

INVER GROVE HEIGHTS CITY COUNCIL AGENDA

8150 BARBARA AVENUE

Monday June 10, 2019
7:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PRESENTATIONS**
4. **CONSENT AGENDA**

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

- A. Minutes from May 20, 2019 Council Special Meeting
- B. Resolution Approving Disbursements for Period Ending June 5, 2019
- C. Request for Approval of Rental Housing License
- D. Consider Pay Voucher No. 6 for City Project No. 2016-09E – Bancroft Way Area Reconstruction
- E. Consider Change Order No. 6 for City Project No. 2018-08 Fire Station No. 2 Sewer and Water Improvements and Conduit for City Project No. 2018-11 Fire Station No. 2 Fiber Optic Improvements
- F. Receive Proposals and Accept Quote for Fire Hydrant Reconditioning
- G. Consider Resolution Accepting Proposal for Engineering Services for STOR Mini-Storage Development
- H. Approve Storm Water Facilities Maintenance Agreement for Lot 2, Block 2, Cenex Addition (CHS)
- I. Renewal of Advertising Bench Permits; Consider Renewal of Permits for 20 Advertising Bus Benches in the City of Inver Grove Heights
- J. Vansouth Limited Partnership - (Case No. 19-24ZC); Approve 1) an Ordinance Amendment to Rezone Lot 2, Block 1, Home Depot of Inver Grove Heights from B-4, Shopping Center District to B-3, General Business District and 2) Approve a Resolution Approving a Conditional Use Permit to Allow a Recreation Center on Lot 2 for Property Located in the Southridge Shopping Center
- K. Approve a Resolution Approving a Storm Water Facilities Maintenance Agreement for Scott and Kristina Gorden, Property Located at 11640 Aileron Circle
- L. Resolution Accepting Minnesota Department of Employment and Economic Development Host Community Grant of \$415,625 and Authorizing Mayor to Execute a Grant Agreement
- M. Jeff and Christi Schadeegg – (Case No. 19-22C); Approve a Resolution Approving a Conditional Use Permit to Operate a Beauty Salon as a Home Occupation for Property Located at 8375 Cooper Way
- N. Personnel Actions

5. PUBLIC COMMENT

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

6. PUBLIC HEARINGS

7. REGULAR

COMMUNITY DEVELOPMENT

- A. Consider Approval of the 1st Reading of a Proposed Amendment to Inver Grove Heights City Code Title 4, Chapter 12, Section 1 (4-12-1) to Permit Sampling of Cigars
- B. Mark Engen – Case No. 19-13ZA – Consider an Ordinance Amendment to Allow Indoor Storage of a Tree Trimming and Removal Business in a Residential District
- C. William D. Krech – Case No. 19-07SZC
Consider the following requests for the property located at 2001 120th Street:
 - a. Rezoning of the property from A, Agricultural to R-1C/PUD, Single Family Planned Unit Development
 - b. Preliminary Plat for a single-family subdivision to be known as Amberwood
 - c. Preliminary PUD approval for Amberwood including the specific flexibility requests from standard R-1C requirements

8. MAYOR AND COUNCIL COMMENTS

9. EXECUTIVE SESSION

Pursuant to Minn. Stat. § 13D.05, Subd. 3(b) and pursuant to the attorney-client privilege, a closed-door Executive Session for discussion with the attorneys representing the City relating to the pending litigation matter of Case No. 70588 filed with the Minnesota Department of Human Rights.

10. ADJOURN

This document is available upon a three (3) business day request in alternate formats such as braille, large print, audio recording, etc.

Please contact Joe Lynch, City Administrator/Interim Deputy Clerk, at 651.450.2511 or jlynch@invergroveheights.org.

INVER GROVE HEIGHTS SPECIAL MEETING
8150 BARBARA AVENUE
MONDAY, MAY 20, 2019

1. CALL TO ORDER/ROLL CALL: The City Council of Inver Grove Heights met in a Special Session on Monday, May 20, 2109 in the City Council Chambers. Mayor Tourville Called the Meeting to Order at 4:55 p.m.
Present were Mayor Tourville and Council Members Piekarski-Krech, Bartholomew, Perry and Dietrich; City Administrator Lynch and City Attorney Kuntz.

2. COMMISSION APPOINTMENTS

The City Council interviewed prospective applicants for new appointments and reappointments to the various City Commission's and Committee's. The interviews took place between 4:57 p.m. and 6:54 p.m. The City Council then gathered in the City Council Chambers to conduct the voting for appointments to the Commissions and Committees. The following Commissioners and Committee members were appointed or reappointed for the term specified in the establishing ordinance or resolution.

Planning Commission:

Reappointments: Patricia Simon, Jonathan Weber and Dennis Wipperman.

Piekarski-Krech moved to approve. Second by Perry. Ayes:all

Parks & Recreation:

Reappointment: Willfred Krech

New Appointments: Greg Stone, Derek Schwanz

Piekarski-Krech moved to approve. Second by Perry. Ayes: all

Environmental Commission:

Reappointment: Patricia Todd

New Appointments: Katherine Teiken, Matt Mills

Piekarski-Krech moved to approve. Second by Perry. Ayes: all

Housing Committee:

Reappointment: Jeanne Zimmer

New Appointment: Chris Becker

Piekarski-Krech moved to approve. Second by Perry. Ayes: all

INVER GROVE HEIGHTS CITY COUNCIL
SPECIAL MEETING
MONDAY, MAY 20, 2019

Council directed staff to return at a future meeting with the resolution establishing the Housing Committee for discussion about expanding the number of members and considering appointment of others to that Committee.

3. ADJOURN: Dietrich moved to adjourn the meeting. Seconded by Bartholomew.
Ayes: all. The meeting was adjourned at 8:41 p.m.

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Meeting Date: June 10, 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 May 22, 2019 to June 5, 2019.

SUMMARY

Shown below is a listing of the disbursements for the various funds for the period ending June 5, 2019. The detail of these disbursements is attached to this memo.

General & Special Revenue	\$480,312.95
Debt Service & Capital Projects	623,357.03
Enterprise & Internal Service	405,946.63
Escrows	10,265.30
Grand Total for All Funds	<u><u>\$1,519,881.91</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 May 22, 2019 to June 5, 2019 and the listing of disbursements requested for approval.

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

**RESOLUTION APPROVING DISBURSEMENTS FOR THE
PERIOD ENDING June 5, 2019**

WHEREAS, a list of disbursements for the period ending June 5, 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	\$480,312.95
Debt Service & Capital Projects	623,357.30
Enterprise & Internal Service	405,946.63
Escrows	10,265.30
Grand Total for All Funds	<u><u>\$1,519,882.18</u></u>

Adopted by the City Council of Inver Grove Heights this 10th day of June, 2019.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Joe Lynch, Interim Deputy Clerk



City of Inver Grove Heights

Expense Approval Report

By Fund

Payment Dates 05/22/2019 - 06/05/2019

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
ABDO, EICK & MEYERS, LLP	416351	05/28/2019	43697	101.41.2000.415.30100	10,000.00
AFSCME COUNCIL 5	INV0086873	05/24/2019	UNION DUES (AFSCME FULL SHARE)	101.203.2031000	953.42
AFSCME COUNCIL 5	INV0086874	05/24/2019	UNION DUES (AFSCME FULL SHARE-F	101.203.2031000	94.10
ASPEN MILLS	237324	05/28/2019	550771	101.42.4200.423.60045	12.00
ASPEN MILLS	237557	06/04/2019	550771	101.42.4200.423.60045	285.01
ASPEN MILLS	237600	06/04/2019	550771GHPD	101.42.4000.421.60045	111.40
CENTURY LINK	5/19/19 651 455 9072 782	06/04/2019	651 455 9072 782	101.42.4200.423.50020	41.93
COMPASS MINERALS AMERICA INC.	448048	05/28/2019	533306/CSH950192	101.43.5200.443.60016	26,332.70
CONTINENTAL SAFETY EQUIPMENT	450003	06/04/2019	5/22/19	101.42.4000.421.60018	87.33
CRAWFORD DOOR SALES COMPANY	34370	05/28/2019	4373	101.42.4200.423.40040	125.00
DAKOTA COMMUNICATIONS CENTER	IG2019-06	05/28/2019	JUNE 2019	101.42.4000.421.70502	50,680.50
DAKOTA COMMUNICATIONS CENTER	IG2019-06	05/28/2019	JUNE 2019	101.42.4200.423.70502	6,740.50
DAKOTA CTY FINANCIAL SVCS	00034859	06/04/2019	P0001753	101.44.6000.451.70501	14,160.00
DAKOTA ELECTRIC ASSN	246837-9 5/19	05/25/2019	Electric	101.44.6000.451.40020	329.72
DAKOTA ELECTRIC ASSN	250165-8 5/19	05/25/2019	Electric	101.44.6000.451.40020	82.04
DAKOTA ELECTRIC ASSN	393563-2 5/19	05/25/2019	Electric	101.44.6000.451.40020	169.15
DAKOTA ELECTRIC ASSN	426713-4 5/19	05/25/2019	Electric	101.43.5400.445.40020	45.97
DAKOTA ELECTRIC ASSN	443054-2 5/19	05/25/2019	Electric	101.44.6000.451.40020	17.00
DAKOTA ELECTRIC ASSN	109394-7 5/19	05/25/2019	Electric	101.43.5400.445.40020	1,188.79
EFTPS	INV0086895	05/24/2019	FEDERAL WITHHOLDING	101.203.2030200	54,018.23
EFTPS	INV0086897	05/24/2019	MEDICARE WITHHOLDING	101.203.2030500	16,044.70
EFTPS	INV0086898	05/24/2019	SOCIAL SECURITY WITHHOLDING	101.203.2030400	48,198.46
EFTPS	INV0086904	05/24/2019	FEDERAL WITHHOLDING	101.203.2030200	571.67
EFTPS	INV0086906	05/24/2019	MEDICARE WITHHOLDING	101.203.2030500	198.52
EHLERS AND ASSOCIATES, INC.	80227	05/28/2019	5/10/19	101.41.2000.415.30700	200.00
EMERGENCY RESPONSE SOLUTIONS	13169	06/04/2019	5/21/19	101.42.4200.423.60040	290.43
EMMONS & OLIVIER RESOURCES	00095-0060-2	05/28/2019	00095-0060	101.43.5100.442.30300	3,057.00
EMMONS & OLIVIER RESOURCES	00095-0060-3	06/04/2019	00095-0060	101.43.5100.442.30300	484.00
EMMONS & OLIVIER RESOURCES	00095-0062-2	05/28/2019	109213	101.43.5100.442.30300	102.50
FIRSTSCRIBE	2480815	05/28/2019	5/1/19	101.43.5100.442.40044	250.00
FRATTALONE COMPANIES INC	1904044	05/28/2019	1051948	101.43.5200.443.60016	1,172.00
GALLS INC	012802223	06/04/2019	1002151449	101.42.4200.423.60045	35.98
GALLS INC	012826502	06/04/2019	1002151449	101.42.4200.423.60045	17.99
GENESIS EMPLOYEE BENEFITS ACH ONLY	INV0086878	05/24/2019	HSA ELECTION-FAMILY	101.203.2032500	2,787.18
GENESIS EMPLOYEE BENEFITS ACH ONLY	INV0086879	05/24/2019	HSA ELECTION-SINGLE	101.203.2032500	4,713.06
GENESIS EMPLOYEE BENEFITS ACH ONLY	INV0086899	05/24/2019	HSA ELECTION-SINGLE	101.203.2032500	90.33
GENESIS EMPLOYEE BENEFITS, INC	IN1512664	05/28/2019	4/1/19-4/30/19	101.42.4000.421.30550	149.48
GFOA	2018 CAFR	05/24/2019	2018 CAFR APPLICATION	101.41.2000.415.30700	530.00
GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVRGRV-11905	06/04/2019	INVRGRV-1	101.42.4200.423.40020	1,514.23
GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVRGRV-11905	06/04/2019	INVRGRV-1	101.43.5200.443.40020	138.93
GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVRGRV-11905	06/04/2019	INVRGRV-1	101.43.5400.445.40020	1,269.34
GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVRGRV-11905	06/04/2019	INVRGRV-1	101.44.6000.451.40020	1,412.92
IAFC MEMBERSHIP	91529	06/04/2019	2019 MEMBERSHIP	101.42.4200.423.50070	265.00
ICMA RETIREMENT TRUST - 457	INV0086872	05/24/2019	457 - ROTH AGE 50+	101.203.2031400	125.00
ICMA RETIREMENT TRUST - 457	INV0086880	05/24/2019	ICMA-AGE <49 %	101.203.2031400	7,028.86
ICMA RETIREMENT TRUST - 457	INV0086881	05/24/2019	ICMA-AGE <49	101.203.2031400	4,035.00
ICMA RETIREMENT TRUST - 457	INV0086882	05/24/2019	ICMA-AGE 50+ %	101.203.2031400	491.18
ICMA RETIREMENT TRUST - 457	INV0086883	05/24/2019	ICMA-AGE 50+	101.203.2031400	5,514.79
ICMA RETIREMENT TRUST - 457	INV0086884	05/24/2019	ICMA (EMPLOYER SHARE ADMIN)	101.203.2031400	88.57
ICMA RETIREMENT TRUST - 457	INV0086892	05/24/2019	ROTH IRA (AGE 49 & UNDER)	101.203.2032400	1,976.52
ICMA RETIREMENT TRUST - 457	INV0086893	05/24/2019	ROTH IRA (AGE 50 & OVER)	101.203.2032400	820.00
ICMA RETIREMENT TRUST - 457	INV0086894	05/24/2019	ROTH-AGE <49 %	101.203.2032400	48.30
ICMA RETIREMENT TRUST - 457	INV0086900	05/24/2019	ICMA-AGE <49 %	101.203.2031400	82.65
ICMA RETIREMENT TRUST - 457	INV0086903	05/24/2019	ROTH-AGE <49 %	101.203.2032400	10.33
LONE OAK GRAPHICS INC	39505	05/28/2019	8150	101.41.1000.413.50030	37.19
MAX STEININGER, INC.	221	05/28/2019	519	101.43.5200.443.60016	586.20
MINNESOTA DEPARTMENT OF HUMAN SERVICES	INV0086876	05/24/2019	JOEL JACKSON FEIN/TAXPAYER ID: 4	101.203.2032100	306.89
MINNESOTA DEPARTMENT OF HUMAN SERVICES	INV0086877	05/24/2019	JOHN VERDEJA FEIN/TAXPAYER ID: 4	101.203.2032100	158.74
MIRJANA'S TAILOR SHOPPE	5/28/19	06/04/2019	5/28/19	101.42.4200.423.30700	13.00
MN DEPT OF LABOR & INDUSTRY	APR-19	05/28/2019	APRIL 2019	101.207.2070100	2,947.73
MN DEPT OF LABOR & INDUSTRY	APR-19	05/28/2019	APRIL 2019	101.41.0000.3414000	(25.00)
MN DEPT OF REVENUE	INV0086885	05/24/2019	LEVY - ANDREW BRAVO	101.203.2031900	76.78
MN DEPT OF REVENUE	INV0086896	05/24/2019	STATE WITHHOLDING	101.203.2030300	25,223.73
MN DEPT OF REVENUE	INV0086905	05/24/2019	STATE WITHHOLDING	101.203.2030300	296.75
MN GLOVE & SAFETY, INC.	316163	05/28/2019	CTINVE	101.43.5200.443.60045	99.97
NATURE CALLS, INC.	26213	06/04/2019	APRIL 2019	101.44.6000.451.40065	1,185.95
NJ CRIMINAL INTERDICTION LLC	7702-115-1-5017	05/28/2019	5/11/19	101.42.4000.421.50080	199.00
OCCUPATIONAL HEALTH CENTERS OF MINNESOTA	102983231	06/04/2019	N26-1272378	101.43.5100.442.30500	135.00
PERA	INV0086886	05/24/2019	PERA COORDINATED PLAN	101.203.2030600	40,273.80
PERA	INV0086887	05/24/2019	EMPLOYER SHARE (EXTRA PERA)	101.203.2030600	3,098.02
PERA	INV0086888	05/24/2019	PERA DEFINED PLAN	101.203.2030600	53.46
PERA	INV0086889	05/24/2019	EMPLOYER SHARE (PERA DEFINED P	101.203.2030600	53.46
PERA	INV0086890	05/24/2019	PERA POLICE & FIRE PLAN	101.203.2030600	18,429.73
PERA	INV0086891	05/24/2019	EMPLOYER SHARE (POLICE & FIRE PI	101.203.2030600	27,644.56
PERA	INV0086901	05/24/2019	PERA POLICE & FIRE PLAN	101.203.2030600	730.10
PERA	INV0086902	05/24/2019	EMPLOYER SHARE (POLICE & FIRE PI	101.203.2030600	1,095.14
PINE BEND PAVING, INC.	19-9008	05/28/2019	5/7/19	101.43.5200.443.40046	9,856.21

PINE BEND PAVING, INC.	19-9010	05/28/2019	5/17/19	101.43.5200.443.40046	11,280.15
RCM SPECIALTIES, INC.	7011	05/28/2019	5/13/19	101.43.5200.443.60016	668.36
RCM SPECIALTIES, INC.	7023	05/28/2019	5/17/19	101.43.5200.443.40046	13,500.00
SHRED-IT	8127286804	05/28/2019	15212695	101.42.4000.421.30700	118.52
SRF CONSULTING GROUP, INC	11702.00-3	06/04/2019	4/30/19	101.45.3000.419.30700	255.18
ST PAUL STAMP WORKS INC	440297	05/28/2019	5/3/19	101.42.4200.423.60045	1,794.93
STEVEN N. JIMERFIELD	0120	05/28/2019	5/16/19	101.42.4000.421.50080	5,000.00
STREICHER'S	11368978	06/04/2019	285	101.42.4000.421.60018	606.90
STREICHER'S	11369484	06/04/2019	285	101.42.4000.421.60018	20.00
TEXAS STATE DISBURSEMENT UNIT	INV0086875	05/24/2019	ANDREW BRAVO FEIN/TAXPAYER ID:	101.203.2032100	401.13
TYLER TECHNOLOGIES, INC	025-258972	05/28/2019	41443	101.41.2000.415.40044	609.94
UNIFIRST CORPORATION	090 0482654	05/28/2019	1051948	101.43.5200.443.60045	45.99
UNIFIRST CORPORATION	090 0482654	05/28/2019	1051948	101.44.6000.451.60045	26.90
UNIFIRST CORPORATION	090 0483978	05/28/2019	1051948	101.43.5200.443.60045	45.99
UNIFIRST CORPORATION	090 0483978	05/28/2019	1051948	101.44.6000.451.60045	25.05
UNITED STATES TREASURY	5/24/19	05/28/2019	ANDREW BRAVO - LEVY PROCEEDS	101.203.2031900	125.00
US POSTMASTER - EAGAN	JULY-AUGUST 2019	06/04/2019	JULY - AUGUST 2019	101.41.1100.413.50035	2,500.00
VERIFIED CREDENTIALS, INC.	294257	06/04/2019	5/31/19	101.41.1100.413.30500	310.75
VERIFIED CREDENTIALS, INC.	294257	06/04/2019	5/31/19	101.41.1100.413.30700	1,405.85
VERIFIED CREDENTIALS, INC.	294266	06/04/2019	MAY 2019	101.41.1100.413.30500	922.50
WAKOTA MUTUAL FIREMANS AID ASSOC	2018 DUES	05/28/2019	2018 DUES	101.42.4200.423.50070	50.00
XCEL ENERGY	636458701	05/28/2019	Gas & Electric	101.43.5400.445.40020	9,890.96
XCEL ENERGY	636458701 CR	05/28/2019	Gas & Electric	101.43.5200.443.40020	(41.52)
XCEL ENERGY	636678392	05/28/2019	Gas & Electric	101.42.4200.423.40010	341.95
XCEL ENERGY	636678392	05/28/2019	Gas & Electric	101.42.4200.423.40020	160.19
XCEL ENERGY	637227932	05/28/2019	Gas & Electric	101.44.6000.451.40010	347.85
XCEL ENERGY	637227932	05/28/2019	Gas & Electric	101.44.6000.451.40020	923.63
XCEL ENERGY	637410108	05/28/2019	Gas & Electric	101.42.4000.421.40042	43.30
Fund: 101 - GENERAL FUND					453,045.62
RIVER HEIGHTS CHAMBER OF COMMERCE	10073	06/04/2019	5/23/19	201.44.1600.465.30700	5,873.82
Fund: 201 - C.V.B. FUND					5,873.82
BURCH, MARY	5/10/19	05/28/2019	SPRING SESSION ARCHERY	204.44.6100.452.30700	300.00
STICKS AND TONES BAND	6/8/19 CONCERT	06/04/2019	ACE IN HOLE EASEMENTS	204.44.6100.452.30700	200.00
Fund: 204 - RECREATION FUND					500.00
HAGEN, SARAH	5/14/19	05/28/2019	REFUND - LOW ENROLLMENT	205.44.0000.3493501	65.00
KIM THOMAS	2024	05/28/2019	5/14/19	205.44.6200.453.30700	504.00
XCEL ENERGY	637227932	05/28/2019	Gas & Electric	205.44.6200.453.40010	6,500.34
XCEL ENERGY	637227932	05/28/2019	Gas & Electric	205.44.6200.453.40010	1,510.29
XCEL ENERGY	637227932	05/28/2019	Gas & Electric	205.44.6200.453.40010	8,315.59
XCEL ENERGY	637227932	05/28/2019	Gas & Electric	205.44.6200.453.40020	3,981.64
ZIMMER, ERIC	11/8/18	12/31/2018	REIMBURSE - AEA RENEWAL	205.44.6200.453.50070	16.65
Fund: 205 - COMMUNITY CENTER					20,893.51
EHLERS AND ASSOCIATES, INC.	80228	05/28/2019	5/10/19	367.57.9000.570.30150	3,000.00
Fund: 367 - G.O. CAPITAL IMPR REF BONDS, 2016A					3,000.00
EHLERS AND ASSOCIATES, INC.	80191	05/28/2019	5/10/19	368.57.9000.570.30150	4,000.00
Fund: 368 - G.O. SEWER REVENUE REFUND 2017A					4,000.00
COST, PLANNING AND MANAGEMENT INTERNATIC	7313	05/28/2019	18208	434.42.4200.423.30700	3,207.80
WENDEL ADG, LLC	350743	06/04/2019	600801	434.42.4200.423.30200	53,118.70
WENDEL ADG, LLC	350446	06/04/2019	600801	434.42.4200.423.30200	116,473.50
Fund: 434 - 2014 IMPROVEMENT FUND					172,800.00
B32 ENGINEERING GROUP, INC.	1096	05/28/2019	3/28/19	437.44.5900.737.30300	2,108.28
BARR ENGINEERING COMPANY	23191381.00-11	05/28/2019	CITY PROJECT NO. 2017-17	437.73.5900.737.30300	7,180.00
Fund: 437 - 2017 IMPROVEMENT FUND					9,288.28
BARR ENGINEERING COMPANY	23191399.00-7	05/28/2019	64TH STREET OUTFALL REHAB. STUC	438.73.5900.738.30300	9,249.00
STANTEC CONSULTING SERVICES INC.	1510214	06/04/2019	92607	438.73.5900.738.30300	432.00
Fund: 438 - 2018 IMPROVEMENT FUND					9,681.00
STREAMLINE DESIGN INC	38986	06/04/2019	5/21/19	439.42.4200.423.60045	355.00
Fund: 439 - 2019 IMPROVEMENT FUND					355.00
AMERICAN ENGINEERING TESTING, INC.	906338	05/28/2019	INV001	440.74.5900.740.30340	9,735.00
BOLTON & MENK, INC.	0232212	05/28/2019	T18.117400	440.74.5900.740.30300	16,044.00
BOLTON & MENK, INC.	0232214	05/28/2019	T18.113208	440.74.5900.740.30300	6,961.50
BOLTON & MENK, INC.	0227399	05/28/2019	t18.116599	440.74.5900.740.30300	3,900.00
BRAUN INTERTEC CORPORATION	B170236	06/04/2019	I09213	440.74.5900.740.30300	751.50
DOCUNET CORPORATION	6120894	06/04/2019	2019-09E	440.74.5900.740.50030	293.44
DOCUNET CORPORATION	6119090	05/28/2019	6119090	440.74.5900.740.50030	264.28
DOCUNET CORPORATION	6119610	05/28/2019	6120894	440.74.5900.740.50030	272.85
KIMLEY-HORN & ASSOCIATES, INC.	13517840	05/28/2019	160509021.3	440.74.5900.740.30300	487.60
Fund: 440 - PAVEMENT MANAGEMENT PROJ					38,710.17
GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVRGRV-11905	06/04/2019	INVRGRV-1	441.74.5900.741.40020	787.06
XCEL ENERGY	636458701	05/28/2019	Gas & Electric	441.74.5900.741.40020	1,184.41
Fund: 441 - STORM WATER MANAGEMENT					1,971.47
ARBOR HILL TREE FARM, LLC.	4806 B	06/04/2019	REMAINING HALF	446.74.5900.746.80300	1,815.00
BOLTON & MENK, INC.	0232213	06/04/2019	T18.108658	446.74.5900.746.30300	970.00
BOLTON & MENK, INC.	0232215	06/04/2019	T18.113208	446.74.5900.746.30300	1,175.00
BOLTON & MENK, INC.	0226249	05/28/2019	T18.108658	446.74.5900.746.30300	4,787.00
BOLTON & MENK, INC.	0227392	05/28/2019	T18.108658	446.74.5900.746.30300	1,885.00

BOLTON & MENK, INC.	0227401	05/28/2019	T18.113208	446.74.5900.746.30300	435.00
DAKOTA CTY DISTRICT COURT	ACE IN THE HOLE EASEMENTS	06/04/2019	ACE IN THE HOLE EASEMENTS	446.74.5900.746.80100	125,400.00
EVERGREEN LAND SERVICES	00-12102	05/28/2019	3/19/19	446.74.5900.746.30700	80.00
LILLIE SUBURBAN NEWSPAPERS	5/10/19 002945	06/04/2019	002945	446.74.5900.746.50025	2,616.25
MAX STEININGER, INC.	PAY VO. NO. 7	05/28/2019	CITY PROJECT NO. 2017-03	446.74.5900.746.80300	236,916.22
WSB & ASSOCIATES, INC.	0-001702-290-8	06/04/2019	5/28/19	446.74.5900.746.30300	2,336.82
WSB & ASSOCIATES, INC.	0-001702-290-8	06/04/2019	5/28/19	446.74.5900.746.30300	1,200.00
Fund: 446 - NW AREA					379,616.29
CITY OF WEST ST. PAUL	2019089	05/28/2019	JANUARY-MARCH 2019	451.75.5900.751.30700	2,934.82
JOEL CARLSON	JUNE 2019	05/28/2019	JUNE 2019	451.75.5900.751.30700	1,000.00
Fund: 451 - HOST COMMUNITY FUND					3,934.82
AUTOMATIC SYSTEMS CO.	33402	06/04/2019	INVE01	501.50.7100.512.40040	438.55
BATTERIES PLUS-WSP	P14867039	06/04/2019	C-1034	501.50.7100.512.60016	89.95
CITY OF BLOOMINGTON	1900137	06/04/2019	5/31/19	501.50.7100.512.30700	446.00
CORE & MAIN LP	K549929	05/28/2019	92607	501.50.7100.512.60016	1,333.40
CORE & MAIN LP	K574989	06/04/2019	099872	501.50.7100.512.40043	900.00
CORE & MAIN LP	K449373	06/04/2019	099872	501.50.7100.512.40043	309.52
CORE & MAIN LP	K549968	06/04/2019	099872	501.50.7100.512.40043	833.00
GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVGRV-21905	06/04/2019	INVGRV-2	501.50.7100.512.40020	8,216.23
GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVRGRV-11905	06/04/2019	INVRGRV-1	501.50.7100.512.40020	18,858.59
HACH COMPANY	11465668	05/28/2019	255136	501.50.7100.512.60019	152.60
HAWKINS, INC.	4494325	05/28/2019	108816	501.50.7100.512.60019	7,083.43
HYDRODESIGNS, INC	0052417-IN	06/04/2019	INVERGR	501.50.7100.512.30700	1,247.25
L.T.G. POWER EQUIPMENT	235181	05/28/2019	5/8/19	501.50.7100.512.40040	4,824.15
MN DEPT OF HEALTH	4/1/19-6/30/19	05/28/2019	1190014	501.207.2070100	12,588.03
NORTHWESTERN POWER EQUIPMENT CO.	190189TE	05/28/2019	5/14/19	501.50.7100.512.40040	6,075.00
PATRICIA ANN BUTKOWSKI	5/17/19	05/28/2019	5/17/19	501.50.7100.512.50032	150.00
SEXTON COMPANY, THE	61362	05/28/2019	4115	501.50.7100.512.60045	673.85
TODD DOUGLAS EDINGER - RMR SERVICES LLC	2018751	12/31/2018	OCTOBER 2018	501.50.7100.512.30700	1,726.52
TODD DOUGLAS EDINGER - RMR SERVICES LLC	2018752	12/31/2018	NOVEMBER 2018	501.50.7100.512.30700	1,530.00
TODD DOUGLAS EDINGER - RMR SERVICES LLC	2018753	12/31/2018	DECEMBER 2018	501.50.7100.512.30700	1,558.56
TWIN CITY WATER CLINIC INC	13005	06/04/2019	5/17/19	501.50.7100.512.30700	250.00
VESSCO INC	76479	05/28/2019	13641	501.50.7100.512.40040	1,138.47
WALKER LAWN CARE, INC.	8212	06/04/2019	5/21/19	501.50.7100.512.40046	1,453.68
ZIEGLER INC	A7067102	05/28/2019	4069900	501.50.7100.512.40050	50.00
Fund: 501 - WATER UTILITY FUND					71,926.78
AUTOMATIC SYSTEMS CO.	33359	05/28/2019	INVE01	502.51.7200.514.40042	1,416.14
GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVRGRV-11905	06/04/2019	INVRGRV-1	502.51.7200.514.40020	512.67
TEAM LABORATORY CHEMICAL CORP	INV0016125	06/04/2019	231940	502.51.7200.514.40042	1,360.00
Fund: 502 - SEWER UTILITY FUND					3,288.81
ARTISAN BEER COMPANY	3346152	06/04/2019	125656	503.52.8300.524.76150	447.60
BREAKTHRU BEVERAGE MINNESOTA	1091004746	05/28/2019	102294	503.52.8300.524.76150	306.40
BREAKTHRU BEVERAGE MINNESOTA	1091007641	06/04/2019	102294	503.52.8300.524.76150	338.70
COCA COLA BOTTLING COMPANY	3607205904	05/28/2019	5/15/19	503.52.8300.524.76100	744.14
COCA COLA BOTTLING COMPANY	3607205943	06/04/2019	5/22/19	503.52.8300.524.76100	667.12
COCA COLA BOTTLING COMPANY	3607205944	06/04/2019	5/22/19	503.52.8300.524.76100	(75.00)
COLLEGE CITY BEVERAGE	611-0893	05/28/2019	3592	503.52.8300.524.76150	285.60
COLLEGE CITY BEVERAGE	611-1003	06/04/2019	3592	503.52.8300.524.76150	204.00
DAKOTA ELECTRIC ASSN	201360-5 5/19	05/25/2019	Electric	503.52.8600.527.40020	234.99
GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVRGRV-11905	06/04/2019	INVRGRV-1	503.52.8600.527.40020	89.27
HANCO CORPORATION	467462	05/28/2019	332801	503.52.8600.527.60014	137.55
HEGGIES PIZZA	77884265	06/04/2019	C224	503.52.8300.524.76050	157.50
JOHNSON BROTHERS LIQUOR COMPANY INC.	3344393	05/28/2019	125656	503.52.8300.524.76150	387.70
M. AMUNDSON LLP	280351	06/04/2019	902858	503.52.8300.524.76050	249.98
MTI DISTRIBUTING CO	1208664-01	05/28/2019	402307	503.52.8600.527.60050	202.15
MTI DISTRIBUTING CO	1211021-00	05/28/2019	402307	503.52.8600.527.40042	212.74
NAPA OF INVER GROVE HEIGHTS	5762-139383	05/28/2019	4165	503.52.8600.527.40042	85.56
NAPA OF INVER GROVE HEIGHTS	5762-139386	05/28/2019	4165	503.52.8600.527.40042	26.23
NATURE CALLS, INC.	26196	05/28/2019	4/30/19	503.52.8600.527.40065	124.27
PHILLIPS WINE & SPIRITS	2552843	05/28/2019	125656	503.52.8300.524.76150	132.50
SUPERIOR TURF SERVICES INC	15756	05/28/2019	5/7/19	503.52.8600.527.60030	434.93
TOLL GAS & WELDING SUPPLY	10298005	05/28/2019	C1376	503.52.8600.527.60012	122.11
TOLL GAS & WELDING SUPPLY	10298810	05/28/2019	C1376	503.52.8600.527.60012	88.83
US FOODSERVICE	4088214	05/28/2019	03805983	503.52.8300.524.60065	46.18
US FOODSERVICE	4088214	05/28/2019	03805983	503.52.8300.524.76050	521.91
US FOODSERVICE	4217299	06/04/2019	03805983	503.52.8300.524.60065	107.19
US FOODSERVICE	4217299	06/04/2019	03805983	503.52.8300.524.76050	707.43
US FOODSERVICE	4217299	06/04/2019	03805983	503.52.8300.524.76100	16.31
XCEL ENERGY	636124583	05/28/2019	Gas & Electric	503.52.8500.526.40010	97.60
XCEL ENERGY	636124583	05/28/2019	Gas & Electric	503.52.8500.526.40020	535.13
XCEL ENERGY	636124583	05/28/2019	Gas & Electric	503.52.8600.527.40010	239.27
XCEL ENERGY	636124583	05/28/2019	Gas & Electric	503.52.8600.527.40020	461.33
Fund: 503 - INVER WOOD GOLF COURSE					8,337.22
LEAGUE OF MN CITIES INS TRUST	4754	06/04/2019	LMCIT 83111	602.00.2100.415.70200	3,394.65
Fund: 602 - RISK MANAGEMENT					3,394.65
ALLSTATE PETERBILT OF SOUTH ST. PAUL	3004238306	05/28/2019	14649	603.140.1450050	284.95
CLAREY'S SAFETY EQUIPMENT	182818	05/28/2019	090515	603.00.5300.444.60012	378.25
COMO LUBE & SUPPLIES	653847	05/28/2019	100395	603.00.5300.444.40025	216.03
CUSTOM FIRE APPARATUS INC	0018864-IN	06/04/2019	INV01	603.00.5300.444.40041	105.30
CUSTOM FIRE APPARATUS INC	0018918-IN	05/28/2019	INV01	603.00.5300.444.40041	29.54
CUSTOM HOSE TECH	96594 B	06/04/2019	5/6/19	603.00.5300.444.40041	176.91
CUSTOM HOSE TECH	96616 B	06/04/2019	5/8/19	603.00.5300.444.40041	154.20

