



Inver Grove Heights Planning Commission
Tuesday, November 15, 2022 at 7:00 PM
8150 Barbara Avenue, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Stacy Bodsberg (sbodsberg@ighmn.gov). Comments received prior to 4:00 p.m. on Tuesday, November 15, 2022, will be provided to the Commission at or before the November 15, 2022, meeting.

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
 - A. Approval of Minutes from the October 18, 2022, Regular Planning Commission Meeting
 - B. Approval of Minutes from the November 1, 2022, Regular Planning Commission Meeting
4. **Applicant Requests and Public Hearings**
 - A. Consider a Preliminary Plat to create a four-lot subdivision to be known as Robert Trail Woods and a Variance from the minimum lot frontage requirements for Lots 1 & 4 for the property located at 9450 Robert Trail S. (Steven Bilotta - Case No. 22-45SV)
 - B. Consider an Ordinance Amendment to Allow Small Wireless Facilities within the Public Right-of-Way as a Conditional Use abutting all Single-Family Residential Zoning Districts. (City of IGH - Case No. 22-47ZA)
5. **Other Business**
 - A. Review of the Public Works 5-Year Capital Improvement Plan (2023-2027) for consistency with the Inver Grove Heights Comprehensive Plan.
6. **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 Stacy Bodsberg at 651.450.2545 or sbodsberg@ighmn.gov.

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 18, 2022 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Vice Chair Scales called the Planning Commission Meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.

Commissioners Present: Anthony Scales (Vice Chair)
Dennis Wippermann
Scott Clancy
Robert Heidenreich
Joan Robertson
Jonathan Weber

Commissioners Absent: Elizabeth Niemioja (excused)
Jaime Besser (excused)
Kate Challeen (excused)

Staff Present: Heather Rand, Community Development Director
Allan Hunting, City Planner
Stacy Bodsberg, Community Development Support Specialist

2. APPROVAL OF THE PLANNING COMMISSION MINUTES:

A. Approval of Minutes for October 4, 2022, Planning Commission Meeting.

The minutes were not available this evening. They will not be approved until distributed at the next meeting.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

A. Consider the following requests for the property generally located at Diffley Court and South Robert Trail. (IGH Partners, LLC - Case No. 22-40SV)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for IGH Partners, LLC - Case No. 22-40SV. The request consists of rezoning of the property from Planned Unit Development to R-3B, Multiple Family Residential District and R-3C, Multiple Family Residential District/Planned Unit Development, Preliminary Plat for a three-lot plat to be known as Robert Curve 4th Addition, Preliminary Planned Unit Development for a 244-unit multiple family project, Vacation of drainage and utility easements within the plat of Robert Curve 3rd Addition. Notices were mailed to 51 property owners on October 6, 2022.

Presentation of Request

City Planner Hunting gave a presentation and summary of the staff report for the Planning Commission.

Commissioner Weber questioned if this is a Joint Powers Agreement with the City of Eagan for utilities. Mr. Hunting confirmed that it is. Commissioner Weber inquired if there is enough water for this sort of development in that area. Mr. Hunting stated that the reports show that there is.

Commissioner Robertson questioned if the applicant is requesting for the maximum allowance of impervious surfaces. Mr. Hunting stated that specific code requirement only applies to single family lots. Commissioner Robertson inquired about the building height, since the standard is 35 feet and the applicant is proposing 50 feet. Mr. Hunting stated that the proposed project is a four story building at 50 feet. They have included that request in their PUD Amendment. There is at least one other apartment building in the city at that height.

Opening of Public Hearing

Roger Fink, Senior Vice-President, Trident Development, 1200 28th Avenue South, St. Cloud, Applicant, stated that he has read, understands and agrees with the planning staff report. Mr. Fink stated that a neighborhood meeting was held on August 10th and seemed like the biggest concern was the traffic impact. Because of that concern another traffic impact study was completed. The traffic improvements are still adequate with the addition of the proposed development. The proposed project will be a rental community with apartments and townhomes with shared amenities. The property will be managed by a third party management company.

Andy Brummer, Development Manager, Trident Development, 1200 28th Avenue South, St. Cloud, Applicant, described the specific details of the buildings and amenities included in the proposed development.

Vice Chair Scales closed the public hearing.

Planning Commission Discussion

Commissioner Robertson stated that some of the requests for flexibility is concerning. Ms. Robertson questioned how the parking was configured when 475 is the standard need and the project was proposed with 383 parking spots and no back up parking spots. Mr. Fink stated that a formal parking demand analyst has not been completed. The proposed parking spaces was configured on past experience. With the unit mix of the apartment building, with studios and one unit, that brings down the need for spaces. Commissioner Robertson stated that residents of this project will most likely need their own vehicle as this area doesn't have easy access to local transportation. Commissioner Robertson questioned that when calculating the townhome parking was 4 spaces included, and were those spaces included in the 383 parking spots. Mr. Hunting stated that the 383 is the parking spots for the apartment building (surface and below ground parking). The townhome parking spots are calculated separate. Mr. Fink stated that there are 190 units in the apartment building, so there are about 2 spots per units in the apartment building.

Commissioner Wippermann stated that the apartment building height has only been exceeded in the Northwest Area of the city, would this project set a new standard for other potential projects in the future. Mr. Hunting stated that with the unique location of the project, the four story height won't set a new standard for other locations in the city.

Commissioner Robertson stated that the city currently has an apartment building that exceeds the 35 feet. Mr. Hunting stated that is correct, The Crossings off 80th Street.

Commissioner Wippermann stated that The Crossings is located within the Northwest Area. Mr. Hunting confirmed that is correct.

Commissioner Scales questioned why the City has set the maximum apartment height at 35 feet. Mr. Hunting stated that he is thinking it may have been because of fire equipment, and it's also the max for single family homes. It is currently not problematic because now all of the apartment buildings are sprinkled, and other fire apparatuses are utilized. Commissioner Scales suggested that maybe in the future the Commission should look at raising the maximum height.

Commissioner Heidenreich stated that there is concern for the additional traffic along Highway 3. Mr. Hunting stated that with the studies from the original design of the intersection, and from the traffic study that shows no further impact from this development.

Commissioner Robertson stated that using a traffic study from 2015 is probably not the most accurate study seeing that the area has changed in the last seven years. Mr. Hunting stated that the applicant did conduct a new and current traffic study did look at the current traffic counts. Mr. Fink stated that the traffic study was conducted after the neighborhood meeting and the conclusion was that the proposed development would create less traffic counts than the original traffic study counts.

Commissioner Clancy questioned if there are proposed trails to attach to the current Inver Grove Heights network. Mr. Brummer stated there are sidewalks and walking trails around the development to create a walkable community.

Commissioner Wippermann inquired about the proposed cost of rent. Mr. Brummer stated that the studios could start around \$1,200 a month, 1 bedroom around \$1,500 a month, 2 bedrooms around \$1,700 a month, and 3 bedrooms around \$2,000 a month. Those numbers are based solely on market research.

Commissioner Weber stated that with review the engineering reports. The diagram that shows the water going to the roadways and not being managed onsite. Is that accurate. Mr. Hunting stated that there is ponding in the north west corner of the property and on the south side of Diffley. Engineering has reviewed and feel like there is adequate ponding on site.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Clancy to approve the:

Rezoning to multiple family residential subject to the conditions listed in the staff report.

Preliminary Plat, Preliminary PUD and Variance of Easements subject to the conditions listed in the staff report.

Motion carried (6/0). This item goes before the City Council on November 14, 2022.

4. OTHER BUSINESS

Community Development Director Rand stated that at the Planning Commission meeting on October 4th a question had been asked by a commissioner if the City of Inver Grove Heights ever assists businesses with closing. The city does not directly, but there are resources available on the city website to existing or future businesses.

5. ADJOURN

The Planning Commission meeting adjourned at 7:57 p.m.

Minutes prepared by Community Development Support Specialist Stacy Bodsberg.

DRAFT

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 1, 2022 – 7:00 p.m.
City Council Chambers – 8150 Barbara Avenue

1. CALL TO ORDER

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.

Commissioners Present: Elizabeth Niemioja (Chair)
Dennis Wippermann
Anthony Scales
Scott Clancy
Robert Heidenreich
Kate Challeen
Jonathan Weber

Commissioner Absent: Joan Robertson (excused)
Jaime Besser (excused)

Staff Present: Heather Rand, Community Development Director
Allan Hunting, City Planner
Stacy Bodsberg, Community Development Support Specialist

2. ROLL CALL

3. CONSENT AGENDA

A. Approval of Minutes from the October 4, 2022, Regular Planning Commission Meeting.

The Planning Commission Meeting Minutes for October 4, 2022, were approved as submitted.

4. APPLICANT REQUESTS AND PUBLIC HEARINGS

A. Request by Bituminous Roadways for a Temporary Sand and Gravel Zoning Ordinance for the mining and processing of sand and gravel at 11201 Rich Valley Boulevard. (Bituminous Roadways - Case No. 22-37ZC)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Bituminous Roadways, Inc. for property located at 11201 Rich Valley Blvd. The request consists of an Ordinance Amendment for the renewal of a five-year Sand and Gravel Overlay Permit and a Conditional Use Permit Amendment for the mining and processing of sand and gravel, an asphalt plant and contractor's yard with open storage and a five-year sand and gravel overlay district for the property.

Notices were mailed to 28 property owners on October 20, 2022.

Presentation of Request

City Planner Hunting gave a presentation and summary of the staff report for the Planning Commission.

Mr. Hunting explained that it was discovered that there was a discrepancy in the published and mailed public hearing notices. The discrepancy was that a parcel that needs to be included because the mining does go into that parcel was not included in the mapping or the location description. The public hearing notices will be sent out again to surrounding residents and published in the paper for a future meeting date that is yet to be determined.

Opening of Public Hearing

Kent Peterson, 6130 150th Street, Prior Lake, Bituminous Roadways, Applicant, stated he has read and understands the staff report. Mr. Peterson stated that he received an email from Mr. Hunting that included questions from Commissioner Heidenreich. One of the questions was about two wells that were not identified. There are two wells on the site sticking out of the ground on the property that were not identified on the plans. The property was originally a homestead. One well was sealed when the property was purchased. And the other well will be looked into to make sure that it is sealed properly.

Commissioner Heidenreich stated that his concern is that the mine has reached the aquifer. Certain toxins have shown up in reports that haven't been there before. Mr. Heidenreich suggested that a meeting be held with a third-party expert that can explain to the residents and commission what is happening on this site. Mr. Peterson stated that he would welcome the idea. Commissioner Heidenreich stated that an independent and unrelated engineering company should review the test results. Barr Engineering has miss calculated projects before and doesn't trust their review.

Chair Niemioja stated that it has been identified that the Commission cannot make a decision tonight because of the notices needing to be redone. More information is also needed about specific topics.

Commissioner Scales inquired what the main purpose would be to bring in a third-party engineering company. Barr Engineering is hired by the City of Inver Grove Heights. Mr. Hunting confirmed that is correct. They are hired to review the environmental projects. Commissioner Scales stated that having personal opinions and not expertise knowledge on this topic.

Commissioner Heidenreich stated that the City of Inver Grove Heights has been given the authority to regulate the licenses and permitting. Commissioner Heidenreich doesn't think that the test results are being reviewed well enough and questioning why the chemicals continue to increase beyond the allowed limits.

Mr. Peterson questioned if Barr Engineering could review and comment on the testing results. Commissioner Heidenreich stated that would be a decision for the Planning Commission.

Chair Niemioja stated that we do agree that there is more information that the Planning Commission would like to see.

Mr. Peterson confirmed that an analysis of the testing results should happen to provide more information.

Commissioner Challeen questioned if clean soil backfills enough to eliminate risk of contamination. Mr. Peterson confirmed that it is and identifies areas to avoid. Commissioner Challeen inquired about what their rapid response is in the event of an emergency.

Michaela Whelan, 10830 Nesbitt Avenue South, Bloomington, Sunde Engineering, stated a different company put together the Spill prevention plan. Mining closer to the well water, that company would review this plan again.

Mr. Peterson stated that he will review and follow up.

Commissioner Heidenreich inquired about the foundry sand that is being stored on the south east corner of the property. Explain what they are and that they are high in brass, copper, iron and aluminum. Mr. Peterson stated that the sand is located north of the Wicker property. A lot of testing has been done on the sand and that it hasn't moved. Commissioner Heidenreich stated that there is sand in the north but that the plans also show that the sand is located in south east corner. Mr. Peterson stated that must have been prior to expanding.

Commissioner Clancy inquired what foundry sand is. Mr. Peterson stated that it's a sand created by a company out of Minneapolis. They tested it and wanted to see the sand used, and it was brought to the property in the 90's to be blended with current sand. The site ended up accumulating more than what could be used. The leftover sand hasn't moved and has been in place for the last 20 years.

Chair Niemioja stated that the proposed next step should be to have Mr. Hunting and the applicant review and collect additional information.

Commissioner Heidenreich inquired about the past and future storage of moss shingles. Mr. Peterson stated that they would bring shingles to their site and ground them up and reuse it in the asphalt mixtures. The process hasn't been done onsite for almost 10 years now.

Commissioner Challeen inquired if this item could go before the Environmental Commission before it is brought back to the Planning Commission. Mr. Hunting confirmed that it will.

Chair Niemioja closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Weber, Second by Commissioner Wippermann to continue the proposed Bituminous Roadways item until further notice.
Motion carried (7/0).

B. Request by Builders Lot Group for a Preliminary and Final Plat for Peltier Reserve 2nd Addition and a Planned Unit Development to change the approved front yard setback for the development. (Builders Lot Group - Case No. 22-46PUD)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Builders Lot Group for property identified as Outlot L, Peltier Reserve and generally located at Agate Trail and 72nd Street. The request consists of a Preliminary and Final Plat for Peltier Reserve 2nd Addition and a Planned Unit Development to change the approved front yard setback for the development.

Notices were mailed to 5 property owners on October 20, 2022.

Presentation of Request

City Planner Hunting gave a presentation and summary of the staff report for the Planning Commission.

Opening of Public Hearing

Steven Soltau, 9531 W. 78th Street, Suite 135, Eden Prairie, Builders Lot Group, Applicant, stated that he read and understands the staff report. Is available for any questions.

Chair Niemioja closed the public hearing.

Planning Commission Discussion

Commissioner Wippermann stated that usually a 30-foot minimum front yard setback is required, this project has already been granted a 25-foot minimum front yard setback and is now requesting a 20-foot minimum. Doesn't see the change enhancing the appearance or livability of the neighborhood. Will be voting no for that part of motions.

Planning Commission Recommendation

Motion by Commissioner Weber, Second by Commissioner Scales to approve the Preliminary and Final Plat of Peltier Reserve 2nd Addition.

Motion carried (7/0).

Commissioner Weber stated that the proposed setbacks are common in the Northwest Area but questioned if they are common in Settlers Ridge and other surrounding developments. Mr. Hunting stated the code does allow for a 20-foot minimum front yard setback and is an automatic that doesn't need to be requested. Developers are asking for both 20- and 25-foot minimums.

Commissioner Challeen questioned if the changing the Planned Unit Development Amendment would affect anything beyond the Northwest Area or if it is only for the proposed development. Mr. Hunting stated that the change is only for this development.

Motion by Commissioner Scales, Second by Commissioner Weber to approve the Planned Unit Development Amendment to show a 20-foot minimum front setback as shown on the PUD Applied Standards plan dated 10-19-2022.

Motion carried (6/1). Wippermann.

This item goes before the City Council on November 28, 2022.

4. OTHER BUSINESS

None.

5. ADJOURN

The Planning Commission Meeting adjourned at 7:41 p.m.

Minutes prepared by Community Development Support Specialist Stacy Bodsberg.



Planning Commission Report

MEETING DATE:	November 15, 2022
CASE NO:	22-45SV
APPLICANT:	Steven Bilotta
PROPERTY OWNER:	Steven Bilotta
REQUEST:	A Rezoning, Comprehensive Plan Amendment, Preliminary and Final Plat, Vacation of Easements, and Variance from Setbacks
LOCATION:	9450 South Robert Trail
COMPREHENSIVE PLAN:	RDR, Rural Density Residential
ZONING:	A, Agricultural
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

1. Preliminary Plat for a 4-lot subdivision to be known as Robert Trail Woods.
2. Variances from the minimum lot frontage requirements for Lots 1 & 4.

BACKGROUND

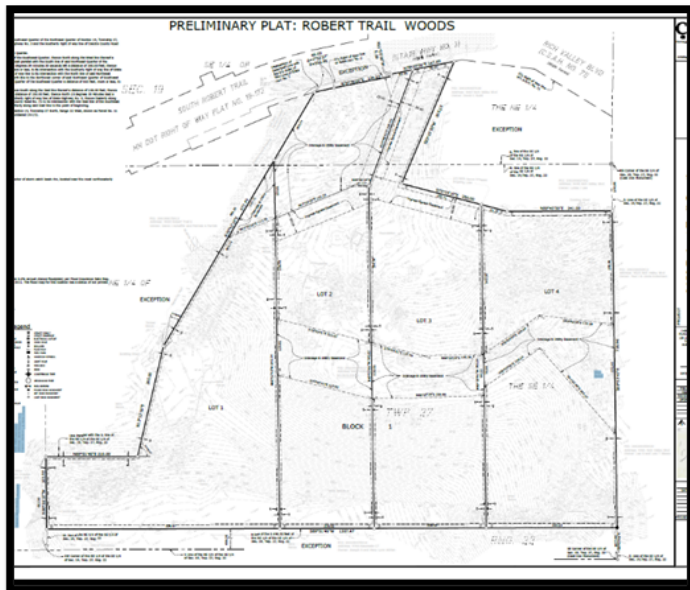
The applicant is proposing to divide the 20.19 acre lot into four single-family lots. The property is zoned A, Agricultural, which requires a minimum lot size of five (5) acres. The proposed lots meet the minimum lot size requirement. Each lot will have individual well and septic systems. The applicant is proposing one shared access point off South Robert Trail. The preliminary plat shows Lots 1 and 4 without direct road frontage to Robert Trail. A Variance is being requested for these two lots without the 30-foot minimum road frontage.

The applicant held a remote neighborhood meeting on August 12, 2022, regarding the proposed request. Eight to ten neighbors participated in the meeting. The meeting notes can be found in the attachments for your review.

EVALUATION OF REQUEST

The following land uses, zoning districts and comprehensive plan designations surround the subject property:

North, South, East, and West – Single-family residential; zoned A, Agricultural; guided RDR, Rural Density Residential.



PLAT REVIEW

Zoning and Comprehensive Plan Consistency. The property is zoned agricultural and guided rural density residential. The proposed four lot subdivision is consistent with the zoning and comprehensive plan designations.

Neighborhood Compatibility

The request does not appear to have any adverse impacts on the neighboring properties as the surrounding properties are all rural density, single-family lots.

Lots & Blocks. The applicant is proposing a four-lot plat. All four lots comply with the minimum lot size of five acres and the minimum lot width of 200 feet at the building pad location.

Access. The applicant is proposing one access point off

South Robert Trail/Hwy 3. The plat has been sent to MnDOT for their review and comment. An access easement would be required over Lots 2 and 3 to benefit the lots without road frontage.

City Staff Review. Engineering has reviewed the request and has made recommendations on conditions that should be added to the approval; these conditions are included in the list of conditions at the end of this report. A stormwater management plan has been developed to ensure overall runoff from the site is reduced and that the quality of water leaving the site removes pollutants as required by the City of Inver Grove Heights.

Water generally leaves the site in three locations, to the North-West, South-West, and East sides of the lot. The drainage area to the South-West is not being affected by the project. The North-West and East sides of the lot will have infiltration and retention ponds to manage the flow to their respective drainage areas.

The applicant has provided the City a soil testing report. The report states based on the soil types observed in the recovered soil samples, the soils at and above the testing elevations have the suitable infiltration capacity for the construction of a future on-site waste management system. The Chief Building Official has reviewed the plat and stated the soils are suitable for septic systems.

All plans shall be subject to the review and approval of the City Fire Marshal for fire lane designation and the signage or marking of the fire lanes at time of building permit.

Park Dedication. Park dedication on this plat will be cash in lieu of land. If approved, prior to release of the final plat for filing with Dakota County, a cash fee of \$3,850 per lot would be required for the plat (4 x 3,850 = \$15,400).

VARIANCE

A variance is being requested from City Code, Section 11-3-7.C, to allow Lots 1 and 4 without lot frontage directly abutting a street.

City Code Title 10, Chapter 3. Variances, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested

variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

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

The reason requiring lots to have road frontage is so the lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development. Staff believes the intent of the zoning code is met due to the unique shape of the property and the compliance with other code requirements. The plat is consistent with the rural density residential designation in the 2040 comprehensive plan.

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

The applicant is proposing a reasonable lot layout for the subdivision. The property is about 1/3 in width along the road verses the midpoint of the property. In respect to the land use, impervious surface, setbacks, and other code requirements, the request is in harmony with the provisions in the zoning ordinance.

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

The property is unique in that the lot is about 20 acres in size, with about 330 feet of width along the road and over 1,000 feet in width at the midpoint of the lot. Designing a plat to comply with the road frontage requirements would create unusual flag lots and the potential need for other variance requests. Additionally, the property is located along a state highway, MnDOT is unlikely to grant permission for additional driveways for the subdivision. Therefore, the need to have access agreements would still be necessary, similar to what is shown on the existing plat.

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

The plat would be consistent with the surrounding area as each lot would comply with the required minimum lot size. Providing lots without direct road access has occurred in the rural areas of the city as it is easier to provide driveway easement access while still complying with all other zoning requirements.

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

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

ALTERNATIVES

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

A. Approval. If the Planning Commission finds the application to be acceptable, the following action should be taken:

- Approval of the **Preliminary and Final Plat** for a four lot subdivision to be known as Robert Trail Woods subject to the following conditions:

1. The final plat shall be in substantial conformance with the plans on file with the Planning Department except as may be modified by the conditions below.
2. A park dedication fee equal to \$15,400 (\$3,850 x 4) shall be paid to the City prior to release of the final plat.
3. The applicant shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.
4. Prior to commencement of any work on site, the final grading, drainage and erosion control, and storm water calculations shall be approved by the City Engineer.

