

INVER GROVE HEIGHTS CITY COUNCIL AGENDA

Monday, April 8, 2019

8150 BARBARA AVENUE

7:00 P.M.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PRESENTATIONS**

A. Introduction of Julie Dorshak – Recreation Superintendent

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

A. Minutes of March 25, 2019 City Council Meeting Minutes

B. Resolution Approving Disbursements for Period Ending April 3, 2019

C. Approval of Rental Housing License

D. Resolution Adopting Post-Issuance Debt Compliance Policy for Tax-exempt and Tax-advantaged Governmental Bonds

E. Consider Awarding a Contract for the North Valley Pickleball Court Project

F. Consider Pay Voucher No. 4 for City Project No. 2018-13 – Public Works Maintenance Facility HVAC Improvements

G. Approval of a Storm Water Facilities Maintenance Agreement (SWFMA) for Lot 6, Block 1, Krech's Knollwood Estates Fourth Addition

H. Consider Resolution Receiving Quote and Awarding Contract for the 2019 Raingarden Inlet Retrofits

I. Consider Resolution Authorizing Preparation of a Feasibility Report for the 2019 Pavement Management Program, City Project No. 2019-09C – Cahill Avenue Mill and Overlay (Concord Boulevard to Inver Grove Trail)

J. Consider Resolutions Calling for Hearing on Proposed Assessments, Declaring Costs to be Assessed, and Ordering Preparation of Proposed Assessments for the 2019 Improvement Program, City Project No. 2015-03 – 65th Street Roadway and Drainage Improvements

K. Personnel Action

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 HEARING**:

A. Conduct a Public Hearing to Consider a Culinary Class Limited On-Sale Liquor License Application for the business called THAT Cooking School, 9092 Buchanan Trail

7. **REGULAR AGENDA**:

PLANNING DEPARTMENT:

A. Discount Storage; Consider the following for property located at 10805 Rich Valley Boulevard;

a) A Resolution relating to a Comprehensive Plan Amendment to change the land use from RDR, Rural Density Residential to LI, Light Industrial

or

A Resolution relating to a Comprehensive Plan Amendment to change the land use from RDR, Rural Density Residential to CC, Community Commercial

b) An Ordinance Amendment to rezone the property from A, Agricultural to I-1, Limited Industry District

or

An Ordinance Amendment to rezone the property from A, Agricultural to B-3, General Business District

PARKS AND RECREATION DEPARTMENT:

B. Third (Final) Reading of Ordinance Changes Related to Dog Licensing, Dog Leashes, Dangerous Dogs

PUBLIC WORKS:

C. Resolution Adopting Small Cell Facility Aesthetic Standards

8. EXECUTIVE SESSION:

A. Executive Session Pursuant to Minn. Stat. § 13D.05, Subd. 3(c)2 & 3:

Discuss Doffing Ave. Property Acquisition Related to Heritage Village Park for Property Located at:

LSS Properties LLC – 6455 Doffing Ave – 20-36500-32-110

9. MAYOR & COUNCIL COMMENTS:

10. ADJOURN:

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

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, MARCH 25, 2019 - 8150 BARBARA AVENUE**

1. CALL TO ORDER 2. ROLL CALL:

The City Council of Inver Grove Heights met in regular session on Monday, March 25, 2019, in the City Council Chambers. Acting Mayor Piekarski Krech called the meeting to order at 7:00 p.m.

Present were: Councilmembers Bartholomew, Perry, and Dietrich; City Administrator Lynch, City Attorney Kuntz, Public Works Director Thureen, Parks and Recreation Director Carlson, and City Clerk Tesser.

Absent: Mayor Tourville.

Acting Mayor Piekarski Krech invited Boy Scouts Troop 507 to introduce themselves and lead the Pledge of Allegiance.

Acting Mayor Piekarski Krech listed the following changes to the Agenda:

Item 4C on the Consent Agenda will become Agenda Item 7B.

Item 4E on the Consent Agenda will become Agenda Item 6A.

3. PRESENTATIONS:

There were no presentations.

4. CONSENT AGENDA:

A. i. Minutes of March 11, 2019 City Council Meeting Minutes.

ii. Minutes of March 14, 2019 Special City Council Meeting Minutes.

B. Resolution 19-47 Approving Disbursements for Period Ending March 20, 2019.

C. Consider Approval of a ½ Basketball Court at Seidls Lake Park. **(moved to Item 7B)**

D. Request Approval of Pay Application #4 for \$296,400.00 to Jorgenson Construction for Project 2014-10 Fire Station #2 New Construction.

E. Consider Resolution Adopting the Assessments for 2018 Nuisance Abatement Program. **(moved to Item 6A)**

F. Appointment of Board Member to the Lower Mississippi River Watershed Management Organization (LMRWMO).

G. Accept and Approve Quotes for Municipal State Aid Street System Traffic Volume Data Collection.

H. Consider Change Order No. 6, Final Compensating Change Order No. 7, Final Pay Voucher No. 13, Engineer's Final Report of Acceptance and **Resolution 19-48** Accepting Work for the 2015 Capital Improvement Program, City Project No. 2015-13 – NWA Trunk Utility Improvements, Argenta District – 70th Street Lift Station to Blackstone Ridge and City Project No. 2015-16 – Trunk Utilities, Argenta Trail to Blackstone Ridge.

I. Consider Pay Voucher No. 6 for City Project Nos. 2017-03 – Watermain Improvements 65th Street Loop and 2017-24 – T.H. 3 Intersection Improvements for 65th Street.

J. Personnel Action.

Motion by Perry second by Dietrich to approve the Consent Agenda with the exception of Consent Agenda Items 4C and 4E.

Ayes: 4

Nays: 0 Motion carried.

5. PUBLIC COMMENT:

There were no public comments.

6. PUBLIC HEARING:

A. Consider Resolution Adopting the Assessments for 2018 Nuisance Abatement Program. Resolution 19-49.

City Administrator Joe Lynch stated that this was on a previous agenda and that this is a public hearing and is open to the public if they wish to testify. He stated this hearing is in regard to properties that are going to be assessed. He noted that the resolution states it is for the 2019 taxes, which is in error. This is for the 2020 taxes. He stated that another item for Council consideration is the length of time to have the penalty apply. He stated that number two in the resolution states that it is 8% per annum from the date of adoption, which includes all of 2019 and 11 months of 2020. That equals 20 months of interest going forward with that proposal.

He stated the following options:

1. Make it interest bearing only when they are assessed in November 2019 making it a 12-month interest period.
2. Adopt them now and have no interest accrue until November 2019 for that 12-month period.

He stated that they could be adopted now and have no interest accrue until 2019 for 2020, but they would be reassessed on the properties, or assessed on the properties. He stated that they could wait until November and do 2020 with those that come up in 2019.

Acting Mayor Piekarski Krech commented that if she had a nuisance property and sells that property, someone isn't going to know there is an assessment against it. They would be hit with a tax bill in 2020 that isn't theirs. She stated that she doesn't want to have huge interest payments accruing and would like to make sure there is something on the property so people know.

City Attorney Tim Kuntz responded that if the Council wanted to, they could pass the Resolution which would create the levy of the assessments to be certified to the County. This would not have to go through another hearing process because it would be levied this evening. He stated that they could provide that the interest begins to accrue from a later date, which could be November 2019, or January 1, 2020. This would accomplish getting something on the books.

Councilmember Bartholomew asked if all the property owners have been made aware of the assessments and received bills from the City.

City Administrator Lynch responded in the affirmative.

Motion by Bartholomew second by Perry to close the Public Hearing at 7:07PM.

Ayes: 4

Nays: 0 Motion carried.

The Council agreed to go forward with the levy and proposed to start interest on January 1, 2020.

Acting Mayor Piekarski Krech commented that they may have to go with a November date because of the county certification process.

City Administrator Lynch responded that statements go out in November, that month would be preferable. He stated that they will have the same question again in November for other properties, they would try to have them go into effect in 2020 tax statements which come out the first week of November. He stated that the first City Council meeting is November 11th, he would make them effective by the end of that week which would be November 15th.

Motion by Bartholomew second by Perry to approve to Consider Resolution 19-49 Adopting the Assessments for 2018 Nuisance Abatement Program with interest accruing beginning in November 2019.

Ayes: 4

Nays: 0 Motion carried.

7. REGULAR AGENDA:

A. Resolution Authorizing 2018 Transfers and Fund Closing. Resolution 19-50

City Administrator Lynch stated that this item is to make all transfers necessary for funds and accounting. The main item is the transfer from the host community fund to the community center to cover the operating deficit for 2018 in the amount of \$337,683.55. The budgeted transfer was estimated to be \$419,700.00. The amount was better than anticipated as a result of reduced operating expenses and increased revenue. He stated that they set a goal in 2007 of trying to recover 90% of the community center operating expenditures. With this amount they would be covering 89% of the community center operating expenditures in 2018. He stated that the other large transfer would be \$385,521.45 from the host community fund to the community center to cover capital outlay. The estimated budgeted transfer was for \$1,382,500 which was due to the delay of the replacement of the roof. This is an anticipated 2019 project. The resolution is for all amounts including the ones just mentioned.

Councilmember Bartholomew asked about the closed bond fund transfers into the bond accounts. He asked if the audit was finished and if they have agreed that the numbers were appropriate. He asked if it has been reviewed by both staff and the outside source.

City Administrator Lynch responded that the audit is not finished and will not be completed until May. The numbers agree with what is included in the memo. He responded that it was reviewed by both staff and the auditors.

Motion by Bartholomew second by Perry to authorize Resolution 19-50 Authorizing 2018 Transfers and Fund Closing.

Ayes: 4

Nays: 0 Motion carried.

B. Consider Approval of a ½ Basketball Court at Seidls Lake Park.

Parks and Recreation Director Eric Carlson stated that Seidls Lake Park consists of 30 acres located at 2655 - 47th Street. To the north is the South St. Paul border and they also have a Seidls Lake Park. He stated that our version of the park has open space, a playground that has been removed and will be replaced, paved trail, and informal natural trails. He stated that in 2007 the City did a Master Plan for Seidls Lake Park that includes a playground, shelter, paved/natural trails, informal fields/open space, and a hard surface court. In October 2018, the City Council approved the replacement of the existing playground which will be moved to the middle of the park for more visibility and to be consistent with the Master Plan.

He stated that the Council will consider whether or not a proposed ½ court basketball court would be appropriate for the park. The approximately 40'x40' court would be color coated with lines and have one basketball hoop. He stated that it is estimated not to exceed \$25,000. They have not received quotes yet. He stated that if approved it would be funded from the park acquisition and development fund 402. Part of the process included meeting with the neighborhood in September 2018 with the focus being on the playground. In February 2019, the neighborhood that surrounds the park was notified about the proposed ½ basketball court. He stated that at the park and recreation commission meeting some people in attendance were in favor and some were opposed to the court. There were questions about the location of the basketball court. He stated that the commission considered moving the location of the court, but he suggested that the commission may want to get additional feedback from the neighborhood. He stated

that they re-informed the neighborhood of the process and also put a survey monkey out to get more feedback. 144 responses were received from the survey.

He discussed a couple of the questions from the survey monkey survey. One question asked if a ½ basketball court was wanted in the area; 64% of the 144 responded no, 36% responded yes. Another question was if they lived in the Seidls Lake Park neighborhood; 20% identified they did not, 80% responded that they did.

He stated that the comments via email and from the survey show concern from people that the court may bring unwanted behavior. Other parks that include basketball courts are Groveland, Skyview, and Rich Valley Park. He stated that police call data does not support an increase in calls for service at those locations. Police are called to the parks for a number of reasons, there is no correlation to having a basketball court in the area. He stated that another concern was the proximity of the court to the playground. The proposed location in the Master Plan is consistent with other parks and range from 120 feet up to 380 feet of space between them. The court at Seidls Lake Park is proposed to be about 130 feet away. He stated that another concern was the location of the court near homes. The proposed location is between 300-500 feet away from single-family homes and 250-370 feet away from the townhomes. He listed how close other courts were to the closest residential property and range from 100 feet at Ernster Park to 480 feet at Rich Valley Park.

He stated that the Parks and Recreation Commission voted 5/2 to recommend that the Council move forward with the basketball court. The recommendation includes meeting with the neighborhood in April or May to find the best location in the park for the basketball court. If approved they would go out and get bids, meet with the neighborhood to find a location, and then come back before the City Council to approve a bid and location. Construction would begin in 2019.

Councilmember Bartholomew asked if North Valley had basketball courts. He asked why the basketball courts were taken out of Oakwood.

Parks and Recreation Director Carlson responded that North Valley has not had basketball courts. North Valley has four tennis courts that are being repurposed into six pickleball courts. That item will be before the City Council soon. He stated that Oakwood had a basketball hoop in a tennis court but was removed because there was too much interference with those playing tennis.

Susanna Pearson, 2660 47th Street East, stated that she has lived in the neighborhood for 25 years. She commented that she attended the meetings for the park development years ago and at that time the neighborhood fought to keep the parkland, open natural space. That was approved by the Park and Recreation Commission and the City Council. She stated that the Master Plan does not say a basketball court, it recommends a future use area that could be used for basketball, four squares, or hop scotch, should the demand exist. She stated that the survey shows demand does not currently exist, 66% do not want the court. She commented that at the last Park and Recreation meeting a commissioner had said that it was important that 1/3 of the people wanted it. She stated that they shouldn't assume those that didn't vote don't have a voice, it is probably due to not caring one way or the other. Those who responded feel strongly about their choice. She stated that as a resident she is afraid of the unwanted behavior a basketball court may bring to the area. The location is in the corner of the park and hidden and would not be easily patrolled. She stated that the motion that was passed by the park and recreation commission was to put the court in the best location in the park. She commented that the best location is an opinion and she didn't feel that Parks and Recreation worked well with them because the survey shows it is not wanted. She stated that the park is used for several types of activities and can help nearby residents lead healthy lives. She commented that 73% of the residents in the neighborhoods are adults who could benefit from walking paths. 15 years ago, it was approved to add paved paths down to and around the lake, which still has not been done. She stated that when the tot park was located in its previous location, they noticed behavior such as smoking, drinking, drugs, and littering. She commented that they didn't always call the Police, sometimes they would ask those there to leave, or would wait until they left and

then went out and removed the litter. She stated that she has had beer bottles in their mailbox and rocks thrown at their home after her husband has told the kids to leave. She stated that she agrees with using the park amenities but felt the neighborhood should use the park the way they want, which is open space used for a variety of activities. She commented that rather than the focus being on the basketball court, they should focus on what the community wants, 66% do not want the court. She asked that the council vote no to the basketball court.

Councilmember Perry asked if she believed the bad activities that were occurring on the upper portion would also take place at the newer location, which is more visible. She stated that the police department will drive on the trails to patrol the parks and that she assumed they would still do that at Seidl's Park.

Ms. Pearson responded that she does believe the activity would still take place. She stated that parking was another issue there. Those using the tot park parked in the cul de sac and along Blaine, which is a busy street. She commented that the park has been a party area for over 30 years. She responded about the Police patrolling and stated that they cannot get through on the current trail because there is a cement pillar in the center. She stated that moving it down toward the street wouldn't be a good idea either because Blaine is a very busy street, the balls would be going out into it all the time.

Councilmember Bartholomew asked about the location being near Blaine Ave. He commented that there is a lot of room between the proposed playground and the trees and quite a distance from Blaine Ave.

Ms. Pearson responded that at the park and recreation meeting they spoke about moving it closer to the townhomes off of Blaine Ave.

Ms. Karels, 2670 Bower Court, one block north of 47th, stated that she has lived there for 30 years when they started to develop the area before the park. She commented that she emailed her thoughts to everyone. She stated that she agreed with what Ms. Pearson said and commented that her biggest concern coming out of the park and recreation meeting was that they are not being listened to as a community. The survey has shown the court was not wanted. She asked why it was still being recommended. She commented that the location is key, and the current location is isolated without access. She stated that if the court is approved the location should be changed.

Karen Wirkus, 4629 Bloomberg Lane, stated that she has lived on the other side of the park's free space. She stated that 95% of the people on her street are senior citizens, and it is the only thru street into South St. Paul. She commented that her concern is traffic. She stated that along Blaine Ave, across from the park, the townhomes park on the free space side because they can't park on the other side. She commented that the playground would be great for the little kids but would like more open space and benches. She commented that there is a traffic sign that says 25 miles per hour, people go 40-45 miles per hour and there isn't a big Police presence in the area. She commented that the demographics and speed of the area should be looked at.

Dick Zeien, 4675 Bower Path, lives about 500 feet from where the intended court would be. He commented that he agreed with everything that Ms. Pearson stated. He stated that he disagrees on the basketball court being at that location.

Joe Rascher, 2655 Bower Court East, is north of the proposed park. He stated that he agreed with Ms. Pearson and everyone else. He stated that 2/3 of the people surveyed didn't want the basketball court. He asked that the city council do what people are asking for and that is to vote down the basketball court. He suggested taking the cost of the basketball court, the \$25,000, and putting it toward the walking paths because that is what people as a whole could use and was a part of the master plan in the past.

Jennifer Freeland, 4886 Bivens Court, stated that she sent the city council an email with her points. She commented that crime and unwanted behavior is an unfortunate stereotype. She stated that she has lived in the area for four years and has played basketball for over 20 years. She has driven around the

surrounding areas looking for open basketball courts and hasn't noticed any traffic, parking, or criminal behavior. She commented that she plays basketball two or three times a week and that another concern is the lack of availability of courts in the area. She said she has to drive around to a few parks before finding an open hoop. She commented that the basketball courts are full when the grassy areas are open. She stated that there has been opposition with this court, but kids haven't spoken or parents may have been busy and unable to vote on their position. She commented that she didn't think a basketball court would have an affect on traffic. She stated that she plays basketball at Salem Hills Park and has noticed families, couples, and groups playing there. She asked that the council consider the benefits and the facts behind the advantages of being involved in a physical team sport such as basketball.

Andrew Payne, 4859 Boatman Lane, commented that he sent an email and received a response. He stated that he agrees with Ms. Freeland's comments and that he shares the same points. He commented that he has a passion for getting something else to do outside and that the park is big enough for a basketball court. He stated that if there were an uptick in crime due to the basketball court, that area could be an off-path place for kids to play other games that are fun on hard surfaces versus grassy surfaces. He stated that he has a two-year old daughter and is happy to use the brand-new playground, and as she gets older, it would be nice to do something else. He stated that he is a strong proponent of having the basketball court. He commented that the wording states "do you want one" not if you are "opposed to having one".

Jim Pearson, 2660 47th Street East, stated that the citizens in the area would appreciate more walking trails in the area and more open space. The open area is used frequently, soccer teams have practiced there. He commented that an open field allows for a variety of activities than a basketball court would. He stated that South St. Paul doesn't have any basketball courts close by due to bad behavior. He stated that he has policed this area in the past, picked up trash, called the police when there have been fires in the area, and even noticed someone living there last summer. He stated that they have lived in the area for 25 years and wish for access to the lake and would like that to be a priority.

Parks and Recreation Director Carlson stated that part of the master plan includes a trail around the pond in conjunction with the City of South St. Paul. The reason that has not been constructed yet is because the pond has a significant bounce in the elevation of the water. He stated that there is an engineering solution to address that issue but there are two cities that need to contribute in addition to Inver Grove Heights. Those cities are South St. Paul and West St. Paul. He stated that water comes from those communities and contributes to the bounce in the lake. He commented that once the engineering takes place, pipes and a lift station can be installed, and the level of the lake can be controlled, then they can consider building a trail around the lake. He stated that there isn't public access all around the lake and that it has what they refer to as "pinch points". Those pinch points need to be discussed with landowners.

Acting Mayor Piekarski Krech asked where they were in that process.

Public Works Director Scott Thureen responded that at least years Legislative session, South St. Paul was successful in attaining bonding dollars. There were problems with the use of the money and the source that were being worked out. He stated that he hasn't heard anything in the last three months but could check further. He commented that they would still need to have a joint powers agreement between the three cities to move forward.

Acting Mayor Piekarski Krech asked if there was anything that could be done to get better access to the lake.

Parks and Recreation Director Carlson responded no, not until they can get the bounce in the lake fixed.

Councilmember Perry stated that the path that is paved around the lake has been flooded 60% to 75% of the time.

Councilmember Bartholomew asked what effect the hard surface basketball court proposed on the bounce from the lake.

Public Works Director Thureen responded that it wouldn't be discernable, adding the court wouldn't be an issue with the bounce.

Councilmember Bartholomew asked Parks and Recreation Director Carlson to show a picture of where the park is and where the proposed basketball court would be. He asked about the length of space between the two. He asked about the length from the hard surface court to the cul de sac.

Parks and Recreation Director Carlson responded that it would be approximately 130 feet. He responded that the length of the court to the cul-de-sac would be between approximately 300 to 500 feet.

Acting Mayor Piekarski Krech asked where the picnic shelter would go. She asked how they decided on the area for the basketball court.

Parks and Recreation Director Carlson responded that there is not a picnic shelter there currently. He responded that in 2007 they wanted to keep the open space, and that the whole area is well seen from Blaine Avenue.

Councilmember Dietrich asked how long it had been since the paved trail has been discussed and in the works.

Parks and Recreation Director Carlson responded that the master plan is from 2007, the same year he arrived in his position. The Master Plan has been in existence for about 13 years. He commented that there was controversy with the developer and trees.

Acting Mayor Piekarski Krech stated the 20 years ago the original plan when Seidl's Lake Park was developed as a combination park along with South St. Paul. She stated both cities were going to work on the water quality.

Councilmember Dietrich asked if they really need engineers and lift stations. She asked if they could make the paved trail on higher ground. She commented that if it was that pressing it would have been addressed.

Parks and Recreation Director Carlson responded that the existing elevation floods out. He stated that there are other reasons why they want to control the level of the lake, but they cannot build a trail until it has been addressed.

Public Works Director Thureen responded that the slopes in the area get quite steep. The existing trail dead ends and is right down to the water level. He commented that to get the trail higher would come at a higher cost and result in taking out a lot of vegetation.

Councilmember Bartholomew asked what the other possibilities were for the court in the park.

Parks and Recreation Director Carlson responded that he wasn't sure what the other possibilities were. He commented that they were supposed to meet with the neighborhood to see what other locations may be possible. He stated that they could go out and survey the land and find two or three potential locations. Then they would invite the neighborhood in to see where those potential locations were and get feedback to bring back to the city council.

Councilmember Bartholomew asked what the contour of the elevation is between the water and the proposed sliding area.

Parks and Recreation Director Carlson responded that the bright green color depicted on the map is level land, and the darker green color has the elevation beginning to change drastically. He stated that the bright green area is the usable space in the park.

Acting Mayor Piekarski Krech stated that she would like to get a consensus from the neighborhood on where a better location would be rather than approving it. She asked if there was a timeline.

Parks and Recreation Director Carlson responded that there is not a timeline. He responded that they could meet with the neighborhood if that is what the council wants to do.

Councilmember Perry asked how many notices were mailed out. She asked how it was communicated in survey monkey.

Parks and Recreation Director Carlson responded that he didn't know the exact number but that it was probably more than 100. He responded that notifications were sent out twice, once for the February parks and recreation commission meeting, and once for the March meeting. He stated that they used the same mailing list both times. The second mailing included a link to the survey, plus it was put on social media. They tried to reach the same people through the letter twice.

Councilmember Bartholomew stated that he liked the idea of it staying open space. He commented that he didn't like the idea of spending funds on a hard surface when they are working more toward open space for activity. He was in favor of an open area and would rather see the funds spent on something else. He stated that he is willing to have input from the neighborhood and see if there is a consensus.

Mr. Pearson responded that he and his daughter coach four to five-year-old kids with another group that plays on the other side of the open space. He stated that this is the perfect location and that they have their own pop up nets and ran practices there once a week there. He commented that if looking at the master plan, there would be no place to do that anymore.

Councilmember Perry asked Mr. Pearson if he contacted the parks department to make sure that was open or if he just went there and used the field.

Mr. Pearson responded that his daughter was the manager, he was unsure what she did.

Councilmember Bartholomew stated that he would like to see this go back to parks and recreation to see what other options there are for courts before he could commit to spending money.

City Attorney Kuntz stated that they should make a motion. This may not be back before the Council for quite a while.

Motion by Bartholomew second by Piekarski Krech to have this item go back before the Park and Recreation Department and Commission to determine other feasible hard surface areas for a ½ sized basketball court at Seidl's Lake Park.

Parks and Recreation Director Carlson wanted to clarify what the request was and stated that they are looking for areas for a basketball court inside of Seidl's Lake Park.

Councilmember Bartholomew clarified and stated that this would go back to the Parks and Recreation Department to get a consensus on other locations that they can discuss further.

Parks and Recreation Director Carlson stated that he would invite the neighborhood to come out to the park in the spring to build a consensus on locations, or to not have a consensus on locations. He stated that he would bring that information back to the Park and Recreation Commission and then bring it before the City Council.

Councilmember Bartholomew stated that engineering should look at this and see if there is any viable area that would work topographically.

Councilmember Perry stated that she was open to looking at other areas within that park for a basketball court. She commented that having it nearby there, when she moved in, the townhomes had no kids in the area, and when they moved and left the area, it was just beginning to get kids. She commented that townhomes ebb and flow and there are so many teenagers outside in the area that had nothing to do. She stated that there are three different townhome associations within that area, and her section allowed basketball hoops in the area. She commented that the problem with that was when kids would move the locations of the hoops or play late into the night. She stated that there are a lot of kids in that neighborhood that might use it. She commented that on Night to Unite, there is often talk about having something else in the park other than it being used for dog space.

Councilmember Dietrich thanked the many residents that wrote to her and phoned her about this item. She stated that from her perspective residents have been heard.

Ayes: 3

Nays: 1 (Dietrich) Motion carried.

8. MAYOR & COUNCIL COMMENTS:

9. ADJOURN:

Motion by Perry second by Dietrich to adjourn at 8:12 p.m.

Ayes: 4

Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Yourczek.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: April 8, 2019
 Item Type: Consent
 Contact: Shannon Battles 651-450-2488
 Prepared by: Bill Schroepfer, Accountant
 Reviewed by: N/A

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Approve the attached resolution approving disbursements for the period of March 21, 2019 to April 3, 2019.

SUMMARY

Shown below is a listing of the disbursements for the various funds for the period ending April 3, 2019. The detail of these disbursements is attached to this memo.

General & Special Revenue	\$746,229.17
Debt Service & Capital Projects	554,102.61
Enterprise & Internal Service	323,194.83
Escrows	1,934.73
Grand Total for All Funds	<u><u>\$1,625,461.34</u></u>

If you have any questions about any of the disbursements on the list, please call Shannon Battles, Interim Finance Director at 651-450-2488

Attached to this summary for your action is a resolution approving the disbursements for the period March 21, 2019 to April 3, 2019 and the listing of disbursements requested for approval.

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

**RESOLUTION APPROVING DISBURSEMENTS FOR THE
PERIOD ENDING April 3, 2019**

WHEREAS, a list of disbursements for the period ending April 3, 2019 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	\$746,299.17
Debt Service & Capital Projects	554,102.61
Enterprise & Internal Service	323,194.83
Escrows	1,934.73
 Grand Total for All Funds	 <u><u>\$1,625,531.34</u></u>

Adopted by the City Council of Inver Grove Heights this 8th day of April, 2019.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk



City of Inver Grove Heights

Expense Approval Report

By Fund

Payment Dates 03/21/2019 - 04/03/2019

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ABDO, EICK & MEYERS, LLP	411548	03/26/2019	43697	101.41.2000.415.30100	21,000.00
AEM FINANCIAL SOLUTIONS, LLC	411941	04/02/2019	90020FS	101.41.2000.415.30700	7,000.00
AFSCME COUNCIL 5	INV0084723	03/15/2019	UNION DUES (AFSCME FULL SHARE)	101.203.2031000	903.24
AFSCME COUNCIL 5	INV0084724	03/15/2019	UNION DUES (AFSCME FULL SHARE-PT)	101.203.2031000	75.28
ASPEN MILLS	233333	03/21/2019	55077IGHPD	101.42.4000.421.60045	159.80
ASPEN MILLS	233466	03/26/2019	55077IGHPD	101.42.4000.421.60045	390.20
ASPEN MILLS	233506	03/26/2019	55077IGHPD	101.42.4000.421.60045	257.69
ASPEN MILLS	233596	03/26/2019	55077IGHPD	101.42.4000.421.60045	131.40
ASPEN MILLS	233892	04/02/2019	55077IGHPD	101.42.4000.421.60045	83.36
ASPEN MILLS	234585	04/02/2019	55077IGHPD	101.42.4000.421.60045	2,004.78
BARNA, GUZY, & STEFFEN LTD	199688	03/21/2019	50003-005	101.41.1100.413.30430	91.00
BJORKLUND COMPENSATION CONSULTIN	00004016	04/02/2019	3/8/19	101.42.4200.423.30700	145.00
CANEFF, ADAM	2/1/19	04/02/2019	REIMBURSE - OFFICER FIRE SCHOOL	101.42.4200.423.50065	87.00
CITY OF SAINT PAUL	IN33954	04/02/2019	2997	101.42.4000.421.50080	885.00
COMCAST	3/5/19 8772 10 591 0359526	03/21/2019	8772 10 591 0359526	101.42.4000.423.30700	21.06
CULLIGAN	2/28/19 157-98459100-6	03/21/2019	157-98459100-6	101.42.4200.423.60065	88.65
CULLIGAN	2/28/19 157-98459100-6 B	03/26/2019	157-98459100-6	101.42.4200.423.60065	88.65
CULLIGAN	2/28/19 157-98459118-8	03/21/2019	157-98459118-8	101.42.4200.423.60065	58.35
CULLIGAN	2/28/19 157-98459118-8 B	03/26/2019	157-98459118-8	101.42.4200.423.60065	58.35
DAKOTA CTY FINANCIAL SVCS	00034014 B	04/02/2019	P0001753	101.42.4000.421.70501	1,516.45
DAKOTA CTY FINANCIAL SVCS	00034014 B	04/02/2019	P0001753	101.42.4200.423.30700	1,703.09
DAKOTA CTY FINANCIAL SVCS	00034014 B	04/02/2019	P0001753	101.43.5200.443.30700	46.66
DAKOTA CTY FINANCIAL SVCS	2/8/19 P0001754	04/02/2019	00033876/00033882	101.42.4000.421.30700	5,577.00
DAKOTA CTY FINANCIAL SVCS	2/8/19 P0001754	04/02/2019	00033876/00033882	101.42.4000.421.70501	18,000.00
DAKOTA CTY FINANCIAL SVCS	00034313	03/26/2019	P0001753	101.42.4000.421.70501	1,563.11
DAKOTA CTY FINANCIAL SVCS	00034313	03/26/2019	P0001753	101.42.4200.423.30700	1,703.09
DAKOTA CTY FINANCIAL SVCS	00034313	03/26/2019	P0001753	101.43.5200.443.30700	46.66
DAKOTA CTY PROP TAXATION & RECORD	3/4/19	04/02/2019	P592077-P592193	101.45.0000.3413000	322.00
DAKOTA ELECTRIC ASSN	246837-9 3/19	03/22/2019	Electric	101.44.6000.451.40020	329.72
DAKOTA ELECTRIC ASSN	250165-8 3/19	03/22/2019	Electric	101.44.6000.451.40020	82.04
DAKOTA ELECTRIC ASSN	393563-2 3/19	03/22/2019	Electric	101.44.6000.451.40020	200.06
DAKOTA ELECTRIC ASSN	426713-4 3/19	03/22/2019	Electric	101.43.5400.445.40020	54.04
DAKOTA ELECTRIC ASSN	443054-2 3/19	03/22/2019	Electric	101.44.6000.451.40020	18.85
DAKOTA ELECTRIC ASSN	109394-7 3/19	03/22/2019	Electric	101.43.5400.445.40020	1,192.24
EFTPS	CM0002329	03/01/2019	FEDERAL WITHHOLDING	101.203.2030200	(272.65)
EFTPS	CM0002331	03/01/2019	MEDICARE WITHHOLDING	101.203.2030500	(42.38)
EFTPS	INV0084747	03/15/2019	FEDERAL WITHHOLDING	101.203.2030200	48,860.66
EFTPS	INV0084749	03/15/2019	MEDICARE WITHHOLDING	101.203.2030500	14,692.46
EFTPS	INV0084750	03/15/2019	SOCIAL SECURITY WITHHOLDING	101.203.2030400	44,335.18
EFTPS	INV0084751	03/15/2019	FEDERAL WITHHOLDING	101.203.2030200	4,282.83
EFTPS	INV0084753	03/15/2019	MEDICARE WITHHOLDING	101.203.2030500	652.26
EFTPS	INV0084754	03/15/2019	SOCIAL SECURITY WITHHOLDING	101.203.2030400	2,789.02
EFTPS	INV0084757	03/18/2019	FEDERAL WITHHOLDING	101.203.2030200	169.52
EFTPS	INV0084759	03/18/2019	MEDICARE WITHHOLDING	101.203.2030500	50.28
EFTPS	INV0084760	03/18/2019	SOCIAL SECURITY WITHHOLDING	101.203.2030400	214.98
EFTPS	INV0084765	03/18/2019	FEDERAL WITHHOLDING	101.203.2030200	90.17
EFTPS	INV0084767	03/18/2019	MEDICARE WITHHOLDING	101.203.2030500	102.70
EFTPS	INV0084768	03/18/2019	SOCIAL SECURITY WITHHOLDING	101.203.2030400	439.14
EFTPS	INV0084774	03/18/2019	MEDICARE WITHHOLDING	101.203.2030500	9.18
EFTPS	INV0085221	03/29/2019	FEDERAL WITHHOLDING	101.203.2030200	46,157.38
EFTPS	INV0085223	03/29/2019	MEDICARE WITHHOLDING	101.203.2030500	13,352.38
EFTPS	INV0085224	03/29/2019	SOCIAL SECURITY WITHHOLDING	101.203.2030400	38,257.08
EMERGENCY AUTOMOTIVE TECHNOLOGI	MP030719-208	04/02/2019	3/21/18	101.42.4200.423.40041	833.00
EMERGENCY RESPONSE SOLUTIONS	12702	03/26/2019	3/8/19	101.42.4200.423.40042	691.26
EYEMED	163813773	03/26/2019	MARCH 2019	101.203.2032700	232.47
FORCE AMERICA, INC.	IN001-1323019	04/02/2019	366100	101.43.5200.443.30700	247.50
GALLS INC	012166669	04/02/2019	1001727847	101.42.4000.421.60045	42.98
GENESIS EMPLOYEE BENEFITS ACH ONL	INV0084728	03/15/2019	HSA ELECTION-FAMILY	101.203.2032500	3,155.18
GENESIS EMPLOYEE BENEFITS ACH ONL	INV0084729	03/15/2019	HSA ELECTION-SINGLE	101.203.2032500	4,609.05
GENESIS EMPLOYEE BENEFITS ACH ONL	INV0085203	03/29/2019	HSA ELECTION-FAMILY	101.203.2032500	5,567.69
GENESIS EMPLOYEE BENEFITS ACH ONL	INV0085204	03/29/2019	HSA ELECTION-SINGLE	101.203.2032500	4,609.05
GENESIS EMPLOYEE BENEFITS, INC	IN1476012	03/26/2019	2/1/19-2/28/19	101.42.4000.421.30550	40.00
GENESIS EMPLOYEE BENEFITS, INC	IN1476694	03/26/2019	2/1/19-2/28/19	101.42.4000.421.30550	42.29
GIP III ZEPHYR ACQUISITION PARTNERS, I	INVRGRV-11902	04/02/2019	INVRGRV-1	101.42.4200.423.40020	422.06
GIP III ZEPHYR ACQUISITION PARTNERS, I	INVRGRV-11902	04/02/2019	INVRGRV-1	101.43.5200.443.40020	51.64
GIP III ZEPHYR ACQUISITION PARTNERS, I	INVRGRV-11902	04/02/2019	INVRGRV-1	101.43.5400.445.40020	471.86
GIP III ZEPHYR ACQUISITION PARTNERS, I	INVRGRV-11902	04/02/2019	INVRGRV-1	101.44.6000.451.40020	507.87
HEALTHEAST MEDICAL TRANSPORTATIOI	19-10670	03/21/2019	3/8/19	101.42.4000.421.30700	88.40
ICMA RETIREMENT TRUST - 457	INV0084722	03/15/2019	457 - ROTH AGE 50+	101.203.2031400	125.00

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ICMA RETIREMENT TRUST - 457	INV0084730	03/15/2019	ICMA-AGE <49 %	101.203.2031400	6,941.01
ICMA RETIREMENT TRUST - 457	INV0084731	03/15/2019	ICMA-AGE <49	101.203.2031400	4,310.00
ICMA RETIREMENT TRUST - 457	INV0084732	03/15/2019	ICMA-AGE 50+ %	101.203.2031400	482.07
ICMA RETIREMENT TRUST - 457	INV0084733	03/15/2019	ICMA-AGE 50+	101.203.2031400	4,914.79
ICMA RETIREMENT TRUST - 457	INV0084734	03/15/2019	ICMA (EMPLOYER SHARE ADMIN)	101.203.2031400	88.57
ICMA RETIREMENT TRUST - 457	INV0084744	03/15/2019	ROTH IRA (AGE 49 & UNDER)	101.203.2032400	2,126.52
ICMA RETIREMENT TRUST - 457	INV0084745	03/15/2019	ROTH IRA (AGE 50 & OVER)	101.203.2032400	730.00
ICMA RETIREMENT TRUST - 457	INV0084746	03/15/2019	ROTH-AGE <49 %	101.203.2032400	40.99
ICMA RETIREMENT TRUST - 457	INV0084761	03/18/2019	ICMA-AGE <49 %	101.203.2031400	21.94
ICMA RETIREMENT TRUST - 457	INV0084762	03/18/2019	ICMA-AGE 50+ %	101.203.2031400	7.48
ICMA RETIREMENT TRUST - 457	INV0084770	03/18/2019	ICMA-AGE <49 %	101.203.2031400	15.84
ICMA RETIREMENT TRUST - 457	INV0085199	03/29/2019	457 - ROTH AGE 50+	101.203.2031400	125.00
ICMA RETIREMENT TRUST - 457	INV0085205	03/29/2019	ICMA-AGE <49 %	101.203.2031400	7,075.40
ICMA RETIREMENT TRUST - 457	INV0085206	03/29/2019	ICMA-AGE <49	101.203.2031400	4,535.00
ICMA RETIREMENT TRUST - 457	INV0085207	03/29/2019	ICMA-AGE 50+ %	101.203.2031400	474.78
ICMA RETIREMENT TRUST - 457	INV0085208	03/29/2019	ICMA-AGE 50+	101.203.2031400	4,914.79
ICMA RETIREMENT TRUST - 457	INV0085209	03/29/2019	ICMA (EMPLOYER SHARE ADMIN)	101.203.2031400	88.57
ICMA RETIREMENT TRUST - 457	INV0085218	03/29/2019	ROTH IRA (AGE 49 & UNDER)	101.203.2032400	2,126.52
ICMA RETIREMENT TRUST - 457	INV0085219	03/29/2019	ROTH IRA (AGE 50 & OVER)	101.203.2032400	820.00
ICMA RETIREMENT TRUST - 457	INV0085220	03/29/2019	ROTH-AGE <49 %	101.203.2032400	41.77
IIMC	2019 RENEWAL	04/02/2019	M. TESSER	101.41.1100.413.50070	235.00
ING DIRECT	INV0084769	03/15/2019	MSRS-HCSP	101.203.2032200	27,537.80
INNOVATIVE OFFICE SOLUTIONS	SUM-045791	03/26/2019	S28777	101.41.2000.415.60010	607.17
INNOVATIVE OFFICE SOLUTIONS	SUM-045791	03/26/2019	S28777	101.41.2000.415.60070	687.76
INNOVATIVE OFFICE SOLUTIONS	SUM-045791	03/26/2019	S28777	101.45.3300.419.60040	80.84
K.K. SPECIALIZED SERVICES, INC.	3/4/19	03/21/2019	3/4/19	101.43.5200.443.40050	5,925.00
K.K. SPECIALIZED SERVICES, INC.	3/4/19 B	03/21/2019	3/4/19	101.43.5200.443.40046	61,043.50
K.K. SPECIALIZED SERVICES, INC.	3/4/19 C	03/21/2019	3/4/19	101.43.5200.443.40046	30,373.00
KENISON, TERRI	FEBRUARY 2019	03/26/2019	FEBRUARY 2019	101.42.4200.423.30700	850.00
LELS	INV0084735	03/15/2019	UNION DUES (LELS)	101.203.2031000	56.00
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	101.41.1100.413.50025	83.38
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	101.41.1100.413.50025	66.13
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	101.41.1100.413.50025	31.63
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	101.41.1100.413.50025	25.88
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	101.45.3000.419.50025	23.00
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	101.45.3000.419.50025	23.00
LVC COMPANIES, INC.	4505	04/02/2019	6283	101.42.4200.423.40040	607.00
MADISON NATIONAL LIFE INSURANCE CO	1337349	03/26/2019	APRIL 2019	101.203.2031700	2,632.26
MADISON NATIONAL LIFE INSURANCE CO	1337349	03/26/2019	APRIL 2019	101.41.2000.415.20630	24.38
MADISON NATIONAL LIFE INSURANCE CO	1337349	03/26/2019	APRIL 2019	101.45.3200.419.20630	(48.76)
MADISON NATIONAL LIFE INSURANCE CO	1337349	03/26/2019	APRIL 2019	101.45.3300.419.20630	17.13
MINNEAPOLIS OXYGEN CO.	00038711	03/21/2019	01910	101.42.4200.423.30700	64.68
MINNEAPOLIS OXYGEN CO.	00038712	03/21/2019	01915	101.42.4200.423.30700	64.68
MINNESOTA DEPARTMENT OF HUMAN SE	INV0085201	03/29/2019	JOEL JACKSON FEIN/TAXPAYER ID: 4161	101.203.2032100	294.18
MINNESOTA DEPARTMENT OF HUMAN SE	INV0085202	03/29/2019	JOHN VERDEJA FEIN/TAXPAYER ID: 4161	101.203.2032100	158.74
MN DEPT OF REVENUE	CM0002330	03/01/2019	STATE WITHHOLDING	101.203.2030300	(117.31)
MN DEPT OF REVENUE	INV0084748	03/15/2019	STATE WITHHOLDING	101.203.2030300	23,263.68
MN DEPT OF REVENUE	INV0084752	03/15/2019	STATE WITHHOLDING	101.203.2030300	1,650.80
MN DEPT OF REVENUE	INV0084758	03/18/2019	STATE WITHHOLDING	101.203.2030300	90.43
MN DEPT OF REVENUE	INV0084766	03/18/2019	STATE WITHHOLDING	101.203.2030300	92.18
MN DEPT OF REVENUE	INV0084773	03/18/2019	STATE WITHHOLDING	101.203.2030300	0.70
MN DEPT OF REVENUE	INV0085210	03/29/2019	LEVY - ANDREW BRAVO	101.203.2031900	77.11
MN DEPT OF REVENUE	INV0085211	03/29/2019	LEVY - STEVEN JOHNSON	101.203.2031900	309.58
MN DEPT OF REVENUE	INV0085222	03/29/2019	STATE WITHHOLDING	101.203.2030300	21,460.75
MN DEPT OF TRANSPORTATION	P00010124	04/02/2019	3/6/19	101.43.5200.443.40046	277.74
MN LAW ENFORCEMENT EXPLORER AS	4545	04/02/2019	2019 MN EXPLORER CONFERENCE	101.42.0000.3630008	1,000.00
MN LIFE INSURANCE CO	APRIL 2019	04/02/2019	POLICY #0027324	101.203.2030900	3,450.11
MN NCPERS LIFE INSURANCE	APRIL 2019	04/02/2019	APRIL 2019	101.203.2031600	320.00
NATURE CALLS, INC.	26151	03/26/2019	FEBRUARY 2018	101.44.6000.451.40065	464.00
NEWMAN SIGNS INC	TRFINV009941	04/02/2019	INV-03-001	101.43.5200.443.60016	180.55
PERA	CM0002327	03/01/2019	PERA POLICE & FIRE PLAN	101.203.2030600	(165.12)
PERA	CM0002328	03/01/2019	EMPLOYER SHARE (POLICE & FIRE PLA	101.203.2030600	(247.68)
PERA	INV0084738	03/15/2019	PERA COORDINATED PLAN	101.203.2030600	40,119.00
PERA	INV0084739	03/15/2019	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	3,086.13
PERA	INV0084740	03/15/2019	PERA DEFINED PLAN	101.203.2030600	53.46
PERA	INV0084741	03/15/2019	EMPLOYER SHARE (PERA DEFINED PLA	101.203.2030600	53.46
PERA	INV0084742	03/15/2019	PERA POLICE & FIRE PLAN	101.203.2030600	16,756.99
PERA	INV0084743	03/15/2019	EMPLOYER SHARE (POLICE & FIRE PLA	101.203.2030600	25,135.51
PERA	INV0084755	03/18/2019	PERA COORDINATED PLAN	101.203.2030600	225.38
PERA	INV0084756	03/18/2019	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	17.34
PERA	INV0084763	03/18/2019	PERA COORDINATED PLAN	101.203.2030600	388.82
PERA	INV0084764	03/18/2019	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	29.92
PERA	INV0084771	03/18/2019	PERA POLICE & FIRE PLAN	101.203.2030600	35.79
PERA	INV0084772	03/18/2019	EMPLOYER SHARE (POLICE & FIRE PLA	101.203.2030600	53.68
PERA	INV0085212	03/29/2019	PERA COORDINATED PLAN	101.203.2030600	38,840.24
PERA	INV0085213	03/29/2019	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	2,987.71
PERA	INV0085214	03/29/2019	PERA DEFINED PLAN	101.203.2030600	53.46
PERA	INV0085215	03/29/2019	EMPLOYER SHARE (PERA DEFINED PLA	101.203.2030600	53.46

