



INVER GROVE HEIGHTS CITY COUNCIL AGENDA

-REVISED-

MONDAY, OCTOBER 12, 2009

8150 BARBARA AVENUE

7:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

3. PRESENTATIONS:

A. H1N1 Response Plan – Lt. Larry Stanger

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. Minutes – September 28, 2009 Regular Council Meeting _____

B. Resolution Approving Disbursements for Period Ending October 7, 2009 _____

C. Pay Voucher No. 3 for the National Guard Gymnasium Floor Replacement _____

D. Pay Voucher No. 4 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation _____

E. Change Order No. 2 and Pay Voucher No. 2 for City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay _____

F. Change Order Nos. 5, 6, and 7 for City Project No. 2009-01, Trunk Highway 3-80th (CR 28) Street Intersection Improvements _____

G. Consider Proposals for Lighting Revisions in Portions of the Maintenance Building and the Cold Storage Building _____

H. Approve Addendum No. 4 for the Agreement for Professional Services with Bolton & Menk, Inc. for the Northwest Area Utility Extensions – City Project No. 2003-15 _____

I. Adopt Resolution Approving the Dakota County 2010 Community Funding Application for Waste Abatement Activities _____

J. Approve Resolutions Calling for Hearing on Proposed Assessments and Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments for Nuisance Abatement 2009 _____

K. Schedule Special Council Meeting _____

L. Schedule Hearing for Liquor License Violation _____

M. Personnel Actions _____

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

6. **PUBLIC HEARINGS:**

7. **REGULAR AGENDA:**

COMMUNITY DEVELOPMENT:

A. **JAMES BROWN;** Consider the following Resolutions for property located at 1186 90th Street:

- i) A **Waiver of Plat** to create two parcels from the existing one tax parcel _____
- ii) A **Variance** to allow the lots to be less than the required 2.5 acre minimum _____
- iii) A **Variance** to allow an accessory structure on a lot without a principle structure _____

B. **McDONALD CONSTRUCTION;** Consider Resolution regarding a Conditional Use Permit to allow for 27.5% impervious surface coverage to construct a single family home, garage, sidewalk and driveway for property located at 11617 Aileron Court _____

C. **SHEEHAN/WOODS;** Consider Resolution regarding a Variance from front yard setbacks to construct a covered porch for property located at 6455 Delaney Avenue _____

D. **CITY OF INVER GROVE HEIGHTS;** Consider First Reading of a Zoning Code Amendment relating to the maintenance and repair of Non-Conforming uses and structures _____

E. **CITY OF INVER GROVE HEIGHTS;** Consider the Third Reading of a Zoning Code Amendment relating to exterior building materials in the rural zoning districts (A, E-1, E-2) _____

PARKS AND RECREATION:

F. **CITY OF INVER GROVE HEIGHTS;** Consider Process in Which to Value Parkland Related to Private Encroachments _____

PUBLIC WORKS:

G. **CITY OF INVER GROVE HEIGHTS;** Consider Resolution Ratifying the Revised Call for Hearing on Proposed Assessments for 2008 Pavement Management Program – 2008 Urban Street Reconstruction South Grove Area 3 – City Project No. 2008-09D _____

H. **CITY OF INVER GROVE HEIGHTS;** County Road 24 (66th Street) Turnback Request _____

I. **CITY OF INVER GROVE HEIGHTS;** Consider Resolution Authorizing Staff to Enter into the 2010 Fuel Consortium Purchase Program as Managed by the State of Minnesota _____

J. **CITY OF INVER GROVE HEIGHTS;** Consider Resolution Awarding Contract for City Project No. 2009-28, Well No. 9 _____

K. CITY OF INVER GROVE HEIGHTS; Consider Dakota County's 2010-2014 Capital Improvement Program _____

ADMINISTRATION:

L. CITY OF INVER GROVE HEIGHTS; City Administrator Performance Review _____

M. CITY OF INVER GROVE HEIGHTS; Consider Cost of Living Compensation Adjustment for 2009 for City Administrator _____

PARKS AND RECREATION CONT.

N. CITY OF INVER GROVE HEIGHTS; Consider Approval of Heritage Village Park Seeding Work _____

8. MAYOR AND COUNCIL COMMENTS

9. ADJOURN

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, SEPTEMBER 28, 2009 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, September 28, 2009, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:30 p.m. Present were Council members Grannis, Klein, Madden, and Piekarski Krech; City Administrator Lynch, Assistant City Administrator Teppen, City Attorney Kuntz, Public Works Director Thureen, Parks & Recreation Director Carlson, Community Development Director Link and Deputy Clerk Rheume.

3. PRESENTATIONS:

A. Dakota Future Presentation

Bill Coleman explained that Dakota Future is a county-wide economic development organization primarily funded via the private sector. He discussed the Dakota Future Intelligent Community initiative and explained the mission is to link businesses, government and education to create and maintain a world class economic environment in Dakota County. He stated the organization has made it a goal to achieve designation as a top seven global "intelligent community" by 2012. He explained the Intelligent Community Forum is an annual international competition in which communities from around the world submit applications to receive the "intelligent community" designation. He further explained that an "intelligent community" is based on five key factors including: broadband deployment, knowledge work, digital inclusion, innovation, and marketing or advocating for Broadband Economy strengths. He reviewed the current intelligent community activities such as benchmarking, a broadband inventory assessment, and the DEED FIRST grant for the Information Technology workforce. He promoted two upcoming launch events for the Intelligent Community initiative.

Councilmember Klein clarified that "DCTC" refers to Dakota County Technical College. He asked Mr. Coleman to expand on the term "broadband".

Mr. Coleman explained that broadband is a term that refers to connection speed.

Cheryl Frank, Inver Hills Community College, discussed the involvement of Inver Hills and Dakota County Technical College in training technology workers.

Mayor Tourville commented that broadband access is extremely important to the economy and job growth.

4. CONSENT AGENDA:

Councilmember Madden removed item 4A, Minutes of September 14, 2009 Regular Council Meeting from the Consent Agenda.

Councilmember Klein removed Item 4E, Change Order No. 2 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation from the Consent Agenda.

Mayor Tourville removed item 4J, Consider Proposals for School Zone Safety Study, from the Consent Agenda.

- B. Resolution No. 09-179** Approving Disbursements for Period Ending September 23, 2009
- C.** Pay Voucher No. 2 for City Project No. 2007-17, Clark Road Extension Improvements
- D.** Pay Voucher No. 1 for City Project No. 2008-11, Southern Sanitary Sewer System, East Segment
- F.** Pay Voucher No. 1 for City Project No. 2008-22, Bohrer Pond Shoreland Protection Project
- G.** Change Order No. 3 for City Project No. 2009-09D, South Grove Urban Street Reconstruction, Area 4
- H. Resolution No. 09-180** directing the Planning Commission to hold a public hearing for a Comprehensive Plan Amendment and Rezoning relating to the Acquisition of Property Adjacent to

the Rock Island Swing Bridge

- I. Approve Mussel Survey for the Rock Island Swing Bridge Project
- K. Approve Additional Engineering Services for the Rock Island Swing Bridge Project
- L. Authorize Acknowledgement that the City allows the sale of alcoholic beverages until 2AM on Optional 2AM Liquor License Application for Kladek, Inc.
- M. Personnel Actions

Motion by Klein, second by Piekarski Krech, to approve the Consent Agenda.

Ayes: 5

Nays: 0 Motion carried.

- A. Minutes – September 14, 2009 Regular Council Meeting

Councilmember Madden corrected the last paragraph on page 2 to say it would not have a negative impact.

Motion by Klein, second by Madden, to approve the minutes of the September 14, 2009 Regular City Council Meeting with the change as noted

Ayes: 5

Nays: 0 Motion carried.

- E. Change Order No. 2 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Councilmember Klein questioned why the foundation insulation was not included from the beginning.

Ted Redmond, BKV, clarified that the details that called for below-grade insulation was for all occupied spaces, and the specifications also backed that up. He explained that a couple of the details did not clearly render that the insulation was for all occupied spaces and the final bid did not include all of the below-grade insulation.

Motion by Klein, second by Grannis, to approve Change Order No. 2 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ayes: 5

Nays: 0 Motion carried.

- J. Consider Proposals for School Zone Safety Study

Mr. Thureen explained staff requested and received proposals from four consulting engineering firms with traffic and transportation expertise for a study of potential pedestrian safety improvements in the vicinity of the intersection of 81st Street East and Cahill Avenue. He stated based on the qualifications of the firms, the work plans presented in the proposals, and the proposed fees, staff recommended that the proposal from SRF Consulting Group, Inc. be accepted in the amount of \$8,000.

Doug Bernstein, 8383 College Trail, stated the intersection is dangerous and something needs to be done to improve its safety for pedestrians.

Motion by Madden, second by Grannis, to approve proposal from SRF Consulting Group, Inc. in the amount of \$8,000.00 for School Zone Safety Study

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Jim Douglas, 8657 Callahan Trail, asked if a hearing had been set for the assessments for the work performed on Cahill Avenue.

Mr. Thureen responded that the hearing had not been set because staff has not received all of the final project costs.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. SUSSEL CORPORATION; Consider resolutions for property located at 5924 Bradbury Court:

- i) Conditional Use Permit to allow impervious surface coverage to exceed 25%
- ii) Variance to allow the construction of a home addition that would exceed 30% maximum impervious surface coverage

Mr. Link reviewed the property location and noted this item has been tabled twice by the City Council to give the applicant additional time to identify a hardship. He stated the lot currently has 32% impervious coverage and the request would increase the coverage to 34%. He noted the Planning Commission and Planning staff recommended denial of the request due to lack of hardship.

Mike Russel asked if there were any updates regarding the status of the impervious surface coverage analysis being worked on by engineering staff.

Mr. Thureen stated staff presented the results of the analysis and provided recommendations from the engineering staff to the City Council at the earlier work session. He noted that this was only the recommendation of the engineering staff and the proposed changes would still need to be reviewed by planning staff. He stated the maximum impervious coverage for single-family properties would be 20%, R-1B properties would be allowed 25% impervious coverage and 30% impervious coverage is recommended for R-1C with an additional 5% available via a conditional use permit.

Mr. Link reiterated that engineering staff's recommendations still needed to be reviewed by planning staff. He explained that an ordinance would need to be drafted, reviewed by the Planning Commission, and then presented to the City Council for approval after three readings. He noted the entire process could take 3-4 months to complete.

Mr. Russel explained when the house was built in 1998 there were no impervious coverage restrictions and in 2002 the maximum allowable impervious coverage was changed to 30%. He questioned if the hardship could be that the 2002 ordinance made the property a non-conforming lot.

Mr. Kuntz responded that the City does acknowledge that certain improvements were in place when the ordinance was changed and those improvements were grandfathered in. He noted that this only applies to the existing or the replacement of existing improvements. He explained the City would allow the impervious coverage to remain at 32%, but that amount cannot be increased without the variance.

Mayor Tourville suggested it may be in the best interest of the applicant to wait for the proposed changes to take effect.

Mr. Link clarified that if the engineering staff's recommendations were followed the applicant would no longer need a variance. He stated a conditional use permit may be needed and that does not require a hardship.

Mr. Russell stated the City has very restrictive impervious coverage standards compared to those of other cities he has worked with. He indicated the applicant would wait to see what the changes to current standards would be.

NO ACTION WAS TAKEN ON THIS ITEM

B. TAMERA & MANOHAR SHINTRE; Consider Resolution regarding a Variance for a home occupation to have an entrance that leads outside of the home for property located at 6269 Bolland Trail

Mr. Link explained the applicant has requested permission to conduct a home occupation in their single family home, located in the R-1C district. He stated the owner plans to assemble kits of prepackaged food for Indian business travelers visiting the United States. He noted a permit from the Department of Agriculture is required because the home occupation includes the handling of food. He explained as part of the permit, the applicant is required to have a separate entrance that directly connects the assembly area to the outside. He stated the applicant is unable to meet the State's standards and those of the City Code. He explained the proposed home occupation would meet seven of the eight requirements in the City Code, and the applicant would meet the intent of the ordinance as there would be no customer traffic. He stated both planning staff and the Planning Commission recommended approval of the request with the hardship being the conflict between the City and the State regulations.

Councilmember Grannis suggested adding a condition of approval that no customer traffic would be allowed.

Councilmember Madden asked if the applicant agreed with the conditions.

Tamera and Manohar Shintre, 6269 Bolland Trail, stated they agreed with the conditions of approval and confirmed that there would be no customer traffic because business would be conducted online.

Motion by Madden, second by Klein, to adopt Resolution No. 09-181 approving a variance for a home occupation to have an entrance that leads outside of the home for property located at 6269 Bolland Trail with the condition added that no customer traffic is allowed.

Ayes: 5

Nays: 0 Motion carried.

C. JAMES BROWN; Consider Resolutions for property located at 1186 90th Street:

- i) Waiver of Plat to create two parcels from the existing one tax parcel
- ii) Variance to allow the lots to be less than the required 2.5 acre minimum
- iii) Variance to allow an accessory structure on a lot without a principle structure

Mr. Link stated the applicant is proposing to create two tax parcels to coincide with the existing legal descriptions from the current tax parcel. He explained the property was divided in the 1950's with almost all of the lots being less than two acres and the proposed waiver would create parcels of 1.68 and 1.95 acres in size. He stated the property is zoned E-1, Estate Residential, which requires a minimum lot size of 2.5 acres. He noted that a second variance would be required because there is an accessory structure on the lot to the north and a principle structure must be on a property before an accessory structure is allowed. He stated both planning staff and the Planning Commission recommended denial of the request due to lack of hardship. He explained the current lot is conforming and the property is not being deprived of a reasonable use. He further explained that creating two non-conforming lots would be contrary to the City's Zoning Ordinance, and the existing accessory structure does not have a driveway. He stated access to the property is achievable to the west and east via 90th Street, a private road. He explained the main access was designed to be an easement on the west side of the property and both segments of 90th Street do not meet minimum standards for clear width and height for fire emergency vehicles. He noted because emergency vehicle access is a main issue allowing more individual lots would add to the existing problem.

Councilmember Klein clarified that one of the previous owners combined the two lots.

Mr. Link responded that staff researched the history of the property and believes that the combination occurred in the 1970's. He noted that no record of the combination was located and the only record able to be located was that of the subdivision in 1950.

Councilmember Madden stated he was not in favor of the denying the applicant's request when there was no record of the combination occurring. He commented that there are a number of surrounding lots that are similar in size and the applicant should be allowed to do what he wants with his property.

Councilmember Piekarski Krech asked if the applicant purchased the property as one lot or two lots. She stated that she is not in favor of allowing lots smaller than two acres in this area because it is on a well and septic system, not a sanitary sewer system.

Councilmember Grannis noted that there are also a number of surrounding lots that are three or more acres in size.

Mayor Tourville reiterated that there is no record of the combination and that the parcels across from and behind the property are smaller in size.

Councilmember Piekarski Krech questioned what the official property description on the deed was.

Councilmember Grannis asked if the City Attorney's office could further research the combination of the parcels to determine whether or not it occurred.

Mr. Kuntz confirmed that could be further researched in the County records. He stated that the combination likely occurred within the County's tax record division and noted that a tax parcel cannot be split without the City's consent.

Jim Brown, 1186 90th Street, stated it was sold to him in 1984 as one lot with two parts.

Councilmember Piekarski Krech commented that the parcel was likely combined so the property owner would only pay homestead taxes.

Councilmember Madden stated there are four surrounding lots that would be similar in size and the two smaller parcels would fit into the neighborhood.

Mayor Tourville asked for further clarification of the emergency vehicle access issue.

Mr. Link explained the City Planner and the Fire Marshall inspected the private road and found that it does not meet the current code standards for emergency vehicles. They are still able to

Councilmember Grannis questioned if the other lots in the area meet the 2.5 acre requirement.

Mr. Link stated the area has a mixture of lots in that four of them are greater than 2.5 acres and four of them are smaller than 2.5 acres.

Councilmember Madden stated that in his opinion no variance is needed because there is no record proving that the combination occurred. He added that he does not see a problem with the small accessory structure because it adds aesthetic value to the property.

Jim Douglas, 8657 Callahan Trail, suggested tabling the item until the legal information is found. He stated the Council has to assume it was never combined if there are no records to the contrary.

Glen, 1252 90th Street East, asked if the easement was officially recorded. He displayed a documented showing an easement on the east side of Mr. Brown's parcel. He stated if this was recorded with the County he doesn't have a problem with it.

Mayor Tourville clarified that if staff thinks they need legal they will use Mr. Kuntz.

Motion by Madden, second by Klein, to table until October 12, 2009 to further research the combination of the two parcels.

Ayes: 5

Nays: 0 Motion carried.

The City Council took a five-minute recess.

Mayor Tourville stated Mr. Brown needs to agree to an extension of the application deadline.

Mr. Kuntz clarified that the first 60-day period would end on October 2nd.

Motion by Madden, seconded by Klein, to extend the 60 day application deadline to December 2nd.

Ayes: 5

Nays: 0 Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider the Second Reading of a Zoning Code Amendment relating to exterior building materials in the rural zoning districts (A, E-1, E-2)

Mr. Link explained after discussion with the City Attorney the first draft of the ordinance was modified to only allow plastic-covered hoop structures. He noted the first draft allowed structures to be covered will all prohibited materials. He stated both planning staff and the Planning Commission recommended approval.

Motion by Madden, second by Grannis, to approve second reading of a zoning code amendment relating to exterior building materials in the rural zoning districts (A, E-1, E-2)

Ayes: 5

Nays: 0 Motion carried.

PARKS AND RECREATION:

E. CITY OF INVER GROVE HEIGHTS; Consider Request for Park Property Boundary Exception at 7907 Conroy Way E.

Mr. Kuntz explained the law states that the responsibility to remove an encroachment rests with both the person who placed it on the City's property and the persons who are successors in legal interest to the encroachment. He stated if the current landowner cause the encroachment to be placed on City property, that landowner is responsible for removal of the encroachment at the landowner's cost. He noted that if the current landowner claims the encroachment was placed on City property by a previous landowner the City must determine whether the current landowner possesses a legal interest in the encroachment sufficient to compel the current landowner to remove it. He reviewed two main factors that can be looked at to determine if the current landowner possesses a legal interest in the encroachment. He explained if the encroachment is attached to a permanent structure or object located on the current landowner's property, they may be deemed the successor in legal interest and can be required to remove the encroachment. He stated the City would need to review the current landowner's use of the encroachment in order to establish legal interest, including what the landowner has done to exercise control of the encroachment, such as maintenance of the object. He noted if the City cannot prove the legal interest of the current landowner the City cannot compel them to remove the encroachment. He summarized encroachment examples the City may encounter and how the City may be able to prove legal interest in each scenario.

Doug Renner, 7907 Conroy Way, stated he wants to resolve the encroachment issue and asked that the City consider selling him the piece of property containing the encroachment. He stated the encroachment area is approximately 136 square feet and he proposed to purchase approximately 550 square feet. He noted that section of the park is not widely used. He commented that this solution would benefit both parties because the City would no longer have to maintain that section of the park and the boundary would be clearly defined.

Mr. Carlson stated the Parks and Recreation Advisory Commission recommended denial of the request to sell the property. He explained their main concern was the establishment of a precedent for selling park property to deal with encroachment issues.

Councilmember Piekarski Krech stated that the City needs to be very firm on park property boundaries, but in this instance it seems that this could be property that the City does not have a specific use for.

Councilmember Grannis stated that encroachments on park property is going to be an on-going issue and he is also concerned with setting a precedent.

Mayor Tourville stated in this specific case, selling the park property would not negatively affect the park system because the City has no immediate use for the property. He opined that the City needs to deal

with each encroachment case on an individual basis. He suggested that the City enter into an agreement with the homeowner that would allow the encroachment to remain and would only need to be removed if the property is sold.

Mr. Grannis asked who would enforce the removal of the encroachment if the property is sold.

Mayor Tourville responded that the City Attorney could put that condition in the agreement.

Councilmember Piekarski Krech stated the original intent of defining the park property boundaries was to have the encroachments removed.

Councilmember Klein indicated he would be in favor of selling the property because the City has no use for it.

Mayor Tourville reiterated that he would also be in favor of selling in this case. He stated each encroachment case should be handled individually.

Mr. Carlson stated that three sample encroachment agreements had already been drafted by staff with the help of the City Attorney. He questioned if the fence remains in place if there was any liability to the City.

Mr. Kuntz responded in the affirmative.

Councilmember Piekarski Krech suggested that they find a way to sell the property so there is no liability to the City. She added that she also wants to make sure that people with improvements on City property are not getting out of paying taxes for those improvements. She suggested that staff develop a uniform way to clearly determine the value of the property without negotiation.

Councilmember Grannis stated the property owner who wants to purchase should pay for the appraisal.

Mr. Kuntz stated with respect to smaller parcels, the value may have to be determined on a case by case basis. He indicated staff would come back with some suggestions regarding the valuation process.

Mayor Tourville suggested Mr. Carlson determine a fair value for the property in this case.

Mr. Carlson stated that staff would first develop a process for valuation and bring that to Council for consideration.

NO ACTION WAS TAKEN ON THIS ITEM.

ADMINISTRATION:

F. ARBOR POINTE MASTER ASSOCIATION; Consider Request for Reimbursement of Boulevard Cleaning Expenses

Mr. Lynch explained a written request for reimbursement of boulevard cleaning expenses was received and subsequently denied. He stated the Arbor Pointe Master Association requested that the reimbursement request be placed on the Council agenda for reconsideration. He noted the cost is approximately \$2,100. Mr. Lynch stated the request was denied because the issue was not caused by the City on purpose.

Councilmember Madden stated the City planned to fix that road in 2008 and the residents wanted to wait. He added he did not see how the City is responsible for the debris that was removed.

Mayor Tourville commented on the assessment method initially being faulty at the time of the hearing in 2008 and noted that they did end up with some bad asphalt.

Jim Douglas, Arbor Pointe Master Association, stated the association does not agree that they should be responsible for the 20 cubic yards of asphalt that needed to be removed because it splayed from the roadway. He noted in previous years only two cubic yards of debris have had to be removed.

Mayor Tourville commented that Cahill Avenue is a public street used by a lot of people.

Councilmember Piekarski Krech stated that this would set a precedent and the Council needs to be very

clear on what the issue is and why this payment is being made.

Councilmember Madden stated that after hearing the association's side of the request, and given the fact that bad asphalt was used, he would be in favor of reimbursement.

Mr. Kuntz stated if the reimbursement request is approved the precedent should not be considered by others to be a broad precedent, but rather the resolution of a contract dispute.

Motion by Tourville, second by Madden, to approve request of Arbor Pointe Master Association for Reimbursement of Boulevard Cleaning Expenses

Ayes: 4

Nays: 1 (Grannis) Motion carried.

G. CITY OF INVER GROVE HEIGHTS; Provide Direction on Citizen Request to Limit Number of Garage Sales/Flea Markets in Residential Neighborhoods

Mr. Lynch explained an email was received from a resident who lives next to a property that she believes conducts too many garage sales. He stated the City does not have regulations in place with respect to the number of garage sales that are allowed. He asked if the City Council would like to consider limiting the number of garage sales.

Councilmember Grannis stated he would be in favor of limiting the number of garage sales to three consecutive days and twice a year.

Councilmember Madden agreed and stated it is a reasonable request from the citizen.

Councilmember Piekarski Krech said garage sales usually start on Thursdays and end on Saturdays. She Noted some people are holding garage sales to stay in their homes.

Councilmember Grannis commented on regulating parking for home businesses.

Councilmember Klein asked staff if there have been a lot of complaints.

Mr. Lynch said this is the first contact he has received and indicated he was not sure if there had been any nuisance complaints. He stated staff would gather background information from surrounding communities and bring it back for more Council discussion at a work session.

NO ACTION WAS TAKEN ON THIS ITEM.

PUBLIC WORKS:

H. CITY OF INVER GROVE HEIGHTS; Consider Approval of Waiver Agreement and Resolution Cancelling Lateral Assessment Levied against the Lenertz Property and Authorizing Issuance of Refund for the Lateral Assessment Paid relative to City Project No. 2003-03

Mr. Thureen explained that this property is land locked and staff agreed it would not be appropriate to assess them for lateral at this time. He recommended the assessment be cancelled and the amount be refunded.

Motion by Madden, second by Klein, to approve waiver agreement and adopt Resolution No. 09-182 cancelling lateral assessment levied against the Lenertz property and authorizing issuance of refund for the lateral assessment paid relative to City Project No. 2003-03

Ayes: 5

Nays: 0 Motion carried.

I. CITY OF INVER GROVE HEIGHTS; Consider Resolution Approving a Purchase Agreement for Property known as Cameron Park

Mr. Kuntz explained that the business was located on Concord Street and the property was taken by the County to widen the street. He noted the business has temporarily relocated. He stated that the County

contacted the City and asked for help in finding a suitable site for relocation that was near the original property. He stated in May of 2009 the City received a letter inquiring about the sale of Cameron Park, a 1.3 acre site. He explained a resolution and a purchase agreement are being presented for approval. He stated the owner of the proposed business would enter into an agreement for the sale of the property at the appraised value of \$272,000. He reviewed the conditions of the purchase agreement and outlined all of the steps that would have to occur before the property is officially sold. He stated the City would have to determine that it no longer needs the park and a change to the Comprehensive Plan would also have to be considered. He noted that the City is not agreeing to the issuance of any of the permits by approving the purchase agreement.

Councilmember Klein asked if the storage building on the property was used by the parks department.

Mr. Lynch stated it is generally used by a number of City departments.

Councilmember Grannis asked whom the City obtained the park property from originally.

Mr. Kuntz responded that there were four separate deeds and a number of people were involved, some of which had the last name of Cameron.

Mayor Tourville asked if the City had to remove the building and its contents.

Mr. Kuntz explained the building does not have to be removed, but all the material need to be taken out.

Mayor Tourville commented that the January, 2010 date seemed aggressive.

Mr. Kuntz explained that there could be an amendment to have that date extended.

John Cameron stated they have about a 24-month window to complete the relocation.

Mr. Kuntz asked if any of the dates have any effect on the obligations of the County.

Mr. Cameron responded in the negative.

Mr. Kuntz suggested leaving the January, 2010 date.

Motion by Madden, second by Klein, to adopt Resolution No. 09-183 approving a purchase agreement for property known as Cameron Park

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION CONT.

J. CITY OF INVER GROVE HEIGHTS; Consider Voluntary Furlough Program

Ms. Teppen explained this voluntary program was put together per City Council direction and was reviewed at a study session.

Councilmember Klein asked if there was any response with the unions.

Ms. Teppen responded that the information had not yet been distributed to employees and she has not received any feedback from the unions.

Motion by Klein, second by Madden, to approve Voluntary Furlough Program

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR AND COUNCIL COMMENTS:

David Lethert, 8485 Courthouse Boulevard, stated his request to have his property purchased by the City would be discussed in the executive session. He discussed his concerns regarding future noise from semi-truck traffic as well as safety issues associated with the increase in traffic. He noted he is also concerned that a trail may be installed on his property. He asked for help solving this problem.

Mayor Tourville stated the only thing the Council would do when they return from Executive Session is adjourn.

9. EXECUTIVE SESSION:

A. Discuss the Disposition of Property held by or of interest to the City.

10. ADJOURN: Motion by Madden, second by Klein, to adjourn. The meeting was adjourned by a unanimous vote at 11:34 p.m.

DRAFT

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: October 12, 2009
 Item Type: Consent
 Contact: Cathy Shea 651-450-2521
 Prepared by: Cathy Shea Asst. Finance Director
 Reviewed by: N/A

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

Approve the attached resolution approving disbursements for the period of September 25, 2009 to October 7, 2009.

SUMMARY

Shown below is a listing of the disbursements for the various funds for the period ending October 7, 2009. The detail of these disbursements is attached to this memo.

General & Special Reveune	\$119,407.17
Debt Service & Capital Projects	907,098.67
Enterprise & Internal Service	151,265.49
Escrows	4,982.62
	<hr/>
Grand Total for All Funds	<u><u>\$1,182,753.95</u></u>

If you have any questions about any of the disbursements on the list, please call Vickie Gray, Accounting Technician at 651-450-2515 or Cathy Shea, Asst. Finance Director at 651-450-2521.

Attached to this summary for your action is a resolution approving the disbursements for the period September 25, 2009 to October 7, 2009 and the listing of disbursements requested for approval.

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

**RESOLUTION APPROVING DISBURSEMENTS FOR THE
PERIOD ENDING OCTOBER 7, 2009**

WHEREAS, a list of disbursements for the period ending October 7, 2009 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	\$ 119,407.17
Debt Service & Capital Projects	907,098.67
Enterprise & Internal Service	151,265.49
Escrow	<u>4,982.62</u>
Grand Total for All Funds	<u>\$ 1,182,753.95</u>

Adopted by the City Council of Inver Grove Heights this 12th day of October, 2009.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy City Clerk

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/30/2009	96520	ACE PAINT & HARDWARE	cust 1126	101-5200-443.60-16		9/2009 * Total	11.73 11.73
09/30/2009	96525	ARROW MOWER, INC.	inver grove hgts	101-5200-443.60-16		9/2009 * Total	34.15 34.15
09/30/2009	96526	BAILEY CONSTRUCTION	CURB & GUTTER Clayton ave	101-5200-443.40-46 101-5200-443.40-46		9/2009 9/2009 * Total	2,500.00 2,000.00 4,500.00
09/30/2009	96527	BATTLES, SHANNON	mileage - gfoa breakfast-gfoa	101-2000-415.50-65 101-2000-415.50-75		9/2009 9/2009 * Total	198.00 17.23 215.23
09/30/2009	96528	BILLMEYER, JESSICA	training - lunch	101-4000-421.50-75		9/2009 * Total	23.65 23.65
09/30/2009	96529	BOTACH TACTICAL	74977	101-4000-421.60-40		9/2009 * Total	355.38 355.38
09/30/2009	96533	CITY OF SAINT PAUL	132610	101-5200-443.60-16		9/2009 * Total	129.66 129.66
09/30/2009	96536	COOK, NICKY	training/mileage	101-1100-413.50-80		9/2009 * Total	89.56 89.56
09/30/2009	96539	DAKOTA AWARDS INC	909279	101-1100-413.60-65		9/2009 * Total	78.95 78.95
09/30/2009	96543	EARL F ANDERSEN INC	cust 4094	101-5200-443.60-16		9/2009 * Total	2,842.51 2,842.51
09/30/2009	96548	FRED PRYOR SEMINARS	attende; frank martin	101-3300-419.50-80		9/2009 * Total	179.00 179.00
09/30/2009	96549	FRONTIER AG & TURF	ACCT INVER004	101-5200-443.60-16		9/2009 * Total	38.75 38.75
09/30/2009	96550	G & K SERVICES	ACCT 0574947 ACCT 0574947	101-5200-443.60-45 101-6000-451.60-45		9/2009 9/2009 * Total	49.49 54.67 104.16
09/30/2009	96552	GERTEN'S LANDSCAPING	9169	101-5200-443.40-47		9/2009 * Total	13.36 13.36
09/30/2009	96557	HANCE UTILITY SERVICES	16076	101-5200-443.40-46		9/2009 * Total	174.25 174.25
09/30/2009	96560	HOME DEPOT CREDIT SERVI	ACCT 6035322502061959	101-5200-443.60-16		9/2009 * Total	27.12 27.12
09/30/2009	96566	LOCAL GOVERNMENT INFORM	31211	101-4000-421.70-30		9/2009 * Total	3,780.00 3,780.00

CHECK DATE	CHECK NUMBER	CHECK VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/30/2009	96572	MN LIFE INSURANCE CO	0027324 policy 0027324	101-0000-203.09-00		9/2009	1,847.03
			0027324 policy 0027324	101-1100-413.20-62		9/2009	76.23
			0027324 policy 0027324	101-2000-415.20-62		9/2009	93.02
			0027324 policy 0027324	101-3000-419.20-62		9/2009	29.24
			0027324 policy 0027324	101-3200-419.20-62		9/2009	40.34
			0027324 policy 0027324	101-3300-419.20-62		9/2009	57.37
			0027324 policy 0027324	101-4000-421.20-62		9/2009	478.57
			0027324 policy 0027324	101-4200-423.20-62		9/2009	37.94
			0027324 policy 0027324	101-5000-441.20-62		9/2009	22.67
			0027324 policy 0027324	101-5100-442.20-62		9/2009	117.10
			0027324 policy 0027324	101-5200-443.20-62		9/2009	74.41
			0027324 policy 0027324	101-6000-451.20-62		9/2009	91.93
					*	Total	2,965.85
09/30/2009	96573	MN NCPERS LIFE INSURANC	OCTOBER 2009	101-0000-203.16-00		9/2009	320.00
					*	Total	320.00
09/30/2009	96575	MOORE MEDICAL LLC	21185816 ACCT 21185816	101-4200-423.60-65		9/2009	224.18-
			21185816 ACCT 21185816	101-4200-423.60-65		9/2009	203.80-
					*	Total	516.55
					*	Total	88.57
09/30/2009	96577	NAVIGATE FORWARD INC	2113088	101-1100-413.30-70		9/2009	1,500.00
					*	Total	1,500.00
09/30/2009	96579	NEXTEL COMMUNICATIONS	249383315 ACCT 249383315	101-5200-443.50-20		9/2009	241.86
					*	Total	241.86
09/30/2009	96580	NEXTEL COMMUNICATIONS	266948529 ACCT 266948529	101-4000-421.50-20		9/2009	648.14
					*	Total	648.14
09/30/2009	96582	NEXTEL COMMUNICATIONS	634573312 ACCT 634573312	101-1100-413.50-20		9/2009	271.66
					*	Total	271.66
09/30/2009	96589	RCM SPECIALTIES INC	2990	101-5200-443.40-46		9/2009	1,900.00
			2991	101-5200-443.40-46		9/2009	1,900.00
					*	Total	3,800.00
09/30/2009	96591	RHEAUME, MELISSA	verby-retirement	101-1100-413.60-65		9/2009	79.98
					*	Total	79.98
09/30/2009	96593	SCHROFFER, WILLIAM	mileage - gfoa	101-2000-415.50-65		9/2009	159.50
			mileage - breakfast	101-2000-415.50-75		9/2009	14.00
					*	Total	173.50
09/30/2009	96594	SHEA, CATHY	mileage - gfoa	101-2000-415.50-65		9/2009	180.40
			breakfast-gfoa	101-2000-415.50-75		9/2009	13.26
					*	Total	193.66
09/30/2009	96595	SHERRIE LE HR & LR SERV	101920	101-1100-413.30-70		9/2009	1,000.00
					*	Total	1,000.00
09/30/2009	96596	SPRINT	166309819 ACCT 166309819	101-4000-421.50-20		9/2009	399.90

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/30/2009	96597	ST PAUL STAMP WORKS INC	1799990	101-4000-421.60-65		* Total	399.90
09/30/2009	96600	STENBERG, LUKE	TRIM BOARD-PROJECTOR SCRE LUNCH FOR TWO	101-4200-423.40-40		9/2009	46.34
			LUNCH FOR TWO	101-4200-423.50-30		* Total	46.34
09/30/2009	96601	STENBERG, LUKE	GAS	101-4200-423.50-75		9/2009	24.02
				101-4200-423.60-65		9/2009	5.51
						9/2009	21.57
						* Total	78.52
09/30/2009	96602	STREICHER'S	pizza - truck committee	101-4200-423.50-75		9/2009	129.62
						* Total	33.03
09/30/2009	96603	TDS METROCOM	CUST 285	101-4000-421.60-40		9/2009	33.03
						* Total	1,667.25
09/30/2009	96604	TEPPEN, JENELIE	vezyby - retirement	101-1100-413.60-65		9/2009	1,667.25
						* Total	50.00
09/30/2009	96606	TRACTOR SUPPLY CREDIT P	acct 6035301200183679	101-4000-421.50-20		9/2009	50.00
			acct 6035301200183679	101-3300-419.60-45		9/2009	290.00
			acct 6035301200183679	101-5200-443.60-16		9/2009	33.14
				101-6000-451.60-12		9/2009	27.79
						* Total	350.93
09/30/2009	96608	USA MOBILITY WIRELESS I	acct 61192662	101-4000-421.50-20		9/2009	14.56
						* Total	14.56
09/30/2009	96609	VERIZON WIRELESS	acct 580565481	101-5100-442.50-20		9/2009	616.82
						* Total	616.82
09/30/2009	96610	WAKOTA MUTUAL FIREMANS	MEMBERSHIP DUES	101-4200-423.50-70		9/2009	50.00
						* Total	50.00
09/30/2009	96611	WAL-MART BUSINESS	acct 6032202530257113	101-4000-421.60-65		9/2009	122.93
						* Total	122.93
09/30/2009	96614	ZEE MEDICAL SERVICE	54188186	101-4000-421.60-65		9/2009	187.25
						* Total	187.25
09/30/2009	96615	ZOYA, KENT	window blinds	101-4200-423.40-40		9/2009	174.15
						* Total	174.15
10/07/2009	96619	AFSCME COUNCIL 5	9/21 - 10/2	101-0000-203.10-00		10/2009	869.20
						* Total	869.20
10/07/2009	96620	ANCOM COMMUNICATIONS, I	cust 809	101-4200-423.40-42		10/2009	192.50
						* Total	192.50

CHECK DATE	CHECK NUMBER	CHECK VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
10/07/2009	96622	ARM OF MINNESOTA	attende; nick hahn	101-5100-442.50-80		10/2009 * Total	150.00 150.00
10/07/2009	96623	AVR, INC.	25802 BALANCE cust 4753	101-6000-451.40-47 101-6000-451.40-47		10/2009 * Total	1,034.00 515.67 1,549.67
10/07/2009	96625	BOTTEN, HEATHER	training	101-3200-419.50-80		10/2009 * Total	55.00 55.00
10/07/2009	96627	CEMSTONE PRODUCTS COMPA	1201590	101-6000-451.40-40		10/2009 * Total	63.61 63.61
10/07/2009	96633	CRESCENT ELECTRIC SUPPL	02415520300 02415520301	101-6000-451.40-40 101-6000-451.40-40		10/2009 * Total	93.34 7.18 100.52
10/07/2009	96634	DAKOTA COMMUNICATIONS C	IG200910 IG200910	101-4000-421.70-30 101-4200-423.70-50		10/2009 * Total	24,556.00 12,278.00 36,834.00
10/07/2009	96635	DAKOTA CITY FINANCIAL SV	acct id 737	101-3000-419.50-80		10/2009 * Total	75.00 75.00
10/07/2009	96636	DAKOTA CITY TREASURER-AU	AUG 09 AUG 09 AUG 09	101-4000-421.70-30 101-4200-423.70-50 101-5200-443.50-70		10/2009 * Total	1,336.08 1,125.12 46.88 2,508.08
10/07/2009	96637	DAKOTA ELECTRIC ASSN	acct 4267134	101-5400-445.40-20		10/2009 * Total	27.78 27.78
10/07/2009	96639	DAKOTA ELECTRIC ASSN	acct 2468379	101-6000-451.40-20		10/2009 * Total	2,755.21 2,755.21
10/07/2009	96640	DAKOTA ELECTRIC ASSN	acct 3935632	101-6000-451.40-20		10/2009 * Total	321.72 321.72
10/07/2009	96641	DAKOTA ELECTRIC ASSN	acct 2501658	101-6000-451.40-20		10/2009 * Total	469.12 469.12
10/07/2009	96643	DANNER LANDSCAPING	6928 6961 6962 6963	101-6000-451.40-46 101-6000-451.40-46 101-6000-451.40-46 101-6000-451.40-46		10/2009 * Total	133.59 40.08 40.08 133.59 347.34
10/07/2009	96652	FIRE EQUIPMENT SPECIALT	6317 6330	101-4200-423.60-45 101-4200-423.60-45		10/2009 * Total	619.72 5,526.00 6,145.72
10/07/2009	96653	FIRE SAFETY USA	29699	101-4200-423.40-41		10/2009 * Total	45.00 45.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE # / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
10/07/2009	96656	GERTENS	cust 103566	101-6000-451.60-16		10/2009	107.17
			cust 103566	101-6000-451.60-16		10/2009	53.42
						* Total	160.59
10/07/2009	96658	GOOGLE, INC	ref no 63115-70066	101-4000-421.30-70		10/2009	50.00
						* Total	50.00
10/07/2009	96663	HARMON AUTOGLASS-BURNSV	10545558	101-6000-451.40-47		10/2009	59.68
						* Total	59.68
10/07/2009	96666	HOISINGTON KOBGLER GROU	0070479	101-3200-419.30-60		10/2009	1,522.50
						* Total	1,522.50
10/07/2009	96668	IKON OFFICE SOLUTIONS	acct 1452531017392	101-6000-451.40-65		10/2009	29.28
						* Total	29.28
10/07/2009	96669	INFINITY WIRELESS	26652	101-4200-423.40-44		10/2009	105.00
						* Total	105.00
10/07/2009	96670	INVER GROVE FORD	acct 94917	101-4000-421.70-30		10/2009	266.88
						* Total	266.88
10/07/2009	96671	IUOE	9/21 - 10/2	101-0000-203.10-00		10/2009	1,433.31
						* Total	1,433.31
10/07/2009	96673	JRK SEED & TURF SUPPLY	19883	101-6000-451.60-16		10/2009	370.00
			19883	101-6000-451.60-30		10/2009	313.40
			19883	101-6000-451.60-35		10/2009	281.40
						* Total	964.80
10/07/2009	96675	LAKE SUPERIOR COLLEGE	attende; nick hahn	101-5100-442.50-80		10/2009	150.00
						* Total	150.00
10/07/2009	96676	LELS	9/21 - 10/2	101-0000-203.10-00		10/2009	1,125.00
						* Total	1,125.00
10/07/2009	96677	LELS SERGEANTS	9/21 - 10/2	101-0000-203.10-00		10/2009	210.00
						* Total	210.00
10/07/2009	96680	LEXISNEXIS	acct 1369635	101-4000-421.50-20		10/2009	30.00
						* Total	30.00
10/07/2009	96683	MIKE'S SHOE REPAIR, INC	9162009	101-4200-423.30-70		10/2009	21.00
						* Total	21.00
10/07/2009	96684	MTI DISTRIBUTING CO	acct 91180	101-6000-451.40-47		10/2009	315.26
						* Total	315.26
10/07/2009	96685	NEENAH FOUNDRY COMPANY	cust i83000	101-5200-443.60-16		10/2009	413.61
						* Total	413.61
10/07/2009	96686	NEWMAN TRAFFIC SIGNS IN	TI0213222	101-5200-443.60-16		10/2009	4,283.87
						* Total	4,283.87

