INVERWOOD	503.52.8500.526.50025	255.00
UNIFIRST CORPORATION	090 0324850	10/12/2016	1258268	503.52.8600.527.60045	51.07
UNIFIRST CORPORATION	090 0325908	10/12/2016	1258268	503.52.8600.527.60045	51.07
WINFIELD SOLUTIONS, LLC	000061192871	10/12/2016	442575	503.52.8600.527.60035	68.43
WINFIELD SOLUTIONS, LLC	000061186557	10/12/2016	442575	503.52.8600.527.60030	(338.93)
WINFIELD SOLUTIONS, LLC	000061192825	10/12/2016	442575	503.52.8600.527.60020	169.13
XCEL ENERGY	517685137	10/12/2016	51-0011459371-3	503.52.8500.526.40020	44.90
XCEL ENERGY	518503477	10/19/2016	Gas & Electric	503.52.8500.526.40010	34.15
XCEL ENERGY	518503477	10/19/2016	Gas & Electric	503.52.8500.526.40020	1,223.66
XCEL ENERGY	518503477	10/19/2016	Gas & Electric	503.52.8600.527.40010	27.24
XCEL ENERGY	518503477	10/19/2016	Gas & Electric	503.52.8600.527.40020	630.28
YAMAHA GOLF & UTILITY, INC.	01-175806	10/12/2016	INVERWOOD	503.52.8600.527.40042	23.36
Fund: 503 - INVER WOOD GOLF COURSE					**8,837.45**

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	602.00.2100.415.30550	1.66
HEPPNER'S AUTO BODY	41453	10/12/2016	9/19/16	602.00.2100.415.40048	1,164.53
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 EdgeGrove S	10/12/2016	Legal	602.00.2100.415.30420	3,848.00
QUINLIVAN & HUGHES, PA	122438	10/19/2016	223019.23019	602.00.2100.415.30700	1,385.00
Fund: 602 - RISK MANAGEMENT					**6,399.19**
COMO LUBE & SUPPLIES	606066	10/12/2016	100395	603.00.5300.444.40025	141.03
EHLERS AND ASSOCIATES, INC.	71800	10/12/2016	10/10/16	603.00.5300.444.70600	4,192.50
FLEETPRIDE	79837525	09/28/2016	9/16/16	603.00.5300.444.40041	2,379.20
FLEETPRIDE	79864121	09/28/2016	564	603.00.5300.444.40041	(2,379.20)
FLEETPRIDE	79864928	10/12/2016	9/19/16	603.00.5300.444.40041	3,145.10
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	603.00.5300.444.30550	9.24
GERLACH OUTDOOR POWER EQUIP	121323	10/12/2016	109185	603.00.5300.444.40041	51.26
INVER GROVE FORD	5216630	10/12/2016	9/21/16	603.00.5300.444.40041	54.59
INVER GROVE FORD	5216895	10/12/2016	9/26/16	603.00.5300.444.40041	145.51
INVER GROVE FORD	5216904	10/12/2016	9/26/16	603.00.5300.444.40041	64.36
INVER GROVE FORD	612083/2	10/12/2016	9/26/16	603.00.5300.444.40041	1,079.77
INVER GROVE FORD	5216987	10/12/2016	9/27/16	603.00.5300.444.40041	64.36
LARSON COMPANIES	B-60141	10/12/2016	14649	603.140.1450050	80.60
LARSON COMPANIES	B-262700164	10/12/2016	14649	603.00.5300.444.40041	39.90
MID CITY SERIVCES, INC.	48389	10/12/2016	9/30/16	603.00.5300.444.40065	42.75
MTI DISTRIBUTING CO	1091153-00	10/12/2016	91180	603.00.5300.444.40041	40.40
MTI DISTRIBUTING CO	1091153-01	10/12/2016	91180	603.00.5300.444.40041	75.84
O' REILLY AUTO PARTS	1767-229533	10/12/2016	1578028	603.00.5300.444.40041	12.74
O' REILLY AUTO PARTS	1767-229885	10/12/2016	1578028	603.00.5300.444.40041	31.98
O' REILLY AUTO PARTS	1767-229892	10/12/2016	1578028	603.00.5300.444.40041	58.62
O' REILLY AUTO PARTS	1767-230102	10/12/2016	1578028	603.00.5300.444.40041	11.68
O' REILLY AUTO PARTS	1767-230751	10/12/2016	1578028	603.00.5300.444.60012	21.46
O' REILLY AUTO PARTS	1767-230904	10/12/2016	1578028	603.00.5300.444.40041	196.94
O' REILLY AUTO PARTS	1767-231079	10/12/2016	1578028	603.00.5300.444.40041	29.12
O' REILLY AUTO PARTS	1767-231116	10/12/2016	1578028	603.140.1450050	8.18
O' REILLY AUTO PARTS	1767-231258	10/12/2016	1578028	603.00.5300.444.40041	262.91
O' REILLY AUTO PARTS	1767-231274	10/12/2016	1578028	603.00.5300.444.40041	110.00
O' REILLY AUTO PARTS	1767-231311	10/19/2016	1578028	603.00.5300.444.40041	15.18
O' REILLY AUTO PARTS	1767-276	10/12/2016	1578028	603.00.5300.444.40041	20.34
O' REILLY AUTO PARTS	1767-232005	10/19/2016	1578028	603.140.1450050	4.01
O' REILLY AUTO PARTS	1767-232232	10/19/2016	1578028	603.00.5300.444.40041	5.01
O' REILLY AUTO PARTS	1767-232471	10/19/2016	1578028	603.00.5300.444.40041	5.01
O' REILLY AUTO PARTS	1767-232500	10/19/2016	1578028	603.00.5300.444.40041	70.97
O' REILLY AUTO PARTS	1767-233135	10/19/2016	1578028	603.140.1450050	140.38
O' REILLY AUTO PARTS	1767-233136	10/19/2016	1578028	603.140.1450050	14.26
O' REILLY AUTO PARTS	1767-233208	10/19/2016	1578028	603.00.5300.444.60012	5.59
O' REILLY AUTO PARTS	1767-233320	10/19/2016	1578028	603.00.5300.444.40041	38.99
O' REILLY AUTO PARTS	1767-233325	10/19/2016	1578028	603.00.5300.444.40041	135.89
O' REILLY AUTO PARTS	1767-2333327	10/19/2016	1578028	603.00.5300.444.40044	221.00
O' REILLY AUTO PARTS	1767-229927	10/12/2016	1578028	603.00.5300.444.40041	(58.62)
O' REILLY AUTO PARTS	1767-231084	10/12/2016	1578028	603.00.5300.444.40041	(48.49)
O' REILLY AUTO PARTS	1767-233516	10/19/2016	1578028	603.00.5300.444.40041	87.34
O' REILLY AUTO PARTS	1767-233662	10/19/2016	1578028	603.140.1450050	18.26
O' REILLY AUTO PARTS	1767-233708	10/19/2016	1578028	603.00.5300.444.40041	11.99
O' REILLY AUTO PARTS	1767-233719	10/19/2016	1578028	603.00.5300.444.40041	16.22
O' REILLY AUTO PARTS	1767-233869	10/19/2016	1578028	603.00.5300.444.40041	17.26
O' REILLY AUTO PARTS	1767-233877	10/19/2016	1578028	603.00.5300.444.60012	10.30
O' REILLY AUTO PARTS	1767-233884	10/19/2016	1578028	603.00.5300.444.40041	20.28
O' REILLY AUTO PARTS	1767-233661	10/19/2016	1578028	603.00.5300.444.40041	(87.34)
O' REILLY AUTO PARTS	1767-233726	10/19/2016	1578028	603.00.5300.444.40041	(8.11)
OVERHEAD DOOR CO OF THE NORTHLAND	96068	10/12/2016	8/31/16	603.00.5300.444.40040	144.95
POMP'S TIRE SERVICE, INC.	980032043	10/12/2016	4502557	603.140.1450050	759.00
POMP'S TIRE SERVICE, INC.	980032219	10/12/2016	4502557	603.00.5300.444.60014	4,695.54
RED POWER DIESEL SERVICE, INC.	1263MN	10/12/2016	5086M	603.00.5300.444.40041	483.72
RED POWER DIESEL SERVICE, INC.	1282MN	10/12/2016	5086M	603.00.5300.444.40041	227.00
TWIN CITY SAW	1510	10/12/2016	9/6/16	603.00.5300.444.40041	80.97
UNIFIRST CORPORATION	090 0324751	10/12/2016	1051948	603.00.5300.444.40065	150.03
UNIFIRST CORPORATION	090 0324751	10/12/2016	1051948	603.00.5300.444.60045	34.37
WESTERN PETROLEUM COMPANY	97436546-41801	10/12/2016	112741	603.140.1450050	54.32
XCEL ENERGY	518997937	10/19/2016	Gas & Electric	603.00.5300.444.40010	58.90
XCEL ENERGY	518997937	10/19/2016	Gas & Electric	603.00.5300.444.40020	1,460.12
ZIEGLER INC	PC001816881	10/12/2016	4069900	603.00.5300.444.40041	1,580.41
ZIEGLER INC	SW060062115	10/12/2016	4069900	603.00.5300.444.40041	1,033.06
Fund: 603 - CENTRAL EQUIPMENT					**21,388.95**
INNOVATIVE OFFICE SOLUTIONS	SUM-027981	10/12/2016	S28777	604.00.2200.416.60005	127.33
INNOVATIVE OFFICE SOLUTIONS	SUM-027981	10/12/2016	S28777	604.00.2200.416.60010	2,133.93
Fund: 604 - CENTRAL STORES					**2,261.26**

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
CULLIGAN	9/30/16 157-98503022-8	10/19/2016	157-98503022-8	605.00.7500.460.60011	39.85
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	605.00.7500.460.30550	3.50
HUEBSCH SERVICES	3739922	10/12/2016	100075	605.00.7500.460.40065	113.54
LONE OAK COMPANIES	72664	10/12/2016	10/3/16	605.00.7500.460.50035	463.89
LONE OAK COMPANIES	10/11/16	10/12/2016	UTILITY POSTAGE	605.00.7500.460.50035	1,550.20
MAS COMMUNICATIONS	160900263	10/19/2016	1010	605.00.7500.460.40040	48.20
XCEL ENERGY	518997937	10/19/2016	Gas & Electric	605.00.7500.460.40020	7,361.71
Fund: 605 - CITY FACILITIES					**9,580.89**
GENESIS EMPLOYEE BENEFITS, INC	IN879490	10/19/2016	Payroll	606.00.1400.413.30550	16.75
GS DIRECT, INC.	324679	10/12/2016	CIT165	606.00.1400.413.30700	140.00
MYLAN, PATRICK	10/17/16	10/19/2016	10/17/16	606.00.1400.413.50020	53.67
WELLS FARGO CREDIT CARD ACH	PATRICK MYLAN WF OOI	10/19/2016	Wells Fargo Purchase Cards	606.00.1400.413.50020	(53.67)
Fund: 606 - TECHNOLOGY FUND					**156.75**
BARR ENGINEERING COMPANY	23190218.00-244	10/12/2016	7/27/16	702.229.2293002	2,979.00
BARR ENGINEERING COMPANY	23190218.00-245	10/12/2016	8/15/16	702.229.2293002	2,894.00
BARR ENGINEERING COMPANY	23190328.15-18	10/12/2016	8/31/16	702.229.2294602	673.50
BARR ENGINEERING COMPANY	23190328.16-5	10/12/2016	8/31/16	702.229.2288601	269.00
BARR ENGINEERING COMPANY	23190328.16-5	10/12/2016	8/31/16	702.229.2296102	2,208.88
BARR ENGINEERING COMPANY	23190328.16-5	10/12/2016	8/31/16	702.229.2300402	3,177.70
BARR ENGINEERING COMPANY	23190328.16-5	10/12/2016	8/31/16	702.229.2300902	220.00
BARR ENGINEERING COMPANY	23190328.16-6	10/12/2016	9/28/16	702.229.2288601	41.00
BARR ENGINEERING COMPANY	23190328.16-6	10/12/2016	9/28/16	702.229.2296102	1,878.68
BARR ENGINEERING COMPANY	23190328.16-6	10/12/2016	9/28/16	702.229.2300402	1,724.00
BARR ENGINEERING COMPANY	23190328.16-6	10/12/2016	9/28/16	702.229.2300902	1,215.00
GAINEY REALTY & INVESTMENT CORP	10/3/16	10/12/2016	RELEASE OF ENGINEERING ESCROW	702.229.2286100	4,000.00
GAINEY REALTY & INVESTMENT CORP	10/3/16 WATRUD	10/12/2016	RELEASE OF ENGINEERING ESCROW	702.229.2285900	2,923.96
KANE TRANSPORT	PERMIT #1613	10/12/2016	REFUND HYDRANT PERMIT #1613	702.229.2294300	1,000.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Blackstone Pc	10/12/2016	Legal	702.229.2283502	11.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Blackstone Pc	10/12/2016	Legal	702.229.2299302	509.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Blackstone Vi	10/12/2016	Legal	702.229.2282902	386.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Caribou Drive	10/12/2016	Legal	702.229.2303202	950.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Edgar Garage	10/12/2016	Legal	702.229.2304002	90.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Fofeiture-Emil	10/12/2016	Legal	702.229.2291000	128.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Forfeiture-Dor	10/12/2016	Legal	702.229.2291000	216.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Forfeiture-Jas	10/12/2016	Legal	702.229.2291000	16.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Forfeiture-Jos	10/12/2016	Legal	702.229.2291000	8.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Forfeiture-Keit	10/12/2016	Legal	702.229.2291000	8.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Forfeiture-Tap	10/12/2016	Legal	702.229.2291000	56.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Forfeiture-Tar	10/12/2016	Legal	702.229.2291000	80.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Forfeiture-Tar	10/12/2016	Legal	702.229.2291000	40.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Forfeiture-Tay	10/12/2016	Legal	702.229.2291000	2,092.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Forfeiture-Tre	10/12/2016	Legal	702.229.2291000	40.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Highway 3 Mir	10/12/2016	Legal	702.229.2300902	707.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Inver Grove H	10/12/2016	Legal	702.229.2300202	821.50
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Nash CGA (1:	10/12/2016	Legal	702.229.2299602	66.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Perkins CGA	10/12/2016	Legal	702.229.2301802	94.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Pine Bend Lar	10/12/2016	Legal	702.229.2293002	896.50
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Police-Forfeit	10/12/2016	Legal	702.229.2291000	248.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Simley High S	10/12/2016	Legal	702.229.2303801	44.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Steward CGA	10/12/2016	Legal	702.229.2303602	33.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Thielen CGA	10/12/2016	Legal	702.229.2300502	243.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Tipperary Plat	10/12/2016	Legal	702.229.2302202	33.00
LEVANDER, GILLEN & MILLER P.A.	81000E 9/16 Xcel/Wescott	10/12/2016	Legal	702.229.2295802	44.00
LILLIE SUBURBAN NEWSPAPERS	9/30/16 001363	10/12/2016	Advertising/Publishing	702.229.2303302	33.20
LILLIE SUBURBAN NEWSPAPERS	9/30/16 001363	10/12/2016	Advertising/Publishing	702.229.2303402	33.20
NORTHERN SERVICE CENTER	19AVVB14187623	10/12/2016	DOMINICK STEPHAN OSTROUSHKO	702.229.2291000	300.00
PB ELECTRONICS INC	130877	10/12/2016	7/1/16	702.229.2291000	464.00
SKOGH, JON	10/13/16	10/19/2016	1355 96TH ST ESCROW REDUCTION	702.229.2297202	9,000.00
WALL LLC	10/3/16	10/12/2016	RELEASE ENGINEERING ESCROW	702.229.2287902	1,206.93
Fund: 702 - ESCROW FUND					**44,102.05**
Grand Total					**1,720,131.35**

AGENDA ITEM 4C

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Consider Inver Grove Heights CVB 2017 Work Plan and Budget

Meeting Date:	October 24, 2016		**Fiscal/FTE Impact:**
Item Type:	Consent		None
Contact:	Tracy Shimek, CVB Director 651-451-2266 x1033		Amount included in current budget
Prepared by:	Tracy Shimek, CVB Director		Budget amendment requested
Reviewed by:	Joe Lynch, City Administrator		FTE included in current complement
			New FTE requested – N/A
		x	Other – Annual Budget Approval

PURPOSE/ACTION REQUESTED: Consider the IGH CVB 2017 budget and work plan for approval.

SUMMARY: Inver Grove Heights Convention & Visitors Bureau 2017 Work Plan

Mission: To market and promote Inver Grove Heights to visitors to maintain and stimulate the community's economic vitality.

Vision: To generate measurable lodging tax growth and tourism and hospitality related economic impact for the City of Inver Grove Heights.

Purpose: The purpose of the CVB is to market and promote the City as a tourist destination.

Responsibilities: The Director is responsible for all contracts, memberships, communications, marketing and promotions, and meetings and events for the Inver Grove Heights CVB.

- Attend monthly CVB Board meetings and provide report on activities
- Provide clear and concise communication between the City of IGH and the IGH CVB Board
- Support and educate the community on the economic impact of the tourism and hospitality industry
- Serve as a resource to visitors of Inver Grove Heights and the metro area
- Provide research as needed from Explore Minnesota Tourism or other tourism partners
- Manage contracts, vendors, programs and initiatives for the CVB, tourism associations and partnerships

Strategic Objectives/Goals:

1. Generate incremental weekend leisure business during the 1st and 4th Quarter of 2017 and define the reach to our identified target markets
Includes: Online digital advertising, quarterly sweepstakes campaigns and social media campaigns. Major demographic identified as women 25-54 years old; geographic target markets include: MN WI, IL, IA, Dakotas and Canada (Winnipeg, Thunder Bay). Expanded targeted markets to include group business (particularly youth sports groups, weddings). Digital marketing campaign using AdTaxi to include: geo-fencing, geo-retargeting, behaviorally targeted emails, native advertising & programmatic display. Work with partners in the disc-golf industry to create annual disc golf tournament event to increase travel to the area and increase awareness of the area. Did we see more website traffic from our targeted areas? Did the hotels see an increase in bookings in the first and fourth quarter year-over-year?
Measurable: Provide monthly website and social media analytics and lodging tax report with month-over-month and year-over-year comparisons at Board meetings.

2. Content Enhancement
Includes: Partner with Metro Tourism Committee ad campaign. Create a social media calendar for the year and plan two months in advance. Enhance website content to include blogs and sample itineraries, listings of local live music and community special events, farmers markets, restaurant events and community theatre productions. Director will create new content for blog and bi-monthly e-newsletter. Create new visual content for website, advertising and social media (video and photo). New 2017 visitors guide.

Measurable: Present findings from vendor's content activation analytics and reports at Board meetings as applicable. Provide monthly social media and website analytics at Board meetings.

3. Increase Tourism Awareness
Includes: Educating the community and visitors
Create marketing calendar and timeline to meet deadlines.

- CVB to present 2x/year at City Council and/or work-session meeting to share/educate council and community on tourism economic impact
- Share CVB and tourism related news in City of IGH's bi-monthly City Insights Newsletter to reach and educate area residents
- Share tourism related stories from Town Square Televisions Insights 7 stories on CVB website and social media
- Share hospitality and tourism related events in IGH on CVB website, social media and possibly in Chamber Weekly Update (1x/month) to reach and educate local businesses
- Keep online event calendar up to date with local and regional events.

Measurable: Provide monthly written report based on Director's activities report.

4. Establish criteria, measurements and analytics to measure outcomes of objectives.
Includes: Develop goals, identify how to measure them, monitor analytics and activities on a monthly basis to make necessary modifications.

Measurable: Provide written list of objectives and measurable in January to Board and City. Provide analytics or reports as noted for each objective at monthly Board meetings.

5. Review, evaluate and revise as needed CVB organization
Includes: Look at Bylaws, increasing board membership, policies, director job description and annual review process. Review and rewrite Bylaws to be completed in 2017. Establish written policies and procedures
Measurable: Hold Executive committee and sub-committee meetings as needed to complete process of specific task. Present outcomes at monthly Board meetings as necessary.

IGH CVB 2017 Budget Proposal			
	2016 Approved Budget (August Revision)	2017 Proposed Budget	Comments
Revenues			
Lodging Tax Revenue	111,535	111,500	Same as 2016 revised projection; To Date through July Receipts
Other Revenues			
Investment Earnings	88	0	
EMT Grant	8,000	7,600	
Advertisement Revenue			
State Fair Ticket Sales Reimbursement	0	0	
TOTAL REVENUE	**$119,623.00**	**$119,100.00**	
Expenses			
Administration - Professional Services			
Salary & Related Expenses (Salary, Payroll Taxes, Benefits)	33,353	52,500	Recommendation: $26/hr (@ 6 mos review) @ 32 hrs per week. 3% raise after 1 yr (April 2017). $3,380 payroll taxes, $1325 simple IRA, $3500 health care
Email Hosting	0	200	
Rental/Office Lease/Equipment	3,000	3,000	Chamber does not anticipate increase
City Service Fee (5%)	5,577	5,600	
Telephone	400	400	
Postage & Delivery	1,493	1,000	
Office Supplies/Programs/Photocopying/Other	158	300	(Computer monitor & normal supplies)
Travel (Mileage & Parking)	1,229	1,000	
Meals and Lodging	700	1,000	
Professional Conferences & Seminars	800	800	Upper Midwest CVB (Sept), MACVB (Jun & Oct), Assoc./CVB
Total Administrative Expenses	**$46,710.00**	**$65,800.00**	
Professional Memberships-Dues, Licenses & Subscriptions			
MACVB	355	400	
TCTAA	0	0	
TMA	0	400	
Total Professional Membership Expenses	**$355.00**	**$800.00**	
	Budget	**Budget**	
Marketing/Advertising			
Advertising & Marketing Projects	3,500	2,800	Great Stay Packages: MOA Gift Cards & State Fair Tickets
Constant Contact Enewsletter	720	800	
ECM Publishers, Inc.	995	1,000	Chamber Publication: South Metro Living Guide
Ensemble Creative & Marketing (Design & Marketing Service	22,680	10,000	
Contest Packages and Marketing	1,693	1,500	
Ensemble - Lone Oak, list sort	263		
Explore Minnesota Tourism Website CVB/DMO Package	350	400	
Explore Minnesota Tourism Grant Advertising- Ad Taxi	16,000	22,800	
Metro Tourism Marketing/Advertising Campaign	4,500	4,500	
Minneapolis/St. Paul Official Visitors Guide Advertising	4,000		
Online/Co-op Advertising	1,000	1,500	1500 - Take 5 email co-op
Saints Baseball Website Advertising	0	0	
Social Media	520	600	
St. Paul Arena Company (Xcel Energy Center Website)	2,400	2,400	
Video	3,838		
Visitors Guide	0	1,400	
Web Development & Hosting	1,500	1,500	
Package gift cards & tickets	640		
Town Square Sponsorsthip	1,800		
2016 AdTaxi Geofencing & Email Campaign	3,500		
Take 5 Digital Campaign	450		
IGHHA Sponsorship		800	
Winnipeg Sales Mission		500	
Total Marketing Expenses	**$70,349.00**	**$52,500.00**	
Disc Golf Tournament (from reserve fund)		**$15,000.00**	
TOTAL EXPENSES	**$117,414.00**	**$134,100.00**	
TOTAL Fund Balance as of 8/31/2016		**$ 134,603.33**	
NET = Revenues - Expenses	**$2,659.86**	**-$15,000.00**	

AGENDA ITEM 4D

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Certification of Delinquent Utility Bills

Meeting Date:	October 24, 2016		**Fiscal/FTE Impact:**
Item Type:	Consent		None
Contact:	Jenny Blackbird 651-450-2520		Amount included in current budget
Prepared by:	Jenny Blackbird, Accounting Tech.		Budget amendment requested
Reviewed by:	Kristi Smith, Finance Director		FTE included in current complement
			New FTE requested – N/A
		x	Other

PURPOSE/ACTION REQUESTED

Approve the resolution certifying delinquent unpaid water, sewer, storm water, and street light charges to the County to be collected with the other taxes on the property.

SUMMARY

It is our standard practice to certify unpaid, delinquent utility bills to the County to be levied against the respective properties for collection in one year. The City's Administrative Code, Chapter XVIII, Section 3, subdivision B states that delinquent utility bills shall be certified to the County Auditor. Before such certification, delinquencies will be notified by mail of the amount due and the fact that the delinquency will be certified if not paid by October 10th. The certification shall include a charge of 8% of the delinquent bill to cover administrative handling, plus 8% interest on the unpaid balance.

Each delinquent account was mailed a notice stating that the amount unpaid would be certified to the County Auditor for collection with property taxes. The unpaid balance would have 8% added as interest and 8% added as an administrative handling fee.

The delinquent notices are in addition to reminder notices of unpaid balances mailed monthly throughout the entire year. This procedure is consistent with past years.

The total amount to be certified this year is $171,825.00 which is $5,647.00 more than last year. The amount certified of $171,825.00 represents $64494.03 in water charges, $78090.14 in sewer charges, $5515.83 in storm water charges, $382.72 in street light charges, and $23342.28 in interest and administrative handling fees.

In comparing this to prior years, we certified in 2015, $166178.00, in 2014 $198789.00, in 2013, $198,447.00, in 2012, $174,413.00.

Attached to this summary for your action is a resolution certifying unpaid delinquent water, sewer, storm water, and street light charges to the County Auditor to be collected with other taxes on said property.

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO.

RESOLUTION CERTIFYING UNPAID DELINQUENT WATER, SEWER, AND STORM WATER CHARGES TO THE COUNTY AUDITOR TO BE COLLECTED WITH OTHER TAXES ON SAID PROPERTY

WHEREAS, City of Inver Grove Heights ordinances establish rules, rates and charges for water, sewer, storm water, and street light services, and

WHEREAS, the City's Administrative Code Chapter XVIII, Section 3, subdivision B states that delinquent utility bills shall be certified each year to the County Auditor, and

WHEREAS, Minnesota Statutes 444.075 provides that all delinquent water, sewer, storm water, and street light charges not paid may be certified to the County Auditor with the taxes on such property, and

WHEREAS, each delinquent utility bill has been sent a delinquent notice and intent to certify, and

WHEREAS, an assessment roll will be prepared specifying the amount to be certified against each specific property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS: that

1. There is hereby determined to be a total uncollected amount of delinquent water and/or sewer and/or storm water and/or street light charges of $171,825.00.

2. That such amount is hereby certified to the County Auditor for collection with other taxes on said properties.

3. That a copy of this resolution, together with the assessment roll, be sent to the Dakota County Auditor.

Adopted by the City Council of Inver Grove Heights this 24th day of October 2016.

Ayes:
Nays:

_____
George Tourville, Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

AGENDA ITEM 4E

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Approval of Cahill Streetscape Improvements

Meeting Date: October 24, 2016
Item Type: Consent Agenda
Contact: Eric Carlson – 651.450.2587
Prepared by: Eric Carlson
Reviewed by: Brian Swoboda

Fiscal/FTE Impact:

- [ ] None
- [ ] Amount included in current budget
- [ ] Budget amendment requested
- [ ] FTE included in current complement
- [ ] New FTE requested – N/A
- [X] Other

PURPOSE/ACTION REQUESTED

The Council is asked to approve updating the Cahill streetscape improvements that were installed approximately 20 years ago. The recommended funding source for the $77,400 investment is the Host Community Fund. The Council will need to increase the tax levy by $10,000 annually starting in 2018 to fund the future maintenance costs of replacing flags, banners, poles etc.

SUMMARY

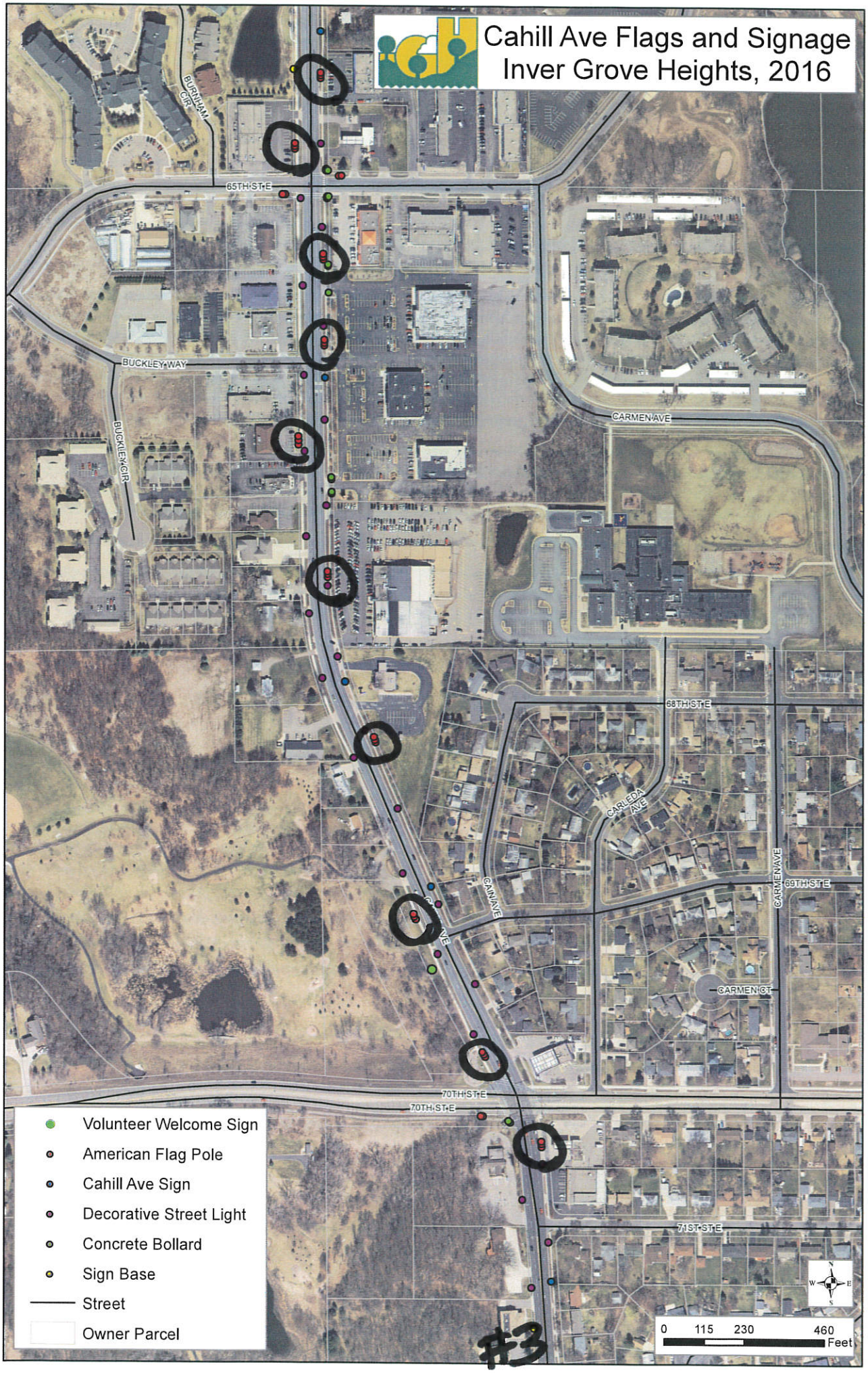
The Council first discussed this item on July 5th and directed staff to meet with the local business community. On August 15th, we held an open house to educate those in attendance about the need to update the improvements. From that meeting a small task force was formed and met to develop a recommendation. Additionally, a presentation was made to the Chamber of Commerce Local Issues Group and a separate recommendation was made. Finally the Council reviewed this information at the October 3rd Work Study Session.

The Cahill streetscape improvements consist of landscaping, flag poles, bollards, and seasonal flags/banners. Based on input received the following is being recommended:

Item	Recommended Investment
Flag Poles (13 poles)	$32,500
Flag Pole Bollards (no bollards)	$0
US Flags (13)	$600
Holiday Flags (13)	$2,800
Holiday Banners (30)	$2,000
Holiday Decorations (30)	$10,500
Welcome Banners (30)	$2,000
Sign Landscaping	$5,000
New Rock Monument Signs (North/South End)	$12,000
1st Year Maintenance	$10,000
Total	**$77,400**

Upon approval the following actions will take place:

- All existing flag poles will be removed
- A single new flag pole will be installed at locations identified on the attached map
- Three (3) flag poles will be installed at the corner of 80th and Cahill (same as current arrangement)
- There will be a total of 13 flag poles
- Each flag pole will have a solar powered light that will shine on the US Flag
- All concrete bollards currently around the flag poles will be removed and not replaced
- All flags, banners, and decorations will be replaced
- All concrete bollards will be removed and not replaced
- All existing rock bases and signage will be removed and not replaced
- New rock sign will be installed on the north end and south end of Cahill in approximately the current locations
- Landscaping around the "Community Sign" will be updated
- All signs on the "Community Sign" will be updated if the organization is still active in the community
- Restoration of disturbed areas will include black dirt and grass seed


Cahill Ave Flags and Signage
Inver Grove Heights, 2016
BURNHAM CIR
65TH ST E
BUCKLEY WAY
BUCKLEY CIR
CARMEN AVE
68TH ST E
CARLEDA AVE
CAIN AVE
69TH ST E
CARMEN CT
70TH ST E
71ST ST E
Volunteer Welcome Sign
American Flag Pole
Cahill Ave Sign
Decorative Street Light
Concrete Bollard
Sign Base
Street
Owner Parcel
0 115 230 460
Feet
#3

AGENDA ITEM 4F

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Consider Pay Request #2 for the Inver Wood Golf Course Improvement Project – City Project 2016-07

Meeting Date:	October 24, 2016
Item Type:	Consent Agenda
Contact:	Eric Carlson – 651.450.2587
Prepared by:	Eric Carlson
Reviewed by:	Shannon Battles

Fiscal/FTE Impact:

	None
X	Amount included in current budget
	Budget amendment requested
	FTE included in current complement
	New FTE requested – N/A
	Other

PURPOSE/ACTION REQUESTED

Recommend Pay Request #2 for the Inver Wood Golf Course Improvement Project in the amount of $574,940.00 to Duininck Inc.

SUMMARY

The City Council approved the Inver Wood Golf Course Improvement Project on March 14, 2016, in the amount of $2,047,700.00. On April 25, 2016, the Council approved Change Order #1 in the amount of $50,000 bringing the total contract with Duininck Inc. to $2,097,700.00. The project is being financed with an interest free loan from the Central Equipment Fund and cash from the Golf Course Fund. Golf Course revenues will pay back the interest free loan over a 25-year period beginning in 2018.

APPLICATION AND CERTIFICATE FOR PAYMENT

Invoice #: 108841 **Today's Date:** 10/17/2016

To Owner: INVER GROVE HEIGHTS, CITY OF
8150 BARBARA AVE
INVER GROVE HEIGHTS, MN 55077

Project: 168050. Inverwood Golf Course Improvements Project

Application No.: 2
Invoice Description: JB App #2
Period To: 10/15/2016
Project Nos:
Contract Date:

Distribution to:
- [ ] Owner
- [ ] Architect
- [ ] Contractor

From Contractor: Duininck Inc. - MN
PO Box 208
Prinsburg, MN 56281

Via Architect: HERFORT-NORBY GOLF ARCHITECT
100 EAST 2ND STREET, SUITE 200
CHASKA MN 55318

Contract For:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract
Continuation Sheet is attached

1. Original Contract Sum		$2,097,700.00
2. Net Change By Change Order		$0.00
3. Contract Sum To Date		$2,097,700.00
4. Total Completed and Stored To Date		$1,838,300.00
5. Retainage :		
a 5.00% of Completed Work	$91,915.00	
b 0.00% of Stored Material	$0.00	
Total Retainage		$91,915.00
6. Total Earned Less Retainage		$1,746,385.00
7. Less Previous Certificates For Payments		$1,171,445.00
8. Current Payment Due		$574,940.00
9. Balance To Finish, Plus Retainage		$351,315.00

CHANGE ORDER SUMMARY	Additions	Deductions
Total changes approved in previous months by Owner	$0.00	$0.00
Total Approved this Month	$0.00	$0.00
TOTALS	$0.00	$0.00
Net Changes By Change Order	**$0.00**	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the work covered by this Application for Payment has been completed in accordance with the Contract Documents. That all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Duininck Inc. - MN

By: Allyson Berdan Date: 10-17-16

State of Minnesota County of Kandiyohi

Subscribed and sworn to before me this 17th day of October 2016

Notary Public Steve Wolbeck
My Commission expires 1-31-2018

STEVEN LEE WOLBECK
Notary Public-Minnesota
My Commission Expires Jan 31, 2018

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief, the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED

AMOUNT CERTIFIED: $ 574,940.00

(Attach explanation if amount certified differs from the amount applied Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By:_____ Date:_____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

Application and Certification for Payment, containing
Contractor's signed certification is attached.
In tabulations below, amounts are stated to the nearest dollar.
Use Column I on Contracts where variable retainage for line items may apply.

Application No. : 2
Application Date : 10/17/2016
To: 10/15/2016

Contract: 168050. Inverwood Golf Course Improvements Project

A	B				C	D		E	F	G	H	I	J
						Work Completed							
Element Item No.	Description of Work	Est. Qty	Unit	Unit Cost Per	Scheduled Value	From Previous Application (D+E)	Units This Period	This Period In Place	Materials Presently Stored (Not in D or E)	Total Completed and Stored To Date (D+E+F)	% (G / C)	Balance To Finish (C-G)	Retainage
1	MOBILIZATION	1.00	LSM	$99,200.00	$99,200.00	49,600.00	0.250	24,800.00	0.00	74,400.00	75.00%	24,800.00	3,720.00
2	EROSION CONTROL	1.00	LSM	$6,000.00	$6,000.00	4,500.00	0.150	900.00	0.00	5,400.00	90.00%	600.00	270.00
3	REMOVALS AND SITE PREPARATION	1.00	LSM	$40,000.00	$40,000.00	30,000.00	0.250	10,000.00	0.00	40,000.00	100.00%	0.00	2,000.00
4	GRADING	1.00	LSM	$130,000.00	$130,000.00	91,000.00	0.250	32,500.00	0.00	123,500.00	95.00%	6,500.00	6,175.00
5	DRAINAGE	1.00	LSM	$60,000.00	$60,000.00	24,000.00	0.600	36,000.00	0.00	60,000.00	100.00%	0.00	3,000.00
6	TARGET GREEN CONSTRUCTION	1.00	LSM	$2,000.00	$2,000.00	2,000.00	0.000	0.00	0.00	2,000.00	100.00%	0.00	100.00
7	TEE CONSTRUCTION	1.00	LSM	$15,000.00	$15,000.00	12,750.00	0.000	0.00	0.00	12,750.00	85.00%	2,250.00	637.50
8	BUNKER CONSTRUCTION	1.00	LSM	$105,000.00	$105,000.00	15,750.00	0.550	57,750.00	0.00	73,500.00	70.00%	31,500.00	3,675.00
9	RANGE NETTING	1.00	LSM	$225,000.00	$225,000.00	225,000.00	0.000	0.00	0.00	225,000.00	100.00%	0.00	11,250.00
10	PAVING	1.00	LSM	$50,000.00	$50,000.00	0.00	1.000	50,000.00	0.00	50,000.00	100.00%	0.00	2,500.00
11	SEEDBED PREPARATION	1.00	LSM	$75,000.00	$75,000.00	11,250.00	0.550	41,250.00	0.00	52,500.00	70.00%	22,500.00	2,625.00
12	GRASSING	1.00	LSM	$145,000.00	$145,000.00	21,750.00	0.550	79,750.00	0.00	101,500.00	70.00%	43,500.00	5,075.00
13	IRRIGATION LATERALS	1.00	LSM	$245,000.00	$245,000.00	49,000.00	0.550	134,750.00	0.00	183,750.00	75.00%	61,250.00	9,187.50
14	IRRIGATION MAINLINE	1.00	LSM	$150,000.00	$150,000.00	37,500.00	0.550	82,500.00	0.00	120,000.00	80.00%	30,000.00	6,000.00
15	IRRIGATION MATERIALS	1.00	LSM	$605,000.00	$605,000.00	605,000.00	0.000	0.00	0.00	605,000.00	100.00%	0.00	30,250.00
16	PUMP STATION	1.00	LSM	$25,000.00	$25,000.00	0.00	1.000	25,000.00	0.00	25,000.00	100.00%	0.00	1,250.00
17	CONTROLLERS	1.00	LSM	$20,000.00	$20,000.00	3,000.00	0.600	12,000.00	0.00	15,000.00	75.00%	5,000.00	750.00
18	ECC CONSULTANT FEES	1.00	LSM	$30,500.00	$30,500.00	0.00	0.197	6,000.00	0.00	6,000.00	19.67%	24,500.00	300.00
19	SITE RESTORATION	1.00	LSM	$20,000.00	$20,000.00	1,000.00	0.600	12,000.00	0.00	13,000.00	65.00%	7,000.00	650.00
20	CHANGE ORDER #1	1.00	LSM	$50,000.00	$50,000.00	50,000.00	0.000	0.00	0.00	50,000.00	100.00%	0.00	2,500.00
	Grand Totals				2,097,700.00	1,233,100.00		605,200.00	0.00	1,838,300.00	87.63%	259,400.00	91,915.00

AGENDA ITEM 4G

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Consider Approval of Proposal from WSB for Babcock Trail Feasibility Report

Meeting Date:	October 24, 2016		**Fiscal/FTE Impact:**
Item Type:	Consent Agenda	[ ]	None
Contact:	Eric Carlson – 651.450.2587	[ ]	Amount included in current budget
Prepared by:	Eric Carlson	[ ]	Budget amendment requested
Reviewed by:		[ ]	FTE included in current complement
		[ ]	New FTE requested – N/A
		[X]	Other

PURPOSE/ACTION REQUESTED

Recommend hiring WSB in an amount not to exceed $26,032 to perform a trail feasibility study for a potential trail along Babcock Trail between Upper 55th and Interstate 494 that would be approximately 2,500 feet in length (Exhibit A, Gap B). Funding for the study comes from a $20,000 grant from the Dakota County Public Health Department/Statewide Health Improvement Plan approved by the City Council on August 8, 2016, and $6,032 from the Park Acquisition and Development Fund (Fund 402). The Park and Recreation Commission is recommending approval on a 5-1-1 vote.

SUMMARY

The City of Inver Grove Heights completed a Trail Gap Study in 2011 (copy attached) and the study identified a number of "gaps" in the city's trail/sidewalk network. Since then, the City has pursued closing these "gaps" at opportune times. The City Council approved a $20,000 grant from the Dakota County Public Health Department/Statewide Health Improvement Program and the purpose of the grant was to fund the hiring of a consultant that would assist the City in developing alternatives, meeting with stakeholders, and developing a 30% set of engineering plans for the preferred trail/sidewalk plan.

This gap is an important connection based on the fact that there are approximately 1,200 units of multi-family moderate/low income housing to the west and one of the city's largest employers (CHS Inc.) to the east employing over 1,000 people. If the City decides at the conclusion of the feasibility study to move forward to construction, the Dakota County Highway Department will fund 55% of the construction costs. CHS has also expressed an interest in cooperating. After construction, the trail/sidewalk maintenance and operation would be the responsibility of the City. At the end of the trail/sidewalk's useful life, Dakota County will assist in the replacement.

The scope of work WSB would be responsible for includes the following:

Scope of Work

- Develop and assess potential pedestrian and bicycle infrastructure improvements for County Road 73 between Upper 55th and Interstate 494
- Identify preferred improvements
- Develop cost estimates for evaluated improvements
- Develop and assess potential connections to existing non-motorized transportation infrastructure and transit in the corridor
- Complete preliminary engineering (30% plan set) for the preferred improvement
- Evaluate benefits and impacts to SHIP priority populations
- Work with City and Dakota County staff to prepare a public engagement plan that will include:
    - Affected property owners
    - Residents
    - Representatives of SHIP priority populations
    - Dakota County
    - Business Owners
- At least one meeting with City Council

Anticipated Alternatives

- Installation of shared use trail on one or both sides of County Road 73 the length of the project corridor
- Installation of on-street bicycle facilities on County Road 73 the length of the project corridor
- Installation of a sidewalk on one or both sides of County Road 73 the length of the project corridor
- Any combination of the above
- Others yet to be developed

A copy of WSB's proposal is attached for your review.

WSB FEASIBILITY PROPOSAL

A Proposal to Provide Consultant Services for the

County Road 73/Upper 55th Trail

Feasibility Study

for the City of Inver Grove Heights

October 3, 2016

Contact:

Candace Amberg, RLA
(763) 231-4848
camberg@wsbeng.com

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wsbeng.com

Early in their careers, the founders of WSB & Associates, Inc. (WSB) recognized that outstanding results are born from outstanding cultures. Since 1995, WSB has remained dedicated to creating a culture of relationship building, forward thinking, and collaboration that enables technically-advanced, thoughtful, and creative engineering and design solutions that build a legacy – *your* legacy.

By inspiring each other to look beyond solutions for today, and capitalize on the opportunities of tomorrow, WSB has seen steady growth in staffing and professional service areas. The firm's investment in staff and client education supports the collaborative, knowledge-driven, and inspiring environment that delivers results.

WSB's growing staff of over 400 includes 22 Principals, 31 Associates, and 85 registered Professional Engineers. In total, WSB has over 100 registered professionals, and leads the industry with 31% female group leaders.

In the last year, we have welcomed over 90 new staff members to the firm, each joining to support the evolving needs of our government, commercial, and energy clients. With this growth, WSB is able to support the innovation and technical excellence you would expect from a national firm, while maintaining the trusting and meaningful relationships found with a local firm.

Project Approach

Project Understanding

The City of Inver Grove Heights is seeking professional services to prepare and develop a Trail Feasibility Study along County Road 73 between Upper 55th Street and Interstate 94. This section has been previously identified as a high priority gap in the overall trail and sidewalk system that the City would like to target for implementation.

This trail link is the first piece of a Safe Routes to School route with improved connections and access to existing local trail systems, parks, the Mississippi River Regional Trail, and the future Mendota Lebanon Regional Greenway. It would also improve accessibility to grocery stores and the Farmer's Market. One of the City's largest employer (CHS, Inc.) is located on the east side of the corridor with moderate- to low-income multi-family housing located on the west side. CHS, Inc. has indicated they would also be a cooperative for the trail/pedestrian improvements.

Through an investigation of the scope of work and communication with City staff, WSB is familiar with City of Inver Grove Heights' vision, expectations, and goals. Based on our extensive expertise with similar projects and our project understanding, we are confident about successfully and professionally undertaking this project.

Work Plan

WSB has an exemplary record of successfully completing numerous regional trail projects, as well as preparing grant applications on behalf of our clients. Our team has both the design experience and the expertise necessary to provide the City with the necessary public engagement process to complete this project seamlessly. WSB creates high-quality plans, graphics, and narratives that illustrate the key pieces of a project plan that will aid in gaining support and approval from the public and project stakeholders, thereby avoiding unnecessary confusion of project goals and outcomes.

It is our understanding that:

- The project is meant to conduct a Trail Feasibility Study along County Road 73 between Upper 55th and Interstate 94 that will develop and assess potential pedestrian and bicycle infrastructure improvements, meeting regional trail requirements.
- WSB will develop various alternatives that will explore shared use trails, on-street bicycle lanes, and sidewalks on one or both sides of the 2,500 lineal foot corridor along County Road 73 for consideration in order to determine the best approach for implementation.
- It is the intent of the City to take the trail feasibility recommendations and partner with Dakota County Highway Department for actual trail implementation in 2017.
- The project shall include preparations of 30% plan documents and associated costs for future implementation.
- WSB will organize and facilitate public engagement sessions to obtain ideas and comments from interested citizens including adjacent property owners, interested residents, Dakota County and City staff, and representatives from the Statewide Health Improvement Program (SHIP) priority populations.
- The City will provide the consultant with base map information of the project area in digital format suitable for this planning effort including topography and utility information.
- The City shall provide the consultant with the previous reports and studies associated with the project area and surrounding sites.
- WSB will provide a final report outlining process and findings in addition to preliminary plans and cost estimate.

The combination of our knowledge of the design process with our graphic and documentation abilities will provide the City of Inver Grove Heights the necessary tools needed to complete the study according to the SHIP grant requirements.

The following approach will provide the City with a list of professional services necessary to complete the requested scope of services into the overall schedule provided by the City of Inver Grove Heights to be completed by October 1, 2017.

Task 1: Project Kickoff and Site Inventory/ Analysis

Project Kickoff Meeting

The general goals of the kickoff meeting are to allow WSB the opportunity to develop a very clear understanding of the scope of the project, the intended outcome, and the City's expectations of the consultant's services. We will also meet with key individuals, staff members, etc., who are involved in the project or have information that will affect the project, as well as conduct a general review and discussion about the issues and concerns related to this project.

WSB understands that this can be achieved through open and transparent communication from all those involved. We believe it is the role of the selected consultant to provide the necessary tools to streamline this conversation. With this knowledge, the WSB team will be led by Candace Amberg, RLA, an experienced project manager and Landscape Architect from WSB's Landscape Architecture Group. Candace, along with WSB supporting staff, will correctly interpret and internalize the collective vision of the staff and public, so that the proposed trail realignment can be created to better serve the community in a cost-effective manner. Candace will also facilitate all meetings directly with the City and be supported by Erin Perdu, AICP, with facilitation of all public engagement sessions.

WSB will propose a schedule that meets the requirements of the proposal, as well as key benchmarks established by the City. A project schedule is key for identifying required tasks by all parties, as well as coordination to obtain vital information at critical points throughout the design process.

Assess Existing Plans and Studies

With a compilation of previously prepared plans and studies relevant to this trail study, WSB will review owner provided documentation to ensure recommendations and goals previously identified are assessed for relevance. As part of the early preliminary design phase, acknowledgement of past recommendations and goals ensure the broader vision of the overall trail systems. Of equal importance, confirming current guidelines for regional trails and alignments is crucial to ensure public safety for the broad range of users anticipated to utilize the trail corridor. In addition to working with City staff, WSB will collaborate with specific stakeholders including, but not limited to, Dakota County and representatives of SHIP priority populations.

Site Inventory/Analysis

Through field research and review of available site information and base mapping provided by the owner, WSB will work (in concert with City staff, as appropriate) to identify the project area's physical characteristics, identify any potential wetland zones utilizing desktop review information, and determine the site's opportunities and constraints. This will allow both the City and WSB to develop a clear understanding of the unique characteristics and land use limitations imposed on the project.

Task 1 Meetings:

- 1 kickoff meeting with City staff to:
  - Facilitate program development with City staff
  - Perform site analysis and collect available data/base-map information from City

Task 1 Deliverables:

- Meeting summary notes in PDF format

Task 2: Concept Trail Feasibility Study including Public Participation

Public Participation Process

WSB understands the importance of meeting with the community to help gain a clearer understanding of needs, wants, and potential improvements associated with the Trail Feasibility Study. Community input will form the basis of a successful Trail Feasibility Study for future development and improvements. WSB will utilize past input and survey data provided by the City as a starting point. We will then focus public participation opportunities on diving into the past input obtained with the understanding that there are outstanding opportunities for the proposed trail improvements. Our team will pose questions such as: What types of outcomes do people want to see from this trail study? What options are available within this corridor that would provide the safest pedestrian connections and crossings? What critical connections can be made from this trail segment?

WSB proposes the following public engagement elements:

- Conduct a meeting with affected property owners along this corridor, including CHS, Inc.
- Meet with representatives of SHIP priority populations such as Salem Elementary School, the middle school and high school, and farmer's market.
- Hold a large community meeting or "open house." This will allow the public to discuss overall needs, ideas, and concerns that need to be incorporated into the trail feasibility process. To encourage involvement from the multi-family housing, we may need to consider a meeting location within their development.
- Collaboration with Dakota County is essential for success associated with the construction of the trail and pedestrian improvements. A meeting will be conducted with Dakota County to ensure the expectations and vision of the proposed trail and pedestrian routes meets or exceeds their requirements.

The meetings are meant to identify and address concerns from the affected property owners, develop ideas for trail and pedestrian facilities within the corridor, focus on promoting increased physical activity throughout daily routines that will meet the active living vision, identify routes and connections to parks, trails, food locations, schools, and destinations. WSB will follow up by creating a summary of findings as discussed during the public participation process. Improvements and options will be reviewed with the City and categorized based upon interest, cost, ease of implementation and relationship to the parks and surrounding communities. In addition, WSB will identify challenges and opportunities for incorporating improvements based on new information obtained during the public process.

Task 2 Meetings:

- 4 total meetings to include:
  - Day set aside to meet with SHIP populations and various property owners
  - Open House Public Meeting
  - Meeting with Dakota County
  - Review Meeting with client

Task 2 Deliverables:

- Meeting summary notes in PDF format
- Summary of findings in PDF format

Task 3: Feasibility Design Plans

Draft Concept Plan

WSB will conduct a review meeting with the City and other identified key participants. The basis of this review meeting will be to review all information obtained from the public participation process, as well as the past studies and reports. WSB will use the data collected in Tasks 1 and 2 of the work plan to prepare a draft concept plan that includes programming and design requirements for the trail implementation. The draft concept plan will include:

- Site analysis plan graphics illustrating trail alignment opportunities and constraints with alternatives.
- A trail route alignment layout that illustrates the design solution that meets to the needs and desires of the City along with trail design criteria.
- Determination of any specific locations requiring infrastructure or utility improvements that will be required to support the trail alignment.
- A cost estimate for the conceptual trail alignment.

Alternative Alignment Plans

As part of the scope, WSB will explore options for the corridor that may include a shared use trail on one or both sides of the corridor, on-street bicycle facilities, and sidewalks on one or both sides of the corridor. Alignment options will be explored with considerations of existing grades, safety, impacts to adjacent properties, extent of roadway improvements, and cost considerations. This scope will include:

- Site analysis and inventory of project area.
- Identifying potential design constraints and alternatives.
- Master plan graphics that illustrate the design solution that best responds to the needs and desires of the City.
- Cost estimate of each design alternative.

Public Participation Process

WSB will continue the public participation process by presenting the preliminary trail corridor alignment and potential alternatives to the public and project stakeholders at a public open house meeting for review and comment. An interactive method for obtaining feedback will be utilized to gather feedback on the corridor alignment and alternative options in order to develop a list of concerns and priorities that will aid the City in determining the most appropriate alignment to move forward with.

Preliminary Engineering Plans (30% Plans) for Preferred Trail Alignment

Following the review and approval of the Trail Feasibility Concept Plan, WSB will continue developing a 30% preliminary engineering plan set and cost estimate. WSB will work closely with the City to ensure the goals and visions of the trail alignment are met. This process will include:

- Review the concept plan to discuss the elements in detail for prioritization and/or modifications as it relates to the overall trail alignment.
- Site removal plan.
- Site layout plan.
- Site grading plan.
- Site restoration plan.
- Utility improvements plan.
- Miscellaneous site construction details.
- Cost estimate related to preliminary engineered plans.
- Trail sections and profiles (please note that the 30% complete plans will be as accurate as the existing base mapping of the project area will allow).

Potential Transit Connections

As part of the trail feasibility study, WSB will use the data provided by the City to review and propose connections between the proposed trail alignment and existing locations within the adjacent study area that currently provides non-motorized transportation infrastructure. This supports the requirements of SHIP and encouraging users in and around the study area to utilize non-motorized means of transportation in lieu of the traditional automobile. This will include a site map of the study area identifying various forms of non-motorized transportation available to trail users.

Task 3 Meetings:

- 3 monthly review meetings with the City and key participants to review plan and document development
- 1 Open House Public Meeting

Task 3 Deliverables:

- Up to 3 pedestrian alternatives for the corridor
- 30% preliminary engineering plans
- 30% preliminary cost estimate
- Assessment map of potential connections to existing infrastructure of non-motorized transportation

Task 4: Final Documentation

Final Trail Feasibility Study Document

WSB will compile a final document outlining scope included within Tasks 1, 2 and 3. This will be no more than 30 pages in length, along with an appendix including all past documents, inventory/analysis, findings, strategies and recommendations. WSB will also include associated research, assessments and input from pubic engagement sessions and final documentation. Acknowledgement of funding and support from Dakota County Public Health Department and SHIP will be provided. Incorporation of comments obtained during City, public, Park Board, and City Council review will be included. This will be the Final Trail Feasibility Study. The Final Trail Feasibility Study will then be presented for final review and adoption by the Park Board and City Council.

Task 4 Meetings:

- 1 City review meeting
- 1 City Park Board meeting
- 1 City Council meetings to review and adopt the Final Trail Feasibility Study

Task 4 Deliverables:

- Draft form of complete Trail Feasibility Study document for review by staff
- Public draft of complete Trail Feasibility Study document
- Final Trail Feasibility Study

Examples of Similar Work

West River Road and James I. Rice Parkway | MPRB

WSB was selected by the MPRB to provide a turn-key package for the highly-used trail system along the Mississippi River near the Stone Arch Bridge, the Mills Museum, the Guthrie, and the University of Minnesota. Improvements designed included bicycle, pedestrian, and multi-use trails meeting federal and state requirements; eliminating an at-grade roadway crossing; lighting, signage, drinking fountains, and benches. Designs took into consideration impacts to historic resources such as the Grand Round and Saint Anthony Falls District, as well as impacts to interpretative elements (plank road – not historic, but helps to tell the story of the area). WSB led an in-depth public engagement process, preliminary planning, schematic design, design development, construction documentation, the preparation of both a Project Memo and Section 4(f) Net Benefits Document (deemed required by FHWA at the beginning of the process), bidding services, construction administration, and construction surveying.

Deliverables included exhibits and displays public engagement meetings, draft plans and specifications, project memo, Section 4(f) Net Benefits document, final plans and specifications, construction bid tabulation, contractor notice to proceed, field notes, addenda, payment applications, and all other required construction administration documentation.

The improvements and evaluation included pedestrian, bicycle and multi-use trails, lighting, rest areas/lookouts, benches, and drinking fountains along James I. Rice Parkway and West River Road between 8th Avenue and just south of Franklin Avenue. As part of the Grand Round National Scenic Byway and as a part of the Saint Anthony Falls Historic District, impacts associated with the project needed to be in keeping with the area and minimized to the extent possible. Coordination was required with state and local agencies in order to obtain required environmental clearances.

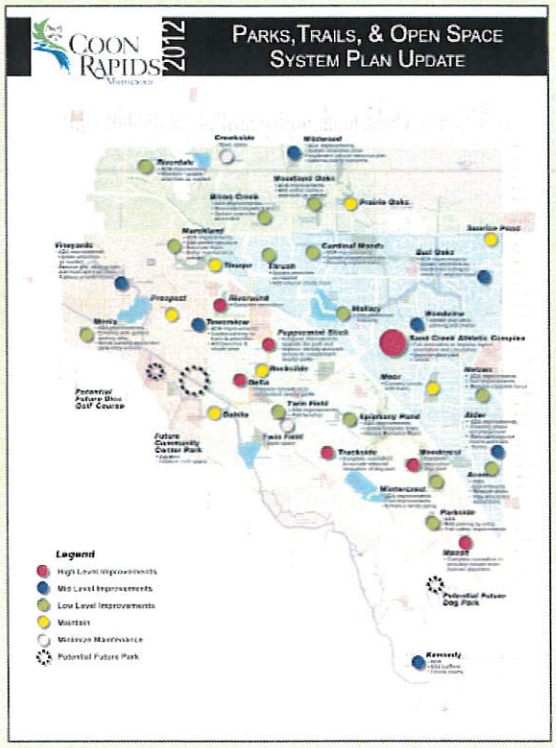
Dean Parkway and Cedar Lake Trails | MPRB

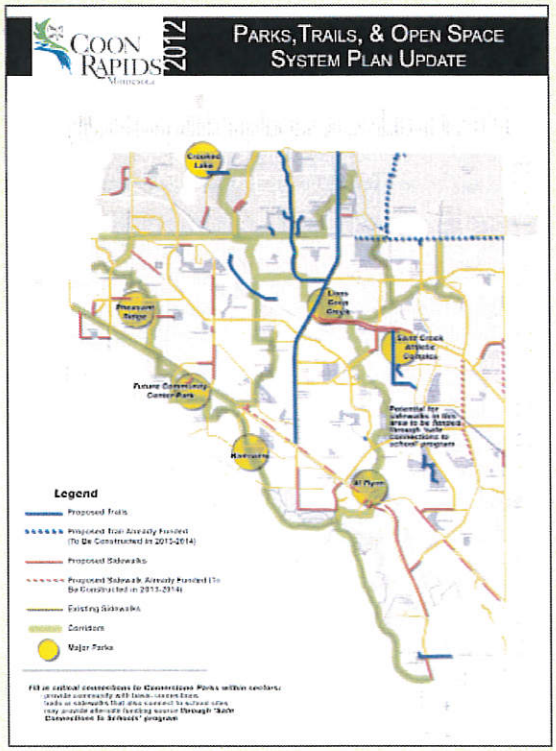
WSB was hired by the Minneapolis Park and Recreation Board to execute the community engagement process, design and implementation of improvements for Dean Parkway and Cedar Lake trails. Both federal Transportation Enhancement and Park Board operations and maintenance funds were to be used in the development project and required completion of the project according to exacting federal design standards and an accelerated timeframe to insure the availability of funding for FY 2013.

Dean Parkway, as a part of the Minneapolis Grand Rounds Trail System, is eligible for historic designation requiring a design that carefully considered the cultural resource and impacts that could occur. As both a regional trail and a neighborhood amenity, a careful balance between individual rights, needs and wants, and trail improvements meeting the desires of users was found.

Cedar Lake Trail improvements were prompted by the need to improve trail safety and neighborhood access to the park. During the public process it was found that the need for safety improvements to this trail was greater than existing funding could satisfy. The WSB consultant team along with citizens and staff evaluated the priorities and prepared a plan to address the most critical need and prioritize future improvement projects.

2012 Park, Open Space, and Trail System Plan, and Development Guide | City of Coon Rapids



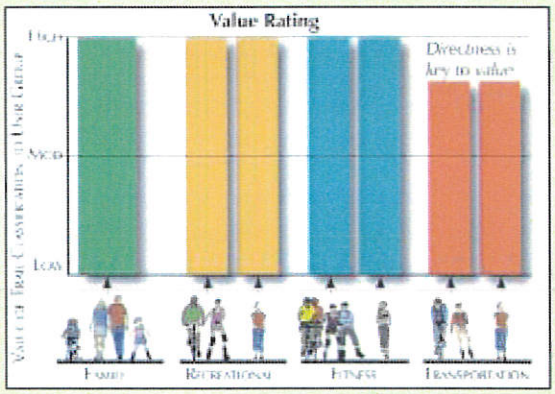


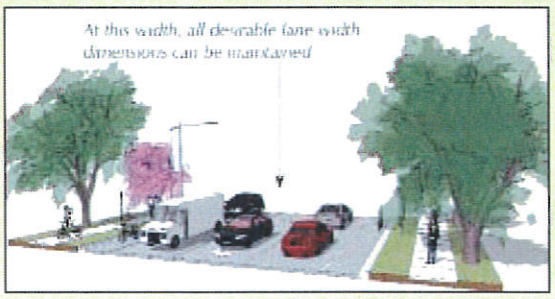
The project began in the spring of 2012 and reached completion in the fall of the year. The project focused on assessing the current facilities and needs within the city and updating the 2001 system plan, which our team also completed. The planning process took the following issues into consideration:

- Past history of the park system
- Past planning studies and reports from multiple agencies and groups
- Ensuring the City's trail network connected and supported (in some cases) the regional trail system provided by other government agencies.
- Community setting
- Needs and desires of the citizens
- Recreation programs from all providers

The system plan expands upon and ties together past plans and studies and provides the framework and guidelines for enhancing the network trails for public use. Identifying stakeholders and having them involved in the planning process was crucial to preparing a system plan that will meet community needs today and tomorrow. The public process undertaken as part of this planning effort gave the city and consultant team the chance to gain a better understanding of the community's perceptions and value system, which in turn served as the foundation for development of a system plan that responds to those sensibilities. WSB provided various services on the project, including:

- Extensive community involvement through focus groups, interviews, and forums with stakeholders to gather information and build relationships to foster stronger community ties and enhance the Park Board's and staff's understanding of needs.
- Preparation of alternative conceptual park and trail system plans
- Preparation of a comprehensive park and trail system plan.
- Final design and implementation of key park redevelopment projects following the system plan and system plan update as separate projects.





Sampling of information that can be found within the Master Plan Report

Alternative Transportation Plan | City of Bloomington

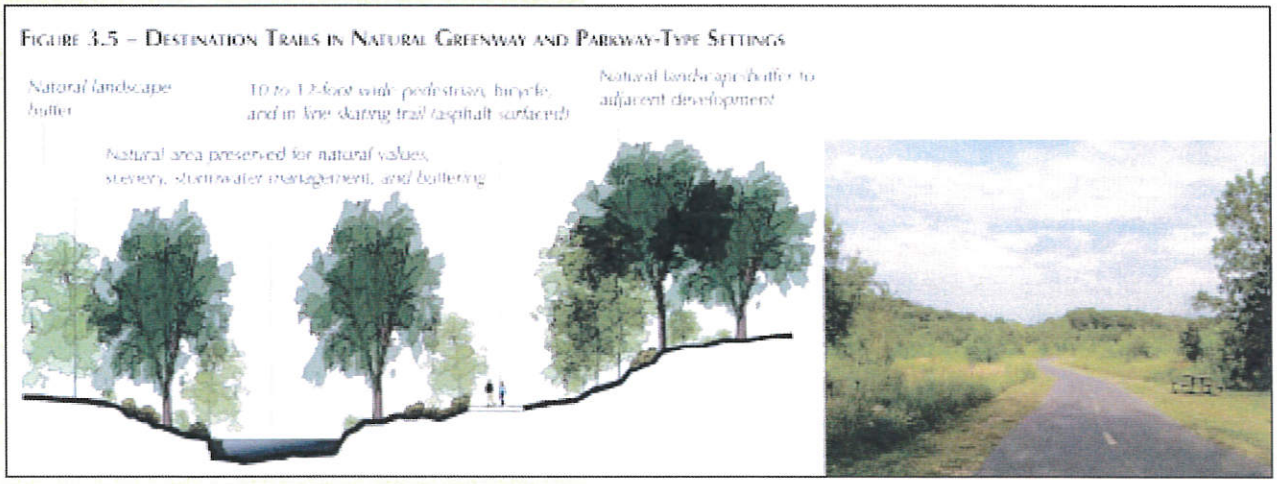
The City of Bloomington commissioned WSB's Landscape Architecture Group to prepare an alternative transportation plan that focused on integrating trails, bikeways, and pedestrian-ways into the fabric of the larger transportation system.

The purpose of the plan is to enhance the quality of life in Bloomington through strategic investments over time in multi-modal transportation features that meet the needs of individual and families living, working and recreating in the city. Key components of the system plan included:

Core Alternative Transportation System: Focuses on the development of an initial core system of interconnected, high value trails, pedestrian-ways, and bikeways that form the backbone of the alternative transportation system.

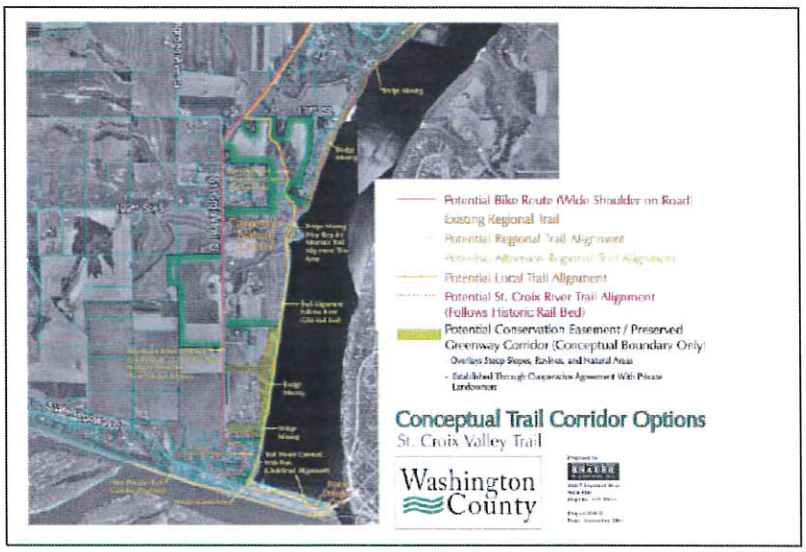
Neighborhood Pedestrian/Safe Routes to School Program: Focuses on incrementally filling in gaps and otherwise improving the public infrastructure to enhance safety and encourage the use of alternative forms of transportation within neighborhoods and along routes to school.

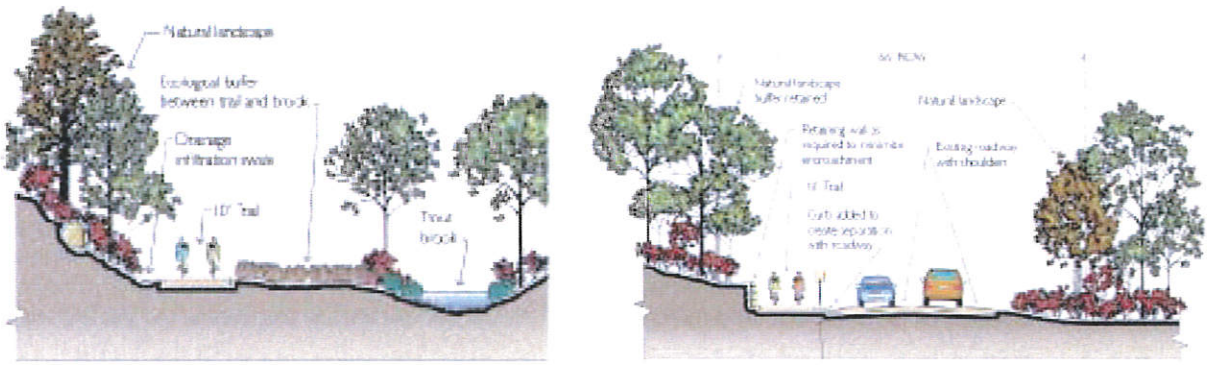
Complete Streets Program: Focuses on including alternative transportation features into public and private built infrastructure as new development or redevelopment occurs over time consistent with the "Complete City" vision.



St. Croix Regional Trail | Washington County

The WSB Landscape Architecture Group worked with Washington County Parks to prepare a Master Plan for the St. Croix Regional Trail that would extend along the St. Croix River along the communities of Afton, Prescott and Hastings and provide access to numerous major park sites. The City, Township and County all felt a trail through these areas would be very beneficial and went to the County Parks Department to pursue the development of a trail master plan. The master plan process included numerous meetings with landowners and residents throughout the planning process to ensure that all concerns and issues were listened to and dealt with and that the proposed trail would balance the needs of the general public and benefit the community as a whole, while still respecting the needs of local citizens and landowners. WSB provided facilitation for the public process (including stakeholder interviews, public open houses, and presentations), trail system planning, and a project report.

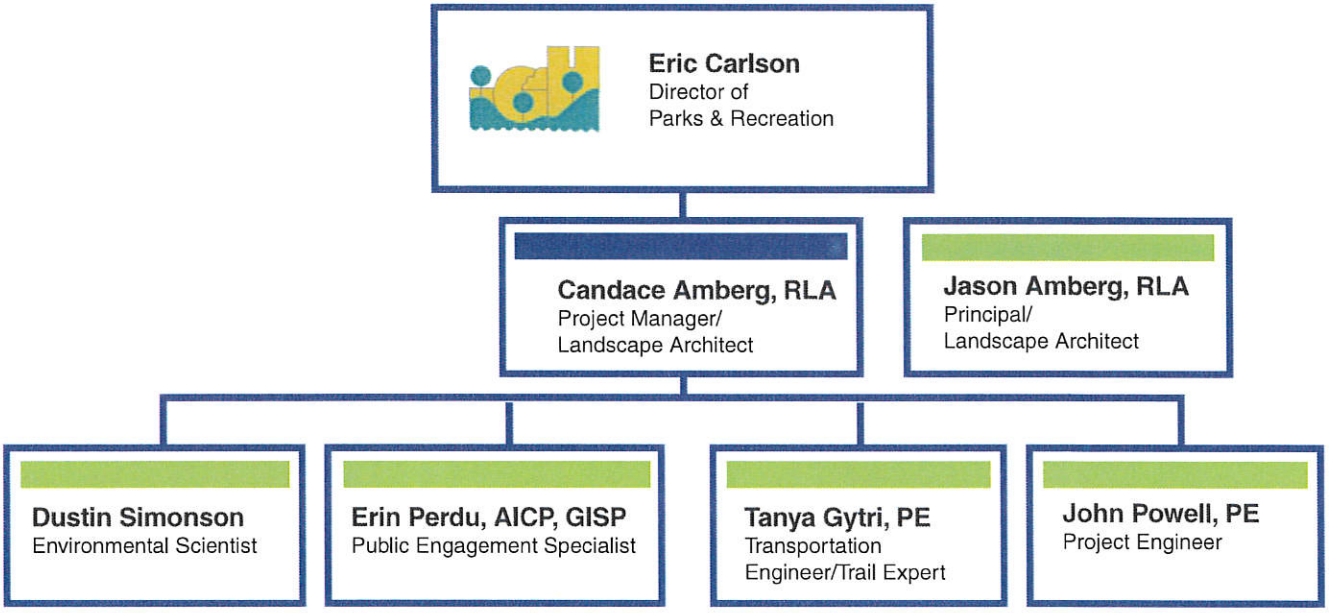




Trail Section Illustrations

Resumes and References

Team Organizational Chart



Candace Amberg, RLA

Project Manager/Landscape Architect

Candace will serve as Project Manager and Lead Landscape Architect for this project. She will oversee the entire project and staff from initiation to completion. As a Senior Landscape Architect, Candace possesses over 18 years of project experience. Throughout her career, she has been involved in a range of project types including park and trail planning, recreational facilities, riverfront improvements, streetscapes, corridor enhancements and site development projects.

Candace's knowledge and experience in both project management as well as master planning and design will aid in development of the Trail Realignment Study. As Project Manager, Candace's daily responsibilities will include managing the team's progress and development related to the project, attendance and facilitation of meetings with the client and public, attendance and presentations at council meetings, managing staff and consultants as it relates to the development of plans, graphics, cost estimates and related administrative tasks. Candace will also work closely with Inver Grove Heights city staff to ensure a customized approach is provided and maintained throughout the process to meet their specific needs and goals. Working closely with the City will help them feel both involved and accomplished during and after the project, rather than a traditional approach which many times incorporates a checklist of standard practices that might not align with City's needs. As Project Manager, Candace will ensure the delivery of high-quality plans and documents that will help guide the City with future implementation of proposed trail improvements.

Selected Project Experience - Park/Trail Projects

- Quarry Lake Park Development | Shakopee, MN
- Rev. Martin Luther King Jr. Park Playground (MN-APA Award Winner) | Minneapolis, MN
- Lake Waconia Regional Park Master Plan | Carver County, MN
- Robinson Park Master Plan | Sandstone, MN
- Mapleton Victory Drive Corridor | MnDOT
- Parks, Open Space and Trail System Plan Update | Rogers, MN
- CSAH 77 Road Improvements | Cass County, MN
- 2012 Park, Open Space and Trail System Plan and Development Guide | Coon Rapids, MN
- Katherine Abbott Park Improvements | Mahtomedi, MN
- Parks, Open Space and Trail System Plan Update | Rogers, MN

References

Carver County Parks
Martin Walsh
Parks Director
(952) 466-5252

Minneapolis Park & Recreation Board
Jennifer Ringold
Deputy Superintendent
(612) 230-6464

Jason Amberg, RLA
Principal/Landscape Architect

Jason has actively worked in the landscape architectural profession for more than 20 years. In that time he has established himself as an expert in the field of public space planning and design. Through his experience working with municipal staffs, park boards, and a variety of different public groups and governing agencies, he has developed an ability to arrive at creative design solutions that meet the goals of the project while respecting the diverse input of stakeholders.

Jason is particularly astute at managing projects from the initial design phase through construction and observation. In addition to leading the company's growing Landscape Architectural Group, his responsibilities routinely include project management, program development, stakeholder engagement, concept planning, design development, site analysis, final design, and oversight of construction document preparation through construction closeout review. Project experiences range from small scale neighborhood parks park improvements to large urban design and land use development projects.Over the years, Jason has gained a reputation as being very imaginative and detail-oriented in preparing graphics and drawings that clearly articulate design intent, character, and technical requirements. Jason was a member of the research and writing team commissioned by the Minnesota Department of Natural Resources to develop the 300+ page book "Trail Planning, Design, and Development Guidelines." This book has become a widely-recognized resource for recreation trails of all types.

Selected Project Experience - Landscape Architecture

- Sand Creek Athletic Complex | Coon Rapids, MN
- Finland Forest Recreation Area RV/ATV Campground Planning & Design | MnDNR
- Noble Sports Park | Brooklyn Park, MN
- Veterans Park Athletic Fields | Hastings, MN
- Thomas Ryan Memorial Park | Prior Lake, MN
- Fort Snelling Athletic Complex | Minneapolis, MN
- Riverside Athletic Complex | Sioux City, IA
- Kaposia Landing Athletic Complex | South St. Paul, MN
- Bandimere Community Park & City Center | Chanhassen, MN
- Elm Creek Park Reserve Creative Play Area | Three Rivers Park District, MN
- Big Willow Park Trail Improvements | Minnetonka, MN
- Finland Forest Recreation Area RV/ATV Campground Planning & Design | MnDNR
- Rice Creek Chain of Lakes Regional Park Beach Development | Anoka County, MN
- Edenbrook Park and Nature Trails | Eden Prairie, MN
- Highway 13 Trail Planning | Prior Lake, MN
- Diamond Point Park | Bemidji, MN
- Round Lake Park | Eden Prairie, MN
- Lake Rebecca Creative Play Area | Three Rivers Park District, MN
- Itasca State Park | MnDNR
- Split Rock Lighthouse State Park RV Campground Planning & Design | MnDNR

References

City of Eden Prairie
Jay Lotthammer
Director of Parks & Recreation
(952) 949-8440

City of Minnetonka
Perry Vetter
Assistant City Manager
(952) 939-8216

Erin Perdu, AICP

Public Engagement Specialist

Erin is a community planner and project manager with 18 years of professional planning experience in both the public and private sectors. She has worked as a staff planner and Community Development Director for multiple municipalities. Erin's areas of specialty include public engagement and long range planning at scales from entire counties to small neighborhoods. She works under the philosophy of "planner as partner," helping residents and community leaders articulate what they want, and then providing the tools to help them get there.

Erin has also served as the project manager and lead planner on comprehensive plans, zoning ordinances, multi-jurisdictional plans, and small area studies. During each of these initiatives Erin designed extensive, inclusive public engagement processes. Erin's leadership, day-to-day planning experience and strong foundation in public outreach result in the successful implementation of the plans she authors. Erin has designed and implemented successful public engagement strategies for a multitude of constituencies. Her processes aim to include all stakeholders in a way that is productive, safe and easy for them to participate.

Selected Project Experience - Public Engagement

Downtown Revitalization Public Engagement | North St. Paul, MN
Erin led the multi-faceted public engagement effort to determine priorities for a potential large infrastructure investment by the city. Public input is being used by the city to design new streets, sidewaks, and streetscape elements to enhance the vitality of the downtown. The public process included:

- Public visioning and open houses
- Meetings with small groups of business owners
- Walking tours of similar cities
- Visual preference survey
- Interactive project website

Lake Brophy Park Master Plan | Douglas County, MN
Erin Led a series of interactive community input sessions on assets, needs and wants to guide the development of the Lake Brophy Park. The process included hands-on workshops with the general public, as well as small group meetings with specific stakeholders. A website devoted to the project was also developed as a two-way communication tool, allowing interested parties to participate remotely and view important documents for the project

ShapeYpsi - Comprehensive Plan and Zoning Ordinance | Ypsilanti, Michigan
This award-winning project included an extensive, innovative public engagement process. Residents, business owners, property owners, and other stakeholders participated in every step, from defining the City's Guiding Values to the adoption of the new zoning ordinance. The ShapeYpsi team set out to plan "with" the City, not "for" the city. The cornerstone of the project approach was public engagement to educate, employ and empower residents and stakeholders in and around the city.

References

City of North St. Paul
Corrin Wendell
City Planner
(651) 747-2595
corrin.wendell@northstpaul.org

City of Mahtomedi
Scott Neilson
City Administrator
(651) 426-3344
sneilson@ci.mahtomedi.mn.us

Tanya Gytri, PE

Transportation Engineer/Trail Expert

Tanya is a Design Engineer and Project Manager in our Transportation Group with over 16 years of experience. Her primary focus of work includes project coordination of preliminary and final design, preparation of bid documents, and construction administration on various sized roadway projects, bicycle trails, and pedestrian facilities. Tanya has extensive knowledge of MnDOT, state aid, and federal aid design standards. She is exceptionally skilled at organization, follow-through correspondence, and has an outstanding record of helping keep projects on schedule.