GIP III ZEPHYR ACQUISITION PARTNERS, L.P.	INVRGRV-11905	06/04/2019	INVRGRV-1	603.00.5300.444.40020	1,921.28
INDELCO PLASTICS CORP	INV111863	05/28/2019	CI1003	603.00.5300.444.40041	18.30
INVER GROVE FORD	5267952	06/04/2019	3/22/19	603.00.5300.444.40041	80.48
KIMBALL MIDWEST	6979930	05/28/2019	222006	603.00.5300.444.60012	883.80
KIMBALL MIDWEST	7117510	05/28/2019	222006	603.00.5300.444.60012	401.64
KIMBALL MIDWEST	7136227	05/28/2019	222006	603.00.5300.444.60012	379.05
MID CITY SERVICES, INC.	103057	05/28/2019	5/10/19	603.00.5300.444.40065	48.00
MIDWAY FORD	519628	05/28/2019	40896	603.00.5300.444.40041	99.95
MIDWAY FORD	121462	05/28/2019	4/2/19	603.00.5300.444.80700	24,404.91
MIDWAY FORD	121861	05/28/2019	5/2/19	603.00.5300.444.80700	24,982.23
MN DEPT OF REVENUE	APRIL 2019	05/22/2019	PETRO TAX	603.00.5300.444.60021	545.78
MTI DISTRIBUTING CO	1198969-00	06/04/2019	91180	603.00.5300.444.80400	173,187.12
MTI DISTRIBUTING CO	1209330-00	05/28/2019	91180	603.00.5300.444.40041	552.50
MTI DISTRIBUTING CO	1209764-00	05/28/2019	91180	603.140.1450050	67.85
O' REILLY AUTO PARTS	1767-395882	05/28/2019	1578028	603.00.5300.444.40041	84.99
O' REILLY AUTO PARTS	1767-397686	05/28/2019	1578028	603.00.5300.444.60012	21.80
O' REILLY AUTO PARTS	1767-397938	05/28/2019	1578028	603.140.1450050	175.94
O' REILLY AUTO PARTS	1767-398837	05/28/2019	1578028	603.00.5300.444.40041	44.48
O' REILLY AUTO PARTS	1767-398916	05/28/2019	1578028	603.140.1450050	70.30
O' REILLY AUTO PARTS	1767-399078	05/28/2019	1578028	603.00.5300.444.40041	95.76
O' REILLY AUTO PARTS	1767-399337	05/28/2019	1578028	603.00.5300.444.40041	41.94
O' REILLY AUTO PARTS	1767-399351	05/28/2019	1578028	603.00.5300.444.40041	55.47
O' REILLY AUTO PARTS	1767-399371	05/28/2019	1578028	603.00.5300.444.40041	19.97
O' REILLY AUTO PARTS	1767-399639	05/28/2019	1578028	603.00.5300.444.40041	88.84
O' REILLY AUTO PARTS	1767-399665	05/28/2019	1578028	603.00.5300.444.40041	12.83
O' REILLY AUTO PARTS	1767-399678	05/28/2019	1578028	603.140.1450050	76.18
O' REILLY AUTO PARTS	1767-400209	05/28/2019	1578028	603.00.5300.444.60012	19.40
O' REILLY AUTO PARTS	1767-400209	05/28/2019	1578028	603.140.1450050	47.40
O' REILLY AUTO PARTS	1767-400219	05/28/2019	1578028	603.00.5300.444.60012	85.50
O' REILLY AUTO PARTS	1767-400482	05/28/2019	1578028	603.140.1450050	69.78
O' REILLY AUTO PARTS	1767-397937	05/28/2019	1578028	603.00.5300.444.40041	(84.99)
O' REILLY AUTO PARTS	1767-398665	05/28/2019	1578028	603.00.5300.444.60012	(21.80)
PUMP AND METER SERVICE INC	30732-1	05/28/2019	494500	603.00.5300.444.40041	283.78
TOWMASTER TRAILERS INC	415737	05/28/2019	2946	603.140.1450050	118.23
TRI-STATE BOBCAT INC.	23219D024434	05/28/2019	4/10/19	603.00.5300.444.80400	17,615.00
TRUCK UTILITIES, INC.	5337892	05/28/2019	000154	603.00.5300.444.80700	10,105.00
TRUCK UTILITIES, INC.	5338124	05/28/2019	000154	603.00.5300.444.80700	15,512.00
UNIFIRST CORPORATION	090 0482654	05/28/2019	1051948	603.00.5300.444.40065	168.72
UNIFIRST CORPORATION	090 0482654	05/28/2019	1051948	603.00.5300.444.60045	35.35
UNIFIRST CORPORATION	090 0483978	05/28/2019	1051948	603.00.5300.444.40065	168.72
UNIFIRST CORPORATION	090 0483978	05/28/2019	1051948	603.00.5300.444.60045	33.50
WORLD FUEL SERVICES	90927940126-41801	05/28/2019	112741	603.140.1450050	825.14
WORLD FUEL SERVICES	90940091021-41801	05/28/2019	112741	603.140.1450050	667.57
WORLD FUEL SERVICES	91695876690-41801	05/28/2019	112741	603.00.5300.444.40041	138.10
XCEL ENERGY	636458701	05/28/2019	Gas & Electric	603.00.5300.444.40010	778.91
XCEL ENERGY	636458701 CR	05/28/2019	Gas & Electric	603.00.5300.444.40020	(272.84)
Fund: 603 - CENTRAL EQUIPMENT					275,999.04
FLUID INTERIORS LLC	65418	05/28/2019	88-00	605.00.7500.460.80500	898.18
XCEL ENERGY	636458701	05/28/2019	Gas & Electric	605.00.7500.460.40020	4,976.31
Fund: 605 - CITY FACILITIES					5,874.49
BAYCOM INC	DQUIPINV_020046	06/04/2019	4/30/19	606.00.1400.413.60041	11,404.00
CDW GOVERNMENT INC	SGT0350	06/04/2019	2394832	606.00.1400.413.60041	305.20
CDW GOVERNMENT INC	SJK3138	06/04/2019	2394832	606.00.1400.413.60041	2,703.37
CDW GOVERNMENT INC	SJV4119	06/04/2019	2394832	606.00.1400.413.60041	368.66
CDW GOVERNMENT INC	SJV4836	06/04/2019	2394832	606.00.1400.413.60041	342.26
CDW GOVERNMENT INC	SJZ2265	06/04/2019	2394832	606.00.1400.413.60041	290.03
CDW GOVERNMENT INC	SKH5876	06/04/2019	2394832	606.00.1400.413.60041	1,261.32
IDEAL SYSTEM SOLUTIONS, INC.	70310	06/04/2019	5/16/19	606.00.1400.413.50070	2,385.00
IDEAL SYSTEM SOLUTIONS, INC.	70398	06/04/2019	5/28/19	606.00.1400.413.50070	1,961.80
NDC4	2018 WEB STREAMING AGREEMENT	06/04/2019	2018 WEB STREAMING COSTS	606.00.1400.413.30700	7,344.00
OFFICE OF MN. IT SERVICES	DV19040488	06/04/2019	200B00171	606.00.1400.413.30700	310.00
WORKS COMPUTING, INC.	31263	06/04/2019	INVER	606.00.1400.413.30700	8,450.00
Fund: 606 - TECHNOLOGY FUND					37,125.64
BARR ENGINEERING COMPANY	23190328.19-1	05/28/2019	IGH 2019 PROJECT REVIEWS AND ST	702.229.2302702	1,566.64
BARR ENGINEERING COMPANY	23190328.18-13	05/28/2019	2018 PROJECT REVIEWS	702.229.2296902	1,103.50
BARR ENGINEERING COMPANY	23190328.19-2	05/28/2019	2019 PROJECT REVIEWS AND STUDIE	702.229.2302702	138.50
BILL AND MURIEL CARLSON	3/15/19	05/28/2019	9175 DALTON COURT	702.229.2288902	1,000.00
EMMONS & OLIVIER RESOURCES	00095-0062-1	05/28/2019	00095-0062	702.229.2298902	1,455.66
EMMONS & OLIVIER RESOURCES	00095-0061-2	05/28/2019	00095-0061	702.229.2306802	601.00
GONYEA HOMES	5/13/19	05/28/2019	ESCROW RELEASE 9909 BAXTER TR	702.229.2303702	1,000.00
NORWAY BUILDERS, INC.	5/13/19	05/28/2019	ESCROW RELEASE 4864 BOYD AVE	702.229.2301101	1,000.00
STANTEC CONSULTING SERVICES INC.	1486154	05/28/2019	92607	702.229.2308902	2,400.00
Fund: 702 - ESCROW FUND					10,265.30
Grand Total					1,519,881.91

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

REQUEST FOR APPROVAL OF RENTAL HOUSING LICENSE

Meeting Date: June 10, 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:

- IDEAL PROPERTY INVESTMENTS; MANAGER: 6261 BOLLAND TRAIL, SINGLE FAMILY HOME

The above application has been found to be complete. The application includes the necessary fee payment and the BCA background checks. 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

Consider Pay Voucher No. 6 for City Project No. 2016-09E – Bancroft Way Area Reconstruction

Meeting Date: June 10, 2019
 Item Type: Consent
 Contact: Thomas J. Kaldunski, 651.450.2572
 Prepared by: Steve W. Dodge, Asst. City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

SWD

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Consider Pay Voucher No. 6 for City Project No. 2016-09E – Bancroft Way Area Reconstruction.

SUMMARY

The improvements were ordered as part of the 2017 Pavement Management Program. The contract was awarded in the amount of \$1,356,207.30 to McNamara Contracting, Inc., on May 8, 2017 for City Project No. 2016-09E – Bancroft Way Area Reconstruction.

The project is substantially complete, with the exception of turf establishment repairs, and the two-year warranty period will commence with the approval of this pay voucher.

I recommend approval of Pay Voucher No. 6, in the amount of \$12,450.53 for work on City Project No. 2016-09E – Bancroft Way Area Reconstruction.

TJK/nh

Attachments: Pay Voucher No. 6

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

ESTIMATE NO: 6 (Six)
DATE: June 10, 2019
PERIOD ENDING: May 31, 2019
CONTRACT: 2017 Pavement Management Program
PROJECT NO: 2016-09E – Bancroft Way Area Reconstruction

TO: McNamara Contracting, Inc.
16700 Chippendale Ave.
Rosemount, MN 55068

Original Contract Amount\$1,356,207.30
Total Addition (Change Order No. 2)\$16,038.00
Total Deduction (Change Order No. 1)(\$43,966.00)
Total Contract Amount.....\$1,328,279.30
Total Value of Work to Date.....\$1,188,261.51
Less Retained (1%)\$11,882.62
Less Previous Payment.....\$1,163,928.36
Total Approved for Payment this Voucher.....\$12,450.53
Total Payments including this Voucher\$1,176,378.89

Approvals:

Pursuant to our field observation, I hereby recommend for payment the above stated amount for work performed through May 31, 2019.

Signed by: _____ June 10, 2019
Thomas J. Kaldunski, City Engineer

Signed by: _____
McNamara Contracting, Inc. Date

Signed by: _____ June 10, 2019
George Tourville, Mayor

PAYMENT DETAIL LIST

Contract: CP 2016-09E
 Owner: City of Inver Grove Heights
 Projects: Bancroft Way Area Reconstruction
 SEH Job No: INVER 138128

Schedule: 1

Description: Street Improvements

Item No.	Mn/DOT No.	Item Description	Unit	Estimated Quantity	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2021.501	MOBILIZATION	LS	1.00	1.00	\$ 15,675.00	\$ 15,675.00	\$ 15,675.00
2	2100.601	NIGHT WORK	EACH	3.00		\$ 100.00	\$ 300.00	\$ 300.00
3	2101.502	CLEARING	TREE	1.00		\$ 450.00	\$ 450.00	\$ -
4	2101.507	GRUBBING	TREE	1.00		\$ 300.00	\$ 300.00	\$ -
5	2104.501	REMOVE CURB AND GUTTER	LF	7165.00	7121.00	\$ 3.00	\$ 21,495.00	\$ 21,363.00
6	2104.503	REMOVE BITUMINOUS PAVEMENT	SF	200.00	210.00	\$ 0.01	\$ 2.00	\$ 2.10
7	2104.505	REMOVE BITUMINOUS DRIVEWAY OR TRAIL PAVEMENT	SY	1674.00	1524.00	\$ 5.00	\$ 8,370.00	\$ 7,620.00
8	2104.505	REMOVE CONCRETE DRIVEWAY PAVEMENT	SY	273.00	328.00	\$ 16.00	\$ 4,368.00	\$ 5,248.00
9	2104.523	SALVAGE SIGN TYPE C	EACH	7.00	7.00	\$ 27.00	\$ 189.00	\$ 189.00
10	2104.523	SALVAGE SIGN TYPE SPECIAL	EACH	1.00	1.00	\$ 27.00	\$ 27.00	\$ 27.00
11	2105.501	COMMON EXCAVATION (EV) (P)	CY	14336.00	14336.00	\$ 15.00	\$ 215,040.00	\$ 215,040.00
12	2105.507	SUBGRADE EXCAVATION (EV)	CY	200.00	29.00	\$ 20.00	\$ 4,000.00	\$ 580.00
13	2105.522	SELECT GRANULAR BORROW (CV)	CY	11372.00	10907.00	\$ 13.50	\$ 153,522.00	\$ 147,244.50
14	2105.541	STABILIZING AGGREGATE	CY	100.00		\$ 35.00	\$ 3,500.00	\$ -
15	2105.604	GEOTEXTILE FABRIC, TYPE V	SY	17057.00	16347.00	\$ 1.00	\$ 17,057.00	\$ 16,347.00
16	2123.610	STREET SWEEPING (WITH PICKUP BROOM)	HOURL	120.00	7.25	\$ 65.00	\$ 7,800.00	\$ 471.25
17	2130.601	WATER USAGE ALLOWANCE	LS	1.00		\$ 2,500.00	\$ 2,500.00	\$ -
18	2211.501	AGGREGATE BASE (CV) CLASS 5	TON	5745.00	5463.75	\$ 4.00	\$ 22,980.00	\$ 21,855.00
19	2331.604	EDGE MILL BITUMINOUS SURFACE	SY	37.00	105.00	\$ 17.00	\$ 629.00	\$ 1,785.00
20	2331.604	BITUMINOUS PAVEMENT RECLAMATION (P)	SF	134622.00	134622.00	\$ 0.15	\$ 20,193.30	\$ 20,193.30
21	2357.502	BITUMINOUS TACK COAT	GAL	960.00	1105.00	\$ 2.00	\$ 1,920.00	\$ 2,210.00
22	2360.501	TYPE SP 9.5 WEARING COURSE MIX (3.C)	TON	1786.00	1471.65	\$ 44.00	\$ 78,584.00	\$ 64,752.60
23	2360.501	TYPE SP 12.5 NON WEAR COURSE MIX (3.C)	TON	1786.00	1660.28	\$ 42.00	\$ 75,012.00	\$ 69,731.76
24	2360.501	TYPE SP 9.5 WEARING COURSE MIX (2.E), 6.0" - DRIVEWAY	TON	566.00	199.60	\$ 75.00	\$ 42,450.00	\$ 14,970.00
25	2360.604	FULL DEPTH BITUMINOUS PATCHING	SY	200.00		\$ 0.01	\$ 2.00	\$ -
26	2501.602	EXCAV. SPECIAL (POTHOLE EXISTING UTILITY)	EACH	10.00	6.00	\$ 500.00	\$ 5,000.00	\$ 3,000.00
27	2502.521	4" PERF HDPE PIPE DRAIN WITH CIRCULAR KNIT	LF	7200.00	7003.00	\$ 6.00	\$ 43,200.00	\$ 42,018.00
28	2502.521	4" PVC SUMP BASKET PIPE	LF	400.00	11.00	\$ 7.00	\$ 2,800.00	\$ 77.00
29	2504.602	ADJUST CURB STOP BOX	EACH	20.00	2.00	\$ 125.00	\$ 2,500.00	\$ 250.00
30	2504.604	4" POLYSTYRENE INSULATION	SY	80.00		\$ 31.00	\$ 2,480.00	\$ -
31	2506.602	CONSTRUCT DRAINAGE STRUCTURE (SUMP BASKET)	EACH	8.00	1.00	\$ 475.00	\$ 3,800.00	\$ 475.00
32	2521.501	PEDESTRIAN CURB RAMP	EACH	2.00	2.00	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00
33	2531.501	CONCRETE CURB AND GUTTER DESIGN B618	LF	7245.00	7270.00	\$ 10.30	\$ 74,623.50	\$ 74,881.00
34	2531.501	CONCRETE CURB AND GUTTER (HAND POUR)	LF	80.00		\$ 17.50	\$ 1,400.00	\$ -
35	2531.507	6" CONCRETE DRIVEWAY PAVEMENT	SY	270.00	350.50	\$ 45.00	\$ 12,150.00	\$ 15,772.50
36	2531.507	DECORATIVE DRIVEWAY ALLOWANCE	LS	1.00	0.55	\$ 5,000.00	\$ 5,000.00	\$ 2,750.00
37	2531.604	6" WING APRON	SF	398.00	400.00	\$ 6.00	\$ 2,388.00	\$ 2,400.00
38	2531.604	6" CONCRETE VALLEY GUTTER	LF	151.00	64.00	\$ 27.00	\$ 4,077.00	\$ 1,728.00

Schedule: 3

Description: Water Main Improvements

Item No.	Mn/DOT No.	Item Description	Unit	Estimated Quantity	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2104.501	REMOVE WATER SERVICE	EACH	5.00		\$ 250.00	\$ 1,250.00	\$ -
2	2104.501	REMOVE GATE VALVE BOX	EACH	15.00		\$ 625.00	\$ 9,375.00	\$ 9,375.00
3	2104.501	REMOVE WATERMAIN	LF	85.00		\$ 18.00	\$ 1,530.00	\$ -
4	2104.523	SALVAGE HYDRANT AND GATE VALVE	EACH	2.00	5.00	\$ 350.00	\$ 700.00	\$ 1,750.00
5	2504.601	IRRIGATION ALLOWANCE	LS	1.00		\$ 2,500.00	\$ 2,500.00	\$ -
6	2504.602	1" CORPORATION STOP	EACH	5.00		\$ 105.00	\$ 525.00	\$ -
7	2504.602	1" TYPE K COPPER	EACH	200.00		\$ 31.00	\$ 6,200.00	\$ -
8	2504.602	1" CURB STOP AND BOX	EACH	5.00		\$ 337.00	\$ 1,685.00	\$ -
9	2504.602	6" GATE VALVE BOX	EACH	17.00	15.00	\$ 1,100.00	\$ 18,700.00	\$ 16,500.00
10	2504.602	CONNECT TO EXISTING WATER SERVICE	EACH	5.00		\$ 240.00	\$ 1,200.00	\$ -
11	2504.602	INSTALL HYDRANT & GATE VALVE	EACH	2.00	5.00	\$ 5,200.00	\$ 10,400.00	\$ 26,000.00
12	2504.608	DI FITTINGS (EPOXY COATED)	LB	26.00	95.00	\$ 14.00	\$ 364.00	\$ 1,330.00

Schedule 3 Subtotal:

\$ 54,429.00 \$ 54,955.00

Schedule: 4

Description: Sanitary Sewer Improvements

Item No.	Mn/DOT No.	Item Description	Unit	Estimated Quantity	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2104.509	REMOVE SANITARY SEWER SERVICE	EACH	5.00		\$ 300.00	\$ 1,500.00	\$ -
2	2104.509	REMOVE CASTING AND RINGS (SANITARY)	EACH	20.00	20.00	\$ 100.00	\$ 2,000.00	\$ 2,000.00
3	2503.602	F&I EXTERNAL MANHOLE CHIMNEY SEAL	EACH	23.00	23.00	\$ 150.00	\$ 3,450.00	\$ 3,450.00
4	2503.602	SANITARY SEWER SERVICE ADJUSTMENT	EACH	5.00		\$ 1,300.00	\$ 6,500.00	\$ -
5	2503.603	RECONSTRUCT STRUCTURE (SANITARY)	EACH	3.00	3.00	\$ 2,600.00	\$ 7,800.00	\$ 7,800.00
6	2503.606	SANITARY MANHOLE UMBRELLAS	EACH	23.00	23.00	\$ 60.00	\$ 1,380.00	\$ 1,380.00
7	2506.521	INSTALL NEW RINGS AND CASTING (SANITARY)	EACH	23.00	20.00	\$ 775.00	\$ 17,825.00	\$ 15,500.00

Schedule 4 Subtotal:

\$ 40,455.00 \$ 30,130.00

Schedule: 5 Rain Garden Improvements

Item No.	Mn/IDOT No.	Item Description	Unit	Estimated Quantity	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2411.602	RAIN GARDEN RET. WALL (MODULAR BLOCK)	SOFT	500.00		\$ 42.00	\$ 21,000.00	\$ -
2	2411.602	RAIN GARDEN RET. WALL (BOULDER)	SOFT	500.00	65.00	\$ 31.50	\$ 15,750.00	\$ 2,047.50
3	2411.602	FORD A1 COVER	EACH	16.00	1.00	\$ 140.00	\$ 2,240.00	\$ 140.00
4	2411.602	LIMESTONE SPLASH BLOCK	EACH	30.00	3.00	\$ 55.00	\$ 1,650.00	\$ 165.00
5	2502.541	4" PERF HDPE PIPE DRAIN WITH CIRCULAR KNIT FILTER SOCK	LF	160.00	20.00	\$ 10.00	\$ 1,600.00	\$ 200.00
6	2502.602	INSTALL 4" PVC PIPE DRAIN CLEANOUT (VENTED)	EACH	8.00	1.00	\$ 104.00	\$ 832.00	\$ 104.00
7	2504.602	4"x4" TEE (DRAIN TILE TO PVC)	EACH	8.00	1.00	\$ 40.00	\$ 320.00	\$ 40.00
8	2504.602	4" KNIFE VALVE AND BOX	EACH	8.00	1.00	\$ 300.00	\$ 2,400.00	\$ 300.00
9	2506.602	CONST. DRAINAGE STRUCTURE DES. SPEC. 1 (CURBSIDE RAIN GARDEN)	EACH	8.00	1.00	\$ 2,100.00	\$ 16,800.00	\$ 2,100.00
10	2540.603	LANDSCAPE EDGER PLASTIC	LF	600.00		\$ 7.50	\$ 4,500.00	\$ -
11	2571.507	NATIVE PLUGS	PLANT	1200.00	150.00	\$ 3.70	\$ 4,440.00	\$ 555.00
12	2571.618	RAIN GARDEN PREPARATION, SAND AND COMPOST BEDDING	SF	1600.00	200.00	\$ 10.25	\$ 16,400.00	\$ 2,050.00

Schedule 5 Subtotal: \$ 87,932.00 \$ 7,701.50

Schedule: 6 Babcock Trail Culvert Crossing

Item No.	Mn/IDOT No.	Item Description	Unit	Estimated Quantity	Quantity To-Date	Contract Unit Price	Total Estimated Cost	Total Contract Cost To-Date
1	2021.501	MOBILIZATION	LS	1.00	1.00	\$ 500.00	\$ 500.00	\$ 500.00
2	2104.503	REMOVE BITUMINOUS PAVEMENT	SF	760.00	1066.00	\$ 2.00	\$ 1,520.00	\$ 2,132.00
3	2105.522	SELECT GRANULAR BORROW (CV)	CY	63.00		\$ 30.00	\$ 1,890.00	\$ -
4	2211.501	AGGREGATE BASE (CV) CLASS 5	TON	22.00	23.66	\$ 20.00	\$ 440.00	\$ 473.20
5	2331.604	EDGE MILL BITUMINOUS SURFACE	SY	25.00	25.00	\$ 25.00	\$ 625.00	\$ 625.00
6	2357.502	BITUMINOUS TACK COAT	GAL	4.00	10.00	\$ 2.00	\$ 8.00	\$ 20.00
7	2360.604	FULL DEPTH BITUMINOUS PATCHING	SY	106.00	118.50	\$ 50.00	\$ 5,300.00	\$ 5,925.00
8	2563.601	TRAFFIC CONTROL ALLOWANCE	LS	1.00	1.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
9	2573.533	SEDIMENT CONTROL LOG TYPE COMPOST	LF	90.00		\$ 3.00	\$ 270.00	\$ -
10	2574.525	BOULEVARD TOPSOIL BORROW (CV)	CY	20.00	20.00	\$ 42.00	\$ 840.00	\$ 840.00
11	2575.501	SEEDING (MIX 25-151)	ACRE	0.15	0.15	\$ 2,600.00	\$ 390.00	\$ 390.00
12	2575.560	FLEXITERRA HYDROMULCH (HYDRAULIC SOIL STAB. TYPE SPECIAL)	LB	75.00	75.00	\$ 3.00	\$ 225.00	\$ 225.00
13	2582.502	PAVEMENT MARKING	LF	60.00	86.00	\$ 16.00	\$ 960.00	\$ 1,376.00
14	2104.501	REMOVE SEWER PIPE (STORM)	LF	70.00	70.00	\$ 14.00	\$ 980.00	\$ 980.00
15	2104.501	REMOVE STORM STRUCTURE	EACH	1.00	1.00	\$ 365.00	\$ 365.00	\$ 365.00
16	2501.515	18" RC PIPE APRON	EACH	1.00	1.00	\$ 1,100.00	\$ 1,100.00	\$ 1,100.00
17	2503.541	18" RC PIPE SEWER DES 3006 CL III	LF	71.00	71.00	\$ 57.00	\$ 4,047.00	\$ 4,047.00
18	2503.602	CONNECT TO EXISTING STORM STRUCTURE	EACH	1.00	1.00	\$ 1,600.00	\$ 1,600.00	\$ 1,600.00

Schedule 6 Subtotal: \$ 23,560.00 \$ 23,098.20

COST SUMMARY

Contract: CP 2016-09E
 Owner: City of Inver Grove Heights
 Project: Bancroft Way Area Reconstruction

Schedule	Description	Total Estimated Cost	Total Contract Cost To-Date
1	Street Improvements	\$ 983,792.30	\$ 896,953.81
2	Storm Sewer Improvements	\$ 166,039.00	\$ 159,385.00
3	Rain Garden Improvements	\$ 87,932.00	\$ 7,701.50
4	Water Main Improvements	\$ 54,429.00	\$ 54,955.00
5	Sanitary Sewer Improvements	\$ 40,455.00	\$ 30,130.00
6	Babcock Trail Culvert Crossing	\$ 23,560.00	\$ 23,098.20
Total Base Cost		\$ 1,356,207.30	\$ 1,172,223.51
Change Order No. 1		\$ (43,966.00)	
Change Order No. 2		\$ 16,038.00	\$ 16,038.00
Total Contract Amount		\$ 1,328,279.30	
Contract Work Completed To Date			\$ 1,188,261.51
Retainage		1.00%	\$ 11,882.62
Previous Payments			\$ 1,163,928.36
Amount Due This Partial Payment #6			\$ 12,450.53

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Change Order No. 6 for City Project No. 2018-08 Fire Station No. 2 Sewer and Water Improvements and Conduit for City Project No. 2018-11 Fire Station No. 2 Fiber Optic Improvements

Meeting Date: June 10, 2019
 Item Type: Consent
 Contact: Thomas J. Kaldunski, 651.450.2572
 Prepared by: Steve W. Dodge, Asst. City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

SDT
 SB

Fiscal/FTE Impact:

☐	None
☐	Amount included in current budget
☐	Budget amendment requested
☐	FTE included in current complement
☐	New FTE requested – N/A
☒	Other: Fire Station No. 2 Project Funds

PURPOSE/ACTION REQUESTED

Consider Change Order No. 6 for City Project No. 2018-08 Fire Station No. 2 Sewer and Water Improvements and Conduit for City Project No. 2018-11 Fire Station No. 2 Fiber Optic Improvements.

SUMMARY

City Project No. 2018-08 Fire Station No. 2 Sewer and Water Improvements and Conduit for City Project No. 2018-11 Fire Station No. 2 Fiber Optic Improvements extended sanitary sewer, watermain and conduit for fiber optic from Broderick Boulevard, 800 feet north of Concord Boulevard, to the expanded MUSA, west of T.H. 52/55, to the proposed Fire Station No. 2 building and the adjacent parcels to the south and north.

There were some pavement changes to the project, outlined below.

Pavement restoration on the west side of Highway 52/55 includes driveway pavement restoration around the existing shed, which was also within the construction limits and high activity zone of the Fire Station No. 2 Site. It was agreed between the two projects that the shed pavement restoration was to be deducted from the Sewer and Water Improvements and added to the Site Improvements, to better align with related project completion dates.

Pavement restoration on the east side of Highway 52/55 includes the school property parking lot impact area and related construction staging area. Pavement restoration was delayed until 2019, due to wet and early frozen conditions in late fall 2018. Temporary aggregate in the impact area was used to fill the remaining bituminous void to keep this area from filling with water over the winter/early spring. This change order covers the additional work associated with completing the pavement restoration for the school property. Costs will be covered by the Fire Station No. 2 funds.

I recommend approval of Change Order No. 6 for an amount of \$42,781.20 for work on City Project No. 2018-08 Fire Station No. 2 Sewer and Water Improvements and \$0.00 for work on the Conduit for City Project No. 2018-11 Fire Station No. 2 Fiber Optic Improvements, for a total project amount of \$42,781.20. The total project contract amount is now \$880,335.54 for 2018-08 and 2018-11.

SWD/pds

Attachments: Change Order No. 6

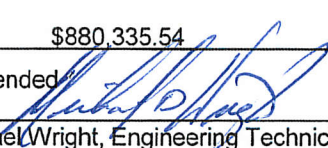
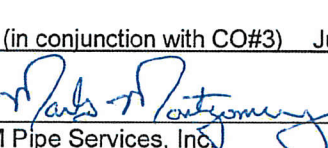
CHANGE ORDER NO. 6

2018 CAPITAL IMPROVEMENT PROGRAM

CITY PROJECT NO. 2018-08 – FIRE STATION NO. 2 SEWER AND WATER IMPROVEMENTS and
CONDUIT FOR CITY PROJECT NO. 2018-11 – FIRE STATION NO. 2 FIBER OPTIC IMPROVEMENTS

Owner: City of Inver Grove Heights 8150 Barbara Avenue Inver Grove Heights, MN 55077	Date of Issuance: May 29, 2019
Contractor: EJM Pipe Services, Inc. 14461 Lake Drive Columbus, MN 55025	Engineer: SRF Consulting Group, Inc

PURPOSE OF CHANGE ORDER: Deduct credit for transferring pavement restoration around the existing shed west of Highway 52/55 to the Fire Station No. 2 Site project. Additional work east of Highway 52/55 includes temporary aggregate of impact area and pavement restoration of construction staging to match private property's recent parking lot pavement restoration. The addition of this work adds \$42,781.20 (CP 2018-08) and \$0.00 (CP 2018-11) to the existing contract, adding a total of \$42,781.20 to the total contract amount.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIME
Original Proposed Contract Price: \$683,979.95	Original Contract Time: Interim 1b Oct 15, 2018
Previous Change Orders \$153,574.39	Net Change from Previous Change Orders
Contract Price Prior to this Change Order \$837,554.34	Contract Time Prior to this Change Order
Net Increase (Decrease) of this Change Order \$42,781.20	Net Increase (Decrease) of Change Order
Contract Price with all Approved Change Orders \$880,335.54	Contract Time with Approved Change Interim 1b (in conjunction with CO#3) Jun 30, 2019
Recommended By:  Michael Wright, Engineering Technician	Approved By:  EJM Pipe Services, Inc

Approved By:

Thomas J. Kaldunski, City Engineer

Approved By:

George Tourville, Mayor

Date of Council Action:

June 10, 2019

CHANGE ORDER NO. 6

Contract: Owner: Project:	CP 2018-08, AND 2018-11 CITY OF INVER GROVE HEIGHTS FIRE STATION NO. 2 SEWER AND WATER IMPROVEMENTS CONDUIT FOR FIRE STATION NO. 2 FIBER OPTIC IMPROVEMENTS			EJM Pipe Services	
Schedule:	CP 2018-08 FIRE STATION NO. 2 SEWER AND WATER IMPROVEMENTS (SCHEDULE A, B, C)				
Description:	Deduct of pavement restoration at existing shed(West). Additional temporary aggregate in parking impact area and pavement restoration of construction staging area(East).				
Item No.	Item Description	Unit	Contract Quantity	Unit Price	Amount
SCHEDULE A: STREET IMPROVEMENTS					
1	AGGREGATE BASE CLASS 5 (SHED PAVE CREDIT, 8")	TON	-80	\$ 16.00	\$ (1,280.00)
2	TYPE WEARING COURSE MIXTURE(3,B)(SHED PAVE CREDIT, 1.5")	TON	-16.6	\$ 71.50	\$ (1,186.90)
3	TYPE NON-WEAR COURSE MIXTURE(3,B)(SHED PAV CREDIT, 2")	TON	-22.1	\$ 71.50	\$ (1,580.15)
4	AGGREGATE BASE CLASS 5 (TEMP INSTALL, 4")	TON	147	\$ 16.00	\$ 2,352.00
5	REMOVE AGGREGATE (TEMP REMOVE, 4")	CY	80	\$ 37.50	\$ 3,000.00
6	SPECIAL MOBILIZATION (STAGING AREA)	LUMP SUM	1	\$ 2,250.00	\$ 2,250.00
7	SPECIAL 2" MILL BITUMINOUS SURFACE (STAGING AREA)	SY	1693	\$ 6.25	\$ 10,581.25
8	SPECIAL FULL DEPTH(4"+) MILL BITUMINOUS SURFACE (STAGING AREA)	SY	70	\$ 25.00	\$ 1,750.00
9	SPECIAL AGGREGATE/SUBGRADE REMOVAL & CORRECTION (STAGING AREA, 16")	CY	32	\$ 105.00	\$ 3,360.00
10	SPECIAL AGGREGATE BASE/SUBGRADE CLASS 5 (STAGING AREA, 16"+)	TON	64	\$ 55.00	\$ 3,520.00
11	SPECIAL TYPE WEARING COURSE MIXTURE(3,B)(STAGING, 2")	TON	199	\$ 85.00	\$ 16,915.00
12	SPECIAL TYPE NON-WEAR COURSE MIXTURE(3,B)(STAGING AREA, 2")	TON	8	\$ 155.00	\$ 1,240.00
13	4" SOLID LINE WHITE (PAINT)	LF	930	\$ 2.00	\$ 1,860.00
SUBTOTAL				\$	42,781.20
SCHEDULE B: SANITARY					
1	N/A	EACH	1	\$	-
SUBTOTAL				\$	-
SCHEDULE C: WATERMAIN					
1	N/A	EACH	1	\$	-
SUBTOTAL				\$	-
CP 2018-08 TOTAL				\$	42,781.20
NOTES: *Work and fee based on EJM Cost Estimate(Parking Lot M&O, 11-06-2018), and SRF Estimated Quantities, and EJM bid unit price					
Schedule:	CONDUIT FOR CP 2018-11 FIRE STATION NO. 2 FIBER OPTIC IMPROVEMNETS (SCHEDULE D)				
Description:	N /A				
Item No.	Item Description	Unit	Contract Quantity	Unit Price	Amount
SCHEDULE D: CONDUIT FOR FIBER OPTIC					
1	N/A	EACH	1	\$ -	\$ -
CP 2018-11 TOTAL				\$	-

CHANGE ORDER NO. 6		
Contract: Owner: Project:	CP 2018-08, AND 2018-11 CITY OF INVER GROVE HEIGHTS FIRE STATION NO. 2 SEWER AND WATER IMPROVEMENTS CONDUIT FOR FIRE STATION NO. 2 FIBER OPTIC IMPROVEMENTS	EJM Pipe Services
	NOTES: *Not Applicable	Total Change Order #6 \$ 42,781.20

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Receive Proposals and Accept Quote for Fire Hydrant Reconditioning

Meeting Date: June 10, 2019
 Item Type: Consent
 Contact: Dan Helling, 651-450-2565
 Prepared by: Dan Helling, Utility Superintendent
 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:

PURPOSE/ACTION REQUESTED

Receive proposals and accept quote for fire hydrant reconditioning.

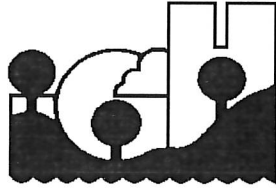
SUMMARY

Each year a number of our fire hydrants are reconditioned to extend their service life. The Utilities Superintendent requested quotes from three vendors and received two proposals for sandblasting and repainting 145 hydrants (see attached memo).

I recommend that the Council receive the proposals and accept the proposal from Budget Sandblasting and Painting, Inc. of \$136.00 per hydrant for a total of \$19,720.00. Funding will come from the Water Operating Fund (501.50.7100.512.40043).

SDT/kf

Attachment: Memo with proposals



City of Inver Grove Heights
UTILITY DIVISION

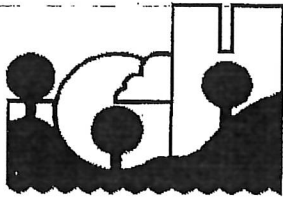
MEMORANDUM

TO : Scott Thureen
FROM : Dan Helling
SUBJECT : **2019 Fire Hydrant Reconditioning**
DATE : May 28, 2019

Attached are two proposals for the reconditioning of approximately 145 fire hydrants. The Utilities Department would like to continue to improve the condition of fire hydrants throughout the city that have deteriorated due to the elements.

The contractor that is chosen will be required to sandblast each hydrant down to bare metal, and then apply two coats of Envirolastic 840 DTM High Gloss Polyaspartic urethane, fire hydrant red.

Budget Sandblasting and Painting, Inc. from Inver Grove Heights would be able to meet the required specifications at \$136.00 per fire hydrant. The cost for this project would be covered in the water fund 501.50.7100.512. 40043. With your approval I would like to get them scheduled to do the work this summer.



City of Inver Grove Heights
Utility Division

2019 FIRE HYDRANT RECONDITIONING

PROPOSAL FORM

Sandblasting, Priming, and Painting of Fire Hydrants Unit Price

Includes all necessary labor, equipment, materials, and taxes: 136.00 per hydrant

Any deviation from the specifications must be clearly noted; otherwise, it will be considered that this proposal is in strict compliance with the specifications.

