



INVER GROVE HEIGHTS CITY COUNCIL AGENDA

Monday, November 28, 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. Resolution Approving Disbursements for Period Ending November 17, 2016
 - B. Joint Powers Agreement for the Dakota county Electronic Crimes Unit (ECU)
 - C. Authorize Payments to Churches for Polling Locations for the 2016 Primary and General Elections
 - D. Consider Approval of 2017 Parks and Recreation Department Fees
 - E. Consider Resolution Approving the Dakota County 2017 Community Funding Application for Waste Abatement Activities
 - F. Consider Amendments to Development Contract for Blackstone Ridge relating to Bypass Lane on 70th Street
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. Consider Approval of the 2017 Renewal Applications for Liquor Licenses
7. **REGULAR AGENDA**:
 - I. **FINANCE**:

 - A. Consider Second Reading of an Ordinance Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees
 - II. **COMMUNITY DEVELOPMENT**:
 - B. **DAN LENCOWSKI**; Consider Resolutions relating to Variances to allow an accessory structure over 1,000 square feet and to allow a setback of 17.7 feet where as 50 feet is required for property located at 9311 Rich Valley Boulevard.
 - C. **B52 RESTAURANT**; Consider a Planned Unit Development Amendment and an Amendment to the Bishop Heights PUD Ordinance to add 2,299 square feet of roof top restaurant space for Lot 2/3, Block 1, Bishop Heights and amending traffic volumes for the property located at 5639 Bishop Avenue.

III. PUBLIC WORKS:

D. Resolution Establishing Utility Rates for 2017

E. Third 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

8. MAYOR & COUNCIL COMMENTS:

9. EXECUTIVE SESSION:

1. Joint Powers Agreement for Dakota County Property Purchase Pursuant to Minn. Stat. §13D.05, Subd. 3 (c)(2) and (3) relating to Flannery Property; to review confidential or protected non-public appraisal data and to consider offers and counteroffers.

2. Fire Department Discussion on Possible Property Purchase Pursuant to Minn. Stat. §13D.05, Subd. 3 (c)(3) to consider offers and counteroffers.

3. Preliminary consideration of allegations against employee Larry Stanger pursuant to Minn. Stat. § 13D.05, Subd. 2(b).

10. 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

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: November 28, 2016
 Item Type: Consent
 Contact: Kristi Smith 651-450-2521
 Prepared by: Bill Schroepfer, Accountant
 Reviewed by: N/A

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

PURPOSE/ACTION REQUESTED

Approve the attached resolution approving disbursements for the period of November 10, 2016 to November 17, 2016.

SUMMARY

Shown below is a listing of the disbursements for the various funds for the period ending November 17, 2016. The detail of these disbursements is attached to this memo.

General & Special Revenue	\$456,881.13
Debt Service & Capital Projects	137,809.30
Enterprise & Internal Service	284,388.83
Escrows	38,144.80
	<hr/>
Grand Total for All Funds	<u><u>\$917,224.06</u></u>

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 November 10, 2016 to November 17, 2016 and the listing of disbursements requested for approval.

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

**RESOLUTION APPROVING DISBURSEMENTS FOR THE
PERIOD ENDING November 17, 2016**

WHEREAS, a list of disbursements for the period ending November 17, 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	\$456,881.13
Debt Service & Capital Projects	137,809.30
Enterprise & Internal Service	284,388.83
Escrows	38,144.80
 Grand Total for All Funds	 <u><u>\$917,224.06</u></u>

Adopted by the City Council of Inver Grove Heights this 28th day of November, 2016.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk



Expense Approval Report

By Fund

Payment Dates 11/10/2016 - 11/17/2016

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
AFSCME COUNCIL 5	INV0058314	11/11/2016	UNION DUES (AFSCME FAIR SHARE)	101.203.2031000	31.70
AFSCME COUNCIL 5	INV0058315	11/11/2016	UNION DUES (AFSCME FULL SHARE)	101.203.2031000	820.40
AFSCME COUNCIL 5	INV0058316	11/11/2016	UNION DUES (AFSCME FULL SHARE-F	101.203.2031000	70.32
CENTURY FENCE COMPANY	168511001	11/16/2016	10/3/16	101.44.6000.451.40047	3,124.00
CENTURY FENCE COMPANY	168514501	11/16/2016	16-85145-1	101.44.6000.451.40047	8,268.00
CITY OF SAINT PAUL	IN00018141	11/16/2016	77	101.42.4000.421.50080	67.72
COMCAST	10/19/16 8772 10 591 0024	11/02/2016	8772 10 591 0024732	101.42.4200.423.30700	(10.42)
COMCAST	11/5/16 8772 10 591 03595	11/16/2016	8772 10 591 0359526	101.42.4200.423.30700	11.12
CULLIGAN	10/31/16 157-98459118-8	11/16/2016	157-98459118-8	101.42.4200.423.60065	73.90
CULLIGAN	10/31/16 157-98459100-6	11/14/2016	157-98459100-6	101.42.4200.423.60065	51.90
DOUGHERTY, MOLENDIA, SOLFEST, HILLS & BA	158989	11/16/2016	7072 37835	101.42.4000.421.30410	213.00
EFTPS	INV0058338	11/11/2016	FEDERAL WITHHOLDING	101.203.2030200	46,847.21
EFTPS	INV0058340	11/11/2016	MEDICARE WITHHOLDING	101.203.2030500	12,263.36
EFTPS	INV0058341	11/11/2016	SOCIAL SECURITY WITHHOLDING	101.203.2030400	34,642.30
ELDER-JONES BUILDING PERMIT SERVICE	175509	11/16/2016	REFUND 8434 COPPERFIELD WAY	101.45.0000.3221000	129.80
EYEMED	4031711	11/16/2016	NOVEMBER 2016	101.203.2032700	233.12
GENESIS EMPLOYEE BENEFITS ACH ONLY	INV0058319	11/11/2016	HSA ELECTION-FAMILY	101.203.2032500	2,554.74
GENESIS EMPLOYEE BENEFITS ACH ONLY	INV0058320	11/11/2016	HSA ELECTION-SINGLE	101.203.2032500	2,674.37
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.41.1100.413.30550	31.75
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.41.2000.415.30550	72.14
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.42.4000.421.30550	254.24
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.42.4200.423.30550	21.50
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.43.5000.441.30550	15.01
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.43.5100.442.30550	44.50
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.43.5200.443.30550	39.00
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.44.6000.451.30550	41.03
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.45.3000.419.30550	18.92
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.45.3200.419.30550	16.15
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	101.45.3300.419.30550	29.50
GERTENS	2196/6	11/16/2016	103566	101.44.6000.451.60016	163.20
HILLYARD INC	602303480	11/16/2016	274086	101.42.4200.423.60011	367.01
ICMA RETIREMENT TRUST - 457	INV0058321	11/11/2016	ICMA-AGE <49 %	101.203.2031400	4,540.81
ICMA RETIREMENT TRUST - 457	INV0058322	11/11/2016	ICMA-AGE <49	101.203.2031400	4,252.30
ICMA RETIREMENT TRUST - 457	INV0058323	11/11/2016	ICMA-AGE 50+ %	101.203.2031400	1,434.69
ICMA RETIREMENT TRUST - 457	INV0058324	11/11/2016	ICMA-AGE 50+	101.203.2031400	5,094.36
ICMA RETIREMENT TRUST - 457	INV0058325	11/11/2016	ICMA (EMPLOYER SHARE ADMIN)	101.203.2031400	78.92
ICMA RETIREMENT TRUST - 457	INV0058334	11/11/2016	ROTH IRA (AGE 49 & UNDER)	101.203.2032400	1,219.24
ICMA RETIREMENT TRUST - 457	INV0058335	11/11/2016	ROTH IRA (AGE 50 & OVER)	101.203.2032400	200.00
ICMA RETIREMENT TRUST - 457	INV0058336	11/11/2016	ROTH-AGE <49 %	101.203.2032400	118.70
INVER GROVE FORD	10/25/16 94917	11/16/2016	94917	101.42.4000.421.70300	803.43
IUOE	INV0058326	11/11/2016	UNION DUES IUOE	101.203.2031000	1,182.67
LELS	INV0058327	11/11/2016	UNION DUES (LELS)	101.203.2031000	1,620.00
LELS SERGEANTS	INV0058337	11/11/2016	UNION DUES (LELS SGT)	101.203.2031000	294.00
LEVANDER, GILLEN & MILLER P.A.	10/31/16 92000E	11/16/2016	92000E	101.42.4000.421.30410	18,351.95
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	101.41.1100.413.50025	236.55
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	101.41.1100.413.50025	16.60
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	101.41.1100.413.50025	20.75
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	101.41.1100.413.50025	282.20
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	101.41.1200.414.50025	29.05
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	101.41.1200.414.50025	114.75
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	101.45.3000.419.50025	1,012.60
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	101.45.3200.419.50025	556.10
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	101.45.3200.419.50025	145.25
MARTIN-MCALLISTER	10712	11/16/2016	INV001	101.41.1100.413.30500	500.00
MCMONIGAL, MIKE	10/11/16	11/16/2016	REIMBURSE - CABLE TIES	101.42.4200.423.60065	27.47
METROPOLITAN COUNCIL	OCTOBER 2016	11/16/2016	OCTOBER 2016	101.41.0000.3414000	(472.15)
MIKE'S SHOE REPAIR, INC.	11042016	11/16/2016	10/29/16	101.42.4200.423.30700	107.00
MINNESOTA DEPARTMENT OF HUMAN SERVICE	INV0058317	11/11/2016	JOEL JACKSON FEIN/TAXPAYER ID: 4	101.203.2032100	428.80
MINNESOTA DEPARTMENT OF HUMAN SERVICE	INV0058318	11/11/2016	JUSTIN PARRANTO FEIN/TAXPAYER I	101.203.2032100	106.13
MN DEPT OF LABOR & INDUSTRY	OCTOBER 2016 SURCHA	11/15/2016	OCTOBER 2016 SURCHARGE REPOR	101.207.2070100	3,144.80
MN DEPT OF LABOR & INDUSTRY	OCTOBER 2016 SURCHA	11/15/2016	OCTOBER 2016 SURCHARGE REPOR	101.41.0000.3414000	(62.90)
MN DEPT OF REVENUE	INV0058339	11/11/2016	STATE WITHHOLDING	101.203.2030300	18,498.40
OXYGEN SERVICE COMPANY, INC	03356858	11/16/2016	04394	101.42.4000.421.60065	27.28
PERA	INV0058328	11/11/2016	PERA COORDINATED PLAN	101.203.2030600	33,811.26
PERA	INV0058329	11/11/2016	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	2,600.74
PERA	INV0058330	11/11/2016	PERA DEFINED PLAN	101.203.2030600	69.23
PERA	INV0058331	11/11/2016	EMPLOYER SHARE (PERA DEFINED P	101.203.2030600	69.23
PERA	INV0058332	11/11/2016	PERA POLICE & FIRE PLAN	101.203.2030600	14,803.37
PERA	INV0058333	11/11/2016	EMPLOYER SHARE (POLICE & FIRE P	101.203.2030600	22,204.99

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
SENSIBLE LAND USE COALITION	11/16/16	11/16/2016	REGISTRATION - A. HUNTING H. BOT	101.45.3200.419.50080	80.00
SHAPCO PRINTING	326358	11/16/2016	0585	101.41.1100.413.50032	3,026.00
SIMPLEXGRINNELL	79005902	11/16/2016	148288	101.42.4200.423.30700	654.69
SOUTH ST PAUL, CITY OF	7/6/16-10/3/16	11/16/2016	UTILITY BILLING 7/6/16-10/3/16	101.207.2070900	34.32
STREICHER'S	I1233270	11/16/2016	285	101.42.4000.421.60045	188.00
STREICHER'S	I1233300	11/16/2016	285	101.42.4000.421.60045	2,494.00
STREICHER'S	I1233830	11/16/2016	285	101.42.4000.421.60045	599.59
STREICHER'S	I1234075	11/16/2016	285	101.42.4000.421.60045	359.64
STREICHER'S	CM274734	11/16/2016	285	101.42.4000.421.60045	(168.00)
THOMSON REUTER - WEST	834978418	11/16/2016	1000197212	101.42.4000.421.30700	190.05
TOTAL CONSTRUCTION & EQUIP.	69129	11/16/2016	CIT001	101.44.6000.451.40040	3,112.36
TOTAL CONSTRUCTION & EQUIP.	69133	11/16/2016	CIT001	101.44.6000.451.40047	382.48
U OF M	2110001952	11/16/2016	5027611	101.43.5000.441.50080	245.00
Fund: 101 - GENERAL FUND					261,847.19
GREENSPRING MEDIA GROUP	6124	11/16/2016	10/31/16	201.44.1600.465.50025	900.00
RIVER HEIGHTS CHAMBER OF COMMERCE	7806	11/16/2016	OCTOBER 2016	201.44.1600.465.30700	2,924.71
RIVER HEIGHTS CHAMBER OF COMMERCE	7806	11/16/2016	OCTOBER 2016	201.44.1600.465.40065	250.00
Fund: 201 - C.V.B. FUND					4,074.71
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	204.44.6100.452.30550	13.98
Fund: 204 - RECREATION FUND					13.98
EZ FITNESS SOLUTIONS, LLC	16-0008	11/16/2016	11/2/16	205.44.6200.453.40042	750.00
EZ FITNESS SOLUTIONS, LLC	16-0009	11/16/2016	11/2/16	205.44.6200.453.40042	399.63
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	205.44.6200.453.30550	3.50
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	205.44.6200.453.30550	26.64
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	205.44.6200.453.30550	12.50
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	205.44.6200.453.30550	12.50
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	205.44.6200.453.30550	11.00
HUEBSCH SERVICES	8034	11/16/2016	92965	205.44.6200.453.40040	88.39
HUEBSCH SERVICES	8034	11/16/2016	92965	205.44.6200.453.40040	204.79
MIDWEST TROPHY HOUSE	2590	11/16/2016	10/29/16	205.44.6200.453.60065	280.00
SCHOEPPNER, THERESE	11/9/16	11/16/2016	REFUND CANCELLED CLASS	205.44.0000.3493501	59.00
Fund: 205 - COMMUNITY CENTER					1,847.95
DAKOTA CTY PROP TAXATION & RECORDS	11/3/16 20-17750-06-030	11/16/2016	20-17750-06-030	290.45.3000.419.80100	733.65
DAKOTA CTY PROP TAXATION & RECORDS	11/3/16 20-17750-06-050	11/16/2016	20-17750-06-050	290.45.3000.419.80100	331.59
DCA TITLE MENDOTA HEIGHTS	11/15/16	11/15/2016	PURCHASE 6653 CONCORD SHEPARI	290.45.3000.419.80100	187,956.03
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	290.45.3000.419.30550	1.33
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	290.45.3000.419.50025	74.70
Fund: 290 - EDA					189,097.30
METROPOLITAN COUNCIL	OCTOBER 2016	11/16/2016	OCTOBER 2016	404.217.2170000	47,215.00
Fund: 404 - SEWER CONNECTION FUND					47,215.00
EHLERS AND ASSOCIATES, INC.	72044	11/16/2016	11/10/16	405.57.9000.570.30150	215.00
Fund: 405 - NORTH SIDE WTR STOR. FAC.					215.00
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	436.50.5900.736.50025	206.55
Fund: 436 - 2016 IMPROVEMENT FUND					206.55
SOUTH ST PAUL, CITY OF	7/6/16-10/3/16	11/16/2016	UTILITY BILLING 7/6/16-10/3/16	441.207.2070800	60.66
Fund: 441 - STORM WATER MANAGEMENT					60.66
FINLEY BROS, INC.	16-007731	11/16/2016	2016 COURT RESURFACING	444.74.5900.744.40047	53,500.00
Fund: 444 - PARK CAPITAL REPLACEMENT					53,500.00
S. M. HENTGES & SONS, INC.	FINAL PAY VO. 11	11/16/2016	CITY PROJECT NO. 2015-10	446.74.5900.746.80300	15,886.86
S. M. HENTGES & SONS, INC.	FINAL PAY VO. 11	11/16/2016	CITY PROJECT NO. 2015-10	446.74.5900.746.80300	19,675.23
Fund: 446 - NW AREA					35,562.09
STERICYCLE INC	8120973153	11/16/2016	15039104	454.43.5500.446.40025	1,050.00
Fund: 454 - LANDFILL ABATEMENT					1,050.00
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	501.50.7100.512.30550	43.78
SOUTH ST PAUL, CITY OF	7/6/16-10/3/16	11/16/2016	UTILITY BILLING 7/6/16-10/3/16	501.50.7100.512.40005	323.66
Fund: 501 - WATER UTILITY FUND					367.44
DAKOTA CTY TREASURER	OCTOBER 2016	11/16/2016	OCTOBER 2016	502.207.2070100	43.00
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	502.51.7200.514.30550	23.23
METROPOLITAN COUNCIL	0001060829	11/16/2016	5084	502.51.7200.514.40015	145,904.71
SOUTH ST PAUL, CITY OF	7/6/16-10/3/16	11/16/2016	UTILITY BILLING 7/6/16-10/3/16	502.51.7200.514.40015	492.82
Fund: 502 - SEWER UTILITY FUND					146,463.76

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	503.52.8000.521.30550	18.50
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	503.52.8500.526.30550	12.65
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	503.52.8600.527.30550	21.50
TDS MEDIA DIRECT, INC.	66419	11/16/2016	11/2/16	503.52.8500.526.50025	210.08
TDS METROCOM	11/13/16 651 457 3667	11/16/2016	651 457 3667	503.52.8500.526.50020	261.58
UNIFIRST CORPORATION	090 0330257	11/16/2016	1258268	503.52.8600.527.60045	46.04
UNIFIRST CORPORATION	090 0331348	11/16/2016	1258268	503.52.8600.527.60045	46.04
UNIFIRST CORPORATION	090 0332438	11/16/2016	1258268	503.52.8600.527.60045	46.04
Fund: 503 - INVER WOOD GOLF COURSE					662.43
EHLERS AND ASSOCIATES, INC.	72043	11/16/2016	11/10/16	511.50.7100.512.30150	53.75
Fund: 511 - NWA - WATER					53.75
EHLERS AND ASSOCIATES, INC.	72043	11/16/2016	11/10/16	512.51.7200.514.30150	53.75
Fund: 512 - NWA - SEWER					53.75
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	602.00.2100.415.30550	1.66
LEAGUE OF MN CITIES INS TRUST	C0023997	11/16/2016	10/11/16	602.00.2100.415.70200	1,000.00
LEAGUE OF MN CITIES INS TRUST	33329	11/16/2016	9/1/16-9/1/17	602.00.2100.415.50009	124,508.50
Fund: 602 - RISK MANAGEMENT					125,510.16
EHLERS AND ASSOCIATES, INC.	72042	11/16/2016	11/10/16	603.00.5300.444.70600	2,150.00
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	603.00.5300.444.30550	9.24
O' REILLY AUTO PARTS	1767-236347	11/16/2016	1578028	603.00.5300.444.40041	16.88
O' REILLY AUTO PARTS	1767-236422	11/16/2016	1578028	603.00.5300.444.40041	21.67
O' REILLY AUTO PARTS	1767-237036	11/16/2016	1578028	603.00.5300.444.40041	45.41
O' REILLY AUTO PARTS	1767-237148	11/16/2016	1578028	603.00.5300.444.40041	66.73
O' REILLY AUTO PARTS	1767-237188	11/16/2016	1578028	603.140.1450050	46.89
O' REILLY AUTO PARTS	1767-237329	11/16/2016	1578028	603.00.5300.444.40041	(18.00)
O' REILLY AUTO PARTS	1767-2377328	11/16/2016	1578028	603.00.5300.444.40041	116.22
O' REILLY AUTO PARTS	1767-238075	11/16/2016	1578028	603.00.5300.444.40041	179.92
O' REILLY AUTO PARTS	1767-238076	11/16/2016	1578028	603.00.5300.444.40041	38.10
O' REILLY AUTO PARTS	1767-238121	11/16/2016	1578028	603.00.5300.444.40041	29.99
O' REILLY AUTO PARTS	1767-238230	11/16/2016	1578028	603.00.5300.444.40041	29.99
O' REILLY AUTO PARTS	1767-238355	11/16/2016	1578028	603.00.5300.444.40041	39.93
O' REILLY AUTO PARTS	1767-238399	11/16/2016	1578028	603.00.5300.444.40041	68.75
O' REILLY AUTO PARTS	1767-238402	11/16/2016	15780285	603.00.5300.444.60012	8.49
O' REILLY AUTO PARTS	7-238397	11/16/2016	1578028	603.00.5300.444.40041	68.75
O' REILLY AUTO PARTS	1767-238398	11/16/2016	1578028	603.00.5300.444.40041	(68.75)
O' REILLY AUTO PARTS	1767-238400	11/16/2016	1578028	603.00.5300.444.40041	(39.93)
Fund: 603 - CENTRAL EQUIPMENT					2,810.28
COORDINATED BUSINESS SYSTEMS	CNIN224518	11/16/2016	4502512	604.00.2200.416.40050	3,421.63
Fund: 604 - CENTRAL STORES					3,421.63
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	605.00.7500.460.30550	3.50
HUEBSCH SERVICES	3765219	11/16/2016	100075	605.00.7500.460.40065	115.73
Fund: 605 - CITY FACILITIES					119.23
CDW GOVERNMENT INC	FQM4948	11/16/2016	2394832	606.00.1400.413.80610	16.50
CIVICPLUS	160749	11/16/2016	10/1/16	606.00.1400.413.30700	2,612.99
GENESIS EMPLOYEE BENEFITS, INC	IN896328	11/16/2016	Payroll	606.00.1400.413.30550	16.75
INTEGRA TELECOM	14224652	11/16/2016	887115	606.00.1400.413.50020	1,340.16
US INTERNET	110-080034-0037	11/16/2016	110-080034	606.00.1400.413.30700	220.00
WORKS COMPUTING, INC.	26635	11/16/2016	INVER	606.00.1400.413.30700	360.00
WORKS COMPUTING, INC.	26816	11/16/2016	INVER	606.00.1400.413.30700	360.00
Fund: 606 - TECHNOLOGY FUND					4,926.40
BOCKSTRUCK, JANE	11/8/16	11/16/2016	ESCROW REDUCTION 1784 86TH CT	702.229.2292102	9,000.00
BRANDEL, GARY & MAREN	11/8/16	11/16/2016	ESCROW REDUCTION	702.229.2285301	9,000.00
CENTURY FENCE COMPANY	168514501	11/16/2016	16-85145-1	702.229.2291400	8,268.00
HENNEPIN COUNTY DISTRICT COURT	16415054	11/16/2016	ROBERT DERRELL CYRRY	702.229.2291000	78.00
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	702.229.2303302	29.05
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	702.229.2303402	33.20
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	702.229.2305002	33.20
LILLIE SUBURBAN NEWSPAPERS	10/31/16 001363	11/16/2016	Advertising/Publishing	702.229.2305102	37.35
MURPHY, JAMES	11/8/16	11/16/2016	6042 BLAINE AVE	702.229.2292402	9,000.00
Fund: 702 - ESCROW FUND					35,478.80
CITY OF WEST ST. PAUL	2016-0348	11/16/2016	10/31/16	707.42.4000.421.30700	2,666.00
Fund: 707 - PD FEDERAL GRANT PASS THROUGH					2,666.00
Grand Total					917,224.06

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: November 28, 2016
 Item Type: Consent
 Contact: Lt. Sean Folmar (651)450-2465
 Prepared by: Lt. Josh Otis, Police Department
 Reviewed by: Interim Chief Sean Folmar, Police Department

Fiscal/FTE Impact:	
<input type="checkbox"/>	None
<input checked="" type="checkbox"/>	Amount included in current budget
<input type="checkbox"/>	Budget amendment requested
<input type="checkbox"/>	FTE included in current complement
<input type="checkbox"/>	New FTE requested – N/A
<input type="checkbox"/>	Other

PURPOSE/ACTION REQUESTED

Join Joint Powers Agreement for the Dakota County Electronic Crimes Unit (ECU). Adopt resolution relating to the City of Inver Grove Heights participation in the Dakota County Electronic Crimes Unit and authorize the Mayor and City Clerk to execute the document on behalf of the City of Inver Grove Heights.