- Approval of a **Variance** from the minimum road frontage for Lots 1 & 4 subject to the following conditions:

1. A driveway easement shall be demonstrated on the plat providing shared access to all lots. A driveway access and maintenance agreement shall be drafted and submitted to the city for review prior to the release of the final plat.

Rationale: The request is not out of character for the neighborhood and is consistent with the comprehensive plan. The variance request does not appear to have an adverse impact on the surrounding properties. The site is unique in that the width at the road is about 1/3 the width at the midpoint of the property making it difficult to

comply with all portions of the zoning code for development of the site. Additionally, the road is along a state highway, limiting the amount of access point along the road frontage.

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

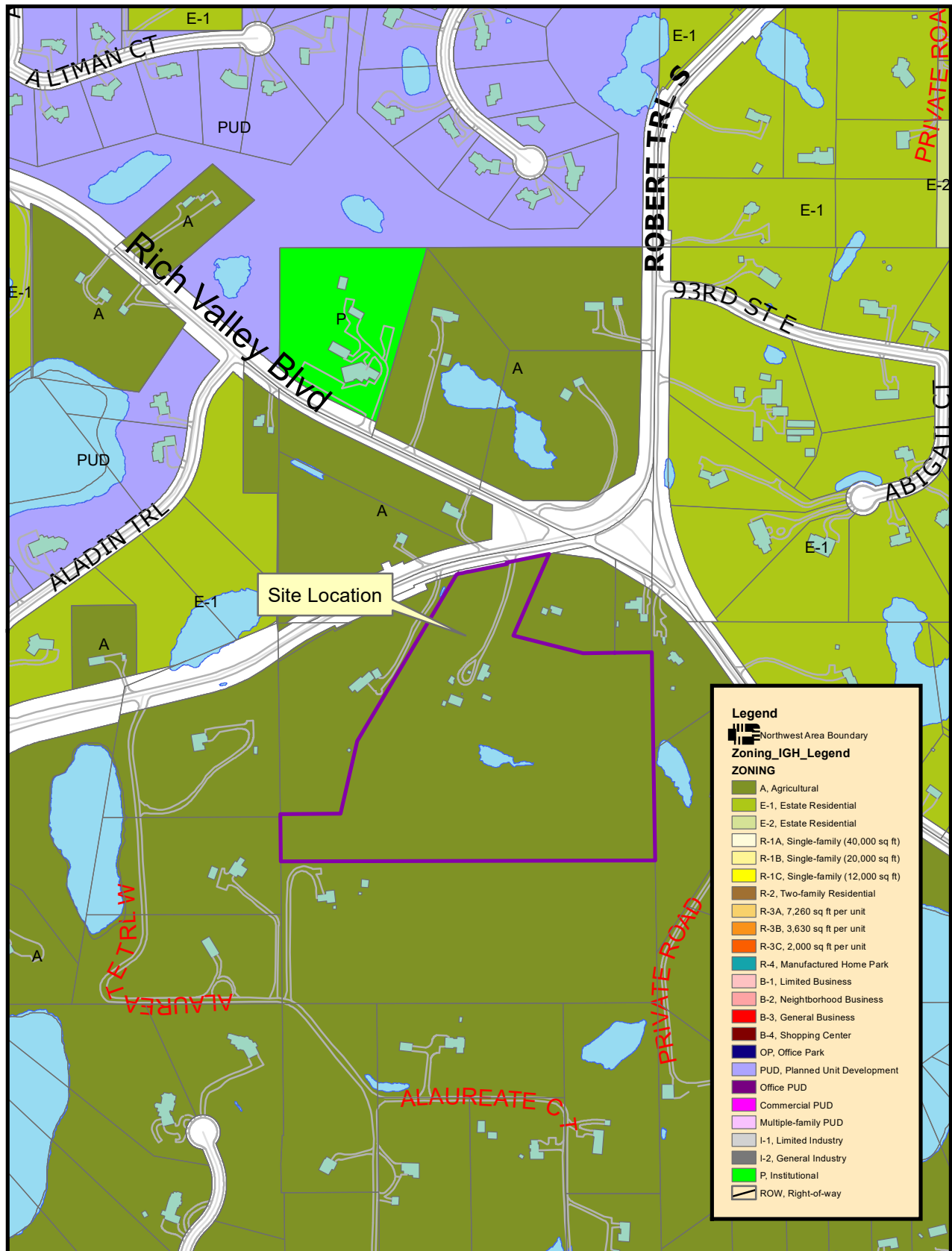
Based on the information in the preceding report and the conditions and rationale listed in Alternative A, staff is recommending approval of the Preliminary Plat and Variances as presented.

ATTACHMENTS

1. Location/Zoning Map
2. Narrative
3. Preliminary Plat
4. Site Plan
5. Neighbor Meeting Notes



9450 South Robert Trail Case No. 22-45SZ



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

Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A
Zoning and Location Map

9450 South Robert Trail Lot Split

Mr. Allan Hunting
City Planner Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, MN 55077
651-450-2554

Prepared For:

Steven Bilotta (Owner)
9450 South Robert Trail
Inver Grove Heights, MN 55077

Prepared By:

Quetica, LLC
5775 Wayzata Blvd.
Suite 700
St. Louis Park, MN 55416

Project Summary

The property located at 9450 South Robert Trail, Inver Grove Heights is a 20.19 acre parcel that the owner (Steven Bilotta) has purchased to split into 4 roughly equal sized lots with a minimum area of 5 acres. Each of the lots will have individual wells for water and septic systems/ drain fields that have been designated on site at each of the proposed lots. Custom grading plans are being proposed for lots 1,2, and 4. The lot 3 grading plan is included in this preliminary plat submittal.

Access to the lots will be at roughly the same location on South Robert Trail and each of the properties will maintain access by means of an access easement. The owner plans to provide a 20' bituminous drive lane in access easement A (see attached) and 12' bituminous driveways in easements B and C. Driveways in easement B and C will be constructed by owners of lots 1, 2, and 3, after lots have been sold. Lots 1 and 4 will not have frontage on South Robert Trail, therefore a variance is being requested for these two lots.

Stormwater will be managed by means of two stormwater BMPs located in the low areas of lots 2,3, and 4, and one on the north side of access easement B. Stormwater drainage easements are being proposed and shown on the preliminary plat to encompass the drainage routes and 1' above the 100yr HWL level for the BMP. Soils on the site are conducive to infiltration so the required water abstraction volume will be met by the combination of the three onsite BMPs. Each of the BMPs have been designed to account for the maximum amount of impervious surface as limited by city standards.

Key Notes:

- A wetland delineation survey has been completed and no wetlands were found on site.
- Percolation testing has been completed for each of the lots in the proposed septic/drain field areas.
- Soil borings have been completed on each of the proposed house pads and infiltration areas in lots 2,3, and 4.

PRELIMINARY PLAT GENERAL NOTES

PROPERTY DESCRIPTION:

That part of the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 19, Township 27, Range 22 lying Southerly of the Southerly right of way line of State Highway No. 3 and the Southerly right of way line of Dakota County Road No. 71; except the following described tracts:

- The South 496.50 feet of the Northeast Quarter of the Southeast Quarter.
- Commencing at the Southwest corner of the Northeast Quarter of the Southeast Quarter; thence North along the West line thereof a distance of 662.50 feet to the actual point of beginning; thence East parallel with the South line of said Northeast Quarter of the Southeast Quarter a distance of 210.0 feet; thence deflecting 76 degrees 39 minutes 30 seconds left a distance of 260.00 feet; thence deflecting 17 degrees 30 minutes right a distance of 693 feet, more or less, to its intersection with the Southerly right of way line of State Highway No. 3; thence Southwesterly along said Southerly right of way line to the Northwest corner of said Northeast Quarter of Southeast Quarter; thence Southerly along the West line of said Northeast Quarter of the Southeast Quarter a distance of 665 feet, more or less, to the point of beginning.
- Beginning at the Northeast corner of the Southeast Quarter; thence South along the East line thereof a distance of 108.00 feet; thence West a distance of 241.00 feet; thence North 75 degrees West a distance of 250.00 feet; thence North 23 degrees 30 Minutes East a distance of 290 feet, more or less to its intersection with the Southerly right of way line of State Highway No. 3; thence Easterly along said Southerly right of way of State Highway No. 3 and Dakota County Road No. 71 to its intersection with the East line of the Southeast Quarter of the Northeast Quarter of said Section 19; thence Southerly along said East line to the point of beginning.
- That part of the Southeast Quarter of the Northeast Quarter of Section 19, Township 27 North, Range 22 West, shown as Parcel No. 11 on Minnesota Department of Transportation Right of Way Plat Numbered 19-172.

All in Dakota County, Minnesota.

DATE OF PREPARATION:

9-14-2022

APPLICANT:

Quetica Consulting & Engineering

Aaron Anderson

aaron.anderson@quetica.com

651-964-4646 (ext. 875)

3800 American Blvd. W. #1500, Bloomington, MN 55431

BENCHMARKS:

Elevations are based on the NGVD 29 Datum. Site Benchmark is the center of storm catch basin rim, located near the most northwesterly property corner, having an elevation of 834.99 feet, as shown hereon.

EXISTING ZONING:

A, Agricultural

PROPOSED ZONING:

A, Agricultural

Proposed Setbacks

Front- 30 Feet

Side- 25 Feet

Rear- 60 Feet

AREAS:

Proposed Lot 1, Block 1 = 218,018 Sq. Ft. or 5.005 Acres

Proposed Lot 2, Block 1 = 223,043 Sq. Ft. or 5.120 Acres

Proposed Lot 3, Block 1 = 220,432 Sq. Ft. or 5.060 Acres

Proposed Lot 4, Block 1 = 218,459 Sq. Ft. or 5.015 Acres

Total Property Area = 879,951 Sq. Ft. or 20.201 Acres

FLOOD ZONE:

This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27037C0115E, effective date of December 2nd, 2011. The flood map for this location has a status of not printed.

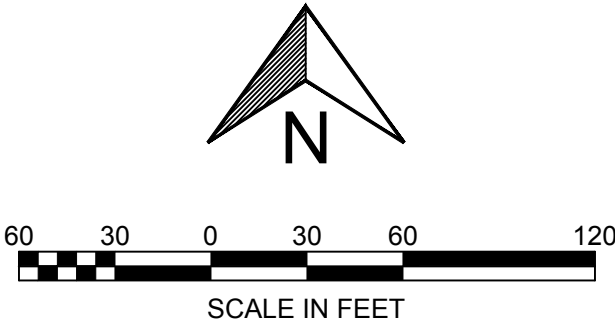
Rory L. Synstallen

rory@civilsitegroup.com

Minnesota License No. 44565

Linetype & Symbol Legend

—E—	ELECTRIC LINE (RECORD)	—E—	ELECTRIC LINE (RECORD)
—F—	FIBER/COMM. LINE (RECORD)	—F—	FIBER/COMM. LINE (RECORD)
—G—	GASMAIN (RECORD)	—G—	GASMAIN (RECORD)
—H—	OVERHEAD UTILITIES	—H—	OVERHEAD UTILITIES
—S—	SANITARY SEWER (RECORD)	—S—	SANITARY SEWER (RECORD)
—T—	TELEPHONE LINE (RECORD)	—T—	TELEPHONE LINE (RECORD)
—W—	WATERMAIN (RECORD)	—W—	WATERMAIN (RECORD)
—X—	CHAINLINK FENCELINE	—X—	CHAINLINK FENCELINE
—Y—	WOODEN FENCELINE	—Y—	WOODEN FENCELINE
—Z—	GUARDRAIL	—Z—	GUARDRAIL
—A—	CONCRETE SURFACE	—A—	CONCRETE SURFACE
—B—	PAVER SURFACE	—B—	PAVER SURFACE
—C—	BITUMINOUS SURFACE	—C—	BITUMINOUS SURFACE
—D—	GRAVEL/LANDSCAPE SURFACE	—D—	GRAVEL/LANDSCAPE SURFACE
—U—	UTILITY VAULT	—U—	UTILITY VAULT
—V—	ELECTRIC MANHOLE	—V—	ELECTRIC MANHOLE
—W—	ELECTRIC TRANSFORMER	—W—	ELECTRIC TRANSFORMER
—X—	ELECTRICAL METER	—X—	ELECTRICAL METER
—Y—	FIBER/COMM. MANHOLE	—Y—	FIBER/COMM. MANHOLE
—Z—	POWER POLE	—Z—	POWER POLE
—A—	GUY WIRE	—A—	GUY WIRE
—B—	GAS METER	—B—	GAS METER
—C—	GAS MANHOLE	—C—	GAS MANHOLE
—D—	GAS VALVE	—D—	GAS VALVE
—E—	ROOF DRAIN	—E—	ROOF DRAIN
—F—	SEWER CLEAN OUT	—F—	SEWER CLEAN OUT
—G—	SANITARY MANHOLE	—G—	SANITARY MANHOLE
—H—	STORM MANHOLE	—H—	STORM MANHOLE
—I—	CATCH BASIN	—I—	CATCH BASIN
—J—	FLARED END SECTION	—J—	FLARED END SECTION
—K—	TELEPHONE BOX	—K—	TELEPHONE BOX
—L—	TRAFFIC SIGNAL	—L—	TRAFFIC SIGNAL
—M—	HYDRANT	—M—	HYDRANT
—N—	FIRE CONNECTION	—N—	FIRE CONNECTION
—O—	POST INDICATOR VALVE	—O—	POST INDICATOR VALVE
—P—	WATER MANHOLE	—P—	WATER MANHOLE
—Q—	WATER VALVE	—Q—	WATER VALVE
—R—	WELL	—R—	WELL
—S—	AIR CONDITIONER	—S—	AIR CONDITIONER
—T—	CABLE TV BOX	—T—	CABLE TV BOX
—U—	ELECTRIC MANHOLE	—U—	ELECTRIC MANHOLE
—V—	ELECTRICAL OUTLET	—V—	ELECTRICAL OUTLET
—W—	HAND HOLE	—W—	HAND HOLE
—X—	BOLLARD	—X—	BOLLARD
—Y—	FLAG POLE	—Y—	FLAG POLE
—Z—	FUEL TANK	—Z—	FUEL TANK
—A—	HANDICAP SYMBOL	—A—	HANDICAP SYMBOL
—B—	MAIL BOX	—B—	MAIL BOX
—C—	SIGN	—C—	SIGN
—D—	CONIFEROUS TREE	—D—	CONIFEROUS TREE
—E—	DECIDUOUS TREE	—E—	DECIDUOUS TREE
—F—	SOIL BORING	—F—	SOIL BORING
—G—	FOUND IRON MONUMENT	—G—	FOUND IRON MONUMENT
—H—	SET IRON MONUMENT	—H—	SET IRON MONUMENT
—I—	CAST IRON MONUMENT	—I—	CAST IRON MONUMENT

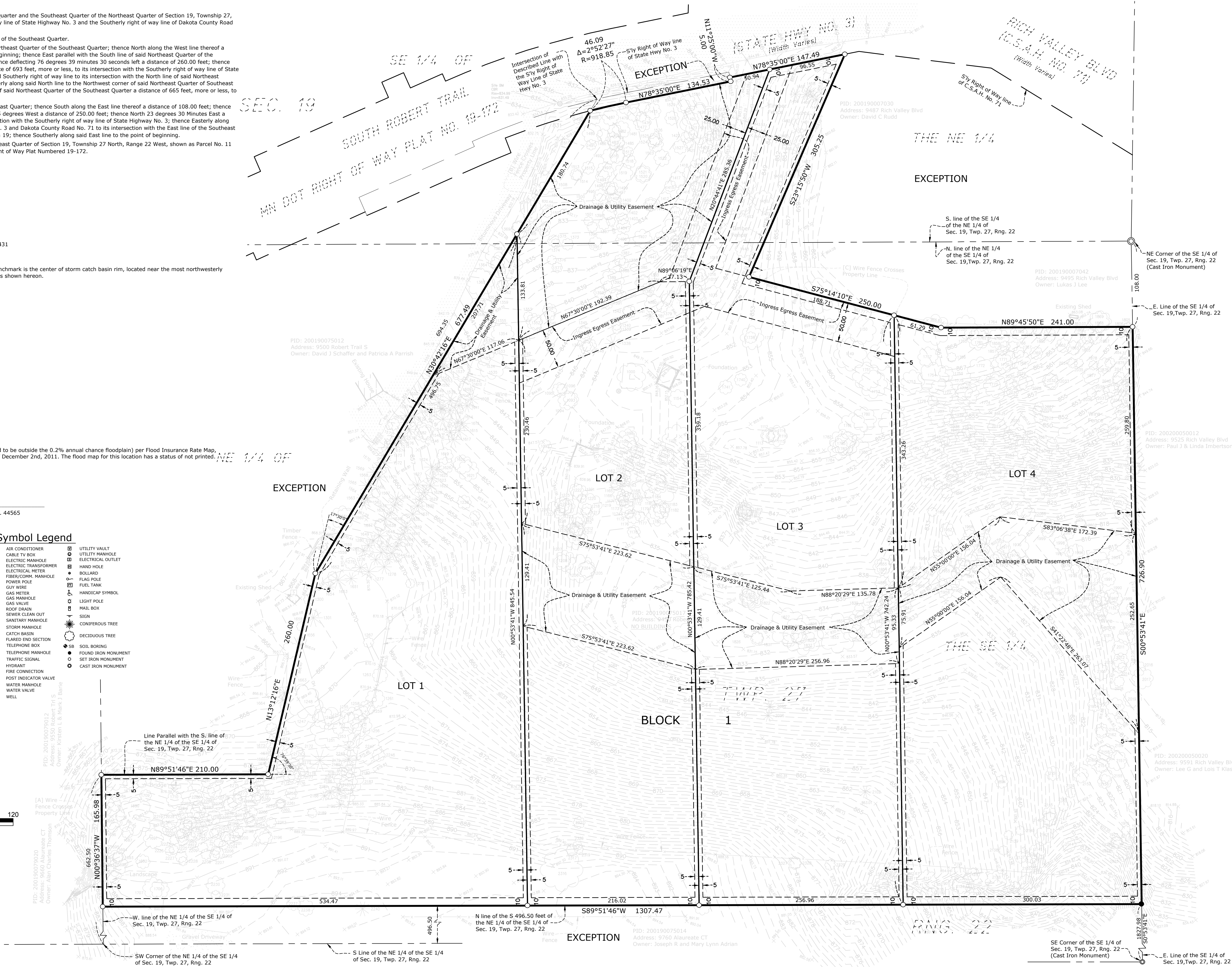


PID: 200190079012
Address: 9500 Robert Trail S
Owner: Kristen L & Mark J Bonie

PID: 200190079020
Address: 9660 Alaurate CT
Owner: Ann Charles Thomson

PID: 200190075014
Address: 9760 Alaurate CT
Owner: Joseph R and Mary Lynn Adrian

PRELIMINARY PLAT: ROBERT TRAIL WOODS



CivilSite
GROUP

Civil Engineering • Surveying • Landscape Architecture

5000 Glenwood Avenue
Golden Valley, MN 55422

civilsitegroup.com 612-615-0060

9450 Robert Trail South

Inver Grove Heights, Dakota County, Minnesota 55077

Quetica Consulting & Engineering

3800 American Blvd. W. #1500, Bloomington, Minnesota 55431

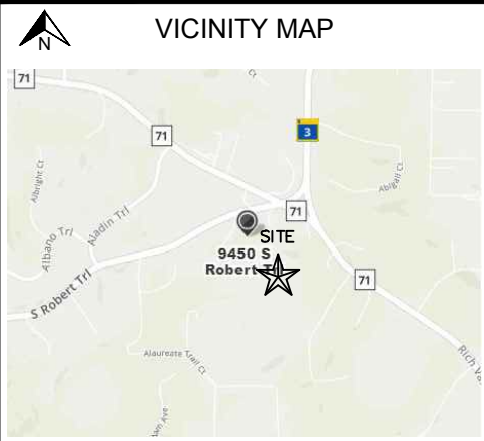
PROJECT

CLIENT

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

RORY L. SYNSTALIEN
DATE 09-14-2022 LICENSE NO. 44565

Q/A/QC
FIELD CREW DO
DRAWN BY Craig J.
REVIEWED BY Cody J.
UPDATED BY



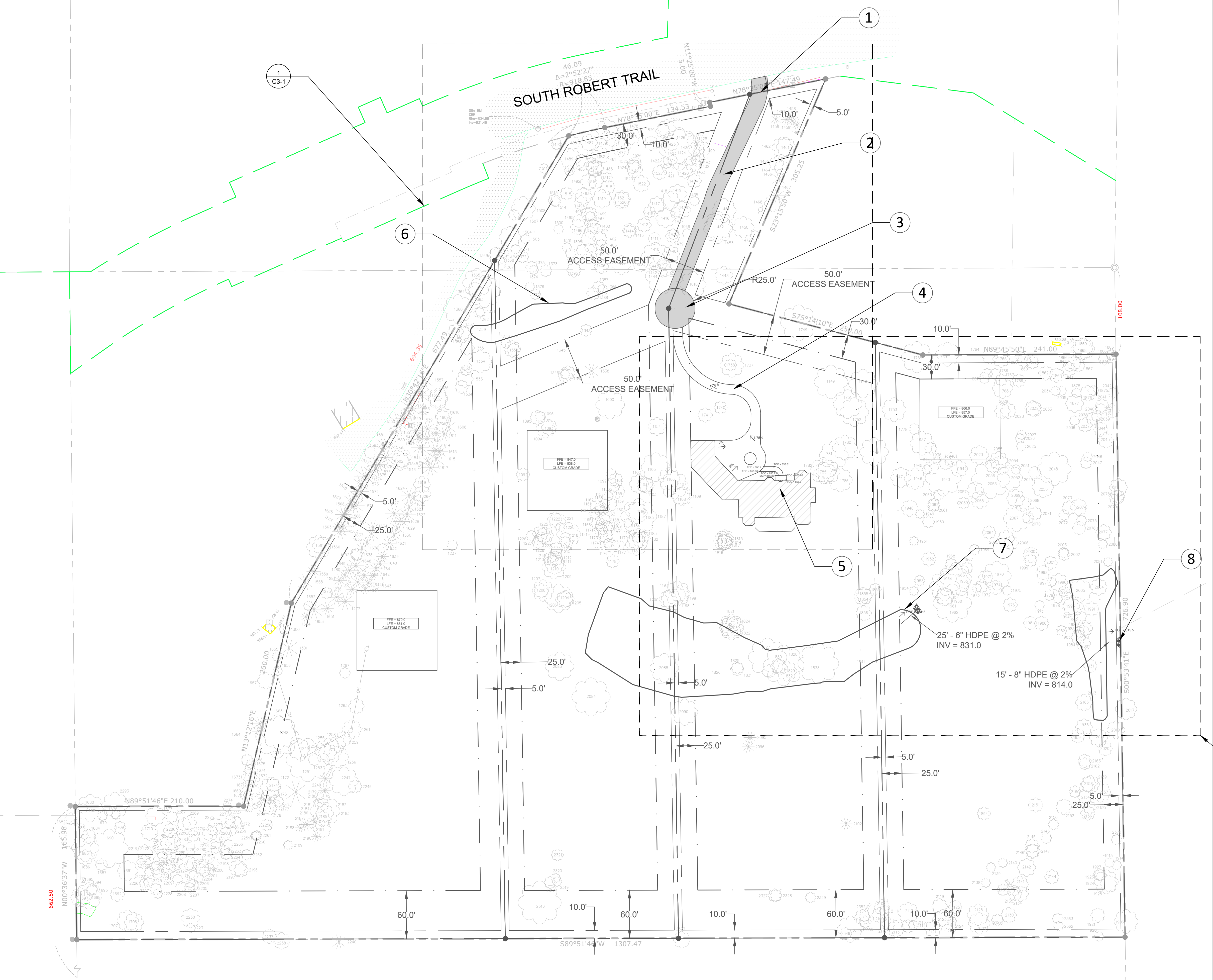
REVISION SUMMARY
DATE DESCRIPTION

PROJECT NO. 21471

PRELIMINARY PLAT

V2.0

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EXTREME CAUTION MUST BE EXERCISED BEFORE AN EXCAVATION TAKES PLACE ON OR NEAR THIS SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND/OR RELOCATION OF LINES.