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
10/07/2009	96687	NFPA	acct 116140	101-4200-423.50-30		10/2009	1,547.68
						* Total	1,547.68
10/07/2009	96689	OFFICE DEPOT	acct 6011568510088883	101-6000-451.60-65		10/2009	148.94
						* Total	148.94
10/07/2009	96694	PRAIRIE RESTORATIONS, I	120661	101-6000-451.70-50		10/2009	2,800.00
						* Total	2,800.00
10/07/2009	96695	QWEST	acct 6514577674	101-6000-451.50-20		10/2009	41.42
						* Total	41.42
10/07/2009	96696	QWEST	acct 6514577671	101-6000-451.50-20		10/2009	41.42
						* Total	41.42
10/07/2009	96697	QWEST	acct 6514530219	101-6000-451.50-20		10/2009	41.42
						* Total	41.42
10/07/2009	96698	QWEST	acct 6515520672	101-6000-451.50-20		10/2009	41.42
						* Total	41.42
10/07/2009	96702	ROAD RESCUE EMERGENCY V	8909	101-4200-423.40-41		10/2009	171.94
						* Total	171.94
10/07/2009	96705	S & T OFFICE PRODUCTS	acct s28777	101-5100-442.60-40		10/2009	441.12
			acct s28777	101-3200-419.60-10		10/2009	10.26
			acct s28777	101-3200-419.60-10		10/2009	10.52
			1226	101-3000-419.60-10		10/2009	27.34
			1229	101-5100-442.60-40		10/2009	175.10
			1230	101-1100-413.60-65		10/2009	86.80
			acct s28777	101-1100-413.60-65		10/2009	15.74
			acct s28777	101-3000-419.60-10		10/2009	12.69
			acct s28777	101-3300-419.60-10		10/2009	34.99
						* Total	814.56
10/07/2009	96707	SAM'S CLUB	acct7715090061172300	101-1100-413.50-75		10/2009	42.59
						* Total	42.59
10/07/2009	96710	SENSIBLE LAND USE COALI	REGISTRATION	101-3000-419.50-80		10/2009	38.00
			REGISTRATION	101-3200-419.50-80		10/2009	76.00
						* Total	114.00
10/07/2009	96713	SHERWIN-WILLIAMS	79605	101-6000-451.60-66		10/2009	41.46
						* Total	41.46
10/07/2009	96714	SMITH-THILL, JUDY	air fair to conference	101-4200-423.50-65		10/2009	287.70
			registration - conference	101-4200-423.50-80		10/2009	79.00
						* Total	366.70
10/07/2009	96715	ST PAUL STAMP WORKS INC	cust inver003	101-4200-423.50-30		10/2009	645.02
						* Total	645.02
10/07/2009	96717	ST. CROIX TREE SERVICE,	55207	101-3300-419.30-70		10/2009	1,122.19

Prepared: 10/08/2009, 10:52:37
 Program: GM179L
 Bank: 00 City of Inver Grove Heights

City of Inver Grove Heights
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE # / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
						* Total	1,122.19
10/07/2009	96720	SU-Z'S EMBROIDERY INC	22943	101-3300-419.60-45		10/2009	43.16
						* Total	43.16
10/07/2009	96722	TERRI KENISON	SEPT 09	101-4200-423.30-70		10/2009	908.44
						* Total	908.44
10/07/2009	96723	TIMESAVER OFF SITE SECR	SEPT 14	101-1100-413.30-70		10/2009	150.38
						* Total	150.38
10/07/2009	96725	TOTAL CONSTRUCTION & EQ	46109	101-6000-451.40-40		10/2009	145.39
						* Total	145.39
10/07/2009	96727	TREE TRUST	9302	101-6000-451.70-50		10/2009	1,800.00
						* Total	1,800.00
10/07/2009	96728	UNITED WAY	9/21 - 10/2	101-0000-203.13-00		10/2009	178.00
						* Total	178.00
10/07/2009	96731	VIKING PAINTS, INC.	33250	101-6000-451.60-16		10/2009	537.20
						* Total	537.20
10/07/2009	96736	XCEL ENERGY	acct 5183943582	101-5400-445.40-20		10/2009	34.41
						* Total	34.41
10/07/2009	96737	XCEL ENERGY	acct 5170946691	101-5400-445.40-20		10/2009	36.10
						* Total	36.10
10/07/2009	96738	XCEL ENERGY	acct 5160255967	101-5400-445.40-20		10/2009	36.26
						* Total	36.26
09/30/2009	96545	EXPLORE MINNESOTA TOURI	2009 ADV CONTR	201-1600-465.50-25		9/2009	275.00
						* Total	275.00
10/07/2009	96678	LENERTZ, LAWRENCE JR	sewer assessment	352-9000-570.70-85		10/2009	22,516.50
						* Total	22,516.50
10/07/2009	96649	EMMONS & OLIVIER RESOUR	9500239	425-5907-725.80-30	0507	10/2009	762.90
						* Total	762.90
10/07/2009	96716	ST. CROIX TREE SERVICE,	55208	425-5907-725.80-30	0507	10/2009	1,816.88
						* Total	1,816.88
10/07/2009	96726	TOTAL REPAIR, INC.	21423	425-5911-725.30-70	9811	10/2009	230.10
						* Total	230.10
						** Fund Total	103,544.53
						** Fund Total	275.00
						** Fund Total	275.00
						** Fund Total	275.00
						** Fund Total	22,516.50
						** Fund Total	22,516.50
						** Fund Total	22,516.50
						** Fund Total	762.90
						** Fund Total	762.90
						** Fund Total	1,816.88
						** Fund Total	1,816.88
						** Fund Total	230.10
						** Fund Total	230.10

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
10/07/2009	96624	BARR ENGINEERING COMPAN	23190A650017	427-5917-727.30-30	0717	10/2009	759.75
				3 Checks	** Fund Total	* Total	759.75
10/07/2009	96674	KIMLEY-HORN & ASSOCIATE	3968325	427-5917-727.30-30	0717	10/2009	1,332.95
				2 Checks	** Fund Total	* Total	1,332.95
09/30/2009	96568	MCGHIE BETTS, INC	18830	428-5918-728.70-60	0818	9/2009	2,951.00
		STUDIO FIVE		428-5918-728.70-60	0818	9/2009	2,729.00
		STUDIO FIVE		428-5918-728.70-60	0818	9/2009	379.50
				3 Checks	** Fund Total	* Total	6,059.50
10/07/2009	96674	KIMLEY-HORN & ASSOCIATE	3968326	428-5911-728.30-30	0811	10/2009	1,033.50
			3968327	428-5910-728.30-30	0810	10/2009	671.79
				2 Checks	** Fund Total	* Total	1,705.29
10/07/2009	96711	SHAW-LUNDQUIST ASSOCIAT	city hall renovation	428-5918-728.80-20	0818	10/2009	411,819.30
				3 Checks	** Fund Total	* Total	411,819.30
09/28/2009	96519	DAKOTA CITY TREASURER	right of way	429-5929-729.50-70	0929	9/2009	320.00
				3 Checks	** Fund Total	* Total	320.00
09/30/2009	96590	REED BUSINESS INFORMATI	CUST 821155	429-5929-729.50-25	0929	9/2009	169.74
				3 Checks	** Fund Total	* Total	169.74
10/07/2009	96700	REED BUSINESS INFORMATI	CUST 821155	429-5929-729.50-25	0929	10/2009	169.74
				3 Checks	** Fund Total	* Total	169.74
10/07/2009	96719	STONEBROOKE ENGINEERING	1325	429-5901-729.30-30	0901	10/2009	407.47
				5 Checks	** Fund Total	* Total	407.47
10/07/2009	96733	WSB & ASSOCIATES, INC.	11	429-5911-729.30-30	0911	10/2009	655.00
				5 Checks	** Fund Total	* Total	655.00
09/30/2009	96540	DANNER LANDSCAPING	6847	440-5900-740.80-30	0909D	9/2009	1,380.26
				3 Checks	** Fund Total	* Total	1,380.26
09/30/2009	96553	GOODPOINTE TECHNOLOGIES	1211	440-5900-740.30-70	9807	9/2009	3,525.00
			1220	440-5900-740.30-70	9807	9/2009	940.00
				2 Checks	** Fund Total	* Total	4,465.00
09/30/2009	96569	MN DEPT OF TRANSPORTATI	cust 1298	440-5900-740.30-70	0909D	9/2009	554.16
				3 Checks	** Fund Total	* Total	554.16
10/07/2009	96642	DANNER INC	salem hills farm	440-5900-740.80-30	0809F	10/2009	411,248.84
				3 Checks	** Fund Total	* Total	411,248.84

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10/07/2009	96674	KIMLEY-HORN & ASSOCIATE	3968330	440-5900-740.30-30	0909D	10/2009	836.09
	3968331			440-5900-740.30-30	0809F	10/2009	20,627.57
					*	Total	21,463.66
10/07/2009	96647	EAGAN, CITY OF	storm water	441-0000-207.05-00	** Fund Total	10/2009	439,111.92
					*	Total	2,161.07
09/30/2009	96613	WINDSCAPES	2101 OUTLET CTR	443-5900-743.60-16	** Fund Total	9/2009	2,161.07
					*	Total	134.66
10/07/2009	96656	GERTENS	cust 103566	443-5900-743.60-16		10/2009	202.53
			cust 103566	443-5900-743.60-16		10/2009	405.06
			cust 103566	443-5900-743.60-16		10/2009	607.58
					*	Total	1,215.17
10/07/2009	96716	ST. CROIX TREE SERVICE,	55209	443-5900-743.60-16		10/2009	267.19
					*	Total	267.19
10/07/2009	96732	WINDSCAPES	97506	443-5900-743.60-16		10/2009	134.66
			97507	443-5900-743.60-16		10/2009	448.88
					*	Total	583.54
10/07/2009	96657	GLOBAL GOLF ADVISORS	inverwood golf	451-5900-751.30-70	** Fund Total	10/2009	2,200.56
					*	Total	14,900.00
09/30/2009	96550	G & K SERVICES	ACCT 0574947	501-7100-512.60-45	** Fund Total	9/2009	14,900.00
					*	Total	28.48
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324	501-7100-512.20-62		9/2009	52.75
					*	Total	52.75
09/30/2009	96603	TDS METROCOM	ACCT 6515540132	501-7100-512.50-20		9/2009	210.70
					*	Total	210.70
10/07/2009	96617	ACE PAINT & HARDWARE	acct 1126	501-7100-512.60-16		10/2009	5.33
					*	Total	5.33
10/07/2009	96628	CITY OF BLOOMINGTON	9/1 - 9/30	501-7100-512.30-70		10/2009	630.00
					*	Total	630.00
10/07/2009	96638	DAKOTA ELECTRIC ASSN	acct 2148310	501-7100-512.40-20		10/2009	8.72
					*	Total	8.72
10/07/2009	96646	EAGAN, CITY OF	water-south robert trail	501-7100-512.40-05		10/2009	5,083.74
			water-south robert trail	501-7100-512.40-05		10/2009	54.54

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10/07/2009	96646	EAGAN, CITY OF	water-emerald hills mp	501-7100-512.40-05		10/2009	4,961.16
			water-south robert trail	501-7100-512.40-05		10/2009	4,192.92
						* Total	14,292.36
10/07/2009	96647	EAGAN, CITY OF	water	501-7100-512.40-05		10/2009	44,667.95
						* Total	44,667.95
10/07/2009	96655	GERLACH OUTDOOR POWER E	149737	501-7100-512.60-16		10/2009	41.68
						* Total	41.68
10/07/2009	96659	GOPHER STATE ONE-CALL	acct cinght1	501-7100-512.30-70		10/2009	930.90
						* Total	930.90
10/07/2009	96664	HAWKINS, INC.	acct 108816	501-7100-512.60-19		10/2009	5,101.21
			acct 108816	501-7100-512.60-19		10/2009	566.00
			acct 108816	501-7100-512.60-19		10/2009	5,327.46
			acct 108816	501-7100-512.60-19		10/2009	566.00
						* Total	11,560.67
10/07/2009	96724	TKDA	200902921	501-7100-512.30-70		10/2009	1,276.00
						* Total	1,276.00
09/30/2009	96544	EDINA REALTY TITLE	REPLACEMENT CK 94368	502-0000-116.00-00		9/2009	62.59
						* Total	62.59
09/30/2009	96550	G & K SERVICES	ACCT 0574947	502-7200-514.60-45		9/2009	12.21
						* Total	12.21
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324	502-7200-514.20-62		9/2009	34.04
						* Total	34.04
10/02/2009	96616	METROPOLITAN COUNCIL EN	cameron liquor sale	502-7200-514.40-43		10/2009	900.00
						* Total	900.00
10/07/2009	96646	EAGAN, CITY OF	sewer-south robert trail	502-7200-514.40-15		10/2009	4,867.14
			water-south robert trail	502-7200-514.40-15		10/2009	90.81
			sewer-emerald hills mp	502-7200-514.40-15		10/2009	4,757.97
			sewer-south robert trail	502-7200-514.40-15		10/2009	4,855.67
						* Total	14,571.59
10/07/2009	96647	EAGAN, CITY OF	sewer	502-7200-514.40-15		10/2009	20,783.35
						* Total	20,783.35
10/07/2009	96718	STAPLES, STEVEN	REQUESTED CREDIT REFUND	502-0000-116.00-00		10/2009	120.12
						* Total	120.12
09/30/2009	96520	ACE PAINT & HARDWARE	cust 1126	503-8500-526.60-65		9/2009	36.31
			ACCT 1126	503-8500-526.60-65		9/2009	14.40
						* Total	50.71
						** Fund Total	73,705.54
						** Fund Total	36,483.90

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09/30/2009	96524	ARCTIC GLACIER, INC.	ACCT 1726134	503-8300-524.60-65		9/2009 * Total	135.00 135.00
09/30/2009	96534	COCA COLA BOTTLING COMP	acct 3079049	503-8300-524.76-10		9/2009 * Total	640.85 640.85
09/30/2009	96535	COLLEGE CITY BEVERAGE	acct 3592	503-8300-524.76-15		9/2009 * Total	189.60 189.60
09/30/2009	96538	CUSHMAN MOTOR COMPANY I	acct c0644	503-8400-525.40-41		9/2009 * Total	752.64 752.64
09/30/2009	96551	G & K SERVICES	ACCT 0157401	503-8600-527.60-45		9/2009 * Total	86.20 86.20
09/30/2009	96554	GRANDMA'S BAKERY	968602 968911 969188 ACCT 24400 ACCT 24400 ACCT 24400 ACCT 24400 ACCT 24400	503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05		9/2009 9/2009 9/2009 9/2009 9/2009 9/2009 9/2009 * Total	39.02 33.48 33.36 49.22 46.83 54.76 36.13 36.13 328.93
09/30/2009	96563	LABOR READY MIDWEST INC	ACCT 41212686 ACCT 41212686	503-8600-527.50-45 503-8600-527.50-45		9/2009 9/2009 * Total	845.44 422.72 1,268.16
09/30/2009	96567	M. AMUNDSON LLP	CUST 902858	503-8300-524.76-05		9/2009 * Total	150.62 150.62
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324 policy 0027324 policy 0027324	503-8000-521.20-62 503-8500-526.20-62 503-8600-527.20-62		9/2009 9/2009 9/2009 * Total	10.73 24.80 41.82 77.35
09/30/2009	96607	US FOODSERVICE	ACCT 223000 ACCT 223000 ACCT 223000	503-8300-524.60-65 503-8300-524.76-05 503-8300-524.76-10		9/2009 9/2009 9/2009 * Total	49.59- 431.57 83.00 464.98
10/07/2009	96617	ACE PAINT & HARDWARE	acct 1126	503-8600-527.40-40		10/2009 * Total	8.51 8.51
10/07/2009	96621	ARCTIC GLACIER, INC.	acct 1726134	503-8300-524.60-65		10/2009 * Total	70.68 70.68
10/07/2009	96631	COVERALL OF THE TWIN CI	7070148066	503-8500-526.40-40		10/2009 * Total	1,122.19 1,122.19
10/07/2009	96644	DEX MEDIA EAST	acct 110360619	503-8500-526.50-25		10/2009 * Total	73.86 73.86

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10/07/2009	96650	EXCEL TURF AND ORNAMENT	8327	503-8600-527.60-35		10/2009 * Total	376.20 376.20
10/07/2009	96661	GRANDMA'S BAKERY	cust 24400 cust 24400 cust 24400	503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05		10/2009 10/2009 10/2009 * Total	65.20 38.90 22.63 126.73
10/07/2009	96672	JOHN DEERE LANDSCAPES/L	acct 269520 acct 269520 acct 269520 acct 269520 acct 269520	503-8600-527.60-20 503-8600-527.60-35 503-8600-527.60-50 503-8600-527.60-30 503-8600-527.60-12		10/2009 10/2009 10/2009 10/2009 10/2009 * Total	85.16 19.73 32.66 66.45 61.38 265.38
10/07/2009	96679	LENTNER, GLEN	washers tulip bulbs	503-8600-527.40-42 503-8600-527.60-20		10/2009 10/2009 * Total	7.22 103.50 110.72
10/07/2009	96682	METRO CASH REGISTER SYS	inverwood golf course	503-8500-526.60-10		10/2009 * Total	83.24 83.24
10/07/2009	96692	OTINNESS, LEON	prizes for junior league	503-8200-523.76-40		10/2009 * Total	203.79 203.79
10/07/2009	96693	PERFORMANCE DRAFT BEER	092996	503-8300-524.40-42		10/2009 * Total	30.00 30.00
10/07/2009	96705	S & T OFFICE PRODUCTS	5058	503-8500-526.60-10		10/2009 * Total	24.90 24.90
10/07/2009	96729	US FOODSERVICE	cust 22300 cust 22300 cust 22300 cust 22300	503-8300-524.76-05 503-8300-524.60-65 503-8300-524.76-05 503-8300-524.76-10		10/2009 10/2009 10/2009 10/2009 * Total	45.78- 232.35 282.40 28.08 497.05
10/07/2009	96730	VERIZON WIRELESS	acct 480568913	503-8500-526.50-20		10/2009 * Total	8.51 8.51
10/07/2009	96734	XCEL ENERGY	acct 5158775110	503-8600-527.40-20		10/2009 * Total	21.98 21.98
10/07/2009	96735	XCEL ENERGY	acct 5158775121	503-8600-527.40-20		10/2009 * Total	2,746.40 2,746.40
10/07/2009	96740	XCEL ENERGY	acct 5157543641 acct 5157543641	503-8500-526.40-10 503-8500-526.40-20		10/2009 10/2009 * Total	52.71 1,490.63 1,543.34
09/30/2009	96531	CARTER, CHARLIE	LEAGUE CHAMPION	504-6100-452.60-09	R50100	9/2009	115.00
			28 Checks	** Fund Total			11,458.52

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09/30/2009	96532	CITY OF EDINA	park & rec	504-6100-452.50-90	R20680	9/2009	64.00
						* Total	64.00
09/30/2009	96555	GREGG, LORA	lessons	504-0000-347.00-00	R50620	9/2009	23.50
						* Total	23.50
09/30/2009	96564	LABROSE, JOE	LEAGUE CHAMPION	504-6100-452.60-09	R50100	9/2009	115.00
						* Total	115.00
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324	504-6100-452.20-62	R90100	9/2009	68.78
						* Total	68.78
09/30/2009	96574	MN RECREATION AND PARK	6425	504-6100-452.50-80	R90100	9/2009	330.00
						* Total	330.00
09/30/2009	96581	NEXTEL COMMUNICATIONS	ACCT 302193319	504-6100-452.50-20	R90100	9/2009	84.95
						* Total	84.95
09/30/2009	96583	OLD WORLD PIZZA	VMCC	504-6100-452.60-09	R20680	9/2009	25.43
						* Total	25.43
09/30/2009	96587	PUMP IT UP	FIELD TRIP	504-6100-452.50-90	R20680	9/2009	24.00
						* Total	24.00
09/30/2009	96592	SABIN, CYNTHIA	lessons	504-0000-347.00-00	R50620	9/2009	23.50
						* Total	23.50
09/30/2009	96599	ST. LOUIS PARK RECREATI	6110	504-6100-452.50-90	R20680	9/2009	76.50
						* Total	76.50
09/30/2009	96605	THOMPSON, NICK	EXPENSE REPORT	504-6100-452.50-70	R40200	9/2009	121.37
			EXPENSE REPORT	504-6100-452.60-09	R40340	9/2009	329.25
						* Total	450.62
09/30/2009	96612	WEIMER, CASEY	LEAGUE CHAMPION	504-6100-452.60-09	R50100	9/2009	115.00
						* Total	115.00
10/07/2009	96668	IKON OFFICE SOLUTIONS	acct 1452531017392	504-6100-452.40-65	R90100	10/2009	263.56
						* Total	263.56
10/07/2009	96689	OFFICE DEPOT	acct 6011568510088883	504-6100-452.60-09	R90100	10/2009	27.84
						* Total	27.84
10/07/2009	96691	ORIENTAL TRADING COMPAN	633993014501	504-6100-452.60-09	R50400	10/2009	96.42
						* Total	96.42
10/07/2009	96708	SAM'S CLUB	acct 7715090065702540	504-6100-452.60-09	R40140	10/2009	39.90
						* Total	39.90
10/07/2009	96721	TARGET BANK	acct 9370	504-6100-452.60-09	R90100	10/2009	200.02
						* Total	200.02

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09/30/2009	96522	AL'S COFFEE COMPANY	105694	505-6200-453.40-42	C30100	9/2009 * Total	133.59 133.59
09/30/2009	96523	AMERICAN RED CROSS	acct x10866	505-6200-453.50-70	C51000	9/2009 * Total	200.00 200.00
09/30/2009	96537	CUETO GRASSI, DEBBIE	group rental overpmt group rental overpmt	505-0000-207.03-00 505-0000-352.27-00	C55000	9/2009 * Total	9.98 140.10 150.08
09/30/2009	96556	GYM WORKS INC	REPLACEMENT CK FOR 72300	505-6200-453.40-42	C70000	9/2009 * Total	127.50 127.50
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324	505-6200-453.20-62	C70000	9/2009 * Total	111.54 111.54
09/30/2009	96576	MYRLIE, GINA	class	505-0000-352.35-00	C51000	9/2009 * Total	54.00 54.00
09/30/2009	96583	OLD WORLD PIZZA	VMCC	505-6200-453.76-05	C16000	9/2009 * Total	185.70 185.70
09/30/2009	96586	OXYGEN SERVICE COMPANY,	acct 09684	505-6200-453.60-65	C16000	9/2009 * Total	12.59 12.59
09/30/2009	96603	TDS METROCOM	ACCT 6515540132	505-6200-453.50-20	C10000	9/2009 * Total	106.45 106.45
10/07/2009	96617	ACE PAINT & HARDWARE	acct 1126 cust 1126	505-6200-453.60-16 505-6200-453.60-16	C21000 C25000	10/2009 10/2009 * Total	9.07 14.18 23.25
10/07/2009	96626	BUETOW AND ASSOCIATES I	100670814	505-6200-453.30-20	C21000	10/2009 * Total	1,142.16 1,142.16
10/07/2009	96630	COCA COLA BOTTLING COMP	0128474503	505-6200-453.76-10	C30200	10/2009 * Total	279.45 279.45
10/07/2009	96632	CRARY, AMY	mileage - mrpa training trx suspension office supplies/staff clo	505-6200-453.50-65 505-6200-453.60-18 505-6200-453.60-40 505-6200-453.60-45	C70000 C70000 C70000 C70000	10/2009 10/2009 10/2009 10/2009 * Total	28.82 90.00 199.99 84.39 403.20
10/07/2009	96651	FERRELLGAS	acct 7757735	505-6200-453.60-21	C21000	10/2009 * Total	339.25 339.25
10/07/2009	96654	FIRST IMPRESSION GROUP,	39800	505-6200-453.50-30	C10100	10/2009 * Total	1,945.13 1,945.13
10/07/2009	96660	GRAINGER	acct 806460150	505-6200-453.60-16	C25000	10/2009	25.51
1.8 Checks ** Fund Total							2,144.02

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10/07/2009	96660	GRAINGER	acct 806460150	505-6200-453.60-16	C25000	10/2009 * Total	19.28 48.79
10/07/2009	96662	HALDEMAN-HOMME, INC	gym floor replacement	505-6200-453.80-20	C21000	10/2009 * Total	5,130.00 5,130.00
10/07/2009	96665	HILLYARD INC	acct 267670	505-6200-453.60-11	C25000	10/2009	381.28
			acct 267670	505-6200-453.60-11	C25000	10/2009	346.84
			acct 267670	505-6200-453.60-11	C21000	10/2009	636.37
			acct 267670	505-6200-453.60-11	C25000	10/2009	26.47
						* Total	1,390.96
10/07/2009	96667	HUEBSCH SERVICES	2430276	505-6200-453.40-40	C25000	10/2009 * Total	105.57 105.57
10/07/2009	96668	IKON OFFICE SOLUTIONS	acct 1452531017392	505-6200-453.40-65	C10000	10/2009 * Total	439.26 439.26
10/07/2009	96689	OFFICE DEPOT	acct 6011568510088883	505-6200-453.60-40	C30200	10/2009	51.37
			acct 6011568510088883	505-6200-453.60-65	C40000	10/2009	4.45
						* Total	55.82
10/07/2009	96691	ORIENTAL TRADING COMPAN	63393014501	505-6200-453.60-65	C13000	10/2009 * Total	10.48 10.48
10/07/2009	96701	ROACH, RICK	mileage	505-6200-453.50-65	C21000	10/2009 * Total	25.86 25.86
10/07/2009	96708	SAM'S CLUB	acct 7715090065702540	505-6200-453.60-65	C81000	10/2009 * Total	27.36 27.36
10/07/2009	96709	SAM'S CLUB	acct 7715090061606950	505-6200-453.60-16	C70000	10/2009	31.75
			acct 7715090061606950	505-6200-453.60-65	C16000	10/2009	231.84
			acct 7715090061606950	505-6200-453.76-05	C30300	10/2009	135.69
			acct 7715090061606950	505-6200-453.76-10	C30400	10/2009	130.77
						* Total	530.05
10/07/2009	96712	SHEGGEY, MICHAEL	lodging-conference bucket	505-6200-453.50-75	C21000	10/2009	361.23
				505-6200-453.60-65	C25000	10/2009 * Total	104.35 465.58
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324	602-2100-415.20-62	** Fund Total	9/2009 * Total	2.07 2.07
09/30/2009	96521	ADVANCED GRAPHIX, INC.	180221	603-5300-444.40-41	** Fund Total	9/2009 * Total	2.07 648.00 648.00
09/30/2009	96530	CARQUEST OF ROSEMOUNT	cust 614420	603-5300-444.40-41	** Fund Total	9/2009 * Total	24.11 24.11

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09/30/2009	96542	DON PIEHL	ratchet/lorx socket	603-5300-444.60-40		9/2009 * Total	53.92 53.92
09/30/2009	96546	FERRELLGAS	cust 7754787	603-5300-444.40-41		9/2009 * Total	1.07 1.07
09/30/2009	96547	FLAIL-MASTER	cust 55075a	603-5300-444.40-41		9/2009 * Total	1,163.00 1,163.00
09/30/2009	96550	G & K SERVICES	ACCT 0574947	603-5300-444.40-65		9/2009	108.94
			ACCT 0574947	603-5300-444.60-45		9/2009 * Total	95.36 204.30
09/30/2009	96558	HARTLAND FUEL PRODUCTS	SOI00039761	603-0000-145.60-00		9/2009 * Total	10,519.33 10,519.33
09/30/2009	96562	KREMER SPRING SERVICES	CUST CITY15	603-5300-444.40-41		9/2009 * Total	355.40 355.40
09/30/2009	96565	LANGULA HARDWARE INC	219063	603-5300-444.40-41		9/2009 * Total	164.97 164.97
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324	603-5300-444.20-62		9/2009 * Total	22.25 22.25
09/30/2009	96579	NEXTEL COMMUNICATIONS	ACCT 249383315	603-5300-444.50-20		9/2009 * Total	64.02 64.02
09/30/2009	96585	OXYGEN SERVICE COMPANY,	CUST 4393	603-5300-444.60-12		9/2009 * Total	434.54 434.54
09/30/2009	96598	ST. JOSEPH EQUIPMENT, I	SI73863	603-5300-444.40-41		9/2009 * Total	64.46 64.46
09/30/2009	96606	TRACTOR SUPPLY CREDIT P	acct 6035301200183679	603-5300-444.40-41		9/2009 * Total	16.06 16.06
10/07/2009	96648	EMERGENCY AUTOMOTIVE TE	0917091	603-5300-444.80-70		10/2009 * Total	167.00 167.00
10/07/2009	96699	R & R CARPET SERVICE	SEPT 2009	603-5300-444.40-65		10/2009 * Total	78.02 78.02
				16 Checks	** Fund Total		13,980.45
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324	604-2200-416.20-62		9/2009 * Total	.94 .94
10/07/2009	96689	OFFICE DEPOT	acct 6011568510088883	604-2200-416.60-10		10/2009 * Total	114.00 114.00
10/07/2009	96690	OFFICE EQUIPMENT FINANC	acct 923425	604-2200-416.40-50		10/2009 10/2009	1,400.38 640.08

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
10/07/2009	96705	S & T OFFICE PRODUCTS	051409 071009 072209 acct s28777 acct s28777 acct s28777 acct s28777 1227 1231 acct s28777 acct s28777 acct s28777 acct s28777 acct s28777	604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10 604-2200-416.60-10		38.79- 146.63 102.92 44.63 23.04 61.28 41.59 55.65 131.85 163.65 72.89 12.84 45.57 31.73 895.48	
* Total							2,040.46
09/25/2009	96518	US POSTMASTER	UTILITY MAILING	605-3100-419.50-35		9/2009	1,335.15
* Total							1,335.15
09/30/2009	96559	HILLYARD INC	CUST 274069	605-3100-419.60-11		9/2009	135.90
* Total							135.90
09/30/2009	96561	INTEGRA TELECOM	CUST 2129 CUST 2129 CUST 2129 CUST 2129	605-3100-419.40-40 605-3100-419.40-40 605-3100-419.40-40 605-3100-419.40-40		9/2009	355.55
* Total							316.03
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324	605-3100-419.20-62		9/2009	7.96
* Total							7.96
09/30/2009	96578	NEOPOST	ACCT 52240662711508	605-3100-419.60-65		9/2009	441.36
* Total							441.36
09/30/2009	96584	ONVOY INC	ACCT 001555726455	605-3100-419.50-20		9/2009	992.97
* Total							992.97
09/30/2009	96603	TDS METROCOM	ACCT 6515540132	605-3100-419.50-20		9/2009	311.30
* Total							311.30
10/07/2009	96681	LONE OAK COMPANIES	45002	605-3100-419.50-35		10/2009	323.00
* Total							323.00
10/07/2009	96699	R & R CARPET SERVICE	SEPT 2009	605-3100-419.40-65		10/2009	103.56
* Total							103.56
10/07/2009	96706	SAM'S CLUB	acct7715090063580633	605-3100-419.60-11		10/2009	62.29
* Total							62.29
4 Checks					** Fund Total		3,050.88

Program: GM179L
 Bank: 00 City of Inver Grove Heights

City of Inver Grove Heights
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
10/07/2009	96739	XCEL ENERGY	acct 5142529960 acct 5142529960	605-3100-419.40-10 605-3100-419.40-20		10/2009 10/2009 * Total	67.70 3,560.58 3,628.28
09/30/2009	96541	DELL MARKETING	ACCT 019368783	606-1400-413.60-41	** Fund Total	9/2009 * Total	8,923.65 787.72 787.72
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324	606-1400-413.20-62		9/2009 * Total	8.51 8.51
09/30/2009	96609	VERIZON WIRELESS	ACCT 280581502	606-1400-413.50-20		9/2009 * Total	32.39 32.39
10/07/2009	96618	ADVANCED TECHNOLOGY SYS	cust id cityinver	606-1400-413.60-10		10/2009 * Total	645.86 645.86
10/07/2009	96629	CIVICPLUS	72711	606-1400-413.30-70		10/2009 * Total	1,250.00 1,250.00
10/07/2009	96688	NORTH AMERICAN SYSTEMS	33731	606-1400-413.40-49		10/2009 * Total	936.00 936.00
09/30/2009	96588	RAMSEY COUNTY SHERIFF'S	ANDRE LEROI JOHNSON	702-0000-229.10-00	6 Checks	9/2009 * Total	3,660.48 500.00 500.00
10/07/2009	96645	DOUGLAS COUNTY SHERIFF'	pedre antonio grande	702-0000-229.10-00	** Fund Total	10/2009 * Total	200.00 200.00
10/07/2009	96649	EMMONS & OLIVIER RESOUR	95001916 95001916 95001916	702-0000-228.21-00 702-0000-228.22-00 702-0000-230.44-00		10/2009 10/2009 10/2009 * Total	317.55 1,437.30 1,781.55 3,536.40
09/30/2009	96572	MN LIFE INSURANCE CO	policy 0027324	703-5500-446.20-62	3 Checks	9/2009 * Total	4,236.40 2.22 2.22
10/07/2009	96624	BARR ENGINEERING COMPAN	2319021800179	703-5500-446.30-30	2 Checks	10/2009 * Total	744.00 744.00
					** Fund Total		746.22
					262 Checks	*** Bank Total	1,182,753.95
					262 Checks	*** Grand Total	1,182,753.95

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Pay Voucher No. 3 for National Guard Gymnasium Floor Replacement

Meeting Date: October 12, 2009
Item Type: Consent Agenda
Contact: Eric Carlson 651.450.2587
Prepared by: Eric Carlson
Reviewed by: Eric Carlson – Parks & Recreation

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

Approve pay voucher No. 3 for the 2009 National Guard Gymnasium Floor Replacement.

SUMMARY

The City Council approved hiring Haldeman-Homme, Inc. on March 9, 2009 to replace the existing gymnasium floor in the National Guard Armory. The contractor is requesting payment of work completed to date. The project is funded in the 2009 VMCC operating budget in the amount of \$103,427 with 50% of this cost being paid for by the Minnesota State Armory Building Commission (MSABC).

On July 27th, the Council approved a change order in the amount of \$54,345 to install an epoxy product on the floor to address excessive moisture issues. The change order was funded by the City's Facility Fund. The National Guard increased their contribution on the project from \$75,000 to \$90,000.

CITY OF INVER GROVE HEIGHTS
CONSTRUCTION PAYMENT VOUCHER

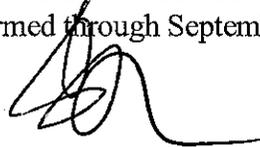
ESTIMATE NO. 3
DATE: October 6, 2009
PERIOD ENDING: September 30, 2009
CONTRACT: National Guard Gymnasium Floor Replacement
PROJECT NO: NA

TO: Haldeman-Homme, Inc.
430 Industrial Blvd.
Minneapolis, MN 55413

A. Original Contract Amount..... \$103,427
B. Total Addition (Change Order No. 1)..... \$54,345
C. Total Deductions NA
D. TOTAL CONTRACT AMOUNT \$157,772
E. TOTAL VALUE OF WORK TO DATE \$157,772
F. LESS RETAINED 5%..... \$7,888.60
G. Less Previous Payment..... \$144,753.40
H. TOTAL APPROVED FOR PAYMENT THIS VOUCHER..... \$5,130.00
I. TOTAL PAYMENTS INCLUDING THIS VOUCHER..... \$149,883.40

APPROVALS:

Pursuant to our field observations, I hereby recommend for payment the above stated amount for work performed through September 30, 2009.

Signed by:  _____

10-5-09
Date

Signed by: _____
George Tourville, Mayor

Date

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Pay Voucher No. 4 for City Project No. 2008-18 – Public Safety Addition/City Hall Renovation

Meeting Date: October 12, 2009
 Item Type: Consent
 Contact: Jenelle Teppen, Asst City Admin 
 Prepared by:
 Reviewed by:

Fiscal/FTE Impact:

<input 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 checked="" type="checkbox"/>	Other: Project Fund

PURPOSE/ACTION REQUESTED Consider Pay Voucher No. 4 for City Project No. 2008-18 – Public Safety Addition/City Hall Renovation.

SUMMARY The contract was awarded in an amount of \$11,501,900 to Shaw Lundquist Associates on April 27, 2009 for the project identified above. It has been subsequently amended with change orders one and two for a total contract amount now of \$11,612,453.00

The contractor has completed the work through September 30, 2009 in accordance with the contract plans and specifications. A 5% retainage will be maintained until the project is completed.

Staff recommends approval of Pay Voucher No. 4 in the amount of \$411,819.30 to Shaw Lundquist Associates for work on City Project No. 2008-18 – Public Safety Addition/City Hall Renovation.

Attachment: Pay Voucher No. 4

CITY OF INVER GROVE HEIGHTS
CONSTRUCTION PAYMENT VOUCHER

ESTIMATE NO: 4 (Four)
DATE: October 5, 2009
PERIOD ENDING: September 30, 2009
CONTRACT: Public Safety Addition City Hall Renovation
PROJECT NO: 2008-18 – Public Safety Addition/City Hall Renovation

TO: Shaw Lundquist Associates
2757 West Service Road
Saint Paul, MN 55121

Original Contract Amount	\$11,501,900
Total Addition	\$110,553.00
Total Deduction	\$0.00
Total Contract Amount	\$11,612,453
Total Value of Work to Date	\$1,348,624
Less Retained (5%)	\$67,431.20
Less Previous Payment	\$0.00
Total Approved for Payment this Voucher	\$411,819.30
Total Payments including this Voucher	\$1,281,192.80

Approvals:

Pursuant to field observation, and approval by the Architect and Owner's Representative, I hereby recommend for payment the above stated amount for work performed through September 30, 2009.

Signed by: _____ October 12, 2009
Jenelle Teppen, Assistant City Administrator

Signed by: _____
Shaw Lundquist Associates Date

Signed by: _____ October 12, 2009
George Tourville, Mayor

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF 11 PAGES

TO OWNER: City of Inver Grove Heights

PROJECT: Public Safety Addition and City Hall Remodel

APPLICATION NO: 04

Distribution to:

8150 Barbara Avenue
Inver Grove Heights, MN 55077

8150 Barbara Ave.
Inver Grove Hts, MN

APPLICATION DATE: September 25, 2009

OWNER

VIA ARCHITECT: BKV Group, Inc.

222 North Second Street
Minneapolis, MN 55401

PERIOD TO: September 30, 2009

ARCHITECT
 CONTRACTOR

FROM CONTRACTOR:

Shaw-Lundquist Associates, Inc. (09477)
Remit to: SDS 12-0699 Box 86
Minneapolis, MN 55486

PROJECT NOS: #1643.01

CONTRACT DATE: May 19, 2009

CONTRACT FOR:

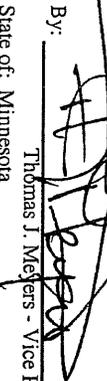
General Construction

CONTRACTOR'S APPLICATION FOR PAYMENT

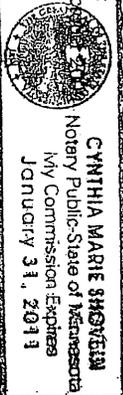
Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

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

CONTRACTOR: SHAW-LUNDQUIST ASSOCIATES, INC.

