



INVER GROVE HEIGHTS CITY COUNCIL AGENDA
MONDAY, SEPTEMBER 27, 2010
8150 BARBARA AVENUE
7:30 P.M.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PRESENTATIONS:**

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

- A. Minutes – September 27, 2010 Regular Council Meeting _____
- B. Resolution Approving Disbursements for Period Ending September 22, 2010 _____
- C. Pay Voucher No. 1 for City Project No. 2008–18, Public Safety Addition/City Hall Renovation
Dascom Systems Group LLC _____
- D. Pay Voucher No. 2 for City Project No. 2008–18, Public Safety Addition/City Hall Renovation
Dascom Systems Group LLC _____
- E. Pay Voucher No. 5 for City Project No. 2008–18, Public Safety Addition/City Hall Renovation
TRICOM Communications _____
- F. Change Order No. 4 and Pay Voucher No. 4 for City Project No. 2010–09D, South Grove
Street Reconstruction – Area 5 _____
- G. Final Compensating Change Order No. 6, Final Pay Voucher No. 8, Engineer’s Report of Final
Acceptance, and Resolution Accepting Work for City Project No. 2008–09F, Salem Hills
Farm Street Reconstruction/Mill and Overlay _____
- H. Resolution Accepting Individual Project Order No. 12F to Kimley–Horn & Associates, Inc. for
Preparation of Easement Exhibits and Descriptions for the Pavement Management Program, Urban
Street Reconstruction – City Project No. 2009–09D (South Grove Area 4) _____
- I. Resolution Accepting Bids and Awarding Contract for the 2010 Pavement Management
Program, City Project No. 2010–09C – Mill and Overlay _____
- J. Approve Proposal from Braun Intertec to Prepare Response Action Plan Implementation Report
for Heritage Village Park _____
- K. Accept Proposal for Engineering Services for Design, Construction Administration & Testing
Services – Repair of Water Intrusion Damage in the Public Works Maintenance Bldg. _____
- L. Consider Awarding the Replacement of the Front Parking Apron of Fire Station #1 to
Bailey Construction _____

- M. Accept Donation to Inver Grove Heights Police Department from Wal-Mart Foundation _____
- N. Resolution Authorizing Execution of the Joint Traffic Safety Project Grant _____
- O. Consider Non-Commercial Kennel License Application – 7745 Boyd Ave. _____
- P. Resolution Approving Application of CLIMB Theatre, Inc. for a Premises Permit to Conduct Lawful Purpose Gambling at Baja Sol Cantina, 5681 Blaine Ave. _____
- Q. Schedule Public Hearing – Liquor License (Eddy’s Bar & Grill, LLC) _____
- R. Personnel Actions _____

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

6. **PUBLIC HEARINGS:**

A. **CITY OF INVER GROVE HEIGHTS;** Consider a Resolution Ordering Improvements and Approving Plans and Specifications for City Project No. 2010-21, Boyd Avenue Street Lighting _____

7. **REGULAR AGENDA:**

COMMUNITY DEVELOPMENT:

A. **MAX STEININGER;** Consider the following requests for the property located at 11305 Clark Road:

- i) An Ordinance Approving a Temporary Sand and Gravel Zoning Extension _____
- ii) A Conditional Use Permit Amendment for the Processing of Sand and Gravel and Processing of Recycled Concrete and Asphalt _____
- iii) An Interim Use Permit Extension to Allow a Temporary Contractor’s Yard with Outdoor Storage _____

B. **ALLIED WASTE RECYCLERY;** Consider a Resolution Approving a Conditional Use Permit Amendment for a Recycling Facility and Transfer Station for Recyclable Materials for property located at 2795 117th Street _____

C. **CITY OF INVER GROVE HEIGHTS;** Consider a Resolution creating a Permanent Housing Committee _____

D. **CITY OF INVER GROVE HEIGHTS;** Consider First Reading of an Ordinance Establishing Minimum Requirements for the Regulation of Subsurface Sewage Treatment Systems _____

ADMINISTRATION:

E. **CITY OF INVER GROVE HEIGHTS;** Consider Change Order No. 14 for City Project 2008-18, Public Safety Addition/City Hall Renovation _____

8. **MAYOR AND COUNCIL COMMENTS**

9. **ADJOURN**

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, SEPTEMBER 13, 2010 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, September 13, 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 Rheume.

3. PRESENTATIONS:

A. Presentation of Minnesota Community Pride Awards for the Old Town Area and the Rock Island Swing Bridge

Mr. Carlson explained that the Minnesota State Fair sponsored a contest for Minnesota Community Pride Awards and the City was the recipient of two. He stated the City received the "Best in Class" award and an \$850 cash prize in the Community Design category for efforts related to the Rock Island Swing Bridge restoration project. He stated the City also received the second runner-up award (for populations over 10,000) and a \$600 cash prize for the overall community and economic development effort in the Old Town Area.

Mayor Tourville stated the contest is open to all cities in the state and Inver Grove Heights is very proud of both projects.

4. CONSENT AGENDA:

Councilmember Piekarski Krech removed Item 4A(ii), Minutes of August 30, 2010 Special Council Meeting, and Item 4G, Change Order No. 1 for City Project No. 2010-12, 59th Street East Improvements, from the Consent Agenda.

Ed Gunter, 6671 Concord Boulevard, requested that Item 4E, Pay Voucher No. 4 for City Project No. 2009-24 - Rock Island Swing Bridge Project be removed from the Consent Agenda.

Councilmember Klein removed Item 4M, Approve Proposal for Assistance with Blaine Pit Clean-Up, from the Consent Agenda.

- A.** (i) Minutes – August 23, 2010 Regular Council Meeting
- B.** **Resolution No. 10-137** Approving Disbursements for Period Ending September 8, 2010
- C.** Pay Voucher No. 15 for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- D.** Change Order No. 2 for City Project No. 2009-24, Rock Island Swing Bridge Project
- F.** Pay Voucher No. 4 for City Project No. 2009-29, Well No. 9, Phase 2
- H.** Final Change Order No. 2, Final Pay Voucher No. 3, Engineer's Report of Final Acceptance, and **Resolution No. 10-138** Accepting Work for Fire Station No. 1 Parking Lot Improvements
- I.** **Resolution No. 10-139** Accepting Quotes and Awarding Contracts for the 2010 Storm Water Facility Maintenance Program – Zones 1A, 2, 5, and 6, City Project Nos. 2010-13, 2010-14, 2010-17, and 2010-18
- J.** Approve Policy for Credit Card Use by City Employees
- K.** Approve Hiring Keys Well Drilling Company and Automatic Systems Company for Arbor Pointe Water Tower Site Monitoring Well Installation
- L.** Approve Proposal for Engineering Services from WSB, Inc. for Argenta Hills 2nd Addition Water System Modeling
- N.** Approve Proposal from Decision Resources, LTD to Perform 2010 Community-Wide Phone Survey

- O. Authorize the Solicitation of Bids for the VMCC/Grove Locker Room Project
- P. Accept Grant for Simley Shoreline Improvements from Great River Greening
- Q. Approve Contract with HKGI for Trail Gap Study
- R. Approve Contract with McGhie & Betts for Special Inspections & Testing for City Project No. 2008-18, Public Safety Addition/City Hall Renovation
- S. **Resolution No. 10-140** Approving Application of Merrick, Inc. for a Premises Permit to Conduct Lawful Purpose Gambling at Jersey's Bar & Grill, 6449 Concord Blvd.
- T. Schedule Public Hearing – Liquor License Transfer
- U. Approve Proposal for Survey of Existing Roof at City Hall
- V. Personnel Actions

Motion by Madden, second by Klein, to approve the Consent Agenda

Ayes: 5

Nays: 0 Motion carried.

- A. (ii) Minutes – August 30, 2010 Special Council Meeting

Councilmember Piekarski Krech explained she was unable to attend the special meeting and would abstain from the vote.

Councilmember Klein noted he did not attend the meeting either.

Motion by Grannis, second by Madden, to approve the minutes of August 30, 2010 Special Council Meeting.

Ayes: 3

Nays: 0

Abstain: 2 (Klein, Piekarski Krech) Motion carried.

- E. Pay Voucher No. 4 for City Project No. 2009-24, Rock Island Swing Bridge Project

Ed Gunter, 6671 Concord Boulevard, questioned what happened to the third change order for the project.

Mr. Carlson explained the item is a pay voucher, not a change order.

Motion by Madden, second by Klein, to approve Pay Voucher No. 4 for City Project No. 2009-24, Rock Island Swing Bridge Project

Ayes: 5

Nays: 0 Motion carried.

- G. Change Order No. 1 for City Project No. 2010-12, 59th Street East Improvements

Councilmember Piekarski Krech questioned why the City was paying for the relocation when the wall was moved at the request of the homeowner.

Mr. Thureen explained the original design had the new retaining wall located further to the east. He stated the wall was moved west because the homeowner did not want to backup and turn into the dead end. He further explained that the relocation of the wall resulted in impacts to the water service, and storm water facilities are being added to prevent runoff from overtopping the new retaining wall.

Councilmember Piekarski Krech clarified that the change was in response to issues in the field, not simply because of a homeowner request.

Councilmember Klein noted the move also helps emergency vehicles.

Motion by Klein, second by Grannis, to approve Change Order No. 1 for City Project No. 2010-12, 59th Street East Improvements

Ayes: 5

Nays: 0 Motion carried.

M. Approve Proposal for Assistance with Blaine Pit Clean-Up

Councilmember Klein noted that this is proof that the City does respond to citizen concerns.

Motion by Klein, second by Grannis, to approve proposal for assistance with Blaine pit clean-up

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Ed Gunter, 6671 Concord Boulevard, stated he would like to see a snow removal plan developed for the new streets that were just put in to ensure there are no issues in the beginning of the winter.

Howard Harvey, 7515 River Road, expressed concerns regarding the Rock Island Swing Bridge project and a silting issue observed on the river front. He explained that the residents along River Road used to have deep water access and could use the area for recreational boating. He stated that the north end of the channel is completely blocked and opined that the flow of water was cut off because of the way the equipment for the bridge project was stored. He explained that the area has silted in and can no longer be used recreationally. He asked that the issue be addressed before winter.

Mr. Lynch explained that the City does have a permit as part of the bridge project which allows for the construction of a causeway. He stated that the City met on-site with the DNR and Army Corps of Engineers to look at the issue. He explained that the DNR and Army Corps of Engineers acknowledged that some siltation has occurred, but did not find that City caused the siltation problem. He stated at the end of the project the City is required to remove the causeway that was constructed and any siltation within 20 feet of the center line on either side of the bridge. He noted once those items are completed that will end the City's responsibility. He reiterated that both the DNR and the Army Corps of Engineers have determined that the City did not cause the siltation issue. He stated the City will be meeting with representatives from the marina to further discuss the issue and their options going forward.

Mr. Harvey asked to see the report from the DNR and Army Corps of Engineers.

Mr. Lynch stated the DNR and Army Corps of Engineers would be writing letters to the City with their opinions from the visual observation that was conducted on-site.

Mayor Tourville suggesting meeting with the neighborhood after the letters have been received to have a discussion on the issue.

Councilmember Madden stated after he visited the site and saw the siltation he requested the meeting to discuss the problem and see if something can be done.

6. PUBLIC HEARINGS:

A. CITY OF INVER GROVE HEIGHTS; Assessment Hearing for City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay

Mr. Kaldunski stated the project was ordered by the Council in 2008 with most of the construction completed in 2009. He explained the final total project cost was \$1,245,831.29, including \$959,259.98 in street reconstruction costs, \$261,781.27 in mill and overlay costs, and \$24,790.04 in trail improvements. He reviewed the City's assessment policy and stated 107 single-family properties and one (1) City property were proposed to be assessed. He noted 75 parcels were included in the mill and overlay area and 33 parcels were included in the reconstruction area. He explained if the City's assessment policy was followed, single family homes in the reconstruction area would be assessed \$14,950.79 and \$2,244.32 in the mill and overlay area.

Mr. Kaldunski stated the proposed final assessment roll is based on a cap of \$6,000 for the street reconstruction area and \$4,000 for the mill and overlay area. He explained the proposed caps are based on a benefit analysis performed by Metzen Appraisals. He noted that because the proposed assessment

for the mill and overlay area was less than the recommended cap, only the reconstruction portion would have the cap applied. He stated if the total assessment exceeds the proposed cap, the amount in excess would be paid by the Pavement Management Fund.

Mr. Kaldunski stated the total amount proposed to be specially assessed on single family properties, with the proposed cap, is \$360,324.00 of the total cost. He explained the City's costs are covered by the Pavement Management Fund, Utility Fund, and the Recreation Fund. He stated an assessment term of 5 years at a 5.8% interest rate is proposed for the mill and overlay area, and a term of 10 years at a 5.8% interest rate is proposed for the reconstruction.

Mr. Kaldunski provided an overview of the neighborhood informational meeting that was held on September 1st and the numerous issues that were discussed. He noted that three assessment appeals were received by the City and provided to the City Council for acceptance.

Ryan Wilson, 6310 Beckman Avenue, stated he is the only parcel on Beckman Avenue that has been included in the reconstruction area, and is still unclear as to the reason why. He explained he has been given several different explanations over the course of the project and would like to be assessed as part of the mill and overlay area, just as his next door neighbor has been. He stated he believes he is being assessed in the reconstruction area because of a storm sewer drain that was installed to protect the McMenemy property from flooding. He noted the drain has no benefit to his property. He also expressed concerns regarding the quality of work that was done on his driveway, the large area that was dug up on his street to address a leaking gas line.

Mayor Tourville questioned if Mr. Wilson's driveway had already failed.

Mr. Wilson responded in the negative and noted there is a large crack between the original driveway and where the work was done. He stated other residents in the neighborhood have already experienced driveway failures and he would like to know how the problems will be addressed going forward. He added that he would have appreciated more communication regarding the 7 foot wall that was installed to separate his property from the trail and asked that the trees that were removed be replaced.

Bill McMenemy, 2180 63rd Street, stated he appealed the proposed assessment because he feels that the improvements did not increase the value of his property. He explained the biggest issue he has is with the gas line that was found running through the sewer line. He stated if the City knew about the issue it should have been disclosed to the neighborhood. He also questioned why the corner of the project was not the City's responsibility.

Mr. Kaldunski stated that the City first became aware that the gas line was in the sewer main in July of 2009. He noted that the City had no knowledge or record of the issue prior to that time.

Mike Hoffman, 6304 Ballantine Avenue, stated he suffered foundation damage during the project. He explained that an insurance claim was filed and it was determined that the issue was caused by the construction project. He stated in order to have the foundation damage repaired he was asked to sign a very broad and universal release form. He explained that he felt it was not in his best interest to sign the release and he paid to have the foundation repaired out of his own pocket. He stated the contractor is withholding his reimbursement payment and questioned if the City could assist him in moving the process along. He noted he hired an attorney to draft a different release that he is willing to sign if the contractor agrees with the language. He requested that the City look at other avenues to reduce the proposed assessments because he feels that a reconstruction would not have been necessary if not for sub-standard work that was done on the original project.

Motion by Klein, second by Madden, to close the public hearing.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Klein stated they knew this would be a difficult project and that there would be problems that needed to be addressed. He opined that the recommended assessment cap for the reconstruction area should be adopted.

Mayor Tourville stated that this is one of the largest contributions the City has ever made towards a project. He explained he would be willing to consider a reduction to the assessment for the Wilson property because he believes the property was included in the reconstruction area because of the drainage issues that needed to be addressed.

Councilmember Madden agreed that they should consider a compromise for the Wilson property and asked that they also consider adding some trees or shrubs along the trail for privacy.

Mayor Tourville asked if anything could be done to help Mr. Hoffman with his issue.

Mr. Thureen indicated he would provide the contractor with Mr. Hoffman's release and work with the City Attorney to see if anything else could be done. Mr. Thureen stated the reconstruction was necessary by Mr. Wilson's property.

Councilmember Piekarski Krech questioned if the proposed interest rate could be reduced.

Mr. Kaldunski stated a policy decision could be made by the Council to reduce the interest rate.

Mr. Thureen explained the interest rate could be reduced to 4.8% and still be within policy.

Mr. Kaldunski stated the original plat of the development identifies a wetland on Mr. Wilson's property. He explained when the 1st addition of the development was completed the road was constructed up to the Wilson property. He stated that blue-clay soils were found until the road hit where the construction began for the 2nd addition of the development, where sand-silt soils were found. He noted that the properties did benefit from the emergency overflow that was installed.

Mayor Tourville stated he would be in favor of assessing Mr. Wilson \$3,000, half the amount of the reconstruction.

Councilmember Klein agreed with the Mayor's suggestion.

Mayor Tourville asked Mr. Kaldunski to briefly address the driveway failure concerns.

Mr. Kaldunski explained the engineering department is keeping a list of the driveway issues that have been reported. He stated there is a one year warranty from the contractor that performed the work and the driveways will be inspected in 2011 for structural deficiencies.

Motion by Klein, second by Grannis, to approve Resolution No. 10-141 adopting the Final Assessment Roll with the recommended assessment cap of \$6,000 for street reconstruction, a 4.8% interest rate, and a \$3,000 assessment on the Wilson property for the 2009 Pavement Management Program, City Project No. 2008-09F, Salem Hills Farm Street Reconstruction/Mill and Overlay

Ayes: 5

Nays: 0 Motion carried.

Motion by Piekarski Krech, second by Madden, to receive assessment appeals from Ryan Wilson, William McMenemy, Geoffrey & Pamela Ewald

Ayes: 5

Nays: 0 Motion carried.

The City Council took a five minute break.

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. KAY DICKISON; Consider the following request for the property located at 7521 River Road:

- i) Variance to allow two detached accessory buildings whereas one detached accessory building is allowed in the R-1B zoning district
- ii) Variance from the setback requirements for one of the structures along the river

Mr. Link stated the applicant would like to construct two detached accessory buildings. He explained the lot is one tax parcel divided by railroad right-of-way and River Road. He stated the applicant plans to demolish the existing home and accessory buildings and would like to construct a new home with a detached garage along with a small accessory building on the narrow portion of the property by the river.

Mr. Link explained that lots in the R-1B zoning district are only allowed one accessory building, not to exceed 1,000 square feet in size. He stated the larger detached structure near the house would be 960 square feet in size and the smaller structure, located near the river, would be 160 square feet in size. He explained after a conversation with the DNR it was determined that the more restrictive bluffline setback limitation should be used instead of the shoreland setback. He stated this would require a variance for the smaller structure both from the bluffline setback and a front yard setback from River Road. He noted the applicant shifted the smaller structure further west to reduce the impact to the bluff, and creating the need for a setback from River Road. He stated the smaller structure is proposed at 10 feet from the bluffline whereas 40 feet is required and 20 feet from River Road whereas 30 feet is required.

Mr. Link explained the DNR opposed the setback variance request. He stated based on property elevations available staff did not believe that there was a buildable area on the eastern portion of the property due to the 40 foot setback requirement from the top of the bluff and 30 foot setback from River Road. He noted the applicant could avoid impacting the bluff by moving the structure further south, although that would still require a variance from the front yard setback from the road. He added the variance request would not be needed if the applicant was to construct the smaller structure west of River Road.

Mr. Link stated both Planning staff and the Planning Commission recommended denial of the requests. He explained the applicant is not being denied reasonable use of the property and the property could reasonably function as its intended single-family use if the variances were denied. He stated staff also found that the site fails to demonstrate a hardship and would set a precedent for the number and location of accessory structures on a property. He noted there was recent case law that states cities are now more limited in their ability to grant variances.

Councilmember Klein asked if the hardship could be that the applicant's parcel is split up because of the road and the railroad property.

Mr. Link responded that even though the road bisects the property a variance is not needed in order to build a house and an accessory structure on it. He stated the other alternative would be to build on the west side of the road.

Councilmember Klein questioned if there would be enough room to build without needing a variance.

Kay Dickison, 8200 River Road, stated river property is prime property and pointed out that in this case she is being told that she cannot use the utilize the "river" part of her property. She explained she is asking for a very small structure with an electricity connection and security lights. She opined that the property is very unique and she would like to be able to utilize it and keep it clean and safe. She noted that people routinely use the property as a dump site because they think it is vacant.

Ralph Logensgaard, Architect, opined the hardship is that the road bisects the property. He stated the applicant has proposed no major excavation or change to the drainage and bluff. He reviewed the bluff line and explained they analyzed it and the proposed location is the flattest area. He stated the hardship for the bluffline setback is they want to connect the site.

Ms. Dickison stated the hardship could also be that it was very hard to get concurrence on the bluffline definition. She noted she is asking to have some connectivity to keep her property secure. She said it is not reasonable to only be able to build on the west side of the property.

Councilmember Madden commented that approval of the requests would set a precedent for all of the properties along the river.

Councilmember Piekarski Krech stated the issue is that the property is one parcel. She noted they have not been able to identify a hardship that is unique to the property.

Councilmember Klein stated the property is split by the railroad.

Mr. Kuntz responded that was not a legal hardship. He reviewed the definition of a hardship and stated in order to grant the requests the Council would have to make a finding that the property could not be put to a reasonable use.

Mr. Link stated either definition of the bluffline would require a variance.

Councilmember Piekarski Krech asked if the item could be tabled indefinitely to see if the state legislature makes any changes to cities ability to grant variances. She stated that if changes were made the applicant could bring the request back to the City Council without paying additional fees.

Mr. Kuntz recommended that the item be tabled to a specific date because of the 60-day deadline. He noted that the applicant could then request that the item be tabled indefinitely.

Motion by Piekarski Krech, second by Klein, to table items to November 8, 2010 and to extend the 60-day deadline

Ayes: 5

Nays: 0 Motion carried.

B. IGH INVESTMENTS, LLC (ARGENTA HILLS); Consider the following requests for property located north of Amana Trail and west of South Robert:

- i) Resolution relating to a Preliminary Plat and PUD Amendment for Phase I of Residential Development consisting of 45 Single-Family Lots
- ii) Resolution relating to a Final Plat and Final PUD Plan Approval with Development Contract & related Agreements for Argenta Hills 2nd Addition, consisting of 12 Single-Family Lots and Four Outlots
- iii) Resolution relating to Adjustments to the Letter of Credit and Maintenance Bond relating to Developer Warranties

Mr. Hunting state the applicant is requesting a modification to the approved PUD development plan for the Argenta Hills Development. He explained the original PUD, approved in 2007, was for 154 residential units and 410,000 square feet of commercial development. He stated the applicant proposed a change to the residential portion by modifying the street layout and lot layout for the neighborhood in the far northeast corner of the development. He noted the primary changes would include reducing the number of lots from 60 to 45, changing the street pattern and making minor changes to the trail layout. He explained the lots would be larger than originally planned and the buildings would maintain a minimum ten (10) foot separation as was originally approved. He stated the open space would still be twice as much as what is required. He explained the applicant is willing to pay the northwest area plat and building permit fees for the original number of lots that were approved. He noted payment of fees would be due when 80% of the total residential development is approved, and the remaining balance at that time would pay the current rate of plat and building connection fees.

Mr. Hunting stated the applicant has also requested flexibility in the total amount of tree reforestation required. He explained there is a total of 10,978 caliper inches to be replaced and a significant number of reforestation caliper inches lie in a large number of pine trees that were planted by the previous land owners and are pine or conifer plantations. He stated the applicant is requesting that the amount of trees in the pine plantation be removed from the total replacement, for a total replacement of 2,219 caliper inches for the entire PUD. He noted the applicant proposed that 114 trees be planted in the first phase with the balance spread out in future phases. He explained the Planning Commission recommended that 2,219 caliper inches plus an additional 45 trees be planted in the first phase.

Mr. Hunting explained the third request was related to adjustments to the letter of credit and maintenance bond for developer warranties. He noted this request was primarily handled by the City Attorney's office.

Mr. Hunting explained both Planning staff and the Planning Commission recommended approval of the requests with the conditions listed.

Councilmember Grannis questioned what the change was regarding the time frame for paving of the trail.

Mr. Hunting stated the trail segment would be graded in and covered with wood chips. He explained the trail would be paved at a later date to allow for orientation changes that may need to occur as the trail is connected to future phases of the development. He noted that the wood chip trail would allow new homeowners to know where the trail would be located.

Councilmember Grannis stated he is concerned that people may think that the trail won't be paved with asphalt and may not know that there will be bike traffic going through the neighborhood.

Councilmember Klein clarified that the trail would be advertised to potential home buyers as a paved trail.

Mr. Hunting noted that the developer is required to post signs indicating that the trail will be paved.

Councilmember Grannis asked if the reduction in the number of lots would make it difficult for the City to meet the Metropolitan Council's density requirement.

Mr. Hunting responded that they have to make sure that they are working towards those numbers as the development progresses to make sure that they are not losing site of the overall density.

Mayor Tourville questioned if the developer would now be offering a more expensive product.

Greg Munson, McGough Companies, stated that the development plan changes would allow them to avoid doing extensive excavation work. He explained they have a builder that wants to build now and they want larger lots. He noted that it is time that the development moves forward so the City can begin to recover its investment. He stated they concur with the staff report and agree with all the conditions.

Councilmember Klein applauded the developer for moving forward in a difficult market.

Councilmember Grannis stated he will be voting against this because he feels that the current development plan is the better plan. He explained he does not think the City should reduce the number of lots when they are trying to meet density requirements set forth by the Met Council. He opined that the trail should be paved right away and the tree reforestation requirements should not be reduced.

Motion by Klein, second by Madden, to adopt Resolution No. 10-142 relating to a Preliminary Plat and PUD Amendment for Phase I of Residential Development consisting of 45 Single-Family Lots, Resolution No. 10-143 relating to a Final Plat and Final PUD Plan Approval with Development Contract & related Agreements for Argenta Hills 2nd Addition, consisting of 12 Single-Family Lots and Four Outlots, and Resolution No. 10-144 relating to Adjustments to the Letter of Credit and Maintenance Bond relating to Developer Warranties

Ayes: 4

Nays: 1 (Grannis) Motion carried.

FINANCE:

C. CITY OF INVER GROVE HEIGHTS; Consider Approval of Proposed 2011 Tax Levies & Proposed 2011 Budgets

Ms. Lanoue explained that the City must adopt the proposed 2011 tax levies and proposed budgets on or before September 15th. She stated the tax levies and the date for the regularly scheduled public meeting where the budget will be discussed must be certified to Dakota County by the same date. She proposed that the final budget and tax levy be set, following a public hearing, at the regularly scheduled Council meeting on December 13, 2010 at 7:30 p.m. She explained that the budgets are still proposed and may change prior to final adoption in December. She stated the General Fund Budget as proposed is 0.2% greater than the 2010 amended budget. She explained the proposed city-wide tax levy reflects a 0% increase. She noted tax levies can be reduced but not increased after the proposed levies have been certified.

Councilmember Grannis stated he would be voting against the items because the budgets do not include the restructuring suggestions that were proposed to the Council last year to help reduce costs. He opined that the proposed tax levies and budgets are good, but feels they do not go far enough.

Motion by Piekarski Krech, second by Madden, to approve Resolution No. 10-145 adopting the Proposed Tax Levy for the Year 2011, Resolution No. 10-146 adopting the Proposed Watershed Management Taxing Districts' Tax Levies for the Year 2011, and Resolution No. 10-147 adopting the Proposed 2011 Budgets and to schedule the public hearing to set the final tax levies and budgets for December 13, 2010 at 7:30 p.m.

Ayes: 4

Nays: 1 (Grannis) Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider Resolutions Awarding the Sale of General Obligation Sewer Revenue Bonds, Series 2010A; General Obligation Improvement Bonds, Series 2010B; and General Obligation Refunding Bonds, Series 2010C

Ms. Lanoue stated the City received very good bids for each of three bond issues, as well as an excellent bond rating.

Jessica Cook, Ehlers and Associates, reviewed each bond issue and the interest rates received for each sale. She explained that the City obtained an "AAA" credit enhanced rating primarily because it is not dependent on state aid.

Motion by Klein, second by Madden, to adopt Resolution No. 10-148 Awarding the sale of \$6,865,000 General Obligation Sewer Revenue Bonds, Series 2010A to Baird, Milwaukee, Wisconsin; Resolution No. 10-149 Awarding the Sale of \$4,885,000 General Obligation Improvement Bonds, Series 2010B to Baird, Milwaukee, Wisconsin; and Resolution No. 10-150 Awarding the Sale of \$905,000 General Obligation Refunding Bonds, Series 2010C to Bernardi Securities, Inc, Chicago, Illinois

Ayes: 5

Nays: 0 Motion carried.

PUBLIC WORKS:

E. CITY OF INVER GROVE HEIGHTS; Consider Proposed Assessment Appeal Settlement with Rolling Meadows Cooperative, Inc. for City Project No. 2009-09D

Mr. Kuntz explained as part of City Project No. 2009-09D the city assessed the Rolling Meadows Cooperative and that assessment was subsequently appealed. He stated the proposed settlement reflects a \$52,000 refund to the Rolling Meadows Cooperative because the storm water assessment did not benefit the land north of 78th Street. He noted the rest of the settlement is not being challenged. He stated the proposed settlement also reflects the granting of certain utility and drainage easements provided the City pays any future assessment levied against the Cooperative for a City public improvement project that would connect the JP-1 pond property storm sewer system easterly across ISD 199 property to the existing City storm sewer system within The Oaks third addition plat.

Councilmember Klein questioned if the holding pond would be cleaned up.

Mr. Thureen stated they need to survey all of the ponds to see how much settlement has occurred and then the ponds will be prioritized.

Mayor Tourville stated that pond should be moved to the top of the list.

Motion by Piekarski Krech, second by Madden, to adopt Resolution No. 10-151 approving Assessment Appeal Settlement with Rolling Meadows Cooperative, Inc. for City Project No. 2009-09D

Ayes: 5

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

9. ADJOURN: Motion by Grannis, second by Madden, to adjourn. The meeting was adjourned by a unanimous vote at 10:45 p.m.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: September 27, 2010
 Item Type: Consent
 Contact: Vickie Gray (651)450-2515
 Prepared by: Vickie Gray Accts. Payable Tech
 Reviewed by: N/A

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Approve the attached resolution approving disbursements for the period of September 9, 2010 to September 22, 2010.

SUMMARY

Shown below is a listing of the disbursements for the various funds for the period ending September 22, 2010. The detail of these disbursements is attached to this memo.

General & Special Reveune	\$183,290.51
Debt Service & Capital Projects	1,403,429.92
Enterprise & Internal Service	218,607.48
Escrows	113,623.01
	<hr/>

Grand Total for All Funds	<u><u>\$1,918,950.92</u></u>
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If you have any questions about any of the disbursements on the list, please call Vickie Gray, Accounting Technician at 651-450-2515.

Attached to this summary for your action is a resolution approving the disbursements for the period September 9, 2010 to September 22, 2010 and the listing of disbursements requested for approval.

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING DISBURSEMENTS FOR THE
PERIOD ENDING SEPTEMBER 22, 2010

WHEREAS, a list of disbursements for the period ending September 22, 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 Reveune	\$183,290.51
Debt Service & Capital Projects	1,403,429.92
Enterprise & Internal Service	218,607.48
Escrows	113,623.01
Grand Total for All Funds	<u>\$1,918,950.92</u>

Adopted by the City Council of Inver Grove Heights this 27th day of September, 2010.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Melissa Rheame, Deputy City Clerk

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/13/2010	102311	POTBELLY SANDWICH WORKS	council session	101-1000-413.50-75		9/2010	125.15
						* Total	125.15
09/15/2010	102312	ACE PAINT & HARDWARE	503990	101-6000-451.60-16		9/2010	19.22
						* Total	19.22
09/15/2010	102314	AFSCME COUNCIL 5	8/21 - 9/3	101-0000-203.10-00		9/2010	884.72
						* Total	884.72
09/15/2010	102317	ASPEN MILLS	99490	101-4200-423.60-45		9/2010	128.85
			99491	101-4200-423.60-45		9/2010	128.85
			99492	101-4200-423.60-45		9/2010	128.85
			99493	101-4200-423.60-45		9/2010	128.85
						* Total	515.40
09/15/2010	102319	BLOOMINGTON SECURITY SO	569237	101-6000-451.40-40		9/2010	14.75
						* Total	14.75
09/15/2010	102323	CARDIAC SCIENCE, INC.	1312307	101-4000-421.60-65		9/2010	171.00
						* Total	171.00
09/15/2010	102324	CITY OF WOODBURY	attende; kathy fischer	101-5000-441.50-80		9/2010	37.00
						* Total	37.00
09/15/2010	102325	CITY OF WOODBURY	attende; vickie gray	101-2000-415.50-80		9/2010	37.00
						* Total	37.00
09/15/2010	102330	COPY RIGHT	48362	101-4000-421.50-30		9/2010	306.15
						* Total	306.15
09/15/2010	102336	CULLIGAN	acct 157984591188	101-4200-423.60-65		9/2010	144.66
						* Total	144.66
09/15/2010	102337	CULLIGAN	acct 157984591006	101-4200-423.60-65		9/2010	97.00
						* Total	97.00
09/15/2010	102338	DAKOTA CTY FINANCIAL SV	STS CREW WORK	101-6000-451.70-50		9/2010	10,634.00
						* Total	10,634.00
09/15/2010	102339	DAKOTA CTY TECH COLLEGE	TUITION	101-4000-421.50-80		9/2010	210.00
						* Total	210.00
09/15/2010	102342	DAKOTA CTY TREASURER-AU	JULY	101-4000-421.70-30		9/2010	1,339.50
			JULY	101-4200-423.70-50		9/2010	1,386.50
			JULY	101-5200-443.30-70		9/2010	47.00
						* Total	2,773.00
09/15/2010	102344	DAKOTA ELECTRIC ASSN	acct 4612214	101-5400-445.40-20		9/2010	147.07
						* Total	147.07
09/15/2010	102345	DAKOTA ELECTRIC ASSN	acct 4267134	101-5400-445.40-20		9/2010	36.96
						* Total	36.96

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102346	DAKOTA ELECTRIC ASSN	acct 2468379	101-6000-451.40-20		9/2010 * Total	4,838.27 4,838.27
09/15/2010	102347	DAKOTA ELECTRIC ASSN	acct 4430542	101-6000-451.40-20		9/2010 * Total	11.10 11.10
09/15/2010	102348	DAKOTA ELECTRIC ASSN	acct 2501658	101-6000-451.40-20		9/2010 * Total	629.39 629.39
09/15/2010	102349	DAKOTA ELECTRIC ASSN	acct 3935632	101-6000-451.40-20		9/2010 * Total	227.03 227.03
09/15/2010	102350	DANNER LANDSCAPING	7598 7605	101-6000-451.60-16 101-6000-451.60-16		9/2010 9/2010 * Total	213.75 534.38 748.13
09/15/2010	102351	DANNER LANDSCAPING	7565 7577 7579	101-6000-451.60-16 101-6000-451.60-16 101-6000-451.60-16		9/2010 9/2010 9/2010 * Total	374.06 160.31 47.03 581.40
09/15/2010	102360	FIRST IMPRESSION GROUP,	42259	101-6000-451.50-30		9/2010 * Total	556.37 556.37
09/15/2010	102365	GERTENS	197605 201416 203873 204028 204039 204186 204313	101-4200-423.60-18 101-6000-451.60-16 101-6000-451.60-16 101-6000-451.60-16 101-6000-451.60-16 101-6000-451.60-16 101-6000-451.60-16		9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 * Total	87.39 288.47 272.53 90.84 145.35 635.91 227.11 1,747.60
09/15/2010	102366	GRAINGER	933224949	101-4200-423.60-40		9/2010 * Total	190.70 190.70
09/15/2010	102369	HANCE UTILITY SERVICES	17039	101-6000-451.30-70		9/2010 * Total	152.50 152.50
09/15/2010	102372	HOME DEPOT CREDIT SERVI	acct 6035322502061959	101-6000-451.60-16		9/2010 * Total	186.40 186.40
09/15/2010	102374	IKON OFFICE SOLUTIONS	83075567	101-6000-451.40-65		9/2010 * Total	29.28 29.28
09/15/2010	102378	IUOE	8/21 - 9/3	101-0000-203.10-00		9/2010 * Total	1,447.65 1,447.65
09/15/2010	102383	LELS	8/21 - 9/3	101-0000-203.10-00		9/2010 * Total	1,170.00 1,170.00
09/15/2010	102385	LEVANDER, GILLEN & MILL	client 92000e	101-4000-421.30-41		9/2010 * Total	16,032.36 16,032.36

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102388	LEVANDER, GILLEN & MILL	client 81000e	101-1000-413.30-40		9/2010	360.00
			client 81000e	101-1000-413.30-42		9/2010	5,642.54
			client 81000e	101-3200-419.30-42		9/2010	2,282.30
			client 81000e	101-3300-419.30-42		9/2010	2,385.80
			client 81000e	101-4000-421.30-42		9/2010	90.00
			client 81000e	101-5000-441.30-42		9/2010	3,908.28
			client 81000e	101-5100-442.30-42		9/2010	3,436.83
			client 81000e	101-6000-451.30-42		9/2010	477.87
						* Total	18,583.62
09/15/2010	102389	LEXISNEXIS	1366935	101-4000-421.50-20		9/2010	63.85
						* Total	63.85
09/15/2010	102391	LOCAL GOVERNMENT INFORM	32681	101-4000-421.70-30		9/2010	3,830.00
						* Total	3,830.00
09/15/2010	102393	LOWE'S	acct 82131240199518	101-6000-451.40-47		9/2010	328.92
						* Total	328.92
09/15/2010	102394	LYNCH, JOE	parking - meeting	101-1100-413.50-65		9/2010	9.00
						* Total	9.00
09/15/2010	102395	LYNN & ASSOCIATES	COACHING SRV	101-1100-413.30-50		9/2010	500.00
						* Total	500.00
09/15/2010	102397	MENARDS - WEST ST. PAUL	81542	101-6000-451.40-47		9/2010	30.07
						* Total	30.07
09/15/2010	102399	MINNEAPOLIS OXYGEN CO.	RI08100430	101-4200-423.70-50		9/2010	19.88
			08100431	101-4200-423.70-50		9/2010	13.25
						* Total	33.13
09/15/2010	102401	MN GLOVE & SAFETY, INC.	244004	101-6000-451.60-11		9/2010	125.18
						* Total	125.18
09/15/2010	102402	MOST DEPENDABLE FOUNTAI	19779	101-6000-451.40-40		9/2010	2,710.00
						* Total	2,710.00
09/15/2010	102408	OHLHAUSER, KATIE	lunch -training	101-4000-421.50-75		9/2010	6.95
						* Total	6.95
09/15/2010	102409	PETTY CASH	FALL CLEAN UP	101-0000-101.04-00		9/2010	500.00
						* Total	500.00
09/15/2010	102415	PX PRODUCTS CO	5262	101-6000-451.40-40		9/2010	739.47
						* Total	739.47
09/15/2010	102416	QWEST	acct 6514577674	101-6000-451.50-20		9/2010	41.56
						* Total	41.56
09/15/2010	102417	QWEST	acct 6514577671	101-6000-451.50-20		9/2010	41.56
						* Total	41.56

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102418	RAMY TURF PRODUCTS	OP1850706	101-6000-451.60-16		9/2010	1,661.38
						* Total	1,661.38
09/15/2010	102422	SCHADEGG, JEFFREY	camera	101-4200-423.60-40		9/2010	417.75
						* Total	417.75
09/15/2010	102424	SCHULTZ, MARGIE	lunch -training	101-4000-421.50-75		9/2010	7.92
						* Total	7.92
09/15/2010	102425	SENSIBLE LAND USE COALI	attendee; jenelle teppen	101-1100-413.50-80		9/2010	48.00
						* Total	48.00
09/15/2010	102427	SIGNAL PRO EQUIPMENT	72638	101-6000-451.60-12		9/2010	27.31
			72678	101-6000-451.60-12		9/2010	25.06
			72679	101-6000-451.60-12		9/2010	277.77
						* Total	330.14
09/15/2010	102431	ST. CROIX TREE SERVICE,	60408	101-6000-451.30-70		9/2010	619.48
			60496	101-6000-451.30-70		9/2010	2,105.44
						* Total	2,724.92
09/15/2010	102433	TAB PRODUCTS CO. LLC	1943380	101-4000-421.60-65		9/2010	73.77
						* Total	73.77
09/15/2010	102438	TICHY, PAM	lunch -training	101-4000-421.50-75		9/2010	6.95
						* Total	6.95
09/15/2010	102439	TIMESAVER OFF SITE SECR	AUG	101-1100-413.30-70		9/2010	228.00
						* Total	228.00
09/15/2010	102441	TWIN CITIES OCCUPATIONA	101698684	101-1100-413.30-50		9/2010	25.00
			101700824	101-1100-413.30-50		9/2010	25.00
						* Total	50.00
09/15/2010	102443	TWIN CITY SEED COMPANY	23803	101-6000-451.60-16		9/2010	1,018.52
			23803	101-6000-451.60-30		9/2010	176.34
						* Total	1,194.86
09/15/2010	102444	U OF M - WDCP	attendee; nick hahn	101-5100-442.50-80		9/2010	25.00
						* Total	25.00
09/15/2010	102449	USA MOBILITY WIRELESS I	acct 01317409	101-4000-421.50-20		9/2010	26.58
						* Total	26.58
09/15/2010	102452	VIKING PAINTS, INC.	33986	101-6000-451.60-16		9/2010	569.12
						* Total	569.12
09/15/2010	102454	XCEL ENERGY	acct 5152791130	101-5200-443.40-20		9/2010	1,366.92
			acct 5152791130	101-5400-445.40-20		9/2010	8,671.34
						* Total	10,038.26
09/15/2010	102455	XCEL ENERGY	acct 5188494737	101-5400-445.40-20		9/2010	68.96
						* Total	68.96

City of Inver Grove Heights
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102457	XCEL ENERGY	acct 5164351291	101-5400-445.40-20		9/2010	130.23
						* Total	130.23
09/15/2010	102458	XCEL ENERGY	acct 5164318574	101-4200-423.40-10		9/2010	138.06
			acct 5164318574	101-4200-423.40-20		9/2010	1,570.93
						* Total	1,708.99
09/16/2010	102464	LELS SERGEANTS	8/21 - 9/3	101-0000-203.10-00		9/2010	210.00
						* Total	210.00
09/16/2010	102465	UNITED WAY	8/21 - 9/3	101-0000-203.13-00		9/2010	178.00
						* Total	178.00
09/22/2010	102466	ACE PAINT & HARDWARE	504053	101-5200-443.60-16		9/2010	5.12
						* Total	5.12
09/22/2010	102468	AFSCME COUNCIL 5	9/4 - 9/17	101-0000-203.10-00		9/2010	873.93
						* Total	873.93
09/22/2010	102472	BARNA, GUZY, & STEFFEN	72293	101-1100-413.30-43		9/2010	188.50
						* Total	188.50
09/22/2010	102475	BILLMEYER, JESSICA	original 102220 lost	101-4000-421.50-80		9/2010	79.20
						* Total	79.20
09/22/2010	102476	BITUMINOUS ROADWAYS, IN	17511	101-5200-443.60-16		9/2010	160.96
						* Total	160.96
09/22/2010	102478	BONESTROO, ROSENE, ANDE	180792	101-5200-443.30-70		9/2010	387.00
			181420	101-5200-443.30-70		9/2010	4,256.71
			181421	101-5200-443.30-70		9/2010	260.00
						* Total	4,903.71
09/22/2010	102480	BROCK WHITE CO LLC	12003104	101-5200-443.40-66		9/2010	265.11
						* Total	265.11
09/22/2010	102486	CITY OF BURNSVILLE	20100000026	101-4000-421.50-80		9/2010	65.00
						* Total	65.00
09/22/2010	102487	CITY OF FARMINGTON	4314	101-1100-413.50-70		9/2010	1,446.00
						* Total	1,446.00
09/22/2010	102488	CITY OF SAINT PAUL	115532	101-5200-443.60-16		9/2010	1,639.85
			115574	101-4000-421.40-42		9/2010	309.00
						* Total	1,948.85
09/22/2010	102489	CLAREY'S SAFETY EQUIPME	134901	101-4200-423.60-40		9/2010	600.85
						* Total	600.85
09/22/2010	102494	DAKOTA CTY PROPERTY REC	10617	101-2000-415.30-70		9/2010	16.00
			10617	101-4000-421.30-70		9/2010	8.88
			10617	101-5100-442.30-70		9/2010	60.00
						* Total	84.88

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/22/2010	102505	FOX, KIM	3 ring binders	101-3000-419.50-30		9/2010	26.67
						* Total	26.67
09/22/2010	102506	G & K SERVICES	1182571690	101-5200-443.60-45		9/2010	16.89
			1182571690	101-6000-451.60-45		9/2010	63.39
						* Total	80.28
09/22/2010	102508	GERTEN'S LANDSCAPING	9278	101-5200-443.60-16		9/2010	85.79
						* Total	85.79
09/22/2010	102509	GEXPRO	795171540	101-4200-423.40-40		9/2010	68.41
						* Total	68.41
09/22/2010	102513	GORMAN SURVEYING, INC	7095	101-5200-443.40-46		9/2010	258.50
						* Total	258.50
09/22/2010	102514	GOVERNMENT FINANCE OFFI	annual gaap-ann lanoue	101-2000-415.50-80		9/2010	135.00
						* Total	135.00
09/22/2010	102515	GOVERNMENT FINANCE OFFI	annual gaap-cathy shea	101-2000-415.50-80		9/2010	135.00
						* Total	135.00
09/22/2010	102525	INVERCITY PRINTING INC	105029	101-3300-419.50-30		9/2010	488.94
						* Total	488.94
09/22/2010	102527	KIMBALL MIDWEST	1648156	101-5200-443.60-16		9/2010	116.60
						* Total	116.60
09/22/2010	102529	KLASEN, LOIS	hotel	101-4000-421.50-75		9/2010	74.84
						* Total	74.84
09/22/2010	102530	LANGUAGE LINE SERVICES	2596317	101-4000-421.50-20		9/2010	63.40
						* Total	63.40
09/22/2010	102532	LEICA GEOSYSTEMS INC	92816759	101-5100-442.60-40		9/2010	271.49
			92822949	101-5100-442.60-40		9/2010	112.48
						* Total	383.97
09/22/2010	102534	LEXISNEXIS	136963520100731	101-4000-421.70-30		9/2010	33.85
						* Total	33.85
09/22/2010	102536	LILLIE SUBURBAN NEWSPAP	acct 1363	101-3200-419.50-25		9/2010	35.88
			acct 1363	101-1100-413.50-25		9/2010	13.13
			acct 1363	101-3200-419.50-25		9/2010	21.00
			acct 1363	101-1100-413.50-25		9/2010	26.25
			acct 1363	101-2000-415.50-25		9/2010	504.00
						* Total	600.26
09/22/2010	102539	MENARDS - WEST ST. PAUL	90638	101-5200-443.60-16		9/2010	56.59
						* Total	56.59
09/22/2010	102540	METROPOLITAN COUNCIL EN	AUGUST 2010	101-0000-341.40-00		9/2010	21.00-
						* Total	21.00-

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/22/2010	102542	MN DEPT OF LABOR & INDU	attende; david neameyer	101-3300-419.50-30		9/2010	85.00
						* Total	85.00
09/22/2010	102545	MN GLOVE & SAFETY, INC.	244343	101-5200-443.60-45		9/2010	45.54
						* Total	45.54
09/22/2010	102550	MOORE MEDICAL LLC	81379457	101-4200-423.60-65		9/2010	240.55
						* Total	240.55
09/22/2010	102557	OPTUMHEALTH FINANCIAL S	121391	101-1100-413.30-55		9/2010	13.30
			121391	101-2000-415.30-55		9/2010	28.70
			121391	101-3000-419.30-55		9/2010	8.30
			121391	101-3200-419.30-55		9/2010	4.15
			121391	101-3300-419.30-55		9/2010	16.45
			121391	101-4000-421.30-55		9/2010	57.00
			121391	101-5000-441.30-55		9/2010	5.65
			121391	101-5100-442.30-55		9/2010	24.60
			121391	101-6000-451.30-55		9/2010	5.03
						* Total	163.18
09/22/2010	102579	T MOBILE	acct 494910368	101-5100-442.50-20		9/2010	49.99
						* Total	49.99
09/22/2010	102583	TOTAL REPAIR, INC.	22598	101-5200-443.40-66		9/2010	8,695.50
						* Total	8,695.50
09/22/2010	102584	TRACTOR SUPPLY CREDIT P	acct 6035301200183679	101-3300-419.60-45		9/2010	556.00
			acct 6035301200183679	101-5200-443.60-16		9/2010	218.34
			acct 6035301200183679	101-5200-443.60-16		9/2010	33.42
			acct 6035301200183679	101-6000-451.60-12		9/2010	35.81
						* Total	843.57
09/22/2010	102589	U OF M - CCE REGISTRATI	attende; scott nitti	101-5200-443.50-80		9/2010	70.00
						* Total	70.00
09/22/2010	102590	UNIFORMS UNLIMITED	46241	101-4000-421.60-45		9/2010	99.96
			46270	101-4000-421.60-45		9/2010	89.96
						* Total	189.92
09/22/2010	102592	UNITED WAY	9/4 - 9/17	101-0000-203.13-00		9/2010	178.00
						* Total	178.00
09/22/2010	102594	VERIZON WIRELESS	acct 580565481	101-5100-442.50-20		9/2010	229.84
						* Total	229.84
09/22/2010	102595	VERMILLION STATE BANK	fire prevetion week	101-4200-423.60-06		9/2010	112.00
						* Total	112.00
09/22/2010	102596	VIKING INDUSTRIAL CENTE	255215	101-4200-423.60-40		9/2010	533.12
						* Total	533.12
09/22/2010	102598	WINFIELD SOLUTIONS, LLC	55960244	101-6000-451.60-35		9/2010	2,065.15
						* Total	2,065.15

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/22/2010	102599	WSB & ASSOCIATES, INC.	20	101-5100-442.30-30		9/2010	67.00
			3	101-5100-442.30-30		9/2010	2,500.00
						* Total	2,567.00
				109 Checks	** Fund Total		121,220.97
09/15/2010	102321	BRAUN INTERTEC CORPORAT	323017	402-6000-451.30-70		9/2010	555.90
						* Total	555.90
09/22/2010	102479	BRAUN INTERTEC CORPORAT	324211	402-6000-451.30-70		9/2010	1,148.50
						* Total	1,148.50
				2 Checks	** Fund Total		1,704.40
09/22/2010	102540	METROPOLITAN COUNCIL EN	AUGUST 2010	404-0000-217.00-00		9/2010	2,100.00
						* Total	2,100.00
				1 Checks	** Fund Total		2,100.00
09/15/2010	102388	LEVANDER, GILLEN & MILL	client 81000e	423-5903-723.30-42	0303	9/2010	250.10
						* Total	250.10
				1 Checks	** Fund Total		250.10
09/15/2010	102320	BRAUER & ASSOCIATES LTD	1202825	425-5907-725.30-70	0507	9/2010	6,500.00
						* Total	6,500.00
09/15/2010	102388	LEVANDER, GILLEN & MILL	client 81000e	425-5922-725.30-42	0522	9/2010	730.40
						* Total	730.40
				2 Checks	** Fund Total		7,230.40
09/22/2010	102470	AMERICAN ENGINEERING TE	48678	427-5917-727.30-34	0717	9/2010	4,600.00
						* Total	4,600.00
				1 Checks	** Fund Total		4,600.00
09/15/2010	102352	DASCOM SYSTEMS GROUP LL	JC20089	428-5918-728.80-61	0818	9/2010	4,046.58
						* Total	4,046.58
09/15/2010	102361	FLUID INTERIORS LLC	13338	428-5918-728.80-50	0818	9/2010	214,007.13
			13744	428-5918-728.50-45	0818	9/2010	14,500.00
			13781	428-5918-728.80-50	0818	9/2010	11,412.65
						* Total	239,919.78
09/15/2010	102382	KRECH, O'BRIEN, MUELLER	8153011652	428-5918-728.30-70	0818	9/2010	14,063.50
						* Total	14,063.50
09/15/2010	102388	LEVANDER, GILLEN & MILL	client 81000e	428-5910-728.30-42	0810	9/2010	612.05
						* Total	612.05
09/22/2010	102477	BKV GROUP, INC.	27336	428-5918-728.30-20	0818	9/2010	2,450.00
			27344	428-5918-728.30-20	0818	9/2010	5,464.02

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
						* Total	7,914.02
09/22/2010	102497	DASCOM SYSTEMS GROUP LL	VOUCHER 2	428-5918-728.80-61	0818	9/2010	47,893.82
						* Total	47,893.82
09/22/2010	102498	DASCOM SYSTEMS GROUP LL	VOUCHER 1	428-5918-728.80-61	0818	9/2010	71,255.42
						* Total	71,255.42
09/22/2010	102507	GENERAL OFFICE PRODUCTS	333125	428-5918-728.80-50	0818	9/2010	7,932.18
						* Total	7,932.18
09/22/2010	102538	MCGHIE BETTS, INC	19988	428-5918-728.70-60	0818	9/2010	122.00
						* Total	122.00
09/22/2010	102585	TRICOM COMMUNICATIONS	city hall renovation	428-5918-728.80-62	0818	9/2010	7,184.23
						* Total	7,184.23
				10 Checks	** Fund Total		400,943.58
09/13/2010	102310	LAMETTI & SONS, INC.	rock island swing bridge	429-5924-729.80-30	0924	9/2010	151,246.97
						* Total	151,246.97
09/22/2010	102478	BONESTROO, ROSENE, ANDE	180790	429-5929-729.30-30	0929	9/2010	5,915.23
			180791	429-5929-729.30-30	0929	9/2010	52.00
						* Total	5,967.23
09/22/2010	102575	SHORT ELLIOTT HENDRICKS	234947	429-5924-729.30-70	0924	9/2010	9,387.13
						* Total	9,387.13
				3 Checks	** Fund Total		166,601.33
09/15/2010	102388	LEVANDER, GILLEN & MILL	client 81000e	430-5921-730.30-42	1021	9/2010	34.00
						* Total	34.00
				1 Checks	** Fund Total		34.00
09/15/2010	102388	LEVANDER, GILLEN & MILL	client 81000e	440-5900-740.30-42	1009C	9/2010	4,238.20
						* Total	4,238.20
09/22/2010	102470	AMERICAN ENGINEERING TE	48677	440-5900-740.30-34	1009D	9/2010	6,288.90
						* Total	6,288.90
09/22/2010	102473	BARR ENGINEERING COMPAN	23191020	440-5900-740.30-30	1009D	9/2010	168.00
						* Total	168.00
09/22/2010	102496	DANNER INC	VOUCHER 8/FINAL	440-5900-740.80-30	0809F	9/2010	9,022.50
						* Total	9,022.50
09/22/2010	102512	GORMAN SURVEYING, INC	7099	440-5900-740.30-30	1009D	9/2010	7,045.50
						* Total	7,045.50
09/22/2010	102528	KIMLEY-HORN & ASSOCIATE	4232049	440-5900-740.30-30	0909D	9/2010	1,457.70
			4232050	440-5900-740.30-30	0809F	9/2010	7,748.75