SUMMARY

This Joint Powers Agreement expires on December 31, 2017, unless extended by agreement of all of the members. The purpose of this Joint Powers Agreement is to establish an organization to coordinate efforts to investigate illegal activities related to the use of electronic devices, the internet, and materials transmitted or used in electronic form and the prosecution of those conducting such illegal activities. The Dakota County Electronic Crimes Unit is made up of the following city and county agencies

City of Apple Valley
 City of Burnsville
 City of Farmington
 City of Hastings
 City of Inver Grove Heights

City of Mendota Heights
 City of Rosemount
 City of South St. Paul
 City of West St. Paul
 Dakota County

It is the recommendation of the Police Department to join and participate in the Dakota County Electronic Crimes unit. We request that the City Council approve the Joint Powers Agreement and adopt the resolution authorizing the Mayor and the City Clerk to execute documents on behalf of the City of Inver Grove Heights

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO.

RESOLUTION RELATING TO THE CITY OF INVER GROVE HEIGHTS PARTICIPATION IN THE
DAKOTA COUNTY ELECTRONIC CRIMES UNIT

WHEREAS, on November 28, 2016, the City Council of Inver Grove Heights passed a resolution to participate in the Dakota County Electronic Crimes Unit via a Joint Powers Agreement and

WHEREAS, the current Joint Powers Agreement will expire on December 31, 2017, unless extended by agreement of all members and

WHEREAS, the City Attorney for Inver Grove Heights and other member city and county attorney's have reviewed the Joint Powers Agreement

WHEREAS, the Dakota County Electronic Crimes Unit will coordinate efforts to investigate and prosecute those using electronic devices for illegal activities.

NOW, THEREFORE BE IT RESOLVED that the Inver Grove Heights Police Department recommends to the Inver Grove Heights City Council that they accept and ratify the Joint Powers Agreement for the Dakota County Electronic Crimes Unit.

Adopted by the City Council of the City of Inver Grove Heights on this 28th day of November, 2016.

Ayes:

Nays:

George Tourville, Mayor

Attest:

Michelle Tesser, City Clerk

DAKOTA COUNTY ELECTRONIC CRIMES TASK FORCE
JOINT POWERS AGREEMENT

The parties to this Agreement are units of government responsible for the enforcement of criminal laws in their respective jurisdictions. This Agreement is made pursuant to the authority conferred upon the parties by Minnesota Statutes §471.59.

NOW THEREFORE, the undersigned governmental units, in the joint and mutual exercise of their powers, agree as follows:

1. **Name.** The parties hereby establish the *Dakota County Electronic Crimes Task Force* ("*Task Force*").

2. **General Purpose.** The purpose of this Agreement is to establish an organization to coordinate efforts to investigate illegal activities related to the use of electronic devices, the Internet, and materials transmitted or used in electronic form and the prosecution of those conducting such illegal activities.

3. **Parties.** The parties to this Agreement are the following units of government:

City of Apple Valley
City of Burnsville
City of Farmington
City of Hastings

City of Mendota Heights
City of Rosemount
City of South St. Paul
City of West St. Paul
Dakota County

4. **Administrative Board.**

4.1 Creation and Composition. A joint powers board, known as the Electronic Crimes Task Force Administrative Board ("Board"), is established for the purposes contained herein with the powers and duties set forth in this Agreement. The Board shall consist of one member from each of the law enforcement units of government that participates in the Task Force, appointed by their respective police chief or sheriff. Board members appointed by police chiefs and the sheriff must be full-time supervisory peace officers of their jurisdiction or office. The police chief or sheriff may appoint an alternative member to attend Board meetings if the appointed member is unavailable. Alternates must be full-time supervisory peace officers from their jurisdiction or office. Board members shall not be deemed employees of the Task Force and shall not be compensated by it. At the discretion of the Dakota County Attorneys, the Dakota County Attorney's Office shall serve the Board in an advisory capacity. The fiscal agent shall maintain a roster of current Board members and appointed alternates.

4.2 Term. Board members and alternates shall serve at the pleasure of their respective police chief or sheriff. In the event that any Board member shall be removed by the appointing agency, the vacancy shall be filled by the appropriate appointing agency.

4.3 Officers. At its initial meeting after execution of this Agreement by all parties, the Board shall elect from its members (but not alternates) a chair, a vice-chair and a secretary/treasurer. The officers shall serve in their respective positions until the Board meets in January 2016, when Board members shall again elect from its members a chair, a vice-chair, a secretary/treasurer, and such other officers as it deems necessary to conduct its meetings and affairs. In January of each subsequent year the Board shall meet and elect from its members a chair, a vice-chair, a secretary/treasurer, and such other officers as it deems necessary to conduct its meetings and affairs. Officers shall serve for a term of one (1) year or until the officer ceases to be a board member, whichever is shorter.

4.4 Meetings. Except as provided in Paragraph 4.3, the Board shall meet in January of each year and shall have other regular and special meetings at such times and places as the Board shall determine. Special meetings may be held on three (3) days' notice by the chair or any two (2) board members, except that a special meeting to consider adoption of or amendments to the Board's operating rules pursuant to paragraph 6.1 shall require ten (10) days' notice. The presence of two-thirds (2/3) of the Board members at a meeting shall constitute a quorum.

4.5 Voting. Each Board member shall be entitled to one vote. If a Board member is unable to attend a meeting, the duly appointed alternative may attend and vote. Proxy voting is not permitted. The Board shall function by a majority vote of the board members, or alternates, present.

5. Duties of the Administrative Board.

5.1 The Board shall formulate a program to carry out its purpose.

5.2 The Board shall coordinate intelligence between the members and the Task Force.

5.3 The Board shall have prepared an independent audit of the books and accounts of the Task Force and shall provide an audit report to its members if any member requests a financial audit of the Task Force.

5.4 The Sheriff's Office shall provide annually a year-end review/expenditure report of the Task Force's activities.

5.5 The Board shall establish performance and quality control measures and periodically monitor those measures, to include Task Force investigatory practices and policies.

6. Powers of the Administrative Board.

6.1 The Board may adopt and amend such bylaws that it may deem necessary or desirable for the conduct of the business of the Board. Such bylaws shall be consistent with the terms of this Agreement and any applicable laws or regulations.

6.2 The Board may enter into any contract necessary or proper for the exercise of its powers or the fulfillment of its duties and enforce such contracts to the extent available in equity or at law. The Board may authorize the chair of the Board to enter into and execute those contracts.

6.3 The Board may disburse funds in a manner which is consistent with this Agreement and with the method provided by law for the disbursement of funds by the parties to this Agreement.

6.4 The Board may apply for and accept gifts, grants or loans of money or other property or assistance from- the United States Government, the State of Minnesota, or any person, association or agency for any of its purposes; enter into any agreement in connection therewith; and hold, use and dispose of such money, property or assistance in accordance with the terms of the gift, grant or loan relating thereto.

6.5 The Board may cooperate with other federal, state and local law enforcement agencies to accomplish the purpose for which it is organized.

6.6 The Board shall maintain liability coverage with the League of Minnesota Cities Insurance Trust (LMCIT) with a limit of at least \$1,500,000 per occurrence, under standard LMCIT liability coverage forms.

6.7 Technology equipment required to investigate crimes and analyze evidence seized by Agents of the Task Force shall be contributed and owned by Dakota County. The Board may hold such other property as may be required to accomplish the purposes of this Agreement and upon termination of this Agreement make distribution of such property as provided for in this Agreement.

6.8 The Board may create a policies and procedures manual for use by the Task Force. If a policy or procedure adopted by the Board conflicts with a policy or procedure of a member, that member's policy or procedure shall apply to any agent assigned by that member to the Task Force.

6.9 The Board may recommend changes in this Agreement to its members.

7. Budgeting and Funding.

7.1 7.1 The members intend to fund the cost of operating the Task Force through member contributions of funds and staff and by obtaining grant funds and restitution, if available. For 2015, the cities of Hastings, Farmington, Mendota Heights, Rosemount, South St. Paul and West St. Paul each will pay \$15,000 to the Task Force fiscal agent to be deposited in the Task Force account. For 2015 each of the cities of Burnsville and Apple Valley will contribute the services of one full-time licensed peace officer. For subsequent years, these cities, as well as any new member cities, each will pay an amount or contribute staffing determined by the Board so that the adopted budget will be adequately funded, provided only that any member may object to a proposed payment as excessive relative to the adopted budget. If a member's objection cannot be resolved, the Board may adopt a revised budget to accommodate the member's objection or an amendment to this Agreement approved by all members shall be approved and executed by each member's governing body. Other members may contribute the services of licensed peace officers as each deems appropriate.

7.2 The Board shall adopt a budget based upon grant funds received, member financial contributions and money made available from other sources. The Board may amend the budget as needed to reflect revenue and expenditure changes.

7.3 Dakota County shall serve as the fiscal agent of the Task Force and shall account for all funds received pursuant to this Agreement according to generally accepted accounting principles. The fiscal agent shall forward reports on Task Force receipts and disbursements to the members on a regular basis. Fiscal agent responsibilities shall include, but not be limited to: management of all funds, including member contributions and grant monies, payment for contracted services and relevant bookkeeping and recordkeeping. No payment on any invoice for services performed by any person providing services in connection with this Agreement shall be authorized unless approved by the Board chair, vice-chair or secretary/treasurer.

7.4 The members agree to contribute their financial contributions, grant funds and dedicated licensed peace officers required to operate the Task Force.

7.5 All funds shall be accounted for according to generally accepted accounting principles. The secretary/treasurer shall make a quarterly financial report of all expenditures and receipts, and current fund balances to the Board.

7.6 The Board may not incur debt.

7.7 The Board's obligation to reimburse members for any expense, furnish equipment and the like is contingent upon the receipt of grant funds for that purpose. If insufficient grant funds are received, the Board may reduce the level of reimbursement and/or reduce other expenditures.

8. Agents.

8.1 Each member shall inform the Board in December of each year of the identity of the licensed peace officers to serve as Agents for the Task Force for the following calendar year. The chief law enforcement officer shall have the responsibility for determining the identity of their agency's assigned officer(s). The number of licensed peace officer(s) per member allowed to serve as Agents for the Task Force must be approved in advance by the Board.

8.2 Agents are not employees of the Task Force. Agents shall remain employees of the member that has assigned them to the Task Force and shall be compensated by that member. Each party to this Agreement shall be responsible for injuries to or death of its own personnel. Each party to this Agreement waives its right to sue any other party for any workers' compensation benefits paid to its own employee or their dependents, even if the injury is caused wholly or partially by the negligence of any other party, or its officers, employees or agents.

8.3 The member appointing the Agent shall furnish the Agent with all standard department issued equipment necessary to perform all functions of the Agent. Agents' computers must meet Dakota County standards. Each member shall be responsible for damages to or loss of its own equipment. Each member waives the right to sue any other member for any damages to or loss of its equipment, even if the damages or loss were caused wholly or partially by the negligence of any other member or its officers, employees or agents.

8.4 The members shall maintain the officer positions hired to replace the officer assigned to the Task Force, or maintain the Full Time Equivalent or Half Time Equivalent staffing assigned to the Task Force as described in Section 8.1.

9. Indemnification. The Task Force is a separate and distinct public entity to which the parties have transferred all responsibility and control for actions taken pursuant to this Agreement. The Task Force shall defend and indemnify the parties, and their officers, employees, and agents, from and against all claims, damages, losses, and expenses, including attorney fees, arising from Task Force activities or operations, and decisions of the Board.

Nothing in this Agreement shall constitute a waiver of the statutory limits on liability set forth in Minnesota Statutes, Chapter 466, or a waiver of any available immunities or defenses.

To the fullest extent permitted by law, action by the parties to this Agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the parties that they shall be deemed a "single governmental unit" for the purposes of liability, as set forth in Minnesota Statutes, Section 471.59, subd. 1a(a), provided further that for purposes of that statute, each party to this Agreement expressly declines responsibility for the acts or omissions of another party.

Nothing herein shall be construed to provide insurance coverage or indemnification to an officer, employee, or agents of any party for any act or omission for which the officer, employee, or agent is guilty of malfeasance in office, willful neglect of duty, or bad faith.

Any excess or uninsured liability shall be borne equally by all the parties, but this does not include the liability of any individual officer, employee, or agent which arises from his or her own malfeasance, willful neglect of duty, or bad faith.

10. Insurance. The Board shall purchase general liability insurance for activities of the Task Force as described in Section 6.7. Such insurance shall name each member as an additional insured. By purchasing insurance, the members do not intend to waive, and this Agreement shall not be interpreted to constitute a waiver by any member of limitations on liability or immunities provided by any applicable Minnesota law, including Minn. Stat. Chs. 466 and 471. The cost of the general liability insurance shall be paid from funds of the Task Force.

11. Task Force Supervisory Oversight. The Dakota County Sheriff's Office will provide supervisory oversight of Task Force operations including case assignments, record keeping, intelligence management, management of all property seized, and the execution of stings, arrests, search warrants and similar operations performed by the Agents.

The members of this Agreement are not liable for the acts or omissions of the other members of this Agreement except to the extent to which they have agreed in writing to be responsible for acts or omissions of the other members.

12. Additional Parties. Any additional unit of government may become a party to this Agreement by adopting a resolution declaring its intention to do so and by entering into this Agreement, as it may be amended from time to time, provided that the parties have entered into an amendment pursuant to Paragraph 12 approving such additional member. Such amendment shall be substantially in form of Exhibit A, attached hereto and incorporated by reference.

13. Amendments. Any amendment to this Agreement must be in writing and executed by all of the parties.

14. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument. All counterparts and amendments shall be filed with the fiscal agent.

15. Effective Date. This Agreement shall take full effect on January 1, 2015. Members may execute this Agreement in counterparts and need not sign the same original document. The signed Agreement shall be filed with the Board's designated fiscal agent, who shall notify all members in writing of its effective date. The fiscal agent shall also notify all parties of additional parties added pursuant to Paragraph 11 and parties withdrawing pursuant to Paragraph 15.2.

16. Termination and Withdrawal.

16.1 Termination Date. This Agreement shall terminate upon the occurrence of any one of the following events, whichever occurs first:

- When necessitated by operation of law or as a result of a decision by a court of competent jurisdiction; or
- When a majority of members agree by resolution to terminate the agreement upon a date certain; or
- On December 31, 2017, unless extended by agreement of all of the members.

16.2 Withdrawal. Without the necessity of approval from the parties' governing bodies, any party may withdraw from this Agreement upon 60 days' written notice to the Board. The Board shall notify the members pursuant to Section 16 of the receipt of a withdrawal notice. Withdrawal shall not act to discharge any liability incurred by the member prior to withdrawal. Such liability shall continue until discharged by law or agreement. In the event of withdrawal by any member, the agreement shall remain in full force and effect as to all remaining members.

16.3 Effect of Termination. With the exclusion of technology equipment contributed and owned by Dakota County as described in Section 6.8, upon termination of this Agreement all property of the Task Force shall be sold or distributed to the members in proportion to their respective financial and staff

contributions to the Task Force since its inception. Parties who effectively withdraw from this Agreement will not be entitled to any return of their contributions.

17. Notice. Notice of withdrawal shall be provided by first class mail to the following and to any additional members added pursuant to Paragraph 12:

Apple Valley Chief of Police
7100 147th Street West
Apple Valley, MN 55124

Mendota Heights Chief of Police
1101 Victoria Curve
Mendota Heights, MN 55118

Burnsville Chief of Police
100 Civic Center Parkway
Burnsville, MN 55337

Rosemount Chief of Police
2875 145th Street West
Rosemount, MN 55068

Farmington Chief of Police
19500 Municipal Drive
Farmington, MN 55024

South St. Paul Chief of Police
125 3rd Avenue North
South St. Paul, MN 55075

Hastings Chief of Police
150 3rd Street East
Hastings, MN 55033

West St. Paul Chief of Police
1616 Humboldt Avenue
West St. Paul, MN 55118

Dakota County Sheriff
Law Enforcement Center
1580 Highway 55
Hastings, MN 55033

IN WITNESS WHEREOF, the undersigned governmental units, by action of their governing bodies, have caused this Agreement to be executed in accordance with the authority of Minnesota Statute § 471.59.

Approved by the City Council

CITY OF APPLE VALLEY

Date: _____

By: _____

Date of Signature: _____

Attest: _____

Date of Signature: _____

Approved by the City Council

CITY OF BURNSVILLE

Date: _____

By: _____

Date of Signature: _____

Attest: _____

Date of Signature: _____

Approved by the City Council

CITY OF FARMINGTON

Date: _____

By: _____

Date of Signature: _____

Attest: _____

Date of Signature: _____

Approved by the City Council

CITY OF HASTINGS

Date: _____

By: _____

Date of Signature: _____

Attest: _____

Date of Signature: _____

Approved by the City Council

Date: _____

CITY OF MENDOTA HEIGHTS

By: _____

Date of Signature: _____

Attest: _____

Date of Signature: _____

Approved by the City Council

Date: _____

CITY ROSEMOUNT

By: _____
Date of Signature: _____

Attest: _____
Date of Signature: _____

Approved by the City Council

Date: _____

CITY SOUTH ST. PAUL

By: _____

Date of Signature: _____

Attest: _____

Date of Signature: _____

Approved by the City Council

CITY WEST ST. PAUL

Date: _____

By: _____
Date of Signature: _____

Attest: _____
Date of Signature: _____

Approved by the City Council

CITY OF INVER GROVE HEIGHTS

Date: _____

By: _____

Date of Signature: _____

Attest: _____

Date of Signature: _____

COUNTY OF DAKOTA

Approved by Dakota County Board
Resolution No.: 15-387

By: Trudy Leslie
Date of Signature: 9/2/15

Dakota County Attorney's Office
Dakota County Judicial Center
1560 Highway 55
Hastings, MN 55033
651-438-4438

Approved as to form:

By: Margaret M. Houch
Assistant County Attorney
Date of Signature: 8/27/15
#KS-14-212

EXHIBIT A

Amendment to Dakota County Electronic Crimes Task Force Joint Powers Agreement

Whereas, on or about January 1, 2015, the County of Dakota and the cities of Apple Valley, Burnsville, Farmington, Hastings, Inver Grove Heights, Mendota Heights, Rosemount, South St. Paul and West St. Paul have entered into a joint powers agreement establishing the Dakota County Electronic Crimes Task Force (Agreement); and

Whereas, the Parties desire to amend the Agreement to add the CITY of INVER GROVE HEIGHTS as a party to the Agreement; and

Whereas, the CITY of INVER GROVE HEIGHTS, a governmental unit of the State of Minnesota, through its duly elected governing body has adopted a resolution approving the Agreement and authorizing its MAYOR to execute the same; and

Whereas, the Agreement provides that any amendments to the Agreement must be in writing and executed by all of the parties.

Now, therefore, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Paragraph 3 of the Agreement to include the CITY of INVER GROVE HEIGHTS as a party to the Agreement.
2. All other terms of the Agreement shall remain in force and effect unless otherwise amended in accordance with the terms of the Agreement.

In Witness Whereof, the parties have executed this Amendment to the Agreement on the dates indicated below.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

AUTHORIZE PAYMENTS TO CHURCHES USED AS POLLING LOCATIONS FOR THE 2016 PRIMARY AND GENERAL ELECTIONS

Meeting Date: November 28, 2016
Item Type: Consent
Contact: 651.450.2513
Prepared by: Michelle Tesser

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED:

Adopt a resolution authorizing payments to churches used as polling locations for the 2016 Primary and General elections.

SUMMARY:

It has been the practice for the City to make payments of \$100 per election to churches used as polling locations for City elections. The money is used to cover extra maintenance costs incurred by these facilities since they prefer not to bill the City for such services. The City used seven churches as polling locations: Amazing Grace Lutheran Church, Inver Hills Church, Emanuel Lutheran Church, Church of St. Patrick, River Heights Vineyard Church, Crossroads Church and Bethesda Lutheran Church.

A payment in the amount of \$1,400 was included in the 2016 Elections budget.

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION AUTHORIZING PAYMENTS TO CHURCHES FOR USE OF FACILITIES AS
POLLING LOCATIONS AT THE 2014 PRIMARY AND GENERAL ELECTIONS

AMAZING GRACE LUTHERAN CHURCH – PRECINCT 1
INVERHILLS CHURCH – PRECINCT 2
EMANUEL LUTHERAN CHURCH – PRECINCT 5
GOOD SHEPHERD LUTHERAN CHURCH – PRECINCT 6
CHURCH OF ST. PATRICK – PRECINCT 7
RIVER HEIGHTS VINEYARD CHURCH – PRECINCT 8
CROSSROADS CHURCH – PRECINCT 9
BETHESDA LUTHERAN CHURCH – PRECINCT 10

WHEREAS, the City of Inver Grove Heights used the above-listed facilities as polling locations for the 2014 Primary and General Elections; and

WHEREAS, the churches prefer not to bill the City for such services;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Inver Grove Heights, Minnesota, hereby authorizes a payment in the amount of \$200 (\$100 per election) to Amazing Grace Lutheran Church, Inverhills Church, Emanuel Lutheran Church, Good Shepherd Lutheran Church, Church of St. Patrick, River Heights Vineyard Church, Crossroads Church and Bethesda Lutheran Church for the use of their facilities as polling locations for the 2014 Primary and General Elections.

BE IT FURTHER RESOLVED that the Finance Department is hereby directed to issue checks in the amount of the payments.