Selected Project Experience - Trails

West River Parkway and James I. Rice Trails | MPRB
Tanya served as the Design Manager/Project Engineer responsible for final design plans, estimate, and specifications for separate pedestrian and bicycle facilities in the Minneapolis Grand Rounds Trail System from Plymouth Ave. N to Franklin Ave. Careful consideration was taken due to the historic designation and sensitive areas which includes history ruins and the Bohemian Flats.

Big Rivers Regional Trail-Black Dog Segment | Burnsville, MN
Tanya served as the Project Manager responsible for evaluating alignment alternatives for approximately 3.8 miles of 10 foot wide bituminous trail. The project is in the Minnesota Valley National Wildlife Refuge, located adjacent to the Minnesota River, is in the flood plain and has extensive wetlands. The preliminary design study includes alignment selection, preliminary design, associated costs, agency coordination, and evaluating wetland and flood plain impacts. The main objective is to provide a multi-use trail through an environmentally sensitive area with the least amount of disruption to the surrounding area.

Dean Parkway Trail | MPRB
Tanya was the Project Engineer responsible for final design plans, estimate, and specifications for separate pedestrian and bicycle facilities in the Minneapolis Grand Rounds Trail System from Lake Street to Lake of the Isle Parkway. Dean Parkway, as part of the Minneapolis Grand Rounds Trail System, is eligible for historic designation requiring a design that carefully considered the cultural resource and impacts that could occur. As both a regional trail and a neighborhood amenity, a careful balance between individual rights, needs and wants, and trail improvements meeting the desires or users was found.

References

MPRB
Deb Bartels
Project Manager
(612) 230-6574
dbartels@minneapolisparks.org

City of Burnsville
Julie Dorshak
Community Services Manager
(952) 895-4509
julie.dorshak@burnsvillemn.gov

John Powell, PE

Project Engineer

John has 30 years of hands-on experience working with cities and private institutional and industrial clients in the planning, development, and operation of infrastructure systems including sanitary sewer, storm sewer, water, roadways, and parks. He is involved in the preparation and public presentation of reports, plans, specifications, and construction administration. John has been actively involved in managing infrastructure projects from planning through the operations phase. He anticipates infrastructure needs based on growth and/or redevelopment and has a proven track record of delivering projects through successful partnerships between communities and county and state agencies. He is particularly aware of the impact that planning and design decisions can have on the cost of maintaining and operating park and trail systems.

Selected Experience

Interim City Engineer | West St. Paul, MN
As the Interim City Engineer for the City of West St. Paul, John had the opportunity to become familiar with the City's needs and priorities, and collaborated with other departments.

City Engineer | Lino Lakes, MN
John served within the Lino Lakes Community Development Department as City Engineer for five years during a time of significant growth in the City. He was extensively involved in development of the City's Comprehensive Plan update, which had to balance competing growth priorities and expectations. Based on his ability to work cooperatively with planning, economic development, and environmental staff he was also appointed Interim Community Development Director for the City of Lino Lakes while also serving as City Engineer.

Public Works Director/City Engineer | Savage, MN
John served on staff at the City of Savage from 2006-2015; his Public Works responsibilities included Utility Services, Streets, Fleet, Parks, Recreation, and Natural Resources. He was involved in all aspects of the City's infrastructure, and worked hand-in-hand with City Planning staff on development and site plan reviews. Together with the City Administrator and Finance Director, he has served as a key staff person in preparation of the annual Capital Improvement Program tailored to meet the City's future needs. His tenure included the successful completion of infrastructure construction, reconstruction, and rehabilitation projects using a variety of funding sources.

References

City of Savage
Barry Stock
City Administrator
952-882-2660

City of Lino Lakes
Michael Grochala
Community Development Director
651-982-2427

Dustin Simonson

Environmental Scientist

Dustin joined WSB as an Environmental Scientist in March of 2014 after graduating from North Dakota State University. He earned his Bachelor of Science in Natural Resources Management with an emphasis in Pollution Control. While at the university, Dustin gained experience in wetland delineation, soil profiles, vegetation identification, environmental policies, and pollution control measures. In his time at WSB, he has worked on wetland delineations and permitting for environmental impacts

General Experience - Wetland Delineations with Water and Wetland Permitting

Dustin has conducted wetland delineations along with water/wetland permitting for various city, county and private clients. Selected project experience includes:

- Hamline Lake Trail Extension | Mahtomedi, MN
- Gosiwin Court | Mahtomedi, MN
- Wood Lake Trail and Culvert Repair | Richfield, MN
- Bernick's Ice Arena | Sartell, MN
- 2016 Street Reconstruction | Minnetonka, MN
- Lake Waconia Regional Park Master Plan | Carver County, MN
- 2016 Street Improvements | Lakeville, MN
- Anoka County Park and Recreation: River Front Park
- 2016 Street Reconstruction | Minnetonka, MN
- Bridge 71501 Reconstruction | Sherburne County, MN

Selected Project Experience

Hamline Lake Trail Extension | Mahtomedi, MN
Dustin delineated the wetland boundary of two different wetlands along the project boundary to find out where impacts from the project would impact the wetlands. After impacts were identified he completed Rice Creek Watershed, Army Corps of Engineers, and Wetland Conservation Act permits for wetland impacts associated with the construction of the trails for the project.

2016 Street Improvement Project | Lakeville, MN
Dustin delineated the wetland boundary of nine different wetlands along he project boundary to find out where impacts from the project would impact the wetlands. After impacts were identified he completed Army Corps of Engineers and Wetland Conservation Act permits for wetland impacts associated with the construction for the project.

References

City of Mahtomedi
Bruce Thielen
Public Works Director
(651) 773-9730

City of Lakeville
Monic Heil
Operations and Maintenance Engineer
(952) 985-2791

Cost

Tasks	Principal/ Landscape Architect	Project Manager/ Landscape Architect	Landscape Architectural Designer	Community Engagement Specialist	Project Engineer	Transportation Engineer/Trail Expert	Environmental Scientist
	Jason Amberg	Candace Amberg	Staff	Erin Perdu	John Powell	Tanya Gytri	Dustin Simonson
Task 1: Kickoff and Site Inventory/Analysis							
• Project Kick-off Meeting		3					
• Confirmation of Schedule		1				1	
• Assess Existing Plans & Studies		1				2	
• Tabulate Existing Utilities					1		
• Wetland Desktop Review							2
• Base Mapping Set-Up			3				
• Site Inventory and Analysis		1	2			2	
Deliverables: Meeting minutes, base maps, existing utilities, and wetland desktop mapping							
Task 1: SubTotal:							$2,015.00
Task 2: Initial Public Participation							
• Property Owner Meetings (1 day)		8		8			
• Public Engagement Meeting / Open House (1)		3	3				
• Stakeholder meeting with Representatives of SHIP (1)		3		8			
• Dakota County Meeting (1)		3		3			
Deliverables: meeting minutes from all public meetings and recap of findings							
Task 2: SubTotal:							$4,338.00
Task 3: Feasibility Design Plans							
• Draft concept level plans and cost estimate		8	16			8	
• Develop 30% plans and cost estimate	1	4	32		1	24	
• Develop 3 alternative concept route alignments	1	8	15			8	
• Review meetings during plan development (3)		9				3	
• Public Open House Review Meeting (1)		3					
• Assess potential transit connections		1			1		
Deliverables: Preliminary engineering plans (30%) of trail feasibility study, and up to 3 alternative alignment plans							
Task 3: SubTotal:							$15,139.00
Task 4: Final Documents							
• Provide draft document for review City staff	1	12	4	2	1	1	
• Provide public draft document for review by public		1	4				
• Finalize document	1	8	1				
• Presentation to Park Board (1)		3					
• Presentation to City Council (1)		3					
Deliverables: Draft document for review, draft document for public review, and final document for Council approval							
Task 4: SubTotal:							$4,456.00
SUBTOTAL Hours	**4**	**83**	**80**	**21**	**4**	**49**	**2**
Labor Rates	$137	$109	$81	$118	$158	$137	$67
Labor Costs	**$548**	**$9,047**	**$6,480**	**$2,478**	**$632**	**$6,713**	**$134**
TOTAL COST OF SERVICES							**$26,032**

2011 TRAIL GAP STUDY

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REPORT

INTRODUCTION

The City of Inver Grove Heights trail and sidewalk system works well, but has gaps and missing segments which hinder full use of the network. The City hired Hoisington Koegler Group (HKGi) to evaluate the trail and sidewalk network and to prioritize improvements that will be cost effective and fill the gaps and enhance the trail system. The Trail and Sidewalk Gap Study was funded by a Dakota County Active Living grant.

Study Goal:

Prioritize trail and sidewalk improvements to enhance connectivity and safety.

Study Objectives:

- Identify gaps in the trail and sidewalk network.
- Develop criteria to prioritize trail gap improvements.
- Make recommendations for trail gap improvements (locations, cost estimates and implementation strategies).

BENEFITS OF A CONNECTED TRAIL AND SIDEWALK SYSTEM

A trail and sidewalk "Best Practices" presentation was prepared and shown to the City officials and the public. The presentation portrays the benefits of trails and sidewalks for community livability, property values, economic development and sustainability. Some benefits of a connected trail and sidewalk system to Inver Grove Heights are:

Popular and cost effective - Trails and sidewalks are usable by all ages and abilities. Trails are the #1 desired recreation feature in IGH. Trails and sidewalks allow self-directed recreation (no staff or programming required).

Promote healthy active living - Trails and sidewalks provide health benefits and exercise while going about daily activities. Trails and sidewalks improve individual and community health and reduce health care costs.

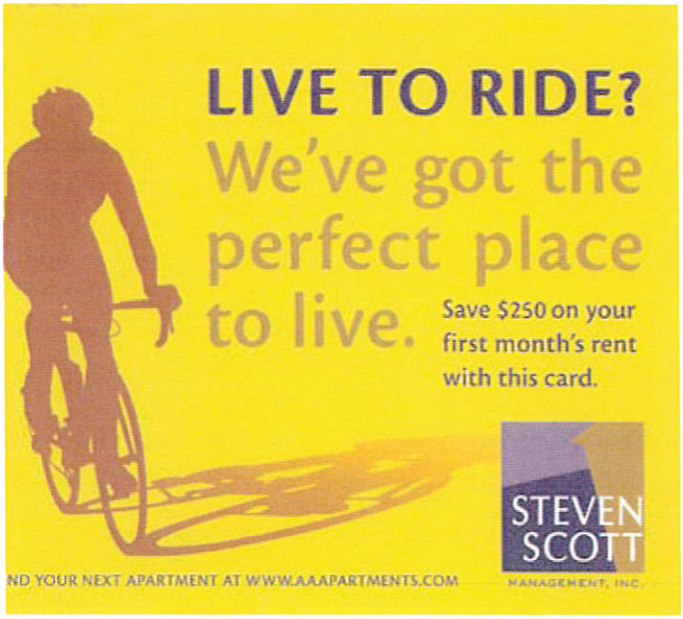
Provide environmental benefits - Allow people to connect with nature. Save energy and reduce emissions.

Encourage economic development - Promote tourism. Attract residents and businesses. Increase property values.

Enhance quality of life and community livability - Build sense of community. Foster social interaction. Connect people and neighborhoods.

Increased transportation options and mobility - Commuting, errands, to/from school, options for non-drivers (1/3rd of population), recreation and transportation roles, essential for an efficient transit system.

28% OF ALL TRIPS ARE 1 MILE OR LESS (5 MINUTE BIKE RIDE OR 20 MINUTE WALK)



PLANNING PROCESS

The trail and sidewalk planning process included:

- Field evaluation of existing trails and sidewalks.
- Analysis of destinations, barriers, connectivity options, opportunities and bike/walk needs.
- Use of existing plans and the recent Inver Grove Heights community survey.
- Coordination with planned road improvements.
- Identification and mapping of trail and sidewalk gaps.
- Preparing criteria for prioritizing improvements.
- Application of the criteria to the gaps to select recommended priority improvements.
- Preparation of cost estimates, potential funding sources and concept plans.
- Input and direction from the community, City officials and City staff.

COMMUNITY AND STAKEHOLDER INPUT

The public, City officials, stakeholders and City staff helped identify trail and bikeway needs, and define priorities for improvements. Meeting and input methods included:

- City staff coordination and planning meetings and field evaluations.
- City Council work session meeting and input.
- Parks and Recreation Commission meeting and input.
- Planning Commission meeting and input.
- Community Open House meeting – review and prioritization of gaps.

EXISTING CONDITIONS

The City of Inver Grove Heights has a system of approximately 35 miles of paved multi-use off road trails and 30 miles of sidewalks. Most of the sidewalks and trails are located in the largely developed central and north central portion of the city. These paved trails and walkways are supplemented by some natural surface trails in City parks and by Dakota County's Mississippi River Trail (MRT).

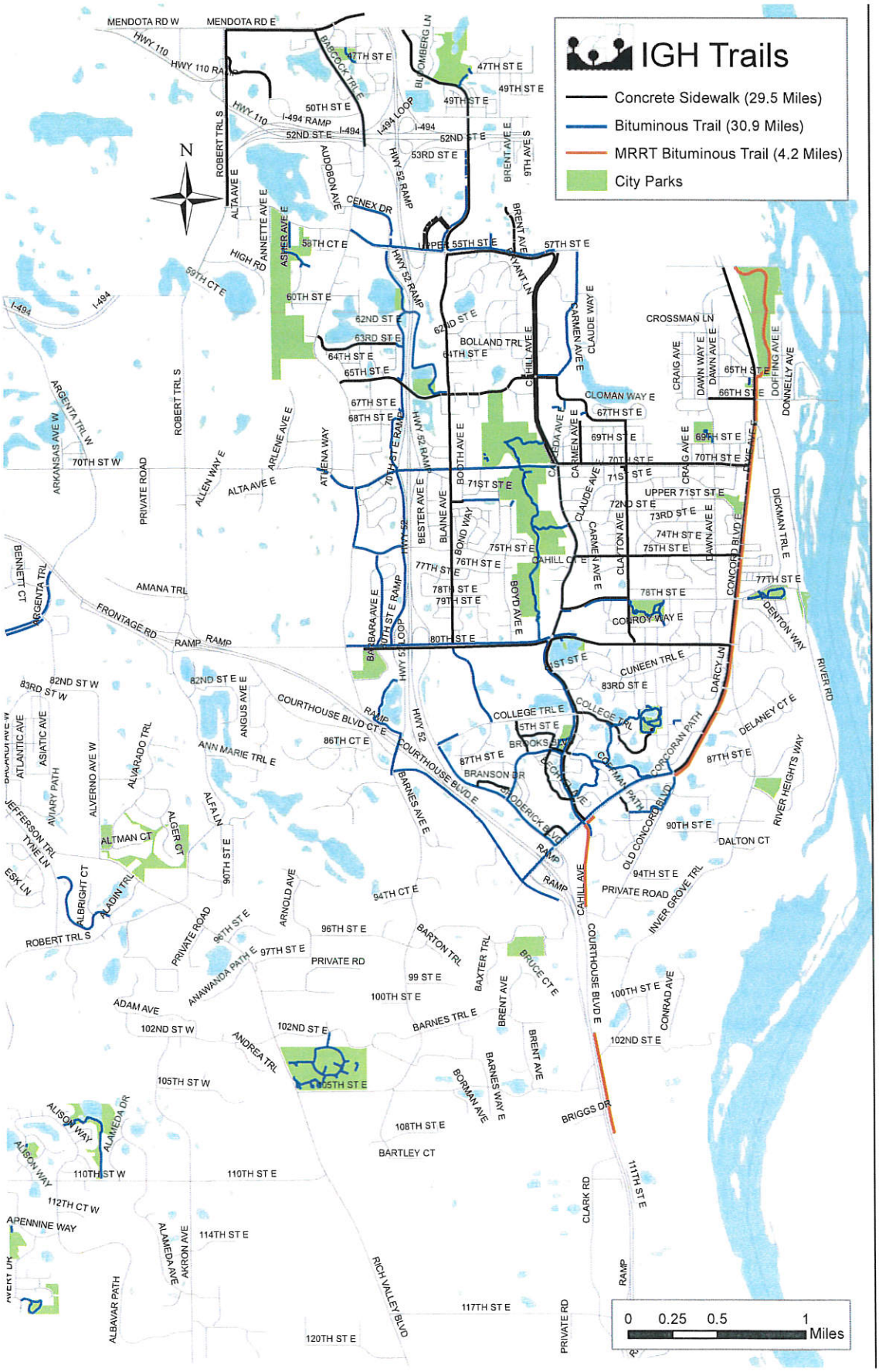
COMMUNITY OPEN HOUSE

A community open house was held March 16, 2011.

Overall, Open House attendees were supportive of improving conditions for biking and walking. They identified the following needs for improving bike-walk conditions:

- Improve bike-walk to the entrances to the Community Center.
- Improve the street crossing at Barbara Ave and 80th Street.
- Pave trail connections to North and South Valley Park.
- Complete trail and sidewalk gaps.
- Create safer street crossings at busy roads.
- Add on-road bike lanes and wide shoulders for cyclists.
- Interest in a 'Complete Street' network where pedestrians, cyclists, transit and vehicles are accommodated.

Figure 1: Existing Trails and Sidewalks



GAPS AND NEEDS

The existing trails and sidewalk system is generally in good condition and serves the developed portion of the City well. There are several gaps in the sidewalk and trail the system which are problematic for users.

Gaps and needs within the Inver Grove Heights trail and sidewalk system include:

A. Improved east-west connections for biking and walking.

B. Improved bikeway connections to the Mississippi River Trail and the Mississippi River.

C. Fill gaps to create loop trails connecting parks and neighborhoods on either side of TH 52.

D. Enhancing walkability and safety at some schools and around City Hall/Community Center campus.

E. Improving pedestrian and bicycle safety and convenience on some narrow and well traveled roads.

Identified trail and sidewalk gaps are shown on the Inver Grove Heights Trail and Sidewalk Gap Map.

GAP CRITERIA FOR PRIORITIZATION

Based on community and stakeholder input the following criteria were prepared for use in identifying priority improvement needs within the system.

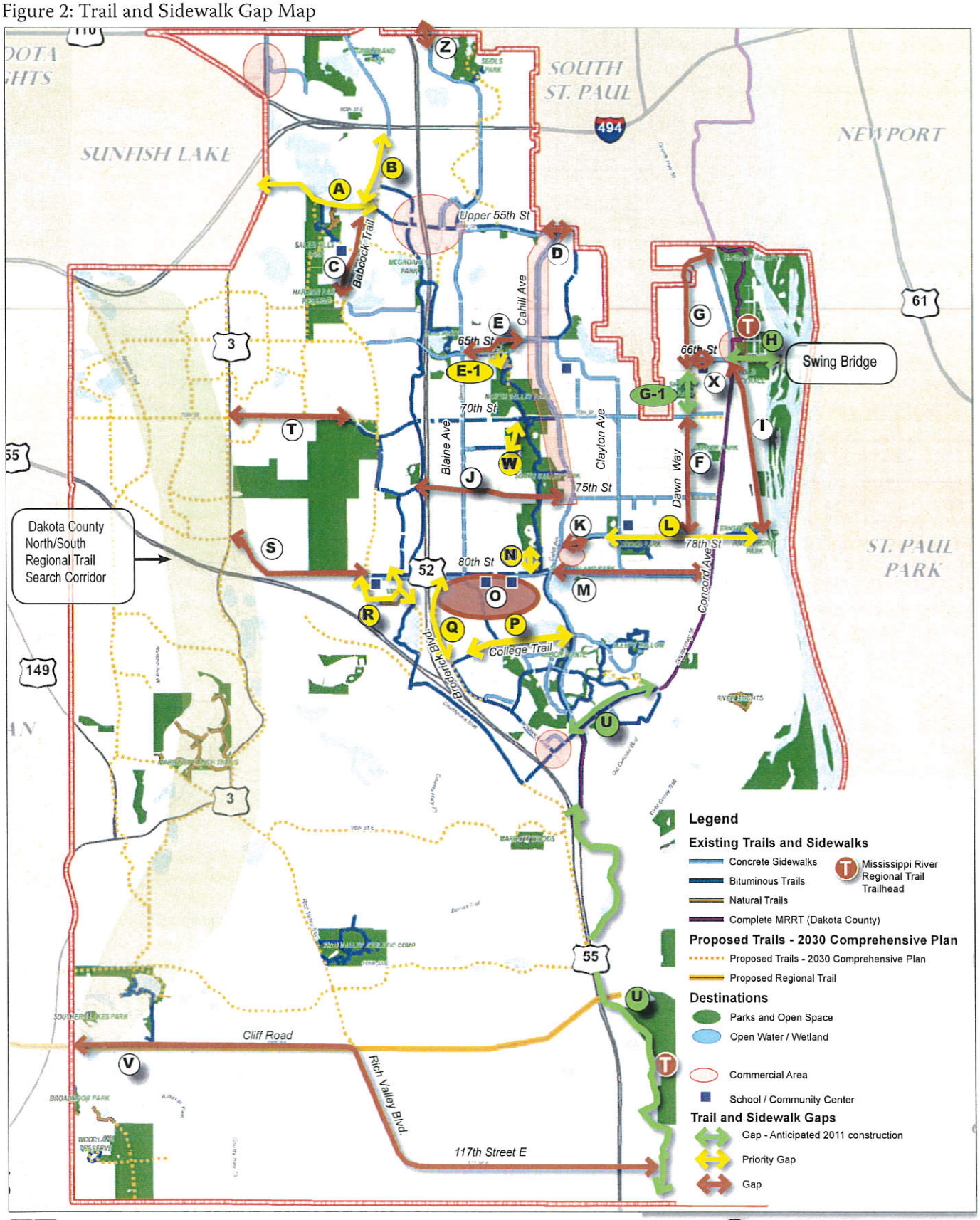
1. Connects existing trails and sidewalks
2. Connects residents to key destinations - parks, regional trails, shops, senior housing, restaurants and community buildings (schools, library, community center, etc.)
3. Located primarily in the developed area of the City
4. Enhances safety
5. Minimal land use concerns
6. Increases recreation opportunities: Creates loop trails and/or connects to MRT
7. Has available right of way/public land
8. Is feasible and cost effective
9. Can be coordinated with planned road improvements

GAPS AND PRIORITY TRAIL AND SIDEWALK IMPROVEMENTS

The recommended trail and sidewalk improvements are shown on the Trail and Sidewalk Gap Map and are listed below. Specific recommendations can be found in Table 1 which follows. Priority projects highlighted in yellow and projects anticipated for 2011 construction are highlighted in green. Figure 3 on page 12 shows a detail of one of the highest priority projects, improvements to the Civic Campus (gap R).

A. **Upper 55th Street from Highway 3/South Robert Trail to County Highyway 73/Babcock Trail**
B. **County Highway 73/Babcock Trail from 494 Bridge to Upper 55th Street**
C. County Highway 73/Babcock Trail Upper 55th St. to Upper 63rd St.
D. Upper 55th St. from Cahill Ave to 5th Ave South
E. Trail link between North Valley Park and Cahill: add trail on 65th St. between Blaine Ave. and Cahill Ave.
E-1 Trail link to North Valley Park: pave north end of North Valley Park Trail
F. Dawn Ave from 70th St E to 78th St E
G. Dawn Ave from 66th Street to Concord
G-1Dawn Way from 70th St. to 65th St.
H. 66th St. from Dawn Way to the Swing Bridge
I. River Road from 66th St. E to 78th St E
J. 75th St E from Highway 52 Trail to Cahill Ave.
K. 78th St E just east of Cahill (south side sidewalk)
L. 78th St E from Clayton Ave E to River Road
M. 80th St. from Cahill Ave to Concord/MRT
N. South end of South Valley Park: address grades and safety
O. Connections between schools/college/library
P. College Trail from Blaine Ave to Cahill Ave
Q. East side of Broderick Street from College Trail to 80th Street
R. Loop trail around Civic Campus south of 80th St E. (City Hall, Community Center, etc.)
S. 80th St. from Babcock Trail to Hwy 3
T. 70th St. from Babcock Trail to Hwy 3
U. Mississippi River Regional Trail
V. Cliff Road/117th
W. Connection to paved trail in South Valley Park
X. Sidewalk on south side of 66th east of Dawn Way
Y. Not Used
Z. Blaine Ave - extend sidewalk north to South Saint Paul/ 21st. Ave.

Figure 2: Trail and Sidewalk Gap Map



Hoisington Koegler Group Inc.

Table 1: Trail and Sidewalk Gap Recommendations

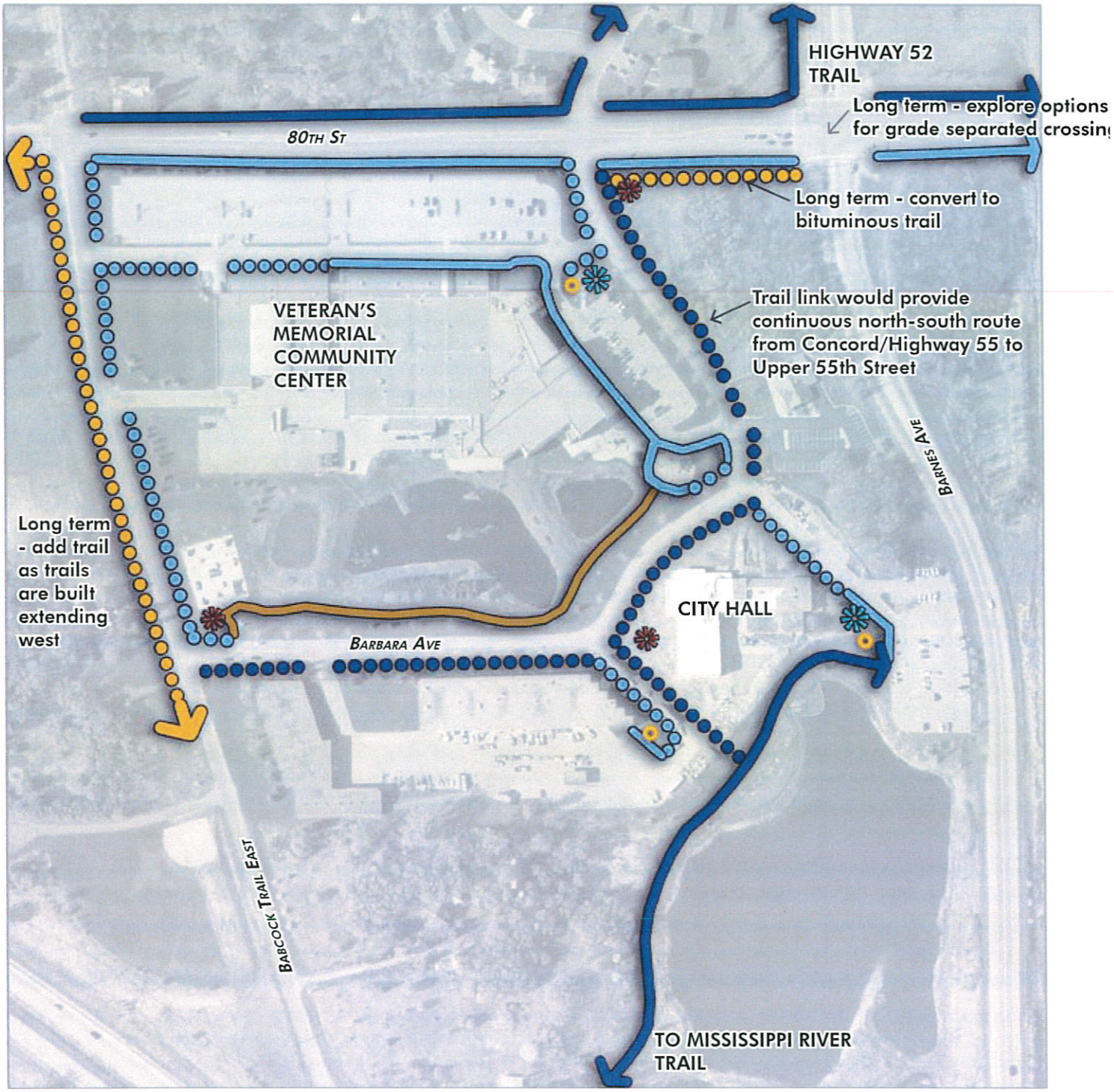
TRAIL AND SIDEWALK GAPS			CRITERIA	■ Meets Criteria Well				□ Meets Criteria Moderately Well			Blank - meets criteria poorly	
Letter	Description	Length (feet)	Connects existing trails and sidewalks	Connects residents to key destinations	Located primarily in the developed area of the City	Enhances safety	Minimal land use concerns	Creates loop trail opportunities	Has available right-of-way	Is feasible and cost effective	Can be coordinated with planned road improvements	Priority
A	Upper 55th Street from Highway 3/South Robert Trail to County Highway 73/ Babcock Trail	3900	■	■	□	■			□	□	■	✓
B	County Highway 73/Babcock Trail from I- 494 Bridge to Upper 55th Street.	2510	■	■	■	□	■		■	■		✓
C	County Highway 73/Babcock Trail Upper 55th Street to 63rd Street.	3310	■	■	■	■						
D	Upper 55th St. from Cahill Ave to 5th Ave South	660	■	■	■	■				□		
E	Trail link between North Valley Park and Cahill: add trail on 65th St. between Blaine Ave & Cahill Ave.	3410	□	■	■		■	□		□	■	✓
E-1	Pave north end of North Valley Park trail	1,300	■	■	■		■	■	■	□		✓
F	Dawn Way from 70th St. E to 78th St. E	2690	□	■	■							
G	Dawn Way from 70th Street to Concord	3740	□	□	■	■		□	■	□	■	
G-1	Dawn Way from 70th Street to 65th Street		□	■	■	■		□	■	□	■	Planned 2011 con-struction
H	66th Street from Dawn Way to the Swing Bridge		■	■	■	□	■	■	■	■	■	Planned 2011 con-struction
I	River Road from 66th St. E to 78th St. E	5725	■	■	□			■	□			
J	75th St. E from Highway 52 Trail to Cahill Ave.	4850	■	□	■	□	□	■	■	□		
K	78th Street east of Cahill (south side sidewalk)	180	■	■	■	□	■	□	■	□		
L	78th St. E from Clayton Ave E to River Road	5130	■	■	■	□	□	■	□	□	□	✓
M	Trail on north side of 80th Cahill Ave to Concord Ave/ MRT	5345	□	□	■	□		■	□			

RECOMMENDATIONS -PRIORITIES ARE HIGHLIGHTED IN YELLOW	
	Letter
Install bituminous trail on both sides of the road along with road reconstruction (CIP 2017). Additional right-of-way, slopes and wetlands will need to be addressed. *Notes:* *Feasible in conjunction with road improvements that address R.O.W acquisition, slopes and wet areas.*	A
Install bituminous trail on east side. *Notes:* *Right-of-way is narrow at northeast corner of Upper 55th and Babcock Trail. Coordination with Zion Methodist Church & CHS Industries will be needed.*	B
Long-term: rebuild Babcock Trail as a complete street with bituminous trail on east and west side of the road for walking and biking and on-road bike lanes for more advanced cyclists. *Notes:* *Single family homes with driveway entrances, variable right-of-way, and utility corridor on east side.*	C
Complete sidewalk gap on south side of the street. *Notes:* *Today, there is insufficient space. Additional space would need to be captured from the roadway or from the adjacent business' parking lot/ circulation to complete this gap.*	D
Install bituminous trail on north side 65th and consider on-road bike lanes along with road reconstruction (CIP 2012). Consideration for mid-block crossing at North Valley Park. *Notes:* *Approximately 15' of right-of-way available on north side.*	E
Pave trail connection within North Valley Park on north end. *Notes:* *Very steep slopes. Trail will need to be built along the hillside with switchbacks.*	E-1
Long-term, consider sidewalks, trails and/or on-road bikeways as opportunities arise. *Notes:* *Limited right-of-way from 69th to 75th street, sidewalk installation will require some tree removal.*	F
Install concrete sidewalk on west side of the road along with road reconstruction (CIP 2015). Consider on-road bike lanes. *Notes:* *Steep slopes near Concord Blvd..*	G
Install concrete sidewalks on west side of the road along with 2011 road improvements.	G-1
Planned & funded 2011 trail construction.	H
Install wayfinding signage from MRT to City parks along the river road. Long-term consider trail on side of the road or bike boulevard treatment.	I
Install bituminous trail on north side of road. *Notes:* *Steep slopes In South Valley Park*	J
Install sidewalk on south side of road. *Notes:* *Culvert*	K
Install bituminous trail on south side and/or bike lanes. *Notes:* *Crossing enhancements at Concord Blvd. needed; on-road bikeway east of Ernster Park.*	L
Install bituminous trail on north side. *Notes:* *Steep slopes between Clayton Ave. and Cahill Ave.; Crossing enhancements at Concord Blvd. needed; on-road bikeway east of Ernster Pk.*	M

TRAIL AND SIDEWALK GAPS			CRITERIA	■ Meets Criteria Well				□ Meets Criteria Moderately Well				Blank - Meets Criteria Poorly	
Letter	Description	Length (feet)	Connects existing trails and sidewalks	Connects residents to key destinations	Located primarily in the developed area of the City	Enhances safety	Minimal land use concerns	Creates loop trail opportunities	Has available right-of-way	Is feasible and cost effective	Can be coordinated with planned road improvements	Priority
N	South end of South Valley Park	2,000	■	■	■	■		■				✓
O	Connections between schools/college/library		□	■	■	□	■		■	■		
P	College Trail from Blaine Ave to Cahill Ave	3300	■	■	■	■	□		■	□	■	✓
Q	East side of Broderick Street from College Trail to 80th Street	3105	■	■	■	■	□	■			■	✓
R	Loop trail around Civic Campus south of 80th St. E. (City Hall, Community Center, etc.)	2785	■	■	■	■	■	■	■	■		✓
S	80th St. from Babcock Trail to Hwy 3	5370				□	□	□	□	□	□	
T	70th St. from Babcock Trail to Hwy 3	4930				■	■	□	■	□		
U	Mississippi River Regional Trail		■	■	■	■	■	■	□		■	Planned 2011 con-struction
V	Cliff Road	22500				□	■	□	■	□	■	
W	Connection to paved trail in South Valley Park		■	■	■		■	■	■	□		✓
X	Sidewalk on south side of 66th Street east of Dawn Way	700	■		■	■			■			
Y	Not Used											
Z	Blaine Ave - extend sidewalk north to South Saint Paul / 21st Ave.			□	■	□	■			■		

RECOMMENDATIONS - PRIORITIES ARE HIGHLIGHTED IN YELLOW	
	Letter
Tunnel needed or discuss possible opportunities with adjacent landowners (Vermillion State Bank & 7900 Boyd Ave) for building a trail along the slope/creating switchbacks. *Notes:* *Extremely steep slopes are a safety issue.*	N
Engage school, library and college in discussions about connectivity needs and opportunities.	O
Install bituminous trail on both sides of the road along with road improvements (CIP 2016). *Notes:* *Wet areas and slopes near Cahill Ave.*	P
Install bituminous trail on east side of road along with road improvements (CIP 2014). Steep grades and proximity to ponds/ wetlands will need to be addressed. *Notes:* *Feasible in conjunction with road improvements that address R.O.W acquisition, slopes and wet areas.*	Q
Civic campus could be a showcase for bike/walk/active living.	R
Long-term: create a complete street with bituminous trail on north and sidewalk on the south side of the road for walking and biking and on-road bike lanes for more advanced cyclists.	S
Long-term: create a complete street with bituminous trail on south and sidewalk on the north side of the road for walking and biking and on-road bike lanes for more advanced cyclists from Highway 3 to the MRT.	T
Dakota County Mississippi River Regional Trail. Planned 2011 completion.	U
County road/regional trail. Coordinate with Dakota County.	V
Build bituminous trail within park to link between 72nd St. E and 73rd St. E. *Notes:* *Steep slopes, switchbacks and grading will be needed.*	W
Construct sidewalk missing sidewalk on south side of the street.	X
Not used	
Construct sidewalk to 21st Ave.	Z

Figure 3: Civic Campus Trail Diagram



Existing Bituminous Trail
Existing Concrete Sidewalk
Existing Soft Surface Trail
Proposed Bituminous Trail (long term)
Proposed Bituminous Trail
Proposed Concrete Sidewalk
Proposed Bike Rack
Proposed Directional Sign
Proposed Wayfinding Signage

SAFE ROAD CROSSINGS

Safe pedestrian and bicycle crossings at busy streets is an essential component of a complete trail network. Perceived safety is as important is actual safety. If people do not feel that a crossing is safe they may choose not to, or allow their children, to bike or walk at all. Without safe crossings, arterial and collector roads can act as major barriers for non-motorized transportation across the City. The following are general guidelines for improving crossing safety.

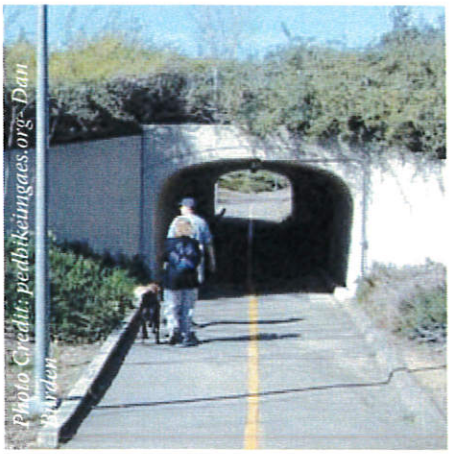
Grade Separated Crossings

The feasibility of installing ped-bike underpasses at trail crossings should be explored with all new road construction and road reconstruction projects for all minor-arterial roads or higher. Many of these are State or County roads and cross-jurisdictional coordination will be needed in advance of projects to determine locations, feasibility, cost and funding sources. Underpasses not only provide for safe pedestrian and bicycle crossings but can also be designed to achieve other community goals such as stormwater movement and habitat connectivity. In key locations, if an underpass is not feasible, overpasses should be considered.

Improvements to signalized intersections

Long crossing distances, free right turns on red, vehicle speeds, crossing time, lighting and sight-lines all contribute to real and perceived safety at signalized intercessions. Though detailed design and engineering is needed to balance vehicle and bicycle movement needs, the following techniques can be considered to reduce crossing distances, increase walk-bike crossing times, slow vehicle speeds and make drivers more aware of pedestrians and cyclists.

- High visibility pavement markings such as zebra, ladder, continental or triple four.
- Increase signal time for pedestrians and separate vehicle movements from pedestrian-cyclist crossings.
- Pedestrian countdown signals.
- Bicycle signal.
- Adequate driver visibility through proper sight distance triangles.
- Design for slow vehicle right turn movements (tighter turning radii: 5-25 ft).
- Eliminate right-turn on red.
- Break up complex intersections with pedestrian refuge islands.
- Adequate lighting.



Underpass

Pedestrian refuge island and bike lane continues to crosswalk

Pedestrian signal

Bicycle signal

GENERAL COSTS

The following table outlines general costs for pedestrian and bicycle improvements. While many factors contribute to cost, these rule of thumb costs are useful when budgeting for specific improvements and applying for grants.

Table 2: General Costs Associated with Various Pedestrian and Bicycle Improvements

Improvement	Factors Impacting Cost	Cost	Potential Funding Sources
Trails	Land acquisition costs, new structures needed, the type of trail surface, the width of the trail, and the facilities that are provided for trail users.	$100,000 - $300,000/mile	Grants Park Dedication Partnerships Donations City General Fund New Development State Aid
Sidewalk	Availability of right-of-way, topography, soil conditions, utilities.	Sidewalk $10/ square foot	State Aid New Development City General Fund
Bicycle Lanes	Condition of the pavement, the need to remove and repaint the lane lines, the need to adjust signalization. It is most cost efficient to install improvements during street reconstruction, street resurfacing, or at the time of original construction.	$10,000 to $50,000/mile	Grants Developer / New Construction State Aid (when eligible) City General Fund
Crosswalk	Size of intersection (linear feet) and number of crossing legs.	Stripping $100-$300/leg Patterned concrete $20,000/ leg	State Aid (when eligible) City General Fund
Pedestrian Signals; Mid-block Crossing	Utilities, solar powered signals are available	$20,000 to $40,000	State Aid Grants Partnerships Donations City General Fund
Directional and Wayfinding Signs	Number of signs, design	$50 to $300 per sign	Grants Partnerships Donations City General Fund
Crossing Island	Size of island, materials (concrete or asphalt), utilities.	$4,000 to $30,000	Grants Partnerships State Aid (when eligible) City General Fund
Over/ Underpass	Site conditions, topography, utilities	$400,000 to $4 million	Grants – Federal / State Aid Park Dedication Partnerships Donations City General Fund / CIP

FUNDING STRATEGY

The quality of a city's walk-bike system is a reflection of the community's ability to strategically leverage existing internal and external resources. Similar to roads, a long-term funding strategy that is updated annually is needed to design, build and maintain the pedestrian and bicycle system. Creating a multi-year funding strategy can be useful in identifying when funding should be solicited so it is available when the City would like to do the project. As most grant awards are made more than four months after the date of application, it is too late to seek funding if one is already in the construction year or must be actively conducting engineering for it. For example, if the City is envisioning a trail improvement project that is tied to a road reconstruction, then one would want to apply for grant funding a year in advance of the construction commencing to have the funds in place in time. Most grant programs will not allow costs expended prior to the grant award to be considered for either reimbursement or part of the needed match.

The development of a funding strategy begins with the identification and prioritization of trail segments. Gathering information about desired segments in one location will ease future analysis and sequencing of funding sources. Information should include features such as segment location, type, length, property ownership status, preliminary costs, and related environmental improvements. Recognizing that available external sources may not always align with the community's top priorities, this type of information should be gathered about many segments rather than just the community's favorites.

Once the list of potential segments is identified, it is helpful to identify potential funding sources. Selecting appropriate projects for each funding source is one of the factors that contribute to a community's success in securing non-city funding. In linking projects to funding consideration should be given not only to the types of projects the funder seeks, but being aware of the maximum grant award, amount of match required, and preferred project size. For example, one grant may seek to fund trails as part of a park experience getting people connected to nature rather than trails that connect people from place to place. That same grant may have a maximum grant award of $200,000 with a 50% match. Since many funders are concerned if there is a significant gap in funding that the City must contribute, it would be more appropriate to select a project with a cost ranging from $400,000 to $500,000 than one costing $1 million if no other funds are available. However, if the City is able to secure other funding to reduce the gap, then the $1 million may be an appropriate fit for the grant.

When exploring funding sources it is also important to consider grant program requirements. Some grants, particularly ones with federal funds, have specific

design or reporting requirements that can raise project costs or add extra administrative costs. Care should be taken in selecting projects where the extra design requirements are not an issue or the extra reporting requirements are reasonable because of the large piece of funding the grant program provides. For example, in considering an application for a state grant with federal funds, it may make more sense to submit a grant for a $1 million overpass then a $300,000 trail project.

Another key to success in securing non-city funding for trail systems is developing a persuasive statement of need that fits the characteristics of the funding program. For some funders, the project should address a significant safety issue such as getting children across a busy road to school. For others, it is about having a large number of users and connecting those users to transit, shopping, or employment. Demonstrating the public need for the project is one of the most important components of any grant application. Where possible, this need should be demonstrated through letters of support and community partnerships.

General Funds

General funds can be used to develop the walk-bike system. These funds are best used for smaller projects within the already developed portion of the City such as completing short sidewalk gaps on local streets that may not be eligible for grants. General funds are the primary funding source for on-going maintenance cost such as crosswalk painting, snow plowing and street sweeping.

State Aid Funds

State aid funds are available for pedestrian and bicycle improvements on state aid streets. This funding source is particularly useful at the time of street construction or re-construction.

Trails and Sidewalks Built Along with Development

Developers can be required to provide trails and sidewalks at the time of development. This requirement can be negotiated during the site review process or formalized through the City's subdivision and zoning code.

Park and Trail Dedication

Minnesota Statutes allow local governments to require dedication of land or cash in-lieu of land for parks and trails from new subdivisions. The dedication must be reasonable and rationally related to the recreation demand created by the development. Cities can also require dedication of right-of-way or easements for sidewalks or trails. Park and trail dedication is a frequently used tool to help pay for recreation facilities. Some cities, such as Chanhassen, MN, have adopted a separate trail fee or dedication requirement.

Partnerships

Partnerships with both public and private organizations are an essential component to achieve individual projects outlined in the plan. Organizations with partner funding can also provide assistance with design, outreach and maintenance. Local trail clubs can be used to help maintain trails. Partnerships and relationships with private businesses can also result in easements and use agreements for trails across private land.

Potential partnership organizations include:

- Dakota County.
- Watershed District.
- Dakota County Active Living Partnership.
- School District.
- Northern Dakota County Regional Chamber of Commerce.
- Friends of Dakota County Parks.
- Area Businesses.
- Rotary Club.
- Lions Club.
- Railroads.

Donations

Private donations are another potential funding source. These may be financial donations from individuals or area corporations or donations of labor from recreation clubs or use agreements or trail easements from landowners. Programs such as "adopt-a-trail" by an organization, business, or individuals have successfully been used in many communities to help with maintenance tasks and raise awareness.

Grants

Grants are a way to make the City's dollars go further. Below is a sample of some grant opportunities that may be available along with websites to visit for more information.

Minnesota DNR

Website: *www.dnr.state.mn.us/grants/index.html*

The Minnesota DNR is one of the most comprehensive resources when it comes to state funding for trail programs. They offer a variety of grant programs and technical assistance. Current programs provide assistance for cross country skiing trails, all-terrain vehicle trails, snowmobile trails, mountain biking trails, horseback riding trails and recreational trails. Some programs also offer assistance for the development of parks or for trail amenities such as restrooms, lightning, benches, etc. It is important to note that none of the current programs covers sidewalk construction. Any program with the word "Legacy" in its title is funded through the Clean Water, Land and Legacy Amendment.

Each of the Minnesota DNR grant programs is unique. While many have an annual application window in the first quarter, some are available more frequently and others only once every few years. The DNR should be consulted before pursuing a grant to clarify funding availability and qualifications.

Minnesota DOT

Website: *http://www.dot.state.mn.us/grants/*

Most trail or sidewalk improvement projects funded through Minnesota DOT also have a portion which is federal dollars. Since June 9, 1998 we have seen three federal bills (TEA-21, ISTEA & SAFETEA-LU) enacted to fund the bulk of our transportation improvements. The current program in place today, SAFETEA-LU expired on September 30, 2009. The reauthorization of this bill will likely occur in some form and fashion and will fund transportation improvements across the United States for the next six years. Examples of

programs typically funding trail or sidewalk improvement projects include Transportation Enhancements or Safe Routes to Schools. While the essence of these bills has primarily supported roadway and safety improvements, roadway projects that have integrated trails have faired better than others during the solicitation process. The City should begin collaborating with other roadway jurisdictions to prioritize projects for the next round of federal transportation dollars. Building early support across multiple jurisdictions will better position the City in obtaining federal dollars.

Dakota County State Health Improvement Project (SHIP)

Website: *http://www.co.dakota.mn.us/Departments/PublicHealth/Projects/SHIP*

The State Health Improvement Program (SHIP) provides funds to reduce the burden of chronic diseases through increasing physical activity, improving nutrition, and reducing tobacco use. The current SHIP program will be ending June 30, 2011 unless the State of Minnesota extends it. These funds are administered by the Dakota County Public Health Department and the City has access to them through participation in the Dakota County Active Living group. Grant requests associated with increasing physical activity are most closely related to this funding source and must focus on policy (laws or regulations), system (organizations or institutions operation) or environmental (land use, zoning or community design) changes. Examples of related projects funded through SHIP include pedestrian/bike master plans, wayfinding signs, bike racks, and trail master plans, as well as Safe Routes to School (SRTS) comprehensive plans for local schools and funds for events to promote walking and biking to school. While SHIP funds cannot be used for construction projects, Dakota County has contracted with a local firm to seek and write grants for projects that meet the goals of Active Living and SHIP.

Clean Water, Land and Legacy Amendment

On Nov. 4 2008, Minnesota voters approved the Clean Water, Land and Legacy Amendment to the Minnesota State Constitution which increased the general sales and use tax rate by three-eighths of one percentage point (0.375%) to 6.875% and dedicated the additional proceeds as follows:

14.25% to a newly created Parks and Trails Fund to support parks and trails of regional or statewide significance.

33% to a newly created Outdoor Heritage Fund to be spent only to restore, protect, and enhance wetlands, prairies, forests and habitat for game, fish and wildlife.

33% to a newly-created Clean Water Fund to be spent only to protect, enhance, and restore water quality in lakes, rivers, streams and groundwater, with at least 5% of the fund spent to protect drinking water sources.

19.75% to a newly created Arts and Cultural Heritage Fund to be spent only for arts, arts education, and arts access, and to preserve Minnesota's history and cultural heritage.

Funding from the Legacy Amendment is administered by a variety of agencies such as the Department of Natural Resources, Pollution Control Agency, Department of Health, Historical Society, and regional art councils. A number of new grant programs were created, including the Parks and Trail Legacy Grant Programs, Solar Energy Legacy Grant Program, Lessard-Sams Conservation Partners Legacy Program and Minnesota Historical and Cultural Grants. Information about grant opportunities can be found on individual state department and organization websites.

NPS Rivers, Trails, and Conservation Assistance Program

Website: *www.nps.gov/ncrc/programs/rtca/*

The National Parks Service's (NPS) "Rivers, Trails and Conservation Assistance Program" (RTCA) is designed to provide communities technical assistance to conserve rivers, preserve open space, and develop trails and greenways. The RTCA program also implements the natural resource conservation and outdoor recreation mission of the National Park Service in communities across America. The NPS highly encourages communities to contact them before submitting an application for assistance.

Recovery and Reinvestment Act

Website: *www.recovery.gov*

The Recovery and Reinvestment Act was signed on February 17, 2009 and infused our government with a number of new grants and technical assistance programs. These programs and others are a great opportunity for local governments to fulfill the funding gaps they've seen with the economic downturn. These funding sources have a small window of opportunity and require quick action. These opportunities are focused heavily on energy efficiencies and job growth, but trail projects may also be eligible.

Environment & Natural Resources Trust Fund

Website: *www.lottery.state.mn.us/etf.html*

The Environment and Natural Resources Trust Fund is a program funded through the Minnesota State Lottery proceeds. Between 2003 and 2008 the Trust Fund has shown a strong support for trail projects.

CURA – University of Minnesota

Website: *www.cura.mn.edu*

The Center for Urban and Regional Affairs (CURA) is an all-University applied research and technical assistance center. The program is designed to connect the University with nonprofit organizations, businesses, neighborhoods, local governments, and state agencies in Minnesota by providing grants and technical assistance programs.

One program in particular, Center for Community and Regional Research is located on the University of Minnesota Duluth Campus. The program is designed to provide research and technical assistance to local agencies on community projects that serve a local importance. The community is linked with faculty and staff and typically requires a cost sharing agreement. This program and others offered through CURA offer a unique opportunity to partner with the academics for further planning initiatives.

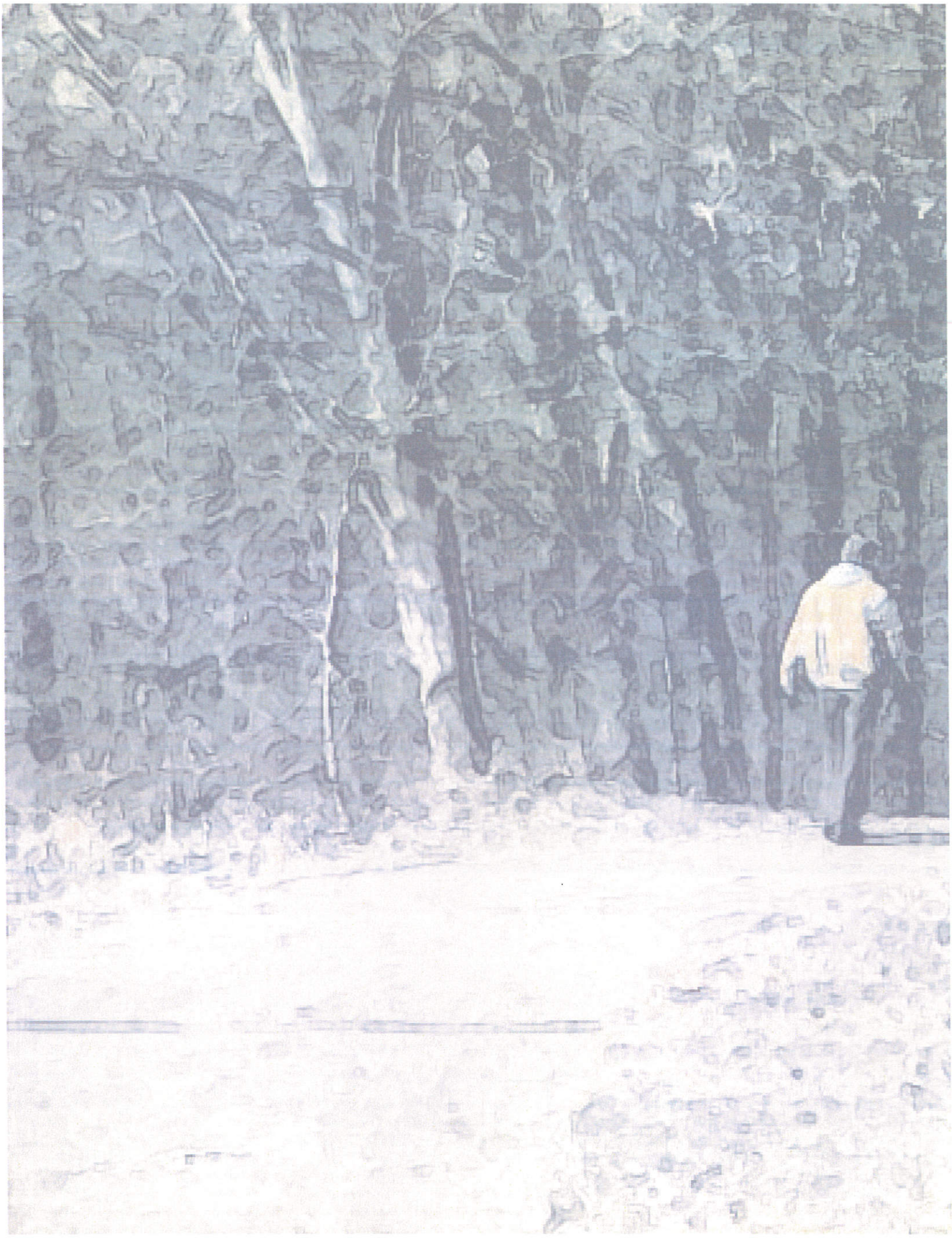
Foundations & Non-Profits

There are foundations and non-profits throughout the State and Country that are interested in fulfilling their missions by supporting local projects. Identifying these sources can be an overwhelming task. There are a number of on-line tools that can assist with this process. The Minnesota Council of Foundations is a great starting point for identifying local foundations. Another good starting point is to consider the businesses within your community and using their websites to see if they have a foundation or charitable giving department. In addition to retailers and manufacturers, be sure to consider businesses such as the railroad, energy providers and communications companies.

Before pursuing a foundation, it is important to recognize that each one operates differently. An applicant should be cognizant of the foundation's mission and be sure the proposed project aligns with the foundation's priorities. It is important to contact a foundation early-on in the solicitation process to clarify whether a project would be considered. It is also important to recognize that most funders do not want to be the sole source of funding for a project. Rather they want to see that community members, businesses and organization are actively supporting the project and have committed some of their own funds, however

small. A funding strategy for an individual trail project would be to engage the community and foster some small amounts of financial support and then start writing funding requests to foundations and non-profits.

One challenge for local governments in pursuing foundation and non-profit funding is that many require the applicant to be non-profit with federal 501(c) designation. Opportunities to partner with local non-profits should be considered and relationships built so these partnerships are ready when there is a funding opportunity to pursue. Starting a new nonprofit, such as a "Friends of Rosemount Parks and Trail" may be an option. However, starting a nonprofit is neither easy nor quick. The Minnesota Council on Foundations provides a 15 step process on their website, www.mncn.org, that includes steps such as determining the organization's mission, recruiting board members, adopting articles of incorporation and bylaws and state and federal filings and registrations.



TRAIL GAP STUDY REPORT
2011

EXHIBIT A

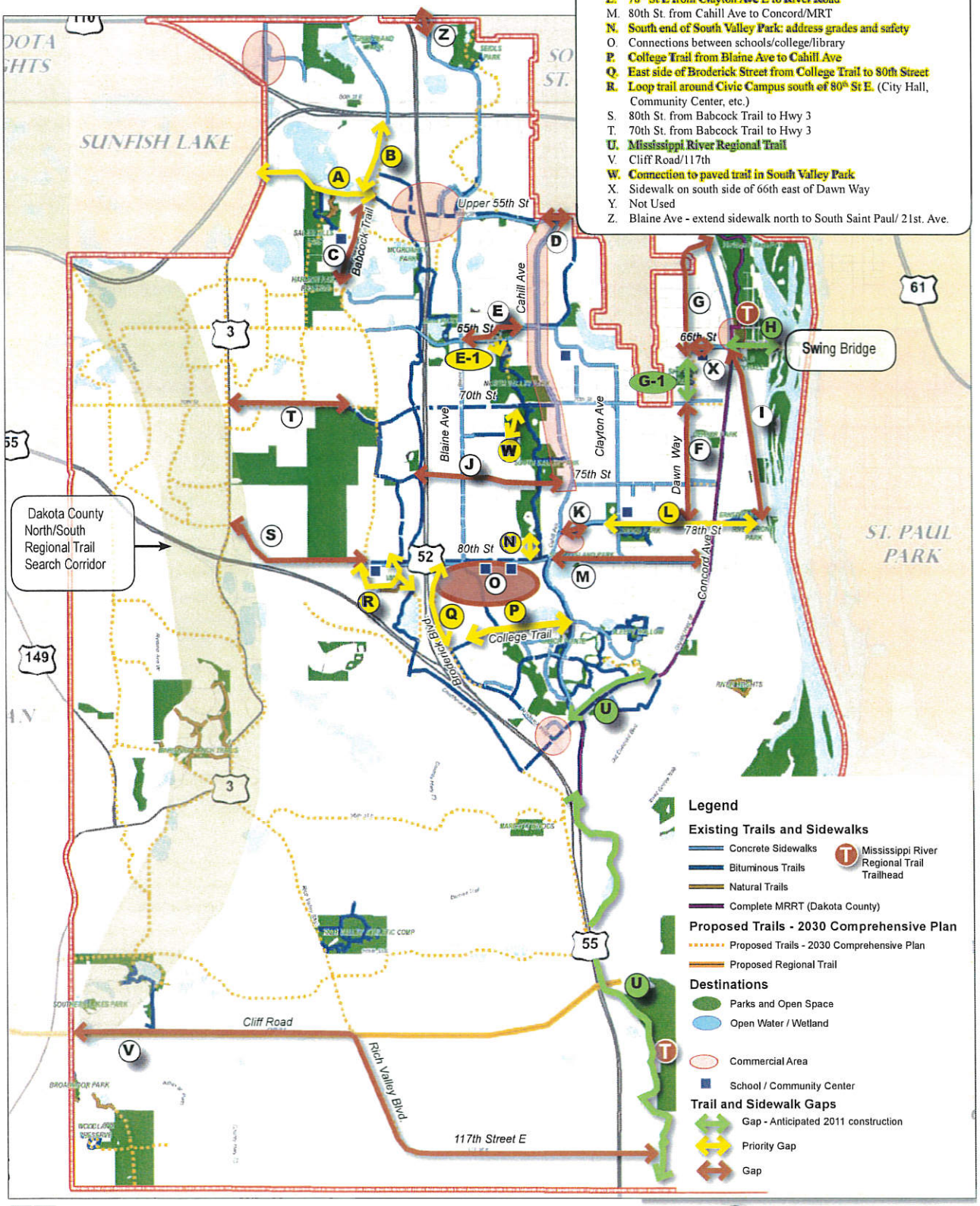
Inver Grove Heights Trail Gap Study

DRAFT 6/1/11

Trail + Sidewalk Gap Map

Pedestrian and Bicycle Gaps:

- **A. Upper 55th Street from Highway 3/South Robert Trail to County Highyway 73/Babcock Trail**
- **B. County Highway 73/Babcock Trail from 494 Bridge to Upper 55th Street**
- C. County Highway 73/Babcock Trail Upper 55th St. to Upper 63rd St.
- D. Upper 55th St. from Cahill Ave to 5th Ave South
- E. Trail link between North Valley Park and Cahill: add trail on 65th St. between Blaine Ave. and Cahill Ave.
- **E-1 Trail link to North Valley Park: pave north end of North Valley Park Trail**
- F. Dawn Ave from 70th St E to 78th St E
- G. Dawn Ave from 66th Street to Concord
- **G-1 Dawn Way from 70th St. to 65th St.**
- **H. 66th St. from Dawn Way to the Swing Bridge**
- I. River Road from 66th St. E to 78th St E
- J. 75th St E from Highway 52 Trail to Cahill Ave.
- K. 78th St E just east of Cahill (south side sidewalk)
- **L. 78th St E from Clayton Ave E to River Road**
- M. 80th St. from Cahill Ave to Concord/MRT
- **N. South end of South Valley Park: address grades and safety**
- O. Connections between schools/college/library
- **P. College Trail from Blaine Ave to Cahill Ave**
- **Q. East side of Broderick Street from College Trail to 80th Street**
- **R. Loop trail around Civic Campus south of 80th St E.** (City Hall, Community Center, etc.)
- S. 80th St. from Babcock Trail to Hwy 3
- T. 70th St. from Babcock Trail to Hwy 3
- **U. Mississippi River Regional Trail**
- V. Cliff Road/117th
- **W. Connection to paved trail in South Valley Park**
- X. Sidewalk on south side of 66th east of Dawn Way
- Y. Not Used
- Z. Blaine Ave - extend sidewalk north to South Saint Paul/ 21st. Ave.



Hoisington Koegler Group Inc.

AGENDA ITEM 4H

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

SCHEDULE SPECIAL MEETINGS

Meeting Date: October 24, 2016
Item Type: Consent
Contact: 651.450.2513
Prepared by: Michelle Tesser, City Clerk
Reviewed by: N/A

Fiscal/FTE Impact:

x	None
	Amount included in current budget
	Budget amendment requested
	FTE included in current complement
	New FTE requested – N/A
	Other

PURPOSE/ACTION REQUESTED:

Schedule Election Canvass meeting on November 14, 2016 at 6:00 pm in the Mayor's Conference Room**.**

SUMMARY:

The City Clerk's office asks to schedule the Election Canvass meeting to certify results on Monday, November 14, 2016 at 6:00pm in the Mayor's Conference Room. MN Statute 205.185 Subd 3. states that between the 3rd and the 10th day after an election the governing body of a city conducting any elections shall act as the canvassing board to declare results of the election. Friday, November 11th the city hall is closed in observance of Veteran's Day.

Staff will post notice of the Canvass meeting as required.

AGENDA ITEM 4I

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Consider Pay Voucher No. 5 for the 2015 Capital Improvement Program, City Project No. 2015-13 – NWA Trunk Utility Improvements, Argenta District (70th Street Lift Station to Blackstone Ridge) and 2015-16 – Trunk Utilities, Argenta Trail to Blackstone Ridge

			Fiscal/FTE Impact:
Meeting Date:	October 24, 2016		
Item Type:	Consent	TJK	None
Contact:	Thomas J. Kaldunski, 651.450.2572		Amount included in current budget
Prepared by:	Thomas J. Kaldunski, City Engineer		Budget amendment requested
Reviewed by:	Scott D. Thureen, Public Works Director		FTE included in current complement
			New FTE requested – N/A
		SD	X Other: 511 NWA Water Fund and 512 NWA Sewer Fund

PURPOSE/ACTION REQUESTED

Consider Pay Voucher No. 5 for the 2015 Capital Improvement Program, City Project No. 2015-13 – NWA Trunk Utility Improvements, Argenta District (70th Street Lift Station to Blackstone Ridge) and City Project No. 2015-16 – Trunk Utilities, Argenta Trail to Blackstone Ridge.

SUMMARY

The improvements were ordered as part of the 2015 Capital Improvement Program. The contract was awarded in the amount of $6,402,333.35 to EJM Pipe Services on April 11, 2016.

Pay Voucher No. 5 is for work that occurred through the end of September for the installation of the trunk sanitary sewer and water main.

I recommend approval of Pay Voucher No. 5, in the amount of $ 443,650.00 for work on the 2015 Capital Improvement Program, City Project No. 2015-13 – NWA Trunk Utility Improvements, Argenta District (70th Street Lift Station to Blackstone Ridge) and City Project No. 2015-16 – Trunk Utilities, Argenta Trail to Blackstone Ridge

TJK/me
Attachments: Pay Voucher No. 5

CITY OF INVER GROVE HEIGHTS
CONSTRUCTION PAY VOUCHER

ESTIMATE NO: 5 (Five)

DATE: October 24, 2016

PERIOD ENDING: September 30, 2016

PROJECT NO: 2015-13 NWA Trunk Utility Improvements, Argenta District
2015-16 Trunk Utilities, Argenta Trail to Blackstone Ridge

TO: EJM Pipe Services
7807 Lake Drive
Lino Lakes, MN 55014

Original Contract Amount	$6,402,333.35
Total Addition	$0.00
Total Deduction	$0.00
Total Contract Amount	$6,402,333.35
Total Value of Work to Date (includes stored materials)	$3,065,026.84
Less Retained (5%)	$153,251.34
Less Previous Payment	$2,468,125.50
Total Approved for Payment this Voucher	$443,650.00
Total Payments including this Voucher	$2,911,775.50

Approvals:

Pursuant to our field observation, I hereby recommend for payment the above state amount for work performed through September 30, 2016.

Signed by: Thomas J. Kaldunski, City Engineer — October 24, 2016

Signed by: EJM Pipe Services — Date

Signed by: George Tourville, Mayor — October 24, 2016

Partial Pay Estimate No.: 5

2510 NWA TRUNK UTILITY IMPROVEMENTS-ARGENTA DISTRICT
2511 NWA 70TH STREET LIFT STATION-ARGENTA DISTRICT
CITY OF INVER GROVE HEIGHTS, MINNESOTA
BMI PROJECT NO. T18.108658
WORK COMPLETED THROUGH SEPTEMBER 30, 2016

ITEM NO.		ITEM	UNIT PRICE	AS BID ESTIMATED QUANTITY		AS BID ESTIMATED AMOUNT	PREVIOUS ESTIMATE ESTIMATED QUANTITY		PREVIOUS ESTIMATE ESTIMATED AMOUNT	COMPLETED TO DATE ESTIMATED QUANTITY		COMPLETED TO DATE ESTIMATED AMOUNT
SCHEDULE 1												
1	2021.5	MOBILIZATION	$250,000.00	0.5	LUMP SUM	$125,000.00	0.5	LUMP SUM	$125,000.00	0.50	LUMP SUM	$125,000.00
2	2101.5	CLEARING	$4,250.00	0.41	ACRE	$1,742.50	0.41	ACRE	$1,742.50	0.41	ACRE	$1,742.50
3	2101.5	CLEARING	$215.00	20	TREE	$4,300.00	25	TREE	$5,375.00	25.00	TREE	$5,375.00
4	2101.51	GRUBBING	$4,250.00	0.41	ACRE	$1,742.50	0.41	ACRE	$1,742.50	0.41	ACRE	$1,742.50
5	2101.51	GRUBBING	$215.00	20	TREE	$4,300.00	15	TREE	$3,225.00	15.00	TREE	$3,225.00
6	2103.5	CORN CRIB REMOVAL	$1,575.00	1	LUMP SUM	$1,575.00		LUMP SUM	$0.00	0.00	LUMP SUM	$0.00
7	2104.5	REMOVE METAL CULVERT	$14.00	26	LIN FT	$364.00		LIN FT	$0.00	0.00	LIN FT	$0.00
8	2105.52	COMMON BORROW (LV)	$8.00	3500	CY	$28,000.00	2500	CY	$20,000.00	2,500.00	CY	$20,000.00
9	2105.6	CONSTRUCT TEMPORARY ACCESS ROAD	$5,000.00	1	EACH	$5,000.00	1	EACH	$5,000.00	1.00	EACH	$5,000.00
10	2105.6	OBSTRUCTION REMOVAL	$4,500.00	8	EACH	$36,000.00	1	EACH	$4,500.00	1.00	EACH	$4,500.00
11	2118.5	AGGREGATE SURFACING CLASS 2	$22.00	210	TON	$4,620.00	70.07	TON	$1,541.54	70.07	TON	$1,541.54
12	2123.61	STREET SWEEPER (WITH PICKUP BROOM)	$168.00	5	HOUR	$840.00	2	HOUR	$336.00	3.00	HOUR	$504.00
13	2130.6	WATER USAGE ALLOWANCE	$5,000.00	0.5	LUMP SUM	$2,500.00		LUMP SUM	$0.00	0.00	LUMP SUM	$0.00
14	2451.61	GRANULAR BACKFILL	$0.01	1500	TON	$15.00		TON	$0.00	0.00	TON	$0.00
15	2451.61	AGGREGATE FOUNDATION	$0.01	690	TON	$6.90		TON	$0.00	0.00	TON	$0.00
16	2476.6	WASTE COLLECTION AND DISPOSAL ALLOWANCE	$10,000.00	0.5	LS	$5,000.00		LS	$0.00	0.00	LS	$0.00
17	2501.51	15" RC PIPE CULVERT CLASS V	$40.00	50	LIN FT	$2,000.00		LIN FT	$0.00	0.00	LIN FT	$0.00
18	2501.52	15" RC PIPE APRON	$887.00	2	EACH	$1,774.00		EACH	$0.00	0.00	EACH	$0.00
19	2503.6	BORING PIT (SANITARY)	$225,000.00	3	EACH	$675,000.00	2.5	EACH	$562,500.00	2.65	EACH	$596,250.00
20	2503.6	BORING PIT (WATERMAIN)	$3,500.00	2	EACH	$7,000.00	2	EACH	$7,000.00	2.00	EACH	$7,000.00
21	2503.6	8" DIP CL 52 PIPE SEWER (SANITARY)	$312.00	40	LIN FT	$12,480.00	104	LIN FT	$32,448.00	104.00	LIN FT	$32,448.00
22	2503.6	8" DIP CL 52 PIPE SEWER (WATERMAIN)	$47.00	40	LIN FT	$1,880.00	40	LIN FT	$1,880.00	40.00	LIN FT	$1,880.00
23	2503.6	12" DIP CL 56 PIPE SEWER (SANITARY)	$63.00	175	LIN FT	$11,025.00		LIN FT	$0.00	0.00	LIN FT	$0.00
24	2503.6	12" DIP CL 52 PIPE SEWER (40'-50')	$462.00	458	LIN FT	$211,596.00	458	LIN FT	$211,596.00	458.00	LIN FT	$211,596.00
25	2503.6	12" DIP CL 52 PIPE SEWER (50'-60')	$617.00	132	LIN FT	$81,444.00	92	LIN FT	$56,764.00	92.00	LIN FT	$56,764.00
26	2503.6	12" DIP CL 52 PIPE SEWER (60'-70')	$780.00	394	LIN FT	$307,320.00	366	LIN FT	$285,480.00	366.00	LIN FT	$285,480.00
27	2503.6	12" PVC SDR 26 PIPE SEWER (THROUGH CASING)	$12.00	1138	LIN FT	$13,656.00		LIN FT	$0.00	0.00	LIN FT	$0.00
28	2503.6	CONNECT TO EXISTING SANITARY SEWER	$11,340.00	1	EACH	$11,340.00	1	EACH	$11,340.00	1.00	EACH	$11,340.00
29	2503.6	CASING PIPE (TRENCHLESS)(SANITARY)	$650.00	1138	LIN FT	$739,700.00		LIN FT	$0.00	126.00	LIN FT	$81,900.00
30	2503.6	CONSTRUCT 8" OUTSIDE DROP	$180.00	72	LIN FT	$12,960.00	49.98	LIN FT	$8,996.40	49.98	LIN FT	$8,996.40
31	2503.6	CONSTRUCT 8" OUTSIDE DROP SPECIAL	$184.00	140	LIN FT	$25,760.00		LIN FT	$0.00	0.00	LIN FT	$0.00
32	2504.6	IRRIGATION SERVICE	$1,785.00	1	LUMP SUM	$1,785.00		LUMP SUM	$0.00	0.00	LUMP SUM	$0.00
33	2504.6	CONNECT TO EXISTING WATER MAIN	$630.00	1	EACH	$630.00	1	EACH	$630.00	1.00	EACH	$630.00
34	2504.6	HYDRANT	$3,759.00	5	EACH	$18,795.00		EACH	$0.00	0.00	EACH	$0.00
35	2504.6	FROST FREE HYDRANT	$1,050.00	1	EACH	$1,050.00		EACH	$0.00	0.00	EACH	$0.00
36	2504.6	1" CORPORATION STOP	$142.00	1	EACH	$142.00		EACH	$0.00	0.00	EACH	$0.00
37	2504.6	6" GATE VALVE & BOX	$1,234.00	5	EACH	$6,170.00		EACH	$0.00	0.00	EACH	$0.00
38	2504.6	16" BUTTERFLY GATE VALVE	$2,546.00	6	EACH	$15,276.00	2	EACH	$5,092.00	2.00	EACH	$5,092.00
39	2504.6	1" CURB STOP & BOX	$236.00	1	EACH	$236.00		EACH	$0.00	0.00	EACH	$0.00
40	2504.6	1" TYPE K COPPER PIPE	$20.00	40	LIN FT	$800.00		LIN FT	$0.00	0.00	LIN FT	$0.00
41	2504.6	1" TYPE PE PIPE	$17.00	330	LIN FT	$5,610.00		LIN FT	$0.00	0.00	LIN FT	$0.00
42	2504.6	6" WATERMAIN DUCTILE IRON CL 52	$35.00	70	LIN FT	$2,450.00		LIN FT	$0.00	0.00	LIN FT	$0.00
43	2504.6	16" WATERMAIN DUCTILE IRON CL 52	$67.00	2141	LIN FT	$143,447.00	737	LIN FT	$49,379.00	737.00	LIN FT	$49,379.00
44	2504.6	16" DIP WATERMAIN (THROUGH CASING)	$67.00	252	LIN FT	$16,884.00	240	LIN FT	$16,080.00	240.00	LIN FT	$16,080.00
45	2504.6	CASING PIPE (TRENCHLESS)(WATERMAIN)	$330.00	252	LIN FT	$83,160.00	252	LIN FT	$83,160.00	252.00	LIN FT	$83,160.00
46	2504.6	BUTTERFLY VALVE MANHOLE	$758.00	52	LIN FT	$39,416.00	2	LIN FT	$1,516.00	2.00	LIN FT	$1,516.00

Partial Pay Estimate No.: 5

2510 NWA TRUNK UTILITY IMPROVEMENTS-ARGENTA DISTRICT
2511 NWA 70TH STREET LIFT STATION-ARGENTA DISTRICT
CITY OF INVER GROVE HEIGHTS, MINNESOTA
BMI PROJECT NO. T18.108658
WORK COMPLETED THROUGH SEPTEMBER 30, 2016

ITEM NO.		ITEM	UNIT PRICE	AS BID ESTIMATED QUANTITY		AS BID ESTIMATED AMOUNT	PREVIOUS ESTIMATE ESTIMATED QUANTITY		PREVIOUS ESTIMATE ESTIMATED AMOUNT	COMPLETED TO DATE ESTIMATED QUANTITY		COMPLETED TO DATE ESTIMATED AMOUNT
47	2504.6	4" POLYSTYRENE INSULATION	$40.00	300	SY	$12,000.00		SY	$0.00	0.00	SY	$0.00
48	2504.61	DUCTILE IRON FITTINGS	$2.10	6500	POUND	$13,650.00	700	POUND	$1,470.00	700.00	POUND	$1,470.00
49	2506.5	48" DIAMETER SANITARY MANHOLE	$139.00	130	LIN FT	$18,070.00	130	LIN FT	$18,070.00	130.00	LIN FT	$18,070.00
50	2506.5	SANITARY MANHOLE SPECIAL	$274.00	221	LIN FT	$60,554.00		LIN FT	$0.00	0.00	LIN FT	$0.00
51	2506.52	CASTING ASSEMBLY (SANITARY)	$503.00	6	EACH	$3,018.00	2	EACH	$1,006.00	2.00	EACH	$1,006.00
52	2506.6	EXTERNAL CHIMNEY SEAL	$257.00	6	EACH	$1,542.00	2	EACH	$514.00	2.00	EACH	$514.00
53	2533.51	PORTABLE PRECAST CONC BARRIER DES 8337	$17.00	325	LIN FT	$5,525.00	60	LIN FT	$1,020.00	60.00	LIN FT	$1,020.00
54	2533.51	RELOCATE PORT PRECAST CONC BAR DES 8337	$6.30	325	LIN FT	$2,047.50		LIN FT	$0.00	0.00	LIN FT	$0.00
55	2550.6	MARKING POST	$74.00	17	EACH	$1,258.00		EACH	$0.00	0.00	EACH	$0.00
56	2557.6	CONSTRUCTION FENCE	$4.20	1425	LIN FT	$5,985.00	400	LIN FT	$1,680.00	400.00	LIN FT	$1,680.00
57	2563.6	TRAFFIC CONTROL	$25,000.00	1	LUMP SUM	$25,000.00		LUMP SUM	$0.00	0.40	LUMP SUM	$10,000.00
58	2573.5	SILT FENCE, TYPE MS	$2.10	4300	LIN FT	$9,030.00	2621	LIN FT	$5,504.10	2,901.00	LIN FT	$6,092.10
59	2573.6	ROCK CONSTRUCTION ENTRANCE	$1,050.00	4	EACH	$4,200.00	2	EACH	$2,100.00	2.00	EACH	$2,100.00
60	2573.9	STORM WATER MANAGEMENT ALLOWANCE	$10,000.00	0.5	LUMP SUM	$5,000.00		LUMP SUM	$0.00	0.00	LUMP SUM	$0.00
61	2575.52	EROSION CONTROL BLANKET CATEGORY 3	$2.10	250	SY	$525.00		SY	$0.00	0.00	SY	$0.00
62	2575.54	HYDRAULIC BONDED FIBER MATRIX	$4,305.00	2.75	ACRE	$11,838.75		ACRE	$0.00	0.00	ACRE	$0.00
63	2575.57	RAPID STABILIZATION METHOD 3 (MIX 25-142)	$3,256.00	3.5	ACRE	$11,396.00		ACRE	$0.00	0.00	ACRE	$0.00
		TOTAL SCHEDULE 1				**$2,862,431.15**						**$1,660,094.04**
SCHEDULE 2												
1	2021.5	MOBILIZATION	$250,000.00	0.5	LUMP SUM	$125,000.00	0.5	LUMP SUM	$125,000.00	0.50	LUMP SUM	$125,000.00
2	2101.5	CLEARING	$3,255.00	2.07	ACRE	$6,737.85	2.07	ACRE	$6,737.85	2.07	ACRE	$6,737.85
3	2101.51	GRUBBING	$3,255.00	2.07	ACRE	$6,737.85	2.07	ACRE	$6,737.85	2.07	ACRE	$6,737.85
4	2105.6	OBSTRUCTION REMOVAL	$4,500.00	14	EACH	$63,000.00	10	EACH	$45,000.00	11.00	EACH	$49,500.00
5	2118.5	AGGREGATE SURFACING CLASS 2	$22.00	100	TON	$2,200.00		TON	$0.00	0.00	TON	$0.00
6	2130.6	WATER USAGE ALLOWANCE	$5,000.00	0.5	LUMP SUM	$2,500.00		LUMP SUM	$0.00	0.00	LUMP SUM	$0.00
7	2451.61	GRANULAR BACKFILL	$0.01	500	TON	$5.00		ACRE	$0.00	0.00	ACRE	$0.00
8	2476.6	WASTE COLLECTION AND DISPOSAL ALLOWANCE	$10,000.00	0.5	LS	$5,000.00		ACRE	$0.00	0.00	ACRE	$0.00
9	2503.6	BORING PIT (SANITARY)	$215,000.00	7	EACH	$1,505,000.00	2.9	EACH	$623,500.00	3.25	EACH	$698,750.00
10	2503.6	8" DIP CL 52 PIPE SEWER (SANITARY)	$70.00	20	LIN FT	$1,400.00		TON	$0.00	20.00	TON	$1,400.00
11	2503.6	12" DIP CL 56 PIPE SEWER (SANITARY)	$59.00	300	LIN FT	$17,700.00		LUMP SUM	$0.00	300.00	LUMP SUM	$17,700.00
12	2503.6	10" PVC SDR 26 PIPE SEWER (THROUGH CASING)	$15.00	1027	LIN FT	$15,405.00		TON	$0.00	0.00	TON	$0.00
13	2503.6	12" PVC SDR 26 PIPE SEWER (THROUGH CASING)	$21.00	1438	LIN FT	$30,198.00		LS	$0.00	1,008.00	LS	$21,168.00
14	2503.6	CASING PIPE (TRENCHLESS)(SANITARY)	$650.00	2465	LIN FT	$1,602,250.00	374	EACH	$243,100.00	696.00	EACH	$452,400.00
15	2503.6	CONSTRUCT 8" OUTSIDE DROP	$202.00	28	LIN FT	$5,656.00		LIN FT	$0.00	28.00	LIN FT	$5,656.00
16	2503.6	CONSTRUCT 8" OUTSIDE DROP SPECIAL	$177.00	60	LIN FT	$10,620.00		LIN FT	$0.00	60.00	LIN FT	$10,620.00
17	2506.5	SANITARY MANHOLE SPECIAL	$314.00	282	LIN FT	$88,548.00		LIN FT	$0.00	0.00	LIN FT	$0.00
18	2506.52	CASTING ASSEMBLY (SANITARY)	$503.00	6	EACH	$3,018.00		LIN FT	$0.00	0.00	LIN FT	$0.00
19	2506.6	EXTERNAL CHIMNEY SEAL	$152.00	6	EACH	$912.00		LIN FT	$0.00	0.00	LIN FT	$0.00
20	2550.6	MARKING POST	$74.00	6	EACH	$444.00		LIN FT	$0.00	0.00	LIN FT	$0.00
21	2557.6	CONSTRUCTION FENCE	$4.20	100	LIN FT	$420.00	100	LIN FT	$420.00	100.00	LIN FT	$420.00
22	2573.5	SILT FENCE, TYPE MS	$2.10	7975	LIN FT	$16,747.50	4211	LIN FT	$8,843.10	4,211.00	LIN FT	$8,843.10
23	2573.6	ROCK CONSTRUCTION ENTRANCE	$1,050.00	2	EACH	$2,100.00		EACH	$0.00	0.00	EACH	$0.00
24	2573.9	STORM WATER MANAGEMENT ALLOWANCE	$10,000.00	0.5	LUMP SUM	$5,000.00		EACH	$0.00	0.00	EACH	$0.00
25	2575.52	EROSION CONTROL BLANKET CATEGORY 3	$2.10	250	SY	$525.00		EACH	$0.00	0.00	EACH	$0.00
26	2575.57	RAPID STABILIZATION METHOD 3 (MIX 25-142)	$3,254.00	7	ACRE	$22,778.00		LIN FT	$0.00	0.00	LIN FT	$0.00
		TOTAL SCHEDULE 2				**$3,539,902.20**						**$1,404,932.80**
		TOTAL AMOUNT:				**$6,402,333.35**			**$2,593,026.84**			**$3,065,026.84**

Partial Pay Estimate No.: 5

2510 NWA TRUNK UTILITY IMPROVEMENTS-ARGENTA DISTRICT
2511 NWA 70TH STREET LIFT STATION-ARGENTA DISTRICT
CITY OF INVER GROVE HEIGHTS, MINNESOTA
BMI PROJECT NO. T18.108658
WORK COMPLETED THROUGH SEPTEMBER 30, 2016

ITEM NO.	ITEM	UNIT PRICE	AS BID		PREVIOUS ESTIMATE		COMPLETED TO DATE	
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT

	Estimated Cost	Contract Cost to Date
Schedule 1	$2,862,431.15	$1,660,094.04
Schedule 2	$3,539,902.20	$1,404,932.80
Original Contract Amount	$6,402,333.35	
Contract Work Completed to Date		$3,065,026.84
Retainage (5%)		$153,251.34
Previous Payments		$2,468,125.50
Amount Due This Payment 5		**$443,650.00**

AGENDA ITEM 4J

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Consider Pay Voucher No. 4 for City Project No. 2016-09D – 60th Street Area Reconstruction, City Project No. 2016-10 – 60th Street Area Utility Improvements, and City Project No. 2015-12 (Phase 1) – NWA Trunk Watermain Improvements, 65th Street Loop (Argenta Trail to Babcock Trail)

Meeting Date:	October 24, 2016		**Fiscal/FTE Impact:**
Item Type:	Consent		None
Contact:	Thomas J. Kaldunski, 651.450.2572 TJK		Amount included in current budget
Prepared by:	Steve W. Dodge, Asst. City Engineer SWD		Budget amendment requested
Reviewed by:	Scott D. Thureen, Public Works Director		FTE included in current complement
	SDT SB		New FTE requested – N/A
		X	Other: Pavement Management Fund, Special Assessments, Water Fund, Sewer Fund, Agreements, 511 Water Fund

PURPOSE/ACTION REQUESTED

Consider Pay Voucher No. 4 for City Project No. 2016-09D – 60th Street Area Reconstruction, City Project No. 2016-10 – 60th Street Area Utility Improvements, and City Project No. 2015-12 (Phase 1) – NWA Trunk Watermain Improvements, 65th Street Loop (Argenta Trail to Babcock Trail).