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/22/2010	102528	KIMLEY-HORN & ASSOCIATE	4259536	440-5900-740.30-30	0809F	9/2010	2,276.25
						* Total	11,482.70
09/22/2010	102541	METZEN APPRAISALS	2010-09C	440-5900-740.30-70	1009C	9/2010	3,000.00
						* Total	3,000.00
09/22/2010	102544	MN DEPT OF TRANSPORTATI	PA000191571	440-5900-740.30-70	1009D	9/2010	1,249.28
						* Total	1,249.28
09/22/2010	102568	ROLLING MEADOWS COOPERA	special assessment	440-0000-370.30-00	0909D	9/2010	52,000.00
						* Total	52,000.00
09/22/2010	102569	RYAN CONTRACTING COMPAN	south grove	440-5900-740.80-30	1009D	9/2010	707,284.50
						* Total	707,284.50
09/22/2010	102600	XCEL ENERGY	acct 5197771163	440-5900-740.30-70	1009D	9/2010	11,180.00
						* Total	11,180.00
				11 Checks	** Fund Total		812,959.58
09/15/2010	102431	ST. CROIX TREE SERVICE,	60299	443-5900-743.60-16		9/2010	2,399.34
			60408	443-5900-743.60-16		9/2010	727.15
						* Total	3,126.49
				1 Checks	** Fund Total		3,126.49
09/15/2010	102388	LEVANDER, GILLEN & MILL	client 81000e	446-5915-746.30-42	0315	9/2010	3,880.04
						* Total	3,880.04
				1 Checks	** Fund Total		3,880.04
09/15/2010	102312	ACE PAINT & HARDWARE	503765	501-7100-512.60-16		9/2010	9.61
			503884	501-7100-512.60-16		9/2010	13.86
			503917	501-7100-512.60-16		9/2010	5.26
			504016	501-7100-512.60-16		9/2010	5.33
						* Total	34.06
09/15/2010	102368	GRAYBAR	949482744	501-7100-512.40-40		9/2010	123.08
						* Total	123.08
09/15/2010	102400	MN DEPT OF HEALTH	3RD QTR	501-0000-381.10-00		9/2010	11,664.00
						* Total	11,664.00
09/15/2010	102412	PRAIRIE RESTORATIONS, I	13432	501-7100-512.30-70		9/2010	233.60
						* Total	233.60
09/15/2010	102426	SHERWIN-WILLIAMS	30154	501-7100-512.40-40		9/2010	86.23
						* Total	86.23
09/15/2010	102446	UNITED PARCEL SERVICE	V4650V360	501-7100-512.50-35		9/2010	22.95
						* Total	22.95
09/15/2010	102453	XCEL ENERGY	acct 5160987097	501-7100-512.40-10		9/2010	901.21

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102453	XCEL ENERGY	acct 5160987097	501-7100-512.40-20		9/2010	23,978.73
						* Total	24,879.94
09/22/2010	102506	G & K SERVICES	1182571690	501-7100-512.60-45		9/2010	5.21
						* Total	5.21
09/22/2010	102522	HOME DEPOT CREDIT SERVI	acct 6035322502691268	501-7100-512.40-40		9/2010	264.12
						* Total	264.12
09/22/2010	102523	HSBC BUSINESS SOLUTIONS	acct 7003705700116581	501-7100-512.60-16		9/2010	660.37
						* Total	660.37
09/22/2010	102557	OPTUMHEALTH FINANCIAL S	121391	501-7100-512.30-55		9/2010	23.43
						* Total	23.43
09/22/2010	102576	SPRINT	acct 842483314	501-7100-512.50-20		9/2010	278.28
						* Total	278.28
09/22/2010	102591	UNITED PARCEL SERVICE	shipper v4650v	501-7100-512.50-35		9/2010	62.19
						* Total	62.19
09/22/2010	102597	WATER CONSERVATION SERV	2007	501-7100-512.30-70		9/2010	3,750.00
						* Total	3,750.00
				14 Checks	** Fund Total		42,087.46
09/15/2010	102398	METROPOLITAN COUNCIL	940243	502-7200-514.40-15		9/2010	117,639.26
						* Total	117,639.26
09/15/2010	102453	XCEL ENERGY	acct 5160987097	502-7200-514.40-20		9/2010	378.82
						* Total	378.82
09/22/2010	102495	DAKOTA CTY TREASURER	AUGUST 2010	502-0000-207.01-00		9/2010	80.00
						* Total	80.00
09/22/2010	102506	G & K SERVICES	1182571690	502-7200-514.60-45		9/2010	2.23
						* Total	2.23
09/22/2010	102557	OPTUMHEALTH FINANCIAL S	121391	502-7200-514.30-55		9/2010	15.62
						* Total	15.62
09/22/2010	102584	TRACTOR SUPPLY CREDIT P	acct 6035301200183679	502-7200-514.60-16		9/2010	74.98
						* Total	74.98
				6 Checks	** Fund Total		118,190.91
09/15/2010	102312	ACE PAINT & HARDWARE	504003	503-8500-526.60-65		9/2010	10.68
						* Total	10.68
09/15/2010	102316	ARCTIC GLACIER, INC.	377025101	503-8300-524.60-65		9/2010	30.48
			396025408	503-8300-524.60-65		9/2010	193.96
			438024601	503-8300-524.60-65		9/2010	65.32
						* Total	289.76

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102326	COCA COLA BOTTLING COMP	0138517807 0168545908	503-8300-524.76-10 503-8300-524.76-10		9/2010 9/2010 * Total	490.88 205.89 696.77
09/15/2010	102327	COLLEGE CITY BEVERAGE	CREDIT 715779 715832	503-8300-524.76-15 503-8300-524.76-15 503-8300-524.76-15		9/2010 9/2010 9/2010 * Total	70.00- 317.25 251.00 498.25
09/15/2010	102328	COLLEGE CITY BEVERAGE	715747	503-8300-524.76-15		9/2010 * Total	110.00 110.00
09/15/2010	102331	COVERALL OF THE TWIN CI	7070157653	503-8500-526.40-40		9/2010 * Total	1,122.19 1,122.19
09/15/2010	102343	DAKOTA ELECTRIC ASSN	acct 2013605	503-8600-527.40-20		9/2010 * Total	227.75 227.75
09/15/2010	102354	DRAFT TECHNOLOGIES	809103J 9061083	503-8300-524.40-42 503-8300-524.40-42		9/2010 9/2010 * Total	30.00 30.00 60.00
09/15/2010	102355	EASY PICKER GOLF PRODUC	21492	503-8100-522.40-42		9/2010 * Total	570.63 570.63
09/15/2010	102362	FOOTJOY	3346145	503-8200-523.76-20		9/2010 * Total	143.24 143.24
09/15/2010	102363	G & K SERVICES	acct 0157401 acct 0157401	503-8600-527.60-45 503-8600-527.60-45		9/2010 9/2010 * Total	83.00 88.65 171.65
09/15/2010	102364	GARY'S PEST CONTROL	46611	503-8500-526.40-40		9/2010 * Total	69.47 69.47
09/15/2010	102367	GRANDMA'S BAKERY	63694 63724 63740 64003 64267 64543 64830 65100 65380 65619	503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05 503-8300-524.76-05		9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 * Total	57.96 55.07 55.07 32.75 32.75 56.36 52.18 59.65 52.18 40.62 494.59
09/15/2010	102370	HEGGIES PIZZA	1027619	503-8300-524.76-05		9/2010 * Total	159.80 159.80
09/15/2010	102380	JJ TAYLOR DIST. COMPANY	1424123	503-8300-524.76-15		9/2010 * Total	163.00 163.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102390	LILLIE SUBURBAN NEWSPAP	acct 1466	503-8500-526.50-25		9/2010	1,250.00
						* Total	1,250.00
09/15/2010	102396	M. AMUNDSON LLP	93811	503-8300-524.76-05		9/2010	243.62
						* Total	243.62
09/15/2010	102397	MENARDS - WEST ST. PAUL	86741 88138	503-8400-525.40-41 503-8600-527.40-42		9/2010 9/2010	27.77 87.90
						* Total	115.67
09/15/2010	102403	MTI DISTRIBUTING CO	750449 750462 753051 754575	503-8600-527.40-42 503-8600-527.60-08 503-8600-527.60-50 503-8600-527.40-42		9/2010 9/2010 9/2010 9/2010	652.19 1,355.65 307.80 429.08
						* Total	2,744.72
09/15/2010	102404	NAPA OF INVER GROVE HEI	213492 213899 214078 214110 214575 214642 214956 215328 216016 216898 216984 217146	503-8400-525.40-41 503-8600-527.40-42 503-8600-527.40-42 503-8600-527.40-42 503-8600-527.40-42 503-8600-527.40-42 503-8600-527.40-42 503-8600-527.60-22 503-8600-527.60-40 503-8400-525.40-41 503-8600-527.40-42 503-8600-527.40-42		9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010 9/2010	70.52 97.24 29.38 43.36 38.91 3.60 19.37 44.24 10.46 70.51 62.74 22.14
						* Total	505.27
09/15/2010	102410	PIONEER PRESS	acct 520544	503-8500-526.50-25		9/2010	1,350.00
						* Total	1,350.00
09/15/2010	102411	PLAISTED COMPANIES, INC	35336	503-8600-527.60-20		9/2010	1,578.46
						* Total	1,578.46
09/15/2010	102414	PRESTIGE ELECTRIC, INC.	84945	503-8600-527.40-40		9/2010	144.00
						* Total	144.00
09/15/2010	102429	SOUTH BAY DESIGN	SEPT SITE	503-8500-526.50-25		9/2010	60.00
						* Total	60.00
09/15/2010	102432	SUMMIT FOOD EQUIPMENT S	42095	503-8300-524.40-42		9/2010	153.00
						* Total	153.00
09/15/2010	102434	TEE TIMES PRESS	10735	503-8500-526.50-25		9/2010	562.50
						* Total	562.50
09/15/2010	102440	TITLEIST	1972589	503-8200-523.76-45		9/2010	588.18
						* Total	588.18
09/15/2010	102442	TWIN CITY SAW	17302	503-8600-527.40-42		9/2010	57.50
						* Total	57.50

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102447	US FOODSERVICE	4511106	503-8300-524.60-65		9/2010	189.27
			4511106	503-8300-524.76-05		9/2010	546.92
			4511106	503-8300-524.76-10		9/2010	112.60
						* Total	848.79
09/15/2010	102456	XCEL ENERGY	acct 5157543641	503-8500-526.40-10		9/2010	37.93
			acct 5157543641	503-8500-526.40-20		9/2010	1,515.35
			acct 5157543641	503-8600-527.40-10		9/2010	23.25
						* Total	1,576.53
09/15/2010	102460	YOCUM OIL COMPANY, INC.	996578	503-8400-525.60-21		9/2010	1,297.77
						* Total	1,297.77
09/22/2010	102466	ACE PAINT & HARDWARE	504082	503-8600-527.40-42		9/2010	35.14
			504098	503-8600-527.60-12		9/2010	12.78
			504116	503-8600-527.60-50		9/2010	51.26
						* Total	99.18
09/22/2010	102490	COCA COLA BOTTLING COMP	0138518512	503-8300-524.76-10		9/2010	170.61
						* Total	170.61
09/22/2010	102491	COLLEGE CITY BEVERAGE	715897	503-8300-524.76-15		9/2010	134.40
						* Total	134.40
09/22/2010	102501	DRAFT TECHNOLOGIES	920104	503-8300-524.40-42		9/2010	30.00
						* Total	30.00
09/22/2010	102506	G & K SERVICES	1182582609	503-8600-527.60-45		9/2010	83.00
						* Total	83.00
09/22/2010	102517	GRANDMA'S BAKERY	65882	503-8300-524.76-05		9/2010	40.62
			66167	503-8300-524.76-05		9/2010	43.51
			66460	503-8300-524.76-05		9/2010	37.73
			66763	503-8300-524.76-05		9/2010	37.25
			67041	503-8300-524.76-05		9/2010	42.63
			67307	503-8300-524.76-05		9/2010	45.52
			67560	503-8300-524.76-05		9/2010	23.20
			67843	503-8300-524.76-05		9/2010	23.20
						* Total	293.66
09/22/2010	102533	LENTNER, GLEN	seminar	503-8600-527.50-80		9/2010	60.00
						* Total	60.00
09/22/2010	102537	MARY PETTO	9/26 - 10/25	503-8500-526.50-25		9/2010	750.00
						* Total	750.00
09/22/2010	102546	MN LOCKS	4293	503-8500-526.40-40		9/2010	248.30
						* Total	248.30
09/22/2010	102548	MOBILE RADIO ENGINEERIN	526740	503-8600-527.40-42		9/2010	399.39
						* Total	399.39
09/22/2010	102553	NATURE CALLS, INC.	14761	503-8600-527.40-65		9/2010	101.44

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
						* Total	101.44
09/22/2010	102557	OPTUMHEALTH FINANCIAL S	121391	503-8500-526.30-55		9/2010	4.15
			121391	503-8600-527.30-55		9/2010	15.45
						* Total	19.60
09/22/2010	102559	OTNESS, LEON	trophy	503-8200-523.76-40		9/2010	41.57
						* Total	41.57
09/22/2010	102562	PIRTEK MIDWAY	S1425167	503-8600-527.40-42		9/2010	50.00
						* Total	50.00
09/22/2010	102564	PRECISION TURF & CHEMIC	35473	503-8600-527.60-30		9/2010	1,152.81
			35486	503-8600-527.60-35		9/2010	1,741.91
						* Total	2,894.72
09/22/2010	102580	TAYLOR MADE GOLF COMPAN	CREDIT MEMO	503-8200-523.76-25		9/2010	68.00-
			15021601	503-8200-523.76-25		9/2010	75.28
						* Total	7.28
09/22/2010	102581	TDS METROCOM	acct 6514573667	503-8500-526.50-20		9/2010	253.47
						* Total	253.47
09/22/2010	102593	US FOODSERVICE	4602790	503-8300-524.60-65		9/2010	321.49
			4602790	503-8300-524.76-05		9/2010	229.22
			4602790	503-8300-524.76-10		9/2010	108.01
						* Total	658.72
				49 Checks	** Fund Total		24,159.13
09/15/2010	102333	CROWN TROPHY	12696	504-6100-452.60-09	R50100	9/2010	146.37
						* Total	146.37
09/15/2010	102360	FIRST IMPRESSION GROUP,	42259	504-6100-452.50-30	R90100	9/2010	2,828.19
			42259	504-6100-452.50-35	R90100	9/2010	83.73-
						* Total	2,744.46
09/15/2010	102374	IKON OFFICE SOLUTIONS	83075567	504-6100-452.40-65	R90100	9/2010	263.56
						* Total	263.56
09/15/2010	102375	INARIA INTERNATIONAL IN	38803	504-6100-452.60-45	R40140	9/2010	1,331.06
						* Total	1,331.06
09/15/2010	102376	INDEPENDENT SCHOOL DIST		504-0000-227.10-00		9/2010	2,442.00
						* Total	2,442.00
09/15/2010	102377	INVER GROVE HEIGHTS SEN		504-0000-227.10-00		9/2010	114.00
						* Total	114.00
09/15/2010	102407	OH THOSE GUYS	8190	504-6100-452.60-45	R20680	9/2010	102.60
			8361	504-6100-452.60-45	R40160	9/2010	436.40
						* Total	539.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102421	ROBERT BEALKE INDUSTRIE	igh days	504-6100-452.30-70	R30450	9/2010	300.00
						* Total	300.00
09/15/2010	102428	SKYHAWKS SPORTS ACADEMY	309024331	504-6100-452.30-70	R41050	9/2010	907.80
						* Total	907.80
09/15/2010	102435	THOMAS, DANIEL	101	504-6100-452.30-70	R20920	9/2010	300.00
						* Total	300.00
09/15/2010	102436	THOMPSON, NICK	first aid kits	504-6100-452.60-09	R40140	9/2010	80.50
						* Total	80.50
09/22/2010	102510	GL SPORTS (GLS)	93670352	504-6100-452.60-09	R50320	9/2010	80.00
						* Total	80.00
09/22/2010	102551	MRPA	roundtable	504-6100-452.50-80	R90100	9/2010	10.00
						* Total	10.00
09/22/2010	102555	OFFICEMAX INC	acct 687054	504-6100-452.60-40	R90100	9/2010	127.36
						* Total	127.36
09/22/2010	102557	OPTUMHEALTH FINANCIAL S	121391	504-6100-452.30-55	R90100	9/2010	8.94
						* Total	8.94
09/22/2010	102558	ORIENTAL TRADING COMPAN	63942207001	504-6100-452.60-09	R90100	9/2010	325.72
			63942207002	504-6100-452.60-09	R30720	9/2010	73.46
						* Total	399.18
09/22/2010	102571	S & S WORLDWIDE	6725794	504-6100-452.60-09	R40500	9/2010	36.00
						* Total	36.00
09/22/2010	102574	SEGURA, ROXANA	class canceled	504-0000-347.00-00	R20920	9/2010	59.00
						* Total	59.00
09/22/2010	102582	THOMPSON, NICK	archery targets	504-6100-452.60-09	R20920	9/2010	154.41
						* Total	154.41
				19 Checks	** Fund Total		10,043.64
09/15/2010	102312	ACE PAINT & HARDWARE	503916	505-6200-453.60-16	C25000	9/2010	4.58
						* Total	4.58
09/15/2010	102315	AMERICAN RED CROSS	1100456	505-6200-453.50-70	C51000	9/2010	200.00
						* Total	200.00
09/15/2010	102318	AWADA, HOLLY	wrong rate charged	505-0000-352.35-00	C71000	9/2010	40.00
						* Total	40.00
09/15/2010	102329	COMCAST	acct 8772105910277033	505-6200-453.50-70	C10000	9/2010	74.95
						* Total	74.95
09/15/2010	102357	ELECTRONIC COMMUNICATIO	2847	505-6200-453.40-40	C25000	9/2010	176.00
						* Total	176.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102358	EMMONS & OLIVIER RESOUR	9500266	505-6200-453.30-30	C21000	9/2010	178.50
						* Total	178.50
09/15/2010	102359	FERRELLGAS	acct 7757735	505-6200-453.60-21	C21000	9/2010	217.87
						* Total	217.87
09/15/2010	102360	FIRST IMPRESSION GROUP,	42259	505-6200-453.50-30	C10000	9/2010	4,775.44
			42259	505-6200-453.50-35	C95000	9/2010	83.73-
						* Total	4,691.71
09/15/2010	102366	GRAINGER	9326912491	505-6200-453.60-16	C21000	9/2010	54.40
			9333063254	505-6200-453.60-16	C25000	9/2010	43.39
						* Total	97.79
09/15/2010	102373	HUEBSCH SERVICES	25888426	505-6200-453.40-40	C25000	9/2010	105.57
						* Total	105.57
09/15/2010	102374	IKON OFFICE SOLUTIONS	83075567	505-6200-453.40-65	C10000	9/2010	439.26
						* Total	439.26
09/15/2010	102379	J-C PRESS	100428	505-6200-453.50-30	C10000	9/2010	123.62
						* Total	123.62
09/15/2010	102381	KIMBALL MIDWEST	1634474	505-6200-453.60-16	C25000	9/2010	138.03
						* Total	138.03
09/15/2010	102419	RICE SOUND & SERVICE IN	041924	505-6200-453.40-42	C25000	9/2010	80.00
						* Total	80.00
09/15/2010	102420	RIVER HEIGHTS CHAMBER O	573	505-6200-453.50-70	C91000	9/2010	1,155.00
						* Total	1,155.00
09/15/2010	102423	SCHINDLER ELEVATOR CORP	8102711385	505-6200-453.40-40	C25000	9/2010	235.56
						* Total	235.56
09/15/2010	102430	SPRUNG SERVICES	58958	505-6200-453.40-40	C25000	9/2010	630.50
						* Total	630.50
09/15/2010	102445	UNITED LABORATORIES	22698	505-6200-453.60-11	C25000	9/2010	327.75
						* Total	327.75
09/15/2010	102451	VANCO SERVICES LLC	august 2010	505-6200-453.70-60	C10100	9/2010	54.80
						* Total	54.80
09/15/2010	102459	XCEL ENERGY	acct 5168679487	505-6200-453.40-10	C25000	9/2010	4,627.54
			acct 5168679487	505-6200-453.40-20	C25000	9/2010	28,306.07
						* Total	32,933.61
09/15/2010	102461	ZEE MEDICAL SERVICE	54189209	505-6200-453.60-65	C50000	9/2010	1,075.95
						* Total	1,075.95
09/15/2010	102462	2ND WIND EXERCISE, INC.	21026076	505-6200-453.40-42	C70000	9/2010	123.78
						* Total	123.78

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/22/2010	102510	GL SPORTS (GLS)	93670352	505-6200-453.60-65	C10000	9/2010	234.87
						* Total	234.87
09/22/2010	102516	GRAINGER	9336304440	505-6200-453.60-16	C21000	9/2010	257.72
			9336482154	505-6200-453.60-12	C21000	9/2010	30.82
			9336482154	505-6200-453.60-40	C25000	9/2010	57.71
			9337244983	505-6200-453.60-16	C25000	9/2010	21.98
			9340866566	505-6200-453.60-11	C25000	9/2010	110.94
			9343772035	505-6200-453.60-16	C25000	9/2010	16.03
						* Total	495.20
09/22/2010	102519	HAWKINS, INC.	3154903	505-6200-453.60-15	C25000	9/2010	2,412.57
						* Total	2,412.57
09/22/2010	102521	HOME DEPOT CREDIT SERVI	acct 6035322017128343	505-6200-453.60-16	C21000	9/2010	39.79
						* Total	39.79
09/22/2010	102526	JOHNSON CONTROLS	11503499215	505-6200-453.40-40	C25000	9/2010	2,956.17
						* Total	2,956.17
09/22/2010	102536	LILLIE SUBURBAN NEWSPAP	acct 1363	505-6200-453.50-25	C21000	9/2010	23.63
						* Total	23.63
09/22/2010	102543	MN DEPT OF LABOR & INDU	B42 ABR009795I	505-6200-453.50-70	C25000	9/2010	80.00
						* Total	80.00
09/22/2010	102549	MONEY MAILER OF THE TWI	4697	505-6200-453.50-25	C91000	9/2010	400.00
						* Total	400.00
09/22/2010	102555	OFFICEMAX INC	acct 687054	505-6200-453.60-65	C10000	9/2010	127.36
						* Total	127.36
09/22/2010	102557	OPTUMHEALTH FINANCIAL S	121391	505-6200-453.30-55	C50000	9/2010	42.18
						* Total	42.18
09/22/2010	102565	R & R SPECIALTIES OF WI	45745	505-6200-453.40-42	C21000	9/2010	52.00
						* Total	52.00
09/22/2010	102567	ROACH, RICK	mileage	505-6200-453.50-65	C25000	9/2010	21.75
						* Total	21.75
09/22/2010	102570	RYCO SUPPLY COMPANY	32867	505-6200-453.60-11	C25000	9/2010	121.09
						* Total	121.09
09/22/2010	102571	S & S WORLDWIDE	6725794	505-6200-453.60-65	C10000	9/2010	42.97
						* Total	42.97
09/22/2010	102572	SAFE-WAY BUS COMPANY	4278	505-6200-453.70-61	C65100	9/2010	1,366.69
			4291	505-6200-453.70-61	C65100	9/2010	382.80
						* Total	1,749.49
09/22/2010	102577	SUPERMEDIA LLC	acct39001924527	505-6200-453.50-25	C91000	9/2010	122.00
						* Total	122.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
				38 Checks	** Fund Total		52,025.90
09/22/2010	102557	OPTUMHEALTH FINANCIAL S	121391	602-2100-415.30-55		9/2010	.70
						* Total	.70
				1 Checks	** Fund Total		.70
09/15/2010	102372	HOME DEPOT CREDIT SERVI	acct 6035322502061959	603-5300-444.60-11		9/2010	309.89
			acct 6035322502061959	603-5300-444.60-40		9/2010	85.67
						* Total	395.56
09/15/2010	102454	XCEL ENERGY	acct 5152791130	603-5300-444.40-20		9/2010	1,694.96
			acct 5152791130	603-5300-444.40-10		9/2010	85.63
						* Total	1,780.59
09/15/2010	102461	ZEE MEDICAL SERVICE	54189225	603-5300-444.60-65		9/2010	167.48
						* Total	167.48
09/22/2010	102466	ACE PAINT & HARDWARE	503950	603-5300-444.60-12		9/2010	12.81
						* Total	12.81
09/22/2010	102481	C.J. SPRAY, INC.	561097	603-5300-444.40-41		9/2010	90.84
						* Total	90.84
09/22/2010	102484	CARQUEST OF ROSEMOUNT	1596133457	603-5300-444.40-41		9/2010	4.45
			1596134406	603-5300-444.40-41		9/2010	52.02
			1596134492	603-5300-444.40-41		9/2010	33.84
			1596134524	603-5300-444.40-41		9/2010	9.17
			1596134629	603-5300-444.40-41		9/2010	19.15
			1596134632	603-5300-444.40-41		9/2010	9.45
			1596135059	603-5300-444.40-41		9/2010	20.69
			1596135133	603-0000-145.50-00		9/2010	110.59
			1596135133	603-5300-444.40-41		9/2010	40.60
			1596135146	603-5300-444.40-41		9/2010	185.10
			1596135266	603-0000-145.50-00		9/2010	46.81
			1596135353	603-0000-145.50-00		9/2010	99.52
			1596135359	603-0000-145.50-00		9/2010	17.76
			1596135362	603-0000-145.50-00		9/2010	5.24
			1596135362	603-5300-444.40-41		9/2010	1.58
			1596135463	603-5300-444.60-12		9/2010	22.44
			1596135478	603-0000-145.50-00		9/2010	81.18
			1596135507	603-0000-145.50-00		9/2010	34.37
			1596135515	603-5300-444.60-40		9/2010	119.70
			1596135561	603-0000-145.50-00		9/2010	25.01
			1596135564	603-0000-145.50-00		9/2010	73.04
			1596135578	603-5300-444.40-41		9/2010	102.08
			1596135591	603-5300-444.60-40		9/2010	56.84
			1596135608	603-0000-145.50-00		9/2010	36.98
			1596135667	603-0000-145.50-00		9/2010	103.35
						* Total	1,310.96
09/22/2010	102485	CENTENNIAL GLASS	W0001654	603-5300-444.40-41		9/2010	204.29
						* Total	204.29

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/22/2010	102492	CRAWFORD DOOR SALES COM	126089	603-5300-444.40-40		9/2010	342.50
						* Total	342.50
09/22/2010	102499	DEALER AUTOMOTIVE SERVI	4125273	603-5300-444.40-41		9/2010	10.59
			4125273	603-5300-444.60-12		9/2010	803.92
			4125300	603-5300-444.40-41		9/2010	165.98
			4125416	603-5300-444.40-41		9/2010	5.29
			4125459	603-5300-444.40-41		9/2010	16.03
			92650	603-5300-444.40-41		9/2010	1,350.10
						* Total	2,351.91
09/22/2010	102502	EMERGENCY APPARATUS MAI	51100	603-5300-444.40-41		9/2010	522.41
						* Total	522.41
09/22/2010	102503	FACTORY MOTOR PARTS COM	13416304	603-5300-444.40-41		8/2010	10.50-
			13417524	603-5300-444.40-41		8/2010	10.50-
			13424499	603-5300-444.40-41		9/2010	63.46-
			13440775	603-5300-444.40-41		9/2010	250.39
			13443477	603-5300-444.40-41		9/2010	106.69
			13448943	603-5300-444.40-41		9/2010	75.46
			13450809	603-5300-444.40-41		9/2010	31.50-
						* Total	316.58
09/22/2010	102504	FLAIL-MASTER	106860	603-5300-444.40-41		9/2010	496.85
						* Total	496.85
09/22/2010	102506	G & K SERVICES	1182571690	603-5300-444.40-65		9/2010	83.01
			1182571690	603-5300-444.60-45		9/2010	23.04
						* Total	106.05
09/22/2010	102511	GOODIN COMPANY	02830321	603-5300-444.40-40		9/2010	39.61
						* Total	39.61
09/22/2010	102518	HANCO CORPORATION	535660	603-5300-444.40-41		9/2010	461.93
						* Total	461.93
09/22/2010	102524	INVER GROVE FORD	5045142	603-5300-444.40-41		9/2010	484.39
			5045148	603-5300-444.40-41		9/2010	106.88-
						* Total	377.51
09/22/2010	102527	KIMBALL MIDWEST	1634047	603-5300-444.60-12		9/2010	479.17
						* Total	479.17
09/22/2010	102531	LARSON COMPANIES	F2022100060	603-0000-145.50-00		9/2010	247.67
			F202210060	603-0000-145.50-00		9/2010	247.67
			F2025100120	603-0000-145.50-00		9/2010	297.48
						* Total	792.82
09/22/2010	102545	MN GLOVE & SAFETY, INC.	244343	603-5300-444.40-40		9/2010	90.47
						* Total	90.47
09/22/2010	102547	MN WANNER COMPANY	96238	603-5300-444.40-41		9/2010	210.68
						* Total	210.68

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/22/2010	102552	NAPA OF INVER GROVE HEI	217507 217508	603-5300-444.40-41 603-5300-444.40-41		9/2010 9/2010 * Total	21.06 4.21 25.27
09/22/2010	102554	NIEBUR TRACTOR & EQUIPM	104782	603-5300-444.40-41		9/2010 * Total	187.83 187.83
09/22/2010	102560	OXYGEN SERVICE COMPANY,	07448910	603-5300-444.60-12		9/2010 * Total	192.38 192.38
09/22/2010	102563	POMP'S TIRE SERVICE, IN	755232 810688	603-5300-444.60-14 603-0000-145.50-00		9/2010 9/2010 * Total	508.69 1,598.00 2,106.69
09/22/2010	102566	REED'S SALES & SERVICE	105680	603-5300-444.40-41		9/2010 * Total	63.91 63.91
09/22/2010	102573	SCHARBER & SONS	1056834	603-5300-444.40-41		9/2010 * Total	185.43 185.43
09/22/2010	102584	TRACTOR SUPPLY CREDIT P	acct 6035301200183679 acct 6035301200183679	603-5300-444.40-41 603-5300-444.40-41		9/2010 9/2010 * Total	53.55 29.48 83.03
09/22/2010	102586	TRUCK UTILITIES, INC.	0215475	603-5300-444.40-41		9/2010 * Total	3,902.01 3,902.01
09/22/2010	102587	TURFWERKS	SI24639	603-5300-444.40-41		9/2010 * Total	98.31 98.31
09/22/2010	102601	ZARNOTH BRUSH WORKS	0128910 0130000	603-5300-444.40-41 603-0000-145.50-00		9/2010 9/2010 * Total	20.53 1,827.56 1,807.03
30 Checks					** Fund Total		19,202.91
09/15/2010	102405	OFFICE EQUIPMENT FINANC	158787069 159097526	604-2200-416.40-50 604-2200-416.40-50		9/2010 9/2010 * Total	1,391.06 606.82 1,997.88
09/15/2010	102413	PRECISION DATA SYSTEMS	8327	604-2200-416.60-05		9/2010 * Total	527.86 527.86
2 Checks					** Fund Total		2,525.74
09/15/2010	102335	CULLIGAN	acct 157985030228	605-3100-419.60-11		9/2010 * Total	88.91 88.91
09/15/2010	102356	ELECTRIC FIRE & SECURIT	69618	605-3100-419.40-40		9/2010 * Total	441.93 441.93
09/15/2010	102371	HILLYARD INC	6445929	605-3100-419.60-11		9/2010 * Total	11.62 11.62

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
09/15/2010	102437	THYSSENKRUPP ELEVATOR C	619741	605-3100-419.40-40		9/2010 * Total	303.84 303.84
09/15/2010	102450	USA MOBILITY WIRELESS I	acct 03174935	605-3100-419.40-65		9/2010 * Total	9.85 9.85
09/22/2010	102520	HILLYARD INC	6456101 6460228	605-3100-419.60-11 605-3100-419.60-11		9/2010 9/2010 * Total	185.03 213.43 398.46
09/22/2010	102602	ZAYO ENTERPRISE NETWORK	acct 5456	605-3100-419.50-20		9/2010 * Total	1,002.70 1,002.70
				7 Checks	** Fund Total		2,257.31
09/15/2010	102313	ADVANCED TECHNOLOGY SYS	55987	606-1400-413.60-10		9/2010 * Total	242.54 242.54
09/15/2010	102322	CANON BUSINESS SOLUTION	122057338	606-1400-413.40-49		9/2010 * Total	177.87 177.87
09/15/2010	102332	CREATIVE VISION TECHNOL	109086	606-1400-413.60-65		9/2010 * Total	240.47 240.47
09/15/2010	102340	DAKOTA CTY TECH COLLEGE	advance word 2007	606-1400-413.50-80		9/2010 * Total	1,020.00 1,020.00
09/15/2010	102341	DAKOTA CTY TREASURER	2010IGH	606-1400-413.50-70		9/2010 * Total	1,807.00 1,807.00
09/15/2010	102353	DELL BUSINESS CREDIT	acct 60614004136010	606-1400-413.60-10		9/2010 * Total	427.85 427.85
09/15/2010	102392	LOGISOLVE LLC	36149	606-1400-413.30-70		9/2010 * Total	3,606.25 3,606.25
09/15/2010	102406	OFFICE OF ENTERPRISE TE	AUGUST	606-1400-413.30-75		9/2010 * Total	311.81 311.81
09/15/2010	102448	US INTERNET	902799	606-1400-413.30-70		9/2010 * Total	200.00 200.00
09/22/2010	102467	ADVANCED TECHNOLOGY SYS	56059	606-1400-413.40-44		9/2010 * Total	100.00 100.00
09/22/2010	102493	CREATIVE VISION TECHNOL	109105	606-1400-413.60-10		9/2010 * Total	2,012.88 2,012.88
09/22/2010	102500	DELL BUSINESS CREDIT	acct 687945022800359193	606-1400-413.60-10		9/2010 * Total	30.00 30.00
09/22/2010	102557	OPTUMHEALTH FINANCIAL S	121391	606-1400-413.30-55		9/2010 * Total	6.65 6.65

CHECK DATE	CHECK NUMBER	VENDOR NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
				13 Checks	** Fund Total		10,183.32
09/09/2010	102309	DAKOTA CTY SHERIFF'S DE	emily bonelli	702-0000-229.10-00		9/2010	300.00
						* Total	300.00
09/15/2010	102334	CULLIGAN	acct 157984732428	702-0000-228.63-00		9/2010	52.32
						* Total	52.32
09/15/2010	102388	LEVANDER, GILLEN & MILL	client 81000e	702-0000-228.41-00		9/2010	442.00
						9/2010	189.00
						9/2010	211.00
						9/2010	154.00
						9/2010	1,488.00
						9/2010	247.00
						9/2010	260.00
						9/2010	44.00
						* Total	3,035.00
09/22/2010	102469	AMAZING GRACE LUTHERN C	DEPOSIT	702-0000-229.23-00		9/2010	106,401.38
						* Total	106,401.38
09/22/2010	102471	ARAMARK REFRESHMENT SER	63609	702-0000-228.65-00		9/2010	134.64
						9/2010	74.79
						9/2010	135.44
						* Total	344.87
09/22/2010	102474	BERGERSON-CASWELL INC	hydrant permit 1012	702-0000-229.43-00		9/2010	869.86
						* Total	869.86
09/22/2010	102561	PIONEER ENGINEERING	90537	702-0000-229.65-00		9/2010	835.00
						* Total	835.00
09/22/2010	102578	SUPERSTOP	escrow	702-0000-229.85-00		9/2010	1,202.83
						* Total	1,202.83
				8 Checks	** Fund Total		113,041.26
09/16/2010	102463	TURITTO'S PIZZA	fall clean up day	703-5500-446.60-65		9/2010	350.66
						* Total	350.66
09/22/2010	102535	LIBERTY TIRE SERVICES	35296	703-5500-446.40-25		9/2010	129.80
						* Total	129.80
09/22/2010	102588	TURITTO'S PIZZA	324872	703-5500-446.60-65		9/2010	101.29
						* Total	101.29
				3 Checks	** Fund Total		581.75
				333 Checks	*** Bank Total		1,918,950.92
				333 Checks	*** Grand Total		1,918,950.92

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Pay Voucher No. 1 for City Project No. 2008-18 – Public Safety Addition/City Hall Renovation
Dascom Systems Group LLC

Meeting Date: September 27, 2010
Item Type: Consent
Contact: Jenelle Teppen, Asst City Admin *CS*
Prepared by:
Reviewed by:

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

PURPOSE/ACTION REQUESTED Consider Pay Voucher No. 1 for City Project No. 2008-18 – Public Safety Addition/City Hall Renovation – Dascom Systems Group LLC.

SUMMARY This contract was awarded in an amount of \$158,233 to Dascom Systems Group on January 11, 2010 for the project identified above.

The contractor has completed the work through September 10, 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. 1 in the amount of \$71,255.42 to Dascom Systems Group for work on City Project No. 2008-18 – Public Safety Addition/City Hall Renovation.

Attachment: Pay Voucher No. 1

**CITY OF INVER GROVE HEIGHTS
CONSTRUCTION PAYMENT VOUCHER**

ESTIMATE NO: 1 (one)
 DATE: September 27, 2010
 PERIOD ENDING: September 10, 2010
 CONTRACT: Public Safety Addition City Hall Renovation
 PROJECT NO: 2008-18 – Public Safety Addition/City Hall Renovation

TO: Dascom Systems Group LLC
 2415 Ventura Drive
 Woodbury, MN 55125

Original Contract Amount	\$158,233.00
Total Addition	\$(1,487.97)
Total Deduction	\$0.00
Total Contract Amount	\$156,745.03
Total Value of Work to Date	\$75,005.71
Less Retained (5%)	\$3,750.29
Less Previous Payment	\$0
Total Approved for Payment this Voucher	\$71,255.42
Total Payments including this Voucher	\$71,255.42

Approvals:

Pursuant to field observation, and approval by the Architect and Owner's Representative, I hereby recommend for payment the above stated amount for work performed through September 10, 2010.

Signed by:  September 27, 2010
 Jenelle Teppen, Assistant City Administrator

Signed by: _____ Date _____
 Dascom Systems Group

Signed by: _____ September 27, 2010
 George Tourville, Mayor

AIA Document G702™ – 1992

Application and Certificate for Payment

Revised Pay Application per Greg Metz

TO OWNER: The City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077	PROJECT: Technology Bid Package 27B Public Safety Addition & City Hall Remodel	APPLICATION NO: 1 PERIOD TO: 9/10/2010 CONTRACT FOR: Addition & Remodel CONTRACT DATE: February 2nd, 2010 PROJECT NOS: / /	Distribution to: OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> FIELD <input type="checkbox"/> OTHER <input type="checkbox"/>
FROM CONTRACTOR: Dascom Systems Group, LLC 2415 Ventura Drive Woodbury, MN 55125	VIA ARCHITECT: BKV Group, Inc. 222 North Second Street Minneapolis, MN 55401		

CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM	\$ 158,233.00
2. NET CHANGE BY CHANGE ORDERS	\$ (1,487.97)
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$ 156,745.03
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ 75,005.71
5. RETAINAGE:	
a. <u>5</u> % of Completed Work (Columns D + E on G703)	\$ 3,750.29
b. _____ % of Stored Material (Column F on G703)	\$ 0.00
Total Retainage (Lines 5a + 5b, or Total in Column I of G703)	\$ 3,750.29
6. TOTAL EARNED LESS RETAINAGE	\$ 71,255.42 <i>(Line 4 minus Line 5 Total)</i>
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ 0.00 <i>(Line 6 from prior Certificate)</i>
8. CURRENT PAYMENT DUE	\$ 71,255.42
9. BALANCE TO FINISH, INCLUDING RETAINAGE <i>(Line 3 minus Line 6)</i>	\$ 85,489.61

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ 0.00	\$ (1,487.97)
Total approved this month	\$ 0.00	\$ 0.00
TOTAL	\$ 0.00	\$ (1,487.97)
NET CHANGES by Change Order	\$ (1,487.97)	

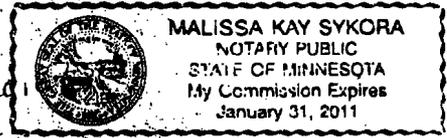
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The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid 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:
By: [Signature] Date: 9/10/10

State of: Minnesota
County of: Washington
Subscribed and sworn to before me this 10th day of September, 2010
Notary Public: [Signature]
My commission expires: 4/31/2011



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this 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 \$ 71,255.42
(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:
By: [Signature] Date: 9/21/10

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.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Pay Voucher No. 2 for City Project No. 2008-18 – Public Safety Addition/City Hall Renovation
Dascom Systems Group LLC

Meeting Date: September 27, 2010
Item Type: Consent
Contact: Jenelle Teppen, Asst City Admin 
Prepared by:
Reviewed by:

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

PURPOSE/ACTION REQUESTED Consider Pay Voucher No. 2 for City Project No. 2008-18 – Public Safety Addition/City Hall Renovation – Dascom Systems Group LLC.

SUMMARY This contract was awarded in an amount of \$158,233 to Dascom Systems Group on January 11, 2010 for the project identified above.

The contractor has completed the work through September 10, 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. 2 in the amount of \$47,893.82 to Dascom Systems Group for work on City Project No. 2008-18 – Public Safety Addition/City Hall Renovation.

Attachment: Pay Voucher No. 2

**CITY OF INVER GROVE HEIGHTS
CONSTRUCTION PAYMENT VOUCHER**

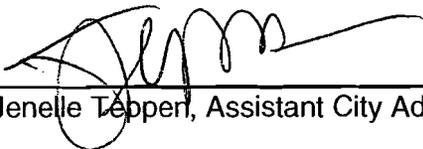
ESTIMATE NO: 2 (two)
 DATE: September 27, 2010
 PERIOD ENDING: September 10, 2010
 CONTRACT: Public Safety Addition City Hall Renovation
 PROJECT NO: 2008-18 – Public Safety Addition/City Hall Renovation

TO: Dascom Systems Group LLC
 2415 Ventura Drive
 Woodbury, MN 55125

Original Contract Amount	\$158,233.00
Total Addition	\$(1,487.97)
Total Deduction	\$0.00
Total Contract Amount	\$156,745.03
Total Value of Work to Date	\$125,420.25
Less Retained (5%)	\$6,271.01
Less Previous Payment	\$71,255.42
Total Approved for Payment this Voucher	\$47,893.82
Total Payments including this Voucher	\$119,149.24

Approvals:

Pursuant to field observation, and approval by the Architect and Owner’s Representative, I hereby recommend for payment the above stated amount for work performed through September 10, 2010.

Signed by: 
Jenelle Tepper, Assistant City Administrator September 27, 2010

Signed by: _____
 Dascom Systems Group _____
 Date

Signed by: _____
 George Tourville, Mayor September 27, 2010

AIA[®] Document G702[™] – 1992

Application and Certificate for Payment

Revised Pay Application per Greg Metz

TO OWNER: The City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077	PROJECT: Technology Bid Package 27B Public Safety Addition & City Hall Remodel	APPLICATION NO: 2 PERIOD TO: 9/10/2010 CONTRACT FOR: Addition & Remodel	Distribution to: OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> FIELD <input type="checkbox"/> OTHER <input type="checkbox"/>
FROM CONTRACTOR: Dascom Systems Group, LLC 2415 Ventura Drive Woodbury, MN 55125	VIA ARCHITECT: BKV Group, Inc. 222 North Second Street Minneapolis, MN 55401	CONTRACT DATE: February 2nd, 2010 PROJECT NOS: / /	

CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM	\$ 158,233.00
2. NET CHANGE BY CHANGE ORDERS	\$ (1,487.97)
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$ 156,745.03
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$ 125,420.25
5. RETAINAGE:	
a. <u>5</u> % of Completed Work (Columns D + E on G703)	\$ 6,271.01
b. _____ % of Stored Material (Column F on G703)	\$ 0.00
Total Retainage (Lines 5a + 5b, or Total in Column I of G703)	\$ 6,271.01
6. TOTAL EARNED LESS RETAINAGE	\$ 119,149.24
(Line 4 minus Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ 71,255.42
(Line 6 from prior Certificate)	
8. CURRENT PAYMENT DUE	\$ 47,893.82
9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$ 37,595.79
(Line 3 minus Line 6)	

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ 0.00	\$ (1,487.97)
Total approved this month	\$ 0.00	\$ 0.00
TOTAL	\$ 0.00	\$ (1,487.97)
NET CHANGES by Change Order	\$ (1,487.97)	

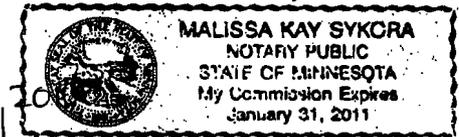
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The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid 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:
By: [Signature] Date: 9/10/10

State of: Minnesota
County of: Washington
Subscribed and sworn to before me this 10th day of September 2010



Notary Public: [Signature]
My commission expires: 1/31/2011

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this 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

\$ 47,893.82

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

ARCHITECT:
By: [Signature] Date: 9/21/10

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.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Pay Voucher No. 5 for City Project No. 2008-18 – Public Safety Addition/City Hall Renovation
TRICOM Communications

Meeting Date: September 27, 2010
Item Type: Consent
Contact: Jenelle Teppen, Asst City Admin
Prepared by: *CS*
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. 5 for City Project No. 2008-18 – Public Safety Addition/City Hall Renovation – TRICOM Communications.

SUMMARY This contract was awarded in an amount of \$113,986.00 to TRICOM Communications on January 11, 2010 for the project identified above.

The contractor has completed the work through September 9, 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. 5 in the amount of \$7,184.23 to TRICOM Communications for work on City Project No. 2008-18 – Public Safety Addition/City Hall Renovation.

Attachment: Pay Voucher No. 5

**CITY OF INVER GROVE HEIGHTS
CONSTRUCTION PAYMENT VOUCHER**

ESTIMATE NO: 5 (five)
DATE: September 27, 2010
PERIOD ENDING: September 9, 2010
CONTRACT: Public Safety Addition City Hall Renovation
PROJECT NO: 2008-18 – Public Safety Addition/City Hall Renovation

TO: TRICOM Communications
1301 Corporate Center Drive Suite 160
Eagan, MN 55121

Original Contract Amount	\$113,986.00
Total Addition	\$26,794.03
Total Deduction	\$0.00
Total Contract Amount	\$140,780.03
Total Value of Work to Date	\$120,123.83
Less Retained (5%)	\$6,006.19
Less Previous Payment	\$106,933.41
Total Approved for Payment this Voucher	\$7,184.23
Total Payments including this Voucher	\$114,117.64

Approvals:

Pursuant to field observation, and approval by the Architect and Owner's Representative, I hereby recommend for payment the above stated amount for work performed through September 9, 2010.

Signed by:  _____
Jenelle Teppen, Assistant City Administrator September 27, 2010

Signed by: _____
TRICOM Communications _____
Date

Signed by: _____
George Tourville, Mayor September 27, 2010

AIA® Document G702/CMa™ – 1992

Application and Certificate for Payment Construction Manager-Adviser Edition

TO OWNER:	PROJECT:	APPLICATION NO:	Distribution to:
BKV Group Inc. 222 N. Second St. Minneapolis, MN 55401	Tech. Bid Pkg 27A Cabling Infrastructure Public Safety/City Hall Remodel	5	OWNER <input type="checkbox"/>
FROM CONTRACTOR:	VIA CONSTRUCTION MANAGER:	PERIOD TO:	CONSTRUCTION MANAGER <input type="checkbox"/>
TRICOM Communications 1301 Corporate Center Dr., Ste. 160 Eagan, MN 55121		9/9/2010	ARCHITECT <input type="checkbox"/>
	VIA ARCHITECT:	CONTRACT DATE:	CONTRACTOR <input type="checkbox"/>
		2/8/2010	FIELD <input type="checkbox"/>
		PROJECT NOS: / 1643.01 /	<input type="checkbox"/>
CONTRACT FOR:			

CONTRACTOR'S APPLICATION FOR PAYMENT

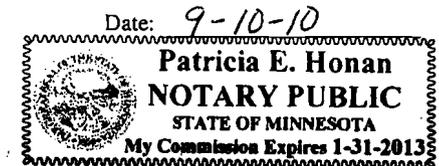
Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$ 13,986.00
2. Net change by Change Orders	26,794.03
3. CONTRACT SUM TO DATE (Line 1 ± 2)	40,780.03
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	120,123.83
5. RETAINAGE:	
a. <u>3</u> % of Completed Work (Column D + E on G703)	\$ 604.22
b. <u>5</u> % of Stored Material (Column F on G703)	4,401.97
Total Retainage (Lines 5a + 5b or Total in Column I of G703) ..	\$ 6,006.19
6. TOTAL EARNED LESS RETAINAGE	\$ 114,117.64
(Line 4 Less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$ 106,933.41
(Line 6 from prior Certificate)	
8. CURRENT PAYMENT DUE	\$ 7,184.23
9. BALANCE TO FINISH, INCLUDING RETAINAGE	
(Line 3 less Line 6)	26,662.39

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ 26,794.03	\$
Total approved this Month	\$	\$
TOTALS	\$ 26,794.03	\$
NET CHANGES by Change Order	\$ 26,794.03	

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:
By: Patricia E. Honan
State of: Minnesota
County of: Dakota
Subscribed and sworn to before me this 10th day of September, 2010
Notary Public: Patricia E. Honan
My Commission expires: 1/31/13



CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Construction Manager and Architect certify to the Owner that to the best of their 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

\$	7,184.23
----	----------

(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.)

CONSTRUCTION MANAGER:
By: _____ Date: _____
ARCHITECT:
By: Gregory Metz Date: 9/21/10

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.

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.

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CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Change Order No. 4 and Pay Voucher No. 4 for City Project No. 2010-09D – South Grove Urban Street Reconstruction – Area 5

Meeting Date: September 27, 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

CS

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, MSA Funds, Water Fund, Sewer Fund

PURPOSE/ACTION REQUESTED

Consider Change Order No. 4 and Pay Voucher No. 4 for City Project No. 2010-09D – South Grove Urban Street Reconstruction – Area 5.

SUMMARY

The improvements were ordered as part of the 2010 Pavement Management Program. The contract was awarded in the amount of \$3,149,199.00 to Ryan Contracting Co. on May 3, 2010 for City Project No. 2010-09D South Grove Urban Street Reconstruction, Area 5.

Change Order No. 4 is for an extension of time for the interim substantial completion date II for Phase 2 to August 23, 2010. The contractor has completed the work through August 31, 2010 in accordance with the contract plans and specifications. A five (5) percent retainage will be maintained until the project is completed.

I recommend approval of Change Order No. 4 for a contract time extension for Phase 2 and approval of Payment Voucher No. 4 in the amount of \$707,284.50 for work on City Project No. 2010-09D – South Grove Urban Street Reconstruction Area 5.

TJK/kf

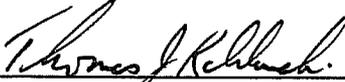
Attachments: Change Order No. 4
 Pay Voucher No. 4

CHANGE ORDER NO. 4

**2010 PAVEMENT MANAGEMENT PROGRAM
CITY PROJECT NO. 2010-09D
URBAN STREET RECONSTRUCTION – SOUTH GROVE AREA 5**

<p>Owner: City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077</p> <p>Contractor: Ryan Contracting Co. 26350 France Avenue P.O. Box 246 Elko, MN 55020</p>	<p>Date of Issuance: September 20, 2010</p> <p>Engineer: City Engineer</p>
<p><u>PURPOSE OF CHANGE ORDER</u></p> <p>See attached.</p>	
CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Contract Price:	Original Contract Time: Interim Completion II – July 31, 2010
Previous Change Orders	Net Change from Previous Change Orders None
Contract Price Prior to this Change Order	Contract Time Prior to this Change Order Interim Completion II – July 31, 2010
Net Increase of this Change Order	Net Increase (Decrease) of Change Order 23 Calendar Day to Interim Completion II
Contract Price with all Approved Change Orders	Contract Time with Approved Change Interim Completion II – August 23, 2010
Recommended By: _____ John Schmeling, Engineering Technician	Approved By: _____ Ryan Contracting Co.

Approved By:



Thomas J. Kaldunski, City Engineer

Approved By:

George Tourville, Mayor

Date of Council Action:

September 27, 2010

ATTACHMENT TO CHANGE ORDER NO. 4

CITY PROJECT NO. 2010-09D – URBAN STREET RECONSTRUCTION SOUTH GROVE AREA 5

Time Extension for Interim Completion II Date for Phase 2

On July 27, 2010 Ryan Contracting requested a time extension for Phase 2. Staff denied the request because it did not provide reasonable explanations and details for why an extension was needed. On August 17, 2010 Ryan Contracting submitted a request for a 73 calendar day extension to the interim completion II date on Phase 2 to October, 2010. The time extension was requested to cover rain days, additional work added, and for private utility conflicts during Phase 2. The original contract date for interim completion II was July 31, 2010.

