



INVER GROVE HEIGHTS CITY COUNCIL AGENDA
MONDAY, MAY 10, 2010
8150 BARBARA AVENUE
7:30 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. PRESENTATIONS:

- A. Present 2009 CAFR
- B. Proclamation – National Public Works Week May 16–22, 2010

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 – April 26, 2010 Regular Council Meeting _____
- B. Resolution Approving Disbursements for Period Ending May 5, 2010 _____
- C. Pay Voucher No. 11 for City Project No. 2008–18, Public Safety Addition/City Hall Renovation _____
- D. Change Order No. 3 and Pay Voucher No. 4 for City Project No. 2008–11, Southern Sanitary Sewer System, East Segment _____
- E. Approve Resolution Withdrawing from Regional Mutual Aid Association _____
- F. Consider Hiring Contractor for Tree Inventory of Right-of-Way Trees in the Urbanized Area of Inver Grove Heights _____
- G. Resolution Approving Sod Replacement and Seeding Agreement with NSP/Xcel Energy for Project 2010–09D – South Grove Urban Street Reconstruction Area 5 _____
- H. Resolution Approving a Stipulation for Award and Order and a Permanent Drainage and Utility Easement between Dayton Holding, Inc. (IGH Parcel No. 24) and City of Inver Grove Heights in connection with District Court File No. 19HA–CV–08–742, Relative to City Project 2003–03 _____
- I. Approve Contract for Lawn Care Services related to Nuisance Abatement _____
- J. Accept Proposal for Street Patching Services _____
- K. Consider Resolution Accepting Individual Project Order No. 12E to Kimley–Horn & Associates, Inc. for Additional Final Design Services for the 2010 Pavement Management Program, Urban Street Reconstruction – City Project No. 2010–09D, South Grove Area 5 Water System Design _____

L. 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 requests for property located at 1186 90th Street:

- i) A **Rezoning** from E-1, 2 ½ Acre Estate Residential to E-2, 1 3/3 Acre Estate Residential
 - ii) **Waiver of Plat** to divide the existing tax parcel into two lots
 - iii) **Variance** to allow an accessory structure on a lot without a principle structure
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B. **WADE AND JESSICA SHORT**; Consider a **Variance** to eliminate screening of rooftop mechanical equipment on new commercial building for property located at 9332 Cahill Avenue

C. **CITY OF INVER GROVE HEIGHTS**; Consider Interim Ordinance relating to Open Wood Burning Furnaces

ADMINISTRATION:

D. **CITY OF INVER GROVE HEIGHTS**; Consider the following actions:

- i) Third Reading of an Ordinance Amending Title 5, Chapter 4, of the City Code relating to Animal Control
 - ii) Consider Resolution and Table Setting Forth License Fees, Administrative Service Fees and Permit Fees
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E. **CITY OF INVER GROVE HEIGHTS**; Consider the First Reading of an Ordinance relating to Background Investigation Authorization

F. **CITY OF INVER GROVE HEIGHTS**; Resolution Authorizing the City of Inver Grove Heights to Enter into Agreement No. 92316 for Railroad Crossing Signals with Mn/DOT and the Union Pacific Railroad Company

8. **MAYOR AND COUNCIL COMMENTS**

9. **EXECUTIVE SESSION**

A. Collective Bargaining Update

B. Qwest Negotiations

10. **ADJOURN**

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Presentation of Comprehensive Annual Financial Report for the Year Ended December 31, 2009 and the Auditor’s Management Letter and Reports on Compliance with Governmental Auditing Standards and Minnesota Statutes

Meeting Date: May 11, 2010
 Item Type: Presentation
 Contact: Ann Lanoue, Finance Director
 Prepared by: Ann Lanoue 651-450-2517
 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: To accept the Comprehensive Annual Financial Report (CAFR), the Auditor’s Management Letter and Reports on Compliance with Government Auditing Standards and Legal Compliance for the year ended December 31, 2009.

SUMMARY: Each year the City contracts with an independent Certified Public Accounting firm to audit the City’s Comprehensive Annual Financial Report (CAFR). Kern, DeWenter, Viere, Ltd. performed the audit for the 2009 CAFR. They have issued an unqualified (clean) opinion on the City’s financial statements. This is the highest form of assurance a Certified Public Accounting Firm can issue. In addition to the CAFR, the Auditor’s Management Letter and Reports on Compliance with Government Auditing Standards and Legal Compliance are enclosed with this memo.

In reviewing the CAFR, I suggest reading the *Letter of Transmittal* which begins on page 3 in the Introductory Section of the report, *Management’s Discussion and Analysis (MD&A)* which begins on page 19 in the Financial Section of the report, and the *Notes to the Financial Statements* which begin on page 41 in the Financial Section of the report.

The auditors did note a significant deficiency in conducting the audit. The significant deficiency was “Lack of Segregation of Accounting Duties”. Under the new audit standards the auditors need to cite examples based on their review and testing of the City’s internal controls. This is a comment that we will most likely receive every year. The City’s response to the comments are included in the auditor’s “Report on Matters Identified as a Result of the Audit of the Financial Statements”.

Steve Wischmann, CPA from Kern, DeWenter, Viere, Ltd. will be present at the study session and at the City Council meeting to discuss these reports.

We will be submitting the CAFR to the Government Finance Officers Association for the Certificate of Achievement for Excellence in Financial Reporting. This will be the 24th year that we have participated in this program. We will also put the CAFR on the City’s website.

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, APRIL 26, 2010 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, April 26, 2010, 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, Finance Director Lanoue and Deputy Clerk Rheaume.

3. PRESENTATIONS:

4. CONSENT AGENDA:

Mayor Tourville removed Item 4M, Approve the Rock Island Swing Bridge Donation Program, from the Consent Agenda.

Councilmember Piekarski Krech removed Item 4K, Approve City Council Goals for 2010, and Item 4P, Approve Technology Manager Position Description and Appoint Patrick Mylan to the Position, from the Consent Agenda.

- A. Minutes – April 12, 2010 Regular Council Meeting
- B. **Resolution No. 10-54** Approving Disbursements for Period Ending April 21, 2010
- C. Pay Voucher No. 1 for City Project No. 2008-18, Low Voltage Contractors
- D. Change Order No. 1 for City Project No. 2008-18, Low Voltage Contractors
- E. Pay Voucher No. 1 for City Project No. 2008-18, TRICOM Communications
- F. Change Order No. 1 and Pay Voucher No. 2 for City Project No. 2008-18, TRICOM Communications
- G. Approve Additional Services with McGhie Betts, Inc. for Infiltration Testing as required by City Engineer
- H. Approve Additional Services with McGhie Betts, Inc. for Asbestos Sampling, Analysis and Report
- I. Accept Proposal for Street Patching Services
- J. **Resolution No. 10-55** Approving Various Easements for City Project No. 2010-09D, South Grove Urban Reconstruction, Area 5
- L. Approve the Disposal of Hockey Rink Equipment from Cameron Park
- N. **Resolution No. 10-56** Designating Polling Place Locations for 2010 Primary & General Elections
- O. Accept Resignations from Environmental Commission
- Q. Personnel Actions
- R. **Resolution No. 10-57** Approving a Joint Powers Agreement with Dakota County Law Enforcement Agencies to Establish & Maintain a Records Management System

Motion by Madden, second by Piekarski Krech, to approve the Consent Agenda

Ayes: 5

Nays: 0 Motion carried.

- K. Approve City Council Goals for 2010

Councilmember Piekarski Krech opined that the community survey should be broader in scope and address all city services, not just those related to Administration and Parks and Recreation.

Mr. Lynch responded the intent will be to create a survey that will encompass all City services. He noted the City is utilizing funds from the Dakota County Active Living Grant for the survey and is required to include some Parks and Recreation questions to remain eligible for funding.

Motion by Klein, second by Grannis, to approve City Council Goals for 2010

Ayes: 5

Nays: 0 Motion carried.

M. Approve the Rock Island Swing Bridge Donation Program

Mayor Tourville questioned how the program would be advertised.

Mr. Carlson stated the program would be advertised on the City's website, in the newspaper, and in the Insights publication. He explained a brochure would also be put together that would outline the details of the program and would be available at a variety of locations. He noted staff would bring any significant donations, in excess of the amounts denoted by the program, to the City Council for special recognition.

Motion by Madden, second by Klein, to approve the Rock Island Swing Bridge donation program

Ayes: 5

Nays: 0 Motion carried.

P. Approve Technology Manager Position Description and Appoint Patrick Mylan to the Position

Councilmember Piekarski Krech clarified this change would not affect the adopted budget because a new position was not being added.

Mr. Lynch explained an existing position would be changed to a supervisory position. He stated this would not result in an increase in staff as there is one position in the department that remains unfilled. He noted the individual being appointed to the position would receive an increase in pay.

Motion by Klein, second by Madden, to approve Technology Manager position description and appoint Patrick Mylan to the position

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Amy Hunting, 2645 96th Street East, thanked the City Council for listening to her recommendations regarding the proposed animal control ordinance. She commented that she reviewed the draft proposed for the third reading and thought animal owners would be very happy with the updates to the existing regulations.

Councilmember Madden thanked Ms. Hunting for her involvement in the process and stated her suggestions helped improve the ordinance.

6. PUBLIC HEARINGS:

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. IVERSON; Consider Resolution relating to a Comprehensive Plan Amendment to change the Land Use Designation from MDR, Medium Density Residential to HDR, High Density Residential for property located on the north side of 80th Street, between Hwy. 3 and Inver Wood Golf Course

Mr. Link stated the applicant is proposing to change the land use designation for 24.3 acres of property. He explained the applicant is anticipating developing the property with a high density multiple family project of approximately 486 units and a density of 19 units per acre. He noted the applicant worked with city staff and submitted a sketch plan review for development in the Northwest Area and the project as

shown met the overall design concepts and complied with zoning performance standards. He explained staff believes the site location is acceptable for higher density residential because the property abuts a county road, is located across the street from future industrial office development, and is adjacent to the golf course. He stated the additional density would allow greater flexibility for unit count over other parts of the Northwest Area where topography may not allow for assumed densities. He noted the higher densities would also provide more households to support the future commercial development at the corner of Hwy. 3 and 80th Street. He added the Planning Commission recommended approval of the request on a 6-2 vote.

Councilmember Piekarski Krech questioned why more high density residential parcels were not originally designated in the Comprehensive Plan.

Mr. Link responded that with the exception of two areas, high density residential designations were not considered at that time. He noted changes to the Comprehensive Plan are generally driven by development plans.

Councilmember Piekarski Krech asked what the vision was for the Northwest Area at that time.

Mr. Link pointed out the two areas designated as HDR in the Northwest Area and stated those were the only areas that stood out as warranting the HDR designation. He noted one parcel was changed to MDR because of a development proposal.

Councilmember Piekarski Krech stated she was concerned that there would only be one public access. and suggested that the City find out what the plan is for the adjacent acreage. She questioned if there would be a plan to put parks in the area to accommodate the residents of the proposed development.

Mr. Link stated the adjacent acreage may still be designated as permanent open space. He explained the City did have plans for a park in this area a few years ago although they were subsequently removed. He noted a park may be warranted if the area was developed accordingly.

Mayor Tourville opined that the developer needs to be responsible for who they market to and should be responsible for dealing with families on park issues.

Councilmember Klein asked if the realignment of 80th Street was finalized.

Mr. Link stated the County is waiting for development to occur before changes are made. He noted there were several access questions that the County did address and some preliminary grading was completed.

Councilmember Klein questioned if the holding pond acquired by the City for the golf course would be affected.

Mr. Link responded that the public purpose of the pond was storm water control.

Joel West, Yaggy Colby & Associates, displayed the County's proposed realignment of 80th Street, indicating a short connecting road between the subject property and 80th Street through the Malensek property. He noted if the Malensek property became permanent open space there would be two competing public interests, road connectivity and preservation of open space. He advised that the plans for the development were conceptual at this point and the plans were meant to demonstrate that all of the buildings could comfortably fit on the site. He stated the PUD process is very extensive and would provide the developer and the City with ample opportunity to revise the plan as necessary.

Mayor Tourville stated there were a lot of questions regarding emergency access at the Planning Commission meeting.

Mr. Link stated that the County would allow only one access and noted the project would meet the County's access spacing requirements for 80th Street. He stated the land layout limited the applicant's ability to have a second access. He advised that if the Malensek property was designated as permanent open space, the applicant would need to create an emergency access in addition to the public access.

Councilmember Piekarski Krech reiterated that both the City and the applicant need to figure out what is

going to happen with the Malensek property.

Councilmember Madden asked what type of tenants the units would be marketed to.

Mr. West replied that information has not been defined by the developer. He noted there would be a minimum of 12 units per acre.

Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 10-58 approving a Comprehensive Plan Amendment to change the Land Use Designation from MDR, Medium Density Residential to HDR, High Density Residential for property located on the north side of 80th Street, between Hwy. 3 and Inver Wood Golf Course

Ayes: 5

Nays: 0 Motion carried.

B. CITY OF INVER GROVE HEIGHTS; Consider the Third Reading of an Ordinance Amendment to the Zoning Ordinance relating to maximum allowed impervious surface coverage in the single family residential zoning districts including A, E-1, E-2, R-1A, R-1B and R-1C

Mr. Link stated the ordinance amendment addresses the maximum allowed impervious coverage in single family residential zoning districts. He explained that City staff performed an extensive amount of analysis over the last several years and has proposed that impervious coverage requirements be based on lot size. He advised that the new regulations would make the requirements less restrictive for property owners. He stated no changes were made since the second reading and both Planning staff and the Planning Commission recommended approval of the ordinance amendment as proposed.

Councilmember Madden stated he still had concerns with allowing 40% coverage on lots up to 9,000 square feet without a conditional use permit.

Councilmember Grannis agreed that 40% coverage on lots in that size category was too dense.

Mayor Tourville questioned how many lots in the City were in the smallest lot size category.

Mr. Link responded there are 500 lots in the City that are between 0 and 9,000 square feet. He noted that out of those 500 lots, only 150-200 lots are buildable.

Motion by Piekarski Krech, second by Tourville, to adopt Ordinance 1209 amending the Zoning Ordinance relating to maximum allowed impervious surface coverage in the single family residential zoning districts including A, E-1, E-2, R-1A, R-1B and R-1C

Ayes: 3

Nays: 2 (Grannis, Madden) Motion carried.

C. SUSSEL CORPORATION; Consider a Resolution relating to a Conditional Use Permit to exceed the allowed maximum impervious coverage to construct a home addition for the property located at 5924 Bradbury Court

Mr. Link explained in June 2009 the applicant submitted a request for a variance and a conditional use permit to construct a porch addition that exceeded the allowed impervious surface on the property. He stated the City Council was unable to identify a hardship for the variance and the request was tabled until the review of the impervious surface ordinance was complete. He explained that the request no longer requires a variance due to the revised impervious surface standards. He stated the proposed porch addition would aesthetically fit in with the neighborhood and all setbacks would be met. He noted the applicant was made aware of the impervious surface conditional use criteria and the City's standard conditions for treating impervious surface. He advised that the applicant agreed to comply with the storm water treatment conditions to help maintain the drainage and storm water runoff on the subject property.

Mike Russel, Sussel Corporation, stated the increase is 18 square feet over the newly adopted standards.

Motion by Piekarski Krech, second by Klein, to adopt Resolution No. 10-59 approving a Conditional Use Permit to exceed the allowed maximum impervious coverage to construct a home addition for the property located at 5924 Bradbury Court

Ayes: 5

Nays: 0 Motion carried.

PARKS AND RECREATION:

D. CITY OF INVER GROVE HEIGHTS; Consider Changes to the Inver Wood Golf Course Business Plan for 2010:

- i) Approve Golf Course Fund Budget Amendment
- ii) Approve Position Description for Golf Shop Cashier
- iii) Approve Purchase of VOIP Equipment and Labor for Golf Course Technology Upgrade
- iv) Consider Purchase of Software & Vending Equipment
- v) Consider Approval of Revised 2010 Rate Structure

Ms. Lanoue explained the 2010 budget for the golf course was prepared based on current operations, with the understanding that the budget may need to be amended based on recommendations from the operational assessment. She stated the Golf Course Manager and the Parks and Recreation Director determined several recommendations would be effective for the 2010 golf season and would therefore require a budget amendment.

Ms. Lanoue explained the budget amendment includes changes in personnel to reflect more professionalism in the Golf Shop as well as changes in the Practice Center and Comfort Station to use vending equipment rather than staff for dispensing range balls and for food/beverage sales. She stated the total change to the budget to reflect the personnel changes is a \$13,300 decrease.

Ms. Lanoue reviewed the proposed equipment and capital improvements including the purchase of two (2) range ball dispensers for a total of \$13,500, a food vending machine at the Comfort Station for a total of \$4,000, and retrofits at both the Comfort Station and the Range Building to accommodate ball dispensers and vending machine for a total of \$10,000.

Ms. Lanoue advised that the proposed purchase of a Point of Sale Management System, including a Reservation System, would allow for better internal controls over golf course operations as well as provide the opportunity for on-line reservations. She stated the total cost of the system is estimated at \$13,000. She noted that \$4,000 was previously budgeted for a website reservation software/hardware system, so an additional \$9,000 would need to be added to the budget for the item.

Ms. Lanoue stated the net increase to the 2010 Golf Course Fund budget is \$23,200. She noted that in subsequent years the proposed changes are expected to save approximately \$26,600 and would have resulted in a decrease in the budget for 2010 had the upfront costs for equipment and capital improvements not been included.

Councilmember Piekarski Krech confirmed that if the changes were applied to a full year of operation the City would have come out ahead with the savings in personnel costs.

Motion by Klein, second by Madden, to adopt Resolution No. 10-60 approving a Golf Course Fund Budget Amendment

Ayes: 5

Nays: 0 Motion carried.

Mr. Carlson explained the operational assessment provided a recommendation on ways to reduce overhead costs while improving customer service. He stated part of the that recommendation is to eliminate seasonal temporary positions at the driving range, comfort station, and service counter at the Clubhouse. He explained that because of the savings achieved through the elimination of positions, three

regular part-time benefitted positions are proposed to replace the positions lost at the service counter. He noted these positions would work nine months annually and be laid off at the end of each golf season. He advised that the rationale behind the change, aside from the cost savings, is that regular benefitted employees provide more stability and customer service consistency.

Councilmember Piekarski Krech questioned how this would save the City money if the employees would be laid off at the end of each golf season and be eligible to collect unemployment.

Mr. Carlson responded that the City currently pays unemployment for seasonal employees.

Ms. Lanoue clarified that the City is a reimbursing employer and therefore only pays unemployment if the employee elects to apply for it.

Mayor Tourville commented that the City has to follow employment laws and guidelines.

Motion by Grannis, second by Tourville, to approve the Position Description for Golf Shop Cashier

Ayes: 5

Nays: 0 Motion carried.

Mr. Carlson stated the city received a bid from Integra to upgrade the VoIP equipment at the Golf Course. He explained the Golf Course is not currently connected to the City's phone network and the upgrade would integrate Inver Wood's phone and data with all other city equipment, utilizing the data servers at City Hall. He noted this would eliminate the need for a server on site and would allow the City to cancel approximately five phone lines. He stated the total cost of the upgrade is \$22,496 and is proposed to be funded via the City Facilities Fund.

Councilmember Piekarski Krech questioned if the maintenance facility would be included in the upgrade.

Mr. Mylan responded that the maintenance facility would be excluded as it has a phone and no data.

Motion by Klein, second by Madden, to approve the purchase of VoIP Equipment and Labor for Golf Course Technology Upgrade from Integra in the amount of \$22,496.

Ayes: 5

Nays: 0 Motion carried.

Mr. Carlson stated that the 2010 budget originally provided \$4,000 for website reservation software and hardware. He explained that a full point of sale management system is required to provide additional operational capability including: an on-line reservation function, integration between tee sheets and point-of-sale transactions, flexibility in rate programming, improved report capability, data base management features, and inventory control. He stated the full cost of the system is \$13,000 including the cost of all software, installation, staff training, and sales tax.

Mr. Carlson advised that a bid of \$4,612.73 was received from Breaktime Vending, Inc. for a refrigerated snack vending machine at the Comfort Station. He stated the low bid for two (2) driving range ball dispensers was received from Wittek Golf Supply in the amount of \$13,188.38.

Motion by Klein, second by Madden, to approve the purchase of Software & Vending Equipment

Ayes: 5

Nays: 0 Motion carried.

Mr. Carlson reviewed the proposed 2010 variable rate structure. He noted this was previously discussed at a Council work session. He stated the revised rate structure would be implemented on May 1st.

Councilmember Klein clarified that the variable rate structure would allow Inver Wood's rates to be more competitive with those of other courses in the area.

Mr. Carlson explained the rates should also increase the number of rounds played.

Motion by Madden, second by Klein, to approve the revised 2010 Rate Structure**Ayes: 5****Nays: 0 Motion carried.**

Councilmember Grannis suggested scheduling a special meeting to review the operational assessment in greater detail and discuss the recommended capital improvements.

Motion by Klein, second by Piekarski Krech, to schedule the meeting for May 17th at 6:00 p.m. at the Inver Wood Golf Course Maintenance Facility.**Ayes: 5****Nays: 0 Motion carried.****E. CITY OF INVER GROVE HEIGHTS; Approve the Transfer of Property Adjacent to Heritage Village Park Currently Owned by Cast-Away Marina**

Mr. Carlson explained Castaway Marina, Inc. has proposed to give the City the property that lies west of the pond and is surrounded by Heritage Village Park. He stated a condition of the transfer would be that the City constructs a six (6) foot high chain link fence along the property line north of the pond. He noted the cost of the fence would be in an amount not to exceed \$6,300.

Motion by Madden, second by Grannis, to approve Transfer of Property Adjacent to Heritage Village Park Currently Owned by Cast-Away Marina**Ayes: 5****Nays: 0 Motion carried.****ADMINISTRATION:****F. CITY OF INVER GROVE HEIGHTS; Consider the following actions related to City Project No. 2008-18, Public Safety Addition/City Hall Renovation:**

- i) Change Order No. 8
- ii) Approve Purchase of Second High Density Evidence Storage Unit
- iii) Approve Purchase of Equipment and Labor for Move of VOIP and Network Equipment
- iv) Approve Landscape Plan
- v) Approve Furniture Contract

Ms. Teppen stated change order eight is comprised of eight items totaling \$25,482. She explained earthwork trucking was financed within the scope of the contract with Shaw Lundquist at \$23,000 and the amount remaining for earthwork trucking is \$15,110. She noted change orders are financed from the project contingency which is now at a balance of \$343,459.

Councilmember Madden asked if phase one of the project was near completion.

Ms. Teppen stated the building would be turned over by the contractor on July 2nd and City Hall would be turned over to the contractor to begin work on phase two on August 13th.

Councilmember Piekarski Krech stated there was another \$10,000 charge because of building code requirements and questioned why the issue was not identified at the start of the project.

Ted Redmond, BKV Group, stated the specific issue with the light fixtures is related to establishing the required amount of lighting for the existing entrances as well as several new entrances. He noted they had hoped to be able to meet the lighting standards with the original specifications and have found that the fixtures are not achieving that desired standard.

Mayor Tourville commented that the wording of the item makes it appear as though the building was not designed to meet code.

Mr. Lynch clarified that the architects were hoping that some of the existing lighting would aid in meeting the code requirements.

Motion by Klein, second by Madden, to approve Change Order No. 8 in the amount of \$25,482 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

Ms. Teppen explained the Council was previously asked to approve the purchase and installation of the track unit that would accommodate the future installation of a second high density evidence storage unit. She stated the Council requested a proposal for the purchase of the second unit and it was determined that the cost would be \$6,245.42.

Councilmember Madden opined that it would be a good decision to purchase the second unit now to ensure it is compatible with the track unit.

Motion by Klein, second by Grannis, to approve purchase of second high density evidence storage unit

Ayes: 5

Nays: 0 Motion carried.

Ms. Teppen explained the City will be responsible for moving all existing VoIP phone and network equipment from City Hall to the Public Safety Addition in order to complete the transition of City Hall staff to the facility. She stated the move will involve work after hours to move the existing equipment and the purchase of additional equipment to satisfy data and phone connections at new office locations and workstations. She noted the new equipment would remain in the new Public Safety building. She stated the cost of the new equipment is \$9,441.66 and the labor cost is \$6,100.00 for a total of \$15,541.66. She explained the total cost would include the connection and documentation of all data ports to the appropriate switch, fiber connections, switch connections, system configuration and testing.

Mayor Tourville questioned if the labor cost could change if additional time is required to complete the scope of work.

Mr. Mylan advised that the labor is a fixed cost.

Motion by Klein, second by Piekarski Krech, to approve the purchase of equipment and labor for move of VoIP and network equipment.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Madden clarified that the proposed trees would provide year-round screening.

Motion by Madden, second by Grannis, to approve landscape plan

Ayes: 5

Nays: 0 Motion carried.

Ms. Teppen stated that over the past few months City staff, Owner's Representatives, and Architects have been reviewing and researching the systems furniture needed for the Public Safety Addition/City Hall Renovation. She advised that current staff will need 58 workstations and 28 private offices. She explained a furniture committee was formed and subsequently toured three vendor showrooms to look at systems furniture. She stated the three vendors provided pricing for typical workstation configurations and the furniture committee recommended that the contract from Fluid Interiors be accepted. She explained Fluid Interiors has access to the US Communities contract which results in a substantial discount from retail prices. She stated the contract is for \$329,066 and includes all systems furniture for the entire project. She added that the contract includes removal of the current furniture.

Councilmember Piekarski Krech asked if the contract includes all the furniture for the entire project.

Ms. Teppen responded this contract is for systems furniture only. She advised that the purchase ancillary furniture would be discussed with the Council in the coming weeks.

Councilmember Madden questioned if the Project Labor Agreement had been executed.

Ms. Teppen advised that the contract would not be considered fully executed until the Project Labor Agreement is completed. She noted it was not completed due to the unavailability of a Saint Paul Building and Trades representative.

Motion by Klein, second by Madden, to approve furniture contract with Fluid Interiors in the amount of \$329,066.

Ayes: 4

Nays: 1 (Piekarski Krech) Motion carried.

G. CITY OF INVER GROVE HEIGHTS; Consider the following actions:

- i) Third Reading of an Ordinance Amending Title 5, Chapter 4, of the City Code relating to Animal Control
- ii) Consider Resolution and Table setting forth License Fees, Administrative Service Fees and Permit Fees

Ms. Teppen reviewed the changes that were made in response to comments received during the second reading of the ordinance.

Councilmember Grannis questioned if animals such as chickens, hens, peacocks or guinea hens would be included in the definition of an animal under Section 5-4-1.

Mr. Kuntz responded in the affirmative.

Councilmember Grannis stated if chickens, hens, peacocks, and guinea hens are included in the definition of an animal, they would also be subject to the definition of "running at large", "run at large", and "at large".

Mr. Kuntz explained under Section 5-4-5 Mr. Grannis' assumption would be true in that the animal could be defined as "running at large" and could theoretically be impounded by the Animal Control Authority.

Councilmember Madden stated it should not be a problem if the animal is on the owner's property.

Mayor Tourville clarified that the way the ordinance is currently written, the animals referenced by Mr. Grannis could not roam around on a property.

Mr. Kuntz responded in the affirmative.

Councilmember Madden suggested that language be added to allow the animals to be on the owner's property, without restraint, provided they are not dangerous.

Ms. Teppen suggested that the item be brought back at the next meeting to allow staff and the City Attorney to review the issue and propose revised language if necessary.

No action was taken on this item.

The City Council took a five minute recess.

PUBLIC WORKS:

H. CITY OF INVER GROVE HEIGHTS; Acceptance of Bids and Award of Contract for 2010 Pavement Management Program, City Project No. 2010-09D – South Grove Urban Street Reconstruction, Area 5

Mr. Thureen stated the low base bid of \$3,031,375.00 was submitted by Ryan Contracting Co. He explained Public Works staff also recommended that bid alternate number one for Dehrer Court

Construction and bid alternate number two for the water main on Conroy Trail be awarded to Ryan Contracting Co. for a total cost of \$3,149,199.00. He noted the combined low bid was 12 percent less than the engineer's estimate of \$3,800,000.00.

Motion by Klein, second by Piekarski Krech, to adopt Resolution No. 10-61 accepting bids and awarding contract to Ryan Contracting Co. in the amount of \$3,149,199.00 for the 2010 Pavement Management Program, City Project No. 2010-09D – South Grove Urban Street Reconstruction, Area 5

Ayes: 5

Nays: 0 Motion carried.

I. CITY OF INVER GROVE HEIGHTS; Resolution Accepting the Proposal from American Engineering Testing, Inc. for Geotechnical Testing Services for the 2010 Pavement Management Program, City Project No. 2010-09D – South Grove Urban Street Reconstruction Program, Area 5

Mr. Thureen explained that American Engineering Testing, Inc. prepared the original borings for the project, providing a familiarity with the South Grove Area. He stated a proposal in the amount of \$30,900.00 was submitted by American Engineering Testing, Inc. for the testing and geotechnical services and the precondition surveys. He noted the City follows the Mn/DOT specifications which require the bituminous contractor to perform coring of the bituminous mixture, resulting in a savings of \$3,360.00. He stated the contract would be for an amount not to exceed \$27,540.50.

Motion by Piekarski Krech, second by Grannis, to adopt Resolution No. 10-62 accepting the proposal from American Engineering Testing, Inc. in an amount not to exceed \$27,540.50 for Geotechnical Testing Services for the 2010 Pavement Management Program, City Project No. 2010-09D – South Grove Urban Street Reconstruction Program, Area 5

Ayes: 5

Nays: 0 Motion carried.

J. CITY OF INVER GROVE HEIGHTS; Resolution Accepting the Proposal from Gorman Surveying, Inc. for Survey Staking Services for the 2010 Pavement Management Program, City Project No. 2010-09D South Grove Urban Street Reconstruction, Area 5

Mr. Thureen explained that due to the amount and complexity of work involved with the South Grove Area 5 reconstruction project, the City Engineering Division is not staffed to perform the construction staking work. He stated staff recommended acceptance of the proposal from Gorman Surveying, Inc. in the amount of \$23,485.00.

Motion by Madden, second by Piekarski Krech, to adopt Resolution No. 10-63 accepting the proposal from Gorman Surveying, Inc. in the amount of \$23,485.00 for Survey Staking Services for the 2010 Pavement Management Program, City Project No. 2010-09D South Grove Urban Street Reconstruction, Area 5

Ayes: 5

Nays: 0 Motion carried.

K. CITY OF INVER GROVE HEIGHTS; Resolution Receiving Bids and Awarding Contract for the 2010 Pavement Management Program, City Project No. 2010-09H – South Grove Sod Repair Project

Mr. Thureen explained that staff solicited quotes from six contractors for three different strategies on repairing sod. He stated five contractors submitted quotes for repair with sod, and one contractor submitted a quote for terra-seeding only. He reviewed the terra-seeding strategy and stated the low bid for this method was submitted by Windscares in the amount of \$38,625.00. He explained the project was solicited with a timeline to start by May 15, 2010 and to be completed by June 15, 2010, with an additional maintenance period through August 20, 2010. He noted terra-seeding was used in the boulevard between

the curb and sidewalks on Clayton Avenue in 2009 and was very successful.

Councilmember Klein asked when the terra-seeding was done last year.

Mr. Thureen stated it was done in late August.

Councilmember Klein stated he would be in favor of terra-seeding because it is being done in May.

Councilmember Madden agreed that it would be a good time to use the terra-seeding method.

Motion by Klein, second by Madden, to adopt Resolution No. 10-64 Receiving Bids and Awarding Contract to Windscares in the amount of \$38,625.00 for the 2010 Pavement Management Program, City Project No. 2010-09H – South Grove Sod Repair Project

Ayes: 5

Nays: 0 Motion carried.

L. CITY OF INVER GROVE HEIGHTS; Resolution Authorizing the City of Inver Grove Heights to enter into Agreement No. 92316 for Railroad Crossing Signals with Mn/DOT and the Union Pacific Railroad Company

Mr. Thureen asked that the item be pulled from the agenda because the City did not received the agreement.

No action was taken on this item.

8. MAYOR & COUNCIL COMMENTS:

Mayor Tourville said hydrant flushing started today and goes through May 7th.

9. ADJOURN: Motion by Klein, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 9:25 p.m.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: May 10, 2010
 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 April 22, 2010 to May 5, 2010.

SUMMARY

Shown below is a listing of the disbursements for the various funds for the period ending May 5, 2010. The detail of these disbursements is attached to this memo.

General & Special Reveune	\$87,653.64
Debt Service & Capital Projects	1,153,422.29
Enterprise & Internal Service	248,954.82
Escrows	4,971.62
	<hr/>
Grand Total for All Funds	<u><u>\$1,495,002.37</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 April 22, 2010 to May 5, 2010 and the listing of disbursements requested for approval.

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

**RESOLUTION APPROVING DISBURSEMENTS FOR THE
PERIOD ENDING MAY 5, 2010**

WHEREAS, a list of disbursements for the period ending May 5, 2010 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	\$ 87,653.64
Debt Service & Capital Projects	1,153,422.29
Enterprise & Internal Service	248,954.82
Escrow	<u>4,971.62</u>
Grand Total for All Funds	<u>\$ 1,495,002.37</u>

Adopted by the City Council of Inver Grove Heights this 10th day of May, 2010.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Melissa Rheume, Deputy City Clerk

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
04/28/2010	99871	ABC RENTALS INC	195931	101-6000-451.40-47		4/2010	131.46
						* Total	131.46
04/28/2010	99872	ACE PAINT & HARDWARE	502188	101-6000-451.40-47		4/2010	26.67
			502201	101-4200-423.40-42		4/2010	7.00
						* Total	33.67
04/28/2010	99873	ALEX AIR APPARATUS, INC	17920	101-4200-423.40-40		4/2010	39.54
						* Total	39.54
04/28/2010	99875	BAARS MECHANICAL, INC.	19L	101-6000-451.40-40		4/2010	282.87
						* Total	282.87
04/28/2010	99876	BARNA, GUZY, & STEFFEN	66090	101-1100-413.30-43		4/2010	48.00
						* Total	48.00
04/28/2010	99878	BILLMEYER, JESSICA	meals - training	101-4000-421.50-75		4/2010	39.82
						* Total	39.82
04/28/2010	99879	CANEFF, ADAM	food-training	101-4200-423.50-75		4/2010	35.24
						* Total	35.24
04/28/2010	99881	CITY OF SAINT PAUL	113607	101-5200-443.60-16		4/2010	453.11
			113714	101-4000-421.40-42		4/2010	131.16
						* Total	584.27
04/28/2010	99887	COPY RIGHT	47025	101-4000-421.50-30		4/2010	309.29
						* Total	309.29
04/28/2010	99893	DAKOTA CTY WATER RESOUR	maintenance	101-3300-419.30-70		4/2010	4,520.34
						* Total	4,520.34
04/28/2010	99902	FIRE EQUIPMENT SPECIALT	6567	101-4200-423.60-40		4/2010	980.70
						* Total	980.70
04/28/2010	99904	G & K SERVICES	1182340474	101-5200-443.60-45		4/2010	48.69
			1182340474	101-6000-451.60-45		4/2010	24.85
						* Total	73.54
04/28/2010	99905	GELHAYE, JOE	lunch-training	101-4000-421.50-75		4/2010	11.82
						* Total	11.82
04/28/2010	99906	GERTENS	192092	101-6000-451.60-65		4/2010	127.02
			192571	101-6000-451.60-65		4/2010	58.78
			1992205	101-6000-451.60-65		4/2010	63.06
						* Total	248.86
04/28/2010	99912	HENNING FIRE PROTECTION	561561	101-4000-421.60-65		4/2010	60.00
						* Total	60.00
04/28/2010	99913	HILLYARD INC	6273524	101-4200-423.60-11		4/2010	170.85
						* Total	170.85

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
04/28/2010	99916	IKON OFFICE SOLUTIONS	acct 142531017392	101-6000-451.40-65		4/2010	29.28
						* Total	29.28
04/28/2010	99917	IMAGE TREND INC	013838	101-4200-423.70-50		4/2010	3,110.00
						* Total	3,110.00
04/28/2010	99923	JTD INC SPORTS TURF SPE	464B	101-6000-451.60-30		4/2010	267.19
						* Total	267.19
04/28/2010	99924	KERN, DEWENTER, VIERE,	1008481	101-2000-415.30-10		4/2010	8,500.00
						* Total	8,500.00
04/28/2010	99926	LANOUE, ANN	mileage - mncpa seminar	101-2000-415.50-65		4/2010	36.30
			mngfoa - meeting fee	101-2000-415.50-75		4/2010	15.00
						* Total	51.30
04/28/2010	99928	LINK, THOMAS	mileage-meetings	101-3000-419.50-65		4/2010	76.00
						* Total	76.00
04/28/2010	99929	LOCAL GOVERNMENT INFORM	32072	101-4000-421.70-30		4/2010	3,830.00
						* Total	3,830.00
04/28/2010	99934	METRO ATHLETIC SUPPLY	122366	101-6000-451.60-65		4/2010	954.18
						* Total	954.18
04/28/2010	99935	MIKE'S SHOE REPAIR, INC	4192010	101-4200-423.30-70		4/2010	171.00
						* Total	171.00
04/28/2010	99936	MINNEAPOLIS OXYGEN CO.	acct 113505	101-4000-421.60-65		4/2010	72.81
						* Total	72.81
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	101-0000-203.09-00		4/2010	1,872.22
			policy 0027324	101-1100-413.20-62		4/2010	67.14
			policy 0027324	101-2000-415.20-62		4/2010	96.63
			policy 0027324	101-3000-419.20-62		4/2010	39.41
			policy 0027324	101-3200-419.20-62		4/2010	30.53
			policy 0027324	101-3300-419.20-62		4/2010	58.51
			policy 0027324	101-4000-421.20-62		4/2010	495.67
			policy 0027324	101-4200-423.20-62		4/2010	41.08
			policy 0027324	101-5000-441.20-62		4/2010	23.36
			policy 0027324	101-5100-442.20-62		4/2010	102.87
			policy 0027324	101-5200-443.20-62		4/2010	74.26
			policy 0027324	101-6000-451.20-62		4/2010	94.29
						* Total	2,995.97
04/28/2010	99942	MTI DISTRIBUTING CO	721375	101-6000-451.40-47		4/2010	940.56
						* Total	940.56
04/28/2010	99944	NEXTEL COMMUNICATIONS	acct 487383319	101-6000-451.50-20		4/2010	401.48
			acct 266948529	101-4000-421.50-20		4/2010	658.00
						* Total	1,059.48
04/28/2010	99946	NEXTEL COMMUNICATIONS	ACCT 573073317	101-1100-413.50-20		4/2010	38.06