By:  Date: October 1, 2009

State of: Minnesota County of: Washington
Subscribed and sworn to before me this 1st day of October
Notary Public: Cynthia Marie Shogren
My Commission Expires: January 31, 2011

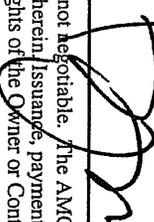


ARCHITECT'S CERTIFICATE FOR PAYMENT

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

AMOUNT CERTIFIED: \$ 411,819.30

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

By:  Date: 10/5/09

1. ORIGINAL CONTRACT SUM	\$	11,501,900.00
2. Net change by Change Orders	\$	110,553.00
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$	11,612,453.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$	1,348,624.00
5. RETAINAGE:		
a. 5 % of Completed Work	\$	67,431.20
b. (Column D + E on G703)	\$	
% of Stored Material	\$	
(Column F on G703)	\$	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	67,431.20
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	1,281,192.80
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	869,373.50
8. CURRENT PAYMENT DUE	\$	411,819.30
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	10,331,260.20

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$88,184.00	
Total approved this Month	\$22,369.00	
TOTALS	\$110,553.00	\$0.00
NET CHANGES by Change Order	\$110,553.00	

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 11 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 04
 APPLICATION DATE: September 25, 2009
 PERIOD TO: September 30, 2009
 OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G + C)			
PHASE 1									
01010	Mobilization/Project Setup	14,676.00	14,676.00			14,676.00	100.00%		
01020	Supervision & Project Management	259,344.00	64,836.00	21,612.00		86,448.00	33.33%	172,896.00	
01030	Layout & misc. survey	6,180.00	4,000.00			4,000.00	64.72%	2,180.00	
01040	Performance Bonds	79,857.00	79,857.00			79,857.00	100.00%		
01050	General liability insurance	30,480.00	30,480.00			30,480.00	100.00%		
01060	Enclosed building heat,electric,misc. utilities	56,880.00	7,000.00	5,000.00		12,000.00	21.10%	44,880.00	
01070	equipment rentals,small tools	6,138.00	1,534.00	512.00		2,046.00	33.33%	4,092.00	
01080	Safety and enclosures	4,614.00	1,500.00	500.00		2,000.00	43.35%	2,614.00	
01090	Temporary Fence	15,750.00		15,750.00		15,750.00	100.00%		
01100	Project Sign	688.00				688.00	0.00%		
01110	Toilets/Trailers/Telephone	14,700.00	3,675.00	1,225.00		4,900.00	33.33%	9,800.00	
01120	Dumpsters/general cleaning	35,664.00	8,916.00	2,972.00		11,888.00	33.33%	23,776.00	
01130	Punchlist/final Cleaning/project closeout/C	10,545.00				10,545.00	0.00%		
31 2300	excavation work	230,287.00	111,965.00	54,000.00		165,965.00	72.07%	64,322.00	
32 1206	plant mixed asphalt pavement, porous asph	68,910.00		15,000.00		15,000.00	21.77%	53,910.00	
32 1314	concrete walks,median and driveways	26,400.00				26,400.00	0.00%		
32 1613	concrete curb & gutter	27,162.00				27,162.00	0.00%		
32 3241	Landscape,irrigation,retaining walls	100,980.00				100,980.00	0.00%		
33 1000	site utilities	123,000.00	88,500.00	10,000.00		98,500.00	80.08%	24,500.00	
02 4119	selective demolition for remodeling	47,900.00	5,000.00			5,000.00	10.44%	42,900.00	
03 2000	concrete reinforcing steel	29,635.00	19,500.00	6,000.00		25,500.00	86.05%	4,135.00	
03 2001	reinforcing steel labor	24,000.00	10,500.00	9,500.00		20,000.00	83.33%	4,000.00	
03 3000	cast-in-place concrete	368,285.00	29,000.00	63,070.00		92,070.00	25.00%	276,215.00	
03 3510	polished concrete	17,856.00				17,856.00	0.00%		
Page Totals		1,599,931.00	480,939.00	205,141.00	0.00	686,080.00		913,851.00	0

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 3 OF 11 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.
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APPLICATION NO: 04
 APPLICATION DATE: September 25, 2009
 PERIOD TO: September 30, 2009
 OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+H)	(G ÷ C) %	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
04 2000	unit masonry, precast arch. Concrete	510,606.00		33,400.00		78,400.00	15.35%	432,206.00	
05 5000	Steel, Misc. Metal Materials	260,991.00	45,000.00			260,991.00	100.00%		
05 5001	Steel, Misc. Metal Labor	119,400.00	260,991.00	90,000.00		90,000.00	75.38%	29,400.00	
06 1053	miscellaneous carpentry	27,570.00					0.00%	27,570.00	
06 4100	architectural woodwork	117,456.00					0.00%	117,456.00	
06 4101	Architectural woodwork Labor	31,491.00					0.00%	31,491.00	
07 1326	hot-fluid applied asphalt waterproofing	18,000.00	5,000.00	5,000.00		10,000.00	55.56%	8,000.00	
07 2726	moisture barrier	23,700.00					0.00%	23,700.00	
07 4213	metal panels	78,233.00					0.00%	78,233.00	
07 5400	Roofing, sheetmetal flashing & trim	137,780.00					0.00%	137,780.00	
07 9200	joint sealers.	15,306.00					0.00%	15,306.00	
07 9513	expansion joint cover assemblies	5,667.00					0.00%	5,667.00	
08 1113	HM doors, wood doors, finish hardware	151,596.00					0.00%	151,596.00	
08 3113	access panels	2,483.00					0.00%	2,483.00	
08 3313	coiling counter doors, grilles, four fold doors	34,297.00					0.00%	34,297.00	
08 4423	glazed aluminum curtainwalls, glazing	569,040.00					0.00%	569,040.00	
08 7115	automatic door operators	3,130.00					0.00%	3,130.00	
08 9100	louver and vents	18,935.00					0.00%	18,935.00	
09 2900	Drywall, mtl framing, fireproofing, plaster	337,800.00					0.00%	337,800.00	
09 3100	tile	30,710.00					0.00%	30,710.00	
09 5123	acoustical tile ceilings & wall panels	97,602.00					0.00%	97,602.00	
09 6723	resinous flooring	4,977.00					0.00%	4,977.00	
09 6813	carpet tile & resilient flooring, entrance mat	87,156.00					0.00%	87,156.00	
09 7750	fiberglass reinforced panels	390.00					0.00%	390.00	
Page Totals		2,684,316.00	310,991.00	128,400.00	0.00	439,391.00		2,244,925.00	0

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 4 OF 11 PAGES

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APPLICATION NO: 04
 APPLICATION DATE: September 25, 2009
 PERIOD TO: September 30, 2009
 OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)	
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
09 9000	painting and coatings	40,826.00							
10 1000	visual display boards	6,872.00							
10 1413	interior signage	3,468.00							
10 1451	exterior signage	5,871.00							
10 2113	toilet compartments	10,160.00							
10 2219	demountable partitions	4,499.00							
10 2800	toilet accessories	6,852.00							
10 4413	fire protection specialties	2,274.00							
10 5113	metal lockers	18,413.00							
10 5114	police evidence lockers	78,620.00							
10 5613	metal storage shelving	12,205.00							
10 6500	wire mesh partitions	5,880.00							
10 7500	flagpoles	1,557.00							
10 9000	fire department lock boxes	355.00							
11 1930	detention furnishings	70,484.00		11,100.00		11,100.00			
11 3100	appliances	5,915.00							
11 5213	projection screens	7,146.00							
12 2413	roller shades	28,583.00							
13 4200	bullet resistant transaction window	10,631.00		10,000.00		10,000.00			
14 2400	holed hydraulic elevators	121,273.00							
21 0000	fire suppression	53,823.00	4,000.00			4,000.00			
22 0000	Mechanical								
22 0001	Permits/Mobilize	13,600.00		13,600.00		13,600.00			
22 0002	Inffloor Heat L	25,000.00							
22 0003	Inffloor Heat M	39,000.00							
22 0004	Hot Water L	77,663.00							
22 0005	Hot Water M	48,274.00							
22 0006	Geo Core Piping L	87,350.00							
22 0007	Geo Core Piping M	42,800.00							
	Page Totals	829,394.00	4,000.00	34,700.00	0.00	38,700.00		790,694.00	0

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 5 OF 11 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 04

APPLICATION DATE: September 25, 2009

PERIOD TO: September 30, 2009

OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	% (G ÷ C)					
22 0007	Heat Pump Piping L	15,000.00						15,000.00	
22 0008	Heat Pump Piping M	9,541.00						9,541.00	
22 0009	CUH Radiation L	16,000.00						16,000.00	
22 0010	CUH Radiation M	25,000.00						25,000.00	
22 0011	Hydronic Pumps L	20,000.00						20,000.00	
22 0012	Hydronic Pumps M	45,000.00						45,000.00	
22 0013	Hydronic Tank L	10,000.00						10,000.00	
22 0014	Hydronic Tank M	20,000.00						20,000.00	
22 0015	Condensation L	14,500.00						14,500.00	
22 0016	Condensation M	8,500.00						8,500.00	
22 0017	Humidifiers L	10,000.00						10,000.00	
22 0018	Humidifiers M	13,000.00						13,000.00	
22 0019	Fixtures/ Water Heaters/ Pumps L	49,550.00						49,550.00	
22 0020	Fixtures/ Water Heaters/ Pumps M	130,500.00						130,500.00	
22 0021	Water Vent, RWL, Drains L	86,370.00		10,000.00			10,000.00	76,370.00	
22 0022	Water Vent, RWL, Drains M	98,500.00		23,000.00			23,000.00	75,500.00	
22 0023	Water Pipe L	50,000.00						50,000.00	
22 0024	Water Pipe M	39,680.00						39,680.00	
22 0025	Pipe Insulation L	50,700.00						50,700.00	
22 0026	Pipe Insulation M	35,400.00						35,400.00	
22 0027	HVAC GCs	15,000.00						15,000.00	
22 0028	Mobilizin	5,000.00						5,000.00	
22 0029	Equipment Rental	6,000.00						6,000.00	
22 0030	Permit	16,000.00						16,000.00	
22 0031	Demo	15,000.00						15,000.00	
22 0032	Testing Adjusting and Balancing	25,000.00						25,000.00	
22 0033	Duct Insulation	50,000.00						50,000.00	
22 0034	Controls	150,000.00						150,000.00	
22 0035	Metal Ducts L	205,000.00						205,000.00	
Page Totals		1,234,241.00	0.00	33,000.00		0.00	33,000.00	1,201,241.00	0

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 6 OF 11 PAGES

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AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

APPLICATION NO: 04

Contractor's signed certification is attached.

APPLICATION DATE: September 25, 2009

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: September 30, 2009

Use Column I on Contracts where variable retainage for line items may apply.

OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	G ÷ C %	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)							
22 0036	Metal Ducts M	70,000.00						0.00%	70,000.00	
22 0037	Air Duct Acc. L	25,000.00						0.00%	25,000.00	
22 0038	Air Duct Acc. M	13,000.00						0.00%	13,000.00	
22 0039	HVAC Power Vent. L	10,500.00						0.00%	10,500.00	
22 0040	HVAC Power Vent. M	8,500.00						0.00%	8,500.00	
22 0041	Diffusers, Registers, Grilles L	36,749.00						0.00%	36,749.00	
22 0042	Diffusers, Registers, Grilles M	37,621.00						0.00%	37,621.00	
22 0043	Modular Indoor Central AHU L	35,860.00						0.00%	35,860.00	
22 0044	Modular Indoor Central AHU M	300,000.00						0.00%	300,000.00	
22 0045	Geothermal L	105,000.00						0.00%	105,000.00	
22 0046	Geothermal M	95,000.00						0.00%	95,000.00	
26 0000	Electrical									
26 0001	Raceway L	106,300.00	4,000.00				4,000.00	3.76%	102,300.00	
26 0002	Raceway M	56,400.00	3,500.00				3,500.00	6.21%	52,900.00	
26 0003	Wire and Cable L	23,600.00	4,000.00				4,000.00	16.95%	19,600.00	
26 0004	Wire and Cable M	84,300.00	2,300.00				2,300.00	2.73%	82,000.00	
26 0005	Distribution L	20,100.00	2,000.00		3,000.00		5,000.00	24.88%	15,100.00	
26 0006	Distribution M	61,500.00	1,000.00		2,000.00		3,000.00	4.88%	58,500.00	
26 0007	Fixtures L	46,700.00						0.00%	46,700.00	
26 0008	Fixtures M	75,800.00						0.00%	75,800.00	
26 0009	Devices L	10,500.00						0.00%	10,500.00	
26 0010	Devices M	9,300.00						0.00%	9,300.00	
26 0011	Underground L	4,400.00	2,000.00				2,000.00	45.45%	2,400.00	
26 0012	Underground M	9,500.00	3,000.00				3,000.00	31.58%	6,500.00	
26 0013	Permit, Demo Mobilize L	9,700.00	4,990.00		1,900.00		6,890.00	71.03%	2,810.00	
26 0014	Permit, Demo Mobilize M	8,700.00	3,910.00		1,800.00		5,710.00	65.63%	2,990.00	
26 0015	Generator L	5,300.00						0.00%	5,300.00	
26 0016	Generator M	237,000.00						0.00%	237,000.00	
Page Totals		1,506,330.00	30,700.00		8,700.00	0.00	39,400.00	15.74%	1,466,930.00	
Phase I Totals		7,854,212.00	826,630.00		409,941.00	0.00	1,236,571.00		6,617,641.00	

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 7 OF 11 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 04

APPLICATION DATE: September 25, 2009

PERIOD TO: September 30, 2009

OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD				
	PHASE 2							
01010	Mobilization/Project Setup	9,784.00					9,784.00	
01020	Supervision & Project Management	172,896.00					172,896.00	
01030	Layout & misc. survey	4,120.00					4,120.00	
01040	Performance Bonds	53,238.00					53,238.00	
01050	General liability insurance	20,320.00					20,320.00	
01060	Enclosed building heat,electric, misc. utilities	37,920.00					37,920.00	
01070	equipment rentals,small tools	4,092.00					4,092.00	
01080	Safety and enclosures	3,076.00					3,076.00	
01090	Temporary Fence	5,250.00					5,250.00	
01100	Project Sign	458.00					458.00	
01110	Toilets/Trailers/Telephone	9,800.00					9,800.00	
01120	Dumpsters/general cleaning	23,776.00					23,776.00	
01130	Punchlist/final Cleaning/project closeout/C	7,030.00					7,030.00	
31 2300	excavation work	153,524.00					153,524.00	
32 1206	plant mixed asphalt pavement, porous asph	45,940.00					45,940.00	
32 1314	concrete walks,median and driveways	17,600.00					17,600.00	
32 1613	concrete curb & gutter	14,422.00					14,422.00	
32 3241	Landscape,irrigation,retaining walls	67,320.00					67,320.00	
33 1000	site utilities	82,000.00					82,000.00	
02 4119	selective demolition for remodeling	31,934.00					31,934.00	
03 2000	concrete reinforcing steel	19,757.00					19,757.00	
03 2001	reinforcing steel labor	16,000.00					16,000.00	
03 3000	cast-in-place concrete	245,524.00					245,524.00	
03 3510	polished concrete	11,904.00					11,904.00	
	Page Totals	1,057,685.00	0.00	0.00	0.00	0.00	1,057,685.00	0

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 8 OF 11 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

APPLICATION NO: 04

Contractor's signed certification is attached.

APPLICATION DATE: September 25, 2009

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: September 30, 2009

Use Column I on Contracts where variable retainage for line items may apply.

OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)						
04 2000	unit masonry, precast arch. Concrete	340,404.00						340,404.00	
05 5000	Steel, Misc. Metal Material	173,994.00						173,994.00	
05 5001	Steel, Misc. Metal Labor	79,600.00						79,600.00	
06 1053	miscellaneous carpentry	18,380.00						18,380.00	
06 4100	architectural woodwork	78,304.00						78,304.00	
06 4101	Architectural woodwork Labor	20,994.00						20,994.00	
07 1326	hot-fluid applied asphalt waterproofing	12,000.00						12,000.00	
07 2726	moisture barrier	15,800.00						15,800.00	
07 4213	metal panels.	74,815.00						74,815.00	
07 5400	Roofing,sheetmetal Flashing & trim	54,665.00						54,665.00	
07 9200	joint sealers	10,204.00						10,204.00	
07 9513	expansion joint cover assemblies	3,778.00						3,778.00	
08 1113	HM doors, wood doors, finish hardware	101,064.00						101,064.00	
08 3113	access panels	1,655.00						1,655.00	
08 3313	coiling counter doors, grilles, four fold doors	51,446.00						51,446.00	
08 4423	glazed aluminum curtainwalls, glazing	37,200.00	1,500.00				1,500.00	35,700.00	
08 7115	automatic door operators	3,131.00						3,131.00	
08 9100	louver and vents	12,623.00						12,623.00	
09 2900	Drywall, mtl framing, fireproofing, plaster	225,200.00						225,200.00	
09 3100	tile	16,120.00						16,120.00	
09 5123	acoustical tile ceilings & wall panels	152,398.00						152,398.00	
09 6723	resinous flooring	3,318.00						3,318.00	
09 6813	carpet tile & resilient flooring, entrance mat	58,104.00						58,104.00	
09 7750	fiberglass reinforced panels	260.00						260.00	
	Page Totals	1,545,457.00	1,500.00	0.00	0.00	1,500.00		1,543,957.00	0

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 9 OF 11 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 04
 APPLICATION DATE: September 25, 2009
 PERIOD TO: September 30, 2009
 OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)				% (G ÷ C)			
09 9000	painting and coatings	35,500.00							35,500.00	
10 1000	visual display boards	4,581.00							4,581.00	
10 1413	interior signage	2,312.00							2,312.00	
10 1451	exterior signage	3,914.00							3,914.00	
10 2113	toilet compartments	6,773.00							6,773.00	
10 2219	demountable partitions	2,999.00							2,999.00	
10 2800	toilet accessories	4,568.00							4,568.00	
10 4413	fire protection specialties	1,516.00							1,516.00	
10 5113	metal lockers	12,276.00							12,276.00	
10 5114	police evidence lockers	0.00							0.00	
10 5613	metal storage shelving	8,136.00							8,136.00	
10 6500	wire mesh partitions	3,920.00							3,920.00	
10 7500	flagpoles	1,038.00							1,038.00	
10 9000	fire department lock boxes	237.00							237.00	
11 1930	detention furnishings	0.00							0.00	
11 3100	appliances	3,943.00							3,943.00	
11 5213	projection screens	650.00							650.00	
12 2413	roller shades	2,602.00							2,602.00	
13 4200	bullet resistant transaction window	7,088.00							7,088.00	
14 2400	holed hydraulic elevators	10,000.00							10,000.00	
21 0000	fire suppression	42,163.00							42,163.00	
22 0000	Mechanical									
22 0001	Infloor Heat L	5,000.00							5,000.00	
22 0002	Infloor Heat M	4,000.00							4,000.00	
22 0003	Hot Water L	5,500.00							5,500.00	
22 0004	Hot Water M	2,500.00							2,500.00	
22 0005	Geo Piping L	5,500.00							5,500.00	
22 0006	Geo Piping M	4,000.00							4,000.00	
	Page Totals	180,716.00	0.00	0.00	0.00	0.00	0.00	0.00%	180,716.00	0

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 10 OF 11 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 04

APPLICATION DATE: September 25, 2009

PERIOD TO: September 30, 2009

OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)				COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)		
22 0007	CUH Radiation L	8,000.00							8,000.00	
22 0008	CUH Radiation M	4,000.00							4,000.00	
22 0009	Plumbing Permit	1,500.00							1,500.00	
22 0010	Fixtures/ Water Heaters/ Pumps L	5,000.00							5,000.00	
22 0011	Fixtures/ Water Heaters/ Pumps M	11,557.00							11,557.00	
22 0012	Water Vent. RWL, Drains L	13,800.00							13,800.00	
22 0013	Water Vent. RWL, Drains M	6,139.00							6,139.00	
22 0014	Water Pipe L	7,000.00							7,000.00	
22 0015	Water Pipe M	4,000.00							4,000.00	
22 0016	Pipe Insulation L	26,200.00							26,200.00	
22 0017	Pipe Insulation M	13,500.00							13,500.00	
22 0018	Metal Ducts L	36,500.00							36,500.00	
22 0019	Metal Ducts M	9,500.00							9,500.00	
22 0020	Geothermal L	60,614.00							60,614.00	
22 0021	Geothermal M	53,420.00							53,420.00	
26 0000	Electrical									
26 0001	Raceway L	103,200.00							103,200.00	
26 0002	Raceway M	52,600.00							52,600.00	
26 0003	Wire and Cable L	26,200.00							26,200.00	
26 0004	Wire and Cable M	70,100.00							70,100.00	
26 0005	Distribution L	12,200.00							12,200.00	
26 0006	Distribution M	27,200.00							27,200.00	
26 0007	Fixtures L	38,000.00							38,000.00	
26 0008	Fixtures M	190,300.00							190,300.00	
26 0009	Devices L	9,250.00							9,250.00	
26 0010	Devices M	8,750.00							8,750.00	
26 0011	Underground L	6,900.00							6,900.00	
26 0012	Underground M	19,900.00							19,900.00	
26 0013	Permit, Demo Mobilize L	29,350.00							29,350.00	
26 0014	Permit, Demo Mobilize M	9,150.00							9,150.00	
Page Totals		863,830.00	0.00	0.00	0.00	0.00	0.00	0.00	863,830.00	
Phase 2 Totals		3,647,688.00	1,500.00	0.00	0.00	0.00	1,500.00	0.04%	3,646,188.00	0

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AIA DOCUMENT G703

PAGE 11 OF 11 PAGES

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AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

APPLICATION NO: 04

Contractor's signed certification is attached.

APPLICATION DATE: September 25, 2009

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: September 30, 2009

Use Column I on Contracts where variable retainage for line items may apply.

OWNER'S PROJECT NO: # 1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD			COMPLETED AND STORED TO DATE (D+E+F)	% (G ÷ C)		
50 0001	Change Order #1	88,184.00	87,000.00	1,184.00			88,184.00	100.00%		
50 0002	Change Order #2	22,369.00		22,369.00			22,369.00	100.00%		
	Change Order Totals	110,553.00	87,000.00	23,553.00		0.00	110,553.00		0.00	
	Contract Totals	11,612,453.00	915,130.00	433,494.00		0.00	1,348,624.00	11.61%	10,263,829.00	

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Change Order No. 2 and Pay Voucher No. 2 for City Project No. 2008-09F – Salem Hills Farm Street Reconstruction/Mill and Overlay

Meeting Date: October 12, 2009
 Item Type: Consent
 Contact: Thomas J. Kaldunski, 651.450.2572
 Prepared by: Thomas J. Kaldunski, City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

TJK

ST

Fiscal/FTE Impact:

- None
- Amount included in current budget
- Budget amendment requested
- FTE included in current complement
- New FTE requested – N/A
- Other: Pavement Management Fund, Special Assessments, Water Operating Fund

PURPOSE/ACTION REQUESTED

Consider Change Order No. 2 and Pay Voucher No. 2 for City Project No. 2008-09F – Salem Hills Farm Street Reconstruction/Mill and Overlay.

SUMMARY

The improvements were included as part of the 2009 Pavement Management Program. The contract was awarded in an amount of \$991,113.11 to Danner, Inc. on July 13, 2009.

Change Order No. 2 is for additional work (see attached). Funding comes from the Pavement Management Fund.

Engineering recommends approval of Change Order No. 2 in the amount of \$5,995.00 (for a revised contract amount of \$999,208.11), and Pay Voucher No. 2 in the amount of \$411,248.84 for City Project No. 2008-09F – Salem Hills Farm Street Reconstruction/Mill and Overlay.

TJK/kf

Attachments: Change Order No. 2
 Pay Voucher No. 2

CHANGE ORDER NO. 2

**2009 PAVEMENT MANAGEMENT PROGRAM
CITY PROJECT NO. 2008-09F
SALEM HILLS FARM STREET RECONSTRUCTION/ MILL AND OVERLAY**

Owner: City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077	Date of Issuance: October 5, 2009
Contractor: Danner Inc. 843 Hardman Avenue South South Saint Paul, MN 55075	Engineer: City Engineer

PURPOSE OF CHANGE ORDER

See attached.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price: \$ 991,113.11	Original Contract Time:
Previous Change Orders \$ 2,100.00	Net Change from Previous Change Orders
Contract Price Prior to this Change Order \$ 993,213.11	Contract Time Prior to this Change Order
Net Increase of this Change Order \$ 5,995.00	Net Increase (Decrease) of Change Order
Contract Price with all Approved Change Orders \$ 999,208.11	Contract Time with Approved Change
Recommended By:  Bob Schmidt, Construction Observer	Approved By: _____ Danner Inc.

Approved By:


Thomas J. Kaldunski, City Engineer

Approved By:

George Tourville, Mayor

Date of Council Action:

October 12, 2009

ATTACHMENT TO CHANGE ORDER NO. 2

CITY PROJECT NO. 2008-09F – SALEM HILLS FARM STREET RECONSTRUCTION/ MILL AND OVERLAY

Description of Changes:

1. Rip Rap Placement at Additional Flared End

The Contractor was directed by City Engineer to install rip rap at an additional flared end section than what was identified in the project plans and specifications. The work was performed on a time and material basis on 8/13/2009. The contractor utilized a 4-person crew for 1 hour, and furnished and installed 5 CY of Class III Rip Rap.

1 hour X \$750.00/hour = \$750.00
5 CY X \$35.00/CY = \$175.00

Total Cost of Rip Rap Placement at Additional Flared End = \$925.00

2. Additional Excavation for Sump Basket

The proposed location of the sump basket at 6304 Ballantine Avenue was directly over the resident's water service. The contractor was directed by City representative to install the basket at an alternate location. Additional excavation was required as the Contractor had already prepared the first location for installation of the sump basket. Work was performed on a time and material basis on 9/22/2009.

1 hour X \$750.00/hour = \$750.00

Total Cost of Additional Excavation for Sump Basket = \$750.00

3. Draintile along Ballantine Avenue

The Contractor was directed by City Engineer to install additional draintile along Ballantine Avenue. The work included installing the draintile in the mill and overlay area, where the curb and gutter was protected during the draintile work. The Contractor provided the City with a revised Unit Price of \$18.00/LF for the draintile work along Ballantine Avenue. Work was performed on 9/23/2009.

240 LF X \$18.00/LF = \$4,320.00

Total Cost of Draintile along Ballantine Avenue = \$4,320.00

Summary of Additional Services:

Item	Cost
1. Rip Rap Placement at Additional Flared End	\$ 925.00
2. Additional Excavation for Sump Basket	\$ 750.00
3. Draintile along Ballantine Avenue	<u>\$ 4,320.00</u>
Total Cost of Revisions	\$5,995.00

APPLICATION FOR PAYMENT

Estimate No.: 2
For Period Ending: 9/30/2009
Contract: 2008-09F
Project: Salem Hills Farm Street Reconstruction
and Mill and Overlay

Payment to: Danner Inc.
Address: 843 Hardman Avenue South
South St. Paul, MN 55075
Telephone: (651) 450-0830
Fax Number: (651) 450-9076
Date of Contract: 7/13/2009

A. Original Contract Amount	\$	991,113.11
B. Total Additions	\$	8,095.00
C. Total Deductions	\$	-
D. Total Funds Encumbered	\$	999,208.11
E. Total Value of Work Certified to Date	\$	573,623.21
F. Less Retained Percentage (5%)	\$	28,681.16
G. Less Total Previous Payments	\$	133,693.21
H. Approved for Payment This Voucher	\$	411,248.84
I. Total Payments Including This Voucher	\$	544,942.05
J. Balance Carried Forward	\$	454,266.06

This is to certify that the items of work shown in the Statement of Work Certified herein have been actually furnished for the above mentioned projects in accordance with the plans and specifications heretofore approved and that the total work is 54% completed as of 9/30/2009.

I hereby recommend payment of this voucher.

Prepared By: Eric Fosmo
Date: 10/5/2009

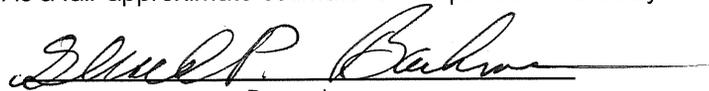
Signed By:


Tom Kaldunski
City Engineer

George Tourville, Mayor
October 12, 2009

This is to certify that to the best of my knowledge, information, and belief, the quantities and values of work certified herein is a fair approximate estimate for the period covered by this voucher.

Signed By:


Danner Inc.

Date:

10-6-09

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Change Order Nos. 5, 6, and 7 for City Project No. 2009-01 – Trunk Highway 3/80th (CR 28) Street Intersection Improvements

Meeting Date: October 12, 2009
 Item Type: Consent
 Contact: Thomas J. Kaldunski, 651.450.2572
 Prepared by: Thomas J. Kaldunski, City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

TJK
ST

Fiscal/FTE Impact:	
<input 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 checked="" type="checkbox"/>	Other: Project Fund

PURPOSE/ACTION REQUESTED

Consider Change Order Nos. 5, 6, and 7 for City Project No. 2009-01 – Trunk Highway 3/80th (CR 28) Street Intersection Improvements.

SUMMARY

City Council awarded a contract on July 28, 2008 to Enebak Construction Company in the amount \$869,859.71.

Change Order No. 5 is a lump sum for a flared end section relocation to accommodate the trail. Change Order No. 6 is a lump sum for barricades and temporary fencing to close Amana Trail until commercial construction resumes. Change Order No. 7 is a lump sum for temporary power supply and temporary lighting to allow the roundabout to be opened to traffic on October 5, 2009. Change Order Nos. 5, 6, and 7 will be funded by the project contingency.

WSB and Associates and I recommend approval of Change Order Nos. 5, 6, and 7 totaling \$8,062.73 (for a revised contract amount of \$886,945.96), for City Project No. 2009-01 – Trunk Highway 3/80th (CR 28) Street Intersection Improvements.

TJK/kf
Attachments: Change Order Nos. 5, 6, and 7

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

May 2008

Page 1 of 1

City/County of Inver Grove Heights, MN

Change Order No. 5

FEDERAL PROJECT NO.	STATE PROJECT NO. S.A.P. No. 178-010-008	LOCAL PROJECT NO. 2009-01	CONTRACT NO.	
CONTRACTOR NAME Enebak Construction Co.	ADDRESS PO Box 458	CITY Northfield	STATE MN	ZIP 55057
LOCATION OF WORK: TH 3/CR 28 Roundabout		TOTAL CHANGE ORDER AMOUNT \$1,012.73		

In accordance with the terms of this Contract, you are hereby authorized and instructed to perform the work as altered by the following provisions.

- Proposed sidewalk needed to be constructed further away from the TH 3 / 80th Street intersection to achieve appropriate pedestrian distance from the roadway. In doing so, the 15" apron needed to be relocated.

COST BREAKDOWN

<u>Group/ *Fund Cat.</u>	<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Amount</u>
		Relocate Apron	Lump Sum	\$1,012.73	1	\$1,012.73
Total						\$1,012.73

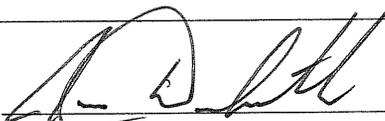
*Group/Funding category is required for federal projects.

CHANGE IN CONTRACT TIME (check one)
Due to this change, the Contract Time:

a. Is Increased by ___ Working Days b. Is Not Changed
 Is Decreased by ___ Working Days

c. May be revised if work affected the controlling operation

Is Increased by ___ Calendar Days
 Is Decreased by ___ Calendar Days

Approved by Project Engineer: 	Approved by Contractor: 
Print Name: Jupe Hale, PE WSB & Associates, Inc.	Print Name: James Dockstader Enebak Construction Company
Date: <u>9/3/09</u> Phone: <u>763-287-8311</u>	Date: <u>8/18/09</u> Phone: <u>612-333-1307</u>

Original to Project Engineer; Copy to Contractor

Once contract has been fully executed, forward a copy to DSAE for funding review:

The State of Minnesota is not a participant in this contract, signing by the District State Aid Engineer is for FUNDING PURPOSES ONLY. Reviewed for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This project is eligible for: ___ Federal Funding ___ State Aid Funding ___ Local funds

District State Aid Engineer: _____ Date: _____

City/County of Inver Grove Heights, MN

Change Order No. 6

FEDERAL PROJECT NO.	STATE PROJECT NO. S.A.P. No. 178-010-008	LOCAL PROJECT NO. 2009-01	CONTRACT NO.	
CONTRACTOR NAME Enebak Construction Co.	ADDRESS PO Box 458	CITY Northfield	STATE MN	ZIP 55057
LOCATION OF WORK: TH 3/CR 28 Roundabout		TOTAL CHANGE ORDER AMOUNT \$2,850		

In accordance with the terms of this Contract, you are hereby authorized and instructed to perform the work as altered by the following provisions.

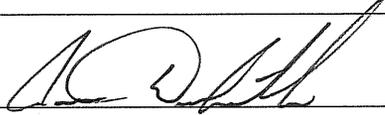
1. Barricades are needed to close Amana Trail and prevent traffic from accessing road.
2. Orange Safety fence was needed to prevent motorists from moving the barricades, or driving around the barricades to drive through the site.

COST BREAKDOWN

<u>Group/ *Fund Cat.</u>	<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Amount</u>
		Concrete Barricades	Lump Sum	\$2,100	1	\$2,100
		Temporary Fence	Lump Sum	\$750	1	\$750
					Total	\$2,850

*Group/Funding category is required for federal projects.

CHANGE IN CONTRACT TIME (check one)	
Due to this change, the Contract Time:	
a. <input type="checkbox"/> Is Increased by _____ Working Days	b. <input checked="" type="checkbox"/> Is Not Changed
<input type="checkbox"/> Is Decreased by _____ Working Days	
	c. <input type="checkbox"/> May be revised if work affected the controlling operation
<input type="checkbox"/> Is Increased by _____ Calendar Days	
<input type="checkbox"/> Is Decreased by _____ Calendar Days	

Approved by Project Engineer: 	Approved by Contractor: 
Print Name: Jupe Hale, PE WSB & Associates, Inc.	Print Name: James Dockstader Enebak Construction Company
Date: <u>9/3/09</u> Phone: <u>763-287-8311</u>	Date: <u>8/18/09</u> Phone: <u>612-333-1307</u>

Original to Project Engineer; Copy to Contractor

Once contract has been fully executed, forward a copy to DSAE for funding review:
The State of Minnesota is not a participant in this contract, signing by the District State Aid Engineer is for FUNDING PURPOSES ONLY. Reviewed for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.
This project is eligible for: ___ Federal Funding ___ State Aid Funding ___ Local funds
District State Aid Engineer: _____ Date: _____

City/County of Inver Grove Heights, MN

Change Order No. 7

FEDERAL PROJECT NO.	STATE PROJECT NO. S.A.P. No. 178-010-008	LOCAL PROJECT NO. 2009-01	CONTRACT NO.	
CONTRACTOR NAME Enebak Construction Co.	ADDRESS PO Box 458	CITY Northfield	STATE MN	ZIP 55057
LOCATION OF WORK: TH 3/CR 28 Roundabout		TOTAL CHANGE ORDER AMOUNT \$4,200		

In accordance with the terms of this Contract, you are hereby authorized and instructed to perform the work as altered by the following provisions.

1. Temporary Lighting is required to open the intersection. Power will not be ready in time, thus a generator will be needed to provide power.
2. Enebak is delivering temporary lights from MnDOT Electrical Unit to the job site, and will need to set up the temporary lighting.

COST BREAKDOWN

<u>Group/ *Fund Cat.</u>	<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Quantity</u>	<u>Amount</u>
		Temporary Power Supply	Days	\$400	4	\$1,600
		Install Temporary Lighting	Lump Sum	\$2600	1	\$2600
Total						\$4,200

*Group/Funding category is required for federal projects.

CHANGE IN CONTRACT TIME (check one)			
Due to this change, the Contract Time:			
a. <input type="checkbox"/>	Is Increased	___ Working Days	b. <input type="checkbox"/>
	by		Is Not Changed
<input type="checkbox"/>	Is Decreased	___ Working Days	
	by		
<input checked="" type="checkbox"/>	Is Increased	_21_ Calendar Days	c. <input type="checkbox"/>
	by		May be revised if work affected the controlling operation
<input type="checkbox"/>	Is Decreased	___ Calendar Days	
	by		

Approved by Project Engineer: 	Approved by Contractor: 
Print Name: Jupe Hale, PE WSB & Associates, Inc.	Print Name: James Dockstader Enebak Construction Company
Date: 9/3/09 Phone: 763-287-8311	Date: 8/18/09 Phone: 612-333-1307

Original to Project Engineer; Copy to Contractor

Once contract has been fully executed, forward a copy to DSAE for funding review:

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Proposals for Lighting Revisions in Portions of the Maintenance Building and the Cold Storage Building

Meeting Date: October 12, 2009
Item Type: Consent
Contact: Barry Underdahl, 450-2556
Prepared by: Scott D. Thureen, Public Works Director
Reviewed by: *SDT*

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

PURPOSE/ACTION REQUESTED

Consider proposals for lighting revisions in portions of the Maintenance Building and the Cold Storage Building.

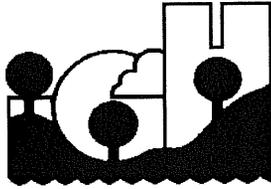
SUMMARY

The attached memo from Barry Underdahl explains the request for lighting revisions. Two quotes were received for the proposed work:

Total Construction and Equipment	\$3,040.00
Gephart Electric	\$4,120.00

I recommend that the Council accept the proposal from Total Construction and Equipment. The work would be funded from the City Facilities Fund.

SDT/kf
Attachments: Memo and Quotes



City of Inver Grove Heights
Streets/Central Equipment

MEMORANDUM

TO : Scott Thureen
FROM : Barry Underdahl
SUBJECT : Building Lighting
DATE : 10-5-2009

Background

Several Maintenance Building lighting problems have come to my attention. Each of these issues creates a potential hazard.

- *Inadequate lighting under the mezzanine in the Cold Storage Building.
- *Two highbay lights without watertight lenses near the wash bay.
- *Poor lighting in the mezzanine area of the main shop.

The caged area under the mezzanine in cold storage holds much of the Utility Department's parts and equipment that are accessed in an emergency situation. The lighting starts very slowly in cold weather leaving the crew searching for items in very low light. These lights have had chronic reliability problems as well.

Raised dump truck boxes are washed out with a fire hose nozzle in the wash bay area which could potentially damage two of the open bulb design highbay lights. Sealed highbay lights would solve this problem.

The mezzanine in the main shop is where cutting edges, tires, and steel in various sizes and lengths are stored as well as the air compressor and band saw. It is also the access to the mechanical room and the building's roof. Crew members use this space regularly and the lighting is not adequate.

I have received two quotes for lighting modifications. Gephart Electric for \$4,120.00 and Total Construction and Equipment for \$3,040.00.

Recommendation

I recommend accepting the Proposal from Total Construction and Equipment, both Bid #1 for \$1,100.00 and Bid #2 for \$1,940.00, for a total cost of \$3,040.00. This would be paid from the City Facility Fund.

GEPHART ELECTRIC

FAX TRANSMITTAL

To: Barry Underdahl

From: Dave Cords

Comp: City of Inver Grove Heights

Date: 9/18/2009

Fax:

Pages: 1

Phone: 651 450 2556

CC:

Re: Lighting modifications

Barry,

Pricing you requested for further lighting modifications at the maintenance building.

- **Relocate two light fixtures near wash bay to mezzanine.**
- **Furnish and install two new gasketed highbay fluorescents at wash bay area.**
- **Furnish and install seven fluorescent wall pak style fixtures in cold storage bldg.**

Total cost for the above listed items.....\$4,120.00

(See attached fixture cut sheet for fluorescent in cold storage)

Dave

McGRAVI-EDISON

DESCRIPTION

The McGraw Edison Envoy (EPL) is a unique presentation of form, function and unmatched versatility, making it the right choice for complex garage lighting applications. A limitless accessible housing, lens and electrical access is standard. Envoy offers solutions addressing primary and access lighting needs for garages, canopies and other installations where maintenance, performance and longevity are required. UL and C-UL US listed for wet locations under UL1598. IP66 Rated.

Catalog #	EPL 168 CFEB	Type	
Project	277 F.O APLC	Date	
Comments			
Prepared by			

SPECIFICATION FEATURES

Construction

Low copper, one-piece aluminum die-cast electrical housing features heavy cast walls designed for effective heat dissipation and resistance to corrosion. Toolless aluminum die-cast latches securely hold lens in place and aid in efficient installation and maintenance. A tamper resistant option is available to prevent unauthorized access. Envoy is IP66 rated, promoting long term optical efficiency and allowing for fast, efficient cleaning by power washing. All gaskets contained within Envoy are silicone material including lens gasket and housing wire grommet.

Optical

Lens: Lens employs a 2 part system (upper and lower) by which the reflector is accurately located and securely locked in place. Injection molded, virgin Acrylic material is standard due to its ability to resist radiation from UV and for its superior clarity (polycarbonate is available). Lens is attached via two (2) toolless die-cast latches. When released, lens will hinge off housing and remain captive to allow for easy, obstruction free lamp placement or electrical access. Lens perimeter is completely sealed at housing junction using a one-piece extruded, vulcanized silicone gasket.

Reflectors: Envoy reflectors use premium materials and a durable finish process to ensure longevity of optical performance. The 3-part reflector system employs a bright specular Alzak® anodized aluminum hydro-formed main reflector, a diffuse anodized aluminum hydro-formed upper reflector and die-formed premium 95% reflective, specular pre-anodized sheet aluminum inserts. A choice of three (3) different optical distributions with a variety of light controlling media may be used to optimize your lighting layout and comply with lighting ordinances.

Electrical

Each fixture includes all electrical components hard mounted to electrical housing for efficient operation. All HID units use medium-base type lamps with standard magnetic, high power factor ballasts (minimum starting -30°C (-22°F) MH-MP/-40°C (-40°F) HPS). Compact Fluorescent (CF) units use 4-pin lamp sockets with standard high power factor electronic ballast (minimum starting -18°C (0°F)). Induction lamp features a high frequency, high power factor generator (available in 100-120V or 200-277V, minimum starting -25°C (-13°F)) The electrical reflector cover is keyed and accessed via two (2) toolless thumbscrews.

Mounting

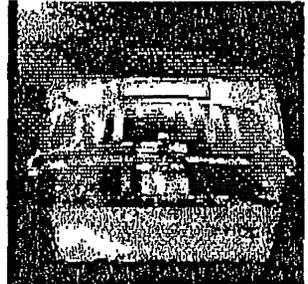
Standard fixture mounts to a square or octagonal 4" surface or recessed mounted j-box via electro-zinc plated, heavy-gauge "quick mount" bracket system, complete with stainless steel hanger which allows for "hand-free" wiring connection. Enable efficient fixture mounting, wiring connection inspection and fixture removal. Quick mount plate features stainless steel springs that help absorb vibration and aid fixture to slide and lock in place. A variety of other mounting options and accessories including free swinging balanced pendant box/hld guard, trunnion mount and wall mount arm are available.

Egress Options

Envoy offers multiple egress lamp sources including quartz halogen, compact fluorescent and MR16, available in multiple circuit options. Compact fluorescent battery packs are available in either within fixture or remote mount in various wattage configurations.

Finish

Housing is finished in 5 stage premium TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Envoy is supplied standard in gray and available in black, white and bronze, RAL and custom color matches available. Consult the McGraw-Edison Architectural Colors brochure for the complete selection.



EPL ENVOY

70 - 200W

Pulse Start Metal Halide
High Pressure Sodium
Metal Halide

84 - 188W

Compact Fluorescent

85W

Induction

PARKING GARAGE LUMINAIRE

ENERGY DATA

Hi-Resistance Ballast Input Watts
70W HPS HPF (95 Watts)
70W MP HPF (90 Watts)
100W HPS HPF (130 Watts)
100W MP HPF (129 Watts)
150W HPS HPF (190 Watts)
150W MP HPF (185 Watts)

GWA Ballast Input Watts
175W MP HPF (208 Watts) ⓐ
200W MP HPF (240 Watts) ⓑ

Electronic CF Ballast Input Watts
84W CF HPF (93 Watts)
114W CF HPF (127 Watts)
126W CF HPF (139 Watts)
140W CF HPF (154 Watts)
188W CF HPF (186 Watts)

SHIPPING DATA

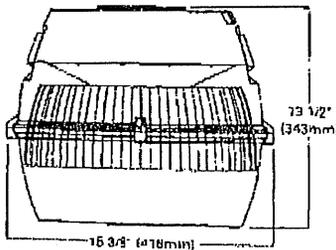
Approximate Net Weight,
21.5 lbs. (9.8 kgs.)



EPL Envoy_ADH092540
03/06/2009 4:36:30 PM

Patents Pending

DIMENSIONS



LAMP TYPE	WATTAGE
Metal Halide	70, 100, 150, 175, 200W
Pulse Start Metal Halide	70, 100, 150, 175, 200W
High Pressure Sodium	70, 100, 150W
Compact Fluorescent	(2) 42, (2) 62, (2) 42, (2) 70, (4) 47W
Induction	85W

CERTIFICATIONS	
IP66 Rated	25 Vibration Tested
U.L. 1598 (Wet Locations)	30°C Ambient *
C-UL (Wet Locations)	

NOTES: * Varies by model

Total Construction and Equipment, Inc.

10195 Inver Grove Trail, Inver Grove Heights, MN 55076

Phone: 651-451-1384 Fax: 651-451-1457

PROPOSAL

NAME Barry Underdahl
City of IGH

DATE 9/29/09

ADDRESS

RE: Quote for Lighting Rework

We thank you for the opportunity to provide a quotation on the above referenced project. Having familiarized ourselves with the local conditions affecting the cost of the work, we propose to furnish all labor and material necessary to complete the project for consideration of:

Bid #1: \$1,100.00

Bid #2: \$1,940.00

In clarification of our bid scope, we offer the following information:

1. Bid #1 includes relocation of 2 existing high bay fixtures to mezz and replacement with 2 new water-tite fixtures per attached cut sheet #1.
2. Bid #2 includes replacing 7 type metal halide fixtures with fluorescent fixtures as per cut sheet #2 in cold storage area.

We wish to emphasize our gratitude in allowing us the opportunity to submit this proposal. We trust that our offering is clear and meets with your approval. In the event that you have questions or require clarification, please call.

Please **sign two copies** and **return one**. Prices quoted are for acceptance within 30 days.

ACCEPTED For _____
By _____

Total Construction and
Equipment, Inc.

William W Krech

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Resolution Approving Addendum No. 4 to the Professional Services Agreement with Bolton & Menk, Inc. for the Northwest Area Trunk Utility Extensions – City Project No. 2003-15

Meeting Date: October 12, 2009
Item Type: Consent
Contact: Scott D. Thureen, 450.2571
Prepared by: Scott D. Thureen, Public Works Director
Reviewed by: [Signature]

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

PURPOSE/ACTION REQUESTED

Consider resolution approving Addendum No. 4 to the Professional Services Agreement with Bolton & Menk, Inc. for the Northwest Area Trunk Utility Extensions – City Project No. 2003-15.

SUMMARY

On February 13, 2006, the City Council approved a professional services agreement with Bolton & Menk, Inc. for consulting design and construction services for the Northwest Area Trunk Utilities project. Throughout the final design phase of the project, the consultant was directed to complete a number of modifications and enhancements to the original preliminary design, such as eliminating the need for a large lift station by extending a deeper trunk sewer, and realigning the utilities along 80th Street and Babcock Road in response to Mn/DOT's objections to using the T.H. 55 right-of-way. Other services provided by the consultant included reviewing and updating preliminary sewer flow data for the project, completion of tree inventories, evaluating alternative utility alignments at the request of 80th Street property owners, and coordination with adjacent land developers. Fees for these services have been accounted and paid for in accordance with the original contract and previous contract addendums approved by the City Council.