Staff reviewed the request, determined what was warranted, and agreed to an extension to the **interim completion II date to August 23, 2010**. The following is a breakdown of the reasons for this extension:

1. 3 rain days for the following dates: 6/8/2010, 6/10/2010, and 6/11/2010. This was granted in Phase 1 but affected Phase 2.
2. 3 days for added water main work in the Oaks and the restoration of these areas. This was granted in Phase 1 but affected Phase 2.
3. 3 rain days for the period from June 26 to August 17.
4. 1 drying day for August 13, 2010.
5. 2 days for additional depth of street subcut.
6. 3 days for additional fabric in the road bed.
7. 1 day for added drain tile.

The total number of days warranted for an extension excluding Saturday work or Saturday rain is 16 working days for a total extension of 23 calendar days. This extension is for Interim Completion II only and is not for a final completion deadline extension.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Final Compensating Change Order No. 6, Final Pay Voucher No. 8, Engineer's Report of Final Acceptance, and Resolution Accepting Work for City Project No. 2008-09F – Salem Hills Farm Street Reconstruction/Mill and Overlay

Meeting Date: September 27, 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

SJK JT

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: Pavement Management Fund, Special Assessments, Water Operating Fund, Park Fund

PURPOSE/ACTION REQUESTED

Consider Final Compensating Change Order No. 6, Final Pay Voucher No. 8, Engineer's Report of Final Acceptance, and Resolution Accepting Work for City Project No. 2008-09F – Salem Hills Farm Street Reconstruction/Mill and Overlay.

SUMMARY

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

Final Compensating Change Order No. 6 is the balance of the value of work completed and total payments made to the Contractor.

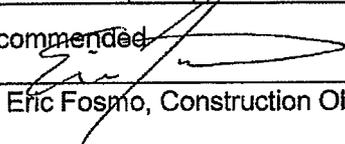
Engineering recommends approval of Final Compensating Change Order No. 6 in the amount of (\$74,170.48), Final Pay Voucher No. 8 in the amount of \$9,022.50 (for a revised contract amount of \$967,134.89), Engineer's Report of Final Acceptance, and Resolution Accepting Work for City Project No. 2008-09F – Salem Hills Farm Street Reconstruction/Mill and Overlay.

TJK/kf

Attachments: Final Compensating Change Order No. 6
 Final Pay Voucher No. 8
 Engineer's Report of Final Acceptance
 Resolution Accepting Work

CHANGE ORDER NO. 6

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

<p>Owner: City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077</p> <p>Contractor: Danner Inc. 843 Hardman Avenue South South Saint Paul, MN 55075</p>	<p>Date of Issuance: September 27, 2010</p> <p>Engineer: City Engineer</p>
<p><u>PURPOSE OF CHANGE ORDER</u></p> <p>See attached.</p>	
<p>CHANGE IN CONTRACT PRICE</p>	<p>CHANGE IN CONTRACT TIME</p>
Original Contract Price: \$ 991,113.11	Original Contract Time:
Previous Change Orders \$ 50,192.26	Net Change from Previous Change Orders
Contract Price Prior to this Change Order \$ 1,041,305.37	Contract Time Prior to this Change Order
Net Increase/Decrease of this Change Order - \$ 74,170.48	Net Increase (Decrease) of Change Order
Contract Price with all Approved Change Orders \$ 967,134.89	Contract Time with Approved Change
Recommended By:  Eric Fosmo, Construction Observer	Approved By: _____ Danner Inc.

Approved By:


Thomas J. Kaldurski, City Engineer

Approved By:

George Tourville, Mayor

Date of Council Action:

September 27, 2010

ATTACHMENT TO CHANGE ORDER NO. 6

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

Description of Changes:

1. **Final Change Order**

Final compensating amount to balance value of work completed and total payments made to Contractor. The final change order accounts for miscellaneous increases and decreases in contract quantities listed in Final Payment Voucher form. The amount is calculated as follows:

Contract cost including previous change orders	\$1,041,305.37
Total value of work completed to date	<u>\$ 967,134.89</u>
Compensating Amount	-\$ 74,170.48

Total of Change Order # 6 **- \$ 74,170.48**

CONSTRUCTION PAY VOUCHER

ESTIMATE NO: 8 (FINAL)
DATE: September 27, 2010
PERIOD ENDING: August 31, 2010
CONTRACT: Salem Hills Farm Street Reconstruction and Mill and Overlay
PROJECT NO: 2008-09F

TO: Danner Inc.
843 Hardman Avenue South
South St. Paul, MN 55075

Original Contract Amount..... \$991,113.11
Additions (Change Order No. 1, 2, 3, 4 & 5)..... \$50,192.26
Deductions (Change Order No. 6) - \$74,170.48
Total Contract Amount \$967,134.89
Total Value of Work to Date \$967,134.89
Less Retained \$0.00
Less Previous Payment \$958,112.39
Total Approved for Payment this Voucher \$9,022.50
Total Payments including this Voucher..... \$967,134.89

Approvals:

Pursuant to our field observation, I hereby recommend for payment the above stated amount for work performed through August 31, 2010.

Signed by:  9-21-10
Thomas J. Kaldunski, City Engineer Date

Signed by: _____
Danner Construction, Inc. Date

Signed by: _____
George Tourville, Mayor Date

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Resolution Accepting Individual Project Order No. 12F to Kimley-Horn & Associates, Inc. for Preparation of Easement Exhibits and Descriptions for the Pavement Management Program, Urban Street Reconstruction – City Project No. 2009-09D (South Grove Area 4)

Meeting Date: September 27, 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

SJT

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: Pavement Management Fund, Special Assessments, MSA Funds, Water Fund, Sewer Fund

PURPOSE/ACTION REQUESTED

Consider Resolution accepting Individual Project Order No. 12F to Kimley-Horn & Associates, Inc. for preparation of easement exhibits and descriptions for the Pavement Management Program, Urban Street Reconstruction – City Project No. 2009-09D (South Grove Area 4).

SUMMARY

On December 8, 2008, the City Council approved IPO No. 12 with Kimley-Horn and Associates, Inc. for preliminary drainage analysis and preparation of a feasibility report of South Grove Areas 4, 5 and 6. IPO 12A for final design services for Area 4 (City Project No. 2009-09D) and Area 5 (City Project No. 2010-09D) was approved on January 26, 2009. The City Council approved IPO No. 12B with Kimley-Horn and Associates, Inc. on June 8, 2009 for design services for Area 4 and Area 5. IPO No. 12C included preparation of preliminary design exhibits and cost estimates for drainage improvements at the Rolling Meadows Development, preparation of an amendment to the Feasibility Study and Report, additional construction plans and easement exhibits and descriptions for Area 5. IPO No. 12F includes preparation of easement exhibits and descriptions for the Rolling Meadows development within South Grove Area 4. These exhibits were prepared to assist the City in resolving the assessment appeal filed by Rolling Meadows. The City has reviewed the easements per the agreement with Rolling Meadows.

I have reviewed the proposal and recommend approval of the resolution which authorizes execution of IPO No. 12F in the amount of \$4,200.

TJK/kf

Attachments: Resolution
 IPO 12F

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY**

RESOLUTION APPROVING INDIVIDUAL PROJECT ORDER NO. 12F WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PREPARATION OF EASEMENT EXHIBITS AND DESCRIPTIONS FOR THE PAVEMENT MANAGEMENT PROGRAM, URBAN STREET RECONSTRUCTION – CITY PROJECT NO. 2009-09D (SOUTH GROVE AREA 4)

RESOLUTION NO. _____

WHEREAS, City Council approved Individual Project Order No. 12A with Kimley-Horn and Associates, Inc. for final design services for City Project No. 2009-09D and 2010-09D on January 26, 2009; and

WHEREAS, City Council approved Individual Project Order No. 12B with Kimley-Horn and Associates, Inc. for final design services and some construction phase services for Areas 4 and 5; and

WHEREAS, City Council approved Individual Project Order No. 12C for the preliminary design exhibits and cost estimates for drainage improvements at the Rolling Meadows Development, as requested by the City of Inver Grove Heights; and

WHEREAS, Kimley-Horn and Associates, Inc. has submitted Individual Project Order No. 12F for preparation of easement exhibits and descriptions for Rolling Meadows Development as requested by the City of Inver Grove Heights for South Grove Area 4 (City Project No. 2009-09D).

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

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

<u>Work Task</u>	<u>Estimated Fee</u>
Area 4 – Easement Exhibits and Descriptions	\$4,000
Reimbursable Expenses	<u>200</u>
TOTAL	\$4,200

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

Adopted by the City Council of Inver Grove Heights, MN this 27th day of September 2010.

AYES:
NAYS

George Tourville, Mayor

ATTEST:

Melissa Rheume, Deputy Clerk

INDIVIDUAL PROJECT ORDER NUMBER 12F

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 2009-09D, 2010-09D

General Category of Services: Easement Exhibits and Descriptions for Area 4

Specific Scope of Basic Services: Preparation of easement exhibits and descriptions for the Rolling Meadows Development within Area 4. 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: Easement Exhibits and Descriptions

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

KIMLEY-HORN AND ASSOCIATES, INC.

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

EXHIBIT A
SCOPE OF SERVICES

INDIVIDUAL PROJECT ORDER (IPO) NO. 12F

SOUTH GROVE URBAN STREET RECONSTRUCTION AREAS 4, 5 & 6

This IPO includes additional final design services for Area 4. These services are detailed below.

1. Area 4

Rolling Meadows Easement Descriptions and Exhibits

As requested by City staff, Kimley-Horn prepared three (3) preliminary easement layouts for the proposed permanent drainage and utility easement agreements between the City and the Rolling Meadows Townhome Association. Kimley-Horn coordinated the preparation of the legal easement descriptions and exhibits based on conversations with City staff. Gorman Surveying prepared the legal easement descriptions and exhibits as a Kimley-Horn sub-consultant.

EXHIBIT B
ESTIMATED COSTS

INDIVIDUAL PROJECT ORDER (IPO) NO. 12F

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>
1 Area 4 – Easement Exhibits and Descriptions	\$ 4,000
<u>Reimbursable Expenses</u>	<u>\$ 200</u>
Total	\$ 4,200

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, \$ 4,200 including all labor and reimbursable expenses.

EXHIBIT C
SCHEDULE

INDIVIDUAL PROJECT ORDER (IPO) NO. 12F

SOUTH GROVE URBAN STREET RECONSTRUCTION AREAS 4, 5 & 6

The following is a schedule for the additional services:

Easement Exhibits and Descriptions to City	September 3, 2010
City Council Executes Easement Agreements with Rolling Meadows Association	September 13, 2010

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Resolution Accepting Bids and Awarding Contract for the 2010 Pavement Management Program, City Project No. 2010-09C – Mill and Overlay

Meeting Date: September 27, 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

SAT

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

PURPOSE/ACTION REQUESTED

Consider resolution accepting bids and awarding contract for the 2010 Pavement Management Program, City Project No. 2010-09C Mill and Overlay Program.

SUMMARY

City Project No. 2010-09C was advertised with bids received and publicly read aloud at 10:00 a.m. on September 21, 2010 (minutes attached). Seven contractors submitted bids

The low bid of \$167,839.05 was submitted by Northwest Asphalt, Inc. which is 18% less than the engineer's estimate. The engineer's estimate including contingency fees was estimated at \$203,990.00.

I recommend that the City Council adopt the resolution accepting the bids and awarding the contract for City Project No. 2010-09C – Mill and Overlay to Northwest Asphalt, Inc. in the amount of \$167,839.05.

TJK/kf

Attachments: Minutes of Bid Opening
Resolution

**CITY OF INVER GROVE HEIGHTS
8150 Barbara Avenue
Inver Grove Heights, MN 55077**

Minutes of Bid Opening on Tuesday, September 21, 2010 at 10:00 a.m.

**CITY PROJECT NO. 2010-09C
MILL AND OVERLAY PROGRAM**

Pursuant to an advertisement for bids for City Project No. 2010-09C – Mill and Overlay Program, an administrative meeting was held on September 21, 2010 for the purpose of bid opening. Bids were opened and read aloud.

Attending the meeting were:

Thomas J. Kaldunski, City Engineer
Peter T. Hindman, Senior Engineering Technician
Kathleen J. Fischer, Public Works Support Specialist

Bids were opened and read aloud as follows:

<u>Bidder</u>	<u>Bid Bond</u>	<u>Base Bid</u>
Northwest Asphalt, Inc.	Yes	\$167,839.05
Bituminous Roadways	Yes	\$174,601.05
Hardrives, Inc.	Yes	\$180,123.55
Midwest Asphalt, Corp.	Yes	\$182,388.70
Ace Blacktop, Inc.	Yes	\$182,872.45
Valley Paving, Inc.	Yes	\$199,560.40
McNamara Contracting	Yes	\$203,023.03

The bids have been tabulated and verified and are accurate as shown above.

Submitted by:


Kathleen J. Fischer, Public Works Support Specialist

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

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT FOR THE 2010 PAVEMENT
MANAGEMENT PROGRAM, CITY PROJECT NO. 2010-09C – MILL AND OVERLAY TO NORTHWEST
ASPHALT, INC. IN THE AMOUNT OF \$167,839.05**

RESOLUTION NO. _____

WHEREAS, pursuant to an advertisement for bids for the 2010 Pavement Management Program, City Project 2010-09C, Mill and Overlay, bids were received, opened, read aloud, and tabulated according to law. The following bids were received complying with the advertisement:

<u>Bidder</u>	<u>Bid Bond</u>	<u>Base Bid</u>
Northwest Asphalt, Inc.	Yes	\$167,839.05
Bituminous Roadways	Yes	\$174,601.05
Hardrives, Inc.	Yes	\$180,123.55
Midwest Asphalt, Corp.	Yes	\$182,388.70
Ace Blacktop, Inc.	Yes	\$182,872.45
Valley Paving, Inc.	Yes	\$199,560.40
McNamara Contracting	Yes	\$203,023.03

WHEREAS, Northwest Asphalt, Inc. is the lowest responsible bidder.

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

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with Northwest Asphalt, Inc., in the name of the City of Inver Grove Heights, for City Project 2010-09C - Mill and Overlay according to plans and specifications therefore approved by the Council and on file at the Office of the City Clerk.
2. The City Clerk is hereby authorized and directed to return, forthwith, to all bidders, the deposits made with their bids except for the deposit of the successful bidder and the next lowest bidder shall be retained until the contract has been signed.
3. Project financing for the base bid shall be provided by Fund 440 Pavement Management Capital Project Fund.

Adopted by the City Council of Inver Grove Heights this 27th day of September 2010.

AYES:
NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Approve Proposal from Braun Intertec to Prepare Response Action Plan Implementation Report for Heritage Village Park

Meeting Date: September 27, 2010
Item Type: Consent Agenda
Contact: Eric Carlson – 651.450.2587
Prepared by: Eric Carlson
Reviewed by: Eric Carlson – Parks & Recreation

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Approve proposal submitted by Braun Intertec to prepare a Response Action Plan Implementation Report for Heritage Village Park. The cost to complete the report is recommended to be funded from the Park Acquisition and Development Fund (Fund 402) and will not exceed \$6,000.

SUMMARY

The Minnesota Pollution Control Agency approved a Response Action Plan and Construction Contingency Plan for the project in 2005 along with two addendums in 2006 and 2008. Braun will review and incorporate the source material information into a RAP implementation report that will be submitted to the MPCA Voluntary Investigation and Cleanup (VIC) program for review and approval.

The report will document the response actions that have taken place at the site in accordance with the approved RAP, including but not limited to the source materials used, volumes, placement, regulatory approvals and final HVP site grades. Our own engineering staff will be putting together the as-built grading plan.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Accept Proposal for Engineering Services for Design, Construction Administration and Testing Services – Repair of Water Intrusion Damage in the Public Works Maintenance Building

Meeting Date: September 27, 2010
Item Type: Consent
Contact: Barry Underdahl, 651.450.2556
Prepared by: Scott D. Thureen, Public Works Director
Reviewed by: *SAT*

Fiscal/FTE Impact:

- None
- Amount included in current budget
- Budget amendment requested
- FTE included in current complement
- New FTE requested – N/A
- Other: City Facilities Fund, Street Maintenance Budget, Water Fund

PURPOSE/ACTION REQUESTED

Accept proposal for engineering services for design, construction administration and testing services – repair of water intrusion damage in the Public Works Maintenance building.

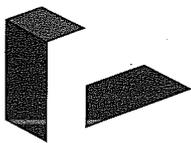
SUMMARY

On May 24, 2010, the City Council approved a contract with INSPEC, Inc. to conduct a forensic investigation of the Public Works Maintenance building to determine the cause of water intrusion that resulted in damage to the windows and walls and the formation of mold in the lunchroom. The attached report details the findings and provides an estimate of the cost to repair the damage and alleviate the problem with water intrusion.

The attached proposal from INSPEC, Inc. presents their cost to prepare construction documents, administer a construction contract and provide necessary testing for the remediation and repair. I recommend that the Council approve the proposal from INSPEC, Inc. in the amount of \$12,800. The proposed funding sources for the work are the City Facilities Fund (\$4,300), the Street Maintenance budget for other professional services (\$4,200) and the Water Utility budget for other professional services (\$4,300).

BU/kf

Attachments: Report
Proposal



INSPEC

Smart engineering of
roofs, walls, pavements
and waterproofing

www.inspec.com

5801 Duluth Street
Minneapolis, MN 55422
Ph. 763-546-3434
Fax 763-546-8669

126 North Jefferson St.
Suite 120
Milwaukee, WI 53202
Ph. 414-744-6962
Fax 414-744-6981

8618 West Catalpa
Suites 1109-1110
Chicago, IL 60656
Ph. 773-444-0206
Fax 773-444-0221

PROJECT: City of Inver Grove Heights
Public Works Maintenance Facility

DATE: June 21, 2010
FILE NO.: 211587

REPORTED TO:

City of Inver Grove Heights
Public Works Maintenance Facility
8168 Barbara Avenue
Inver Grove Heights, MN 55077-3412

Attn: Mr. Barry Underdahl, Streets Superintendent
bunderdahl@ci.inver-grove-heights.mn.us

INVESTIGATION OF WATER ENTRY

GENERAL

On June 3, 7 and 10, 2010, we visited the above project site for the purpose of investigating the causes of the water entry in the lunchroom area of the Public Works Maintenance Facility. Water testing was conducted on June 3 and 7, 2010. A destructive inspection opening was made during the June 10, 2010, visit, along with the interior destructive inspection openings and sampling related to the environmental study. The destructive inspection opening in the masonry was made and repaired by American Masonry.

Observations were documented with field notes and photographs. Some of the photographs and a plan sketch are attached for reference purposes.

BACKGROUND

The building was constructed in 1985. Leakage has been occurring at the second story windows of the lunchroom almost since the time the building was constructed. It was reported that the original windowsill warped and was replaced with the current ceramic tile. Leakage appears to increase with a wind-driven rain from the south. Past attempts to seal the windows have had limited success.

The windows are factory-painted aluminum with one-inch insulating glass. There are operable and fixed units. There was originally vinyl wallpaper adhered to the interior gypsum wallboard. This has been removed on the exterior walls of the lunchroom.

ENVIRONMENTAL EVALUATION

Indigo Environmental conducted an environmental evaluation of the lunchroom. Their report is attached.

OBSERVATIONS

The building is a two-story structure clad in brick masonry and metal wall panels (Photo 1). There are aluminum-framed fixed and operable windows in the lunchroom and office areas. Glass block windows are present in the maintenance shop area. Immediately above the windows is a metal flashing that extends to the bottom of the steel lintel, which supports the brick above.

The roof system includes a ballasted singly-ply EPDM roof membrane over loose-laid tapered insulation. The roof structure consists of a 1-1/2" steel deck over steel joists. These joists bear on a concrete block bond beam, which bears on a steel I-beam that spans the entire window section on the south elevation. The roof slopes to internal roof drains. There are a number of penetrations through the roof system, including vent stacks, power ventilators and a roof hatch (Photos 2 and 3).

Water Testing

Water testing began by spraying the window head of the second-story windows centered at the fourth fixed sash from the west end of the windows (Photo 4). Within ten minutes, water was present on the interior of the window frame. The water was coming between the glass and the aluminum frame (Photo 5). The water entered along this joint fairly consistently along the sill of the window frame in the area being water tested. The spray bar was raised gradually to the top of the masonry without any further leakage.

The spray bar was then relocated to the west end of the windows to test the brick above the windows. The windows in this area were sealed off with polyethylene sheeting before the spray test was conducted (Photo 6). The water testing in this area resulted in no leakage.

The spray bar was then relocated to the east elevation. The spray bar was centered on the wall and was directed at the upper portion of the masonry, just below the roof edge cap flashing (Photo 7). After about an hour of spraying, water was observed at the sill of the aluminum frame, similar to that observed on the south elevation. In addition, water was dripping from the soffit adjacent to the head of the window frame (Photo 8). The gypsum soffit was saturated with water in a 10 square inch area.

The roof above the lunchroom was flooded with water to about one-inch deep (Photo 9). Flooding of the roof did not result in any water entry.

Roof Survey

Visual observations of the roof were made during a walkover of the entire roof area. In general, the roof appears to be in good condition for its age. There are a couple of areas that show evidence of the membrane shrinking, including a 10' long section along the south roof edge about 100' east of the west edge where the membrane is bridging (Photo 10).

There is some wind scour of the ballast at a couple of the re-entrant corners (Photo 11). The sealant within the pourable sealer pocket where there are a number of conduit and pipes penetrating is in poor condition (Photo 12).

The flashing for a vent stack in the southeast area of the roof has delaminated, as evidenced by water running out of the edge of the flashing (Photo 13). There is an antenna lying loose on the roof on the east end of the building (Photo 14).

Windows

The windows are in poor condition. In addition to the leakage, the sealant has flowed at the window head and jambs (Photos 15 and 16).

None of the operable sashes are functioning properly. The cranks are difficult to operate and the windows do not close properly. The second window from the east has a broken hinge at the bottom.

Masonry Walls

A destructive inspection opening was made on the east elevation at a location above two butt joints in the steel lintel (Photo 17). Removal of three courses of brick above the steel lintel revealed the presence of a 20-mil PVC through-wall flashing (Photo 18). This flashing ran over the lintel and turned vertically up the backup wall over 2" thick extruded polystyrene insulation. The PVC flashing then turned into the mortar joint of the concrete block backup wall.

The outside edge of the PVC flashing was found to be about a 1/4" short of the face of the steel lintel (Photo 19). The PVC material itself was found to be quite brittle, particularly the horizontal leg, which would make it prone to fracturing, though no fractures were found within the inspection opening area.

Removal of the PVC flashing revealed extensive rusting of the steel lintel (Photo 20). There was moisture present between the PVC flashing and the steel, presumably from the water testing that had been conducted three days earlier. The butt joints of the steel lintel were not sealed. Any water getting between the PVC membrane and the steel could flow into the open joint (Photo 21).

There is a color-coated sheet metal flashing beneath the steel lintel that was fabricated in approximately 3' long sections with simple overlaps. These overlaps are sealed with an elastomeric sealant, as is the upper edge of the metal where it butts to the bottom side of the steel lintel. The sealant joints are in poor condition (Photo 22).

The brick masonry is generally in good condition. However, the sealant at the expansion joint is very deteriorated (Photo 23).

At the west end of the window section, there is a cracked mortar joint and a spalled brick where there should probably be a soft joint installed to accommodate the differential movement between the steel and the masonry (Photo 24).

CONCLUSIONS AND RECOMMENDATIONS

The windows are in poor condition and should be replaced. A ballpark cost for the window replacement would be \$22,000 for a window similar to the existing.

The PVC through-wall flashing is in poor condition and should also be replaced. PVC flashing has a history of becoming brittle, fracturing and resulting in leakage. The installation of this flashing should have extended at least a 1/4" out of the wall to prevent water from migrating under the flashing and over the steel. The steel should be cleaned of rust and a rust-inhibitive paint should be applied before the installation of a new through-wall flashing. It is likely that this condition exists to varying degrees around the entire perimeter of the building. A ballpark cost to replace the through-wall flashing and repair the steel lintel in just the lunchroom area, along with miscellaneous masonry repairs in this area, would be \$30,000.

The roof is in good condition and should only require some maintenance work at the present time. Some flashings should be repaired and the pourable sealer pocket should have the pourable sealer replaced. The loose antenna should be removed and ballast should be redistributed where it has been wind scoured. These maintenance-type repairs would be less than \$1,000.

The microbial abatement work will require the removal of significant areas of wallboard, insulation, and the tile sill. We would recommend all of the wallboard and insulation be replaced on the exterior walls. A new vapor retarder should be installed. An opinion of the construction cost for this work would be \$8,000.

We would recommend adding 25% to these opinions of construction cost to cover professional services for design and construction observation as well as contingencies for unforeseen conditions. The total opinion of construction cost for all the above would be \$75,000.

REMARKS

This report is a summary of our investigation into the cause of the leakage occurring in the lunchroom area of the Public Works Maintenance Facility. This investigation did not include a structural evaluation.

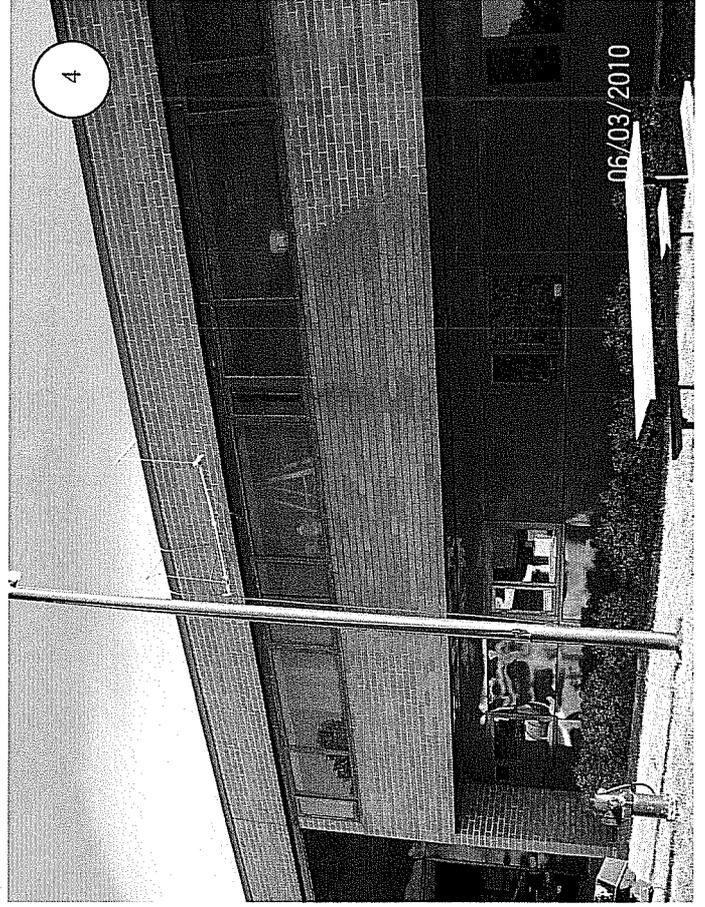
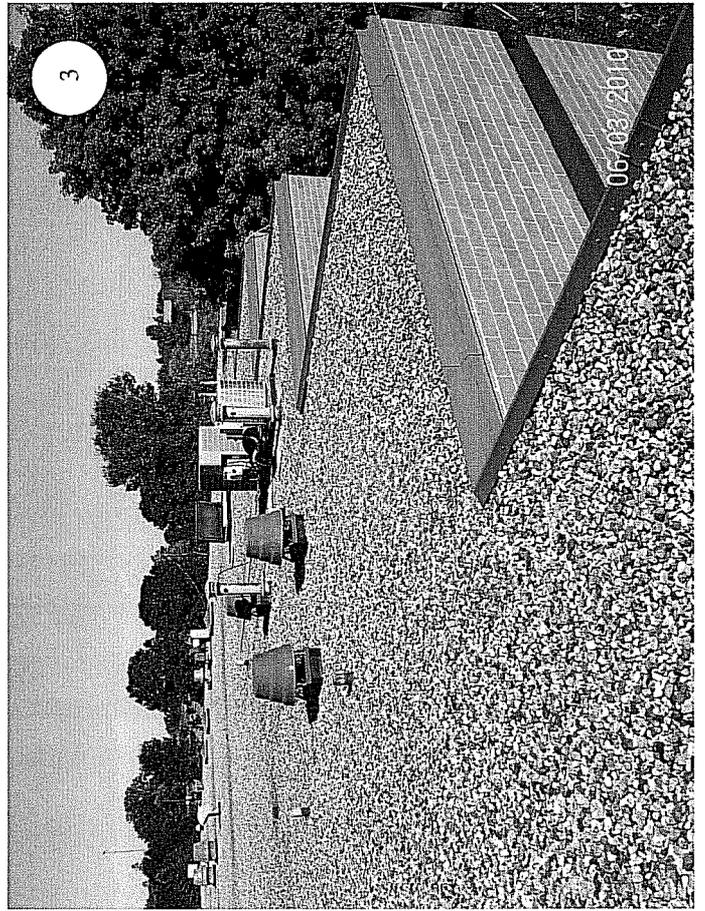
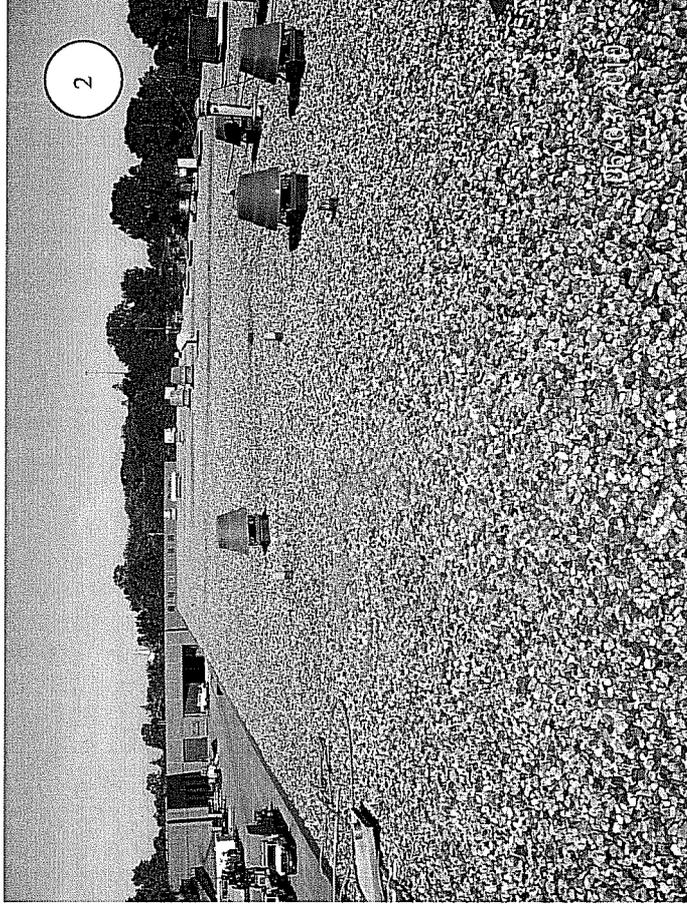
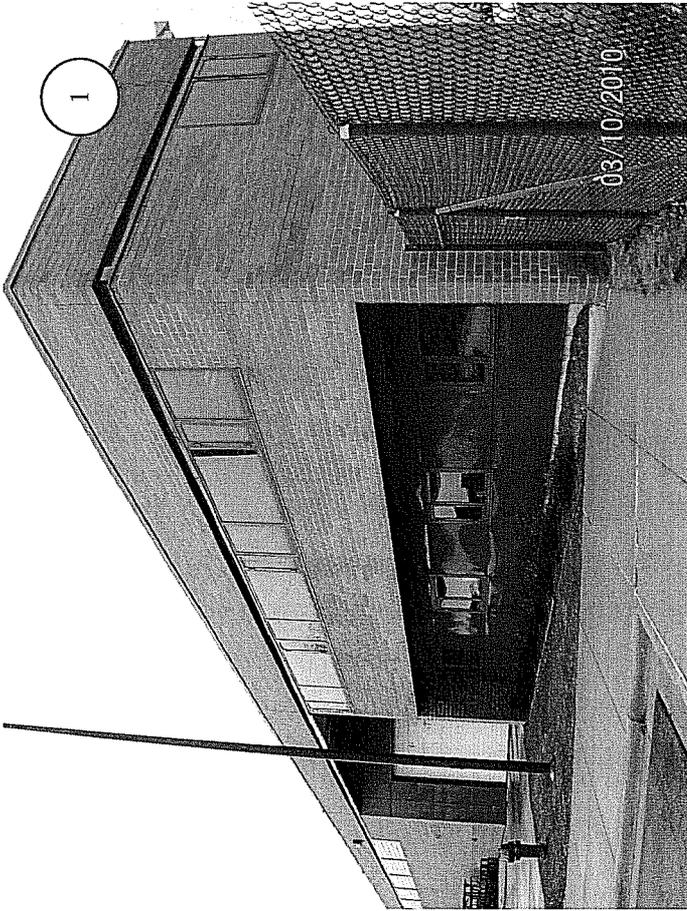
INSPEC

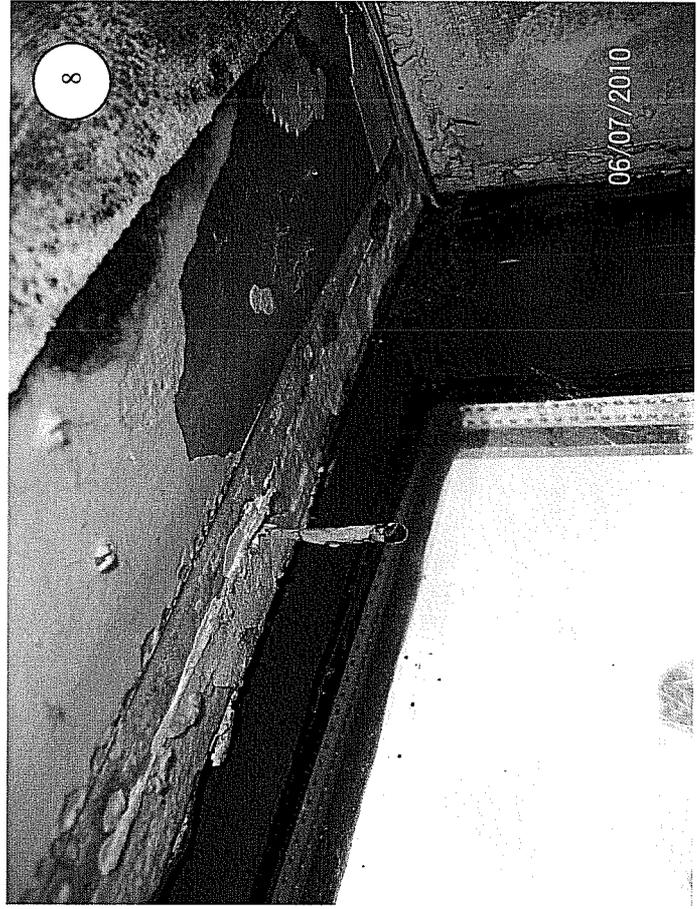
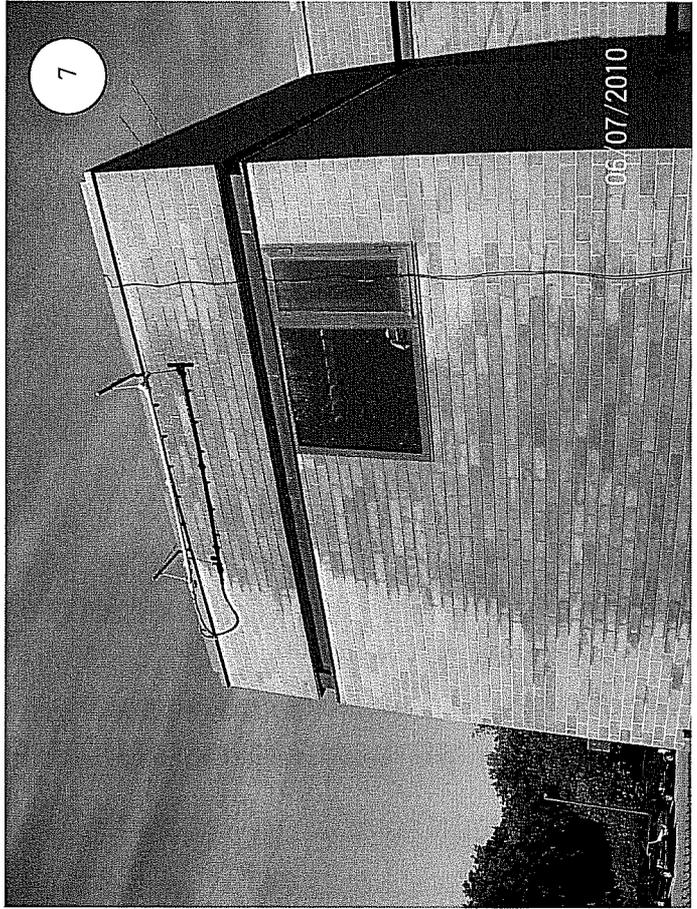
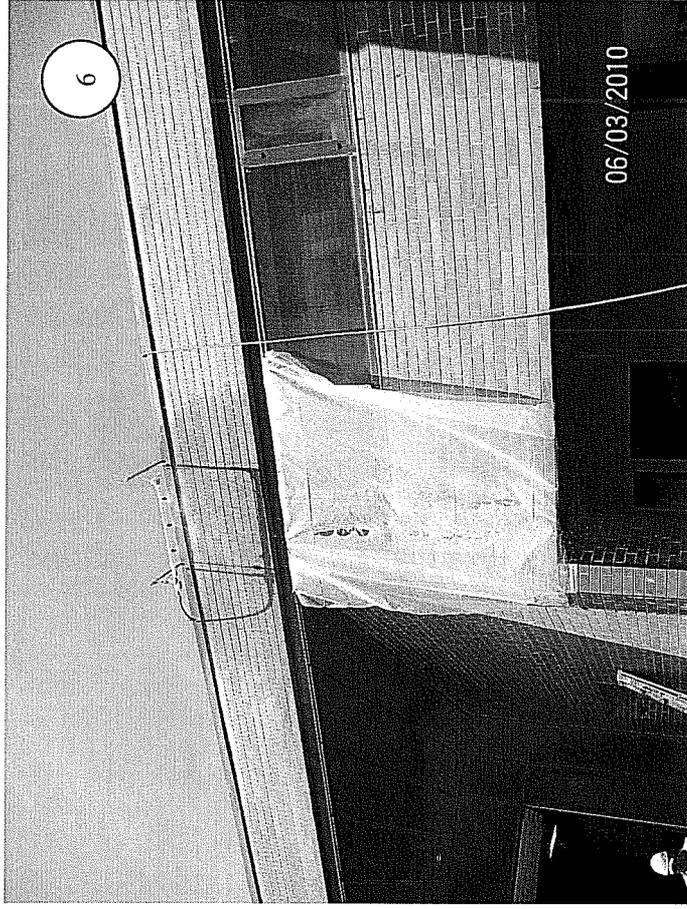
By: Dwight D. Benoy
Dwight D. Benoy, P.E.

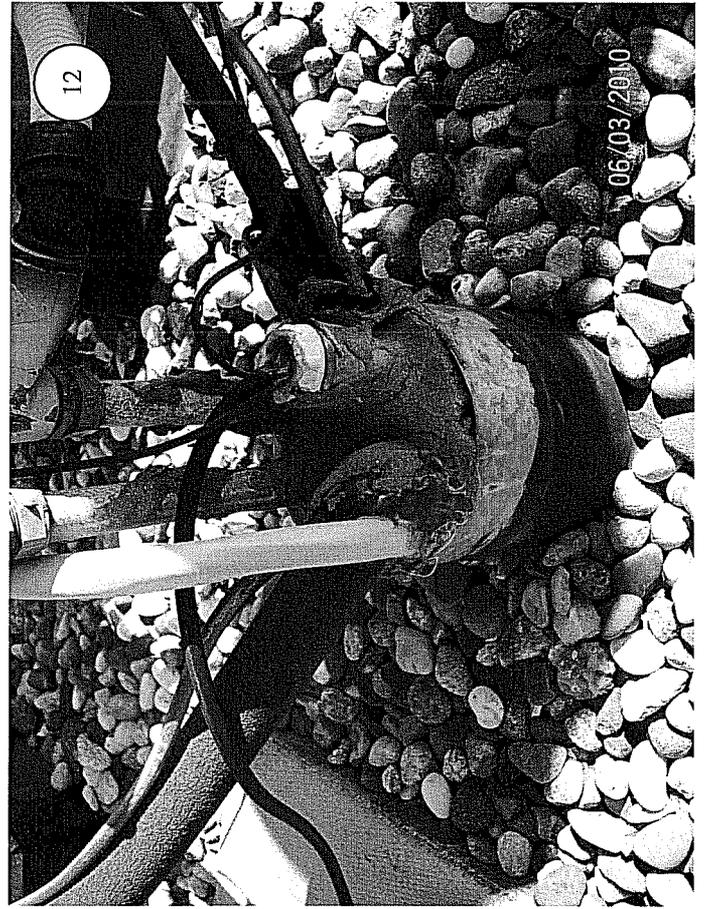
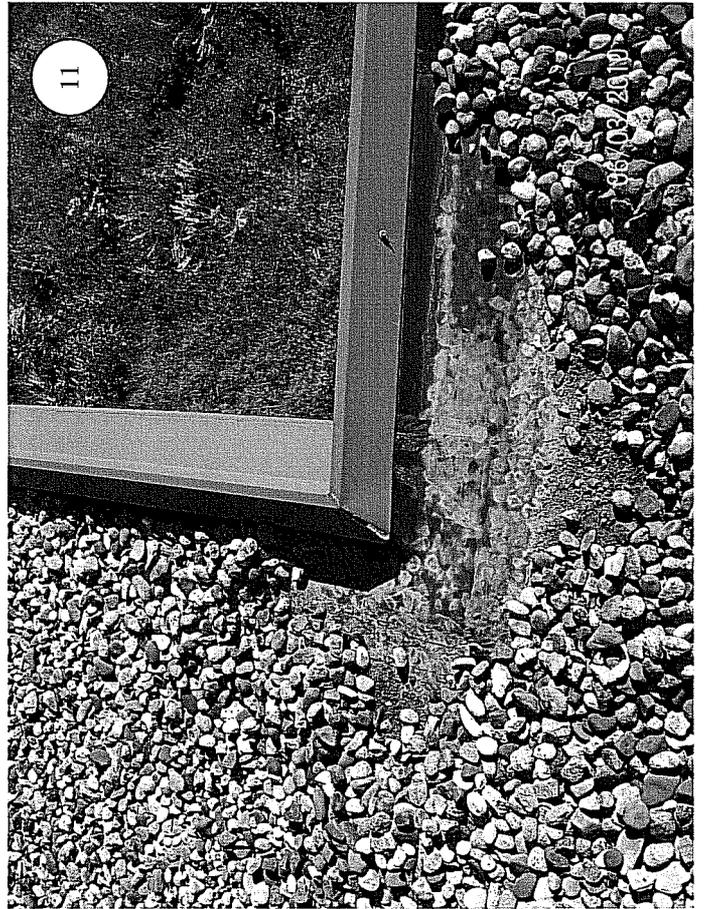
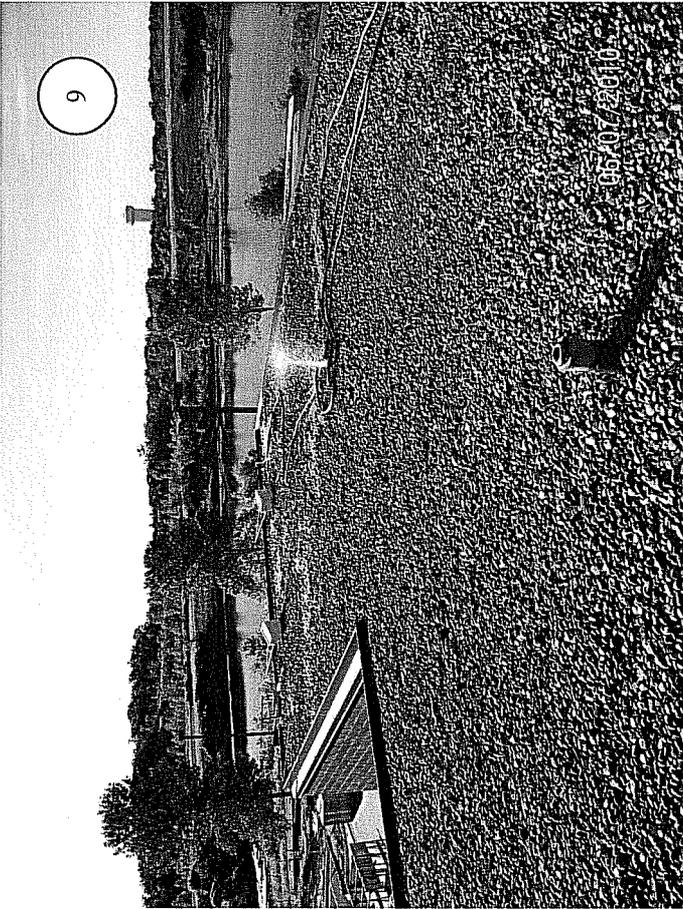
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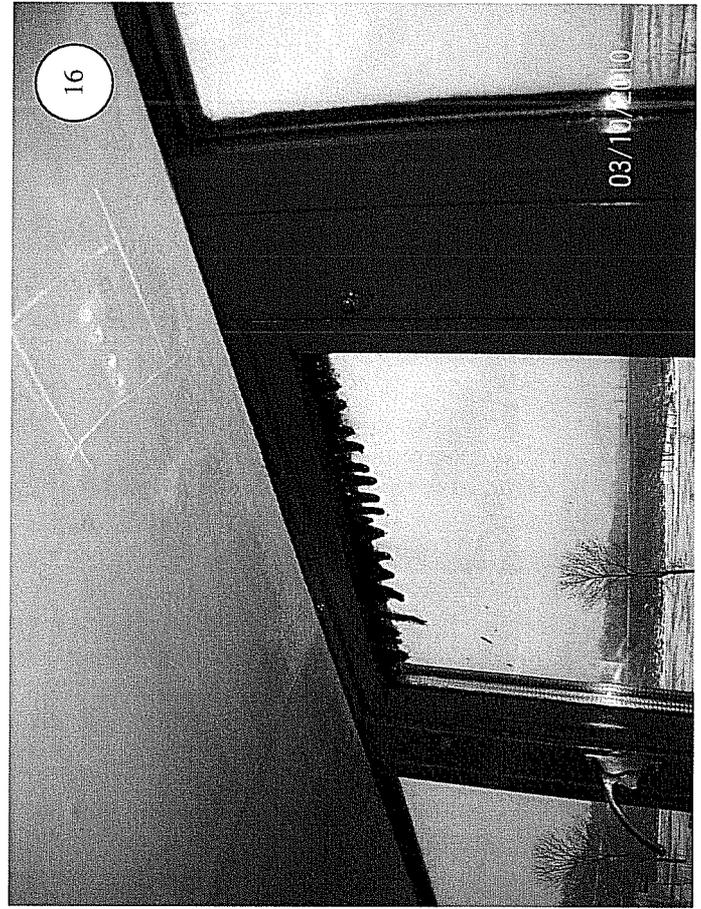
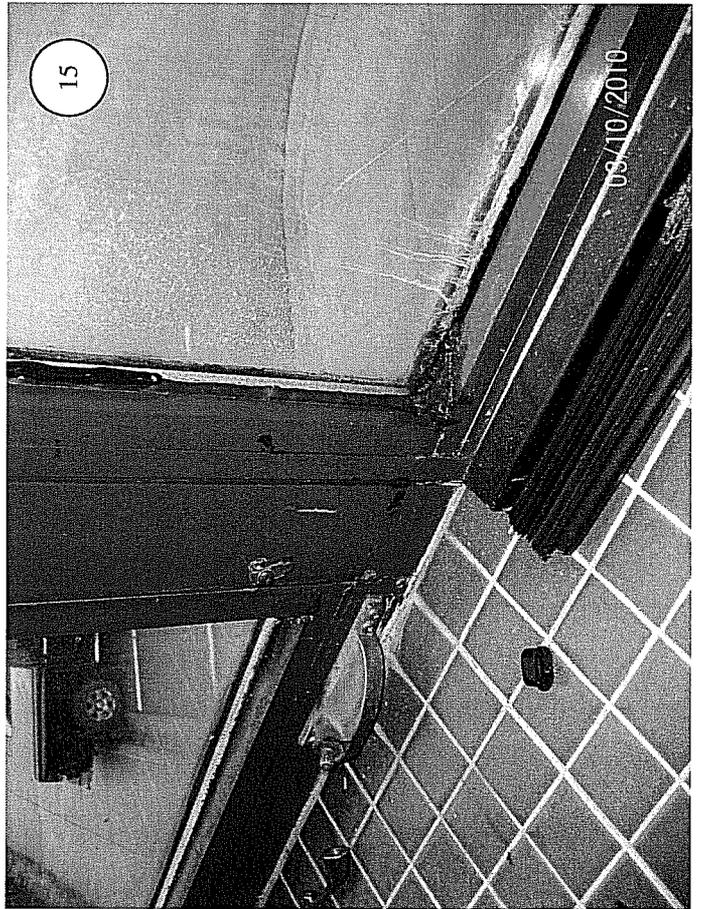
Attachments: Indigo Environmental Report
Photos
Sketch

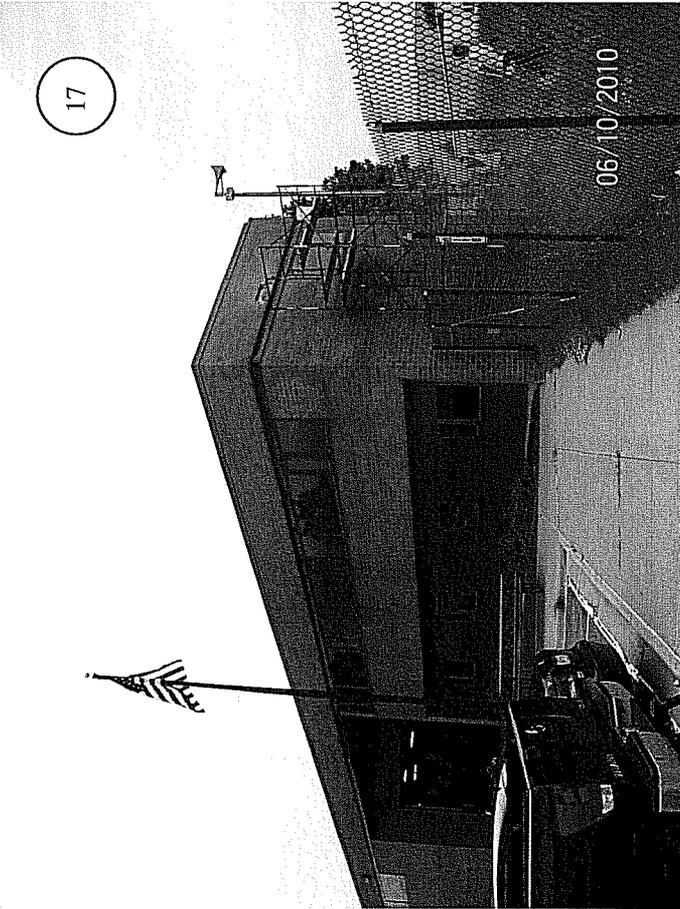






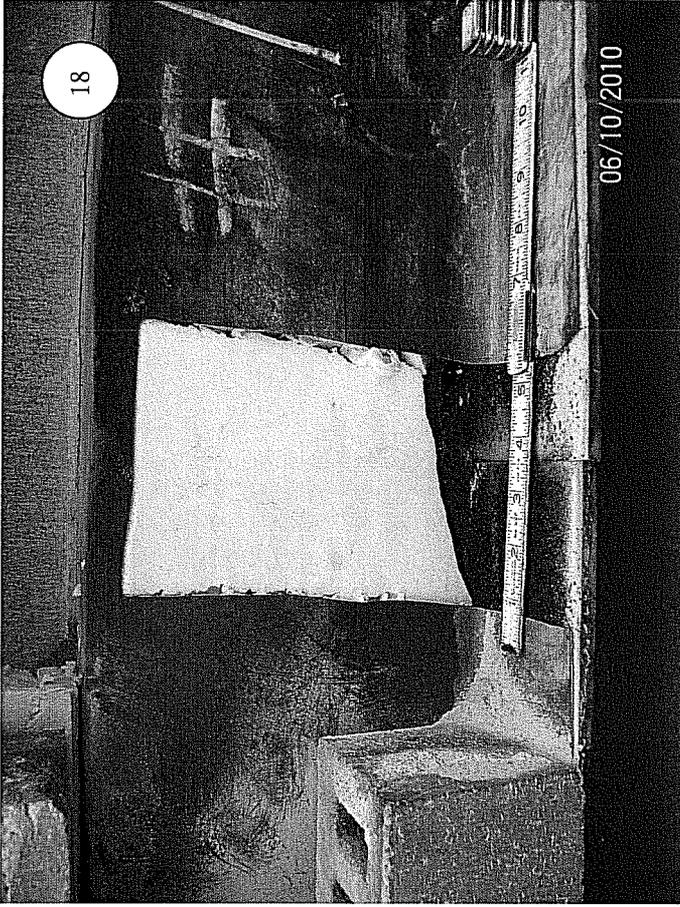






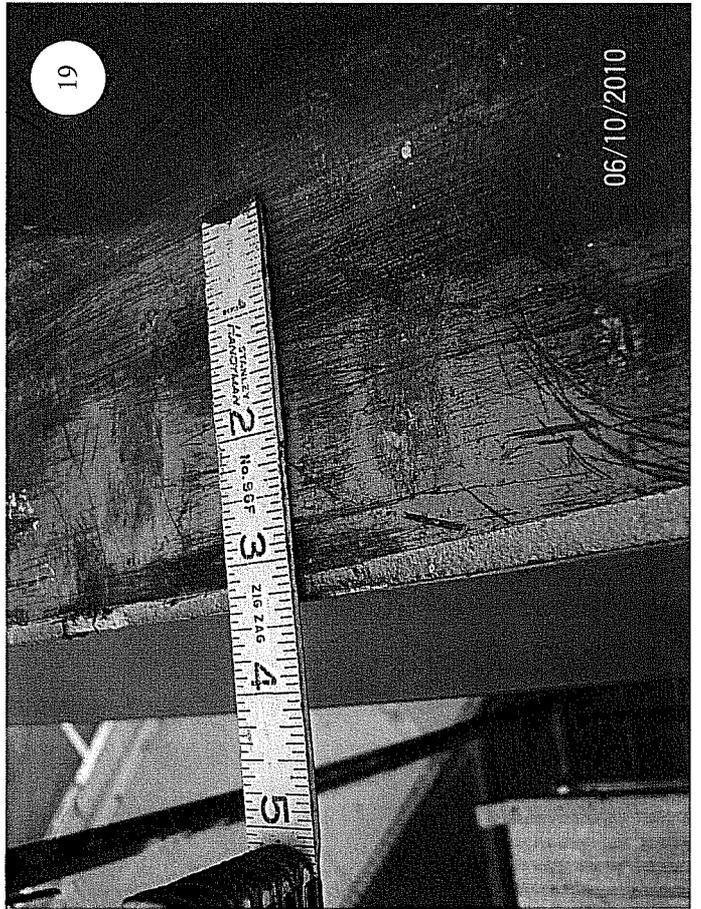
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06/10/2010