Deviations from specification: _____

In submitting this proposal, it is understood the City retains the right to reject any proposal, and to award the fire hydrant reconditioning work in the best interest of the City.

Date 5-17-2019

Submitter,

Budget Sandblasting & Painting, Inc.

Firm Name

Steven P. Barry

Signature

Steven P. Barry

Printed Name of Signer

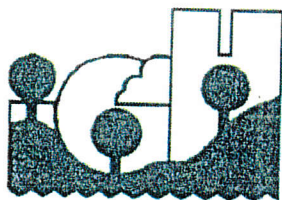
6202 Concord Blvd.
Inver Grove Heights, MN 55076

Address

651-450-7992

Telephone

Providing Water and Wastewater Service Since 1965



City of Inver Grove Heights
Utility Division

2019 FIRE HYDRANT RECONDITIONING

PROPOSAL FORM

Sandblasting, Priming, and Painting of Fire Hydrants Unit Price

Includes all necessary labor, equipment, materials, and taxes: \$245.00 per hydrant

Any deviation from the specifications must be clearly noted; otherwise, it will be considered that this proposal is in strict compliance with the specifications.

Deviations from specification: _____

In submitting this proposal, it is understood the City retains the right to reject any proposal, and to award the fire hydrant reconditioning work in the best interest of the City.

Date 5.17.2019

Submitter,

R & H PAINTING, LLC.

Firm Name

[Signature]

Signature

GRANT G. RAISANEN

Printed Name of Signer

15725 US Hwy 12 SW
COKATO MN 55321

Address

GRANT cell # 612.703.4869

Telephone

Providing Water and Wastewater Service Since 1965

Dan Helling

From: Bob Cox <bcox@champion-tank.com>
Sent: Thursday, May 16, 2019 12:32 PM
To: Dan Helling
Subject: RE: Inver Grove Heights hydrant painting

Dan

Thanks for sending the hydrant package over, hydrants will not work for us this year. Please keep me in mind for other projects for IGH.

Thanks as usual.

Bob Cox
Champion Tank Services
612-845-5327

From: [Dan Helling](#)
Sent: Tuesday, April 23, 2019 1:30 PM
To: 'bcox@champion-tank.com'
Subject: Inver Grove Heights hydrant painting

Bob,

I changed the paint, but if you are interested in painting hydrants for us this year could you have a quote back to me by May 17th. Hope all is well with you!

Thank you,
Dan



CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Consider Resolution Accepting Proposal for Engineering Services for STOR Mini-Storage Development

Meeting Date: June 10, 2019
 Item Type: Consent
 Contact: Thomas J. Kaldunski, 651.450.2572
 Prepared by: Steve Dodge, Assistant City Engineer
 Reviewed by: Scott D. Thureen, Public Works Director

SDT

Fiscal/FTE Impact:

☐	None
☐	Amount included in current budget
☐	Budget amendment requested
☐	FTE included in current complement
☐	New FTE requested – N/A
☒	Other: Developer-provided engineering escrow account

PURPOSE/ACTION REQUESTED

Consider resolution accepting proposal for engineering services for STOR Mini-Storage Development.

SUMMARY

STOR mini-storage will consist of redeveloping an existing commercial building and parking lots by providing indoor heated storage, constructing several outdoor mini-storage buildings, and a small office building, with associated drives, parking and stormwater facilities at 9725 Robert Trail.

Due to being short a staff member and extensive workload, staff requested a proposal from Barr Engineering Co. for SWPPP inspection and construction observation services for the STOR development. Attached is the proposal submitted from Barr Engineering Co. The total estimated cost for the construction inspection engineering services is \$9,000. The funding source for these services will be from the STOR Engineering Escrow fund provided by the developer.

Staff recommends that the Council adopt the resolution accepting the proposal from Barr Engineering Co. in the amount of \$9,000 for engineering services for the STOR development at 9725 Robert Trail.

TJK/kf

Attachment: Resolution
 Proposal

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY**

**RESOLUTION ACCEPTING A PROPOSAL FOR ENGINEERING SERVICES FOR STOR
MINI-STORAGE FROM BARR ENGINEERING CO.**

RESOLUTION NO. _____

WHEREAS, the STOR Mini-Storage Development which consists of redeveloping an existing commercial building and parking lots by providing indoor heated storage, constructing several outdoor mini-storage buildings and a small office building, with associated drives, parking and stormwater utilities at 9725 Robert Trail; and

WHEREAS, in order to complete SWPPP inspections and construction observation services in a timely manner for the STOR development, assistance of a consulting engineering firm is necessary; and

WHEREAS, City staff requested, and received, a proposal from Barr Engineering Co. for engineering services; and

WHEREAS, based on the experience of the firm, the scope and associated fee for the proposed services, their familiarity with the site and their selection by the developer, it is recommended that Barr Engineering Co. be selected from the City's engineering consultant pool as the consulting firm for engineering services.

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

1. The proposal from Barr Engineering Co. is accepted and staff is authorized to enter into a contract in the amount of \$9,000 for engineering services as outlined in their proposal.
2. Funding is provided through the STOR Engineering Escrow account provided by the developer in accordance with the development documents.

Adopted by the City Council of Inver Grove Heights, Minnesota this 10th day of June 2019

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Joe Lynch, Interim Deputy Clerk



May 15, 2019

Thomas Kaldunski, P.E.
City Engineer
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077

Re: Engineering services for STOR Mini-Storage Development

Dear Mr. Kaldunski:

Thank you for your request for a proposal to provide engineering services for erosion control inspection and stormwater facility construction observation for the STOR mini-storage development, located in the City of Inver Grove Heights. Attached for your review is a work order containing our proposed scope of services, budget, and schedule for the project. Please contact Greg Fransen (gfransen@barr.com, 952-832-2626), or me (kchandler@barr.com, 952-832-2813), regarding any questions you have regarding the scope of services. If the work order is acceptable please sign and return a copy to us.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Chandler".

Karen Chandler, P.E.
Vice President

A handwritten signature in cursive script that reads "Greg Fransen".

Greg Fransen
Project Manager

**Work Order For:
SWPPP Inspection and Construction Observation Services
for STOR Mini-Storage Development**

Applicable to Addendum No. 1 and Master Service Agreement Dated June 27, 2012

between

**Barr Engineering Co. (Barr)
4300 MarketPointe Drive, Suite 200
Minneapolis, MN 55435**

**City of Inver Grove Heights (City)
8150 Barbara Avenue
Inver Grove Heights, MN 55077**

Designated Representative:

Designated Representative:

Karen L. Chandler

Tom Kaldunski

I. Scope Language

Barr understands that the STOR mini-storage project (Project) will consist of redeveloping an existing commercial building and parking lots by constructing several mini-storage buildings and a small office building, with associated drives, parking, and stormwater utilities, on approximately 19.4 acres located at 9725 South Robert Trail, northwest of the intersection of South Robert Trail (TH 3) and West Jefferson Trail. The Project site lies within the Rich Valley Drainage Area of Inver Grove Heights. The western parcel boundary lies along the Inver Grove Heights-Eagan border.

Barr understands that our scope of work includes attendance at the grading preconstruction meeting, a preliminary SWPPP inspection prior to the start of construction grading, and construction observation during the construction of infiltration basins. Regular weekly SWPPP inspections and rainfall event inspections will be performed by a subcontractor to the construction contractor. Barr will review the SWPPP reports to ensure regulatory compliance and will follow up with the contractor to ensure that SWPPP deficiencies are corrected appropriately. When Barr staff are onsite for construction observation, they will inspect the SWPPP measures for consistency with subcontractor reports. Barr's role in construction observation will be to observe the construction of stormwater infiltration facilities at the site and report deficiencies and compliances to the City. Barr will not direct the work of the contractor.

The scope of work is divided into the following tasks:

Task 1: SWPPP Services - \$3,400

- preconstruction meeting attendance
- pre-grading SWPPP inspection
- SWPPP subcontractor report review
- travel expenses

Task 1: Construction Observation - \$ 4,100

- construction meeting attendance during infiltration facility construction
- review of soil testing results for imported infiltration media if applicable
- infiltration facility construction observation

- equipment and travel expenses

Task 3: Project and Task Management - **\$1,500**

- Barr will provide construction observation summaries via emails to the developer and City staff
- Barr will communicate with the developer and City as needed to schedule on-site work and to inform all parties of any issues with construction methods
- Barr will provide timely invoices to the City

Fee Estimate Total: **\$9,000**

These costs are based on the scope and schedule assumptions as listed below.

Deliverables

Barr will provide the City with the following deliverables during the proposed work:

1. Weekly email summaries of project activities

II. Maximum Compensation

For the services referenced above, you will pay us for time and expense not to exceed the amount listed above without prior approval, in accordance with the referenced Master Service Agreement.

III. Schedule and Assumptions Upon Which Schedule and Maximum Compensation are Based

The scope of services assumes that Barr will provide services during preconstruction planning and construction work occurring between May 2019 and November 2019. This cost proposal does not include work completed during other time periods. Barr will perform additional requested tasks on a time and expense basis outside the scope of this work order.

Additional assumptions are listed below:

- Barr will attend one (1) grading preconstruction meeting.
- Barr will perform one (1) pre-construction SWPPP inspection.
- Barr will attend construction meetings and perform construction observation during excavation and construction of the planned infiltration basin which may be interspersed between May 2019 and November 2019. Barr assumes four (4) 8-hour visits to the site, including travel time, for infiltration basin construction observation.
- Infiltrometer testing is not included in this scope of work.

ACCEPTED AND AGREED TO:

BARR ENGINEERING CO.

City of Inver Grove Heights

By: Karen L. Chandler

By: for Steve W. Dreyer

Title: Vice President

Title: assistant
City Engineer

Date: May 15, 2019

Date: 5/28/2019

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Approve Storm Water Facilities Maintenance Agreement for Lot 2, Block 2, Cenex Addition (CHS)

Meeting Date: June 10, 2019

Item Type: Consent

Contact: Thomas J. Kaldunski, City Engineer

Prepared by: Steve W. Dodge, Assistant City Engineer

Reviewed by: Scott D. Thureen, Public Works Director

SST

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 Storm Water Facilities Maintenance Agreement for Lot 2, Block 2, Cenex Addition.

SUMMARY

CHS met with City staff on April 17, 2019 for a proposed parking deck structure at the CHS headquarters, 5500 Cenex Drive. The proposed parking deck will provide a net increase of 243 parking spaces.

A Storm Water Facilities Maintenance Agreement (SWFMA) is needed for private storm sewer, stormwater ponding and treatment areas to mitigate stormwater from the parking ramp and because of an increase in impervious surfaces. The owner will be required to operate and maintain the SWFMA with annual reporting. CHS has agreed to execute a SWFMA at the existing impervious parking surface area.

It is recommended that the City Council approve the Storm Water Facilities Maintenance Agreement for Lot 2, Block 2, Cenex Addition.

TJK/kf

Attachment: Storm Water Facilities Maintenance Agreement

**STORM WATER FACILITIES MAINTENANCE AGREEMENT FOR
LOT 2, BLOCK 2, CENEX ADDITION, DAKOTA COUNTY, MINNESOTA**

THIS STORM WATER FACILITIES MAINTENANCE AGREEMENT (Agreement) is made, entered into and effective this 10th day of June, 2019, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as City) and CH INVER GROVE HEIGHTS MN LANDLORD, LLC, a Delaware limited liability company, (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 CH INVER GROVE HEIGHTS MN LANDLORD, LLC, a Delaware limited liability company, and its successors and its assigns.

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

The underground storm water infiltration system, pipes, and related appurtenances lying within the Landowner Property.

1.5 Stormwater Facility Plan. “Stormwater Facility Plan” means the Stormwater Management Plan prepared by Elan Design Lab for the CHS Parking Ramp dated April 8, 2019 and the following plan sheets prepared by Elan Design Lab dated April 19, 2019 and approved by the City Engineer on April 19, 2019: 200.1CD , 200.1EC , 200.2CD, 201.1CP, 201.2CP, 201.3CP, 202.1CG, 202.2CG, 202.3CG and 203.1CU.

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 Stormwater 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 the construction of a parking deck and related facilities on the Landowner Property which plans include the Stormwater Facility Plan identified in this Agreement.

Recital No. 3. The City is willing to approve the plans if, among other things, Landowner executes this Stormwater Facilities Maintenance Agreement.

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

- a.) impose upon the Responsible Owner the responsibility of maintaining the Stormwater Facilities.
- 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 Stormwater Facilities in the event the Responsible Owner fails to perform its obligations to maintain the Stormwater 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 Stormwater Facilities. Prior to December 31, 2019, Responsible Owner agrees that the Stormwater Facilities shall be constructed and installed in accordance with the Stormwater Facility Plan at the sole expense of Responsible Owner at a location and in a configuration as approved by the City.

3.2 Maintenance of Stormwater Facilities. The Responsible Owner is obligated at its expense to perpetually maintain the Stormwater 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 Stormwater Facilities for as long as the Stormwater Facilities exist. The Responsible Owner shall also insure that the Stormwater Facilities always remain in compliance with the Stormwater Facility Plan. The responsibility of the Responsible Owner for maintaining the Stormwater Facilities on the Landowner Property exists even though the event or omission which caused the need for maintenance of the Stormwater 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);
- 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;
- 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 Watershed Management Plan of the Watershed Management Organization for the Watershed District within which the Landowner Property is located.
- e.) The Standard of Maintenance shall include but not be limited to each of the following:
 - i. The Responsible Owner shall monitor the Stormwater 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 stormwater facilities. The Responsible Owner must prepare an Operations & Maintenance Plan to show how the Responsible Owner plans to operate and maintain Long Term Best Management Practices for the Stormwater Facilities being constructed on the Landowner Property. The Responsible Owner has submitted a final Operations & Maintenance Plan to the City, attached hereto as **Exhibit B**. The final Operations & Maintenance Plan attached hereto as Exhibit B has been approved by the City. The Responsible Owner and the successors and assigns thereof shall be responsible for following the Operations & Maintenance Plan as approved by the City. The final Operations & Maintenance Plan shall be on file with the City's Director of Public Works.
- iii. Pre-treatment devices must remove 50% of total suspended solids prior to discharging to the infiltration facility. Calculations demonstrating proposed pre-treatment device meeting City requirements have been submitted. The Responsible Owner shall be required to reduce total suspended solids by 50% from pre-improvement rates and to reduce phosphorus levels from pre-improvement levels. When requested by the City, the Responsible Owner shall be required to monitor and test the stormwater discharges at the Responsible Owner's expense, to ensure compliance with these requirements. The Responsible Owner is required to install and maintain stormwater facilities that are designed to infiltrate one (1) inch of impervious surface runoff from the Landowner Property. The Responsible Owner shall provide the City with test results of the discharge on an annual basis when testing is requested.
- iv. The final 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 Stormwater Facilities;
 - e. A letter of compliance from the designer after construction of the Stormwater Facilities is completed;
 - f. The requirement for an annual report to the City to demonstrate that post construction maintenance is being accomplished per the Operations & Maintenance Plan;
 - g. The GPS coordinates for the Stormwater Facilities shall be provided to the City after construction is completed. Stormwater Facilities smaller than 200 square feet can be located with one GPS coordinate. Stormwater Facilities larger than 200 square feet shall have outlet coordinates and the corners of

the Stormwater Facilities located by GPS. The GPS readings shall be provided to the City before the Stormwater Facilities are covered.

If the Stormwater 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.

In December 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 3.2 and 3.3; Cure Period. If the City's Director of Public Works ("DPW") determines, at his/her 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 reasonably 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 Stormwater 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 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.

3.7 Access. 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 Stormwater 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 Stormwater 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 material men;
- c.) failure by the Responsible Owner to pay for any materials that may be used by the Responsible Owner to maintain the Stormwater Facilities; and

- d.) construction of the Stormwater 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 **CITY'S COVENANTS**

4.1 Approval of Plans. The City agrees that if Landowner executes this Stormwater Facilities Maintenance Agreement and if the other conditions required by the City in connection with the plans for the parking deck improvements are met and if Landowner complies with the NPDES/SDS General Stormwater Permit for Construction Activity received from the Minnesota Pollution Control Agency, the City will approve the plans for the parking deck improvements on the Landowner Property.

ARTICLE 5 **MISCELLANEOUS**

5.1 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.

5.2 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.

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

5.4 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.

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

5.6 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: CH INVER GROVE HEIGHTS MN LANDLORD, LLC
c/o CHS Inc.
5500 Cenex Drive
Inver Grove Heights, MN 55077

With Copy to: CHS Inc.
Attention: Legal Department
P.O. Box 64089
St. Paul, MN 55164-0089

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.

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:

Joe Lynch, City Administrator and Deputy Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this 10th day of June, 2019, before me a Notary Public within and for said County, personally appeared George Tourville and Joe Lynch to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Administrator and Deputy 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 Administrator and Deputy Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

Page 10

EXHIBIT A
LEGAL DESCRIPTION OF LANDOWNER PROPERTY

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

PARCEL 1:

LOT TWO (2) BLOCK TWO (2) CENEX ADDITION, EXCEPTING that part of said LOT TWO (2) BLOCK TWO (2) CENEX ADDITION which lies within the following described area:

Beginning at the most southerly and westerly corner of said Lot 2; thence North 02 degrees 03 minutes 12 seconds East, assumed bearing, along the westerly line of said Lot 2, a distance of 51.75 feet; thence South 41 degrees 29 minutes 40 seconds East 36.28 feet; thence South 85 degrees 02 minutes 31 seconds East 101.71 feet; thence South 79 degrees 19 minutes 54 seconds East 42.64 feet to the easterly line of said Lot 2, said line also being the westerly right of way line of State Trunk Highway No. 3; thence South 41 degrees 41 minutes 48 seconds West, along said westerly line of State Trunk Highway No. 3, a distance of 27.97 feet to a point of intersection with the northerly right of way line of Upper 55th Street, and said line also being the southerly line of said Lot 2; thence North 85 degrees 03 minutes 12 seconds West, along said northerly right of way line 151.09 feet to the point of beginning.

Torrens Property

EXHIBIT B
FINAL OPERATIONS & MAINTENANCE PLAN

CHS PARKING RAMP

5600 Cenex Drive
Inver Grove Heights, Minnesota

STORMWATER MANAGEMENT PLAN

City Site Plan Submittal

BWB18004

April 8, 2019



APPENDIX A:
STORMWATER MAINTENANCE PLANS AND PRACTICES

1. GENERAL

- The Owner shall inspect all Stormwater Practices every month and after all storms events greater than 1 inch for the first year of operation.
- The Owner shall inspect all Stormwater Practices at least once every year thereafter.
- The Owner shall prepare and retain written reports after each inspection and provide them to the City if requested. The reports shall include the information presented in Appendix B.
- The Owner shall perform maintenance and make repairs as soon as practical but no later than (60) days after discovery.

2. SITE HOUSEKEEPING PRACTICES

Goal:

- By practicing good housekeeping throughout the site the release of sediment, debris and hydrocarbons into the stormwater system will be minimized

Monthly Activities:

- Pick up litter and other debris and dispose of properly.
- Inspect all storm sewer inlets and remove any accumulated debris.
- Look for evidence of leaking fluids from parked vehicles. Inform owners to repair or remove.
- Minimize the use of salt and sand during winter months.
- Blow any grass clippings off drives and walks.

Semi Annual Activities:

- In autumn and spring blow leaves and sand away from parked vehicles
- Sweep drives and parking areas. Dispose of dirt and debris in a responsible manner.
- Remove inlets and inspect catchbasins. Remove any accumulated sediment or debris by hand or with a vacuum truck.

3. UNDERGROUND DETENTION INFILTRATION BASIN

Goal:

- To provide rate control and to infiltrate runoff underground.

Benchmarks for Maintenance:

- Sedimentation from contributing area collecting at inspection port locations.
- Ponding/standing water at surface lasting longer than 48 hours
- See attached literature.

MONTHLY Activities

- Remove litter and debris collecting at surface of basin.
- Visual inspection of accumulation of sediment and floatables at inspection ports.

- If sediment is accumulating at inspection ports, use vacuum truck to remove sediment at inspection ports.

ANNUAL Activities

- Visual inspections
- Ensure basin is dewatering within 2 days (48 hours).
- Rinse system, including above the spring line, after the spring thaw. If salting agents are used after Spring Thaw, rinse system again once salting agent use stops.

5. SUMP MANHOLE AND PRESERVER

Goal:

- To capture coarse sediment and prevent resuspension before it reaches underground detention infiltration basin.

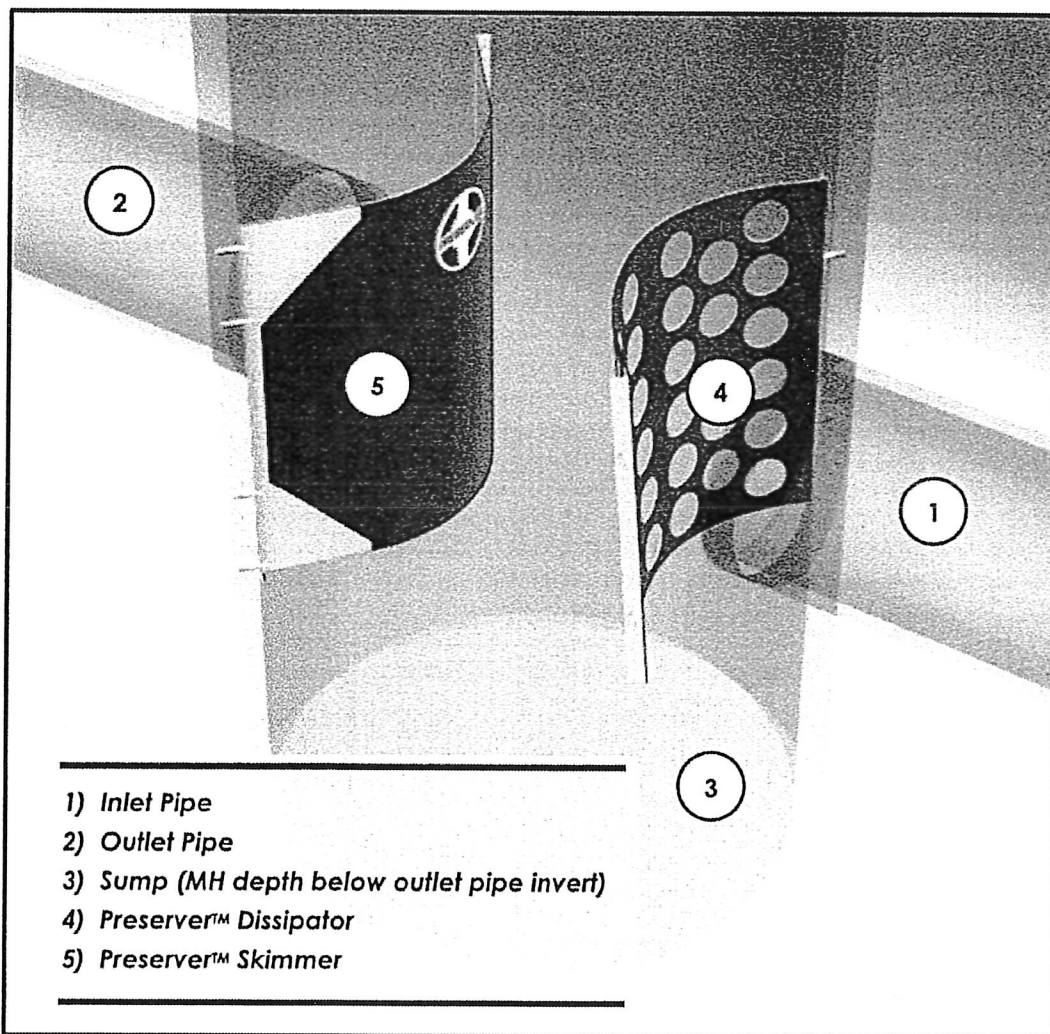
Benchmarks for Maintenance, Monthly and Annual Activities

- See attached literature.



SIMPLE • EFFECTIVE • AFFORDABLE • STORMWATER SOLUTIONS

Preserver™ Inspection & Maintenance Manual



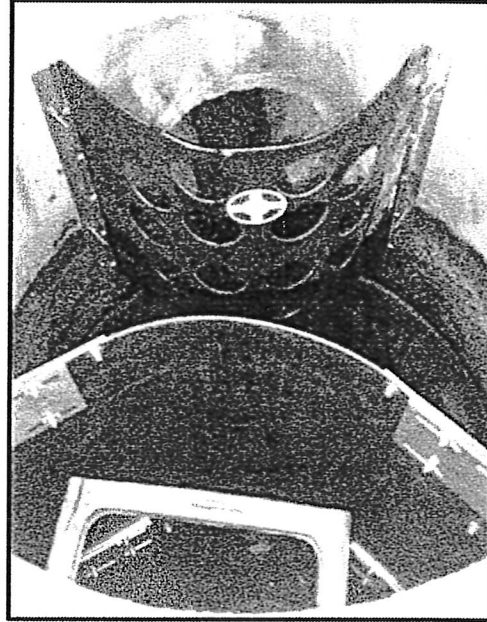
Page 1/4

www.MomentumEnv.com
(612) 710-7053

1. Inspection & Maintenance Introduction

Proper inspection and maintenance of any stormwater treatment device is critical to its performance and longevity. Keeping that unavoidable fact in mind, ease of maintenance was a key element in the design of The Preserver™. The Preserver™ components have been designed to provide ease of access, and maximize accessibility to the structure without the need for confined space entry. Inspection and maintenance can be performed quickly, easily, and inexpensively. In addition, cleanout of the structure requires little or no more than vacuuming.

Following the guidance provided in this document will help to ensure proper function and maximize the benefits provided by The Preserver™.



2. Inspection¹

Frequency

Following installation of Preserver™ components, structures should be inspected often until a maintenance frequency can be determined. At a minimum, inspections are recommended twice annually, in the Spring and Fall. Depending on your local climate, the Spring inspection should follow snowmelt, blossom/seed fall, Spring street cleaning, and will ideally occur prior to heavy rainfall. Fall inspection should follow leaf fall, Fall street cleaning, and will ideally occur prior to snow/rainfall.

Inspections are required every 3 months and after all storm events greater than 2 inches for the first year of operation.

1) An "Inspection and Maintenance Log" sheet is available for download at www.MomentumEnv.com.

Inspection Items

Noteworthy items during inspection include (but are not limited to):

- Pollutant depths²
 - Oil/floatables
 - Sediment/settleable solids
- Site conditions³
 - Stabilized
 - Construction activity
 - Equipment wash-down
 - Erosion
 - Winter sanding
- Whether maintenance/cleaning was performed
- Pollutant composition
 - Hydrocarbons
 - Oil
 - Gas
 - Grease
 - Trash
 - Organics
- Water level (below outlet invert indicates leaking)
- Structural condition
 - Casting condition
 - Chimney condition
 - Adjusting ring deterioration
 - Leaking/proper seal
 - Spalling concrete
 - Preserver™ components
 - Condition
 - Connections
 - Debris accumulation

3. Maintenance

Frequency

Annual maintenance of treatment structures is common, and is typically performed in the Fall following leaf fall and street cleaning, and ideally occurs prior to snow/rainfall. However, each site is unique, and structure-specific maintenance may be more or less frequent. The maintenance frequency should be determined as described in Section 2. At a minimum, pollutant storage volumes must not be exceeded (Section 4).

Execution^{4,5}

Structure cleanout will typically require no more than vacuuming out the water and debris contained in the structure. Water can be sprayed to dislodge and/or move debris for vacuum collection. Following cleanout, the structural condition should be determined. Any repairs determined necessary should be done as soon as possible. Contact Momentum should Preserver™ replacement parts be needed.



2) When measuring sediment depth, the tape/rod should be lowered slowly until minimal resistance is detected.

3) When noting site conditions, the entire treatment structure's drainage area should be included.

4) Collected pollutants must be disposed of properly.

5) Should physical access be determined necessary, confined space entry procedures must be followed.

4. Storage Volumes

Use the table and methodology below to determine allowable pollutant storage volumes for The Preserver™. The methodology below assumes that circular pipe and stock Preserver™ components are used – please contact Momentum if customized components or calculations are needed for your project.

Structure Diameter (ft)	Structure Footprint ¹ (sf)	Storage Volume Per Foot of Depth* (cf)	Storage Volume Per Foot of Depth ¹ (gal.)
4'	12.6	12.6	94.0
5'	19.6	19.6	146.9
6'	28.3	28.3	211.5
7'	38.5	38.5	287.9
8'	50.3	50.3	376.0
9'	63.6	63.6	475.9
10'	78.5	78.5	587.5
12'	113.1	113.1	846.0

*Adjust footprint and storage volume values accordingly for square and rectangular structures.

Cleanout depths vary according to outlet pipe diameter:

- Maximum Oil/Floatables Depth = $\frac{1}{2}$ x outlet pipe diameter
- Maximum Sediment Depth = sump depth – outlet pipe diameter

Example:

- 5' diameter structure
- 4' sump depth
- 18" outlet pipe diameter

Oil/Floatables Storage:

Maximum Oil/Floatables Depth = $\frac{1}{2}$ x 18" = 9" or 0.75'

Maximum Oil/Floatables Volume = 0.75' (max. depth) x 146.9 gal. (5' structure diameter volume/ft) = 110.2 gallons

Sediment/Settleable Solids Storage:

Maximum Sediment Depth = 4' (sump depth) – 18" (outlet pipe dia.) = 2.5'

Maximum Sediment Volume = 2.5' (max. depth) x 19.6 cf (5' structure diameter volume/ft) = 49.0 cubic feet

Appendix B				
Stormwater Facility Inspection Report				
Facility		CHS		
Address		5600 Cenex Drive, Inver Grove Heights, MN 55077		
Inspection By:				
Date:				
Stormwater Practice Inspection /Maintenance Checks				
	Practice	Maintenance Needed	Comments	Date Maintenance Completed
1	General Site House Keeping			
2	Underground Detention Infiltration Basin			
3	Sump Manhole A1			
4	Sump Manhole B1			

EXHIBIT C **ANNUAL INSPECTION FORM**

CITY OF INVER GROVE HEIGHTS NPDES INSPECTION PROGRAM					
STRUCTURE ID:		INSPECTION DATE/TIME:		INSPECTOR(S):	
LOCATION:				POND ID:	
EASEMENT					
ACCESSIBLE	Y	N			
STRUCTURES IN ESMT.	Y	N	DESCRIPTION		
TREES IN ESMT.	Y	N	LARGEST DIAMETER (INCHES)		
STRUCTURE	FES	PIPE	CB	SPCD	OTHER
ATTRIBUTES	TRASH GUARD		WEIR	SURGE BASIN	OTHER NONE
CONDITION*	ACCEPTABLE		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					
ILLICIT DISCHARGE	DATE OF LAST RAINFALL EVENT:				
ODOR	Y	N	COMMENTS:		
COLOR	Y	N	COMMENTS:		
FLOATABLES IN DISCHARGES	Y	N	COMMENTS:		
STAINS/DEPOSITS IN STRUCT.	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

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

RENEWAL OF ADVERTISING BENCH PERMITS

Meeting Date: June 10, 2019
Item Type: Consent
Contact: Heather Botten 651.450.2569
Prepared by: Heather Botten, Associate Planner
Reviewed by: Planning

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

PURPOSE/ACTION REQUESTED

Approve the renewal of 20 advertising bus benches in the City of Inver Grove Heights.

SUMMARY

Per Title 10, Section 15i of the City Code, Advertising Benches (Bus Benches) are to be renewed every 2 years. The benches located within the city are owned by National Courtesy Benches and US Bench Corporation.

There are 18 current bus benches, all located in the right of way on roadways that are used as bus routes by the regional public transit authority. Staff inspected the bus bench locations throughout the City; all the benches complied with the required criteria including the bench being neat, clean, and in a usable condition. Two new bus benches are being requested, one would be located at the SE corner of Cahill Avenue and Cheney Trail and the other at the SE corner of Mendota Road and Babcock Trail. Staff inspected the proposed locations which are along bus routes, once installed staff will inspect for code compliance. Including the two new benches the total number of bus benches will be 20, coming in just under the City's maximum limit of 21 benches.

Planning Staff: Recommends approval of the 2019-2020 bus bench permits.

Attachments: Bus bench locations
Bus routes in IGH

IGH Locations for 2019-2020 License Renewal

US Bench Corp.

54th Street @ Robert

Blaine @ 80th St.

Cahill Ave @ 80th St.

Carmen @ 65th St. – SW corner

Carmen @ 65th St. – SE Corner

Cenex Dr. @ Upper 55th St. E

Clayton @ 75th St.

Mendota Rd W. @ Robert St.

Upper 55th St. @ Robert St.

Cahill Avenue @ Cheney Trail - new

Mendota Road @ Babcock Trail – new

National Courtesy Bench

50th St. @ Robert

78th St. @ Cahill

80th St. @ Boyd

80th St. @ Cahill Ave

80th St. @ Clayton Ave

Babcock Trail @ 55th St./ Cenex

Cahill Ave @ 78th St.

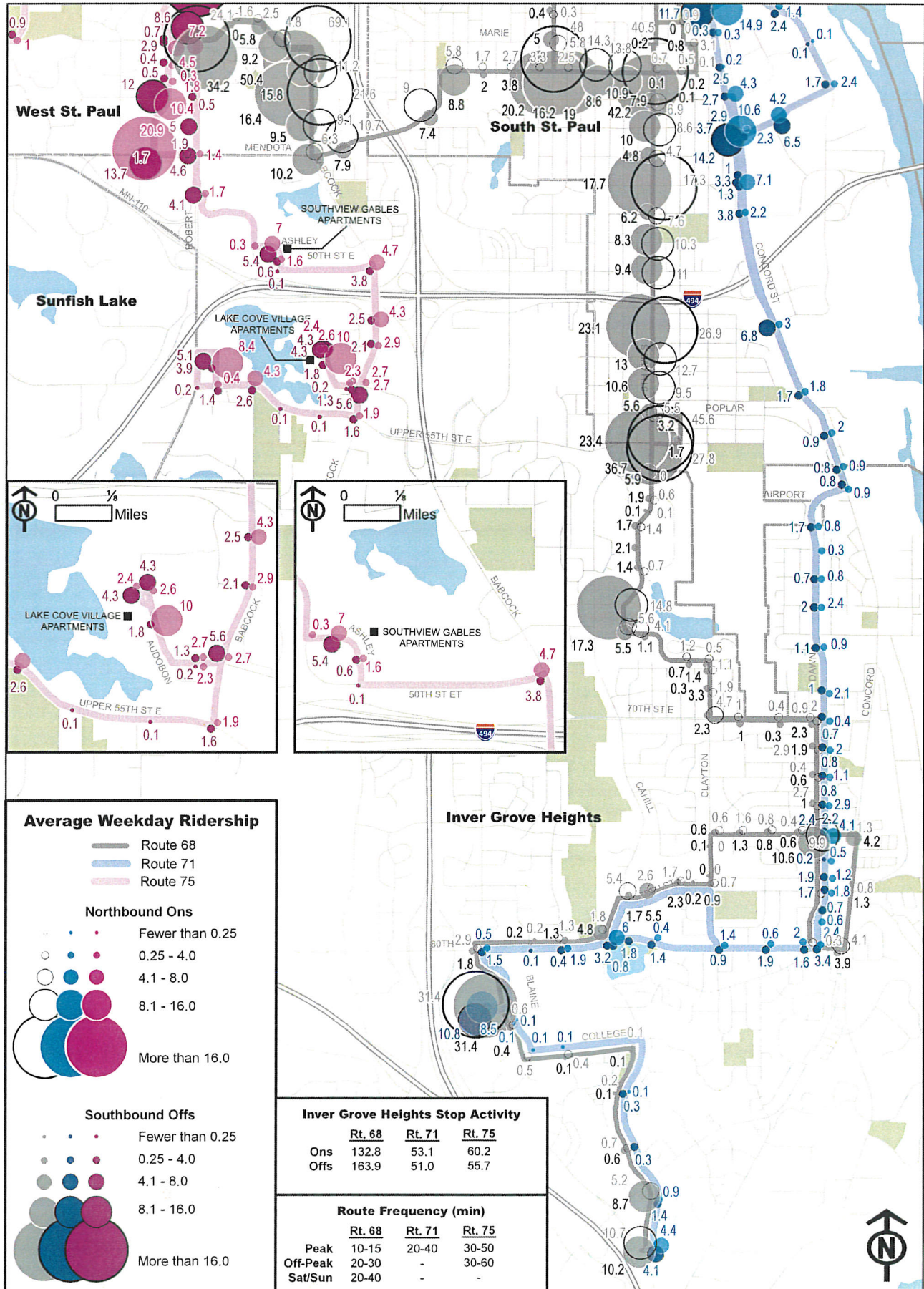
Clayton Ave @ 78th St.