Additional services provided by the consultant which were beyond the scope of the contract and addendums included:

- A) Preparation of maps illustrating the service areas associated with the various lateral sanitary sewer lines.
B) Easement acquisition assistance, including field boundary verifications; parcel mapping; preparation of easement descriptions; preparation of aerial photography exhibits to facilitate owner negotiations; field staking of easements for owner viewings; modifications of easement based on owner input; onsite property owner meetings; and meetings with the City's land acquisition consultant, City Attorney, and City Staff.
C) Support of the City's legal position against Qwest Communications involving their private utility relocations, including preparation of communication summaries with Qwest; compiling, photocopying and delivering all public information on file with the consultant at the request of Qwest attorneys; and attendance at meetings with the City's special legal counsel.
D) Modification of the trunk sewer alignment design around the Holiday gas station at Robert Trail and 70th Street – additional input from the store owner regarding existing underground facilities and future land use plans, after the final plans were completed, required the modification of these plans.

Following through with all of the necessary modifications and enhancements provided for high quality plans and bid documents, which facilitated a competitive bid atmosphere and, ultimately, a low bid price by an experienced contractor. To successfully accomplish the additional tasks during design, the schedule was extended from six months to 27 months, primarily due to the necessary time to secure easements, but it also provided for concurrent opportunities to further review and refine the final plans for bidding and construction. Additional efforts of the City and its consultant during this extended design timeframe included extra design reviews and redlining by the City along with corresponding revisions to the project plans, specifications, quantities and cost estimates; extra design reviews and redlining by Dakota County along with corresponding revisions to the 80th Street road improvement plans; additional private utility workshops with Dakota Electric, Xcel Electric, Xcel Gas, Exxon Mobile, Comcast, and Qwest along with corresponding plan revisions for utility alignment changes and frost stripping designs in order to reduce the impacts and relocation needs of these utilities and their associated costs; additional value engineering workshops with industry contractors including Ames, EJM, Lametti and Sons, and S.J. Louis in order to enhance the clarity and content of the plans and specifications and minimize construction conflicts and additional costs. These additional investments into the final construction documents resulted in reduced risk and problems for the City during construction on a very large and complex project.

Public Works met with the consultant to review the work and costs associated with items A-D above, as well as the extended design timeframe. The breakdown of costs for these items is as follows:

Lateral Sewer Service Area Mapping	\$ 4,500
Easement Acquisition Assistance	\$61,900
Qwest Dispute Assistance	\$ 7,000
Design Modification at Holiday	\$ 3,500
Additional Design and Review Efforts	<u>\$15,000</u>
Total	\$91,900

Upon review of the completed work and costs, I recommend approval of the resolution approving Addendum No. 4 and the additional services in the amount of \$91,900.

SDT/kf
Attachments: Resolution
Addendum No. 4

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY**

**RESOLUTION APPROVING ADDENDUM NO. 4 OF THE PROFESSIONAL SERVICES
AGREEMENT OF BOLTON & MENK, INC. FOR CITY PROJECT NO. 2003-15 – NORTHWEST
AREA TRUNK WATER AND SANITARY SEWER EXTENSIONS AND SANITARY LIFT STATIONS –
SEGMENTS 1 THROUGH 5**

RESOLUTION NO. _____

WHEREAS, City Council ordered City Project No. 2003-15 on November 14, 2005; and

WHEREAS, on February 13, 2006, City Council approved the Professional Services Agreement with Bolton & Menk, Inc. for City Project No. 2003-15 – Northwest Area Trunk Water and Sanitary Sewer Extensions and Sanitary Lift Stations, Segments 1 through 5; and

WHEREAS, previous contract services with Bolton & Menk, Inc. have been approved in the amount of \$1,131,581; and

WHEREAS, Bolton & Menk, Inc. has submitted Addendum No. 4 in the amount of \$91,900 for additional design services.

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

1. Addendum No. 4 for the Professional Service Agreement with Bolton & Menk, Inc. is hereby accepted and approved for City Project No. 2003-15.

Adopted by the City Council of Inver Grove Heights, Minnesota this 12th day of October 2009.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

ADDENDUM NO. 4

AGREEMENT FOR PROFESSIONAL SERVICES

NORTHWEST AREA UTILITY EXTENSIONS

CITY OF INVER GROVE HEIGHTS, MINNESOTA

This Addendum shall become a part of the original Agreement for Professional Services, dated February 13, 2006. This addendum is in regards to supplementary design, easement acquisition and private utility coordination services.

I. Scope of Work

For the purposes of this Addendum, Basic Services to be provided by the CONSULTANT are as follows:

- A. City Staff requested the preparation of a map, utilizing GIS of the Northwest Area, which illustrates service areas of lateral sanitary sewer stubs that are shown on the current design plans. Bolton & Menk will create colored hatch areas with underlying contours to define these service areas. We will assume existing grade as future proposed grades and that sewer would maintain a minimum of 10-feet of cover. The map will include parcel lines and existing information that is illustrated within the Dakota County GIS drawing that has been utilized throughout this project.
- B. City Staff requested that Bolton & Menk complete field survey work, exhibits, and negotiation assistance in conjunction with the temporary and permanent easements acquired to accommodate the trunk watermain and sanitary sewer construction.
- C. City Staff requested that alignment designs for the trunk sanitary sewer be modified to address concerns of the Holiday gas station property owner at the intersection of Robert Trail and 70th Street.
- D. City Staff requested additional documentation and meetings assistance in support of the City's private utility relocation dispute with Qwest Communications.
- E. The design phase schedule, which was extended from six to 27 months, allowed for additional design reviews and modifications by the City, Dakota County, and project area private utility companies, and also provided opportunities for additional value engineering workshops to be completed.

II. Compensation for Services

Bolton & Menk proposes to complete the Scope of Work described above on an hourly basis at the following estimated costs:

A. Lateral Sewer Service Area Mapping	\$ 4,500
B. Easement Acquisition Assistance	\$61,900
C. Trunk Sewer Design Modifications	\$ 3,500
D. Qwest Dispute Assistance	\$ 7,000
E. Additional Design and Review Efforts	<u>\$15,000</u>
TOTAL	\$91,900

III. Signatures

This instrument is subject to the terms of the original agreement referenced above. This Agreement may only be amended, supplemented, modified or canceled by a duly executed written instrument signed by both parties.

In witness whereof, the parties hereto have caused this Agreement to be executed in their behalf:

CLIENT: City of Inver Grove Heights, MN CONSULTANT: Bolton & Menk, Inc.

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CONSIDER RESOLUTION APPROVING THE DAKOTA COUNTY 2010 COMMUNITY FUNDING APPLICATION FOR WASTE ABATEMENT ACTIVITIES

Meeting Date: October 12, 2009
 Item Type: Consent
 Contact: JTeppen, Asst. City Admin.
 Prepared by:
 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 Approve the application of the 2010 Community Funding Application for waste abatement activities.

SUMMARY Each City within Dakota County is required to submit an application for receiving funding for waste abatement activities on a yearly basis. The application to request funds for 2010 is currently due. The City of Inver Grove Heights is eligible for \$31,700 in 2010. The attached application shows proposed abatement activities and expenditures for 2010. These funds are essential for the continuation of recycling programs in Inver Grove Heights.

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

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE APPLICATION FOR 2010 FUNDING FROM DAKOTA
COUNTY FOR WASTE ABATEMENT ACTIVITIES**

WHEREAS, Dakota County has set waste abatement goals for the City of Inver Grove Heights; and

WHEREAS, Dakota County Board of Commissioners provides funding for waste abatement activities; and

WHEREAS, the City would like to continue educating the community on the merits of waste abatement activities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that the City of Inver Grove Heights submits its 2010 application to Dakota County Board of Commissioners to fund waste abatement activities

Passed this 12th Day of October, 2009

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Melissa Rheame, Deputy City Clerk

Dakota County 2010 Large Community Funding Application (Exhibit 1)

Funding Period: January 1, 2010 - December 31, 2010
Application Submittal Due Date: November 25, 2009



Dakota County, Physical Development Division

Environmental Management Department

September 2009

Please return completed Application with your Board Resolution and/or letter to the following:

Dakota County Physical Development Division

Tammy Drummond

14955 Galaxie Avenue

Apple Valley, MN 55124

Contact Information

Mike Trdan: Guidelines, Application, or Annual Report
952-891-7021 or mike.trdan@co.dakota.mn.us

Tammy Drummond: Application process
952-891-7003 or tammy.drummond@co.dakota.mn.us

PART 1: APPLICATION FOR 2010 LARGE COMMUNITY FUNDING BASE FUNDING AND WORKPLAN

BASE FUNDING INFORMATION:

Program: January 1, 2010 through December 31, 2010

City/Township
(select): City of Inver Grove Heights

Population (2008 Est.): **33917**

Number of Households (2008 Est.): **13336**

Date Submitted: **10.13.09**

Amount of Funds Eligible For: **\$31700**
\$31700

Address: **8150 Barbara Ave**

Funds Applied for:

E-mail Address: jteppen@ci.inver-grove-heights.mn.us

Jenelle Teppen

Phone **651.450.2512**

651.450.2502

Contact:

Number:

Fax Number:

1. Is your City Manager or Administrator interested in hosting a Household Hazardous Waste Event Collection in conjunction with Dakota County in 2010?

Yes x No

2. If the answer to question 1 is "yes," then indicate the type of city support to be provided at the Event Collection – identify location, equipment, amount/type of city publicity and approximate number of staff assistance (city, volunteer, STS).

3. What percent of staff time (in Full Time Equivalent – F.T.E) is allocated to waste abatement activities?

.25 F.T.E.

4. Does your City intend to host one or more "clean-up" days in 2010?

x Yes No

5. If the answer to question 4 is "yes," then when will the "clean-up" day(s) be held?

Fall 2010

Note: If the answer above is "yes," then be certain to obtain data on collection amounts because, at the end of 2010, the Annual Report for 2010 requires cities report this data.

6. In 2010 does your city anticipate a community-sponsored event to collect residential electronic devices?

x Yes No

Note: If the answer above is “yes,” then be certain to obtain data on collection amounts. The Annual Report for 2010 requires that cities report this data.

7. I certify that this document was prepared under my direction or supervision, and that the information is true, accurate, and complete to the best of my knowledge.

Name of person completing document Jenelle Teppen

Include:

A copy of the Official Resolution or of Proceedings (an official action from the governing body requesting the funding allocation or a certified copy of the official proceedings).

PART I. 2010 WORK PLAN – LARGE COMMUNITY BASE FUNDING. Identify and describe the proposed activities (mandated and optional) that your community will undertake in the current application year in each of the following areas of Government Leadership, Operations and Education for 2010 Community Base Funding. The Work Plan shall include a description of annual activities, partners, timeline to complete the activities, and post-activity outcome measurement. The 2010 Results column should be completed at the end of the year, and submitted as part of the 2010 Annual Report. **Please Note: Program priorities include:**

- Increased residential recycling, and
- Increased participation at The Dakota County Recycling Zone by both residents and businesses

A. Government Leadership –Responsibilities. Identify and describe the proposed that your community will undertake in the current application year in each of the following mandated areas.

GOVERNMENT LEADERSHIP RESPONSIBILITY	POINTS	PROPOSED ACTIVITY	PROPOSED PARTNERS	PROPOSED TIMELINE	PROPOSED OUTCOME MEASUREMENT (Qualitative and/or quantitative)	2010 RESULTS (to be completed when submitting 2010 Annual Report)
<i>Example: Manage Public Entity Waste.</i>		- Verify disposal location is a processing facility on waste hauling invoices.	- City Maintenance staff - Waste hauler for city buildings/parks	ongoing	- 100% of the MSW, that is not reduced, recycled or composted, from city buildings, will be delivered to RRT Newport for waste processing.	
1. Identify Contact Person - Each community must identify in its annual Application a responsible party for eligible activities and inform Dakota County within thirty days of any changes in the designated individual.	4			Ongoing		
2. Ensure Recycling Programs - Ensure that recycling programs are established for facilities under its control in accordance with MN Stat. § 115A.151 (i.e., must assure program in place for recyclable materials).	4			Ongoing		
3. Manage Public Entity Waste – Manage waste from its facilities as outlined in the Regional/Dakota County Solid Waste Master Plan (i.e., must assure program in accordance with public entities law – MN Stat. § 115A.471).	4			ongoing		
4. LSWS Meetings Actively participate and contribute to Local Solid Waste Staff meetings (one excused absence.)	4			ongoing		
5. Enhanced Government Leadership. Plan for expanding or enhancing government leadership in 2010.	4			ongoing		
A. TOTAL POINTS (add 1 – 5) = (20 points total)	<u>20</u> Points					

B. Recycling and Solid Waste Operations –Responsibilities. Identify and describe the proposed that your community will undertake in the current application year in each of the following mandated areas.

OPERATIONS RESPONSIBILITY	POINTS	PROPOSED ACTIVITY	PROPOSED PARTNERS	PROPOSED TIMELINE	PROPOSED OUTCOME MEASUREMENT (Qualitative and/or quantitative)	2010 RESULTS (to be completed when submitting 2010 Annual Report)
6. Support Recycling Goal - Attain a level of waste reduction, reuse, and recycling that supports Dakota Counties 2010 recycling goal to increase residential recycling by two percent (as part of the countywide recycling goal of 50% focusing efforts on new and existing residences and drop-off events.	4					
7. Curbside Recycling Materials - Continue the curbside recycling of the following materials: newspaper, magazines, mixed mail, corrugated cardboard, steel/aluminum cans, glass containers, and plastic containers with a neck.	4					
8. Multi-family Recycling - Assure recycling service is available in all multi-family buildings that includes all recyclables collected through the curbside collection program.	4					
9. Waste Collection Service - Promote implementation activities that comply and enhance State law that requires all residences to have waste collection service.	4					
10. Enhanced Operations. Plan for expanding or enhancing solid waste or recycling management operations in 2010.	4					
B. TOTAL POINTS (add 6 – 10) = (20 points total)	__20__ Points					

C. **Education –Responsibilities.** Identify and describe the proposed that your community will undertake in the current application year in each of the following mandated areas.

EDUCATION RESPONSIBILITY	POINTS	PROPOSED ACTIVITY	PROPOSED PARTNERS	PROPOSED TIMELINE	PROPOSED OUTCOME MEASUREMENT (Qualitative and/or quantitative)	2010 RESULTS (to be completed when submitting 2010 Annual Report)
11. Recycling Communication to Households - Produce at least one electronic (when applicable) and written media communication and distribute to every new and existing household, including multi-family buildings with <u>Rethink Recycling messages as a top priority.</u>	5	Materials on the City's web site and published in newsletter		ongoing		
12. Household Hazardous Waste Communication to Households - Produce at least one electronic (when applicable) and written media communication and distribute to every new and existing household, including multi-family buildings with <u>The Recycling Zone messages as a top priority.</u>	5	Materials on the City's web site and published in newsletter		ongoing		
13. Program Messages - Support and promote the region's Solid Waste Coordination Board and Solid Waste Master Plan integrated solid waste management program messages.	5	Materials on the City's web site and published in newsletter		ongoing		
14. Website/pages for Recycling and Household Hazardous Waste Management. Maintain community's with solid waste pages that link to http://www.co.dakota.mn.us/EnvironmentRoads/default.htm . Topic(s) must be consistent with the annual work plan process.	5	Materials on the City's web site and published in newsletter		ongoing		
C. TOTAL POINTS (add 11 – 14) = (20 points total)	__20__Points					

D. Education – Choose Any Five (5). Identify and describe the proposed that your community will undertake in the current application year. The community chooses to complete any five activities.

EDUCATION RESPONSIBILITY	POINTS (8 pts each)	PROPOSED ACTIVITY	PROPOSED PARTNERS	PROPOSED TIMELINE	PROPOSED OUTCOME MEASUREMENT (Qualitative and/or quantitative)	2010 RESULTS (to be completed when submitting 2010 Annual Report)
15. Make presentation(s) to city employees (minimum of 10) regarding a government leadership activity. Topic(s) must be consistent with the annual work plan process.	8					
16. Provide environmental education to community group(s) (minimum of 10 people.) Topic(s) must be consistent with the annual work plan.	8					
17. Provide environmental education in schools or other public entities (minimum of 10 people), with schools a top priority. Topic(s) must be consistent with the annual work plan.	8					
18. Sponsor a community event for Earth Day (if attended by over 100 people – counts as two).						
19. Sponsor a community event for America Recycles Day (if attended by over 100 people - counts as two).						
20. Sponsor a community event for Pollution Prevention Week (if attended by over 100 people – counts as two).						
21. Provide recycling at community sponsored event or festival, including recycling containers and recycling labels.	8					
22. Rethink Recycling –In addition to completing mandated education activity #11, incorporate an additional electronic and/or printed materials provided by the regional Rethink Recycling campaign into communications distributed in your community.	8					
23. The Recycling Zone - In addition to completing mandated education activity #12, incorporate an additional electronic and/or printed materials provided by the region’s Rethink Recycling campaign into communications distributed in your community.	8					
24. Enhanced Education Plan for expanding or enhancing internal or external education or promotional efforts in 2010.						
D. TOTAL POINTS (Add 15 - 24) = (40 points total)	___40__ Points					

E. **Performance- Based Funding.** The Community Funding program is performance-based, meaning payments for expenditures will be awarded based on points received for proposed activities in the 2010 Work Plan. Total the points from each activity your community proposed to undertake in 2010.

PERFORMANCE-BASED BASE FUNDING TOTAL POINTS <i>(add total points for A + B + C + D) =</i> <i>(100 points total)</i>	_100_ Points	Adjustments to community payments for expenditures or activities that were not consistent will be based on a point scale and upon the following Performance-Based Funding Schedule:	
		25 points or less =	25% of net eligible costs reimbursed
		26 – 50 Points	50% of net eligible costs reimbursed
		51 – 84 Points =	75% of net eligible costs reimbursed
		85 – 92 Points =	95% of net eligible costs reimbursed
		93 – 100 Points =	100% of net eligible costs reimbursed

PART II. APPLICATION FOR RECYCLING CONTAINER FUNDING

The Recycling Container Fund will be used for public area containers. Communities should indicate the number of recycling containers anticipated for public area recycling at community and RSWC buildings in the coming funding year.

Environmental Management Department staff will arrange for total quantities, ordering, and distribution to communities. Communities must provide education to support reuse, reduction, and recycling for users of public area recycling containers.

1. **Is your community applying for Recycling Container Funding for public area containers at community or RSWC buildings?**

Yes

No

If no, skip to next page - PART IV. APPLICATION FOR LOCAL NEGOTIATED INITIATIVE FUNDING.

2. **Quantity. Number of public space recycling containers requested.**

3. **Distribution Location. List the location and address for container delivery.**

4. **Distribution Method. Indicate the distribution method for the containers. Communities must supply environmental education messages (i.e., labels, posters, etc.) that identify the type(s) of materials collected in the recycling containers and adhere them to the containers.**

PART III. APPLICATION FOR LOCAL NEGOTIATED INITIATIVE FUNDING

1. Is your community applying for Local Negotiated Initiative Funding?

Yes

No

If no, skip remainder of application for LNIF.

Local Negotiated Initiative Funding (LNIF) projects and programs must identify best practices to readily implement LNIF efforts in other communities. Eligible LNIF projects include:

- Provide recycling education and infrastructure in educational institutions.
- Develop recognition program for businesses that implement waste reduction, reuse and recycling.
- Develop waste reduction, reuse and recycling education/communication program for businesses.
- Develop activities to increase residential recycling, including reaching community residents that are currently underserved with waste reduction, reuse and recycling messages/activities.
- Provide reduction, reuse and recycling at community-sponsored events, such as parades, community celebrations, or other short duration events.
- Facilitate and promote a community service project that promotes waste reduction, reuse and recycling (e.g., It's In the Bag Program).
- OTHER activity that enhances residential recycling or residential or business participation at The Recycling Zone, as negotiated with the Department during the work planning process.

Final Report: Please note that a Final report for the LNIF project must accompany the opportunities and challenges encountered and how the initiative can be replicated in other communities.

1. Please identify the cost and type of LNIF project from the above list of eligible projects that your community would like to complete.

Cost:

Type of LNIF project:

2. Please summarize in two or three paragraphs the work that your community would like to perform in this LNIF project area. Include a brief description of why you chose the specific project area, including a discussion of the community need.

3. Briefly describe how the LNIF project will have a long-term impact for your community. How do you see this work continuing after the LNIF project is complete?

4. **Local Negotiated Fund Work Plan, for each selected Initiative** -- Describe your community's proposed plan for 2010 Local Negotiated Initiative Fund below:

ACTIVITY	PARTNERS AND RESOURCES	TIMELINE	BUDGET BREAKDOWN	PRE-MEASUREMENT AND POST-MEASUREMENT

**PART IV. 2010 BUDGET FOR BASE FUNDING AND
LOCAL NEGOTIATED INITIATIVE FUNDING**

NOTE: To be considered a complete application, cities must enter estimated costs in appropriate sections of both A.1 & A.2.

A. 1.	<u>County Share **</u>		<u>TOTAL</u>
<u>Administrative Costs</u>	<i>(at \$2.00 per HH)</i>	<i>Community Share *</i>	<i>(County/Community combined)</i>
Direct Salaries	18000	6000	24000
Direct Mileage		250	250
Direct Membership & Training & Subscriptions	350		350
Consultant Services and/or Temporary Help			0
Software	200		200
Other (List & Describe)			0
Admin Subtotal	18550	6250	24800

A. 2.	<u>County Share</u>		<u>TOTAL</u>
<u>Promotional/Educational Costs</u>	<i>(at \$2.00 per HH)</i>	<i>Community Share *</i>	<i>(County/Community combined)</i>
Design/Printing Costs	6050		5850
Distribution Costs	3000		3000
Advertisements	600		600
Videos/Billboards			0
Promotional Items	3500		3500
Special Events (Displays, Performance fees)			0
Other (List & Describe)			0

Promo/Ed Subtotal	12950	0	0
B. Total Budgeted Amount	31700	6250	37950
C. 2010 Base Funding Requested from County ***	31700		0
D. Total LNIF Amount Requested From County	0		0

* Communities list city contributions for program in this column, (contributions are not mandated)

** Communities must enter budget amounts per line item

*** Base Funding Request may not exceed the amount authorized by County Board.

**** Unexpended 2010 Base Fund and LNIF amount may not be carried over to 2011

Total 2010 Amount Requested ****

31700

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

RESOLUTIONS CALLING FOR HEARING ON PROPOSED ASSESSMENTS AND DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENTS FOR NUISANCE ABATEMENT 2009

Meeting Date: October 12, 2009
Item Type: Consent
Contact: JTeppen, Asst. City Admin.
Prepared by:
Reviewed by:

Fiscal/FTE Impact:	
<input 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 checked="" type="checkbox"/>	Other

PURPOSE/ACTION REQUESTED Consider a resolution calling for a hearing on proposed assessments and a resolution declaring the costs to be assessed and ordering the preparation of the proposed assessments for 2009 Nuisance Abatement.

SUMMARY The work at the various locations has been completed, the property owners have been given the opportunity to submit payment for the work and have not done so.

Staff recommends adopting the attached resolutions calling for a hearing on the proposed assessment, declaring the costs to assessed and ordering preparation of the proposed assessments for 2009 Nuisance Abatement.

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

NOTICE OF HEARING ON PROPOSED SPECIAL ASSESSMENTS

2009 NUISANCE ABATEMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Inver Grove Heights, MN will meet in the Council Chambers at 8150 Barbara Avenue, Inver Grove Heights, MN at 7:30 p.m. on Monday, November 9, 2009 to consider, pass upon and levy the proposed special assessments for improvements as follows:

2009 Nuisance Abatement

Various properties were noticed that their properties were out of compliance in a number of different aspects; long grass and weeds, refuse, etc.

General Nature of Work

Lawns were mowed, trees and shrubs were trimmed, refuse was removed, etc.

Total Amount of Proposed Assessment

The total amount of the proposed special assessments is as follows:

Assessments: \$3,024.54

Proposed Assessments Against Particular Lots, Pieces or Parcels of Land

The proposed special assessments against the particular properties to be assessed are set forth below (to find your tax parcel, check your real estate tax statement):

TAX ID AND ASSESSMENT AMOUNT

205100005000	\$372.33
207115721005	\$205.60
206405008001	\$160.76
208140302000	\$387.81
203640022001	\$293.15
203655004105	\$387.81
207115721005	\$1,217.08

Assessment Roll Available for Inspection

The proposed assessment rolls are now on file for public inspection at the Clerk's Office, 8150 Barbara Avenue, Inver Grove Heights, MN. You are invited to examine the assessment rolls prior to the hearing. City offices are open from 8:00 a.m. to 4:30 p.m., Monday through Friday; no appointments are necessary. The assessment rolls will be available for examination at the hearing.

Objections and Appeals

Written and oral objections will be considered at the hearing. Minnesota Statute, Section 429.061, states that no appeal may be taken as to the amount of the assessment unless a written objection, signed by the affected property owner, is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. An owner may appeal an assessment to the District Court pursuant to Minnesota Statute, Section 429.081, by serving notice of the appeal upon the Mayor or the Clerk of the city within thirty (30) days after the adoption of the assessment and filing such notice with the District Court within ten (10) days after service upon the Mayor or Clerk.

Senior Citizen Deferment

Under Minnesota Statutes, Section 435.193 to 435.195, the Inver Grove Heights City Council may, in its discretion, defer the payment of these special assessments for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments. When deferment of the special assessments has been granted and is terminated for any reason provided by law, all amounts accumulated, plus applicable interest, become due. Any assessed property owner meeting the requirements of this law and Resolution No. 1864, adopted under it, may apply to the City Clerk on the prescribed form for such deferral of payment of these special assessments. If you qualify and wish a deferment, then contact the City Clerk.

Authority to Specially Assess

The proposed assessments are to be levied pursuant to Minnesota Statutes, Chapter 429. The improvements are proposed to be assessed on the basis of the costs incurred to perform the work. The areas, parcels, lots and pieces of property, as specially described herein, are subject to said assessments. The amounts set forth in this Notice are the proposed assessments. The City Council will consider the proposed assessments at the meeting and may levy the assessments at the meeting or at a later date. The City Council may levy and adopt special assessments that are the same or different than the proposed amounts.

Payment of Special Assessments

Once the special assessments are levied and adopted, the special assessments will be certified to the Dakota County Auditor to be extended on the property tax lists for collection with real estate taxes. Prior to this certification, however, the property owner may prepay the entire amount of the special assessment without any interest thereon provided the prepayment is received within 30 days after levy and adoption of the special assessments by the City Council. If the property owner wishes to prepay the special assessments without any interest, then such payment must be made to the City of Inver Grove Heights at City Hall, 8150 Barbara Avenue, Inver Grove Heights, MN 55077. Partial prepayment of the special assessment is not presently allowed under City ordinances; the prepayment, without interest must be for the entire amount of the special assessments.

If prepayment is not received within thirty (30) days after the special assessments are levied and adopted by the City Council, then:

- (a) The total principal amounts of the special assessments are divided into an equal number of annual installments. The proposed number of annual installments is three (3). The number of annual installments will be decided by the City Council when the special assessments are levied.
- (b) The principal amounts of the special assessments shall bear interest at the rate determined by the City Council when the special assessments are levied. The proposed rate is 8%
- (c) Interest begins to accrue from the date the special assessments are levied.
- (d) The annual principal installments, together with interest accrued on the unpaid balance, are due and payable together with real estate taxes.
- (e) Interest on the entire special assessments, from the date of levy to December 31st of the year in which the first installment is payable, is added to the first principal installment. The first installment will be due and payable in 2010.
- (f) If in the future the property owner wishes to pay off the remaining balance of the assessments, then Minnesota Statute, Section 429.061, Subdivision 3, provides that such payment may be made to the City Treasurer, together with interest accrued to

December 31st of the year in which payment is made as long as payment is made prior to November 15th; if the pay off occurs after November 15th, then interest for the next year is also added.

If the adopted assessments differ from the proposed assessments as to any particular lot, piece or parcel of land, then the City will mail to the owner a notice stating the amount of the adopted assessments. Owners will also be notified, by mail, if the City Council adopts any changes in the interest rate or prepayment requirements from those contained in this Notice of Hearing.

Melissa Rheaume, Deputy City Clerk

PUBLISH: Sunday, October 19, 2009

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

RESOLUTION CALLING FOR HEARING ON SPECIAL ASSESSMENTS

CITY PROJECT NUISANCE ABATEMENT 2009

RESOLUTION NO. _____

WHEREAS, by a resolution of the City Council on Monday October 12, 2009, the City Clerk was directed to prepare proposed assessments of the costs of abatement as follows:

2009 Nuisance Abatement

WHEREAS, the City Clerk has notified the City Council that such assessments have been completed and filed in the City Clerk's office for public inspection.

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

1. A hearing shall be held on the November 9, 2009, in the City Council Chambers, 8150 Barbara Avenue at 7:30 p.m., to pass upon the proposed assessments; and, at such time and place, all persons owning property affected by such improvements shall be given an opportunity to be heard with reference to such assessments.
2. The City Clerk is hereby directed to cause a notice of hearing on the proposed assessments to be published once in the official newspaper and to be mailed to the owner of each parcel described in the assessment roll.

Adopted by the City Council of Inver Grove Heights, Minnesota this 12th day of October 2009.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheume, Deputy City Clerk

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

**RESOLUTION DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION
OF PROPOSED ASSESSMENTS**

CITY PROJECT NUISANCE ABATEMENT 2009

RESOLUTION NO. _____

WHEREAS, the City Clerk was directed to prepare proposed assessments of the costs of the improvements as follows:

2009 Nuisance Abatement

WHEREAS, the total final project cost is \$3,024.54

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

1. The amount to be specially assessed for City Project Nuisance Abatement 2009 is hereby declared to be \$3,024.54.
2. The City Clerk with the assistance of the Assistant City Administrator, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and shall be filed in the City Clerk's office for public inspection.

Adopted by the City Council of Inver Grove Heights, Minnesota this 12th day of October 2009.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheume, Deputy City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

SCHEDULE SPECIAL MEETING

Meeting Date: October 12, 2009
Item Type: Consent
Contact: Jenelle Teppen, Asst. City Admin
Prepared by:
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 Schedule special meeting.

SUMMARY Staff requests that the Council set a special 2010 budget work session on Monday, November 2, 2009 at 6:00 p.m. in the Administrative Conference Room at City Hall.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

SCHEDULE HEARING TO CONSIDER IMPOSITION OF AN ADMINISTRATIVE PENALTY FOR ILLEGAL SALE OF ALCOHOL BY KLADEK, INC. dba KING OF DIAMONDS

Meeting Date: October 12, 2009
Item Type: Consent
Contact: 651.450.2513
Prepared by: Melissa Rheaume
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:

Schedule hearing on November 9, 2009 at 7:30 p.m. to consider the imposition of an administrative penalty for illegal sale of alcohol.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

PERSONNEL ACTIONS

Meeting Date: October 12, 2009
Item Type: Consent
Contact: Jenelle Teppen, Asst. City Admin
Prepared by: Amy Brinkman, H.R. Coordinator
Reviewed by: n/a

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 Staff requests that the Council approve the personnel actions listed below:

Please confirm the seasonal/temporary employment of: Dan Grasz, Kassie Kuehl, Cheyenne Anderson, Nathan Briquet, Carlynn Fitzgerald, Kaitlyn Steffes, Ryan Wakefield, Becky Steinberg, Jimmy Morris, and Joshua Paulson.

Please confirm the employment of: Brian Brandt and Nicholas Vars as Fire Captains Station 1 and Station 3.

Please confirm the termination of employment of: Nancy Verby, Customer Service Specialist, Jon Lerbs and Scott Wood, Fire Captains, will remain Firefighters.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

JAMES BROWN

Meeting Date: October 12, 2009
 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 the following requests for property located at 1186 90th Street:

- a) A Resolution relating to a **Waiver of Plat** to create two parcels from the existing one tax parcel.
 - Requires 3/5th's vote.

- b) A Resolution relating to a **Variance** to allow the lots to be less than the required 2.5 acre minimum.
 - Requires 3/5th's vote.

- c) A Resolution relating to a **Variance** to allow an accessory structure on a lot without a principle structure.
 - Requires 3/5th's vote.
 - 60-day deadline: December 1, 2009 (Second 60 days)

SUMMARY

The City Council tabled this request at the September 28 meeting and directed staff to provide additional information regarding the following items:

1. Determine date when the two lots were combined into one tax parcel and by whom.
2. Determine if access is available from the east to 90th Street.
3. Determine existence of easement on south side of property.

ANALYSIS

1. Staff reviewed Mr. Brown's abstract of the property to see if it held any useful information to determine when the consolidation occurred and by whom. No definitive information was found other than further confirmation that the property existed as one tax parcel since 1976. Staff also contacted Dakota County, but their computer records do not go that far back, so no further information was obtained. It appears the date of consolidation and by whom is not easily obtainable. It is possible; the two parcels were combined from the very beginning. Since the County's practice of combining lots occurred in the 1980's, the time frames don't fit for that to have occurred.

2. The abstract did have entries to show that the subject property has been granted access rights to the east and 90th Street. Therefore, Mr. Brown's property does appear to have legal right to utilize the existing private road for access.

3. The 1955 survey document identifies a 30 foot road easement across the entire southerly boundary of the original parcel leading to South Robert Trail.

If Council finds the application acceptable, resolutions of approval are included that contain conditions to address the issues staff has raised in the planning report. A hardship must be stated for the variance.

Planning Staff. Recommends denial of the request. A valid hardship for the variance does not appear to be present. Primary issues of concern continue to be access to the parcel and the creation of tax parcels of less than 2.5 acres in size.

Planning Commission. Also recommends denial of the request (9-0).

Attachments: Denial Resolution
Waiver of Plat Approval Resolution
Variance Approval Resolution
September 28 Council Memo
Planning Commission Recommendation
Planning Report
E-mail Received from Resident

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

RESOLUTION NO. _____

RESOLUTION DENYING A WAIVER OF PLAT TO CREATE TWO PARCELS FROM THE EXISTING TAX PARCEL, A VARIANCE FROM MINIMUM LOT SIZE REQUIREMENT IN THE E-1, ESTATE RESIDENTIAL DISTRICT AND A VARIANCE TO ALLOW AN ACCESSORY STRUCTURE ON A LOT WITHOUT A PRINCIPLE STRUCTURE

**CASE NO. 09-25WAV
(James Brown)**

Property located at 1186 90th Street and legally described as follows:

Description #5

The south 207 feet of the North 1068 feet of the East 354 feet of the NW1/4 NW1/4 of Section 20, T 27N., R22W, subject to an easement for road purposes over the East 30 feet and the West 30 feet thereof.

Description #6

The East 354 feet of the NW1/4 NW1/4 of Section 20, T27N, R22W, except the North 1068 feet and subject to an easement for road purposes over the West 30 feet and the South 30 feet and the East 30 feet thereof.

WHEREAS, an application has been received for Waiver of Plat and two Variances;

WHEREAS, the zoning for the aforescribed property is E-1, Estate Residential;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on September 15, 2009, in accordance with City Code Title 10, Chapter 3;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS THAT THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT, CONCLUSIONS AND DECISION:

Findings of Fact

1. A Waiver of Plat is required to divide the single tax parcel into two tax parcels.
2. A lot size Variance is required because the two proposed lots would be less than 2.5 acres in size.
3. A second Variance is required to allow an accessory structure on a lot without a principle structure.

Conclusions

1. During the 1970's, the City processed a couple of lot size variances for this particular subject lot and the lot immediately to the north. In both cases the variances were approved to allow development on a substandard sized lot with the hardship no additional vacant lots were available for sale that could increase the size of the lot in question. The Council has made attempts to continue to consolidate the lots in this subdivision so they meet the requirements of the E-1 district rather than allow smaller lots to continue. In this case the request would be contrary to the City's efforts to combine the lots so they can meet the required 2.5 acre minimum lot size.
2. The property currently meets minimum lot size and contains a home and accessory structures. There is no burden being placed on the land owner by maintaining the two lots in one tax parcel, the lot meets and is required to meet minimum lot size. Allowing the division would be contrary to the City's efforts to combine the lots in this neighborhood to eliminate the substandard lots.
3. The State Fire Code and City Code both require driveways or roads serving more than two homes or structures to have a minimum unobstructed width of 20 feet and a vertical opening minimum of 13.5 feet. The current 90th Street private road does not comply with these minimums. Emergency vehicle access is the main issue. If there is ever a fire or other catastrophic event, trees downed, there could be problems with emergency response. Allowing more individual lots only adds to the problem.

Decision

Based on the finds of fact and conclusions made above, the application for a Waiver of Plat, Variance from minimum lot size and Variance to allow an accessory structure before a principle structure on a lot is hereby denied.

BE IT FURTHER RESOLVED 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 this ____ day of _____ 2009.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Melissa Rheume, Deputy Clerk

Waiver Approval Resolution

CITY OF INVER GROVE HEIGHTS DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING A WAIVER OF PLAT TO ALLOW PARCELS #5 AND #6 PER THE SURVEY DATED 10/20/55 AS INDIVIDUAL TAX PARCELS

CASE NO. 09-25WAV
(James Brown)

WHEREAS, a Waiver of Plat application has been submitted to the City for property legally described as follows:

Description #5

The south 207 feet of the North 1068 feet of the East 354 feet of the NW1/4 NW1/4 of Section 20, T 27N., R22W, subject to an easement for road purposes over the East 30 feet and the West 30 feet thereof.

Description #6

The East 354 feet of the NW1/4 NW1/4 of Section 20, T27N, R22W, except the North 1068 feet and subject to an easement for road purposes over the West 30 feet and the South 30 feet and the East 30 feet thereof.

WHEREAS, a public hearing concerning the Waiver of Plat was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statutes, Section 462.357, Subdivision 3 on September 15, 2009;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that a Waiver of Plat is hereby approved subject to the following conditions:

1. Prior to release of and recording the Waiver of Plat Resolution, the applicant shall either move the existing driveway to the house on parcel #6 so it does not encroach onto parcel #5, or a driveway easement shall be required to be recorded allowing the driveway to encroach onto parcel #5. The applicant shall be responsible for providing

the driveway easement document including a legal description of the easement area. Said easement document shall be reviewed by the City prior to recording.

2. Park dedication shall consist of a cash contribution of \$4,011 payable at time of release of the Waiver of Plat Resolution to the County.
3. Prior to release and recording of the Waiver of Plat Resolution, the private road (90th Street) on the west side of the subject property shall be brought into compliance with City and State Fire Code requirements by the applicant relating to proper clear width and height.

BE IT FURTHER RESOLVED 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 this 25th day of September, 2009.

AYES:
NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

Variance Approval Resolution

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A VARIANCE TO ALLOW THE CREATING OF
PARCELS LESS THAN THE MINIMUM LOT SIZE AND TO ALLOW AN
ACCESSORY STRUCTURE ON A LOT WITHOUT A PRINCIPLE STRUCTURE**

**CASE NO. 09-25WAV
(James Brown)**

Property located at 1186 90th Street and legally described as follows:

Description #5

The south 207 feet of the North 1068 feet of the East 354 feet of the NW1/4 NW1/4 of Section 20, T 27N., R22W, subject to an easement for road purposes over the East 30 feet and the West 30 feet thereof.

Description #6

The East 354 feet of the NW1/4 NW1/4 of Section 20, T27N, R22W, except the North 1068 feet and subject to an easement for road purposes over the West 30 feet and the South 30 feet and the East 30 feet thereof.

WHEREAS, an application has been received for two Variances to allow lots less than the required 2.5 acre minimum lot size and to allow an accessory structure on a property without a principle structure;

WHEREAS, the afore described property is zoned E-1, Estate Residential;

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 September 15, 2009 in accordance with City Code 10-3-3: C.;

WHEREAS, a hardship, was found to exist not based on economic reasons. Rather the hardship consists of (NEEDS TO BE STATED).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow lots less than the required 2.5 acre minimum lot size and to allow an accessory structure on a property without a principle structure is hereby approved with the following condition:

1. The accessory structure shall not be used for commercial uses or storage related to a commercial use.

BE IT FURTHER RESOLVED 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 this 28th day of September, 2009.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Melissa Rheume, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

JAMES BROWN

Meeting Date: September 28, 2009
 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 the following requests for property located at 1186 90th Street:

- a) A Resolution relating to a **Waiver of Plat** to create two parcels from the existing one tax parcel.
- b) A Resolution relating to a **Variance** to allow the lots to be less than the required 2.5 acre minimum.
- c) A Resolution relating to a **Variance** to allow an accessory structure on a lot without a principle structure.

SUMMARY

The applicant is proposing to create two tax parcels to coincide with the existing legal descriptions from the current tax parcel. The property was divided in the mid 1950's with nearly all the lots being less than 2.0 acres in size. The proposed waiver would create parcels of 1.68 and 1.95 acres in size. The property is zoned E-1, Estate Residential which requires a 2.5 acre minimum lot size. The subject property was combined into one tax parcel sometime in the 1970's. A variance is required because the lots would be less than 2.5 acres in size. A second variance would be required because there is an accessory structure on what would be the northerly lot. A principle structure must be on a property before an accessory structure is allowed.

ANALYSIS

In staff's opinion, the applicant has failed to show a hardship for the lot size variance. Lot is conforming, has a house and accessory structure. The property is not being deprived of a reasonable use. Creating two non-conforming lot sizes would be contrary to the Zoning Ordinance. The existing accessory structure is oriented towards the other buildings on the lot and it does not have a driveway. It appears to be used to house animals. Its use for things not allowed in the Code would appear to be very limited.

Access to the property is achievable to the west and east via 90th Street, which is a private street. The main access to the lot was designed to be from an easement on the west side of the property. Both of these segments of 90th Street do not meet minimum standards for clear width and height for fire emergency. This same issue came up a couple of years ago when another land owner wanted to divided their property. Emergency vehicle access is main issue. If there

is ever a fire or other catastrophic event, trees downed, there could be problems with emergency response. Allowing more individual lots only adds to the problem.

If Council finds the application acceptable, resolutions of approval are included that contain conditions to address the issues staff has raised in the planning report. A hardship must be stated for the variance.

Planning Staff. Recommends denial of the request. A valid hardship for the variance does not appear to be present.

Planning Commission. Also recommends denial of the request (9-0).

Attachments: Denial Resolution
Waiver of Plat Approval Resolution
Variance Approval Resolution
Planning Commission Recommendation
Planning Report

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: September 15, 2009
SUBJECT: **JAMES BROWN - CASE NO. 09-25WAV**

Reading of Notice

The public hearing notice was read at the September 1, 2009 Planning Commission meeting.

Continuation of Public Hearing (public hearing remained open from September 1, 2009)

Allan Hunting, City Planner, explained the request as detailed in the report. He explained that the request is for a waiver of plat, a variance from minimum lot size in the E-1 zoning, and a variance to allow an accessory structure on a lot without a principle structure. Mr. Hunting advised that the applicant is requesting to re-subdivide his property into two parcels based on the original legal descriptions when the property was platted in the 1950's. Mr. Hunting advised that at some point in time the two lots were combined into one tax parcel. The proposed parcels would each be smaller than the E-1 zoning minimum lot size of 2.5 acres and staff believes that allowing the waiver of plat would be contrary to past actions taken by the City in this particular area to reduce the number of substandard sized lots. Staff does not find a viable hardship and recommends that the applicant improve the access should the request be approved. Staff recommends denial of the request.