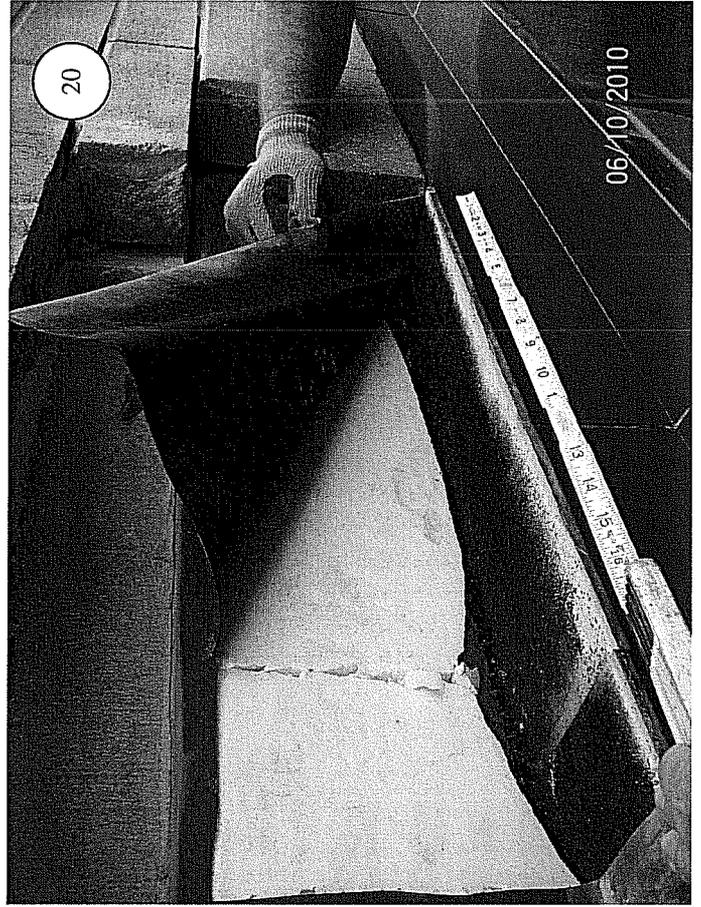
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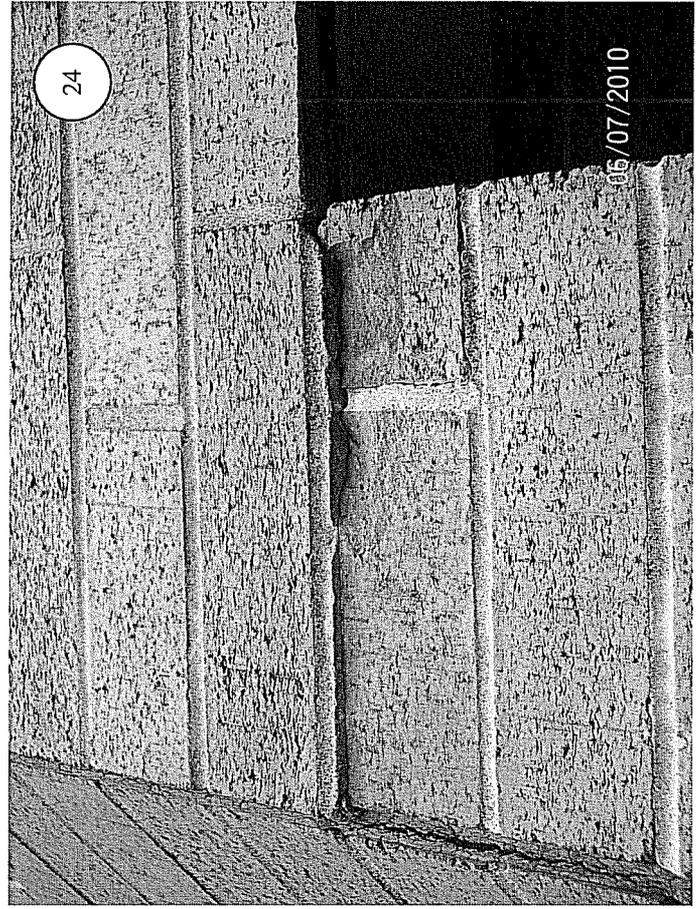
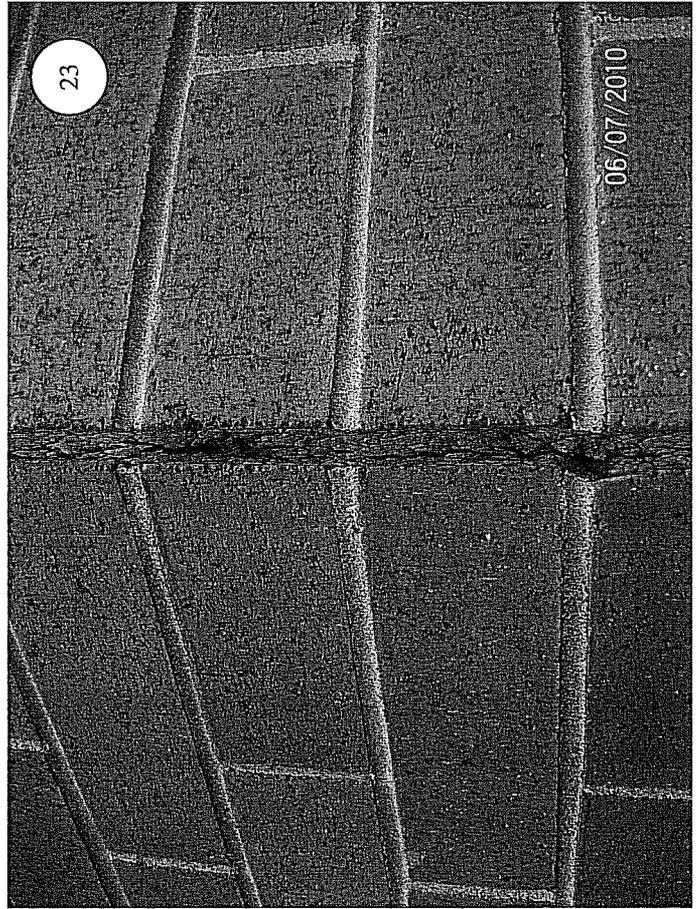
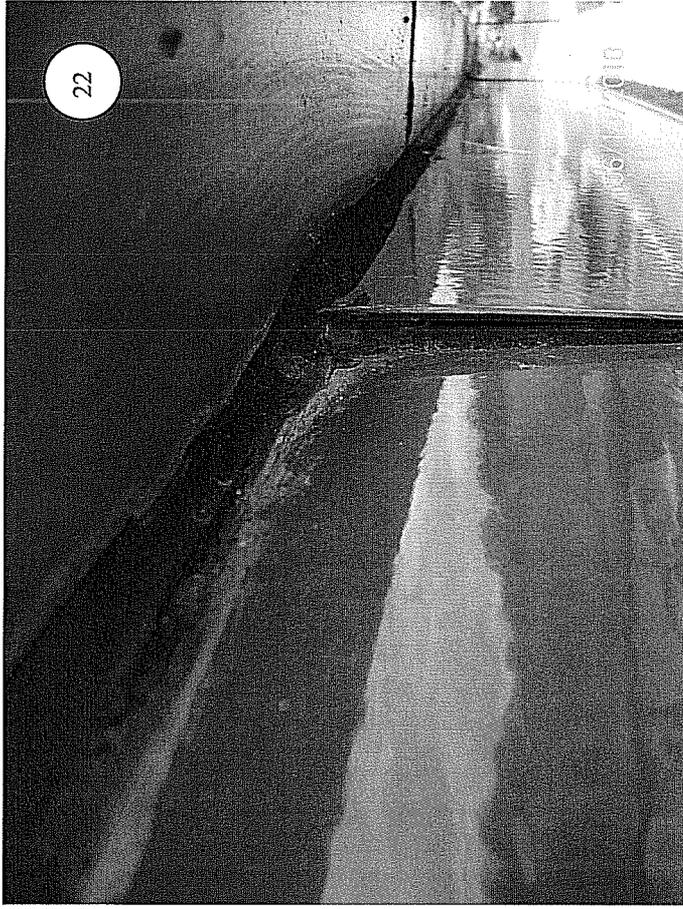
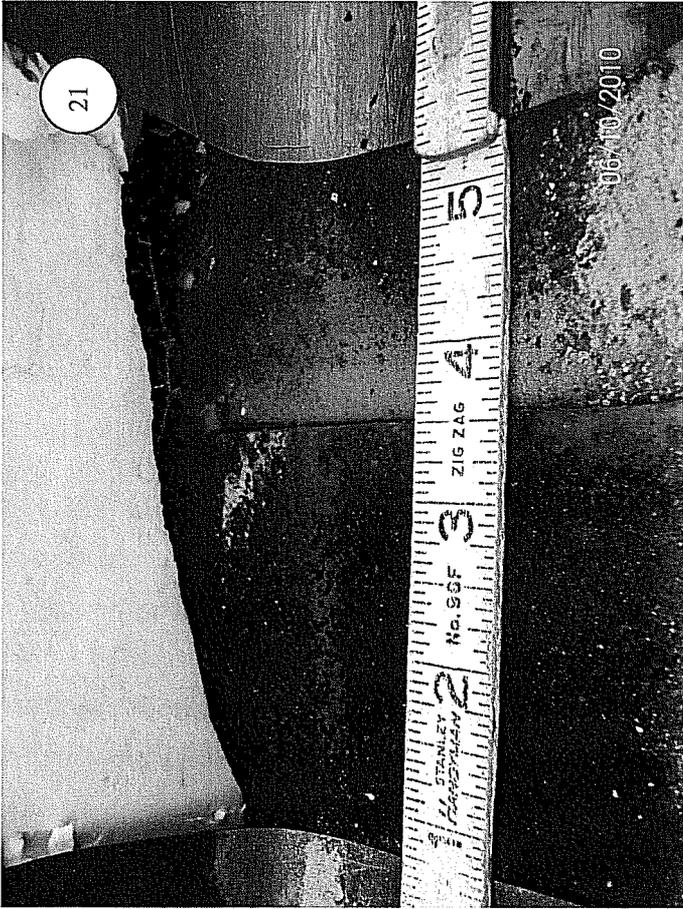
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06/10/2010



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06/10/2010





Indigo Environmental, LLC

9201 52nd Ave North, Suite 2
New Hope, Minnesota 55428
Tel: 763-533-0307
Fax: 763-533-0308

June 21, 2010

Mr. Dwight Benoy
Professional Engineer
Insepc, Inc
5801 Duluth Street
Minneapolis, MN 55422

**RE: Summary Report – Fungal Assessment
Inver Grove Heights City Hall Cafeteria
Indigo Env. Project No. I2 - 0510**

Dear Mr. Benoy:

Enclosed, please find our Summary Report for the fungal assessment of the cafeteria at Inver Grove Heights City Hall. The recommendations presented in this report are based on available information and our understanding of the presented issues.

Significant fungal growth has occurred in proximity to the windows and ten foot section along the floor on the north wall, starting in the NE corner of the cafeteria. The extent of fungal contamination is sufficient to hire a mold abatement contractor to complete the abatement and cleaning. The abatement work should occur within engineering and environmental controls to prevent fungal spores and debris from dispersing outside the work area. We approximate abating 322 square feet of wallboard and associated wall cavity materials from the cafeteria.

Prior to commencing with the mold abatement project, determine if the affected materials have been tested for asbestos. If no asbestos testing has been conducted, an asbestos survey is required by the Environmental Protection Agency (EPA) to determine if materials impacted by the renovation/demolition project contain asbestos. If asbestos containing building materials are impacted by the project, comply with current asbestos abatement requirements including hiring an asbestos abatement contractor.

Thank you for contacting Indigo Environmental for your environmental needs. If you have questions about the assessment, the findings, or need additional services, please feel free to contact us at 763-533-0307.

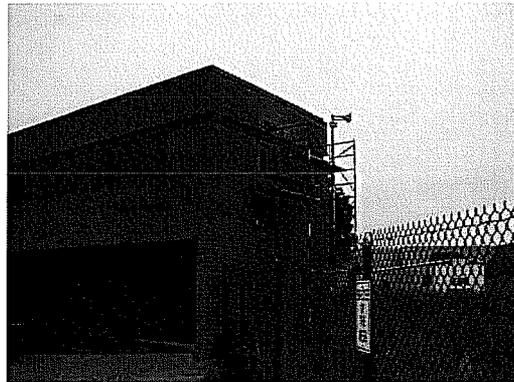
Sincerely,

Todd Lewis
Indigo Environmental

SUMMARY REPORT

FUNGAL ASSESSMENT OF CITY HALL CAFETERIA

Report Date: June 21, 2010
Assessment Date: June 10, 2010
Prepared By: Todd Lewis
Submitted To: Mr. Dwight Benoy, P.E.
Organization: Inspec, Inc.
Address: 5801 Duluth Street
Address: Minneapolis, MN 55422
Indigo Project #: I5 - 0510
Location: Inver Grove Heights
Cafeteria City Hall
8150 Barbra Ave.
Inver Grove Heights, MN 55077



INTRODUCTION

This Project Summary Report provides our findings, conclusions, recommendations. Unless requested by the client, no additional report will follow this Summary Report. The following are provided in this report:

- Background Information
- Assessment Objectives
- Assessment Activities
- Conclusions
- Recommendations
- Standard of Care
- Photographs
- Diagram and Area Calculations
- Sample Methodologies & Interpretation
- Laboratory Report and Chain of Custody

BACKGROUND INFORMATION

The following were reported to Indigo Environmental

1. The City Inver Grove Heights enlisted Inspec's engineering services to ascertain the cause for the water intrusion through the building envelope at the cafeteria.
2. Vinyl wallpaper removed prior our assessment revealed fungal growth on wallboard surfaces along the perimeter walls in close proximity to the windows.
3. Unknown if a survey to identify asbestos containing building materials has been conducted.

ASSESSMENT OBJECTIVES

The objective for the assessment lists the purpose for the client requesting our services.

1. Determine the extent of fungal contamination
2. Delineate materials for remediation

ASSESSMENT ACTIVITIES

Indigo Environmental completed the following activities to achieve the assessment objective:

1. Visually assessed the cafeteria for fungal growth
2. Five test cuts through the wallboard were made to assess the extent of fungal contamination on the backside of the wallboard and insulation
3. Collected five non-cultured samples for fungal analysis
4. Measured wallboard moisture content at selected locations
5. Photographed selected observations

CONCLUSIONS

The conclusions are based on the information obtained during the assessment and interpretation of gathered data.

Inspect to determine the cause and origin for the water intrusion through the building envelope. Our assessment is limited to assessing the indoor environment.

Observations

1. Fungal growth on wallboard was generally observed above, below and close proximity to the windows
2. Visible fungal growth was observed on the backside of the wallboard at test cut location #2. This observation suggest moisture came from the window system and not wicked up from the floor
3. Wallboard moisture content was dry at the time and locations tested
4. No visible fungal growth on the backside of the wallboard from text cut location #3, soffit above south window. This observation suggests the moisture causing the mold growth did not come from above the test cut location.
5. "Wings" or stapling flap on paper faced insulation was not attached to the structure which implies a vapor barrier was not established during construction. However, the observed metal structure within the cavity does not visibility appear affected
6. Visible fungal growth ten lineal feet of wallboard on the north wall from north east corner of east window. No observed fungal growth on the backside of test cut location #4 indicates the fungal growth is limited to the lower 8 inches from the floor
7. No fungal growth behind the wallboard at test cut location #5 suggest fungal contaminated wallboard limited to the area around window systems and has not significantly spread horizontally along the wall
8. Minor area of fungal growth was observed in the upper SE corner near the ceiling perimeter grid work. The cause for the observed fungal growth was not determined
9. Unknown if an asbestos survey was completed
10. Some floor tiles along exterior walls were loose
11. The ceramic tiles on the window ledges were not removed to assess the underlying wallboard. However, it is likely the underlying wallboard has been impacted by water intrusion and fungal growth

Fungal Results

12. Results from sample #1TL confirm the wallboard discoloration is massive fungal growth.
13. Results collected from sample #2TL confirm massive fungal growth has occurred on the backside of the wallboard in the areas affected by water intrusion.
14. Sample #3TL through #5TL delineating the areas of fungal contamination and are used for defining the areas for remediation

RECOMMENDATIONS

The recommendations are based on the information obtained during the assessment and interpretation of gathered data.

General

1. The recommendations provided in this report are limited to microbial contamination associated with the building materials affected by water damage. Other restorative work, hazardous materials removal, architectural or engineering aspects may be required but are not discussed in this report.
2. This report does not address engineering, design, reconstruction or selection of replacement building materials.
3. During abatement/demolition work, the cause and origin contributing to the water damage and resulting fungal growth will likely become more evident when building components are exposed or removed. If the sources for condensation and fungal growth are not understood and repairs preventing the situation from reoccurring are not completed then moisture damage and fungal growth will likely re-occur in the future.
4. Water damage and fungal growth caused by poor workmanship, improper product installation, non-code compliant work and other contributing factors should be documented and corrected.

Microbial Abatement

Mold abatement contractor should remove microbial contaminated building materials, suspected microbial contaminated materials and water damaged building materials. These contractors have specialized knowledge, equipment, and skills for removing and cleaning microbial contaminated materials safely, effectively and without causing secondary damage.

Scope of Work – Interior Microbial Abatement

Since water damage and fungal growth are often hidden, the abatement work may extend beyond the areas or involve other material not identified in this report. Therefore, anticipate contingencies for abating additional damaged building materials.

1. Windows

Remove approximately 312 square feet for wallboard and associated porous and insulation materials. (*See diagram and calculation section in this report*)

- a. Remove perimeter drop ceiling grid work above windows
- b. Remove wallboard soffit from window to height of drop ceiling grid work
- c. Remove insulation (kraft faced fiberglass batt insulation) from soffit to drop ceiling grid work height
- d. Remove wallboard and ceramic tiles below window
- e. Remove pink board insulation below windows
- f. Remove wallboard to the next framing member horizontally from each window; typically one to three feet from the window

2. North Wall

Remove Approximately 10 square feet (1 foot by 10 foot section) of wallboard and associated porous and insulation materials along the floor from the NE corner. (*See diagram and calculation section in this report*)

3. Southeast Corner

Remove fungal contaminated wallboard and associated porous and insulation materials from the upper SE corner, near the drop ceiling. (*See photo #17*) After the cavity is opened, determine possible cause for fungal growth in that location.

Fungal Abatement Design

5. Our scope of services does not include remediation design. However, the environmental remediation contractor should perform the remediation work using appropriate environmental controls to prevent fungal spores, demolition debris, odors or other aerosolized pollutants from migrating from the work area during abatement activities. Isolate the work area by erecting a containment and establishing critical barriers using 6 mil polyethylene sheeting to separate the work area from occupied spaces and other indoor spaces. Further isolate the work area by providing HEPA filtered negative air machines vented outdoors improves containment effectiveness.
6. After removing microbial contaminated and water damaged building materials, clean wall cavities, wood framing and polyethylene sheeting and other remaining materials within the containment using 10% bleach and water solution with added detergent or approved equivalent disinfectant.

Asbestos Testing

Prior to commencing with renovation/restoration work, EPA requires testing materials impacted by a renovation project be tested for asbestos. If asbestos containing building materials are impacted by the project, follow all applicable rules and regulation including an asbestos abatement contractor is required to remove these materials. In addition, air monitoring and post abatement testing maybe also required.

Project Management / Site Assessment

The following recommendations are provided as a means for improving the project success through an organized quality control process. The procedures clarify the work, reduce disagreements that arise during the project and provide third party documentation.

7. Conduct site assessments to confirm the mold abatement contractor is conforming to the written scope of work and following industry accepted work practices. Site assessment also substantiates work progress, documents modifications to the scope of work, and provides third party verification.
8. Collect post abatement samples to quantitatively assess and document the abatement contractor's cleaning effectiveness and substantiate the work area is ready for reconstruction.

Confirm

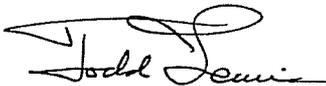
1. Inspect to determine if vapor barrier is required for interstitial soffit space above the windows.
2. After microbial materials are removed and post abatement sampling confirms the area is ready for re-occupancy, inspect wall system for deficiencies to confirm the windows are the source for water intrusion or identify other potential deficiencies contributing to the water intrusion.

STANDARD OF CARE

The standard of care for all professional services performed or furnished by Indigo Environmental are at the level and care used by members of the profession practicing under similar conditions at the same time, locality, and cost constraints. Indigo Environmental provides no warranty, expressed or implied, in connection with the services.

If you have any questions about the assessment or our findings, please feel free to contact me at 763-533-0307.

Sincerely



Todd Lewis
Indigo Environmental

PHOTOGRAPHS

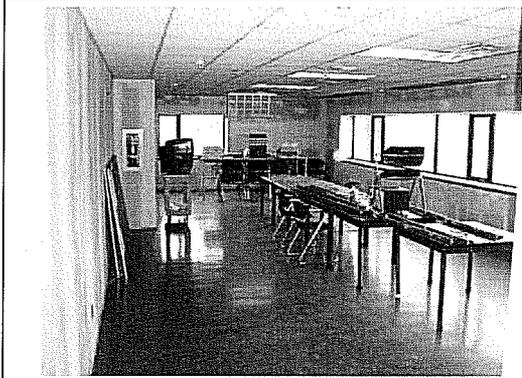


PHOTO #1
Cafeteria looking east



PHOTO #2
Cafeteria looking west

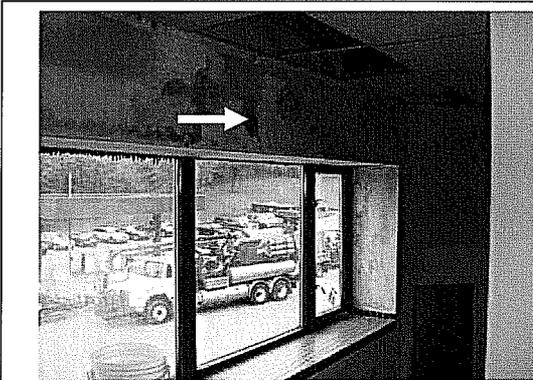


PHOTO #3
Westside of soffit. Location for sample 1TL



PHOTO #4
Location for test cut #1

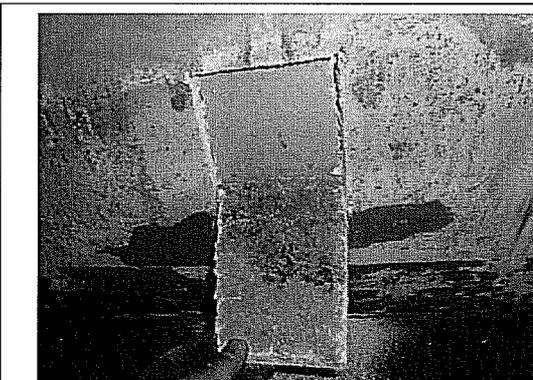


PHOTO #5
Backside of wallboard at test cut #1 and location for t sample 2TL

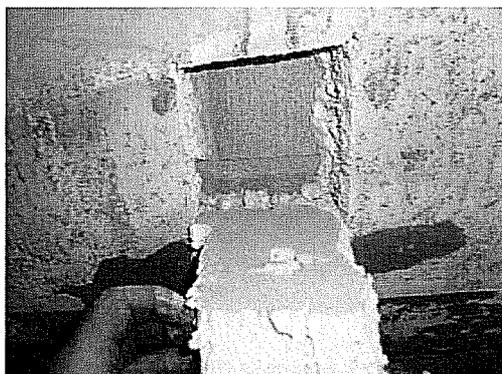


PHOTO #6
No fungal growth on backside of board insulation

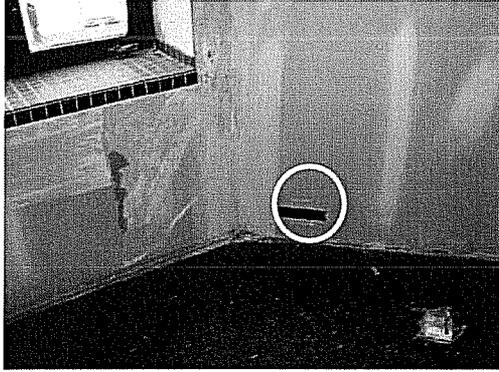


PHOTO #7
Location for test cut #2

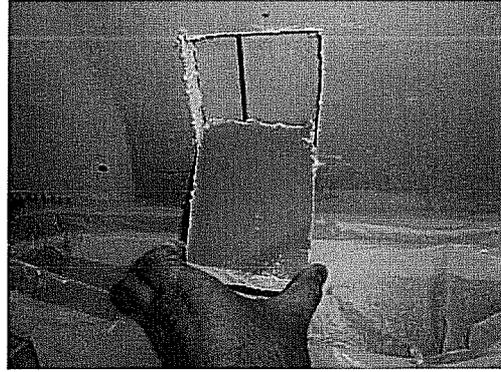


PHOTO #8
Backside of wallboard and location for sample 3TL



PHOTO #9
Location for test cut #3

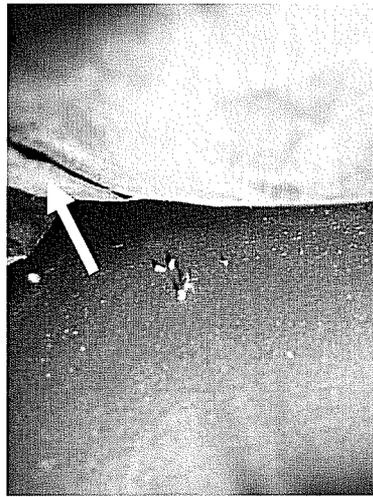


PHOTO #10
View up soffit from test cut #3. Note "wings" on insulation are not secured to framing. Therefore, no vapor established barrier

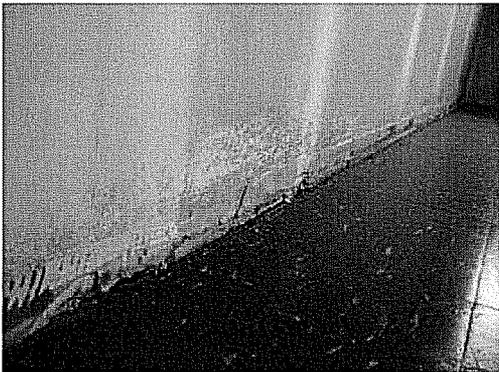


PHOTO #11
North wall at NE corner with observed fungal growth (not visible on this photo)



PHOTO #12
Location for test cut #4 and sample 4TL

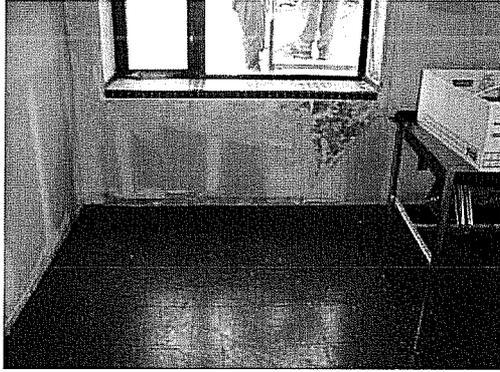


PHOTO #13

East window



PHOTO #14

Fungal growth on wallboard below east window



PHOTO #15

Location for test cut #5

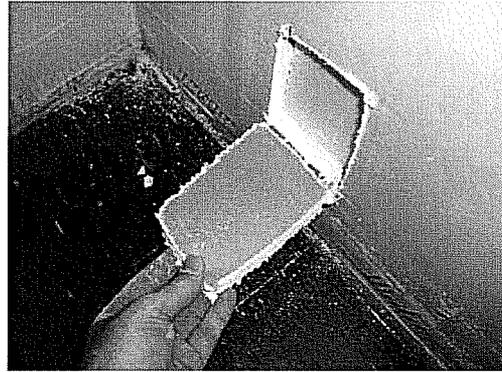


PHOTO #16

Location for sample 5TL

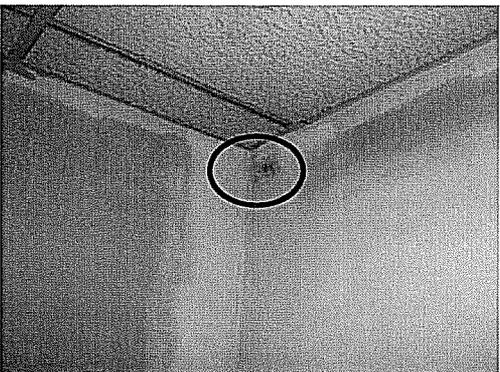


PHOTO #17

Fungal growth in upper SE corner of room

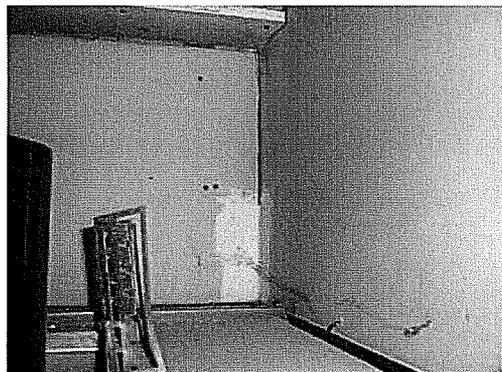
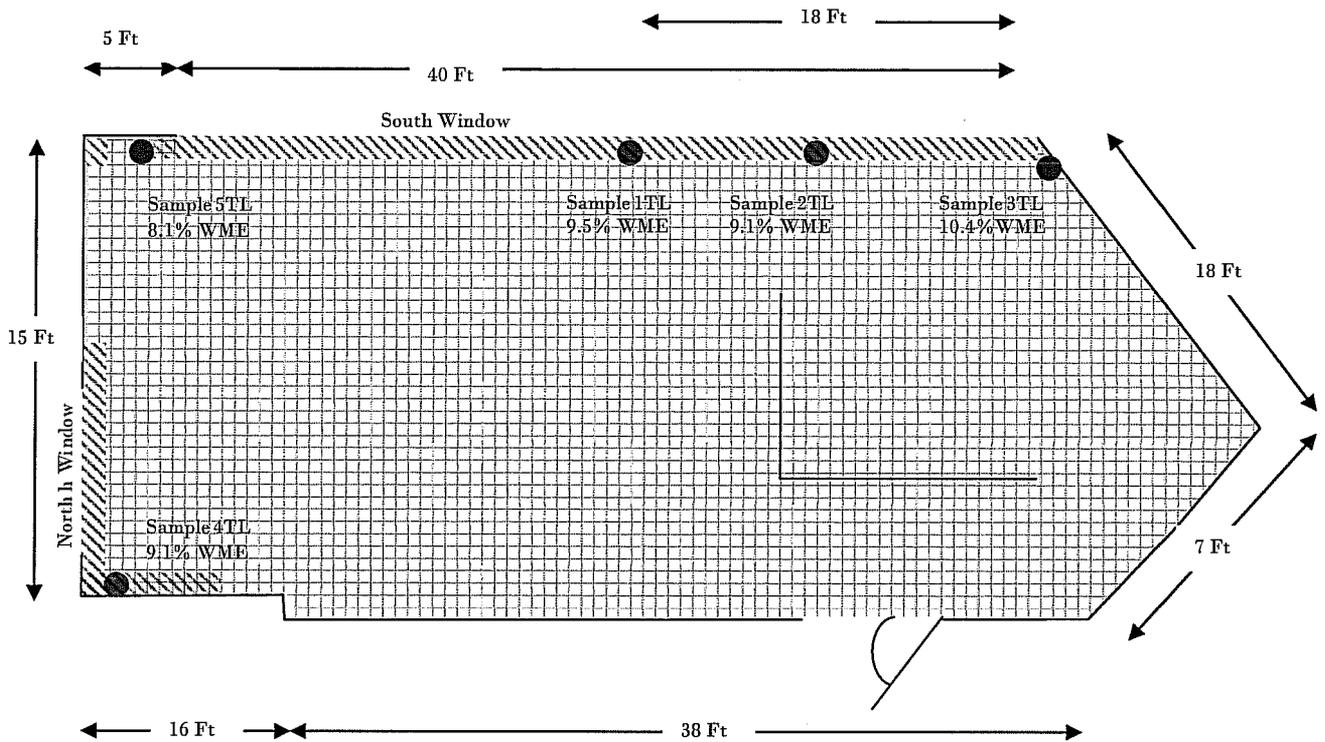


PHOTO #18

Area above drop ceiling in NE corner does not show damage

DIAGRAM AND AREA CALCULATION



● Sample Location

▨ Area of Visible fungal growth

% WME – Percent Wood Moisture Equivalent

Not to scale

Contractors must field verify measurements

The following are approximant measurements

Removal	Subtotal FT ²	Total FT ²
South window		
Soffit and below window	240	
Approximate sides of windows	18	258
East Window		
Soffit and below window	36	
Approximate sides of windows	18	54
North wall		
Along floor from NE corner	10	10
Total		322

FUNGI (MOLD)

Fungi are microscopic organisms with one or more cells that lack chlorophyll and rely on external nutrient sources for growth. Fungi provide a critical ecological function by aiding in the decomposition of organic matter. The term “mold” is used by the general public to describe visible mats that grow on damp materials and emit offensive odors. Fungi, rather than “mold”, is the more appropriate term since it includes the commonly recognized mold as well as yeasts, rusts, smuts, mushrooms, puff balls, and bracket fungi.

Fungi are found the world over. Fungi are so prevalent; they make up nearly ¼ of the world’s biomass. The prominence of fungi in the world is due to the constant decomposition of organic matter. Fungi are readily detectable on indoor surfaces in homes, schools and office buildings. The possible exceptions where fungi may not be present are in areas where the environment is frequently sanitized and the air is filtered with high-efficiency filterers. Such areas include operating rooms and clean rooms used in manufacturing some products.

During fungal growth, spores released into the air eventually settle on surfaces. If the spore lands on a surface that has a favorable environment, it germinates, propagates, and the process is repeated. Typically, environments favorable for growth are wet and have available nutrients. Variability in temperature, wetness, nutrients, time, and other factors influence which of the 70,000 known fungi will grow at a given location.

Fungal growth on or in built structures has become a concern in today’s building industry. In extreme cases, fungal growth associated with building materials has led to rot, degradation and structural damage. Property devaluation and health concerns are additional potential ramifications.

HEALTH EFFECTS FROM FUNGAL EXPOSURE

In 2004, The Institute for Occupational Medicine (IOM) issued a publication titled Damp Indoor Spaces and Health¹. The committee consisting of various organizations and governmental agencies concluded no evidence of a causal relationship between health outcomes and presence of mold or other agents in damp indoor spaces. However, there is sufficient evidence that an “association between an agent and outcome has been observed in studies...” Sufficient association with the presence of mold and other agents in damp indoor spaces are evident in upper respiratory tract symptoms.

Since susceptibility varies from person to person, some individuals may experience symptomatic reactions, irritation, or other health effects when others do not. The IOM also reported that additional studies are needed to clarify relationships between health and damp indoor spaces.

“The scientific and medical evidence is inconclusive on how exposure to molds in indoor environments may affect patients’ overall well-being and health. However, there is a developing body of literature that documents specific effects of mold on respiratory disease. Recent publications explore effects of mold exposure on allergic sensitization and asthma severity (Zureik et al. 2002) including neuro-psychosis, cognitive deficits, and digestive system problems that some researchers and clinicians have noted could be associated with mold exposure. In addition, patients present with irritant symptoms and a broad array of possible “toxic effects” may have their own anecdotes and perceived symptoms, or they may be responding to alarming notices in the lay media. This review provides the reader with a context for discussing the risk with the patient as well as suggesting resources for patients who want to address mold and moisture in their homes, schools, and building environments.”²

¹ Indoor Damp Spaces and Health, Institute of Medicine, National Academy of Sciences, National Academies Press, Washington DC, 2004

² Guidance for Clinicians on the Recognition and Management of Health Effects Related to Mold Exposure and Moisture Indoors, University of Connecticut, September 30, 2004

REGULATORY LIMITS

Presently, a consensus by leading experts, qualified medical professionals, and independent organizations on issues of regulatory limits for fungi has not been attained. Therefore, OSHA permissible exposure limits (PELs) and NIOSH's time weighted average (TWAs) do not exist for fungi. However, guidelines for interpreting sample results have been developed or adopted by many reputable organizations.

NON-CULTURED FUNGAL SAMPLE RESULTS

Tape, spore trap, filter cassette and bags are some of the devices used for collecting fungi for non-culture analysis. The laboratory staff examines fungal spores and structures directly using microscopic analysis. The laboratory submits its analysis report to Indigo Environmental for final interpretation.

Tape Lift (Non-Cultured Surface Sample)

The samples were collected using clear cellophane tape. The tape was applied to the tested surface then preserved by applying it to a glass slide. The sample was analyzed at the laboratory by direct microscopic examination. The results indicate the relative density of fungal structures observed under the microscope.

Designation	Quantity Fungal Spores Observed
Rare	1-10
Low	11 – 100
Medium	101 – 1,000
High	>1,000

MOISTURE METER TEST RESULTS

Moisture content of building materials was measured using a GE Protometer Surveymaster. Two separate and distinct methods for evaluating the moisture within materials are available with this instrument; radio frequency transceiver and electrical conductance probes. The investigator may choose either or both methods to perform a moisture evaluation.

Moisture analysis is typically performed to determine the presence or absence of moisture in the tested material. However, selecting materials for testing are based on reported concerns, historical information, findings during our assessment and at the inspector's digression.

Probe Method (Invasive)

The probe method uses the two pins located at the front of the unit, or two auxiliary measuring probes that can be plugged into the unit. The instrument measures the electrical conductance between the electrodes, or probes. Excessive moisture causes water to dissolve ionizable substances. One probe is positively charged the other is negatively charged attract positive and negative ions from the dissolved substance. The ions give up their respective charges, causing the flow of electricity. The instrument measures the ease electricity flows between the probes.

Limitations

The instrument measures conductivity between two points. Contact with, or proximity to, electrically conductive materials may produce a false positive result. To eliminate false positive results, testing non-concern materials may be performed for comparison purposes. However, some situations may prohibit comparative testing and reliance on the instrument reading is necessary.

Interpretation

The Protometer Surveymaster is a direct reading instrument. Therefore, data obtained by the instrument is documented on-site and recorded by the inspector. If the material tested is natural wood (non-manufactured or composite wood products), the percent wood moisture content (%MC) is actual moisture content of wood. Percent wood moisture equivalent (%WME) values are given for materials other than wood. The %WME is the theoretical percent moisture value that would be attained from wood in moisture equilibrium with the material being tested. The %WME is not the actual moisture content, but is a measurement relative to wood.

The instrument does not read moisture content of wood or non-wood materials less than 6%.

Instrument Reading	Material Condition	Rating
6.0 to 14.9	Dry	Low
15.0 to 19.9	Borderline or damp	Moderate
20.0 to 100.0	Damp	High

LABORATORY RESULTS AND CHAIN OF CUSTODY

Asbestos - Lead - Environmental - Materials & Indoor Air Analysis



EMSL Analytical, Inc.

14375 23rd Avenue North Minneapolis, Mn 55447

Phone (763) 449-4922 Fax (763) 449-4924 Web: <http://www.emsl.com> Email minneapolislab@emsl.com

Attn: Todd Lewis
Indigo Environmental
9201 52nd Avenue North, Suite 2
New Hope, MN 55428-4037

EMSL Order: 351002928
Customer ID: INDI62
Collected: 6/10/2010
Received: 6/14/2010
Analyzed: 6/16/2010

Proj: I2-0510

Test Report: Microscopic Examination of Fungal Spores, Fungal Structures, Hyphae, and Other Particulates from Tape Samples (EMSL Method: M113)

Lab Sample Number Client Sample ID Area Sampled Sample Location	351002928-0001 1TL 0.7 Wallboard, south wall, west side of soffit			351002928-0002 2TL 0.66 Wallboard, backside test cut #1, (S. Wall)			351002928-0003 3TL 0.72 Wallboard, backside test cut #2, (SW)		
	Raw Count	Count/cm ²	% of Total	Raw Count	Count/cm ²	% of Total	Raw Count	Count/cm ²	% of Total
Spore Types:									
Agrocybe/Coprinus:	-	-	-	-	-	-	-	-	-
Alternaria:	-	-	-	-	-	-	4	566	6.15
Ascospores:	-	-	-	-	-	-	6	824	9.23
Aspergillus/Penicillium:	-	-	-	-	-	-	-	-	-
Basidiospores:	-	-	-	-	-	-	13	1810	20
Biotrans:	-	-	-	-	-	-	-	-	-
Chaetomium:	-	-	-	-	-	-	-	-	-
Glaucosporium:	16	2290	0.0047	-	-	-	36	4870	53.9
Curvularia:	-	-	-	-	-	-	-	-	-
Epicoecum:	-	-	-	-	-	-	1	139	1.54
Fusarium:	-	-	-	-	-	-	-	-	-
Ganoderma:	-	-	-	-	-	-	2	278	3.08
Mycomycetes:	-	-	-	-	-	-	4	566	6.15
Paecilomyces:	-	-	-	-	-	-	-	-	-
Rust:	-	-	-	-	-	-	-	-	-
Scoleciospores:	-	-	-	-	-	-	-	-	-
Stachybotrys:	-	-	-	521000	7920000	44.2	-	-	-
Torul:	-	-	-	-	-	-	-	-	-
Ulocladium:	358000	5120000	100	-	-	-	-	-	-
Unidentifiable Spores:	-	-	-	-	-	-	-	-	-
Zygomycetes:	-	-	-	-	-	-	-	-	-
Acremonium:	-	-	-	427000	6640000	37.1	-	-	-
Aspergillus:	-	-	-	218000	3310000	18.5	-	-	-
Total Fungi:	358016	5120000	100	1.176e+009	17900000	100	65	9040	100
Fibrous Particulate:	-	-	-	-	-	-	-	-	-
Hyphal Fragment:	-	-	-	-	-	-	8	1110	-
Insect Fragment:	-	-	-	-	-	-	-	-	-
Pollen:	-	-	-	-	-	-	-	-	-
Analyt. Sensitivity:	-	143	-	-	152	-	-	139	-

Indistinguishable mold flora was submitted with this group of samples.
Samples analyzed by EMSL Analytical, Inc. 14375 23rd Avenue North, Minneapolis, MN

Spores were removed in good condition unless otherwise noted on this report. EMSL Analytical maintains liability limited to control analysis. Interpretation of the data contained in this report is the responsibility of the client. This report includes only the samples reported above and may not be reproduced, except in full, without written approval by EMSL Analytical. EMSL Analytical bears no responsibility for the sample collection activities or analytical method limitations.

Jodie Bourgeois, Laboratory Manager

For information on the fungi listed in this report please visit the Resources section at www.emsl.com



EMSL Analytical, Inc.

14375 23rd Avenue North Minneapolis, Mn 55447

Phone (763) 449-4922 Fax (763) 449-4924 Web: http://www.emsl.com Email minneapolislab@emsl.com

Attn: Todd Lewis
Indigo Environmental
9201 52nd Avenue North, Suite 2
New Hope, MN 55428-4037

EMSL Order: 351002928
Customer ID: IND62
Collected: 6/10/2010
Received: 6/14/2010
Analyzed: 6/16/2010

Proj: I2-0510

Test Report: Microscopic Examination of Fungal Spores, Fungal Structures, Hyphae, and Other Particulates from Tape Samples (EMSL Method: M113)

Table with columns for Lab Sample Number, Client Sample ID, Area Sampled, Sample Location, Spore Types, Raw Count, Count/cm², and % of Total. Rows include various fungal species like Alternaria, Aspergillus, and Fusarium.

An identifiable lead blank was submitted with the group of samples. Samples analyzed by EMSL Analytical, Inc. 14375 23rd Avenue North, Minneapolis, MN.

Samples were removed in good condition unless otherwise noted on the report. EMSL Analytical maintains liability limited to cost of analysis. Interpretation of the data contained in this report is the responsibility of the client. This report relates only to the samples reported above and may not be reproduced, except in full, without written approval by EMSL Analytical. EMSL Analytical bears no responsibility for the sample collection activities or analytical method limitations.

Handwritten signature of Jodie Bourgerie

Jodie Bourgerie, Laboratory Manager

For information on the fungi listed in this report please visit the Resources section at www.emsl.com



Indoor Air Quality Chain of Custody
EMSL Order Number(Lab Use Only):

2928

Minneapolis, MN
14375 23rd Avenue North
Minneapolis, MN 55447
PHONE: (763) 449-4922
FAX: (763) 449-4924

Company: Indigo Environmental		EMSL-Bill to: <input checked="" type="checkbox"/> Same <input type="checkbox"/> Different <small>If Bill to is Different note instructions in Comments** Third Party Billing requires written authorization from third party</small>	
Street: 9201 52nd Ave. N., Suite 2			
City/State/Zip: New Hope, MN 55428			
Report To (Name): Todd Lewis		Fax:	
Telephone: 763-533-0307		Email Address: tlewis@indigoenvironmental.com	
Project Name/Number: I2 - 0510			
Please Provide Results: Email		Purchase Order:	State Samples Taken: MN
Turnaround Time (TAT) Options* - Please Check			
<input type="checkbox"/> 3 Hour <input type="checkbox"/> 6 Hour <input type="checkbox"/> 24 Hour <input type="checkbox"/> 48 Hour <input checked="" type="checkbox"/> 72 Hour <input type="checkbox"/> 96 Hour <input type="checkbox"/> 1 Week <input type="checkbox"/> 2 Week <small>*For RUSH TAT's Please Call Ahead to Confirm Lab Hours and Availability. Not all TAT options are valid for every test. Materials Science and IAQ TAT's are in Business Days rather than Hours (i.e. 24 Hour = End of Next Business Day)</small>			
Asbestos			
PCM - Air <input type="checkbox"/> NIOSH 7400 <input type="checkbox"/> w/ Brz. TWA TEM - Air <input type="checkbox"/> 4-4.3hr TAT (AHERA ONLY) <input type="checkbox"/> AHERA 40 Off. Part 763 <input type="checkbox"/> NIOSH 7402 <input type="checkbox"/> EPA Level II <input type="checkbox"/> ISO 10312 TEM - Water Fibers \geq 10µm <input type="checkbox"/> Waste <input type="checkbox"/> Drinking All Fiber Sizes <input type="checkbox"/> Waste <input type="checkbox"/> Drinking		PLM - Bulk <input type="checkbox"/> PLM EPA 600/R-93/116 <input type="checkbox"/> PLM EPA NOB (<1%) <input type="checkbox"/> NYS 198.1 (friable-NY) <input type="checkbox"/> NYS 198.6 (non-friable-NY) Point Count <input type="checkbox"/> 400 (<0.25%) <input type="checkbox"/> 1000 (<0.1%) Point Count w/ Gravimetric <input type="checkbox"/> 400 (<0.25%) <input type="checkbox"/> 1000 (<0.1%)	
		TEM - Bulk <input type="checkbox"/> TEM EPA NOB <input type="checkbox"/> NYS NOB 198.4 (non-friable-NY) <input type="checkbox"/> Chatfield SCP Soil/Rock/Vermiculite <input type="checkbox"/> PLM CARB 435 - A (0.25% sensitivity) <input type="checkbox"/> PLM CARB 435 - B (0.1% sensitivity) <input type="checkbox"/> TEM CARB 435 - B (0.1% sensitivity) <input type="checkbox"/> EPA Reg. 1 Screening Protocol (Qualitative) Other:	
Lead (Pb)			
Flame Atomic Absorption <input type="checkbox"/> Chips SW846-7000B or AOAC 974.02 <input type="checkbox"/> Soil SW846-7000B/7420 <input type="checkbox"/> Air NIOSH 7082 <input type="checkbox"/> Wastewater SW8111B or SW846-7000B/7420 <input type="checkbox"/> ASTM Wipe SW846-7000B/7420 <input type="checkbox"/> non ASTM Wipe SW846-7000B/7420 <input type="checkbox"/> TCLP SW846-1311/7420/SM 3111B		ICP <input type="checkbox"/> Air NIOSH 7300 Modified <input type="checkbox"/> non ASTM Wipe SW846-6010B or C <input type="checkbox"/> ASTM Wipe SW846-6010B or C <input type="checkbox"/> Soil SW846-6010 B or C <input type="checkbox"/> Waste Water SW846-6010B or C <input type="checkbox"/> TCLP SW846-6010B or C	
Graphite Furnace Atomic Absorption <input type="checkbox"/> Soil SW846-7421 <input type="checkbox"/> Wastewater EPA 200.9 <input type="checkbox"/> Air NIOSH 7105 <input type="checkbox"/> Drinking Water EPA 200.9		Other:	
Microbiology			
Wipe and Bulk Samples <input checked="" type="checkbox"/> Mold & Fungi - Direct Examination <input type="checkbox"/> Mold & Fungi Culture (Genus Only) <input type="checkbox"/> Mold & Fungi Culture (Genus & Species) <input type="checkbox"/> Bacterial Count & ID (Up to Three Types) <input type="checkbox"/> Bacterial Count & ID (Up to Five Types) <input type="checkbox"/> MRSA <input type="checkbox"/> <i>Pseudomonas aeruginosa</i>		Air Samples <input type="checkbox"/> Mold & Fungi (Spore Trap) <input type="checkbox"/> Mold & Fungi Culture (Genus Only) <input type="checkbox"/> Mold & Fungi (Genus & Species) <input type="checkbox"/> Bacterial Culture & ID (Up to Three Types) <input type="checkbox"/> Bacterial Culture & ID (Up to Five Types) <input type="checkbox"/> Endotoxin Testing Real Time Q-PCR (See Analytical Guide for Code) Code: Legionella <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 4 Other:	
Water Samples <input type="checkbox"/> Total Coliform & E.coli (P/A) <input type="checkbox"/> Fecal Coliform (SM 9222D) <input type="checkbox"/> Sewage Screen <input type="checkbox"/> Heterotrophic Plate Count (SM 9215)		IAQ Nuisance Dust NIOSH <input type="checkbox"/> 0500 <input type="checkbox"/> 0600 Airborne Dust <input type="checkbox"/> PM10 <input type="checkbox"/> TSP Silica Analysis: <input type="checkbox"/> All Species Silica Analysis - Single Species <input type="checkbox"/> Alpha Quartz <input type="checkbox"/> Cristobalite <input type="checkbox"/> Tridymite <input type="checkbox"/> HVAC Efficiency <input type="checkbox"/> Carbon Black <input type="checkbox"/> Airborne Oil Mist Radon Testing: Call for Kit and COC Other:	
Client Sample #'s: 1-5		Total # of Samples:	
Relinquished (Client): Todd Lewis		Date: 11/17/10	Time: 11:14
Received (Lab): [Signature]		Date: 11/17	Time: 11:15 W

Controlled Document - Indoor Air Quality EOC - DC-1.D - 11/23/09

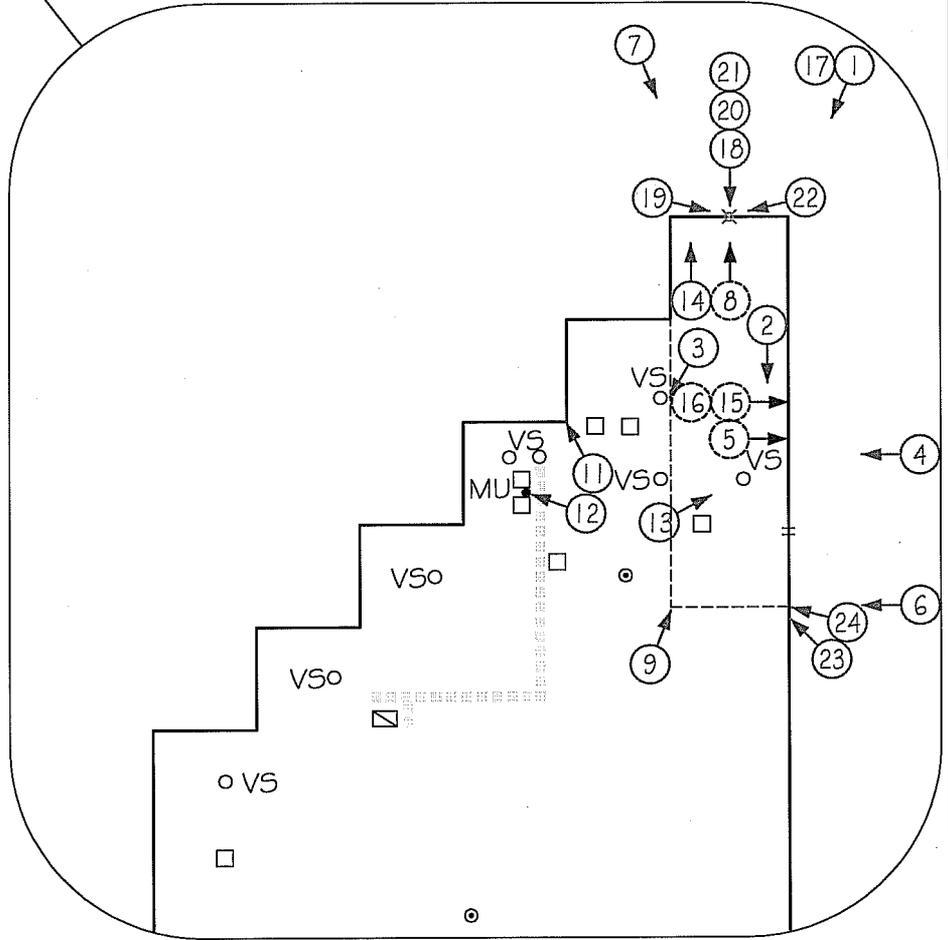
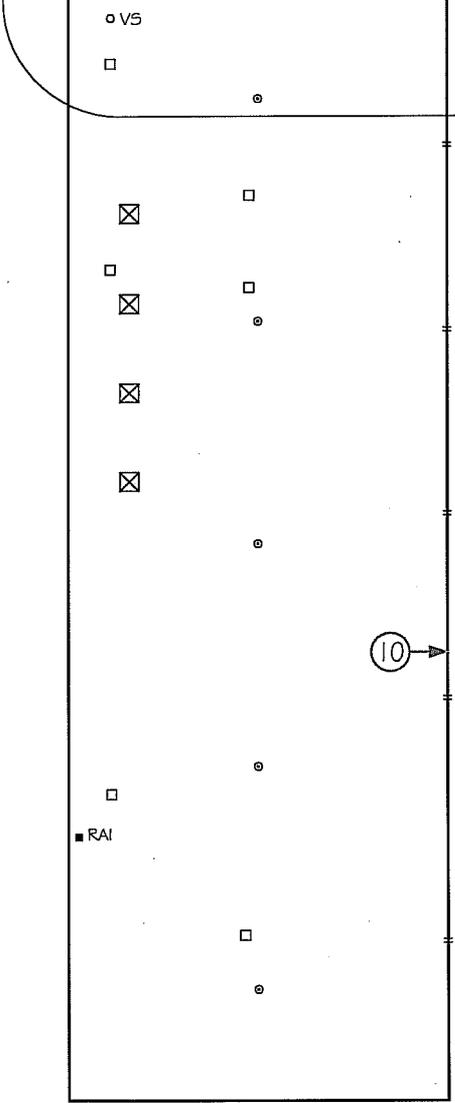
REMOVE OR RESECURE
LOOSE ANTENNA

REDISTRIBUTE
WIND SCOURED
BALLAST

REPAIR VENT
STACK
FLASHING

LUNCH ROOM

REPLACE
POURABLE
SEALER



SYMBOLS KEY

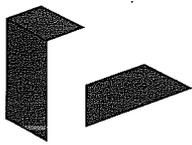
- | | | | |
|--|-------------------------|--|-------------------|
| | EXTERIOR PHOTO LOCATION | | ROOF DRAIN |
| | INTERIOR PHOTO LOCATION | | ROOF HATCH |
| | INSPECTION OPENING | | ROOF VENT |
| | CONCRETE PAVER SLABS | | R.A. INTAKE (RAI) |
| | MECHANICAL UNIT (MU) | | SCUPPER |
| | POURABLE SEALER POCKET | | SKYLIGHT |
| | | | VENT STACK (VS) |

ROOF PLAN
NO SCALE



**PUBLIC WORKS MAINTENANCE FACILITY
CITY OF INVER GROVE HEIGHTS
INVER GROVE HEIGHTS, MINNESOTA**

	5801 Duluth Street Minneapolis, MN 55422 Ph. 763-546-3434	
	INSPEC © 2010	
	PROJECT MANAGER: DB	DR: KB
	PROJ. NO: 211587	CHECKED BY: DB
DATE: 6/21/10	SHEET: 1 OF 1	
\\naam\files\Koot-Insurance\Inver Grove Heights\10\Public Works maintenance.dwg		



INSPEC

Smart engineering of
roofs, walls, pavements
and waterproofing

September 8, 2010

Mr. Barry Underdahl
Streets Superintendent
City of Inver Grove Heights
Public Works Maintenance Facility
8168 Barbara Avenue
Inver Grove Heights, MN 55077-3412

RE: Proposal for Engineering Services for Window/Wall Renovation
Inspec Proposal No.: P01097

Dear Mr. Underdahl:

We are grateful for the opportunity to submit this proposal for environmental, design, and construction observation services for the renovation of the windows and walls in the lunch room area of the Public Works Maintenance Facility. This proposal is based on our "Investigation of Water Entry" report dated June 21, 2010.