Adopted by the City Council of Inver Grove Heights this 10th day of November, 2014

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Melissa Kennedy, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Approval of 2017 Park and Recreation Department Fees

Meeting Date: November 28, 2016
Item Type: Consent Agenda
Contact: Eric Carlson – 651.450.2587
Prepared by: Eric Carlson
Reviewed by: Matt Moynihan
Bethany Adams
Tracy Petersen

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

PURPOSE/ACTION REQUESTED

It is recommended that the Council approve the attached 2017 fees for Parks & Recreation.

SUMMARY

Attached is a copy of the 2017 proposed fees for Parks & Recreation. Highlights of the changes are as follows:

Recreation

- A number of facility use fees will increase marginally.

VMCC/Grove

- A number of fees will increase slightly. Membership fees increase \$1.00 in odd numbered years.

Inver Wood

- A number of fees are being adjusted upwards to help cover increasing costs. Our goal is to generate \$0.70 of additional revenue for each round in 2017.

The Park and Recreation Commission is recommending approval.

**CITY
OF
INVER GROVE HEIGHTS**



2017 PROPOSED FEES
PARKS & RECREATION DEPARTMENT
RECREATION
INVER WOOD GOLF COURSE
VETERANS MEMORIAL COMMUNITY CENTER

Parks & Recreation

Item	Frequency	2016 Resident	2016 Non-Res	2017 Resident	2017 Non-Res
Park Shelters *(excludes Swing Bridge Park)	Per 5 hour block	\$60	\$80	\$60	\$80
Park Shelter * Swing Bridge Park Only		March-May: \$80; June-Aug. \$100; Sept. – Oct. \$80	March-May: \$80; June-Aug. \$100; Sept. – Oct. \$80	March-May: \$80; June-Oct \$100	March-May: \$80; June-Oct \$100
Picnic Kit *	NA	\$15	\$25	n/a	n/a
Additional trash barrels/picnic tables	NA	\$30	\$40	\$30	\$40
Outdoor Ice Rink *	Per hour	\$25	\$35	\$25	\$35
Outdoor Ice Rink w/attendant *	Per hour	\$35	\$45	\$35	\$45
Outdoor Rink Lights	Per hour	\$40	\$60	\$40	\$60
Neighborhood Park/School Athletic Field	Per use	\$35	\$45	\$35	\$45
Tennis Courts	Per Hour/Court	\$5	\$7	\$6	\$8
Rich Valley Baseball Field (youth)	Per gm/practice	\$75	\$95	\$80	\$100
Rich Valley Baseball Field (adult)	Per gm/practice	\$90	\$110	\$95	\$115
Rich Valley Softball Field	Per gm/practice	\$55	\$80	\$60	\$80
Rich Valley/Skyview Soccer Field (youth)	Per gm/practice	\$75	\$95	\$80	\$100
Rich Valley/Skyview Soccer Field (adult)	Per gm/practice	\$90	\$110	\$95	\$115
Rich Valley Soccer ½ Field	Per gm/practice	\$45	\$55	\$50	\$60
Rich Valley Lights	Per hour	\$40	\$60	\$40	\$60
Rich Valley Field Tournament Fee	Per field/day	\$180	\$205	\$185	\$210
Rich Valley Tournament Vendor Fee	Per Weekend	\$50	\$105	\$55	\$110
Rich Valley Concession Stand	Per Weekend	\$250	\$250	\$250	\$250
Rich Valley Additional Maintenance Service- staff, equipment and supplies (4 fields or less)	Per hour	\$50	\$60	\$50	\$60
Rich Valley Additional Maintenance Service- staff, equipment & supplies (5 fields or more)	Per hour	\$70	\$80	\$70	\$80
Rich Valley Additional Maintenance Service-labor & supplies	Per hour	\$40	\$50	\$40	\$50
IGH Baseball, Softball & Soccer Association Tournament Fee	Per field/day	\$80	\$80	\$85	\$85
Local Athletic Assoc. User Fee	Per Player	\$11	\$17	\$11	\$17
Disc Golf Annual Pass	Per year	\$30	\$40	\$30	\$40
Disc Golf Daily Pass	Daily	\$5	\$5	\$5	\$5
Disc Golf Tournament	Per day	\$200	\$225	\$200	\$225
Disc Golf Tournament	Per Weekend	\$500	\$525	\$500	\$525
Mountain Bike Course	Per Day	\$500	\$525	\$500	\$525

- *Requires damage deposit
- **Fee replaces the agreement that expired in 2009 to build Rich Valley Athletic Complex. Revenue generated can be used on a project that would benefit youth athletics and the City. The project would be agreed upon between staff and the association.
- Fees include tax
- Manager has discretion to negotiate off peak time usage rates

Inver Wood Golf Course

Item	Frequency	2016 Resident	2016 Non-Res	2017 Resident	2017 Non-Res
Pull Cart Rental	Per Round	\$3.50		\$3.50	
Player's Card	Per Season	\$80	\$100	\$90	\$110
Driving Range Balls-Large	Per Bucket	\$11		\$11	
Driving Range Balls-Medium	Per Bucket	\$8		\$8	
Driving Range Balls-Small	Per Bucket	\$5		\$5	
Diving Range Balls-All Day	Unlimited Per Person	\$14		\$14	
Season Passes	Adult Season Pass-Restr.	\$1,200		\$1,200	
	Sr. Season Pass-Restr.	\$1,000		\$1,000	
	Jr. Season Pass-Restr.	\$500		\$500	
Weekday	18 Hole Green Fee	\$33		\$34	
	Mon - Thur	9 Hole Green Fee	\$18.50		\$19
	7 am to 5 pm	Patron 18 Green Fee	\$28.00		\$29
	Sat - Sun	Patron 9 Green Fee	\$16.50		\$17
	Noon to 5 pm	Sr/Jr 18 Green Fee	\$21.50		\$22.50
		Sr/Jr 9 Green Fee	\$12.50		\$13.00
		Executive Green Fee	\$15		\$15
		Patron Exec Green Fee	\$12		\$12
		Sr/Jr Exec Green Fee	\$10.50		\$10.50
	Weekend	18 Hole Green Fee	\$41		\$42
	Friday	9 Hole Green Fee	\$26		\$27
	Noon to 5 pm	Patron 18 Green Fee	\$34		\$35
	Sat - Sun	Patron 9 Green Fee	\$19		\$19.50
6 am to Noon	Sr/Jr 18 Green Fee	\$28		\$29.50	
	Sr/Jr 9 Green Fee	\$17		\$18	
	Executive Green Fee	\$18		\$18	
	Patron Exec Green Fee	\$15		\$15	
	Sr/Jr Exec Green Fee	\$10.50		\$10.50	
Golf Car	18 Hole Car Fee	\$18		\$18.50	
Rentals	9 Hole Car Fee	\$11		\$11.50	
	Executive Car Fee	\$6.50		\$6.50	
	Sr. 18 Hole Car Fee	\$13.50		\$14	
	Sr. 9 Hole Car Fee	\$9.50		\$10	
	Sr. Exec Car Fee	\$6		\$6	
Evening	Twilight Green Fee	\$26		\$27	
	5 pm to end	Patron Twilight Green Fee	\$21		\$21.50
	Sr/Jr Twilight Green Fee	\$17.50		\$18	
	Twilight Car Fee	\$15		\$15.50	
	Sr. Twilight Car Fee	\$11		\$11.50	
Advertised/Promotional	18 Hole Green Fee	\$24.50		\$25	
Young Adult	9 Hole Green Fee	\$15.50		\$16	
	Executive Green Fee	\$12.50		\$13	
	18 Hole Car Fee	\$13.50		\$14	
	9 Hole Car Fee	\$9.50		\$10	
	Executive Car Fee	\$6		\$6	
Foot Golf	Adult	\$12		\$12	
	Youth	\$10		\$10	
	Ball Rental	\$3		\$3	

- All fees include tax

VMCC/Grove

Item	Frequency	2016 Resident	2016 Non-Res	2017 Resident	2017 Non-Res
National Guard Room A, B, C	Per Hour	\$33	\$43	\$33	\$43
Community Room 1, 2, 3	Per Hour	\$38	\$48	\$38	\$48
Community Room Kitchen	Per day	\$25	\$25	\$25	\$25
PA System	Per day	\$25	\$25	\$25	\$25
Screen	Per day	\$15	\$15	\$15	\$15
TV/DVD/Projector	Per day	\$25	\$25	\$25	\$25
Easel	Per day	n/a	n/a	n/a	n/a
Room Rental Attendant	Per Hour	\$35	\$35	\$35	\$35
Gymnasium – Athletic	Per Hour	\$65	\$75	\$65	\$75
Gymnasium – Weekday (M-F)	Per Hour	\$85	\$95	\$85	\$95
Gymnasium - Weekend (Sat.-Sun) All Day	Full Day	n/a	n/a	n/a	n/a
Gymnasium – Wedding Package (0-300 ppl)	Per Day	\$850	\$1,200	\$850	\$1,200
National Guard Gym Kitchen	Per day	\$85	\$85	\$85	\$85
West Rink-Turf	Per Hour	\$85	\$90	\$85	\$90
Childcare Drop-In Rate(non-member)	Per Hour/per child	\$3.50	\$3.50	\$3.50	\$3.50
Childcare Employee Rate	Per Hour/per child			\$1	\$1
Membership – Single Enrollment Fee	One-Time	\$49	\$59	\$49	\$59
Membership – Dual Enrollment Fee	One-Time	\$49	\$59	\$49	\$59
Membership – Household Enrollment Fee	One-Time	\$49	\$59	\$49	\$59
Membership – Senior (60+)	Annual	\$449		\$459	
Membership – Single	Annual	\$581		\$592	
Membership – Dual	Annual	\$785		\$796	
Membership – Household (up to 6)	Annual	\$908		\$918	
Membership – PCA added to household	Annual	\$192		\$204	
Membership – Senior (60+)	Monthly	\$44		\$45	
Membership – Single	Monthly	\$57		\$58	
Membership – Dual	Monthly	\$77		\$78	
Membership – Household (up to 6)	Monthly	\$89		\$90	
Membership – PCA added to household	Monthly	\$16		\$17	
City Emp. Membership – Senior (60+)	Monthly	\$36		\$37	
City Emp. Membership – Single	Monthly	\$46		\$47	
City Emp. Membership – Dual	Monthly	\$66		\$67	
City Emp. Membership – Household	Monthly	\$76		\$77	
Corporate Membership – Senior	Monthly	\$40		\$41	
Corporate Membership – Single	Monthly	\$52		\$53	
Corporate Membership - Dual	Monthly	\$70		\$71	
Corporate Membership - Household	Monthly	\$81		\$82	
Military Active - Single	Monthly	\$46		\$47	
Military Active – Senior	Monthly	\$36		\$37	
Military Active – Dual	Monthly	\$66		\$67	
Military Active – Household	Monthly	\$76		\$77	
Military Vet – Senior	Monthly	\$40		\$41	
Military Vet – Single	Monthly	\$52		\$53	
Military Vet – Dual	Monthly	\$70		\$71	
Military Vet – Household	Monthly	\$81		\$82	
Daily Admission after 5:30pm (waterpark)	Daily	\$5		\$5	
Daily Admission before Noon (waterpark/features off)	Daily			\$3	
Daily Admission after 8 pm (fitness center)	Daily	\$5		\$5	
Daily Admission – Youth/Senior	Daily	\$8		\$8	

Daily Admission – Adult	Daily	\$8	\$8	\$8	
Daily Admission – Household	Daily	\$25	\$25	\$25	
10-time Pass – Youth/Senior	10 Visits	\$70	\$70	\$70	
10-time Pass – Adult	10 Visits	\$75	\$75	\$75	
10-time Pass – Household	10 Visits	\$175	\$175	\$175	
ATM Transaction Fee	Per Transaction	\$3	\$3	\$3	
Open Gym	Daily	\$3	\$5	\$3	
Open Gym – Members	Daily	Free		Free	
Open Pickleball-Members	Daily			\$3	
Open Pickleball-Members	10 Visits			\$25	
Open Pickleball-Non Members	Daily			\$5	
Open Pickleball-Non Members	10 Visits			\$40	
Fitness Studio Rental	Per Hour			\$50	
Fitness TRX Room Rental	Per Hour			\$35	
Open Skate – adults (18 & older)	Daily	\$5		\$5	
Open Skate – children (17 & under)	Daily	\$4		\$4	
Open Skate – Members	Daily	Free		Free	
10-time Pass (Open Skate)	10 Visits	\$45		\$45	
10-time Pass (Open Hockey)	10 Visits	\$54		\$54	
Daily Admission-Open Freestyle	Daily			\$8	
10-time Pass-Open Freestyle	10 Visits			\$70	
Skate Rental	Daily	\$2		\$2	
Skate Sharpening	Daily	\$4		\$4	
Open Hockey	Daily	\$6		\$6	
Towel Rental	Daily	\$1		\$1	
Lock Rental	Daily	\$1		\$1	
Locker Rental (small)	Annual	\$100		\$100	
Locker Rental (large)	Annual	\$200		\$200	
Locker Rental (small)	Monthly	\$11		\$11	
Locker Rental (large)	Monthly	\$22		\$22	
Birthday Party Rental	Per use	Fri: \$140/ Wknd: \$195	Fri: \$140/ Wknd: \$195	Fri: \$150/ Wknd: \$195	
Individual Lane Line	Per Hour	\$12.50	\$12.50	\$12.50	
Leisure Pool	Per Hour	\$495	\$495	\$495	
Lap Pool	Per Hour	\$99	\$99	\$99	
Diving Well	Per Hour	\$71.50	\$71.50	\$71.50	
Swim Event (Lap and Diving)	Per Hour	\$137.50	\$137.50	\$137.50	

- All month-to-month members can receive a 15% discount off 12 months paid in full (fee listed reflects discount)
- All fees include tax
- Pool rentals includes lifeguard fee(s)
- Swim Event rental does not include lifeguard fee(s)
- Employee membership rates are also available to City Council members and active Commission members.
- Manager has discretion to negotiate off-peak time usage rates for swimming pools.
- Seasonal staff working at the VMCC are afforded free use of the facility during their employment this does not include their spouse or family members.

ICE TIME	Monday – Friday		Saturday & Sunday	
	Prime	Non Prime	Prime	Non Prime
	3:00pm – 9:59pm	Before 3:00pm and after 10pm	7:00am – 8:59pm	Before 7:00am and after 9:00pm
October 1, 2016 – March 12, 2017	\$210	\$145	\$210	\$145
	Monday – Friday		Saturday & Sunday	
	Prime	Non Prime	Prime	Non Prime
	5:00pm – 8:59pm	Before 5:00pm and after 9:00pm	9:00am – 7:59pm	Before 9:00am and after 8:00pm
March 13, 2017 – September 30, 2017	\$150	\$135	\$150	\$135

- * - Certain restrictions apply to availability, reservations, and terms of usage.
- Fees do not include tax
- Manager has discretion to negotiate early and late ice time rates

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CONSIDER RESOLUTION APPROVING THE DAKOTA COUNTY 2017 COMMUNITY FUNDING APPLICATION FOR WASTE ABATEMENT ACTIVITIES

Meeting Date: November 28, 2016
Item Type: Consent
Contact: Joe Lynch, City Administrator
Prepared by: Michelle Calvert,
City Government Intern
Reviewed by: n/a

Fiscal/FTE Impact:

- | | |
|-------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> | None |
| <input type="checkbox"/> | Amount included in current budget |
| <input type="checkbox"/> | Budget amendment requested |
| <input type="checkbox"/> | FTE included in current complement |
| <input type="checkbox"/> | New FTE requested – N/A |
| <input type="checkbox"/> | Other |

PURPOSE/ACTION REQUESTED:

Approve attached Resolution for the purpose of obtaining funds for projects related to recycling efforts within City limits, at public buildings and public gathering spaces.

SUMMARY:

Funding from Dakota County is provided to improve recycling efforts city-wide and to educate residents and businesses on recycling. A study conducted in 2013 showed that 75% of what is going into the landfill could actually be recycled instead. In response to this study, the Minnesota State Legislature has increased recycling requirements, with a goal being set by the State for Dakota County, to reach a 75% recycling target by the year 2030.

To help the City of Inver Grove Heights to participate in reaching this goal, Dakota County has once again set aside funding to assist local communities in their efforts to participate and to educate residents. In 2016, the City of Inver Grove Heights received \$36,000 in funding; in 2017 the City of Inver Grove Heights is anticipating getting \$38,000. The attached Resolution must be adopted by City Council in order for the City of Inver Grove Heights to receive the funding.

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

RESOLUTION NO. _____

**RESOLUTION SUPPORTING COUNTY FUNDING APPLICATION FOR RECYCLING
AND EDUCATION PROJECTS RELATED TO REDUCING THE AMOUNT OF TRASH
THAT IS CURRENTLY BEING TRANSPORTED TO THE LANDFILL, AND TO
PROJECTS THAT PROMOTE INCREASING THE AMOUNT OF RECYCLING
EFFORTS AS MANDATED BY THE STATE OF MINNESOTA**

WHEREAS, the City of Inver Grove Heights has been working on providing educational materials to residents and businesses with regard to recycling activities;

WHEREAS, the State of Minnesota has set a goal for Dakota County to reach 75% recycling target by the year 2030;

WHEREAS, the City of Inver Grove Heights has identified the following enhanced recycling efforts to help residents and businesses to achieve that goal: city-wide education for residents and businesses about all recycling activities, city-wide communication about requirements for all recycling activities, city-wide campaign to support mandated commercial recycling and a city-wide campaign addressing the subject of organics recycling.

NOW, THEREFORE, BE IT RESOLVED the City of Inver Grove Heights adopts a resolution supporting the Dakota County 2017 Community Funding Application.

Adopted by the City Council of Inver Grove Heights this 28th day of November 2016.

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

**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. PITTMER
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
ROGER C. MILLER
1924-2009

MEMO

*ALSO ADMITTED IN WISCONSIN
◊ALSO ADMITTED IN NORTH DAKOTA
◊ALSO ADMITTED IN MASSACHUSETTS
□ALSO ADMITTED IN OKLAHOMA
△ALSO ADMITTED IN ARIZONA

TO: Inver Grove Heights Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: November 22, 2016
**RE: Amendment of Development Contract for Plat of Blackstone Ridge relating
to construction of turn lanes and bypass lane
November 28, 2016 Council Meeting**

Section 1. Background. This memo relates to the plat of Blackstone Ridge. Until Argenta Trail is constructed on the west side of the plat, there will be a temporary connection between 70th Street and Alverno Lane. With regard to that connection, the Developer has to obtain a permit from the County. The County previously took the position that no more than 10 homes could be built until the connection and the turn lanes and bypass lane were completed. The County is now willing to allow up to 30 homes to be built prior to the turn lanes and bypass lane being completed.

The County has also agreed that the Developer can build a retaining wall with regard to the bypass lane instead of obtaining a slope easement from an adjoining landowner. The negotiations to obtain the slope easement from the adjoining landowner have not been successful.

The attached Amendment reflects the change from 10 homes to 30 homes which can be built prior to completion of the turn lanes and bypass lane. The Amendment also acknowledges that the retaining wall is an acceptable substitute for the slope easement.

Section 2. Council Action. At the November 28, 2016 Council meeting, the Council is asked to consider the attached *Amendment to Development Contract for the Plat of Blackstone Ridge*.

Attachments

**AMENDMENT TO DEVELOPMENT CONTRACT FOR THE
PLAT OF BLACKSTONE RIDGE, DAKOTA COUNTY, MINNESOTA**

THIS AMENDMENT TO DEVELOPMENT CONTRACT FOR THE PLAT OF BLACKSTONE RIDGE (Amendment) is made, entered into and effective this 28th day of November, 2016, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as “City”) and U.S. Home Corporation, a Delaware corporation (hereafter referred to as “Developer”).

WHEREAS, the City and Developer entered into a Development Contract for the Plat of Blackstone Ridge dated May 20, 2016 recorded as Dakota County Document No. 3131887 (“Development Contract”).

WHEREAS, the parties to the Development Contract are the City of Inver Grove Heights, a municipal corporation and U.S. Home Corporation, a Delaware corporation.

WHEREAS, the parties to the Development Contract are the same parties to this Amendment.

WHEREAS, the parties desire to amend the Development Contract with respect to certain provisions that address the Developer’s obligation to construct a connection from 70th Street to the plat of Blackstone Ridge and those provisions that limit obtaining building permits and certificates of occupancy until the connection and related turn lanes and bypass lane are constructed.

NOW, THEREFORE, the parties hereto state, acknowledge and agree as follows:

Section 1. Amendment of Exhibit C-1 to Development Contract. Exhibit C-1 of the Development Contract is hereby amended to read as set forth on the attached Exhibit C-1 to this Amendment.

Section 2. Amendment of Exhibit F to Development Contract. The first page of Exhibit F of the Development Contract is hereby amended to read as set forth on the attached Exhibit F to this Amendment.

Notary Public

EXHIBIT C-1
PHASE 1 IMPROVEMENTS

The items checked with an "X" below are the PHASE 1 IMPROVEMENTS. The items checked with "PUBLIC" below are those PHASE 1 IMPROVEMENTS that are DEVELOPER-PUBLIC IMPROVEMENTS.

The obligations set forth below with respect to obtaining building permits or obtaining certificates of occupancy relate to PHASE 1 LOTS (except for the model homes referenced below).

<u>CHECKED</u>	<u>COMPLETION DATE</u>	<u>IMPROVEMENT</u>
X	prior to obtaining a building permit or November 30, 2016, whichever occurs first	general site grading, drainage and erosion control throughout the PLAT
X PUBLIC	prior to obtaining a building permit or November 30, 2016, whichever occurs first	regional basins in Outlots A, B, C, D and E, Blackstone Ridge
X PUBLIC	prior to obtaining a building permit or November 30, 2016, whichever occurs first	extension of sanitary sewer and water service lines to serve PHASE 1 LOTS
X PUBLIC	prior to obtaining a building permit or November 30, 2016, whichever occurs first	gravel base for streets for PHASE 1 LOTS
X PUBLIC	prior to obtaining a building permit or November 30, 2016, whichever occurs first	base course bituminous for streets for PHASE 1 LOTS
X PUBLIC	prior to obtaining a building permit or November 30, 2016, whichever occurs first	storm water facilities (storm sewer pipes, raingardens infiltration basins, water quality pre-treatment facilities) for PHASE 1 LOTS functional to level required and approved by City Engineer
X PUBLIC	prior to obtaining a building permit or	storm water facilities (storm sewer pipes, raingardens

	November 30, 2016, whichever occurs first	infiltration basins, water quality pre-treatment facilities) identified in PHASE 2 IMPROVEMENTS and in PHASE 3 IMPROVEMENTS that are functionally related to PHASE 1 LOTS to level required and approved by City Engineer
X PUBLIC	November 30, 2016, or prior to issuing certificate of occupancy, whichever occurs first	final completion of storm water facilities (storm sewer pipes, infiltration basins, raingardens, water quality pre-treatment facilities) for PHASE 1 LOTS as approved by City Engineer
X	prior to issuing certificate of occupancy for the individual subject lot	lot landscaping **
X PUBLIC	See Section 4.4	street signage
X PUBLIC	November 30, 2017	final wear course of bituminous for City streets and street lights
X PUBLIC	<u>June 30, 2017 and prior to issuing the 31st building permit and prior to issuing the 31st certificate of occupancy (including model homes)</u>	Turn lanes and bypass lane for 70 th Street

The above requirements that have to be fulfilled before obtaining a building permit do not apply to the four model homes to be constructed on Lots 15 – 18, inclusive, Block 3, Blackstone Ridge.