PROPERTY LINE

SETBACK

EASEMENT

03060120

Feet

1

PROPOSED DRIVE ACCESS

2

NEW SHARED LIGHT DUTY BITUMINOUS DRIVEWAY 20' WIDE

3

LIGHT DUTY BITUMINOUS CULDESAC

4

NEW LIGHT DUTY BITUMINOUS DRIVEWAY 12' WIDE TYP.

5

PROPOSED HOUSE (SEE ARCH)

6

PROPOSED INFILTRATION DITCH SEE GRADING PLAN

7

PROPOSED BERM FOR RETENTION POND 1

8

PROPOSED BERM FOR RETENTION POND 2

SITE GRADING NOTES

1.

PROPOSED GRADE CONTOUR INTERVAL SHOWN AT 1 FOOT INTERVALS.

2.

CONTRACTOR SHALL ADJUST AND/OR CUT EXISTING PAVEMENT AS NECESSARY TO ASSURE A SMOOTH FIT AND CONTINUOUS GRADE.

3.

CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS FOR ALL NATURAL AND PAVED AREAS.

4.

TOPOGRAPHIC INFORMATION TAKEN FROM A TOPOGRAPHIC SURVEY BY LAND SURVEYORS, IF CONTRACTOR DOES NOT ACCEPT EXISTING TOPOGRAPHY AS SHOWN ON THE PLANS, WITHOUT EXCEPTION, HE SHALL HAVE MADE, AT HIS EXPENSE, A TOPOGRAPHIC SURVEY BY A REGISTERED LAND SURVEYOR AND SUBMIT TO THE OWNER FOR REVIEW.

5.

ALL SPOT ELEVATIONS ARE TO FLOW LINE UNLESS OTHERWISE NOTED.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATION OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES AND OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

9450 South Robert Trail Neighborhood Meeting Minutes

Date: August 12, 2022 Meeting Minutes
Location: Teams Virtual Meeting and Call in
Quetica/Owner Rep: Katie Russell and Aaron Anderson

Neighbors Present	Address
Paul and Linda Imbertson	9525 Rich Valley Blvd. Inver Grove Heights, MN 55077
Julie Barner	9836 Alaureate Court Inver Grove Heights, MN 55077
Terry Stoerzinger	9342 Robert Trail South Inver Grove Heights, MN 55077
Brian Barner	9836 Alaureate Court Inver Grove Heights, MN 55077
David Schafer	9500 Robert Trail South Inver Grove Heights, MN 55077
Kathy Munt	1255 96 th Street East Iver Grove Heights, MN 55077
Scott Balke	1255 96 th Street East Iver Grove Heights, MN 55077

Schedule

1. Presentation of Project Overview (See Attached)
2. Q/A

Notes/Questions:

Will this be going to city planning council?

Yes, submitted for preliminary plat approval following application requirements are met.

How far north will the house be on the lots?

The building pads will be shown on the preliminary plat. The closest pad to the south property line is approximately 500 feet.

City will require overlayment for future development?

No, the city will not require overlayment for future development at this time. As these lots are zoned agricultural and 5 acres is the minimum lot size.

Is the existing house still in place?

The existing house has been demolished and disposed of.

Will the new apartments down the road be considered for traffic volumes?

The plans will be sent to MNDot and preliminary discussions with them indicate little concern with increased traffic volumes.

Verify setback from south property line?

Setback is 60' and building pads are proposed much further north.

Access remains the same?

There will be one access approximately 25 feet east of the existing to line up with road across street.

How far along are you with the sales?

Sales will not be considered until after final plat is filed with county.

Will there be another meeting with the city?

The application will go to city council for review, unsure if meeting will be required for them or not.

Are the driveways private?

There will be one private driveway off South Robert trail that split to the additional lots.

Will water be private?

Yes, wells are being proposed on each lot for future development by purchasing parties.



Planning Commission Report

MEETING DATE:	November 15, 2022
CASE NO:	22-47ZA
APPLICANT:	City of Inver Grove Heights
PROPERTY OWNER:	N/A
REQUEST:	Zoning Code Amendment relating to Small Wireless Facilities
LOCATION:	N/A
COMPREHENSIVE PLAN:	N/A
ZONING:	N/A
STAFF CONTACT:	Allan Hunting, 651.450.2554

ACTION REQUESTED

Ordinance Amendment to allow Small Wireless Facilities within the public right-of-way as a conditional use abutting all single-family residential zoning districts.

BACKGROUND

State Statutes were changed several years ago to allow the installation of small wireless facilities on existing or new wireless support structures in the public right-of-way. Minn. Stat. Sec. 237.163, subd. 2(f) provides that the placement of small wireless facilities and wireless support structures to accommodate small wireless facilities is a permitted use within the public right-of-way. However, the statute does allow a City to require a Conditional Use Permit for the installation of a new wireless support structure in the right-of-way in a district or area zoned for single-family residential use. The attached ordinance would require a Conditional Use Permit for the installation of **new wireless support structures** for small wireless facilities in the right-of-way in those zoning districts of the City where single-family residential uses are allowed. Adoption of this ordinance would allow the City to add reasonable conditions related to the installation of these new wireless support structures. Alternatively, if the City takes no action and does not adopt this ordinance, then these new wireless support structures may be installed with only a small wireless facility permit.

These small wireless facilities and antennas are typically found on utility or light poles or on new support structures and have small antennas that may contain ground mounted or pole mounted equipment. Examples of small wireless facilities and support structures are shown below:



EXHIBIT A



EVALUATION OF REQUEST

Earlier this year, the City Council adopted amendments to the City's right-of-way ordinance to regulate, to the extent permitted by state law and federal regulations, small wireless facilities. At that time, the Council was advised that a zoning ordinance amendment would be forthcoming that would add small wireless facilities as a conditional use within the single-family residential zoning districts. This will allow the City to impose reasonable conditions as necessary on the location of these facilities in right-of-way adjacent to residentially zoned parcels. While there are limitations on the conditions the City may impose on these facilities, which legally must be allowed to be located in residential zoning districts, requiring a Conditional Use Permit for these facilities does provide the City with the ability to impose reasonable conditions on the installation of such facilities. Some cities do not require a Conditional Use Permit for these facilities, but others, including Apple Valley and Minnetonka, do. The attached ordinance adds various definitions to the City's zoning ordinance related to small wireless facilities, adds performance standards for such facilities, and provides that they are a permitted use in all non-residential and multiple-family residential zoning districts and a conditional use in all single-family residential zoning districts.

ALTERNATIVES

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

A. Approval: If the proposed requests are found to be acceptable, approval of the following application should be taken:

- Recommend amending the Zoning Ordinance to allow for small wireless facilities in the right-of-way and to **require a Conditional Use Permit** when the location is in front of and abutting a single-family residential use and add necessary definitions relating to small wireless facilities.
- Recommend amending the Zoning Ordinance to allow for small wireless facilities in the right-of-way as **a permitted use** in all districts and add necessary definitions relating to small wireless facilities.

RECOMMENDATION

ATTACHMENTS

1. Proposed Ordinance
2. Adopted Public Right-of-Way Ordinance
3. Memo from City Attorney on Adoption of the Public Right-of-Way Ordinance

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE
SECTIONS 10-15G-1, 10-15G-8, 10-2-2, 10-6-1 and 10-6-2 REGARDING SMALL
WIRELESS FACILITIES**

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

Section One. Amendment. Section 10-15G-1 of the Inver Grove Heights City Code 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:

F. Allow location of small wireless facilities and support structures within the public right-of-way.

Section Two. Amendment. Section 10-15G-8 of the Inver Grove Heights City Code 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:

10-15G-8: SMALL WIRELESS FACILITY:

The placement of small wireless facilities and wireless support structures to accommodate small wireless facilities are a permitted use within the public right-of-way provided the following criteria are met:

- A. A conditional use permit is required to install a new wireless support structure for the sitting of a small wireless facility in a right-of-way in an area zoned for residential use including the A, E-1, E-2, R-1A, R-1B, R-1C, and R-2 zoning districts.
- B. A small wireless facility permit shall be required pursuant to the requirements of Title 7-3-7-1 of the City Code.
- C. No new wireless support structure installed within the right-of-way shall exceed fifty (50) feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding fifty (50) feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.

- D. No wireless facility may extend more than ten (10) feet above its wireless support structure.
- E. Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
- F. Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.
- G. Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.
- H. Small wireless facilities and wireless support structures located outside the right-of-way shall comply with the standards found in Title 10-15G of the City Code.

Section Three. Amendment. Section 10-2-2 of the Inver Grove Heights City Code is hereby amended to add the following language. The underlined text shows the language added to the code:

RULES AND DEFINITIONS

10-2-2: DEFINITIONS:

SMALL WIRELESS FACILITY:

A wireless facility that meets both of the following qualifications:

- A. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and
- B. All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable,

conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

C. A micro wireless facility.

UTILITY POLE:

A pole that is used in whole or in part to facilitate telecommunications or electric service.

WIRELESS FACILITY:

Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including:

A. Equipment associated with wireless service;

B. A radio transceiver, antenna, coaxial or fiber-optic cable, regular and technological configuration; and

C. A small wireless facility.

Wireless Facility does not include:

A. Wireless support structures;

B. Wireline backhaul facilities; or

C. Coaxial or fiber-optic cables (i) between utility poles or wireless support structures, or (ii) that are not otherwise immediately adjacent to or directly associated with a specific antenna.

MICRO WIRELESS FACILITY:

A small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

WIRELESS SERVICE:

Means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by

means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, Title 47, Section 622, Clause (6).

WIRELESS SUPPORT STRUCTURE:

A new or existing structure in a public right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the City.

WIRELINE BACKHAUL FACILITY:

A facility used to transport communications data by wire from a wireless facility to a communications network.

Section Four. Amendment. The land use matrix in Section 10-6-1 is amended to add the following language. The underlined text shows the language added to the code:

Use	Zoning District												
	A	E-1	E-2	R-1A	R-1B	R-1C	R-2	R-3A	R-3B	R-3C	R-4	MF-PUD	MU-PUD
<u>New wireless support structure for small wireless facilities (see Section 10-15G-8 of this title)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Section Five. Amendment. The land use matrix in Section 10-6-2 is amended to add the following language. The underlined text shows the language added to the code:

Use	Zoning District											
	B-1	B-2	B-3	B-4	OP	I-1	IOP	I-2	P	MU-PUD	COMM-PUD	OFFICE-PUD
<u>New wireless support structures for small wireless facilities (see Section 10-15G-8)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Section Six. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed in regular session of the City Council on the _____ day of _____, 2022.

CITY OF INVER GROVE HEIGHTS

By: _____
Tom Bartholomew, Mayor

ATTEST:

Rebecca Kiernan, City Clerk

CITY OF INVER GROVE HEIGHTS

DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. 1424

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE
TITLE 7, CHAPTER 3 RELATING TO PUBLIC RIGHTS OF WAY MANAGEMENT**

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

Section One. Amendment. Title 7, Chapter 3 of the Inver Grove Heights City Code amended as follows: The ~~struck-out~~ text shows the deleted wording and the underlined text shows the language added to the Code.

**Chapter 3
PUBLIC RIGHTS OF WAY MANAGEMENT**

7-3-1: FINDINGS, PURPOSE AND INTENT:

7-3-2: ELECT TO MANAGE PUBLIC RIGHTS OF WAY:

7-3-3: DEFINITIONS:

7-3-4: ADMINISTRATIVE OFFICIAL:

7-3-5: UTILITY COORDINATION COMMITTEE:

7-3-6: REGISTRATION AND RIGHT OF WAY OCCUPANCY:

7-3-7: PERMIT REQUIREMENTS:

7-3-7-1: PERMITS REQUIRED:

7-3-7-2: APPLICATION FOR PERMIT:

7-3-7-3: PERMIT FEES:

7-3-7-4: SECURITY:

7-3-7-5: ISSUANCE OF PERMIT; CONDITIONS:

7-3-7-6: DENIAL OF PERMIT:

7-3-7-7: DISPLAY OF PERMIT:

7-3-7-8: EXTENSION OF PERMIT:

7-3-7-9: JOINT AND INDIVIDUAL APPLICATIONS:

7-3-7-10: REVOCATION OF PERMITS:

7-3-8: SUPPLEMENTARY APPLICATIONS:

7-3-9: OTHER OBLIGATIONS:

7-3-10: ROUTINE OBSTRUCTION AND EXCAVATION:

7-3-11: DILIGENCE IN PERFORMING WORK; DELAY PENALTY:

7-3-12: WORK STANDARDS:

7-3-13: INSPECTIONS:

7-3-14: WORK WITHOUT PERMIT:

7-3-15: INSTALLATION REQUIREMENTS:

7-3-16: PATCHING AND RESTORATION OF RIGHT OF WAY:

7-3-17: MAPPING DATA:

7-3-18: UNDERGROUNDING:

7-3-19: LOCATION AND RELOCATION OF FACILITIES:

7-3-20: PREEXCAVATION FACILITIES LOCATION:

7-3-21: INTERFERENCE BY OTHER FACILITIES:

7-3-22: VACATION OF RIGHT OF WAY:

7-3-23: INDEMNIFICATION AND LIABILITY:

7-3-24: ABANDONED FACILITIES:

7-3-25: APPEALS:

7-3-26: RESERVATION OF REGULATORY AND POLICE POWERS:

7-3-27: SEVERABILITY:

7-3-1: FINDINGS, PURPOSE AND INTENT:

- A. To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights of way, the city strives to keep its rights of way in a state of good repair and free from unnecessary encumbrances.
- B. Accordingly, the city enacts this chapter relating to right of way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within the city rights of way or to be placed therein at some future time. This chapter is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights of way will bear financial responsibility for their work through the recovery of out of pocket and projected costs from persons using the public rights of way.
- C. This chapter shall be interpreted consistently with ~~1997 session laws, chapter 123, substantially codified in~~ Minnesota statutes, sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the "~~A~~act") and the other laws governing applicable rights of the city and users of the rights of way. This chapter shall also be interpreted consistent with Minnesota rules 7819.0050 through 7819.9950 and Minnesota rules, chapter 7560, where possible. To the extent that any provision of this chapter cannot be interpreted consistently with the Minnesota rules, the interpretation most consistent with the Aact and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public. (Ord. 1174, 4-28-2008)

7-3-2: ELECT TO MANAGE PUBLIC RIGHTS OF WAY:

Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city elects, pursuant to Minnesota statutes section 237.163 subdivision 2(b), to manage rights of way within its jurisdiction. (Ord. 1174, 4-28-2008)

7-3-3: DEFINITIONS:

The following definitions apply in this chapter:

ABANDONED FACILITY: A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A

facility is not abandoned unless declared so by the right of way user.

APPLICANT: Any person requesting permission to excavate, ~~or~~ obstruct, or otherwise place facilities in a right of way.

CITY: The city of Inver Grove Heights, Minnesota. For purposes of section 7-3-23 of this chapter, "city" means its elected officials, officers, employees and agents.

COLLOCATE OR COLLOCATION: To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the City or other governmental unit.

COMMISSION: The State of Minnesota public utilities commission.

CONGESTED RIGHT OF WAY: A crowded condition in the subsurface of the public right of way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota statutes section 216D.04, subdivision 3, over a continuous length in excess of five hundred feet (500').

CONSTRUCTION PERFORMANCE BOND: Any of the following forms of security provided at permittee's option:

- A. Individual project bond, including a license and permit bond.
- B. Cash deposit.
- C. Security of a form listed or approved under Minnesota statutes section 15.73, subdivision 2.
- D. Letter of credit, in a form acceptable to the city.
- E. Self-insurance, in a form acceptable to the city.
- F. A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

DEGRADATION: A decrease in the useful life of the right of way caused by excavation in or disturbance of the right of way, resulting in the need to reconstruct such right of way earlier than would be required if the excavation or disturbance did not occur.

DEGRADATION COST: Subject to Minnesota rules 7819.1100, means the cost to achieve a

level of restoration as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13 set forth in Minnesota rules parts 7819.9900 to 7819.9950.

DEGRADATION FEE: The estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right of way caused by the excavation, and which equals the degradation cost.

DELAY PENALTY: The penalty imposed as a result of unreasonable delays in right of way excavation, obstruction, patching, or restoration as established by permit.

DEPARTMENT. The City's Department of Public Works.

DEPARTMENT INSPECTOR: Any person authorized by the city to carry out inspections related to the provisions of this chapter.

DIRECTOR: The director of the department of public works of the city or her or his designee.

EMERGENCY: A condition that:

- A. Poses a danger to life or health, or of a significant loss of property; or
- B. Requires immediate repair or replacement of facilities in order to restore service to a customer.

EQUIPMENT: Any tangible asset used to install, repair, or maintain facilities in any right of way.

EXCAVATE: To dig into or in any way remove or physically disturb or penetrate any part of a right of way.

FACILITY OR FACILITIES: Tangible asset in the public right of way required to provide utility service.

HIGH DENSITY CORRIDOR: A designated portion of the public right of way within which telecommunications right of way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

HOLE: An excavation in the right of way, with the excavation having a length less than the width of the pavement or adjacent pavement.

LOCAL REPRESENTATIVE: A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

MANAGEMENT COSTS: The actual costs the city incurs in managing its rights of way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right of way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right of way work; determining the adequacy of right of way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; mapping of as built location of facilities located in the right of way; revoking right of way or small wireless facility permits; and performing all other tasks required by this chapter, including other costs the city may incur in managing matters described in this chapter. Management costs do not include payment by a telecommunications right of way user for the use of the right of way, unreasonable fees of a third-party contractor used by the City including fees tied to or based on customer counts, access lines, or revenues generated by the right of way or for the city; the fees and costs of litigation relating to the interpretation of ~~Minnesota session laws 1997, chapter 123~~; Minnesota statutes sections 237.162 or 237.163 or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to section 7-3-25 of this chapter.

OBSTRUCT: To place any tangible object in a right of way so as to hinder free and open passage over that or any part of the right of way, or so as to hinder maintenance of any City asset.

OBSTRUCTION PERMIT: The permit which, pursuant to this chapter, must be obtained before a person may obstruct a right of way, allowing the holder to hinder free and open passage over the specified portion of that right of way, for the duration specified therein, including a blanket permit for a period of time and for types of work specified by the director, if deemed appropriate in ~~his~~their discretion.

OBSTRUCTION PERMIT FEE: Money paid to the city by a permittee to cover the costs as provided in section 7-3-7-3 of this chapter.

PATCH OR PATCHING: A method of pavement replacement that is temporary in nature. A patch consists of:

- A. The compaction of the subbase and aggregate base; and
- B. The replacement, in kind, of the existing pavement for a minimum of two feet (2') beyond the edges of the excavation in all directions.

PAVEMENT: Any type of improved surface that is within the public right of way and that is paved or otherwise constructed with paver blocks, bituminous, concrete, aggregate, or gravel.

PERMIT: Has the meaning given "right of way permit" in ~~Minnesota statutes section 237.162~~this chapter.

PERMITTEE: Any person to whom a permit to excavate or obstruct a right of way has been granted by the city under this chapter.

PERSON: An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

PUBLIC RIGHT OF WAY OR RIGHT OF WAY: Has the meaning given thereto in Minnesota statutes section 237.162, subdivision 3.

REGISTRANT: Any person who:

- A. Has or seeks to have its equipment or facilities located in any right of way; or
- B. In any way occupies or uses, or seeks to occupy or use, the right of way or place its facilities or equipment in the right of way.

RESTORE OR RESTORATION: The process by which an excavated right of way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

RESTORATION COST: The amount of money paid to the City by a permittee to achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission rules.

RIGHT OF WAY PERMIT: Either the utility permit or the obstruction permit, or both, depending on the context, required by this chapter.

RIGHT OF WAY USER: A. A telecommunications right of way user as defined by Minnesota statutes section 237.162, subdivision 4; or

B. A person owning or controlling a facility in the right of way that is used or intended to be used for providing utility service, and who has a right, under law, franchise, or ordinance, to use the public right of way.