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
						* Total	38.06
04/28/2010	99947	NEXTEL COMMUNICATIONS	acct 634573312	101-3300-419.50-20		4/2010	421.25
						* Total	421.25
04/28/2010	99953	OLUND, JIM	hotel/meals/training	101-4200-423.50-75		4/2010	362.13
						* Total	362.13
04/28/2010	99956	PRESTIGE ELECTRIC, INC.	84813	101-4200-423.40-40		4/2010	476.00
			84814	101-4200-423.40-40		4/2010	250.00
			84820	101-4200-423.40-40		4/2010	144.00
						* Total	870.00
04/28/2010	99960	REINDERS, INC.	300252	101-6000-451.60-35		4/2010	33.93
						* Total	33.93
04/28/2010	99967	S & T OFFICE PRODUCTS	MONICA A	101-4200-423.60-65		4/2010	36.27
			1138	101-5200-443.60-40		4/2010	188.83
			1265	101-3300-419.60-40		4/2010	115.81
			1281	101-5100-442.60-10		4/2010	286.81
			1290	101-5100-442.60-10		4/2010	285.74
			date stamp-carrie	101-2000-415.60-40		4/2010	44.31
						* Total	957.77
04/28/2010	99969	SHEA, CATHY	mileage - mncpa seminar	101-2000-415.50-65		4/2010	18.85
			mngfoa meeting	101-2000-415.50-75		4/2010	15.00
						* Total	33.85
04/28/2010	99970	SPRINT	acct 166309819	101-4000-421.50-20		4/2010	399.90
						* Total	399.90
04/28/2010	99971	SPRINT	acct 266183728	101-4200-423.50-20		4/2010	39.99
						* Total	39.99
04/28/2010	99973	ST PAUL STAMP WORKS INC	200066	101-4200-423.60-45		4/2010	45.53
						* Total	45.53
04/28/2010	99974	STEENBERG, LUKE	mileage	101-4200-423.50-65		4/2010	22.50
			food	101-4200-423.50-75		4/2010	9.26
						* Total	31.76
04/28/2010	99977	STREICHER'S	1728340	101-4000-421.60-18		4/2010	4,133.11
						* Total	4,133.11
04/28/2010	99983	TRAFFIC & PARKING CONTR	339065	101-5200-443.60-16		4/2010	527.60
						* Total	527.60
04/28/2010	99984	TWIN CITIES OCCUPATIONA	101652711	101-1100-413.30-70		4/2010	355.00
						* Total	355.00
04/28/2010	99986	TWIN CITY SAW	A16950	101-6000-451.60-40		4/2010	223.12
						* Total	223.12

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
04/28/2010	99987	UNIFORMS UNLIMITED	29111 29639	101-4000-421.60-45 101-4000-421.60-45		4/2010 4/2010 * Total	39.41 111.47 150.88
04/28/2010	99988	UNIVERSITY OF WISCONSIN	SOIL KIT	101-3300-419.60-40		4/2010 * Total	59.99 59.99
04/28/2010	99991	US POSTMASTER - IGH	POLICE	101-4000-421.50-35		4/2010 * Total	132.00 132.00
04/28/2010	99992	UTILITY CONSULTANTS INC	75862	101-6000-451.30-70		4/2010 * Total	1,059.00 1,059.00
04/28/2010	99994	VIKING PAINTS, INC.	33636	101-6000-451.60-16		4/2010 * Total	569.12 569.12
04/28/2010	99997	XCEL ENERGY	acct 5151854463	101-4000-421.40-42		4/2010 * Total	39.26 39.26
04/28/2010	99998	XCEL ENERGY	acct 5147791673 acct 5147791673	101-6000-451.40-10 101-6000-451.40-20		4/2010 4/2010 * Total	463.91 951.32 1,415.23
04/28/2010	99999	XCEL ENERGY	acct 5152791130 acct 5152791130	101-5200-443.40-20 101-5400-445.40-20		4/2010 4/2010 * Total	98.68 9,101.01 9,199.69
05/05/2010	100003	ACE PAINT & HARDWARE	501151 502316	101-6000-451.40-40 101-4200-423.40-40		5/2010 5/2010 * Total	37.90 13.88 51.78
05/05/2010	100006	AFSCME COUNCIL 5	4/17-4/30	101-0000-203.10-00		5/2010 * Total	820.89 820.89
05/05/2010	100010	BUDGET SIGN AND GRAPHIC	48471	101-6000-451.60-16		5/2010 * Total	25.65 25.65
05/05/2010	100020	DAKOTA CTY PROPERTY REC	january 2010 january 2010 january 2010	101-2000-415.30-70 101-4000-421.30-70 101-5100-442.30-70		5/2010 5/2010 5/2010 * Total	3.04 12.96 61.44 77.44
05/05/2010	100021	DAKOTA CTY TREASURER	1st qtr utilities	101-5400-445.40-20		5/2010 * Total	458.53 458.53
05/05/2010	100023	DAKOTA UNLIMITED INC	14332	101-5200-443.40-46		5/2010 * Total	525.00 525.00
05/05/2010	100024	DECKER, JOHN	vest	101-4000-421.60-45		5/2010 * Total	568.62 568.62
05/05/2010	100029	FEDEX KINKO'S	acct 9980016701	101-2000-415.50-30		5/2010 * Total	112.48 112.48

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
05/05/2010	100030	FIRE EQUIPMENT SPECIALT	6580	101-4200-423.60-40		5/2010	159.40
						* Total	159.40
05/05/2010	100032	G & K SERVICES	acct 7494701	101-5200-443.60-45		4/2010	15.44
			acct 7494701	101-6000-451.60-45		4/2010	58.10
						* Total	73.54
05/05/2010	100036	GRAINGER	9231819872	101-6000-451.40-40		5/2010	299.84
						* Total	299.84
05/05/2010	100038	HAWK LABELING SYSTEMS	177603	101-4200-423.60-10		5/2010	24.42
						* Total	24.42
05/05/2010	100039	HAYES, RICHARD	fire ring permit	101-0000-322.55-00		5/2010	15.00
						* Total	15.00
05/05/2010	100048	IUOE	4/17-4/30	101-0000-203.10-00		5/2010	1,433.31
						* Total	1,433.31
05/05/2010	100049	KENNEDY & GRAVEN	a & W financing	101-1100-413.30-44		5/2010	105.00
						* Total	105.00
05/05/2010	100054	LELS	4/17-4/30	101-0000-203.10-00		5/2010	1,170.00
						* Total	1,170.00
05/05/2010	100055	LELS SERGEANTS	4/17-4/30	101-0000-203.10-00		5/2010	210.00
						* Total	210.00
05/05/2010	100056	LYNCH, JOE	lunch mtg w/superintenden	101-1100-413.50-75		5/2010	32.79
						* Total	32.79
05/05/2010	100060	METRO CISM TEAM, THE	23	101-4000-421.50-80		5/2010	50.00
						* Total	50.00
05/05/2010	100061	MIRACLE RECREATION EQUI	697269	101-6000-451.40-47		5/2010	143.23
						* Total	143.23
05/05/2010	100062	MN GLOVE & SAFETY, INC.	240448	101-5200-443.60-45		4/2010	215.94
			240456	101-5200-443.60-16		4/2010	690.10
			240458	101-5200-443.60-45		4/2010	185.05
						* Total	1,091.09
05/05/2010	100063	MN NCPERS LIFE INSURANC	MAY 2010	101-0000-203.16-00		5/2010	384.00
						* Total	384.00
05/05/2010	100065	MN SECRETARY OF STATE -	notary - kathy fischer	101-5000-441.50-70		5/2010	40.00
						* Total	40.00
05/05/2010	100066	NEAMEYER, DAVID	meals/hotel-ssts training	101-3300-419.50-75		5/2010	104.13
						* Total	104.13
05/05/2010	100067	NEXTEL COMMUNICATIONS	acct 266183728067	101-4200-423.50-20		5/2010	502.27
						* Total	502.27

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
05/05/2010	100068	NEXTEL COMMUNICATIONS	acct 249383315	101-5200-443.50-20		4/2010	242.96
						* Total	242.96
05/05/2010	100069	NORTHLAND CHEMICAL CORP	5030536	101-5200-443.60-16		4/2010	289.73
						* Total	289.73
05/05/2010	100074	RIVER HEIGHTS CHAMBER O	225	101-1000-413.50-75		5/2010	40.00
						* Total	40.00
05/05/2010	100076	SALMEY, GERALD	food-case 10=1362	101-4000-421.50-75		5/2010	42.60
						* Total	42.60
05/05/2010	100078	SAM'S CLUB	acct 7715090061172300	101-1100-413.50-75		5/2010	89.78
						* Total	89.78
05/05/2010	100080	SAM'S CLUB	acct 7715090401334891	101-4200-423.60-11		5/2010	55.53
			acct 7715090401334891	101-4200-423.60-65		5/2010	71.46
						* Total	126.99
05/05/2010	100084	ST. PAUL HARLEY-DAVIDSO	cust 44051	101-4000-421.40-41		5/2010	539.98
						* Total	539.98
05/05/2010	100085	TDS METROCOM	acct 6515540132	101-4000-421.50-20		5/2010	130.27
			acct 6515540132	101-4200-423.50-20		5/2010	156.30
			acct 6515540132	101-6000-451.50-20		5/2010	34.92
						* Total	321.49
05/05/2010	100089	TRACTOR SUPPLY CREDIT P	acct 6035301200183679	101-5200-443.40-47		5/2010	172.03
			acct 6035301200183679	101-5200-443.60-16		5/2010	148.17
			acct 6035301200183679	101-6000-451.60-65		5/2010	43.07
						* Total	363.27
05/05/2010	100090	TRAFFIC & PARKING CONTR	339429	101-5200-443.60-16		4/2010	787.98
						* Total	787.98
05/05/2010	100092	U OF M - EXTENSION SERV	summer turf workshop	101-5200-443.50-80		4/2010	50.00
						* Total	50.00
05/05/2010	100093	UNIFORMS UNLIMITED	30450	101-4000-421.60-45		5/2010	822.14
			30473	101-4000-421.60-45		5/2010	276.45
						* Total	1,098.59
05/05/2010	100094	UNITED WAY	4/17-4/30	101-0000-203.13-00		5/2010	178.00
						* Total	178.00
05/05/2010	100098	WIEDERHOEFT, ADAM	vest	101-4000-421.60-45		5/2010	568.63
						* Total	568.63
05/05/2010	100101	XCEL ENERGY	acct 5193897235	101-5400-445.40-20		5/2010	417.23
						* Total	417.23
05/05/2010	100102	XCEL ENERGY	acct 5193598573	101-5400-445.40-20		5/2010	270.66
						* Total	270.66

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
05/05/2010	100103	XCEL ENERGY	acct 5183943582	101-5400-445.40-20		5/2010	22.58
						* Total	22.58
05/05/2010	100104	XCEL ENERGY	acct 5160255967	101-5400-445.40-20		5/2010	20.93
						* Total	20.93
05/05/2010	100106	ZACK'S, INC.	25753	101-5200-443.60-16		4/2010	786.84
						* Total	786.84
				96 Checks	** Fund Total		65,462.86
04/28/2010	99900	ENSEMBLE CREATIVE & MAR	IGH03192010	201-1600-465.50-25		4/2010	5,653.44
						* Total	5,653.44
04/28/2010	99962	RIVER HEIGHTS CHAMBER O	189	201-1600-465.50-20		4/2010	232.36
			189	201-1600-465.50-35		4/2010	81.79
						* Total	314.15
				2 Checks	** Fund Total		5,967.59
04/28/2010	99976	STRATEGIC INSIGHTS CO	10PLAN078	408-5900-708.70-60		4/2010	721.41
						* Total	721.41
				1 Checks	** Fund Total		721.41
04/23/2010	99865	LOW VOLTAGE CONTRACTORS	city hall renovation	428-5918-728.80-61	0818	4/2010	109,250.00
						* Total	109,250.00
04/23/2010	99866	TRICOM COMMUNICATIONS	city hall renovation	428-5918-728.80-62	0818	4/2010	26,788.00
						* Total	26,788.00
04/23/2010	99867	TRICOM COMMUNICATIONS	city hall renovation	428-5918-728.80-62	0818	4/2010	40,610.00
						* Total	40,610.00
04/28/2010	99925	KRECH, O'BRIEN, MUELLER	81530116256	428-5918-728.30-70	0818	4/2010	8,063.90
						* Total	8,063.90
05/05/2010	100042	HENNEN CONSTRUCTION COM	southern sewer	428-5911-728.80-30	0811	5/2010	7,043.74
						* Total	7,043.74
05/05/2010	100082	SHAW-LUNDQUIST ASSOCIAT	city hall addition	428-5918-728.80-20	0818	5/2010	939,172.85
						* Total	939,172.85
				6 Checks	** Fund Total		1,130,928.49
05/05/2010	100033	G & M TREE MOVING INC	458	443-5900-743.60-16		5/2010	5,170.00
						* Total	5,170.00
				1 Checks	** Fund Total		5,170.00
04/28/2010	99891	DAKOTA CTY PROPERTY REC	pid 200080002051	446-5915-746.80-10	0315	4/2010	3,067.10
						* Total	3,067.10

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
04/28/2010	99892	DAKOTA CTY PROPERTY REC	pid 200080001129	446-5915-746.80-10	0315	4/2010	3,595.12
						* Total	3,595.12
04/28/2010	99948	NORTH COUNTRY INTERIORS	574051	446-5915-746.70-60	0315	4/2010	959.17
						* Total	959.17
05/05/2010	100049	KENNEDY & GRAVEN	nw area infrastructure	446-5915-746.30-44	0315	5/2010	231.00
						* Total	231.00
				4 Checks	** Fund Total		7,852.39
04/28/2010	99897	DPRA INCORPORATED	201013587	451-5900-751.30-70		4/2010	2,000.00
						* Total	2,000.00
04/28/2010	99919	INTEGRA REALTY RESOURCE	12420090621	451-5900-751.30-70		4/2010	1,250.00
			12420090622	451-5900-751.30-70		4/2010	4,300.00
			12420090658	451-5900-751.30-70		4/2010	1,200.00
						* Total	6,750.00
				2 Checks	** Fund Total		8,750.00
04/28/2010	99904	G & K SERVICES	1182340474	501-7100-512.60-45		4/2010	4.93
						* Total	4.93
04/28/2010	99909	HAWKINS, INC.	3109252	501-7100-512.60-19		4/2010	13,224.21
						* Total	13,224.21
04/28/2010	99910	HD SUPPLY WATERWORKS LT	1217665	501-7100-512.75-50		4/2010	1,484.23
			9766513	501-7100-512.75-50		4/2010	1,000.00
						* Total	2,484.23
04/28/2010	99938	MN GLOVE & SAFETY, INC.	2400086	501-7100-512.60-16		4/2010	352.69
						* Total	352.69
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	501-7100-512.20-62		4/2010	56.13
						* Total	56.13
04/28/2010	99967	S & T OFFICE PRODUCTS	GUEST CHAIR	501-7100-512.40-40		4/2010	250.00
						* Total	250.00
04/28/2010	99981	TKDA	201000939	501-7100-512.30-70		4/2010	1,273.10
						* Total	1,273.10
04/28/2010	99985	TWIN CITY FILTER SERVIC	0465917	501-7100-512.40-40		4/2010	744.04
						* Total	744.04
05/05/2010	100003	ACE PAINT & HARDWARE	502254	501-7100-512.60-16		4/2010	2.12
						* Total	2.12
05/05/2010	100008	BAILEY CONSTRUCTION	CURBS	501-7100-512.40-46		5/2010	3,000.00
						* Total	3,000.00
05/05/2010	100009	BRACIA DESIGNS	DESIGN	501-7100-512.50-30		5/2010	150.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
						* Total	150.00
05/05/2010	100022	DAKOTA ELECTRIC ASSN	acct 2148310	501-7100-512.40-20		5/2010	9.93
						* Total	9.93
05/05/2010	100032	G & K SERVICES	acct 7494701	501-7100-512.60-45		4/2010	4.93
						* Total	4.93
05/05/2010	100040	HD SUPPLY WATERWORKS LT	1214369	501-7100-512.40-42		4/2010	113.46
						* Total	113.46
05/05/2010	100041	HD SUPPLY WATERWORKS LT	1214182	501-7100-512.75-50		5/2010	1,574.41
						* Total	1,574.41
05/05/2010	100083	SIGNAL PRO EQUIPMENT	acct 30035	501-7100-512.60-16		4/2010	4.79
						* Total	4.79
05/05/2010	100085	TDS METROCOM	acct 6515540132	501-7100-512.50-20		5/2010	211.72
						* Total	211.72
05/05/2010	100088	TKDA	201000961	501-7100-512.30-70		4/2010	1,236.56
						* Total	1,236.56
05/05/2010	100089	TRACTOR SUPPLY CREDIT P	acct 6035301200183679	501-7100-512.60-16		5/2010	320.30
						* Total	320.30
05/05/2010	100097	WATER CONSERVATION SERV	1840	501-7100-512.30-70		4/2010	220.00
						* Total	220.00
05/05/2010	100106	ZACK'S, INC.	25754	501-7100-512.60-40		4/2010	69.44
						* Total	69.44
						21 Checks ** Fund Total	25,306.99
04/28/2010	99899	ELECTRIC PUMP INC	40869	502-7200-514.60-16		4/2010	55.58
						* Total	55.58
04/28/2010	99904	G & K SERVICES	1182340474	502-7200-514.60-45		4/2010	2.12
						* Total	2.12
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	502-7200-514.20-62		4/2010	36.45
						* Total	36.45
05/05/2010	100032	G & K SERVICES	acct 7494701	502-7200-514.60-45		4/2010	2.12
						* Total	2.12
05/05/2010	100089	TRACTOR SUPPLY CREDIT P	acct 6035301200183679	502-7200-514.60-16		5/2010	35.62
						* Total	35.62
						5 Checks ** Fund Total	131.89
04/28/2010	99872	ACE PAINT & HARDWARE	502192	503-8600-527.40-40		4/2010	3.83
						* Total	3.83

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
04/28/2010	99874	ARCTIC GLACIER, INC.	462010701	503-8300-524.60-65		4/2010	145.72
						* Total	145.72
04/28/2010	99875	BAARS MECHANICAL, INC.	33L	503-8100-522.40-42		4/2010	148.50
						* Total	148.50
04/28/2010	99882	COCA COLA BOTTLING COMP	0196810809	503-8300-524.76-10		4/2010	1,065.44
			0196810810	503-8300-524.76-10		4/2010	495.22-
						* Total	570.22
04/28/2010	99884	COLLEGE CITY BEVERAGE	178467	503-8300-524.76-15		4/2010	110.00
			714762	503-8300-524.76-15		4/2010	239.90
						* Total	349.90
04/28/2010	99889	CUSHMAN MOTOR COMPANY I	149465	503-8600-527.40-42		4/2010	13.17
			149604	503-8600-527.40-42		4/2010	49.58
			149619	503-8600-527.40-42		4/2010	224.44
						* Total	287.19
04/28/2010	99890	CUTTER & BUCK	91490496	503-8200-523.76-20		4/2010	216.39
			91494694	503-8200-523.76-20		4/2010	106.94
						* Total	323.33
04/28/2010	99896	DON PIEHL	158363	503-8600-527.40-42		4/2010	84.35
						* Total	84.35
04/28/2010	99898	DRAFT TECHNOLOGIES	419104J	503-8300-524.40-42		4/2010	30.00
						* Total	30.00
04/28/2010	99901	FAST SIGNS	19038011	503-8000-521.60-65		4/2010	485.21
						* Total	485.21
04/28/2010	99904	G & K SERVICES	1182351659	503-8600-527.60-45		4/2010	77.40
						* Total	77.40
04/28/2010	99907	GRANDMA'S BAKERY	25618	503-8300-524.76-05		4/2010	24.40
			25910	503-8300-524.76-05		4/2010	28.73
			26219	503-8300-524.76-05		4/2010	39.53
						* Total	92.66
04/28/2010	99911	HEGGIES PIZZA	1026030	503-8300-524.76-05		4/2010	111.70
						* Total	111.70
04/28/2010	99921	JJ TAYLOR DIST. COMPANY	1382248	503-8300-524.76-15		4/2010	291.00
			1382303	503-8300-524.76-15		4/2010	99.00
						* Total	390.00
04/28/2010	99927	LENTNER, GLEN	disposal fee	503-8600-527.40-25		4/2010	30.00
			mileage	503-8600-527.50-75		4/2010	11.00
						* Total	41.00
04/28/2010	99930	M. AMUNDSON LLP	83633	503-8300-524.76-05		4/2010	231.00
			84086	503-8300-524.76-05		4/2010	112.52

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
						* Total	343.52
04/28/2010	99932	MCMURCHIE, AL	EXPENSE REPORT	503-8000-521.60-65		4/2010	555.64
						* Total	555.64
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	503-8000-521.20-62		4/2010	10.92
			policy 0027324	503-8500-526.20-62		4/2010	34.05
			policy 0027324	503-8600-527.20-62		4/2010	43.30
						* Total	88.27
04/28/2010	99954	PERFORMANCE DRAFT COMPA	041410455	503-8300-524.40-42		4/2010	40.00
						* Total	40.00
04/28/2010	99967	S & T OFFICE PRODUCTS	1177	503-8500-526.60-40		4/2010	336.78
						* Total	336.78
04/28/2010	99979	TAYLOR MADE GOLF COMPAN	acct 602343	503-8200-523.76-20		4/2010	2,864.35
						* Total	2,864.35
04/28/2010	99989	US FOODSERVICE	CM33100545	503-8300-524.76-05		4/2010	68.21-
			33127927	503-8300-524.60-65		4/2010	232.69
			33127927	503-8300-524.76-05		4/2010	817.20
			33127927	503-8300-524.76-10		4/2010	87.25
			33137033	503-8300-524.60-65		4/2010	485.20
			33137033	503-8300-524.76-05		4/2010	510.38
			33137033	503-8300-524.76-10		4/2010	28.08
						* Total	2,092.59
04/28/2010	99995	WINZER CORPORATION	3668793	503-8600-527.40-42		4/2010	557.92
						* Total	557.92
04/28/2010	100000	ZACK'S, INC.	25755	503-8600-527.60-40		4/2010	106.84
						* Total	106.84
05/05/2010	100003	ACE PAINT & HARDWARE	502323	503-8600-527.60-40		5/2010	20.27
						* Total	20.27
05/05/2010	100007	ARCTIC GLACIER, INC.	439011206	503-8300-524.60-65		5/2010	54.60
						* Total	54.60
05/05/2010	100014	COCA COLA BOTTLING COMP	0128519808	503-8300-524.76-10		5/2010	424.35
						* Total	424.35
05/05/2010	100015	COLLEGE CITY BEVERAGE	714813	503-8300-524.76-15		5/2010	160.00
						* Total	160.00
05/05/2010	100017	CUSHMAN MOTOR COMPANY I	149760	503-8400-525.40-41		5/2010	1,581.02
						* Total	1,581.02
05/05/2010	100019	CUTTER & BUCK	91496954	503-8200-523.76-20		5/2010	72.24
						* Total	72.24
05/05/2010	100025	DEX MEDIA EAST	acct 110360619	503-8500-526.50-25		5/2010	79.90

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
						* Total	79.90
05/05/2010	100031	G & K SERVICES	1182362775	503-8600-527.60-45		5/2010	76.82
						* Total	76.82
05/05/2010	100034	GCSAA	joel metz	503-8600-527.50-70		5/2010	480.00
						* Total	480.00
05/05/2010	100035	GEMPLER'S INC.	1015310250	503-8600-527.60-65		5/2010	232.00
						* Total	232.00
05/05/2010	100036	GRAINGER	9232315680	503-8600-527.60-65		5/2010	87.98
						* Total	87.98
05/05/2010	100037	GRANDMA'S BAKERY	26481	503-8300-524.76-05		5/2010	42.02
			26764	503-8300-524.76-05		5/2010	42.02
			27029	503-8300-524.76-05		5/2010	37.04
			27273	503-8300-524.76-05		5/2010	30.94
			27538	503-8300-524.76-05		5/2010	25.96
			27832	503-8300-524.76-05		5/2010	28.73
						* Total	206.71
05/05/2010	100043	HOCKENBERGS	202477	503-8600-527.80-40		5/2010	5,946.28
						* Total	5,946.28
05/05/2010	100044	IMPERIAL HEADWEAR, INC.	797045	503-8200-523.76-20		5/2010	367.23
						* Total	367.23
05/05/2010	100051	LAWSON PRODUCTS, INC.	acct 0295547 85523	503-8600-527.40-42		5/2010	321.18
						* Total	321.18
05/05/2010	100057	M. AMUNDSON LLP	84509	503-8300-524.76-05		5/2010	134.25
						* Total	134.25
05/05/2010	100058	MENARDS - WEST ST. PAUL	36909	503-8600-527.40-42		5/2010	43.80
			36934	503-8600-527.40-42		5/2010	12.80
			37368	503-8600-527.60-20		5/2010	42.71
						* Total	99.31
05/05/2010	100059	METRO CASH REGISTER SYS	69109	503-8500-526.60-10		5/2010	74.77
						* Total	74.77
05/05/2010	100070	PERFORMANCE DRAFT COMPA	LINE CLEAN	503-8300-524.40-42		5/2010	40.00
						* Total	40.00
05/05/2010	100072	PRECISION TURF & CHEMIC	34238	503-8600-527.60-30		5/2010	4,342.55
						* Total	4,342.55
05/05/2010	100087	TITLEIST	1594982	503-8200-523.76-45		5/2010	588.18
						* Total	588.18
05/05/2010	100095	US FOODSERVICE	141331	503-8300-524.60-65		5/2010	197.24
			5628834	503-8300-524.60-65		5/2010	126.04

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
05/05/2010	100095	US FOODSERVICE	5628834	503-8300-524.76-05		5/2010	348.11
			5628834	503-8300-524.76-10		5/2010	96.17
						* Total	767.56
05/05/2010	100099	XCEL ENERGY	acct 5158775110	503-8600-527.40-20		5/2010	14.21
						* Total	14.21
05/05/2010	100100	XCEL ENERGY	acct 518775121	503-8600-527.40-20		5/2010	1,266.33
						* Total	1,266.33
05/05/2010	100105	YOCUM OIL COMPANY, INC.	979890	503-8400-525.60-21		5/2010	1,370.95
						* Total	1,370.95
				49 Checks	** Fund Total		28,935.61
04/28/2010	99903	FIRST IMPRESSION GROUP,	4153120	504-6100-452.50-35	R90100	4/2010	1,090.00
						* Total	1,090.00
04/28/2010	99916	IKON OFFICE SOLUTIONS	acct 142531017392	504-6100-452.40-65	R90100	4/2010	263.56
						* Total	263.56
04/28/2010	99918	INDEPENDENT SCHOOL DIST	1115	504-6100-452.40-65	R40300	4/2010	760.00
						* Total	760.00
04/28/2010	99931	MARR, DARREN	CHILDRENS SHOW	504-6100-452.30-70	R20100	4/2010	100.00
						* Total	100.00
04/28/2010	99937	MINNESOTA YOUTH SOCCER	OVERPMT ON JUNE RV FIELD	504-0000-347.10-00	R60600	4/2010	150.00
						* Total	150.00
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	504-6100-452.20-62	R90100	4/2010	61.31
						* Total	61.31
04/28/2010	99945	NEXTEL COMMUNICATIONS	ACCT 302193319	504-6100-452.50-20	R90100	4/2010	85.24
						* Total	85.24
04/28/2010	99950	OFFICE DEPOT	ACCT 6011568510088883	504-6100-452.60-09	R40100	4/2010	23.51
						* Total	23.51
04/28/2010	99957	PUMP IT UP	VMCC	504-6100-452.50-90	R20100	4/2010	87.00
						* Total	87.00
04/28/2010	99980	THREE RIVERS PARK DISTR	5471483	504-6100-452.50-90	R20120	4/2010	350.00
						* Total	350.00
05/05/2010	100016	CONNELLY, LISA	cancel garage sale	504-0000-347.00-00	R40100	5/2010	19.00
						* Total	19.00
05/05/2010	100045	INDEPENDENT SCHOOL DIST	SENIOR TRIP	504-0000-347.00-00	R30800	5/2010	824.00
						* Total	824.00
05/05/2010	100046	INDEPENDENT SCHOOL DIST	1116	504-6100-452.40-65	R40300	5/2010	10.00
						* Total	10.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
05/05/2010	100047	INVER GROVE HEIGHTS SEN	APR MEMBERSHIP	504-0000-347.00-00	R30800	5/2010	168.00
						* Total	168.00
05/05/2010	100064	MN RECREATION AND PARK	6617	504-6100-452.50-80	R90100	5/2010	149.00
						* Total	149.00
05/05/2010	100086	THOMPSON, NICK	gas rental van	504-6100-452.40-50	R20100	5/2010	15.05
			mn swarm tickets	504-6100-452.50-90	R40200	5/2010	481.00
			ground quivers	504-6100-452.60-09	R20920	5/2010	275.00
						* Total	771.05
05/05/2010	100091	TWIN CITY TRUCK & VAN R	8201	504-6100-452.40-50	R20100	5/2010	106.82
			8212	504-6100-452.40-50	R20100	5/2010	106.82
						* Total	213.64
				17 Checks	** Fund Total		5,125.31
04/28/2010	99883	COCA COLA BOTTLING COMP	0118555518	505-6200-453.76-10	C30200	4/2010	126.00
						* Total	126.00
04/28/2010	99885	COMCAST	acct 8772105910127188	505-6200-453.50-70	C10000	4/2010	178.88
						* Total	178.88
04/28/2010	99894	DAKOTA GLASS & GLAZING	2010166	505-6200-453.40-40	C21000	4/2010	743.00
						* Total	743.00
04/28/2010	99895	DEWITT, RYAN	class canceled	505-0000-352.35-00	C51000	4/2010	19.50
						* Total	19.50
04/28/2010	99903	FIRST IMPRESSION GROUP,	4153120	505-6200-453.50-35	C95000	4/2010	1,090.00
						* Total	1,090.00
04/28/2010	99909	HAWKINS, INC.	3109253	505-6200-453.60-15	C25000	4/2010	1,631.22
						* Total	1,631.22
04/28/2010	99914	HUEBSCH SERVICES	2521666	505-6200-453.40-40	C25000	4/2010	105.57
						* Total	105.57
04/28/2010	99916	IKON OFFICE SOLUTIONS	acct 142531017392	505-6200-453.40-65	C10000	4/2010	439.26
						* Total	439.26
04/28/2010	99922	JOHNSON CONTROLS	1603133177	505-6200-453.40-40	C25000	4/2010	2,898.17
						* Total	2,898.17
04/28/2010	99933	MENARDS - WEST ST. PAUL	32160	505-6200-453.60-16	C21000	4/2010	91.47
						* Total	91.47
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	505-6200-453.20-62	C70000	4/2010	124.21
						* Total	124.21
04/28/2010	99946	NEXTEL COMMUNICATIONS	ACCT 573073317	505-6200-453.50-20	C25000	4/2010	378.90
						* Total	378.90

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
04/28/2010	99959	RED PINE PTO	FAIR BOOTH REGISTRATION	505-6200-453.60-16	C25000	4/2010	25.00
						* Total	25.00
04/28/2010	99961	REMACKEL, CATHERINE	OVERPD POOL DEPOSIT	505-0000-352.27-00	C55000	4/2010	16.00
						* Total	16.00
04/28/2010	99963	ROBBINSDALE AREA SCHOOL	OVERPD POOL DEPOSIT	505-0000-352.27-00	C55000	4/2010	15.00
						* Total	15.00
04/28/2010	99964	ROSEMOUNT AREA ATHLETIC	CANCELED TURF RENTAL	505-0000-352.23-00	C17500	4/2010	490.07
						* Total	490.07
04/28/2010	99965	RYCO SUPPLY COMPANY	32138	505-6200-453.60-11	C25000	4/2010	12.83
						* Total	12.83
04/28/2010	99972	SPS COMPANIES, INC.	S2181040001	505-6200-453.60-16	C25000	4/2010	833.63
						* Total	833.63
04/28/2010	99975	STERICYCLE INC	4001578019	505-6200-453.40-25	C10000	4/2010	217.56
						* Total	217.56
05/05/2010	100004	ADOLPH KIEFER & ASSOCIA	I1613931	505-6200-453.60-40	C50000	5/2010	78.89
			I1614157	505-6200-453.60-40	C50000	5/2010	59.70
						* Total	138.59
05/05/2010	100014	COCA COLA BOTTLING COMP	0118480203	505-6200-453.76-10	C30400	5/2010	516.15
						* Total	516.15
05/05/2010	100016	CONNELLY, LISA	cancel garage sale	505-0000-352.25-00	C15500	5/2010	5.00
						* Total	5.00
05/05/2010	100036	GRAINGER	9222998107	505-6200-453.60-16	C25000	5/2010	64.13
			9222998115	505-6200-453.60-16	C21000	5/2010	146.97
			9222998123	505-6200-453.60-16	C21000	5/2010	387.96-
						* Total	176.86-
05/05/2010	100064	MN RECREATION AND PARK	6617	505-6200-453.50-80	C10100	5/2010	149.00
						* Total	149.00
05/05/2010	100073	RECREATION SUPPLY COMPA	196355	505-6200-453.60-16	C25000	5/2010	82.81
						* Total	82.81
05/05/2010	100075	ROACH, RICK	mileage	505-6200-453.50-65	C25000	5/2010	14.00
						* Total	14.00
05/05/2010	100085	TDS METROCOM	acct 6515540132	505-6200-453.50-20	C10000	5/2010	106.96
						* Total	106.96
05/05/2010	100096	VISTAR CORPORATION	28047003	505-6200-453.76-05	C30400	5/2010	825.96
						* Total	825.96
					28 Checks	** Fund Total	11,097.88

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	602-2100-415.20-62		4/2010	2.14
						* Total	2.14
05/05/2010	100052	LEAGUE OF MN CITIES INS	workers compensation	602-2100-415.50-09		5/2010	52,566.75
						* Total	52,566.75
05/05/2010	100053	LEAGUE OF MN CITIES INS	4th installment	602-2100-415.50-10		5/2010	47,843.00
			4th installment	602-2100-415.50-11		5/2010	31,310.75
			4th installment	602-2100-415.50-12		5/2010	10,905.25
			4th installment	602-2100-415.50-15		5/2010	487.00
			4th installment	602-2100-415.50-16		5/2010	3,401.50
						* Total	93,947.50
				3 Checks	** Fund Total		146,516.39
04/28/2010	99872	ACE PAINT & HARDWARE	502194	603-5300-444.40-41		4/2010	27.97
			502201	603-5300-444.40-41		4/2010	4.25
						* Total	32.22
04/28/2010	99880	CARQUEST OF ROSEMOUNT	1596124003	603-5300-444.40-41		4/2010	4.48
			1596124090	603-0000-145.50-00		4/2010	30.10
						* Total	34.58
04/28/2010	99904	G & K SERVICES	1182340474	603-5300-444.40-65		4/2010	66.40
			1182340474	603-5300-444.60-45		4/2010	26.81
						* Total	93.21
04/28/2010	99908	HANCO CORPORATION	511489	603-5300-444.60-14		4/2010	184.62
						* Total	184.62
04/28/2010	99915	I-STATE TRUCK CENTER	C242114657	603-5300-444.40-41		4/2010	96.18
			C242115049	603-5300-444.40-41		4/2010	99.82
						* Total	196.00
04/28/2010	99920	INVER GROVE FORD	5034587	603-5300-444.40-41		4/2010	351.86
						* Total	351.86
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	603-5300-444.20-62		4/2010	35.90
						* Total	35.90
04/28/2010	99943	NAPA OF INVER GROVE HEI	033110	603-5300-444.40-41		4/2010	1.37
			190550	603-5300-444.40-41		4/2010	96.99
			190551	603-5300-444.40-41		4/2010	5.34-
						* Total	93.02
04/28/2010	99958	QUALITY AUTO CARE CENTE	53638	603-5300-444.40-41		4/2010	320.52
						* Total	320.52
04/28/2010	99967	S & T OFFICE PRODUCTS	MESH CHAIR	603-5300-444.40-40		4/2010	339.24
						* Total	339.24
04/28/2010	99968	SCHARBER & SONS	1043733	603-5300-444.40-41		4/2010	878.51
			1044050	603-5300-444.40-41		4/2010	64.66

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
						* Total	943.17
04/28/2010	99978	T.I.P. INC	340961	603-5300-444.40-41		4/2010	885.00
						* Total	885.00
04/28/2010	99982	TOTAL CONSTRUCTION & EQ	46900	603-5300-444.40-40		4/2010	700.49
						* Total	700.49
04/28/2010	99999	XCEL ENERGY	acct 5152791130	603-5300-444.40-20		4/2010	1,535.89
			acct 5152791130	603-5300-444.40-10		4/2010	1,113.40
						* Total	2,649.29
04/28/2010	100001	ZARNOTH BRUSH WORKS	0127504	603-0000-145.50-00		4/2010	1,527.24
						* Total	1,527.24
05/05/2010	100003	ACE PAINT & HARDWARE	502215	603-5300-444.60-12		4/2010	2.12
						* Total	2.12
05/05/2010	100012	CARQUEST OF ROSEMOUNT	1596123953	603-5300-444.40-41		4/2010	45.93
			1596124117	603-5300-444.40-41		4/2010	2.64
			1596124125	603-5300-444.40-41		4/2010	351.90
			1596124176	603-5300-444.40-41		4/2010	105.27
			1596124221	603-5300-444.40-41		4/2010	7.77
			1596124332	603-5300-444.40-41		4/2010	168.86
			1596124486	603-5300-444.60-12		4/2010	16.54
			1596124493	603-5300-444.40-41		4/2010	87.72
			1596124637	603-5300-444.60-12		4/2010	49.96
			1596124641	603-0000-145.50-00		4/2010	95.42
			1596124643	603-0000-145.50-00		4/2010	21.74
			1596124727	603-5300-444.60-12		4/2010	30.93
			1596124773	603-5300-444.40-41		4/2010	80.44
			1596124792	603-5300-444.40-41		4/2010	14.93
			1596124838	603-0000-145.50-00		4/2010	50.92
			1596124851	603-5300-444.40-41		4/2010	12.83
			1596124859	603-5300-444.40-41		4/2010	131.02
			1596124866	603-5300-444.40-41		4/2010	4.79
			1596124946	603-5300-444.60-12		4/2010	37.36
						* Total	953.59
05/05/2010	100013	CLAREY'S SAFETY EQUIPME	132266	603-5300-444.80-70		5/2010	4,175.00
						* Total	4,175.00
05/05/2010	100018	CUSTOM HOSE TECH	53918	603-5300-444.40-41		4/2010	77.21
						* Total	77.21
05/05/2010	100027	EMERGENCY AUTOMOTIVE TE	CSO415101	603-0000-145.50-00		4/2010	365.51
						* Total	365.51
05/05/2010	100028	FACTORY MOTOR PARTS COM	13330230	603-5300-444.40-41		5/2010	20.50
			13341130	603-5300-444.40-41		4/2010	277.62
						* Total	257.12
05/05/2010	100032	G & K SERVICES	acct 7494701	603-5300-444.40-65		4/2010	59.72