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
PERA	INV0085216	03/29/2019	PERA POLICE & FIRE PLAN	101.203.2030600	17,021.12
PERA	INV0085217	03/29/2019	EMPLOYER SHARE (POLICE & FIRE PLA	101.203.2030600	25,531.72
POST BOARD	2019 - 17 OFFICERS	04/02/2019	17 OFFICERS	101.42.4000.421.50070	1,530.00
SHRED-IT	8126856622	04/02/2019	15212695	101.42.4000.421.30700	117.99
SOCIETY FOR HUMAN RESOURCE MGMT	2019 RENEWAL	04/02/2019	00906556	101.41.1100.413.50070	189.00
STERLING CODIFIERS	21965	03/26/2019	IN0921	101.41.1100.413.50070	660.00
STREICHER'S	11357767	03/26/2019	285	101.42.4000.421.60065	39.99
TEXAS STATE DISBURSEMENT UNIT	INV0085200	03/29/2019	ANDREW BRAVO FEIN/TAXPAYER ID: 41	101.203.2032100	401.13
TYLER TECHNOLOGIES, INC	025-251068	03/26/2019	BD2018-2279	101.41.2000.415.40044	438.00
TYLER TECHNOLOGIES, INC	025-253280	04/02/2019	41443	101.41.2000.415.40044	438.00
UNIFIRST CORPORATION	090 0469307	04/02/2019	1051948	101.43.5200.443.60045	56.09
UNIFIRST CORPORATION	090 0469307	04/02/2019	1051948	101.44.6000.451.60045	30.19
UNIFIRST CORPORATION	090 0470626	04/02/2019	1051948	101.43.5200.443.60045	45.99
UNIFIRST CORPORATION	090 0470626	04/02/2019	1051948	101.44.6000.451.60045	32.04
UNIFIRST CORPORATION	090 0471973	04/02/2019	1051948	101.43.5200.443.60045	45.99
UNIFIRST CORPORATION	090 0471973	04/02/2019	1051948	101.44.6000.451.60045	24.53
UNITED STATES TREASURY	3/15/19	03/26/2019	ANDREW BRAVO - LEVY PROCEEDS	101.203.2031900	125.00
UNITED STATES TREASURY	3/29/19	04/02/2019	ANDREW BRAVO - LEVY PROCEEDS	101.203.2031900	125.00
VERIFIED CREDENTIALS, INC.	291971	04/02/2019	3/31/19	101.41.1100.413.30500	337.75
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	101.41.1000.413.50020	180.05
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	101.41.1300.413.50020	42.48
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	101.42.4000.421.50020	1,250.43
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	101.42.4200.423.50020	659.92
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	101.43.5100.442.50020	254.88
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	101.43.5200.443.50020	407.87
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	101.44.6000.451.50020	313.62
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	101.45.3000.419.50020	(25.96)
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	101.45.3300.419.50020	289.31
WHAT WORKS INC	IGH19-01	03/26/2019	1/10-3/18 2019	101.41.1100.413.30700	570.00
WS&D PERMIT SERVICE	244340	03/26/2019	REFUND BD2018-2279	101.45.0000.3221000	200.60
Fund: 101 - GENERAL FUND					704,436.33
ENSEMBLE CREATIVE & MARKETING	IGH031519	03/26/2019	3/15/19	201.44.1600.465.50025	730.00
FRANKLIN OUTDOOR ADVERTISING - KEIT	FCHRG11732	03/26/2019	FINANCE CHARGE	201.44.1600.465.50025	12.75
LIME VALLEY ADVERTISING, INC.	19014.01	03/26/2019	2/19/19	201.44.1600.465.50025	100.00
RIVER HEIGHTS CHAMBER OF COMMERC	9883	03/26/2019	FEBRUARY 2019	201.44.1600.465.30700	5,873.82
RIVER HEIGHTS CHAMBER OF COMMERC	9951	04/02/2019	3/31/19	201.44.1600.465.30700	5,873.82
ST PAUL ARENA COMPANY, LLC	SPAC0002804	03/26/2019	FEBRUARY 2019	201.44.1600.465.50025	200.00
STACY ANN BROOKS	216	03/26/2019	MARCH 2019	201.44.1600.465.50025	195.00
Fund: 201 - C.V.B. FUND					12,985.39
ANDERSON RACE MANAGEMENT	22000-139	03/26/2019	HARMON FARMS TRAIL RUN	204.44.6100.452.30700	500.00
BONIN, LESLEY	3/14/19	03/26/2019	REFUND	204.44.0000.3470000	33.00
FIRST IMPRESSION GROUP, THE	87993-P	04/02/2019	4363	204.44.6100.452.50035	1,175.00
HAPPY TAILS MOBILE PETTING ZOO	2777	04/02/2019	3/18/19	204.44.6100.452.30700	100.00
JESSICA SHORT	3/14/19	03/26/2019	FALL 2018 6 WEEK SESSION	204.44.6100.452.30700	704.00
JESSICA SHORT	3/14/19 B	03/26/2019	WINTER 2019 6 WEEK SESSION INVOICE	204.44.6100.452.30700	396.00
TAHO SPORTSWEAR	18TF2280	03/26/2019	8/20/18	204.44.6100.452.60045	256.27
TAHO SPORTSWEAR	18TF2281	03/26/2019	8/20/18	204.44.6100.452.60045	89.26
TAHO SPORTSWEAR	18TF2282	03/26/2019	8/20/18	204.44.6100.452.60045	195.10
TAHO SPORTSWEAR	18TF2283	03/26/2019	8/29/18	204.44.6100.452.60045	966.48
TAHO SPORTSWEAR	18TF2285	03/26/2019	8/29/18	204.44.6100.452.60045	84.00
TAHO SPORTSWEAR	18TF2398	03/26/2019	8/31/18	204.44.6100.452.60045	47.20
TAHO SPORTSWEAR	18TF2070	04/02/2019	2018 BIKE EVENT	204.44.6100.452.60045	339.25
TAHO SPORTSWEAR	18TS2572	04/02/2019	HARMON FARMS	204.44.6100.452.60045	204.00
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	204.44.6100.452.50020	(16.71)
Fund: 204 - RECREATION FUND					5,072.85
AEP ONSITE PARTNERS, LLC	419-21175336	03/26/2019	2/1/19-2/28/19	205.44.6200.453.40020	159.44
AEP ONSITE PARTNERS, LLC	419-21175336	03/26/2019	2/1/19-2/28/19	205.44.6200.453.40020	182.57
CAROL GARBER	2/26/19	03/26/2019	3/12/19	205.44.6200.453.40040	400.00
EPPEN, AMY	3/21/19	04/02/2019	REIMBURSE - BIRTHDAY PARTY	205.207.2070300	2.00
EPPEN, AMY	3/21/19	04/02/2019	REIMBURSE - BIRTHDAY PARTY	205.44.0000.3492900	28.00
FIRST IMPRESSION GROUP, THE	87993-P	04/02/2019	4363	205.44.6200.453.50035	1,175.00
GRAINGER	9094776359	03/21/2019	806460150	205.44.6200.453.40040	1,075.65
GRAINGER	9076128611	03/21/2019	806460150	205.44.6200.453.60016	(596.00)
IND SCHOOL DISTRICT 197 DAKOTA CITY	3/4/19 B	03/21/2019	DAYTRIPPERS 3/13/19	205.44.6200.453.50090	1,197.00
JOHNSON, DELORES	3/12/19	03/26/2019	REGISTRATION - REFUND	205.44.0000.3493501	63.00
KIM THOMAS	2023	03/26/2019	3/1/19	205.44.6200.453.30700	696.80
MASS/MRPA	4/3/19-4/5/19	04/02/2019	MASS CONFERENCE	205.44.6200.453.50080	139.00
OCCUPATIONAL HEALTH CENTERS OF MI	102944861	04/02/2019	N26-1351004654	205.44.6200.453.30700	67.50
OCCUPATIONAL HEALTH CENTERS OF MI	102944861	04/02/2019	N26-1351004654	205.44.6200.453.30700	67.50
PERFECTION PLUS, INC	1129165	03/26/2019	FEBRUARY 2019	205.44.6200.453.40040	5,857.50
PERFECTION PLUS, INC	1129029	03/26/2019	NOVEMBER 2018	205.44.6200.453.40040	5,857.50
PINPOINT LOCATORS, INC.	22753	03/21/2019	2/27/19	205.44.6200.453.40040	2,000.00
REZA H. NEJAD	301	04/02/2019	2/21/19	205.44.6200.453.30700	84.00

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
SMITH, SARA	3/27/19	04/02/2019	REFUND - FITNESS	205.44.0000.3493501	55.00
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	205.44.6200.453.50020	81.60
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	205.44.6200.453.50020	27.06
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	205.44.6200.453.50020	63.77
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	205.44.6200.453.50020	81.59
Fund: 205 - COMMUNITY CENTER					18,765.48
DAKOTA CTY PROP TAXATION & RECORD 2019 CITY PROP. TAX. PYM 04/02/2019 2019 CITY PROPERTY TAX PAYMENTS					5,039.12
Fund: 291 - EDA ACQUISITIONS					5,039.12
COST, PLANNING AND MANAGEMENT INT	7206	03/26/2019	18208	434.42.4200.423.30700	3,671.80
JORGENSEN CONSTRUCTION INC.	PAY APPLICATION #4	03/26/2019	CITY PROJECT 2014-10	434.42.4200.423.80200	296,400.00
Fund: 434 - 2014 IMPROVEMENT FUND					300,071.80
DAKOTA CTY PROP TAXATION & RECORD 2019 CITY PROP. TAX. PYM 04/02/2019 2019 CITY PROPERTY TAX PAYMENTS					2,095.02
EVERGREEN LAND SERVICES	00-12090	03/26/2019	3/5/19	437.44.5900.737.30700	240.00
INSITUFORM TECHNOLOGIES USA, INC.	102509	03/26/2019	12/1/18	437.44.5900.737.30700	1,674.55
STEVENS ENGINEERS INC	11705	04/02/2019	900-18-302	437.44.5900.737.30300	581.17
WSB & ASSOCIATES, INC.	R-011626-000-13	04/02/2019	HVP DOG PARK DEVELOPMENT	437.44.5900.737.30700	18,198.00
Fund: 437 - 2017 IMPROVEMENT FUND					22,788.74
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	440.74.5900.740.50025	66.13
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	440.74.5900.740.50025	69.00
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	440.74.5900.740.50025	69.00
Fund: 440 - PAVEMENT MANAGEMENT PROJ					204.13
GIP III ZEPHYR ACQUISITION PARTNERS, I	INVRGRV-11902	04/02/2019	INVRGRV-1	441.74.5900.741.40020	292.58
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	441.74.5900.741.50025	20.13
LOWER MISSISSIPPI RIVER WMO	201901	03/26/2019	2019 DUES	441.74.5900.741.50070	41,252.18
Fund: 441 - STORM WATER MANAGEMENT					41,564.89
EJM PIPE SERVICES	FINAL PAY VO. NO. 13	03/26/2019	CITY PROJECT NO. 2015-13, 2015-16	446.74.5900.746.80300	60,620.08
EJM PIPE SERVICES	FINAL PAY VO. NO. 13	03/26/2019	CITY PROJECT NO. 2015-13, 2015-16	446.74.5900.746.80300	91,241.83
MAX STEININGER, INC.	PAY VO. NO. 6	03/26/2019	CITY PROJECT NO. 2017-03 201-24	446.74.5900.746.80300	15,794.24
WSB & ASSOCIATES, INC.	R-012429-000-8	03/26/2019	2/1/19-2/28/19	446.74.5900.746.30300	1,693.00
Fund: 446 - NW AREA					169,349.15
DAKOTA CTY PROP TAXATION & RECORD 2019 CITY PROP. TAX. PYM 04/02/2019 2019 CITY PROPERTY TAX PAYMENTS					4,141.04
DAKOTA CTY PROP TAXATION & RECORD 2019 CITY PROP. TAX. PYM 04/02/2019 2019 CITY PROPERTY TAX PAYMENTS					118.86
Fund: 448 - NWA - STORM WATER					4,259.90
BARR ENGINEERING COMPANY	23190218.00-275	03/26/2019	3/13/19	451.75.5900.751.30700	3,198.00
JOEL CARLSON	APRIL 2019	03/26/2019	APRIL 2019	451.75.5900.751.30700	1,000.00
MESSERLI & KRAMER, P.A.	362945	03/21/2019	22369-00004	451.75.5900.751.30700	3,333.00
MESSERLI & KRAMER, P.A.	364145	04/02/2019	CASE NO. 22369-00004	451.75.5900.751.30700	3,333.00
STAR CITY DAYS, INC.	2019 CONTRIBUTION	04/02/2019	2019 CONTRIBUTION	451.75.5900.751.70600	5,000.00
Fund: 451 - HOST COMMUNITY FUND					15,864.00
AMERICAN WATER WORKS ASSN	7001671199	03/26/2019	00139413	501.50.7100.512.50070	1,975.00
CITY OF BLOOMINGTON	1900060	03/26/2019	3/4/19	501.50.7100.512.30700	420.00
CORE & MAIN LP	K190950	03/26/2019	099872	501.50.7100.512.40043	190.56
GIP III ZEPHYR ACQUISITION PARTNERS, I	INVRGRV-11902	04/02/2019	INVRGRV-1	501.50.7100.512.40020	4,946.79
GIP III ZEPHYR ACQUISITION PARTNERS, I	INVRGRV-21902	04/02/2019	INVRGRV-2	501.50.7100.512.40020	2,584.65
GOPHER STATE ONE-CALL	9020471	03/26/2019	MN00435	501.50.7100.512.30700	132.30
HYDRODESIGNS, INC	0051373-IN	03/26/2019	INVERGR	501.50.7100.512.30700	1,247.25
INNOVATIVE OFFICE SOLUTIONS	SUM-045791	03/26/2019	S28777	501.50.7100.512.40044	318.58
LVC COMPANIES, INC.	4360	03/26/2019	4355	501.50.7100.512.40040	1,012.50
LVC COMPANIES, INC.	4832	03/26/2019	4084	501.50.7100.512.40042	325.00
MADISON NATIONAL LIFE INSURANCE CO	1337349	03/26/2019	APRIL 2019	501.50.7100.512.20630	17.21
MILBANK WINWATER WORKS	157357 00	04/02/2019	00743-002225	501.50.7100.512.75500	418.05
RAINBOW INC.	33644	03/26/2019	1939008	501.50.7100.512.40040	24,850.00
SHAPCO PRINTING	242766	03/26/2019	0585	501.50.7100.512.50030	469.00
UPS	000027914A109	03/26/2019	27914A	501.50.7100.512.60016	13.40
USABUEBOOK	826189	03/26/2019	656648	501.50.7100.512.40042	829.14
VALLEY-RICH CO, INC	26688	03/26/2019	R190128 03/16	501.50.7100.512.40046	4,019.32
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	501.50.7100.512.50020	383.61
VESSCO INC	75847	03/26/2019	13641	501.50.7100.512.60016	18.92
WOODBURY MECHANICAL, INC.	3/7/19	03/26/2019	3/7/19	501.50.7100.512.40043	575.00
WOODBURY MECHANICAL, INC.	3/7/19 B	03/26/2019	3/7/19	501.50.7100.512.40043	228.00
Fund: 501 - WATER UTILITY FUND					44,974.28
GIP III ZEPHYR ACQUISITION PARTNERS, I INVRGRV-11902					189.22
Fund: 502 - SEWER UTILITY FUND					189.22
ADIDAS AMERICA INC.	6177250179	04/02/2019	32354001	503.52.8200.523.76200	2,077.95
ADIDAS AMERICA INC.	6177323835	03/26/2019	42152240	503.52.8200.523.76200	84.00
ALL TEST & INSPECTIONS INC	CR19-12688	04/02/2019	3/21/19	503.52.8600.527.40040	510.80
ARTHUR J GALLAGHER RISK	2932417	03/21/2019	INVEGRO-03	503.52.8500.526.50014	931.48
CLEVELAND GOLF/SRIXON	5572309 SO	03/21/2019	10971	503.52.8200.523.76250	508.28

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
CLEVELAND GOLF/SRIXON	5591591 SO	03/21/2019	10971	503.52.8200.523.76250	104.58
CLEVELAND GOLF/SRIXON	5593587 SO	03/21/2019	10971	503.52.8200.523.76250	385.69
CLEVELAND GOLF/SRIXON	5595141 SO	03/21/2019	10971	503.52.8200.523.76200	117.14
CLEVELAND GOLF/SRIXON	5598213	03/26/2019	60364220	503.52.8200.523.76350	114.60
DAKOTA ELECTRIC ASSN	201360-5 3/19	03/22/2019	Electric	503.52.8600.527.40020	319.81
GEMPLER'S INC.	SI04389811	04/02/2019	3/19/19	503.52.8600.527.60050	55.13
GIP III ZEPHYR ACQUISITION PARTNERS, I	INVRGRV-11902	04/02/2019	INVRGRV-1	503.52.8600.527.40020	33.19
GMS INDUSTRIAL SUPPLIES, INC.	047707	04/02/2019	0001869	503.52.8600.527.60012	268.71
MADISON NATIONAL LIFE INSURANCE CO	1337349	03/26/2019	APRIL 2019	503.52.8600.527.20630	(25.36)
MPGA	2019 MEMBERSHIP	04/02/2019	2019 MEMBERSHIP	503.52.8500.526.50070	100.00
MTI DISTRIBUTING CO	1199984-00	03/21/2019	402307	503.52.8600.527.80400	25,522.52
MTI DISTRIBUTING CO	1199987-00	03/21/2019	402307	503.52.8600.527.80400	50,920.57
MTI DISTRIBUTING CO	1202418-01	03/26/2019	402307	503.52.8600.527.40042	34.30
MTI DISTRIBUTING CO	1202979-00	03/26/2019	402307	503.52.8600.527.40042	488.56
MTI DISTRIBUTING CO	1203038-00	03/26/2019	402307	503.52.8600.527.40042	52.66
MTI DISTRIBUTING CO	1201960-00	04/02/2019	402307	503.52.8600.527.60050	507.02
MTI DISTRIBUTING CO	1203370-00	04/02/2019	402307	503.52.8600.527.40042	264.30
MTI DISTRIBUTING CO	1203468-00	04/02/2019	402307	503.52.8600.527.40042	576.60
MV SPORT	92142075	03/26/2019	INVE0208S	503.52.8200.523.76200	112.31
NAPA OF INVER GROVE HEIGHTS	5762-127921	04/02/2019	4165	503.52.8600.527.40042	52.36
NARDINI FIRE EQUIPMENT CO., INC.	IN00103088	04/02/2019	5015	503.52.8600.527.60065	298.34
PRESTIGE FLAG	462500	03/26/2019	INVE03	503.52.8600.527.60050	368.33
SOUTH BAY DESIGN	030119	03/21/2019	MAR 2019	503.52.8500.526.50025	427.50
SWANNIES FOOTWEAR, LLC	INV001341	03/26/2019	3/7/19	503.52.8200.523.76200	1,240.00
TOLL GAS & WELDING SUPPLY	10287224	03/26/2019	C1376	503.52.8600.527.60040	45.00
TOLL GAS & WELDING SUPPLY	10289251	04/02/2019	C1376	503.52.8600.527.40042	91.40
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	503.52.8500.526.50020	206.64
Fund: 503 - INVER WOOD GOLF COURSE					86,794.41
CATHERINE M. PERME	1195	04/02/2019	3/29/19	602.00.2100.415.30700	12,112.17
HEPPNER'S AUTO BODY	44722	04/02/2019	3/13/19	602.00.2100.415.40048	1,513.97
LAMETTRY'S COLLISION INC.	19767	03/26/2019	2/20/19	602.00.2100.415.40048	405.93
Fund: 602 - RISK MANAGEMENT					14,032.07
ABM EQUIPMENT & SUPPLY	0159038-IN	03/21/2019	0126850	603.00.5300.444.40041	2,049.58
ABM EQUIPMENT & SUPPLY	0142109	04/02/2019	0126850	603.00.5300.444.40041	(286.38)
ABM EQUIPMENT & SUPPLY	0159068-in	04/02/2019	159068	603.00.5300.444.40041	1,611.96
CUSTOM FIRE APPARATUS INC	0018755-IN	03/21/2019	INV01	603.00.5300.444.40041	369.74
CUSTOM FIRE APPARATUS INC	0018775-IN	04/02/2019	INV01	603.00.5300.444.40041	45.22
CUSTOM FIRE APPARATUS INC	0018785-IN	04/02/2019	INV01	603.00.5300.444.40041	64.86
EMERGENCY APPARATUS MAINTENANCE	104836	04/02/2019	2/5/19	603.00.5300.444.40041	789.69
EMERGENCY APPARATUS MAINTENANCE	105041	04/02/2019	2/21/19	603.00.5300.444.40041	(102.00)
EVEREST EMERGENCY VEHICLES, INC.	W02311	04/02/2019	INV001	603.00.5300.444.80700	6,595.84
FERRELLGAS	1105628832	04/02/2019	7754787	603.00.5300.444.40041	53.00
FLEETPRIDE	22632730	04/02/2019	563	603.00.5300.444.40041	614.18
FORCE AMERICA, INC.	IN001-1319556	03/21/2019	366100	603.00.5300.444.40041	43.72
GIP III ZEPHYR ACQUISITION PARTNERS, I	INVRGRV-11902	04/02/2019	INVRGRV-1	603.00.5300.444.40020	548.90
GOPHER BEARING	9500486193	03/21/2019	0001032969	603.00.5300.444.40041	100.77
GOPHER BEARING	9500525173	04/02/2019	0001032969	603.00.5300.444.40041	177.91
HOSE / CONVEYORS INC	00079209	04/02/2019	CIT300	603.00.5300.444.40041	17.73
INNOVATIVE OFFICE SOLUTIONS	SUM-045791	03/26/2019	S28777	603.00.5300.444.60010	10.60
INVER GROVE FORD	5266432	03/21/2019	2/25/19	603.00.5300.444.40041	808.18
INVER GROVE FORD	6281486/1	04/02/2019	3/4/19	603.00.5300.444.40041	2,427.63
INVER GROVE FORD	6281830/1	04/02/2019	3/6/19	603.00.5300.444.40041	767.09
INVER GROVE FORD	5267638	04/02/2019	3/18/19	603.00.5300.444.40041	42.53
KIMBALL MIDWEST	6952939	03/21/2019	222006	603.140.1450050	606.00
LITTLE FALLS MACHINE INC	354653	04/02/2019	INVER	603.00.5300.444.40041	227.73
MACQUEEN EMERGENCY GROUP	P01880	04/02/2019	INVER003	603.00.5300.444.40041	58.89
MANSFIELD OIL COMPANY	359901	03/21/2019	23866-01-359901	603.140.1450060	4,324.78
MANSFIELD OIL COMPANY	359903	03/21/2019	23866-01-359903	603.140.1450060	2,235.23
MANSFIELD OIL COMPANY	359913	03/21/2019	23866-02-359913	603.140.1450060	4,943.23
MANSFIELD OIL COMPANY	378647	04/02/2019	23866-02-378647	603.140.1450060	7,536.00
MANSFIELD OIL COMPANY	378654	04/02/2019	23866-01-378654	603.140.1450060	3,739.75
MANSFIELD OIL COMPANY	378655	04/02/2019	23866-01-378655	603.140.1450060	1,602.75
MANSFIELD OIL COMPANY	380792	04/02/2019	23866-01-380792	603.140.1450060	1,144.60
MANSFIELD OIL COMPANY	380798	04/02/2019	23866-01-380798	603.140.1450060	2,188.54
METRO JANITORIAL SUPPLY INC	11015011	04/02/2019	3/4/19	603.00.5300.444.60012	196.83
MID CITY SERVICES, INC.	100307	03/21/2019	3/1/19	603.00.5300.444.40065	48.00
MID CITY SERVICES, INC.	99488	04/02/2019	3/15/19	603.00.5300.444.40065	48.00
MN DEPT OF REVENUE	FEB 2019	03/25/2019	FEB 2019 PETRO TAX	603.00.5300.444.60021	1,538.15
MTI DISTRIBUTING CO	1201755-00	03/21/2019	91180	603.00.5300.444.40041	409.94
MTI DISTRIBUTING CO	1201569-00	04/02/2019	91180	603.00.5300.444.40041	776.30
NORTH AMERICAN TRAILER SALES	0304139728	03/21/2019	10095	603.00.5300.444.40041	9.30
NORTHLAND CHEMICAL CORP	2952	03/21/2019	3/1/19	603.00.5300.444.60012	119.34
NORTHWOODS FORD	19-102	04/02/2019	2019 FORD POLICE EXPLORER	603.00.5300.444.80700	35,721.31
NORTHWOODS FORD	9989916	03/21/2019	26941	603.00.5300.444.80700	35,721.31
NUSS TRUCK AND EQUIPMENT	4013821	04/02/2019	38679B	603.00.5300.444.40041	3,479.73
NUSS TRUCK AND EQUIPMENT	4585206P	03/21/2019	38679B	603.00.5300.444.40041	41.31
NUSS TRUCK AND EQUIPMENT	4586395P	04/02/2019	38679B	603.00.5300.444.40041	82.62

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
NUSS TRUCK AND EQUIPMENT	4586849P	04/02/2019	38679B	603.00.5300.444.40041	80.82
O' REILLY AUTO PARTS	1767-383153	03/21/2019	1578028	603.00.5300.444.40041	182.30
O' REILLY AUTO PARTS	1767-383193	03/21/2019	1578028	603.140.1450050	75.78
O' REILLY AUTO PARTS	1767-383459	03/21/2019	1578028	603.00.5300.444.40041	92.39
O' REILLY AUTO PARTS	1767-383460	03/21/2019	1578028	603.00.5300.444.40040	245.50
O' REILLY AUTO PARTS	1767-383485	03/21/2019	1578028	603.140.1450050	35.98
O' REILLY AUTO PARTS	1767-383516	03/21/2019	1578028	603.140.1450050	27.04
O' REILLY AUTO PARTS	1767-383936	03/21/2019	1578028	603.00.5300.444.40041	2.60
O' REILLY AUTO PARTS	1767-384077	03/21/2019	1578028	603.00.5300.444.40041	54.98
O' REILLY AUTO PARTS	1767-384125	03/21/2019	1578028	603.00.5300.444.40041	105.04
O' REILLY AUTO PARTS	1767-384129	03/21/2019	1578028	603.00.5300.444.40041	1,623.49
O' REILLY AUTO PARTS	1767-384146	03/21/2019	1578028	603.140.1450050	37.62
O' REILLY AUTO PARTS	1767-384150	03/21/2019	1578028	603.00.5300.444.40041	3.17
O' REILLY AUTO PARTS	1767-384246	03/21/2019	1578028	603.00.5300.444.40041	24.99
O' REILLY AUTO PARTS	1767-384414	04/02/2019	1578028	603.00.5300.444.60012	6.38
O' REILLY AUTO PARTS	1767-384602	04/02/2019	1578028	603.140.1450050	20.78
O' REILLY AUTO PARTS	1767-384603	04/02/2019	1578028	603.00.5300.444.60012	23.99
O' REILLY AUTO PARTS	1767-384604	04/02/2019	1578028	603.140.1450050	28.92
O' REILLY AUTO PARTS	1767-384654	04/02/2019	1578028	603.00.5300.444.60012	14.99
O' REILLY AUTO PARTS	1767-385135	04/02/2019	1578028	603.00.5300.444.60012	52.30
O' REILLY AUTO PARTS	1767-385144	04/02/2019	1578028	603.00.5300.444.40041	44.75
O' REILLY AUTO PARTS	1767-385151	04/02/2019	1578028	603.00.5300.444.60012	108.00
O' REILLY AUTO PARTS	1767-385328	04/02/2019	1578028	603.00.5300.444.40041	107.18
O' REILLY AUTO PARTS	1767-385520	04/02/2019	1578028	603.00.5300.444.60012	17.48
O' REILLY AUTO PARTS	1767-385582	04/02/2019	1578028	603.00.5300.444.60012	17.98
O' REILLY AUTO PARTS	1767-385742	04/02/2019	1578028	603.00.5300.444.40041	26.50
O' REILLY AUTO PARTS	1767-385872	04/02/2019	1578028	603.00.5300.444.40041	25.73
O' REILLY AUTO PARTS	1767-386569	04/02/2019	1578028	603.00.5300.444.40041	7.18
O' REILLY AUTO PARTS	1767-386586	04/02/2019	1578028	603.00.5300.444.60012	15.98
O' REILLY AUTO PARTS	1767-386782	04/02/2019	1578028	603.140.1450050	45.12
O' REILLY AUTO PARTS	1767-383208	03/21/2019	1578028	603.00.5300.444.40041	(30.00)
O' REILLY AUTO PARTS	1767-384131	03/21/2019	1578028	603.00.5300.444.40041	(105.04)
PERFECTION PLUS, INC	1129165	03/26/2019	FEBRUARY 2019	603.00.5300.444.40040	442.00
PERFECTION PLUS, INC	1129029	03/26/2019	NOVEMBER 2018	603.00.5300.444.40040	442.00
PUMP AND METER SERVICE INC	30415-1	04/02/2019	494500	603.00.5300.444.40040	136.48
SHOWROOM AUTO CARE	11181	04/02/2019	3/11/19	603.00.5300.444.40041	125.00
TITAN MACHINERY	12052412	03/21/2019	4234853	603.00.5300.444.40041	67.23
TITAN MACHINERY	12061395 GP	03/21/2019	6239910	603.00.5300.444.40041	108.30
TOWMASTER TRAILERS INC	413100	04/02/2019	2946	603.00.5300.444.40041	193.19
TOWMASTER TRAILERS INC	413507	04/02/2019	2946	603.00.5300.444.40041	193.19
UNIFIRST CORPORATION	090 0469307	04/02/2019	1051948	603.00.5300.444.40065	174.17
UNIFIRST CORPORATION	090 0469307	04/02/2019	1051948	603.00.5300.444.60045	33.50
UNIFIRST CORPORATION	090 0470626	04/02/2019	1051948	603.00.5300.444.40065	169.98
UNIFIRST CORPORATION	090 0470626	04/02/2019	1051948	603.00.5300.444.60045	33.50
UNIFIRST CORPORATION	090 0471973	04/02/2019	1051948	603.00.5300.444.40065	169.98
UNIFIRST CORPORATION	090 0471973	04/02/2019	1051948	603.00.5300.444.60045	33.50
UNITED FARMS COOP	78746	04/02/2019	958425	603.00.5300.444.40041	778.71
VERIZON WIRELESS	9824828575	04/02/2019	Telephone	603.00.5300.444.50020	117.53
WORLD FUEL SERVICES	72371093282-41801	03/21/2019	112741	603.00.5300.444.40041	138.10
WORLD FUEL SERVICES	72371093282-41801	03/21/2019	112741	603.140.1450050	509.65
WORLD FUEL SERVICES	72453719368-41801	03/21/2019	112741	603.00.5300.444.40041	276.20
WORLD FUEL SERVICES	72453719368-41801	03/21/2019	112741	603.140.1450050	1,450.53
WORLD FUEL SERVICES	72806095323-41801	03/21/2019	112741	603.140.1450050	115.50
ZARNOTH BRUSH WORKS	0174022-IN	04/02/2019	INV1669	603.00.5300.444.40041	98.00
ZARNOTH BRUSH WORKS	0174023-IN	04/02/2019	INV1669	603.00.5300.444.40041	358.00
ZARNOTH BRUSH WORKS	0174119-IN	04/02/2019	INV1669	603.00.5300.444.40041	813.00
ZIEGLER INC	PC002040985	03/21/2019	4069900	603.00.5300.444.40041	69.73
Fund: 603 - CENTRAL EQUIPMENT					133,617.28
INNOVATIVE OFFICE SOLUTIONS	SUM-045791	03/26/2019	S28777	604.00.2200.416.60005	347.04
INNOVATIVE OFFICE SOLUTIONS	SUM-045791	03/26/2019	S28777	604.00.2200.416.60010	1,573.62
Fund: 604 - CENTRAL STORES					1,920.66
AEP ONSITE PARTNERS, LLC	419-21175336	03/26/2019	2/1/19-2/28/19	605.00.7500.460.40020	94.10
CULLIGAN	2/28/19 157-98503022-8	03/21/2019	157-98503022-8	605.00.7500.460.60011	65.60
CULLIGAN	2/28/19 157-98503022-8 B	03/26/2019	157-98503022-8	605.00.7500.460.60011	65.60
HUEBSCH SERVICES	4252658	03/26/2019	100075	605.00.7500.460.40065	120.52
LONE OAK COMPANIES	81591	04/02/2019	3/27/19	605.00.7500.460.50035	339.54
PERFECTION PLUS, INC	1129165	03/26/2019	FEBRUARY 2019	605.00.7500.460.40040	4,512.08
PERFECTION PLUS, INC	1129029	03/26/2019	NOVEMBER 2018	605.00.7500.460.40040	4,512.08
Fund: 605 - CITY FACILITIES					9,709.52
CDW GOVERNMENT INC	RHX8579	03/21/2019	2394832	606.00.1400.413.60041	1,228.50
CDW GOVERNMENT INC	RMD7160	03/26/2019	2394832	606.00.1400.413.60041	1,206.63
CDW GOVERNMENT INC	RNH9959	03/26/2019	2394832	606.00.1400.413.60041	387.03
CDW GOVERNMENT INC	RPM4866	04/02/2019	2394832	606.00.1400.413.60041	86.63
DAKOTA CTY FINANCIAL SVCS	00034288	04/02/2019	1ST Q 2019 BROADBAND	606.00.1400.413.30760	6,490.25
OFFICE OF MN. IT SERVICES	3/6/19	03/26/2019	REBATE	606.00.1400.413.50070	19.91
OFFICE OF MN. IT SERVICES	DV19020482	03/26/2019	200B00171	606.00.1400.413.50070	310.00

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
TDS METROCOM	3/13/19 651 457 7490	03/26/2019	651 457 7490	606.00.1400.413.50020	171.88
WORKS COMPUTING, INC.	31013	03/26/2019	INVER	606.00.1400.413.30700	11,762.50
WORKS COMPUTING, INC.	31014	03/26/2019	INVER	606.00.1400.413.30700	350.00
WORKS COMPUTING, INC.	31071	04/02/2019	INVER	606.00.1400.413.60041	8,313.08
WORKS COMPUTING, INC.	30608	03/26/2019	INVER	606.00.1400.413.60041	1,630.98
Fund: 606 - TECHNOLOGY FUND					31,957.39
CULLIGAN	2/28/19 157-98473242-8	03/21/2019	157-98473242-8	702.229.2286300	83.10
CULLIGAN	2/28/19 157-98473242-8 B	03/26/2019	157-98473242-8	702.229.2286300	22.75
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	702.229.2301702	25.88
LILLIE SUBURBAN NEWSPAPERS	2/28/19 001363	04/02/2019	Advertising/Publishing	702.229.2309302	23.00
NORTHERN SERVICE CENTER	19WSCR1781621	03/20/2019	TIMOTHY POTASEK JR	702.229.2291000	300.00
NORTHERN SERVICE CENTER	19WSCR1910031	03/21/2019	PETTY CASH REQUEST	702.229.2291000	300.00
NORTHERN SERVICE CENTER	19WSVB1750341	04/02/2019	ROBERTA SUMNER	702.229.2291000	280.00
RICE COUNTY SHERIFF'S OFFICE	19137	03/19/2019	CHRISTOPHER MICHAEL SMITH	702.229.2291000	500.00
WASHINGTON COUNTY COURT ADMIN	11892040	04/02/2019	SAVANNAH LEE LATRAILLE	702.229.2291000	400.00
Fund: 702 - ESCROW FUND					1,934.73
Grand Total					1,625,531.34

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

REQUEST FOR APPROVAL OF RENTAL HOUSING LICENSE

Meeting Date: April 8, 2019

Item Type: Consent

Contact: Nicole Cook: 651-450-2491

Prepared by: Nicole Cook, Rental and Code
Compliance Coordinator

Reviewed by: Dennis Haugland, Commander

Fiscal/FTE Impact:

☒	None
☐	Amount included in current budget
☐	Budget amendment requested
☐	FTE included in current complement
☐	New FTE requested – N/A
☐	Other (Revenue)

PURPOSE/ACTION REQUESTED

The City Council is to consider approval of one (1) rental license.

BACKGROUND

The City Council adopted a rental licensing ordinance that requires all rental property owners to obtain a rental license every two years. The purpose of the ordinance is to assure proper maintenance of structures to preserve neighborhood stability, protect the quality of existing rental housing stock, and maintain property values. The ordinance provides for basic safety and living standards for rentals.

ANALYSIS

The following rental license application has been submitted:

- JOSHUA CHRISTIAN: 8343 CORCORAN CIRCLE; TOWNHOUSE

The above application has been found to be complete. The application includes the necessary fee payment and the BCA background check. The Inver Grove Heights Police Chief/Designee has also reviewed the license application.

RECOMMENDATIONS

Staff and the Police Chief/Designee recommend approval of the license listed above.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Resolution Adopting Post-Issuance Debt Compliance Policy for Tax-exempt and Tax-advantaged Governmental Bonds

Meeting Date: April 8, 2019
 Item Type: Consent Agenda
 Contact: Shannon Battles 651-450-2488
 Prepared by: Shannon Battles, Interim Finance Director
 Reviewed by: Joe Lynch, City Administrator

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Adopt the Post-Issuance Debt Compliance Policy for Tax-exempt and Tax-advantaged Governmental Bonds

SUMMARY

City Council adopted the Post Issuance Debt Compliance Policy on March 26, 2012 comply with the rules and regulations of the Internal Revenue Service, the Securities and Exchange Commission and the United States Treasury Department.

On February 27, 2019, the Securities and Exchange Commission required amendments to Rule 15C2-12 of the Securities Exchange Act to include two additional reportable events, increasing the number of required event notices to 16. In addition, the Municipalities Continuing Disclosure Cooperation Initiative has increased underwriter scrutiny regarding disclosure practices. Together, these changes require us to update the current policy and procedures to protect against post issuance compliance violations.

Attachments: Post-Issuance Debt Compliance Policy
 Post-Issuance Debt Compliance Procedures
 Resolution

The City of Inver Grove Heights, Minnesota Post-Issuance Debt Compliance Policy

The City Council (the "Council") of the City of Inver Grove Heights, Minnesota (the "City") has chosen, by policy, to take steps to help ensure that all obligations will be in compliance with all applicable federal regulations. This policy may be amended, as necessary, in the future.

IRS Background

The Internal Revenue Service (IRS) is responsible for enforcing compliance with the Internal Revenue Code (the "Code") and regulations promulgated thereunder ("Treasury Regulations") governing certain obligations (for example: tax-exempt obligations, Build America Bonds, Recovery Zone Development Bonds and various "Tax Credit" Bonds). The IRS encourages issuers and beneficiaries of these obligations to adopt and implement a post-issuance debt compliance policy and procedures to safeguard against post-issuance violations.

SEC Background

The Securities and Exchange Commission (SEC) is responsible for enforcing compliance with the SEC Rule 15c2-12 (the "Rule"). Governments or governmental entities issuing obligations generally have a requirement to meet specific continuing disclosure standards set forth in continuing disclosure agreements ("CDA"). Unless the issuer, obligated person, or a specific obligation is exempt from compliance with CDAs, these agreements are entered into at the time of obligation issuance to enable underwriter(s) to comply with the Rule. The Rule sets forth certain obligations of (i) underwriters to receive, review and disseminate official statements prepared by issuers of most primary offerings of municipal securities, (ii) underwriters to obtain CDAs from issuers and other obligated persons to provide material event disclosure and annual financial information on a continuing basis, and (iii) broker-dealers to have access to such continuing disclosure in order to make recommendations of municipal securities transactions in the secondary market. The SEC encourages issuers and beneficiaries adopt and implement a post-issuance debt compliance policy and procedures to safeguard against Rule violations.

When obligations are issued, the CDA commits the issuer or obligated person to provide certain annual financial information and material event notices to the public. Issuers and other obligated persons may also choose to provide periodic, voluntary financial information and filings to investors in addition to fulfilling the specific responsibilities delineated in their CDA. It is important to note that issuers and other obligated persons should not give any one investor certain information that is not readily available to all market participants by disseminating information to the marketplace, at large. Issuers and other obligated persons should be aware that any disclosure activities determined to be "communicating to the market" can be subject to regulatory scrutiny.

Post-Issuance Debt Compliance Policy Objective

The City desires to monitor these obligations to ensure compliance with the IRS Code, Treasury Regulations and the SEC Rule. To help ensure compliance, the City has developed the following policy (the "Post-Issuance Debt Compliance Policy"). The Post-

Issuance Debt Compliance Policy shall apply to the obligations mentioned above, including bonds, notes, loans, lease purchase contracts, lines of credit, commercial paper or any other form of debt that is subject to compliance.

Post-Issuance Debt Compliance Policy

The City Administrator, or Designee of the City is designated as the City's agent who is responsible for post-issuance compliance of these obligations.

The City Administrator, or Designee shall assemble all relevant documentation, records and activities required to ensure post-issuance debt compliance as further detailed in corresponding procedures (the "Post-Issuance Debt Compliance Procedures"). At a minimum, the Post-Issuance Debt Compliance Procedures for each qualifying obligation will address the following:

1. General Post-Issuance Compliance
2. General Recordkeeping
3. Arbitrage Yield Restriction and Rebate Recordkeeping
4. Expenditure and Asset Documentation to be Assembled and Retained
5. Miscellaneous Documentation to be Assembled and Retained
6. Additional Undertakings and Activities that Support Sections 1 through 5 above
7. Continuing Disclosure Obligations
8. Compliance with Future Requirements

The City Administrator, or Designee shall apply the Post-Issuance Debt Compliance Procedures to each qualifying obligation and maintain a record of the results. Further, the City Administrator, or Designee will ensure that the Post-Issuance Debt Compliance Policy and Procedures are updated on a regular and as needed basis.

The City Administrator, or Designee or any other individuals responsible for assisting the City Administrator, or Designee in maintaining records needed to ensure post-issuance debt compliance, are authorized to expend funds as needed to attend training or secure use of other educational resources for ensuring compliance such as consulting, publications, and compliance assistance.