SUMMARY

The improvements were ordered as part of the 2016 Pavement Management Program. The contract was awarded in the amount of $2,027,467.80 to Park Construction Company, on May 9, 2016 for City Project No. 2016-09D – 60th Street Area Reconstruction, City Project No. 2016-10 – 60th Street Area Utility Improvements, and City Project No. 2015-12 (Phase 1) – NWA Trunk Watermain Improvements, 65th Street Loop (Argenta Trail to Babcock Trail). Change Order No. 1 reduced certain bid quantities on the project for a revised total contract of $1,909,480.20.

I recommend approval of Pay Voucher No. 4, in the amount of $112,270.54 for work on City Project No. 2016-09D – 60th Street Area Reconstruction, City Project No. 2016-10 – 60th Street Area Utility Improvements, and City Project No. 2015-12 (Phase 1) – NWA Trunk Watermain Improvements, 65th Street Loop (Argenta Trail to Babcock Trail).

TJK/nh
Attachments: Pay Voucher No. 4

CITY OF INVER GROVE HEIGHTS
CONSTRUCTION PAY VOUCHER

ESTIMATE NO: 4 (Four)

DATE: October 24, 2016

PERIOD ENDING: September 30, 2016

CONTRACT: 2016 Pavement Management Program

PROJECT NO: 2016-10 – 60th Street Area Utility Improvements, and City Project No. 2015-12 (Phase 1) – NWA Trunk Watermain Improvements, 65th Street Loop (Argenta Trail to Babcock Trail).

TO: Park Construction Company
1481 81st Ave NE
Minneapolis, MN 55432

Original Contract Amount	$2,027,467.80
Total Addition (Change Order No. 3)	$22,630.88
Total Deduction (Change Order No. 1)	($117,987.60)
Total Contract Amount	$1,932,111.08
Total Value of Work to Date	$1,664,372.66
Less Retained (5%)	$83,218.63
Less Previous Payment	$1,468,883.49
Total Approved for Payment this Voucher	$112,270.54
Total Payments including this Voucher	$1,581,154.03

Approvals:

Pursuant to our field observation, I hereby recommend for payment the above stated amount for work performed through September 30, 2016.

Signed by: Thomas J. Kaldunski — October 24, 2016
Thomas J. Kaldunski, City Engineer

Signed by: _____ _____
Park Construction Company. Date

Signed by: _____ October 24, 2016
George Tourville, Mayor

PAYMENT DETAIL LIST

Contract: CP 2016-09D, CP 2016-10, and CP 2015-12
Owner: City of Inver Grove Heights
Projects: 60th Street Area Reconstruction
60th Street Area Utility Improvements
(Phase 1) NWA Trunk Watermain Improvements - 65th Street Loop (Argenta Trail to Babcock Trail)
KHA Job No: 160509026

Schedule: A
Description: CP 2016-09D Street Improvements

Item No.	Mn/DOT No.	Item Description	Unit	Estimated Quantitiy	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2021.501	MOBILIZATION	LUMP SUM	1.00	1.00	$ 100,000.00	$ 100,000.00	$ 100,000.00
2	2031.501	FIELD OFFICE	LUMP SUM	1.00		$ 8,800.00	$ 8,800.00	$ -
3	2101.501	CLEARING	ACRE	0.35	0.35	$ 11,700.00	$ 4,095.00	$ 4,095.00
4	2101.502	CLEARING	TREE	15.00	11.00	$ 264.00	$ 3,960.00	$ 2,904.00
5	2101.506	GRUBBING	ACRE	0.35	0.35	$ 11,700.00	$ 4,095.00	$ 4,095.00
6	2101.507	GRUBBING	TREE	15.00	11.00	$ 176.00	$ 2,640.00	$ 1,936.00
7	2104.501	REMOVE WIRE FENCE	LIN FT	53.00	53.00	$ 16.50	$ 874.50	$ 874.50
8	2104.501	REMOVE CURB AND GUTTER	LIN FT	8700.00	6540.00	$ 3.15	$ 27,405.00	$ 20,601.00
9	2104.505	REMOVE CONCRETE DRIVEWAY PAVEMENT	SQ YD	1005.00	632.00	$ 7.85	$ 7,889.25	$ 4,961.20
10	2104.505	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	SQ YD	1510.00	897.00	$ 7.00	$ 10,570.00	$ 6,279.00
11	2104.505	REMOVE BITUMINOUS PAVEMENT	SQ YD	14200.00	13295.00	$ 2.75	$ 39,050.00	$ 36,561.25
12	2104.523	SALVAGE SIGN TYPE C	EACH	7.00	7.00	$ 46.40	$ 324.80	$ 324.80
13	2105.501	COMMON EXCAVATION (P)	CU YD	15879.00	15879.00	$ 13.40	$ 212,778.60	$ 212,778.60
14	2105.507	SUBGRADE EXCAVATION (EV)	CU YD	1000.00		$ 17.20	$ 17,200.00	$ -
15	2105.522	SELECT GRANULAR BORROW (CV)	CU YD	12500.00	10250.00	$ 22.70	$ 283,750.00	$ 232,675.00
16	2105.604	GEOTEXTILE FABRIC TYPE V	SQ YD	19000.00	15220.00	$ 1.50	$ 28,500.00	$ 22,830.00
17	2123.610	STREET SWEEPER (WITH PICKUP BROOM)	HOUR	75.00		$ 129.00	$ 9,675.00	$ -
18	2130.601	WATER USAGE ALLOWANCE	LUMP SUM	1.00		$ 3,500.00	$ 3,500.00	$ -
19	2211.501	AGGREGATE BASE (CV) CLASS 5	TON	4580.00	8046.33	$ 14.60	$ 66,868.00	$ 117,476.42
20	2211.501	AGGREGATE BASE (CV) CLASS 5 (100% CRUSHED LIMESTONE)	TON	760.00		$ 20.90	$ 15,884.00	$ -
21	2211.609	STABILIZING AGGREGATE	TON	100.00		$ 43.30	$ 4,330.00	$ -
22	2232.604	EDGE MILL BITUMINOUS SURFACE	SQ YD	175.00	63.00	$ 4.35	$ 761.25	$ 274.05
23	2360.501	TYPE SP 9.5 WEARING COURSE MIX (3,C)	TON	1600.00	1500.07	$ 63.70	$ 101,920.00	$ 95,554.46
24	2360.502	TYPE SP 12.5 NON WEAR COURSE MIX (3,C)	TON	1600.00	1533.64	$ 58.60	$ 93,760.00	$ 89,871.30
25	2360.604	TYPE SP 9.5 WEARING COURSE MIX (2,E) (DRIVEWAY MIX)	TON	350.00	196.00	$ 162.00	$ 56,700.00	$ 31,752.00
26	2411.607	HIGH EARLY STRENGTH CONCRETE	CU YD	100.00		$ 16.30	$ 1,630.00	$ -
27	2501.602	EXCAVATION SPECIAL (POTHOLE EXISTING UTILITY)	EACH	5.00	3.00	$ 735.00	$ 3,675.00	$ 2,205.00
28	2502.501	4" PRECAST CONCRETE HEADWALL	EACH	1.00	1.00	$ 276.00	$ 276.00	$ 276.00
29	2502.541	4" PERF PVC PIPE DRAIN WITH CIRCULAR KNIT FILTER SOCK	LIN FT	7000.00	7000.00	$ 7.70	$ 53,900.00	$ 53,900.00
30	2504.601	IRRIGATION SYSTEM REPAIR ALLOWANCE	LUMP SUM	1.00		$ 15,000.00	$ 15,000.00	$ -
31	2531.501	CONCRETE CURB & GUTTER DESIGN B618	LIN FT	7000.00	6409.00	$ 12.60	$ 88,200.00	$ 80,753.40
32	2531.507	6" CONCRETE DRIVEWAY PAVEMENT	SQ YD	1005.00	699.00	$ 46.40	$ 46,632.00	$ 32,433.60
33	2531.601	DECORATIVE DRIVEWAY ALLOWANCE	LUMP SUM	1.00	0.11	$ 10,000.00	$ 10,000.00	$ 1,100.00
34	2531.602	PEDESTRIAN CURB RAMP	EACH	1.00	1.00	$ 1,240.00	$ 1,240.00	$ 1,240.00
35	2531.603	CONCRETE CURB AND GUTTER DESIGN B618 (HAND POUR)	LIN FT	200.00	103.00	$ 18.60	$ 3,720.00	$ 1,915.80
36	2531.603	CONCRETE RIBBON CURB	LIN FT	160.00	290.00	$ 16.50	$ 2,640.00	$ 4,785.00
37	2540.601	BOULEVARD LANDSCAPING ALLOWANCE	LUMP SUM	1.00		$ 15,000.00	$ 15,000.00	$ -
38	2540.601	MAILBOX MAINTENANCE	LUMP SUM	1.00	1.00	$ 6,010.00	$ 6,010.00	$ 6,010.00
39	2563.601	TRAFFIC CONTROL ALLOWANCE	LUMP SUM	1.00		$ 15,000.00	$ 15,000.00	$ -

40	2564.531	SIGN PANELS TYPE C	SQ FT	66.00	51.00	$	87.70	$	5,788.20	$	4,472.70
41	2564.602	INSTALL SIGN TYPE SPECIAL	EACH	2.00	2.00	$	155.00	$	310.00	$	310.00
42	2572.505	TREE PRUNING	HOUR	5.00		$	235.00	$	1,175.00	$	-
43	2573.502	SILT FENCE, TYPE MS	LIN FT	900.00	454.00	$	2.10	$	1,890.00	$	953.40
44	2573.530	STORM DRAIN INLET PROTECTION	EACH	31.00	25.00	$	168.00	$	5,208.00	$	4,200.00
45	2573.533	SEDIMENT CONTROL LOG TYPE COMPOST	LIN FT	750.00	600.00	$	3.15	$	2,362.50	$	1,890.00
46	2573.535	STABILIZED CONSTRUCTION EXIT	LUMP SUM	1.00		$	1,960.00	$	1,960.00	$	-
47	2573.550	EROSION CONTROL SUPERVISOR	LUMP SUM	1.00	1.00	$	2,630.00	$	2,630.00	$	2,630.00
48	2573.601	DEWATERING (EXCAVATION)	LUMP SUM	1.00	1.00	$	9,120.00	$	9,120.00	$	9,120.00
49	2573.601	STORM WATER MANAGEMENT ALLOWANCE	LUMP SUM	1.00		$	10,000.00	$	10,000.00	$	-
50	2574.525	BOULEVARD TOPSOIL BORROW	CU YD	1500.00	609.00	$	31.60	$	47,400.00	$	19,244.40
51	2575.511	MULCH MATERIAL TYPE 1	TON	4.50		$	342.00	$	1,539.00	$	-
52	2575.601	RESTORATION OF STAGING AREAS	LUMP SUM	1.00		$	990.00	$	990.00	$	-
53	2575.605	RAPID STABILIZATION METHOD TYPE 2 MOD	ACRE	0.25		$	842.00	$	210.50	$	-
54	2575.605	SEED MIXTURE 25-151	ACRE	1.90	1.90	$	316.00	$	600.40	$	600.40
55	2575.608	HYDRAULIC SOIL STABILIZER, TYPE SPECIAL	POUND	6850.00		$	1.60	$	10,960.00	$	-
56	2331.603	JOINT ADHESIVE (MASTIC)	LIN FT	7160.00		$	0.57	$	4,081.20	$	-
57	2557.603	TEMPORARY ORANGE CONSTRUCTION FENCE	LIN FT	300.00	123.00	$	7.10	$	2,130.00	$	873.30

Schedule A Subtotal: **$ 1,476,608.20** **$ 1,214,756.58**

Schedule: B
Description: CP 2016-09D Storm Sewer Improvements

Item No.	Mn/DOT No.	Item Description	Unit	Estimated Quantitiy	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2104.501	REMOVE SEWER PIPE (STORM)	LIN FT	425.00	306.00	$ 16.20	$ 6,885.00	$ 4,957.20
2	2104.509	REMOVE MANHOLE OR CATCH BASIN	EACH	6.00	7.00	$ 352.00	$ 2,112.00	$ 2,464.00
3	2105.501	COMMON EXCAVATION (P)	CU YD	987.00	987.00	$ 30.70	$ 30,300.90	$ 30,300.90
4	2501.602	15" RC PIPE ARPON AND TRASH GUARD	EACH	1.00	1.00	$ 844.00	$ 844.00	$ 844.00
5	2501.602	24" RC PIPE ARPON AND TRASH GUARD	EACH	1.00	1.00	$ 1,300.00	$ 1,300.00	$ 1,300.00
6	2501.602	36" RC PIPE ARPON AND TRASH GUARD	EACH	1.00	1.00	$ 2,020.00	$ 2,020.00	$ 2,020.00
7	2503.542	15" RC PIPE SEWER DES 3006 CL V	LIN FT	779.00	525.00	$ 36.50	$ 28,433.50	$ 19,162.50
8	2503.542	18" RC PIPE SEWER DES 3006 CL V	LIN FT	166.00	166.00	$ 38.50	$ 6,391.00	$ 6,391.00
9	2503.542	24" RC PIPE SEWER DES 3006 CL III	LIN FT	314.00	314.00	$ 42.00	$ 13,188.00	$ 13,188.00
10	2503.542	24" RC PIPE SEWER DES 3006 CL IV	LIN FT	90.00	90.00	$ 46.50	$ 4,185.00	$ 4,185.00
11	2503.542	36" RC PIPE SEWER DES 3006 CL IV	LIN FT	83.00	83.00	$ 76.70	$ 6,366.10	$ 6,366.10
12	2503.602	CONNECT TO EXISTING STORM SEWER	EACH	4.00	4.00	$ 882.00	$ 3,528.00	$ 3,528.00
13	2503.602	BULKHEAD EXISTING STORM SEWER	EACH	3.00	7.00	$ 309.00	$ 927.00	$ 2,163.00
14	2506.502	CONST DRAINAGE STRUCTURE DES 2' X 3' CB	EACH	6.00	5.00	$ 1,710.00	$ 10,260.00	$ 8,550.00
15	2506.502	CONST DRAINAGE STRUCTURE DES 48-4020	EACH	15.00	12.00	$ 2,570.00	$ 38,550.00	$ 30,840.00
16	2506.502	CONST DRAINAGE STRUCTURE DES 60-4020	EACH	4.00	4.00	$ 3,870.00	$ 15,480.00	$ 15,480.00
17	2506.602	OUTLET CONTROL STRUCTURE	EACH	1.00	1.00	$ 4,140.00	$ 4,140.00	$ 4,140.00
18	2511.501	RANDOM RIPRAP CLASS IV	CU YD	39.00	42.00	$ 90.60	$ 3,533.40	$ 3,805.20
19	2511.515	GEOTEXTILE FILTER TYPE IV	SQ YD	104.00	104.00	$ 2.10	$ 218.40	$ 218.40
20	2575.604	EROSION STABILIZATION MAT - ENKAMAT	SQ YD	116.00	52.60	$ 213.00	$ 24,708.00	$ 11,203.80
21	2575.605	SEED MIXTURE 33-261	ACRE	0.10	0.10	$ 426.00	$ 42.60	$ 42.60
22	2575.605	SEED MIXTURE 34-181	ACRE	0.10		$ 445.00	$ 44.50	$ -
23	2575.605	SEED MIXTURE 36-211	ACRE	0.15	0.15	$ 480.00	$ 72.00	$ 72.00

Schedule B Subtotal: **$ 203,529.40** **$ 171,221.70**

Schedule: C
Description: CP 2016-09D Rain Garden Improvements

Item No.	Mn/DOT No.	Item Description	Unit	Estimated Quantitiy	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2411.602	LIMESTONE SPLASH BLOCK	EACH	3.00		$ 158.00	$ 474.00	$ -
2	2502.541	4" PERF PVC PIPE DRAIN WITH CIRCULAR KNIT FILTER SOCK	LIN FT	90.00		$ 4.20	$ 378.00	$ -
3	2502.602	INSTALL 4" PVC PIPE DRAIN CLEANOUT	EACH	6.00		$ 22.10	$ 132.60	$ -
4	2504.602	4" KNIFE VALVE & BOX	EACH	3.00		$ 82.10	$ 246.30	$ -
5	2506.602	CONSTRUCT DRAINAGE STRUCTURE DESIGN SPECIAL	EACH	3.00		$ 3,230.00	$ 9,690.00	$ -
6	2540.603	LANDSCAPE EDGER - PLASTIC	LIN FT	120.00		$ 9.50	$ 1,140.00	$ -
7	2571.618	RAIN GARDEN PREPARATION, SAND AND BEDDING	SQ FT	600.00		$ 10.50	$ 6,300.00	$ -
8	2571.618	RAIN GARDEN RETAINING WALL, BOULDER	SQ FT	50.00		$ 31.60	$ 1,580.00	$ -

Schedule C Subtotal: **$ 19,940.90** **$ -**

Schedule: D
Description: CP 2016-10 Watermain Improvements

Item No.	Mn/DOT No.	Item Description	Unit	Estimated Quantitiy	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2103.507	DISCONNECT WATER SERVICE	EACH	8.00		$ 294.00	$ 2,352.00	$ -
2	2104.501	REMOVE WATER MAIN	LIN FT	30.00	47.00	$ 29.40	$ 882.00	$ 1,381.80
3	2104.501	REMOVE WATER SERVICE	EACH	8.00	3.00	$ 588.00	$ 4,704.00	$ 1,764.00
4	2104.523	SALVAGE HYDRANT AND VALVE	EACH	8.00	9.00	$ 294.00	$ 2,352.00	$ 2,646.00
5	2211.609	CRUSHED ROCK PIPE BEDDING	TON	25.00		$ 26.40	$ 660.00	$ -
6	2504.602	CONNECT TO EXISTING WATER MAIN	EACH	4.00	6.00	$ 1,050.00	$ 4,200.00	$ 6,300.00
7	2504.602	REMOVE AND REPLACE GATE VALVE BOLTS	EACH	4.00	4.00	$ 1,590.00	$ 6,360.00	$ 6,360.00
8	2504.602	WATERMAIN OFFSET	EACH	1.00	1.00	$ 2,840.00	$ 2,840.00	$ 2,840.00
9	2504.602	WATERMAIN SERVICE ADJUSTMENT	EACH	5.00		$ 834.00	$ 4,170.00	$ -
10	2504.602	CURB STOP AND BOX	EACH	8.00	3.00	$ 453.00	$ 3,624.00	$ 1,359.00
11	2504.602	HYDRANT AND GATE VALVE	EACH	9.00	9.00	$ 5,360.00	$ 48,240.00	$ 48,240.00
12	2504.602	RECONNECT WATER SERVICE	EACH	8.00		$ 335.00	$ 2,680.00	$ -
13	2504.602	ADJUST GATE VALVE	EACH	4.00	4.00	$ 281.00	$ 1,124.00	$ 1,124.00
14	2504.602	1" CORPORATION STOP	EACH	8.00	3.00	$ 394.00	$ 3,152.00	$ 1,182.00
15	2504.602	CUT IN 6" GATE VALVE	EACH	3.00	3.00	$ 2,490.00	$ 7,470.00	$ 7,470.00
16	2504.602	ADJUST CURB STOP	EACH	34.00	2.00	$ 245.00	$ 8,330.00	$ 490.00
17	2504.603	6" WATERMAIN DUCTILE IRON CL 52	LIN FT	30.00	47.00	$ 77.80	$ 2,334.00	$ 3,656.60
18	2504.603	1" TYPE K COPPER PIPE	LIN FT	350.00	142.00	$ 27.70	$ 9,695.00	$ 3,933.40
19	2504.604	4" POLYSTYRENE INSULATION	SQ YD	50.00	8.00	$ 39.80	$ 1,990.00	$ 318.40
20	2504.608	DUCTILE IRON FITTINGS	POUND	1000.00	600.00	$ 3.95	$ 3,950.00	$ 2,370.00

Schedule D Subtotal: **$ 121,109.00** **$ 91,435.20**

Schedule: E
Description: CP 2016-10 Sanitary Sewer Improvements

Item No.	Mn/DOT No.	Item Description	Unit	Estimated Quantitiy	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2104.501	REMOVE SEWER PIPE (SANITARY)	LIN FT	84.00	84.00	$ 14.70	$ 1,234.80	$ 1,234.80
2	2104.501	REMOVE SEWER SERVICE	EACH	1.00		$ 883.00	$ 883.00	$ -
3	2104.602	SALVAGE CASTING AND RINGS (SANITARY)	EACH	13.00	13.00	$ 141.00	$ 1,833.00	$ 1,833.00
4	2211.609	CRUSHED ROCK PIPE BEDDING	TON	25.00		$ 48.50	$ 1,212.50	$ -
5	2503.511	8" DUCTILE IRON PIPE SEWER CL 52	LIN FT	84.00	84.00	$ 70.20	$ 5,896.80	$ 5,896.80
6	2503.511	8" PVC PIPE SEWER SDR 35	LIN FT	50.00	50.00	$ 40.50	$ 2,025.00	$ 2,025.00
7	2503.602	CONNECT TO EXISTING MANHOLE	EACH	4.00	5.00	$ 882.00	$ 3,528.00	$ 4,410.00
8	2503.602	FURNISH AND INSTALL EXTERNAL MANHOLE CHIMNEY SEAL	EACH	15.00		$ 261.00	$ 3,915.00	$ -
9	2503.602	INSTALL NEW RINGS AND CASTING	EACH	4.00		$ 567.00	$ 2,268.00	$ -
10	2503.602	LOCATE SANITARY SEWER SERVICE	EACH	6.00	2.00	$ 588.00	$ 3,528.00	$ 1,176.00
11	2503.602	RECONSTRUCT SANITARY MANHOLE	EACH	9.00	7.00	$ 597.00	$ 5,373.00	$ 4,179.00
12	2503.602	SANITARY SEWER SERVICE REPLACEMENT	EACH	6.00	3.00	$ 1,760.00	$ 10,560.00	$ 5,280.00
13	2503.602	SANITARY SEWER UMBRELLAS	EACH	15.00	15.00	$ 379.00	$ 5,685.00	$ 5,685.00
14	2506.602	SANITARY SEWER MANHOLE 48"	EACH	2.00	2.00	$ 2,470.00	$ 4,940.00	$ 4,940.00

Schedule E Subtotal: **$ 52,882.10** **$ 36,659.60**

Schedule: F
Description: CP 2015-12 NWA Trunk Watermain Improvements - 65th Street Loop (Argenta Trail to Babcock Trail) Phase 1

Item No.	Mn/DOT No.	Item Description	Unit	Estimated Quantitiy	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2101.501	CLEARING	ACRE	0.10	0.10	$ 11,700.00	$ 1,170.00	$ 1,170.00
2	2101.502	CLEARING	TREE	2.00	10.00	$ 264.00	$ 528.00	$ 2,640.00
3	2101.506	GRUBBING	ACRE	0.10	0.10	$ 11,700.00	$ 1,170.00	$ 1,170.00
4	2101.507	GRUBBING	TREE	2.00	10.00	$ 176.00	$ 352.00	$ 1,760.00
5	2118.501	AGGREGATE SURFACING CLASS 2	TON	200.00		$ 30.50	$ 6,100.00	$ -
6	2504.602	16" BUTTERFLY GATE VALVE	EACH	1.00	1.00	$ 3,140.00	$ 3,140.00	$ 3,140.00
7	2504.602	HYDRANT AND GATE VALVE	EACH	1.00	1.00	$ 5,350.00	$ 5,350.00	$ 5,350.00
8	2504.603	16" WATERMAIN DUCTILE IRON CL 52	LIN FT	1085.00	1085.00	$ 64.30	$ 69,765.50	$ 69,765.50
9	2504.603	6" WATERMAIN DUCTILE IRON CL 52	LIN FT	10.00		$ 87.30	$ 873.00	$ -
10	2504.603	BUTTERFLY VALVE MANHOLE	LIN FT	8.00	8.00	$ 917.00	$ 7,336.00	$ 7,336.00
11	2504.604	4" POLYSTYRENE INSULATION	SQ YD	90.00	18.00	$ 39.80	$ 3,582.00	$ 716.40
12	2504.608	DUCTILE IRON FITTINGS	POUND	4000.00	2750.00	$ 3.80	$ 15,200.00	$ 10,450.00
13	2550.602	MARKING POST	EACH	1.00		$ 97.90	$ 97.90	$ -
14	2573.502	SILT FENCE, TYPE MS	LIN FT	2280.00	3119.00	$ 2.10	$ 4,788.00	$ 6,549.90
16	2575.523	EROSION CONTROL BLANKETS CATEGORY 3	SQ YD	150.00	705.00	$ 3.15	$ 472.50	$ 2,220.75
17	2575.605	SEED MIXTURE 35-221	ACRE	2.20	1.10	$ 445.00	$ 979.00	$ 489.50
18	2211.501	AGGREGATE BASE (CV) CLASS 5	TON	225.00	125.82	$ 17.50	$ 3,937.50	$ 2,201.85
19	2574.525	BOULEVARD TOPSOIL BORROW	CU YD	80.00		$ 31.60	$ 2,528.00	$ -
20	2575.560	HYDRAULIC BONDED FIBER MATRIX	POUND	7700.00		$ 1.60	$ 12,320.00	$ -

Schedule F Subtotal: **$ 139,689.40** **$ 114,959.90**

Alternate: 1

Description: CP 2015-12 63rd Street Sanitary Sewer Extension

Item No.	Mn/DOT No.	Item Description	Unit	Estimated Quantitiy	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2503.511	8" PVC PIPE SEWER SDR 26	LIN FT	64.00	64.00	$ 41.70	$ 2,668.80	$ 2,668.80
2	2503.602	CONNECT TO EXISTING MANHOLE	EACH	1.00	1.00	$ 1,460.00	$ 1,460.00	$ 1,460.00
3	2506.602	FORCEMAIN DISCHARGE MANHOLE	EACH	1.00	1.00	$ 9,580.00	$ 9,580.00	$ 9,580.00
						Alternate 1 Subtotal:	$ 13,708.80	$ 13,708.80

COST SUMMARY

Contract: CP 2016-09D, CP 2016-10, and CP 2015-12

Owner: City of Inver Grove Heights

Projects: 60th Street Area Reconstruction
60th Street Area Utility Improvements
(Phase 1) NWA Trunk Watermain Improvements - 65th Street Loop (Argenta Trail to Babcock Trail)

Schedule	Description	Total Estimated Cost	Total Contract Cost To-Date
A	CP 2016-09D Street Improvements	$ 1,476,608.20	$ 1,214,756.58
B	CP 2016-09D Storm Sewer Improvements	$ 203,529.40	$ 171,221.70
C	CP 2016-09D Rain Garden Improvements	$ 19,940.90	$ -
D	CP 2016-10 Watermain Improvements	$ 121,109.00	$ 91,435.20
E	CP 2016-10 Sanitary Sewer Improvements	$ 52,882.10	$ 36,659.60
F	CP 2015-12 NWA Trunk Watermain Improvements - 65th Street Loop (Argenta Trail to Babcock Trail) Phase 1	$ 139,689.40	$ 114,959.90
Alt 1	CP 2015-12 63rd Street Sanitary Sewer Extension	$ 13,708.80	$ 13,708.80
	Total Base Cost Plus Alternate 1	$ 2,027,467.80	$ 1,642,741.78
	Change Order No. 1	$ (117,987.60)	
	Change Order No. 2 (Phasing Only)	$ -	$ -
	Change Order No. 3	$ 22,630.88	$ 22,630.88
	Deductions Per Contract		$ (1,000.00)
	Total Contract Amount	$ 1,932,111.08	
	Contract Work Completed To Date		$ 1,664,372.66
	Retainage 5.00%		$ 83,218.63
	Previous Payments		$ 1,468,883.49
	Amount Due This Partial Payment #4		$ 112,270.54

AGENDA ITEM 4K

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Approve Stormwater Facilities Maintenance Agreement for 10326 Robert Trail South (Xcel Energy)

Meeting Date:	October 24, 2016		Fiscal/FTE Impact:
Item Type:	Consent	X	None
Contact:	Thomas J. Kaldunski, City Engineer TJK		Amount included in current budget
Prepared by:	Steve W. Dodge, 651.450.2541 SWD		Budget amendment requested
Reviewed by:	Thomas J. Kaldunski, City Engineer		FTE included in current complement
			New FTE requested – N/A
			Other

PURPOSE/ACTION REQUESTED

Approve Stormwater Facilities Maintenance Agreement (SWFMA) for 10326 Robert Trail South (Xcel Energy).

SUMMARY

As part of the approval process for the addition of a 3200 SF storage building at 10326 Robert Trail South (Xcel – Wescott Facility), the owners executed a preliminary SWFMA for an underground infiltration system prior to the issuance of a building permit. The stormwater facilities have been modified in the field and the attached SWFMA reflects the asbuilt conditions and updated operation and maintenance plan.

It is recommended that the City Council approve the Stormwater Facilities Maintenance Agreement for 10326 Robert Trail South (Xcel Energy).

SWD/kf

Attachment: Storm Water Facilities Maintenance Agreement

STORM WATER FACILITIES MAINTENANCE AGREEMENT FOR PROPERTY AT 10326 ROBERT TRAIL SOUTH, INVER GROVE HEIGHTS DAKOTA COUNTY, MINNESOTA

THIS STORM WATER FACILITIES MAINTENANCE AGREEMENT (Agreement) is made, entered into and effective this 28th day of September, 2016, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as City) and Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy (hereafter referred to as Landowner and Responsible Owner). Subject to the terms and conditions hereafter stated and based on the representations, warranties, covenants, agreements and recitals of the parties herein contained, the parties do hereby agree as follows:

ARTICLE 1
DEFINITIONS

1.1 Terms. The following terms, unless elsewhere specifically defined herein, shall have the following meanings as set forth below.

1.2 City. "City" means the City of Inver Grove Heights, a Minnesota municipal corporation.

1.3 Landowner. "Landowner" means Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy and its successors and assigns.

1.4 Storm Water Facilities. "Storm Water Facilities" means each and all of the following, individually and collectively, to the extent located within the Landowner Property:

> The underground infiltration system including inlets, outlets, inspection ports, piping, drainage rock, fabric, irrigation facilities, swales, side slopes, manhole, perforated pipes, drain tile valves and appurtenances lying within the Landowner Property at the location shown on the attached **Exhibit B**.

1.5 Storm Water Facility Plan. "Storm Water Facility Plan" means that certain Grading and Erosion Control Plan prepared by Westwood Professional Services, Inc. dated

August 12, 2016 and that certain Details Plan prepared by Westwood Professional Services, Inc. dated August 12, 2016 both attached hereto as **Exhibit E**. The "Storm Water Facility Plan" was approved by the City Engineer on September 12, 2016. The Storm Water Facility Plan also includes the Hydrology Report (or Drainage Study) and Storm Water Management dated May 31, 2016, last revised on June 6, 2016, prepared by Westwood Professional Services, Inc. The Storm Water Facility Plan also includes the Operations and Maintenance Plan attached hereto as **Exhibit C**. The Storm Water Facility Plan is on file with the City.

The Storm Water Facility Plan also includes modifications of the above referenced Stormwater Facility Plan as approved from time to time by the City Engineer.

1.6 **Landowner Property.** "Landowner Property" means that certain real property located in the City of Inver Grove Heights, Dakota County, Minnesota legally described on **Exhibit A**.

1.7 **Responsible Owner.** "Responsible Owner" means, jointly and severally, all of the following:

> The fee title owner of the property legally described on Exhibit A attached hereto, and the successors and assigns of such fee title owner.

1.8 **NWA Stormwater Manual**. "NWA Stormwater Manual" means the Inver Grove Heights Northwest Area Storm Water Manual prepared by Emmons & Olivier Resources dated July 2006, and as adopted by the City of Inver Grove Heights and codified in Section 10-13J-5 (H) of the Inver Grove Heights City Code, as amended from time to time by amendment of general applicability.

ARTICLE 2
RECITALS

Recital No. 1. Landowner owns the Landowner Property.

Recital No. 2. Landowner has requested that the City approve development plans for the construction of a 3,200 square foot storage building. In connection with the construction of the building, Landowner will also be constructing the Storm Water Facilities on that portion of the Landowner Property shown and identified on **Exhibit B** attached hereto.

Recital No. 3. The City is willing to approve the development plans if, among other things, Landowner executes this Storm Water Facilities Maintenance Agreement.

Recital No. 4. By this Agreement the parties seek to:

a.) impose upon the Responsible Owner the responsibility of maintaining the Storm Water Facilities, notwithstanding the fact that the Storm Water Facilities may exist within easements dedicated or granted to the City and the public.

b.) provide a mechanism where the City may charge-back to the Responsible Owner any maintenance work that the City performs with respect to the Storm Water Facilities in the event the Responsible Owner fails to perform its obligations to maintain the Storm Water Facilities.

c.) provide the City with right of access over the Landowner Property to access the Stormwater Facilities, when needed. The City understands that the entirety of the Landowner Property is a secure site and that the buildings and structures related to the plant located on the Landowner Property are secure. The City agrees to work with representatives of the Landowner to coordinate the City's access to the Landowner Property in a manner that is conductive to the Landowner's established security practices.

ARTICLE 3
RESPONSIBILITY FOR MAINTENANCE

3.1 Construction of Storm Water Facilities. Prior to June 31, 2017, Responsible Owner agrees that the Storm Water Facilities shall be constructed and installed in accordance with the Storm Water Facility Plan at the sole expense of Responsible Owner at a location and in a configuration as approved by the City.

Erosion control must be installed and inspected prior to start of construction and removed when ground cover is established prior to the release of the escrowed funds identified in Section 4.2 of this Agreement.

3.2 Maintenance of Storm Water Facilities. The Responsible Owner is obligated at its expense to perpetually maintain the Storm Water Facilities in accordance with the Standard of Maintenance set forth in Section 3.3 hereof. The Responsible Owner shall not modify, alter, remove, eliminate or obstruct the Storm Water Facilities for as long as the Storm Water Facilities exist. The Responsible Owner shall also insure that the Storm Water Facilities always remain in compliance with the Storm Water Facility Plan. All entities that fall within the definition of Responsible Owner have the joint and several obligations of the defined Responsible Owner. The responsibility of the Responsible Owner for maintaining the Storm Water Facilities on the Lot exists even though the event or omission which caused the need for maintenance of the Storm Water Facilities may arise on property outside of the Landowner Property.

3.3 Standard of Maintenance. The Responsible Owner must meet the Standard of Maintenance set forth in this Section 3.3.

The Standard of Maintenance shall comply with all of the following:

a. The Standard of Maintenance shall comply with the standards contained in Title 9, Chapter 5 of the Inver Grove Heights City Code (as amended from time to time, by amendment of general applicability); and

b. The Standard of Maintenance shall comply with the stormwater maintenance standards and bio-retention standards and requirements as set forth in the **NWA Stormwater Manual** (as amended from time to time, by amendment of general

applicability). The NWA Stormwater Manual is on file with the City's Director of Public Works. The NWA Stormwater Manual shall apply to the Storm Water Facilities notwithstanding the fact that the Landowner's Property is located outside of the Northwest Area Overlay District; and

c. The Standard of Maintenance shall comply with the City approved Operations & Maintenance Plan hereafter referenced;

d. The Standard of Maintenance shall comply with the 2011 Watershed Management Plan for the Lower Mississippi Watershed Management Organization (LMRWMO) dated August 2011;

e. The Standard of Maintenance shall include but not be limited to each of the following:

i.) The Responsible Owner shall monitor the Storm Water Facilities and shall as soon as possible correct any malfunction or deficiency in the operation of such structure so as to ensure that the structure operates in conformance with the design parameters.

ii.) Responsible Owner must comply with Section IV of the NWA Stormwater Manual which outlines the requirements for the operations and maintenance of Long Term Best Management Practices (BMP's) for storm water facilities. The Responsible Owner must prepare an Operations & Maintenance Plan to show how the Responsible Owner plans to operate and maintain Long Term Best Management Practices for the Storm Water Facilities being constructed on the Landowner Property. The Responsible Owner has submitted a final Operations & Maintenance Plan to the City, attached hereto as **Exhibit C.** The final Operations & Maintenance Plan attached hereto as Exhibit C has been approved by the City. The Responsible Owner and the successors and assigns thereof shall be responsible for following the Operations & Maintenance Plan as approved by the City. The final Operations & Maintenance Plan shall be on file with the City's Director of Public Works.

iii.) The final Operations & Maintenance Plan shall contain the following information:

a. Detailed inspection requirements;

b. Inspection and maintenance schedules;

c. Contact information for the Responsible Owner;

d. As built plans of the Storm Water Facilities;

e. A letter of compliance from the designer after construction of the Storm Water Facilities is completed;

f. The requirement for an annual report to the City to demonstrate that post construction maintenance is being accomplished per the Operations & Maintenance Plan;

g. The GPS coordinates for the Storm Water Facilities shall be provided to the City after construction is completed. Storm Water Facilities smaller than 200 square feet can be located with one GPS coordinate. Storm Water Facilities larger than 200 square feet shall have outlet coordinates and the corners of the Storm Water Facilities located by GPS. The GPS readings shall be provided to the City before the Storm Water Facilities are covered.

If the Storm Water Facility Plan is inconsistent with the Standard of Maintenance or if components within the Standard of Maintenance are inconsistent with other components within the Standard of Maintenance, then that provision, term or component which imposes a greater and more demanding obligation shall prevail.

By December 31 of each year, the Responsible Owner shall submit to the City an annual report that identifies all of the tests, inspections, corrective measures and other activities conducted by the Responsible Owner under the Operations & Maintenance Plan for the preceding year. The annual report shall also identify any conditions of non-compliance with the Standard of Maintenance during the preceding year and the annual report shall address how the conditions of non-compliance were cured. The annual report shall also include the information shown on the form attached hereto as **Exhibit D**.

3.4 **Notice of Non-Compliance with Section 3.3 and 3.4; Cure Period.** If the City's Director of Public Works ("DPW") determines, at his reasonable discretion, that the Responsible Owner has not complied with the Standard of Maintenance, the DPW shall provide written notice to the Responsible Owner of such failure to comply with the Standard of Maintenance. This notice shall specify that the Responsible Owner will have thirty (30) days to comply with the Standard of Maintenance, unless thirty (30) days is not practicable for the Responsible Owner to cure the default, in which case the Responsible Owner shall be given a reasonable time, as determined by the DPW, to cure the default provided the Responsible Owner has commenced a suitable cure within the initial thirty (30) days. Notwithstanding the requirement contained in this Section relating to written notice and opportunity of the Responsible Owner to comply with the Standard of Maintenance, in the event of an emergency as determined by the DPW, the City may perform the work to be performed by the Responsible Owner without giving any notice to the Responsible Owner and without giving the Responsible Owner thirty (30) days to comply with the Standard of Maintenance. If the City performs emergency service work, the Responsible Owner shall be obligated to repay the City the costs incurred to perform the emergency service work, and the City shall follow those procedures set forth in Sections 3.5 and 3.6 with respect to the billing, collection and/or tax certification of such costs.

3.5 **Payment of Costs Incurred by City.** If the Responsible Owner fails to comply with the Standard of Maintenance within thirty (30) days after delivery of the written notice, or in the case of an emergency situation as determined by the DPW, the City may perform those tasks necessary for compliance and the City shall have the right of access to the areas where the

Storm Water Facilities are located to perform such work. The City shall charge all costs incurred by the City to perform the tasks necessary for compliance to the Responsible Owner.

The amount of costs charged by the City to the Responsible Owner shall be the usual and customary amounts charged by the City given the task, work, or improvement performed by the City to ensure compliance with the Standard of Maintenance. The Responsible Owner shall make payment directly to the City within twenty (20) days after invoicing ("Due Date") by the City. Bills not paid by the Due Date shall incur the standard penalty and interest established by the City for utility billings within the City.

3.6 Certification of Costs Payable With Taxes; Special Assessments. If payment is not made under Section 3.5 by the Responsible Owner with respect to the Landowner Property, the City may certify to Dakota County the amounts due as payable with the real estate taxes for the Landowner Property in the next calendar year; such certifications may be made under Minnesota Statutes, Chapter 444 in a manner similar to certifications for unpaid utility bills. The Responsible Owner waives any and all procedural and substantive objections to the imposition of such usual and customary charges on the Landowner Property.

Further, as an alternate means of collection, if the written billing is not paid by the Responsible Owner, the City, without notice and without hearing, may specially assess the Landowner Property for the costs and expenses incurred by the City. The Responsible Owner hereby waives any and all procedural and substantive objections to special assessments for the maintenance costs including, but not limited to, notice and hearing requirements and any claims that the charges or special assessments exceed the benefit to the Landowner Property. The Responsible Owner waives any appeal rights otherwise available pursuant to Minnesota Statute § 429.081. The Responsible Owner acknowledges that the benefit from the performance of maintenance tasks by the City to ensure compliance with the Standard of Maintenance equals or exceeds the amount of the charges and assessments for the maintenance costs that are being imposed hereunder upon the Landowner Property. Nothing in this paragraph shall be deemed to impair Responsible Owner's right to dispute the amount assessed as exceeding the usual and customary amounts charged by the City given the task, work, construction or improvement performed by the City to ensure compliance with Section 3.3.

3.7 Obligation For Maintenance Notwithstanding Public Easement. The Responsible Owner agrees that its obligations relating to maintenance of the Storm Water Facilities exist notwithstanding the fact that the Storm Water Facilities may be located in whole or in part within public easements.

The City hereby grants to the Responsible Owner a temporary right and license to enter public easements and public road rights-of-way for the purpose of performing the maintenance obligations relating to the Storm Water Facilities for the duration of the performance of the maintenance. The Landowner hereby grants to the City a right and license to access and enter the Landowner Property for the purpose of performing maintenance of the Storm Water Facilities for the duration of the performance of the maintenance.

3.8 Indemnification of City. Responsible Owner shall indemnify, defend and hold the City, its council, agents, employees, attorneys and representatives harmless against and in respect of any and all claims, demands, actions, suits, proceedings, losses, costs, expenses,

obligations, liabilities, damages, recoveries, and deficiencies, including interest, penalties and attorneys' fees, that the City incurs or suffers, which arise out of, result from or relate to:

a.) failure by the Responsible Owner to observe or perform any covenant, conditions, obligation or agreement on their part to be observed or performed under this Agreement;

b.) failure by the Responsible Owner to pay contractors, subcontractors, laborers, or materialmen;

c.) failure by the Responsible Owner to pay for any materials that may be used by the Responsible Owner to maintain the Storm Water Facilities; and

d.) construction of the Storm Water Facilities.

3.9 **No Remedy Exclusive**. No remedy herein conferred upon or reserved to the City shall be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under the Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. In order to entitle the City to exercise any remedy reserved to it, it shall not be necessary to give notice, other than the notice, if any, required by this Agreement.

ARTICLE 4
ESCROW DEPOSIT

4.1 **Engineering Escrow Amount**. The Landowner shall deposit $1,500 in cash with the City (hereafter "Engineering Escrow Amount") contemporaneously with execution of this Agreement.

The Engineering Escrow Amount shall be used to pay the City for engineering review and inspection expenses, attorney's fees, consultant fees, erosion and sediment control expenses, staff review time associated with coordination, review, design, preparation and inspection of the Storm Water Facility Plan and this Agreement and other associated City costs. Fees will be calculated at the City's standard rates charged for such tasks.

Upon satisfactory completion of the Storm Water Facilities, the City shall return to the Landowner any remaining portion of the Engineering Escrow Amount not otherwise previously charged the Landowner.

ARTICLE 5
CITY'S COVENANTS

5.1 Approval of Development Plans. The City agrees that if Landowner executes this Storm Water Facilities Maintenance Agreement and if the other conditions set forth in the Engineering Memo from Steve Dodge to Heather Botten dated September 16, 2015 relating to the development plans are met, the Council will approve the development plans for the Landowner Property.

ARTICLE 6
MISCELLANEOUS

6.1 Binding Agreement. The parties mutually recognize and agree that all terms and conditions of this recordable Agreement shall run with the Landowner Property and shall be binding upon the parties and the successors and assigns of the parties. This Agreement shall also be binding on and apply to any title, right and interest of the Landowner in the Landowner Property acquired by Landowner after the execution date of this Agreement or after the recording date of this Agreement.

6.2 Amendment and Waiver. The parties hereto may by mutual written agreement amend this Agreement in any respect. Any party hereto may extend the time for the performance of any of the obligations of another, waive any inaccuracies in representations by another contained in this Agreement or in any document delivered pursuant hereto which inaccuracies would otherwise constitute a breach of this Agreement, waive compliance by another with any of the covenants contained in this Agreement, waive performance of any obligations by the other or waive the fulfillment of any condition that is precedent to the performance by the party so waiving of any of its obligations under this Agreement. Any agreement on the part of any party for any such amendment, extension or waiver must be in writing. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provisions, whether or not similar, nor shall any waiver constitute a continuing waiver.

6.3 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

6.4 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

6.5 Consent. Landowner consents to the recording of this Agreement.

6.6 Notice. Notice shall means notices given by one party to the other if in writing and if and when delivered or tendered either in person or by depositing it in the United States mail in a sealed envelope, by certified mail, return receipt requested, with postage and postal charges prepaid, addressed as follows:

If to City:	City of Inver Grove Heights Attention: City Administrator 8150 Barbara Avenue Inver Grove Heights, MN 55077
If to Landowner:	Xcel Energy Attn: General Counsel 414 Nicollet Mall Minneapolis, MN 55401

or to such other address as the party addressed shall have previously designated by notice given in accordance with this Section. Notices shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the third day after mailing if mailed as provided above, provided, that a notice not given as above shall, if it is in writing, be deemed given if and when actually received by a party.

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IN WITNESS WHEREOF Landowner and the City have entered into this Agreement on the day and year first stated above.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville
Its: Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this_____, 2016, before me a Notary Public within and for said County, personally appeared George Tourville and Michelle Tesser to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said City Clerk acknowledged said instrument to be the free act and deed of said municipality.

_____
Notary Public

LANDOWNER:
NORTHERN STATES POWER COMPANY d/b/a XCEL ENERGY

By: Heather Risley
Its: Gas Plants Manager

By: _____
Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF Washington)

On this 10 day of October, 2016, before me a Notary Public within and for said County, personally appeared Heather Marie Risley and _____, to me personally known, who being by me duly sworn did say that they are respectively the Plant Manager and _____ of Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy, the corporation named in the foregoing instrument, and that said instrument was signed on behalf of said entity by authority of its Board of Directors and said She and _____ acknowledged said instrument to be the free act and deed of the corporation.

THIS INSTRUMENT DRAFTED BY:

Timothy J. Kuntz
LeVander, Gillen, & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

AFTER RECORDING PLEASE RETURN TO:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

Sworn before me this 10 day of October 2016
Shari C J Schwartz
comm exp 1/31/2020

SHARI CAROL JEAN SCHWARTZ
Notary Public-Minnesota
My Commission Expires Jan 31, 2020

EXHIBIT A
LEGAL DESCRIPTION OF LANDOWNER PROPERTY

Real Property located in the City of Inver Grove Heights, Dakota County, Minnesota, described as follows:

> That part of the Northwest Quarter of Section 30, Township 27, Range 22, lying east and south of the Chicago, Milwaukee, St. Paul and Pacific Railroad right of way, except that part thereof described as follows: Commencing at the southwest corner of said Northwest Quarter; thence South 89 degrees 50 minutes 42 seconds East, assumed bearing, along the south line of said Northwest Quarter, a distance of 757.67 feet to the actual point of beginning; thence North 00 degrees 09 minutes 18 seconds East a distance of 300.00 feet; thence South 89 degrees 50 minutes 42 seconds East a distance of 200.00 feet; thence South 00 degrees 09 minutes 18 seconds West a distance of 300.00 feet to the south line of said Northwest Quarter; thence North 89 degrees 50 minutes 42 seconds West, along said south line, a distance of 200.00 feet to the point of beginning.

EXHIBIT B

DEPICTION OF LOCATION OF STORM WATER FACILITIES ON LANDOWNER PROPERTY

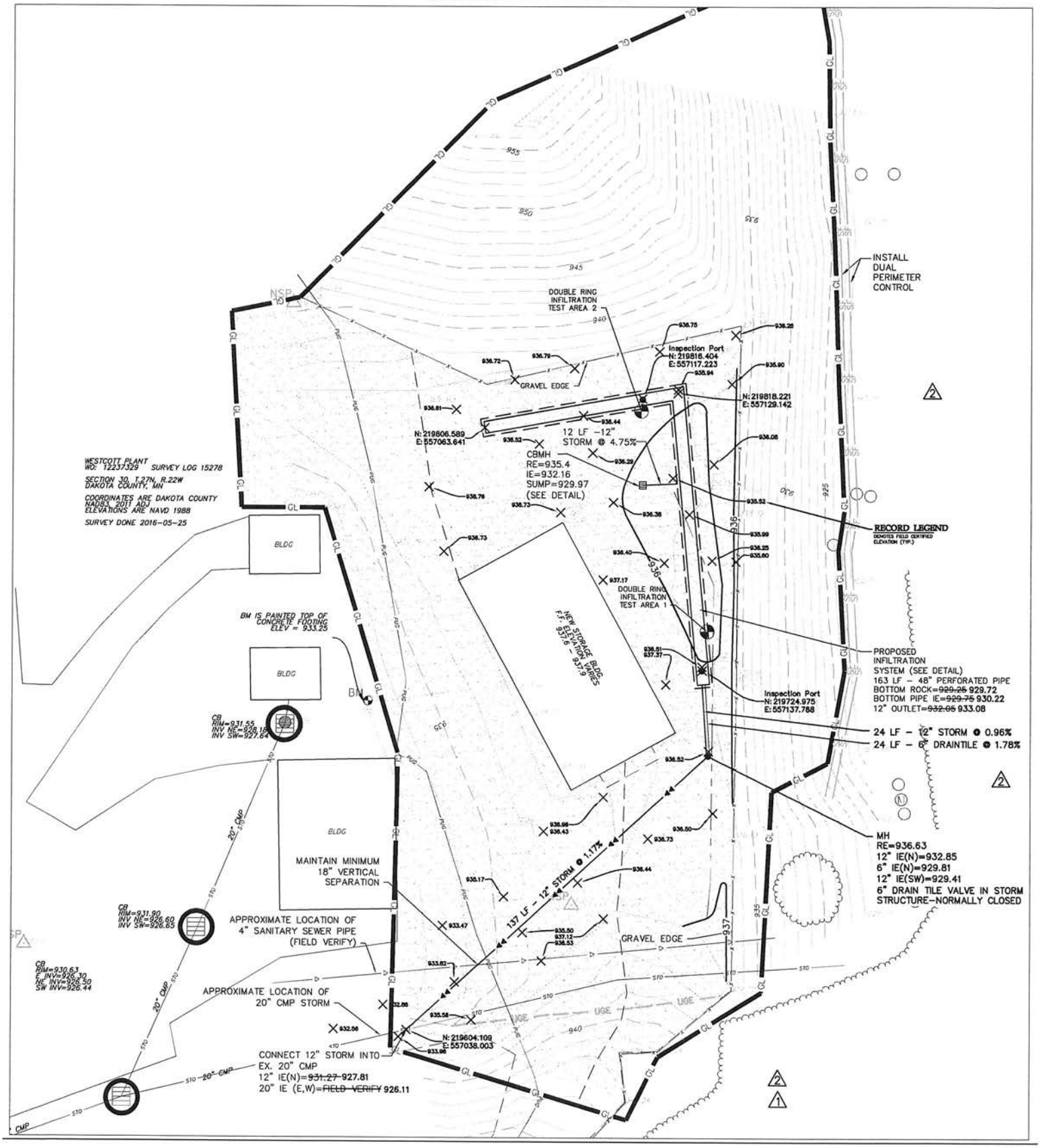


EXHIBIT C
FINAL OPERATIONS & MAINTENANCE PLAN

XCEL ENERGY STORMWATER FACILITY

OPERATION AND MAINTENANCE PLAN - WESCOTT

To meet the City of Inver Grove Heights stormwater treatment requirements, a stormwater best management practice (BMP) was developed for this project site. This site utilizes an underground stormwater infiltration system to promote infiltration of water into the underlying soils and minimize runoff volume during rain events. Refer to figure A for plan showing BMP location.

General Maintenance Procedures

The structural and functional integrity of the stormwater facility shall be maintained at all times by removing and preventing drainage interference, obstructions, blockages, or other adverse effects into, though, or out of the system. This document will provide direction for performing an inspection and general maintenance of the stormwater facility.

To prevent debris from entering and clogging the downstream storm sewer system a wire mesh screen or similar screening device shall be installed over the inlets until final acceptance.

After construction of the system and prior to operation, a post-installation inspection shall be performed by the owner/operator of the system to measure the invert and inspect the system prior to accumulation of sediment.

Adequate maintenance access shall be maintained to the underground stormwater system at all times. Accumulated litter, sediment, and debris shall be removed every 6 months or as necessary to maintain proper operation of the underground stormwater infiltration system. Disposal shall be in accordance with federal, state and local regulations.

During inspection, the sediment buildup shall be measured at each inspection port/cleanout location and within the inlet sump manhole structure. If in any case the sediment buildup within the system is greater than 10% of the pipe diameter, cleaning should be performed immediately. Sediment shall be removed from the sump manhole when the depth of sediment is greater than 12". In addition, corrective measures are required any time the stormwater facility does not drain completely within 72 hours of cessation of inflow. No standing water is allowed in a stormwater facility designed for dry detention purposes.

When sediment removal is to take place, it should be by mechanical means such as vacuum truck whenever possible, flushing of the system or manual sediment removal shall be avoided if possible. If flushing of the system must take place, special care and sediment control measures should be taken to avoid sediment being removed downstream or offsite.

When required, all applicable confined space entry procedures must be followed by all personnel performing sediment removal or other system maintenance.

Preventive Maintenance/Inspection and Execution

- Visual inspections of all components will be conducted at a minimum of every 6 months (spring and fall).
- A log shall be kept of maintenance actions, and inspections. The log should document the condition of the underground stormwater facility system's primary components, and sediment, litter and debris removal dates.
- Written maintenance and repair records shall be maintained and provided to authorities upon request. An annual inspection report shall be submitted to the City Engineering Division by December 31st of each year to demonstrate that post-construction maintenance is being accomplished per this Operations and Maintenance Plan.

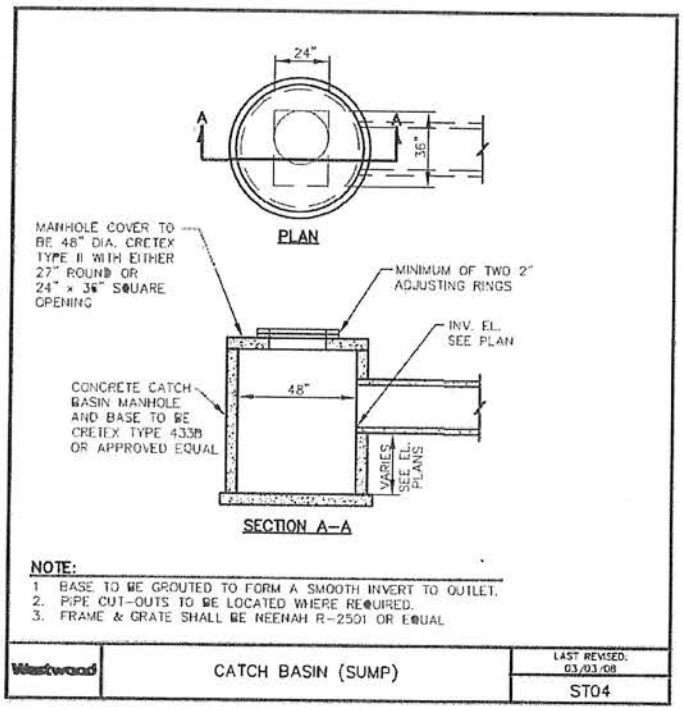
STORMWATER MANAGEMENT FACILITY INSPECTION & MAINTENANCE LOG	
Property Address: 10326 S. Robert Trail, Inver Grove Heights, MN 55077	
Inspection Date: Inspection Time: Inspected By:	
Location of Facility on Site (In relation to buildings or other permanent structures): East side of plant	
Water levels and observations (Oil sheen, smell, turbidity, etc.):	
Sediment accumulation & record of sediment removal:	
Condition of vegetation (Height, survival rates, invasive species present, etc.) & record of replacement and management (mowing, weeding, etc.):	
Condition of physical properties such as inlets, outlets, piping, fences, irrigation facilities, and side slopes. Record damaged items and replacement activities:	
Presence of insects or vectors. Record control activities:	
Identify safety hazards present. Record resolution activities:	

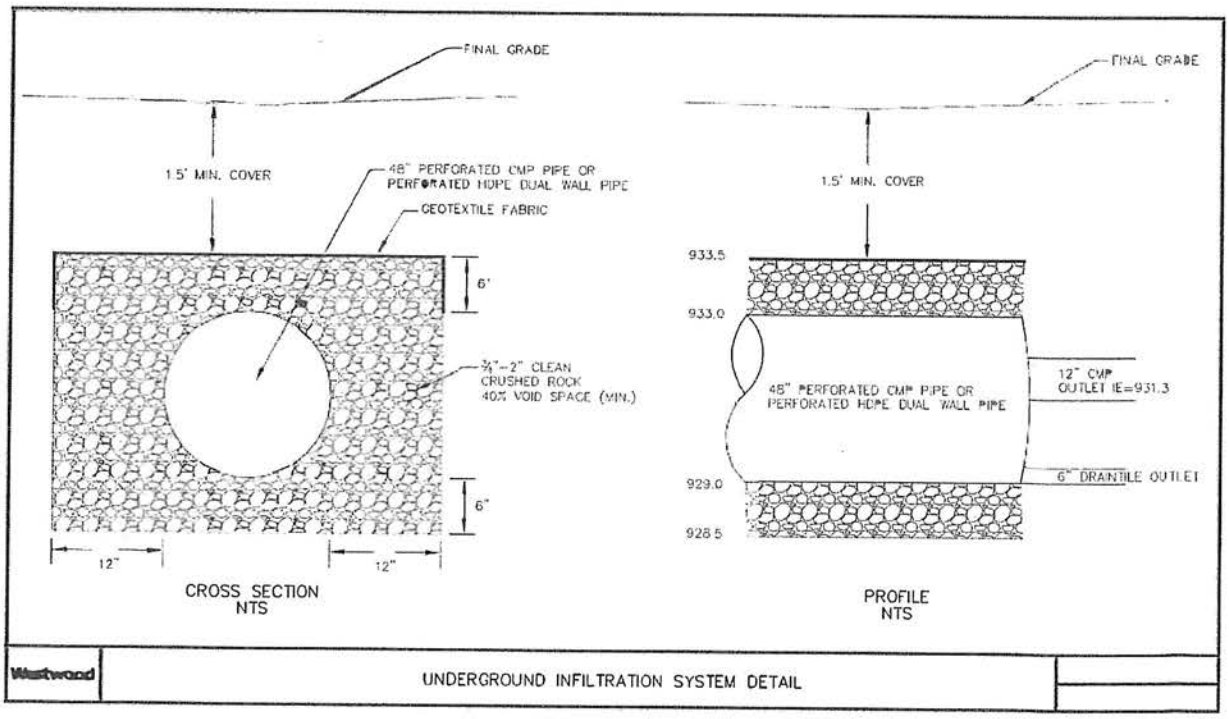
Inspection Schedule	Inspected by:	Date Inspected:	Date turned in to city

INSPECTION CHECKLIST

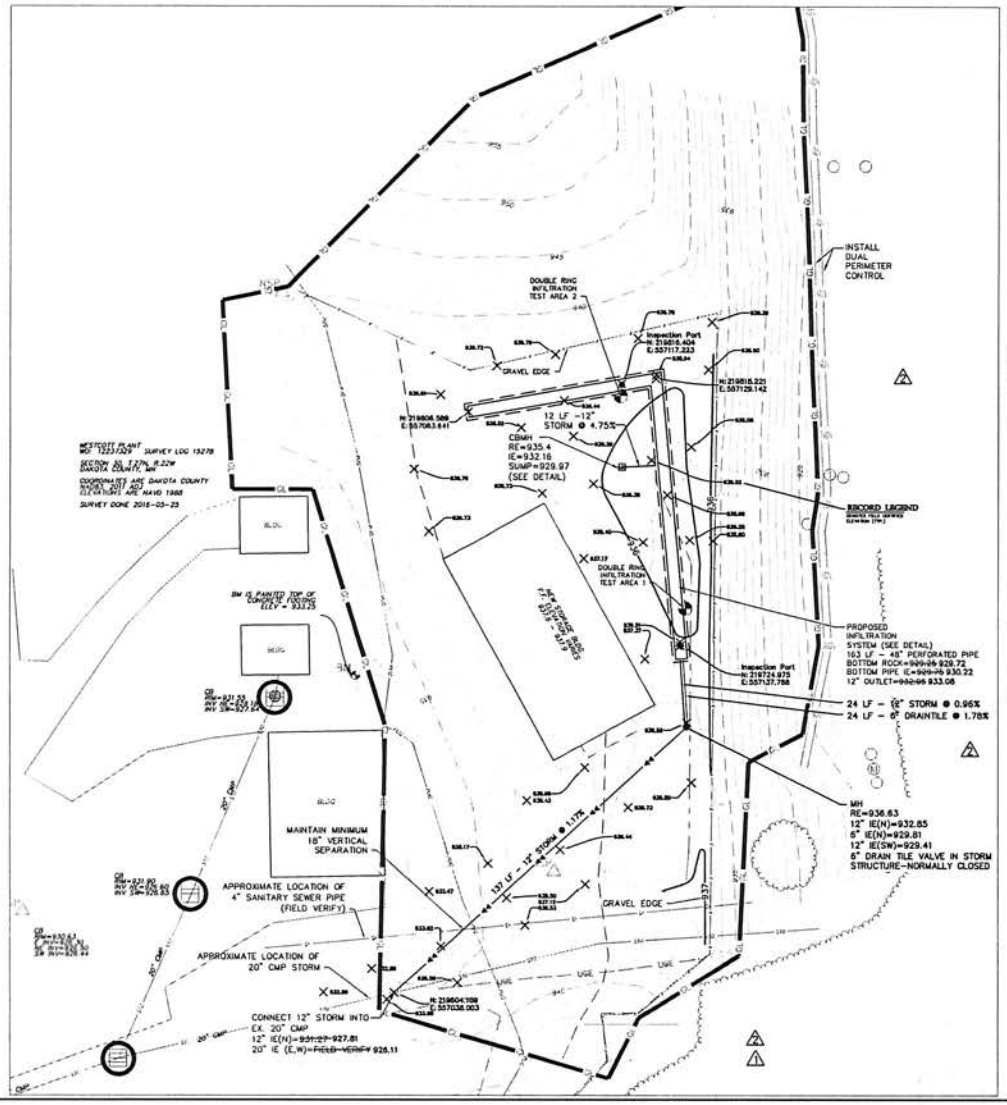
Date of Inspection _____

Inspection Details	Status	Comments/Notes	Initials
Inlet Structure (sump CBMH)			
Is the structure free of debris and trash?			
Is the structure free from structural deficiencies and grouting concerns?			
Is there visual erosion around inlet structure?			
What is the water level (in feet)?			
What is the approximate average depth of sediment (in inches)?			
Provide any comments regarding this structure.			
Inspection Port / Infiltration Pipe (North)			
What is the water level (in feet)?			
What is the approximate average depth of sediment (in inches)?			
Is there visual erosion, sinkholes or other unusual depressions above underground structure?			
Provide any comments regarding this structure.			
Inspection Port / Infiltration Pipe (South)			
What is the water level (in feet)?			
What is the approximate average depth of sediment (in inches)?			
Is there visual erosion, sinkholes or other unusual depressions above underground structure?			
Provide any comments regarding this structure.			
Outlet Manhole Structure			
Is the structure free of debris and trash?			
Is the structure free from structural deficiencies and grouting concerns?			
What is the water level (in feet)?			
What is the approximate average depth of sediment (in inches)?			
Provide any comments regarding this structure.			


24"
36"
A
A
PLAN
MANHOLE COVER TO BE 48" DIA. CRETEX TYPE II WITH EITHER 27" ROUND OR 24" x 36" SQUARE OPENING
MINIMUM OF TWO 2" ADJUSTING RINGS
INV. EL. SEE PLAN
48"
CONCRETE CATCH BASIN MANHOLE AND BASE TO BE CRETEX TYPE 433B OR APPROVED EQUAL
VARIES SEE EL. PLANS
SECTION A-A
NOTE:
1. BASE TO BE GROUTED TO FORM A SMOOTH INVERT TO OUTLET.
2. PIPE CUT-OUTS TO BE LOCATED WHERE REQUIRED.
3. FRAME & GRATE SHALL BE NEENAH R-2501 OR EQUAL
Westwood
CATCH BASIN (SUMP)
LAST REVISED: 03/03/08
ST04


FINAL GRADE
1.5' MIN. COVER
48" PERFORATED CMP PIPE OR PERFORATED HDPE DUAL WALL PIPE
GEOTEXTILE FABRIC
6"
3/4"-2" CLEAN CRUSHED ROCK 40% VOID SPACE (MIN.)
6"
12"
12"
CROSS SECTION
NTS
FINAL GRADE
1.5' MIN. COVER
933.5
933.0
48" PERFORATED CMP PIPE OR PERFORATED HDPE DUAL WALL PIPE
12" CMP OUTLET IE=931.3
6" DRAINTILE OUTLET
929.0
928.5
PROFILE
NTS
Westwood
UNDERGROUND INFILTRATION SYSTEM DETAIL

© 2015 Westwood Professional Services, Inc.



Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance

Grading Legend

EXISTING	PROPOSED	
980	980	GRADING LIMITS
	980	INDEX CONTOUR
	982	INTERVAL CONTOUR
		POND HIGH WATER LEVEL
		SILT FENCE
		STORM SEWER
		FLARED END SECTION (WITH RIPRAP)
		GRADE BREAK LINE
		EROSION CONTROL BLANKET
		ENKAMAT
	837.80 / 1.50%	SPOT ELEVATION / FLOW DIRECTION
	E.O.F. / 85.00	EMERGENCY OVERFLOW
	SB-19	SOIL BORING LOCATION
		INLET PROTECTION

Erosion Control Notes

1. SILT FENCE WILL BE INSTALLED AROUND SITE IN ALL FILL AREAS AND LOCATIONS WHERE STORM WATER RUNOFF MAY LEAVE THE SITE, PRIOR TO ANY EXCAVATION/CONSTRUCTION ACTIVITIES.
2. SILTATION AND EROSION CONTROL: THE CONTRACTOR SHALL ASSUME COMPLETE RESPONSIBILITY FOR CONTROLLING ALL SILTATION AND EROSION OF THE PROJECT AREA. THE CONTRACTOR SHALL USE WHATEVER MEANS NECESSARY TO CONTROL THE EROSION AND SILTATION INCLUDING BUT NOT LIMITED CATCH BASIN INSERTS, ROCK CONSTRUCTION ENTRANCES, EROSION CONTROL BLANKET, AND SILT FENCE. CONTROL SHALL COMMENCE WITH GRADING AND CONTINUE THROUGHOUT THE PROJECT UNTIL ACCEPTANCE OF THE WORK BY THE OWNER. THE CONTRACTOR'S RESPONSIBILITY INCLUDES ALL IMPLEMENTATION AS REQUIRED TO PREVENT EROSION AND THE DEPOSITING OF SILT. THE OWNER MAY DIRECT THE CONTRACTOR'S METHODS AS DEEMED FIT TO PROTECT PROPERTY AND IMPROVEMENTS. ANY DEPOSITION OF SILT OR MUD ON NEW OR EXISTING PAVEMENT OR IN EXISTING STORM SEWERS OR SWALES SHALL BE REMOVED AFTER EACH RAIN AFFECTED AREAS SHALL BE CLEANED TO THE SATISFACTION OF THE OWNER, ALL AT THE EXPENSE OF THE CONTRACTOR. ALL TEMPORARY EROSION CONTROL SHALL BE REMOVED BY THE CONTRACTOR AFTER THE TURF IS ESTABLISHED.
3. CONTRACTOR SHALL INSTALL TEMPORARY INLET PROTECTION (WIMCO OR EQUIVALENT) AROUND ALL CATCH BASIN GRATE INLETS, AFFECTED BY THIS CONSTRUCTION.
4. ALL DISTURBED AREAS SHALL HAVE TEMPORARY PROTECTION OR PERMANENT COVER OVER EXPOSED SOIL AREAS IF NOT BEING ACTIVELY GRADED WITHIN SEVEN (7) DAYS.
5. FOR AREAS WITH SLOPE OF 3:1 OR GREATER, RESTORATION WITH SOD OR WOOD FIBER BLANKET IS REQUIRED.
6. PUBLIC STREETS USED FOR HAULING SHALL BE KEPT FREE OF SOIL AND DEBRIS. STREET SWEEPING SHALL BE COMPLETED DAILY.

Grading Notes

1. TOPOGRAPHIC SURVEY WITH NEW STORAGE BUILDING LOCATION AND ELEVATIONS PROVIDED BY XCEL ENERGY SERVICES, SURVEY DATED MAY 25, 2016. LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO EXCAVATION/CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY IF ANY DISCREPANCIES ARE FOUND.
2. CONTRACTORS SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULE, SLOPED PAVEMENT, EXIT PORCHES, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS, EXACT BUILDING UTILITY ENTRANCE LOCATIONS, AND EXACT LOCATIONS AND NUMBER OF DOWNSPOUTS.
3. ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILL/SURFACE RESTORATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA.
4. ALL DISTURBED UNPAVED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL AND SOD OR SEED. THESE AREAS SHALL BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MNDOT STANDARDS.
6. ALL SLOPES SHALL BE GRADED TO 3:1 OR FLATTER, UNLESS OTHERWISE INDICATED ON THIS SHEET.
7. CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING AND PROVIDE A SMOOTH FINISHED SURFACE WITH UNIFORM SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN OR BETWEEN SUCH POINTS AND EXISTING GRADES.
8. SPOT ELEVATIONS SHOWN INDICATE FINISHED GRADE ELEVATIONS UNLESS OTHERWISE NOTED. PROPOSED CONTOURS ARE TO FINISHED SURFACE GRADE.
9. SEE SOILS REPORT FOR PAVEMENT THICKNESSES AND HOLD DOWNS.
10. CONTRACTOR SHALL DISPOSE OF ANY EXCESS SOIL MATERIAL THAT EXISTS AFTER THE SITE GRADING AND UTILITY CONSTRUCTION IS COMPLETED. THE CONTRACTOR SHALL DISPOSE OF ALL EXCESS SOIL MATERIAL IN A MANNER ACCEPTABLE TO THE OWNER AND THE REGULATING AGENCIES.
11. ALL CONSTRUCTION SHALL CONFORM TO LOCAL, STATE AND FEDERAL RULES INCLUDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS.
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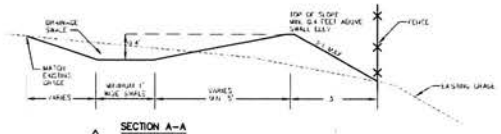
13. EMBANKMENT MATERIAL PLACED BENEATH BUILDINGS AND STREET OR PARKING AREAS SHALL BE COMPACTED IN ACCORDANCE WITH THE SPECIFIED DENSITY METHOD AS OUTLINED IN MNDOT 2105.3F1 AND THE REQUIREMENTS OF THE GEOTECHNICAL ENGINEER.
14. EMBANKMENT MATERIAL NOT PLACED IN THE BUILDING PAD, STREETS OR PARKING AREA, SHALL BE COMPACTED IN ACCORDANCE WITH REQUIREMENTS OF THE ORDINARY COMPACTION METHOD AS OUTLINED IN MNDOT 2105.3F2.
15. ALL SOILS AND MATERIALS TESTING SHALL BE COMPLETED BY AN INDEPENDENT GEOTECHNICAL ENGINEER. EXCAVATION FOR THE PURPOSE OF REMOVING UNSTABLE OR UNSUITABLE SOILS SHALL BE COMPLETED AS REQUIRED BY THE GEOTECHNICAL ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOILS TESTS AND INSPECTIONS WITH THE GEOTECHNICAL ENGINEER.