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
05/05/2010	100032	G & K SERVICES	acct 7494701	603-5300-444.60-45		4/2010	23.61
						* Total	83.33
05/05/2010	100050	KREMER SERVICES LLC	196850	603-5300-444.40-41		4/2010	266.00
						* Total	266.00
05/05/2010	100068	NEXTEL COMMUNICATIONS	acct 249383315	603-5300-444.50-20		4/2010	64.32
						* Total	64.32
05/05/2010	100069	NORTHLAND CHEMICAL CORP	5030537	603-5300-444.60-12		4/2010	234.81
						* Total	234.81
05/05/2010	100071	POMP'S TIRE SERVICE, IN	491351	603-0000-145.50-00		4/2010	1,198.50
						* Total	1,198.50
05/05/2010	100079	SAM'S CLUB	acct 7715090061845624	603-5300-444.40-40		5/2010	53.97
						* Total	53.97
05/05/2010	100081	SCHARBER & SONS	1045063	603-5300-444.40-41		4/2010	84.92
						* Total	84.92
05/05/2010	100089	TRACTOR SUPPLY CREDIT P	acct 6035301200183679	603-5300-444.40-41		5/2010	219.55
			acct 6035301200183679	603-5300-444.60-12		5/2010	5.88
						* Total	225.43
05/05/2010	100105	YOCUM OIL COMPANY, INC.	978650	603-0000-145.60-00		4/2010	9,546.00
			978651	603-0000-145.60-00		4/2010	4,148.20
			978652	603-0000-145.60-00		4/2010	4,984.40
						* Total	18,678.60
				30 Checks	** Fund Total		35,106.79
04/28/2010	99886	COORDINATED BUSINESS SY	CNIN07919	604-2200-416.60-05		4/2010	123.75
						* Total	123.75
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	604-2200-416.20-62		4/2010	.98
						* Total	.98
04/28/2010	99951	OFFICEMAX INC	VMCC	604-2200-416.60-10		4/2010	179.02
						* Total	179.02
04/28/2010	99952	OFFICEMAX INC	ACCT 687054	604-2200-416.60-10		4/2010	57.94
						* Total	57.94
04/28/2010	99955	PRECISION DATA SYSTEMS	8154	604-2200-416.60-05		4/2010	341.61
			color/copy paper	604-2200-416.60-05		4/2010	793.52
			indecia/window envelopes	604-2200-416.60-10		4/2010	813.40
			bar code/laser envelopes	604-2200-416.60-10		4/2010	597.80
						* Total	2,546.33
04/28/2010	99967	S & T OFFICE PRODUCTS	MONICA	604-2200-416.60-10		4/2010	4.67
			0319	604-2200-416.60-10		4/2010	134.64
			1137	604-2200-416.60-10		4/2010	122.95

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
04/28/2010	99967	S & T OFFICE PRODUCTS	1282	604-2200-416.60-10		4/2010	100.89
			1289	604-2200-416.60-10		4/2010	53.65
			1289A	604-2200-416.60-10		4/2010	223.73
			storage boxes	604-2200-416.60-10		4/2010	98.62
			1293	604-2200-416.60-10		4/2010	73.17
			1293A	604-2200-416.60-10		4/2010	7.44
						* Total	712.46
05/05/2010	100026	EAGAN POLICE DEPARTMENT	30 citation books	604-2200-416.60-10		5/2010	202.50
						* Total	202.50
				7 Checks	** Fund Total		3,822.98
04/26/2010	99870	US POSTMASTER	mailings	605-3100-419.50-35		4/2010	1,282.99
						* Total	1,282.99
04/28/2010	99913	HILLYARD INC	6271823	605-3100-419.60-11		4/2010	167.96
						* Total	167.96
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	605-3100-419.20-62		4/2010	8.33
						* Total	8.33
04/28/2010	99949	NS/I MECHANICAL CONTRAC	C001195	605-3100-419.40-40		4/2010	1,893.00
			W19422	605-3100-419.40-40		4/2010	464.00
						* Total	2,357.00
04/28/2010	99967	S & T OFFICE PRODUCTS	1280	605-3100-419.60-65		4/2010	87.71
			1280A	605-3100-419.60-65		4/2010	778.73
			1288	605-3100-419.60-40		4/2010	33.43
			1288	605-3100-419.60-65		4/2010	317.80
						* Total	1,217.67
04/28/2010	99990	US POSTMASTER	standard mail	605-3100-419.50-35		4/2010	370.00
						* Total	370.00
05/05/2010	100077	SAM'S CLUB	acct 7715090063580633	605-3100-419.60-11		5/2010	14.13
						* Total	14.13
05/05/2010	100085	TDS METROCOM	acct 6515540132	605-3100-419.50-20		5/2010	372.20
						* Total	372.20
				8 Checks	** Fund Total		5,790.28
04/28/2010	99888	CREATIVE VISION TECHNOL	108790	606-1400-413.60-42		4/2010	2,398.70
						* Total	2,398.70
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	606-1400-413.20-62		4/2010	9.81
						* Total	9.81
04/28/2010	99967	S & T OFFICE PRODUCTS	1285	606-1400-413.60-65		4/2010	88.73
						* Total	88.73
04/28/2010	99993	VERIZON WIRELESS	acct 280581502	606-1400-413.50-20		4/2010	32.50

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
						* Total	32.50
05/05/2010	100005	ADVANCED TECHNOLOGY SYS	54678	606-1400-413.60-10		5/2010	814.15
						* Total	814.15
						5 Checks ** Fund Total	3,343.89
04/23/2010	99869	WASHINGTON COUNTY SHERI	melissa ann peterson	702-0000-229.10-00		4/2010	250.00
						* Total	250.00
04/28/2010	99996	WSB & ASSOCIATES, INC.	11	702-0000-228.21-00		4/2010	228.00
						* Total	228.00
						2 Checks ** Fund Total	478.00
04/28/2010	99877	BARR ENGINEERING COMPAN	23190211800183	703-5500-446.30-30		4/2010	4,491.35
						* Total	4,491.35
04/28/2010	99941	MN LIFE INSURANCE CO	policy 0027324	703-5500-446.20-62		4/2010	2.27
						* Total	2.27
						2 Checks ** Fund Total	4,493.62
						289 Checks *** Bank Total	1,495,002.37
						289 Checks *** Grand Total	1,495,002.37

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Pay Voucher No. 11 for City Project No. 2008-18 – Public Safety Addition/City Hall Renovation

Meeting Date: May 10, 2010
Item Type: Consent
Contact: Jenelle Teppen, Asst City Admin
Prepared by: *JTB*
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. 11 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 eight change orders for a total contract amount now of \$11,779,932.00.

The contractor has completed the work through April 30, 2010 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. 11 in the amount of \$939,172.85 to Shaw Lundquist Associates for work on City Project No. 2008-18 – Public Safety Addition/City Hall Renovation.

Attachment: Pay Voucher No. 11

CITY OF INVER GROVE HEIGHTS
CONSTRUCTION PAYMENT VOUCHER

ESTIMATE NO: 11 (eleven)
DATE: May 10, 2010
PERIOD ENDING: April 30, 2010
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	\$278,032.00
Total Deduction	\$0.00
Total Contract Amount	\$11,779,932
Total Value of Work to Date	\$6,908,507.00
Less Retained (5%)	\$345,425.35
Less Previous Payment	\$5,623,908.00
Total Approved for Payment this Voucher	\$939,172.85
Total Payments including this Voucher	\$6,563,081.65

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 February 28, 2009.

Signed by: _____ May 10, 2010
Jenelle Teppen, Assistant City Administrator

Signed by: _____
Shaw Lundquist Associates Date

Signed by: _____ April 12, 2010
George Tourville, Mayor

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF 11 PAGES

TO OWNER: City of Inver Grove Heights
 8150 Barbara Avenue
 Inver Grove Heights, MN 55077

PROJECT: Public Safety Addition
 and City Hall Remodel
 8150 Barbara Ave.
 Inver Grove Hts, MN

VIA ARCHITECT: BKV Group, Inc.
 222 North Second Street
 Minneapolis, MN 55401

FROM CONTRACTOR: Shaw-Lundquist Associates, Inc. (099477)
 Remit to: SDS 12-0699 Box 86
 Minneapolis, MN 55486

CONTRACT FOR: General Construction

CONTRACTORS APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM		\$	11,501,900.00
2. Net change by Change Orders		\$	278,032.00
3. CONTRACT SUM TO DATE (Line 1 + 2)		\$	11,779,932.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)		\$	6,908,507.00
5. RETAINAGE:			
a. <u>5</u> % of Completed Work (Column D + E on G703)	\$	325,578.80	
b. <u>5</u> % of Stored Material (Column F on G703)	\$	19,846.55	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$	345,425.35	
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$	6,563,081.65	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	5,623,908.80	
8. CURRENT PAYMENT DUE	\$	939,172.85	
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$	5,216,850.35	

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$252,550.00	
Total approved this Month	\$25,482.00	
TOTALS	\$278,032.00	\$0.00
NET CHANGES by Change Order	\$278,032.00	

APPLICATION NO: 11
 APPLICATION DATE: April 26, 2010
 PERIOD TO: April 30, 2010
 PROJECT NOS: #1643.01
 CONTRACT DATE: May 19, 2009

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

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: [Signature] Date: May 4, 2010
 John C. Stoberg - Contractor

State of Minnesota
 Subscribed and sworn to before me this 4th day of May, 2010
 Notary Public: [Signature]
 My Commission expires: 1/31/15



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 \$ 939,172.85

(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: [Signature] Date: 5/5/2010
 ARCHITECT: [Signature]

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

CONTINUATION SHEET

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: 11
 APPLICATION DATE: April 23, 2010
 PERIOD TO: April 30, 2010
 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+H)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
PHASE I									
01010	Mobilization/Project Setup	14,676.00	14,676.00				14,676.00	100.00%	
01020	Supervision & Project Management	259,344.00	216,120.00		21,612.00		237,732.00	91.67%	21,612.00
01030	Layout & misc. survey	6,180.00	6,180.00				6,180.00	100.00%	
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	56,880.00				56,880.00	100.00%	
01070	equipment rentals, small tools	6,138.00	5,368.00		300.00		5,668.00	92.34%	470.00
01080	Safety and enclosures	4,614.00	4,614.00				4,614.00	100.00%	
01090	Temporary Fence	15,750.00	15,750.00				15,750.00	100.00%	
01100	Project Sign	688.00	688.00				688.00	100.00%	
01110	Toilets/Trailers/Telephone	14,700.00	12,250.00		1,225.00		13,475.00	91.67%	1,225.00
01120	Dumpsters/General cleaning	35,664.00	29,720.00		2,972.00		32,692.00	91.67%	2,972.00
01130	Punchlist/Final Cleaning/project closeout/C	10,545.00	10,545.00				10,545.00	100.00%	
31 2300	excavation work	230,287.00	203,465.00		18,822.00		222,287.00	96.53%	8,000.00
32 1206	plant mixed asphalt pavement, porous asphalt	68,910.00	15,000.00		5,280.00		20,280.00	21.77%	53,910.00
32 1314	concrete walks, median and driveways	26,400.00	25,000.00		2,162.00		27,162.00	92.04%	2,162.00
32 1613	concrete curb & gutter	27,162.00	25,000.00		2,162.00		27,162.00	92.04%	2,162.00
32 3241	Landscape, irrigation, retaining walls	100,980.00	100,980.00				100,980.00	100.00%	
33 1000	site utilities	123,000.00	108,500.00		4,000.00		112,500.00	88.21%	14,500.00
02 4119	selective demolition for remodeling	47,900.00	42,500.00		4,000.00		46,500.00	97.08%	1,400.00
03 2000	concrete reinforcing steel	29,635.00	29,635.00				29,635.00	100.00%	
03 2001	reinforcing steel labor	24,000.00	24,000.00				24,000.00	100.00%	
03 3000	cast-in-place concrete	368,285.00	359,979.00		8,306.00		368,285.00	100.00%	
03 3510	polished concrete	17,856.00	8,820.00		8,300.00		17,120.00	95.88%	736.00
Page Totals		1,599,931.00	1,264,482.00		95,817.00	0.00	1,360,299.00		239,632.00

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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.

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: 09
 APPLICATION DATE: April 23, 2010
 PERIOD TO: April 30, 2010
 OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD TO DATE	F MATERIALS STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (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	660,894.00	631,214.00		16,500.00		647,714.00	13,180.00	
05 5000	Steel, Misc. Metal Materials	304,490.00	288,991.00		11,500.00		300,491.00	3,999.00	
05 5001	Steel, Misc. Metal Labor	139,300.00	133,035.00		4,500.00		137,535.00	1,765.00	
06 1053	miscellaneous carpentry	27,570.00	27,570.00				27,570.00	100.00%	
06 4100	architectural woodwork	117,456.00	12,800.00				12,800.00	10.90%	104,656.00
06 4101	Architectural woodwork Labor	31,491.00						0.00%	31,491.00
07 1326	hot-fluid applied asphalt waterproofing	18,000.00	18,000.00		2,700.00		18,000.00	100.00%	
07 2726	moisture barrier	23,700.00	21,000.00				23,700.00	100.00%	
07 4213	metal panels	78,233.00	2,000.00			35,170.00	37,170.00	47.51%	41,063.00
07 5400	Roofing, sheetmetal flashing & trim	137,780.00	130,500.00		350.00		130,850.00	94.97%	6,930.00
07 9200	joint sealers	15,306.00	11,577.00				11,577.00	75.64%	3,729.00
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	143,596.00				143,596.00	94.72%	8,000.00
08 3113	access panels	2,483.00						0.00%	2,483.00
08 3313	Overhead coiling doors, grilles, four fold dot	66,420.00	28,432.00		37,988.00		66,420.00	100.00%	
08 4423	glazed aluminum curtainwalls, glazing	394,056.00	350,814.00		15,000.00		365,814.00	92.83%	28,242.00
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	321,000.00		2,856.00		321,000.00	95.03%	16,800.00
09 3100	tile	30,710.00	27,854.00				30,710.00	100.00%	
09 5123	acoustical tile ceilings & wall panels	97,602.00	24,563.00		32,677.00		57,240.00	58.65%	40,362.00
09 6723	resinous flooring	4,977.00						0.00%	4,977.00
09 6813	carpet tile & resilient flooring, entrance ma	87,156.00				74,856.00	74,856.00	85.89%	12,300.00
09 7750	fiberglass reinforced panels	390.00						0.00%	390.00
Page Totals		2,755,142.00	2,172,946.00		124,071.00	110,026.00	2,407,043.00	348,099.00	0

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 4 OF 11 PAGES

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APPLICATION NO: 09

APPLICATION DATE: April 23, 2010

PERIOD TO: April 30, 2010

OWNER'S PROJECT NO: #1643.01

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+H)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
								% (G + C)		
09 9000	painting and coatings	40,826.00		18,990.00	8,000.00		26,990.00	66.11%	13,836.00	
10 1000	visual display boards	6,872.00						0.00%	6,872.00	
10 1413	interior signage	3,468.00						0.00%	3,468.00	
10 1451	exterior signage	5,871.00						0.00%	5,871.00	
10 2113	toilet compartments	10,160.00			8,705.00		8,705.00	85.68%	1,455.00	
10 2219	dismountable partitions	4,499.00						0.00%	4,499.00	
10 2800	toilet accessories	6,852.00			6,852.00		6,852.00	100.00%		
10 4413	fire protection specialties	2,274.00			2,274.00		2,274.00	100.00%		
10 5113	metal lockers	18,413.00						0.00%	18,413.00	
10 5114	police evidence lockers	78,620.00						0.00%	78,620.00	
10 5613	metal storage shelving	12,205.00						0.00%	12,205.00	
10 6500	wire mesh partitions	5,880.00						0.00%	5,880.00	
10 7500	flagpoles	1,557.00						0.00%	1,557.00	
10 9000	fire department lock boxes	355.00						0.00%	355.00	
11 1930	detention furnishings	70,484.00		49,600.00			49,600.00	70.37%	20,884.00	
11 3100	appliances	5,915.00						0.00%	5,915.00	
11 5213	projection screens	7,146.00		6,457.00			6,457.00	90.36%	689.00	
12 2413	roller shades	28,583.00						0.00%	28,583.00	
13 4200	bullet resistant transaction window	10,631.00		10,631.00			10,631.00	100.00%		
14 2400	hotel hydraulic elevators	121,273.00		109,840.00			109,840.00	90.57%	11,433.00	
21 0000	fire suppression	53,823.00		49,007.00			49,007.00	91.05%	4,816.00	
22 0000	Mechanical									
22 0001	Permits/Mobilize	13,600.00		13,600.00			13,600.00	100.00%		
22 0002	Infloor Heat L	25,000.00		24,000.00			24,000.00	96.00%	1,000.00	
22 0003	Infloor Heat M	39,000.00		38,500.00			38,500.00	98.72%	500.00	
22 0004	Hot Water L	77,663.00		57,500.00			57,500.00	93.35%	5,163.00	
22 0005	Hot Water M	48,274.00		37,041.00			37,041.00	94.55%	2,633.00	
22 0006	Geo Core Piping L	87,350.00		54,500.00			54,500.00	86.43%	11,850.00	
22 0007	Geo Core Piping M	42,800.00		32,500.00			32,500.00	88.79%	4,800.00	
	Page Totals	829,394.00		502,166.00	75,931.00	0.00	578,097.00		251,297.00	0

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CONTINUATION SHEET

ALA DOCUMENT G703

PAGE 5 OF 11 PAGES

ALA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

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APPLICATION NO: 09

April 23, 2010

APPLICATION DATE: April 30, 2010

PERIOD TO: April 30, 2010

OWNER'S PROJECT NO: #1643.01

A	B	C	D	E	F	G	H	I	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)	WORK COMPLETED THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+H)	% (G + C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
22 0007	Heat Pump Piping L	15,000.00	9,500.00	3,000.00		12,500.00	83.33%	2,500.00	
22 0008	Heat Pump Piping M	9,541.00	4,600.00	1,800.00		6,400.00	67.08%	3,141.00	
22 0009	CUH Radiation L	16,000.00	4,000.00	8,000.00		12,000.00	75.00%	4,000.00	
22 0010	CUH Radiation M	25,000.00	19,000.00	4,800.00		23,800.00	95.20%	1,200.00	
22 0011	Hydronic Pumps L	20,000.00	14,800.00	2,500.00		17,300.00	86.50%	2,700.00	
22 0012	Hydronic Pumps M	45,000.00	45,000.00			45,000.00	100.00%		
22 0013	Hydronic Tank L	10,000.00		10,000.00		10,000.00	100.00%		
22 0014	Hydronic Tank M	20,000.00	17,000.00	3,000.00		20,000.00	100.00%		
22 0015	Condensation L	14,500.00	8,800.00	2,800.00		11,600.00	80.00%	2,900.00	
22 0016	Condensation M	8,500.00	4,900.00	2,400.00		7,300.00	85.88%	1,200.00	
22 0017	Humidifiers L	10,000.00					0.00%	10,000.00	
22 0018	Humidifiers M	13,000.00	13,000.00			13,000.00	100.00%		
22 0019	Fixtures/ Water Heaters/ Pumps L	49,550.00	13,880.00	11,500.00		25,380.00	51.22%	24,170.00	
22 0020	Fixtures/ Water Heaters/ Pumps M	130,500.00	107,500.00	12,700.00		120,200.00	92.11%	10,300.00	
22 0021	Water Vent, RWL, Drains L	86,370.00	86,370.00			86,370.00	100.00%		
22 0022	Water Vent, RWL, Drains M	98,500.00	98,500.00			98,500.00	100.00%		
22 0023	Water Pipe L	50,000.00	44,500.00	2,500.00		47,000.00	94.00%	3,000.00	
22 0024	Water Pipe M	39,680.00	39,680.00			39,680.00	100.00%		
22 0025	Pipe Insulation L	50,700.00	30,700.00	14,200.00		44,900.00	88.56%	5,800.00	
22 0026	Pipe Insulation M	35,400.00	19,800.00	9,800.00		29,600.00	83.62%	5,800.00	
22 0027	HVAC GCs	15,000.00	15,000.00			15,000.00	100.00%		
22 0028	Mobilization	5,000.00	5,000.00			5,000.00	100.00%		
22 0029	Equipment Rental	6,000.00	2,500.00	500.00		3,000.00	50.00%	3,000.00	
22 0030	Permit	16,000.00	16,000.00			16,000.00	100.00%		
22 0031	Demo	15,000.00		1,000.00		1,000.00	6.67%	14,000.00	
22 0032	Testing Adjusting and Balancing	25,000.00		2,300.00		2,300.00	9.20%	22,700.00	
22 0033	Duct Insulation	50,000.00	15,100.00	3,000.00		18,100.00	36.20%	31,900.00	
22 0034	Controls	150,000.00	59,500.00	9,300.00		68,800.00	45.87%	81,200.00	
22 0035	Metal Ducts L	205,000.00	78,800.00	33,000.00		111,800.00	54.54%	93,200.00	
	Page Totals	1,234,241.00	773,430.00	138,100.00	0.00	911,530.00		322,711.00	0

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 6 OF 11 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

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APPLICATION NO: 09

APPLICATION DATE: April 23, 2010

PERIOD TO: April 30, 2010

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)		
22 0036	Metal Ducts M	70,000.00	23,300.00		3,000.00		26,300.00	37.57%	43,700.00	
22 0037	Air Duct Acc. L	25,000.00	11,300.00		1,200.00		12,500.00	50.00%	12,500.00	
22 0038	Air Duct Acc. M	13,000.00	8,150.00				8,150.00	62.69%	4,850.00	
22 0039	HVAC Power Vent. L	10,500.00	4,000.00				4,000.00	38.10%	6,500.00	
22 0040	HVAC Power Vent. M	8,500.00	8,500.00				8,500.00	100.00%		
22 0041	Diffusers, Registers, Grilles L	36,749.00	20,200.00				21,300.00	57.96%	15,449.00	
22 0042	Diffusers, Registers, Grilles M	37,621.00	20,000.00				20,000.00	53.16%	17,621.00	
22 0043	Modular Indoor Central AHU L	35,860.00	16,800.00				16,800.00	46.85%	19,060.00	
22 0044	Modular Indoor Central AHU M	300,000.00	208,120.00				208,120.00	69.37%	91,880.00	
22 0045	Geothermal L	105,000.00	58,400.00		46,600.00		105,000.00	100.00%		
22 0046	Geothermal M	95,000.00	67,147.00		27,853.00		95,000.00	100.00%		
26 0000	Electrical									
26 0001	Raceway L	106,300.00	96,240.00		10,000.00		106,240.00	99.94%	60.00	
26 0002	Raceway M	56,400.00	52,580.00		3,000.00		55,580.00	98.55%	820.00	
26 0003	Wire and Cable L	23,600.00	20,200.00				20,200.00	85.59%	3,400.00	
26 0004	Wire and Cable M	84,300.00	82,100.00		600.00		82,700.00	98.10%	1,600.00	
26 0005	Distribution L	20,100.00	20,100.00				20,100.00	100.00%		
26 0006	Distribution M	61,500.00	61,500.00				61,500.00	100.00%		
26 0007	Fixtures L	46,700.00	34,700.00		7,000.00		41,700.00	89.29%	5,000.00	
26 0008	Fixtures M	75,800.00	72,200.00		3,600.00		75,800.00	100.00%		
26 0009	Devices L	10,500.00	2,000.00		1,500.00		1,500.00	14.29%	9,000.00	
26 0010	Devices M	9,300.00	4,400.00		7,300.00		9,300.00	100.00%		
26 0011	Underground L	4,400.00	4,400.00		1,800.00		4,400.00	100.00%		
26 0012	Underground M	9,500.00	7,700.00				9,500.00	100.00%		
26 0013	Permit, Demo Mobilize L	9,700.00	9,700.00				9,700.00	100.00%		
26 0014	Permit, Demo Mobilize M	8,700.00	8,700.00				8,700.00	100.00%		
26 0015	Generator L	5,300.00						0.00%	5,300.00	
26 0016	Generator M	237,000.00					237,000.00	100.00%		
Page Totals		1,506,330.00	918,037.00		114,553.00		1,269,590.00	82.35%	236,740.00	
Phase 1 Totals		7,925,038.00	5,631,061.00		548,472.00		6,526,559.00		1,398,479.00	

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 7 OF 11 PAGES

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 APPLICATION DATE: April 23, 2010
 PERIOD TO: April 30, 2010
 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+G)	% (G + C)		
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. utility	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							1,057,685.00	0

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 PERIOD TO: April 30, 2010
 OWNER'S PROJECT NO: #1643.01

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			FROM PREVIOUS APPLICATION (D + E)				COMPLETED AND STORED TO DATE (D+E+F)	% (G + C)		
04 2000	unit masonry,precast arch. Concrete	190,116.00							190,116.00	
05 5000	Steel, Misc. Metal Material	130,495.00							130,495.00	
05 5001	Steel, Misc. Metal Labor	59,700.00							59,700.00	
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	19,323.00							19,323.00	
08 4423	glazed aluminum curtainwalls,glazing	212,184.00							210,684.00	
08 7115	automatic door operators	3,131.00	1,500.00						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							8,199.00	
09 7750	fiberglass reinforced panels	260.00							260.00	
	Page Totals	1,474,631.00	1,500.00		0.00	49,905.00	51,405.00		1,423,226.00	0

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 9 OF 11 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

APPLICATION NO: 09

Contractor's signed certification is attached.

APPLICATION DATE: April 23, 2010

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

PERIOD TO: April 30, 2010

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)	COMPLETED AND STORED TO DATE (D+E+F)			% (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	demontable 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	detection 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: 09

APRIL 23, 2010

PERIOD TO: April 30, 2010

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	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							93,200.00	
26 0002	Raceway M	52,600.00			1,000.00				48,000.00	
26 0003	Wire and Cable L	26,200.00			4,100.00				22,100.00	
26 0004	Wire and Cable M	70,100.00			16,700.00				53,400.00	
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			63,700.00				126,600.00	
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			2,000.00				7,150.00	
	Page Totals	863,830.00	100,100.00		1,000.00	0.00			762,730.00	
	Phase 2 Totals	3,576,882.00	101,600.00		1,000.00	49,905.00			3,424,357.00	
								4.26%		0

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CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 11 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 1 on Contracts where variable retainage for line items may apply.

APPLICATION NO: 09
 APPLICATION DATE: April 23, 2010
 PERIOD TO: April 30, 2010
 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	88,184.00				88,184.00	100.00%		
50 0002	Change Order #2	22,369.00	22,369.00				22,369.00	100.00%		
50 0003	Change Order #3	23,670.00	23,670.00				23,670.00	100.00%		
50 0004	Change Order #4	40,020.00	40,020.00				40,020.00	100.00%		
50 0005	Change Order #5	26,835.00	13,000.00		10,585.00		23,585.00	87.89%	3,250.00	
50 0006	Change Order #6	20,415.00			20,415.00		20,415.00	100.00%		
50 0007	Change Order #7	31,057.00						0.00%	31,057.00	
50 0008	Change Order #8	25,482.00			11,200.00		11,200.00	43.95%	14,282.00	
Change Order Totals		278,032.00	187,243.00		42,200.00	0.00	229,443.00		48,589.00	
Contract Totals		11,779,932.00	5,919,904.00		591,672.00	396,931.00	6,908,507.00	58.65%	4,871,425.00	

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CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Change Order No. 3 and Pay Voucher No. 4 for City Project No. 2008-11 Southern Sanitary Sewer System, East Segment

Meeting Date: May 10, 2010
 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
 JS

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"/>	Special Assessments, Sewer Connection Fund, Closed Bond Fund

PURPOSE/ACTION REQUESTED

Consider Change Order No. 3 and Pay Voucher No. 4 for City Project No. 2008-11 Southern Sanitary Sewer System, East Segment.

SUMMARY

The contract was awarded in an amount of \$398,322.50 to Hennen Construction Company on April 29, 2009 for the project identified above.

The contractor has completed the work through April 30, 2010 in accordance with the contract plans and specifications. A 5% retainage will be maintained until the project is completed.

Change Order No. 3 is for additional time worked and materials returned on the water main. These charges will be funded by the Project Contingency Fund.

Public Works/Engineering recommends approval of Change Order No. 3 in the amount of \$16,627.36 (for a revised contract amount of \$438,220.89) and Pay Voucher No. 4 in the amount of \$7,043.74 to Hennen Construction Company for work on City Project No. 2008-11 – Southern Sanitary Sewer System, East Segment

TJK/kf
 Attachment: Change Order No. 3
 Pay Voucher No. 4

CHANGE ORDER NO. 3

Southern Sanitary Sewer East Segment Improvements
City Project # 2008-11

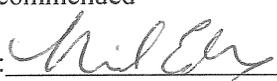
Owner: City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077	Date of Issuance: April 29, 2010
Contractor: Hennen Construction Company 2128 196 TH Street East Clearwater, MN 55320	Engineer: Kimley –Horn and Associates

You are directed to make the following changes in the Contract Documents:

Purpose of Change Order:

The contract has been modified to include the following:

See attached sheet

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price: \$ 398,322.50	Original Contract Time:
Previous Change Orders (1,2) \$ 23,271.03	Net Change from Previous Change Orders
Contract Price Prior to this Change Order \$ 421,593.53	Contract Time Prior to this Change Order
Net Increase of this Change Order \$ 16,627.36	Net Increase (Decrease) of Change Order
Contract Price with all Approved Change Orders \$ 438,220.89	Contract Time with Approved Change Orders
Recommended By:  Mike Edwards, Senior Engineering Technician	Approved By: _____ Hennen Construction

Approved By:

Approved By:

Date of Council Action



Tom Kaldunski, City Engineer

George Tourville, Mayor

May 10, 2010

Attachment to Change Order Number 3
City Project 2008-11

Contractor: Hennen Construction Company
2128 196th Street East
Clearwater, MN 55320

Project: Southern Sanitary Sewer East Segment Improvements
City Project # 2008-11

Description of Changes:

1. Temporary restoration due to winter weather conditions. (planned unit prices)

<u>Item Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
Mulch Material (Type 1)	TON	4	\$200.00	\$800.00
Erosion Control Blanket	SY	3700	\$1.25	\$4,625.00
Seeding	ACRE	1.36	\$4,000.00	\$5,440.00
			Sub total	\$10,865.00

2. Added Sanitary Manhole (56A) due to Koch pipeline clearance issue.

<u>Item Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
Sanitary Manhole (48")	EA	2	\$1,600.00	\$3,200.00
Manhole-Extra Depth	LF	4.42	\$95.00	\$419.90
			Sub total	\$3,619.90

3. Additional time required to acquire and install parts for 8x6 wye instead of 8x8 wye as shown on plans

<u>Item Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
Crew Time	HR	2	\$1000.00	\$2,000.00
			Sub total	\$2,000.00

4. Return cost for unused materials (watermain).

<u>Item Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
Restocking Fee	LS	1	\$142.46	\$142.46
			Sub total	\$142.46

Total Change Order #3 **\$ 16,627.36**

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Resolution Withdrawing from Regional Mutual Aid Association

Meeting Date: May 10, 2010
Item Type: Consent
Contact: Scott D. Thureen, 651.450.2572
Prepared by: Scott D. Thureen, Public Works Director
Reviewed by: *SDT*

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 resolution withdrawing from Regional Mutual Aid Association.

SUMMARY

In 1986, the City entered into a Joint Powers Agreement (attached) with a large group of other Metropolitan Area cities for use of personnel and equipment during emergencies. State law has been changed, making this agreement unnecessary. As a result, the League of Minnesota Cities Insurance Trust is recommending that all member cities terminate this agreement. The attached resolution officially withdraws the City of Inver Grove Heights from this Joint Powers Agreement. The City can still provide mutual aid to, or request it from, other cities. The issues covered by the agreement are now addressed in the statute (MS 12.331, attached).

I recommend adopting the resolution withdrawing from the Joint Powers Agreement.

SDT/kf
Attachment: Old Joint Powers Agreement
Resolution
2009 MS 12.331

JOINT AND COOPERATIVE AGREEMENT FOR USE OF
PERSONNEL AND EQUIPMENT DURING EMERGENCIES
REGIONAL MUTUAL AID ASSOCIATION

I. PURPOSE

The City/County recognizes that it has authority pursuant to the provisions of the Joint Exercise of Powers Act, Sec. 471.59, Minnesota Statutes, to enter into an agreement to jointly and cooperatively exercise a power common to each of the contracting powers, the result being to establish a regional Mutual Aid Association representative of the various communities with authority and responsibilities relating to utilization of resources to counteract natural and man made disasters common to all communities, together with power and authority to implement such services as set forth.

II. DEFINITION OF TERMS

For the purposes of this Agreement, the terms defined in this section shall have the meanings given them.

Subd. 1. "Party" means a governmental unit which is a party to this Agreement.

Subd. 2. "Eligible party" means a governmental or corporation unit which is entitled to become a party to this Agreement, at its own option.

Subd. 3. "Requesting party" means a party which requests assistance from other parties.

Subd. 4. "Responding party" means a party which provides assistance to a requesting party.

Subd. 5. "Assistance" includes personnel, materials and equipment.

Subd. 6. "Requesting official" means the person who has been designated by the requesting party to request assistance from other parties.

Subd. 7. "Responding official" means the person who has been designated by a party to determine whether and to what extent that party should provide assistance to a requesting party.

Subd. 8. "Emergency" means a sudden and unforeseen situation requiring immediate action beyond the requesting partys' capability.

III. PARTIES

Subd. 1. The parties to this Agreement shall consist of the members of the Regional Mutual Aid Association. Upon the adoption of a resolution by its governing body, an executed copy of this Agreement shall be forwarded by the member party together with a certified copy of the resolution authorizing the Agreement.

Subd. 2. The Secretary of the Regional Mutual Aid Association shall maintain a current list of the parties to this Agreement and, whenever there is a change in the parties to this Agreement, he shall notify the designated responding official of each of the parties of such change.

Subd. 3. Upon joining the Regional Mutual Aid Association, the party shall submit a list of their equipment to the Association Secretary. This equipment list shall be updated annually and submitted to the Association Secretary by December 31st of each year.

Subd. 4. The Association Secretary shall distribute the equipment lists to all members. An equipment addendum sheet shall be distributed to all member parties by January 30th of each year.

IV. PROCEDURE

Subd. 1. Each party shall designate, and keep on file with the Secretary of the Regional Mutual Aid Association the name of the person of that party who shall be its requesting official and responding official. A party may designate alternate officials to act in the absence of the primary official.

Subd. 2. Whenever, in the opinion of a requesting official of a party, there is a need for assistance from other parties to assist the requesting party, such requesting official may, in his discretion, call upon the responding official of any other party to furnish assistance to and within the boundaries of the requesting party. It is the intention of the parties to this contract to cooperate in the event of an emergency by making available to a requesting party necessary or requested personnel, materials, and equipment (without undue delay.)

Subd. 3. Upon the receipt of a request for assistance from a party, the responding official for any other party may authorize and direct the personnel of the responding party to provide assistance to the requesting party. Whether the responding party shall provide such assistance to the requesting party and, if so, to what extent such assistance shall be provided shall be determined solely by the responding official (subject to such supervision and direction as may be applicable to him within the governmental structure of the party by which he is employed.) Failure to provide assistance will not result in liability to a party.

Subd. 4. When a responding party provides assistance under the terms of this Agreement, it may in turn request assistance from other parties as "backup" during the time that it is providing assistance outside its boundaries.

Subd. 5. Whenever a responding party has provided assistance to a requesting party, the responding official may at any time recall such assistance or any part thereof to the responding party, if the responding official in his best judgment deems this is in the best interest of his own agency.

Subd. 6. When a responding party supplies equipment and personnel to a requesting party, said equipment and personnel shall remain under the direction and control of the responding party; shall be paid by the responding party; shall be protected by the Worker's Compensation of the responding party; and shall otherwise be deemed to be performing their regular duties for the responding party. However, the responding party shall undertake to coordinate with the requesting party the assistance which it provides. The requesting party shall provide all routine fueling and servicing of respondents equipment, materials, and assume all costs thereof during the assistance period.

Subd. 7. A responding party shall be responsible for its own personnel, equipment and materials and for injuries or death to any personnel or damage to any such equipment or materials, except that unused equipment and materials provided by the responding party shall be returned to the responding party by the requesting party when circumstances permit this to be done. The requesting and responding parties may review any equipment repaired to determine if such repair was directly related to the emergency operation. If mutually agreed that repairs are required, they shall be the responsibility of the requesting party. Any disagreement which cannot be resolved by the responding and requesting parties should be resolved by a committee established from the Regional Mutual Aid Association.

Subd. 8. The responding party shall maintain such records of the cost of labor, equipment and materials provided; and hours of work or operation as deemed necessary for recovery of costs in the event the incident becomes eligible for Federal or State Disaster Assistance. If declared eligible, these costs shall then be reimbursed by the requesting party in full or in a prorata share of assistance provided.

Subd. 9. The requesting party shall not be responsible for any injuries, losses or damages to persons or property arising out of the acts of any of the personnel of a responding party. Nor shall the responding party be responsible for injuries, losses or damages arising out of the acts of any of the personnel of the requesting party or the personnel of any other responding party.

Subd. 10. Technical service and assistance of non-emergency nature may be requested and/or provided by the parties to this Agreement.

V. INSURANCE

Each party to this Agreement shall maintain insurance policies covering personal and public liability in the amount of not less than \$300,000 for each of the above mentioned risks and Worker's Compensation for its personnel. Said policies shall cover damage or injury caused by negligent operation of its vehicles while operating under the terms of this Agreement outside of its corporate limits or contract areas. Each member shall furnish the association with a Certificate of Insurance on the policies in force, or letter stating self insurance at said limits.

VI. WITHDRAWAL AND TERMINATION

Any party may withdraw at any time upon thirty (30) days written notice to the Secretary of the Regional Mutual Aid Association; such a party may become a party if later entering into this Agreement. The Secretary of the Regional Mutual Aid Association shall thereupon give notice of such withdrawal, and of the effective date thereof, to all other parties, as hereinbefore provided.

VII. EFFECTIVE DATE

This Agreement shall become effective on _____ IN WITNESS WHEREOF, the undersigned, on behalf of their governmental unit, have executed this Agreement pursuant to authorization by the _____ of _____ on the _____ day of _____, 198__.

REGIONAL MUTUAL AID ASSOCIATION

CITY OF Inver Grove Heights

By: _____
President

By: William Seed
Mayor

By: _____
Secretary

Date: 7/28/86

Date: _____

COUNTY OF _____

RECOMMENDED BY:

ATTEST:

By: Loretta Garrity, Deputy Clerk
City Manager/Clerk

By: _____
Chairman of County Board

By: David Sowerby
Director of Public Works/City Eng.