Most of the provisions of this Post-Issuance Debt Compliance Policy are not applicable to taxable governmental obligations unless there is a reasonable possibility that the City may refund their taxable governmental obligation, in whole or in part, with the proceeds of a tax-exempt governmental obligation. If this refunding possibility exists, then the City Administrator, or Designee shall treat the taxable governmental obligation as if such issue were an issue of tax-exempt governmental obligations and comply with the requirements of this Post-Issuance Debt Compliance Policy.

Private Activity Bonds

The City may issue tax-exempt obligations that are "private activity" bonds because either (1) the bonds finance a facility that is owned by the City but used by one or more qualified 501(c)(3) organizations, or (2) the bonds are so-called "conduit bonds", where the proceeds are loaned to a qualified 501(c)(3) organization or another private entity that finances activities eligible for tax-exempt financing under federal law (such as certain manufacturing projects and certain affordable housing projects). Prior to the issuance of

either of these types of bonds, the City Administrator, or Designee shall take steps necessary to ensure that such obligations will remain in compliance with the requirements of this Post-Issuance Debt Compliance Policy.

In a case where compliance activities are reasonably within the control of a private party (i.e., a 501(c)(3) organization or conduit borrower), the City Administrator, or Designee may determine that all or some portion of compliance responsibilities described in this Post-Issuance Debt Compliance Policy shall be assigned to the relevant party. In the case of conduit bonds, the conduit borrower will be assigned all compliance responsibilities other than those required to be undertaken by the City under federal law. In a case where the City Administrator, or Designee is concerned about the compliance ability of a private party, the City Administrator, or Designee may require that a trustee or other independent third party be retained to assist with record keeping for the obligation and/or that the trustee or such third party be responsible for all or some portion of the compliance responsibilities.

The City Administrator, or Designee is additionally authorized to seek the advice, as necessary, of bond counsel and/or its financial advisor to ensure the City is in compliance with this Post-Issuance Debt Compliance Policy.

Adopted this 8th day of April 2019 by the City of Inver Grove Heights, Minnesota

The City of Inver Grove Heights, Minnesota Post-Issuance Debt Compliance Procedures

The City Council (the "Council") of The City of Inver Grove Heights, Minnesota (the "City") has adopted the attached Post-Issuance Debt Compliance Policy dated April 8th, 2019. The Post-Issuance Debt Compliance Policy applies to qualifying debt obligations issued by the City. As directed by the adoption of the Post-Issuance Debt Compliance Policy, the City Administrator, or Designee of the City will perform the following Post-Issuance Debt Compliance Procedures for all of the City's outstanding debt.

1) General Post-Issuance Compliance

- a) Ensure written procedures and/or guidelines have been put in place for individuals to follow when more than one person is responsible for ensuring compliance with Post-Issuance Debt Compliance Procedures.
- b) Ensure training and/or educational resources for post-issuance compliance have been approved and obtained.
- c) The City Administrator, or Designee understands that there are options for voluntarily correcting failures to comply with post-issuance compliance requirements (e.g. as remedial actions under Section 1.141-12 of the Treasury Regulations and the ability to enter into a closing agreement under the Tax-Exempt Bonds Voluntary Closing Agreement Program described in Notice 2008-31(the "VCAP Program")).

2) General Recordkeeping

- a) Retain records and documents for the obligation and all obligations issued to refund the obligation for a period of at least seven years following the final payment of the obligation. If an obligation is refunded, then the final payment of the refunding obligation becomes the beginning of the period unless otherwise directed by the City's bond counsel.
- b) Retain electronic (preferred) and/or paper versions of records and documents for the obligation.
- c) General records and documentation to be assembled and retained:
 - i) Description of the purpose of the obligation (i.e. the project or projects) and the state statute authorizing the project.
 - ii) Record of tax-exempt status or revocation of tax-exempt status, if applicable.
 - iii) Any correspondence between the City and the IRS.
 - iv) Audited financial statements.
 - v) All accounting audits of property financed by the obligation.
 - vi) Obligation transcripts, official statements, and other offering documents of the obligation.
 - vii) Minutes and resolutions authorizing the issuance of the obligation.
 - viii) Certifications of the issue price of the obligation.

- ix) Any formal elections for the obligation (i.e. an election to employ an accounting methodology other than the specific tracing method).
- x) Appraisals, demand surveys, or feasibility studies for property financed by the obligation.
- xi) All information reports filed for the obligations.
- xii) All management contracts and other service agreements, research contracts, and naming rights contracts.
- xiii) Documents related to governmental grants associated with construction, renovation or purchase of property financed by the obligation.
- xiv) Reports of any prior IRS examinations of the City or the City's obligation.
- xv) All correspondence related to the above (faxes, emails, or letters).

3) Arbitrage Yield Restriction and Rebate Recordkeeping

- a) Investment and arbitrage documentation to be assembled and retained:
 - i) An accounting of all deposits, expenditures, interest income and asset balances associated with each fund established in connection with the obligation. This includes an accounting of all monies deposited to the debt service fund to make debt service payments on the obligation, regardless of the source derived. Accounting for expenditures and assets is described in further detail in Section 4.
 - ii) Statements prepared by Trustee and/or Investment Provider.
 - iii) Documentation of at least quarterly allocations of investments and investment earnings to each obligation.
 - iv) Documentation for investments made with obligation proceeds such as:
 - (1) investment contracts (i.e. guaranteed investment contracts),
 - (2) credit enhancement transactions (i.e. obligation insurance contracts),
 - (3) financial derivatives (e.g. swaps, caps, and collars), and
 - (4) bidding of financial products:
 - (a) Investments acquired with obligation proceeds are purchased at fair market value (e.g. three bid safe harbor rule for open market securities needed in advance refunding escrows).
- b) Computations of the arbitrage yield.
- c) Computations of yield restriction and rebate amounts including but not limited to:
 - i) Compliance in meeting the "Temporary Period from Yield Restriction Exception" and limiting the investment of funds after the temporary period expires.
 - ii) Compliance in meeting the "Rebate Exception."
 - (1) qualifying for the "Small Issuer Exception,"
 - (2) qualifying for a "Spending Exception,"
 - (a) 6-Month Spending Exception
 - (b) 18-Month Spending Exception
 - (c) 24-Month Spending Exception
 - (3) qualifying for the "Bona Fide Debt Service Fund Exception," and

- (4) quantifying arbitrage on all funds established in connection with the obligation in lieu of satisfying arbitrage exceptions including reserve funds and debt service funds.
 - d) Computations of yield restriction and rebate payments.
 - e) Timely Tax Form 8038-T filing, if applicable.
 - i) Remit any arbitrage liability associated with the obligation to the IRS at each five-year anniversary date of the obligation, and the date in which the obligation is no longer outstanding (redemption or maturity date), whichever comes sooner, within 60 days of said date.
 - f) Timely Tax Form 8038-R filing, if applicable.
 - i) Remit the form after the date in which the obligation is no longer outstanding (redemption or maturity date), whichever comes sooner, within 2 years of said date.
 - g) Procedures or guidelines for monitoring instances where compliance with applicable yield restriction requirements depends on subsequent reinvestment of obligation proceeds in lower yielding investments (e.g. reinvestment in zero coupon SLGS).
- 4) Expenditure and Asset Documentation to be Assembled and Retained
- a) Documentation of allocations of obligation proceeds to expenditures (e.g. allocation of proceeds to expenditures for the construction, renovation or purchase of facilities owned and used in the performance of exempt purposes).
 - i) Such allocation will be done not later than the earlier of:
 - (1) eighteen (18) months after the later of the date the expenditure is paid, or the date the project, if any, that is financed by the obligation is placed in service; or
 - (2) the date sixty (60) days after the earlier of the fifth anniversary of the issue date of the obligation, or the date sixty (60) days after the retirement of the obligation.
 - b) Documentation of allocations of obligation proceeds to issuance costs.
 - c) Copies of requisitions, draw schedules, draw requests, invoices, bills, and cancelled checks related to obligation proceed expenditures during the construction period.
 - d) Copies of all contracts entered into for the construction, renovation or purchase of facilities financed with obligation proceeds.
 - e) Records of expenditure reimbursements incurred prior to issuing obligations for projects financed with obligation proceeds (declaration of official intent/reimbursement resolutions including all modifications).
 - f) List of all facilities and equipment financed with obligation proceeds.
 - g) Depreciation schedules for depreciable property financed with obligation proceeds.

- h) Documentation that tracks the purchase and sale of assets financed with obligation proceeds.
- i) Documentation of timely payment of principal and interest payments on the obligation.
- j) Tracking of all issue proceeds and the transfer of proceeds into the debt service fund as appropriate.
- k) Documentation that excess earnings from a Reserve Fund are transferred to the Debt Service Fund on an annual basis. Excess earnings are balances in a Reserve Fund that exceed the Reserve Fund requirement.

5) Miscellaneous Documentation to be Assembled and Retained

- a) Ensure that the project, while the obligation is outstanding, will avoid IRS private activity concerns.
- b) The City Administrator, or Designee shall monitor the use of all obligation-financed facilities in order to:
 - i) Determine whether private business uses of obligation-financed facilities have exceeded the *de minimus* limits set forth in Section 141(b) of the Code as a result of:
 - (1) sale of the facilities;
 - (2) sale of City capacity rights;
 - (3) leases and subleases of facilities including easements or use arrangements for areas outside the four walls (e.g. hosting of cell phone towers);
 - (4) leasehold improvement contracts, licenses, management contracts in which the City authorizes a third party to operate a facility (e.g. cafeteria);
 - (5) research contracts;
 - (6) preference arrangements in which the City permits a third-party preference (e.g. parking in a public parking lot, joint ventures, limited liability companies or partnership arrangements);
 - (7) output contracts or other contracts for use of utility facilities including contracts with large utility users;
 - (8) development agreements which provide for guaranteed payments or property values from a developer;
 - (9) grants or loans made to private entities including special assessment agreements;
 - (10) naming rights agreements; and
 - (11) any other arrangements that provide special legal entitlements to nongovernmental persons.
 - ii) Determine whether private security or payments that exceed the *de minimus* limits set forth in Section 141(b) of the Code have been provided by nongovernmental persons with respect to such obligation-financed facilities.

- c) The City Administrator, or Designee shall provide training and educational resources to any City staff that have the primary responsibility for the operation, maintenance, or inspection of obligation-financed facilities with regard to the limitations on the private business use of obligation-financed facilities and as to the limitations on the private security or payments with respect to obligation-financed facilities.
 - d) The City shall undertake the following with respect to the obligations:
 - i) An annual review of the books and records maintained by the City with respect to such obligations.
 - ii) An annual physical inspection of the facilities financed with the proceeds of such obligations, conducted by the City Administrator, or Designee with the assistance of any City staff who have the primary responsibility for the operation, maintenance, or inspection of such obligation-financed facilities.
 - e) Changes in the project that impact the terms or commitments of the obligation are properly documented and necessary certificates or opinions are on file.
- 6) Additional Undertakings and Activities that Support Sections 1 through 5 above:
- a) The City Administrator, or Designee will notify the City's bond counsel, financial advisor and arbitrage provider of any survey or inquiry by the IRS immediately upon receipt. Usually responses to IRS inquiries are due within 21 days of receipt. Such IRS responses require the review of the above-mentioned data and must be in writing. As much time as possible is helpful in preparing the response.
 - b) The City Administrator, or Designee will consult with the City's bond counsel, financial advisor and arbitrage provider before engaging in post-issuance credit enhancement transactions (e.g. obligation insurance, letter of credit, or hedging transaction).
 - c) The City Administrator, or Designee will monitor all "qualified tax-exempt debt obligations" (often referred to as "bank qualified" obligations) within the first calendar year to determine if the limit is exceeded, and if exceeded, will address accordingly. For obligations issued during years 2009 and 2010 the limit was \$30,000,000. During this period, the limit also applied to pooled financings of the governing body and provides a separate \$30,000,000 for each 501 (c)(3) conduit borrower. In 2011 and thereafter it is \$10,000,000 unless changed by Congress.
 - d) Identify any post-issuance change to terms of obligations which could be treated as a current refunding of "old" obligations by "new" obligations, often referred to as a "reissuance."
 - e) The City Administrator, or Designee will consult with the City's bond counsel prior to any sale, transfer, change in use or change in users of obligation-financed property which may require "remedial action" under applicable Treasury Regulations or resolution pursuant to the VCAP Program.

- i) A remedial action has the effect of curing a deliberate action taken by the City which results in satisfaction of the private business test or private loan test. Remedial actions under Section 1.141-12(d)(e) and (f) include the redemption of non-qualified obligations and/or the alternative uses of proceeds or the facility (i.e. to be used for another qualified purpose).
- f) The City Administrator, or Designee will ensure that the appropriate tax form for federal subsidy payments is prepared and filed in a timely fashion for applicable obligations (e.g. Build America Bonds).

7) Continuing Disclosure Obligations

- a) Identify a position at the City to be responsible for compliance with continuing disclosure obligations as defined by the Rule and any policies of the City.
- b) The position responsible for compliance may have the ability to assign responsibilities, delegate where appropriate or engage a dissemination agent or third-party service providers to perform all or some of the duties described in this section. The City cannot delegate its compliance responsibilities.
- c) The City should specify how providers or delegated authorities will be monitored and supervised.
- d) The City should identify the documents that set forth the respective requirements being monitored at the time of closing for each obligation.
- e) The City should catalog all outstanding Continuing Disclosure Agreements and establish consolidated filing requirements based on the outstanding CDAs.
- f) The City should identify the frequency of the actions to be undertaken to ensure compliance, establish a system or filing alerts or reminders to administer the filing requirements.
- g) The City Administrator, or Designee for compliance must be made aware of any new outstanding debt, changes to obligation or loan covenants, events of acceleration or default that would materially affect investors.
- h) The City should review a compliance checklist to verify compliance with CDA requirements, at least annually, although it may be advisable to provide more frequent reviews in connection to specific material events.
- i) The City should monitor mandatory material events specifically identified in accordance with the Rule and file required notices within 10 days of occurrence.
 - i) Principal and interest payment delinquencies.
 - ii) Non-payment related defaults, if material.
 - iii) Unscheduled draws on debt service reserves reflecting financial difficulties.
 - iv) Unscheduled draws on credit enhancements reflecting financial difficulties.
 - v) Substitution of credit or liquidity providers or their failure to perform.

- vi) Adverse tax opinion, IRS notices or material events affecting the tax status of the obligation.
- vii) Modifications to rights of security holders, if material.
- viii) Obligation calls, if material.
- ix) Defeasances.
- x) Release, substitution or sale of property securing repayment of the obligations, if material.
- xi) Rating Changes.
- xii) Bankruptcy, insolvency, receivership, or similar event of the obligated person(s).
- xiii) Merger, consolidation, or acquisition of the obligated person, if material.
- xiv) Appointment of a successor or additional trustee, or change of name of a trustee, if material.
- xv) Incurrence of financial obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any of which affect security holders, if material.
- xvi) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the City, any of which reflect financial difficulties.
- j) In addition to the mandatory material events, the City should review and file any additional or voluntary event notices.
- k) The City should maintain a catalog of all outstanding obligations whether publicly offered or privately placed, and the terms and conditions that govern default or acceleration provisions.
- l) Any missed filing requirement should be remedied with a failure to file notice as soon as possible once the late filing is identified and the required information is available to file.
- m) Sensitive information such as bank accounts and wire information should be redacted from documents prior to posting on EMMA.
- n) The City needs to monitor for changes in law and regulations that effect continuing disclosure obligations and review disclosure policies and procedures periodically to ensure compliance and consistency with regulation and market expectations.

8) Compliance with Future Requirements

- a) Take measures to comply with any future requirements issued beyond the date of these Post-Issuance Debt Compliance Procedures which are essential to ensuring compliance with the applicable state and federal regulations.

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

Resolution No.

**Adopting Post-Issuance Debt Compliance Policy for Tax-exempt and Tax-
advantaged Governmental Bonds**

WHEREAS, the City of Inver Grove Heights, Minnesota (the "City") from time to time will issue tax-exempt and tax-advantaged governmental bonds; and

WHEREAS, under the Internal Revenue Code of 1986, as amended and related regulations (the "Code"), and Securities and Exchange Commission (the "SEC") the City is required to take certain actions after bond issuance to ensure that interest on those bonds remains in compliance with the Code and SEC; and

WHEREAS, the City has determined to adopt a policy regarding how the City will carry out its compliance responsibilities via written procedures, and to that end, has caused to be prepared documents titled Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures; and

WHEREAS, the City Council (the "Council") of the City has reviewed the Post-Issuance Debt Compliance Policy in connection with the Post-Issuance Debt Compliance Procedures and has determined that it is in the best interest of the City to adopt the Policy.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF INVER GROVE HEIGHTS, MINNESOTA; the Council approves the Policy as shown in the form attached; and

BE IT FURTHER RESOLVED; City staff are authorized to take all actions necessary to carry out the Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures.

Adopted by the City of Inver Grove Heights, Minnesota this 8th day of April 2019.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Awarding a Contract for the North Valley Park Pickleball Court Project

Meeting Date: April 8, 2019
 Item Type: Consent Agenda
 Contact: Eric Carlson – 651.450.2587
 Prepared by: Brian Swoboda -651-450-2582
 Reviewed by: Eric Carlson – Parks & Recreation

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider awarding a contract to T.A. Schitsky & Sons Inc. in the amount of \$273,157 for the North Valley Pickleball Court Project.

SUMMARY

On October 4, 2018 the PRAC appointed North Valley Pickleball Sub-Committee toured neighboring pickleball courts in Eagan, Cottage Grove, and Woodbury. This tour was very helpful by talking with users and making decisions as to what North Valley Park Pickleball Courts would include and look like. On November 13, 2018 the PRAC approved Fred Kolkman Tennis & Sport Surfaces, LLC to provide Design Services for plans and specifications to replace the 4 tennis courts at North Valley Park with 6 Pickleball Courts.

A letter was sent out to all neighbors within 350 ft. of North and South Valley Parks on February 1, 2019 inviting them to comment and/or attend the PRAC meeting to address any pros or cons of the proposed project. The project details include removing the four tennis courts and replacing them with 6 Pickle Ball **only** Courts. The fence perimeter will be 8ft high with a 6ft. high dividing fence in the center. A concrete maintenance strip will also be included around fence perimeter. Fencing shall include 6ft. PVC slatting on north/south end and 4 ft on dividing. Interior courts will be coated/painted bi-color blue/gray with white lines and exterior will be green. The plans also include adding a 10 ft. x 30ft. shade shelter and increasing the parking lot from 8 stalls to 21 stalls; including 2 handicap stalls with ADA accessibility. The add alternate Bid #1 includes the ability of changing the galvanized fence and post to black. The add alternate Bid #2 includes adding a 10ft.x30ft. shade structure.

Three contractors Bid on the project and are as follows.

Company	Base Bid	Alt. Bid #1	Alt. Bid #2	Total
T.A. Schitsky & Sons Inc.	\$247,915	\$6,226	\$19,016	\$273,157.00
Bituminous Roadways Inc.	\$262,000	\$5,000	\$19,000	\$286,000.00
Meyer Contracting Inc.	\$313,226.77	\$9,240	\$17,266	\$339,732.77

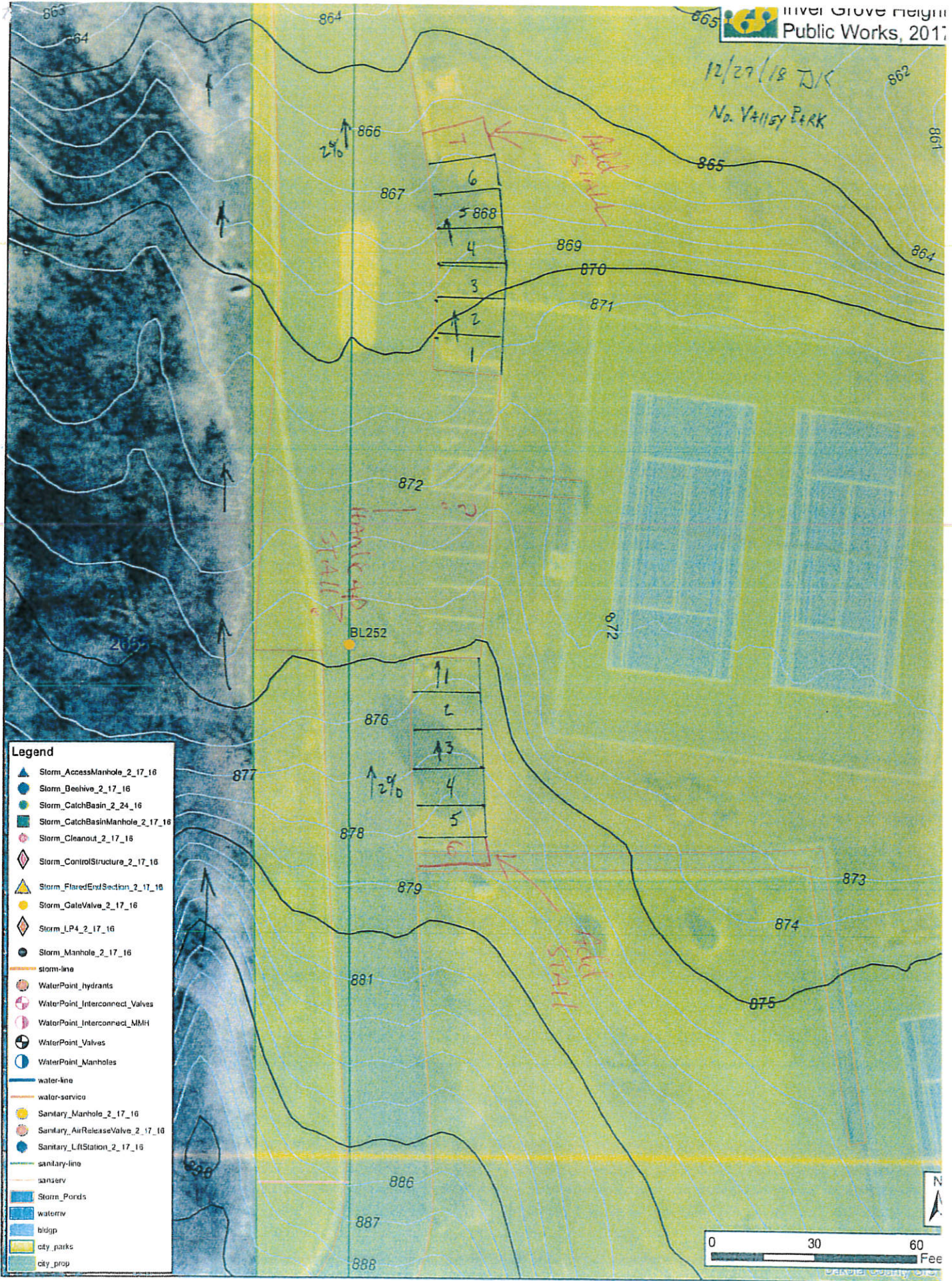
Staff recommends hiring T. A. Schitsky & Sons Inc. The total project cost is \$290,000, which is less than the preliminary estimated cost of \$310,000. Funding source and project detail are as follows.

Project Item	Funding Source	Cost
6 Courts/Fencing	Fund 444	\$179,500
Shade Shelter	Fund 444	\$19,000
Park Amenities	Fund 444	\$12,000
Inspecting and Testing Fees	Fund 444	\$19,500
Parking Lot Addition	Pavement Management Fund	\$60,000
	Total Project	\$290,000

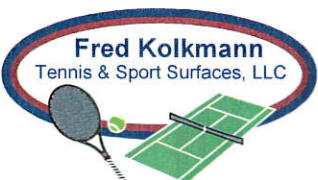
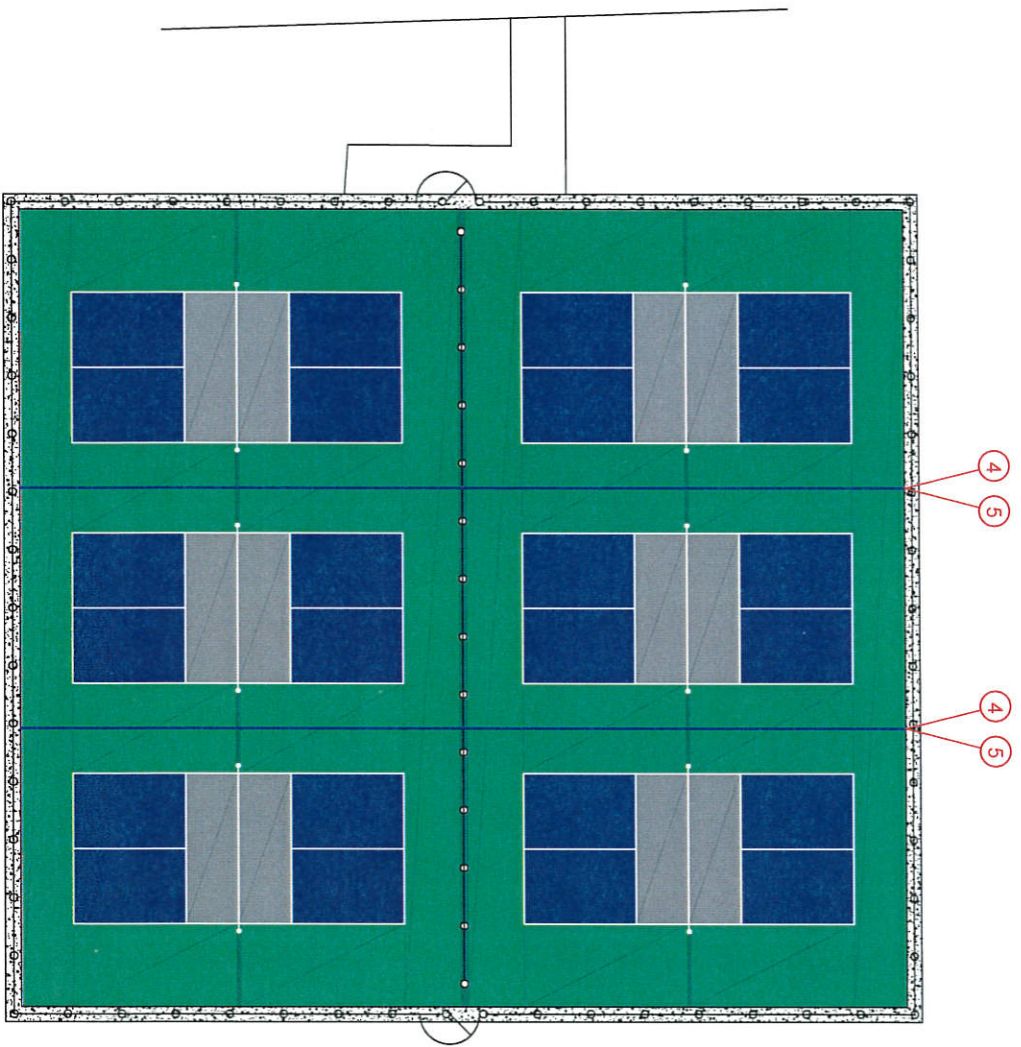
The tentative Project Timeline from start to finish are as follows:

Date:	Description:
April 8, 2019	Recommend Approval by City Council
April 9, 2019	Notify Vendor of Approval
April 23, 2019	Pre-construction Meeting
April 30, 2019	Tentative Start Date
September 15, 2019	Completion Date

12/27/18 DIS
 No. Valley Park



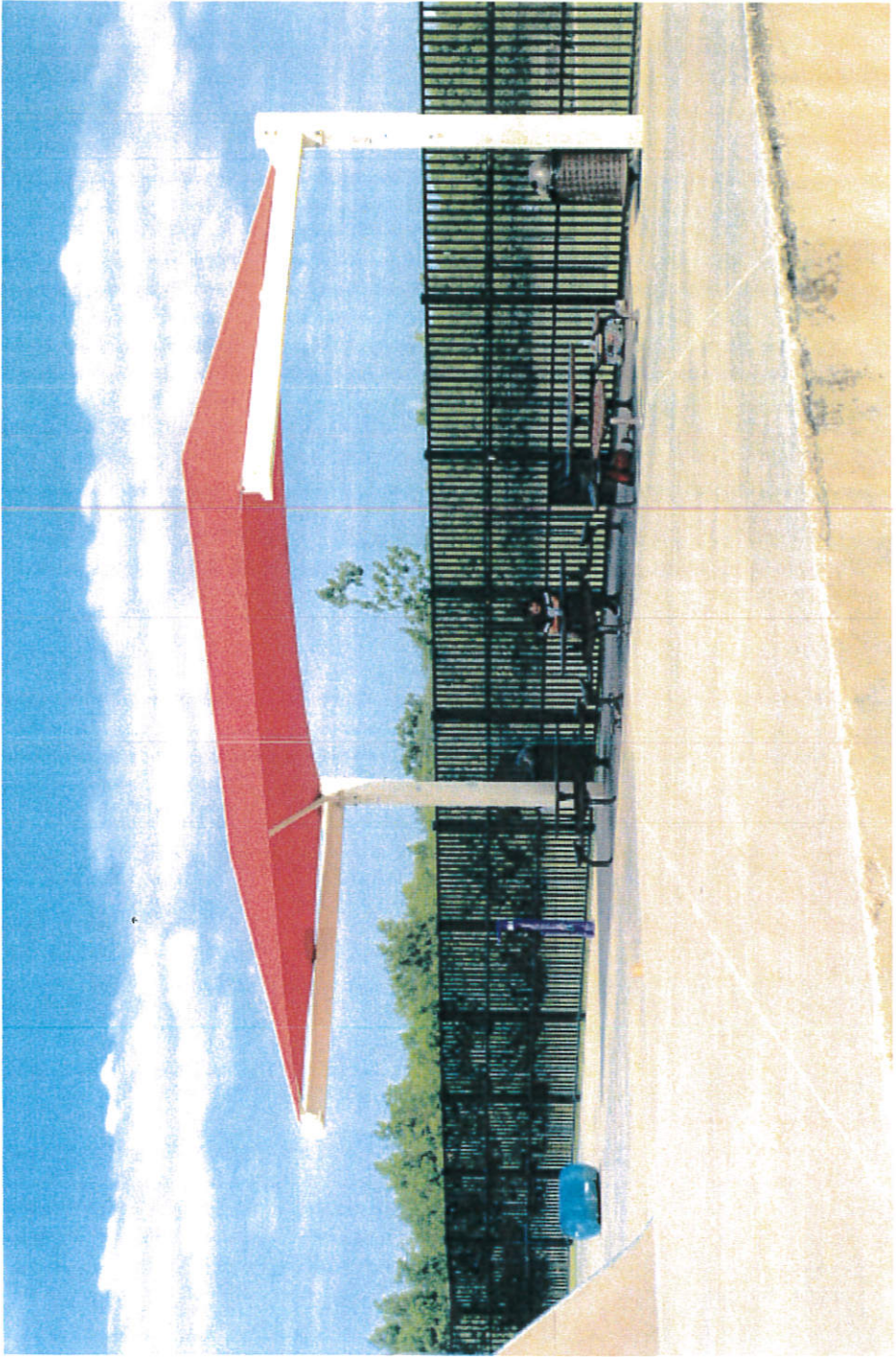
- ① Light Green Exterior
- ② Grey And Dark Blue Interior
- ③ White Lines
- ④ Control Joints
- ⑤ Armor Over Joints



Fred Kolkmann Tennis
And Sport Surfaces, LLC
1921 Mayfair Rd. Graton, WI 53024
www.kolkmanncourtbuilder.com
courtbuilder@ameritech.net
262-685-7507

City Of Inver Grove Heights
North Valley Park
2800 70th St. East
Inver Grove Heights MN 55076

Color Page	
Project #	18-036
Sheet #	10
Date	2-3-2019
CAD By	Peter K.
Scale	NTS



CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Pay Voucher No. 4 for City Project No. 2018-13 – Public Works Maintenance Facility HVAC Improvements

Meeting Date: April 8, 2019
 Item Type: Consent
 Contact: Scott D. Thureen, 651-450-2571
 Prepared by: Scott D. Thureen, Public Works Director
 Reviewed by: *SDT SD*

Fiscal/FTE Impact:

☐	None
☐	Amount included in current budget
☐	Budget amendment requested
☐	FTE included in current complement
☐	New FTE requested – N/A
☒	Other: Central Equipment Fund

PURPOSE/ACTION REQUESTED

Consider Pay Voucher No. 4 for City Project No. 2018-13 – Public Works Maintenance Facility HVAC Improvements.

SUMMARY

The contract was awarded in the amount of \$164,878 to Grendahl Mechanical, LLC on August 27, 2018 for City Project No. 2018-13.

The contractor has completed the work through February 28, 2019 in accordance with the contract plans and specifications. A letter of recommendation for payment and acceptance (attached) has been provided by SEH, Inc., the design consultant for the project.

I recommend approval of Pay Voucher No. 4 in the amount of \$20,000.00 for City Project No. 2018-13.

SDT/kf

Attachments: Letter from SEH, Inc.
 Pay Voucher No. 4



Building a Better World
for All of Us®

March 26, 2019

RE: City of Inver Grove Heights, Minnesota
Public Works Building HVAC
Improvements
SEH No. INVER 146552

Mr. Scott Thureen
Public Works Director
8150 Barbary Ave
Inver Grove Heights, MN 55077

Dear Scott:

Please find enclosed Application for Payment No. 4 for the referenced project. The quantities completed to date have been reviewed. Based on our review and a recent visit to the site, we recommend approval for payment to Grendahl Mechanical LLC in the amount of \$20,000. This amount represents 94% of the work completed and material on hand, with 5% held for retainage.

If approved, please sign and forward payment, along with a copy of the signed pay application, to Grendahl Mechanical LLC, retaining the original for City records.

Please don't hesitate to contact me with any questions or comments. Thank you.

Sincerely,

Nicholas J. Brula
Project Manager

s:\fj\inver\146552\73-const-svcs\73-app-pym\pay apps\payapptemplate.docx

Engineers | Architects | Planners | Scientists

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

SEH is 100% employee-owned | sehinc.com | 651.490.2000 | 800.325.2055 | 888.908.8166 fax

APPLICATION AND CERTIFICATE FOR PAYMENT

PAGE ONE OF 2 PAGES

TO OWNER:

Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN
FROM CONTRACTOR:
Grendahl Mechanical LLC
7101 York Avenue South, Suite 250
Edina, MN 55435

PROJECT:

Public Works Building

VIA ARCHITECT:
SEH Architects and Engineers
3535 Vandals Center Drive
St. Paul, MN 55110

APPLICATION #: 4

PERIOD TO: 2/28/19

Distribution to

Owner	
Const. Mgr.	
Architect	X
Contractor	

CONTRACT DATE: 0

CONTRACT FOR HVAC Systems

CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM: \$164,878.00
2. Net change by Change Orders: \$0.00
3. CONTRACT SUM TO DATE (Line 1 +/- 2): \$164,878.00
4. TOTAL COMPLETED & STORED TO DATE: \$164,878.00

5. RETAINAGE:

- a. 5.0% of Completed Work (Columns D+E on Continuation Sheet) \$8,243.90
- b. 5.0% of Stored Material (Column F on Continuation Sheet) \$0.00

Total Retainage (Line 5a + 5b or Total in Column 1 of Continuation Sheet): \$8,243.90

6. TOTAL EARNED LESS RETAINAGE: \$147,039.10

(Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT

(Line 6 from prior Certificate): \$29,545.00

8. CURRENT PAYMENT DUE: \$117,494.10

9. BALANCE TO FINISH, INCLUDING RETAINAGE

(Line 3 less Line 6): \$20,000.00

(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	

CONTRACTOR:

By:  Date: 2/28/2019
State of Minnesota
County of Hennepin
Subscribed and sworn to before me this 28 day of February 2019
My Commission Expires 1/14/2021



Notary Public: Jennifer L. Nida

My Commission Expires: 1/14/2021

CERTIFICATE FOR PAYMENT

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

AMOUNT CERTIFIED: \$20,000.00
(Attach explanation if amount certified differs from the amount approved for final all figures on this application and on the Continuation Sheet that are changed to conform to the amount certified)

ARCHITECT

By:  Date: 3/26/19
This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Insurance, payment and acceptance of payment are without prejudice to any rights of the Owner at Law or in Equity under this Contract.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Approval of a Storm Water Facilities Maintenance Agreement (SWFMA) for Lot 6, Block 1, Krech's Knollwood Estates Fourth Addition

Meeting Date: April 8, 2019
 Item Type: Consent
 Contact: Steve W. Dodge, 651-450-2541
 Prepared by: Steve W. Dodge, Assistant City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director *SAT*

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider approval of Storm Water Facilities Maintenance Agreement for Lot 6, Block 1, Krech's Knollwood Estates Fourth Addition.

SUMMARY

The owners of 6163 Cahill Ave are proposing modifications to their property. The additional impervious surfaces covered by their proposal required the development of a storm water management plan to ensure their improvements meet City requirements. Their plans include the construction of best management practices (BMPs) in the form of a rain garden.

The applicant is proposing a garage addition. The owner is requested to provide a SWFMA in order to contain and treat runoff volume. They are also required to operate and maintain these BMPs. The owner has signed the SWFMA meeting the requirements.

The owners have provided a \$1500 engineering escrow to cover any costs incurred by the City. A building permit will be issued upon approval of the SWFMA.

It is recommended that the Council approve the SWFMA for Lot 6, Block 1, Krech's Knollwood Estates Fourth Addition.

SWD/np
 Attachment: SWFMA

STORM WATER FACILITIES MAINTENANCE AGREEMENT
FOR
LOT 6, BLOCK 1, KRECH'S KNOLLWOOD ESTATES FOURTH ADDITION
DAKOTA COUNTY, MINNESOTA

THIS STORM WATER FACILITIES MAINTENANCE AGREEMENT (Agreement) is made, entered into and effective this ____ day of _____, _____, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as City) and Daniel J. Krech, single person (hereafter referred to as Landowner and Responsible Owner). 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
DEFINITIONS

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

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

1.3 Landowner. “Landowner” means Daniel J. Krech, single person, and their successors and assigns.

1.4 Storm Water Facilities. “Storm Water Facilities” means each and all of the following, individually and collectively, to the extent located within the Landowner Property:

Any existing or future raingardens and storm water storage areas including related appurtenances lying within the Landowner Property.

1.5 Storm Water Facility Plan. “Storm Water Facility Plan” means that certain Rain Garden Plan prepared by Landowner dated 12-26-17 with final revisions on 2-12-18, and

approved by the City Engineer on 2-12-18. The Storm Water Facility Plan is on file with the City and attached hereto as **Exhibit D**.

The Storm Water Facility Plan also includes modifications of the above referenced Stormwater Facility Plan as approved from time to time by the City Engineer.

1.6 Landowner Property. “Landowner Property” means that certain real property located in the City of Inver Grove Heights, Dakota County, Minnesota legally described on **Exhibit A**.

1.7 Responsible Owner. “Responsible Owner” means, jointly and severally, all of the following:

The fee title owner of the property legally described on Exhibit A attached hereto, and the successors and assigns of such fee title owner.

1.8 NWA Stormwater Manual. “NWA Stormwater Manual” means the Inver Grove Heights Northwest Area Storm Water Manual prepared by Emmons & Olivier Resources dated July 2006, and as adopted by the City of Inver Grove Heights and codified in Section 10-13J-5 (H) of the Inver Grove Heights City Code, as amended from time to time by amendment of general applicability.

ARTICLE 2 **RECITALS**

Recital No. 1. Landowner owns the Landowner Property.

Recital No. 2. Landowner has requested that the City approve plans for a new garage addition and parking area on the Landowner Property. Due to the additional impervious surface being added to the Landowner Property, a stormwater treatment plan is being required by the City in accordance with a conditional use permit.

Recital No. 3. The City is willing to approve the plans for a new garage addition and parking area if, among other things, Landowner executes this Storm Water Facilities Maintenance Agreement.

Recital No. 4. By this Agreement the parties seek to:

- a.) impose upon the Responsible Owner the responsibility of maintaining the Storm Water Facilities, notwithstanding the fact that the Storm Water Facilities may exist within easements dedicated or granted to the City and the public.
- b.) provide a mechanism where the City may charge-back to the Responsible Owner any maintenance work that the City performs with respect to the Storm Water Facilities in the event the Responsible Owner fails to perform its obligations to maintain the Storm Water Facilities.

- c.) provide the City with right of access over the Landowner Property to access the Stormwater Facilities, when needed.

ARTICLE 3

RESPONSIBILITY FOR MAINTENANCE

3.1 Construction of Storm Water Facilities. Prior to December 31, 2018, Responsible Owner agrees that the Storm Water Facilities shall be constructed and installed in accordance with the Storm Water Facility Plan at the sole expense of Responsible Owner at a location and in a configuration as approved by the City.

The Storm Water Facilities shall be completed by December 31, 2019; however, the City Engineer may extend the completion date by subsequent written action of the City Engineer.

3.2 Maintenance of Storm Water Facilities. The Responsible Owner is obligated at its expense to perpetually maintain the Storm Water Facilities in accordance with the Standard of Maintenance set forth in Section 3.3 hereof. The Responsible Owner shall not modify, alter, remove, eliminate or obstruct the Storm Water Facilities for as long as the Storm Water Facilities exist. The Responsible Owner shall also insure that the Storm Water Facilities always remain in compliance with the Storm Water Facility Plan. In the event the raingarden does not infiltrate storm water within 48 hours, the Responsible Owner shall install a draitile system and core drill it into the City's nearby storm system at the Responsible Owner's expense to include restoration of disturbed areas. All entities that fall within the definition of Responsible Owner have the joint and several obligations of the defined Responsible Owner. The responsibility of the Responsible Owner for maintaining the Storm Water Facilities on the Lot exists even though the event or omission which caused the need for maintenance of the Storm Water Facilities may arise on property outside of the Landowner Property.

3.3 Standard of Maintenance. The Responsible Owner must meet the Standard of Maintenance set forth in this Section 3.3.

The Standard of Maintenance shall comply with all of the following:

- a. The Standard of Maintenance shall comply with the standards contained in Title 9, Chapter 5 of the Inver Grove Heights City Code (as amended from time to time, by amendment of general applicability); and
- b. The Standard of Maintenance shall comply with the stormwater maintenance standards and bio-retention standards and requirements as set forth in the **NWA Stormwater Manual** (as amended from time to time, by amendment of general applicability). The NWA Stormwater Manual is on file with the City's Director of Public Works. The NWA Stormwater Manual shall apply to the Storm Water Facilities notwithstanding the fact that the Landowner's Property is located outside of the Northwest Area Overlay District; and
- c. The Standard of Maintenance shall comply with the City approved Operations & Maintenance Plan hereafter referenced;

- d. The Standard of Maintenance shall comply with the Residential Rain Garden for CUP Exceeding Impervious Space Requirements (STM-17) dated February 2013, attached hereto as **Exhibit E**;
- e. The Standard of Maintenance shall comply with the 2011 Watershed Management Plan for the Lower Mississippi Watershed Management Organization (LMRWMO) dated August 2011;
- f. The Standard of Maintenance shall include but not be limited to each of the following:
 - i.) The Responsible Owner shall monitor the Storm Water Facilities and shall as soon as possible correct any malfunction or deficiency in the operation of such structure so as to ensure that the structure operates in conformance with the design parameters.
 - ii.) Responsible Owner must comply with Section IV of the NWA Stormwater Manual which outlines the requirements for the operations and maintenance of Long Term Best Management Practices (BMP's) for storm water facilities. The City has approved an Operations & Maintenance Plan submitted by the Responsible Owner to show how the Responsible Owner shall operate and maintain Long Term Best Management Practices for the Storm Water Facilities being constructed on the Landowner Property. The Operations & Maintenance Plan is attached hereto as **Exhibit B**. The Responsible Owner and the successors and assigns thereof shall be responsible for following the Operations & Maintenance Plan as approved by the City. The Operations & Maintenance Plan shall be on file with the City's Director of Public Works.
 - iii.) The Operations & Maintenance Plan shall contain the following information:
 - a. Detailed inspection requirements;
 - b. Inspection and maintenance schedules;
 - c. Contact information for the Responsible Owner;
 - d. As built plans of the Storm Water Facilities;
 - e. The requirement for an annual report to the City to demonstrate that post construction maintenance is being accomplished per the Operations & Maintenance Plan;
 - f. The GPS coordinates for the Storm Water Facilities shall be provided to the City after construction is completed. Storm Water Facilities smaller than 200 square feet can be located with one GPS coordinate. Storm Water Facilities larger than 200 square feet shall have outlet coordinates and the corners of the Storm Water Facilities located by GPS. The GPS readings shall be provided to the City before the Storm Water Facilities are covered.