College Trail @ Cahill Ave

Route 68, 71, and 75 Ridership

Inver Grove Heights

Fall 2017



CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Vansouth Limited Partnership – Case No. 19-24ZC

Meeting Date: June 10, 2019
 Item Type: Consent 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
☐	New FTE requested – N/A
☐	Other

PURPOSE/ACTION REQUESTED

Approve the following for Lot 2 in the Southridge Shopping Center:

- a) An Ordinance Rezoning Lot 2, Block 1, Home Depot of Inver Grove Heights from B-4, Shopping Center District to B-3, General Business District,
 - Requires 3/5th's vote.
- b) A Resolution approving a Conditional Use Permit for a Recreation Center located on Lot 2, Block 1, Home Depot of Inver Grove Heights
 - Requires 4/5th's vote.
 - 60-day deadline: July 5, 2019 (first 60-days)

SUMMARY

The applicant would like to lease space to the YMCA for a fitness center. The category of Recreation center includes YMCA's and fitness centers which are conditional uses in the B-3 district. The property is zoned B-4. Applicant is requesting to rezone the property to allow for the recreation center use. The applicant is also requesting a conditional use permit for a recreation center.

Salem Square Shopping Center was rezoned in 2011 from B-4 to B-3 for a use issue just like this one. In that case, the rezoning was needed to allow Pawn America to operate.

ANALYSIS

A rezoning to B-3 would still be consistent with the Comprehensive Plan designation of the property which is Regional Commercial. The B-4 performance standards are set up more to accommodate a large scale enclosed shopping mall. The existing center is not an enclosed mall and functions more like strip type center, which are typically found in B-3 districts.

There is ample parking for the proposed use. The YMCA would lease about 15,000 square feet of the area that was previously a Pep Boys business.

RECOMMENDATION

City Staff: Recommends approval of the requests as presented.

Planning Commission: Recommends approval of the requests as presented (8-0).

Attachments: Rezoning Ordinance
 Conditional Use Permit Resolution
 Planning Commission Recommendation
 Planning Report

**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. 19-24ZC
(Vansouth Limited Partnership)**

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 B-4, Shopping Center District to B-3, General Business District, to wit:

**Lot 2, Block 1, Home Depot of Inver Grove Heights, Dakota County,
Minnesota**

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

Ordinance No. _____
Page 2

publication according to law.

Enacted and ordained into an Ordinance this 10th day of June, 2019.

Ayes:
Nays:

George Tourville, Mayor

ATTEST:

Joseph Lynch, Interim Deputy Clerk

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A
RECREATION CENTER IN THE SOUTH RIDGE SHOPPING CENTER**

Case No. 19-24ZC

WHEREAS, an application for Conditional Use Permit (CUP) has been submitted for the property located at 1320-1450 Mendota Road and legally described as:

Lot 2, Block 1, Home Depot of Inver Grove Heights, according to the plat thereof, on file and of record in the Office of the Dakota County Recorder

WHEREAS, the aforescribed property is zoned B-3, General Business District;

WHEREAS, a Recreation Center is a conditional use within the B-3 district;

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

WHEREAS, a public hearing concerning the conditional use permit was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statute, Section 462.357, Subdivision 3 on June 4, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that a Conditional Use Permit to allow a Recreation Center on Lot 2 within the Southridge Shopping Center, is hereby approved subject to the following conditions:

1. The recreation center shall occupy the space labeled "YMCA" on the site plan dated May 6, 2019.

BE IT FURTHER RESOLVED that the Deputy Clerk is hereby authorized and directed to record a certified copy of this Resolution at the Dakota County Recorder's Office.

Adopted by the City Council of Inver Grove Heights this 10th day of June, 2019.

AYES:

NAYS:

ATTEST:

George Tourville, Mayor

Joseph Lynch, Interim Deputy Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: June 4, 2019

SUBJECT: **VANSOUTH LIMITED PARTNERSHIP – CASE NO. 19-24ZC**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a rezoning of the property from B-4, Shopping Center to B-3, General Business and a conditional use permit to allow a recreation center in the shopping complex, for the property located at Southridge Shopping Center. 15 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicants have been working on leasing space to the YMCA while they are looking for a new permanent location. The YMCA falls under the definition of 'Recreation Center', which is a conditional use in the B-3 district but is not allowed in the B-4 district. The applicant/owner is requesting to change the zoning of Lot 2 of the Southridge Shopping Center to B-3. The City approved a similar request for the Salem Square Shopping Center in 2011 when the center was looking to lease space to Pawn America; the center was zoned B-4 and was rezoned to B-3. The subject site does not really function as a B-4 shopping center, which is typically an enclosed shopping mall. The existing commercial strip center would better fit the traditional B-3 shopping center area. Staff recommends approval of the request.

Chair Maggi asked if there were any unintended consequences of changing the zoning on this entire section of the shopping center.

Mr. Hunting replied he was not aware of any, and he noted that the B-3 district allows more uses than the B-4 district.

Chair Maggi asked how long the YMCA planned to be at this location.

Mr. Hunting stated the applicant's initial thought was approximately three years.

Opening of Public Hearing

Katie Lowe, 7553 Alpine Court, Executive Director at the West St. Paul YMCA, advised she was available to answer any questions.

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

Ms. Lowe replied in the affirmative.

Commissioner Simon asked if they would continue the Silver and Fit programs at the temporary facility.

Ms. Lowe replied in the affirmative. She stated as long as their membership base stays the same, and people come to the classes, they will continue to offer the same activities. There are some exceptions, one being there is no pool at this location.

Commissioner Robertson asked if there would be a running track at the temporary location.

Ms. Lowe replied there would not and noted they do not have a track at their current location either.

Commissioner Scales asked where the YMCA's permanent location would be.

Ms. Lowe replied that had not yet been determined but they were committed to staying in their current service area.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Niemioja, to approve the request for a rezoning of the property from B-4, Shopping Center to B-3, General Business and a conditional use permit to allow a recreation center in the shopping complex, for the property located at Southridge Shopping Center, with the condition listed in the report.

Motion carried (8/0). This item goes to the City Council on June 10, 2019.

PLANNING REPORT

CITY OF INVER GROVE HEIGHTS

CASE NO.: 19-24ZC

HEARING DATE: June 4, 2019

APPLICANT & PROPERTY OWNER: Vansouth Limited Partnership

REQUEST: Rezoning of Property from B-4, Shopping Center District to B-3, General Business District and Conditional Use Permit for a Recreation Center

LOCATION: 1320-1450 Mendota Road (Southridge Shopping Center)

COMP PLAN: Regional Commercial

ZONING: B-4, Shopping Center District

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The owners of the Southridge Shopping Center are proposing to rezone the property from its current B-4, Shopping Center District to B-3, General Business District. The B-3 district provides for a broader list of goods and service uses than the B-4 district. The owner has been working with the YMCA of the Greater Twin Cities on leasing space in the building. A YMCA falls under the category of "Recreation Center" which is a conditional use in the B-3 district, but not allowed in the B-4 district. The definition in the zoning code is as follows:

RECREATION CENTER: Includes any one or a combination of the following: bowling alleys, billiard or pool rooms, skating rinks, dance halls, gymnasiums, YMCA, YWCA, swimming pools and fitness centers.

The applicant is also applying for a conditional use permit for a recreation center. The YMCA would occupy approximately 15,000 square feet of the main building on Lot 2.

The City approved a similar request for the Salem Square Shopping Center in 2011 when the center was looking to lease space to Pawn America. The center was zoned B-4 and the use category "pawn shops" were not an allowed use in the B-4 District. The owner had also talked to the City at different times about possible uses for the building, but the uses were not allowed in the B-4 district. It was determined at that time that the B-3 district worked best for that site based on its physical design and that more uses are allowed in the B-3 district.

SPECIFIC REQUEST

The following specific application is being requested:

- A.) A **Rezoning** of Lot 2, Block 1, Home Depot of Inver Grove Heights from B-4, Shopping Center District to B-3, General Business District.
- B.) A Conditional Use Permit to allow a Recreation Center in the Southridge Shopping Center on Lot 2, Block 1, Home Depot of Inver Grove Heights.

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

North – City of West St. Paul

East – Commercial, zoned B-4; guided Regional Commercial

West – Commercial, zoned B-3; guided Regional Commercial

South – Commercial, multiple family residential, zoned B-3, P; guided Regional Commercial,
Public/Institutional

EVALUATION OF REQUEST:

Comprehensive Plan

The site is currently guided Regional Commercial. The 2030 Comprehensive Plan identifies the Regional Commercial designation as follows:

“Regional commercial areas are lots or parcels containing large-scale retail sales and services along arterial roadways that serve the region. As the name implies, goods and services offered in such areas appeal to a wide range of consumers, many whom are willing to travel a significant distance to patronize various business establishments. Regional Commercial districts are intended for large “big box” users. These types of uses serve as anchors for other small to mid-sized commercial uses that benefit by the traffic generated by the anchors.”

The existing shopping center was constructed in 1986. The uses in the building have and do provide goods and services at a regional scale.

REZONING

The purpose statement from the ordinance for the B-4 district states:

“The B-4 shopping center district is established for large scale retail sales and services that are integrated in a single facility or multiple buildings arrangement with integrated design and a coordinated physical plan.”

The purpose statement from the ordinance for the B-3 district states:

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

Bulk Standards: The following is a summary of the bulk standards for both districts.

BULK STANDARDS	B-4	B-3	Southridge Center
Lot area	10 acres	None	10.2 acres
Lot width	None	100 feet	Over 100 feet
Front yard setback	60 feet	30 feet	90 feet
Side yard setback	60 feet	10 feet	30 feet
Rear yard setback	60 feet	30 feet	30 feet
Setbacks abutting E or R districts	100 feet	75 feet	N/A
Height (maximum)	50 feet	35 feet	20 feet
Impervious surface (maximum)	85 percent	100 percent	Approximately 85%

Many of the bulk standards established for the B-4 district assume large scale massing of a building or buildings that would have been constructed at the same time with the same architecture. The standards set up for the B-4 district appear to contemplate an enclosed multi-story shopping mall such as Southdale, Rosedale, and Ridgedale. The additional height allowed in the B-4 would allow multiple stories, where the B-3 anticipates single story. The greater setbacks required also seem to indicate the need to be further away from property lines based on the mass of an enclosed mall. The minimum lot size requirement of 10 acres also seems to assume a large scale building.

Signage standards in the B-4 district also assume larger scale buildings by allowing up to a 240 square foot sign. Signs in the B-3 district are allowed up to 100 square feet. The aggregate total square footage allowed for each property is less in the B-4 than the B-3 with the assumption that the primary signage is for the shopping center name and not individual tenants because their signage would be internal in the building and not on the exterior walls. The B-3 district allows more total signage than the B-4 in order to provide for more exterior signage for multi-tenant buildings.

Parking: The Parking Standards established in the B-4 district assume shopping centers from 400,000 square feet and up. The B-3 district assumes much smaller buildings (10,000 square feet and up). Staff has conducted a review of the existing parking to the requirements of the B-3 district and finds that a total of 388 parking spaces would be required for Lot 2. Lot 2 contains 586 existing parking spaces.

Uses: The type of uses that are allowed in the B-3, but not B-4 also look like most would not be compatible in an enclosed mall. They certainly function well in a standard multi-tenant building typically found in the B-3 district. The building is designed so that all the spaces would have their own entrance. It is not designed to have a shared common enclosed space with all store fronts facing the common space.

The design of the Southridge Shopping Center does not really fit well with the intent of the B-4 district. There are multiple other multi-tenant buildings in the city on B-3 zoned property. This is a modest sized single story building that fits the same mold as other multi-tenant or strip center commercial buildings.

CONDITIONAL USE PERMIT

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. *The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*

The use is consistent with the goals, policies, and plans of the Comprehensive Plan. A recreation center use would provide services to a wide range of customers willing to travel to patronize.

2. *The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*

The request to rezone the property would make the zoning consistent with the proposed use.

3. *The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*

The proposed addition would not have a detrimental effect on public improvements in the vicinity of the property. The use would be located within an existing building. No other improvements are necessary for the use.

4. *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.*

The proposed improvements do not appear to have any negative effects on City facilities or services. Fire, and Inspection Departments would review and approve any interior remodel building permits for code compliance.

5. *The use is generally compatible with existing and future uses of surrounding properties, including:*
 - i. *Aesthetics/exterior appearance*
No exterior change to the building.
 - ii. *Noise*
The proposed addition would not generate noises that are inconsistent with B-3 zoning.
 - iii. *Fencing, landscaping and buffering*
No exterior changes proposed.
6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

The site and building are designed with ample parking and the use would not create any traffic or access issues.

7. *The use does not have an undue adverse impact on the public health, safety or welfare.*

This use does not appear to have any negative effects on the public health, safety or welfare.

8. *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater and air quality.*

This use would not have an undue adverse impact on the environment. No changes to the property are proposed.

ALTERNATIVES

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

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

- Approval of a **Rezoning** of Lot 2, Block 1, Home Depot of Inver Grove Heights from B-4, Shopping Center District to B-3, General Business District.
- Approval of a **Conditional Use Permit Amendment** to allow a recreation center on Lot 2 subject to the following conditions:
 1. The recreation center shall occupy the space labeled "YMCA" on the site plan dated May 6, 2019.

B. Denial If the Planning Commission does not favor the proposed requests, it should be recommended for denial. A basis for the denial must be provided with a denial recommendation.

RECOMMENDATION

Staff believes this request is similar to the Salem Square request and that the site design is the same. The site is designed and functions as a B-3 type commercial property and not an enclosed mall or very large multi-building commercial development. Based on the definition of the two zoning districts and the intent of the Regional Commercial District, the rezoning to B-3 would still be consistent with the Regional Commercial land use designation. The use of the YMCA under the recreation center category does not create any conflicts with the existing shopping center. Staff recommends approval of the requests.

Attachments: Location Map
Applicant Narrative
Site Plan
Land Use Table for the B-3 and B-4 districts



Location Map

Case No. 19-24ZC



**Application by Vansouth Limited Partnership
for Rezoning and Conditional Use Permit
To Support a YMCA Fitness Facility**

May 6, 2019

The Applicant, Vansouth Limited Partnership, owns Southridge Shopping Center (the “Center”), at 1300-1450 Mendota Road East. The Center includes two separate parcels: anchor tenant Home Depot occupies the first parcel (“Lot 1”; PID 20-33400-01-010), and the balance of the shopping center, including junior anchors OfficeMax and ALDI, occupies the second parcel (“Lot 2”; PID 20-33400-01-020). Both Lot 1 and Lot 2 are currently zoned B-4 (Shopping Center District).

Applicant and YMCA of the Greater Twin Cities (“YMCA”) wish to enter into a lease for approximately 15,000 square feet of space within Lot 2 of at the Center, to be used by YMCA for a temporary (3-5 years) health and wellness facility. YMCA is closing its existing full-service facility on South Robert Street, and will construct a new facility on land it has purchased elsewhere. The YMCA will need to continue to provide an exercise and fitness facility to its members in the area during the approximately three years it will take to construct the new full-service facility, and wishes to do so at the Center.

Recent conversations with City officials indicated that YMCA might not be able to use the space at the Center because the zoning of the Center (B-4) does not allow the presence of a “Recreation Center,” which the City defines to include any YMCA and YWCA facilities, and fitness centers. City officials suggested to ask the City to change the zoning of Lot 2 of the Center from B-4 to B-3, a zoning that would allow a “Recreation Center”, and a YMCA facility, as a conditionally permitted use.

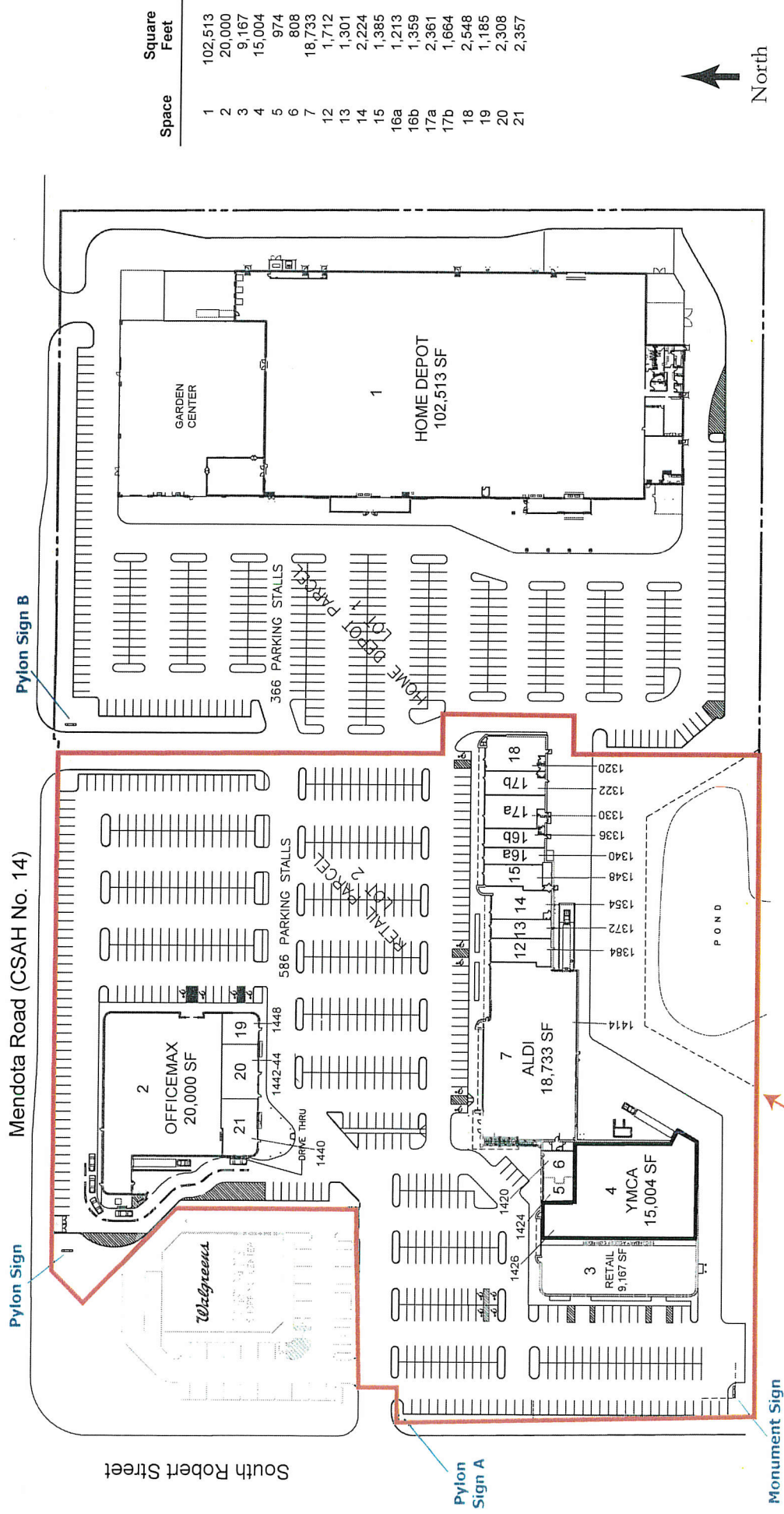
The proposed YMCA facility will not be a full-service YMCA branch, because it will offer only cardio equipment, weights and two studios for specialized training. This will allow YMCA members to be able to continue their exercise routine while the new YMCA full-service branch is being built. The YMCA considers this facility akin a “boutique” fitness center.

Therefore, Applicant respectfully requests:

- To rezone Lot 2 to the B-3 (General Business District) zoning district.
- A Conditional Use Permit to allow a YMCA “Recreation Center” use in Lot 2.

The proposed rezoning would be compatible with the surrounding land uses and zoning designations. With the exception of Lot 2, the surrounding parcels along both sides of Robert Street north of Highway 110 are all zoned B-3, including the parcel immediately adjacent to Lot 2 occupied by Walgreens. The proposed YMCA use, although of relatively short duration, would be beneficial to the community, given the YMCA’s longstanding contributions to the community health and fitness, and community-supporting activities.

Site Plan Attachment to Application for Rezoning and Conditional Use Permit



Fine Associates
 4916 IDS Center
 Minneapolis, MN 55402
 612-332-2561

Southridge Center
 Inver Grove Heights, MN

Lot 2 Boundary

May 6, 2019

10-6-2: LAND USES IN ALL NONRESIDENTIAL DISTRICTS:

P = Permitted use	
C = Conditionally permitted use	
A = Accessory use	

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
Additional building height (see section 10-5-8 of this title)	C	C	C	C	C	C	C	C	C	C	C	C
Adult uses (see chapter 15 , article F of this title)			C			C						
Airport						C						
Antennas												
Commercial (see chapter 15 , article G of this title)	A	A	A	A	A	A	A	A	A		A	A
Noncommercial (see exception in subsection 10-15G-2B of this title)	A	A	A	A	A	A	A	A	A	A	A	A
Antique shop		P	P	P								
Appliance store		P	P	P								

Barber/beauty shop	C	P	P	P	P										P	C	
Bicycle sales and repair		P	P	P	P										P	C	
Billboard (see section 10-15E-6 of this title)							C		C								
Boat and marine sales (enclosed building)			P	P	P												
Bookstore		P	P	P	P											C	
Bottling works								P									
Building materials yard			C	C	C		C										
Bus terminal			C	C	P												
Bus terminal and repair garage								P									
Business and trade school			C	C			C							C			
Car wash		P	A	A	A												
Cemetery, including mausoleum														P			
Church			C											P			
Clothing store		P	P	P	P												
Clubhouse and other golf course structures														A			

[illegible]

Laundry								P										
Liquor store		C	P	P													C	
Locksmith		P	P	P														
Manufacturing and assembly								C	C	P								
Sales and service of semitrailers, trucks and trailers, including equipment, parts and tires										A								
Marina			C					C										
Massage therapy, licensed	P	P	P	P														
Meat processing and packaging (no slaughtering permitted)										P								
Medical and dental clinics (see also "clinic (medical and dental)" in this section)	P	P	P	P										P			C	C
Medical complexes and facilities	C			C			C		P								C	C
Ministorage facilities (including caretaker quarters)			C					C										
Mortuary		P	P	P														
Motel/hotel			P	C													C	
Multiple-family dwellings when attached to business															P			
Municipal community center and recreation facilities														P				

[illegible]

[illegible]

Photography supply and processing		P	P	P															
Picture framing	P	P	P	P												C			
Places of worship			C											P					
Playhouses	C	P	P	P										P					
Post office			P	P															
Printing and publishing:						P	P	P											
<14,000 square feet floor area			P																
Private lodges and clubs		C	C											P					
Private motor fuel dispensing station (see section 10-15-23 of this title)	C					C			C				C						
Processing and treatment						C	C	C											
Professional offices, not within office building	P	P	P	P	P	A	P	A					A			C			
Public and private schools														P					
Public libraries and art galleries														P	P				
Public parks and playgrounds														P					

[illegible]

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Scott & Kristina Gorden – Case No. 19-18C

Meeting Date: June 10, 2019
Item Type: Consent Agenda
Contact: Allan Hunting 651.450.2554
Prepared by: Allan Hunting, City Planner
Reviewed by: Planning

Fiscal/FTE Impact:

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

PURPOSE/ACTION REQUESTED

Approve a **Resolution** relating to the Storm Water Facilities Maintenance Agreement for the property located at 11640 Aileron Circle.

- Requires 3/5th's vote

SUMMARY

The City Council approved a conditional use permit to exceed the maximum impervious surface allowed on a property on May 28, 2019. One of the conditions of approval is that a storm water agreement be approved and recorded against the property. The agreement was not finalized when the request was approved..

The agreement lays out the general obligations of the homeowner to maintain the proposed raingarden on the property.

RECOMMENDATION: Planning and Engineering Staff find the agreement acceptable as presented.

Attachments: Resolution approving the agreement
Storm water maintenance agreement

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

A RESOLUTION APPROVING THE STORM WATER FACILITIES MAINTENANCE
AGREEMENT FOR THE PROPERTY LOCATED AT 11640 AILERON CIRCLE

CASE NO. 19-118C
(Gorden)

WHEREAS, an application has been submitted for the property located at 11640 Aileron Circle and legally described as:

Lot 10, Block 5, Woodland Preserve, according to the recorded plat Dakota County, Minnesota.

WHEREAS, a conditional use permit (CUP) was approved on May 28, 2019 to allow impervious surface above the maximum amount but within the additional 10% of lot area allowed with a CUP;

WHEREAS, conditions of approval require the applicant to enter into an agreement with the City relating to the storm water facilities maintenance agreement prior to any work commencing on site;

WHEREAS, the agreement was not complete prior to Council approving the project on May 28, 2019 and therefore must be approved by Council on separate action;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, the storm water facilities maintenance agreement is hereby approved and the Deputy Clerk is hereby authorized and directed to record a certified copy of this Resolution at the Dakota County Recorder's Office.

Passed this 10th day of June, 2019.

AYES:

NAYS:

ATTEST:

George Tourville, Mayor

Joe Lynch, Interim Deputy Clerk

STORM WATER FACILITIES MAINTENANCE AGREEMENT
FOR
LOT 10, BLOCK 5, WOODLAND PRESERVE
DAKOTA COUNTY, MINNESOTA

THIS STORM WATER FACILITIES MAINTENANCE AGREEMENT (Agreement) is made, entered into and effective this 10th day of June, 2019, by and between the City of Inver Grove Heights, a Minnesota municipal corporation (hereafter referred to as City) and Scott D. Gorden and Kristina A. Gorden, husband and wife (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 Scott D. Gorden and Kristina A. Gorden, husband and wife, 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 plan prepared by Superior Landscape and Irrigation dated June ____, 2019 and approved by the

City Engineer on June ___, 2019. The Storm Water Facility Plan is on file with the City and attached hereto as **Exhibit B**.

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 an outdoor patio and swimming pool 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 to exceed the maximum impervious surface allowed on the Landowner Property.

Recital No. 3. The City is willing to approve the conditional use permit and plans for an outdoor patio and swimming pool area if, among other conditions imposed by the City, 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, 2019, 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 their 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 ensure that the Storm Water Facilities always remain in compliance with the Storm Water Facility Plan. 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 Landowner Property 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).
- 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.
- 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 Bioretention Basin (STM-15) dated January 2017 and the Bioretention Basin Installation Notes (STM-19) dated March 2015, both attached hereto as **Exhibit C**.
- 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 prepared an Operations & Maintenance Plan 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 D**. The Responsible Owner and the successors and assigns thereof shall be responsible for following the Operations & Maintenance Plan. The Operations & Maintenance Plan shall be on file with the City's Director of Public Works.
 - iii.) The Responsible Owner shall be required to reduce total suspended solids by 85% from pre-improvement rates and to reduce phosphorus levels by 55% from pre-improvement levels. When requested by the City, the Responsible Owner shall be required to monitor and test the stormwater discharges at the Responsible Owner's expense, to ensure compliance with these requirements. The Responsible Owner is required to install and maintain stormwater facilities that are designed to infiltrate one (1) inch of impervious surface runoff from the Landowner Property. The Responsible Owner shall provide the City with test results of the discharge on an annual basis when testing is requested. The Storm Water Facilities shall be designed to accommodate a 100-year storm event per City requirements. The Storm Water Facilities shall be designed and constructed using Dakota County LID standards.
 - iv.) The Operations & Maintenance Plan shall contain the following information:
 - Detailed inspection requirements;
 - Inspection and maintenance schedules;
 - Contact information for the Responsible Owner;

- As built plans of the Storm Water Facilities;
- The requirement for an annual report to the City to demonstrate that post construction maintenance is being accomplished per the Operations & Maintenance Plan;
- 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.

By 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 E**.

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 Conditional Use Permit. The City agrees that if Landowner executes this Storm Water Facilities Maintenance Agreement and if the other conditions set forth in the Planning Report dated May 28, 2019 and the Engineering Report dated May 1, 2019 are met, the Council will approve the conditional use permit to exceed the maximum impervious surface allowed on the property for 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:

Scott Gorden and Kristina Gorden
11640 Aileron Circle
Inver Grove Heights, MN 55077

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.

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:

Joe Lynch, City Administrator and Deputy Clerk

(CITY SEAL)

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

On this 10th day of June, 2019, before me a Notary Public within and for said County, personally appeared George Tourville and Joe Lynch to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Administrator and Deputy 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 Administrator and Deputy Clerk acknowledged said instrument to be the free act and deed of said municipality.

Notary Public

LANDOWNER:

Scott D. Gorden

Kristina A. Gorden

STATE OF MINNESOTA)
)
COUNTY OF DAKOTA) ss.

The foregoing instrument was acknowledged before me this _____ day of June, 2019, by
Scott D. Gorden and Kristina A. Gorden, husband and wife.

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 10, Block 5, Woodland Preserve, Dakota County, Minnesota.

EXHIBIT B
STORM WATER FACILITY PLAN

[to be inserted]

EXHIBIT B (CONTINUED)

STORM WATER FACILITY PLAN

RAIN GARDEN SIZING GUIDE
 Scott and Kristina Gorden
 11640 Aileron Circle

MDW
 5/15/2019

Mitigating 663 SF of Impervious Surface
 (Given Otterholt silt loam Type 'B' Soils)

Post Condition Runoff Volume (100-year)=	348 CF
Precondition Runoff Volume (100-year)=	131 CF
Volume to be treated (Cubic Feet)=	218 CF
Gallons to be treated=	1631 GAL

HydroCAD Run-off Volume Results		
(CN=98)	0.008	AF
(CN=61)	0.003	AF

3-18: 100-Year Rain Garden
 (18-inch depth dead storage, 3.0-feet Engineered Soils)

Rain Garden C (100-yr)		
Above Ground Storage Volume	1.5	feet
Engineered Soil	3	feet
Rain Garden Bottom Area	85	SF
Total Storage Vol. =	217	CF

2-18: 100-Year Rain Garden
 (18-inch depth dead storage, 2.0-feet Engineered Soils)

Rain Garden C (100-yr)		
Above Ground Storage Volume	1.5	feet
Engineered Soil	2	feet
Rain Garden Bottom Area	99	SF
Total Storage Vol. =	218	CF

1.5-18: 100-Year Rain Garden
 (18-inch depth dead storage, 1.5-feet Engineered Soils)

Rain Garden C (100-yr)		
Above Ground Storage Volume	1.5	feet
Engineered Soil	1.5	feet
Rain Garden Bottom Area	107	SF
Total Storage Vol. =	217	CF

3-12: 100-Year Rain Garden
 (12-inch depth dead storage, 3.0-feet Engineered Soils)

Rain Garden C (100-yr)		
Above Ground Storage Volume	1	feet
Engineered Soil	3	feet
Rain Garden Bottom Area	106	SF
Total Storage Vol. =	217	CF

2-12: 100-Year Rain Garden
 (12-inch depth dead storage, 2.0-feet Engineered Soils)

Rain Garden C (100-yr)		
Above Ground Storage Volume	1	feet
Engineered Soil	2	feet
Rain Garden Bottom Area	128	SF
Total Storage Vol. =	218	CF

1.5-12: 100-Year Rain Garden
 (12-inch depth dead storage, 1.5-feet Engineered Soils)

Rain Garden C (100-yr)		
Above Ground Storage Volume	1	feet
Engineered Soil	1.5	feet
Rain Garden Bottom Area	142	SF
Total Storage Vol. =	217	CF

3-9: 100-Year Rain Garden
 (9-inch depth dead storage, 3.0-feet Engineered Soils)

Rain Garden C (100-yr)		
Above Ground Storage Volume	0.75	feet
Engineered Soil	3	feet
Rain Garden Bottom Area	121	SF
Total Storage Vol. =	218	CF

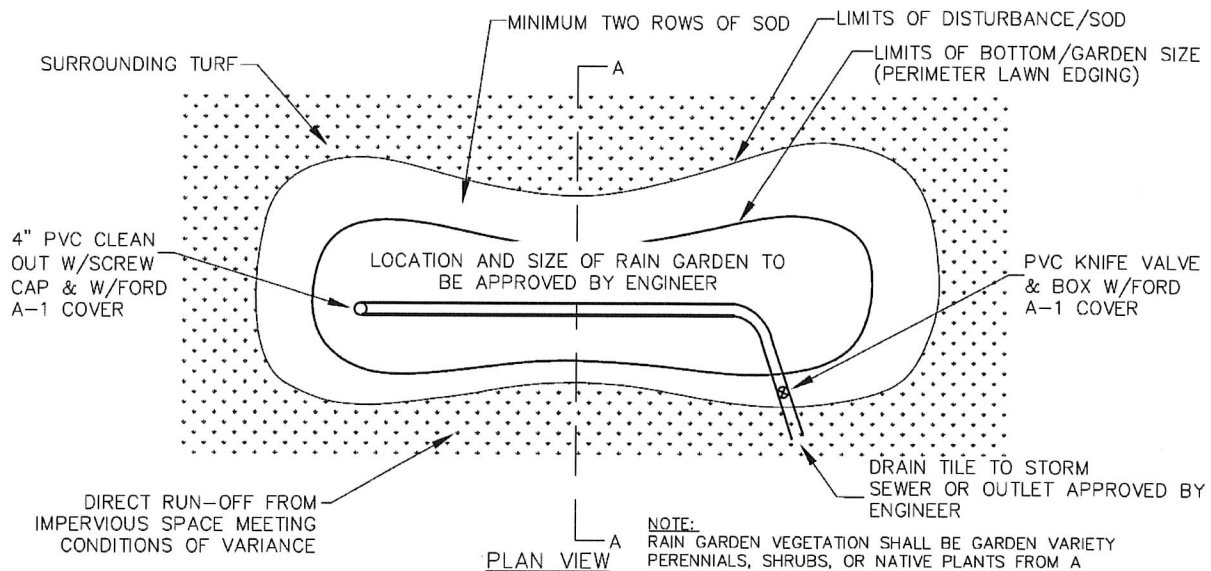
2-9: 100-Year Rain Garden
 (9-inch depth dead storage, 2.0-feet Engineered Soils)

Rain Garden C (100-yr)		
Above Ground Storage Volume	0.75	feet
Engineered Soil	2	feet
Rain Garden Bottom Area	150	SF
Total Storage Vol. =	218	CF

1.5-9: 100-Year Rain Garden
 (9-inch depth dead storage, 1.5-feet Engineered Soils)

Rain Garden C (100-yr)		
Above Ground Storage Volume	0.75	feet
Engineered Soil	1.5	feet
Rain Garden Bottom Area	170	SF
Total Storage Vol. =	217	CF

EXHIBIT C RESIDENTIAL BIORETENTION BASIN (STM-15)

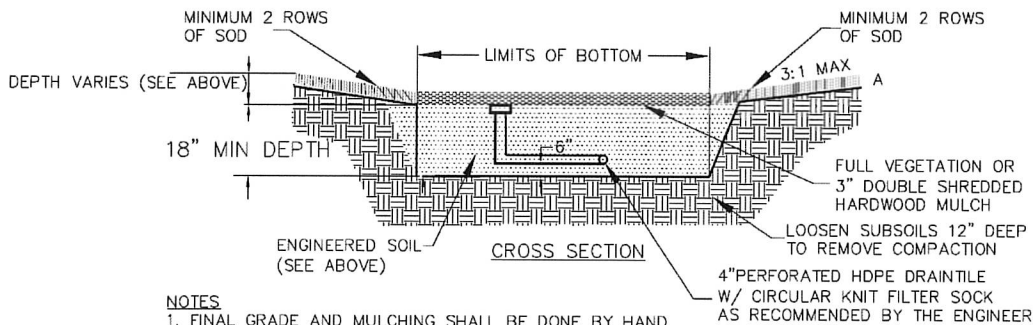


SUBSOIL TYPE	SUBSOIL TYPE	RECOM. DEPTH
A	SAND/GRAVEL	12"-18"
B	SAND WITH CLAY OR SILT	9"-12"
C	CLAY OR SILT WITH SAND	6"-9"
D	CLAYS OR SILTS	6"

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

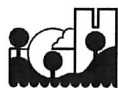
ENGINEERED SOIL (DCSWCD MIX B)
80% COARSE-WASHED SAND (MNDOT 3126)
20% LEAF-LITTER COMPOST (ORGANIC, GRADE 2, MNDOT 3890)
NO TOPSOIL OR ON-SITE SOILS MAY BE USED IN ENGINEERED SOIL MIX UNLESS APPROVED BY THE ENGINEER.
3 RING INFILTRATOR TESTING AND INFILTRATION TEST ON ENGINEERED SOILS MAY BE REQUIRED AS DIRECTED BY THE ENGINEER.