The DEVELOPER intends to construct model homes on Lots 15 – 18, inclusive, Block 3, Blackstone Ridge. The lots must first be approved by the City Planner, the Chief Building Official and the Public Works Department. Before use of the model homes by the public, the DEVELOPER shall install a gravel drive for access to the lots and the gravel drive shall be inspected and approved by the CITY Fire Marshal. The model homes shall not be occupied for residential use and shall only be used as display models until the other requirements of this DEVELOPMENT CONTRACT relating to certificate of occupancy are fulfilled.

The CITY's Director of Public Works may extend the dates contained in this Exhibit C-1.

** Lot landscaping must be completed prior to issuance of a certificate of occupancy for the individual subject lot; provided, however, if the request for the certificate of occupancy is made in the months of October through April and if all other requirements for the certificate of occupancy except landscaping have been met, then the CITY will issue a temporary certificate of occupancy and the DEVELOPER is required to complete the landscaping no later than the following June 15th.

EXHIBIT F
ESCROW CALCULATION
FOR DEVELOPER IMPROVEMENTS

1.)	Site Grading, Drainage and Erosion Control	\$726,553
2.)	Sanitary Sewer	\$363,620
3.)	Watermain	\$391,290
4.)	Storm Sewer (including piping, basins and raingardens)	\$279,188
5.)	Street Construction (Streets & Concrete) and Trails (includes pond access roads)	\$1,165,109
6.)	Street Lights	\$102,000
7.)	Construction debris clean up	\$20,000
8.)	Certified As-Builts	\$30,000
9.)	Landscaping	\$160,000
10.)	Turn Lanes <u>and Bypass Lane</u> (includes striping and signage on county road)	\$126,292

SUBTOTAL **\$3,364,052**

Multiplied by **1.25**

TOTAL ESCROW: **\$4,205,065**

PARAGRAPH 24 OF
EXHIBIT E TO THE DEVELOPMENT CONTRACT

24.) ~~**LIMITATION ON BUILDING PERMITS FOR PHASE 1.** A requirement of Dakota County for access permit for the PLAT to have temporary access from 70th Street to Alverno Lane is that turn lanes and a bypass lane be constructed along 70th Street and Alverno Lane. In light of this requirement, and notwithstanding anything to the contrary contained in Section 2 of this Exhibit E, no more than 10 building permits for PHASE 1 LOTS (including the model homes lots) will be issued prior to construction of the turn lanes and bypass lane. Once construction of the turn lanes and bypass lane is complete, the remaining lots in PHASE 1 LOTS are eligible to receive building permits.~~

24.) **LIMITATION ON BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY FOR PHASE 1.** A requirement of Dakota County regarding the access permit for the PLAT is to have a temporary access from 70th Street to Alverno Lane and turn lanes and a bypass lane constructed along 70th Street and Alverno Lane. In light of this requirement, and notwithstanding anything to the contrary contained in Section 2 of this Exhibit E, no more than 30 building permits for PHASE 1 LOTS (including the model homes lots) will be issued prior to complete construction of the turn lanes and bypass lane. In light of this requirement, and notwithstanding anything to the contrary contained in Section 3 of this Exhibit E, no more than 30 certificates of occupancy for PHASE 1 LOTS (including the model homes lots) will be issued prior to complete construction of the turn lanes and bypass lane. Once construction of the turn lanes and bypass lane is complete, the remaining lots in PHASE 1 LOTS are eligible to receive building permits and certificates of occupancy.

With respect to the bypass lane, Dakota County has approved alternate approaches to constructing the bypass lane. One approach involves obtaining a slope easement with the slope easement providing lateral support for the bypass lane (“Approach 1”). The second approach is to construct a retaining wall in conjunction with the bypass lane without the necessity of the slope easement for lateral support (“Approach 2”).

The DEVELOPER agrees that it will begin construction of the bypass lane as well as the turn lanes and connection of the PLAT to 70th Street no later than April 1, 2017. The DEVELOPER agrees that it will complete construction of the bypass lane as well as the turn lanes and connection of the PLAT to 70th Street no later than June 30, 2017. If the County or the City or the DEVELOPER obtains the slope easement prior to April 1, 2017, then the DEVELOPER agrees to proceed with Approach 1 to construct the bypass lane. On the other hand, if the slope easement is not obtained prior to April 1, 2017, then the DEVELOPER agrees to proceed with Approach 2 to construct the bypass lane.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: November 28, 2016
 Item Type: Public Hearing
 Contact: 651.450.2513
 Prepared by: Michelle Tesser, City Clerk
 Reviewed by: Joe Lynch, City Administrator

Fiscal/FTE Impact:

- | | |
|-------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> | None |
| <input type="checkbox"/> | Amount included in current budget |
| <input type="checkbox"/> | Budget amendment requested |
| <input type="checkbox"/> | FTE included in current complement |
| <input type="checkbox"/> | New FTE requested – N/A |
| <input type="checkbox"/> | Other |

PURPOSE/ACTION REQUESTED: Conduct a public hearing and consider approval of renewal applications for liquor licenses for the 2017 calendar year.

SUMMARY:

The City received applications for the renewal of 29 liquor licenses for 2017 and is awaiting one additional liquor license. The deadline was November 9, 2016. The notice of public hearing was published in the South West Review on October 23, 2016 and included scheduling the public hearings for November 28, 2016 and December 12, 2016.

New this year, the City Clerk asked that applicants set up appointments with her to review the application to increase accuracy of documents and streamline the process. This did improve the process which can be lengthy if documents are submitted incorrectly.

At a future council work session, the City Clerk would like to discuss the option of changing license cycles to not interfere with her Election duties because of the new Early Voting legislation which is dominating much of her time during October and November in even years.

The following license renewal applications were accompanied by the necessary license fees and liability insurance certificates. Information regarding completion of alcohol server training was also provided to verify that all employees engaged in the serving/selling of alcohol received training within the last 24 months. Background investigations are being processed by the Police Department and nine have been approved. The nine are attached to this memo. The council is asked to approve the renewal applications attached for the 2017 calendar year. The council will see the additional licenses to be approved on December 12, 2016.

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN:

That the City of Inver Grove Heights will hold a public hearing on Monday, November 28, 2016 at 7:00 p.m. in the City Council Chambers, 8150 Barbara Avenue, to consider renewal of the following liquor licenses, as required by City Code Section 4-1-12:

ON-SALE/SUNDAY:

AMC Theatres Inver Grove Heights 16; **AMC Theatres**; 5567 Bishop Avenue
El Azteca Inver Grove Heights, LLC; **El Azteca**; 5816 Blaine Avenue East
City of Inver Grove Heights; **Inver Wood Golf Course**, 1850 70th St E.

ON-SALE: Kladek, Inc.; **King of Diamonds**; 6600 River Road, and City of Inver Grove Heights;

OFF-SALE:

Cameron's Warehouse Liqs, Inc.; **Cameron's Warehouse Liquors**; 6533 Concord Boulevard
L-Y Enterprise, Inc.; **A & M Liquors**; 5709 Carmen Avenue
Market Liquor Corp; **Market Liquor**; 5866 Blaine Avenue

ON-SALE WINE:

Bryde, Inc.; **Old World Pizza**; 5660 Bishop Avenue

3.2 OFF-SALE:

Northern Tier Retail, LLC; **SuperAmerica #4411**; 7501 Concord Boulevard
Northern Tier Retail, LLC; **SuperAmerica #4548**; 5728 Bishop Avenue

All written and oral statements will be considered at the public hearing and all those desiring to be heard will be heard at the public hearing.

Michelle Tesser, City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CONSIDER SECOND READING OF AN ORDINANCE AMENDING CITY CODE TITLE 3, CHAPTER 4, SECTIONS 3-4-2-2 and 3-4-2-3 and 10-3-8 ADJUSTING DEVELOPMENT FEES FOR 2017

Meeting Date:	November 28, 2016	Fiscal/FTE Impact:
Item Type:	Regular Agenda	<input checked="" type="checkbox"/> None
Contact:	Kristi Smith, Finance Director	<input type="checkbox"/> Amount included in current budget
Prepared by:		<input type="checkbox"/> Budget amendment requested
Reviewed by:	Scott Thureen, PW Director	<input type="checkbox"/> FTE included in current complement
	Allan Hunting, City Planner	<input type="checkbox"/> New FTE requested – N/A
	Tom Link, CD Director	<input type="checkbox"/> Other

PURPOSE/ACTION REQUESTED The Council is asked to consider the second reading of an ordinance to amend the City Code to adjust the fees and charges associated with development activities. This includes water and sanitary sewer connection fees, and fees associated with planning activities (such as rezoning, variance, conditional use permits, etc.).

SUMMARY Minnesota State Statues 462.353 sets forth the requirements with respect to a municipality's authority to prescribe fees associated with planning activities.

While Statute 462 does not speak to building permit fees or water or sanitary sewer connection fees, the City Attorney's advice is to set forth the fees in the Code given the scope of development that is anticipated to take place over the next several years in the northwest area.

The required public hearing has been set for December 12, 2016.

Staff proposes changes to the fees that address water and sanitary sewer connection fees, etc. The water and sewer connection fees are proposed to increase between 3.5% and 5%. These proposed fees are based on financial projections supplied in Ehlers and Associates May 2016 Update.

A copy of the first reading is available on the website and has been posted on social media. A copy has also been provided to River Heights Chamber of Commerce.

The proposed changes are reflected on the attached.

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 3, CHAPTER 4, SECTION 3-4-2-2 AND SECTION 3-4-2-3 AND SECTION 3-4-3 AND TITLE 10, CHAPTER 3, SECTION 10-3-8 B OF THE INVER GROVE HEIGHTS CITY CODE RELATING TO FEES

The City Council of Inver Grove Heights does hereby ordain as follows:

Section 1. Amendment No. 1. Inver Grove Heights City Code Title 3, Chapter 4, Section 3-4-2-2 is hereby amended in its entirety to read as follows:

3-4-2-2: WATER, SANITARY SEWER AND STORM WATER SYSTEMS CONNECTION FEES:

A. Purpose and Intent. Minn. Stat. § 444.075, subd 3. and IGH City Code Title 8 allows the City to impose just and equitable charges for connection to the City water utility system to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment, the maintenance, operation and use of the facilities, and of obtaining and complying with permits required by law.

Minn. Stat. § 444.075, subd. 3. and IGH City Code Title 8 allows the City to impose just and equitable charges for connection to the City sanitary sewer utility system to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment, the maintenance, operation and use of the facilities, and of obtaining and complying with permits required by law.

Minn. Stat. § 444.075, subd. 3. and IGH City Code Title 8 allows the City to impose just and equitable charges for connection to the City storm sewer utility system to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment, the maintenance, operation and use of the facilities, and of obtaining and complying with permits required by law.

The City has installed water, sewer, and storm sewer improvements in the Northwest Area without assessing the costs against benefitting properties. The City intends to recover its costs through the collection of utility system connection fees.

The purpose and intent of this Title 3, Chapter 4, Section 3-4-2-2 is to impose connection fees for the water utility system and the sanitary sewer utility system and the storm water sewer utility system, also known as the storm water system.

B. Definitions. For purposes of this Title 3, Chapter 4, Section 3-4-2-2, the following terms shall have the following meanings:

Northwest Area means that certain geographic area within the City of Inver Grove Heights defined, established and referred to as the Northwest Area Overlay District pursuant to the City's zoning regulations.

Net Developable Area means the number of acres within a property remaining after excluding those portions that are either: a) encumbered by right of way for arterial roads as defined in the Inver Grove Heights Comprehensive Plan; or b) lying below the ordinary high water level of public waters as identified in the Shoreland Overlay District; or c) lying within the boundaries of wetlands delineated according to the Minnesota Wetland Conservation Act; or d) bluffs in Shoreland Overlay Districts abutting public waters; or e) land to be dedicated to the City of Inver Grove Heights for public park/recreation area purposes. Net Developable Area does

not include outlots within a plat that are intended to be replatted at a later date into developable lots.

Gross Acres means the total acres within a plat, subdivision or parcel. Gross Acres do not include outlots within a plat that are intended to be replatted at a later date into developable lots.

SAC Unit means a unit as determined by the Metropolitan Council Environmental Services according to the Metropolitan Council Service Availability Charge Manual.

C. Connection Fees For Water Utility System For Land Outside of Northwest Area. The following connection fees for the water utility system are hereby imposed and required to be paid with respect to land outside of the Northwest Area that is within the Metropolitan Urban Service Area (MUSA).

Fees Payable At Time of Plat

The following fee must be paid when the property is subdivided or the property is platted or a building permit is obtained or when connection is made to the municipal water system, whichever occurs first. The fee is not payable if the property has been previously specially assessed on an area basis for a trunk water line.

Water Plat Connection Fee	\$1,2151,260 multiplied by a density factor of 3.5 multiplied by Gross Acres
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Fees Payable At Time of Building Permit

The following fees must be paid by the landowner when a building permit is obtained or when connection is made to the municipal water system, whichever occurs first.

Water Building Permit Connection Unit Fee	\$810840 per SAC Unit
Water Treatment Plant Fee	\$710730 per SAC Unit
Water Core Connection Fee (based on water service size)	
1 inch	\$1,6901,750
1 ½ inch	\$3,7903,920
2 inch	\$6,7206,960
3 inch	\$15,92016,480
4 inch	\$26,88527,830
6 inch (or larger)	\$63,02565,230

D. Connection Fees For Sanitary Sewer Utility System For Land Outside of Northwest Area. The following connection fees for the sanitary sewer utility system are hereby imposed and required to be paid with respect to land outside of the Northwest Area that is within the Metropolitan Urban Service Area (MUSA).

Fees Payable At Time of Plat

The following fee must be paid when the property is subdivided or the property is platted or a building permit is obtained or connection is made to the municipal sanitary sewer system, whichever occurs first. The fee is not payable if the property has been previously specially assessed on an area basis for a trunk sanitary sewer line.

Sanitary Sewer Plat Connection Fee	\$1,2151,260 multiplied by a density factor of 3.5 multiplied by Gross Acres
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Fees Payable At Time of Building Permit

The following fees must be paid by the landowner when a building permit is obtained or when connection is made to the municipal sanitary sewer system, whichever occurs first. The B-Line special connection charge only applies to that area of the City served by the B-Line sanitary system; for properties in the B-Line area, the B-Line special connection charge is payable in addition to the other fees set forth below.

M.C.E.S. SAC Unit Fee	\$2,485 per SAC Unit
Sanitary Sewer Building Permit Connection Unit Fee	\$430-450 per SAC Unit
B-Line Special Connection Charge	\$1,140-1,180 per SAC Unit (applicable only to B-Line Area)
Sewer Core Connection Fee (based on building sewer service size)	
4 inch	\$540-560
6 inch	\$920-950
8 inch	\$1,625-1,680
10 inch	\$2,545-2,630
12 inch	\$3,660-3,790

E. Connection Fees For Water Utility System For Northwest Area. The following connection fees for the water utility system are hereby imposed and required to be paid with respect to land within the Northwest Area.

Fees Payable At Time of Plat (Northwest Area)

The following fees must be paid when the property is subdivided or the property is platted or a building permit is obtained or when connection is made to the municipal water system, whichever occurs first. The fee is not payable if the property is being platted as an agricultural planned unit development with no connection to the municipal water system.

Water Plat Connection Fee (Northwest Area)	
In the R-1 and R-2 Zoning Districts	\$1,130-1,170 multiplied by a density factor of 2.0 multiplied by the Net Developable Area
In the R-3A Zoning District	\$1,130-1,170 multiplied by a density factor of 4.0 multiplied by the Net Developable Area
In the R-3B Zoning District	\$1,130-1,170 multiplied by a density factor of 6.5 multiplied by the Net Developable Area
In the R-3C Zoning District	\$1,130-1,170 multiplied by a density factor of 12.0 multiplied by the Net Developable Area
In the B-1 and Office Park Zoning Districts	The fee shall be calculated as follows. First, multiply the Net Developable Area by 43,560 to express in square feet. Then multiply the square footage by 0.25 (the minimum Floor Area Ratio – FAR required by the Northwest Area Overlay District). The result is the minimum building area

	required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 2,400 square feet to arrive at density units. Then multiply the density units by \$1,1301,170.
In the B-2, B-3 and B-4 Zoning Districts	The fee shall be calculated as follows. First, multiply the Net Developable Area <u>by 43,560 to express in square feet.</u> Then <u>mulitpy the square footage</u> by 0.25 (the minimum Floor Area Ratio – FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 3,000 square feet to arrive at density units. Then multiply the density units by \$1,1301,170.
In the I-1 and I-2 and Industrial – Office Park Zoning Districts	The fee shall be calculated as follows. First, multiply the Net Developable Area <u>by 43,560 to express in square feet.</u> Then <u>mulitpy the square footage</u> by 0.25 (the minimum Floor Area Ratio – FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 7,000 square feet to arrive at density units. Then multiply the density units by \$1,1301,170.
In the P-Institutional Zoning Districts	The fee shall be calculated as follows. First, multiply the Net Developable Area <u>by 43,560 to express in square feet.</u> Then <u>mulitpy the square footage</u> by 0.25 (the minimum Floor Area Ratio – FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 2,400 square feet to arrive at density units. Then multiply the density units by \$1,1301,170.
In the Mixed Use – Residential and in	The fee shall be calculated with

the Mixed Use - Commercial Zoning Districts	respect to each pro-ratable area component of the mixed use development using the appropriate fee calculations set forth above in relation to the respective land use of the component. The respective fees for each component shall then be added to compute the total fee.
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Fees Payable At Time of Building Permit (Northwest Area)

The following fees must be paid by the landowner when a building permit is obtained or when connection is made to the municipal water system, whichever occurs first.

Water Building Permit Connection Unit Fee (Northwest Area)	\$3,1153,220 per SAC Unit
Water Treatment Plant Fee (Northwest Area)	\$670-690 per SAC Unit
Water Core Connection Fee (based on water service size) (Northwest Area)	
1 inch	\$1,6451,700
1 ½ inch	\$3,6903,820
2 inch	\$6,5506,780
3 inch	\$14,73015,250
4 inch	\$26,21027,130
6 inch (or larger)	\$61,44063,590

F. Connection Fees For Sanitary Sewer Utility System For Northwest Area.

The following connection fees for the sanitary sewer utility system are hereby imposed and required to be paid with respect to land within the Northwest Area:

Fees Payable At Time of Plat (Northwest Area)

The following fee must be paid when the property is subdivided or the property is platted or a building permit is obtained or when connection is made to the municipal sanitary sewer system, whichever occurs first. The fee is not payable if the property is being platted as an agricultural planned unit development with no connection to the municipal water system.

Sanitary Sewer Plat Connection Fee (Northwest Area)	
In the R-1 and R-2 Zoning Districts	\$1,8251,920 multiplied by a density factor of 2.0 multiplied by the Net Developable Area
In the R-3A Zoning District	\$1,8251,920 multiplied by a density factor of 4.0 multiplied by the Net Developable Area
In the R-3B Zoning District	\$1,8251,920 multiplied by a density factor of 6.5 multiplied by the Net Developable Area
In the R-3C Zoning District	\$1,8251,920 multiplied by a density factor of 12.0 multiplied by the Net Developable Area
In the B-1 and Office Park Zoning	The fee shall be calculated as

Districts	follows. First, multiply the Net Developable Area <u>by 43,560 to express in square feet.</u> Then <u>mulitpy the square footage by 0.25</u> (the minimum Floor Area Ratio – FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 2,400 square feet to arrive at density units. Then multiply the density units by \$1,8251,920.
In the B-2, B-3 and B-4 Zoning Districts	The fee shall be calculated as follows. First, multiply the Net Developable Area <u>by 43,560 to express in square feet.</u> Then <u>mulitpy the square footage by 0.25</u> (the minimum Floor Area Ratio – FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 3,000 square feet to arrive at density units. Then multiply the density units by \$1,8251,920.
In the I-1 and I-2 and Industrial – Office Park Zoning Districts	The fee shall be calculated as follows. First, multiply the Net Developable Area <u>by 43,560 to express in square feet.</u> Then <u>mulitpy the square footage by 0.25</u> (the minimum Floor Area Ratio – FAR required by the Northwest Area Overlay District). The result is the minimum building area required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 7,000 square feet to arrive at density units. Then multiply the density units by \$1,8251,920.
In the P-Institutional Zoning Districts	The fee shall be calculated as follows. First, multiply the Net Developable Area <u>by 43,560 to express in square feet.</u> Then <u>mulitpy the square footage by 0.25</u> (the minimum Floor Area Ratio – FAR required by the Northwest Area Overlay District). The result is the minimum building area

	required by the Northwest Area Overlay District. Divide the minimum building area by the density factor of 2,400 square feet to arrive at density units. Then multiply the density units by \$1,8251,920.
In the Mixed Use – Residential and in the Mixed Use - Commercial Zoning Districts	The fee shall be calculated with respect to each pro-ratable area component of the mixed use development using the appropriate fee calculations set forth above in relation to the respective land use of the component. The respective fees for each component shall then be added to compute the total fee.

Fees Paid At Time of Building Permit (Northwest Area)

The following fees must be paid by the landowner when a building permit is obtained or when connection is made to the municipal sanitary sewer system, whichever occurs first.

M.C.E.S. SAC Unit Fee (Northwest Area)	\$2,485 per SAC Unit
Sanitary Sewer Building Permit Connection Unit Fee (Northwest Area)	\$5,0405,290 per SAC Unit
Sewer Core Connection Fee (based on building sewer service size)	
4 inch	\$530550
6 inch	\$900930
8 inch	\$1,5951,650
10 inch	\$2,5002,590
12 inch	\$3,5853,710

G. Connection Fees For Storm Water Sewer Utility System For Northwest Area. The following connection fees for the storm water sewer utility system also known as the storm water system are hereby imposed and required to be paid with respect to land within the Northwest Area:

Fees Payable At Time of Plat (Northwest Area)

The following fees must be paid by the landowner when the property is subdivided or the property is platted or a building permit is obtained, whichever occurs first.

The fees are not payable for outlots if the property is being platted as an agricultural planned unit development.

