

INVER GROVE HEIGHTS CITY COUNCIL AGENDA
MONDAY, JANUARY 27, 2014
8150 BARBARA AVENUE
7:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

3. PRESENTATIONS

A. Introduction of New Police Officers and Fire Fighters

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

A. i) Minutes – December 16, 2013 Special City Council Meeting _____

ii) Minutes – January 13, 2014 Regular Council Meeting _____

B. Resolution Approving Disbursements for Period Ending January 22, 2014 _____

C. 2014 Legislative Agenda _____

D. Approve Therapeutic Massage Licenses _____

E. Approve Adjustment to City Administrator Salary for 2014 _____

F. 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 Resolution Ordering the Project, Approving Plans and Specifications, and Authorizing Advertisement for Bids for the 2014 Pavement Management Program, City Project No. 2014-09D – College Trail Reconstruction and Barbara Avenue Partial Reconstruction _____

7. REGULAR AGENDA:

COMMUNITY DEVELOPMENT:

A. VINCE NONNEMACHER; Consider Resolution relating to a Variance to Construct a New Home on a Vacant Lot that does not meet the Minimum Lot Size requirements for property located at 7929 Argenta Trail _____

B. MARY T’KACH; Consider Resolution relating to a Variance to allow a 42 inch high solid fence within the front yard setback whereas code requires minimum 75% clear visibility on front yard fences for property located at 1987 80th Street _____

PARKS AND RECREATION:

C. CITY OF INVER GROVE HEIGHTS; Consider First Reading of an Ordinance Amendment to Title 11 of the City Code (Subdivision Regulations) to amend Chapter 4 relating to Updating Park Dedication Rates _____

FINANCE:

D. CITY OF INVER GROVE HEIGHTS; Approve Carryover of Public Safety Contributions and Donations Received but Unspent to the 2014 Budget _____

ADMINISTRATION:

E. CITY OF INVER GROVE HEIGHTS; Consider Third Reading of an Ordinance Amending Inver Grove Heights City Code Title 4, Chapter 1, Articles A, B, C, and D related to Alcoholic Beverages _____

8. MAYOR & COUNCIL COMMENTS

9. EXECUTIVE SESSION:

A. Update on Property Acquisitions

10. ADJOURN

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

**Inver Grove Heights Fire Department
Interoffice Memo**



TO: Mayor Tourville
Council Member Bartholomew
Council Member Piekarski-Krech
Council Member Mueller
Council Member Madden

FROM: Judy Thill, Fire Chief

DATE: January 22, 2014

SUBJECT: Introduction of New Fire Recruits

On Monday, January 27, 2014 at the City Council Meeting, I will be introducing to you some of the newly appointed Inver Grove Heights volunteer paid-on-call Firefighter recruits. Unfortunately, not all of them are able to attend the Council meeting because of their regular jobs. However, I will introduce those who are able to attend and provide names and backgrounds on all. As you know, this was a unique group of recruits as each member of this class came in with some training and/or experience in firefighting, emergency medical services, or both.

Merrisa McLoughlin

Merrisa began with the IGHFD in 2008 and resigned in 2011 to return to school and concentrate on her studies and work. Since then, she has completed her Paramedic training and certification and re-joined the IGHFD. She now works as a Paramedic with a private ambulance company.

Brian Fier

Brian recently moved to IGH and brings with him both training and experience in firefighting. He served as a paid-on-call Firefighter in Iowa for about 7 years and is certified as a Firefighter and also as a Paramedic.

Dejanira Arreola

Dejanira is a certified Emergency Medical Technician (EMT). She presently works for another fire department as an EMT on their Basic Life Support Ambulance and also teaches first aid and CPR.

Anthony LaForte

Tony has been one of our Fire Explorers for about 4 years and as such, has already received firefighter training. Tony grew up with our fire department and spent time at our fire stations as his father is a retired member of the IGHFD.

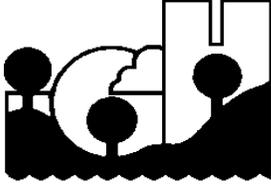
Evan Bohlman

Evan also grew up in the fire service. His father is a Firefighter Engineer for another Dakota County community. Besides understanding the paid-on-call environment, Evan has completed Emergency Medical Technician training.

Jason Colvin

Jason is a certified Emergency Medical Technician. For his regular job, he responds with a private ambulance service and also serves as one of their Field Training Officers, teaching and mentoring other EMT's.

Please join me in welcoming these new Firefighter Recruits!



CITY OF INVER GROVE HEIGHTS

MEMORANDUM

TO: Mayor and City Council

FROM: Joe Lynch, City Administrator

SUBJECT: City Administrator Performance Review summary

DATE: December 30, 2013

Encl: Performance Review Evaluation form

On December 16, 2013 the Inver Grove Heights City Council met with the City Administrator to review his performance in that role in 2013. Two of the Council Members are new and have not been through this process before. A copy of the Performance Review document was provided to the Council before the meeting and is enclosed for information purposes. The Mayor had requested that the Council provide feedback during the meeting instead of completing the form beforehand. The Mayor requested and the Council agreed that a summary of the meeting, topics and direction provided would be supplied by the City Administrator and reviewed and agreed to by the City Council at the next opportunity for Council to do so. The meeting was closed in accordance with State Statute, 13D.05, Subd. 3(a). This is a summary of that meeting, as required by the specified Statute.

General Discussion and Conclusion

At the start of the meeting the Mayor inquired about going through each and every category of the Performance Review document and if each Council Member wanted to indicate an alphabetic ranking, E for Exceeds, M for Meets and B for Below Expectations. Council indicated a desire to provide comment and feedback and give general direction on the topics.

Council discussed and the Administrator provided an update on the Values, Mission and Vision process which started approximately nine (9) months ago. The Mission statement was to be brought forward before the end of the year, but due to Council's desire to have more budget discussions that did not happen. The Mission statement, along with a brief presentation, would be made by members of the Mission Committee. Council indicated a strong desire to be a part of the evaluation and adoption of the Mission and Vision statements for the City as well as an information and communication process that did so. The City Administrator indicated that it was his intention to bring up the Vision Statement

identification and update at the Council Strategic Planning Session in the first part of the year.

Council also discussed the recent conversations with a developer and the need to keep all Council Members informed and up to speed on any changes or challenges with development, even if the City Administrator thinks that all council members know. Council indicated that they will do a better job of communicating with the Administrator to acknowledge his attempts to contact them and connect with the Administrator so they can be made aware of all of the information.

There was general discussion of the separation of duties between the City Administrator position and the Assistant City Administrator position and how and why things were being done the way they were. Council advised that they wanted to be sure that the recent challenges with some of the labor law changes and health care directives did not slip through the cracks and that the personnel in charge of managing these issues for the City was on top of and communicating with all city personnel, including the Council, on their choices and decisions.

I. Organizational Management

This was the topic of greatest concern and challenge to the Council. An agreement that Council wanted to see an organization that was the best for the City and the most cost effective for delivery of all of the services and programs brought forward to them at the earliest possible date in 2014. It was agreed that the Administrator would present options for the Council to consider at their first Work Session of 2014 on January 6th. All details may not be known at that time, but details including cost differentials, potential savings and impacts to the organization and/or customers or residents would be developed and presented to Council as well.

Council requested information on all of the supervisory positions within the City, including current salary and number of FTE positions supervised.

III. Program Development

Council indicated that they wanted the Administrator and other department heads to know that they should accept challenges from the City Council and return to work session meetings with explainable reasons as to why something will or will not work for further discussion. The Mendota Heights Par 3 Golf Course maintenance issue was one cited as an example of trying to persuade Council to do something without benefit shown to the City and that staff needed to let go of things once they had been decided.

A statement was made that Council felt embodied the role and responsibility of the staff; to educate and inform the City Council and the community and to

professionally, respectfully and gracefully complete that task. Council wants to have a great relationship with staff and to do so in a trusting environment.

IV. Long Range Planning

Council had established 9 issues with long range impacts to the City back at their Strategic Planning Session in March of 2013. They would like to review that list on a more regular basis and determine if they are still a priority and how to handle it going forward. Council would like to do more with the Capital Improvement Plan so that it is more realistic rather than idealistic. While it is good to have such a document, they feel it is better to have one that will be accomplished rather than one that is hoped to be accomplished. Staff will need to bring it up sooner and give reasons and support for the projects and programs in it.

V. Public Relations/Relationship with the Public

Council inquired about attendance by some department heads at City events to demonstrate involvement and to hear from the residents of the City. Council requested that the staff and the Administrator work on patience with the public or members of groups. It was noted that on occasion both have lost their patience with individuals or groups. Council would like staff to wear their name tags more often to events so that they can be identified and recognized for their attendance and efforts on behalf of the City.

VI. Interagency Relations

Council inquired about the Administrator's relationship with Dakota County staff and elected officials. The Administrator indicated that his relationship with the Dakota County staff is solid and they communicate well, but admitted that he did not have a relationship with either of the County Commissioners representing the City and needed help from the elected officials to connect with their counterparts from the County.

VII. Professional/Personal Development

Council requested information from the Administrator on all of the supervisors' salaries. Council would like to have a cohesive staff and requested that the staff not pressure other staff to retire.

Council agreed after completion of the review to adjust the salary of the City Administrator by 2%, the same amount given to all other Non-Union employees by the City Council on June 8, 2013 by Resolution. The Administrator will put this summary out for comment and suggested changes by City Council prior to the January 27th meeting and make those changes and re-send out to all so that all may know of the changes. Council had

directed that the salary adjustment be placed on the same agenda for approval by Council along with adjustment of all other Non-Union employees. The adjustment for all other Non-Union employees has all ready been approved by Council on June 8, 2013 and will go into effect January 1, 2014.

DRAFT

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JANUARY 13, 2014 - 8150 BARBARA AVENUE**

CALL TO ORDER/ROLL CALL The City Council of Inver Grove Heights met in regular session on Monday, January 13, 2014, in the City Council Chambers. Mayor Tourville called the meeting to order at 7:00 p.m. Present were Council members Bartholomew, Madden, and Mueller; City Administrator Lynch, Assistant City Administrator Teppen, Public Works Director Thureen, Community Development Director Link, Finance Director Smith, Parks and Recreation Director Carlson, Chief Stanger, and Chief Thill

Also in attendance was Bridget McCauley Nason of Levander, Gillen, and Miller

3. PRESENTATIONS: None.

4. CONSENT AGENDA:

Citizen Allan Cederberg requested Item 4A(ii) be removed from the Consent Agenda.

- A. i) Minutes – November 25, 2013 Regular Council Meeting
- iii) Minutes – December 9, 2013 Regular City Council Meeting
- B. **Resolution No. 14-01** Approving Disbursements for Period Ending January 8, 2014
- C. Approve Amendment No. 1 to Lease Agreement – 6549 Doffing Ave.
- D. Pay Voucher No. 8 for City Project No. 2006-08, Asher Water Tower Replacement
- E. Approve Various America with Disabilities Policies
- F. Schedule Special Meeting
- G. Personnel Actions

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

Ayes: 4

Nays: 0 Motion carried.

- A. ii) Minutes – December 2, 2013 City Council Work Session

Dian Piekarski, 7609 Babcock Trail, referenced page six (6) of the minutes and provided a correction for the first sentence at the top of the page. She also clarified the comments related to the golf course being reported as a special revenue fund should be attributed to Councilmember Bartholomew as her comments were related to the proposed franchise fee. She suggested the minutes be written to clearly distinguish between her comments and those made by Councilmember Piekarski Krech.

Allan Cederberg, 1162 82nd St. E., questioned why there were no minutes for the special meeting held on December 16th for the City Administrator's performance review.

Mr. Lynch explained a summary of the meeting was currently being reviewed by the City Council and would be placed on the January 27th agenda for approval.

Motion by Madden, second by Bartholomew, to approve the minutes of the December 2, 2013 City Council Work Session

Ayes: 4

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

Mayor Tourville stated Tom Schepers of South St. Paul, a Vietnam veteran, passed away on January 6th. He recognized Mr. Schepers' long-time involvement with various veterans' organizations and his personal efforts to raise awareness and show support for United States veterans.

6. PUBLIC HEARINGS:**A. CITY OF INVER GROVE HEIGHTS;** Consider Third Reading of an Ordinance Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees

Ms. Teppen stated this was the third and final reading of the ordinance amendment. No changes were proposed. Information was submitted to the Chamber of Commerce President for review and comment. The City was notified that the Board discussed the proposed changes and advised caution in increasing fees, adding additional programs or fees, passing additional levies or increasing taxes that would jeopardize the City's ability to remain competitive with respect to future development opportunities.

Allan Cederberg, 1162 82nd St. E., stated in his time on the Housing Committee he collected information from surrounding cities regarding the cost to build a home with a value of \$300,000. He opined that Inver Grove Heights and Farmington were more expensive than most other cities in the County. He commented the City's fees to build a home were too high and expressed concern in attracting new housing development.

Mayor Tourville explained it is difficult to compare fees between cities because not all fees are reported or calculated in the same manner.

Councilmember Madden stated he agreed that the City did not want to make the fees so out of line with other communities that it discouraged people from moving to or building a home in Inver Grove Heights. He commented there was no reason why the Council could not review the fees in 2014 to make sure they were not exorbitant. He noted the fees for the Northwest Area were put in place a number of years ago to ensure that the City could pay for the infrastructure.

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

Ayes: 4

Nays: 0 Motion carried.

Motion by Madden, second by Mueller, to adopt Ordinance No. Amending City Code Title 3, Chapter 4, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees

Ayes: 4

Nays: 0 Motion carried.

7. REGULAR AGENDA:**COMMUNITY DEVELOPMENT:****A. MORRIES MAZDA;** Consider Resolution relating to a Variance to allow 49% of a Wall Surface with Metal Panels whereas 33% is Maximum allowed for property located at 10 Mendota Road

Mr. Link reviewed the location of the property. The request was for a variance to allow 49% of a wall surface to be made of architectural metal paneling. The City's zoning ordinance limits the maximum allowed to 33%. He explained part of the proposed renovations included redoing the exterior building material and the architectural design of the building. The corporate architectural design involved the use of the metal panels. The ordinance limits the amount of metal siding in order to prohibit steel-sided pole buildings in the commercial zoning district. Planning staff recommended approval of the request because they found that the proposed metal panels would be incorporated into the overall architectural design of the building and were being used for aesthetic reasons. He noted the Planning Commission also approved the variance request.

Darwin Lindahl, architect for the project, provided a visual rendering of the proposed design of the building. He explained the orientation of the building was such that it faced the highway and required additional metal panels to meet the design standards for the customer. He noted much of the design was dictated by corporate standards for all Mazda dealerships, including the use of architectural grade metal paneling.

Motion by Madden, second by Bartholomew, to adopt Resolution No. 14-02 approving a Variance to allow 49% of a wall surface with metal panels whereas 33% is the maximum allowed for property located at 10 Mendota Road

Ayes: 4

Nays: 0 Motion carried.

B. ANTHONY & ANNE DEPALMA; Consider Resolution relating to a Variance to allow an Accessory Structure 15 Feet from the Side Property Line whereas 50 Feet is required for property located at 6860 Athena Way

Mr. Link reviewed the location of the property. He stated the request was to construct an accessory building 15 feet from the side property line whereas a 50 foot setback was required by ordinance. The proposal complied with all other zoning requirements. The topography of the sight dropped off sharply to the west and limited the buildable area on the lot. He noted the total area on the lot that was flat enough to build upon was fairly small and was further restricted by the existing well and existing home and driveway. He stated there were not many other reasonable options available to the applicant. Planning staff did not find that the request would have any adverse impact on the neighborhood as it was heavily wooded. Other homes were at least 250 feet away. Both Planning staff and the Planning Commission recommended approval of the request.

Anthony Depalma, 6860 Athena Way, stated the structure would be used primarily for storage and would be built to match the house. He noted none of the neighbors would be able to see the structure.

Councilmember Madden questioned if the applicant agreed with the conditions of approval.

Mr. Depalma responded in the affirmative.

Motion by Madden, second by Mueller, to adopt Resolution No. 14-03 approving a Variance to allow an accessory structure 15 feet from the side property line whereas 50 feet is required for property located at 6860 Athena Way

Ayes: 4

Nays: 0 Motion carried.

ADMINISTRATION:

C. CITY OF INVER GROVE HEIGHTS; Consider Second Reading of an Ordinance Amending City Code Title 4, Chapter 1, Articles A, B, C, and D related to Alcoholic Beverages

Bridget McCauley Nason of Levander, Gillen, and Miller stated she previously presented to the Council a number of changes to the City’s code provisions related to alcoholic beverages. At the previous Council meeting there was preliminary discussion regarding two (2) new authorizations under state law that would permit the sale or dispensation of alcohol at various community festivals and other similar events at sports, convention, or cultural facilities. After further review by staff of the new statutory authorizations it was recommended that no changes be made to the draft ordinance revisions as proposed.

Motion by Madden, second by Bartholomew, to adopt Second Reading of an Ordinance Amending City Code Title 4, Chapter 1, Articles A, B, C, and D related to Alcoholic Beverages

Ayes: 4

Nays: 0 Motion carried.

D. CITY OF INVER GROVE HEIGHTS; Consider Council Appointments for 2014:

- i) Official Newspaper

Motion by Madden, second by Bartholomew, to designate the South West Review as the official City newspaper

Ayes: 4

Nays: 0 Motion carried.

ii) Official Depositories

Motion by Bartholomew, second by Madden, to designate Bremer Bank, N.A.; RBC Capital Markets, LLC; Wells Fargo Securities, LLC; Morgan Stanley Smith Barney LLC; and Stifel Nicolaus & Co., Inc. as official depositories

Ayes: 4

Nays: 0 Motion carried.

iii) Acting Mayor

Motion by Bartholomew, second by Madden, to rotate service as Acting Mayor beginning with the most senior councilmember

Ayes: 4

Nays: 0 Motion carried.

iv) Council Delegate to Association of Metropolitan Municipalities

Motion by Madden, second by Mueller, to appoint Mayor Tourville as representative to the Association of Metropolitan Municipalities and to appoint Councilmember Bartholomew as the alternate representative

Ayes: 4

Nays: 0 Motion carried.

v) Deputy Weed Inspector

Motion by Mueller, second by Madden, to appoint the Park Maintenance Superintendent to serve as Deputy Weed Inspector for 2014

Ayes: 4

Nays: 0 Motion carried.

8. MAYOR & COUNCIL COMMENTS:

9. ADJOURN: Motion by Mueller, second by Bartholomew, to adjourn. The meeting was adjourned by a unanimous vote at 7:43 p.m.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: January 27, 2014
 Item Type: Consent
 Contact: Kristi Smith 651-450-2521
 Prepared by: Bill Schroepfer, Accountant
 Reviewed by: N/A

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Approve the attached resolution approving disbursements for the period of January 9, 2014 to January 22, 2014.

SUMMARY

Shown below is a listing of the disbursements for the various funds for the period ending January 22, 2014. The detail of these disbursements is attached to this memo.

General & Special Revenue	\$421,627.71
Debt Service & Capital Projects	144,267.10
Enterprise & Internal Service	507,136.47
Escrows	17,090.42
	<hr/>
Grand Total for All Funds	<u><u>\$1,090,121.70</u></u>

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

Attached to this summary for your action is a resolution approving the disbursements for the period January 9, 2014 to January 22, 2014 and the listing of disbursements requested for approval.

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

**RESOLUTION APPROVING DISBURSEMENTS FOR THE
PERIOD ENDING January 22, 2014**

WHEREAS, a list of disbursements for the period ending January 22, 2014 was presented to the City Council for approval;

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

General & Special Revenue	\$421,627.71
Debt Service & Capital Projects	144,267.10
Enterprise & Internal Service	507,136.47
Escrows	17,090.42
Grand Total for All Funds	<u><u>\$1,090,121.70</u></u>

Adopted by the City Council of Inver Grove Heights this 22nd day of January, 2014.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Melissa Kennedy, Deputy City Clerk



Expense Approval Report

By Fund

Payment Dates 1/9/2014 - 1/22/2014

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ACME TOOLS	2372075	01/22/2014	13903	101.42.4200.423.60040	229.98
ACME TOOLS	2380278	01/22/2014	13903	101.42.4200.423.60040	79.99
AFSCME COUNCIL 5	INV0025994	01/10/2014	UNION DUES (AFSCME FAIR SHARE)	101.203.2031000	26.84
AFSCME COUNCIL 5	INV0025995	01/10/2014	UNION DUES (AFSCME FULL SHARE)	101.203.2031000	681.36
AFSCME COUNCIL 5	INV0025996	01/10/2014	UNION DUES (AFSCME FULL SHARE-F	101.203.2031000	60.12
AMERICAN PLANNING ASSOCIATION	099679-13106	12/31/2013	APA MEMBERSHIP	101.45.3200.419.50070	490.00
BARNA, GUZY, & STEFFEN LTD	125604	12/31/2013	50003-005	101.41.1100.413.30430	52.00
CA DEPT OF CHILD SUPPORT SERV	INV0025997	01/10/2014	MIGUEL GUADALAJARA FEIN/TAXPAY	101.203.2032100	279.69
CARGILL, INC.	2901489105	01/15/2014	1/3/14	101.43.5200.443.60016	13,600.14
CARGILL, INC.	2901493306	01/15/2014	1/6/14	101.43.5200.443.60016	5,996.25
CARGILL, INC.	2901496229	01/15/2014	1/7/14	101.43.5200.443.60016	9,547.40
CARGILL, INC.	2901500288	01/15/2014	1/8/14	101.43.5200.443.60016	3,267.09
CEMSTONE PRODUCTS COMPANY	6022071	01/15/2014	9021	101.43.5200.443.60016	376.00
CHAMPION PLUMBING	79842	01/15/2014	REFUND	101.45.0000.3222000	50.00
CITY OF BURNSVILLE	2014 DUES	01/22/2014	2013 ANNUAL DUES	101.41.1000.413.50070	8,547.25
CLAREY'S SAFETY EQUIPMENT	153588	01/22/2014	090500	101.42.4200.423.40042	200.00
CLAREY'S SAFETY EQUIPMENT	153558	12/31/2013	090500	101.42.4200.423.40042	251.54
COMCAST	1/5/14 8772 10 591 035952	01/22/2014	8772 10 591 0359526	101.42.4200.423.30700	11.28
CULLIGAN	12/31/13 157-98459100-6	12/31/2013	157-98459100-6	101.42.4200.423.60065	22.34
DAKOTA COMMUNICATIONS CENTE	IG2014-01	01/15/2014	JANUARY 2014	101.42.4000.421.70502	42,672.60
DAKOTA COMMUNICATIONS CENTE	IG2014-01	01/15/2014	JANUARY 2014	101.42.4200.423.70501	4,741.40
DAKOTA CTY FINANCIAL SVCS	00009143	12/31/2013	UTILITIES 3RD QTR P0001753	101.43.5400.445.40020	625.61
DAKOTA CTY PROP TAXATION & RE	2988580	12/31/2013	ABSTRACT FEE 12/3/13	101.45.0000.3413000	46.00
DAKOTA ELECTRIC ASSN	1/13/14	12/31/2013	CITY OF INVER GROVE HEIGHTS	101.43.5400.445.40020	1,243.30
DAKOTA ELECTRIC ASSN	1/13/14	12/31/2013	CITY OF INVER GROVE HEIGHTS	101.43.5400.445.40020	33.99
DAKOTA ELECTRIC ASSN	1/13/14	12/31/2013	CITY OF INVER GROVE HEIGHTS	101.44.6000.451.40020	362.35
DAKOTA ELECTRIC ASSN	1/13/14	12/31/2013	CITY OF INVER GROVE HEIGHTS	101.44.6000.451.40020	58.65
DAKOTA ELECTRIC ASSN	1/13/14	12/31/2013	CITY OF INVER GROVE HEIGHTS	101.44.6000.451.40020	12.03
DAKOTA ELECTRIC ASSN	1/13/14	12/31/2013	CITY OF INVER GROVE HEIGHTS	101.44.6000.451.40020	174.69
EFTPS	INV0026018	01/10/2014	FEDERAL WITHHOLDING	101.203.2030200	41,519.12
EFTPS	INV0026020	01/10/2014	MEDICARE WITHHOLDING	101.203.2030500	10,823.08
EFTPS	INV0026021	01/10/2014	SOCIAL SECURITY WITHHOLDING	101.203.2030400	31,647.72
EFTPS	INV0026022	01/10/2014	FEDERAL WITHHOLDING	101.203.2030200	867.37
EFTPS	INV0026024	01/10/2014	MEDICARE WITHHOLDING	101.203.2030500	634.70
EFTPS	INV0026025	01/10/2014	SOCIAL SECURITY WITHHOLDING	101.203.2030400	781.20
EFTPS	INV0026030	01/13/2014	FEDERAL WITHHOLDING	101.203.2030200	675.97
EFTPS	INV0026032	01/13/2014	MEDICARE WITHHOLDING	101.203.2030500	499.66
EFTPS	INV0026033	01/13/2014	SOCIAL SECURITY WITHHOLDING	101.203.2030400	1,060.18
EHLERS AND ASSOCIATES, INC.	DECEMBER 2013 STATEM	12/31/2013	347730-347732	101.45.3200.419.30600	400.00
FIRST IMPRESSION GROUP, THE	55492	12/31/2013	4363	101.42.4000.421.50030	90.85
FIRST IMPRESSION GROUP, THE	55492	12/31/2013	4363	101.45.3300.419.60040	90.84
FIRSTSCRIBE	2461670	01/15/2014	1/1/14	101.43.5100.442.40044	250.00
GENESIS EMPLOYEE BENEFITS AC	INV0026000	01/10/2014	HSA ELECTION-FAMILY	101.203.2032500	2,975.07
GENESIS EMPLOYEE BENEFITS AC	INV0026001	01/10/2014	HSA ELECTION-SINGLE	101.203.2032500	2,855.99
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.41.1100.413.30550	29.66
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.41.2000.415.30550	87.71
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.42.4000.421.30550	262.50
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.42.4200.423.30550	14.00
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.43.5000.441.30550	8.38
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.43.5100.442.30550	52.80
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.43.5200.443.30550	24.51
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.44.6000.451.30550	43.10
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.45.3000.419.30550	17.42
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.45.3200.419.30550	14.66
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	101.45.3300.419.30550	22.76
HEAGLE, SKIP	1/3/14	01/15/2014	REIMBURSE-BEVERAGES BOAT FIRE	101.42.4200.423.50075	37.46
IACP	1001089736	01/22/2014	1635393 MEMBERSHIP	101.42.4000.421.50070	120.00
ICMA RETIREMENT TRUST - 457	INV0026002	01/10/2014	ICMA-AGE <49 %	101.203.2031400	4,336.25
ICMA RETIREMENT TRUST - 457	INV0026003	01/10/2014	ICMA-AGE <49	101.203.2031400	3,645.00
ICMA RETIREMENT TRUST - 457	INV0026004	01/10/2014	ICMA-AGE 50+ %	101.203.2031400	1,202.63
ICMA RETIREMENT TRUST - 457	INV0026005	01/10/2014	ICMA-AGE 50+	101.203.2031400	5,371.48
ICMA RETIREMENT TRUST - 457	INV0026006	01/10/2014	ICMA (EMPLOYER SHARE ADMIN)	101.203.2031400	72.23
ICMA RETIREMENT TRUST - 457	INV0026015	01/10/2014	ROTH IRA (AGE 49 & UNDER)	101.203.2032400	482.70
INFINITY WIRELESS	34489	12/31/2013	15696	101.42.4200.423.40042	149.28
IUOE	INV0026007	01/10/2014	UNION DUES IUOE	101.203.2031000	1,121.75
LELS	INV0026008	01/10/2014	UNION DUES (LELS)	101.203.2031000	1,300.00

LELS SERGEANTS	INV0026016	01/10/2014	UNION DUES (LELS SGT)	101.203.2031000	225.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	101.41.1000.413.30401	120.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	9	101.41.1000.413.30420	3,224.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	101.43.5100.442.30420	1,024.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	101.44.6000.451.30420	56.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	101.45.3200.419.30420	832.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	101.45.3300.419.30420	36.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 92000E	12/31/2013	92000E	101.42.4000.421.30410	14,537.81
LOCAL GOVERNMENT INFORMATIOI	37781	12/31/2013	106325	101.42.4000.421.70501	1,525.00
LOCAL GOVERNMENT INFORMATIOI	37792	12/31/2013	111541	101.42.4200.423.30700	108.00
METRO CITIES	2014 MEMBERSHIP 34	01/22/2014	JAN-DEC 2014 MEMBERSHIP	101.41.1000.413.50070	9,784.00
MINNEAPOLIS OXYGEN CO.	171083729	12/31/2013	113504	101.42.4200.423.40042	79.52
MINNEAPOLIS OXYGEN CO.	171083730	12/31/2013	113504	101.42.4200.423.40042	87.47
MINNESOTA DEPARTMENT OF HUM	INV0025998	01/10/2014	RICK JACKSON FEIN/TAXPAYER ID: 41	101.203.2032100	318.41
MINNESOTA DEPARTMENT OF HUM	INV0025999	01/10/2014	JUSTIN PARRANTO FEIN/TAXPAYER II	101.203.2032100	484.54
MN DEPT OF LABOR & INDUSTRY	ABR0087318I	01/15/2014	00000012982	101.42.4200.423.30700	10.00
MN DEPT OF REVENUE	INV0026019	01/10/2014	STATE WITHHOLDING	101.203.2030300	17,039.52
MN DEPT OF REVENUE	INV0026023	01/10/2014	STATE WITHHOLDING	101.203.2030300	460.57
MN DEPT OF REVENUE	INV0026031	01/13/2014	STATE WITHHOLDING	101.203.2030300	355.96
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.207.2070300	(0.61)
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.207.2070300	162.44
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.41.2000.415.60010	22.35
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60006	47.43
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60040	19.59
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60045	51.95
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60065	20.62
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60065	6.74
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60065	1.06
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60065	17.81
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60065	27.35
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60065	4.05
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60065	225.98
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4000.421.60065	30.98
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4200.423.40040	35.94
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4200.423.60065	0.39
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4200.423.60065	8.73
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4200.423.60065	4.50
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4200.423.60065	5.15
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4200.423.60065	5.06
MN GLOVE & SAFETY, INC.	277389	01/15/2014	CTINVP	101.43.5200.443.60045	478.96
MNFIAM BOOK SALES	1798	01/15/2014	1/6/14	101.42.4200.423.60018	1,500.00
NFPA	6023593X	01/22/2014	116140 MEMBERSHIP 6023593X	101.42.4200.423.50070	1,165.50
OXYGEN SERVICE COMPANY, INC	03250248	12/31/2013	03250248	101.42.4000.421.60065	26.51
PERA	INV0026009	01/10/2014	PERA COORDINATED PLAN	101.203.2030600	29,772.94
PERA	INV0026010	01/10/2014	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	2,381.84
PERA	INV0026011	01/10/2014	PERA DEFINED PLAN	101.203.2030600	57.69
PERA	INV0026012	01/10/2014	EMPLOYER SHARE (PERA DEFINED P	101.203.2030600	57.69
PERA	INV0026013	01/10/2014	PERA POLICE & FIRE PLAN	101.203.2030600	11,773.53
PERA	INV0026014	01/10/2014	EMPLOYER SHARE (POLICE & FIRE PL	101.203.2030600	17,660.32
PERA	INV0026026	01/13/2014	PERA COORDINATED PLAN	101.203.2030600	1,068.76
PERA	INV0026027	01/13/2014	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	85.50
PERA	INV0026028	01/13/2014	PERA POLICE & FIRE PLAN	101.203.2030600	904.43
PERA	INV0026029	01/13/2014	EMPLOYER SHARE (POLICE & FIRE PL	101.203.2030600	1,356.66
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.41.1100.413.60070	54.30
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.41.2000.415.60070	115.96
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.42.4200.423.60070	136.79
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.43.5100.442.60040	26.02
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.43.5200.443.60070	22.01
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.45.3200.419.60010	14.27
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.45.3200.419.60040	38.61
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.45.3300.419.60040	23.30
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	101.45.3300.419.60040	97.78
SAFE-FAST, INC.	INV132927	12/31/2013	INVERGRV01	101.43.5200.443.60045	166.73
SETS DESIGN INC.	12742	12/31/2013	12/30/13	101.42.4000.421.60065	600.00
SMITH KRISTI	1/4/14	01/22/2014	REIMBURSE-2013 BUDGET BINDING	101.41.2000.415.50035	28.05
SPECIALTY TURF & AG INC	138379	12/31/2013	INV01	101.43.5200.443.60016	1,913.06
STERLING CODIFIERS	14609	01/22/2014	IN0921	101.41.1100.413.30700	500.00
THOMSON REUTERS - WEST	828715160	12/31/2013	12/11/13-12/31/13	101.42.4000.421.30700	140.90
THUREEN, SCOTT D	1/11/14	01/22/2014	REIMBURSE-BATTERIES	101.43.5000.441.60010	15.51
TOUGH CUT SERVICES	2758	12/31/2013	8/12/13	101.45.3000.419.30700	48.09
TRACTOR SUPPLY CREDIT PLAN	12/20/13 6035 3012 0018 3	12/31/2013	6035 3012 0018 3679	101.44.6000.451.60040	110.32
TRACTOR SUPPLY CREDIT PLAN	12/20/13 6035 3012 0018 3	12/31/2013	6035 3012 0018 3679	101.44.6000.451.60040	53.57
TRACTOR SUPPLY CREDIT PLAN	12/20/13 6035 3012 0018 3	12/31/2013	6035 3012 0018 3679	101.44.6000.451.60065	(27.38)
TWIN CITIES OCCUPATIONAL HEALT	102146189	12/31/2013	N26-1251001591	101.41.1100.413.30500	1,079.00
UNITED WAY	INV0026017	01/10/2014	UNITED WAY	101.203.2031300	105.00