A. DEFINITIONS

1. Client: City of Inver Grove Heights
2. Inspec: INSPEC, INC., Engineers/Architects
3. Environmental Consultant: Indigo Environmental

B. PROJECT INFORMATION

1. Context

The building is a two-story masonry construction, housing offices and a maintenance garage. The building was constructed in 1985. The windows are factory-painted aluminum with 1" insulating glass. There are operable and fixed units.

2. Client's Known Problems or Needs

The June 21, 2010 "Investigation of Water Entry" report stated that the windows are in poor condition and should be replaced. The PVC through-wall flashing is also in poor condition and in need of replacement. Significant fungal growth was also present in the lunchroom area. This will require the replacement of interior finishes to properly abate the mold that is present.

C. BASIC SERVICES

Phase I – Investigative Services

These services have been completed and are summarized in our "Investigation of Water Entry" report, dated June 21, 2010.

5801 Duluth Street
Minneapolis, MN 55422
Ph. 763-546-3434
Fax 763-546-8669

Chicago

Milwaukee

Minneapolis

www.inspec.com

Phase II – Design, Construction Administration, and Testing Services

The following Basic Services pertain to the construction scope described in the “Investigation of Water Entry” report. The scope of the construction would entail the exterior walls of the lunchroom. An opinion of probable construction cost is \$60,000. If cold weather construction is needed, add \$5,000 to the construction cost estimate. It is our understanding that projects under \$100,000 do not require public bidding, and that obtaining two or three quotes from contractors is sufficient. To keep our fees more in line with this size project, we are proposing to minimize the scope of our services with the assumption that it will not be publicly bid.

1. Environmental Consultant Services

- a. Prior to commencing with the mold abatement work, an asbestos survey is required by the Environmental Protection Agency (EPA) to determine if materials impacted by the renovation/demolition work contain asbestos. If asbestos-containing building materials are determined to exist, an outline asbestos abatement specification will be included, similar to that noted in b. below.
- b. An outline specification for the abatement of the fungal contamination will be incorporated into the bid documents. This would define the scope of the abatement work including basic material specifications, removal and disposal procedures, and remediation documentation requirements that would be sufficient to obtain competitive proposals.
- c. The Environmental Consultant will attend the pre-bid meeting to review the scope of work and answer questions regarding the environmental requirements.
- d. Up to three days of construction observation and air monitoring will be conducted during the abatement work. Samples will be collected for testing.
- e. Samples will be collected when abatement is completed for testing to confirm the work meets the specification requirements.
- f. A written report will be submitted summarizing the observations and test results. Photographs will be included.

2. Design Services

- a. Based on the information obtained during the investigation, in combination with the original building drawings, we would develop a through-wall flashing detail to be attached to an outline specification. This would be in 8-1/2" x 11" format. A building elevation drawing would not be included. We would rely on manufacturer's standard details and shop drawings to define the window details.

The outline specification would define the scope of work for the project and provide basic materials specifications and installation procedures that would be sufficient to obtain competitive proposals. This would not include items found in a typical project manual, such

as bidding requirements, general conditions, and supplementary conditions, unless these are provided by the Client.

- b. The windows would be specified to be of a type and quality similar to the existing. The through-wall flashing material would be upgraded to be more consistent with the long-term performance that should be expected of a masonry wall construction. The steel lintel for the brick will be cleaned and repainted as a part of this work. Brick and mortar will be specified to match the existing as closely as possible.
- c. Interior work will include the removal of gypsum wall board and insulation in the wall cavity. The tile windowsill will also be removed. Any loose floor tile adjacent to the exterior wall will be removed. New insulation, a vapor retarder, gypsum sheathing, and windowsill will be installed. The wall board will be painted. New flooring is not included in this construction scope.
- d. We will consult with you regarding the best qualified contractors to bid this work, and will then contact those contractors to invite them to provide proposals. We will conduct a pre-bid meeting with the contractors at the project site to review the scope of work and allow them to ask their questions.

3. Construction Administration Services

- a. Once a contract award is made, we would conduct a pre-construction meeting with all the interested parties at the project site for the purpose of making sure everyone understands the requirements of the project. We would review submittals, prepare change orders, and review pay requests.
- b. We would provide four periodic construction observation site visits during the construction. A final walkover of the project would be conducted for the purposes of developing a punch list and to close out the project.

D. COMPENSATION – BASIC SERVICES

1. We would provide the above-described Basic Services for a fee of:

Environmental Consultant Services	\$4,700.00
Design and Construction Administration Services	\$8,100.00

Should the asbestos survey determine no asbestos is present, deduct \$1,500 from the Environmental Services fee for the follow-up asbestos services that would not be required.

E. REIMBURSABLES

Reimbursables such as mileage and Plan Review fees are included in the above fee.

F. ADDITIONAL SERVICES

1. Based on our current knowledge of the existing conditions, we have, to the best of our ability, matched our Basic Services to the needs of your project. However, should the need arise for us to expand our services in response to conditions or events outside our control, we would, under your direction, submit a separate proposal covering such Additional Services. Additional Services are not included under Basic Services nor are they covered by the compensation thereof.
2. Additional Services may include, but are not necessarily limited to, the following:
 - a. Meetings requested by the Client.
 - b. Laboratory testing of materials.
 - c. Additional environmental consulting, design, and/or construction observation services beyond those contemplated under Basic Services.
 - d. Consultants (professional or otherwise) hired by Inspec, but not included under Basic Services.
 - e. Any structural engineering services required as the result of unforeseen conditions.
 - f. As-built drawings.
 - g. Rebidding the project.
 - h. Adapting the documents to existing conditions discovered during construction.

G. COMPENSATION – ADDITIONAL SERVICES

1. Compensation for Additional Services shall be established by separate Additional Services proposal(s) unless indicated otherwise herein.
2. Compensation for Additional Services provided directly by Inspec shall be based on Inspec's rate schedule that is current at the time that the Additional Services are provided.
3. Compensation for Additional Services that are provided by others but retained by Inspec shall be based on the amount billed to Inspec times a factor of 1.15.

H. CLIENT'S RESPONSIBILITIES

1. Client shall return a signed copy of this proposal as our authorization to proceed.
2. Client shall provide Inspec and Environmental Consultant with access to the work site.
3. Client shall provide Inspec with copies of the building construction documents and any other documents pertaining to the building problems.
4. Client shall designate one representative as the point of contact for Inspec.

I. PRELIMINARY OPINION OF CONSTRUCTION SCHEDULE

1. Once we receive a signed proposal, it would be anticipated that quotes could be received within 6-8 weeks. Lead time for the windows is typically 8-12 weeks. Masonry work can typically go into mid-October before a heated enclosure would be necessary to prevent the mortar from freezing. The heated enclosure will entail extra cost.

J. PAYMENT PROVISIONS

1. Progress payment invoices for Inspec services shall generally be submitted monthly and are payable upon receipt. Invoices shall be considered past due if not paid within thirty (30) days of invoice date.

K. SUSPENSION OR TERMINATION OF SERVICES

1. This Agreement may be terminated by either party in the event of substantial failure to perform in accordance with the terms of this Agreement through no fault of the terminating party, but only after written notice of the specific nature of the failure to perform has been submitted and after seven days opportunity to cure such failure. If this Agreement is terminated, Inspec shall be paid for services performed to the termination notice date including reimbursable expenses due.

L. RISK ALLOCATION / DISPUTE RESOLUTION

1. All claims, disputes, and controversies arising out of or in relation to the performance, interpretation, application, or enforcement of this Agreement, including, but not limited to, breach thereof, shall be referred for mediation under the then current Construction Industry Mediation Rules of the American Arbitration Association prior to any recourse to arbitration or litigation.
2. The Client agrees to compensate Inspec for reasonable expenses incurred if Inspec is required to respond to legal processes which are related to Inspec's services, but that arise out of a lawsuit or proceeding to which Inspec is not a party.
3. If the Client brings a lawsuit against Inspec that is dismissed or to which a verdict is rendered for Inspec, the Client will reimburse Inspec for costs of defense, including but not limited to reasonable attorney's fees.
4. In recognition of the relative risks and benefits of the project to both the Client and to Inspec, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit Inspec's total liability to the Client for any and all claims, losses, costs, damages of any nature whatsoever, or claims expenses from any cause or causes, including attorneys' fees and costs and expert witness fees and costs, so that the total aggregate liability of Inspec to the Client shall not exceed \$20,000 or the total amount actually paid by Client to Inspec under this proposal, whichever is greater. It is intended that limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

M. REMARKS

This proposal is valid for 90 days, after which time Inspec reserves the right to modify and resubmit.

This Agreement represents the entire and integrated agreement between Client and Inspec and supersedes all prior negotiation, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Inspec and Client. Nothing herein shall be construed to give any rights or benefits to anyone other than Client and Inspec.

We invite you to visit our website at www.inspec.com. We would welcome the opportunity to show you our office and laboratory to learn more about our areas of expertise.

This Agreement entered into as of the day and year first above written.

For Client

Signature

Printed Name

Printed Title

City of Inver Grove Heights

For Inspec

Dwight D. Benoy

Signature

Dwight D. Benoy, P.E.

Printed Name

Professional Engineer

Printed Title

INSPEC, INC.

DB/bmk

cc: bunderdahl@ci.inver-grove-heights.mn.us

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: September 27, 2010
 Item Type: Consent
 Contact: Judy Thill, 651-450-2495
 Prepared by: Judy Thill, Fire Chief
 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 Consider awarding the replacement of the front parking apron of Fire station 1 to Bailey Construction.

SUMMARY

The front parking apron in front of the fire truck bay doors at fire station 1 is in disrepair. It was originally installed when the station was rebuilt 23 years ago. Since then, the ground has settled. The present apron has pulled away from the building where the trucks pull out, allowing for water intrusion. It has also sunk across most overhead doorways, creating a 2” difference in height between surfaces. It has been patched with crack sealant in various locations, but because of the settling, the surface is now breaking up.

Three base bids were received for \$12,500, \$14,500 and \$18,525. The recommendation is to go with Bailey Construction for a total base bid of \$14,500 for removal of the old material, preparing the base, and pouring of the concrete in 2 phases. Because the condition of the sub-base will not be known until the original material is removed, there may be additional preparation work required. An alternate is provided for this work not to exceed \$2,000.

Although \$2,000 higher than the lowest bid, Bailey Construction took into account pouring the concrete in two phases which will allow us to keep the fire station open during construction. It also provided for labor and materials of more than twice the rebar, allowing for more stability and longer life. Bailey Construction is also recommended because of their concrete experience which includes more than residential driveways. They have experience installing concrete for larger vehicles such as fire trucks.

The money for this project was approved in the 2010 budget.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: September 20, 2010
Item Type: Consent
Contact: Lt. Larry Stanger (651) 450-2528
Prepared by: Lt. Larry Stanger
Police Department
Reviewed by: Chief Charles Kleckner
Chief of Police

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 request to accept a \$1000.00 donation to the Inver Grove Heights Police Department from Wal-Mart Foundation.

SUMMARY:

The Wal-Mart Foundation has again generously donated \$1000.00 to the Inver Grove Heights Police Department. They have asked that the funds be used for the purchase of police department related equipment.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: September 27, 2010
 Item Type: Consent
 Contact: Lt. Jerry Salmey (651) 450-2465
 Prepared by: Lt. Jerry Salmey
 Department of Public Safety
 Reviewed by: Chief Charles Kleckner
 Director of Public Safety

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 authorizing execution of the joint Traffic Safety Project Grant awarded for the period from October 1, 2010 through September 30, 2011.

SUMMARY:

The City of Inver Grove Heights previously, through a resolution, partnered with eleven Dakota County cities to coordinate local law enforcement traffic safety laws. The Dakota County Traffic Safety Group initiated the agreement, acting on behalf of all jurisdictions. The City of Burnsville is responsible for all funds received and disbursed. The effort is aimed at targeting geographical areas within the participating jurisdictions, by providing personnel and equipment in quantities that would not be possible on an individual jurisdictional basis. The traffic enforcement partnership became known as the Dakota County Traffic Safety Project (DCTSP).

The DCTSP is again applying for grant funding in the amount of \$141,000. This funding will come from the National Highway Traffic Safety Administration.

In the proposed grant, all participating agencies would be eligible for reimbursement for overtime expenditures for 22 enforcement actions between October 1 2010 and September 30 2011. These expenditures would consist of one officer working six hours per shift. There is no matching funds requirement, but the grant requires the DCTSP to conduct an additional 22 enforcement actions during this period. These events would require one officer per agency working six hours (not overtime) per additional event.

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

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY OF INVER GROVE HEIGHTS TO
ENTER INTO A GRANT AGREEMENT WITH THE DAKOTA COUNTY
TRAFFIC SAFETY GROUP**

WHEREAS, the City of Inver Grove Heights desires to participate in the Dakota County Traffic Safety Group Grant Project. Project Dates October 1, 2010 through September 30, 2011, and

WHEREAS, the State of Minnesota requires a resolution of the City Council to participate, and

WHEREAS, the City has entered into previous grants to provide increased traffic enforcement and educational activities, and

WHEREAS, the City has partnered with other Dakota County law enforcement agencies to increase traffic safety in the community, and

WHEREAS, the City will partner the 11 other government entities in Dakota County to increase traffic safety, and

WHEREAS, the City Councilors of the City of Inver Grove Heights have duly considered this matter and believe that it is in the best interests of the City to enter into a grant agreement with the OTS through the DCTSG to provide enhanced traffic enforcement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS: that the proper City officers be and hereby are authorized to execute such agreement and any amendments, and thereby assume for and on behalf of the City all of the contractual obligations contained therein.

Adopted by the City Council of Inver Grove Heights this 27th day of September, 2010.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Deputy City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Application for Non-Commercial Kennel License – 7745 Boyd Ave.

Meeting Date: September 27, 2010
Item Type: Consent
Contact: 651.450.2513
Prepared by: Melissa Rheume
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:

Consider application for non-commercial kennel license for property located at 7745 Boyd Ave.

SUMMARY:

Ms. Suzette Weller submitted an application for a non-commercial kennel license for the property located at 7745 Boyd Ave. The applicant has proposed to keep five (5) dogs (three shitzus, one labrador, and one sheltie), all of which are considered to be her pets. Ms. Weller indicated on her application that the dogs are primarily house dogs and are not left outside. The yard in which they are let out for play, etc. is fenced. Proof of current rabies vaccination was provided for each of the dogs.

Property owners within 1,000 feet of the proposed non-commercial kennel were sent written notice regarding Ms. Weller’s request, and were also provided with the date and time that the City Council would take action on this item. Written comments received by the Deputy Clerk are attached for your review.

The City’s Animal Control Officer inspected the property and a copy of her report is attached for your review.

**CITY OF INVER GROVE HEIGHTS
NOTICE OF PENDING COUNCIL ACTION
RE: KENNEL LICENSE APPLICATION**

To: Property owners within 1,000 feet of property located at 7745 Boyd Ave. E.

Date/Location: **City Council Meeting: Monday, September 27, 2010** at 7:30 p.m., City Hall Council Chambers, 8150 Barbara Ave, Inver Grove Heights, MN.

Applicant: **Suzette Weller**

Location: 7745 Boyd Ave. E.

Request(s):

- The applicant is seeking a non-commercial kennel license to keep five (5) dogs. The five (5) dogs proposed to be kept on the property are the applicant's pets and each has received rabies vaccinations as required by Inver Grove Heights City Code, Title 5, Chapter 4. An Animal Control officer will visit the property for inspection and provide a recommendation to the City Council regarding issuance of the kennel license.

Notice to property owners regarding the above request is required by Inver Grove Heights City Code, Title 5, Chapter 4.

The City Council will consider the above request on Monday, September 27, 2010.

How to Participate: 1. You may attend the meeting and offer your comments to the City Council.
2. You may send a letter prior to the meeting to the Deputy Clerk, 8150 Barbara Ave., Inver Grove Heights, MN 55077 or e-mail Melissa Rheame at mrheame@ci.inver-grove-heights.mn.us

Questions: Call the Deputy Clerk at (651) 450-2513

City of Inver Grove Heights
Mailing date: September 13, 2010

Melissa Rheame, Deputy Clerk

Melissa Rheume

From: Jane Stiles [jstiles@safewaybus.com]
Sent: Wednesday, September 15, 2010 12:23 PM
To: Melissa Rheume
Subject: Re: kennel for 5 dogs - Boyd Ave

Thank you for your clarification. I can assume that she currently owns the 5 dogs and I have not noticed an issue w/ barking. However, should it arise, I now know who to contact.

Thank you again,

Jane

From: Melissa Rheume
Sent: Wednesday, September 15, 2010 11:18 AM
To: Jane Stiles
Subject: RE: kennel for 5 dogs - Boyd Ave

Ms. Stiles,

Thank you for your response. To clarify, the applicant is not requesting to build a kennel on her property. The non-commercial kennel license designation is a way for the City to more closely monitor and regulate dog owners who wish to keep four or more dogs. Non-commercial kennel licensees are required to prove that their dogs have been properly vaccinated and are also subject to inspection of the property (by an Animal Control Officer) where the dogs are proposed to be kept. In this particular case each of the 5 dogs are considered to be the applicant's pets, are primarily "house" dogs, and the property owner has a fenced yard. To answer your specific question, the applicant has 3 Shihtzus, 1 Sheltie, and 1 Labrador. I cannot comment on whether or not the dogs are "barkers", however our Animal Control ordinance does address habitual barking – should that become an issue. As with all Animal Control issues, concerns should be brought to the attention of our Police department and an Animal Control officer will investigate and attempt to resolve the issue. Please let me know if I can be of any additional assistance.

Sincerely,

Melissa Rheume
Deputy Clerk
City of Inver Grove Heights
(651) 450-2513

From: Jane Stiles [mailto:jstiles@safewaybus.com]
Sent: Wednesday, September 15, 2010 11:09 AM
To: Melissa Rheume
Subject: kennel for 5 dogs - Boyd Ave

Ms. Rheume,

I appreciate the notice regarding Ms. Weller's request for a non-commercial kennel for 5 pet dogs at 7745 Boyd Ave. E. I live at 7630 Bowman Ct., which is behind and a couple lots north of 7745 Boyd Ave. I am unable to attend the council meeting on 9/27/10, but would like to voice a couple concerns.

1. What breed(s) are the 5 dogs?
2. Will they always be outside?
3. Are they 'barkers'?

4. Is there a noise ordinance in IGH, should the barking become an issue?

I am a dog lover, grew up with dogs and own a small dog now. I get a little concerned when I hear 5 dogs. My concern is for the comfort of that many dogs (5 in one kennel) and whether they will be left outside during harsh weather conditions (summer & winter). I am also concerned about the noise of 5 dogs barking.

I do not oppose Ms. Weller's request, as long as the dogs are healthy, well cared for, do not cause a threat to anyone and do not create excessive noise throughout the neighborhood.

Thank you.

Jane Stiles
7630 Bowman Ct.
IGH, MN 55076
jstiles@safewaybus.com

Melissa Rheume

From: Mary Rimstad [mrimstad@gmail.com]
Sent: Tuesday, September 14, 2010 7:14 PM
To: Melissa Rheume
Subject: City Council Meeting: 9/27/10. Suzette Weller

From: Mary Rimstad
2725 78th St. E.
Inver Grove Heights, MN 55076

Date: September 14, 2010

To: Melissa Rheume, Deputy Clerk
8150 Barbara Ave
City of Inver Grove Heights 55077

**RE: Suzette Weller's application for a
non-commercial kennel license at
7745 Boyd Ave E., Inver Grove Heights, MN 55076**

Date/Location: City Council Meeting: Monday, September 27, 2010

I OPPOSE THE GRANTING OF A NON-COMMERCIAL KENNEL LICENSE TO SUZETTE WELLER AT 7745 BOYD AVE E., INVER GROVE HEIGHTS, MN.

Melissa Rheume

From: Jim Staples [staplesmn@comcast.net]
Sent: Wednesday, September 15, 2010 5:38 PM
To: Melissa Rheume
Subject: Kennel Licence Application

Dear Melissa,

5 dogs in a kennel...

This is a residential area .

Who would want to live next door to something like that, listening to the barking and howling.

Jim Staples

Melissa Rheume

From: Roger Schmitt [Schmittbeer@comcast.net]
Sent: Monday, September 20, 2010 3:16 PM
To: Melissa Rheume
Subject: 7745 Boyd

RE: Dog kennel,

My wife Diane and I feel that the city council should reject the request to kennel 5 dogs at 7745 Boyd.

These 5 dogs are undoubtedly more than just pets, or why would you kennel them. We would guess that they will be

breeding some of these dogs and soon be running adds for puppies. After driving by the house on Boyd, we noticed that the

house is not in the best repair which leads us to wonder how the dogs will be cared for. We are pet owners.

Roger and Diane Schmitt

2604 E. 78th Street

9/21/2010

Melissa Rheume, Deputy Clerk

We are responding to the Matters brought to the City Council Meeting re:

Suzette Weller
7745 Boyd Ave

Non-Commercial Kennel License

We are opposed to this as we are housed in the College Highlands Homeowners Association.

This is not a single family neighborhood that is behind the Weller residence.

There is a large concentration of people in the neighborhood to have that many dogs.

The City of Inver Grove Heights has a reason for a 2 dog limit. We say stick to it.

If this person wants a kennel license, it would be best for her to relocate on a piece of property with more acreage outside of the city.

There are 2 dogs that come into our complex & do their business. It is not cleaned up nor are they leashed. We have reason to believe the dogs belong to this person. However, even if not – there would be too many dogs in the area. The Association even has a limit as to number of pets & size of the pets able to be within our Association.

We are also concerned about all of the barking, smell & clean up that may not be done. Also we are concerned that this person may want to breed dogs. We already have to deal with a barking dog across from us.

There are just too many residents in a small area & the Kennel License should **not** be approved.

Thank you for advising us of the license request.

Roger Jankowski &
Rita Jankowski

7620 Borman Way
Inver Grove Heights, MN 55076

I G. H. City Council.

RE: KENNEL LICENSE APPLICATION

FOR 7745 BOYD AVE. E.

I AM AGAINST ALLOWING A KENNEL LICENSE IN OUR NEIGHBORHOOD.

A KENNEL FOR FIVE DOGS MEANS THE DOGS WILL BE KEPT OUTSIDE. FIVE DOGS OUTSIDE WILL BARK AS THEY PLEASE. THE OWNER CANNOT KEEP THEM QUIET AND I DOUBT THE CITY WILL ENFORCE ANY POLICY TO KEEP THE NEIGHBORHOOD QUIET.

WE ARE DOG OWNERS AND OUR BLOCK HAS MANY DOGS. THEY ARE NOT EXCESSIVE BARKERS. A STREET OVER FROM OUR BLOCK THERE ARE TWO DOGS, IN ONE HOUSE, THAT BARK CONTINUOUSLY WHEN THEY ARE OUTSIDE. THEY STOP ONLY WHEN THE OWNERS TAKE THEM IN.

BE CONSIDERATE OF OUR NEIGHBORHOOD
VOTE NO.

RECEIVED

SEP 23 2010

CITY OF IGH

HERB DREITZLER

2681-78th St. E.

I.G.H. MW. 55076

651-303-3708.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CLIMB Theatre, Inc. – Consider Application for Lawful Purpose Gambling Premises Permit at Baja Sol Grill & Cantina, 5681 Blaine Ave.

Meeting Date: September 27, 2010
Item Type: Consent
Contact: 651.450.2513
Prepared by: Melissa Rheume
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:

Consider resolution approving application of CLIMB Theatre, Inc. for a premises permit to conduct lawful purpose gambling operations at Baja Sol Grill & Cantina, 5681 Blaine Ave.

SUMMARY:

CLIMB Theatre, Inc. has submitted an application for a premises permit to conduct lawful purpose gambling at Baja Sol Grill & Cantina, effective immediately. Baja Sol does not currently have an organization operating on the premises.

All required documentation, including a signed lease agreement, has been submitted with their application. CLIMB Theatre previously held charitable gambling permits for operations within the City and has always complied with all reporting and trade area expenditure requirements.

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

RESOLUTION NO.

**RESOLUTION APPROVING THE APPLICATION OF
CLIMB Theatre, INC.
FOR A PREMISES PERMIT TO CONDUCT LAWFUL PURPOSE GAMBLING AT
BAJA SOL GRILL & CANTINA
LOCATED AT
5681 BLAINE AVE., INVER GROVE HEIGHTS, MINNESOTA**

WHEREAS, Minnesota Statutes require premises on which lawful gambling is conducted to be licensed by the Minnesota Charitable Gambling Control Board, and

WHEREAS, CLIMB Theatre, Inc. has submitted an application for a Lawful Gambling Premises Permit at Baja Sol Grill & Cantina, located at 5681 Blaine Avenue, Inver Grove Heights, and

WHEREAS, the City of Inver Grove Heights has conducted the required background investigation on the application which has not developed any facts that would constitute the basis for denial, now

THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Inver Grove Heights, County of Dakota, State of Minnesota, hereby approves the application of CLIMB Theatre, Inc. for a lawful gambling premises permit at Baja Sol Grill & Cantina, 5681 Blaine Ave., subject to compliance with the provisions of the City's Gambling Ordinance or Minnesota Statutes relating to charitable gambling and requests waiver of the 30-day waiting period.

FURTHER, to direct staff to forward of copy of this resolution to the Minnesota Charitable Gambling Control Board.

Adopted this 27th day September, 2010

Ayes:

Nays:

George Tourville, Mayor

Attest:

Melissa Rheame, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

**SCHEDULE PUBLIC HEARING TO CONSIDER APPLICATION OF EDWARD CARLSON
DBA EDDY’S BAR & GRILL FOR AN ON-SALE/SUNDAY INTOXICATING LIQUOR LICENSE**

Meeting Date: September 27, 2010
 Item Type: Consent
 Contact: 651.450.2513
 Prepared by: Melissa Rheaume
 Reviewed by: N/A

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED:

Schedule public hearing on October 25, 2010 at 7:30 p.m. to consider the application of Edward Carlson for an On-Sale/Sunday Intoxicating Liquor License for premises located at 7537 Concord Boulevard.

SUMMARY:

Mr. Edward Carlson has submitted a new application for an On-Sale/Sunday Intoxicating Liquor License for the premises located at 7537 Concord Boulevard. The Police Department has conducted the required background investigation on the applicant and the findings will be presented at the public hearing.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

PERSONNEL ACTIONS

Meeting Date: September 27, 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: Javier Garcia, Sadie Broekemeier, James Knowlton, Sarah Nygaard, Amanda Ritenour, and Veronica Wilson.

Please confirm the seasonal/temporary termination of: Cory Van Geest, Joyce Loveridge and Erin Jorich.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider a Resolution Ordering Improvements and Approving Plans and Specifications for City Project No. 2010-21 – Boyd Avenue Street Lighting

Meeting Date: September 27, 2010
 Item Type: Public Hearing
 Contact: Thomas J. Kaldunski, 651.450.2572
 Prepared by: Thomas J. Kaldunski, City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

SST

	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: Special Assessments, City Street Lighting Budget

PURPOSE/ACTION REQUESTED

Consider a resolution ordering improvements and approving plans and specifications for City Project No. 2010-21 – Boyd Avenue Street Lighting.

SUMMARY

The project was initiated by a petition received from the Boyd Avenue neighborhood between 80th Street and 79th Street. The City Council received the petition for this improvement at its June 14, 2010 Council meeting. The City Council ordered preparation of a Feasibility Report. Fourteen of twenty-four (58%) residents in the neighborhood signed the petition (see map). The residents have requested that four street lights be installed, one at Boyd Avenue E. and 79th Street E., one at Boyd Avenue E. and Upper 79th Court E., and two by the existing crosswalks at Boyd Avenue E. and 80th Street E. The petition is seeking the street lights for pedestrian traffic going to schools in the area.

The City has received a proposal from Xcel Energy to install four – 100W cobra cut-off fixtures on 30 foot direct buried fiber glass poles. Installation of wiring will be done by directional boring.

The total estimated project cost is approximately \$12,250 for the four street lights including construction costs, engineering and administrative costs. Funding sources include 100% special assessments for two area benefit lights at 79th Street East and Upper 79th Court East (\$6,125) for an estimated cost of \$255.29 per resident. City funding will cover the costs associated with safety and thoroughfare lighting at 80th Street (\$6,125). This will be funded through the street lighting budget. A quarterly service rate for the electric power usage to the benefit area will be collected from the residents if approved. A copy of the City's street lighting ordinance/policy is attached.

Staff held an information meeting on Wednesday, September 15, 2010 at 5:00 p.m. with eight residents in attendance (see attached sign-up sheet). The project was presented by the City Engineer. The City ordinances/policies were also reviewed. Comments received include the following: One resident felt no benefit was justified where a light exists. Some questioned if the school should be assessed for the lights and contribute to the electrical costs. A light had existed at Upper 79th Court East from 1986 to 2007 until the landowners stopped paying for the service and the utility company removed the light. Some residents thought this location needs additional City funding and safety consideration due to the school activities such as football games. They also considered Boyd to be a major collector (see City map attached). Many were in favor of the additional lighting. They asked if the crosswalk on 80th could be re-painted. It is a County road. They expressed issue with a quarterly fee for the electric use and asked if residents north of this area pay an electric fee for existing street lights.

A copy of the feasibility study with the preliminary assessment roll is attached. A quarterly electric charge of \$3/unit should be charged to the neighborhood if the improvements are ordered.

I recommend approving the resolution ordering the improvements and approving plans and specifications for City Project No. 2010-21 – Boyd Avenue Street Lighting.

TJK/kf

Attachments: Resolution
Feasibility Study with Preliminary Assessment Roll
City Street Light Ordinance
Map

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

**RESOLUTION ORDERING IMPROVEMENTS AND APPROVING PLANS AND SPECIFICATIONS FOR
CITY PROJECT NO. 2010-21 BOYD AVENUE STREET LIGHTING**

RESOLUTION NO. _____

WHEREAS, a resolution passed by the City Council on the 27th day of September 2010 called for a public hearing on the proposed improvement project, City Project No. 2010-21 – Boyd Avenue Street Lighting.

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

1. Such improvement is hereby ordered as proposed in this Council resolution adopted September 27, 2010.
2. The plans and specifications of City Project No. 2010-21 are hereby approved.
3. The contract for these improvements shall be let no later than two years after the adoption of this resolution.
4. Area benefit lights shall be assessed to residents and an initial quarterly electric fee of \$3.00 shall be charged to the benefitted properties for the operation and maintenance of the street lights. The future fee amount will vary based on the charges received from the power company.

Adopted by the City Council of Inver Grove Heights this 27th day of September 2010.

AYES:
NAYS:

George Tourville, Mayor

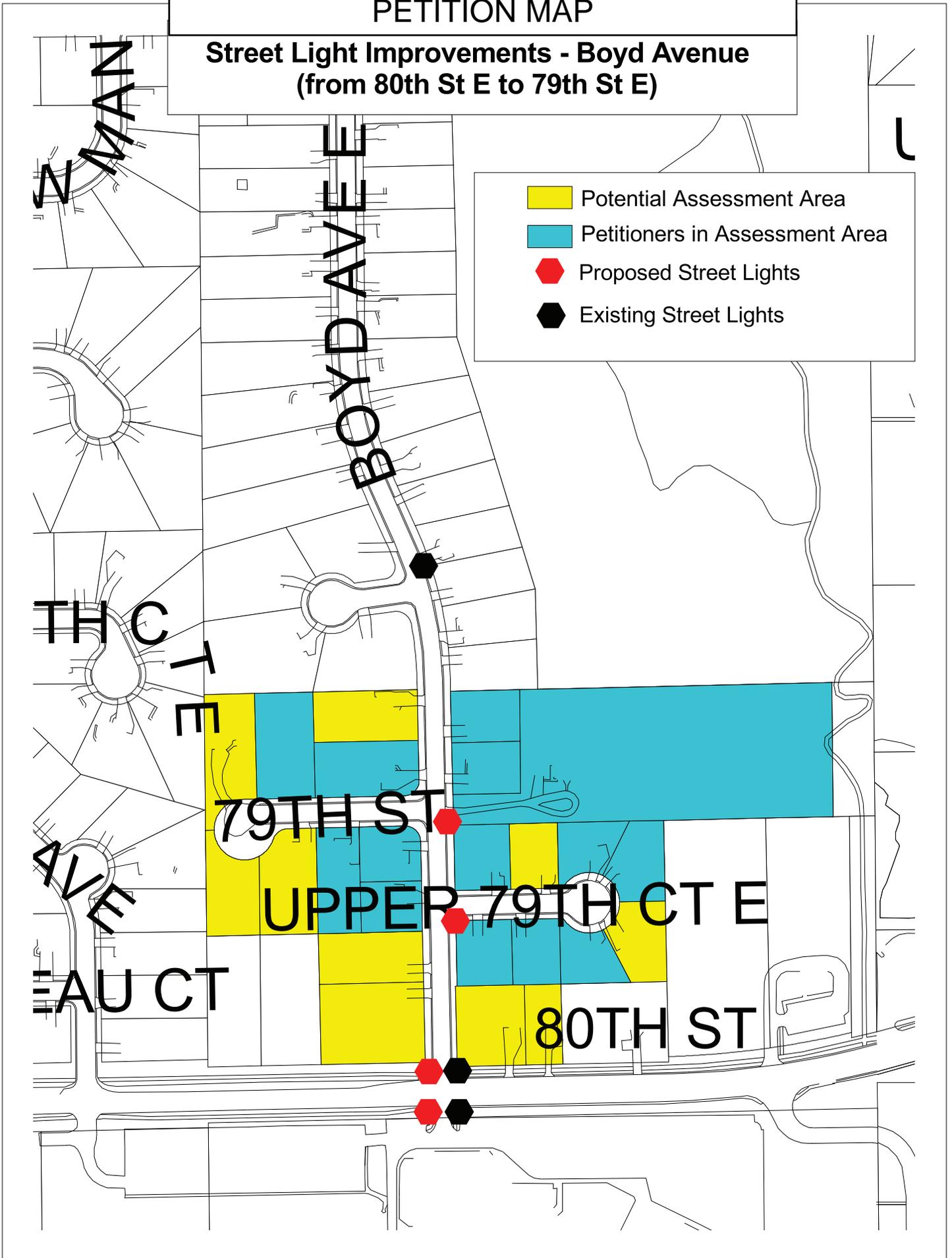
ATTEST

Melissa Rheaume, Deputy Clerk

PETITION MAP

Street Light Improvements - Boyd Avenue (from 80th St E to 79th St E)

-  Potential Assessment Area
-  Petitioners in Assessment Area
-  Proposed Street Lights
-  Existing Street Lights



SIGN IN SHEET

INFORMATION MEETING

CITY PROJECT NO. 2010-21
BOYD AVENUE STREET LIGHTING

Wednesday, September 15, 2010 at 5:00-6:00 p.m.

NAME

ADDRESS

CONTACT INFO.

Deborah Laporte

2879 82nd St. E Tot

phone: 651-451-7704
mobile: _____
e-mail _____

Big Danner

7880 Boyd Ave E.

phone: 651-455-6991
mobile: _____
e-mail _____

Bill McLeau

7935 Boyd Ave E

phone: 651-325-5601
mobile: _____
e-mail _____

JOHN PATTERSON

7900 BOYD AVE E.

phone: 457 4514
mobile: _____
e-mail _____

Bridget Mause

7890 Boyd Ave E.

phone: 453-1095
mobile: _____
e-mail _____

Ken Carlson

2770 79th St E

phone: 450-1165
mobile: _____
e-mail _____

20thrs Attended but Did not sign in

phone: _____
mobile: _____
e-mail _____

phone: _____
mobile: _____
e-mail _____

phone: _____
mobile: _____
e-mail _____

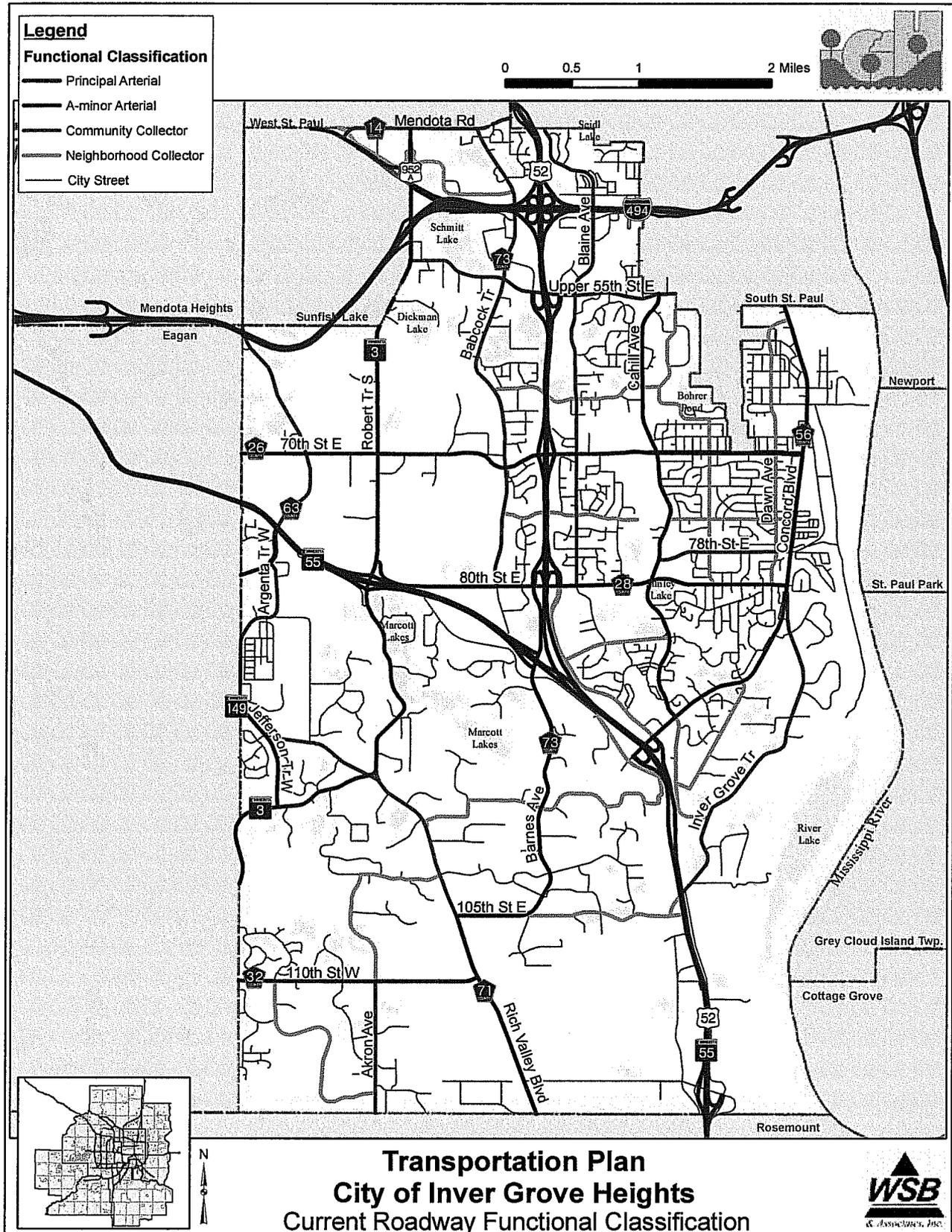
0. _____

phone: _____
mobile: _____
e-mail _____

1. _____

phone: _____
mobile: _____
e-mail _____

Figure 5.2: Functional Classification



FEASIBILITY REPORT
2010 IMPROVEMENT PROGRAM
CITY OF INVER GROVE HEIGHTS, MINNESOTA
CITY PROJECT NO. 2010-21
BOYD AVENUE STREET LIGHTING

LOCATION: Refer to Exhibit 1 for the project location
Area: Boyd Avenue from 79th Street East to 80th Street East

IMPROVEMENT: Installation of 4 – 100 watt cobra cutoff fixtures on 30 foot fiber glass poles and the installation of wiring by directional boring. Area benefit lights will be installed on Boyd Avenue at 79th Street East and 79th Court East. Safety and thoroughfare lights will be installed at Boyd Avenue and 80th Street East.

INITIATION: Petition by 58% of the neighborhood residents
Refer to Petition Map

PARCELS AFFECTED: 24 single-family parcels (Exhibit 1)

ISSUES: This project was petitioned by property owners in the vicinity of Boyd Avenue and 79th Street E. to install street lights within their development. The petition represents 58% of the property owners in the neighborhood. The petitioners expressed concerns regarding pedestrian traffic along Boyd Avenue. This route is used by pedestrians going to nearby schools. The lights on 80th Street are considered safety and thoroughfare lights which would be funded by the City per policy. The other lights provide an area benefit to the neighborhood and will be 100% assessed.

RIGHT-OF-WAY: All work will be performed within existing ROW or easements

FEASIBILITY: The project is technically feasible, necessary, and cost effective.

EASEMENTS: Additional easement(s) will not be necessary

COMPLETION: 2010 construction season, weather permitting

SCHEDULE: Council receives feasibility report, authorizes preparation of plans
specifications and orders public improvement hearing..... August 23, 2010
Information meeting September 15, 2010
Public improvement hearing and Council orders public
improvement project, approves plans and
specifications and authorizes advertisement for bid..... September 27, 2010

FINANCING:

<u>Estimated Costs</u>	
Construction	\$11,190.00
Engineering	560.00
Administration	<u>504.00</u>
	\$12,254.00

\$6,127.00 AREA BENEFIT LIGHTING COST
\$6,127.00 SAFETY AND THOROUGHFARE LIGHTING COST

FUNDING SOURCES: 50% split between assessments and City funding
50% assessed
24 single-family parcels at \$255.29 per parcel
(Table 1 – Preliminary Assessment Roll)

50% costs covered by City (City Maintenance Fund)
\$6,127.00

Exhibit 1

Street Light Improvements - Boyd Avenue (from 80th St E to 79th St E)

- Assessment Area
- Proposed Street Lights
- Existing Street Lights

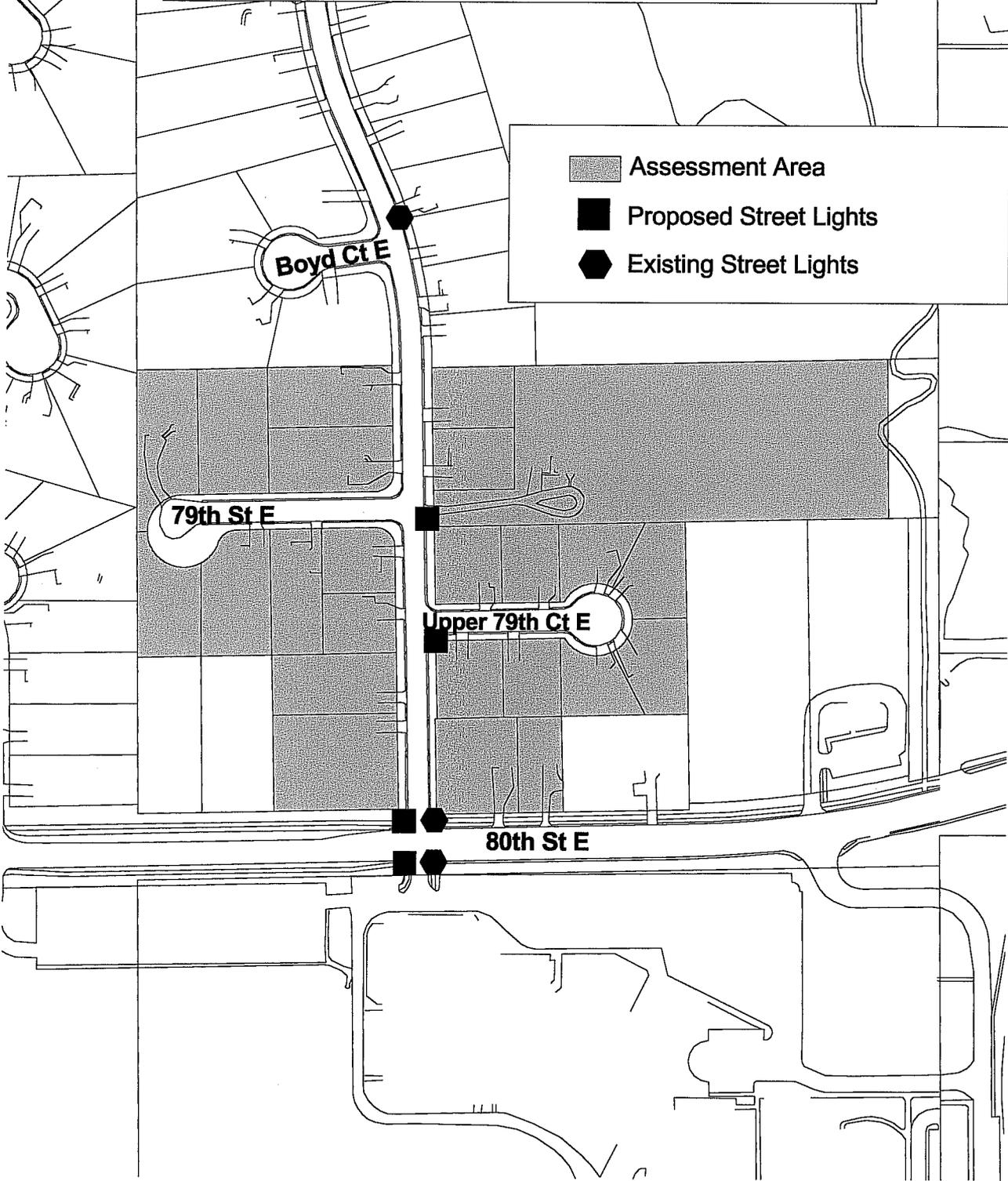


TABLE 1

2010-21 BOYD AVENUE STREET LIGHTING
PRELIMINARY ASSESSMENT ROLL

PID NO.	OWNER NAME	OWNER ADDRESS	OWNER CITY, STATE	ZIP	HOUSE NUMBER	STREET NAME	TOTAL LIGHT ASSESSMENT
(1) AREA BENEFIT ASSESSMENTS							
206450004003	TMC PROPERTIES INC	7955 BOYD AVE E	INVER GROVE HEIGHTS MN	55076-2918	7955	BOYD AVE E	\$255.29
206450005003	DUANE A & DEBRA J RUIZ	7975 BOYD AVE E	INVER GROVE HEIGHTS MN	55076-2918	7975	BOYD AVE E	\$255.29
206450101001	PAUL & MARIE TUSCHY	2865 UPPER 79TH CT E	INVER GROVE HEIGHTS MN	55076-2923	2865	UPPER 79TH CT E	\$255.29
206450102001	MYLES PAMELA MOELLENHOFF	2875 UPPER 79TH CT E	INVER GROVE HEIGHTS MN	55076-2954	2875	UPPER 79TH CT E	\$255.29
206450103001	DONALD F & ROSE A OLSON	2885 UPPER 79TH CT E	INVER GROVE HEIGHTS MN	55076	2885	UPPER 79TH CT E	\$255.29
206450104001	DAVID M & GINA K TAACK	2895 UPPER 79TH CT E	INVER GROVE HEIGHTS MN	55076-2923	2895	UPPER 79TH CT E	\$255.29
206450105001	REM METRO SERVICES INC	6600 FRANCE AVE S STE 500	EDINA MN	55435	2890	UPPER 79TH CT E	\$255.29
206450107001	WM S & VIVIAN ILLETCHKO	2880 UPPER 79TH CT	INVER GROVE HEIGHTS MN	55076	2880	UPPER 79TH CT E	\$255.29
206450108001	MICHAEL J & LAURA A SHUBAT	2870 UPPER 79TH CT	INVER GROVE HEIGHTS MN	55076-2923	2870	UPPER 79TH CT E	\$255.29
206450109001	WESLEY A & MARY A GIBSON	2860 UPPER 79TH CT	INVER GROVE HEIGHTS MN	55076-2923	2860	UPPER 79TH CT E	\$255.29
206450012101	TIMOTHY J O'DONNELL	6283 CORWIN CT	INVER GROVE HEIGHTS MN	55076	2785	79TH ST E	\$255.29
206450012201	CHRISTOPHER & SANDRA JERDEE	2791 79TH ST E	INVER GROVE HEIGHTS MN	55076	2791	79TH ST E	\$255.29
2000900001078	JOHN A & DONNA R PATTERSON	7900 BOYD AVE	INVER GROVE HEIGHTS MN	55076-2953	7900	BOYD AVE E	\$255.29
2000900002179	ROBERT K & PATRICIA HELM	2889 80TH ST E	INVER GROVE HEIGHTS MN	55076-3231	2889	80TH ST E	\$255.29
2000900002279	PETER T & ELIZ LAPOINTE	2879 80TH ST E	INVER GROVE HEIGHTS MN	55076-3231	2879	80TH ST E	\$255.29
206450011101	TODD A BILLINS	7885 BOYD AVE E	INVER GROVE HEIGHTS MN	55076-2917	7885	BOYD AVE E	\$255.29
206450011201	RICHARD J JR & LEA L BLOCH	7875 BOYD AVE E	INVER GROVE HEIGHTS MN	55076-2917	7875	BOYD AVE E	\$255.29
206450011002	DONALD & ELIZABETH DANNER	7880 BOYD AVE E	INVER GROVE HEIGHTS MN	55076-2915	7880	BOYD AVE E	\$255.29
206450012002	STEPHEN D & BRIDGET MORSE	7890 BOYD AVE E	INVER GROVE HEIGHTS MN	55076-2915	7890	BOYD AVE E	\$255.29
206450001103	SCOTT F RYDER	2780 79TH ST E	INVER GROVE HEIGHTS MN	55076-2943	2780	79TH ST E	\$255.29
206450001203	WILLIAM J BERNIER	113 9TH ST S	SOUTH ST PAUL MN	55075-3016			\$255.29
206450002003	KENNETH & PAULETTE ANDERSON	2770 79TH ST E	INVER GROVE HEIGHTS MN	55076-2943	2770	79TH ST E	\$255.29
206450003003	ORLANDO & LINDA NEVAREZ	7917 BOYD AVE	INVER GROVE HEIGHTS MN	55076-2918	7917	BOYD AVE E	\$255.29
206450003103	WILLIAM P & SANDRA MCLEAN	7935 BOYD AVE E	INVER GROVE HEIGHTS MN	55076-2918	7935	BOYD AVE E	\$255.29
(2) SAFETY AND THOROUGHFARE COSTS							
	CITY OF INVER GROVE HEIGHTS	8150 Barbara Avenue	INVER GROVE HEIGHTS MN	55075	7150	Barbara Avenue	\$6,126.96
				(1) SUBTOTAL AREA BENEFIT ASSESSMENTS:			\$6,126.96
				(2) SUBTOTAL SAFETY AND THOROUGHFARE COSTS:			\$6,126.96

TOTAL PROJECT COSTS(1) + (2): \$12,253.92

CHECKED BY: TJK

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. 840

AN ORDINANCE ESTABLISHING SECTION 725 OF THE
INVER GROVE HEIGHTS CITY CODE RELATING TO
STREET LIGHTS

The City Council of Inver Grove Heights hereby ordains that Section 725 of the Inver Grove Heights City Code is hereby adopted and established to read as follows:

SECTION 1. Amendment. The Inver Grove Heights City Code is hereby amended by adding Section 725 to read as follows:

SECTION 725 - STREET LIGHTS

725.01. Purpose. The Council has determined that it is in the best interests of the City's residents and businesses to create a process relating to the installation of street lights and relating to the payment of installation and Operating Expenses. The purpose of Section 725 is to establish criteria for ordering street light installations and to establish the financial responsibilities for installation and operation.