SECTION A-A
DRAINAGE SWALE

CONTRACTOR: EAGAN EXCAVATING

RECORD DRAWING
CONFORMING TO CONSTRUCTION RECORDS.
BY Joe Schramm DATE 08/12/16
WESTWOOD PROFESSIONAL SERVICES

0' 20' 40' 60'

Westwood
Phone (952) 937-5150 7699 Anagram Drive
Fax (952) 937-5822 Eden Prairie, MN 55344
Toll Free (866) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

I hereby certify that this plan, was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the State of Minnesota.
Sharl Lynn S. Ahrens
Date 08/12/16 License No. 42797

Revisions
05/13/15 PER CITY COMMENTS
07/20/15 RE-GRADE STORMWATER
02/22/16 MODIFIED STORM PIPE
08/08/16 RE-VISED DETAIL
08/31/16 MODIFIED STORM FACILITY
11/05/16 Modified on utility conflicts
08/12/16 Record information

Designed SMA
Checked SMA
Drawn SMA
Record Drawing by/date JAS

Prepared for:

Xcel Energy Services
414 Nicollet Mall
Minneapolis, MN 55401

WESCOTT SHED INSTALLATION
Inver Grove Heights, Minnesota

Date: 02/22/16 Sheet: C2 OF 3

Grading and Erosion Control Plan

EXHIBIT D
ANNUAL INSPECTION FORM

CITY OF INVER GROVE HEIGHTS NPDES INSPECTION PROGRAM

STRUCTURE ID:		INSPECTION DATE/TIME:		INSPECTOR(S):	
LOCATION:				POND ID:	
EASEMENT					
ACCESSIBLE	Y N				
STRUCTURES IN ESMT.	Y N	DESCRIPTION			
TREES IN ESMT.	Y N	LARGEST DIAMETER (INCHES)			
STRUCTURE	FES PIPE	CB	SPCD	OTHER	
ATTRIBUTES	TRASH GUARD	WEIR	SURGE BASIN	OTHER	NONE
CONDITION*	ACCEPTABLE	MINOR MAINTENANCE	MAJOR MAINTENANCE	INACCESSIBLE	
END SECTION EROSION	Y N				
FLOW CONDITION	FLOW PRESENT	NO FLOW	SUBMERGED		
COMMENTS					
VEGETATION/DEBRIS	WEEDS, ETC.	BRUSH, TREES, ETC.	GARBAGE/DEBRIS	NONE	
RESTRICTING FLOW	Y N				
COMMENTS					
SEDIMENT					
CONDITION**	NONE	MINOR MAINTENANCE	MAJOR MAINTENANCE		
COMMENTS					
RIP RAP	PRESENT:	Y N			
CONDITION**	OK	MINOR MAINTENANCE	MAJOR MAINTENANCE		
COMMENTS					
ILLICIT DISCHARGE	DATE OF LAST RAINFALL EVENT:				
ODOR	Y N	COMMENTS:			
COLOR	Y N	COMMENTS:			
FLOATABLES IN DICHARGES	Y N	COMMENTS:			
STAINS/DEPOSITS IN STRUCT.	Y N	COMMENTS:			
MAINTENANCE PERFORMED:					
SIGNED:			DATE:		

* Minor Maintenance: i.e. regrout joint, repair trash guard; Major Maintenance: structure separating(ed) from pipe

** Minor Maintenance: repair can be done by City crews, Major Maintenance: heavy equip. is needed

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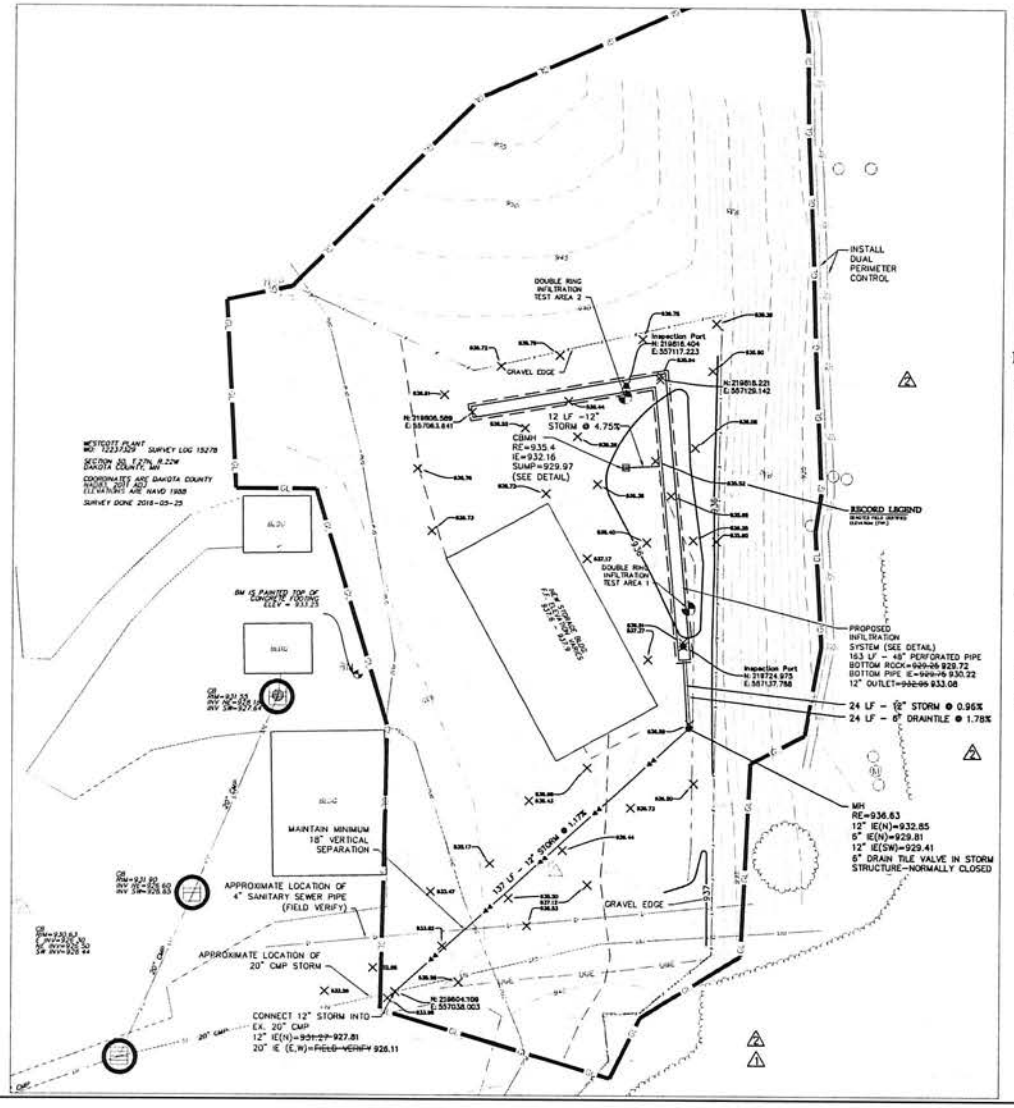

Grading Legend

EXISTING	PROPOSED	
	GL	GRADING LIMITS
95	980	INDEX CONTOUR
	982	INTERVAL CONTOUR
		POND HIGH WATER LEVEL
		SILT FENCE
		STORM SEWER
		FLARED END SECTION (WITH RIPRAP)
		GRADE BREAK LINE
		EROSION CONTROL BLANKET
		ENKAMAT
	837.80	SPOT ELEVATION
	1.50%	FLOW DIRECTION
	E.O.F. 85.00	EMERGENCY OVERFLOW
	SB-19	SOIL BORING LOCATION
		INLET PROTECTION

Erosion Control Notes

1. SILT FENCE WILL BE INSTALLED AROUND SITE IN ALL FILL AREAS AND LOCATIONS WHERE STORM WATER RUNOFF MAY LEAVE THE SITE, PRIOR TO ANY EXCAVATION/CONSTRUCTION ACTIVITIES.
2. SILTATION AND EROSION CONTROL: THE CONTRACTOR SHALL ASSUME COMPLETE RESPONSIBILITY FOR CONTROLLING ALL SILTATION AND EROSION OF THE PROJECT AREA. THE CONTRACTOR SHALL USE WHATEVER MEANS NECESSARY TO CONTROL THE EROSION AND SILTATION INCLUDING BUT NOT LIMITED CATCH BASIN INSERTS, ROCK CONSTRUCTION ENTRANCES, EROSION CONTROL BLANKET, AND SILT FENCE. CONTROL SHALL COMMENCE WITH GRADING AND CONTINUE THROUGHOUT THE PROJECT UNTIL ACCEPTANCE OF THE WORK BY THE OWNER. THE CONTRACTOR'S RESPONSIBILITY INCLUDES ALL IMPLEMENTATION AS REQUIRED TO PREVENT EROSION AND THE DEPOSITING OF SILT. THE OWNER MAY DIRECT THE CONTRACTOR'S METHODS AS DEEMED FIT TO PROTECT PROPERTY AND IMPROVEMENTS. ANY DEPOSITION OF SILT OR MUD ON NEW OR EXISTING PAVEMENT OR IN EXISTING STORM SEWERS OR SWALES SHALL BE REMOVED AFTER EACH RAIN AFFECTED AREAS SHALL BE CLEANED TO THE SATISFACTION OF THE OWNER, ALL AT THE EXPENSE OF THE CONTRACTOR. ALL TEMPORARY EROSION CONTROL SHALL BE REMOVED BY THE CONTRACTOR AFTER THE TURF IS ESTABLISHED.
3. CONTRACTOR SHALL INSTALL TEMPORARY INLET PROTECTION (WIMCO OR EQUIVALENT) AROUND ALL CATCH BASIN GRATE INLETS, AFFECTED BY THIS CONSTRUCTION.
4. ALL DISTURBED AREAS SHALL HAVE TEMPORARY PROTECTION OR PERMANENT COVER OVER EXPOSED SOIL AREAS IF NOT BEING ACTIVELY GRADED WITHIN SEVEN (7) DAYS.
5. FOR AREAS WITH SLOPE OF 3:1 OR GREATER, RESTORATION WITH SOD OR WOOD FIBER BLANKET IS REQUIRED.
6. PUBLIC STREETS USED FOR HAULING SHALL BE KEPT FREE OF SOIL AND DEBRIS. STREET SWEEPING SHALL BE COMPLETED DAILY.

Call 48 Hours before digging:
811 or call811.com
Common Ground Alliance

Grading Notes

2. 1. TOPOGRAPHIC SURVEY WITH NEW STORAGE BUILDING LOCATION AND ELEVATIONS PROVIDED BY XCEL ENERGY SERVICES, SURVEY DATED MAY 25, 2016. LOCATIONS AND ELEVATIONS OF EXISTING TOPOGRAPHY AND UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY SITE CONDITIONS AND UTILITY LOCATIONS PRIOR TO EXCAVATION/CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY IF ANY DISCREPANCIES ARE FOUND.
2. CONTRACTORS SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULE, SLOPED PAVEMENT, EXIT PORCHES, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS, EXACT BUILDING UTILITY ENTRANCE LOCATIONS, AND EXACT LOCATIONS AND NUMBER OF DOWNSPOUTS.
3. ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF "STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILL/SURFACE RESTORATION" AS PREPARED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA.
4. ALL DISTURBED UNPAVED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL AND SOD OR SEED. THESE AREAS SHALL BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MNDOT STANDARDS.
6. ALL SLOPES SHALL BE GRADED TO 3:1 OR FLATTER, UNLESS OTHERWISE INDICATED ON THIS SHEET.
7. CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING AND PROVIDE A SMOOTH FINISHED SURFACE WITH UNIFORM SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN OR BETWEEN SUCH POINTS AND EXISTING GRADES.
8. SPOT ELEVATIONS SHOWN INDICATE FINISHED GRADE ELEVATIONS UNLESS OTHERWISE NOTED. PROPOSED CONTOURS ARE TO FINISHED SURFACE GRADE.
9. SEE SOILS REPORT FOR PAVEMENT THICKNESSES AND HOLD DOWNS.
10. CONTRACTOR SHALL DISPOSE OF ANY EXCESS SOIL MATERIAL THAT EXISTS AFTER THE SITE GRADING AND UTILITY CONSTRUCTION IS COMPLETED. THE CONTRACTOR SHALL DISPOSE OF ALL EXCESS SOIL MATERIAL IN A MANNER ACCEPTABLE TO THE OWNER AND THE REGULATING AGENCIES.
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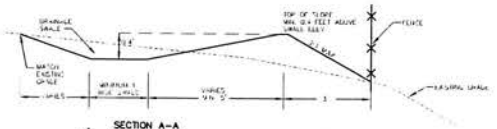

2 SECTION A-A
DRAINAGE SWALE

CONTRACTOR: EAGAN EXCAVATING

RECORD DRAWING
CONFORMING TO CONSTRUCTION RECORDS.
BY Joe Schramm DATE 08/12/16
WESTWOOD PROFESSIONAL SERVICES

0' 20' 40' 60'

Westwood

Phone (952) 937-5150 7699 Anagram Drive
Fax (952) 937-5822 Eden Prairie, MN 55344
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the State of Minnesota.

Shari Lynn S. Ahrens
Date 08/12/16 License No. 42797

Revisions
01/13/15 PER CITY COMMENTS
01/30/15 REVISED STORM SEWER
02/12/15 ADDED STORM PIPE
04/08/15 REVISED DETAIL
07/31/15 ADDED SOIL BORINGS
07/05/16 Modified per utility conflicts
08/12/16 Record Information

Designed	SSA
Checked	SSA
Drawn	SSA
Record Drawing by/date	JAB

Prepared for:

Xcel Energy Services
414 Nicollet Mall
Minneapolis, MN 55401

WESCOTT SHED INSTALLATION

Inver Grove Heights, Minnesota

Grading and Erosion Control Plan

Date: 02/22/16 Sheet: C2 OF 3

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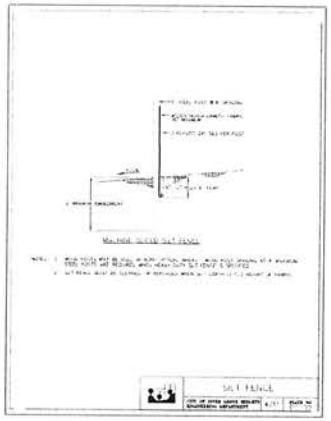
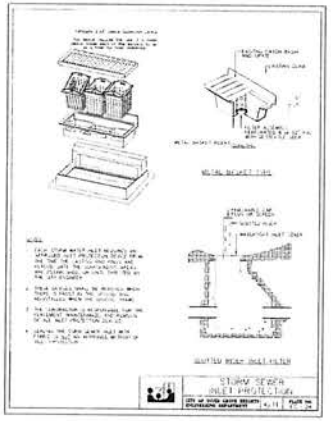
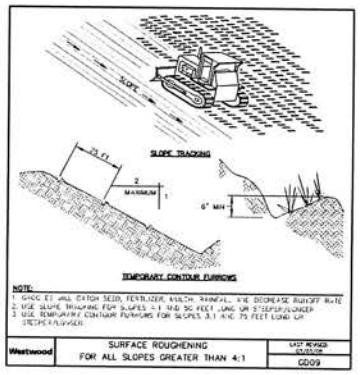
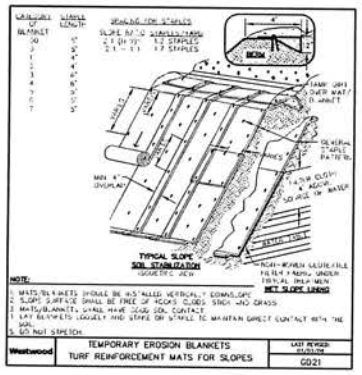
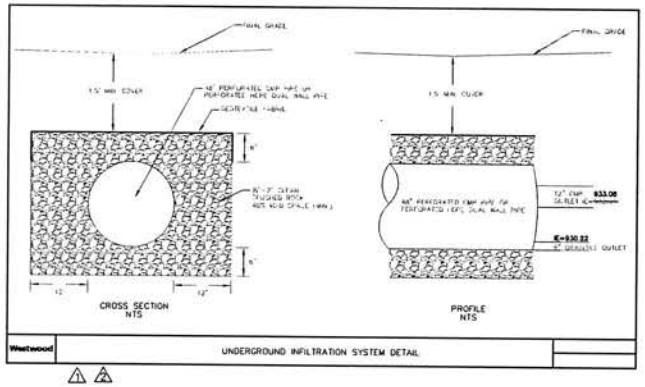
811 or call811.com
Common Ground Alliance

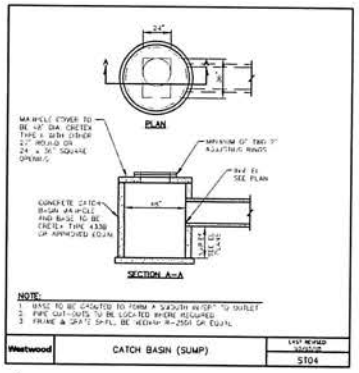












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BY Joe Schramm DATE 08/12/16
WESTWOOD PROFESSIONAL SERVICES

Westwood

Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the State of Minnesota.

Shari Lynn S. Ahrens
Date 08/12/16 License No. 42797

Revisions

Designed SLA
Checked SLA
Drawn SLA
Record Drawing by/date JAS

Prepared for:

Xcel Energy Services
414 Nicollet Mall
Minneapolis, MN 55401

WESCOTT SHED INSTALLATION

Inver Grove Heights, Minnesota

Date:

De

LEVANDER,
GILLEN &
MILLER, P.A.
ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
°STEPHEN H. FOCHLER
◊JAY P. KARLOVICH
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1910-1992

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• ROGER C. MILLER
1924-2009

*ALSO ADMITTED IN WISCONSIN
◊ALSO ADMITTED IN NORTH DAKOTA
°ALSO ADMITTED IN MASSACHUSETTS
□ALSO ADMITTED IN OKLAHOMA

MEMO

TO: **Mayor and Councilmembers**
FROM: **Timothy J. Kuntz, City Attorney**
DATE: **October 19, 2016**
RE: **Release of Retaining Wall Maintenance Agreement for Outlot C, Blackstone Vista; October 24, 2016 Council Meeting**

Section 1. Background. On April 27, 2015, the City of Inver Grove Heights (City) and The Ryland Group, Inc. and Blackstone Vista Homeowners Association entered into a Retaining Wall Maintenance Agreement for Outlot C, Blackstone Vista recorded as Dakota County Document No. 3077440 in connection with the plat of Blackstone Vista. The Retaining Wall Maintenance Agreement was recorded and appears as an encumbrance on the title.

With approval of the City Engineer, the Developer changed the grading plan to eliminate the need for the retaining wall. The Developer never constructed a retaining wall on Outlot C, Blackstone Vista, nor does the Developer intend to construct a retaining wall on Outlot C, Blackstone Vista. As a result of there not being a retaining wall on Outlot C, Blackstone Vista, Developer has requested that the City release the recorded Retaining Wall Maintenance Agreement in order to release Developer from any responsibilities of Developer under the Retaining Wall Maintenance Agreement.

Since the retaining wall was not and is not going to be constructed on Outlot C, Blackstone Vista the City has agreed that the request is reasonable and the Retaining Wall Maintenance Agreement may be released.

Section 2. Council Action. At the October 24, 2016 Council meeting, the Council is asked to consider the attached *Resolution Releasing Outlot C, Blackstone Vista from a Retaining Wall Maintenance Agreement for Outlot C, Blackstone Vista.*

Attachments

633 SOUTH CONCORD STREET • SUITE 400 • SOUTH SAINT PAUL, MINNESOTA 55075 • 651-451-1831 • FAX 651-450-7384
OFFICE ALSO LOCATED IN SPOONER, WISCONSIN

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

A RESOLUTION RELEASING OUTLOT C, BLACKSTONE VISTA FROM A RETAINING WALL MAINTENANCE AGREEMENT FOR OUTLOT C, BLACKSTONE VISTA RECORDED AS DAKOTA COUNTY DOCUMENT NO. 3077440

WHEREAS, on April 27, 2015, the City of Inver Grove Heights (City) and The Ryland Group, Inc., now known as CalAtlantic Group, Inc. (Developer) and Blackstone Vista Homeowners Association (Association) entered into a Retaining Wall Maintenance Agreement for Outlot C, Blackstone Vista recorded as Dakota County Document No. 3077440 in connection with the plat of Blackstone Vista.

WHEREAS, the Retaining Wall Maintenance Agreement was recorded against Outlot C, Blackstone Vista and appears as an encumbrance on the title.

WHEREAS, with approval of the City Engineer, the Developer changed the grading plan to eliminate the need for the retaining wall. The Developer never constructed a retaining wall on Outlot C, Blackstone Vista, nor does the Developer intend to construct a retaining wall on Outlot C, Blackstone Vista.

WHEREAS, as a result of there not being a retaining wall on Outlot C, Blackstone Vista, Developer has requested that the City release the Retaining Wall Maintenance Agreement in order to discharge Developer from any responsibilities of Developer under the Retaining Wall Maintenance Agreement.

WHEREAS, since the retaining wall was not and is not going to be constructed on Outlot C, Blackstone Vista, the City has agreed that the request is reasonable and the Retaining Wall Maintenance Agreement may be released.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS,

1.) The attached *Release of Outlot C, Blackstone Vista From A Retaining Wall Maintenance Agreement For Outlot C, Blackstone Vista Recorded As Dakota County Document No. 3077440* is hereby approved.

2.) The Mayor and City Clerk are authorized to execute the attached *Release of Outlot C, Blackstone Vista From A Retaining Wall Maintenance Agreement For Outlot C, Blackstone Vista Recorded As Dakota County Document No. 3077440.*

3.) The City Attorney will record the attached *Release of Outlot C, Blackstone Vista From A Retaining Wall Maintenance Agreement For Outlot C, Blackstone Vista Recorded As Dakota County Document No. 3077440.*

Adopted this 24th day of October, 2016.

_____
George Tourville, Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

RELEASE OF OUTLOT C, BLACKSTONE VISTA FROM A RETAINING WALL MAINTENANCE AGREEMENT FOR OUTLOT C, BLACKSTONE VISTA RECORDED AS DAKOTA COUNTY DOCUMENT NO. 3077440

THIS **RELEASE OF OUTLOT C, BLACKSTONE VISTA FROM A RETAINING WALL MAINTENANCE AGREEMENT FOR OUTLOT C, BLACKSTONE VISTA RECORDED AS DAKOTA COUNTY DOCUMENT NO. 3077440** (Release) is made, entered into, and effective this 24th day of October, 2016, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as City) and CalAtlantic Group, Inc., a Delaware corporation as successor to The Ryland Group, Inc., a Maryland corporation, (hereafter referred to as Developer) and Blackstone Vista Homeowners Association, a Minnesota corporation (hereafter referred to as Association). Subject to the terms and conditions hereafter stated and based on the representations, warranties, covenants, agreements and recitals of the parties herein contained, the parties do hereby agree as follows:

RECITALS:

WHEREAS, a Retaining Wall Maintenance Agreement for Outlot C, Blackstone Vista was entered into between the City, Developer and Association on April 27, 2015, and recorded on July 9, 2015, as Document No. 3077440 with the Office of the County Recorder, Dakota County, Minnesota (hereafter referred to as the "Agreement").

WHEREAS, Developer is the owner of Outlot C, Blackstone Vista, Dakota County, Minnesota.

WHEREAS, the parties to the Agreement are the same parties to this Release.

WHEREAS, the City and Developer and Association wish to release Outlot C, Blackstone Vista, Dakota County, Minnesota from the Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged the parties agree as follows:

1. City, Developer and Association do hereby release and discharge Outlot C, Blackstone Vista, Dakota County, Minnesota from the Agreement.

2. City, Developer and Association do hereby agree that the Agreement is hereby terminated and is null and void.

3. City shall record this Release against Outlot C, Blackstone Vista, Dakota County, Minnesota.

IN WITNESS WHEREOF, the City, Developer and Association have executed this Release on the day and year first stated above.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

By: _____
Michelle Tesser, City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this 24th day of October, 2016, before me a Notary Public within and for said County, personally appeared George Tourville and Michelle Tesser to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.

_____
Notary Public

DEVELOPER:

CALATLANTIC GROUP, INC., SUCCESSOR BY MERGER TO THE RYLAND GROUP, INC.

By: _____
Michael W. DeVoe
Its Operational Vice President

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of October, 2016, before me a Notary Public within and for said County, personally appeared Michael W. DeVoe, to me personally known, who being by me duly sworn, did say that he is the Operational Vice President of CalAtlantic Group, Inc., a Delaware corporation, successor by merger to The Ryland Group, Inc., a Maryland corporation, and that the foregoing instrument was executed on behalf of CalAtlantic Group, Inc., successor by merger to The Ryland Group, Inc. by authority of the Boards of Directors of CalAtlantic Group, Inc., successor by merger to The Ryland Group, Inc.

_____
Notary Public

ASSOCIATION:
BLACKSTONE VISTA HOMEOWNERS ASSOCIATION, INC.

By: _____

Its President

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

On this _____ day of October, 2016, before me a Notary Public within and for said County, personally appeared _____, to me personally known, who being by me duly sworn, did say that he/she is the President of Blackstone Vista Homeowners Association, Inc., a Minnesota non-profit corporation, and that the foregoing instrument was executed on behalf of Blackstone Vista Homeowners Association, Inc. by authority of the Board of Directors of said non-profit corporation.

_____
Notary Public

THIS INSTRUMENT DRAFTED BY:

Timothy J. Kuntz
LeVander, Gillen, & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

AFTER RECORDING PLEASE RETURN TO:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

LEVANDER,
GILLEN &
MILLER, P.A.
ATTORNEYS AT LAW

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DANIEL J. BEESON
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△ALSO ADMITTED IN ARIZONA

MEMO

TO: **Inver Grove Heights Mayor and Councilmembers**
FROM: **Timothy J. Kuntz, City Attorney**
DATE: **October 19, 2016**
RE: **Temporary Cul-De-Sac Easement Agreement for Lot 1, Block 6, Blackstone Vista and Lot 6, Block 5, Blackstone Vista – October 24, 2016 Council Meeting**

Section 1. Background. The Developer of the plat of Blackstone Vista (CalAtlantic Group, Inc. formerly The Ryland Group) has been working with the neighbor to the west of Blackstone Vista on several offsite easements for improvements associated with the development including temporary cul-de-sac improvements. The landowner to the west of the Blackstone Vista development is George Deuth and Jacqueline Deuth (Deuth). The Developer obtained a Temporary Access Easement between the City and Deuth which allows a temporary cul-de-sac to be placed on the Deuth property and grants the City the right to maintain the temporary cul-de-sac.

The City and Developer have determined that a small triangular portion of Lot 1, Block 6, Blackstone Vista and Lot 6, Block 5, Blackstone Vista are needed for temporary cul-de-sac purposes in connection with the off-site temporary cul-de-sac located on the Deuth property.

The City has prepared a Temporary Cul-de-Sac Easement Agreement between the City and Developer for Lot 1, Block 6, Blackstone Vista and a Temporary Cul-de-Sac Easement Agreement between the City and Developer for Lot 6, Block 5, Blackstone Vista. The two temporary easements will expire when Arlo Way is extended west into and through the Deuth property (presumably when Deuth plats their property).

633 SOUTH CONCORD STREET • SUITE 400 • SOUTH SAINT PAUL, MINNESOTA 55075 • 651-451-1831 • FAX 651-450-7384
OFFICE ALSO LOCATED IN SPOONER, WISCONSIN

Section 2. <u>Council Action</u>. At the October 24, 2016 Council meeting, the Council is asked to consider the attached *Resolution Approving Temporary Cul-de-Sac Easement for Lot 1, Block 6, Blackstone Vista and a Temporary Cul-de-Sac Easement for Lot 6, Block 5, Blackstone Vista.*

Attachments

RESOLUTION NO. 16- _____

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION APPROVING A TEMPORARY CUL-DE-SAC EASEMENT FOR LOT 1, BLOCK 6, BLACKSTONE VISTA AND A TEMPORARY CUL-DE-SAC EASEMENT FOR LOT 6, BLOCK 5, BLACKSTONE VISTA

WHEREAS, the Developer of the plat of Blackstone Vista (CalAtlantic Group, Inc. formerly The Ryland Group) has been working with the neighbor to the west of Blackstone Vista on several offsite easements for improvements associated with the development including temporary cul-de-sac improvements.

WHEREAS, the landowner to the west of the Blackstone Vista development is George Deuth and Jacqueline Deuth (Deuth).

WHEREAS, the Developer obtained a Temporary Access Easement between the City and Deuth which allows a temporary cul-de-sac to be placed on the Deuth property and grants the City the right to maintain the temporary cul-de-sac.

WHEREAS, the City and Developer have determined that a small triangular portion of Lot 1, Block 6, Blackstone Vista and Lot 6, Block 5, Blackstone Vista are needed for temporary cul-de-sac purposes in connection with the off-site temporary cul-de-sac located on the Deuth property.

WHEREAS, the City has prepared a Temporary Cul-de-Sac Easement Agreement between the City and Developer for Lot 1, Block 6, Blackstone Vista and Temporary Cul-de-Sac Easement Agreement between the City and Developer for Lot 6, Block 5, Blackstone Vista. The two temporary easements will expire when Arlo Way is extended west into and through the Deuth property (presumably when Deuth plats their property).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Inver Grove Heights, Minnesota, as follows:

1.) The attached Temporary Cul-de-Sac Easement Agreement between the City and Developer for Lot 1, Block 6, Blackstone Vista and Temporary Cul-de-Sac Easement Agreement between the City and Developer for Lot 6, Block 5, Blackstone Vista are hereby approved.

2.) The Mayor and City Clerk are hereby authorized to execute the attached Temporary Cul-de-Sac Easement Agreement between the City and Developer for Lot 1, Block 6, Blackstone Vista and Temporary Cul-de-Sac Easement Agreement between the City and Developer for Lot 6, Block 5, Blackstone Vista.

3.) The City Attorney will record the attached Temporary Cul-de-Sac Easement Agreement between the City and Developer for Lot 1, Block 6, Blackstone Vista and Temporary Cul-de-Sac Easement Agreement between the City and Developer for Lot 6, Block 5, Blackstone Vista.

Adopted by the City Council of the City of Inver Grove Heights this 24th day of October, 2016.

_____
George Tourville, Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

TEMPORARY CUL-DE-SAC
EASEMENT AGREEMENT
FOR LOT 1, BLOCK 6, BLACKSTONE VISTA

THIS TEMPORARY CUL-DE-SAC EASEMENT AGREEMENT FOR LOT 1, BLOCK 6, BLACKSTONE VISTA (Agreement) is made this 24th day of October, 2016, between CalAtlantic Group, Inc., a Delaware corporation, as successor by merger to The Ryland Group, Inc., a Maryland corporation ("Landowner") and the City of Inver Grove Heights, a municipal corporation organized under the laws of the State of Minnesota ("City").

Landowner, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey unto the City, its successors and assigns, the following:

A temporary easement for street purposes over, under, across and through real property located in Dakota County, Minnesota, legally described and depicted on the attached **Exhibit A** (hereafter referred to as the "Easement Area"), including the right of the City, its contractors, agents and servants to enter upon the Easement Area at all reasonable times for purposes of construction, reconstruction, inspection, repair, grading, sloping, and restoration purposes and all such purposes ancillary thereto, and to maintain the above Easement Area, any improvements and any underground pipes, conduits, or mains together with the right of City, its contractors, agents and servants to remove from the Easement Area trees, brush, undergrowth and other obstructions, as well as the right to deposit earthen materials in and upon the Easement Area.

This temporary easement shall expire upon the earlier of: (1) the platting of Dakota County Tax Parcel Identification No. 20-00700-28-015; or (2) when Arlo Way as shown on the plat of Blackstone Vista is extended westerly beyond Lot 1, Block 6, Blackstone Vista onto and through the property identified as Dakota County Tax Parcel Identification No. 20-00700-28-015 and the City opens Arlo Way in and through Dakota County Tax Parcel Identification No. 20-00700-28-015 for public vehicular traffic west of the westerly line of Lot 1, Block 6, Blackstone Vista.

Within 30 days after expiration of this temporary easement, the City, at its own expense, will record with the Dakota County Recorder, a release of this Agreement.

The City shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys' fees, or losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants, which may have existed on, or which relate to the easement area or property prior to the date hereof.

Nothing contained herein shall be deemed a waiver by the City of any governmental immunity defenses, statutory or otherwise. Further, any and all claims brought by Landowner, its successors or assigns, shall be subject to any governmental immunity defenses of the City and the maximum liability limits provided in Minnesota Statute Chapter 466.

Landowner, for itself and its successors and assigns, does covenant with the City, its successors and assigns, that it is well seized in fee of the lands and premises described on Exhibit A and has good right to grant and convey the easement herein to said City.

[The remainder of this page has been intentionally left blank.]

IN WITNESS WHEREOF, Landowner and the City have executed this Temporary Cul-de-Sac Easement Agreement the day and year aforementioned.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville
Its: Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this 24th day of October, 2016, before me a Notary Public within and for said County, personally appeared George Tourville and Michelle Tesser to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said City Clerk acknowledged said instrument to be the free act and deed of said municipality.

_____
Notary Public

LANDOWNER:

CALATLANTIC GROUP, INC., SUCCESSOR BY MERGER TO THE RYLAND GROUP, INC.

By: _____
Michael W. DeVoe
Its Operational Vice President

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of October, 2016, before me a Notary Public within and for said County, personally appeared Michael W. DeVoe, to me personally known, who being by me duly sworn, did say that he is the Operational Vice President of CalAtlantic Group, Inc., a Delaware corporation, successor by merger to The Ryland Group, Inc., a Maryland corporation, and that the foregoing instrument was executed on behalf of CalAtlantic Group, Inc., successor by merger to The Ryland Group, Inc. by authority of the Boards of Directors of CalAtlantic Group, Inc., successor by merger to The Ryland Group, Inc.

_____
Notary Public

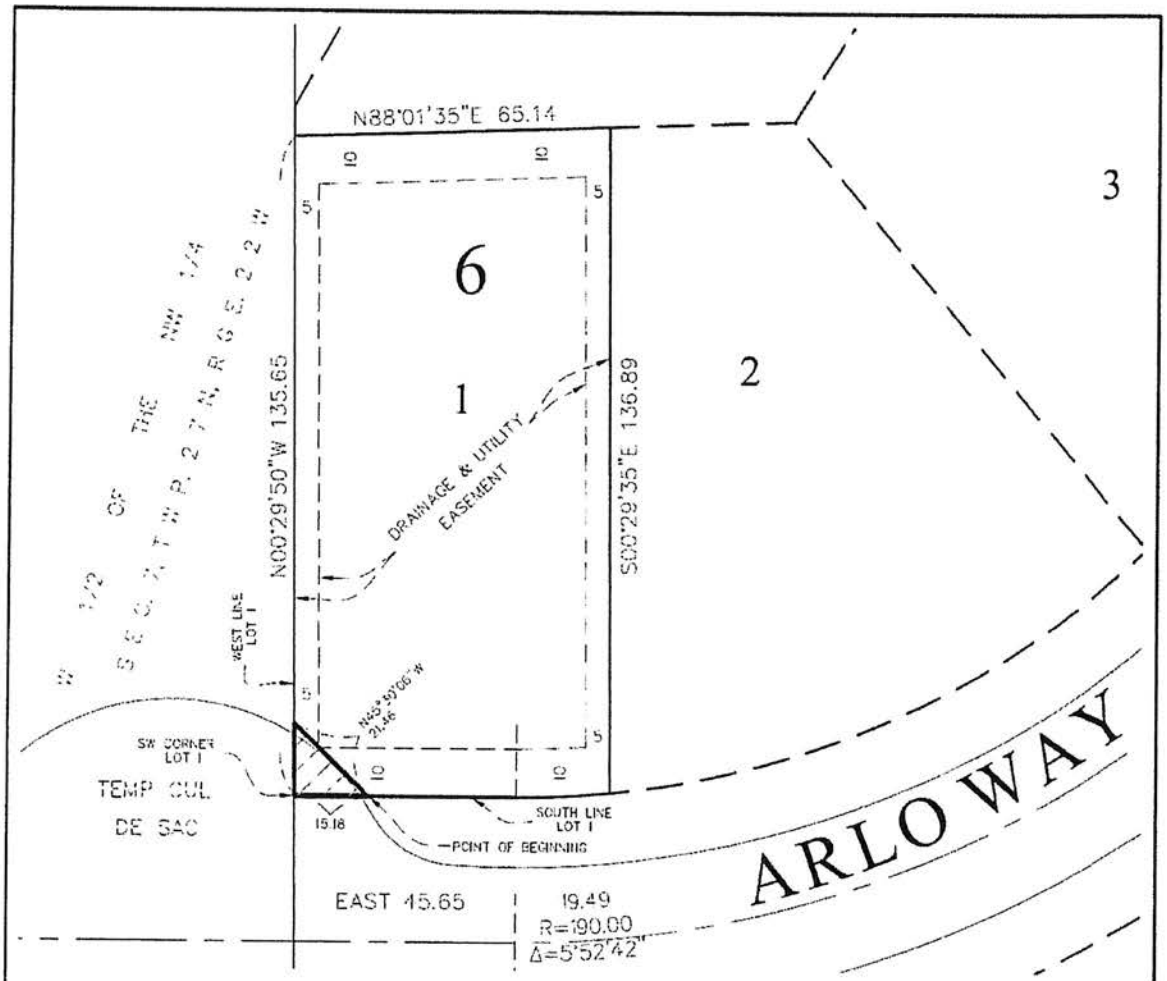
This Instrument Was Drafted By:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

After Recording, Please Return This Instrument To:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

EXHIBIT A
DESCRIPTION AND DEPICTION OF TEMPORARY EASEMENT AREA

Real Property located in the City of Inver Grove Heights, Dakota County, Minnesota, legally described as follows:

> A temporary easement for right of way purposes over, under, and across that part of Lot 1, Block 6, Blackstone Vista, according to the recorded plat thereof, Dakota County, Minnesota, described as lying southwesterly of the following described line:
>
> Said line is described as commencing at the southwest corner of Lot 1, thence on an assumed bearing of East along the south line of said Lot 1, a distance of 15.18 feet to the point of beginning; thence North 45 degrees 30 minutes 06 seconds West, a distance of 21.46 feet to the west line of said Lot 1 and there terminating.
>
> Proposed Easement Area: 114 square feet



EASEMENT DESCRIPTION

A temporary easement for right of way purposes over, under, and across that part of Lot 1, Block 6, BLACKSTONE VISTA, according to the recorded plat thereof, Dakota County, Minnesota, described as lying southwesterly of the following described line;

Said line is described as commencing at the southwest corner of said Lot 1, thence on an assumed bearing of East along the south line of said Lot 1, a distance of 15.18 feet to the point of beginning; thence North 45 degrees 30 minutes 06 seconds West, a distance of 21.46 feet to the west line of said Lot 1 and there terminating.

Proposed Easement Area: 114 square feet

Easement Area

30 15 0 15 30 60

SCALE IN FEET

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 30th day of December, 2015.

SATHRE-BERGQUIST, INC.

Daniel L. Schmidt

Daniel L. Schmidt, PLS Minnesota License No. 26147
schmidt@sathre.com

SATHRE-BERGQUIST, INC.
150 South Broadway Ave.
Wayzata, MN. 55391
(952) 476-6000 www.sathre.com

Easement Exhibit
Prepared For
The City of Inver Grove Heights

Date: 12-30-15	Revision Date: 01-05-16
Prepared By: EMW	Check By: DBP
Project: Blackstone Vista - L156 BV	1/1
Project Number: 78058-019	

TEMPORARY CUL-DE-SAC
EASEMENT AGREEMENT
FOR LOT 6, BLOCK 5, BLACKSTONE VISTA

THIS TEMPORARY CUL-DE-SAC EASEMENT AGREEMENT FOR LOT 6, BLOCK 5, BLACKSTONE VISTA (Agreement) is made this 24th day of October, 2016, between CalAtlantic Group, Inc., a Delaware corporation, as successor by merger to The Ryland Group, Inc., a Maryland corporation ("Landowner") and the City of Inver Grove Heights, a municipal corporation organized under the laws of the State of Minnesota ("City").

Landowner, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey unto the City, its successors and assigns, the following:

A temporary easement for street purposes over, under, across and through real property located in Dakota County, Minnesota, legally described and depicted on the attached **Exhibit A** (hereafter referred to as the "Easement Area"), including the right of the City, its contractors, agents and servants to enter upon the Easement Area at all reasonable times for purposes of construction, reconstruction, inspection, repair, grading, sloping, and restoration purposes and all such purposes ancillary thereto, and to maintain the above Easement Area, any improvements and any underground pipes, conduits, or mains together with the right of City, its contractors, agents and servants to remove from the Easement Area trees, brush, undergrowth and other obstructions, as well as the right to deposit earthen materials in and upon the Easement Area.

This temporary easement shall expire upon the earlier of: (1) the platting of Dakota County Tax Parcel Identification No. 20-00700-28-015; or (2) when Arlo Way as shown on the plat of Blackstone Vista is extended westerly beyond Lot 6, Block 5, Blackstone Vista onto and through the property identified as Dakota County Tax Parcel Identification No. 20-00700-28-015 and the City opens Arlo Way in and through Dakota County Tax Parcel Identification No. 20-00700-28-015 for public vehicular traffic west of the westerly line of Lot 6, Block 5, Blackstone Vista.

Within 30 days after expiration of this temporary easement, the City, at its own expense, will record with the Dakota County Recorder, a release of this Agreement.

The City shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys' fees, or losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants, which may have existed on, or which relate to the easement area or property prior to the date hereof.

Nothing contained herein shall be deemed a waiver by the City of any governmental immunity defenses, statutory or otherwise. Further, any and all claims brought by Landowner, its successors or assigns, shall be subject to any governmental immunity defenses of the City and the maximum liability limits provided in Minnesota Statute Chapter 466.

Landowner, for itself and its successors and assigns, does covenant with the City, its successors and assigns, that it is well seized in fee of the lands and premises described on Exhibit A and has good right to grant and convey the easement herein to said City.

[The remainder of this page has been intentionally left blank.]

IN WITNESS WHEREOF, Landowner and the City have executed this Temporary Cul-de-Sac Easement Agreement the day and year aforementioned.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville
Its: Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this 24th day of October, 2016, before me a Notary Public within and for said County, personally appeared George Tourville and Michelle Tesser to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said City Clerk acknowledged said instrument to be the free act and deed of said municipality.

_____
Notary Public

LANDOWNER:

CALATLANTIC GROUP, INC., SUCCESSOR BY MERGER TO THE RYLAND GROUP, INC.

By: _____
Michael W. DeVoe
Its Operational Vice President

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of October, 2016, before me a Notary Public within and for said County, personally appeared Michael W. DeVoe, to me personally known, who being by me duly sworn, did say that he is the Operational Vice President of CalAtlantic Group, Inc., a Delaware corporation, successor by merger to The Ryland Group, Inc., a Maryland corporation, and that the foregoing instrument was executed on behalf of CalAtlantic Group, Inc., successor by merger to The Ryland Group, Inc. by authority of the Boards of Directors of CalAtlantic Group, Inc., successor by merger to The Ryland Group, Inc.

_____
Notary Public

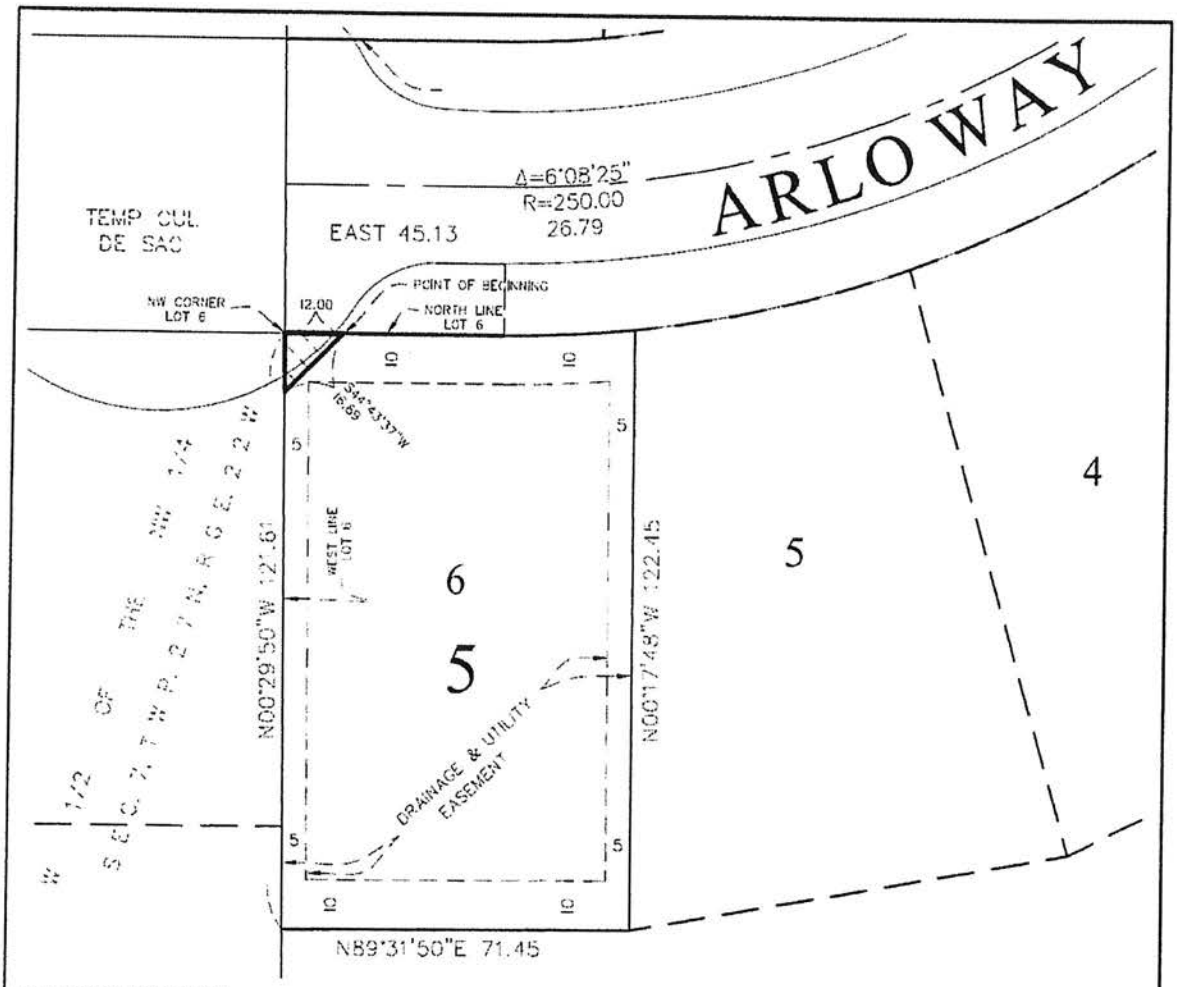
This Instrument Was Drafted By:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

After Recording, Please Return This Instrument To:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

EXHIBIT A
DESCRIPTION AND DEPICTION OF TEMPORARY EASEMENT AREA

Real Property located in the City of Inver Grove Heights, Dakota County, Minnesota, legally described as follows:

> A temporary easement for right of way purposes over, under, and across that part of Lot 6, Block 5, Blackstone Vista, according to the recorded plat thereof, Dakota County, Minnesota, described as lying northwesterly of the following described line:
>
> Said line is described as commencing at the northwest corner of said Lot 6, thence on an assumed bearing of East along the north line of said Lot 6, a distance of 12.00 feet to the point of beginning; thence South 44 degrees 43 minutes 37 seconds West, a distance of 16.89 feet to the west line of said Lot 6 and there terminating.
>
> Proposed Easement Area: 72 square feet



EASEMENT DESCRIPTION

A temporary easement for right of way purposes over, under, and across that part of Lot 6, Block 5, BLACKSTONE VISTA, according to the recorded plat thereof, Dakota County, Minnesota, described as lying northwesterly of the following described line;

Said line is described as commencing at the northwest corner of said Lot 6, thence on an assumed bearing of East along the north line of said Lot 1, a distance of 12.00 feet to the point of beginning; thence South 44 degrees 43 minutes 37 seconds West, a distance of 16.89 feet to the west line of said Lot 6 and there terminating.

Proposed Easement Area: 72 square feet

NORTH

30 15 0 15 30 60

SCALE IN FEET

Easement Area

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 30th day of December, 2015.

SATHRE-BERGQUIST, INC.

Daniel L. Schmidt

Daniel L. Schmidt, PLS Minnesota License No. 26147
schmidt@sathre.com

SATHRE-BERGQUIST, INC.
150 South Broadway Ave.
Wayzata, MN. 55391
(952) 476-6000 www.sathre.com

Easement Exhibit Prepared For The City of Inver Grove Heights	Date: 12-30-15	Revision Date: 01-05-16
	Prepared By: EMW	Check By: DBP
	Project: Blackstone Vista - L685 BV	1/1
	Project Number: 78058-019	

LEVANDER,
GILLEN &
MILLER, P.A.
ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
•KENNETH J. ROHLF
○STEPHEN H. FOCHLER
△◇JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
•KORINE L. LAND
□•DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
•BRIDGET McCAULEY NASON
TONA T. DOVE
BRADLEY R. HUTTER
ARIEL A. PITTNER

HAROLD LEVANDER
1910-1992

ARTHUR GILLEN
1919-2005

ROGER C. MILLER
1924-2009

•ALSO ADMITTED IN WISCONSIN
◇ALSO ADMITTED IN NORTH DAKOTA
○ALSO ADMITTED IN MASSACHUSETTS
□ALSO ADMITTED IN OKLAHOMA
△ALSO ADMITTED IN ARIZONA

MEMO

TO: **Inver Grove Heights Mayor and Councilmembers**
FROM: **Timothy J. Kuntz, City Attorney**
DATE: **October 19, 2016**
RE: **Release of Lots 1 and 2, Block 6, Blackstone Vista from a Temporary Cul-De-Sac Easement Agreement Recorded As Dakota County Document No. 3065070 – October 24, 2016 Council Meeting**

Section 1. Background. A Temporary Cul-De-Sac Easement Agreement was entered into between the City of Inver Grove Heights and The Ryland Group, Inc. (now knowns as CalAtlantic Group, Inc.) on April 27, 2015, and recorded on May 7, 2015, as Document No. 3065070 (the "Cul-De-Sac Easement"). The Cul-De-Sac Easement was recorded against Lots 1 and 2, Block 6, Blackstone Vista and appears as an encumbrance on the title to the lots.

The Developer never constructed a temporary cul-de-sac on Lots 1 and 2, Block 6, Blackstone Vista, nor does the Developer intend to construct a temporary cul-de-sac on Lots 1 and 2, Block 6, Blackstone Vista. Rather than constructing the temporary cul-de-sac on Lots 1 and 2, Block 6, Blackstone Vista, the Developer constructed the temporary cul-de-sac on property located adjacent to and west of Lots 1 and 2, Block 6, Blackstone Vista. The Developer obtained a separate temporary easement in favor of the City from the adjoining landowner to construct the temporary cul-de-sac on the property located adjacent to Lots 1 and 2, Block 6, Blackstone Vista.

As a result of there not being a temporary cul-de-sac on Lots 1 and 2, Block 6, Blackstone Vista, Developer has requested that the City release the Cul-De-Sac Easement from encumbering the title on Lots 1 and 2, Block 6, Blackstone Vista. Since the temporary cul-de-sac was not and is not going to be constructed on Lots 1 and 2, Block 6, Blackstone Vista, the City has agreed that the request is reasonable and the Cul-De-Sac Easement may be released.

Section 2. <u>Council Action</u>. At the October 24, 2016 Council meeting, the Council is asked to consider the attached *Resolution Releasing Lots 1 and 2, Block 6, Blackstone Vista from a Temporary Cul-De-Sac Easement Agreement Recorded As Dakota County Document No. 3065070.*

Attachments

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

A RESOLUTION RELEASING LOTS 1 AND 2, BLOCK 6, BLACKSTONE VISTA FROM A TEMPORARY EASEMENT AGREEMENT RECORDED AS DAKOTA COUNTY DOCUMENT NO. 3065070

WHEREAS, a Temporary Cul-De-Sac Easement Agreement was entered into between the City of Inver Grove Heights, a municipal corporation and The Ryland Group, Inc., a Maryland corporation on April 27, 2015, and recorded on May 7, 2015, as Document No. 3065070 with the Office of the County Recorder, Dakota County, Minnesota (hereafter referred to as the "Cul-De-Sac Easement").

WHEREAS, the Cul-De-Sac Easement was recorded against Lots 1 and 2, Block 6, Blackstone Vista and appears as an encumbrance on the title to the lots.

WHEREAS, the Developer never constructed a temporary cul-de-sac on Lots 1 and 2, Block 6, Blackstone Vista, nor does the Developer intend to construct a temporary cul-de-sac on Lots 1 and 2, Block 6, Blackstone Vista. The Developer obtained a separate temporary easement from the adjoining landowner to construct the temporary cul-de-sac easement on the property located adjacent to and west of Lots 1 and 2, Block 6, Blackstone Vista.

WHEREAS, as a result of there not being a temporary cul-de-sac on Lots 1 and 2, Block 6, Blackstone Vista, Developer has requested that the City release the Cul-De-Sac Easement from encumbering the title on Lots 1 and 2, Block 6, Blackstone Vista.

WHEREAS, since the temporary cul-de-sac was not and is not going to be constructed on Lots 1 and 2, Block 6, Blackstone Vista, the City has agreed that the request is reasonable and the Cul-De-Sac Easement may be released.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS,

1.) The attached *Release of Lots 1 and 2, Block 6, Blackstone Vista from a Temporary Cul-De-Sac Easement Agreement Recorded As Dakota County Document No. 3065070* is hereby approved.

2.) The Mayor and City Clerk are authorized to execute the attached *Release of Lots 1 and 2, Block 6, Blackstone Vista from a Temporary Cul-De-Sac Easement Agreement Recorded As Dakota County Document No. 3065070.*

3.) The City Attorney will record the attached *Release of Lots 1 and 2, Block 6, Blackstone Vista from a Temporary Cul-De-Sac Easement Agreement Recorded As Dakota County Document No. 3065070* against Lots 1 and 2, Block 6, Blackstone Vita.

Adopted this 24th day of October, 2016.

_____
George Tourville, Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

RELEASE OF LOTS 1 AND 2, BLOCK 6, BLACKSTONE VISTA FROM A TEMPORARY CUL-DE-SAC EASEMENT AGREEMENT RECORDED AS DAKOTA COUNTY DOCUMENT NO. 3065070

THIS **RELEASE OF LOTS 1 AND 2, BLOCK 6, BLACKSTONE VISTA FROM A TEMPORARY CUL-DE-SAC EASEMENT AGREEMENT RECORDED AS DAKOTA COUNTY DOCUMENT NO. 3065070** (Release) is made and entered into on the 24th day of October, 2016, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as "City") and CalAtlantic Group, Inc., a Delaware corporation, as successor by merger to The Ryland Group, Inc., a Maryland corporation (hereafter referred to as "Owner").

RECITALS:

WHEREAS, a Temporary Cul-De-Sac Easement Agreement was entered into between the City of Inver Grove Heights, a municipal corporation and The Ryland Group, Inc., a Maryland corporation on April 27, 2015, and recorded on May 7, 2015, as Document No. 3065070 with the Office of the County Recorder, Dakota County, Minnesota (hereafter referred to as the "Cul-De-Sac Easement").

WHEREAS, the Cul-De-Sac Easement lies within a portion of Lots 1 and 2, Block 6, Blackstone Vista, Dakota County, Minnesota described as follows:

> An easement for temporary cul-de-sac over, under and across Lots 1 and 2, Block 6, BLACKSTONE VISTA, according to the recorded plat thereof, Dakota County, Minnesota. Said easement lies within a circumference of a circle having a radius of 36.00 feet; The location of said radius point is described as commencing at the southwest corner of said Lot 1; thence on an assumed bearing of West, along the south line of said Lot 1, a distance of 36.00 feet to said radius point.
>
> Temp. Esmt. Area: 2,020 sq. ft.

WHEREAS, Owner owns Lots 1 and 2, Block 6, Blackstone Vista, Dakota County, Minnesota.

WHEREAS, the Owner never constructed a temporary cul-de-sac on Lots 1 and 2, Block 6, Blackstone Vista, nor does the Owner intend to construct a temporary cul-de-sac on Lots 1 and 2, Block 6, Blackstone Vista. The Owner obtained a separate temporary easement from the adjoining landowner to construct the temporary cul-de-sac on the property located adjacent to and west of Lots 1 and 2, Block 6, Blackstone Vista.

WHEREAS, as a result of there not being a temporary cul-de-sac on Lots 1 and 2, Block 6, Blackstone Vista, Owner has requested that the City release the Cul-De-Sac Easement from encumbering the title on Lots 1 and 2, Block 6, Blackstone Vista.

WHEREAS, since the temporary cul-de-sac was not and is not going to be constructed on Lots 1 and 2, Block 6, Blackstone Vista, the City has agreed that the request is reasonable and the Cul-De-Sac Easement may be released.

NOW, THEREFORE, the City and Owner hereby agree and confirm as follows:

1. The Cul-De-Sac Easement is no longer needed by the City.

2. That the City and Owner release and discharge Lots 1 and 2, Block 6, Blackstone Vista, Dakota County, Minnesota from the Cul-De-Sac Easement.

3. City and Owner hereby agree that the Cul-De-Sac Easement is hereby terminated and is null and void.

4. The City shall record this Release against Lots 1 and 2, Block 6, Blackstone Vista, Dakota County, Minnesota.

[the remainder of this page has been intentionally left blank]

IN WITNESS WHEREOF, the undersigned have executed this Release as of the day and year first above written.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this 24th day of October, 2016, before me a Notary Public within and for said County, personally appeared George Tourville and Michelle Tesser to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.

_____
Notary Public

OWNER:

CALATLANTIC GROUP, INC., SUCCESSOR BY MERGER TO THE RYLAND GROUP, INC.

By: _____
Michael W. DeVoe
Its Operational Vice President

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of October, 2016, before me a Notary Public within and for said County, personally appeared Michael W. DeVoe, to me personally known, who being by me duly sworn, did say that he is the Operational Vice President of CalAtlantic Group, Inc., a Delaware corporation, successor by merger to The Ryland Group, Inc., a Maryland corporation, and that the foregoing instrument was executed on behalf of CalAtlantic Group, Inc., successor by merger to The Ryland Group, Inc. by authority of the Boards of Directors of CalAtlantic Group, Inc., successor by merger to The Ryland Group, Inc.

_____
Notary Public

THIS INSTRUMENT DRAFTED BY:

Timothy J. Kuntz
LeVander, Gillen, & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

AFTER RECORDING PLEASE RETURN TO:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

AGENDA ITEM 4O

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Consider a Resolution Authorizing Engineering Design Services and Authorizing Preparation of a Feasibility Report for a Stormwater Treatment Pond Located at 78th Street and Concord Boulevard, City Project No. 2016-01 - Stormwater Treatment for Mississippi River Discharge from Barr Engineering Company

Meeting Date:	October 24, 2016		Fiscal/FTE Impact:
Item Type:	Consent		None
Contact:	Thomas J. Kaldunski, 651-450-2572	X	Amount included in current budget
Prepared by:	Thomas J. Kaldunski, City Engineer		Budget amendment requested
Reviewed by:			FTE included in current complement
			New FTE requested – N/A
			Other:

PURPOSE/ACTION REQUESTED

Consider a Resolution Authorizing Engineering Design Services and Authorizing Preparation of a Feasibility Report for a Stormwater Treatment Pond Located at 78th Street and Concord Boulevard, City Project No. 2016-01 - Stormwater Treatment for Mississippi River Discharge from Barr Engineering Company

SUMMARY

Council adopted Resolution No. 16-28 on February 8, 2016 approving a stormwater project plan with reference to City Project 2016-01 – Stormwater Treatment for Mississippi River Discharge. Resolution No. 16-28 directed the City Engineer to submit the approved stormwater project plan to the Minnesota Pollution Control Agency (MPCA) to seek funding for stormwater projects through Clean Water Revolving Funds and Point Source Implementation Grants (PSIG) and authorized the City Engineer to negotiate professional services contracts for said project.

Currently, the PSIG Program has $35M available to fund all 2016 and 2017 projects that are certified. Inver Grove Heights is not certified at this point; however Inver Grove Heights is eligible for the grant if the certified projects do not advance. Most of these projects are waste water treatment plants. Historically some certified projects do not advance on these complex projects and funding becomes available for projects with lower rankings.

The total estimated project cost is $485,950. On July 29, 2016 the City Engineer submitted an application to the MPCA for PSIG funding for the 78th and Concord Stormwater Pond. PSIG would fund 50 percent of the total project cost via a grant. Attached is the funding grant summary showing Inver Grove Heights is eligible to receive $428,375 in PSIG grants in 2017; $242,975 for (1) the 78th Street and Concord Boulevard Basin Project and $185,400 for (2) the Dickman Trail Treatment Basin near the McPhillips' site. Approving this item moves the first project forward to securing bids by June 30, 2017. The City will consult with the Minnesota Public Facilities Authority (MPFA) before awarding the project in 2017 to ensure the grant funding becomes certified for Inver Grove Heights before the award of contract. The City would not award a contract without the grant. The MPFA and MPCA are encouraging stormwater projects. The City would provide the remaining 50% of funding using stormwater utility funds for this project. To qualify for PSIG funding, the City would need to accept a bid for construction by June 30, 2017. To meet this deadline, preliminary design for the project is required to start in fall of 2016.

Attached is a cost proposal from Barr Engineering Company in the amount of $26,400 for a preliminary engineering study for the 78th and Concord Stormwater Pond. The preliminary engineering study would result in a recommended design for the pond and preliminary drawings. Total engineering design costs for the project are estimated to be $56,000, as outlined in the attached grant application. The preliminary engineering study represents approximately 46 percent of the total engineering design cost. This preliminary engineering work will be funded by using the remaining balance of the Engineering Division, Engineering Consultant Account (101.43.5100.442.30300) which has an estimated $20,000 balance available. The remaining costs, $6,400, would be funded by the Stormwater Utility.

Land and easements have previously been acquired for the 78th and Concord Stormwater Pond. Additional easement requirements, if any, would be defined in the feasibility study. A neighborhood meeting would be held to introduce the project.

Staff is recommending that the City Council approve the attached resolution authorizing the approval of the work order submitted by Barr Engineering. The City Attorney will also be authorized to assist the City Engineer on City Project No. 2016-01 - Stormwater Treatment for Mississippi River Discharge. The City Engineer will also be authorized to seek geotechnical services for the project to conduct soil borings on the site.

TJK/kf
Attachments: Work Order
Conceptual Plans
PSIG Summary

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION AUTHORIZING ENGINEERING DESIGN SERVICES AND AUTHORIZING PREPARATION OF A FEASIBILITY REPORT FOR A STORMWATER TREATMENT POND LOCATED AT 78TH STREET AND CONCORD BOULEVARD, CITY PROJECT NO. 2016-01 – STORMWATER TREATMENT FOR MISSISSIPPI RIVER DISCHARGE FROM BARR ENGINEERING COMPANY

RESOLUTION NO. _____

WHEREAS, City Council adopted Resolution No. 16-28 on February 8, 2016 approving a stormwater project plan with reference to City Project No. 2016-01 – Stormwater Treatment for Mississippi River Discharge; and

WHEREAS, Resolution No. 16-28 directed the City Engineer to submit the approved stormwater project plan to the Minnesota Pollution Control Agency (MPCA) to seek funding; and

WHEREAS, on July 29, 2016 the City Engineer submitted an application to the MPCA for funding for the 78th and Concord Stormwater Pond; and

WHEREAS, City staff requested, and received, a proposal from Barr Engineering for engineering design services and preparation of a feasibility for this project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE INVER GROVE HEIGHTS, MINNESOTA THAT:

1. The proposal from Barr Engineering Co. is accepted and staff is authorized to enter into a contract in the amount not to exceed $26,400 for engineering design services to include preparation of a feasibility report and preliminary plan for a Stormwater Treatment Pond located at 78th Street and Concord Boulevard, City Project No. 2016-01 – Stormwater Treatment for Mississippi River Discharge.

2. The City Attorney is authorized to assist the City Engineer to obtain additional easements and other services as needed.

3. Project funding is provided through the Engineering Division Consultant Account (101.43.5100.442.30300), Stormwater Utility Funds, and Grants.

4. The City Engineer is authorized to seek geotechnical services for the project.

Adopted by the City Council of Inver Grove Heights, Minnesota this 24th day of October 2016.

AYES:
NAYS:

_____
George Tourville, Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

resourceful. naturally.
engineering and environmental consultants

BARR

September 6, 2016

Thomas Kaldunski, P.E.
City Engineer
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Re: Engineering services for 78th and Concord Stormwater BMP design

Dear Mr. Kaldunski:

Thank you for your request for a proposal to provide engineering services for a feasibility analysis and preliminary design of a stormwater best management practice (BMP) treatment system located in the City of Inver Grove Heights. Attached for your review is a work order containing our proposed scope of services, budget, and schedule for the project. Please contact Greg Fransen (gfransen@barr.com, 952-832-2626), or me (kchandler@barr.com, 952-832-2813), regarding any questions you have regarding the scope of services. If the work order is acceptable please sign and return a copy to us.

Sincerely,

Karen L. Chandler

Karen Chandler, P.E.
Vice President

Greg Fransen

Greg Fransen
Water Resource Scientist

Work Order For:
Preliminary Engineering Study for 78th and Concord Stormwater BMP

Applicable to Addendum No. 1 and Master Service Agreement Dated June 27, 2012

between

Barr Engineering Co. (Barr)
4300 MarketPointe Drive, Suite 200
Minneapolis, MN 55435

City of Inver Grove Heights (City)
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Designated Representative:

Karen Chandler

Designated Representative:

I. Scope Language

Barr will complete a preliminary engineering study for a future stormwater best management practice treatment system (BMP) in the Skyline Village drainage basin (subwatershed JP-2). The scope of work will include evaluation of alternative treatment methods for removal of suspended solids (e.g. infiltration, filtration, sedimentation), hydraulic analysis, presentation of a recommended conceptual design to the City, and development of 30 percent design drawings. If the City approves construction of a BMP, at the City's request Barr will prepare a separate Work Order to include final design (i.e. including preparation of construction plans and specifications) and construction administration.

Barr's understanding is that the City desires to construct the stormwater BMP on a City-owned land parcel located northwest of the intersection of 78th Street and Concord Avenue. The proposed project site is bordered on the east by Concord Avenue, on the north by a commercial site, and on the west and south by residential property (Figure 1). The 2011 *City of Inver Grove Heights Pollutant Load Analysis* identified this location as a potential site for a BMP to reduce total suspended solids (TSS) loading to the Mississippi River. The 2016 *Stormwater Project Plan for Stormwater Facilities in Areas Tributary to the Mississippi River* (Stormwater Project Plan) provided further details for a future stormwater BMP at this location, including a planning level construction cost estimate.

Barr understands that the Stormwater Project Plan identified a need to target TSS removal from stormwater discharged to the Mississippi River to meet the TSS loading goals of the 2015 *South Metro Mississippi River Total Suspended Solids Total Maximum Daily Load.* Potential BMP designs for the site include a filtration/infiltration basin or a wet extended detention basin, which could include an iron-enhanced sand filter to enhance trapping of soluble phosphorus.

The scope of work includes site characterization, hydraulics analysis, conceptual design, and civil design plan development, and is divided into the following tasks:

1. **Site characterization:** Site characterization includes assembling information at and near the location of the proposed BMP to develop stormwater improvement design criteria and understand site constraints. Barr will use this information to develop AutoCAD Civil3D base files of existing conditions for the site. Barr will subcontract for limited site survey of existing stormwater utilities to fill in data gaps. Barr will review permitting requirements for the project.
2. **Hydraulics analysis:** The design goal is focused on diverting smaller event stormwater flows from the storm sewer trunk lines that lie adjacent to the north edge of the site to assist in meeting the TMDL TSS reduction goal while maintaining sufficient capacity in the existing storm sewer to convey large event stormwater flows downstream at the appropriate level of service. This means the hydraulics of the proposed BMP will require careful consideration and design. Barr will review the existing hydrologic and hydraulic (H&H) models for the Skyline Village basin, update them with Atlas 14 precipitation depths (if necessary), and use them to generate a range of design flows for the storm sewer trunk lines.
3. **Conceptual design and TSS removal estimates:** Barr will estimate TSS removal from conceptual designs based on the P8 water quality model that was created for the Stormwater Project Plan. This task includes developing conceptual designs and layouts for up to two (2) BMP alternatives. At this time, we understand that one option is a pond with permanent pool, and a second option is a filtration or infiltration BMP.
4. **Design meetings:** Barr will participate in up to two (2) design meetings with City staff. An initial design meeting will be held following site characterization to discuss the City's goals for the project and to learn about any key items that must be considered during design. A second meeting will be held to present the evaluated design concepts and discuss the recommended design.
5. **Preliminary engineering memorandum:** Barr will prepare a brief summary memorandum to document the recommended conceptual design, permitting considerations, design constraints, design assumptions, alternative design concepts, anticipated TSS removals, and opinions of cost (OPC) for the concept designs.
6. **Design plan preparation:** Upon approval of a conceptual design by City staff, Barr will prepare 30 percent design drawings for the approved concept design. Anticipated drawings include existing conditions, removals, preliminary site plan, preliminary landscaping plan, preliminary cross section(s) and preliminary details. Design of unforeseen site electrical, water supply, sanitary sewer, and roadway improvements are not included at this time, but could be developed at the city's request for an additional fee. Preliminary technical specifications and bidding documents will not be provided at this time, but could be developed at the city's request for an additional fee.

II. Deliverables

Barr will provide the City with the following deliverables:

1. A preliminary engineering memorandum
2. 30 percent design drawings in digital PDF format

III. Maximum Compensation and Assumptions ("Service Assumptions") Upon Which Maximum is Based

For the services referenced above, you will pay us for time and expense not to exceed $26,400 without prior approval, in accordance to the referenced Master Service Agreement. The scope of services assumes the following:

1. Barr assumes site soils and groundwater are not impacted or contaminated.
2. Barr assumes City has collected topographic survey information that is adequate to develop AutoCAD Civil3D base files of existing conditions for the site. If Barr determines that the topographic survey data is inadequate, Barr will subcontract for additional site survey, which could add up to $5,000 to the anticipated budget.
3. Barr assumes that limited site survey information will need to be collected to supplement existing survey information and as-built information.
4. Barr assumes that soil boring information provided by City is adequate for feasibility-level estimates of infiltration rates and groundwater elevation. Barr assumes that there will be some uncertainty regarding soil conditions based on the information provided. For example, particle size tests of the underlying soil have not yet been performed. Barr will provide recommendations for additional soil investigations that would be completed as part of the final design phase.
5. Barr assumes that Barr staff or Dakota SWCD staff will perform a wetland reconnaissance for the site. A full wetland delineation survey is not included in this scope.
6. Barr assumes City will provide Barr with:
    a. boundary survey and topographic survey information in AutoCAD digital .dwg format
    b. tree survey information
    c. available drawings showing utility locations, alignments, grades along Concord Blvd and the edges of the site
    d. available soil boring and laboratory testing information
    e. pertinent agreements with property owners
    f. available drawings showing storm sewer as-builts

The table below shows the anticipated budget breakdown for each of the major project tasks.

Task	Task Description	Anticipated Budget
Preliminary Design for 78th and Concord Stormwater BMP		
1	Site characterization	$4,800
2	Hydraulics analysis	$3,600
3	Conceptual design and TSS removal estimates	$2,500
4	Design meetings (up to two)	$2,600
5	Preliminary engineering memorandum	$2,600
6	Design plan preparation (30 percent drawings)	$10,300
Work Order Total		$26,400

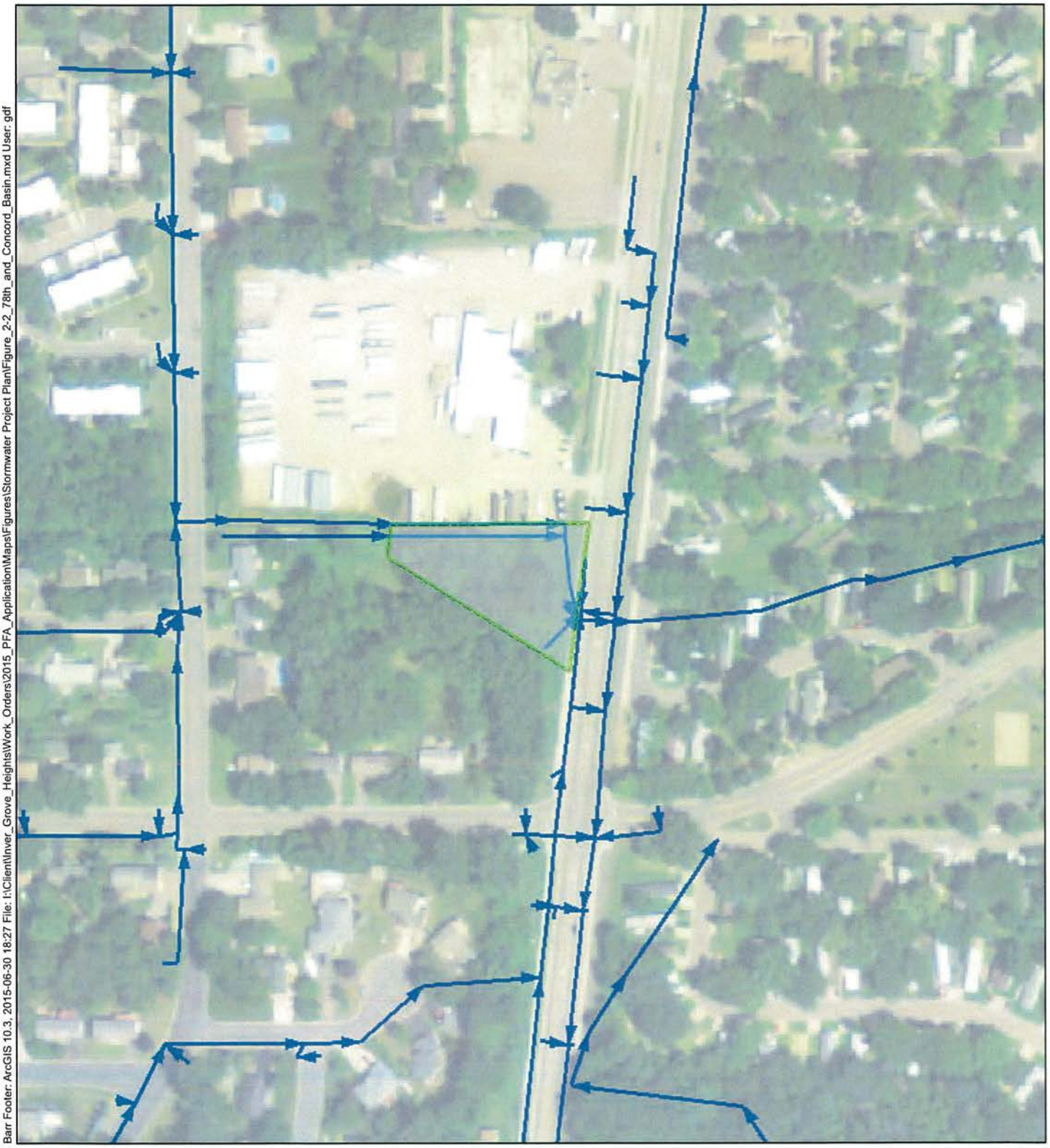
IV. Schedule and Assumptions Upon Which Schedule is Based

The following proposed schedule has been developed assuming authorization by mid-September 2016:

- Initial design meeting – within 15 days of receiving authorization to proceed and receiving site characterization information as described above
- Second design meeting – within 45 days of the initial design meeting
- Preliminary engineering memorandum – within 15 days of the second design meeting
- 30 percent design drawings – within 30 days of the second design meeting

ACCEPTED AND AGREED TO:

BARR ENGINEERING CO.	City of Inver Grove Heights
By: Karen L. Chandler	By:
Title: Vice President	Title:
Date: September 2, 2016	Date:



Barr Footer: ArcGIS 10.3, 2015-06-30 18:27 File: I:\Client\Inver_Grove_Heights\Work_Orders\2015_PFA_Application\Maps\Figures\Stormwater Project Plan\Figure_2-2_78th_and_Concord_Basin.mxd User: gdf

Proposed Project Footprint

Existing Storm Sewer

City of Inver Grove Heights

N

1 inch = 200 feet

Feet

0 100 200

FIGURE 2-2

78TH AND CONCORD WET EXTENDED DETENTION STORMWATER BASIN LOCATION

Stormwater Treatment
Feasibility Study
City of Inver Grove Heights
Dakota County, MN

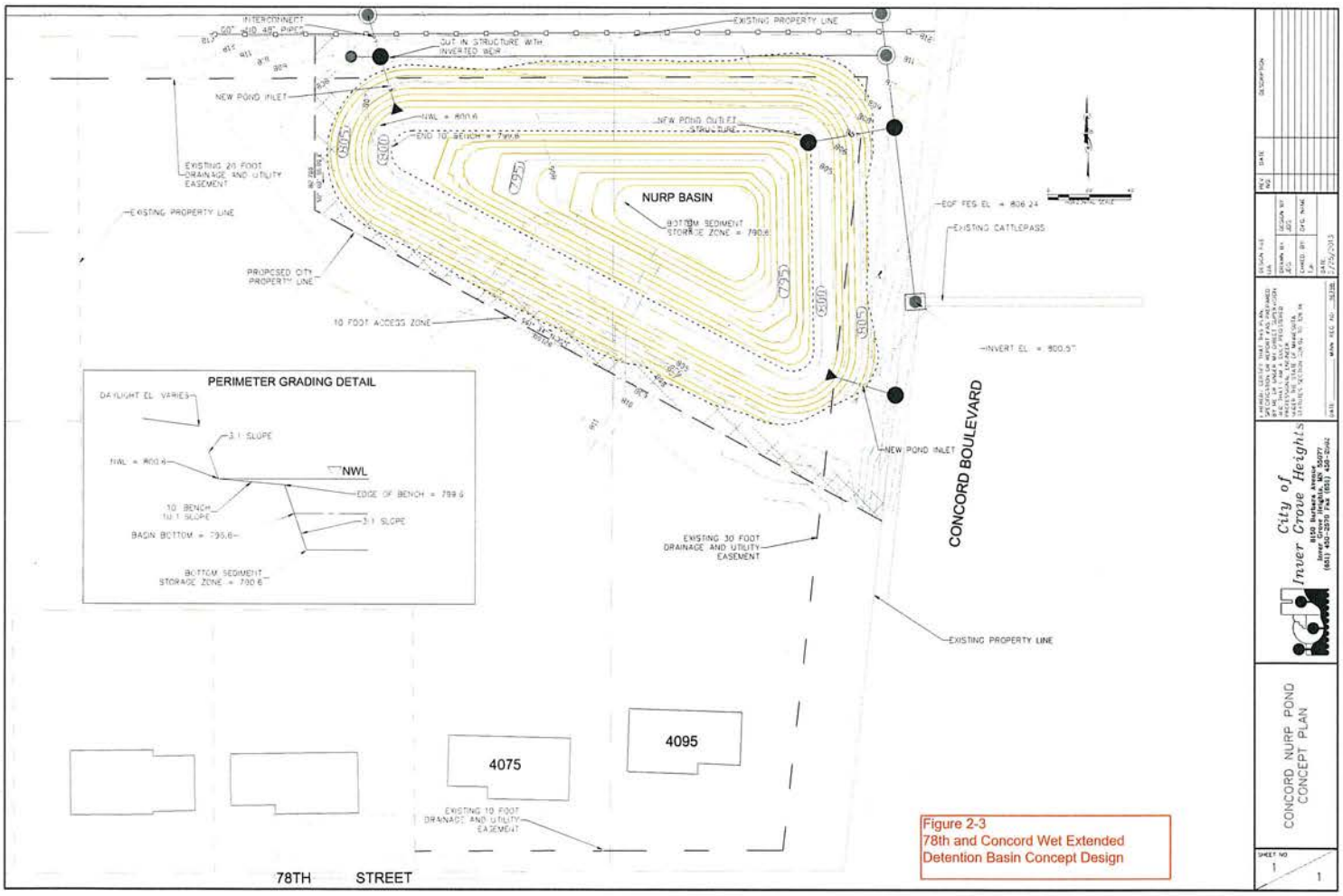


Figure 2-3
78th and Concord Wet Extended Detention Basin Concept Design

Point Source Implementation Grant Program
FY 2017

The Point Source Implementation Grant (PSIG) program provides grants to governmental units to assist with the cost of water infrastructure projects necessary to meet wasteload reduction requirements under Total Maximum Daily Load (TMDL) implementation plans, to reduce the discharge of phosphorus, to meet other water quality-based effluent limits, and to meet a total nitrogen limit of one milligram per liter or less for a land based treatment system. The PSIG program provides grants for 50% of eligible costs up to a maximum of $3,000,000. Projects must be listed on the MPCA's Project Priority List (PPL) and eligible as-bid costs must be certified by the MPCA prior to grant award.

PSIG applicants are listed below in priority order based on MPCA's 2017 PPL, starting first with projects that applied in FY 2016 followed by FY 2017 applications (received in July 2016). Shaded rows indicate FY 2017 grants awarded to date. To be eligible to receive a PSIG grant in FY 2017, applicants must submit as-bid construction costs and receive MPCA certification by June 30, 2017.

As of July 1, 2016, $35.5 million was available from 2016 and prior appropriations for FY 2017 PSIG grant awards. This amount is sufficient to fund all 2016 certified projects but only some of the new FY 2017 applications. The dashed line indicates the fundable range if all 2017 applicants proceed with their projects and receive MPCA certification by June 30, 2017. If higher ranked projects do not proceed the fundable range will be adjusted and PSIG funds will be available to lower ranked projects in priority order.

In 2016 Governor Dayton proposed changes to the PSIG grant program and recommended additional funding appropriations through bonding. Those changes and additional funding have not been approved and are not reflected in the estimated grant amounts below.