SERVICE LATERAL: An underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

SERVICE OR UTILITY SERVICE: Means and includes:

- A. Those services provided by a public utility, as defined in Minnesota statutes section 216B.02, subdivisions 4 and 6;
- B. Services of a telecommunications right of way user, including transporting of voice or data information;
- C. Services of a cable communications system as defined in Minnesota statutes ~~section 238.02, subdivision 3~~chapter 238;
- D. Natural gas or electric energy or telecommunications services provided by the city;
- E. Services provided by a cooperative electric association organized under Minnesota statutes chapter 308A; and
- F. Water and, sewer, including service laterals, steam, cooling or heating services.

SMALL WIRELESS FACILITY: A wireless facility that meets both of the following qualifications:

- A. Each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or could fit within such an enclosure; and
- B. All other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than twenty-eight (28) cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment

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SUPPLEMENTARY APPLICATION: An application made to excavate or obstruct more of the right of way than allowed in, or to extend, a permit that has already been issued.

TELECOMMUNICATIONS RIGHT OF WAY USER: A person owning or controlling a facility

in the right of way, or seeking to own or control a facility in the right of way, that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system, defined and regulated under Minnesota statutes chapter 238, and telecommunications activities related to providing natural gas or electric energy services, ~~whether provided by~~ a public utility as defined in Minnesota statutes section 216B.02, a municipality, a municipal gas or power agency organized under Minnesota statutes chapters 453 and 453A, or a cooperative electric association organized under Minnesota statutes chapter 308A, are not telecommunications right of way users for purposes of this chapter except to the extent such entity is offering wireless service.

TEMPORARY SURFACE: The compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation.

TRENCH: An excavation in the right of way, with the excavation having a length equal to or greater than the width of the pavement or adjacent pavement.

UTILITY PERMIT: The permit which, pursuant to this chapter, must be obtained before a person may excavate in a right of way. A utility permit allows the holder to excavate that part of the right of way described in such permit.

UTILITY PERMIT FEE: Money paid to the city by an applicant to cover the costs as provided in section 7-3-7-3 of this chapter. (Ord. 1174, 4-28-2008)

UTILITY POLE: A pole that is used in whole or in part to facilitate telecommunications or electric service.

WIRELESS FACILITY: Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

WIRELESS SERVICE: Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

WIRELESS SUPPORT STRUCTURE: A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

7-3-4: ADMINISTRATIVE OFFICIAL:

The director is the principal city official responsible for the administration of the rights of way, right of way permits, and the ordinances related thereto. The director may delegate any or all of the duties hereunder. (Ord. 1174, 4-28-2008)

7-3-5: UTILITY COORDINATION COMMITTEE:

The city may create an advisory utility coordination committee. Participation on the committee is voluntary. The committee will be composed of any registrants that wish to assist the city in obtaining information and by making recommendations regarding use of the right of way, and to improve the process of performing construction work therein. The city may determine the size of such committee and shall appoint members from a list of registrants that have expressed a desire to assist the city. (Ord. 1174, 4-28-2008)

7-3-6: REGISTRATION AND RIGHT OF WAY OCCUPANCY:

A. Registration Required:

1. Each person who occupies, uses, or seeks to occupy or use the right of way or place any equipment or facilities in or on the right of way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the city. Registration will consist of providing application information and paying a registration fee. Registration shall be renewed annually. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in, any right of way without first being registered with the city.
2. Nothing in this chapter shall be construed to repeal or amend the provisions of a city ordinance establishing the rights of and limitations placed on persons to plant or maintain boulevard plantings or gardens in the area of the right of way between their property and the street curb. Persons carrying out or requesting the following work shall not be deemed to use or occupy the right of way within the meaning of this chapter, and shall not be governed by this chapter. Such persons are or may be governed by other code sections, including, but not limited to, those noted as follows:

- a. Persons planting or maintaining vegetation in the boulevard, chapters 1 and 2 of this title and title 5, chapter 9 of this code.
 - b. Persons installing driveways, sidewalks, curb and gutter, or parking lots, chapter 2 of this title and section 10-15-20 of this code.
 - c. Persons erecting fences over drainage or utility easements, chapter 2 of this title and section 10-15-12 of this code.
 - d. Persons engaged in snow removal activities, chapter 1 of this title.
 - e. Persons installing street furnishings, mailboxes, bus stop benches and shelters, title 10, chapter 15, article I of this code.
 - f. Persons installing vending machines, chapter 1 of this title.
 - g. Persons installing irrigation systems, chapter 1 of this title.
 - h. Persons installing pet containment systems, chapter 1 of this title.
 - i. Persons installing water or sewer service lines, chapter 2 of this title.
3. Nothing herein relieves a person from complying with the provisions of the Minnesota statutes chapter 216D, gopher one call law.

B. Required Information: The registrant shall provide the following at the time of registration and shall promptly notify the city of changes in such information:

- 1. Registrant's name, address, telephone number, facsimile number and gopher one call registration certificate number if required by state law.
 - 2. Name, address, telephone number, e-mail address, and facsimile number of the person responsible for fulfilling the obligations of the registrant.
- a. A certificate of insurance from a company licensed to do business in the state of Minnesota providing coverage in the following amounts:

(1) General Liability: Public liability, including premises, products and complete operations:

Bodily injury liability	\$1,000,000.00 each person
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\$3,000,000.00 each occurrence

Property damage liability \$3,000,000.00 each occurrence

Bodily injury and property
damage combined \$3,000,000.00 single limit

(2) Comprehensive: Automobile liability insurance, including owned, nonowned and hired vehicles:

Bodily injury liability \$1,000,000.00 each person

Property damage liability \$3,000,000.00 each occurrence

In lieu of the above, bodily injury
and property damage combined \$3,000,000.00 single limit

b. Such certificate shall verify that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the: 1) use and occupancy of the right of way by the registrant, its officers, agents, employees and permittees; and 2) placement and use of equipment or facilities in the right of way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground equipment and collapse of property. Such certificate shall also name the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages. Such certificate shall require that the director be notified thirty (30) days prior to cancellation of the policy.

4. Twenty four (24) hour emergency number.

5. An acknowledgment by the registrant of the indemnification pursuant to section 7-3-23 of this chapter.

6. Such other information the director may require.

C. Notice Of Changes: The registrant shall keep all of the information listed in subsection B of this section current at all times by providing to the city information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

D. Construction And Maintenance Plan:

1. If requested by director, each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the city. Such plan shall be submitted using a format designated by the city and shall contain the information determined by the city to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights of way. The plan shall include, but not be limited to, the locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year.
2. Notwithstanding the foregoing, the city will not deny an application for a right of way permit for failure to include a project in a plan submitted to the city if the registrant has used commercially reasonable efforts to anticipate and plan for the project. (Ord. 1174, 4-28-2008)

7-3-7: PERMIT REQUIREMENTS:

7-3-7-1: PERMITS REQUIRED:

Except as otherwise provided in this code, no right of way user person may obstruct or excavate any right of way or install or place facilities in the right of way, without first having obtained the appropriate right of way permit from the city to do so.

- A. Utility Permit: A utility permit is required by a registrant to excavate that part of the right of way described in such permit and to hinder free and open passage over the specified portion of the right of way by placing facilities described therein, to the extent and for the duration specified therein.
- B. Obstruction Permit: An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of the right of way by placing equipment described therein on the right of way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid utility permit for the same project.
- C. Other Permits: Other permits may be required for persons in accordance with this code.
- D. Overhead Facilities: Permits for installation, repair or other work on aboveground facilities within the meaning of Minnesota statutes section 237.163, subdivision 6(b)(4), will be obstruction permits, notwithstanding the need for excavation, provided the excavation is augered or hand dug for the purpose of placing a pole type structure. (Ord. 1174, 4-28-2008)

E. Small Wireless Facility Permit: A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to

otherwise install a small wireless facility in the specified portion of the right-of-way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

7-3-7-2: APPLICATION FOR PERMIT:

Application for a permit is made to the city on forms approved by the City Engineer or the City Engineer's designee. Right of way permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

- A. Registration with the city pursuant to this chapter.
- B. Submission of a completed permit application form as provided by the city, including all required attachments, and five (5) copies of scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities owned or operated by the applicant. Plans must include scaled dimensions indicating the proposed location of the facility within the right of way and scaled dimensions of the facility from an existing physical topographic feature (such as "back of curb", "edge of bituminous road"). Plans must also show all existing physical topographic features (trees, shrubs, culverts, driveways, fences, street signs) that lie within ten feet (10') of the proposed facility location.
- C. Scaled drawings showing the location of any public streets, alleys, sidewalks, or trails that will be disrupted by the work.
- D. Scaled drawings showing the location of any public streets, alleys, sidewalks, or trails that will be temporarily closed to traffic or obstructed by the work.
- E. A description of methods to be used for restoration of streets or boulevards.
- F. Payment of money due the city for:
 - 1. Permit fees, estimated restoration costs and other management costs.
 - 2. Prior obstructions or excavations.
 - 3. Any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights of way or any emergency actions taken by the city.

- G. Payment of disputed amounts due the city by posting security or depositing in an escrow account an amount equal to at least one hundred percent (100%) of the amount owing.
- H. Posting an additional or larger construction performance bond for additional facilities when the applicant requests a utility permit to install additional facilities and the city deems the existing construction performance bond inadequate under applicable standards. (Ord. 1174, 4-28-2008)

7-3-7-3: PERMIT FEES:

A. Fee Schedule And Fee Allocation: The city permit fee schedule shall be available to the public and established in advance where reasonably possible. The permit fees shall be designed to recover the city's actual costs incurred in managing the right of way and shall be based on an allocation among all users of the right of way, including the city.

B. Fees Established:

1. Utility Permit Fee: The city shall establish a utility permit fee in an amount sufficient to recover the following costs:

- a. City management costs.
- b. Degradation costs, if applicable.

2. Obstruction Permit Fee: The city shall establish the obstruction permit fee which shall be in an amount sufficient to recover the city management costs.

3. Small Wireless Facility Permit Fee: The city shall impose a small wireless facility permit fee in an amount sufficient to recover:

- a. City management costs.
- b. City engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

C. Payment Of Fees: No utility permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees.

D. Fees Nonrefundable: Permit fees that were paid for a permit that the city has revoked for a breach, as stated in section 7-3-7-10 of this chapter are not refundable.

- E. Application To Franchises: Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right of way user in the franchise. (Ord. 1174, 4-28-2008)

7-3-7-4: SECURITY:

A construction performance bond in an amount determined by the director shall be required from each applicant. A surety bond shall be from a corporate surety authorized to do business in the state. Security required pursuant to this section shall require that the holder will perform the work in accordance with this chapter and applicable permits and regulations; will pay to the city any costs incurred by the city in performing work pursuant to this chapter; and will indemnify and save the city and its officers, agents and employees harmless pursuant to this code. The construction performance bond shall be released by the city upon completion of the work and compliance with all conditions imposed by the permit. For permits allowing excavations within the public right of way, the construction performance bond shall be held for a period of twenty four (24) months to guaranty the adequacy of all restoration work. (Ord. 1174, 4-28-2008)

7-3-7-5: ISSUANCE OF PERMIT; CONDITIONS:

- A. Issuance: If the applicant has satisfied the requirements of this chapter, the city shall issue a permit within ten (10) business days of receiving a completed application. If the city issues a permit under this chapter, the applicant shall not be required to obtain a permit for the same work under chapter 2 of this title.
- B. Conditions: The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right of way and its current use. The permittee shall comply with all conditions contained in the permit.
- C. Notice Of Work: Upon request by the director, the permittee shall notify in writing, in a form approved by the director, all residents specified by the director whose property is adjacent to the right of way where the proposed work is to be done indicating start and completion dates. Written notification is not required for routine obstruction and excavation projects described in section 7-3-10 of this chapter. (Ord. 1174, 4-28-2008)

D. Small Wireless Facility Conditions:

In addition to conditions under Section 7-3-7-5 B , the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:

- A. small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
- B. No new wireless support structure installed within the right-of-way shall exceed fifty (50) feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding fifty (50) feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
- c. No wireless facility may extend more than ten (10) feet above its wireless support structure.
- d. Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
- e. Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, such equipment must be consistent with the City's aesthetic standards regarding wireless equipment. Such standards shall ensure that wireless equipment is installed with a stealth design and that equipment does not detract from the character of the area in which it is installed. In addition, the City Engineer shall adopt standards that ensure City assets can continue to effectively perform their intended function, and the city may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure. Such standards shall be made available with the application required for a small cell permit.
- f. Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.
- g. A permit will be deemed void if the approved equipment is not installed within one year of issuance of the permit.

E. Small Wireless Facility Agreement:

A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The city may require payment of the following in the standard collocation agreement:

- a. Up to \$150 per year for rent to collocate on the city structure.
- b. \$25 per year for maintenance associated with the collocation;
- c. A monthly fee for electrical service as follows:
 - 1. \$73 per radio node less than or equal to 100 maximum watts;
 - 2. \$182 per radio node over 100 maximum watts; or
 - 3. The actual costs of electricity, if the actual cost exceed the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant.

F. Action on Small Wireless Facility Permit Applications:

- a. Deadline for Action: The city shall approve or deny a small wireless facility permit application within ninety (90) days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.
- b. Consolidated Applications: An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to fifteen (15) small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:
 - 1. are located within a two mile (2) radius;
 - 2. consist of substantially similar equipment; and
 - 3. are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

G. Tolling of Deadline:

The 90-day deadline for action on a small wireless facility permit application may be tolled if:

- a. The city receives applications from one or more applicants seeking approval of permits for more than thirty (30) small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by thirty (30) days by informing the affected applicants in writing of such extension.
- b. The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within thirty (30) days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information.
- c. The city and a small wireless facility applicant agree in writing to toll the review period.

7-3-7-6: DENIAL OF PERMIT:

The city may deny a permit for failure to meet the requirements and conditions of this chapter; or if the city determines that the denial is necessary to protect the health, safety, and welfare; or when necessary to protect the right of way and its current use; or for the following specific violations:

- A. Failure to register pursuant to section 7-3-6 of this chapter.
- B. A proposed excavation within a street or sidewalk surface that has been constructed or reconstructed within the preceding seven (7) years, unless the director determines that no other locations are feasible or when necessitated by emergency.
- C. The applicant is subject to revocation of a prior permit issued pursuant to this chapter.
- D. The proposed schedule for the work would conflict or interfere with an exhibition, celebration, festival or any other similar event.
- E. The right of way would become unduly congested due to the proposed facilities and equipment when combined with other uses in the right of way, as provided in subsection 7-3-19F of this chapter.

- F. Businesses or residences in the vicinity will be unreasonably disrupted.
- G. The applicant failed to meet a reasonable schedule to participate in a mandated joint trench operation with other applicants, and the additional work will unreasonably disrupt the restored right of way, businesses or residences.
- H. The proposed schedule conflicts with scheduled reconstruction of the right of way. (Ord. 1174, 4-28-2008)

Procedural Requirements: The denial or revocation of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant or right-of-way user in writing within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within thirty (30) days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within thirty (30) days after submission.

7-3-7-7: DISPLAY OF PERMIT:

Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city. (Ord. 1174, 4-28-2008)

7-3-7-8: EXTENSION OF PERMIT:

No person may excavate or obstruct the right of way beyond the date or dates specified in the permit unless: a) such person makes a supplementary application for another right of way permit before the expiration of the initial permit or requests a verbal extension; and b) a new permit or permit extension is granted. Verbal extensions may be granted by the director for a period no greater than forty eight (48) hours or for emergencies. (Ord. 1174, 4-28-2008)

7-3-7-9: JOINT AND INDIVIDUAL APPLICATIONS:

- A. Joint Trenching: The director may require registrants to jointly apply for permits to excavate or obstruct the right of way at the same place and time.
- B. Fees: The registrant who applies for a joint utility permit shall pay the required permit fee. (Ord. 1174, 4-28-2008)

7-3-7-10: REVOCATION OF PERMITS:

- A. Substantial Breach: The city reserves its right to revoke any right of way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:
 - 1. The violation of any material provision of the right of way permit;
 - 2. An evasion or attempt to evade any material provision of the right of way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
 - 3. Any material misrepresentation of fact in the application for a right of way permit;
 - 4. The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or
 - 5. The failure to correct, in a timely manner, work that does not conform to a condition indicated on a written notice issued pursuant to subsection 7-3-15E of this chapter.
- B. Written Notice Of Breach: If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated in subsection A of this section, will allow the city to place additional or revised conditions on the permit to mitigate and remedy the breach.
- C. Response To Notice: Within a time established by the director following permittee's receipt of notification of the breach, the permittee shall provide the city with a plan to cure the breach, acceptable to the city. The permittee's failure to submit a timely and acceptable plan, or the permittee's failure to timely implement the approved plan, shall be cause for immediate revocation of the permit.

- D. Reimbursement Of City Costs: If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorney fees incurred in connection with such revocation. (Ord. 1174, 4-28-2008)

7-3-8: SUPPLEMENTARY APPLICATIONS:

- A. Limitation On Area: A right of way permit is valid only for the area of the right of way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee who determines that an area greater than that specified in the permit must be obstructed or excavated must, before working in that greater area: 1) make application for a permit extension and pay any additional fees required thereby; and 2) be granted a new permit or permit extension.

B. Limitation On Dates:

1. A right of way permit is valid only for the dates specified in the permit. No permittee may begin work before the permit start date or, except as provided herein, continue working after the end date. Except in the case of verbal extensions, if a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.
2. If the obstruction or excavation of the right of way begins later or ends sooner than the date given on the permit, the permittee shall notify the city by supplementary application of the accurate information as soon as this information is known. (Ord. 1174, 4-28-2008)

7-3-9: OTHER OBLIGATIONS:

- A. Compliance With Other Laws: Obtaining a right of way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including, but not limited to, Minnesota statutes sections 216D.01 to 216D.09 (gopher one call excavation notice system) and Minnesota rules chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right of way pursuant to its permit, regardless of who does the work.
- B. Prohibited Work: Except in an emergency, or with the approval of the city, no right of way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

- C. Interference With Right Of Way: A permittee shall not so obstruct a right of way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with, unless otherwise approved by the director. Private vehicles of those doing work in the right of way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.
- D. Traffic Control: A permittee shall implement traffic control measures in the area of the work and shall use traffic control procedures in accordance with the most recent manuals on uniform traffic control, traffic control devices and traffic zone layouts published by the state of Minnesota.
- E. Trenchless Excavation: As a condition of all applicable permits, permittees employing trenchless excavation methods, including, but not limited to, horizontal directional drilling, shall follow all requirements set forth in Minnesota statutes chapter 216D and Minnesota rules chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the director. (Ord. 1174, 4-28-2008)

7-3-10: ROUTINE OBSTRUCTION AND EXCAVATION:

Routine excavations and obstructions are permitted without separate notice and separate compensation for such projects. Projects that do not involve excavation of paved surface and that last less than a continuous eight (8) hour period in duration between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Friday, excluding holidays, may, in the director's discretion, be considered routine obstruction and excavation and include, by way of example, switching, replacing fuses, replacing transformers, placing line guards, animal protection, leak surveys, anode installations and inspections, or to repair facilities due to public damage or accident. (Ord. 1174, 4-28-2008)

7-3-11: DILIGENCE IN PERFORMING WORK; DELAY PENALTY:

Work shall progress in an expeditious manner as permitted by weather conditions until completion in order to avoid unnecessary inconvenience. In the event that the work is not performed in accordance with applicable regulations, excavations and utility connections, or the work is not done in an expeditious manner, or is abandoned without due cause, the city may, after seventy two (72) hours' notice to the permit holder, correct and fill the excavation or repair the street. The entire cost of such work shall be paid by the permit holder upon demand made by the city. In accordance with Minnesota rule 7819.1000, subpart 3, the city shall establish and

impose a delay penalty for unreasonable delays in right of way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by city council resolution. A delay penalty will not be imposed for delays due to force majeure, including inclement weather, civil strife, acts of God, or other circumstances beyond the control of the applicant. (Ord. 1174, 4-28-2008)

7-3-12: WORK STANDARDS:

The permit holder shall comply with the following standards when engaging in the work:

- A. Observe and comply with all laws, rules and regulations of the state.
- B. Conduct the operation and perform the work in a manner as to ensure the least obstruction and interference to traffic.
- C. Take adequate precautions to ensure the safety of the general public and those who require access to abutting property.
- D. If required by the director, notify adjoining property owners prior to the commencement of work which may disrupt the use of and access to such adjoining properties.
- E. In all cases where construction work interferes with the normal use of the construction area, provide for closing the construction area to traffic or to afford restricted use of the area and comply with MUTCD traffic safety signing requirements.
- F. Exercise precaution at all times for the protection of persons, including employees and property.
- G. Protect and identify excavations and work operations with barricade flags and, if required, by flagmen in the daytime and by warning lights at night.
- H. Provide proper trench protection as required by OSHA when necessary and, depending upon the type of soil, in order to prevent cave ins endangering life or tending to enlarge the excavation.
- I. Protect the root growth of trees and shrubbery.
- J. Installation of pipe (utility conductors) under concrete or bituminous pavements shall be done by jacking, auguring or tunneling as directed by the director unless otherwise authorized.

K. All backfilling must be placed in six inch (6") layers at optimum moisture and compacted with the objective of attaining one hundred percent (100%) of standard proctor density. Compaction shall be accomplished with hand, pneumatic or vibrating compacters, as appropriate.