Storm Water Plat Connection Fee (Northwest Area)	
In the R-1 and R-2 and R-3A Zoning Districts	\$11,98512,580 per acre multiplied by the Net Developable Area
In the R-3B and R-3C Zoning Districts	\$12,26512,880 per acre multiplied by the Net Developable Area
In the B-1 and Office Park Zoning Districts	\$13,76514,450 per acre multiplied by the Net Developable Area

In the B-2, B-3 and B-4 Zoning Districts	\$ 13,390 14,060 per acre multiplied by the Net Developable Area
In the I-1, I-2 and I-Office Park Zoning Districts	\$ 13,015 13,670 per acre multiplied by the Net Developable Area
In the P-Institutional Zoning District	\$ 12,265 12,880 per acre multiplied by the Net Developable Area
In the Mixed Use - Residential Zoning District	\$ 12,265 12,880 per acre multiplied by the Net Developable Area
In the Mixed Use - Commercial Zoning District	\$ 13,015 13,670 per acre multiplied by the Net Developable Area

H. Outlots. With respect to calculating the fees payable at the time of platting, the acreage within the outlots that are intended to be replatted into buildable lots at a later date shall not be included within the calculations. When the acreage within the outlots are subsequently replatted into buildable lots, the fees for such acreage shall then be paid at the time of the replat.

Section 2. Amendment No. 2. Inver Grove Heights City Code Title 3, Chapter 4, Section 3-4-2-3 is hereby amended in its entirety to read as follows:

3-4-2-3: SANITARY SEWER AND WATER TRUNK AREA ASSESSMENTS: With respect to special assessments under Chapter 429 of the Minnesota Statutes, the assessments rolls for sanitary sewer and water trunk lines shall initially be calculated using the following per acre assessment amounts for trunk line area benefit.

\$~~4,245~~4,390 per acre for water trunk line area benefit

\$~~4,245~~4,390 per acre for sanitary sewer trunk line area benefit

The Council may adjust the assessment roll and special assessments after public hearing pursuant to Minn. Stat. § 429.061 and the Council shall determine the final assessment roll and special assessments by resolution.

Section 3. Amendment No. 4. Inver Grove Heights City Code Title 3, Chapter 4, Section 10-3-8 is hereby amended to read as follows:

B. Fee Amounts and Escrow Deposit: The city may require that applicants deposit in escrow with the city, together with the application filing fees, the sums required by the city toward prepayment of the attorney, planning and engineering costs. The prepayment amounts shall be a credit toward the fees for the attorney, planning and engineering and other professional consultant fees to be reimbursed by the applicant. All such fees, if not paid by the escrow, shall be paid by the applicant within sixty (60) days of final action on the matter by the city council. If such fees are less than the escrowed amount, such escrow will be returned to the applicant within sixty (60) days of the final action on the matter by the city council. The following escrow amounts shall be deposited, together with land use approval applications: (Ord. 1098, 11-8-2004)

TYPE OF LAND USE APPROVAL	BASE FEE	GIS FEE	ESCROW
Conditional Use Permit, single family residential	\$250		\$0
Conditional Use Permit, Impervious surface single family residential	\$250		\$1,500
Conditional Use Permit, other	\$500		\$3,000
Conditional Use Permit, other – amendment	\$150		\$1,000
Comprehensive Plan Amendment	\$500	\$50	\$2,500
Comprehensive Plan Amendment - minor	\$200		\$250
Zoning Code Amendment	\$500		\$500

Zoning Code Amendment – minor	\$100		\$250
Rezoning	\$500	\$50	\$500
Variance - Residential	\$200		\$0
Variance - Commercial	\$200		
Planned Unit Development Preliminary	\$1,000 + plat fees		\$5,000
Final	\$500		\$3,000
Planned Unit Development Amendment	\$250		\$1,000
Determination of Substantially Similar Use	\$200		\$200
Major Site Plan Review	\$500		\$3,000
Preliminary Plat	\$250/+ \$5 per lot		\$3,000
Final Plat – single family	\$350	\$25/lot	\$3,000
Final Plat - other	\$200	\$100/acre	\$3,000
Waiver of Plat	\$300	\$25	
Administrative Subdivision	\$100	\$25/lot	
Street Easement Vacation	\$150	\$50	\$500
Street Dedication	\$150	\$50	
Wetland Conservation Act Certification	\$75		
Wetland Replacement Plan	\$200	\$100/acre	\$2,500
Northwest Area Sketch Plan Review			\$1,000
Northwest Area Environmental Studies Fee	\$80/gross acre		
Abstract Fee	\$46		
Interim Use Permit	\$500		\$1,250
Non Conforming Use Certificate	\$500		\$1,250

(Ord. 1180, 12-10-2007)

Section 4. Effective Date. This Ordinance shall be in full force and effect on January 1, 20167 and after its passage and publication according to law.

Passed this 142th day of December, 20156.

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

DAN LENCOWSKI

Meeting Date: November 28, 2016
 Item Type: Regular Agenda
 Contact: Allan Hunting 651.450.2554
 Prepared by: Allan Hunting, City Planner
 Reviewed by:

Fiscal/FTE Impact:

<input checked="" type="checkbox"/>	None
<input type="checkbox"/>	Amount included in current budget
<input type="checkbox"/>	Budget amendment requested
<input type="checkbox"/>	FTE included in current complement
<input type="checkbox"/>	New FTE requested – N/A
<input type="checkbox"/>	Other

PURPOSE/ACTION REQUESTED

Consider Resolutions relating to Variances to allow an accessory structure over 1,000 square feet and to allow a setback of 17.7 feet where as 50 feet is required for property located at 9311 Rich Valley Boulevard:

- Requires 3/5th's vote.
- 60-day deadline: November 25, 2016 (first 60 days)

The item was tabled at the November 14 meeting as the applicant was not present. The applicant has provided an additional drawing of the proposed addition and how the space would be utilized.

SUMMARY

The applicant is proposing to add onto an existing detached accessory building. The proposed addition would expand the building to 1,100 square feet in size. The structure is located 17.7 feet from the side property line. The addition would extend along the established setback line and would be no closer to the property line. Accessory structures over 1,000 square feet require a setback of 50 feet.

ANALYSIS

The accessory structure was constructed in 1969. It is not known what the setback requirements were at that time. Currently, side yard setbacks in the Agricultural district are 25 feet.

When Council acted to allow larger accessory structures, they determined that these structures could have a greater impact on abutting properties and therefore required a 50 foot setback. It seems reasonable to allow an addition along the established setback line since the structures on the abutting lots are over 1,000 feet away. Staff does not feel it is reasonable to allow an accessory structure over 1,000 square feet at the current setback when larger structures are to have larger setbacks.

RECOMMENDATION

Planning Division. Recommends approval of the variance to allow the expansion along the 17.7 foot setback for a structure less than 1,000 square feet in size. Staff does not recommend approval of the variance to allow the 1,100 square foot accessory structure at the current setback.

Planning Commission. Also recommended approval of the setback variance for a structure less than 1,000 square feet and denial of the size variance since no practical difficulty could be found to support allowing the current setback for a larger structure than is to have a 50 foot setback.

November 28, 2016
Council Memo – Dan Lencowski
Page 2

Attachments: Resolution Approving the Setback Variance
Resolution Denying the Size Variance
Proposed Floor Plan and Utilization of Building
Planning Commission Recommendation
Planning Report

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

RESOLUTION NO. 16-_____

**RESOLUTION APPROVING A VARIANCE TO ALLOW A SETBACK OF 17.7 FEET FOR AN
EXPANSION OF AN ACCESSORY STRUCTURE UP TO 1,000 SQUARE FEET IN SIZE**

**CASE NO. 16-45V
(Dan Lencowski)**

Property located at 9311 Rich Valley Boulevard and legally described as follows:

PT OF SW 1/4 OF NE 1/4 COM AT INT OF E LINE & CEN OF CANNON FALLS ROAD #5 N
65D 15S W ALONG RD 132.02 FT S 426.93 FT E 120 FT N 371.66 FT TO BEG, ALL IN SECTION
19, TOWNSHIP 27N, RANGE 22W, DAKOTA COUNTY, MINNESOTA

WHEREAS, an application has been received for a variance to allow a setback of 17.7 feet for an expansion of an accessory structure up to 1,000 square feet in size;

WHEREAS, the afore described property is zoned A, Agricultural;

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 November 1, 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 size and location of the accessory building does not appear to have any adverse impacts on the neighboring properties.
- b. The accessory structure was in existence prior to the zoning ordinance being adopted.
- b. The request is in harmony with the general purpose and intent of the City Ordinance and is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow a 17.7 foot side yard setback for an expansion of an accessory structure up to 1,000 square feet in size is hereby approved with the following conditions:

- 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Division.
- 2. The accessory structure shall not be used for commercial uses, storage related to a commercial use, or home occupations.
- 3. A grading/erosion control plan may be required at the time of the building permit application and approved by the City Engineer.

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 28th day of November, 2016.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Michelle Tesser, City Clerk

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

RESOLUTION NO. _____

**RESOLUTION DENYING A VARIANCE TO ALLOW AN ACCESSORY STRUCTURE
OVER 1,000 SQUARE FEET IN SIZE**

**CASE NO. 16-45V
(Dan Lencowski)**

Property located at 9311 Rich Valley Boulevard and legally described as follows:

PT OF SW 1/4 OF NE 1/4 COM AT INT OF E LINE & CEN OF CANNON FALLS ROAD
#5 N 65D 15S W ALONG RD 132.02 FT S 426.93 FT E 120 FT N 371.66 FT TO BEG, ALL IN
SECTION 19, TOWNSHIP 27N, RANGE 22W, DAKOTA COUNTY, MINNESOTA

WHEREAS, an application has been received for a variance to allow a detached accessory structure over 1,000 square feet in size;

WHEREAS, the afore described property is zoned A, Agricultural;

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 November 1, 2016 in accordance with City Code Section City Code 10-3-3:C;

WHEREAS, a practical difficulty or uniqueness was not found to exist based on the following findings:

1. The Council has determined larger accessory structures can be allowed on larger lots, but, larger structures have a greater potential for negatively impacting neighboring properties and therefore require a greater setback.
2. Expanding the structure over 1,000 sq. ft., thus requiring the 50 foot setback, could be considered a circumstance created by the landowner and does not meet variance criteria.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow an accessory structure over 1,000 square feet is hereby denied.

Adopted by the City Council of Inver Grove Heights this 28th day of November, 2016.

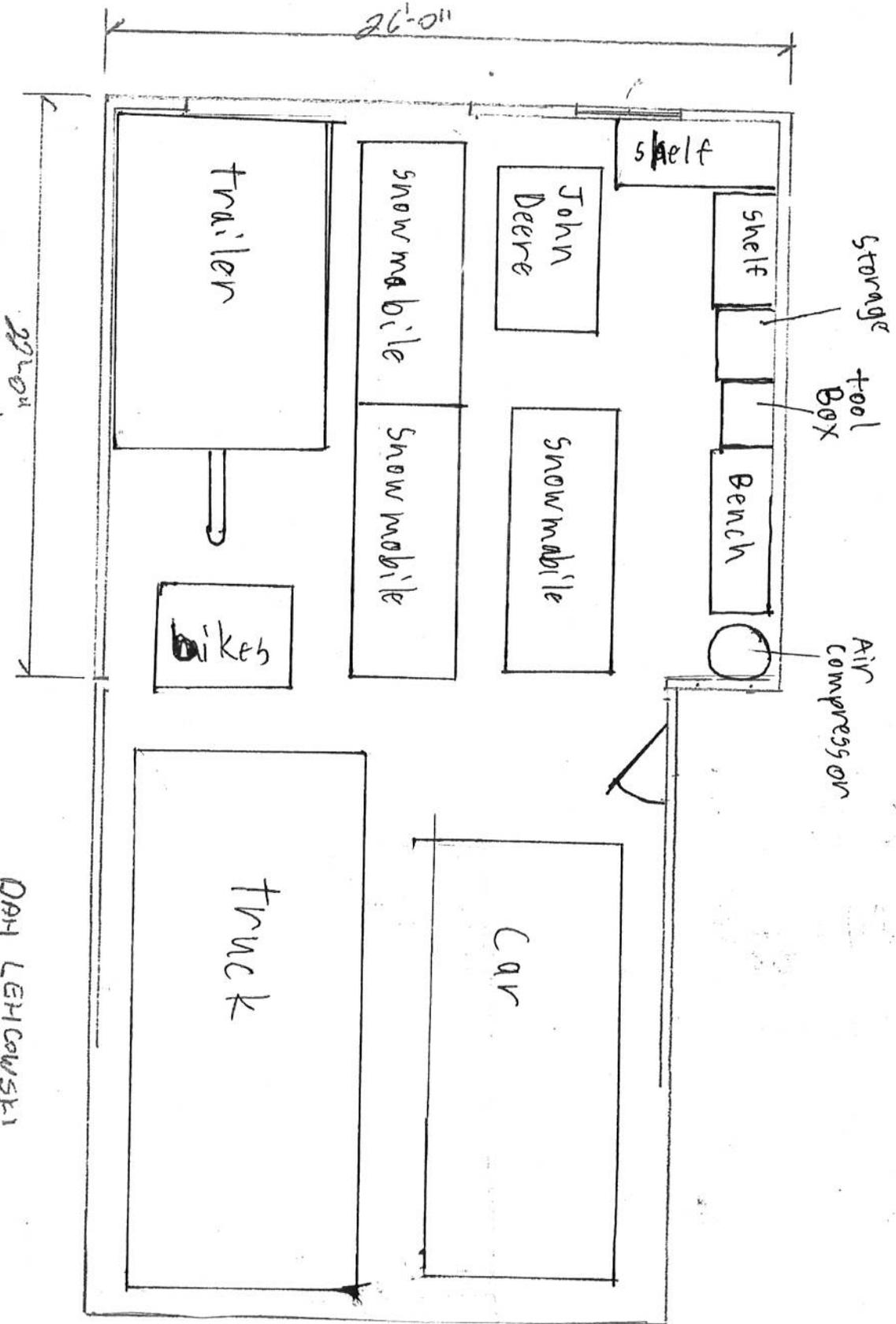
George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Michelle Tesser, City Clerk



DAN LEHCOWSKI
 9311 RICH VALLEY BUD
 I5H MH 56077

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: November 1, 2016
SUBJECT: **DAN LENCOWSKI – CASE NO. 16-45V**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow an accessory building to be larger than 1,000 square feet and for the structure to be located 17 feet from the side lot line whereas 50 feet is required, for the property located at 9311 Rich Valley Boulevard. 7 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to construct an addition to an existing detached accessory structure. The current detached structure is 528 square feet in size, and the applicant is proposing to add 572 square feet for a total of 1,100 square feet. The existing setback is 17.7 feet from the side property line whereas the required setback is 25 feet for structures under 1,000 square feet in size and 50 feet for structures larger than 1,000 gross square feet. The house was built in 1950 and the garage was built in 1969. It is unclear what the required setback was at the time; most of the homes in the neighborhood were built prior to the zoning ordinance being in effect. Staff feels an expansion along the established setback line of 17.7 feet seems reasonable as long as the structure stays at 1,000 square feet or less. However, expanding the structure above 1,000 square feet does not appear to be consistent with the intent of Council's action to require greater setbacks for larger buildings because of the potential for greater impact to abutting properties. Staff recommends approval of the expansion along the established 17.7 foot setback provided the structure is no larger than 1,000 square feet.

Commissioner Simon asked if the 528 square foot structure size included the small shed on the property line.

Mr. Hunting replied it only includes the one structure they are proposing to add onto.

Commissioner Simon asked if the small shed on the property line would be considered a second structure.

Mr. Hunting stated both sheds would be grandfathered in because they were there prior to the ordinance going into effect. At this point staff is only dealing with the shed they are proposing to add onto.

Commissioner Niemioja noted that staff had not stated a practical difficulty.

Mr. Hunting stated since staff is supportive of one variance and not the other they are asking the

Planning Commission to choose their own practical difficulty.

Commissioner Robertson noted that an 1,100 square foot building requires a significantly larger setback than a 1,000 square foot building.

Chair Maggi asked what the topography was like on the vacant lot to the west.

Mr. Hunting replied he was unsure.

Opening of Public Hearing

Dan Lencowski, 9311 Rich Valley Boulevard, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Lencowski replied in the affirmative. He appreciated staff's support of the setback variance and explained why he would like the size variance as well. He advised that the additional 100 feet would allow him to build width-wise as well and would give him the room necessary to accommodate his future needs in regard to vehicle storage, would make the garage more aesthetically appealing and uniform to the house, and would improve the appearance of his home as he could remove the vehicles from his driveway.

Chair Maggi asked for clarification of the additional accessory building on the property line.

Mr. Lencowski replied that he had never measured the shed in question, but believed it was about 200 square feet. He advised that the neighboring property owner on that side was in full support of his request. He added that there were thick trees and aggressive grade changes in the area.

Commissioner Lissarrague asked how close the smaller shed was to the property line.

Mr. Lencowski replied that it was on the property line.

Commissioner Therrien asked the applicant why he needed the proposed addition to be so deep.

Mr. Lencowski replied that the additional depth would allow him to pull vehicles in and work on them.

Commissioner Therrien advised the applicant that he would have an easier time getting his request approved if he could keep the total square footage under 1,000. He suggested he reduce it to 24' x 19.8' or 22' x 21.4' which would still provide the architectural look on the front.

Mr. Lencowski stated he would prefer the additional 100 square feet.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi suggested they vote on the two variances separately.

Commissioner Simon stated if they support one of the variances but not the other their recommendation could be conflicting.

Commissioner Wippermann suggested they eliminate the words 'greater than' and just recommend allowing a 17.7 foot setback for an accessory structure 1,000 square feet in size or less.

Planning Commission Recommendation

Motion by Commissioner Therrien, second by Commissioner Lissarrague, to approve the request for a variance to allow a 17.7 foot setback for an accessory structure 1,000 square feet or less, with the practical difficulty being that they were only allowed to have one accessory structure, for the property located at 9311 Rich Valley Boulevard.

Chair Maggi added an additional practical difficulty that the building was in existence prior to the zoning ordinance.

Motion carried (9/0).

Commissioner Simon asked if the Planning Commission were allowed to change the wording of the variance in their recommendation.

Mr. Hunting replied in the affirmative.

Motion by Commissioner Robertson, second by Commissioner Niemioja, to deny the variance to allow an accessory structure greater than 1,000 square feet in size, for the property located at 9311 Rich Valley Boulevard.

Motion carried (9/0). This item goes to the City Council on November 14, 2016.

P L A N N I N G R E P O R T
CITY OF INVER GROVE HEIGHTS

REPORT DATE: October 28, 2016

CASE NO: 16-45V

HEARING DATE: November 1, 2016

APPLICANT/PROPERTY OWNER: Dan Lencowski

REQUEST: A Variance from maximum accessory structure size and from side yard setback

LOCATION: 9311 Rich Valley Boulevard

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: A, Agricultural

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to construct an addition to an existing detached accessory structure. The current structure is 528 square feet in size. The request is to expand the existing structure by 572 square feet to a total size of 1,100 square feet. The property is zoned A, Agricultural and is 1.1 acres in size. Lots zoned Agricultural with lots less than 2.5 acres in size are allowed a maximum of one accessory structure not to exceed 1,000 gross square feet. In all districts, accessory structures greater than 1,000 square feet in size require a minimum setback from all property lines of 50 feet. The current accessory structure is setback 17.7 feet from the side property line. Side yard setback in the Agricultural district is 50 feet.

The house on the property was constructed in 1950. Our permit records indicate the garage was built in 1969. It is unclear what the required setback was at the time. Many of the lots in the area were created before any city ordinances were in effect as many of the homes in the area were built in the early 1950's and 1960's.

EVALUATION OF THE REQUEST

The following land uses, zoning districts, and comprehensive plan designations surround the property:

North – Large lot residential, church; zoned A, E-1/PUD, P; guided RDR, Public Open Space.

East - Large lot residential; zoned A; guided RDR

West – Large lot residential; zoned A, E-1/PUD; RDR

South – Large lot residential; zoned A; guided RDR

VARIANCE REVIEW

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 zoning code provides for different size accessory structures in relation to lot size. The Council felt larger accessory structures could be allowed on larger lots, but, larger structures had a greater potential for negatively impacting neighboring properties and therefore required a greater setback. An expansion of the structure up to 1,000 square feet along the existing setback line would seem reasonable and consistent with the intent of the ordinance. The RDR designation is intended for large lot residential and agricultural uses on lots without city sewer and water. Allowing the addition would be consistent with the comprehensive plan.

2. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

The existing garage was constructed in 1969 and it is unclear what the required setbacks were at the time. It would seem reasonable to allow some expansion along the existing established setback line provided the building goes no closer to the property line. Expanding the structure greater than 1,000 square feet as a reasonable use may be questionable as this has a greater impact on required setbacks established recently to address potential greater impacts of larger accessory structures. The properties immediately to the east and to the southeast have houses over 1,000 feet away from the proposed garage addition.

3. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

The landowner purchased the property with a garage that was built with a permit but does not meet current setbacks. It does not seem practical to require the 25 foot required setback (structures 1,000 sq ft or less) for an expansion along an established setback line. Expanding the structure over 1,000 sq. ft., thus requiring the 50 foot setback, could be considered a circumstance created by the landowner and does not meet variance criteria.

4. *The variance will not alter the essential character of the locality.*

The surrounding area is developed with residential homes on large lots. Accessory structures would be a typical accessory use. Allowing an expansion of the structure would not alter the essential character of the neighborhood.

5. *Economic considerations alone do not constitute an undue hardship.*
Economic considerations do not appear to be a basis or a sole basis for either of these requests.

ALTERNATIVES

- A. **Approval:** If the Planning Commission finds the application acceptable, the following request should be recommended for approval:

- Approval of a **Variance** to allow for an accessory structure greater than 1,000 square feet in size subject to the following conditions:

1. The site shall be developed in substantial conformance with the Site Plan dated 9/26/16 on file with the Planning Division except as modified herein.

Practical difficulty: Planning Commission to state practical difficulty.

- Approval of a **Variance** to allow a 17.7 foot setback for an accessory structure greater than 1,000 square feet in size, whereas 50 feet is required subject to the following conditions:

1. The site shall be developed in substantial conformance with the Site Plan dated 9/26/16 on file with the Planning Division except as modified herein.

Practical difficulty: Planning Commission to state practical difficulty

- B. **Denial.** If the Planning Commission does not favor the proposed application, the above requests should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

Staff feels an expansion along the established setback line of 17.7 feet seems reasonable as long as the structure stays at 1,000 square feet or less. Expanding the structure above 1,000 square feet, thus requiring the 50 foot setback, does not appear to be consistent with the intent of Council's action to require greater setbacks for larger buildings because of the potential for greater impact to abutting properties. Staff recommends approval of the expansion along the established 17.7 foot setback provided the structure is no larger than 1,000 square feet.