Date: _____

RECOMMENDED BY:

APPROVED AS TO EXECUTION

By: _____
County Engineer

By: Timothy J. Keutz
County/City Attorney

Date: _____

Date: July 23, 1986

MUTUAL AID EQUIPMENT LIST

City INVER GROVE HEIGHTS

Contact Person NEIL MILLER Work Phone 457-2111 Home Phone 457-6408

Contact Person DAVE WENGELER Work Phone 457-2111 Home Phone 450-1557

EQUIPMENT	NUMBERS	EQUIPMENT	NUMBERS
Dump Trucks 5 Yard and Greater Less than 5 Yards	1 4	Chain Saw	2
Pick Up Trucks	6	Sanders	2
Tow Truck		Arc/Gas Welder (portable)	1
Boom & Clam Loader Truck		Brush Chipper	
Enclosed Chip Truck		Tree Spade 3ft & over diameter Under 3 ft diameter	
Street Flusher/Tanker Truck	1	Tractors - Park	1
Motor Grader	1	Sprayer	1
Backhoe/Tractor 15 ft and greater Less than 15 ft	1	Sickle Mower	1
Front End Loader 2.5 Cu Yd and greater Less than 2.5 Cu Yd	1	Power Rake	
Crawler Tractor 50 H.P. and greater Less than 50 H.P.		Cement Mixer	
Rollers (Steel & Rubber) 6 Ton or greater Less than 6 Ton	1	Sweepster/Sweeper	
Street Sweeper Pick-up type Vacuum type	1	Snowblower (hand)	5
Boom Truck (Aerial) 50 ft and over Less than 50 ft		Chip Spreader	
Oil Distributor (Tar Kettles)		Manhole Sewer Pump	1
Chip Spreader - Self Propelled		Hydraulic/Vacuum	
Blacktop Paver - Self Propelled		Bucketing Machine	
Tailgate Paver		Sewer Jetter Machine	1
Bombardier		Rodding Machine	1
Bobcat		Portable Generator	1
MT Trackless or similar Snowblower		Pumps 3" and greater Under 3"	1
Trailer	2	Muni Sewer Balls 8/10/12"	
Vibro Packer/Wacker/Tamper	1	Vac-All (Sewer)	1
Air Compressor	1	Sewer TV Equip	
Stripe Painter	1	Cable Locator	
Scotchlite Vacuum Applicator		Gas Locator	
		Portable Light Plant	
		Auger/Drill	
		Tapping Machine	
		Gate Valve Operator	
		Directional Arrow Board	
		Rapid Ram	
		Rotating Platform	

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

**RESOLUTION APPROVING WITHDRAWAL AND TERMINATION FROM THE JOINT AND
COOPERATIVE AGREEMENT FOR THE USE OF PERSONNEL AND EQUIPMENT DURING
EMERGENCIES REGIONAL MUTUAL AID ASSOCIATION**

RESOLUTION NO. _____

WHEREAS, the City of Inver Grove Heights desires to withdraw and terminate from the Joint and Cooperative Agreement for the use of Personnel and Equipment during Emergency Regional Mutual Aid Association approved in 1986; and

WHEREAS, Article VI of the Agreement allows any party to withdraw at any time upon thirty (30) days written notice to the Secretary of the Regional Mutual Aid Association, who shall thereupon give notice of such withdrawal, and of the effective date thereof, to all other parties.

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

1. That the City of Inver Grove Heights shall withdraw from the Joint and Cooperative Agreement for Use of Personnel and Equipment during Emergencies Regional Mutual Aid Association.
2. That the City Administrator is directed to submit written notice to the Secretary of the Regional Mutual Aid Association of the City's intent to withdraw from the Joint and Cooperative Agreement for Use of Personnel and Equipment during Emergencies Regional Mutual Aid Association.

Adopted by the City Council of the City of Inver Grove Heights this 10th day of May 2010.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

2009 Minnesota Statutes

12.331 LOCAL ASSISTANCE BETWEEN POLITICAL SUBDIVISIONS.

Subdivision 1. **Authority between political subdivisions.** When the public interest requires it because of an emergency, a political subdivision may request the assistance of another political subdivision. Upon receiving such a request, a political subdivision, called the "sending political subdivision," may go to the assistance of the requesting political subdivision, called the "receiving political subdivision." The receiving political subdivision may accept and use the personnel, equipment, and supplies of the sending political subdivision as agreed upon by both political subdivisions.

Subd. 2. **Responsibility for use of personnel, equipment, supplies.** (a) Unless there is a written agreement between the political subdivisions establishing the rules for conducting these activities, the provisions of paragraphs (b) to (e) shall apply while the political subdivisions are engaged in the activities described in subdivision 1.

(b) For the purposes of worker's compensation insurance, the employees, officers, and members of the sending political subdivision have the same powers, duties, rights, privileges, and immunities as if they were performing similar services in the sending political subdivision and are considered to be acting within the scope of and in the course of their regular employment, as employees of the sending political subdivision.

(c) For the purposes of chapter 466, the employees and officers of the sending political subdivision are deemed to be employees, as defined in section 466.01, subdivision 6, of the receiving political subdivision.

(d) The sending political subdivision shall be responsible for any damages to its equipment.

(e) The receiving political subdivision shall reimburse the sending political subdivision for the supplies used and the compensation paid to the officers and members of the forces furnished, during the time when the rendition of aid prevents them from performing their duties in the sending political subdivision, and for the actual travel and maintenance expenses of the officers and members while so engaged. A claim for loss, damage, or expense in using equipment or supplies or for additional expenses incurred in operating or maintaining them must not be allowed unless within 90 days after the loss, damage, or expense is sustained or incurred, an itemized notice of it, verified by an officer or employee of the municipality having knowledge of the facts, is filed with the clerk of the receiving political subdivision.

Subd. 3. **Retroactive effect.** Notwithstanding other laws this section is effective retroactive to March 29, 1998.

History: 1998 c 383 s 19

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Hiring Contractor for Tree Inventory of Right-of-Way Trees in the Urbanized Area of Inver Grove Heights

Meeting Date: May 10, 2010
 Item Type: Consent Agenda
 Contact: Eric Carlson – 651.450.2587
 Prepared by: Eric Carlson
 Reviewed by: Mark Borgwardt – Parks
 Scott Thureen – Public Works
 Barry Underdahl – Streets
 Brian Swoboda - Forester

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

Approve hiring St. Croix Tree Service to provide the City with an inventory of trees within the public right-of-way in the urbanized area of Inver Grove Heights per the attached map. Funding for the survey is recommended to come from the Community Projects Fund which has an unencumbered balance of \$1,135,000. The cost for the survey is \$7,000.

SUMMARY

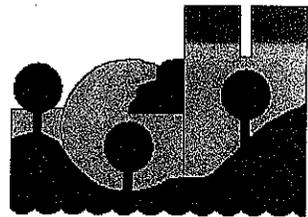
In an effort to prepare for the eventual infestation of the Emerald Ash Borer (EAB), it will be necessary to have an accurate tree survey for all of the trees found in the public right-of-way. Having a tree inventory will help us manage and plan for necessary removal and reforestation that will need to take place as a part of the overall infestation we will experience.

We have received quotes as follows:

St. Croix Tree Service	\$7,000
Rainbow Tree Service	\$26,000

The contractor is required to record the species, condition rating, diameter breast height (dbh) and location of each tree within the right-of-way. The information will be collected via a global positioning device and can be used to help plan for the future removal of EAB. The EAB has been confirmed in St. Paul, Minneapolis and Houston County in Minnesota. It is possible that the EAB is already in Inver Grove Heights but has yet to be detected.

At this point, we plan to discuss an Emerald Ash Borer Management Plan with the Council on May 24th assuming the contractor is able to complete their work in time.



Inver Grove Heights

30N28	29N28	28N28		
30S28	29S28	28S28		
	32N28	33N28	34N28	35N28
	32S28	33S28	34S28	35S28
06N	05N	04N	03N	02N
06S	05S	04S	03S	02S
07N	08N	09N	10N	11N
07S	08S	09S	10S	11S
18N	17N	16N	15N	14N
18S	17S	16S	15S	14S
19N	20N	21N	22N	23N
19S	20S	21S	22S	23S
30N	29N	28N	27N	26N
30S	29S	28S	27S	26S
31N	32N	33N	34N	35N
31S	32S	33S	34S	35S



**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
◊STEPHEN H. FOCHLER
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◊*DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
BRIDGET McCAULEY NASON
DAVID B. GATES
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
• ROGER C. MILLER
1924-2009

MEMO

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

TO: Inver Grove Heights Mayor and City Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: May 5, 2010
**RE: Resolution Approving Sod Replacement and Seeding Agreement
with NSP/Xcel Energy for Project 2010-09D –
South Grove Urban Street Reconstruction Area 5**

Section 1. Background. During the 2010 construction season, the City will be constructing Project 2010-09D, South Grove Urban Street Reconstruction Area 5 (the Project). For this Project, the City and NSP/Xcel Energy desire to work together and seed/sod disturbed street boulevards at one time to achieve a better restoration effort to the satisfaction of adjacent private property owners.

The City customarily requires its construction contractor to perform final grading, replace top soil, and replace sod and/or seed disturbed areas following construction of City public improvements. At the same time, NSP/Xcel customarily requires its utility location or relocation contractor to perform final grading, replace top soil, and replace sod and/or seed disturbed areas following the relocation of its utilities. The City's sod replacement/seeding and NSP/Xcel's sod replacement/seeding are often performed pursuant to different contract schedules and pursuant to different contract specifications, even though the City's sod replacement/seeding and the NSP/Xcel sod replacement/seeding may occur adjacent to each other at or near the boulevard of street right-of-way. The City and NSP/Xcel intend to facilitate cost savings and a higher quality joint sod replacement/seeding effort with this Agreement. In sum, the Agreement provides a mechanism whereby the City can direct its construction contractor to restore disturbed boulevards with seed or sod, and the City will bill NSP/Xcel for its proportionate share of the boulevard restoration work.

Section 2. Council Action. The Council is asked to consider the attached Resolution approving the Sod Replacement and Seeding Agreement.

RESOLUTION NO. _____

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

**RESOLUTION APPROVING SOD REPLACEMENT AND SEEDING
AGREEMENT WITH NSP/XCEL ENERGY
FOR PROJECT 2010-09D – SOUTH GROVE URBAN STREET
RECONSTRUCTION AREA 5**

WHEREAS, during the 2010 construction season, the City will be constructing Project 2010-09D, South Grove Urban Street Reconstruction Area 5 (the Project). In order to construct the Project, street boulevards will be disturbed by the City's construction activities and by utility company relocations within the boulevard.

WHEREAS, the City and NSP/Xcel Energy desire to work together to restore the disturbed boulevards for Project 2010-09D in an effort to avoid the unintended consequences of side-by-side seeding and sod replacement. Previous projects have sometimes resulted in uncoordinated efforts to seed and sod disturbed boulevards at different times, using different seed mixtures, and/or using different sod suppliers thereby resulting in conflicting boulevard restoration efforts. The second contracting entity can cause damage to the previous boulevard restoration work and the adjacent property owner may be left with two types of sod species or seed mixtures to restore a single disturbed boulevard.

WHEREAS, the attached Sod Replacement and Seeding Agreement is a contractual mechanism for the City and NSP/Xcel Energy to coordinate their single project boulevard restoration efforts and equitably allocate seeding and sod replacement costs between the parties.

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

- 1.)** The City Council approves the attached Sod Replacement and Seeding Agreement for 2010-09D, South Grove Urban Street Reconstruction Area 5.
- 2.)** The Mayor and Deputy Clerk are authorized to execute the attached Sod Replacement and Seeding Agreement for 2010-09D, South Grove Urban Street Reconstruction Area 5.

Adopted by the City Council of the City of Inver Grove Heights this 10th day of May, 2010.

George Tourville, Mayor

Attest:

Melissa Rheaume, Deputy City Clerk

**SOD REPLACEMENT AND SEEDING AGREEMENT
BETWEEN CITY OF INVER GROVE HEIGHTS
AND NORTHER STATES POWER COMPANY d/b/a XCEL ENERGY**

THIS SOD REPLACEMENT AND SEEDING AGREEMENT (hereafter referred to as the “Agreement”) is made, entered into and effective this ____ day of _____, 2010, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as the “City”); and Northern State Power Company, a Minnesota corporation, d/b/a Xcel Energy (hereinafter referred to as the “Utility Company”). Subject to the terms and conditions hereafter stated and based on the representations, warranties, covenants, agreements, exhibits and recitals of the parties herein contained, the parties do hereby agree as follows:

ARTICLE 1
DEFINITIONS

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

Section 1.2 Agreement. “Agreement” means this Sod Replacement and Seeding Agreement.

Section 1.3 City. “City” means the City of Inver Grove Heights, a Minnesota municipal corporation.

Section 1.4 Construction Contract. “Construction Contract” means the City of Inver Grove contract with the City’s general contractor for the Project improvements including any Construction Contract amendments and/or Construction Contract change orders.

Section 1.5 Project. “Project” means City of Inver Grove Heights Project No. 2010-09D South Grove Restoration Area No. 5.

Section 1.6 Seeding. “Seeding” means the final grading of disturbed areas pursuant to the plans and specifications of the Construction Contract, to include but not limited to, common

excavation, subgrade preparation, scarifying, and the placement of topsoil, seed, Terraseed, Flexterra, fertilizer, mulch, stabilization blankets, soil tackifier, and/or hydraulic mix. The material specifications, construction means and methods, maintenance requirements, watering and warranty provisions are more specifically described in the Construction Contract.

Section 1.7 Sod Replacement. “Sod Replacement” means the final grading of disturbed areas pursuant to the plans and specifications of the Construction Contract, to include but not limited to, common excavation, subgrade preparation, scarifying, and the placement of topsoil, fertilizer, and the placement or replacement of sod. The material specifications, construction means and methods, maintenance requirements, watering and warranty are more specifically described in the Construction Contract.

Section 1.8 Utility Company. “Utility Company” means Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy.

ARTICLE 2 **RECITALS**

Recital No. 1. The purpose of this Agreement is to define the rights and obligations of the parties in connection with the City’s agreement to include Sod Replacement and Seeding specifications within the City’s Construction Contract that provides for Sod Replacement and/or Seeding over areas disturbed during the Utility Company’s location or relocation of its utilities provided that the Utility Company reimburses the City for Construction Contract costs for Sod Replacement and/or Seeding of areas disturbed during the Utility Company’s location or relocation of its utilities.

Recital No. 2. The City customarily requires its construction contractor to perform final grading, replace top soil, and replace sod and/or seed disturbed areas following construction of City public improvements.

Recital No. 3. The Utility Company customarily requires its utility location or relocation contractor to perform final grading, replace top soil, and replace sod and/or seed disturbed areas following the relocation of its utilities.

Recital No. 4. The City’s sod replacement/seeding and the Utility Company sod replacement/seeding are often performed pursuant to different contract schedules and pursuant to different contract specifications even though the City’s sod replacement/seeding and the Utility Company sod replacement/seeding may occur adjacent to each other at or near the boulevard of street right-of-way.

Recital No. 5. The City and the Utility Company intend to facilitate cost savings and a higher quality joint sod replacement/seeding effort with this Agreement.

ARTICLE 3
AGREEMENTS RELATING CITY SOD REPLACEMENT AND SEEDING

Section 3.1 Sod Replacement and Seeding. The City agrees to include Sod Replacement and/or Seeding specifications in its Construction Contract to provide for the Sod Replacement and/or Seeding requirements generally shown on the Project plan sheets attached hereto as Exhibit A. The City agrees to process any Construction Contract amendments and/or change orders provided that the areas disturbed by either the City during the Project construction and/or by the Utility Company during the associated utility location or relocation exceeds or materially changes from the Sod Replacement and Seeding requirements generally shown on the Project plan sheets attached hereto as Exhibit A. The City agrees to pay its Project contractor pursuant to the Construction Contract unit prices for Sod Replacement and/or Seeding, and/or pursuant to any Construction Contract amendments and/or change orders affecting the Construction Contract unit prices for Sod Replacement and/or Seeding.

Section 3.2 Sod Replacement and Seeding Cost Calculation. The City agrees to calculate and/or require its Project contractor to calculate:

- A. The areas disturbed by the City during the construction of the Project, and
- B. The areas disturbed by the Utility Company during the utility location or relocation.

The City agrees to calculate and/or require its Project contractor to calculate the proportionate share of Sod Replacement and/or Seeding Construction Contract costs to be paid by the City and to be paid by the Utility Company. The Construction Contract costs allocated to the City and allocated to the Utility Company shall use the same Construction Contract unit prices and/or shall be pursuant to Construction Contract amendments and/or Construction Contract change orders. The City may make any and all Construction Contract amendments and/or Construction Contract change orders pursuant to the City's sole discretion, but the City agrees that that the Utility Company shall not be charges higher unit prices than the City pays pursuant to the Construction Contract, pursuant to Construction Contract amendments and/or pursuant to Construction Contract change orders. In the event that the same area is disturbed by the City and by the Utility Company during their respective Project construction and utility location or relocation activities, the City agrees to allocate the Sod Replacement and/or Seeding Construction Contract costs evenly between the City and the Utility Company for said jointly disturbed area(s).

Upon the request of the Utility Company, the City agrees to provide the Utility Company with the City's and/or its Project contractor's calculations (and with available Project documents used in the City's and/or the Project contractor's calculations) of Sod Replacement and/or Seeding Construction Contract costs that the Utility Company will be billed for by the City.

Section 3.3 Sod Replacement and Seeding Billing of Utility Company by City. The City agrees to bill the Utility Company for Sod Replacement and/or Seeding Construction Contract costs calculated (pursuant to Article 3, Section 3.2) periodically during its Construction

Contract and/or within two (2) years following the City's formal acceptance of the Project improvements.

Section 3.4 Sod Replacement and Seeding Warranty. The City agrees that the City will contractually require its Project contractor to warranty the growth of Sod Replacement and/or Seeding for up to one (1) year pursuant to the terms and specification of the City's Construction Contract. The City agrees to use reasonable efforts to enforce the warranty terms and specifications of its Construction Contract. This Agreement, however, shall not impose or require the City to declare a default under the City's Construction Contract. Furthermore, the City shall not be obligated or required to expend pecuniary or other resources to legally pursue a Construction Contract default, nor will the City be obligated or required by this Agreement to pursue remedies under any contract bond or pursuant to other arbitration or litigation remedies. The City's decision to pursue or not to pursue Construction Contract enforcement remedies shall not negate the Utility Company's agreement to reimburse the City for billed Sod Replacement and/or Seeding Construction Contract costs, nor will the City's decision to pursue or not to pursue Construction Contract enforcement remedies entitle the Utility Company to a refund for any pending or paid Sod Replacement and/or Seeding Construction Contract costs.

Section 3.5 Right-of-Way and Utility Easement Limits. This Agreement shall not obligate or require the City and/or its Project contractor to perform Sod Replacement and/or Seeding within any areas disturbed by the Utility Company outside of public right-of-way, outside of public utility easement areas, and/or outside Utility Company easement areas.

Section 3.6 Discontinuance of Sod Replacement and Seeding on Behalf of Utility Company. In the event of Utility Company's delinquent payment of City billing pursuant to this Agreement, the City reserves the right to notify its Project contractor to immediately discontinue Sod Replacement and/or Seeding on behalf of the Utility Company. Also, in the event of Utility Company's persistent complaints regarding the City's calculation Utility Company billings pursuant to this Agreement, the City reserves the right to direct its Project contractor to immediately discontinue Sod Replacement and/or Seeding on behalf of the Utility Company. If the City directs its Project contractor to immediately discontinue Sod Replacement and/or Seeding on behalf of the Utility Company, the City agrees to notify the Utility Company within 60 days of the discontinuance pursuant to the notice provisions of Article 6, Section 6.1.

ARTICLE 4 **AGREEMENTS RELATING UTILITY COMPANY PAYMENT**

Section 4.1 Obligation of Utility Company to Reimburse City for Sod Replacement and/or Seeding. The Utility Company agrees to send the City a check for the payment of billing received from the City pursuant to Article 3, Section 3.3, within 60 days of the date of the City's billing statement. Said check may be sent from the Utility Company to the City at the address indicated in Article 6, Section 6.1 using regular U.S. mail delivery. The Utility Company hereby agrees to make said payment within 60 days regardless of the Utility Company's request for City billing calculation data pursuant to Article 3, Section 3.2.

Section 4.2 Obligation of Utility Company to Contract for Sod Replacement and/or Seeding. The Utility Company agrees to contract for its own Sod Replacement and/or Seeding following a City discontinuance notice pursuant to Article 3, Section 3.6 or following a City Agreement termination notice pursuant to Article 5, Section 5.1.

ARTICLE 5
TERMINATION AND SCOPE OF AGREEMENT

Section 5.1 Termination of this Agreement. Notwithstanding the City's reservation of the rights to discontinue Sod Replacement and/or Seeding on behalf of the Utility Company pursuant to Article 3, Section 3.6, either party hereto may terminate this Agreement without cause upon 60 days notice provided to the other party pursuant to Article 6, Section 6.1. The Utility Company's contractual obligation to pay the City for Sod Replacement and/or Seeding performed upon the Utility Company's behalf pursuant to this Agreement shall survive any termination of this Agreement. The City agrees to direct its Project contractor to terminate Sod Replacement and/or Seeding performed upon the Utility Company's behalf pursuant to this Agreement as soon as practical following the City's receipt of an Agreement termination notice from the Utility Company pursuant to this Section 5.1.

Section 5.2 Scope of Agreement. This Agreement is intended to provide a contractual mechanism whereby the City can perform Sod Replacement and/or Seeding on behalf of the Utility Company, and whereby the City can equitably bill and be paid by the Utility Company for Project Construction Contract costs that would have been performed and paid for by the Utility Company.

This Agreement is not intended to constitute a right-of-way permit or right-of-way use approval granted by the City pursuant to the City's right-of-way management ordinances.

This Agreement is not intended to alter, amend or change any rights or obligations of the parties pursuant to any franchise agreement(s), and/or pursuant to any applicable Minnesota Statutes, Minnesota Rules, or other local, State or Federal laws.

Furthermore, this Agreement is not intended to grant or convey any license, easement, or other property right between the parties hereto. In the event for the need for right-of-way or other property right acquisition for the City to perform its Project improvements, or in the event for the need for right-of-way or other property right acquisition for the Utility Company to perform its utility location or relocation activities, each party shall remain obligated and responsible for its respective public activities as if this Agreement did not exist.

ARTICLE 6
MISCELLANEOUS

Section 6.1 Notices. All notices or communications required or permitted pursuant to this Agreement shall be either hand delivered, or mailed to the parties, certified mail, return-receipt requested, at the following addresses:

City: City of Inver Grove Heights
Attn: Director of Public Works
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Utility Company: Xcel Energy
Attn: General Counsel
Suite 3000
800 Nicollet Mall
Minneapolis, MN 55402

Each party may change its address or authorized representative by written notice delivered to the other party pursuant to this Section 6.1.

Section 6.2 Counterparts. This Agreement may be executed in more than one counterpart, each of which shall be deemed to be an original but all of which taken together shall be deemed a single instrument.

Section 6.3 Non-Assignability. Neither of the parties shall assign any interest in this Agreement nor shall transfer any interest in the same, whether by subcontract, assignment, or novation, without the prior written consent of the other party. Such consent shall not be unreasonably withheld.

Section 6.4 Alteration. Any alteration, variation, modification, or waiver of the provisions of the Agreement shall be valid only after it has been reduced to writing and duly signed by all parties.

Section 6.5 Waiver. The waiver of any of the rights and/or remedies arising under the terms of this Agreement on any one occasion by any party hereto shall not constitute a waiver of any rights and/or remedies in respect to any subsequent breach or default of the terms of this Agreement. The rights and remedies provided or referred to under the terms of this Agreement are cumulative and not mutually exclusive.

Section 6.6 Severability. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contrary to law, or contrary to any rule or regulation having the force and effect of law, such decision shall not affect the remaining portions of this Agreement.

Section 6.7 Interpretation According to Minnesota Law. This Agreement shall be interpreted and construed according to the laws of the State of Minnesota.

Section 6.8 Entire Agreement. This Agreement shall constitute the entire agreement between the parties and shall supersede all prior oral or written negotiations.

Section 6.9 Headings. The headings to the various sections of this Agreement are inserted only for convenience of reference and are not intended, nor shall they be construed, to modify, define, limit, or expand the intent of the parties as expressed in this Agreement.

Section 6.10 Parties in Interest. This Agreement shall be binding upon and inure solely to the benefit of the parties hereto and their permitted assigns, and nothing in this Agreement, express or implied, is intended to confer upon any other person any rights or remedies of any nature under or by reason of this Agreement.

The balance of this page is intentionally left blank.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first stated above.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

Melissa Rheume, Deputy City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this ____ day of _____, 2010, before me a Notary Public within and for said County, personally appeared George Tourville and Melissa Rheume, to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and Deputy City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed in behalf of said municipality by authority of its City Council and said Mayor and Deputy City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

This instrument was drafted by:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street, Suite 400
South St. Paul, Minnesota 55075
(651) 451-1831

If recording, please return to:
Timothy J. Kuntz
LeVander, Gillen & Miller
633 South Concord Street, Suite 400
South St. Paul, Minnesota 55075
(651) 451-1831

EXHIBIT A

PROJECT DOCUMENTS GENERALLY SHOWING PROJECT SOD REPLACEMENT AND SEEDING REQUIREMENTS

1. February 22, 2010, Specification Manual for 2010-09D South Grove Street Reconstruction Area 5 (on file with the City).
2. February 22, 2010, Plans for 2010-09D South Grove Street Reconstruction Area 5 (on file with the City).

**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
◊STEPHEN H. FOCHLER
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MEMO

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

TO: Inver Grove Heights Mayor and Councilmembers
FROM: Timothy J. Kuntz and Jay P. Karlovich, City Attorneys
DATE: May 5, 2010
**RE: In the Matter of Condemnation of Real Property Easements for IGH
Southern Sanitary Sewer System West, Project 2003-03
Dakota County District Court File No. 19HA-CV-08-742
Proposed Settlement with Dayton Holding, Inc. (IGH Parcel No. 24)**

Section 1. Background. This memo relates to a proposed settlement between the City and Dayton Holding, Inc. (IGH Parcel No. 24) in relation to the eminent domain action District Court File No. 19HA-CV-08-742, involving the Southern Sanitary Sewer System West Improvements-City Project 2003-03 (the Project).

In 2008, the City of Inver Grove Heights proceeded with the Project and installed sanitary sewer system improvements on Parcel No. 24. The City used its power of eminent domain to acquire a permanent drainage and utility easement and temporary easement over Parcel No. 24.

Thereafter, the City appraised the permanent and temporary easements for Parcel No. 24 to be valued at \$7,300. After good-faith negotiations by the City, the City deposited its \$7,300 approved appraised value for the Parcel No. 24 easements with the District Court.

Previously, the City and Dayton Holding, Inc. have been unable to negotiate a settlement for the City's taking of the Parcel No. 24 easement rights (Parcel No. 24 is the last unresolved parcel in the District Court eminent domain action). However, Dayton Holding, Inc. did grant easement rights over its property so the City could proceed with the Clark Road Extension Project (Project 2007-17). The City currently has its underground utility improvements within the permanent street easement that Dayton Holding, Inc. granted over Parcel No. 24 in connection with the Clark Road Extension Project.

After recent negotiations, Dayton Holding, Inc. has agreed to a proposed \$9,000 stipulated award for the Parcel No. 24 permanent drainage and utility easement rights in connection with District Court File No. 19HA-CV-08-742.

Section 2. Proposed Settlement. The following salient terms of the proposed settlement are identified in the attached Stipulation for Award and Order:

- Dayton Holding, Inc. and the City agree to a \$9,000 award for the Parcel No. 24 Permanent Drainage and Utility Easement. The \$9,000 will be paid as follows:
 - a.) The \$7,300 (plus accrued interest) that has been on deposit with the District Court since July of 2008 will be paid to Dayton Holding, Inc. by the Court Administrator.
 - b.) The City will pay an additional \$1,700 to Dayton Holding, Inc. (without accrued interest). This amount is in addition to the \$7,300 quick-take deposit amount. The City will issue a separate check to Dayton Holding, Inc. in the amount of \$1,700.
- Dayton Holding, Inc. will convey the attached Permanent Utility and Drainage Easement to the City.

Section 3. Council Action. The Council is asked to consider the attached Resolution which approves the following two (2) documents:

1. Stipulation for Award and Order; and
2. Permanent Utility and Drainage Easement (Parcel No. 24).

The Council is also asked to authorize the City Attorney to execute and file the attached Stipulation for Award and Order with Dakota County District Court in connection with District Court File No. 19HA-CV-08-742.

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

RESOLUTION NO. 10-_____

**A RESOLUTION APPROVING A STIPULATION FOR AWARD AND ORDER AND A
PERMANENT DRAINAGE AND UTILITY EASEMENT BETWEEN
DAYTON HOLDING, INC. (IGH PARCEL NO. 24) AND THE CITY OF INVER GROVE
HEIGHTS IN CONNECTION WITH DISTRICT COURT FILE NO.
19HA-CV-08-742, RELATIVE TO CITY PROJECT 2003-03**

WHEREAS, in 2008, the City of Inver Grove Heights proceeded with the Southern Sanitary Sewer System Improvements, City Project 2003-03 (the “Project”) and installed sanitary sewer system improvements southerly along the west side of Trunk Highway 52 to the City’s southern termini near 117th Street.

WHEREAS, the City used its power of eminent domain to acquire a permanent drainage and utility easement and temporary easement over property owned by Dayton Holding, Inc. (known as IGH Parcel No. 24) through Dakota County District Court File No. 19HA-CV-08-742.

WHEREAS, the City appraised the permanent and temporary easements for Parcel No. 24 to be valued at \$7,300.

WHEREAS, after good-faith negotiations by the City, the City deposited its \$7,300 approved appraised value for the Parcel No. 24 easements with the District Court.

WHEREAS, Dayton Holding, Inc. has agreed to a proposed stipulated award of \$9,000 for just compensation for the Parcel No. 24 permanent drainage and utility easement rights in connection with Dakota County District Court File No. 19HA-CV-08-742.

WHEREAS, the \$9,000 award is to be paid as follows:

- The \$7,300 (plus accrued interest) that has been on deposit with the District Court since July of 2008 will be paid to Dayton Holding, Inc. by the Court Administrator.
- The City will pay an additional \$1,700 to Dayton Holding, Inc. (without accrued interest). This amount is in addition to the \$7,300 quick-take deposit amount. The City will issue a separate check to Dayton Holding, Inc. in the amount of \$1,700.

WHEREAS, Dayton Holding, Inc. agrees to convey to the City a Permanent Utility and Drainage Easement over Parcel No. 24.

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

1. The attached Permanent Utility and Drainage Easement between the City and Dayton Holding, Inc. is hereby approved.
2. The proposed stipulated award of \$9,000 to Dayton Holding, Inc. for just compensation for the Parcel No. 24 permanent drainage and utility easement rights is hereby approved.
3. The \$9,000 award shall be paid to Dayton Holding, Inc. as identified above.
4. The City shall issue payment in the amount of \$1,700 directly to Dayton Holding, Inc. within 30 days of the filing of the Commissioner's Award with the District Court.
5. The City Attorney is authorized to execute and file the attached Stipulation for Award and Order with Dakota County District Court in connection with District Court File No. 19HA-CV-08-742.

Passed this 10th day of May, 2010.

George Tourville, Mayor

Attest:

Melissa Rheaume, Deputy City Clerk

PARCEL 24 PERMANENT UTILITY AND DRAINAGE EASEMENT

THIS EASEMENT, made, granted and conveyed this _____ day of _____, 2010, between **Dayton Holding, Inc.**, a North Dakota corporation, hereinafter referred to as the "Landowner" and the **City of Inver Grove Heights**, a municipal corporation organized under the laws of the State of Minnesota, hereinafter referred to as the "City."

The Landowner owns the real property situated within Dakota County, Minnesota as described on the attached **Exhibit A** (hereinafter "Landowner's Property").

The Landowner in consideration of the sum of One Dollar and other good and valuable consideration to it in hand paid by the City, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey unto the City, its successors and assigns, the following:

- 1.) **A permanent easement for utility and drainage purposes and all such purposes ancillary, incident or related thereto** (hereinafter "Permanent Easement") under, over, across, through and upon that real property identified and legally described on **Exhibit B**, (hereinafter the "Permanent Easement Area") attached hereto and incorporated herein by reference; and

The Permanent Easement rights granted herein are forever and shall include, but not be limited to, the construction, maintenance, repair and replacement of any sanitary sewer, storm sewer, water mains, any utilities, underground pipes, conduits, other utilities and mains, and all facilities and improvements ancillary, incident or related thereto, under, over, across, through and upon the Permanent Easement Area.

EXEMPT FROM STATE DEED TAX

The rights of the City also include the right of the City, its contractors, agents and servants:

- a.) to enter upon the Permanent Easement Area at all reasonable times for the purposes of construction, reconstruction, inspection, repair, replacement, grading, sloping, and restoration relating to the purposes of this Easement; and

- b.) to maintain the Permanent Easement Area, any City improvements and any underground pipes, conduits, or mains, together with the right to excavate and refill ditches or trenches for the location of such pipes, conduits or mains; and
- c.) to remove from the Permanent Easement Area trees, brush, herbage, aggregate, undergrowth and other obstructions interfering with the location, construction and maintenance of the pipes, conduits, or mains and to deposit earthen material in and upon the Permanent Easement Area; and
- d.) to remove or otherwise dispose of all earth or other material excavated from the Permanent Easement Area as the City may deem appropriate.

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

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

The Landowner, for itself and its successors and assigns, does hereby warrant to and covenant with the City, its successors and assigns, that it is well seized in fee of the Landowner's Property described on Exhibit A, and the Permanent Easement Area described on Exhibit B, and has good right to grant and convey the Permanent Easement herein to the City.

IN TESTIMONY WHEREOF, the Landowner and the City have caused this Easement to be executed as of the day and year first above written.

DAYTON HOLDING, INC.

CITY OF INVER GROVE HEIGHTS

By: 
 Steve Nelson

 George Tourville

Its: President

Its: Mayor

ATTEST:

 Melissa Rheaume, Deputy City Clerk

NOTARY BLOCKS

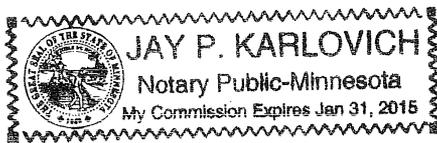
STATE OF MINNESOTA)
)
COUNTY OF DAKOTA) ss.

On this ____ day of _____, 2010, before me a Notary Public within and for said County, personally appeared George Tourville and Melissa Rheume, to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and Deputy City Clerk of the **City of Inver Grove Heights**, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed in behalf of said municipality by authority of its City Council and said Mayor and Deputy City Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

STATE OF MINNESOTA)
)
COUNTY OF DAKOTA) ss.

On this 28th day of April, 2010, before me a Notary Public within and for said County, personally appeared Steve Nelson to me personally known, who being by me duly sworn, did say that he is the President of **Dayton Holding, Inc.**, a North Dakota corporation, the entity named in the foregoing instrument, and that said instrument was signed on behalf of said entity by authority of its Board of Directors and said President acknowledged said instrument to be the free act and deed of the entity.



Notary Public

This instrument was drafted by:
Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street, Suite 400
South St. Paul, Minnesota 55075
(651)451-1831

After recording, please return to:
Timothy J. Kuntz
LeVander, Gillen & Miller
633 South Concord Street, Suite 400
South St. Paul, Minnesota 55075
(651)451-1831

EXHIBIT A

LEGAL DESCRIPTION OF LANDOWNER'S PROPERTY
(abstract property)

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

Outlot A, TOTAL CONSTRUCTION THIRD ADDITION, according to the recorded plat thereof and situate in Dakota County, Minnesota.

(the "Landowner's Property").

EXHIBIT B

LEGAL DESCRIPTION OF EASEMENT AREAS

A permanent easement for utility and drainage purposes and all such purposes ancillary, incident or related thereto, over, under, across, through and upon the Easterly 107 feet of the Southerly 50 feet of Outlot A, TOTAL CONSTRUCTION THIRD ADDITION, according to the recorded plat thereof and situate in Dakota County, Minnesota.

(the "Permanent Easement Area").

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF DAKOTA

FIRST JUDICIAL DISTRICT

COURT FILE NO. 19 HA CV-08-742

City of Inver Grove Heights,
a Minnesota municipal corporation,

Petitioner,

vs.

Dayton Holding, Inc., a North Dakota corporation; Wilfred W. Krech and Mary C. Krech, husband and wife; Hitching Post Real Estate, LLC, a Minnesota limited liability company; Zeien's Holding, LLC, a Minnesota limited liability company; Dakota County Treasurer/Auditor; Dakota County Board of Commissioners; State of Minnesota; CRS Management, LLC, a Minnesota limited liability company; First National Bancorp of River Falls, a Wisconsin corporation, a/k/a First National Bank of River Falls, a Wisconsin corporation, a/k/a First National Bank; Northern States Power, a Minnesota corporation, a/k/a Xcel Energy, Inc., a Minnesota corporation; Williams Brothers Pipe Line Company, a Delaware corporation; Wood River Pipeline Company, a Delaware corporation, n/k/a KOCH PIPELINES, INC., a Delaware corporation; ENTERPRISE PRODUCTS OPERATING L.P., a Delaware limited partnership; FERRELLGAS, L.P., a Delaware limited partnership; FERRELLGAS, INC., a Delaware corporation, general Partner of FERRELLGAS, L.P.; ASSOCIATES COMMERCIAL CORPORATION, a Delaware corporation, a/k/a ASSOCIATES COMMERCIAL FINANCE CORPORATION, a Delaware corporation, n/k/a CITICAPITAL COMMERCIAL CORPORATION, a Delaware corporation; Kenneth H. Kraft and Dana R. Kraft, husband and wife; Commissioner of The Minnesota Pollution Control Agency; Crosby American Properties, Inc., a Minnesota corporation; Watrud Properties, LLC, a Minnesota limited liability

**STIPULATION
FOR AWARD
AND ORDER**

Case Type: Condemnation

company; GAINNEY REALTY AND INVESTMENT CORPORATION, a Michigan corporation; Clark Road Properties Limited Liability Company, a Minnesota limited liability company; a/k/a Clark Road Properties, L.L.C., a Minnesota limited liability company; PRAXAIR, Inc., a Delaware corporation; Pabst Meat Supply, Inc., a Minnesota corporation; Chicago and North Western Transportation Company, a Delaware corporation; Pabst Properties Limited Partnership, a Minnesota limited partnership, a/k/a Pabst Properties I LP, a Minnesota limited partnership; Pabst Properties II LP, a Minnesota limited partnership; and all others claiming any interest in the property described in Petitioner's Petition,

Respondents.

**IN THE MATTER OF CONDEMNATION
OF REAL PROPERTY EASEMENTS
LOCATED IN THE CITY OF INVER GROVE HEIGHTS,
COUNTY OF DAKOTA, MINNESOTA,
FOR THE EXTENSION OF TRUNK SANITARY SEWER MAINS
AND RELATED PUBLIC IMPROVEMENTS
FOR SOUTHERN SANITARY SEWER SYSTEM WEST**

WHEREAS, Petitioner and Respondent Dayton Holding, Inc., a North Dakota corporation ("Dayton") have negotiated a settlement after Petitioner's service and commencement of the above-entitled action pursuant to Minn. Stat. § 117.055 and after appointment of commissioners pursuant to Minn. Stat. § 117.085.