Commissioner Simon asked if this area had been part of the ghost platting era of the 90's, to which Mr. Hunting replied it was not.

Commissioner Simon asked if staff received any comments from the neighbors.

Mr. Hunting replied that he received one call from a neighbor who had questions in regards to the existing barn; no concerns were stated.

Commissioner Wippermann asked if the two lots in question were combined prior to the current owner purchasing the property, to which Mr. Hunting replied in the affirmative.

Chair Bartholomew asked if the applicant owned the lot to the west as well, to which Mr. Hunting replied in the affirmative.

Jim Brown, 1186 – 90th Street, stated he was unsure why the property was combined into one tax parcel but would like to return it to its original platting of two lots and for it to be allowed to be similar in size to the property to the north and west of his. Mr. Brown advised that he currently accesses his property from the east but the property could be accessed from the west as well, although the road configuration changed as it neared his property. He stated he would be hesitant to request that one of his neighbors remove their trees, etc. in order to do road improvements.

Commissioner Gooch asked why the applicant wanted to subdivide, to which Mr. Brown replied

he wanted to be allowed to have lots equal in size to some of those in his neighborhood. He noted there were some lots in the development south of him that were just under 2.5 acres as well.

Chair Bartholomew asked if the applicant's understanding was that the property was consolidated by the County, to which Mr. Brown replied he was unsure.

Chair Bartholomew asked if there would be an opportunity if necessary to procure easement rights on the road to the east across from the newly formed lot, to which Mr. Brown replied in the affirmative.

Chair Bartholomew asked if the City would require that Mr. Brown upgrade the easterly road all along the southern lot or could it be improved only to Mr. Brown's driveway opening, to which Mr. Hunting replied that Mr. Brown would likely have to improve the road only to the driveway opening.

Commissioner Wippermann stated that while the lots immediately to the west and the two lots immediately to the north of the subject property were smaller, the majority of the lots in the area appeared to be 2.5 acres or larger.

Mr. Hunting advised that Commissioner Wippermann's statement was correct.

Mr. Brown advised that the lot to the northwest was consolidated just a few years ago.

Commissioner Hark asked if the applicant knew of any hardship for this request, to which Mr. Brown replied the hardship was that the property was originally platted as two lots and there were other lots in the neighborhood less than 2.5 acres in size.

Commissioner Simon referred to the applicant's previous statement that there were two accesses to the property, and asked if emergency vehicles would be able to access the applicant's home from the western road.

Mr. Brown replied they would not.

Commissioner Simon stated there was actually only one access then.

Mr. Brown responded there would be two accesses to the northern lot, however, the only access to his existing home would be from the easterly road. Mr. Brown advised that he has seen larger trucks (FedEx, etc.) use the westerly road and large commercial vehicles use the easterly road with no difficulty.

Planning Commission Discussion

Chair Bartholomew asked if the requirement for improving the condition of the road would be addressed at the time of building permit issuance.

Mr. Hunting replied staff would prefer that the road be improved prior to the recording of the waiver of plat so as to avoid putting that burden on whoever purchases the property in the future.

Chair Bartholomew stated it would be difficult for him to support the request without a valid hardship.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to deny the request for a waiver of plat to create two parcels from the existing one tax parcel, a variance to allow the lots to be less than the required 2.5 acre minimum, and a variance to allow an accessory structure on a lot without a principle structure, due to lack of hardship and the fact that this would be a significant reduction in minimum lot size from what the zoning district would allow, for the property located at 1186 – 90th Street.

Motion carried (9/0). This matter goes to the City Council on September 28, 2009.

P L A N N I N G R E P O R T
C I T Y O F I N V E R G R O V E H E I G H T S

REPORT DATE: September 10, 2009

CASE NO: 09-25WAV

APPLICANT: James Brown

PROPERTY OWNER: James Brown

REQUEST: Waiver of Plat and Variances

HEARING DATE: September 15, 2009

LOCATION: 1186 E. 90th Street

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: E-1, Estate Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to re-subdivide his land into two parcels based on the original legal descriptions when the property was platted sometime in the 1950's. The proposed parcels would both be less than the E-1 zoning minimum lot size of 2.5 acres. The northern lot would be 1.68 acres and the southern lot would be 1.95 acres. There is also an existing accessory structure that would end up being on the northerly lot without a principle structure. The applicant's house would then be located on the southern parcel. The applicant has no plans to sell or develop the proposed lot. The basis of the request is to allow the two legally described parcels to exist with their own tax parcel numbers.

The City recognizes the County tax parcel number or "PID" as the "official" lot size and boundary for zoning purposes. The property was divided into a number of lots per the survey dated 1955 that was submitted by the applicant. At some point in time, the subject lots, parcels #5 and #6 were combined into one tax parcel. Parcels #5 and #6 as described by legal description are no longer individual lots of record but exist as one single lot per the boundary of the tax parcel number. In order to re-create the originally described parcels, a variance is necessary to create lots less than the required 2.5 acre minimum lot size. There are no "grandfathering" clauses in this type of situation to allow the tax parcel to be divided back to the original boundaries without City Council approval.

The specific requests include the following:

1. A **Waiver of Plat** to create two parcels from the existing one tax parcel.
2. A **Variance** to allow the lots to be less than the required 2.5 acre minimum.
3. A **Variance** to allow an accessory structure on a lot without a principle structure.

EVALUATION OF THE REQUEST

The property is surrounded by residential lots of varying sizes. All surrounding parcels are guided RDR and are zoned E-1, Estate Residential.

WAIVER OF PLAT

Lot Size. The waiver of plat consists of dividing a 3.63 acre parcel into two parcels. The submitted survey of the property identifies the parcels in question as Parcels #5 and #6 from a survey dated October 20, 1955. Parcel #5 would be recreated to its original 1.68 acres and the balance into its original Parcel #6 of 1.95 acres. The survey that was done in 1955 shows Parcels #1 - #9 to be between 1.67 and 1.95 acres in size. Some of these parcels remain in their original size and others have been combined into one tax parcel.

Staff looked into the history of why some of the lots have been combined and why some exist as originally divided. During a period in the 1980's, the County had a practice of combining adjacent lots if owned by the same party, into a single tax parcel. A property on the north end of the subdivision was affected by this practice and was re-divided in 1986. This practice however, did not affect the subject lot. In 1976, a previous owner of the subject property went through a variance process to build on the 3.63 acre lot that was zoned A, Agricultural at the time. The lot was substandard in size because it did not meet the 5.0 acre lot size. Council approved a variance to build on the lot but required a rezoning to be processed to E-1 to avoid inconsistency with lot sizes. County maps in the planning file at that time show parcels 5 and 6 as one tax parcel. Therefore, the combination of parcels 5 and 6 predated the County's old practice of combining lots and the lots must have been combined by an owner prior to 1976.

In 1977, the property owner of the lot immediately to the north of this subject property was granted a variance from minimum lot size to build a home on the 1.68 acre lot. The hardship being there was no way of combining two vacant lots to meet minimum lot size.

This past history shows that a previous owner combined the lots and that it was not done by a county action. Past city actions has shown that the Council has made attempts to continue to consolidate the lots in the subdivision so they meet the requirements of the E-1 district, rather than allow smaller lots to continue. In this case, the request to re-divide the parcels would be contrary to the City's efforts to combine the lots so they meet the minimum 2.5 acre minimum lot size.

Access. Access to the proposed lot would be via a private road that connects to 90th Street. There is an existing 60 foot wide access easement for all of the lots, so legal access for the lot currently

exists. The private road surface is gravel and is approximately 10-12 feet wide. The length of the road is approximately 1000 feet long and serves six homes. The Zoning Ordinance has a provision which is based on fire code requirements addressing minimum access widths for private roads and driveways. The code requires driveways or roads serving more than two homes or structures shall have a minimum unobstructed width of 20 feet and a vertical opening width minimum of 13.5 feet. Based on observations by the Fire Marshal and Planning staff, the current road does not comply with these minimums. The existing homes have been built at different times and some regulations may have changed along the way. However, if a new lot is being created, then the road should be brought up to standards, both city and state fire codes. This requirement could be addressed with a condition where the future land owner would be responsible for bringing the driveway into compliance as part of the building permit process. This however, puts the burden on a future landowner that may not be aware or have planned on needing to improve a private driveway beyond their own property line. Staff also looks at this situation as that in order to re-subdivide this parcel, the driveway should be brought into compliance by the applicant or developer when the property is divided and not shift the burden to the next landowner. The property also abuts another private road to the east, but the same issues came up when a landowner applied to divide their property. In that case also, the private road did not meet minimum standards and would have been required to be upgraded as part of the approval to subdivide their land.

A condition of approval could be that the driveway along 90th Street be brought into compliance with city code as part of a building permit and prior to certificate of occupancy. An alternative condition could be that prior to recording the waiver of plat, the applicant or developer shall bring the entire length of the private road into compliance with city code. That way, the lot would meet access requirements up front without defraying these costs to a future landowner.

The driveway to the existing house would end up on the separate lot if the lots are divided. In order to address this situation, the application has two options. Either move the existing driveway so it reconstructed wholly on the southerly parcel (parcel #6), or grant a driveway easement to allow the driveway to remain on the northerly lot (parcel #5). If the easement option is chosen, a legal description would be required to identify the actual location of the driveway and a driveway access easement would be required to be drafted and recorded along with the waiver of plat. The easement and the legal description would be the responsibility of the applicant and would be required to be submitted to the city and reviewed by the City Attorney prior to the waiver of plat being recorded.

Soil Borings. The applicant has provided soil borings for the vacant lot to verify the soils would be suitable for a septic system. The Building Inspections Department has reviewed the soil boring information and notes that the soil types would be suitable for septic systems.

Park Dedication. Park dedication would be required for the new lot. A cash contribution of \$4,011 is payable at the time of the release of the waiver of plat resolution.

VARIANCES

As stated previously, two variances are being requested as part of this application. The first is to allow lots that would be less than the required 2.5 acre minimum lot size in the E-1 District. The other is to allow the exception of having an accessory structure on a lot before a principal structure exists.

The City Code states that the City Council may grant variances in instances where practical difficulties exist or where a hardship would be imposed upon the property owner if the code were strictly enforced. In order to grant the requested variances, the City Code identifies several criteria which are to be considered. The applicant's request is reviewed below against those criteria.

- a. *Special conditions apply to the structure or land in question which are peculiar to such property or immediately adjoining property, and do not apply generally to other land or structures in the district in which said land is located.*

In actuality, no new lot is being created. The overall impact is re-establishing the lots as originally surveyed. However, during the 1970's, the City processed a couple of lot size variances for this particular subject lot and the lot immediately to the north. In both cases the variances were approved with the hardship no additional vacant lots were available for sale that could increase the size of the lot in question. The Council has made attempts to continue to consolidate the lots in this subdivision so they meet the requirements of the E-1 district rather than allow smaller lots to continue. In this case the request would be contrary to the City's efforts to combine the lots so they can meet the required 2.5 acre minimum lot size.

The existing accessory structure is oriented towards the other buildings on the lot and it does not have a driveway. Its use for things not allowed in the Code would appear to be very limited.

- b. *The granting of the application will not be contrary to the intent of the Zoning Code or the Comprehensive Plan.*

The variance from minimum lot size does appear to be contrary to the Zoning Code as the intent is to minimize the impact of substandard size lots and combine where possible. Allowing the property to re-divide would be contrary to this intent.

Allowing the accessory structure on a lot without a principle structure does not appear to have a negative impact on the intent of the ordinance.

The

- c. *The granting of such variance is necessary as a result of a demonstrated undue hardship or difficulty, and will not merely serve as a convenience to the applicant.*

No hardship appears to exist to allow the parcel to be re-divided. The property currently meets minimum lot size and contains a home and accessory structures. There is no burden being placed on the land owner by maintaining the two lots in one tax parcel, the lot meets and is required to meet minimum lot size. Allowing the division would be contrary to the City's efforts to combine the lots in this neighborhood to eliminate the substandard lots.

- d. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do not appear to be the sole basis for this request.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

- A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:
- Approval of the **Waiver of Plat** allowing Parcels #5 and #6 per the survey dated 10/20/55 as individual tax parcels subject to the following conditions:
 1. Prior to release of and recording the waiver of plat, the applicant shall either move the existing driveway to the house on parcel #6 so it does not encroach onto parcel #5, or a driveway easement shall be required to be recorded allowing the driveway to encroach onto parcel #5. The applicant shall be responsible for providing the driveway easement document including a legal description of the easement area. Said easement document shall be reviewed by the City prior to recording.
 2. Park dedication shall consist of a cash contribution of \$4,011 payable at time of release of the Resolution to the County.
 - Approval of the **Variances** to allow Parcels #5 and #6 to be less than the required 2.5 acre minimum lot size and to allow an accessory structure on a lot prior to a principle structure subject to the following condition:
 1. The accessory structure shall not be used for commercial uses or storage related to a commercial use.
- B. **Denial.** If the Planning Commission does not favor the proposed application, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

Staff believes allowing the waiver of plat and creating two lots less than 2.5 acres in size would be contrary to past actions taken by the City in this particular area to eliminate or reduce the number of substandard sized lots. A valid hardship does not appear to be present. Staff does not recommend approval of the request.

If the Planning Commission finds the request acceptable, staff has included conditions that would address the main issues that need to be handled. The Planning Commission should however, include a condition regarding the improvements to the existing private road as either a requirement of the developer or the future landowner.

Attachments: Location Map
Waiver of Plat Map
Surrounding Lot Size Map

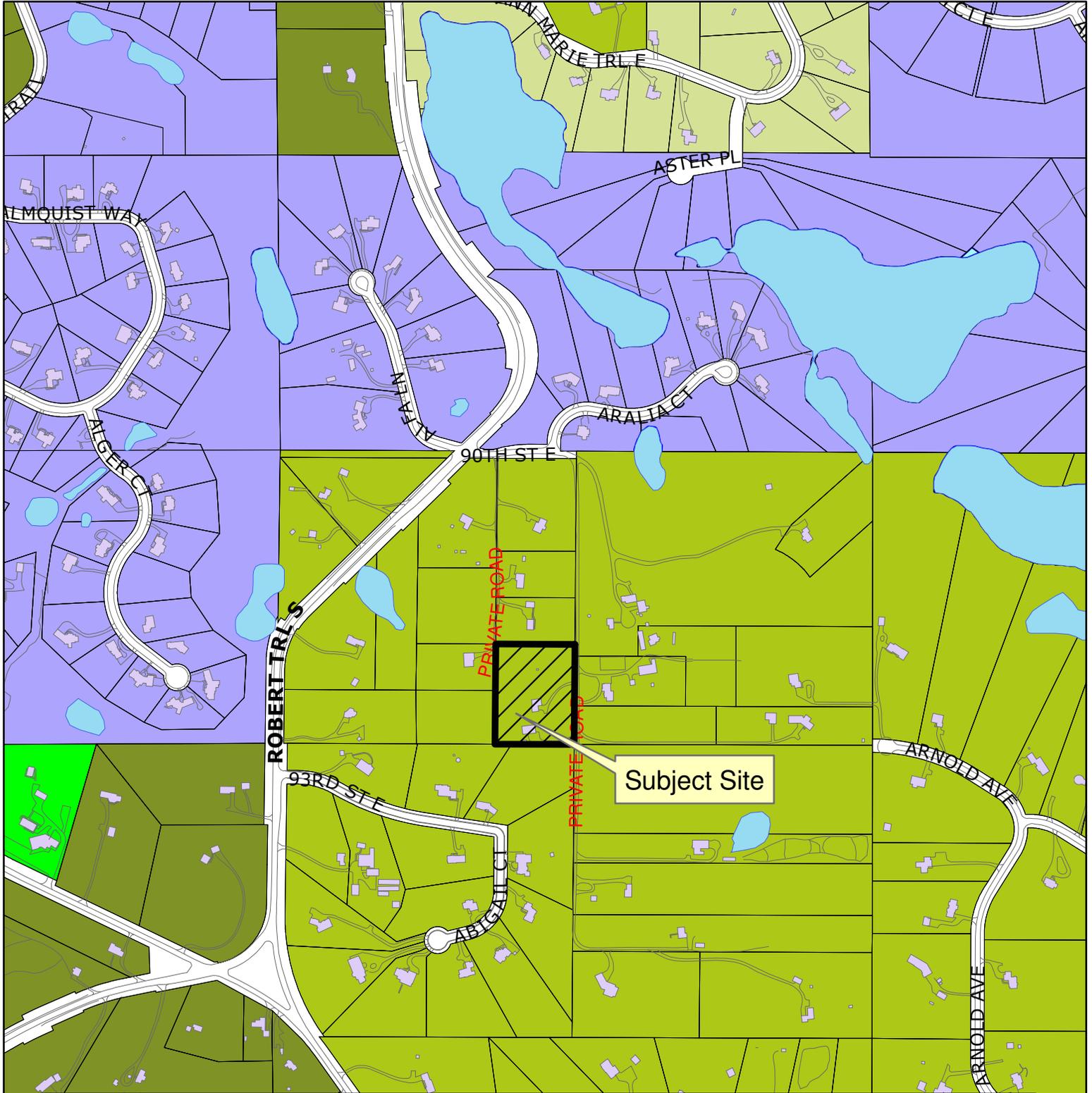


Location Map

Case No. 09-25WAV



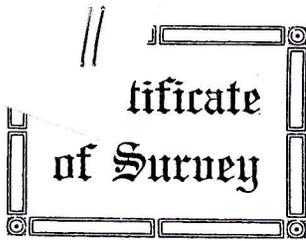
NOT TO SCALE



Subject Site

Legend

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



FROM THE OFFICE OF
P. R. McLAGAN

DAKOTA COUNTY SURVEYOR
233 Dakota Avenue WEST ST. PAUL 7, MINN.
MINNESOTA REGISTERED LAND SURVEYOR

I Hereby Certify that this plat shows a survey made by me of the property described on this plat, and that the corners are correctly placed as shown, and that all locations, encroachments, etc., have been correctly shown.

Surveyed For Herb Sachs
Date October 20, 1955
Scale 1 inch = 200 feet

P. R. McLAGAN
COUNTY SURVEYOR
By Wayne M. Legan
Deputy Revised - 9-11-72
WML

Road Easements

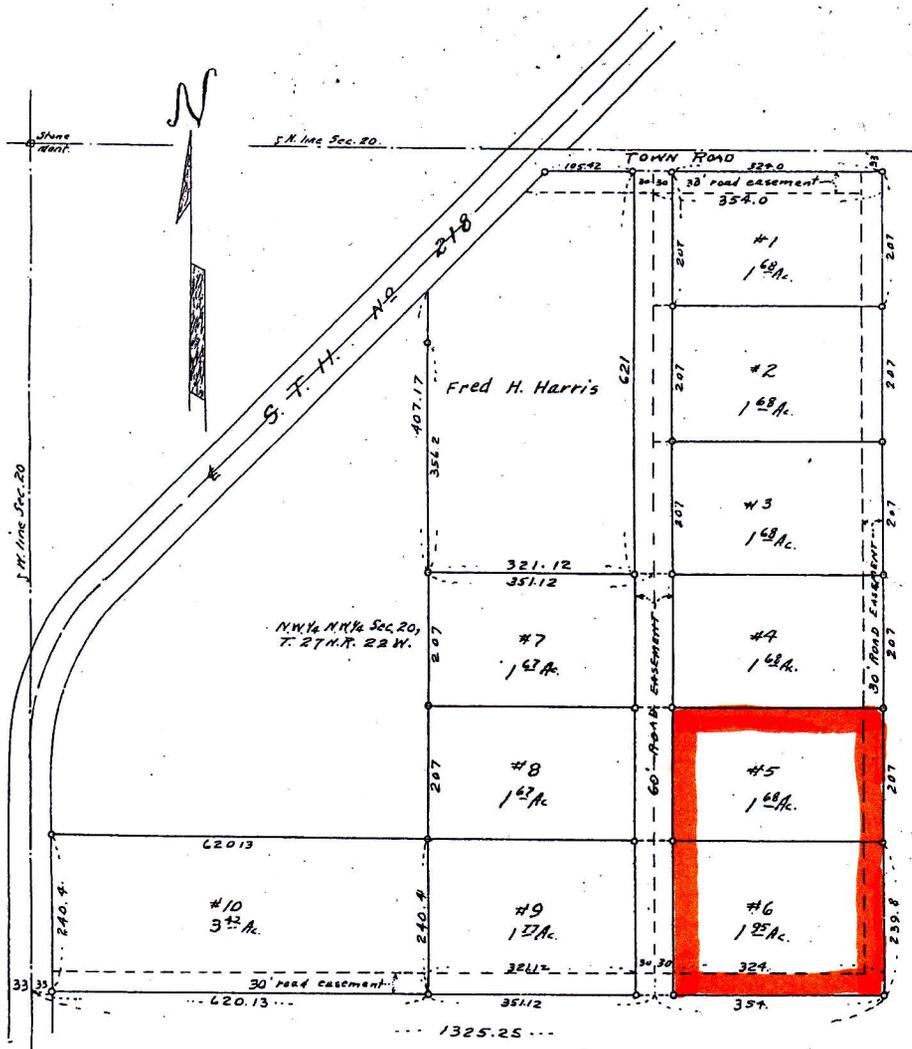
The South 33 feet of the North 66 feet of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, T.27N.,R.22W., lying East of S.T.H. No. 218.

The East 30 feet of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, T.27N.,R.22W.

The West 60 feet of the East 384 feet of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, T.27N.,R.22W.

The South 30 feet of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, T.27N.,R.22W.

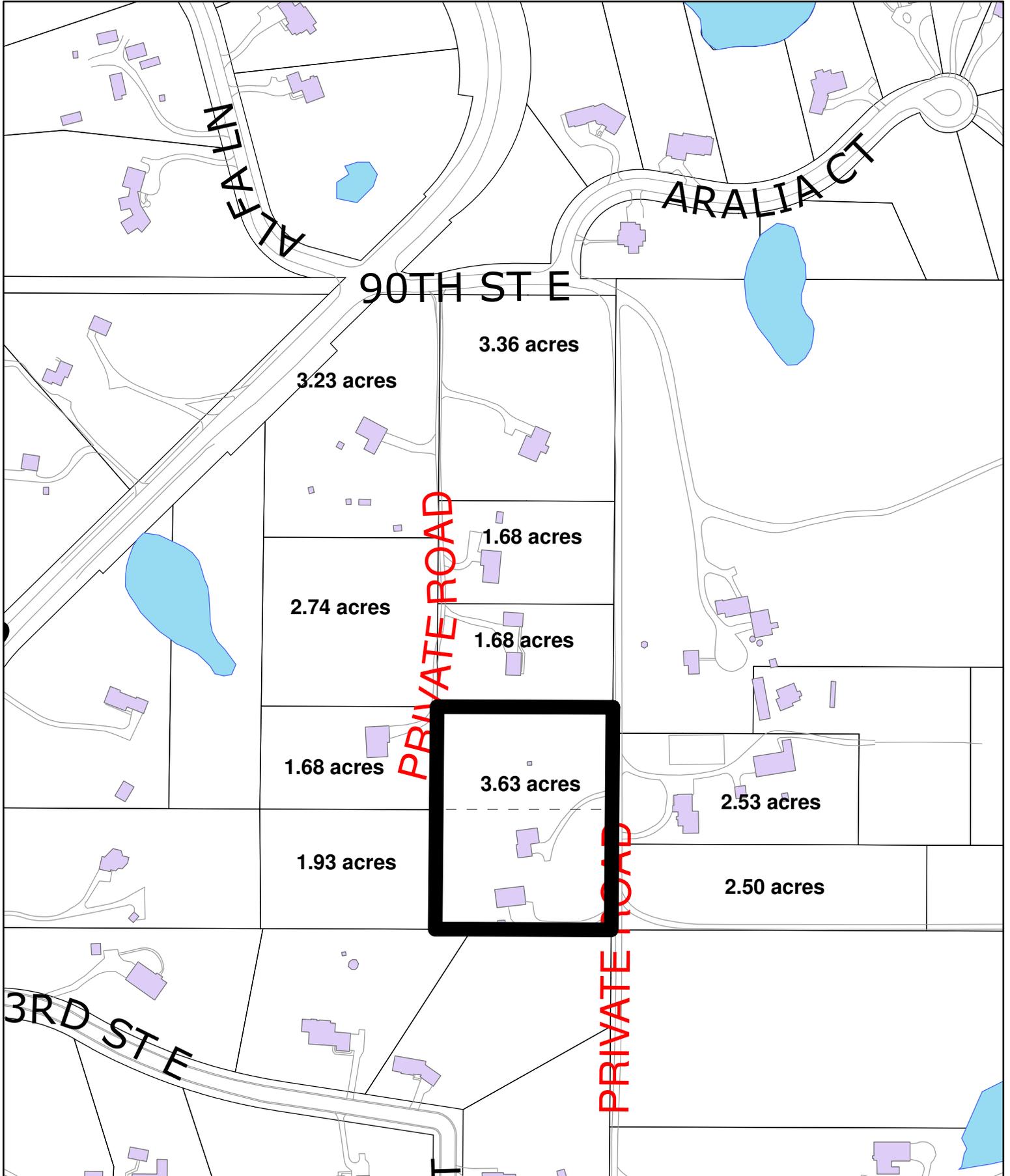
o Indicates iron monument





Surrounding Lot Sizes

Case No. 09-25WAV



Allan Hunting

From: Tom Link
Sent: Wednesday, September 30, 2009 7:59 AM
To: Allan Hunting
Subject: FW: Variance at 1186 - 90th St. E.

Allan,

Please include this e-mail when Council next considers the Jim Brown application. Thanks.

-----Original Message-----

From: Dale Stoerzinger [mailto:dale.stoerzinger@gmail.com]
Sent: Tuesday, September 29, 2009 3:37 AM
To: Tom Link
Subject: Variance at 1186 - 90th St. E.

Sept. 29, 2009

Dear Mr. Link:

I caught the council meeting on tv last night and was interested in the discussion of splitting Jim Brown's lot, located at 1186 90th St E., into two non-conforming lots.

In his presentation, Mr. Brown stated that the set of lots in the Hillside Woods development, located directly south of him, were less than two and a half acres, however, when this development was done, those lots were required to be in compliance and are indeed at least two and a half acres each.

When Tim Wood developed his lot, which is located just northeast of Mr. Brown's lot, he acquired land to make his lot come into compliance with the current zoning.

Janet Hoseth's lot, which was developed in 1990, and is located a short distance north of Mr. Brown's lot also is in compliance with the current zoning.

I think the only lots in the vicinity of Mr. Brown's lot that are not in compliance with the current two and a half acre requirement are those that were platted approximately a half century ago; long before the current requirements were put into place.

I believe the two and a half acre requirement was put into place in an attempt to minimize pollution to the ground water in areas where sewer and water were not available. This issue should be seriously considered when deciding the applicability of a variance for Mr. Brown's lot.

Dale Stoerzinger
9342 South Robert Trail
Inver Grove Heights, MN

651-457-8386

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

MCDONALD CONSTRUCTION - Case No. 09-28C

Meeting Date: October 12, 2009
 Item Type: Regular
 Contact: Heather Botten 651.450.2569
 Prepared by:  Heather Botten, Associate Planner
 Reviewed by: Planning
 Engineering

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"/>	Other

PURPOSE/ACTION REQUESTED

Consider a Resolution regarding a **Conditional Use Permit** to allow for 27.5% impervious surface coverage to construct a single-family home, sidewalk, porch, and driveway for the property located at 11617 Aileron Court:

- Require's a 4/5th's vote.
- 60-day deadline: October 17, 2009 (first 60 days)

SUMMARY

Impervious surface on a single-family lot is currently limited to 25% but may expand up to 30% with a conditional use permit. The property owner at 11617 Aileron Court would like to construct a new home, driveway, sidewalk, and porch with impervious coverage of about 27.5%.

The surrounding properties are all zoned single-family. The proposed single-family home would aesthetically fit in with the neighborhood. Additionally, all setbacks would be met. The applicant and property owners have been made aware of the impervious surface conditional use criteria and the City's standard conditions for treating impervious surface. The applicant has agreed to comply with the storm water treatment conditions, which help maintain the drainage and storm water runoff on the applicant's property.

At the public hearing there was resident testimony expressing concerns about drainage issues currently in the neighborhood. These concerns were passed along to the City Engineering department and their response and comments are attached in a memo. Additionally, Engineering is requesting a larger raingarden on the applicant's property to help mitigate the runoff for the proposed new construction.

Planning Staff: Based on the information provided staff recommends approval of the conditional use permit to exceed the allowed maximum impervious surface with the conditions listed in the attached resolution, including the two additional conditions added by the Engineering Department (see attached memo).

Planning Commission: Made a motion to approve and a motion to deny; both motions failed therefore the request is being passed along without a recommendation.

Attachments: Approval resolution for the CUP
 Engineering Memo in response to neighborhood concerns
 Planning Commission Recommendation
 Planning Staff Report
 Letter from residents

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW IMPERVIOUS
COVERAGE ON A LOT UP TO 27.5% IN THE R-1C ZONING DISTRICT**

McDonald Construction – Case No. 09-28C

WHEREAS, an application for Conditional Use Permit has been submitted for the property located at 11617 Aileron Court and legally described as:

LOT 3, BLOCK 3, WOODLAND PRESERVE, DAKOTA COUNTY, MINNESOTA

WHEREAS, the request is to allow for 27.5% impervious coverage to construct a new single-family home, sidewalk, porch, and driveway;

WHEREAS, the aforescribed property is zoned R-1C, Single-family Residential;

WHEREAS, a public hearing concerning the conditional use permit was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statute, Section 462.357, Subdivision 3 on September 15, 2009;

WHEREAS, the request has been reviewed against Title 10, Chapter 3, Article A, Section 10-3A-5 regarding the criterion for a Conditional Use Permit and the request meets all of the standards;

WHEREAS, all impervious coverage conditional use permits are subject to the criteria listed in City Code regarding treatment of stormwater and the construction of stormwater management systems;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that a Conditional Use Permit to allow impervious surface up to 27.5% is hereby granted for the aforescribed property, subject to the following conditions:

1. The site shall be developed in substantial conformance with the site plan dated August 10, 2009 on file with the Planning Department or as modified herein.
2. The impervious surface calculations have been provided; the owner shall provide a storm water management system to mitigate at least 370 square feet, or 2.5% of the 14,775 square foot lot size.
3. Any future impervious space additions for the respective lot will need to meet the requirements of the impervious space requirement at that time.
4. The temporary erosion control and permanent storm water management plan should capture and route storm water runoff in a manner that does not adversely impact the adjoining or downstream properties.
5. A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
6. The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
7. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
8. Prior to issuance of a building permit, a storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
9. Prior to issuance of a building permit, an Inspection Escrow in the amount of \$370 (or 1\$ per square foot of impervious space to be treated, whichever is greater) and a Construction Escrow of \$1480 (or \$4 per square foot of impervious space to be treated, whichever is greater) shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. The City Engineer reserves the right to have both a cash escrow for expenses, fees, inspections and maintenance requirements and an additional construction escrow assuring the storm water facility is constructed properly.
10. The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters.
11. Prior to release of the remainder of the Inspection Escrow and Construction Escrow, the storm water facility needs to be constructed in its entirety, vegetation planted, and approved by the Engineering Division.

12. All existing easements shall be shown on the building permit submittal to ensure that the proposed structures are not encroaching in an easement area dedicated to the City. If there is encroachment, it will be the sole discretion of the City Engineer to either accept or deny the proposed encroachment.
13. The rain garden shall be constructed in a location that allows it to discharge to Aileron Court (most likely the front yard). This rain garden is to be sized to handle a 100-year runoff event and approved by the City Engineer. A sufficient area of the impervious surface shall be directed to the rain garden.
14. The structure being built will be required to install rain gutters that will discharge runoff from all roof surfaces toward Aileron Court.

BE IT FURTHER RESOLVED 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 this 12th day of October, 2009.

AYES:

NAYS:

ATTEST:

George Tourville, Mayor

Melissa Rheame, Deputy Clerk

MEMO

CITY OF INVER GROVE HEIGHTS

TO: Scott D. Thureen, Public Works Director
Allan Hunting, City Planner

FROM: Thomas J. Kaldunski, City Engineer

DATE: October 6, 2009

SUBJECT: McDonald Construction – Case No. 09-28C and Ashley Court Drainage
(Broadmoor and Woodland Preserve Developments)

Background Information

The Planning Commission held a public hearing to review a Conditional Use Permit (CUP) to allow for 27.5% impervious coverage on Lot 3, Block 3, Woodland Preserve. This is a single-family home being built by McDonald Construction at 11617 Aileron Ct. The Planning Commission heard testimony from residents on Ashley Ct. regarding concern for drainage issues. The Planning Commission recommended that the City Engineer review the drainage issues raised at the hearing which appeared to be an issue larger than just the subject lot.

11617 Aileron Court

The Engineering Division has reviewed the proposed CUP for this site. The Planning Report outlines the conditions that the Engineering Division originally wanted included in the CUP decision. In addition, the following recommendations should also be included following a site review of the drainage issues raised by nearby residents at the public hearing.

13. The rain garden shall be constructed in a location that allows it to discharge to Aileron Court (most likely the front yard). This rain garden is to be sized to handle the 100-year runoff event as outlined in the attached handout dated October 6, 2009 (Raingarden Sizing Guide) prepared by the Assistant City Engineer. A total volume of 181 CF is required to mitigate the runoff from 370 SF of impervious surface. The builder can select either a 1' x 10' x 12' size or a 1 ½' x 9' x 10' size. A sufficient area of the impervious surface shall be directed to the rain garden. This storm water management feature will effectively reduce the runoff from the site to the equivalent of 25% impervious surface during the regulatory event (100-year).
14. The structure being built will be required to install rain gutters that will discharge runoff from all roof surfaces toward Aileron Court. The intent of this condition is to reduce the runoff to the steep slope on the north by requiring the roof to be discharged to the south and onto Aileron Court.

It is recommended that the City Council consider all 14 recommendations from the Engineering Division if a CUP is approved.

Drainage on Ashley Court

During the Planning Commissions' public hearing, residents expressed a number of drainage issues they have been observed in the Broadmoor Development. These issues are given in detail in the minutes dated September 15, 2009 for McDonald Construction – Case No. 09-28C. They are summarized as follows:

- a) Backyard drainage on Block 4, Broadmoor was a concern and residents did not want additional runoff to the area because the drainage is not acceptable to the residents.
- b) Standing water has been noted on the curbs on Ashley Court. Algae has grown at times due to the continued wetness of the area (presumably from sump pump discharges or springs). Residents noted safety issues with slippery conditions even during freezing conditions.
- c) This area of Broadmoor has experienced wet conditions on a continual basis, most likely since it was developed.
- d) Would the wet conditions in Broadmoor be addressed by restricting the home construction to 25%?
- e) The wet conditions in Broadmoor could be related to a larger issue of a regional nature and would the new home affect a larger scale issue?
- f) Do the current homes and proposed homes meet the approved grading plan?
- g) The wet yard conditions have been prevalent in 2009 even though dry conditions have persisted.

City Engineer's Review of Drainage Issues

Following the public hearing, I conducted a site visit to the locations on Aileron Court and Ashley Court to view the existing conditions. I also conducted research of City and County records to determine other sources of information which would assist in my review of the issues.

On September 16, 2009, water was observed as it seeped over the existing curb in several locations. It was most prevalent between 11542 and 11538 Ashley Court. The water was about 4 to 5 feet wide over the curb. Puddles were observed in what appears to be service line settlements in the gutter line on the south side of Ashley Court. Note that this was during a dry time period with little rain in the preceding 2 to 3 weeks. It should also be noted that the City experienced heavy rains in early August 2009.

A review of the grading plan for Broadmoor and a subsequent review of the as-built survey certificates for Lots 2-6, Block 4 of Broadmoor indicate that the existing homes have for all intent and purposes, met the grading plan provided for the Development. Minor variations were noted in some spots, but they were not significant enough to alter the drainage patterns.

A review of the grading plan for the Woodland Preserve Development and a review of the as-built survey certificate on the existing homes on Lots 1, 2, 4, 5 and 6 indicate that their existing lot grading has the front yards draining to Aileron Court. They are generally following the grading plan; however, it should be noted that the grading plan indicates the limits of the drainage area was to be at the center of the house, not at the front of the house as-built. This fact implies that an area about 20' x 300' drains to the north toward the (Broadmoor backyards). Most of this occurs on Lot 3, Block 3 (11617 Aileron) which is the location of the McDonald building permit under review. It should be noted that the overall grading of Block 3, Woodland Preserve has reduced the drainage area that flows to Broadmoor from a historical perspective.

This minor modification in drainage area is the reason for the requirement of roof gutters that discharge toward Aileron Court. The proposed house should also be graded so that drainage from the south half of the lot in question drains to Aileron Ct. These modifications should offset the minor drainage area changes that occurred.

A review of the available soils information and the Dakota County Soils Report was also conducted. This review indicates that the area soils are well drained, silty and sandy loams. These soils allow for the transmission of water through the soils. A copy of the soils map is attached. It appears likely that rain gardens will drain well in the area. It is also probable that groundwater can move easily through the soils. A review of the topographical maps and grading plans for the Broadmoor and Woodland Preserve areas indicate that groundwater could be moving from the south to the north. There is an existing pond in the Woodland Preserve with a normal water level of 959.0 and a high water level of 961.86. This pond is about 700 feet from the toe of the slope on Block 4, Broadmoor. The as-built survey certificates indicate the backyards have elevations ranging from 959 to 963. The same data indicates that basement elevations in Broadmoor, Block 4 range from 952.4 to 955.0.

This data indicates that the ground level at the base of a permeable slope is near the same level as the high water level on the nearby pond. It also indicates that the basements intercept the potential hydraulic profile of the groundwater by 4 to 7 feet. A copy of the hydraulic profile is attached to help illustrate the issue of groundwater with a potential to seep into homes or result in springs at the toe of slope in the Block 4, Broadmoor area. This profile is drawn through the home proposed by McDonald Construction in Woodland Preserve.

This review leads to the conclusion that the drainage issues being experienced in Block 4, Broadmoor are the affect of a regional issue related to groundwater. It appears that the additional impervious space proposed at 11617 Aileron would have minimal affect when compared to a regional drainage area measured in acres.

A potential solution to assist the existing residents would likely include the construction of a drain tile system which includes sump pump discharge structures for each home on Block 4, Broadmoor. A review of the existing storm sewer plans and the basement elevations indicates a potential to connect a drain tile system to the existing catch basin at the intersection of Ashley Court and Armstrong Court which could provide improved drainage. This drain tile system would be installed in the south boulevard of Ashley Ct. at elevations near the existing basement elevations. This would help to stabilize any ground water fluctuations in the area. It would also

provide structures to allow residents to install tile lines in their side yards and to direct sump pump discharges to the storm sewer.

The City would need to prepare a feasibility study and construction documents to install this drain tile system. The funding sources would need to be identified. Easements might be required in the front yards of Block 4, Broadmoor.

Recommendations

If a CUP is issued to McDonald Construction at 11617 Aileron, all recommendations from the City Engineer shall be included in the conditions.

The City Council should provide direction on how to address the regional drainage issue on Ashley Court. A feasibility study should be considered.

TJK/kf

RAIN GARDEN SIZING GUIDE

McDonald Property Variance for Impervious Surface

Mitigating 370 SF of Impervious Surface

(Given sandy loam Type 'A' soils)

A : Typical Rain Garden (5' X 8')

(1-foot depth dead storage, 1.5-feet Engineered Soils)

Rain Garden A (typical)

Above Ground Storage Volume	1	feet
Engineered Soil Storage Volume	1.5	feet
Rain Garden Bottom Area	40	SF
<hr/>		
Total Storage Vol. =	61	CF

B : 100-Year Rain Garden (10' X 12')

(1-foot depth dead storage, 1.5-feet Engineered Soils)

Rain Garden B (100-yr)

pond	1	feet
Engineered Soil	1.5	feet
Rain Garden Bottom Area	120	SF
<hr/>		
Total Storage Vol. =	183	CF

C: 100-Year Rain Garden (9' X 10')

(1-foot depth dead storage, 3.0-feet Engineered Soils)

Rain Garden C (100-yr)

pond	1	feet
Engineered Soil	3	feet
Rain Garden Bottom Area	90	SF
<hr/>		
Total Storage Vol. =	185	CF

This report was prepared with the free HydroCAD SAMPLER, which is licensed for evaluation and educational use only. For actual design or modeling applications you must use a full version of HydroCAD which may be purchased at www.hydrocad.net. Full programs also include complete printed documentation, technical support, training materials, and additional features which are essential for actual design work.