Attachments: Exhibit A –Location Map
Exhibit B – Narrative
Exhibit C – Site Plan
Exhibit D - Construction Plan

Request for Variance

To whom this may concern,

I am requesting a variance from zoning restrictions in accordance with Inver Grove Heights City Code Title 10-3-4. My property is located at 9311 Rich Valley Blvd which is zoned as Agriculture District. I would like to add on to my garage. Currently, the garage is 24' deep by 22' wide and would like to add on 22' deep by 26' wide. The current garage structure is approximately 17.7 feet from the side property line. The new garage would extent straight back and would not encroach the side property line any more than the current garage (see Construction Plans for more details). Title 10-7-2 requires a side yard setback of 25 feet or 50 feet for accessory structures that are greater than 1,000 square feet. The Code is impossible and results in practical difficulty due to the narrowness of lot.

We would use the variance in a reasonable manner. With a bigger garage, we would be able to store and do maintenance on our vehicles, lawn equipment, and recreation vehicles in doors. Also, this would improve the appearance for the community and have many other benefits. This variance would be in harmony with the general purposes and intent of the zoning ordinances and is consistent with the Comprehensive Plan. The variance would not alter the essential character of the locality. We purchased this house in April and have not brought on any self-created hardships.

The adjacent property owner is David Aymond, and their address is 9401 Rich Valley Blvd. The property directly across the street is the Mariana Ranch Trails owned by the City of Inver Grove Heights (9236 Rich Valley Blvd). Also, across the street is property owned by Berea Lutheran Church at 9308 Rich Valley Blvd.

Thanks,

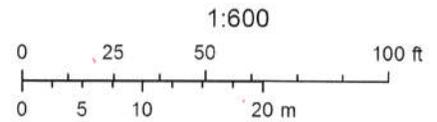
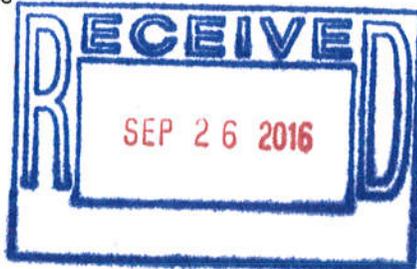
A handwritten signature in black ink, appearing to read 'DL', with a horizontal line extending to the right.

Dan Lencowski

Dakota County, MN

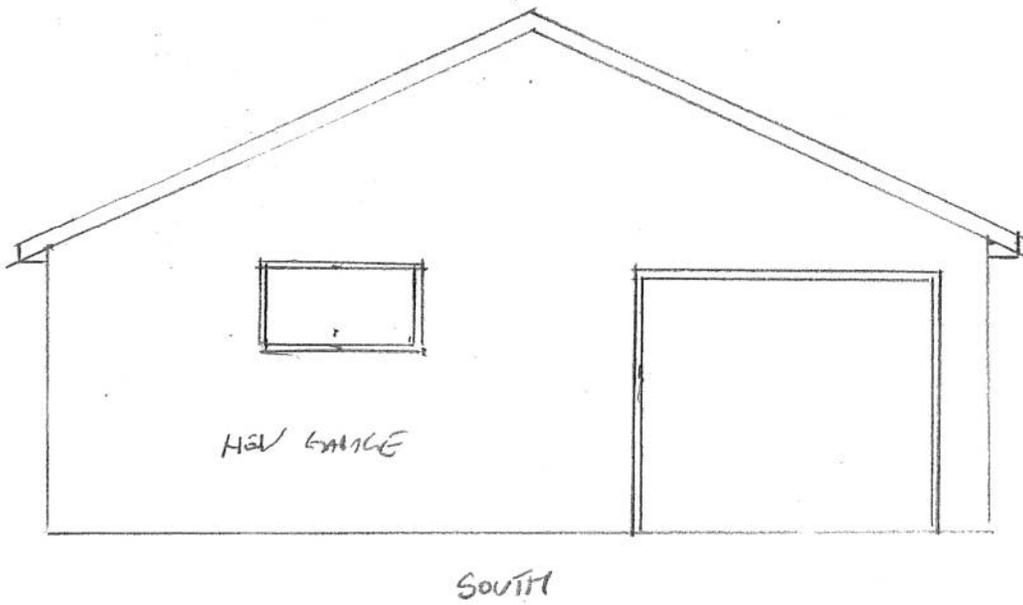
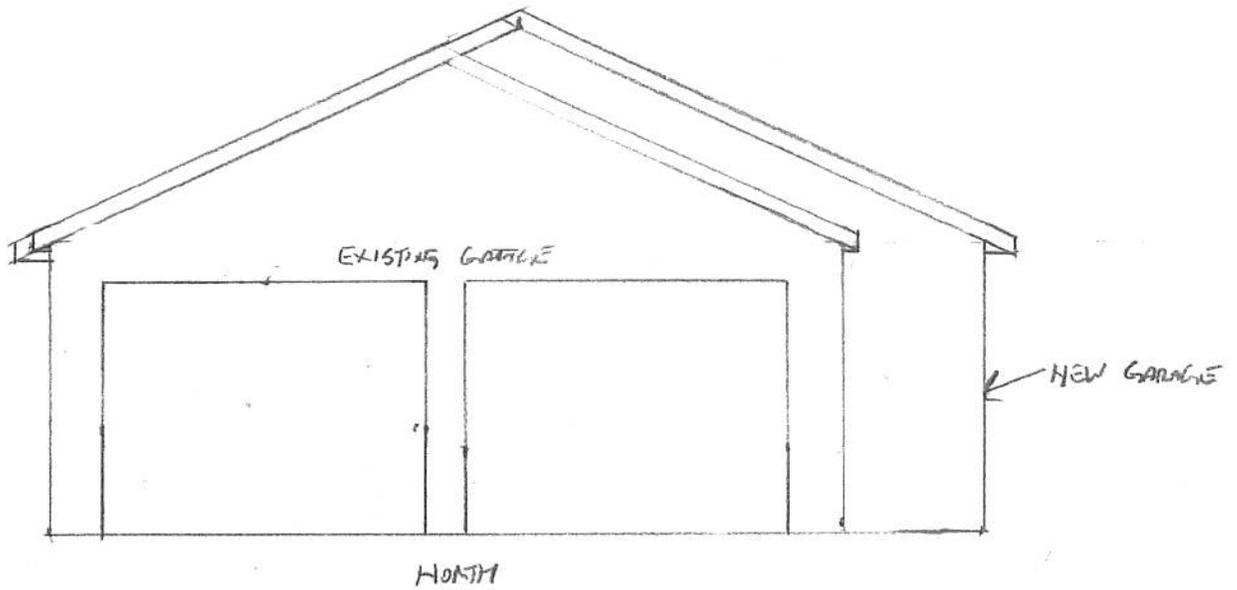


September 24, 2016



Property Information

Construction Plans

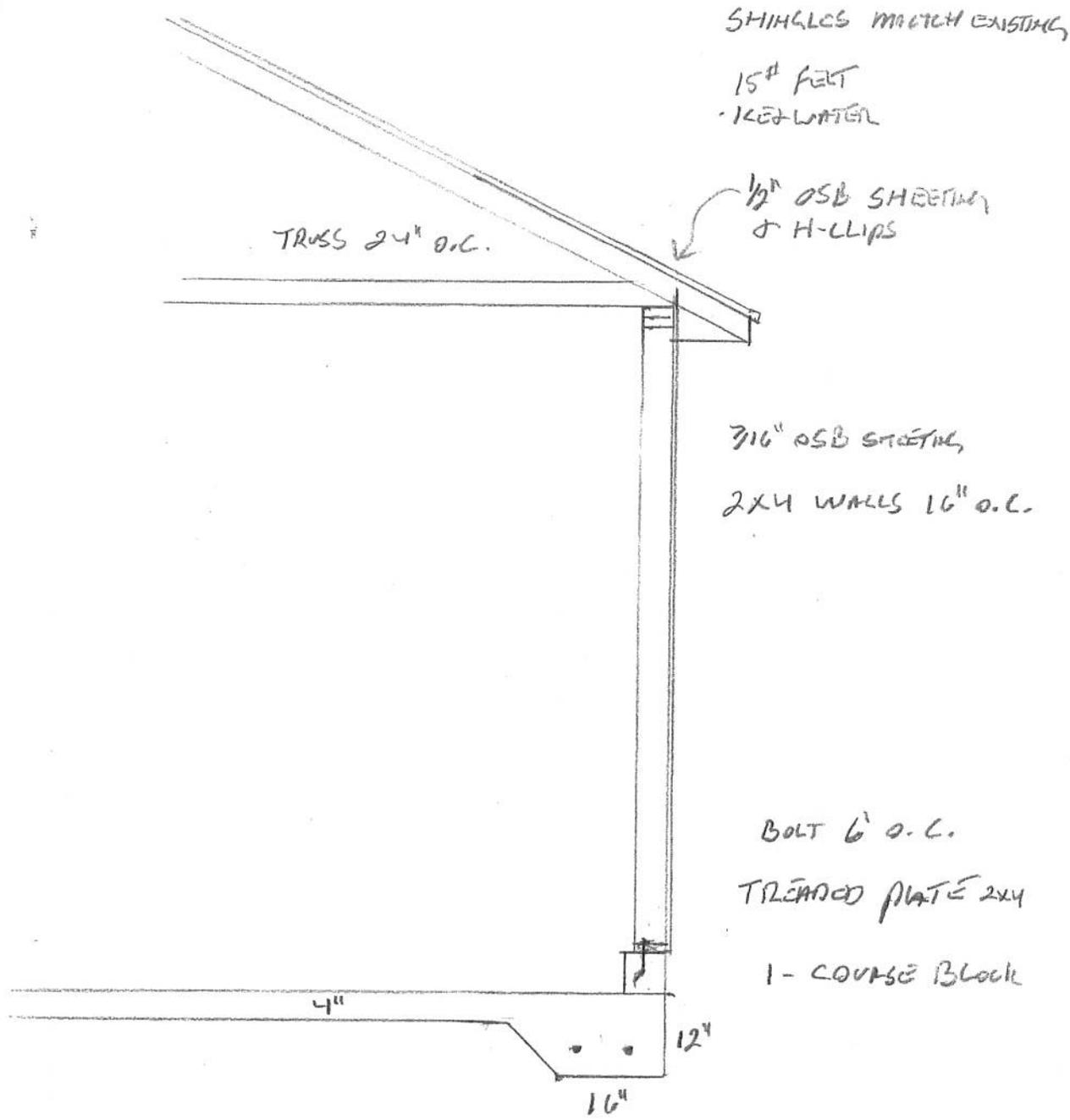


DAH LEHCOWSKI
 9311 RICH VALLEY BLVD
 FGH MN 55077

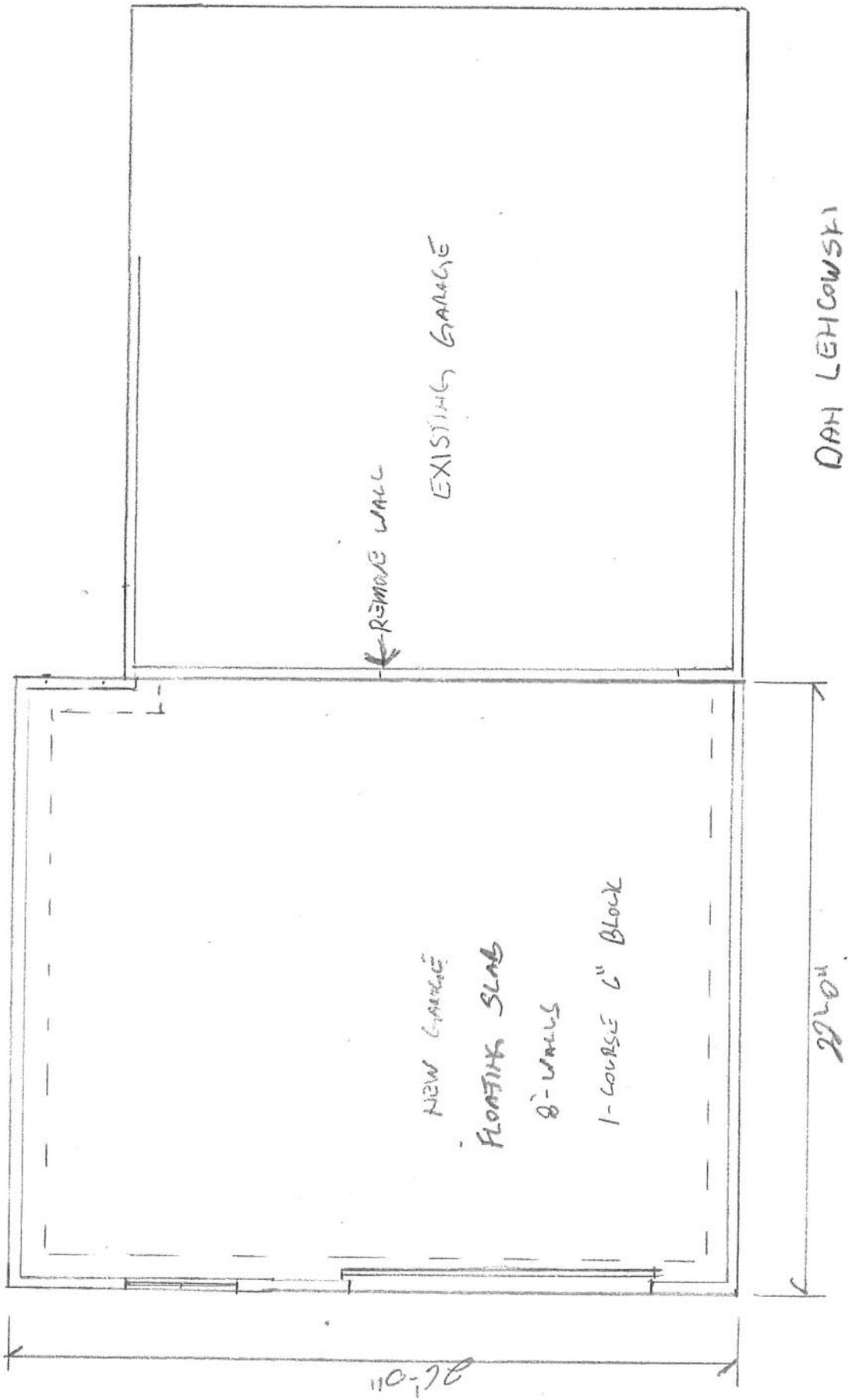
Lic. BC679360



Mark G. Kryzer
 (651) 450-1653 . Cell (612) 414-5466
 kryzerbldr@gmail.com
 6316 Bachman Circle Inver Grove Heights, MN 55077



SECTION



DAN LEHCOWSKI
9311 RICH VALLEY BUD
IGH MH 55077

← REMOVE WALL

EXISTING GARAGE

NEW GARAGE

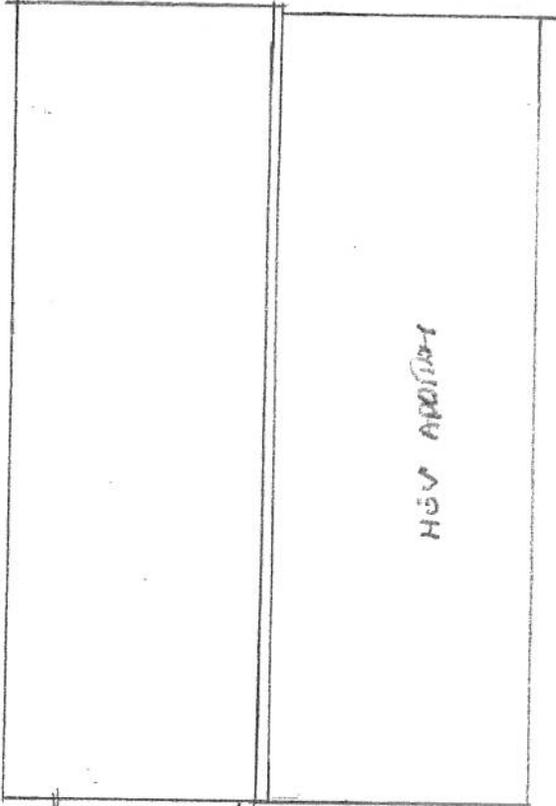
FLOORING SLAB

8" WALLS

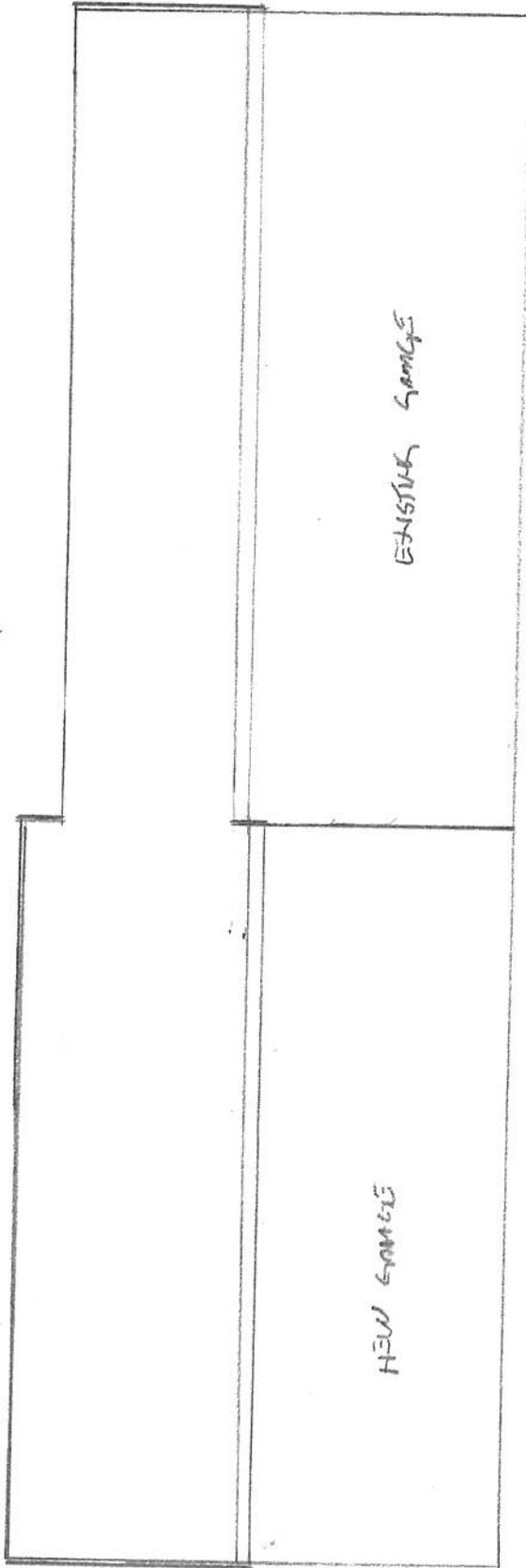
1-COURSE 6" BLOCK

22'0"

26'0"



WEST



EAST

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

B52 RESTAURANT – Case No. 16-48PDA

Meeting Date: November 28, 2016
Item Type: Regular Agenda
Contact: Heather Botten 651.450.2569
Prepared by:  Heather Botten, Associate Planner
Reviewed by:

Fiscal/FTE Impact:	
<input checked="" type="checkbox"/>	None
<input type="checkbox"/>	Amount included in current budget
<input type="checkbox"/>	Budget amendment requested
<input type="checkbox"/>	FTE included in current complement
<input type="checkbox"/>	New FTE requested – N/A
<input type="checkbox"/>	Other

PURPOSE/ACTION REQUESTED

Consider a Planned Unit Development Amendment and an Amendment to the Bishop Heights PUD Ordinance to add 2,299 square feet of roof top restaurant space for Lot 2/3, Block 1, Bishop Heights and amending traffic volumes for the property located at 5639 Bishop Avenue.

- Requires 3/5th's vote.
- 60-day Deadline: December 16, 2016 (1st 60-days)

The applicant is requesting a 2,299 square foot rooftop restaurant addition to be located on top of the B52 restaurant. The Bishop Heights PUD is set up with its own ordinance and all projects and uses are approved individually and listed within the ordinance. The property was originally approved for a 7,400 square foot restaurant; the applicant would like to add the proposed roof top restaurant space to that total. The rooftop seating is placed on the north side of the building to minimize the noise impact to the abutting hotel. A tall feature wall will also be put in place to help deflect noise away from the hotel. Any lighting must be downcast and designed to deflect light away from the public street and adjoining property.

The proposed addition is a 100 seat roof deck; the addition would include the removal of the 40 seat patio area, resulting in a net increase of 60 seats. The zoning code requires 20 additional parking spaces for the roof top seating. The site has a shared parking agreement with the abutting hotel and movie theatre. Based on the shared parking agreement staff is not concerned with the additional parking spaces required for the restaurant expansion. A traffic analysis determined the traffic count would increase 25 trips during the afternoon peak time. The Bishop Heights traffic table will be amended to reflect the new numbers.

RECOMMENDATION

Planning Division: Recommends approval of the PUD Amendment and Bishop Heights Ordinance Amendment subject to the conditions listed in the attached resolution.

Planning Commission: Also recommends approval of the request with the conditions listed in the attached resolution (8-0).