VOLUNTEER FIREFIGHTERS BENEFIT	2014 MEMBERSHIP	01/22/2014	2014 VOLUNTEER FIREFIGHTERS APF	101.42.4200.423.50070	66.00
XCEL ENERGY	396025997	12/31/2013	51-5279113-0	101.43.5200.443.40020	(27.64)
XCEL ENERGY	396025997	12/31/2013	51-5279113-0	101.43.5400.445.40020	4,101.72
XCEL ENERGY	396026000	12/31/2013	51-5279113-0	101.43.5200.443.40020	206.36
XCEL ENERGY	396026000	12/31/2013	51-5279113-0	101.43.5400.445.40020	691.48
XCEL ENERGY	3964553300	12/31/2013	51-6435129-1	101.43.5400.445.40020	777.77
XCEL ENERGY	396968150	12/31/2013	51-4779167-3	101.44.6000.451.40010	1,006.82
XCEL ENERGY	396968150	12/31/2013	51-4779167-3	101.44.6000.451.40020	644.76
XCEL ENERGY	397155312	12/31/2013	51-5185446-3	101.42.4000.421.40042	7.65
ZIEGLER INC	K6313101	12/31/2013	4069900	101.43.5200.443.40050	2,892.38

Fund: 101 - GENERAL FUND

342,252.75

CANAL PARK LODGE	R300A6	01/22/2014	2/3/14-2/5/14	201.44.1600.465.50075	191.88
EXPLORE MINNESOTA TOURISM	2014 CONFERENCE	01/22/2014	MN 2014 CONFERENCE	201.44.1600.465.50080	274.00
RIVER HEIGHTS CHAMBER OF COMI	4308	12/31/2013	9/26/13-12/20/13	201.44.1600.465.50020	100.00
RIVER HEIGHTS CHAMBER OF COMI	4308	12/31/2013	9/26/13-12/20/13	201.44.1600.465.50035	3.82
RIVER HEIGHTS CHAMBER OF COMI	4308	12/31/2013	9/26/13-12/20/13	201.44.1600.465.60010	6.98
RIVER HEIGHTS CHAMBER OF COMI	4309	12/31/2013	DECEMBER 2013	201.44.1600.465.30700	1,666.65
RIVER HEIGHTS CHAMBER OF COMI	4309	12/31/2013	DECEMBER 2013	201.44.1600.465.40065	200.00

Fund: 201 - C.V.B. FUND

2,443.33

GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	204.44.6100.452.30550	21.16
IGH SENIOR CLUB	1/7/14	01/15/2014	MEMBERSHIPS/HOLIDAY PARTY DECI	204.227.2271000	1,504.00
IGH/SSP COMMUNITY EDUCATION	1/7/14	01/15/2014	SENIOR TRIP/UCARE/SCOOP NEWLET	204.227.2271000	1,553.00
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	204.207.2070300	194.23
TAHO SPORTSWEAR	13TF2560	12/31/2013	12/13/13	204.44.6100.452.60045	54.48
TAHO SPORTSWEAR	13TF2560	12/31/2013	12/13/13	204.44.6100.452.60045	54.48

Fund: 204 - RECREATION FUND

3,381.35

BROADCAST MUSIC INC	24444038	01/15/2014	2166245	205.44.6200.453.50070	330.00
COCA COLA BOTTLING COMPANY	0118459224	12/31/2013	12/27/13	205.44.6200.453.76100	143.76
COOK, JODY	1/8/14	01/15/2014	REIMBURSE-SWIMMING	205.207.2070300	1.00
COOK, JODY	1/8/14	01/15/2014	REIMBURSE-SWIMMING	205.44.0000.3492700	14.00
CULLIGAN	12/31/13 157-01143690-8	12/31/2013	157-01143890-8	205.44.6200.453.60016	655.64
CULLIGAN	12/31/13 157-01143690-8	12/31/2013	157-01143890-8	205.44.6200.453.60016	163.91
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	205.44.6200.453.30550	11.00
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	205.44.6200.453.30550	3.50
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	205.44.6200.453.30550	10.50
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	205.44.6200.453.30550	19.24
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	205.44.6200.453.30550	10.50
GRAINGER	9330575789	01/15/2014	806460150	205.44.6200.453.60040	104.65
GRAINGER	9330575789	01/15/2014	806460150	205.44.6200.453.60040	104.65
HASTINGS, MOLLY	10/27/13	12/31/2013	REIMBURSE-BARRE HOMESTUDY	205.44.6200.453.50070	1.10
MASTER MECHANICAL INC	38763	12/31/2013	CITINV	205.44.6200.453.60016	496.98
MENARDS - WEST ST. PAUL	43734	01/15/2014	30170270	205.44.6200.453.60040	534.59
MENARDS - WEST ST. PAUL	43062	12/31/2013	30170270	205.44.6200.453.40042	13.84
MITY-LITE INC	946695 P	12/31/2013	718554	205.44.6200.453.80800	2,554.96
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	205.207.2070300	7,421.05
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	205.44.6200.453.50025	5.84
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	205.44.6200.453.60065	0.48
NAC MECHANICAL & ELECTRICAL SI	98199	12/31/2013	8712-1	205.44.6200.453.40040	5,464.52
NAC MECHANICAL & ELECTRICAL SI	98207	12/31/2013	8712-1	205.44.6200.453.40040	293.00
NAC MECHANICAL & ELECTRICAL SI	98208	12/31/2013	8712-1	205.44.6200.453.40040	470.00
OLSEN FIRE PROTECTION, INC	3565	12/31/2013	INVERGRO	205.44.6200.453.50055	240.00
OLSEN FIRE PROTECTION, INC	3565	12/31/2013	INVERGRO	205.44.6200.453.50055	240.00
PETTY CASH - ATM	JULY-SEPT 2013	12/31/2013	JULY-SEPT 2013 ACCOUNT FEES	205.44.6200.453.70440	10.97
PETTY CASH - ATM	OCT-DEC 2013	12/31/2013	OCT-DEC 2013	205.44.6200.453.70440	16.46
R & R SPECIALTIES OF WI, INC.	0052488-CM REDO	12/31/2013	7/11/13	205.44.6200.453.40042	(18.81)
R & R SPECIALTIES OF WI, INC.	0052489-CM REDO	12/31/2013	7/11/13	205.44.6200.453.40042	(78.17)
R & R SPECIALTIES OF WI, INC.	00052885-IN REDO	12/31/2013	8/14/13	205.44.6200.453.40042	54.00
R & R SPECIALTIES OF WI, INC.	0052908-IN REDO	12/31/2013	9/16/13	205.44.6200.453.40042	54.00
ROACH, RICK	12/31/13	12/31/2013	REIMBURSE-DECEMBER MILEAGE	205.44.6200.453.50065	16.39
ROACH, RICK	12/31/13	12/31/2013	REIMBURSE-DECEMBER MILEAGE	205.44.6200.453.50065	32.70
TAHO SPORTSWEAR	13TF2398	12/31/2013	12/17/13	205.44.6200.453.60045	501.00
TAHO SPORTSWEAR	13TF2398	12/31/2013	12/17/13	205.44.6200.453.60045	530.00
TAHO SPORTSWEAR	13TF2398	12/31/2013	12/17/13	205.44.6200.453.60045	676.00
TAHO SPORTSWEAR	13TF2419	12/31/2013	12/17/13	205.44.6200.453.60045	256.25
TAHO SPORTSWEAR	13TF2419	12/31/2013	12/17/13	205.44.6200.453.60045	256.25
VANCO SERVICES LLC	00005869517	01/22/2014	DECEMBER 2013	205.44.6200.453.70600	57.70
VOGEL, MICHELLE	1/9/14	01/22/2014	REFUND	205.44.0000.3493501	132.00
XCEL ENERGY	396968150	12/31/2013	51-4779167-3	205.44.6200.453.40010	14,872.21
XCEL ENERGY	396968150	12/31/2013	51-4779167-3	205.44.6200.453.40010	6,188.59
XCEL ENERGY	396968150	12/31/2013	51-4779167-3	205.44.6200.453.40020	12,699.02
XCEL ENERGY	396968150	12/31/2013	51-4779167-3	205.44.6200.453.40020	14,486.41

Fund: 205 - COMMUNITY CENTER

70,051.68

GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	290.45.3000.419.30550	1.16
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	290.45.3000.419.30420	528.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	290.45.3000.419.30420	340.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	290.45.3000.419.30420	1,957.44
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	290.45.3000.419.30420	672.00
Fund: 290 - EDA					3,498.60
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	402.44.6000.451.30420	1,524.30
Fund: 402 - PARK ACQ. & DEV. FUND					1,524.30
EHLERS AND ASSOCIATES, INC.	DECEMBER 2013 STATEM	12/31/2013	347730-347732	405.57.9000.570.30150	1,850.00
Fund: 405 - NORTH SIDE WTR STOR. FAC.					1,850.00
AMERICAN ENGINEERING TESTING, 60862		12/31/2013	INV001	426.72.5900.726.80300	1,025.40
Fund: 426 - 2006 IMPROVEMENT FUND					1,025.40
MN POLLUTION CONTROL AGENCY	2012-07 BOHRER POND N01/15/2014		NPDES PERMIT #MNPPCA000014991	432.73.5900.732.30700	400.00
Fund: 432 - 2012 IMPROVEMENT FUND					400.00
METROPOLITAN COUNCIL ENVIRON	0001029453	01/15/2014	7116	433.73.5900.733.30700	1,120.00
Fund: 433 - 2013 IMPROVEMENT FUND					1,120.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	440.74.5900.740.30420	1,542.00
Fund: 440 - PAVEMENT MANAGEMENT PROJ					1,542.00
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	441.74.5900.741.40030	2,497.97
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	441.74.5900.741.40030	2,497.97
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	441.74.5900.741.40030	2,497.97
GUN CLUB LAKE WATERSHED MGM	2013 MEMBER CITY CON	12/31/2013	2013 MEMBER CITY CONTRIBUTION	441.74.5900.741.30300	1,061.44
WSB & ASSOCIATES, INC.	1 01702-250	12/31/2013	11/1/13-11/30/13	441.74.5900.741.70600	3,508.00
Fund: 441 - STORM WATER MANAGEMENT					12,063.35
EMMONS & OLIVIER RESOURCES	00095-0042-1	12/31/2013	00095-0042	446.74.5900.746.30300	312.25
EMMONS & OLIVIER RESOURCES	00095-0043-1	12/31/2013	00095-0043	446.74.5900.746.30300	2,951.83
Fund: 446 - NW AREA					3,264.08
HOISINGTON KOEGLER GROUP INC	013-019-2	12/31/2013	013-019	451.75.5900.751.30700	1,906.02
HOISINGTON KOEGLER GROUP INC	013-019-3	12/31/2013	013-019	451.75.5900.751.30700	759.45
HOISINGTON KOEGLER GROUP INC	013-019-1	12/31/2013	013-019 8/1/13-8/31/13	451.75.5900.751.30700	910.67
Fund: 451 - HOST COMMUNITY FUND					3,576.14
BLACKBERRY POINTE APARTMENT	2013 TAX CAPACITY	01/22/2014	2013 TAX CAPACITY	453.57.9000.570.90100	117,901.83
Fund: 453 - SE QUADRANT TIF DIST 4-1					117,901.83
ACE PAINT & HARDWARE	518620/5	01/15/2014	501126	501.50.7100.512.60016	15.99
ACE PAINT & HARDWARE	518630/5	01/15/2014	501126	501.50.7100.512.60016	19.99
ACE PAINT & HARDWARE	518634/5	01/15/2014	501126	501.50.7100.512.60016	2.49
BITUMINOUS ROADWAYS, INC.	1/13/14	01/15/2014	HYDRANT PERMIT REFUND #1308	501.207.2070300	(42.93)
BITUMINOUS ROADWAYS, INC.	1/13/14	01/15/2014	HYDRANT PERMIT REFUND #1308	501.50.0000.3813000	(602.48)
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	5,229.49
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	4,194.72
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	4,311.27
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	6,837.56
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	52,656.62
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	13,789.40
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	2,367.71
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	25,019.46
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	2,443.31
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	3,582.05
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	3,276.50
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	501.50.7100.512.40005	2,658.77
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	501.50.7100.512.40005	20.70
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	501.50.7100.512.40005	19.44
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	501.50.7100.512.40005	21.96
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	501.50.7100.512.40005	20.70
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	501.50.7100.512.40005	20.70
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	501.50.7100.512.40005	19.44
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	501.50.7100.512.40005	20.70
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	501.50.7100.512.40005	24.48
EAGAN, CITY OF	JUNE/DEC 13745/13997/14	12/31/2013	DECEMBER UTILITY	501.50.7100.512.40005	21.96
EAGAN, CITY OF	JUNE/DEC 13745/13997/14	12/31/2013	DECEMBER UTILITY	501.50.7100.512.40005	16.92
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	501.50.7100.512.30550	28.65
HAWKINS, INC.	3551318	01/22/2014	108816	501.50.7100.512.60019	569.00
HAWKINS, INC.	3551375	01/22/2014	108816	501.50.7100.512.60019	4,546.28
MN DEPT OF HEALTH	10/1/13-12/31/13	12/31/2013	10/1/13-12/31/13 1190014	501.207.2070100	11,934.00
MN DEPT OF LABOR & INDUSTRY	ALR00361411	01/15/2014	0000001298	501.50.7100.512.40040	100.00

MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	501.207.2070200	1,237.44
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	501.207.2070300	24.80
NAC MECHANICAL & ELECTRICAL SERVICES LLC	SI97553	12/31/2013	8712	501.50.7100.512.40040	1,066.80
SCHLOMKA SERVICES LLC	1/15/2014	12/31/2013	CP 14-27	501.207.2070300	(12.26)
SCHLOMKA SERVICES LLC	1/15/2014	12/31/2013	CP 14-27	501.50.0000.3813000	(172.00)
TOTAL CONSTRUCTION & EQUIP.	59215	12/31/2013	CIT001	501.50.7100.512.40040	2,090.60
VALLEY-RICH CO, INC	19576	12/31/2013	R13598 12/29	501.50.7100.512.40046	4,403.96
VALLEY-RICH CO, INC	19611	12/31/2013	R13556 12/31	501.50.7100.512.40046	3,287.00
VALLEY-RICH CO, INC	19608	12/31/2013	R13633 12/31	501.50.7100.512.40046	6,201.95
WATER CONSERVATION SERVICES	4514	01/22/2014	1/5/14	501.50.7100.512.30700	558.80
XCEL ENERGY	396450415	12/31/2013	51-5877	501.50.7100.512.40010	2,294.69
XCEL ENERGY	396450415	12/31/2013	51-6098709-7	501.50.7100.512.40020	5,791.64

Fund: 501 - WATER UTILITY FUND

169,918.27

AUTOMATIC SYSTEMS CO.	26992 S	01/22/2014	INVE01	502.51.7200.514.40042	322.85
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	6,814.62
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	5,882.76
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	5,405.67
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	23,374.98
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	5,238.27
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	6,814.62
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	25,174.53
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	6,814.62
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	6,814.62
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	24,661.17
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	6,814.62
EAGAN, CITY OF	APRIL-DEC 2013 UTILITY	12/31/2013	APRIL-DECEMBER 2013 UTILITY	502.51.7200.514.40015	6,814.62
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	502.51.7200.514.40015	32.22
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	502.51.7200.514.40015	32.22
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	502.51.7200.514.40015	29.43
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	502.51.7200.514.40015	29.43
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	502.51.7200.514.40015	40.59
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	502.51.7200.514.40015	32.22
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	502.51.7200.514.40015	35.01
EAGAN, CITY OF	APR-NOV 13745/13997/14	12/31/2013	APRIL-DECEMBER 2013	502.51.7200.514.40015	32.22
EAGAN, CITY OF	JUNE/DEC 13745/13997/14	12/31/2013	DECEMBER UTILITY	502.51.7200.514.40015	23.85
EAGAN, CITY OF	JUNE/DEC 13745/13997/14	12/31/2013	DECEMBER UTILITY	502.51.7200.514.40015	35.01
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	502.51.7200.514.30550	16.62
METROPOLITAN COUNCIL	0001029321	01/22/2014	5084	502.51.7200.514.40015	135,167.27
XCEL ENERGY	396450415	12/31/2013	51-6098709-7	502.51.7200.514.40010	272.24
XCEL ENERGY	396450415	12/31/2013	51-6098709-7	502.51.7200.514.40020	624.75

Fund: 502 - SEWER UTILITY FUND

267,351.03

ACE PAINT & HARDWARE	5186484/5	01/22/2014	501126	503.52.8600.527.60012	2.76
ARAMARK REFRESHMENT SERVICE	1107155	01/15/2014	48128X	503.52.8300.524.60065	69.15
BUSINESS VOICE	1/14/14	01/22/2014	GOLF PROGRAM 2014	503.52.8500.526.50025	300.00
DAKOTA ELECTRIC ASSN	1/13/14	12/31/2013	CITY OF INVER GROVE HEIGHTS	503.52.8600.527.40020	287.64
DEX MEDIA EAST	12/20/13 110360619	12/31/2013	110360619	503.52.8500.526.50025	95.22
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	503.52.8000.521.30550	39.00
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	503.52.8500.526.30550	30.66
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	503.52.8600.527.30550	25.66
GLOVEIT, LLC	61190	01/22/2014	110413	503.52.8200.523.76300	372.00
GRANDMA'S BAKERY	395513	12/31/2013	24400	503.52.8300.524.76050	22.61
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	503.207.2070300	282.47
NATIONAL AUTOMATIC SPRINKLER	29644	01/22/2014	1/10/14	503.52.8500.526.40040	4,974.83
SOUTH BAY DESIGN	01014	01/15/2014	QUARTERLY HOSTING CHARGES	503.52.8500.526.50025	255.00
TDS METROCOM	1/13/14 651 457 3667	01/22/2014	651 457 3667	503.52.8500.526.50020	281.85
TOLL GAS & WELDING SUPPLY	70000117	01/22/2014	C1376	503.52.8600.527.40020	283.88
VGM CLUB	2014	01/15/2014	190222	503.52.8500.526.50070	160.00
XCEL ENERGY	395953273	12/31/2013	51-5754364-1	503.52.8500.526.40010	169.80
XCEL ENERGY	395953273	12/31/2013	51-5754364-1	503.52.8500.526.40020	(105.91)
XCEL ENERGY	395953273	12/31/2013	51-5754364-1	503.52.8600.527.40010	540.62
XCEL ENERGY	395953273	12/31/2013	51-5754364-1	503.52.8600.527.40020	10.37

Fund: 503 - INVER WOOD GOLF COURSE

8,097.61

GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	602.00.2100.415.30550	2.09
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	602.00.2100.415.30420	132.00

Fund: 602 - RISK MANAGEMENT

134.09

CARQUEST OF MSP-ROSEMOUNT	1596-207353	01/15/2014	614420	603.140.1450050	13.08
CARQUEST OF MSP-ROSEMOUNT	1596-207367	01/15/2014	614420	603.00.5300.444.40041	(0.90)
CARQUEST OF MSP-ROSEMOUNT	1596-207389	01/15/2014	614420	603.140.1450050	324.97
CARQUEST OF MSP-ROSEMOUNT	1596-207397	01/15/2014	614420	603.00.5300.444.60040	9.87
CARQUEST OF MSP-ROSEMOUNT	1596-207441	01/15/2014	614420	603.00.5300.444.40041	68.82
CARQUEST OF MSP-ROSEMOUNT	1596-207490	01/15/2014	614420	603.140.1450050	30.96
CARQUEST OF MSP-ROSEMOUNT	1596-203606	12/31/2013	614420	603.00.5300.444.60012	28.69

CARQUEST OF MSP-ROSEMOUNT	1596-203676	12/31/2013	614420	603.00.5300.444.60012	8.00
CARQUEST OF MSP-ROSEMOUNT	1596-203760	12/31/2013	614420	603.00.5300.444.40041	58.33
CARQUEST OF MSP-ROSEMOUNT	1596-204208	12/31/2013	614420	603.00.5300.444.40041	2.67
CARQUEST OF MSP-ROSEMOUNT	1596-204211	12/31/2013	614420	603.00.5300.444.40041	5.62
CARQUEST OF MSP-ROSEMOUNT	1596-204517	12/31/2013	614420	603.00.5300.444.40041	242.56
CARQUEST OF MSP-ROSEMOUNT	1596-206619	12/31/2013	614420	603.00.5300.444.60040	15.80
CARQUEST OF MSP-ROSEMOUNT	1596-194849	12/31/2013	614420	603.00.5300.444.40041	4.51
CARQUEST OF MSP-ROSEMOUNT	1596-202520	12/31/2013	614420	603.00.5300.444.40041	7.21
DAKOTA CTY FINANCIAL SVCS	00009216	12/31/2013	P0001753	603.00.5300.444.50080	85.00
EHLERS AND ASSOCIATES, INC.	DECEMBER 2013 STATEM	12/31/2013	347730-347732	603.00.5300.444.70600	250.00
FORCE AMERICA, INC.	01418590	01/15/2014	366100	603.00.5300.444.40041	2,251.32
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	603.00.5300.444.30550	13.50
LITTLE FALLS MACHINE INC	00052063	12/31/2013	00015408	603.00.5300.444.40041	1,118.20
METRO JANITORIAL SUPPLY INC	11012529	12/31/2013	10/18/13	603.00.5300.444.60012	195.85
METROMATS	8363	12/31/2013	12/12/13	603.00.5300.444.40065	41.15
METROMATS	8494	12/31/2013	12/26/13	603.00.5300.444.40065	41.15
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	603.00.5300.444.60021	2.43
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	603.00.5300.444.60021	0.13
MN GLOVE & SAFETY, INC.	277410	01/15/2014	CTINVP	603.00.5300.444.60011	19.90
SAFE-FAST, INC.	INV134525	01/22/2014	INVERGRV01	603.00.5300.444.60040	155.00
TOTAL CONSTRUCTION & EQUIP.	59253	01/15/2014	CIT001	603.00.5300.444.40040	168.96
TOWMASTER TRAILERS INC	354525	12/31/2013	2946	603.00.5300.444.40041	1,009.95
TRACTOR SUPPLY CREDIT PLAN	12/20/13 6035 3012 0018 3	12/31/2013	6035 3012 0018 3679	603.00.5300.444.40041	66.36
TRACTOR SUPPLY CREDIT PLAN	12/20/13 6035 3012 0018 3	12/31/2013	6035 3012 0018 3679	603.00.5300.444.60012	48.98
XCEL ENERGY	396025997	12/31/2013	51-5279113-0	603.00.5300.444.40010	3,837.07
XCEL ENERGY	396025997	12/31/2013	51-5279113-0	603.00.5300.444.40020	1,116.81
XCEL ENERGY	396026000	12/31/2013	51-5279113-0	603.00.5300.444.40020	1,437.31
YOCUM OIL COMPANY, INC.	601028	01/15/2014	502860	603.140.1450060	4,965.50
YOCUM OIL COMPANY, INC.	602545	01/15/2014	602545	603.140.1450050	13,421.76
YOCUM OIL COMPANY, INC.	602661	01/15/2014	502860	603.140.1450060	6,492.00

Fund: 603 - CENTRAL EQUIPMENT

37,558.52

COORDINATED BUSINESS SYSTEMS	12/17/13	12/31/2013	CNIN136622	604.00.2200.416.40050	132.57
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	604.00.2200.416.60005	142.49
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	604.00.2200.416.60010	815.92
S & T OFFICE PRODUCTS	DECEMBER 2013	12/31/2013	DECEMBER 2013	604.00.2200.416.60010	55.99
US BANK	244293247	12/31/2013	923425	604.00.2200.416.40050	4,262.80

Fund: 604 - CENTRAL STORES

5,409.77

CULLIGAN	12/31/13 157-98503022-8	12/31/2013	157-01143890-8	605.00.7500.460.60011	59.08
GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	605.00.7500.460.30550	3.50
HALVERSON, DENNIS	1/11/14	01/22/2014	REIMBURSE-BOOTS	605.00.7500.460.60045	109.95
HOME DEPOT CREDIT SERVICES	12/13/13 6035 3225 0206 1	12/31/2013	6035 3225 0206 1959	605.00.7500.460.60011	73.29
HUEBSCH SERVICES	3194058	01/22/2014	100075	605.00.7500.460.40065	107.49
LONE OAK COMPANIES	61506	12/31/2013	UTILITY BILLING	605.00.7500.460.50035	323.68
LOW VOLTAGE CONTRACTORS	SOI.034318	12/31/2013	85892	605.00.7500.460.40040	295.00
MAS COMMUNICATIONS	1479	01/22/2014	1/1/14	605.00.7500.460.40040	46.80
MINNESOTA ELEVATOR, INC	299531	01/22/2014	5395	605.00.7500.460.40040	232.60
MN DEPT OF REVENUE	DECEMBER 2013	12/31/2013	DECEMBER 2013	605.00.7500.460.60065	20.62
SAM'S CLUB	12/23/13 7715 0900 6358 0	12/31/2013	7715 0900 6358 0633	605.00.7500.460.60011	19.34
XCEL ENERGY	396025997	12/31/2013	51-5279113-0	605.00.7500.460.40020	3,895.85
XCEL ENERGY	396026000	12/31/2013	51-5279113-0	605.00.7500.460.40020	9,977.41

Fund: 605 - CITY FACILITIES

15,164.61

GENESIS EMPLOYEE BENEFITS, INC	21713	12/31/2013	12/31/13	606.00.1400.413.30550	15.26
INTEGRA TELECOM	120348631	01/22/2014	2/24/14-2/23/15	606.00.1400.413.50020	483.69
INTEGRA TELECOM	11589993	12/31/2013	887115	606.00.1400.413.50020	2,151.15
OFFICE OF MN. IT SERVICES	DV13120462	12/31/2013	200B00171	606.00.1400.413.30750	311.81
TDS METROCOM	1/13/14 651 451 1944	01/22/2014	651 451 1944	606.00.1400.413.50020	540.66

Fund: 606 - TECHNOLOGY FUND

3,502.57

BITUMINOUS ROADWAYS, INC.	1/13/14	01/15/2014	HYDRANT PERMIT REFUND #1308	702.229.2294300	1,000.00
CULLIGAN	12/31/13 157-98473242-8	12/31/2013	157-98473242-8	702.229.2286300	35.05
EMMONS & OLIVIER RESOURCES	00095-0037-9	12/31/2013	00095-0037-9	702.229.2298301	205.77
HENNEPIN COUNTY DISTRICT COUF	14400524	01/22/2014	GOOCH HENRY III	702.229.2291000	300.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2284001	55.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2291000	64.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2291000	8.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2291000	560.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2291000	32.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2291701	395.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2296501	152.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2297601	2,075.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2297900	77.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2298701	470.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2300601	88.00
LEVANDER, GILLEN & MILLER P.A.	12/31/13 81000E	12/31/2013	81000E	702.229.2302801	4,248.80
MG INVER GROVE	12/13/13	12/31/2013	ESCROW RELEASE	702.229.2300501	354.00
SCHLOMKA SERVICES LLC	1/15/2014	12/31/2013	CP 14-27	702.229.2294300	1,000.00
WHISTLETREE WOODS HOME OWNI	12/17/13	12/31/2013	SETTLEMENT AGREEMENT	702.229.2284700	5,970.80
Fund: 702 - ESCROW FUND					17,090.42

Grand Total

1,090,121.70

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

2014 LEGISLATIVE ISSUES

Meeting Date: January 27, 2014
 Item Type: Consent
 Contact: JTeppen, Asst. City Admin.
 Prepared by:
 Reviewed by: Joe Lynch, City Administrator

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

PURPOSE/ACTION REQUESTED Establish City of Inver Grove Heights Legislative Initiatives and Positions for the 2014 Legislative Session.

SUMMARY The City has established a practice of identifying priorities relating to potential state legislative action prior to the start of the legislative session. These initiatives closely resemble or mirror positions already taken by the Municipal Legislative Commission (MLC), the League of Minnesota Cities (LMC) and the Association of Metropolitan Municipalities (AMM). Those representatives will be in attendance at the meeting on December 2 to provide the City Council with insight and detail into the upcoming legislative session.

The attached document is separated into two categories – Initiatives and Positions. The Initiatives section contains areas where the city would proactively seek legislation to enable specific actions by the city or by the state. The Positions section contains statements of the city’s position relating to measures which could conceivably come under consideration, the specifics of which are presently unknown. The document will enable city staff to react to proposed bills that may or may not be proposed without the need to seek Council approval on the myriad of bills which may be filed.

Items highlighted in yellow are new to this year's agenda.

**City of Inver Grove Heights
2013 Legislative Agenda**

City Legislative Positions

- A. **Support the Municipal Legislative Commission's (MLC) legislative program.**
Specific areas of support are:
- a. Grant State authority to approve sales tax exemptions on construction materials and capital equipment.
 - b. Increased flexibility on the life of Tax Increment Financing (TIF) districts
 - c. Maintain the Homestead Market Value Exclusion program
- B. **Expand the state sales tax exemption to include:**
- a. Joint powers agreements
 - b. Community Centers
 - c. Indoor Playgrounds
 - d. Room Rentals
 - e. Ice Arena Rentals
 - f. Field Houses
 - g. Vehicle Purchases
 - h. Gasoline and Diesel purchases
 - i. Lodging and Prepared Food
- C. **Fiscal Disparities** – As the Legislature considers the study completed in 2012, the City of Inver Grove Heights advocates for legislation that would reflect a meaningful analysis of the present day applicability of the state's 1971 commercial industrial "tax-base sharing" law; and opposes the use of fiscal disparities to fund social or physical metropolitan programs since its complexities results in a metropolitan-wide property tax increase hidden from the public. Move forward the timing of the fiscal disparities contribution and distribution by 60 days or more.
- D. Reduce and better re align state agency surface **water management** – Make the system more straightforward and easy to use without jeopardizing water quality.
- E. **Storm Water Legislation** - Current statutes direct the DNR to charge an appropriation fee for all water used for domestic, commercial and agricultural purposes. At the same time MPCA also requires volume management of storm water (infiltration, irrigation re-use). DNR charges fees for water re-use – so cities are paying a fee to the state in order to accomplish a goal of the state. This is counterproductive. – cities that use re-use as a volume control tool should be exempt from this appropriation permit fee. Proposed Legislation: Storm water management systems that consume storm water in order to meet storm water volume standards using active methods such as irrigation shall be exempt form all state appropriation fees.
- F. **Levy Limits** – the City of Inver Grove Heights supports the principle of representative democracy that allows city councils to formulate local budgets. The city opposes state restrictions on local budgets and opposes legislation that imposes levy limits or the imposition of artificial mechanisms proposals such as the "taxpayer's bill of rights," valuation freezes, payroll freezes, reverse referenda, fund balance restrictions, super majority requirements for levy or other limitations to the local government budget and taxing process.