If the Storm Water Facility Plan is inconsistent with the Standard of Maintenance or if components within the Standard of Maintenance are inconsistent with other components within the Standard of Maintenance, then that provision, term or component which imposes a greater and more demanding obligation shall prevail.

On December 31 of each year, the Responsible Owner shall submit to the City an annual report that identifies all of the tests, inspections, corrective measures and other activities conducted by the Responsible Owner under the Operations & Maintenance Plan for the preceding year. The annual report shall also identify any conditions of non-compliance with the Standard of Maintenance during the preceding year and the annual report shall address how the conditions of non-compliance were cured. The annual report shall also include the information shown on the form attached hereto as **Exhibit C**.

3.4 Notice of Non-Compliance with Section 3.3 and 3.4; Cure Period. If the City's Director of Public Works ("DPW") determines, at his reasonable discretion, that the Responsible Owner has not complied with the Standard of Maintenance, the DPW shall provide written notice to the Responsible Owner of such failure to comply with the Standard of Maintenance. This notice shall specify that the Responsible Owner will have thirty (30) days to comply with the Standard of Maintenance, unless thirty (30) days is not practicable for the Responsible Owner to cure the default, in which case the Responsible Owner shall be given a reasonable time, as determined by the DPW, to cure the default provided the Responsible Owner has commenced a suitable cure within the initial thirty (30) days. Notwithstanding the requirement contained in this Section relating to written notice and opportunity of the Responsible Owner to comply with the Standard of Maintenance, in the event of an emergency as determined by the DPW, the City may perform the work to be performed by the Responsible Owner without giving any notice to the Responsible Owner and without giving the Responsible Owner thirty (30) days to comply with the Standard of Maintenance. If the City performs emergency service work, the Responsible Owner shall be obligated to repay the City the costs incurred to perform the emergency service work, and the City shall follow those procedures set forth in Sections 3.5 and 3.6 with respect to the billing, collection and/or tax certification of such costs.

3.5 Payment of Costs Incurred by City. If the Responsible Owner fails to comply with the Standard of Maintenance within thirty (30) days after delivery of the written notice, or in the case of an emergency situation as determined by the DPW, the City may perform those tasks necessary for compliance and the City shall have the right of access to the areas where the Storm Water Facilities are located to perform such work. The City shall charge all costs incurred by the City to perform the tasks necessary for compliance to the Responsible Owner.

The amount of costs charged by the City to the Responsible Owner shall be the usual and customary amounts charged by the City given the task, work, or improvement performed by the City to ensure compliance with the Standard of Maintenance. The Responsible Owner shall make payment directly to the City within twenty (20) days after invoicing ("Due Date") by the City. Bills not paid by the Due Date shall incur the standard penalty and interest established by the City for utility billings within the City.

3.6 Certification of Costs Payable with Taxes; Special Assessments. If payment is not made under Section 3.5 by the Responsible Owner with respect to the Landowner Property, the City may certify to Dakota County the amounts due as payable with the real estate taxes for the Landowner Property in the next calendar year; such certifications may be made under Minnesota Statutes, Chapter 444 in a manner similar to certifications for unpaid utility bills. The Responsible Owner waives any and all procedural and substantive objections to the imposition of such usual and customary charges on the Landowner Property.

Further, as an alternate means of collection, if the written billing is not paid by the Responsible Owner, the City, without notice and without hearing, may specially assess the Landowner Property for the costs and expenses incurred by the City. The Responsible Owner hereby waives any and all procedural and substantive objections to special assessments for the maintenance costs including, but not limited to, notice and hearing requirements and any claims that the charges or special assessments exceed the benefit to the Landowner Property. The Responsible Owner waives any appeal rights otherwise available pursuant to Minnesota Statute § 429.081. The Responsible Owner acknowledges that the benefit from the performance of maintenance tasks by the City to ensure compliance with the Standard of Maintenance equals or exceeds the amount of the charges and assessments for the maintenance costs that are being imposed hereunder upon the Landowner Property. Nothing in this paragraph shall be deemed to impair Responsible Owner's right to dispute the amount assessed as exceeding the usual and customary amounts charged by the City given the task, work, construction or improvement performed by the City to ensure compliance with Section 3.3.

In addition, if payment is not made under Section 3.5 by the Responsible Owner with respect to the Landowner Property, the City may use the funds available under Article 4 to reimburse the City for the cost and expenses incurred by the City.

3.7 Obligation For Maintenance Notwithstanding Public Easement. The Responsible Owner agrees that its obligations relating to maintenance of the Storm Water Facilities exist notwithstanding the fact that the Storm Water Facilities may be located in whole or in part within public easements.

The City hereby grants to the Responsible Owner a temporary right and license to enter public easements and public road rights-of-way for the purpose of performing the maintenance obligations relating to the Storm Water Facilities for the duration of the performance of the maintenance. The Landowner hereby grants to the City a right and license to access and enter the Landowner Property for the purpose of performing maintenance of the Storm Water Facilities for the duration of the performance of the maintenance.

3.8 Indemnification of City. Responsible Owner shall indemnify, defend and hold the City, its council, agents, employees, attorneys and representatives harmless against and in respect of any and all claims, demands, actions, suits, proceedings, losses, costs, expenses, obligations, liabilities, damages, recoveries, and deficiencies, including interest, penalties and attorneys' fees, that the City incurs or suffers, which arise out of, result from or relate to:

- a.) failure by the Responsible Owner to observe or perform any covenant, conditions, obligation or agreement on their part to be observed or performed under this Agreement;

- b.) failure by the Responsible Owner to pay contractors, subcontractors, laborers, or materialmen;
- c.) failure by the Responsible Owner to pay for any materials that may be used by the Responsible Owner to maintain the Storm Water Facilities; and
- d.) construction of the Storm Water Facilities.

3.9 No Remedy Exclusive. No remedy herein conferred upon or reserved to the City shall be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under the Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. In order to entitle the City to exercise any remedy reserved to it, it shall not be necessary to give notice, other than the notice, if any, required by this Agreement.

ARTICLE 4 **ESCROW DEPOSIT**

4.1 Engineering Escrow Amount. The Landowner has deposited \$1,500 in cash with the City (hereafter "Engineering Escrow Amount") prior to execution of this Agreement.

The Engineering Escrow Amount shall be used to pay the City for engineering review and inspection expenses, attorney's fees, consultant fees, erosion and sediment control expenses, staff review time associated with coordination, review, design, preparation and inspection of the Storm Water Facility Plan and this Agreement and other associated City costs. Fees will be calculated at the City's standard rates charged for such tasks.

Upon satisfactory completion of the Storm Water Facilities, the City shall return to the Landowner any remaining portion of the Engineering Escrow Amount not otherwise previously charged the Landowner.

To the extent the engineering inspection charges or the amount needed to correct any deficiencies and problems relating to grading, drainage, erosion control, or landscaping exceed the initially deposited \$1,500 Engineering Escrow Amount, the Landowner is responsible for payment of such excess within thirty (30) days after billing by the City.

ARTICLE 5
CITY'S COVENANTS

5.1 Approval of Plans. The City agrees that if Landowner executes this Storm Water Facilities Maintenance Agreement and if the other conditions set forth in the Planning Report relating to the plans are met, the Council will approve the plans to construct the new garage addition and parking area on the Landowner Property.

ARTICLE 6
MISCELLANEOUS

6.1 Binding Agreement. The parties mutually recognize and agree that all terms and conditions of this recordable Agreement shall run with the Landowner Property and shall be binding upon the parties and the successors and assigns of the parties. This Agreement shall also be binding on and apply to any title, right and interest of the Landowner in the Landowner Property acquired by Landowner after the execution date of this Agreement or after the recording date of this Agreement.

6.2 Amendment and Waiver. The parties hereto may by mutual written agreement amend this Agreement in any respect. Any party hereto may extend the time for the performance of any of the obligations of another, waive any inaccuracies in representations by another contained in this Agreement or in any document delivered pursuant hereto which inaccuracies would otherwise constitute a breach of this Agreement, waive compliance by another with any of the covenants contained in this Agreement, waive performance of any obligations by the other or waive the fulfillment of any condition that is precedent to the performance by the party so waiving of any of its obligations under this Agreement. Any agreement on the part of any party for any such amendment, extension or waiver must be in writing. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provisions, whether or not similar, nor shall any waiver constitute a continuing waiver.

6.3 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

6.4 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.

6.5 Consent. Landowner consents to the recording of this Agreement.

6.6 Notice. Notice shall mean notices given by one party to the other if 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 and postal charges prepaid, addressed as follows:

If to City:

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

If to Landowner:

Daniel J. Krech
6163 Cahill Avenue
Inver Grove Heights, MN 55076

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.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF Landowner and the City have entered into this Agreement on the day and year first stated above.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville
Its: Mayor

ATTEST:

Michelle Tesser, City Clerk

(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

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

Notary Public

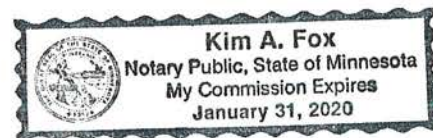
LANDOWNER:

Daniel J. Krech
Daniel J. Krech

STATE OF MINNESOTA)
)
COUNTY OF DAKOTA) ss.

The foregoing instrument was acknowledged before me this 19th day of March, 2019, by Daniel J. Krech, single person.

Kim A. Fox
Notary Public



THIS INSTRUMENT DRAFTED BY:

Timothy J. Kuntz
LeVander, Gillen, & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

**AFTER RECORDING PLEASE
RETURN TO:**

Timothy J. Kuntz
LeVander, Gillen & Miller, P.A.
633 South Concord Street
Suite 400
South St. Paul, MN 55075
(651) 451-1831

EXHIBIT A
LEGAL DESCRIPTION OF LANDOWNER PROPERTY

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

Lot 6, Block 1, Krech's Knollwood Estates Fourth Addition, Dakota County, Minnesota.

EXHIBIT B
OPERATIONS & MAINTENANCE PLAN

Operations and Maintenance Plan

The following maintenance plan applies to the rain garden at 6163 Cahill Ave Inver Grove Heights, MN 55076 located on the southeast corner of the property. The following table of activities, frequency, and procedures is the responsibility of the property owner. The rain garden and maintenance plan is designed for grass seed covering only. An annual report inspection report shall be submitted to the City Engineering Division by January 1st of each year to demonstrate that post-construction maintenance is being accomplished per this operations and Maintenance Plan.

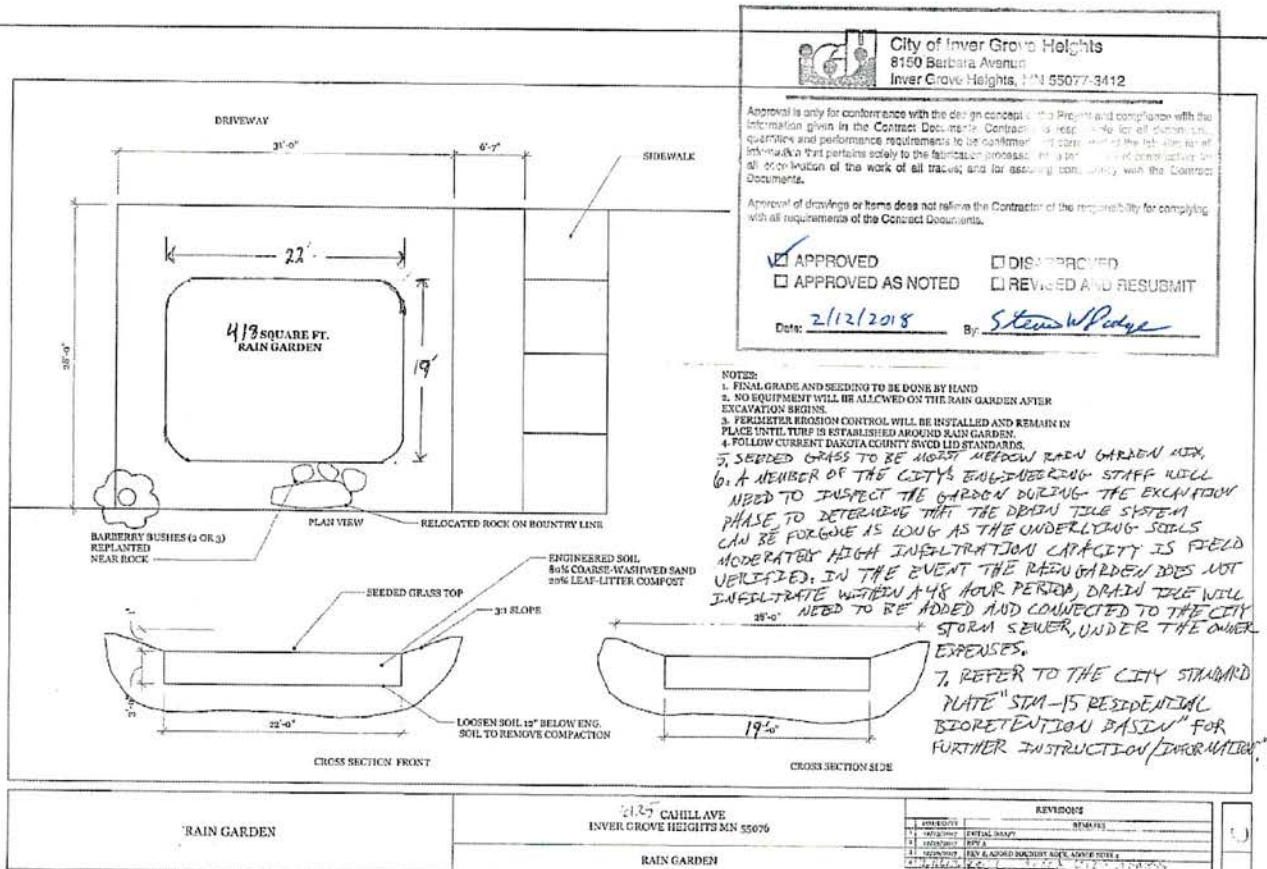
Maintenance	Frequency	Procedure
Sediment, trash and debris removal from inlet, outlets, pipes, and structures	Annually in Spring and Fall as needed	Remove trash and debris. Mow filter strip
Sediment, trash and debris removal from bio filtration basin and swale.	Annually in spring and fall as needed	Remove sediment and restore bio-filtration basin and swale to capacity
Erosion Repair and Vegetation	Annually in the Spring and Fall as needed	Repair eroded areas and re-seed
Clean/fix structural components	As needed per inspection	Dependent on the type of damage repair components per manufacturers recommendation
Replacement of the bio-retention device	Bio-retention devise failure	The owner shall notify the City and make repairs within 60 days unless approved by the City Engineer.
Vegetation Maintenance	As needed	Mowing and hand removal of weeds (no herbicides)

EXHIBIT C
ANNUAL INSPECTION FORM

CITY OF INVER GROVE HEIGHTS NPDES INSPECTION PROGRAM					
INLET / OUTLET					
STRUCTURE ID			INSPECTION DATE		
LOCATION					
EASEMENT					
ACCESSIBLE	Y	N			
STRUCTURES IN ESMT.	Y	N	DESCRIPTION		
TREES IN ESMT.	Y	N	LARGEST DIAMETER (INCHES)		
STRUCTURE	FES	PIPE	CB	OTHER	
ATTRIBUTES	TRASH GUARD		WEIR	SURGE BASIN	OTHER NONE
CONDITION*	OK		MINOR MAINTENANCE	MAJOR MAINTENANCE	INACCESSIBLE
END SECTION EROSION	Y	N			
FLOW CONDITION	FLOW PRESENT		NO FLOW	SUBMERGED	
COMMENTS					
VEGETATION/DEBRIS	WEEDS, ETC.		BRUSH, TREES, ETC.	GARBAGE/DEBRIS	NONE
RESTRICTING FLOW	Y	N			
COMMENTS					
SEDIMENT					
CONDITION**	NONE		MINOR MAINTENANCE	MAJOR MAINTENANCE	
COMMENTS					
RIP RAP					
PRESENT	Y	N			
CONDITION***	OK		MINOR MAINTENANCE	MAJOR MAINTENANCE	
COMMENTS					
ILLCIT DISCHARGE	Y	N			
COMMENTS					
MAINTENANCE PERFORMED:					
SIGNED:			DATE:		

- * Minor Maintenance: i.e. regROUT joint, repair trash guard; Major Maintenance: structure separating(ed) from pipe
- ** Minor Maintenance: repair can be done by City crews, Major Maintenance: heavy equip. is needed
- *** Minor Maintenance: repair can be done by City crews, Major Maintenance: heavy equip. is needed

EXHIBIT D **STORM WATER FACILITY PLAN**



CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Resolution Receiving Quote and Awarding Contract for the 2019 Raingarden Inlet Retrofits

Meeting Date: April 8, 2019

Item Type: Consent

Contact: Thomas J. Kaldunski, 651.450.2572

Prepared by: Steve W. Dodge, Assistant City Engineer

Reviewed by: Scott D. Thureen, Public Works Director

Fiscal/FTE Impact:

☐	None
☐	Amount included in current budget
☐	Budget amendment requested
☐	FTE included in current complement
☐	New FTE requested – N/A
☒	Other: Storm Water Utility Fund

PURPOSE/ACTION REQUESTED

Consider resolution receiving a quote and awarding contract for the 2019 Raingarden Inlet Retrofits.

SUMMARY

Since the inception of the roadside raingarden program, the design has evolved from a curb-cut to a water quality catch basin with a sump to collect debris and sediment. The new raingarden inlet improves the long-term maintenance and reduces maintenance costs and damage to the raingarden. The City maintenance staff can easily access and clean the raingarden inlet sump with the vac truck.

A quote was submitted for the 2019 Raingarden Inlet Retrofits by M & J services for \$3,540.00 per inlet. The project will be funded by \$22,500 from the Stormwater Utility Fund, approximately \$21,240.00 for retrofitting 6 inlets and \$1,260 for minor maintenance. M & J Services was selected because of their familiarity with the project and performance on last year's successful raingarden inlet retrofits.

There are 53 raingardens in the City of Inver Grove Heights that need new inlets. Public Works recommends that raingarden retrofit work continue to be budgeted from the Stormwater Utility Fund until the retrofit project is complete. The current funding level will support retrofitting approximately 5 to 6 inlets per year.

I recommend that the City Council adopt the resolution receiving the quote and awarding contract to M & J Services in the amount of \$22,500.

SWD/np

Attachments: Resolution
Quote

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

**RESOLUTION RECEIVING QUOTE AND AWARDING CONTRACT FOR THE 2019 RAINGARDEN
INLET RETROFIT**

RESOLUTION NO. _____

WHEREAS, there are 53 roadside raingardens in the City of Inver Grove Heights that need inlet retrofits; and

WHEREAS, the City requested a quote from M & J Services for the work on the 2019 Raingarden Inlet Retrofit; and

WHEREAS, the quote is as listed:

BIDDER	No. of Inlets	BID (per inlet)	Subtotal	Minor Maintenance	Total
M & J Services	6	\$3,540.00	\$21,240	\$1,260	\$22,500

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

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with M & J Services for the work of the 2019 Raingarden Inlet Retrofit, in the amount of \$22,500.00.
2. The 2019 Raingarden Inlet Retrofit shall be funded through the City's Stormwater Utility Fund.

Adopted by the City Council of Inver Grove Heights this 8th day of April 2019

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk



M & J Services LLC
6775 Cahill Avenue
Inver Grove Heights, MN 55076
United States
651-775-0485
mrtrog86@gmail.com

ESTIMATE

ADDRESS

City of Inver Grove Heights
Streets Department
8150 Barbara Ave.
Inver Grove Heights, MN
55077

ESTIMATE # 1049

DATE 04/01/2019

DATE	ACTIVITY	QTY	RATE	AMOUNT
04/01/2019	2019 Rain Garden Retro Fit. Price is per inlet and will include the following. Saw cut asphalt and curbs as needed. Demolish and remove off site. Excavate area to specified depth for install of new precast structures and cast iron intake. Install new precast and iron per city spec. Backfill area and compact in lifts to base grade. Install new class #5 in curb and asphalt area and compact to grade. Cast new curbs to match existing curbs. Patch asphalt as needed. Install edging if needed around rain garden. Clean site to complete work.	6	3,540.00	21,240.00

TOTAL

\$21,240.00

Accepted By

Accepted Date

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Resolution Authorizing Preparation of a Feasibility Report for the 2019 Pavement Management Program, City Project No. 2019-09C – Cahill Avenue Area Mill and Overlay (Carter Path to Inver Grove Trail)

Meeting Date: April 8, 2019
 Item Type: Consent
 Contact: Thomas J. Kaldunski, 651.450.2572
 Prepared by: Steve Dodge, Asst. City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

TJK
SWD
SAT

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider resolution authorizing preparation of a feasibility report for the 2019 Pavement Management Program, City Project No. 2019-09C – Cahill Avenue Area Mill and Overlay (Carter Path to Inver Grove Trail).

SUMMARY

Field review and preliminary geotechnical information indicates that Cahill Avenue, from Concord Boulevard to Inver Grove Trail, Carter Path area, and Cafferty Court are good candidates for mill and overlay. The street segments were identified as the only mill and overlay project candidates of the 23 miles of studied streets in the 2018 Pavement and Geotechnical Evaluation Report. Staff recommends advancing the mill and overlay before further surface deterioration affects the underlying pavement structure and a more extensive improvement project would be required. A feasibility report will be prepared to identify project scope and to estimate project costs, preliminary assessment amounts, and a project schedule. It is anticipated to be a fall of 2019 or spring of 2020 project.

I recommend approval of the attached resolution authorizing preparation of a feasibility report for City Project No. 2019-09C – Cahill Avenue Area Mill and Overlay (Carter Path to Inver Grove Trail).

SWD/kf

Attachments: Resolution
 Location Map

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY**

**RESOLUTION AUTHORIZING PREPARATION OF A FEASIBILITY REPORT FOR THE 2019
PAVEMENT MANAGEMENT PROGRAM, CITY PROJECT NO. 2019-09C – CAHILL AVENUE
AREA MILL AND OVERLAY (CARTER PATH TO INVER GROVE TRAIL)**

RESOLUTION NO. _____

WHEREAS, it is proposed to make improvements and fund them from the Pavement Management Capital Improvement Fund and special assessments.

**2019 Pavement Management Program, City Project No. 2019-09C – Cahill Avenue
Area Mill and Overlay**

The project will consist of mill and overlay. The project area consists of Cahill Avenue from Concord Boulevard to Inver Grove Trail, Carter Path area, and Cafferty Court.

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

1. That the proposed improvements be referred to the Public Works Director and City Engineer for study, and that they be instructed to report to the Council with all convenient speed, advising the Council, in a preliminary way, as to whether it would be best made, as proposed, or in connection with other improvements and the estimated cost of the improvements as recommended.
2. City Engineer is authorized to complete the feasibility report.
3. Geotechnical services are authorized to be included in the feasibility report.
3. Appraisal services are authorized in order to conduct a special benefit analysis for pending assessments.

Adopted by the City Council of Inver Grove Heights this 8th day of April 2019

AYES:

NAYS:

George Tourville, Mayor

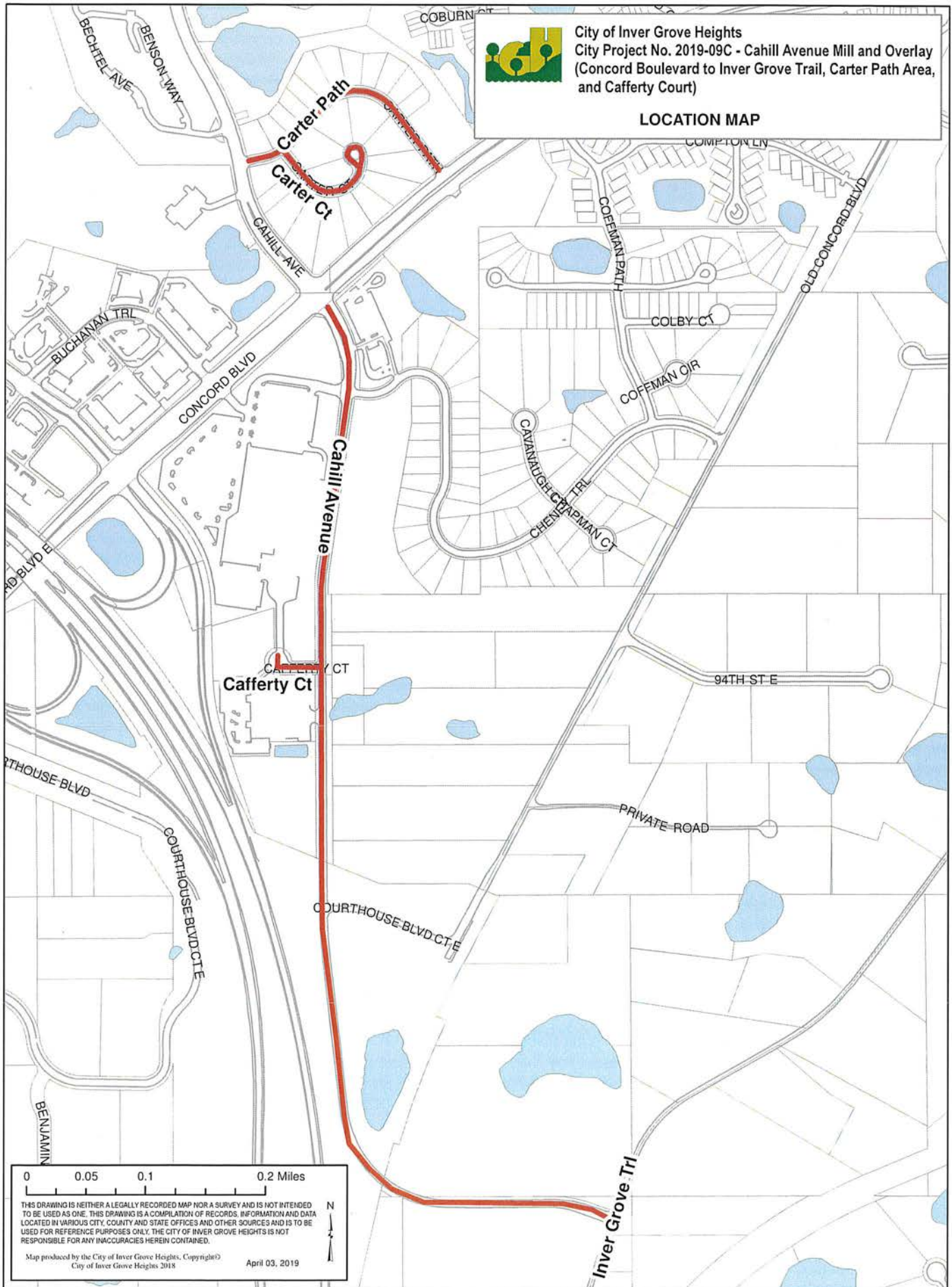
ATTEST:

Michelle Tesser, City Clerk



City of Inver Grove Heights
City Project No. 2019-09C - Cahill Avenue Mill and Overlay
(Concord Boulevard to Inver Grove Trail, Carter Path Area,
and Cafferty Court)

LOCATION MAP



0 0.05 0.1 0.2 Miles

THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

Map produced by the City of Inver Grove Heights, Copyright©
City of Inver Grove Heights 2018

April 03, 2019



CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Resolutions Calling for Hearing on Proposed Assessments, Declaring Costs to be Assessed, and Ordering Preparation of Proposed Assessments for the 2019 Improvement Program, City Project No. 2015-03 – 65th Street Roadway and Drainage Improvements

Meeting Date: April 8, 2019
 Item Type: Consent
 Contact: Scott D. Thureen, 651.450.2571
 Prepared by: Scott D. Thureen, Public Works Director
 Reviewed by: 

Fiscal/FTE Impact:

☐	None
☐	Amount included in current budget
☐	Budget amendment requested
☐	FTE included in current complement
☐	New FTE requested – N/A
☒	Other: Special Assessments, Municipal State Aid Funds, NWA Storm Water Fund, NWA Water Fund

PURPOSE/ACTION REQUESTED

Consider resolutions calling for hearing on proposed assessments, declaring costs to be assessed, and ordering preparation of proposed assessments for the 2019 Improvement Program, City Project No. 2015-03 – 65th Street Roadway and Drainage Improvements.

SUMMARY

Bids for City Project No. 2015-03 – 65th Street Roadway and Drainage Improvements are scheduled to be received on April 11, 2019. The assessment hearing for City Project No. 2015-03 is proposed for May 13, 2019. Award of a construction contract for the project will be considered on May 13, 2019 after the final assessment hearing.

The estimated total cost for City Project No. 2015-03 is \$2,748,420. The proposed funding sources are Municipal State Aid (\$1,537,622), NWA Storm Water Fund (\$154,620), NWA Water Fund (\$94,232) and special assessments (\$961,946).

As described in the feasibility study, an equivalent single-family lot methodology was used to spread the amount proposed to be assessed. This results in a proposed assessment of \$4,164.26 per lot. The average lot density for the gross acreage of all approved single-family developments in the NWA was used to calculate the assessment amount on the acreage parcels on the north side of 65th Street. Staff met individually with the owners of these parcels to explain the proposed assessment.

The large acreage parcel on the south side of 65th Street is considered one lot for assessment purposes due to the terrain, its existing access to T.H. 3, and the fact that any future subdivision of the parcel would be accessed via future 67th Street. The 44 lots in the Windwood 2nd Addition are covered by a recorded waiver of assessment appeal in an amount up to \$5,273.00 per lot. The proposed assessment for the 79 lots in the Blackstone Ridge Plat (Settler's Ridge) would be reduced by \$1,893.49 to \$2,270.78 per lot due to a pre-payment toward the future street construction that was provided by the developer.

Staff recommends approval of the resolutions calling for hearing on proposed assessments, declaring costs to be assessed, and ordering preparation of proposed assessments for the 2019 Improvement Program, City Project No. 2015-03 – 65th Street Roadway and Drainage Improvements.

SDT/kf

Attachments: Resolutions (2)

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

RESOLUTION CALLING FOR HEARING ON PROPOSED ASSESSMENTS

**2019 IMPROVEMENT PROGRAM
CITY PROJECT NO. 2015-03 – 65TH STREET ROADWAY AND DRAINAGE IMPROVEMENTS**

RESOLUTION NO. _____

WHEREAS, by a resolution of the City Council on Monday, April 8, 2019, the City Clerk was directed to prepare proposed assessments of the costs of the improvements as follows:

2019 Improvement Program

City Project No. 2015-03 – 65th Street Roadway and Drainage Improvements

WHEREAS, the project includes subgrade excavation/correction, grading, granular subgrade, aggregate base, bituminous pavement, milling, curb and gutter, storm sewer, storm water management facilities, street lights, pedestrian trail, easement acquisition, appurtenances and restoration to construct 65th Street from its intersection with Trunk Highway 3, east to the east right-of-way line for future Argenta Trail.

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

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

1. A hearing shall be held on the 13th day of May 2019, in the City Council Chambers, 8150 Barbara Avenue at 7:00 p.m., to pass upon the proposed assessments; and, at such time and place, all persons owning property affected by such improvements shall be given an opportunity to be heard with reference to such assessments.
2. The City Clerk is hereby directed to cause a notice of hearing on the proposed assessments to be published once in the official newspaper and to be mailed to the owner of each parcel described in the assessment roll.

Adopted by the City Council of Inver Grove Heights, Minnesota this 8th day of April 2019.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

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

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

**2019 IMPROVEMENT PROGRAM
CITY PROJECT NO. 2015-03 – 65TH STREET ROADWAY AND DRAINAGE IMPROVEMENTS**

RESOLUTION NO. _____

WHEREAS, by a resolution of the City Council on Monday, April 8, 2019, the City Clerk was directed to prepare proposed assessments of the costs of the improvements as follows:

2019 Improvement Program

City Project No. 2015-03 – 65th Street Roadway and Drainage Improvements

WHEREAS, the project includes subgrade excavation/correction, grading, granular subgrade, aggregate base, bituminous pavement, milling, curb and gutter, storm sewer, storm water management facilities, street lights, pedestrian trail, easement acquisition, appurtenances and restoration to construct 65th Street from its intersection with Trunk Highway 3, east to the east right-of-way line for future Argenta Trail.

WHEREAS, the total final estimated project cost for City Project No. 2015-03 is \$2,748,420.

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

1. The amount to be specially assessed for City Project No. 2015-03 is hereby declared to be \$961,946.
2. The City Clerk, with the assistance of the Public Works Director, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and shall be filed in the City Clerk's office for public inspection.

Adopted by the City Council of Inver Grove Heights, Minnesota this 8th day of April 2019

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

PERSONNEL ACTIONS

Meeting Date: April 8, 2019
 Item Type: Consent Agenda
 Contact & Janet Shefchik, HR Manager
 Reviewed by:
 Prepared by: Carrie Isaacson, Admin Svc Coord

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 Council confirm and approve the personnel actions listed below:

Full-Time Employment:

Police

Chiodo, Melissa, Police Chief

Community Development

Rand, Heather, Community Development Director

Public Works

Lyman, Michael, Utility Maintenance Worker

Golf Course

Cocchiarella, Scott, Golf Course Cashier
 Guggemos, Samuel, Golf Course Technician
 Willig, Matthew, Golf Course Cashier

Part-Time/Temporary/Seasonal Employment:

Public Works

Polak, Joseph, Street Maintenance Helper

Police

Dobson, Kelsey, Evidence Technician

Golf

Beckman, Kenneth, Golf Course Laborer
 Bolles, Marvin, Golf Course Laborer
 Cocchiarella, Robert, Golf Course Laborer
 Eckstrom, Catherine, Food & Beverage Concessionaire
 Hosszu, Samuel, Golf Course Laborer
 Jensen, Stephanie, Food & Beverage Concessionaire
 Kron, Steven, Golf Course Laborer
 Matuska, Jeffrey, Golf Course Laborer
 Stern, Michael, Golf Course Laborer
 Swenson, Daryl, Golf Course Laborer
 Wilmes, Joyce, Food & Beverage Concessionaire

Parks-Recreation-VMCC

Bushard, Tyler, Park Maintenance Worker
 Buggs, Lori, Fitness Instructor/Worker
 Lajebo, Dereje, Fitness Instructor/Worker

Voluntary Resignations and/or Terminations of Employment:

Martin, Frank, Chief Building Official

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

CONDUCT PUBLIC HEARING TO CONSIDER APPLICATION FOR CULINARY CLASS LIMITED ON-SALE LIQUOR LICENSE FOR THE BUSINESS CALLED THAT COOKING SCHOOL, 9092 BUCHANAN TRAIL

Meeting Date: April 8, 2019
 Item Type: Public Hearing
 Contact: 651.450.2513
 Prepared by: Michelle Tesser

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

PURPOSE/ACTION REQUESTED:

Conduct a Public Hearing to consider the application for culinary class limited on-sale intoxicating liquor license for the new business called THAT Cooking School at the premise located at 9092 Buchanan Trail. This hearing was published in the South-West review local paper on March 17, 2019.

SUMMARY:

THAT Cooking School, submitted an application for an culinary class limited on-sale intoxicating liquor license for the premise located at 9092 Buchanan Trail. 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 (6) ounces of wine or twelve (12) ounces of intoxicating malt liquor, during and as part of the class, for consumption on the licensed premise only.

The applicant paid the fees as required by City Code and provided proof of liquor liability insurance for the premise proposed to be licensed. They provided all the necessary documentation required as a limited class on-sale intoxicating liquor license holder.

The Police Department conducted a background investigation and found no basis for denial of the application.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

DISCOUNT STORAGE - Case No. 18-55CAZ

Meeting Date: April 8, 2019
 Item Type: Regular Agenda
 Contact: Allan Hunting 651.450.2554
 Prepared by: Allan Hunting, City Planner
 Reviewed by:

Fiscal/FTE Impact:

- | | |
|--|------------------------------------|
| ☒ | None |
| ☐ | Amount included in current budget |
| ☐ | Budget amendment requested |
| ☐ | FTE included in current complement |
| ☐ | Other |

PURPOSE/ACTION REQUESTED

Consider the following for property located at 10805 Rich Valley Boulevard:

- a) A Resolution relating to a Comprehensive Plan Amendment to change the land use from RDR, Rural Density Residential to LI, Light Industrial.

OR

A Resolution relating to a Comprehensive Plan Amendment to change the land use from RDR, Rural Density Residential to CC, Community Commercial.

- Requires a 4/5th's vote.

- b) An Ordinance Rezoning the property from A, Agricultural to I-1, Limited Industry District.

OR

An Ordinance Rezoning the property from A, Agricultural to B-3, General Business District.

- Requires a 4/5th's vote.
- 60-day deadline: April 12, 2019 (extended by applicant)

SUMMARY

The applicant is requesting to change the land use designation and rezone an approximate 20 acre parcel to provide for an outdoor mini-storage over 17 acres of the site. The front three acres plus the existing house would remain.

In January, 2019, the City Council reviewed the request by Discount Storage to change the land use of the property to industrial. At the meeting, the City Council had some questions and discussion about the land use change and were mixed on their decision. The applicant then suggested a possible change to a commercial land use designation if Council was concerned about other industrial uses on this land. The Council then directed staff to hold a new public hearing to determine if a commercial land use and zoning would be more appropriate.

The Planning Commission reviewed the request and felt the same issues arise whether it zoned industrial or commercial, it is not consistent with the surrounding area or with the guiding principals of the comprehensive plan.

ANALYSIS

The summary issues remain the same, whether zoned or guided for commercial or industrial.

- Property and surrounding area are guided for large lot residential and/or farm related uses.
- Closest industrial uses are south of Cliff Road. Closest commercial uses are nearly one mile away.
- Request would be a departure from past, present and future comprehensive plans which have always anticipated rural or farm type uses.

- The open storage mini-storage use may not provide enough public benefit (tax base, employment) to warrant the land use change.
- There are at least 11 other mini-storage operations in the City (see attached map).

RECOMMENDATION

Planning Division. Raises concerns with the land use change and departure of long standing plan of rural residential. There is also the concern of spot zoning. Staff does not support the request.

Planning Commission. The Planning Commission raised concerns regarding spot zoning, lack of rationale for the change, not consistent with the guiding principles of the comp plan and points noted in the staff report. The Commission recommended denial of the comp plan amendment and rezoning to commercial (8-0). The Commission previously recommended denial of the request to industrial (8-0).

Attachments: Ordinance Amendment for rezoning (both commercial and industrial)
Resolution denying the Comp Plan Amendment and Rezoning (for both commercial and Industrial)
Resolution approving the Comp Plan Amendment (either commercial or industrial)
Map of Existing Mini-storage Operations
Planning Commission Recommendation from March 5
Planning Staff Report

COMMERCIAL ZONING APPROVAL

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

ORDINANCE NO. _____

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

**CASE NO. 18-55C
(Discount Storage)**

The City Council of Inver Grove Heights ordains as follows:

SECTION I. Ordinance No. 1190 adopted July 27, 2009, entitled, "AN ORDINANCE ADOPTING THE RECODIFICATION OF THE INVER GROVE HEIGHTS CITY CODE INCLUDING THE CITY ZONING ORDINANCE, is hereby amended to rezone the following described property located within the City of Inver Grove Heights from A, Agricultural District to B-3, General Business District to wit:

SEE EXHIBIT A

SECTION II. The Zoning Map of the City of Inver Grove Heights referred to and described in said Ordinance No. 1190 as that certain map entitled "Inver Grove Heights Zoning Map, June 24, 2002", together with all amendments thereto, hereinafter referred to as the "zoning map", shall not be republished to show the aforesaid rezoning, but the Clerk shall appropriately mark the said zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance and all of the notations, references and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

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

Ordinance No. _____
Page 2

Enacted and ordained into an Ordinance this 8th day of April, 2019.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

INDUSTRIAL ZONING APPROVAL

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

ORDINANCE NO. _____

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

CASE NO. 18-55C
(Discount Storage)

The City Council of Inver Grove Heights ordains as follows:

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

SEE EXHIBIT A

SECTION II. The Zoning Map of the City of Inver Grove Heights referred to and described in said Ordinance No. 1190 as that certain map entitled "Inver Grove Heights Zoning Map, June 24, 2002", together with all amendments thereto, hereinafter referred to as the "zoning map", shall not be republished to show the aforesaid rezoning, but the Clerk shall appropriately mark the said zoning map on file in the Clerk's Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance and all of the notations, references and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

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

Ordinance No. _____
Page 2

Enacted and ordained into an Ordinance this 8th day of April, 2019.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Michelle Tesser, City Clerk

**DENIAL RESOLUTION FOR
COMMERCIAL**

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

RESOLUTION NO. _____

RESOLUTION DENYING THE REQUEST FOR 1) A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF THE PARCEL FROM RDR, RURAL DENSITY RESIDENTIAL TO CC, COMMUNITY COMMERCIAL AND 2) TO REZONE FROM A, AGRICULTURAL TO B-3, GENERAL BUSINESS DISTRICT

**CASE NO. 18-55C
(Discount Storage)**

WHEREAS, an application has been submitted for property legally described as;

SEE EXHIBIT A

WHEREAS, in accordance with Minnesota Statutes, Section 462.357, Subdivision 3, a public hearing concerning the proposed Ordinance and Comprehensive Plan Amendment was held before the Inver Grove Heights Planning Commission on March 5, 2019;

WHEREAS, the responsibility of the City Council is to insure orderly and sound development throughout the city;

WHEREAS, the comprehensive plan amendment was found to be inconsistent with the guidance for land uses within the large lot residential areas in the southern half of the City and the rezoning would be considered a spot zoning;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the request for a comprehensive plan map amendment to change the land use designation of the parcel from RDR, Rural Density Residential to CC, Community Commercial and rezoning from A, Agricultural to B-3, General Business District is hereby denied based on the following findings of fact:

1. The change would be a spot zoning as there are no other commercial areas within a mile of this location.
2. There is lack of rationale to support the change. The change is not consistent with the guiding principles of the comprehensive plan.
3. There are some industrial uses established along the east side of Rich Valley Boulevard south of the Cliff Road intersection. Those properties are currently guided and zoned industrial. There are no other industrial or commercial type uses north of that intersection. Expanding industrial or commercial uses north of Cliff Road would be a major change in land use direction. The large lot residential and agricultural uses in the area are a long established land use pattern and recognized during the last few comprehensive plans.
4. The proposed 2040 Comprehensive Plan continues to recognize the rural land use pattern and does not make any changes to the rural density residential pattern in the southern portion of the city.
5. A change in direction and possible expanding commercial uses has never been discussed or studied. This could result in negative or unintended consequences to this area because the land use pattern was always to be rural residential.
6. Mini-storage operations typically are not large employers. There may be only the need for a small office support. The proposed improvements do not include any buildings at this time. An open storage lot would provide minimal tax generation for the City.