Subcatchment PR 6: PR 6

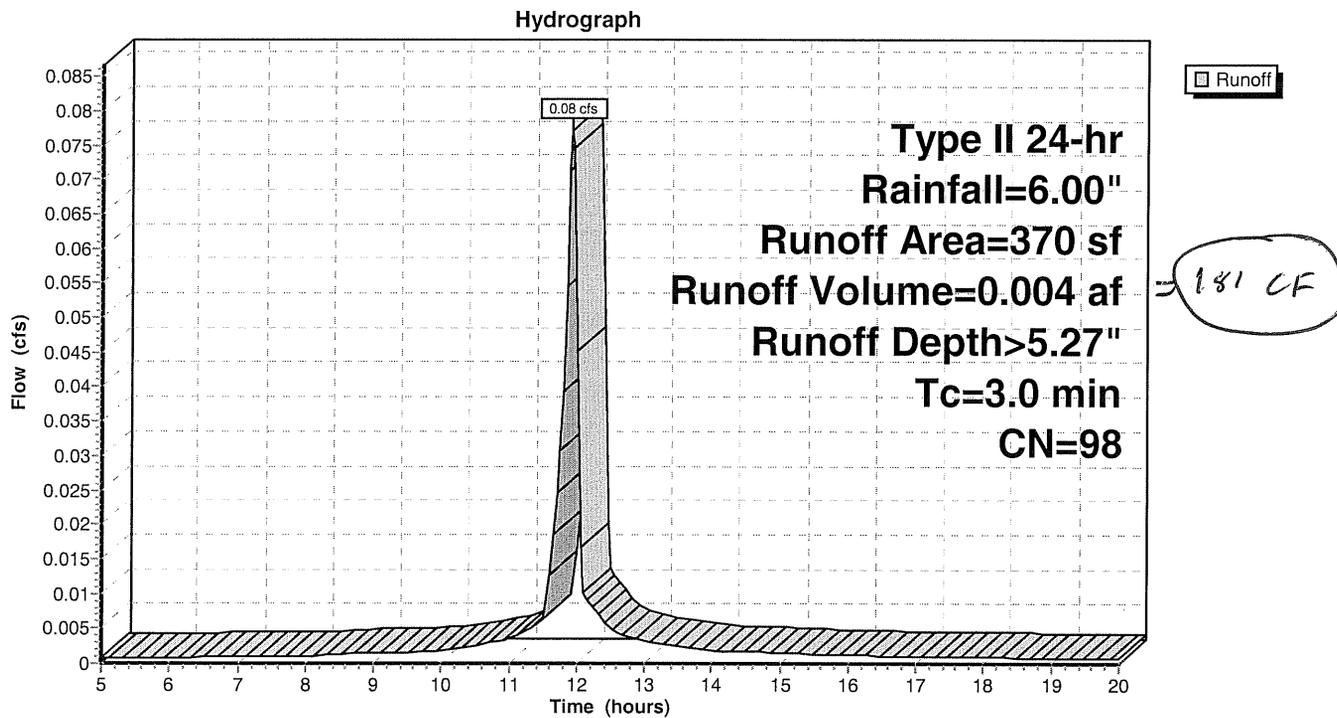
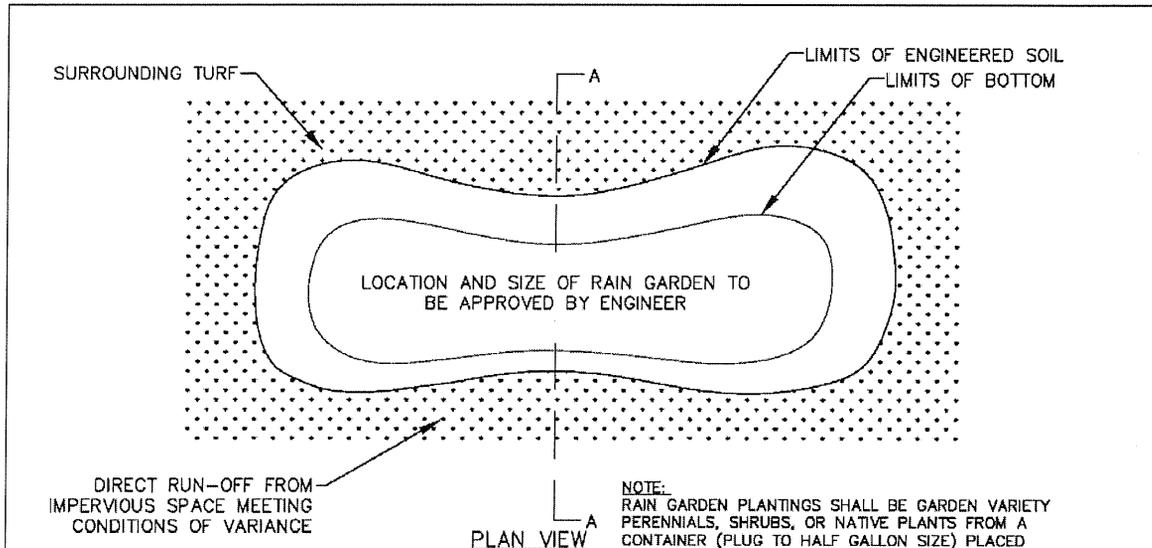


EXHIBIT B
STORM WATER FACILITY PLAN



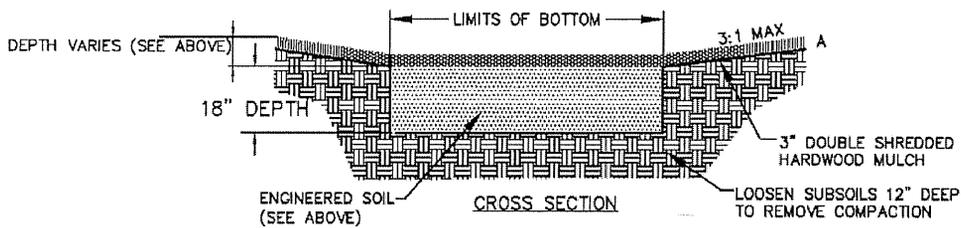
NOTE:
RAIN GARDEN PLANTINGS SHALL BE GARDEN VARIETY PERENNIALS, SHRUBS, OR NATIVE PLANTS FROM A CONTAINER (PLUG TO HALF GALLON SIZE) PLACED ACCORDING TO RECOMMENDED PLANT SPACING REQUIREMENTS OR AS APPROVED BY THE ENGINEER.

SUBSOIL TYPE	SUBSOIL TYPE	DEPTH	SIZING MULTIPLIER
A	SAND/GRAVEL	12"	0.08
B	SAND WITH CLAY OR SILT	9"	0.10
C	CLAY OR SILT WITH SAND	6"	0.12
D	CLAYS OR SILTS	6"	0.13

ENGINEERED SOIL
70% COARSE-WASHED SAND
30% LEAF-LITTER COMPOST (ORGANIC, GRADE 2)
NO TOPSOIL OR ON-SITE SOILS MAY BE USED IN ENGINEERED SOIL MIX

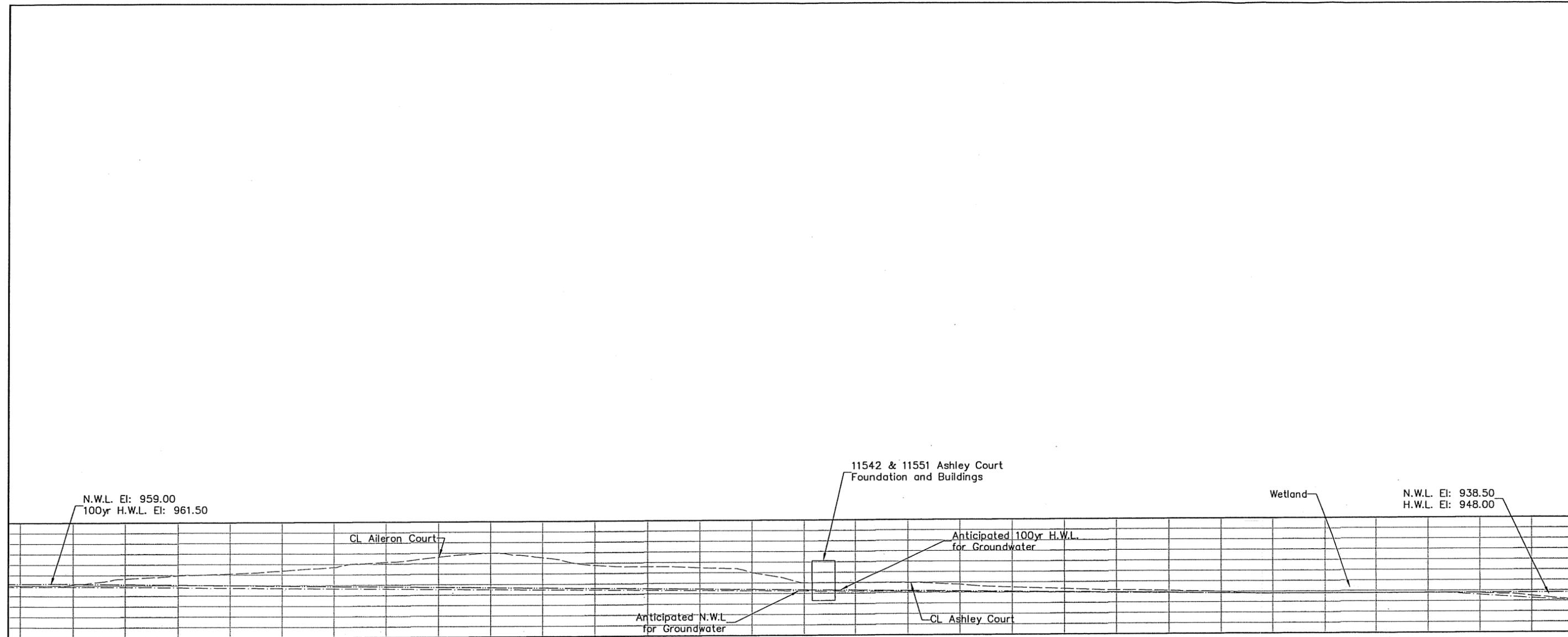
GARDEN BOTTOM SIZING CALCULATION

AREA OF ADDED IMPERVIOUS SURFACE AGREED TO BE TREATED A	SIZING MULTIPLIER (SEE TABLE ABOVE) B	MINIMUM GARDEN BOTTOM SIZE A X B
_____ SF	X _____	= _____ SF

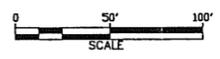


- NOTES**
- FINAL GRADE AND MULCHING SHALL BE DONE BY HAND.
 - NO EQUIPMENT WILL BE ALLOWED ON THE RAIN GARDEN AFTER EXCAVATION BEGINS.
 - PERIMETER EROSION CONTROL SHALL BE INSTALLED AND REMAIN IN PLACE UNTIL TURF IS ESTABLISHED AROUND RAIN GARDEN.
 - OWNER IS RESPONSIBLE FOR NOTIFYING ENGINEER FOR INSPECTION OF RAIN GARDEN FOR
 - FINALIZING RAIN GARDEN SIZE AND LOCATION.
 - OBSERVATION OF EXCAVATION AND SCARIFYING OF SUBSOIL.
 - APPROVAL TO BACKFILL WITH ENGINEERED SOILS.
 - FINAL INSPECTION WITH MULCH AND PLANTS INSTALLED.

	RESIDENTIAL RAIN GARDEN FOR VARIANCES EXCEEDING IMPERVIOUS SPACE REQUIREMENTS
CITY OF INVER GROVE HEIGHTS ENGINEERING DEPARTMENT	4/09
PLATE NO. STM-15	



----- Anticipated 100yr H.W.L. for Groundwater
 - - - - - Anticipated N.W.L. for Groundwater



DESIGN FILE: 2009-28C		REV. NO.	DATE	DESCRIPTION
DRAWN BY: NWH	DESIGN BY: JDS			
CHKD. BY: TDK	DWG. NAME:			
DATE: 10/6/2009				
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE STATE OF MINNESOTA STATUTES SECTION 326.02 TO 326.16.				DATE: 10/6/2009 MINN. REG. NO. 18798
City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077 (651) 450-2570 Fax (651) 450-2502		2009-28C		SHEET NO. 1 / 2

Map Unit Legend

Dakota County, Minnesota (MN037)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
150B	Spencer silt loam, 2 to 6 percent slopes	9.2	7.4%
279B	Otterholt silt loam, 1 to 6 percent slopes	45.4	36.2%
279C	Otterholt silt loam, 6 to 15 percent slopes	14.7	11.7%
342B	Kingsley sandy loam, 3 to 8 percent slopes	13.2	10.5%
342C	Kingsley sandy loam, 8 to 15 percent slopes	0.2	0.2%
344	Quam silt loam	1.1	0.9%
449B	Crystal Lake silt loam, 1 to 8 percent slopes	2.1	1.7%
454C	Mahtomedi loamy sand, 8 to 15 percent slopes	7.0	5.6%
895B	Kingsley-Mahtomedi-Spencer complex, 3 to 8 percent slopes	5.7	4.6%
895C	Kingsley-Mahtomedi-Spencer complex, 8 to 15 percent slopes	8.4	6.7%
1816	Kennebec variant silt loam	2.4	1.9%
1824	Quam silt loam, ponded	2.0	1.6%
1902B	Jewett silt loam, 1 to 6 percent slopes	11.8	9.4%
W	Water	2.4	1.9%
Totals for Area of Interest		125.4	100.0%



**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: September 15, 2009
SUBJECT: McDONALD CONSTRUCTION – CASE NO. 09-28C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow for 27.5% impervious coverage to construct a single family home, garage, sidewalk and driveway on an R-1C zoned lot. 27 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the request is to construct a new home that would have 27.5% total impervious surface on the property. The City has allowed up to 30% impervious surface on property in the R-1C zoned areas provided the conditional use permit criteria is met. Ms. Botten advised that the general conditional use permit criteria has been met and the applicant has agreed to comply with the conditions listed in the report. Staff recommends approval of the request with the conditions listed in the report. She advised that staff heard from one property owner stating there was an existing drainage issue in the neighborhood; his concerns have been forwarded to the engineering department.

Commissioner Gooch asked for details of the drainage concerns.

Ms. Botten advised they were concerns of general drainage in the neighborhood and of standing water in the roadway.

Commissioner Gooch asked where the caller lived.

Ms. Botten pointed out the caller's property on Avery Drive.

Commissioner Schaeffer asked if the existing drainage issue was not specifically from the subject property but rather the area in general, to which Ms. Botten replied in the affirmative.

Opening of Public Hearing

Bill Winter, McDonald Construction, 7601 – 145th Street, Apple Valley, advised he was representing the property owners and was available to answer any questions.

Chair Bartholomew asked if Mr. Winter was in agreement with conditions 2, 5, and 9, to which Mr. Winter replied in the affirmative.

Tom Hall, 11552 Ashley Court, displayed photographs of the area, stating there was mold and standing water on Ashley Court fourteen days after the last rain. He stated there was a continual problem with standing water which was a safety hazard. Mr. Hall stated he contacted the City's engineering department and was told that McDonald Construction was unwilling to

resolve the drainage issue and therefore it was up to the City to address the problem. The plan was for staff to come out as a City group and look at the entire area and make a recommendation as to the best way to handle the situation. Mr. Hall advised he was unable to walk in his front yard without sinking up to his ankles and he stated the amount of water has increased exponentially since the grading was done.

Commissioner Simon asked when the grading was done.

Mr. Hall replied approximately 2006. He stated the City worked on it for a year without resolving the issue. Therefore he has been watching the City website to see when the lot was purchased for development in the hopes that once a building permit was pulled the Chief Building Inspector would get involved and perhaps get the issue corrected.

Chair Bartholomew asked if Mr. Hall's neighbors with homes behind them had similar drainage issues.

Mr. Hall replied in the affirmative, stating the majority of the runoff comes from between the two houses east of him. Mr. Hall added that a house is being built on 11635 Aileron Court and the house behind that now has a soggy yard and water running out into the street.

Chair Bartholomew advised that the conditions of approval require that the applicants maintain the runoff from the increased 2.5% impervious surface on their property.

Mr. Hall stated there has been runoff coming from that area for the last several years, noting there were homes on the lots next to the subject lot.

Chair Bartholomew stated the neighboring homes were not part of this request.

Commissioner Simon asked if the regulation for managing a homeowners stormwater on their own property was in place at the time the other homes were built, to which Mr. Hunting replied that would have to be answered by the engineering staff as he was unsure.

Commissioner Simon asked if the conditions would address any pre-existing problem or only the proposed 2.5% additional impervious surface.

Mr. Hunting replied the conditions would tie only to the development of this particular lot; however, he would make the City Engineer aware of the aforementioned drainage issues.

Commissioner Simon asked if the Commission could add a condition that the pre-existing problem with water be addressed before any permit was issued.

Mr. Hunting questioned whether they could require the larger scale grading from an individual lot owner, but stated he would discuss it with engineering so it could be addressed at the City Council meeting.

Mr. Hall noted that the builder (McDonald Construction) originally owned and developed all the lots.

Chair Bartholomew stated the current landowners would be responsible for managing the water from their individual properties.

Lori Hall, 11552 Ashley Court, questioned how McDonald Construction would be held accountable after the fact since there has been no accountability thus far for them to fix the issue.

Chair Bartholomew stated the applicant could only be held responsible for managing the water on their own property; not for the surrounding lots.

Ms. Hall advised that the issue was created when McDonald Construction owned all the lots.

Mr. Hall stated they didn't meet the master grading drainage plan. He questioned who would be liable if a child slipped on the water/ice in front of his home and was injured.

Ms. Hall submitted a copy of the letter referred to earlier by staff from a neighbor regarding safety concerns in relation to the existing drainage issue.

Molly Stakston, 11561 Avery Drive, stated numerous children have fallen in the street, including her own, due to slippery mold, mildew, and standing water. She asked that it be put on record that there is standing water for days after a rain.

Commissioner Roth stated it was unusual to have standing water during a drought, and asked if there were soil borings done for this development as perhaps there were underground springs causing the problem.

Mr. Winter stated soil borings were likely done when the property was originally developed.

Wade Labatte, 11556 Ashley Court, stated his children were unable to play in the back yard, and sometimes the front yard as well, in the spring and fall due to the soggy ground. He stated the drainage forces children to walk into the middle of the road to avoid the standing water and he believes the problem will only increase with the addition of the proposed home.

Tracy Newell, 11546 Avery Drive, stated the runoff in the street is located in front of her home and has been a concern for quite some time. She feels that grading the subject lot would only exacerbate the situation and she questioned why the current landowner would be responsible for fixing a pre-existing problem that was created by the builder.

Brad McDonald, 11533 Armstrong Court, stated he lives across from the sewer drain and has seen children walk out into the street to avoid the water. He stated in addition to it being a safety concern, the excessive moisture attracts insects as well. He then questioned who would take responsibility for the other properties that were previously developed by the builder and approved by the City and whether there would be some kind of resolution.

Chair Bartholomew stated that issue should be raised with the City's Engineering Department and the City Council. He advised that tonight's testimony has established on record that a water problem exists in the general area. He added, however, that if the proposed stormwater management plan works for this lot the City would have no choice but to approve the request.

Mr. Hunting stated he would make engineering aware of the drainage issue in the general area so they could answer the questions that have been raised tonight at the Council meeting.

Ms. Hall asked if the neighbors would get mailed notice of the Council meeting, to which Chair Bartholomew replied they would not, but that the Council date would be announced at the end of tonight's public hearing.

Commissioner Simon advised the homeowners they would be allowed to speak at the Council meeting just as they were at this meeting.

Planning Commission Discussion

Commissioner Wippermann stated he lives in the neighborhood being discussed tonight and vouched for the fact that standing water in the street was common and that it froze out six feet or more into the street in the winter months. He stated he would be hesitant to approve the request without further feedback from the Engineering Department as to how they planned to resolve the existing water issue. He stated that he would support adding a condition that the pre-existing drainage issue be addressed prior to approval of a building permit.

Commissioner Roth asked if the applicants would have to follow the master grading plan.

Mr. Hunting stated that as each house went in they would have had to match the original grading plan.

Commissioner Simon stated that it did not appear as if the original grading plan has worked so far.

Chair Bartholomew asked for clarification that if the applicant had proposed only 25% impervious surface no approvals would have been necessary as long as they agreed to follow the master grading plan, to which Mr. Hunting replied in the affirmative.

Commissioner Gooch suggested the request be tabled until additional engineering data could be received regarding the drainage in the general area, stating he questioned whether a rain garden would be effective or would just continue to leach the water down to the lots below.

Commissioner Wippermann asked if there were time limitations involved in tabling, to which Mr. Hunting replied the typical 60 days could be extended.

Commissioner Hark stated if it was tabled he would like it to become part of the motion that engineering staff should look at the existing water issue in the area.

Commissioner Roth stated he would like to work with the builder on this request as he understands the applicants could reduce the amount of impervious surface to 25% and thereby construct the home without any further approvals needed.

Chair Bartholomew asked the applicant if he would be agreeable to tabling the request.

Mr. Winter commented that McDonald Construction no longer owns the lot and therefore he

would prefer the Commission took action on the application tonight rather than delaying the property owners. Mr. Winter stated the requested 2.5% impervious surface would actually alleviate runoff to neighboring properties since the extra impervious surface requires the addition of a rain garden.

Commissioner Roth asked where the rain garden would be located, to which Mr. Winter replied the exact location in the back yard had not yet been determined.

Commissioner Gooch questioned whether the water in the rain garden would eventually go to the storm sewer or leach down to the neighbor's back yard, to which Mr. Winter replied it would not, but rather would soak into the ground.

Chair Bartholomew stated rain gardens were designed to leach water into the ground rather than running to neighboring properties.

Mr. Hall asked for the definition of a rain garden.

Mr. Hunting stated rain gardens were recently being used to control stormwater runoff rather than using a traditional piping system. He advised that rain gardens were typically a depression in the ground designed with proper soils, sand, and vegetation to absorb water rather than sending it into the storm sewer.

Chair Bartholomew stated rain gardens have proven to be successful provided they are correctly built and maintained. He then asked who would own and maintain the proposed rain garden.

Mr. Hunting replied the rain garden would be owned and maintained by the property owner; however, the City would have the right to correct it if it became damaged or improperly maintained.

Chair Bartholomew stated he would support the conditional use permit as he had faith in rain gardens and trusted that the design would maintain the water on the applicant's property.

Mr. Hunting recommended that Commissioners move the application forward to Council along with the information that there were apparent water issues in the area that should be looked into. He stated that tabling the request would negatively impact the applicant who was not the cause of the problem.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Wippermann, to deny the request for a conditional use permit to allow for 27.5% impervious coverage to construct a single family home, garage, sidewalk and driveway on an R-1C zoned lot, based on the need for further engineering information, for the property located at 11617 Aileron Court.

Commissioner Schaeffer stated he felt the Commission did not have enough information to make an informed decision. He added that he was opposed to denying the request and thereby penalizing the property owner for a problem that appears to be larger than his specific property.

Commissioner Wippermann agreed that there appears to be an issue larger than just the subject lot, however, he felt it was a major contributor and therefore he supported the motion.

Motion failed (4/5 – Bartholomew, Schaeffer, Roth, Koch, and Scales).

Motion by Commissioner Scales, second by Commissioner Schaeffer, to approve the request for a conditional use permit to allow for 27.5% impervious coverage to construct a single family home, garage, sidewalk and driveway on an R-1C zoned lot, for the property located at 11617 Aileron Court, with the conditions listed in the report.

Chair Bartholomew asked if he could add a condition that the Engineering Department review the overall area to determine the cause of the water issue.

The recommended condition was approved by the motioners.

Motion failed (4/5 – Hark, Koch, Simon, Roth, Wippermann, and Gooch). This matter goes to the City Council on October 12, 2009 without a recommendation.

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: September 9, 2009 **CASE NO.:** 09-28C

HEARING DATE: September 15, 2009

APPLICANT: McDonald Construction

PROPERTY OWNER: Neil and Maureen Mulrooney

REQUEST: A **Conditional Use Permit** to allow for 27.5% impervious coverage to construct a new single family home, garage, sidewalk and driveway on an R-1C zoned lot.

LOCATION: 11617 Aileron Court

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: R-1C, Single family residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY:  Heather Botten
Associate Planner

BACKGROUND

Recently, Section 515.80 Subd. 8 - "R-1A, B, C" Single-Family Residential District was modified to allow up to 30% of impervious coverage with a conditional use permit. The property owner at 11617 Aileron Court would like to construct a new home, driveway, sidewalk, and porch with impervious coverage of about 27.5%.

	Square Feet	Percentage
Lot Area	14,775	-
Proposed Impervious Coverage (House, driveway, sidewalk, porch)	4,062	27.5%

SPECIFIC REQUEST

To develop the property as proposed the applicant is requesting a **Conditional Use Permit** to allow impervious coverage up to 27.5% on a lot in the R-1C, Single Family Residential District.

SURROUNDING USES: The subject site is surrounded by the following uses:

Single Family Residential; zoned R-1C, Single family; guided LDR,
Low Density Residential

EVALUATION OF REQUEST:

GENERAL CUP CRITERIA

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests. This criterion generally relates to the Comprehensive Plan and Zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts.

The proposed conditional use permit meets the above criteria. As shown in Exhibit A, the surrounding properties are all zoned single-family. The proposed single-family home will aesthetically fit in with the neighborhood. Additionally, all setbacks will be met and the applicant has agreed to comply with the storm water treatment conditions, which help maintain the drainage and storm water runoff on the applicant's property.

IMPERVIOUS SURFACE CUP CRITERIA

The City approved a temporary ordinance amendment allowing 25% impervious surface on a property; with a conditional use permit the impervious surface could be increased up to 30% provided the following criteria are met.

- a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
- b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
- d) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
- e) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan.
- f) The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters.

The proposed impervious surface on the lot is about 27.5%. The applicant and property owners have been made aware of the above criteria and the City's standard conditions for treating impervious surface.

Grading and Drainage. The Engineering Department has reviewed the request. The applicant/homeowner would have to mitigate the storm water runoff above the allowed 25%. If the Conditional Use Permit is approved they recommend the conditions listed below be included.

ALTERNATIVES

The Planning Commission has the following alternatives available for the requested action:

- A. Approval** If the Planning Commission finds the Conditional Use Permit to exceed the impervious coverage standards to be acceptable, the Commission should recommend approval of the request with at least the following conditions:
1. The site shall be developed in substantial conformance with the site plan dated August 10, 2009 on file with the Planning Department or as modified herein.
 2. The impervious surface calculations have been provided; the owner shall provide a storm water management system to mitigate at least 370 square feet, or 2.5% of the 14,775 square foot lot size.
 3. Any future impervious space additions for the respective lot will need to meet the requirements of the impervious space requirement at that time.
 4. The temporary erosion control and permanent storm water management plan should capture and route storm water runoff in a manner that does not adversely impact the adjoining or downstream properties.
 5. A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
 6. The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
 7. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
 8. Prior to issuance of a building permit, a storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
 9. Prior to issuance of a building permit, an Inspection Escrow in the amount of \$370 (or 1\$ per square foot of impervious space to be treated, whichever is greater) and a Construction Escrow of \$1480 (or \$4 per square foot of impervious space to be treated, whichever is greater) shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. The City Engineer reserves the right to have both a cash escrow for expenses, fees, inspections and maintenance requirements

and an additional construction escrow assuring the storm water facility is constructed properly.

10. The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed design parameters.
11. Prior to release of the remainder of the Inspection Escrow and Construction Escrow, the storm water facility needs to be constructed in its entirety, vegetation planted, and approved by the Engineering Division.
12. All existing easements shall be shown on the building permit submittal to ensure that the proposed structures are not encroaching in an easement area dedicated to the City. If there is encroachment, it will be the sole discretion of the City Engineer to either accept or deny the proposed encroachment.

B. Denial If the Planning Commission does not favor the proposed Conditional Use Permit, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial 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 conditional use permit request.

Attachments: Exhibit A - Location/Zoning Map
 Exhibit B - Applicant Narrative
 Exhibit C - Survey



McDonald Construction Case No. 09-28C

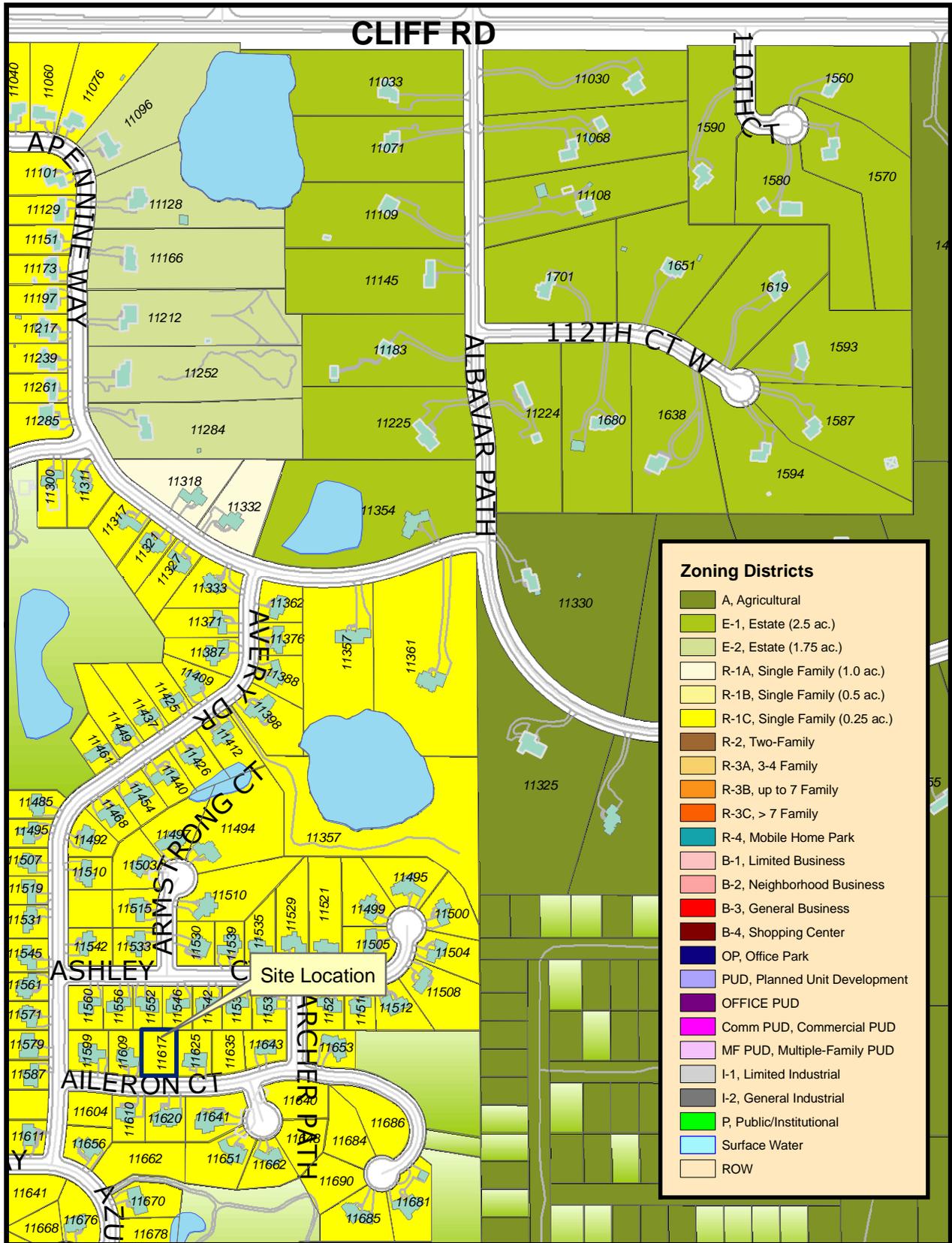


Exhibit A
Zoning and Location Map

To Whom It May Concern:

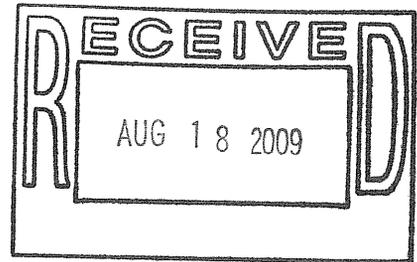
Neil & Maureen Mulrooney purchased a lot at 11617 Aileron ct I.G.H.
They designed a home that totals 4062 square feet of impervious surface
The 4062 includes the home, garage, sidewalk, front porch and driveway.
The lot is 14775 square feet in size. This puts the home 2.5% over the cities
25% impervious surface ordinance.

The Mulrooney's are asking for a conditional uses permit.
With the condition that they construct and maintain a rain garden that collects,
holds & perks 2.5% of the lots total square feet of rain water.

Sincerely



William J Winter



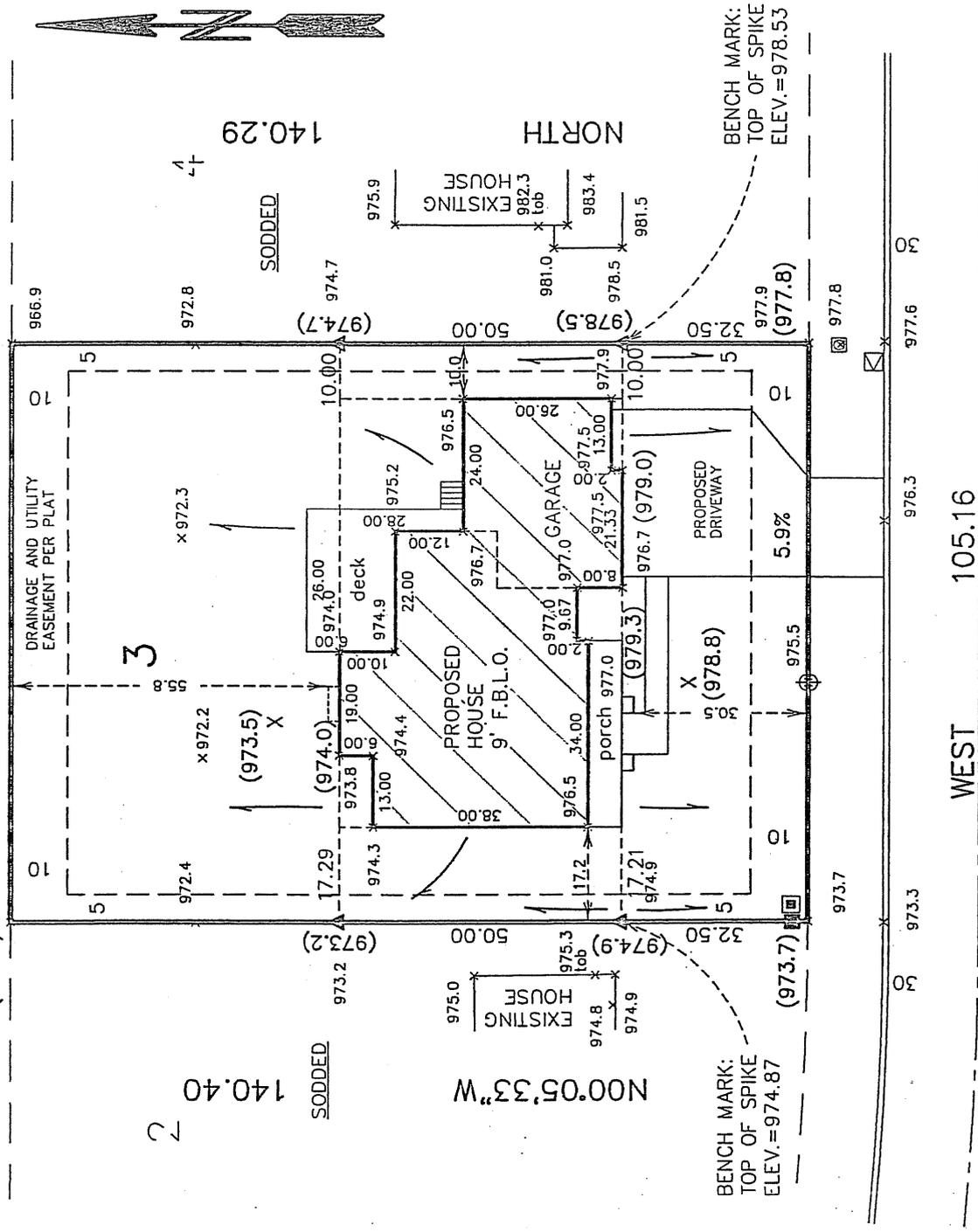
Certificate of Survey for: MCDONALD CONSTRUCTION

ADDRESS: 11617 AILERON COURT, INVER GROVE HEIGHTS, MN
BUYER: MODEL ELEVATION:

LOT AREA = 14,775 sq. ft.
HOUSE AREA = 2,767 sq. ft.
SIDEWALK AREA = 145 sq. ft.
PORCH AREA = 204 sq. ft.
DRIVEWAY AREA = 946 sq. ft.
COVERAGE = 27.5%

N89°56'11"W 105.39

(970.0) 970.0 (966.9)



[PRINT ON 8.5" X 14" SHEET]

BENCH MARK:
TOP NUT HYDRANT L4-5 B3
ELEV.=982.41

- NOTE: ADD BRICK LEDGE AS REQUIRED
- NOTE: GRADING PLAN BY HUMPHREY LAST DATED 4-14-05 WAS USED TO DETERMINE THE PROPOSED ELEVATIONS SHOWN ON THIS CERTIFICATE.
- NOTE: PROPOSED BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL LOCATION OF STRUCTURES ON THE LOT ONLY. CONTACT BUILDER PRIOR TO CONSTRUCTION FOR APPROVED CONSTRUCTION PLANS.
- NOTE: NO SPECIFIC SOILS INVESTIGATION HAS BEEN PERFORMED ON THIS LOT BY THE SURVEYOR. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC HOUSE PROPOSED IS NOT THE RESPONSIBILITY OF THE SURVEYOR.
- NOTE: THIS CERTIFICATE DOES NOT PURPORT TO SHOW EASEMENTS OTHER THAN THOSE SHOWN ON THE RECORDED PLAT.
- NOTE: CONTRACTOR MUST VERIFY DRIVEWAY DESIGN.
- NOTE: BEARINGS SHOWN ARE BASED ON AN ASSUMED DATUM

LOWEST ALLOWABLE FLOOR ELEV. : (970.5)

HOUSE ELEVATIONS : (PROPOSED)/ASBUILT

LOWEST FLOOR ELEVATION : (971.3)

TOP OF FOUNDATION ELEV. : (980.0)

GARAGE SLAB ELEV. @ DOOR: (979.0)

T.O.F. ELEVATION @ LOOKOUT: (974.5)

- X 000.00 DENOTES EXISTING ELEVATION
- (000.00) DENOTES PROPOSED ELEVATION
- DENOTES DRAINAGE AND UTILITY EASEMENT
- DENOTES DRAINAGE FLOW DIRECTION
- ▲ DENOTES SPIKE
- 0000.0 DENOTES ELEVATION ON _____
- (XXX.X) E.O.F. DENOTES EMERGENCY OVERFLOW

WE HEREBY CERTIFY TO MCDONALD CONSTRUCTION THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY OF THE BOUNDARIES OF:

LOT 3, BLOCK 3, WOODLAND PRESERVE
DAKOTA COUNTY, MINNESOTA

IT DOES NOT PURPORT TO SHOW IMPROVEMENTS OR ENCROACHMENTS, EXCEPT AS SHOWN, AS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION THIS 7TH DAY OF AUGUST, 2009.

SCALE : 1 INCH = 30 FEET

7078 108046007 NJK/MTW

REVISION:	DATE:	BY:
B-10-09	STAKE	

SIGNED: PIONEER ENGINEERING, P.A.
BY:

Peter J. Hawkinson License No. 42299

Kim Fox

From: Heather Botten
Sent: Tuesday, September 29, 2009 3:57 PM
To: Kim Fox
Subject: FW: McDonald Construction- case no. 09-28C; 11617 Aileron Court

From: Eric Curtin [mailto:curtin@ip-firm.com]
Sent: Tuesday, September 15, 2009 4:02 PM
To: Allan Hunting
Subject: McDonald Construction- case no. 09-28C; 11617 Aileron Court

Dear Mr. Hunting and Members of the Planning Commission:

I am writing in regard to the above-referenced case to be discussed at tonight's Planning Commission meeting, as I am unable to attend the meeting in person. As a local resident (11571 Avery Drive), I would like to voice concern over general drainage in the area of concern, and in particular over the effect that increasing any impervious cover would have. As I believe the city is aware, there is a serious drainage issue that resulted from the construction of the development in which a variance is sought in the above case, in that the homes and street along Ashley Court remain under nearly constant flood-type conditions. Biking down Ashley Court with my four-year old, there is often standing water in the street in front of the Ashley Court properties that are adjacent the property at issue (11617 Aileron Court). At times, there is also mold and/or other slippery vegetative growth in that area, which can make biking or walking down the street particularly dangerous for kids.

At this time, the drainage is insufficient and poses serious health and hazard issues, immediately via the standing water in the streets, and potentially via mold growth and other water damage that may occur. These issues are particularly prevalent during periods of heavy participation and thawing. In specific regard to the requested variance, adding structure that exceeds the limit upon impervious coverage would only exasperate this issue, absent corrective measures to address the current drainage issue.

Given the established drainage problems and further considering the continued development of the area at issue, it is important that the Planning Commission and the City Planner ensure that proper action is taken. I ask that the Planning Commission and City Planner address the drainage issue with the developer/builder, and ensure that corrective measures are taken by requiring that a new drainage plan along the north side of the development be developed and implemented. In considering action (or lack thereof), I also strongly suggest that the planning commission consider potential liability in this matter, for accidents and other damage that may occur, should the drainage issue be left unaddressed and/or should any further variances that worsen the conditions be approved.

Thanks for your time.

Best regards,

Eric J. Curtin
Attorney at Law
Crawford Maunu
Intellectual Property Attorneys
1150 Northland Dr., Suite 100

Heather Botten

From: Allan Hunting
Sent: Monday, September 21, 2009 7:03 AM
To: Heather Botten
Subject: FW: Case No. 09-28C

From: Carol Becker [mailto:carolebays2003@yahoo.com]
Sent: Sunday, September 20, 2009 10:27 AM
To: Allan Hunting
Subject: Case No. 09-28C

Dear Mr. Hunting,

We received the Public Hearing Notice regarding PID No. 20-84800-030-03 in which McDonald Construction is requesting a conditional use permit to allow for 27.5% impervious coverage for construction. As property owners within 350 of this location, we support this request. Thank you for allowing us to participate in this variance request process.

Carol and Matthew Becker
11643 Aileron Court
IGH, MN 55077
651-797-2870

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

SHEEHAN/WOODS; Consider a Resolution regarding a **Variance** from front yard setbacks to construct a covered porch for property located at 6455 Delaney Avenue.

Meeting Date: October 12, 2009
Item Type: Regular Agenda
Contact: Jenn Emmerich; 651.450.2553
Prepared by: Jenn Emmerich, Asst. 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

- a) Consider a resolution for a variance from front yard setbacks to construct a covered porch.
 - Requires 3/5th's vote
 - 60-day deadline: October 16, 2009 (1st 60 days)

SUMMARY

Background The applicant has submitted a variance request to construct a porch addition that would encroach within the front yard setback of their R-1C, Single Family Residential lot. The lot currently features the applicant's home, detached garage and small shed. The house is currently setback 30' from the front property line, which is the minimum setback according to the City Code. The applicant is requesting a variance to construct a 24 square foot (4' x 6') porch addition that would extend four feet into the required setback.

Analysis Though the property does not have any special conditions that make it unique, the proposed addition is reasonable and the setback encroachment is marginal. Furthermore, the setbacks within the neighborhood are not consistent. Therefore, the proposed porch addition would not make the house look out of character. The hardship of the request is that the applicant's home is located at the 30' setback line and any addition would require a variance. They are requesting this variance to mitigate a drainage/water damage issue. Currently, the rainwater causes water damage to the front of the house. The applicant has already had to replace the wood because the damage was substantial.

RECOMMENDATION

Planning Staff Recommends approval of this request.

Planning Commission Recommends approval of the request (9-0).

Parks and Recreation Not applicable.

Attachments Variance Approval Resolution
Planning Commission Recommendation
Planning Report

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A VARIANCE TO CONSTRUCT A PORCH ADDITION
THAT WOULD ENCROACH FOUR FEET WITHIN THE FRONT YARD SETBACK.**

**CASE NO. 09-27V
(Sheehan/Woods)**

Property located at 6455 Delaney Avenue and legally described as follows:

All of Lots 21 & 22, Block 16, of Inver Grove Factory Addition, of Dakota County, Minnesota

WHEREAS, an application has been received for a Variance from the front yard setback standard to construct a porch addition that would encroach four feet into the front yard setback;

WHEREAS, the afore described property is zoned R-1C, Single Family Residential;

WHEREAS, a Variance may be granted by the City Council from the strict application of the provisions of the Zoning Code (City Code Title 10) 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, Title 10, Chapter 3, Section 10-3-4;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on September 15, 2009 in accordance with City Code Title 10, Chapter 3, Section 10-3-4;

WHEREAS, a hardship, was found to exist because the applicant's house is constructed right at the front yard setback line and this addition is necessary to mitigate a water damage/drainage issue. The proposed addition is reasonable and the setback encroachment is marginal. Furthermore, the setbacks within the neighborhood are not consistent. Therefore, the proposed porch addition would not make the house look out of character.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to construct a porch addition that encroaches four feet into the front yard setback is hereby approved with the following condition:

1. The site shall be developed in substantial conformance with the site plan dated August 17, 2009 on file with the Planning Department.