PSIG Grant Applicant	MPCA 2017 PPL Rank	MPCA 2017 PPL Points	Estimated Eligible Project Cost	Estimated PSIG Grant Amount (50%, $3M max)	Estimated PSIG Grants, Cumulative Total
FY 2016 Certified Projects					
Minneota	4.1	88	1,427,582	713,791	713,791
Central Iron Range SD	6	86	4,650,543	2,325,272	3,039,063
Oronoco Twp - Cedar Beach	31	72	1,104,157	552,079	3,591,142
Jackson	32	71	2,236,346	1,118,173	4,709,315
Lincoln Pipestone - WTP	37	68	5,885,003	2,942,501	7,651,816
Afton	48	66	6,819,476	3,000,000	10,651,816
Kabetogama Twp - Puck's Point	111	53	2,331,161	1,165,580	11,817,396
Mankato - S. View Heights II	124	52	1,402,520	701,260	12,518,656
Saint Francis	194	44	7,438,126	3,000,000	15,518,656
FY 2017 New Applications					
Lakefield	1	98	350,600	175,300	15,693,956
Detroit Lakes	9	83	15,240,890	3,000,000	18,693,956
Mountain Lake	11	83	2,470,129	1,235,065	19,929,020
DeGraff	13	81	4,730,325	2,365,163	22,294,183
Sacred Heart	18	81	2,214,333	1,107,167	23,401,349
Lakefield - WTP	21	78	5,299,571	2,649,786	26,051,135
Trosky	29	73	2,823,065	1,411,533	27,462,667
Pipestone - WTP	40	68	15,391,000	3,000,000	30,462,667
Lucan	57	63	1,144,036	572,018	31,034,685
Grove City	66	61	786,979	393,490	31,428,175
Fountain	70	60	556,121	278,061	31,706,235
Redwood Falls	76	59	14,873,519	3,000,000	34,706,235
Kasson	102	56	406,278	203,139	34,909,374
Minnehaha Creek WD - Stormwater	104.1	56	238,400	119,200	35,028,574
Austin - Turtle Creek 2	112	53	1,929,121	964,561	35,993,135
Morris - WTP	114	53	11,495,000	3,000,000	38,993,135
Le Sueur County - West Jefferson Lak	125	52	4,244,800	2,122,400	41,115,535
Clarkfield	135	51	822,200	411,100	41,526,635
Mantorville	142	49	2,221,675	1,110,838	42,637,472
Dresbach Twp	149	48	4,250,500	2,125,250	44,762,722
Inver Grove Heights - Stormwater	154	48	856,750	428,375	45,191,097
Saint Cloud	164	46	6,437,320	3,000,000	48,191,097
Cologne	208	43	9,890,249	3,000,000	51,191,097
Winsted	250	33	5,300,858	2,650,429	53,841,526
Clearwater River Watershed District	261	30	1,173,718	-	53,841,526

LEVANDER,
GILLEN &
MILLER, P.A.
ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
○STEPHEN H. FOCHLER
◇JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
□*DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
BRIDGET McCAULEY NASON
TONA T. DOVE
BRADLEY R. HUTTER
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
• ROGER C. MILLER
1924-2009

*ALSO ADMITTED IN WISCONSIN
◇ALSO ADMITTED IN NORTH DAKOTA
○ALSO ADMITTED IN MASSACHUSETTS
□ALSO ADMITTED IN OKLAHOMA

MEMO

TO: **Inver Grove Heights Mayor and Councilmembers**
FROM: **Timothy J. Kuntz and Kenneth Rohlf, City Attorney**
DATE: **October 24, 2016**
RE: **Approval of Joint Powers Agreement with Dakota County for Right-of-Way Purchase on 70th Street (County Road 26) and Authorization of Negotiations for Easements along 70th Street for City Project No. 2015-12 - NWA Trunk Watermain Improvements - 65th Street Loop (Argenta Trail to Babcock Trail)**

Section 1. Background.

On October 26, 2015, the Council ordered City Project No. 2015-12 ("Project") and authorized the City Attorney to complete easement negotiations for the watermain project. During the design and implementation of the Project it was discovered that the City's drainage and utility easements crossed the Deuth, Steininger and Brandvold properties ("Properties") at a point 75 feet south of the northerly property lines for these Properties. Essentially, if acquired alone, the City's drainage and utility easements would bisect the three properties and leave a 42' gap between the 70th Street (CSAH 26) right-of-way line and the beginning of the City's drainage and utility easements.

The acquisition team contacted Dakota County to inquire about the future expansion of 70th Street (CSAH 26) contiguous to the Properties. Dakota County and the City agreed that it would be wise to attempt to acquire the necessary 42 foot wide roadway easement along 70th Street (CSAH 26) at this time since the roadway acquisition would abut the City's drainage and utility easement acquisition and thereby eliminate the fact that the City's easement would bisect the Properties. (See Exhibit A).

The City and Dakota County have negotiated a Joint Powers Agreement which would authorize the City to negotiate and acquire the 42 foot wide 70th Street (CSAH 26) roadway right-of-way easement and thereafter assign the road right-of-way to Dakota County in exchange for a cash payment from Dakota County. The cost sharing for the roadway easement acquisition is consistent with cost share policies in the current County Transportation Plan. Dakota

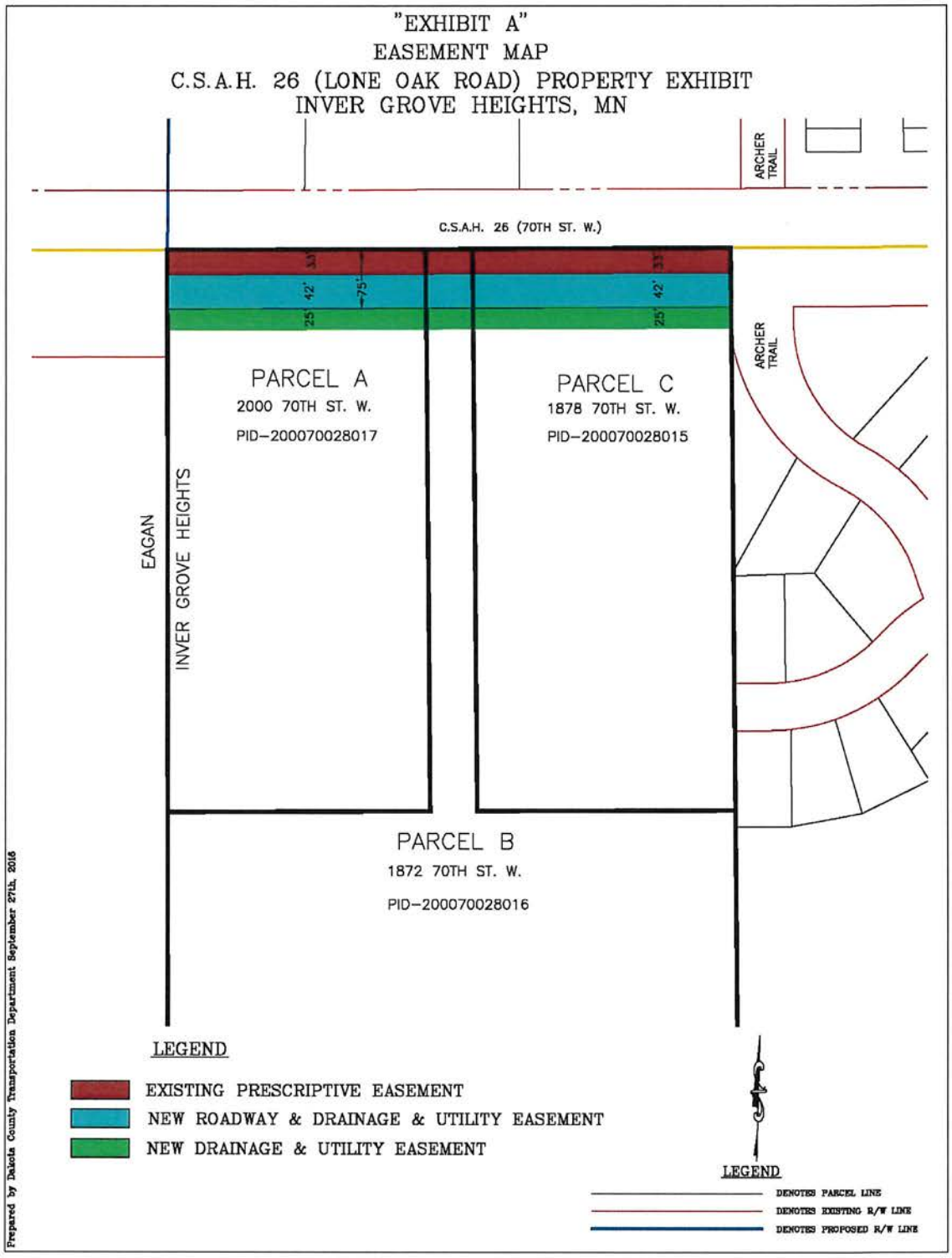
County's share of the acquisition costs will be 55% of the acquisition costs and the City's share of the acquisition costs will be 45%. Pursuant to the terms of the Joint Powers Agreement, the City is only obligated to proceed with the acquisition of the road right-of-way if, in the sole discretion of the City, the cost of acquisition of the road right-of-way is acceptable to the City from a financial standpoint. The Joint Powers Agreement does not obligate the City to exercise the power of eminent domain to acquire the road right-of-way.

Section 2. <u>Action Requested</u>. The Council is asked to:

1. Approve the attached Joint Powers Agreement and directing the Mayor and City Clerk to sign the same; and

2. Authorize the City's Acquisition Team to engage in negotiations for the roadway easement as well as the City's drainage and utility easement and temporary construction easement with the owners of the Properties.

The City Engineer, the City Attorney and the consulting engineer, Bolten & Menk recommend approval of the resolution.


"EXHIBIT A"
EASEMENT MAP
C.S.A.H. 26 (LONE OAK ROAD) PROPERTY EXHIBIT
INVER GROVE HEIGHTS, MN
ARCHER TRAIL
C.S.A.H. 26 (70TH ST. W.)
33'
42'
75'
25'
PARCEL A
2000 70TH ST. W.
PID-200070028017
PARCEL C
1878 70TH ST. W.
PID-200070028015
EAGAN
INVER GROVE HEIGHTS
PARCEL B
1872 70TH ST. W.
PID-200070028016
LEGEND
EXISTING PRESCRIPTIVE EASEMENT
NEW ROADWAY & DRAINAGE & UTILITY EASEMENT
NEW DRAINAGE & UTILITY EASEMENT
LEGEND
DENOTES PARCEL LINE
DENOTES EXISTING R/W LINE
DENOTES PROPOSED R/W LINE
Prepared by Dakota County Transportation Department September 27th, 2016

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 16-_____

A RESOLUTION TO APPROVE JOINT POWERS AGREEMENT WITH DAKOTA COUNTY FOR RIGHT-OF-WAY PURCHASE ON 70TH STREET (COUNTY ROAD 26) AND AUTHORIZING NEGOTIATIONS FOR EASEMENTS ALONG 70TH STREET FOR CITY PROJECT NO. 2015-12 - NWA TRUNK WATERMAIN IMPROVEMENTS - 65TH STREET LOOP (ARGENTA TRAIL TO BABCOCK TRAIL)

WHEREAS, on October 26, 2015, the Council ordered City Project No. 2015-12 and authorized the City Attorney to complete easement negotiations.

WHEREAS, during the design and implementation of the Project it was discovered that the City's drainage and utility easements crossed the Deuth, Steininger and Brandvold properties ("Properties") at a point 75 feet south of the northerly property lines for these Properties.

WHEREAS, if acquired alone, the City's drainage and utility easements would bisect the Properties and leave a 42' gap between the 70th Street (CSAH 26) right-of-way line and the beginning of the City's drainage and utility easements.

WHEREAS, Dakota County and the City agreed that, given future expansion needs for 70th Street (CSAH 26), it would be wise to attempt to acquire the necessary 42 foot wide roadway easement along 70th Street (CSAH 26) at this time since the roadway acquisition would abut the City's drainage and utility easement acquisition and thereby eliminate the fact that the City's easement would bisect the Properties.

WHEREAS, the City and Dakota County have negotiated a Joint Powers Agreement which would authorize the City to negotiate and acquire the 42 foot wide 70th Street (CSAH 26) roadway right-of-way easement and thereafter assign the road right-of-way to Dakota County in exchange for a cash payment from Dakota County.

WHEREAS, the cost sharing between the City and Dakota County for the roadway easement acquisition is consistent with cost share policies in the current County Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE INVER GROVE HEIGHTS CITY COUNCIL:

1. The Mayor and City Clerk are authorized to execute the Joint Powers Agreement with Dakota County for Right-of-Way Purchase on 70th Street (County Road 26); and

2. The City Council hereby authorizes the City's Acquisition Team to engage in negotiations for road right-of-way easements along 70th Street for City Project No. 2015-12 - NWA Trunk Watermain Improvements - 65th Street Loop (Argenta Trail to Babcock Trail).

Passed this 24th day of October, 2016.

_____
George Tourville, Mayor

Attest:

_____
Michelle Tesser, City Clerk

Contract No. C0028439

JOINT POWERS AGREEMENT

DAKOTA COUNTY
TRANSPORTATION DEPARTMENT

AGREEMENT FOR

RIGHT OF WAY ACQUISITION

BETWEEN

THE COUNTY OF DAKOTA

AND

THE CITY OF INVER GROVE HEIGHTS

FOR

COUNTY PROJECT NO. 26-54

INVER GROVE HEIGHTS PROJECT NO. 2015-08

SYNOPSIS: *Dakota County and the City of Inver Grove Heights agree to acquire Right-Of-Way in anticipation of the expansion of County State Aid Highway (CSAH) 26 (70th Street) in the City of Inver Grove Heights, Dakota County.*

THIS AGREEMENT, made and entered into by and between the County of Dakota, referred to in this Agreement as "the County"; and the City of Inver Grove Heights, referred to in this Agreement as "the City"; and witnesses the following:

WHEREAS, under Minnesota Statutes Sections 162.17, subd. 1 and 471.59, subd. 1, two or more governmental units may enter into an agreement to cooperatively exercise any power common to the contracting parties, and one of the participating governmental units may exercise its powers on behalf of the other governmental units; and

WHEREAS, it is considered mutually desirable to plan for the expansion of CSAH 26 from the western municipal boundary of the City to Trunk Highway (TH) 3 as a four lane divided roadway (CP 26-54, hereinafter referred to as "the project"); and

WHEREAS, both the City Council and the County Board have adopted resolutions supporting the recommendations of the Regional Roadway System Visioning Study (RRSVS), which includes a plan to improve CSAH 26 in Inver Grove Heights to a four lane roadway in the future; and

WHEREAS, funding has been programmed for the preservation of right-of-way in the County Capital Improvement Program and the City has funding allocated for this purpose; and

WHEREAS, it is considered mutually desirable for the City or County to acquire right-of-way along the corridor as opportunities arise to support this future project; and

WHEREAS, the City is planning to acquire additional right-of-way outside of the future right of way for CSAH 26 for the installation of City utilities.

NOW, THEREFORE, it is agreed that the City, according to the terms hereof, will acquire right-of-way for the project and that the County and City will jointly participate in right-of-way acquisition costs associated with such acquisition as described in the following sections:

1. Right-of-Way. The City, in its sole discretion, will acquire permanent highway right-of-way for the project, pursuant to the terms of a Permanent Public Street, Utility and Drainage Easement the form of which has been agreed to by the City and County, from the following properties:

- 2000 70th Street West, Inver Grove Heights (PID 200070028017)
- 1872 70th Street West, Inver Grove Heights (PID 200070028016)
- 1878 70th Street West, Inver Grove Heights (PID 200070028015)

For the length of the CSAH 26 highway frontage for all three properties, the permanent highway right of way will include the existing 33 feet of prescriptive highway right of way, and an additional 42 feet of new highway right of way, for a total of 75 feet from the north property lines, consistent with Exhibit A. It is understood and agreed to by the parties hereto that the City may choose not to proceed with the acquisition of that highway right-of-way set forth above in this paragraph if the City, in its sole discretion, determines that the cost to do so exceeds the City's budget for the same.

2. Conveyance of Easements. Within 45 days of the City's receipt of the County's share of the cost for the acquisition, the City shall convey to the County all necessary property in permanent highway easements, by a Permanent Public Street, Utility and Drainage Easement previously approved by the County Attorney's Office, for project purposes on the real estate acquired by the City pursuant to this Agreement.

3. Payment. For these opportunity acquisitions, the City will act as the paying agent for the costs of acquiring the required highway right-of-way. The City, in turn, will invoice the County for the County's share of the eligible acquisition costs. Consistent with cost share policies in the current County Transportation Plan, the County's share of the acquisition costs shall be 55% of the acquisition costs, with a maximum total County contribution of $60,000 for the land, including actual typical costs associated with the property transactions (such as appraisal, closing costs, title search, title insurance, taxes due, assessments due) for all three properties. Upon presentation of an itemized claim by the City to the County, the County shall reimburse the City for its share of the costs incurred under this Agreement within 45 days from the presentation of the claim. If any portion of an itemized claim is questioned by the County, the remainder of the claim shall be promptly paid, and accompanied by a written explanation of the amounts in question. Payment of any amounts in dispute will be made following good faith negotiation and documentation of actual costs incurred in carrying out the work.

4. Maintenance. Once the permanent easements are in County ownership, and until such time that the County initiates a public road improvement over these areas, maintenance activities in these areas shall be at the County's discretion.

5. Authorized Representatives. The following named persons are designated the authorized representatives of the parties for purposes of this Agreement. These persons have authority to administer this Agreement, except that the authorized representative shall have only the authority specifically or generally granted by their respective governing board or council. Notice required to be provided pursuant to this Agreement shall be provided to the following named persons and addresses unless otherwise stated in this Agreement, or in a modification of this Agreement:

TO THE COUNTY:	Dakota County Mark Krebsbach County Engineer 14955 Galaxie Avenue Apple Valley, MN 55124
TO THE CITY:	City of Inver Grove Heights Joseph Lynch City Administrator 8150 Barbara Ave. Inver Grove Heights, MN 55077

In addition, notification to the County regarding termination of this Agreement by the other party shall be provided to the Office of the Dakota County Attorney, 1560 Highway 55, Hastings, Minnesota 55033.

6. Termination. Either party may terminate this Agreement by giving thirty (30) days' written notice of its intent to terminate to the other party. Notice of Termination shall be made by certified mail or personal delivery to the authorized representative of the other party. Termination of this Agreement shall not discharge any liability, responsibility or right of any party, which arises from the performance of or failure to adequately perform the terms of this Agreement prior to the effective date of termination, including the obligation to share costs agreed to prior to the effective date of termination.

7. Amendments. Any amendments to this Agreement will be effective only after approval by both governing bodies and execution of a written amendment document by duly authorized officials of each body.

8. Effective Date. This Agreement will be effective upon execution by duly authorized officials of each governing body.

9. Indemnification. The County agrees to defend, indemnify, and hold harmless the City against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement and caused by or resulting from negligent acts or omissions of the County and/or those of County employees or agents. The City agrees to defend, indemnify, and hold harmless the County against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement and caused by or resulting from negligent acts or omissions of the City and/or those of City employees or agents. All parties to this agreement recognize that liability for any claims arising under this agreement are subject to the provisions of the Minnesota Municipal Tort Claims Law; Minnesota Statutes, Chapter 466. In the event of any claims or actions filed against either party, nothing in this agreement shall be construed to allow a claimant to obtain separate judgments or separate liability caps from the individual parties.

10. Independent Contractor Status. Nothing in this agreement is intended to or should be construed as creating the relationship of a partnership, joint venture or employer-employee relationship between the parties. Officers, employees or agents of one party shall not be considered officers, employers or agents of the other party, in connection with activities performed pursuant to this agreement.

11. Audits. Pursuant to Minnesota Statutes Sec 16 C. 05, Subd. 5, any books, records, documents, and accounting procedures and practices of the City and the County relevant to the Agreement are subject to examination by the County or the City and either the Legislative Auditor or the State Auditor as appropriate. The City and County agree to maintain these records for a period of six years from the date of performance of all services covered under this agreement.

12. Integration and Continuing Effect. The entire and integrated agreement of the parties contained in this Agreement shall supersede all prior negotiations, representations or agreements between the City and the County regarding the project; whether written or oral.

IN WITNESS THEREOF, the parties have caused this agreement to be executed by their duly authorized officials.

CITY OF INVER GROVE HEIGHTS

RECOMMENDED FOR APPROVAL:

_____
City Public Works Director

By _____
Mayor

(SEAL)

By _____
City Clerk

Date_____

DAKOTA COUNTY

RECOMMENDED FOR APPROVAL:

_____
County Engineer

APPROVED AS TO FORM:

_____
Assistant County Attorney / Date

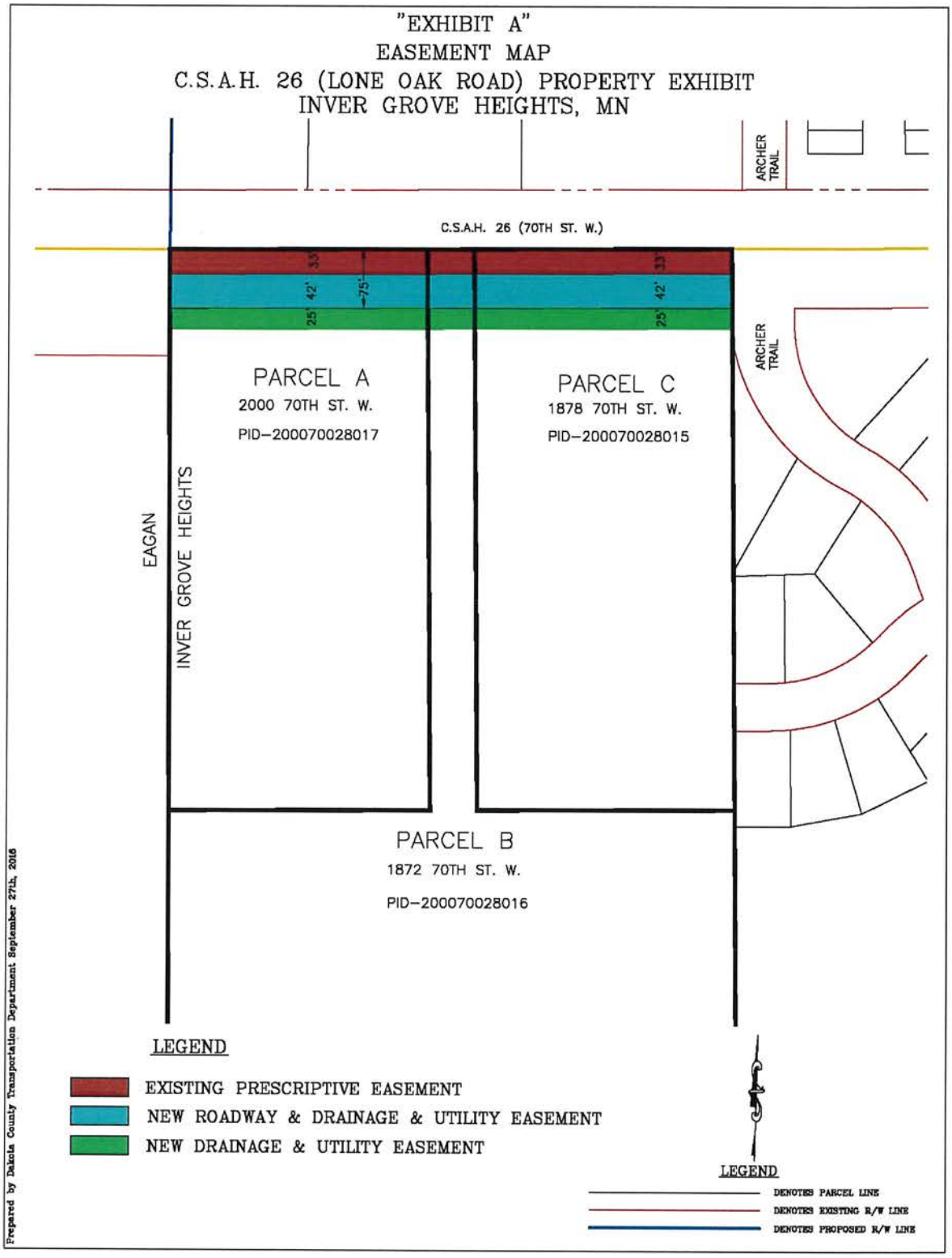
KS-_____

By:_____
Physical Development Director

COUNTY BOARD RESOLUTION:

No: 16-_____ Date: _____

Date:_____


"EXHIBIT A"
EASEMENT MAP
C.S.A.H. 26 (LONE OAK ROAD) PROPERTY EXHIBIT
INVER GROVE HEIGHTS, MN
ARCHER TRAIL
C.S.A.H. 26 (70TH ST. W.)
33'
42'
75'
25'
PARCEL A
2000 70TH ST. W.
PID-200070028017
PARCEL C
1878 70TH ST. W.
PID-200070028015
EAGAN
INVER GROVE HEIGHTS
PARCEL B
1872 70TH ST. W.
PID-200070028016
LEGEND
EXISTING PRESCRIPTIVE EASEMENT
NEW ROADWAY & DRAINAGE & UTILITY EASEMENT
NEW DRAINAGE & UTILITY EASEMENT
LEGEND
DENOTES PARCEL LINE
DENOTES EXISTING R/W LINE
DENOTES PROPOSED R/W LINE
Prepared by Dakota County Transportation Department September 27th, 2016

AGENDA ITEM 4Q

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Consider Approval of a Request for a Time Extension for Land Alteration Permit No. C-096-15 (Hassebroek)

Meeting Date:	October 24, 2016		Fiscal/FTE Impact:
Item Type:	Consent	X	None
Contact:	Thomas J. Kaldunski, City Engineer		Amount included in current budget
Prepared by:	Steve W. Dodge, 651.450.2541		Budget amendment requested
Reviewed by:	Thomas J. Kaldunski, City Engineer TJK		FTE included in current complement
			New FTE requested – N/A
			Other

PURPOSE/ACTION REQUESTED

Consider approval of a request for a time extension for Land Alteration Permit No. C-096-15 (Hassebroek).

SUMMARY

On May 21, 2015, the City received a complaint that Mr. Hassebroek was hauling fill on his site. On June 9, 2015 the City issued a cease and desist order to Mr. Hassebroek from hauling dirt on his property. In June 2015, Mr. Hassebroek applied for a Land Alteration Permit for grading and excavating of material in the amount of 3,200 cubic yards located on the south side of Barnes Way, west of Barnes Trail. City Council approved the Land Alteration Permit on October 12, 2015 with an expiration date of October 12, 2016.

The City has received neighbor complaints and have issued inspection and violation notices (see attached timeline memo) to get Mr. Hassebroek to correct the runoff coming from his property and to establish erosion control and mulching and seeding of the area. The last notice sent on October 4, 2016 informed Mr. Hasebroek that his Land Alteration Permit is in non-compliance and would be referred to the City Attorney for review of enforcement action. Mr. Hassebroek has asked that the Council consider extending the completion date of his Land Alteration Permit.

Staff has contacted the two downstream properties most affected by the stormwater runoff. The two downstream residents are in support of a time extension for the subject Land Alteration Permit since Mr. Hassebroek has shown recent progress; therefore, staff is recommending the following:

1. Time extension for turf establishment (only) until June 30, 2017 (no grading)

2. Install drain tile and valve to drain low point within 48 hours

3. Continued maintenance of erosion and sediment control

4. Additional escrow in the amount of $2500

If turf is not fully established by June 30, 2017, the City may pursue a misdemeanor citation with support of adjacent residents.

Staff is recommending approval of a request for a time extension for Land Alteration Permit No. C-096-15 (Hassebroek) with the conditions as listed above.

SWD/kf
Enclosures: Timeline memo to file (specific notices/letters available upon request)

MEMO

CITY OF INVER GROVE HEIGHTS

TO: File

FROM: Steve W. Dodge, Assistant City Engineer

DATE: October 5, 2016

SUBJECT: Land Alteration Permit C-096-15 (10333 Barnes Way)
Stanley Hassebroek, Owner

May 21, 2015	Neighbor complaint regarding Hassebroek hauling fill on site
June 9, 2015	Cease and desist order from hauling dirt was filed with Hassebroek
June 15, 2015	Steve Dodge, Asst. City Engineer, met on site with Hassebroek
July 7, 2015	Letter sent to Hassebroek regarding illicit discharge leaving site
August 19, 2015	Erosion Control Inspection - owner was told to seed and mulch property
August 20, 2015	Notice of Violation - need to be corrected by 8/27/15
September 18, 2015	Notice to neighbors that Land Alteration Permit was to be heard by Council
September 24, 2015	Land Alteration Permit to Environmental Commission
October 12, 2015	Land Alteration Permit approved by Council
June 15, 2016	Hassebroek requested and received a 90-day extension
July 25, 2016	Neighbor complaint that Hassebroek blew out his driveway
August 1, 2016	Second Notice of illicit discharge due to erosion from grading activity
September 1, 2016	Citizen complaint received regarding standing water and mosquitos. Engineering tech followed up and said it was Hassebroek's duck pond.
September 12, 2016	Erosion Control Inspection – owner told to mulch site, correct erosion control, and remove sediment from biologs.
September 18, 2016	Notice of Non-compliance issued
September 26, 2016	Neighbor complaint letter received regarding 10333 Barnes Way erosion
September 26, 2016	Erosion Control Inspection Notice - owner told to add erosion control, mulch and seed, and add additional stabilization to be completed within 72 hours.
September 27, 2016	Public Works cancelled ditch and grading work on Barnes Way because Hassebroek's disturbance is not stabilized or established yet.
September 30, 2016	Erosion Control Inspection Notice - owner told to add erosion control, mulch and seed, and add additional stabilization to be completed within 72 hours.
October 4, 2016	Erosion Control Inspection Notice – property owner told to extend stabilization or EOF, cease from further grading, seed, mulch site for sediment control, stabilize /mulch slopes on berm, remove sediment build up along biorolls. Staff notified property owner that LAP and IDDE non-compliance is being handed to City Attorney for review of enforcement action.
October 12, 2016	Land Alteration Permit expires
October 13, 2016	Staff contacted two downstream residents, and although they are not pleased with the amount of sediment and stormwater runoff from Mr. Hassebroek's disturbance, they have seen recent progress and are agreeable to an extension. One downstream resident is also willing to testify if the City chooses to cite Mr. Hassebroek with a misdeameanor offence.

AGENDA ITEM 4R

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

PERSONNEL ACTIONS

Meeting Date:	October 24, 2016		**Fiscal/FTE Impact:**
Item Type:	Consent	X	None
Contact:	Joe Lynch, City Administrator		Amount included in current budget
Prepared by:	Carrie Isaacson, Admin Svc Cord		Budget amendment requested
Reviewed by:	Janet Shefchik, HR Manager		FTE included in current complement
			New FTE requested – N/A
			Other

PURPOSE/ACTION REQUESTED Staff requests that the Council approve the personnel actions listed below:

Please confirm the Part-Time/Temporary/Seasonal Employment of: Sydney Cochran, Skating Instructor (Ice Skating/VMCC), Jennifer Schroeder, Fitness Instructor (Fitness/VMCC), Cory Onken, Operations Helper (VMCC/Park & Rec)

Please confirm the Termination of: Erin Gill, Child Care Worker (VMCC), Angela Hinz, Child Care Worker (VMCC)

Please confirm the Promotion of: Robert Baltgalvis to VMCC Maintenance Worker

AGENDA ITEM ____6A_____

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

CONDUCT PUBLIC HEARING TO CONSIDER APPLICATION FOR NEW OWNERS OF THE ESTABLISHED OFF-SALE LIQUOR LICENSE -NIRVANA, LLC dba GOLD PALACE LIQUOR

Meeting Date: October 24, 2016
Item Type: Public Hearing
Contact: 651.450.2513
Prepared by: Michelle Tesser
Reviewed by: N/A

Fiscal/FTE Impact:

x	None
	Amount included in current budget
	Budget amendment requested
	FTE included in current complement
	New FTE requested – N/A
	Other

PURPOSE/ACTION REQUESTED:

Conduct a Public Hearing to consider the application for New Owners of the Established Off-Sale Liquor License for Nirvana, LLC dba Gold Palace Liquor premise located at 1330 Mendota Road. This is not a transferable license. This is considered a new application.

SUMMARY:

Nirvana LLC submitted an application for an Off-Sale Liquor License for the premise located at 1330 Mendota Road. The premise currently holds an Off-Sale License under the name Gold Palace Liquor. The new owners are requesting the approval of an Off-Sale Liquor license. The name of the liquor store will remain the same. This is not a transferable license and is considered a new application per City Code.

The applicants paid the fees as required by City Code and provided proof of liquor liability insurance for the premise proposed to be licensed. They provided all the necessary documentation required as a new license holder.

The Police Department conducted a background investigation and found no basis for denial of the application.

AGENDA ITEM 7A

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Rental License Ordinance

Meeting Date:	October 24, 2016		**Fiscal/FTE Impact:**
Item Type:	Regular Agenda		None
Contact:	Thomas J. Link: 651-450-2546	X	Amount included in current budget
Prepared by:	Tom Link, Director of Community Development Nicole Cook, Code Compliance Specialist		Budget amendment requested
Reviewed by:	NA		FTE included in current complement
			New FTE requested – N/A
			Other

PURPOSE/ACTION REQUESTED

The City Council is to consider the third and final reading of an ordinance that would establish a rental license program.

BACKGROUND

The City Council approved the second reading of the ordinance on October 10, 2016. Council asked for further information regarding:

- Fees
- Dakota County Community Development Agency (CDA)

Ordinance Summary

The key features of the proposed rental license ordinance are:

- The owners of all rental properties, including single-family residences, would be required to obtain a City license and comply with the International Property Maintenance Code

- The rental license would be for two years

- A rental license fee would be required, of an amount to be further discussed

- A criminal history background check would be required for those who have access to dwelling units. The Police Chief would review the background check prior to making a recommendation to the City Council. A $25 investigation fee would be required for each license.

- The model International Property Maintenance Code standards would be the basis for the rental regulations, as modified to fit Inver Grove Heights' needs. The code provides minimum standards for building maintenance, light, ventilation, pests, garbage collection, plumbing, mechanical, electrical, and fire safety.

- Regular inspections would not be conducted. Rather, the inspections would be in response to complaints.

- Rental units that are licensed and inspected by other governmental agencies, such as hospitals, nursing homes, and memory care units, would be exempt from license requirements.

- Additional staff would not be provided for the license program; the ordinance would be administered by existing staff.

Ordinance Revision - Investigations

Minor changes have been made to the draft ordinance since the second reading, as explained in the attached memo from the assistant city attorney. The section on investigations (4-13-3 and 4-13-8, pages 9 and 14) have been modified slightly for improved clarity. The ordinance requires that all:

- Property managers and other employees who have access to individual units must submit a 1) Bureau of Criminal Apprehension (BCA) public criminal conviction history report, and 2) a response from the BCA required by the Koskinen Act, which involves a more thorough search of a "background check crime".

- Owners who have access to individual dwelling units must provide a BCA public criminal conviction history report.

ANALYSIS

Fees

At its last meeting, the City Council directed staff to update three alternative fee schedules. These schedules, as attached, have been revised with the addition of recent rental construction and the deletion of exempt rentals, such as nursing homes, assisted living, and memory care units. The revisions estimate that there are approximately 3,150 rental units which would require a city license. The estimated cost of the rental license program over two years, the term of the license, is $82,000. The three alternative fee schedules are:

Alternative 1 - Original City Fee Schedule – The rental license fee would be $25 per unit. This alternative simply divides the biennial cost of the program by the number of units. Hence, $82,000 divided by 3,150 rental units equals $26 per unit. Staff recommends rounding it to $25 per unit.

This alternative is simple and easy to understand. It generates fees of $78,950, almost covering the City's cost of administering the rental license program. The cost is about $1 a month per unit. The single-family and townhome rental fees would be $25.

Apartment owners have raised concerns that the fees would be high for the larger apartment complexes. They have stated that these complexes are professionally managed and hence cause fewer problems.

Alternative 2 - Apartment Owners Fee Schedule – This alternative would charge a fee of $150 per building plus $15 per unit. This fee schedule is based on the City of Maple Grove's program. The rental license fee would be reduced for most apartment owners. However, 12 of the 27 apartments would have higher fees because they have a large number of buildings for

the number of rental units. Examples of these are Parkview Manor and the CDA's Lafayette, Spruce Point, and Prairie View townhome developments.

This alternative would generate about $71,320 and thus require the City to fund the balance of approximately $10,000. The apartment owners have argued that a City contribution recognizes the community benefits of well managed rental housing to housing diversity and surrounding property values. Single-family and townhome units would pay a license fee of $25.

Alternative 3 – A Modified Apartment Owners Fee Schedule – This alternative would be the same as Alternative 2, except that single-family or townhome fees would be increased to $50. The justification for this schedule is the perception that single family rentals generate a larger number of complaints. This revised fee schedule would generate $81,320 and hence cover the City's program costs.

The rental license fees will be adopted by resolution. Once Council provides direction, staff will prepare the resolution and bring it back to Council for subsequent adoption.

Dakota Community Development Agency (CDA)

The CDA has expressed support for the rental license ordinance and the reactive, or complaint based inspections. However, they have expressed the same concerns as the other apartment owners, such as fees. They have also requested that the CDA be exempt from the ordinance provisions, under Section 4-11-4, as government owned and managed housing.

Staff surveyed surrounding communities, as Council directed. West St. Paul, South St. Paul, Rosemount, Burnsville, and Hastings all require the CDA to obtain rental licenses and to pay a license fee. The CDA properties are treated the same as other rental properties. The City also received an email from apartment owner Jon Riley expressing opposition to exemptions for the CDA apartment, as attached.

It should be noted that the CDA's license fees would be $6,775 under Alternate 1 – Original City Fee Schedule and $7,365 under Alternative 2 – Apartment Owners Fee Schedule and Alternative 3 – Modified Apartment Owner Fee Schedule.

CONCLUSION

Staff recommends that the City Council approve the third and final reading with further direction regarding fees and an exemption for the Dakota County Community Development Agency (CDA).

Enc: Memo from Assistant City Attorney, dated October 19, 2016
Draft Ordinance (Clean Copy)
Draft Ordinance (Redlined with Recent Amendments)
International Property Maintenance Code
Original City Fee Schedule (Alternative 1)
Apartment Owners' Fee Schedule (Alternative 2)
Comparison of Other Cities' Fee Schedules
E-mail from Jon Riley, dated October 12, 2016

cc: Marty McDonough, Minnesota Multi-Housing Association
Jon Riley, Apartment Owner
Lisa Alfson, Dakota County Development Agency (CDA)

LEVANDER, GILLEN & MILLER, P.A.

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
○STEPHEN H. FOCHLER
◇JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
□*DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
BRIDGET McCAULEY NASON
TONA T. DOVE
BRADLEY R. HUTTER

HAROLD LEVANDER
1910-1992

ARTHUR GILLEN
1919-2005

• ROGER C. MILLER
1924-2009

*ALSO ADMITTED IN WISCONSIN
◇ALSO ADMITTED IN NORTH DAKOTA
○ALSO ADMITTED IN MASSACHUSETTS
□ALSO ADMITTED IN OKLAHOMA

MEMO

TO: **Mayor Tourville and Members of the Inver Grove Heights City Council**
FROM: **Kori Land, Asst. City Attorney**
DATE: **October 19, 2016**
RE: **3rd Reading on Rental Licensing Ordinance**

Since you last reviewed the proposed rental licensing ordinance on October 10, a few minor clarifications were made at the request of the Council. These changes are shown on the attached redlined document and can be summarized as follows:

- Section 4-13-3. M. 1. Investigations. This section was clarified to state that a background investigation is required of owners *only if* they have the means to access or enter dwelling units. To comply with the background investigation requirement:
  - Owners must submit the BCA public criminal conviction history report, which contains only public information and would reveal if owners have been convicted of a crime related to the business in the last 5 years or a "background check crime" within the last 10 years.
  - Managers must submit the BCA public criminal conviction history report and the response from the BCA required by the Koskinen Act, which involves a more thorough search of a "background check crime."

- Section 4-13-8. B. 7. Denial, Suspension or Revocation. Added language that conviction of a business-related crime by an owner with more than 5% interest in the business is a reason for denial of a license, unless it is a publicly traded company.

City Staff will be available to address any questions you may have.

633 SOUTH CONCORD STREET • SUITE 400 • SOUTH SAINT PAUL, MINNESOTA 55075 • 651-451-1831 • FAX 651-450-7384
OFFICE ALSO LOCATED IN SPOONER, WISCONSIN

ORDINANCE NO. _____

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE REGARDING
RENTAL LICENSING

The city council of Inver Grove Heights does ordain:

Section One. Enactment. Title 4, Chapter 13, Sections 1 through 11 are hereby enacted as follows:

RENTAL LICENSE

4-13-1: POLICY; PURPOSE; OBJECTIVE; INTENT:

A. Policy: It is the policy of the city to enhance the supply of safe, sanitary and adequate structures and living conditions for its citizens and to prevent the deterioration of the existing rental structures in the city.

B. Purpose: The purpose of this chapter is to carry out the policy stated in subsection A of this chapter by establishing minimum standards and procedures for their enforcement consistent with the right to personal privacy, for the protection of life, limb, health, property, safety and welfare of the general public, and for the owners and occupants of residential rental dwellings.

C. Objectives: The objectives of this chapter include, but are not limited to, the following:

1. Protection and preservation of the stability and character of residential areas within the city.

2. The prevention and correction of conditions that adversely affect the life, safety, health and general well-being of owners, managers, and occupants of residential and dwellings in the city.

3. The establishment of minimum standards for light, space, ventilation, cooling, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for the safe and sanitary maintenance necessary to ensure the health and safety of owners, managers, and occupants of residential dwellings.

4. The establishment of minimum standards for the maintenance of rented single and multi-family dwellings, both owner-occupied and non-owner occupied dwellings.

5. The prevention of blighted and deteriorating structures in the city.

6. The preservation of the value of land and structures in the city.

7. The establishment of minimum standards for the licensing of single- and multi-family owner and non-owner occupied rental dwellings.

D. Intent; Relation to City Code Provisions: The city council intends that the rental licensing code be an integral part of the city's program of health, safety, building and land use regulation. This code is to be construed liberally in conjunction with other provisions of the city code to give effect to the policy, purpose and objectives of this chapter, but is not to be construed to modify, amend or otherwise alter the provisions of the city code relating to health, safety, structure or land use regulation.

E. Adoption of International Property Maintenance Code: Except as modified or amended by the Minnesota State Building Code (or as it may be amended) or by city ordinance, or by this chapter, the International Property Maintenance Code is adopted by reference and is made a part of this code as if fully set out at length. One copy of the International Property Maintenance Code, together with a copy of this chapter, each marked "Official Copy," must be kept on file at city hall and be available for public inspection. The chief building official must keep a reasonable number of additional copies of the International Property Maintenance Code and this chapter available for use and inspection by the public at reasonable times. The following provisions of the International Property Maintenance Code are modified as follows:

1. References to plumbing, mechanical, fire, and electrical codes shall be replaced by current Minnesota State-adopted plumbing, mechanical, fire, and electrical codes.

2. Section 101.2 is replaced as follows: Scope. The provisions of this code shall apply to all residential rental structures and premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safety and sanitary maintenance; for the responsibility of owners, managers and occupants, for the occupancy of existing structures and premises and for the administration and enforcement of this code.

3. The following sections are deleted: Sections 102.3 (Application of other codes), 103 (Department of Property Maintenance Inspection), 104 (Duties and Powers of the Code Official), 106 (Violations), 107 (Notices and Orders), 109 (Emergency Measures), 110 (Demolition), 111 (Means of Appeal).

4. Section 102.7.1 is replaced as follows: Conflicts. Where conflicts occur between provisions of the International Property Maintenance Code and the Minnesota State Building Code, the provisions of the Minnesota State Building Code shall apply.

5. In Section 202 (General Definitions), the following definitions are deleted: Exterior Property, Garbage, Inoperable Motor Vehicle, Rubbish, Yard.

6. In Section 202 (General Definitions), the following definitions are replaced with the definitions in Section 4-13-2 of this code: Dwelling Unit, Let, Owner, Structure.

7. The following sections are deleted: Sections 302.1 (Sanitation), 302.3 (Sidewalks and Driveways), 302.4 (Weeds), 302.7 (Accessory Structures), 302.8 (Motor Vehicles), 302.9 (Defacement of Property), 303 (Swimming Pools, Spas and Hot Tubs), 304.3 (Exterior Structures – Premises Identification), 304.6 (Exterior Structures – Exterior Walls), 308 (Rubbish and Garbage).

4-13-2: DEFINITIONS:

Except as expressly provided in this chapter, words, terms and phrases used in this chapter have the meanings given them by the city code. In cases where conflicting definitions of a word, term or phrase make its precise meaning unclear in its application to particular facts, the city administrator is authorized to resolve the definition. For purposes of this chapter the following terms below have the meanings given them.

APPLICANT: The owner.

BUILDING CODE: Title 9 Chapter 1 of the city code.

CHIEF BUILDING OFFICIAL, BUILDING OFFICIAL, OR HOUSING OFFICIAL: The chief building official or designee in the department of community development, building inspection division and other city departments designated by the city administrator to administer this chapter.

CITY CODE: The Inver Grove Heights city code of ordinances.

COMMON AREAS: Halls, lobbies, corridors, passageways, utility rooms, recreational/multiuse rooms, along with facility and yard areas not under the exclusive control of one person or family, in or adjacent to a multiple dwelling.

DWELLING: A building or a portion of a building designed for residential occupancy. The term includes single-family/multi-family dwellings, manufactured homes, hotels, motels and boarding houses.

DWELLING UNIT: A single-family dwelling or a discrete portion of a dwelling or detached structure/garage designed for occupancy by one family.

FAMILY: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons not so related, living together as a single housekeeping unit using common cooking facilities.

LET: To rent, lease or grant the use and possession of real property whether or not compensation is paid.

MANAGER or PROPERTY MANAGER: An individual who is hired by an owner and who would have the means, within the scope of the individual's duties, to enter rental dwelling units. Manager or property manager includes, but is not limited to employees of the owner, such as office staff or a custodian who would have the means, within the scope of the individual's duties, to enter rental dwelling units.

BCA: Minnesota Bureau of Criminal Apprehension.

MULTI-FAMILY DWELLING: Any residential structure designed to provide occupancy to more than one family unit.

OWNER: Any person, firm or corporation who alone, jointly, or separately with others is in actual possession of or has charge, care or control of a dwelling or dwelling unit or structure in the city as owner, employee or agent of the owner or as trustee or guardian of the estate of the person who is the titleholder, and such person is bound by the provisions of this chapter to the same extent as the owner. For purposes of this chapter, an owner does not mean a manager.

PROPERTY MAINTENANCE CODE OR INTERNATIONAL PROPERTY MAINTENANCE CODE: The international property maintenance code, 2012 edition, published by the International Conference of building officials.

RENTAL: An owner or non-owner occupied single- or multi-family dwelling or dwelling unit that is let to a party other than the owner of the property or a member of the owner's family.

REPAIR: To restore to a sound, acceptable state of operation, serviceability or appearance.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

ZONING CODE: Title 10 of the city code.

4-13-3: LICENSE REQUIRED:

A. General Rule: No person, partnership, business entity, or corporation shall operate a rental dwelling or rental dwelling unit in the city without a license. The licensee shall be the owner.

B. Application: Application for a license must be made to the city by the owner upon forms provided by the city. After the city has received a completed application, including all required documentation, the appropriate fees, the license will be submitted to the city council for consideration. Incomplete applications will be rejected by the city and will not be submitted to the city council.

1. Natural Person: If the applicant is a natural person, the applicant must provide the following information:

    a. Name, place, and date of birth.

    b. Street resident addresses of where the applicant has lived during the past five years and telephone numbers.

    c. Whether the applicant is a citizen of the United States or a resident alien.

    d. Whether the applicant has ever been known by a name other than the applicant's name and, if so, the name or names used and information concerning dates and places used.

    e. The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding five years and the names and addresses of the applicant's employers and partners, if any, for the preceding five years.

    f. Whether the applicant has ever been convicted of a felony, gross misdemeanor, misdemeanor, including violations of a municipal ordinance, but excluding minor traffic violations, directly related to the business for which a license is sought. If so, the applicant must furnish information as to the date, time, place of conviction, and nature of the offenses.

    g. A physical description of the applicant.

    h. If the applicant does not manage the business, the name of the managers or other persons in charge of the business and all information concerning each of them pursuant to city code section 4-13-3, subd. B(1)(a) through (g).

2. Partnership: If the applicant is a partnership, the applicant must provide the following information.

    a. The names and addresses of all general and limited partners and all information concerning each general partner pursuant to city code section 4-13-3, subd. B(1)(a) through (g).

    b. The names of the managing partners and the interest of each partner in the licensed business.

    c. A copy of the partnership agreement: If the partnership is required to file a certificate as to a trade name pursuant to Minnesota statutes section 333.01, a certified copy of the certificate must be attached to the application.

    d. The applicant's federal tax identification number and Minnesota employer identification number.

e. If the applicant does not manage the business, the name of the managers or other persons in charge of the business and all information concerning each of them pursuant to city code section 4-13-3, subd. B(1)(a) through (g).

3. Corporation: If the applicant is a corporation or other organization, the applicant must provide the following information:

   a. The name of the corporation or business and the state of incorporation.

   b. A copy of the Articles of Incorporation or Association Agreement. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota statutes section 303.06 must be attached.

   c. The applicant's federal tax identification number and Minnesota employer identification number.

   d. The name of the managers or other persons in charge of the business and all information concerning each manager, proprietor, or agent pursuant to city code section 4-13-3, subd. B(1)(a) through (g).

   e. A list of all persons who control or own an interest in excess of 5% in such organization or business or who are officers of the corporation or business and all information concerning the persons pursuant to city code section 4-13-3, subd. B(1)(a) through (g). This provision, however, does not apply to a corporation whose stock is publicly traded on a stock exchange and the corporation is applying for a license to be owned and operated by it.

4. Additional Information From All Applicants: All applicants must provide the following additional information:

   a. Whether the applicant holds a current business or rental license or has ever held a license from any governmental unit, including the city.

   b. Whether the applicant has ever had a license in any city or state denied, revoked, or suspended and the reason for the denial, revocation, or suspension.

   c. The name of the business, if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota statutes section 333.01.

   d. The legal description of the premises to be licensed.

   e. If the applicant does not own the business premises, a true and complete copy of the executed lease for the premises.

f. Whether all real estate and personal property taxes that are due and payable for the premises have been paid and, if not paid, the years and amounts that are unpaid.

g. A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true. If the applicant is a corporation, an officer must sign the written declaration. If the applicant is a partnership, a general partner must sign the written declaration. If the applicant is an unincorporated association, the manager or managing officer must sign the written declaration.

h. The criminal history background report required by city code section 4-13-3, subd. M.

i. Such other information as the city may require.

5. Property Owner Information:

   a. The name, address and complete information of the property owner.

   b. The name, address and complete information of at least one officer, manager or director, if the property owner is a business entity.

6. Property Contact Information: For single-family residential dwellings, the license applicant must provide 24-hour contact information for one person in any of the following categories. For all other types of dwellings, the license applicant must provide 24-hour contact information for two people in any of the following categories:

   a. At least one owner of the rental dwelling or rental dwelling unit;

   b. At least one person, if different from the owner, who is responsible for compliance with this and any other code requirement pertaining to the rental dwelling or rental dwelling unit, such as a property manager, who must reside in the Twin Cities 7-County metropolitan area.

   c. Any of the owner's agents responsible for management of the rental dwelling or rental dwelling unit, such as a property management company and the name and contact information of a person at the property management company.

   d. Any vendors and all vendees, if the rental dwelling or rental dwelling unit is being sold pursuant to a contract for deed.

   e. If there is a Home Owner's Association, the name and contact information of two of the officers of the Association.

7. Number and Type of Units: The license application must contain the number of units and types of units (condominium, apartment, townhome, etc.) within the rental dwelling. If the number or types of units change, the licensee must notify the city.

C. Changes on Application. The licensee must notify the city in writing of any changes to the name(s) provided on the application including, but not limited to owners, the property management company, property managers, 24-hour contact information, or agents responsible for management of the rental dwelling or rental dwelling unit. Any changes may result in additional background checks, as required by city code section 4-13-3, subd. M, if deemed necessary by the city.

D. Fees: Rental dwelling owners shall pay a fee as set by resolution adopted by the city council. The license fee is not refundable.

E. Insurance Coverage: The applicant must file with the city a Certificate of Insurance from an insurance company duly licensed and qualified to do business in Minnesota, on a form approved by the city.

1. Coverage Requirements. The insurance policy must provide the following coverage in not less than the amounts hereinafter provided:

a. Comprehensive General Liability:

1) Bodily injuries, including death resulting therefrom sustained by any one person - $100,000 and $300,000 per any one occurrence;

2) Property Damage Liability - $100,000 per occurrence; and

b. Worker's Compensation: Coverage as required by Minnesota statutes section 176.181, subdivision 2.

2. Coverage Changes and Cancellation: The applicant may not cancel or change the insurance without 15 days prior written notice to the city by certified mail. The Certification of Insurance must be continuously in effect until 15 days after receipt of the written notice of cancellation or change, provided however, the Certification must not extend for more than two years.

F. Changes in Ownership: A license is non-transferable. If there is a change in the ownership of the rental dwelling or rental dwelling unit, a new license is required.

G. Biennial License: Persons wishing to let rental dwellings or rental dwelling units must make an application to the city on a biennial basis, provide the information required by this chapter and pay the applicable license fee. The license term shall begin on April 1 and expire two years thereafter on March 31.

H. Tenant Register: As a condition of the license, the licensee must, as a continuing obligation, maintain a current register of tenants and other persons who have a lawful right to occupancy of rental dwellings or rental dwelling units. In its application, the applicant must designate the name of the person or persons who will have possession of the register and must

promptly notify the city of any change in the identity, address or telephone numbers of such person. The register must be available for inspection by city officials at all times.

I. Display of License Certificate: The license certificate must be exhibited in a conspicuous place at or near the entrance to the rental dwelling. One license certificate must be displayed for each building.

J. Crime-Free Lease Addendum: As a condition of the license, the licensee must use the Minnesota Crime-Free Lease Addendum or its equivalent, as part of its leases.

K. Compliance with Provisions: An existing license will not be issued or renewed unless the rental dwelling unit and its premises conform to this chapter, the ordinances of the city and the laws of the state, unless a license with conditions is approved that allows time for compliance.

L. Renewal and Late Fees:

1. An application for license renewal must be filed at least sixty (60) days prior to the license expiration date.

2. An applicant who fails to submit a completed renewal application at least sixty (60) days prior to the expiration date shall pay a late fee equal to 50% of the annual fee, in addition to the annual fee.

M. Investigations:

1. In order to protect the general welfare of the public for all applications, criminal history background reports from the BCA must be submitted with the application for any owner who has or would have the means to enter rental dwelling units or any manager who has or would have the means within the scope of the individual's duties, to enter rental dwelling units. To satisfy this requirement,

    a. A owner who has or would have the means to enter rental dwelling units must provide a copy of a BCA public criminal conviction history report, which must be dated within 24 months of the date of the application.

    b. A manager must provide a BCA public criminal conviction history report and a response from the superintendent of the BCA required by Minnesota statutes section 299C.68, both of which must be dated within 24 months of the application.

    If not a Minnesota resident, a criminal conviction history report from the appropriate government agency in the state of residency is also required.

2. Authorization: At the time of making an initial or renewal license application, the applicant must provide written authorization to the city to investigate all facts set out in

the application. The information obtained from the investigation shall be used to assist the Police Chief in making a recommendation as to whether the applicant should be granted a license. The recommendation may be based on any of the following criteria:

a. Whether the owner or manager subject to the investigation required in city code section 4-13-3, subd. M.1 was convicted of a crime or offense in the last five (5) years involving or directly relating to the business for which a license is sought; or

b. Whether the owner or manager subject to the investigation required in city code section 4-13-3, subd. M.1 was convicted of a "background check crime" as defined by Minnesota statutes section 299C.67, subdivision 2, or as it may be amended, within the last ten (10) years; or

c. Whether there is a material misrepresentation in the application.

4-13-4: EXEMPTIONS:

This chapter does not apply to the following:

A. Hospitals

B. State licensed residential care facilities

C. Assisted living facilities

D. Nursing homes

E. Hotels or motels

F. Single-family homes in which an individual owns the single-family home and resides in a portion of the building in which there is a rental dwelling unit and there are a total of no more than 3 persons within the rental dwelling unit that are unrelated to the owner and to each other.

G. Accessory Dwelling Units pursuant to city code section 10-18-1.

H. Supervised Student Housing pursuant to city code section 10-14-2.H.

4-13-5: RESPONSIBILITY FOR ACTS OF MANAGER:

Licensees are responsible for the acts or omissions of their managers as it pertains to the rental dwelling.

A. The licensee must ensure that every rental dwelling and rental dwelling unit is maintained in compliance with all city codes and state laws. A violation of any of the following laws and codes constitutes a public nuisance and is a violation of this chapter:

1. Building code (Title 9, Chapter 1),

2. Zoning code (Title 10),

3. Animal Control (Title 5, Chapter 4),

4. Fire Prevention Code (Title 9, Chapter 2),

5. Property Nuisances (Title 5, Chapter 9),

6. Miscellaneous Offenses (Title 5, Chapter 5),

7. International Property Maintenance Code.

4-13-6: INSPECTIONS:

A. General rule: For the purpose of safeguarding the health and safety of the general public and of the occupants of all buildings or to determine compliance with the code, an order or a permit or license, the chief building official, housing official, building inspector, code compliance specialist, Fire Department personnel, police officers or their respective representatives or designees ("authorized officer") may conduct inspections to determine the condition of the buildings and premises located within the city. For the purpose of making the inspection, the authorized officer is authorized to enter, examine and survey the buildings or premises at all reasonable times.

1. Notice: Prior to making the inspection, the authorized officer will inform the occupants of the building or premises to be inspected of the date and time of the inspection by personal service or regular mail postmarked not less than 72 hours prior to the time the inspection is made.

2. Access: After the written notice has been given, the owner, occupant or manager of the building, must give the authorized officer free access to the building and its premises, for the purpose of the inspection, examination or survey, provided that the inspection, examination or survey must not have for its purpose the harassment of the owner, occupant or manager and the inspection, examination or survey is made so as to cause no unreasonable inconvenience to the owner or occupant.

3. Emergency access: The authorized officer must be allowed immediate entry:

    a. At any time when in the opinion of the authorized officer an actual emergency tending to create an immediate danger to public health or safety exists; or

b. At any time when the inspection, examination or survey may be requested by the owner, occupant or manager.

B. Application for search warrant: Upon a refusal of any owner, occupant or manager to permit the authorized officer access to a dwelling, dwelling unit or premises to make an inspection, and upon a belief of probable cause that the dwelling, dwelling unit or premises do not conform to the requirements of this chapter, the authorized officer may make application to the appropriate court for an order or warrant directing the inspection and search of the dwelling, dwelling unit or premises for its conformity to the requirements of this chapter, and any evidence or information from the inspection or search may be used in any court proceedings.

C. Interference with official duties: It is unlawful for any person to prevent, delay or interfere with representatives of the city while they are engaged in the performance of their duties.

4-13-7: COMPLIANCE ORDERS:

A. If the City determines that a city code violation has occurred, when appropriate, a compliance order shall be issued to the licensee. The compliance order shall contain the following information:

1. A description or address of the property on which the city code violation has occurred;

2. The nature of the violation, including a reference to the appropriate city code section or state law;

3. A compliance deadline, providing a reasonable time for compliance based on the nature of the violation;

4. A statement that failure to correct the violation may result in the imposition of a criminal citation or denial, suspension or revocation of the license.

B. Service of Compliance Order: The compliance order shall be served on the licensee by regular or certified mail sent to the last known legal address or by personal service.

C. If the licensee fails to make corrective actions listed in the compliance order, the housing official may recommend the action to be taken on the license and the appropriate city official may issue a misdemeanor criminal citation.

4-13-8: LICENSE HEARING:

A. New or Renewal Application Consideration:

1. The city council must take action on each new and renewal license application within a reasonable time following receipt of the recommendation from a city official regarding the application.

2. Procedure: At the city council meeting at which the license application is considered, any person must be provided an opportunity to be heard for or against the license. The city council may then take any of the following actions:

   a. Approve the license,

   b. Deny the license,

   c. Approve the license with reasonable conditions, or

   d. Continue the license application for additional information.

3. License with Reasonable Conditions: The city council may add reasonable conditions upon approval of a license, if deemed appropriate.

B. Denial, Suspension, or Revocation Consideration: At the recommendation of a city official, the city council or its designee may hold a hearing to take action on a rental license to deny, suspend, or revoke a license or to consider other actions against the business. In addition to those grounds enumerated in section 3-2-10 of this code, any license may be denied, suspended, or revoked for one or more of the following reasons:

1. The proposed use does not comply with the Zoning Code.

2. The proposed use does not comply with a health, building, maintenance, or other provisions of the city code or state law.

3. The applicant has failed to pay all of the appropriate fees related to the license, or is delinquent on any other city fees.

4. The applicant has made fraudulent statements, misrepresentations, or false statements in the application or investigation for or in the course of the applicant's business.

5. Conviction of the owner or manager who is subject to the investigation required in city code section 4-13-3, subd. M.1 of any crime or offense in the previous five (5) years involving or relating to the business that is licensed or the type of licensed activity and failed to show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the business.

6. Conviction of the owner or manager who is subject to the investigation required in city code section 4-13-3, subd. M.1 of a "background check crime" as defined by Minnesota statutes section 299C.67, subdivision 2, or as it may be amended, within the last ten (10) years.

7. Conviction of any person who controls or owns an interest in excess of 5% in such organization or business or who is an officer of the corporation or business of any crime or offense in the previous five (5) years involving or relating to the business that is licensed or the type of licensed activity and failed to show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the business. This paragraph does not apply to a corporation whose stock is publicly traded on a stock exchange.

8. The applicant's rental license in this city or any other city has been denied, revoked, or suspended by this city or any city, the state, or another government unit within the last 5 years.

9. The applicant has violated city codes for property maintenance or nuisance activities related to rental properties owned or operated in this city or any other city within the last 5 years.

10. Failure to allow inspections of the licensed premises, for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

11. Real estate or personal property taxes on the business premises have become delinquent and the property owner and the applicant are the same person or entity, or have any common ownership between the property owner and the applicant where they are a different person or entity.

12. Violation of any regulation or provision of the city code or Zoning Ordinance applicable to the activity for which the license has been granted, or any regulation or state law that may be applicable.

13. The rental activity has been conducted without a license.

14. Other good cause.

C. Suspension or Revocation Hearing: A hearing for consideration of suspending or revoking a license will be conducted before the city council or its designee. At the hearing, the licensee has the right to be represented by counsel, the right to respond to the charges, the right to present evidence through witnesses under oath and the right to confront and cross-examine witnesses under oath.

1. Final Decision: Following the hearing, the city council or its designee may take any of the following:

   a. Take no action on the license;

   b. Allow the licensed activity to continue but add reasonable conditions to the license;

c. Suspend the license;

d. Revoke the license.

2. Findings: Any actions taken following a hearing shall be adopted by resolution with findings and shall be sent to or served upon the licensee. If the license is suspended, the dates of suspension shall be fixed; if the license is revoked, the effective date of the revocation shall be fixed. The decision by the city council or its designee following a hearing is final.

3. Notification to Tenants: Upon suspension or revocation of a license, the city will notify all affected tenants that the license has been revoked or suspended.

4-13-9: SUMMARY ACTION:

A. Emergency: When the conduct of any owner or owner's agent, representative, employee or lessee, or the condition of the rental dwelling or rental dwelling unit, or the property in or on which it is located, is detrimental to the public health, sanitation, safety and general welfare of the community, or residents of the rental dwelling or rental dwelling unit so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the chief building official has the authority to summarily condemn or close individual rental dwelling units or areas of the rental dwelling as the chief building official deems necessary. The chief building official will post the date the rental dwelling or rental dwelling unit shall be vacated and no person shall reside in, occupy or cause to be occupied that rental dwelling or rental dwelling unit until the chief building official permits it.

B. Notice: No person shall remove the posted notice, other than the chief building official or a designated representative.

4-13-10: NO WARRANTY BY CITY:

By enacting and undertaking to enforce this chapter, neither the city nor its city council, agents or employees warrant or guaranty the safety, fitness or suitability of any rental dwelling or rental dwelling unit in the city. Owners and occupants should take appropriate steps to protect their interests, health, safety and welfare.

4-13-11: VIOLATIONS:

A violation of this chapter is a misdemeanor.

Section Two. License Term. The initial license term for all rental licenses shall begin the date the city identifies in a written notice to rental property owners that such licenses shall be required

and shall expire on March 31, 2019. Thereafter, license terms shall be as stated in section 4-13-3 (G).

Section Three. Amendment. Title 3, Chapter 2, Section 5 of the Inver Grove Heights City Code is hereby amended to read as follows:

3-2-5: APPROVAL OR REFUSAL OF LICENSE:

Where the approval of any city officer or state officer or the city council is required prior to the issuance of a license, the approval must be presented to the clerk before the license is issued. No license may be approved by any city officer or issued by the clerk if it appears that the conduct of the activity for which a license is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity. The following licenses will not be approved if there are any outstanding debts or delinquencies on taxes or special assessments due to the city:

Automobile sales.

Automobile service stations.

Body art establishments.

Bowling alleys.

Contractors.

Garbage collection.

Liquor sales.

Pawnbrokers and precious metal dealers.

Saunas, massage parlors, escort services and employees.

Therapeutic massage businesses.

Rental licensing.

Section Four. <u>Effective Date</u>. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this _____ day of _____, 2016.

_____
George Tourville, Mayor

Attest:

_____
Michelle Tesser, Deputy City Clerk

ORDINANCE NO. _____

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE REGARDING
RENTAL LICENSING

The city council of Inver Grove Heights does ordain:

Section One. Enactment. Title 4, Chapter 13, Sections 1 through 11 are hereby enacted as follows:

RENTAL LICENSE

4-13-1: POLICY; PURPOSE; OBJECTIVE; INTENT:

A. Policy: It is the policy of the city to enhance the supply of safe, sanitary and adequate structures and living conditions for its citizens and to prevent the deterioration of the existing rental structures in the city.

B. Purpose: The purpose of this chapter is to carry out the policy stated in subsection A of this chapter by establishing minimum standards and procedures for their enforcement consistent with the right to personal privacy, for the protection of life, limb, health, property, safety and welfare of the general public, and for the owners and occupants of residential rental dwellings.

C. Objectives: The objectives of this chapter include, but are not limited to, the following:

1. Protection and preservation of the stability and character of residential areas within the city.

2. The prevention and correction of conditions that adversely affect the life, safety, health and general well-being of owners, managers, and occupants of residential and dwellings in the city.

3. The establishment of minimum standards for light, space, ventilation, cooling, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for the safe and sanitary maintenance necessary to ensure the health and safety of owners, managers, and occupants of residential dwellings.

4. The establishment of minimum standards for the maintenance of rented single and multi-family dwellings, both owner-occupied and non-owner occupied dwellings.

5. The prevention of blighted and deteriorating structures in the city.

6. The preservation of the value of land and structures in the city.

7. The establishment of minimum standards for the licensing of single- and multi-family owner and non-owner occupied rental dwellings.

D. Intent; Relation to City Code Provisions: The city council intends that the rental licensing code be an integral part of the city's program of health, safety, building and land use regulation. This code is to be construed liberally in conjunction with other provisions of the city code to give effect to the policy, purpose and objectives of this chapter, but is not to be construed to modify, amend or otherwise alter the provisions of the city code relating to health, safety, structure or land use regulation.

E. Adoption of International Property Maintenance Code: Except as modified or amended by the Minnesota State Building Code (or as it may be amended) or by city ordinance, or by this chapter, the International Property Maintenance Code is adopted by reference and is made a part of this code as if fully set out at length. One copy of the International Property Maintenance Code, together with a copy of this chapter, each marked "Official Copy," must be kept on file at city hall and be available for public inspection. The chief building official must keep a reasonable number of additional copies of the International Property Maintenance Code and this chapter available for use and inspection by the public at reasonable times. The following provisions of the International Property Maintenance Code are modified as follows:

1. References to plumbing, mechanical, fire, and electrical codes shall be replaced by current Minnesota State-adopted plumbing, mechanical, fire, and electrical codes.

2. Section 101.2 is replaced as follows: Scope. The provisions of this code shall apply to all residential rental structures and premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safety and sanitary maintenance; for the responsibility of owners, managers and occupants, for the occupancy of existing structures and premises and for the administration and enforcement of this code.

3. The following sections are deleted: Sections 102.3 (Application of other codes), 103 (Department of Property Maintenance Inspection), 104 (Duties and Powers of the Code Official), 106 (Violations), 107 (Notices and Orders), 109 (Emergency Measures), 110 (Demolition), 111 (Means of Appeal).

4. Section 102.7.1 is replaced as follows: Conflicts. Where conflicts occur between provisions of the International Property Maintenance Code and the Minnesota State Building Code, the provisions of the Minnesota State Building Code shall apply.

5. In Section 202 (General Definitions), the following definitions are deleted: Exterior Property, Garbage, Inoperable Motor Vehicle, Rubbish, Yard.

6. In Section 202 (General Definitions), the following definitions are replaced with the definitions in Section 4-13-2 of this code: Dwelling Unit, Let, Owner, Structure.

7. The following sections are deleted: Sections 302.1 (Sanitation), 302.3 (Sidewalks and Driveways), 302.4 (Weeds), 302.7 (Accessory Structures), 302.8 (Motor Vehicles), 302.9 (Defacement of Property), 303 (Swimming Pools, Spas and Hot Tubs), 304.3 (Exterior Structures – Premises Identification), 304.6 (Exterior Structures – Exterior Walls), 308 (Rubbish and Garbage).

4-13-2: DEFINITIONS:

Except as expressly provided in this chapter, words, terms and phrases used in this chapter have the meanings given them by the city code. In cases where conflicting definitions of a word, term or phrase make its precise meaning unclear in its application to particular facts, the city administrator is authorized to resolve the definition. For purposes of this chapter the following terms below have the meanings given them.

APPLICANT: The owner.

BUILDING CODE: Title 9 Chapter 1 of the city code.

CHIEF BUILDING OFFICIAL, BUILDING OFFICIAL, OR HOUSING OFFICIAL: The chief building official or designee in the department of community development, building inspection division and other city departments designated by the city administrator to administer this chapter.

CITY CODE: The Inver Grove Heights city code of ordinances.

COMMON AREAS: Halls, lobbies, corridors, passageways, utility rooms, recreational/multiuse rooms, along with facility and yard areas not under the exclusive control of one person or family, in or adjacent to a multiple dwelling.

DWELLING: A building or a portion of a building designed for residential occupancy. The term includes single-family/multi-family dwellings, manufactured homes, hotels, motels and boarding houses.

DWELLING UNIT: A single-family dwelling or a discrete portion of a dwelling or detached structure/garage designed for occupancy by one family.

FAMILY: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons not so related, living together as a single housekeeping unit using common cooking facilities.

LET: To rent, lease or grant the use and possession of real property whether or not compensation is paid.

MANAGER or PROPERTY MANAGER: An individual who is hired by an owner and who would have the means, within the scope of the individual's duties, to enter rental dwelling units. Manager or property manager includes, but is not limited to employees of the owner, such as office staff or a custodian who would have the means, within the scope of the individual's duties, to enter rental dwelling units.

BCA: Minnesota Bureau of Criminal Apprehension.

MULTI-FAMILY DWELLING: Any residential structure designed to provide occupancy to more than one family unit.

OWNER: Any person, firm or corporation who alone, jointly, or separately with others is in actual possession of or has charge, care or control of a dwelling or dwelling unit or structure in the city as owner, employee or agent of the owner or as trustee or guardian of the estate of the person who is the titleholder, and such person is bound by the provisions of this chapter to the same extent as the owner. For purposes of this chapter, an owner does not mean a manager.

PROPERTY MAINTENANCE CODE OR INTERNATIONAL PROPERTY MAINTENANCE CODE: The international property maintenance code, 2012 edition, published by the International Conference of building officials.

RENTAL: An owner or non-owner occupied single- or multi-family dwelling or dwelling unit that is let to a party other than the owner of the property or a member of the owner's family.

REPAIR: To restore to a sound, acceptable state of operation, serviceability or appearance.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

ZONING CODE: Title 10 of the city code.

4-13-3: LICENSE REQUIRED:

A. General Rule: No person, partnership, business entity, or corporation shall operate a rental dwelling or rental dwelling unit in the city without a license. The licensee shall be the owner.

B. Application: Application for a license must be made to the city by the owner upon forms provided by the city. After the city has received a completed application, including all required documentation, the appropriate fees, the license will be submitted to the city council for consideration. Incomplete applications will be rejected by the city and will not be submitted to the city council.

1. Natural Person: If the applicant is a natural person, the applicant must provide the following information:

    a. Name, place, and date of birth.

    b. Street resident addresses of where the applicant has lived during the past five years and telephone numbers.

    c. Whether the applicant is a citizen of the United States or a resident alien.

    d. Whether the applicant has ever been known by a name other than the applicant's name and, if so, the name or names used and information concerning dates and places used.

    e. The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding five years and the names and addresses of the applicant's employers and partners, if any, for the preceding five years.

    f. Whether the applicant has ever been convicted of a felony, gross misdemeanor, misdemeanor, including violations of a municipal ordinance, but excluding minor traffic violations, directly related to the business for which a license is sought. If so, the applicant must furnish information as to the date, time, place of conviction, and nature of the offenses.

    g. A physical description of the applicant.

    h. If the applicant does not manage the business, the name of the managers or other persons in charge of the business and all information concerning each of them pursuant to city code section 4-13-3, subd. B(1)(a) through (g).

2. Partnership: If the applicant is a partnership, the applicant must provide the following information.

    a. The names and addresses of all general and limited partners and all information concerning each general partner pursuant to city code section 4-13-3, subd. B(1)(a) through (g).

    b. The names of the managing partners and the interest of each partner in the licensed business.

    c. A copy of the partnership agreement: If the partnership is required to file a certificate as to a trade name pursuant to Minnesota statutes section 333.01, a certified copy of the certificate must be attached to the application.

    d. The applicant's federal tax identification number and Minnesota employer identification number.

e. If the applicant does not manage the business, the name of the managers or other persons in charge of the business and all information concerning each of them pursuant to city code section 4-13-3, subd. B(1)(a) through (g).

3. Corporation: If the applicant is a corporation or other organization, the applicant must provide the following information:

   a. The name of the corporation or business and the state of incorporation.

   b. A copy of the Articles of Incorporation or Association Agreement. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota statutes section 303.06 must be attached.

   c. The applicant's federal tax identification number and Minnesota employer identification number.

   d. The name of the managers or other persons in charge of the business and all information concerning each manager, proprietor, or agent pursuant to city code section 4-13-3, subd. B(1)(a) through (g).

   e. A list of all persons who control or own an interest in excess of 5% in such organization or business or who are officers of the corporation or business and all information concerning the persons pursuant to city code section 4-13-3, subd. B(1)(a) through (g). This provision, however, does not apply to a corporation whose stock is publicly traded on a stock exchange and the corporation is applying for a license to be owned and operated by it.

4. Additional Information From All Applicants: All applicants must provide the following additional information:

   a. Whether the applicant holds a current business or rental license or has ever held a license from any governmental unit, including the city.

   b. Whether the applicant has ever had a license in any city or state denied, revoked, or suspended and the reason for the denial, revocation, or suspension.

   c. The name of the business, if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota statutes section 333.01.

   d. The legal description of the premises to be licensed.

   e. If the applicant does not own the business premises, a true and complete copy of the executed lease for the premises.

f. Whether all real estate and personal property taxes that are due and payable for the premises have been paid and, if not paid, the years and amounts that are unpaid.

g. A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true. If the applicant is a corporation, an officer must sign the written declaration. If the applicant is a partnership, a general partner must sign the written declaration. If the applicant is an unincorporated association, the manager or managing officer must sign the written declaration.

h. The criminal history background report required by city code section 4-13-3, subd. M.

i. Such other information as the city may require.

5. Property Owner Information:

   a. The name, address and complete information of the property owner.

   b. The name, address and complete information of at least one officer, manager or director, if the property owner is a business entity.

6. Property Contact Information: For single-family residential dwellings, the license applicant must provide 24-hour contact information for one person in any of the following categories. For all other types of dwellings, the license applicant must provide 24-hour contact information for two people in any of the following categories:

   a. At least one owner of the rental dwelling or rental dwelling unit;

   b. At least one person, if different from the owner, who is responsible for compliance with this and any other code requirement pertaining to the rental dwelling or rental dwelling unit, such as a property manager, who must reside in the Twin Cities 7-County metropolitan area.

   c. Any of the owner's agents responsible for management of the rental dwelling or rental dwelling unit, such as a property management company and the name and contact information of a person at the property management company.

   d. Any vendors and all vendees, if the rental dwelling or rental dwelling unit is being sold pursuant to a contract for deed.

   e. If there is a Home Owner's Association, the name and contact information of two of the officers of the Association.

7. Number and Type of Units: The license application must contain the number of units and types of units (condominium, apartment, townhome, etc.) within the rental dwelling. If the number or types of units change, the licensee must notify the city.

C. Changes on Application. The licensee must notify the city in writing of any changes to the name(s) provided on the application including, but not limited to owners, the property management company, property managers, 24-hour contact information, or agents responsible for management of the rental dwelling or rental dwelling unit. Any changes may result in additional background checks, as required by city code section 4-13-3, subd. M, if deemed necessary by the city.

D. Fees: Rental dwelling owners shall pay a fee as set by resolution adopted by the city council. The license fee is not refundable.

E. Insurance Coverage: The applicant must file with the city a Certificate of Insurance from an insurance company duly licensed and qualified to do business in Minnesota, on a form approved by the city.

1. Coverage Requirements. The insurance policy must provide the following coverage in not less than the amounts hereinafter provided:

a. Comprehensive General Liability:

1) Bodily injuries, including death resulting therefrom sustained by any one person - $100,000 and $300,000 per any one occurrence;

2) Property Damage Liability - $100,000 per occurrence; and

b. Worker's Compensation: Coverage as required by Minnesota statutes section 176.181, subdivision 2.

2. Coverage Changes and Cancellation: The applicant may not cancel or change the insurance without 15 days prior written notice to the city by certified mail. The Certification of Insurance must be continuously in effect until 15 days after receipt of the written notice of cancellation or change, provided however, the Certification must not extend for more than two years.

F. Changes in Ownership: A license is non-transferable. If there is a change in the ownership of the rental dwelling or rental dwelling unit, a new license is required.

G. Biennial License: Persons wishing to let rental dwellings or rental dwelling units must make an application to the city on a biennial basis, provide the information required by this chapter and pay the applicable license fee. The license term shall begin on April 1 and expire two years thereafter on March 31.

H. Tenant Register: As a condition of the license, the licensee must, as a continuing obligation, maintain a current register of tenants and other persons who have a lawful right to occupancy of rental dwellings or rental dwelling units. In its application, the applicant must designate the name of the person or persons who will have possession of the register and must

promptly notify the city of any change in the identity, address or telephone numbers of such person. The register must be available for inspection by city officials at all times.

I. Display of License Certificate: The license certificate must be exhibited in a conspicuous place at or near the entrance to the rental dwelling. One license certificate must be displayed for each building.

J. Crime-Free Lease Addendum: As a condition of the license, the licensee must use the Minnesota Crime-Free Lease Addendum or its equivalent, as part of its leases.

K. Compliance with Provisions: An existing license will not be issued or renewed unless the rental dwelling unit and its premises conform to this chapter, the ordinances of the city and the laws of the state, unless a license with conditions is approved that allows time for compliance.

L. Renewal and Late Fees:

1. An application for license renewal must be filed at least sixty (60) days prior to the license expiration date.

2. An applicant who fails to submit a completed renewal application at least sixty (60) days prior to the expiration date shall pay a late fee equal to 50% of the annual fee, in addition to the annual fee.

M. Investigations:

1. In order to protect the general welfare of the public for all applications, criminal history background reports from the BCA ~~are required~~must be submitted with the application for any owner who has or would have the means to enter rental dwelling units or any manager who has or would have the means within the scope of the individual's duties, to enter rental dwelling units. ~~Such individuals include, but are not limited to an owner, property manager or a 24 hour contact person.~~ To satisfy this requirement,

a. A~~an~~ owner who has or would have the means to enter rental dwelling units ~~may~~ must provide a copy of a BCA public criminal conviction history report, which must be dated within 24 months of the date of the application. ~~To satisfy this requirement, a~~

b. A manager ~~may~~ must provide a BCA public criminal conviction history report and a response from the superintendent of the BCA required by Minnesota statutes section 299C.68, both of which must be dated within 24 months of the application.

~~1.~~ If ~~the individual does not reside in~~not a Minnesota resident, a criminal conviction history report from the appropriate government agency in the state of residency is also required. ~~The applicant shall provide the criminal conviction~~

~~history background report for the required individuals as part of its application. The BCA public criminal conviction history report and the response from the superintendent of the BCA must be dated within 24 months of the date of the application.~~

2. Authorization: At the time of making an initial or renewal license application, the applicant must provide written authorization to the city to investigate all facts set out in the application. The information obtained from the investigation shall be used to assist the Police Chief in making a recommendation as to whether the applicant should be granted a license. The recommendation may be based on any of the following criteria:

    a. Whether the owner or manager subject to the investigation required in city code section 4-13-3, subd. M.1 was convicted of a crime or offense in the last five (5) years involving or directly relating to the business for which a license is sought; or

    b. Whether the owner or manager subject to the investigation required in city code section 4-13-3, subd. M.1 was convicted of a "background check crime" as defined by Minnesota statutes section 299C.67, subdivision 2, or as it may be amended, within the last ten (10) years; or

    c. Whether there is a material misrepresentation in the application.