L. No metal tracked or other lugged equipment is allowed to be driven on the public right of way. (Ord. 1174, 4-28-2008)

7-3-13: INSPECTIONS:

A. Site Inspection: Permittee shall make the work site available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

B. Authority Of Director:

1. At the time of inspection, the director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well being of the public.
2. The director may issue an order to the permittee to correct any work that does not conform to the terms of the permit or other applicable standards, conditions, or code. If the work failure is a "substantial breach", within the meaning of Minnesota statutes section 237.163, subdivision 4(c), the order shall state that failure to correct the violation will be cause for revocation of the permit after a specified period determined by the director. The permittee shall present proof to the director that the violation has been corrected within the time period set forth by the director in the order. Such proof shall be provided no later than the next business day following the day of completion. If such proof has not been presented within the required time, the director may revoke the permit pursuant to section 7-3-7-10 of this chapter. (Ord. 1174, 4-28-2008)

7-3-14: WORK WITHOUT PERMIT:

A. Emergency Situations:

1. Each registrant shall immediately notify the director of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to state gopher one call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

2. If the city becomes aware of an emergency regarding a registrant's facilities, the city will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

B. Nonemergency Situations: Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right of way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by this code, deposit with the city the fees necessary to correct any damage to the right of way, and comply with all of the requirements of this chapter. (Ord. 1174, 4-28-2008)

7-3-15: INSTALLATION REQUIREMENTS:

The excavation, backfilling, patching and restoration, and all other work performed in the right of way shall be done in conformance with Minnesota rules 7819.1100 and 7819.5000 and other applicable local requirements, insofar as they are not inconsistent with the Minnesota statutes sections 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minnesota rules chapter 7560 and this chapter. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable permits and/or agreements referenced in subsection 7-3-17B of this chapter. (Ord. 1174, 4-28-2008)

7-3-16: PATCHING AND RESTORATION OF RIGHT OF WAY:

A. Timing: The work to be done under the utility permit, and the patching and restoration of the right of way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under subsection 7-3-9B of this chapter or if the permittee is granted a new permit.

B. Performing Work: Permittee must patch its own work. The city may choose either to have the permittee restore the surface and subgrading portions of right of way or to restore the surface portion of right of way itself.

1. Permittee Restoration: If the permittee restores the right of way itself, it shall, at the time of application for a utility permit, post a construction performance bond in accordance with the provisions of section 7-3-7-4 of this chapter, and Minnesota rules 7819.3000.

2. City Restoration: If the city restores the surface portion of right of way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles or otherwise fails for reasons not caused by the city's failure to properly restore, the permittee shall pay to the city, within thirty (30) days of billing, all costs associated with correcting the defective work.

3. Degradation Fee In Lieu Of Restoration: In lieu of right of way restoration, a right of way user may elect to pay a degradation fee. However, the right of way user shall remain responsible for replacing and compacting the subgrade and aggregate based material in the excavation, and the degradation fee shall not include the cost to accomplish these responsibilities.

C. Standards: The permittee shall perform patching and restoration according to the standards and with the materials specified by the city and shall comply with Minnesota rules 7819.1100. In exercising authority over restoration, the director shall be guided by the following standards and considerations:

1. The number, size, depth and duration of the excavations, disruptions or damage to the right of way;
2. The traffic volume carried by the right of way and the character of the neighborhood surrounding the right of way;
3. The preexcavation condition of the right of way and the remaining life expectancy of the right of way affected by the excavation;
4. Whether the relative cost of the method of restoration to the permit holder is in reasonable balance with the prevention of an accelerated depreciation of the right of way that would otherwise result from the excavation, disturbance or damage to the right of way; and
5. The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right of way that would otherwise take place.

D. Duty To Correct Defects: The permittee shall correct defects in patching or restoration performed by permittee or its agents. Upon notification from the city, permittee shall correct all restoration work to the extent necessary, using the method required by the city. Unless otherwise agreed to by the director, said work shall be commenced within two (2) days of receipt of the notice from the city and shall be completed within fourteen (14) days of commencement of work, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under subsection 7-3-9B of this chapter.

- E. Failure To Restore: If the permittee fails to restore the right of way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city shall notify the permittee in writing of the specific alleged failure or failures and shall allow the permittee five (5) days from receipt of said written notice to cure said failure or failures, unless otherwise extended by the director. In the event the permittee fails to cure, the city may, at its option, perform the necessary work, and the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right of way. If the permittee fails to pay as required, the city, in addition to other remedies provided by law, may exercise its rights under the construction performance bond. (Ord. 1174, 4-28-2008)

7-3-17: MAPPING DATA:

- A. Information Required: Each registrant and permittee shall provide mapping information required by the city in accordance with Minnesota rules 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the director accurate maps and drawings certifying the as built location of all equipment installed, owed, and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the city's electronic mapping system, when practical or as a condition imposed by the director. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder's registration.
- B. Service Laterals: All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota rules 7560.0150, subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the director reasonably requires it. Permittees or their subcontractors shall submit to the director evidence satisfactory to the director of the installed service lateral locations. Compliance with this subsection and with applicable state gopher one call law and Minnesota rules governing service laterals installed after December 31, 2007, shall be a condition of any city approval necessary for: 1) payments to contractors working on a public improvement project including those under Minnesota statutes chapter 429; and 2) city approval of performance under development agreements or other subdivision or site plan approval under Minnesota statutes chapter 462. The director shall reasonably determine the appropriate method of providing such information to the city. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors. (Ord. 1174, 4-28-2008)

7-3-18: UNDERGROUNDING:

- A. Purpose: The purpose of this section is to promote the health, safety and general welfare of the public and is intended to foster: 1) safe travel over the right of way; 2) nontravel related safety around homes and buildings where overhead feeds are connected; and 3) orderly development in the city. Location and relocation, installation and reinstallation of facilities in the right of way or in or on other public ground must be made in accordance with this section and is intended to be enforced consistently with state and federal law regulating right of way users, specifically including, but not limited to, Minnesota statutes sections 161.45, 237.162, 237.163, 301B.01, 222.37, 238.084 and 216B.36 and the telecommunications act of 1996, title 47, USC section 253.
- B. New Facilities: Facilities newly installed, constructed or otherwise placed in the public right of way or in other public property held in common for public use must be located and maintained underground pursuant to the terms and conditions of this chapter and in accordance with applicable construction standards, subject to the exceptions below. Aboveground installation, construction, modification, or replacement of meters, gauges, transformers, street lighting, pad mount switches, capacitor banks, reclosers and service connection pedestals shall be allowed. These requirements shall apply equally outside of the corporate limits of the city coincident with city jurisdiction of platting, subdivision regulation or comprehensive planning as may now or in the future be allowed by law.
- C. Permanent Replacement, Relocated Or Reconstructed Facilities: If the city finds that one or more of the purposes set forth in subsection A of this section would be promoted, the city may require a permanent replacement, relocation or reconstruction of a facility to be located and maintained underground, with due regard for seasonal working conditions. For purposes of this subsection, "reconstruction" means any substantial repair of or any improvement to existing facilities. Undergrounding may be required whether a replacement, relocation or reconstruction is initiated by the right of way user owning or operating the facilities, or by the city in connection with: 1) the present or future use by the city or other local governmental unit of the right of way or other public ground for a public project; 2) the public health or safety; or 3) the safety and convenience of travel over the right of way. Subject to subsection D of this section, all relocations from previously placed underground facilities shall be to another underground location.
- D. Exceptions: The following exceptions to the strict application of this section shall be allowed upon the conditions stated:
1. Technical/Economic Feasibility; Promotion Of Policy: Aboveground installation, construction, or placement of facilities shall be allowed in residential, commercial and industrial areas where the council, following consideration and recommendation by the planning commission, finds that:

- a. Underground placement would place an undue financial burden upon the landowner, rate payer, or right of way user, or would deprive the landowner of the preservation and enjoyment of substantial property rights; or
 - b. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions which adversely affect underground facilities placement; or
 - c. Failure to promote the purposes of undergrounding. The right of way user clearly and convincingly demonstrates that none of the purposes under subsection A of this section would be advanced by underground placement of facilities on the project in question, or the city determines on its own review that undergrounding is not warranted based on the circumstances of the proposed undergrounding.
2. Temporary Service: Aboveground installation, construction, or placement of temporary service lines shall only be allowed:
- a. During new construction of any project for a period not to exceed three (3) months.
 - b. During an emergency in order to safeguard lives or property within the city.
 - c. For a period of not more than seven (7) months when soil conditions make excavation impractical.
- E. Developer Responsibility: All owners, platters, or developers are responsible for complying with the requirements of this section and, prior to final approval of any plat or development plan, shall submit to the director written instruments from the appropriate right of way users showing that all necessary arrangements with said users for installation of such facilities have been made. (Ord. 1174, 4-28-2008)

7-3-19: LOCATION AND RELOCATION OF FACILITIES:

- A. Compliance With State Regulations: Placement, location and relocation of facilities must comply with the act, with other applicable rights of the city under its police power, and with Minnesota rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.
- B. Relocation Notification Procedure: The director shall notify the utility owner at least three (3) months in advance of the need to relocate existing facilities so the owner can determine if relocation or replacement is required and plan any required work. The city should provide one notification, provide the date work will start on the city's project and, if different, provide the date by which the relocation must be completed. To the extent technically feasible and limited by seasonal constraints, all utilities shall be relocated within one month or in a time

frame determined by the director. The director may allow a different schedule if it does not interfere with the city's project. The utility owner shall diligently work to relocate the facilities within the above schedule.

C. Delay To City Project: If the owner fails to meet the relocation schedule due to circumstances within the utility's control, the city may charge the utility owner for all costs incurred by the city because the relocation is not completed in the scheduled time frame.

D. Joint Trenching: All facilities shall be placed in appropriate portions of right of way so as to cause minimum conflict with other underground facilities. When technically appropriate and no safety hazards are created, all utilities shall be installed, constructed or placed within the same trench. Notwithstanding the foregoing, gas and electric lines shall be placed in conformance with Minnesota rules part 7819.5100, subpart 2, governing safety standards.

E. Corridors:

1. The city may assign a specific area within the right of way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the city expects will be located within the right of way. All utility, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue. A typical cross section of the location for utilities may be on file at the director's office. This section is not intended to establish "high density corridors".
2. Any registrant who has facilities in the right of way in a position at variance with the corridors established by the city may remain at that location until the city requires facilities relocation to the corridor pursuant to relocation authority granted under Minnesota rules 7819.3100 or other applicable law.

F. Limitation Of Space: To protect the public health, safety, and welfare, or when necessary to protect the right of way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right of way. In making such decisions, the city shall strive, to the extent possible, to accommodate all existing and potential users of the right of way, but shall be guided primarily by considerations of the public interest, the public needs for the particular utility service, the condition of the right of way, the time of year with respect to essential utilities, the protection of existing facilities in the right of way, and future city plans for public improvements and development projects which have been determined to be in the public interest. (Ord. 1174, 4-28-2008)

7-3-20: PREEXCAVATION FACILITIES LOCATION:

In addition to complying with the requirements of Minnesota statutes sections 216D.01 to

216D.09 (one call excavation notice system) before the start date of any right of way excavation, each registrant who has facilities or equipment in the area to be excavated shall be responsible to mark the horizontal placement of all said facilities, to the extent technically feasible. To the extent its records contain such information, each registrant shall provide information regarding the approximate vertical location of its facilities, at the time of installation, to excavators upon request. Nothing in this section is meant to limit the rights, duties and obligations of the facility owners or excavators as set forth in Minnesota statutes sections 216D.01 to 216D.09. (Ord. 1174, 4-28-2008)

7-3-21: INTERFERENCE BY OTHER FACILITIES:

When the city does work in the right of way, in its governmental right of way management function, and finds it necessary to maintain, support, or move a registrant's facilities to carry out the work without damaging the registrant's facilities, the city shall notify the local representative as early as is reasonably possible. The city costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right of way which it or its facilities damage. (Ord. 1174, 4-28-2008)

7-3-22: VACATION OF RIGHT OF WAY:

- A. Reservation Of Right: If the city vacates a right of way which contains the equipment of a registrant, and if the vacation does not require the relocation of registrant facilities and equipment, the city shall reserve, to and for itself and all registrants having facilities and equipment in the vacated right of way, the right to install, maintain and operate any facilities and equipment in the vacated right of way and to enter upon such right of way at any time for the purpose of reconstruction, inspecting, maintaining or repairing the same.
- B. Relocation Of Equipment: If the vacation requires the relocation of registrant facilities and equipment, and: 1) if the vacation proceedings are initiated by the registrant, the registrant must pay the relocation costs; or 2) if the vacation proceedings are initiated by the city, the registrant must pay the relocation costs unless otherwise agreed to by the city and the registrant; or 3) if the vacation proceedings are initiated by a person or persons other than the registrant or permit holder, such other person or persons must pay the relocation costs. (Ord. 1174, 4-28-2008)

7-3-23: INDEMNIFICATION AND LIABILITY:

By registering with the city, or by accepting a permit under this chapter, a registrant or permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota rules 7819.1250. (Ord. 1174, 4-28-2008)

7-3-24: ABANDONED FACILITIES:

- A. Discontinued Operations: A registrant who has decided to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right of way under this chapter have been lawfully assumed by another registrant.
- B. Removal: Any registrant who has abandoned facilities in any right of way shall remove them from that right of way pursuant to Minnesota rules 7819.3300, unless the requirement is waived by the director. A facility is not abandoned unless declared so by the operator. (Ord. 1174, 4-28-2008)

7-3-25: APPEALS:

A right of way user that: a) has been denied registration; b) has been denied a permit; c) has had a permit revoked; d) believes that the fees imposed are not in conformity with Minnesota statutes section 237.163, subdivision 6; or e) disputes a determination of the director regarding subsection 7-3-17B of this chapter may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the city council. The city council shall act on a timely written request at its next regularly scheduled meeting. A decision by the city council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision. (Ord. 1174, 4-28-2008)

7-3-26: RESERVATION OF REGULATORY AND POLICE POWERS:

A permittee's or registrant's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public. (Ord. 1174, 4-28-2008)

7-3-27: SEVERABILITY:

If any section, subsection, sentence, clause, phrase, or portion of this chapter is, for any reason, held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. If a regulatory body or a court of competent jurisdiction should determine, by a final, nonappealable order, that any permit, right or registration issued under this chapter or any portions of this chapter is illegal or unenforceable, then any such permit, right or registration granted or deemed to exist hereunder shall be considered as a revocable permit with a mutual right in either party to terminate without cause upon giving sixty (60) days' written notice to the other. The requirements and conditions of such a revocable permit shall be the same requirements and conditions as set forth in the permit, right or registration, respectively, except for conditions relating to the term of the permit and the right of termination. Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein. (Ord. 1174, 4-28-2008)

Section Two. Effective Date. This ordinance amendment shall be effective from and after its passage and publication according to law.

Passed this ____ day of _____, 2022.

CITY OF INVER GROVE HEIGHTS

By: _____
Thomas Bartholomew, Mayor

ATTEST:

By: _____
Rebecca Kiernan, City Clerk

**Request for Council Action****Consider Third Reading of Ordinance Amending City Code Title 7, Chapter 3, Related to Public Rights of Way Management; Consider Approval of Summary Publication Resolution**

		Fiscal/FTE Impact	Mark all that apply
Meeting Date:	February 28, 2022	None	x
Item Type:	Regular	Amount included in current budget	
Contact:	Bridget Nason, City Attorney	Budget amendment requested	
Prepared by:	Bridget Nason, City Attorney	FTE included in current complement	
Reviewed by:	Brian Connolly, Public Works Director	New FTE requested – N/A	
		Other	

PURPOSE/ACTION REQUESTED

The Council is asked to conduct a third and final reading of the attached ordinance, amending the City Code Title 7, Chapter 3, relating to public rights of way management, in order to better align the city code with state law regarding the installation of small wireless facilities in the public right-of-way. If the ordinance is adopted, the Council is asked to approve the attached resolution authorizing summary publication of the ordinance.

SUMMARY

In 2017, the Minnesota Legislature passed legislation amending Minnesota Statutes, Chapter 237 setting forth the rights of wireless service providers and cities with respect to the installation of small wireless facilities in the public right-of-way. The legislative amendments generally provide the following:

1. Includes wireless services providers in the definitions of telecommunications right of way user, as well as definitions specific to small wireless deployment;
2. Allows wireless services providers to install, mount, maintain, modify, operate or replace their small wireless facilities in the public rights-of-way;
3. Sets forth procedures for city processing of wireless services providers' rights-of-way applications;

4. Provides a right of collocation to wireless services providers' small wireless facilities on City-owned wireless support structures in public rights-of-way;
5. Provides limitations on cities with respect to the fees it may impose upon wireless service providers that locate upon City-owned wireless support structures in public rights-of-way;
6. Delineates as a permitted use small wireless facilities in all zoning districts with the exception of single family residential zoning districts, where it may be a conditional use.

The attached ordinance amending the Inver Grove Heights City Code incorporates all of these statutory requirements and comports with the prior legislative amendments.

This draft ordinance was presented for a first reading at the January 10, 2022 City Council meeting and a second reading at the February 14, 2022 City Council meeting. No changes have been made to the draft ordinance since it was presented for a first reading. If the ordinance is adopted by the Council, the Council is asked to consider approval of a resolution authorizing summary publication, which will allow the City to publish a summary of the ordinance, providing considerable savings on publication costs.



Planning Commission Report

MEETING DATE:	November 15, 2022
CASE NO:	22-49X
APPLICANT:	City of Inver Grove Heights
PROPERTY OWNER:	N/A
REQUEST:	Review of Public Works Five-Year Capital Improvement Plan (2023-2027)
LOCATION:	N/A
COMPREHENSIVE PLAN:	N/A
ZONING:	N/A
STAFF CONTACT:	Allan Hunting, 651.450.2554

ACTION REQUESTED

Review of the Public Works 5-Year Capital Improvement Plan (2023-2027) for Consistency with the Inver Grove Heights Comprehensive Plan.

BACKGROUND

The Public Works Director, Brian Connolly will present the five-year Capital Improvement Plan for Public Works projects. His memo attached provides the details and general costs associated with the projects.

Per State Statutes, the Planning Commission must review Capital Improvement Plans for consistency with the Comprehensive Plan (Minnesota Statute 462.356 subd.2).

EVALUATION OF REQUEST

Compliance with the Comprehensive Plan.

Minnesota Statutes requires the Planning Commission to review the five-year Capital Improvement Plan to verify compliance with the City's Comprehensive Plan.

ALTERNATIVES

A. Approval. If the Planning Commission finds the request acceptable, the following actions should take place:

- An Approval recommendation that the Public Works Five-Year Capital Improvement Plan (2023-2027) is consistent with the Inver Grove Heights Comprehensive Plan.

B. Denial. If the Planning Commission does not find the Five-Year Capital Improvement Plan consistent with the Inver Grove Heights Comprehensive Plan, 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 Public Works Department and Planning Staff both recommend the Public Works Five-Year Capital Improvement Plan (2023-2027) is consistent with the Inver Grove Heights Comprehensive Plan.

ATTACHMENTS

1. Resolution
2. City Engineer Memo Capital Improvement Plan (2023-2027)
3. Capital Improvement Plan (2023-2027) PowerPoint

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

RESOLUTION NO. _____

A RESOLUTION FINDING

WHEREAS, City Public Works Staff have prepared a five-year Public Works Capital Improvement Plan (CIP) for the period of 2023-2027; and

WHEREAS, pursuant to the provisions of Minn. Stat. Sec. 462.356, subd. 2, no capital improvement may be authorized by the City until after the City's planning agency has reviewed the proposed capital improvement and reported in writing to the governing body its findings as to compliance of the proposed improvement with the City's Comprehensive Plan; and

WHEREAS, the Planning Commission has received the proposed five-year Public Works CIP for the period of 2023-2027 and has found it to be consistent with the City of Inver Grove Heights' 2040 Comprehensive Plan.

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

1. The Planning Commission has reviewed the proposed five-year Public Works Capital Improvement Plan for the period of 2023-2027 and finds that is consistent with the City's Comprehensive Plan

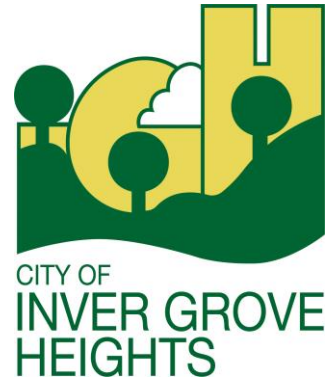
Adopted by the Planning Commission of the City of Inver Grove Heights this 15th day of November, 2022.

Elizabeth Niemioja, Chair

ATTEST:

Rebecca Kiernan, City Clerk

Memo



TO: Allan Hunting, City Planner
City of Inver Grove Heights Planning Commission

FROM: Brian Connolly, Public Works Director

DATE: **November 15, 2022**

RE: Public Works Five-Year Capital Improvement Plan (2023-2027)

Introduction

The City of Inver Grove Heights Public Works staff have prepared this Capital Improvement Plan (CIP) to help guide capital improvement decisions brought before the City Council in conjunction with annual budget discussions. This version of the CIP is focused on capital improvements associated primarily with the Public Works Department (Engineering, Streets, and Utilities) for the years 2023 through 2027. City staff recommend continued refinement in future years to include capital improvements associated with other departments, including Parks and Recreation, Police, and Fire.

The CIP is an important part of the implementation of specific projects. The CIP is a key document in developing budgets, utility rates, and fees defined within City Code. Prior to implementing projects, the City Council will be asked to consider individual project details and funding sources. Official Council actions to approve specific projects are required through annual budget appropriations or projects as governed by the City's procurement policies and State Statutes.

Purpose

This CIP includes the scheduling of public improvements for the community over a five-year period, taking into consideration the community's financial capabilities as well as its goals and priorities. The CIP is consistent with the City's Comprehensive Plan, and endeavors to include projects with City funding participation associated with the five-year CIP of Dakota County's Transportation Department, project priorities set forth by MnDOT and other state agencies within the community, as well as State bonding and various grant opportunities pursued by the City at the Council's authorization. The primary objective of this CIP is to integrate the specific goals, policies, and Council recommendations with the City's capability to pay for and maintain capital investments.

The demand for services and the cost of building and maintaining the City's infrastructure continues to increase. This CIP attempts to prioritize improvements to the City's infrastructure so Inver Grove Heights continues to be a community with an infrastructure system that provides high quality service to the City's businesses and residents.

Costs

The costs provided for in the CIP are based on several key factors, including project size and scope, historical construction cost data, the City's special assessment policy, and existing and projected

fund balances. The cost estimates provided consist of both construction costs as well as costs for legal, engineering, administration, and finance needs (LEAF), and have included accommodations for inflationary cost values over time.

As part of the annual budget process, the City Council is asked to evaluate the proposed CIP and decide on project prioritization, funding source acceptability, and acceptable final impact to the City's tax levy, debt, and utility rate levels.