Adopted by the City Council of Inver Grove Heights this 8th day of April, 2019.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Michelle Tesser, City Clerk

**DENIAL RESOLUTION FOR
INDUSTRIAL**

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

RESOLUTION NO. _____

RESOLUTION DENYING THE REQUEST FOR 1) A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF THE PARCEL FROM RDR, RURAL DENSITY RESIDENTIAL TO LI, LIMITED INDUSTRIAL AND 2) TO REZONE FROM A, AGRICULTURAL TO I-1, LIMITED INDUSTRY DISTRICT

**CASE NO. 18-55C
(Discount Storage)**

WHEREAS, an application has been submitted for property legally described as;

SEE EXHIBIT A

WHEREAS, in accordance with Minnesota Statutes, Section 462.357, Subdivision 3, a public hearing concerning the proposed Ordinance and Comprehensive Plan Amendment was held before the Inver Grove Heights Planning Commission on November 20, 2018;

WHEREAS, the responsibility of the City Council is to insure orderly and sound development throughout the city;

WHEREAS, the comprehensive plan amendment was found to be inconsistent with the guidance for land uses within the large lot residential areas in the southern half of the City and the rezoning would be considered a spot zoning;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the request for a comprehensive plan map amendment to change the land use designation of the parcel from RDR, Rural Density Residential to LI, Limited Industrial and rezoning from A, Agricultural to I-1, Limited Industry is hereby denied based on the following findings of fact:

1. The change would be a spot zoning as there is no other I-1 zoned property in the immediate area.
2. There is lack of rationale to support the change. The change is not consistent with the guiding principles of the comprehensive plan.
3. There are some industrial uses established along the east side of Rich Valley Boulevard south of the Cliff Road intersection. Those properties are currently guided and zoned industrial. There are no other industrial type uses north of that intersection. Expanding industrial uses north of Cliff Road would be a major change in land use direction. The large lot residential and agricultural uses in the area are a long established land use pattern and recognized during the last few comprehensive plans.
4. The proposed 2040 Comprehensive Plan continues to recognize the rural land use pattern and does not make any changes to the rural density residential pattern in the southern portion of the city.
5. A change in direction and possible expanding industrial uses has never been discussed or studied. This could result in negative or unintended consequences to this area because the land use pattern was always to be rural residential.
6. Mini-storage operations typically are not large employers. There may be only the need for a small office support. The proposed improvements do not include any buildings at this time. An open storage lot would provide minimal tax generation for the City.

Adopted by the City Council of Inver Grove Heights this 8th day of April, 2019.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Michelle Tesser, City Clerk

COMMERCIAL APPROVAL RESOLUTION

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO
CHANGE THE LAND USE DESIGNATION OF THE PARCEL FROM RDR, RURAL
DENSITY RESIDENTIAL TO CC, COMMUNITY COMMERCIAL AND TO CHANGE THE
ZONING FROM A, AGRICULTURAL TO B-3, GENERAL BUSINESS DISTRICT**

**CASE NO. 18-55C
(Discount Storage)**

WHEREAS, an application has been submitted for property legally described as;

SEE EXHIBIT A

WHEREAS, an amendment to change boundaries of any district may be granted by the City Council on an affirmative vote of 4/5ths of the Council as per City Code Title 10, Chapter 3, Section 10-3-5, A;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on March 5, 2019, in accordance with City Code Title 10, Chapter 3, Section 10-3-5, D;

WHEREAS, the change to the Comprehensive Plan Land Use Plan was found by the City Council to be consistent with the existing and proposed uses in the area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the Comprehensive Plan Map Amendment is hereby approved subject to the following conditions:

1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.

2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
3. The comprehensive plan land use change and rezoning shall not become effective until a land use development plan has been approved by the City Council.

Adopted by the City Council of Inver Grove Heights on this 8th day of April, 2019.

Ayes:

Nays:

ATTEST:

George Tourville, Mayor

Michelle Tesser, City Clerk

INDUSTRIAL APPROVAL RESOLUTION

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

RESOLUTION NO. _____

RESOLUTION APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF THE PARCEL FROM RDR, RURAL DENSITY RESIDENTIAL TO LI, LIMITED INDUSTRIAL AND TO CHANGE THE ZONING FROM A, AGRICULTURAL TO L-I, LIMITED INDUSTRY

**CASE NO. 18-55C
(Discount Storage)**

WHEREAS, an application has been submitted for property legally described as;

SEE EXHIBIT A

WHEREAS, an amendment to change boundaries of any district may be granted by the City Council on an affirmative vote of 4/5ths of the Council as per City Code Title 10, Chapter 3, Section 10-3-5, A;

WHEREAS, the City of Inver Grove Heights Planning Commission reviewed the request on November 20, 2018, in accordance with City Code Title 10, Chapter 3, Section 10-3-5, D;

WHEREAS, the change to the Comprehensive Plan Land Use Plan was found by the City Council to be consistent with the existing and proposed uses in the area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the Comprehensive Plan Map Amendment is hereby approved subject to the following conditions:

1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.

2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
3. The comprehensive plan land use change and rezoning shall not become effective until a land use development plan has been approved by the City Council.

Adopted by the City Council of Inver Grove Heights on this 8th day of April, 2019.

Ayes:

Nays:

ATTEST:

George Tourville, Mayor

Michelle Tesser, City Clerk



**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: March 5, 2019
SUBJECT: **DISCOUNT STORAGE – CASE NO. 18-55CAZ**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from A, Agricultural to B-3, General Business and a comprehensive plan amendment from RDR, Rural Density Residential to RC, Regional Commercial, for the property located at 10805 Rich Valley Boulevard. 12 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that City Council reviewed the Discount Storage request for mini-storage in January and their decision seemed to be mixed. The applicant then suggested a change to commercial instead of I-1. Council then directed staff to hold a new public hearing to determine if a commercial land use and zoning would be more appropriate. Mini-storage is allowed as a conditional use only in the B-3 district, and the Community Commercial land use district is the appropriate district for B-3 zoning. Staff believes this would be spot zoning, the proposed change would not be consistent with the principles and policies of the present and proposed comprehensive plan, and therefore, staff does not support the request.

Commissioner Weber asked if the Flint Hills properties to the west were combined into one PID.

Mr. Hunting replied that his mapping showed them as separate parcels.

Commissioner Lissarrague asked how many storage facilities there were in the City.

Mr. Hunting replied 11 or 12.

Commissioner Lissarrague noted that other cities have put a hold on allowing additional storage facilities and asked if Inver Grove Heights had considered doing the same.

Mr. Hunting replied that Council has not specifically requested that that issue be looked at.

Commissioner Lissarrague encouraged the City to have a discussion regarding the expansion of this particular industry.

Mr. Hunting advised that could be made part of the Commission's recommendation.

Commissioner Simon asked if staff heard from any neighboring property owners.

Mr. Hunting replied that they only heard from one neighbor, the Lindell's.

March 5, 2019

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Opening of Public Hearing

Paul Saver, 7845 Boyd Court, advised that he was available to answer any questions.

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

Mr. Saver replied in the affirmative. He advised that when the first request went to City Council, they were not opposed to the project itself, but were concerned about changing the zoning to I-1 in regard to the potential for the lot to be sold for a more industrial use. However, he was not interested in selling the property. In his opinion the rural density in this area is a moot point since 746 of the 800 acres south of this property are owned by Flint Hills, who has no intention of selling.

Chair Maggi asked if staff could confirm Mr. Saver's statement regarding Flint Hills owning many properties in the area.

Mr. Hunting replied in the affirmative, stating that Flint Hills has purchased property for a buffer from the refinery.

Chair Maggi asked where the Flint Hills properties were located.

Mr. Hunting showed the general area of where Flint Hills owned a number of properties.

Mr. Saver stated that in total Flint Hills owns 3,000 acres between Cliff Road and County Road 42.

Commissioner Niemioja asked the applicant when he purchased the subject property.

Mr. Saver replied three years ago.

Commissioner Niemioja asked if the applicant was aware the property was rural density residential at the time of purchase.

Mr. Saver replied that his appraiser and the bank were told at the time of purchase that a portion of the property was commercial. He noted that Johnson Excavating has been operating on the property since 1962 and they purchased both the company and the property.

Commissioner Niemioja asked if anyone at the City or County represented this property as commercial.

Mr. Saver replied his understanding is they were told that by both entities.

Commissioner Niemioja asked if Mr. Saver had names of the individuals that were contacted.

Mr. Saver replied that he did not but was in the process of getting statements from the appraiser and bank.

Chair Maggi asked if Johnson Excavating was still operating on the property.

Recommendation to City Council

March 5, 2019

Page 3

Mr. Saver replied in the affirmative. He advised that baby boomers are now moving into multi-unit residential housing and need a space to store their toys. He noted that he personally owned eight collector cars and four recreational vehicles.

Commissioner Lissarrague replied that while he understood Mr. Saver's point, it was unusual to have that many vehicles. He stated that baby boomers would eventually cease to need storage space and the City would be left with numerous storage facilities. He suggested the City do its due diligence to see how this issue applies to us as a city.

Mr. Saver asked Commissioner Lissarrague if he knew how many undeveloped acres there were in the City.

Commissioner Lissarrague replied he was unsure but hoped they would attract more families to the City.

John Larson, 1938 – 105th Street East, advised that he owned a ten-acre parcel north of the subject property. He was opposed to changing the zoning to B-3, stating it should remain rural density residential as it has for over 40 years and is proposed to continue to be in the 2040 Comprehensive Plan. He was concerned about allowing spot zoning, stating once a precedent was set others in the area might ask for a rezoning as well.

Scott Lindell, 10895 Barnes Avenue, stated he owns the 12-acre parcel southeast of the subject property. He currently has a horse barn on the property and is planning to build a home there this summer. The site plan he saw of the proposed storage area showed 800 parking spaces. In his opinion having hundreds of RV's parked in the proposed storage area would severely change the character of the neighborhood and would look out of place in the middle of the prairie. He was concerned about the precedent this would set for other parcels to get rezoned, stated the proposed storage lot would not bring employment and was not appropriate in this area, and he was concerned about stormwater runoff from 17 acres of gravel or asphalt. He advised that he also leases horse pastures from Flint Hills to the north and south, one of which would be right up against the proposed storage area.

Loren Scherff, 1320 – 105th Street East, stated he was opposed the request as he does not want to look at 17 acres of motor homes, it would provide very little in tax base, he was concerned about spot zoning, and he does not think it makes sense to remove one lot from the large area guided for Rural Density Residential.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated this area has already been addressed in the recent comprehensive plan process where it was determined that this area of the city should remain rural density residential. She was also concerned about spot zoning.

Commissioner Niemioja stated it was unfortunate if anyone inaccurately misrepresented this property as commercial; however, she did not think it was something that City Council could make right by approving a spot zoning and thereby changing the nature of this area. She did not see anything in the City's vision and guiding principles to justify the proposed change.

March 5, 2019

Page 4

Commissioner Robertson advised that a previous applicant had stated that someone at the City told him he could exceed the boundaries of a driveway. However, unless he was able to provide identifying information of the individual who gave him this information, the Commission could not consider it because of the anonymity. Given the anonymity in this case she found no reason to approve the request.

Commissioner Wippermann stated he did not support the request as the comprehensive plan has clearly stated for years that this area should remain rural density residential; this type of project would clearly change the character of the area.

Commissioner Simon was opposed to the request, stating this type of business belonged along a highway rather than in the middle of green space such as this and she could not find a reason to justify changing this to anything other than its current designation.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Wippermann, to deny the request, for the reasons stated in the staff report, for a rezoning of the property from A, Agricultural to B-3, General Business and a comprehensive plan amendment from RDR, Rural Density Residential to RC, Regional Commercial, for the property located at 10805 Rich Valley Boulevard.

Motion carried (8/0).

**PLANNING REPORT
CITY OF INVER GROVE HEIGHTS**

CASE NO.:	18-55C
APPLICANT:	Discount Storage
PROPERTY OWNER:	TSA Holdings, llc
REQUEST:	<u>Comprehensive Plan Amendment</u> to change land use from RDR, Rural Density Residential to CC, Community Commercial and Rezoning from A, Agricultural to B-3, General Business.
LOCATION:	10805 Rich Valley Boulevard
HEARING DATE:	March 5, 2019
COMPREHENSIVE PLAN:	RDR, Rural Density Residential
ZONING:	A, Agricultural
REVIEWING DIVISIONS:	Planning
	PREPARED BY: Allan Hunting City Planner

BACKGROUND

In January, 2019, the City Council reviewed the request by Discount Storage to change the land use of the property to industrial. At the meeting, the City Council had some questions and discussion about the land use change and were mixed on their decision. The applicant then suggested a possible change to a commercial land use designation if Council was concerned about other industrial uses on this land. The Council then directed staff to hold a new public hearing to determine if a commercial land use and zoning would be more appropriate.

The Planning Commission is to make a recommendation on the request to change the land use to commercial. Mini-storage is allowed as a conditional use only in the B-3, General Business District. Therefore, only the B-3 district can be looked at for the possible rezoning. The Community Commercial land use district is the appropriate district for B-3 zoning.

The applicant is proposing to change the land use designation and rezone a 20 acre parcel for a mini-storage development. The idea would be to create a mini-storage with outdoor storage facility over approximately 17 acres of the site. The development would be an open mini-storage lot for cars, campers, trailers, boats, etc. There would not be any storage buildings. The office for the site would be located just south on Rich Valley Boulevard on land owned by the applicant. The storage space surface would be crushed rock and storm water ponding and

treatment would be required. There is an existing house along the front side of the property and the surrounding 3 acres would remain as is.

This phase of the application process will address only the land use issues. If the amendment is approved by Council, the applicant would then apply for a conditional use permit which would review the site plan details. This subsequent process provides for public review and comment on the actual site plan.

SURROUNDING USES

The subject property is surrounded by:

North	Large lot agricultural; zoned A; guided Rural Density Residential.
East	Large lot agricultural and residential; zoned A; guided Rural Density Residential.
West	Large lot agricultural; zoned A; guided Rural Density Residential.
South	Large lot agricultural; zoned A; guided Rural Density Residential.

EVALUATION OF REQUEST

Comprehensive Plan Amendment

The subject parcel and surrounding properties are all guided Rural Density Residential.

Rural Density Residential is defined in the 2030 Comprehensive Plan as:

"The rural density residential category is used in this comprehensive plan to recognize a land use pattern that has become firmly established in the southern portion of Inver Grove Heights. Over the past four decades, single-family home development on lots ranging from 2.5 acres to in some cases, 10 acres has become an established pattern in southern Inver Grove Heights. At the present time, this area contains over 1,600 residences, none of which are served by municipal utilities. Because of the extensive nature of the rural density residential areas and the City's desire to accommodate a wide range of housing types, this development pattern is being considered permanent and is anticipated that future infill development will match the existing pattern.

The rural density residential category features lots or parcels of 2.5 acres or more containing detached single family housing without public water or sanitary sewer facilities. In addition to housing units, lots in this area are likely to have accessory uses such as small storage buildings associated with hobby farms and other related uses.

Substantial areas of existing development in the rural density area contain lots ranging from 5 to 10 acres. As additional lots are platted adjacent to these areas in the future, proper transitioning of lots sizes will need to be considered."

The main issue is what is the most appropriate future land use for the property. The following provides some rationale for approval and denial of the proposed land use change.

RATIONAL FOR THE LAND USE CHANGE

- The land to the west, north and east abutting the parcel is owned by Flint Hills Resources. Flint Hills has purchased a number of parcels in Inver Grove Heights to create a buffer from residential uses around the refinery. The parcel and land use pattern on these parcels are essentially fixed so there would be no further residential development on any parcel Flint Hills owns. The proposed use would be low intensity for a commercial use.
- Mini-storage operations are typically low traffic generators. The site is also along Rich Valley Boulevard which is a county road. Rich Valley Boulevard is used for other non residential uses located in southern Inver Grove Heights and Rosemount.
- A change of land use to commercial has the potential to generate employment, tax base, variety of goods and services.

RATIONALE AGAINST THE LAND USE CHANGE

- There are some existing industrial uses established along the east side of Rich Valley Boulevard south of the Cliff Road intersection. Those properties are currently guided and zoned industrial. There are no other industrial or commercial type uses north of that intersection. Expanding industrial or commercial uses north of Cliff Road would be a major change in land use direction. The large lot residential and agricultural uses in the area are a long established land use pattern and recognized during the last few comprehensive plans.
- The proposed 2040 Comprehensive Plan continues to recognize the rural land use pattern and does not make any changes to the rural density residential pattern in the southern portion of the city.
- Changing to a commercial use has never been discussed or studied. This could result in negative or unintended consequences to this area because the land use pattern was always to be rural residential.
- Mini-storage operations typically are not large employers. There may be only the need for a small office support. The proposed improvements do not include any buildings at this time. An open storage lot would provide minimal tax generation for the City.
- Many commercial and industrial uses would be limited in their intensity as there is no municipal water or sewer in this area. Intensity would be limited by the size and capacity of a septic system.

Rezoning

The applicant is proposing to change the zoning to B-3, General Business District. The purpose of the B-3 district listed as follows:

“The B-3 general business district is established for large scale retail sales and services serving the region.”

The list of uses in the district are attached to this report. Once the property is zoned to B-3, it could be used for all those uses. A change to commercial zoning would be considered a “spot zoning” as no other commercial businesses are within a mile of this location.

ALTERNATIVES

The Planning Commission has the following alternatives available for the proposed request:

A. Approval If the Planning Commission finds the application acceptable, the Commission should make the following recommendations:

- o Approving the Comprehensive Plan Amendment from Rural Density Residential to CC, Community Commercial subject to the following conditions:
 1. The Metropolitan Council shall not require any significant modifications to the comprehensive plan amendment.
 2. The Metropolitan Council shall not make a finding that the comprehensive plan amendment has a substantial impact or contain a substantial departure from any metropolitan systems plan.
 3. The comprehensive plan land use change shall not become effective until a land use development plan has been approved by the City Council.
- o Approving the Rezoning of the property from A, Agricultural to B-3, General Business District subject to the following:
 1. The rezoning shall not become effective until a land use development plan has been approved by the City Council.

B. Denial If the Planning Commission does not favor the comprehensive plan amendment or the rezoning, a recommendation of denial should be forwarded to the City Council. With a recommendation of denial, findings or the basis for the denial should be given.

RECOMMENDATION

The proposed land use change is a significant departure from a well established land use pattern and long standing guidance from previous comprehensive plans. While the land use would typically be a low intensity use, more intense uses could be a possibility in the future. Changing to a commercial zoning would have the same negative land use impacts as there are no other commercial businesses or commercial zoning in this part of the City. The proposed use would not provide significant employment or tax generation.

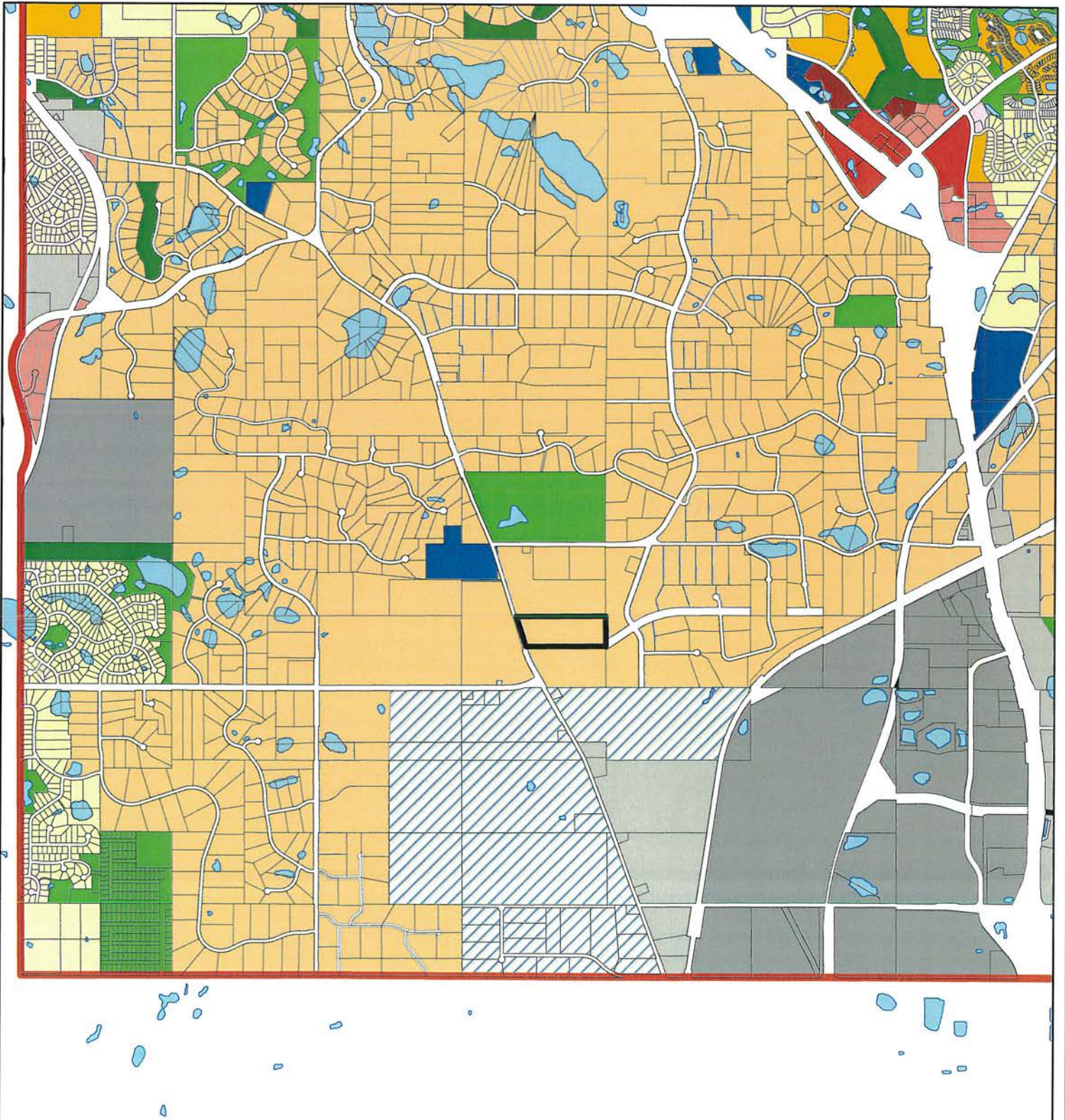
Based on the above summary, staff does not believe a change of land use to commercial would be in the best interest to the surrounding neighborhood and City.

Attachments: Existing/Proposed Comp Plan Map
Existing/Proposed zoning map
Area Land Use Plan Map
Area Zoning Map
Applicant Concept Plan
Planning Commission recommendation from industrial change public hearing
City Council minutes from January 28, 2019
Resident E-mail



Area Land Use Plan Map

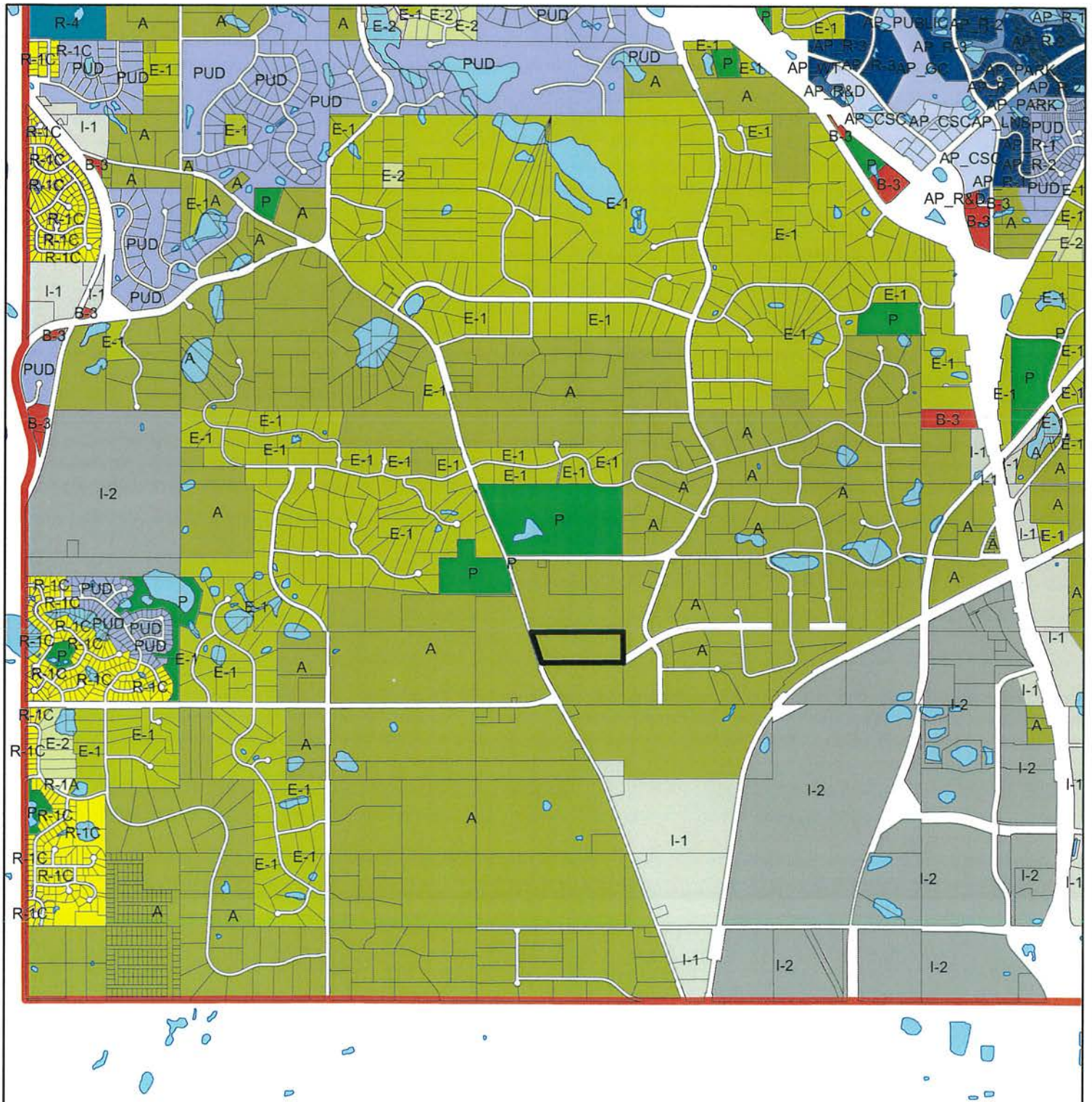
Case No. 18-55C





Area Zoning Map

Case No. 18-55C

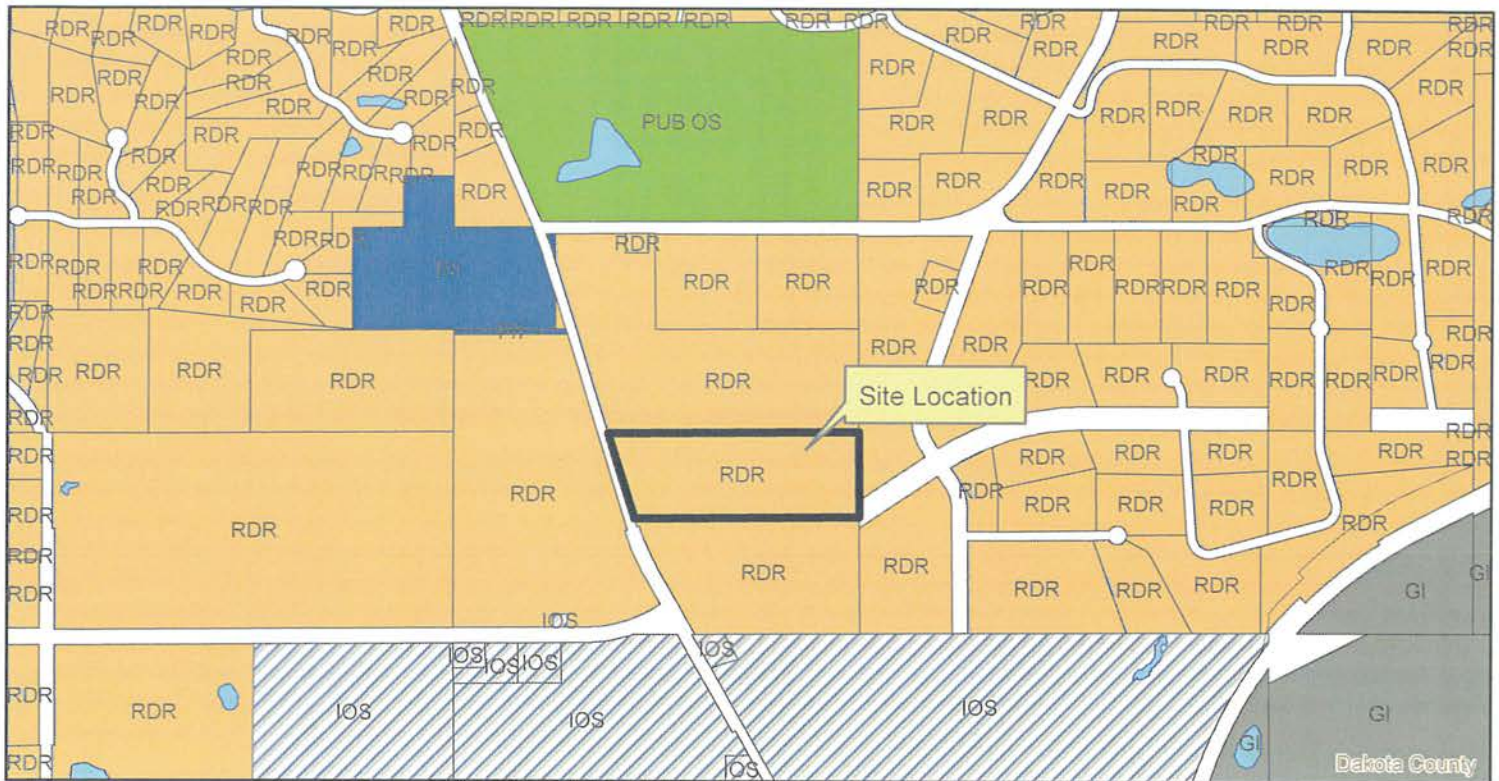




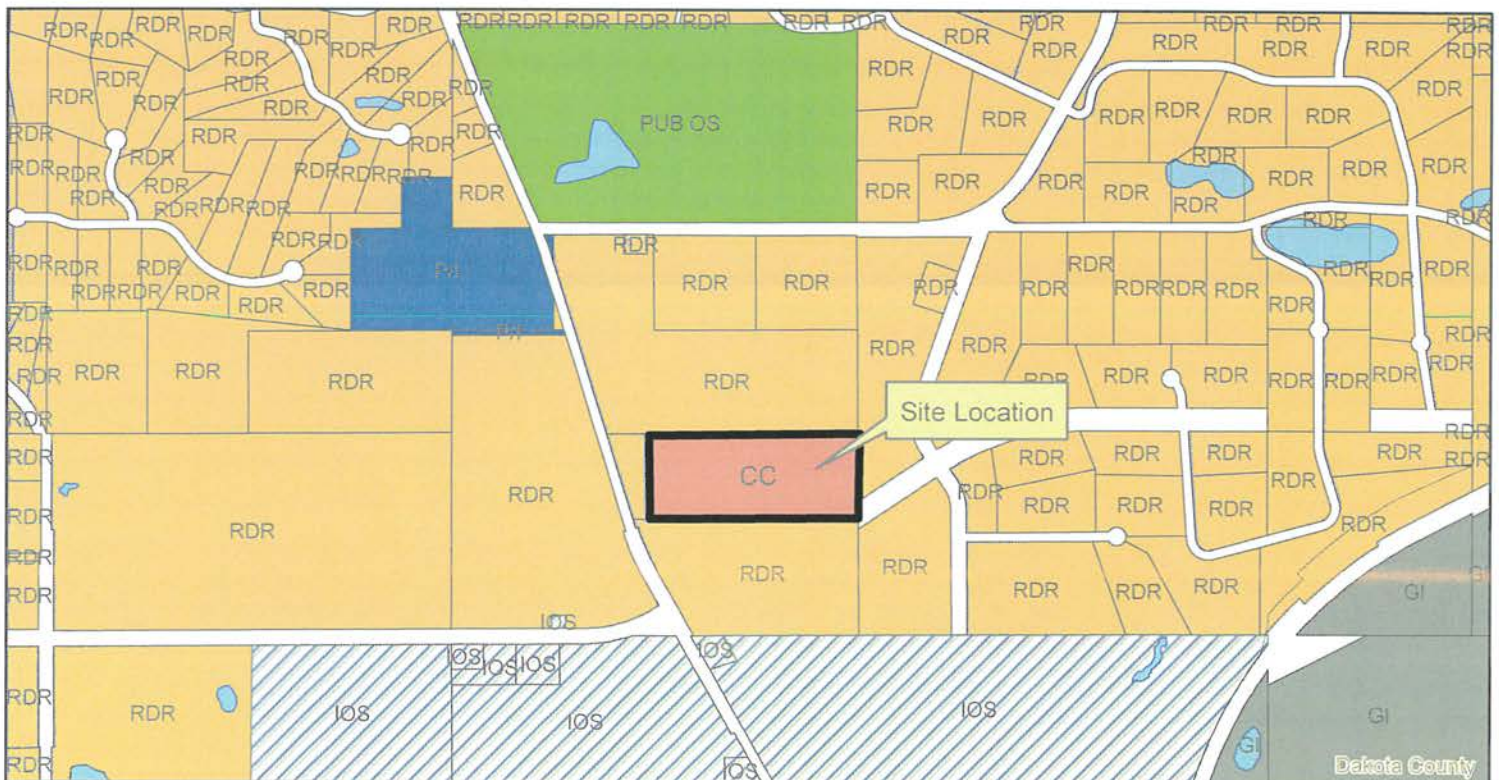
Discount Storage Comp Plan Amendment



Existing Comp Plan



Proposed Comp Plan

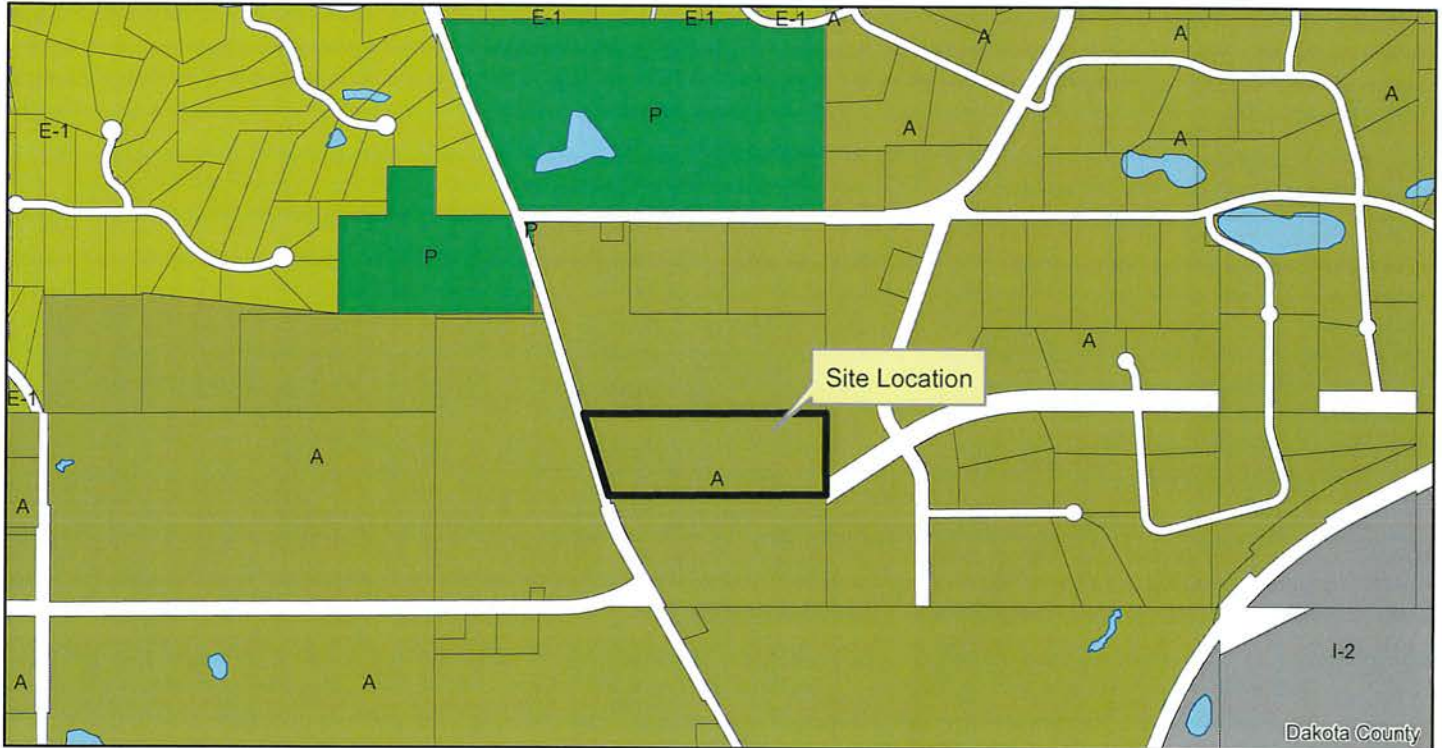




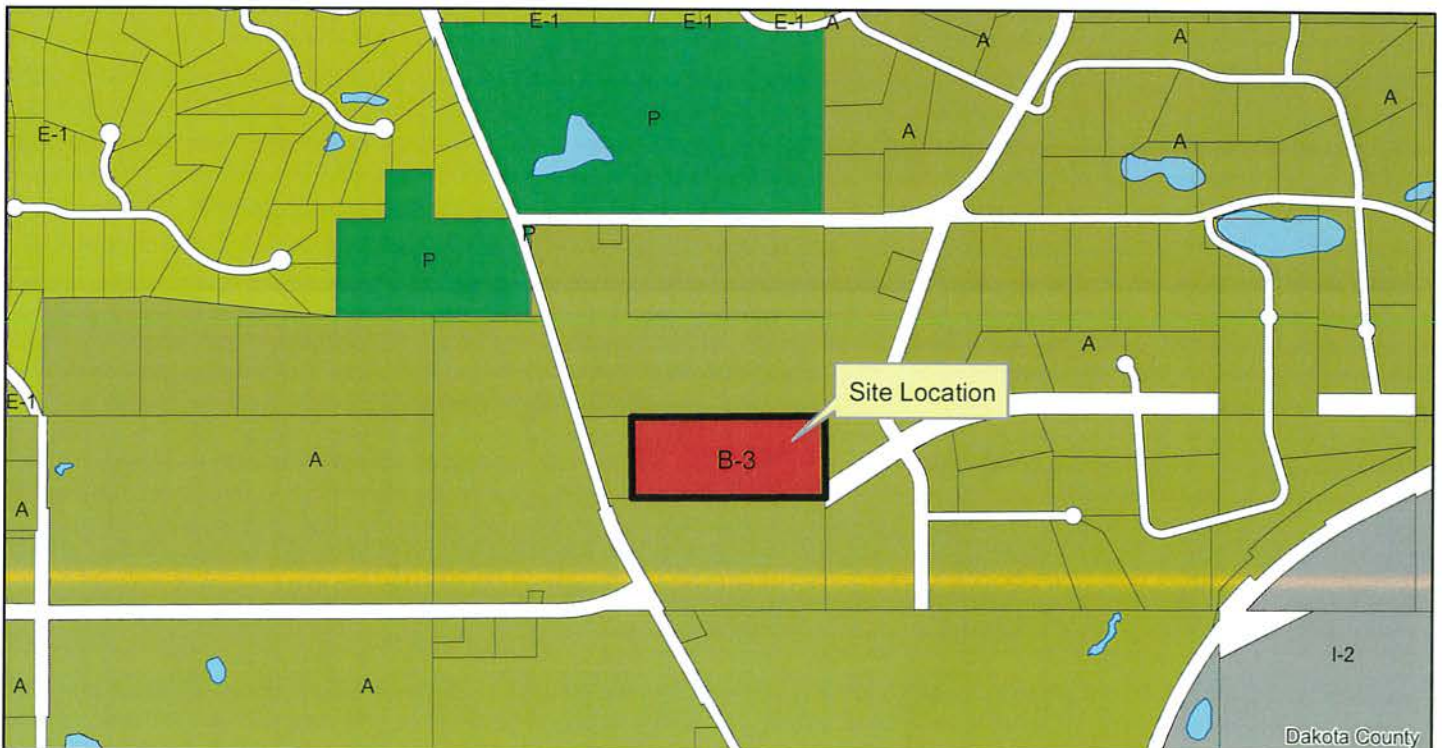
Discount Storage Rezoning Map

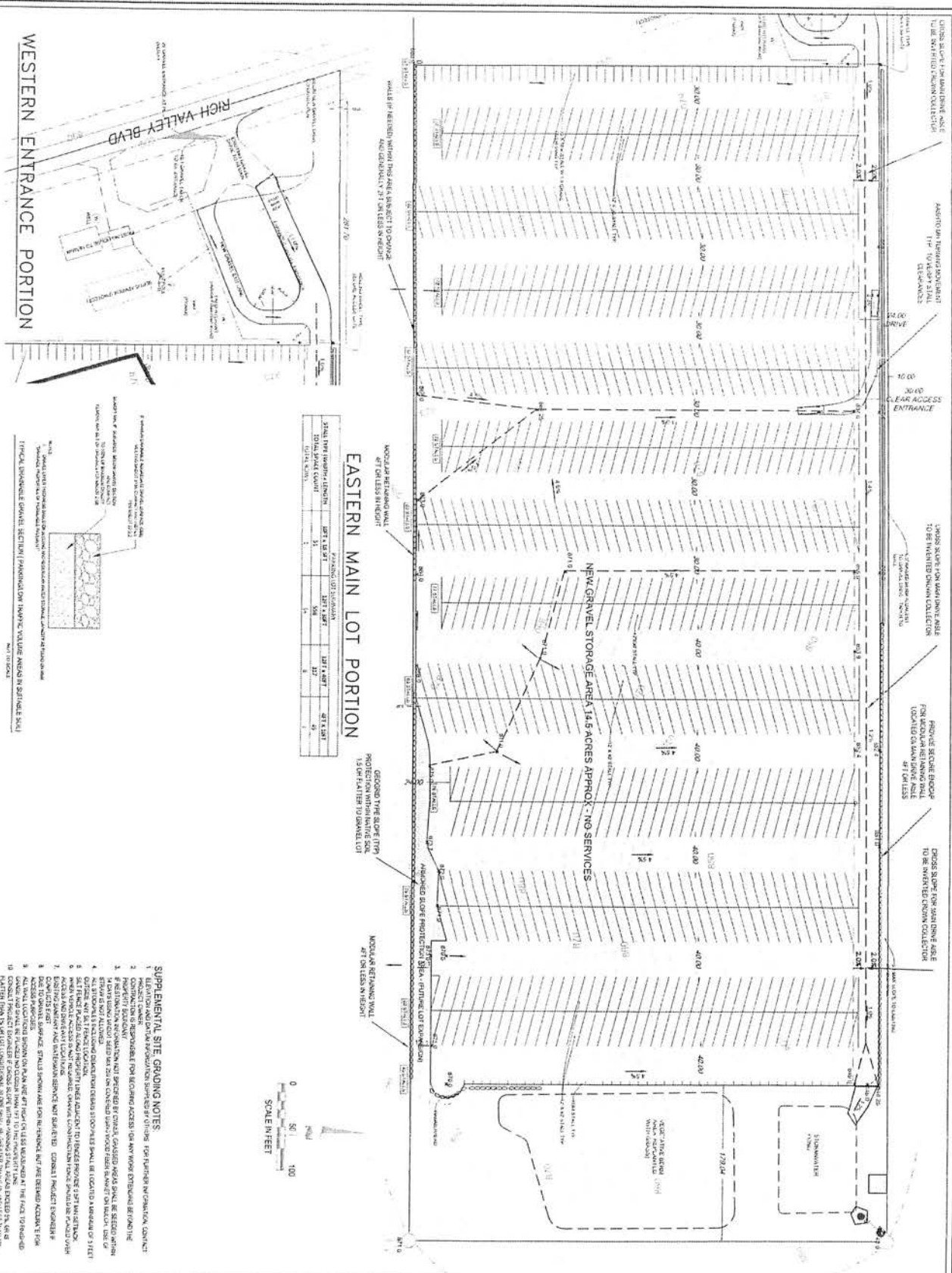


Existing Zoning



Proposed Rezoning





RATING OF QUALITY				
	100% - 90%	100% - 80%	100% - 60%	100% - 50%
TOTAL TYPE WIDTH x LENGTH	51	508	227	49
TOTAL SPREAD COUNT	2	14	8	1

[illegible]

0 50 100
SCALE IN FEET

DRAWING NO. 2/5	PROJECT NO. 18-SAVE-01	DRAWING TITLE GRADING AND SITE PLAN
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DRAWING NO. 2/5	PROJECT NO. 18-SAVE-01	DRAWING TITLE GRADING AND SITE PLAN
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DRAWING NO. 2/5	PROJECT NO. 18-SAVE-01	DRAWING TITLE GRADING AND SITE PLAN
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**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: November 20, 2018

SUBJECT: **DISCOUNT STORAGE – CASE NO. 18-55CAZ**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from A, Agriculture to I-1, Light Industry and a comprehensive plan amendment from RDR, Rural Density Residential to LI, Light Industrial, for the property located at 10805 Rich Valley Boulevard. 12 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to change the land use designation from Rural Density Residential to LI, Light Industrial and rezoning from A, Agricultural to I-1, Limited Industry, for a future open mini-storage facility. Staff laid out rationale both for and against in the staff report. Mr. Hunting advised that the property is surrounded and guided for large lot residential, with the closest industrial type use being south of Cliff Road. Approving this change would be a departure from the past, present, and proposed comprehensive plan. Staff does not believe a change of land use to industrial would be in the best interest to the surrounding neighborhood and City and therefore staff recommends denial of both requests.