725.03. Definitions. For purposes of Section 725, the following terms have the following meanings:

Safety and Thoroughfare Lights. Lights for lighting major collector and arterial streets and for other public areas deemed by the City Council to be in need of safety lighting.

Area Benefit Lights. Lights for lighting local streets and intersections which provide primary benefit to the immediate property owners.

Operating Expenses. The energy costs imposed by the electric utility for the operation of the street lights, plus the administrative costs of the City in processing the billings for the street lights.

New Developments. Developments platted after June 1, 1995.

Existing Developments. Developments platted prior to June 1, 1995.

725.05. Installation of Street Lights In New Developments. Street lighting shall be required in all New Developments, both residential and non-residential. The developer may request a waiver of the street lighting requirement from the City Council. If the waiver is denied, then the developer shall submit a lighting plan for Council approval. Upon approval

of the street lighting plan by the Council, the developer shall be responsible for the installation costs for both the Safety and Thoroughfare Lights and the Area Benefit Lights. Such responsibility shall be further memorialized in the Development Contract between the City and developer.

725.07. Responsibility for Operating Expenses of Street Lights in New Developments.

Subd. 1. Safety and Thoroughfare Lights - Operating Expenses. After installation, the City shall be responsible for the Operating Expenses of the Safety and Thoroughfare Lights in both residential and non-residential New Developments.

Subd. 2. Area Benefit Lights - Operating Expenses - First Two Years. After installation, the developer shall be responsible for the first two (2) years of Operating Expenses of the Area Benefit Lights in New Developments. Such responsibility shall be further memorialized in the Development Contract between the City and developer.

Subd. 3. Area Benefit Lights - Operating Expenses - Residential Development - After Two Years. After the first two (2) years, Area Benefit Light Operating Expenses in all new residential New Developments shall be charged and allocated equally to all of the benefitted potential dwellings of that development. The charge shall be included as a street lighting charge on the quarterly utility bill or otherwise invoiced. This charge will be borne on a per lot basis for single family residential units by all benefitted occupied and unoccupied lots within the residential New Development and this charge will be borne on a per dwelling unit basis for multi-family dwellings for all benefitted dwelling units occupied or unoccupied within the New Development.

Subd. 4. Area Benefit Lights - Operating Expenses - Non-Residential Development - After Two Years. After the first two (2) years, Area Benefit Light Operating Expenses in all new non-residential New Developments shall be charged and allocated to all of the benefitted parcels of that development on a pro-rata area benefit basis or on an alternate equitable basis as determined by the City Council. The charge shall be included as a street lighting charge on the quarterly utility bill or otherwise invoiced. The charge shall be imposed on all parcels whether occupied or unoccupied.

Subd. 5. Collection of Operating Expenses. If these Area Benefit Light Operating Expenses billed to the benefitted property owners are not paid, the Clerk shall list the total unpaid charges for the service against each separate lot or parcel or dwelling which has not paid such charges. After notice and hearing as provided in Minnesota Statutes section 429.061, the City Council may then spread the unpaid charges against property which has not paid but is benefitted as a special assessment under Minnesota Statutes section 429.101 for certification to the county auditor.

725.09. Installation of Street Lights In Existing Developments.

Subd. 1. Feasibility Reports. The City may initiate installation of street lights in Existing Developments, or affected property owners may petition for street lights. Upon petition for street lights or upon Council initiation, the City will perform a feasibility study to determine the need for and cost of the new street lights.

Subd. 2. Safety and Thoroughfare Light - Installation Expenses. If installation is ordered by the Council, the Safety and Thoroughfare Light installation expenses shall be paid by the City in both residential and non-residential Existing Developments.

Subd. 3. Area Benefit Light - Installation Expenses. If after public hearing pursuant to Minnesota Statutes section 429.031, the Council orders the installation of Area Benefit Lights in Existing Developments, then the Area Benefit Light installation expenses shall be assessed against the benefitted property owners as a public improvement following a public hearing in full accord with the provisions of Minnesota Statutes section 429.061.

725.11. Responsibility For Operating Expenses of Street Lights in Existing Developments.

Subd. 1. Safety and Thoroughfare Lights - Operating Expenses. The City shall be responsible for the Operating Expenses of the Safety and Thoroughfare Lights in both residential and non-residential Existing Developments.

Subd. 2. Area Benefit Lights - Operating Expenses - Residential Development. Area Benefit Light Operating Expenses for street lights installed after June 1, 1995 in all operating residential Existing Developments shall be charged and allocated equally to all of the benefitted potential dwellings of that development. This cost shall be included on the quarterly utility bill or otherwise invoiced. This charge will be borne on a per lot basis for single family residential units by all benefitted occupied and unoccupied lots within the residential Existing Development and the charge will be borne on a per dwelling unit basis for multi-family dwellings for all benefitted dwelling units occupied or unoccupied within the Existing Development.

Subd. 3. Area Benefit Lights - Operating Expenses - Non-Residential Development. Area Benefit Light Operating Expenses for street lights installed after June 1, 1995, in all non-residential Existing Developments shall be charged and allocated to all of the benefitted parcels of that development on a pro-rata area benefit basis or on an alternate equitable basis as determined by the City Council. The charge shall be included as a street lighting charge on the quarterly utility bill or otherwise invoiced. The charge shall be imposed on all parcels whether occupied or unoccupied.

Subd. 4. Collection of Operating Expenses. If these Area Benefit Light Operating Expenses billed to the benefitted property owners are not paid, the Clerk shall list the total unpaid charges for the service against each separate lot or parcel or dwelling which has not

paid such charges. After notice and hearing as provided in Minnesota Statutes section 429.061, the City Council may then spread the unpaid charges against property which has not paid but is benefitted as a special assessment under Minnesota Statutes section 429.101 for certification to the county auditor.

SECTION 2. Effective date. The ordinance shall be in full force and effect from and after its passage and publication according to law.

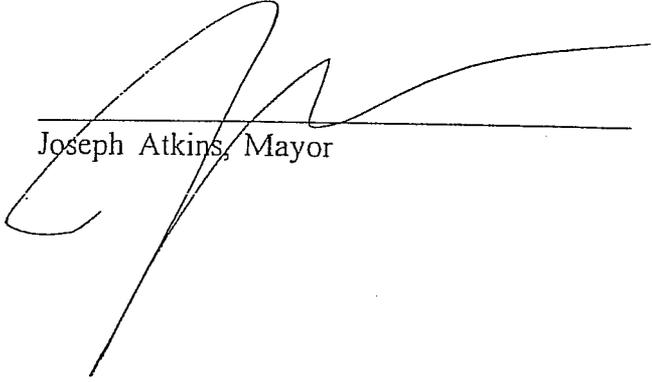
Passed this 26th day of June, 1995.

Ayes: 5
Nays: 0

Attest:



Loretta Garrity, Deputy Clerk



Joseph Atkins, Mayor

MAX STEININGER INC.

REQUEST FOR COUNCIL ACTION

CITY OF INVER GROVE HEIGHTS

Meeting Date: September 27, 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 resolutions for property located at 11305 Clark Road;

- a) Ordinance approving a Temporary Sand and Gravel Zoning extension.
 - Requires 3/5th's vote.
 - b) Resolution approving a Conditional Use Permit Amendment for the processing of sand and gravel, processing of recycled concrete and asphalt.
 - Requires 3/5th's vote.
 - c) Resolution approving an Interim Use Permit Extension to allow the temporary contractor's yard with outdoor storage.
 - Requires 4/5th's vote.
- 60-day deadline: September 30, 2010 (extended by applicant)

SUMMARY

Applicant has submitted an application to extend their Sand and Gravel Overlay Zoning District designation for an additional ten years. The extension of the conditional use permit and Interim Use Permit would remain active until the sand and gravel zoning was requested to be terminated by the land owner.

The original sand and gravel zoning was approved in 1999. A specific term of the approval was not specified in the resolution but the original submittal packet called for an approval period of 10 years. The applicant is requesting to increase the total volume of material to be removed by 55,000 cubic yards because there is no longer the need to reserve an area for a septic system since the property is now in the MUSA boundary and sewer is available in Clark Road. In 2006, the City Council approved an Interim Use Permit for the contractor's yard on the east side of the property.

No changes are being proposed to the operation, only the time frame and volume increase.

ANALYSIS

The revised final land use plan shows the property would be graded down to a level elevation and left as one lot either side of Clark Road for future development which would provide ample area for future industrial development.

The original approval was to allow the removal of approximately 760,000 cubic yards of material. There is an estimated 321,122 cubic yards of material left on the site. Adding the additional 55,000 cubic yards, the total material left to be removed is approximately 376,122 cubic yards. The City Engineer has reviewed the plans and is supportive of the plan based on the amount of excess topsoil in the berms on the property would be sufficient to fill the lot on the east side of Clark Road to the proposed elevations. To insure the site would balance in the end,

a yearly report is required to be submitted by the applicant to show the amount of material being hauled back into the site. The applicant is required to submit to the County the amount of material being removed from the site.

The applicant is requesting an extension period of 10 years. Staff recommends an approval period of five years as this is consistent with the approvals that have been given to other sand and gravel operations.

RECOMMENDATION

Planning Staff: Recommends approval of the request as presented with the conditions listed in the attached resolution.

Planning Commission: The Planning Commission met on September 7 to discuss the request and they were not concerned about allowing a 10 year extension period for any of the requests. They recommended approval the three requests with a 10 year approval period (8-0).

Environmental Commission: The Environmental Commission met on September 16 to discuss the request and they also were not concerned about allowing a 10 year extension period as they felt it was a reasonable time frame due to the current economy and level of construction activity. They recommended approval of the three requests with a 10 year approval period (6-0).

Attachments: Sand and Gravel Overlay Ordinance
Conditional Use Permit Amendment Resolution
Interim Use Permit Extension Resolution
Planning Commission Recommendation
Planning Report

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE

CASE NO. 10-12CIA

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 to Temporary Sand and Gravel (S & G) for a period of _____ years the following described property located within the City of Inver Grove Heights, Minnesota, to wit:

**Outlots A and B, Gainey Addition, Dakota County, Minnesota
according to the recorded plat 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, and shall be subject to the following conditions:

1. Use of the property shall be substantially similar to the plans detailed in the Sunde Engineering, Inc. Report entitled Application for Sand and

Gravel Overlay District Zoning Dated March, 1999 on file in the planning department, except as maybe modified herein and with the updated plan entitled Conceptual Rough Grading and Drainage Plan including phasing and final restoration plan dated 7/23/10.

2. The Temporary Sand and Gravel (S&G) Zoning shall remain in place on the property for a period of ____ years to expire on (council approval date), 20XX.
3. The operation of the sand and gravel operation approved herein shall comply with all provisions of Inver Grove Heights City Code, Section 10-13G, Sand and Gravel Zoning District, except as specifically modified herein.
4. Berming of sufficient height to screen activity areas shall be provided along the southern lot line of Outlot B, Gainey Addition and along the entire length of Clark Road fronting Outlot B.
5. The remaining quantity of material to be mined on the property shall be limited to an estimated 376,122 cubic yards. The maximum disturbed area shall not exceed approximately eight (8) acres at any one time. Maximum depth of any mining area shall be limited to up to 50 feet below final restoration plans.
6. A letter of credit or other surety shall be submitted as required by code for the reclamation of the site. The amount shall be approved by the City Engineer and shall be submitted within 30 days of approval of this ordinance.
7. The site shall be kept clear, at all times, of windblown debris.
8. Backfill material shall be either clean fill material that was stripped off the site or other clean fill material which is brought in from offsite.
9. Steininger Inc. shall obtain and maintain the necessary licenses and approvals from Dakota County. Terms and conditions of the license and approval shall be hereby incorporated into this City approval.
10. Restoration shall be conducted in phases at the site. As portions of the mining area are completed, the areas will be backfilled, graded, topsoil applied and vegetation established.

Ordinance No. _____

Page 3

11. Steininger Inc. is required to submit an annual report to the City Engineer indicating the amount of fill material that has been brought back on the site each year.

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

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Melissa Rheaume, Deputy Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR THE
PROCESSING OF SAND AND GRAVEL, PROCESSING OF RECYCLED CONCRETE AND
ASPHALT**

Case No. 10-12CIA
(Steininger Inc.)

WHEREAS, an application for Conditional Use Permit Amendment has been submitted for the property legally described as:

**Outlots A and B, Gainey Addition, Dakota County, Minnesota, according
the recorded plat thereof.**

WHEREAS, the request is to extend the approval time tied to the Sand and Gravel Overlay District;

WHEREAS, the aforescribed property is zoned I-2, General Industry;

WHEREAS, the request has been reviewed against Title 10, Chapter 3, Article A, Section 10-3A-5 regarding the criterion for a Conditional Use Permit such as consistency with the Comprehensive Plan, conformity with the Zoning Ordinance and compatibility with adjacent properties, among other criteria, the request meets all of the minimum standards;

WHEREAS, a public hearing concerning the conditional use permit was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statute, Section 462.357, Subdivision 3 on September 7, 2010;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that a Conditional Use Permit Amendment for the processing of sand and gravel and the processing of recycled concrete and asphalt is hereby approved subject to the following conditions:

1. Resolutions No. 99-71 and the conditions therein shall become null and void.
2. All terms and conditions of the approval of the temporary Sand and Gravel Zoning District for the property shall apply to all the operations on the site specifically stated herein, except where said terms and conditions may be modified by the conditions below, then the conditions of this permit shall prevail.
3. Approval of this conditional use permit shall be valid for the duration of the Temporary Sand and Gravel Zoning or until such time that the sand and gravel operation on site shall cease to continue if such time frame is shorter. The sand and gravel operation and the approval granted herein shall terminate concurrently.
4. Where violations of the conditions of this permit are noted, the City is authorized to immediately terminate all operations on the site and resumption of operation will not be permitted until such violation is rectified.

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 27th day of September, 2010.

AYES:

NAYS:

ATTEST:

George Tourville, Mayor

Melissa Rheaume, Deputy Clerk

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

RESOLUTION NO. _____

A RESOLUTION APPROVING A ONE TIME EXTENSION FOR AN INTERIM USE PERMIT TO ALLOW A TEMPORARY CONTRACTORS YARD WITH OUTDOOR STORAGE FOR THE PROPERTY LOCATED AT OUTLOT B, GAINNEY ADDITION (SOUTH OF GAINNEY TRUCKING, ALONG CLARK ROAD)

**CASE NO. 10-12CIA
(Steininger)**

WHEREAS, an interim use permit time extension application has been submitted to the City for property legally described as;

Outlot B, Gainney Addition, Inver Grove Heights, according to the plat on file and of record in the office of the County Recorder, Dakota County, Minnesota

WHEREAS, on April 10, 2006, the City Council adopted an ordinance amendment to the interim use ordinance allowing a temporary contractors yard with outdoor storage;

WHEREAS, a public hearing concerning the interim use permit was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statutes, Section 462.357, Subdivision 3 on September 7, 2010;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, an interim use permit is hereby approved subject to the following conditions:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department except as may be modified by the conditions below.
2. The site shall be maintained free of weeds, waste materials, trash, junk vehicles, and similar items which are no longer useful.

3. The Interim Use Permit shall be valid for the duration of the sand and gravel operation on site.
4. Where violations of the conditions of this permit are noted, the City is authorized to immediately terminate the uses approved in this permit.
5. The storage area shall be surfaced with concrete, bituminous, Class V gravel, or an approved equivalent. The surface shall be maintained to prevent deterioration, dust and erosion.
6. The driveway entering the property and the main drive lane through the site will be required to be posted as a fire lane and the parking lot must be configured to provide adequate turn-around for fire apparatus once inside the property.

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 27th day of September, 2010.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Melissa Rheume, Deputy Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: September 7, 2010
SUBJECT: **STEININGER, INC. – CASE NO. 10-12CIA**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment for a ten year extension to the existing Sand and Gravel Overlay Zoning district, and a Conditional Use and Interim Use Amendment for the continued operation of a contractor's yard and mining operation, for the property located at 11305 Clark Road. 8 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant received the original Sand and Gravel approval in 1999. A Conditional Use Permit was also approved for the processing of sand and gravel and recycled concrete and asphalt. The applicant is now requesting a ten year extension; however, staff is recommending only a five year extension. The applicant is also requesting an Interim Use Permit (IUP) extension to allow outdoor storage on the east side of the property. He advised that the ordinance allows just a one-time extension for an interim use permit. The applicant is requesting a ten year extension; however, staff recommends only a five year extension. Staff recommends approval of Alternative A in the report which allows for the temporary Sand and Gravel Zoning District, Conditional Use Permit Amendment, and an Interim Use Permit Extension for a period of **five** years, with the conditions listed in the report, for the property located at 11305 Clark Road.

Commissioner Gooch asked what would happen if the applicants got only a five year extension but were not yet mined out.

Mr. Hunting replied that the applicants could request another extension as the one-time extension applied only to the IUP for outdoor storage.

Commissioner Simon questioned why the Environmental Commission had not reviewed the request prior to Planning Commission review.

Mr. Hunting replied it was just a matter of the timing of the process. He stated that staff did not foresee any issues with the use or impacts on surrounding properties since there were no proposed changes to the site.

Commissioner Simon asked if staff received any complaints regarding outdoor storage on the site, to which Mr. Hunting replied they had not received complaints of any kind for this operation.

Commissioner Simon asked if staff had inspected the site for compliance with the conditions.

Mr. Hunting replied that both Planning and Engineering staff visited the site. As a result of that

visit, a few engineering issues were discovered and the applicant is working to correct those.

Opening of Public Hearing

Vance Grannis Jr., 9249 Barnes Avenue, representing the applicant, stated the letter he submitted to the Planning Commission explains their justification for a ten year extension versus a five year. He advised that all engineering issues have already been corrected.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, to which Mr. Grannis replied in the affirmative, with the exception of any reference to a five year extension versus a ten year extension.

Planning Commission Discussion

Commissioner Roth stated he supported a ten year extension for the IUP for outdoor storage, and noted there was a mini-storage facility in close proximity to the subject property.

Chair Bartholomew advised he supported a ten year extension on the IUP for outdoor storage as well as for the sand and gravel, stating it was somewhat misleading to contend that a ten year permit would be a disincentive to sell the property.

Commissioner Schaeffer stated he supported a ten year extension on all requests as well, stating hopefully in ten years the economy will have improved and sale of the property will be more likely.

Commissioner Wippermann stated he supported a ten year extension as well with the rationale being the reasons stated in Mr. Grannis's letter.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioners Scales and Schaeffer, to approve the request for an ordinance amendment to extend the existing Sand and Gravel Overlay District, a Conditional Use Permit Amendment for the continued processing of sand and gravel, recycled concrete, and asphalt, and an Interim Use Permit extension to allow a temporary contractors yard with outdoor storage, with a change to conditions to allow for a **ten** year extension, for the property located at 11305 Clark Road..

Motion carried (8/0). This item goes to the City Council on September 27, 2010.

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

REPORT DATE: August 30, 2010

CASE NO: 10-12CIA

APPLICANT: Steininger, Inc.

PROPERTY OWNER:Steininger, Inc.

REQUEST: Sand and Gravel Zoning District and Interim Use Permit Extension and
Conditional Use Permit Amendment

LOCATION: 11305 Clark Road

HEARING DATE: September 7, 2010
Environmental Commission - 9/16/2010

COMPREHENSIVE PLAN: GI, General Industrial

ZONING: I-2, General Industry

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

Max Steininger has submitted an application to extend their existing Sand and Gravel Overlay Zoning District designation for an additional period of 10 years, a conditional use permit amendment for the processing of sand and gravel and a onetime extension of the interim use permit to allow a contractors yard with outdoor storage.

The applicant received the initial Sand and Gravel Zoning approval in 1999. A conditional use permit was also approved for sand and gravel processing and processing of recycled concrete and asphalt on the property. A specific term of the approval was not specified in the resolution but the original submittal packet called for an approval period of 10 years. The applicant has been working with staff for a number of months to prepare an extension based on the assumption that the previous permit expired in 2009.

In 2006, the City Council approved an Interim Use Permit to allow a contractors yard with outdoor storage on the east side of the property.

The subject property is now within the MUSA boundary and sewer and water is available along Clark Road. The applicant plans to mine the sand deposits and then reclaim the site based on the approved plans for future industrial development.

EVALUATION OF THE REQUEST

The site is surrounded by the following uses:

North Zoned I-2, General Industrial, vacant trucking operation; guided General Industrial
West Zoned I-2, General Industrial in the sand and gravel overlay district; guided General Industrial
South Zoned I-2, General Industrial, Praxair; guided General Industrial
East Zoned I-1, Light Industrial; guided Light Industrial

A. Sand and Gravel Temporary Zoning District

Evaluation of the Sand and Gravel Zoning renewal is regulated by performance standards listed in Section 10-13G of the City Code. The following reviews the application to these required standards:

Existing Conditions Plan. The applicant has submitted a plan showing the existing conditions on the site. Excavation has occurred on the east side of Clark Road (Outlot B) and this is the open pit where excavation will continue. Outlot A is primarily open field with a wetland essentially in the middle of the lot.

Phasing Plan. A phasing plan has been submitted showing a two phase operation. Phase 1 is Outlot B on the east side of Clark Road and Phase 2 is Outlot A on the west side of Clark Road.

Final Development Plan. A final development plan has been submitted. The plan identifies the site being graded into the same two outlots for future industrial development. Since the lots are each over 20 acres in size, the sites will provide ample area for future industrial development.

Approved Volumes of Material to be Mined. The original approval was based on an estimated amount of 760,000 cubic yards of material to be mined. The expected time period of completion was 10 years. As of the beginning of 2010, a total of 438,878 cubic yards of material has been mined. This would leave an estimated 321,122 cubic yards to be mined. This number was based on a total of 37 acres of the 47 acre site area total would be mined. In 1999, this area was not in the MUSA boundary and sewer was not available. Therefore, an area was to have been set aside and left undisturbed for future septic system locations. Since this land is now served by sewer, an undisturbed area is no longer needed. The applicant has indicated that this creates the ability to mine an additional 55,000 cubic yards of material. With additional material now available to mine, the total amount of material left to mine based on the site plan would be an estimated 376,122 cubic yards.

The City Engineer has reviewed the request and submitted plans and notes that based on quantity numbers submitted by the applicant, there is sufficient top soil material on site to reclaim the amount of material mined to date on the east side of Clark Road. In order to insure that there is enough fill material to reclaim the estimated 760,000 cubic yards plus the additional 55,000 cubic yards, the applicant is required to submit an annual report to the City Engineer indicating the amount of fill material that has been brought back on the site each year. This will insure that all of Outlot B will balance. The Engineer recommends approval of the plan with the stipulation that the mining shall be allowed up to 50 feet below the final restoration plan elevations. The maximum disturbed area shall not exceed approximately eight (8) acres at any one time. A letter of credit or other surety should be submitted as required by code. The amount to be approved by the City Engineer.

Period of Permit Renewal. The expected time period of completion was 10 years. Based on the slowdown of the construction industry, this time period needs to be extended. The applicant is requesting a renewal period of 10 years. Based on other sand and gravel zoning approvals, Staff recommends the time period be limited to five (5) years. This allows the city an opportunity to review the permit again in a shorter period of time since this area is now in the MUSA boundary and sewer has been extended, industrial development is now the primary goal and allowing too long a period of mining may be detrimental to development of this parcel or other vacant parcels in the area.

B. Conditional Use Permit

Concurrent with the Temporary Sand and Gravel Zoning review, a review of the CUP is part of this application.

The existing pit has a CUP for the processing of sand and gravel, and processing of recycled concrete and asphalt. The applicant is not requesting any changes to the conditional use permit.

The original approval allows for the excavation, washing, crushing, screening and stockpiling of aggregate products. Recycled concrete and asphalt are also being proposed to be hauled to the site periodically crushed. The processed asphalt and concrete would be mixed onsite with sand and used as base material in road and utility work.

The concrete and asphalt would be hauled onto the site and stockpiled throughout the construction season, but would only be crushed for three week periods once or twice a year. The processing is designed to be conducted around the active face to help attenuate noise. All operational activities, including recycling and hauling of materials/aggregates to or from the site shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.

The use appears to be consistent with current zoning, and the end use plan for future industrial is consistent with the Comprehensive Plan.

C. Interim Use Permit. In 2006, the Council approved an Interim Use Permit to allow a contractor's yard with outdoor storage on the east side of the property. The approval was to use approximately 8 acres of the site to store trailers, recreational vehicles, truck tractors and construction equipment and materials. Existing berming along the highway was approved as screening for the outdoor storage. The current permit expiration date was to end concurrently with the sand and gravel zoning.

The Zoning Ordinance allows for a onetime extension of an interim use permit. Upon expiration of this one-time time extension, the property owner shall not request a new interim use permit for the same interim use on the property. The applicant is requesting the same 10 year time period extension. No other changes are being proposed for the interim use permit.

The interim use of a contractor's yard on this particular site would not have an impact on public health or existing or planned City facilities. It is generally compatible with the existing uses of the surrounding properties. Access to the storage area will be off of Clark Road. This is not a high traffic road; additional traffic the storage area may produce will not negatively impact the surrounding businesses.

Because there is only a one-time extension, Staff recognizes that there is a need to store trucks and equipment on site while the site is mined. Because of the time extension limitation, Staff would support an extension of the Interim Use Permit to match the sand and gravel extension. Once the mine is closed, the Interim Use Permit expires and the site could not be used for storage of trucks without the landowner requesting a conditional use permit.

Planning Commission Review. The Planning Commission met on September 7 to discuss the request and they were not concerned about allowing a 10 year extension period for any of the requests. They recommended approval the three requests with a 10 year approval period.

ALTERNATIVES

The Environmental Commission has the following actions available on the proposed project:

- A. **Approval**: If the proposed request is found to be acceptable, approval of the applicable following actions should be taken:
- Approval of the **Temporary Sand and Gravel Zoning** for a period of five (5) years for the expansion area and the existing gravel area to synchronize their timing subject to the following conditions:

1. Use of the property shall be substantially similar to the plans detailed in the Sunde Engineering, Inc. Report entitled Application for Sand and Gravel Overlay District Zoning Dated March, 1999 on file in the planning department, except as maybe modified herein and with the updated plan entitled Conceptual Rough Grading and Drainage Plan including phasing and final restoration plan dated 7/23/10.
2. The Temporary Sand and Gravel (S&G) Zoning shall remain in place on the property for a period of five (5) years to expire on (council approval date), 2015.
3. The operation of the sand and gravel operation approved herein shall comply with all provisions of Inver Grove Heights City Code, Section 10-13G, Sand and Gravel Zoning District, except as specifically modified herein.
4. Berming of sufficient height to screen activity areas shall be provided along the southern lot line of Outlot B, Gainey Addition and along the entire length of Clark Road fronting Outlot B.
5. Total material allowed to be mined on the property shall be limited to an estimated 760,000 cubic yards. The maximum disturbed area shall not exceed approximately eight (8) acres at any one time. Maximum depth of any mining area shall be limited to up to 50 feet below final restoration plans.
6. A letter of credit or other surety shall be submitted as required by code for the reclamation of the site. The amount shall be approved by the City Engineer and shall be submitted within 30 days of approval of this ordinance.
7. The site shall be kept clear, at all times, of windblown debris.
8. Backfill material shall be either clean fill material that was stripped off the site or other clean fill material which is brought in from offsite.
9. Steininger Inc. shall obtain and maintain the necessary licenses and approvals from Dakota County. Terms and conditions of the license and approval shall be hereby incorporated into this City approval.
10. Restoration shall be conducted in phases at the site. As portions of the mining area are completed, the areas will be backfilled, graded, topsoil applied and vegetation established.

11. Steininger Inc. is required to submit an annual report to the City Engineer indicating the amount of fill material that has been brought back on the site each year.
- o Approval of the **Conditional Use Permit Amendment** for the processing of sand and gravel, processing of recycled concrete and asphalt subject to the following conditions:
1. Resolutions No. 99-71 and the conditions therein shall become null and void.
 2. All terms and conditions of the approval of the temporary Sand and Gravel Zoning District for the property shall apply to all the operations on the site specifically stated herein, except where said terms and conditions may be modified by the conditions below, then the conditions of this permit shall prevail.
 3. Approval of this conditional use permit shall be valid for the duration of the Temporary Sand and Gravel Zoning or until such time that the sand and gravel operation on site shall cease to continue if such time frame is shorter. The sand and gravel operation and the approval granted herein shall terminate concurrently.
 4. Where violations of the conditions of this permit are noted, the City is authorized to immediately terminate all operations on the site and resumption of operation will not be permitted until such violation is rectified.
- o Approval of the **Interim Use Permit Extension** to allow a temporary contractors yard with outdoor storage as an interim use in the I-2 zoning district subject to the following conditions:
1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department except as may be modified by the conditions below.
 2. The site shall be maintained free of weeds, waste materials, trash, junk vehicles, and similar items which are no longer useful.
 3. The Interim Use Permit shall be valid for the duration of the sand and gravel operation on site or until the sand and gravel permit expires.
 4. Where violations of the conditions of this permit are noted, the City is authorized to immediately terminate the uses approved in this permit.

5. The storage area shall be surfaced with concrete, bituminous, Class V gravel, or an approved equivalent. The surface shall be maintained to prevent deterioration, dust and erosion.
6. The driveway entering the property and the main drive lane through the site will be required to be posted as a fire lane and the parking lot must be configured to provide adequate turn-around for fire apparatus once inside the property.

B. Denial: Should the proposed request, or portions thereof, be found not acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

RECOMMENDATION

In review of the proposed restoration plans, the Planning Division Staff finds the temporary Sand and Gravel Zoning District, Conditional Use Permit Amendment and Interim Use Permit Extension acceptable. As such, Staff recommends **Alternative A**, approval of the request based on a five year extension period with the conditions listed.

Attachments: Site Location
Applicant Narrative
Concept Grading/Drainage/Final Restoration Plan/Phasing Plan
Outdoor Storage Interim Use Site Plan

Location Map

Case No. 10-12CIA



NARRATIVE DESCRIPTION OF APPLICATION

On May 24, 1999 the applicant's property was given a sand and gravel overlay district without any specific conditions or time periods. On May 24, 1999 the applicant's property also was granted a Conditional Use Permit for processing sand and gravel deposits and processing recycled concrete and asphalt with five conditions, but again with no specific time period. However, it was estimated at the time of the original application that the granular material would be exhausted in approximately 10 years. Unfortunately, that estimate proved to be unduly optimistic due to the changes in the economy.

At the time of the initial application, the applicant supplied all of the required surveys, grading plans, phasing plans and final use plans. The original Conditional Use Permit required that the "use of the property shall be substantially similar to the plans detailed in the Sunde Engineering, Inc. Report entitled *Application for Sand and Gravel Overlay District Zoning* dated March 1999 on file in the Planning Department." The applicant has fully complied with that condition, and the City staff has had no problems with the applicant since the Permit was granted. Submitted with the Renewal Application is an updated Grading Plan for the property. The only change from the original plan is the elimination of septic site trenches on both Outlots A and B along the southerly property line. These septic site trenches are no longer necessary, because sanitary sewer was installed along Clark Road. At the time of the original application there was no contemplation that sanitary sewer would become available to the property, and therefore the septic site trenches areas were required to remain undisturbed.

It is estimated that there are currently 375,000 cubic yards of granular material remaining to be excavated on site. The amount of available material was slightly increased by the elimination of the septic trenches. In view of the current economic conditions with the corresponding lack of construction needing granular material, it is estimated it will be 10 years before all of the granular material is exhausted. Therefore, the applicant is requesting that the Sand and Gravel Overlay Zoning District and the Conditional Use Permit, along with the Interim Use Permit be extended until July 1, 2020.

The applicant further requests renewal of the Interim Use Permit previously granted for a temporary contractor's yard with outdoor storage for Outlot B, Gainey Addition. The Interim Use Permit references that it shall be "valid for the duration of the sand and gravel operation on site or until the sand and gravel permits expires. Applicant requests that the Interim Use Permit be renewed for the same 10 year period as the Conditional Use Permit.

Because many of the original conditions have been complied with and are therefore no longer applicable, the two conditions from the original permit that should be included with the renewal permit are:

1. "Use of the property shall be substantially similar to the plans detailed in the Sunde Engineering, Inc. Report entitled *Application for Sand and Gravel Overlay District Zoning* dated March 1999 on file in the planning department, except as maybe modified herein. Any changes may occur only after formal application to the City for an Amendment to the Conditional Use Permit.
2. Burming of sufficient height to screen activity areas shall be provided along the southern lot line of Outlot B, Gainey Addition and along the entire length of Clark Road fronting both Outlot A and Outlot B.

A new condition 3 should be added:

3. Grading and excavation shall be substantially similar to the updated grading and drainage plan dated March___ 2010 prepared by Sunde Engineering, Inc., which differs from the original plan only in the elimination of the areas reserved for septic site trenches.

The six conditions attached to the Interim Use Permit dated April 10, 2006 shall be continued except that in condition three the anticipated termination of the sand and gravel permit shall be specified as 2020 rather than 2009.



City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077-3412

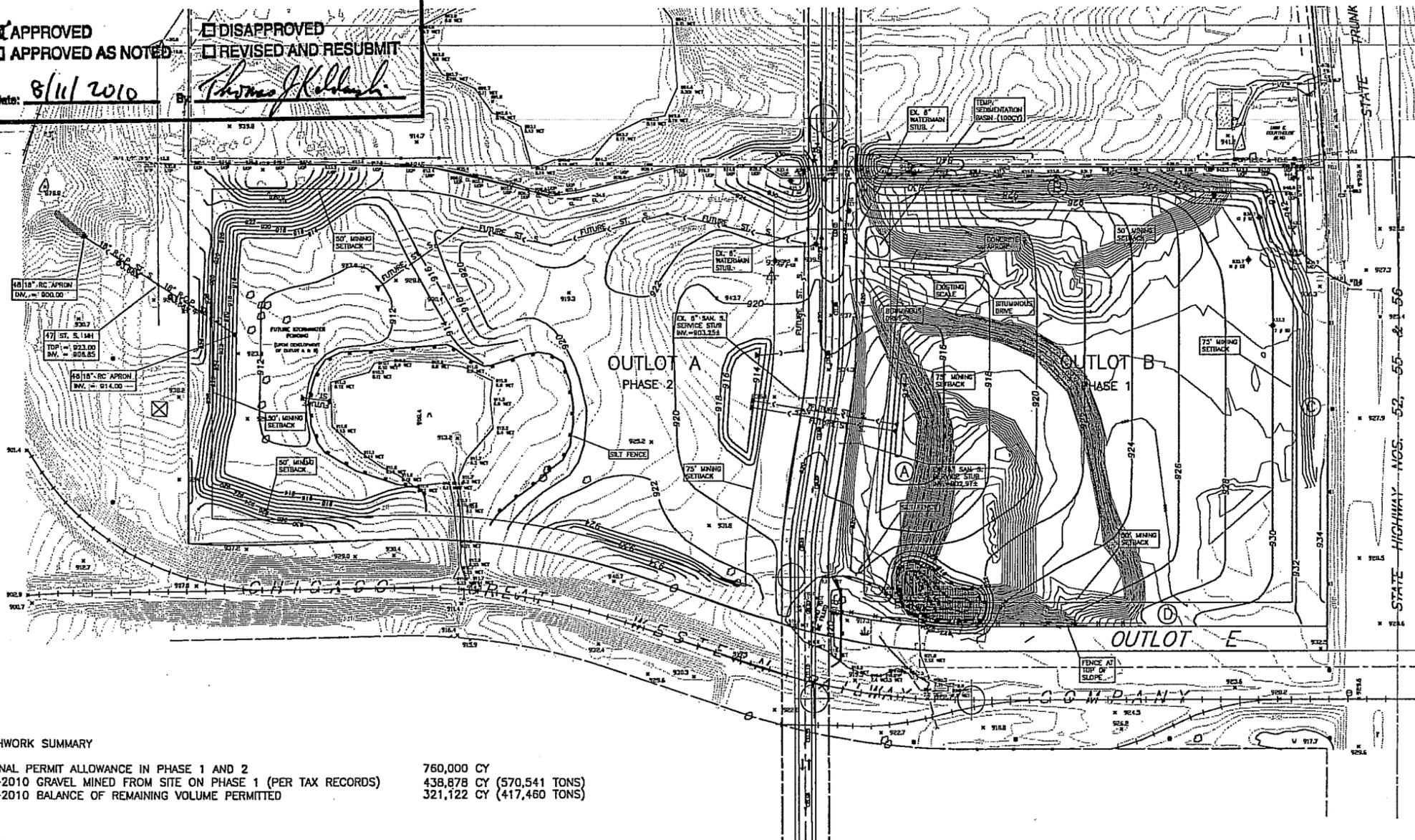
Approval is only for conformance with the design concept of the Project and compliance with the information given in the Contract Documents. Contractor is responsible for all dimensions, quantities and performance requirements to be confirmed and correlated at the job site; for all information that pertains solely to the fabrication processes or to techniques of construction; for all coordination of the work of all trades; and for assuring consistency with the Contract Documents.

Approval of drawings or items does not relieve the Contractor of the responsibility for complying with all requirements of the Contract Documents.

APPROVED
 APPROVED AS NOTED
 DISAPPROVED
 REVISED AND RESUBMIT

Date: 8/11/2010

By: *Thomas J. Kell...*



(A)(B)(C)(D) DENOTES RESERVED STOCKPILE BERM FOR FINAL RECLAMATION

NOTE - MAXIMUM AREA OF MINING DISTURBANCE SET AT 8 ACRES WITH \$5,000/ACRE SURETY

EARTHWORK SUMMARY

ORIGINAL PERMIT ALLOWANCE IN PHASE 1 AND 2	760,000 CY
1-1-2010 GRAVEL MINED FROM SITE ON PHASE 1 (PER TAX RECORDS)	438,878 CY (570,541 TONS)
1-1-2010 BALANCE OF REMAINING VOLUME PERMITTED	321,122 CY (417,460 TONS)

PHASE 1

MINING AS OF 1-1-10	438,878 CY
SITE OF EXISTING PIT	275,000 CY

FILL MATERIAL ON SITE TO FILL EXISTING PIT	
A- WEST BERM AT CLARK	100,000 CY
B- NORTH BERM	150,000 CY
C- EAST BERM AT THS2-55	75,000 CY
D- SOUTH BERM	0 CY

ON-SITE FILL 325,000 CY - NOTE ADDITIONAL 50,000 CY TO BE MINED

PHASE 2

MINING AS OF 1-1-10	0 CY
ANTICIPATED MINING 2010-2020	0 CY
ESTIMATE MATERIAL TO MINE IN PHASE 2	200,000 CY

NOTES:

THIS 2010 PERMIT REQUIRES THAT THE EARTHWORK ON THE MINING SITE MAINTAIN A BALANCE OF MATERIAL TO FILL ANY EXCAVATION TO THE FINAL RESTORATION PLAN.

THE PERMIT ALLOWS THE OPERATOR TO REMOVE SUITABLE MATERIAL UP TO 50 FEET BELOW THE FINAL RESTORATION PLAN ELEVATIONS, PROVIDED THAT THE OTHER MATERIAL OF SUFFICIENT QUANTITY AND QUALITY BE HAULED TO THE SITE TO KEEP AN EARTHWORK BALANCE, INCLUDING COMPACTION.



STEININGER GRAVEL PIT

GAINEY ADDITION
OUTLOTS A&B

INVER GROVE
HEIGHTS, MN

2010 MINING TOPO
AND PERMIT
RENEWAL

DATE	REVISION
8/20/10	ORIGINAL PLAN DATE
8/20/10	REMOVE FUTURE GRAVEL AREAS
8/20/10	CITY COMMENTS
8/20/10	CITY ENGINEER'S REVISIONS

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

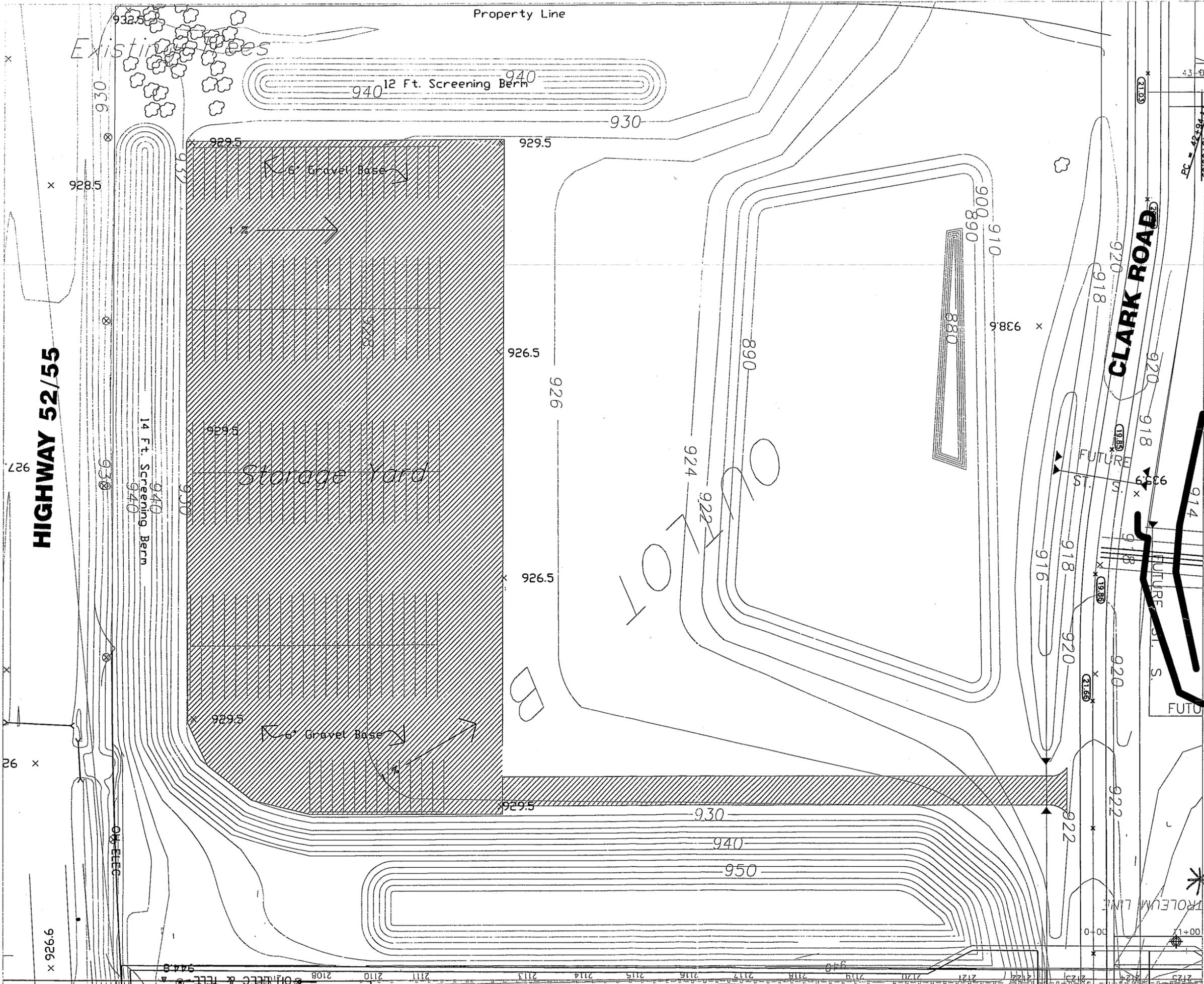
Info Refers
DATE: 8/20/10 REG. NO.: 10435

INFORMATION:
PROJECT NO.: 09-848
DRAWN BY: MK
CHECKED BY: MK
APPROVED BY: MK
SCALE: GRAPHIC
DATE: 8/20/10

DESCRIPTION:
CONCEPTUAL ROUGH
GRADING AND
DRAINAGE PLAN
2010 MINING PERMIT
RENEWAL

SHEET NO:

C1



Temporary
Outside
Storage

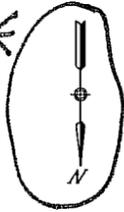
Outlot B

Gainey
Addition

Clark Road
Partnership

HIGHWAY 52/55

CLARK ROAD



May 5 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100

Existing Trees

12 Ft. Screening Berm

6" Gravel Base

Storage Yard

6" Gravel Base

OUTLOT

FUTURE

FUTURE ST. S.

TROLEUM LINE

Property Line

14 Ft. Screening Berm

OR ELEC

BOH, ELEC & TEL

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E X C A V A T I O N • D E M O L I T I O N • S H O R I N G

September 3, 2010

Planning Commission
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077-3412

RE: Steininger, Inc./Planning Case No. 10-12CIA

Dear Ladies and Gentlemen:

Our company obtained a Conditional Use Permit for processing sand and gravel deposits and processing recycled concrete and asphalt on May 24, 1999. At that time, although it was estimated the material to be mined would be exhausted in approximately 10 years, the Conditional Use Permit did **not** contain any expiration date. Since the permit was issued no violations have occurred. However, in March of this year our company was contacted by City staff and asked to submit a Renewal Application. The Renewal Application was submitted to the City on March 18, 2010, along with the required fees. Since that time, we and our attorney have worked diligently to answer all questions, issues and concerns raised by City staff, many of which did not actually relate to the gravel mining operation, but instead to possible future development of the site.

In any event, as the Staff Report states, all issues have been resolved to the satisfaction of the staff, except one. Our Application requested a 10 year renewal, because, based on today's economy, it is estimated it will take 10 years to remove all of the remaining material on site.

Staff is recommending only a 5 year renewal of the permit. We believe this is unreasonable. In addition to the many hours that we as officers of Max Steinger, Inc. have had to spend responding to requests for information and answering questions raised by staff, this renewal process has cost our company approximately \$8,000.00. We see no reason that our company should have to incur this type of expense again in 5 years. As we are sure you are aware from the current campaign for Governor, all of the candidates have been speaking to the need to reduce regulations and expense on small businesses in Minnesota. We ask that the Planning Commission recommend that the permit be renewed for 10 years to avoid this unnecessary expense.

Rest assured that we, even more than the City, would like to see the property changed to a higher and better industrial use as soon as possible. If such a use were to present itself in less than the 10 years and before all of the gravel was mined, economics would dictate that we would sell the property for such a use. Mining does not produce the income needed to pay the extensive assessments and real estate taxes on the property, so it does not make sense not to sell if some industry wanted to locate on the property. Unfortunately, not only due to today's economy, but the fact that the property is located adjacent to one of the largest landfills in the State and close to the oil refinery, potential buyers with office buildings and/or manufacturing plants are not beating down our door to get this property. It should be clear to all concerned that a 5 year limitation on the Conditional Use Permit is not needed to insure that the property would be sold for a higher and better use if such a use were to come along.

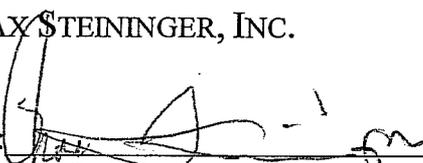
The idea that a 10 year permit to mine gravel is a disincentive to our company to sell the property is simply not realistic. Our current permit has not prevented us from trying to sell the property during the past eleven years, and it will not be a disincentive in the next 10 years.

Not only has our property not sold, but the Gainey and Watrud properties to the north along Clark Road have not sold even though they do not have a gravel mining permit. Simply put, no one is interested in locating new industries along Clark Road due to the economy, not because of the gravel mining permit.

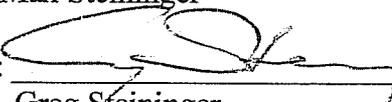
Again, we respectfully request that the Planning Commission recommend the renewal of the Permit for 10 years rather than 5 years.

Very truly yours,

MAX STEININGER, INC.

BY: 

Max Steinger

BY: 

Greg Steinger

VBGjr:cdd
Enclosures

ALLIED WASTE RECYCLERY

REQUEST FOR COUNCIL ACTION

CITY OF INVER GROVE HEIGHTS

Meeting Date: September 27, 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 a Resolution approving a Conditional Use Permit Amendment for a Recycling Facility and Transfer Station for Recyclable Materials for property located at 2795 117th Street.

- Requires 4/5th's vote.
- 60-day deadline: November 25, 2010 (second 60-days)

SUMMARY

Applicant is proposing to amend the approved site plan to change truck circulation along the front of the building. This would result in a change to the traffic patterns providing stacking and queuing on the property rather than on 117th Street. This would improve traffic safety. No other changes to the operation are being proposed.

ANALYSIS

The revised Parking lot design meets all performance standards. Both the Fire Marshal and City Engineer have reviewed the site plan changes and find the change acceptable.

Additional landscaping would also be installed to enhance the existing plantings.

RECOMMENDATION

Planning Staff: Recommends approval of the request as presented with the conditions listed in the attached resolution.

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

Attachments: Conditional Use Permit Amendment Resolution
 Planning Commission Recommendation
 Planning Report

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT FOR A
RECYCLING FACILITY AND TRANSFER STATION FOR RECYCLABLE MATERIALS IN
THE GENERAL INDUSTRY (I-2) ZONING DISTRICT**

Case No. 10-30CA
(Allied Waste Recyclery)

WHEREAS, an application for Conditional Use Permit Amendment has been submitted for the property legally described as:

**Lot 1, Block 1, Pine Bend Recyclery, Dakota County, Minnesota, according
the recorded plat thereof.**

WHEREAS, the request is to modify the site plan to change truck circulation in the front of the building by adding driveway area in front of the building;

WHEREAS, the aforescribed property is zoned I-2, General Industry;

WHEREAS, the request has been reviewed against Title 10, Chapter 3, Article A, Section 10-3A-5 regarding the criterion for a Conditional Use Permit such as consistency with the Comprehensive Plan, conformity with the Zoning Ordinance and compatibility with adjacent properties, among other criteria, the request meets all of the minimum standards;

WHEREAS, a public hearing concerning the conditional use permit was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statute, Section 462.357, Subdivision 3 on September 7, 2010;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that a Conditional Use Permit Amendment for a Recycling Facility and Transfer Station for Recyclable Materials is hereby approved subject to the following conditions:

1. The property shall be developed in substantial conformance with the site, utility, landscape, drainage and building plans dated 6/14/93 (4 sheets), and the outside storage plan dated 6/14/93 (1 sheet) including the revised site plan dated 7/29/10, except as may be modified by the conditions of this permit.
2. All permits required by MPCA and Dakota County shall be received prior to commencement of operations on the site. The terms and conditions of any required MPCA and Dakota County permits shall be incorporated as a part of this Conditional Use Permit as if they were specifically stated herein. Violations of the MPCA and/or Dakota County permit requirements shall be deemed to be a violation of the terms of this Conditional Use Permit and shall be grounds for remedial action on the part of the City.
3. All materials subject to movement or blowing by the wind or which may cause nuisance by decomposition shall be appropriately disposed of immediately. The site shall be maintained free from all trash, rubbish and other waste, not specifically permitted, at all times.
4. All vehicles entering the site shall have their loads covered or otherwise secured so as to prevent wind-blown material during transport to or from the site.
5. No open storage of materials, equipment or other items shall occur except for up to fourteen (14) containers may be used for outside storage of recyclable materials as shown on the approved open storage plan dated 6/14/93. Containers with materials inside located in the staging area must be covered by a tarp or equivalent at all times. Containers located in the loading area do not need to be covered, however, containers in the loading area stored for longer than 48 hours must be covered.
6. The water supply on the site shall be as approved by the City Fire Marshal and shall be designed in accordance with the requirements of Appendices 3a and 3b of the State Fire Code.
7. Where violations of the conditions of this permit are noted, the City is authorized to immediately terminate all operations at the site. Resumption of activities on the site shall not occur until such violation is rectified.
8. The City Code Enforcement Officer or designee, shall be granted right to access to the property at all reasonable times to determine compliance with the terms of this permit.
9. A copy of the annual operational report, a monthly report indicating daily tonnage of all materials processed, and any other special reports as required by the regulating agencies

(MPCA and Dakota County) shall be forwarded to the City Code Enforcement Officer as it becomes available.