Format of CIP

The CIP presents projects and costs in two formats:

- 1) **Project Type & Category** – This format includes projects listed by primary project type (sanitary sewer, water main, storm sewer, street, etc.) and category (Dakota County, MnDOT, City, etc.). This format breaks out each project by funding source, with the total project cost shown. This format is useful to view the entire cost of a project, and the various contributing funding sources.
- 2) **Funding Source** – This format details projects by their specific funding source. This format is useful in understanding the funding source needs on a year-to-year basis for all projects drawing from a specific fund.

Funding sources have been updated from draft versions of the CIP to label and identify fund numbers for various City funds, based on budget presentations and standardized naming nomenclature. The following City funds are referenced in the CIP:

- Fund 401 Water Capital – Connection Fund
- Fund 404 Sewer Capital – Connection Fund
- Fund 440 Pavement Management Program
- Fund 448 Northwest Area Stormwater Capital Fund
- Fund 511 Northwest Area Water Capital Fund
- Fund 512 Northwest Area Sewer Capital Fund
- Fund 531 Stormwater Capital Fund

Additional funding sources do not have a specified fund number, as they represent external funding that will be collected and hosted in a project host fund (most commonly in Fund 440 – Pavement Management Program). These funding sources include:

- Special Assessments
- Municipal State Aid Street (MSAS) Funding
- Partner Agency Funding
 - MnDOT Funding
 - Dakota County Funding
 - Neighboring City Funding
- Grant Funding
 - Minnesota Highway Freight Program
 - Transportation Advisory Board

Project initiatives that are unfunded (funding source not confirmed nor finalized) have been listed as “Unfunded” in the funding breakdown, as a placeholder for project funding that has not yet been fully identified.

Project Narratives

Dakota County Roadway Projects

Dakota County roadway projects are found within the Draft 2023-2027 Dakota County Transportation CIP, which received a letter of support from the City Council on June 27, 2022. These projects also include regular maintenance project that have some form of city funding share in accordance with the Dakota County Transportation Plan.

70th Street/Argenta Trail - This project includes the City of Inver Grove Heights share of local improvement costs associated with project components anticipated to be constructed in 2023, including watermain relocation and installation costs, as well as costs associated with intersection street lighting and local roadway improvements.

County Road Overlays - When Dakota County resurfaces its highways, it is the best time for the City to improve its utility structures within the roadway. While the County pays 100% of the costs for pavement resurfacing, concrete replacement, and signing and striping costs, cities are responsible for costs associated with local utilities such as watermain, sanitary sewer, and storm sewer, mainly in the form of casting adjustments, replacements, or minor rehabilitation. While Dakota County has indicated that portions of Concord Blvd. will be rehabilitated in 2023, future budget allotments have been programed in the CIP in order to accommodate yet-to-be programed overlay efforts in future years.

Various Preliminary Scoping Studies - Dakota County has indicated the desire to advance four preliminary engineering scoping studies associated with county roads within the City of Inver Grove Heights between 2023 and 2025. These studies are intended to define the scope and cost of future design and construction of potential improvements. At the present time, only one project (80th Street (CSAH 28) - CSAH 73 to Bowman - 3-Lane Reduction) has been programed by the County for potential advancement in the next five years, and is reflected as such in the City's CIP.

Dakota County Trail Projects

Babcock Trail (CSAH 73) - 65th Street to Upper 55th Street - Safe Routes to School - Dakota County is currently leading a scoping study associated with a potential trail installation along Babcock Trail (CSAH 73) adjacent to the Salem Hills Elementary School as part of a potential future Safe Routes to School project. The potential advancement of the project may be dependent on a number of factors, but has been included in the CIP for consideration of final design and construction funding between 2023 and 2025.

MnDOT Projects

70th Street at TH 52 - West Ramp Improvements - MnDOT has indicated that an upgrade to the west-side (southbound) ramp intersection at 70th Street and TH 52 is within the five-year time horizon in their transportation planning efforts. While 70th Street is a Dakota County road, there are anticipated City cost sharing for portions of the street work, as well as utility relocation needs.

Barbara Ave Soundwall - The City applied for and was granted a project by MnDOT as part of their Metro Highway Noise Abatement Program. MnDOT will design and perform the sound wall installation, while the City of Inver Grove Heights will be responsible for matching costs, eligible to be paid through the City's Municipal State Aid Street funding.

Sanitary Sewer System Projects

Lift Station Rehabilitation – The City of Inver Grove Heights owns and maintains 11 sanitary sewer lift stations throughout the community, and schedules preventative maintenance activities on a rotating basis. This includes the repair or replacement of lift station pumps, electrical service panels, and emergency generators. The intent of this program is to reduce the number of emergency failures and backups within the system.

Sanitary Sewer Rehabilitation – This program is to rehabilitate sanitary sewer lines in known trouble spots and areas where root intrusion or pipe degradation can cause extensive maintenance (cleaning) needs or sewer backups. Rehabilitation includes root removal, lining of sewer pipe, or spot pipe repair, generally associated with street reconstruction or rehabilitation projects.

Sanitary Sewer Televising – A recent inquiry with the League of Minnesota Cities indicated that our past efforts to self-televise sanitary sewer documentation does not meet the requirements for additional insurance coverage related to sanitary sewer backups or failures. This project effort endeavors to visually document and televise all sanitary sewer mainline pipe within the City on a rotating, six-year basis, starting in 2023.

Stormwater Management Projects

Minor Drainage Improvements – This project effort sets aside money to improve smaller, local drainage issues that are reported by maintenance staff or property owners, that can be addressed with limited design or contracting costs.

Pond Cleanout/Outfall Improvement Program – This is program Public Works staff would like to implement starting in 2026 to focus on removal of sediment that has accumulated in the over 200 stormwater ponds that the City actively manages and maintains, as well as address operation deficiencies in pond inlet and outlet structures.

MS4 Program Implementation Efforts – The City is required to review and update its Municipal Separate Storm Sewer System (MS4) program on a five-year rotating basis. The review and approval generally takes two years, and will be due for its next review starting in 2026.

Storm Sewer Televising – This project effort endeavors to visually document pipe deficiencies in the City's stormwater system. The focus on of this televising effort is recommended on pipes with known or likely maintenance deficiencies or deterioration (corrugated metal piping and concrete pipe over 50 years old), followed by larger pipe located in critical locations throughout the City (pond outlets, outlets to the Mississippi River, or pipe beneath critical infrastructure such as railroads, county roads, and state highways).

Groundwater Monitoring (Landlocked Basins) – A recommendation from the Landlocked Basin study completed in 2022, this project is intended to drill and install groundwater monitoring wells within the Rich Valley Drainage Basin to document groundwater fluctuations over an extended period (10+ years).

Water Resource Management Plan Update – The Water Resource Management Plan guides and helps plan for water resource management activities within the City. The Water Resource Management Plan is required to be updated periodically and approved by the applicable watersheds and the Metropolitan Council. The last minor revision was performed in 2018,

although the Northwest Area Stormwater Management Plan, which is a key accompanying reference document, has not been updated since 2006.

Street Projects

Annual Pavement Management Initiative (PMI) – This project includes the annual program to rehabilitate or reconstruct the City’s 150 miles of paved roadways. These projects consist of three primary pavement rehabilitation types: mill and overlay, reclamation, or full reconstruction.

Included with the CIP is a copy of the City’s 2023-2027 PMI proposed project area map. Selection of street segments is based upon the City’s Pavement Management Initiative program and engineering/maintenance staff’s recommendations. Streets typically rehabilitated are more than 20 years old and need attention due to deteriorating pavement condition and increased maintenance costs. Funding for this program is based on the City’s Special Assessment Policy, and assumes that anywhere from 35% to 80% of the project costs will be assessed to benefiting properties, based on the rehabilitation method proposed. The remaining costs (20%-65%) are paid through a variety of City funds, including the pavement management fund and utility funds.

Broad Area Patching – The City’s street replacement/maintenance program has included the overlay and patching of large areas of roadways by city maintenance staff since 2013. This effort, known as “broad area patching”, has addressed significant pavement deficiencies on approximately 70% of rural roadways within the community. This annual effort has been a critical component of extending the life of pavements that have deteriorated to a point beyond typical maintenance repair, while extending the life of these roadways for 10-15 years until a more thorough pavement rehabilitation project can be completed. Public Works staff are recommending this program continue as a non-assessed maintenance tool until further analysis as to the viability of ending or transitioning this effort can be fully vetted, or all rural city streets have received this maintenance treatment.

Crack Sealing, Sealcoating & Microsurfacing – This annual maintenance treatment endeavors to focus primarily on crack sealing of roadways, and alternative preventative maintenance treatments such as sealcoating, microsurfacing, and fog sealing to extend pavement life and prevent deterioration.

Traffic Calming & Safety Improvements – As part of the establishment of a Traffic Control Committee, staff have identified localize projects that could be performed independently of PMI projects, either by maintenance staff or via small contracts, that may warrant consideration for implementation. This project effort sets aside money to address these potential project items with limited design or contracting costs.

117th Street – This project, led by the City of Inver Grove Heights, is a cooperative project effort with Dakota County to upgrade 117th Street between US 52 and Rich Valley Blvd (CSAH 71) from a two-lane rural section roadway to a median-divided urban roadway with turn lanes, truck acceleration lanes, and two improved railroad crossings. Supplemented with an \$8 million federal freight grant, this project is anticipated to advance to final design in early-2023, pending securing of project funding, with construction in 2024 and 2025.

Sidewalk, Trail, & Parks Projects

Babcock Trail (CSAH 73) – Upper 55th Street to I-494 – This project includes the installation of an off-road trail along the east side of Babcock Trail, to provide local connectivity between adjacent properties in an area that has been noted the top-priority trail gap by both the City of

Inver Grove Heights and Dakota County. This project has been proposed since 2018, and advancement of the project remains dependent on receiving grant funding to be fiscally viable for the City.

ADA Intersection Improvements – This project consists of the upgrade of 30 pedestrian curb ramps at 13 select intersections across the City. This effort has received regional solicitation grant funding in 2020 (with a required city match in funding) and is proposed for construction in 2025.

Parks Pavement Projects (Trails & Parking Lots) – Historically, the City of Inver Grove Heights Parks Department has been allotted \$250,000 in funds from the Pavement Management Fund annually to perform pavement replacement efforts in parks throughout the community. This has historically included parking lot overlays or rehabilitations, trail overlays or replacements, and select other city facility parking lot improvements. This contribution is anticipated to occur in the future but may be re-appropriated under a separate fund and/or the Parks Department CIP.

South Valley Park Improvements – This approved park project includes costs to relocate existing raw water main connecting to one of the City's groundwater wells. This relocation cost is being shared between existing Park funding and the water utility fund, and is allotted for funding in 2023 due to the anticipated construction schedule.

Water System Projects

Well Pump & Service Rehabilitation – The City of Inver Grove Heights owns and maintains seven (7) groundwater wells, and schedules preventative maintenance activities on a rotating basis. This includes the rehabilitation and replacement of pumps, motors, well cavities, well piping and valves, well houses, and electrical panel components.

Northside Water Tower Painting – This project includes the regularly-scheduled painting of the exterior and interior surfaces of the north side water tower. Complete water tower painting of this nature generally occurs on a 20-25 year cycle.

North Booster Station Pump Rehab – Booster pumps assist with maintaining the water level in the City's water towers and storage reservoirs. This is a preventative maintenance activity to rehabilitate the pump motors and electrical and mechanical components.

Water Treatment Plant Booster Station Inspection – This is an engineering review of the condition and recommended maintenance activities for the booster pumps at the Water Treatment Plant. This is necessary to determine if rehabilitation or pump replacement will be necessary in the coming years due to pump age and usage cycles.

Water Treatment Plant Repair & Rehabilitation – This project is intended to review and replace several aged components in the Water Treatment Plant, to ensure continued operation and treatment efficiency. This project is expected to include a combination of internal piping and pump rehabilitation and upgrade of filter media to address removal of radium and PFAS ("forever chemicals") contamination in conformance with MnPCA regulations.

Automated Meter Infrastructure – This project includes water meter replacements and advanced metering infrastructure that collects the water usage data from city-supplied water meters to assist with billing, conservation, leak detection, and customer service initiatives.

Watermain Breaks & Street Patching – This project includes the emergency repair and rehabilitation of watermain not scheduled to be replaced as part of the City's Pavement Management Initiative or other scheduled street and utility projects. This effort also includes the necessary surface restoration activities that occur following emergency watermain repairs.

Water System Management Plan & Studies – This effort includes the regular review and update of the City's comprehensive water supply and wellhead protection plans, in conjunction with the City's next comprehensive plan update.

SCADA System Upgrades – This project includes upgrades to the City's supervisory control and data acquisition (SCADA) system as it relates to monitoring and operation of remote water infrastructure, including wells, water towers, booster stations, and the Water Treatment Plant.

Unprogrammed Projects

These projects include known projects or infrastructure needs that remain unprogrammed (i.e., not scheduled) in the Public Works five-year CIP. These projects are items that may be advanced in the current or future CIP for a multitude of reasons, including financing availability, direction of City Council regarding specific project initiatives, land development activities, or advancement of programmed funding or cost sharing by partner agencies such as Dakota County or MnDOT. These projects are shown mainly to provide for an understanding of future project needs that will be required at some time, but may have current flexibility in their scheduling. Not all future projects are listed; only those where cost estimate information could be generated based on past study or engineering review efforts are shown. Costs shown are in 2023 dollars.

Akron Avenue (Rosemount to Cliff Road (CSAH 32)) – This project was proposed by Dakota County in 2018, and subsequently not advanced by the City of Inver Grove Heights due to a combination of resident opposition and the Dakota County cost sharing arrangements. Dakota County has indicated this project remains "shovel ready" and is willing to continue to engage with the City should the Council decide to revisit this project.

B-Line Sanitary Sewer Lift Station & Force Main – This project is necessary to serve future development in the northeast portion of the Northwest Area, primarily north of 65th Street and between TH 3 and Babcock Trail. Driven by development needs, sewer studies have been completed in this area and have determined the estimated cost for design, easement acquisition, and construction.

Future Trunk Storm Sewer Outfalls & Basin Connections (NWA) – This effort includes a series of individual projects to interconnect stormwater basins within the Northwest Area as development occurs.

Unprogrammed Stormwater CIP Projects – This includes a compilation of over 275 individual storm sewer system deficiencies that have been documented and tracked by Public Works staff starting in 2018, primarily in areas of the City outside the Northwest Area. These deficiencies run the gamut of infrastructure needs: damaged or deteriorated pipe; blocked, damaged or missing pond outfall structures and erosion issues; slope stabilization around ditches, ponds, and ravines; and raingarden and infiltration basin repair or rehabilitation needs.

65th Street Extension – This project includes the extension of 65th Street from TH 3 to Babcock Trail. This project has an outstanding feasibility study that has been completed but has not advanced pending future development activity in the Northwest Area.

Public Works 5-Year CIP
(2023-2027)
Project Type Category

Department	2023	2024	2025	2026	2027	TOTAL
Dakota County Roadway Projects						
70th Street (CSAH 26)/Argenta Trail	591,500					591,500
<i>MSAS Funds</i>	16,500					16,500
<i>PMP Fund</i>	200,000					200,000
<i>NWA Water Capital Fund</i>	375,000					375,000
County Road Overlays	245,000		100,000	107,000	114,000	566,000
<i>Stormwater Capital Fund</i>	175,000		65,000	68,000	70,000	378,000
<i>Water Capital - Connection Fund</i>	30,000		15,000	17,000	20,000	82,000
<i>Sewer Capital - Connection Fund</i>	40,000		20,000	22,000	24,000	106,000
County Signal Projects						
<i>MSAS Funds</i>						
70th Street (CSAH 26) - TH 3 to CSAH 73 - Scoping Study	45,000					45,000
<i>PMP Fund</i>	45,000					45,000
70th Street (CSAH 26) -CSAH 73 - Cahill - 3-Lane Reduction Scoping St	15,000					15,000
<i>PMP Fund</i>	5,000					5,000
<i>Stormwater Capital Fund</i>	6,500					6,500
<i>Water Capital - Connection Fund</i>	1,750					1,750
<i>Sewer Capital - Connection Fund</i>	1,750					1,750
80th Street (CSAH 28) -CSAH 73 - Bowman - 3-Lane Reduction	15,000	45,000				60,000
<i>PMP Fund</i>	5,000					5,000
<i>Stormwater Capital Fund</i>	6,500	30,000				36,500
<i>Water Capital - Connection Fund</i>	1,750	9,000				10,750
<i>Sewer Capital - Connection Fund</i>	1,750	6,000				7,750
80th Street (CSAH 28) - TH 3 to CSAH 73 - Scoping Study			67,500			67,500
<i>PMP Fund</i>			20,000			20,000
<i>NWA Stormwater Capital Fund</i>			31,000			31,000
<i>NWA Water Capital Fund</i>			9,500			9,500
<i>NWA Sewer Capital Fund</i>			7,000			7,000
Argenta/I-494 Interchange - Preliminary Engineering	100,000					100,000
<i>PMP Fund</i>	100,000					100,000
Argenta/TH 55 Interchange - Preliminary Engineering				37,500		37,500
<i>PMP Fund</i>				37,500		37,500
Dakota County Roadway Projects	1,011,500	45,000	167,500	144,500	114,000	1,482,500
MnDOT Projects						
70th Street at TH 52 - West Ramp Improvement				210,000		210,000
<i>PMP Fund</i>				63,000		63,000
<i>MSAS Fund</i>						
<i>Stormwater Capital Fund</i>				96,000		96,000
<i>Water Capital - Connection Fund</i>				30,000		30,000
<i>Sewer Capital - Connection Fund</i>				21,000		21,000
Barbara Ave Soundwall (TH 52)			400,000	1,270,000		1,670,000
<i>MSAS Funding</i>			100,000	200,000		300,000
<i>MnDOT Funding</i>			300,000	1,070,000		1,370,000
MnDOT Projects			400,000	1,480,000		1,880,000
Sanitary Sewer System Projects						
Lift Station Rehabilitation		100,000		100,000		200,000
<i>Sewer Capital - Connection Fund</i>		100,000		100,000		200,000

**Public Works 5-Year CIP
(2023-2027)**

Project Type Category

Department	2023	2024	2025	2026	2027	TOTAL
Sanitary Sewer Rehabilitation	200,000	240,000	270,000	300,000	330,000	1,340,000
<i>Sewer Capital - Connection Fund</i>	<i>200,000</i>	<i>240,000</i>	<i>270,000</i>	<i>300,000</i>	<i>330,000</i>	<i>1,340,000</i>
Sanitary Sewer Cleaning & Televising	200,000	210,000	220,000	235,000	245,000	1,110,000
<i>Sewer Capital - Connection Fund</i>	<i>200,000</i>	<i>210,000</i>	<i>220,000</i>	<i>235,000</i>	<i>245,000</i>	<i>1,110,000</i>
Sanitary Sewer System Projects	400,000	550,000	490,000	635,000	575,000	2,650,000
Stormwater Management Projects						
Minor Drainage Improvements	15,000	15,000	15,000	15,000	15,000	75,000
<i>Stormwater Capital Fund</i>	<i>15,000</i>	<i>15,000</i>	<i>15,000</i>	<i>15,000</i>	<i>15,000</i>	<i>75,000</i>
Pond Cleanout/Outfall Improvement Program		20,000		250,000	600,000	870,000
<i>Stormwater Capital Fund</i>		<i>20,000</i>		<i>250,000</i>	<i>600,000</i>	<i>870,000</i>
MS4 Program Implementation Efforts				20,000	30,000	50,000
<i>Stormwater Capital Fund</i>				<i>10,000</i>	<i>15,000</i>	<i>25,000</i>
<i>NWA Stormwater Capital Fund</i>				<i>10,000</i>	<i>15,000</i>	<i>25,000</i>
Storm Sewer Televising	30,000	30,000	40,000	50,000	60,000	210,000
<i>Stormwater Capital Fund</i>	<i>30,000</i>	<i>30,000</i>	<i>40,000</i>	<i>50,000</i>	<i>60,000</i>	<i>210,000</i>
Groundwater Monitoring (Landlocked Basins)	20,000					20,000
<i>Stormwater Capital Fund</i>	<i>20,000</i>					<i>20,000</i>
Water Resource Management Plan Update		90,000				90,000
<i>Stormwater Capital Fund</i>		<i>45,000</i>				<i>45,000</i>
<i>NWA Stormwater Capital Fund</i>		<i>45,000</i>				<i>45,000</i>
Stormwater Management Projects	65,000	155,000	55,000	335,000	705,000	1,315,000
Street Projects						
Annual Pavement Management Initiative (PMI) Projects	12,435,000	11,610,000	15,643,000	14,688,000	13,942,000	68,318,000
<i>PMP Funds</i>	<i>3,855,000</i>	<i>4,100,000</i>	<i>5,405,000</i>	<i>5,261,000</i>	<i>5,932,000</i>	<i>24,553,000</i>
<i>MSAS Funds</i>	<i>250,000</i>	<i>1,000,000</i>	<i>1,300,000</i>	<i>540,000</i>		<i>3,090,000</i>
<i>Special Assessments</i>	<i>6,000,000</i>	<i>5,300,000</i>	<i>5,890,000</i>	<i>6,812,000</i>	<i>6,300,000</i>	<i>30,302,000</i>
<i>Stormwater Capital Fund</i>	<i>440,000</i>	<i>440,000</i>	<i>962,000</i>	<i>1,025,000</i>	<i>424,000</i>	<i>3,291,000</i>
<i>Sewer Capital - Connection Fund</i>	<i>550,000</i>	<i>160,000</i>	<i>735,000</i>	<i>300,000</i>	<i>424,000</i>	<i>2,169,000</i>
<i>Water Capital - Connection Fund</i>	<i>900,000</i>	<i>610,000</i>	<i>1,351,000</i>	<i>750,000</i>	<i>862,000</i>	<i>4,473,000</i>
<i>South St. Paul</i>	<i>440,000</i>					<i>440,000</i>
Broad Area Patching	210,000	220,000	230,000	240,000	250,000	1,150,000
<i>PMP Funds</i>	<i>210,000</i>	<i>220,000</i>	<i>230,000</i>	<i>240,000</i>	<i>250,000</i>	<i>1,150,000</i>
Crack Sealing, Sealcoating, & Microsurfacing	355,000	360,000	365,000	370,000	375,000	1,825,000
<i>PMP Funds</i>	<i>355,000</i>	<i>360,000</i>	<i>365,000</i>	<i>370,000</i>	<i>375,000</i>	<i>1,825,000</i>
Traffic Calming & Safety Improvements		25,000	30,000	35,000	40,000	130,000
<i>PMP Funds</i>		<i>25,000</i>	<i>30,000</i>	<i>35,000</i>	<i>40,000</i>	<i>130,000</i>
117th Street	4,600,000	15,467,000	4,250,000			24,317,000
<i>Minnesota Highway Freight Grant Program</i>		<i>8,000,000</i>				<i>8,000,000</i>
<i>Dakota County Cost Sharing</i>	<i>2,400,000</i>	<i>4,717,000</i>				<i>7,117,000</i>
<i>Unfunded Costs</i>	<i>2,200,000</i>	<i>2,250,000</i>				<i>4,450,000</i>
<i>Special Assessments</i>			<i>4,200,000</i>			<i>4,200,000</i>
<i>Sewer Capital - Connection Fund</i>		<i>50,000</i>	<i>50,000</i>			<i>100,000</i>
<i>Water Capital - Connection Fund</i>		<i>450,000</i>				<i>450,000</i>
Street Projects	17,600,000	27,682,000	20,518,000	15,333,000	14,607,000	95,740,000
Sidewalk, Trail, and Parks Projects						
Babcock Trail (CSAH 73) - U. 55th St. to I-494				105,000	845,000	950,000
<i>Federal (TAB Regional Solicitation)</i>					<i>415,000</i>	<i>415,000</i>
<i>Dakota County Funding</i>				<i>85,000</i>	<i>425,000</i>	<i>510,000</i>