IT IS HEREBY STIPULATED AND AGREED by and between Dayton and legal counsel for the Petitioner that the parties shall accept a Commissioners' Award in the amount of \$9,000.00 for just compensation for the easement rights described in the Petition as Parcel IGH-24. The parties agree that said \$9,000.00 Award shall be paid with the \$7,300.00 quick-take deposit held by the District Court together with judgment rate interest accrued thereon from the date of deposit on or before the July 28, 2008 date of taking. Said \$7,300.00 on deposit with the District

Court and accrued interest shall be paid by check directly from the District Court to Dayton. In addition, the Petitioner shall send Dayton a check for \$1,700.00 within thirty (30) days of Petitioner's filing of the Commissioner's Award with the District Court. The parties agree that the Petitioner's \$1,700.00 payment by check is a lump sum amount without any accrued interest. This agreement fully and finally settles the claims that pertain to the condemnation of easement rights described in the Petition as Parcel IGH-24 including attorneys fees, litigation expenses, appraisal fees, other experts fees and other related costs as may be claimed under Minn. Stat. §117.012 though Minn. Stat. § 117.57. Both the Petitioner and Dayton agree not to appeal from said award.

IT IS FURTHER STIPULATED AND AGREED that the parties agree that it is their joint intent to execute and record separate permanent drainage and utility easement agreement that include the easement rights described in the Petition as Parcel IGH-24.

IT IS FURTHER STIPULATED AND AGREED that Petitioner shall secure the Commissioners' execution of the Final Report of Commissioners, and Petitioner shall file said Report with the court administrator, pay the Commissioners, and notify the persons listed in said Report pursuant to Minnesota Statutes, § 117.115.

IT IS FURTHER STIPULATED AND AGREED that the Order for transfer of title and possession dated July 21, 2008, and filed herein on July 22, 2008, shall remain in full force and effect as to the easement rights described in the Petition as Parcel IGH-24 and Petitioner's right to file a final certificate under Minnesota Statutes, § 117.205 shall be unaffected by this Stipulation.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto that the \$7,300.00 together with accrued interest shall be paid to Dayton

Holding, Inc. by check issued by the District Court, and said check shall be made payable to Dayton Holding, Inc. and shall be mailed to Stephen H. Nelson, President, Dayton Holding, Inc., 7656 128th Street West, Apple Valley, MN 55124.

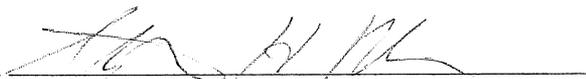
Dated: _____, 2010.

LeVANDER, GILLEN & MILLER, P.A.

Timothy J. Kuntz, Lic. No. 58993
Jay P. Karlovich, Lic. No. 247650
633 South Concord Street, Suite 400
South St. Paul, MN 55075
(651) 451-1831
Attorneys for Petitioner

Dated: April 28, 2010.

DAYTON HOLDING, INC.


Stephen H. Nelson, President
7656 – 128th Street West
Apple Valley, MN 55124
Minneapolis, MN 55402-2112
(952) 686-5555
(612) 940-1307
Pro Se

ORDER

Pursuant to the foregoing Stipulation, the District Court Administrator is hereby directed to issue a check made payable to Dayton Holding, Inc. thereby disbursing the Parcel 24 \$7,300.00 deposit together with accrued interest and said check shall be mailed to Stephen H. Nelson, President, Dayton Holding, Inc., 7656 128th Street West, Apple Valley, MN 55124.

Dated: _____, 2010.

BY THE COURT

Judge of District Court

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CONTRACTORS FOR LAWN CARE - 2010

Meeting Date: May 10, 2010
 Item Type: Regular
 Contact: Nicole Cook
 Prepared by: Nicole Cook; Code Compliance Specialist
 Reviewed by: Tom Link; Community Development Director

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

ACTION REQUESTED:

Approve resolution "Approving contract with Steve Juckel for lawn services."

SUMMARY

The City regularly selects a contractor to perform abatement work for lawn care. Staff used local yellow pages and the internet to find lawn care businesses in or near Inver Grove to identify contractors. Eight contractors were found, four of which are from Inver Grove Heights.

A letter was sent to each business requesting information and outlining what services the City would need from them. Attached is a copy of one of those letters detailing my requests and what kind of services we would need performed.

Staff recommends Steve Juckel Lawn Services. Mr. Juckel was the only contractor to respond. The City has used Juckel Lawn Care for the past two years. Mr. Juckel offers very fair prices, professionalism, and is able to get to a job within two (2) days of a request.

Enclosure: Resolution

CITY OF INVER GROVE HEIGHTS

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING CONTRACT WITH STEVE JUCKEL FOR LAWN
SERVICE

WHEREAS, the City of Inver Grove Heights has need for a contractor to abate City Code violations relating to lawn maintenance; and

WHEREAS, the City requested quotes from various lawn care services.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS hereby approves the contract with Steve Juckel to provide lawn care services for 2010.

Passed by the City Council of the City of Inver Grove Heights on the _____ day of _____, 2010.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

April 12, 2010

Total Lawn Care
3099 65th St
IGH, MN 55076

To Whom It May Concern,

The City of Inver Grove Heights is currently looking to hire a contractor for lawn services. The services would include cutting residential lots but would occasionally include commercial lots as well. I would need all lawn clippings to be removed along with any large branches. Generally, we would require your services 2-3 times per week. That number will vary based on the number of vacancies and foreclosures in the city.

I am requesting the following information from you in writing:

- **Charge for average residential lot**
- **Charge for commercial lot**
- **How quickly could you get to a site once a request is made?**
- **Is there an additional cost for removal of branches and clippings and if so, what?**
- **Could you please provide me with the names and contact information of three (3) references?**

The chosen contractor will be asked to submit proof of insurance and workman's comp. We will also ask that a contract be signed.

Please submit this information to me no later than **Wednesday April 21, 2010** . Feel free to call me if there are any questions.

Thank you,

Nicole Cook
(651) 450-2491

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Accept Proposal for Street Patching Services

Meeting Date: May 10, 2010
 Item Type: Consent
 Contact: Barry Underdahl, 651.775.3319
 Prepared by: Scott D. Thureen, Public Works Director
 Reviewed by: *SDT*

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

Accept proposal for street patching services.

SUMMARY

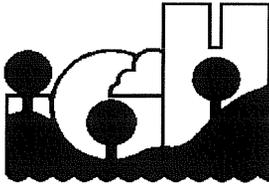
Each year, the Street Maintenance budget includes funding to hire contractors to assist with pothole patching, if needed. Quotes were requested for hourly rates for two types of street patching. If necessary, due to City crew workloads, the contractor would be used to assist with some patching.

Two quotes were received (includes all equipment, labor and trucking):

Pine Bend Paving	
Pothole Patching	\$280.00 per hour
Paving/Overlays	\$400.00 per hour
Ace Blacktop Inc.	
Pothole Patching	\$280.00 per hour
Paving/Overlays	\$398.00 per hour

I recommend accepting the proposal from Ace Blacktop, Inc. for pothole patching and paving/overlays. Any work done would be funded from Street Maintenance budget line item 101-5200-443.40-46.

SDT/kf
 Attachments: Memo from Barry Underdahl
 Proposals



City of Inver Grove Heights
Streets/Central Equipment

MEMORANDUM

TO : Scott Thureen
FROM : Barry Underdahl
SUBJECT : Street Maintenance
DATE : 5-5-2010

Background

I requested and received quotes for two different patching processes to help keep up with street maintenance. The first is for conventional pothole patching and the second for large patches and strip overlays. The quotes are from Ace Blacktop and Pine Bend Paving. We have hired both companies in the past and are familiar with their work.

The prices below include all equipment, labor, and trucking.

Pine Bend Paving Inc.

Item #2	Pothole Patching	\$280.00 per hour
Item #3	Paving/Overlays	\$400.00 per hour

Ace Blacktop Inc.

Package #1	Pothole Patching	\$280.00 per hour
Package #2	Paving/Overlays	\$398.00 per hour

Recommendation

I recommend accepting the quote from Ace Blacktop Inc. for both package #1 and package #2. Work will be performed at my direction as needed.

The patching will be paid from budget line item 101-5200-443-40-46.

Proposal

**ACE-----
BLACKTOP
----- INC.**

7280 Dickman Trail
Inver Grove Heights, MN 55076
Ph. (651) 450-1237 Fx. (651) 450-9057

PROPOSAL SUBMITTED TO City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077	PHONE 651-450-2500	DATE 5/5/2010
	FAX 651-455-9405	CONTACT Barry 651-775-3319
	JOB LOCATION: Equipment & Labor Rates	

Street Repairs	
Equipment rental package I, for pothole & small area patching	
Service truck & hand tools	
Back pack blower	
Tri axel dump truck	
1 ton dump truck	
Tack oil Distributor	
3 Ton Roller	
	\$280.00 per hour

Equipment rental package II, for large patches and strip overlays	
Service truck & hand tools	
Power broom or Skidsteer loader	
Paver 8' - 14' wide	
2 Rollers - 3 ton and 6 ton	
Transport truck	
Tack oil Distributor	
Tri axel dump truck	
	\$398.00 per hour

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for sum of: **\$See above.** Payment due upon completion of job or receipt of statement. A charge of 1 1/2 % per month will be made on all past due balances. This charge applies to all accounts 30 days past due.

CONTRACTORS PRE LIEN NOTICE TO OWNER

(A) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS.
 (B) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIAL FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE

AUTHORIZED SIGNATURE:

Thomas V. Stanton

Thomas V. Stanton

NOTE: THIS PROPOSAL MAY BE WITHDRAWN BY US IF NOT ACCEPTED IN 60 DAYS.

ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

SIGNATURE:

DATE:



P.O. BOX 72
 VERMILLION, MN 55085
 651-437-2333 · FAX 651-437-7960

PROPOSAL

T O	City of IGH – Public Works (Attn: Barry Underdahl)	DATE OF PROPOSAL 05.05.10	PROPOSED COMPLETION DATE Spring 2010
	8168 Barbara Avenue	JOB NAME Misc. Patching – City Wide	
	Inver Grove Heights, MN 55077	JOB LOCATION Various	

WE ARE PLEASED TO OFFER YOU MATERIALS AND SERVICES AS SHOWN BELOW, SUBJECT TO THE INDICATED TERMS. IF THIS OFFER IS NOT ACCEPTED WITHIN THIRTY DAYS, IT THEN MAY BE ACCEPTED ONLY AT OUR OPTION. YOU ACCEPTANCE WILL BE ACCOMPLISHED BY COMPLETING AND RETURNING TO US THE ORIGINAL OF THIS FORM.

ITEM	DESCRIPTION OR SPECIFICATION	QUANTITY	PRICE	AMOUNT
	ALL WORK PERFORMED WITH UNION LABOR			
1	Cut (mill) patches and excavate to 4.0" depth			
	Replace with 4.0" (2.0' / 2.0") asphalt mixture			
	4 man crew with truck / equipment – Min. 15 tons per day	Price per hour	\$ 383.00	
2	Potholes (Throw-ins) – Sweep/ Tack, Fill			
	3 man crew with truck / equipment – Min. 15 tons per day	Price per hour	\$ 280.00	
3	Paving – Overlays (With paver)			
	4 man crew w/truck and equipment – Min. 15 tons per day	Price per hour	\$ 400.00	
PRICE QUOTATION BASIS		TOTAL AMOUNT		
<input type="checkbox"/> UNIT PRICES <input type="checkbox"/> SQUARE YARD <input type="checkbox"/> TIME & MATERIAL <input type="checkbox"/> LUMP SUM				

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- THE TOTAL CONTRACT AMOUNT SHALL BE PAID WITHIN 30 DAYS AFTER THE DATE OF CONTRACTOR'S INVOICE. ANY AMOUNT UNPAID AFTER THE 30-DAY PERIOD SHALL BEAR INTEREST CHARGES OF 18% PER ANNUM UNTIL PAYMENT IS MADE IN FULL BY THE OWNER.
 - THIS CONTRACT SHALL BE COMPLETED WITH REASONABLE PROMPTNESS BY THE CONTRACTOR, BUT THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR DELAYS OR FAILURE TO COMPLETION CAUSED BY WEATHER, UNFAVORABLE TO CARRYING OUT THE WORK INVOLVED, FIRE, EXPLOSION, FAILURE OF EQUIPMENT, STRIKES, DIFFERENCES WITH WORKMEN, COMPLIANCE WITH ORDERS OF A GOVERNMENTAL AGENCY, INTERRUPTION IN DELIVERY OF MATERIALS, OR FROM ANY CAUSE BEYOND HIS REASONABLE CONTROL.
 - THE CONTRACT PRICE DOES NOT INCLUDE ANY TAXES EXCEPT AS STATED, AND ANY TAX IMPOSED BY GOVERNMENTAL AUTHORITY WHICH EFFECTS THE CONTRACT PRICE SHALL BE IN ADDITION THERETO.
 - THIS CONTRACT CONTAINS THE ENTIRE AGREEMENT BETWEEN THE PARTIES. THERE ARE NO ORAL PROMISES, AGREEMENTS, OR WARRANTIES AFFECTING IT. ANY ALTERATION OR DEVIATION FROM THE ABOVE QUANTITIES AND SPECIFICATIONS OR OTHER CHANGE IN THE CONTRACT MUST BE IN WRITING AND EXECUTED BY AUTHORITY REPRESENTATIVES OF THE PARTIES.
 - ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY. IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS. UNDER MINNESOTA STATE LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

PINE BEND PAVING INC.	ACCEPTED FOR OWNER
BY TITLE Joe Jacoby - President	BY TITLE _____ DATE _____

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Resolution Accepting Individual Project Order No. 12E to Kimley-Horn & Associates, Inc. for Additional Final Design Services for the 2010 Pavement Management Program, Urban Street Reconstruction – City Project No. 2010-09D, South Grove Area 5 Water System Design

Meeting Date: May 10, 2010
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

- 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 Fund, The Oaks Townhome Association

PURPOSE/ACTION REQUESTED

Consider resolution accepting Individual Project Order (IPO) No. 12E from Kimley-Horn & Associates, Inc. for additional final design services and easement acquisition coordination for the 2010 Pavement Management Program, Urban Street Reconstruction – City Project No. 2010-09D – South Grove Area 5.

SUMMARY

IPO No. 12E includes additional design services including modifying the street width on Dawn Avenue to 38 feet, developing a drainage solution on three (3) sites near 75th Street, modifying the storm sewer design and easement acquisition work on property owned by North American Trailer, alternate bid coordination, and easement acquisition coordination on nine (9) residential properties. The City Council has authorized the modification to the plans and has approved the various easements agreements that have been secured.

I have reviewed the proposal and recommend approval of the resolution which authorizes execution of IPO No. 12E in the amount of \$32,800 for Kimley-Horn to provide these consulting services.

TJK/kf
Attachments: Resolution
IPO No. 12E

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY**

RESOLUTION APPROVING INDIVIDUAL PROJECT ORDER NO. 12E WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL FINAL DESIGN SERVICES AND EASEMENT ACQUISITIONS FOR THE 2010 PAVEMENT MANAGEMENT PROGRAM, URBAN STREET RECONSTRUCTION – CITY PROJECT NO. 2010-09D (SOUTH GROVE AREA 5)

RESOLUTION NO. _____

WHEREAS, Kimley-Horn and Associates, Inc. has submitted Individual Project Order No. 12E for the additional design services work and easement acquisition coordination as requested by the City of Inver Grove Heights.

WHEREAS, Kimley-Horn and Associations, Inc. has secured the necessary easements and completed the plan modifications requested by the City.

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

1. Individual Project Order (IPO) No. 12E with Kimley-Horn and Associates, Inc. for the following work is hereby approved:

<u>Work Task</u>	<u>Estimated Fee</u>
Additional Final Design Services	\$21,500.00
Easement Coordination	9,500.00
Other expenses	<u>1,800.00</u>
Total	\$32,800.00

2. The City is authorized to enter into IPO No. 12E with Kimley-Horn and Associates, Inc.

Adopted by the City Council of Inver Grove Heights, MN this 10th day of May 2010.

AYES:
NAYS

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

INDIVIDUAL PROJECT ORDER NUMBER 12E

Describing a specific agreement between Kimley-Horn and Associates, Inc. (the Consultant), and City of Inver Grove Heights (the Client) in accordance with the terms of the Master Agreement for Continuing Professional Services dated October 31, 2005, which is incorporated herein by reference.

Identification of Project: South Grove Urban Street Reconstruction Areas 4, 5 & 6
City Project 2010-09D

General Category of Services: Additional Final Design Services for Area 5

Specific Scope of Basic Services: Additional final design services and easement acquisition coordination. See attached Exhibit A for a more detailed summary of the scope of services.

Additional Services if Required: None identified at this time.

Schedule: See attached Exhibit C.

Deliverables: Final Construction Plans and Specifications – Area 5
Easement Exhibits and Descriptions – Area 5

Method of Compensation: To be billed on an hourly (cost plus) basis as detailed in attached Exhibit B.

Special Terms of Compensation: None

Other Special Terms of Individual Project Order: None

ACCEPTED:

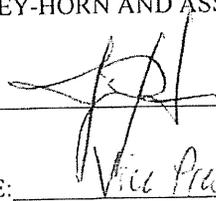
CITY OF INVER GROVE HEIGHTS

BY: _____

TITLE: _____

DATE: _____

KIMLEY-HORN AND ASSOCIATES, INC.

BY:  _____

TITLE: Vice President

DATE: 4/21/10

EXHIBIT A
SCOPE OF SERVICES

INDIVIDUAL PROJECT ORDER (IPO) NO. 12E

SOUTH GROVE URBAN STREET RECONSTRUCTION AREAS 4, 5 & 6

This IPO includes additional final design services for Area 5. These services are detailed below.

1. Area 4

No additional services are requested at this time.

2. Area 5

A) Additional Final Design Services

The following tasks were completed by Kimley-Horn at the direction of City staff and the City Council:

Dawn Avenue Width Change

The street width of Dawn Avenue was originally designed to a width of 32 feet (face-of-curb to face-of-curb) consistent with the feasibility study and report approved by the City Council in January 2009. At the direction of the Council, we modified the plans to modify the width of Dawn Avenue to 38 feet. Significant storm sewer design modifications and plan sheet revisions were required as a result of this change. Kimley-Horn also revised the drainage calculations for the project for re-submittal to the Mn/DOT State Aid Office.

75th Street East Drainage Issues

As directed by City Staff, Kimley-Horn investigated drainage concerns brought to the City's attention by residents along 75th Street East. Three (3) site visits were required to meet with the property owners to discuss their concerns and develop potential solutions. Multiple solutions were developed and refined for inclusion in the project plans for construction.

Concord Boulevard Storm Sewer Connection

At the direction of City staff, Kimley-Horn prepared multiple alignment alternatives for the storm sewer connection between Concord Boulevard and Dawn Avenue to run through the North American Trailer (NAT) property. The work included a drainage analysis of the NAT property and surrounding area for City staff coordination of easement acquisition agreements with the owner.

Technical Special Provisions/Bid Alternate Coordination

As directed by City Staff, Kimley-Horn prepared additional technical special provisions and bid alternate documents for five (5) bid alternates for inclusion in the Contract Documents. Kimley-Horn also attended two (2) additional meetings with City staff, including the pre-bid meeting, in advance of the project bid opening.

B) Easement Acquisition Coordination

At the direction of City Staff, Kimley-Horn led the coordination for acquisition of easements and right-of-entry for the nine (9) properties listed below.

Coordination with these property owners included ten (10) meetings/site visits to coordinate the acquisition of easements and right-of-entry including improvement coordination with property owners, drafting of agreements with the City Attorney, and presentation of agreements to property owners.

- 7525 Dehrer Court
- 7535 Dehrer Court
- 4046 75th Street East
- 3790 75th Street East
- 3800 75th Street East
- 7451 Craig Avenue
- 7479 Craig Avenue
- 3811 75th Street East
- 3740 Conroy Trail

EXHIBIT B
ESTIMATED COSTS

INDIVIDUAL PROJECT ORDER (IPO) NO. 12E

SOUTH GROVE URBAN STREET RECONSTRUCTION AREAS 4, 5 & 6

Kimley-Horn proposes to perform all services included within this IPO on an hourly (cost plus) basis using our current standard hourly rate schedule. The following is a summary of our estimated costs for the services included as a part of this IPO:

<u>Work Task</u>	<u>Estimated Fee</u>
Area 5 – Additional Final Design Services	\$ 21,500
Area 5 – Easement Acquisition Coordination	\$ 9,500
<u>Reimbursable Expenses</u>	<u>\$ 1,800</u>
Total	\$ 32,800

Reimbursable expenses (copy/printing charges, plotting, mileage, delivery charges, faxes, etc.) will be charged as an office expense at 6.0% of the labor fee.

Our total estimated not-to-exceed cost for the scope of services included as a part of this IPO is, therefore, \$ 32,800 including all labor and reimbursable expenses.

EXHIBIT C
SCHEDULE

INDIVIDUAL PROJECT ORDER (IPO) NO. 12E

SOUTH GROVE URBAN STREET RECONSTRUCTION AREAS 4, 5 & 6

The following is the implementation schedule for the Area 5 improvements:

Bid Opening	April 20, 2010
City Council Awards Construction Contract	April 26, 2010
Acquisition of Easements/Right-Of-Entry Complete	May 2010
Pre-Construction Meeting	May 6, 2010
Start Construction	May, 10 2010
Construction Complete	October 2010

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

PERSONNEL ACTIONS

Meeting Date: May 10, 2010
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: Alejandro Morales, Joel Krech, Tyler Webb, Joseph Gubash, Mike Sperl and Jamie Dziewic, Tony Gubash, Scott Gubash, and Samuel Hosszu.

Please confirm the employment of: Melissa Blum as Office Support, Public Works.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

JAMES BROWN

Meeting Date: May 10, 2010
 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 Rezoning of the parcel from E-1, 2 ½ Acre Estate Residential to E-2, 1 ¼ Acre Estate Residential.
 - Requires 3/5th's vote.
- b) A Resolution relating to a **Waiver of Plat** to create two parcels from the existing tax parcel.
 - 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: June 3, 2010 (second 60 days)

SUMMARY

The City Council reviewed the request on April 12 and tabled the item to obtain further information regarding the status of the condition of the private road.

ANALYSIS

Staff met with Jim Brown on site to look at the condition of the private roads. A review of the roads on each side of the property was conducted and the following determined:

West side: driving surface is approximately 10 feet wide consisting of a gravel surface. Does not meet minimum clear width and height requirements.

East side: driving surface is approximately 16 feet wide consisting of a gravel surface. Much of length of the road is open and clear. Only a short distance at the north end does not meet minimum clear width and height requirements.

The Fire Marshal indicated that while there is a minimum width and height that needs to be clear to meet fire code, this requirement was not intended to be enforced retroactively. Meaning that unless there is an obvious obstruction or another building is added to the road, the road and vegetation clearing is not required automatically. In this case, the eastern road is sufficient in

width and the city can accept this road in its current condition. Some tree trimming would be required with a permit for any new homes on the road. The western road is more of a concern due to its narrow gravel width and narrow clear area. Tree trimming, tree removal and road widening would be required if any new homes were to use this road as access.

The City Attorney's office conducted a review of the road easements that exist along both the private roads on the east and west sides of the Brown property. A 60 foot wide private road easement exists along the west side leading to the public street connection to Hwy. 3. On the east side, there is a 33 foot wide easement over only a portion of the property. When the home was constructed on the Brown property in 1970's, the owner at that time, obtained an easement from the O'Brien's who own property to the east. The Brown and O'Brien properties share a common boundary for approximately 52 feet at the north end of the Brown property. The recorded easement extends only to the north 52 feet of the Brown property. There does not appear to be an existing access easement over the balance of the Brown property on the east side. This includes the area where the existing driveway to the house lies. If Council approves this request, a condition of approval should be that Mr. Brown shows evidence that an easement exists for the balance of the eastern property line through a title commitment or other means and if none exists, that prior to recording the waiver of plat and easement is obtained of at least 33 feet wide granting an access easement.

Finally, if the Council approves the waiver of plat, they must also specifically approve access to the new lot can be via a private driveway. City Code requires all newly created lots to have at least 30 feet frontage along a street and that a private driveway does not satisfy this requirement, except when specifically approved by the City Council. As stated earlier, the eastern road is a gravel surface approximately 16 feet wide. City Code standards for driveways is 20 feet wide. Due to the age of this road and when these lots were created, the existing road condition would be considered legal non-conforming and would not automatically require upgrading. Based on the Fire Marshal's determination that only minor tree trimming would be required when a new home is constructed, Planning Staff would not recommend any further improvements to the road at this time. Council will still have to address at some point, the issue of how many homes should be allowed on a private driveway in any neighborhood and what minimum standards should be in place for the road surface and width. This was the main issue with the Wood subdivision application about five years ago.

The attached staff report lays out reasons for both support and against the rezoning. A rezoning would create a spot zoning and be inconsistent with the comprehensive plan. The uses in both the E-1 and E-2 districts are the same, so a spot zoning would be by map and not by use because the intent of the two districts are very similar.

A hardship must be stated for the accessory structure variance.

Planning Staff. Continues to recommends denial of the request. A rezoning to E-2 would be a spot zoning and not consistent with the comprehensive plan.

Planning Commission. Also recommends denial of the request (5-3).

Attachments: Denial Resolution
Rezoning Ordinance

Waiver of Plat Approval Resolution
Variance Approval Resolution
Planning Commission Recommendation
Planning Report
E-mail Received from Resident

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

RESOLUTION NO. _____

**RESOLUTION DENYING A REZONING OF THE PROPERTY, WAIVER OF PLAT TO
CREATE TWO PARCELS FROM THE EXISTING TAX PARCEL, A VARIANCE TO ALLOW
AN ACCESSORY STRUCTURE ON A LOT WITHOUT A PRINCIPLE STRUCTURE**

**CASE NO. 10-05Z
(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 a Rezoning, Waiver of Plat and
Variance;

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

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request
on March 2, 2010, 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 Rezoning of the property is required in order to have lots meet minimum lot size for said zoning district.
3. A Variance is required to allow an accessory structure on a lot without a principle structure.

Conclusions

1. Zoning areas of the city is done by neighborhood and not by individual lots.
2. Would be a spot zoning which should be avoided. All surrounding properties are zoned E-1.
3. Intent of comp plan designation is to restrict lot sizes in the rural non-sewered areas to 2.5 acres to provide adequate area for primary and secondary septic system sites on lots.
4. Contrary to previous actions of the Council for this area which were to retain lot sizes consistent with zoning and require consolidation when possible.
5. The majority of the lots in the area are 2.5 acres or larger which is consistent with the current zoning of the area.
6. 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.
7. 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 Rezoning, Waiver of Plat 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 _____ 2010.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Melissa Rheaume, Deputy Clerk

Rezoning Approval

CITY OF INVER GROVE HEIGHTS DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 10, CHAPTER 4 (ZONING MAP) OF THE INVER GROVE HEIGHTS CITY CODE

CASE NO. 10-05Z
(James Brown)

The City Council of Inver Grove Heights ordains as follows:

SECTION I. Ordinance No. 1190 adopted July 27, 2009, entitled, "AN ORDINANCE ADOPTING THE RECODIFICATION OF THE INVER GROVE HEIGHTS CITY CODE INCLUDING THE CITY ZONING ORDINANCE, is hereby amended to rezone the following described property located within the City of Inver Grove Heights from E-1 2 ½ Acre Estate Residential District to E-2 1 ¾ Acre Estate Residential District , to wit:

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.

SECTION II. The Zoning Map of the City of Inver Grove Heights referred to and described in said Ordinance No. 1190 as that certain map entitled "Inver Grove Heights Zoning Map, June 24, 2002", together with all amendments thereto, hereinafter referred

to as the "zoning map", shall not be republished to show the aforesaid rezoning, but the Clerk shall appropriately mark the said zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance and all of the notations, references and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

SECTION III. This Ordinance shall be in full force and effect from and after its publication according to law.

Enacted and ordained into an Ordinance this _____ day of _____, 2010.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Melissa Rheume, Deputy Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A WAIVER OF PLAT TO ALLOW PARCELS #5 AND #6 AS
INDIVIDUAL TAX PARCELS**

**CASE NO. 10-05Z
(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 March 2, 2010;

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 recording the waiver of plat resolution, a revised survey shall be submitted to the city showing the new property line and new legal description.
2. 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.

- 3. Park dedication shall consist of a cash contribution of \$4,011 payable at time of release of the Waiver of Plat Resolution.
- 4. The applicant is required to show evidence that an easement exists for the balance of the eastern property line through a title commitment or other means and if none exists, that prior to recording the waiver of plat and easement is obtained of at least 33 feet wide granting an access easement.
- 5. Prior to issuance of a building permit for the new lot, the private road (90th Street) on either 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 ____ day of _____, 2010.

AYES:
NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

Variance Approval

CITY OF INVER GROVE HEIGHTS DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING A VARIANCE TO AN ACCESSORY STRUCTURE ON A LOT WITHOUT A PRINCIPLE STRUCTURE

CASE NO. 10-05Z
(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 a variance 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 March 2, 2010 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 the existing barn does not have a driveway, is oriented towards the existing house and is situated such that in order to conform to the minimum lot size, the lot boundary would separate the house from the barn.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance 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 ___ day of _____, 2010.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Melissa Rheame, Deputy Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: March 2, 2010
SUBJECT: **JAMES BROWN – CASE NO. 10-05Z**

Presentation of Request

Commissioner Simon read the public hearing notice to consider the request for a rezoning from E-1, 2.5 Acre Estate Residential to E-2, 1.75 Acre Estate Residential, a waiver of plat to subdivide the property into two parcels, and a variance to allow an existing accessory structure on a lot without a principle structure for the property located at 1186 – 90th Street. 39 notices were mailed.

Opening of Public Hearing

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Mr. Brown originally made application last fall to divide his parcel into two parcels. The Planning Commission reviewed the request and recommended denial. The City Council then reviewed the item over three meetings, could not determine a hardship, but ultimately felt a rezoning might be a possible option. Council then directed the Planning Commission to hold a public hearing regarding a rezoning. Mr. Brown therefore withdrew his application and has now resubmitted for a rezoning. In addition to the rezoning request, Mr. Brown is also requesting a waiver of plat to divide the existing parcel into a 1.75 acre parcel and a 1.88 acre parcel, as well as a variance to allow an accessory structure on a lot without a principle structure. Mr. Hunting stated it is the intent of the Comprehensive Plan to restrict lot sizes in the rural non-sewered areas to 2.5 acres or larger, the proposed rezoning would result in spot zoning as the surrounding properties are zoned E-1, and it would be contrary to previous actions of the City Council in the 1970's when they tried to consolidate lots to make them consistent with zoning. In regards to the waiver of plat, Mr. Hunting advised that access continues to be an issue as the current road does not comply with either city or state fire code standards. Staff does not have issues with the variance request and believes it would not have a negative impact on the intent of the ordinance. Staff does not support the request as it would be a spot zoning and would be contrary to the intent of the Comprehensive Plan.

Commissioner Gooch asked for clarification of the location of the structures on the lots, to which Mr. Hunting advised that an accessory structure and the house would be located on the proposed southern lot and the barn would be on the northern lot.

Commissioner Simon asked if staff heard from any of the neighbors, to which Mr. Hunting replied he had one general inquiry and the e-mail distributed to the Planning Commission that was opposed to the request.

Opening of Public Hearing

The applicant, Jim Brown, 1186 – 90th Street East, advised that when he purchased the property he believed he was buying two lots. Through research it has been discovered that the proposed plat is how the land was originally laid out; with the subject having two separate

property identification numbers. It is unclear, however, how they were combined, whether it was done by the City, the County, or a previous owner. Mr. Brown stated he believes the proposed lots would fit with the neighborhood.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, to which Mr. Brown replied in the affirmative.

Chair Bartholomew asked if the property now had one property identification number rather than two, to which Mr. Brown replied in the affirmative.

Chair Bartholomew asked if there was any history on how the properties got changed to one tax ID, to which Mr. Brown replied it was still unclear but likely got changed sometime between 1955 and 1977.

Gordy Leach, 1240 – 90th Street, stated he was a neighboring property owner and he supported the request. He stated he may want to subdivide himself someday and did not think the proposal would greatly change the characteristics of the neighborhood. Mr. Leach recommended that the road be looked at for future improvement, but stated he has lived there since 1980 and encountered no problems.

Commissioner Wippermann questioned how the City could deny future requests for spot zoning if this were to be approved.

Mr. Hunting replied that each request would be looked at individually, however it could make it more difficult for the City to deny a request if there was a history of it.

Commissioner Simon stated she was opposed to the request as it was a spot zoning and was contrary to the intent of the Comprehensive Plan to have everything south of Highways 52/55 be 2.5 acres or larger in size.

Commissioner Hark stated he felt it was spot zoning, but it was only a moderate change that would not be out of character for the neighborhood.

Chair Bartholomew stated that because the lot was previously two separate parcels, he would support the request which would reestablish the lot as two separate properties.

Commissioner Gooch referred to the letter from the neighboring property owner that opposed the request which stated that there were at least two other lots that would potentially subdivide their property as well. He questioned at what point they would say you can subdivide a 3.63 acre parcel but not a 2.5, and he felt the whole look of the neighborhood would change if the rezoning was approved.

Chair Bartholomew stated in his opinion the request would be a historical correction as the subject site was originally two parcels.

Commissioner Wippermann stated he was opposed to the request as he was concerned about spot zoning and felt that the people that built in that area did so with the expectation that there would be consistency in the size of the lots around them. He added that his understanding was

that the area was established as E-1 zoning because the intent was to have non-sewered lots be at least 2.5 acres in size.

Commissioner Gooch asked if the Commission had previously denied a request for a similar request in the same neighborhood.

Mr. Hunting replied that there was an application for a two lot subdivision a few years back for a lot south of the subject site. He stated the lots in that request complied with the minimum lot size for the E-1 district, but the issue was that 90th Street did not meet code requirements. The applicant eventually withdrew that application before Council ever took action on it.

Commissioner Wippermann stated the City specifically created two different zoning districts (E-1 and E-2) because they wanted different densities in different areas, and he was concerned about the potential for future subdivision requests should this be approved.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Simon, to deny the request for a rezoning from E-1, 2.5 Acre Estate, to E-2, 1.75 Acre Estate, based on not supporting spot zoning and the request being contrary to the intent of the Comprehensive Plan.

Motion carried (5/3 – Bartholomew, Schaeffer, Hark). This item goes to the City Council on March 22, 2010.

Chair Bartholomew advised there was no need to vote on the waiver of plat or variance since the Planning Commission recommended denial of the rezoning.

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

REPORT DATE: February 22, 2010

CASE NO: 10-05Z

APPLICANT: James Brown

PROPERTY OWNER: James Brown

REQUEST: Rezoning, Waiver of Plat and Variances

HEARING DATE: March 2, 2010

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

Last fall, the applicant made application to divide his parcel into two parcels. Based on the current zoning (E-1), the two lots would be less than 2.5 acres in size and therefore required a variance from minimum lot size. The Planning Commission reviewed the request and recommended denial as no hardship was found for the lot size variance. The City Council reviewed the item over three meetings, could not determine a hardship, but ultimately felt a rezoning might be a possible option. The City Council directed the Planning Commission to hold a public hearing regarding a rezoning request. Mr. Brown therefore withdrew his application and has now reapplied for a rezoning of the property in order to divide his parcel as originally proposed.

The applicant is proposing to re-subdivide his land into two parcels based on E-2 standards. The northern lot would be 1.75 acres and the southern lot would be 1.88 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 indicated to staff he has no plans to sell or develop the proposed lot.

The specific requests include the following:

1. A **Waiver of Plat** to create two parcels from the existing one tax parcel.
2. A **Rezoning** of the parcel from E-1, Estate Residential (2.5 acre min) to E-2, Estate Residential (1.75 acre min).

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.

REZONING

The applicant has applied for a rezoning to E-2 based on direction from the City Council. Part of a review of a rezoning application is to review it against the land use policies in the Comprehensive Plan. The Comprehensive Plan designation for the property is RDR, Rural Density Residential. Review of the rural development area policies that are pertinent to this application include the following:

- “1. Maintain the rural character of established neighborhoods.”
- “2. Accommodate infill development that is consistent with existing development patterns and sizes.”
- “15. The resubdivision of individual lots within existing neighborhoods shall maintain a minimum lot size of that neighborhood.”
- “16. The design of future rural residential developments shall consider the lot sizes of adjacent developments.”

As part of the 2020 Comprehensive Plan, the zoning ordinance was updated to reflect the goals and policies of the plan back in 2002. During the ordinance revision, all of the zoning categories were compared to the comp plan for consistency. There is a discrepancy with the comp plan and the E-2 district. The comp plan identifies the rural development area as guided for lots 2.5 acres or larger, while the E-2 district allows 1.75 acre lots. It was determined that all new rural subdivisions must comply with the 2.5 acre minimum lot size and no new E-2 zoned subdivisions would be allowed. The E-2 district was retained in the zoning ordinance in order to avoid creating a number of non-conforming lots.

The surrounding neighborhood consists of a wide range of lot sizes with the smallest being 1.68 acres to 22 acres, all touching the subject parcel. All of the abutting lots, including the local neighborhood is zoned E-1.

Reasons supporting a rezoning:

- Zoning to E-2 and a 1.75 acre minimum lot size would be consistent with some of the immediate abutting properties that are in this range and less than 2.5 acres.
- Some of the polices of the Rural Density Residential district support maintaining character of existing neighborhoods and allowing minimum lot sizes that are consistent with that neighborhood.
- The E-2 and E-1 zoning districts are very similar and the purpose statement for each district is the same. The allowed uses are the same, setbacks, lot coverage and accessory structure regulations are the same. The only difference is the minimum lot size.

structure regulations are the same. The only difference is the minimum lot size. A rezoning would not change the allowed use of the property.

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Reasons against a rezoning:

- Zoning areas of the city is done by neighborhood and not by individual lots.
- Would be a spot zoning which should be avoided. All surrounding properties are zoned E-1.
- Intent of comp plan designation is to restrict lot sizes in the rural non-sewered areas to 2.5 acres to provide adequate area for primary and secondary septic system sites on lots.
- Contrary to previous actions of the Council for this area which were to retain lot sizes consistent with zoning and require consolidation when possible.
- The majority of the lots in the area are 2.5 acres or larger which is consistent with the current zoning of the area.

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 enlarged to 1.75 acres and the balance into Parcel #6 which would be 1.88 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.

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

One variance would be required to allow the exception of having an accessory structure on a lot before a principal structure exists. There is an old horse or animal barn that would be located on the northerly property if the lot is subdivided. City Code requires a lot to have a home constructed before an accessory structure is allowed.

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 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.*

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.

- 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 existing barn is situated such that in order to conform to the minimum lot size, the lot boundary would separate the house from the barn.

- 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 **Rezoning** to change the zoning of the parcel from E-1, Estate Residential (2.5 acre min) to E-2, Estate Residential (1.75 acre min).
 - Approval of the **Waiver of Plat** allowing the creation of a 1.75 acre parcel and a 1.88 acre parcel subject to the following conditions:
 1. Prior to recording the waiver of plat resolution, a revised survey shall be submitted to staff showing the new proposed property line and new legal descriptions.
 2. 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.
 3. 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 **Variance** 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 still does not support the request. Staff does not support a spot zoning and believes the request is contrary to the intent of the Comprehensive Plan which is to allow lots no less than 2.5 acres in size.