Opening of Public Hearing

Paul Saver, 7845 Boyd Court, advised he was available to answer any questions.

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

Mr. Saver replied in the affirmative. He advised that his family has lived in Inver Grove Heights since 1870 and currently he is the Director of Development for TSA Holdings (the property owner), as well as the CEO of Action Construction and Johnson Excavating, which have operated from 10805 Rich Valley Boulevard continuously since 1972. Approximately 10 acres of that property are being taxed as Commercial-Preferred. The properties north and south of them are paying approximately \$115 per acre whereas they are paying \$340 per acre. Over the last several years Flint Hills Refinery has purchased over 3,000 acres within a mile of the refinery and the closest lot in which a home could be constructed is nearly a mile away. He believes the comprehensive plan designation of RDR for this lot is outdated. In recent years the City has purchased, and removed from the tax rolls, several industrial commercial properties along Concord Boulevard, Doffing Avenue, and Dickman Trail, further limiting where industrial uses can be conducted in the City. Between the years of 2000 and 2010 the medium income per household in IGH dropped by \$10,000, all while the cities of Eagan, Apple Valley, and Rosemount saw gains. Between TSA Holdings and himself they own six businesses that employ many people from this community and pay better than average wages. Mr. Saver said the subject property is ideally suited for industrial use considering its proximity to Pine Bend Landfill, SKB Landfill, and Flint Hills Refinery. Because the property is only 19.9 acres in size

Recommendation to City Council

November 20, 2018

Page 2

using it for agricultural purposes would be severely limited and TSA Holdings believes the City would be better served by rezoning this property to I-1.

Commissioner Robertson asked Mr. Saver to explain what Wallet Hub was, noting that he referred to a study done by them in his narrative.

Mr. Saver advised that Wallet Hub is an organization that studies small cities across the country and rates them regarding starting small businesses. He advised that Inver Grove Heights recently dropped to 154th, likely because of the vacant commercial spaces.

Commissioner Robertson advised that she was able to find the most recent study done by Wallet Hub and Inver Grove Heights came in at 49 points out of 50 for having the best business environment.

Mr. Saver asked Commissioner Robertson if she noticed that the ranking went from 6 to 154 in one year.

Commissioner Robertson replied that she believed Inver Grove Heights was still ranked 6th out of 1,261 small cities in business environment. Although she has heard people say that Inver Grove Heights has a difficult business environment for retail, the Wallet Hub study seems to indicate otherwise.

Mr. Saver stated the last study he saw ranked Inver Grove Heights overall as 154th.

Commissioner Robertson agreed, stating IGH was ranked 154 out of 1,261, which means they are in the top 11%. She thanked Mr. Saver for the additional information he provided Commissioners.

Mr. Saver replied that they do their due diligence wherever they do business so they don't set themselves up for failure.

Chair Maggi asked the applicant why he believed a house could not be built within one mile.

Mr. Saver replied because Flint Hills owns 3,000 acres within a mile of the subject property.

Chair Maggi noted that the subject property is 20 acres in size.

Mr. Saver stated regardless of its size, no one wants to build a home less than 1,000 feet from a landfill.

Chair Maggi asked Mr. Hunting to point out on a map which properties were owned by Flint Hills.

Mr. Hunting pointed out several nearby properties but was unsure of all the ownership.

Chair Maggi asked if the properties pointed out by Mr. Hunting were still guided for RDR even though they were owned by Flint Hills.

Mr. Hunting replied in the affirmative.

Mr. Saver advised that Flint Hills purchased those properties to ensure that nothing was ever built on them.

Loren Scherff, 1320 – 105th Street E, stated there were lots within a mile of the subject property on which a house could built, this was spot zoning, and he questioned what other uses were allowed in I-1.

Mr. Hunting replied light service, manufacturing, auto-related uses, etc. would be allowed should it be rezoned to I-1.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi agreed that changing this to I-1 would be spot zoning.

Commissioner Wippermann asked for clarification of the right-of-way designated to the east of this property.

Mr. Hunting explained it was right-of-way that was designated years ago for the extension of Cliff Road. That plan has since been abandoned and there will be no streets built there.

Commissioner Kramer asked Mr. Hunting to elaborate on the property's current tax designation.

Mr. Hunting advised that the zoning and tax designation can be two different things. The County looks at the use of the property and taxes accordingly.

Commissioner Niemioja did not believe that changing the zoning to I-1 would fit with the guiding principles of the comprehensive plan or the overall needs of the city.

Planning Commission Recommendation

Motion by Commissioner Niemioja, second by Commissioner Scales, to deny the request for a rezoning of the property from A, Agriculture to I-1, Light Industry and a comprehensive plan amendment from RDR, Rural Density Residential to LI, Light Industrial, for the property located at 10805 Rich Valley Boulevard, due to the rationale listed in the report, this being spot zoning, and non-compliance with the guiding principles of the comprehensive plan.

Motion carried (8/0). This item will go to the City Council on November 26, 2018.

for one, then you have four inspections that were not necessary. He asked how they would differentiate that. He suggested something like that needs to be in the Ordinance for Excessive Consumption as he wants protection for everyone.

Community Development Director Gundlach responded that the way the Ordinance is written addresses verified issues. For example, a neighbor cannot just call on their neighbor because they don't like them. If staff goes out there and there isn't a complaint, determines there was not a need for an inspection, and Police didn't note any violations, that would not count towards their four.

Mayor Tourville stated that this wasn't crafted just for the City of Inver Grove Heights. Other cities have a nuisance ordinance as well.

City Attorney Tim Kuntz agreed that there are other Cities that have taken this route. He stated that it is motivated by having more tools to deter the activity. It is not a money maker, it's to provide a deterrent against getting into that position.

Mayor Tourville commented that when saying a deterrent, it's not saying that they are against the activities, but they are against them happening without anyone knowing about it, and neighborhoods being affected.

Motion by Piekarski Krech second by Perry to approve to Consider First Reading of Ordinances Amending City Code 5-5-6, 5-5-12, and 59-2 Concerning Nuisance Noise, Creation of a New Chapter 14 to Title 4 Creating a Permit for a Large Assembly, And Creation of a New Chapter 15 to Title 4 Concerning Excessive Consumption of City Services.

Ayes: 5

Nays: 0

Motion carried.

B. Discount Storage; Consider the following for property located at 10805 Rich Valley Boulevard;
a) A Resolution relating to a Comprehensive Plan Amendment to change the land use from RDR, Rural Density Residential to LI, Light Industrial.
b) An Ordinance Amendment to Rezone the Property from A, Agricultural to I-1, Limited Industry District. TABLED.

City Planner Hunting stated that this request is to change the land use and zoning over 17 acres of a 20-acre parcel. The property is located on Rich Valley, north of Cliff Road. The request is to change from Agricultural/Rural Residential to Industrial. The intent is for a 17-acre open storage mini storage operation if the Comprehensive Plan and zoning changes are successful. He stated that the surrounding properties are either vacant, large lot residential, or have some farm related uses on them. The guiding on rural residential has been that way in the past Comprehensive Plan, the current plan, and in the 2040 proposed plan. The closest industrial businesses are south of Cliff Road. He stated that the Planning Commission recommends denial of the Application, citing spot zoning, and that the request was not consistent with the guiding principles of the Comprehensive Plan. Staff also recommends denial of the two requests.

He noted that there was an error in the staff memo on the required votes for the rezoning. He handed out a section from the code to the Council and staff. He stated that rezoning from Agricultural to Industrial use is 4/5 vote, not 3/5.

Councilmember Bartholomew commented about property located to the north and east/west owned by Flint Hills, which is set to not be built on. He asked if the South property was owned by Flint Hills.

City Planner Hunting displayed a map stating that the green property is the one in question, with the pale-yellow properties belonging to Flint Hills. South and southeast are not owned by Flint Hills, to the west is, and the southwest is also.

Councilmember Bartholomew commented that the history of those parcels is that they are not buildable and are buffers. He asked if they had heard from the property owner that is located below the Applicant's property. He asked if they were zoned the same as the Applicant's property.

City Planner Hunting responded that Flint Hills purchased those properties to provide a buffer from the refinery. They did not hear from the owner of the property to the south. They only heard from the resident to the north. He responded that the zoning was the same.

Mayor Tourville stated that Flint Hills is using the property as a buffer. They could do something with it. He commented that they could do something with it since the City doesn't have an agreement with them.

Councilmember Bartholomew asked if they have heard from Flint Hills on this. He asked about spot zoning and commented that it isn't as critical as areas that are residential. There won't be residents in that area, if anything it would be industrial. He stated that the two adjoining pieces in the east could cause problems and rise to the spot zoning. He commented that in his opinion, spot zoning isn't as critical as they are led to think when they read the report because of the property that is owned by Flint Hills.

City Planner Hunting responded that they did not hear anything from Flint Hills.

Mayor Tourville stated that they have a letter from Mr. Saver, and the email that was delivered today from Community Development Director Gundlach. He asked that they receive those as a part of the record.

Motion by Piekarski Krech second by Perry to receive the letter and email that was received today as a part of the record.

Ayes: 5

Nays: 0 Motion carried.

Councilmember Bartholomew asked how the zoning vote went through the Planning Commission and if it was a 3/5 vote.

City Planner Hunting responded that the Planning Commission doesn't have the same rules at the Council

Paul Saver, 7845 Boyd Court, Inver Grove Heights, stated that he is the developer on the project and owns part of it. He stated that the 2030 Comprehensive Plan has an Industrial Overlay District that covers 750 acres of the property that Flint Hills owns located to the south of Cliff Road and to the east of Rich Valley. The north border is about 500 feet south of the property that he owns.

City Planner Hunting displayed a map of the area that Mr. Saver mentioned and stated that Industrial Open Space designation was intended for passive open space and agricultural use. It wasn't to allow for further industrial uses in the text of the Comprehensive Plan. It was not an industrial use category.

Councilmember Piekarski Krech commented that Mr. Saver mentions that he employs hundreds of people in town. She asked what companies are in his name. She asked if that is through a holding company because she has tried to find his name as the owner of companies and couldn't locate it anywhere.

Mr. Saver responded that he owns five construction companies. He stated that he owns E. Johnson Excavating and Ashton Construction. Those are registered to his name on the State's Website. He stated that TSA (TruSeal America) owns TruSeal America, TruCrete, and TruBoulder Walls. He stated that he represents them in this project. They own the property and he is the one that is developing it. Between the five companies, they all work together.

Councilmember Piekarski Krech commented that Industrial properties should have sewer and water, this does not. She commented that open storage isn't a benefit to the city and stated that to her personally, she finds 700 spaces of open storage somewhat tacky.

Mr. Saver responded that is the first phase of this project. After that there are two other phases that they want to do on this property, and that's to build individual storage buildings.

Councilmember Piekarski Krech asked if this was the property that already had storage.

Mr. Saver responded in the negative. He stated TruSeal owns 11278 Rich Valley, which is industrial property across the street from bituminous roadways. He commented that none of the industrial property on Rich Valley has sewer and water and probably never will.

Councilmember Piekarski Krech questioned an area that wasn't being used Industrial.

Mr. Saver responded that it is being used as industrial. TruSeal is on one piece of property and the other is being used to run an excavating company out of it. There is well and septic on both of those properties.

Councilmember Piekarski Krech stated that she envisioned this bringing more employment into the City.

Mr. Saver responded that it will raise the tax base on the property. He commented that the people that store high end recreational vehicles in a secure facility like this bring a great deal of money to the Community.

Councilmember Piekarski Krech asked if this would be staffed 24 hours a day. She asked what he would be placing the storage on. She questioned if that type of surface was allowed.

Mr. Saver responded that it would be staffed and have security 24 hours a day. He responded that the storage would be placed on Class 5 gravel.

City Planner Hunting responded that they have allowed that for storage areas in the past.

Councilmember Bartholomew asked about the owner to the south and if Mr. Saver had had any conversations with them. He asked what their opinion was of the request to change zoning and guiding to light industrial.

Mr. Saver responded that he does know them, and that if they get this project, his intention is to buy the property from them. He responded that the property is in a family Trust and has been for over 30 or 40 years. He didn't feel there would be a problem but hasn't made a firm offer on the property.

Councilmember Bartholomew commented that he was concerned about the point staff made about spot zoning.

Mr. Saver commented that he didn't want to put up anything that was unsightly in the City. He has lived here for 50 years and has a vested interest.

Councilmember Dietrich asked Mr. Saver if he could explain what Phase 1 would look like.

Mr. Saver responded that Phase 1 would include dirt work, leveling the property, and sloping it from west to east gradually. It would be fenced and have several hundred pine trees around the outside. He commented that the topography creates a barrier that's barely visible from Rich Valley and 105th Street as half of it would be below grade.

Councilmember Dietrich commented that it would look the same if not more desirable from Rich Valley than it currently does.

Mr. Saver agreed that it would look much more desirable than it looks now.

Councilmember Piekarski Krech stated that there are residential houses on 105th Street that have been there several years. She asked what the plan was so that they are not looking at this. She asked about overhead lighting.

Mr. Saver responded that the plan is to screen the north side of the property with mature trees and plantings. It will also be fenced. He commented that a large portion of this will be about two to three feet below the current grade and unlikely to be seen. There would not be lights.

Councilmember Piekarski Krech asked how they could do security without lighting.

Mr. Saver responded that they have an infrared security system that works better in the dark. They will have staff there all the time and will be driving around in an ATV. He commented that it is easier to find someone when they have to use light to find what they are doing.

Councilmember Perry asked for a brief overview of Phase 2 and Phase 3.

Mr. Saver responded that once Phase 1 is fairly filled, Phase 2 will consist of rows of buildings going from north to south, double sided, with different sizes such as 10x10 or 10x20 units.

Councilmember Piekarski Krech asked about traffic and road restrictions since there would be many vehicles coming in and out. She asked what he plans to store there. She asked if there would be industrial equipment.

Mr. Saver responded that he has spoken to the county and it's such low volume that it would not have an effect. They don't travel in and out much. He responded that they would store boats, motor homes, recreational vehicles, and travel trailers. There would not be industrial equipment, but they may allow small commercial vehicles as there is an Ordinance against having them stored on residential property.

Mayor Tourville commented that those can be parked in home owners' driveways.

Councilmember Bartholomew commented that there is a size limitation to a commercial vehicle.

Mayor Tourville stated that the plan has some retaining wall and fencing and asked that Mr. Saver take a look at the screening that he is planning.

Mr. Saver responded that he does not have a problem with doing any sort of screening that the City wants. He wants it to be attractive.

Councilmember Piekarski Krech asked if at some point it open storage would be eliminated. She asked what would be stored in the buildings.

Mr. Saver responded that it would be a mix of both open storage and buildings. He responded that people store household goods in the buildings. He stated that he has a classic automobile stored in one that he rents here in town.

Mr. Saver stated that there is a four-bedroom home on the property. The Fire Marshall has spoken about putting a second entrance in. He said that he owns his own fire truck that carries 800 gallons of water.

Councilmember Bartholomew stated that if approved, there would be some engineering requirements and added costs. He commented that the Police Department expressed concern about the traffic in and out and security and asked Mr. Saver if he has spoken with anyone about that.

Mr. Saver responded that this was the first he has heard of it, but that he wouldn't have a problem working with them. He commented that he didn't have a problem with engineering.

John Larson, 1938 105th Street East commented that he owns a ten-acre lot north of this property which has been his residence for 29 years. He moved there because it was going to stay RDR and Agricultural. He commented that the 2030 and 2040 Plans have it staying RDR Agricultural and that he is opposed to it being Industrial. He commented that Flint Hills may want industrial property on it if there is a change, and then Rich Valley Park across the street would have industrial property close by. He stated that it is very quiet out there now, he doesn't want to be sitting outside listening to an ATV patrolling all night long. He commented that the quiet was his purpose of buying the ten acres, he loves the area, he is not moving from it, and doesn't want it disrupted. He wants it to stay the way it is.

Councilmember Bartholomew asked Mr. Larson to show on the diagram, the location of his property.

Loren Scherff, 1320 105th Street East, stated that he borders Mr. Larson's property to the west. He commented that he is against spot zoning. He stated that Flint Hills owns all the property in between and bought it as a buffer. Once the area becomes more industrial, he was concerned Flint Hills may market the area. He commented that the excavator property is not an industrial use and that it concerns him. He stated that there were a lot of trees on the north side of the property and when Mr. Saver bought the property they were no longer there and came out instantly. He asked about the intent to screen. He questioned the buildings being placed on Class 5 and commented that they seem to be portable storage units. He stated that it's not a property value gain for Inver Grove, he wonders about the appearance and that this would affect their property values.

Mr. Larson commented that if it is changed to industrial, it opens the area up to all sorts of light industrial. He stated that they all have wells, they are concerned about water contamination if all this property would be put into industrial.

Mr. Saver stated that they have had this property for about three years and have not taken any trees out on the north side of the property. He asked if they could do storage in B3 Zoning. He stated that would severely limit what could be placed on the property as far as industrial. He commented if that would be better, and the City would be happy with it, he would not have a problem with B3 as long as he could still do storage. He stated that he hadn't thought about B3 before as he owns a piece of I1 just down the road.

Mayor Tourville asked what type of fencing he would have. He asked City Planner Hunting if they have requested wood fencing for storage facilities.

Mr. Saver responded that he is willing to work with the City to have whatever they want. Wood is cheaper.

City Planner Hunting responded that it depended on the situation. There has been some solid screening with the balance of it being screen link. There is a mix of both in the different storage areas throughout the City.

Councilmember Piekarski Krech asked City Planner Hunting about B3 zoning.

City Planner Hunting responded that B3 would be Conditional Use for mini storage. They would still be dealing with the issue of spot zoning. He commented that you would still have to change the Comprehensive Plan and the zoning to a B3. Now you have zoned to a commercial potential operation, which has a list of uses that go along with that. He commented that there is no commercial in the area, it's all industrial, residential, or agricultural zoning.

Mayor Tourville stated that he wasn't sure small storage was allowed to stay gravel, they have gone asphalt.

City Planner Hunting responded that if they are looking at a more permanent use, they would want to have asphalt. Gravel was allowed for a couple of situations, one was on an Interim Use Permit. He stated that if there would be buildings with footings, it would need to have asphalt and proper driveway access.

Mr. Saver responded that he would not have a problem with changing to asphalt or concrete.

Mayor Tourville asked if there was a plan for stormwater and if it has been looked at by the Engineering Department staff.

City Planner Hunting responded that the Application first came in for the Comprehensive Plan and then the Conditional Use Permit for storage. There has been some preliminary review on the plan. He stated that Engineering has reviewed and commented. He commented that when meeting with Mr. Saver later in the process, improvements were suggested. It was also suggested to split this into two parts and address the Comp Plan and then the conditional use permit.

Mr. Saver stated that Barr Engineering looked at the stormwater infiltration system at the request of the City and recommendations were made. He stated that due to that, his Engineer would be changing a few things.

Councilmember Bartholomew asked if they were to consider B3, if this would have to go back to the Planning Commission.

City Planner Hunting responded yes, it would have to go back to the Planning Commission and be republished. He stated that Mr. Saver would have to be requested to withdraw this request and make a new application for a Comprehensive Plan for Commercial.

Councilmember Dietrich asked if there would be any cost for Mr. Saver to do that.

City Planner Hunting responded that they could run the change for the zoning and start the process over working off his original Application. Mr. Saver could withdraw or amend it to say he is amending his request now to change the comprehensive and rezoning to the Commercial designation. He stated that there would be a notice, Public Hearing, and then it would go back before the City Council.

Mr. Scherff suggested getting aerials from the County to show whether trees were left or not.

Councilmember Bartholomew stated that limited industrial was too aggressive for this and wanted to look into B3. He commented that would still face spot zoning. He asked if the other owner would consider B3 for a block of property that isn't surrounded by different zoning and guidance. He commented that if Mr. Saver would consider and re-apply for a B3, it would be the direction to take.

Councilmember Piekarski Krech stated that Mr. Larson brought up a good point in that it has been guided as RDR, which means Flint Hills leaves it as that. She commented that once it starts changing, Flint Hills isn't just sitting on land. She commented that she is concerned about spot zoning and what potential uses could be.

Mayor Tourville commented that the list of light industrial versus the list of B3 is quite different. He stated that he knows a lot of Cities that deal with their larger storage areas on the peripheral of the core City, as an interim use. He commented that Flint Hills may not do anything as their business is very regulated and intense. There used to be more residential homes in the area, now there are very few. He felt the B3 would be less intense in the neighborhood and could work without sewer and water for now.

Councilmember Bartholomew agreed that B3 would be a better starting place.

Pete Tjornhom stated that he is one of the owners of TruSeal America and has one of the industrial properties located down the road. He commented that there is a farm field that divides the properties, and there is also a Dakota Electric property parking lot to the east of these homes that is surrounded by a fence and pine trees. He stated that those residents would have a more pleasant view than what they currently have. He responded about the concern with the ATV driving around constantly and stated that would not be the case. He commented that it is their goal to provide a service to the people in the area. These businesses are popular because people need the space to store items. He stated that as far as adding buildings, if it's not needed, he was fine with it, but if it was something they could do, they would attend meetings and go through the process.

He stated that they took over property from an individual who had owned it for 30 years and it needed repair. There is a shed on site that will come down and they took down dead trees. He commented that he thought that the City wanted them to have a permeable surface, and gravel wasn't allowed. The water would be rainwater running down into holding ponds. He stated that there would be another septic system on site and possibly another well. They would not do anything to cause harm to water in the area.

He commented about spot zoning and stated that it would be quiet at night with a storage unit. He stated that they are not looking to do industrial, they just want to make money on their property like others. He stated that they rent the home on the property to their employees.

Councilmember Piekarski Krech asked if he plan to fix up the home on the property.

Mr. Tjornhom responded that the home on the property would be an exemption from the acreage. It is a 20-acre property and they would be using 17 for the storage unit. The house would be an exemption to whatever the parcel would be zoned as.

John Larson, 1938 105th Street, commented that there were other places in Inver Grove that could house that storage facility that is more accessible than out in the country where they are currently at. He stated that the acreage north of the park were not notified of this change.

Mayor Tourville responded that there are not a 17-acre parcel lot that would fit the zoning.

Mr. Saver stated that they would be willing to withdraw this at the moment and go back to Planning to turn it into the B3.

Mayor Tourville commented that it may have a better chance and that the industrial zoning concerned him. He stated that the applicant would need to put in writing to staff stating that they want to take a look at the Comprehensive Plan, rezoning, and change it to B3.

City Attorney Kuntz stated that the words that Mr. Saver used was "withdraw for the moment". He stated that Mr. Saver needed to give more clarity in regard to what he has in mind. The 60-day rule states that we have to make a decision by February 21st. He stated that there is one Council meeting between now and then on February 11th, and that we need to know whether the current application from the I1 Comp Plan and I1 Zoning is given an extension under the 60-day rule. He stated that if it is, it needs to be in writing and would be best done this evening. He asked if this was a withdrawal of that, and a processing of the B3. He stated that there is the processing of two Applications, the I1 and a B3. The other way is the processing of just one Application, the B3.

Mr. Saver responded that he would like to withdraw temporarily so that they can take it back to staff.

Mayor Tourville asked if we had time for Mr. Saver to think this over and asked if it could be tabled.

City Attorney Kuntz responded that it could be tabled until February 11th. He stated that on that date Mr. Saver would need to make a decision or ask for an extension. Mr. Saver agreed to table the item.

Motion by Dietrich second by Perry to table the I1 until the first regular meeting in February. Discount Storage; Consider the following for property located at 10805 Rich Valley Boulevard; a) A Resolution relating to a Comprehensive Plan Amendment to change the land use from RDR, Rural Density Residential to LI, Light Industrial. b) An Ordinance Amendment to Rezone the Property from A, Agricultural to I-1, Limited Industry District. TABLED.

Mayor Tourville asked City Planner Hunting if they can notify the neighborhood.

City Planner Hunting responded that they would renotify the neighborhood and anyone here this evening if they were not on the mailing list. He stated that in rural areas the notification is 1,000 feet of the perimeter of the site.

Ayes: 5

Nays: 0

Motion carried.

C. City of Inver Grove Heights; Consider the First Reading of an Ordinance to Allow Transient Lodging (short-term rentals) as an Interim Use in Residential Zoning Districts.

Associate Planner Heather Botten stated that discussions regarding transient lodging began a couple years ago. There was an Ordinance prohibiting transient lodging, otherwise known as short term rentals. During the Third Reading, the Council reversed the course. She stated that last summer staff was directed to allow transient lodging with an Interim Use Permit. Transient lodging is the letting or leasing of a property for less than 30 consecutive days. If anyone wanted to rent their property for longer than 30 days, they would have to comply with the Rental License Section of the City Code. She stated that Interim Use is defined as a temporary use of a property until a particular date or an occurrence of an event. A separate Interim Use Permit would be required for each property owner who was interested in a short-term rental of the property. She stated that the Permit process includes a Public Hearing, neighborhood notification, and allows the City to apply conditions to the specific property when coming through the process. The proposed fee for an Interim Use Permit would be \$295.00. She stated that staff provided a list of nine conditions that would be applied to all short-term rentals. Conditions include the formula for the number of renters and off-street parking spaces allowed for each Applicant. The Interim Use Permit is valid for two years from the approval date.

She stated that the memo included eight conditions and that the First Reading had nine conditions. Staff recommends approval of the first reading of the Ordinance with the nine conditions. She stated that the ninth condition allows for flexibility when the person comes in after the initial two years. This gives flexibility to extend it to four or six years. She stated that the Planning Commission had the Public Hearing on December 18th and recommended approval of the request with the recommendation of the two-year initial review.

Councilmember Piekarski Kresh asked how the 30-days works and if it was 30 days in total, or if it could it be 30 days to one person, then 30 days to another person, which means it's being rented all of the time. She commented that you can purchase a property as a rental property but not be renting to someone all of the time. She stated that defeated the purpose of what they were trying to do.

Associate Planner Botten responded that it is 30 consecutive days to one person. If they can find somebody different each month, that could happen. She stated that if rented out to that many people under 30 days, it would fall under this category. Longer than 30 days falls under the rental license section of the code.

Allan Hunting

From: SCOTT CLAUDIA LINDELL <cslindell75@msn.com>
Sent: Tuesday, February 26, 2019 8:39 PM
To: Allan Hunting
Subject: Discount Storage - Case No. 18-55CAZ

Dear Mr. Hunting:

We are writing in response to a letter sent to us about the rezoning of the property at 10805 Rich Valley Blvd in order to allow its use for storage. We own the property to the southeast of this property and our property's NW corner touches the SE corner of subject property. Our property is at 10895 Barnes Ave. We are having a home built on this property this summer for us to live in. We have kept horses on this property for 20 years and like it so much that we are retiring and living out there.

We apologize for the length of this email but the proposal is very disturbing to us and will impact us for as long as we live in IGH.

We are **not** in favor of the rezoning for many reasons:

-- We have seen a map of the proposed storage area and not sure if our count is correct but it shows 800 - 900 parking spots for RVs, boats, etc. It would stick out like a sore thumb and look unsightly regardless of the trees planted or fencing put up; one can't hide something like that. The topography will not hide the parking area: stand on 105th, Rich Valley or Barnes Ave and it will clearly be seen. How does two or three feet below grade hide 100s of RVs.

-- It doesn't fit in at all with the character of the surrounding area. If Comprehensive plans call for that area to be rural why was that stated as a goal if the first person that comes along (to our knowledge) wants to change the zoning, the city is going to change it? There is concern about spot zoning; this would be spot zoning. Once rezoned it opens the door to more rezoning because the city could say it's not spot zoning anymore.

-- Realistically, such a business will hardly bring any new employment. With no disrespect intended, it's hard to imagine it takes a lot of employees to run a storage facility; to us that would be part of the appeal of such a business. The administration function of the business could be blended in with the developer's other businesses. The best that can be hoped for is a 24-hour security guard job which pays minimum wage.

-- People don't come to IGH to spend money while they park or retrieve their recreational vehicles; not sure how storing RVs will bring a lot of money to the community. People use RVs to travel somewhere else to spend money. The developer states there will be little traffic on Rich Valley; how does little traffic equate to more money for the community?

-- The developer said he doesn't want to put up anything unsightly in the city. In our opinion what is there now is not very pleasant to look at. Will the same regard be given to the storage area?

-- Will we hear and see the security guard patrolling around every night on an ATV or driving a vehicle every half hour?

-- What if lighting is installed; we will live next to it and the light would literally shine on our property every night.

-- There will be 17 acres of gravel or asphalt for parking. Maintaining that large of an area with gravel after a hard, long rain will be difficult. After a hard rain where will 17 acres of surface water go? The developer said they would slope the 17 acres from west to east, that's the direction of our property. Could it reach our property if not correctly contained? Could it go to the Flint Hills property due east where we have horse pasture that we lease from Flint Hills.

-- Once approved, what are other uses the land could be put to later; something even less attractive than a storage area?

-- From reading minutes, it sounds like the developer wants to buy the 20 acres due south of proposed storage area. Is he planning on having an almost combined 40 acres of storage? That seems unheard of and the city would allow this?

-- What happens a few years down the road when this is all in the past and everyone has moved on and things start to change and promises are not kept? We will have no recourse.

-- We love that area and hate to see this happen. It really is quite unique to have such a large area in a city left rural. People that come to our property always comment on this. Beyond just adding more storage space to the many already in the surrounding area and cities, it is hard to see the positives this would bring to IGH besides some more property tax dollars.

It appears to us the city would not ask that the developer resubmit the application for rezoning if it wasn't going to approve it. Accordingly, we would respectfully ask that some stipulations be put on the business:

-- No lighting be installed where RVs, boats, etc., are going to be parked. (Developer stated it wasn't necessary but it doesn't sound farfetched that it could be added at a later date.)

-- If storage buildings are built, very minimal lightening around them at a low height, e.g., at top of garage door height.

-- A wooden solid fence be built (not a chain link fence) that will help block the view and enough trees be planted on south and east side of storage area so it might minimally help mask the 100s of RV parked there.

-- No patrolling by ATV, utility vehicle, motorcycle, etc., allowed. We are also concerned about a patrolling car or pickup headlights moving around all the time at night.

-- The storage area only be used for the reason stated by the developer: to store RVs, boats, etc., and not parts of it to be used by developer later for his other businesses.

-- Have an upper limit on number of RVs allowed to park there; is 700-800 RVs, boats, etc., not really overwhelming? If developer follows through on promise to try and "hide" the storage area and it turns out as nice looking and unseen as claimed, then increase the number allowed.

-- That water drainage from the gravel/asphalt surface does not leave the storage property and run off to surrounding properties.

-- If 20 acres south of storage property is bought by developer it won't be rezoned and/or allow more storage (40 acres of storage don't seem a little excessive?) This property runs the entire western side of our property. Why would he buy this land unless he planned on having it rezoned for more business uses? Couldn't part of the Comprehensive plan goal for this area be maintained by the city?

-- When the city allows more rezoning if developer buys the additional 20 acres, allow us an option to buy one acre of this land on eastern edge (at fair market value) to allow for a buffer zone against the light industrial or business use it gets rezoned to.

Thank you for your time and any consideration given.

Sincerely,

Scott & Claudia Lindell
Property Owners
10895 Barnes Ave
IGH, MN 55077

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Third (Final) Reading of Ordinance Changes Related to Dog Licensing, Dog Leashes, Dangerous Dogs

Meeting Date: April 8, 2019
 Item Type: Regular Meeting
 Contact: Eric Carlson – 651.450.2587
 Prepared by: Eric Carlson
 Reviewed by: Sean Folmar

☐	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 third and final reading regarding changes to 5-4-1 – 5-4-14; 7-5-1; 10-2-2; 10-15H-4-8 as outlined below.

SUMMARY

The City Council reviewed proposed changes to city code related to dog licensing, dog leashes, and dangerous dogs at your October 1, 2018 Work Study Session, November 13th and December 10th City Council meetings. The City Council approved the 1st reading at your January 14th meeting and the second reading at your February 25th meeting.

Substantive changes made to the proposed ordinance since your last reading are as follows:

5-4-4: GENERAL REGULATIONS OF DOMESTIC ANIMALS:

- A. Rabies Vaccination Required: Every owner or keeper of a dog, cat, or ferret kept as a pet over three (3) months of age within the city must have the dog, cat, or ferret vaccinated by a licensed veterinarian with an ant rabies vaccine that is currently effective.

A vaccination certificate is valid only for the dog, cat, or ferret and owner to which it was issued. A person must not use a rabies vaccination certificate for a different dog, cat, or ferret than the one for which it was issued.

A vaccinated dog, cat, or ferret shall be revaccinated at intervals not to exceed the effective duration of the vaccination as listed in the compendium of animal rabies control prepared by the National Association Of State Public Health Veterinarians.

- B. Restraint Of Dog: Subject to the exceptions stated in section [5-4-12](#) of this chapter, every owner shall keep his or her dog on a leash not greater than sixteen feet (16') in length and under restraint at all times with the exception of the owners property. Owners should take all reasonable steps to secure animals on their property, including but not limited to a fenced enclosure, an electronic perimeter fence for which the dog has been trained, or a chain or lead. Dogs in common areas of apartments, condominiums, cooperatives, and town homes shall be kept on a leash not greater than sixteen feet (16') in length and under restraint at all times. The exception is one of the city's designated off-leash dog areas which are as follows:

1. Inside the fenced area of the Heritage Village Park off-leash dog park

Highlights of the recommended ordinance changes include:

1. Proposed dog leash ordinance changes

- Dogs can be off leash on the owners' property, in the owners' vehicle, or at the Heritage Village Dog Park.
- Dogs can be in any city park, trail, or public sidewalk as long as they are on a leash that is 16' long or less at all times
- Dogs are not allowed on athletic fields (i.e. soccer fields/courts) and can't be inside a fenced athletic field
- Owners of dogs in a manufactured home park must keep their dog(s) on a 16' leash at all times the animal is outside
- Dogs in common areas of apartments, condominiums, cooperatives, and town homes shall be kept on a leash not greater than sixteen feet (16') in length and under restraint at all times.

2. Proposed dangerous dog ordinance changes

- Police Department still handles all dangerous dog situations/process
- Clear identification of chief of police or designee as the city's responsible animal control authority
- Differentiation of ownership conditions for dogs deemed dangerous vs. potentially dangerous dogs
- Establishment of a third party or a third-party hearing officer
- Establishment of a moderate hearing fee for appeals of dangerous and potentially dangerous dog designations

3. Proposed dog licensing ordinance changes

- City will no longer require that dogs be licensed
- City will require all dogs to be vaccinated, a dog found unvaccinated will cause the owner of the dog to be guilty of a misdemeanor punishable by 90 days in jail and/or a fine up to \$1,000 as determined by a judge.
- Any dog using an off-leash dog area would be required to be vaccinated and purchase a off-leash dog park pass annually

There will be a vaccination clinic on Tuesday, June 11th from 5:00 – 7:00pm in conjunction with the grand opening of the Heritage Village Dog Park. Inver Grove Heights Animal Hospital will have a Dr. and Vet Tech on site offering vaccinations for a fee. We will be marketing this on our website and social media sites.

REDLINE VERSION

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE
TITLE 5, CHAPTER 4, SECTION 1 AND TITLE 5, CHAPTER 4, SECTION 2 AND
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TITLE 7, CHAPTER 5, SECTION 1 AND TITLE 10, CHAPTER 2, SECTION 2 AND
TITLE 10, CHAPTER 15, ARTICLE H, SECTION 4, SUBSECTION 8
RELATING TO DOGS AND RESTRAINT OF ANIMALS

The City Council of Inver Grove Heights does hereby ordain:

Section 1. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 1 (5-4-1) is hereby amended to read as follows:

5-4-1: DEFINITIONS:

For purposes of this chapter, unless the context clearly indicates otherwise or otherwise defined in Minnesota statutes section 347.50 the terms defined in this section have the meanings given them:

ANIMAL: Every nonhuman species of animal, domestic, permitted nondomestic, and inherently dangerous.

ANIMAL CONTROL AUTHORITY: ~~By designation, the animal control authority is the chief of police or the chief's designee. Individually and collectively the city's police department, the city's police chief, the city's police officers, the city's community service officers and other personnel assisting in the enforcement of this chapter.~~

ANIMAL CONTROL OFFICERS: ~~Individually and collectively the city's police department, the city's police chief, the city's police officers, the city's community service officers and other personnel retained by the city or assisting in the enforcement of this chapter.~~

COMMERCIAL DAYCARE KENNEL: Any place where dogs are kept for the primary purpose of commercial pet sitting or "doggie daycare", provided all of the following are met:

A. No kennels are allowed in a residential zoning district.

AB. Limited to a maximum of twenty (20) dogs on site at any one time.

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~~BC.~~ No outdoor runs or kennels allowed.

~~C.D.~~ The requirement and location of any outside fenced area, if any, shall be determined by the council.

~~DE.~~ Dogs shall be on a leash not greater than 16' (sixteen feet) and handled by an employee or in an approved outside fenced exercise or kennel area at all times when outside the building during the animal's stay.

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~~EF.~~ Unless otherwise authorized by the City Council, ~~a~~An employee shall remain on site at all times animals are on the premises including overnight.

~~FG.~~ ~~Dogs shall be kept inside at all times except when exercised by an employee.~~ Dog kennels shall allow for outdoor runs or exercised by an employee

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~~GH.~~ Designated bathroom area shall be cleaned daily.

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

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DANGEROUS DOG: as defined in Minnesota statutes section 347.50.

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DOMESTIC ANIMALS: Dogs, cats, caged birds, fish, rabbits, domestic ferrets, snakes (nonvenomous and nonconstrictor species), gerbils, hamsters, guinea pigs, white rats or mice.

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FARM ANIMAL AND PERMITTED NONDOMESTIC ANIMAL: Cows, sheep, pigs, deer, ~~horses, donkeys, chickens, rabbits, goats and other members of the order Artiodactyla except the family Hippopotamidae; horses and other members of the family Equidae; all birds in the class Aves; squirrels and other members of the family Scirridae; rabbits and other members of the families Didelphidae and Macropididae;~~ and other animals if the owner can show the animals are not inherently dangerous.

GREAT BODILY HARM: "Great bodily harm: has the meaning given it under Minnesota state statutes section 609.02, subdivision 8.

HEARING OFFICER: An impartial person who may be either an impartial employee or the city or an impartial person retained and appointed by the city to conduct dangerous dog and potentially dangerous dog hearings.

INHERENTLY DANGEROUS ANIMALS: Animals other than domestic animals and farm and permitted nondomestic animals, which are inherently dangerous including, but not limited to, wolves, coyotes, bears, snakes (venomous and constrictor species), skunks, cougars, tigers, and

any crossbreeds thereof, or crossbreeds with domestic or farm and permitted nondomestic animals.

KEEP: To own, stable, harbor, maintain, possess, or act as a custodian or caretaker for an animal.

KENNEL: A commercial kennel, commercial daycare kennel or noncommercial kennel.

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

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OWNER: Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

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PERSON: One or more natural persons, a firm, partnership, corporation, or any other entity.

POTENTIALLY DANGEROUS DOG: ~~As defined in Minnesota Statutes section 347.50.~~

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PREMISES: A building, structure, shelter, or land where an animal is kept or confined.

PROPER ENCLOSURE: ~~FOR DANGEROUS OR POTENTIALLY DANGEROUS DOGS.~~ A secure indoor location or a securely enclosed and locked pen or structure suitable to prevent the potentially dangerous dog or dangerous dog from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the potentially dangerous dog or dangerous dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the potentially dangerous dog or dangerous dog from exiting.

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RUNNING AT LARGE, RUN AT LARGE, OR AT LARGE: Any animal that is not under restraint.

~~SUBSTANTIAL BODILY HARM: Minnesota statutes section 609.02, subdivision 7a:~~

UNDER RESTRAINT: The animal is: ~~a) beside a person having custody of it and obedient to that person's voice or signal command or the animal is in such proximity to the person having custody of it that the person can effectively by voice or signal command control the animal and the animal is obedient to that person's voice or signal command; ab) within a private motor vehicle of a person owning, harboring, or keeping the animal; be) within the boundaries of property owned or leased by the person owning, harboring or keeping the animal; or cd) controlled by a chain or leash of a maximum of sixteen feet (16') in length, or a commercially manufactured retractable leash.~~

VACCINATION AGAINST RABIES: The inoculation of a dog, cat, or ferret with a rabies vaccine by a veterinarian duly licensed to practice veterinary medicine.

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VETERINARY HOSPITAL: A place for the treatment, hospitalization, surgery, care and board of animals and birds under the direction of one or more licensed veterinarians. (Ord. 1211, 5-10-2010)

Section 2. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 2 (5-4-2) is hereby amended to read as follows:

5-4-2: KEEPING OF CERTAIN ANIMALS PERMITTED:

A. Animals Permitted Pursuant To Regulations: The following animals may be kept in the city pursuant to the regulations of this chapter and relevant provisions of the zoning ordinance: domestic animals; farm animals and permitted nondomestic animals; and inherently dangerous animals. (Ord. 1211, 5-10-2010; amd. Ord. 1265, 5-14-2013)

B. Chickens On Urban Residential Lots:

1. License Required: No person shall keep chickens on any property zoned R-1A, R-1B, R-1C or R-2, within the city without first obtaining a license from the city.
2. Application: An application for a license to keep chickens shall be made to the city clerk on the form prescribed by the city. The applicant must provide all the information required on the form, including, but not limited to:
 - a. The name and address of the owner(s) where the chickens will be kept;
 - b. The number of chickens to be kept on the property;
 - c. Site plan or property survey showing the proposed location of the chicken coop and/or run on the subject property;
 - d. Drawing or picture of the proposed chicken coop;
 - e. The applicant must pay the fee for the license to keep chickens as set forth in the city fee schedule.
3. Notice To Surrounding Property Owners: Once the city clerk receives a complete application from an applicant, the city clerk shall provide written notice of and include a copy of said application to those owners of properties ~~contiguous to and~~ directly abutting the proposed location. Owners shall be determined as those shown as owners on the tax statement prepared by the county treasurer.
4. Granting Issuance Of License: The city clerk may administratively grant an initial or renewal license under this subsection provided all of the following have been met:
 - a. All submittal information is submitted and complete.

- b. Appropriate fee is paid.
 - c. The application filed demonstrates compliance with the requirements of this subsection and any other applicable regulations of this code.
 - d. No persons mailed a notice object in writing to the request within ten (10) days of notice being mailed; an objection sent electronically shall be deemed an objection in writing.
5. Denying Issuance Of License: The city clerk shall deny issuance of a license if any of the items in subsection B4 of this section have not been met. In the instance where an objection has been received by an abutting property owner, the item shall be placed on the next available city council agenda for council review and determination of whether the license shall be issued.
6. Standards: Any person keeping chickens in residential areas of the city as noted in subsection B1 of this section, shall comply with all of the following:
- a. No person shall keep more than six (6) total hen chickens on the property.
 - b. No person shall keep roosters or adult male chickens on the property.
 - c. Cockfighting is specifically prohibited within the city.
 - d. The slaughter of chickens is prohibited on residentially used or zoned properties.
 - e. The owner of the chickens shall live in the dwelling on the property.
 - f. The raising of chickens for breeding purposes is prohibited.
 - g. Chickens shall not be kept inside a dwelling.
7. Shelter And Enclosure Requirements: Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times in a chicken coop or chicken run. Chicken coops and runs shall comply with the following standards:
- a. Only one chicken coop and/or run shall be allowed per lot.
 - b. Chicken coops and runs shall not be located in the front or side yards and shall not be placed within any drainage and utility easement.
 - c. Any chicken coop or chicken run shall be set back at least twenty-five feet (25') from any principal structure on any adjacent lot and ten feet (10') from all property lines.
 - d. Any chicken coop and run fencing must be consistent with applicable zoning codes.
 - e. No chicken coop or run shall be constructed on a lot prior to the time of occupancy of the principal structure.