Public Works 5-Year CIP
(2023-2027)
Project Type Category

Department	2023	2024	2025	2026	2027	TOTAL
<i>PMP Fund</i>				20,000	5,000	25,000
ADA Intersection Improvements	50,000	337,824				387,824
<i>Federal (TAB Regional Soliciation)</i>		250,240				250,240
<i>PMP Fund</i>	50,000	87,584				137,584
Seidl's Lake Shoreland Restoration	50,000					50,000
<i>Stormwater Capital Fund</i>	50,000					50,000
Parks Pavement Projects (Trails & Parking Lots)	250,000	250,000	250,000	250,000	250,000	1,250,000
<i>PMP Funds</i>	250,000	250,000	250,000	250,000	250,000	1,250,000
South Valley Park Improvements	100,000					100,000
<i>Water Capital - Connection Fund</i>	100,000					100,000
Sidewalk, Trail, and Parks Projects	450,000	587,824	250,000	355,000	1,095,000	2,737,824
Water System Projects						
Well Pump & Service Rehabilitation (Pumps & VFD's)	125,000	130,000	135,000	140,000	150,000	680,000
<i>Water Capital - Connection Fund</i>	125,000	130,000	135,000	140,000	150,000	680,000
Northside Water Tower Painting					950,000	950,000
<i>Water Capital - Connection Fund</i>					950,000	950,000
North Booster Station Pump Rehab (2 Pumps)	75,000					75,000
<i>Water Capital - Connection Fund</i>	75,000					75,000
Water Treatment Plant Booster Station Inspection	25,000					25,000
<i>Water Capital - Connection Fund</i>	25,000					25,000
Water Treatment Plant Repair & Rehabilitation	300,000	2,500,000				2,800,000
<i>Water Capital - Connection Fund</i>	300,000	2,500,000				2,800,000
Automated Meter Infrastructure	200,000	1,600,000	1,600,000	1,600,000		5,000,000
<i>Water Capital - Connection Fund</i>	200,000	1,600,000	1,600,000	1,600,000		5,000,000
Watermain Breaks & Street Patching	90,000	100,000	125,000	140,000	155,000	610,000
<i>Water Capital - Connection Fund</i>	90,000	100,000	125,000	140,000	155,000	610,000
Water System Management Plan & Studies					70,000	70,000
<i>Water Capital - Connection Fund</i>					35,000	35,000
<i>NWA Water Capital Fund</i>					35,000	35,000
SCADA System Upgrade					100,000	100,000
<i>Water Capital - Connection Fund</i>					100,000	100,000
Water System Projects	815,000	4,330,000	1,860,000	1,880,000	1,425,000	10,310,000
TOTAL PUBLIC WORKS CIP	20,341,500	33,349,824	23,740,500	20,162,500	18,521,000	116,115,324

Public Works 5-Year CIP
(2023-2027)
Funding Source Category

Funding Source	2023	2024	2025	2026	2027	TOTAL
Sewer Capital - Connection Fund (Fund 404)						
County Road Overlays	40,000		20,000	22,000	24,000	106,000
70th Street (CSAH 26) -CSAH 73 - Cahill - 3-Lane Reduction Scoping Study	1,750					1,750
80th Street (CSAH 28) -CSAH 73 - Bowman - 3-Lane Reduction	1,750	6,000				7,750
70th Street at TH 52 - West Ramp Improvement				21,000		21,000
Lift Station Rehabilitation		100,000		100,000		200,000
Sanitary Sewer Rehabilitation	200,000	240,000	270,000	300,000	330,000	1,340,000
Sanitary Sewer Cleaning & Televising	200,000	210,000	220,000	235,000	245,000	1,110,000
Annual Pavement Management Initiative (PMI) Projects	550,000	160,000	735,000	300,000	424,000	2,169,000
117th Street		50,000	50,000			100,000
Sewer Capital - Connection Fund (Fund 404)	993,500	766,000	1,295,000	978,000	1,023,000	5,055,500
Stormwater Capital Fund (Fund 531)						
County Road Overlays	175,000		65,000	68,000	70,000	378,000
70th Street (CSAH 26) -CSAH 73 - Cahill - 3-Lane Reduction Scoping Study	6,500					6,500
80th Street (CSAH 28) -CSAH 73 - Bowman - 3-Lane Reduction	6,500	30,000				36,500
70th Street at TH 52 - West Ramp Improvement				96,000		96,000
Minor Drainage Improvements	15,000	15,000	15,000	15,000	15,000	75,000
Pond Cleanout/Outfall Improvement Program		20,000		250,000	600,000	870,000
MS4 Program Implementation Efforts				10,000	15,000	25,000
Storm Sewer Televising	30,000	30,000	40,000	50,000	60,000	210,000
Groundwater Monitoring (Landlocked Basins)	20,000					20,000
Water Resource Management Plan Update		45,000				45,000
Annual Pavement Management Initiative (PMI) Projects	440,000	440,000	962,000	1,025,000	424,000	3,291,000
Seidl's Lake Shoreland Restoration	50,000					50,000
Stormwater Capital Fund (Fund 531)	743,000	580,000	1,082,000	1,514,000	1,184,000	5,103,000
Water Capital - Connection Fund (Fund 403)						
County Road Overlays	30,000		15,000	17,000	20,000	82,000
70th Street (CSAH 26) -CSAH 73 - Cahill - 3-Lane Reduction Scoping Study	1,750					1,750
80th Street (CSAH 28) -CSAH 73 - Bowman - 3-Lane Reduction	1,750	9,000				10,750
70th Street at TH 52 - West Ramp Improvement				30,000		30,000
Annual Pavement Management Initiative (PMI) Projects	900,000	610,000	1,351,000	750,000	862,000	4,473,000
117th Street		450,000				450,000
South Valley Park Improvements	100,000					100,000
Well Pump & Service Rehabilitation (Pumps & VFD's)	125,000	130,000	135,000	140,000	150,000	680,000
Northside Water Tower Painting					950,000	950,000
North Booster Station Pump Rehab (2 Pumps)	75,000					75,000
Water Treatment Plant Booster Station Inspection	25,000					25,000
Water Treatment Plant Repair & Rehabilitation	300,000	2,500,000				2,800,000
Automated Meter Infrastructure	200,000	1,600,000	1,600,000	1,600,000		5,000,000
Watermain Breaks & Street Patching	90,000	100,000	125,000	140,000	155,000	610,000
Water System Management Plan & Studies					35,000	35,000
SCADA System Upgrade					100,000	100,000
Water Capital - Connection Fund (Fund 403)	1,848,500	5,399,000	3,226,000	2,677,000	2,272,000	15,422,500
Northwest Area Sewer Capital Fund (Fund 512)						
80th Street (CSAH 28) - TH 3 to CSAH 73 - Scoping Study			7,000			7,000
Northwest Area Sewer Capital Fund (Fund 512)			7,000			7,000
Northwest Area Stormwater Capital Fund (Fund 448)						
80th Street (CSAH 28) - TH 3 to CSAH 73 - Scoping Study			31,000			31,000
MS4 Program Implementation Efforts				10,000	15,000	25,000
Water Resource Management Plan Update		45,000				45,000
Northwest Area Stormwater Capital Fund (Fund 448)		45,000	31,000	10,000	15,000	101,000
Northwest Area Water Capital Fund (Fund 511)						
70th Street (CSAH 26)/Argenta Trail	375,000					375,000
80th Street (CSAH 28) - TH 3 to CSAH 73 - Scoping Study			9,500			9,500
Water System Management Plan & Studies					35,000	35,000
Northwest Area Water Capital Fund (Fund 511)	375,000		9,500		35,000	419,500
TOTAL UTILITY FUNDS	3,960,000	6,790,000	5,650,500	5,179,000	4,529,000	26,108,500

Public Works 5-Year CIP

(2023-2027)

Funding Source Category

Funding Source	2023	2024	2025	2026	2027	TOTAL
Pavement Management Program (Fund 440)						
70th Street (CSAH 26)/Argenta Trail	200,000					200,000
70th Street (CSAH 26) - TH 3 to CSAH 73 - Scoping Study	45,000					45,000
70th Street (CSAH 26) -CSAH 73 - Cahill - 3-Lane Reduction Scoping St	5,000					5,000
80th Street (CSAH 28) -CSAH 73 - Bowman - 3-Lane Reduction	5,000					5,000
80th Street (CSAH 28) - TH 3 to CSAH 73 - Scoping Study			20,000			20,000
Argenta/I-494 Interchange - Preliminary Engineering	100,000					100,000
Argenta/TH 55 Interchange - Preliminary Engineering				37,500		37,500
70th Street at TH 52 - West Ramp Improvement				63,000		63,000
Annual Pavement Management Initiative (PMI) Projects	3,855,000	4,100,000	5,405,000	5,261,000	5,932,000	24,553,000
Broad Area Patching	210,000	220,000	230,000	240,000	250,000	1,150,000
Crack Sealing, Sealcoating, & Microsurfacing	355,000	360,000	365,000	370,000	375,000	1,825,000
Traffic Calming & Safety Improvements		25,000	30,000	35,000	40,000	130,000
Babcock Trail (CSAH 73) - U. 55th St. to I-494				20,000	5,000	25,000
ADA Intersection Improvements	50,000	87,584				137,584
Parks Pavement Projects (Trails & Parking Lots)	250,000	250,000	250,000	250,000	250,000	1,250,000
Pavement Management Program (Fund 440)	5,075,000	5,042,584	6,300,000	6,276,500	6,852,000	29,546,084
Special Assessments						
Annual Pavement Management Initiative (PMI) Projects	6,000,000	5,300,000	5,890,000	6,812,000	6,300,000	30,302,000
117th Street			4,200,000			4,200,000
Special Assessments	6,000,000	5,300,000	10,090,000	6,812,000	6,300,000	34,502,000
Municipal State Aid Street (MSAS) Funding						
70th Street (CSAH 26)/Argenta Trail	16,500					16,500
70th Street at TH 52 - West Ramp Improvement						
Annual Pavement Management Initiative (PMI) Projects	250,000	1,000,000	1,300,000	540,000		3,090,000
Barbara Ave Soundwall (TH 52)			100,000	200,000		300,000
Municipal State Aid Street (MSAS) Funding	266,500	1,000,000	1,400,000	740,000		3,406,500
MnDOT Funding						
Barbara Ave Soundwall (TH 52)			300,000	1,070,000		1,370,000
MnDOT Funding			300,000	1,070,000		1,370,000
Dakota County Funding						
117th Street	2,400,000	4,717,000				7,117,000
Babcock Trail (CSAH 73) - U. 55th St. to I-494				85,000	425,000	510,000
Dakota County Funding	2,400,000	4,717,000		85,000	425,000	7,627,000
Minnesota Highway Freight Program Grant Funding						
117th Street		8,000,000				8,000,000
Minnesota Highway Freight Program Grant Funding		8,000,000				8,000,000
Transportation Advisory Board (TAB) Funding						
Babcock Trail (CSAH 73) - U. 55th St. to I-494					415,000	415,000
ADA Intersection Improvements		250,240				250,240
Transportation Advisory Board (TAB) Funding		250,240			415,000	665,240
South St. Paul Funding						
Annual Pavement Management Initiative (PMI) Projects	440,000					440,000
South St. Paul Funding	440,000					440,000
Unfunded						
117th Street	2,200,000	2,250,000				4,450,000
Unfunded	2,200,000	2,250,000				4,450,000
TOTAL STREET & OTHER FUNDS	16,381,500	26,559,824	18,090,000	14,983,500	13,992,000	90,006,824

Public Works 5-Year CIP
(2023-2027)
Unprogrammed Projects

Department	Est. Cost (2023 Dollars)
Dakota County Roadway Projects	
Akron Ave - Rosemount to CSAH 32	500,000
MSAS	425,000
Stormwater Capital Fund	75,000
Dakota County Roadway Projects	500,000
Dakota County Trail Projects	
Babcock Trail (CSAH 73) - 65th St. to U. 55th St (SRTS)	125,000
PMP Fund	125,000
Dakota County Trail Projects	125,000
Sanitary Sewer System Projects	
B-Line Lift Station & Force Main	5,200,000
NWA Sewer Capital Fund	5,200,000
Sanitary Sewer System Projects	5,200,000
Stormwater Management Projects	
Future Trunk Storm Sewer Outfalls & Basin Connections (NWA)	9,500,000
NWA Stormwater Capital Fund	9,500,000
Unprogrammed Stormwater CIP Projects	23,200,000
Stormwater Capital Fund	23,200,000
Stormwater Management Projects	32,700,000
Street Projects	
65th Street Extension (TH 3 to West Plat Line of Inver Grove Acres)	8,746,000
PMP Funds	500,000
MSAS Funds	2,000,000
Special Assessments	5,150,000
NWA Stormwater Capital Fund	275,000
NWA Sewer Capital Fund	50,000
NWA Water Capital Fund	771,000
Street Projects	8,746,000
TOTAL UNPROGRAMMED	47,271,000

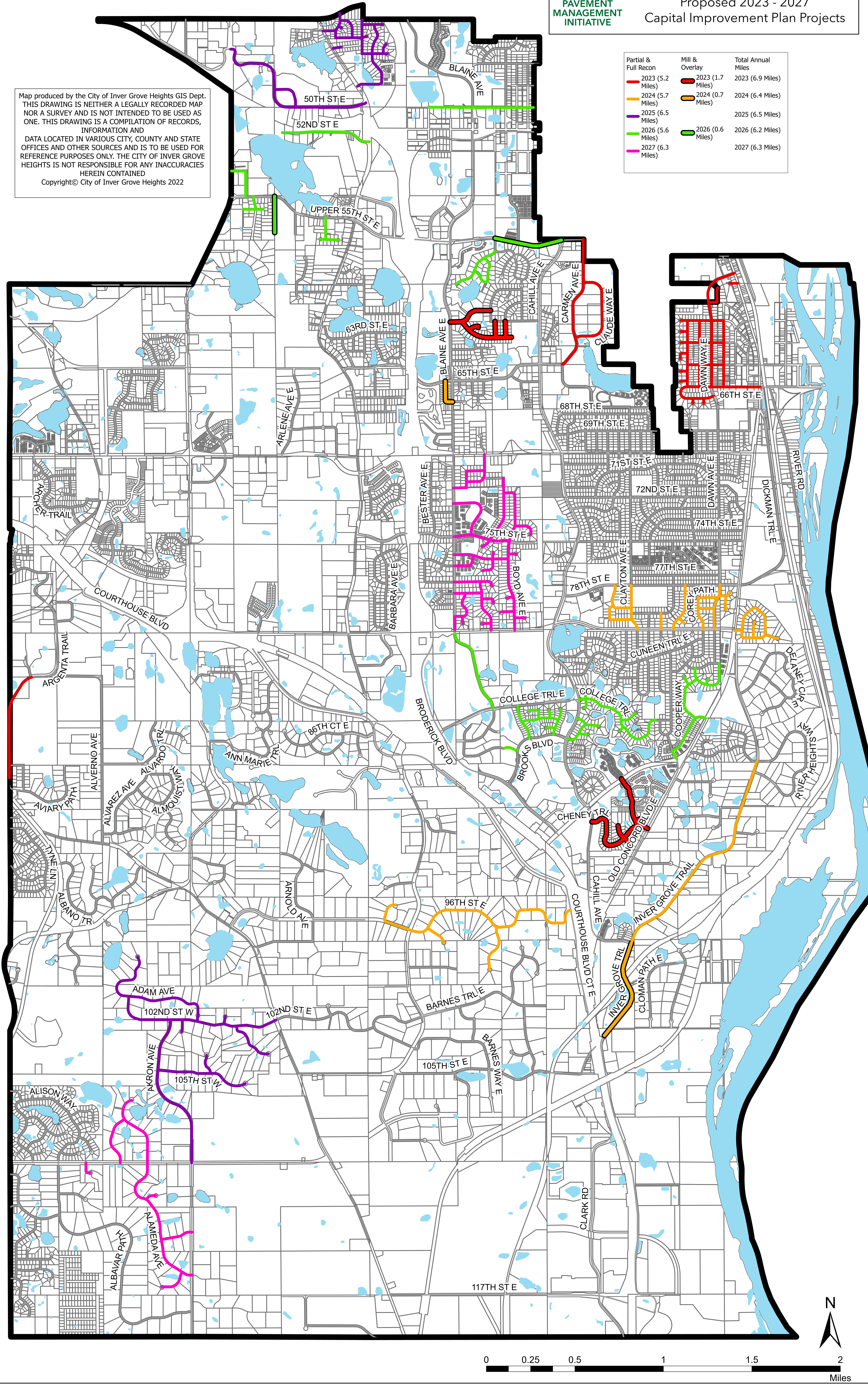


City of Inver Grove Heights

Pavement Management Initiative
Proposed 2023 - 2027
Capital Improvement Plan Projects

Map produced by the City of Inver Grove Heights GIS Dept. THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED
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Partial & Full Recon	Mill & Overlay	Total Annual Miles
2023 (5.2 Miles)	2023 (1.7 Miles)	2023 (6.9 Miles)
2024 (5.7 Miles)	2024 (0.7 Miles)	2024 (6.4 Miles)
2025 (6.5 Miles)		2025 (6.5 Miles)
2026 (5.6 Miles)	2026 (0.6 Miles)	2026 (6.2 Miles)
2027 (6.3 Miles)		2027 (6.3 Miles)



2023-2027 Public Works Capital Improvement Plan (CIP)

Planning Commission, November 15, 2022

Brian Connolly, Public Works Director



Capital Improvement Plan (CIP)

- What is it?
 - 5-Year outlook
 - Prioritization of infrastructure improvements
 - City and partner agency projects (with city funding)
 - Basis for short-term and long-term funding decisions
- What is the Planning Commission's Role?
 - Minnesota State Statute Section 462.356
 - City's Planning Agency to Review and Recommend CIP Approval to City Council
 - Maintain Compliance with Comprehensive Plan

Capital Improvement Plan (CIP)

Department	2023	2024	2025	2026	2027	TOTAL
Street Projects						
Annual Pavement Management Initiative (PMI) Projects	11,797,000	11,610,000	15,643,000	14,688,000	13,942,000	67,680,000
PMP Funds	4,800,000	4,100,000	5,405,000	5,261,000	5,932,000	25,498,000
MSAS Funds	130,000	1,000,000	1,300,000	540,000		2,970,000
Special Assessments	5,500,000	5,300,000	5,890,000	6,812,000	6,300,000	29,802,000
Stormwater Utility Fund	352,000	440,000	962,000	1,025,000	424,000	3,203,000
Sanitary Sewer Utility Fund	315,000	160,000	735,000	300,000	424,000	1,934,000
Water Utility Fund	700,000	610,000	1,351,000	750,000	862,000	4,273,000
Broad Area Patching	210,000	220,000	230,000	240,000	250,000	1,150,000
PMP Funds	210,000	220,000	230,000	240,000	250,000	1,150,000
Crack Sealing, Sealcoating, & Microsurfacing	355,000	360,000	365,000	370,000	375,000	1,825,000
PMP Funds	355,000	360,000	365,000	370,000	375,000	1,825,000
Traffic Calming & Safety Improvements		25,000	30,000	35,000	40,000	130,000
PMP Funds		25,000	30,000	35,000	40,000	130,000
117th Street	5,360,000	15,265,000	1,200,000			21,825,000
PMP Funds	1,800,000	2,830,000				4,630,000
Minnesota Highway Freight Grant Program		8,000,000				8,000,000
Dakota County Cost Sharing	3,560,000	3,580,000				7,140,000
State Bonding Funds						
Special Assessments			500,000			500,000
Sanitary Sewer Utility Fund		355,000	700,000			1,055,000
Water Utility Fund		500,000				500,000
Street Projects	17,722,000	27,480,000	17,468,000	15,333,000	14,607,000	92,610,000