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
Surrounding Lot Size Map
Minutes from City Council meetings

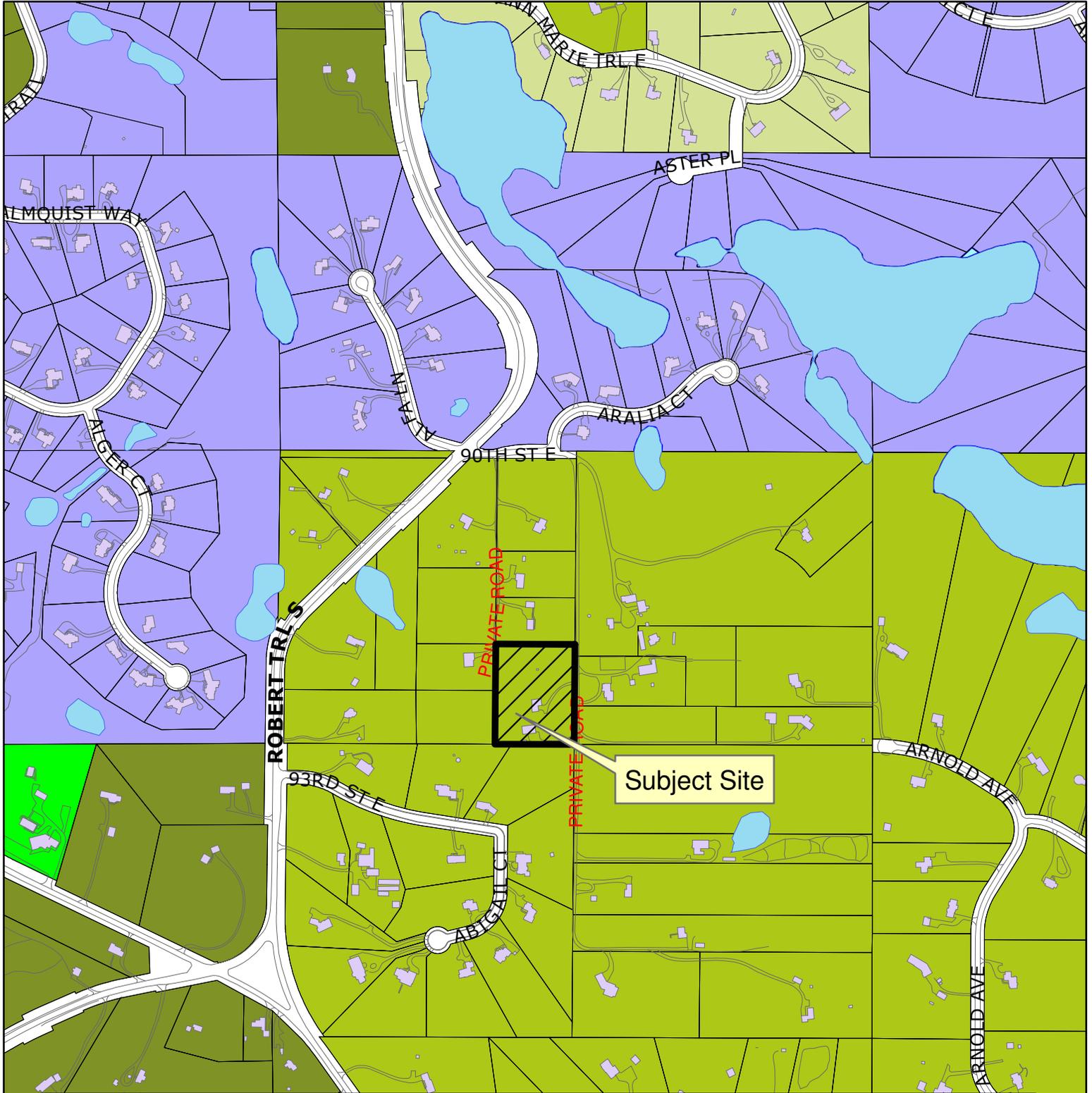


Location Map

Case No. 09-25WAV



NOT TO SCALE



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

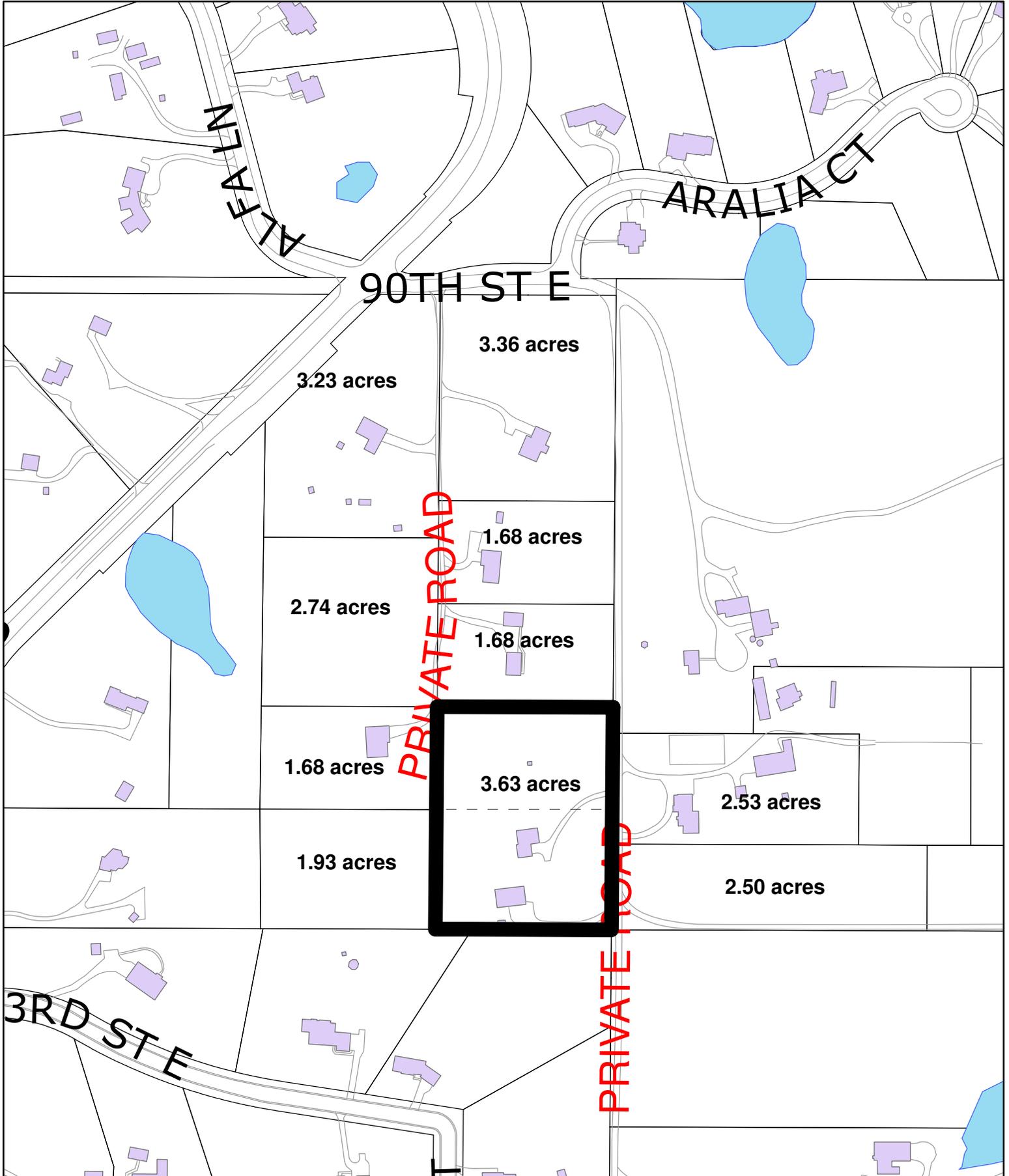


Surrounding Lot Sizes

Case No. 09-25WAV



NOT TO SCALE



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.

Mr. Lynch explained that the finance department often cuts checks in advance of Council action to expedite the payment process. He noted checks are always held by the finance department until after the City Council has approved the payment.

Motion by Klein, second by Madden, to adopt Resolution No. 09-184 approving Disbursements for Period Ending October 7, 2009

Ayes: 5

Nays: 0 Motion carried.

M. Personnel Actions

Allan Cederberg, 1162 E. 82nd Street, asked what the eleven people being hired for temporary employment would be doing.

Councilmember Piekarski Krech stated they were being hired to fill various temporary positions in the Parks and Recreation Department. She noted the eleven individuals would all be part-time, non-benefitted employees. She explained that means they only get paid for the hours they work.

Mr. Lynch stated the City employs 135 full-time employees.

Motion by Madden, second by Klein, to approve Personnel Actions

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Jim Huffman, 4247 Denton Way, asked that a drainage issue near Ernster Park be addressed by City staff as soon as possible.

Ed Gunther, 6671 Concord Boulevard, asked if a crosswalk could be installed for pedestrians at the intersection of 69th and Cahill. He also questioned when the final assessments would be known for the Concord project.

Mr. Thureen responded that the County has not sent the final invoice for Phase Two of the Concord project and the final assessments will not be known until the invoice is received.

Allan Cederberg, 1162 E. 82nd Street, commented on the potential sale of Cameron Park for the relocation of Cameron's liquor store. He suggested that the property could be used for affordable housing rather than commercial use.

Mayor Tourville stated the City has taken a number of steps to support the establishment of affordable housing, including the creation of a Housing Task Force.

Councilmember Madden explained that the property the business was originally located on was taken by the county and the business was forced to relocate temporarily. He stated the business owner would like to reestablish his business near the location it occupied for over 100 years. He added that relocation of the business provides an opportunity to retain the existing tax base in the community.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. 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 explained staff was directed to determine the date when the two lots were combined into one tax parcel as well as who was responsible for the subdivision, determine if access to the property is available from the east to 90th Street, and determine whether or not an easement exists on the south side of the property. He stated that the applicant's deed indicates that the property is one tax parcel with two property descriptions and no further information was discovered after review of the abstract other than confirmation that the property has been recognized as one tax parcel since 1976. He noted that the abstract indicates the property does have a legal right to utilize the existing private road for access and a 1955 survey identifies a 30-foot road easement across the southerly border of the original parcel leading to South Robert Trail. He explained both planning staff and the Planning Commission recommended denial of the request due to lack of hardship.

James Brown, 1186 90th Street, stated that other lots in the immediate area are less than 2.5 acres, including one that borders his property. He suggested that the hardship could be that he did not initiate the combination of the parcels.

Councilmember Piekarski Krech questioned what would happen if the 30-foot easement on the southern end was removed.

Mr. Link responded that the easement was included in the proposed lot size.

Councilmember Piekarski Krech commented that this lot was created before the issues and concerns with wells and septic systems were fully understood. She stated that she does not want to create another lot that is less than 2.5 acres.

Councilmember Grannis stated that he would not approve the request without a legal hardship.

Councilmember Madden stated that there are four other lots in the area that are less than 2.5 acres and the creation of two parcels would fit into the character of the neighborhood. He added that the request should be approved because there is no record of the combination.

Mayor Tourville questioned if Council could make the determination that a variance is not needed for the creation of two lots.

Mr. Kuntz responded that Council would need to make an appeal to the Planning Commission for a reinterpretation of the zoning code.

Mayor Tourville questioned why there two property descriptions for one tax parcel.

Mr. Kuntz indicated it was not unusual to have a number of legal descriptions for one parcel.

Motion by Grannis, second by Piekarski Krech, to approve resolution denying 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.

Ayes: 2 (Grannis, Piekarski Krech)

Nays: 3 (Klein, Madden, Tourville) Motion failed.

Mayor Tourville commented that he would not be in favor of sending it back to the Planning Commission for a reinterpretation because they already did what they were supposed to do.

Motion by Madden to approve the resolution with the hardship being the difficulty determining how the plat came to be as it is.

Motion failed due to lack of a second.

Mr. Kuntz stated that the fact the lots were not combined by the current property owner cannot be the legal hardship because the property was purchased as one parcel.

Councilmember Piekarski Krech stated that the request cannot be approved without a hardship.

Mr. Kuntz reviewed that the property was owned by Herb and Elsie Sacs and in October of 1955 they surveyed out ten lots, nine of which were approximately 1.5 – 2.0 acres in size. He noted that the tenth lot was three plus acres in size. He explained that when Herb Sacs died in June of 1961 there were five lots, running North and South, still owned by Herb and Elsie. He stated in 1974 Elsie Sacs remarried and still owned two of the original ten lots and when those two lots were conveyed the legal description described a single rectangle that was approximately 158,000 square feet. He explained that because of the description at the time of conveyance, a 3.63 acre lot was created and in 1977 a variance was granted to build a home with the condition that the property be rezoned as E-1.

Councilmember Piekarski Krech questioned if the property was surveyed or platted in 1955.

Mr. Kuntz stated that the property was never platted.

Councilmember Piekarski Krech clarified that the lot never was two parcels.

Mr. Brown reiterated that he wants parcels that are similar to what his neighbors have and pointed out parcels to the north of his property that were less than 2.5 acres.

Mr. Kuntz reviewed that a legal hardship must be something that is unique to the property and is a constraint to the use or ability to build on the property.

Motion by Piekarski Krech to approve the resolution denying the three requests based on lack of a hardship.

Motion failed due to lack of a second.

Mayor Tourville suggested that the item be tabled to give the applicant the opportunity to review the historical information provided by the City Attorney and identify potential hardship.

Motion by Tourville, second by Klein, to table item to November 23, 2009.

Ayes: 5

Nays: 0

Motion carried.

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

Mr. Link explained the property owner would like to construct a new home, driveway, sidewalk and porch with impervious coverage of approximately 27.5%. He stated the surrounding properties are all zoned single-family and the proposed home would aesthetically fit in with the neighborhood and all of the required setbacks would be met. He noted the applicant agreed to comply with the storm water treatment conditions to help maintain the drainage and storm water runoff on the applicant's property. He stated at the public hearing there was resident testimony expressing concerns about current drainage issues in the neighborhood. He explained in response to those concerns the Engineering department requested that the applicant install a larger rain garden on the property to help mitigate the runoff for the proposed new construction. He stated that planning staff recommending approval of the request with the conditions approval identified in the resolution, including the two conditions added by Engineering staff.

Councilmember Grannis clarified that if the conditional use permit was not required the applicant could apply for a building permit to start construction immediately. He questioned if the modified rain garden would be sufficient to handle the runoff and other water issues.

Mr. Link responded that the rain garden would be able to handle all the water.

Councilmember Klein asked about the topography of the lots.

Tom Kaldunski, City Engineer, explained that there was a 30-40 foot grade differential.

Bob McDonald, McDonald Construction, stated that the applicant has already met conditions 1-12 and feels that the addition of conditions 13 and 14 is onerous because they were added to mitigate drainage

Ayes: 5

Nays: 0 Motion carried.

- I. Approve Amended Agreement for Periodic Construction Observation Services for Roofing and Related Sheet Metal Services for the Public Safety Addition

Councilmember Piekarski Krech questioned why the City is responsible for paying the extra cost when the wet insulation was not caused by the City.

Ms. Teppen responded that the City is not paying for the extra costs to remove and reinstall the damaged insulation. She stated the amendment to the agreement is to pay the inspector who was on-site longer than anticipated.

Councilmember Piekarski Krech reiterated that the contractor should pay for the additional time the inspector had to spend on-site because the contractor was responsible for the insulation getting wet.

Councilmember Grannis clarified that the City needs to pay the inspector first because the agreement for inspection services is with the City, not the contractor. He stated the City could then pursue reimbursement of those costs from the contractor.

Motion by Grannis, second by Piekarski Krech, to approve Amended Agreement for Periodic Construction Observation Services for Roofing and related Sheet Metal Services for the Public Safety Addition

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Armando Lissarrague, 11730 Albavar Path, stated his neighbor has an outdoor wood burning stove located 90 feet from his property, and the smoke emanating from the wood burner has turned in to a major nuisance. He displayed pictures to illustrate the volume of smoke and the proximity with which the smoke is located to his home. He stated his family can no longer enjoy the benefits his property once offered. He explained that he has health problems that the smoke makes worse. He referenced a report from the health department that outlined the harmful effects of smoke from outdoor wood burning stoves on humans, animals and the environment. He asked that the Council consider banning or at least regulating the distance with which outdoor wood burning stoves can be located from another property and place restrictions on when they can be operated.

Julie Mellum, President of "Take Back the Air", stated she has been concerned about wood smoke issues for many years. She explained she is the President of Take Back the Air, a state wide environmental organization. She discussed the multitude of health implications associated with smoke from outdoor wood burners and referenced recent legislation from other states that prohibits the use of outdoor wood burners.

Mayor Tourville asked staff to look at sample ordinances and gather additional information to bring to a Council work session in March.

6. PUBLIC HEARINGS: None.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. JAMES BROWN; Consider the following 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 min.
- iii) Variance to allow accessory structure on lot without a principal structure

Mr. Link stated the applicant would like to subdivide his parcel into two separate parcels. He explained that neither of the two parcels would meet the minimum lot size requirement of 2.5 acres. He stated both Planning staff and the Planning Commission were unable to identify a hardship and recommended denial of the requests.

Mayor Tourville suggested that the applicant consider withdrawing his application and reapplying to rezone his property from E-1 to E-2.

Mr. Brown stated he would like the Council to consider everything that has been done to the property from the beginning and the fact that the property description has always been two lots, less than 2.5 acres.

Councilmember Madden stated the request would fit in with the neighborhood.

Councilmember Grannis asked if there would be a spot zoning issue if the property was rezoned to E-2.

Mr. Kuntz explained spot zoning typically refers to different uses, and in this case a rezoning from E-1 to E-2 would not change the use. He explained that the applicant can either withdraw the three existing applications or extend the time for the City to consider those applications.

Mr. Brown stated he will withdraw his requests for a waiver of plat and two variances.

Motion by Klein, seconded by Madden, to accept Mr. Brown's withdrawal

Ayes: 5

Nays: 0 Motion carried.

ADMINISTRATION:

B. CITY OF INVER GROVE HEIGHTS; Consider Change Order No. 4 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ms. Teppen stated the contract amount reflects an increase of \$40,020 for the twelve items included in the change order, for a revised contract total of \$11,676,143. She explained change orders are funded from the project contingency which started at \$613,601 and is now \$439,358 with the inclusion of this change order.

Councilmember Grannis asked for clarification on line item PR 019 because of the large dollar amount.

Ms. Teppen responded that changes to the security, audiovisual, data/telecommunications systems were Requested by the City which required the repositioning of electrical rough-ins.

Councilmember Piekarski Krech questioned if the City requested the upgraded mechanical unit referenced in line item ASI 021.

Ted Redmond, BKV, explained there were a number of piping changes made and this change also relates to final equipment selections.

Mayor Tourville stated the project is not even half done and the change order budget is decreasing.

Mr. Lynch stated the project is 25% completed and approximately 28% of the contingency money had been used.

Councilmember Klein asked staff to continue to watch the change orders closely.

Ms. Teppen assured the Council that the change orders are diligently reviewed on a weekly basis.

Motion by Klein, second by Madden, to approve Change Order No. 4 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation Project

Ayes: 5

Nays: 0 Motion carried.

Allan Hunting

From: Barb & Jerry Osiecki [gosiecki@comcast.net]
Sent: Tuesday, February 23, 2010 4:38 PM
To: Allan Hunting

Mr. Hunting,

Concerning the property at 1186 E. 90th Street, I consider this request spot rezoning. I served on the WSP Planning Commission for 15 years. We had many of these kind of requests. Most were disallowed but in a couple of occasions where they were approved, they caused nothing but problems. I don't think this should be considered in this area where almost all lots are 2 1/2 acres and larger. Many of the properties close to this lot are 5 acres and more.

I am unable to make the meeting. Please tell the Planning Commission that if this rezoning is considered, I will be the next person in requesting the same consideration. I also have at least one neighbor that would be right behind me.

Thank you for listening.

**Jerry Osiecki
9410 Abigail Court.**

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

WADE AND JESSICA SHORT – CASE NO. 10-02V

Meeting Date: May 10, 2010
 Item Type: Regular
 Contact: Heather Botten 651.450.2569
 Prepared by: *HB* Heather Botten, Associate Planner
 Reviewed by: Planning

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 Variance to eliminate screening of the rooftop mechanical equipment on a new commercial building for property located at 9332 Cahill Avenue

- Requires a 3/5ths vote.
- 60-day deadline: May 19, 2010 (second 60 days)

SUMMARY

The City Council tabled this request for staff to meet with the applicant to discuss the screening requirements. The applicant's received approval for the construction of a dance studio in 2008 and the building is now constructed. Rooftop screening was a condition of the approved resolution for site development. The approved building plans also show the required rooftop screening. There is a parapet (about 1-2 feet tall, according to the building plans) around the building; this was installed as an architectural element. Additional mechanical unit screening above the parapet was proposed with the approvals.

Staff met with the applicant's contractor to discuss rooftop screening. Staff made the recommendation to screen the equipment on three sides, leaving the east side unscreened. Additionally, the screening would only have to be up to the height of the shorter units, not extending to the height of the larger unit. The type of material used for screening would be up to the applicant. It was discussed that a fence type screening would be an acceptable material, similar to the screening at Ruby Tuesday. The contractor stated the applicant did not want to move forward with staff's recommendations and stated they propose to paint the mechanical units blue with no screening.

The property does not have any special conditions that make it unique and the applicant is not being denied reasonable use of the property. The applicants' were aware of the screening condition at the time of site plan approval. Approving the variance could set a precedent for future developments and the requirement of mechanical unit screening. Staff believes that the variance criterion has not been met.

When reviewing other developments in the area staff notes:

- The first couple of commercial buildings in the Arbor Pointe development (Rainbow and the strip-mall next to Rainbow), rooftop screening was missed. Staff is not sure why, but unfortunately the screening was missed.
- Staff makes reasonable attempts to make sure rooftop and ground mounted mechanical equipment is screened.
- Staff has not required screening of vents/stacks, only the actual HVAC mechanical equipment.

- The building plans submitted for review typically do not show the actual mechanical unit; rather they list a type of unit or model number. During construction mechanical equipment installed may end up being higher than the screening.

The recommendation staff made to the applicant would not require the mechanical units to be 100% screened. Screening would only be required on three sides and the top portion of the large unit would also be visible. Additionally, the type of material used for screening would be up to the applicant.

RECOMMENDATIONS

Planning Staff: Continues to recommend **denial** of the variance request. If a recommendation of approval is given a condition shall be added stating the applicant is required to paint the mechanical units the same color as the top of the building.

Planning Commission: Recommended **denial** of the request at their February 16, 2010 meeting (9-0).

Attachments: Denial resolution
City Council Memo from April 12, 2010
City Council Memo from February 22, 2010
Planning staff report

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

RESOLUTION NO. _____

**RESOLUTION DENYING A VARIANCE TO ELIMINATE THE SCREENING OF
ROOFTOP MECHANICAL EQUIPMENT**

**CASE NO. 10-02V
Short**

WHEREAS, an application for a Variance has been submitted for the property located at 9332 Cahill Avenue and legally described as:

**LOT 2, BLOCK 1, SHORT PROPERTIES, DAKOTA COUNTY,
MINNESOTA**

WHEREAS, an application has been received for a Variance to eliminate the required screening of rooftop mechanical equipment on a new commercial building;

WHEREAS, the afore described property is zoned B-3, General Business;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on February 16, 2010 in accordance with City Code Title 10, Chapter 3, Section 10-3-4;

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, a hardship was not found to exist. The property does not have any special conditions that make it unique and the applicant is not being denied reasonable use of the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the requested Variance to eliminate the screening of rooftop mechanical equipment is hereby denied based on the following findings of fact:

1. Denying the variance request does not preclude the applicant from reasonable use of the property.
2. Economic considerations alone do not constitute an undue hardship; the request lacks any hardship unique to the property.
3. Approval of the variance could set a precedent for future developments regarding the required screening of rooftop and ground mounted mechanical units.
4. The variance request is out of convenience to the applicant as it is financially cheaper to not screen the mechanical units.
5. Other commercial buildings in the area were required to screen their mechanical equipment.

BE IT FURTHER RESOLVED that all rooftop equipment located at 9332 Cahill Avenue shall be screened within three (3) months of Council action.

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 10th day of May 2010.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Melissa Rheaume, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

WADE AND JESSICA SHORT – CASE NO. 10-02V

Meeting Date: April 12, 2010
 Item Type: Regular
 Contact: Heather Botten 651.450.2569
 Prepared by: *HB* Heather Botten, Associate Planner
 Reviewed by: Planning

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 Variance to eliminate screening of the rooftop mechanical equipment on a new commercial building for property located at 9332 Cahill Avenue

- Requires a 3/5ths vote.
- 60-day deadline: May 19, 2010 (second 60 days)

SUMMARY

The City Council tabled this request at their February 22nd meeting for staff to review the applicant's concerns about other rooftop screening in the vicinity of the applicant's building. The applicant's received approval for the construction of a dance studio in 2008 and the building is now constructed. Rooftop screening was a condition of the approved resolution for site development. The approved building plans also show the required rooftop screening.

At the February 22nd meeting the applicant displayed pictures of rooftop mechanical units on other commercial buildings in the area. Staff has reviewed these pictures and offers the following comments:

- The first couple of commercial buildings in the Arbor Pointe development (Rainbow and the strip-mall next to Rainbow), rooftop screening was missed. Staff is not sure why, but unfortunately the screening was missed.
- Since 2000, all other buildings have provided screening.
- Staff makes reasonable attempts to make sure rooftop and ground mounted mechanical equipment is screened.
- Staff has not required screening of vents/stacks, only the actual HVAC mechanical equipment.
- During the planning application review staff requires the applicant to submit 4-side architectural building elevation drawings to verify screening; staff does not require the applicant to submit 360 degree perspectives to show screening from all surrounding topographic elevations.
- At the time of building permit review, the builder is also required to demonstrate rooftop screening on the building plans.
- The building plans submitted for review typically do not show the actual mechanical unit; rather they list a type of unit or model number. During construction mechanical equipment installed may end up being higher than the screening.

As an example, the attached elevation plan for Discount Tire illustrates the information that is typically submitted by the applicant to show roof top screening. As the elevation illustrates, the developer is making an effort to screen the rooftop mechanical equipment per Zoning Code requirement. Since 2000, City Staff has consistently made reasonable efforts to require contractors to screen rooftop mechanical equipment.

As stated earlier this request was tabled at the February 22, 2010 City Council meeting. For your information the Feb. 22nd City Council memo and planning report are attached.

RECOMMENDATIONS

Planning Staff: The property does not have any special conditions that make it unique and the applicant is not being denied reasonable use of the property. Approving the variance could set a precedent for future developments and the requirement of rooftop screening. Staff believes that the variance criterion has not been met and therefore recommends **denial** of the variance as presented.

Planning Commission: Recommended **denial** of the request at their February 16, 2010 meeting (9-0).

Attachments: Elevation Plan for Discount Tire
Denial resolution
City Council Memo from February 22, 2010
Planning staff report

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

WADE AND JESSICA SHORT – CASE NO. 10-02V

Meeting Date: February 22, 2010
 Item Type: Regular
 Contact: Heather Botten 651.450.2569
 Prepared by:  Heather Botten, Associate Planner
 Reviewed by: Planning

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 Variance to eliminate screening of rooftop mechanical equipment on a new commercial building for property located at 9332 Cahill Avenue

- Requires a 3/5ths vote.
- 60-day deadline: March 20, 2010 (first 60 days)

SUMMARY

The applicants' received approval for the construction of a dance studio in 2008. The building is now constructed and the applicants are asking for a variance to eliminate the rooftop screening of the mechanical units. City Code requires all rooftop mechanical equipment to be screened from public view. Additionally, rooftop screening was a condition of the approved resolution for site development. The approved building plans also show the required rooftop screening.

The applicants stated the rooftop units would not be visible from Cahill Avenue when leaves are on the trees. Unfortunately, City Code does not give leeway for the seasons of the year. Furthermore, once the lots to the north and south of the property develop, trees will be removed making the rooftop units even more visible. Along Hwy 52 the rooftop units are visible and noticeable. The applicants feel screening the rooftop units from Hwy 52 would not accomplish anything. Staff disagrees with this statement and feels the screening of the rooftop units would meet the intent of the code and would be consistent with the other newer construction in the Arbor Pointe development, which is also visible from Hwy 52.

RECOMMENDATIONS

Planning Staff: The property does not have any special conditions that make it unique and the applicant is not being denied reasonable use of the property. The applicants' were aware of the condition at the time of site plan approval. Approving the variance could set a precedent for future developments and the requirement of rooftop screening. Staff believes that the variance criterion has not been met and therefore recommends **denial** of the variance as presented.

Planning Commission: Recommended **denial** of the request at their February 16, 2010 meeting (9-0).

Attachments: Denial resolution
 Planning Commission recommendation
 Planning staff report

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: February 16, 2010
SUBJECT: WADE AND JESSICA SHORT – CASE NO. 10-02V

Presentation of Request

Commissioner Simon read the public hearing notice to consider the request for a variance to eliminate the screening of the rooftop mechanical units on a commercial building, for the property located at 9332 Cahill Avenue. 4 notices were mailed.

Opening of Public Hearing

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the request is to vary from the City Code requirement that all rooftop mechanical units be screened from public view. Mr. Hunting stated one of the conditions of approval for the Short Dance Studio is that the rooftop equipment be screened. He stated that currently the rooftop mechanical units are visible from Cahill from both the south and the north, as well as from the highway. He stated all the other commercial buildings in Arbor Pointe, with one exception, have screened rooftop mechanical units. Staff feels that economic considerations appear to be the basis for the request. Staff feels the variance criterion has not been met and therefore they recommend denial of the request with the condition and rationale as listed in Alternative B of the staff report.

Mr. Hunting noted that although the applicant was not present tonight, staff still recommended taking action in order to avoid delaying the application.

Chair Bartholomew asked staff for details of the building in Arbor Pointe with exposed rooftop mechanical units.

Mr. Hunting advised that one of the retail buildings by Rainbow appeared to be missing screening. He stated he was unsure of the history of that building, but advised that the Code clearly states that screening is required.

Opening of Public Hearing

There was no public testimony.

Planning Commission Discussion

Commissioner Koch asked if the City Code specified what type of screening was required, to which Mr. Hunting replied it did not; it was left up to the applicant to determine.

Commissioner Koch asked for clarification that economic hardship might be the basis for the variance, to which Mr. Hunting replied that staff believed it was a portion of the applicant's rationale, however, economic considerations are not a viable hardship.

Commissioner Wippermann stated he was opposed to granting a variance as it would set a

negative precedent. He added that development of the properties to the north and south would make the rooftop mechanicals even more noticeable.

Commissioner Simon stated she was opposed to the request as well. She advised that at the time of plat approval the applicants specifically stated to the Planning Commission that they understood and agreed with the conditions of approval, including the requirement for rooftop mechanical screening.

Chair Bartholomew stated there was no hardship and he did not support the request.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to deny the request for a variance to eliminate the screening of the rooftop mechanical units on a commercial building for the property located at 9332 Cahill Avenue, based on the rationale as listed in Alternative B and the one condition listed in the staff report.

Motion carried (9/0). This item goes to the City Council on February 22, 2010.

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: February 11, 2010 **CASE NO:** 10-02V

HEARING DATE: February 16, 2010

APPLICANT/PROPERTY OWNER: Wade and Jessica Short

REQUEST: A variance to eliminate the screening of the rooftop mechanical units

LOCATION: 9332 Cahill Avenue

COMPREHENSIVE PLAN: CC, Community Commercial

ZONING: B-3, General Business

REVIEWING DIVISIONS: Planning

PREPARED BY:  Heather Botten
Associate Planner

BACKGROUND

The applicants' received approval for the construction of a dance studio in 2008. The building is now constructed and the applicants are asking for a variance to eliminate the rooftop screening of the mechanical units. City Code requires all rooftop mechanical equipment to be screened from public view. Additionally, rooftop screening was a condition of the approved resolution for site development. The approved building plans also showed the required rooftop screening.

Along Cahill Avenue the rooftop mechanical units are more visible heading northbound. The applicants stated the rooftop units would not be visible from Cahill when leaves are on the trees. Unfortunately, the code does not give leeway for the seasons of the year. Along Hwy 52, which includes the off ramp heading northbound from 52 to Concord, the rooftop units are visible and noticeable. The applicants feel screening the rooftop units from Hwy 52 would not accomplish anything. Staff disagrees with this statement and feels the screening of the rooftop units would meet the intent of the code and would be consistent with the other newer construction in the Arbor Pointe development, which is also visible from Hwy 52.

SPECIFIC REQUEST

Title 10-15-9E requires all rooftop and ground mounted mechanical equipment for nonresidential and R-3C districts shall be screened one hundred percent (100%) from view of the public.

The applicants are requesting a **Variance** to eliminate the screening of the rooftop mechanical units located on their commercial building.

EVALUATION OF REQUEST:

Surrounding Uses: The subject site is surrounded by the following uses:

North, South and East – Single Family Residential, zoned A; guided CC, Community Commercial

West - Retail, zoned B-3; guided Community Commercial

Variance:

As indicated earlier, the applicant is requesting a variance to eliminate the screening of the mechanical units on the roof of their building. 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. The applicant is not being denied reasonable use of their property. Other recent developments in the area were required to screen their rooftop units from view.

- 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 community commercial and the land is in the process of being developed as a commercial use.

The screening of rooftop and ground mounted mechanical equipment is required as part of the code, therefore the variance request is contrary to the intent of the Zoning Code.

- 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.*

There is no hardship relating to the request as the property owner is not being prevented from reasonable commercial use of their property. The applicants' were aware of the condition at the time of site plan approval. Approving the variance could set a precedent for future developments and the requirement of rooftop screening.

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

Economic considerations do appear to be a basis for this request, as adding the rooftop screening will cost the property owners money.

ALTERNATIVES

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

- A. **Approval.** If the Planning Commission favors the requested Variance to eliminate the screening around the rooftop mechanical equipment the Commission should recommend approval of the request with a hardship.

Hardship: A hardship must be stated if approval of the variance is recommended.

B. **Denial** If the Planning Commission does not favor the proposed application, the above request should be recommended for denial which could be based on the following rationale:

1. Denying the variance request does not preclude the applicant from reasonable use of the property.
2. The request lacks any hardship unique to the property.
3. Approval of the variance could set a precedent for future developments and the required screening of rooftop and ground mounted mechanical units.
4. The variance request is out of convenience to the applicant as it is financially cheaper to not screen the mechanical units.
5. Other newer construction in the area (Ruby Tuesday, A&W, Tractor Supply, Walgreens, Walmart) were required to screen their mechanical equipment.

With at least the following condition:

1. All rooftop equipment shall be screened.

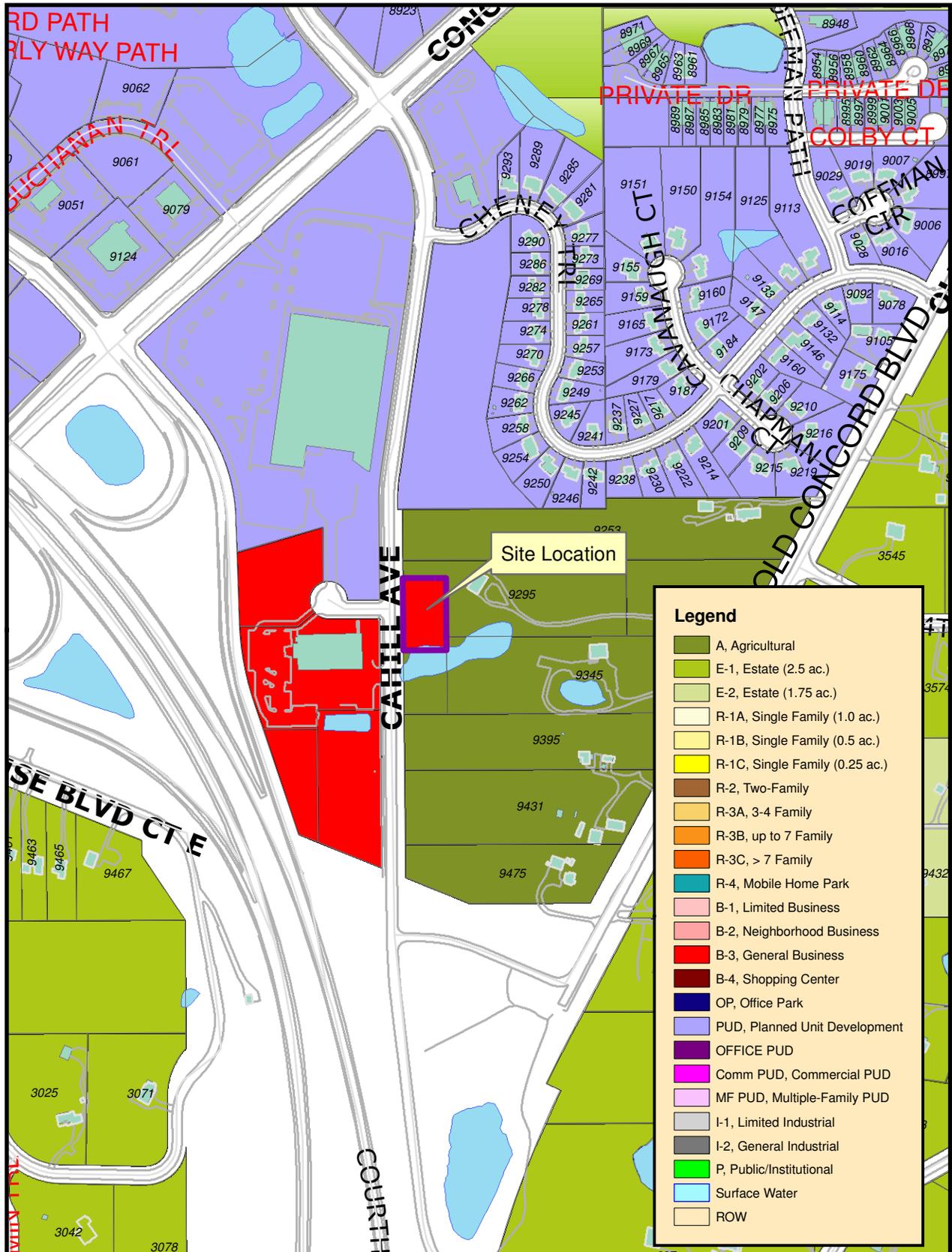
RECOMMENDATION

Staff believes that the variance criterion has not been met and, therefore, recommends denial of the variance as presented with the condition and rationale listed in Alternative B.