- G. **Local Government Aid (LGA)** – As the Legislature considers potential changes to the LGA program, the City of Inver Grove Heights advocates for policies that more fairly address the disparities in property tax burdens as a percentage of income as documented by the recently completed Voss Data Base.
- H. **State Property Taxes** – the City of Inver Grove Heights opposes the extension of state-levied property taxes to additional classes of property and/or the increase in taxation levels on the present state property tax.
- I. **Public Employees Retirement Association (PERA)** – The City of Inver Grove Heights supports sharing the cost for retirement programs between employees and cities. However the City is concerned about the ever-increasing costs of the pension program. The City also advocates state funding of costs related to state-mandated changes to the provisions of the retirement program which have the effect of enhancing benefits beyond existing levels.
- J. **Private Well Drilling** – Cities are authorized to enact ordinances that disallow the placement of private wells within city limits to ensure both water safety and availability for residents and businesses. Municipal water systems are financially dependent upon users to operate and maintain their systems. A loss of significant rate payers as the result of private wells would economically destabilize water systems and could lead to contamination of the water supply. The City of Inver Grove Heights supports current law that authorizes cities to protect public health and safety through local controls regulating or prohibiting private wells being placed within municipal water utility service boundaries and opposes any changes to law to remove that authority.
- K. **Metropolitan Governance** – The City of Inver Grove Heights favors a modification to the present governance model for the Metropolitan Council. Specifically, the City favors a “council of governments” type model utilizing elected city and county officials to serve as the metropolitan governing board with appointments being made by the local governments themselves. Additional, the City of Inver Grove Heights opposes any expansion of Metropolitan Council powers – specifically it opposes the conversion of either housing or potable waters to a “metropolitan systems” classification as defined in the Metropolitan Land Use Planning Act. Further, the City opposes mandatory targets for affordable housing or mandatory inclusion housing provisions in the regional comprehensive planning process or through other regulatory processes.
- L. **Creating and Implementing Local Partnerships** – The City of Inver Grove Heights supports the passage of legislation that encourages local service partnerships resulting in efficiencies and cost savings by providing state reimbursement of costs relating to creating and implementing the partnerships. Specifically the City supports enabling legislation for municipal administrative legal processes for statutory cities.
- M. **Transportation Funding Statement** – The City of Inver Grove Heights supports additional statewide transportation funding and local tools to meet the long and short term transportation system needs of our region. MnDOT should meet property maintenance standards adopted by cities through local ordinances or reimburse cities for labor, equipment and material used on the state’s behalf to meet local standards.
- N. **Development and Redevelopment** – The City of Inver Grove Heights opposes the elimination or limitation of existing tools for assisting economic development and redevelopment. Specifically, the City supports flexibility on the usage of Tax Increment Financing (TIF) but opposes the diversion of funds from the Metropolitan Council’s Livable Communities program to non-development related uses. Further, the City of

Inver Grove Heights supports State funding for economic development and workforce readiness such as the Department of Employment and Economic Development and its programs including the Minnesota Investment Fund and Job Skills Partnership. The State should consider bolder “increment” programs that would relieve all or a portion of state taxes on economic development activities, if the “but for” test” can be met and new jobs are created. Tax relief could be in the forms of lower sales taxes for capital equipment or vehicles, lower income taxes or reductions in other burdens.

- O. **Cable Service Providers** – The City of Inver Grove Heights supports attracting multiple cable television service providers to the city by streamlining franchise requirements and removing unnecessary impediments to entering the market – while preserving the city’s control of its rights-of-way, local programming and customer services standards. The City believes that no case has been made for state-wide franchising. A local franchise helps ensure that cable franchise agreements reflect new technology and meet the specific needs of individual communities. Losing the ability to negotiate a local franchise would not only result in lost revenue for cities, but also lost opportunities to provide public educational and government video programming. This loss would limit the ability to make public meetings available for television viewing, and limit the methods information can be provided to residents about City services and events.
- P. **Reseller Legislation** – The City of Inver Grove Heights opposes legislation that would restrict the ability of police to access reseller customer data and property information. This data is a valuable investigative tool, providing the ability to protect citizens and recover stolen property. Such legislation would not only inhibit proper police investigations, but create a reseller industry more attractive to criminals to seek cash for stolen goods.
- Q. **Local Land Use Controls** – The City of Inver Grove Heights opposes legislation that reduces or eliminates the City’s authority in the areas of local zoning, comprehensive planning, utility and transportation planning, etc. These types of regulations have significant impacts to local neighborhoods. Cities are best positioned to govern these matters and have effective processes for hearing and addressing concerns of affected citizens. The City has an adopted Comprehensive Plan based on broad community input that articulates the community’s goals. Interference with these effective local processes impedes the City’s ability to effectively implement the Comprehensive Plan.
- R. **Residential Care Facilities** – The City of Inver Grove Heights supports legislation that establishes non-concentration standards for residential care facilities to prevent clustering in ALL cities (current law permits non-concentration standards only in Minneapolis and Saint Paul). Also when there is insufficient training for the providers’ staff or inappropriate placement of residents, inappropriate and unacceptable burdens for local first responders result. Sufficient funding and oversight is needed to ensure that residents living in residential care facilities have appropriate care and supervision, and that neighborhoods are not disproportionately impacted by high concentrations of residential care facilities. The City of Inver Grove Heights recognizes and supports the services residential care facilities provide. However, the City also has an interest in preserving balance between group homes and other uses in residential neighborhoods.

Providers applying to operate any kind of residential care facilities, no matter which state agency is in charge of regulating them, should be required to notify the city when applying for licensure so as to be informed of local ordinance requirements as a part of the application process. Inasmuch as the City has no authority for revocation of operating licenses, the state and county licensing authorities must be responsible for

actively inspecting facilities and removing any residents incapable of living in these environments, particularly if they become a danger to themselves or others.

- S. **Public Employee Labor Relations Act Arbitrations** – The MS 179A.16 Subdivision 7 language referencing an arbitrator’s responsibility to consider “the statutory rights and obligations of public employers to efficiently manage and conduct their operations within the legal limitations surrounding the financing of these operations” should be clarified to reflect the consideration of:
- Any wage adjustment already given to or negotiated with other groups – union and non-union, for the same employer for the same contract period;
 - Decreases in local government aids or other dramatic losses of revenues in the year immediately prior to or during the contract year being considered;
 - The general economic condition of the public employer, including its ability to raise revenues, and property tax burdens on property owners;
 - The need for the employer to maintain reasonable budgetary reserves.
- T. **Preserve Host Community Economic Development Grant Program** – The City of Inver Grove Heights believes that recent measures taken by the Minnesota Pollution Control Agency will have the direct effect of reducing the revenue that the City gains from its Host Fee Agreement related to the Pine Bend Landfill, and will delay re-development of the land adjacent to the landfill. As long as the landfill is active, it remains a challenge to have effective economic development efforts in that area. The City supports the 2013 legislation that created the Host Community Economic Development Grant Program and supports continued funding of this legislation as a means to restore the Isot Host Fee revenue to the City and to foster redevelopment of areas impacted by extended landfill life expectancies.
- U. **Day Care Facilities and Licensing** – The City accepts statutory allowance for daycares as a home occupation in residential districts, but only when the dwelling unit is occupied by the daycare owner. To otherwise allow a commercial use in a residential neighborhood does not fit within the City’s land use expectations. Furthermore, DHS approves commercial daycare licenses (commercial daycares not in a residential district). Any requirements for city building code inspection and/or sign off should be clear and follow the requirements of the law.
- V. **Broadband Priorities** – The City of Inver Grove Heights supports the goals established in 2009 by the Minnesota Broadband Task Force to make Minnesota a leader in broadband access, speed and capacity at the local level. In order to achieve these goals, the City supports efforts to eliminate barriers to collaborating and deploying broadband infrastructure and services at the local level. The City also supports statewide mapping of broadband services and public/private collaboration to achieve state broadband goals.
- W. **Phase Out of R-22 for Ice Arenas** – The City of Inver Grove Heights supports the health and safety of the public and understands the responsibility we have in operating indoor ice arenas.

R-22 is a commonly used refrigerant used in residential and commercial air conditioning units. The ice plant system at the Veterans Memorial Community Center also uses R-22.

R-22 is mandated to phase out by January 1, 2020 under the terms of Montreal Protocol that requires the U.S. to reduce its consumption of HCFCs by 99.5% below the U.S. baseline.

The City of Inver Grove Heights supports Mighty Duck type legislation that would provide funding to meet the phase out process. In 2013 dollars, it's estimated that it will cost \$100,000 to modify the ice plant system for another type of refrigerant.

- X. **Data Retention for Law Enforcement** – The City of Inver Grove Heights supports the position that Cities should be allowed to retain automated license plates reader (ALPR) data for a reasonable period of time for use in criminal investigation purposes. The Minnesota Chiefs of Police Association (MCPA) and its member recommend retention of 180 days, while recent legislation only allows for 24 hour retention of the information. The City also supports reasonable access restrictions and audit provisions for the period of time the data is retained.

- Y. **Property Maintenance Code Enforcement** – The City supports enabling legislation that will better empower it to administer property maintenance codes, building codes, zoning codes, health codes, and public safety and nuisance ordinances including the authority to levy administrative fines. Traditional methods of citation, enforcement and prosecution have met with increasing costs for, and delays in enforcement for local units of government. The use of administrative fines is a tool to moderate those costs and to speed the enforcement process. Additionally, the Legislature should clarify that both statutory and home rule charter cities have the authority to issue administrative citations for code violations. Further, state statute should allow statutory and home rule charter cities to adjudicated administrative citations and to assess a lien on properties for unpaid administrative fines. The City also supports clarification and strengthening of the state Health Department's ability to address property maintenance issues especially issues surrounding mold.

City Legislative Initiatives

Z. Funding through MnDOT or sponsor special legislation for reimbursement to the City for preliminary design plans for a full interchange at 494 and Argenta.

AA. Oppose Dakota County's proposed legislation to require County approval of modification, expansion or creation of new or existing Tax Increment Financing Districts.

BB. Eminent Domain. The City experienced the effects of Chapter 117 of Minnesota Statutes, Section 117.031 which provides as follows:

117.031 Attorney Fees

(a) If the final judgment or award for damages, as determined at any level in the eminent domain process, is more than 40 percent greater than the last written offer of compensation made by the condemning authority prior to the filing of the petition, the court shall award the owner reasonable attorney fees, litigation expenses, appraisal fees, other experts fees, and other related costs in addition to other compensation and fees authorized by this chapter. If the final judgment or award is at least 20 percent, but not more than 40 percent, greater than the last written offer, the court may award reasonable attorney fees, expenses, and other costs and fees as provided in this paragraph. The final judgment or award of damages shall be determined as of the date of taking. No attorney fees shall be awarded under this paragraph if the final judgment or award of damages does not exceed \$25,000. For the purposes of this section, the "final judgment or award for damages" does not include any amount for loss of a going concern unless that was included in the last written offer by the condemning authority.

(b) In any case where the court determines that a taking is not for a public use or is unlawful, the court shall award the owner reasonable attorney fees and other related expenses, fees and costs in addition to other compensation and fees authorized by this chapter.

The City used its power of eminent domain to acquire fee title to property needed to install a ten foot wide trail using DNR trail grant funding. The trail was constructed in the Spring of 2012 and serves as a connection of the Mississippi River Regional Trail through Heritage Village Park leading to and from the Rock Island Pedestrian Swing Bridge and Recreational Pier. The City was obligated to complete construction of the trail improvements by June 30, 2012 or the grant funding would have been forfeited. Therefore, the City was forced to use its power of eminent domain to secure title and possession of the ten foot strip of property comprising 28,274 square feet to utilize the \$92,000 of grant funding before the funding period elapsed.

As a result of the aforementioned statutory requirements, the City was also liable for attorney fees, appraisal fees and litigation costs estimated to be about \$47,000 on an \$85,000 award.

The award was not appealed by either party in this case, but had it been appealed, the City's costs would have climbed higher.

The City believes that the Attorney Fees subdivision should be revised to reflect a higher minimum dollar amount.

CC. Bonding Bill.

2014 State of Minnesota Bonding Bill
\$3,500,000 Request
Heritage Village Park
City of Inver Grove Heights

Representative Joe Atkins 52B
Senator James Metzen 52

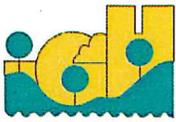
The City of Inver Grove Heights continues to work on the development of a passive community park (Heritage Village Park) that will help connect the region to the Mississippi River. The first master plan for the park was adopted by the City Council in 2004 and has been updated most recently in December 2012 (Exhibit 1). Overall the master plan envisions a 66-acre passive park that will serve people in the region who want to use the Mississippi River Regional Trail and the Rock Island Swing Bridge. The City of Inver Grove Heights/Dakota County has been planning, acquiring land, been performing environmental remediation and have made the following capital improvements:

- Construction of the Mississippi River Regional Trail – 26-mile trail from St. Paul to Hastings (County)
- Repurposing of the Rock Island Swing Bridge (RISB - 670' Recreational Pier on the Mississippi River (City)
- Construction of trails that connect the MRRT to the RISB (City)

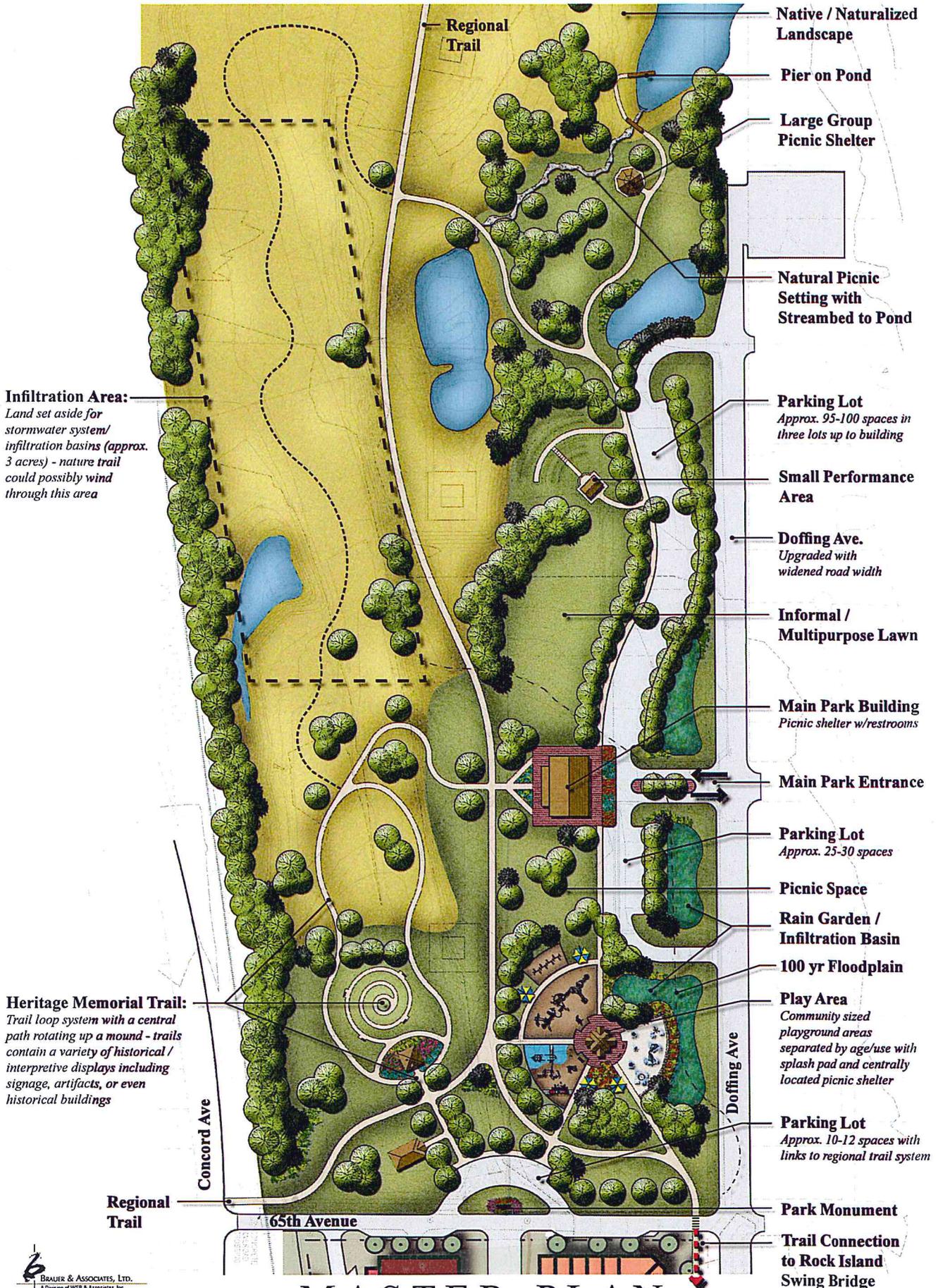
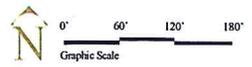
Successful bond proceeds would be used to fund property acquisition of some of the remaining parcels (Exhibit 2), make further improvements to the public infrastructure, and park/trail amenity improvements. It is requested that any bonding request include language that will allow for:

- Property Acquisition
- Park/Trail/Pedestrian Improvements
- Public Infrastructure Improvements
- Storm Water Improvements
- Historic Structure Remodeling/Relocation Improvements

It is requested that the bonding language not require the City to match the grant with non-state funds.



Heritage Village Park ON THE MISSISSIPPI RIVER

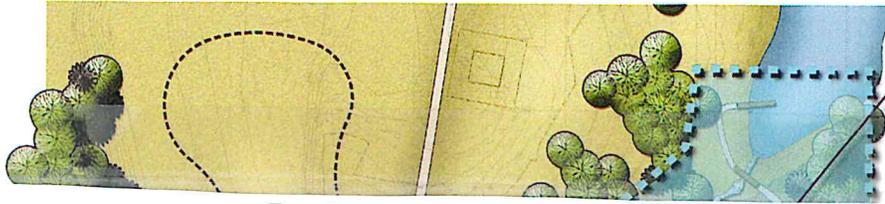
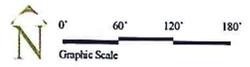


Infiltration Area:
Land set aside for stormwater system/ infiltration basins (approx. 3 acres) - nature trail could possibly wind through this area

Heritage Memorial Trail:
Trail loop system with a central path rotating up a mound - trails contain a variety of historical / interpretive displays including signage, artifacts, or even historical buildings

- Native / Naturalized Landscape
- Pier on Pond
- Large Group Picnic Shelter
- Natural Picnic Setting with Streambed to Pond
- Parking Lot
Approx. 95-100 spaces in three lots up to building
- Small Performance Area
- Doffing Ave.
Upgraded with widened road width
- Informal / Multipurpose Lawn
- Main Park Building
Picnic shelter w/restrooms
- Main Park Entrance
- Parking Lot
Approx. 25-30 spaces
- Picnic Space
- Rain Garden / Infiltration Basin
- 100 yr Floodplain
- Play Area
Community sized playground areas separated by age/use with splash pad and centrally located picnic shelter
- Parking Lot
Approx. 10-12 spaces with links to regional trail system
- Park Monument
- Trail Connection to Rock Island Swing Bridge

MASTER PLAN EXHIBIT 1

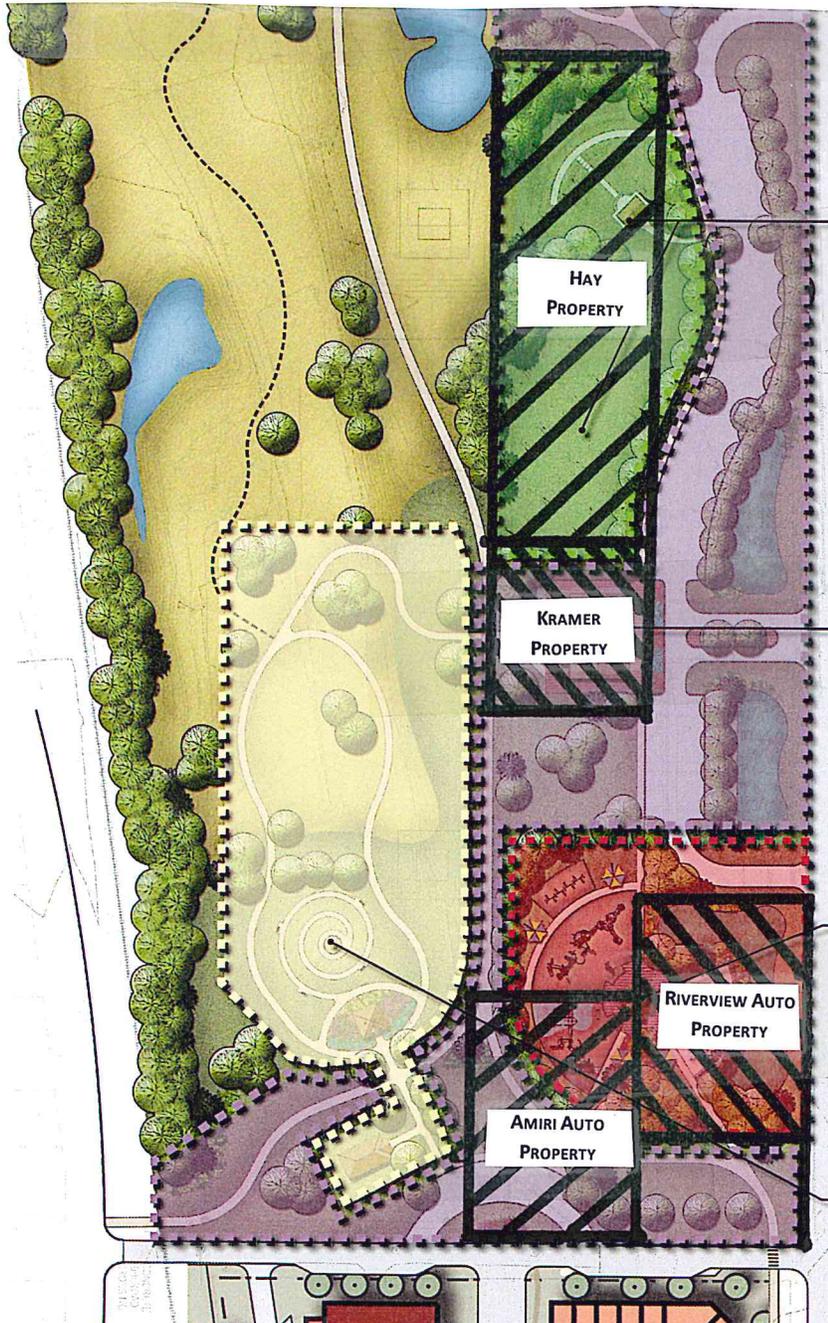


- Area #1:
Pond Picnic Area**
- * Picnic Shelter
 - * Trail Connections
 - * Fishing Pier

HERITAGE VILLAGE PARK

PROPERTY OWNERSHIP

EXHIBIT 2



- Area #2:
Performance Area**
- * Lawn Seating Areas
 - * Performance Stage
 - * Informal Lawn Space

- Area #3:
Park Building, Parking & Trails**
- * Multi-Purpose Building
 - * Parking Lots along Doffing
 - * Parking Lot along 65th
 - * Park Monument Signage
 - * Trails / Walks

- Area #4:
Playground Area**
- * Multi-age Playground
 - * Splash Pad
 - * Picnic Shelter

- Area #5:
Heritage Trails**
- * Trails / Walks
 - * Display Areas & Signage
 - * Seating & Viewing Areas
 - * Potential Building Relocation

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Approval of Therapeutic Massage Licenses

Meeting Date: January 27, 2014
 Item Type: Consent
 Contact: 651-450-2513
 Prepared by: Melissa Kennedy
 Reviewed by: N/A

Fiscal/FTE Impact:

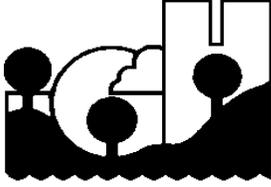
- | | |
|-------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> | None |
| <input type="checkbox"/> | Amount included in current budget |
| <input type="checkbox"/> | Budget amendment requested |
| <input type="checkbox"/> | FTE included in current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

PURPOSE/ACTION REQUESTED: Consider approval of applications by Alisha Helseth for a therapeutic massage business license and by Paige Livingood-Mateyka and Alen Glesner for individual therapeutic massage licenses.

SUMMARY:

An application was submitted by Ms. Helseth for a therapeutic massage business license. Her intent is to offer therapeutic massage services at her business, Salon Fusion, located at 3105 65th St. E., Suite #300. Ms. Helseth submitted the appropriate fees and insurance documentation as required by City Code. Ms. Livingood-Mateyka intends to be the massage therapist at Salon Fusion. She has completed the required number of hours of therapeutic massage training, provided an insurance certificate, and is a member in good standing of a recognized professional therapeutic massage organization. Background investigations on both individuals revealed no basis for the denial of the requests.

Mr. Glesner applied for an individual therapeutic massage license to provide service at an existing licensed business in the City, The Oasis Massage Center. Mr. Glesner completed the required number of hours of therapeutic massage training, provided an insurance certificate, and is a member in good standing of a recognized professional therapeutic massage organization. A background investigation was completed by the Police Department and no basis for the denial of the request was found.



CITY OF INVER GROVE HEIGHTS

MEMORANDUM

TO: Mayor & City Council

FROM: Joe Lynch, City Administrator

SUBJECT: City Administrator Performance Review Summary

DATE: January 21, 2014

On December 16th, 2013 the City Council conducted the annual Performance Review of the City Administrator. In accordance with Minnesota State Law that meeting was closed to the public. Also in accordance with the law a summary review of that meeting has been written and provided to Council for their approval. That summary is enclosed.

Council is asked to approve the Summary Review of the City Administrator Performance Review of December 16th, 2013.

At that meeting on December 16th, Council also directed that something be prepared for their consideration for adjustment of the salary for the City Administrator in accordance with and included in the recommended adjustment for other Non-Union employees. On July 8th, 2013 City Council approved the adjustment to all Non-Union employee salaries based upon the adjustment given to all other Union employees of 2% retroactive to January 1st 2013 and 2% effective January 1st, 2014. All Union and Non-Union salaries and wages have already been adjusted based upon this approval.

At this time Council is asked to approve the adjustment to the City Administrator salary for 2014 retroactive to January 1st by 2%. This will make the salary for this position \$127,700 which has already been included in the 2014 budget.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

PERSONNEL ACTIONS

Meeting Date: January 27, 2014
 Item Type: Consent
 Contact: Jenelle Teppen, Asst. City Admin
 Prepared by: Amy Jannetto, H.R. Coordinator
 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 Staff requests that the Council approve the personnel actions listed below:

Please confirm the seasonal/temporary employment of: Aquatics – Kaila Truesdell, Recreation – Lisa Hawkinson, Nora Nankivel, Scott Sieling, Inspections – Larry Martin, Streets – Jeff Jackson

Please confirm the seasonal/temporary termination of employment of: Fitness – Jacob Minnig, Chhin Chhem, Siobhan Aliperto, Sokun Bobson, Taylor Floyd, Marcus Hughes – Recreation – Clarke Comer, Laura Dochniak, Paula Egging, Joseph Gavin-Ballanger, Daniel Grasz, Catherine Grubb, Nathan Howard, Lukas Johnson, Sabrina Mansur, Benjamin Nelson, Hannah Smith, Ellen Stevens, Thomas Walseth, Connor Wells, Alyssa Bray, David Fox, James Glewwe, Megan Hooper, Michelle Johnson, Nichole Jopp, Holly Kowalski, Jennifer Lewis, Brandilynn Schierland – Aquatics – Jackelyn Doyle, Emily Erhart, Samuel Frid, Alexander Gorder, Miklya Henderson, Mackenzie Miller, - Guest Services – Grace Carlson, Claire Challen, Hailey Howard, Sarah Nygaard, Paula O'Brien – VMCC- Jeffrey Elliot, Lucas Elliot, Theodore Horsch, Robert O'Brien, Derek Rogness.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider a Resolution Ordering the Project, Approving Plans and Specifications, and Authorizing Advertisement for Bids for the 2014 Pavement Management Program, City Project No. 2014-09D – College Trail Reconstruction and Barbara Avenue Partial Reconstruction

Meeting Date: January 27, 2014
 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

SJA

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 Funds, Special Assessments, State Aid Funds, Water Fund, Sewer Fund

PURPOSE/ACTION REQUESTED

Consider a resolution ordering the project, approving the plans and specifications, and authorizing advertisement for bids for the 2014 Pavement Management Program, City Project No. 2014-09D – College Trail Reconstruction and Barbara Avenue Partial Reconstruction.

SUMMARY

The project was initiated by the City Council as part of the City’s Pavement Management Program (PMP). The project involves roadway reconstruction, including bituminous pavement reclamation; subgrade excavation and correction; granular subgrade; aggregate base; bituminous pavement; curb and gutter removal and replacement; driveway reconstruction; concrete sidewalk construction; bituminous trail construction; drainage improvements including storm sewer ponds, treatment basins and appurtenances; water main repair and replacement as necessary, including hydrant/valve replacement and appurtenances; sanitary sewer construction as necessary; milling and overlaying of existing pavement; restoration and appurtenances. The street segments included in the project are shown on the attached map and are as listed:

The street reconstruction portion will include: College Trail from Broderick Boulevard to Cahill Avenue, Bower Path south of College Trail, 86th Street south of Bower Path, Bower Court north of Bower Path, and 87th Street from Bower Path to approximately 500 feet west of Brooks Boulevard.

The partial reconstruction will include: Barbara Avenue from 350 feet south of 80th Street East to the City Hall entrance driveway (400 feet).

The mill and overlay portion will include: Barbara Avenue from 80th Street to 350 feet south of 80th Street.

The total estimated project cost is \$3,199,200. The amount of State Aid funds currently proposed to be allocated to the project is \$1,300,000. The total amount proposed to be assessed is \$1,563,651 per the PMP funding policy or \$1,006,043 per the benefit analysis.

A) Project Components

- 8500 LF of street reconstruction
- 350 LF of mill and overlay of pavement
- 400 LF of partial reconstruction
- Construction of a sidewalk on the south side of College Trail – Brewster to Cahill Avenue
- Construction of a bituminous trail on the north side of College Trail from Broderick to Brewster
- Repairs and replacement to the water and sewer systems as necessary
- 300 LF of new sewer will be installed on College Trail
- Installation of barrier curb adjacent to trails, sidewalks and some adjacent wetlands
- Drainage improvements for College Trail to meet State Aid requirements

- Drainage improvements and storm sewer construction for streets, outfalls, and pond inlets; includes the construction of storm water ponds and storm water facilities to treat pollutants contained in storm water runoff
- Addition of drain tile at low points
- Construction of retaining walls as necessary
- Sump pump discharge facilities as necessary
- College Trail will be built with a typical section consisting of two twelve-foot-wide driving lanes, four-foot-wide gravel shoulders or curb and gutter as noted above, six-inch-thick bituminous pavement on six-inch-thick Class 5 aggregate base on 24-inch-thick select granular subgrade
- Barbara Avenue will consist of six-inch-thick of bituminous on ten-inch-thick Class 5 aggregate base
- Streets in the College Heights area will consist of six-inch-thick recycled bituminous base with four-inch-thick new bituminous surface with two-foot-wide gravel shoulders

B) Public Information Meeting

On January 15, 2014 a public information meeting was held for the project. The meeting was conducted from 5:30 to 7:00 pm. During the session, the City Engineer held a group discussion with all the residents present. Information related to street construction was presented by Kimley-Horn and then discussed. A total of 21 residents attended the meeting. General comments related to the project included the following:

Open House Comments

- Is State Aid paying for the trail. (They were told no).
- Multiple residents along the north side of College Trail, east of Brewster Avenue, expressed concern for the roadway being posted "no parking" after the project. Residents along College Trail have always had guests park on the street. Posting the roadway "no parking" is changing the existing condition and not providing residents anywhere for their guests to park along the street. They have some on-site parking room. (If the City did not build the trail, state-aid would still require College Trail to be posted No Parking due to narrow width).
- Is the bus company assessed for the improvements? Residents expressed the belief that the buses are causing much of the deterioration of the road and should be paying an assessment. (Only benefitting properties are considered for assessment).
- College Trail residents have expressed that they do not see pedestrian traffic levels at a point worth paying for sidewalks and trails. The residents requested that the City put more time into understanding if a trail/sidewalk is truly needed based on pedestrian traffic the area currently experiences. (The response directed them to the 2011 Trail Gap Study done by the Parks and Recreation Commission and approved by the City Council. This study included in the feasibility report illustrates the need on College Trail).
- A resident in the College Heights neighborhood was strongly in favor of the trail/sidewalk and noted that he believes pedestrian traffic is low on College Trail due to unsafe walking conditions. He noted that this is an opinion of multiple residents.
- Some residents expressed concerns about their driveway slopes. (The project would not result in any change to the driveway slopes).
- One resident recommended utilizing stabilized full depth reclamation (SFDR) for the reconstruction of College Trail. (A geotechnical investigation was done by Braun Intertec. They recommended removal of the two feet or more of subgrade soils that are wet, soft and loose silt and clays. These subgrade soils are not suitable for SFDR).
- The three properties closest to Cahill Avenue along College Trail believe the plans are showing incorrect right-of-way and that line shown on the plans is a drainage and utility easement. (The attorney confirmed platted right-of-way).
- Residents on east end of College Trail are against running sanitary sewer outside of the roadway where it would impact the right-of-way area that they maintain as their front yards. (The recommended solution was to run the sewer in the center of the street in this area).

- Residents on east end of College Trail expressed concerns to save boulevard trees located in the public right-of-way. (It was discussed that some trees are likely to be removed but we would do everything we could to minimize tree removal).
- Residents were interested in seeing the project cost without the trail and just for the roadway reconstruction. (See MSAS discussion following these bullets).
- Residents at the east end, north side of College Trail indicated they have a drainage problem resulting from their house sitting below the elevation of the roadway and runoff running down their driveway. (Drainage of street has been designed by consultants to address the issue).
- 8195 College Trail requested to know if it was possible for the project to extend a water service stub to the edge of the property for the potential of a future connection. (This request is under review to determine if a water service line or watermain should be installed under the road. Typically the City does not want to have unused water pipes subject to aging and maintenance).
- Will street lights be modified/added. (They were told no).