Attachment: PUD Amendment Resolution
Uses and parking table from the SE Quadrant Ordinance (changes made to parcel #2)
Planning Commission Recommendation
Planning Report

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

RESOLUTION NO. 16-_____

**A RESOLUTION APPROVING A PUD AMENDMENT TO ADD A 2,299 SQUARE FOOT
ROOFTOP RESTAURANT ADDITION TO THE PROPERTY LOCATED
AT 5639 BISHOP AVENUE**

**CASE NO. 16-48PDA
B52 Restaurant**

WHEREAS, a PUD Amendment application has been submitted to the City for property known as Tract 2, legally described as Lot 2/3, Block 1, Bishop Heights, Dakota County, Minnesota;

WHEREAS, the subject property is located within the neighborhood known as the Southeast Quadrant, which is generally bounded on the south by Upper 55th Street, on the west by Hwy 52, on the north by Interstate 494, and on the east by South St. Paul;

WHEREAS, approval of all developments in this neighborhood since 1995 have been in conjunction with Planned Unit Developments and Final Development Plans;

WHEREAS, the City Council approved the latest Planned Unit Development Amendment for the property described in Resolution No. 06-110 on June 26, 2006;

WHEREAS, a public hearing concerning the Amendment was held before the Inver Grove Heights Planning Commission on November 15, 2016;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, the Amendment to the PUD development plan to allow for the 2,299 square foot rooftop expansion is hereby approved subject to the following conditions:

1. The site shall be developed in substantial conformance with the plans on file with the Planning Department.
2. A directional sign stating where the overflow parking is located shall be placed at the entrance of the restaurant.
3. All final development plans shall be subject to the review and approval of the City Fire Marshal and Building Official.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL, that the Deputy 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 on the 28th day of November, 2016.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

SE Quad ord.
Changes

B. USES

All development shall be restricted to the following uses:

Parcel No.	Legal Description*	Specific Use
1	Lot 1, Block 1, Bishop Heights	65,000 square foot, 16-screen theater
2	Lot 2/3, Block 1, Bishop Heights	7,400 square foot sit down restaurant and a 2,299 square foot roof top restaurant space
3	Lot 2/3, Block 1, Bishop Heights	36,371 square foot, 89 room motel
4	Lot 4, Block 1, Bishop Heights	25,292 square foot, 63 room motel
5	Lot 5 and part of Lot 4, Bishop Heights	6,163 square foot sit down restaurant
6	Lot 2, Block 2, Bishop Heights	6,500 square foot bank and office building
7	Lot 3, Block 2, Bishop Heights	4,271 square foot gas station convenience store
8	Lot 1, Block 1, Krech's Addition	15,120 square foot drug store
9	Tracts A-D, F and G	42,000 square foot lawn, garden, floral & nursery retail center (two buildings: 29,400 sf in one, 12,400 sf in other); 605,000 square feet of greenhouses and nursery buildings; 2,150 sf accessory structures (2 barns) for storage of materials and equipment; nursery fields and nursery field caretaker's residence; outside storage/display of nursery and landscaping stock and materials; nursery and landscaping services, 5.7 acres of growing fields and one house for use by employees**
10	Lot 1, Block 1, Bishop Heights 2 nd Addition	1,710 sf quick service oil change store
11	Lot 1, Block 1, Bishop Heights 3 rd Addition	6,832 sf auto service center store
12	Lots 1-31, Block 1, Blackberry Town Office Park	65,415 net sf townoffice space, 31 units
13	Lot 1, Block 1, Blackberry Town Office Park Second Addition	4,950 gross sf veterinary clinic
14	Lot 1, Block 1, Inver Grove Market	14,009 square feet of general retail, 5,680 square feet of sit-down restaurant, and 1,516 square feet of fast food restaurant (without a drive through window)
15	Lots 6-10, Block 7, Warren and McDowell's Acre Lots No. 2	Rock and Block Yard for Gerten's Greenhouses
16	Lots 1-88, Brentwood Village	80 townhome units
17	Lot 1, Bk 2, Bishop Heights	7,200 sf sit down restaurant
18	Lots 1 & 2, Block 1, Outlot A Brentwood Village Apts.	219 apartment units
19	Outlot B, Bishop Heights	43,400 square foot medical/office building
20	Lot 2, Block 1, Inver Grove Market	5,200 square foot bank building
21	Lot 3, Block 1, Bishop Heights	9,100 square feet of general retail



	4 th Addition	
22***	Lot 1, Block 1, Bishop Heights 4 th Addition	10,400 square feet of general retail and 5,000 square foot sit-down restaurant
23	Lot 1, Block 1, Scenic Heights Addition	16,000 square foot office condominium
24	Outlot A, Brentwood Hills Apartments	24 multiple family townhome units
25	Lot 2, Block 1, Inver Grove Professional Addition	13,318 square foot office building

* More detailed legal descriptions available in Exhibit A

** Uses on Tracts A-D, F & G shall be governed not only by this ordinance, but also by the conditions found in Resolution No 98-210, Resolution 11-28 and Resolution 16-82.

***Parcel 22 shall be subject to the following conditions:

1. A Joint Parking Agreement affecting the restaurant in Lot 1, Block 1 Bishop Heights 4th Addition between Outlot B, Bishop Heights and Lot 3, Block 1, Bishop Heights 4th Addition. This document must be drafted by the City attorney's office, signed by the land owners, and recorded with the County.
2. If restaurant parking becomes a problem restaurant employees shall park off site at any of the locations listed in the Joint Parking Agreement.

SE Quad ord.
 Charges

8. Traffic:

The forecasted p.m. peak hour traffic generated by the developments shall not exceed:

Lot	Parcel #	Trips
Lot 1, Block 1, Bishop Heights	1	177
Parcel A, Bishop Heights (Described in Exhibit A)	2	153
Parcel B, Bishop Heights (Described in Exhibit A)	3	83
That part of Lot 4, Block 1, Bishop Heights described in Exhibit A.	4	38
Lot 5, Block 1, Bishop Heights and that portion of Lot 4 described in Exhibit A.	5	78
Lot 2, Block 2, Bishop Heights	6	120
Lot 3, Block 2, Bishop Heights	7	180
Lot 1, Block 1, Krech's Addition	8	116
Tracts A-D, F and G as described in Exhibit A	9	208
Lot 1, Block 1, Bishop Heights 2 nd Addition	10	18
Lot 1, Block 1, Bishop Heights 3 rd Addition	11	28
Lots 1-31, Block 1, Blackberry Town Office Park	12	141
Lot 1, Block 1, Blackberry Town Office Park Second Addition	13	20
Lot 1, Inver Grove Market	14	148
Lots 6-10, Block 7, Warren and McDowell's Acre Lots No. 2	15	40
Lots 1-88, Brentwood Village	16	43
Lot 1, Bk 1, Bishop Heights	17	78
Lots 1 & 2, Bk 1, Brentwood Village Apartments	18	136
Outlot B, Bishop Heights	19	146
Lot 2, Inver Grove Market	20	205
Lot 3, Block 1, Bishop Heights 4 th Addition	21	34
Lot 1, Block 1, Bishop Heights 4 th Addition	22	126
Lot 1, Block 1, Scenic Heights Addition	23	23
Outlot A, Brentwood Hills Apartments	24	19
Lot 2, Block 1, Inver Grove Professional Addition	25	20

*

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: November 15, 2016
SUBJECT: **B52 RESTAURANT – CASE NO. 16-48PDA**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a planned unit development amendment to the Bishop Heights PUD to add a 100 seat rooftop patio to the existing restaurant and amend the forecasted PM peak hour traffic count in the Bishop Heights Ordinance, for the property located at 5639 Bishop Avenue. 10 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a 2,299 square foot rooftop restaurant addition to be located on top of the B52 restaurant. The property was originally approved for a 7,400 square foot restaurant; they would like to add the proposed roof top restaurant space to that total. The rooftop seating is placed on the north side of the building to minimize the noise impact to the abutting hotel. A tall feature wall will also be put in place to help deflect noise away from the hotel. Any lighting must be downcast and designed to deflect light away from the public street and adjoining property. The proposed addition would result in a net increase of 60 seats. The zoning code requires 20 additional parking spaces for the roof top seating. The site has a shared parking agreement with the abutting hotel and movie theatre. Based on the shared parking agreement staff is not concerned with the additional parking spaces required for the restaurant expansion. A traffic analysis determined the traffic count would increase 25 trips during the afternoon peak time. The traffic table will be amended to reflect the new numbers. Staff recommends approval of the request with the three conditions listed in the report. Staff did not hear from any of the surrounding property owners.

Commissioner Simon asked if notices were sent to the specific businesses or the actual owners.

Ms. Botten replied that notices were mailed to the property owners.

Commissioner Robertson asked if there would be an easily identifiable safe walkway from the movie theater to B52s.

Commissioner Therrien noted that is a set of stairs from the movie theatre lot to B52s.

Commissioner Robertson asked if there was a marked pedestrian crossing to the stairs.

Ms. Botten stated the abutting roadway between B52s and the theater was owned by the movie theater and therefore she did not believe they could require a pedestrian crossing as a condition of approval.

Opening of Public Hearing

Brandon Bramscher, 3553 Avon Drive, Woodbury, stated he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Bramscher replied in the affirmative. In regard to potential noise issues, he stated it would not be a raucous environment, would be mostly food orders, and they did not plan on having loud bands. He stated it was important to maintain good relationships with their neighbors and the proposed addition would be a good asset for the community.

Commissioner Niemioja complimented the applicant on the proposed design, but agreed that a lit pedestrian crossing sign would be advantageous.

Mr. Bramscher stated he would speak with the movie theater owner regarding that possibility, and added that he was not aware of any accidents occurring in that area.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated the proposed rooftop addition would be a good addition to the City.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Scales, to approve the request for an amendment to the Southeast Quadrant PUD Ordinance to add 2,299 square feet of rooftop restaurant space for Lot 2/3, Block 1, Bishop Heights and amending traffic volumes for the property located at 5639 Bishop Avenue, with the three conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on November 28, 2016.

P L A N N I N G R E P O R T
CITY OF INVER GROVE HEIGHTS

REPORT DATE: November 9, 2016

CASE NO: 16-48PDA

HEARING DATE: November 15, 2016

APPLICANT: B52 Restaurant

PROPERTY OWNER: IGH Property, LLC

REQUEST: SE Quad Ordinance Amendment (Bishop Heights)

LOCATION: 5639 Bishop Avenue

COMPREHENSIVE PLAN: RC, Regional Commercial

ZONING: PUD (Southeast Quadrant)

REVIEWING DIVISIONS: Planning
Fire

PREPARED BY: Heather Botten
Associate Planner 

BACKGROUND

The applicant is requesting a 2,299 square foot roof top restaurant addition to be located at B52's. The Bishop Heights PUD was approved for a 7,400 square foot restaurant on the site. Therefore, the restaurant expansion requires an amendment to the Bishop Heights PUD Ordinance to allow for more restaurant space along with amending the trip generation table. The expansion would entail an interior remodel that includes an elevator, structural reinforcement of the roof, and the addition of restaurant/bar space on the roof top that would have seating for 100 customers.

The Bishop Heights PUD was set up with its own ordinance and all projects and uses are approved individually and listed in the ordinance. The original approval was for 7,400 square foot restaurant. Uses and traffic counts are tracked in the Bishop Heights PUD because it is important that traffic generation at the Upper 55th Street and Hwy 52 intersection remain below capacity.

Approvals Required

In order to develop the property as proposed, the applicant has requested the following specific actions:

- 1) Adoption of a Bishop Heights PUD Ordinance Amendment adding 2,299 square feet of roof top restaurant space for Lot 2/3, Block 1, Bishop Heights and amending traffic volumes to 153 PM peak vehicle trips.

EVALUATION OF THE REQUEST

Surrounding Uses. The subject site is surrounded by the following uses:
North – Movie theatre; zoned PUD; guided RC.

East - Old World; zoned PUD; guided RC
West – HWY 52
South – Hotel; zoned PUD; guided RC

ANALYSIS

The Bishop Heights district has been a main commercial corridor in the City the last 15+ years. There has been some ebb and flow to the different businesses in the Heights area. There is one vacant multi-use strip mall, but for the most part the other businesses have had a strong commercial presence. The requested PUD ordinance amendment is consistent with the existing businesses and the City’s Comprehensive Plan.

The original SE Quadrant PUD was approved for:

2	Lot 2/3, Block 1, Bishop Heights	7,400 square foot sit down restaurant
---	-------------------------------------	--

The requested roof top restaurant expansion would change the SE Quadrant Ordinance to read as follows:

2	Lot 2/3, Block 1, Bishop Heights	7,400 square foot sit down restaurant <u>and a 2,299 square foot roof top restaurant space</u>
---	-------------------------------------	---

Traffic and parking have always been a concern in the Upper 55th/Highway 52 area. The existing restaurant includes 264 seats indoor and a 40 seat patio. The proposed addition is a 100 seat roof deck, which would include the removal of the 40 seat patio area, resulting in a net increase of 60 seats. The zoning code requires 20 additional parking spaces for the roof top seating. The site has a shared parking agreement with the abutting hotel and movie theatre. Based on the shared parking agreement staff is not concerned with the additional parking spaces required for the restaurant expansion. Additionally, the movie theatre recently underwent a renovation reducing the number of theater seats; therefore the site is now overparked. Staff is recommending a sign be posted at the entrance of B52 stating where the overflow parking is located.

The Bishop Heights Ordinance also needs to be amended to reflect traffic generation for the use. All uses in the PUD are approved with a peak traffic generation number. This is used to track total projected traffic volumes to compare when actual traffic counts are done in the area. In this case the traffic count would increase 25 trips during the afternoon peak time. The Traffic Table would be amended to reflect the new numbers.

Lighting. All parking lot lighting and building lighting shall be designed to deflect light away from the public street and adjoining property. The source of light shall be hooded, recessed, or controlled in some manner so as not to be visible from adjacent property or streets.

Landscaping. The roof top expansion would not require any additional landscaping.

Engineering. The Engineering Department has reviewed the plans and takes no exception to the request. No additional impervious surface is being added to the site.

Fire Marshal Review. All plans shall be subject to the review and approval of the City Fire Marshal at time of building permit.

ALTERNATIVES

A. **Approval:** If the Planning Commission finds the application acceptable, the following request should be recommended for approval:

- Approval of an **Amendment** to the Southeast Quadrant PUD Ordinance to add 2,299 square feet of roof top restaurant space for Lot 2/3, Block 1, Bishop Heights and amending traffic volumes to 153 PM peak trips subject to the following conditions:
 1. The site shall be developed in substantial conformance with the plans on file with the Planning Department.
 2. A directional sign stating where the overflow parking is located shall be placed at the entrance of the restaurant.
 3. All final development plans shall be subject to the review and approval of the City Fire Marshal and Building Official.

B. **Denial:** If the Planning Commission does not support the request, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, the basis of the recommendation should be given.

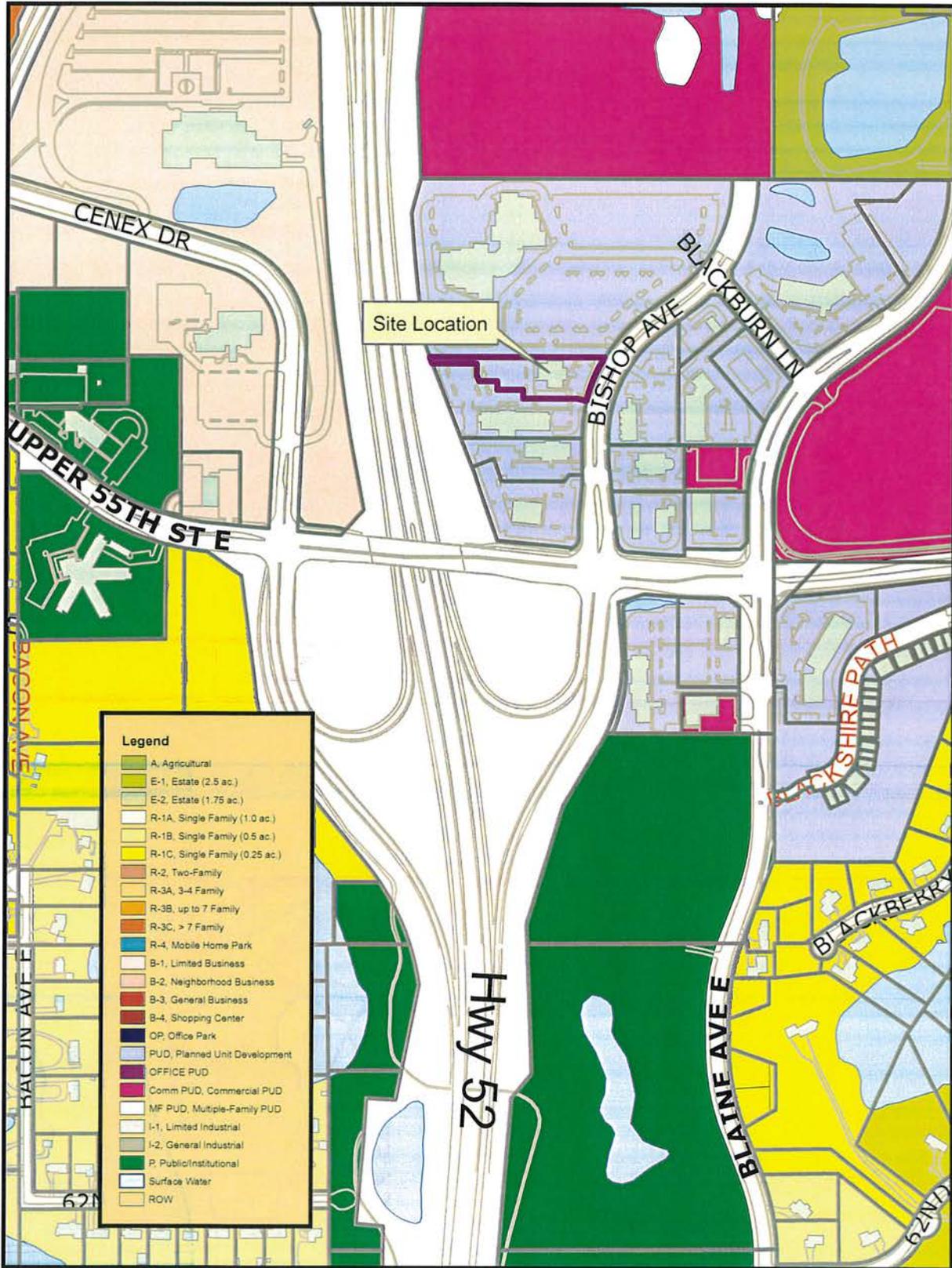
RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the request.

Attachments: Exhibit A –Zoning Map
Exhibit B – Letter from applicant
Exhibit C – Trip generation calculation
Exhibit D – Elevations



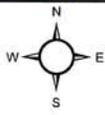
B-52 Restaurant Case No. 16-48PDA



Legend

- A, Agricultural
- E-1, Estate (2.5 ac.)
- E-2, Estate (1.75 ac.)
- R-1A, Single Family (1.0 ac.)
- R-1B, Single Family (0.5 ac.)
- R-1C, Single Family (0.25 ac.)
- R-2, Two-Family
- R-3A, 3-4 Family
- R-3B, up to 7 Family
- R-3C, > 7 Family
- R-4, Mobile Home Park
- B-1, Limited Business
- B-2, Neighborhood Business
- B-3, General Business
- B-4, Shopping Center
- OP, Office Park
- PUD, Planned Unit Development
- OFFICE PUD
- Comm PUD, Commercial PUD
- MF PUD, Multiple-Family PUD
- I-1, Limited Industrial
- I-2, General Industrial
- P, Public/Institutional
- Surface Water
- ROW

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. Copyright© City of Inver Grove Heights 2016



Map not to scale

Exhibit A
Zoning and Location Map

B52 BURGERS AND BREW
5639 Bishop Avenue
Inver Grove Heights

The B52 restaurant is currently part of the Bishop Heights Commercial PUD development, in the city of Inver Grove Heights. The restaurant also has a reciprocal easement that is shared with the Theater to the north and the adjacent Hotel to the South. This easement includes, ingress, egress, parking, pedestrian traffic, and storm water.

The existing restaurant was originally built as a Damon's in 1989, and sold to the Premier Restaurant Group - Major's Restaurant, and was sold to the B52 Restaurant group in 2016. The restaurant presently has a bar and dining area with a total of 256 seats inside, and has a small patio area with approximately 24 seats outside.

The application is for an amendment to the Bishop Heights PUD, that would allow a roof top deck use. The amendment would allow the restaurant to construct a roof top deck with a total size of 2299 square feet. The dining and bar area is about 1450 square feet of this total. The deck will have 15 person bar area, a lounge area seating 10 people and dining area for 75 people. The total new rooftop seating will be 100 people. The proposal also includes removing the existing patio area on the main floor.

The total parking spaces for the existing main restaurant seating and the new rooftop will be 119 stalls. The existing site has 66 standard stalls, 6 accessible stalls and 2 proof of parking spaces, giving a total of 74 spaces. The remaining 45 spaces will be shared as part of the easement with the neighbors to the north and the south by the reciprocal easement.

The existing restaurant has an old school look with brick, stucco, and a black metal and glass entry. The new deck and the related penthouse structures, will complement the "old school" feeling with the penthouses, elevator shaft and two trellised areas that will be built with similar materials; stucco, and black metal roofing, and complimentary materials, such as; black metal railings, and smart siding.

The massing of the Bar, Restroom and storage has been placed to act as a sound barrier between the dining area and the hotel rooms to the south. An additional tall feature wall has been placed to further reflect sound away from the hotel. The main view of the deck will be focused on the distant, metropolitan skyline to the north.

The existing roof structure will be modified to accommodate the new loading resulting from the new structures and the patrons. The new interior penthouse structures, and the underside of the deck will be sprinklered as required by the Fire code.

The owner is asking that the final parking requirements, and traffic generation calculations to be worked out with city staff as a condition of approval.



MEMORANDUM

To: Martina Foss Ashworth, AIA, NCARB, LEED GA
Progressive Architecture

From: Douglas Arnold, P.E.
Kimley-Horn and Associates, Inc.

Date: October 25, 2016

Re: B-52 Burgers and Brew Expansion – Trip Generation Calculation

Kimley-Horn was hired by Progressive Architecture to review the potential trip generation increase associated with the planned expansion of B-52 Burgers and Brew. B-52 Burgers and Brew is planning to expand their restaurant to include a roof deck. The existing restaurant includes 264 seats indoor and a 40 seat patio. The proposed addition is a 100 seat roof deck, which would include the removal of the 40 seat patio area, resulting in a net increase of 60 seats.

The restaurant is located on Bishop Avenue, north of Upper 55th Street E, in Inver Grove Heights, Minnesota. There is one driveway on Bishop Avenue that provides direct access to the establishment. The intersection of Bishop Avenue and Upper 55th Street E is currently signalized. The existing Average Daily Traffic (ADT) on Upper 55th Street is 14,200, based on a 2014 MnDOT traffic count. Bishop Avenue is a four-lane roadway north of Upper 55th Street, and Upper 55th Street E is a four-lane arterial on both sides of Bishop Avenue. There is a planned improvement to widen Upper 55th Street west of the site from Robert Trail to Babcock Trail according to the 2030 Comprehensive Plan.

Trip generation for the development was calculated based on the Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition. ITE Land Use Code 932, High-Turnover (Sit-Down) Restaurant, was used for the development. **Table 1** provides the average rate and the estimated number of trips during the weekday PM peak hour.

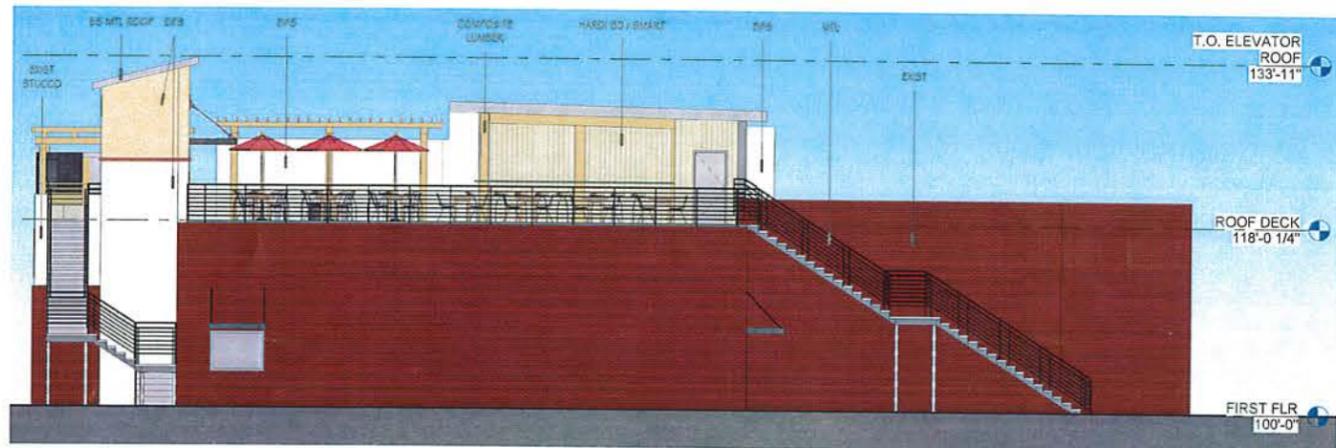
Scenario	Average Trip Generation Rate	Total Seats	Total Trips	Trips In	Trips Out	Total Increase of Trips
Existing	0.42	304	128	74	54	25
Proposed		364	153	89	64	

The total increase of trips to the site with the planned expansion is 25 trips in the PM peak hour (15 in and 10 out). The increase in trips will have less than a 1% impact on the adjacent roadways (Bishop Avenue and Upper 55th Street E) considering that both roadways are currently four-lanes.