Attachments: Exhibit A – Location/Zoning Map
Exhibit B – Applicant narrative
Exhibit C – Example of rooftop screening
Exhibit D – Copy of approved roof plans for the dance studio



Short Case No. 09-37VAC



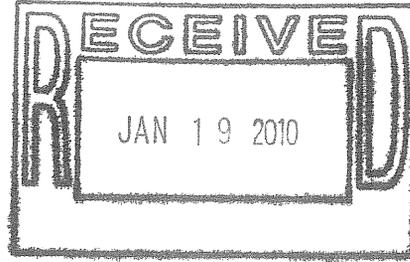
Legend	
[Green]	A, Agricultural
[Light Green]	E-1, Estate (2.5 ac.)
[Lighter Green]	E-2, Estate (1.75 ac.)
[White]	R-1A, Single Family (1.0 ac.)
[Light Yellow]	R-1B, Single Family (0.5 ac.)
[Yellow]	R-1C, Single Family (0.25 ac.)
[Brown]	R-2, Two-Family
[Orange]	R-3A, 3-4 Family
[Light Orange]	R-3B, up to 7 Family
[Dark Orange]	R-3C, > 7 Family
[Teal]	R-4, Mobile Home Park
[Pink]	B-1, Limited Business
[Light Pink]	B-2, Neighborhood Business
[Red]	B-3, General Business
[Dark Red]	B-4, Shopping Center
[Dark Blue]	OP, Office Park
[Light Purple]	PUD, Planned Unit Development
[Dark Purple]	OFFICE PUD
[Magenta]	Comm PUD, Commercial PUD
[Light Purple]	MF PUD, Multiple-Family PUD
[Light Gray]	I-1, Limited Industrial
[Dark Gray]	I-2, General Industrial
[Light Blue]	P, Public/Institutional
[Blue]	Surface Water
[White]	ROW



Exhibit A
Zoning Map

Short Dance Studios Inc.

City of Inver Grove Heights
Attn: Alan Hunting
8150 Barbara Avenue
Inver Grove Heights, MN 55077



January 14th, 2010

Re: **Short Dance Studios**
9332 Cahill Avenue
Inver Grove Heights, MN

Dear Alan:

We are writing to request a variance to eliminate the screening of the rooftop units at the new Short Dance Studios facility located at 9332 Cahill Avenue.

When driving south on Cahill Avenue none of the four rooftop units are visible from the street. When driving north on Cahill Avenue, none of the four rooftop units are visible when there are leaves on the trees. In the winter months, we agree that you can see the top 2' of one of the four rooftop units.

Our new facility is also visible from Highway 52/55. While we agree the rooftop units are visible, we do not believe screening them will accomplish anything. Our rooftop units are not placed staggered across the roof; rather we have placed them in a straight line from west to east. Since the view from Highway 52/55 is from such a great distance, we feel providing a screen will only change the color of the objects being viewed.

We request a meeting with you at the site to further discuss this matter. Please contact us at your earliest convenience to set-up a date and time to meet. 651-492-6549.

Thank you,

Wade & Jessica Short
Short Dance Studios Inc.
shortdance@qwestoffice.net

6415 Cahill Ave.
Inver Grove Heights, MN 55076
651-552-9778

152 E. 4th St.
New Richmond, WI 54017
715-246-2300

Exhibit B

MECHANICAL SCREEN
ENTRY CANOPY

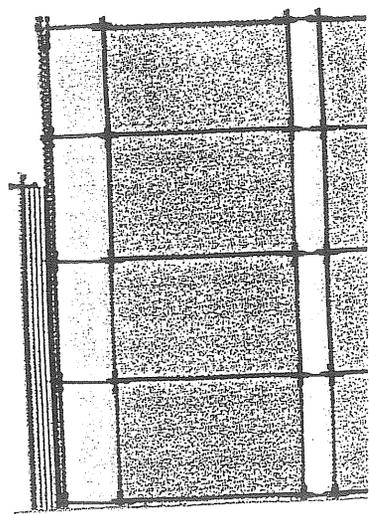
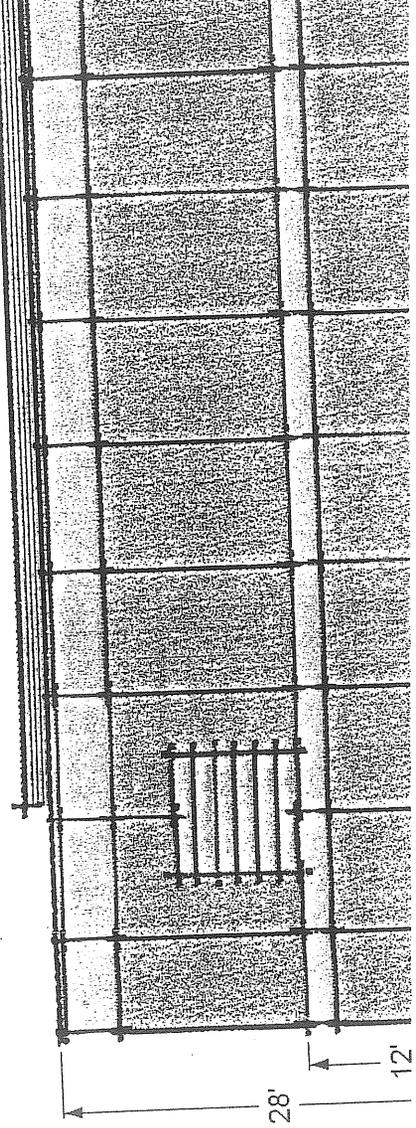
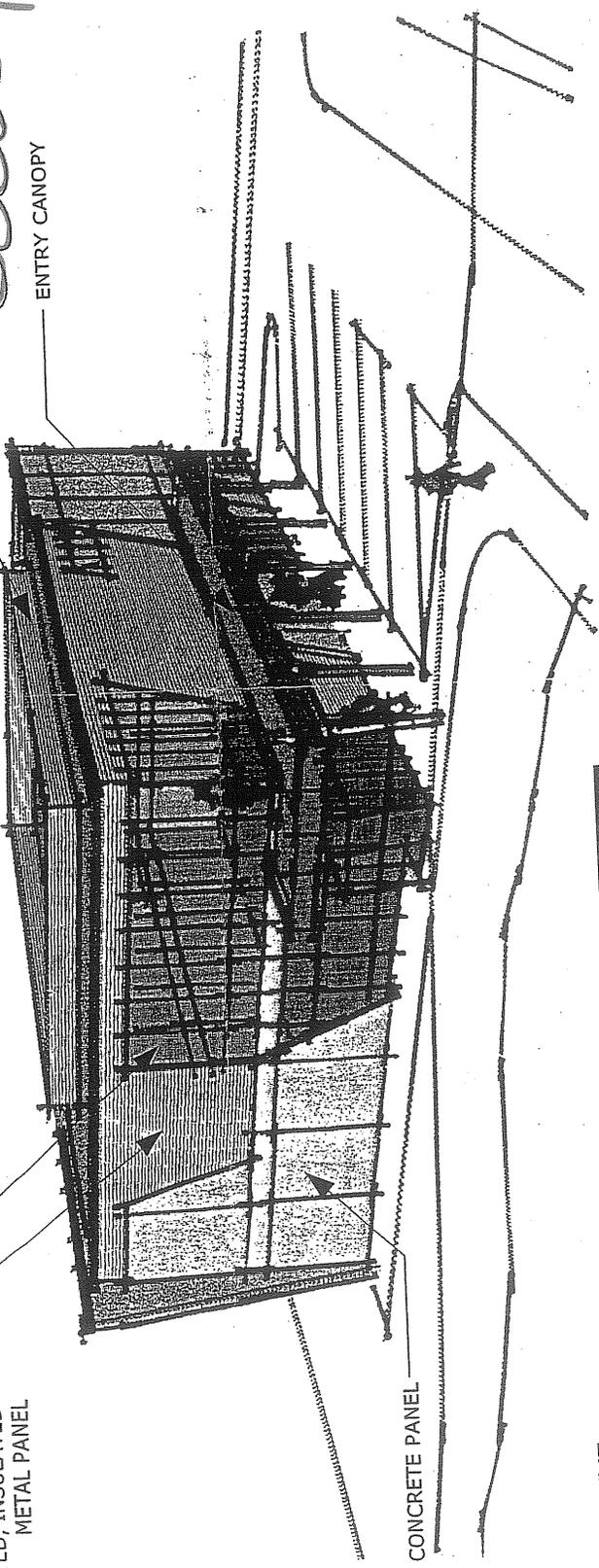
ALUMINUM FRAMED
GLAZING SYSTEM
CORRUGATED, INSULATED
METAL PANEL

PRECAST CONCRETE PANEL

PERSPECTIVE
NOT TO SCALE

Exhibit C
Example of rooftop
screening

Elevation taken from plans dated 6/16/08
Krech, O'Brien, Mueller, & Assoc.



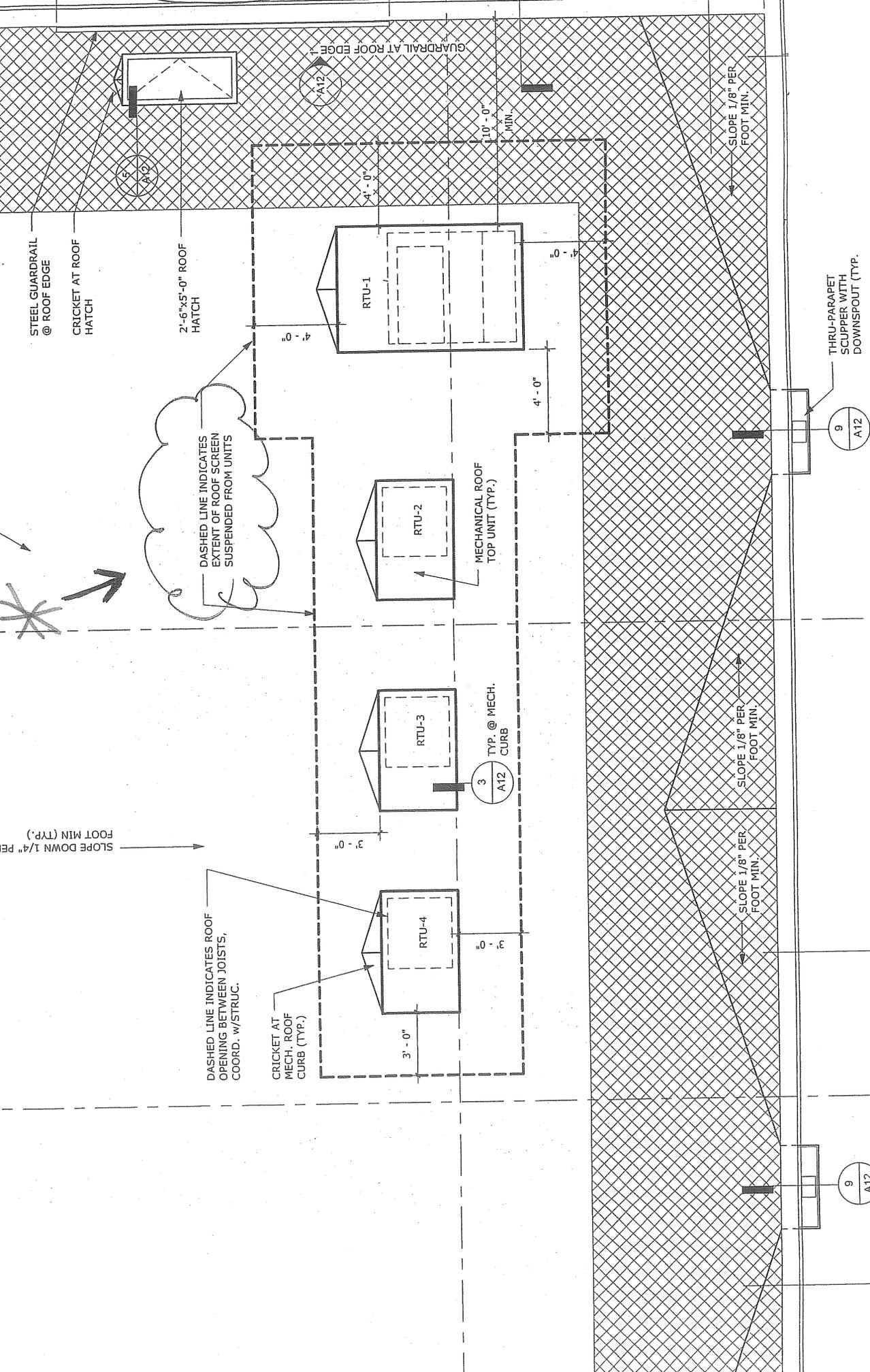


Exhibit 'D'
 Copy of the roof plans for
 The Dance Studio on file with
 the Inspections Department.

**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

ROGER C. MILLER
TIMOTHY J. KUNTZ
DANIEL J. BEESON
ROLLIN H. CRAWFORD
*KENNETH J. ROHLF
*TONETTA T. DOVE
◊STEPHEN H. FOCHLER
◊JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
ANN C. O'REILLY
◻*DONALD L. HOEFT
DARCY M. MOHR
ROBIN M. HENNIX
JON R. STECKLER
DAVID S. KENDALL
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
RETIRED
•

MEMO

*ALSO ADMITTED IN WISCONSIN
◊ALSO ADMITTED IN NORTH DAKOTA
◻ALSO ADMITTED IN MASSACHUSETTS
◻ALSO ADMITTED IN OKLAHOMA

TO: Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: May 4, 2010
RE: Interim Ordinance – Open Wood Burning Furnaces
Our File No. 81000.06000

Section 1. Background. On April 26, 2010, City staff presented the City Council with materials concerning various aspects of open wood burning furnaces, including property line and structure setbacks, minimum stack heights, and seasonal burning restrictions. After reviewing the materials and discussing these issues, the City Council instructed staff to prepare an ordinance establishing a moratorium on the further construction of open wood burning furnaces in the City to permit further study of the potential regulation of such furnaces.

Section 2. Requested Action. The Council is requested to consider suspending the rules regarding three readings, which requires a unanimous vote. This will facilitate timely implementation of the moratorium, commencement of the study, and preparation of zoning regulations regarding open wood burning furnaces.

Ord. No. 10-

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

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE
CONSTRUCTION OF ANY OPEN WOOD BURNING FURNACES IN ALL ZONING
DISTRICTS**

WHEREAS, many cities have adopted interim ordinances or regulations on open wood burning furnaces to study their impacts and determine whether the zoning regulations are appropriate in order to protect the public health, safety and welfare of their citizens; and

WHEREAS, the use of open wood burning furnaces is not currently regulated by the City's Zoning Ordinance, but the construction of open wood burning furnaces requires the issuance of a mechanical permit; and

WHEREAS, the City Council is undertaking a study to explore and evaluate the appropriate regulations for outdoor wood burning furnaces to effectuate changes to the Zoning Ordinance and provide performance standards for the operation of open wood burning furnaces and regulate their use in particular zoning districts.

NOW, THEREFORE, pursuant to Minnesota Statutes, Section 462.355 subdivision 4, the City Council of Inver Grove Heights does ordain:

SECTION 1. MORATORIUM. No construction, erection or placement of any open wood burning furnaces in any zoning district in the City shall occur for twelve (12) months from the effective date of this ordinance or until ordinances regarding the use of open wood burning furnaces become effective, whichever comes first. No applications for mechanical permits for open wood burning furnaces may be submitted accepted, considered, processed, issued or amended for twelve (12) months from the effective date of this ordinance or until ordinances regarding the use of open wood burning furnaces become effective, whichever comes first.

SECTION 2. STUDY. During the period of this moratorium the City planning staff will gather information, study and make recommendations concerning amendment of the Zoning Ordinance concerning open wood burning furnaces to better protect the citizens of Inver Grove Heights.

SECTION 3. PASSAGE. Pursuant to City Code Section 1-2-3-D-2, the Council rules are hereby suspended by unanimous vote of the Council and this interim ordinance shall be and is hereby passed at a single Council meeting, rather than by three readings.

SECTION 4. 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 _____, 2010.

George Tourville, Mayor

Attest

Melissa Rheaume, Deputy City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CONSIDER AMENDMENTS TO CITY CODE TITLE FIVE CHAPTER FOUR – ANIMAL CONTROL

Meeting Date: May 10, 2010
 Item Type: Regular
 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 The City Council is asked to consider an ordinance amending the City’s Animal Control regulations. The third reading of the ordinance occurred on April 26, 2010.

SUMMARY

During the April 26, 2010 City Council meeting the proposed animal ordinance was reviewed by the City Council. The City Council took comments from the public and had some suggested revisions to the draft.

In response to the public comments and City Council comments, the animal ordinance has been revised for City Council consideration. In response to the discussion at the April 26, 2010 City Council meeting, staff has revised the animal ordinance as follows:

- Revision of definition “owner” to reflect its application to all animals, rather than dogs, as the definition found in Minn. Stat. § 347.50 is exclusive to dogs. (See City Code Section 5-4-1)
- Revision to the defined terms “running at large”/“run at large”/“at large” and “under restraint” (see City Code Section 5-4-1) to effectively address the problem of animals that are running freely in the City but still permitting animals to be off of their owner’s property if they are effectively controlled by their owner/keeper.
- Clarification that the veterinarians and the police department dogs are exempted from dog licensure. (See City Code Section 5-4-3-G).
- Creation of a provision containing exceptions to the requirement that animals be under restraint and not running at large (See City Code Section 5-4-12).

In conjunction with the revised Animal Ordinance, the Council is also being asked to amend the City Fee Schedule to reflect the biennial dog license fees and related penalty fees; potentially dangerous and dangerous dog registration fees; biennial kennel license fees; animal redemption fees; license transfer fees; and dog identification tag fees as set forth below. A separate resolution with the following fees has been prepared for City Council consideration.

Dogs	5-4-2-1 <u>5-4-3-A-2</u>	May 1 <u>2 year license</u> <u>April 30</u>	\$10- <u>\$20</u> male/female \$6- <u>\$12</u> spayed/neutered <u>½ license fee</u>
Non-Commercial Kennels	5-4-2-10 <u>5-4-9-B</u>	March 31 <u>2 year license</u> <u>February 28</u>	\$50.00 \$100.00 <u>½ license fee</u>
Commercial Kennels		March 31 <u>2 year license</u> <u>February 28</u>	\$250.00 \$500.00 <u>½ license fee</u>
Penalty Fee			
Pound <u>Redemption</u> Fees		\$35.00	
<u>Potentially Dangerous/Dangerous Dog</u> Registration		\$500.00/year (<u>May 1 – April 30</u>)	
<u>Duplicate Dog Identification Tag</u>		<u>\$1.00</u>	
<u>Dog License Transfer Fee</u>			
<u>Transfer Ownership</u>		<u>½ Cost of New License</u>	
<u>Transfer from City to Inver Grove Heights</u>		<u>½ Cost of New License</u>	

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

ORDINANCE NO. _____

**AN ORDINANCE REGULATING ANIMALS WITHIN THE CITY OF INVER
GROVE HEIGHTS, MINNESOTA AND AMENDING INVER GROVE HEIGHTS
CITY CODE TITLE 5, CHAPTER 4 AND AMENDING THE 2010 FEE
SCHEDULE**

The City Council of Inver Grove Heights does hereby ordain:

Section 1. Amendment. Title 5, Chapter 4 of the Inver Grove Heights City Code is hereby amended in its entirety as follows:

**Chapter 4
~~ANIMAL CONTROL~~¹**

5-4-1: DEFINITIONS:

~~For purposes of this chapter, the terms defined in this section have the meanings given them:~~

~~AT LARGE: A dog is considered to be at large at any time when it is not under "restraint" as defined in this section.~~

~~KENNEL, COMMERCIAL: A place where four (4) or more dogs over the age of six (6) months are kept for the primary purpose of commercial breeding, keeping, harboring or selling of dogs. A commercial kennel does not include animal hospitals, clinics and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.~~

~~KENNEL, NONCOMMERCIAL: Any place where four (4) or more dogs over the age of six (6) months are kept but not for the primary purpose of commercial breeding, keeping, harboring or selling of dogs.~~

~~OWNER: A person or persons, firm, association, or corporation owning, keeping or harboring a dog.~~

~~RESTRAINT: A dog is under restraint if it is controlled by a leash; if it is under a voice or signal command of a competent person providing that the dog will obey such voice or signal command; if it is within the limits of the owner's property; or while it is confined within a vehicle being driven or parked in the streets. (1974 Code § 910.01)~~

5-4-2: DOGS:

5-4-2-1: LICENSE AND VACCINATION REQUIREMENTS:

~~A. License Required; Exemptions: No person residing in the city shall own, harbor or keep a dog over six (6) months of age within the city unless a current license for such a dog has been obtained as herein provided, except that individual licenses need not be secured for dogs kept in a licensed commercial kennel as defined in section [5-4-1](#) of this chapter. (1974 Code § 910.03)~~

~~B. Applications For Licenses; Fees: Applications for licenses shall be made to the clerk or the poundkeeper. The application shall include descriptive information as is necessary to provide a reasonable identification of the dog and his owner. The fees for licenses required by this chapter are established by resolution of the city council. (1974 Code § 910.05)~~

~~C. Term Of Dog And Kennel Licenses; Late Payment Penalty: License fees and applications on dog licenses and kennel licenses shall be issued for one year beginning on May 1 for dog licenses and January 1 for kennel licenses. Applications for licenses may be made sixty (60) days prior to the start of the licensing year, and thereafter during the licensing year. Application made thirty (30) days after the licensing year shall be assessed an additional fee of fifty cents (\$0.50) for each late month or portion thereof, which amount shall be added to and collected with the regular license fee. Any owner who secures a dog after the start of the license year shall be allowed thirty (30) days after acquiring such dog to secure a license. (1974 Code § 910.05; amd. 2008 Code)~~

~~D. New Residents:~~

- ~~1. Any dog owner, upon first becoming a resident of the city, shall be allowed thirty (30) days from such time within which to obtain the dog license. Any dog which may be impounded for violations of this chapter within such thirty (30) day period may be reclaimed by the owner without paying the impounding fees, but such owner shall be responsible for paying for the keeping of such dog during its impoundment.~~
- ~~2. Any dog owner having a valid dog license from another municipality may, within thirty (30) days after becoming an Inver Grove Heights resident, secure an Inver Grove Heights dog license for which the owner shall pay a fee prorated for the remainder of the year upon surrender of the valid license from the previous licensing municipality. An affidavit identifying the dog and stating the date of commencing residence of the owner in the city shall be filed with the application.~~

~~E. Rabies Vaccination:~~

- ~~1. To be granted a license, every dog three (3) months of age or older shall be vaccinated against rabies. Every dog shall be revaccinated at not more than twenty four (24) month intervals thereafter.~~
- ~~2. Vaccinations shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated, and the vaccine used must be effective for a minimum of twenty four (24) months. (1974 Code § 910.05)~~
- ~~3. The veterinarian who vaccinates a dog to be licensed in the city shall complete, in triplicate, a certificate of vaccination. One copy shall be issued to the dog owner, one shall be retained in the veterinarian's files, and one shall be sent to the Minnesota board of animal health. The copy issued to the owner is to be shown to the city at the time of application for a license. (1974 Code § 910.05; amd. 2008 Code)~~
- ~~4. In the instance of vaccinations performed at a city animal clinic, the veterinarian shall complete, in triplicate, a certificate of vaccination. The original shall be issued to the dog owner and the second and third copies retained by the city. (1974 Code § 910.05)~~

~~F. Tag And Collar: Upon complying with the provisions of this section, there shall be issued to the owner a metallic tag, stamped with a number and the year for which issued. The shape and design of such tag shall be changed from year to year. Every owner is required to keep a valid tag securely fastened to the dog's choke chain, collar or harness, which must be worn by the dog at all times. In the event that the metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon the payment of one dollar (\$1.00). (1974 Code §§ 910.05, 910.07)~~

~~G. Change Of Ownership: If there is a change of ownership of a dog during a license year, the new owner may have the current license changed to his name upon the payment of a transfer fee of one half ($\frac{1}{2}$) the original fee or may secure a new license. (1974 Code § 910.05)~~

~~5-4-2-2: RESTRAINT OF DOG:~~

~~Every owner shall keep his dog under restraint at all times. (1974 Code § 910.09)~~

~~5-4-2-3: CONFINEMENT OF CERTAIN DOGS:~~

~~A. Dangerous, Vicious Dogs: Every owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and not take such dog out of such enclosure unless such dog is securely muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. (1974 Code § 910.11; amd. 2008 Code)~~

~~B. Female Dogs In Estrus: Every female dog in heat shall be kept confined within a building in such manner that such female dog cannot come in contact with another dog except for breeding purposes. (1974 Code § 910.11)~~

~~5-4-2-4: NOISY DOGS:~~

~~No person shall keep or harbor a dog in the city which habitually barks or cries. Any such dog is hereby declared to be a public nuisance. (1974 Code § 910.13)~~

~~5-4-2-5: EXCREMENT REMOVAL REQUIRED:~~

~~A. Removal Required:~~

- ~~1. Any person who owns, keeps, possesses, harbors or has custody or control of any dog shall keep his property clean of feces matter created by the dog.~~
- ~~2. Any person who owns, keeps, possesses, harbors or has custody or control of a dog and who causes or permits the dog to be on any property not owned or possessed by such person shall:~~
 - ~~a. Have in the person's possession while accompanying the dog a device or equipment for immediately picking up and removing any feces created by the dog; and~~
 - ~~b. Shall remove any feces created by the dog from such property to a proper waste receptacle.~~

~~B. Exemptions:~~

- ~~1. This section does not apply to the possession, custody, control or use of seeing eye dogs by blind persons.~~
- ~~2. This section does not apply to A agricultural or E estate zoned property.~~

~~C. Violation; Penalty: Violation of this section is a petty misdemeanor which is punishable by a fine of twenty five dollars (\$25.00), payable without the necessity of a court appearance, unless otherwise ordered by the court. (1974 Code § 910.49)~~

~~5-4-2-6: IMPOUNDMENT AND REDEMPTION PROVISIONS:~~

~~A. Pound Designated: The council may provide for a municipal dog pound or may designate as a dog pound a suitable kennel either within or outside the limits of the city. (1974 Code § 910.15)~~

~~B. Poundkeeper: The council shall designate the poundkeeper. (1974 Code § 910.17)~~

C. Impoundment Procedure:

1. Authority: Any dog found in violation of this chapter may be taken up by such officers as the council shall designate and impounded in the dog pound and there confined in a humane manner.
2. Notice To Owner: Immediately upon the impounding of a dog wearing a current license, the officer shall make every reasonable effort to notify the owner of such dog of such impoundment and of the conditions whereby the owner may regain custody of the dog. Any verbal notices shall immediately be confirmed in writing by the animal control officer.
3. Right Of Entry: To enforce this chapter, officers may enter upon the private premises where it appears or where there is reasonable cause to believe that a dog is not licensed or is not being kept confined or restrained as required herein or in pursuit of a dog running at large. Any owner shall produce for the officer's inspection his license or receipt when requested to do so by such officer.
4. Treatment Of Impounded Dogs: Any dog which is impounded in the dog pound shall be kept with kind treatment and sufficient food and water for the dog's comfort. If such dog is not known or suspected of being rabid and has not bitten a person, it shall be kept in the dog pound for at least six (6) days, not including Sundays and holidays, unless sooner reclaimed by its owner. If such dog is known to be or suspected of being rabid or has bitten a person, it shall be kept in the pound at least ten (10) days. (1974 Code § 910.19)

D. Reclamation Or Disposition Of Impounded Dogs:

1. Fees; License Required: Any dog may be redeemed from the pound by the owner paying an impounding fee of:

First redemption—	\$10.00
Second redemption in a 12 month period—	25.00
Third redemption in a 12 month period—	50.00—

plus the cost of the city for keeping such a dog in the pound. If the dog requires a city license, such a license shall also be obtained before the dog is released.

2. Sale: If, at the end of the impounding period, the dog is not reclaimed by the owner, such a dog shall be deemed to have been abandoned and may be sold to any person. If the purchaser will keep or harbor the dog in the city, a license shall also be obtained before possession of the dog is given to the purchaser.
3. Destruction: If such a dog is not sold, then it may be destroyed in a humane manner. (1974 Code § 910.21)

~~5-4-2-7: DOGS WHICH CANNOT BE IMPOUNDED:~~

~~If a dog is diseased, vicious, dangerous, rabid or exposed to rabies and such dog cannot be impounded after a reasonable effort or cannot be impounded without serious risk to the person attempting to impound, such dog may be immediately killed. (1974 Code § 910.27)~~

~~5-4-2-8: INTERFERENCE WITH IMPOUNDMENT OFFICIALS:~~

~~It shall be a violation of this chapter for any unauthorized person to break open the pound or to attempt to do so or to take or let out any dogs therefrom, or to take or attempt to take from any officer any dog taken up by him in compliance with this chapter or in any manner to interfere with or hinder such officer in the discharge of his duties under this chapter. (1974 Code § 910.29)~~

~~5-4-2-9: REPORTS AND RECORDS OF POUNDKEEPER:~~

~~The poundkeeper shall account for and pay over monthly to the city all monies received by him in behalf of the city such as license fees or other fees. The poundkeeper shall also give an accurate written report each month to the city, stating all licenses written by him, all fees collected, all sales made, all dogs impounded, and the duration of the impoundment and all dogs destroyed. (1974 Code § 910.33)~~

~~5-4-2-10: KENNELS:~~

~~A. License Requirements:~~

- ~~1. No person shall operate or maintain a kennel within the city without first securing a kennel license from the clerk. The fees for such licenses are established by resolution of the city council. The license year shall be from January 1 to December 31 each year. The clerk shall not issue a kennel license until the council approves the same. Each kennel license shall be posted conspicuously on the kennel premises. (1974 Code § 910.31; amd. 2008 Code)~~
- ~~2. The application for a kennel license shall state the name and address of the owner of the kennel, the location where the kennel is to be kept, the number of dogs proposed to be kept and the location of any residential dwellings within one thousand feet (1,000') of the proposed kennel, all in sufficient detail to enable the council members to understand the nature and location of the proposed kennel and its operation. (1974 Code § 910.31)~~

~~B. Construction And Location Requirements: No license shall be granted to any owner for the operation of a kennel unless the area within which the animals are to sleep, eat and exercise shall be enclosed completely with a wire mesh fence at least six feet (6') in height of sufficient gauge to ensure the confinement of said animals. A kennel may be constructed or operated within five hundred feet (500') of any residential dwelling~~

~~other than the owner's only with the written permission, obtained by said kennel owner, from all residents in dwellings within a five hundred foot (500') radius from said kennel location. (1974 Code § 910.31; amd. 2008 Code)~~

~~C. Operation Of Kennels:~~

- ~~1. Every kennel shall be maintained and operated in a neat and sanitary manner.~~
- ~~2. All refuse, garbage and animal waste shall be removed at regular intervals so as to keep the surrounding area free from obnoxious odors.~~
- ~~3. No owner shall permit any of his animals to create any unusual noise from barking, howling or screeching, or create any disturbance or nuisance of any kind which unduly impairs the quiet and peaceful enjoyment of the surrounding areas by other residents. (1974 Code § 910.31)~~

~~5-4-3: DISPOSITION OF ANIMALS AT OWNER'S REQUEST:~~

~~The cost of disposing of any dog or any animal at the specific request of the owner shall be paid by such owner. Requests of this nature must be made in writing to the chief of police. Proof of ownership or an affidavit to this effect must be made by the person requesting disposition. Payment of the cost shall be made by the owner upon filing of the request for disposition. (1974 Code § 910.23)~~

~~5-4-4: BITES BY ANIMALS:~~

~~A. Impoundment Of Dogs Or Cats After Person Bitten:~~

- ~~1. Any dog or cat that has bitten a person shall immediately be impounded for at least ten (10) days and kept apart from other dogs or animals until it is determined whether said dog or cat had or has rabies. Such impounding may be by the owner and need not be at the dog pound, but if it is not at the dog pound, the owner shall notify the chief of police and shall furnish proof in writing that such dog or cat is being so impounded.~~
- ~~2. On expiration of such ten (10) days, if the dog or cat does not have rabies, the animal may be released, and the chief of police shall be notified just prior to such release. If the dog or cat is impounded in the dog pound, such dog or cat may be reclaimed as herein provided.~~
- ~~3. A dog or cat that has been bitten by a rabid dog or cat or believed to have been exposed to rabies shall be impounded and kept in the same manner and for the same period of time. (1974 Code § 910.25)~~

~~B. Reports Of Bite Cases: It is the duty of every physician or any other person to report to the appropriate health officer the names and addresses of persons treated for bites~~

~~inflicted by animals within the city, together with such other information as will be helpful in rabies control. (1974 Code § 910.37)~~

~~C. Veterinarian Responsibilities: It shall be the duty of every licensed veterinarian to report to the poundkeeper his diagnosis of any animal within the city observed by him as a rabies suspect, and the poundkeeper shall immediately inform the appropriate health officer of such report. (1974 Code § 910.39)~~

~~5-4-5: LIVESTOCK AT LARGE PROHIBITED:~~

~~No person, firm, association or corporation shall permit any horse, foal, pony, cattle or other livestock of which such person, firm, association or corporation is the owner, caretaker or custodian to run at large within the city. An animal will be deemed to run at large when it is off the premises owned or rented by its owner and unaccompanied by the owner or an agent or employee of the owner. (1974 Code § 910.41)~~

~~5-4-6: RIDING HORSES:~~

~~A. Riding After Dark²: No person may ride or drive a horse or pony after the hour of sunset and before the hour of sunrise or at any other time when visibility is impaired by weather, smoke, fog or other conditions along or crossing any public way without appropriate lighting or reflectorized clothing. (1974 Code § 910.43; amd. 2008 Code)~~

~~B. Riding In Public Parks And On Roadways:~~

~~1. Parks:~~

- ~~a. No person may ride a horse or pony in any city park except in areas duly designated as a trailway or hiking area.~~
- ~~b. The city park foreman shall designate and properly post those areas in the city parks where horses and ponies may be ridden.~~

~~2. Roadways: Every person riding a horse or pony or driving any horse or pony drawn vehicle upon a public roadway shall be subject to those provisions of the vehicle code applicable to the driver of a motor vehicle, except those provisions which by their nature do not apply.~~

~~3. Interference Prohibited: No person shall interfere with any horse or pony being ridden or kept in a lawful manner. (1974 Code § 910.45)~~

~~5-4-7: CARE OF ANIMALS:~~

~~All animals kept within the city shall be subject to the following requirements:~~

- A. ~~The size, number, species, facilities for, and the location of animals kept shall be maintained so as to not constitute a danger or nuisance by means of odor, noise or otherwise.~~
- B. ~~The person caring for any animal shall be of sufficient age, knowledge and experience to adequately and safely care for the animal.~~
- C. ~~The care, keeping, and shelter of all animals shall conform with Minnesota statutes chapters 35, 343 and 346.~~
- D. ~~Animals kept in pet shops, commercial kennels or noncommercial kennels shall be kept in accordance with the applicable provisions of this chapter in addition to the regulations provided in [title 10](#) of this code. (1974 Code § 910.47)~~

5-4-8: EXEMPTIONS:

- A. ~~Hospitals And Other Facilities: Hospitals, clinics and other premises operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this chapter except where such duties are expressly stated.~~
- B. ~~Nonresidents: The licensing requirements of this chapter shall not apply to any dog belonging to a nonresident of the city and kept within the city for not longer than thirty (30) days, provided that all such dogs shall at all times, while within the city, be kept under restraint. (1974 Code § 910.35)~~

Footnote 1: See also section [10-5-7](#) of this code.

Footnote 2: See also section [6-1-4](#) of this code.

5-4-1: DEFINITIONS:

For purposes of this chapter, unless the context clearly indicates otherwise or otherwise defined in Minnesota Statutes Section 347.50 the terms defined in this section have the meanings given them:

ANIMAL: Every non-human species of animal, domestic, permitted nondomestic, and inherently dangerous.

ANIMAL CONTROL AUTHORITY: Individually and collectively the City’s Police Department, the City’s Police Chief, the City’s police officers, the City’s community service officers and other personnel assisting in the enforcement of this Chapter.

RUNNING AT LARGE, RUN AT LARGE, OR AT LARGE: Any animal that is not under restraint.

COMMERCIAL
KENNEL:

Kennel means a place where four (4) or more dogs over the age of six (6) months are kept for the primary purpose of commercial breeding, keeping, harboring, or selling of dogs. A commercial kennel does not include veterinary hospitals, clinics, or other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.

COMMERCIAL
DAYCARE
KENNEL:

Any place where dogs are kept for the primary purpose of commercial pet sitting or “doggie daycare”, provided all of the following are met:

- a. Limited to a maximum of twenty (20) dogs on site at any one time.
- b. No outdoor runs or kennels allowed.
- c. The requirement and location of any outside fenced area, if any, shall be determined by the council.
- d. Dogs shall be on a leash and handled by an employee at all times when outside the building during the animal’s stay.
- e. An employee shall remain on site at all times animals are on the premises including overnight.
- f. Dogs shall be kept inside at all times except when exercised by an employee.
- g. Designated bathroom area shall be cleaned daily.

NON-
COMMERCIAL
KENNEL:

Any place where four (4) or more dogs over the age of six (6) months are kept but not for the primary purpose of commercial breeding, keeping, harboring, or selling of dogs.

KENNEL:

A commercial kennel, commercial daycare kennel or non-commercial kennel.

DANGEROUS
DOG:

Minnesota Statutes Section 347.50.

OWNER:

Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

<u>PERSON:</u>	<u>One or more natural persons, a firm, partnership, corporation, or any other entity.</u>
<u>PREMISES:</u>	<u>A building, structure, shelter, or land where an animal is kept or confined.</u>
<u>VETERINARY HOSPITAL:</u>	<u>A place for the treatment, hospitalization, surgery, care and board of animals and birds under the direction of one or more licensed veterinarians.</u>
<u>VACCINATION AGAINST RABIES:</u>	<u>The inoculation of a dog, cat, or ferret with a rabies vaccine by a veterinarian duly licensed to practice veterinary medicine.</u>
<u>POTENTIALLY DANGEROUS DOG:</u>	<u>Minnesota Statutes. Section 347.50.</u>
<u>UNDER RESTRAINT:</u>	<u>The animal is (1) beside a person having custody of it and obedient to that person's voice or signal command or the animal is in such proximity to the person having custody of it that the person can effectively by voice or signal command control the animal and the animal is obedient to that person's voice or signal command; (2) within a private motor vehicle of a person owning, harboring, or keeping the animal; (3) within the boundaries of property owned or leased by the person owning, harboring or keeping the animal; or (4) controlled by a chain or leash of a maximum of six (6) feet in length or a commercially manufactured retractable leash.</u>
<u>INHERENTLY DANGEROUS ANIMALS:</u>	<u>Animals other than domestic animals and farm and permitted nondomestic animals, which are inherently dangerous including, but not limited to, wolves, coyotes, bears, snakes (venomous and constrictor species), skunks, cougars, tigers, and any crossbreeds thereof, or crossbreeds with domestic or farm and permitted nondomestic animals.</u>
<u>KEEP:</u>	<u>To own, stable, harbor, maintain, possess, or act as a custodian or caretaker for an animal.</u>
<u>PROPER ENCLOSURE:</u>	<u>A secure indoors location or a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open</u>

or in which door or window screens are the only obstacles that prevent the animal from exiting.