- f. Chickens shall be provided a secure and well-ventilated roofed structure in compliance with applicable zoning codes.
 - g. The floors and walls of the roofed structure shall be kept clean, sanitary and in a healthy condition.
 - h. Chickens shall be contained within a chicken run at all times.
 - i. The run area shall be well drained so there is no accumulation of moisture.
 - j. Chicken feed shall be stored in leakproof containers with a tightfitting cover to prevent attracting vermin.
8. License Modification: The license may be reasonably modified by animal control authority if necessary to respond to changed circumstances. Any modification shall be effective ten (10) days after the mailing of written notice by certified mail to the license holder. The license holder may challenge the modification by contacting the city clerk and requesting a hearing within ten (10) days after the receipt of written notice. A hearing regarding the proposed modification shall be held before the city council.
9. Duration Of License: A license to keep chickens shall be issued for a period of two (2) years beginning March 1 and ending February 28. Applications for a renewal permit may not be made prior to sixty (60) days before March 1.
10. Conditions/Maintenance And Inspections: No person who owns, controls, keeps, maintains or harbors chickens shall permit the premises where the chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition ~~or the premises should be maintained to prevent odors from permeating into neighboring properties. to permit the premises to be in such condition that noxious odors to be carried to adjacent public or private property.~~ Any chicken coop and run authorized under this section may be inspected at any reasonable time by authorized city staff to inspect for compliance with this chapter and other relevant laws and regulations.
11. Revocation Of License: A license may be revoked by the city council for a violation of any condition of this section following notice and a hearing as provided for in title 3, chapter 2 of this code.
12. Penalty: Violation of this section shall be a petty misdemeanor. (Ord. 1265, 5-14-2013)

Section 3. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 3 (5-4-3) is hereby amended to read as follows:

5-4-3: DOG ~~LICENSES~~VACCINATIONS:

A.

No person residing in the city shall keep a dog over six (6) months of age within the city for more than ten (10) consecutive days unless the person has had the dog properly vaccinated by a licensed veterinarian and can show proof of such vaccination upon

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request. If a dog is found to be unvaccinated the owner of the dog is guilty of a misdemeanor. a current city issued dog license for the dog. Individual dog licenses need not be secured for dogs kept in "commercial kennel" or "commercial daycare kennel" as defined herein.

B. UNVACCINATED DOGS/IMPOUNDED DOG DETERMINED TO BE UNVACCINATED:

Unvaccinated dogs subject to impoundment by an animal control official may not be released from the city's contract impound facility without a valid vaccination record. If a dog is found to be unvaccinated the owner of the dog is guilty of a misdemeanor. The dog owner shall properly vaccinate the dog by a licensed veterinarian prior to the dog being returned to the owner.

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A. License Fee And Application:

1. Application: An application for a dog license shall be made to the city clerk on the form prescribed by the city. The applicant must provide all the information required on the form, including, but not limited to:

- a. The name, age, breed, sex, color, and marking of the dog;
- b. A certificate showing that the dog has been vaccinated against rabies by a licensed veterinarian;
- c. A sworn statement that the person is not restricted from owning a dog pursuant to Minnesota statutes section 347.542 or a sworn statement that the animal control authority has rescinded the restriction entirely or with limitations and that the person's application to own a dog is in conformity therewith;
- d. The address or legal description of the real property where the dog will be kept; and
- e. If the application is for a license for a potentially dangerous dog or dangerous dog, proof that the specific requirements of section 5-4-6 of this chapter have been met.

2. Fees: The fee for a dog license is set forth in the city fee schedule. Fees for a dog license for new residents or a newly acquired dog shall be prorated for the remainder of the term of the license. A penalty fee, as set forth in the city fee schedule, shall be assessed against the owner of a dog who fails to obtain a license within a timely manner pursuant to the requirements of this section.

B. Duration Of License: A dog license shall be for a period of two (2) years or the unexpired portion of the two (2) years beginning on May 1 and ending on April 30. Commencing May 1, 2011, dog licenses shall be issued in odd-numbered years. For those dogs licensed after May 1, 2010, and whose owners are not subject to a penalty for failure to license their dogs, the license fee shall be prorated for the remainder of 2010 through April 30, 2011. Applications for a renewal license may not be made until sixty (60) days before May 1.

C. License Tags: Upon compliance with the license application requirements listed above, the city clerk shall issue to the owner of the dog a metallic dog tag stamped with a number and the

license period for which it is issued. The shape and design of such tag shall be changed every two (2) years. The owner of a dog is required to keep the dog's current and valid registration tag securely fastened to its choke chain, collar, or harness at all times in a manner so that it can easily be seen. A dog license tag may not be transferred from one dog to another. In the event that the metallic license tag issued for a dog is lost, the owner may obtain a duplicate tag from the city clerk upon the payment of the fee set forth in the city fee schedule.

D. Identification Tags: In addition to the metallic dog tag described in subsection C of this section, the owner must also attach a metallic tag bearing the name and home telephone number of the owner to the dog's collar which shall be worn at all times when the dog is not on the property of its owner.

E. New Residents: Upon proof of current vaccination against rabies, a dog owner who has a valid and current dog license from another city may obtain a city dog license by surrendering the other license, submitting a complete city application form, and paying the transfer fee set forth in the city fee schedule.

F. Change In Ownership Of Dog: If there is a change in ownership of a dog during a license year, the new owner may have the current license changed to his or her name upon the payment of a transfer fee set forth in the city fee schedule. The previous owner must notify the city within thirty (30) days of the change in ownership and provide the city with the name and address of the new owner.

G. Exemptions: Veterinarian hospitals and dogs belonging to the city's police department are exempt from dog licensure. (Ord. 1211, 5-10-2010)

Section 4. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 4 (5-4-4) is hereby amended to read as follows:

5-4-4: GENERAL REGULATIONS OF DOMESTIC ANIMALS:

A. Rabies Vaccination Required: Every owner or keeper of a dog, cat, or ferret kept as a pet over three (3) months of age within the city must have the dog, cat, or ferret vaccinated by a licensed veterinarian with an antirabiesanti rabies vaccine that is currently effective.

A vaccination certificate is valid only for the dog, cat, or ferret and owner to which it was issued. A person must not use a rabies vaccination certificate for a different dog, cat, or ferret than the one for which it was issued.

A vaccinated dog, cat, or ferret shall be revaccinated at intervals not to exceed the effective duration of the vaccination as listed in the compendium of animal rabies control prepared by the National Association Of State Public Health Veterinarians.

B. Restraint Of Dogs: Subject to the exceptions stated in section 5-4-12 of this chapter, every owner shall keep his or her dog on a leash not greater than sixteen feet (16') in length and under restraint at all times with the exception of the owners property. Owners should take all

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reasonable steps to secure animals on their property, including but not limited to a fenced enclosure, an electronic perimeter fence for which the dog has been trained, or a chain or lead. Dogs in common areas of apartments, condominiums, cooperatives, and town homes shall be kept on a leash not greater than sixteen feet (16') in length and under restraint at all times. The exception is one of the city's designated off-leash dog areas which is as follows:

1. Inside the fenced area of the Heritage Village Park off-leash dog park

C. Removal Of Animal Feces: Any person having custody or control over any dog or cat on any property within the city, other than the property of the dog or cat's owner, must have in his or her immediate possession a device for picking up and disposing of dog or cat feces, and must pick up and dispose of any and all feces in a sanitary manner. This subsection does not apply to the following:

1. Disabled persons using guide or service dogs;

~~2. City agents or employees using dogs in connection with police activities; or~~

~~3. Persons using tracking dogs with the city's prior permission.~~

A violation of this subsection 5-4-4 C is a petty misdemeanor.

D. Female Dogs In Season: Every female dog in season shall be confined within a building or secure enclosure in such a manner that it cannot come into contact with another dog except for intentional breeding conducted within a building. The female dog in season may be taken from the secure area on a secure leash not greater than sixteen feet (16') controlled by a person of sufficient age or into a confined outdoor enclosure on the owner's property in order for the dog to urinate and/or defecate. Female dogs in heat are not authorized to utilize any of the city's designated off leash dog areas.

E. General Duty Of Owners: Every owner or keeper of a dog must exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from the dog's behavior. When approaching another person, the dog must be brought beside the person having custody and close control maintained.

F. Stopping An Attack: Animal control authority who witness an attack by an animal upon a person or another animal may take whatever action the animal control authority deem to be appropriate to end the attack and prevent further injury to the victim(s). (Ord. 1211, 5-10-2010)

Section 5. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 5 (5-4-5) is hereby amended to read as follows:

5-4-5: SEIZURE AND IMPOUNDMENT OF ANIMALS:

- A. Impounding Facility: The city council may maintain a municipal impound facility or may designate as the municipal impound facility a suitable kennel or veterinary hospital either within or outside the city limits of the city. The keeper of the impound facility shall provide an account of any and all impound fees received on behalf of the city, account for and pay over monthly to the city all monies it receives as fees payable to the city.
- B. Impound Facility Reporting: The keeper of the impound facility shall provide a monthly written report providing the following information: the animals impounded; the duration of the impoundment; and the method of disposal of each animal. The impound facility is authorized to turn unclaimed animals in impound over to recognized animal rescue or adoption programs.
- C. Seizure And Impoundment Of Animals: Subject to the exceptions stated in section 5-4-12 of this chapter, the animal control authority may seize and impound any animal running at large in the city or any animal found to be in violation of the provisions of this chapter or Minnesota statutes sections 347.50 through 347.565. Upon the impoundment of an animal, the animal control authority must promptly notify the owner of the impoundment in person, by phone or by mail. If the owner is unknown, the city must post a written notice within twenty-four~~twenty-four~~ (24) hours of impoundment of the animal at city hall and the Inver Grove Heights police department describing the animal and stating where the animal is impounded. Said notice shall remain posted at city hall and the Inver Grove Heights police department for at least seven (7) days.

An impounded animal displaying a need for medical care may be taken to a veterinarian for emergency treatment. The owner of the animal is responsible for payment of expenses incurred as a result of the veterinarian's treatment. Based on the severity of illness or injury to impounded animal, the chief of police may authorize humane destruction.

- D. Impoundment After Biting Human: Every doctor or other person who treats a person for an animal bite shall report to the Inver Grove Heights police department the name and address of any person treated for an animal bite inflicted within the city. The owner or keeper of any dog or other animal that bites any person where the bite breaks the person's skin or the bite requires treatment by a doctor, and the person bitten or his or her parent or guardian must report the incident to the Inver Grove Heights police department within twenty-four~~twenty-four~~ (24) hours of the bite. The dog or other animal shall immediately be confined for a period of not less than ten (10) days in a veterinary hospital or on the owner's premises, as directed by the animal control authority. Subject to the exceptions stated in section 5-4-12 of this chapter, the animal control authority may refuse to permit confinement on the owner's premises if the animal has previously been found repeatedly running at large or if the animal does not have a currently effective rabies vaccination. If confinement on the owner's premises is permitted, the animal may not be allowed off the premises or in contact with other people or animals during the confinement period, except for medical purposes. If the owner fails to comply with these restrictions, the animal control authority may enter onto the property, seize the animal, and remove it to a veterinary hospital. The owner is responsible for all costs of confinement incurred under this subsection. If, after completion of the ten (10) day impound period, the animal does not have rabies, it may be released to its owner unless

release is otherwise prohibited by another section of this chapter. As a condition of releasing a confined animal, the animal control authority may require that the animal's owner take the animal for an examination by a veterinarian. The impound fee shall be borne by the owner of the animal.

E. Impoundment And Destruction Of Rabid Animals:

1. A dog or animal displaying symptoms of being rabid may be seized at any place or time and confined in the city impounding facility at the owner's expense, until found to be free from rabies.
2. If a dog or other animal appears to be diseased, vicious, dangerous, rabid or has been exposed to rabies, and the dog or other animal cannot be impounded without serious risk of personal injury, the dog or other animal may be destroyed, if reasonably necessary for the safety of a person or persons.

F. Redeeming Impounded Animals: The animal impound facility may not release an animal until it has received authorization to do so from animal control authority and upon fulfillment of the following conditions:

1. Dogs, cats and ferrets are properly inoculated for rabies;
2. Payment by the owner to the impounding facility of the costs of keeping the animal in the pound;
3. Payment of an impounding fee to the city in the amount listed in the city fee schedule;
4. Providing proof of ownership of the animal; and
5. In the case of a dog that resides in the city, proof of a valid license for the dog.

An animal impounded pursuant to Minnesota statutes chapter 343 may be redeemed pursuant to the provisions of Minnesota statutes section 343.235.

A potentially dangerous dog or dangerous dog impounded pursuant to any provision in Minnesota statutes sections 347.50 through 347.565 may be redeemed pursuant to Minnesota statutes sections 347.50 through 347.565 and upon fulfillment of the requirements of section 5-4-6 of this chapter.

G. Disposition Of ~~Dangerous or Potentially Dangerous by Impounded Animals At The Owner's Request~~: If the owner of an dog deemed dangerous or potential dangerous elects to dispose of the animal, the owner shall provide the animal control authority with proof of disposition. impounded animal chooses to have the animal disposed of, the owner shall make such a request in writing to animal control authority. Such a request must be accompanied by proof of ownership of the animal, as well as payment of the costs of the disposition.

H. Disposition Of Unclaimed Animals: If an impounded animal is not reclaimed within seven (7) regular business days after the required notice is given to the owner or posted pursuant to this chapter, the animal shall be deemed to have been abandoned, and the impounding facility may sell or give the animal to any adult person or shelter program, except research institutions. If an abandoned animal is not sold, it may be destroyed in a humane manner. A "regular business day" for purposes of this section means a day during which the impounding facility having custody of the animal is open to the public at least four (4) consecutive hours between eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.

I. Costs Of Impoundment: The owner of the animal is responsible for the costs of the impoundment and housing of an impounded animal. (Ord. 1211, 5-10-2010)

Section 6. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 6 (5-4-6) is hereby amended to read as follows:

5-4-6: DANGEROUS AND POTENTIALLY DANGEROUS DOGS:

~~A. Duties Of Owner Of Potentially Dangerous And Dangerous Dogs: A person who owns or keeps a dangerous dog must comply with the requirements of Minnesota statutes sections 347.50 through 347.565 as may be amended from time to time, and which are adopted and incorporated herein by reference.~~

~~B. Designation Of A Dog As Dangerous Or Potentially Dangerous: The animal control authority may determine that a dog is a potentially dangerous dog or a dangerous dog.~~

~~C. Appeal Of Designation: Upon determination by the animal control authority that a dog is a potentially dangerous dog or dangerous dog, the city shall provide notice of this determination and information regarding the right to a hearing concerning the potentially dangerous dog or dangerous dog declaration to the owner of the dog pursuant to Minnesota statutes section 347.541, subdivision 3. The notice must include all of the information required by Minnesota statutes section 347.541, subdivision 3.~~

~~The notice declaring the dog potentially dangerous or dangerous shall be delivered or mailed to the owner of the dog, or served by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible.~~

~~1. Hearing:~~

~~a. Right To Hearing: The owner of any dog declared a potentially dangerous dog or dangerous dog has the right to a hearing by an impartial hearing officer who may be either an impartial employee of the city or an impartial person retained by the city to conduct the hearing.~~

~~b. Appeal Of Potentially Dangerous Dog Or Dangerous Dog Designation: The owner of a dog designated by the animal control authority as a potentially dangerous dog or dangerous dog must file an appeal of that designation with the city clerk within fourteen (14) days of receipt of the notice of declaration of potentially dangerous dog or dangerous dog.~~

e. Hearing Scheduling And Conduct: If the owner properly files an appeal of the potentially dangerous dog or dangerous dog designation, the city must hold a hearing within fourteen (14) days after the owner's request, to determine the validity of the potentially dangerous dog or dangerous dog declaration, is made to the city.

At the hearing, the owner of the dog shall have an opportunity to present evidence and testimony to support the appeal of the potentially dangerous or dangerous dog declaration. The hearing may receive evidence from the animal control authority regarding the initial potentially dangerous or dangerous dog declaration.

d. Decision: Upon receiving the evidence and testimony, the hearing officer shall uphold or rescind the potentially dangerous or dangerous dog declaration. In the event that the hearing officer upholds the potentially dangerous or dangerous dog declaration, the owner shall be responsible for paying actual expenses of the hearing up to a maximum of one thousand dollars (\$1,000.00). The hearing officer shall issue a decision on the matter within ten (10) days after the hearing. The decision must be delivered to the owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

D. Registration Of Potentially Dangerous Dogs And Dangerous Dogs: No person may keep a potentially dangerous dog or dangerous dog within the city unless the dog is currently registered as provided in this section. Registration must be completed within fourteen (14) days from the owner's receipt of notice of declaration of potentially dangerous dog or notice of declaration of dangerous dog unless a timely appeal has been filed. The animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence of the following, which are required by Minnesota statutes sections 347.50 through 347.565:

1. Fee: Payment has been made for the annual potentially dangerous dog or dangerous dog registration fee set forth in the city fee schedule. This payment is in addition to any dog license fee.

2. Proper Enclosure: The owner of a potentially dangerous dog or dangerous dog must keep the dog in a proper enclosure that has been inspected and approved by the city.

3. Tag: A potentially dangerous dog or dangerous dog must have a standardized, easily identifiable tag identifying the dog as a potentially dangerous dog or dangerous dog that shall be affixed to the dog's collar at all times.

4. Surety Bond Or Insurance Policy: The owner of a potentially dangerous dog or dangerous dog must provide a surety bond in a form acceptable to the animal control authority, issued by a surety company authorized to conduct business in Minnesota in the amount of at least three hundred thousand dollars (\$300,000.00), payable to any person injured by the dangerous dog or a policy of liability insurance company authorized to do business in Minnesota in the amount of at least three hundred thousand dollars (\$300,000.00), insuring the owner for any personal injuries inflicted by the potentially dangerous dog or dangerous dog.

5. Microchip: Proof of implantation of the microchip identification in compliance with state law.

6. Posting Of Warning Symbol: The owner of a potentially dangerous dog or dangerous dog must post a warning symbol or multiple warning symbols, to be determined by the animal control authority, provided to the owner by the animal control authority at the owner's cost, on the owner's property.

E. Potentially Dangerous And Dangerous Dog Designation Review: Review of a potentially dangerous dog or dangerous dog designation may be requested annually beginning six (6) months after the dog is declared to be a potentially dangerous dog or dangerous dog. The owner must present evidence to the animal control authority that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the potentially dangerous dog or dangerous dog designation.

F. Notification Of Changes: The owner of a dog designated as a potentially dangerous dog or dangerous dog shall notify the police chief in writing if the dog has died, is relocated from its current address, or is being given or sold to another person. The notification must be given in writing within thirty (30) days after the change in ownership or location or the dog's death. If requested by the animal control authority, the owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition of the dog, or the complete name, address, and telephone number of the person to whom the dog has been transferred, whichever the case may be.

G. Sterilization Of Potentially Dangerous Dogs And Dangerous Dogs: The owner of a potentially dangerous dog or dangerous dog must, at the owner's sole expense, sterilize the dog within thirty (30) days of the dog's designation as a potentially dangerous dog or dangerous dog. If the owner does not sterilize the dog, the animal control authority shall seize the dog and have it sterilized at the owner's expense.

H. Confinement Of Potentially Dangerous And Dangerous Dogs: The owner of any potentially dangerous dog or dangerous dog must confine the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the owner must muzzle and restrain the dog by a substantial chain or leash and be under the physical restraint of a responsible person.

I. Confiscation And Reclamation Of Potentially Dangerous And Dangerous Dogs: The animal control authority may summarily seize and impound a potentially dangerous dog or dangerous dog under the following circumstances:

1. The owner fails to validly register the dog under this section within fourteen (14) days of its designation as a potentially dangerous dog or dangerous dog.
2. The owner fails to secure the required liability insurance or surety bond under this section within fourteen (14) days of its designation as a potentially dangerous dog or dangerous dog.
3. The owner fails to keep the dog in a proper enclosure.

4. The dog is outside the proper enclosure and not muzzled and under the physical restraint of a responsible person as required by this section.

5. The owner fails to sterilize the dog within thirty (30) days of its designation as a potentially dangerous dog or dangerous dog.

6. The owner is convicted of a misdemeanor for violating the provisions of this section and the person is charged with a subsequent violation relating to the same dog. If the owner is convicted of the offense for which the dog was seized, the criminal court may order destruction of the dog and the owner must pay for the costs of confining and destroying the dog.

The owner may reclaim a potentially dangerous dog or dangerous dog by presenting proof of compliance with state law and this section to the animal control authority and payment of all costs associated with the confiscation and confinement of the dog, including the impoundment fee set forth in the city fee schedule and impoundment costs. If the owner does not reclaim the potentially dangerous or dangerous dog within seven (7) days, the animal control authority may dispose of the dog and the owner is liable to the animal control authority for the costs incurred in confining and disposing of the dog.

~~J. Dogs Not To Be Deemed Dangerous: A dog shall not be deemed to be a potentially dangerous dog or a dangerous dog if the threat, injury, or damage was sustained by a person: 1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; 2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or 3) who was committing or attempting to commit a crime.~~

~~K. Destruction Of Dog In Certain Circumstances: The animal control authority or its designee may destroy a dog in a proper and humane manner if the dog:~~

- ~~1. Inflicted substantial or great bodily harm on a human on public or private property without provocation;~~
- ~~2. Inflicted multiple bites on a human on public or private property without provocation;~~
- ~~3. Bit multiple human victims on public or private property in the same attack without provocation; or~~
- ~~4. Bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.~~

The animal control authority must provide the owner of the dog an opportunity for a hearing before an impartial decision maker. The exemptions set forth in section 5-4-12 of this chapter apply to this provision. (Ord. 1211, 5-10-2010)

A. DUTIES OF OWNER OF POTENTIALLY DANGEROUS AND DANGEROUS DOG

A person who owns or keeps a dangerous dog must comply with the requirements of Minnesota statutes sections 347.50 through 347.565 as may be amended from time to time, and which are adopted and incorporated herein by reference.

B. DESIGNATION OF DOG AS DANGEROUS OR POTENTIALLY DANGEROUS

The animal control authority may determine that a dog is a potentially dangerous dog or a dangerous dog.

C. APPEAL OF DESIGNATION

Upon determination by the animal control authority that a dog is a potentially dangerous dog or dangerous dog, the city shall provide notice of this determination and information regarding the right to a hearing concerning the potentially dangerous dog or dangerous dog declaration to the owner of the dog pursuant to Minnesota statutes section 347.541, subdivision 3. The notice must include all the information required by Minnesota statutes section 347.541 subdivision 3.

The notice declaring the dog potentially dangerous or dangerous shall be delivered or mailed to the owner of the dog or served by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible.

EXEMPTIONS:

EXCLUSIONS IN DETERMINING DANGEROUS AND POTENTIALLY DANGEROUS DOGS

Dogs not to be deemed dangerous: In accordance with Minnesota State Statutes Section 347.51, Subd.5., A dog shall not be deemed to be a potentially dangerous dog or a dangerous dog if the threat, injury, or damage was sustained by a person: 1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; 2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or 3) who was committing or attempting to commit a crime.

D. POTENTIALLY DANGEROUS DOG; REQUIREMENTS

Registration: No person may keep a potentially dangerous dog within the city unless the dog is currently registered as provided in this section. Registration must be completed within fourteen (14) days from the owner's receipt of notice of declaration of potentially dangerous dog unless a timely appeal has been filed. The animal control authority shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner presents sufficient evidence of the following.

Fees: An annual registration fee that shall be included in the City's fee schedule, in addition to the City's licensing fee.

Leash: No person shall permit a potentially dangerous dog to go outside its owner's property unless secured by a leash no longer than six feet (6') in length, with a responsible person in physical control of the leash.

Confinement: While on its owner's property, potentially dangerous dogs must be confined to the yard by kennel, fence, or leash. Electronic perimeter fences shall not be allowed for the confinement of potentially dangerous dogs.

Signs: An owner of a potentially dangerous dogs within the city may be required to display a sign easily readable by the public using the words "Beware of Potentially Dangerous Dog" including a warning symbol to inform children. The determination for whether or not potentially dangerous dog signage is required will be based on the severity and circumstances of the attack prompting the designation.

Microchip: Proof of implantation of the microchip identification in compliance with state law.

Dog Park: Dogs deemed potentially dangerous by this or any other political subdivision are prohibited from obtaining an animal pass for the city's dog park.

Inspection: An annual inspection for compliance of the owner's property will be performed by the Police Department

It shall be unlawful for the owner of a potentially dangerous dog to fail to comply with the requirements set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment in accordance with this chapter.

E. DANGEROUS DOG; REQUIREMENTS

Registration: No person may keep a dangerous dog within the city unless the dog is currently registered as provided in this section. Registration must be completed within fourteen (14) days from the owner's receipt of notice of declaration of dangerous dog unless a timely appeal has been filed. The animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence of the following, which are required by Minnesota statutes sections 347.50 through 347.565:

Fees: An annual registration fee that shall be included in the city's fee schedule, in addition to the city's licensing fee.

Leash and Muzzle: No person shall permit a dangerous dog to go outside its owner's property unless secured by a leash no longer than six feet (6') in length, with a responsible person in physical control of the leash. The dog must also be muzzled to prevent biting.

Confinement: While on its owner's property, dangerous dogs must be confined to the yard by kennel, fence, or leash. Electronic perimeter fences shall not be allowed for the confinement of dangerous dogs.

Signs: All owners of dangerous dogs within the city must display a sign easily readable by the public using the words "Beware of Dangerous Dog." In addition, a similar sign is required to be posted on the kennel of such animal. A warning symbol to inform children that there is a dangerous dog on the property must also be displayed. The uniform symbol must be the uniform symbol

provided by the commissioner of public safety. The animal control authority will provide the warning symbol for a fee as set forth in the city fee schedule.

Microchip: Proof of implantation of the microchip identification in compliance with state law.

Notification of property owner: A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

Dog Park: Dogs deemed dangerous by this or any other political subdivision are prohibited from obtaining an animal pass for the city's dog park.

Tag: A dangerous dog must have a standardized, easily identifiable tag identifying the dog as a dangerous dog and containing the uniform dangerous dog symbol affixed to the dog's collar at all times.

Sterilization: The owner of a dangerous dog must, at the owner's sole expense, sterilize the dog within thirty (30) days of the dog's designation as a dangerous dog. If the owner does not sterilize the dog, the animal control authority shall seize the dog and have it sterilized at the owner's expense.

Surety Bond Or Insurance Policy: The owner of a dangerous dog must provide a surety bond in a form acceptable to the animal control authority, issued by a surety company authorized to conduct business in Minnesota in the amount of at least three hundred thousand dollars (\$300,000.00), payable to any person injured by the dangerous dog or a policy of liability insurance company authorized to do business in Minnesota in the amount of at least three hundred thousand dollars (\$300,000.00), insuring the owner for any personal injuries inflicted by the dangerous dog.

F. HEARING

Right to Hearing: The owner of any dog declared a potentially dangerous dog or dangerous dog has the right to a hearing by an impartial hearing officer who may be either an impartial employee of the city or an impartial person retained by the city to conduct the hearing.

The owner of the dog appealing must submit a non-refundable hearing fee as set forth in the city fee schedule at the time of the appeal.

Appeal of potentially dangerous dog or dangerous dog designation: The owner of a dog designated by the animal control authority as a potentially dangerous dog or dangerous dog must file an appeal of that designation with the office of the animal control authority within fourteen (14) days of receipt of the notice of declaration of potentially dangerous dog or dangerous dog.

Hearing Scheduling and Conduct: If the owner properly files an appeal of the potentially dangerous dog or dangerous dog designation, the city must hold a hearing within fourteen (14) days after the owner's request.

At the hearing, the owner of the dog shall have an opportunity to present evidence and testimony to support the appeal of the potentially dangerous or dangerous dog declaration. The hearing officer may receive evidence from the animal control authority regarding the initial potentially dangerous or dangerous dog declaration.

G. DECISION

Upon receiving the evidence and testimony, the hearing officer shall uphold or rescind the potentially dangerous or dangerous dog declaration. The hearing officer shall issue a decision on the matter within ten (10) days after the hearing. The decision must be delivered to the owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

The hearing officer may elevate the designation from potentially dangerous to dangerous based on evidence presented at the hearing.

H. DANGEROUS DOG AND POTENTIALLY DANGEROUS DESIGNATION REVIEW

Review of a potentially dangerous dog or dangerous dog designation may be requested annually beginning six (6) months after the dog is declared to be a potentially dangerous or one (1) year after the dog is declared to be a dangerous dog. The owner must present evidence to the animal control authority or designee that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the potentially dangerous dog or dangerous dog designation.

I. NOTIFICATION OF CHANGES

The owner of a dog designated as a dangerous dog shall notify the animal control authority in writing if the dog has died, is relocated from its current address, or is being given or sold to another person. The notification must be given in writing within thirty (30) days after the change in ownership or location or the dog's death. If requested by the animal control authority, the owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition of the dog, or the complete name, address, and telephone number of the person to whom the dog has been transferred, whichever the case may be.

J. CONFISCATION AND RECLAMATION OF POTENTIALLY DANGEROUS AND DANGEROUS DOGS

The Police Department may summarily seize and impound a potentially dangerous dog or dangerous dog under the following circumstances:

1. The owner fails to validly register the dog under this section within fourteen (14) days of its designation as a potentially dangerous dog or dangerous dog.
2. The owner fails to secure the required liability insurance or surety bond under this section within fourteen (14) days of its designation as a potentially dangerous dog or dangerous dog.

3. The owner fails to keep the dog properly confined.
4. The dog is not properly confined or controlled in accordance with the requirements herein, and under physical restraint of a responsible person as required by this section.
5. The owner fails to sterilize the dog within thirty (30) days of its designation as a potentially dangerous dog or dangerous dog.
6. The owner is convicted of a misdemeanor for violating the provisions of this section and the person is charged with a subsequent violation relating to the same dog. If the owner is convicted of the offense for which the dog was seized, the criminal court may order destruction of the dog and the owner must pay for the costs of confining and destroying the dog.
7. The owner may reclaim a potentially dangerous dog or dangerous dog by presenting proof of compliance with state law and this section to the animal control authority and payment of all costs associated with the confiscation and confinement of the dog, including the impoundment fee set forth in the city fee schedule and impoundment costs. If the owner does not reclaim the potentially dangerous or dangerous dog within seven (7) days, the animal control authority may dispose of the dog and the owner is liable to the animal control authority for the costs incurred in confining and disposing of the dog.

K. DESTRUCTION OF THE DOG IN CERTAIN CIRCUMSTANCES

The animal control authority or its designee may destroy a dog in a proper and humane manner if the dog:

1. Inflicted substantial or great bodily harm on a human on public or private property without provocation;
2. Inflicted multiple bites on a human on public or private property without provocation;
3. Bit multiple human victims on public or private property in the same attack without provocation; or
4. Bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

The animal control authority must provide the owner of the dog an opportunity for a hearing before an impartial decision maker. The exemptions set forth in section 5-4-12 of this chapter apply to this provision. (Ord. 1211, 5-10-2010)

Section 7. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 8 (5-4-8) is hereby amended to read as follows:

5-4-8: PROHIBITIONS:

A person must not own or keep any animal that creates or constitutes a public nuisance. A public nuisance is defined as:

- A. Owning or keeping animals that by virtue of the size, number, species, facilities for, and location is offensive because of, but not limited to, odor and noise or is dangerous to the public health, safety, or welfare;
- B. Owning or keeping an animal in the city that unreasonably causes annoyance or disturbance to another person by habitually howling, yelping, barking, or crying. "Habitual howling, yelping, barking or crying" is defined as howling, yelping, barking, or crying for repeated intervals of at least three (3) minutes with less than one minute of interruption that can be heard at a location other than the animal keeper's property. Any such animal is hereby declared to be a public nuisance. No citation for public nuisance arising out of the above described behavior may be issued unless the animal control authority has personally observed such behavior and determined that a violation of this provision has occurred;

- C. An animal that has been the subject of a violation of this chapter more than three (3) times in a ~~twenty-four~~twenty-four (24) month period; or

- D. Subject to the exceptions stated in section 5-4-12 of this chapter, an animal running at large within the city limits. (Ord. 1211, 5-10-2010)

Section 8. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 12 (5-4-12) is hereby amended to read as follows:

5-4-12: EXCEPTIONS:

Notwithstanding any contrary provision in this chapter, the provisions and requirements relating to keeping animals under restraint and not having animals at large do not apply to the following animals:

- A. Guide or service dogs used by disabled persons;
- B. Dogs used by city agents or employees in connection with police activities;
- C. Tracking dogs used by persons who have obtained the city's prior written permission;
- D. Falcons; and
- E. Racing pigeons. (Ord. 1211, 5-10-2010)

Section 9. Amendment. Inver Grove Heights City Code Title 7 Chapter 5 Section 1 (7-5-1) is hereby amended to read as follows:

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7-5-1: CONDUCT IN PARKS AND RECREATION AREAS:

A. Purpose And Applicability: The rules in this chapter are enacted to ensure the quiet, orderly, and responsible use and enjoyment of the city's public park facilities. The rules apply in all city parks and recreation areas, unless expressly exempted.

B. Definitions: For the purpose of this chapter, these terms, wherever used in this chapter, shall mean and be interpreted as follows:

ANIMAL: Any cat, dog, mink, ferret, fowl, reptile, bird, or other similar wild or domestic animal.

CITY ADMINISTRATOR: The Inver Grove Heights city administrator or his or her designee(s).

HE/HIS: Shall include masculine or feminine.

PARK/PARK FACILITY/RECREATION AREA: A park, conservation area, playground, beach, recreation center, trail, or any other area in the city owned, leased, operated or used, wholly or in part, by the city, as a park or for active or passive recreational purposes, or which is designated by the city council as a park.

C. Hours Of Operation:

1. Parks and public trails will be open for public use between six o'clock (6:00) A.M. and ten o'clock (10:00) P.M. No person, except employees in the performance of their duties or law enforcement officers, shall be on such property between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. except as otherwise permitted in this chapter or pursuant to a permit granted by the city.
2. Any park or any section of any park may be declared closed to the public by the city administrator at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and either entirely or merely for certain uses, if there exists or it is anticipated that there will exist, conditions which prevent safe and practical use of the area. When closed in accordance herewith, any person shall have the right to appeal such decision to the city council at its next regular meeting.
3. Individuals participating in or observing games at lighted athletic fields must exit the field and park by no later than ten thirty o'clock (10:30) P.M.

D. Prohibited Activities: No person shall do any of the following in a park:

1. Distribute or display, or place on vehicles parked within a park, any circulars, cards, or announcements when the intention of such activity is to promote a commercial enterprise.

2. Leave unattended in any park any goods, wares, merchandise, items, recreational apparatuses such as soccer goals, portable basketball hoops, or other articles which interfere with the free use and enjoyment of the park by the public.
3. Sell, solicit, or carry on any business or commercial enterprise or service unless explicitly authorized to do so by a permit issued by the city; provided that refreshments or other articles may be sold by the city or by persons authorized by the city to do so.
4. Destroy, deface, damage, or remove any land, building, or personal property of the city, including, but not limited to, trees, vegetation, ruins, relics, and geological formations.
5. Post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence, thing or enclosure, other than on a designated billboard, without the written permission of the city administrator.
6. Plant, cut, burn, damage, disturb, or remove any soil, flower, plant, tree, or other vegetation from a park, with the exception of items grown in a person's individual community garden plot and removed by the lessee of the garden plot or his or her designee.
7. Kill, injure, molest, pursue, trap, capture, or remove any wild animal except when necessary to protect the immediate safety of a person or domestic animal, or destroy or damage its habitat. This prohibition does not apply to a law enforcement officer or other persons authorized by the city administrator who are performing official duties.
8. Launch or remove motorboats or other mechanically propelled boats from or across city park property. This section shall not apply to boats being used in an emergency recovery, for emergency training purposes, or for maintenance of waters abutting city park property.
9. Enter into waters adjacent to any city park from or through park property. This prohibition does not apply to law enforcement officers, emergency personnel, or other persons authorized by the city administrator while performing official duties.
10. Throw, deposit, place, or leave in any park or waters thereon any paper, garbage, rubbish, waste, cans, substance, bottles, grass, snow, or refuse of any kind except in receptacles provided for the collection of waste or with written permission from the city administrator. A person must not discard large items or items unrelated to the use of the park facilities into dumpsters or other garbage containers located in a park.
11. Ride a horse or pony except in areas designated and posted for the riding of such animals. The city administrator shall designate and cause the proper posting of those areas in parks where horses and ponies may be ridden. Horses must be maintained under control at all times, ~~and times~~ and shall not be ridden in a manner that endangers the safety or property of any person.
12. Unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage any area without first obtaining permission from the city administrator.

13. Shoot or discharge any weapon, including a pistol or bow and arrow, or fireworks, explosives, model rockets, or similar items in a park, or possess any weapon, fireworks, or explosive within a park unless authorized to do so by the city administrator, as part of a city authorized program, by city ordinances, or by state statutes. This prohibition does not apply to law enforcement officers, emergency personnel, or other persons authorized by the city administrator while performing official duties.
14. Possess or bring into a park any pistol, revolver, rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow or other similar weapons except as part of a city authorized program or as otherwise allowed by state or federal law. This prohibition does not apply to law enforcement officers, emergency personnel, or other persons authorized by the city administrator while performing official duties.
15. Use a golf club to hit, chip, putt, drive, or otherwise propel a golf ball or other object, except in designated golfing areas located at the Inver Wood Golf Course or as a part of a city authorized program.
16. Engage in sexual conduct, including sexual intercourse or masturbation.
17. Possess any glass bottles or other glass objects.
18. Use a park shelter at a time when it has been reserved by another.
19. Use or possess any illegal drugs.
20. Feed wild animals or birds except pursuant to a city authorized program.
21. Erect, use, or allow to be used any inflatable structure, including bounce houses and similar structures, without first obtaining a permit from the city.
22. Fail to obey all posted rules and park regulations.
23. Operate a radio, musical instrument, stereo, or other device used for the conveyance of sound in a manner that causes the sound from such device to be plainly audible from a distance of fifty feet (50'). This provision shall not apply to scheduled musical performances authorized by the city occurring in park facilities.
24. Engage in any violent, loud, or other disorderly conduct creating or tending to create a breach of the peace.
25. Enter a posted restricted area. This prohibition does not apply to law enforcement officers, emergency personnel, or other persons authorized by the city administrator while performing official duties.
26. Release any insect, fish, or other wildlife, or introduce within a park any plant, chemical, or other agent potentially harmful to vegetation, with the exception of chemicals permitted by the

community garden policies to be used in community garden plots, which may be used by a lessee in his or her rented garden plot.

E. Fires: No person shall start or maintain any fire in a public park, except recreational fires in fire rings, stoves, or fireplaces provided for such purpose, or in portable metal grills, or leave any fire made or used by him or her unextinguished when he or she leaves the park. Portable grills must be placed on a concrete surface. Ashes or coals from any fire must be thoroughly wet before being disposed of in a trash container.

F. Animals: No person shall bring any animal into any park public trail, or public sidewalk unless it is on a leash no more than sixteen feet (16') long ~~or a flexi lead or similar retractable leash~~. All animals are prohibited ~~in the following areas: within a designated high activity area or playground area,~~ on all athletic fields, courts including within all fenced in athletic areas, and park buildings, the Lions Park fishing area, the South Valley picnic area, the North Valley-Dise Golf Course, and the fishing pier at Simley Island. ~~Animals may not be brought into any other areas designated as areas where animals are not allowed within a park.~~ No animal may be off leash in any park except in a designated off leash ~~animal~~ area. Persons in control of animals within a park must promptly remove and dispose of the animal's waste. The prohibitions in this subsection shall not apply to service animals or to animals kept by the city, under the city's direction, or otherwise permitted by the city administrator. The designated off-leash area includes:

1. Inside the fenced area of the Heritage Village Park off-leash dog park

G. Trails And Sidewalks: On a recreational trail or a sidewalk, a person must:

1. Provide sufficient room for other trail users traveling in the opposite direction;
2. Use caution when passing another user traveling in the same direction;
3. Stay on the improved portion of the trail;
4. When riding a bicycle, yield the right of way to pedestrians and comply with state laws governing the use of bicycles on public roadways; and
5. Obey all official signs and traffic control markings and signals.

H. Camping: No person shall be permitted to camp overnight in any park, nor shall anyone be permitted to park a camper or camp trailer in a park parking lot except during the hours of operation specified in subsection C of this section.

I. Permits: Applications for permits for activities requiring a permit under this chapter must be submitted to the city in accordance with the procedures prescribed by the city administrator. The city administrator may deny a permit application if it is incomplete, not accompanied by a required fee or proof of insurance, or when the proposed activity may adversely affect the public health, safety, or welfare, or the condition of the park facility. The city administrator

may add conditions to any permit to mitigate potential adverse effects or to ensure the quiet and orderly use and enjoyment of the park facility. Any person aggrieved by an action of the city administrator under this section may appeal the action to the city council by submitting a request in writing to the city administrator within ten (10) days after notice of the action.

J. Activity Fees: Where the city charges a fee for an activity or an event occurring within a city park, no person shall participate in that activity or event without first paying the fee for the activity or event; provided, however, the city council by resolution may waive or modify the fee.

K. Large Group Gatherings: No large group gathering may be held at a park without first obtaining a permit from the city for the gathering. "Large group gatherings" are defined as uses or activities which during the course of their operation are likely to attract twenty (20) or more people. (Ord. 1236, 5-23-2011)

L. Alcoholic Beverages: No person shall sell, consume, possess, mix or prepare any alcoholic beverages in any city park, including in any parking areas, subject to the following exceptions:

1. If a license is obtained, intoxicating liquor may be sold at Inver Wood Golf Course and may be consumed at Inver Wood Golf Course if purchased from Inver Wood Golf Course, but sale and consumption shall only occur in the areas specifically prescribed in the license. (Ord. 1297, 7-13-2015)
2. 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.
3. 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.

M. Rules, Regulations And Policies:

1. Rules, regulations, and policies applicable to one or more city parks may be adopted from time to time by the city council. The rules and regulations shall be listed in the city code, be prominently posted in the places where they are intended to apply, be listed on the city's website, or be made available for review at city hall.
2. Emergency rules or regulations may be implemented by the city administrator on a temporary basis when deemed necessary in the public ~~interest~~, and interest and shall become effective upon posting in the affected area. Such rules or regulations shall remain in effect for a period not to exceed thirty (30) days.

N. Prohibited Conduct; Penalty: It is unlawful for any person to engage in an act or in any behavior prohibited by this chapter. Violation of any provision of this chapter is a misdemeanor and may be punished as provided in title 1, chapter 4 of this code. Individuals who fail to comply with the rules and regulations in this chapter may be excluded from the use of the park where the violation occurred. The provisions of this chapter may be enforced by city authorized peace officers, officers of the Dakota County sheriff's office, community service officers, and other authorized licensed peace officers. (Ord. 1236, 5-23-2011)

G. In the event of conflicting provisions, the more restrictive provisions shall apply. (Ord. 1098, 11-8-2004; amd. 2008 Code)

Section 10. Amendment. The definition of "Kennel, Commercial Daycare" under Inver Grove Heights City Code Title 10 Chapter 2 Section 2 (10-2-2) is hereby amended to read as follows:

KENNEL, COMMERCIAL DAYCARE: Any place where dogs are kept for the primary purpose of commercial pet sitting or "doggie daycare", provided all of the following are met:

- A. Limited to a maximum of twenty (20) dogs on site at any one time.
- B. No outdoor runs or kennels allowed.
- C. The requirement and location of any outside fenced area, if any, shall be determined by the council.
- D. Dogs shall be on a leash not greater than sixteen feet (16') and handled by an employee at all times when outside the building during the animal's stay.
- E. An employee shall remain on site at all times animals are on the premises including overnight.
- F. Dogs shall be kept inside at all times except when exercised by an employee.
- G. Designated bathroom area shall be cleaned daily.