4-13-4: EXEMPTIONS:

This chapter does not apply to the following:

A. Hospitals

B. State licensed residential care facilities

C. Assisted living facilities

D. Nursing homes

E. Hotels or motels

F. Single-family homes in which an individual owns the single-family home and resides in a portion of the building in which there is a rental dwelling unit and there are a total of no more than 3 persons within the rental dwelling unit that are unrelated to the owner and to each other.

G. Accessory Dwelling Units pursuant to city code section 10-18-1.

H. Supervised Student Housing pursuant to city code section 10-14-2.H.

4-13-5: RESPONSIBILITY FOR ACTS OF MANAGER:

Licensees are responsible for the acts or omissions of their managers as it pertains to the rental dwelling.

A. The licensee must ensure that every rental dwelling and rental dwelling unit is maintained in compliance with all city codes and state laws. A violation of any of the following laws and codes constitutes a public nuisance and is a violation of this chapter:

   1. Building code (Title 9, Chapter 1),

   2. Zoning code (Title 10),

   3. Animal Control (Title 5, Chapter 4),

   4. Fire Prevention Code (Title 9, Chapter 2),

   5. Property Nuisances (Title 5, Chapter 9),

   6. Miscellaneous Offenses (Title 5, Chapter 5),

   7. International Property Maintenance Code.

4-13-6: INSPECTIONS:

A. General rule: For the purpose of safeguarding the health and safety of the general public and of the occupants of all buildings or to determine compliance with the code, an order or a permit or license, the chief building official, housing official, building inspector, code compliance specialist, Fire Department personnel, police officers or their respective representatives or designees ("authorized officer") may conduct inspections to determine the condition of the buildings and premises located within the city. For the purpose of making the inspection, the authorized officer is authorized to enter, examine and survey the buildings or premises at all reasonable times.

   1. Notice: Prior to making the inspection, the authorized officer will inform the occupants of the building or premises to be inspected of the date and time of the inspection by personal service or regular mail postmarked not less than 72 hours prior to the time the inspection is made.

   2. Access: After the written notice has been given, the owner, occupant or manager of the building, must give the authorized officer free access to the building and its premises, for the purpose of the inspection, examination or survey, provided that the inspection, examination or survey must not have for its purpose the harassment of the owner,

occupant or manager and the inspection, examination or survey is made so as to cause no unreasonable inconvenience to the owner or occupant.

3. Emergency access: The authorized officer must be allowed immediate entry:

    a. At any time when in the opinion of the authorized officer an actual emergency tending to create an immediate danger to public health or safety exists; or

    b. At any time when the inspection, examination or survey may be requested by the owner, occupant or manager.

B. Application for search warrant: Upon a refusal of any owner, occupant or manager to permit the authorized officer access to a dwelling, dwelling unit or premises to make an inspection, and upon a belief of probable cause that the dwelling, dwelling unit or premises do not conform to the requirements of this chapter, the authorized officer may make application to the appropriate court for an order or warrant directing the inspection and search of the dwelling, dwelling unit or premises for its conformity to the requirements of this chapter, and any evidence or information from the inspection or search may be used in any court proceedings.

C. Interference with official duties: It is unlawful for any person to prevent, delay or interfere with representatives of the city while they are engaged in the performance of their duties.

4-13-7: COMPLIANCE ORDERS:

A. If the City determines that a city code violation has occurred, when appropriate, a compliance order shall be issued to the licensee. The compliance order shall contain the following information:

    1. A description or address of the property on which the city code violation has occurred;

    2. The nature of the violation, including a reference to the appropriate city code section or state law;

    3. A compliance deadline, providing a reasonable time for compliance based on the nature of the violation;

    4. A statement that failure to correct the violation may result in the imposition of a criminal citation or denial, suspension or revocation of the license.

B. Service of Compliance Order: The compliance order shall be served on the licensee by regular or certified mail sent to the last known legal address or by personal service.

C. If the licensee fails to make corrective actions listed in the compliance order, the housing official may recommend the action to be taken on the license and the appropriate city official may issue a misdemeanor criminal citation.

4-13-8: LICENSE HEARING:

A. New or Renewal Application Consideration:

1. The city council must take action on each new and renewal license application within a reasonable time following receipt of the recommendation from a city official regarding the application.

2. Procedure: At the city council meeting at which the license application is considered, any person must be provided an opportunity to be heard for or against the license. The city council may then take any of the following actions:

   a. Approve the license,

   b. Deny the license,

   c. Approve the license with reasonable conditions, or

   d. Continue the license application for additional information.

3. License with Reasonable Conditions: The city council may add reasonable conditions upon approval of a license, if deemed appropriate.

B. Denial, Suspension, or Revocation Consideration: At the recommendation of a city official, the city council or its designee may hold a hearing to take action on a rental license to deny, suspend, or revoke a license or to consider other actions against the business. In addition to those grounds enumerated in section 3-2-10 of this code, any license may be denied, suspended, or revoked for one or more of the following reasons:

1. The proposed use does not comply with the Zoning Code.

2. The proposed use does not comply with a health, building, maintenance, or other provisions of the city code or state law.

3. The applicant has failed to pay all of the appropriate fees related to the license, or is delinquent on any other city fees.

4. The applicant has made fraudulent statements, misrepresentations, or false statements in the application or investigation for or in the course of the applicant's business.

5. Conviction of the owner or manager who is subject to the investigation required in city code section 4-13-3, subd. M.1 of any crime or offense in the previous five (5) years involving or relating to the business that is licensed or the type of licensed activity and failed to show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the business.

6. Conviction of the owner or manager who is subject to the investigation required in city code section 4-13-3, subd. M.1 of a "background check crime" as defined by Minnesota statutes section 299C.67, subdivision 2, or as it may be amended, within the last ten (10) years.

~~6.~~7. Conviction of any person who controls or owns an interest in excess of 5% in such organization or business or who is an officer of the corporation or business of any crime or offense in the previous five (5) years involving or relating to the business that is licensed or the type of licensed activity and failed to show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the business. This paragraph does not apply to a corporation whose stock is publicly traded on a stock exchange.

~~7.~~8. The applicant's rental license in this city or any other city has been denied, revoked, or suspended by this city or any city, the state, or another government unit within the last 5 years.

~~8.~~9. The applicant has violated city codes for property maintenance or nuisance activities related to rental properties owned or operated in this city or any other city within the last 5 years.

~~9.~~10. Failure to allow inspections of the licensed premises, for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

~~10.~~11. Real estate or personal property taxes on the business premises have become delinquent and the property owner and the applicant are the same person or entity, or have any common ownership between the property owner and the applicant where they are a different person or entity.

~~11.~~12. Violation of any regulation or provision of the city code or Zoning Ordinance applicable to the activity for which the license has been granted, or any regulation or state law that may be applicable.

~~12.~~13. The rental activity has been conducted without a license.

~~13.~~14. Other good cause.

C. Suspension or Revocation Hearing: A hearing for consideration of suspending or revoking a license will be conducted before the city council or its designee. At the hearing, the licensee has the right to be represented by counsel, the right to respond to the charges, the right to

present evidence through witnesses under oath and the right to confront and cross-examine witnesses under oath.

1. Final Decision: Following the hearing, the city council or its designee may take any of the following:

    a. Take no action on the license;

    b. Allow the licensed activity to continue but add reasonable conditions to the license;

    c. Suspend the license;

    d. Revoke the license.

2. Findings: Any actions taken following a hearing shall be adopted by resolution with findings and shall be sent to or served upon the licensee. If the license is suspended, the dates of suspension shall be fixed; if the license is revoked, the effective date of the revocation shall be fixed. The decision by the city council or its designee following a hearing is final.

3. Notification to Tenants: Upon suspension or revocation of a license, the city will notify all affected tenants that the license has been revoked or suspended.

4-13-9: SUMMARY ACTION:

A. Emergency: When the conduct of any owner or owner's agent, representative, employee or lessee, or the condition of the rental dwelling or rental dwelling unit, or the property in or on which it is located, is detrimental to the public health, sanitation, safety and general welfare of the community, or residents of the rental dwelling or rental dwelling unit so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the chief building official has the authority to summarily condemn or close individual rental dwelling units or areas of the rental dwelling as the chief building official deems necessary. The chief building official will post the date the rental dwelling or rental dwelling unit shall be vacated and no person shall reside in, occupy or cause to be occupied that rental dwelling or rental dwelling unit until the chief building official permits it.

B. Notice: No person shall remove the posted notice, other than the chief building official or a designated representative.

4-13-10: NO WARRANTY BY CITY:

By enacting and undertaking to enforce this chapter, neither the city nor its city council, agents or employees warrant or guaranty the safety, fitness or suitability of any rental dwelling or rental

dwelling unit in the city. Owners and occupants should take appropriate steps to protect their interests, health, safety and welfare.

4-13-11: VIOLATIONS:

A violation of this chapter is a misdemeanor.

Section Two. License Term. The initial license term for all rental licenses shall begin the date the city identifies in a written notice to rental property owners that such licenses shall be required and shall expire on March 31, 2019. Thereafter, license terms shall be as stated in section 4-13-3 (G).

Section Three. Amendment. Title 3, Chapter 2, Section 5 of the Inver Grove Heights City Code is hereby amended to read as follows:

3-2-5: APPROVAL OR REFUSAL OF LICENSE:

Where the approval of any city officer or state officer or the city council is required prior to the issuance of a license, the approval must be presented to the clerk before the license is issued. No license may be approved by any city officer or issued by the clerk if it appears that the conduct of the activity for which a license is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity. The following licenses will not be approved if there are any outstanding debts or delinquencies on taxes or special assessments due to the city:

Automobile sales.

Automobile service stations.

Body art establishments.

Bowling alleys.

Contractors.

Garbage collection.

Liquor sales.

Pawnbrokers and precious metal dealers.

Saunas, massage parlors, escort services and employees.

Therapeutic massage businesses.

Rental licensing.

Section Four. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this _____ day of _____, 2016.

_____
George Tourville, Mayor

Attest:

_____
Michelle Tesser, Deputy City Clerk

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PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code*®, in this 2012 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2012 edition is fully compatible with all of the *International Codes*® (I-Codes®) published by the International Code Council (ICC)®, including the *International Building Code*®, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Green Construction Code*™ (to be available March 2012), *International Mechanical Code*®, ICC *Performance Code*®, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Residential Code*®, *International Swimming Pool and Spa Code*™ (to be available March 2012), *International Wildland-Urban Interface Code*® and *International Zoning Code*®.

The *International Property Maintenance Code* provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2012 edition presents the code as originally issued, with changes reflected through the previous 2006 editions and further changes developed through the ICC Code Development Process through 2010. A new edition of the code is promulgated every three years.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The *International Property Maintenance Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings established in the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page xiii addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* ensures the highest degree of care, ICC, its membership and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because ICC does not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers)

In each code development cycle, proposed changes to this code are considered at the Code Development Hearings by the International Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Code Development Hearings.

The content of sections in this code that begin with a letter designation is maintained by another code development committee in accordance with the following:

[A] = Administrative Code Development Committee;

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee; and

[B] = International Building Code Development Committee (IBC—Fire Safety, General, Means of Egress or Structural);

Note that, for the development of the 2015 edition of the I-Codes, there will be two groups of code development committees and they will meet in separate years. The groupings are as follows:

Group A Codes (Heard in 2012, Code Change Proposals Deadline: January 3, 2012)	**Group B Codes (Heard in 2013, Code Change Proposals Deadline: January 3, 2013)**
International Building Code	Administrative Provisions (Chapter 1 all codes except IRC and ICC PC, administrative updates to currently referenced standards, and designated definitions)
International Fuel Gas Code	International Energy Conservation Code
International Mechanical Code	International Existing Building Code
International Plumbing Code	International Fire Code
International Private Sewage Disposal Code	International Green Construction Code
	ICC Performance Code
	International Property Maintenance Code
	International Residential Code
	International Swimming Pool and Spa Code
	International Wildland-Urban Interface Code
	International Zoning Code

Code change proposals submitted for code sections that have a letter designation in front of them will be heard by the respective committee responsible for such code sections. Because different committees will meet in different years, it is possible that some proposals for this code will be heard by a committee in a different year than the year in which the primary committee for this code meets.

For instance, Section 502.1 is designated as the responsibility of the International Plumbing Code Development Committee, along with most of the provisions in Chapter 5. This committee will meet in 2012 to consider all code change proposals to the *International Plumbing Code* and any portions of other codes that it is responsible for, including Section 502.1 and most of the provisions of Chapter 5 (designated with [P] in front of those sections.) Therefore, any proposals to Section 502.1 in Chapter 5 will be needed to be submitted by January 3, 2012, for consideration in 2012 by the International Plumbing Code Committee.

Note that every section of Chapter 1 of this code is designated as the responsibility of the Administrative Code Development Committee, and that committee is part of the Group B portion of the hearings. This committee will hold its code development hearing in 2013 to consider all code change proposals for Chapter 1 of this code and proposals for Chapter 1 of all I-Codes except the *International Residential Code* and ICC *Performance Code*. Therefore, any proposals received for Chapter 1 of this code will be assigned to the Administrative Code Development Committee for consideration in 2013.

It is very important that anyone submitting code change proposals understand which code development committee is responsible for the section of the code that is the subject of the code change proposal. For further information on the code development committee responsibilities, please visit the ICC web site at www.iccsafe.org/scoping.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the previous edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

EFFECTIVE USE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The *International Property Maintenance Code* (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings.

The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

Arrangement and Format of the 2009 IPMC

Before applying the requirements of the IPMC it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during an inspection. The IPMC is divided into eight different parts:

Chapters	Subjects
1	Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Property Maintenance Code:*

Chapter 1 Scope and Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining "due process of law" in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that "equal protection under the law" has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term's definition is especially key to or necessary for understanding of a particular code provision, the term is shown in italics wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

Chapter 3 General Requirements. Chapter 3, "General Requirements," is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter's provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations. The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifies occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

Chapter 5 Plumbing Facilities and Fixture Requirements. Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements. The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water-heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

Chapter 7 Fire Safety Requirements. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

Chapter 8 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

LEGISLATION

The *International Codes* are designed and promulgated to be adopted by reference by legislative action. Jurisdictions wishing to adopt the 2012 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting legislation at the time adoption is being considered by the appropriate governmental body. The following sample adoption legislation addresses several key elements, including the information required for insertion into the code text.

SAMPLE LEGISLATION FOR ADOPTION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* ORDINANCE NO._____

A[N] **[ORDINANCE/STATUTE/REGULATION]** of the **[JURISDICTION]** adopting the 2012 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the **[JURISDICTION]**; providing for the issuance of permits and collection of fees therefor; repealing **[ORDINANCE/STATUTE/REGULATION]** No. _____ of the **[JURISDICTION]** and all other ordinances or parts of laws in conflict therewith.

The **[GOVERNING BODY]** of the **[JURISDICTION]** does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the **[TITLE OF JURISDICTION'S KEEPER OF RECORDS]** of **[NAME OF JURISDICTION]**, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the **[JURISDICTION]**, in the State of **[STATE NAME]** for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the **[JURISDICTION]** are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: **[NAME OF JURISDICTION]**

Section 103.5. Insert: **[APPROPRIATE SCHEDULE]**

Section 112.4. Insert: **[DOLLAR AMOUNT IN TWO LOCATIONS]**

Section 302.4. Insert: **[HEIGHT IN INCHES]**

Section 304.14. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.3. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.4. Insert: **[DATES IN TWO LOCATIONS]**

Section 3. That **[ORDINANCE/STATUTE/REGULATION]** No. _____ of **[JURISDICTION]** entitled **[FILL IN HERE THE COMPLETE TITLE OF THE LEGISLATION OR LAWS IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION]** and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **[GOVERNING BODY]** hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired

or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the **[JURISDICTION'S KEEPER OF RECORDS]** is hereby ordered and directed to cause this legislation to be published. (An additional provision may be required to direct the number of times the legislation is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **[TIME PERIOD]** from and after the date of its final passage and adoption.

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CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1 — SCOPE AND APPLICATION

SECTION 101
GENERAL

[A] 101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as "this code."

[A] 101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners*, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

[A] 101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

[A] 101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102
APPLICABILITY

[A] 102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

[A] 102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, structures and *premises*.

[A] 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

[A] 102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

[A] 102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

[A] 102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

[A] 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

> **[A] 102.7.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

> **[A] 102.7.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

[A] 102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identi-

fied by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

[A] 103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

[A] 103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

[A] 103.4 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

[A] 104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

[A] 104.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

[A] 104.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.6 Department records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105
APPROVAL

[A] 105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

[A] 105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

[A] 105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

[A] 105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

[A] 105.3.2 Test reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

[A] 105.4 Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

[A] 105.5 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

[A] 105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 106
VIOLATIONS

[A] 106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

[A] 106.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section 107.

[A] 106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

SECTION 107
NOTICES AND ORDERS

[A] 107.1 Notice to person responsible. Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

[A] 107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

[A] 107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

[A] 107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] 107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] 107.6 Transfer of ownership. It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the

provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

[A] 108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] 108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

[A] 108.1.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] 108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

[A] 108.1.5 Dangerous *structure* or *premises*. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel con-

nections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] 108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

[A] 108.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] 108.3 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

[A] 108.4 Placarding. Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

[A] 108.4.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

[A] 108.5 Prohibited occupancy. Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

[A] 108.6 Abatement methods. The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

[A] 108.7 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 109
EMERGENCY MEASURES

[A] 109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

[A] 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

[A] 109.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

[A] 109.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

[A] 109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

[A] 109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110
DEMOLITION

[A] 110.1 General. The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

[A] 110.2 Notices and orders. All notices and orders shall comply with Section 107.

[A] 110.3 Failure to comply. If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] 110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111
MEANS OF APPEAL

[A] 111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] 111.2 Membership of board. The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

[A] 111.2.1 Alternate members. The chief appointing authority shall appoint a minimum of two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

[A] 111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

[A] 111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] 111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] 111.2.5 Compensation of members. Compensation of members shall be determined by law.

[A] 111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

[A] 111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minumum of two-thirds of the board membership.

[A] 111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] 111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] 111.6 Board decision. The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

[A] 111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

[A] 111.6.2 Administration. The *code official* shall take immediate action in accordance with the decision of the board.

[A] 111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] 111.8 Stays of enforcement. Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 112
STOP WORK ORDER

[A] 112.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

[A] 112.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] 112.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

CHAPTER 2
DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "*dwelling unit*," "dwelling," "*premises*," "building," "*rooming house*," "*rooming unit*," "*housekeeping unit*" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202
GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. *Approved* by the *code official*.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner*(s) of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

[B] GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[B] HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. *Bathrooms, toilet rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

[A] OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or *premises* which is let or offered for *occupancy*.

[A] OWNER. Any person, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

[A] PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

[A] PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[A] STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

[M] VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

[Z] YARD. An open space on the same lot with a structure.

CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate,

the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304
EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305
INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound

and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house, housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306
COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
   - 1.1. Collapse of footing or foundation system;
   - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
   - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
   - 1.4. Inadequate soil as determined by a geotechnical investigation;
   - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
   - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
   - 2.1. *Deterioration*;
   - 2.2. *Ultimate deformation*;
   - 2.3. Fractures;
   - 2.4. Fissures;
   - 2.5. Spalling;
   - 2.6. Exposed reinforcement; or
   - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
   - 3.1. *Deterioration*;
   - 3.2. Corrosion;
   - 3.3. Elastic deformation;
   - 3.4. *Ultimate deformation*;
   - 3.5. Stress or strain cracks;
   - 3.6. Joint fatigue; or
   - 3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
   4.1. *Deterioration;*
   4.2. *Ultimate deformation;*
   4.3. Fractures in masonry or mortar joints;
   4.4. Fissures in masonry or mortar joints;
   4.5. Spalling;
   4.6. Exposed reinforcement; or
   4.7. *Detached,* dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
   5.1. *Deterioration;*
   5.2. Elastic deformation;
   5.3. *Ultimate deformation;*
   5.4. Metal fatigue; or
   5.5. *Detached,* dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
   6.1. *Ultimate deformation;*
   6.2. *Deterioration;*
   6.3. Damage from insects, rodents and other vermin;
   6.4. Fire damage beyond charring;
   6.5. Significant splits and checks;
   6.6. Horizontal shear cracks;
   6.7. Vertical shear cracks;
   6.8. Inadequate support;
   6.9. *Detached,* dislodged or failing connections; or
   6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

SECTION 307
HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards.* Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308
RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. All *exterior property* and *premises,* and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish,* and the *owner* of the *premises* shall be responsible for the removal of *rubbish.*

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit;* an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit;* or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309
PEST ELIMINATION

309.1 Infestation. All structures shall be kept free from insect and rodent *infestation.* All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises.*

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units,* a multiple *occupancy,* a

rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

309.5 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401
GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

401.2 Responsibility. The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces. Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

> **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m^2). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403
VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

> **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m^2). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

> **Exceptions:**
>
> 1. Where specifically *approved* in writing by the *code official*.
> 2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

> **Exception:** Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall be a minimum of 7 feet (2134 mm) in any

plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced a minimum of 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m^2) and every bedroom shall contain a minimum of 70 square feet (6.5 m^2) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 m^2) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room[a, b]	120	120	150
Dining room[a, b]	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1		

For SI: 1 square foot = 0.093 m^2.

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 m^2). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 220 square feet (20.4 m^2). A unit occupied by three *occupants* shall have a minimum clear floor area of 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

SECTION 502
REQUIRED FACILITIES

[P] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

[P] 502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

[P] 502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

> **[P] 502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

[P] 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 503
TOILET ROOMS

[P] 503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

[P] 503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing a maximum of one flight of stairs and shall have access from a common hall or passageway.

[P] 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located a maximum of one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] 503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504
PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] 504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

[P] 504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied

with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506
SANITARY DRAINAGE SYSTEM

[P] 506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

[P] 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507
STORM DRAINAGE

[P] 507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601
GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION 602
HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603
MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances which are *labeled* for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604
ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 voltss;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the

building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701
GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

SECTION 702
MEANS OF EGRESS

[F] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

[F] 702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

[F] 702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

[F] 702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703
FIRE-RESISTANCE RATINGS

[F] 703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

[F] 703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704
FIRE PROTECTION SYSTEMS

[F] 704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

[F] 704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

[F] 704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Group R or I-1 occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 704.3 Power source. In Group R or I-1 occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

[F] 704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one

alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A17.1/CSA B44—2007	Safety Code for Elevators and Escalators	606.1

ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
F 1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC—12	International Building Code®	102.3, 201.3, 401.3, 702.3
IEBC—12	International Existing Building Code®	305.1.1, 306.1.1
IFC—12	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC—12	International Fuel Gas Code®	102.3
IMC—12	International Mechanical Code®	102.3, 201.3
IPC—12	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IRC—12	International Residential Code®	201.3
IZC—12	International Zoning Code®	102.3, 201.3

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
25—11	Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	704.1.1
70—11	National Electrical Code	102.4, 201.3, 604.2

APPENDIX A

BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101
GENERAL

A101.1 General. All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102
MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum $^1/_2$-inch (12.7 mm) thick wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum $^3/_8$-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103
INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at a maximum of 24 inches (610 mm) on center. Blocking shall also be secured at a maximum of 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

A104
REFERENCED STANDARDS

IBC—12	International Building Code	A102.1, A102.2, A102.3

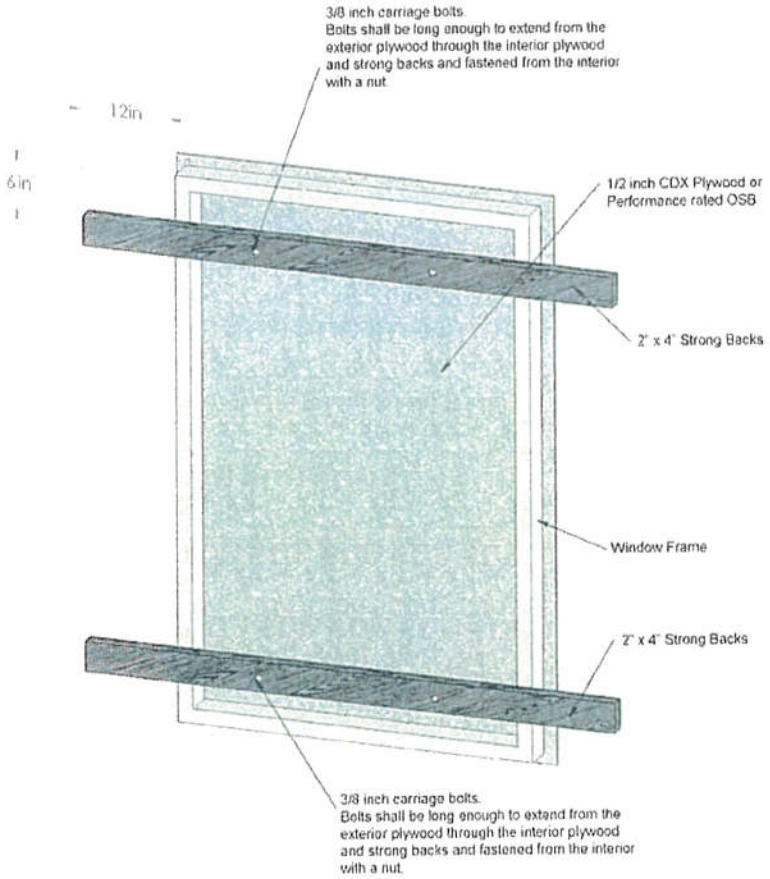

FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW

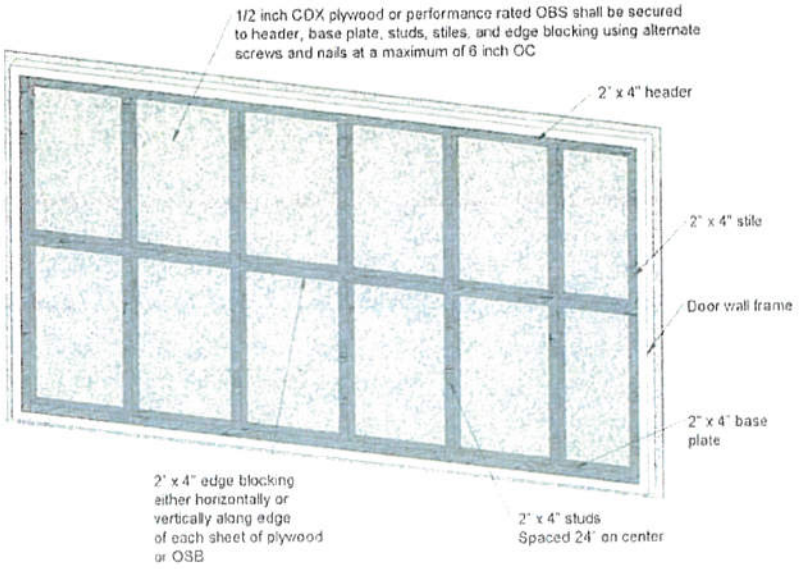

FIGURE A103.1(2)
BOARDING OF DOOR WALL

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EDITORIAL CHANGES – SECOND PRINTING

Page 25, Section [F] 704.2: now reads . . .**[F] 704.2 Smoke alarms.** Single- or multiple-station smoke alarms shall be installed and maintained in Group R or I-1 occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Page 25, Section [F] 704.3: lines 1 and 2 now reads . . .**[F] 704.3 Power source.** In Group R or I-1 occupancies, single-station smoke alarms shall receive their primary power

Page 25, Section [F] 704.4: now reads . . .**[F] 704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

EDITORIAL CHANGES – FOURTH PRINTING

Page 14, Section 306.1.1: lines 5 and 6 now reads . . .the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

10-18-16

ORIGINAL CITY FEE SCHEDULE (ALTERNATIVE ONE)

NAME/ADDRESS	FEE	NUMBER OF UNITS	TOTAL
BLACKBERRY POINTE	$25 PER UNIT	219	$5,475
BRIDGEWOOD APARTMENTS	$25 PER UNIT	159	$3,975
CHIPPEWA TERRACE	$25 PER UNIT	17	$425
DEGRIO APTS	$25 PER UNIT	8	$200
GRANITE BLUFF APTS	$25 PER UNIT	59	$1,475
GREYSTONE HEIGHTS	$25 PER UNIT	100	$2,500
LAKE COVE APTS	$25 PER UNIT	486	$12,150
MONUMENT RIDGE APTS	$25 PER UNIT	135	$3,375
N/A 1181 80TH ST E	$25 PER UNIT	7	$175
N/A 2111, 2113, 2115, 2117 78TH CT	$25 PER UNIT	4	$100
N/A 7575, 7585 CLOMAN WAY	$25 PER UNIT	8	$200
N/A 7740, 7746 BARBARA AVE	$25 PER UNIT	4	$100
N/A 7840 BARBARA AVE	$25 PER UNIT	4	$100
PARKVIEW MANOR TOWNHOMES	$25 PER UNIT	108	$2,700
PEARLWOOD ESTATES	$25 PER UNIT	240	$6,000
SALEM GREEN	$25 PER UNIT	320	$8,000
SOUTH GROVE APTS	$25 PER UNIT	34	$850
SOUTHVIEW GABLES	$25 PER UNIT	424	$10,600
SOUTHVIEW GREENS	$25 PER UNIT	54	$1,350
CAHILL COMMONS	$25 PER UNIT	60	$1,500
CARMEN COURT	$25 PER UNIT	51	$1,275
LAFAYETTE TOWNHOMES	$25 PER UNIT	30	$750

SPRUCE POINTE TOWNHOMES	$25 PER UNIT	24	$600
STERLING HOUSE	$25 PER UNIT	19	$475
HILLCREST SENIOR	$25 PER UNIT	66	$1,650
PRAIRIE VIEW TOWNHOMES	$25 PER UNIT	40	$1,000
TIMBER HILLS	$25 PER UNIT	78	$1,950

APARTMENT RENTAL SUBTOTAL - $68,950

SINGLE FAMILY RENTAL SUBTOTAL (400@ $25 EACH) - $10,000

TOTAL - $78,950

APARTMENT OWNERS FEE SCHEDULE (ALTERNATIVE TWO)

NAME/ADDRESS	NUMBER OF BLDGS	FEE	SUBTOTAL	NUMBER OF UNITS	FEE	SUBTOTAL	TOTAL
BLACKBERRY POINTE	2	$150 PER BLDG	$300	219	$15 PER UNIT	$3,285	$3,585
BRIDGEWOOD APARTMENTS	6	$150 PER BLDG	$900	159	$15 PER UNIT	$2,385	$3,285
CHIPPEWA TERRACE	1	$150 PER BLDG	$150	17	$15 PER UNIT	$255	$405
DEGRIO APTS	1	$150 PER BLDG	$150	8	$15 PER UNIT	$120	$270
GRANITE BLUFF APTS	4	$150 PER BLDG	$600	59	$15 PER UNIT	$885	$1,485
GREYSTONE HEIGHTS	1	$150 PER BLDG	$150	100	$15 PER UNIT	$1500	$1,650
LAKE COVE APTS	27	$150 PER BLDG	$4,050	486	$15 PER UNIT	$7,290	$11,340
MONUMENT RIDGE APTS	2	$150 PER BLDG	$300	135	$15 PER UNIT	$2,025	$2,325
N/A 1181 80TH ST E	5	$150 PER BLDG	$750	7	$15 PER UNIT	$105	$855
N/A 2111, 2113, 2115, 2117 78TH CT	4	$150 PER BLDG	$600	4	$15 PER UNIT	$60	$660
N/A 7575, 7585 CLOMAN WAY	2	$150 PER BLDG	$300	8	$15 PER UNIT	$120	$420
N/A 7740, 7746 BARBARA AVE	2	$150 PER BLDG	$300	4	$15 PER UNIT	$60	$360
N/A 7840 BARBARA AVE	1	$150 PER BLDG	$150	4	$15 PER UNIT	$60	$210
PARKVIEW MANOR TOWNHOMES	18	$150 PER BLDG	$2,700	108	$15 PER UNIT	$1,620	$4,320
PEARLWOOD ESTATES	5	$150 PER BLDG	$750	240	$15 PER UNIT	$3,600	$4,350
SALEM GREEN	5	$150 PER BLDG	$750	320	$15 PER UNIT	$4,800	$5,550
SOUTH GROVE APTS	2	$150 PER BLDG	$300	34	$15 PER UNIT	$510	$810
SOUTHVIEW GABLES	4	$150 PER BLDG	$600	424	$15 PER UNIT	$6,360	$6,960
SOUTHVIEW GREENS	5	$150 PER BLDG	$750	54	$15 PER UNIT	$810	$1,560
CAHILL COMMONS	2	$150 PER BLDG	$300	60	$15 PER UNIT	$900	$1,200
CARMEN COURT	1	$150 PER BLDG	$150	51	$15 PER UNIT	$765	$915

APARTMENT OWNERS FEE SCHEDULE (ALTERNATIVE TWO)

TIMBER HILLS	2	$150 PER BLDG	$300	78	$15 PER UNIT	$1,170	$1,470
SPRUCE POINTE TOWNHOMES	6	$150 PER BLDG	$900	24	$15 PER UNIT	$360	$1,260
STERLING HOUSE	1	$150 PER BLDG	$150	19	$15 PER UNIT	$285	$435
HILLCREST SENIOR	1	$150 PER BLDG	$150	66	$15 PER UNIT	$990	$1,140
PRAIRIE VIEW TOWNHOMES	4	$150 PER BLDG	$600	40	$15 PER UNIT	$600	$1,200
LAFAYETTE TOWNHOMES	8	$150 PER BLDG	$1,200	30	$15 PER UNIT	$450	$1650

APARTMENT RENTAL SUBTOTAL - $61,320

SINGLE FAMILY RENTAL (400 @ $25 EACH) - $10,000

TOTAL - $71,320

COMPARISON OF OTHER CITIES' FEE SCHEDULES TO HYPOTHETICAL SITUATIONS

	WSP	SSP	ROSEMOUNT	COTTAGE GROVE	HASTINGS	BURNSVILLE	IGH CITY FEE SCHEDULE
400 UNITS 5 BLDGS	$2,800	$24,000	$10,000	$9,000	$4,375	$5,075	$10,000
200 UNITS 4 BLDGS	$1,500	$12,000	$5,000	$4,800	$2,300	$2,740	$5,000
100 UNITS 2 BLDGS	$800	$6,000	$2,500	$2,400	$1,150	$1,370	$2,500
SINGLE FAMILY	$100	$60	$25	$180	$50	$160	$25

Note: The terms of rental licenses vary from one to three years, depending on the city. This table adjusts other cities' fees for a two-year term, per Inver Grove Heights draft ordinance.

9-27-16

Tom Link

From: Jon Riley [jonriley@condormgt.com]
Sent: Wednesday, October 12, 2016 3:45 PM
To: Tom Link
Cc: Marty McDonough (marty.mcdonough@mmha.com)
Subject: RE: IGH Rental Licensing Ordinance

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Tom;

I was unable to attend the council meeting this past Monday but I did get a synopsis of what happened regarding the 2nd reading of the Rental Housing Ordinance. I have a couple of comments.

First of all, I want to thank you for all of the work that you have put into this and for your willingness to include ideas form the conversations that you, Marty, and I have had. I appreciate that this is uncharted territory for you and is a thankless exercise on your part. Marty is going to follow up with you in a separate correspondence but I wanted to touch on one particular item that came out of Mondays meeting. Both MHA and myself strongly oppose the suggestion that Dakota County CDA should be exempt from the rental license fee. The CDA should be held to the exact same standards that other apartment owners, we are already at a competitive disadvantage to the CDA, and, as operators of rental housing in the city of IGH, the CDA will benefit as much as anyone else form this new ordinance. In addition, many of our owners participate in government sponsored programs such as Section 8 and Section 42. These programs all require periodic inspections, some by the county itself. If the CDA is exempt, than those owners should also be exempt. We are all trying to provide affordable housing in your city, not just the CDA. Please relay these concerns to the Mayor and Council Members.

Please call me with any questions. Thank you.

Jon Riley
President
Condor Corporation
(651) 452-2627

From: Tom Link [mailto:tlink@invergroveheights.org]
Sent: Thursday, June 23, 2016 12:01 PM
To: Marty McDonough; George Tourville; Tom Bartholomew; Rosemary Piekarski-Krech; Jim Mueller; Paul Hark
Cc: Jon Riley; Mary Rippe; Steve Schachtman (sschachtman@steven-scott.com); Joe Lynch
Subject: RE: IGH Rental Licensing Ordinance

Marty,

Thanks for your comments and suggestions regarding the proposed rental license ordinance.

As a reminder from our previous conversations, the City Council agenda and agenda packet will be available on the City's website towards the end of the day today.

We will see you Monday evening. In the meantime, let me know if you have questions or if I can be of assistance.

Tom

AGENDA ITEM 7B

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

APPROVAL OF RENTAL AND CODE COMPLIANCE JOB DESCRIPTION AND COMPENSATION

Meeting Date:	October 24, 2016		**Fiscal/FTE Impact:**
Item Type:	Discussion		None
Contact:	Janet Shefchik, H.R. Manager		Amount included in current budget
Prepared by:	Janet Shefchik, H.R. Manager		Budget amendment requested
Reviewed by:	Joe Lynch, City Administrator		FTE included in current complement
			New FTE requested – N/A
		x	Other

PURPOSE/ACTION REQUESTED Approval of the Rental and Code Compliance Job Description and Compensation.

SUMMARY At the August 8 and September 12, 2016 City Council meetings, Council members requested additional information for further consideration of the Rental and Code Compliance Coordinator job description. This document and its attachments are intended to provide the requested detail, and to recommend approval of the job description and corresponding compensation.

To provide background, the adoption of a City rental licensing program has been in progress for some time. The program is intended to assure proper maintenance of the City's approximately 3,700 rental units; to ensure basic living and safety standards, and to preserve rental housing stock, neighborhood stability, and property values.

A phased implementation of the rental licensing program is expected to begin after January 1, 2017. In order to prepare for that implementation, many things must occur first including planning for the additional workload and the establishment/assignment of job duties. These new duties will include program oversight such as developing procedures, entering and tracking rental unit licensing information, investigating complaints, conducting inspections, interpreting and applying rental code, ensuring compliance, and communicating outcomes.

The first reading of an ordinance to formally adopt the rental license program occurred on June 27, 2016. Prior to that reading, Council had received and discussed information regarding the estimated program costs during budget considerations. Subsequently, an adjusted amount of approximately $13,000 was added to the 2017 budget for program administration and staffing.

Following much analysis and planning, management had made the determination that the most effective way to accomplish program implementation was to incorporate the rental licensing duties into the existing position of the Code Compliance Specialist. This is the position that has assisted in the research, is most familiar with the program, and whose current duties are most similar to the proposed duties. As the program's implementation will be phased in, it is

anticipated that the incumbent will be able to coordinate the administration of this program along with their other programs. Additionally, as the incumbent's code compliance duties are generally cyclical, it is expected that there will be capacity to assume the rental licensing duties. It is difficult to predict the exact percentages in advance; however, it's estimated that during the months of January through March, the rental licensing duties will consume approximately 25% of the incumbent's time (possibly more during initial implementation). It is also estimated that the remainder of the year will consume a lesser percentage of time (e.g. 10-15%), depending on factors such as the timing of software implementation and frequency of complaints, etc.

While analyzing the existing Code Compliance Specialist job description for revision to include the rental duties, it was noted that the job description had not been reviewed since the City's last classification study in 2007. Since that time; however, the incumbent has taken on a number of additional responsibilities, including Housing Demolition, Dangerous Dog Hearings, and Chicken Licensing. The Housing Demolition duties are of particular note, because they assume a higher level of responsibility and complexity than the scope of the existing job description. It was during this revision process that the Department Director noted the recent recurring frequency of these projects and agreed to make these changes in responsibility more permanent. This together with the added responsibility of the rental program then triggered the need for a job evaluation based on the criteria of a permanent and significant change.

The Rental and Code Compliance Coordinator job description (Attachment C) that was first brought before Council on August 8, reflected: 1) the original duties of the Code Compliance Specialist, 2) duties that have been assumed over time, and 3) the newly proposed rental program duties. Therefore the majority of the proposed job description related to existing duties, and the only new duties reflected within it were those listed under the Rental Compliance section. Again, all other duties are already being performed by the Code Compliance Specialist, but had not been formally added to the job description or reviewed for comparable worth. Additionally, the incumbent already meets the minimum qualifications of the new position. If the Code Compliance Specialist position is not approved to take on the Rental Compliance program as planned; however, the position will still need to be evaluated under the City's job evaluation system for the changes in responsibilities that have taken place over the past few years.

The Code Compliance Specialist has been in the *current* position for 8 years, and is at the top step of the corresponding salary range at $63,336/yr. As indicated on the attached comparison spreadsheet (Attachment B), the position is currently paid under the market average by about $6,800/yr. for similar positions. Again, this is for the incumbent's current code compliance position. Additionally, an in-depth job match was conducted to compile and compare job descriptions of other city positions with the most similar duties and responsibilities to that of the *proposed* rental licensing position. As noted on the attachment, positions that include Rental Compliance responsibilities are paid somewhat more than Code Compliance positions. This is also consistent with an evaluation of the comparable worth of the position (see Attachment A; job evaluation summary).

In addition to an external comparison, it is very important to ensure placement within the City's internal hierarchy, especially as comparable pay for comparable worth is the premise of Pay Equity (MN 471.992, Attachment D). A cursory evaluation and ranking of the Rental and Code Compliance Coordinator position using the City's approved job evaluation method (Point Factor System) placed the position in the "T" grade with positions at similar levels of responsibility such as the Accountant and Combination Inspector (currently male-dominated) classifications. The pay ranges for these positions are also reflected on the attached spreadsheet.

In terms of compensation, as shown in market comparison and confirmed through the job ranking process, the rental compliance function should be slotted in a pay grade to that of similarly ranked positions such as the Combination Inspector. As it is estimated that the new duties will vary and consume approximately 25% or less of a regular work week, it would not seem prudent to add another employee or position to accomplish the work. Using the rental compliance comparables, a new rental compliance employee hired at the average salary minimum would earn approximately $57,000 per year, or $14,375 if employed to work 25% of the work week (10 hours/.25 FTE). This proration would be approximately $7,100 more than a proposed increase to the pay of the existing employee. Additionally, a newly hired employee's pay would increase significantly until they reached the top step of the plan. It would seem more cost effective and efficient then to utilize an existing full-time employee who is capable and already meets the minimum qualifications, and increase the pay of that person rather than to pay more for additional staff.

In regard to the question of title, many ideas have been considered, as it is difficult to reflect the administration of several programs with one single title. The term "Coordinator" in the case of the Rental and Code Compliance Coordinator job description was used to signify the coordination of various programs and processes, rather than supervision. Other non-supervisory positions at the City with the term "Coordinator" in their title include the Administrative Services Coordinator and the former Human Resources Coordinator. Whatever title is used; however, the Community Development Director would like to ensure that it make sense to others within the realm of the compliance community.

Upon review of all available information, staff recommends approval of the attached Rental and Code Compliance job description and corresponding 2016 salary range of $56,492.80 - $74,235.20/yr., effective with approval of the Rental License ordinance. As the incumbent continues to actively assist in program research, development and implementation, staff recommends immediate placement at Step 3 of the new salary range ($70,657/yr). This represents an increase in pay of approximately $7,300, and correlates to the findings of the salary survey in Attachment B. Upon successful completion of 12 months, the incumbent would then move to Step 4 of the new range.

ATTACHMENT A

Rental and Code Compliance Job Evaluation Summary

Completed July 2016, by J.S.

Existing position:

The existing Code Compliance Specialist position is a single incumbent position that reports directly to the Community Development Director and is responsible for the day-to-day administration of the Code Compliance program. The incumbent tracks complaints from receipt through to resolution, including providing notifications, researching codes, conducting inspections, reviewing properties for compliance with City code, issuing citations, and preparing requests for criminal complaints. The position involves work with other departments such as the Police Department, the public in occasionally volatile situations (angry complainants and/or angry code violator), and a work environment that may involve risk, such as unlawful citizens, and unsafe or unsanitary conditions.

Job Growth/Expanded Duties:

In addition to performing the Code Compliance duties, the incumbent has taken on additional duties over the past few years including coordinating Housing Demolitions (e.g. contractors), conducting Dangerous Dog hearings, administering Chicken Licenses, and occasionally conducting inspections to assist the building inspection unit. Additionally, the incumbent has been involved in conducting research to assist in the development of the Rental Compliance program. It is important to note that none of the aforementioned additional duties are reflected in the current job description, as it has not been updated since the City's last classification study in 2007. Minimally the position should be reviewed for these changes; however because the addition of the Rental Compliance duties will mean a significant and permanent change, the job description should be rewritten and reevaluated for appropriate classification and compensation.

Internal Comparison:

When compared to the Combination Inspectors, there are some similarities in that both positions are responsible for understanding and applying codes (as stated above). The Combination Inspectors have a variety of technical trades and related building codes they must be familiar with, but they also have access to other Inspectors (multiple incumbents with varying knowledge in the various trades) and the Building Official for technical guidance. The Code Compliance Specialist has a somewhat more narrow technical scope, but as a single incumbent, is relied upon to have depth of knowledge needed to act as the single expert in Code Compliance, and to conduct day-to-day administration of the program. Additionally, the Code Compliance Specialist does not have other office staff available to support her with program administration, as the Combination Inspectors do.

The qualifications for both positions require a similar combination of relevant education and experience. The Combination Inspector position indicates a preference of a related 2-year degree plus 2 years work experience and MN Building Official's license, and the ability to obtain an MPCA certification within 18 months. The Code Compliance Specialist position originally required a related 4-year plus 3 months experience, but was changed to reflect a similar preference which includes a combination of a related education (2-year degree) and experience.

External Comparisons:

An in-depth job match was conducted which identified positions in other cities with similar job duties and responsibilities, and a salary comparison was completed. The salary comparison showed that the Code Compliance Specialist position is currently underpaid when compared to its contemporaries, and that those positions with rental compliance responsibilities are paid somewhat more than even the code compliance positions.

Recognition of Broadened Scope:

The Rental Compliance program will require new software and procedures to be implemented, in order for the program to become operational. The Code Compliance Specialist is the person who has been most actively involved in research for Rental Compliance program development, and the most logical to assume the additional duties. Both the software system and procedural implementations will then be the sole responsibility of the new combined position.

The skill-set necessary to perform the duties of the rental compliance program are similar to that of the Code Compliance Specialist; however additional training will need to be sought out and the Department Director prefers that the incumbent obtain certification to show proficiency. Similar to the Combination Inspectors, the incumbent will be given a timeframe within which to obtain the preferred certification.

<u>Taking on the additional Rental Compliance duties, broadens the scope of the position. Rather than a single knowledge base, the position will be responsible for at least two moderately complex bodies of knowledge and two full programs. This is why it is important to give credit for the highest level of duties, and to examine the full scope when classifying and rating positions. Assigning a blended level or rate between the two does not give credit for the full scope of requisite knowledge, duties, and responsibilities required for 2 or more programs.</u>

Job Ranking:

A cursory review of the Rental and Code Compliance job description using the City's adopted job evaluation system (Point Factor) for Pay Equity resulted in placement within the "T" job grade which includes positions such as Accountant and Combination Inspector .

Summary:

The current Code Compliance Specialist possesses a similar skill-set, and has the capability to learn and take on the additional duties, especially as she has been involved in program research and has developed a baseline familiarity with property codes. She should be allowed to obtain training and the preferred certification on the job, similarly to what is allowed for the Combination Inspectors. Ultimately, she should receive credit for the broadened scope of her position and responsibility for two similar yet distinctly different programs. Her job description should also reflect the appropriate level of responsibility associated with program coordination, especially as the Rental Code program is a new program that requires much more than enforcing existing City codes. Additionally, as the Market comparisons show, Rental Compliance is considered a slightly higher level responsibility and therefore is typically assigned a somewhat higher rate of pay.

Recommendations:

The revised job description of Rental and Code Compliance Coordinator should be accepted and the incumbent's pay should be adjusted to the recommended comparable rate, effective with the approval and establishment of the Rental ordinance and program.

ATTACHMENT B

Code and Rental Compliance
Salary Survey/Compensation Comparison
September 2016

	Code Compliance		Rental Compliance	
	Min.	Max.	Min.	Max.
St. Louis Park	65,540	77,106	65,540	77,106
Richfield	55,536	71,386	56,992	76,627
Fridley	54,995	70,262	54,995	70,262
West St Paul	51,750	64,667	54,309	67,891
Roseville	55,702	67,101	55,702	67,101
Average Comp. Cities	56,705	70,104	**57,508**	**71,797**
Maple Grove	54,467	68,083	59,542	75,065
Burnsville	54,038	74,838	54,038	74,838
Brooklyn Center	55,322	67,323	56,705	69,007
Average All Cities	55,919	70,096	**57,228**	**72,237**
Inver Grove Heights	**47,507**	**63,336**	TBD	TBD
Difference Comp. Cities	(9,198)	(6,768)		
Difference All Cities	(8,412)	(6,760)		

Salary ranges of City positions that most closely align with the responsibilitiy level of the proposed Rental Compliance position:

	Min	1 Yr	2 yrs	3 yrs	4 yrs/ Max.	
Accountant	61,713.60	65,811.20	67,870.40	69,929.60	72,051.20	AFSCME
Combination Inspector	56,492.80	63,523.20	67,121.60	70,657.60	74,235.20	AFSCME
Average	59,103.20	64,667.20	67,496.00	70,293.60	73,143.20	

Observations:

1. The Code Compliance Specialist has been in her current positon for 8+ years and is at the top step of her salary range
2. The Code Compliance Specialist is paid approx. $6,800 less than the Code Comp. comparable group & $8,500 less than Rental Compliance group
3. If the Code Compliance Specialist was brought up to the average top step of her current position, the pay would be approx. $70,100
4. That would place her at about the 3 year step of other City positions most closely aligned with the Rental Compliance Comparison

Options:

Utlize the existing pay range for either Accountant or Combination Inspector, or create a new range (e.g. using the average).
Place the employee at the 3yr Step and move them to Top/4yr Step after successful completion of 12 months performing the Rental Compliance role.

Recommendation:

Utlize the pay scale for the Combination Inspectors, and place the employee at Step 3 until successful completion of 12 months in the position.

City of Inver Grove Heights

POSITION DESCRIPTION

Position Title: ***Rental and Code Compliance Coordinator***

Department/Location: ***Community Development***

Immediate Supervisor: ***Community Development Director***

Latest PD Revision: ***8.16***

Position Summary: This position is responsible for the implementation and administration of Rental Licensing, Code Compliance, and related programs. Responsibilities consist of a full range of compliance activities including assisting with program research and development, conducting inspections, preparing associated reports and notifications, responding to citizens and others, preparing criminal complaints; processing, issuing and tracking of licenses, developing and refining processes and systems, and maintaining databases. Incumbent must maintain and apply knowledge of City and State Codes and coordinate with internal and external agencies to ensure compliance.

Essential Accountabilities and Expected Outcomes

Rental Licensing

Administers the rental licensing program which includes assisting with program research and development and performing program implementation, coordination, and development of processes and procedures

Assists with software and vendor research; works to install, implement, and maintain programs; maintains database and accurate records; creates reports, analyzes and tracks data; provides monthly and year-end reports to City Council

Develops and implements processes and procedures; conducts research on best practices, creates and updates document templates and processing protocols regarding program requirements such as FAQs, license applications, complaints, notifications, deadlines, extensions, repeat offenses, and citations

Processes and tracks licenses including intake, payment, follow-up, and issuance or denial

Performs inspections of rental units; examines the health, safety and welfare of the interior and exterior of unit(s) utilizing property maintenance codes and standards; keeps up-to-date on codes and implements procedural changes as necessary

Coordinates violation notifications, reporting and follow-up; maintains documentation related to inspection and enforcement activities; coordinates with Police, Fire, Planning, Engineering, and Building Inspections; coordinates with County Health and Social Services departments

Issues warning notices, compliance orders, citations, and prepares requests for criminal complaints to the City Council

Confers regularly with other departments to review problem properties; coordinates with the Police Department regarding conditional and provisional licensing, denials, and revocations; monitors problem properties and develops solutions to chronic problems

Provides prompt and courteous response to inquiries from owners, managers, renters and others regarding the City's housing code and related ordinances, policies, and procedures

Code Compliance

Develops, administers, and oversees program which includes research, coordination and implementation, refinement of processes and procedures

Performs activities such as investigating nuisance complaints, abandoned vehicles, zoning, trash and grass/weeds complaints; conducting code inspections

Hires and coordinates contractors for refuse removal and lawn care

Completes annual list of Special Assessments which includes tracking and intake of payments, notices, Council memorandums, and coordination with Finance Department

Responsible for monthly and year-end reports to City Council

Coordinates code violation notifications, reporting and follow-up as directed. Maintains documentation related to inspection and enforcement activities; coordinates code and rental license activities with Planning, Engineering, Inspections, Fire, and Police Department staff

Issues warning notices, compliance orders, citations, and prepares requests for criminal complaints to the City prosecutor; testifies in court as subpoenaed/requested

Obtains and tracks licenses for residential chickens; performs inspections, and notifies residents and neighbors when renewals are due; and provides memorandum to City Council if objection is received

Provides prompt and courteous response to inquiries from property owners, citizens and others regarding the City's codes, related ordinances, policies, and procedures

Maintains database of related information and accurate records

Monitors problem properties and develops solutions to chronic problems

Dangerous Dog Hearings

Conducts or coordinates dangerous dog hearings

Maintains and applies knowledge of City and State Codes relating to Dangerous and Potentially Dangerous Dogs

Reviews Incident Report and Supplemental Reports from Police Department
Interviews all parties involved

Makes a determination based on findings from interviews and facts from reports

Issues notifications of findings

Maintains all documentation relating to case

Housing Demolition

Serves as Project Manager by establishing and following program and procedure for housing demolitions

Creates Requests for Proposal for hazardous materials removal

Creates Request for Proposal for demolition

Composes contracts and hires contractors for regulated material removal and demolition

Coordinates with other departments to coordinate meetings and site visits

Coordinates with other departments to schedule trainings prior to demolition

Maintains documentation relating to inspection and demolition

Other

Assumes additional accountabilities as assigned

Accountabilities Shared by all City Employees:

Developing and maintaining a thorough working knowledge of all department and City-wide policies, protocols and procedures that apply to the performance of this position.

Demonstrating by personal example the service excellence and integrity expected from all employees.

Developing respectful and cooperative working relationships with co-workers, including willing assistance to fellow employees so that their job responsibilities can be performed with confidence as quickly as possible.

Conferring regularly with and keeping one's immediate supervisor informed on all important matters pertaining to assigned job accountabilities.

Representing the City in a professional manner to all outside contacts when doing the City's business and also with the general public.

Typical Working Environment:

Demands of the position may require employee to work days/evenings/weekends.

Position is primarily administrative in nature, working in a typical office environment and conducting frequent field investigations and/or inspections outside of the office in the elements, year-round.

Typical Physical Requirements for this Position:

Must be able to sit, stand, speak, hear, and effectively communicate. Ability to lift and move up to 40 pounds.

Selection Criteria to Qualify for this Position:

Valid MN Class "D" Driver's License or ability to obtain.
2-year degree from an accredited college or university.
At least 4 years of related experience.
Ability to resolve issues in a diplomatic, positive, and mutually beneficial manner.
Knowledge of property inspection programs and practices.
General knowledge of related property (nuisance, blight, housing, etc.) codes.
Ability to communicate clearly and effectively, both orally and in writing.
Ability to work well with the public and with fellow staff and elected officials.

Preferred Qualifications:
Ability to obtain related certifications such as: Property Maintenance, Housing or Rental Inspector certifications via International Code Council (ICC) or American Home Inspectors Training Institute (AHIT).

Any combination of education and experience which substantially demonstrates the knowledge, skills, and abilities required to successfully perform this job will be considered.

Employee's Acknowledgement and Date: _____

Supervisor's Acknowledgement and Date: _____

Administrative Services Acknowledgement and Date: _____

471.992 EQUITABLE COMPENSATION RELATIONSHIPS.

Subdivision 1. **Establishment.** Subject to sections 179A.01 to 179A.25 and sections 177.41 to 177.44 but notwithstanding any other law to the contrary, every political subdivision of this state shall establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees in order to eliminate sex-based wage disparities in public employment in this state. A primary consideration in negotiating, establishing, recommending, and approving compensation is comparable work value in relationship to other employee positions within the political subdivision. This law may not be construed to limit the ability of the parties to collectively bargain in good faith.

Subd. 2. **Arbitration.** In all interest arbitration involving a class other than a balanced class held under sections 179A.01 to 179A.25, the arbitrator shall consider the equitable compensation relationship standards established in this section and the standards established under section 471.993, together with other standards appropriate to interest arbitration. The arbitrator shall consider both the results of a job evaluation study and any employee objections to the study. In interest arbitration for a balanced class, the arbitrator may consider the standards established under this section and the results of, and any employee objections to, a job evaluation study, but shall also consider similar or like classifications in other political subdivisions.

Subd. 3. [Repealed, 1990 c 512 s 13]

Subd. 4. **Collective bargaining.** In collective bargaining for a balanced class, the parties may consider the equitable compensation relationship standards established by this section and the results of a job evaluation study, but shall also consider similar or like classifications in other political subdivisions.

History: *1984 c 462 s 27; 1984 c 651 s 2; 1986 c 459 s 1; 1Sp1986 c 3 art 2 s 18; 1990 c 512 s 2-4*

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AGENDA ITEM 7C

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

2040 Comp Plan Update – Consultant Selection

Meeting Date:	October 24, 2016
Item Type:	Regular Meeting
Contact:	Allan Hunting 651.450.2554
Prepared by:	Allan Hunting, City Planner
Reviewed by:	

Fiscal/FTE Impact:

X	None
	Amount included in current budget
	Budget amendment requested
	FTE included in current complement
	New FTE requested – N/A
	Other

PURPOSE/ACTION REQUESTED

The City Council is requested to provide direction to city staff regarding the selection of, or chose the consultant for the comprehensive plan update.

BACKGROUND

The City Council interviewed the two candidates, HKGi and WSB on September 26. At the end of the meeting, the Council requested the consultants to prepare a summary of the number of meetings proposed and the cost of each type of meeting. Council also encouraged any of the members of the commissions to submit any comments they had.

Attached to this memo are the meeting type/cost summaries and comments from individual commission members.

RECOMMENDATION

Staff requests City Council discuss and determine what action they would like to take on selecting a consultant.

Attachments: Summaries of meetings/costs (2)
Comments from Commission Members

WSB Public Engagement - IGH Comprehensive Plan

Meeting Type	Cost per Meeting	Number of Meetings	Issues Addressed
Public Meetings	$1,750 each	4	Visioning
			Listening Session
			Pop-Up Evenet
			Draft Land Use Map
City Council	$1,250 each	4	Kick-Off
			Review Visioning
			Review Land Use and Water Supply
			Approval
Planning Commission	$1,250 each	8	Review Visioning
			Density and Housing
			NW Area and Land Use Scenarios
			NW Area, Concord Area and draft Land Scenario
			Land Use and Infrastructure
			Critical Area Plan and Implementation
			Draft Comp Plan
			Public Hearing
Economic Development Authoirty	$1,250 each	3	Maxfield Market Study
			SWOT
			Strategic Plan
Parks and Recreation Committee	$1,250 each	3	Parks & Trails
			Parks & Trails
			Review Draft Plan
Housing Committee	$1,250 each	2	Density and Housing
			Review Draft Plan
Environmental Committee	$1,250 each	2	Critical Area Plan
			Review Draft Plan
River Heights Chamber of Commerce	$1,000 each	1	Update

Work Plan Meeting Summary
Comprehensive Plan Update
Inver Grove Heights, Minnesota

Meetings with City Council and Advisory Boards and Commissions

11 total meetings proposed

Meetings proposed in this category include:

- 2 Joint City Council/Planning Commission workshops or meetings
- 1 City Council meeting
- 3 Planning Commission workshops including 1 public hearing
- 2 Economic Development Authority meetings
- 3 Meetings with other City Advisory Boards and Commissions such as:
  - *Parks and Recreation*
  - *Housing*
  - *Environmental*
  - *Airport Relations*

Average Cost: $500 per additional meeting

Public Workshops

3 total meetings proposed

Meetings in this category include:

- 1 Public workshop to introduce the process and seek initial input
- 2 Public workshops or open houses to review progress, solicit feedback, and collect additional input

Average Cost: $4,000 per additional meeting

Focus Groups

Up to 30 total meetings for Moderate to Advanced level of engagement

Meetings in this category could include:

- Small group meetings with a variety of interest groups such as:
  - *Elected and Appointed Officials*
  - *Business Owners*
  - *Neighborhood Organizations*
  - *Key Land Owners*
  - *Developers and Investors*
  - *Advocacy , Non-Profit., Faith and Volunteer Groups*
  - *Youth Groups*
- Pop-Up or Informal Meetings or Special Events
- Focus Area Site Tours

Average Cost: $550 per additional meeting

September 29, 2016

Allan Hunting

From: Ted Trenzeluk [ttrenzel@hotmail.com]
Sent: Tuesday, September 27, 2016 10:54 AM
To: Allan Hunting
Cc: Heather Botten
Subject: Re: 2040 Comp Plan Update - consultant selection

Allan

Thanks for allowing the Commission members to participate in the interview process. I want to share some observations. Please share as appropriate. Mayor Tourville suggested folks could send their observations to you.

- Clearly two different approaches, WSB more of a "re do" at a higher cost and longer schedule vs HKGI just tweaking the existing plan for less money and a shorter schedule
- My personal view is the Economic Development, or filling the unacceptable number of empty store fronts should be a priority this time around. Although they both talked about this in the verbal interviews, WSB hit it harder in the written proposal. My gut is that WSB would do a better job with this.
- The fact that HKGI wants to just tweak the existing plan tells me they think everything is going great. I don't feel they understand the magnitude of the lack of business issue or some other issues I see like, road maintenance falling behind, some idiotic traffic designs (for example : getting into the Argenta Hills mall and the example of trying to get to Walmart from the old Walgreens in Arbor Point that one of the presenters illustrated), etc.
- I know we don't want to be a Woodbury or an Eagan but we also would like some of the businesses that folks go to those towns for.

Net net, if the expense difference is not an issue it might be time for a change. The sense of same same that HKGI conveyed to me is not enough emphasis on some real problem areas

Thanks
Ted Trenzeluk
(612) 963-6977

From: Allan Hunting <ahunting@invergroveheights.org>
Sent: Thursday, September 15, 2016 11:52:35 AM
To: Jonathan Weber; 'Willie Krech' (mary@total-const.com); moony426@yahoo.com; atjaeiden@hotmail.com; ttrenzel@hotmail.com; decks@thedeckstore.net; GabrielJoanM@gmail.com; patricia.todd@state.mn.us; Mary T'Kach; paul.mandell@comcast.net
Subject: 2040 Comp Plan Update - consultant selection

Commission and Committee Members:

Thank you for offering to be part of the City Council interview with the two consultant candidate firms that are bidding to conduct the 2040 Comprehensive Plan Update for the City. The consultants will make brief presentations and then we expect the Mayor to open up for questions. I have provided links to the proposals submitted by the two firms; WSB and HKGI.

The meeting is in the City Council Chambers at 4:00 p.m., Monday September 26 ,2016.

October 18, 2016

Mr. Allan Hunting
Community Development Department
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Dear Allan:

Thank you to staff and the Council for allowing the Housing Committee to submit comments to the City Council for their consideration in choosing a consultant for completion of the 2040 Comprehensive Plan Update.

The Housing Committee is not recommending one consultant over another. Rather, we are requesting that staff and the Council consider these comments and incorporate them into your decision-making process for this project.

1. Above all else, this committee believes the consultant needs to put forth, with input from the community, **a vision with goals that are both reasonable and attainable.** If Inver Grove Heights is to thrive in the coming decade, rather than just limp along and take whatever development the market sends its way, having a vision created and agreed to by a broad cross section of the community, will result in a robust Comprehensive Plan. And more importantly, will result in commitments from residents, staff, developers, and businesses that make the city a better place to live, work and play. A strong vision, with true stakeholder engagement, not just obligatory "meetings" and "open houses" will help IGH become a city where people, public institutions and businesses will invest more of their time, their energy and their money in the community.

2. The City needs a vendor that will engage a representative cross section of the community. The vendor of choice needs to partner with formal and informal community organizations (e.g. places of worship, cultural gatherings and social functions) to get feedback from a truly diverse group of people that reflect the social and economic diversity of our community. In particular, the Committee appreciated the mention of community engagement by one vendor, with minority groups such as Latino and Somali communities since the city seems to be growing with many more diversified residents. The city also has three manufactured home parks with residents that also need to have access to the comprehensive planning process. The committee wants to ensure that the chosen vendor has a specific plan for engaging residents from these and other moderate income areas of the city. Therefore, the Housing Committee suggests that either vendor will need many more than two community meetings in this process. On-line access is a good idea for input, but not a substitute for in-person engagement and discussions of opportunities.

3. The Committee believes the chosen vendor should be willing to ask the community what they want and then communicate those ideas to the agencies that are or have developed broader plans on issues such as transportation, parks, aviation systems, roads and infrastructure, etc. rather than

asking the community to respond to pre-determined plans from outside agencies. If people are not part of the design of our community in a meaningful way, they are less likely to be vested in the proposed outcome.

4. The Housing Committee recommends at least one meeting with each Advisory Body without Council or staff present. The committee sees no value for a vendor to interview both the EDA and the Council – for this purpose, they are essentially one and the same. We also suggest that there be at least two meetings with the Housing Committee.

5. We believe there is value in having the consultant be specific on where high density housing can go within the city and we believe that it is important in the housing component of the plan that the consultant be looking at both new development and redevelopment.

6. We worry that both consultants have preconceived notions of the outcome of this process by their very proposals. As an example, the WSB proposal mentions a "destination area" within the NW area for both the community and the region. This assumes the city wants a "destination area" in the NW Area. We are unaware of this as a city goal. That being said, the small area plans seem like a reasonable option that should be evaluated once the broader planning is underway.

6. Neither vendor mentioned the new optional chapter the Met Council is encouraging communities to submit. That's a "resiliency and sustainability" chapter. People in the community should have an opportunity to learn about this and comment on where they see the opportunities for the community to be more resilient.

7. Finally, staff/Council should make sure the work plan for either vendor has enough flexibility so that adjustments can be made as the City goes through this planning process.

We hope the Council finds these comments of value and will incorporate them into their final decision as to which vendor to choose and that in any eventual contract and work plan documents, these provisions will be part of what the consultant is expected to do. The Housing Committee is happy to assist on any of the community engagement items that it has strongly recommended.

Sincerely,

Mary T'Kach, Chair
On behalf of the Inver Grove Heights Housing Committee

Cc:
Paul Mandell
Matt Schaefer
Jim Zentner
Jeanne Zimmer

AGENDA ITEM 7D

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

NSP – Case No. 16-43SV

Meeting Date: October 24, 2016
Item Type: Regular
Contact: Heather Botten 651.450.2569
Prepared by: Heather Botten, Associate Planner
Reviewed by:

Fiscal/FTE Impact:

X	None
	Amount included in current budget
	Budget amendment requested
	FTE included in current complement
	Other

PURPOSE/ACTION REQUESTED

Consider the following resolutions for property located at 3185 117th Street:

a) a **Preliminary and Final Plat** for a one lot subdivision to be known as Inver Hills Tank Farm.

b) a **Variance** to allow existing buildings to be located within the side yard setback requirements.
- Requires 3/5th's vote.
- 60-day deadline: November 5, 2016 (first 60- days)

SUMMARY

NSP owns a 64 acre property located north of 117th Street and west of Highway 52. NSP (dba Xcel Energy) no longer has a need for the three large fuel tanks that are located on the property and therefore, they are proposing to subdivide a 15 acre parcel containing the fuel tanks. There are no additional structures being proposed and access to the property would remain the same. The uses on the property are not changing so the zoning and comprehensive plan designations are consistent with the proposed plat. Park dedication would be required for the newly created parcel. In this instance, park dedication is by cash at $5,000 per acre, for a total of $75,000. As noted in the attached letter from the applicant, they are requesting some flexibility in the amount of cash contribution to be collected. Council is asked to determine the park dedication owed for this plat.

A variance is also being requested to allow existing structures to be located within the 30' side yard setback of the newly created lot line. The variances would exist until the buildings are removed from the property. Any new structure that would be proposed in the future would have to meet the setback requirements or they would have to apply for a separate variance. The property is unique in that the existing physical condition of the property, in conjunction with a lack of changes or impacts to the property, is unlike other variance and plat requests. Additionally, to relocate the existing structures is not realistic as there could be an impact to the utility infrastructure beyond this parcel.

The Fire Marshal has reviewed the plans. The location of the new property line will create a fire code deficiency whereas an 87.5 foot setback is required and 82.5 foot setback is proposed. The reduction of the tank setback from 87.5' to 82.5' will require approval from the City Council. This can be done with the approval of the plat.

Planning Staff: Based on the information provided staff recommends approval of the plat and variance request with the conditions listed in the attached resolutions.

Planning Commission: At the October 18, 2016 public hearing, the Planning Commission recommended approval of the requests with the conditions listed in the attached resolutions (8-0).

Attachments:
- Plat resolution
- Variance resolution
- Letter from applicant regarding park dedication
- PC recommendation
- Planning staff report

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

A RESOLUTION APPROVING A FINAL PLAT FOR A ONE LOT SUBDIVISION TO BE KNOWN AS INVER HILLS TANK FARM

CASE NO. 16-43SV
NSP

WHEREAS, a final plat application has been submitted to the City for property legally described as;

See Attached

WHEREAS, a public hearing concerning the preliminary plat was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statues, Section 462.357, Subdivision 3 on October 18, 2016;

WHEREAS, the plat application conforms with all applicable zoning and subdivision regulations (City Code Title 10 and 11) and other standards applied by the City in the platting of property.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, the Final Plat of Inver Hills Tank Farm is hereby approved subject to the following conditions:

1. The site shall be developed in substantial conformance with the preliminary and final plat plans on file with the Planning Department except as may be modified by the conditions below.

2. Park Dedication in the form of a cash contribution shall be required for the plat as approved by the City Council. Payment of park dedication fee shall be submitted prior to release of the plat for recording.

3. All plans shall be subject to the review and approval of the City Fire Marshal.

4. A hydrant maintenance agreement shall be required to be executed between the City and the owner.

5. The developer shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.

Passed this 24th day of October, 2016.

AYES:
NAYS:

_____
George Tourville, Mayor

ATTEST:

_____
Michelle Tesser, City Clerk

KNOW ALL PERSONS BY THESE PRESENTS: That Northern States Power Company, a Minnesota Corporation, fee owners of the following described property, situated in the County of Dakota, State of Minnesota, to wit:

That part of the herein described "Parcel A" described as follows:

Commencing at the northwest corner of the North Half of the Southwest Quarter of Section 34, Township 27 North, Range 22 West, Dakota County, Minnesota; thence South 00 degrees 14 minutes 19 seconds East assumed bearing, along the west line of said Southwest Quarter a distance of 1291.21 feet to the intersection of the west line of said Southwest Quarter and the north right of way line of 117th Street East per Minnesota Dept. of Transportation Right of Way Plat No. 19-141; thence North 89 degrees 54 minutes 16 seconds East, along said north right of way, 113.72 feet to the point of beginning; thence North 00 degrees 14 minutes 19 seconds West 455.83 feet; thence North 89 degrees 40 minutes 55 seconds East 318.058 feet; thence North 00 degrees 01 minute 21 seconds East 71.47 feet; thence South 89 degrees 11 minutes 54 seconds East 188.53 feet; thence South 00 degrees 42 minutes 59 seconds West 8.64 feet; thence South 89 degrees 11 minutes 54 seconds East 105.24 feet; thence South 00 degrees 00 minutes 00 seconds East 80.10 feet; thence South 89 degrees 59 minutes 39 seconds East 101.83 feet; thence North 00 degrees 00 minutes 00 seconds West 23.59 feet; thence North 89 degrees 40 minutes 55 seconds East 669.76 feet to the west right of way line of Clark Road per Torrens Document No. 438711; thence southerly 55.29 feet along a 425.00 foot radius non-tangential curve, concave to the west, and having a central angle of 7 degrees 27 minutes 15 seconds; thence South 00 degrees 10 minutes 13 seconds East, tangent to the last described curve, 361.07 feet; thence along said north right of way line South 44 degrees 51 minutes 10 seconds West 63.58 feet to said north right of way line of 117th Street; thence South 89 degrees 54 minutes 16 seconds West 265.79 feet; thence North 78 degrees 23 minutes 47 seconds West 102.86 feet; thence South 89 degrees 55 minutes 39 seconds West 301.19 feet; thence South 78 degrees 03 minutes 25 seconds West 102.19 feet; thence South 89 degrees 54 minutes 16 seconds West 573.59 feet to the point of beginning.

PARCEL A
The South 20 rods of the West 40 rods of the Northwest Quarter of the Southwest Quarter of Section 34, Township 27, Range 22, Except that part shown as Parcel 38 on Minnesota Department of Transportation Right of Way Plat Number 19-141 as the same is on file and of record in the office of the County Recorder in and for Dakota County, Minnesota. (Abstract property)
AND
The West 1600 feet of the North half of the Southwest Quarter excepting therefrom the following, viz: Commencing at a point 80 rods North of the Southwest corner of Section 34, Township 27, Range 22; running thence North 20 rods; thence East 40 rods; thence South 20 rods; thence West 40 rods to the place of beginning.
All of the said above described real estate lying and being in Section 34, Township 27, Range 22, according to the U.S. Government Survey thereof.

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 16-____

RESOLUTION APPROVING A VARIANCE FROM THE SIDE YARD SETBACK REQUIREMENTS FOR THE EXISTING STRUCTURES LOCATED ON THE PROPERTY

CASE NO. 16-43SV
NSP

Property located at 3185 117th Street and legally described as follows:

See Attached

WHEREAS, an application has been received for a variance to allow the existing accessory structures to be located within the 30 foot side yard setback requirement;

WHEREAS, the afore described property is zoned I-2, General Industry;

WHEREAS, a Variance may be granted by the City Council from the strict application of the provisions of the City Code Title 10, Chapter 3-4 and conditions and safeguards imposed in the variance so granted where practical difficulties or particular hardships result from carrying out the strict letter of the regulations of the Zoning Code, as per City Code 10-3-4 D;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on October 18, 2016 in accordance with City Code Section City Code 10-3-3 C;

WHEREAS, a practical difficulty or uniqueness was found to exist based on the following findings:

a. The reduced side yard setback allows the property to be used in a reasonable manner and does not appear to have an adverse impact on the neighboring properties.

b. The request is in harmony with the general purpose and intent of the City Ordinance and is consistent with the Comprehensive Plan.

c. The property is unique in that the existing physical condition of the property in conjunction with the lack of changes or impacts to the property is unlike other variance and plat requests.

d. To relocate the existing structures is not realistic as there could be an impact to the utility infrastructure going beyond the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow the existing structures to be located within the 30 foot side yard setback is hereby approved with the following conditions:

1. The site shall be developed in substantial conformance with the preliminary and final plat plans on file with the Planning Department except as may be modified by the conditions below.

2. All plans shall be subject to the review and approval of the City Fire Marshal.

3. The developer shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to record a certified copy of this Resolution at the Dakota County Recorder's Office.

Adopted by the City Council of Inver Grove Heights this 24th day of October, 2016.

_____
George Tourville, Mayor

Ayes:
Nays:

ATTEST:

_____
Michelle Tesser, City Clerk

KNOW ALL PERSONS BY THESE PRESENTS: That Northern States Power Company, a Minnesota Corporation, fee owners of the following described property, situated in the County of Dakota, State of Minnesota, to wit:

That part of the herein described "Parcel A" described as follows:

Commencing at the northwest corner of the North Half of the Southwest Quarter of Section 34, Township 27 North, Range 22 West, Dakota County, Minnesota; thence South 00 degrees 14 minutes 19 seconds East assumed bearing, along the west line of said Southwest Quarter a distance of 1291.21 feet to the intersection of the west line of said Southwest Quarter and the north right of way line of 117th Street East per Minnesota Dept. of Transportation Right of Way Plat No. 19-141; thence North 89 degrees 54 minutes 16 seconds East, along said north right of way, 113.72 feet to the point of beginning; thence North 00 degrees 14 minutes 19 seconds West 455.83 feet; thence North 89 degrees 40 minutes 55 seconds East 318.058 feet; thence North 00 degrees 01 minute 21 seconds East 71.47 feet; thence South 89 degrees 11 minutes 54 seconds East 188.53 feet; thence South 00 degrees 42 minutes 59 seconds West 8.64 feet; thence South 89 degrees 11 minutes 54 seconds East 105.24 feet; thence South 00 degrees 00 minutes 00 seconds East 80.10 feet; thence South 89 degrees 59 minutes 39 seconds East 101.83 feet; thence North 00 degrees 00 minutes 00 seconds West 23.59 feet; thence North 89 degrees 40 minutes 55 seconds East 669.76 feet to the west right of way line of Clark Road per Torrens Document No. 438711; thence southerly 55.29 feet along a 425.00 foot radius non-tangential curve, concave to the west, and having a central angle of 7 degrees 27 minutes 15 seconds; thence South 00 degrees 10 minutes 13 seconds East, tangent to the last described curve, 361.07 feet; thence along said north right of way line South 44 degrees 51 minutes 10 seconds West 63.58 feet to said north right of way line of 117th Street; thence South 89 degrees 54 minutes 16 seconds West 265.79 feet; thence North 78 degrees 23 minutes 47 seconds West 102.86 feet; thence South 89 degrees 55 minutes 39 seconds West 301.19 feet; thence South 78 degrees 03 minutes 25 seconds West 102.19 feet; thence South 89 degrees 54 minutes 16 seconds West 573.59 feet to the point of beginning.

PARCEL A
The South 20 rods of the West 40 rods of the Northwest Quarter of the Southwest Quarter of Section 34, Township 27, Range 22, Except that part shown as Parcel 38 on Minnesota Department of Transportation Right of Way Plat Number 19-141 as the same is on file and of record in the office of the County Recorder in and for Dakota County, Minnesota. (Abstract property)
AND
The West 1600 feet of the North half of the Southwest Quarter excepting therefrom the following, viz: Commencing at a point 80 rods North of the Southwest corner of Section 34, Township 27, Range 22; running thence North 20 rods; thence East 40 rods; thence South 20 rods; thence West 40 rods to the place of beginning.
All of the said above described real estate lying and being in Section 34, Township 27, Range 22, according to the U.S. Government Survey thereof.

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Minneapolis, MN 55401

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October 19, 2016

Mayor and City Council
City of Inver Grove Heights, MN
8150 Barbara Lane
Inver Grove Heights, MN

RE: NSP Case No. 16-435V
Preliminary and Final Plat and Variance Request
Inver Hills Tank Farm

Dear Mayor and Council Members,

NSP submitted an application for the Inver Hills Tank Farm for your consideration. The planning report identified the requirement to pay a Park Dedication Fee of $75,000, which in our opinion seems excessive especially in light of the fact that the use of the property will remain the same and the existing facilities will remain in place. The number of people working at the facility and the number of vehicle trips are unchanged.

The nexus for the proposed plat is the sale of the property to a third party. The buyer plans on continuing with the same use. The existing facilities and the operations of the property will remain the same. For the reason noted above, the proposed plat does not create additional demand for the City's park system. NSP is requesting that the City Council review the proposed Park Dedication Fee and reduce it to an amount that is in line with the proposal at hand.

Thank you for your time and consideration.

Regards,

Brian Sullivan

Brian Sullivan
Siting and Land Rights Agent
P: 612.330.5925 I C:612.366.0234 I F: 612.329.3096
Email: brian.e.sullivan@xcelenergy.com

RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: October 18, 2016

SUBJECT: **NSP – CASE NO. 16-43SV**

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat for a one lot subdivision to be known as Inver Hills Tank Farm, and a variance from the side yard setback requirements, for the property located at 3185 – 117th Street. 31 notices were mailed.