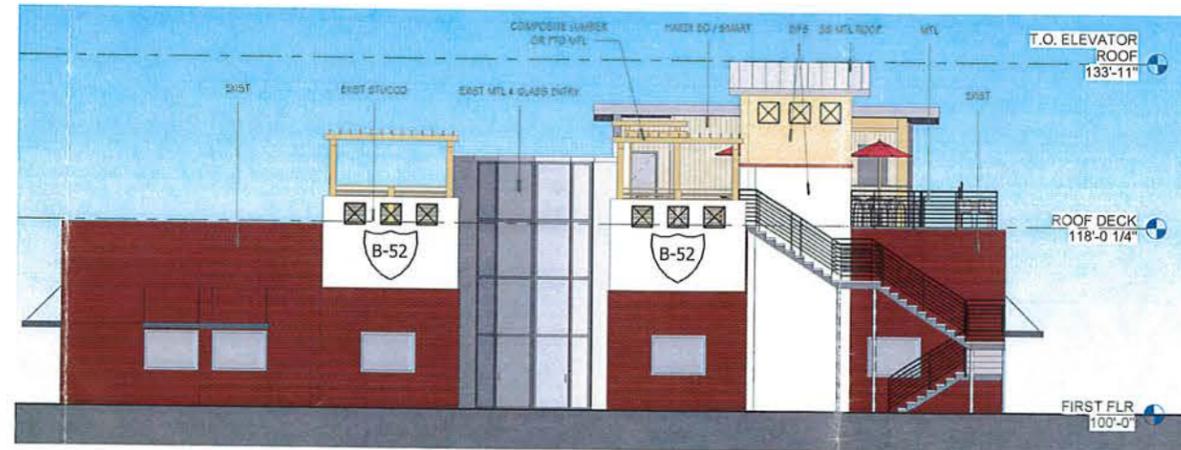


PROGRESSIVE
Architecture

4920 OTTER LAKE ROAD, WHITE BEAR LAKE, MN 55110
WWW.PROGRESSIVEARCH.COM 651.282.1067



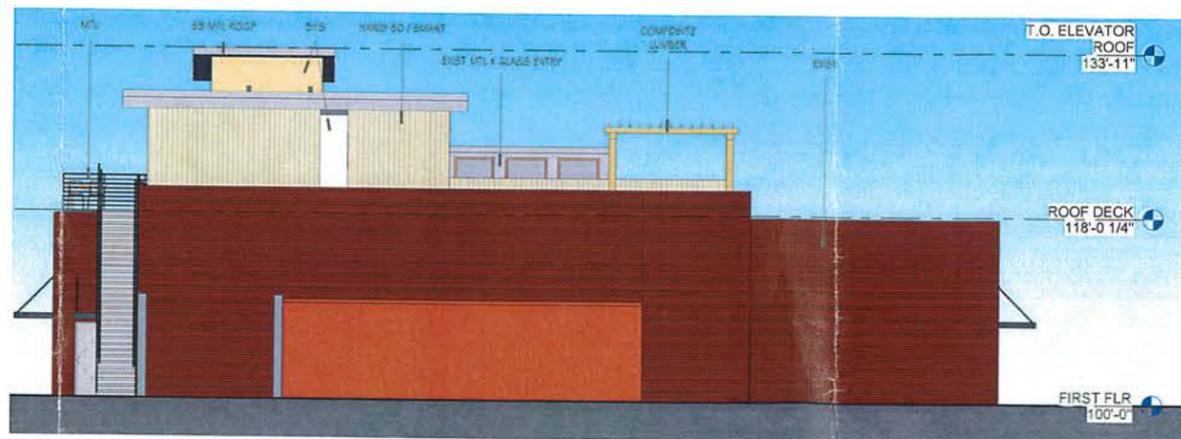
1 NORTH ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"

REVISIONS		
No.	Description	Date

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

NOT ISSUED
DATE LICENSE #
SCOTT C. MOWER
Project Number 662B
Date NOT ISSUED
Drawn By MFA

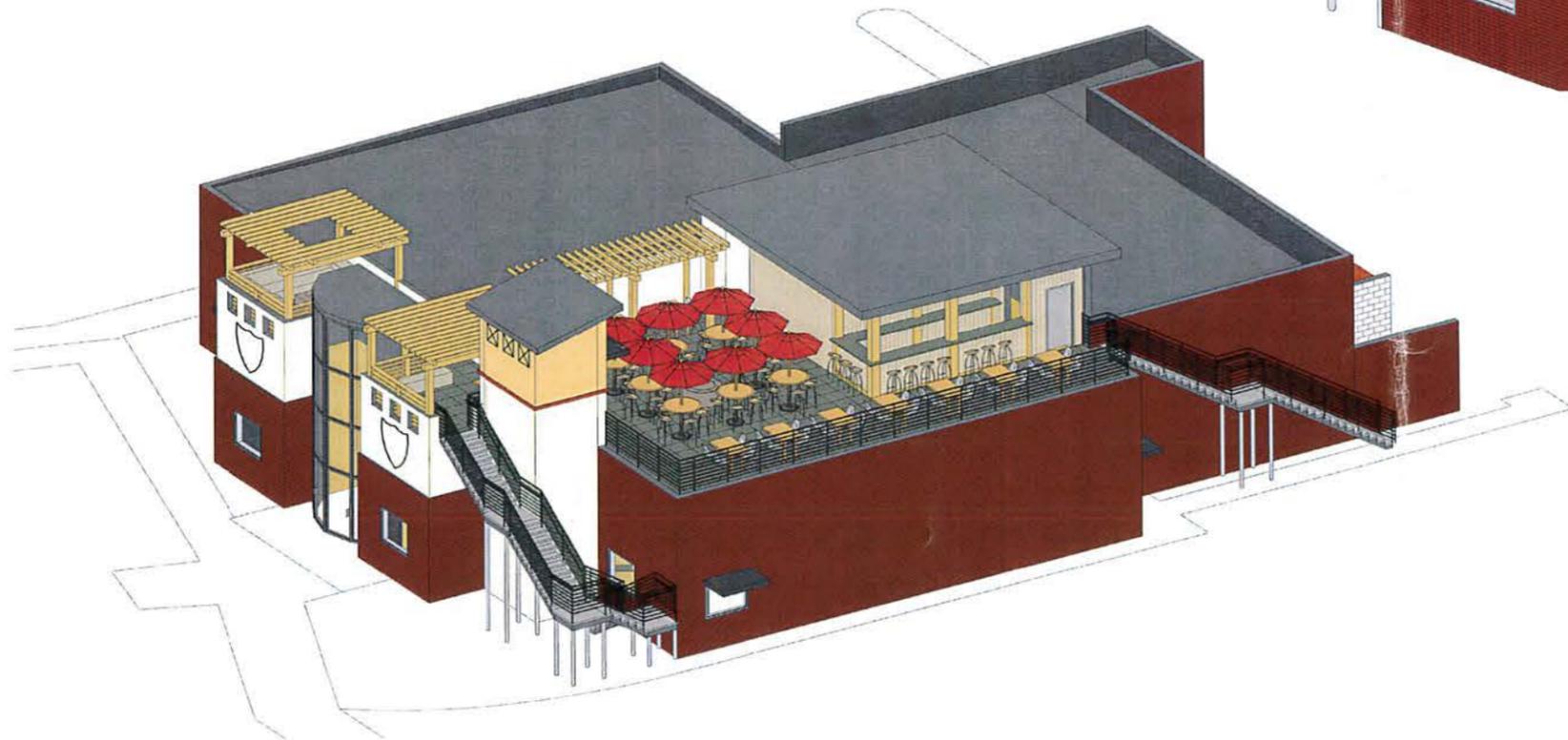
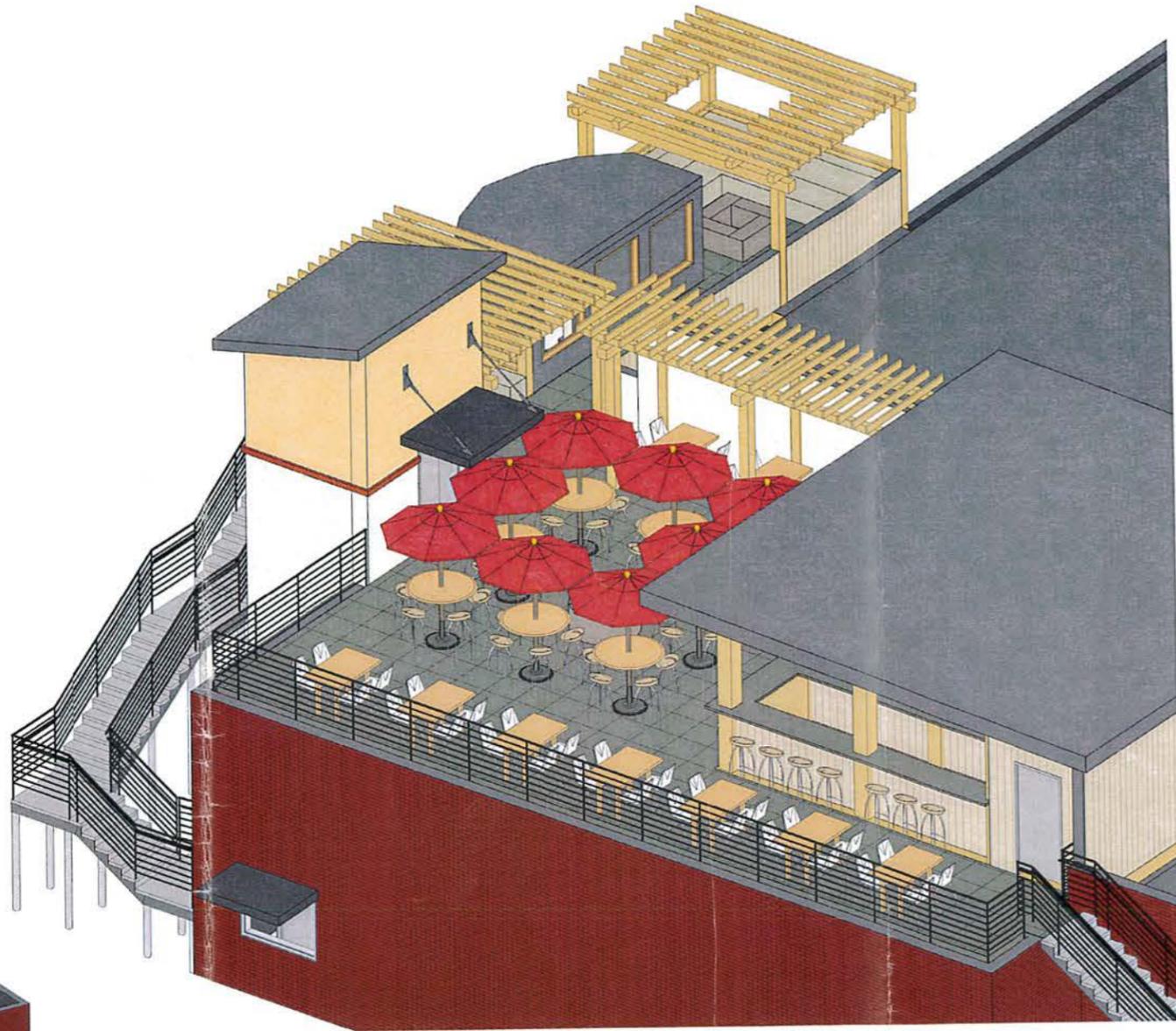
B52
BURGERS
& BREW

INVER GROVE
HEIGHTS, MN

A3.0

EXT ELE

DESIGN
DEVELOPMENT



PROGRESSIVE Architecture

4928 OTTER LAKE ROAD, WHITE BEAR LAKE, MN 55110
 WWW.PROGRESSIVEARCH.COM 651.282.1067

REVISIONS

No.	Description	Date

I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

NOT ISSUED
 DATE: 10/17/2016
 PROJECT NUMBER: B62B
 DATE: NOT ISSUED
 DRAWN BY: MFA

**B52
 BURGERS
 & BREW**

INVER GROVE
 HEIGHTS, MN

A0.2

3D VIEWS

DESIGN
 DEVELOPMENT

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Resolutions Establishing Utility Rates for 2017

Meeting Date: November 28, 2016
Item Type: Regular
Contact: Scott D. Thureen, 651.450.2571
Prepared by: Scott D. Thureen, Public Works Director
Reviewed by: 

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider three separate resolutions establishing water, sanitary sewer and storm water rates for 2017.

SUMMARY

The proposed rate increase for water follows the recommendation presented in the May 2016 rate study update that was prepared by Ehlers and Associates. The study recommended that the water rate be increased by 2.0 percent.

The proposed rate increase for sanitary sewer follows the recommendation presented in the May 2016 rate study update that was prepared by Ehlers and Associates. The study recommended that the sanitary sewer rate be increased by 7.0 percent.

I recommend that the storm water utility rates remain unchanged for 2017.

I recommend passage of the three resolutions establishing utility rates for 2017, with water rates increasing by 2.0 percent, sanitary sewer rates increasing by 7.0 percent, and storm water rates remaining unchanged.

SDT/kf

Attachment: Resolutions

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION ESTABLISHING WATER UTILITY RATES EFFECTIVE JANUARY 1, 2017

WHEREAS, Title 8, Chapter 2, Section 8-2-10A of the City Code states that the City Council shall determine water rates by resolution.

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

Water utility usage rates, commencing January 1, 2017 for monthly and quarterly billings are established as follows:

Single Family Dwelling

The first 6,000 gallons or less.....	\$22.20 per quarter
6,001 – 20,000 gallons	\$2.58 per 1,000
20,001 – 40,000 gallons	\$2.97 per 1,000
40,001 and more gallons.....	\$3.20 per 1,000

The minimum charge per quarter shall be \$22.20

Multi-Family/Mobile Homes

The first 2,000 gallons or less	\$7.40 per unit/month
2,001 – 7,000 gallons	\$2.58 per 1,000
7,001 – 13,000 gallons	\$2.97 per 1,000
13,001 and more gallons	\$3.20 per 1,000

The minimum charge per unit per month shall be \$7.40

Commercial/Institutional/Industrial

The first 2,000 gallons or less.....	\$7.40 per month
2,001 – 7,000 gallons	\$2.58 per 1,000
7,001 – 13,000 gallons	\$2.97 per 1,000
13,001 and more gallons.....	\$3.20 per 1,000

The minimum charge per month shall be \$7.40

Special Senior Rates

0 – 6,000 gallons per quarter.....	\$10.88 per quarter
6,001 and more gallons.....	Same as applicable rate above

Adopted this 28th day of November 2016 by the City Council of Inver Grove Heights, MN

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

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

RESOLUTION NO. _____

RESOLUTION ESTABLISHING SEWER UTILITY RATES EFFECTIVE JANUARY 1, 2017

WHEREAS, Title 8, Chapter 4, Section 8-4-6 of the City Code states that the City Council shall determine sewer rates by resolution.

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

Sewer utility usage rates outside the Northwest Area, commencing January 1, 2017, for monthly and quarterly billings are established as follows:

Single Family Dwelling

The first 6,000 gallons or less	\$32.82 per quarter
All over 6,000 gallons	\$4.14 per 1,000 gallons

The minimum charge per quarter shall be \$32.82

Multi-Family/Mobile Homes

The first 2,000 gallons or less	\$10.92 per unit/per month
All over 2,000 gallons	\$4.14 per 1,000 gallons

The minimum charge per unit per month shall be \$10.92

Commercial/Institutional/Industrial

The first 2,000 gallons or less	\$10.92 per month
All over 2,000 gallons	\$4.14 per 1,000 gallons

The minimum charge per month shall be \$10.92

Sewer utility usage rates inside the Northwest Area, commencing January 1, 2017, for monthly and quarterly billings are established as follows:

Single Family Dwelling

The first 6,000 gallons or less	\$44.82 per quarter
All over 6,000 gallons	\$6.14 per 1,000 gallons

The minimum charge per quarter shall be \$44.82

Multi-Family/Mobile Homes

The first 2,000 gallons or less	\$14.92 per unit/per month
All over 2,000 gallons	\$6.14 per 1,000 gallons

The minimum charge per unit per month shall be \$14.92

Commercial/Institutional/Industrial

The first 2,000 gallons or less	\$14.92 per month
All over 2,000 gallons	\$6.14 per 1,000 gallons

The minimum charge per month shall be \$14.92

Adopted this 28th day of November 2016 by the City Council of Inver Grove Heights, MN

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

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

**RESOLUTION ESTABLISHING STORM WATER UTILITY RATES EFFECTIVE JANUARY 1, 2017
RESOLUTION NO. _____**

WHEREAS, Ordinance No. 1155, approved June 11, 2007, created a storm water utility; and

WHEREAS, Ordinance No. 1155 provided for the establishment and imposition of fees to pay the normal, reasonable, and current costs of constructing, operating, maintaining and improving the storm water management system; and

WHEREAS, a fee schedule has been developed that considers the relative use of the storm water management system by different types of land uses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS THAT: Monthly storm water utility rates, commencing January 1, 2017 are established as follows:

Storm Water Utility Group		Per Lot (L) or Acre (A)	Rural	Urban	NWA Developed
			(Base Fee)	(Base + Surcharge)	(Base + Surcharge)
			Monthly	Monthly	Monthly
Single-Family Residential	R-1A	L	\$ 0.92	\$ 2.68	\$ 8.03
	R-1B	L	0.59	1.72	5.16
	R-1C	L	0.50	1.27	3.82
	Estate (5 ac cap)	A	0.66	1.91	5.72
Multiple Family Residential	R-2 (Duplex/Twinhomes)	A	1.45	4.20	12.61
	R-3 (6+ units/ac)	A	1.72	4.97	14.91
	R-4 (Manufactured Home)	A	1.98	5.73	17.20
Other	Agricultural/Open Space (10 ac cap)	A	0.40 ⁽¹⁾	1.15	0.40
	Business District	A	2.90	8.40	25.23
	General Business	A	3.83	11.08	33.25
	Shopping Center	A	3.30	9.55	28.67
	Industrial	A	2.77	8.02	24.08
Public/Institutional	Schools/Churches/Other	A	1.72	4.97	14.91
	Golf Courses/Cemeteries/Parks	A	0.40 ⁽¹⁾	1.15	3.44
	City Facilities	A	2.90	8.40	25.23

⁽¹⁾The minimum annual fee per parcel is \$6.00.

These fees shall be included in the existing utility billing for parcels on City sewer or water, or they will be a new billing for parcels not on City sewer or water.

Adopted this 28th day of November 2016 by the City Council of Inver Grove Heights, Minnesota

AYES:
NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Third 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: November 28, 2016
 Item Type: Regular
 Contact: Thomas J. Kaldunski, 651-450-2572
 Prepared by: Thomas J. Kaldunski, City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

SAK

Fiscal/FTE Impact:	
<input checked="" type="checkbox"/>	None
<input type="checkbox"/>	Amount included in current budget
<input type="checkbox"/>	Budget amendment requested
<input type="checkbox"/>	FTE included in current complement
<input type="checkbox"/>	New FTE requested – N/A
<input type="checkbox"/>	Other:

PURPOSE/ACTION REQUESTED

Third 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 adopted a motion recommending approval of the Ordinance amendments. The First Reading was held at the October 24, 2016 Council meeting. The Second Reading was held at the November 14, 2016 Council meeting.

It is recommended that the City Council conduct the Third 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 was included in the November/December Insights newsletter.

TJK/kf
 Attachments: SEH Memorandum dated August 1, 2016
 Draft Ordinance (9-5-1 through 9-5-12)



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

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-5196

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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

**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 MANAGEMENT**

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 DISTURBING 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 permittees 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:
- 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.
 - 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.
 - 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.
 - 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.

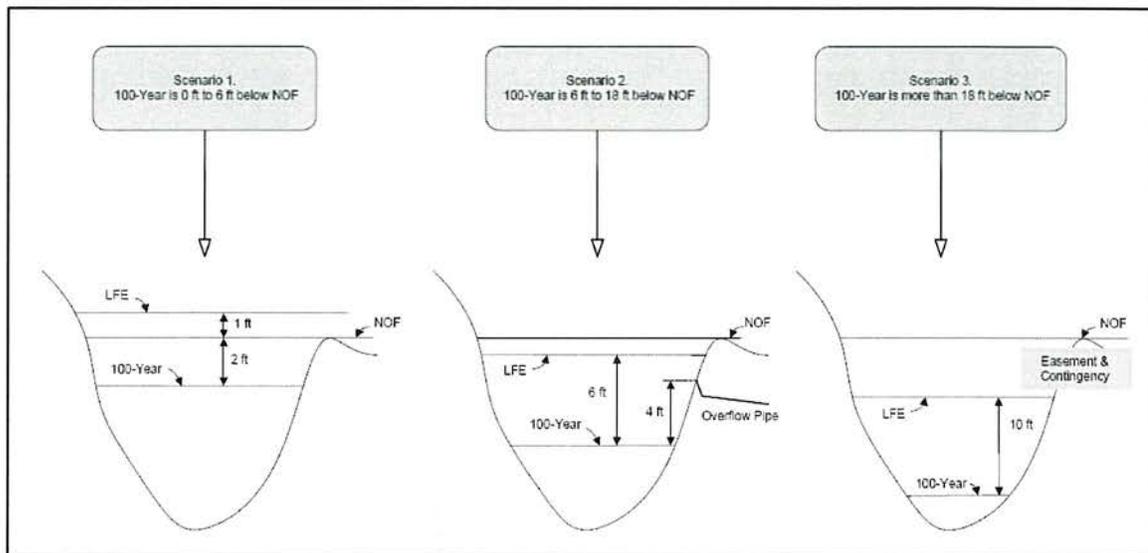


Figure 1: Lowest Floor Elevation Standards for Landlocked Basins

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