Sidewalk/Trails

Support for the addition of a sidewalk/trail along College Trail was mixed amongst the area property owners at the January 15, 2014 open house. Many understood improvements along College Trail, but did not want the project to impact their property or assessments. The CDA and IHCC have expressed support for the trail and the CDA indicated that the trail would be important to their residents in the family units. Eight property owners spoke to staff in favor of the sidewalk/trail system and three property owners indicated they were not in favor of the sidewalk and one parcel owner was not in favor of the trail.

A map showing the property owners notified of the project is attached. The majority of comments in favor of the trail came from the Inver Hills Development, CDA, IHCC and several residents south of College Trail (between Brewster and Cahill). Comments opposed to the sidewalk came from the north side of College Trail (between Brewster and Cahill). Opposition to the walk appears closely tied to the loss of on-street parking. Copies of correspondence related to this issue are attached.

Parking Alternatives

Having heard the comments, several options for the parking have been explored. It should be noted that the use of State Aid funding on College Trail would result in a need for no parking if the pavement is less than 28-feet-wide. As currently proposed, the pavement would be 24 feet wide, with four-foot-wide gravel shoulders. An option for parking that was discussed includes:

- a) Parking bump-outs in two locations shown on the attached exhibit. Could provide up to 16 public parking stalls on the north side at an estimated cost of approximately \$70,000. The westerly location could provide up to 11 stalls at a cost of about \$45,000. The easterly location could provide up to five stalls at an estimated cost of \$25,000. Note that the parcel owner at the easterly site has expressed concern over impacts to the existing evergreens located in the City right-of-way.

Use of Municipal State Aid Funds (MSA)

The residents inquired about the use of MSA funding on the project as outlined in the feasibility report. It is proposed to use \$1,300,000 in MSA funding for the project. To use these funds on College Trail, the street will be built to MSA standards. Note that the planned pavement is 24-feet-wide and the standards do not allow parking of the pavement is less than 28-feet-wide. We have contacted Mn/DOT to confirm this requirement.

If the Council chose to eliminate the use of MSA funding, to avoid the "No Parking" requirement, the City would have to identify an alternative source for this funding. Increasing assessments above the amount recommended in the benefit analysis is unlikely. Increasing the use of the PMP fund would negatively impact the overall PMP schedule.

It should be noted that three to seven residents may be seeking this option. The Council should consider that seven parcels at \$7,000 per lot would provide \$49,000 in funding; a very small percentage of the estimated project cost. It is important to weigh the overall public benefit to the City versus the desires of a few residents.

C) Potential Assessments

The estimated assessment for street reconstruction is \$28,662 per single family residential parcel, per policy. The commercial and institutional property assessments range from \$5,637 to \$335,917. None of the commercial and institutional properties should be assessed more than \$1 per square foot, per the assessment benefit analysis. Following the PMP assessment policy, a total of \$1,563,651 would be assessed.

The following summarizes the number of parcels to be assessed:

Single-family.....	21
Multi-family (CDA 24 units).....	1
Multi-family (Senior housing 40 units).....	2
Commercial.....	2
City/State parcels.....	8
Institutional (AT&T tower site).....	1

The benefit analysis that was completed by Metzen Appraisals presented the following opinion of sustainable benefit to properties:

Single Family:	\$7,000/parcel
Multi-Family (CDA).....	\$4,150/unit (per Agreement)
Multi-Family:	
Sr. Housing.....	\$2,500/unit
Commercial/Institutional.....	up to \$1/square foot

Developable Land: Single Family Equivalent per Potential Parcel(s)

If these appraisal recommendations are followed, the proposed total project assessment would be reduced to \$1,006,043

D) Assessment Agreements

Waiver of assessment agreements were drafted for two large parcel owners: Dakota County CDA and Inver Hills Community College. To date the CDA has executed their agreement. The City Council should authorize the execution and signing of this agreement (copy attached). IHCC has reviewed the agreement draft by the City Attorney and a letter of commitment is anticipated from IHCC before the public hearing showing their support of the project. IHCC has initiated their process to execute the agreement. A signed document will be brought to the Council for approval at a later date.

A draft waiver of assessment agreement has been shared with Roberts Funeral Home. Discussions are still underway.

E) Recommendations

Attached is the preliminary assessment roll showing the cumulative assessment total for each parcel in the project. When the Council considers the assessments for this project, it may want to consider increasing the City contribution for the project to keep the per-parcel assessment near the appraiser's recommended amounts.

I recommend approval of the resolution ordering the project, approving the plans and specifications, and authorizing advertisement for bids for the 2014 Pavement Management Program, City Project No. 2014-09D – College Trail Reconstruction and Barbara Avenue Partial Reconstruction.

TJK/kf

Attachments: Resolution
 Area Map
 Preliminary Assessment Roll
 Resident letter
 Resident comment sheet
 Notification Map
 CDA Assessment Agreement

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION ORDERING IMPROVEMENTS, AUTHORIZING AND APPROVING PLANS AND SPECIFICATIONS, AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE 2014 PAVEMENT MANAGEMENT PROGRAM, CITY PROJECT NO. 2014-09D – COLLEGE TRAIL RECONSTRUCTION AND BARBARA AVENUE PARTIAL RECONSTRUCTION

RESOLUTION NO. _____

WHEREAS, a resolution passed by the City Council on January 27, 2014 called for a public hearing on the proposed improvement project, 2014 Pavement Management Program, City Project No. 2014-09D – College Trail Reconstruction and Barbara Avenue Partial Reconstruction; and

WHEREAS, published notice was given pursuant to Minnesota Statute 429.031, and the hearing was held thereon on the January 27, 2014, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

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 January 27, 2014.
2. The plans and specifications for City Project No. 2014-09D are hereby approved.
3. The Public Works Director is hereby authorized to advertise for bids with respect to City Project No. 2014-09D.
4. The contract for these improvements shall be let no later than three years after the adoption of this resolution.
5. The Mayor is hereby authorized to execute the Waiver of Assessment Agreement with the Dakota County CDA as presented.
6. The City Attorney is authorized to begin the process to acquire temporary and permanent easements via eminent domain, if necessary.

Adopted by the City Council of Inver Grove Heights this January 27, 2014.

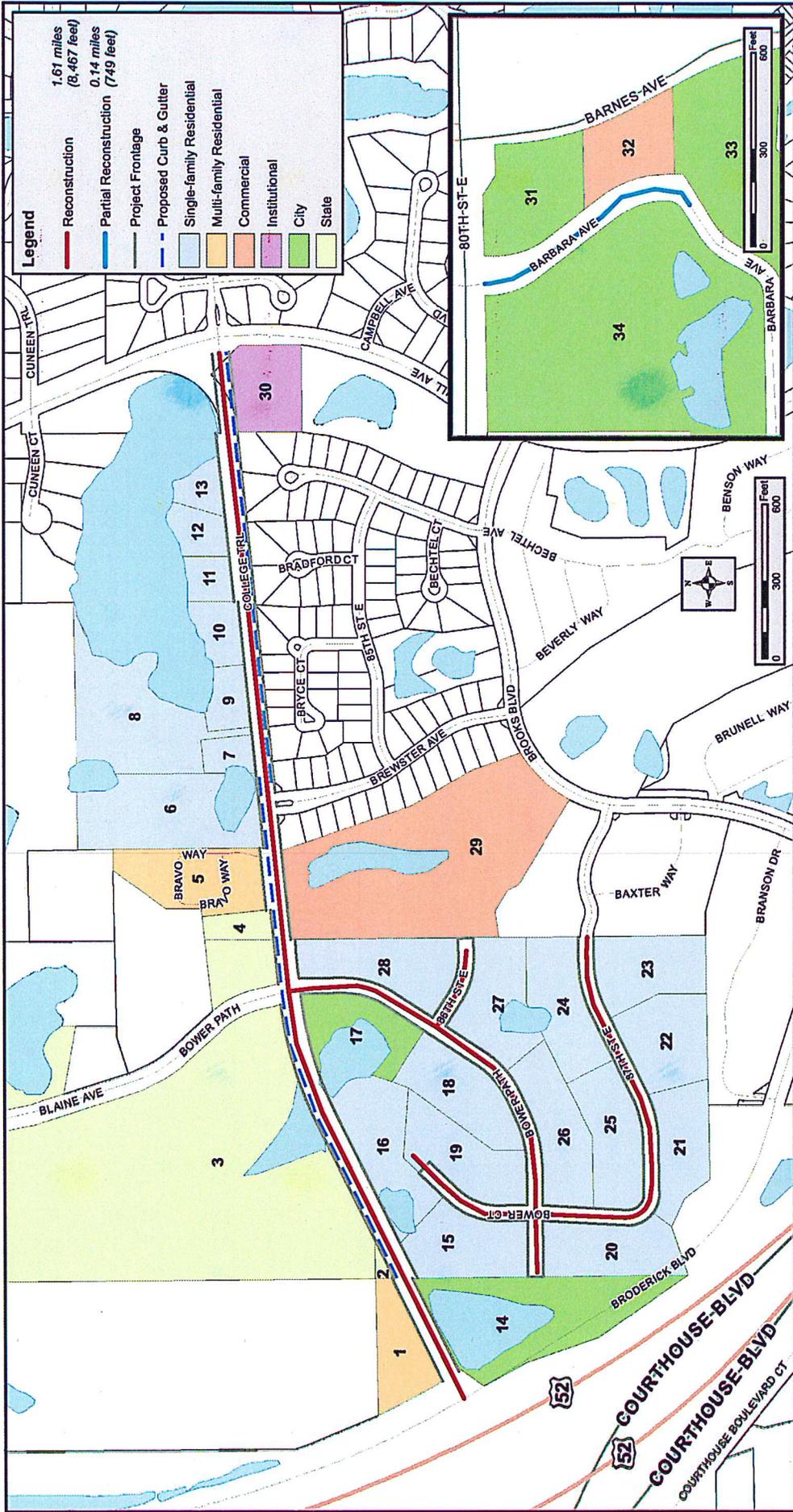
AYES:

NAYS:

George Tourville, Mayor

ATTEST

Melissa Kennedy, Deputy Clerk



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City Project 2014-09D

College Trail Reconstruction and Barbara Avenue Partial Reconstruction



2014-09D College Trail Reconstruction and Barbara Avenue Partial Reconstruction Assessment Roll

Map ID	PID	Full Name	House Number	Street	Trail Assessment	SF Per Lot Street Assessment	NSF FF Street Assessment	Total Assessment Per-Policy	Capped Assessment
1	203651501010	INVER GROVE HEIGHTS GOOD SAMARITAN	8121	COLLEGE TRL			\$ 42,783	\$ 42,783	\$ 42,783
2	200160007020	STATE OF MN		COLLEGE TRL			\$ 23,402	\$ 23,402	\$ 5,637
3	200160003012	STATE OF MN		COLLEGE TRL	\$ 177,480		\$ 158,436	\$ 335,917	\$ 335,917
4	200160004011	STATE OF MN		COLLEGE TRL			\$ 16,120	\$ 16,120	\$ 16,120
5	202250101010	INVER HILLS FAMILY HOUSING LP	8360	BRAVO WAY	\$ 65,996		\$ 33,434	\$ 99,430	\$ 60,000
6	200160006022	JAMES KROMSCHROEDER	8215	COLLEGE TRL		\$ 28,662		\$ 28,662	\$ 7,000
7	201820001010	RICHARD G & JANE M KAPLAN	8251	COLLEGE TRL		\$ 28,662		\$ 28,662	\$ 7,000
8	201820001020	JAMES JR & HEATHER RILEY	8255	COLLEGE TRL		\$ 28,662		\$ 28,662	\$ 7,000
9	201820001030	RICHARD D & SHARON A JACOBS	8261	COLLEGE TRL		\$ 28,662		\$ 28,662	\$ 7,000
10	201820001040	JAMES M & LAUREN M HANSEN	8265	COLLEGE TRL		\$ 28,662		\$ 28,662	\$ 7,000
11	201825001060	PAUL D & SINDY A GOODWILL	8271	COLLEGE TRL E		\$ 28,662		\$ 28,662	\$ 7,000
12	201825001071	ALAN S KELLOGG	8275	COLLEGE TRL		\$ 28,662		\$ 28,662	\$ 7,000
13	201825001072	ROBERT J & CINDY R WILD	8279	COLLEGE TRL		\$ 28,662		\$ 28,662	\$ 7,000
14	2001600051015	CITY OF INVER GROVE HTS		COLLEGE TRL		\$ 63,716		\$ 63,716	\$ 63,716
15	201820501010	JAMES K & BONITA J BERQUIST	8579	BOWER CT		\$ 28,662		\$ 28,662	\$ 7,000
16	201820501020	SANDRA L TREITLINE	8195	COLLEGE TRL		\$ 28,662		\$ 28,662	\$ 7,000
17	201820501030	CITY OF INVER GROVE HTS		COLLEGE TRL		\$ 100,396		\$ 100,396	\$ 100,396
18	201820501040	CRAIG R DAHLKE	8583	BOWER PATH		\$ 28,662		\$ 28,662	\$ 7,000
19	201820501050	DANIEL E & CHERYL L WEGMAN	8562	BOWER CT		\$ 28,662		\$ 28,662	\$ 7,000
20	201820504010	RICHARD B & CAROL A BAXTER	8665	BOWER CT		\$ 28,662		\$ 28,662	\$ 7,000
21	201820504020	GLORIA A LAWRENCE	2578	87TH STE		\$ 28,662		\$ 28,662	\$ 7,000
22	201820504030	SHARON K HOFFMAN	2662	87TH STE		\$ 28,662		\$ 28,662	\$ 7,000
23	201820504040	WILLIAM D SCOFIELD	2720	87TH STE		\$ 28,662		\$ 28,662	\$ 7,000
24	201820503030	MARK & CINDY NORDSTROM	2701	87TH STE		\$ 28,662		\$ 28,662	\$ 7,000
25	201820503040	JAN W TSTEJENSEN	2585	87TH STE		\$ 28,662		\$ 28,662	\$ 7,000
26	201820503010	JONG KWON & MYOUNG K CHOI	8604	BOWER PATH		\$ 28,662		\$ 28,662	\$ 7,000
27	201820503020	ROYCE D & LYNNE M JOHNSON	2714	86TH STE		\$ 28,662		\$ 28,662	\$ 7,000
28	201820502010	TIMOTHY E & DIANE O RECHTZIGEL	2721	86TH STE		\$ 28,662		\$ 28,662	\$ 7,000
29	201187501010	ARBOR POINTE GOLF CLUB INC	8919	CAHILL AVE		\$ 37,582	\$ 37,582	\$ 37,582	\$ 28,000
30	2001500031015	FLORENCE A TSTE LUSHANKO		COLLEGE TRL	\$ 38,948		\$ 24,979	\$ 63,927	\$ 28,000
31	2001600001430	CITY OF INVER GROVE HTS		BARBARA AVE			\$ 39,375	\$ 39,375	\$ 39,375
32	200160001530	JAIME T & JESSICA R ROBERTS	8108	BARBARA AVE			\$ 34,359	\$ 34,359	\$ 34,359
33	203650501002	CITY OF INVER GROVE HTS		BARBARA AVE			\$ 11,123	\$ 11,123	\$ 11,123
34	203650502001	CITY OF INVER GROVE HTS		BARBARA AVE	\$ 15,200		\$ 78,417	\$ 93,617	\$ 93,617
					TOTAL: \$	\$ 297,624	\$ 601,904	\$ 1,563,651	\$ 1,006,043

From: Miklya-Goodwill Sindy A <Sindy.Miklya-Goodwill@smead.com>

Date: January 20, 2014 at 9:13:10 AM CST

To: Dennis <dmadden@ci.inver-grove-heights.mn.us>, George <gtourville@ci.inver-grove-heights.mn.us>, Jim <jmueller@invergroveheights.org>, Rosemary <rpiekarskikrech@ci.inver-grove-heights.mn.us>, Tom <tbartholomew@invergroveheights.org>

Subject: College Trail Project

Council Members,

I'm not sure if you are updated on the happenings at open house meetings, but I attended the last meeting in regards to the College Trail Project.

I have never seen so many unhappy people, The following are the issues.

We do not want a sidewalk, we feel that we are surrounded by sidewalks that people can use, for the amount of people that do walk that road (which is minimum) it is not cost effective.

We want to keep our Rural Road just as it is.

We want to be able park on the side of the road when necessary. No parking on that road would be devastating.

We would like you to address the issue with the empty buses with metro transit that pass by every 30 minutes.

On the 27th the people that live on College Trail will be present and want to be heard..

Respectfully,

Sindy Goodwill

COLLEGE TRAIL AREA STREET RECONSTRUCTION,
BARBARA AVENUE
PARTIAL STREET RECONSTRUCTION
COMMENT SHEET

Open House #2 – January 15, 2014
Inver Grove Heights City Hall
8510 Barbara Avenue, Inver Grove Heights

General Comments (submit additional pages as necessary):

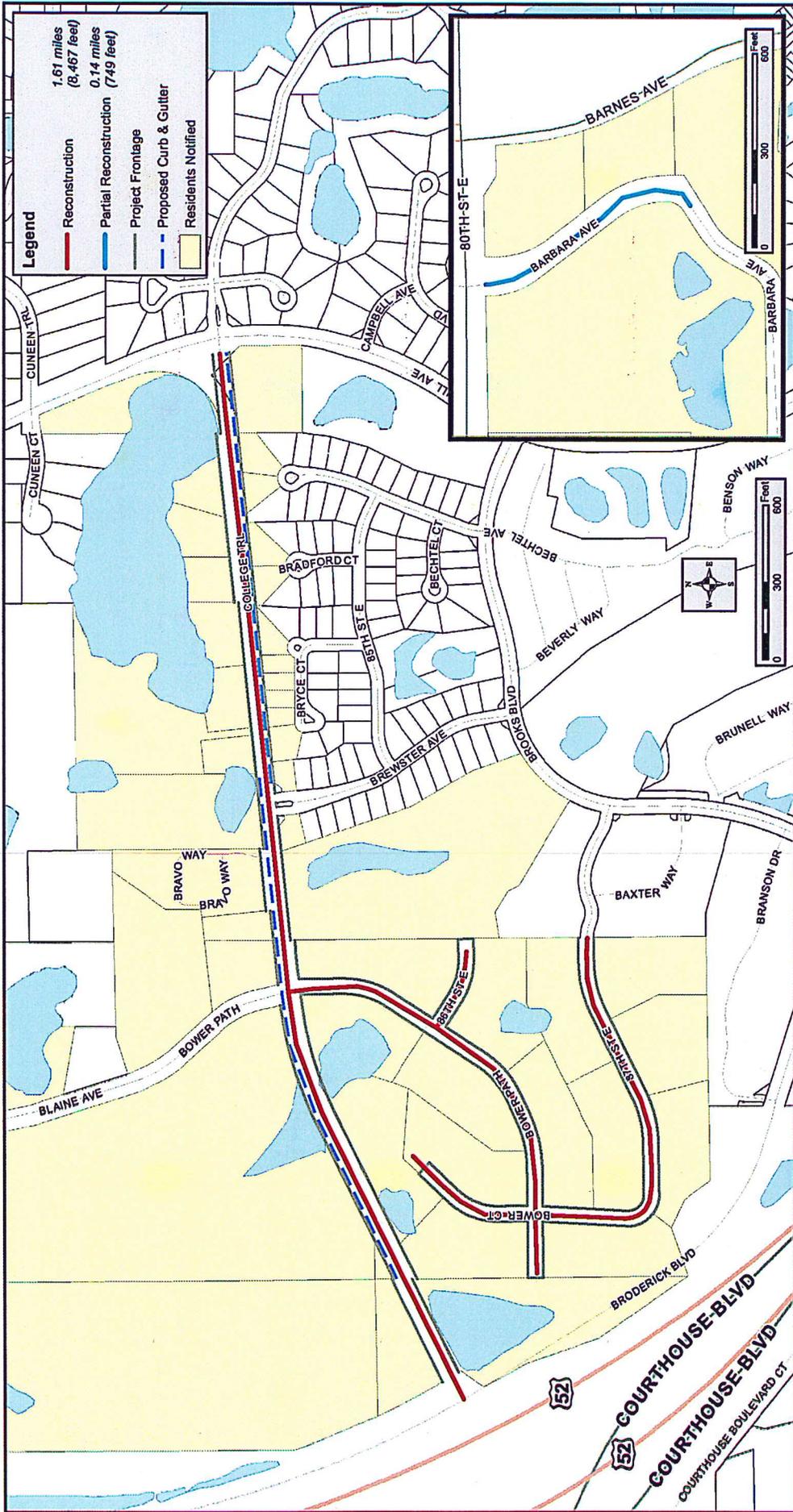
College Trail needs a sidewalk! ~~The rea-~~
A reason that there is not much traffic
(according to residents), is that currently it is
dangerous. I walk + run and College
Trail, in its current configuration is very
dangerous to pedestrians

Name: Mark Nordstrom
Address: 2701 87th St E, IGH
Organization (if any): _____

Please leave your comments with staff or submit comments or questions to:

Tom Kaldunski
Inver Grove Heights City Hall
8510 Barbara Avenue
Inver Grove Heights, MN 55077
tkaldunski@invergroveheights.org
(mailing address on reverse)

Thank you for attending this open house!



THIS DRAWING IS HEREBY OFFICIALLY RECORDED AND INDEXED FOR A PUBLIC RECORD IN THE OFFICE OF THE CITY CLERK OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE CITY OF INVER GROVE HEIGHTS, MINNESOTA.

Map prepared by the City of Inver Grove Heights
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Residents Notified of Project - Invited to 1/15/14 Open House

College Trail Reconstruction and Barbara Avenue Partial Reconstruction (City Project 2014-09D)



**AGREEMENT BY AND BETWEEN INVER HILLS FAMILY HOUSING LIMITED
PARTNERSHIP AND CITY OF INVER GROVE HEIGHTS
RELATING TO PAYMENT OF SPECIAL ASSESSMENTS FOR
CITY PROJECT NO. 2014-09D (COLLEGE TRAIL RECONSTRUCTION AND
BARBARA AVENUE PARTIAL RECONSTRUCTION)**

THIS AGREEMENT (Agreement) is made, entered into and effective this 15th day of January 2014, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as "City"), and Inver Hills Family Housing Limited Partnership, a Minnesota limited partnership (hereafter referred to as "Inver Hills Family Housing"). Subject to the terms and conditions hereafter stated and based on the representations, warranties, covenants, agreements and recitals of the parties herein contained, the parties do hereby agree as follows:

ARTICLE 1
RECITALS

Recital No. 1. The City of Inver Grove Heights (City) is a Minnesota municipal corporation. Inver Hills Family Housing Limited Partnership (Inver Hills Family Housing) is a Minnesota limited partnership.

Recital No. 2. Inver Hills Family Housing owns the property located at 8360 Bravo Way in the City of Inver Grove Heights, Dakota County, Minnesota identified as Dakota County Tax Identification Number 20-22501-01-010 (the Property) and legally described as:

Lot 1, Block 1, East Campus Second Addition, Dakota County, Minnesota.

The Property abuts College Trail.

Recital No. 3. As part of the City's Pavement Management Program, College Trail from Broderick Boulevard to Cahill Avenue has been identified for full reconstruction in 2014 (the College Trail Reconstruction). Specifically the portion of College Trail Reconstruction from Blaine Avenue to Cahill Avenue will directly affect the Property.

Recital No. 4. The College Trail Reconstruction includes the reconstruction of College Trail (including subgrade correction, aggregate base, bituminous pavement and ditch restoration) and the construction of trail improvements.

Recital No. 5. The City had identified and labeled such reconstruction and associated improvements for the College Trail Reconstruction as City Project No. 2014-09D - College Trail Reconstruction and Barbara Avenue Partial Reconstruction (the Project).

Recital No. 6. The City is willing to construct the Project if Inver Hills Family Housing is willing to pay for its share of the Project as determined through the Minnesota Statutes 429 process and the feasibility study.

Recital No. 7. Inver Hills Family Housing is willing to pay an amount not to exceed the Waived Amount for its share of the Project Costs (as hereafter defined).

Recital No. 8. Under Chapter 429 of the Minnesota Statutes and more specifically Minn. Stat. § 429.061, the City has the authority to specially assess the costs of the Project against the Property.

Recital No. 9. The City is not willing to construct the Project unless Inver Hills Family Housing agrees to pay for its share of the Project Costs as hereafter defined.

Recital No. 10. Inver Hills Family Housing acknowledges that the Property will be benefitted by the Project in an amount up to the Waived Amount.

Recital No. 11. Inver Hills Family Housing has had the opportunity to review the feasibility report and to inquire as to the scope of the Project and the estimated cost thereof.

ARTICLE 2 **DEFINITIONS**

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

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

2.3 Inver Hills Family Housing. “Inver Hills Family Housing” means Inver Hills Family Housing Limited Partnership, a Minnesota limited partnership.

2.4 Property. “Property” means that certain real property located in the City of Inver Grove Heights, Dakota County, Minnesota, identified as Dakota County Tax Parcel No. 20-22501-01-010 and legally described as:

Lot 1, Block 1, East Campus Second Addition, Dakota County, Minnesota.

2.5 Project. "Project" means City Project No. 2014-09D (College Trail Reconstruction and Barbara Avenue Partial Reconstruction) which includes, but is not limited to, reconstruction of College Trail from Blaine Avenue to Cahill Avenue (including subgrade correction, aggregate base, bituminous pavement and ditch restoration) and the construction of trail improvements.

2.6 Feasibility Report. "Feasibility Report" means that certain Feasibility Study and Report dated December 9, 2013, prepared for the City of Inver Grove Heights by Kimley-Horn and Associates, Inc., relating to the Project.

2.7 Project Costs. "Project Costs" means the total of the following:

a.) Actual construction costs paid by the City to the Contractor for the Project

PLUS

b.) Change Orders

PLUS

c.) Actual engineering, fiscal, legal and administration costs not to exceed 30% of the actual construction costs

PLUS

d.) Contingency costs, as actually expended, but not to exceed 10% of actual construction costs.

2.8 Project Plans. "Project Plans" means the plans, specification, general and special conditions; and addenda, if any; and construction contract documents; together with any Change Orders approved by the City, all relating to the Project. The Project Plans will be prepared prior to the City bidding the Project.

2.9 Contractor. "Contractor" means the person or entity which is awarded the contract for the construction of the Project.

2.10 Change Order. "Change Order" means a written order to the Contractor approved by the City authorizing a change in the work included within the Project Plans and/or an adjustment in the price and/or an adjustment in the construction schedule issued after execution of the contract for the construction of the Project.

2.11 Uncontrollable Circumstances. "Uncontrollable Circumstances" means the occurrence or non-occurrence of acts or events beyond the reasonable control of the party relying thereon, and not the result of willful or negligent action or inaction of the party claiming the event as an Uncontrollable Circumstance, that materially adversely affects the performance of the party claiming the event as an Uncontrollable Circumstance including but not limited to the following:

- a.) Acts of God, including, but not limited to floods, ice storms, blizzards, tornadoes, landslides, lighting and earthquakes (but not including reasonably anticipated weather conditions for the geographic area), riots insurrections, war or civil disorder affecting the performance of work, blockades, power or other utility failure, and fires or explosions.
- b.) The adoption of or changes in any federal, state, or local laws, rules, regulations, ordinances, permits, or licenses, or changes in the interpretation of such laws, rules, regulations, ordinances, permits, or licenses by a court or public agency having appropriate jurisdiction after the date of the execution of this Agreement.
- c.) A suspension, termination, interruption, denial, or failure of renewal of any permit, license, consent, authorization, or approval essential to the construction of the Project.
- d.) Orders and/or judgment of any federal, state, or local court, administrative agency, or governmental body, provided, however, that the contesting in good faith by such party of any such order and/or judgment shall not constitute or be construed to constitute a willful or negligent action or inaction of such party.
- e.) Strikes or other such labor disputes.

2.12 City Representative. "City Representative" means Scott Thureen, Director of Public Works for the City.

2.13 Inver Hills Family Housing Representative. "Inver Hills Family Housing Representative" means Kari Gill, CDA Deputy Executive Director.

2.14 Waived Amount. "Waived Amount" means the following:

- a.) The amount of \$ 99,430.00.

ARTICLE 3 **CITY COVENANTS, RIGHTS AND DUTIES**

3.1 ORDERING OF THE PROJECT. Without notice and without a public hearing, the City, by resolution, may order the Project.

3.2 BID AWARD. Pursuant to the Uniform Municipal Contracting Law Minn. Stat. § 471.345, the City shall obtain sealed bids for the construction of the Project. City by resolution shall award the construction contract for the Project to the lowest responsible bidder.

3.3 ASSESSMENT OF PROJECT COSTS. Upon the Project being completed and upon the City ascertaining Project Costs, the City, without notice and without public hearing may by resolution specially assess a portion of the Project Costs against the Property. The special assessments shall be on the following terms and the resolution levying the special assessments shall comport with the following terms:

- a.) The amount of the special assessments against the Property may be up to the Waived Amount.
- b.) Inver Hills Family Housing may pay off the entire amount of the special assessments without interest, within 30 days after the City levies the special assessments.
- c.) If the Inver Hills Family Housing does not pay off the entire amount of the special assessments, then the unpaid principal amount of the special assessments against the Property shall be payable in ten (10) equal annual principal installment payments, plus and together with interest on the unpaid principal balance at the rate of 4.8 percent (4.8%) per year. Interest shall begin to accrue from and after the date the City levies the special assessments.
- d.) Inver Hills Family Housing may pay off the entire unpaid principal balance of the special assessments by paying the principal unpaid balance plus interest through December 31 of the year in which the payoff occurs.

3.4 AUTHORITY. The City represents to Inver Hills Family Housing that the City has the right, power, legal capacity and authority to enter into and perform its obligations under this Agreement, and no approvals or consents of any persons or other entities are necessary in connection with the authority of the City to enter into and perform its obligations under this Agreement.

ARTICLE 4

INVER HILLS FAMILY HOUSING COVENANTS, RIGHTS AND DUTIES

4.1 WAIVER OF NOTICE AND HEARING FOR ORDERING THE PROJECT. Inver Hills Family Housing hereby waives all procedural and substantive objections to the ordering of the Project by the City. Without limiting the foregoing, Inver Hills Family Housing specifically waives any notice and hearing requirements to the City ordering the Project.

4.2 WAIVER OF NOTICE AND HEARING FOR SPECIAL ASSESSMENTS; WAIVER OF OBJECTION TO SPECIAL ASSESSMENTS. Inver Hills Family Housing hereby waives all procedural and substantive objections to the levying of the special assessments

by the City against the Property for the Project up to the Waived Amount. Without limiting the foregoing, Inver Hills Family Housing specifically waives any notice and hearing requirements relating to the levying of the special assessments. Up to the Waived Amount, Inver Hills Family Housing waives any claim that the special assessments exceed the benefit to the Property. Up to the Waived Amount, Inver Hills Family Housing waives any appeal rights otherwise available under Minn. Stat. § 429.081. Inver Hills Family Housing acknowledges that the benefit from the Project to the Property is up to the Waived Amount.

4.3 AGREEMENT TO PAY SPECIAL ASSESSMENTS. Pursuant to the terms set forth in Section 3.3 of this Agreement, Inver Hills Family Housing hereby agrees to pay the special assessments to be levied by the City up to the Waived Amount.

4.4 AUTHORITY. Inver Hills Family Housing represents to the City that Inver Hills Family Housing has the right, power, legal capacity and authority to enter into and perform its obligations under this Agreement, and no approvals or consents of any persons or other entities are necessary in connection with the authority of Inver Hills Family Housing to enter into and perform its obligations under this Agreement.

4.5 VOLUNTARY WAIVERS. The waivers made by Inver Hills Family Housing in this Agreement are knowingly and voluntarily made by Inver Hills Family Housing and are continuing and irrevocable.

4.6 GRANT OF TEMPORARY EASEMENTS. Upon request of the City and without cost to the City, Inver Hills Family Housing shall grant the City any temporary construction easements or rights of entry that the City or its contractor finds necessary or advisable in order to effectuate the construction of the Project on the Property. Such temporary construction easements or rights of entry shall terminate no later than June 30, 2015. Such temporary construction easements and rights of entry shall not be recorded against the Property. The temporary easements shall be subject to terms and conditions approved by the Inver Hills Family Housing Representative and the City Representative.