Presentation of Request
Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that NSP owns a 64 acre property located north of 117th Street and west of Highway 52. NSP no longer has a need for the three large fuel tanks that are located on the property and therefore, they are proposing to subdivide a 15 acre parcel containing the fuel tanks. There are no additional structures being proposed and access to the property would remain the same. The uses on the property are not changing so the zoning and comprehensive plan designations are consistent with the proposed plat. Park dedication would be required for the newly created parcel. A variance is also being requested to allow existing structures to be located within the side yard setback of the newly created lot line. The variances would exist until the buildings are removed from the property. Any new structures that would be proposed in the future would have to meet the setback requirements or they would have to apply for a separate variance. The property is unique in that the existing physical condition of the property, in conjunction with a lack of changes to the property, it is unlike other variances and plat requests. Additionally, to relocate the existing structures is not realistic as there could be an impact to the utility infrastructure beyond this parcel. Staff recommends approval of the request with the six conditions listed in the report.

Chair Maggi asked what the function was of the accessory buildings.

Ms. Botten replied that question could better be answered by the applicant.

Chair Maggi asked if they were proposing to sell the property with the three tanks on it.

Ms. Botten replied in the affirmative.

Chair Maggi asked if there would be any issues regarding the truck traffic that would be coming in to empty/load the tanks.

Ms. Botten replied the truck traffic would remain the same as existing.

Commissioner Simon asked if staff heard from any neighbors.

Ms. Botten replied they had not.

Commissioner Robertson asked if there was a belief that someone would want to purchase a property with three fuel tanks on it.

Ms. Botten replied in the affirmative. She stated the tanks are currently being utilized by another user. NSP would like to subdivide and officially sell the property and tanks.

Opening of Public Hearing
Brian Sullivan, NSP, 414 Nicollet Mall, Minneapolis, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Sullivan replied in the affirmative. He stated that the park dedication fee seemed like a lot of money for a simple subdivision with no proposed changes to the use, number of employees, or traffic volumes.

Chair Maggi suggested he take that concern to City Council as the Planning Commission's purview focused on land use.

Commissioner Simon noted two typos in the narrative regarding the tank setback and another typo in the Xcel Energy narrative.

Ms. Botten advised she would correct the typo in the report prior to forwarding it to City Council.

Chair Maggi closed the public hearing.

Planning Commission Recommendation
Motion by Commissioner Scales, second by Commissioner Lissarrague, to approve the request for a preliminary and final plat for a one lot subdivision to be known as Inver Hills Tank Farm, and a variance from the side yard setback requirements, for the property located at 3185 – 117th Street, with the practical difficulty as listed in the staff report.

Motion carried (8/0). This item goes to the City Council on October 24, 2016.

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE: October 12, 2016 **CASE NO:** 16-43SV

HEARING DATE: October 18, 2016

APPLICANT & PROPERTY OWNER: NSP

REQUEST: Preliminary and Final Plat and Variance for a one lot subdivision

LOCATION: 3185 117th Street

COMPREHENSIVE PLAN: General Industrial

ZONING: I-2, General Industry and IRM, Integrated Resource Management Overlay District

REVIEWING DIVISIONS: Planning **PREPARED BY:** Heather Botten
Associate Planner

BACKGROUND

NSP (dba Xcel Energy) currently owns a 64 acre parcel in the southern part of the City along 117th Street. The site has three large fuel tanks, electrical substations, natural gas peaking plant and numerous buildings accessory to these uses. The fuel storage tanks no longer meet the needs for Xcel Energy and are proposed to be sold. To accomplish the sale the tanks need to be located on their own parcel of land. NSP is proposing to subdivide a 15 acre parcel, containing the three large fuel tanks. No changes are proposed to the access point or to any of the buildings. The new lot would include the three tanks along with the related accessory structures. Variances are being requested from the side yard setback for the existing structures.

The specific request consists of the following:

a) A Preliminary and Final Plat for a one lot subdivision to be known as Inver Hills Tank Farm
b) A Variance from the side yard setbacks for the location of the existing structures.

EVALUATION OF THE REQUEST

The following land uses, zoning districts and comprehensive plan designations surround the subject property:

North: NSP; zoned I-2; guided GI
East: Industrial uses; zoned I-2; guided GI
West: Landfill; zoned I-2; guided GI
South: Flint Hills; zoned I-2; guided GI

PRELIMINARY/ FINAL PLAT

Zoning and Comprehensive Plan Consistency. The property is zoned I-2, General Industrial and guided GI, General Industrial. The uses on the property are not changing. The zoning and comprehensive plan designations are consistent with the proposed plat.

Lots & Blocks.
The plat consists of one lot, 15 acres in size exceeding the minimum lot size of one acre in the I-2 zoning district. The applicant shall provide 10 foot drainage and utility easement along the south and east property lines.

Park Dedication. There are no plans for park land in this area of the City; therefore, park dedication would be in the form of a cash contribution. Current cash contribution for the I-2 District is $5,000 per acre. In this case, the total lot area is 15 acres for a total of $75,000 (15 acres x $5,000). This fee is paid at time of plat release for recording.

Access. Access to the property is not changing. The existing access from Clark Road will be maintained with a private access agreement between the two parcels. Additionally, an emergency access easement will be provided along the west property line.

Engineering. Engineering has reviewed the plans and has made some recommendations on conditions that should be added to the approval; these conditions are included in the list of conditions at the end of this report. Conditions include a hydrant maintenance agreement entered in between the property owner and the City. The final details on the plans would be reviewed and approved by the City Engineer prior to the release of the final plat.

Fire. The Fire Marshal has reviewed the plans. Approval of the reduction of the tank setback from the required 85.5′ to 82.5′ is a fire code requirement; this reduction will be addressed by the City Council.

VARIANCE REVIEW

The applicant is requesting a variance to allow existing structures to be located within the side yard setback of the newly created lot line.

City Code Title 10, Chapter 3. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. *The variance request is in harmony with the general purpose and intent of the city code and consistent with the comprehensive plan.*

   The surrounding properties are zoned and developed industrial. The request is in harmony with the intent of the city code and comprehensive plan as the lot is being

utilized as an industrial lot. The use of the property is not changing. No additional buildings are being proposed and no changes are proposed to the access points, impervious surface or existing buildings.

2. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

The setback variances would allow the applicant to use the property in a reasonable manner. To maintain proper ownership of the fuel pumping station and other buildings in the vicinity of the new lot line variances are required. The structures encroaching within the required side yard setback are existing structures and due to their functions it is not realistic to have them moved. The variances would exist until the buildings are removed from the property. Any new structure would have to comply with setback requirements or apply for a variance.

3. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The property is unique in that the existing physical condition of the property in conjunction with the lack of changes or impacts to the property is unlike other variance and plat requests. To relocate the existing structures is not realistic as there could be an impact to the utility infrastructure going beyond this particular property.

4. *The variance will not alter the essential character of the locality.*

One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. Visually, there are no changes to the proposed property. In this case, the structures encroaching within the setback are from an internal side lot line. The property most directly affected will continue to be NSP.

5. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do not appear to be a basis for this request.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:

- Approval of the **Preliminary and Final Plat** for a one lot subdivision **and Variance** from the side yard setbacks for existing structures subject to the following conditions:

1. The site shall be developed in substantial conformance with the preliminary and final plat plans on file with the Planning Department except as may be modified by the conditions below.

2. Drainage and utility easements shall be provided on the final plat as required by the City Engineer.

3. Park Dedication in the form of a cash contribution shall be required for the plat as approved by the City Council. Payment of fee shall be submitted prior to release of the plat for recording.

4. All plans shall be subject to the review and approval of the City Fire Marshal.

5. A hydrant maintenance agreement shall required to be executed between the City and the owner.

6. The developer shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.

B. **Denial**. If the Planning Commission does not favor the proposed application the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

The request to subdivide the property is not out of character for the neighborhood and it is consistent with the comprehensive plan. The reduced side yard setback for existing buildings allows the property to be used in a reasonable manner and does not appear to have an adverse impact on the neighboring properties. Staff believes a practical difficulty can be found for the setback variance due to the existing physical conditions of the property and relocating the structures could have an impact to the utility infrastructure beyond this particular property.

Based on the information in the preceding report and the conditions listed in Alternative A, staff recommends approval of the preliminary/final plat and variance from the side yard setbacks for existing structures.

Attachments: Exhibit A: Location Map
Exhibit B: Applicant Narrative
Exhibit C: Preliminary Plat
Exhibit D: Final Plat

NSP
Case No. 16-43SV

THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED
Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A
Zoning and Location Map
Map not to scale

414 Nicollet Mall 06
Minneapolis, MN 55401

1-800-895-4999
xcelenergy.com

Preliminary and Final Plat Application
Variance Request
Inver Hills Tank Farm
Sept 21, 2016

Applicant:
Northern States Power Co. d/b/a Xcel Energy
414 Nicollet Mall, 06
Minneapolis, MN 55401
Brian Sullivan: 612-330-5825
Email: brian.e.sullivan@xcelenergy.com

Property Owner:
Northern States Power Co. d/b/a Xcel Energy
414 Nicollet Mall, 06
Minneapolis, MN 55401
Parcel ID Number: 20-03400-50-011

Project Summary:
Xcel Energy is proposing a property split for our facilities located on 117th Street in Inver Grove Heights, MN. Located on the property are electrical substations, a natural gas peaking plant and fuel storage tanks. The fuel storage tanks located along the 117th Street frontage no longer meet Xcel Energy's strategic needs and are proposed to be sold. To accomplish the sale the tanks need to be located on their own parcel of land.

Project Location:
Dakota County, (Section 34 Township 027 Range 022).
Property Address: 3185 117th St., Inver Grove Heights, MN

Project Overview;
The Xcel Energy Parcel is approximately 64 acres in size and is currently used for electric and natural gas distribution facilities. Xcel is proposing to sell the southerly 15 acres of the property which contain three 10 million gallon fuel tanks. To facilitate the sale a separate parcel will be created via the preliminary and final plat process.

Project Overview:
The purpose for subdividing the property is to facilitate the sale of the existing fuel storage tanks to a third party. Currently there are three 10 Million gallon storage tanks

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on the property which were used initially as a backup fuel source for the existing gas peaking plant located on site. Since then new technologies have been implemented that have negated the need of the fuel storage tanks. Currently Xcel fuel storage needs require only 1 million gallons on site. Due to the excess capacity on site, it has been determined that selling the tanks to a third party and then purchasing the fuel when needed. The purpose of the application is merely to allow for the sale of the three fuel tanks located on site.

Access to the property is from Clark Road which abuts the east property line. To the south is 117th Street, which is a maintained by Dakota County. The surrounding land uses are industrial/manufacturing and office to the east, north of the property are Xcel Energy electric and gas facilities, The Pine Bend Landfill is located to the west and to the south across 117th Street is the Flint Hill Resources Facility. Electric Transmission Lines are located to the West and south of the property and Natural Gas Pipe Lines are located to the west.

Zoning:
Jurisdiction is Inver Grove Heights
Existing Zoning: Industrial
Existing and Proposed Use: Fuel Storage
Setbacks:
Fuel Tanks Greater than 3 Million Gallons:

Required from a property line: 87.5'. Based on ½ of175 from a property line per Table 22...4.1.1(a) NFPA 30-76
Proposed from a property line: 82.5' to property line at Fuel Pumping Station north of Tank # 3
Required from public way or important building; 30'
Proposed from public way or important building; 30'
Note: Setbacks based on Table 22..4.1.1(a) NFPA 30-76 which allows for using ½ the setback distances for tanks that are vented to limit pressure to 2.5 psi.

I-2 General Industrial Setbacks:

Required Front Yard Setback: 40'
Proposed Front Yard Setback: 40'
Required Side and Rear Yard Setback: 30'
Proposed Side and Rear Yard Setback: Reduced to a minimum 3' yard

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Operational Plan:
The existing Xcel Energy facility is designed with one controlled access point located on Clark Road to the east. The existing access point will be maintained and an easement will be created to allow joint use of the drive by both property owners. The proposed Inver Hills Tank Farm will be an unmanned facility that can be monitored remotely or periodically technicians will inspect and maintain the facilities. Access to the site will be maintained in its current configuration. Dakota County was contacted about future plans for 117th Street. A concept plan has been prepared, but the County has not engaged a consultant to prepare more detailed plans. There is an existing access drive located at 117th St. to the west of the proposed Inver Hills Tank Farm. An easement will be created over the drive to allow for emergency access to the west and north side of the tank farm.

Reforestation & Landscape Plan:
Because of the nature of the facility landscaping is not proposed. Security and safety requirements are paramount and landscaping would interfere with sight lines. There is a stand of trees located to the west and north of the proposed Inver Hills Tank Farm, which will be retained. The vegetation that does exist on site will not be disturbed

Security Standards:
The proposed Inver Hills Tank Farm will have a security fence surrounding the facilities. Access to the property will be controlled and monitored. Security lighting is provided.

Access and Parking:
Access will be via an existing drive off of Clark Road. As noted earlier this is an unmanned facility. Parking will be provided within the facility.

Grading, Drainage, Erosion Control and Utilities:
There are no proposed changes to the grading or drainage to the facility. Existing contours showing the containment system are shown for the Inver Hills Tank Farm. Existing utilities serving the site are shown on the Preliminary Plat. There are no changes in use on the property and existing utilities will be maintained in their current location.

Street Plan:
The property will use the existing drives to provide access to the facilities

Wetlands:
There are no wetlands located on site.

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Variance Request:
Xcel Energy is requesting a 5' variance (85.5' to 82.5') from the tank setback to a property line. The north property line meets the setback requirements except where it jogs to go around the existing Fuel Pumping Station. The fuel pumping station serves the Xcel Energy facilities and would be retained by Xcel Energy. The variance request does not affect the functionality of the property, nor does it affect life or safety measures

Xcel is requesting a 27' variance from the 30' side yard setback. To maintain proper ownership of the Fuel Pumping Station and the other buildings located in the vicinity of the north lot line of the Inver Tank Farms property a variance is required.

There is not a proposed change in use of the property. The variance would exist until the buildings are removed. The costs associated with moving the pump station and the other buildings on site would be substantial and would require shutting down the facilities for an extended time to, potential compromising Xcel Energy's ability to provide reliable energy

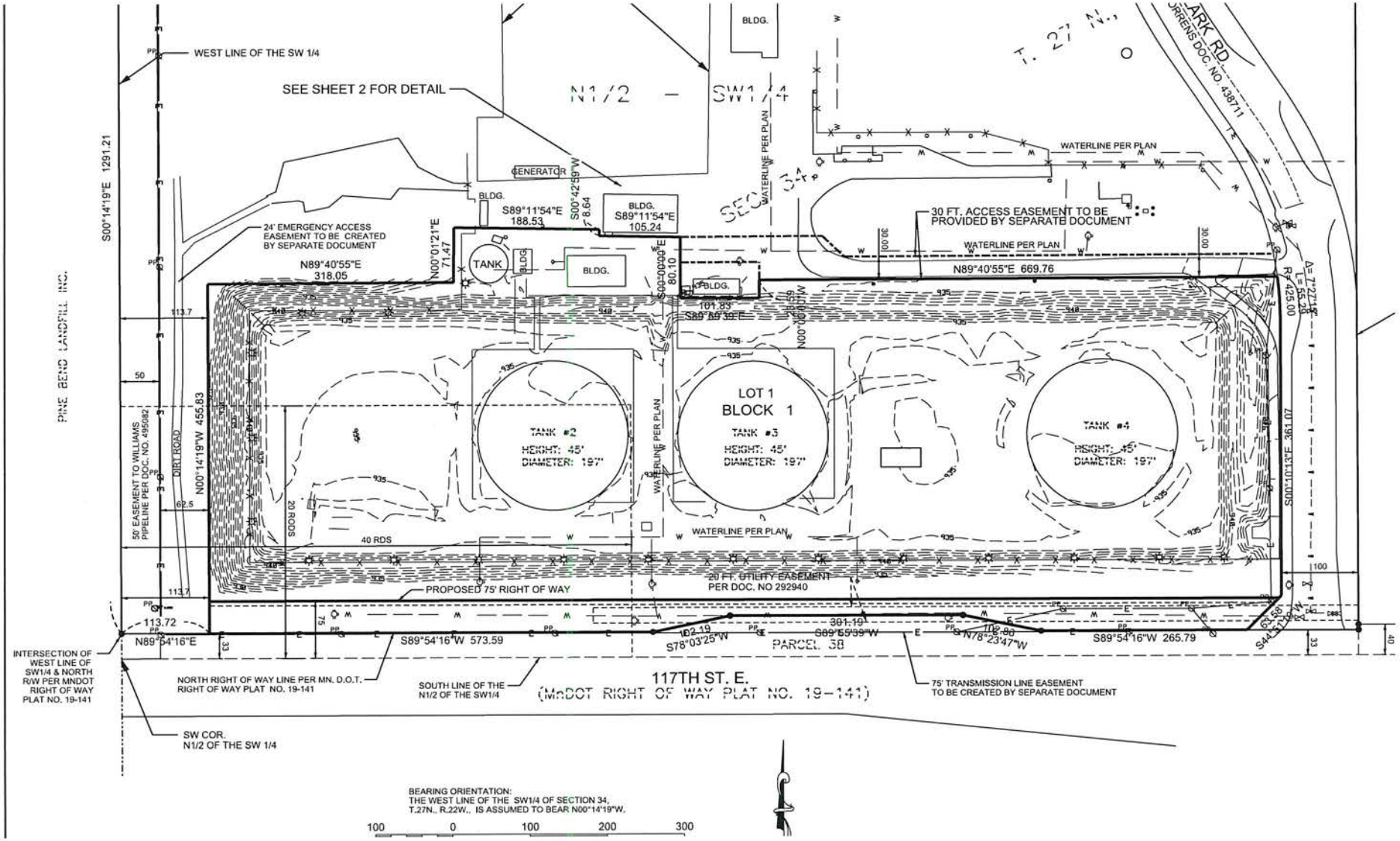
Xcel Energy submits this application for a Preliminary & Final Plat and Variance request for review by the City of Inver Grove Heights to ensure that this facility is compatible with applicable zoning requirements. However by this application, Xcel Energy does not waive or subordinate its utility rights and obligation to implement the proposed Plat to the Inver Hills Tank Farm Plat.

Thank you for your time and consideration.

Regards,

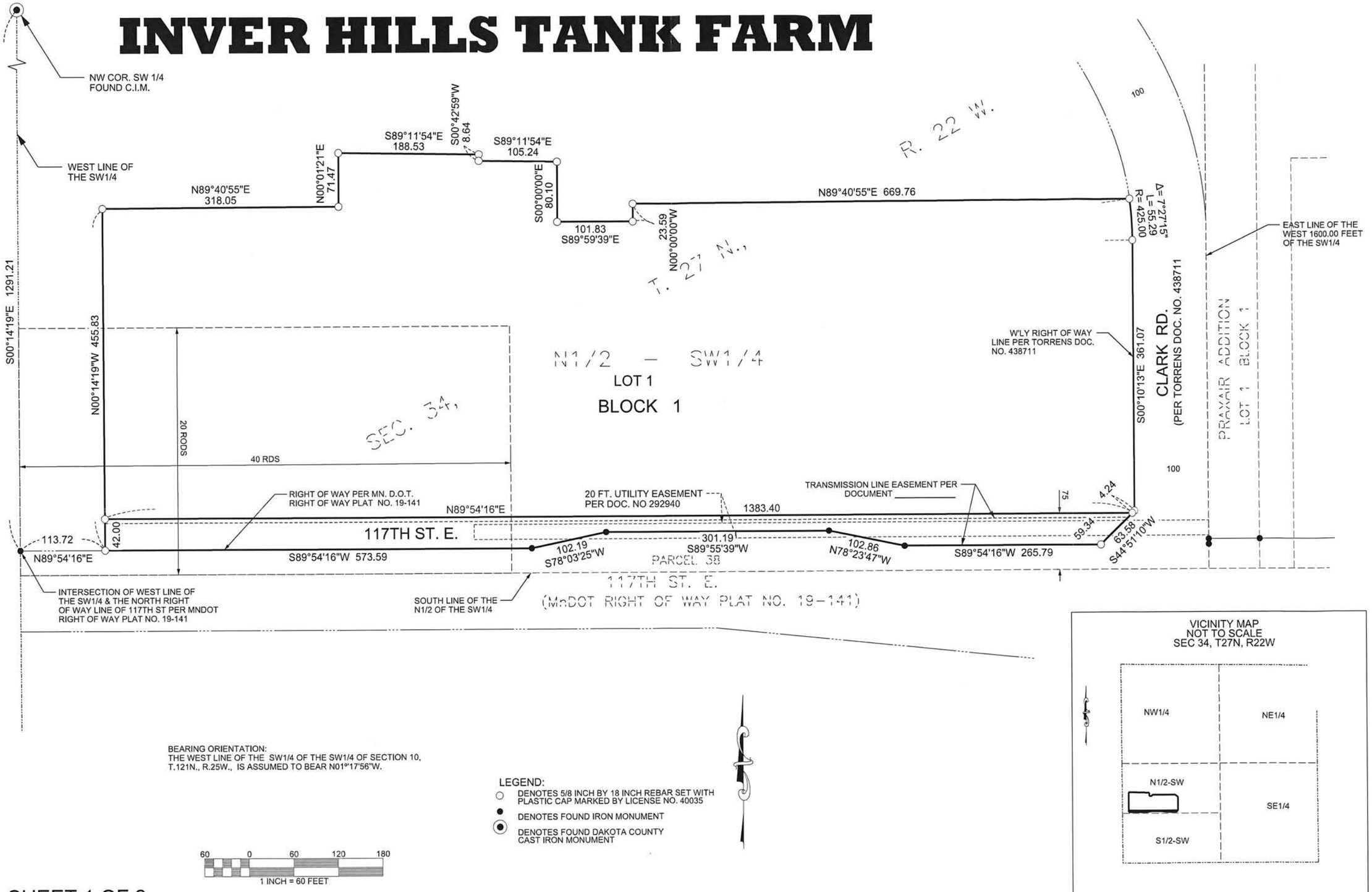
Brian Sullivan

Brian Sullivan
Siting and Land Rights Agent
P: 612.330.5925 I C:612.366.0234 I F: 612.329.3096
Email: brian.e.sullivan@xcelenergy.com



C. Preliminary Plat

INVER HILLS TANK FARM



BEARING ORIENTATION:
THE WEST LINE OF THE SW1/4 OF THE SW1/4 OF SECTION 10, T.121N., R.25W., IS ASSUMED TO BEAR N01°17'56"W.

LEGEND:

- ○ DENOTES 5/8 INCH BY 18 INCH REBAR SET WITH PLASTIC CAP MARKED BY LICENSE NO. 40035
- ● DENOTES FOUND IRON MONUMENT
- ◉ DENOTES FOUND DAKOTA COUNTY CAST IRON MONUMENT

60 0 60 120 180

1 INCH = 60 FEET

VICINITY MAP
NOT TO SCALE
SEC 34, T27N, R22W

SHEET 1 OF 2

D.

AGENDA ITEM 7E

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

RED PINE PARTNERS, LLC

Meeting Date:	October 24, 2016
Item Type:	Regular Agenda
Contact:	Allan Hunting 651.450.2554
Prepared by:	Allan Hunting, City Planner
Reviewed by:	

Fiscal/FTE Impact:

X	None
	Amount included in current budget
	Budget amendment requested
	FTE included in current complement
	New FTE requested – N/A
	Other

PURPOSE/ACTION REQUESTED

Consider a Resolution relating to a Comprehensive Plan Amendment to change the land use designation from Public/Institutional to LI, Light Industrial

- Requires 4/5th's vote.
- 60-day deadline: November 5, 2016 (first 60 days)

SUMMARY

Red Pine Partners is requesting to change the land use designation of an approximate 8.3 acre parcel to provide for industrial development of the parcel. The applicant has provided three different development scenarios for the property ranging from an open storage operation to a use with a 70,000 square foot building.

ANALYSIS

The property was subdivided as part of a three lot plat, re-guided to Public/Institutional and rezoned in the early 2000's. No development has occurred on the lots other than expansion of the existing cemetery.

Staff offers the following pros and cons comments on the request.

RATIONAL FOR THE LAND USE CHANGE

- The site is abutting industrial uses to the west and south. Expanding industrial uses would be consistent with the existing pattern.
- Preliminary traffic analysis suggests traffic volumes would, at times be less with industrial users than church or school type users.
- Industrial land use guiding would allow for future tax revenue based on industrial uses. The current guiding would most likely be a tax exempt use.
- A change of land use to industrial has the potential to generate employment, tax base, variety of goods and services.
- The Institutional category is very restrictive in the uses allowed. The property has remained vacant even after platting and rezoning some 10+ years ago. A change of use could allow a more productive use of land as industrial allows a broader range of uses.

RATIONALE AGAINST THE LAND USE CHANGE

- The change would expand industrial uses which could have a negative impact on the development potential for the vacant lot in the subdivision and to the existing and future residential uses in the area.

- Traffic could be a concern if the use was a heavy trucking type operation including noise of the trucks or semi's.

- The extension of Auburn Path could create a land use conflict with future residential development depending upon the routing to connect to either Yankee Doodle or Argenta Trail.

At the public hearing, 2 individuals spoke regarding the proposal. Both were opposed to the land use change, identifying traffic and noise as being the primary factors that would impact the area and affect the quality of life for the residents.

RECOMMENDATION

Planning Division. Recommends approval of the request as presented. Since a recommendation was not passed on from the Planning Commission, staff has prepared a resolution for both approval and denial.

Planning Commission. The Planning Commission deliberated for some time with discussion and asking further questions. There was a motion and second to recommend denial of the request. The vote was 4-4 and therefore the motion failed. The Planning Commission then decided to pass the application on to Council without a recommendation.

Attachments: Resolution Approving Comprehensive Plan Amendment
Resolution Denying Comprehensive Plan Amendment
Planning Report
Responses from Residents

Approval Resolution

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF THE PARCELS FROM PUBLIC/INSTITUTIONAL TO LI, LIMITED INDUSTRIAL

CASE NO. 16-44PA
(Red Pine Partners)

WHEREAS, an application has been submitted for property legally described as;

Outlots A and B, Gene Worrells Church Acres, according to the recorded plat, Dakota County, Minnesota

WHEREAS, an amendment to change boundaries of any district may be granted by the City Council on an affirmative vote of 4/5ths of the Council as per City Code Title 10, Chapter 3, Section 10-3-5, A;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on October 18, 2016, in accordance with City Code Title 10, Chapter 3, Section 10-3-5, D;

WHEREAS, the change to the Comprehensive Plan Land Use Plan was found by the City Council to be consistent with the existing and proposed uses in the area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the Comprehensive Plan Map Amendment is hereby approved subject to the following conditions:

1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.

2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.

3. The comprehensive plan land use change shall not become effective until a rezoning and development plan has been approved by the City Council.

Adopted by the City Council of Inver Grove Heights on this 24th day of October, 2016.

Ayes:
Nays:

ATTEST:

_____
George Tourville, Mayor

_____
Michelle Tesser, City Clerk

Denial Resolution

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION DENYING THE REQUEST FOR A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF THE PARCELS FROM PUBLIC/INSTITUTIONAL TO LI, LIMITED INDUSTRIAL

CASE NO. 16-44PA
(Red Pine Partners)

WHEREAS, an application has been submitted for property legally described as;

Outlots A and B, Gene Worrells Church Acres, according to the recorded plat, Dakota County, Minnesota

WHEREAS, in accordance with Minnesota Statutes, Section 462.357, Subdivision 3, a public hearing concerning the proposed Ordinance Amendment was held before the Inver Grove Heights Planning Commission on October 18, 2016;

WHEREAS, the responsibility of the City Council is to insure orderly and sound development throughout the city and in the Northwest Area;

WHEREAS, the comprehensive plan amendment was found to be inconsistent with the guidance for land uses within the Northwest Area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the request for a comprehensive plan map amendment to change the land use designation of the parcels from Public/Instututional to LI, Limited Industrial is hereby denied based on the following findings of fact:

1. The change would expand industrial uses which could have a negative impact on the development potential for the vacant lot in the subdivision and to the existing and future residential uses in the area.

2. Traffic could be a concern if the use was a heavy trucking type operation including noise of the trucks or semi's.

3. The extension of Auburn Path could create a land use conflict with future residential development depending upon the routing to connect to either Yankee Doodle or Argenta Trail.

Adopted by the City Council of Inver Grove Heights this 24th day of October, 2016.

_____
George Tourville, Mayor

Ayes:
Nays:

ATTEST:

_____
Michelle Tesser, City Clerk

PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

REPORT DATE:	October 13, 2016	**CASE NO.:**	16-44PA
APPLICANT:	Red Pine Partners, LLC		
PROPERTY OWNER:	Zion Pentecostal Assembly		
REQUEST:	Comprehensive Plan Amendment to change land use from P, Public/Institutional to LI, Light Industrial.		
LOCATION:	Auburn Path and Argenta Trail		
HEARING DATE:	October 18, 2016		
COMPREHENSIVE PLAN:	P, Public/Institutional		
ZONING:	P, Institutional Northwest Area Overlay District		
REVIEWING DIVISIONS:	Planning Engineering	**PREPARED BY:**	Allan Hunting City Planner

BACKGROUND

The applicant is proposing to change the land use designation of approximately 8.3 acres from Public/Institutional to Light Industrial. The applicant is anticipating developing the parcel with a lighter intensity industrial use such as mini-storage or open storage, with future plans of a more intense use with a building size supporting the future use. The site is located within the Northwest Area Overlay District, but is not currently served with municipal water and sewer.

The applicant has submitted three conceptual plans ranging from an open storage use to a plan with future buildings of approximately 70,000 square feet in size once the site is served by municipal sewer and water.

The site is part of a three lot subdivision that was created in the early 2000's. Three church groups bought the lots for future church locations. To date, only the lot with the existing cemetery has done any expansions or improvements. The other two lots have remained vacant.

If the comprehensive plan amendment is successful, an application for rezoning and site plan or conditional use permit approval will be required before development can occur. This subsequent process provides for public review and comment on the actual site plan.

SURROUNDING USES

The subject property is surrounded by:

North	Large lot single family residential; zoned A; guided Low-Medium Density Residential.
East	Cemetery, large lot residential; zoned P and A; guided Public/Institutional and Rural Residential.
West	Industrial (City of Eagan).
South	Industrial, Emerald Hills manufactured home park; zoned I-1, R-4C; guided LI, MDR.

EVALUATION OF REQUEST

Comprehensive Plan Amendment

The subject parcel and abutting properties are guided as three different land use categories; P, LMDR and LI. Each is defined in the 2030 Comprehensive Plan as follows:

Public/Institutional

> "Public/Institutional uses in Inver Grove Heights include churches, buildings and land adjacent to schools, cemeteries, government facilities and other parcels that are owned by a public agency or institution. The public/institutional category does not include parks and recreation areas. They are classified separately under this plan. "
>
> "The most prominent public/institutional land uses in Inver Grove Heights include schools and local government facilities. Schools include facilities owned and run by the three public school districts that lie within the community and Inver Hills Community College. Local government faculties include the city hall, community center and public works complex and the fire station locations."

Low-Medium Density Residential is defined in the 2030 Comprehensive Plan as:

> "The Low-Medium density residential category includes a combination of single family attached and single family detached housing that is generally a greater density than traditional single family housing in Inver Grove Heights. Density of the LMDR category ranges from 3 to 6 units per net acre. This land use category is principally isolated to the Northwest Area and it's a new land use category."

Light Industrial is defined in the 2030 Comprehensive Plan as:

> "Light industrial areas in Inver Grove Heights include lots or parcels containing light manufacturing, goods movement and wholesale trade. Light industrial parcels

are located in a number of sites throughout the community with concentrations in the northeast and extreme southern portions of the city".

The main issue is what is the most appropriate future land use for the property. The following discussion addresses some of the issues that Staff has raised regarding the land use change.

Traffic. The City is aware of some traffic issues with UPS trucks leaving the facility in Eagan, exiting Opperman Drive, taking Argenta Trail north to Yankee Doodle and ultimately to Hwy 55. At peak times, there can be traffic backups on this stretch of road.

Auburn Path will be extended north at some future time. There is an existing easement at the end of Auburn Path that was created for a possible future extension northward to serve the properties to the north of the subject site. There is an existing curb cut on Yankee Doodle at approximately the Eagan/Inver Grove Heights boundary that could be used as the intersection point for a future extension of Auburn Path. This would allow a local street connection to a county road without having to extend through the residential properties to the north. Otherwise, an alternative route would be northward then east through residential property to intersect with Argenta Trail at Alberta Way.

Based on future traffic demands, Argenta Trail will become a collector road at some point and will be a continuous road that would re-route the current Alverno Trail and 82nd intersection to a more fluid continuous north south road. If this occurs, it would be some time in the future. The potential improvements to the road system would allow for the handling of higher traffic volumes in the future.

The applicant has provided some trip generation information that compares traffic generation from some current permitted uses based on the Institutional zoning to the industrial uses based on the applicants land use plan. The numbers suggest there would be greater peak traffic volumes with a church or school use rather than the light industrial uses anticipated. Staff would concur that it appears church or school uses would generate more traffic than an industrial use. Industrial would be approximately one p.m. peak trip per 1,000 square feet of building, while a church or school would generate approximately 10-12 trips per 1,000 square feet of building. Peak traffic times could be different between institutional uses and industrial uses. For example, a church use would most likely have peak times during weekends, schools would be morning and afternoon and industrial would be morning and late afternoon. Type of vehicles and potential noise might also be different. Industrial uses could include trucks, semi-trucks, while schools would be buses and cars. A church use would typically be mostly cars.

If Planning Commission or City Council wanted more definitive information, a traffic generation study could be required to look at the main nearby streets and analyze current background traffic to anticipated new traffic generation, based on current and proposed land uses.

Existing surrounding uses. The site is currently surrounded by large lot residential to the north, industrial uses to the west in Eagan, a cemetery, vacant church owned property and residential to the east, and industrial and residential to the south. The proposed land use would be consistent with the industrial uses to the west and east. There are potential conflicts if industrial uses expand with the residential to the north, east and south, and possible impacts to the vacant parcel in the subdivision that is still owned by a church organization.

Dakota County Mendota-Lebanon Regional Trail. The regional trail alignment in this area runs just on the west side of this property along the city boundary. Construction of the regional trail through Inver Grove Heights has begun in the Blackstone Vista and Ponds developments. A meeting with the applicant, city staff and county parks staff was held to provide information to the applicant that a trail corridor of approximately 30 feet wide would be required if and when a development application was submitted.

Northwest Area and Utility Joint Powers Agreement with Eagan. The property is located within the Northwest Area and therefore would be required to comply with those standards as part of a development application review. The site currently is not served by municipal water and sewer. Service from Inver Grove Heights could occur once the trunk lines are extended under Hwy 55 to serve the land south of the highway. This is not expected to occur for some time. The utility analysis done with the Northwest Area anticipated the long term time frame for this extension and therefore anticipated utility service to this lot and others in the area could be accommodated through the existing joint powers agreement with Eagan. Topography and utility location make connection costly at this time and would most likely not occur until a lager user occupied the site or planning on constructing a large building. The applicant proposes an outdoor storage mini-storage operation at this time and therefore would not need utilities at this time.

Economic Development. The City's Economic Development Authority (EDA) has been encouraging industrial and commercial growth.. Benefits to the city include; employment, tax base, variety of goods and services. A change of land use to industrial has the potential to generate the benefits listed above.

The following provides some rationale for approval and denial of the proposed land use change.

RATIONAL FOR THE LAND USE CHANGE

- The site is abutting industrial uses to the west and south. Expanding industrial uses would be consistent with the existing pattern.

- Preliminary traffic analysis suggests traffic volumes would, at times be less with industrial users than church or school type users.

- Industrial land use guiding would allow for future tax revenue based on industrial uses. The current guiding would most likely be a tax exempt use.

- A change of land use to industrial has the potential to generate employment, tax base, variety of goods and services.

- The Institutional category is very restrictive in the uses allowed. The property has remained vacant even after platting and rezoning some 10+ years ago. A change of use could allow a more productive use of land as industrial allows a broader range of uses.

RATIONALE AGAINST THE LAND USE CHANGE

- The change would expand industrial uses which could have a negative impact on the development potential for the vacant lot in the subdivision and to the existing and future residential uses in the area.

- Traffic could be a concern if the use was a heavy trucking type operation including noise of the trucks or semi's.

- The extension of Auburn Path could create a land use conflict with future residential development depending upon the routing to connect to either Yankee Doodle or Argenta Trail.

ALTERNATIVES

The Planning Commission has the following alternatives available for the proposed request:

A. **Approval** If the Planning Commission finds the application acceptable, the Commission should make a recommendation approving the Comprehensive Plan Amendment from Public/Institutional to LI, Light Industrial subject to the following conditions:

1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.

2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.

3. The comprehensive plan land use change shall not become effective until a rezoning and development plan has been approved by the City Council.

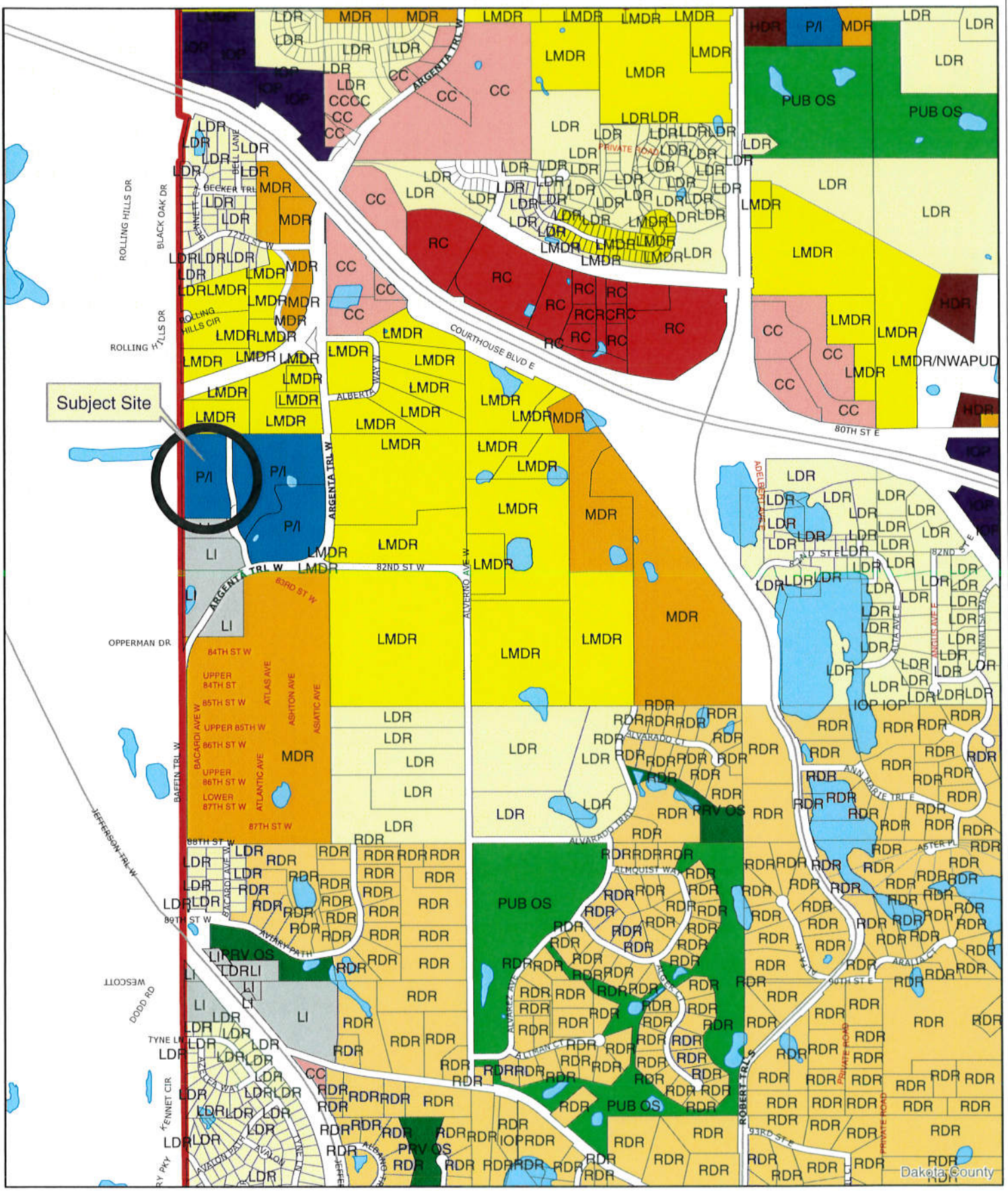
B. Denial If the Planning Commission does not favor the comprehensive plan amendment, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

Staff recognizes there are potential benefits and detriments to the proposed land use designation change. The Council through the EDA has been focusing on expanding industrial and commercial opportunities for the city. Public/institutional uses may not be the most appropriate in this area. An industrial plan as presented by the applicant may be a better alternative use based information raised in this report. Staff therefore recommends approval of the request as presented.

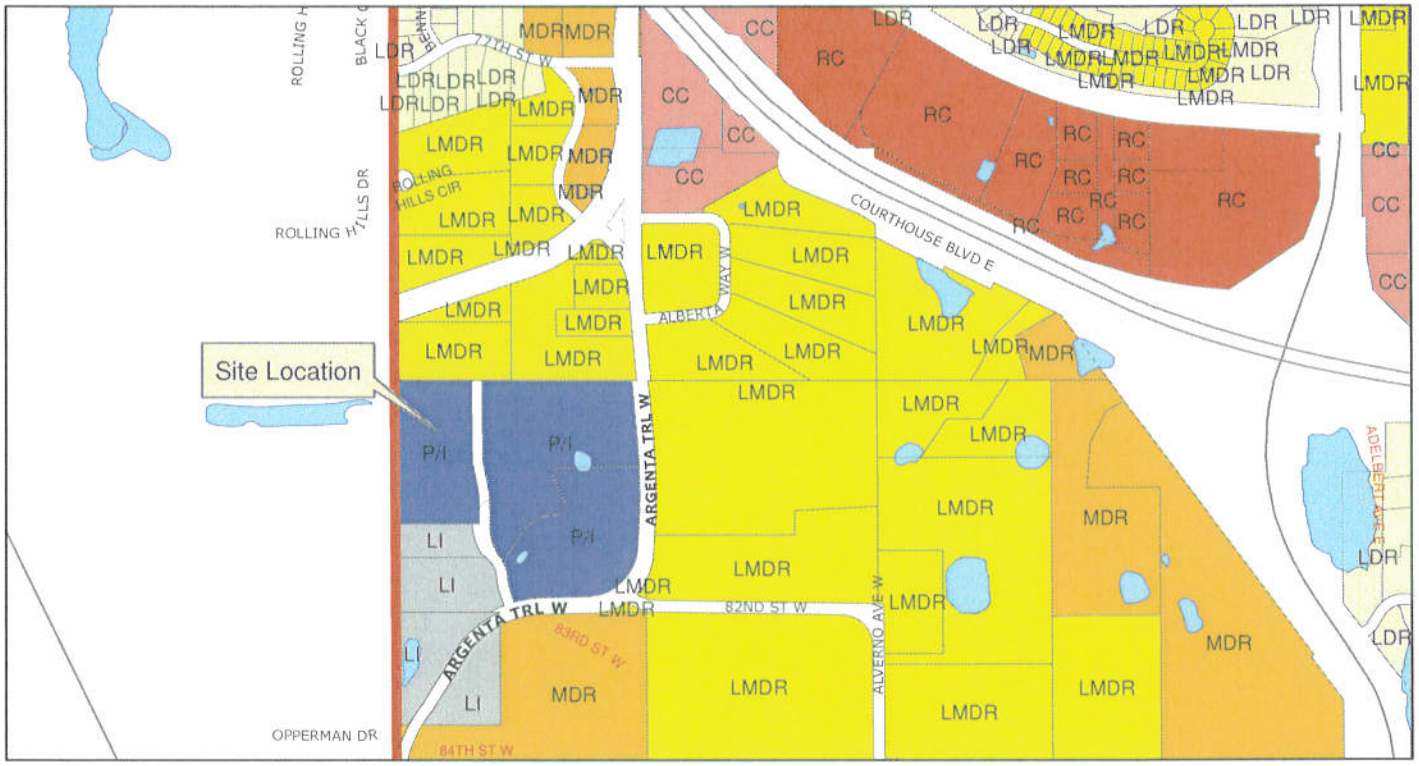
Attachments: Location Map
Existing/Proposed Comp Plan Map
Applicant Narrative
Applicant Concept Plans
Comments from public

Location Map
Case No. 16-44PA

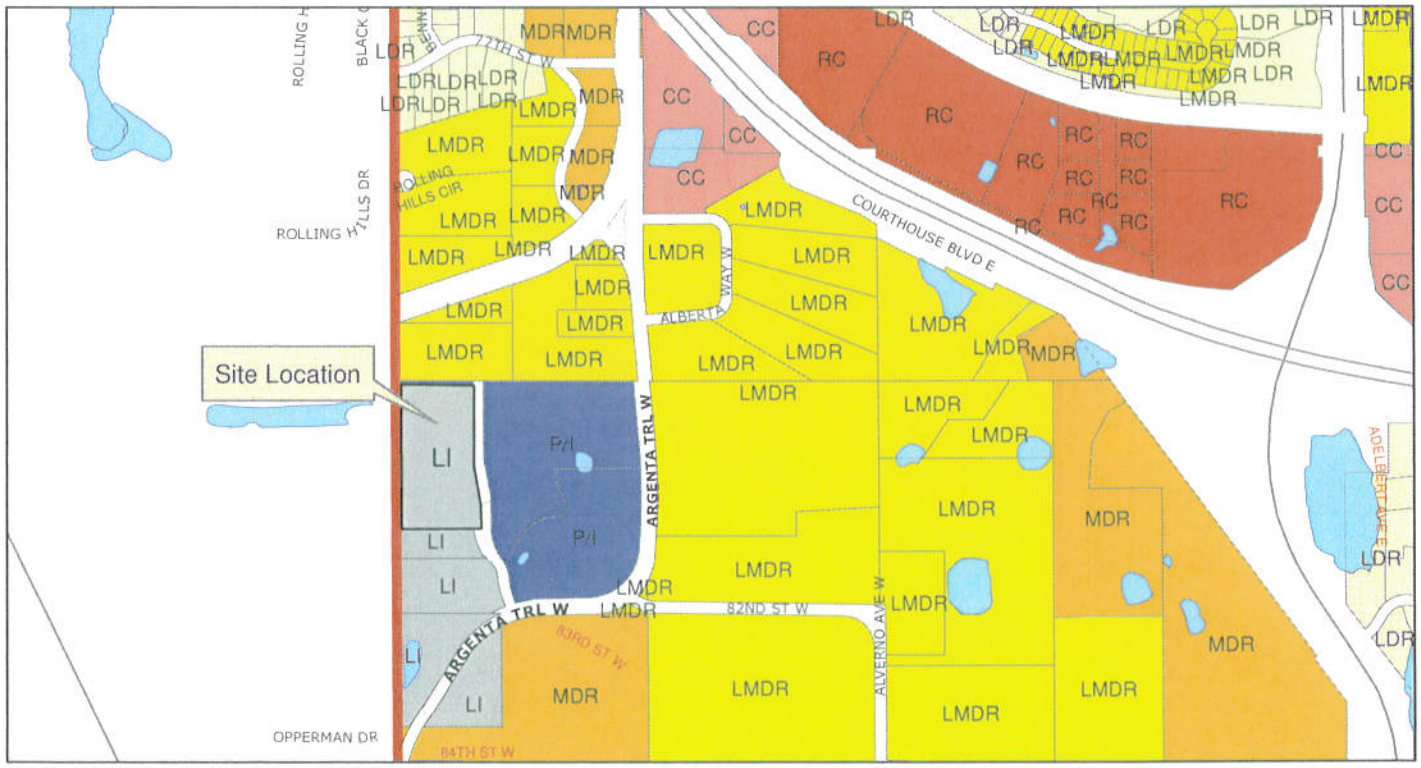


Red Pine Partners
Comp Plan Amendment

Existing Comp Plan



Proposed Comp Plan



October 7th, 2016

Application for Comprehensive Plan Amendment – Narrative of request

Subject Property: 9.26 acres - Auburn Path, Inver Grove Heights

Request summary: This request is to change the guided use of the subject property from Institutional to Industrial, and initiate the necessary steps to improve the property for commercial development.

Dear City of Inver Grove Heights City Council, Planning Commission and Staff,

Upon meeting with Allan Hunting, Tom Kaldunski and Steve Dodge, we appreciate the opportunity to submit this application for a comprehensive plan amendment to change the guided use of the subject 9.26 acre site, located within the Gene Worrell's Church Acres development. This site is 1 of 3 that were established in September 2001 with the intention of offering land availability for the construction of three Churches.

Over the past 15 years the only development activity has been the expansion of the cemetery but otherwise the entire 32.6 acres remains vacant. Being commercial real estate professionals that have specialized in the Southeast metro market over this same 15 year period, we hope to shed light on why this site has not been developed and offer a plan that will better match the property to its industrial characteristics and surroundings. The result will be spurred development and appropriately increased tax base that may otherwise not be realized under its current Institutional zoning.

Challenges and reasons why the site has not been developed

While the property tax-exemption is a significant incentive for a Church to consider the property, there are a greater number of challenges that have discouraged the development of the site.

- **No utilities** – Based on meeting with City engineers, municipal sewer and water is several years away from being in proximity to the site. The nearest accessibly is from the City of Eagan line that is north of Yankee Doodle Road. Tom and Steve confirmed that this remains a significant road block to prospective buyers and there has been repeated concern about the cost of extending services from the City of Eagan only to later be assessed by Inver Grove Heights. Since the cost to sprinkler a large building with a well pump and holding tank is often excessive and not feasible to install, this site is more naturally suited for a small-scale development that positions the site for a larger project in the future when utilities are available.
- **Industrial surroundings** – The most visible neighbors to the subject property are industrial. The UPS Distribution truck courtyard borders the property to the west with hundreds of trailers parked in the immediate sightline of the property and Floerke Truck repair is also an industrial use with outside storage that borders to the south. Both companies are deeply entrenched in these locations and have no plans to move. The neighbor to the east is the cemetery and that is separated by topography and the residential neighbor to the north is buffered by over 2 acres of forest.

- **No Visibility** – The lack of road visibility is another reason the site is not well matched for a Church or other use that relies on signage and exposure to passing vehicles. The secluded nature of the site is better suited for a use that benefits from being away from traffic.
- **Unbalanced topography** – The gradual sloping property requires significant grading to balance the conditions. Soil engineers have estimated there being $300,000 - $500,000 of site improvement cost to establish a 4-5 acre buildable area.
- **Soil conditions** – According to a Geotechnical Service Report that was completed in November 22, 2000 by STS Consultants, soil borings indicate that it is possible to develop the site but that considerable soil correction is required. Their report states "We recommend that structures not be supported on the existing surficial topsoil and/or organic clayey silt materials encountered." The cost of removing this soil is substantial but this can be mitigated by completing the work over time and collaborating with other development projects that are in need of soil.
- **Ponding & infiltration** – Given the higher ponding and infiltration standards that are required within the Northwest Corridor, there is additional cost and land area needed to accommodate storm water.
- **Institutional zoning** – The Institutional zoning district is mostly limited to uses such as a Church, Cemetery, School, Daycare, Hospital and Municipal buildings (administrative, fire station, police station, library, parks, etc). Outside of a fire/police station, City park or possibly another cemetery, this tucked away property is surrounded by industrial and is not well suited for the permitted uses. The Floerke Truck Repair that is directly adjacent to the south is zoned (I-1) Limited Industrial.

In summary, the site requires a sizable investment that we do not foresee being overcome without it being rezoned to allow uses that are consistent with the neighboring industrial properties.

Why guide the land to Industrial?

Below are factors that we feel make this a natural and appropriate transition.

- **Highest and best use** – Over the past couple years the property has been publicly listed for sale and despite being reasonably priced, it has not attracted a buyer that can operate within the current zoning. This is partly due to the lack of utilities but a small Church can operate on well & septic and many have still bypassed the site. Given the industrial characteristics of the site and the much stronger and deeper industrial base of companies that neighbor the property, the site is far more attractive and valuable to this sector.
- **Tax base increase** – The 9.26 acre site currently generates $2,283 of annual property tax. A nominally improved 8.11 acre industrial property at 10900 Clark Road that has a 1,960 square foot building and gravel parking lot generates $29,645 in annual property tax. If the subject site is fully developed upon connection to utilities in the future, the property tax increase will likely exceed $70,000 annually.
- **Naturally screened industrial setting** – The subject site is adjacent to two industrial companies (UPS & Floerke) that are immediately visible to this site with outdoor truck parking and existing fencing that already secures half of the subject property. The site is also tucked off of Argenta Trail and situated at an elevation that is up to 50 feet lower than the cemetery and the buffered neighbor to the north. There are no residences that can see or be seen from the buildable area of the property.

- **Flexible development partner** – The acting principals of Red Pine Partners work as commercial real estate brokers throughout Inver Grove Heights and the surrounding communities so our reputation within the City of Inver Grove Heights is especially important. So the City and the neighboring community can be assured that we will be a respectful and cooperative development team to work with.
- **Challenging site that requires phased development** – The subject property has many challenges that require creative solutions. Since utilities are not accessible on the near horizon and large scale development is not economically feasible, we are proposing a phased development plan that will gradually prepare the site to meet the future growth of the area. We feel the industrial market conditions for less-development-intensive uses can be harnessed enough to warrant investment capital for site improvement. The current Institutional zoning district does not allow less-intensive uses like outdoor storage or vehicle parking that can operate without City water/sewer.
- **Lower trip generation rates** - According to the Institute of Transportation Engineers Trip Generation Report (8th Edition, 2008), the Weekday Daily Traffic rates for Industrial uses are significantly lower in comparison to uses that are currently permitted. The Weekday Daily Traffic rate for Warehousing is 3.56 KSF^2 while the same rate for a Church is 9.11 KSF^2. During weekends, a Church would generate far more traffic and Industrial almost nothing. When city utilities are extended and a larger development is practical, the Weekday Daily Traffic rate for a General Light Industrial project increases slightly to 6.97 KSF^2 but it is still less than a Church and significantly less than a school. The current zoning allows an Elementary School which has a rate of 15.43 KSF^2. Outside storage does not have a category but is probably comparable to General Heavy Industrial which is 1.50 KSF^2. (KSF^2 represents units of 1,000 square feet)
- **Institutional alternative** - If the zoning were to remain Institutional, the most feasible alternative use that is permitted within the zoning district is for it to be another cemetery. This use appears to be a profitable option with opportunity to take on partners that specialize in this business but we believe the site is more naturally suited for industrial development.

Phased Development Plan

Below is a three phased development plan that allows for the gradual improvement of the property. Concept plans that show how the site may be developed are included with the application.

- **Phase I (Grading, gravel & outside storage)** – The first phase of the proposed development is to grade the site and install a ponding/infiltration system that accommodates the required capacity for future larger scale development. The ability to market secured outside storage is imperative to justify the required investment for site improvements. This less-development-intensive use allows for improvement of the site while avoiding the insurmountable cost of a utility extension. Proposed uses may include vehicle and truck parking, building or landscape materials and other items that would be first reviewed and approved by a Conditional Use Permit. By investing in this Phase I development and correcting the soil conditions, ponding and topography, the site becomes broadly marketable for smaller-scale development.

- **Phase II (Smaller scale building development)** - With a pad site created for development, the site becomes positioned to attract a company that can operate without a large building. Since City utilities are required for larger scale development, this second phase would likely be for a build-to-suit in range of 1,000-20,000 square feet. Proposed uses would fall within the Industrial zoning district and/or require the consent of a Conditional Use Permit. There is potential for a larger building within this phase but that is more likely when utilities are extended.
- **Phase III (Larger scale building development)** - Based on preliminary concept plans, the site can accommodate over 70,000 square feet of office/warehouse construction. The phased development plan provides near term incentive to fully improve the site while positioning the land to be seriously considered for a large scale build-to-suit. This end goal is only possible as the result of the tiered approach because the lengthy and expensive process requires an exceptionally patient investor/developer to improve the property over time. Since City utilities are likely many years away, this Phase III of development is a long-term scenario.

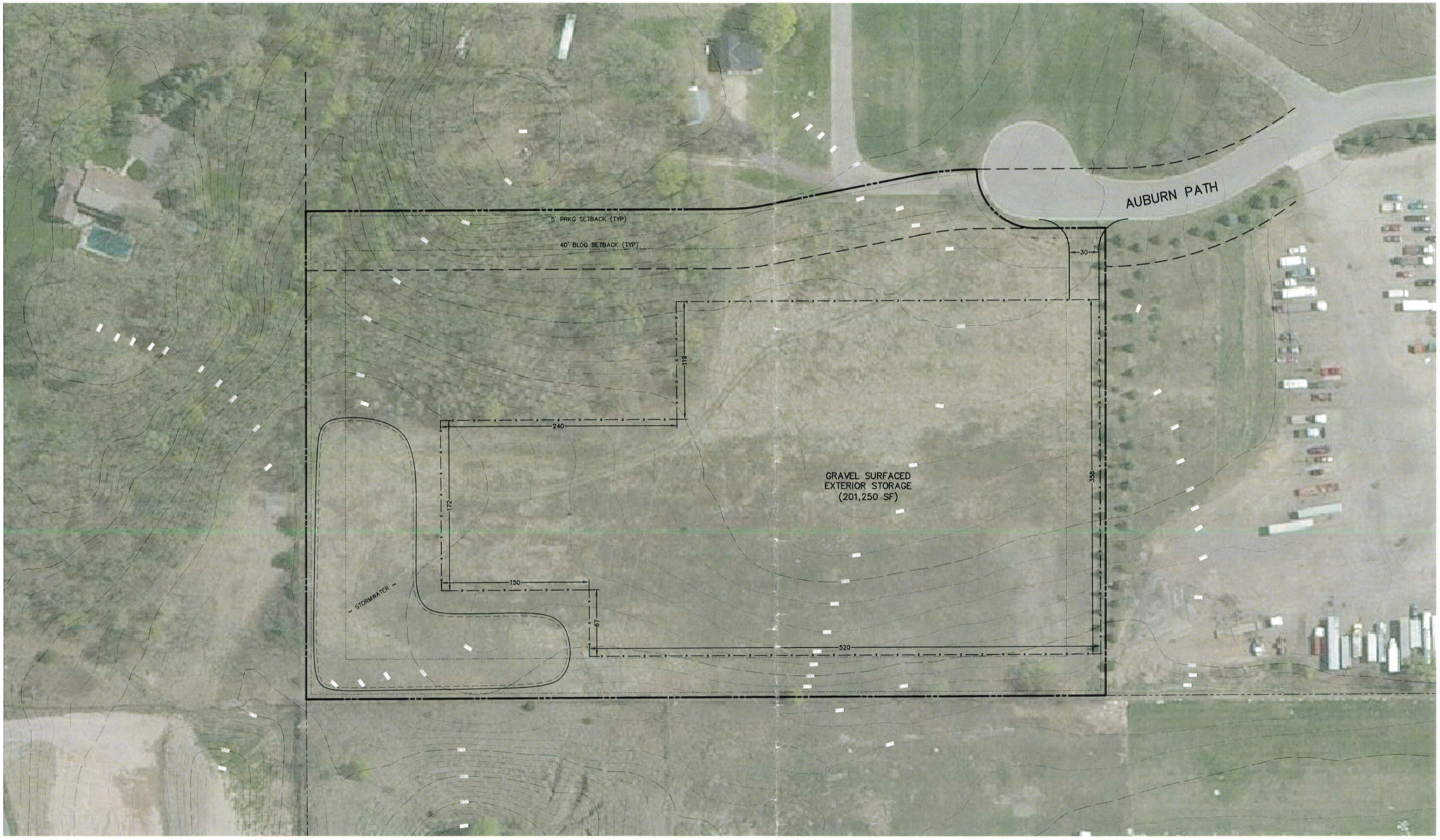
In summary, we look forward to working in collaboration with the City of Inver Grove Heights in an effort to gradually improve this underutilized property. This is an opportunity for the site to be developed for uses that are appropriately suited and have demand for the property. This will lead to new employers and an increased property tax base that may otherwise be lost with its current zoning.

Thank you for your consideration.

Regards,

Tony D. DelDotto

Tony DelDotto
Managing Partner
Red Pine Partners, LLC



SITE DATA

LOT AREA:	403,674 SF
HARD SURFACE AREA:	201,250 SF 50%
PERVIOUS SURFACE AREA:	202,424 SF 50%

N

0 25 50 100

(IN FEET)

Carlson McCain
ENVIRONMENTAL · ENGINEERING · SURVEYING
3890 Pheasant Ridge Dr. NE #100, Blaine, MN
Phone: 763-489-7900 Fax: 763-489-7959

CONCEPT PLAN
PHASE 1
EXTERIOR STORAGE

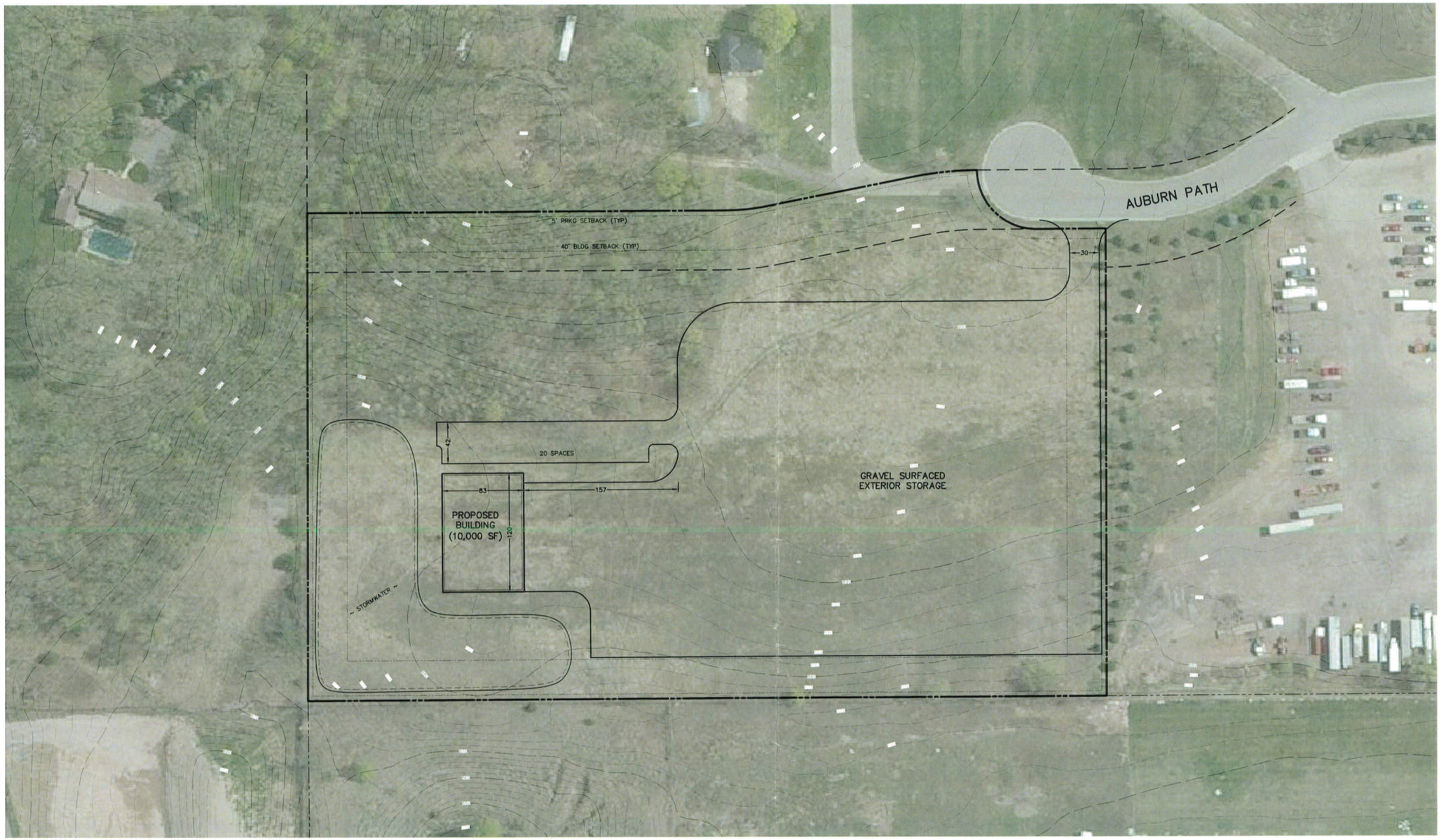
AUBURN BUSINESS PARK
Inver Grove Heights, Minnesota

TONY DELDOTTO
3500 American Blvd W, Suite 200
Bloomington, MN 55431

REVISIONS

DRAWN BY:	JTR
DESIGNED BY:	JTR
ISSUE DATE:	08/23/16

NOTES



SITE DATA

LOT AREA:	403,674 SF	
HARD SURFACE AREA:		
BUILDING:	10,000 SF	2%
GRAVEL:	187,460 SF	47%
TOTAL:	197,460 SF	49%
PERVIOUS SURFACE AREA:	206,214 SF	51%

0 25 50 100
(IN FEET)

Carlson McCain
ENVIRONMENTAL · ENGINEERING · SURVEYING
3890 Pheasant Ridge Dr. NE #100, Blaine, MN
Phone: 763-489-7900 Fax: 763-489-7959

CONCEPT PLAN
PHASE 2
BUILDING 1 W/ EXTERIOR STORAGE

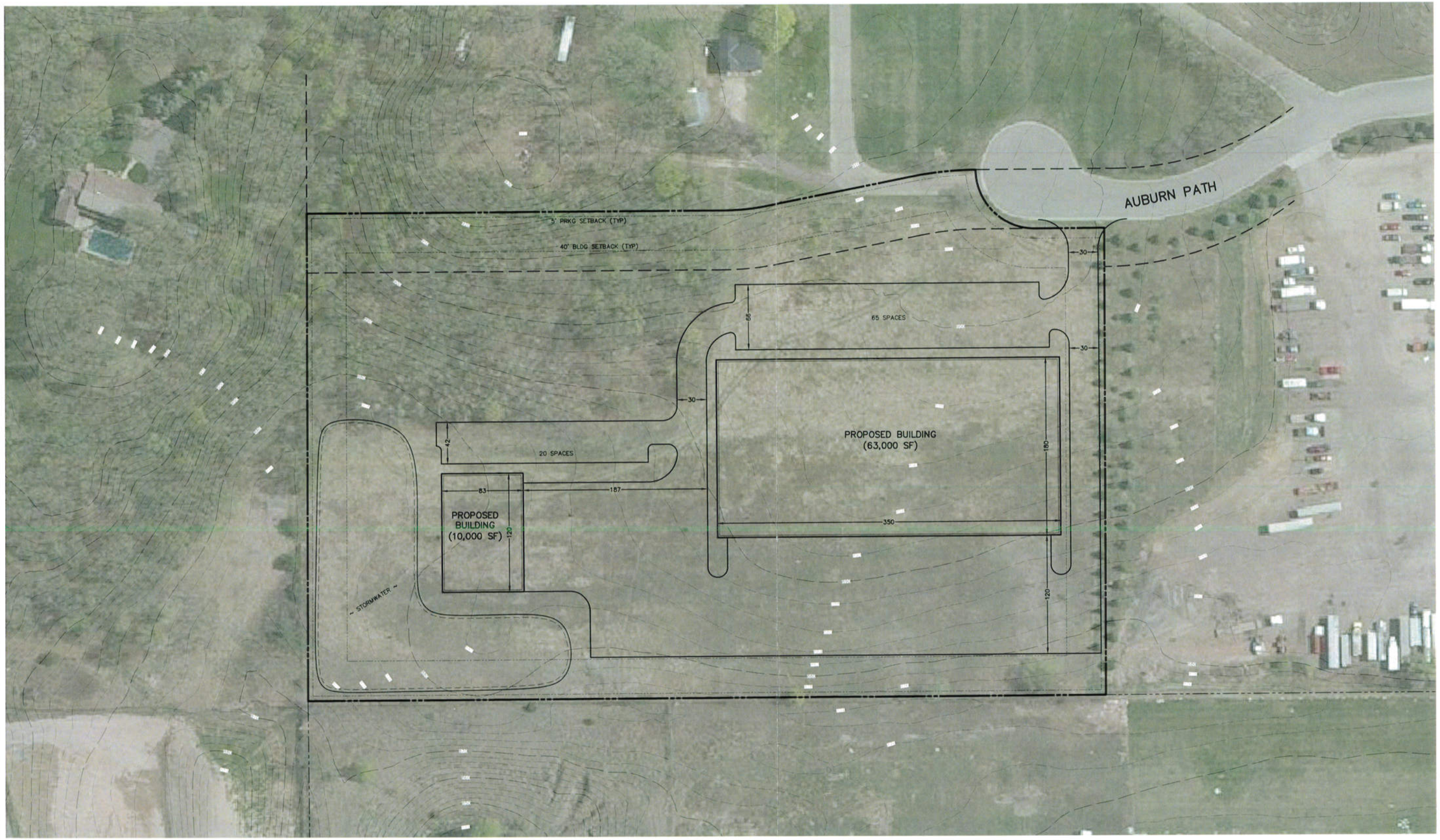
AUBURN BUSINESS PARK
Inver Grove Heights, Minnesota

TONY DELDOTTO
3500 American Blvd W, Suite 200
Bloomington, MN 55431

REVISIONS

DRAWN BY:	JTR
DESIGNED BY:	JTR
ISSUE DATE:	08/23/16

NOTES



SITE DATA

LOT AREA:	403,674 SF
HARD SURFACE AREA:	
BUILDING:	73,000 SF 18%
PAVEMENT:	122,100 SF 30%
TOTAL:	195,100 SF 48%
PERVIOUS SURFACE AREA:	208,574 SF 52%

N

0 25 50 100

(IN FEET)

Carlson McCain
ENVIRONMENTAL · ENGINEERING · SURVEYING
3890 Pheasant Ridge Dr. NE #100, Blaine, MN
Phone: 763-489-7900 Fax: 763-489-7959

CONCEPT PLAN
PHASE 3
FINAL BUILD

AUBURN BUSINESS PARK
Inver Grove Heights, Minnesota

TONY DELDOTTO
3500 American Blvd W, Suite 200
Bloomington, MN 55431

REVISIONS

DRAWN BY:	JTR
DESIGNED BY:	JTR
ISSUE DATE:	08/23/16

NOTES

DATE: October 9, 2016

RE: RED PINE PARTNERS, LLC– CASE NO. 16-44PA
Property located at XXXX Auburn Path, Inver Grove Heights, MN identified as PID Nos. 20-29300-00-010 and 20-29300-00-040

TO: Planning Commission of the City of Inver Grove Heights
8150 Barbara Ave., Inver Grove Heights, MN 55077
Attention: Allan Hunting at ahunting@invergroveheights.org

FROM: Cynthia and Michael Tebbitt
7920 Alberta Way
Inver Grove Heights, MN 55077

We are writing to voice our strong opposition to the Comprehensive Plan Amendment to change the land use designation of the above-referenced property from P/I, Public/Institutional to LI, Light Industrial.

We do not want the Planning Commission or the City to allow changes to the current zoning for the land. The land is very close to our home and property of 5 acres (we are right across the road from the property). We purchased our home and land knowing that the surrounding land was zoned P/I, and rezoning it could have a negative impact on our property as it relates to value, resale and most importantly our experience as residents.

If the zoning is changed, it could set precedence for other landowners in our area to request the same change (including the property owner who, a few years ago requested a land use and rezoning so he could build a crematorium business right next to our homes). If businesses move in our neighborhood and are located adjacent to our homes and land, it changes everything about where we live.

If the current owner is requesting these land changes so they can subsequently sell the land as industrial so a business can be built, why would this landowner be given priority over residents who will have to live with the result of the sale and subsequently an industrial business on the land? It wouldn't be fair to give this landowner priority over other residents here. The seller won't have to live with the results of a zoning change.

Some of us have been here since 1967. All of the landowners in this area own at least 5 acres and many own much more. We have owned our home and 5 acres of land since 2001. We chose Inver Grove Heights as our City to invest in 15 years ago and we hope the City will respect our investment here.

We appreciate this opportunity to provide these comments to you before the Planning Commission and the City meetings. We stand with David Jansen, the closest landowner to the Red Pine Partners property, and his opposition to the Amendment.

Thank you.

DATE: 10/17/16

RE: RED PINE PARTNERS, LLC– CASE NO. 16-44PA, Property located at XXXX Auburn Path, Inver Grove Heights, MN identified as PID, Nos. 20-29300-00-010 and 20-29300-00-040

TO: The Planning Department and Commission of the City of Inver Grove Heights
8150 Barbara Ave., Inver Grove Heights, MN 55077

FROM: David E Jansen
7985 Argenta Trail, Inver Grove Heights, MN 55077

Allan Hunting and members of the Planning Commission:

I am writing today to oppose the request to modify the city's Comprehensive Plan referenced in Case 16-44PA.

The comprehensive plan exists for a reason. It gives the blueprint for the future for the city. It allows homeowners, land owners and developers the ability to invest time, money and effort into their land. It allows the various government agencies such as the met council the ability to plan for roads, parks and amenities like the Mendota to Lebanon Hills greenway which will run through the property in question. The plan communicates to the residents what will be allowed in their neighborhood, it gives developers a guideline of what is acceptable in the area they wish to build, and gives guidance to city employees regarding zoning decisions. These plan was not randomly created, it was the work of consultants, county and city employees and residents. The very fact that so many people rely on the plan, from government agencies to developers and land owners, it is imperative any change not be taken lightly.

When I purchased my home six years ago I carefully studied the open land around me. I called the city and asked questions, I studied the comprehensive plan and other materials from the county. I felt comfortable with those plans and studies, I felt that this neighborhood that I am moving to would continue to be develop, adding additional homes and neighbors and perhaps a couple of churches or a school. I did not see a future with a 60-foot-high factory next to my garage or semi-trucks littering the field next to me. I could not foresee a 6-foot-high opaque fence running through my wooded areas blocking the wildlife and masking my views of the nature I moved to this neighbor to enjoy (the fence/hedge being a zoning requirement 10-11A-4). I bought my home and have made significant improvements to my home assuming that the zoning would stay the same. I assumed that the future owners of my house would have the same quality of life I currently enjoy and that my investments would not be lost due to undesirable changes.

This zone change request I am opposed to is not a case of "not in my backyard", it is a case of spot zoning - modifying the plan to accommodate "investors" who's only goal is to turn a profit by requesting a wholesale change to my neighborhood. A change that will set a precedent for the other undeveloped land in the area. A precedent that will change the very nature of the area.

People tend to lose sight of the fact that the Argenta Trail area is a neighborhood. We have larger lots and may not see our neighbors everyday but we are here. We proved that point just two years ago when we were before the commission and council in opposition to the crematorium that was proposed to be built on the cemetery next to the land in question. All of us take great pride in our land, our homes

and our community. We cherish our quality of life and lifestyles. We aren't opposed to development but we are opposed to improper requests or changes that don't fit our neighborhood.

The one commercial business in the area, the truck repair facility, is an anomaly – a leftover from a time when there was no comprehensive plan and when a lack a transparency allowed ill-conceived zoning changes much easier. The truck repair business should not be used as an example of a well zoned business or good commercial neighbor. They consistently abuse the restrictions placed on them, parking semis on the city streets due to their lack of space and storing trucks in the buffer they are forced to maintain.

For me this boils down to issues relating to quality of life. I moved to Inver Grove to have the space, quiet, access to nature, and freedom a large lot brings. I previously lived in St. Paul and battled with neighbors dealing drugs, constant noise issues and absent landlords. I moved to Inver Grove to get back to a decent quality of life with peace and quiet and wildlife running through my yard. I know I speak for my neighbors, that they fear these zoning changes will have an impact their quality of life as well. Changing the plan means that our investment in this community is in danger. Instead of investing in our properties we will be forced for years to have to legally defend it, spending time petitioning for environmental reviews, sitting in council meetings and expending energy and money to fight against every inappropriate change to our neighborhood.

I ask the city to not pull the rug out from under the home and land owners around the undeveloped properties on Argenta trail. Adding commercial and industrial businesses in an area surrounded by residentially zoned lots makes no sense. Look at the map for the comprehensive plan and you will see a sea of yellow and orange representing residential land. If anything these undeveloped public institutional lots should be rezoned to residential use which I know my neighbors would support. Although the tax base may not be as large it's a better fit for the development of this land.

Thank you

David E Jansen

Allan Hunting

From: GRANT W. R [gwrabuse@msn.com]
Sent: Sunday, October 16, 2016 7:55 PM
To: Allan Hunting
Subject: RED LINE PARTNERS, LLC-CASE NO. 16-44PA

To whom it may concern,

We're writing to voice our opposition to the comprehensive plan amendment to change the land use designation on Red Line partner's property from Public/Institutional to Light Industrial. We own 5 acres close by, and have lived here for 30 years.
Last year, a crematorium tried to rezone their property next to Red Line Partner's. Our neighborhood was grateful that the city listened to our concerns and voted against that rezoning request. If this current rezoning request was granted, the crematorium would no doubt try again.
Please do not allow rezoning to be granted for this property.

Sincerely,
Grant and Kay Rabuse
7940 Alberta Way
Inver Grove Heights, MN 55077

Sent from my iPad

Allan Hunting

From: john wendt [jtwendt@gmail.com]
Sent: Tuesday, October 18, 2016 1:03 PM
To: Allan Hunting; George Tourville; mkennedy@invergroveheights.org
Subject: Opposition to the proposed zoning change: RED PINE PARTNERS, LLC– CASE NO. 16-44PA,
Attachments: RED PINE PARTNERS, LLC– CASE NO. 16-44PA - JANSEN.pdf

Dear Mr. Hunting and Members of the Commission,

We agree with the letter and arguments presented by Mr. David Jansen (Please see attached).

There is a reason why we have a Comprehensive Plan. This is a case of spot zoning - modifying the plan to accommodate "investors" who's only goal is to turn a profit by requesting a wholesale change to my neighborhood. A change that will set a precedent for the other undeveloped land in the area. A precedent that will change the very nature of the area.

While there may be arguments for the proposed change. Staff noted that:

- The change would expand industrial uses which could have a negative impact on the development potential for the vacant lot in the subdivision and to the existing and future residential uses in the area.
- Traffic could be a concern if the use was a heavy trucking type operation including noise of the trucks or semi's.
- The extension of Auburn Path could create a land use conflict with future residential development depending upon the routing to connect to either Yankee Doodle or Argenta Trail.

These are significant arguments and should not be dismissed lightly. Rezoning will result in almost anything to come in!

PLEASE stay with the Comprehensive Plan and protect our City.

Thank you.

--

Linda and John Wendt

Reply Reply All Forward

RE: Argenta Trail Property Changes

Todd Kimmes [toddk@flagshiptech.com]

To: Jansen, David E.

Tuesday, October 18, 2016 11:00 AM

Dave,

I am neck deep in other projects right now you are going to have to fend this one off.

TK

-----Original Message-----
From: Jansen, David E. [mailto:djansen@asap.net]
Sent: Monday, October 17, 2016 3:16 PM
To: Todd Kimmes
Subject: Argenta Trail Property Changes

Todd:

Sorry to pester you. Just thought I would send you a copy of what I am sending to the city.

It's a bit scary what they are proposing. Basically they are saying that the heavy trucks generated by an industrial use of the property is better than the use generated by a church or school. I think it really comes down to increased revenue for the city. The link below is the minutes for the meeting tomorrow.

http://www.ci.inver-grove-heights.mn.us/archive.asp?AMID=40&Type=Recent&ADID=

CITY OF INVER GROVE HEIGHTS

MEMORANDUM

TO: Mayor and City Council Members

FROM: Michelle Calvert, City Administration Intern

SUBJECT: Annual Clean-Up Day Results

DATE: October 24, 2016

Summary:

Each year the City holds an annual Clean-Up Day for the residents of Inver Grove Heights and West St. Paul, so that they may keep their homes and yards free of unnecessary and unused items. Although some fees are collected for this service, the bulk of the expenses (as outlined in the next page) outweigh the revenues generated. In 2016, City staff worked to put the focus on recycling and reuse, in the hopes of generating more interest in recycling through residents. Currently, approximately 75% of the things Minnesotans throw into the trash *could* be recycled:

- 34% is paper, plastic, metal, and glass
- 18% is food waste that could be donated to people, fed to animals, or composted
- 23% is compostable paper, yard waste, and other organic materials that could be composted

In 2016 a commercial recycling requirement was mandated as an opportunity for businesses to decrease their waste, reduce their tax liability by increasing recycling, and support Minnesota's recycling industry which creates approximately 37,000 direct and indirect jobs in the state. Increased commercial recycling, including organics diversion, is an essential component of meeting state recycling goals, which are set through the Metropolitan Solid Waste Management Policy Plan, (which can be found at http://www.pca.state.mn.us/aj0rf6d), County Master Plans, and state law calling for a metro recycling goal of 75% by 2030. That information can be accessed at https://www.revisor.mn.gov/statutes/?id=115A.551.