AREA OF ADDED IMPERVIOUS SURFACE AGREED TO BE TREATED (A) = _____ (SF)
VOLUME OF STORM WATER TO BE STORED (0.29 X A) = _____ (CF)



NOTES

1. FINAL GRADE AND MULCHING SHALL BE DONE BY HAND.
2. NO EQUIPMENT WILL BE ALLOWED ON THE RAIN GARDEN AFTER EXCAVATION BEGINS.
3. PERIMETER EROSION CONTROL SHALL BE INSTALLED AND REMAIN IN PLACE UNTIL TURF IS ESTABLISHED AROUND RAIN GARDEN.
4. OWNER IS RESPONSIBLE FOR NOTIFYING ENGINEER FOR INSPECTION OF RAIN GARDEN FOR
 - (1) FINALIZING RAIN GARDEN SIZE AND LOCATION.
 - (2) OBSERVATION OF EXCAVATION AND SCARIFYING OF SUBSOIL.
 - (3) APPROVAL TO BACKFILL WITH ENGINEERED SOILS.
 - (4) FINAL INSPECTION WITH MULCH AND PLANTS INSTALLED.
5. GARDEN SIZE SHALL BE IN ACCORDANCE WITH THE MINIMUM GARDEN BOTTOM SIZE CALCULATED OR 12 SQUARE FEET, WHICHEVER IS GREATER.
6. OWNER SHALL MAINTAIN PER SMFMA AND REPORT O & M ACTIVITY ANNUALLY TO CITY ENGINEER.
7. FOLLOW CURRENT DAKOTA COUNTY SWCD LID STANDARDS.



RESIDENTIAL BIORETENTION BASIN

CITY OF INVER GROVE HEIGHTS
ENGINEERING DEPARTMENT

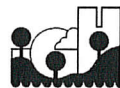
01/17

PLATE NO.
STM-15

EXHIBIT C (CONTINUED)
BIORETENTION BASIN INSTALLATION NOTES

Bioretention Installation Notes

- 1) All work must comply with Dakota County Low Impact Development Standards. (See www.dakotaswcd.org)
- 2) The City of Inver Grove Heights Engineering Division is providing quality control and field verifications of the bioretention installations. Call the Engineering Division at (651) 450-2570 to schedule a preconstruction meeting prior to any disturbance in the bioretention area. City of Inver Grove Heights Engineering Division field verification is required prior to burying any work and/or installing any concrete, mulch and/or plant materials.
- 3) The bioretention areas must be staked off and marked to keep all construction traffic, equipment and material stockpiles out of the proposed bioretention areas.
- 4) Bioretention practices shall not be excavated until the contributing drainage areas with exposed soils have been fully stabilized and bituminous base course installed on contributing pavement areas. Divert upland drainage areas to prevent runoff from entering the excavated cell or into the work area. **DO NOT** use bioretention cells as temporary sediment basins or allow construction runoff into the cell.
- 5) Deliver sample materials onsite for city of Inver Grove Heights Engineering prior approval. Prior to beginning the installation, sufficient material quantities shall be onsite to complete the installation and stabilize exposed soil areas without delay.
- 6) Care must be taken to avoid contamination of engineered soils with sediment, in-situ or topsoil during and after installation. Materials must be segregated.
- 7) Installation with dry soil conditions is critical to prevent smearing and compaction. Schedule work for periods of dry weather. Do not work if soil conditions are wet. Excavation, soil placement and rapid stabilization of perimeter slopes with turf sod must be completed before the next precipitation event. Turf sod placed in flow paths shall be secured with at least 6 stakes per square yard. Place stakes along uphill seam edges to prevent undermining flows until sod roots establish.
- 8) Do not leave infiltration areas and/or perimeter slopes exposed overnight. Secure the site from risk of precipitation damages at the end of every work day. In the event of rain, take action to divert stormwater away from the work area and temporarily cover of all exposed soils with filter fabric or impermeable sheeting.
- 9) City of Inver Grove Heights Engineering Division field observation of excavation and soil placement is required. Notify the engineering division prior to digging. Use backhoe with tooth bucket for cell excavation to avoid compacting or smearing of soils. (Do not use skid steer for excavation within the cell) Use tooth bucket to scarify (rip) underlying soils 6" to 9" deep to remove compaction. Gently mix the first lift of engineered soils with the loosened underlying soils to avoid stratification and promote permeability. Use excavator bucket to place materials. Construction equipment shall not be allowed into the basin. Leveling and final grading within the cell must be completed by hand.
- 10) The side slopes of the bioretention cell shall be 3h:1v or flatter. Lawn edging shall be installed along the outside perimeter of the cell to physically defined the limits of the bioretention cell. Lawn edging shall be securely staked per manufacturers installation requirements or 5 ft O.C. whichever is greater.
- 11) Replacement Engineered Soil shall be Minnesota Stormwater Manual 4.1.2 Mix B: Enhanced Filtration Blend (Well blended mixture of 80% ASTM C-33 Coarse Washed Sand (MnDot 3126) and 20% MnDot 3890 Grade 2 Leaf Litter Compost. The material supplier shall provide documentation that the compost has been sampled and tested as required by the Seal of Testing Assurance (STA) Program of the United States Composting Council (USCC) and a gradation sieve analysis for the washed sand. **THE ENGINEERED SOIL SHALL NOT CONTAIN ANY TOPSOIL OR FILTER AGGREGATE WITH FINES.**
- 12) Perforated under-drains shall be slotted single wall HDPE with circular knit polymeric filament filter sock per ASTM D6707-01. MnDot 3733 Type sewn seam non-woven fabric shall **NOT** be used.
- 13) Notify the City of Inver Grove Heights Engineering Division prior to placing any mulch or installing any plantings. The engineering Division shall field check elevations, soil compaction and permeability. Note: Depending on conditions observed, compaction removal by hand may be needed prior to placing mulch and/or after plantings.
- 14) Install Temporary Blocks at Curb and Gutter Openings immediately following curb installation to protect cells from sediment and/or high flow damages. Do not allow water from pavement cleaning operations or runoff from exposed soils into the cell. The Engineering Division will remove the board and stakes after field observations determine the plantings are well established and the cell is ready to accept runoff.
- 15) Installed sod and plantings require a total of 1" of water per week and active weed management until well established. Watering costs are considered incidental to sod and planting installations.
- 16) Soil certification, delivery tickets, spec sheets and plant tags shall be provided to the City.



BIORETENTION BASIN
INSTALLATION NOTES

CITY OF INVER GROVE HEIGHTS
ENGINEERING DEPARTMENT

3/15

PLATE NO.
STM-19

EXHIBIT D
OPERATIONS & MAINTENANCE PLAN

MAINTENANCE PLAN

Maintenance of the Storm Water Facilities shall be performed as outlined in Table 1.1 below to ensure healthy and functioning Storm Water Facilities conforming to the intent of the original design parameters. Maintenance shall be completed annually by September 10th. An annual inspection report shall be submitted to the City Engineering Department by December 31 of each year to demonstrate that post-construction maintenance is being accomplished per this Operations and Maintenance Plan.

TABLE 1.1 – MAINTENANCE ACTIVITIES

Maintenance Activity	Frequency	Procedure	Maintenance Done By
1. Sediment, trash and debris removal from inlet, outlets, pipes and structures.	Annually in spring and fall as needed.	Remove trash and/or debris. Pruning and weeding, mow filter strip	Landowner unless designated
2. 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	Landowner unless designated
3. Erosion repair and vegetation replacement.	Annually in spring and fall as needed.	Repair eroded areas and re-seed, re-sod, re-plant and mulch as necessary and remove dry, dead or severely diseased vegetation	Landowner unless designated
4. Mulch replacement	Every 2 to 3 years or as needed to maintain 3" to 4" depth	If applicable, add shredded hardwood mulch	Landowner
5. Watering	As needed	Provide 1 inch of water when plants show signs of stress	Landowner
6. Vegetation replacement and weeding	Annually in spring and fall	Replace dead vegetation and remove evasive or unwanted plants	Landowner
7. Clean/fix structural components	As needed per inspection	Dependent on the type of damage; repair components per manufacturer's recommendations	Landowner unless designated
8. Replacement of the Storm Water Facilities.	Storm Water Facilities failure.	The Landowner shall notify the City and make repairs within 60 days, unless otherwise approved by the City Engineer.	Landowner unless designated

EXHIBIT E
ANNUAL INSPECTION FORM

CITY OF INVER GROVE HEIGHTS NPDES INSPECTION PROGRAM

INLET / OUTLET					
STRUCTURE ID		INSPECTION DATE		INSPECTOR(S)	
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					
ILLICIT 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

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Resolution Accepting Minnesota Department of Employment and Economic Development Host Community Grant of \$415,625 and Authorizing Mayor to Execute a Grant Agreement

Meeting Date: June 10, 2019
Item Type: Consent
Prepared by: Heather Rand, Community
Development Director: 651-450-2546
Reviewed by: N/A
Contact: 651-459-2546

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 adopt the “Resolution Accepting Host Community Grant Funds of \$415,625 and Authorizing Mayor to Execute a Grant Agreement with the Minnesota Department of Employment and Economic Development (DEED)”. The grant funds will be utilized to acquire property at 6455 Doffing Ave E. and conduct the site preparation necessary for including this parcel into a master plan guided development of a city Heritage Village Park.

SUMMARY:

The city of Inver Grove Heights is currently defined by Minnesota state statute as being a host community of a landfill and as such, may apply annually to the state of MN Department of Employment & Economic Development (DEED) for a Host Community Grant that supports economic development. On May 14, 2019 the city council approved community development staff’s request to submit a Host Community Grant application that designated the use of such funds if granted as acquiring 6455 Doffing Avenue E. and related site preparation necessary for the parcel to be included into the development of Heritage Village Park per the master plan. This park development is supported by staff as an economic development driver for spurring new, private sector investment along the Concord Boulevard Corridor.

On June 5, 2019 DEED staff notified Inver Grove Heights Community Development staff that the grant request for up to \$415,625 in grant funds has been preliminarily approved and is scheduled for final approval by the state of Minnesota by the end of the month. As preparation for this, the city council is now being asked to approve a state required resolution that accepts the grant funds from the state and authorizes the mayor to execute said agreement on the behalf of the city.

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

RESOLUTION NO. _____

**RESOLUTION ACCEPTING MINNESOTA DEPARTMENT OF EMPLOYMENT AND
ECONOMIC DEVELOPMENT HOST COMMUNITY GRANT OF \$415,625 AND
AUTHORIZING MAYOR TO EXECUTE THE GRANT AGREEMENT**

WHEREAS, the City of Inver Grove Heights is a Host Community under Minnesota Statute §116J.548;

AND WHEREAS, Minnesota Host Communities may annually submit grant applications per special state legislation, to the Minnesota Department of Employment and Economic Development for economic development projects;

AND WHEREAS, the Inver Grove Heights city council authorized the formal submittal of a Host Community Grant Application to the Minnesota Department of Employment and Economic Development (DEED) on May 14, 2019 for up to \$415,625 in funds to acquire and site prepare 6455 Doffing Avenue E. for inclusion into a city Heritage Village Park as a project;

NOW, THEREFORE, BE IT RESOLVED that upon final approval of its application by the State, the city of Inver Grove Heights may enter into an agreement with the State of Minnesota for the above referenced project and that the city of Inver Grove Heights will comply with all applicable laws and regulations as stated in all contract agreements.

NOW, THEREFORE, BE IT FINALLY RESOLVED that the Mayor and the Clerk are hereby authorized to execute such agreements as are necessary to implement the project on behalf of the city of Inver Grove Heights.

Adopted by the City Council of Inver Grove Heights this _____ day of June, 2019.

Ayes:

Nays:

SIGNED:

WITNESSED:

George Tourville, Mayor

Joe Lynch, Interim City Clerk

(Date)

(Date)

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

Jeff & Christi Schadeegg – Case No. 19-22C

Meeting Date: June 10, 2019
 Item Type: Consent 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
☐	New FTE requested – N/A
☐	Other

PURPOSE/ACTION REQUESTED

Approve a Resolution for a Conditional Use Permit (CUP) to operate a beauty salon as a home occupation for property located at 8375 Cooper Way.

- Requires 4/5th's vote.
- 60-day deadline: July 5, 2019 (first 60-days)

SUMMARY

The applicant is proposing to operate a one chair beauty/barber shop in an existing portion of the house. The salon will occupy an approximate 12' by 13' room in the front of the house. Entrance would be from the front door into the salon area without entering through the home. Customer parking will be provided on the driveway. Service is by appointment only.

RECOMMENDATION

Planning Staff: Recommends approval of the request as presented.

Planning Commission: Recommended approval of the request (8-0).

Attachments: Conditional Use Permit Resolution
 Planning Commission Recommendation
 e-mail from resident
 Planning Report

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

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
A BEAUTY/BARBER SALON IN THE R-1C, SINGLE FAMILY RESIDENTIAL ZONING
DISTRICT**

CASE NO. 19-22C

Property located at 8375 Cooper Way

WHEREAS, an application for a Conditional Use Permit for a beauty/barber salon has been submitted for property legally described as Lot 4, Block 5, Sleepy Hollow;

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

WHEREAS, a beauty/barber salon is listed as a conditional use within the R-1C, Single Family Zoning District (Inver Grove Heights City Code Section 10-15-26.);

WHEREAS, in accordance with Minnesota Statutes, Section 462.357, Subdivision 3, a public hearing concerning the proposed Conditional Use Permit was held before the Inver Grove Heights Planning Commission on June 4, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that a Conditional Use Permit for a beauty/barber shop is hereby granted for the aforescribed property, subject to the following conditions:

1. The beauty/barber shop shall be developed in substantial conformance to the plans dated 5/3/19 on file with the Planning Department except as may be modified by the conditions of this permit.
2. The beauty/barber shop shall operate with only one chair being used for a customer at a time. Other seating facilities may be provided for the washing and drying of hair, for the waiting of customers and for other related needs.

3. The home occupation shall be conducted solely by a principal occupant of the premises.
4. The beauty/barber shop shall conform to City Code Section 10-15-26 regarding the regulation of home occupations.
5. No over-the-counter retail sales will be allowed. Hair care products are only to be sold incidentally to customers who are on the site for hair care appointments.
6. The applicant is required to apply for any necessary building permits for the construction of the beauty/barber shop.
7. No sign shall be allowed on the property which advertises or identifies in any way the beauty/shop.
8. The City's Code Enforcement Officer shall be granted the right of access at all reasonable times to determine compliance with the terms of this conditional use permit.

BE IT FURTHER RESOLVED that the Deputy Clerk is hereby authorized and directed to record a certified copy of this resolution at the Dakota County Recorder's Office.

Adopted by the City Council of Inver Grove Heights on this 10th day of June, 2019.

Ayes:

Nays:

ATTEST:

George Tourville, Mayor

Joseph Lynch, Interim Deputy Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights
FROM: Planning Commission
DATE: June 4, 2019
SUBJECT: **JEFF AND CHRISTIE SCHADEGG - CASE NO. 19-07SZC**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to operate a beauty salon as a home occupation, for the property located at 8375 Cooper Way. 33 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicants are proposing to operate a one chair beauty salon in an existing portion of the house located just inside the front door of the house. The business would be by appointment only and customer parking is available on their driveway. Staff finds the request to be in compliance with the conditional use and home occupation criteria and therefore recommend approval of the request with the eight conditions listed in the report.

Chair Maggi noted that the home occupation guidelines require the entrance to be through a separate door whereas the applicants are proposing to use the main door to the home.

Mr. Hunting replied that customers would be able to enter the salon area without going further into the house, so staff felt they met the criteria in this case.

Opening of Public Hearing

Jeff Schadegg, 8375 Cooper Way, advised he was available to answer any questions.

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

Mr. Schadegg replied in the affirmative.

Commissioner Simon asked the applicant if he considered installing an outside door between the steps and the edge of the front of the house.

Mr. Schadegg replied that there was not enough space to do so. He added that there is also a bay window across the front of the house. At one point in time the code required the entrance be from within the house. When the code changed it was with the idea that you did not want people going through the residence to get to the home occupation. Because of that they chose this room because clients would come in the front door and take an immediate turn into the room being used for the business.

Commissioner Simon noted that Condition 7 prohibits any signs on the property advertising or identifying a beauty shop.

Mr. Schadeegg stated he understood and explained that his wife has been in business for 45 years and is losing her lease. The customers coming to her salon would be her existing customer base that she would like to service for a couple years until she retires.

Commissioner Robertson asked if there would be any signs or salon furnishings visible in the front window.

Mr. Schadeegg replied there would be no signs, the blinds in that window were typically closed, and the salon furnishings would be on an adjacent wall and only visible from a specific angle.

Commissioner Lissarrague asked if staff was aware of any other businesses in the City with the same type of entrance.

Mr. Hunting replied that he would not know as other home occupations did not require review.

Commissioner Lissarrague asked if the neighbors had any objections.

Mr. Hunting advised that staff did not receive any objects from the 33 property owners that were notified.

John Kedrowski, 8380 Cooper Way, stated he lived directly across from the subject property and had no objections to the request.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Scales, to approve the request for a conditional use permit to operate a beauty salon as a home occupation, for the property located at 8375 Cooper Way, with the eight conditions listed in the report.

Motion carried (8/0). This item goes to City Council on June 10, 2019.

Allan Hunting

From: George Tourville <
Sent: Thursday, June 6, 2019 8:18 AM
To: Heather Botten
Cc: Heather Rand; Allan Hunting
Subject: Christi Schadegg

My Wife and I would like to be part of the file in Support of The One-chair Beauty Salon at 8375 Cooper Way that is being proposed. We do not feel that it will harm the neighborhood and or change the character of our street. We do expect all inspections and conditions to be followed for a in-home business and wish Christi the Best of Luck..! Thank you

Barb & George Tourville
8415 Cooper Way

George Tourville

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

CASE NO: 19-22C

APPLICANT: Jeff & Christi Schadeegg

PROPERTY OWNER: Jeff & Christi Schadeegg

REQUEST: Conditional Use Permit for Beauty/Barber Shop

LOCATION: 8375 Cooper Way

HEARING DATE: June 4, 2019

COMPREHENSIVE PLAN: LDR

ZONING: R-1C, Single Family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to operate a one chair beauty/barber shop in an existing portion of the house. The salon will occupy an approximate 12' by 13' room in the front of the house. Entrance would be from the front door into the salon area without entering through the home. Customer parking will be provided on the driveway. Service is by appointment only.

EVALUATION OF THE REQUEST

Conditional Use Permit

Within the R-1C district, a beauty shop is a permitted conditional use as a home occupation provided:

- It is operated solely by a principle occupant of the premises;
- The business conforms to the requirements of a Home Occupation; and
- The conditional use criteria of Section 10-3A are satisfied.

Jeff Schadeegg has stated Christi will be the sole beautician and the only employee. Regardless, a condition of the CUP should be that the business is operated solely by the principle occupant of the premises.

Home Occupations are required to meet the following: be conducted within the home itself and not within a garage or accessory building; gain entrance through a separate entrance to the principle structure; evidence of the occupation shall not be visible from the street including signs, over-the-counter retail sales shall not be involved; and demand for parking shall not exceed three parking spaces for the occupant and customers.

The floor plan shows the layout of the proposed salon. The applicant has stated that the salon is designed for only one customer at a time, and she will be the only operator.

Any sales of hair care products to the hair cutting customers is considered accessory and incidental to the beauty shop. Sales of these products are limited to the hair cutting customers only and not to be sold as general retail to off the street customers.

The entrance to the salon is at the front of the house which allows clients to entry directly from the front door without going through the home.

Section 10-3A of the Zoning Code lists criteria to be considered in all CUP requests. These criteria generally relate to Comprehensive Plan and Zoning consistency, land use impacts such as traffic, noise and aesthetics, infrastructure and City service adequacy and general public health and environmental impacts.

The proposed CUP meets the referenced criteria. The surrounding properties are all zoned R-1C and the neighborhood is built out. Traffic will not be an issue due to the limited nature of the business.

ALTERNATIVES

The following alternatives are available for action on the proposed CUP:

- A. **Approval:** If the Planning Commission finds the request acceptable, the following actions must be taken:
- Approve the **Conditional Use Permit** for a Beauty/barber shop as a home occupation in the R-1C, Single Family Residential district subject to the following conditions:
 1. The beauty/barber shop shall be developed in substantial conformance to the plans dated 5/3/19 on file with the Planning Department except as may be modified by the conditions of this permit.
 2. The beauty/barber shop shall operate with only one chair being used for a customer at a time. Other seating facilities may be provided for the washing and drying of hair, for the waiting of customers and for other related needs.
 3. The home occupation shall be conducted solely by a principal occupant of the premises.

4. The beauty/barber shop shall conform to City Code Section 10-15-26 regarding the regulation of home occupations.
5. No over-the-counter retail sales will be allowed. Hair care products are only to be sold incidentally to customers who are on the site for hair care appointments.
6. The applicant is required to apply for any necessary building permits for the construction of the beauty/barber shop.
7. No sign shall be allowed on the property which advertises or identifies in any way the beauty/shop.
8. The City's Code Enforcement Officer shall be granted the right of access at all reasonable times to determine compliance with the terms of this conditional use permit.

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

RECOMMENDATION

Based on the preceding report, the Planning Division Staff recommends Alternative A, approval of the CUP with the attached conditions.

Attachments: Site Location
Narrative
Floor Plan

May 2, 2019

To Whom it May Concern:

Subject: Request for Conditional Use Permit for a Home Beauty Salon

We are requesting a conditional use permit to operate a beauty salon in our home at 8375 Cooper Way. Christi has been a licensed cosmetologist for (43) forty-three years. She has owned and operated a salon for (38) years. The owners of the building her shop is in have decided to repurpose the building for their own company and have notified the tenants that they will not be renewing their leases. Christi's lease expires September 30, 2019. At this point in her career it is not desirable to relocate the shop, so she plans to retire, but would like to continue to provide services for her clients by working part time from home.

Our plan is to use what we call the sunroom (formal living room) at the front of the house which will allow clients to enter directly from the front door without going through the home. Clients will park in the driveway so there should be no on-street parking unless they choose not to park in the driveway. There will be no evidence that the business exists from the exterior of the residence and traffic should be minimal as services will be by appointment only.

Thank you for your consideration.

Jeff & Christi Schadeegg



CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

PERSONNEL ACTIONS

Meeting Date: June 10, 2019
 Item Type: Consent Agenda
 Contact &
 Reviewed by: Janet Shefchik, HR Manager
 Prepared by: Janet Shefchik, HR Manager

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:

St. Onge, Neal, Fire Inspector
 Gade, Marc, Information Technology Manager

Part-Time/Temporary/Seasonal Employment:**Parks/Recreation/VMCC**

Kurr, Laura, Lifeguard/Shift Lead/Swim Instructor
 Mansur, Sabrina, Kids Rock Coordinator
 DiFonso, Casey, Kids Rock Lead
 Akeman, Alexa, Kids Rock Lead
 Marion, Kayla, Kids Rock Lead
 Stickney, Laura, Kids Rock Assistant
 Sullivan, Franklin, Lifeguard
 Sullivan, Grace, Kids Rock Assistant
 Sumner, Melanie, Lifeguard
 Stellman, Michael, Parks Helper
 Stokke, Rachel, Kids Rock Assistant
 Smith, Courtney, Kids Rock Assistant
 Kluender, Augustine, Parks Seasonal

Golf

Applebaum, Sam, Golf Course Laborer
 Junker, Erin, Concessionaire
 Bartz, Ronald, Golf Course Ranger

Streets

Solheid, Matthew, Central Equipment Helper
 Tschida, Chad, Seasonal Streets Worker

Voluntary Resignations and/or Seasonal Terminations:

Albright, Ryan, Finance Intern
Burger, Danielle, Ticket Taker
Dohmen, Bradley, Guest Services Worker (VMCC position term only)
Goetti, Randy, Child Care Worker
Ista, Lynn, Park Maintenance Helper
Knapp, Tracy, Child Care Worker
Ostertag, Parker, Ticket Taker
Rank, Nathan, Lieutenant, Fire Department/Pd On-Call
Rud, Rachel, Ticket Taker/Child Care Worker
Sanchez, Isabel, Child Care Worker
Nunez, Cindy, Lifeguard
Grathen, Sawyer, Lifeguard/Swim Instructor
Montague, Sam, Lifeguard/multiple positions
Tallarini, Amelia, Lifeguard
Brooks, Christopher, Fitness Trainer
Nicholson, Brittany, Fitness Instructor

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

ATTORNEYS AT LAW

7.A.
TIMOTHY J. KUNTZ
DANIEL J. BEESON
JAY P. KARLOVICH
ANGELA M. LUTZ AMANN
KORINE L. LAND
DONALD L. HOEFT
BRIDGET McCAULEY NASON
PETER MIKHAIL
TONA T. DOVE
AARON S. PRICE
DAVID L. SIENKO
CASSANDRA C. WOLFGRAM
DEBRA M. NEWEL
CASSANDRA J. BAUSTISTA
MATTHEW K. BROKL

MEMO

TO: Inver Grove Heights Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney and Bridget Nason, Assistant City Attorney
DATE: June 6, 2019
RE: Proposed Ordinance Amendment Related to Sampling of Certain Premium Cigars and Pipe Tobacco

Section 1. Background. All retail establishments that sell cigarettes or other tobacco products within the City are required to have a retail license in order to sell these products. The City of Inver Grove Heights has delegated its tobacco licensing authority to Dakota County, which is responsible for issuing tobacco licenses for the retail sales of cigarettes and other tobacco products. While the City does not issue tobacco-related licenses, it has chosen to regulate the sampling of tobacco products, and currently prohibits the sampling of tobacco, tobacco related devices, and electronic delivery devices within the indoor area of a retail establishments, with the exception of the sampling of electronic delivery devices at four local retail establishments. A business owner has approached the City regarding the opening of a new retail establishment within the City that will sell premium cigars, defined as “[a]ny cigar that is hand-constructed, has a wrapper that is made entirely from whole tobacco leaf, has a filler and binder that is made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor, and has a wholesale price of no less than \$2” along with pipe tobacco and related accessories, with a request for an ordinance revision that would permit the samplings of premium cigars and pipe tobacco at certain retail establishments. The attached ordinance amendment revises City Code Title 4, Chapter 12, to permit the sampling of premium cigars and pipe tobacco by individuals over 21 years of age at retail establishments that sell only premium cigars and pipe tobacco, but not cigarettes or any other form of tobacco or tobacco product.

Section 2. Review of Ordinance Amendment and First Reading. The Council is asked to review the attached Ordinance Amendment and consider a first reading of the same.

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE 4,
CHAPTER 12, SECTIONS 1 AND 2 RELATED TO SAMPLING OF CIGARS**

The City Council of Inver Grove Heights does hereby ordain:

Section 1. Amendment. Inver Grove Heights City Code Title 4 Chapter 12 Section 1 (4-12-1) is hereby amended to include the following definitions:

PREMIUM CIGAR. Any cigar that is hand-constructed, has a wrapper that is made entirely from whole tobacco leaf, has a filler and binder that is made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor, and has a wholesale price of no less than \$2.

TOBACCO PRODUCTS SHOP. A retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. A tobacco products shop does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

Section 2. Amendment. Inver Grove Heights City Code Title 4 Chapter 12 Section 2 (4-12-2) is hereby amended to read as follows. The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the code:

The owner or operator of a retail establishment shall not allow the sampling of tobacco, tobacco related devices or electronic delivery devices within the indoor area of a retail establishment except for the sampling of premium cigars and pipe tobacco and electronic delivery devices only as permitted herein. The sampling of tobacco, tobacco related devices or electronic delivery devices is prohibited within the indoor area of a retail establishment except for the sampling of premium cigars and pipe tobacco and electronic delivery devices only as permitted herein.

Sampling of premium cigars and pipe tobacco may occur in a tobacco products shop subject to the following conditions:

1. The tobacco products shop must sell premium cigars.
2. In addition to premium cigars, the tobacco products shop may sell cigar accessories, pipe tobacco, or pipe tobacco accessories, but may not sell any other tobacco-related accessories.

3. The tobacco products shop may not sell cigarettes or any other form of tobacco or tobacco products other than premium cigars and pipe tobacco.
4. The tobacco products shop may not allow the sampling of cigarettes or any other tobacco or tobacco products other than premium cigars and pipe tobacco.
5. The tobacco products shop may not sell premium cigars or pipe tobacco to individuals under twenty-one (21) years of age.
6. The tobacco products shop may not allow the sampling of premium cigars or pipe tobacco by individuals under twenty-one (21) years of age.
7. No alcoholic beverages may be sold or served on the premises of the tobacco products shop.
8. Only premium cigars and pipe tobacco purchased at the tobacco products shop may be sampled on site and sampling must occur contemporaneously with the purchase for sampling of the premium cigar or pipe tobacco.

Retail establishments located within the city which permit the sampling of electronic delivery devices as of the date of adoption of this chapter may continue to allow the sampling of electronic delivery devices. The following retail establishments located within the city permit sampling as of the date of adoption of this chapter:

Vappour Shoppe, 5854 Blaine Avenue;
Inver Grove Tobacco, 6570 Cahill Avenue;
Cahill Tobacco, 7806 Cahill Avenue;
E-Puff USA, 1148 Mendota Road.

If a retail establishment listed above moves locations within the city, the retail establishment may continue to allow the sampling of electronic delivery devices at its new location; the retail establishment may not add another location in the city where sampling of electronic delivery devices is permitted.

Provided, however, if any of the above identified retail establishments sell or transfer ownership thereof or have a change in ownership where a majority of the stock membership units or interests in the entity are different than exist as of the date of adoption of this chapter, then the right to permit sampling of electronic delivery devices shall cease with respect to that retail establishment. (Ord. 1304, 11-9-2015)

Section 3. Effective Date. This Ordinance shall become effective and be in full force and effect after its adoption and publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____ 2019.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

By: _____
Joe Lynch, Interim Deputy City Clerk

INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

MARK ENGEN – CASE NO. 19-13ZA

Meeting Date: June 10, 2019
 Item Type: Regular Session
 Contact:  Heather Botten 651.450.2569
 Prepared by:  Heather Botten, Associate Planner
 Reviewed by: Planning Staff

PURPOSE/ACTION REQUESTED

Consider an Ordinance Amendment to allow indoor storage of a tree trimming and removal business in a residential district.

- Requires 3/5th's vote.

SUMMARY

The request is to amend the code to allow the indoor storage of tree trimming and removal equipment as a permitted use on an E-1, Estate Residential property. Currently the zoning code would consider this type of use a "*Contractor's shop – indoor*" which would be a permitted use in the I-1 and I-2, Industrial zoning districts. A contractor's shop is currently prohibited on residential property.

The impacts of allowing the indoor storage of tree trimming and removal equipment on residential property may be:

- Not paying fair business tax; unfair to similar businesses who operate out of an industrial district.
- There may be higher traffic volumes than a typical residential lot including possible commercial vehicles in addition to tree trimming equipment coming and going on a regular basis.
- Historically the City does not allow businesses to be located out of accessory buildings in residential areas.
- Adverse impact to the abutting properties, including noises and traffic that are inconsistent with residential uses.
- A building constructed in an industrial district requires a 100-foot setback when abutting residentially zoned property; accessory structure setbacks in the E-1 district could be as close as 10 feet. This reduced setback could adversely affect abutting properties.
- The applicant is proposing the use to be a permitted use in the E-1 district, if the direction is to allow this type of use there may be impacts to surrounding neighbors. A conditional use should be considered to require neighbor notification.

City code does allow for home occupations that comply with Section 10-15-26 of the city code, this includes requirements such as the business being engaged in only by persons residing in the subject dwelling and the home business shall be conducted entirely within the dwelling, not in attached or detached accessory structures. Examples of permitted home occupations include daycares, licensed massage therapy, beauty shop, and home offices.

Additionally, city code allows for a resident to have one commercially licensed vehicle not over one ton capacity to be parked at the residence of the owner or operator of said vehicle (Section 10-15A-3c).

RECOMMENDATION

Staff: Staff is recommending denial of the request to allow indoor storage of tree trimming and removal equipment on residential property based on: 1) the inconsistency with the policies in the Comprehensive Plan for the rural residential district, 2) home businesses are not allowed to be operated in accessory buildings, 3) the belief that commercial/industrial uses shall be located in a commercial or industrial zoning districts, 4) the potential impact to abutting properties; and 5) the concern with the amendment being misconstrued to allow landscape or other type of contractors yard businesses in accessory buildings.

If Council is supportive of the request, staff would suggest language with additional conditions and therefore would seek Council direction on how to proceed with the ordinance amendment.

Planning Commission: At the May 21, 2019 public hearing, the Planning Commission recommended approval of the ordinance amendment as a conditional use with the conditions listed in the attached staff report. Motion carried (4/1 with three abstentions – Robertson, Simon, and Lissarrague due to this being an after-the-fact request). Please refer to PC recommendation for Commission discussion.

Attachment: PC Recommendation
Planning Report

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: May 21, 2019

SUBJECT: **MARK ENGEN – CASE NO. 19-13ZA**

Reading of Notice

Commissioner Simon read the public hearing notice to consider a request for an ordinance amendment allowing contractor's shop – indoor in an E-1, Estate Residential and A, Agricultural zoning district as a conditional use. No notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the request is to amend the zoning ordinance to allow indoor storage of tree trimming and removal equipment on residential property. Currently the zoning code considers this type of use a contractor shop indoor which is a permitted use only in the I-1 and I-2 industrial zoning districts. A contractor's shop is currently prohibited in residential districts. This ordinance amendment would not allow for landscaping businesses or similar uses to fall under this category and no outdoor storage would be allowed on the residential property. If approved, should a tree trimming business be allowed as an accessory use or a conditional use? A conditional use would require neighbor notification and a public hearing. If this use is approved, staff would suggest a minimum lot size of 2.5 acres so as to minimize negative impacts to the neighboring properties. Also, what should the setback requirements be as setbacks are different in the residential and industrial districts. If this was approved it would seem reasonable to impose the same impervious surface and accessory structure size and number requirements that you would typically see in a residential district. Converting an accessory building into business storage could result in more vehicles, toys and yard equipment being parked outside. The City's comprehensive plan defines the rural density residential district as a category that features lots 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 or other related uses. There are 16 policies guiding rural districts; the ones most relevant include maintaining the rural character of established neighborhoods, discouraging non-residential and/or non-local traffic on local streets, and prohibiting commercial or industrial uses. Staff recommends denial of the request based on the inconsistency with the policies in the comprehensive plan, lack of tax base, the belief that industrial uses should be located in commercial industrial districts, and the concern of the amendment being misconstrued to allow landscape or other type of contractors yard businesses in accessory buildings. If the Planning Commission supports the request there are two options listed in the report: Option 1 is the one presented by the applicant and Option 2 is for the use to be a conditional use with the eight conditions listed.

Commissioner Kramer asked if they could look at something for this specific property rather than changing the entire zoning code.

Ms. Botten advised they could not get a variance for this as it was for a use that was not allowed on residential property.

Commissioner Simon asked if an interim use permit or conditional use permit would be possible.

Ms. Botten replied that Commissioners could recommend it be allowed by conditional use permit; however, that would open it up for all lots in that district that fit the criteria.

Commissioner Weber questioned whether they could amend the home occupation regulations to allow storage of this equipment in a detached structure versus being so specific with tree trimming.

Ms. Botten replied that would open it up to all home businesses being allowed in accessory buildings.

Commissioner Weber suggested requiring that the equipment be stored inside of the structure, it was only the landowner using it, and it was being brought offsite.

Commissioner Simon stated they would then be running a business out of the building.

Commissioner Weber stated it was common for real estate and insurance agents and other people to run their business out of their home; the only difference is they are not getting caught because they are not dragging a trailer out of their garage. He does not see any difference between Mr. Engen dragging a piece of equipment out of his garage and a homeowner dragging his boat out of his garage every day to go fishing.

Commissioner Simon stated that tree trimming would likely be heavier equipment which impacts the roads and the neighbors.

Commissioner Weber commented that many boats were heavy as well.

Commissioner Niemioja stated there would be traffic impacts also.

Commissioner Weber replied that lawyers, insurance agents, etc. operating out of their homes also generate traffic. In this case it was unlikely that customers would come to Mr. Engen's home to get their trees trimmed. He would like to find a way for this to be allowed without having to be so specific to tree trimming, because there are currently businesses being run out of homes all over the city.