ARTICLE 5
MISCELLANEOUS

5.1 NOTICES. All notices required or permitted pursuant to this Agreement shall be in writing and if and when delivered or tendered either in person or by depositing it in the United States mail in a sealed envelope, by certified mail, return receipt requested, with postage prepaid, addressed as follows:

IF TO CITY:

City of City of Inver Grove Heights
Attention: City Administrator
8150 Barbara Avenue
Inver Grove Heights, MN 55077

**IF TO INVER HILLS
FAMILY HOUSING:**

Inver Hills Family Partnership
c/o Dakota County Community Development
Agency
Attention: Kari Gill
1228 Town Centre Drive
Eagan, MN 55123

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

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

5.3 SURVIVAL OF REPRESENTATIONS AND WARRANTIES. The representations, warranties, covenants, and agreements of the parties under this Agreement, and the remedies of either party for the breach of such representations, warranties, covenants and agreements by the other party shall survive the execution and termination of this Agreement.

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

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

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

5.7 INTERPRETATION ACCORDING TO MINNESOTA LAW. This Agreement shall be interpreted and construed according to the laws of the State of Minnesota.

5.8 ENTIRE AGREEMENT. With respect to the Project, this Agreement shall constitute the entire agreement between the parties and shall supersede all prior oral or written negotiations.

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

5.10 FURTHER ACTION. The parties agree to execute such further documents and take such further actions as may reasonably be required or expedient to carry out the provisions and intentions of this Agreement, or any agreement or document relating hereto or entered into in connection herewith.

5.11 PARTIES IN INTEREST. This Agreement shall be binding upon and insure solely to the benefit of the parties hereto and their permitted assigns, and nothing in this Agreement, express or implied, is intended to confer upon any other person any rights or remedies of any nature under or by reason of this Agreement.

[the remainder of this page has been intentionally left blank]

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

CITY OF INVER GROVE HEIGHTS

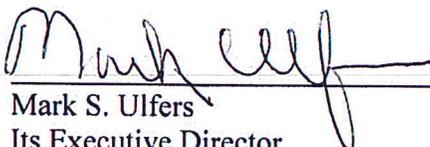
By: _____
George Tourville
Its Mayor

ATTEST:

Melissa Kennedy, Deputy City Clerk

INVER HILLS FAMILY HOUSING LIMITED PARTNERSHIP, a Minnesota limited partnership

By: Dakota County Community Development Agency, its General Partner

By: 

Mark S. Ulfers
Its Executive Director

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

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

VINCE NONNEMACHER – Case No. 13-57V

Meeting Date: January 27, 2014
 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 relating to a **Variance** to construct a new home on a vacant lot that does not meet the minimum lot size requirement for property located at 7929 Argenta Way.

- Requires 3/5th's vote.
- 60-day deadline: February 7, 2014 (first 60-days)

SUMMARY

The applicant is proposing to construct a single family home on a lot 3.45 acres in size. The property is zoned A, Agricultural which requires a minimum lot size of 5.0 acres. An existing lot of record that is at least 70% of minimum lot size is also considered a conforming lot. In this case, 70% is 3.5 acres. The subject lot is .05 acres or 2,178 square feet shy of this standard.

ANALYSIS

The lot was reduced in size when Dakota County purchased land for the right-of-way for Argenta Trail between Hwy 149 and Hwy 55. The lot was divided in half and the northern half was the balanced created as a result of the right-of-way acquisition.

The lot lies within the Northwest Area. Staff has reviewed the location of the house against Northwest Area standards to insure compliance.

RECOMMENDATION

Planning Staff: Recommends approval of the variance request with the condition listed in the attached resolution.

Planning Commission: Also recommends approval of the variance request. (7-0).

Attachments: Variance Resolution
 Planning Commission Recommendation
 Planning Report

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING A VARIANCE TO ALLOW THE CONSTRUCTION
OFA NEW HOME ON A VACANT LOT RECORD NOT MEETING THE 70%
MINIMUM LOT SIZE REQUIREMENT IN THE A, AGRICULTURAL ZONING
DISTRICT

CASE NO. 13-57V
(Vince Nonnemacher)

WHEREAS, an application for a Variance has been submitted for the property legally described as:

The North 328.15 feet of the South 656.3 feet of the West 660 feet of the Southwest Quarter of the Southwest Quarter of Section 7, Township 27 North, Range 22 West, Dakota County, Minnesota.

And

The South 132 feet of the West 660 feet of the North 623.3 feet of the Southwest Quarter of the Southwest Quarter of Section 7, Township 27 North, Range 22 West, Dakota County, Minnesota.

And

That part of the West 660 feet of the Southwest Quarter of the Southwest Quarter of Section 7, Township 27 North, Range 22 West lying North of the South 656.3 feet thereof and lying South of the North 623.3 feet thereof, Dakota County, Minnesota.

EXCEPT PARCEL 18 as shown on DAKOTA COUNTY ROAD RIGHT-OF-WAY MAP NO. 273, according to the map on file and of record in the Dakota County Records Office.

WHEREAS, the request is to allow the construction of a new home on a lot not meeting the 70% minimum lot size regulation;

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

WHEREAS, a Variance may be granted by the City Council from the strict application of the provisions of the City Code Title 10, Chapter 3-4 and conditions and safeguards imposed in the variance so granted where practical difficulties or particular hardships result from carrying out the strict letter of the regulations of the Zoning Code, as per City Code 10-3-4 D;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on January 7, 2014 in accordance with City Code 10-3-3: C.;

WHEREAS, a practical difficulty or uniqueness was found to exist based on the following findings:

The lot size issue is a result of right-of-way acquisition through a government action and the resultant lot is not a circumstance created by the landowner. The lot is only .05 acres or 2,178 square feet shy of meeting the 70% rule.

Allowing development on this lot will not alter the character of the neighborhood. The immediate area is developed with houses on larger lots with well and septic. Eventually, it is expected that this area will redevelop with higher density once sewer is extended to the area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow the construction of a new home on a vacant lot of record not meeting the 70% minimum lot size requirement of the A, Agricultural District is hereby approved with the following conditions:

1. The site shall be developed in substantial conformance with the site plan dated 12/30/13 on file with the Planning Division.
2. The location of the driveway onto County Road 28 shall be subject to approval by Dakota County. A driveway access permit is required to be obtained from the County prior to issuance of the building permit.
3. A Storm Water Facilities Maintenance Agreement shall be required to be entered into between the applicant and City. This agreement must be signed and executed prior to release of a building permit. The owner shall submit a \$2,500 escrow to reimburse the City for expenses relating to staff and attorney time to draft the documents, review, inspections and oversight.
4. A custom grading agreement is also required by City Code to ensure proper drainage and erosion control standards are met. A \$10,000 surety is required to be submitted with the custom grading agreement. Said

agreement shall be signed and executed prior to issuance of a building permit.

5. A 10 foot drainage and utility easement shall be granted along the entire perimeter of the site. The easements shall be granted via documents prepared by the City Attorney. The easement document shall be signed/executed and submitted to the County for recording prior to issuance of a building permit.
6. The project and plans shall be subject to the review and approval by the City Engineer. All plans shall be approved prior to issuance of a building permit.

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 January, 2014.

George Tourville, Mayor

Ayes:
Nays:

ATTEST:

Melissa Kennedy, Deputy Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: January 6, 2014
SUBJECT: VINCE NONNEMACHER – CASE NO. 13-57V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to construct a new home on a vacant lot of record that does not comply with the minimum lot size requirements, for the property located at 7929 Argenta Trail. 7 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting a variance from minimum lot size to allow the construction of a single-family home on an existing lot. The lot is located on the far west side of the City, along the Eagan border, on the north side of Yankee Doodle Road. The parcel was at one time larger in size. The County purchased part of the property when the right-of-way for County Road 28 was acquired. The right-of-way ran through the middle of the parcel and the southern remnant was purchased by the County. The subject property is 3.45 acres in size and is zoned Agricultural. The Zoning Code has a provision that allows existing lots of record to be considered conforming if they contain at least 70% of the minimum lot size. In this case 70% is 3.5 acres, so the site is approximately 2,000 square feet shy. Staff believes a practical difficulty can be found since the lot size was created through right-of-way acquisition and was not the result of the landowner. Because the site lies in the Northwest Area and has redevelopment potential once sewer and water are accessible, both Engineering and Planning reviewed the request with this in mind. The County will require the driveway be at the far western point of the lot. The Engineering Department is requiring that the applicant create a stormwater basin on the west side of the lot. Staff recommends approval of the request with the conditions listed in Alternative A.

Opening of Public Hearing

Vince Nonnemacher, 1815 Valley Curve Road, Mendota Heights, advised he was available to answer any questions.

Chair Hark asked if the applicant reviewed and understood the report.

Mr. Nonnemacher replied in the affirmative.

Commissioner Klein asked if the applicant was the builder or the owner, and noted that Yankee Doodle Road was a highly traveled road.

Mr. Nonnemacher replied he was the owner. He advised he was not concerned about noise, stating the elevation of the house location would work as a sound barrier.

Ryan Vetter, 3294 Rolling Hills Drive, Eagan, advised his property was to the west of the subject property and he had concerns regarding the proposed grading, aesthetics, and safety issues

resulting from the required stormwater basin. He advised that when he purchased his property he was informed that the likelihood of someone moving onto the subject property was very unlikely given the City ordinance that was in effect. He noted it was a highly traveled road and that adding another driveway could be detrimental.

Chair Hark asked Mr. Vetter if he had a septic system.

Mr. Vetter replied he did not as he was connected to Eagan water and sewer.

Commissioner Elsmore asked if there were any roads between his property and the applicant's.

Mr. Vetter replied there were not.

Commissioner Lissarrague asked if Mr. Vetter wished he had purchased the subject property himself.

Mr. Vetter replied he would have liked to own it; however it was not financially feasible for him at the time. Also, he fully anticipated the property would have sat empty because of the significant restrictions and limited building locations.

Commissioner Wippermann asked what depth of water was anticipated in the proposed basin during heavy rains.

Mr. Hunting replied that typically the ponds in the Northwest Area were set up as infiltration basins which collect water during a storm and then it soaks into the ground and is dry.

Commissioner Simon asked if the area where the retention pond was proposed typically held water during the summer months.

Mr. Vetter replied it had not since he had lived there.

Commissioner Simon advised it would likely remain the same after development.

Craig Selendar, 3298 Rolling Hills Drive, was concerned about the proposed home obstructing his view, as well as the safety issue of having a driveway access on Yankee Doodle Road. He disagreed with the statement that the character of the neighborhood would not be compromised; stating the proposed home would be at one of the highest elevations in the area and would likely be highly visible. He asked the Commission to keep in mind that the ordinances put in place for a reason.

Mr. Nonnemacher advised it would be difficult to see the proposed home from Yankee Doodle Road.

Mr. Selendar stated the parcel was 2,000 square feet smaller than required, which he considered to be a significant area. He advised that most of the mature trees on the property would likely have to be removed as they were in the proposed driveway location.

Commissioner Klein asked what Mr. Selendar's lot size was.

Mr. Selendar replied .75 acres.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Lissarrague asked for clarification of possible scenarios for the property.

Mr. Hunting replied it could either have one single-family home on it or it would have to wait until the Northwest Area redeveloped into smaller lot sizes with sewer and water.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Scales, to approve the request for a variance to construct a new home on a vacant lot of record that does not comply with the minimum lot size requirements, for the property located at 7929 Argenta Trail, with the conditions listed in Alternative A.

Motion carried (7/0). This item goes to the City Council on January 27, 2014.

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE:	December 31, 2013	CASE NO.: 13-57V
HEARING DATE:	January 7, 2014	
APPLICANT:	Vince Nonnemacher	
PROPERTY OWNER:	Vince Nonnemacher	
REQUEST:	Lot size Variance	
LOCATION:	7929 Argenta Trail	
COMPREHENSIVE PLAN:	LMDR, Low-Mid Density Residential	
ZONING:	A, Agricultural	
REVIEWING DIVISIONS:	Planning Engineering	PREPARED BY: Allan Hunting City Planner

BACKGROUND

The applicant is requesting a variance from minimum lot size to allow the construction of a single family home on an existing lot. The lot is 3.45 acres in size and zoned A, Agricultural which requires a minimum lot size of 5.0 acres. The code has a provision that allows existing lots of record to be considered conforming if they contain at least 70% of the minimum lot size. In this case, 70% is 3.5 acres. The site is 0.05 acres shy of meeting the 70% rule.

This parcel was at one time larger in size. The County purchased part of the property when the right-of-way for County Rd 28 was acquired. The right-of-way ran through the middle of the parcel, cutting it in two. The southern half was too small for a buildable lot and was purchased by the County. The northern half was created as remnant of the original parcel. The resulting 3.45 acre parcel was created as a result of the right-of-way acquisition.

The parcel also lies within the Northwest Area. The Northwest Area Overlay District has a provision for existing lots of record that they may be developed with single family homes and not have to meet the performance standards. Because the site has redevelopment potential once sewer and water are accessible, both Engineering and Planning reviewed the request with this in mind.

SURROUNDING USES

The subject site is surrounded by the following uses:

North - Residential; zoned A, Agricultural; guided LMDR

East - Residential; zoned A, Agricultural; guided LMDR

West - Residential; City of Eagan
South - County Rd 28 and Vacant; zoned A, Agricultural; guided LMDR

EVALUATION OF REQUEST

VARIANCE CRITERIA

City Code Title 11, Chapter 3. **Variations**, states that the City Council may grant variations when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variations, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. *The variance request is in harmony with the general purpose and intent of the city code and consistent with the comprehensive plan.*

The surrounding neighborhood is guided for low to medium density residential. The use of the property for a single family home would be consistent with the surrounding neighborhood.

The Code provision was designed to address existing lots of record that were created before the 1965 zoning ordinance. In this case, the lot was created through right-of-way acquisition and the remnant lot size was a result of a government action and not from a landowner action. The lot is only .05 acres shy of meeting the 70% rule.

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

The site would be used for a single family home which is allowed by zoning and is consistent with the comprehensive plan.

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

The lot size issue is a result of right-of-way acquisition through a government action and the resultant lot is not a circumstance created by the landowner. The lot is only .05 acres or 2,178 square feet shy of meeting the 70% rule.

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

Allowing development on this lot will not alter the character of the neighborhood. The immediate area is developed with houses on larger lots with well and septic.

Eventually, it is expected that this area will redevelop with higher density once sewer is extended to the area.

5. *Economic considerations alone do not constitute an undue hardship.*

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

Miscellaneous Item Analysis:

Access. The site abuts County Road 28 and is therefore subject to the County's access and driveway restrictions. Both the City and the applicant have talked to the County regarding the driveway location and the County has indicated the driveway is to be as far west on the property as possible. The submitted drawings show the driveway along the west boundary of the site. The County will review the plans and issue a driveway access permit. This will be required to be completed prior to the City issuing a building permit.

Storm Water. The City Engineer has reviewed the plan against the Northwest Area Storm Water requirements to make sure the proposed home location does not impact any future storm water needs. There is a planned retention basin on the property and the applicant will be required to create a storm water basin on the property in the existing low area on the west side of the lot. The house location, lowest floor elevation, and overall grading have been reviewed and will not impact the ability of the storm water basin to function when redevelopment of the area eventually occurs. A storm water maintenance agreement will be required for the property to address the construction and maintenance of the pond.

Easements. The lot is a metes and bounds described lot without any existing drainage and utility easements. As a general practice, the City Engineer is requesting that perimeter drainage and utility easements be dedicated by the landowner as part of the variance request. These easements would be created via separate documents and would be prepared by the City Attorney. These easements must be submitted to the County for recording prior to issuance of the building permit.

Future Development Potential. Both Planning and Engineering have reviewed this parcel along with the surrounding parcels for future development once sewer is extended to the site. The location of the house has been sighted so it does not impact future storm water. Based on the storm water pond restriction and the triangular shape to the lot, there is not much flexibility to locate the house. We do not believe the proposed house location negatively impacts future development of this site or of the surrounding properties. Future access to this site would most likely come from an internal local road network extending from the west or north of this site. Staff has no objections to the location of the house.

ALTERNATIVES

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

A. Approval If the Planning Commission finds the request to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

- Approval of a **Variance** to allow the construction of a new home on a vacant lot of record not meeting the 70% minimum lot size requirement of the A, Agricultural District subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan dated 12/30/13 on file with the Planning Division.
 2. The location of the driveway onto County Road 28 shall be subject to approval by Dakota County. A driveway access permit is required to be obtained from the County prior to issuance of the building permit.
 3. A Storm Water Facilities Maintenance Agreement shall be required to be entered into between the applicant and City. This agreement must be signed and executed prior to release of a building permit. The owner shall submit a \$2,500 escrow to reimburse the City for expenses relating to staff and attorney time to draft the documents, review, inspections and oversight.
 4. A custom grading agreement is also required by City Code to ensure proper drainage and erosion control standards are met. A \$10,000 surety is required to be submitted with the custom grading agreement. Said agreement shall be signed and executed prior to issuance of a building permit.
 5. A 10 foot drainage and utility easement shall be granted along the entire perimeter of the site. The easements shall be granted via documents prepared by the City Attorney. The easement document shall be signed/executed and submitted to the County for recording prior to issuance of a building permit.
 6. The project and plans shall be subject to the review and approval by the City Engineer. All plans shall be approved prior to issuance of a building permit.

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

RECOMMENDATION

Staff believes a practical difficulty can be found since the lot size was created through right-of-way acquisition and was not the result of the landowner. The placement of the proposed house

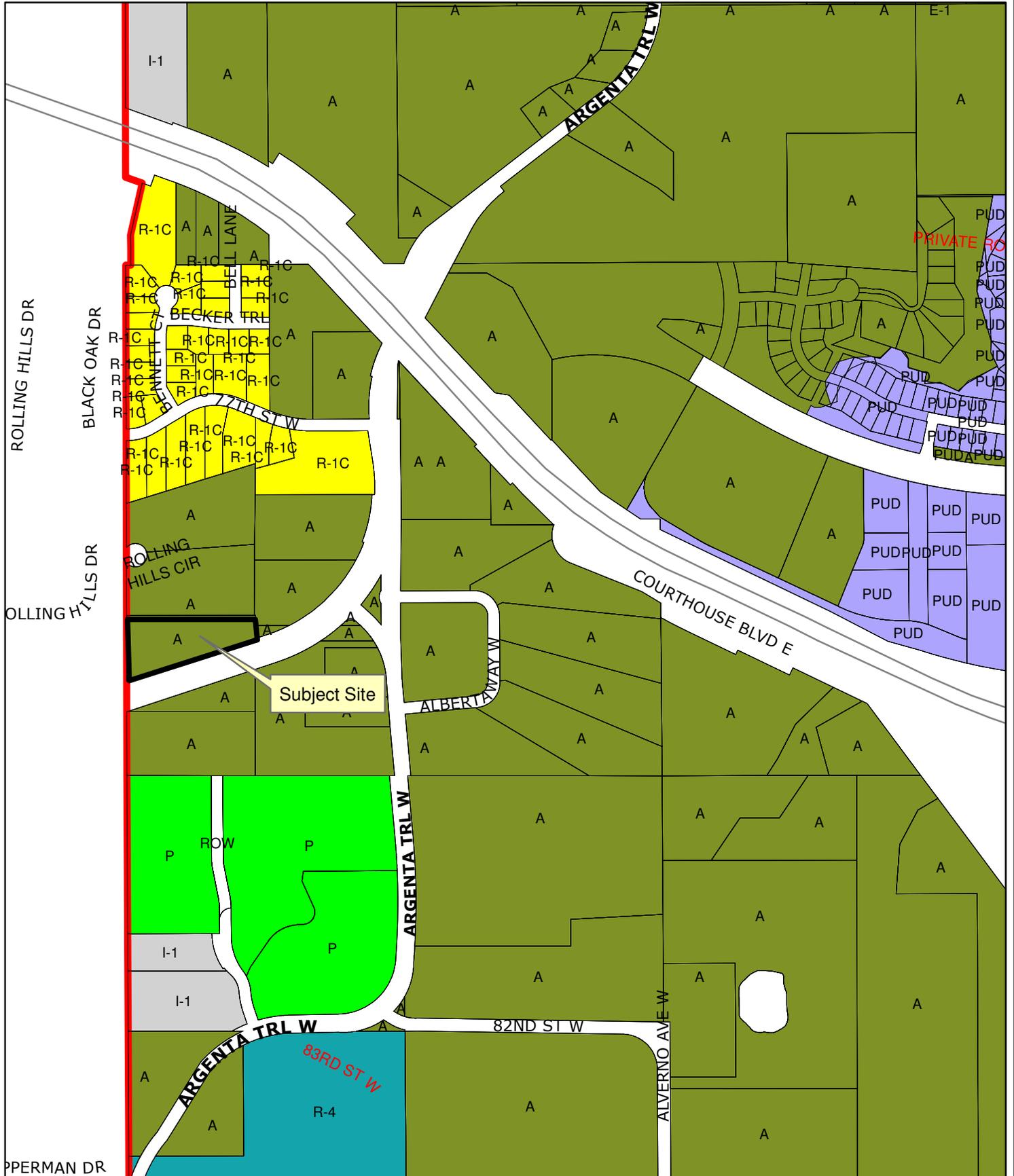
does not negatively impact future development of the site and is consistent with storm water needs for the area. Staff recommends approval of the lot size variance.

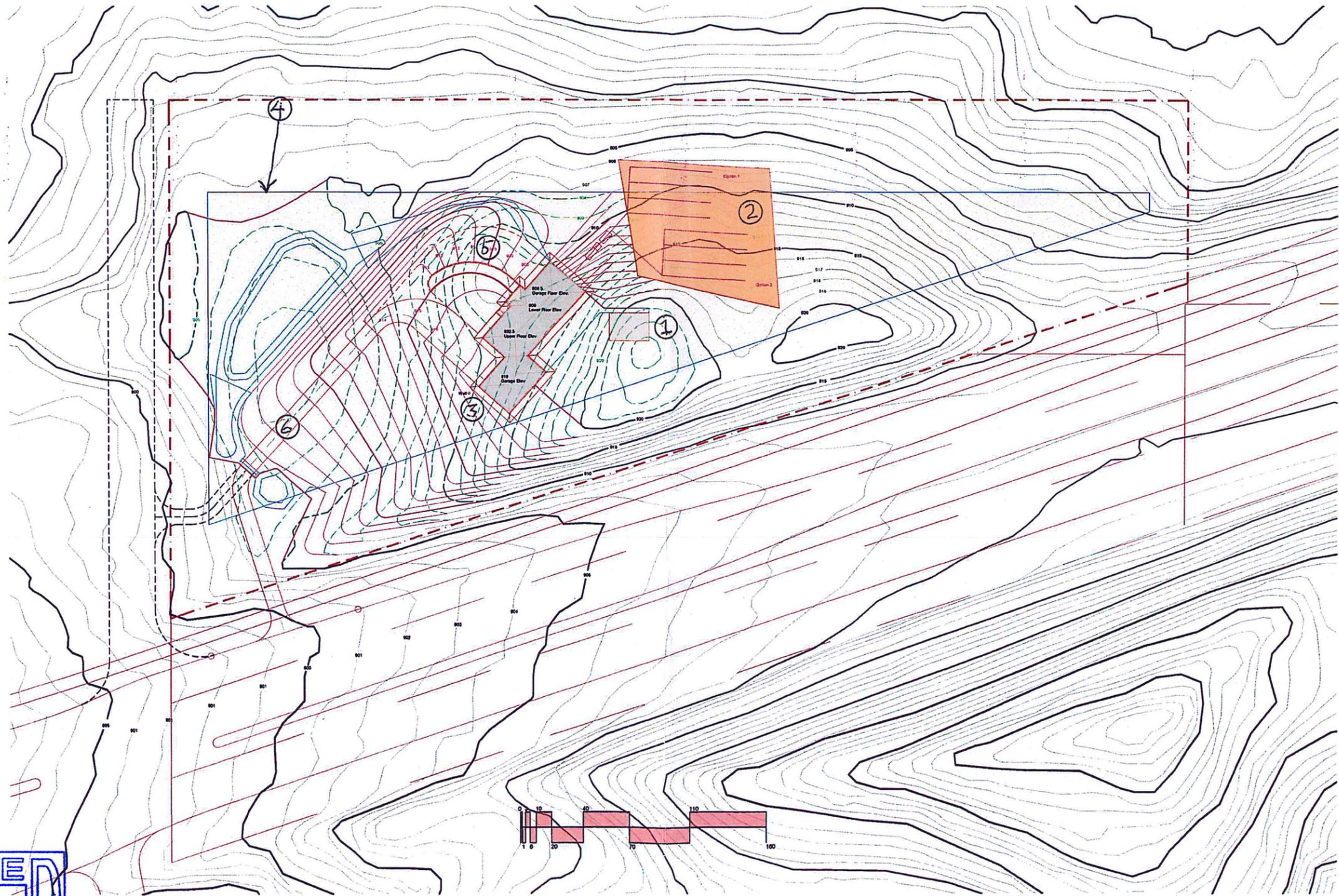
Attachments: Exhibit A - Location/Zoning Map
Exhibit B - Site Plan



Location Map

Case No. 13-57V





RECEIVED
DEC 30 2013

7929 ARGENTA TRAIL W.
INNER GROVE HEIGHTS, MN 55077
PID 20-00700-52-081
SECTION 7 TWN 27 RANGE 22
7 27 22

(A)

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

MARY T'KACH – Case No. 13-58V

Meeting Date: January 27, 2014
Item Type: Regular
Contact: Heather Botten 651.450.2569
Prepared by: Heather Botten, Associate Planner
Reviewed by: Planning

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

PURPOSE/ACTION REQUESTED

Consider a Resolution relating to a Variance to allow two, 42 inch high solid fence segments within the front yard whereas the code requires front yard fences to provide no less than 75% clear visibility. This request is for property located at 1987 80th Street.

- Requires a 3/5th's vote.
- 60-day deadline: February 7, 2014 (first 60-days)

SUMMARY

A couple months ago the applicant requested a variance for a seven foot high solid fence along the front property line; that request was denied by the City Council. The applicant is now proposing to construct two solid 42 inch high fence segments on top of a 2-3 foot berm which would be setback 10 feet from the front property line. The Zoning Code requires any fence within the front yard to be no higher than 42 inches and to have at least 75% opacity, which essentially allows a chain link fence.

The applicant has stated the purpose of the solid fencing would be to mitigate the lights shining into the house from the Community Center and to reduce some of the noise pollution from 80th Street. When Dakota County widened 80th Street they obtained over 30 feet of property from the applicant. Additionally, the house was built prior to the Community Center being constructed. The location of the fence would be out of any sight lines along 80th Street and visibility leaving the residence would not be impacted as there would be over 35 feet between the fence and the curb.

One of the functions of setback requirements is to maintain consistency of structure placement from street and neighboring views. The proposed fence would be the only solid fence within the front yard in this neighborhood. Staff believes the conditions of the property are not so limiting that the property could not be used in a reasonable manner without the variance. The situation of the property is not unique in that there are other instances throughout the community where properties are located along busy roads and near churches, schools, or businesses that could also be impacted by vehicle lights and noise. Approval of the variance could set a precedent for other solid fences in the front yard.

Planning Staff: Staff believes the variance situation is somewhat unique due to the fact the County obtained about 30 feet of right-of-way from the property to widen 80th street reducing the amount of space between the house and the edge of right-of-way; however, the request still seems to be a convenience to the applicant and not necessary for the property to be used in a reasonable manner. Based on the information provided staff recommends denial of the solid fence located in the front yard with the findings listed in the attached resolution.

Planning Commission: At the January 7, 2014 public hearing the Planning Commission recommended denial of the proposed request because of the lack of practical difficulty (7-0).

Attachments: Denial Resolution
Planning Commission Recommendation
Planning Staff Report

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

RESOLUTION NO. _____

**RESOLUTION DENYING A VARIANCE TO ALLOW TWO, 42 INCH HIGH SOLID
FENCE SEGMENTS WITHIN THE FRONT YARD SETBACK WHEREAS CITY CODE
REQUIRES A MINIMUM OF 75% CLEAR VISIBILITY ON FRONT YARD FENCES**

**CASE NO. 13-58V
Mary T'Kach**

Property located at 1987 - 80th Street and legally described as follows:

**Lots 10 & 11 ex. E 50 ft, all of lot 12 subj to Co Rd 28, Richter Addition, according to the
recorded plat, Dakota County, Minnesota**

WHEREAS, an application has been received for a Variance to allow two, 42 inch high solid fence segments 10 feet from the front property line whereas a minimum of 75% clear visibility is required for fences located in the front yard;

WHEREAS, the afore described property is zoned R-1B, Single Family Residential;

WHEREAS, a Variance may be granted by the City Council from the strict application of the provisions of the City Code Title 10, Chapter 3-4 and conditions and safeguards imposed in the variance so granted where practical difficulties or particular hardships result from carrying out the strict letter of the regulations of the Zoning Code, as per City Code 10-3-4 D;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on January 7, 2014 in accordance with City Code Section City Code 10-3-3:C;

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

1. The conditions of the property were not so limiting or unique that the property could not be used in a reasonable manner without the fence variance. The property would still function as a single family residence.
2. Approval of the fence variance could set a precedent for other solid fences located within the front yard.
3. The facts presented do not satisfy the criteria needed to show a practical difficulty on the lot to support granting the variance; the solid fence may be considered a convenience to the applicant, not a practical difficulty.
4. Approval of the solid fence within the front yard could alter the character of the neighborhood as it would be the only solid fence located in the front yard in this neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the variance to allow a 42 inch high solid fence within the front yard setback is hereby denied.

Adopted by the City Council of Inver Grove Heights this 27th day of January, 2014.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Melissa Kennedy, Deputy Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: January 7, 2014
SUBJECT: MARY T'KACH – CASE NO. 13-58V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a solid fence within the front yard setback whereas the code requires front yard fences to provide no less than 75% clear visibility, for the property located at 1987 – 80th Street. 4 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the request is for the property located across from the VMCC. The applicant recently requested a variance for a seven foot high solid fence along the front property line; that request was denied by the City Council. The applicant is now proposing to construct two solid 42 inch high fence segments on top of a 2-3 foot berm which is setback 10 feet from the front property line. The Zoning Code requires any fence within the front yard to be no higher than 42" and to have at least 75% opacity, which essentially allows a chain link fence. The applicant has stated that the purpose of the solid fencing would be to mitigate the lights shining into the house from the traffic along 80th Street and the Community Center, and also to reduce the noise pollution. When Dakota County widened 80th Street they obtained over 30 feet of property from the applicant. Additionally, the house was built prior to the Community Center being constructed. Ms. Botten noted there are other properties throughout the City which are located along busy county roads or across from churches, schools, businesses, etc. that could also be impacted by vehicle lights and noise. Approval of the variance could set a precedent for other solid fences in the front yard. Staff recommends denial of the request based on the reasons listed in the staff report.

Opening of Public Hearing

Mary T'Kach, 7848 Babcock Trail, advised she was available to answer any questions.

Chair Hark asked if she reviewed and understood the report.

Ms. T'Kach replied in the affirmative. She stated the noise on 80th Street has consistently gotten worse and she is trying to make the home more livable by creating a sound barrier as well as a visual barrier. She advised the fence would be landscaped on both sides which would help screen the fence from the road.

Chair Hark asked if staff was aware of any previous situations in which the practical difficulty was created when the County widened a road.

Ms. Botten replied that has been used as a basis for lot size and setback variances; however, this was the first fence variance.

Commissioner Elsmore stated perhaps the berm alone would help mitigate the lights.

Ms. T'Kach replied she did not believe it would; especially due to the prevalence of taller vehicles, such as SUV's. She noted that the Community Center parking lot is at a higher elevation than 80th Street.

Commissioner Klein asked if a chain link fence with woven slats would be allowed.

Ms. Botten stated it would likely not meet the 75% opacity rule.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Scales asked for clarification of the fence height rule.

Ms. Botten stated the fence could be over 42 inches in height had it been built 30 feet back from the property line.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Simon, to deny the request for a variance to allow a solid 42" fence within the front yard setback whereas the code requires front yard fences to provide no less than 75% clear visibility, for the property located at 1987 – 80th Street, for the reasons stated in the staff report.

Motion carried (7/0). This item goes to the City Council on January 27, 2014.

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: December 27, 2013

CASE NO: 13-58V

HEARING DATE: January 7, 2014

APPLICANT & PROPERTY OWNER: Mary T'Kach

REQUEST: Variance to allow a solid fence within the front yard setback

LOCATION: 1987 - 80th Street

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1B, Single-family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The applicant is requesting a variance to allow the construction of two solid fence segments 42 inches high, 10 feet from the front property line. The zoning code requires any fence within a front yard to be no higher than 42 inches and have at least 75% opacity. The reasons for the rule appear to be mainly visibility for traffic and emergency vehicles along the street and driveways. A second reason would be aesthetics, both in uniformity along front views and visual appeal.

The property is located along 80th Street/CR 28, across from the Veterans Memorial - Community Center. The applicant is requesting a 66 foot segment of fence to be located 10 feet from the front property line (about 37 feet from the curb). The second segment would be 18 feet of fence located along a secondary drive area also setback 35 +/- feet from the curb. The applicant has stated the purpose of the solid fencing in the front yard would be to mitigate the lights shining into the house from the Community Center traffic and to reduce some of the noise pollution from 80th street.