← Project Type

Funding Source →

Funding Source	2023	2024	2025	2026	2027	TOTAL
Pavement Management Program (Fund 440)						
70th Street (CSAH 26)/Argenta Trail	200,000					200,000
70th Street (CSAH 26) - TH 3 to CSAH 73 - Scoping Study	135,000					135,000
70th Street (CSAH 26) -CSAH 73 - Cahill - 3-Lane Reduction Scoping St	5,000					5,000
80th Street (CSAH 28) -CSAH 73 - Bowman - 3-Lane Reduction	5,000					5,000
80th Street (CSAH 28) - TH 3 to CSAH 73 - Scoping Study			20,000			20,000
Babcock Trail (CSAH 73) - 65th St. to U. 55th St (SRTS)	15,000	55,000	55,000			125,000
70th Street at TH 52 - West Ramp Improvement				63,000		63,000
Annual Pavement Management Initiative (PMI) Projects	4,800,000	4,100,000	5,405,000	5,261,000	5,932,000	25,498,000
Broad Area Patching	210,000	220,000	230,000	240,000	250,000	1,150,000
Crack Sealing, Sealcoating, & Microsurfacing	355,000	360,000	365,000	370,000	375,000	1,825,000
Traffic Calming & Safety Improvements		25,000	30,000	35,000	40,000	130,000
117th Street	1,800,000	2,830,000				4,630,000
Babcock Trail (CSAH 73) - U. 55th St. to I-494				20,000	5,000	25,000
ADA Intersection Improvements	50,000	87,584				137,584
Parks Pavement Projects (Trails & Parking Lots)	250,000	250,000	250,000	250,000	250,000	1,250,000
Pavement Management Program (Fund 440)	7,825,000	7,927,584	6,355,000	6,239,000	6,852,000	35,198,584

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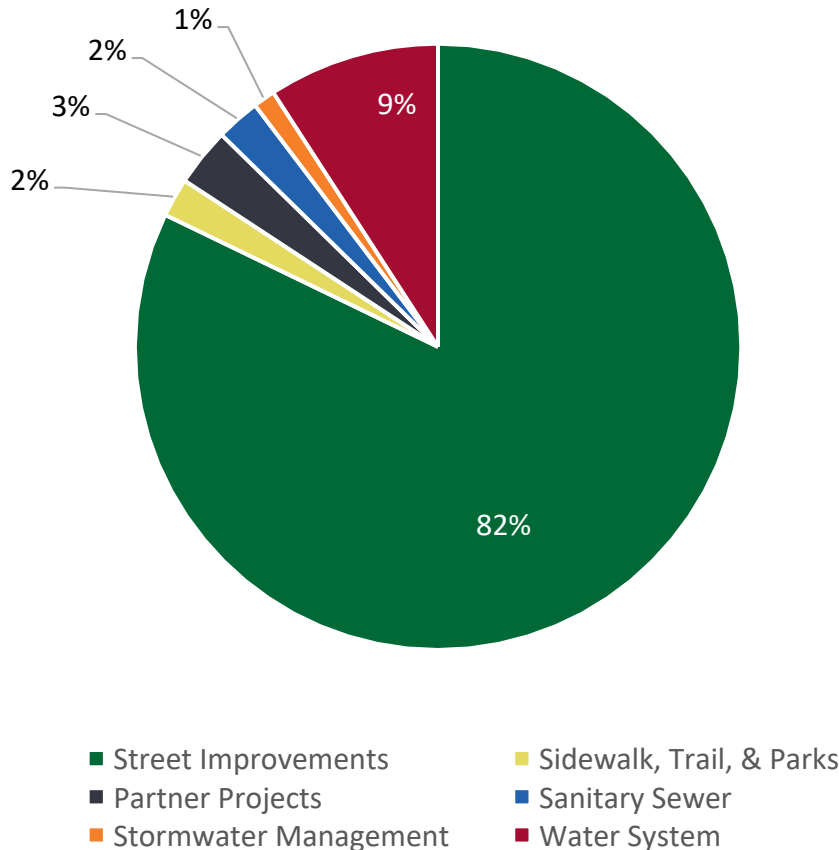
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2023-2027 CIP Street Improvements



5-Year Capital Improvement Plan (CIP)

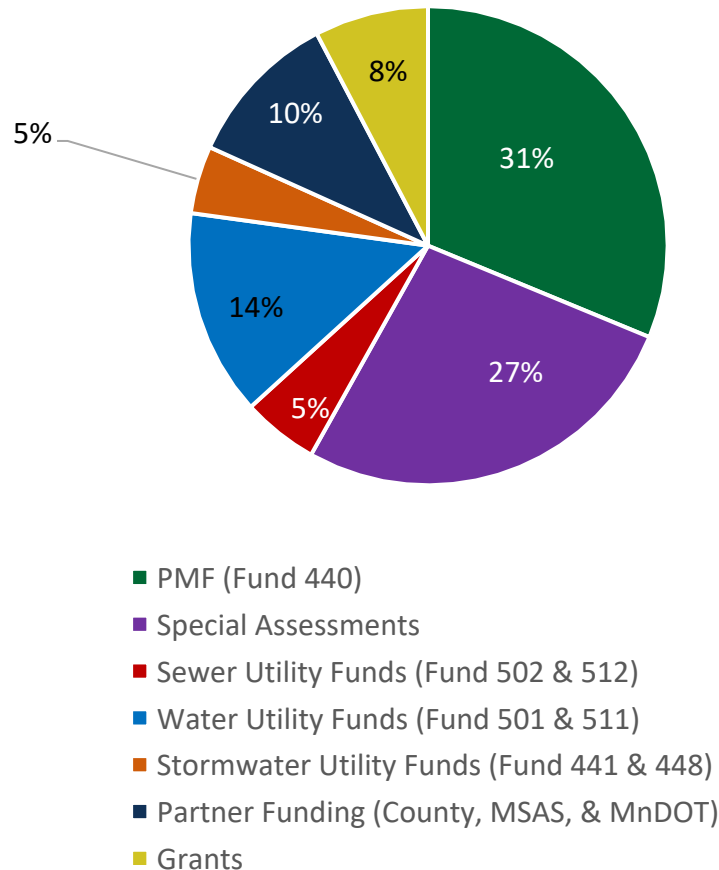
2023 – 2027 Project Type (by Cost)



- **Street Improvements** make up majority of all projects (82%)
- **Water System** improvements are the second largest driver of capital improvements (9%)
- **Stormwater projects** have the smallest share of CIP costs (1%)

5-Year Capital Improvement Plan (CIP)

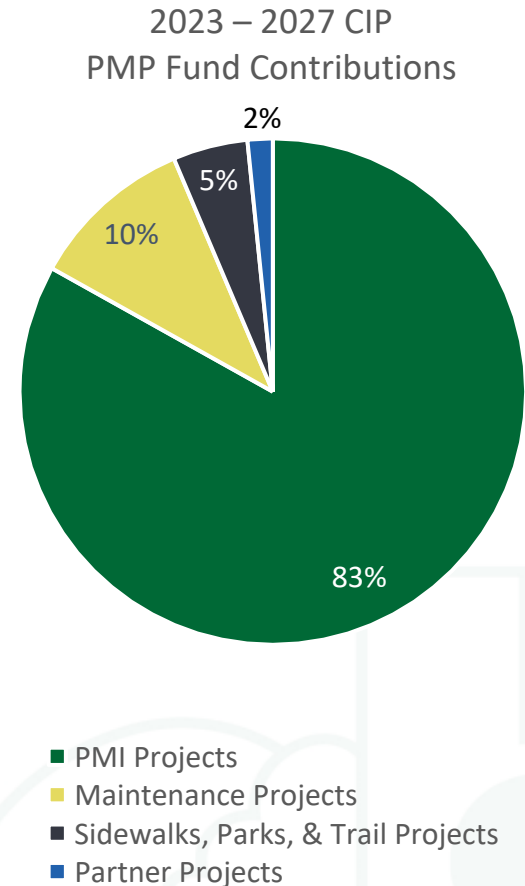
2023 – 2027 Projects (by Funding Source)



- Pavement Mgmt Fund (31%)
\$35,198,584
- Special Assessments (27%)
\$30,302,000
- Water Utility (14%) \$15,701,000
- Sewer Utility (5%) \$5,789,500
- Stormwater Utility (4%)
\$5,145,000
- Partner Funding/Grants (19%)
\$8,665,240

City Street Projects

- Annual Pavement Management Initiative (PMI) Projects (83%)
- Maintenance Projects (10%)
 - Broad Area Patching
 - Crack sealing, Sealcoating, & Microsurfacing
 - Traffic Calming & Safety Improvements
- Sidewalk, Parks & Trail Projects (5%)
 - ADA Intersection Improvements
 - Parking Lots
 - Trail Overlays/Reconstruction
- Partner Projects (2%)



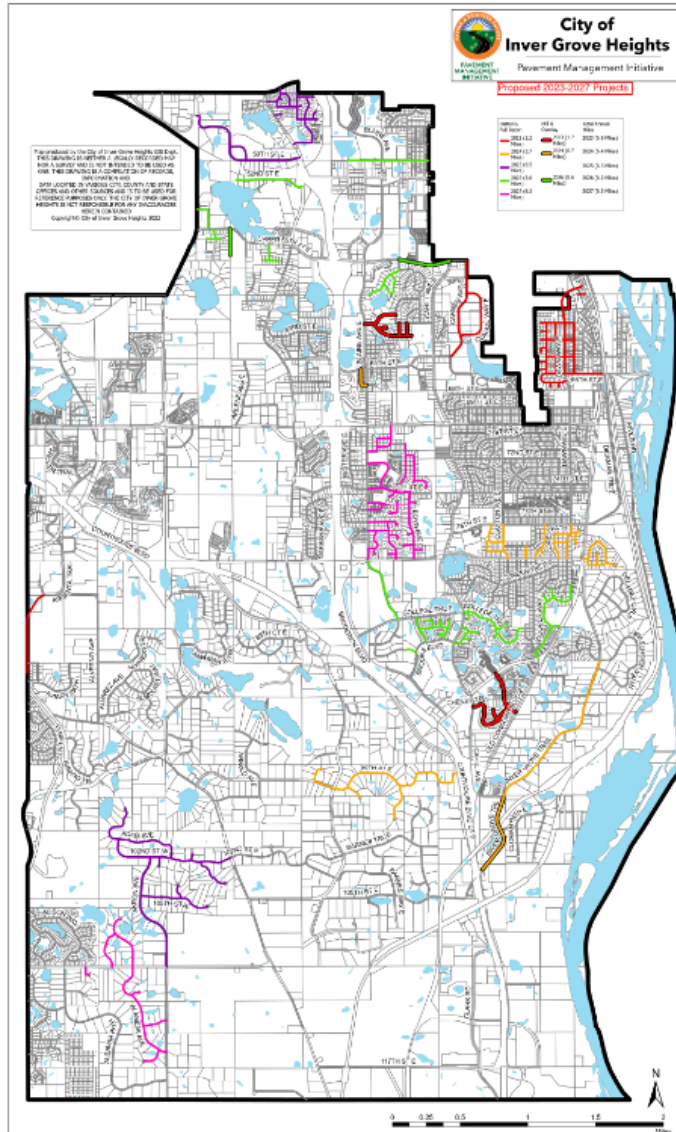
5-Year PMP Fund Contribution: **\$29,546,084**



Pavement Management Initiative (PMI)

- Project Selection Criteria
 - Pavement Condition Index (PCI)
 - Age
 - Maintenance costs
 - Past prioritization (i.e., 2021 & 2022 carryover projects)
 - Public utility condition
- Annual Project Goals
 - 6-7 miles of roads per year
 - Combine neighborhood streets into single project
 - Focus on multiple rehabilitation techniques

Pavement Management Initiative (PMI)

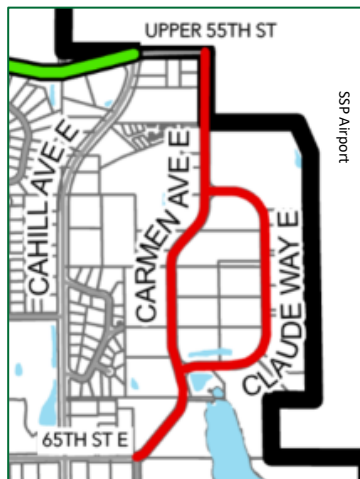


Year	Miles	Estimated Cost (Street Only) (Inflation-Adj.)
2023	6.95	\$9,919,000
2024	6.39	\$9,901,500
2025	6.46	\$11,998,000
2026	6.20	\$12,291,500
2027	6.26	\$11,825,000
Total	32.26	\$55,935,000

Between 2018 – 2022, the city reconstructed 12.3 miles of roadway for a total cost (street only) of \$14,000,000



2023 PMI Project Areas



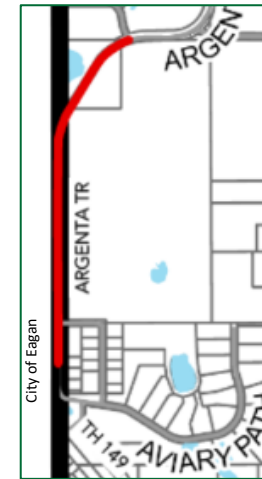
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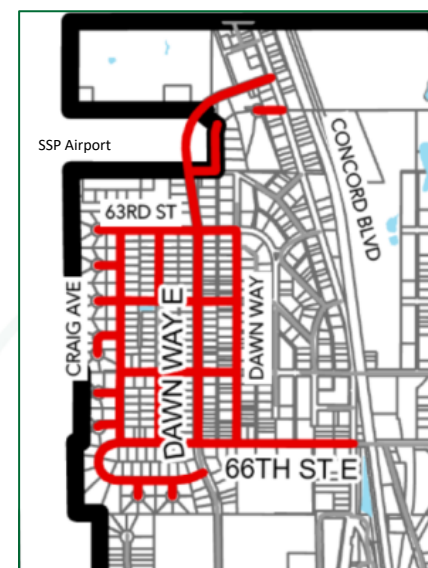
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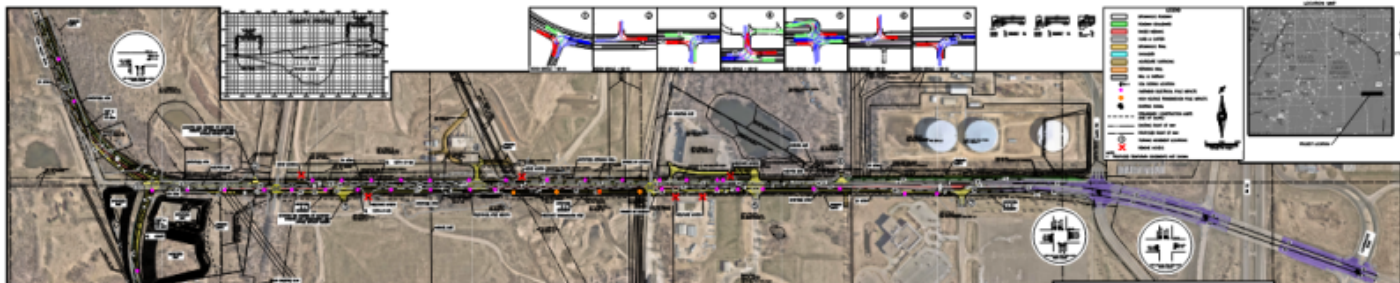
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Project Number – Neighborhood Area	Miles	Map ID
2022-09I – Carmen Ave./ Claude Way	1.26	1
2022-09J – Cheney Tr./ Coffman Path	0.89	2
2022-09L – 62 nd St./Bolland Tr.	0.78	3
2023-09E – Argenta Trail	0.62	4
2023-09D – Dawn Way Area	3.40	5

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117th Street

- Preliminary design funded through Pavement Management Fund (PMF) (through 2021)
- Staff continue to work through supplemental funding opportunities for “unfunded” component (\$4.45 million)
 - State Bonding
 - County Advancement and Cost Sharing
 - ARPA Funding



Babcock Trail Gap (U. 55th St. to I-494)

- Pending receipt of Regional Solicitation Grant Funding
 - Begin design in late-2023
 - Construction begin in 2025
- City (10%), County (50%), and Grant (40%) Funded

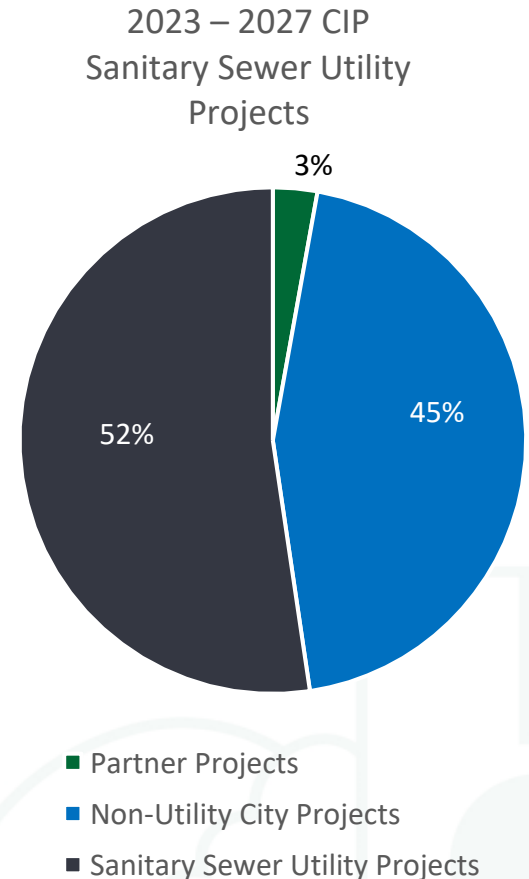


2023-2027 CIP Utility Improvements



Sanitary Sewer Utility Projects

- **Partner Projects (3%)**
 - County Road Feasibility Studies
 - County Road Overlays
- **Non-Utility City Projects (45%)**
 - 2023 - 2027 PMI Projects
 - 117th Street
- **Sanitary Sewer Utility Projects (52%)**
 - Sewer Rehabilitation (lining)
 - Sewer Cleaning & Televising
 - Lift Station Rehabilitation

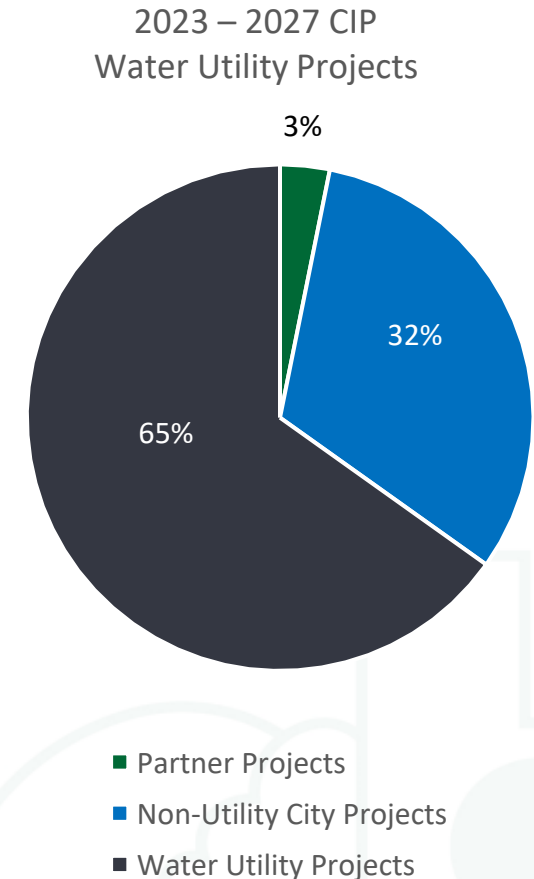


**Sanitary Sewer Utility
5-Year CIP: \$5,062,500**

Water Utility Projects

- **Partner Projects (3%)**
 - County Road Feasibility Studies
 - County Road Overlays
 - 70th Street/Argenta Construction
- **Non-Utility City Projects (32%)**
 - 2023 - 2027 PMI Projects
 - 117th Street
 - South Valley Park WM Relocation
- **Water Utility Projects (65%)**
 - Well & Booster Pump Inspection & Rehab
 - Water Treatment Plant Filter Replacement
 - Automated Meter Infrastructure
 - Northside Water Tower Painting

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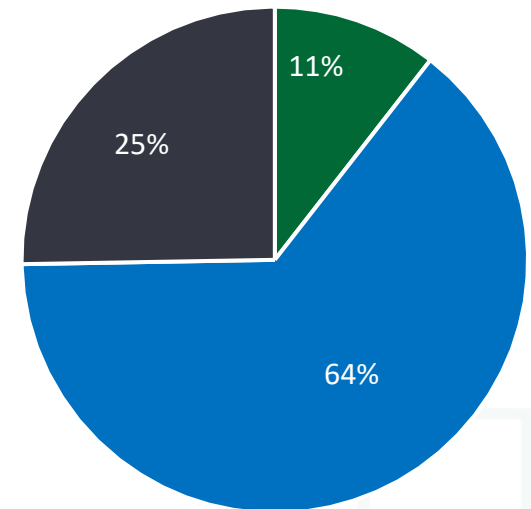


Water Utility 5-Year CIP:
\$15,842,000

Storm Sewer Utility Projects

- **Partner Projects (11%)**
 - County Road Feasibility Studies
 - County Road Overlays
- **Non-Utility City Projects (63%)**
 - 2023 PMI
 - Seidl's Lake Shoreland Restoration
- **Storm Sewer Utility Projects (26%)**
 - Groundwater Monitoring
 - Sewer Televising
 - Minor Drainage Improvements
 - Pond Cleanout & Outfall Program
 - MS4 Implementation Efforts
 - Water Resource Mgmt. Plan Update

2023 - 2027 CIP
Storm Sewer Utility Projects



- Partner Projects
- Non-Utility City Projects
- Storm Sewer Utility Projects

Storm Sewer Utility
5-Year CIP: \$5,204,000

2023-2027 CIP Utility Improvements

Comprehensive Plan Conformance



Relation to Comprehensive Plan

- Chapter 5 - Transportation
 - System preservation is key to a functioning infrastructure system
 - Scheduling and prioritizing projects provides cost-effective solutions to managing assets
- Chapter 7 – Sanitary Sewer
 - Sewer cleaning & maintenance extends existing infrastructure lifespan
 - Sewer inspection & lining reduces inflow/infiltration

Relation to Comprehensive Plan

- Chapter 8 – Water Supply Plan
 - Maintenance is critical to the sustainability of our water infrastructure
 - Key maintenance activities at the Water Treatment Plant are required to ensure compliance with Minnesota Department of Health requirements
 - Effective metering program includes replacement and upgrade of meters as the system ages
- Chapter 10 – Surface Water Management
 - Management of stormwater includes maintenance of a functional stormwater system

Next Steps

- Resolution of CIP Review and Comprehensive Plan Conformance
- Staff Bring to City Council on November 28, 2022

Questions?