Section 11. Amendment. Inver Grove Heights City Code Title 10 Chapter 15H Section 4, Subsection 8 (10-15H-4-8) is hereby amended to read as follows:

10-15H-4-8: PETS:

No owner or person in charge of any dog, cat or other pet animal shall permit same to run at large or commit any nuisance within the manufactured home park at any time. All pets must be on a leash not greater than sixteen feet (16') at all times when out of doors or kept within an approved fenced area. (Ord. 1098, 11-8-2004)

Section 12. 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 8th day of April 2019.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

By: _____
Michelle Tesser, City Clerk

CLEAN VERSION

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE
TITLE 5, CHAPTER 4, SECTION 1 AND TITLE 5, CHAPTER 4, SECTION 2 AND
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TITLE 5, CHAPTER 4, SECTION 8 AND TITLE 5, CHAPTER 4, SECTION 12 AND
TITLE 7, CHAPTER 5, SECTION 1 AND TITLE 10, CHAPTER 2, SECTION 2 AND
TITLE 10, CHAPTER 15, ARTICLE H, SECTION 4, SUBSECTION 8
RELATING TO DOGS AND RESTRAINT OF ANIMALS**

The City Council of Inver Grove Heights does hereby ordain:

Section 1. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 1 (5-4-1) is hereby amended to read as follows:

5-4-1: DEFINITIONS:

For purposes of this chapter, unless the context clearly indicates otherwise or otherwise defined in Minnesota statutes section 347.50 the terms defined in this section have the meanings given them:

ANIMAL: Every nonhuman species of animal, domestic, permitted nondomestic, and inherently dangerous.

ANIMAL CONTROL AUTHORITY: By designation, the animal control authority is the chief of police or the chief's designee.

ANIMAL CONTROL OFFICERS: Individually and collectively the city's police department, the city's police chief, the city's police officers, the city's community service officers and other personnel retained by the city or assisting in the enforcement of this chapter.

COMMERCIAL DAYCARE KENNEL: Any place where dogs are kept for the primary purpose of commercial pet sitting or "doggie daycare", provided all of the following are met:

- A. No kennels are allowed in a residential zoning district.
- B. Limited to a maximum of twenty (20) dogs on site at any one time.
- C. No outdoor runs or kennels allowed.

- D. The requirement and location of any outside fenced area, if any, shall be determined by the council.
- E. Dogs shall be on a leash not greater than 16' (sixteen feet) and handled by an employee or in an approved outside fenced exercise or kennel area at all times when outside the building during the animal's stay.
- F. Unless otherwise authorized by the City Council, an employee shall remain on site at all times animals are on the premises including overnight.
- G. . Dog kennels shall allow for outdoor runs or exercised by an employee
- H. Designated bathroom area shall be cleaned daily.

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

DANGEROUS DOG: as defined in Minnesota statutes section 347.50.

DOMESTIC ANIMALS: Dogs, cats, caged birds, fish, rabbits, domestic ferrets, snakes (nonvenomous and nonconstrictor species), gerbils, hamsters, guinea pigs, white rats or mice.

FARM ANIMAL AND PERMITTED NONDOMESTIC ANIMAL: Cows, sheep, pigs, deer, horses, donkeys, chickens, rabbits, goats and and other animals if the owner can show the animals are not inherently dangerous.

GREAT BODILY HARM: "Great bodily harm: has the meaning given it under Minnesota state statutes section 609.02, subdivision 8.

HEARING OFFICER: An impartial person who may be either an impartial employee or the city or an impartial person retained and appointed by the city to conduct dangerous dog and potentially dangerous dog hearings.

INHERENTLY DANGEROUS ANIMALS: Animals other than domestic animals and farm and permitted nondomestic animals, which are inherently dangerous including, but not limited to, wolves, coyotes, bears, snakes (venomous and constrictor species), skunks, cougars, tigers, and any crossbreeds thereof, or crossbreeds with domestic or farm and permitted nondomestic animals.

KEEP: To own, stable, harbor, maintain, possess, or act as a custodian or caretaker for an animal.

KENNEL: A commercial kennel, commercial daycare kennel or noncommercial kennel.

NONCOMMERCIAL KENNEL: Any place where four (4) or more dogs over the age of six (6) months are kept for non-commercial use, such as a dog daycare. .

OWNER: Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

PERSON: One or more natural persons, a firm, partnership, corporation, or any other entity.

POTENTIALLY DANGEROUS DOG: As defined in Minnesota Statutes section 347.50.

PREMISES: A building, structure, shelter, or land where an animal is kept or confined.

PROPER ENCLOSURE FOR DANGEROUS OR POTENTIALLY DANGEROUS DOGS. A secure indoor location or a securely enclosed and locked pen or structure suitable to prevent the potentially dangerous dog or dangerous dog from escaping and providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the potentially dangerous dog or dangerous dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the potentially dangerous dog or dangerous dog from exiting.

RUNNING AT LARGE, RUN AT LARGE, OR AT LARGE: Any animal that is not under restraint.

UNDER RESTRAINT: The animal is;; a) within a private motor vehicle of a person owning, harboring, or keeping the animal; b) within the boundaries of property owned or leased by the person owning, harboring or keeping the animal; or c) controlled by a chain or leash of a maximum of sixteen feet (16') in length..

VACCINATION AGAINST RABIES: The inoculation of a dog, cat, or ferret with a rabies vaccine by a veterinarian duly licensed to practice veterinary medicine.

VETERINARY HOSPITAL: A place for the treatment, hospitalization, surgery, care and board of animals and birds under the direction of one or more licensed veterinarians. (Ord. 1211, 5-10-2010)

Section 2. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 2 (5-4-2) is hereby amended to read as follows:

5-4-2: KEEPING OF CERTAIN ANIMALS PERMITTED:

A. Animals Permitted Pursuant To Regulations: The following animals may be kept in the city pursuant to the regulations of this chapter and relevant provisions of the zoning ordinance:

domestic animals; farm animals and permitted nondomestic animals; and inherently dangerous animals. (Ord. 1211, 5-10-2010; amd. Ord. 1265, 5-14-2013)

B. Chickens On Urban Residential Lots:

1. License Required: No person shall keep chickens on any property zoned R-1A, R-1B, R-1C or R-2, within the city without first obtaining a license from the city.
2. Application: An application for a license to keep chickens shall be made to the city clerk on the form prescribed by the city. The applicant must provide all the information required on the form, including, but not limited to:
 - a. The name and address of the owner(s) where the chickens will be kept;
 - b. The number of chickens to be kept on the property;
 - c. Site plan or property survey showing the proposed location of the chicken coop and/or run on the subject property;
 - d. Drawing or picture of the proposed chicken coop;
 - e. The applicant must pay the fee for the license to keep chickens as set forth in the city fee schedule.
3. Notice To Surrounding Property Owners: Once the city clerk receives a complete application from an applicant, the city clerk shall provide written notice of and include a copy of said application to those owners of properties directly abutting the proposed location. Owners shall be determined as those shown as owners on the tax statement prepared by the county treasurer.
4. Granting Issuance Of License: The city clerk may administratively grant an initial or renewal license under this subsection provided all of the following have been met:
 - a. All submittal information is submitted and complete.
 - b. Appropriate fee is paid.
 - c. The application filed demonstrates compliance with the requirements of this subsection and any other applicable regulations of this code.
 - d. No persons mailed a notice object in writing to the request within ten (10) days of notice being mailed; an objection sent electronically shall be deemed an objection in writing.
5. Denying Issuance Of License: The city clerk shall deny issuance of a license if any of the items in subsection B4 of this section have not been met. In the instance where an objection has been received by an abutting property owner, the item shall be placed on the next available city council agenda for council review and determination of whether the license shall be issued.

6. Standards: Any person keeping chickens in residential areas of the city as noted in subsection B1 of this section, shall comply with all of the following:

- a. No person shall keep more than six (6) total hen chickens on the property.
- b. No person shall keep roosters or adult male chickens on the property.
- c. Cockfighting is specifically prohibited within the city.
- d. The slaughter of chickens is prohibited on residentially used or zoned properties.
- e. The owner of the chickens shall live in the dwelling on the property.
- f. The raising of chickens for breeding purposes is prohibited.
- g. Chickens shall not be kept inside a dwelling.

7. Shelter And Enclosure Requirements: Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times in a chicken coop or chicken run. Chicken coops and runs shall comply with the following standards:

- a. Only one chicken coop and/or run shall be allowed per lot.
- b. Chicken coops and runs shall not be located in the front or side yards and shall not be placed within any drainage and utility easement.
- c. Any chicken coop or chicken run shall be set back at least twenty-five feet (25') from any principal structure on any adjacent lot and ten feet (10') from all property lines.
- d. Any chicken coop and run fencing must be consistent with applicable zoning codes.
- e. No chicken coop or run shall be constructed on a lot prior to the time of occupancy of the principal structure.
- f. Chickens shall be provided a secure and well-ventilated roofed structure in compliance with applicable zoning codes.
- g. The floors and walls of the roofed structure shall be kept clean, sanitary and in a healthy condition.
- h. Chickens shall be contained within a chicken run at all times.
- i. The run area shall be well drained so there is no accumulation of moisture.
- j. Chicken feed shall be stored in leakproof containers with a tightfitting cover to prevent attracting vermin.

8. License Modification: The license may be reasonably modified by animal control authority if necessary to respond to changed circumstances. Any modification shall be effective ten (10) days after the mailing of written notice by certified mail to the license holder. The license holder may challenge the modification by contacting the city clerk and requesting a hearing within ten (10) days after the receipt of written notice. A hearing regarding the proposed modification shall be held before the city council.
9. Duration Of License: A license to keep chickens shall be issued for a period of two (2) years beginning March 1 and ending February 28. Applications for a renewal permit may not be made prior to sixty (60) days before March 1.
10. Conditions/Maintenance And Inspections: No person who owns, controls, keeps, maintains or harbors chickens shall permit the premises where the chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition the premises should be maintained to prevent odors from permeating into neighboring properties. . Any chicken coop and run authorized under this section may be inspected at any reasonable time by authorized city staff to inspect for compliance with this chapter and other relevant laws and regulations.
11. Revocation Of License: A license may be revoked by the city council for a violation of any condition of this section following notice and a hearing as provided for in title 3, chapter 2 of this code.
12. Penalty: Violation of this section shall be a petty misdemeanor. (Ord. 1265, 5-14-2013)

Section 3. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 3 (5-4-3) is hereby amended to read as follows:

5-4-3: DOG VACCINATIONS:

- A. No person residing in the city shall keep a dog over six (6) months of age within the city for more than ten (10) consecutive days unless the person has had the dog properly vaccinated by a licensed veterinarian and can show proof of such vaccination upon request. If a dog is found to be unvaccinated the owner of the dog is guilty of a misdemeanor.
- B. UNVACCINATED DOGS/IMPOUNDED DOG DETERMINED TO BE UNVACCINATED:

Unvaccinated dogs subject to impoundment by an animal control official may not be released from the city's contract impound facility without a valid vaccination record. If a dog is found to be unvaccinated the owner of the dog is guilty of a misdemeanor. The dog owner shall properly vaccinate the dog by a licensed veterinarian prior to the dog being returned to the owner.

Section 4. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 4 (5-4-4) is hereby amended to read as follows:

5-4-4: GENERAL REGULATIONS OF DOMESTIC ANIMALS:

- A. Rabies Vaccination Required: Every owner or keeper of a dog, cat, or ferret kept as a pet over three (3) months of age within the city must have the dog, cat, or ferret vaccinated by a licensed veterinarian with an anti rabies vaccine that is currently effective.

A vaccination certificate is valid only for the dog, cat, or ferret and owner to which it was issued. A person must not use a rabies vaccination certificate for a different dog, cat, or ferret than the one for which it was issued.

A vaccinated dog, cat, or ferret shall be revaccinated at intervals not to exceed the effective duration of the vaccination as listed in the compendium of animal rabies control prepared by the National Association Of State Public Health Veterinarians.

- B. Restraint Of Dogs: Subject to the exceptions stated in section 5-4-12 of this chapter, every owner shall keep his or her dog on a leash not greater than sixteen feet (16') in length and under restraint at all times with the exception of the owners property. Owners should take all reasonable steps to secure animals on their property, including but not limited to a fenced enclosure, an electronic perimeter fence for which the dog has been trained, or a chain or lead. Dogs in common areas of apartments, condominiums, cooperatives, and town homes shall be kept on a leash not greater than sixteen feet (16') in length and under restraint at all times. The exception is one of the city's designated off-leash dog areas which is as follows:

1. Inside the fenced area of the Heritage Village Park off-leash dog park

- C. Removal Of Animal Feces: Any person having custody or control over any dog or cat on any property within the city, other than the property of the dog or cat's owner, must have in his or her immediate possession a device for picking up and disposing of dog or cat feces, and must pick up and dispose of any and all feces in a sanitary manner. This subsection does not apply to the following:

1. Disabled persons using guide or service dogs.

A violation of this subsection 5-4-4 C is a petty misdemeanor.

- D. Female Dogs In Season: Every female dog in season shall be confined within a building or secure enclosure in such a manner that it cannot come into contact with another dog except for intentional breeding conducted within a building. The female dog in season may be taken from the secure area on a secure leash not greater than sixteen feet (16') controlled by a person of sufficient age or into a confined outdoor enclosure on the owner's property in order for the dog to urinate and/or defecate. Female dogs in heat are not authorized to utilize any of the city's designated off leash dog areas.

- E. General Duty Of Owners: Every owner or keeper of a dog must exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from the dog's behavior. When approaching another person, the dog must be brought beside the person having custody and close control maintained.
- F. Stopping An Attack: Animal control authority who witness an attack by an animal upon a person or another animal may take whatever action the animal control authority deem to be appropriate to end the attack and prevent further injury to the victim(s). (Ord. 1211, 5-10-2010)

Section 5. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 5 (5-4-5) is hereby amended to read as follows:

5-4-5: SEIZURE AND IMPOUNDMENT OF ANIMALS:

- A. Impounding Facility: The city council may maintain a municipal impound facility or may designate as the municipal impound facility a suitable kennel or veterinary hospital either within or outside the city limits of the city. The keeper of the impound facility shall provide an account of any and all impound fees received on behalf of the city. .
- B. Impound Facility Reporting: The keeper of the impound facility shall provide a monthly written report providing the following information: the animals impounded; the duration of the impoundment; and the method of disposal of each animal. The impound facility is authorized to turn unclaimed animals in impound over to recognized animal rescue or adoption programs.
- C. Seizure And Impoundment Of Animals: Subject to the exceptions stated in section 5-4-12 of this chapter, the animal control authority may seize and impound any animal running at large in the city or any animal found to be in violation of the provisions of this chapter or Minnesota statutes sections 347.50 through 347.565. Upon the impoundment of an animal, the animal control authority must promptly notify the owner of the impoundment in person, by phone or by mail. If the owner is unknown, the city must post a written notice within twenty-four (24) hours of impoundment of the animal at city hall and the Inver Grove Heights police department describing the animal and stating where the animal is impounded. Said notice shall remain posted at city hall and the Inver Grove Heights police department for at least seven (7) days.

An impounded animal displaying a need for medical care may be taken to a veterinarian for emergency treatment. The owner of the animal is responsible for payment of expenses incurred as a result of the veterinarian's treatment. Based on the severity of illness or injury to impounded animal, the chief of police may authorize humane destruction.

- D. Impoundment After Biting Human: Every doctor or other person who treats a person for an animal bite shall report to the Inver Grove Heights police department the name and address of any person treated for an animal bite inflicted within the city. The owner or keeper of any

dog or other animal that bites any person where the bite breaks the person's skin or the bite requires treatment by a doctor, and the person bitten or his or her parent or guardian must report the incident to the Inver Grove Heights police department within twenty-four (24) hours of the bite. The dog or other animal shall immediately be confined for a period of not less than ten (10) days in a veterinary hospital or on the owner's premises, as directed by the animal control authority. Subject to the exceptions stated in section 5-4-12 of this chapter, the animal control authority may refuse to permit confinement on the owner's premises if the animal has previously been found repeatedly running at large or if the animal does not have a currently effective rabies vaccination. If confinement on the owner's premises is permitted, the animal may not be allowed off the premises or in contact with other people or animals during the confinement period, except for medical purposes. If the owner fails to comply with these restrictions, the animal control authority may enter onto the property, seize the animal, and remove it to a veterinary hospital. The owner is responsible for all costs of confinement incurred under this subsection. If, after completion of the ten (10) day impound period, the animal does not have rabies, it may be released to its owner unless release is otherwise prohibited by another section of this chapter. As a condition of releasing a confined animal, the animal control authority may require that the animal's owner take the animal for an examination by a veterinarian. The impound fee shall be borne by the owner of the animal.

E. Impoundment And Destruction Of Rabid Animals:

1. A dog or animal displaying symptoms of being rabid may be seized at any place or time and confined in the city impounding facility at the owner's expense, until found to be free from rabies.
2. If a dog or other animal appears to be diseased, vicious, dangerous, rabid or has been exposed to rabies, and the dog or other animal cannot be impounded without serious risk of personal injury, the dog or other animal may be destroyed, if reasonably necessary for the safety of a person or persons.

F. Redeeming Impounded Animals: The animal impound facility may not release an animal until it has received authorization to do so from animal control authority and upon fulfillment of the following conditions:

1. Dogs, cats and ferrets are properly inoculated for rabies;
2. Payment by the owner to the impounding facility of the costs of keeping the animal in the pound;
3. Payment of an impounding fee to the city in the amount listed in the city fee schedule;
4. Providing proof of ownership of the animal; and
5. In the case of a dog that resides in the city, proof of a valid license for the dog.

An animal impounded pursuant to Minnesota statutes chapter 343 may be redeemed pursuant to

the provisions of Minnesota statutes section 343.235.

A potentially dangerous dog or dangerous dog impounded pursuant to any provision in Minnesota statutes sections 347.50 through 347.565 may be redeemed pursuant to Minnesota statutes sections 347.50 through 347.565 and upon fulfillment of the requirements of section 5-4-6 of this chapter.

G. Disposition Of Dangerous or Potentially Dangerous by Owner If the owner of a dog deemed dangerous or potential dangerous elects to dispose of the animal, the owner shall provide the animal control authority with proof of disposition.

H. Disposition Of Unclaimed Animals: If an impounded animal is not reclaimed within seven (7) regular business days after the required notice is given to the owner or posted pursuant to this chapter, the animal shall be deemed to have been abandoned, and the impounding facility may sell or give the animal to any adult person or shelter program except research institutions. If an abandoned animal is not sold, it may be destroyed in a humane manner. A "regular business day" for purposes of this section means a day during which the impounding facility having custody of the animal is open to the public at least four (4) consecutive hours between eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.

I. Costs Of Impoundment: The owner of the animal is responsible for the costs of the impoundment and housing of an impounded animal. (Ord. 1211, 5-10-2010)

Section 6. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 6 (5-4-6) is hereby amended to read as follows:

5-4-6: DANGEROUS AND POTENTIALLY DANGEROUS DOGS:

A. DUTIES OF OWNER OF POTENTIALLY DANGEROUS AND DANGEROUS DOG

A person who owns or keeps a dangerous dog must comply with the requirements of Minnesota statutes sections 347.50 through 347.565 as may be amended from time to time, and which are adopted and incorporated herein by reference.

B. DESIGNATION OF DOG AS DANGEROUS OR POTENTIALLY DANGEROUS

The animal control authority may determine that a dog is a potentially dangerous dog or a dangerous dog.

C. APPEAL OF DESIGNATION

Upon determination by the animal control authority that a dog is a potentially dangerous dog or dangerous dog, the city shall provide notice of this determination and information regarding the right to a hearing concerning the potentially dangerous dog or dangerous dog declaration to the owner of the dog pursuant to Minnesota statutes section 347.541, subdivision 3. The notice must include all the information required by Minnesota statutes section 347.541 subdivision 3.

The notice declaring the dog potentially dangerous or dangerous shall be delivered or mailed to the owner of the dog or served by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible.

EXEMPTIONS:

EXCLUSIONS IN DETERMINING DANGEROUS AND POTENTIALLY DANGEROUS DOGS

Dogs not to be deemed dangerous: In accordance with Minnesota State Statutes Section 347.51, Subd.5., A dog shall not be deemed to be a potentially dangerous dog or a dangerous dog if the threat, injury, or damage was sustained by a person: 1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; 2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or 3) who was committing or attempting to commit a crime.

D. POTENTIALLY DANGEROUS DOG; REQUIREMENTS

Registration: No person may keep a potentially dangerous dog within the city unless the dog is currently registered as provided in this section. Registration must be completed within fourteen (14) days from the owner's receipt of notice of declaration of potentially dangerous dog unless a timely appeal has been filed. The animal control authority shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner presents sufficient evidence of the following,

Fees: An annual registration fee that shall be included in the City's fee schedule, in addition to the City's licensing fee.

Leash: No person shall permit a potentially dangerous dog to go outside its owner's property unless secured by a leash no longer than six feet (6') in length, with a responsible person in physical control of the leash.

Confinement: While on its owner's property, potentially dangerous dogs must be confined to the yard by kennel, fence, or leash. Electronic perimeter fences shall not be allowed for the confinement of potentially dangerous dogs.

Signs: An owner of a potentially dangerous dogs within the city may be required to display a sign easily readable by the public using the words "Beware of Potentially Dangerous Dog" including a warning symbol to inform children. The determination for whether or not potentially dangerous dog signage is required will be based on the severity and circumstances of the attack prompting the designation.

Microchip: Proof of implantation of the microchip identification in compliance with state law.

Dog Park: Dogs deemed potentially dangerous by this or any other political subdivision are prohibited from obtaining an animal pass for the city's dog park.

Inspection: An annual inspection for compliance of the owner's property will be performed by the Police Department

It shall be unlawful for the owner of a potentially dangerous dog to fail to comply with the requirements set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment in accordance with this chapter.

E. DANGEROUS DOG; REQUIREMENTS

Registration: No person may keep a dangerous dog within the city unless the dog is currently registered as provided in this section. Registration must be completed within fourteen (14) days from the owner's receipt of notice of declaration of dangerous dog unless a timely appeal has been filed. The animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence of the following, which are required by Minnesota statutes sections 347.50 through 347.565:

Fees: An annual registration fee that shall be included in the city's fee schedule, in addition to the city's licensing fee.

Leash and Muzzle: No person shall permit a dangerous dog to go outside its owner's property unless secured by a leash no longer than six feet (6') in length, with a responsible person in physical control of the leash. The dog must also be muzzled to prevent biting.

Confinement: While on its owner's property, dangerous dogs must be confined to the yard by kennel, fence, or leash. Electronic perimeter fences shall not be allowed for the confinement of dangerous dogs.

Signs: All owners of dangerous dogs within the city must display a sign easily readable by the public using the words "Beware of Dangerous Dog." In addition, a similar sign is required to be posted on the kennel of such animal. A warning symbol to inform children that there is a dangerous dog on the property must also be displayed. The uniform symbol must be the uniform symbol provided by the commissioner of public safety. The animal control authority will provide the warning symbol for a fee as set forth in the city fee schedule.

Microchip: Proof of implantation of the microchip identification in compliance with state law.

Notification of property owner: A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

Dog Park: Dogs deemed dangerous by this or any other political subdivision are prohibited from obtaining an animal pass for the city's dog park.

Tag: A dangerous dog must have a standardized, easily identifiable tag identifying the dog as a dangerous dog and containing the uniform dangerous dog symbol affixed to the dog's collar at all times.

Sterilization: The owner of a dangerous dog must, at the owner's sole expense, sterilize the dog within thirty (30) days of the dog's designation as a dangerous dog. If the owner does not sterilize the dog, the animal control authority shall seize the dog and have it sterilized at the owner's expense.

Surety Bond Or Insurance Policy: The owner of a dangerous dog must provide a surety bond in a form acceptable to the animal control authority, issued by a surety company authorized to conduct business in Minnesota in the amount of at least three hundred thousand dollars (\$300,000.00), payable to any person injured by the dangerous dog or a policy of liability insurance company authorized to do business in Minnesota in the amount of at least three hundred thousand dollars (\$300,000.00), insuring the owner for any personal injuries inflicted by the dangerous dog.

F. HEARING

Right to Hearing: The owner of any dog declared a potentially dangerous dog or dangerous dog has the right to a hearing by an impartial hearing officer who may be either an impartial employee of the city or an impartial person retained by the city to conduct the hearing.

The owner of the dog appealing must submit a non-refundable hearing fee as set forth in the city fee schedule at the time of the appeal.

Appeal of potentially dangerous dog or dangerous dog designation: The owner of a dog designated by the animal control authority as a potentially dangerous dog or dangerous dog must file an appeal of that designation with the office of the animal control authority within fourteen (14) days of receipt of the notice of declaration of potentially dangerous dog or dangerous dog.

Hearing Scheduling and Conduct: If the owner properly files an appeal of the potentially dangerous dog or dangerous dog designation, the city must hold a hearing within fourteen (14) days after the owner's request.

At the hearing, the owner of the dog shall have an opportunity to present evidence and testimony to support the appeal of the potentially dangerous or dangerous dog declaration. The hearing officer may receive evidence from the animal control authority regarding the initial potentially dangerous or dangerous dog declaration.

G. DECISION

Upon receiving the evidence and testimony, the hearing officer shall uphold or rescind the potentially dangerous or dangerous dog declaration. The hearing officer shall issue a decision on the matter within ten (10) days after the hearing. The decision must be delivered to the owner by hand delivery or registered mail as soon as practical and a copy must be provided to the animal control authority.

The hearing officer may elevate the designation from potentially dangerous to dangerous based on evidence presented at the hearing.

H. DANGEROUS DOG AND POTENTIALLY DANGEROUS DESIGNATION REVIEW

Review of a potentially dangerous dog or dangerous dog designation may be requested annually beginning six (6) months after the dog is declared to be a potentially dangerous or one (1) year after the dog is declared to be a dangerous dog. The owner must present evidence to the animal control authority or designee that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the potentially dangerous dog or dangerous dog designation.

I. NOTIFICATION OF CHANGES

The owner of a dog designated as a dangerous dog shall notify the animal control authority in writing if the dog has died, is relocated from its current address, or is being given or sold to another person. The notification must be given in writing within thirty (30) days after the change in ownership or location or the dog's death. If requested by the animal control authority, the owner must execute an affidavit under oath setting forth the circumstances of the dog's death and disposition of the dog, or the complete name, address, and telephone number of the person to whom the dog has been transferred, whichever the case may be.

J. CONFISCATION AND RECLAMATION OF POTENTIALLY DANGEROUS AND DANGEROUS DOGS

The Police Department may summarily seize and impound a potentially dangerous dog or dangerous dog under the following circumstances:

1. The owner fails to validly register the dog under this section within fourteen (14) days of its designation as a potentially dangerous dog or dangerous dog.
2. The owner fails to secure the required liability insurance or surety bond under this section within fourteen (14) days of its designation as a potentially dangerous dog or dangerous dog.
3. The owner fails to keep the dog properly confined.
4. The dog is not properly confined or controlled in accordance with the requirements herein, and under physical restraint of a responsible person as required by this section.
5. The owner fails to sterilize the dog within thirty (30) days of its designation as a potentially dangerous dog or dangerous dog.
6. The owner is convicted of a misdemeanor for violating the provisions of this section and the person is charged with a subsequent violation relating to the same dog. If the owner is convicted of the offense for which the dog was seized, the criminal court may order destruction of the dog and the owner must pay for the costs of confining and destroying the dog.
7. The owner may reclaim a potentially dangerous dog or dangerous dog by presenting proof of compliance with state law and this section to the animal control authority and payment

of all costs associated with the confiscation and confinement of the dog, including the impoundment fee set forth in the city fee schedule and impoundment costs. If the owner does not reclaim the potentially dangerous or dangerous dog within seven (7) days, the animal control authority may dispose of the dog and the owner is liable to the animal control authority for the costs incurred in confining and disposing of the dog.

K. DESTRUCTION OF THE DOG IN CERTAIN CIRCUMSTANCES

The animal control authority or its designee may destroy a dog in a proper and humane manner if the dog:

1. Inflicted substantial or great bodily harm on a human on public or private property without provocation;
2. Inflicted multiple bites on a human on public or private property without provocation;
3. Bit multiple human victims on public or private property in the same attack without provocation; or
4. Bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.

The animal control authority must provide the owner of the dog an opportunity for a hearing before an impartial decision maker. The exemptions set forth in section 5-4-12 of this chapter apply to this provision. (Ord. 1211, 5-10-2010)

Section 7. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 8 (5-4-8) is hereby amended to read as follows:

5-4-8: PROHIBITIONS:

A person must not own or keep any animal that creates or constitutes a public nuisance. A public nuisance is defined as:

- A. Owning or keeping animals that by virtue of the size, number, species, facilities for, and location is offensive because of, but not limited to, odor and noise or is dangerous to the public health, safety, or welfare;
- B. Owning or keeping an animal in the city that unreasonably causes annoyance or disturbance to another person by habitually howling, yelping, barking, or crying. "Habitual howling, yelping, barking or crying" is defined as howling, yelping, barking, or crying for repeated intervals of at least three (3) minutes with less than one minute of interruption that can be heard at a location other than the animal keeper's property. Any such animal is hereby declared to be a public nuisance. No citation for public nuisance arising out of the above described behavior may be issued unless the animal control authority has personally observed such behavior and determined that a violation of this provision has occurred;

- C. An animal that has been the subject of a violation of this chapter more than three (3) times in a twenty-four (24) month period; or
- D. Subject to the exceptions stated in section 5-4-12 of this chapter, an animal running at large within the city limits. (Ord. 1211, 5-10-2010)

Section 8. Amendment. Inver Grove Heights City Code Title 5 Chapter 4 Section 12 (5-4-12) is hereby amended to read as follows:

5-4-12: EXCEPTIONS:

Notwithstanding any contrary provision in this chapter, the provisions and requirements relating to keeping animals under restraint and not having animals at large do not apply to the following animals:

- A. Guide or service dogs used by disabled persons;
- B. Dogs used by city agents or employees in connection with police activities;
- C. Tracking dogs used by persons who have obtained the city's prior written permission;
- D. Falcons; and
- E. Racing pigeons. (Ord. 1211, 5-10-2010)

Section 9. Amendment. Inver Grove Heights City Code Title 7 Chapter 5 Section 1 (7-5-1) is hereby amended to read as follows:

7-5-1: CONDUCT IN PARKS AND RECREATION AREAS:

- A. Purpose And Applicability: The rules in this chapter are enacted to ensure the quiet, orderly, and responsible use and enjoyment of the city's public park facilities. The rules apply in all city parks and recreation areas, unless expressly exempted.
- B. Definitions: For the purpose of this chapter, these terms, wherever used in this chapter, shall mean and be interpreted as follows:

ANIMAL: Any cat, dog, mink, ferret, fowl, reptile, bird, or other similar wild or domestic animal.

CITY ADMINISTRATOR: The Inver Grove Heights city administrator or his or her designee(s).

HE/HIS: Shall include masculine or feminine.

PARK/PARK FACILITY/RECREATION AREA: A park, conservation area, playground, beach, recreation center, trail, or any other area in the city owned, leased, operated or used, wholly or in part, by the city, as a park or for active or passive recreational purposes, or which is designated by the city council as a park.

C. Hours Of Operation:

1. Parks and public trails will be open for public use between six o'clock (6:00) A.M. and ten o'clock (10:00) P.M. No person, except employees in the performance of their duties or law enforcement officers, shall be on such property between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. except as otherwise permitted in this chapter or pursuant to a permit granted by the city.
2. Any park or any section of any park may be declared closed to the public by the city administrator at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and either entirely or merely for certain uses, if there exists or it is anticipated that there will exist, conditions which prevent safe and practical use of the area. When closed in accordance herewith, any person shall have the right to appeal such decision to the city council at its next regular meeting.
3. Individuals participating in or observing games at lighted athletic fields must exit the field and park by no later than ten thirty o'clock (10:30) P.M.

D. Prohibited Activities: No person shall do any of the following in a park:

1. Distribute or display, or place on vehicles parked within a park, any circulars, cards, or announcements when the intention of such activity is to promote a commercial enterprise.
2. Leave unattended in any park any goods, wares, merchandise, items, recreational apparatuses such as soccer goals, portable basketball hoops, or other articles which interfere with the free use and enjoyment of the park by the public.
3. Sell, solicit, or carry on any business or commercial enterprise or service unless explicitly authorized to do so by a permit issued by the city; provided that refreshments or other articles may be sold by the city or by persons authorized by the city to do so.
4. Destroy, deface, damage, or remove any land, building, or personal property of the city, including, but not limited to, trees, vegetation, ruins, relics, and geological formations.
5. Post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence, thing or enclosure, other than on a designated billboard, without the written permission of the city administrator.
6. Plant, cut, burn, damage, disturb, or remove any soil, flower, plant, tree, or other vegetation from a park, with the exception of items grown in a person's individual community garden plot and removed by the lessee of the garden plot or his or her designee.

7. Kill, injure, molest, pursue, trap, capture, or remove any wild animal except when necessary to protect the immediate safety of a person or domestic animal, or destroy or damage its habitat. This prohibition does not apply to a law enforcement officer or other persons authorized by the city administrator who are performing official duties.
8. Launch or remove motorboats or other mechanically propelled boats from or across city park property. This section shall not apply to boats being used in an emergency recovery, for emergency training purposes, or for maintenance of waters abutting city park property.
9. Enter into waters adjacent to any city park from or through park property. This prohibition does not apply to law enforcement officers, emergency personnel, or other persons authorized by the city administrator while performing official duties.
10. Throw, deposit, place, or leave in any park or waters thereon any paper, garbage, rubbish, waste, cans, substance, bottles, grass, snow, or refuse of any kind except in receptacles provided for the collection of waste or with written permission from the city administrator. A person must not discard large items or items unrelated to the use of the park facilities into dumpsters or other garbage containers located in a park.
11. Ride a horse or pony except in areas designated and posted for the riding of such animals. The city administrator shall designate and cause the proper posting of those areas in parks where horses and ponies may be ridden. Horses must be maintained under control at all times and shall not be ridden in a manner that endangers the safety or property of any person.
12. Unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage any area without first obtaining permission from the city administrator.
13. Shoot or discharge any weapon, including a pistol or bow and arrow, or fireworks, explosives, model rockets, or similar items in a park, or possess any weapon, fireworks, or explosive within a park unless authorized to do so by the city administrator, as part of a city authorized program, by city ordinances, or by state statutes. This prohibition does not apply to law enforcement officers, emergency personnel, or other persons authorized by the city administrator while performing official duties.
14. Possess or bring into a park any pistol, revolver, rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow or other similar weapons except as part of a city authorized program or as otherwise allowed by state or federal law. This prohibition does not apply to law enforcement officers, emergency personnel, or other persons authorized by the city administrator while performing official duties.
15. Use a golf club to hit, chip, putt, drive, or otherwise propel a golf ball or other object, except in designated golfing areas located at the Inver Wood Golf Course or as a part of a city authorized program.
16. Engage in sexual conduct, including sexual intercourse or masturbation.

17. Possess any glass bottles or other glass objects.
 18. Use a park shelter at a time when it has been reserved by another.
 19. Use or possess any illegal drugs.
 20. Feed wild animals or birds except pursuant to a city authorized program.
 21. Erect, use, or allow to be used any inflatable structure, including bounce houses and similar structures, without first obtaining a permit from the city.
 22. Fail to obey all posted rules and park regulations.
 23. Operate a radio, musical instrument, stereo, or other device used for the conveyance of sound in a manner that causes the sound from such device to be plainly audible from a distance of fifty feet (50'). This provision shall not apply to scheduled musical performances authorized by the city occurring in park facilities.
 24. Engage in any violent, loud, or other disorderly conduct creating or tending to create a breach of the peace.
 25. Enter a posted restricted area. This prohibition does not apply to law enforcement officers, emergency personnel, or other persons authorized by the city administrator while performing official duties.
 26. Release any insect, fish, or other wildlife, or introduce within a park any plant, chemical, or other agent potentially harmful to vegetation, with the exception of chemicals permitted by the community garden policies to be used in community garden plots, which may be used by a lessee in his or her rented garden plot.
- E. Fires: No person shall start or maintain any fire in a public park, except recreational fires in fire rings, stoves, or fireplaces provided for such purpose, or in portable metal grills, or leave any fire made or used by him or her unextinguished when he or she leaves the park. Portable grills must be placed on a concrete surface. Ashes or coals from any fire must be thoroughly wet before being disposed of in a trash container.
- F. Animals: No person shall bring any animal into any park public trail, or public sidewalk unless it is on a leash no more than sixteen feet (16') long . All animals are prohibited , on all athletic fields, courts including within all fenced in athletic areas, and park buildings, . No animal may be off leash in any park except in a designated off leash area. Persons in control of animals within a park must promptly remove and dispose of the animal's waste. The prohibitions in this subsection shall not apply to service animals or to animals kept by the city, under the city's direction, or otherwise permitted by the city administrator. The designated off-leash area includes:

1. Inside the fenced area of the Heritage Village Park off-leash dog park

G. Trails And Sidewalks: On a recreational trail or a sidewalk, a person must:

1. Provide sufficient room for other trail users traveling in the opposite direction;
2. Use caution when passing another user traveling in the same direction;
3. Stay on the improved portion of the trail;
4. When riding a bicycle, yield the right of way to pedestrians and comply with state laws governing the use of bicycles on public roadways; and
5. Obey all official signs and traffic control markings and signals.

H. Camping: No person shall be permitted to camp overnight in any park, nor shall anyone be permitted to park a camper or camp trailer in a park parking lot except during the hours of operation specified in subsection C of this section.

I. Permits: Applications for permits for activities requiring a permit under this chapter must be submitted to the city in accordance with the procedures prescribed by the city administrator. The city administrator may deny a permit application if it is incomplete, not accompanied by a required fee or proof of insurance, or when the proposed activity may adversely affect the public health, safety, or welfare, or the condition of the park facility. The city administrator may add conditions to any permit to mitigate potential adverse effects or to ensure the quiet and orderly use and enjoyment of the park facility. Any person aggrieved by an action of the city administrator under this section may appeal the action to the city council by submitting a request in writing to the city administrator within ten (10) days after notice of the action.

J. Activity Fees: Where the city charges a fee for an activity or an event occurring within a city park, no person shall participate in that activity or event without first paying the fee for the activity or event; provided, however, the city council by resolution may waive or modify the fee.

K. Large Group Gatherings: No large group gathering may be held at a park without first obtaining a permit from the city for the gathering. "Large group gatherings" are defined as uses or activities which during the course of their operation are likely to attract twenty (20) or more people. (Ord. 1236, 5-23-2011)

L. Alcoholic Beverages: No person shall sell, consume, possess, mix or prepare any alcoholic beverages in any city park, including in any parking areas, subject to the following exceptions:

1. If a license is obtained, intoxicating liquor may be sold at Inver Wood Golf Course and may be consumed at Inver Wood Golf Course if purchased from Inver Wood Golf Course, but sale and consumption shall only occur in the areas specifically prescribed in the license. (Ord. 1297, 7-13-2015)

2. 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.
3. 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.

M. Rules, Regulations And Policies:

1. Rules, regulations, and policies applicable to one or more city parks may be adopted from time to time by the city council. The rules and regulations shall be listed in the city code, be prominently posted in the places where they are intended to apply, be listed on the city's website, or be made available for review at city hall.
2. Emergency rules or regulations may be implemented by the city administrator on a temporary basis when deemed necessary in the public interest and shall become effective upon posting in the affected area. Such rules or regulations shall remain in effect for a period not to exceed thirty (30) days.

N. Prohibited Conduct; Penalty: It is unlawful for any person to engage in an act or in any behavior prohibited by this chapter. Violation of any provision of this chapter is a misdemeanor and may be punished as provided in title 1, chapter 4 of this code. Individuals who fail to comply with the rules and regulations in this chapter may be excluded from the use of the park where the violation occurred. The provisions of this chapter may be enforced by city authorized peace officers, officers of the Dakota County sheriff's office, community service officers, and other authorized licensed peace officers. (Ord. 1236, 5-23-2011)

G. In the event of conflicting provisions, the more restrictive provisions shall apply. (Ord. 1098, 11-8-2004; amd. 2008 Code)

Section 10. Amendment. The definition of “Kennel, Commercial Daycare” under Inver Grove Heights City Code Title 10 Chapter 2 Section 2 (10-2-2) is hereby amended to read as follows:

KENNEL, COMMERCIAL DAYCARE: Any place where dogs are kept for the primary purpose of commercial pet sitting or "doggie daycare", provided all of the following are met:

- A. Limited to a maximum of twenty (20) dogs on site at any one time.
- B. No outdoor runs or kennels allowed.

- C. The requirement and location of any outside fenced area, if any, shall be determined by the council.
- D. Dogs shall be on a leash not greater than sixteen feet (16') and handled by an employee at all times when outside the building during the animal's stay.
- E. An employee shall remain on site at all times animals are on the premises including overnight.
- F. Dogs shall be kept inside at all times except when exercised by an employee.
- G. Designated bathroom area shall be cleaned daily.

Section 11. Amendment. Inver Grove Heights City Code Title 10 Chapter 15H Section 4, Subsection 8 (10-15H-4-8) is hereby amended to read as follows:

10-15H-4-8: PETS:

No owner or person in charge of any dog, cat or other pet animal shall permit same to run at large or commit any nuisance within the manufactured home park at any time. All pets must be on a leash not greater than sixteen feet (16') at all times when out of doors or kept within an approved fenced area. (Ord. 1098, 11-8-2004)

Section 12. 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 8th day of April 2019.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

By: _____
Michelle Tesser, City Clerk

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Resolution Adopting Small Cell Facility Aesthetic Standards

Meeting Date: April 8, 2019
 Item Type: Regular
 Contact: Scott D. Thureen, 651.450.2571
 Prepared by: Scott D. Thureen, Public Works Director
 Reviewed by: 

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider resolution adopting small cell facility aesthetic standards.

SUMMARY

At its September 2018 open meeting, the Federal Communications Commission (FCC) adopted a report and order in its ongoing effort to streamline the deployment of infrastructure for broadband services including small cells for 4G and 5G wireless service. The order set a time limit on the amount of time a City has to adopt and publish any aesthetic standards for small cell installation. That deadline is April 15, 2019. If the City does not adopt and publish standards by that date, it may lose the ability to impose aesthetic standards telecommunications users who deploy small cell wireless facilities in the City. The FCC did not state how a City must publish its standards. If not included in an ordinance, many cities are simply publishing the standards on their website.

Aesthetic standards can address issues such as color, enclosure of antennas, placement of poles, use of decorative poles, concealment of cables and wires, concealment of ground-mounted equipment, prohibition of logos, landscaping requirements, spacing of poles, and locations of poles and ground-mounted equipment relative to other features in the public right-of-way. In certain circumstances, undergrounding of some features would be allowed. The goal in developing the aesthetic standards was to provide enough flexibility to adapt to future changes in the industry that might result in less obtrusive small cell facilities.

The City has already taken some steps to prepare for a small cell deployment. A colocation agreement was approved in December 2017, the first reading of an ordinance revision was held, and a permit application form (with fees) is being developed. The ordinance revisions will be brought back to the Council in the near future. The permit application form is tentatively scheduled for Council consideration at the April 22, 2018 meeting.

I recommend that the Council approve the resolution adopting the small cell facility aesthetic standards. The resolution and standards will be provided in advance of Monday's meeting.

SDT/kf