10. Fire lane posting must be preserved and extended to include the new driveway segment.
11. Hazardous materials shall not be accepted at the sites.
12. All BFI drivers are prohibited from using Rich Valley Boulevard except to service their customers approximate to Rich Valley Boulevard. Additional, BFI shall post an advisory to all drivers to the same effect at each exit for the BFI Recycling Facility and the Pine Bend Landfill.
13. If any provision of this Conditional Use Permit is illegal, unenforceable or in conflict with the City Code, all other provisions shall stand.
14. Resolution 5805 shall hereby become null and void and be replaced by the conditions contained herein.
15. The grading and drainage plans shall be subject to the approval of the Director of Public Works prior to any site alterations occurring.

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 27th day of September, 2010.

AYES:

NAYS:

ATTEST:

George Tourville, Mayor

Melissa Rheame, Deputy Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: September 7, 2010

SUBJECT: **ALLIED WASTE RECYCLERY – CASE NO. 10-30CA**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a Conditional Use Permit Amendment to amend the approved site plan to allow an expanded asphalt area to connect the two entrances, with the conditions listed in the report, for the property located at 2795 – 117th Street. 5 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the request is to modify circulation along the front of the building by adding asphalt to provide better semi-truck circulation. He stated the proposed change would provide improved traffic safety by moving trucks onto the site for queuing rather than on 117th Street. The applicant is not proposing any operational changes as part of this request. Staff recommends approval of the request with the conditions listed in the report.

Opening of Public Hearing

Vince VanderTop, civil engineer representing Allied Waste, stated he was available to answer any questions.

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

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Simon, to approve the request for a Conditional Use Permit Amendment to amend the approved site plan connecting the two entrance points, for the property located at 2795 – 117th Street, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on September 27, 2010.

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

REPORT DATE: September 2, 2010

CASE NO: 10-30CA

APPLICANT: Allied Waste Recyclery

PROPERTY OWNER: Allied Waste Recyclery

REQUEST: Conditional Use Permit Amendment

LOCATION: 2795 117th Street

HEARING DATE: September 7, 2010

COMPREHENSIVE PLAN: GI, General Industrial

ZONING: I-2, General Industry

REVIEWING DIVISIONS: Planning
Engineering
Fire Marshal

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

Allied Waste has submitted an application for a Conditional Use Permit Amendment to the approved site plan to change circulation along the front of the building by adding asphalt to provide better semi-truck circulation in the front of the building. This would change semi-truck queuing by having the trucks now enter at the far west entrance. Stacking and queuing would be moved from 117th Street onto the site. This would provide improved traffic safety by moving the trucks that back up off the street and onto the site.

The original conditional use permit was approved in 1989 and amended in 1993. The CUP is for a Recycling Facility and Transfer Station for Recyclable Materials. Allied Waste is not proposing any operational changes as part of this request.

EVALUATION OF THE REQUEST

The site is surrounded by the following uses:

North Zoned I-2, General Industrial, open space/landfill; guided General Industrial
West Zoned I-2, General Industrial, landfill; guided General Industrial
South Zoned I-2, General Industrial, industrial uses; guided General Industrial
East Zoned I-1, Light Industrial, old tank farm; guided Light Industrial

Conditional Use Permit Site Plan

The current approved site plan identifies three entrances onto 117th Street. There are only two entrances constructed, one on each side of the building. The main drop off doors are located on the east side of the building. Current traffic flow is set up such that trucks enter the site from the east, and back up to the east doors. When there are a number of trucks waiting, they must queue on 117th Street. The proposed change is to add approximately 5000 square feet of asphalt and connect the two entrances with a paved area in front of the building. Trucks will now be able to enter the site from the west entrance and do the backup maneuver on site and then leave from the east entrance. The new circulation patten provides for stacking space on site and trucks would not have to stack and wait on 117th Street.

All parking lot setbacks would be met and parking would not be affected as most employee parking occurs in the parking spaces on the east side of the lot. The existing parking spaces would not be removed, but may be blocked if trucks are waiting to unload.

The City Engineer has reviewed the plans and finds that the plans have addressed any storm water issues. Silt fencing and construction escrows will be required to be in place before actual work begins.

The Fire Marshal has reviewed the plans and has indicated that the fire lane posting must be preserved and extended to include the new driveway segment.

Additional landscaping would be installed to replace the existing plantings that would be removed to accommodate the circulation expansion. The revised plan is designed only to enhance the existing plantings.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed project:

- A. **Approval:** If the proposed request is found to be acceptable, approval of the applicable following actions should be taken:
- Approval of the **Conditional Use Permit Amendment** for a recycling facility and transfer station for recyclable materials to change the approved site plan to allow an expanded asphalt area to connect the two entrances subject to the following conditions:
 1. The property shall be developed in substantial conformance with the site, utility, landscape, drainage and building plans dated 6/14/93 (4 sheets), and the outside storage plan dated 6/14/93 (1 sheet) including the revised site plan dated 7/29/10, except as may be modified by the conditions of this permit.

2. All permits required by MPCA and Dakota County shall be received prior to commencement of operations on the site. The terms and conditions of any required MPCA and Dakota County permits shall be incorporated as a part of this Conditional Use Permit as if they were specifically stated herein. Violations of the MPCA and/or Dakota County permit requirements shall be deemed to be a violation of the terms of this Conditional Use Permit and shall be grounds for remedial action on the part of the City.
3. All materials subject to movement or blowing by the wind or which may cause nuisance by decomposition shall be appropriately disposed of immediately. The site shall be maintained free from all trash, rubbish and other waste, not specifically permitted, at all times.
4. All vehicles entering the site shall have their loads covered or otherwise secured so as to prevent wind-blown material during transport to or from the site.
5. No open storage of materials, equipment or other items shall occur except for up to fourteen (14) containers may be used for outside storage of recyclable materials as shown on the approved open storage plan dated 6/14/93. Containers with materials inside located in the staging area must be covered by a tarp or equivalent at all times. Containers located in the loading area do not need to be covered, however, containers in the loading area stored for longer than 48 hours must be covered.
6. The water supply on the site shall be as approved by the City Fire Marshal and shall be designed in accordance with the requirements of Appendices 3a and 3b of the State Fire Code.
7. Where violations of the conditions of this permit are noted, the City is authorized to immediately terminate all operations at the site. Resumption of activities on the site shall not occur until such violation is rectified.
8. The City Code Enforcement Officer or designee, shall be granted right to access to the property at all reasonable times to determine compliance with the terms of this permit.
9. A copy of the annual operational report, a monthly report indicating daily tonnage of all materials processed, and any other special reports as required by the regulating agencies (MPCA and Dakota County) shall be forwarded to the City Code Enforcement Officer as it becomes available.
10. Fire lane posting must be preserved and extended to include the new driveway segment.

11. Hazardous materials shall not be accepted at the sites.
12. All BFI drivers are prohibited from using Rich Valley Boulevard except to service their customers approximate to Rich Valley Boulevard. Additional, BFI shall post an advisory to all drivers to the same effect at each exit for the BFI Recycling Facility and the Pine Bend Landfill.
13. If any provision of this Conditional Use Permit is illegal, unenforceable or in conflict with the City Code, all other provisions shall stand.
14. Resolution 5805 shall hereby become null and void and be replaced by the conditions contained herein.
15. The grading and drainage plans shall be subject to the approval of the Director of Public Works prior to any site alterations occurring.

B. Denial: Should the proposed request or portions thereof, be found not acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

RECOMMENDATION

The proposed parking area expansion meets all code requirements and improves traffic safety and circulation on site and improves safety on 117th Street. Staff recommends approval of the amended site plan as presented.

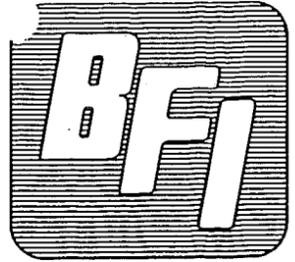
Attachments: Site Location
Current Approved Site Plan
Revised Site Plan
Truck Queuing/Circulation Plan

Location Map

Case No. 10-30CA



WARNING!
PETROLEUM PRODUCTS PIPELINE
 EXCAVATION AND/OR CONSTRUCTION PROHIBITED WITHOUT WRITTEN PERMISSION FROM TOM SMITH, RIGHT-OF-WAY COORDINATOR.
 WILLIAMS PIPELINE COMPANY
 2500 39th AVENUE
 APACHE OFFICE PARK, SUITE 246
 MINNEAPOLIS, MINNESOTA 55421
 (612) 633-1555



Browning-Ferris Industries

The Recyclery

*APPROVED CUP
 PLANS - RES. 5805

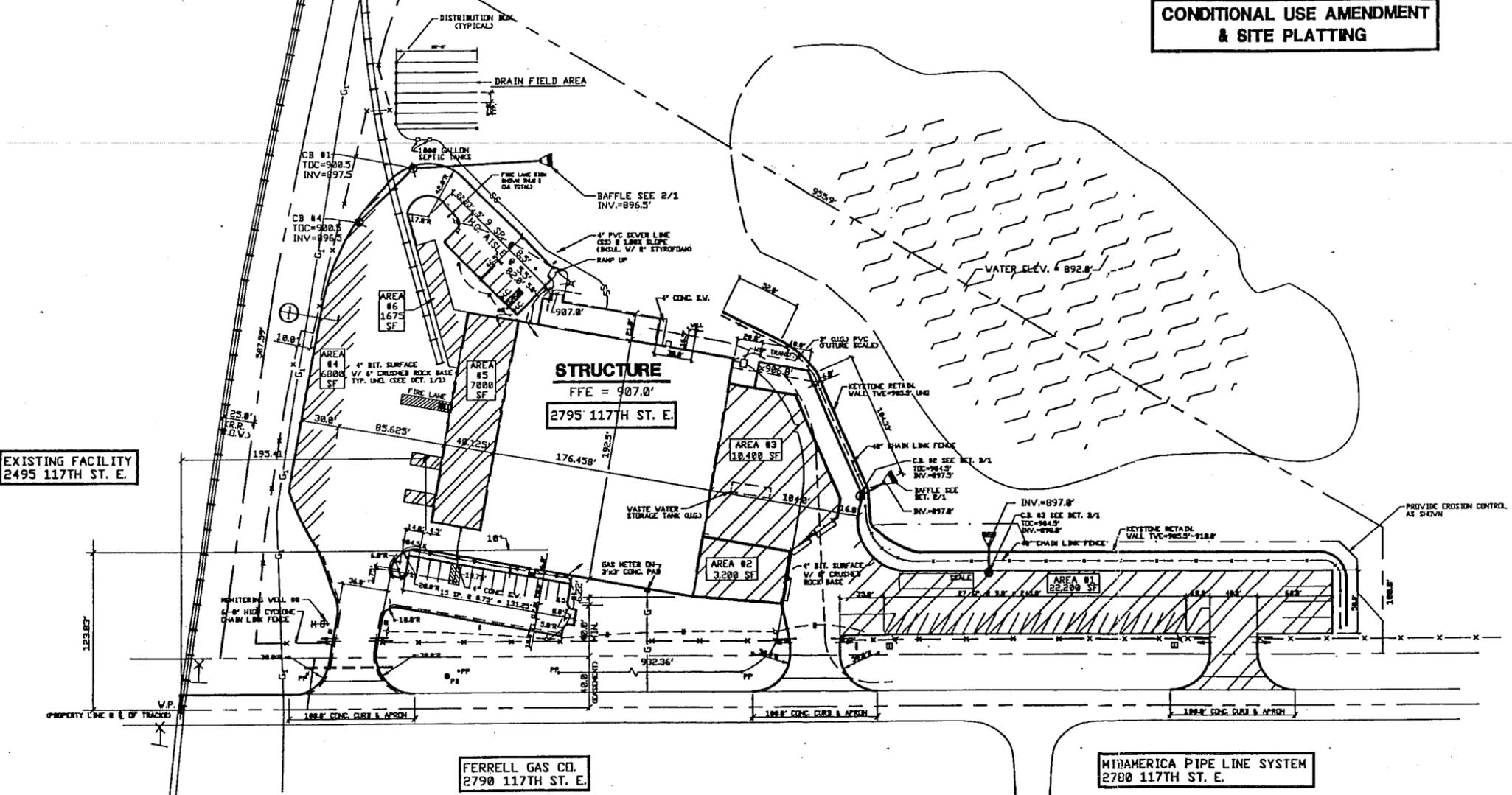
DRAWING SCHEDULE

- ARCHITECTURAL**
1. SITE & UTILITY PLAN
 2. LANDSCAPE & DRAINAGE PLAN
 3. ELEVATIONS
 4. FLOOR PLAN

SITE - DATA

SITE AREA		7.2031 ACRES
EXIST. BLDG W/ CANOPY	45084 SQ.FT.	
ADDITIONS - AREA #2	3200 SQ.FT.	
AREA #3 - BLDG	10,400 SQ.FT.	
AREA #5 - BLDG	0 SQ.FT.	
AREA #5 - DOCKS	480 SQ.FT.	
AREA #6 - DOCK	1675 SQ.FT.	
EXIST. PAVEMENT	56,000 SQ.FT.	
ADDITIONS - AREA #1	22,200 SQ.FT.	
ADDITIONS - AREA #4	6,800 SQ.FT.	
	BEFORE	AFTER
FOREST/WOODED	22%	18%
BRUSH	6%	4%
GRASSLAND	26%	22%
WETLAND (TYPES 3-8)	14%	14%
BUILDING/DOCKS	14%	19%
DRIVES/PARKING	18%	23%
OCCUPANCY (OFFICE)	B-2	
OCCUPANCY (PLANT)	B-4	
CONSTRUCTION (OFFICE)	TYPE II-N	
CONSTRUCTION (PLANT)	TYPE II-1 HR.	
ZONING	I-2	
PARKING		
PARKING (STD)	22	48
PARKING (ACCESSIBLE)	1	2
PARKING-(TOTAL)	23	50
NO. OF EMPLOYEES		
	50	50

CONDITIONAL USE AMENDMENT & SITE PLATTING



SHEET NOTES

1. [Symbol] INDICATES LIGHT FIXTURE
2. PROVIDE 4" WIDE YELLOW PAINTED STRIPING @ PARKING AREAS
3. FFE, 907.0' = PROJECT REF. ELEV. 100'-0"
4. PROVIDE CONC. SPLASH BULKS @ ALL DOWNSPOUTS
5. ALL FENCE GATES TO BE MANUALLY OPERATED.
6. ALL HANDICAPPED PARKING STALLS TO BE DESIGNATED W/ POST MTD. HC. SIGNS
7. FIRE LANE: W/ PAINTED CURB (YELLOW) & SIGNS

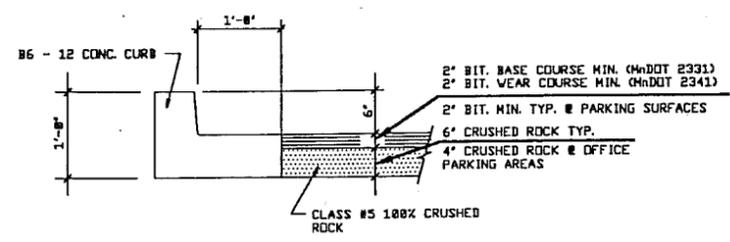
UTILITY LEGEND

- G- G GAS LINE
- SS- SS (SAN. SEWER)
- U.G. U.G. ELECT. LINES
- W- W WATER LINES
- PP- EXISTING PP (POWER POLE)
- NEW- NEW EXT. LIGHTING (SEE SHEET E1)
- MW- MONITORING WELL #8
- J- EXIST. PHONE JUNCTION BOX
- G.P. GAS PIPE LINE (UG)
- E.C. EROSION CONTROL (SILT FENCING)

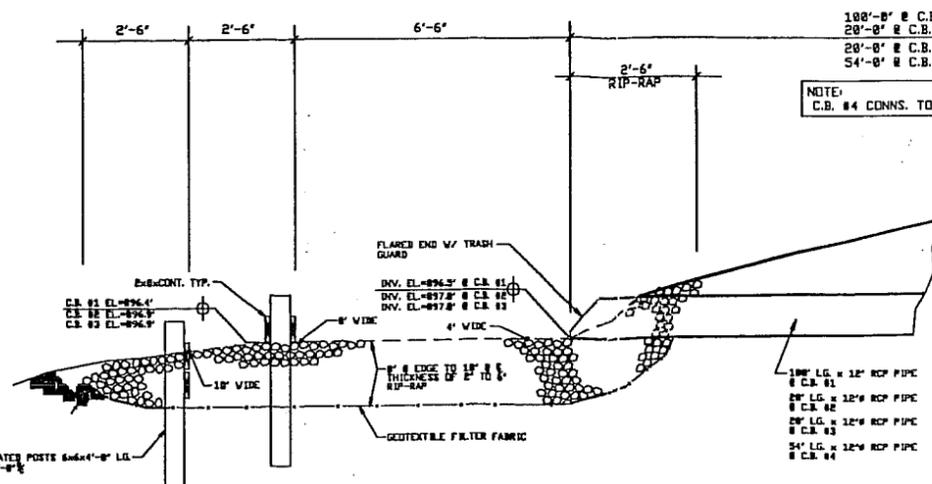


SITE PLAN & UTILITY PLAN

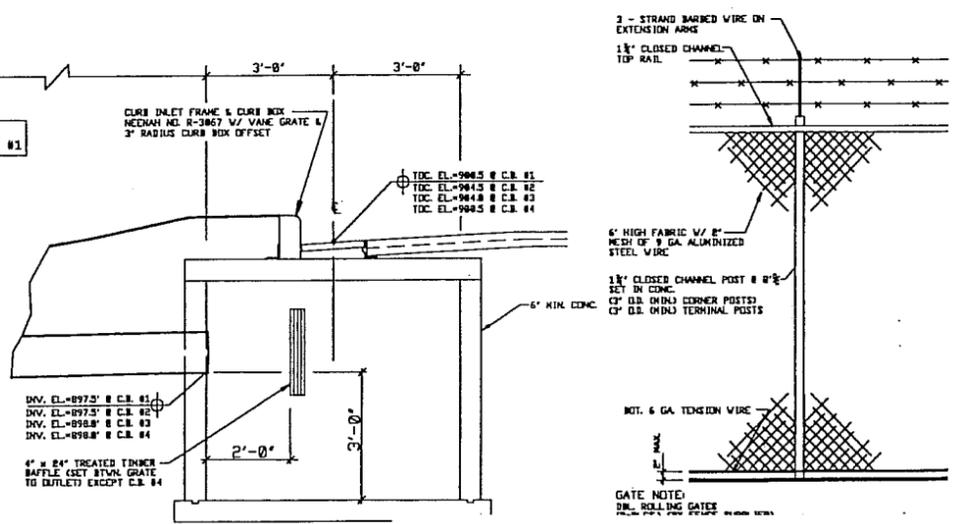
SCALE: 1" = 50'



1 CURB / PAVING DETAIL



2 BAFFLE DETAIL



3 CATCH BASIN DETAIL

EXHIBIT C - SITE & UTILITY PLAN

RUTLEDGE CONSTRUCTION
 GENERAL CONTRACTORS
 1409 SOUTH SEVENTH STREET
 HOPKINS, MINNESOTA 55343
 612 - 935 - 5558

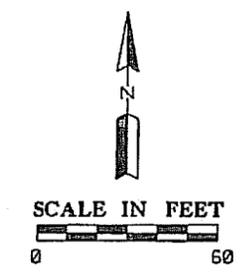
The Recyclery
 2795 - 117TH STREET E.
 INVER GROVE HEIGHTS, MINNESOTA

WR DESIGN
 STRUCTURAL ENGINEERING
 1111 15TH AVENUE S.W.
 ANDERSON, MN 55005

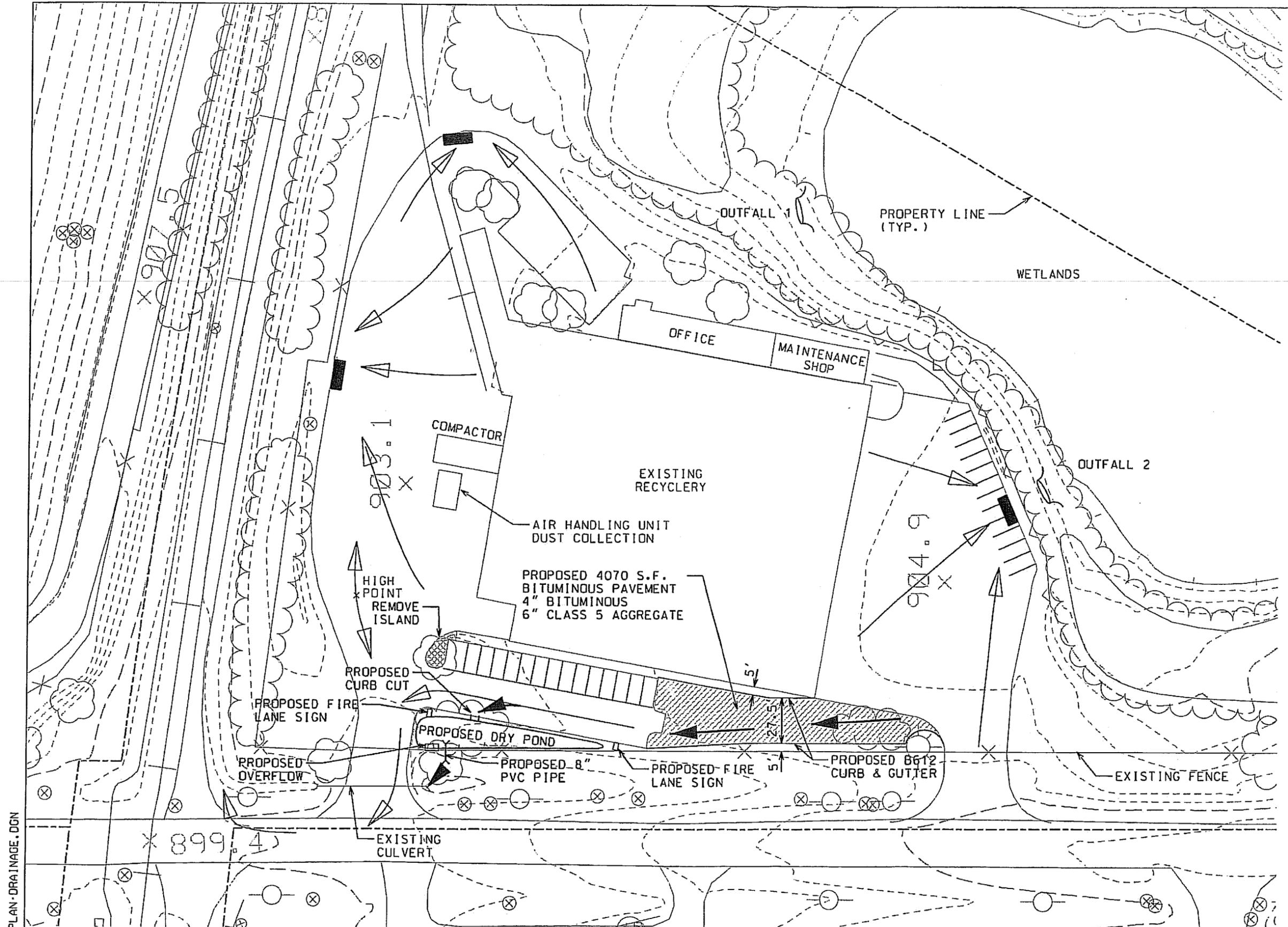
NO.	REVISIONS	DATE
1	CLIP, AMENDMENT & PLATTING	6/21/93

SHEET TITLE
 SITE PLAN & UTILITY PLAN

SCALE	1" = 50'
DRAWN	PAL
CHECKED	EPC
JOB NO.	3041/93-202
DATE	06-14-93
SHEET	1
OF	4



- LEGEND**
- STORMWATER OUTFALL
 - STORM CATCH BASIN
 - EXISTING SURFACE WATER FLOW
 - PROPOSED SURFACE WATER FLOW



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

Vincent T. Vander Top
VINCENT T. VANDER TOP

DATE JULY 29, 2010 REG. NO. 25770

M:\CIA\0SITE PLAN-DRAINAGE.DGN

REV	REV_DESC	RDWN	RAPP	RDATE

Wenck

WENCK ASSOCIATES, INC. CONSULTING ENGINEERS

WEB SITE: WWW.WENCK.COM

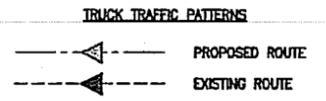
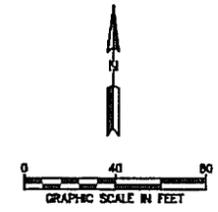
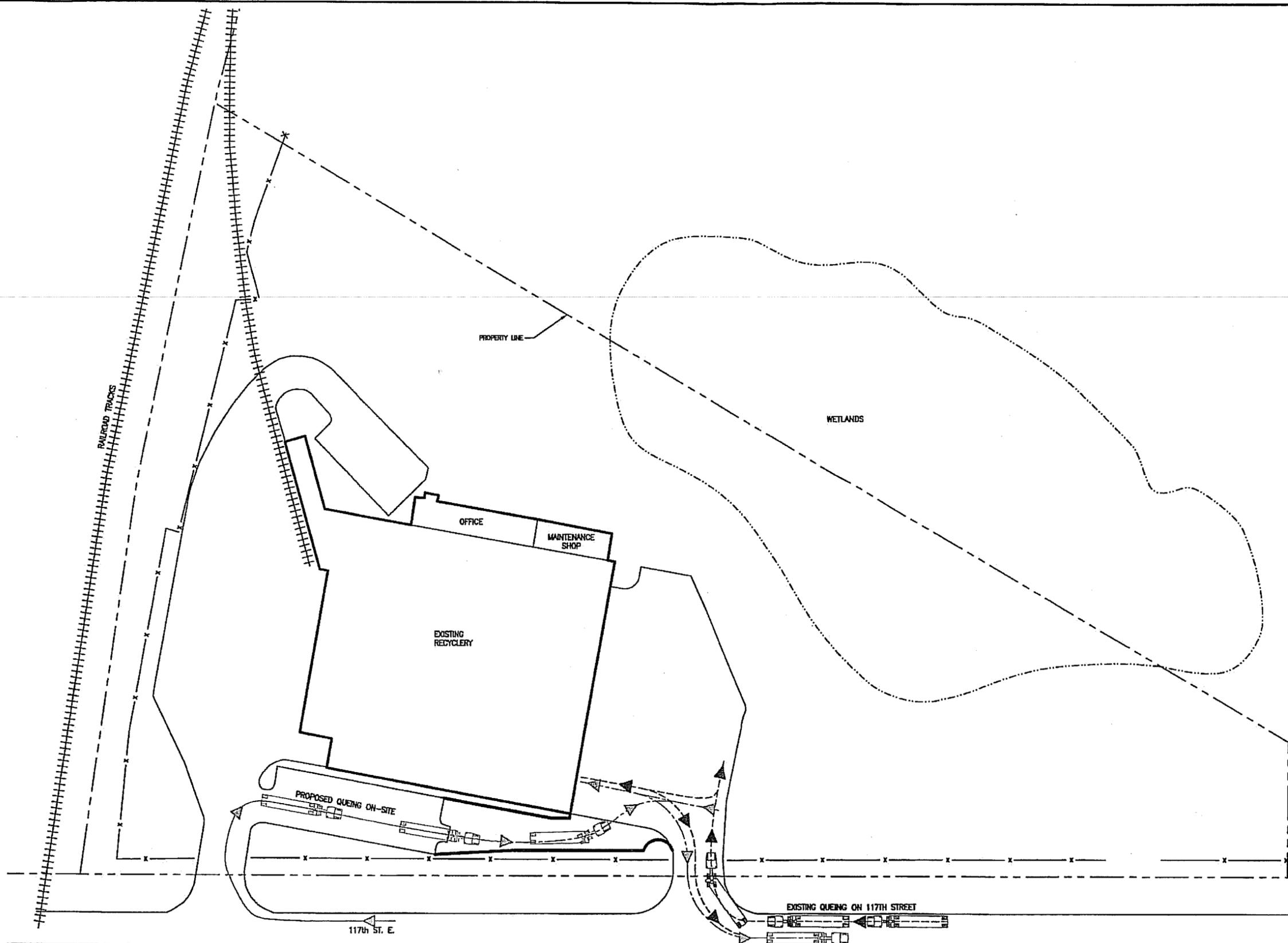
OFFICE ADDRESS OFFICE LOCATION

OFFICE PHONE OFFICE FAX

DWN BY	CHK'D	APP'D
JWT	VTV	
DWG DATE	7/28/10	
SCALE	AS SHOWN	

PROJECT	
CLIENT	ALLIED WASTE ST. PAUL RECYCLERY

SHEET TITLE		
SITE PLAN/ DRAINAGE CONFIGURATION		
PROJECT NO.	SHEET NO.	REV NO.
0991-65	FIGURE 3	1



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

Vincent T. Vander Top
 VINCENT T. VANDER TOP

DATE JULY 29, 2010 REG. NO. 25770

REV	REVISION DESCRIPTION	DWN	APP	REV DATE
1	FOR CLIENT REVIEW	NAS		09-JUL-2010

Wenck
 Wenck Associates, Inc.
 Consulting Engineers
 1800 PIONEER CREEK CENTER
 MAPLE PLAIN, MN 55359
 Web Site: www.wenck.com
 (763) 479-4200
 (763) 479-4242

DWN BY CVE	CHK'D VTV	APP'D
DWG DATE JULY 2010		SCALE AS SHOWN

PROJECT ALLIED WASTE ST. PAUL RECYCLERY
CLIENT

SHEET TITLE TRUCK QUEING/CIRCULATION		
PROJECT NO. 0991-65	SHEET NO. FIGURE 2	REV NO. 1

**INVER GROVE HEIGHTS
CREATION OF HOUSING COMMITTEE**

REQUEST FOR COUNCIL ACTION

CITY OF INVER GROVE HEIGHTS

Meeting Date: September 27, 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 a Resolution creating a permanent Housing Committee.

- Requires 3/5th's vote.
- 60-day deadline: N/A

SUMMARY

The City Council adopted a Resolution receiving the 2010 Housing Action Plan Report and Recommendations as presented by the Housing Task Force at the July 12, 2010 council meeting. Council then directed staff to prepare a resolution to form a permanent Housing Committee that would be appointed by the Council.

Staff has prepared a resolution that recommends a group of 5 (five) individuals forming the committee. The committee would meet at least quarterly and their function would be to research and make recommendations relative to the Housing Action Plan and housing issues that may be of interest to the City Council. The committee would be considered a public body and would be subject to the open meeting laws, and would have minutes and noticed agendas, the same as all our other commissions.

Upon adoption of the resolution, staff would begin the process of notifying the public of the committee and accepting applications from residents who are interested in serving on committee. We would expect to bring a list of applicants to the council for consideration by the end of the year. Formation and holding the first meeting is expected early 2011.

REQUESTED ACTION

The Council is asked to consider the attached resolution adopting a permanent Housing Committee.

Attachment: Resolution creating a permanent Housing Committee.

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

RESOLUTION NO. _____

**RESOLUTION CREATING A HOUSING COMMITTEE AND DETERMINING ITS
COMPOSITION, ORGANIZATION, DUTIES AND FUNCTIONS**

WHEREAS, on July 12, 2010, the City Council adopted Resolution No. 10-104 receiving the 2010 Housing Action Plan Report and Recommendation Presented by the Housing Task Force;

WHEREAS, the City Council directed staff to draft duties and functions for a permanent Housing Committee;

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the City Council of Inver Grove Heights establishes a Housing Committee as an advisory body to the City Council pursuant to the following:

SECTION I. Composition. The Committee shall be comprised of five (5) members appointed by the City Council.

The term of office for each member shall be three years; provided, however, in order to have staggered terms, three members of the initial board shall be appointed for initial terms of three (3) years and two members of the initial board shall be appointed for initial terms of two (2) years. As each term expires, the new term shall be for three (3) years. The anniversary date of all appointments shall be June 1.

Vacancies during the term shall be filled by the Council for the unexpired portion of the term. A member may be removed at any time by a four-fifths (4/5) vote of the City Council. All members will serve without compensation.

SECTION II. Organization. The Committee shall elect a Chairperson from among its appointed members for a term of one year; and the Commission may create and fill such other offices as it may determine.

The Committee shall hold at least quarterly regular meetings and such special meetings as determined by the Committee. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which shall be public record.

Three (3) consecutive unexcused absences from Committee meetings shall be deemed to constitute a resignation. The Chairperson shall report such absences to the City Council who shall make an appointment to fill the vacancy.

SECTION III. Duties and Functions. The duties and functions of the Committee shall be as follows:

1. Address, research and make recommendation relative to the Housing Action Plan Report and Recommendation adopted by the City Council, dated July 2010.
2. Address, research and make recommendation relative to housing issues that may be of interest to the City Council and Committee.
3. Work towards implementation of the 2030 Comprehensive Plan Housing chapter which establishes housing as an integral part of the City.
4. To review and comment on proposed changes on any housing related ordinances and/or resolutions as put forth by the City Council.
5. To recommend education programs to increase our community's awareness and knowledge of housing issues.

Adopted by the City Council of Inver Grove Heights this ___ day of _____, 2010.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Melissa Rheaume, Deputy Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

New Subsurface Treatment System (SSTS) Ordinance (commonly referred to as ‘Septic Code’).

Meeting Date: September 21, 2010
 Item Type: First Reading
 Contact: Franklin Martin: 651-450-2549
 Prepared by: Franklin Martin, Building Official
 Joe Merchak, Combination Building Inspector
 Reviewed by: Tom Link, Community Development Director
 Levander, Gillen, & Miller

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 type="checkbox"/>	Other

PURPOSE/ACTION REQUESTED

The City Council is to consider approval of the first reading of the new subsurface treatment system (SSTS) ordinance as amended.

SUMMARY

State law mandates that the City of Inver Grove Heights adopts the Dakota County or equivalent code document within one calendar year of the County’s adoption; therefore, the City of Inver Grove Heights has completed the revision of our entire existing Subsurface Sewage Treatment System (SSTS) ordinance to be in compliance with State and County regulations. On November 17, 2009, Dakota County adopted the Minnesota Pollution Control Agency (MPCA) new SSTS code.

- The proposed city code amendment provides for modifying the text of the county ordinance so that it can be set forth fully in a re-codification of Title 8, Chapter 5. This means that for the first time the city code will have a fully integrated set of county and city sewage treatment system standards in one document.
- Provisions unique to Inver Grove Heights are retained. These include the current limitations on animal (e.g., slaughter house), commercial and industrial wastes that cannot be adequately treated in a subsurface sewage treatment system.
- Holding tanks are continued to be allowed for secondary discharge (e.g., hazardous waste containment overflows) and for marina sanitary pump-out facilities, though the 2000 gallon aggregate tank capacity limitation is removed to avoid conflict with state rules. Also retained are the sewage system site evaluation requirements for platting and waiver of platting.
- Two new local design standards of significance have been added to provide effluent screens on most new and replacement sewage systems, and the other significant city code change requires the size of the septic system to be evaluated as part of the compliance

inspection and provides for a one year period of time to upgrade undersized systems. Existing systems sized to previous editions of state standards would not have to be upgraded. An exception also provides performance criteria that allow postponing indefinitely the upgrade of an undersized system so long as its usage is below a sustained heavy level that could cause it to prematurely fail.

- Most of the other changes are of a minor nature and are added in response to MPCA review comments or to allow current city practices to continue. Examples of such changes are provisions: requiring contractors to use the MPCA's "SSTS Abandonment Reporting Form"; listing what phases of sewage system work require inspection by the city; and that system owners must hire licensed private inspectors to perform the point-of-sale and compliance inspections of existing systems

CONCLUSION

In closing, the complete overhaul of our septic system is to accommodate all new rules and regulations from the State and County code updates. We are also bringing forth some historical amendments that we have always had in addition to creating new performance requirements for effluent screens and certifications. Staff recommends approval of first reading of the ordinance regarding Subsurface Sewage Treatment Systems.

Attachments:

Ordinance amending Title 8, Chapter 5

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

ORDINANCE NO. _____

**AN ORDINANCE REGULATING SUBSURFACE SEWAGE TREATMENT SYSTEMS
WITHIN THE CITY OF INVER GROVE HEIGHTS, MINNESOTA AND AMENDING
INVER GROVE HEIGHTS CITY CODE TITLE 8 CHAPTER 5**

The City Council of Inver Grove Heights does hereby ordain:

Section 1. Amendment. Title 5, Chapter 8 of the Inver Grove Heights City Code is hereby amended in its entirety as follows:

**Chapter 5
INDIVIDUAL SEWAGE TREATMENT SYSTEMS**

8-5-1: DEFINITIONS:

The following terms, when used in this chapter, shall have the meanings as set forth in this section:

~~AEROBIC TANK: Any sewage tank which utilizes the principle of oxidation in the decomposition of sewage by the introduction of air into the sewage.~~

~~BAFFLE: A device installed in a septic tank for proper operation of the tank and to provide maximum retention of solids, and includes vented sanitary tees and submerged pipes in addition to those devices that are normally called baffles.~~

~~COMMERCIAL AND INDUSTRIAL: Any use of a building or property other than a single-family residential dwelling unit.~~

~~FAILED INDIVIDUAL SEWAGE TREATMENT SYSTEM: A soil treatment system that is allowing sewage, sewage tank effluent, or seepage from the soil treatment system to be discharged to the ground surface, abandoned wells, or bodies of surface water, or into any rock or soil formation of the structure which is not conducive to purification of water by filtration, or into any well or other excavation in the ground. Failed individual sewage treatment system also means an individual sewage treatment system that uses cesspools, leaching pits, or seepage pits, or as defined by Minnesota state rules chapter 7080.~~

~~INDIVIDUAL SEWAGE TREATMENT SYSTEM: A sewage treatment system or part thereof, serving a dwelling or other establishment or group thereof, which uses subsurface soil treatment and disposal, including approved holding tanks.~~

~~MOUND SYSTEM: A system where the soil treatment area is built above the ground to~~

overcome limits imposed by proximity to water table or bedrock, or by rapidly or slowly permeable soils.

~~OWNER: All persons having possession of, control over, or title to an individual sewage treatment system.~~

~~PRIVATE INSPECTOR: A person or company that has been licensed by the state of Minnesota and qualified to inspect existing individual sewage treatment systems.~~

~~PUMP OR PUMPED: The removal and sanitary disposal of septage from the septic tank. Removal of septage also includes complete removal of scum and sludge.~~

~~PUMPER: A person or company that has been licensed by the state of Minnesota as qualified to service an existing septic system.~~

~~SECONDARY DISCHARGE: Those solids and liquids discharged intermittently which are not part of the business' commercial and/or industrial process, including, but not limited to, floor drains and overflow from containment areas.~~

~~SEPTAGE: Those solids and liquids removed during periodic maintenance of a septic or aerobic tank or those solids and liquids which are removed from a holding tank.~~

~~SEPTIC TANK: Any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquid, digest organic matter, and store liquids through a period of detention, and allow the clarified liquids to discharge to a soil treatment system.~~

~~SEWAGE: Any water carrying domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, and culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.~~

~~SEWAGE TANK: A watertight tank used in the treatment of sewage and includes, but is not limited to, septic tanks and aerobic tanks.~~

~~SOIL TREATMENT SYSTEM: A system where sewage tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil, and includes those systems commonly known as seepage bed, trench, drain field, disposal field and mounds. (Ord. 911, 1-26-1998)~~

8-5-2: COUNTY AND STATE REGULATIONS ADOPTED:

~~A. County Regulations: Ordinance 113 of Dakota County regulating individual sewage treatment systems, and any subsequent amendments thereto, are hereby adopted by reference and shall be a part of this chapter as if set forth fully herein. A copy of Dakota County ordinance 113 is on file in the office of the city clerk.~~

~~B. State Regulations: Chapter 7080 of the Minnesota rules of the Minnesota pollution control agency water quality division for individual sewage treatment systems (MPCA rule 7080), and any subsequent amendments thereto, are hereby adopted by reference and shall be a part of this chapter as if set forth fully herein. A copy of MPCA rule 7080 is on file in the office of the city clerk. An individual sewage treatment system shall only be used for the discharge of "sewage" as that term is defined in section 8-5-1 of this chapter. (Ord. 911, 1-26-1998)~~

~~8-5-3: HOLDING TANKS:~~

~~Holding tanks conforming to the requirements of this chapter are limited to the following installations:~~

~~A. Tanks with a total capacity not exceeding two thousand (2,000) gallons may be used for collection of secondary discharge not suitable for on-site treatment.~~

~~B. Replacement of failed individual sewage treatment systems on existing uses when no other means of treatment is possible. (Ord. 911, 1-26-1998)~~

~~8-5-4: DESIGN:~~

~~In addition to the requirements contained within MPCA rule 7080, all new, rebuilt or otherwise modified individual sewage treatment systems located in the city shall conform to the following:~~

~~A. Designed by a person licensed as a designer by the state as being qualified to design such systems. Proof of such license shall be provided to the city at the time the design of the individual sewage treatment system is submitted to the city building inspection division for approval.~~

~~B. The design shall be submitted to and approved by the building inspection division prior to issuance of any building permits for the subject site.~~

~~C. The design shall include a site plan indicating primary and alternate treatment areas and the results of two (2) percolation tests for the primary treatment area. (Ord. 911, 1-26-1998)~~

~~8-5-5: LOCATION:~~

~~A. Approval Required: The installation of an individual sewage treatment system shall occur only at the location approved by the city building inspection division. Installation of the system at any other location shall require submission to and approval of revised design and location plans by the city building inspection division.~~

~~B. Testing For Locations: For all lots in unsewered areas that require platting or a waiver of platting, the landowner shall submit to the city a soil boring and analysis report prepared by a licensed designer or professional engineer trained in individual sewage treatment systems~~

(ISTS). The analysis shall show the existence of an adequate land area of suitable soils that will accommodate at least two (2) sites for a soil treatment system on each lot, taking into account depth to water table, soil types and conditions, topographic features, flooding potential and mandatory setback requirements, as dictated by city ordinance and any applicable state and federal regulations. The evaluation of the soils and the soil borings as well as the two (2) potential locations of the on-site individual sewage treatment system shall be submitted to the city for review and approval prior to any preliminary or final plat approval or waiver of platting being given for the subject property. Failure to provide the information required by this subsection or failure to have at least two (2) potential sites for a soil treatment system on each lot shall be grounds for denial of the plat or grounds for the denial of the waiver of platting. (Ord. 911, 1-26-1998)

8-5-6: QUALIFIED CONTRACTOR:

The system shall only be installed by a person or company licensed by the state as qualified to install such a system. (Ord. 911, 1-26-1998)

8-5-7: INSTALLATION PERMIT:

No individual sewage treatment system shall be installed, modified or repaired until an installation permit has been issued by the city and the permit fee established by resolution of the city council. (Ord. 911, 1-26-1998)

8-5-8: MAINTENANCE OR OPERATIONAL PERMIT:

A. Permit Required Generally: No individual sewage treatment system shall be used unless the owner of the individual sewage treatment system has received a maintenance or operational permit from the city, and the permit is in force and effect. The owners of individual sewage treatment systems shall obtain a maintenance or operational permit as required no later than January 1, 1999.

B. Individual Residential Maintenance Permit: The owner of every single family residential sewage tank, septic tank or holding tank is required to have an individual sewage treatment system (ISTS) maintenance permit from the city building inspection division. The permit shall be issued by the building inspection division only after the owner has completed maintenance on the system in accordance with subsection D of this section.

C. Commercial And Industrial Operational Permit: The owner of every commercial and industrial property serviced by an individual sewage treatment system is required to have an individual sewage treatment system operational permit for each system from the city building inspection division. The permit shall be issued by the building inspection division only if the following requirements are met:

1. The owner of the individual sewage treatment system has completed maintenance on the system in accordance with subsection D of this section.
2. Inspection shall be completed by the city building inspection division to verify water use and suitable effluent quality for on-site treatment. For an increase in discharge rate due to a change of

~~use or building addition, the owner will be responsible to complete an individual sewage treatment system evaluation to determine capacity of existing system. The permit will not be issued unless the system is capable of handling the discharge.~~

- ~~3. The owner of the individual sewage treatment systems pays the required permit fee as established by resolution of the city council.~~
- ~~4. A new operational permit is required when a change of ownership, building use or building addition occurs.~~

~~D. System Maintenance: Upon completion of inspection or pumping maintenance, the contractor shall submit a maintenance report to the county within thirty (30) days. The report to be executed by the contractor shall state the following:~~

- ~~1. That the sewage tank or septic tank has been thoroughly pumped to remove all solids and scum in accordance with the requirements of Minnesota rule chapter 7080. Pumping is not required if a pumper or private inspector determines that accumulated sludge and scum layers do not exceed the levels required for pumping per Minnesota rule chapter 7080.~~
- ~~2. The date of the pumping and/or inspection.~~
- ~~3. The license number of the pumper and/or private inspector.~~
- ~~4. That the baffles and tank have been inspected by the pumper and/or private inspector and are in working condition.~~
- ~~5. Indicate if there is any evidence of surface discharge from the drain field.~~
- ~~6. When holding tanks are pumped, indicate the number of tanks and gallons pumped.~~

~~E. Term Of Permit: The duration of the residential maintenance permit and commercial and industrial operational permit shall be for three (3) years and shall be renewed after fulfilling the requirements of subsections B and C of this section. The permit shall be deemed revoked if the system becomes a failed individual sewage treatment system.~~

~~F. Relation To Zoning Regulations: Permits will not be issued if the building or property use is not in conformance with city zoning regulations.~~

~~G. Renewal Of Permit: If an owner has not renewed the permit as required by subsection E of this section within thirty (30) days following expiration of the permit, a late renewal fee as established by resolution of the city council shall be paid before a permit is issued. (Ord. 911, 1-26-1998)~~

~~8-5-9: COMMERCIAL AND INDUSTRIAL DISCHARGES LIMITED:~~

~~A. No animal waste or commercial wastewater or industrial wastewater shall be discharged on the surface or into the subsurface unless the person allowing or causing the discharge first obtains a state disposal system permit from the Minnesota pollution control agency. Such discharges must comply with the terms and requirements of the state disposal system permit in order to continue.~~

~~B. An individual sewage treatment system that, on the effective date hereof, is used for the discharge of animal waste or commercial wastewater or industrial wastewater may continue to be used for such purposes until such system becomes a failed individual sewage treatment system or the Minnesota pollution control agency orders discontinuance, whichever occurs first; then, in such case, the new installed systems must comply with this chapter. (Ord. 911, 1-26-1998)~~

8-5-10: FAILED SYSTEMS:

~~The owner of a failed individual sewage treatment system shall replace, modify or reconstruct the failed system within ten (10) months of receiving a notice of noncompliance. Any failed system causing an imminent threat to public health or safety, as defined by Minnesota rule 7080.0020, subpart 19a, shall be replaced, modified or reconstructed by the owner within ten (10) months of receiving a notice of noncompliance. (Ord. 911, 1-26-1998)~~

8-5-11: CONFLICTING PROVISIONS:

~~A. If any provision of this chapter is inconsistent with MPCA rule 7080, or Dakota County ordinance 113, then that provision which is more demanding or provides a greater level of requirements or restrictions or provides an earlier date of compliance shall prevail and be controlling.~~

~~B. If any provision of this chapter is inconsistent with subsection 10-13c-12B8 of this code, that provision which is more demanding or provides a greater level of requirements or restrictions or provides an earlier date of compliance shall prevail and be controlling. (Ord. 911, 1-26-1998)~~

8-5-12: MISDEMEANOR VIOLATION:

~~Violation of this chapter shall be a misdemeanor. Presentation to the city of any false or intentionally misleading statements, certificates or applications by the owner or by the certified pumpers or certified designers or installers of individual sewage treatment systems shall also be a misdemeanor. (Ord. 911, 1-26-1998)~~

Chapter 5
SUBSURFACE SEWAGE TREATMENT SYSTEMS

8-5-1.00: **SECTION 1.00 PURPOSE, INTENT, AND AUTHORITY:**

8-5-1.01: **PURPOSE:** The purpose of this chapter is to establish minimum requirements for regulation of SSTS for the treatment and dispersal of sewage within the city to protect public health and safety, groundwater quality, and to prevent or eliminate the development of public nuisances. It is intended to serve the best interest of the city's citizens by protecting its health, safety, general welfare, and natural resources.

8-5-1.02: **INTENT:** The purpose of this chapter is to achieve and help ensure:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in the city essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the city in perpetuity.
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- E. The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

8-5-1.03: **AUTHORITY:** This chapter is adopted pursuant to Minn. Stat. chs. 115, 145A, 375, or successor statutes, and Minn. R. chs. 7081, 7081, and 7082, or successor rules.

8-5-2.00: **SECTION 2.00 DEFINITIONS:** Unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this section. Unless specifically defined herein, terms used in this chapter shall have the same definition as provided in Minn. Stat. §115.55 and Minn. R. chs. 7080, 7081, 7082, and 7083 and if not defined there, shall have common usage meaning.

8-5-2.01: "AS BUILTS" means "record drawings" as defined below.

- 8-5-2.02: "CLASS V INJECTION WELL" means a shallow well used to place a variety of fluids directly below the land surface. This includes SSTS that are designed to receive sewage or nonsewage from a two-family dwelling or greater or receive sewage or nonsewage from another establishment that serves more than 20 persons per day. The US Environmental Protection Agency and delaged state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (See 40 CFR Parts 144 and 146).
- 8-5-2.03: "CLUSTER SYSTEM" means a wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.
- 8-5-2.04: "CITY" means the City of Inver Grove Heights, Minnesota.
- 8-5-2.05: "COMMERCIAL AND INDUSTRIAL DISCHARGE" means those wastes that are part of a business's commercial and/or industrial process and excludes secondary discharge as defined by subsection 2.17 and excludes sewage as defined by Minnesota Rules, part 7080.1100 subpart 74.
- 8-5-2.06: "DEPARTMENT" means the Inspections Division of the City of Inver Grove Heights Community Development Department, its staff and any designated agents.
- 8-5-2.07: "DESIGN FLOW" means the daily volume of wastewater for which an onsite/cluster system is designed to treat and discharge.
- 8-5-2.08: "FAILURE TO PROTECT GROUNDWATER" means a SSTS that does not protect groundwater such as a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance described in Minn. R. 7080.1500, subps. 4(D) and 4(E); and a system not abandoned in accordance with Minn. R. 7080.2500. It also means a MSTs that is not in compliance with Minn. R. 7081.0080 subp. 4. The determination of the threat to groundwater for other conditions must be made by a qualified employee or a licensed inspection business.
- 8-5-2.09: "IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY" means a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; sewage tanks with unsecured, damaged, or weak maintenance access covers; or any other situation with the potential to immediately and adversely affect or threaten public health or safety. The determination of protectiveness for other conditions must be made by a qualified employee inspector or a licensed inspection business.
- 8-5-2.10: "ISTS" means an individual sewage treatment system as defined in Minn. R. 7080.1100, subp. 41.

- 8-5-2.11: "MINOR REPAIR" means the repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concepts of the SSTS.
- 8-5-2.12: "MPCA" means the Minnesota Pollution Control Agency.
- 8-5-2.13: "MSTS" means a mid-sized subsurface sewage treatment system as defined in Minn. R. 7081.0020, subp. 4.
- 8-5-2.14: "PERSON" means any human being, any municipality or other governmental or political subdivision, or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.
- 8-5-2.15: "RECORD DRAWINGS" means a set of drawings which reasonably document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system. Record drawings were previously known as "as built."
- 8-5-2.16: "SSTS" means a subsurface sewage treatment system as defined in Minn. R. 7080.1100, subp. 82.
- 8-5-2.17: "SECONDARY DISCHARGE" means those solids and liquids discharged intermittently which are not part of the business's commercial and/or industrial process, including, but not limited to, floor drains and overflow from containment areas.
- 8-5-2.18: "SHORELAND/FLOODPLAIN AREA" means those shoreland areas governed by city code title 10, chapter 13B and the floodplain areas governed by city code title 10, chapter 13D.
- 8-5-2.19: "STATE" means the State of Minnesota.
- 8-5-2.20: "TREATMENT LEVEL" means treatment system performance levels as defined in Minn. R. 7083.4030, Table III for testing of proprietary treatment products.
- 8-5-2.21: "TYPE I SYSTEM" means an ISTS designed according to Minn. R. 7080.2200 through Minn. R. 7080.2240, as may be amended from time to time.
- 8-5-2.22: "TYPE II SYSTEM" means an ISTS designed according to Minn. R. parts 7080.2250 to 7080.2290, as may be amended from time to time.
- 8-5-2.23: "TYPE III SYSTEM" means an ISTS designed according to Minn. R. 7080.2300, as may be amended from time to time.
- 8-5-2.24: "TYPE IV SYSTEM" means an ISTS designed according to Minn. R. 7080.2350, as may be amended from time to time.
- 8-5-2.25: "TYPE V SYSTEM" means an ISTS an ISTS designed according to Minn. R. 7080.2400, as may be amended from time to time.