BE IT FURTHER RESOLVED 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 this 12th day of October, 2009.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Melissa Rheaume, Deputy Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: September 15, 2009
SUBJECT: SHEEHAN/WOODS – CASE NO. 09-27V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance from the front yard setback to construct a covered porch addition for the property located at 6455 Delaney Avenue. 4 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He stated the request was for a variance to add a 4' x 6' covered porch onto the front of the house which would encroach four feet into the front yard setback. The applicant has stated the primary reason for the front porch is to correct a drainage problem but because the home is constructed right at the setback line, the applicant cannot construct a porch addition without a variance. Furthermore, City Code allows uncovered appurtenances to extend six feet into the front yard setback whereas the proposed porch would only extend four feet. Mr. Hunting advised that a similar request for the Herdtle's recently came before the Planning Commission. Staff believes the variance criterion has been met and therefore recommends approval with the condition listed in the report.

Chair Bartholomew asked what action was taken on the Herdtle request, to which Mr. Hunting replied it was approved by City Council.

Mr. Hunting advised that staff heard from one resident who was in support of the request.

Commissioner Wippermann stated he felt the proposed porch would enhance the aesthetics of the home.

Opening of Public Hearing

There was no public testimony.

Regarding the absence of the applicants, Mr. Hunting advised that staff has had difficulty getting in contact with them in the past and they may not have received notice of tonight's meeting.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Roth, to approve the request for a variance from the front yard setback to construct a covered porch addition, for the property located at 6455 Delaney Avenue, with the hardship as listed and one condition.

Motion carried (9/0). This matter goes to the City Council on October 12, 2009.

PLANNING REPORT

CITY OF INVER GROVE HEIGHTS

REPORT DATE: September 10, 2009 **CASE NO.:** 09-27V

APPLICANT: Sheehan/Woods

REQUEST: A variance to construct a porch that would encroach within the front yard setback.

HEARING DATE: September 15, 2009

LOCATION: 6455 Delaney Avenue, Inver Grove Heights, MN

COMP PLAN: LDR, Low Density Residential

ZONING: R-1C, Single-Family Residential District

REVIEWING DIVISIONS: Planning **PREPARED BY:** Jennifer Emmerich
Assistant Planner

BACKGROUND

The applicant has submitted a variance request to construct a porch addition that would encroach within the front yard setback of their R-1C, Single Family Residential lot. The lot currently features the applicant's home, detached garage and small shed. The house is currently setback 30' from the front property line, which is the minimum setback according to the City Code. The applicant is requesting a variance to construct a 24 square foot (4' x 6') porch addition that would extend four feet into the required setback.

SPECIFIC REQUEST

To construct the 24 square foot addition, the applicants have requested a variance to encroach within the front yard setback in accordance with Title 10, Chapter 3, Section 10-3-4.

SURROUNDING USES

The subject site is surrounded by single-family homes, all zoned R-1C, Single Family Residential and guided LDR, Low Density Residential.

EVALUATION OF REQUEST:

As indicated earlier, the applicant is requesting a variance to construct a porch addition that encroaches within the front yard setback. Title 10, Chapter 3, Section 10-3-4D of the City Code, states that the City Council may grant variances in instances where practical

difficulties exist or where a hardship would be imposed upon the property owner if the code were strictly enforced. In order to grant the requested variances, the City Code identifies several criteria which are to be considered. The applicant's request is reviewed below against those criteria.

- a. *Special conditions apply to the structure or land in question which are peculiar to such property or immediately adjoining property, and do not apply generally to other land or structures in the district in which said land is located.*

The general intent of this standard is to limit the precedent that could be set if the variance was granted. The property does not have any special conditions that make it unique. However, the proposed addition is reasonable and the setback encroachment is marginal. Furthermore, the setbacks within the neighborhood are not consistent. Therefore, the proposed porch addition would not make the house look out of character. Lastly, the applicant has stated that the primary reason for the front porch is to protect the front door from the elements. Staff agrees that a front porch would achieve this.

- b. *The granting of the application will not be contrary to the intent of the Zoning Code or the Comprehensive Plan.*

The application is not contrary to the Comprehensive Plan as the future land use is Low Density Residential.

- c. *The granting of such variance is necessary as a result of a demonstrated undue hardship or difficulty, and will not merely serve as a convenience to the applicant.*

The applicant's are requesting the variance to correct a drainage problem. Currently, the rainwater causes water damage to the front of the house. The applicant has already had to replace the wood because the damage was substantial. Because the home is constructed right at the setback line, the applicant cannot construct a porch addition without a variance. Furthermore, City Code allows uncovered appurtenances to extend six feet into the front yard setback. The applicant's porch would only extend four feet into the front yard setback.

- d. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do not appear to be a basis for this request.

ALTERNATIVES

The Planning Commission has the following alternatives available for the requested action:

- A. **Approval.** If the Planning Commission favors the requested Variance, the Commission should recommend approval of the request with at least the following condition:

1. The site shall be developed in substantial conformance with the site plan dated August 17, 2009 on file with the Planning Department.

Hardship: The applicant is requesting this variance to construct a porch that would solve a drainage/water issue. Because the house is constructed right at the setback line, a variance is required for any type of addition. The appurtenance would encroach within the front yard setback marginally and it would not cause the home to be out of character with the neighborhood.

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

RECOMMENDATION

Staff believes that the variance criterion has been met and therefore Staff recommends approval of the variance as presented.

Attachments: Exhibit A – Location/Zoning Map
Exhibit B – Applicant Narrative
Exhibit C – Site Plan



Sheehan/Woods Request Case No. 09-27V

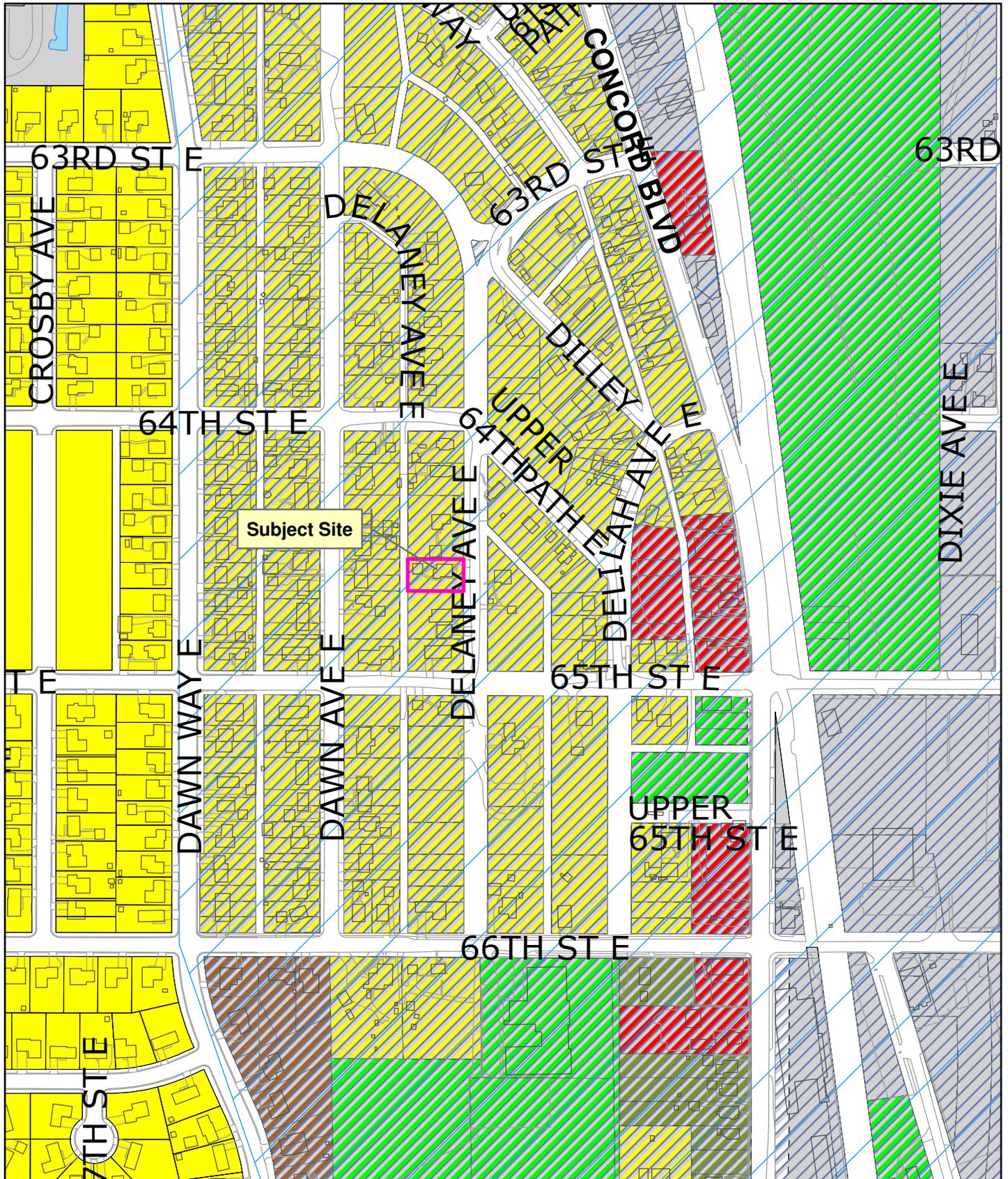


Exhibit A
Zoning Map

Variance
6455 Delaney Ave
Shannon Woods
Tim Sheehan
8/17/09

We just purchased the house at 6455 Delaney Ave on May 29, 2009. The house was bank owned and in poor repair. There is no overhang on the front of the house, so when it rains or snows water runs straight down the front of the house. As a result, the wood below the font door, above the foundation, had severe water damage and rot, and needed to be replaced. We would like to build a small porch with an overhang to protect the front door area from water damage from rain, ice, and snow.

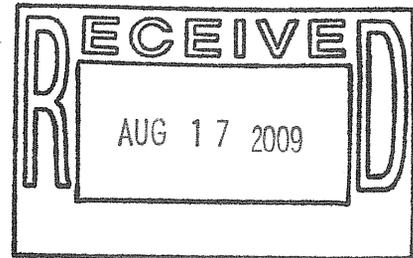
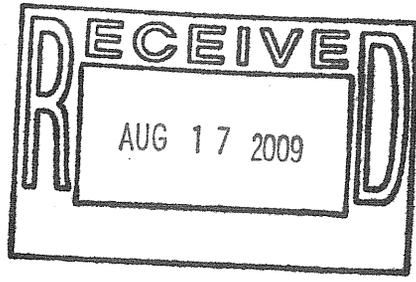


EXHIBIT B



Lot
.25 acres

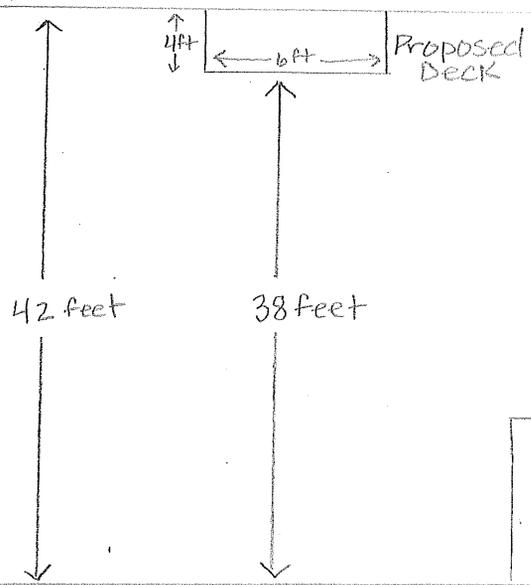
Concrete
70 sf

Garage
576 sf

Sidewalks
71 sf

House
1300 sf

Driveway
1665 sf



CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CITY OF INVER GROVE HEIGHTS, NONCONFORMITIES - Case No. 09-29ZA

Meeting Date: October 12, 2009
 Item Type: Regular
 Contact: *HB* Heather Botten 651.450.2569
 Prepared by: Heather Botten, Associate Planner
 Reviewed by: LeVander, Gillen, & Miller, P.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"/>	Other

PURPOSE/ACTION REQUESTED

Consider the First Reading of a **Zoning Code Amendment** relating to the maintenance and repair of nonconforming uses and structures:

- Require's a 3/5th's vote.

SUMMARY

The Minnesota Legislature amended Minnesota Statute 462.357, the statute that governs non-conforming properties a few years ago. To be consistent with state statute, the City Code should be amended to conform to Minn. Stat. 462.357, as amended. The amended language addresses improvements and changes to existing nonconforming uses and structures.

Based upon our analysis of Minn. Stat. 462.357 and the City Ordinance, staff has concluded that the City should amend City Ordinance Title 10, Chapter 16. More specifically, sections 10-16-4 (A) and (C) and 10-16-5 (C). The amendment allows property owners of nonconforming uses and structures more rights and flexibility than what the code currently allows. Owners of nonconforming uses or structures may perform maintenance and repair on non-conforming uses and structures. Under the amended statute the owner may also "replace", "restore", or "improve" the nonconforming use or structure, as long as the owner does not expand it.

Planning Staff: Based on the information provided staff recommends approval of the ordinance amendment.

Planning Commission: Also recommends approval of the request (9-0).

Attachments: Draft Ordinance with proposed changes
 Planning Commission Recommendation
 Planning Staff Report

Chapter 16

NONCONFORMITIES

10-16-1: CONTINUANCE OF NONCONFORMITY:

- A. Any lawful nonconformity may be continued at the size and in a manner of operation existing upon the date that such use became a lawful nonconformity, except as hereinafter specified.
- B. Any lawful nonconforming use of land not involving a structure, and any lawful nonconforming use involving a structure with an assessor's full and true valuation, upon the effective date hereof, of one thousand dollars (\$1,000.00) or less may be continued for a period of thirty six (36) months, and billboards, as defined in this title, regardless of their valuation, may be continued for a period of thirty six (36) months after becoming nonconforming, whereupon such nonconforming use shall cease. (Ord. 1098, 11-8-2004)

10-16-2: DISCONTINUANCE OF NONCONFORMITY; CHANGE TO CONFORMING USE:

When any lawful nonconformity in any district is discontinued for a period of more than twelve (12) months or is changed to a conforming use, any future use of said structure or land shall be in conformity with the provisions of this title. (Ord. 1098, 11-8-2004)

10-16-3: CHANGE OF USE:

A lawful nonconforming use of a structure or parcel of land may be changed to a similar or more restrictive nonconforming use. Once a structure or parcel of land has been placed in a more restrictive nonconforming use, it shall not return to a less restrictive nonconforming use. (Ord. 1098, 11-8-2004)

10-16-4: MAINTENANCE AND REPAIRS:

- A. Normal maintenance, repair, replacement, improvement, and restoration of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not expand, extend, or intensify the nonconforming use unless otherwise allowed by City Code.
- B. Nothing in this title shall prevent the placing of a structure in safe condition when the building official declares said structure unsafe. (Ord. 1098, 11-8-2004)
- C. Whenever a lawful nonconforming structure shall have been damaged by fire, flood, explosion, earthquake, war, riot, act of nature or similar occasion, it may be reconstructed and used as before if it is reconstructed within twelve (12) months after such calamity, unless the damage to the building or structure is fifty percent (50%) or more of its fair market value as estimated by the building official and approved by the council, in which case, the reconstruction shall be for a use in accordance with the provisions of this title, except that where a structure is damaged more than fifty percent (50%) of its fair market value and no building permit has been applied for within 180 days of when the property is damaged, the owner may apply for a special permit for approval to reconstruct a nonconforming structure

for its use prior to the damage. If When the council grants such special use permit, the council may impose such conditions upon the permit as deemed necessary to mitigate any newly created impact on adjacent property or to protect public health, safety or welfare. (Ord. 1098, 11-8-2004; amd. 2008 Code)

10-16-5: ENLARGEMENT; ALTERATIONS:

- A. A lawfully existing nonconforming structure or structure containing a legally existing nonconforming use may expand its gross floor area by ten percent (10%) if the following criteria are satisfied:
1. A complete building permit application shall be submitted to the building inspections division, found satisfactory and issued prior to the commencement of any work on the expansion.
 2. The structure expansion shall meet all of the bulk standards for the zoning district within which the structure is located. A variance may be applied for if the structure expansion could not meet the respective bulk standards. The variance application and its review by the city shall be regulated according to section 10-3-4 of this title.
 3. If an expansion is requested under this subsection, the city may impose standards and/or conditions upon the underlying nonconforming use or structure for purposes of health, safety or welfare.
- B. A lawfully existing nonconforming structure or structure containing a legally existing nonconforming use may conditionally expand its gross floor area by up to thirty percent (30%) if the following criteria are satisfied:
1. A complete conditional use permit application shall be applied for and approved by the city council. Chapter 3, article A of this title shall regulate the city review and approval or denial of the conditional use permit.
 2. A complete building permit application shall be submitted to the building inspections division, found satisfactory and issued prior to the commencement of any work on the expansion.
 3. The structure expansion shall meet all of the bulk standards for the zoning district within which the structure is located. A variance may be applied for if the structure expansion does not meet the respective bulk standards. The variance application and its review by the city shall be regulated according to the section 10-3-4 of this title.
 4. If an expansion is requested under this subsection, the city may impose standards and/or conditions upon the underlying nonconforming use or structure for purposes of health, safety or welfare.
- C. Alterations or improvements may be made to a building containing lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or bulk of the building, except that a garage may be added if none previously existed. (Ord. 1098, 11-8-2004)

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: September 15, 2009
SUBJECT: **CITY OF INVER GROVE HEIGHTS – CASE NO. 09-29ZA**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Title 10, Chapter 16 – Nonconformities, relating to maintenance and repair non-conforming uses and structures. No notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the Minnesota Legislature amended the state statute that governs non-conforming properties. To be consistent with state statute, the City Code should be amended to conform to Minn. Stat. 462.357, as amended. The amended language addresses improvements and changes to existing non-conforming uses and structures. The amendments allow property owners of non-conforming uses and structures more rights and flexibility than what the code currently allows. Staff recommends approval of the ordinance amendment as shown in the planning report.

Commissioner Wippermann asked if the City was required to change City Code to be consistent with state statute.

Mr. Hunting replied it was wise to have consistency between City Code and state statute language, and he advised that state statute always supersedes City Code.

Commissioner Wippermann stated it appeared as if the existing ordinance was more restrictive than state statute.

Opening of Public Hearing

There was no public testimony.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Koch, to approve the request for an ordinance amendment to Title 10, Chapter 16 – Non-conformities, relating to the maintenance and repair of non-conforming uses and structures, as listed in the report.

Motion carried (9/0). This matter goes to the City Council on October 12, 2009.

PLANNING REPORT

CITY OF INVER GROVE HEIGHTS

REPORT DATE: September 8, 2009

CASE NO.: 09-29ZA

HEARING DATE: September 15, 2009

APPLICANT: City of Inver Grove Heights

REQUEST: An **Ordinance Amendment** to Title 10, Chapter 16 – Nonconformities, relating to the maintenance and repair of nonconforming uses and structures

REVIEWING DIVISIONS: Planning

PREPARED BY:  Heather Botten
Associate Planner

BACKGROUND

The Minnesota Legislature amended Minnesota Statute 462.357, the statute that governs non-conforming properties a few years ago. To be consistent with state statute, the City Code should be amended to conform to Minn. Stat. 462.357, as amended. The amended language addresses improvements and changes to existing nonconforming uses and structures.

EVALUATION OF THE REQUEST

Based upon our analysis of Minn. Stat. 462.357 and the City Ordinance, staff has concluded that the City should amend City Ordinance Title 10, Chapter 16. More specifically, sections 10-16-4 (A) and (C) and 10-16-5 (C).

Section 10-16-4(A) should be amended to reflect that not only may owners of nonconforming uses or structures perform maintenance and repair on non-conforming uses and structures under the amended statute, but the owner may also "replace", "restore", or "improve" the non-conforming use or structure, as long as the owner does not expand it. Currently, City Ordinance permits only the performance or normal maintenance and necessary repairs and incidental alterations to nonconforming uses and structures.

Section 10-16-4 (C) should be amended to reflect that when the City issues a special permit for the reconstruction of a nonconforming use or structure that is rebuilt because of destruction of more than 50% of the market value of the nonconforming use or structure, the City may impose "reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property." Additionally this permit must be issued as a matter of right, rather than discretion by the City.

Finally, Section 10-16-5 (C) should be amended to reflect that not only may owners of nonconforming uses or structure make alterations, but they may also make *improvements* to their properties, assuming it does not expand or intensify the use of the nonconforming use or structure. Currently the ordinance only allows alterations to the nonconforming uses or structure.

ALTERNATIVES

The Planning Commission has the following actions available on the following requests:

- A. **Approval.** If the Planning Commission finds the amendment to be acceptable, the following action should be taken:
- Approval of an **Ordinance Amendment** to Title 10, Chapter 16 (Nonconformities) of the City Code adopting regulations related to the changes in Minnesota Statute.
- B. **Denial.** If the Planning Commission does not favor the proposed amendment, 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 recommends approval of the ordinance amendment as presented.

Attachments: Amended Ordinance- Chapter 16, Nonconformities

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CITY OF INVER GROVE HEIGHTS; Consider the third and final reading for a **Zoning Code Amendment** relating to exterior building materials in the rural zoning districts (A, E-1, E-2).

Meeting Date: October 12, 2009
 Item Type: Regular Agenda
 Contact: Jenn Emmerich; 651.450.2553
 Prepared by: Jenn Emmerich, Asst. City Planner
 Reviewed by: Levander, Gillen & Miller

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

- a) Consider the third and final reading for a zoning code amendment relating to exterior building materials in the rural zoning districts (A, E-1 and E-2).
- Requires 3/5th's vote

SUMMARY

Background The City Council directed staff to hold a public hearing regarding changing the requirements relating to exterior building materials. Planning Commission held a public hearing on August 18, 2009 and the first and second readings of the ordinance were heard on September 14, 2009 and September 28, 2009.

Analysis The attached draft ordinance has not been modified since the second reading. If approved, it would allow plastic hoop structures in the “A” and “E” zoning districts, provided they meet the following criteria:

- The lot must be greater than or equal to 2.5 acres
- The maximum size is 500 square feet
- The minimum setback from all property lines is 50 feet.

RECOMMENDATION

Planning Staff Recommends approval of this ordinance amendment.

Planning Commission Recommends approval of the request (7-0).

Parks and Recreation Not applicable.

Attachments Ordinance Amendment

CITY OF INVER GROVE HEIGHTS

DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 10, CHAPTER 15, SECTION 10-15-17 (ZONING CODE – EXTERIOR BUILDING MATERIALS) OF THE CITY CODE.

The City of Inver Grove Heights hereby ordains as follows:

SECTION 1. AMENDMENT. Inver Grove Heights City Code Title 10, Chapter 15, Section 10-15-17 is amended to read as set forth below.

Title 10, Chapter 15, Section 10-15-17. EXTERIOR BUILDING MATERIALS.

- A. Commercial, Industrial And Institutional Buildings: All exterior vertical surfaces of any principal or accessory structure in a B, I or P zoning district shall have an equally attractive or the same fascia as the front. At least fifty percent (50%) of the exterior vertical surface shall consist of one or a combination of the following or similar materials: brick veneer; sculptured, textured or concrete block or panels; natural wood siding; steel, aluminum or vinyl lap siding; natural stone or glass. A maximum of one-third ($\frac{1}{3}$) of a building wall is permitted to have sheet or corrugated steel or aluminum finish.
- B. Residential Principal Structures:
 - 1. All exterior surfaces of a residential principal structure must be completed within one year of the issuance of a building permit. A six (6) month extension may be granted if a written request is submitted to the city planner ten (10) working days prior to the termination of the one year time limit.
 - 2. Exterior walls of all principal structures in all residential zoning districts (R, A, and E districts) must be covered only with siding (e.g., wood, vinyl, aluminum or

metal horizontal lap), stucco, brick, glass, composite plastic or other comparable material as approved by the city planner.

3. Cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal shall be prohibited as final covers for exterior walls and roofs for all principal structures in all residential zoning districts (R, A and E districts).

C. Residential Accessory Structures:

1. Completion Period: All exterior surfaces of a residential accessory structure must be completed within one year of beginning construction. A six (6) month extension may be granted if a written request is submitted to the city planner ten (10) working days prior to the termination of the one year time limit.

2. Allowed Materials: Exterior walls of all accessory structures in all residential zoning districts (R, A and E districts) must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass, composite plastic or other comparable material as approved by the city planner. Provided, however, sheet metal, corrugated metal or shaped metal material may also be used to cover exterior walls of accessory structures under one hundred twenty (120) square feet in all residential zoning districts (R, A and E districts).

3. Prohibited Materials: Cloth, fabric, canvas, plastic sheets, tarps, tarpaper and insulation shall be prohibited as final covers for exterior walls and roofs for all accessory structures in all residential zoning districts (R, A and E districts). In all residential zoning districts (R, A and E districts), the placement or use of framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in subsection C5 of this section.

4. Conditional Use Permit: Except for structures under one hundred twenty (120) square feet, sheet metal, corrugated metal or shaped metal material used to cover exterior walls shall be prohibited on all residential detached accessory structures, unless a conditional use permit is approved for its use by the city council. A conditional use permit may only be issued by the city council for sheet metal, corrugated metal or shaped metal material siding for lots in the A or E-1 zoning districts, and only if the sheet metal, corrugated metal or shaped metal material siding has a thickness of at least 29-gauge, and comes with a manufacturer's warranty of at least twenty (20) years.

5. Apparatus: All limitations, restrictions, regulations, prohibitions and standards set forth in this subsection C relating to accessory structures shall also apply to the following:

Nonpermanent or movable apparatus or units, not permanently affixed to the ground, consisting of a frame that is to be used for or intended to be used for storage or other use. These include apparatus commonly known as hoop houses or other

hoop designed apparatus, tent garages and other similar apparatus.

The framing for hoop houses or other hoop designed apparatus, tent garages and other similar apparatus is prohibited, whether it is an accessory structure or an apparatus as described in this subsection C5.

6. Exceptions: The following are excluded from the requirements of this subsection C.

a. Playground equipment.

b. Camping tents and special event tents which are in place for less than five (5) days.

c. Commercial greenhouses.

d. Accessory structures to principal agricultural uses (i.e., farms, ranches, stables, greenhouses, nurseries, and uses deemed similar by the city council) in the A and E-1 zoning districts.

e. Accessory structures used as carports and nonpermanent or movable apparatus or units used as carports. (Ord. 1182, 9-8-2008)

f. Hoop houses and other hoop designed apparatus, whether as accessory structures and non-permanent or moveable apparatus may be placed and used and may be covered with plastic sheets if they meet the following:

1. Located on lots greater than or equal to 2.5 acres in the "A" and "E" Zoning Districts;
2. Maximum size of 500 square feet; and
3. Minimum setback of 50 feet from all property lines.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this ____ day of _____, 2009.

Ayes ____

Nays ____

George Tourville, Mayor

Attest:

Melissa Rheame, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Process in Which to Value Parkland Related to Private Encroachments

Meeting Date: October 12, 2009
 Item Type: Regular Agenda
 Contact: Eric Carlson – 651.450.2587
 Prepared by: Eric Carlson
 Reviewed by: Eric Carlson – Parks & Recreation

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

Review process for determining the value of park land for the purpose of selling property to adjacent land owners with encroachments.

SUMMARY

The City has been locating park property boundaries of city park land. In some cases, the private property owners appear to have encroached onto city park land. On June 22, 2009 the Council directed staff to send a letter to residents who appear to have private improvements on City park property directing them to remove their encroachments.

Mr. and Mrs. Renner, living at 7907 Conroy Way, received a letter based on the fact that a portion of their fence is located in Oakwood Park. The Renner's have requested that the City sell them a portion of park property.

On September 28th the Council directed staff to develop a process in which the City would place a value on city parkland. Each case would be handled on a case-by-case basis to determine if there are any adverse impacts in selling the public park property to the private property owner. If the Council determines the land should not be sold, the City would require that the private improvements be removed by the property owner at the property owner's expense. In cases where it is determined the property can be sold the following process would be used:

- City would determine the value of the land by using the Dakota County property web site. (<http://gis.co.dakota.mn.us/scripts/esrimap.dll?Name=webq1&Cmd=Map&>)
- City would check land value for four properties in the immediate area of the property in question plus the property currently owned by the property owner
- The value of the property would be converted into a cost per square foot
- The values would be added and averaged together to determine the average value per square foot
- The average value would be used and multiplied by the square footage needed to correct the encroachment of the private land owner
- Once the value is determined, the landowner would be given the option to purchase the property once approved by the City Council.
- Landowner would pay for all costs associated with:

- Survey
 - Recording
 - Preparation of Legal Documents
 - Filing Fee(s)
- City Attorney would review landowner prepared documents to determine accuracy\correctness
 - Once the City Attorney approves of the documents, the sale would be brought before the City Council for official action.

The following are three examples taken around three parks in the city:

Oakwood Park

	Address	Street	Acres	2009 Estimated Land Value	Sq Ft	Value per sq ft
	7907	Conroy Way E	0.29	\$ 59,200	12,632.40	\$ 4.69
	7897	Conroy Way E	0.28	\$ 60,300	12,196.80	\$ 4.94
	7915	Conroy Way E	0.28	\$ 56,400	12,196.80	\$ 4.62
	7927	Conroy Way E	0.29	\$ 56,400	12,632.40	\$ 4.46
	7885	Conroy Way E	0.29	\$ 56,400	12,632.40	\$ 4.46
Total			1.43	\$ 288,700	62,290.80	\$ 23.18
Average			0.286	\$ 57,740	12,458.16	\$ 4.64

Skyview Park

	Address	Street	Acres	2009 Estimated Land Value	Sq Ft	Value per sq ft
	3970	67th St E	0.28	\$ 56,400	12,196.80	\$ 4.62
	3926	67th St E	0.47	\$ 56,700	20,473.20	\$ 2.77
	6799	Dawn Ave	0.28	\$ 54,100	12,196.80	\$ 4.44
	6771	Dawn Ave	0.28	\$ 55,300	12,196.80	\$ 4.53
	6745	Dawn Ave	0.28	\$ 55,800	12,196.80	\$ 4.57
Total			1.59	\$ 278,300	69,260.40	\$ 20.94
Average			0.318	\$ 55,660	13,852.08	\$ 4.19

Southern Lakes Park

	Address	Street	Acres	2009 Estimated Land Value	Sq Ft	Value per sq ft
	10778	Allison Way	0.3	\$ 91,100	13,068.00	\$ 6.97
	10786	Allison Way	0.28	\$ 95,700	12,196.80	\$ 7.85
	10769	Alberton Way	0.33	\$ 95,700	14,374.80	\$ 6.66
	10781	Alberton Way	0.34	\$ 95,700	14,810.40	\$ 6.46
	10791	Alberton Way	0.28	\$ 95,700	12,196.80	\$ 7.85
Total			1.53	\$ 473,900	66,646.80	\$ 35.78
Average			0.306	\$ 94,780	13,329.36	\$ 7.16

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Resolution Ratifying the Revised Call for Hearing on Proposed Assessments for 2008 Pavement Management Program – 2008 Urban Street Reconstruction South Grove Area 3 – City Project No. 2008-09D

Meeting Date: October 12, 2009
 Item Type: Consent
 Contact: Scott D. Thureen, 450.2571
 Prepared by: Scott D. Thureen, Public Works Director
 Reviewed by: *SDT*

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 a resolution ratifying the revised call for hearing on proposed assessments for 2008 Pavement Management Program – 2008 Urban Street Reconstruction South Grove Area 3 – City Project No. 2008-09D.

SUMMARY

At its September 14, 2009 meeting, the Council adopted a resolution calling for an assessment hearing for City Project No. 2008-09D (the 2008 South Grove Street Reconstruction project) on October 12, 2009. A notice of hearing was published and mailed. While preparing for the September 30th information meeting for the hearing, staff noticed that the published notice omitted some information required by law. To keep the desired schedule of adopting and certifying the assessments in 2009, I directed staff to correct, publish, and mail a corrected notice with a revised hearing date of October 26, 2009. I ask the Council to adopt the attached resolution ratifying these actions and the revised assessment hearing date.

SDT/kf

Attachments: Resolution

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

RESOLUTION RATIFYING REVISED CALL FOR HEARING ON PROPOSED ASSESSMENTS

**2008 PAVEMENT MANAGEMENT PROGRAM
CITY PROJECT NO. 2008-09D – URBAN STREET RECONSTRUCTION SOUTH GROVE AREA 3**

RESOLUTION NO. _____

WHEREAS, by a resolution of the City Council on Monday, September 14, 2009, the City Clerk was directed to prepare proposed assessments of the costs of the improvements as follows:

**2008 Pavement Management Program
City Project No. 2008-09D - Urban Street Reconstruction South Grove Area 3**

WHEREAS, the project includes a mill and overlay portion and a street reconstruction portion;
and

WHEREAS, the City Clerk has notified the City Council that such assessments have been completed and filed in the City Clerk's Office for public inspection; and

WHEREAS, due to the omission of some data required by law, the original published and mailed notices were deemed invalid, and

WHEREAS, staff decided to publish and mail a corrected notice with a revised date for the assessment hearing as needed to meet the statutory notice requirements, in advance of Council approval, in order to meet the deadline to certify the assessment in 2009.

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

1. The Council ratifies the staff actions and the revised hearing date.
2. A hearing shall be held on the 26th day of October 2009, in the City Council Chambers, 8150 Barbara Avenue at 7:30 p.m., to pass upon the proposed assessments; and, at such time and place, all persons owning property affected by such improvements shall be given an opportunity to be heard with reference to such assessments.
3. The City Clerk is hereby directed to cause a notice of hearing on the proposed assessments to be published once in the official newspaper and to be mailed to the owner of each parcel described in the assessment roll. The notice published on October 11, 2009 is hereby ratified.

Adopted by the City Council of Inver Grove Heights, Minnesota this 12th day of October 2009.

AYES:
NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

County Road 24 (66th Street) Turnback Request

Meeting Date: October 12, 2009
 Item Type: Regular
 Contact: Thomas J. Kaldunski, 450.2572
 Prepared by: Thomas J. Kaldunski, City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

SM

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 approval of a resolution and revocation agreement that would turnback County Road 24 (66th Street) from Dakota County to the City of Inver Grove Heights.

SUMMARY

City staff has had discussions related to the jurisdictional transfer of County Road 24 (66th Street) from Dakota County to the City of Inver Grove Heights. This jurisdictional transfer is being considered because studies have indicated that the historic swing bridge is not of regional need and portions have been demolished. The turnback of 66th Street is part of the City's efforts to preserve the historic landmark. The City is willing to consider the turnback, provided that there is adequate funding in the Agreement.

A letter was sent to Mr. Todd Howard, Assistant County Engineer that discussed the funding of this turnback. The County's estimated project cost for the scope of the turnback is \$291,000. The City is willing to enter into a written agreement based on this project estimate.

This jurisdictional transfer is being done to give the City of Inver Grove Heights ownership of the road and swing bridge before the end of November 2009. The City needs ownership in order to receive the grants for the swing bridge project.

This written agreement should be entered into prior to November 1, 2009 to allow time for the City to receive the official jurisdictional transfer. The County Board action is scheduled for October 13, 2009. I recommend that the City Council approve the resolution and revocation agreement that would turnback County Road 24 (66th Street) from Dakota County to the City of Inver Grove Heights.

TJK/kf

Attachments: Agreement for Revocation of CR 24 (66th Street)
 Concept Plans for 66th Street
 Resolution

**AGREEMENT FOR
REVOCATION OF
COUNTY ROAD 24**

THIS AGREEMENT, made and entered into by and between the County of Dakota, hereinafter referred to as the "County" and the City of Inver Grove Heights, hereinafter referred to as the "City".

WITNESSES THE FOLLOWING:

WHEREAS, Minn. Stat. Section 163.11, Subd. 5 and 9 authorizes a County Board to revoke County Road status by resolution of the County Board of Commissioners; and

WHEREAS, the County Board intends to pass a resolution revoking County Road status on that portion of County Road 24 described below; and

WHEREAS, as a result of the revocation of County Road status, the City will accept jurisdiction and ownership over said roadway as described below; and

WHEREAS, the County and City desire to define the responsibilities and obligations which will result from this road revocation;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Dakota County hereby revokes County Road status on that portion of County Road 24 in the City of Inver Grove Heights as follows: Beginning at the intersection of the centerline of said County State Aid Highway No. 24 with the easterly right of way boundary of County State Aid Highway 56; thence easterly along said centerline through Government Lot 6 and Government Lot 10 in Section 2, Township 27 North, Range 22 West, to its intersection with the western shore of the Mississippi River and said line there terminating.
2. The City hereby accepts the transfer of jurisdiction and ownership and all maintenance, repair and reconstruction responsibilities, as well as all traffic control devices currently in place, for the designated road segment.
3. In consideration of the transfer of jurisdiction and ownership of this road segment, the County agrees to pay to the City and the City agrees to accept from the County a one-time payment of the sum of \$291,000. Payment of said amount will be tendered to the City upon final execution of this Agreement by the appropriate officials for both parties.
4. No person engaged in work to be performed by the City shall be considered an employee of the County. Any claims that arise under the Worker's Compensation Act of this State on behalf of any City employee, while so engaged on any of the work called for in this Agreement shall not be the obligation or responsibility of the County.

5. Pursuant to Minnesota Statutes §16B.06, subd. 4, any books, records, documents and accounting procedures and practices of the City and the County relevant to this Agreement are subject to examination by the County and either the Legislative Auditor or the State Auditor as appropriate. The City and County agree to maintain these records for a period of six years from the date of performance of all services covered in this agreement.
6. The entire and integrated agreement of the parties contained in this agreement shall supersede all prior negotiations, representations or agreements between the City and the County regarding jurisdiction and control over County Road 24 whether written or oral.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officials.

CITY OF INVER GROVE HEIGHTS

AGREED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS THIS _____ DAY OF _____, 2009.

By _____
City Clerk

By _____
Mayor

APPROVED AS TO FORM:

(SEAL)

City Attorney

By _____

DAKOTA COUNTY

RECOMMENDED FOR APPROVAL:

By _____
County Engineer

By _____
Chairman of the Board

By _____
Clerk to County Board

(SEAL)

APPROVED AS TO FORM:

Assistant County Attorney

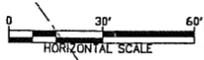
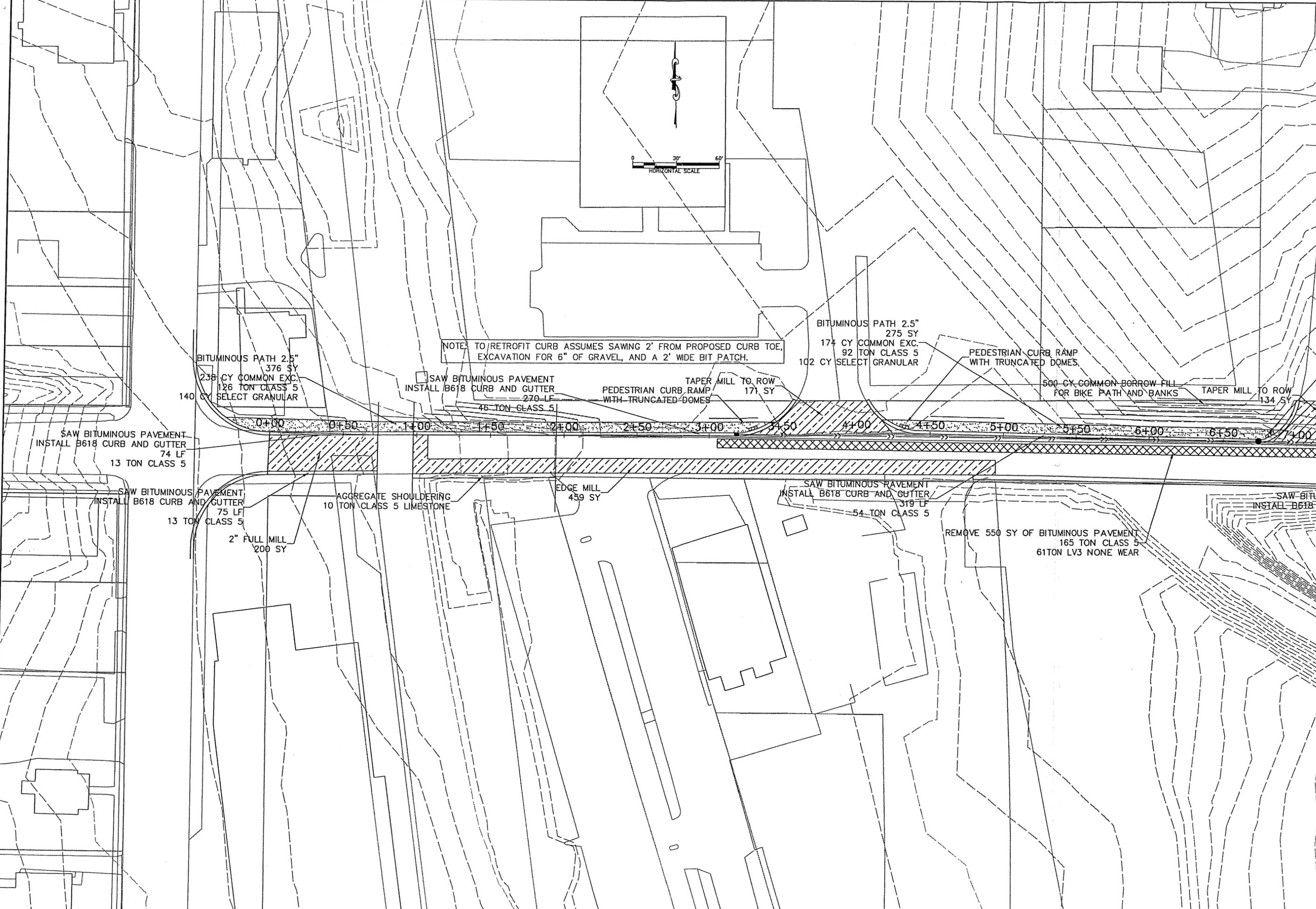
Date _____

COUNTY BOARD RESOLUTION

No.: 09-_____

Date: _____

I:\PROJECTS_PUBLIC\2010_PROJECTS\66th County Turnback\2009-08-21 66th County Turnback Curb.dwg



REV. NO.	DATE	DESCRIPTION

DESIGN FILE:	DESIGN BY:	DWG. NAME:
	JDS	
DRAWN BY:	CHKD. BY:	DATE:
JDS	TDK	8/21/2009

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE STATE OF MINNESOTA STATUTES SECTION 326.02 TO 326.16.