SUBSTANTIAL BODILY HARM: Minnesota Statutes Section 609.02, subd. 7a.

GREAT BODILY HARM: Minnesota Statutes Section 609.02, subd. 8.

FARM ANIMAL AND PERMITTED NONDOMESTIC ANIMAL: Cows, sheep, pigs, deer and other members of the order Artiodactyla except the family Hippopotamidae; horses and other members of the family Equidae; all birds in the class Aves; squirrels and other members of the family Scirridae; rabbits and other members of the families Didelphidae and Macropididae; and other animals if the owner can show the animals are not inherently dangerous.

DOMESTIC ANIMALS: Dogs, cats, caged birds, fish, rabbits, domestic ferrets, snakes (non-venomous and non-constrictor species), gerbils, hamsters, guinea pigs, white rats or mice.

5-4-2. KEEPING OF CERTAIN ANIMALS PERMITTED. The following animals may be kept in the City pursuant to the regulations of this Chapter and relevant provisions of the Zoning Ordinance: domestic animals; farm animals and permitted nondomestic animals; and inherently dangerous animals.

5-4-3. DOG LICENSES. No person residing in the City shall keep a dog over six (6) months of age within the City for more than ten (10) consecutive days unless the person has a current City-issued dog license for the dog. Individual dog licenses need not be secured for dogs kept in commercial kennel or commercial daycare kennel as defined herein.

A. License Fee and Application.

- 1. Application.** An application for a dog license shall be made to the City Clerk on the form proscribed by the City. The applicant must provide all the information required on the form, including but not limited to:
 - a. The name, age, breed, sex, color, and marking of the dog;**
 - b. A certificate showing that the dog has been vaccinated against rabies by a licensed veterinarian;**
 - c. A sworn statement that the person is not restricted from owning a dog pursuant to Minnesota Statutes, Section 347.542 or a sworn statement that the Animal Control Authority has rescinded the restriction entirely or with**

limitations and that the person's application to own a dog is in conformity therewith;

d. The address or legal description of the real property where the dog will be kept; and

e. If the application is for a license for a Potentially Dangerous Dog or Dangerous Dog, proof that the specific requirements of Section 6 have been met.

2. Fees. The fee for a dog license is set forth in the City Fee Schedule. Fees for a dog license for new residents or a newly acquired dog shall be prorated for the remainder of the term of the license. A penalty fee, as set forth in the City Fee Schedule, shall be assessed against the owner of a dog who fails to obtain a license within a timely manner pursuant to the requirements of this Section.

B. Duration of License. A dog license shall be for a period of two (2) years or the unexpired portion of the two (2) years beginning on May 1 and ending on April 30. Commencing May 1, 2011, dog licenses shall be issued in odd numbered years. For those dogs licensed after May 1, 2010 and whose owners are not subject to a penalty for failure to license their dogs, the license fee shall be prorated for the remainder of 2010 through April 30, 2011. Applications for a renewal license may not be made until sixty (60) days before May 1.

C. License Tags. Upon compliance with the license application requirements listed above, the City Clerk shall issue to the owner of the dog a metallic dog tag stamped with a number and the license period for which it is issued. The shape and design of such tag shall be changed every two (2) years. The owner of a dog is required to keep the dog's current and valid registration tag securely fastened to its choke chain, collar, or harness at all times in a manner so that it can easily be seen. A dog license tag may not be transferred from one dog to another. In the event that the metallic license tag issued for a dog is lost, the owner may obtain a duplicate tag from the City Clerk upon the payment of the fee set forth in the City Fee Schedule.

D. Identification Tags. In addition to the metallic dog tag described in Section 5-4-3C, the owner must also attach a metallic tag bearing the name and home telephone number of the owner to the dog's collar which shall be worn at all times when the dog is not on the property of its owner.

E. New Residents. Upon proof of current vaccination against rabies, a dog owner who has a valid and current dog license from another city may obtain a City dog license by surrendering the other license, submitting a complete City application form, and paying the transfer fee set forth in the City Fee Schedule.

- F. Change in Ownership of Dog. If there is a change in ownership of a dog during a license year, the new owner may have the current license changed to his or her name upon the payment of a transfer fee set forth in the City Fee Schedule. The previous owner must notify the City within thirty (30) days of the change in ownership and provide the City with the name and address of the new owner.
- G. Exemptions. Veterinarian hospitals and dogs belonging to the City's Police Department are exempt from dog licensure.

5-4-4 GENERAL REGULATIONS OF DOMESTIC ANIMALS.

- A. Rabies Vaccination Required. Every owner or keeper of a dog, cat, or ferret kept as a pet over three (3) months of age within the City must have the dog, cat, or ferret vaccinated by a licensed veterinarian with an anti-rabies vaccine that is currently effective.

A vaccination certificate is valid only for the dog, cat, or ferret and owner to which it was issued. A person must not use a rabies vaccination certificate for a different dog, cat, or ferret than the one for which it was issued.

A vaccinated dog, cat, or ferret shall be revaccinated at intervals not to exceed the effective duration of the vaccination as listed in the Compendium of Animal Rabies Control prepared by the National Association of State Public Health Veterinarians.

- B. Restraint of Dogs. Subject to the exceptions stated in Section 5-4-12, every owner shall keep his or her dog under restraint at all times.

- C. Removal of Animal Feces. Any person having custody or control over any dog or cat on any property within the City, other than the property of the dog or cat's owner, must have in his or her immediate possession a device for picking up and disposing of dog or cat feces, and must pick up and dispose of any and all feces in a sanitary manner. This subdivision does not apply to the following:

1. Disabled persons using guide or service dogs;
2. City agents or employees using dogs in connection with police activities; or
3. Persons using tracking dogs with the City's prior permission.

A violation of this subdivision is a petty misdemeanor.

- D. Female Dogs in Season. Every female dog in season shall be confined within a building or secure enclosure in such a manner that it cannot come into contact with another dog except for intentional breeding conducted within a building. The

female dog in season may be taken from the secure area on a secure leash controlled by a person of sufficient age or into a confined outdoor enclosure on the owner's property in order for the dog to urinate and/or defecate.

- E. General Duty of Owners. Every owner or keeper of a dog must exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from the dog's behavior.
- F. Stopping an Attack. Animal Control Authority who witness an attack by an animal upon a person or another animal may take whatever action the Animal Control Authority deem to be appropriate to end the attack and prevent further injury to the victim(s).

5-4-5 SEIZURE AND IMPOUNDMENT OF ANIMALS.

- A. Impounding Facility. The City Council may maintain a municipal impound facility or may designate as the municipal impound facility a suitable kennel or veterinary hospital either within or outside the city limits of the City. The keeper of the impound facility shall account for and pay over monthly to the City all monies it receives as fees payable to the City.
- B. Impound Facility Reporting. The keeper of the impound facility shall provide a monthly written report providing the following information: the animals impounded; the duration of the impoundment; and the method of disposal of each animal.
- C. Seizure and Impoundment of Animals. Subject to the exceptions stated in Section 5-14-12, the Animal Control Authority may seize and impound any animal running at large in the City or any animal found to be in violation of the provisions of this Chapter or Minnesota Statutes Sections 347.50 through 347.565. Upon the impoundment of an animal, the Animal Control Authority must promptly notify the owner of the impoundment in person, by phone or by mail. If the owner is unknown, the City must post a written notice within twenty-four (24) hours of impoundment of the animal at City Hall and the Inver Grove Heights police department describing the animal and stating where the animal is impounded. Said notice shall remain posted at City Hall and the Inver Grove Heights police department for at least seven (7) days.

An impounded animal displaying a need for medical care may be taken to a veterinarian for emergency treatment. The owner of the animal is responsible for payment of expenses incurred as a result of the veterinarian's treatment.

- D. Impoundment After Biting Human. Every doctor or other person who treats a person for an animal bite shall report to the Inver Grove Heights police department the name and address of any person treated for an animal bite inflicted

within the City. The owner or keeper of any dog or other animal that bites any person where the bite breaks the person's skin or the bite requires treatment by a doctor, and the person bitten or his or her parent or guardian must report the incident to the Inver Grove Heights police department within twenty-four (24) hours of the bite. The dog or other animal shall immediately be confined for a period of not less than ten (10) days in a veterinary hospital or on the owner's premises, as directed by the Animal Control Authority. Subject to the exceptions stated in Section 5-4-12, the Animal Control Authority may refuse to permit confinement on the owner's premises if the animal has previously been found repeatedly running at large or if the animal does not have a currently effective rabies vaccination. If confinement on the owner's premises is permitted, the animal may not be allowed off the premises or in contact with other people or animals during the confinement period, except for medical purposes. If the owner fails to comply with these restrictions, the Animal Control Authority may enter onto the property, seize the animal, and remove it to a veterinary hospital. The owner is responsible for all costs of confinement incurred under this subdivision. If, after completion of the ten (10) day impound period, the animal does not have rabies, it may be released to its owner unless release is otherwise prohibited by another section of this Chapter. As a condition of releasing a confined animal, the Animal Control Authority may require that the animal's owner take the animal for an examination by a veterinarian.

E. Impoundment and Destruction of Rabid Animals.

1. A dog or animal displaying symptoms of being rabid may be seized at any place or time and confined in the City impounding facility at the owner's expense, until found to be free from rabies.
2. If a dog or other animal appears to be diseased, vicious, dangerous, rabid or has been exposed to rabies, and the dog or other animal cannot be impounded without serious risk of personal injury, the dog or other animal may be destroyed, if reasonably necessary for the safety of a person or persons.

F. Redeeming Impounded Animals. The animal impound facility may not release an animal until it has received authorization to do so from Animal Control Authority and upon fulfillment of the following conditions:

1. dogs, cats and ferrets are properly inoculated for rabies;
2. payment by the owner to the impounding facility of the costs of keeping the animal in the pound;
3. payment of an impounding fee to the City in the amount listed in the City Fee Schedule;
4. providing proof of ownership of the animal; and

5. in the case of a dog that resides in the City, proof of a valid license for the dog.

An animal impounded pursuant to Minnesota Statutes Chapter 343 may be redeemed pursuant to the provisions of Minnesota Statutes Section 343.235.

A potentially dangerous dog or dangerous dog impounded pursuant to any provision in Minnesota Statutes Sections 347.50 through 347.565 may be redeemed pursuant to Minnesota Statutes Sections 347.50 through 347.565 and upon fulfillment of the requirements of Section 6 of this Chapter.

G. Disposition of Impounded Animals at the Owner's Request. If the owner of an impounded animal chooses to have the animal disposed of, the owner shall make such a request in writing to Animal Control Authority. Such a request must be accompanied by proof of ownership of the animal, as well as payment of the costs of the disposition.

H. Disposition of Unclaimed Animals. If an impounded animal is not reclaimed within seven (7) regular business days after the required notice is given to the owner or posted pursuant to this Chapter, the animal shall be deemed to have been abandoned, and the impounding facility may sell or give the animal to any adult person, except research institutions. If an abandoned animal is not sold, it may be destroyed in a humane manner. A regular business day for purposes of this Section means a day during which the impounding facility having custody of the animal is open to the public at least four consecutive hours between 8:00 a.m. and 7:00 p.m.

I. Costs of Impoundment. The owner of the animal is responsible for the costs of the impoundment and housing of an impounded animal.

5-4-6 DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

A. Duties of Owner of Potentially Dangerous and Dangerous Dogs. A person who owns or keeps a dangerous dog must comply with the requirements of Minnesota Statutes Sections 347.50 through 347.565 as may be amended from time to time, and which are adopted and incorporated herein by reference.

B. Designation of a Dog as Dangerous or Potentially Dangerous. The Animal Control Authority may determine that a dog is a potentially dangerous dog or a dangerous dog.

C. Appeal of Designation. Upon determination by the Animal Control Authority that a dog is potentially dangerous dog or dangerous dog, the City shall provide notice of this determination and information regarding the right to a hearing concerning the potentially dangerous dog or dangerous dog declaration to the owner of the dog pursuant to Minnesota Statute Section 347.541, subd. 3. The notice must

include all of the information required by Minnesota Statute Section 347.541, subd. 3.

The notice declaring the dog potentially dangerous or dangerous shall be delivered or mailed to the owner of the dog, or served by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible.

1. Hearing.

- a. Right to Hearing. The owner of any dog declared a potentially dangerous dog or dangerous dog has the right to a hearing by an impartial hearing officer who may be either an impartial employee of the City or an impartial person retained by the City to conduct the hearing.
- b. Appeal of Potentially Dangerous Dog or Dangerous Dog Designation. The owner of a dog designated by the Animal Control Authority as a potentially dangerous dog or dangerous dog must file an appeal of that designation with the City Clerk within fourteen (14) days of receipt of the Notice of Declaration of Potentially Dangerous Dog or Dangerous Dog.
- c. Hearing Scheduling and Conduct. If the owner properly files an appeal of the potentially dangerous dog or dangerous dog designation, the City must hold a hearing within fourteen (14) days after the owner's request to determine the validity of the potentially dangerous dog or dangerous dog declaration is made to the City.

At the hearing, the owner of the dog shall have an opportunity to present evidence and testimony to support the appeal of the potentially dangerous or dangerous dog declaration. The hearing may receive evidence from the Animal Control Authority regarding the initial potentially dangerous or dangerous dog declaration.

- d. Decision. Upon receiving the evidence and testimony, the hearing officer shall uphold or rescind the potentially dangerous or dangerous dog declaration. In the event that the hearing officer upholds the potentially dangerous or dangerous dog declaration, the owner shall be responsible for paying actual expenses of the hearing up to a maximum of \$1,000. The Hearing Officer shall issue a decision on the matter within ten (10) days after the hearing. The decision must be delivered to the owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Animal Control Authority.

D. Registration of Potentially Dangerous Dogs and Dangerous Dogs. No person may keep a potentially dangerous dog or dangerous dog within the City unless the dog is currently registered as provided in this Section. Registration must be completed

within fourteen (14) days from the owner's receipt of Notice of Declaration of Potentially Dangerous Dog or Notice of Declaration of Dangerous Dog unless a timely appeal has been filed. The Animal Control Authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence of the following, which are required by Minnesota Statutes, Sections 347.50 through 347.565:

1. Fee. Payment has been made for the annual potentially dangerous dog or dangerous dog registration fee set forth in the City Fee Schedule. This payment is in addition to any dog license fee.
 2. Proper Enclosure. The owner of a potentially dangerous dog or dangerous dog must keep the dog in a proper enclosure that has been inspected and approved by the City.
 3. Tag. A potentially dangerous dog or dangerous dog must have a standardized, easily identifiable tag identifying the dog as a potentially dangerous dog or dangerous dog that shall be affixed to the dog's collar at all times.
 4. Surety Bond or Insurance Policy. The owner of a potentially dangerous dog or dangerous dog must provide a surety bond in a form acceptable to the Animal Control Authority, issued by a surety company authorized to conduct business in Minnesota in the amount of at least \$300,000, payable to any person injured by the dangerous dog or a policy of liability insurance company authorized to do business in Minnesota in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the potentially dangerous dog or dangerous dog.
 5. Microchip. Proof of implantation of the microchip identification in compliance with state law.
 6. Posting of Warning Symbol. The owner of a potentially dangerous dog or dangerous dog must post a warning symbol or multiple warning symbols, to be determined by the animal control authority, provided to the owner by the Animal Control Authority at the owner's cost, on the owner's property.
- E. Potentially Dangerous and Dangerous Dog Designation Review. Review of a potentially dangerous dog or dangerous dog designation may be requested annually beginning six (6) months after the dog is declared to be a potentially dangerous dog or dangerous dog. The owner must present evidence to the Animal Control Authority that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the Animal Control Authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the potentially dangerous dog or dangerous dog designation.

- F. Notification of Changes. The owner of a dog designated as a potentially dangerous dog or dangerous dog shall notify the Police Chief in writing if the dog has died, is relocated from its current address, or is being given or sold to another person. The notification must be given in writing within thirty (30) days after the change in ownership or location or the dog's death. If requested by the Animal Control Authority, the owner must execute an affidavit under oath setting for the circumstances of the dog's death and disposition of the dog, or the complete name, address, and telephone number of the person to whom the dog has been transferred, whichever the case may be.
- G. Sterilization of Potentially Dangerous Dogs and Dangerous Dogs. The owner of a potentially dangerous dog or dangerous dog must, at the owner's sole expense, sterilize the dog within thirty (30) days of the dog's designation as a potentially dangerous dog or dangerous dog. If the owner does not sterilize the dog, the Animal Control Authority shall seize the dog and have it sterilized at the owner's expense.
- H. Confinement of Potentially Dangerous and Dangerous Dogs. The owner of any potentially dangerous dog or dangerous dog must confine the dog, while on the owner's property, in a proper enclosure. If the dog is outside the property enclosure, the owner must muzzle and restrain the dog by a substantial chain or lease and be under the physical restraint of a responsible person.
- I. Confiscation and Reclamation of Potentially Dangerous and Dangerous Dogs. The Animal Control Authority may summarily seize and impound a potentially dangerous dog or dangerous dog under the following circumstances:
1. The owner fails to validly register the dog under this Section within fourteen (14) days of its designation as a potentially dangerous dog or dangerous dog.
 2. The owner fails to secure the required liability insurance or surety bond under this Section within fourteen (14) days of its designation as a potentially dangerous dog or dangerous dog.
 3. The owner fails to keep the dog in a proper enclosure.
 4. The dog is outside the proper enclosure and not muzzled and under the physical restraint of a responsible person as required by this Section.
 5. The owner fails to sterilize the dog within thirty (30) days of its designation as a potentially dangerous dog or dangerous dog.
 6. The owner is convicted of a misdemeanor for violating the provisions of this Section and the person is charged with a subsequent violation relating to the same dog. If the owner is convicted of the offense for which the dog was

seized, the criminal court may order destruction of the dog and the owner must pay for the costs of confining and destroying the dog.

The owner may reclaim a potentially dangerous dog or dangerous dog by presenting proof of compliance with state law and this Section to the Animal Control Authority and payment of all costs associated with the confiscation and confinement of the dog, including the impoundment fee set forth in the City Fee Schedule and impoundment costs. If the owner does not reclaim the potentially dangerous or dangerous dog within seven (7) days, the Animal Control Authority may dispose of the dog and the owner is liable to the Animal Control Authority for the costs incurred in confining and disposing of the dog.

J. Dogs Not to be Deemed Dangerous. A dog shall not be deemed to be a potentially dangerous dog or a dangerous dog if the threat, injury, or damage was sustained by a person: (1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; (2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or (3) who was committing or attempting to commit a crime.

K. Destruction of Dog in Certain Circumstances. The Animal Control Authority or its designee may destroy a dog in a proper and humane manner if the dog:

1. Inflicted substantial or great bodily harm on an human on public or private property without provocation;
2. Inflicted multiple bites on a human on public or private property without provocation;
3. Bit multiple human victims on public or private property in the same attack without provocation; or
4. Bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

The Animal Control Authority must provide the owner of the dog an opportunity for a hearing before an impartial decision maker. The exemptions set forth in Section 6.12 apply to this provision.

5-4-7 CARE OF ANIMALS. The care, health, keeping, shelter, and maintenance of all animals shall conform with the statutory provisions of Minnesota Statutes Chapter 343 and 346, which are hereby incorporated by reference and adopted as part of this Chapter.

5-4-8 PROHIBITIONS. A person must not own or keep any animal that creates or constitutes a public nuisance. A public nuisance is defined as:

- A. Owning or keeping animals that by virtue of the size, number, species, facilities for, and location is offensive because of but not limited to odor and noise or is dangerous to the public health, safety, or welfare;
- B. Owning or keeping an animal in the City that unreasonably causes annoyance or disturbance to another person by habitually howling, yelping, barking, or crying. Habitual howling, yelping, barking or crying is defined as howling, yelping, barking, or crying for repeated intervals of at least three (3) minutes with less than one (1) minute of interruption that can be heard at a location other than the animal keeper's property. Any such animal is hereby declared to be a public nuisance. No citation for public nuisance arising out of the above-described behavior may be issued unless the Animal Control Authority has personally observed such behavior and determined that a violation of this provision has occurred.
- C. An animal that has been the subject of a violation of this Chapter more than three times in a twenty-four (24) month period; or
- D. Subject to the exceptions stated in Section 5-4-12, an animal running at large within the City limits.

5-4-9 COMMERCIAL, COMMERCIAL DAYCARE AND NON-COMMERCIAL KENNELS.

- A. License Required. No person shall operate or maintain a commercial kennel, commercial daycare kennel or non-commercial kennel within the City without first obtaining a commercial kennel, commercial daycare kennel, or non-commercial kennel license from the City.
- B. Application for Kennel License. An application for a commercial kennel, commercial daycare kennel, or non-commercial kennel license shall be made to the City Clerk on the form proscribed by the City. The applicant must provide all the information required on the form, including but not limited to:
 - 1. The name and address of the owner(s) of the kennel;
 - 2. The address or legal description of the real property where the kennel will be kept;
 - 3. The number of dogs proposed to be kept in the kennel;
 - 4. The location of any residential dwellings within one thousand (1,000) feet of the proposed kennel; and
 - 5. Proof that the proposed kennel complies with the requirements of the City's Zoning Code.

The applicant must pay the fee for a kennel license is set forth in the City Fee Schedule.

- C. Notice to Surrounding Property Owners. Once the City Clerk receives a complete commercial kennel, commercial daycare kennel, or non-commercial kennel license from an applicant, the City Clerk shall provide written notice of and include a copy of said application to residential property owners located within 1,000 feet of the proposed kennel location.
- D. Construction and Location Standards for Kennels. The owner and operator of a commercial, commercial daycare or non-commercial kennel shall operate the kennel in a neat and sanitary manner. Additionally, the area within which the dogs are to sleep, eat, and exercise shall be enclosed completely by a wire mesh fence at least six (6) feet in height of sufficient gauge to ensure the confinement of the dogs. A kennel may not be located within five hundred (500) feet of any residential dwelling other than the owner's dwelling. Kennels must comply with all relevant zoning requirements.
- E. Review of Premises and Issuance of License. No kennel license may be issued until the applicant's property has been inspected and the inspection reveals that adequate safeguards are present to protect the surrounding neighborhood from nuisances and to ensure compliance with this Chapter. The license may include conditions that Animal Control Authority deem reasonably necessary to protect public health and safety and to protect persons on neighboring property from unsanitary conditions, unreasonable noise and odors, and other unreasonable annoyances. A denial of a kennel license application may be appealed to the City Council within ten (10) days of notification of the denial. The City Council shall hold a hearing to determine whether the denial should be upheld. If the City Council reverses the denial, it may impose conditions upon the granting of any commercial, commercial daycare, or non-commercial kennel license.
- F. License Modification. The license may be reasonably modified by Animal Control Authority if necessary to respond to changed circumstances. Any modification shall be effective ten (10) days after the mailing of written notice by certified mail to the license holder. The license holder may challenge the modification by contacting the City Clerk and requesting a hearing within ten (10) days after the receipt of written notice. A hearing regarding the proposed modification shall be held before the City Council.
- G. Operation. Every kennel shall be maintained and operated in a neat and sanitary manner. All refuse, garbage, and animal waste shall be regularly removed so as to keep the surrounding area free from obnoxious odors.
- H. Duration of License. A kennel license shall be issued for a period of two (2) years beginning March 1 and ending February 28. Applications for a renewal permit

may not be made prior to sixty (60) days before March 1. A late fee, as set forth in the City Fee Schedule, will be assessed for any late applications. Commencing March 1, 2011, kennel licenses shall be issued in odd numbered years. For those kennels licensed after March 1, 2010 and whose owners are not subject to a penalty for failure to license their kennels, the license fee shall be prorated for the remainder of 2010 through February 28, 2011. Applications for a renewal license may not be made until sixty (60) days before March 1.

- I. Inspections. Animal Control Authority may go onto the premises of licensed kennels at reasonable times to inspect for compliance with this Chapter and other relevant laws and regulations. A violation of this chapter or other regulations not corrected within ten (10) days after notice of the violation is served via certified mail on the owner of the kennel shall be grounds for revocation of the license.
- J. Revocation of License. A license may be revoked by the City Council for a violation of any condition of a kennel license or for any violation this Section following notice and a hearing as provided for in Chapter 3.

5-4-10 HORSES IN PUBLIC PARKS AND ROADWAYS.

- A. Horses in City Parks. No person shall ride a horse or pony in any City park except in areas duly designated for the riding of such animals. The City Parks Director shall designate and properly post those areas in City Parks where horses and ponies may be ridden.
- B. Horses on Public Roadways. Every person riding a horse or pony or driving any horse or pony drawn vehicle upon a public roadway shall be subject to those provisions of the City Code applicable to the driver of a motor vehicle, except those provisions which by their nature do not apply.

No person may ride or drive a horse or pony after sunset and before sunrise upon or across a public roadway without lighting or reflective clothing sufficient to enable a person to see the rider or driver and horse or pony from a distance of 100 feet away.

- C. Interference Prohibited. No person shall interfere with any horse or pony being ridden in a lawful manner.

5-4-11 RIGHT OF ENTRY. Animal Control Authority are authorized to enter onto any open yard or kennel in which an animal is kept at reasonable times for the purpose of discharging their duties imposed by this Chapter where there is a reasonable belief that a violation of this Chapter has been committed.

Animal Control Authority having reasonable cause to believe that a person has or is violating a provision of this Chapter or the conditions, limitations, restrictions or prohibitions of any permit or license the City issues under this Chapter, may

apply to the appropriate authority as prescribed by law for a warrant empowering the Animal Control Authority to enter the dwelling or residence of the owner or keeper of any animal for the purpose of investigating the same and to demand the owner's or keeper's presentation of the animal to the Animal Control Authority.

5-4-12 EXCEPTIONS. Notwithstanding any contrary provision in Title 5, Chapter 4 of the City Code, the provisions and requirements relating to keeping animals under restraint and not having animals at large do not apply to the following animals:

- A. Guide or service dogs used by disabled persons;
- B. Dogs used by city agents or employees in connection with police activities;
- C. Tracking dogs used by persons who have obtained the City's prior permission;
- D. Falcons; and
- E. Racing pigeons.

5-4-12 ENFORCEMENT OF THE PROVISIONS OF THIS CHAPTER. The provisions of this Chapter may be enforced by the Animal Control Authority with the assistance of other personnel when appropriate.

5-4-13 PENALTY. Unless otherwise designated, a violation of any provision of this Chapter is a misdemeanor.

Section 2. Effective Date. This Ordinance shall be effective from and after its passage and the publication of the ordinance according to law.

Passed this _____ day of _____, 2010.

Mayor George Tourville

Attest

Melissa Rheaume
Deputy City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CONSIDER ATTACHED RESOLUTION AND TABLE SETTING FORTH LICENSE FEES, ADMINISTRATIVE SERVICE FEES AND PERMIT FEES

Meeting Date: May 10, 2010
Item Type: Regular Agenda
Contact: Jenelle Teppen, 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 Consider approval of the attached resolution and table setting forth animal ordinance related fees and penalties.

SUMMARY The City Council is considering the proposed animal ordinance, which provides for biennial dog license fees and related penalties; potentially dangerous and dangerous dog registration fees; biennial kennel license fees; animal redemption fees; license transfer fees; and dog identification tag fees dog license fees. Accordingly, if the City Council approves the animal ordinance, it should adopt the attached resolution setting animal ordinance related fees.

Attached is a resolution setting license, administrative and permit fees for 2010.

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

RESOLUTION NO. _____

**RESOLUTION ESTABLISHING DOG LICENSE, ADMINISTRATIVE SERVICES AND PERMIT
FEES**

WHEREAS, the Inver Grove Heights City Council has adopted a new animal ordinance and recognizes the need to update the existing 2010 Fee Schedule to reflect the new provisions of the animal ordinance, and

WHEREAS, any changes to these Fee Schedule shall be set by resolution by the City Council of the City of Inver Grove Heights City Code;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Inver Grove Heights, Minnesota, approves the attached amendments to the 2010 Fee Schedule.

Adopted by the City Council of Inver Grove Heights this 26th day of April, 2010.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy City Clerk

Dogs	5-4-2-1 <u>5-4-3-A-2</u>	May 1 <u>2 year license</u> <u>April 30</u>	\$10- \$20 male/female \$6- \$12 spayed/neutered
<u>Penalty Fee</u>			<u>½ license fee</u>
Non-Commercial Kennels	5-4-2-10 <u>5-4-9-A</u>	March 31 <u>2 year license</u> <u>February 28</u>	\$50.00 \$100.00
<u>Penalty Fee</u>			<u>½ license fee</u>
Commercial Kennels and <u>Commercial Daycare</u> <u>Kennels</u>	<u>5-4-9-A</u>	March 31 <u>2 year license</u> <u>February 28</u>	\$250.00 \$500.00
<u>Penalty Fee</u>			<u>½ license fee</u>
<u>Pound Redemption Fees</u>		\$35.00	
<u>Potentially Dangerous/Dangerous Dog</u> <u>Registration</u>		\$500.00/year (<u>May 1 – April 30</u>)	
<u>Duplicate Dog Identification Tag</u>		<u>\$1.00</u>	
<u>Dog License Transfer Fee</u>			
<u>Transfer Ownership</u>		<u>½ Cost of New License</u>	
<u>Transfer from City to Inver Grove Heights</u>		<u>½ Cost of New License</u>	

**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
◊STEPHEN H. FOCHLER
◊JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
ANN C. O'REILLY
◻*DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
BRIDGET McCAULEY NASON
DAVID B. GATES
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
• ROGER C. MILLER
1924-2009

MEMO

*ALSO ADMITTED IN WISCONSIN
◊ALSO ADMITTED IN NORTH DAKOTA
◻ALSO ADMITTED IN MASSACHUSETTS
◻ALSO ADMITTED IN OKLAHOMA

TO: Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: May 4, 2010
**RE: Background Check Authorization Ordinance – May 4, 2010 Council Meeting
(First Reading)**

Section 1. Background. The ordinance relating to background check authorization for city employment and city licensure is on the agenda for the first reading May 10, 2010.

The police department is authorized to have access to Bureau of Criminal Apprehension (“BCA”) criminal history data only to perform duties that are required by law, which are largely identified in Minn. Stat. § 299C.46 and which do not include municipal employment or licensure.

Unless there is another statutory provision to the contrary, Minnesota Statute Section 364.03, subd. 1 prohibits a city from disqualifying a person from public employment or from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime or crimes, unless the crime or crimes for which convicted directly relate to the position of employment sought or the occupation for which the license is sought. There are exceptions to this prohibition. These exceptions largely relate to public safety positions.

In order to have legal authority to conduct the background checks for other reasons, such as city employment and licensure, there must be law authorizing them (i.e. a statute or ordinance). Accordingly, in order to provide the police department with proper legal authority to conduct background checks for employment and licensure purposes, this ordinance is offered for consideration.

The BCA, which is the agency responsible for ensuring the security of criminal history data, requires that city ordinances authorizing background checks for non-law enforcement duties contain the following:

- A requirement that the police department conduct the criminal history check
- Identification of the jobs, volunteers and independent contractors subject to the checks, as well as the license applicants subject to the checks
- A requirement that the criminal history data be maintained by the police department and only a summary of the criminal history record is provided to the hiring or licensing authority
- Language that complies with the Minnesota Government Data Practices Act advising the applicant of its use
- A provision that requires notice to the applicant of the reason for denial if the denial is based on data obtained from the criminal history check

The ordinance is based on the model League of Minnesota Cities background check authorization ordinance.

Section 2. Council Action. The Council is asked to consider the first reading to pass and approve the attached Background Check Authorization Ordinance at its May 10, 2010, Council meeting.

Ord. No. 10-

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

**AN ORDINANCE ESTABLISHING CHAPTER 10 OF TITLE 1
OF THE INVER GROVE HEIGHTS CITY CODE
REGARDING BACKGROUND INVESTIGATIONS
FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES**

The City Council of the City of Inver Grove Heights does ordain:

SECTION 1. Chapter 10 of Title 1 of the 2008 City Code is hereby enacted to read as follows:

**TITLE 1
CHAPTER 10
BACKGROUND INVESTIGATIONS FOR CITY EMPLOYMENT AND
CITY LICENSURE**

1-10-1: CRIMINAL HISTORY FOR EMPLOYMENT BACKGROUND INVESTIGATIONS.

- A.** **Purpose.** The purpose and intent of this section is to establish regulations that will allow law enforcement to access Minnesota's Computerized Criminal History information for the specific non-criminal purpose of employment background investigations for applicants who apply for city employment for the positions described in Section 1-10-1-B.
- B.** **Background investigation required.** The City's Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for all regular part-time or full-time employment with the City and other positions that work with children or vulnerable adults, unless the Council concludes that a background investigation is not needed. The City's Police Department may, at the discretion and direction of the Council, conduct a criminal history background investigation on the applicants for volunteer and independent contractor positions with the City.

C. **BCA data.** In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system (BCA data) in accordance with BCA policy. Any BCA data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the Police Chief or the Police Chief's designee. A summary of the results of the BCA data may be released by the Police Department to the Council, including the Council, the City Administrator, the City Attorney or other City staff involved in the hiring process.

D. **Written Authorization.** Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor punishable by jail. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

1. The grounds and reasons for the denial.
2. The complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
3. The earliest date the applicant may reapply for employment.
4. That all competent evidence of rehabilitation will be considered upon reapplication.

1-10-2: CRIMINAL HISTORY FOR LICENSE BACKGROUND INVESTIGATIONS.

A. **Purpose.** The purpose and intent of this section is to establish regulations that will allow law enforcement to access Minnesota's Computerized Criminal History information for the specific non-criminal purpose of licensing background investigations for the licenses described in Section 1-10-2-B.

B. **Background investigation required.** The City's Police Department is hereby required, as the exclusive entity within the City, to conduct a criminal history background investigation on the applicants for the following licenses or permits within the City:

1. Alcoholic Beverages
2. Massage Therapy/Sauna/Escort Service – Individual License

3. Massage Therapy/Sauna/Escort Service – Business License
4. Pawnbrokers/Secondhand Goods Dealers
5. Peddlers
6. Solicitors
7. Canada Goose Hunt Permits
8. Motor Vehicle Sales
9. Rubbish Haulers
10. Adult Use Businesses
11. Automobile Service Stations
12. Tattoo and Body Piercing Establishments
13. Charitable Gambling Premises Permits

C. BCA data. In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension Computerized Criminal History information system (BCA data) in accordance with BCA policy. Any BCA data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the Police Chief or the Police Chief's designee. A summary of the results of the BCA data may be released by the Police Department to the Council, City Administrator, City Attorney, City Clerk or other City staff involved in the license approval process.

D. Written authorization. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statute Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor punishable by jail. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

1. The grounds and reasons for the denial.

2. The complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
3. The earliest date the applicant may reapply for the license.
4. That all competent evidence of rehabilitation will be considered upon reapplication.

SECTION 2. Effective Date. This ordinance shall be in force upon its adoption and publication.

Passed this _____ day of _____, 2010.

George Tourville, Mayor

Attest

Melissa Rheaume, Deputy City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Resolution Authorizing the City of Inver Grove Heights to Enter into Agreement No. 92316 for Railroad Crossing Signals with Mn/DOT and the Union Pacific Railroad Company

Meeting Date: May 10, 2010
 Item Type: Regular
 Contact: Scott D. Thureen, 651.450.2571
 Prepared by: Scott D. Thureen, Public Works Director

SDT

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

PURPOSE/ACTION REQUESTED

Consider resolution authorizing the City of Inver Grove Heights to enter into Agreement No. 92316 for railroad crossing signals with Mn/DOT and the Union Pacific Railroad Company.

SUMMARY

On November 7, 2006, the Council approved the City's cost participation in the installation of railroad crossing gates/signals at the intersection of Upper 71st Street East and the tracks at the Union Pacific Railroad Company (UPRR). The project is in the State Transportation Improvement Program for 2009-2012, and would be installed in 2010.

The attached agreement (No. 92316) defines the cost share responsibilities for the installation and maintenance of the crossing signals. The City's estimated share (\$21,004.40) would be funded from the Host Community Fund.

At its November 9, 2009 meeting, the Council directed staff to notify the residents in the vicinity of the proposed improvements. A letter was sent to the owners of parcels along River Road, explaining the project and asking for their input. I received four responses to the letter. None of the four saw a need for the project.

After the November 9, 2009 Council meeting, I contacted Mn/DOT to obtain additional history concerning the project. In 2005, the City requested that three at-grade railroad crossings be considered for safety improvements (65th Street and the UPRR, Upper 71st Street and the UPRR, and 105th Street and the UPRR). The safety review of these three crossings resulted in only the crossing at Upper 71st Street being recommended for safety improvements and being included in the list of approved projects. Funding is not available for the next highest priority crossing (105th Street) at this time, and the 65th Street crossing does not warrant safety improvements at this time.

At its March 22, 2010 Council meeting, the Council voted to decline the funding. Staff notified Mn/DOT of this decision. On March 24, 2010, Mn/DOT notified staff that the UPRR agreed to pay one-half the local cost share (5 percent of the project cost). With this contribution, the City's share is reduced to 5 percent of the project cost (\$21,004.40). Staff brought this information to the Council at its April 12 study meeting and was directed to bring the revised agreement to a regular meeting for reconsideration.

If the City decides not to proceed with the project, it should not affect eligibility for similar funding in the future. However, the crossing has been identified as needing safety improvements and, as such, probably carries a higher liability risk.

With regard to this project, I would defer to the Mn/DOT and railroad staff with experience and training in railroad crossing safety. If the City desires to keep this crossing for the long term, I recommend approval of the resolution that authorizes execution of the agreement with Mn/DOT and the UPRR.

SDT/kf

Attachments: Resolution
 Agreement No. 92316

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION AUTHORIZING THE CITY OF INVER GROVE HEIGHTS TO ENTER INTO AGREEMENT NO. 92316 WITH THE STATE OF MINNESOTA AND THE UNION PACIFIC RAILROAD COMPANY FOR THE INSTALLATION AND MAINTENANCE OF RAILROAD CROSSING SIGNALS AT THE INTERSECTION OF UPPER 71ST STREET EAST AND THE TRACKS OF THE UNION PACIFIC RAILROAD COMPANY IN INVER GROVE HEIGHTS, MN

RESOLUTION _____

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS THAT: that the City of Inver Grove Heights enter into an agreement with the Union Pacific Railroad Company and the Commissioner of Transportation for the installation and maintenance of railroad crossing signals at the intersection of Upper 71^st Street (M125) with the tracks of the Union Pacific Railroad Company in Inver Grove Heights, Minnesota, and appointing the Commissioner of Transportation agent for the City to supervise said project and administer available Federal Funds in accordance with Minnesota Statute, Section 161.36. The City's share of the cost shall be 5 percent of the total signal cost.

BE IT FURTHER RESOLVED that the Mayor and Public Works Director be and they are hereby authorized to execute said agreement and any amendments thereto for and on behalf of the City.

Adopted by the City Council of the City of Inver Grove Heights this 10th day of May 2010.

AYES:
NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheume, Deputy Clerk