8-5-3.00: **SECTION 3.00 GENERAL PROVISIONS:**

8-5-3.01: **SCOPE:** This chapter regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the City of Inver Grove Heights including but not limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the city shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this chapter or by a system that has been permitted by the MPCA. [Minn. R. 7082.0100, Subp. 3(Q)]

8-5-3.02 **JURISDICTION:** This chapter applies to all land within the city.

8-5-4.00: **SECTION 4.00 ADMINISTRATION:**

8-5-4.01: **CITY:** The department shall administer the SSTS program and all provisions of this chapter. At appropriate times, the city shall review, revise, and update this chapter as necessary. The city shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program. [Minn. R. 7082.0040]

8-5-4.02: **STATE OF MINNESOTA:** When a single SSTS or group of SSTS under single ownership within one-half mile of each other have a design flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a state disposal system permit from the MPCA in accordance with Minn. R. ch. 7001. If the measured daily flows for a consecutive seven-day period exceed 10,000 gallons per day, a state disposal system permit is required. [Minn. R. 7081.0040, Subp. 1(B)]

A state disposal system permit is also required for any SSTS or group of SSTS that the commissioner determines has the potential or an increased potential to cause adverse public health or environmental impacts if not regulated under a state permit. Conditions for these permits include systems in environmentally sensitive areas, unsubstantiated or unexpected flow volumes, and systems requiring exceptional operation, monitoring, and management. [Minn. R. 7081.0040, Subp. 1(C)]

8-5-5.00: **SECTION 5.00 GENERAL REQUIREMENTS:**

8-5-5.01: **RETROACTIVITY:**

A. ALL SSTS. Except as provided in section 5.01(B), all provisions of this chapter shall apply to any SSTS regardless of the date it was originally permitted.

- B. **EXISTING PERMITS.** Unexpired permits, which were issued prior to the effective date of this chapter, shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership.
- C. **SSTS ON LOTS CREATED AFTER JANUARY 23, 1996.** All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support systems as described in Minn. R. parts 7080.2200 through 7080.2230 or 7080.2260 or site conditions described in Minn. R. 7081.0270, subparts 3 through 7. [Minn. R. 7082.0100, Subp. 3(F)]

8-5-5.02: **UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT:**

- A. **FAILURE TO PROTECT GROUNDWATER.** An SSTS that is determined to not be protective of groundwater in accordance with Minn. R. 7080.1500, subp. 4(B) or Minn. R. 7081.0080, subparts 3 or 4 shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this chapter within 10 months of receipt of notice of noncompliance from the department. [Minn. R. 7082.0100, Subp. 1(A)]
- B. **IMMINENT THREAT TO PUBLIC HEALTH OR SAFETY.** An SSTS that is determined to be an imminent threat to public health or safety shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this chapter within 30 days of receipt of notice of noncompliance from the department. [Minn. R. 7082.0100, Subp. 1(B)]
- C. **ABANDONMENT.** Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with section 8.00 of this chapter and Minn. R. 7080.2500. [Minn. R. 7082.0100, Subp. 3(B)]
- D. **INSUFFICIENT CAPACITY.** An SSTS, or any component thereof, that is determined to be undersized, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this chapter within 12 months of receipt of notice of noncompliance from the department.

8-5-5.03: **SSTS IN FLOODPLAINS:** SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements of Minn. R. 7080.2270 and all relevant local requirements are met. [Minn. R. 7082.0100, Subp. 3(D)]

8-5-5.04: **CLASS V INJECTION WELLS:** All owners of new or replacement SSTS that are considered to be Class V injection wells as defined in the Code of Federal Regulations, title 40, part 144, are required to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in any property transfer disclosures. [Minn. R. 7082.0100, Subp. 3(M)]

8-5-5.05: **SSTS LICENSE REQUIRED:** [Minn. R. 7082.0100, Subp. 3(A)]

- A. All design, installation, alteration, repair, maintenance, operation, pumping, and inspection activities for SSTS located in the city must be completed by a business licensed by the state under Minn. R. ch. 7083, an appropriately certified qualified employee, or a person exempted under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I). Individuals exempt from a state SSTS license under Minn. R. 7083.0700, subps. 1(A), (C), (D), (F), (G), (H) and (I) must follow all applicable local, state, and federal requirements. Property owners that employ a business to perform this work must hire a business that is licensed in accordance with Minn. R. ch. 7083.
- B. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by the MPCA in accordance with Minn. R. ch. 7083
- C. EXCEPTIONS. A license is not required for:
 - 1. An individual who is a qualified employee performing work as directed by a state or local government employer;
 - 2. An individual who performs supervised labor or services as an employee of a licensed SSTS business;
 - 3. A farmer who pumps septage from an ISTS that serves dwellings or other establishments that are owned or leased by the farmer and applies septage on land that is owned or leased by the farmer;
 - 4. An individual or business who abandons an SSTS;
 - 5. An individual who maintains a toilet waste treatment device for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual;
 - 6. An individual who performs tasks identified in the system's management plan that do not require a maintainer or service provider license for a dwelling that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual; or
 - 7. The owner or designee of a campground or other similar facility who removes and transports sewage wastes from recreational vehicles into a holding or treatment system located on the same property as the facility.

8-5-5.06: **PROHIBITIONS:**

- A. **OCCUPANCY OR USE OF BUILDING WITHOUT A COMPLIANT SSTS.** It is unlawful for any person to maintain, occupy, or use any building intended for habitation to dispose of wastewater in a manner that does not comply with the provisions of this chapter.

- B. **SEWAGE DISCHARGE TO GROUND SURFACE OR SURFACE WATER.** It is unlawful for any person to construct, maintain, or use any wastewater treatment system regulated under this chapter that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted by the MPCA under the National Pollutant Discharge Elimination System program. [Minn. R. 7082.0100, Subp. 3(H)]

- C. **SEWAGE DISCHARGE TO A WELL OR BORING.** It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minn. R. 4725.2050, or any other excavation in the ground that is not in compliance with this chapter.

- D. **DISCHARGE OF HAZARDOUS OR DELETERIOUS MATERIALS.** It is unlawful for any person to discharge into any treatment system regulated under this chapter any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

- E. **LIMITS ON COMMERCIAL AND INDUSTRIAL DISCHARGE.** No animal waste or commercial water waste or industrial waste water shall be discharged on the surface or into the sub-surface unless the person allowing or causing the discharge first obtains a State Disposal System Permit from the Minnesota Pollution Control Agency. Such discharges must comply with the terms and requirements of the State Disposal System Permit in order to continue. A subsurface sewage treatment system that on March 31, 1996, was used for the discharge of animal waste or commercial waste water or industrial waste water may continue to be used for such purposes until such system becomes a failed subsurface sewage treatment system or the Minnesota Pollution Control Agency orders discontinuance, whichever occurs first; then, in such case the new installed systems must comply with city code title 8, chapter 5.

- F. **CLASS V INJECTION WELLS.** Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited (*See* 40 CFR Parts 144 and 146).

8-5-5.07: REQUIRED SUBMISSION OF MAINTENANCE REPORTS:

Licensed SSTS maintenance businesses must abide by the requirements described in Minn. R. 7083.0770, subp. 2. Pursuant to the Amended and Restated Joint Powers Agreement between the County of Dakota and City of Inver Grove Heights for Administrative Services Related to Municipal ISTS Pump Maintenance Programs, all written reports required by Minn. R. 7083.0770, subp. 2 must be provided to the system owner and Dakota County within 30 days after any maintenance work is performed on the SSTS. In the event the joint powers agreement expires or is terminated, it is the obligation of the licensed SSTS maintenance business to provide all written reports required by Minn. R. 7083.0770, subp. 2 to the system owner and the department within 30 days after any maintenance work is performed on the SSTS

8-5-6.00: SECTION 6.00 SSTS STANDARDS:

8-5-6.01: STANDARDS ADOPTED BY REFERENCE: Minn. Stat. § 115.55 and Minn. R. chs. 7080 and 7081 and all other referenced laws and rules, as may be amended from time to time, are adopted by reference and made a part of this chapter as if fully set forth herein. [Minn. R. 7082.0100, Subp. 3(C)]

8-5-6.02: AMENDMENTS TO THE ADOPTED STANDARDS:

- A. **DETERMINATION OF HYDRAULIC LOADING RATE AND SSTS SIZING.** Table IX from Minn. R. 7080.2150, subp. 3(E) entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" and Table IXa from Minn. R. ch. 7080.2150, subp. 3(E) entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests" are hereby adopted by reference as if fully set forth herein and shall both be used to size SSTS infiltration areas using the larger sizing factor of the two for SSTS design.
- B. **HOLDING TANKS.** Holding tanks may be used for the following applications only after it can be shown conclusively by the property owner that a SSTS permitted under this chapter cannot be feasibly installed:
 - 1. As a replacement for an existing failing SSTS;
 - 2. For an SSTS that poses an imminent threat to public health or safety;

3. For use with buildings with limited water use;
4. For collection of secondary discharge not suitable for on-site treatment; or
5. For use with marina sanitary pump out facilities installed pursuant to city code subsection 10-13C-12B-8b.

- C. **EFFLUENT SCREENS.** When provided pursuant to Minnesota Rules, part 7080.1930, subparts 2 or 3, effluent screens must be sized and utilized in accordance with the screen manufacturer's recommendations. The effluent screens must be of the non-bypass type and have certified documentation that shows at least three years successful field-testing and operation or that the screen meets the design standard for effluent screens in ANSI/NSF Standard 46. The documentation must show the effluent screen has continuously lowered the total suspended solids by a minimum of 30 percent and that under normal use the screen is capable of obtaining a minimum of 3 years between maintenance intervals.

The effluent screens must be placed within or following the last sewage tank or sewage tank compartment before distribution to the drainfield and be installed in accordance with the screen manufacturer's installation instructions. Effluent screens shall be properly cleaned, at the time of each tank pump out, by washing the screen waste into the septic tank or, if rinse water is not available, exchanged with a clean effluent screen.

8-5-6.03: COMPLIANCE CRITERIA FOR EXISTING SSTS:

- A. SSTS built before April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil. [Minn. R. 7082.0100, Subp. 1(D)].
- B. SSTS built after March 31, 1996, or SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under Minn. R. 7080.1100, subp. 84 must have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Unless otherwise determined by the department, existing systems that have no more than a 15 percent reduction to the minimum required 36 inch separation distance are considered compliant. (i.e., a separation distance no less than 30.6 inches). This reduction is to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics. The vertical separation measurement shall be made outside the area of system influence in an area of similar soil.

- C. Existing SSTS must be sized to have sufficient capacity for the pretreatment and final dispersal components employing design flows determined by Minn. R. 7080.1850 to 7080.1885 and 7081.0120 to 7081.0140.

The minimum required septic tank capacity for dwellings shall be determined by Minn. Rules 7080.1930 and for other establishments and MSTs by Minn. R. 7081.0240 subp.2. Unless otherwise determined by the department, if no septic tank is otherwise required under this chapter to be upgraded or replaced, then a total aggregate tank capacity of at least 66 percent of the minimum required shall be considered compliant provided the tank(s) are regularly maintained so that volume of accumulated solids never exceed 25 percent of any individual tank's capacity.

The minimum required size of a system's absorption area shall be determined by subsection 8-5-6.02(A). Unless otherwise determined by the department, a final dispersal system not otherwise required under this chapter to be upgraded or replaced, shall be considered conforming if the measured average daily flow over a period of 30 days is not greater than 70 percent of the daily design flow based on the hydraulic loading rate and size of the existing soil absorption area.

The compliance of any reduced capacity system components shall be contingent on the system owner following a management plan, duly filed with and approved by the department, that takes into account the reductions in capacity and includes the items listed in Minn. R. 7082.0600 Subpart 1B.

Notwithstanding the above exceptions, existing MSTs must meet the requirements as described in Minn. R. 7081.0080 Subpart 1 in order to be considered conforming.

8-5-6.04: **HIGHEST STANDARDS PREVAIL:** Where the conditions imposed by a provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by a provision of this chapter or any other applicable law, ordinance, rule, or regulation, the provision that establishes the more restrictive standard for the promotion and protection of the public health, safety, and general welfare shall prevail.

8-5-7.00: **SECTION 7.00 SSTS PERMITTING:** [Minn. R. 7082.0100, Subp. 3(E)]

8-5-7.01: **PERMITS REQUIRED:**

- A. **PERMIT REQUIRED.** It is unlawful for any person to construct, install, modify, or replace a SSTS in the city without the appropriate permit from the department. [Minn. R. 7082.0100, Subp. 3(Q)]

- B. **PERMITTING NOT EXCLUSIVE.** The obtaining of a city permit shall not be deemed to exclude the necessity of obtaining other appropriate permits or approvals from other agencies or departments. Compliance with the provisions of this chapter shall not relieve any person of the need to comply with any and all other applicable rules, regulations, and laws.

8-5-7.02: **CONSTRUCTION PERMIT:**

- A. **ACTIVITIES REQUIRING A CONSTRUCTION PERMIT.** A construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. [Minn. R. 7082.0100, Subp. 3(O)]
- B. **ACTIVITIES NOT REQUIRING A CONSTRUCTION PERMIT.** A construction permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. [Minn. R. 7082.0100, Subp. 3(O)]
- C. **APPLICATION FOR PERMIT.** Permit applications shall be submitted to the department on forms provided by the department. Applicants shall provide all information as required for the administration of this chapter.
- D. **CONTENTS OF PERMIT APPLICATION.** The permit application shall include the following:
1. The names, addresses, and telephone numbers of the applicant and permittee;
 2. The property identification number and address or other description of the real property on which the system will be located;
 3. A site evaluation report as described in Minn. R. 7080.1730 or Minn. R. 7081.0200 and for MSTs a groundwater report as described in Minn. R. 7081.0210 subp.6.;
 4. A design report as described in Minn. R. 7080.2430 or 7081.0270 subp. 11;
 5. The infield verification as described in Minn. R. 7082.0500, subp. 3(A);
 6. A management plan as described in Minn. R. 7082.0600 and section 7.03 of this chapter; and

7. Copies of any required municipal, county, state, or federal permits or approvals.

- E. APPLICATION FEE. The application fee as set forth in the City Fee Schedule shall accompany the permit application.
- F. APPLICATION REVIEW. The department shall review a permit application and supporting documents to determine whether the application is complete. Upon satisfaction that the proposed work will conform to the provisions of this chapter, the department shall issue a written permit authorizing construction of the SSTS as designed. If the applicant changes the proposed work to be conducted under an approved permit application, the applicant must file an amended application with the department detailing the changed conditions prior to initiating or continuing construction, modification, or operation. The department shall review the amended application and either approve or deny the application.
- G. APPROVAL OF PERMIT REQUIRED. The department must review and approve the permit application and management plan before issuing a permit. Construction must not be initiated until the department grants a construction permit.
- H. PERMIT EXPIRATION. The construction permit is valid for a period of no more than one year from its date of issue, unless it is extended in accordance with this section or construction has been completed satisfactorily, whichever is shorter. Satisfactory completion of construction shall be determined by receipt of final record drawings and a signed certification that the construction or installation of the system was completed in substantial conformance to the approved design documents by a qualified employee of the department or a licensed inspection business, which is authorized by the department and independent of the owner and the SSTS installer.
- I. EXTENSIONS AND RENEWALS. The department may grant an extension of the construction permit if the construction has commenced prior to the original expiration date of the permit. The permit may be extended for a period of no more than six months.
- J. PERMIT NOT TRANSFERABLE. A construction permit shall not be transferable to a new owner. The new owner must apply for a new construction permit in accordance with this section.
- K. POSTING. The construction permit shall be posted on the property in such a location and manner so that the permit is visible and available for inspection until construction is completed and certified.
- L. CONFLICT OF INTEREST.
 - 1. A licensed inspection business that inspects an existing SSTS is allowed to subsequently design and install a new SSTS for that property provided the inspection business is also licensed to design and install SSTS.

2. A licensed inspection business working on behalf of the department must not design or install systems that the business will be responsible for permitting or inspecting as part of its contract with the city. [Minn. R. 7082.0700, Subp. 2(B)]

M. **SUSPENSION OR REVOCATION.** The department may suspend or revoke a construction permit issued under this section for any false statements, misrepresentations of facts on which the construction permit was issued, or violation of this chapter, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder pursuant to Section 8-5-11.07. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid construction permit is obtained or reinstated.

N. **DISPUTE RESOLUTION.** If a documented discrepancy arises on the depth of the periodically saturated soil for SSTS design purposes between licensed businesses or between a licensed business and the department, all disputing parties must follow the dispute resolution procedure described in Minn. R. 7082.0700, subp. 5 [Minn. R. 7082.01000, subp. 5(N)]

8-5-7.03: **MANAGEMENT PLAN:** [Minn. R. 7082.0100, Subp. 3(J)]

A. **PURPOSE.** The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by the certified designer to the system owner when the treatment system is commissioned.

B. **SSTS REQUIRING MANAGEMENT PLANS.** Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the department with the construction permit application for review and approval. The department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.

C. **REQUIRED CONTENTS.** Management plans shall include:

1. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
2. Monitoring requirements;
3. Maintenance requirements including maintenance procedures and a schedule for routine maintenance;

4. Statement that the owner is required to notify the department when the management plan requirements are not being met;
5. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence; and
6. Other requirements as determined by the department.

8-5-7.04: **OPERATING PERMIT:** [Minn. R. 7082.0100, Subp. 3(K)]

- A. **PERMIT REQUIRED.** An operating permit is required for all treatment systems installed under Minn. R. 7080.2290 (holding tanks), Minn. R. 7080.2350 (Type IV System), Minn. R. 7080.2400 (Type V System) and Minn. R. ch. 7081 (MSTS). Sewage shall not be discharged to a treatment system requiring an operating permit until the department certifies that the treatment system was installed in substantial conformance with the approved plans, receives the final records drawings of the treatment system, and a valid operating permit is issued to the owner.
- B. **APPLICATION FOR PERMIT.** Permit applications shall be submitted to the department on forms provided by the department. Applicants shall provide all information as required for the administration of this chapter.
- C. **CONTENTS OF PERMIT APPLICATION.** The permit application shall include the following:
 1. The names, addresses, and telephone numbers of the applicant and permittee;
 2. The construction permit reference number and date of issue;
 3. The final record drawings of the treatment system; and
 4. Owners of holding tanks must submit a copy of a valid executed monitoring and disposal contract with a licensed maintenance business.
- D. **APPLICATION FEE.** The application fee shall accompany the permit application.
- E. **MONITORING AND DISPOSAL CONTRACT.** Owners of holding tanks shall provide to the department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business that guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minn. R. 7082.0100, subp. 3(G). The owner must hold a valid contract with a licensed maintenance business at all times until such time the holding tank is abandoned or the

property sold. This contract requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Stat. §115.56, subd. 2(b)(3), provided a written statement is first filed by the exempt owner with the department certifying an awareness of the state requirements for land application of septage and that said guidelines will be followed.

- F. **APPLICATION REVIEW.** The department shall review the application, the record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the department. If the submitted application and documents fulfill the requirements, the department shall issue an operating permit within 10 working days of receipt of the permit application.
- G. **PERMIT TERMS AND CONDITIONS.** The operating permit shall include the following:
1. System performance requirements;
 2. System operating requirements;
 3. Monitoring locations, procedures and recording requirements;
 4. Maintenance requirements and schedules;
 5. Compliance limits and boundaries;
 6. Reporting requirements;
 7. Department notification requirements for noncompliant conditions;
 8. Valid contract between the owner and a licensed maintenance business;
 9. Disclosure, location, and condition of acceptable soil treatment and dispersal system site; and
 10. Descriptions of acceptable and prohibited discharges. [Minn. R. 7082.0600, Subp. 2(B)]

H. PERMIT EXPIRATION AND RENEWAL.

1. The duration of the operating permit shall be for three years. The permit shall be deemed revoked if the system becomes a failed subsurface sewage treatment system.
2. An operating permit must be renewed prior to its expiration. If not renewed, the department may require the system to be removed from service or operated as a holding tank until which time the permit is renewed. If not renewed within 60 calendar days of the expiration date, the department may require that the system be abandoned.
3. The department shall notify the holder of an operating permit of the permit renewal requirement at least 90 calendar days prior to expiration of the permit. The owner must apply for renewal at least 30 calendar days before the permit expiration date.
4. Application for permit renewal shall be made on a form provided by the department including:
 - a. The names, addresses, and telephone numbers of the applicant and permittee;
 - b. Reference number of previous operating permit;
 - c. Any outstanding compliance monitoring reports as required by the operating permit;
 - d. Certified treatment system inspection signed and/or sealed by a certified designer, maintenance contractor, or operator at the discretion of the department;
 - e. Any revisions made to the operation and maintenance manual; and
 - f. Any applicable fees as set forth in the City Fee Schedule.

- I. PERMIT NOT TRANSFERABLE. The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with section 7.04 of this chapter. The department shall not terminate the current permit until 60 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.

J. COMPLIANCE MONITORING.

1. Performance monitoring of a SSTS shall be performed by a licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
2. A monitoring report shall be prepared and certified by the licensed service provider. The report shall be submitted to the department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of the maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - a. Owner name and address;
 - b. Operating permit number;
 - c. Average daily flow since last compliance monitoring report;
 - d. Description of type of maintenance and date performed;
 - e. Description of sample taken (if required), analytical laboratory used, and results of analyses;
 - f. Problems noted with the system and actions proposed or taken to correct them; and
 - g. Name, signature, license and license number of the licensed professional who performed the work.

K. INITIAL PERMITS FOR EXISTING SYSTEMS. An operating permit is required for all existing holding tanks, and existing performance based treatment systems, including but not limited to systems having aerobic treatment tanks, and existing treatment systems with flows from 5,000 to 10,000 gallons per day. Owners of such systems shall obtain initial operating permits no later than January 1, 2012; except that if an owner holds a valid operational permit for such a system that was issued prior to the adoption of this chapter, then the expiration date of the operational permit shall be the deadline for obtaining an initial operating permit.

L. SUSPENSION OR REVOCATION. The department may suspend or revoke any operating permit issued under this section for any false statements, misrepresentations of

facts on which the operating permit was issued, or violation of this chapter, or non-compliance with permit conditions, or system that is found to be an imminent threat to the environment or to the public health, safety or welfare. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the owner pursuant to Section 8-5-11.07. If suspended or revoked, the department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with section 8.00. At the department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

- 8-5-7.05: **DUTY TO COMPLY WITH PERMIT CONDITIONS:** The permittee shall comply with all conditions stated in any permit issued by the department under this chapter. Failure of the permittee to do so is a violation of this chapter and is subject to the penalties provided herein.
- 8-5-7.06: **SYSTEMS NOT OPERATED UNDER MANAGEMENT PLAN:** Owners of SSTS that are not operated under a management plan or operating permit must inspect treatment tanks and remove solids if needed every three (3) years. Solids must be removed when their accumulation meets the limit described in Minn. R. 7080.2450. [Minn. R. 7082.0100, Subp. 3(L)]
- 8-5-8.00: **SECTION 8.00 ABANDONMENT CERTIFICATION:** [Minn. R. 7082.0100, Subp. 3(B)]
- 8-5-8.01: **PURPOSE:** The purpose of the system abandonment certification is to ensure that a treatment system no longer in service is abandoned following decommissioning and in a manner that protects public health, safety, and water quality. The certification also terminates all permits associated with the SSTS.
- 8-5-8.02: **ABANDONMENT REQUIREMENTS:**
- A. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose is prohibited.
 - B. Abandonment shall be completed in accordance with Minn. R. 7080.2500.

- C. An abandonment certificate shall be filed with the department on the “SSTS Abandonment Reporting Form” provided by the MPCA. The report shall include:
1. Owner’s name and contact information;
 2. Property address;
 3. System construction permit and operating permit;
 4. The reason(s) for abandonment; and
 5. A brief description of the abandonment methods used, description of the system components removed or abandoned in place, and disposition of any materials or residuals.

8-5-9.00: **SECTION 9.00 COMPLIANCE MANAGEMENT:**

8-5-9.01: **[RESERVED]**

8-5-9.02: **COMPLIANCE INSPECTION PROGRAM: [Minn. R. 7082.0700]**

- A. **DEPARTMENT RESPONSIBILITY.** It is the responsibility of the department, or its agent, to perform various SSTS compliance inspections periodically to assure that the requirements of this chapter are met.
1. SSTS compliance inspections must be performed:
 - a. To ensure compliance with applicable requirements;
 - b. For all new SSTS construction or replacement; and
 - c. For an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement if conducted by a party who is not the SSTS owner. Such an inspection constitutes a compliance inspection and shall be conducted in accordance with Minn. R. 7082.0700 using the SSTS inspection report forms provided by the MPCA.
 2. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.

3. The department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.
4. No person shall hinder or otherwise interfere with the department's employees or agents in the performance of their duties and responsibilities pursuant to this chapter. Refusal to allow reasonable access to the property by the department or its agent shall be deemed a violation of this chapter.

B. NEW CONSTRUCTION OR REPLACEMENT.

1. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minn. R. chs. 7080 or 7081. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the department's requirements.
2. It is the duty of the permit holder or agent of the permit holder to notify the department at least one working day prior to any required inspection of work authorized by the construction permit. The work shall remain accessible and exposed until inspected and approved by the department. Inspections are required:
 - a. After ground surface preparation for a mound system, but prior to placing sand fill;
 - b. After all tanks, distribution media, piping, equipment and devices are in place, but prior to backfill;
 - c. For building sewer inspection and testing in accordance with Minnesota Rules, parts 4715.2800 and 4715.2820;
 - d. Final Inspection after all work is complete including final grading and erosion protection; and
 - e. As may otherwise be required by the department to ascertain compliance with the provisions of this chapter and other laws enforced by the department.
3. A certificate of compliance for new SSTS construction or replacement shall be issued by the department if the department has reasonable assurance that the SSTS was built in accordance with the applicable requirements as specified in the construction permit.

4. The department, upon notification, shall make the requested inspections and shall either indicate the portion of the work that is satisfactory as completed, or notify the permit holder or the agent of the permit holder wherein the same fails to comply with this chapter.
5. No SSTS maybe placed into operation until a valid certificate of compliance has been issued.
6. Certificates of compliance for new construction or replacement shall remain valid for five years from the date of issue unless the department finds evidence of an imminent threat to public health or safety requiring removal and abatement under Minn. Stat. §145A.04, subd. 8.

C. EXISTING SYSTEMS.

1. Compliance inspections shall be required when any of the following conditions occur:
 - a. When a construction permit is required to repair, modify, or upgrade an existing system;
 - b. Anytime there is an expansion of use of the building being served by an existing SSTS which may impact the performance of the system;
 - c. Anytime there is a change in the use of the property being served by an existing SSTS which may impact the performance of the system;
 - d. When an operating permit is to be renewed;
 - e. Prior to the sale or transfer of real property served by an existing SSTS if required by section 9.02(D)(1)(a) below;
 - f. During systematic shoreland or area-wide SSTS surveys by the department; and
 - g. At anytime as required by this chapter or the department deems appropriate such as upon receipt of a complaint or other notice of system malfunction.
 - h. Prior to the issuance of a building permit or variance for a bedroom addition on property served by an existing system; unless temporarily waived by the

department for a bedroom addition permit for which the application is filed during the period from November 1 to April 30, provided a compliance inspection is performed by the following June 1 and the applicant submits a certificate of compliance by the following September 30.

2. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by the MPCA. An inspection for existing SSTS must verify the conditions in subitems (a) to (d).
 - a. Sewage tanks must be assessed for leakage below the operating depth. A leakage report must be completed that includes the method(s) used to make the assessment. The assessment must be made by a licensed SSTS business (except a design business) hired by the system owner. A passing report is valid for three years unless the certified individual has reason to believe that a new inspection is to be conducted and the tank is found not to be watertight.
 - b. The vertical separation distance from the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock. This verification must be achieved by either conducting soil borings or by prior verifications by two independent parties. The soil borings used for system design or previous inspections qualifies as a verification. A vertical separation distance report must be completed that includes the method(s) used to make the assessment and includes any previous soil borings. The assessment must be made by a licensed SSTS business hired by the system owner. If the verification separation report consists of verifications by two independent parties, a subsequent verification is not required unless the inspector has reason to believe a noncompliant condition exists.

If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses or between a licensed business and the department for SSTS compliance purposes, all disputing parties must follow the dispute resolution procedure described in Minn. R. 7082.0700, subp. 5. [Minn. R. 7082.0100, Subp. 3(N)]

- c. Sewage backup, surface seeping or surface discharge from the system must be determined. A hydraulic function report must be completed that includes the method(s) used to make the assessment. The assessment must be made by a licensed inspection business hired by the system owner. A passing report is valid until a new inspection is requested or if the hydraulic performance is believed to have changed.
- d. The capacity of both the pretreatment components such as sewage tank(s) and the final dispersal system must be verified and evaluated for compliance. The

verification and evaluation must be made by a licensed SSTS inspection or design business hired by the system owner. The system capacity shall be considered in compliance if it meets or exceeds the compliance criteria of subsection 8-5-6.03(C). The findings shall be reported in a format approved by the department along with the applicable inspections reports on the MPCA provided forms for the preceding subitems (a) to (c).”;

3. A certificate of compliance shall be based on the results of the verifications in section 9.02(C)(2). The certificate of compliance must include a certified statement by a licensed inspection business whether the SSTS is in compliance with the chapter requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those chapter provisions with which the SSTS does not comply. A construction permit application must be submitted to the department if the required corrective action is not a minor repair.
4. The certificate of compliance or notice of noncompliance must be submitted to the department and the property owner or owner’s agent no later than 15 calendar days after the date the inspection was performed. The department shall deliver the certificate of compliance or notice of noncompliance to the owner or the owner’s agent within 15 calendar days of receipt from the licensed inspection business.
5. Certificates of compliance for existing SSTS shall remain valid for three years from the date of issue unless the department finds evidence of an imminent threat to public safety requiring removal and abatement under Minn. Stat. § 145A.04, subd. 8.
6. The department may waive a compliance inspection required by section 9.02(C)(1) if:
 - a. The owner of the real property served by an existing SSTS acknowledges in writing to the department that the existing SSTS is failing and shall be upgraded, repaired, replaced or abandoned in accordance with this chapter within 10 months; or
 - b. The owner of the real property served by an existing SSTS acknowledges in writing to the department that the existing SSTS is an imminent threat to public health or safety and shall be upgraded, repaired, replaced or abandoned in accordance with this chapter within 30 days.

D. PROPERTY TRANSFER/SALE REQUIREMENTS.

1. No owner or other person acting with legal authority on behalf of an owner of real property served by an existing SSTS may sell or transfer to another party said real property unless the following requirements are met:
 - a. A compliance inspection has been performed and a certificate of compliance has been issued for the SSTS within three years if the SSTS is older than five years or within five years if the SSTS is less than five years old prior to the intended date of sale or transfer of the real property, unless evidence is found identifying an imminent threat to public health and safety. If this requirement cannot be met, a compliance inspection must be conducted in accordance with section 9.02(C) above.
 - b. The compliance inspection must have been performed following the procedures described in section 9.02(C) by the licensed inspection business hired by the system owner.
 - c. The seller/transferor of the real property must provide the disclosure required by Minn. Stat. § 115.55, subd. 6.
 - d. If the seller/transferor fails to provide a certificate of compliance, the seller/transferor shall provide the buyer/transferee sufficient security in the form of an escrow agreement to assure the installation of a complying SSTS. The security shall be placed in an escrow with a licensed real estate closer, licensed attorney, or federal or state chartered financial institution. The amount escrowed shall be equal to 125% of a written estimate to install a complying SSTS provided by a licensed and certified installer, or the amount escrowed shall be equal to 110% of the written contract price for the installation of a complying SSTS provided by a licensed and certified installer. After a complying SSTS has been installed and a certificate of compliance issued, the seller/transferor or the buyer/transferee shall provide the escrow agent a copy of the certificate of compliance.
2. The compliance portion of the certificate of compliance need not be completed if the sale or transfer involves the following circumstances:
 - a. The affected real property is without buildings or contains no dwellings or other buildings with plumbing fixtures.
 - b. The transfer is a tax forfeiture.

- c. The sale or transfer completes a contract for deed or purchase agreement entered into prior to the effective date of this chapter. This subsection applies only to the original vendor and vendee on such contract.
3. All real property sales or transfers subject to this chapter occurring during the period between November 15th and April 15th when SSTS compliance cannot be determined due to frozen soil conditions shall require a winter agreement, which includes an application for an SSTS permit and an agreement to complete a compliance inspection by the following June 1st by a licensed inspection business. If upon inspection the SSTS is found to be in compliance, the permit fee will be refunded. If upon inspection the system is found to be noncompliant, an escrow agreement must be established in accordance with section 9.02(D)(1)(d) above and the system upgraded.
4. The responsibility for filing the completed compliance portion of the certificate of compliance under section 9.02(D)(1) above or for upgrading a system found to be noncompliant shall be determined by the seller/transferor and the buyer/transferee. The seller/transferor and the buyer/transferee shall provide the department with a signed statement indicating responsibility for completing the compliance portion of the certificate of compliance and for upgrading a system found to be noncompliant.
5. The issuance of permits, certificates of compliance or notices of noncompliance as requested or issued shall not be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or noncompliance with the provisions of this chapter.

E. **CONFLICT OF INTEREST.** A licensed inspection business that inspects an existing SSTS is allowed to subsequently design and install a new SSTS for that property provided the inspection business is also licensed to design and install. A licensed inspection business working on behalf of a municipality must not design or install a system if there is likelihood that the inspector or business will be responsible for permitting or inspecting the system or system site. A person working for or on behalf of a municipality shall not use the person's position to solicit for private business gain. [Minn. R. 7082.0700, Subp. 2(B)]

8-5-10.00: **SECTION 10.00 VARIANCES:**

8-5-10.01: **VARIANCES ALLOWED:** [Minn. R. 7082.0100, Subp. 3(D)]

With the exception of section 10.02 below, in any case where it appears by the reason of exceptional circumstances the strict enforcement of any provision of the standards would cause unnecessary hardship or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances in order to promote the effective and

reasonable application and enforcement of the provisions of this chapter, the city council may permit a variance upon such conditions as it may prescribe consistent with the general purposes of this chapter and the intent of this and all other applicable state and local regulations.

8-5-10.02: **PROHIBITED VARIANCES:** The city council may not grant variances from the following standards:

- A. Minn. R. 7080.2150, subp. 2.
- B. Minn. R. 7081.0080, subps. 2 to 5, however, variances may be granted to Minn. R. 7081.0080, subp. 4(D)(1) for the replacement of MSTs serving existing dwellings or other establishments.
- C. Flow determinations under Minn. R. 7081.0110 if the deviation reduces the average daily flow from more than 10,000 gallons to 10,000 gallons per day or less.

8-5-10.03: **PROCEDURE FOR REQUESTING VARIANCE:**

- A. **APPLICATION FOR VARIANCE.** A variance application shall be submitted by the property owner to the department on forms provided by the department. Applicants shall provide all information as required for the administration of this chapter.
- B. **CONTENTS OF VARIANCE APPLICATION.** The variance application shall include development plans and specifications and such other information as may be required by other sections of this chapter or by the department. The application shall also include:
 - 1. The legal description of the real property on which the system will be located;
 - 2. The names, addresses and telephone numbers of the owners of the property or any person having a legal interest therein;
 - 3. A site plan showing all pertinent dimensions, buildings, structures and significant natural features having an influence on the variance;
 - 4. Copies of any required municipal, county, state, or federal permits or approvals;
 - 5. A statement identifying the specific provision(s) in the chapter from which the variance is requested;
 - 6. The reasons why compliance with the provision(s) is difficult or inappropriate;
 - 7. The alternative measures that will be taken to ensure a comparable degree of compliance with the intention of the applicable provision(s);

8. The length of time for which the variance is requested;
9. Cost considerations; and
10. Other relevant information requested by the department as necessary to properly evaluate the variance request.

C. **APPLICATION FEE.** The application fee shall accompany the initial application for a variance request.

D. **SITE INVESTIGATION.** Upon receipt of the variance application, the department shall decide if a site investigation conducted by the department is necessary. After the necessary information has been gathered, the department shall make a written recommendation to approve or deny the variance to the city council.

E. **NOTIFICATION.** The city shall give written notice of the variance application which shall be published in the designated official newspaper for the city at least 10 days but not more than 30 days prior to the date of the meeting at which the variance application will be considered by the city council. An identical notice shall be mailed to the property owners and each of the property owners within 350 feet of the affected property at least 10 days before the meeting. The city council shall either approve or deny the variance request within the time limit established by Minnesota Statute 15.99.

F. **FACTORS REQUIRED FOR APPROVAL.** The variance may be granted provided that:

1. The conditions causing the demonstrated hardship are unique to the property and were not caused by the action of the applicant;
2. The granting of the variance will not be contrary to the public interest or damaging to the rights of other person or to property values in the vicinity;
3. The property owner would have no reasonable use of the land without the variance;
4. The granting of the variance would not allow a prohibited use; and
5. The granting of the variance would be in accordance with Minn. R. chs. 7080, 7081, and 7082.

G. **CONDITIONS.** The city council may impose conditions in granting the variance to ensure compliance and to protect the public health, safety, or welfare. Each violation of any condition set forth in the variance shall be a separate violation of this chapter subject to enforcement and shall be sufficient grounds for terminating the variance.

H. **DENIAL OF VARIANCE.** No application for a variance which has been denied wholly or in part shall be resubmitted for a period of six months from the date of said denial,

except on the grounds of relevant new evidence or proof of a significant change of conditions.

- I. **APPEAL.** Any person aggrieved by the decision of the city council may appeal the decision to any court with appropriate jurisdiction.

8-5-11.00: **SECTION 11.00 VIOLATIONS:**

For violations of this chapter, the city may take the following actions:

- A. issuance of a warning notice;
- B. issuance of a notice of violation;
- C. issuance of a citation or complaint;
- D. issuance of a cease and desist or stop work order;
- E. abatement;
- F. suspension or revocation of a permit issued under this chapter;
- G. execution of a stipulation agreement;
- H. issuance of a correction notice; and/or
- I. commencement of other civil proceedings.

8-5-11.01: **WARNING NOTICE:** The department may issue a warning notice to any person alleged to have committed a violation of this chapter. A warning notice shall serve to place the person on notice that compliance with specified chapter requirements must occur to avoid additional enforcement actions. Service of the warning notice shall be made by first class mail or by personal service. The warning notice shall contain:

- A. A list of violations, including the chapter section(s), rule(s), or statute(s) violated, the factual basis for the violations and the date(s) of the violations.
- B. The specific action(s) required to be taken by the person to correct the violations and the timeframes within which the corrections are required to be made.
- C. A general description of the additional administrative and judicial enforcement actions that could be pursued by the department if the alleged violations are not satisfactorily corrected.

8-5-11.02: **NOTICE OF VIOLATION (NOV):** The department may issue a notice of violation (NOV) to any person alleged to have committed a violation of this chapter. A NOV shall serve to place the person on notice that compliance with specified chapter requirements must occur to avoid additional enforcement actions. Service of the NOV shall be made by certified mail or by personal service. The notice of violation shall contain:

- A. Findings of fact with corresponding conclusions of law, which describe the alleged violations and the corresponding chapter section(s), statute(s), and/or rule(s) which are allegedly violated.
- B. Orders for corrective actions, which describe specifically how each alleged violation must be corrected and the timeframes within which the corrections are required to be made.
- C. Notice of further action, which describes in general terms, the additional administrative and judicial enforcement actions that could be pursued by the department if the alleged violations are not satisfactorily corrected.

8-5-11.03: **CITATIONS:** Any person who fails to comply with the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

An authorized representative of the department shall have the power to issue citations for violations of this chapter, but shall not be permitted to physically arrest or take into custody any violator.

A formal complaint may be issued in lieu of a citation as determined by the city attorney.

8-5-11.04: **ABATEMENT:** If a SSTS constitutes a public health nuisance, the department may enter the property and abate the nuisance and recover the costs of the same from the property owner through the following procedures:

A. **ABATEMENT NOTICE.** The department shall serve an abatement notice on the property owner or occupant.

1. Contents of Abatement Notice. An abatement notice shall include the following:

- a. Notice that there is a SSTS located on the property and that it constitutes a public health nuisance.
- b. Notice that the property owner must abate the public health nuisance within a specified time period not to exceed 10 calendar days in order to avoid any liability for the costs of inspection and abatement that the city may incur.
- c. Notice that if the property owner fails to abate the public health nuisance within the specified timeframe, the department or its agent intends to enter the property and commence abatement of the public health nuisance and assess the costs of inspection and abatement against the real property on which the nuisance is located.

2. **Service.** The abatement notice must be served on a property owner by certified mail or personal service. Service by certified mail shall be deemed complete upon mailing. If the property owner is unknown or absent and has no known representative upon whom notice can be served, the department shall post a written or printed notice in a conspicuous place on the property stating that, unless the public health nuisance is abated within a period not longer than 10 days, the department will have the nuisance abated at the expense of the owner.

B. **ABATEMENT BY THE CITY.** In the event a property owner does not abate the public health nuisance, the department may expend funds necessary to abate the nuisance as set forth in this chapter.

C. **ASSESSMENT OF ABATEMENT COSTS.**

1. The costs of an enforcement action under this section may be assessed and charged against the real property on which the public health nuisance was located.
2. **Failure to Abate; Abatement by City; Costs:** The property owner's failure to abate the nuisance within the time limit stated in section 8-5-11.04-A shall authorize the department to the nuisance abated. The City may then charge all costs of abatement to the property owner and bill the property owner directly for such costs. If the owner does not pay the bill the costs due may be assessed. Failure by the property owner to abate the nuisance with the time period specified in 8-5-11.04-A is a violation of this chapter and shall be punishable as a misdemeanor.
3. **Record of Costs:** The department shall keep a record of the costs of abatements done under this chapter and shall report monthly to the finance department and clerk all work done for which billings and assessments are to be made stating and certifying the description of the land, lots, and parcels involved and the amount chargeable to each.
4. **Assessment of Costs:** On or before September 1 of each year, the clerk and finance department shall list the total unpaid charges for each abatement against each separate lot or parcel to which the charges are attributable under this chapter. The city council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota statutes section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

8-5-11.05: **CEASE AND DESIST ORDERS:** Cease and desist orders (including "stop work orders") may be issued when the department has probable cause that an activity regulated by this chapter or any other provision of the city code is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

8-5-11.06: **STIPULATION AGREEMENT:** The department and a person alleged to have violated provisions of this chapter may voluntarily enter into a stipulation agreement whereby the parties to the agreement: identify conditions on the property that require corrective action; agree on the corrective actions that must be performed by the person; and agree on the timeframes in which the corrective actions must be completed. If the person fails to fulfill the requirements of the agreement, the city may seek compliance with the terms of the agreement through a court of competent jurisdiction or pursue other enforcement action allowed by this chapter.

8-5-11.07: **SUSPENSION, REVOCATION OR DENIAL OF PERMIT:** For the grounds set forth in this chapter including, but not limited to sections 8-5-7.02(M) and 8-5-7.04(L), the department may suspend, revoke or deny a permit issued under this chapter for violations of this chapter. In the case of the suspension, revocation or denial of an operating permit, the department shall give notice of the suspension, revocation or denial to the property owner. In the case of the suspension, revocation, or denial of a construction permit, the department shall give notice of the suspension, revocation or denial to the permit holder or permit holder's agent.

The property owner, permit holder or permit holder's agent, whichever the case may be, shall be granted a public hearing upon at least ten (10) days' notice before suspension, revocation or denial is ordered by the department.

For purposes of the subsection, "notice" shall mean, in the case of a property owner, written notice served upon the property owner personally or by leaving the same at the property owner's usual place or abode with someone of suitable age and discretion and in the case of a permit holder or permit holder's agent, by leaving the same at the permit holder or permit holder's business with the person in charge thereof.

The notice shall state the time and location of the hearing and shall state the grounds for suspension, revocation or denial. No suspension, revocation or denial shall take place until the property owner or permit holder or permit holder's agent, whichever the case may be, has been afforded an opportunity for a hearing with an opportunity to be heard and present evidence. The matter shall be heard by the city's community development director, who shall issue written findings supporting the suspension, revocation or denial within thirty (30) days.

Any property owner or permit holder or permit holder's agent, whichever the case may be, aggrieved by the decision of the city's community development director may appeal that decision to any court with appropriate jurisdiction within fifteen (15) days of the date of city community development director's findings.

8-5-11.08: **COMMENCEMENT OF CIVIL COURT ACTION:** In the event of a violation or threat of violation of this chapter, the city council may institute appropriate civil actions or proceedings in any court of competent jurisdiction requesting injunctive relief to prevent, restrain, correct or abate such violations or

threatened violations. The city may recover all costs, including reasonable attorney's fees, incurred for enforcement of this chapter.

8-5-11.09: **CORRECTION NOTICE:** When an inspection of the work authorized by a construction permit finds that the work fails to comply with the standards adopted by this chapter, the department may issue a written correction notice to the permit holder or the permit holder's agent. The notice shall describe the deficiencies or violations that must be corrected or completed before the inspection may be approved.

8-5-12.00: [Reserved]

8-5-13.00: [Reserved]

8-5-14.00: **SECTION 14.00 RECORD KEEPING AND ANNUAL REPORT:**

8-5-14.01: **RECORD KEEPING:** The department shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the department's jurisdiction sorted by licensed installation businesses, and other records relevant to each system. [Minn. R. 7082.0300, Subp. 4]

8-5-14.02: **ANNUAL REPORT:** The department shall provide an annual report of SSTS permitting activities to the MPCA in accordance with the requirements set forth in Minn. R. 7082.0040, subp. 5, as may be amended from time to time. [Minn. R. 7082.0040, Subp. 5]

8-5-15.00: **SECTION 15.00 SEVERABILITY:** If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of law, the remainder of this chapter shall not be affected and shall remain in full force.

8-5-16.00: **SECTION 16.00 REMEDIES CUMULATIVE:** No remedy set forth in this chapter is intended to be exclusive but each such remedy shall be cumulative and in addition to other remedies now or hereafter existing at law or in equity. No delay in the exercise of any remedy for violation of this chapter shall later impair or waive any such right or power of the city.

8-5-17.00: **SITE EVALUATION FOR PLATTING OR WAIVER OF PLATTING:** For all lots in unsewered areas that require platting or a waiver of platting, the landowner shall submit to the city a soil boring and analysis report prepared by a

licensed designer or professional engineer trained in subsurface sewage treatment systems. The analysis shall show the existence of an adequate land area of suitable soils that will accommodate at least two sites for a soil treatment system on each lot, taking in account depth to water table, soil types and conditions, topographic features, flooding potential and mandatory setback requirements, as dictated by city code and any applicable state and federal regulations. The evaluation of the soils and the soil borings as well as the two potential locations of the on-site subsurface sewage treatment system shall be submitted to the department for review and approval prior to any preliminary or final plat approval or waiver of platting being given for the subject property. Failure to provide the information required by this section or failure to have at least two potential sites for a soil treatment system on each lot shall be grounds for denial of the plat or grounds for denial of the waiver of platting.

8-5-18: CONFLICTING PROVISIONS:

- A. If any provision of this chapter is inconsistent with Minnesota Rules, chapters 7080, 7081, 7082, 7083, or Dakota County Ordinance No. 113, then that provision which is more demanding or provides a greater level of requirements or restrictions or provides an earlier date of compliance shall prevail and be controlling.
- B. If any provision of this chapter is inconsistent with subsection 10-13B-8A or 10-13B-16B or 10-13C-12B8 or 10-13D-10 of this code, then that provision which is more demanding or provides a greater level of requirements or restrictions or provides an earlier date of compliance shall prevail and be controlling.

8-5-19: MISDEMEANOR VIOLATION: Any person violating this chapter is guilty of a misdemeanor and subject to the penalties set forth in City Code Section 1-4-1. Moreover, presentation to the city of any false or intentionally misleading statements, certificates, or applications by the owner or by the licensed designers or licensed installers or licensed inspectors or licensed maintainers or licensed service providers of subsurface sewage treatment systems shall also be a misdemeanor.

Section 2. Effective Date. This chapter shall be in full force and effect from and after its passage and publication according to law.

Passed this ____ day of November 2010

George Tourville, Mayor

Attest

Melissa Rheame, Deputy City Clerk

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

CONSIDER CHANGE ORDER NO. FOURTEEN FOR CITY PROJECT 2008-18 PUBLIC SAFETY ADDITION/CITY HALL RENOVATION

Meeting Date: September 27, 2010
 Item Type: Regular
 Contact: JTeppen, Asst City Admin *JS*
 Prepared by:
 Reviewed by:

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

PURPOSE/ACTION REQUESTED Consider the attached Change Order No. 14 for City Project 2008-18 Public Safety Addition/City Hall Renovation.

SUMMARY As the Council will recall, throughout the length of this project we will be asking the Council to consider any change orders at the second meeting of the month, with a Pay Voucher request from the Contractor on the first meeting of the month with a revised contract amount.

As Council will also recall, the amounts reflected in these Change Orders have already been approved – either by the Council or by staff if the amounts fall under \$15,000. This action item simply formally approves the amounts so that the contract amount can be changed.

PR 078R Change planting soil in BioBasin D Owner requested change in rain garden planting medium (soil), based on updated recommendations from Dakota County Watershed. \$0

PR 090 Add VAV box and related ducts and piping to serve lower level area being remodeled as the police break room. Existing mechanical work and work already bid has been determined to be insufficient to serve this area. \$6,578

PR 098 Grommets at Evidence counter. Add grommets for data cables for PD equipment at evidence counter. \$162

PR 099 Ground Loop Pumps Control Sequence Revisions. Refinements to pump sequence of operation to further improve the heating and cooling systems operation and energy performance. Will provide immediate and long-term energy and cost savings. \$1,849

PR 102 Berm at north water storm water basin. Owner request to create a berm to divert potential storm water overflow towards gutter. \$2,243

GCPR 30 Provide backdraft damper at louver and flue caps at boiler and water heater. \$1,877

GCPR 36 Provide temporary locking door at 1136. Police request to satisfy BCA requirements during Phase 1 occupancy. BCA is requires separation between City Hall staff and PD staff. \$498

GCPR 37 Add backing at AV locations. Add surface backing at AV monitor locations, based on revised locations requested by owner. \$1,537

Generator fuel credit. Reimbursement of City be Contractor for purchase of generator fuel per the contract. City assisted Contractor by purchasing the fuel. -\$777.90

The Contract amount is reflected to increase a total of \$13,966.10 for a revised contract total of \$11,877,238.10.

Change Orders are financed from the project contingency which started at \$613,601 and is now at \$246,152.90 with the above change/amount.

CHANGE ORDER

OWNER _____
ARCHITECT _____
CONTRACTOR _____
FIELD _____
OTHER _____

AIA DOCUMENT G701

THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES; CONSULTATION WITH AN ATTORNEY IS ENCOURAGED WITH RESPECT TO ITS COMPLETION OR MODIFICATION. AUTHENTICATION OF THIS ELECTRONICALLY DRAFTED AIA DOCUMENT MAY BE MADE BY USING AIA DOCUMENT D401.

PROJECT:	Inver Grove Heights Public Safety & City Hall Remodel	CHANGE ORDER NO.:	Fourteen (14)
		DATE:	September 27, 2010
TO CONTRACTOR:	Shaw-Lundquist Associates 2757 West Service Road St. Paul, MN 55121	ARCHITECT'S PROJECT #:	1643.01
		CONTRACT DATE:	May 19, 2009
		CONTRACT FOR:	Addition & Remodel

The contract is changed as follows:

	Description	Cost	Days
1.	PR 078R Change Rain Garden planting soil medium	\$0	0
2.	PR 090 Add VAV box to Phase 2 police break room	\$6,578	0
3.	PR 098 Grommets at evidence counter	\$162	0
4.	PR 099 Revise heat pump control sequence	\$1,849	0
5.	PR 102 Berm at north storm water basin	\$2,243	0
6.	GCPR 30 Backdraft damper at louver & flue caps at boiler and water heater	\$1,877	0
7.	GCPR 36 Temporary locking at Door 1136	\$498	0
8.	GCPR 37 Add backing at AV locations	\$1,537	0
9.	Generator Fuel credit/ reimbursement	-\$777.90	0

The original Contract Sum was	\$11,501,900.00
Net change by previously authorized Change Orders	\$361,372.00
The Contract Sum prior to this Change Order was	\$11,863,272.00
The Contract Sum will be (increased)(decreased)(unchanged) by this change order in the amount of	\$13,966.10
The new Contract Sum including this Change Order will be	\$11,877,238.10

The Contract time will be (increased)(decreased)(unchanged). 0 Days

The dates of Substantial Completion therefore are (increased)(decreased)(unchanged)

Phase IB: Construct Public Safety Addition

Phase IB: July 25, 2010

Phase IIB: Construct City Hall Addition and Renovate Existing Building

Phase IIB: Aug. 9, 2011

CHANGE ORDER NO. 14
IGH Public Safety Addition & City Hall Remodel
1643.01

Authorized:

ARCHITECT

Boarman Kroos Vogel Group, Inc.
Address
222 N. 2nd Street
Minneapolis, MN 55401

CONTRACTOR

Shaw-Lundquist & Associates
Address
2757 West Service Road
St. Paul, MN 55121

OWNER

City of Inver Grove Heights
Address
8150 Barbara Avenue
Inver Grove Heights, MN 55077

BY _____

BY _____

BY _____

Jack Boarman, President

DATE

DATE

DATE

AIA DOCUMENT G701 * CHANGE ORDER * 1987 EDITION * AIA - COPYRIGHT 1987 *

THE AMERICAN INSTITUTE OF ARCHITECT'S, 1735 NEW YORK AVE., N.W., WASHINGTON, D.C. 20006-5292

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