DATE: 8/21/2009, MINN. REG. NO. 16298

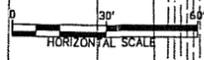
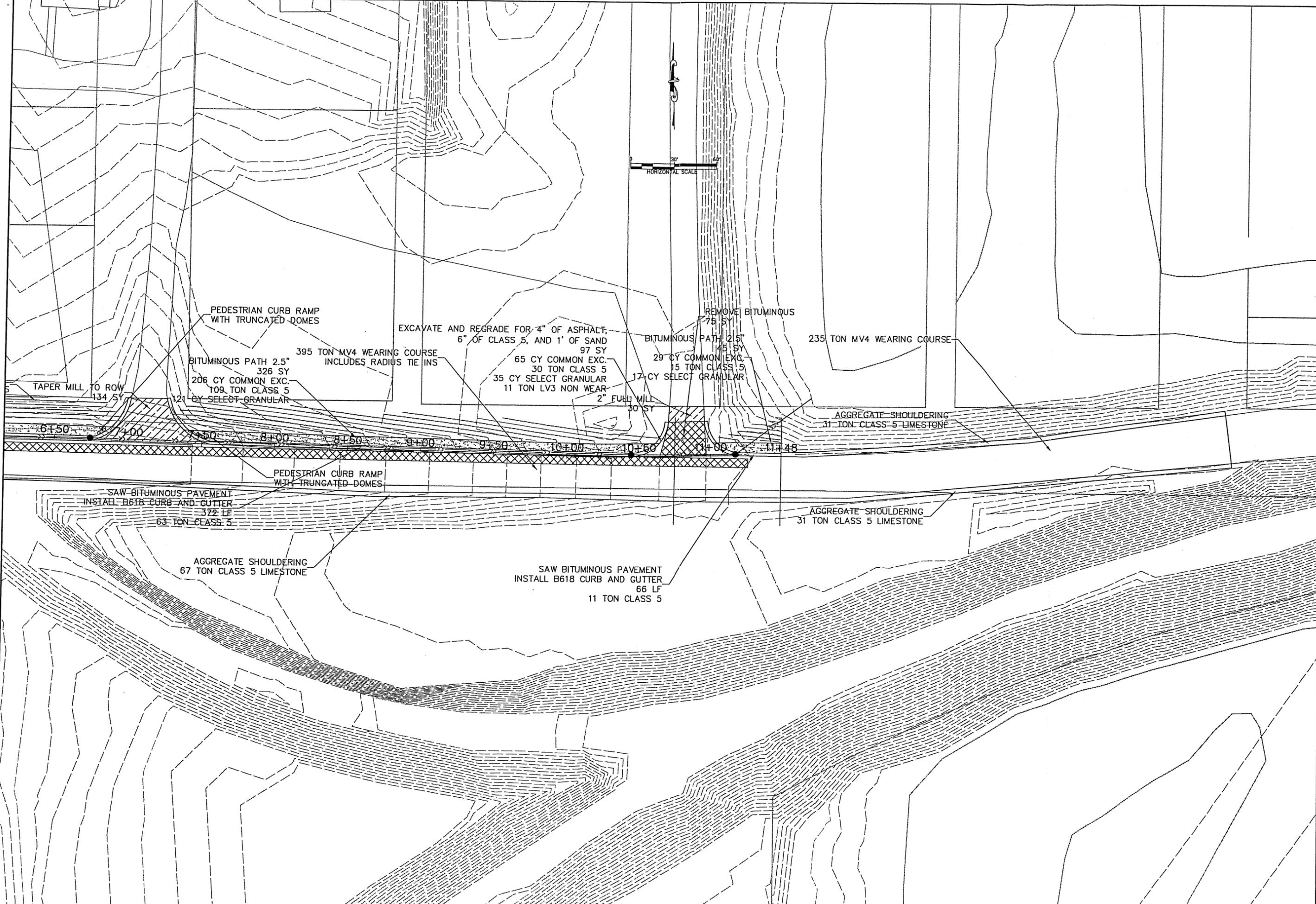
City of Inver Grove Heights

8150 Barbara Avenue
Inver Grove Heights, MN 55077
(651) 460-2670 Fax (651) 460-2502

66TH STREET TURNBACK
OVERLAY URBAN HYBRID
SECTION

SHEET NO.
1

I:\PROJECTS_PUBLIC\2010_PROJECTS\66th County Turnback\2009-08-21 66th County Turnback Curb.dwg



REV. NO.	DATE	DESCRIPTION

DESIGN FILE:	DESIGN BY:	DWG. NAME:
JDS	JDS	TDK
CHKD. BY:	DATE:	
	8/21/2009	

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE STATUTES SECTION 326.02 TO 326.16.

DATE: 8/21/2009 MINN. REG. NO. 16798L

City of Inver Grove Heights
 8150 Barbara Avenue
 Inver Grove Heights, MN 55077
 (651) 450-2570 Fax (651) 450-2502

66TH STREET TURNBACK
 OVERLAY URBAN HYBRID
 SECTION

SHEET NO.
 2

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

**RESOLUTION APPROVING A TRANSFER OF OWNERSHIP AND APPROVING AN AGREEMENT
FOR REVOCATION OF COUNTY ROAD 24 (66TH STREET) FROM DAKOTA COUNTY TO THE CITY
OF INVER GROVE HEIGHTS**

RESOLUTION _____

WHEREAS, Dakota County Board intends to pass a resolution revoking County Road status on a portion of County Road 24 (66th Street); thereby, giving the City jurisdiction and ownership over said roadway; and

WHEREAS, an Agreement for Revocation of County Road 24 (66th Street) was prepared to define the responsibilities and obligations which will result from the road revocation; and

WHEREAS, the City needs ownership of this portion of County Road 24 (66th Street) in order to receive the grants for the swing bridge project.

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

1. The City of Inver Grove Heights hereby accepts the transfer of jurisdiction and ownership of County Road 24 (66th Street).
2. The City hereby enters into an Agreement for Revocation of County Road 24 with Dakota County which defines and outlines the City's responsibilities and obligations.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Resolution Authorizing Staff to Enter into the 2010 Fuel Consortium Purchase Program as Managed by the State of Minnesota

Meeting Date: October 12, 2009
 Item Type: Regular
 Contact: Scott D. Thureen, 651-450-2571
 Prepared by: Scott D. Thureen, Public Works Director
 Reviewed by: *SDT*

Fiscal/FTE Impact:	
<input 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 checked="" type="checkbox"/>	Other: Amount included in proposed 2010 Budget

PURPOSE/ACTION REQUESTED

Consider resolution authorizing staff to enter into the 2010 Fuel Consortium Purchase Program as managed by the State of Minnesota.

SUMMARY

In late 2008, the City joined with a consortium of cities and counties to contract for a bulk fuel purchase for 2009. The State of Minnesota agreed to take the lead in this effort and solicited a fixed price contract for fuel for 2009. The City's participation in this program protected us from additional costs due to extreme spikes in fuel prices.

The State is offering this program again for 2010. The City has until November 6, 2009 to return its application for the 2010 program. In addition to cost savings, participation in this program provides a budgetary tool that allows us to more accurately predict our fuel costs for the year. I recommend that the Council approve the resolution authorizing staff to enter into a contract to join the 2010 Fuel Consortium Purchase Program.

SDT/kf

Attachments: Memo from State of Minnesota, with program application forms
 Resolution

TO: ___ **CURRENT FUEL CONSORTIUM MEMBERS**

 ___ **CPV MEMBERS LOCATED IN THE 9 COUNTY
METROPOLITAN AREA (Anoka, Carver, Dakota, Hennepin,
Scott, Sherburne, Ramsey, Wright and Washington)**

 ___ **CPV MEMBERS LOCATED WITHIN 50 MILES OF REPORTING
FUEL TERMINALS IN:**
 ALEXANDRIA
 DULUTH
 MANKATO
 MARSHALL
 ROCHESTER
 MARSHALL

FROM: JACKIE FINGER – STATE MATERIALS MANAGEMENT DIVISION

RE: FIXED PRICE FUEL PROGRAM FOR 2010

The State intends to lead a solicitation again for 2010 for a fixed price fuel program for **qualified** participants. There will be **two separate solicitations issued** – one for participants in the nine county metropolitan area and one for participants located within 50 miles of reporting fuel terminals.

The qualification requirements are as follows:

- Participant must be a CPV member and agree to, and comply with, all terms and conditions of the Contract.
- Participant must be located in the areas defined above.
- The tanks must be owned and maintained by the CPV member.
- Participant must be able to take either gasoline or diesel fuel in the required product type and as delivered by the Contract Vendor in quantities of **at least 500 gallons per delivery**.
- Participant must take 100 percent of the committed monthly amount at the **fixed price** contracted on its behalf.
- Fill rate must be at least 500 gallons or more.

CAREFULLY REVIEW THE FOLLOWING INFORMATION!!!

Only those agencies that will be participating in the **Fixed Price Program** must complete the fuel questionnaire and return it to my attention **no later than November 6, 2009. LATE RESPONSES WILL NOT BE CONSIDERED. If you are required to obtain approval by your governing board, plan accordingly. Please be careful to provide accurate information.**

Participation in the **Spot Price Program** does not require quantities to be submitted and may be used on an as needed basis by any participants in the Fixed Price Fuel Program if they so choose.

If you have any questions, please feel free to contact me via E-mail (**PREFERRED**): jackie.finger@state.mn.us. by phone at 651.201.2436, by fax at 651.297.3996. Thank you.

RETURN ORDER FORM NO LATER THAN NOVEMBER 6, 2009.

FUEL CONSORTIUM – OVERVIEW

**TWO SEPARATE PROGRAMS – ONE FOR METRO PARTICIPANTS
AND ONE FOR OUTSTATE PARTICIPANTS**

FIXED PRICE PROGRAM – The agencies listed on the Fixed Price Schedule are required to take 100% of its monthly quantity committed and the Contract Vendor is required to provide 100% of the monthly quantities contracted. The program will be for 13 months, ending January 31, 2011.

If the original purchaser is unable to take all of the monthly committed gallons, the Contract Vendor will be responsible for contacting other locations participating in the Fixed Price Contract to determine if they are able to take additional gallons.

If the Contract Vendor is able to ship the unused gallons from the original participating purchaser to another participating agency, there will be no cost to the original participating agency. If the Spot Price is less than the Fixed Price, participants are not required to take more than the monthly amount they committed to.

If the Contract Vendor is unable to ship the unused gallons from the original participating purchaser to another participating agency, they may sell the unused gallons on the open market and either debit or credit the difference in price back to the original participating purchaser based on the open market sell price.

If the Contract Vendor is unable to provide all of the monthly committed gallons to a participating member by the due date and time, the participating member may purchase the product on the open market and charge the Contract Vendor for any additional costs incurred.

SPOT PRICE PROGRAM. In addition to a Fixed Price program, the solicitation will include a Spot Price program for participants to handle extra fuel needs over and above the committed quantities in the Fixed Price program.

Participants are not required to use the Spot Price program and may use other State Spot Price programs currently in place or may purchase their additional fuel needs independently.

If the Contract Vendor is unable to provide the order quantity to a State agency or CPV member by the required due date and time, the State agency or CPV member may purchase the product on the open market and charge the Contract Vendor for any additional costs incurred.

.....
Only qualified State agencies and CPV Members may participate in the Fixed Price Program unless otherwise approved.

Once final Contracts are executed, the participating agency or entity will be notified of the price and the name of the Contract Vendor.

The signature below agrees to all terms, conditions and prices of any Contract agreement entered into on its behalf by the State of Minnesota which includes, but is not limited to, taking 100% of the monthly fuel quantities submitted for the Fixed Price Program on the Fuel Order Form. There is no requirement to take any product using the Spot Price Program.

AGENCY NAME: _____

ADDRESS: _____

CONTACT PERSON: _____ TITLE: _____

PHONE NO.: _____ FAX NO.: _____ E-MAIL: _____

AUTHORIZED SIGNATURE: _____

RETURN ORDER FORM NO LATER THAN NOVEMBER 6, 2009.

Put "0" if product is not required for a specific month.

FIXED PRICE PROGRAM COMMITTED QUANTITIES								
Gallons - 500 Gal. Minimum Delivery								
2010-11 MONTHLY REQUIREMENTS	GASOLINE	E-85	B5	B10	B15	B20	B5 Winter	Premium Diesel
January								
February								
March								
April								
May								
June								
July								
August								
September								
October								
November								
December								
January (2011)								

FIXED PRICE PROGRAM

Participation in the Fixed Price Fuel Program requires the State agency or CPV Member located in the nine (9) county metropolitan area to take 100% of the quantity pledged on the Fuel Order Form.

Participants must have a capacity for taking at least 500 per delivery.

PLEASE NOTE:

Agencies should consider the amount of its annual usage it wants to commit to this program. It is not recommended that you commit all of your fuel needs to the Fixed Price Program. The Spot Price Program may be used for additional fuel requirements.

The signature on this form agrees to all terms, conditions and prices of any Contract agreement entered into on its behalf by the State of Minnesota which includes, but is not limited to, taking 100% of the monthly fuel quantities submitted for the Fixed Price Program on the Fuel Order Form. There is no requirement to take any product using the Spot Price Program.

SPOT PRICE PROGRAM

Provide an estimate of the number of gallons of fuel you might purchase from the Contract using the Spot Price Program. There is no commitment implied by providing the estimated usage -- this is for information purposes only.

Est. Annual Usage Number of Gallons/500 minimum delivery.

Gasoline	
E-85	
Diesel	

Name _____
 Signature _____
 Agency _____
 Date _____

RETURN SIGNED ORDER FORM TO JACKIE FINGER AT
 jackie.finger@state.mn.us OR via FAX at 651.297.3996
NO LATER THAN NOVEMBER 6, 2009

2010 FUEL CONSORTIUM PURCHASE PROGRAM

TANK SIZES AND LOCATIONS		PRODUCT TYPE STORED		
TANK SIZE	ADDRESS	GASOLINE	E-85	DIESEL
Tank 1				
Tank 2				
Tank 3				
Tank 4				
Tank 5				
Tank 6				
Tank 7				
Tank 8				
Tank 9				
Tank 10				
Tank 11				
Tank 12				
Tank 13				
Tank 14				
Tank 15				
Tank 16				
Tank 17				
Tank 18				
Tank 19				
Tank 20				

NAME OF AGENCY _____

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

**RESOLUTION AUTHORIZING STAFF TO ENTER THE 2010 FUEL CONSORTIUM PURCHASE
PROGRAM AS MANAGED BY THE STATE OF MINNESOTA**

RESOLUTION NO. _____

WHEREAS, dramatic fluctuations in fuel prices make it difficult to accurately budget for fuel usage; and

WHEREAS, a large group of Metro area cities and counties, including the City of Inver Grove Heights, desire to form a consortium to order bulk quantities of fuel at a fixed contract price for budgetary purposes; and

WHEREAS, the State of Minnesota has offered to administer a contract for such a consortium.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. City staff are authorized to apply for participation in the 2010 Fuel Consortium Purchase Program for State of Minnesota Agencies and Cooperative Purchasing Venture Members.

Adopted by the City Council of Inver Grove Heights, Minnesota this 12th day of October 2009.

George Tourville, Mayor

ATTEST:

Melissa Rheume, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Resolution Awarding Contract for City Project No. 2009-29 – Well No. 9

Meeting Date: October 12, 2009
 Item Type: Regular
 Contact: Scott D. Thureen, 651.450.2571
 Prepared by: Scott D. Thureen, Public Works Director
 Reviewed by: *SDT*

Fiscal/FTE Impact:

<input 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 checked="" type="checkbox"/>	Other: Water Operating Fund, Park Acquisition and Development Fund

PURPOSE/ACTION REQUESTED

Consider resolution awarding contract for City Project No. 2009-29 – Well No. 9.

SUMMARY

This project was ordered by the City Council on March 27, 2006. Phase 1, drilling the well, was assigned City Project No. 2006-04. That work was completed in December of 2008. Plans and specifications and authorizing advertisement for bids were approved on August 24, 2009.

The bid opening was on September 28, 2009. Four contractors submitted bids. The low bidder was Burschville Construction, Inc. with a total base bid amount of \$440,772.90 and a total Alternate No. 1 (bituminous trail) amount of \$38,180.00, for a total bid amount of \$478,952.90. The engineer's estimate was \$595,000.00 for this project.

The Parks and Recreation Director provided a letter to neighboring residents notifying them of the Council's consideration of bids at tonight's meeting.

Public Works recommends adoption of the resolution awarding the contract for City Project No. 2009-29 – Well No. 9 to Burschville Construction, Inc. in the amount of \$478,952.90.

SDT/kf

Attachments: Bonestroo Letter dated September 29, 2009
 Letter to residents
 Resolution



September 29, 2009

Mr. Scott Thureen
Public Works Director
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077-3410

Re: Well No. 9 – Phase 2 Project
City Project No. 2009-29
Project No. 000476-07005-0
Bid Results

Dear Mr. Thureen:

Bids were opened for the Project stated above on Tuesday, September 29, 2009 at 10 A.M. Transmitted herewith is a copy of the Bid Tabulation for your information and file. Copies will also be distributed to each Bidder once the Project has been awarded.

There were a total of four Bids. The following summarizes the results of the Bids received:

	<u>Contractor</u>	<u>Total Base Bid</u>	<u>Alternate No. 1 Bituminous Trail</u>	<u>Base Bid Plus Alternate No. 1</u>
Low	Burschville Construction, Inc.	\$440,772.90	\$38,180.00	\$478,952.90
#2	Rice Lake Construction Group	\$478,564.00	\$32,086.00	\$510,650.00
#3	EnComm Midwest, Inc.	\$492,294.00	\$30,840.00	\$523,134.00
#4	Magney Construction, Inc.	\$540,153.00	\$27,641.00	\$567,794.00

The low Bidder on the Project was Burschville Construction, Inc. with a Total Base Bid Amount of \$440,772.90 and a Total Alternate No. 1 Amount of \$38,180.00; for a Total Bid Amount of \$478,952.90 for the Total Base Bid and Alternate No. 1. This compares to the Engineer's Estimate of \$595,000.00 for the Total Base Bid and Alternate No. 1. These Bids have been reviewed and found to be in order.

If the City Council wishes to award the Project to the low Bidder, then **Burschville Construction, Inc.** should be awarded the Project.

Should you have any questions, please feel free to contact me at (651) 604-4840.

Sincerely,

BONESTROO

A handwritten signature in black ink, appearing to read "Richard W. Foster".

Richard W. Foster, P.E.

Enclosure



Bonestree

Project Name: Well No. 9 - Phase 2

City Project No.: 2009-29

Project No.: 000476-07005-0

I hereby certify that this is an exact

reproduction of bids received.

Bid Opening: Tuesday, September 29, 2009 at 10 A.M.

Owner: City of Inver Grove Heights

Bidder No. 1

Bidder No. 2

Bidder No. 3

Bidder No. 4

Burschville Construction Inc
Rice Lake Construction Group
Encomm Midwest Inc
Magney Construction Inc

Richard W. Foster, P.E.
Registration No. 11609

BID TABULATION

Item Num	Item	Units	Qty	Unit Price	Total						
PART 1 - SITE WORK:											
1	ROCK CONSTRUCTION ENTRANCE	EA	1	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
2	SAWING BITUMINOUS PAVEMENT	LF	50	\$4.00	\$200.00	\$4.00	\$200.00	\$4.00	\$200.00	\$4.00	\$200.00
3	SAND FILL	TN	280	\$9.20	\$2,576.00	\$10.00	\$2,800.00	\$9.00	\$2,520.00	\$9.00	\$2,520.00
4	CLASS V AGGREGATE BASE	TN	170	\$25.50	\$4,335.00	\$24.00	\$4,080.00	\$26.50	\$4,505.00	\$24.50	\$4,165.00
5	BITUMINOUS BASE COURSE, TYPE 31B	TN	50	\$80.00	\$4,000.00	\$72.00	\$3,600.00	\$79.00	\$3,950.00	\$73.00	\$3,650.00
6	BITUMINOUS WEAR COURSE, TYPE 41W	TN	50	\$80.00	\$4,000.00	\$72.00	\$3,600.00	\$79.00	\$3,950.00	\$73.00	\$3,650.00
7	6" CONCRETE SIDEWALK	SY	32	\$45.00	\$1,440.00	\$39.50	\$1,264.00	\$60.00	\$1,920.00	\$60.00	\$1,920.00
8	B612 CONCRETE CURB AND GUTTER	LF	370	\$18.50	\$6,845.00	\$17.50	\$6,475.00	\$16.50	\$6,105.00	\$25.00	\$9,250.00
9	10" DIP WATER MAIN, CL. 52, INCL. POLY WRAP	LF	55	\$52.00	\$2,860.00	\$50.00	\$2,750.00	\$51.00	\$2,805.00	\$42.00	\$2,310.00
10	10" GATE VALVE AND BOX WITH RETAINER GLANDS	EA	1	\$1,925.00	\$1,925.00	\$1,700.00	\$1,700.00	\$2,400.00	\$2,400.00	\$2,100.00	\$2,100.00
11	6" HYDRANT WITH RETAINER GLAND	EA	5	\$100.00	\$500.00	\$35.00	\$175.00	\$28.00	\$140.00	\$35.00	\$175.00
12	6" GATE VALVE AND BOX WITH RETAINER GLANDS	EA	1	\$2,800.00	\$2,800.00	\$3,200.00	\$3,200.00	\$3,450.00	\$3,450.00	\$2,800.00	\$2,800.00
13	10" FITTINGS	EA	1	\$1,050.00	\$1,050.00	\$1,000.00	\$1,000.00	\$1,250.00	\$1,250.00	\$1,400.00	\$1,400.00
14	CONNECT TO EXISTING 20" MAIN	LB	800	\$2.25	\$1,800.00	\$0.50	\$400.00	\$0.05	\$40.00	\$1.50	\$1,200.00
15	20" DIP WATER MAIN, CLASS 52, INCL. POLY WRAP	EA	1	\$73.25	\$73.25	\$95.00	\$95.00	\$94.00	\$94.00	\$80.00	\$80.00
16	20" GATE VALVE WITH RETAINER GLANDS	EA	2	\$13,750.00	\$27,500.00	\$13,500.00	\$27,000.00	\$15,500.00	\$31,000.00	\$15,000.00	\$30,000.00
17	20" FITTINGS	EA	550	\$2.70	\$1,485.00	\$2.70	\$1,485.00	\$0.50	\$275.00	\$1.75	\$962.50
18	LOCATE EXISTING WATER MAIN	LS	1	\$150.00	\$150.00	\$2,000.00	\$2,000.00	\$850.00	\$850.00	\$500.00	\$500.00
19	CATCH BASIN AND GRATE - 27" DIAMETER	EA	1	\$750.00	\$750.00	\$1,200.00	\$1,200.00	\$920.00	\$920.00	\$1,000.00	\$1,000.00
20	CATCH BASIN AND GRATE - 2' X 8'	EA	1	\$1,400.00	\$1,400.00	\$1,500.00	\$1,500.00	\$1,350.00	\$1,350.00	\$1,200.00	\$1,200.00
21	HDPE - 12"	LF	160	\$21.50	\$3,440.00	\$20.00	\$3,200.00	\$17.00	\$2,720.00	\$30.00	\$4,800.00
22	HDPE - 21"	LF	60	\$31.00	\$1,860.00	\$30.00	\$1,800.00	\$25.00	\$1,500.00	\$42.00	\$2,520.00
23	12" RCP FLARED END SECTION, INCL TRASH GUARD	EA	3	\$650.00	\$1,950.00	\$750.00	\$2,250.00	\$750.00	\$2,250.00	\$1,300.00	\$3,900.00
24	21" RCP FLARED END SECTION, INCL TRASH GUARD	EA	2	\$1,300.00	\$2,600.00	\$1,000.00	\$2,000.00	\$1,150.00	\$2,300.00	\$2,200.00	\$4,400.00
25	RIP RAP - CLASS 3	CY	16	\$95.00	\$1,520.00	\$75.00	\$1,200.00	\$95.00	\$1,520.00	\$65.00	\$1,040.00
26	RAIN GARDEN SOIL MIX	LS	1	\$4,000.00	\$4,000.00	\$2,000.00	\$2,000.00	\$1,850.00	\$1,850.00	\$600.00	\$600.00
27	RAIN GARDEN DRAIN TILE	LF	195	\$6.50	\$1,267.50	\$9.00	\$1,755.00	\$12.00	\$2,340.00	\$18.00	\$3,510.00
28	RAIN GARDEN ACCESS BOX	EA	1	\$275.00	\$275.00	\$150.00	\$150.00	\$250.00	\$250.00	\$100.00	\$100.00
29	RAIN GARDEN MULCH	SY	300	\$8.75	\$2,625.00	\$8.60	\$2,580.00	\$9.50	\$2,850.00	\$9.00	\$2,700.00
30	EROSION CONTROL BLANKETS	SY	2300	\$3,450.00	\$7,935.00	\$1.40	\$3,220.00	\$9.50	\$21,650.00	\$17.00	\$39,150.00
31	BACHELOR BUTTON - 1 GALLON	EA	53	\$954.00	\$50,662.00	\$16.50	\$874.50	\$19.00	\$1,007.00	\$17.00	\$901.00
32	FRENCH PSSH WILLOW - 1 GALLON	EA	22	\$24.00	\$528.00	\$23.00	\$506.00	\$25.00	\$550.00	\$23.00	\$506.00
33	BLACK EYED SUSAN - 1 GALLON	EA	30	\$18.00	\$540.00	\$16.50	\$495.00	\$19.00	\$570.00	\$17.00	\$510.00
34	RED OSTER DOGWOOD - 5 GALLON	EA	56	\$28.00	\$1,568.00	\$27.00	\$1,512.00	\$30.00	\$1,680.00	\$27.00	\$1,512.00
35	BLUE FLAG IRIS - 1 GALLON	EA	145	\$18.00	\$2,610.00	\$16.50	\$2,392.50	\$19.00	\$2,755.00	\$17.00	\$2,465.00
36	SWITCHGRASS - 1 GALLON	EA	78	\$14.00	\$1,092.00	\$12.50	\$975.00	\$14.00	\$1,092.00	\$13.00	\$1,014.00
37	SEEDING, MIX 260	EA	0.3	\$4,000.00	\$1,200.00	\$3,600.00	\$3,600.00	\$3,900.00	\$3,900.00	\$3,600.00	\$3,600.00
38	SELECT TOPSOIL BORROW (LV)	AC	200	\$17.00	\$3,400.00	\$18.00	\$3,600.00	\$18.00	\$3,600.00	\$12.00	\$2,400.00
39	SILT FENCE, REGULAR	CY	880	\$2.25	\$1,980.00	\$2.05	\$1,804.00	\$2.50	\$2,200.00	\$2.25	\$1,980.00
40	TOTAL PART 1 - SITE WORK				\$178,440.50		\$179,038.00		\$182,314.00		\$182,314.00

BID TABULATION

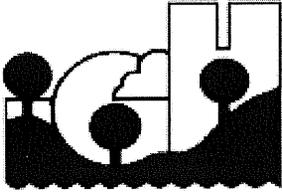
Bidder No. 1
Burschville Construction Inc

Bidder No. 2
Rice Lake Construction Group

Bidder No. 3
Encomm Midwest Inc

Bidder No. 4
Magney Construction Inc

Item Num	Item	Units	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
41	PART 2 - PUMPING FACILITY: CONSTRUCT PUMPING FACILITY FOR WELL NO. 9 INCLUDING CONCRETE STRUCTURES, INTERIOR PIPING, ELECTRICAL CONTROLS, MECHANICAL EQUIPMENT, PITLESS, WELL PUMP, AND CORRELATED APPURTENANCES. TOTAL PART 2 - PUMPING FACILITY	LS	1	\$262,332.40 \$262,332.40	\$262,332.40 \$262,332.40	\$299,526.00 \$299,526.00	\$299,526.00 \$299,526.00	\$309,980.00 \$309,980.00	\$309,980.00 \$309,980.00	\$357,800.00 \$357,800.00	\$357,800.00 \$357,800.00
	BASE BID: TOTAL PART 1 - SITE WORK TOTAL PART 2 - PUMPING FACILITY TOTAL BASE BID			\$178,440.50 \$262,332.40 \$440,772.90	\$178,440.50 \$262,332.40 \$440,772.90	\$179,038.00 \$299,526.00 \$478,564.00	\$179,038.00 \$299,526.00 \$478,564.00	\$182,353.00 \$309,980.00 \$492,294.00	\$182,353.00 \$309,980.00 \$492,294.00	\$182,353.00 \$357,800.00 \$540,153.00	\$182,353.00 \$357,800.00 \$540,153.00
42	ALTERNATE NO. 1 - BITUMINOUS TRAIL: GRADE TRAIL	LS	1	\$10,000.00	\$10,000.00	\$5,000.00	\$5,000.00	\$1,350.00	\$1,350.00	\$1,200.00	\$1,200.00
43	SAWING BITUMINOUS PAVEMENT	LF	10	\$100.00	\$1,000.00	\$30.00	\$300.00	\$15.00	\$150.00	\$5.00	\$50.00
44	AGGREGATE BASE, CLASS 5	TN	370	\$23.50	\$8,695.00	\$22.50	\$8,325.00	\$24.50	\$9,065.00	\$23.00	\$8,510.00
45	BITUMINOUS WEAR COURSE, TYPE LV4	TN	190	\$70.00	\$13,300.00	\$68.00	\$12,920.00	\$75.00	\$14,250.00	\$68.00	\$12,920.00
46	SEEDING, MIX 260	AC	0.5	\$4,000.00	\$2,000.00	\$3,600.00	\$1,800.00	\$3,900.00	\$1,950.00	\$3,600.00	\$1,800.00
47	SELECT TOPSOIL BORROW (LV)	CY	140	\$17.00	\$2,380.00	\$18.00	\$2,520.00	\$18.00	\$2,520.00	\$12.00	\$1,680.00
48	SILT FENCE, REGULAR	LF	100	\$4.00	\$400.00	\$3.60	\$360.00	\$2.50	\$250.00	\$3.50	\$350.00
49	EROSION CONTROL BLANKETS	SY	870	\$1.50	\$1,305.00	\$1.30	\$1,131.00	\$1.50	\$1,305.00	\$1.30	\$1,131.00
	TOTAL ALTERNATE NO. 1 - BITUMINOUS TRAIL			\$38,180.00	\$38,180.00	\$32,086.00	\$32,086.00	\$30,840.00	\$30,840.00	\$27,641.00	\$27,641.00
	BASE BID MANUFACTURERS AND SUPPLIERS: WELL PUMP MANUFACTURER WELL PUMP MOTOR MANUFACTURER PITLESS UNIT MANUFACTURER SUPERVISORY CONTROL SYSTEM SUPPLIER			Gould Pump Co. Hitachi Submersible Motors Baker Monitor Automatic Systems		Gould Pump Hitachi Baker Automatic Systems		Gould Hitachi Baker Monitor Automatic Systems			
	ALTERNATE EQUIPMENT BIDS: ITEM MANUFACTURER ADD OR DEDUCT			Submersible Motor Saer Submersible Deduct - \$2,000		Well Pump Motor Saer Submersible Deduct - \$2,000		Well Pump Motor Saer Submersible Deduct - \$2,000			
	Contractor Name and Address:			Burschville Construction Inc 11440 Eighth Street NE PO Box 65 Hanover MN 55341 Phone: 763-497-4242 Fax: 763-497-4266 Signed By: James E. Schendel Title: President Bid Security: Bid Bond Addenda Acknowledged: A & B		Rice Lake Construction Group 22360 County Road 12 Deerwood MN 56444 218-546-5519 218-546-7016 Wade J. Leonard President Bid Bond A & B		Encomm Midwest, Inc 512 First Avenue N Isanti MN 55040 763-444-8637 763-444-8638 Lon R. Hollister President Bid Bond A & B		Magney Construction Inc 1401 Park Road Chanhassen MN 55317 952-474-1674 952-474-1679 Gary Disch Vice President Bid Bond A & B	



October 5, 2009

Dear Property Owner

Subject: Proposed Babcock Trail

The City of Inver Grove Heights City Council will hold a meeting on Monday, October 12, 2009 at 7:30pm in the Council Chambers located at 8150 Barbara Ave. The purpose of the meeting will be to discuss:

- Consider approval of bids for a Public Trail Along Babcock Trail between 75th and 70th

As a resident in the area you are invited to attend the meeting to give input. Should you be unable to attend the meeting please feel free to email, call, or send me a letter prior to the meeting and your information will be taken into consideration.

Should you have any questions or concerns please feel free to call me at 651.450.2587 or email me at ecarlson@ci.inver-grove-heights.mn.us.

Sincerely,

Eric Carlson
Parks & Recreation Director
City of Inver Grove Heights

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

**RESOLUTION AWARDING CONTRACT TO BURSCHVILLE CONSTRUCTION, INC. FOR CITY PROJECT
NO. 2009-29 – WELL NO. 9 IN THE AMOUNT OF \$478,952.90**

RESOLUTION NO. _____

WHEREAS, pursuant to an advertisement for bids for City Project No. 2009-29 – Well No. 9, bids were received, opened, read aloud, and tabulated according to law. The following bids were received complying with the advertisement:

Bidder	5% Bid Bond	Base Bid	Alternate No. 1	Base Bid Plus Alternate No. 1
Burschville Construction, Inc.	Yes	\$440,772.90	\$38,180.00	\$478,952.90
Rice Lake Construction Group	Yes	\$478,564.00	\$32,086.00	\$510,650.00
EnComm Midwest, Inc.	Yes	\$492,294.00	\$30,840.00	\$523,134.00
Magney Construction, Inc.	Yes	\$540,153.00	\$27,641.00	\$567,794.00

WHEREAS, Burschville Construction, Inc. is the lowest responsible bidder.

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

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with Burschville Construction, Inc., in the name of the City of Inver Grove Heights, for City Project 2009-29 – Well No. 9 according to plans and specifications therefore approved by the Council and on file at the Office of the City Clerk.
2. The City Clerk is hereby authorized and directed to return, forthwith, to all bidders, the deposits made with their bids except for the deposit of the successful bidder and the next lowest bidder shall be retained until the contract has been signed.
3. Project financing for the base bid shall be provided from the Water Operating Fund and financing for Alternate No. 1 shall be provided from the Park Acquisition and Development Fund.

Adopted by the City Council of Inver Grove Heights this 12th day of October 2009.

AYES:
NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Dakota County's 2010-2014 Capital Improvement Program

Meeting Date: October 12, 2009
Item Type: Regular
Contact: Scott D. Thureen, 651-450-2571
Prepared by: Scott D. Thureen, Public Works Director
Reviewed by: *SDT*

Fiscal/FTE Impact:

<input 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 checked="" type="checkbox"/>	Other:

PURPOSE/ACTION REQUESTED

Consider a resolution supporting Dakota County's draft 2010-2014 Capital Improvement Program (CIP).

SUMMARY

Annually, Dakota County prepares a five-year Capital Improvement Program based upon their needs and requests of the cities being impacted. Staff previously met with Dakota County staff to review the County's draft CIP. Subsequently, the County revised their CIP and is requesting the City's consideration and approval.

Dakota County is requesting that City's pass a resolution supporting their five-year CIP. Listed on the attached resolution, are the projects identified in Dakota County's CIP. The projects shown and recommended are based on identified future needs. The projects would be advanced based on funding availability. Public Works has reviewed the projects as proposed and we recommend passage of the resolution as presented.

SDT/kf
Attachments: Resolution
Map

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY**

**RESOLUTION SUPPORTING DAKOTA COUNTY'S 2010-2014 CAPITAL IMPROVEMENT
PROGRAM (CIP)**

RESOLUTION NO. _____

WHEREAS, Dakota County has requested that the City of Inver Grove Heights provide a list of projects for inclusion in Dakota County's 2010-2014 Transportation Plan, and

WHEREAS, the following transportation projects are important to the City of Inver Grove Heights:

PROJECT

CR 28 – 80th Street from T.H. 3 to 0.62 miles east
CR 73 – Akron Avenue from Cliff Road (CSAH 32) to Rosemount border
CSAH 26 – Roundabout at T.H. 3 and 70th Street (CSAH 26)
CSAH 32 – Cliff Road from Rich Valley Boulevard (CSAH 71) to T.H. 52

WHEREAS, the City of Inver Grove Heights will participate in these projects in accordance with applicable cost sharing policies,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF INVER GROVE HEIGHTS THAT:
The following projects be included in Dakota County's 2010-2014 Transportation CIP for construction in the years indicated:

CR 28 (80 th Street east of T.H. 3) (City Project 2008-05) (Dakota County Project CP 28-48)	2011 Right-of-Way 2012 Design/Right-of-Way 2013 Construction
CSAH 73 – Akron Ave. from Cliff Road (CSAH 32) to Rosemount border (City Project 2005-02) (Dakota County Project CP 73-18)	2010 Design/Right-of-Way 2011 Construction
CSAH 26 – Roundabout at T.H. 3 and 70 th Street (CSAH 26) (City Project 2009-25)	2012 Design/Right-of-Way 2013 Construction
CSAH 32 – Cliff Road from Rich Valley Blvd. (CSAH 71) to T.H. 52 (City Project 2005-03) (Dakota County Project CP 32-40)	2011 Design 2012 Right-of-Way 2013 Construction

Adopted by the City Council of Inver Grove Heights this 12th day of October 2009.

AYES:
NAYS:

George Tourville, Mayor

ATTEST:

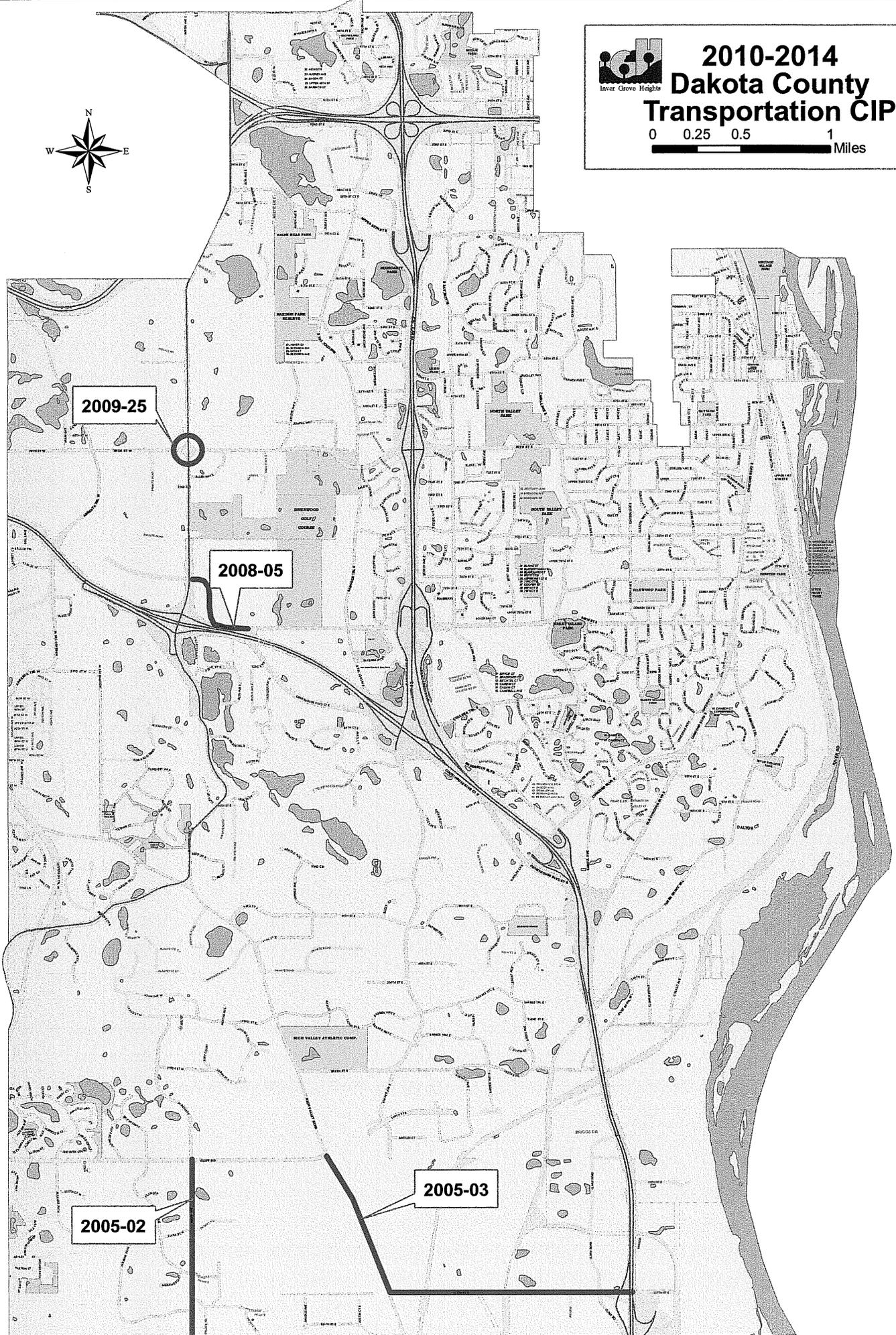
Melissa Rheaume, Deputy Clerk



Layer Grove Heights

2010-2014 Dakota County Transportation CIP

0 0.25 0.5 1 Miles



CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: October 12, 2009
Item Type:
Contact:
Prepared by: Joe Lynch, City Administrator
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 cost of living compensation adjustment for 2009 for City Administrator.

SUMMARY

The Council had directed staff to look at the results of the first half tax collections, delinquent tax collections, building permit revenue and investment income before making a recommendation on cost of living compensation adjustment for all Non-Union employees for 2009. As Council will recall, all Union employees received an adjustment as of January 1, 2009.

Three of the four revenue sources showed that we are strong in the tax revenue collections and steady with building permit revenue. The City will be well down in the investment income received in 2009 as compared to last year, but this is the smallest of the four revenue sources of the city.

Council directed the Administrator to proceed with a 3% C.O.L.A. for all non-union employees retroactive to January 1, 2009. Unfortunately, the list that was presented to the Council was one taken from that prepared for the purpose of making a final decision on the Compensation and Classification Study conducted in 2007. At that time Council directed that the City Administrator position not be included in the list for a variety of reasons.

At this time, a request has been made to include the City Administrator position in your most recent decision to give all non-union positions a compensation adjustment retroactive to January 1, 2009.

The City Administrator will receive a performance Review by the City Council , as we have done annually for the last two years, and any compensation adjustment for 2010 will be made at the same time that a decision is made for all other employees.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Approval of Heritage Village Park Seeding Work

Meeting Date: October 12, 2009
 Item Type: Regular Agenda
 Contact: Mark Borgwardt
 Prepared by: Mark Borgwardt
 Reviewed by: Eric Carlson

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

Recommend Council approval to hire Central Landscaping in the amount of \$33,695 and Bonestroo in the amount of \$5,989 as outlined below.

Items 1-4	Central Landscaping	\$33,695	+ tax
Item 5	Bonestroo	\$5,989	+ tax
Total		<u>\$39,684.00</u>	+ tax

SUMMARY

On September 14, 2009 the Council reviewed an item related to Heritage Village Park that addressed planting of trees and establishment of ground cover. The Council approved a low quote for the planting of trees from Gerten’s in the amount of \$42,700. The Council also reviewed a “budget” number for the remaining seeding work for Heritage Village Park in the amount of \$39,087. After further research with our consultant Emmons and Olivier Resources (EOR) we are modifying the seed mixture, mulch specifications, and have determined that rock picking will also be necessary. The actual quotes are as follows:

Item	Description of work	Central	Heikes
1	Railroad berm seeding with Mn DOT 350 mix and Flexterra mulch on approx. 3.5 Acres	\$16,100	\$21,700
2	Rock rake rocks 2” and greater rock on approx. 23 Acres	\$8,050	\$6,900
3	MN DOT Type 3 mulch on approx. 23 Acres	\$8,050	\$5,114.51
4	Disc anchoring on approx. 23 Acres	\$1,495	\$1,253.50
	Total	\$33,695.00	\$34,968.01

Item	Description of work	Bonestroo	Central	Heikes
5	Installation of MN DOT 350 seed mix on Approx. 23 acres	\$5,989.00	\$11,132.75	\$10,511.00