As the Commission may recall, the applicant requested a variance a couple months ago to allow a seven foot high solid fence to be located along the front property line; this request was denied by the City Council. The revised request would be to install a solid 42" fence on top of a 2-3 foot high berm, ten feet from the front property line. The fence would meet height and setback requirements only needing a variance to allow a solid fence verses a chain link fence.

SPECIFIC REQUEST

The following specific application is being requested:

- A.) A **variance** to allow a solid fence within the front yard setback whereas 75% opacity is required for all fences within the front yard.

EVALUATION OF THE REQUEST

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

North-Residential; zoned R-1B, single-family; guided LDR, Low Density Residential
West - Residential; zoned R-1B, single-family; guided LDR, Low Density Residential
East - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
South - Community Center/ Armory; zoned P, public/institutional; guided P/I, Public Institutional

VARIANCE REVIEW

City Code Title 11, Chapter 3. **Variations**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. *The variance request is in harmony with the general purpose and intent of the city code and consistent with the comprehensive plan.*

The general intent of this standard is to limit the precedent that could be set if the variance was granted. The area is developed with other single family homes to the north, west and east. The code allows fences that are at least 75% opaque (chain link) in the front yard; allowing a solid fence could set a precedent for other fences located in the front yard.

The request is in harmony with the intent of the comprehensive plan as the lot is being utilized as residential which would contain typical accessory structures or improvements such as fences.

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

The location of the fence segments would be at least 10 feet back from the property line, out of any traffic sight lines along 80th Street. The maximum length of the large segment would be 66 feet, extending a little beyond the length of the house, not across the entire length of the property. The shorter segment of fencing would be no longer than 18 feet in length. Traffic visibility leaving the residence should not be impacted as there would be over 35 feet between the fence and the curb.

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

When Dakota County widened 80th street from two lanes to what it is today they acquired over 30 feet from the applicant's property reducing the setback area from the house to the edge of right-of-way. Additionally, the house was built in 1949, prior to the Community Center being constructed. This situation is somewhat unique in that property was taken from the applicant to widen a road and the house is located across the street from the Community Center. Both not typical impacts to a residential lot, however there are other instances throughout the City where properties are located along busy county roads or across from churches, schools, businesses, etc. that could also be impacted by vehicle lights and noise, the variance may be considered a convenience to the applicant, not a practical difficulty.

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

There are fences in all residential neighborhoods. One of the functions of zoning regulations is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. The zoning code allows chain link fences 42 inches or shorter within the front yard setback. The applicant is planning to create a 2-3 foot high berm on the property and installing a 42 inch solid fence on top of it. The fence height would comply with zoning requirements but allowing a solid fence in the front yard whereas the code requires 75% opacity could alter the character of the neighborhood.

5. *Economic considerations alone do not constitute an undue hardship.*

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

ALTERNATIVES

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

Approval: If the Planning Commission finds the Variance to be acceptable, the Commission has the following options:

- A. Approval of the Variance to allow the construction of a solid fence within the front yard setback whereas 75% opacity is required subject to the following conditions:

1. The fence installation shall be in substantial conformance with the site plans dated 12-9-13 on file with the Planning Department.
2. The fence must be located on the land owner's property and out of the County right-of-way.

3. A County work permit is required for equipment located within the County right-of-way.

Denial: If the Planning Commission does not favor the proposed request, it should be recommended for denial, which could be based on the following rationale:

1. Denying the variance request does not preclude the applicant from reasonable use of the property as the property would still function as a single family residence.
2. Approval of the variance could set a precedent for other solid fences located within the front yard.
3. Staff does not believe there are practical difficulties in complying with the official control and the solid fence may be considered a convenience to the applicant, not a practical difficulty.
4. Approval of a solid fence within the front setback could alter the character of the neighborhood as it would be the only solid fence within the front yard in this neighborhood.

RECOMMENDATION

Staff believes the variance situation is somewhat unique due to the fact the County obtained about 30 feet of right-of-way from the property to widen 80th street reducing the amount of space between the house and the edge of right-of-way; however, the request still seems to be a convenience to the applicant and not necessary for the property to be used in a reasonable manner. For the reasons listed in alternative B staff is recommending denial of the proposed request.

Attachments: A) Location Map
 B) Applicant Narrative
 C) Site Plan
 D) Elevation Plan



Fence Variance 1987 - 80th Street



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

N

 Map not to scale

Exhibit A
 Zoning and Location Map

December 9, 2013

Inver Grove Heights Planning Commission
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Dear Planning Commission Members:

This is a request for a variance from the existing City code requiring a front yard fence, within 30 feet of the front property line, have at least 75% of its area open. Since my last request, that was denied, I have re-designed my plans (please see attached drawing) for two sections of fence to reduce noise and light issues based on the concerns of the Planning Commission and the City Council. Although the Council denied my original variance request at the November 12, 2013 City Council meeting, a suggestion was made to reduce the visual impact of the fence sections by creating a landscaped berm and constructing the fence on the berm, back from the property line, rather than on the property line as originally requested. Also, there was a concern regarding the overall height of the original fence design. This request will not require a height variance, as the fence will not exceed the 42 inch height limit.

I agree that these changes will result in a more esthetically pleasing fence, and therefore, am now seeking a single variance to allow a solid fence that meets the 42 inch fence height requirement and is set back from the property line, for the front yard of my property at 1987 80th Street East.

The practical difficulty in this case is a lack of space to build a solid fence that meets the setback requirements of the City. This practical difficulty was created when Dakota County reduced the front yard of this property by 32 feet when County Road 28 (80th Street) was widened from two lanes to four-plus lanes.

There will be landscaping maintained on the street side of the 42" fence sections that will create a pleasant visual esthetic for the public while reducing the noise and light pollution from the road and nearby parking lots.

If you have questions or would like to discuss this request, please contact me at 651-455-8452. Thank you for your re-consideration of this request.

Sincerely,



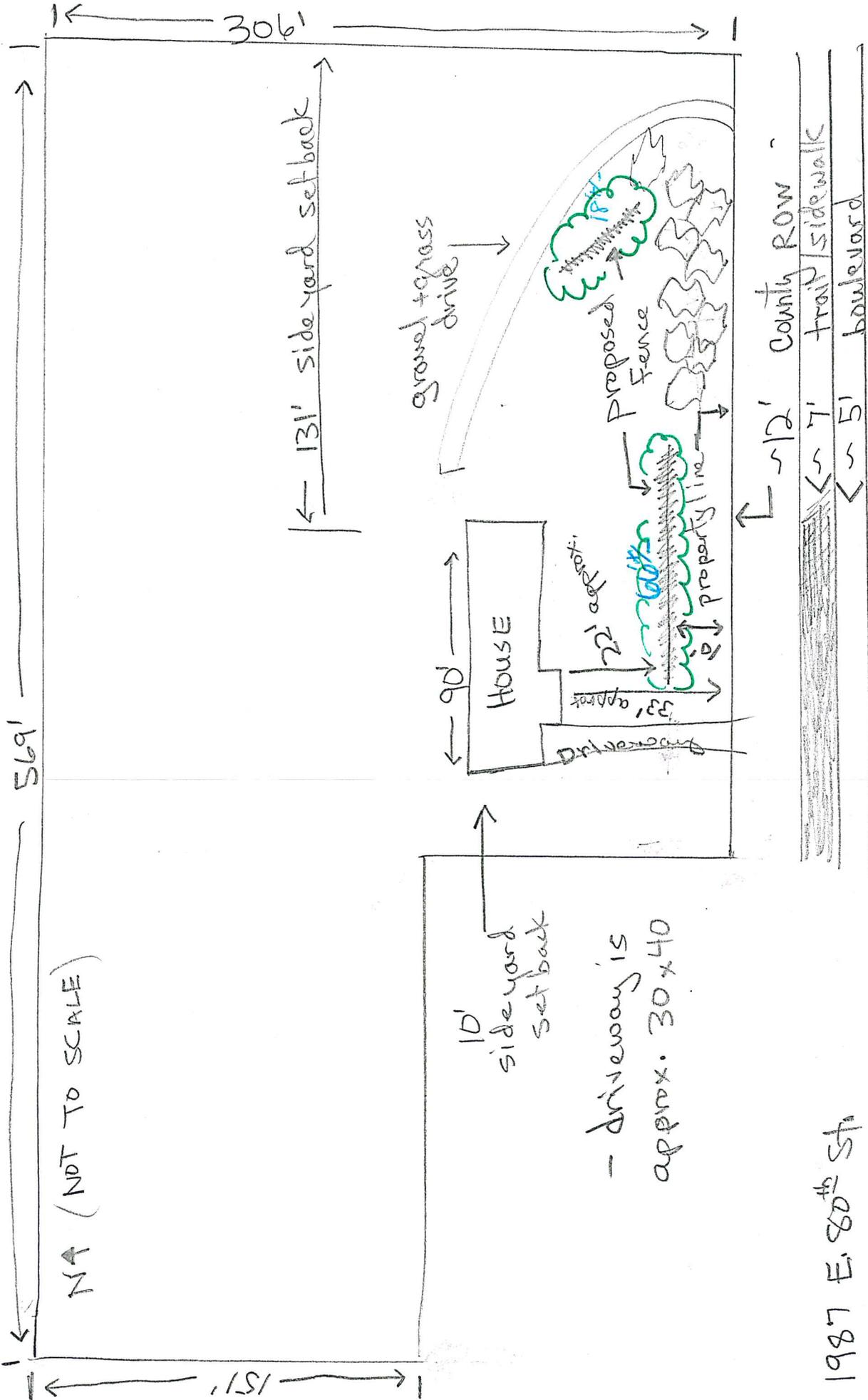
Mary T'Kach

Property owner

1987 80th Street East

Inver Grove Heights, MN 55077

B



NA (NOT TO SCALE)

10' side yard setback

- driveway is approx. 30 x 40

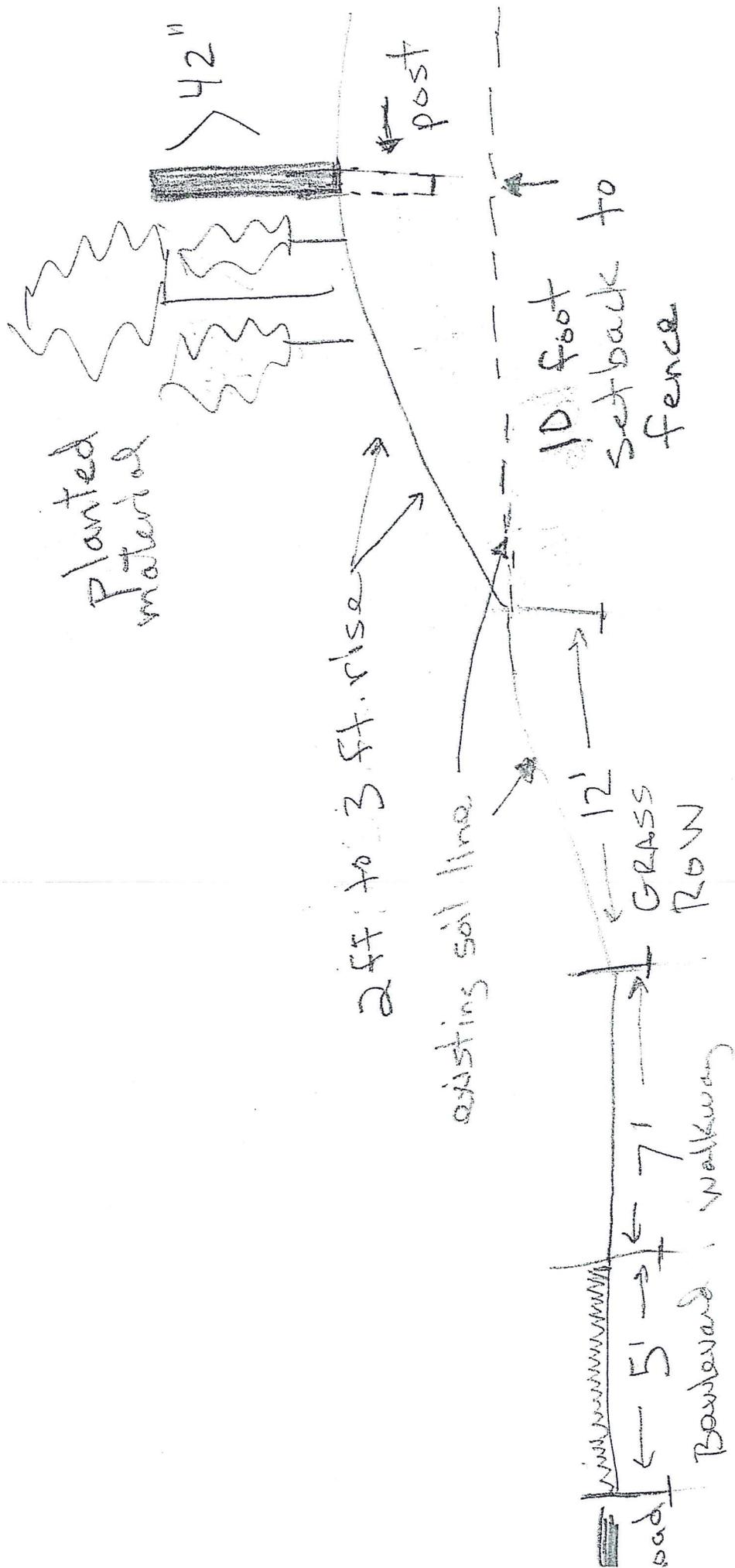
1987 E. 80th St.

Parcel ID # 20-64000-00-120



DEC - 9 2013

C.



CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider First Reading of Revisions to the Park Dedication Ordinance and Set 2014 park Dedication Rates

Meeting Date: January 13, 2014
 Item Type: Regular Agenda
 Contact: Eric Carlson – 651.450.2587
 Prepared by: Eric Carlson
 Reviewed by: Tom Link, Mark Borgwardt
 Allan Hunting, Heather Botten

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

The Council is asked to approve the 1st Reading of the recommended changes to the Park Dedication Ordinance as outlined in the staff report.

SUMMARY

The State of Minnesota updated the State Statues related to Park Dedication during the 2012 Legislative Session. The City of Inver Grove Heights last updated the Park Dedication Ordinance in early 2007. Since that time neither the language nor the rates have changed. A committee of employees including the Community Development Director, City Planner, Assistant Planner, Parks Superintendent, and the City Attorney meet several times to discuss the new State Statues and has determined that some updates are necessary.

Land Dedication

Zoning	Density per Acre	Proposed Land Dedication	Current Land Dedication
A and E-1, E-2		To be determined by the Council at time of final plat	5%
R-1 and R-2	3 units	9%	10%
R-3A and R-3B	9 units	18%	20%
R-3C	15 units	30%	30%
B-1, B-2, B-3, B-4		4.5%	10%
I-1 and I-2		4.5%	10%
P		4.5%	10%

Cash Dedication

Zoning	Density per Acre	Proposed Cash Dedication	Current Cash Dedication
A and E-1, E-2		\$2,850	\$4,011
R-1 and R-2	3 units	\$2,850	\$4,011
R-3A and R-3B	9 units	\$4,000	\$3,950
R-3C	15 units	\$4,900	\$3,950
P		\$7,000 per acre	\$7,000 per acre
B-1, B-2, B-3, B-4		\$7,000 per acre	\$7,000 per acre
I-1, and I-2		\$6,000 per acre	\$5,500 per acre

The Park and Recreation Commission met on Wednesday, January 8th and is recommending approval on a unanimous vote.

The Planning Commission met on Tuesday, January 21st and is recommending approval on a unanimous vote.

Also attached is a resolution that outlines the process/calculations that should be used to calculate park dedication fees in the future.

Tentative Schedule

Park and Recreation Commission	Wednesday, January 8 th
Planning Commission	Tuesday, January 21 st
City Council (1 st Reading)	Monday, January 27 th
City Council (2 nd Reading)	Monday, February 10 th
City Council (3 rd Reading)	Monday, February 24 th

We can ask the Chamber of Commerce to review the revisions between the 1st and 3rd reading if directed by the Council.

**Current
Park Dedication
Ordinance**

Chapter 4

PARK, TRAIL AND RECREATION DEDICATION OR CASH IN LIEU

11-4-1: PURPOSE AND INTENT:

- A. The city council recognizes it is essential to the health, safety and welfare of the residents of the city and persons working in the city that the character and quality of the environment be considered to be of major importance in the planning and development of the city. In this regard, the manner in which land is developed and used is of high priority. The preservation of land for park, playground and public open space purposes as it relates to the use and development of land for residential and commercial/industrial purposes is essential to maintaining a healthful and desirable environment for all citizens of the city. The city must not only provide these necessary amenities for our citizens today, but also be insightful to the needs of future citizens.
- B. The city council recognizes that the demand for park, playground, trail and public open space within a municipality is directly related to the density and intensity of development permitted and allowed within any given area. Urban type developments mean greater numbers of people and higher demands for park, playground and public open space. To disregard this principle is to inevitably overtax existing facilities and thus, diminish the quality of the environment for all.
- C. The city parks and recreation advisory commission has established minimum community criteria for meeting the needs of the residents of the city. In order to meet the community needs for parks, ten (10) acres of park shall be required for each one thousand (1,000) residents. This shall be the standard upon which the city shall establish its park land dedication and parks cash contribution.
- D. It is the policy of the city that the standards and guidelines of this chapter for the dedication of land for park, playground and public open space purposes (or cash contributions in lieu of such dedication) in the subdividing and developing of land within the city shall be directly related to the density and intensity of each subdivision and development.
- E. The state has recognized the importance of providing for parks and open space in Minnesota statutes section 462.358, subdivision 2(b), which clearly gives the right to the

city in its subdivision regulations to require reasonable portions for public use. (Ord. 1157, 6-11-2007)

11-4-2: DEDICATION OR CASH IN LIEU REQUIRED:

As a prerequisite to subdivision approval, subdividers shall dedicate land for parks, playgrounds, public open spaces, and trails and/or shall make a cash contribution to the park acquisition and development fund as provided by this chapter. Final approval of the park dedication/contribution requirements shall be made by the city council. (Ord. 1157, 6-11-2007)

11-4-3: SUITABILITY OF LAND:

Dedicated land shall be reasonably suitable for its intended use, and shall be at a location convenient to the people to be served, and shall be consistent with the "Comprehensive Park Plan And Development Guide Plan" used in evaluating the adequacy of proposed park and recreation areas. These factors shall include size, shape, topography, geology, hydrology, tree cover, access and location. Land with dead trees, trash, junk, pollutants and unwanted structures is not acceptable, unless the developer first removes the unacceptable material. (Ord. 1157, 6-11-2007)

11-4-4: GENERAL REQUIREMENTS:

- A. Parks And Recreation Advisory Commission Recommendation: Prior to the preliminary plat approval, the parks and recreation advisory commission shall recommend to the city council the land and/or cash contribution requirements for proposed subdivision.
- B. Change In Density: Any increase in density of a platted or proposed subdivision shall be reviewed by the parks and recreation advisory commission and the council for reconsideration of park land and/or cash contribution requirements.
- C. Additional Purchase: When a proposed park, playground, recreation area, or other public ground is indicated in the city's official map or adopted comprehensive plan and is located in whole or in part within a proposed subdivision, it shall be designated as such on the plat. If the subdivider elects not to dedicate an area in excess of the land required

hereunder for such proposed public site, the city may consider acquiring the site through purchase.

- D. Relationship To Other Open Space: The amount of land to be dedicated by a subdivider shall be based on the gross area of the proposed subdivision. The amount of land to be dedicated by a subdivider shall be based on the density of development. Such dedication shall be consistent with the comprehensive plan and "Comprehensive Park Plan And Development Guide Plan" for future parks.
- E. Partial Credit: Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for partial credit, at the discretion of the city council, against the land or cash dedication requirement for park and recreation purposes, provided the city council finds it is in the public interest to do so.
- F. Change Of Requirements: The city, upon consideration of a particular type of development, may require larger or smaller parcels of land than provided in section 11-4-5 of this chapter to be conveyed to the city if the city determines that present or future residents would require greater or lesser land for park and playground purposes. (Ord. 1157, 6-11-2007)

11-4-5: LAND DEDICATION:

- A. In a subdivision where a land dedication is required, the following formula will be used as a guide to the park land dedication requirements which shall be made at time of final plat approval:

Zoning District	Land Dedication (Percentage Of Land Subdivided)
A and E	5
R-1 and R-2	10
R-3A and R-3B	20
R-3C	30
B, I and P	10

- B. Land proposed to be dedicated for public purposes shall meet identified needs of the city as contained in the "Comprehensive Park Plan And Development Guide Plan" and the comprehensive plan.
- C. Prior to dedication, the subdivider shall deliver to the city attorney a title insurance commitment and a title insurance policy in favor of the city. The dedicated land shall be conveyed by warranty deed. Such title shall vest in the city good and marketable title, free and clear of any mortgages, liens, encumbrances, assessments and taxes. The conveyance documents shall be in such form acceptable to the city.
- D. The required dedication and/or payment of fees in lieu of land dedication shall be made at the time of final plat approval.
- E. The removal of trees and topsoil, the storage of construction equipment, the burying of construction debris, and stockpiling are strictly forbidden without the written approval of the director of parks and recreation.
- F. Grading and utility plans which may affect or impact the proposed park dedication shall be reviewed and approved by the parks and recreation director prior to dedication, or at such time as reasonably determined by the director of parks and recreation.
- G. 1. To be eligible for park dedication credit, land dedicated must be located outside of drainways, floodplains or ponding areas. Land with grades exceeding twelve percent (12%) or unsuitable for parks development shall be considered for partial dedication.
2. Where ponding has been determined by the city council to have a park function, credit will be given at a rate of fifty percent (50%) of the pond and adjoining land area below the high water level. A minimum of seventy percent (70%) of land above the high water mark shall be dedicated before pond credit is granted. Other city park dedication policies relating to pond dedication must also be complied with.
3. In those cases where the subdividers and developers of land provide significant amenities such as, but not limited to, swimming pools, tennis courts, handball fields, etc., within the development for the benefit of those residing or working therein, and where, in the judgment of the director of parks and recreation, such amenities significantly reduce the demands for public recreational facilities to serve the development, the director of parks and recreation may recommend to the parks and recreation advisory commission and the city council that the amount of land to be dedicated for park, playground, and public open area space (or cash contributions in lieu of such dedication) be reduced by an amount not to exceed twenty five percent (25%) of the amount calculated under this section.

- H. The city may determine that the subdivider create and maintain some form of on site recreation use by the site residents such as tot lots and open play space. This requirement may be in addition to the land or cash dedication requirement.
- I. The subdivider must provide finished grading and ground cover for all park, playground, trail and public open spaces within the development as part of the development contract or site plan approval responsibilities. Landscape screening shall be in accordance with city policy.
- J. The subdivider must establish park boundary corners for the purpose of erecting park limit signs. The developer shall contact the appropriate parks and recreation department personnel for the purpose of identifying park property corners.
- K. The subdivider must provide sufficient public road frontage of not less than three hundred feet (300') for neighborhood parks and additional frontage for community parks. (Ord. 1157, 6-11-2007)

11-4-6: CASH CONTRIBUTION:

- A. Residential Subdivisions: The following cash contribution fees shall be made at the time of final plat approval:

Single-Family Detached		
Average Market Value	Units Per 100 Population	Cash Equivalent Per Residential Unit
\$129,362.00	32.25	\$4,011.00

Multi-Family Units (eg., Condominium, Townhome, Apartments)		
Average Market Value	Units Per 100 Population 3x	Cash Equivalent Per Residential Unit
\$216,056.00	54.7	\$3,950.00

B. Commercial (B), Industrial (I) and Institutional (P) Subdivisions: The following cash contribution fees shall be made at the time of final plat approval:

Zoning District	Cash Dedication (Per Acre)
P	\$6,000.00
B	7,000.00
I-1 and I-2	5,500.00
OP	7,000.00

C. Review Of Rates: Cash dedication rates will be reviewed annually and established by ordinance of the city council. (Ord. 1158, 6-11-2007; amd. 2008 Code)

11-4-7: COMBINATION OF CASH AND LAND:

The city and developer may arrange a combination of cash, land, and/or development of the land for park purposes to fulfill the dedication/contribution requirements. (Ord. 1157, 6-11-2007)

11-4-8: MIXED USES:

Planned developments with mixed land uses shall make cash and/or land contributions in accordance with this chapter based upon the percentage of land devoted to the various uses. (Ord. 1157, 6-11-2007)

11-4-9: PARK ACQUISITION AND DEVELOPMENT FUND:

Cash contributions shall be deposited in the city park acquisition and development fund and shall only be used for purposes authorized by state law. Expenditures from the park acquisition and development fund shall be authorized by the city council. The parks and recreation advisory commission may recommend expenditures to the city council. (Ord. 1157, 6-11-2007)

**Proposed
Park Dedication
Ordinance**

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE,
SECTIONS 11-4-5 AND 11-4-6 RELATING TO PARK DEDICATION AND
CONTRIBUTION REQUIREMENTS**

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS FOLLOWS:

Section 1. Amendment. Section 11-4-5 of the Inver Grove Heights City Code is hereby amended to read as follows:

11-4-5: LAND DEDICATION:

A. In a subdivision where a land dedication is required, the following formula will be used as a guide to the park land dedication requirements which shall be made at time of final plat approval:

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Zoning District	Land Dedication (Percentage Of Land Subdivided)
A and E	5
R-1 and R-2	10
R-3A and R-3B	20
R-3C	30
B, I and P	10

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Zoning District	Land Dedication (Percentage Of Land to be Dedicated to the City)
A and E-1 and E-2	to be determined by Council at time of final plat
R-1 and R-2	9%
R-3A and R-3B	18%
R-3C	30%
B-1, B-2, B-3, B-4	4.5%
I-1 and I-2	4.5%
P	4.5%

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Pursuant to Minn. Stat. § 462.358, Subd. 2b(a), the percentages shown above shall be multiplied by the buildable land within the subdivision. For this calculation, the buildable land means the area being subdivided remaining after excluding those portions that are either:

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1. Encumbered by right of way for arterial roads as defined in the Inver Grove Heights comprehensive plan;
2. Lying below the ordinary high water level of public waters as identified in the shoreland overlay district (see chapter 13, article B of title 10); or
3. Lying within the boundaries of wetlands delineated according to the Minnesota wetland conservation act; or
4. Bluffs in shoreland overlay districts abutting public waters.

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When outlots are part of the subdivision and are intended to be replatted into buildable lots in the future, the percentages of dedication shown above shall not be applied to the land area within the outlots; when the outlots are later replatted into buildable lots, the dedication percentages shall then be applied. If the outlots are not intended to be replatted, but are intended to remain as outlots, the dedication percentages shown above shall be applied to the land area contained in such outlots.

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B. Land proposed to be dedicated for public purposes shall meet identified needs of the city as contained in the "Comprehensive Park Plan And Development Guide Plan" and the comprehensive plan.

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C. Prior to dedication, the subdivider shall deliver to the city attorney a title insurance commitment and a title insurance policy in favor of the city. The dedicated land shall be conveyed by warranty deed. Such title shall vest in the city good and marketable title, free and clear of any mortgages, liens, encumbrances, assessments and taxes. The conveyance documents shall be in such form acceptable to the city.

D. The required dedication and/or payment of fees in lieu of land dedication shall be made at the time of final plat approval.

E. The removal of trees and topsoil, the storage of construction equipment, the burying of construction debris, and stockpiling are strictly forbidden without the written approval of the director of parks and recreation.

F. Grading and utility plans which may affect or impact the proposed park dedication shall be reviewed and approved by the parks and recreation director prior to dedication, or at such time as reasonably determined by the director of parks and recreation.

G. 1- To be eligible for park dedication credit, land dedicated must be located outside of drainways, floodplains or ponding areas. Land with grades exceeding twelve percent (12%) or unsuitable for parks development shall be considered for partial dedication.

2- Where ponding has been determined by the city council to have a park function, credit will be given at a rate of fifty percent (50%) of the pond and adjoining land area below the high water level. A minimum of seventy percent (70%) of land above the high water mark shall be dedicated before pond credit is granted. Other city park dedication policies relating to pond dedication must also be complied with.

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3- In those cases where the subdividers and developers of land provide significant amenities such as, but not limited to, swimming pools, tennis courts, handball fields, etc., within the development for the benefit of those residing or working therein, and where, in the judgment of the director of parks and recreation, such amenities significantly reduce the demands for public recreational facilities to serve the development, the director of parks and recreation may recommend to the parks and recreation advisory commission and the city council that the amount of land to be dedicated for park, playground, and public open area space (or cash contributions in lieu of such dedication) be reduced by an amount not to exceed twenty five percent (25%) of the amount calculated under this section.

H. The city may determine that the subdivider create and maintain some form of on site recreation use by the site residents such as tot lots and open play space. This requirement may be in addition to the land or cash dedication requirement.

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I. The subdivider must provide finished grading and ground cover for all park, playground, trail and public open spaces within the development as part of the development contract or site plan approval responsibilities. Landscape screening shall be in accordance with city policy.

J. The subdivider must establish park boundary corners for the purpose of erecting park limit signs. The developer shall contact the appropriate parks and recreation department personnel for the purpose of identifying park property corners.

K. The subdivider must provide sufficient public road frontage of not less than three hundred feet (300') for neighborhood parks and additional frontage for community parks. (Ord. 1157, 6-11-2007)

Section 2. Amendment. Section 11-4-6 of the Inver Grove Heights City Code is hereby amended to read as follows:

11-4-6: CASH CONTRIBUTION:

A. Residential Subdivisions: The following cash contribution fees per residential unit shall be made at the time of final plat approval:

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Single Family Detached		
Average Market Value	Units Per 100 Population	Cash Equivalent Per Residential Unit
\$129,362.00	32.25	\$4,011.00

Multi Family Units (eg., Condominium, Townhome, Apartments)		
Average Market Value	Units Per 100 Population	Cash Equivalent Per Residential Unit
\$216,056.00	54.7	\$3,950.00

Zoning District	Cash Contribution Per Residential Unit
A, E-1 and E-2	\$2,850.00 per unit
R-1 and R-2	\$2,850.00 per unit
R-3A and R-3B	\$4,000.00 per unit
R-3C	\$4,900.00 per unit

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B. Commercial (B), Industrial (I) and Institutional (P) Subdivisions: The following cash contribution fees per acre shall be made at the time of final plat approval:

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Zoning District	Cash Dedication (Per Acre)
P	\$6,000.00
B	7,000.00
I-1 and I-2	5,500.00
OP	7,000.00

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Zoning District	Cash Dedication (Per Acre)
P	\$7,000.00 per acre
B-1, B-2, B-3, and B-4	\$7,000.00 per acre
I-1 and I-2	\$6,000.00 per acre

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Pursuant to Minn. Stat. § 462.358, Subd. 2b(a), the per acre contribution shall be applied to the portion of buildable land in the subdivision; for this calculation, the

buildable land means the area being subdivided remaining after excluding those portions that are either:

1. Encumbered by right of way for arterial roads as defined in the Inver Grove Heights comprehensive plan;
2. Lying below the ordinary high water level of public waters as identified in the shoreland overlay district (see chapter 13, article B of title 10); or
3. Lying within the boundaries of wetlands delineated according to the Minnesota wetland conservation act; or
4. Bluffs in shoreland overlay districts abutting public waters.

C. Review Of Rates: Cash dedication rates will be reviewed annually and established by ordinance of the city council. (Ord. 1158, 6-11-2007; amd. 2008 Code)

D. Already Existing Residential Unit: If the subdivision includes a residential unit that existed prior to the subdivision and if that already existing residential unit previously paid a park contribution or was constructed at a time that the City Code did not require a park contribution fee, then that particular residential unit shall not be subject to the park contribution fee imposed by this Section.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed in regular session of the City Council on the ____ day of February, 2014.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

By: _____
Melissa Kennedy, Deputy City Clerk

Resolution Outlining Park Dedication Methodology

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

**A RESOLUTION MEMORIALIZING THE METHODOLOGY USED TO ESTABLISH
PARK DEDICATION AND CONTRIBUTION FEES**

WHEREAS, Minn. Stat. § 462.358, Subd. 2b(a) grants the City the authority to require that a reasonable portion of the buildable land, as defined by City ordinance, of any proposed subdivision be dedicated to the City for parks, recreational facilities as defined by Minn. Stat. § 471.91 and playgrounds.

WHEREAS, Minn. Stat. § 462.358, Subd. 2b(c) provides that the City may “accept a cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision, based on the average fair market value of the unplatted land for which park fees have not already been paid that is, no later than at the time of final approval or under the city’s adopted comprehensive plan, to be served by municipal sanitary sewer and water service or community septic and private well as authorized by state law. For purposes of redevelopment on developed land, then municipality may choose to accept a cash fee based on fair market value of the land no later than the time of final approval.”