Commissioner Robertson was concerned about the precedent it would set to allow a business to come in with a specific set of needs and request a zoning change specific to those needs. She suggested that more research be done before doing this for one specific occupation.

Ms. Botten clarified that home occupations are allowed in the city as long as they are conducted entirely within the dwelling and not in attached or detached accessory structures.

Commissioner Robertson stated in her opinion if the code is amended it should not be based on one specific person coming in with one specific occupation.

Opening of Public Hearing

Mark Engen, 9255 Courthouse Boulevard, advised he was available to answer any questions.

Commissioner Scales asked the applicant if he read and understood the report.

Mr. Engen replied in the affirmative. He advised that he has two lifts, weighing only 4,000-5,000 pounds. They are not just for tree trimming and often will stay offsite for a number of days. He started his business in South St. Paul and Code Enforcement said they had no issue with that as long as he kept his equipment in his garage. When he bought his home in Inver Grove Heights he was unaware of the ordinance and assumed it would be the same as South St. Paul. His lifts run off either a Honda generator (which is quiet) or lithium pack batteries, which need to be kept warm. He questioned how noise could be considered an issue since he lives across the street from the new fire station and Highway 52/55. As far as traffic is concerned, he leaves once a day and comes back once a day. He stated most of the tree companies in the area use his services as he has the only lift that can get through a 34-inch gate.

Commissioner Lissarrague asked the applicant how long he had lived in Inver Grove Heights.

Mr. Engen replied two and a half years.

Commissioner Lissarrague asked the applicant if he just found out about the code recently.

Mr. Engen replied the first time he knew of it was when the Code Enforcement Specialist saw him driving his equipment out of his driveway. He stated there were many other business owners in town storing equipment in their garages.

Vance Grannis, 9249 Barnes Way, stated the best way to rectify this situation would be to interpret the code correctly. If we were to use the interpretation as presented it would mean that if a painting contractor had a pickup truck with a couple ladders on it and some paint brushes in it parked in his garage he would be in violation of the ordinance. If we were to use staff's interpretation there would be people all over the city that would be technically in violation. The draft ordinance amendment they are proposing would allow Mr. Engen to continue his business without having to fight the battle as to all these other interpretations. The way the amendment is worded most people could not do it on their property. Mr. Engen's equipment is simply being stored in a building and removed from that building to go to somebody else's property to do the work there. He encouraged Commissioners to recommend approval of the proposed amendment and/or recommend to City Council that this not be a violation to store equipment in your garage.

Commissioner Lissarrague asked how this would have been handled when he was a Councilman.

Mr. Grannis replied that it would not have come up because they did not do silly things like this.

Grant Pylkas, 1885 – 96th Street, stated he did not know Mr. Engen but believed this whole situation was ridiculous, and that anyone so much as having a screwdriver or tool in their car and doing anything commercial in any way under this interpretation could be charged with the same violation. There is nothing illegal or immoral about a person storing a piece of equipment in his garage and it does not violate any law. Everyone in the community has at one time or another had a computer, or other instrument used in the way they make a living, in their car while it is parked in the garage. This is micromanagement. He encouraged Commissioners to pass the proposed ordinance amendment to get Mr. Engen off the hook and force City Council to review this.

Stephanie Engen, 9255 Courthouse Boulevard, stated had they known they were not allowed to keep their equipment in their garage they never would have moved from South St. Paul. They

do not have junk laying around and keep the equipment in their garage.

Commissioner Weber asked the applicant if he saw the staff conditions for Option 2.

Mr. Engen replied that he had not.

Commissioner Weber read the conditions listed in the report and asked Mr. Engen if he understood and could meet the conditions. The conditions related to a 2.5 acre minimum, inside storage only, no outdoor storage related to business, engaged only by person residing in the dwelling, no retail sales, compliance with E-1 standards for maximum amount and size of accessory buildings and impervious surface, hours of operation between 7 AM and 7 PM, and no landscaping or similar businesses allowed.

Mr. Engen replied that he could comply with all conditions.

Ms. Botten noted that at the next Planning Commission meeting Mr. Engen will be requesting a conditional use permit and variance related to impervious surface and number of accessory structures unrelated to this business.

Commissioner Weber asked if the impervious surface was added.

Ms. Botten replied in the affirmative, stating the property was in compliance prior to the Engen's purchasing the property.

Commissioner Robertson asked if the impervious surface and accessory structures they would be discussing at their next meeting was already in place, making it similar to an after-the-fact request.

Ms. Botten replied in the affirmative.

Mr. Engen explained that he replaced the existing blacktop with concrete, and filled in a small area, and was unaware he had gone over the maximum impervious allowed.

Commissioner Robertson asked the applicant at what point he became aware that it would have been wise to check with the City prior to acting on some of these things.

Mr. Engen stated he was told by some people in the concrete business that he did not need a permit to replace blacktop with concrete. He also did not realize that making a fire pit area would negatively affect his impervious surface maximum.

Commissioner Scales closed the public hearing.

Planning Commission Discussion

Commissioner Scales stated he gets uncomfortable when the City starts trying to limit small businesses, stating many of them start out of their garages. Mr. Grannis and Mr. Pylkas brought up good points in that every painter or mechanic that takes an item out of his truck would be violating the code. He would prefer to find a different way to handle this situation.

Commissioner Niemioja stated that ignorance of the code requirements is no excuse; however, she does not think storing your things is wrong. If they have to amend the ordinance she will but she does not think it's necessary.

Ms. Botten asked if Commissioners were suggesting the home occupation ordinance be amended to remove the criteria that you are not allowed to have a home business in an accessory building.

Commissioner Niemioja does not think storing a piece of a vehicle is having a home business in an accessory building.

Commissioner Scales asked how a painter parking his truck in his garage would be different from Mr. Engen's situation.

Ms. Botten stated that City Code allows residents to have one commercially licensed vehicle not over one ton parked at the residence, so that protects the painter or mechanic examples brought up earlier.

Planning Commission Recommendation

Motion by Commissioner Kramer to approve the request for an ordinance amendment to allow indoor storage of a tree trimming and removal business in an E-1, Estate Residential zoning district as a conditional use, with the conditions listed in Option 2. He also recommended that City Council consider revising this ordinance.

Commissioner Robertson noticed a bit of reticence on the part of the applicant to some of the conditions in Option 2 and questioned whether they should restate the conditions to the applicant.

Commissioner Weber stated the applicant would simply have to meet the conditions.

Second by Commissioner Weber.

Motion carried (4/1 with three abstentions – Robertson, Simon, and Lissarrague due to this being an after-the-fact request). This item goes to the City Council on June 10, 2019.

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

HEARING DATE: May 21, 2019

CASE NO: 19-13ZA

APPLICANT: Mark Engen

REQUEST: Zoning Ordinance Amendment

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The applicant has made a request to amend the zoning ordinance to allow Indoor Storage of Tree Trimming and Removal Equipment on residential property. Currently the zoning code would consider this type of use a "*Contractor's shop – indoor*" which would be a permitted use in the I-1 and I-2 zoning districts. A contractor's shop is currently prohibited on residential property.

EVALUATION OF THE REQUEST

The specific code language being requested is:

An Ordinance Amendment to allow the indoor storage of tree trimming and removal equipment as an accessory use in the E-1, Estate Residential district provided that the indoor storage of tree trimming and removal equipment may only occur on lots: 1) 2.5 acres or greater, 2) located on a service road, and 3) adjacent to a municipal public use other than a park.

ANALYSIS

The concerns and benefits of allowing the proposed use on residential property would be:

Concerns

- Not paying fair business tax; unfair to similar businesses who operate out of an industrial district.
- There may be higher traffic volumes than a typical residential lot including possible commercial vehicles in addition to tree trimming equipment coming and going on a daily basis.
- Historically the City has not wanted businesses to be located out of garages/accessory buildings in residential areas.
- Adverse impact to the abutting neighbors – noises and traffic that are inconsistent with residential uses.

Benefits

- May provide a more affordable service to local businesses and residents since there wouldn't be the overhead of renting an industrial space.

- Provides a benefit for residents who want to operate a tree trimming business out of an accessory building.

ZONING CODE REVIEW

Type of use. Currently the proposed use would be considered a contractor's shop – indoor and permitted in the industrial districts. The proposed amendment is specific to the indoor storage of tree trimming and removal equipment. This would NOT allow for landscape businesses or similar uses to fall under tree trimming and removal. No outdoor storage related to the business would be allowed on the property.

Accessory or conditional. If approved, should a tree trimming business be allowed as an accessory use? Since there may be impacts to surrounding neighbors, staff believes the adjacent lots should be notified and a hearing held to determine impacts which would then be a conditional use.

Lot size. Should there be a minimum lot size requirement? Converting or even constructing a new accessory structure for the storage of tree trimming equipment would seem to have a greater impact on surrounding properties in neighborhoods with small lot sizes. The more compact the neighborhoods, the more potential negative impacts could result. The minimum lot size in the E-1 district is 2.5 acres, if this use is approved, staff would suggest this as the minimum lot size.

Setbacks. An accessory structure in urban residential areas has setbacks of five feet side yard and eight feet rear yard. In the E-1 district (2.5 acre minimum lot size) setbacks are 10 feet for side yard and 50 feet for rear yard. Accessory structures greater than 1,000 gross square feet require 50 foot setbacks. If a building is constructed in an Industrial district that is abutting a residential district a **100-foot** setback would be required.

What about existing structures? If a large setback was required for a residential accessory building to be utilized as an indoor tree trimming business, it would more than likely need a variance as many residential accessory structures do not meet a 100 foot setback.

Impervious surface and maximum structure size. It would seem reasonable to impose the same maximum impervious surface standards and maximum number and size of accessory structures in all residential areas of the city.

Parking/ storage. Impact on garage parking spaces and storage area. Converting an accessory building into storage for a business eliminates enclosed parking spaces and storage space for the residential use. This could result in more vehicles, toys and yard equipment being parked or stored outside, on the driveway or yard. Adding more paving for parking pads next to the driveway increases impervious surface which adds a burden to the storm water system as well as aesthetic impacts for the neighborhood.

Building code. What about building code issues with the conversion of an existing or new detached accessory structure? The Chief Building official stated that if the building is open to

the public then it would require a change of occupancy. This change could include different electric, plumbing, windows/egress, and energy/insulation code requirements.

COMPREHENSIVE PLAN

The Comprehensive Plan includes the following to define the RDR, Rural Density Residential district:

“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.”

The Comprehensive Plan also identifies 16 policies that are to guide the rural districts. Below are the ones that appear to be most relevant to this request:

- “1. Maintain the rural character of established neighborhoods.”
- “3. Allow development with private, on-site utility systems. The city does not plan to extend water or sanitary sewer in to rural development areas except in cases of environmental problems with existing on-site systems.”
- “4. Create a quality living environment that is adapted to the natural environment.”
- “7. Where possible and appropriate, encourage design patterns that integrate quality environmental resources such as wetlands or mature woods.”
- “8. Discourage non-residential and/or non-local traffic on local streets.”
- “9. Limit housing to single-family, detached house capable of being supported by on-site utility systems.”
- “11. Prohibit commercial or industrial uses in residential area including home occupations that involve exterior storage such as contracting businesses.”

ALTERNATIVES

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

- A. **Approval.** If the Planning Commission finds the zoning code amendment to be acceptable, the following action should be taken:

Option 1: (presented by applicant)

- Approval of an Ordinance Amendment to allow the indoor storage of tree trimming and removal equipment as an accessory use in the E-1, Estate residential district provided: 1) the lot is 2.5 acres or greater in size, 2) located on a service road, and 3) adjacent to a municipal public use other than a park.

Option 2: (staff conditions)

- Approval of an Ordinance Amendment to allow the indoor storage of a tree trimming and removal equipment in a detached accessory building as a conditional use in the E-1 zoning district subject to the following conditions:
 - 1) The lot shall be a minimum 2.5 acres in size.
 - 2) All equipment, including trailers, shall be stored inside the building. No evidence of the business shall be visible from the street or abutting residential properties.
 - 3) No outdoor storage related to the business shall be allowed on the property.
 - 4) Engaged in only by person residing in the subject dwelling.
 - 5) On site retail sales are not permitted.
 - 6) The E-1 standards shall apply for the maximum amount and size of accessory buildings and maximum impervious surface requirements.
 - 7) Hours of operation shall be limited to 7:00 am – 7:00 pm.
 - 8) Landscape or similar businesses are not allowed in residential accessory buildings.

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

RECOMMENDATION

The Planning Commission is to make a recommendation to City Council regarding the proposed ordinance amendment which would allow the indoor storage of tree trimming and removal equipment on E-1, Estate residential property.

Staff is recommending denial of the request based on the inconsistency with the policies in the Comprehensive Plan for the rural residential district, historically home businesses have not been allowed in accessory buildings, the belief that commercial/industrial uses shall be located in a commercial or industrial zoning district, and the concern with the amendment being misconstrued to allow landscape or other type of contractors yard businesses in accessory buildings.

Attachments: Proposed Ordinance from applicant

CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. _____

*Applicant
Submitted*

AN ORDINANCE AMENDING Inver Grove Heights CITY CODE SECTION 515.80, SUBD. 16 BY
ADDING A **PERMITTED ACCESSORY USE FOR INDOOR STORAGE OF TREE TRIMMING AND
REMOVAL EQUIPMENT.**

The City Council of the City of Inver Grove Heights does hereby ordain:

Section 1. Amendment. Inver Grove Heights City Code Section 515.80, Subd. 16 is hereby amended by adding the following as a permitted accessory use on certain lots listed below:

Use	A	E-1	E-2	R-IA	R-IB	R-IC	R-2	R-3A	R-3B	R-3C	MF-MUD	MU
Indoor Storage of Tree Trimming and Removal Equipment		PA										

Provided that the Indoor Storage of Tree Trimming and Removal Equipment may only occur on lots 1) 2.5 acres or greater, 2) located on a service road, and 3) adjacent to a municipal public use other than a park.

Section 2. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this ____ day of _____, 2019.

George Tourville, Mayor

Attest:

Melissa Rheume, Deputy Clerk

** Draft
Submitted by
applicant. **

CITY OF INVER GROVE HEIGHTS

REQUEST FOR COUNCIL ACTION

WILLIAM KRECH – CASE NO. 19-07SZC

Meeting Date: June 10, 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
☐	New FTE requested – N/A
☐	Other

PURPOSE/ACTION REQUESTED

Consider the following requests for property located at 2001 120th Street;

- a) A Rezoning of the property from A, Agricultural to R-1C/PUD, Single Family Residential District.
- b) A Resolution relating to a Preliminary Plat for a single family subdivision to be known as Amberwood
- c) A Resolution relating to a Preliminary PUD Development Plan for Amberwood including the specific flexibility requests from R-1C standards.
 - All Require 3/5th's vote.
 - 60-day deadline: July 18, 2019 (second 60 days)

SUMMARY

The applicant is proposing to develop a single family project over the 11 acre parcel. At the public hearing, the applicant proposed a 26 lot development. Since the public meeting, the applicant's wetland consultant has done some additional work and discovered after the ground had thawed, that there appears to be an additional wetland on the property that would have an impact on the original plan. The wetland is located on the north end of the plat. Based on this information, the applicant has provided a revised preliminary plat with 24 lots. The two most northern lots on the west side of Azure Lane have been removed and the area would be part of the permanent open space. A full revised plan set based on 24 lots have not been submitted, nor would there be time to review before the June 10 meeting.

The applicant is requesting a Planned Unit Development type project in order to provide some flexibility in site design including; lot sizes, setbacks, tree replacement in return will provide permanent open space and preserving more of the existing trees on the site. The property is currently zoned Agricultural and will require a rezoning to R-1C, Single Family Residential/Planned Unit Development.

ANALYSIS

Rezoning:

- The requested rezoning would be consistent with the current LDR comprehensive plan designation for the property. The LDR designation density range is 1-3 units/acre. The proposed project would be 2.19 units/acre with 24 lots.

Preliminary Plat:

- The revised preliminary plat consists of 24 single family lots and two outlots. Outlot A would be for storm water purposes and Outlot B would be for the required open space and would be privately owned.

Preliminary PUD Development Plan:

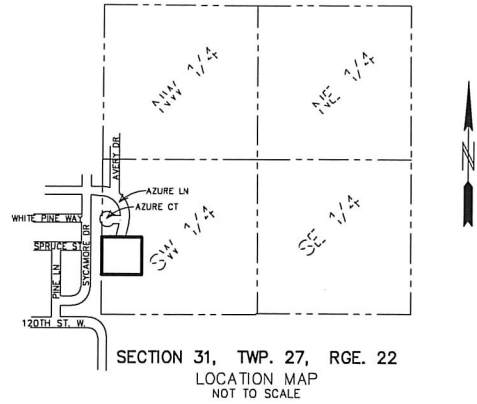
- Plan is designed with smaller lot sizes and widths. Lot sizes range from 7,162 square feet to 14,150 square feet. Lot widths would be generally 55 feet wide.
- Setbacks are proposed at 25 feet for front yard and 15 feet between buildings.
- Requesting flexibility from tree preservation minimum requirements. Based on the proposed plan, a total of 902 caliper inches are required to be replanted. The replacement plan shows 564 caliper inches. The plan is still short 338 caliper inches. ***(Since the area of disturbance would be reduced, tree removal would less, so a final replacement number would have to be determined with the final plans.)***
- Approximately 24% of the site (2.68 acres) would be preserved in open space. This also retains more existing trees than through a standard subdivision.
- Access via an extension of Azure Lane. Street stubbed to the southern boundary for future extension.
- Utilities via Eagan through the joint powers agreement.

RECOMMENDATION

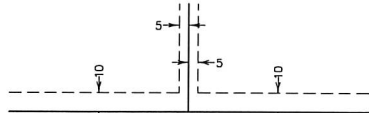
Planning Staff. Project meets technical review standards and the PUD plan utilizes smaller lot sizes and widths, reduced setbacks. The applicant is requesting flexibility from the tree preservation ordinance. City Council to determine if the project meets the intent of the criteria for a planned unit development

Planning Commission. Did not think the project was consistent with the existing character of the surrounding neighborhoods and therefore recommended denial of all requests (8-0-1).

Attachments: Revised Preliminary Plat
Memo from Wetland Consultant
Rezoning Ordinance
Resolution Approving the Preliminary Plat and Preliminary PUD Development Plan
Resolution Denying the Rezoning, Preliminary Plat and Preliminary PUD
Planning Commission Recommendation
Planning Report



DRAINAGE AND UTILITY
EASEMENTS ARE SHOWN THUS:

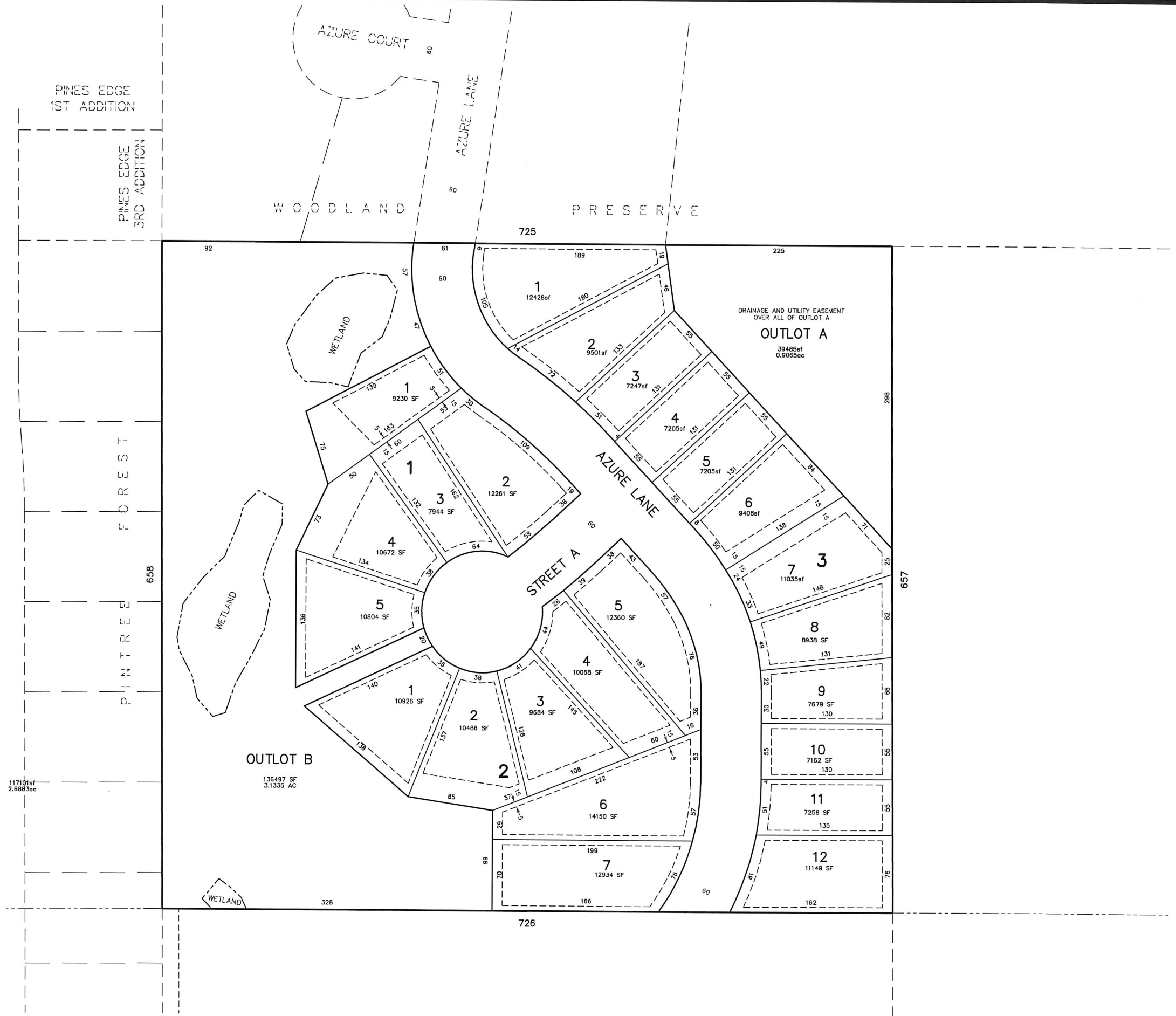
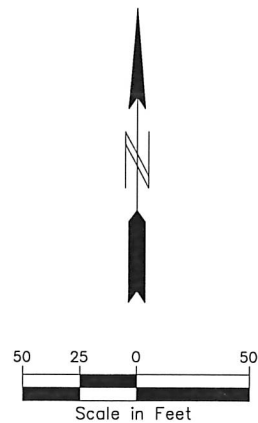


being 5 feet in width, and adjoining lot lines
unless otherwise indicated, and 10 feet in width
and adjoining street lines and rear lot lines
unless otherwise indicated on the plat.

LEGAL DESCRIPTION PER TITLE COMMITMENT

The Northwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 31,
Township 27, Range 22, Dakota County, Minnesota.

TOTAL GROSS AREA	10.95	ACRES
TOTAL LOT AREA	5.46	ACRES
NUMBER OF LOTS	24	
NUMBER OF OUTLOTS	2	
TOTAL OUTLOT AREA	4.04	ACRES
TOTAL RIGHT OF WAY AREA	1.46	ACRES
GROSS DENSITY	2.19	LOTS/ACRE



PIONEERengineering

CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

2422 Enterprise Drive
Mendota Heights, MN 55120

(651) 681-1914
Fax: 681-9488
www.pioneereng.com

I hereby certify that this plan was prepared by
me or under my direct supervision and that I
am a duly Licensed Professional Surveyor
under the laws of the State of Minnesota

Name

Peter J. Hawkinson
Peter J. Hawkinson

Reg. No.

42299

Date

3-19-2019

Revisions

1. 3-13-19 City Comments
2. 4-10-19 City Comments
3. 6-3-19 24 Lots

Date

3-19-2019

Designed

PJC

Drawn

KSO

PRELIMINARY PLAT

AMBERWOOD, LLC
5866 BLACKSHIRE PATH
INVER GROVE HEIGHTS, MN 55076

AMBERWOOD
INVER GROVE HEIGHTS, MINNESOTA

1.2 OF 12



June 3, 2019

Dick Braun
Re/Max Results
720 Main St. Suite #207
Mendota Heights, MN 55118

RE: Wetland Delineation Memo - Amberwood, Inver Grove Heights, Minnesota

Mr. Braun,

As per your request, Midwest Natural Resources, Inc. (MNR) has prepared this memo to describe the current wetland conditions within the proposed Amberwood development which is located in Inver Grove Heights, Minnesota (Dakota County). On May 21st, 2019 MNR conducted a routine wetland delineation of the subject property to determine current wetland boundaries on-site. In all, three wetlands were delineated including a small part of a Type 2, Fresh Wet Meadow (Wetland A) that extends off-site to the south as well as two Type 7, Wooded Swamps (Wetlands B and C). Attached with this memo is a wetland figure that depicts the wetland boundaries that were delineated on May 21st.

It was noted during the site visit on May 21st that Wetlands B and C appear to be inundated with standing water well above the normal wetland boundary. Observation of white avens (*Geum canadense*) at the herbaceous layer and common buckthorn (*Rhamnus cathartica*) at the shrub layer, both facultative wetland plants that occur in wetlands 50% of the time, were seen growing under several inches of standing water. Typically these plants are found growing along the edges of wetlands and never within a wetland under standing water.



Photo left: Area of Wetland C with common buckthorn in foreground growing with several inches of standing water throughout the shrub layer. This above normal level of standing water was also typical within Wetland B.

To provide context to the above normal water levels that were observed in Wetlands B and C, recent precipitation data was reviewed from the Minnesota State Climatology Office (DNR Division of Ecological and Water Resources). The following data is the estimated precipitation total for the three previous months from the survey date. All three months (February, March and April) were considered wet months.

Values are in inches

A 'R' following a monthly total indicates a provisional value derived from [radar-based estimates](#).

	first prior month: April 2019	second prior month: March 2019	third prior month: February 2019
estimated precipitation total for this location:	4.39R	2.13R	2.84R
type of month: dry normal wet	wet	wet	wet
monthly score	3 * 3 = 9	2 * 3 = 6	1 * 3 = 3
multi-month score:	18 (Wet)		
6 to 9 (dry) 10 to 14 (normal) 15 to 18 (wet)			

In addition to the above mentioned precipitation data, other recent climate data was reviewed from a National Weather Service Reporting Station (Inver Grove Heights 3.4 SSW weather station) located a half of a mile to the northeast of the proposed Amberwood development in Inver Grove Heights. During the first 20 days of May, 4.47" of precipitation was recorded at this weather station which would be considered a wetter than normal month of precipitation when compared to past precipitation levels during the month of May. In addition to the higher than normal rain precipitation levels received in the general area, during February over 30" of snow was recorded at several weather stations nearby. This excessive snow fall amount help contribute to the above normal water levels observed in Wetlands B and C at the time of the survey. Between the wetter than normal rain and snow precipitation from the three previous months leading up to the delineation it would be expected to see the higher than normal levels of standing water in these two wetlands.

At this point we are considering waiting to let the standing water continue to recede to normal levels before requesting a site visit with the LGU and the other members of the Technical Evaluation Panel who will visit the site to concur with the delineated boundaries. The delineated wetland boundaries may be adjusted prior to the submittal of the delineation report which will be updated on the wetland figure attached with this memo.

We hope this wetland delineation memo is able to give context to the current site conditions in relation to the wetland delineation that was conducted on-site in late May. At some point in the coming weeks an official wetland delineation report will be submitted to the LGU and Army Corps of Engineers for review and approval of wetland type and boundary of each wetland area that was delineated. Please feel free to contact me, with any questions you may have regarding this memo.

Respectfully submitted,
Midwest Natural Resources, Inc.



Ken Arndt
Sr. Forest Ecologist
Certified Wetland Delineator #1247



Delineated Wetlands
Amberwood
Inver Grove Heights, MN

Figure 5

**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. 19-07SZC
(William Krech)**

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 R-1C/Single Family Planned Unit Development to wit:

**The Northwest $\frac{1}{4}$ of the Southwest Quarter of the Southwest Quarter of
Section 31, Township 27, Range 22 West.**

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 10th day of June, 2019.

Ayes:

Nays:

George Tourville, Mayor

ATTEST:

Joseph Lynch, Interim Deputy Clerk

APPROVAL RESOLUTION

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

RESOLUTION NO. _____

**A RESOLUTION APPROVING A PRELIMINARY PLAT AND PRELIMINARY PUD
DEVELOPMENT PLAN CONSISTING OF 24 SINGLE FAMILY LOTS AND TWO (2)
OUTLOTS FOR THE PLANNED DEVELOPMENT TO BE KNOWN AS AMBERWOOD**

CASE NO. 19-07SZC

WHEREAS, a preliminary plat and preliminary PUD development plan application has been submitted to the City for property legally described as;

**The Northwest ¼ of the Southwest Quarter of the Southwest Quarter of Section 31,
Township 27, Range 22 West**

WHEREAS, a public hearing concerning the preliminary plat and preliminary PUD development plan was held before the Inver Grove Heights Planning Commission in accordance with Minnesota Statutes, Section 462.357, Subdivision 3 on April 19, 2019;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS that, the Preliminary Plat and Preliminary PUD development plan for the planned development of Amberwood is hereby approved subject to the following conditions:

1. The final plat and accompanying site plans shall be in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Cover Sheet	4/10/19
Preliminary Plat	6/3/19
Preliminary Grading Plan	4/10/19
Preliminary Erosion Control Plan	4/10/19
Preliminary Sanitary & Watermain/Site Plan	4/10/19
Preliminary Storm Sewer Plan	4/10/19
Preliminary Street Plan (2 sheets)	4/10/19
Preliminary Landscape Plan	3/14/19
Tree Preservation Plan (2 sheets)	4/10/19

2. The PUD shall be approved with the following specific standards:
 - a. Structure setbacks allowed per table shown on the Preliminary Site Plan and Grading Plan.
 - b. Reduced lot size and width as shown on the Preliminary Plat.
 - c. Tree replacement shall be consistent with the Landscape Plan.
 - d. Impervious surface allowed per lot as identified on the table shown on the Cover Sheet for the preliminary plans.
3. Prior to final plat and plan approval, the final grading, drainage and erosion control, and utility plans shall be approved by the Director of Public Works.
4. Drainage and utility easements shall be provided on the final plat as required by the Director of Public Works.
5. Park dedication shall consist of a cash contribution in the amount of the rates in effect at the time the final plat is approved and shall also comply with the dedication requirements of the joint powers agreement.
6. All plans shall be subject to the review and approval of the Fire Marshal.
7. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Owner shall execute a Storm Water Facilities Maintenance Agreement with the City whereby the developer shall be responsible for the maintenance of storm water improvements on such lots.
8. The developer shall be responsible to insure Outlot B remains in open space and is controlled by the homeowner's association. A conservation easement shall be placed over the easement to restrict use and restrict cutting of vegetation. It shall remain in its present state. The easement would be part of the improvement agreements for the final plans.
9. The Developer and Owner shall execute an Acknowledgement of Planned Unit Development Zoning. This Acknowledgement shall state that property within the plat is subject to the approved PUD plans and PUD zoning and that the development on the property must conform to the PUD plans and PUD zoning. This Acknowledgement shall be recorded when the plat is recorded.
10. The Developer and Owner shall enter into a Development Contract with the City. The form of Development Contract shall substantially comply with the model Development Contract which is part of the Administrative Code, taking into account the requirements of the Planned Unit Development plans.
11. The approved plans shall be subject to the conditions of the Inver Grove Heights/Eagan joint powers agreement.

Resolution No. _____

Page 3

Passed this 10th day of June, 2019.

AYES:

NAYS:

George Tourville, Mayor

ATTEST:

Joseph Lynch, Deputy Clerk

DENIAL RESOLUTION

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

RESOLUTION NO. _____

RESOLUTION DENYING THE REQUEST FOR 1) A REZONING FROM A, AGRICULTURAL TO R-1C/PUD, SINGLE FAMILY PLANNED UNIT DEVELOPMENT, 2) A PRELIMINARY PLAT AND PRELIMINARY PUD FOR A SINGLE FAMILY DEVELOPMENT

**CASE NO. 19-07SZC
(William D. Krech)**

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

**The Northwest ¼ of the Southwest Quarter of the Southwest Quarter of Section 31,
Township 27, Range 22 West.**

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 April 16, 2019;

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INVER GROVE HEIGHTS, that the request for a rezoning and preliminary plat/PUD is hereby denied based on the following findings of fact:

1. The design of the plat was found to be inconsistent with the character of the neighborhood.
2. The lot sizes proposed were a significant departure from those to the north.
3. The requested flexibility for a number of items built into the plan was also a significant departure from the surrounding area.

Resolution No. _____

Page 2

Adopted by the City Council of Inver Grove Heights this 10th day of June, 2019.

George Tourville, Mayor

Ayes:

Nays:

ATTEST:

Joseph Lynch, Interim Deputy Clerk

**RECOMMENDATION TO
CITY OF INVER GROVE HEIGHTS**

TO: Mayor and City Council of Inver Grove Heights

FROM: Planning Commission

DATE: April 16, 2019

SUBJECT: **WILLIAM D. KRECH – CASE NO. 19-07SZC**

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a preliminary plat and preliminary PUD for a 26-lot subdivision and a rezoning of the property from A, Agricultural to R-1C/PUD, Single-family, for the property located at 2001 – 120th Street. 51 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the subject property is in the southwest corner of the City. The applicant is proposing to develop a 26-lot single-family project on the 11-acre parcel. The request is for a rezoning to R-1C/PUD, a preliminary plat, and a preliminary PUD. Staff compared the proposed density to the R-1C standards and the Low-Density Residential category of the comprehensive plan. If you take out the streets, the net area is 9.49 acres. Using the R-1C 12,000-square foot minimum lot size, the theoretical maximum would be 34 units whereas the applicants are proposing 26. Using the LDR standards of 1-3 units per acre, the 9.49-acre parcel would allow 28 units whereas 26 are being proposed. The applicants are preserving some open space and are proposing lot sizes ranging from 7,162 square feet to 14,130 square feet in size, with the smallest lot width being 55 feet. These lots would be comparable to those approved in the Northwest Area. The applicant is requesting flexibility from setback standards to allow a 25-foot front and corner setback whereas 30 feet is required, and a 15-foot separation between buildings whereas 20 feet is required. The site is heavily wooded. The applicant plans to remove 56% of the trees. A total of 902 caliper inches are required to be replanted. The applicant is proposing to replace 564 caliper inches, which leave the plan short 338 caliper inches. The applicant is requesting flexibility so that the required planting does not crowd out the lots and kill the trees. The applicant must pay both Eagan and Inver Grove Heights park dedication fees. The project is proposing to extend Azure Lane to the southern boundary for future connection that will ultimately connect to an extension of 120th Street in Eagan and Rosemount. There will be one cul-de-sac on the west side. Concerns have been raised regarding additional traffic volumes on the local streets with this project. There are currently 11 homes that have driveways on Azure. The addition of the 26 proposed homes would equal 37 driveways. Based on the 11 existing driveways on Azure Lane and the proposed 26, staff believes there would be about 370 vehicle trips per day on Azure that could funnel out to the different streets. According to the City Engineer, a typical residential local street is designed for between 3,000 to 5,000 vehicle trips per day; therefore, the addition of 26 homes should not overburden the street system. The plan identifies two potential wetlands. Since both are in an outlot, the wetlands would not be impacted. Mr. Hunting advised that Condition 2(d) can be stricken as it does not apply. Commissioners were provided electronic and hard copies of emails received from neighbors.

Chair Maggi asked staff to point out the adjacent neighborhoods and lot sizes.

Recommendation to City Council

April 16, 2019

Page 2

Mr. Hunting stated that the properties to the east are larger lots, the parcel to the south is about 11 acres, and the properties to the north are zoned R-1C but average about 20,000 square feet in size.

Commissioner Lissarrague asked how a person would get from the subject parcel to Highway 3 or Cliff Road.

Mr. Hunting showed the various available routes using a diagram.

Commissioner Wippermann asked which city (Eagan or Inver Grove Heights) would review this to make sure there is an adequate water supply and sewer capability to serve the proposed development, as well as existing properties.

Mr. Hunting replied that Eagan would review the utilities as they were calculating utility connection fees; however, they had already determined they had the capacity to address utility needs per R-1C standards.

Chair Maggi questioned how wide the driveway could be if the lot was only 35 feet.

Mr. Hunting replied 25 feet as it must have at least a 5-foot setback on either side.

Chair Maggi asked what the standard two-car driveway width was.

Mr. Hunting replied 18-20 feet.