The following page shows the revenues and expenses for providing Clean-Up Day for residents, and more importantly, indicates how much was kept from being deposited into the landfill.

2016 Clean-Up Day Results

Vendor Name	Items	Weight (lbs.)	# of Items	Invoice Amount
AccessAbility	Drop-Off Paper Shredder	7,492	N/A	$344.63
Jonny Rock Bikes	Bicycles and Parts	N/A	45	$0.00
JRs	Appliances, Metal	8,580	110	$5,582.00
JRs	Mixed Electronics	6,880	N/A	
JRs	Tires	1,810	181	
JRs	Bulbs	N/A	241	
Junk Genius	Furniture	N/A	156	$3,240.00
Momentum-2nd Chance Recycling	Mattresses/Box Springs	N/A	74	$1,448.00
Shred-It	On-Site Paper Shredder	4,000	N/A	$1,400.00
Wearever Recycling	Textiles	400	N/A	$0.00
Day of Event Vendor Subtotal		***29,162***	***807***	***$12,014.63***
Various Vendors	Miscellaneous Supplies	N/A	N/A	$475.07
Staff and Volunteer Time - Hours	24 Staff, 7 Volunteers	N/A	183 Hours	$4,458.60
Total Expenses				**$16,948.30**
Total Event Revenue				**-$4,638.00**
Dakota County Solid Waste Community Funding Grant				**-$11,928.16**
Net Loss				**$382.14**

At the 2016 annual Inver Grove Heights Clean-Up Day, residents from Inver Grove Heights and West St. Paul participated in helping to keep unnecessary items out of the landfill. We partnered with a number of nonprofit organizations and private sector businesses to recycle:

11,900 pounds of shredded paper
6,880 pounds of electronics
42 bicycles
156 pieces of furniture
74 mattresses
110 appliances
181 tires
241 light bulbs
400 pounds of textiles

AGENDA ITEM 7G

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

Additional Request for Change in Work Hours by EJM Pipe Services, Inc. on City Project No. 2015-13 and 2015-16

Meeting Date:	October 24, 2016
Item Type:	Regular
Contact:	Thomas J. Kaldunski, 651.450.2572 TK
Prepared by:	Thomas J. Kaldunski, City Engineer
Reviewed by:	

Fiscal/FTE Impact:

X	None
	Amount included in current budget
	Budget amendment requested
	FTE included in current complement
	New FTE requested – N/A
	Other:

PURPOSE/ACTION REQUESTED

An additional request for change in work hours by EJM Pipe Services, Inc. on City Project No. 2015-13 and 2015-16 has been received.

SUMMARY

The City has contracted with EJM to install trunk utility sewer and water systems as part of City Project No. 2015-16. This $6 million project has been advancing. The project is to provide trunk utility service to Blackstone Ridge by December 23, 2016, the substantial completion date. At the previous Council meetings, EJM has been granted additional working hours. The attached October 19, 2016 EJM letter indicates progress is occurring but additional modifications of the work hours are being requested.

The City currently allows the contractor to work from 7:00 a.m. to 7:00 p.m., Monday through Saturday. EJM was granted permission to work from 5:00 a.m. to 10:00 p.m., Monday through Friday. EJM is seeking Council approval to extend working hours as follows:

> Segment C to D (at GlenLin) and Segment D to E (Flannery)
> October 25th until segment completed in 2016, Monday through Friday, 24-hours per day (2 – 12 hour shifts) because MHC is remote. If the Council does not want 24 hours per day, EJM would work from 5:00 a.m. to 10:00 p.m. upon approval.

This will help the contractor and City meet contractual time requirements. This request is for both City Project Nos. 2015-13 and 2015-16.

Reviewing the request indicates the following:

- The request will help the project timeline.
- The noise generated by the contractor will be mitigated to the greatest extent possible as EJM has done previously. Noise primarily occurs in the trenches and deep manhole access points.
- The City will reserve the ability to modify or revoke the extra working hours if deemed necessary by the City.
- The additional work hours will be limited to the work associated with trenchless construction services provided by EJM.
- Rainfall and obstacles such as rocks have continued to hinder progress.

The Engineering Division recommends that the City Council authorize the work hours to be modified as outlined in this memo. Work may also occur between 7:00 a.m. to 7:00 p.m. on Saturdays. No work is authorized on Sundays. Any additional overtime costs associated with the extension of hours will be at the cost of the contractor.

TJK/kf
Attachment: October 19, 2016 letter from EJM
Map of segments

EJM PIPE SERVICES, INC.
A BORING COMPANY
7807 Lake Drive • Lino Lakes, MN 55014 • 651-786-8041 • FAX 651-786-9289

October 19, 2016

Mr. Thomas Kaldunski
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077

RE: NWA Trunk Utility Improvements
Working Hour Variance

Mr. Kaldunski:

As you may be aware, the abnormal amount of rainfall has continued to jeopardize the overall schedule for the NWA project. In an effort to preserve schedule, EJM Pipe Services has previously requested working hour variances to allow for multiple shifts. EJM would like to submit another request to continue this variance. The crews will be focusing on the trenchless alignment installations from C to D as well as D to E with crews located in manhole C and Manhole D areas. Working hours would be 5 AM to 10 PM. If the City Council and residents are willing to allow, we would really like to work 2 – 12 hour shifts at the manhole C location as it is very remote, but if not we will work 2 – 8 hour shifts.

This work primarily affects residents along the west side of Argenta Trail south of 70th Street W. Additional efforts will be made to keep noise at a minimum while maintaining a safe environment for our workers. Generators that power tunnel equipment are equipped with sound-deadening panels to reduce operating noise. A lattice boom or all-terrain crane will be operated at idle speeds during off-peak hours. Materials and equipment will be moved around during daytime hours in efforts to minimize movement of the equipment outside of original working hours. All backup alarms will be deactivated during off-peak hours. Light plants will be placed down in the shaft sub-cuts at both locations to ensure a safe work area. Due to depth of sub-cut, lights will not be visible from the surface, and should not disturb adjacent residents as a result.

EJM appreciates your consideration in this matter in order to help preserve the schedule. If granted permission to work in these hours, we will do everything we can to accommodate the requests of all residents affected. Please discuss with council and let us know if/when this is possible to start. If you have any questions, please contact me at 651-248-0813.

Regards,

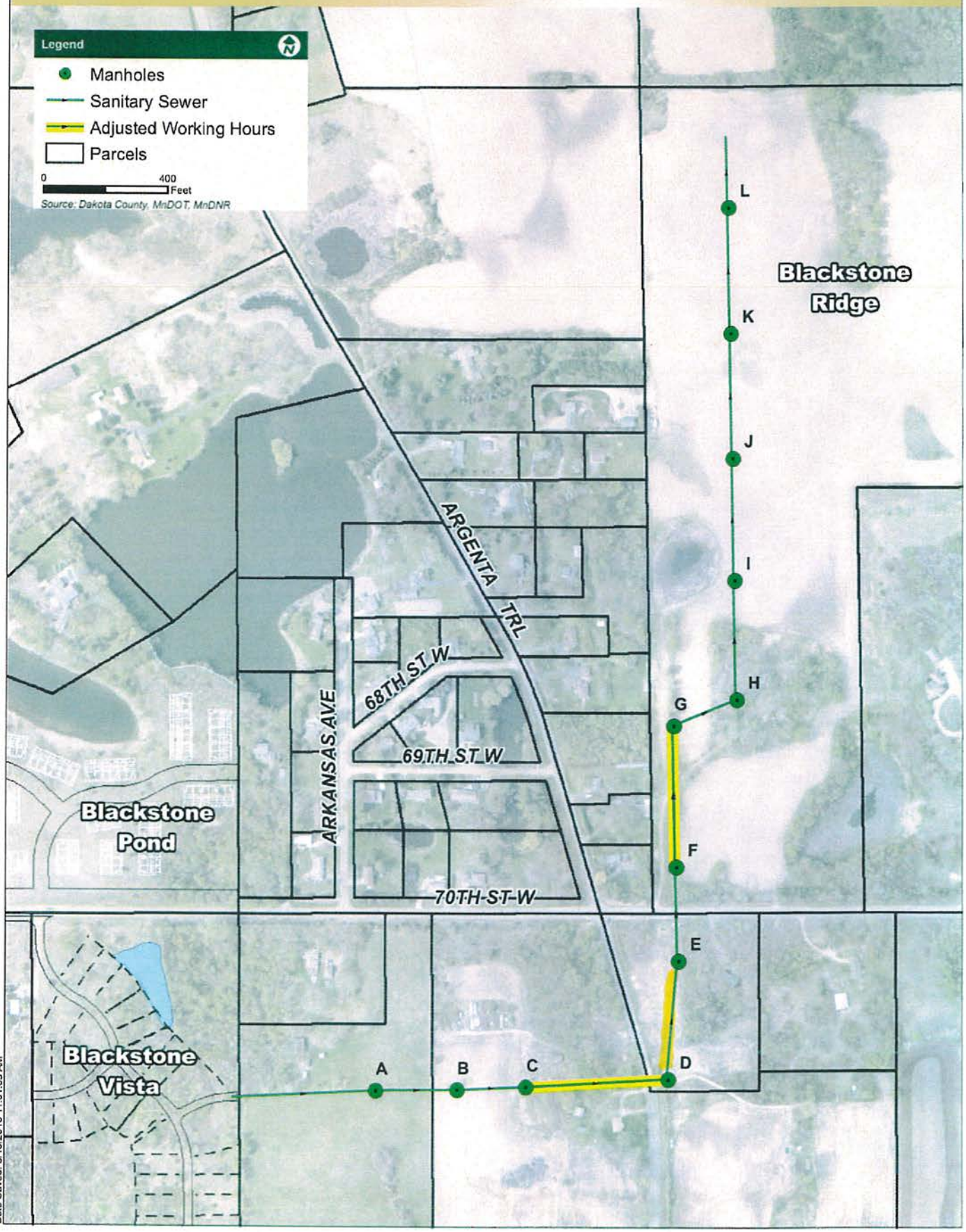
Josh West
EJM Pipe Services, Inc.

NWA TRUNK UTILITIES - ARGENTA DISTRICT

City of Inver Grove Heights

AMENDED WORKING HOURS

August 2016



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AGENDA ITEM 7H

CITY OF INVER GROVE HEIGHTS **REQUEST FOR COUNCIL ACTION**

First Reading of an Ordinance Amending Inver Grove Heights City Code, Title 9, Chapter 5, Section 9-5-1 through Section 9-5-12 Related to Stormwater

Meeting Date:	October 24, 2016
Item Type:	Regular
Contact:	Thomas J. Kaldunski, 651-450-2572 TK
Prepared by:	Thomas J. Kaldunski, City Engineer
Reviewed by:	Scott D. Thureen, Public Works Director

Fiscal/FTE Impact:

X	None
	Amount included in current budget
	Budget amendment requested
	FTE included in current complement
	New FTE requested – N/A
	Other:

PURPOSE/ACTION REQUESTED

First Reading of an Ordinance amending Inver Grove Heights City Code, Title 9, Chapter 5, Section 9-5-1 through Section 9-5-12 related to Stormwater.

SUMMARY

The City ordinances currently in place address much of the program requirements of the NPDES MS4 Program. However, due to updates to the MS4 Permit in 2013 by the MPCA, several new requirements and regulatory mechanisms need to be incorporated in order for the City to comply with the revised permit. The three areas requiring updates under the permit requirements include:

- Illicit Discharge Detection and Elimination;
- Construction Site Stormwater Management; and
- Permanent Stormwater Management.

The attached memorandum describes in more detail the nature of the proposed ordinance updates which would result in completion of the updates by the end of 2016. This was discussed at a Council worksession.

At the October 4, 2016 Planning Commission meeting, a public hearing was held for this Ordinance amendment. The Planning Commission minutes are attached. The Planning Commission adopted a motion recommending approval of the Ordinance amendments.

It is recommended that the City Council conduct the First Reading of the Ordinance Amendment modifying the Stormwater Ordinance as outlined in the attached proposed Ordinance. This Ordinance was prepared by the City's consultant and reviewed by the Public Works Director, City Engineer and City Attorney. Information related to this Ordinance modification has been posted on the City's website. An article will be included in the next Insights newsletter.

TJK/kf

Attachments: SEH Memorandum dated August 1, 2016
October 4, 2016 Planning Commission Minutes (draft)
Draft Ordinance (9-5-1 through 9-5-12)

SEH

Building a Better World
for All of Us®

MEMORANDUM

TO: Steve Dodge, PE – Assistant City Engineer
City of Inver Grove Heights, MN

FROM: Ron Leaf, PE, - Sr. Water Resources Engineer
SEH

DATE: August 1, 2016

RE: Ordinance Updates Required by the NPDES MS4 Stormwater Program
SEH No. 130798 14.00

The City has been covered under the National Pollutant Discharge Elimination System (NPDES) Municipally Separate Storm Sewer System (MS4) Program since 2003. Over the past 13 years, the program has continued to evolve and expand with new requirements being placed on permittees with the 2013 permit revision. With that permit the City was required to review and update official controls (e.g., standards, policies, ordinances) dealing with three primary provisions of the MS4 Permit:

- Illicit Discharge Detection and Elimination (IDDE),
- Construction Site Erosion and Sediment Controls (CSW), and
- Permanent Stormwater Management (PSW).

The City ordinances currently in place address much of the program requirements of the NPDES MS4 Program. However, due to updates to the MS4 Permit in 2013 by the MPCA, several new requirements need to be incorporated into current city code in order for the City to comply with the revised permit. The City had started a review and update of its stormwater related ordinances in previous years and then put these on hold pending the completion of the NPDES permit revisions.

While the required changes focus on several areas related mostly to the NPDES Permit, there updates to stormwater design standards and regulatory mechanisms also being incorporated into the ordinance updates. The ordinance updates have considered the following state, local and City programs and plans:

- 2013 NPDES MS4 Permit Reauthorization
- Atlas 14 Rainfall Precipitation-Frequency updates
- The City's 3rd and 4th Generation Water Resources Management Plan
- Northwest Expansion Area AUAR (2007) and Update (2014)
- Northwest Area Storm Water Manual (2006)
- Lower Mississippi River Watershed Management Organization Plan (August 2015)
- Eagan Inver Grove Watershed Management Organization Plan (2016)
- Dakota County SWCD Low-Impact Development Guidelines

City ordinances that have been reviewed or will be covered as part of this update include:

- Title 9, Chapter 5 (Stormwater Management). This Chapter update will include a replacement of the entire Chapter 5 and replacement with a new Chapter 5. The technical contents of the portion of the ordinance addressing Illicit Discharges will not be changed. The portion dealing with stormwater design criteria and application requirements will be updated to reflect new requirements.

- Title 9, Chapter 4 - Excavations and Fills (Land Alterations). Staff will review and recommend future updates to be incorporated into this chapter to be consistent with the regulatory mechanisms updated in Chapter 5 - Stormwater Management .

- Title 10, Chapter 13 (Special Use Districts). Several sections in 13B (Shoreland) of this chapter have references to stormwater that will be updated to be consistent with the updated to Title 10, Chapter 5.

- Staff has also reviewed Chapter 10, Chapter 13, Article J for the Northwest Overlay District and have not identified any needed updates to this section.

The schedule will be developed based on feedback from Council, staff and the public. A public hearing will be held with the Planning Commission prior to official readings before City Council. The general schedule and sequence will be reviewed with Council at the Worksession on August 1, 2016.

Council Worksession
Final Ordinances/Updates
Public Notice Published
Public Hearing: Planning Commission
1st Reading: Council
2nd Reading: Council
3rd Reading: Council

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 4, 2016 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Maggi called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present:	Elizabeth Niemioja Pat Simon Tony Scales Armando Lissarrague Joan Robertson Annette Maggi Jonathan Weber Luke Therrien
Commissioners Absent:	Dennis Wippermann (excused)
Others Present:	Allan Hunting, City Planner Tom Kaldunski, City Engineer

APPROVAL OF MINUTES

The September 20, 2016 Planning Commission minutes were approved as submitted.

CITY OF INVER GROVE HEIGHTS

Reading of Notice

Commissioner Simon read the public hearing notice to consider recommendations regarding amendments to the Inver Grove Heights City Code Title 9, Chapter 5 related to stormwater management. No notices were mailed.

Presentation of Request

Tom Kaldunski, City Engineer, explained the request as detailed in the report. He advised that the City's consultant, Ron Leaf, would be making the presentation. He advised that the current ordinances address much of the NPDES MS4 Program, however, due to updates to the MS4 permit in 2013 some portions of the code need to be updated to meet the requirements. He advised that staff did not hear from the public in regard to this item.

Ron Leaf, of SEH, stated that in 2013 the NPDES permit that covered the City's stormwater program was updated. The new permit requires the City to have regulatory mechanisms that can enforce provisions of the permit for construction site stormwater management (i.e. silt fence, temporary ponds, etc.), permanent stormwater management (i.e. rain gardens, stormwater ponds, etc.), and illicit discharge and elimination (i.e. dumped paint or a leaky dumpster getting into the storm sewer or drainage system). Much of the City's ordinance was already in compliance with what the permit requires but there are a few key things that need to be adjusted, and some language clarified, to meet the provision. This provision states that for post-construction stormwater management for new developments or redevelopments there shall be no net increase from pre-project conditions of stormwater discharge volume, total solids, and total phosphorous. The proposed ordinance amendment includes new volume control and infiltration requirements, and also removes some redundancies. Ordinance changes also include updates to stormwater design standards and regulatory mechanisms. This item is anticipated to go to City Council for the first reading on October 24, second reading on November 14, and third reading on November 28.

Chair Maggi asked Mr. Leaf if there were any major changes proposed to Sections 9-5-1 through

9-5-12.

Mr. Leaf stated the changes were fairly minor as many of the practices were already being done and just needed to be incorporated into the language.

Mr. Kaldunski stated one of the major changes was changing the standard from a 6 inch rainfall to a 7½ inch rainfall. Another proposed change is to make the Northwest Area standards apply throughout the City, as well as to require an inch of volume control for both commercial and residential.

Commissioner Simon stated she appreciated the additional definitions in the proposed ordinance.

Opening of Public Hearing

HOA President Vickie Vars, 8755 Coffman Path, questioned how their privately-owned facilities would be impacted by the proposed changes.

Mr. Kaldunski advised Ms. Vars that her HOA likely had various development agreements in place which would remain in force. Any new building on their property that would require additional impervious surface would be subject to the new regulations.

Ms. Vars asked how the updated inch infiltration rate would affect their development.

Mr. Kaldunski replied he would have to look at that on a case-by-case basis, but stated they could potentially be affected if they were to demolish areas of development and redevelop.

Ms. Vars asked for additional information regarding annual inspections, stating they just received notice of their first inspection.

Mr. Kaldunski advised that the City sends out annual notices to developments and homeowner associations with stormwater management agreements. Those agreements have always asked owners to inspect their private facilities to make sure they are fully functional and operational. What has changed is that the 2013 permit is asking for annual reports regarding those systems.

Ms. Vars asked how the process would work if there were any issues found.

Mr. Kaldunski replied those issues would be reported on the annual forms. Staff is still in the process of working out the details of this new process, but likely minor maintenance items (clogged catch basins, etc.) could be taken care of by the owners. If a more serious problem was found the issue would be identified and the City would track it and follow up the subsequent year to see if it was repaired yet.

Ms. Vars asked if all the facilities were interlinked with Arbor Pointe, stating two of the ponds were half on their property and half on City-owned property.

Mr. Kaldunski replied if they were to identify something that was on the City property it would be paid for through the City's stormwater utility fund; anything on private property would be the owners' responsibility.

Ms. Vars referred to a map showing public and private systems, and asked how they could distinguish public versus private.

Mr. Kaldunski stated it would be best to schedule an individual meeting to go through that level of detail. He added that the City has a program in which inspections are done every five years on all

its facilities since 2006.

Chair Maggi asked how other HOA's managing private stormwater facilities should proceed.

Mr. Kaldunski replied they should do the inspection to determine whether there are issues, take care of minor maintenance items, and identify more serious items on the annual report. At that point they can contact himself or someone else on the engineering staff and they will work through the details together.

Mr. Leaf added that the section Mr. Kaldunski was referring to in regard to maintenance was Section 9-5-11, Item D.

Chair Maggi closed the public hearing.

Planning Commission Recommendation
Motion by Commissioner Niemioja, second by Commissioner Scales, to recommend approval of the amendments to the Inver Grove Heights City Code Title 9, Chapter 5 related to stormwater management.

Motion carried (8/0). This item goes to the City Council on October 24, 2016.

OTHER BUSINESS
The meeting was adjourned by unanimous vote at 7:26 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

DRAFT

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. _____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE SECTIONS 9-5-1 THROUGH 9-5-12 RELATED TO STORMWATER MANAGMENT

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS FOLLOWS:

Section One. Amendment. Sections 9-5-1 through 9-5-12 of the Inver Grove Heights City Code are hereby amended to read as follows:

~~9-5-1: STATUTE AUTHORITY:~~

~~This chapter is adopted pursuant to Minnesota statutes section 462.351 for cities and towns. (1974 Code § 430.01)~~

~~9-5-2: FINDINGS:~~

~~The city hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by affecting water quality and contributing to other environmental problems creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the city to provide adequate water, sewage, flood control and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas which may be affected by unplanned land usage. (1974 Code § 430.03)~~

~~9-5-3: PURPOSE:~~

~~The purpose of this chapter is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land alterations or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land alterations and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land alterations or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas. (1974 Code § 430.05)~~

~~9-5-4: DEFINITIONS:~~

~~For the purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meanings stated in this section. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.~~

~~APPLICANT: Any person who wishes to obtain a building permit, preliminary plat approval or an excavation permit.~~

~~CONTROL MEASURE: A practice or combination of practices to control erosion and attendant pollution.~~

~~DETENTION FACILITY: A permanent natural or manmade structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.~~

~~EXCAVATION ACTIVITIES: Any excavation or filling activity as regulated by chapter 4 of this title.~~

~~FLOOD FRINGE: The portion of the floodplain outside of the floodway.~~

~~FLOODPLAIN: The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.~~

~~FLOODWAY: The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplain that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.~~

~~HYDRIC SOILS: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.~~

~~HYDROPHYTIC VEGETATION: Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.~~

~~LAND ALTERATION: Any change of the land surface including, but not limited to, removing vegetative cover, excavating, filling, grading, and the construction of utilities, roadways, parking areas and structures.~~

~~PERSON: Any individual, firm, corporation, partnership, franchisee, association or governmental entity.~~

~~PUBLIC WATERS: Waters of the state as defined in Minnesota statutes section 103G.005, subdivision 15.~~

~~REGIONAL FLOOD: A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.~~

~~RETENTION FACILITY: A permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent pool of water.~~

~~SEDIMENT: Solid matter carried by water, sewage, or other liquids.~~

~~STRUCTURE: Any manufactured, constructed or erected building including portable structures and earthen structures.~~

~~WETLANDS: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three (3) attributes:~~

~~A. Have a predominance of hydric soils;~~

~~B. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and~~

~~C. Under normal circumstances, supports a prevalence of such vegetation. (1974 Code § 430.07)~~

~~9-5-5: SCOPE; COMPLIANCE REQUIRED:~~

~~A. Scope: This chapter shall apply to any land alteration requiring any of the following permits or approvals:~~

~~1. A building permit for any new single-family residential dwelling, two-family residential dwelling, multiple-family residential dwelling (3 or more attached dwelling units), commercial building, industrial building or institutional building, except for those properties where there exists a recorded contract or recorded agreement with the city which sets forth a stormwater, grading, drainage and erosion control plan that has been approved by the city;~~

~~2. A preliminary plat;~~

~~3. An excavation permit as regulated by chapter 4 of this title;~~

~~4. Public improvement projects.~~

~~B. Compliance With Provisions: No building permit, preliminary plat, excavation permit or public improvement project shall be approved until approval of a stormwater management plan has been obtained in strict conformance with the provisions of this chapter.~~

~~C. Exemptions: The provisions of this chapter do not apply to:~~

1. ~~Any currently valid building permit, preliminary plat, excavation permit, or public improvement project approved prior to the effective date hereof;~~

2. ~~Construction of agricultural structures or land alterations associated with agricultural uses unless an excavation permit is required by chapter 4 of this title;~~

3. ~~Installation of a fence, sign, telephone, and electric poles and other kinds of posts or poles; or~~

4. ~~Emergency work to protect life, limb, or property. (Ord. 1241, 10-10-2011)~~

~~9-5-6: SUBMISSION REQUIREMENTS:~~

~~A stormwater management plan shall be submitted with all permit applications identified in subsection 9-5-5A of this chapter. Two (2) sets of clearly legible blue or black lined copies of drawings and required information shall be submitted. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum, the scale shall be one inch equals one hundred feet (1" = 100'). The stormwater management plan shall contain the following information, which may be combined into one or more drawings or may be combined with submission requirements of other permits or approvals:~~

A. ~~Existing Site Map: A map of existing site conditions showing the site and immediately adjacent areas, including:~~

   1. ~~The name and address of the applicant, the section, township and range, north point, date and scale of drawing and number of sheets;~~

   2. ~~Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks;~~

   3. ~~Existing topography with a contour interval appropriate to the topography of the land, but in no case having a contour interval greater than two feet (2');~~

   4. ~~A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including any classification given to the water body or wetland by the Minnesota department of natural resources, the Minnesota pollution control agency and/or the United States army corps of engineers;~~

   5. ~~Location and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate stormwater is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where stormwater collects;~~

6. ~~A description of the soils of the site, including a map indicating soil types of areas of critical erosion to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and describing any remedial steps to be taken by the developer to render the soils suitable;~~

7. ~~Vegetative cover and clearly delineating any vegetation proposed for removal; and~~

8. ~~100-year floodplain, flood fringes and floodways.~~

B. ~~Site Construction Plan: A site construction plan including:~~

1. ~~Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;~~

2. ~~Locations and dimensions of all temporary soil or dirt stockpiles;~~

3. ~~Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this chapter;~~

4. ~~Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this chapter; and~~

5. ~~Provisions for maintenance of the construction site erosion control measures during construction.~~

C. ~~Plan Of Final Site Conditions: A plan of final site conditions on the same scale as the existing site map showing the site changes including:~~

1. ~~Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;~~

2. ~~A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;~~

3. ~~A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect;~~

4. ~~The proposed size, alignment and intended use of any structures to be erected on the site;~~

5. ~~The proposed location of individual sewage treatment systems;~~

6. ~~A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and~~

7. ~~Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary for the review of the project. (1974 Code § 430.11)~~

~~9-5-7: PLAN REVIEW PROCEDURE:~~

A. ~~Process: Storm water management plans meeting the requirements of section 9-5-6 of this chapter shall be reviewed by the engineering division in accordance with the standards of section 9-5-8 of this chapter. The director of public works, or designee, shall approve, approve with conditions, or deny the storm water management plan.~~

B. ~~Duration: A storm water plan approved in accordance with this chapter shall become void if the corresponding building permit, excavation permit, preliminary plat, or public improvement project expires or becomes invalid.~~

C. ~~Conditions: A storm water management plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this chapter are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to ensure buffering, and require the conveyance for storm water management purposes to the city or other public entity of certain lands or interests therein.~~

D. ~~Letter Of Credit: Prior to approval of any storm water management plan, the applicant shall submit a letter of credit or cash escrow to cover the estimated cost of site restoration. The letter of credit or cash escrow amount shall be based on ten thousand dollars ($10,000.00) per acre of gross lot area with a five thousand dollar ($5,000) minimum.~~

E. ~~Amendment: A storm water management plan may be revised in the same manner as originally approved. (1974 Code § 430.13)~~

~~9-5-8: APPROVAL STANDARDS:~~

~~No storm water management plan which fails to meet the standards contained in this section shall be approved by the city.~~

A. ~~General Criteria:~~

1. ~~An applicant shall install or construct all storm water management facilities necessary to manage increased runoff so that the 2-year and 10-year storm peak discharge rates existing before the proposed land alteration shall not be increased and accelerated. Channel erosion shall not occur as a result of the proposed land disturbing or development activity.~~

2. ~~The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.~~

3. ~~The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:~~

   a. ~~Infiltration of runoff on site, if suitable soil conditions are available for use;~~

   b. ~~Flow attenuation by use of open vegetated swales and natural depressions;~~

   c. ~~Storm water retention facilities; and~~

   d. ~~Storm water detention facilities.~~

4. ~~A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection A1 of this section. Justification shall be provided by the applicant for the method selected.~~

B. ~~Storm Water Retention Criteria: Land alterations involving one acre or more of total impervious surface area (existing and proposed) shall require on site storm water retention facilities designed according to the most current technology as reflected in the MPCA publication "Protecting Water Quality In Urban Areas", and shall contain, at a minimum, the following design factors:~~

1. ~~A permanent pond surface area equal to two percent (2%) of the impervious area draining to the pond or one percent (1%) of the entire area draining to the pond, whichever amount is greater.~~

2. ~~An average permanent pool depth of four feet (4') to ten feet (10').~~

3. ~~A permanent pool length to width ratio of three to one (3:1) or greater.~~

4. ~~A minimum protective shelf extending ten feet (10') into the permanent pool with a slope of ten to one (10:1) beyond which slopes should not exceed three to one (3:1).~~

5. ~~A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of ten feet (10').~~

6. ~~All storm water retention facilities shall have a device to keep oil, grease, other floatable material from moving downstream as a result of normal operations.~~

7. ~~Storm water retention facilities for new developments must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the 10-year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan.~~

8. ~~All storm water retention facilities must have a means to remove coarse grained particles prior to discharge into a watercourse or storage basin.~~

9. ~~An extended detention basin, existing wetland when in conformance with subsection C of this section, or other storm water management facility may be used in place of a retention pond when a permanent pool of water is not desired with respect to public safety, character of surrounding development, and aesthetics as determined by the director of public works.~~

~~C. Site Dewatering: Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydrocyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site, receiving channels or wetlands.~~

~~D. Waste And Material Disposal: All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off site and not allowed to be carried by runoff into a receiving channel or storm sewer system.~~

~~E. Tracking: Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.~~

~~F. Drain Inlet Protection: All storm drain inlets shall be protected during construction, until control measures are in place, with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA publication "Protecting Water Quality In Urban Areas".~~

~~G. Site Erosion Control: The following criteria apply only to construction activities that result in runoff leaving the site:~~

1. ~~Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheet flow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than 0.5 ft. 3/sec. across the disturbed area for the 1-year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.~~

2. ~~All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.~~

3. ~~Runoff from the entire disturbed area on the site shall be controlled by meeting either subsections G3a and G3b or subsections G3a and G3c of this section.~~

   a. ~~All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measure.~~

   b. ~~For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent (1%) of the area draining to the basin and at least three feet (3') of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet (3'). The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.~~

   c. ~~For sites with less than ten (10) acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales, or equivalent control measures must include a maintenance and inspection schedule.~~

4. ~~Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty five feet (25') from the toe of the pile to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw, bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty five feet (25') of a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days, and the storm drain inlets must be protected with straw, bale or other appropriate filtering barriers.~~

H. ~~Wetlands: Existing wetlands may be used for storm water management purposes, provided the following criteria are met:~~

1. ~~The wetland shall not be classified as a group I or II water within the city water resource management plan.~~

2. ~~A protective buffer strip of natural vegetation at least ten feet (10') in width shall surround all wetlands.~~

3. ~~A sediment trapping device or area that is designed to trap sediments 0.5 millimeters in size or greater with a trap volume size based upon a prescribed maintenance schedule shall be installed prior to discharge of storm water into the wetlands.~~

4. ~~The natural outlet control elevation of the wetlands, if it is not a DNR public water, shall not be changed except when either:~~

   a. ~~The outlet is intended to restore the wetland to its original elevation;~~

   b. ~~The wetland basin is landlocked and the artificial outlet control is placed no lower than one and one-half feet (1.5') below the ordinary high water mark;~~

   c. ~~The proposed level control is identified in the city water resource management plan; or~~

   d. ~~The level change is approved by a technical evaluation panel convened pursuant to the state wetland conservation act of 1991 (WCA).~~

5. ~~The water fluctuation from storm water shall not be increased over what occurs naturally, except as provided in subsection H4c of this section.~~

6. ~~The wetland shall not be a protected fen.~~

7. ~~Wetlands shall not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas in accordance with the WCA. When wetland replacement is required, it shall be guided by the following principles in descending order of priority:~~

   a. ~~Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;~~

   b. ~~Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;~~

   c. ~~Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;~~

   d. ~~Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and~~

   e. ~~Compensating for the impact by replacing or providing substitute wetland resources or environments.~~

8. ~~If the wetland is a DNR public water, all necessary permits from the DNR shall be obtained.~~

~~I. Models/Methodologies/Computations: Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the director of public works. Plans, specifications and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the director of public works.~~

~~J. Watershed Management Plans/Ground Water Management Plans: Storm water management plans shall be consistent with adopted watershed management plans and ground water management plans prepared in accordance with Minnesota statutes sections 103B.231 and 103B.255, respectively, and as approved by the Minnesota board of water and soil resources in accordance with state law. (1974 Code § 430.15)~~

~~9-5-9: FEE IN LIEU OF FACILITIES:~~

~~A. Fee In Lieu: In lieu of the storm water management facilities required in section 9-5-8 of this chapter, the city may allow an applicant to make a monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing and development activities when consistent with the city water resource management plan.~~

~~B. Calculation Of Fee: The amount of monetary contribution shall be based on twenty five cents ($0.25) per square foot of total impervious surface area (existing and proposed) on the subject property. For preliminary plats, an estimated impervious coverage per lot, subject to the approval of the director of public works, shall be included in the total impervious surface area calculation.~~

~~C. Payment Of Fee: Payment of a monetary contribution shall occur as follows:~~

~~1. Building permit: Upon issuance of a building permit.~~

~~2. Excavation permit: Upon issuance of an excavation permit.~~

~~3. Preliminary plat: Upon approval of the final plat or commencement of land alteration, whichever occurs first. (1974 Code § 430.17)~~

~~9-5-10: MAINTENANCE STANDARDS:~~

~~All storm water management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes, and to be structurally sound. In addition, the following maintenance standards shall apply:~~

~~A. All storm water detention ponds shall be maintained to ensure continued effective removal of pollutants from storm water runoff. In addition, upon fifty percent (50%) of the pond's original design volume being filled with sediment, the sediment shall be removed and the pond restored to its original design.~~

~~B. The director of public works, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation and at least once every five (5) years thereafter.~~

~~C. The applicant shall provide all necessary easements upon the subject property for inspection and maintenance purposes of stormwater management facilities as determined by the director of public works.~~

~~D. Stormwater management facilities serving a single-family residential area or subdivision, but more than one single-family lot, shall be maintained by the city. The cost incurred by the city for maintenance of said facilities shall be assessed or levied through a special stormwater taxing district against the properties contributing stormwater runoff to or through the facility.~~

~~E. Stormwater management facilities serving a multiple-family residential building or development; a commercial, industrial or institutional building or development; or an individual parcel shall be maintained by the property owner on which the facility is located, unless it is determined by the director of public works that it is in the best interests of the city for the city to maintain such facilities. If the city is to maintain the stormwater management facilities, the cost incurred by the city for the maintenance may be assessed or levied as described in subsection D of this section. (1974 Code § 430.19)~~

~~9-5-11: PENALTY:~~

~~Any person, firm or corporation violating any provision of this chapter shall be fined as provided in section 1-4-1 of this code, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1974 Code § 430.21; amd. 2008 Code)~~

~~9-5-12: CONFLICTING PROVISIONS:~~

~~In the event of any conflict between the provisions of this chapter and the provisions of this code, the more restrictive standard prevails. (1974 Code § 430.23)~~

9-5-1: AUTHORIZATION:

This Ordinance is adopted pursuant to Minnesota Statutes Section 462.351 for cities and towns (1990).

Nothing in this ordinance shall be construed to limit the existing authority of the City to enforce rules and regulations in place. This ordinance shall be cumulative to and in furtherance of any statutory, common law, or other legal right, duty, power, or authority possessed by the City. Compliance with this ordinance or any permit or plan approval rendered hereunder, shall not excuse any person from compliance with any other federal, state or local law, ordinance, regulation, rule or order.

Any powers granted to, or duties imposed upon the Director of Public Works, may be delegated by the Director of Public Works to other city personnel.

9-5-2: FINDINGS:

The City of Inver Grove Heights, hereby finds that uncontrolled and unmanaged stormwater and snowmelt runoff can have significant adverse impacts upon water resources; and can adversely affect the health, safety, property and general welfare of the community, and diminish the public enjoyment and use of natural resources. Specifically, runoff can:

A. Cause erosion to exposed soil resulting in loss of topsoil and deposition of sediments.

B. Carry nutrients, pathogens, organic matter, heavy metals, toxins, and other pollutants to lakes, streams, and wetlands.

C. Diminish the capacity of water resources to support recreational and water supply uses and reduces the natural diversity of plant and animal life.

D. Clog existing drainage systems, increasing maintenance problems and costs.

E. Cause bank and channel erosion.

F. Increase downstream flooding.

G. Reduce groundwater recharge, which may diminish stream base flows and lower water levels in lakes, ponds, and wetlands.

H. Contaminate drinking water supplies.

I. Increase risk of property damage and personal injury.

Further, effective stormwater pollution prevention, addressing the following issues, depends on proper planning and design, the timely installation and maintenance of site and situation of appropriate best management practices (BMPs), and prompt and appropriate response upon discovery of previously unknown pollutant sources.

9-5-3: PURPOSE:

The purpose of this ordinance is to set forth minimum requirements for managing the quantity and quality of runoff from all types of land uses throughout the City to achieve the following objectives:

A. Protect, preserve, and use natural surface and groundwater storage and retention systems;

B. Improve the quality of stormwater runoff reaching surface water resources within the City and the Mississippi River by reducing nonpoint source pollution (including sediment) carried as stormwater runoff;

C. Minimize flood damage to residential, business, commercial and public structures and property, and protect against increased flooding caused by land disturbing activities and other projects;

D. Reduce volumes of stormwater runoff and the amount of impervious surfaces in the developed parts of the City;

E. Limit the rates and volumes, and increase the treatment of stormwater runoff, by managing stormwater runoff as close to its source as possible and mimicking the system's natural hydrology;

F. Minimize flood damage to residential, business, commercial, and public structures and property, and protect against increased flooding caused by land disturbing activities and other projects;

G. Minimize erosion and sedimentation;

H. Minimize damage from sediments resulting from eroded soil;

I. Regulate land-disturbing activities to protect against erosion and sedimentation;

J. Implement soil protection and sedimentation controls to maintain health, safety, and welfare;

K. Protect and enhance fish and wildlife habitat and water recreational facilities; and

L. Secure the other benefits associated with proper management of surface and ground water.

9-5-4: DEFINITIONS:

Unless specifically defined below, the words or phrases used in this chapter shall have the same meaning as they have in the Minnesota Stormwater Manual and if not defined there, as they are defined in common usage. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "must" are always mandatory and not merely directive.

APPLICANT: Any person or entity that applies for any permit for a project that includes a Land Disturbing Activity. Applicant also means that person's agents, employees, and others acting under that person's direction.

BEST MANAGEMENT PRACTICES (BMPs): Erosion and sediment control and stormwater management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction phasing, minimizing the length of time soil areas are exposed, and other management practices published by state or designated area-wide planning agencies. BMPs include integrated management practices (IMP), which are small-scale, distributed, onsite stormwater management devices.

Examples of BMPs can be found in the current versions of the Inver Grove Heights Stormwater Manual – Northwest Area (2006), the Minnesota Pollution Control Agency's Minnesota Stormwater Manual.

BUFFER: A protective vegetated zone located adjacent to a natural resource, such as a lake, stream or wetland, which is subject to direct or indirect human alteration. Such a buffer strip is an integral part of protecting an aquatic ecosystem through filtering pollutants and providing adjacent habitat. For a stream, the width of a buffer strip is the width along each bank of the stream. Therefore, a 30 foot wide stream with 100-foot wide buffer strips has a total width of 230 feet. Buffer vegetation may include preserving existing predevelopment vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation.

CITY PLAN: Any City adopted or approved planning document such the Comprehensive Plan, Water Resources Management Plan, Inver Grove Heights Stormwater Manual – Northwest Area (2006), land use plan, or other.

CONSTRUCTION ACTIVITY: A disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating.

CONVEYANCE: A structure or feature used for transferring water from one location to another.

DESIGN STORM: A rainfall event of specified size and return frequency that is used to calculate the runoff volume and peak discharge rate and is used to measure the performance of stormwater management practices.

DISCHARGE: The release, conveyance, channeling, runoff, or drainage of stormwater, including snowmelt, into a receiving water resource.

DRAINAGEWAYS: Any natural or constructed channel which provides a course for water flowing either continuously or intermittently.

EROSION: Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

EROSION AND SEDIMENT CONTROL PRACTICE (ESC): The management procedures, techniques, and methods to control soil erosion and sedimentation.

EROSION CONTROL: Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

EROSION AND SEDIMENT CONTROL TECHNICIAN (ESC Tech): For the purposes of construction site erosion and sediment control, the person or persons designated by the Contractor who have successfully completed ESC Training from the University of Minnesota; Minnesota Department of Transportation Certification; Minnesota Erosion Control Association Training; or other training recognized by the MPCA as meeting the requirements of the NPDES Construction Stormwater Permit.

EXPOSED SOIL AREAS: All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include stockpiles or surcharge areas of gravel, concrete or bituminous. Once soil is exposed it is considered "exposed soil," until it meets the definition of "final stabilization."

FINAL STABILIZATION: Final stabilization means that:

A. All soil disturbing activities at the site have been completed; and

B. A uniform perennial vegetative cover with a density of seventy-five (75) percent of the native background vegetative cover for unpaved areas has been established, or equivalent permanent stabilization measures have been employed.

Simply sowing grass seed is not considered final stabilization.

FLOOD EVENT (100-year): The precipitation or snowmelt runoff event which has a 1% chance of occurring at a given location within any one-year time period.

FLOOD LEVEL (100-year): The peak water surface elevation of an inundation area or basin resulting from a 100-year flood event.

FLOOD FRINGE: The portion of the floodplain outside of the floodway.

FLOODPLAIN: The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

FLOODWAY: The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplain that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

ILLEGAL DISCHARGE: Any direct or indirect non-storm water discharge to the storm drain system.

ILLICIT CONNECTIONS: An illicit connection is defined as either of the following:

A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyance which allows any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

IMPERVIOUS SURFACE: A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

INFILTRATION: Flow of water from the land surface into the subsurface.

INLET PROTECTION: Preservation of the integrity and protection from erosion of the area where water enters into a treatment area usually by vegetation or armoring.

INUNDATION AREA OR BASIN: A low lying area that is subject to periodic flooding. Examples include wetlands, ponds, lakes, streams, open channels, or any low lying area or basin.

LAND DISTRUBING ACTIVITY: Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the City's jurisdiction or into and adjacent jurisdiction. This may include, but is not limited to:

A. A disturbance to the land that results in a change in the topography.

B. Disturbance of the existing soil cover (both vegetative and non-vegetative cover).

C. A disturbance of the existing soil topography that may result in accelerated stormwater runoff.

D. A pavement rehabilitation project that removes the pavement and exposes the subgrade base material (a partial depth mill and overlay project is not considered a land disturbing activity).

Land disturbing activity includes clearing and grubbing, grading, excavating, transporting and filling of land for all new construction and redevelopment. Ongoing operations and maintenance

activities for existing facilities such that any single activity does not exceed project sizes specified in section 9-5-6 of this chapter are not considered land disturbing activity.

LANDLOCKED BASIN: A basin that does not discharge under back-to-back 100-year, 24-hour rainfall events.

LID (Low Impact Development): An innovative stormwater management approach with a basic principle that is modeled after nature by managing rainfall at the source.

MPCA: Minnesota Pollution Control Agency.

NATURAL OVERFLOW ELEVATION: The low point on the landscape where water will leave a depression or basin.

NORMAL WATER LEVEL (NWL): The water level in a natural water body or constructed pond having an outlet or overflow control structure that is the lowest water level held by the outlet or overflow structure, or for land locked basins, the elevation that may be attained naturally by infiltration, evaporation, or transpiration often demarked by a change in vegetation from terrestrial to aquatic. For basins with piped outlets, the NWL is the invert elevation of the outlet pipe.

NRCS: Natural Resources Conservation Service.

OPERATOR: The person (usually the general contractor), designated by the owner, who has day-to-day operational control and/or the ability to modify project plans and specifications related to the stormwater management plan.

ORDINARY HIGH WATER LEVEL (OHW): Minnesota Statute 103G.005, subdivision 14 states that the Ordinary High Water level means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:

A. the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;

B. for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and

C. for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

The term ordinary high water mark is further defined in Minnesota Rule 6120.2500, subpart 11, as amended from time to time.

Ordinary high water marks are determined by the Minnesota Department of Natural Resources' area hydrologist.

OWNER: The person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity.

PERMANENT COVER: Means "final stabilization." Examples include vegetative cover composed primarily of grasses, and hard surfaces, such as gravel, asphalt, and concrete. See also the definition of "final stabilization.

PLANNED UNIT DEVELOPMENT: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

RATE CONTROL: Controlling the rate that stormwater is released from localized holding areas into larger conveyance systems.

RECHARGE: The addition of water to an aquifer by natural infiltration or artificial means.

REDEVELOPMENT: Any construction, alteration, or improvement that disturbs land on sites where existing land use is commercial, industrial, institutional, residential or linear projects including road or trail construction.

REGIONAL FLOOD: A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

SEDIMENT CONTROL: The methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, other appropriate measures, and temporary or permanent sedimentation basins.

SHORELAND DISTRICT OR SHORELAND: All lands located within the following distance from the ordinary high water level of a public water:

A. 1,000 feet from a lake pond or reservoir;

B. 300 feet from a river or stream.

STABILIZED: The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, or other material that prevents erosion. Simply sowing grass seed is not considered stabilization.

STEEP SLOPE: Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 18 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

STORMWATER MANAGEMENT PLAN: A joint stormwater management and erosion and sediment control plan that when implemented will provide for both temporary and permanent control of soil erosion on a parcel of land, prevent off-site non-point source pollution, and control stormwater rates and volumes.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): A plan for storm water discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.

STRUCTURE: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

SUBDIVISION: Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minnesota Rule 6120.2500, subpart 17 defines subdivision as, ". . . land that is divided for the purpose of sale, rent, or lease, including planned unit development."

SWCD: Soil and Water Conservation District.

TOTAL MAXIMUM DAILY LOAD (TMDL): The amount of a pollutant from both point and nonpoint sources that a waterbody can receive and still meet water quality standards.

WETLANDS: Defined in Minn. R. 7050.0130, subp. F and includes those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state; to be a wetland the area must meet wetland criteria for soils, vegetation, and hydrology as outlined in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual.

9-5-5: SCOPE; COMPLIANCE REQUIRED:

A. Applicability:

1. All applicants for a building permit, excavations and fillings permit, right of way excavation permit, right of way utility permit, wetland management permit, subdivision approval, planned unit development, or administrative lot split shall be in compliance

with the applicable erosion and sediment control and stormwater management requirements of this chapter.

2. All land disturbing activities and other construction activity disturbing more than 1,000 square feet of land, or more than 50 cubic yards of excavation or fill must prepare and submit an erosion control plan as per subsection 9-5-6(A) of this chapter, and be in compliance with the plans approved for the project.

3. Land disturbing activities and other construction work disturbing a cumulative total of more than 5,000 square feet of land as of the date of this ordinance, or more than 100 cubic yards of excavation or fill must prepare and submit an erosion control plan and a stormwater management plan as per subsection 9-5-6(B) of this chapter, and be in compliance with the plans approved for the project.

4. Private roads or driveways on slopes any part of which exceeds 10% not part of a project requiring a stormwater management plan shall be in compliance with the erosion and sediment control design standards of this chapter.

5. Linear electric, telephone, cable television, utility lines or individual service connections to these utilities in excess of 1,000 feet in length shall be in compliance with the erosion and sediment control requirements of this chapter.

6. No land disturbing activities shall be permitted on steep slopes unless special arrangements and protective measures are developed as part of an erosion and sediment control plan, and approved by the City.

7. Harvesting or removal of silvicultural (forestry) crops shall be in compliance with an erosion and sediment control plan approved for the project and follow the guidelines set forth by the Minnesota Forest Resources Council's publication Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers (1999, Minnesota Forest Resources Council, St. Paul, Minnesota).

8. No building permit shall be issued, nor shall a subdivision be approved, until the erosion control plan and/or stormwater management plan has been approved as applicable or a waiver of these requirements has been obtained in conformance with the provisions of this chapter.

9. Any project impacting wetlands within the City must follow and meet the requirements of the Wetland Conservation Act and the additional requirements in the City's Northwest Area Stormwater Plan.

10. All projects shall protect, preserve and use natural surface and groundwater storage and retention systems.

B. Compliance with Other Plans or Regulations: In the event that any provision of this Chapter conflicts with any other applicable plan or regulation, the more restrictive regulation shall apply.

C. Joint Responsibility: The owner and the general contractor shall both be identified on the stormwater management plan permit application. The general contractor who signs the application is jointly responsible with the owner for compliance with all permit conditions.

D. Exemptions: The provisions of this chapter do not apply to:

1. Cemetery graves;

2. Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible;

3. Any currently valid building permit, preliminary plat, excavations and fillings permit, or public improvement project approved prior to the effective date of this ordinance;

4. Stormwater management requirements shall not apply to construction on individual lots within a residential subdivision previously approved by the City, provided the activity complies with the original common plan of development;

5. Installation of fence, sign, telephone, and electric poles, except as in subsection 9-5-5(A)(5) of this chapter;

6. Any part of a subdivision if a plat for the subdivision has been approved by the City on or before the effective date of this ordinance;

7. Additions, alterations, enlargements, or changes to an existing single- or two-family dwelling, if they do not exceed 1,000 square feet of land disturbance or 50 cubic yards of excavation or fill;

8. Drain tiling, tilling, planting, or harvesting of agricultural or horticultural crops except as specifically identified and such activities shall implement SWCD and NRCS approved erosion control practices; and

9. All maintenance, repair, resurfacing and reconditioning activities of existing road, bridge and highway systems which do not involve land disturbing activities outside of the existing surfaced roadway area.

E. NPDES General Stormwater Permit for Construction Activity: Land disturbing activities disturbing equal to or greater than one acre of land are required to obtain a Minnesota

NPDES General Stormwater Permit for Construction Activity in addition to complying with requirements of the City.

F. NPDES Multi-Sector General Permit for Industrial Activity: Facilities engaged in the activities defined in the permit are required to apply for permit coverage to the MPCA and follow the permit requirements applicable to the type(s) of industrial activity at the facility.

G. Owner or Operator Changes: For storm water discharges from construction activities where the owner or operator changes, the new owner or operator can implement the original plan created for the project, or develop and implement their own SWPPP. The new owner or operator must notify the Director of Public Works of permit transfer/modification within 7 days of assuming control of the site or commencing work on-site, or of the legal transfer, sale or closing on the property.

H. Waiver: The City Council may waive any requirement of this chapter that is within the City's jurisdiction upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth. The City Council may require, as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

9-5-6: APPLICATION PROCEDURES:

The application for the permit shall be made in writing on such form as the City may from time to time designate, and shall include such information as may be required by the project scope as specified in section 9-5-5 of this chapter and as set forth herein. For all submittals and plans, the preparer shall have the applicable Minnesota professional license or certification and provide the information on the plans and documents.

A. Erosion and Sediment Control Plan Application Procedures:

1. A written application for erosion and sediment control plan approval, along with the proposed erosion and sediment control plan, shall be filed with the Director of Public Works, when applicable as per subsection 9-5-5(A)(2) of this chapter. The application shall include a statement indicating the purpose for which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this ordinance.

2. An electronic (PDF format) set of drawings and required information shall be submitted to the Director of Public Works and shall be accompanied by all applicable fees.

3. The erosion and sediment control plan must be reviewed by the Director of Public Works prior to issuance of a permit.

4. Erosion and sediment control plan content. At a minimum, the erosion and sediment control plan shall contain the information in items 5 through 9 below, for all work, except as determined otherwise by staff.

5. Identification and description:

   a. Applicant's name and address;

   b. Legal description and address;

   c. Names, addresses, and phone numbers of the primary contact, record owner, and an agent, land surveyor, and engineer, if any;

   d. Names, addresses, and phone numbers of the primary contact for the project general contractor. If general contractor is not known at time of application, such information shall be submitted prior to the start of any land disturbing activities;

   e. General location map; and

   f. Date of preparation on any maps provided.

6. Site Plan(s) shall include:

   a. Boundary lines of existing and proposed plan;

   b. Existing and proposed permanent and temporary drainage, utility, and other easements;

   c. Existing and proposed zoning classifications for land within and abutting the development;

   d. Acreage and lot dimensions;

   e. Site map with existing and proposed topography to a 1 foot or 2 foot contour interval, final grades, including dividing lines and direction of flow for all pre-and post-construction stormwater runoff drainage areas located within the project limits. The site map(s) must also include existing and proposed impervious surfaces and soil types. This information must be shown extending at least 100 feet beyond property lines or as necessary to show the ultimate drainage features;

   f. Location of existing and proposed roads, property lines and structures;

   g. Location and dimensions of existing and proposed natural waterways and stormwater drainage systems;

h. Location of existing natural water bodies including lakes, streams, and wetlands on or immediately adjacent to property, as well as normal water level and ordinary high water level (if available), including all surface waters and existing wetlands, within one-half mile from the project boundaries which will receive stormwater runoff from the construction site, during or after construction. Where surface waters receiving runoff associated with construction activity will not fit on the plan sheet, they must be identified with an arrow, indicating both direction and distance to the surface water. The plan must identify if the surface water is a special water or impaired water; and

i. Vegetative cover, wooded areas, and a clear delineation of any vegetation proposed for removal.

7. A site construction plan including:

   a. Locations and dimensions of all proposed land disturbing activities;

   b. Locations and dimensions of all temporary soil or dirt stockpiles or areas where stockpiles may be placed during construction;

   c. Location of areas where construction will be phased to minimize duration of exposed soil areas; and

   d. Locations of areas not to be disturbed. Buffer zones must be described and identified on plan sheets or project maps in the erosion and sediment control plan.

8. Completed erosion and sediment control plan specifying the erosion and sediment control practices to be utilized including the following:

   a. Location and type of all temporary and permanent erosion prevention and sediment control BMPs along with procedures to be used to establish additional temporary BMPs as necessary for the site conditions during construction;

   b. Standard plates and/or specifications for the BMPs used on the project must be included in the final plans and specifications for the project;

   c. Estimated quantities tabulation must be included for all erosion prevention and sediment control BMPs in the erosion and sediment control plan, e.g., lineal feet of silt fence, square yards of erosion control blanket, etc.;

   d. BMPs for dewatering activities;

   e. Management of solid and hazardous wastes; and

   f. Computations and documentation regarding the sizing and location of temporary sediment basins.

9. Both the applicant and the contractor shall sign the erosion and sediment control plan certifying their understanding of the measures and that penalties may be exacted by the Director of Public Works for failure to comply with the measures agreed upon.

B. Stormwater Management Plan Application Procedures:

1. A written application for stormwater management plan approval, along with the proposed stormwater management plan, the stormwater pollution prevention plan (SWPPP) if required by the NPDES General Construction Permit, erosion and sediment control plan as per subsection 9-5-6(A) of this chapter, and site construction plan, shall be filed with the Director of Public Works, when applicable, as per subsection 9-5-5(A)(3) of this chapter. The application shall include a statement indicating the purpose for which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this ordinance.

2. Prior to applying for approval of a stormwater management plan, an applicant may have the stormwater management plan reviewed by the appropriate departments of the City. The SWPPP may be substituted for applicable portions of the stormwater management plan.

3. The stormwater management plan must be reviewed and approved by the Director of Public Works prior to issuance of a permit.

4. An electronic (PDF format) set of drawings and required stormwater management plan information shall be submitted to the Director of Public Works and shall be accompanied by all applicable fees.

5. Stormwater Management Plan Content:

   a. If the project disturbs equal to or greater than one acre of land, the stormwater management plan shall contain the information required for compliance with the most recent requirements for a Storm Water Pollution Prevention Plan (SWPPP) as part of the Minnesota Pollution Control Agency's NPDES/SDS "Application for General Stormwater Permit for Construction.

      A copy of the NPDES General Construction Permit must be provided within seven days of receipt.

   b. The stormwater management plan and the site construction plan shall meet all of the requirements set forth in section 9-5-9 of this chapter.

   c. The owner must have an approved stormwater management plan prior to conducting any land disturbing activity. The SWPPP must be a combination of narrative, plan

sheets and, if appropriate, standard detail sheets that address the foreseeable conditions, at any stage in the construction or post construction activities.

d. Site Plan(s) shall including all the information listed in Section 9-5-6 (A)(6)-(7):

e. A site construction plan including all the information listed in Section 9-5-6 (A)(7).

f. Owners and operators shall ensure either directly or through coordination with other permitees that their plan meets all terms and conditions of this permit and that their activities do not render another party's erosion and sediment control and stormwater management plans ineffective.

g. A storm water facility maintenance agreement (SWFMA) indicating the responsible party or parties charged with the long-term operation and maintenance, repair, or replacement of any privately owned stormwater conveyance and BMP facilities. SWFMA shall also include information on the intended final ownership of the properties containing such facilities and the means by which inspection, operation, maintenance, repair, or replacement shall be funded and accomplished. The SWFMA shall specify the types and frequencies of routine and major maintenance activities. An annual inspection report on maintenance activities and inspections shall be submitted to the Director of Public Works by January 1st of each year for activities completed in the previous 12 month period.

h. Lot sizes, layout, numbers and preliminary dimensions of lots and blocks.

i. Minimum building setback lines as required by the zoning ordinance.

j. Areas and size of areas other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use.

k. Finished grading shown as 2 foot contours to clearly indicate the relationship of proposed changes to existing topography and remaining features.

l. A drainage plan of the developed site delineating in which direction and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect.

m. Location of proposed public sewer (storm and sanitary) and water mains.

n. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials and proposed ground cover (final stabilization) which will be added to the site as part of the development.

o. For bioretention systems, provide a plant palette of native vegetation species to be used and specify the size and spacing of plants.

p. Calculations for stormwater runoff volume, peak discharge velocities, and peak flow rates for the 2-yr, 24-hour event, 10-yr, 24-hour event, and 100-yr, 24-hour event.

q. Normal water level, 100-year high water level, and emergency overflow elevations for ponding areas on the site.

r. Any other information pertinent to the particular project that, in the opinion of the Director of Public Works, is necessary for the review of the project.

6. Alteration of the course, current, or cross-section of drainageways: For land disturbing activities that alter natural or constructed drainageways, the stormwater management plan shall additionally contain the following information:

   a. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;

   b. Bankfull discharge rate (typically, the 1.5 year recurrence interval) of creek or stream if there is a waterway on the site or if the site discharges directly to a waterway; and

7. Models/Methodologies/Computations: Hydrologic and/or hydraulic models, calculations and design methodologies used for determining runoff characteristics and analyzing stormwater management structures. Plans, specifications and computations for stormwater management facilities submitted for review shall be signed by a registered professional engineer.

8. Legal documents: Legal documents for securing temporary or permanent easements as necessary shall be submitted for review.

9. Record Drawings for BMPs: All BMPs less than 200 square feet shall be located with a single survey point with the elevation and coordinates taken in the bottom center of the BMP. Larger BMPs shall be located with sufficient survey points to define the shape of the BMP.

9-5-7: EROSION AND SEDIMENT CONTROL PLAN STANDARDS AND APPROVAL:

A. Approval: The applicant must develop an erosion and sediment control plan. The erosion and sediment control plan shall be completed prior to submitting any permit applications and prior to conducting any construction activity. The erosion and sediment control plan must be a combination of narrative, plan sheets and if appropriate standard detail sheets that address the foreseeable conditions, at any stage in the construction or post construction activities. The plan must include a description of the nature of the construction activity and the anticipated

schedule of activities. The plan must address the potential for discharge of sediment and/or other potential pollutants from the site.

B. Compliance with Other Plans: For any project disturbing one or more acres of land, all erosion and sediment control plans must be prepared by a qualified individual, conform to the MPCA's NPDES General Permit to Discharge Stormwater from Construction Sites, and incorporate the appropriate ESC BMPs described in the Minnesota Stormwater Manual.

C. Site Erosion Control Design Standards: The erosion and sediment control plan requirements must be incorporated into the project's final plans and specifications and/or project documentation, as appropriate. The Site Erosion Control Plan shall include measures to ensure the following standards are fulfilled:

1. Sediment control practices must minimize sediment from entering surface waters, including curb and gutter systems and storm sewer inlets.

2. Temporary or permanent drainage ditches and sediment basins that are designed as part of a treatment system (e.g., ditches with rock check dams) require sediment control practices as appropriate for site conditions.

3. In order to maintain sheet flow and minimize rills and/or gullies, there shall be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or steeper.

4. To limit soil erosion, all exposed soil areas must be stabilized as soon as possible but in no case later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

5. Sediment control practices must be established on all down gradient perimeters before any upgradient land disturbing activities begin. These practices shall remain in place until final stabilization has been established.

6. The timing of the installation of sediment control practices may be adjusted to accommodate short-term activities such as clearing or grubbing, or passage of vehicles. Any short-term activity must be completed as quickly as possible and the sediment control practices must be installed immediately after the activity is completed. However, sediment control practices must be installed before the next precipitation event even if the activity is not complete.

7. All storm drain inlets must be protected by appropriate BMPs during construction until all sources with potential for discharging to the inlet have been stabilized.

8. Temporary soil stockpiles must have silt fence or other effective sediment controls, and shall not be placed in surface waters, including stormwater conveyances such as curb and gutter systems, conduits, or ditches.

9. Vehicle tracking of sediment from the construction site (or onto streets within the site) must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street.

D. Inspection and Maintenance:

1. The contractor shall designate a ESC Technician that shall:

   a. Be familiar with all aspects of a given site's ESC activities.

   b. Be responsible for all inspections, record keeping, communication, and/or coordination with the City, and implementation of required corrective actions.

   c. Be available to visit the site during working hours within four hours of notification by the Director of Public Works.

   d. Provide written documentation, with submittal of the Stormwater Pollution Prevention Permit application, of successful completion of ESC training as defined below, or other training/certification program approved by the Director of Public Works.

2. The ESC Technician must routinely inspect the entire construction site once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.

3. All inspections and maintenance conducted during construction must be recorded in writing and these records must be retained with the erosion and sediment control plan.

4. All erosion prevention and sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs within 24 hours after discovery, or as soon as field conditions allow access.

5. The owner and operator are responsible for the operation and maintenance of temporary and permanent water quality management BMP/IMPs, as well as all erosion prevention and sediment control BMPs, for the duration of the construction work at the site.

6. If sediment escapes the construction site, off-site accumulations of sediment must be removed in a manner and at a frequency sufficient to minimize off-site impacts.

9-5-8: STORMWATER MANAGEMENT PLAN STANDARDS AND APPROVAL:

A. Approval: No stormwater management plan which fails to meet the standards contained in this section shall be approved. All proposed projects required to submit a stormwater management plan, as per subsection 9-5-5(A) of this chapter, shall incorporate the erosion

and sediment control plan requirements set forth in sections 9-5-6 and 9-5-7 of this chapter into the stormwater management plan.

The City may prohibit or restrict the use of stormwater infiltration practices when soil conditions, groundwater supply issues, safety issues, snow removal, and other concerns would show such practices to be impractical or unsafe. All such exceptions must be approved by the Director of Public Works. Specific prohibitions and restrictions on infiltration practices are:

1. Infiltration systems are prohibited:

    a. Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by MPCA.

    b. Where vehicle fueling and maintenance occur.

    c. Where the bottom of the infiltration basin is less than 3 feet to bedrock or seasonally saturated soils.

    d. Where high levels of contaminants in soil or groundwater will be mobilized by infiltration.

    e. Within areas designated as Very High Vulnerability and High Vulnerability within a Drinking Water Supply Management Area (DWSMA).

2. The City restricts the use of infiltration systems in areas:

    a. Low permeability soils (i.e., Hydrologic Soil Group D soils) or where a confining layer exists below the proposed basin.

    b. Within 1,000 feet upgradient or 100 feet down gradient of active karst features.

    c. Within the areas designated as: Moderate Vulnerability; and Low to Very Low Vulnerability within a Drinking Water Supply Management Area (DWSMA).

    d. Where soil infiltration rates are more than 8.3 inches per hour.

3. For linear projects where the lack of right-of-way precludes the installation of volume control practices that require volume control in accordance with subsection 9-5-8(D)(1) of this chapter, the City may allow a lesser volume control on the construction site provided a reasonable attempt has been made to obtain right-of-way during the project planning process and:

    a. One or more of the prohibited or restricted site conditions listed above exists; and

b. The owner implements other practices (e.g., evapo-transpiration, reuse, conservation design, green roofs, etc.) on the site that may not fully meet the volume control requirements.

B. Compliance with Other Plans: All stormwater management plans must be prepared in accordance with the City Plans, City permits, TMDL allocation plans, and other special district plans as adopted and amended from time to time.

C. Stormwater Management Criteria for Permanent Facilities: The applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage increased runoff in compliance with design standards set forth in the Inver Grove Heights Stormwater Manual – Northwest Area (2006) and all subsequent revisions and as directed by the Director of Public Works.

1. Stormwater BMPs and IMPs shall infiltrate 1.0 inch of runoff from new impervious surfaces for new developments. For redevelopment projects, stormwater BMPs and IMPs shall infiltrate 1.0 inch of runoff from new and redeveloped impervious.

2. Pollutant Removal Requirements:

   a. For projects that have met the infiltration/volume control requirements above, the pollutant removal requirements are considered to be met.

   b. For projects where infiltration is prohibited or restricted (see subsections 9-5-8(A)(3)(a) and 9-5-8(A)(3)(b) of this chapter), the following pollutant removal standards apply prior to site discharge reaching a downstream receiving water: achieve a minimum 85% removal of total suspended solids and minimum 55% removal of total phosphorus.

   c. For redevelopment projects, BMPs shall be such that there is a net reduction in phosphorus and total suspended solids loading from the redevelopment site when compared to the existing (currently developed) site.

   d. Where projects propose multiple BMPs in a treatment train approach to meet the pollutant removal requirements, at least 50% of the project area shall be treated in BMPs located in the upstream areas of the site.

3. Low Impact Development (LID), or Green Infrastructure, design concepts shall be incorporated into development projects located in the Northwest Area and in other landlocked basins in the City. In all other parts of the City, LID design concepts must be implemented where ever possible. Specific LID-related requirements for the Northwest Area and other land locked basin areas include:

a. Post development runoff volume must match predevelopment runoff volume for the 5-year 24-hour event.

b. Proposed developments must use infiltration raingardens, vegetated swales, parking lot bioretention, infiltration basins/trenches, disconnection of impervious surfaces, green roofs, and other LID techniques.

c. Mass grading should be avoided to reduce compaction of natural/open space areas.

d. Joint parking and shared driveway arrangements are encouraged.

e. Pervious materials may be used for parking lot surfaces and are encouraged for single-family residential driveways.

f. Parking lot curbing generally must be flat (ribbon curb) or have breaks at regular intervals (curb cuts) to convey runoff into the stormwater system.

g. Residential downspouts and sump pumps must discharge to cisterns and/or permeable surfaces. Non-residential downspouts and sump pumps must meet this requirement if reasonably possible.

h. Narrower street widths are allowed, with restrictions.

4. Applicants shall include methods for reducing the amount of impervious surface on their sites. Methods to use include:

   a. Reducing road widths, such as allowing parking on only one side of a residential street.

   b. Eliminating pavement in the center of cul-de-sacs.

   c. Reducing sidewalk widths.

   d. Allowing and providing for shared parking.

   e. Creating a smaller building footprint (e.g., building two-story houses instead of one-story houses).

   f. Installing semipermeable/permeable paving, where feasible.

5. Storm sewer conveyance systems will be designed to provide discharge capacity for the 10 year frequency runoff event. The City may allow variances to this standard in areas where a new storm sewer system would connect to an existing storm sewer system that does not have and is not expected in the future to have a 10 year capacity. The portions of the system that convey outflows from ponding areas will be sized to convey the critical

10 year storm flow or the required 100 year outflow from upstream ponding areas, whichever is greater. The storm sewer systems shall be designed for 10 year storm events and their performance shall be analyzed for storms exceeding the design storm.

6. Post-development peak discharge rates shall not exceed existing discharge rates for the 2-year, 5-year, 10-year, and 100-year (50 percent, 20 percent, 10 percent, and 1 percent probability) 24-hour duration storm events. Hydrologic modeling to calculate the flood levels resulting from the 2-year, 5-year, 10-year, and 100-year 24-hour duration storm events shall be submitted for review.

7. Atlas 14 precipitation and storm distribution data shall be used for all hydrologic/hydraulic analyses.

8. The City will require the incorporation of emergency overflow structures (e.g., swales, spillways), where feasible, into pond outlet structure designs to prevent undesired flooding resulting from storms larger than the 100-year (1 percent) event or plugged outlet conditions.

9. All ponds shall use multi-stage outlets where needed to control flows from smaller, less frequent storms and help maintain base flows in downstream open channels. Pipes entering wet ponds shall have the invert elevation set 0.5 feet below the pond normal water level.

10. For culvert outlet velocities less than or equal to 4 fps, check shear stress to determine if vegetation or riprap will be adequate. If vegetation is used, temporary erosion control during and immediately follow construction shall be used until vegetation becomes established. For velocities greater than 4 fps, energy dissipaters shall be designed in accordance with MnDOT Design Criteria.

11. The placement of skimming devices at the outlet of all on-site detention basins to capture trash and floatable debris is required.

12. For landlocked basin areas only the existing tributary area will be allowed to discharge to a landlocked basin, unless provisions have been made for an outlet from the basin. The water quality and flooding impacts of proposed outlets from landlocked basins on downstream water resources shall be evaluated.

13. The Lowest Floor Elevation (LFE) of any structure adjacent to an inundation area with an outlet shall be at least two (2) feet above the 100-year flood level. For the purposes of this section, structure means a walled and roofed building, including gas or liquid storage tanks, which are principally above ground. The term includes recreational vehicles and travel trailers on site for more than 180 days.

14. The Lowest Floor Elevation (LFE) of any structure (as described in Section 9-5-8 (C)(13))~~Item 13~~) adjacent to a landlocked basin or inundation area shall meet the following standards and as illustrated in Figure 1:

    a. Scenario 1: Where the 100-year flood level is 0 to 6 feet below the natural overflow elevation (NOF) the LFE shall be the greater of the 100-year elevation plus 2 feet or the NOF plus 1 foot. The NOF must be maintained and an easement obtained over the NOF.

    b. Scenario 2: Where the 100-year flood level is 6 to 18 feet below the NOF, the LFE shall be the 100-year elevation plus 6 feet. The overflow shall consist of a drop inlet having a minimum pipe diameter of 18 inches and an invert set 4 feet above the 100-year flood level.

    c. Scenario 3: Where the 100-year flood level is more than 18 feet below the NOF, the LFE shall be the 100-year elevation plus 10 feet. The overflow shall include an easement corridor and contingency for a future gravity outlet or lift station outlet.

    d. For all landlocked basins, the LFE shall be set at least 1 foot above the greater of the back-to-back 100-year storm event and a 100-year 10-day snow melt.

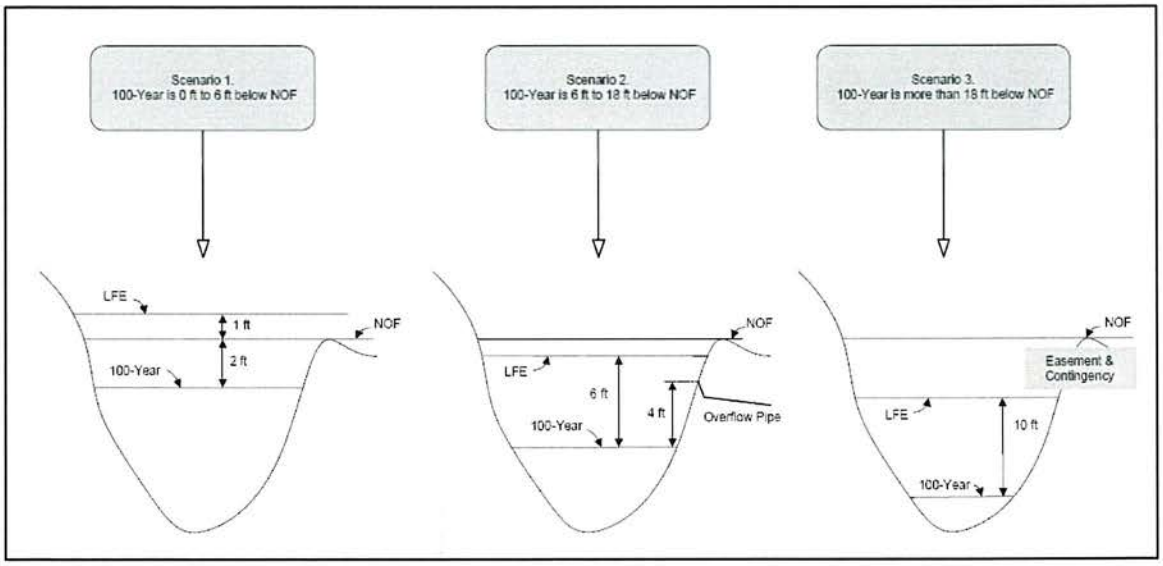

Figure 1: Lowest Floor Elevation Standards for Landlocked Basins

15. The City may allow non-building structures or fill with an inundation area, provided the structure or fill is placed in an area where the 100-year flood level is not more than 18 inches in depth in the location of the activity, and the activity does not result in any loss of flood storage volume or result in an increase in the regulatory flood elevation.

D. Mitigation For Permanent Facilities: If the applicant, in consultation with the Director of Public Works, believes that the requirements for volume control, TP and/or TSS cannot be

met on the site of the original construction activity, the applicant may request to pursue mitigation off-site and provide appropriate documentation to the city as support for a request to pursue mitigation. The proposed mitigation must meet the following criteria:

1. Mitigation project areas should be selected in the following order of preference and in consultation and with approval by the city:

    a. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.

    b. Locations within the same Department of Natural Resource (DNR) catchment area (or City subwatershed area shown in the WRMP) as the original construction activity.

    c. Locations in the next adjacent DNR catchment area (or City subwatershed area shown in the WRMP) up-stream.

    d. Priority locations within the city.

2. Mitigation projects must involve the creation of new structural stormwater BMPs, the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.

3. Routine maintenance of structural stormwater BMPs required by this section cannot be used to meet mitigation requirements.

4. Mitigation projects must be completed within 24 months after the start of the original construction activity.

5. If the mitigation project is a private structural stormwater BMP and the city is not responsible for long-term maintenance of the project, the city will require written and recorded documentation of maintenance responsibilities.

E. Models/Methodologies/Computations: Hydrologic models and design methodologies used for determining runoff characteristics and analyzing stormwater management structures shall be as set forth in the Inver Grove Heights Stormwater Manual – Northwest Area (2006) and all subsequent revisions and as directed by the Director of Public Works.

F. Legal Documents: Legal documents for securing permanent easements as necessary shall be submitted for review. Easements extending up to at least the 100-year flood elevation over floodplains, detention areas, wetlands, ditches, and all other parts of the stormwater system shall be conveyed to the City.

9-5-9: STORMWATER AND URBAN RUNOFF POLLUTION CONTROL:

A. Good Housekeeping Provisions: Any owner or occupant of property within the City shall comply with the following good housekeeping requirements:

1. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm drain systems may occur. This section shall apply to both actual and potential discharges.

2. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provision of the City's Code.

3. Storage of Materials, Machinery, and Equipment:

   a. Objects, such as motor vehicle parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

   b. Any machinery or equipment which is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.

B. Removal of Debris and Residue: All motor vehicle parking lots located in areas susceptible to runoff shall be kept clean of debris and residues. Such debris shall be collected and disposed of properly. Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which are located in an area susceptible to runoff, shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through the County collection program or at any other appropriate disposal site and shall not be placed in a trash container.

9-5-10: MAINTENANCE OF PERMANENT STORMWATER FACILITIES:

A. Maintenance of stormwater pollution prevention BMPs shall meet the following minimum standards:

   1. All stormwater pollution prevention BMPs shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally sound.

   2. All stormwater pollution prevention BMPs shall have a plan of operation and maintenance that assures continued effective functionality as designed.

   3. Upon completion of all construction on a given site, stormwater pollution prevention BMPs shall be maintained as necessary to return the BMP to its original design function and capacity.

B. Assignment of responsibility for maintenance of facilities, associated costs, and necessary easements are detailed in the stormwater facilities maintenance agreement or improvement agreement for the project.

C. If site features/BMPs that are implemented to comply with the permanent stormwater requirements change such that a reduction in the intended design function and capacity is determined by the City, the owner will be required to maintain the BMP to restore the intended design function and capacity of the BMP, modify the BMP or create a new BMP(s) to ensure that the features/BMPs on site meet the intended design function and capacity.

9-5-11: PENALTY, ENFORCEMENT, RIGHT OF ENTRY:

A. Any person, firm or corporation violating any provision of this chapter shall be fined as provided in section 1-4-1 of this code, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1974 Code 430.21; amd. 2008 Code)

B. The Director of Public Works may inspect construction sites for compliance with provisions of this ordinance.

C. Notification of Failure of the Erosion and Sediment Control Plan or Stormwater Management Plan.

1. Notification by City: If upon notification by the City of an observed failure of the erosion and sediment control plan or stormwater management plan measures, the contractor fails to correct the failure within Forty-eight (48) hours after notification by the City or the time specified by the City, the City, at its discretion, may begin corrective work.

2. Erosion Off-Site: If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, may more than seven (7) calendar days go by without corrective action being taken. If in the opinion of the City, the permit holder does not repair the damage caused by the erosion, the City may do the remedial work required.

3. Erosion/Sediment Deposition into Streets, Wetlands, or Water Bodies: The applicant shall immediately cleanup and repair any eroded soils (including tracked soils from construction activities) or sediment that has entered, or appears likely to enter, streets, wetlands, or other water bodies. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup and repair operations.

4. Failure to Do Corrective Work. When an applicant fails to conform to any provision of this chapter within the time stipulated, the City may take the following actions.

a. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.

b. Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.

c. Direct the correction of the deficiency by City staff or by a separate contract. The issuance of a permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting deficiencies in the erosion and sediment controls and stormwater management facilities.

d. All costs incurred by the City in correcting erosion and sediment controls and stormwater management deficiencies shall be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the City, payment will be made from the applicant's financial securities, as set by other City permits/approvals.

e. If there is an insufficient financial amount in the applicant's financial securities to cover the costs incurred by the City, then the City may assess the remaining amount against the property.

D. Notification of Need for Maintenance, Repair, or Replacement of Existing Private Stormwater Facilities of a Non-Critical Nature:

If, upon inspection, the City finds that any private stormwater management facilities require maintenance, repair, or replacement, but such deficiencies do not create a critical or imminent threat to adjacent properties, the environment, or other stormwater facilities; the party or parties responsible for the continued operation of the facilities shall be given written notice of the findings, the actions required to correct the situation, and a timetable by which such activities must be completed. Such parties shall have 15 days to reply to the City indicating their response to the notice.

If the responsible party or parties do not complete the necessary activities stipulated by the City Public Works Department, the City, after notice, may order that such activities be completed by the City or its designated contractor and that all costs associated with such activities be certified by the Director of Public Works to the Council. The amount so charged shall be a lien upon the properties benefiting from and utilizing the stormwater facilities maintained, repaired or replaced and shall be added to, become, and form part of the taxes next to be assessed and levied upon such properties. The Council shall, by appropriate resolution, assess the above-mentioned costs against said properties, and certify the same to the County. The same shall be collected and enforced in the same manner as the collection of real estate taxes.

E. Operator Responsibility: The contractor is jointly responsible with the owner for compliance with all portions of the permit and stormwater management plan prior to final completion of construction activities.

9-5-12: CONFLICTING PROVISIONS:

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

To the extent this Chapter imposes standards that are inconsistent with other City codes or requirements, code or standard that imposes the more restrict requirements shall prevail.

Section Two. Effective Date. This Ordinance shall be effective from and after its passage and publication according to law.

Passed in regular session of the City Council on the ___ day of _____, 2016.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

By: _____
Michelle Tesser, Deputy City Clerk