WHEREAS, Minn. Stat. § 462.358, Subd. 2c(a) provides as follows:

Subd. 2c. Nexus. (a) There must be an essential nexus between the fees or dedication imposed under subdivision 2b and the municipal purpose sought to be achieved by the fee or dedication. The fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Inver Grove Heights, Minnesota does hereby memorialize the methodology and computations that the City made in setting the park contribution and dedication fees in or about February, 2014:

1. **Need for Parkland.** Per national standards, the City needs minimum of ten (10) acres of parkland for every 1,000 persons; or one (1) acre for every 100 persons.
2. **Single Family Development-Persons per Household.** Single family development yields about three (3) persons per household.
3. **Multi-Family Development-Persons per Household.** Multi-family development yields about two (2) persons per household.
4. **R-1 and R-2 Zoned Land.** The average fair market value of unplatted land zoned R-1 or R-2 is \$95,000.00 per acre.

R-1 and R-2 zoned land yields about three (3) residential units per acre and approximately nine (9) persons per acre.

The dedication requirement was established at nine (9%) percent of the land being subdivided. The contribution requirement was determined by multiplying \$95,000.00 by nine (9%) percent and then dividing by three (3) units per acre to arrive at a contribution fee of \$2,850.00 per residential unit.

5. **R-3A and R-3B Zoned Land.** The average fair market value of unplatted land zoned R-3A or R-3B is about \$200,000.00 per acre (which is about eighty (80%) percent of R-3C valued land at \$245,000.00 per acre).

R-3A and R-3B zoned land yields about nine (9) residential units per acre and approximately eighteen (18) persons per acre.

The dedication requirement was established at eighteen (18%) percent of the land being subdivided. The contribution requirement was determined by multiplying \$200,000.00 by eighteen (18%) percent and then dividing by nine (9) units per acre to arrive at a contribution fee of \$4,000.00 per residential unit.

6. **R-3C Zoned Land.** The average fair market value of unplatted land zoned R-3C is \$245,000.00 per acre.

R-3C zoned land yields about fifteen (15) residential units per acre and approximately thirty (30) persons per acre.

The dedication requirement was established at thirty (30%) percent of the land being subdivided. The contribution requirement was determined by multiplying \$245,000.00 by thirty (30%) percent and then dividing by fifteen (15) units per acre to arrive at a contribution fee of \$4,900.00 per residential unit.

7. **B-1, B-2, B-3 and B-4 Zoned Land.** The average fair market value of unplatted land zoned B-1, B-2, B-3 or B-4 is \$3.50 per square foot or \$152,460.00 per acre.

Based on 4.5 persons per acre in terms of park need, the per acre contribution amount is \$6,860.70 per acre (rounded to \$7,000.00 per acre) and the dedication amount is 4.5% of land. The dedication amount of 4.5% is about one-half of the impact of single family land.

8. **Industrial (I-1 and I-2) Zoned Land.** The average fair market value of unplatted land zoned I-1 or I-2 is \$3.00 per square foot or \$130,680.00 (say \$130,000.00) per acre.

Industrial land has about one-half the impact of single family land. Industrial land will yield about 4.5 persons per acre in terms of park need. Industrial land is worth about \$3.00 per square foot or \$130,000.00 per acre. The per acre contribution is \$5,850.00 (rounded to \$6,000.00) per acre and the dedication requirements is 4.5% of land.

9. **Institutional ("P") Zoned Land.** The average fair market value of unplatted land zoned P is \$3.50 per square foot or \$152,460.00 per acre.

Based on 4.5 persons per acre in terms of park need, the per acre contribution amount is \$6,860.70 per acre (rounded to \$7,000.00 per acre) and the dedication amount is 4.5% of land. The dedication amount of 4.5% is about one-half of the impact of single family land.

10. **Agricultural and Estate (A, E-1 and E-2) Zoned Land.** For land zoned A, E-1 or E-2, the contribution fee per residential unit was set at the same amount as the contribution fee per residential unit for land zoned R-1, namely the amount of \$2,850.00 per unit.

The dedication requirement will be determined by the Council at the time of final plat.

Adopted by the City Council of Inver Grove Heights this ____ day of February, 2014.

George Tourville, Mayor

ATTEST:

Melissa Kennedy, Deputy City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Approve Carryover of Public Safety Contributions and Donations Received but Unspent to the 2014 Budget

Meeting Date: January 27, 2014
 Item Type: Regular
 Contact: Kristi Smith 651-450-2521
 Prepared by: Kristi Smith, Finance Director
 Reviewed by: Joe Lynch, City Administrator

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

PURPOSE/ACTION REQUESTED

Approve the Carryover of Unused Contributions and Donations received by the Police and Fire Departments.

SUMMARY

In prior years the Police and Fire Departments received the following donations, contributions, and miscellaneous funds that remain unspent:

Beyer Trust Fund	\$53,276.14
Court Judgement of Unclaimed Property	10,617.15
Abandoned Property	6,199.09
Dakota County Crime Victim Panel	3,200.00
Drive Right 365	1,000.00
Rick and Janine Potter	1,000.00
In memory of Stan Bisch	500.00
Inver Grove Heights Animal Hospital	500.00
Mr. H.W. Michie	300.00
Alerus Mortgage on behalf of Matthew Anderson	100.00
Residential Mortgage Group	<u>100.00</u>
Total	\$76,792.38

Funds will be used for one-time purchases that do not require ongoing maintenance such as ballistic bunkers, department issued firearms, badges, display tent, BullEx advanced fire trainer, BullEx barbecue grill fire training prop and miscellaneous small tools and equipment.

We are requesting carryover of unused contributions and donations to the 2014 Budget. Requests are as follows:

General Fund

- Police – Public Education Material - \$1,000
- Police – Supplies – Training - \$36,700
- Police – Small Tools & Misc. Equipment - \$1,900
- Police – Uniforms & Clothing - \$9,200
- Fire – Supplies - Training - \$25,800

- Fire – Small Tools & Misc. Equipment - \$1,600
- Fire – Supplies – Other - \$600

RECOMMENDATION

Staff recommends approval of the resolution approving carryovers for Police and Fire contributions and donations received but unspent.

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

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING AND DIRECTING THE CARRYOVER OF UNSPENT
CONTRIBUTIONS AND DONATIONS BY AMENDING THE 2014 BUDGET**

WHEREAS, the Police and Fire Departments have received contributions and donations in prior fiscal years, and

WHEREAS, portions of those contributions and donations have not yet been expended.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY OF INVER GROVE HEIGHTS: that the 2014 Budgets are hereby amended as follows:

General Fund:

Police Department	101.42.4000.421.60006	Increase	\$1,000
Police Department	101.42.4000.421.60018	Increase	36,700
Police Department	101.42.4000.421.60040	Increase	1,900
Police Department	101.42.4000.421.60045	Increase	9,200
Fire Department	101.42.4200.423.60018	Increase	25,800
Fire Department	101.42.4200.423.60040	Increase	1,600
Fire Department	101.42.4200.423.60065	Increase	600
Contribution from Fund Balance	101.00.0000.3991000	Increase	76,800

Adopted by the City of Inver Grove Heights this 27th day of January 2014.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Melissa Kennedy, Deputy Clerk

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

ATTORNEYS AT LAW

TIMOTHY J. KUNTZ
DANIEL J. BEESON
*KENNETH J. ROHLF
◊STEPHEN H. FOCHLER
◊JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
*KORINE L. LAND
ANN C. O'REILLY
◻*DONALD L. HOEFT
DARCY M. ERICKSON
DAVID S. KENDALL
BRIDGET McCAULEY NASON
DAVID B. GATES
•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
• ROGER C. MILLER
1924-2009

MEMO

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

TO: Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: January 23, 2014
RE: City Ordinance Related to Alcoholic Beverages – January 27, 2014 Council Meeting

Section 1. Background. At the January 13, 2014 Council meeting, the Council had the second reading of the attached ordinance. No changes were made to the ordinance.

Section 2. Council Action. The ordinance is on the January 27, 2014 Council agenda for third reading. No changes have been made from the second reading.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Proposed Ordinance Amending City Code Provisions Related to Alcoholic Beverages – Supplemental Information

Meeting Date: January 27, 2014
 Item Type: Regular Agenda
 Contact: 651.450.2513
 Prepared by: Melissa Kennedy
 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

Staff solicited feedback from current liquor license holders regarding the proposed ordinance amending City Code provisions related to alcoholic beverages. Information regarding the proposed ordinance amendments was posted on the City website for review and all liquor license holders were invited to an informational session held on January 21st at City Hall. Feedback was received from three (3) licensees and their various comments are outlined below.

L.W.'S Bierstube

-The on-site manager inquired about the law prohibiting alcohol sales prior to 10 am on Sundays. The establishment wanted to see this changed to 8 am to coincide with their breakfast service. Staff advised that the hours of sale were governed by state law and the City did not have the authority to be less restrictive than state law.

Jersey's Bar & Grill

-The licensee questioned if the hours of operation on Sunday were extended to 2 am for on-sale establishments holding the Optional 2AM license from the State if a separate Sunday license would still need to be applied for and issued. Staff advised that Sunday licenses were applied for, issued, and reported separately and the proposed ordinance amendment would not change that practice.

-The licensee questioned how many on-sale licenses were currently available in the City. Staff advised that the City currently had no maximum limit for on-sale licenses and the amendments did not propose instituting a limit on the number of on-sale licenses that could be issued by the City.

-The licensee opposed the current license fee structure for on-sale intoxicating license holders and suggested implementation of a flat license fee, perhaps \$5,000. He stated the current fee structure, based on gross annual liquor sales, made it harder to be competitive with other establishments. He also cited increasing overhead and insurance costs for business owners that were making it harder to stay in business. He added a flat fee may also help Inver Grove Heights attract new establishments that may be deciding between locating their business in this city or a surrounding city.

Staff explained that the fee structure was not a part of the City Code provisions and instead was set annually by a resolution adopting license, permit, and service fees for the City. Comments were forwarded to the City Council to determine if further examination of the issue was desired at this time.

Drkula's

-The licensee also raised concerns about the fee structure and echoed the suggestions made regarding implementation of a flat rate license fee for on-sale intoxicating licenses. It was also suggested that new licensees be given a discount for their first year of business to provide an incentive to locate their business in Inver Grove Heights and to compensate for the costs associated with opening a new business.

-The licensee wanted to ensure that the process to obtain approval for temporary expansion of a licensed premises for special events would not change from current practice.

Staff advised the intent was simply to memorialize the current practice in the ordinance to ensure that all requests were handled in the same manner and that all licensees were aware of the process and requirements.

CITY OF INVER GROVE HEIGHTS

DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE REPEALING INVER GROVE HEIGHTS CITY CODE,
TITLE 4, CHAPTER 1, ARTICLES A, B, C, AND D
RELATED TO ALCOHOLIC BEVERAGES AND ENACTING INVER GROVE
HEIGHTS CITY CODE TITLE 4, CHAPTER 1 RELATED TO ALCOHOLIC
BEVERAGES**

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS
FOLLOWS:

Section One. Repeal and Replacement. Title 4, Chapter 1, Article A, of the Inver Grove Heights City Code is hereby repealed in its entirety and replaced as follows and the following is hereby ordained and adopted:

4-1-1: STATE LAW ADOPTED:

The provisions of Minnesota statutes chapter 340A, commonly known as the Liquor Act, with reference to the definition of terms, application for license, granting of license, conditions of license, restrictions on consumption, provisions on sales, conditions of bonds of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of alcoholic beverages are hereby adopted and made a part of this chapter as if fully set forth herein, except as modified herein. Whenever there is an inconsistency between the provisions of Minnesota statutes chapter 340A and the provisions of this chapter, the more restrictive shall control. (Ord. 1078, 2-9-2004)

4-1-2: DEFINITIONS:

In addition to the definitions set forth in Minnesota statutes chapter 340A, the following words are defined for the purpose of this chapter as follows:

A. "Restaurant" means an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly served at tables to the general public and which also meets the following requirements:

1. Seating capacity for at least fifty (50) guests;
2. At least seven hundred fifty (750) square feet of seating area for guests;
3. Has a printed menu for each guest at the table;

4. Prepares and serves hot meals on the site of the establishment;
 5. Has nonplastic eating utensils for guests;
 6. Has on the site a conventional stove, oven or grill for preparation of hot meals and not just a microwave oven; and
 7. Has a valid health department restaurant license. (Ord. 1078, 2-9-2004)
- B. "Alcoholic beverage" means any beverage containing more than one-half of one percent alcohol by volume.
- C. "Liquor," when used without modification by the words "intoxicating" or "3.2 percent malt liquor," includes all forms of alcoholic beverages.

4-1-3: LICENSE REQUIRED:

No person, except a wholesaler or manufacturer to the extent authorized under state law, shall directly or indirectly, on any pretense or by any device, deal in, sell, barter, keep for sale, charge for possession, or otherwise dispose of or deliver any alcoholic beverage as part of a commercial transaction without first having received a license or permit to do so as provided in this chapter and State law. (Ord. 1078, 2-9-2004)

4-1-4: TYPES OF LICENSES:

A. There shall be the following types of liquor licenses:

On-sale intoxicating liquor license

Off-sale intoxicating liquor license

On-sale wine license

Temporary off-sale wine license

Club intoxicating liquor license

Sunday on-sale intoxicating liquor license

Temporary on-sale intoxicating liquor license

Consumption and display permit

One day consumption and display permit

On-sale 3.2 percent malt liquor license

Off-sale 3.2 percent malt liquor license

Temporary on-sale 3.2 percent malt liquor license

Culinary class limited on-sale license

On-sale brewer taproom license.

Off-sale small brewer license.

B. Liquor licenses may be issued as follows:

1. **On-Sale Intoxicating Liquor License:** On-sale intoxicating liquor licenses may be issued to hotels that have an on-site restaurant as defined in this chapter, clubs or congressionally chartered veterans organizations with the approval of the Commissioner of Public Safety, theaters, restaurants and exclusive liquor stores and shall permit the on-sale of alcoholic beverages.
2. **Off-Sale Intoxicating Liquor License:** Off-sale intoxicating liquor licenses may be issued to exclusive liquor stores whose fixtures and structures, exclusive of land, have a fair market value of at least fifty thousand dollars (\$50,000.00) and shall permit off-sales of alcoholic beverages.
3. **On-Sale Wine License:** On-sale wine licenses may be issued to theaters and restaurants and shall permit only the sale of wine not exceeding fourteen percent (14%) alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. The holder of an on-sale wine license who is also licensed to sell 3.2 percent malt liquor on-sale pursuant to Minnesota statutes section 340A.411 and this chapter, has seating capacity for at least twenty-five (25) people at one time and whose gross receipts are at least sixty percent (60%) attributable to the sale of food may also sell intoxicating malt liquor on-sale without an additional license.
4. **Temporary Off-Sale Wine License:** Temporary off-sale wine licenses may be issued for the off-sale of wine at an auction with the approval of the Commissioner of Public Safety. A temporary off-sale wine license authorizes the sale of only vintage bottle wine that is at least five years old and is of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than six hundred cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by the issuing city or county. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except section 340A.409 and those laws and ordinances which by their nature are not applicable.
5. **Club Intoxicating Liquor License:** A club intoxicating liquor license may be issued to a club or congressionally chartered veterans' organization which has been in existence for at least three (3) years. Said club license shall permit the sale of alcoholic beverages to members and bona

fide guests only, except that a club may permit the general public to participate in a wine tasting conducted at the club under Minnesota statutes section 340A.419.

6. **Sunday On-Sale Intoxicating Liquor License:** A Sunday on-sale intoxicating liquor license may be issued only to hotels, clubs, and restaurants that hold an on-sale intoxicating liquor license and meet all state statutory requirements for issuance of a Sunday on-sale license. A Sunday on-sale intoxicating liquor license shall permit the sale of intoxicating liquor for consumption on the premises between the hours of ten a.m. (10:00 a.m.) on Sunday and two a.m. (2:00 a.m.) on Monday in conjunction with the sale of food.
7. **Consumption and Display Permit:** A consumption and display permit may be issued to an organization that complies with the requirements of Minnesota statutes section 340A 414 and that has obtained a permit from the Commissioner of Public Safety.
8. **Temporary On-Sale Intoxicating Liquor License:** Temporary on-sale intoxicating liquor licenses may be issued to a club, charitable, religious, or other nonprofit organizations in existence for at least three years, a political committee registered under Minnesota statutes section 10A.14, or a state university in connection with a social event within the city sponsored by the licensee. No license shall be for longer than four consecutive days, and the city shall issue no more than twelve (12) days' worth of temporary licenses to any one organization in one calendar year.
9. **One Day Consumption and Display Permit:** One day consumption and display permits may be issued to nonprofit organizations in conjunction with a social activity in the city sponsored by the organization. (Ord. 1242, 10-10-2011)
10. **On-Sale Brewer Taproom License:** On-sale brewer taproom licenses may be issued to the holder of a brewer's license under Minnesota statutes section 340A.301, subdivision 6, clauses (c), (i), or (j) and shall permit the sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to a brewery location owned by the brewer.
11. **Off-Sale Small Brewer License:** Off-sale small brewer licenses may be issued to a brewer licensed under Minnesota statutes section 340A.310, subdivision 6, clause (c), (i), or (j) and shall permit the off-sale of malt liquor at the brewer's license premises.
12. **On-Sale 3.2 Percent Malt Liquor License:** On-sale 3.2 percent malt liquor licenses may be issued only to golf courses, bona fide clubs, restaurants and hotels where food is prepared and served for consumption on the premises and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks. On-sale 3.2 percent malt liquor licenses shall permit the sale of 3.2 percent malt liquor for consumption on the premises only.
13. **Off-Sale 3.2 Percent Malt Liquor License:** Off-sale 3.2 percent malt liquor licenses may be granted to general food stores and to gasoline service stations where nonalcoholic beverages are also sold. Off-sale 3.2 percent malt liquor licenses shall permit the sale of 3.2 percent malt liquor at retail in the original package for consumption off the premises only.

- 14. Temporary On-Sale 3.2 Percent Malt Liquor License: Temporary on-sale 3.2 percent malt liquor licenses may be issued to clubs, charitable, religious, and nonprofit organizations.
- 15. Culinary Class Limited On-Sale License: A limited on-sale intoxicating liquor license may be issued to a business establishment: (1) not otherwise eligible for an on-sale intoxicating liquor license; and (2) that, as part of its business, conducts culinary or cooking classes for which payment is made by each participant or advance reservation required. The license authorizes the licensee to furnish to each participant in each class, at no additional cost to the participant, up to a maximum of six ounces of wine or twelve ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premises only.

4-1-5: NUMBER OF LICENSES:

The following number of licenses and permits may be issued or approved by the city, although there is no obligation for the city to issue or approve any prescribed minimum number:

Type	Number
On-sale intoxicating liquor license for hotels	No maximum limit
On-sale intoxicating liquor license for theaters	No maximum limit
On-sale intoxicating liquor license for restaurants	No maximum limit
On-sale intoxicating liquor license for exclusive liquor stores	18
On-sale intoxicating liquor license for clubs/congressionally chartered veterans organizations	No maximum limit
On-sale wine license	No maximum limit
Sunday on-sale intoxicating liquor license	No maximum limit
Off-sale intoxicating liquor license	No maximum limit
Temporary on-sale intoxicating liquor license	No maximum limit
One day consumption and display permit	10 per year
On-sale brewer taproom license	No maximum limit
Off-sale small brewer license	No maximum limit
On-sale 3.2 percent malt liquor license	No maximum limit
Off-sale 3.2 percent malt liquor license	No maximum limit

Temporary on-sale 3.2 percent malt liquor license	No maximum limit
Culinary class limited on-sale license	No maximum limit
Consumption and display permit	No maximum limit

(Ord. 1242, 10-10-2011)

4-1-6: INELIGIBILITY FOR LICENSE; RESTRICTIONS ON ISSUANCE:

- A. No license or permit shall be granted to any person, place, or business made ineligible for such license or permit by federal or state law or the provisions of the city code.
- B. No license shall be granted to a person who is under twenty-one years of age or who is not of good moral character and repute, nor to any person who, within five (5) years prior to the application of such license, has been convicted of a felony or of any willful violation of the laws of the United States, of the state of Minnesota or of any local ordinance with regard to the manufacture, sale, distribution, or possession for sale or distribution of liquor, nor to any person whose license under the Liquor Act has been revoked for any willful violation of any such laws or ordinances.
- C. No license shall be issued to any person in connection with the premises of another to whom no license could be issued under the provisions of the Liquor Act; provided that this subsection shall not prevent the granting of a license to a proper lessee by reason of the fact that he/she has leased the premises of a minor or a person who has been convicted of a crime other than a violation of the Liquor Act.
- D. No more than one license shall be issued to any person in the city except as otherwise specifically provided for in the Liquor Act.
- E. No license shall be granted for any premises which has a common entrance or exit between any two (2) establishments, except that a public concourse or public lobby shall not be construed as a common entrance or exit.
- F. No license shall be granted to a corporation which has a manager who would be ineligible to receive a license as an individual pursuant to the provisions of this chapter or under state law.
- G. No license shall be granted to an individual who, in the judgment of the council, is not the real party in interest or beneficial owner of the business operated or to be operated under the license.
- H. No applicant for a license or licensee shall apply for or possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp. (Ord. 1078, 2-9-2004)

I. No off-sale intoxicating liquor license may be granted for a facility located on a parcel which lies within five hundred feet (500') of a parcel on which a school or church is located. The distance established herein shall be measured between the nearest property lines of the parcels.

For the purposes of this subsection, "parcel" means the lots on which the subject building exists, plus the adjoining lots used in conjunction with the liquor facility, church or school including any parking areas.

Provided, however, the following exceptions and qualifications to the above stated distance requirement shall apply:

1. Licenses that existed on October 1, 1995, for locations that do not meet the requirements of this subsection may nonetheless be renewed or transferred for such locations.
2. If a school or church in the future expands or is built within five hundred feet (500') of a licensed location that did meet the requirements of this subsection, the license may nonetheless be renewed or transferred for such location.
3. If a government entity acquires a licensed location that was within five hundred feet (500') of a school parcel or church parcel, then the license may be transferred to another location within five hundred feet (500') of the same school parcel or the same church parcel as long as the relocation occurs within forty two (42) months after the acquisition by the government entity.
4. If a government entity acquires a licensed location that was within five hundred feet (500') of a school parcel or church parcel, then the license may be temporarily transferred to another location for a period up to thirty (30) months within five hundred feet (500') of any school parcel or any church parcel as long as the relocation occurs within six (6) months after the acquisition by the government entity; in such instance, the authorization for the temporary relocated site expires after thirty (30) months from the time that the city issued the license for the relocated site; after the thirty (30) month period, the relocated site is no longer eligible for an off-sale intoxicating liquor license. (Ord. 1233, 3-28-2011)

J. No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the city or any other government unit or agency are delinquent and unpaid.

4-1-7: APPLICATION FOR INITIAL LICENSE:

A. Verification: Every application for a liquor license shall be made on the form required by the city and shall be verified and filed with the clerk. No person shall make a false statement in any application.

B. Required Information for All Licenses Other than Temporary Licenses:

1. All Applicants:

- a. In addition to any information required by the Minnesota Department of Public Safety, an initial application for a liquor license shall also contain the information required herein, as well as any other information that the council may require.
 - b. Whether the applicant is a natural person, corporation, partnership or other form of organization.
 - c. The type of license the applicant seeks.
 - d. The exact legal description of the premises to be licensed, together with a drawing of the area showing dimensions, location of buildings, street access, parking facilities and the locations of and distances of any nearby church building and school grounds.
 - e. The street number and address of the premises where the sale of liquor is to be conducted and the rooms where liquor is to be sold or consumed. An applicant for an on-sale license shall submit a floor plan of the dining room or dining rooms which shall be open to the public, shall show dimensions and shall indicate the number of persons intended to be served in each of the rooms.
 - f. If a permit from the federal or state government is required, whether or not such permit has been issued, and if so required, in what name issued and the nature of the permit.
 - g. The names and addresses of all persons, other than the applicant, who have any financial interest in the business, buildings, premises, fixtures, furniture, and stock in trade; the nature of such interest, amount thereof, and terms for payment or other reimbursement. This shall include, but not be limited to, any lessees, lessors, mortgagees, mortgagors, lenders, lien holders, trustees, trustors and persons who have cosigned notes or otherwise loaned, pledged or extended security for any indebtedness of the applicant.
 - h. The value of the fixtures and structures, exclusive of land, on the premises proposed to be licensed.
2. Natural Persons: If the applicant is a natural person, the following information shall be required:
- a. True name, place and date of birth, and street residence address of applicant.
 - b. Whether applicant has ever used or been known by a name other than his/her true name, and if so, such name or names along with information concerning dates and places where used.
 - c. The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant. In such case, a copy of the certification, as required by Minnesota statutes chapter 333, certified by the clerk of the district court, shall be attached to the application.

- d. Whether applicant is married or single. If married, true name, place and date of birth and street residence address of applicant's present spouse.
 - e. Street addresses at which applicant has lived during the preceding five (5) years.
 - f. Kind, name and location of every business or occupation applicant has been engaged in during the preceding five (5) years.
 - g. Names and addresses of applicant's employers and partners, if any, for the preceding five (5) years.
 - h. Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance, other than traffic tickets. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.
 - i. Whether applicant has ever been engaged as an employee or in operating a hotel, restaurant, cafe, tavern or other business holding a liquor license. If so, applicant shall furnish information as to the time, place and length of time of such employment or operation.
3. Partnerships: If the applicant is a partnership, the names and addresses of all partners, and all information concerning each partner as is required of a single applicant in subsection B2 of this section shall be provided. A managing partner or partners shall be designated. The interest of each partner in the business shall be disclosed. If the partnership is required to file a certificate as to a trade name under the provisions of Minnesota statutes chapter 333, a true copy of such certificate, certified by the clerk of the district court, shall be attached to the application.
4. Corporations, Limited Liability Companies, and Other Entities: If the applicant is a corporation, limited liability company, or other entity, the following shall be required:
- a. Name, and if incorporated, the state of incorporation.
 - b. A true copy of the certificate of incorporation, articles of incorporation, articles of organization, or association agreement and bylaws and, if a foreign corporation, a certificate of authority, as described in Minnesota statutes chapter 303.
 - c. The name of the manager or proprietor or other agent in charge of the premises to be licensed, giving all the information about said person as is required of a single applicant in subsection B2 of this section.
 - d. A list of all persons who, alone or together with their spouse, or a parent, brother, sister or child of either of them, own or control an interest in said corporation, limited liability company, or entity or who are officers or directors of said corporation, limited liability company, or entity, together with their addresses and all information as is required of a single applicant in subsection B2 of this section.

5. Clubs: If an application is submitted by a club, whether for an on-sale or club license, the following information shall be submitted in addition to that required by Minnesota Department of Public Safety and by the previous provisions of this section:
 - a. The purpose for which the club was originally organized and for which it is now exists.
 - b. Date that club was first organized and place of such organization.
 - c. The number of members.
 - d. The name of the manager, proprietor or other person who shall be in charge of the licensed premises. (Ord. 1078, 2-9-2004).
 - e. A sworn statement by a responsible individual having personal knowledge of the facts or other documentation satisfactory to the city clerk shall be submitted with the application verifying that the club meets all the requirements of Minnesota statutes section 340A.101, subdivision 7. (Ord. 1078, 2-9-2004; amd. 2008 Code)
- C. Plans Required For On-Sale Applications: Whenever the application for an on-sale license, or for a transfer thereof, is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.
- D. Execution Of Application: If the application is by a natural person, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by a partnership, by all partners; if by an unincorporated association, by the manager or managing officer thereof. If the applicant is a partnership, the application, license and bond (or insurance policy) shall be made and issued in the name of all partners. (Ord. 1078, 2-9-2004)
- E. License Transfer Applications: Whenever a licensee's ownership changes and council approval of the licensee transfer is required, an application for a new liquor license must be completed and submitted to the city council for review and approval in the same manner as an application for a new license.

4-1-8: RENEWAL APPLICATIONS:

- A. Time For Renewal: Applications for the renewal of an existing license shall be made at least sixty (60) days prior to the date of the expiration of the license. If, in the judgment of the council, good and sufficient cause is shown by any applicant for his/her failure to file a renewal application within the time prescribed herein, the council may nevertheless receive such application.
- B. Forms; Information Required: The renewal application shall be made on such forms as may be required by the city, the Minnesota Department of Public Safety and the Minnesota Bureau of Criminal Apprehension. In addition, the applicant shall provide the information required by

the city council on such abbreviated forms A foreign corporation shall also provide a current certificate of authority.

- C. Statement Of Gross Sales; On-Sale Intoxicating Liquor Licenses: At the earliest practicable time after application is made for renewal of an on-sale intoxicating liquor license, and in any event prior to the time that the application is approved by the council, the applicant shall file with the city clerk a statement made by a certified public accountant that shows the gross liquor sales and the total food sales of the restaurant for the preceding twelve (12) month period beginning September 1 and ending on August 31. (Ord. 1078, 2-9-2004).

4-1-9: INVESTIGATION OF APPLICATIONS:

- A. Initial Application: All initial applications for a license shall be referred to the city's police department for verification and investigation of the facts set forth in the application. The police department shall cause to be made such investigation of the information requested in section 4-1-7 of this chapter as shall be necessary and shall make a written recommendation to the city council including relevant information obtained as a result of the investigation. Upon an initial application or application for a transfer of an existing license, the police department shall also conduct a preliminary background and financial investigation of the applicant.
- B. Renewal Application: All renewal applications shall be referred to the city police department for verification and investigation of the matters set forth in the abbreviated renewal application form. The police department shall make a written recommendation to the city council including relevant information obtained as a result of the investigation. If the city council deems it in the public interest to do so, the council may order that a renewal application be subjected to the same types of investigation as required for an initial application.
- C. Results Of Investigations: Without limiting the discretion of the council to deny a license application for other reasons, no license shall be issued, transferred or renewed if the results of the investigation show, in the opinion of the city council, that issuance, transfer or renewal would not be in the public interest.
- D. Investigation Fees:
1. Payment of Investigation Fee: Applicants shall pay the background investigation fee established by resolution of the city council.
 2. Additional Fees: At any time that an additional investigation is required because of a change in the ownership or control of a corporation, a partnership or an association, or because there is a change in the officers, charter, articles or bylaws of a corporation, or because there is a change in the partnership or association agreement, or because of an enlargement, alteration or extension of premises previously licensed, the licensee shall pay an additional background investigation fee in the amount established by resolution of the city council. (Ord. 1078, 2-9-2004)

4-1-10: LICENSE FEES:

- A. Amounts Established: The annual fees for the different types of licenses granted under this chapter are established by resolution of the city council. Computation of fees for on-sale intoxicating liquor licenses shall be based upon the amount of liquor sales on which a licensee is required to pay liquor tax as shown on the licensee's Minnesota sales and use tax returns for the most recent twelve (12) months beginning September 1 and ending August 31. Copies of the returns shall be verified by a certified public accountant and shall be filed along with the renewal application. Until a liquor sales base is established, the fee for a new license shall assume the gross annual liquor sales do not exceed two hundred and fifty thousand dollars (\$250,000.00).
- B. Payment: Payment of all license fees other than an on-sale intoxicating liquor license fee shall be due at the time of application. One-half of the annual license fee for a new on-sale intoxicating liquor license shall be paid before the application for the license is accepted with the remaining half of the license fee due six months later or thirty (30) days prior to the expiration of the license, whichever is sooner. The annual license fee for the renewal of an existing on-sale intoxicating license shall be paid one-half ($\frac{1}{2}$) thereof at least thirty (30) days prior to the expiration of the existing license and the other one-half ($\frac{1}{2}$) thereof on or before June 1 of the year for which the license is issued. All fees shall be paid into the general fund of the city.
- C. Refunds:
1. Upon rejection of any application for a license or upon withdrawal of an application before approval of the issuance of a license by the council, the license fee shall be refunded to the applicant except where rejection is for a willful misstatement in the license application.
 2. No part of the fee paid for any license shall be refunded except as authorized under Minnesota statutes section 340A.408, subdivision 5.
- D. Proration Of Fee:
1. The fee for a license other than a temporary license granted after the commencement of the license year shall be prorated on a quarterly basis.
 2. When the license is for a premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be the date the building is ready for occupancy or the date specified by the council at the time the license is granted, whichever is sooner.
- E. Exception: Where a new application is filed as a result of incorporation by an existing licensee and the ownership control and interest in the license are unchanged, no additional license fee will be required. (Ord. 1078, 2-9-2004)

F. Fee Reduction, Off Sale intoxicating liquor licenses: Off-sale intoxicating liquor licensees may request a reduction in their annual license fee by the amount specified in Minnesota statutes section 340A.408 if the licensee provides proof of compliance with the requirements of Minnesota statutes section 340A.408 at the time of an initial or renewal application.