Chair Maggi asked if the Planning Commission would be approving exact numbers with this PUD or whether the applicant had the flexibility to change the setbacks.

Mr. Hunting replied that the Commission would be approving the exact numbers listed in the report.

Commissioner Simon noted that the proposed lot sizes were as small as 7,162 square feet, far below the 12,000 square foot minimum R-1C standards. She asked for clarification that they would be allowed up to 40% impervious surface.

Mr. Hunting replied in the affirmative.

Chair Maggi asked if individual lot owners could request a variance on top of that.

Mr. Hunting replied they had the ability to request a conditional use permit for an additional 10%, just as any other lot owner.

Commissioner Weber asked if setbacks were measured from the building pad or the roof overhang.

Mr. Hunting replied that setbacks were measured from the exterior vertical wall.

Recommendation to City Council

April 16, 2019

Page 3

Commissioner Robertson asked how wide a typical overhang would be.

Mr. Hunting replied 2-3 feet.

Commissioner Wippermann asked what the gap was on the preliminary plat between Lot 7, Block 1 and Lot 1, Block 2.

Mr. Hunting replied it was an access to Outlot B.

Commissioner Niemioja asked if the City needed access to Outlot B.

Mr. Hunting replied the City did not need access to Outlot B as it was a private outlot.

Commissioner Weber asked if the proposed streets were public or private.

Mr. Hunting replied public.

Commissioner Simon asked if homeowners could request to have more than 40% impervious surface.

Mr. Hunting replied in the affirmative, stating they could request a conditional use permit to allow an additional 10%; anything above that would require a variance. Any impervious surface over what is proposed would require additional stormwater treatment.

Commissioner Lissarrague asked what the average lot size was in the adjacent development.

Mr. Hunting replied approximately 20,000 square feet.

Opening of Public Hearing

Dick Braun, Sunfish Lake, representing Amberwood Development, advised that regarding the previous question about capacity, the Eagan City Engineer confirmed they had the capacity to supply services for this site through the City of Eagan.

Chair Maggi asked Mr. Braun if he read and understood the report.

Mr. Braun replied in the affirmative.

Commissioner Niemioja asked if the developer planned to do anything with Outlot B other than keep it as open space.

Mr. Braun replied they did not.

Commissioner Niemioja asked if ownership of the outlots would transfer to the homeowners once all lots were sold.

Mr. Braun replied that it would be a divided interest amongst the 26 individual owners.

Recommendation to City Council

April 16, 2019

Page 4

Commissioner Robertson asked if there was a way to reconfigure the plat to have more equitably sized lots that meet the 12,000 square foot minimum.

Mr. Braun replied that their original plat was a 22-lot development, but it was later changed as 95% of the trees would have to be removed. Because there were so many high-quality trees on this parcel, they decided to go in a different direction and changed the plat to the one being proposed.

Chair Maggi asked how large the house pads were.

Mr. Braun replied that he believed they were 40' x 69'.

Chair Maggi asked what the smallest lot width was on the proposed plat.

Paul Cherney, Pioneer Engineering, replied 55 feet.

Commissioner Robertson asked how much separation there would be between buildings.

Mr. Braun replied 15 feet.

Chair Maggi asked for an explanation of the relationship between the applicant and the trust.

Mr. Braun explained that the property is owned by the trust until such time as the development is fully approved.

Chair Maggi asked staff to confirm that the PUD would stay with the land.

Mr. Hunting replied in the affirmative.

Mr. Braun showed a rendering of examples of proposed homes for the site.

Commissioner Niemioja asked if they were proposing primarily two-car garage homes.

Mr. Braun replied in the affirmative, stating some lots may offer a three-car garage.

Commissioner Niemioja asked if they planned to market to older empty-nesters.

Mr. Braun stated that is primarily who they anticipate purchasing this type of product.

Commissioner Niemioja asked if this neighborhood would have an age restriction.

Mr. Braun replied it would not.

Commissioner Wippermann asked if the proposed homes had basements.

Mr. Braun replied in the affirmative, stating there were 13 walkout lots, 8 lookout lots, and 5 flat

Recommendation to City Council

April 16, 2019

Page 5

lots which could have full basements or be slab-on-grade.

Chair Maggi explained that the Planning Commission is an advisory commission whose purview is land use, not financials, etc. At the end of the public hearing they will make a recommendation to City Council, who has a much broader purview.

Prasantha Wells, 11687 Azure Lane, stated she lived on the corner lot abutting the north end of the proposed development. She researched the City's Planning and Zoning webpage and the 2040 Comprehensive Plan and quoted several statements, including that the focus is to provide the orderly development and redevelopment of the City and that the Comprehensive Plan actively plans for the future so that the physical form of the community represents what the community wants to be rather than a reaction to trends and patterns resulting from outside forces. She was opposed to the request, stating in reviewing this request they should look at not only the technical zoning requirements for the land itself, but also at the impact to the adjacent areas and the overall look and feel of the development in conjunction with those adjacent areas. She stated there was a vast difference between what is being proposed and what already exists in Woodland Preserve and Broadmoor and that should be taken into consideration so as to remain consistent with the comprehensive plan and zoning ordinances. What is being proposed would ultimately look like an unplanned single neighborhood development. One of the comprehensive plan policies for an established development area is to ensure that the new development areas are compatible in size and scale with existing adjacent neighborhoods; however, the look and feel of the houses, reduced lot sizes and setbacks, as well as the two-car garages make it apparent that this new development area will not be compatible with the existing adjacent neighborhood. The comprehensive plan also states that appropriate buffers should be provided to accommodate the range of housing types. The proposed plat is much denser than the adjacent neighborhoods to the north, and has a different housing type, but yet no buffer is proposed to demarcate the difference in the neighborhoods. She advised that the lot immediately behind her home would face a different direction than hers and she would be looking at the side of a house. City ordinances also state there should be a planted screened easement in the Amberwood Development of sufficient depth to provide an appropriate buffer across which there should be no right of access between the northernmost lots and those of Woodland Preserve. Ordinances require that the perimeter of a PUD be designed to minimize the impact of the development on surrounding areas. In her opinion what is being proposed would negatively impact her neighborhood. She is concerned about the variances being requested, the lack of a buffer, and the inconsistency with the adjacent neighborhoods.

Commissioner Simon asked Ms. Wells what the distance was between her home and the rear property line.

Ms. Wells replied that her home was 50 feet from the rear property line and would result in an odd transition as her home faces a different direction than the proposed home next to her.

Commissioner Robertson asked Ms. Wells what the undesirable impacts were that she previously mentioned.

Ms. Wells replied having neighborhoods that do not transition well into other housing types.

Recommendation to City Council

April 16, 2019

Page 6

Commissioner Lissarrague stated the proposed lots were not consistent with the character of the existing neighborhood.

Ms. Wells stated another impact to her neighborhood was that the trees to be retained bordered the Eagan side of the development rather than the Woodland Preserve.

Commissioner Robertson asked the developer if the intent was to remove the trees across the back yard of Ms. Wells' home.

Mr. Braun replied in the affirmative, stating they would then add some trees back in. The side yard setback of the northernmost home was 15' and they plan to plant a row of 8'–14' trees.

Commissioner Scales stated he gets concerned when they talk about buffer zones because years ago the owners of the 5 and 10 acre lots in this neighborhood may have had similar comments when the Woodland Preserve development was proposed. He is more concerned about zoning standards and what fits with the neighborhood. If it fits the land use criteria, he thinks they would have a hard time denying the request.

Commissioner Niemioja advised Ms. Wells that the comprehensive plan can be continuously amended and revised, but stated she understood many of her arguments. She asked if there was a monument into Woodland Preserve designating the neighborhood.

Unknown person stated there was no monument sign for Woodland Preserve.

Jeff Halvorson, 4858 Sycamore Drive, Eagan, stated he lived west of the proposed development and was representing some of his neighbors as well. He stated he appreciated the proposed tree buffer between his home and the proposed development. His main concern, other than finances and density, was the additional impervious surface. He advised there is currently a lot of standing water on the subject property which often channels into Eagan. Adding more impervious surface would likely only worsen the problem.

Commissioner Niemioja asked Mr. Halvorson what the average lot size was on his street.

Mr. Halvorson replied that most of the homes were about a third-acre in size with three-car garages; completely different than what is being proposed tonight.

Commissioner Weber stated according to the drawings the land would drop off and may pull more water away.

Mr. Halvorson stated that the lots near him were likely the slab-on-grade rather than walkouts.

Heather Passe, 11671 Azure Court, presented a scaled drawing showing the lot size difference between the proposed lots and those of Woodland Preserve. She stated her home abuts the proposed neighborhood and she has concerns regarding traffic and safety. The only exit/entrance for these 26 homes comes through her neighborhood. When she built her home, she was aware that the subject property would eventually be developed but knew of the City's

Recommendation to City Council

April 16, 2019

Page 7

policy regarding new developments being compatible in size and scale with existing adjacent neighborhoods. However, the proposed development looks extremely distinct and different in size and scale from Woodland Preserve and she asked Commissioners to consider the impacts this development would have on their neighborhood.

Ryan Gore, 11670 Azure Lane, agreed with his neighbors' comments but stated his main concern was safety. He hoped that an alternate road could be created as access for this new development.

Commissioner Robertson stated she takes safety issues seriously, but according to staff the anticipated traffic would be significantly lower than what a typical local street was designed for. She asked if it was true that the traffic was anticipated to triple.

Mr. Hunting stated he was only speculating, 10 trips per day per proposed home would equal 260 trips per day.

Commissioner Robertson asked Mr. Gore how 260 additional trips per day would impact him.

Mr. Gore stated it would be a dramatic increase in vehicle trips for their quiet neighborhood.

Commissioner Scales asked how many homes would fit on this property if no variances were being requested.

Mr. Hunting replied that the developer's original plan was for 22 lots.

Commissioner Scales noted that was only a difference of four homes.

Ms. Wells advised that variances were being requested with the original design of 22 lots.

Mr. Braun could not recall if there were any variances requested with the original request. He advised that their calculations show that the 26 proposed homes would have less of a traffic impact as they cater to 55-plus which would likely have less drivers, fewer teenagers, and possibly snowbirds whereas the homes in Woodland Preserve and Broadmoor have two-story homes with 3-car garages and likely more drivers living there. The proposed development would also have only one sanitation service, lawn service, and snowplow contractor rather than various companies coming on various days.

Ms. Passe clarified that the previous 22-lot proposal included variances from minimum lot width requirements on specific lots. Therefore, they were not really comparing a 22-lot plan to a 26-lot plan, but rather 26 to some other unknown number.

Brian Rhoades, 4913 Sycamore Drive, Eagan, was concerned about safety, stating his children walk to the nearby school. He stated it is already a very busy intersection and adding any traffic whatsoever was problematic.

Commissioner Weber stated he thought there was a bike path behind the school.

Recommendation to City Council

April 16, 2019

Page 8

Mr. Halvorson advised that there was a gravel road south of the school. He stated there were already pinch points from a traffic standpoint.

Commissioner Robertson asked how far the pinch point was from the access out of this area.

Mr. Halvorson replied perhaps four blocks. He expressed concerns about roads getting blocked off during construction.

Commissioner Niemioja asked for confirmation that there was an access from the back of the school to White Pine Way.

Mr. Halvorson replied in the affirmative.

Commissioner Scales stated he understood the traffic concerns as there were a lot of kids trying to get to that school. He asked if there was ever a thought of sidewalks in those neighborhoods.

Mr. Hunting replied that Inver Grove Heights does not require sidewalks and he does not believe Eagan does either.

Steve Sandberg, 11686 Azure Lane, was concerned about safety as there were many young children in the neighborhood, as well as limited visibility on Azure Lane because of the tree line, grade, and curved road. He was also concerned about the inconsistency of the size and scale of the homes being proposed compared to the existing. He suggested that the developer may have chosen the 26-lot plan over the 22-lot plan because they could make more money rather than to save trees.

Commissioner Robertson noted that the streets in Woodland Preserve are wider than typical local streets, and stated that while she was concerned about safety, they should not talk about it in relation to kids not being safe in the streets because streets were designed for cars not children.

Mr. Sandberg stated that denying the request and asking them to put more appropriate homes on the property would reduce safety risks. He noted that the applicant stated homes with three-car garages produce more traffic; however, some of the proposed homes will likely have three-car garages.

Commissioner Robertson asked the developer how many of the 26 proposed homes could have three-car garages.

Mr. Braun stated they would not know for sure until the plans were finalized, but he was told by their engineer that it would be a handful.

Commissioner Robertson asked if the majority would have two-car garages.

Mr. Braun replied in the affirmative.

Mr. Sandberg stated the fact that the applicant has given such a vague answer makes him

Recommendation to City Council

April 16, 2019

Page 9

believe that all the lots can have three-car garages. He suggested Commissioners get more facts before approving anything, including specific numbers of three-car garage lots.

Angela Gier, 11668 Azure Court, addressed a previous comment regarding children and traffic safety. She advised that she watches her children closely and does not let them play in the street; however, she has a teenage driver and her neighbors walk their dogs or their children walk to school and she is very concerned about safety (blind spots, lack of stop signs, speeding, etc.). She suggested they ask the developer to come up with a new plan that reduces safety and drainage concerns.

Gregory Hanson, Rosemount, asked who the developer was.

Mr. Braun replied William Krech.

Mr. Hanson stated the preliminary wetland plan and preliminary street plan seem to be missing. He was concerned about how stormwater would be accommodated. He stated that comparing the 22-lot plan to the 26-lot plan was like comparing apples to oranges as they had dramatically different layouts. He was concerned about the amount of impervious surface being proposed and the small lots being proposed.

Neil Mulrooney, 11617 Aileron Court, stated that his neighbors in Woodland Preserve had issues with water. This prompted City Engineer Tom Kaldunski to do some assessments of the undeveloped portion of Woodland Preserve. He determined that springs were causing water problems for property owners downhill. Because of the existing wetlands and water problems, he was concerned about the additional impervious surface exacerbating existing stormwater issues. He recommended that both surface and groundwater be addressed and stated he was concerned about the small lots and impervious surface being proposed.

Jim Bates, 11494 Armstrong Court, stated when he moved into the Broadmoor development his understanding was that Broadmoor was originally proposed for 128 lots, but they eventually brought it down to 63. He was troubled by a previous comment that if the proposal fits the PUD criteria then the Planning Commission has no choice but to approve it. If that is the case, he does not know what the function is of the Planning Commission. Comparing the proposed lots to the surrounding neighborhood it is obvious that the proposed plat is inconsistent with the character of adjacent neighborhoods. He stated that Avery Drive is a busy street that does not need the additional traffic pressure from another development. He recommended that they adjust the plat to increase the lot size and reduce the number of homes.

Commissioner Lissarrague asked what happened in Broadmoor where the overall number of homes was reduced.

Mr. Hunting replied that he was not aware of the history of Broadmoor.

Commissioner Wippermann stated that he lived in the Broadmoor development and had also heard that the original proposal was a much higher density than what it ended up being.

Jeff Mademann, 11665 Azure Court, stated that everyone was aware that this land would

April 16, 2019

Page 10

eventually be developed, but the proposal was not similar in size or scale and does not blend with adjacent developments. He questioned why we were here if the Planning Commission was only going to look at whether the requirements are met. In this case they are asking for substantial variances. Currently there is a significant number of trees within this lot; to remove those and plant a single row of 8' pine trees does not really do it justice. There are only two ways to get in and out of here and both have choke points and are getting increasingly congested. They should consider adding another access point in and out of here; anyone wishing to get to the current house on this property needs to come through a neighboring property to get there. The existing road design cannot handle the current capacity, let alone another 26 houses. They are also asking to remove almost double the number of trees allowed, which is substantial. In his opinion the proposed lots are all too small to have a three-car garage. While he understands that the developer must make a profit, he would ask that they deny the request and ask the developer to provide a plan that meets the zoning criteria and does not require variances.

William Hanson, 11468 Avery Drive, stated that vehicles typically drive too fast along Avery Drive, and adding 26 additional homes would just worsen the problem.

Ms. Passe asked Commissioners to take into consideration that the children in this neighborhood walk to school; fighting with an extra 26 homes on this single exit/entry point will be unsafe.

Mr. Sandberg asked who they would contact regarding getting a flashing yellow light on the corner of Highway 3 and Red Pine Way.

Mr. Hunting replied either the City of Eagan or MNDOT.

Mr. Braun apologized for not recalling that the 22-lot development had a variance request attached to it and stated in his opinion the proposed development is a safer less intrusive development than an 85' wide standard single-family development allowable on the same parcel.

Commissioner Niemioja asked which plan was presented at the neighborhood meeting.

Mr. Braun replied the 26-lot plan.

In response to Chair Maggi's question regarding why the 22-lot plan was scrapped, Mr. Braun showed diagrams of the difference in tree removal between the two plans.

Commissioner Robertson stated the impact of tree removal on the 22-lot plan and the 26-lot plan was basically the same in regard to the two neighbors in Woodland Preserve who lived on the access point to the proposed development.

Unknown person stated there was still a benefit in saving 40% of a canopy full of black cherry and oak trees as shown in the 26-lot plan.

Unknown person asked how many of the lots in the 22-lot plan were larger than 12,000 square

Recommendation to City Council

April 16, 2019

Page 11

feet.

Ms. Passe noted that the public notice for the 22-lot plan asked for a variance from lot width requirements.

Commissioner Simon noted that was not a request from lot size; just lot width.

Unknown person asked if there was a Krech on the City Council.

Chair Maggi replied in the affirmative.

Unknown person asked if that was any relation to the applicant.

Chair Maggi replied that she did not know the family connection there, but if there was a conflict of interest people would have to acknowledge that at the Council meeting.

Jeff Herme, 11676 Asher Court, asked Commissioners to listen to the residents that live in the neighborhood versus the applicant.

Commissioner Scales advised that Commissioners must look at the guidelines they are given; they cannot take their own opinions and design neighborhoods themselves. We are here to make sure what is being proposed fits into the design of the comprehensive plan.

Mr. Herme hoped that Commissioners would take the neighbors' comments into consideration, rather than those of an outsider looking at this as just another opportunity, and consider asking for a revised plan with less density and impact on water, sewer, etc.

Commissioner Robertson encouraged residents to attend the City Council meeting as they have more leeway on how they look at requests.

Mr. Herme questioned whether there was any way they could add a road going east out to Albavar as a second access point.

Ms. Wells reminded Commissioners that one of their responsibilities was to look at the specific development being proposed and its impact to surrounding areas. In this case the proposal is significantly different in size and scale and look from Woodland Preserve as well as the broader area. She does not believe it fits the comprehensive plan for this part of Inver Grove Heights.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi thanked everyone for coming out tonight and presenting their points. She stated the role of the Planning Commission is in part to look consistency with the comprehensive plan. In this City many want to live on 10 acres while others want to live in a traditional neighborhood. That is the beauty of this community, but it also creates challenges. From her perspective the biggest issue of this request is the location. She does not feel that it fits the character of the 2040 comprehensive plan for this part of the city. She would have a hard time approving the

Recommendation to City Council

April 16, 2019

Page 12

request.

Commissioner Wippermann provided a history of the area, stating that the development first originated on Apennine to the north over 20 years ago. From that point down to Ashley is the Broadmoor development. At the time the people on Apennine expressed concern regarding the high density that was being proposed and it was lessened to 63 lots. Broadmoor is at least four times the size of the subject property with 63 lots on it and complied with the proper size and spacing guidelines. The landowner and developer of the Woodland Preserve area wanted to preserve as much open space as possible so there are only 30-33 lots in that development. The Woodland Preserve total area is at least twice the size of the subject property. The subject property; however, is proposing 26 lots and is clearly out of character compared to the properties to the north. He did not support the request.

Commissioner Lissarrague thanked everyone for coming forward and he stated he understood their safety concerns. He suggested the neighbors attend the City Council meeting as they have more flexibility than the Planning Commission. He did not support the request as it did not fit the character of the neighborhood.

Commissioner Kramer stated that everyone understands that this property will eventually be developed, but the small lot sizes being proposed are out of character for the area and, in many cases, are almost half the size of a traditional City lot. He does not support the request because it does not fit the character of the neighborhood.

Commissioner Robertson stated she was pulled on this request. She realizes the importance of maintaining character, but the challenge is how far do we keep going out with that character and replicating only those types of developments because we must meet the needs of the city as a whole. She agreed that children's safety was important but there are so many variables that affect safety, such as rows and rows of three-car garages. She questioned whether we should look at the three requests separately.

Commissioner Weber stated the city needs development and growth; however, the proposed lot sizes were concerning. He would prefer they reduce the number of lots and increase lot size.

Commissioner Niemioja recognized the safety issues, stating she lived in a neighborhood of 32 houses with only one way in/out, so she understands that adding more houses is concerning. However, the city needs development, she likes the overall concept, the proposed homes are not at the front entrance of the neighborhood, and aesthetically appear to look attractive. The lot size is small though and she believes the plan could be designed better to slightly increase and equalize lot size.

Commissioner Scales stated development was good for the City, however, he does not support the request because of the lot size variances being requested.

Commissioner Simon has an issue with the flexibility request, which is basically the variances the neighbors are referring to. It is troubling that the flexibility requests keep asking for a little bit more and it is becoming overwhelming. She is also concerned about water issues associated with the amount of impervious surface being proposed on those small lots. The only place she

April 16, 2019

Page 13

recalls having such small lots is Argenta Hills, which she does not want to replicate. She does not support the request.

Chair Maggi asked regarding voting on the three requests separately, would it make sense to approve a rezoning to R-1C/PUD if Commissioners did not approve the preliminary plat or preliminary PUD.

Mr. Hunting replied that it does not make sense to rezone the property to R-1C/PUD if the Commission does not support the PUD as it needs to be tied to an actual PUD plan.

Commissioner Niemioja stated she would like to recommend to City Council that they send this back to be looked at again with a different plan.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Lissarrague, to deny the request for a preliminary plat and preliminary PUD for a 26-lot subdivision and a rezoning of the property from A, Agricultural to R-1C/PUD, Single-family, for the property located at 2001 – 120th Street, based on the project being out of character to the adjacent neighborhood and the variances being too significant.

Commissioner Robertson advised that she would be abstaining because she must look at the needs of the City as a whole.

Motion carried (8/0 with one abstention – Robertson). This item goes to City Council on May 13, 2019.

USE FOR SAMPLE

**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: 5

Nays: 0

ATTEST:

Michelle Tesser, City Clerk

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

CASE NO.: 19-07SCZ

APPLICANT: William Krech

PROPERTY OWNER: Doneene R. Wenzel Trust

REQUEST: Preliminary Plat/Preliminary PUD and Rezoning

LOCATION: 2001 120th Street W.

HEARING DATE: April 16, 2019

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: A, Agricultural

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to develop a single family project over the 11 acre parcel. A total of 26 single family home sites are being proposed with a public street system to serve the lots. The applicant is requesting a Planned Unit Development type project in order to provide some flexibility in site design including; lot sizes, setbacks, tree replacement in return will provide permanent open space and preserving more of the existing trees on the site. The property is currently zoned Agricultural and will require a rezoning to R-1C, Single Family Residential/Planned Unit Development.

REQUESTS

The specific requests for the project include the following:

1. Rezoning of the property from A, Agricultural to R-1C/PUD, Single Family Planned Unit Development.
2. Preliminary Plat for a 26 lot subdivision to be known as Amberwood.
3. Preliminary PUD approval for Amberwood including the specific flexibility requests from standard R-1C requirements

EVALUATION OF THE REQUEST

Surrounding Uses.

The subject property is surrounded by:

North:	Single family residential; zoned R-1C; guided Low Density Residential.
East:	Large lot residential; zoned A, Agricultural; guided LDR.
West:	City of Eagan single family residential
South:	Large lot residential; zoned A; guided Low Density Residential.

REZONING

The entire site is currently zoned A, Agricultural. The proposal would be to change the zoning to R-1C, Single Family Planned Unit Development. The R-1C designation is for single family homes that by standard zoning would be on approximate 12,000 square foot lots.

All the residential lots to the north of this property in Inver Grove Heights are zoned R-1C. The properties to the east are 5.0 acre lots zoned Agricultural. The properties to the south are 10 acre lots and zoned Agricultural. This area is within the Eagan Joint Powers agreement and is guided for low density development, 1-3 units per acre and to be served by municipal sewer and water. The zoning to the R-1C category would be consistent with current and future zoning. The request for a single family planned unit development zoning would also be consistent provided the project complies with the goals and criteria set forth in the ordinance for planned unit developments.

PLANNED UNIT DEVELOPMENT AND PLAT

Chapter 13. Article A of the zoning ordinance provides for performance standards for a planned unit development (PUD). The purpose of a PUD from ordinance is as follows:

- A. Providing the means for greater creativity and flexibility in environmental design than is proposed under the strict application of this title while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the city and its inhabitants.*
- B. Recognizing the economic and cultural advantages that will accrue to the residents of a planned community.*
- C. Encouraging a more creative and efficient approach to the use of the land.*
- D. Encouraging the preservation and enhancement of desirable site characteristics and open space.*
- E. Encouraging a development pattern in harmony with land use density, transportation facilities and community facilities, and objectives of the comprehensive plan.*

Minimum Area.

Ordinance requires minimum total area required for a planned unit development to be 10 acres of contiguous land. The subject site is 10.95 gross acres in size which satisfies this requirement.

Site Coverage.

Ordinance requires total ground areas occupied by buildings in a planned unit development shall not exceed twenty percent (20%) of the net land area, excluding public streets and permanent water areas.

Gross Area	Right-of-way Area	Net Area	20% Net Area
10.95 acres	1.46 acres	9.49 acres	1.9 acres 82,677 sq ft

The plan shows building pad areas for the 26 lots of approximately 2,250 sq ft. for a total of 58,500 sq ft. As proposed, the project would comply with the 20 percent limit on building area.

Residential Unit Densities.

Total number of dwelling units allowed in a development shall be determined by either:

- the area standard of the underlying zoning district; or
- the density specified by the comprehensive plan land use category.

Net Area	R-1C min lot size	Maximum Density per Zoning Category	Proposed Unit Count/Density
9.49 acres	12,000 sq ft	34	26

Net Area	Land Use Category LDR (1-3 units/acre)	Maximum Density per Land Use	Proposed Unit Count/Density
9.49 acres		28	26

The proposed unit count of 26 new lots is consistent with both the base zoning and land use maximum densities.

Lot size and Width.

The project is proposed with lot size and widths that vary from R-1C standards. PUD's are allowed flexibility provided the plan spells out specific minimums. Lot sizes would range from 7,162 square feet to 14,150 square feet. The smallest lot width would be 55 feet. These lots would be comparable to those approved in the Northwest Area.

Building Setbacks.

The project is proposed with specific setbacks that vary from R-1C standards. PUD's are allowed flexibility provided the plan spells out specific setbacks.

	R-1 Standard	Proposed PUD
Front and Corner Setback	30 feet	25 feet
Side Yard	20 foot separation	7.5 feet (15 foot separation)
Rear Yard	30 feet	30 feet

Proposed setbacks are similar to those approved in the Northwest Area.

The standard PUD ordinance requires a 20 foot building separation as a code standard. The applicant is requesting flexibility to allow a 15 foot building separation. A 15 foot separation would be consistent with setbacks in the R-1C district.

Impervious surface coverage.

Based on the proposed lot sizes, standard impervious surface coverage would range from 35 to 40 percent. The applicant has provided a table with the individual lots and the proposed impervious coverage. All lots would comply with the general standards of the zoning ordinance. The table would be part of the approved plans so it can be reference for compliance when building permits are reviewed.

Open Space.

The ordinance requires a minimum of 15% of the site be preserved in open space. The applicant is proposing Outlot B, along the west boundary of the site as the required open space. Total area would be 24% of the site. This area will have to be protected permanently with some type of easement to ensure the open space remains. This would be addressed in the developer's agreement for the project.

Tree Preservation.

The site is heavily wooded and grading and improving the site requires trees to be removed. The ordinance allows up to 30% of the significant trees to be removed before reforestation is required.

The applicant has provided a tree inventory for the site and the development plans show a total of 56% of the trees would be removed. Based on the overage, a total of 902 caliper inches are required to be replanted. The proposed landscape plan shows a mixture of plantings with minimum planting size larger than required. Deciduous trees are proposed at 3 caliper inches and coniferous at 8 feet. Code requires 2.5 caliper inches and 6 feet respectively. The replacement amounts to 564 caliper inches. The plan is still short 338 caliper inches.

The applicant is requesting flexibility so that the required planting doesn't crowd out the lots and the trees don't survive. As part of the PUD, the applicant is preserving a larger portion of the site (2.7 acres) in permanent green space which contains many significant trees. The PUD proposal would preserve more trees than developing the site as a standard R-1C development. Developing as a standard R-1C project would require almost 95% removal of trees.

Park Dedication.

The project area lies within the area of the Joint Powers Agreement with Eagan. The area would be served by Eagan sewer and water. A condition of the JPA is that developments must pay Eagan park dedication and trail fees as well as Inver Grove Heights' park fees. Fees will be calculated with the final PUD and will be listed in the Developers Agreement.

Access/Streets.

The project would be served by Azure Lane which is currently dead ended at the north boundary of this site. The public street would extend to the southern boundary for future connection that will ultimately connect to an extension of 120 Street in Eagan and Rosemount. There are no street connections to the west as this land is developed in Eagan. A street connection to the east has not been required because of the topography of the land to the east makes access difficult and because there is a large regional basin that has a drainage and utility easement over it that was acquired by Engineering.

Concerns have been raised regarding additional traffic volumes on the local streets with this project. The project would be served by an extension of Azure Lane. There are currently 11 homes that have driveways on Azure. From Azure Lane, cars can use White Pine Way heading into Eagan and north to Red Pine Lane then out to Hwy 3, or they can proceed north on Avery Drive which has street connections to Cliff Road in Inver Grove Heights and Eagan. A typical single family homes generates 10 vehicle trips per day. Based on the existing homes on Azure and the proposed 26, there is about 370 vehicle trips per day on Azure that can funnel out to different streets. A typical residential local street is designed for between 3,000 to 5,000 vehicle trips per day. Based on traffic generation, the addition of 26 homes would not overburden the street system.

Wetlands.

The plans identify two potential wetlands, one on the west side and the other in the far southwest corner, both located in Outlot B. Since Outlot B would not be disturbed, the wetlands would not be impacted. It is general practice for the developer to have a wetland delineation done to verify location and define boundaries of the wetlands. This will be done when weather permits and would be part of the final plan application.

Grading, drainage, stormwater and utilities.

The City Engineer has drafted a memo with his comments. These comments are required to be addressed with the final PUD plan submittal. These comments would be included in the condition that the plans must be approved by the City Engineer. Generally, Engineering has not identified any issues with the plans.

Development contract.

The Developer and Owner shall enter into a Development Contract and other associated agreements with the City. The list of agreements and details of the contract will be discussed

with the applicant, city attorney and staff as part of the final PUD review. All the agreements will be approved by the City Council as part of the final PUD review.

ALTERNATIVES

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

- A. **Approval:** If the proposed request is found to be acceptable, approval of the applicable following actions should be taken:

Approval of the Preliminary Plat, Preliminary PUD and Rezoning subject to the following conditions:

1. The final plat and accompanying site plans shall be in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Cover Sheet	4/10/19
Preliminary Plat	4/10/19
Preliminary Grading Plan	4/10/19
Preliminary Erosion Control Plan	4/10/19
Preliminary Sanitary & Watermain/Site Plan	4/10/19
Preliminary Storm Sewer Plan	4/10/19
Preliminary Street Plan (2 sheets)	4/10/19
Preliminary Landscape Plan	3/14/19
Tree Preservation Plan (2 sheets)	4/10/19

2. The PUD shall be approved with the following specific standards:
 - a. Structure setbacks allowed per table shown on the Preliminary Site Plan and Grading Plan.
 - b. Reduced lot size and width as shown on the Preliminary Plat.
 - c. Tree replacement shall be consistent with the Landscape Plan.
 - d. Impervious surface allowed per lot as identified on the table shown on the Cover Sheet for the preliminary plans.
3. Prior to final plat and plan approval, the final grading, drainage and erosion control, and utility plans shall be approved by the Director of Public Works.
4. Drainage and utility easements shall be provided on the final plat as required by the Director of Public Works.
5. Park dedication shall consist of a cash contribution in the amount of the rates in effect at the time the final plat is approved and shall also comply with the dedication requirements of the joint powers agreement.

6. All plans shall be subject to the review and approval of the Fire Marshal.
 7. Prior to execution of the plat by the City and prior to recording of the plat with the County, the Owner shall execute a Storm Water Facilities Maintenance Agreement with the City whereby the developer shall be responsible for the maintenance of storm water improvements on such lots.
 8. The developer shall be responsible to insure Outlot B remains in open space and is controlled by the home owner's association. A conservation easement shall be placed over the easement to restrict use and restrict cutting of vegetation. It shall remain in its present state. The easement would be part of the improvement agreements for the final plans.
 9. The Developer and Owner shall execute an Acknowledgement of Planned Unit Development Zoning. This Acknowledgement shall state that property within the plat is subject to the approved PUD plans and PUD zoning and that the development on the property must conform to the PUD plans and PUD zoning. This Acknowledgement shall be recorded when the plat is recorded.
 10. The Developer and Owner shall enter into a Development Contract with the City. The form of Development Contract shall substantially comply with the model Development Contract which is part of the Administrative Code, taking into account the requirements of the Planned Unit Development plans.
 11. The approved plans shall be subject to the conditions of the Inver Grove Heights/Eagan joint powers agreement.
- B. **Denial:** Should the proposed request, or portions thereof, not be found to be acceptable, the appropriate requests described above should be denied. The basis for denial must be stated in any such motion.

RECOMMENDATION

The applicant had originally submitted a preliminary plat for a 22 lot single family development for the property. With a traditional 12,000 sq ft lot design, the entire parcel would have been impacted and approximately 95% of the existing trees would have been removed. In an effort to preserve trees, the applicant chose to redesign the project and is requesting flexibility through a planned unit development in order to preserve open space and trees on the property.

A technical review of the project shows that it meets the size and bulk standards and requests flexibility from lot size, setbacks and tree preservation through the planned unit development rules. The Planning Commission is to determine if the project meets the intent of the criteria for a PUD that is listed in this report.

If a recommendation of approval is supported, then staff would recommend approval with the conditions listed in the report.

Staff recommends approval of the request with the conditions listed.

Attachments:

Location Map

Applicant Narrative

Cover Sheet

Preliminary Plat

Preliminary Grading Plan

Preliminary Erosion Control Plan

Preliminary Sanitary & Watermain/Site Plan

Preliminary Landscape Plan

Preliminary Tree Preservation Plan



Location Map

Case No. 19-07SCZ



To: City of Inver Grove Heights
From: William Krech
Re: Amberwood preliminary plat
Date: April 4, 2019

Thank you for taking the time to review the re-zoning and preliminary plat application for Amberwood.

The Property

The property consists of about 11 acres located in the southwest corner of the City. Directly west of the property are single family homes within the City of Eagan. Single family homes are also north of the site with Azure Lane stubbed to the north property line. The east and south are single family acreages with future development potential. The property is rolling and heavily wooded with high quality trees including oak, cherry, and aspen.

Comprehensive Plan

The Property is currently guided for low density residential allowing 1-4 units/acre. We are not requesting an amendment to this guide plan designation.

Zoning

The existing zoning is Agricultural. We are requesting a re-zoning to a PUD. We are able to provide a better design for the area with the use of the PUD. We believe we are in compliance with the following standards and criteria for a PUD:

1. The proposed PUD is consistent with the comprehensive plan. This application is proposing around 2.3 units/acre which falls within the allowable density range of the low density comp plan designation of 1-4 units/acre.
2. The proposed PUD is designed to form a desirable environment within its own boundaries. This is being achieved by clustering the homes and providing an open space buffer of existing trees between the new homes and existing homes to the west. There is also be a conifer buffer proposed to be planted on the north property line. These homes will have an HOA that takes care of exterior maintenance (snow, lawn, trash, and irrigation). This will provide for uniformity and high standards in landscaping and maintenance.
3. The proposed PUD is compatible with uses in the surrounding area. The homes being proposed will average about \$550,000+ which is in line with area home values. Even though the lots may be smaller than the adjacent neighborhoods, the homes will meet the highest quality standards and provide for an additional life cycle housing option for this area.
4. This application is for 26 lots at a low density of about 2.3 units/acre. This will not put any undue burden on parks, schools, streets, or other public facilities or utilities. We will work closely with the City to ensure all infrastructure design rules and policies are followed.
5. The impact of the PUD on environmental quality will be significantly less than if we were to go in with a standard R-1 zoning. Through the use of a PUD there will be about 2.5 acres of saved wooded open space on the west side of the property. This could not be achieved with an R-1 plan. We are saving about 44% of the tree caliper inches with the PUD. With the standard R-1 zoning we were only able to save about 5% of the tree caliper inches.