4-1-11: FINANCIAL RESPONSIBILITY REQUIREMENTS:

A. Proof Of Financial Responsibility; Amounts: An applicant for a license to sell alcoholic beverages at retail shall demonstrate at the time of filing a license application proof of financial responsibility with regard to liability imposed by Minnesota statutes section 340A.409. Proof of financial responsibility may be shown by filing: (Ord. 1078, 2-9-2004; amd. 2008 Code)

1. A certificate that there is in effect for the period covered by the license an insurance policy or pool providing the following minimum coverages:

a. Fifty thousand dollars (\$50,000.00) because of bodily injury to any one person in any one occurrence, and subject to the limit for one person, in the amount of one hundred thousand dollars (\$100,000.00) because of bodily injury to two (2) or more persons in any one occurrence, and in the amount of ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one occurrence; and

b. Fifty thousand dollars (\$50,000.00) for loss of means of support of any one person in any one occurrence, and subject to the limit for one person, and one hundred thousand dollars (\$100,000.00) for loss of means of support of two (2) or more persons in any one occurrence; and

c. An annual aggregate policy limit for dramshop liability of not less than three hundred thousand dollars (\$300,000.00) per policy year may be included in the policy provisions; or

2. A bond of a surety company with minimum coverages as provided in subsection A1 of this section; or

3. A certificate from the commissioner of management and budget that the licensee has deposited with the commissioner of management and budget one hundred thousand dollars (\$100,000.00) cash or securities which may legally be purchased by savings banks or for trust funds having a market value of one hundred thousand dollars (\$100,000.00). (Ord. 1078, 2-9-2004).

B. Exemptions:

1. The provisions of subsection A of this section shall not apply to: on-sale 3.2 percent malt liquor licensees with sales of less than twenty five thousand dollars (\$25,000.00) of 3.2 percent malt liquor for the preceding year; off-sale 3.2 percent malt liquor licensees with sales of less than fifty thousand dollars (\$50,000.00) of 3.2 percent malt liquor for the preceding year; holders of on-sale wine licenses with sales of less than twenty five thousand dollars

(\$25,000.00) of wine for the preceding year; holders of temporary wine licenses issued under law; or wholesalers who donate wine to an organization for a wine tasting conducted under Minnesota statutes sections 340A.418 or 340A.419. (Ord. 1078, 2-9-2004; amd. 2008 Code)

2. At the time of filing an application for license, or at such subsequent time as may be required by state law, a licensee claiming an exclusion from the requirements of subsection A of this section shall file with the city clerk for transmission to the Minnesota Department of Public Safety an affidavit from the applicant and the applicant's accountant that sales of 3.2 percent malt liquor or wine in the preceding calendar year did not exceed the maximums set by this section.

C. Approval Of Bond Or Insurance: The surety bonds or insurance policies required by subsection A of this section shall be subject to the approval of the city clerk.

D. Surety Or Insurance Companies: The surety on such bond or the insurer on such liability insurance policy shall be a surety company or insurance company, as the case may be, duly licensed to do business in the state of Minnesota, and the bond and liability insurance policy shall run to the city and be approved as to form and execution by the city clerk. All surety bonds or liability insurance policies, when approved by the proper city or state officers, shall be deposited with the city clerk.

E. Terms Of Bond: All such bonds shall be conditioned as provided in the Minnesota statutes and shall be for the benefit of those persons described in the statutes.

F. Failure To Have Insurance Or Bond: Compliance with the financial responsibility requirements of state law and this section is a continuing condition of any license. Failure to have insurance coverage or a bond as required by this section shall be grounds for immediate revocation of the license. (Ord. 1078, 2-9-2004).

4-1-12: ISSUANCE OF LICENSES:

A. Hearing Requirement:

1. Initial Application: Within twenty (20) day after the receipt of a completed application for a liquor license or permit other than a temporary license or permit, all required supporting documentation and the written recommendation by the police department, the city clerk shall cause to be published in the official newspaper, ten (10) days in advance, a notice of a public hearing to be held by the council, setting forth the day, time and place when the hearing will be held, the name of the applicant, the premises where the business is to be conducted, the nature of the business and such other information as the council may direct. At the hearing, opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the council shall grant or deny the application in its discretion. The council may impose reasonable conditions on any license issued or renewed in order to promote the public health, safety, and welfare.

2. **Renewal Application:** The council shall hold a public hearing regarding renewal applications on the fourth Monday in November. Notice of the time and place of said hearing and the fact that renewal applications will be considered shall be published in the official newspaper ten (10) days in advance of the hearing. Opportunity shall be given to any person to be heard for or against the granting of a renewal license. The council shall grant or deny the application in its discretion.
3. **Temporary License Applications and Permits:** The council shall hold a hearing regarding applications for temporary liquor licenses and permits.
- B. **Vote Required:** A four-fifths ($\frac{4}{5}$) vote shall be required for the granting of any new or renewal license or permit.
- C. **Conditions Of Issuance; Nontransferability:** Each license shall be issued to the applicant only. Each license shall be issued only for the premises described in the application. No license may be transferred to another person or to another place without the prior approval of the council and without the filing of an application for a new license. Any transfer of stock of a corporate licensee, partnership interest in a partnership, or membership interest in a limited liability company shall be deemed to be a transfer of the license, and such transfer without prior council approval is grounds for revocation of the license.
- D. **Report To State:** The clerk shall, within ten (10) days after the issuance of any license under this chapter, submit to the Minnesota Department of Public Safety the full name and address of each person granted a license, the trade name, the effective license date and the date of expiration of the license. He/she shall also submit to the Minnesota Department of Public Safety any change of address, transfer, cancellation or revocation of any license by the council during the license period.
- E. **Premises Under Construction:** If, at the time of granting the license, actual use of said license cannot be made until a future date because the subject premises are under construction, remodeling or improvement or are otherwise not ready for occupancy, then the council shall set a date by which actual use of the license must be made. If actual use is not made by the council's specified date, then said license shall be null and void. In no event shall the city clerk issue the license until notified by the building official that the building is ready for occupancy.
- F. **Approval Of Minnesota Department of Public Safety:** Licenses approved by the council shall not be effective until approved, together with the bond, by the Minnesota Department of Public Safety, if required by state statute. (Ord. 1078, 2-9-2004)

4-1-13: TERM OF LICENSE:

- A. **Term and Expiration:** All licenses except for temporary licenses issued for specific dates shall expire on December 31st of each year. Licenses shall be issued for a period of one year, except that if a portion of the year has elapsed when application for a license is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month. Temporary licenses expire

according to their terms. Consumption and display permits issued by the Commissioner of Public Safety and the accompanying city consent to the permits shall expire on March 31st of each year.

- B. Corporate Licenses: Licenses issued to corporations, partnerships, limited liability companies, or other entities shall become invalid if there is a change in the officers, directors, governors, partners, charter, articles, bylaws, membership interests, or ownership of the entity unless said change is only a change to the titles of the officers, directors, governors, or partners without any change to the officers, directors, or partners themselves or any other change which is approved by the council, in which event, said license shall continue in force until the end of the current license year.
- C. Report Of Changes: Corporations, partnerships, limited liability companies, or other entities holding licenses under this chapter shall submit written notice to the clerk of any of the changes listed in this subsection on or before thirty (30) days prior to the effective date of any such change. The licensee shall notify the clerk when a person not listed in the application acquires an interest which, together with that of a spouse, parent, brother, sister or child, exceeds five percent (5%), and shall give all information about said person and which is required of a person pursuant to this section, except that off-sale licensees shall report any change in interest. (Ord. 1078, 2-9-2004)

4-1-14: CONDITIONS OF LICENSE:

Every license shall be granted subject to the conditions of this section and of any other applicable city ordinance or state or federal law.

- A. Posting License: Every license shall be posted in a conspicuous place in the premises for which it is issued.
- B. Premises: No license shall be effective beyond the compact and contiguous space for which the same was granted. A person must not possess open containers of alcoholic beverages or consume alcoholic beverages on the premises under the licensee's control outside of the licensed structure or in any area of the licensed premises that was not designated for those activities in the license application.
- C. Days And Hours Of Sales:
 - 1. No liquor sales shall be made during the hours or days such sales are prohibited by state law.
 - 2. The sale of intoxicating liquor shall be permitted only within the hours and only on the days fixed and allowed by Minnesota statutes. Not only must the sale of intoxicating liquor cease at the closing hour appointed each day by statute, but all persons other than employees of the licensee shall vacate the licensed premises within thirty (30) minutes of said closing hour. Notwithstanding anything contained in this subsection, a licensee may keep his/her premises open for his/her normal business purposes except the sale of liquor after the closing hour for

the sale of liquor, provided that such licensee has closed off all access to the bar in a manner approved by the council.

3. Under a Sunday on-sale license, a restaurant, club or hotel with a seating capacity for at least thirty persons which holds an on-sale intoxicating liquor license may serve intoxicating liquor between the hours of ten a.m. (10:00 a.m.) on Sunday and two a.m. (2:00 a.m.) on Monday in conjunction with the serving of food, provided the licensed establishment has a 2:00 a.m. permit issued by the Commissioner of Public Safety.
 4. No holder of a 3.2 percent malt liquor license may conduct business on the premises between the hours of two (2:00) a.m. and eight (8:00) a.m. Monday through Saturday or on any Sunday between the hours of two (2:00) a.m. and ten (10:00) a.m. Notwithstanding the foregoing, a licensee may keep the licensed premises open for its normal business purposes, except for the sale of 3.2 percent malt liquor, after the closing hour for the sale of liquor, provided that such licensee has closed off all access to the 3.2 percent malt liquor in a manner approved by the city council.
 5. No club shall sell alcoholic beverages to anyone other than members and bona fide guests in the company of members.
- D. Sales To Certain Persons Prohibited: No intoxicating liquor shall be sold, furnished or delivered for any purpose to any person under the age of twenty one (21) years or to any person obviously intoxicated or to any other persons to whom sale is prohibited by state law.
- E. Sales In Hotels: No sale of alcoholic beverages shall be made to or in guestrooms of hotels, unless the rules of such hotel provide for the service of meals in guestrooms, the sale of such alcoholic beverages is made in the manner on-sales are required to be made, such sale accompanies and is incident to the regular service of meals to guests therein, and the rules of such hotel and the description, location and number of such guestrooms are fully set out in the application for a license.
- F. Conduct Of Business:
1. Every licensee shall be responsible for the conduct of his/her place of business and shall maintain conditions of sobriety and order therein.
 2. No licensee shall keep, possess or operate, or permit the keeping, possession or operation of, on the licensed premises or in any room adjoining the licensed premises, any slot machine, dice or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same or in any adjoining building, directly or indirectly under the licensee's control, to be used for any illegal purpose. Notwithstanding the foregoing, gambling licensed and permitted by the Minnesota charitable gambling board is allowed in connection with temporary licenses and events, and sales sponsored by the Minnesota state lottery may be made at any licensed established allowed by state law.

G. Display Of Liquor In On-Sale Establishments: No on-sale liquor establishment shall display liquor to the public during hours when the sale of liquor is prohibited. No on-sale licensee shall permit any glass, bottle, or other container containing an alcoholic beverage to remain upon any table, bar, stool, or other place where customers are served within a licensed establishment more than thirty (30) minutes after the time when a sale can legally occur.

H. Receipt Required For Off-Sale Deliveries: No off-sale licensee or his/her agent or employee shall deliver any intoxicating liquor to or at any place or premises without obtaining a receipt therefor, signed by the person receiving such liquor and bearing the time, date and place of delivery. Such receipts shall be kept in the files of the licensee for a period of one year, and such files and receipts shall be kept available for inspection by the police department at all hours during which the licensed premises are open for business.

I. Ethyl Alcohol And Neutral Spirits: No licensee shall keep ethyl alcohol or neutral spirits on any licensed premises or permit their use on the premises as a beverage or mixed with a beverage. (Ord. 1078, 2-9-2004)

J. Alcohol Server Training Required.

1. For the purposes of this section, a "licensed establishment" means any premises holding any license issued by the city to sell or serve any alcoholic beverage, provided, however, that a licensed establishment shall not include any premises holding only a temporary on-sale license, one day consumption and display permit or a caterer's permit.
2. For the purposes of this section, a "liquor licensee" is the holder of any license issued by the city to sell or serve any alcoholic beverage, provided, however, that a liquor licensee shall not include the holder of only a temporary on-sale license, one day consumption and display permit or a caterer's permit.
3. Every liquor licensee shall require that anyone who serves or sells any alcoholic beverage at the licensed establishment must comply with the alcohol server training requirements of this section.
4. Anyone who serves or sells any alcoholic beverage at a licensed establishment shall complete a program of alcohol server training before they are allowed to serve or sell any alcoholic beverage.
5. No one shall serve or sell any alcoholic beverage at a licensed establishment unless that person has completed an alcohol server training program within the twenty four (24) month period prior to the date of serving or selling the alcoholic beverage.
6. The alcohol server training program must meet the standards hereafter set forth and must be provided by a business entity or association whose regular business includes providing such trainings and who is not owned by a license holder; provided, however, the training may be provided by a license holder if the training meets the standards hereafter set forth and the

training program is approved by the city's chief of police or designee. The standards for training must include the following:

- A. Information regarding the laws pertaining to the sale of alcohol;
 - B. The rules for identification checks;
 - C. Responsibilities of establishments serving or selling alcoholic beverages;
 - D. Verification of age, forms of identification, and forms of false or misleading age identification;
 - E. The effect of alcohol on humans and the physiology of alcohol intoxication;
 - F. Recognition of the signs of intoxication;
 - G. Strategies for intervention to prevent intoxicated persons from consuming further alcohol;
 - H. Liability of the person serving alcohol; and
 - I. Identifying minors.
7. Liquor licensees shall keep on file proof that all persons serving or selling alcoholic beverages at the licensed establishment have completed the alcohol server training required by this section. Such proof shall be kept for at least three (3) years. Proof of a person's completion of alcohol server training shall be presented to a police officer upon request no later than three (3) days after the request, excluding holidays and weekends. Liquor licensees shall submit the following information about all persons who currently serve or sell alcoholic beverages at the licensed establishment with their liquor license renewal application: the person's name, date of birth, date of hire, and the date the person last completed alcohol server training.
8. No liquor licensee shall allow the sale or service of any alcoholic beverage by a person who has not complied with the alcohol server training requirements of this section. Any such sale or service shall constitute a violation of the licensee's liquor license.
9. No person shall serve or sell any alcoholic beverage at a licensed establishment without first complying with the alcohol server training requirements of this section. (Ord. 1201, 11-23-2009)
10. Every licensee shall allow any peace officer, health officer, building official, city employee, or any other person designated by the council to conduct compliance checks and to otherwise enter, inspect, and search the premises of the licensee during business hours and after business hours during the time customers remain on the premises without a warrant.

11. Death of Licensee: In the event of the death of a person holding a license, the personal representative of that person is allowed to continue to operate the business within the terms of the license for a period not to exceed 90 days after the death of the licensee.
12. Change in Required Information: Each licensee has the continuing duty to promptly notify the city clerk of any change in the information or facts required to be furnished on a license application. This duty continues throughout the period of the license.

4-1-15: BUILDING AND PREMISES:

A. Enlargement, Alteration Or Extension Of Premises: Proposed enlargement, alteration or extension of premises previously licensed shall be reported to the clerk at or before the time application is made for a building permit for any such change.

B. Occupancy Load Limits:

1. Intent And Purpose: In order to protect the safety of patrons, to allow safe evacuation in case of fire, and to prevent overcrowding, the Chief Building Official shall establish the maximum number of persons that may be allowed in any on-sale licensed premises, including clubs.
2. Floor Plan: As part of the original on-sale license application, including club applications, and each renewal application, the proposed licensee shall submit to the city a floor plan of the interior of the premises which shall be drawn on a clean sheet of paper and list all interior dimensions. The plan shall show the location of permanent fixtures, the seating arrangements and seating capacity, and the location and width of exitways and aisles. If, when a renewal application is made, the premises layout has not changed from the floor plan already on file with the city, then the licensee need not submit another copy of the floor plan, but the licensee shall state on the renewal application that the floor layout has not changed.
3. Number Of Occupants: The Chief Building Official shall determine the maximum number of occupants that can be allowed in the licensed premises. This determination shall be based on the floor plan and the building code.
4. Prevention Of Overcrowding: No licensee or employee thereof shall permit overcrowding or admittance of any person beyond the occupancy load limit set by the Minnesota State Building Code.
5. Posting Occupancy Load Limit: In plain sight and in prominent locations on the premises, the licensee shall post signs indicating the maximum occupancy load limit. The number and location of the signs shall be as required by the Minnesota State Building Code.
6. Right Of Entry: The Chief Building Official shall be permitted to inspect the premises of any on-sale liquor establishment, including clubs, during normal business hours to determine the maximum occupancy limit or seating capacity of the building or review an earlier determination of that

- C. Temporary Expansion of Premises: After a hearing, the city council may approve a temporary amendment to an existing on-sale liquor license to allow the sale of alcoholic beverages in an area outside the licensed premises if the council determines in its sole discretion that the following criteria are met:
- a. the area to be used must be immediately adjacent to the licensed premises;
 - b. the area will be used in connection with a special event no longer than two days in duration;
 - c. no more than three temporary amendments per year will be allowed for a licensee at any one establishment. A special license issued to a non-profit organization which contracts with the licensee for provision of service will be counted as part of this total;
 - d. adequate measures will be taken to control access to the additional area to ensure that alcoholic beverages are not sold to minors and are not carried outside of the licensed premises and the additional area;
 - e. adequate measures will be taken to ensure that there will be no violation of the city's noise ordinance;
 - f. the use of the additional area will not decrease available parking below that required by the zoning ordinance for the licensed premises;
 - g. the use of the additional area will not unreasonably impede traffic circulation;
 - h. the licensee has obtained adequate liability insurance for the additional area; and
 - i. the issuance of the temporary amendment would not be adverse to the public health, safety and welfare.
2. To obtain a temporary amendment, the licensee must submit an application accompanied by:
- a. a diagram showing the expanded area to be used;
 - b. a detailed description of the special event for which the area will be used;
 - c. a detailed description of the security measures to be used;
 - d. evidence that the licensee has liability insurance to cover the additional area;
 - e. evidence that the licensee has the right to use the additional area; and
 - f. the fee specified in the city fee schedule.
3. The application for a temporary amendment to the liquor license shall be granted or denied by the city council in its discretion.

4-1-16: RESTRICTIONS ON SALES, PURCHASES AND CONSUMPTION:

- A. Illegal Sales: No person shall give, sell, procure or purchase alcoholic beverages to or for any person to whom the sale of intoxicating liquor is forbidden by law.

B. Places Of Consumption And Sale: No person shall mix or prepare alcoholic beverages for consumption and no person shall consume alcoholic beverages in any public place subject to the following exceptions:

1. A person may consume or mix or prepare alcoholic beverages on premises appropriately licensed in accordance with the city ordinances and laws of the state. (Ord. 1078, 2-9-2004)
2. A person may consume 3.2 percent malt liquor at Inver Wood golf course, but only if such 3.2 percent malt liquor is consumed within the areas specifically prescribed by the license. (Ord. 1078, 2-9-2004; amd. 2008 Code)
3. Consumption, sale and dispensing of intoxicating liquor may occur at the National Guard Training And Community Center (NGTCC) but only under the conditions specified in section 4-1-17.
4. Persons of lawful age may possess and consume 3.2 percent malt liquor in South Valley Park but only in or within one hundred fifty feet (150') of the group picnic shelter located in the park, and only in conjunction with an event for which the sponsor has obtained a permit from the city to use the group picnic shelter, and only if the person possessing or consuming the 3.2 percent malt liquor is an invited guest of the event sponsor. (Ord. 1078, 2-9-2004)
5. Persons of lawful age may possess and consume 3.2 percent malt liquor in Rich Valley Park subject to such rules and regulations as the city council, by resolution, may from time to time impose. (Ord. 1236, 5-23-2011)

(Ord. 1078, 2-9-2004)

C. Parking Areas:

1. Except incident to a sale made pursuant to a temporary on-sale intoxicating, temporary on-sale 3.2 percent malt liquor license issued by the city, or one-day consumption and display permit, no person shall consume alcoholic beverages while in the parking area of any school, college, park, government facility, shopping center or commercial establishment.
2. Except incident to a sale made pursuant to a temporary on-sale intoxicating, temporary on-sale 3.2 percent malt liquor license, or one-day consumption and display permit issued by the city, no person in the parking area of any school, college, park, government facility, shopping center or commercial establishment shall have in his/her possession on his/her person any bottle or receptacle containing an alcoholic beverage which has been opened or the seal broken or the contents of which have been partially removed. (Ord. 1078, 2-9-2004; amd. 2008 Code)

4-1-17: NATIONAL GUARD TRAINING AND COMMUNITY CENTER REGULATIONS:

- A. Purpose And Intent: By this section, the city seeks to control the conditions by which intoxicating liquor may be served, consumed and sold at the National Guard Training And Community Center (hereafter referred to as the NGTCC) located in the city. The city has a lease with the owner of the NGTCC, and it is expected that the city in turn will be renting the NGTCC to various individuals and organizations for meetings, social affairs, conventions, conferences, wedding and anniversary receptions and similar events.
- B. Sales and Service: Alcoholic beverages may be sold or served at the NGTCC only under the following conditions:
1. Alcoholic beverages may only be served and sold by the holder of a caterer's permit. Users and guests are prohibited from bringing in and/or serving their own alcoholic beverages.
 2. No sale or service shall occur between the hours of twelve (12:00) a.m. and eight (8:00) a.m. (Ord. 1078, 2-9-2004; amd. 2008 Code)
 3. Sales and service shall only occur in conjunction with an event for which the sponsor has a rental agreement with the city to use the NGTCC.
 4. At least two (2) weeks prior to the event, the holder of the caterer's permit shall deliver to the city a copy of the permit and certificate of insurance providing off premises liquor liability coverage in at least the amount of the statutory limits, naming the city of Inver Grove Heights as an additional insured.
 5. No sale or service of alcoholic beverages shall occur unless the sponsor of the event has made arrangements at the sponsor's expense to have one or more Inver Grove Heights Police Officers, as determined by the rental agreement between the city and the sponsor, present at all times while sales or service are occurring. No sale or service shall occur unless the required number of Police Officers are present.
 6. The event shall not be open to the public; the event shall only be open to invited guests of the event sponsor.
 7. Sales and service of alcoholic beverages shall only be made to the invited guests of the event sponsor.
 8. Sales and service of alcoholic beverages shall only be made in the areas of the NGTCC designated by the Facility Rental Coordinator. The designated areas shall be specified in the rental agreement. In no event shall sales occur in the parking lot or in the veterans memorial community center in the corridor that connects the NGTCC to the veterans memorial community center.
- C. Consumption: No consumption of alcoholic beverages shall occur at the NGTCC except under the following conditions:

1. The consumption of alcoholic beverages shall only occur if the alcoholic beverage has been lawfully sold or served at the NGTCC pursuant to subsection B of this section.
2. No consumption shall occur between the hours of twelve (12:00) a.m. and eight (8:00) a.m.
3. Consumption shall only occur in conjunction with an event for which the sponsor has a rental agreement with the city to use the NGTCC.
4. Consumption shall only occur by invited guests of the sponsor of the event.
5. Consumption shall only occur in the areas of the NGTCC that the Facility Rental Coordinator designates. The designated areas shall be specified in the rental agreement. In no event shall any consumption occur in the parking lot, the veterans memorial community center, or in the corridor that connects the NGTCC to the veterans memorial community center.
6. Consumption shall only occur in compliance with the other statutes, ordinances, rules and regulations that govern consumption of alcoholic beverages. (Ord. 1078, 2-9-2004)

4-1-18: RIGHT OF INSPECTION:

Any duly authorized law enforcement officer, health officer, fire official or building official shall be allowed to inspect the licensed premises at reasonable times and hours to ensure compliance with all provisions of this chapter. Upon demand by any police officer, any person engaged in providing services in any licensed premises shall identify himself, giving his/her true legal name and his/her correct address. (Ord. 1078, 2-9-2004)

4-1-19: CIVIL PENALTIES AND SANCTIONS:

A. Civil Sanctions Imposed: Upon a finding by the council that a licensee has committed any of the following violations:

1. Sold alcoholic beverages to another retail licensee for the purpose of resale;
2. Purchased alcoholic beverages from another retail licensee for the purpose of resale;
3. Conducted or permitted the conduct of gambling on the licensed premises in violation of the law;
4. Failed to remove or dispose of alcoholic beverages when ordered by the chief of police to do so under Minnesota statutes section 340A.508, subdivision 3;
5. Failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages;
or
6. Failed to comply with any provisions of this chapter, the council may revoke the license, suspend the license for up to sixty (60) days, impose a civil penalty of up to two thousand

dollars (\$2,000.00) for each violation, or impose any combination of these sanctions. If the council imposes a suspension, the council shall set the dates relating to the suspension.

B. Minimum Penalties: The following are the minimum penalties that the council shall impose upon a licensee for a violation listed in subsection A of this section. Based upon the nature, type, severity and circumstances of the violation, the council may impose penalties exceeding those stated in this subsection. The determination whether to impose penalties above the minimum penalties and the level and order of the penalties above the minimum penalties will be at the sole discretion of the council.

1. First violation within the last five (5) years: Seven hundred fifty dollar (\$750.00) civil penalty.
2. Second violation within the last five (5) years: One thousand dollar (\$1,000.00) civil penalty and a one day license suspension.
3. Third violation within the last five (5) years: Two thousand dollar (\$2,000.00) civil penalty and a three (3) day license suspension.
4. More than three (3) violations in the last five (5) years: Two thousand dollar (\$2,000.00) civil penalty and a suspension of more than three (3) days or the council shall revoke the license.

C. Hearing And Notice: The licensee shall be granted a hearing upon at least ten (10) days' notice before revocation or suspension is ordered by the council. For purposes of this subsection, "notice" shall mean written notice served upon the licensee personally or by leaving the same at the licensee's usual place of abode with some person of suitable age and discretion then residing therein or by leaving the same at the licensed premises with the person in charge thereof. The notice shall state the time and place of the hearing and shall state the nature of charges against the licensee. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota statutes sections 14.57 to 14.69 (the administrative procedures act). This subsection does not require the council to conduct the hearing before an employee of the office of administrative hearings. Imposition of a fine or suspension by either the council or the commissioner of public safety does not preclude the imposition of an additional fine or suspension by the other so long as the total fine or suspension does not exceed the maximum allowed by state statute. (Ord. 1161, 8-27-2007)

4-1-20: CONSUMPTION AND DISPLAY PERMIT.

A consumption and display permit may approved for an organization that complies with the requirements of Minnesota statutes section 340A.414 and that has obtained a permit from the commissioner of public safety. No business establishment or club that does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and display of alcoholic beverages or knowingly serve any liquid for the purpose of mixing with intoxicating liquor in the city without first obtaining a consumption and display permit. An applicant for a consumption and display permit approval shall submit an application for approval by the city to the city clerk and the City Council shall approve or deny the permit application in its discretion

after a hearing. Holders of a consumption and display permit shall comply with the financial responsibility requirements of this chapter and shall pay the fee set by the city council.

4-1-21: TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE:

- A. Intent And Purpose: It is the intent and purpose of this section to effectuate the authorization to issue temporary on-sale intoxicating liquor licenses given to municipalities by Minnesota statutes section 340A.404, subdivision 10, and to supplement, but not repeal, any part of this chapter.
- B. Authorized Licensees: Temporary on-sale intoxicating liquor licenses may only be issued to a club or charitable, religious or other nonprofit organization in existence for at least three (3) years, a political committee registered under Minnesota statutes section 10A.14, or a state university in connection with a social event within the city sponsored by the licensee.
- C. Authorized Purposes: A temporary on-sale intoxicating liquor license shall permit the licensee to sell intoxicating liquor for consumption at a specific location. A temporary on-sale intoxicating liquor license may authorize on-sales of intoxicating liquor at premises other than the premises the licensee owns or permanently occupies.. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full year on-sale intoxicating liquor license issued by any municipality.
- D. Duration Of License: The license may authorize the on-sale of intoxicating liquor for not more than four (4) consecutive days.
- E. Application And Issuance Of License: An applicant for a temporary on-sale liquor license shall submit an application for approval by the city to the city clerk and the City Council shall approve or deny the license application in its discretion after a hearing.
- F. License Fee: The fee for a temporary on-sale liquor license shall be established by resolution of the city council, and must be paid prior to issuance of such license.
- G. Presence Of Police Officer: If the temporary on-sale liquor license allows the sale of alcoholic beverages on public property, the licensee shall hire a uniformed police officer to remain on the premises during the use of the license.
- H. Approval By Commissioner Of Public Safety: A temporary on-sale liquor license issued under this section is not valid unless first approved by the commissioner of public safety.
- I. Insurance: Applicants must provide proof of the same liability insurance coverage required for any other retail liquor license. (Ord. 1242, 10-10-2011)

4-1-22: TEMPORARY ON-SALE 3.2 PERCENT MALT LIQUOR LICENSE:

- A. Intent And Purpose: It is the intent and purpose of this section to effectuate the authorization to issue temporary 3.2 percent malt liquor licenses as established by Minnesota statutes section 340A.403 and to supplement, but not repeal, any part of this chapter.
- B. Authority Of License: A temporary on-sale 3.2 percent malt liquor license shall permit the licensee to sell 3.2 percent malt liquors for consumption at a designated location.
- C. Establishments Qualified To Receive License: Temporary on-sale licenses may be issued to a club or charitable, religious, or nonprofit organization for the sale of 3.2 percent malt liquors. (1974 Code § 1215.31; amd. 2008 Code)
- D. Application And Issuance Of License: An applicant for a temporary on-sale 3.2 percent malt liquor license shall submit an application for approval by the city to the city clerk and the City Council shall approve or deny the license application in its discretion after a hearing.
- E. License Fee: The fee for temporary on-sale licenses required by this section is established by resolution of the city council.
- F. Term Of License: The term of a temporary on-sale license shall not exceed seven (7) days, and the term thereof shall be specified in the application.
- G. Presence Of Police Officer: If the temporary license is used on public property, the licensee shall hire a uniformed police officer to remain on the premises during the use of the license. (1974 Code § 1215.31)
- H. Insurance: Applicants must provide proof of the same liability insurance coverage required for any other retail liquor license. (Ord. 1242, 10-10-2011)

4-1-23: ONE DAY CONSUMPTION AND DISPLAY PERMITS:

- A. Intent And Purpose: It is the intent and purpose of this section to effectuate the authorization to issue one day consumption and display permits given to municipalities by Minnesota statutes section 340A.414, subdivision 9, and to supplement, but not repeal, any part of this chapter.
- B. Authorized Licensees: One day consumption and display permits may only be issued to a nonprofit organization in conjunction with a social activity in the city sponsored by the organization.
- C. Application And Issuance Of License: An applicant for a one day consumption and display permit shall submit an application for approval by the city to the city clerk and the City Council shall approve or deny the license application in its discretion after a hearing
- D. License Fee: The fee for a one day consumption and display permit shall be established by resolution of the city council, and must be paid prior to issuance of such license.

- E. Presence Of Police Officer: If the one day consumption and display permit is used on public property, the licensee shall hire a uniformed police officer to remain on the premises during the use of the license.
- F. Approval By Commissioner Of Public Safety: A one day consumption and display permit issued under this section is not valid unless first approved by the commissioner of public safety.
- G. Insurance: Since the one day consumption and display permit is not a retail permit for the sale of alcoholic beverages, no proof of liability insurance will be required for issuance of the permit. (Ord. 1242, 10-10-2011)

4-1-24: TEMPORARY OFF-SALE WINE LICENSES:

- A. Intent And Purpose: It is the intent and purpose of this section to effectuate the authorization to issue temporary off-sale wine licenses given to municipalities by Minnesota statutes section 340A.405, subdivision 4, and to supplement, but not repeal, any part of this chapter.
- B. Application And Issuance Of License: An applicant for a temporary off-sale wine license shall complete the application form prescribed by the city clerk. The city council shall review the application and grant or deny the issuance of the license in its discretion. No public hearing shall be required.
- C. License Fee: The fee for a temporary off-sale wine license shall be established by resolution of the city council, and must be paid prior to issuance of such license.
- D. Approval By Commissioner Of Public Safety: A temporary off-sale wine license issued under this section is not valid unless first approved by the commissioner of public safety.
- E. Insurance: No proof of liability insurance will be required for issuance of the permit. (Ord. 1242, 10-10-2011)

Section Two. Repealed. Title 4, Chapter 1, Article B, of the Inver Grove Heights City Code is hereby repealed in its entirety.

Section Three. Repealed. Title 4, Chapter 1, Article C, of the Inver Grove Heights City Code is hereby repealed in its entirety.

Section Four. Repealed. Title 4, Chapter 1, Article D, of the Inver Grove Heights City Code is hereby repealed in its entirety.

Section Five. Effective Date. This Ordinance shall be in full force and effect beginning on _____, 2014.

Passed in regular session of the City Council on the ____ day of January, 2014.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

By: _____
Melissa Kennedy, Deputy City Clerk