PUD Flexibility

In order to significantly increase existing woodland preservation and create open space, we are asking for some flexibility in the R-1 ordinance.

Numbers shown in table below are minimums.

	R-1	PUD
Lot Width	85'	55'
Lot Area	12,000	7,100
Front Setback	30'	25'
Rear Setback	30'	30'
Side Setback	10'	7.5'

Access and Circulation

This proposed neighborhood will be accessed by Azure Lane on the north side of the property. Azure Lane will run through the property to the south property line providing access to potential future development to the south. We are proposing 26 single family villa style homes which tends to attract mainly an empty nester demographic. A standard R-1 style development would produce about 10 trips per day on 22 lots for 220 trips per day total. A townhome development produces about 6 trips/day. For 26 units this would be a total of 156 total trips per day. This product may produce a trip volume somewhere in between. The trips per day this low density development may produce should not be burdensome to the infrastructure in the area.

Tree Preservation and Open Space

The original plan for this property was to ask for an R-1 zoning. After completing the site plans and grading plans, we determined that we'd have to remove 95% of the caliper inches of the trees on site. Even though we'd be allowed to remove this many trees with mitigation, we re-evaluated this issue. It was decided to use the cluster design technique in order to save as many trees as possible while still designing a feasible development. By clustering the homes on smaller lots, we are able to save about 44% of the trees (both in tree numbers and caliper inches). This includes several heritage trees and other high quality oaks, cherry, and aspen. The issue now is fitting the mitigation on a smaller development area. We are required to mitigate for 902" as per the tree preservation ordinance. The landscape plan submitted is showing 564" of trees mitigated which leaves 338 caliper inches unaccounted for. These additional inches cannot fit on this site without planting the trees too close together and completely filling up back yards. The landscape plan shows 162 trees to be planted. We are removing 156 trees (out of 354 significant trees identified on site) which means we are actually planting more trees than we are removing while still developing the area as per the comp plan designation. We understand there are other options when it becomes infeasible to plant the entire mitigation requirement on the site. As part of this PUD, we are asking the City to consider our mitigation requirement fulfilled with the 564". In addition to planting more trees than we are removing, we are providing more than the minimum required amount of open space for a PUD. The PUD requires 15% open space, we are proposing closer to 24% of the site as open space.

Housing Product

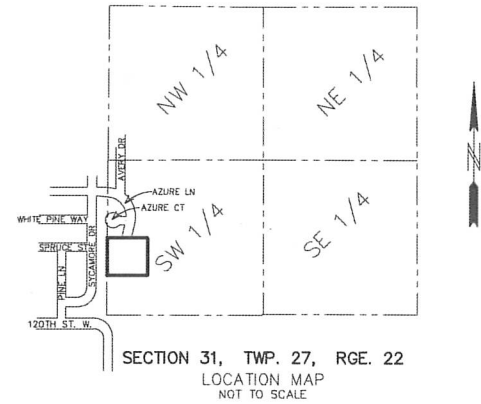
We are proposing a narrow lot using cluster design techniques in order to save open space and trees. The product we are proposing for these narrower lots will have a \$550,000 average price point. These will be HOA maintained exterior providing high quality landscaping and uniformity in maintenance. The homes will be built using creative and high quality architecture and materials bringing the value in line with area homes in both Eagan and Inver Grove Heights. The City of Inver Grove Heights has seen these narrow lot villa style products successfully built in other parts of the City. We are confident that these homes will be a beautiful new addition to the City and to this area specifically. We are also confident that these homes, while not age restricted, will tend to attract empty nesters thereby providing an additional life cycle housing choice in this area.

We are excited to bring this new neighborhood to Inver Grove Heights and we look forward to working with the City as we move forward in the approval process.

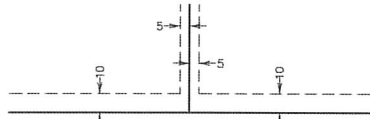
0.1 of 12

BENCH MARK
TOP OF NUT HYDRANT
EAST SIDE OF AZURE LANE
SOUTH OF AZURE CT.
ELEV.= 980.18

- L1. PRELIMINARY LANDSCAPE PLAN
T1-T2. TREE PRESERVATION PLAN



DRAINAGE AND UTILITY
EASEMENTS ARE SHOWN THUS:

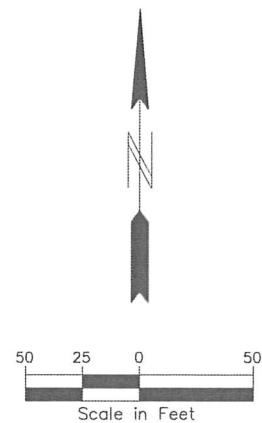


being 5 feet in width, and adjoining lot lines
unless otherwise indicated, and 10 feet in width
and adjoining street lines and rear lot lines
unless otherwise indicated on the plat.

LEGAL DESCRIPTION PER TITLE COMMITMENT

The Northwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 31,
Township 27, Range 22, Dakota County, Minnesota.

TOTAL GROSS AREA	10.95	ACRES
TOTAL LOT AREA	5.85	ACRES
NUMBER OF LOTS	26	
NUMBER OF OUTLOTS	2	
TOTAL OUTLOT AREA	3.64	ACRES
TOTAL RIGHT OF WAY AREA	1.46	ACRES
GROSS DENSITY	2.37	LOTS/ACRE



PINES EDGE
1ST ADDITION

PINES EDGE
3RD ADDITION

WOODLAND

PRESERVE

OUTLOT B
117101sf
2.6983ac

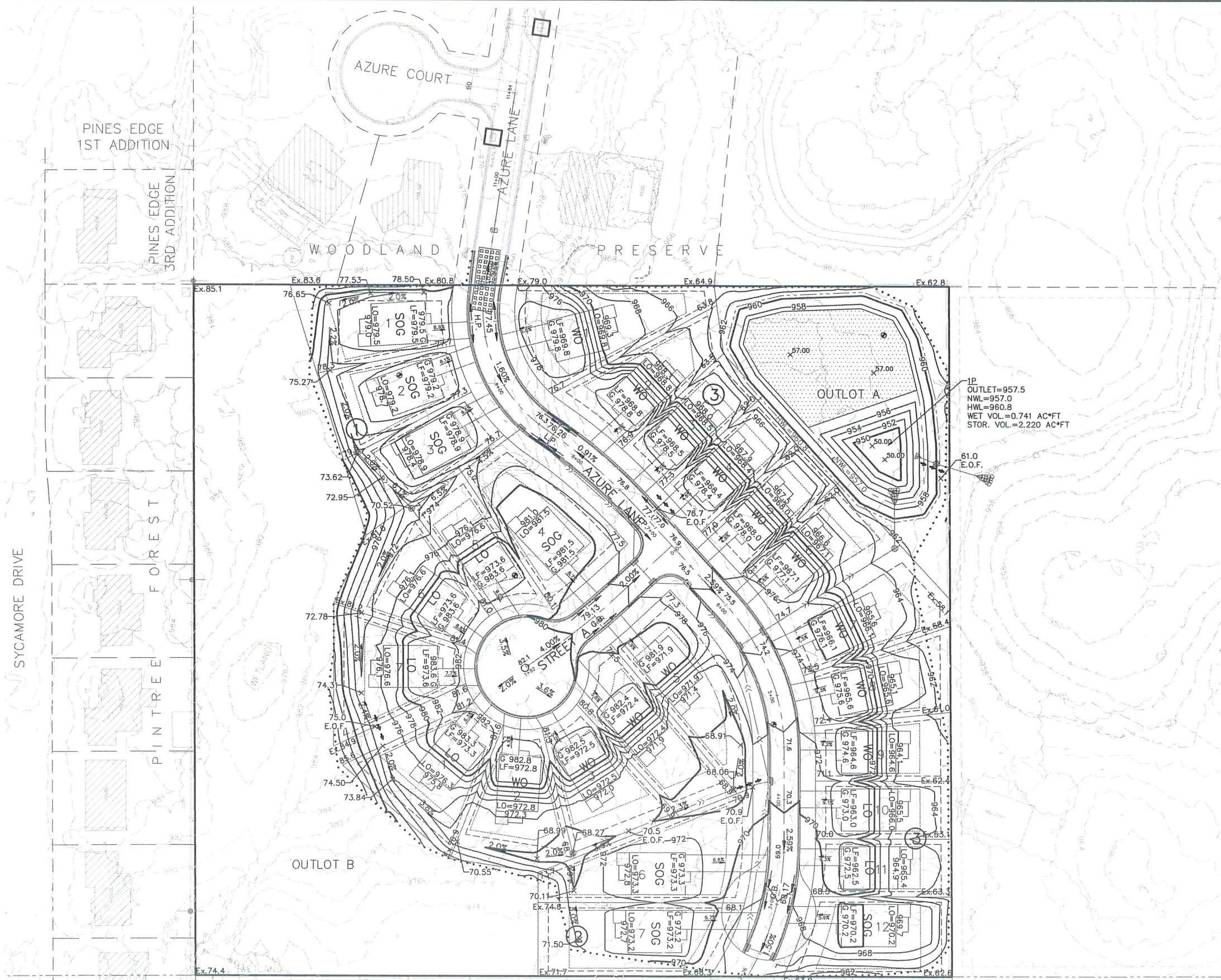
OUTLOT A
39485sf
0.9065ac

PRELIMINARY PLAT

BILL KRECH
5846 BLACKSHIRE PATH
INVER GROVE HEIGHTS, MN 55076

AMBERWOOD
INVER GROVE HEIGHTS, MINNESOTA

1.2 OF 12

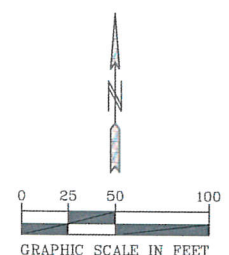


PROPOSED ZONING REQUIREMENTS PUD:

MINIMUM LOT WIDTH	55 FEET
MINIMUM CORNER LOT WIDTH	72.5 FEET
MINIMUM FRONT YARD SETBACK	25 FEET
MINIMUM REAR YARD SETBACK	30 FEET
MINIMUM SIDE SETBACK	7.5 FEET
MINIMUM SIDE STREET SETBACK	25 FEET

LOW FLOOR = HWL+2'
LOWEST OPENING = EOF+1'

- LEGEND
- PERIMETER EROSION CONTROL FENCE. INSTALL BEFORE START OF GRADING
 - [Symbol] CATCH BASIN INLET PROTECTION TO BE INSTALLED PRIOR TO START OF GRADING
 - [Symbol] CATCH BASIN INLET PROTECTION TO BE INSTALLED PRIOR TO START OF GRADING
 - [Symbol] ROCK CONSTRUCTION ENTRANCE. INSTALL BEFORE START OF GRADING
 - [Symbol] INFILTRATION AREA (SEE DETAIL)



BENCH MARK
TOP OF NUT HYDRANT
EAST SIDE OF AZURE LANE
SOUTH OF AZURE CT.
ELEV.= 980.18

PIONEERengineering
CIVIL ENGINEERS LANDSCAPE ARCHITECTS LANDSCAPE ARCHITECTS

2422 Enterprise Drive
Mendota Heights, MN 55120
(651) 681-1914
Fax: 681-9488
www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Name: Paul J. Chene
Reg. No.: 19860
Date: 2-19-2019

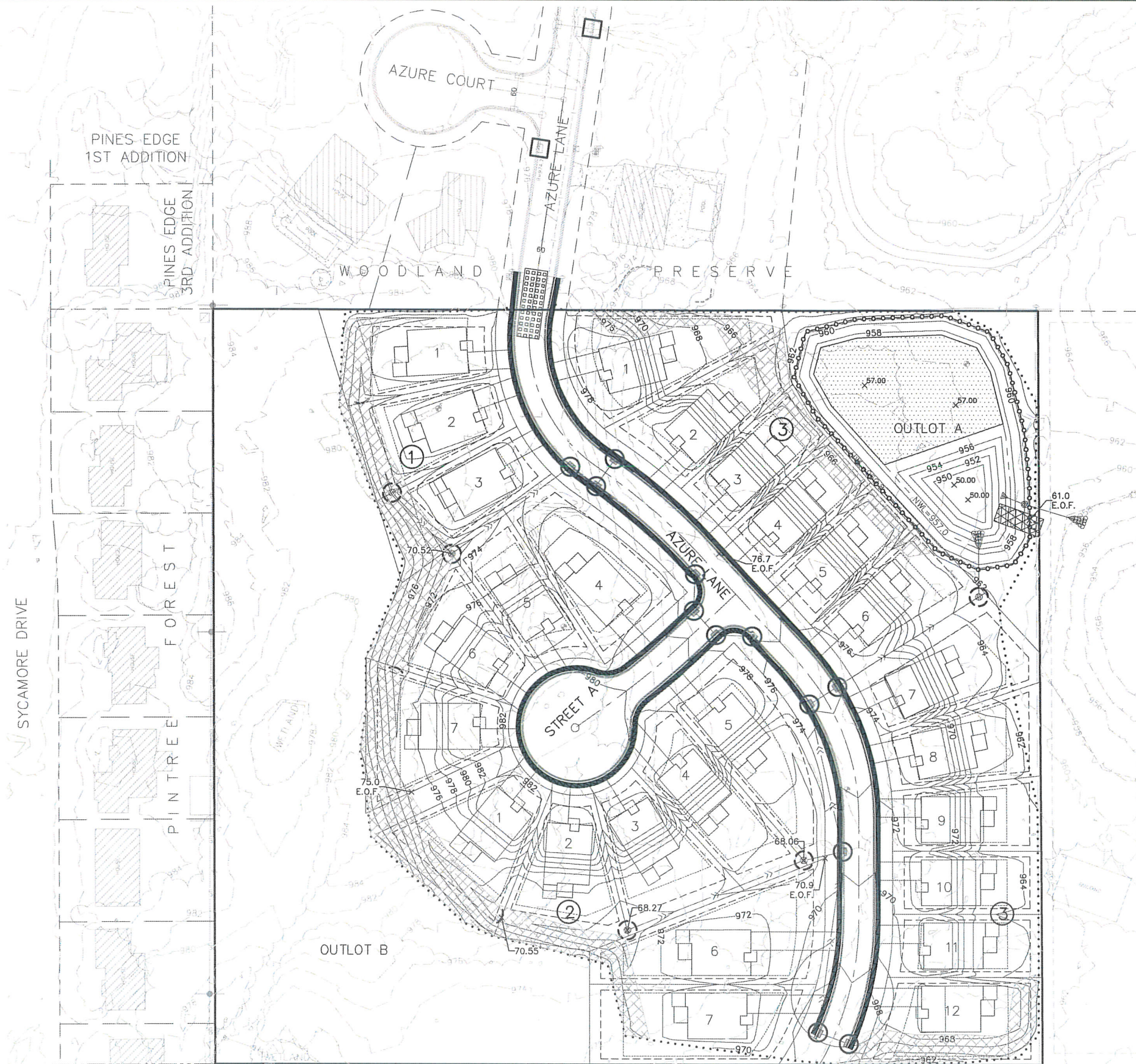
Revisions:
1. 2-13-19 City Comments
2. 4-10-19 City Comments

Date: 2-19-2019
Designed: PIC
Drawn: MSN

PRELIMINARY GRADING PLAN

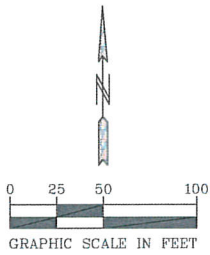
BILL KRECH
5806 BLACKSHIRE PATH
INVER GROVE HEIGHTS, MN 55076

AMBERWOOD
INVER GROVE HEIGHTS, MINNESOTA



LEGEND

- | | | | |
|--|---|--|--|
| | ROCK CONSTRUCTION ENTRANCE
INSTALL BEFORE START OF GRADING | | CATCH BASIN INLET PROTECTION
TO BE INSTALLED AFTER 1ST LIFT
OF BITUMINOUS. |
| | PERIMETER EROSION CONTROL FENCE.
INSTALL BEFORE START OF GRADING | | CATCH BASIN INLET PROTECTION
TO BE INSTALLED PRIOR TO
START OF GRADING |
| | 2' SOD OR EROSION CONTROL FENCE AT
BACK OF CURB. TO BE INSTALLED AFTER
COMPLETION OF SIDEWALK CONSTRUCTION. | | CATCH BASIN INLET PROTECTION
TO BE INSTALLED WITH CATCH
BASIN GRATE. |
| | MNDOT CAT 3 EROSION CONTROL BLANKET.
INSTALL WITHIN 7 DAYS OF GRADING
COMPLETION | | CATCH BASIN INLET PROTECTION
TO BE INSTALLED PRIOR TO
START OF GRADING |
| | STABILIZED EMERGENCY OVERFLOW
MNDOT CAT 5 EROSION CONTROL BLANKET.
INSTALL WITHIN 7 DAYS OF GRADING
COMPLETION | | STRAW BIO ROLLS. INSTALL WITHIN 7 DAYS
OF GRADING COMPLETION OR BEFORE 1ST
RAINFALL EVENT WHICHEVER IS FIRST |
| | INFILTRATION AREA (SEE DETAIL) | | SUMPED RIP RAP PERMANENT ENERGY
DISSIPATER. INSTALL WITHIN 24 HOURS
AFTER CONNECTION TO A SURFACE WATER. |
| | SECONDARY EROSION CONTROL FENCE.
TO BE INSTALLED 48 HOURS AFTER
COMPLETION OF GRADING. | | |



BENCH MARK
TOP OF NUT HYDRANT
EAST SIDE OF AZURE LANE
SOUTH OF AZURE CT.
ELEV.= 980.18

PIONEERengineering
CIVIL ENGINEERS LANDSCAPE ARCHITECTS
2422 Enterprise Drive
Mendota Heights, MN 55120
(651) 681-1914
Fax: 681-9488
www.pioneereng.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Name: *Paul J. Chene*
Reg. No. 19860 Date: 2-19-2019

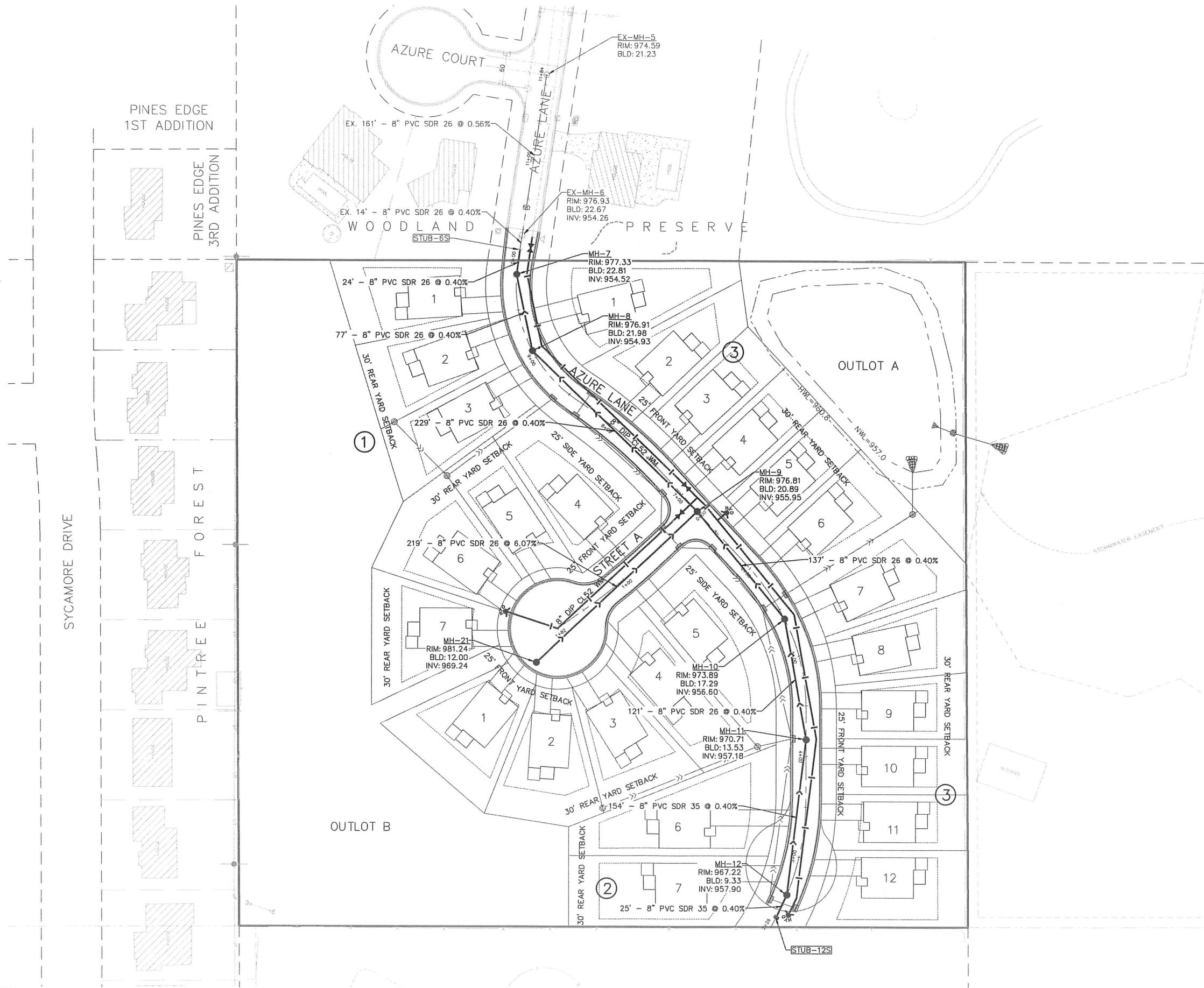
Revisions
1 2-11-19 City Comments
2 4-10-19 City Comments

Date: 2-19-2019
Designed: PJC
Drawn: MSN

PRELIMINARY EROSION CONTROL
PLAN

BILL KRECH
5866 BLACKSHIRE PATH
INVER GROVE HEIGHTS, MN 55076

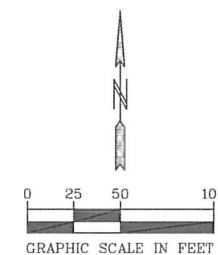
AMBERWOOD
INVER GROVE HEIGHTS, MINNESOTA



PROPOSED ZONING REQUIREMENTS PUD:

MINIMUM LOT WIDTH	55 FEET
MINIMUM CORNER LOT WIDTH	72.5 FEET
MINIMUM FRONT YARD SETBACK	25 FEET
MINIMUM REAR YARD SETBACK	30 FEET
MINIMUM SIDE SETBACK	7.5 FEET
MINIMUM SIDE STREET SETBACK	25 FEET

LOW FLOOR = HWL+2'
 LOWEST OPENING = EOF+1'



BENCH MARK
 TOP OF NUT HYDRANT
 EAST SIDE OF AZURE LANE
 SOUTH OF AZURE CT.
 ELEV. = 980.18

PIONEERengineering
 CIVIL ENGINEERS LAND PLANNERS LANDSCAPE ARCHITECTS

2422 Enterprise Drive
 Mendota Heights, MN 55120

(651) 681-1914
 Fax: 681-9388
 www.pioneereng.com

I hereby certify that this plan was prepared by me, or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Name: *Paul J. Chertie*
 Title: *Paul J. Chertie*
 Reg. No.: *19590* Date: *2-19-2019*

Revisions:
 1. 3-13-19 City Comments
 2. 4-10-19 City Comments

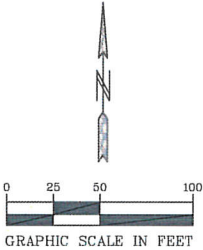
Date: *2-19-2019*
 Designed: *PC*
 Drawn: *MSN*

PRELIMINARY SANITARY &
 WATERMAIN/ SITE PLAN

BILL KRECH
 5866 BLACKSHIRE PATH
 INVER GROVE HEIGHTS, MN 55076

AMBERWOOD
 INVER GROVE HEIGHTS, MINNESOTA

3.1 OF 12



PLANT SCHEDULE				
KEY	COMMON NAME/Scientific name	ROOT	QUANTITY	INSTRUCTIONS
OVERSTORY TREES				
	AUTUMN BLAZE MAPLE/Acer x freemanii 'Jeffersred'	3" B&B	13	
	RIVER BIRCH/Betula nigra 'Heritage'	12-14' B&B	13	Clump
	COMMON HACKBERRY/Celtis occidentalis	3" B&B	7	
	THORNLESS HONEYLOCUST/Gleditsia triacanthos var. inermis	3" B&B	12	
	SENTRY LINDEN/Tilia americana 'Sentry'	3" B&B	6	
	SUGAR MAPLE/Acer saccharum	3" B&B	7	
	NORTHERN PIN OAK/Quercus ellipsoidalis	3" B&B	9	
	SWAMP WHITE OAK/Quercus bicolor	3" B&B	17	
EVERGREEN TREES				
	BLACK HILLS SPRUCE/Picea glauca densata	8' B&B	44	
	WHITE PINE/Pinus strobus	8' B&B	34	

LANDSCAPE NOTES:

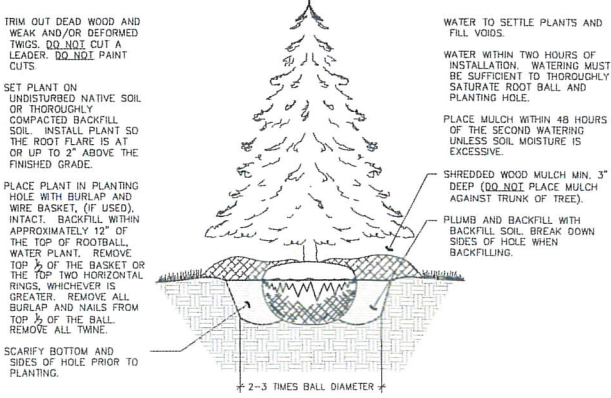
STREET TREE REQUIREMENT: 1 TREE/40 FEET, A MINIMUM OF 1 TREE/LOT
TREES MUST BE PLANTED 5'-7' INSIDE PROPERTY LINE AND NO CLOSER THAN 30' TO THE CURBLINE INTERSECTION ON CORNER LOTS.

PROPOSED TREES:
84 OVERSTORY (252")
78 EVERGREEN (312"), EACH 8' EVERGREEN IS 4" CALIPER)
TOTAL TREES: 162 (564")

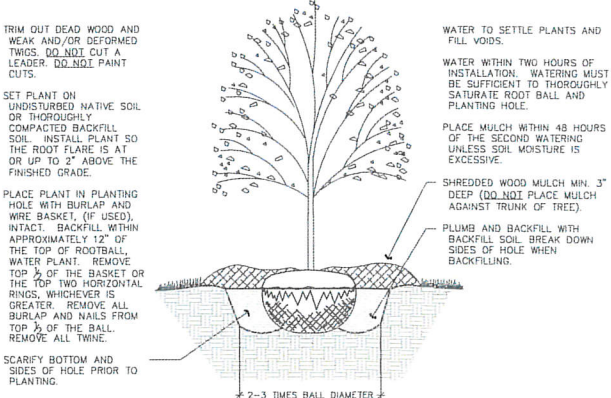
LANDSCAPE NOTES

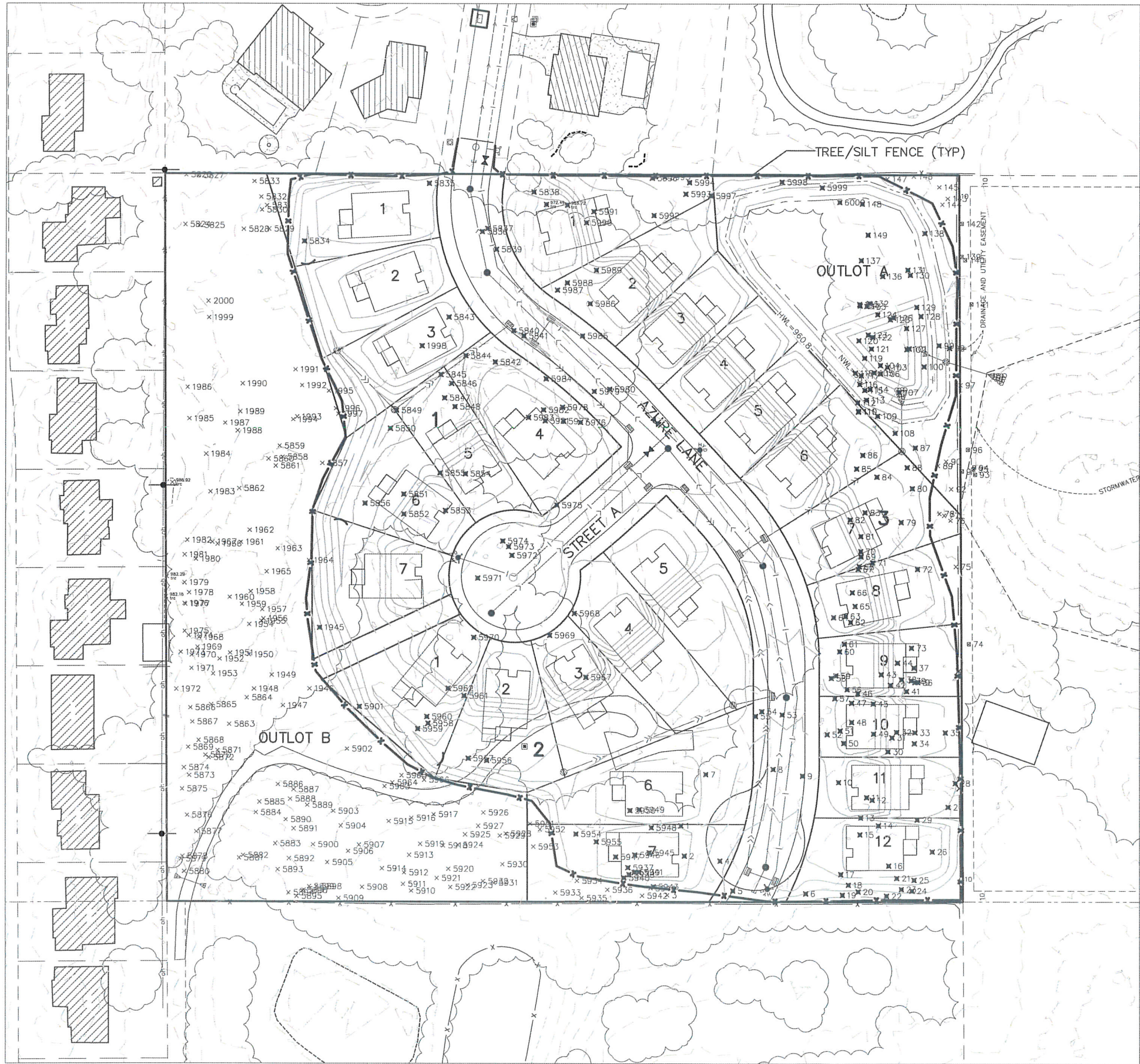
- THE LANDSCAPE CONTRACTOR SHALL VISIT THE PROJECT SITE TO BECOME FAMILIAR WITH THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID.
- THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OF PROPOSED PHYSICAL START DATE AT LEAST 7 DAYS IN ADVANCE.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FIELD VERIFICATION OF ALL EXISTING UTILITY LOCATIONS ON THE PROJECT SITE WITH GOPHER STATE ONE CALL 1-800-252-1186 PRIOR TO COMMENCING WORK. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF EXISTING UTILITIES DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER. NOTIFY THE LANDSCAPE ARCHITECT OF ANY CONFLICTS TO FACILITATE PLANT RELOCATION.
- GRADING TO BE PERFORMED BY OTHERS.
- NO PLANT MATERIAL SHALL BE INSTALLED UNTIL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- ALL PLANT MATERIAL SHALL MEET THE STANDARDS FOUND IN THE AMERICAN ASSOCIATION OF NURSERYMEN-AMERICAN STANDARD FOR NURSERY STOCK.
- ALL CONTAINER MATERIAL TO BE GROWN IN THE CONTAINER A MINIMUM OF SIX (6) MONTHS PRIOR TO PLANTING ON SITE.
- DECIDUOUS AND CONIFEROUS TREES SHALL NOT BE STAKED, BUT THE LANDSCAPE CONTRACTOR MUST GUARANTEE STANDABILITY TO A WIND SPEED OF 60 M.P.H.
- THE LANDSCAPE CONTRACTOR SHALL PROVIDE A MINIMUM GUARANTEE OF ONE YEAR ONE TIME REPLACEMENT ON NEW PLANT MATERIALS. GUARANTEE SHALL BE AGREED UPON BY DEVELOPER/BUILDER AND LANDSCAPE CONTRACTOR.
- THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANTS WHICH ARE DEEMED UNSATISFACTORY BEFORE, DURING OR AFTER INSTALLATION.
- IF THERE IS A DISCREPANCY BETWEEN THE NUMBER OF PLANTS SHOWN ON THE PLAN AND THE NUMBER SHOWN ON THE PLANT LIST, THE NUMBER SHOWN ON THE PLAN WILL TAKE PRECEDENCE.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL MULCHES AND PLANTING SOIL QUANTITIES TO COMPLETE WORK SHOWN ON THE PLAN. THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL QUANTITIES SHOWN ON THE PLANT SCHEDULE.
- COMMERCIAL GRADE POLY LAWN EDGING SHALL BE INSTALLED WHERE NOTED.
- THE LANDSCAPE CONTRACTOR SHALL REPAIR ALL DAMAGE TO THE SITE CAUSED BY THE PLANTING OPERATION AT NO COST TO THE OWNER.
- THE LANDSCAPE CONTRACTOR SHALL KEEP PAVEMENTS CLEAN UNSTAINED. ALL PEDESTRIAN AND VEHICLE ACCESS TO BE MAINTAINED THROUGHOUT CONSTRUCTION PERIOD. ALL WASTES SHALL BE PROMPTLY REMOVED FROM THE SITE. ANY DAMAGE TO EXISTING FACILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE CODES, REGULATIONS AND PERMITS GOVERNING THE WORK.
- STORAGE OF MATERIALS OR SUPPLIES ON-SITE WILL NOT BE ALLOWED.

CONIFEROUS TREE PLANTING DETAIL



DECIDUOUS TREE PLANTING DETAIL





- ☒ 141 TREE TO BE REMOVED
- × 141 TREE TO BE SAVED
- ☒ 141 TREE LOCATED OFF-SITE

Tree Preservation Data

Total Inches: 5,026"
Removed Total: 2,817"
"Class A" Tree Removal: 834"
"Class B" Tree Removal: 1,770"
"Class C" Tree Removal: 213"
Allowed to Remove 30%: 1,508"
Removal Over Threshold: 1,309"

Mitigation Required

Class C Removal: 213"
Replace at a rate of 1/1: 213"
Class B Mitigation: 1,096"
Replace at a rate of 1/1: 1,096"

Credit for 6 heritage tree to be saved: 194"
Total Inches left to be Mitigated: 902"

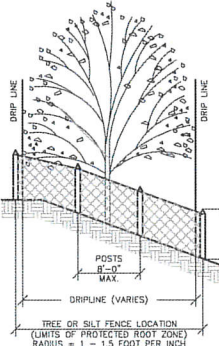
SEE SHEET T2 FOR TREE IDENTIFICATION LIST

TREE PROTECTION DETAIL

NOT TO SCALE

TREES TO BE SAVED SHALL BE FENCED OFF WITH BRIGHT ORANGE POLYETHYLENE SAFETY NETTING OR HEAVY DUTY SILT FENCE AND STEEL STAKES AT THE DRIP LINE, OR AS DIRECTED BY THE OWNER'S CONSULTANT.

PROTECTION FENCE WILL HELP INSURE AGAINST DAMAGE BY VEHICLES, COMPACTION OF SOILS AND/OR THE CHEMICAL ALTERATION OF SOILS DUE TO CONCRETE WASHOUT, PAINTS AND LEAKAGE OR SPILLAGE OF ANY TOXIC MATERIALS.



INSTALL TREE OR SILT FENCE PRIOR TO OR AT SAME TIME AS LAND CLEARING.

PROTECTION FENCE SHOULD REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETE.

IF PROTECTION FENCE IS DAMAGED OR REMOVED, NEW FENCING MUST BE PLACED BACK IN ORIGINAL POSITION UNTIL CONSTRUCTION IS COMPLETE.

